

'My Capitalism is Bigger than Yours!'

Against combining 'how the West came to rule' with 'the origins of capitalism'¹

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Abstract

This article reviews Alex Anievas and Kerem Nişancioğlu's *How the West Came to Rule: The Geopolitical Origins of Capitalism* (2014). It argues that the book offers a stimulating and ambitious approach to solve the problems of Eurocentrism and the origins of capitalism in growing critical scholarship in historical sociology and International Relations. However, by focusing on the 'problem of the international' and proposing a 'single unified theory' based on uneven and combined development, the authors present a history of international relations that trades off methodological openness and legal complexity for a structural and exclusive consequentialism driven by anti-Eurocentrism. By misrepresenting the concept of social-property relations in terms of the internal/external fallacy, and by confusing different types of 'internalism' required by early modern jurisdictional struggles, the book problematically conflates histories of international law and capitalism. These methodological problems are contextualised by examples from the Spanish, French and British empires' conceptions of sovereignty and jurisdiction and their significant legal actors and processes.

Keywords: international, Eurocentrism, origins of capitalism, sovereignty, jurisdiction, social-property relations, Political Marxism

In *How the West Came to Rule (HWCR)*, Anievas and Nişancioğlu set themselves two ambitious tasks. The first is to enrich an allegedly stagnant debate on the origins of capitalism by drawing from a variety of secondary sources, and by engaging with a broad range of critical International Relations (IR) theories. The second is to make a radical proposition to scholars of historical sociology in the form of a 'single, unified theory of socio-historical change' (44). Based on Trotsky's theory of uneven and combined development (U&CD), this theory ultimately seeks to incorporate the role of external, geopolitical or intersocietal relations. Accordingly, U&CD implies a 'spatial widening of our analytical imaginary' and constitutes the necessary step to non-Eurocentrism (11). 'Cascading and multilayered', these 'geo-social' (11) relations are chiefly represented by the geopolitical pressures and technological advances brought to the West by the Amerindian 'New World', the Mongolian and Ottoman empires, and polities of the

¹ I would like to thank Claire Vergerio, Javier Moreno Zacaes, Benno Teschke, and the anonymous reviewers for their comments on previous drafts. All errors remain my own.

Indian Ocean; in other words, the non-European colonised, exploited and enslaved peoples consequently reduced to the 'Other'.

HWCR significantly contributes to a better understanding and explaining of the endurance of Eurocentrism in the social sciences. The longstanding failure to theoretically incorporate non-European agency into histories of capitalism and modernity perpetuates a Eurocentric historical sociology found in both postcolonial and Marxist scholarship.² As the Marxist tradition continues its struggle to go beyond the ideal-typical fallacies of the 'West' and the 'Rest', Anievas and Nişancıoğlu propose 'an alternative structural and conjunctural explanation' (246) to the rise of the West and thereby raise the stakes of how to tackle Eurocentrism.

If they firstly define capitalism as a *set* of social relations over the capital relation,³ their contribution is also centred on the process of coercion.⁴ Accordingly, one can only appropriately integrate non-European agency through a definition of capitalism as an intersocietal set of social relations that coercively reproduces itself. The present analysis is concerned with the problem of the intersocietal as a primary ontological unit for historicising the origins and development of capitalism. Its function for the authors is to provide structural definitions of capitalism and modernity without getting caught in the 'Eurocentric cage' (6), i.e. by escaping the so-called internalist pitfalls of positivist and critical historical sociologies that remain trapped in treating Europe 'as the privileged locale and organic birthplace of capitalist modernity' (Ibid.) This 'single unified theory' built on 'the intersocietal' is, accordingly, the only solution to Eurocentrism. This article questions this conclusion by exploring how this conceptual apparatus - according to which early modern social relations are externally causally connected - applies to legal sovereignty and jurisdictional conflicts and to the specificities of the origins of capitalism.

For historical materialism - a dialectical approach based on the assumption that human beings, and by extension their institutions, are mediated by social relations - the use of 'the international' as a primary ontological assumption is problematic. It has become more and more tempting to give in to this abstraction under the pressure of the 'neo' structural turn in IR following neoliberal and neorealist theories. Proponents of U&CD at the forefront of its recent revival in historical sociology have been particularly keen to take on neorealism for its ahistoricism and scientific approach divorced from any conceptualisation of the social.⁵ However, as the following will show, this has been accompanied by a

² Matin, 2013; Bhambra, 2011

³ Capitalism is defined "as a set of configurations, assemblages, or bundles of social relations and processes oriented around the systematic reproduction of the capital relation, but not reducible – either historically or logically – to that relation alone." (9; original emphasis)

⁴ Capitalism "could only emerge, take root and reproduce itself – both domestically and internationally – through a violent, coercive, and often war-assisted process subjugating, dominating, and often annihilating many of those social forces that stood in its way – processes that continue to this day." (12) For example, the focus on Britain's earlier period of colonisation in India in chapter 7 puts the accent on the strategic and military advantages it gained from its victory over the Mughal Empire as a 'key precondition to Europe's later rise to global pre-eminence.' (246-247)

⁵ Rosenberg, 1994; Halliday and Rosenberg, 1998

gradual acceptance of the overarching structural level of analysis they so forcefully identified in the subjects of their critiques.⁶

Anievas and Nişancıoğlu follow Matin in arguing for 'a general social theory' in which capital is 'the product of the interactive multiplicity of the social' (40).⁷ *HWCR*'s definition of capitalism - as an intersocietal set of social relations that coercively reproduces itself - reveals this condition of asserting 'the problematic of the international' (41) as a given of the expansion of social relations. They lament existing approaches for their lack of a theory of the 'coexistence and interaction of a multiplicity of societies as a distinct domain of 'geo-social' developmental pressures, behavioural patterns and causal dynamics' (41). This lack coupled to a focus on Europe can give rise to 'methodological internalism', 'historical priority', 'linear developmentalism', and 'universal stagism' (41), which all lead to a Eurocentric approach to social relations.

If the authors rightfully request a 'direct engagement with the question of what "the international" is' (42), the U&CD approach they put forward conflates the history of international relations with that of international law. In other words, the authors' drive to counter Eurocentrism takes the history of legal sovereignty back from 1648 to 1492. This is a missed opportunity to reflect on rich critical histories of legal international processes that need to be carefully disentangled - in the early modern period - from historicising the origins of capitalism. In spite of the urgent need to develop a non-Eurocentric historical sociology of modernity, it is nevertheless a risk to put Eurocentrism at the absolute methodological forefront of a history of the origins of capitalism or international law. It leads to generalising other aspects of state formation and rule under a broader umbrella and thus misses crucial dimensions of the history of legal sovereignty and imperialism. This review article therefore explores some of these dimensions through the concept of jurisdictional accumulation in the context of the Castilian, French and British empires, so as to disaggregate them from the history of capitalism.

Jurisdictional accumulation refers to political and economic processes that were neither fixed by territory nor by sovereignty but created multiple jurisdictional claims (in contrast to the later establishment of territorial sovereignty claimed by nineteenth century states). In the simplest terms, jurisdictional accumulation reveals the extent to which the early modern world was 'up for grabs' and the myriad ways actors 'grabbed' it. The concept emphasises a form of expansion that innovates legally while remaining tied to practical conditions and limited in terms of opportunities for establishing sovereignty and rights.⁸

⁶ See for example Rosenberg, 2013. For comprehensive critiques of the theoretical and epistemological structure of U&CD see Teschke 2014 and Rioux 2015.

⁷ Matin, 2013

⁸ The sense of jurisdiction retained here is that of the *de facto*, pre-legal phase of the enunciation of rules and laws. It also emphasises the messier imbrication of law, politics, economics and morality in these processes, as the territorial and administrative boundaries we tend to associate with those terms remain in the early modern period very elusive and overlapping.

Vignettes of this process - taken from three European empires central to the history of international law⁹ - are shown to highlight some of the inconsistencies and incoherencies in Marxist histories of international law that remain tied to a structuralist and 'externalist' approach to the origins of capitalism. This article defends Political Marxism (PM) against some of Anievas and Nişancıoğlu 's arguments - especially in regards to the problem of internalism. However, it also provides a basis for some methodological and historical challenges to this approach, which tends to ignore the specificities of colonial legal processes - in their jurisdictional forms - as constitutive of social property relations and of transitions in sovereignty and state formation.

The first section explores the problem of 'the international' by questioning the notion of internalism and turning to the concept of social-property relations that remains misunderstood in *HWCR*. If an 'internationalist historiography' (41) is a necessary approach to Eurocentrism, U&CD's exclusionary condition hides the ways in which the concept of social-property relations can account for non-internal or intersocietal processes. The second section empirically substantiates the methodological critique by breaking down the relationship between jurisdictional and sovereign practices - rather than assuming their combined and exclusively 'external' or secondary role in the expansion of capitalism. Feudal, absolutist, and colonial jurisdictional disputes in the Spanish, French and British empires were processes primarily concerned with personal accumulation of authority - i.e. mostly privileges characterised as *internal* social relations in the more abstract sense redefined below.

In fine, *HWCR* presents a history of international relations that trades off methodological openness and legal complexity for a structural and exclusive consequentialism driven by anti-Eurocentrism. Thus, if it achieves its first tasks of enriching existing historical debates and driving anti-Eurocentrism to the core of IR and historical sociology, it falls short on its more ambitious theoretical goal of proving the necessary combination of those tasks.

The Problem of 'The International'

First, it is helpful to retrace Anievas and Nişancıoğlu 's critique of historical materialist approaches. Their focus on Wallerstein's World System Theory (WST) follows Robert Brenner's critique of this approach as an ahistorical model that 'assumes precisely what needs to be explained' (21). In spite of its merits in shifting the world-system to a position of 'primary ontological unit of analysis' (22) for historical sociology, WST fails to theorise the 'international' through the mediation of non-European agents (16). It therefore cannot overcome Eurocentrism since it "involves writing the history of the 'periphery' out of the history of the 'core'" (18). Moreover, it reproduces a Smithian commercialisation model of exchange and production, which draws a picture of continuity for the expansion of quantitative economic development but cannot explain specific shifts and transitions in modes or relations of production.

⁹ The Dutch Empire is not addressed in this review, but will be the subject of analysis in the author's forthcoming monograph *Jurisdictional Accumulation: An Early Modern History of Law, Empires and Capital*.

However, Anievas and Nişancıoğlu argue that Brenner's answer to WST's failures is as problematic. Brenner's thesis is considered methodologically internalist and thus falls prey to Eurocentrism's historical prioritising of the core (5; 25) or worse in this case, England. The concern for theorising the 'international' remains: 'nowhere does "the international" enter into Brenner's theoretical presuppositions' (24). Brenner's thesis is both spatially and temporally too narrow - while WST is too broad (30).¹⁰ Not only does it not provide theoretical scope to explain the development of capitalism as a primarily 'international' phenomenon, but it commits the double crime of 'erasing' (30) or 'obliterating the histories of colonialism, slavery and imperialism' and thus 'freezes capitalism's history' (24). PM is thus at risk of synchronic analysis and of reproducing a 'politics of myopia', unable to 'expose, criticise and dismantle' forms of oppression (31). In other words, by locating the origins of capitalism in England and developing the concept of social-property relations, PM makes it impossible to theorise the 'relationship between 'the international' and capitalism' (32).

In response to *HWCR*'s critique of PM, Spencer Dimmock laments their near-complete disregard for the empirical specificities of England at the basis of Brenner's thesis. The argument in *HWCR*, he argues, is not concerned with 'empirical realities' but with the conceptual abstractions as necessarily 'not-international' because located in a specific geographical and temporal conjuncture. Dimmock shows that this is problematic empirically as well as theoretically, in that it misses crucial geopolitical dimensions of Brenner's thesis as well as Benno Teschke's later analyses.¹¹ To better understand these differences, the following looks more closely at the concept of internalism and how it is used in *HWCR*. This provides a way to navigate out of the methodological impasses in which scholars of the origins of capitalism have increasingly become stuck.

'Internalism' is used in *HWCR* to describe two separate failures found in existing approaches. The first failure is the ontological absence of non-European societies in histories of capitalism and modernity and the consequent association of Europe with 'the internal'. The second is the methodological "'inside-out" model of social causality' where development is 'endogenous and self-propelling', where Europe (or England) is considered 'core' and 'prime mover' and can also be implied as morally and culturally superior (4-5). This second failure – which is the most difficult to address and the one we will focus on - is equated with the 'domestic analogy' fallacy (41) where internalism and externalism both lead to extrapolating social relations 'from analytical categories derived from a society conceived in the *ontologically singular* form' (41; original emphasis).

The lack of clarity in these understandings of internalism operates on two levels. Firstly, in both types of failure identified by *HWCR*, the internal refers - at various times throughout the book - to Europe as a single entity *and* to Europe as the specifics of various European polities. This is not a fundamental

¹⁰ Similarly, Callinicos and Royle (2014) accuse Brenner's approach - PM - of being eccentrically narrow while PM's co-founder Wood (2014) accuses consequentialists of seeing capitalism everywhere.

¹¹ Dimmock, 2017; 2014. Teschke, 2003. See the contribution by Post (XXXX) in this symposium for further arguments against Anievas and Nişancıoğlu's critique of PM.

methodological problem, and could be easily addressed. More problematically, however, is the level at which internalism refers to a failure of causality, and the two types of causality the authors equate to each other. Specifically, internalism refers to on the one hand a *domestic analogy*, e.g. a development from A to B and A to C (from Europe A to colony B and Europe A to colony C) and, on the other, a different form of outward or inside-out causality, which implies a movement from the *singular to the plural*, e.g. development from A to A+B+C (from Europe to 'the Rest'). These causal logics – the domestic analogy and the singular to the plural - need to be more clearly differentiated. Before discussing in the historical section how conflating these various meanings of 'internalism' tends to misrepresent the histories of legal sovereignty and capitalism, the following will further discuss their methodological implications for the concept of social property relations in PM and for Marxist histories of international law.

Dimmock reiterates Brenner's definition of social-property relations – Political Marxists' preferred term for 'social relations of production' - as encompassing a 'three-way dialectical relationship between the direct producers and nature (raw materials, ecology), the 'vertical' exploitative social relation between the direct producer and the appropriator of the producer's surplus, and also the 'horizontal' social relation within [and between] the main classes'.¹² Neither of these relations is limited *a priori* by internal or external conditions but they all are central for the construction of political spatiality. As Teschke shows, universal general abstractions are particularly unhelpful for rehearsing the transitions from feudal spatial relations - defined by multiple and differentiated lordly claims to vassalages and fiefdoms and the absence of absolute territorial jurisdiction - to the construction of dynastic-absolutist sovereignty in which multiple political claims to territories become gradually disentangled.¹³ Since borders are largely defined by personal relations of power during the early modern era, the notions of internal and external borders are meaningless across Europe for at least until the 17th-18th century. Lords exercise personal sovereignty and jurisdiction over subjects located in discontinuous territories, while vassalage and serfdom are not territorially fixed and depend on various vertical, horizontal and 'natural' conditions.¹⁴ Although slowly disappearing by the 17th century, these personal ties continue to determine the levy of taxes and access to the law up until the French Revolution. One has to wait for the mid-19th century for the concepts of internal/external to be applied in the more global sense required by U&CD, i.e. encompassing both logics of 'domestic analogy' (A to B) and 'singular to plural' (A to A+B+C).

If this problem of when to date the inside/outside can be countered by arguing that the determination of any inside/outside is necessarily a relative phenomenon, it may be more useful to focus more on the ways

¹² Dimmock, 2017

¹³ Teschke 1998

¹⁴ Moreover, the differences between sovereignty and jurisdiction (let alone the various meanings of sovereignty across the period and political contexts) remain largely unexplored by Marxist scholarship, even though the concept of social property relations and some work by PM scholars does provide a basis from which to make sense of these differences. The methodological contribution of PM here is to analyse legal history and the grainy differences between legal processes without losing the vantage point of how both sovereignty and jurisdiction are part of, as Wood now famously wrote, 'a continuous structure of social relations and forms with varying degrees of distance from the immediate processes of production and appropriation, beginning with those relations and forms that constitute the system of production itself' (1995: 25)

in which these approaches 'factor in the outside';¹⁵ in other words, the problem of 'the international'. Political Marxists, as exemplified above, make strong empirical claims about the contested emergence of social-property relations in specific spatial and temporal conditions. However, they do not put forward a general theory under which all modern development must be subsumed. Rather, they propose an approach that traces the open-ended construction of historical phenomena and prioritises radical historicity and agency.¹⁶ To claim that a PM approach should insure an analysis in which the conceptual and empirical necessarily correspond - i.e. where the inside or outside can be 'factored' in *a priori*, or where capitalism must be as big as possible so as to encompass the most non-Eurocentric cases possible - would be misunderstanding PM's methodological assumptions; rather, no theory can ever be completely safe from the inadequacy of the theory/history relation. Anievas and Nişancıoğlu acknowledge this (277-8), even though their discussions of U&CD's critics seem to put this disclaimer aside. It is helpful to recall Knafo's argument regarding the agency-structure 'problem', according to which a return to agency is not a solution – as problem-solving positivist theories assume: 'The main significance of agency is methodological in that it provides a principle of critical rigour to avoid reification'.¹⁷ Similarly, applying this to the origins of capitalism implies avoiding single 'solutions' to Eurocentrism and accepting methodological choices informed by historical contingency.

Thus, to understand the intersocietal dimensions of early modern social-property relations and the transitions from feudal to absolutist regimes in continental Europe, PM developed the concepts of 'geopolitical accumulation' and 'parcellised sovereignty' - without losing sight of the multiplicity of actors involved in the construction of the European inter-state order.¹⁸ Instead, through an *a priori* abstraction of the international, 'understood and theorised in its own substantive historical and sociological terms' (42), *HWCR* conflates ontological definitions of the internal (at times Europe, others England) and misrepresents the logic of causality of a social-property relations approach to early modernity. Since geopolitical accumulation and parcellised sovereignty convey territorial multiplicities specific to the early-modern period, they cannot simply be understood through the distinctively modern internalist concepts of domestic analogies or as categories derived from an 'ontologically singular form'.

In effect, neither causal logic does justice to the early modern period. Nevertheless, it is the task of Marxist scholars to 'critically elaborate' and 'dialectically incorporate' bourgeois categories before the possibility of transcending them.¹⁹ Thus, *HWCR*'s methodological weakness here should not be overstated, as it uses bourgeois analogies in an effort to transcend them non-Eurocentrically. However, the following argues that it compromises on the history of international law to make an argument about international relations and capitalism that fits the framework of U&CD and excludes how other approaches may understand the international or 'factor in the outside'.

¹⁵ I am grateful to one of the anonymous reviewers for this formulation and emphasis.

¹⁶ Wood, 1981; Knafo and Teschke, 2017

¹⁷ Knafo, 2010: 494

¹⁸ Teschke, 2003

¹⁹ Wood, 1995: 23

Turning to international law, since the pioneering work of non-European and non-American lawyers in the 1960s and 1970s, histories that examine colonialism and empire have become a rich field of study. From theories of legal imperialism,²⁰ to legal pluralist narratives²¹ and postcolonial studies,²² Eurocentrism has become an analytical hub for international legal history.²³ For one of its leading critical scholars, Martti Koskenniemi, there are four strategies currently being deployed to overcome Eurocentrism in this field: 1) tell the story of international law's 'gruesome' colonial engagement and imperial project; 2) emphasise the colonial origins of institutions that have been thought of as 'European'; 3) to think 'in terms of hybrids of colonial and anti-colonial ideas and uses' of international law's inherited vocabulary; and 4) reject the notion of European histories as universal world histories and focus on 'provincialising Europe'.²⁴

HWCR delivers on Koskenniemi's last account for tackling Eurocentrism: accordingly, U&CD 'provides an illuminating framework, through which we can decentre or provincialise Europe as the privileged or sole author of history' (276). However, Koskenniemi's approach to Eurocentrism in the discipline of IL is to think of the various attempts to overcome Eurocentrism holistically, i.e. not as excluding each other but as parts of a common ideological project. Although Koskenniemi flirts with Marxist approaches to IL, he remains, especially for more orthodox Marxists, too far outside the perimeters of what such an approach necessarily entails.²⁵ Ground-breaking works in the last decades have shown that Marxist approaches to IL are slowly gaining more ground.²⁶ They gather critiques of IL as necessarily co-determined with capitalism (e.g. Miéville) as well as critiques accounting for the potential of social movements and non-Western actors to engage with law as a means of resistance (e.g. Rajagopal; Cutler and Gill).

However, this growth remains limited in comparison to the influence of Global Legal Pluralism,²⁷ which Brophy discusses very usefully from a Marxist critique based on U&CD.²⁸ It is not possible to fully do justice to her arguments here. However it is useful to note that alongside U&CD - as a way to counter the liberalism of legal pluralism - she quotes Wood to justify the need to provide 'the overarching totality of capitalism as a social system'.²⁹ This misrepresents Wood's approach for which Marxism must be

²⁰ Miéville, 2005; Chimni, 2007

²¹ Benton and Ross, 2013

²² Pahuja, 2011

²³ See forthcoming Spanish handbook on imperialism and International Law by leading Anglophone critical scholars (Eslava, Obregón and Uruña). On the *Oxford Handbook of the History of International Law's* difficulties in overcoming Eurocentrism, see Martineau, 2014.

²⁴ Koskenniemi, 2013: 224-226

²⁵ Koskenniemi, 2008

²⁶ Chimi, 1993; Cutler, 2003; Rajagopal, 2003; Miéville, 2005; Bowring, 2008; Marks, 2008; Knox, 2009; Neocleous, 2012; Cutler and Gill, 2015

²⁷ Benton and Ross, 2013; Benton, 2010.

²⁸ Brophy, 2017

²⁹ Wood, 1995: 260 *in* Brophy, 2017: 9

historicist before asserting any claim to totality, as her debates on the history of the European so-called bourgeois revolutions loudly emphasise.³⁰

Thus, can we reconcile Wood's – and by extension PM's - historicism with the U&CD critique of legal pluralism? Or is Brophy's equation of Wood's totality with U&CD the only answer to counter liberal histories of international law? For Wood, a social property relations approach does not imply renouncing 'the totality of capitalism'. Instead, it advances that this totality should not be deduced from a consequentialist notion of development. If Anievas and Nişancioğlu warn against the dangers of 'linear developmentalism' and 'universal stagism' (41), this should also apply to the development of international law. Brophy provides the basis to a much more nuanced theoretical application of U&CD for international law and warns against its tendencies for abstract circularity. However, the more difficult narratives of the origins of capitalism and of early modern multiple territorialities remain ignored so as to focus on what she terms 'the underlying reality' that the 'UCD of capitalism is simultaneously the UCD of law'³¹ in order to prove that law is 'intrinsic, not tangential to capitalism'.³² For a Political Marxist approach, such a view is antithetical to an account of the origins of capitalism – or of the origins of international law – that can conceptualise the plurality of capitalist and non-capitalist spaces, or the presence of law without capitalism. It is therefore impossible to account for the history of the early modern period if what is meant to be explained – how law became capitalist – is already assumed *a priori*.³³

For their many flaws, legal pluralists provide useful empirical bases from which to explore the territorial and jurisdictional multiplicities of the early modern era, and thereby enrich the colonial dimensions of the concept of social property relations. Using Eurocentrism as the immediate and central epistemological criterion for *HWCR*'s critique of historical sociology – taking it as 'the whole truth' - has come at a price. Although it provides the authors with a structurally coherent system, the self-fulfilling equation of U&CD forces a theoretical exclusion of all other approaches to non-Eurocentrism. If *HWCR* develops a system according to which U&CD solves the Eurocentric dilemma, it consequently slips into an objective historicism that forgets the open methodological requirements of 'understanding as a historically effected

³⁰ Wood, 2016 (and Pal, 2016 for an introduction to Wood's arguments contra the concept of bourgeois revolution). These debates are further discussed in the section below.

³¹ Brophy, 2017: 22

³² Ibid. 19

³³ This process of explaining development from the starting point of a theoretical abstraction such as U&CD can be called a hermeneutic disjuncture. This can be explained by referring to Gadamer's argument that 'real historical thinking must take account of its own historicity.' This 'reality' is both that of 'history' and of 'historical understanding', and implies a unity of the 'historical object' and its 'phantom' objective counterpart (Gadamer, 2004: 299-300). By failing to account for the disjuncture between history and historicity, 'we more or less forget half of what is really there – in fact, we miss the whole truth of the phenomenon – when we take its immediate appearance as the whole truth.' (Ibid.)

event', i.e. as a process mediated by existing categories but also subject to methodological choice and historical contingency.³⁴

This first section has argued that the 'intersocietal' condition in *HWCR* is theoretically undermined through firstly a misrepresentation of the social-property relations approach and secondly the adoption of an exclusively structural and conflated approach to the histories of capitalism and international law blinded by the urge to solve Eurocentrism. The next section turns to the history of legal sovereignty and to some of the differences between Spanish, French and British colonial and metropolitan jurisdictional practices. It shows that the history of international law – specifically the relationship between sovereignty and jurisdiction in the expansion of modernity and capitalism - cannot be exclusively based on external or intersocietal legal relations, or on a conflated 'domestic analogy/singular to plural' notion of internalism.

Early Modern Legal Sovereignties

Substantial chapters and sections of *HWCR* are devoted to the development of sovereignty and imperial expansion in their legal forms. This focus is especially welcome as the law remains under-theorised in Marxism. However, generalising the legal relations and practices for asserting sovereignty through which the West came to 'rule' and correlating these to the 'geopolitical origins of capitalism' misses crucial contradictions and struggles of jurisdictional multiplicity - particularly in the Spanish, French and British imperial contexts. Put simply, the history of the legal practices and struggles through which the West came to rule needs to be differentiated from that of the origins of capitalism.

By systematically misrepresenting PM's approach as methodologically internalist, *HWCR* misses the specific 'internalist' movement of jurisdictional disputes, and thus the role of law in the origins and expansion of capitalism. I use the term internalist here in a more abstract sense to refer to processes of development whose logic of causality is outward (i.e. agents determined by conditions local to their social occupations and status and whose agency has potential effects outside of that locality) but is not spatially restricted to Europe or European actors, in contrast to the conflated senses used in *HWCR*. Arguing for the *sui generis* character of specific social relations of space – rather than insisting on the metaphysics of the internal/external distinction – hopes to stress the inadequacy of this dichotomy as it reflects a static and exclusive conceptualisation of transitional practices. In other words, the PM concept of social property relations refuses to associate its focus on origins with a static or fixed sense of internalism (e.g. Europe or England). Instead, the focus on origins can be understood as a focus on multiple processes and movements such as early modern multiple territorialities, or – a dimension less explored by PM scholars – colonial jurisdictional struggles.³⁵

³⁴ Gadamer, 2004: 299

³⁵ Lacher, 2006

Jurisdiction can be understood as a practice constitutive of sovereignty.³⁶ These two processes constituted separate principles of early modern political theory that help to understand the specificities and institutional divergences of feudal and absolutist social-property relations – and specifically the different notions of internal and external they reflect. The concept of jurisdictional disputes helps to focus on the processes that make individual actors, groups, and institutions determine themselves or be determined by others as either jurisdictional or sovereign (i.e. as claiming *de facto* authority or as establishing *de jure* legitimacy to one's authority). Jurisdictional conflicts form one of the bases of PM's apparatus to understand the multiplicity, combination and unevenness of Western political and legal institutions.³⁷ The contribution of this concept is to emphasise firstly the focus on contestation, and secondly the more privilege-based and personal social-property relations specific to early modernity concerned with accumulating or preserving *de facto* jurisdictional power. The relationship between sovereignty and jurisdiction is used here as a useful indicator of the differences between Spanish, French and British empires and the various strategies they used to assert their authority and rule. Examples from each case will now be discussed in turn in relation to claims made in *HWCR*.

In the case of Spain or more specifically the Castilian empire, the origins of international law – i.e. legal and territorial sovereignty - and the origins of capitalism do not coincide. Moreover, internal jurisdictional conflicts play a much stronger role in determining concepts of sovereignty - especially in the early days of the *Conquista* - than pressure from Amerindians as an intersocietal condition.³⁸ However, Anievas and Nişancioğlu situate the origins of territorial sovereignty in the first encounters with Amerindians. They provide a useful and well researched narrative of various legal processes occurring during the 15th and 16th centuries often ignored by historical sociology. However, they assume that this European struggle to subjugate and eradicate Amerindians prefigures jurisdictional struggles specific to the European continent, which will later shape the early modern empires as independent sovereign states. By exploring the 'discoveries and the socio-economic and geopolitical relations they produced' - through concepts of 'structural unevenness', 'differentiated developmental trajectories', and 'co-constitution' (121-122) - their argument is consistent with an approach that rejects ideal-types. However, it remains a structural approach that focuses on the history of capitalism and law as a succession of stages (i.e. the shift from non-modern to modern sovereignty as a marker of non-European co-constitution), and which

³⁶ In international law, modern territorial sovereignty is defined as the “right to exercise authority over a territory and the status to enter into international agreements” (Çali, 2010). Jurisdiction is defined as the “actual exercise of control and authority by a state” (Milanovic, 2011: 8); and as “de facto political and legal authority; that is to say, practical political and legal authority that is not yet legitimate or justified” (Besson, 2012: 864). See Dorsett and McVeigh (2012) for a historical application of this particular definition of the concept of jurisdiction. See Pal (forthcoming) for a fuller analysis of the distinction between sovereignty and jurisdiction and theories of international law and IR.

³⁷ For classic definitions and applications of the concept of jurisdictional conflicts to the divergent trajectories of France and England out of feudalism, see Wood (1991: 71; 2012: 20-23).

³⁸ It is crucial to stress the specific relationships between the Iberian kingdoms and the Castilian crown, which constituted the most centralised, authoritarian, and militaristic of these states (Anderson, 1974: 60-84). Moreover, since Castile conquered the colonies, these legally constituted an extension of its crown. Castilian merchants held the monopoly of all trade coming to and from the Atlantic, and the Spanish Habsburg empire was in fact a Castilian empire, emphasising again the importance of the internalist logic for understanding Spanish colonialism.

inadvertently subsumes the history of legal relations as subordinate to a commodity and coercion based history of capitalism. In other words, since they discuss legal coercion over Amerindians as the basis to economic plunder and imperial competition and/or alliance, and locate it as an instance of the intersocietal origins of capitalism, both histories of legal processes and of capitalism appear conflated. This is only possible if one subordinates all forms of legal agency to economic pressures or imperatives, which is not consistent with the political conditions and moral/ethical imperatives of the Castilian Empire.

Firstly, the discussion in chapter 5 of the role of jurists in reconceptualising 'universality based on an ontological distinction between Europeans and "Indians"' (122) is useful and important in light of the particular weight of legal thought in Spanish imperial politics. However, the claim that this led to the 'development of the modern legal principle of sovereignty' (Ibid.) is exaggerated and ignores overwhelming research showing how Scholastic thought was specifically non-modern.³⁹ Legal historians and historians of political thought have been at pains to show the differences between Grotius and the Spanish theologians, and debates continue about the manifold interpretations and conceptual links between these scholars.⁴⁰ Regardless of the specifics of these debates, reproducing a developmental linear homogeneity between these scholars and their epochs is symptomatic of a slip into presentism that Anievas and Nişancioğlu otherwise claim to reject. Moreover, it ignores the role of Portuguese merchants in the struggles over the empire's decisions on how to expand. Exploring the particular social property relations determining 17th century Spanish expansion reveals the role of Portuguese merchants in shaping the practices of the Spanish empire. In effect, the Castilian Crown and Spanish nobility struggled against the Portuguese vision of how to conduct overseas trade and its implications for the boundaries and management of the empire. Portuguese merchants put forward a more open conception of the 'economy' more separate from the state than the Spanish nobility could envisage from their more legalist Scholastic doctrine, based on a policy of 'retrenchment and closure'.⁴¹ In effect, the Castilian struggles and debates against the Portuguese merchants and diaspora (who constituted a large proportion of settlers in the conquered Americas) illustrate different jurisdictional strategies and contributed to shaping the jurisdictional reach of the Spanish empire in a way that, failing to take on the Portuguese's more open vision, entrenched its economic decline.⁴²

Secondly, the picture of Spain as a united political force excluding Amerindians from their polity is misplaced. The process of dominating, exploiting and eradicating their culture was integrated as a part of imperial strategy and specifically, as part of the Hispanic kingdoms' legal morality of rule. Moreover, the different Iberian kingdoms were involved in fierce competition and struggles between themselves.⁴³ This

³⁹ Hamilton, 1963; Dickason, 1989; Tuck, 1999; Koskenniemi, 2001; Keene, 2002; Jahn, 2000, 2006; Pagden, 2003. For example, for Miéville (2005: 187), Vittoria's concept of sovereignty was 'subjective and medieval'.

⁴⁰ Koskenniemi, 2011

⁴¹ Studnicki-Gizbert 2007: 12-13.

⁴² Studnicki-Gizbert 2007: 133-4

⁴³ Owens, 2005; Rosenberg, 1994; Anderson, 1974.

translated into a concern with establishing legal justifications for the colonisation, the close role of theologians to the monarchs and in the hierarchy of power, as well as the crucial role of lawyers in the *requirimiento* and in drawing the legal codes for the Indies.⁴⁴ These legal strategies reproduced feudal relations of power, i.e. personal relationships of subordination in *encomiendas* alongside a complex mechanism of agricultural production. These semi-feudal relations were observed in the political relations between *encomenderos* (the *conquistadores* who were given authority over *encomiendas*) and the monarchy, and between *encomenderos* and Amerindians (as slaves or serfs).

These legal justifications played out famously in the Valladolid debate between missionary priest Bartolome de Las Casas and theologian Juan Gines de Sepúlveda, whose arguments were strongly influenced by European struggles over reformism.⁴⁵ These struggles were meant to assert Habsburg rulers over the Pope, by making a distinction between fighting Muslims (who couldn't be converted and were hence deemed infidels) and the missionary justification of American colonisation (Amerindians as *incapacites*, i.e. infants who needed guidance and whose rights needed to be guarded). In light of the importance of these jurisdictional processes - i.e. struggles to assert authority - it is more helpful to understand Iberian strategies of imperial expansion as *jurisdictional* - rather than primitive or capitalist - accumulation.⁴⁶ This asserts the role of political and ethical imperatives and emphasises the role of lawyers and theologians, as well as the fluidity and diversity of legal techniques and solutions to the challenges of empire.⁴⁷

Finally, in regards still to the role of indigenous tribes in the Spanish empire, it is useful to look at the experience of Spanish settlers in colonial Mexico in their triangular legal relations with indigenous groups and the metropole represented by royal legal institutions. In effect, a 'Spanish legal system that had emerged under a given set of circumstances became a means to the negotiation of colonial difference'.⁴⁸ In other words, imperial expansion and consolidation was a legal struggle, while colonial Spain saw the emergence of overlapping legal concepts and practices, and the appropriation of land and resources as dependent on these struggles and practices.⁴⁹ Specifically, Owensby shows by a close analysis of primary sources in colonial Mexico that Spain and its royal legal institutions defended in certain respects indigenous rights – and vice versa indigenous disputants invoked and relied on the institutions upheld by the Spanish crown - as a means to counter the growing independence and consequent lack of financial revenue from its settlers. Crucially here, this further frustrates the narrative in *HWCR* according to which Spain excluded Amerindians from its polity or concepts of sovereignty.

⁴⁴ Pagden, 1990; 1995

⁴⁵ Hanke, 1974

⁴⁶ Pal, 2013

⁴⁷ For example, see Benton 2012 for a discussion of the concept of 'possession' as a jurisdictional strategy in the Spanish empire.

⁴⁸ Owensby, 2011: 1-48

⁴⁹ *Ibid.*: 31

Turning now to our second and third cases – France and Britain – Wood argues that theories of sovereignty in France were developed in reaction to the predominance of jurisdictional disputes as fetters to the development of capitalism.⁵⁰ The struggles between the 17th and 19th centuries in France are testament to the difficulties of the nobility and bourgeoisie to suppress workers' guilds,⁵¹ as well as the corporate orders of the legal profession⁵² and regional supreme courts (*Parlements*).⁵³ The French ruling class, before and after the Revolution, was constantly in the process of repressing or collaborating so as to ensure its authority.⁵⁴ This practice was reproduced in its colonies, where the *Ancien Régime* persisted after the Revolution and where metropolitan jurisdictional struggles were also played out.⁵⁵ During the 17th and 18th centuries, disputants in French colonies disposed of more personal judicial opportunities to settle disputes, firstly because the French reproduced autonomous but 'identical' juridical institutions in the colonies; secondly because these institutions kept very close links to the struggles over offices and their privileges taking place in the metropolitan context: “New France became a new judicial battleground where old legal conflicts over long-held privileges and customs in France could be fought – albeit with new stakes and conditions.”⁵⁶

Regarding the case of the French revolution discussed in Chapter 6, Anievas and Nişancioğlu draw on an impressive list of statistics and figures regarding French industrial and commercial growth. However, they acknowledge that French absolutism remained dominated by its feudal aspects (353) and that ‘the growing socio-economic weight of French capitalists had not yet been transformed into the wielding of direct political power’ (352). PM rejects the characterisation of pre-1789 France as a capitalist revolutionary state, and emphasises the struggles during and following the revolution as feudal-absolutist in the sense of perpetuating personal and static privileges focused on noble land revenues and office-holding.⁵⁷ For Wood and PM more generally, the political revolution that occurred in France (and this applies to Britain too) did not transform French social property relations, and therefore the concept of bourgeois revolution belongs to a stagist and consequentialist approach to the history of capitalism.

⁵⁰ Wood, 1991: 43-46

⁵¹ Lafrance, 2013

⁵² Burrage, 1988: 230-242

⁵³ Miller, 2008; Parker, 1989; 2003

⁵⁴ Beik, 2005

⁵⁵ Morin, 2010

⁵⁶ Dewar, 2013: 50. “There appears to have been a striking contrast between the metropolitan legal jurisdictions involved in English overseas disputes and French ones. Whereas parties in the latter frequently came before local admiralty courts, the English admiralty’s jurisdiction did not extend – in theory at least – to colonies but was limited to the sea itself. Contemporary disputes that I have examined seem to uphold this fact: factional conflicts within the Virginia Company, for example, drove disputants to the king and the Privy Council. In addition to metropolitan appeals, companies in the American colonies had their own general courts, a practice not seen in French America.” (Dewar, 2013: 78)

⁵⁷ Teschke, 2005; Wood, 1991; 2016; Gerstenberger, 2007. These debates cannot be fully rehearsed here, but they remain a vibrant subject for Marxist historians, as the symposium on Neil Davidson's *How Revolutionary Were the Bourgeois Revolutions?* (forthcoming in *Historical Materialism*) demonstrates with contributions by Charles Post and Heide Gerstenberger.

From a legal standpoint, work by Beik and Parker - which emphasises the persistence of office-holding, noble-land revenue, and therefore personal and static privileges PM's arguments are based on - is even more convincing in light of Burrage's analysis of the evolution of the legal professions in France (and again similarly in Britain).⁵⁸ These three historians highlight a specific autonomy of the French legal profession rooted in the property of lawyers' offices and the authority of their corporate orders, maintaining the struggles with the monarchy and state at a jurisdictional level. However, although the British legal profession also evolved autonomously, the social-property relations that shaped this autonomy were significantly different. This emphasises why it is crucial to focus on the emergence or origins of these processes, rather than their end result, i.e. autonomy. The evolution of the legal profession requires an internalist standpoint; otherwise all that is revealed is its consequent autonomy which misses the specific link and role of lawyers in upholding or contesting the ruling or capitalist class. In contrast, Anievas and Nişancıoğlu's transitional concept of absolutism, which they qualify as 'hybrid subsumption' (366-367), remains closed to any historical evidence that highlights the role of internal jurisdictions. It therefore reproduces a consequentialist conception of history that PM scholars have argued to be at the core of the teleological concept of 'bourgeois revolution'.⁵⁹

Finally, in contrast, English state formation reveals a much more stable and symbiotic relationship between sovereignty and jurisdiction, mainly due to the relative absence of the concept of sovereignty in early modern English political thought.⁶⁰ Moreover, once this relationship came to be questioned, the British opted for what we could call a 'pragmatic uncertainty', which contrasts with the French contradictory dichotomy of a post-1789 ideologically progressive empire and the reproduction of *Ancien Régime* personal privilege. Benton shows that late 19th century imperial agents (imperial administrators, colonial officials) struggled with an ongoing constitutional problem. This officially consisted in how to reconcile the emerging order of international law - based on independent territorial nation-states - with the political realities of imperial spaces and 'divisible sovereignty'.⁶¹ The more deeply rooted material problem was of course how to reconcile the British expansion of markets with the control of territory and compliance - officially called 'protection' - of British subjects. Benton argues that faced with this dilemma disguised as a constitutional problem, perpetuating uncertainty through legal categories and typologies became the Colonial Office's strategy to avoid taking over full legal authority in the colonies (she discusses this strategy mostly in the case of India, but it is not exclusive to it). The creation of 'anomalous legal zones' and the principle of 'bare sovereignty' were deployed, and thus 'divisible sovereignty' emerged in British legal thought based on the pragmatic principle of 'usage'.⁶²

Similarly, the practice of 19th century extraterritoriality recognised colonies as 'semi-sovereigns' and gave them an illusion of juridical autonomy and collaboration by providing them with legal aides and *fora*

⁵⁸ Burrage, 1988

⁵⁹ Teschke, 2005. Wood, 1991; 2016.

⁶⁰ Wood, 1991

⁶¹ Benton, 2008

⁶² Ibid.

through which their local legal systems could be slowly modernised, standardised, and finally eradicated.⁶³ The adoption of extraterritoriality as a ‘softer’ strategy of legal imperialism was, in the leading British case, largely driven *ad hoc* due to a lack of more direct and offensive strategies. The Colonial Office was disorganised and crucially there was no clear need from authorities and state representatives to assert or pursue their struggles over privileges through such means. ‘Men on the ground’ were usually left to their own devices, and if in trouble with local sovereigns or other colonial representatives, an extraterritorial agreement would be sought after and often reached.⁶⁴ In other words, British jurisdictional practices were more often the fruit of local internal circumstances and lack of strategy, both in the metropolitan and colonial context.

It is only possible to briefly discuss here these examples and to provide a mere glimpse of the jurisdictional struggles of the early modern to 19th century period. Nevertheless, these examples illustrate how rejecting internal factors - or not being clear enough on what types of internalism they reject - to explain specific struggles over sovereignty and jurisdiction leads Anievas and Nişancioğlu to ignore fundamental characteristics of the relationship between capitalist expansion and legal imperialism. Specifically, these characteristics show how these two histories might benefit from being distinguished until their merging during the fuller expansion of capitalist relations of production and the emergence of a legal system of international states in the 19th century. Moreover, these examples illustrate the inadequacy of the internal/external dichotomy, since the privileges, judicial struggles, and the various divisions of sovereignty they encapsulate (from Spanish *encomenderos*, Mexican colonial courts, to French officials and British forms of extraterritoriality) fit neither category.

Conclusion

Anievas and Nişancioğlu’s work is a useful addition to a critical field that still needs to make a more significant mark in the mainstream. It does so by providing ample evidence against the ahistorical reifications of (neo)-realism and the false universalisms of liberalism, the remaining pillars of contemporary IR theory. Thus, this work undeniably contributes to a richer social history and critique of modernity and capitalism by rattling social sciences’ ‘Eurocentric cage’. Going back to 1492 – and even back to the 13th Century Mongolian Empire – to explain the rise of capitalism and build a radical theorisation of internationalism is a bold move. However, it ignores important distinctions between jurisdiction and sovereignty revealed by scholarship in critical legal history. Instead of solving the internal/external fallacy of IR theory, Anievas and Nişancioğlu’s approach uses this conceptual mechanism to caricature other approaches to historical sociology – in particular PM. Doing so neglects the spatialising potential of the concept of social-property relations in the Spanish, French and British early modern imperial legal contexts and underplays the distinctiveness of regionally specific jurisdictional

⁶³ For example, regarding the Ottoman case which is relevant for *HIWCR*, see Kayaoglu (2010) and Oszu (2012)

⁶⁴ Johnston, 1973

struggles over the definition of sovereignty. Crucially, this leads them to conflate the histories of international law and capitalism.

HWCR also reflects a general tendency for scholars in historical sociology and IR to confine themselves to – and compete over – formal assertions of exclusive theoretical abstractions as primary analytical steps. The debate could be made more productive by accepting choices of methodological rigour; that is moving historical sociology away from totalising, competitive and exclusionary conceptions of capitalism towards focusing on comparing instances and trajectories of contested social-property relations. Despite these problems, *HWCR* achieves a great feat in providing a new and engaging platform for historical sociology – and specifically PM – to clarify its understanding of social-property relations, confront legal history, and further pursue the problem of the international. This will hopefully contribute to a more non-Eurocentric critical elaboration and transcendence of bourgeois categories rather than winning a prize for the biggest capitalism.

References

- Anderson, P. 1974, *Lineages of the Absolutist State*, London: NLB
- Anghie, A. 2005, *Imperialism, Sovereignty and the Making of International Law*, Cambridge: Cambridge University Press
- Anievas A. and Nişancioğlu K 2014, *How the West Came to Rule: The Geopolitical Origins of Capitalism*, London: Pluto
- Beik, William 2005, 'Review article: the absolutism of Louis XIV as social collaboration', *Past and Present* No. 188 (August 2005), 195-224
- _____ 1985, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc*, Cambridge: Cambridge University Press
- Benton, Lauren 2012, 'Possessing Empire: Iberian Claims and Interpolity Law' in Saliha Belmessous (ed.) *Native Claims: Indigenous Law Against Empire 1500-1920*, Oxford: Oxford University Press, 19-40
- _____ 2010, *A Search for Sovereignty: Law and Geography in European Empires 1400-1900*, Cambridge: Cambridge University Press
- _____ 2008, 'From International Law to Imperial Constitutions: The Problem of Quasi-Sovereignty, 1870-1900', *Law and History Review*, (Fall 2008), Vol. 26, 3, 595-619
- Benton, Lauren & Ross, R. J. (eds.) 2013, *Legal Pluralism and Empires, 1500-1850*, New York: New York University Press
- Besson, Samantha 2012, 'The extraterritoriality of the European Convention on Human Rights: why human rights depend on jurisdiction and what jurisdiction amounts to', *Leiden Journal of International Law*, Vol. 24, 4, 857-884
- Bhambra, Gurinder 2011, 'Historical Sociology, Modernity, and Postcolonial Critique', *American Historical Review*, Vol. 116, No. 3, 653-662

- Bowring, B. 2008, *The Degradation of the International Legal Order? The Rehabilitation of Law and the Possibility of Politics*, London: Routledge
- Brophy, Susan Dianne 2017, 'An Uneven and Combined Theory of Law: Initiation', *Law Critique*, Online View, 30 March 2017
- Burrage, Michael 1988, 'Revolution and the Collective Action of the French, American and English Legal Professions', *Law & Social Inquiry*, Vol. 13, 2, pp. 225-277
- Çali, B. (ed.) 2010, *International Law For International Relations*, Oxford: Oxford University Press
- Chimni, B. S. 2007, 'The Past, Present and Future of International Law: A Critical Third World Approach', *Melbourne Journal of International Law*, 8(2), 499
- Chimni B. S. 1993, *International law and world order: a critique of contemporary approaches*, Sage
- Cutler, A. Claire 2003, *Private Power and Global Authority: Transnational Merchant Law in the Global Political Economy*, Cambridge: Cambridge University Press
- Cutler, A. Claire and Gill, Stephen (eds.) 2015, *New Constitutionalism and World Order*, Cambridge: Cambridge University Press
- Dewar, Helen 2013, 'Litigating Empire: The Role of French Courts in Establishing Colonial Sovereignties' in Benton, Laura & Ross, R. J. (eds.) 2013, *Legal Pluralism and Empires, 1500-1850*, New York: New York University Press, 49-79
- Dickason, O. P. 1989, 'Concepts of Sovereignty at the Time of the First Contacts' in L. C. Green & O. P. Dickason, *The Law of Nations in the New World*, Alberta (CA): University of Alberta Press, 141-295
- Dimmock, Spencer 2017, 'The Eastern Origins of Capitalism?', *Historical Materialism Blog*, 1 April 2017, Available at: <http://www.historicalmaterialism.org/blog/eastern-origins-capitalism>, accessed on 1 May 2017
- Dimmock, Spencer 2014, *The Origin of Capitalism in England 1400-1600*, Leiden: Brill
- Dorsett, Shaunnagh & McVeigh, Shaun 2012, *Jurisdiction*, New York: Routledge
- Gadamer, Hans-Georg 2004, *Truth and Method*, London: Continuum
- Gerstenberger, H. 2007, *Impersonal Power: History and Theory of the Bourgeois State*, trans. by D. Fernbach, Leiden: Brill
- Halliday, Fred and Rosenberg, Justin 1998 'Interview with Ken Waltz', *Review of international studies*, 24 (3), 371-386
- Hamilton, B. 1963, *Political Thought in Sixteenth-Century Spain: a study of the political ideas of Vitoria, De Soto, Suarez, and Molina*, Oxford: Clarendon Press
- Hanke, L. 1974, *All mankind Is One: A Study of the Disputation Between Bartolomé de Las Casa and Juan Ginès de Sepúlveda on the Religious and Intellectual Capacity of the American Indian*, Dekalb, Ill.: Northern Illinois University Press
- Herzog, Tamar 2015, *Frontiers of Possession: Spain and Portugal in Europe and the Americas*, Cambridge, MA: Harvard University Press; Dorsett, S. & McVeigh, S. 2012, *Jurisdiction*, New York: Routledge
- Jahn, Beate 2000, *The Cultural Construction of International Relations*, Basingstoke: Palgrave
- _____ (ed.) 2006, *Classical Theory in International Relations*, Cambridge: Cambridge University Press

- Johnston, W. R. 1973, *Sovereignty and Protection: A Study of British Jurisdictional Imperialism in the Late Nineteenth Century*, Durham, N. C.: Duke University Press
- Kayaoglu, Turan 2010, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China*, Cambridge: Cambridge University Press
- Keene, Edward 2002, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics*, Cambridge: Cambridge University Press
- Knafo, Samuel 2010, 'Critical approaches and the legacy of the agent/structure debate in international relations', *Cambridge Review of International Affairs*, Vol. 23 (3), 493-516
- Knox, R. 2009, 'Marxism, International Law, Political Strategy', *Leiden Journal of International Law*, 22, 413-436
- Koskenniemi, Martti 2013, 'Histories of International Law: Significance and Problems for a Critical View', *Temple International and Comparative Law Journal*, Vol. 27, 2, 215-240
- _____ 2011, 'Empire and International Law: The Real Spanish Contribution', *University of Toronto Law Journal*, Vol. 61, 1, 1-36
- _____ 2008, 'What should international lawyers learn from Karl Marx?' in Susan Marks (ed.) *International Law on the Left: Re-examining Marxist Legacies*, Cambridge: Cambridge University Press, 30-52
- _____ 2001, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960*, Cambridge: Cambridge University Press
- Lacher, Hannes 2006, *Beyond Globalization: Capitalism, Territoriality and the International Relations of Modernity*, London: Routledge
- LaFrance, Xavier 2013, *Citizens and Wage-Labourers: Capitalism and the Making of a Working-Class in France* (Doctoral thesis, York University)
- Marks, Susan (ed.) 2008, *International Law on the Left: Re-examining Marxist Legacies*, Cambridge: Cambridge University Press
- Martineau, A.-C. 2014, 'Overcoming Eurocentrism? Global History and the Oxford Handbook of the History of International Law', *European Journal of International Law*, Vol. 25, 1, 329-336
- Matin, Kamran 2013, 'Redeeming the universal: postcolonialism and the inner life of Eurocentrism', *European Journal of International Relations*, Vol. 19, No.2, 353-377
- Miévill, China 2005, *Between Equal Rights: A Marxist Theory of International Law*, Leiden: Brill
- Milanovic, Marko 2011, *Extraterritorial Application of Human Rights Treaties*, Oxford: Oxford University Press
- Miller, Steve 2008, *State and Society in Eighteenth-Century France: A study of political power and social revolution in Languedoc*, Washington: The Catholic University of America Press
- Morin, M. 2010, 'Des nations libres sans territoire? Les Autochtones et la colonisation de l'Amérique française du XVIe au XVIIIe siècle', *Journal of the History of International Law*, 12, 1-70
- Neocleous, Mark 2012, 'International Law as Primitive Accumulation; or, the Secret of Systematic Colonization', *European Journal of International Law*, Vol. 23 N. 4
- Owens, J. B. 2005, "By My Absolute Royal Authority" *Justice and the Castilian Commonwealth at the Beginning of the First Global Age*, Rochester: University of Rochester Press
- Owensby, B. P. 2011, *Empire of Law and Indian Justice in Colonial Mexico*, Stanford University Press

Özsu, Umut 2012, 'Ottoman Empire' in Bardo Fassbender and Anne Peters, eds., *The Oxford Handbook of the History of International Law*, Oxford: Oxford University Press, 429-48

Pagden, Antony 1990, *Spanish Imperialism and the Political Imagination: Studies in European and Spanish-American Social Political Theory 1513-1830*, London: Yale University Press

_____ 1995, *Lords of all the world: ideologies of empire in Spain, Britain and France, c.1500-c.1800*, New Haven: Yale University Press

_____ 2003, 'Human Rights, Natural Rights, and Europe's Imperial Legacy', *Political Theory*, Vol. 31, 2 (Apr. 2003), 171-199

Pahuja, Sundja 2011, *Decolonising International Law: Development, Economic Growth and the Politics of Universality*, Cambridge: Cambridge University Press

Pal, Maïa (forthcoming), 'Bursting the Global Bubble: Rights-Based Approaches and the Spatial Paradigm of Extraterritorial Jurisdiction' (Under Review)

_____ 2016, 'Introduction to 'Britain versus France: How Many *Sonderwegs*?' by Ellen Meiksins Wood', *Historical Materialism*, Vol. 24.1, 3-10

_____ 2013, *The Politics of Extraterritoriality: A Historical Sociology of Public International Law*, Doctoral thesis (PhD), University of Sussex, <http://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.574962>

Parker, David 2003, 'Absolutism, Feudalism and Property Rights in the France of Louis XIV', *Past and Present*, No. 179 (May 2003), 60-96

_____ 1989, 'Sovereignty, Absolutism, and the Function of the Law in Seventeenth Century France', *Past and Present* No. 122 (Feb 1989), 30-74

Rajagopal, Balakrishnan 2003, *International Law from Below: Development, Social Movements and Third World Resistance*, Cambridge: Cambridge University Press
 Rioux, Sebastien 2015, 'Mind the (Theoretical) Gap: On the Poverty of International Relations Theorising of Uneven and Combined Development', *Global Society*, Volume 29, Issue 4, 481-509

Rosenberg, Justin 2013, 'Kenneth Waltz and Leon Trotsky: Anarchy in the mirror of uneven and combined development', *International Politics* 50, 183-230

Rosenberg, Justin 1994, *The Empire of Civil Society*, London: Verso

Studnicki-Gizbert, Daviken 2007, *A Nation upon the Ocean Sea: Portugal's Atlantic Diaspora and the Crisis of the Spanish Empire, 1492-1640*, Oxford: Oxford University Press

Teschke, Benno 1998, 'Geopolitical Relations in the European Middle Ages: History and Theory', *International Organization*, 52:2, pp. 325-58.

_____ 2003, *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations*, London: Verso.

_____ 2005, 'Bourgeois Revolution, State Formation and the Absence of the International', *Historical Materialism*, 13, 2: 3-26

_____ 2014, 'IR Theory, Historical Materialism, and the False Promise of International Historical Sociology', *Spectrum: Journal of Global Studies*, 6:1, pp. 1-66.

Knafo, Samuel and Teschke, Benno 2017, 'The Rules of Reproduction of Capitalism: A Historicist Critique', Working Paper No. 12, January 2017, CGPE, University of Sussex, 1-28

Tuck, Richard 1999, *The Rights of War and Peace. Political Thought and the International Legal Order from Grotius to Kant*, Oxford: Oxford University Press

Wood, Ellen Meiksins 1981, 'The Separation of the Economic and the Political in Capitalism', *New Left Review*, I, 127: 66–95.

——— 1991, *The Pristine Culture of Capitalism: A Historical Essay on Old Regimes and Modern States*, London: Verso.

——— 1995, *Democracy against Capitalism: Renewing Historical Materialism*, Cambridge: Cambridge University Press.

——— 2008, *Citizens to Lords: A Social History of Western Political Thought From Antiquity to the Middle Ages*, London: Verso

——— 2012, *Liberty and Property: A Social History of Western Political Thought from Renaissance to Enlightenment*, London: Verso.

——— 2014, 'Capitalism's Gravediggers', *Jacobin*, 12 May, available at: <<https://www.jacobinmag.com/2014/12/capitalisms-gravediggers/>>.

——— 2016, 'Britain versus France: How Many *Sonderwegs*?', *Historical Materialism*, 24.1, 11-29