

A Monument to E. G. Wakefield: New and Historical Materialist Dialogues for a Posthuman International Law

Jessie Hohmann & Christine Schwöbel-Patel

International Law and Posthuman Theory

(Arvidsson & Jones, eds)

Abstract:

In this chapter, we consider a posthumanist critique of international law in relation to the material world. Our perspective on posthumanism and international law is framed by a monument of Edward Gibbon Wakefield, the so-called ‘founding father’ of the colony of South Australia. Centering the monument in our dialogue, we discuss two types of materialism: New materialism and historical materialism. We argue that an engagement with new and old materialism opens possibilities for a critical engagement with posthumanism. Central to this critical engagement are themes of materiality, settler colonialism, agency, and exploitation – themes that are key for understanding the operation of international law. By identifying where the materialist theories differ, and also where they converge, we ultimately seek to identify the utility of a posthumanist critique for destabilising international law’s imperialist, capitalist, racialized and patriarchal structures.

Keywords: Wakefield, monuments, posthumanism, new materialism, historical materialism, international law, settler colonialism

Introduction

Edward Gibbon Wakefield’s story has all the trappings of a dramatic film script: it includes abduction, imprisonment, deceit, prestige, and memorialisation. Despite this, Wakefield’s story, if remembered at all, is mostly remembered in a much-truncated way, making only the latter two features prominent. If searching for a commemoration of the man, one might visit

Adelaide, Australia, where one would find a small, bronze plaque, with a bas-relief bust of its subject on the foundation stones of South Australia's Parliament building. The monument faces North Terrace 'the major symbolic edifice of Adelaide' (Hay et al 2004: 201-203) site of venerable colonial institutions, including the museum and art gallery, state library, war memorial, and University of Adelaide. The monument was unveiled in April 1952 by the then Governor of South Australia. At the ceremony, Wakefield was referred to as 'the father of self-government in South Australia' and described as 'a warm-hearted man of great public spirit' (Adelaide Advertiser 1952: 1). Wakefield's legacy is his theory of systematic colonization, with its rejection of convict labour, and its ingenious proposal for a productive settler colony that would rid the mother country of her unwanted pauper population. These views, the Governor noted at the unveiling, Wakefield had expounded in *A Letter from Sydney* published while in prison there in 1829. Yet Wakefield never set foot in Sydney – not even to serve a prison term. Nor did he ever visit South Australia. In fact, Wakefield's letter, no matter how evocative of the colony of New South Wales, was in one way an elaborate work of fiction – at least as regards his own role as a settler. In another way, the *Letter from Sydney* was a factual account of the political economy of the expanding British Empire (Chalmers 2022: 8-9).

For our engagement with new materialism and historical materialism and its relationship to posthumanism and international law, Wakefield's plaque offers an excellent point of departure. It is not a plaque that has aroused protests or discussions of the kind concerning Cecil Rhodes, Winston Churchill, Edward Colston, and other famous colonialists and apologists of empire, as recently problematised through the Rhodes Must Fall and Black Lives Matter movements; however, we argue that it deserves attention alongside similar colonial history and memory practices in public spaces. Monuments deserve attention both in their material form and for what they represent. E. G. Wakefield attracted our (materialist) interest for several reasons: Due to his role in the colonisation of Australia and his theory of 'systematic colonisation', his reputation as a 'humanitarian' prompted by his rejection of convict and slave labour, because Karl Marx discusses Wakefield's insights about colonisation in *Capital volume 1* (1867: 932) and because of the simple fact that his never having set foot in Australia makes his memorialisation as its 'founding father' curious and interesting. Our aim is to identify the relevance of international law in the context of monuments and their material life. In international law monuments are variously objects of remembrance and reconciliation in post-conflict spaces; protected as objects of art, culture and human achievement; or seen to reflect broader cultural and historical significance. When monuments symbolise and record significant

moments in a nation's history, often moments of peace and war, monuments both reinscribe the importance of the event, and of international law itself. When those events are structured by international legal rules and agreements, they are 'archival sites of law' (Peevers2017:167). The protection of (historical) monuments is encoded in multiple international legal regimes from the laws of war, to human rights, to international criminal law, to international cultural heritage law. (see e.g., Spijkers 2021; Vrdoljak 2011; Lixinski 2018; Office of the United Nations High Commissioner for Human Rights 2014; 1907 Hague Convention respecting the Laws and Customs of War and Land; 1954 Hague Convention on Cultural Property; 1977 Additional Protocol I to the 1949 Geneva Conventions; Art. 8 (b) (ix); Rome Statute of the International Criminal Court.) Their position in international law – protected as objects with universal value – mirrors international law itself, with its universalist ambitions and underpinnings. The assumption made, both as regards monuments and international law, is that they are reparative of past wrongs.

We suggest a different reading of monuments in connection with international law to this dominant frame, namely one brought to life by a dialogue between new and historical materialism.¹ For us, an invitation to consider posthumanism and international law is an invitation for a critical engagement with the material world. In this chapter, we turn our dual materialist lenses to the legacies of colonial domination and extraction, and the continuing role of international law in the capitalist exploitation of the world. Bringing the explanatory power of new and historical materialist approaches to the Wakefield monument can deepen our understanding of these processes.

This includes a problematisation of international law's progress narrative, its complicity in (settler) colonialism, and its entanglement with the global capitalist order. What we seek of posthumanism is a critical engagement with law, and international law, in ways that destabilise powerful forces: forces such as imperialism, capitalism, and racialisation and the exploitative practices they rest on, perpetuate and excuse. Posthumanism's challenge, as Braidotti and Hlavajova note, is 'how to represent ... the profound interconnections between humans and non-human factors and agents. And how to fulfil this task, moreover, while keeping in mind the structural inequalities that control access to the dominant category of the "human" to begin

¹ Notable exceptions to the mainstream approach to monuments and international law are Parfitt (2018); Drumbl (2020); and Grady (2019).

with.’ (Braidotti and Hlavajova 2018: 8, see also 11-12). Bignall, Hemming and Rigney, describe a posthuman ethics as:

far less concerned with defining the principles and rules of human right and obligation that derive from innate qualities that mark the human as an exceptional kind of being, than it is with attending to ecological principles underscoring the complex patterns of connectivity that produce worldly outcomes of justice and injustice, and potentially can be directed positively and artistically towards the enhancement of creativity to benefit life. (2016: 466-7)

Whether posthumanism can satisfy these ambitious questions is tested by bringing new materialism into conversation with historical materialism – a theory that centres materialist conditions in society and has, since the work of political economists and theorists such as Karl Marx and Rosa Luxemburg, offered a critique of capitalism and imperialism. We aim not to collapse or synthesise them into ‘one materialism’, or argue that historical materialism can be read as, in fact, new materialism (for which see e.g., Nail 2020). We also do not argue that the ‘new’ has replaced the ‘old’, but build on the acknowledgement of the link between older and ‘new’ materialism by posthuman and new materialist scholars (see e.g., Bennett 2010: xiii-xix; see also Coole and Frost 2010: 4), while acknowledging and further exploring their ambivalences (Cole 2018: 170). We aim to lay them against each other as overlapping lenses and to bring out their synergies and tensions or points of incommensurability. Our position (see also Hohmann 2021) is that new materialism’s insights are most powerful when they are coupled with and engage the legacies of ‘older’ materialisms, on which they build.

In the following, we begin with the curious story of Edward Gibbon Wakefield’s role in the foundation of South Australia as a British settler Colony. We then provide an overview of new materialism and a new materialist reading of the Wakefield monument, followed by an overview of historical materialism and a historical materialist reading of the Wakefield monument. This allows us to provide a richly textured reading of the monument, which aids in letting different facets of the relationship between the monument and international law emerge. We use this material(ist) dialogue to provide some initial insights into the utility of posthuman theory for international law.

Edward Gibbon Wakefield, ‘Father’ of the colony of South Australia

Wakefield was born in London in 1796. He was admitted to Gray's Inn in 1813 but became secretary to the British Envoy in Turin in 1814, serving in a diplomatic capacity for a number of years. His early career does not reveal much of an interest in the British colonies, but 'Wakefield's imprisonment in Newgate was to transform his whole career.' (Pretty 1967). It was in Newgate Prison that he wrote his *A Letter from Sydney*, originally published as a series in the *Morning Chronicle* and later as a book. He was serving a three-year term for abducting a 15 year old heiress, Ellen Turner (ibid.). Turner, who had been lured from her school, was married to Wakefield at Gretna Green in Scotland and taken to Calais before, 'pursued by [her] enraged friends and family' Wakefield was brought back to London to stand trial (ibid). Interestingly, a second monument to Wakefield stands in Gretna Green, Scotland, presumably commemorating his status as a 'celebrated' abductor (Beautiful Britain).² It should nevertheless be noted that Wakefield's crime meant that during his lifetime, his public reputation was tarnished (Pretty 1967), meaning he penned many of writings anonymously, including *A Letter from Sydney*.

In prison, Wakefield met inmates, many of whom had been sentenced to transportation to Britain's penal colonies in Australia. Wakefield became intensely interested in the plight of the inmates. In Newgate, Wakefield appears to have seen, through the prism of the wretched convicts, a simultaneous solution to the cost of colonisation, Britain's excess pauper population, and the problem of making a colony profitable for the capitalist. In *A Letter from Sydney*, he wove an elaborate narrative, from the perspective of a colonial land holder disappointed in his inability to profit from his land. In full character, he fictionalised his trip to New South Wales, describing the 'coal and iron of which my estate is supposed to abound'. (Wakefield 1829: 4). He wrote of the 'magnificent timber' (ibid). He recounted his impressions of the land as fertile, with 'trees scattered over the whole property, as in an English Park' (ibid).³ And yet of his inability to profit from and exploit it:

I was told that an estate of 10,000 acres might be obtained for a mere trifle. This was true. I have got 20,000 acres, and they did not cost me more than 2s. per acre. But I imagined that a domain of that extent would be very valuable. In this I was

² A further monument, 'a beautiful Italian sculpture' in the church in Winwick Lancaster, was set up by Turner's later husband, to commemorate Turner and her infant daughter. She died in childbirth during this marriage in 1831. See Beaumont (1873).

³ For a critical account of the 'English Park' impression of Australia see (Pascoe 2014).

wholly mistaken. As my estate cost me next to nothing, so it is worth next to nothing. (Wakefield 1829: 4).

A Letter from Sydney and Wakefield's subsequent writings contained his proposal to overcome this problem, and to make land in the colony valuable (ibid; see also Wakefield 1833). He diagnosed the root of the problem to lie in the fact that land was inexpensive. With land being inexpensive, anyone could purchase it, but no-one would want to work the land. Essentially, the wage labourers who would otherwise be taking on this role themselves bought land. This need for labourers in the colonies, Wakefield saw in contrast to the pauperisation of labourers in Britain. Here, workers had been forced off the land due to enclosure, moving to cities in search for work, with nothing to sell but their labour power. Hand in hand with the poor working conditions, unemployment, and poverty came a 'heightened worker militancy' (Ince 2018:114). Profits were driven down with less purchasing power of the population. Wakefield devised the solution to the excess of English capital and labour through systematising colonisation. The proposal was to control the sale of land, raise the price of it so that the common labourer could no longer afford it, and to introduce adequate wages for labourers – because after all, it had to be attractive for British labourers to move to Australia. Wakefield was celebrated as a humanitarian and progressive because he was writing in the aftermath of the abolition of the slave trade and opposed to 'shoveling out paupers' to Britain's settler dominions. As Birchall writes, while the plan and its execution involved private enterprise, it was underpinned by state sovereignty over property, making the state central to the scheme. (Birchall 2021: 144; see also Wakefield 1831; Chalmers 2022).

Though major figures, including South Australia's first Governor and Torrens, proponent of the famous land titling system, apparently credited Wakefield with a major role in the establishment of South Australia as a colony, 'Wakefield's name appears rarely in contemporary manuscripts, though his personal influence must have been very great.' (Pretty 1967). Nevertheless, Wakefield has been mythologised as a founding father of South Australia. Even in 1952 when his plaque was unveiled, Wakefield's skilful blend of fact and fiction had convinced the State Governor.

Such mythologising is reminiscent of international law's Whiggish progress narrative and protection of property rights. What has been termed the 'Great Man' narratives of international law portray the discipline as influenced through the ideas of remarkable men, who were visionaries of a peaceful and united world. Such focus on ideas has come at the expense of

understanding the material conditions that structure inequality. It also mostly omits the story of the Global South, which was exploited for the enrichment and progress of the Global North, as notably problematised by the growing body of Third World Approaches to International Law scholarship (Eslava et al 2017; Chimni 2021; Gathii 2022). Global North enrichment through colonialism was justified by employing universalised and juridified terms such as ‘sovereignty’ (Anghie 2005), and also ‘territory’ – aptly explained by Cait Storr as ‘a fundamentally Eurocentric construction of the rightful relationship between community, authority and place’ (Storr 2022). Erasure of physical earth through abstraction hides very real material inequalities. As the immaterial ideas of progress take centre stage, the relationships created through international legal norms and institutions that contribute to sustaining the structures of imperialism, capitalism, racialisation, and patriarchy become less visible. Both historical materialism and new materialism offer potential tools to critique the mythologising of disciplines and people and to bring structural questions to the fore.

New Materialism

What is new materialism?

Although the contours of new materialism remain contested, new materialism offers a theory, an ontology, and a research methodology. It seeks to recognise and understand the world in a way that rejects and overcomes the dualistic pairings (such as mind/matter, nature/culture) on which Enlightenment thought is structured. New materialism stresses the need to understand that ‘matter, the world and humans themselves are not dualistic entities structured according to dialectical principles of internal or external opposition, but rather materially embedded subjects-in-process circulating within webs of relation with forces, entities and encounters’ (Braidotti and Hlavajova 2018: 8). It is posthuman in the sense that it is post-anthropocentric, and posthumanist, but as Braidotti and Hlavajova write in introducing their *Posthuman Glossary*, posthumanism is more than the sum of these two ‘post-s’ and aims to a ‘qualitative leap’ in new critical directions (Braidotti and Hlavajova 2018: 8; see also Braidotti 2013). New materialism is closely aligned with posthumanism in its aims, its methods and its politics, but it is not coterminous with it. In fact, as Braidotti argues, neo-materialisms function as methodology and a creative cartography *for* a critical posthumanism (Braidotti 2019: 31-5).

Below we expand on the main contours of new materialism as we understand it (see further Hohmann 2021: 591-594). That is, we see new materialism as making three key contributions.

First, new materialism seeks to give serious attention to matter in its physicality (Coole and Frost 2010: 1). Thus, new materialism turns attention to things and objects, nature and the (human) body, which western idealist philosophy have so often ignored, or treated primarily as the binary foils for human action and subjectivity (Hohmann 2018: 40-45). It is committed to ‘raising the profile of the physical world as an integral part of the social’ (Davies 2017: 57). As Barad puts it simply: in investigating ‘how matter comes to matter. How matter makes itself felt.’ (Dolphijn and Van der Tuin 2012: 59). This entails seeking to understand the work objects or things, matter and materials, do in the world without, so far as possible, an overlay of preconceptions built up through the received categories established from the Enlightenment onwards in western thought and the disciplines. But there is no rigid distinction between the human subject regarding the world, and the things regarded. Instead, new materialism’s second point is that we are tangled together, or co-constituted, as entities in the world.

In new materialist thought, the meaning of the subject is intelligible only in relation to the object, not in the sense of a binary either/or, but through engagement or entanglement. A central undertaking for new materialisms is to question that there are discrete, fixed, and pre-existing units that can be understood to relate to each other. Instead, as Barad writes, in *intra-active* engagement, entities emerge from their relating (Barad, 2007: 137-41, original emphasis). Barad writes that the ‘primary ontological units are not “things” but phenomena – dynamic topological reconfigurings/entanglements/relationalities/(re)articulations of the world’ (ibid.: 141). Thus ‘[a]gency is not an attribute but the ongoing reconfigurings of the world.’ (ibid.). New materialism brings everything into relation (Davies 2017: 58).

This leads to the third important aspect of new materialism, which identifies matter as actant, even agentic. Bennett writes that matter is *vibrant* and full of ‘energetic vitality’ (Bennett 2010: 5). She suggests that considering material things to act is to notice and insist that they are also ‘quasi agents or forces with trajectories, propensities, or tendencies of their own’ (ibid. viii). Things always have the capacity to exceed our understanding of them, to break free of their human-designated status, and in doing so, they ‘manifest traces of independence or aliveness’ (Bennett 2010: xvi). Other new materialist thinkers are more resistant to categorising matter as having agency or an ‘actant’ status. For example, although Barad’s work is often described as ‘agential realism’ they avoid using the terms agent or even actant, because these terms work against their relational ontology. (Dolphijn and Van der Tuin 2012: 54; see also Philippopoulos-Mihalopoulos 2016: 194). Rather than agency as something held as a property

of things or persons, they see it as ‘an enactment, a matter of possibilities for reconfiguring entanglements.’ (Dolphijn and Van der Tuin 2012).

The Wakefield statue through a new materialist lens

The monument to Wakefield, dark copper set against the smooth grey stone, *looks* quintessentially like matter, in the sense of passive object. The plaque, with its bas-relief bust staring toward the west, appears inert and stable, a representation of a person long dead.

However, from a new materialist position, the idea that this monument is outside us, inert, separate, monolithic, is destabilised. A new materialist approach focuses attention on the plaque not as a representation or symbol, but as a vibrant or agentive force. The Wakefield monument can be read as a node along a web of shifting and intra-acting forces, of relational, contested, process stretching through time and space. Materialism disrupts the idea that monuments freeze time in a moment that divides the past from the future along a trajectory. For example, as Parfitt has written in relation to international law, monuments can collapse the distinction between the past and the present, and help us read international law as ‘*embedded in and rebounding from*, the physicality of a particular location, contributing to the constitution of particular kinds of subjectivity.’ (Parfitt 2018: 514, emphasis in original). A monument can, through the coming together of its materials, its location, and its symbolism enact a ‘fold’ in time that simultaneously emphasises and hides (Parfitt 2018: 517; see also Grady 2019: 368).

The trajectory of history as proceeding along a progressive line, with distinct marks that divide past from present, is one that international law is heavily invested in, with its progress narratives and Whiggish view of history. The recent sustained attention – anger, rage, sentimentality, loyalty – directed to monuments, among them those of Rhodes, Colston and Churchill, is, in a new materialist reading, testament to the agentic node monuments are. Monuments are not just what appears on the plinth. They spread roots into the landscape. They crystallise power and resistance. In this sense, we can also understand them as manifestations of international law’s effects and legacies in our daily lives, often in the background to our daily commute, a walk through the park, or a visit to a new city (see e.g., Eslava 2015; Hohmann and Joyce 2018; Vos 2019). Monuments can be read in a new materialist vein to mark the ways that power and agency coalesces and shifts. We begin with the Wakefield monument, and offer two angles on a new materialist reading of it. In both, we treat the

Wakefield monument as a node where, in the first reading, certain things are made present. And in second, things are pushed under or hidden.

Wakefield, who never did visit South Australia, is surprisingly *present*. The Wakefield Monument on the South Australian Parliament building is modest, far from the picture ‘monumental’ connotes. However, despite its modest presentation, it is connected with other references which are powerfully inscribed on the land. Just a few blocks south, beginning at the colonial city’s heart, Victoria Square (Tarntanya or Tarndanyangga, heart of the unceded land of the Kaurna Peoples), runs Wakefield Street, constructed as one of the city’s widest boulevards in honour of its namesake. Moving along the road, past the 20-storey brutalist ‘Wakefield House’ (a government building) and the Wakefield Hotel, Wakefield Street becomes Wakefield Road where it joins the city’s ring of Parklands. Turn the other way however, and you will still find Wakefield, by joining Main South Road, and traveling 100km northwest to Port Wakefield – the first government-established town outside the capital. There, in the late 1840s, copper ore mined at Burra, as well as wheat and other agricultural products, were shipped to buyers around the world, before the Port was bypassed in 1857 by a railway. Naming practices map onto the land, and stamp references and associations. These roads were colonial infrastructure. They were arteries that physically channel goods, settlers, diseases, and ideas across a landscape that the colonisers deemed as previously unmarked and uninhabited. At the same time, these roads, ports, towns and buildings demarcate land. They are arteries but also boundaries. They were part of the processes of turning territory into property, a vital part of making the colony profitable, as Wakefield insisted (see also Bhandar 2018; Keenan 2014 on the intersection between property and territory in the settler colonial context). Thirdly, they are also, themselves, monuments, as Wakefield Street’s stately breadth and central position in the planned city-scape of Adelaide attests. Port Wakefield too named not only a port and town, but the very processes by which the land was made to yield up wealth: those minerals and grains which Wakefield wrote of in his *A Letter from Sydney*.

Port Wakefield’s website interestingly identifies the town as a node that sits at the confluence of transport artery, resource extraction and exploitation, and colonial marking of the land: ‘Port Wakefield ... is seen as a major transportation corridor for both commercial and domestic travellers and provides numerous services to support such an industry. The town itself is a hidden treasure ... steeped in colonial history’ (Port Wakefield Community Management Committee 2021). The town was ‘created to cater for the needs of the early settlers. With the development of the agricultural, mining and later the fishing industries of South Australia, Port

Wakefield became the pivot point for such products. A port was developed to cater for the increased production of such commodities as ore from the mines at Burra, hay and wheat' (ibid.). We read Port Wakefield as the point in space where things become commodities available to the global capitalist order, where, in Bennett's terms, they become 'animated' and play into a profoundly problematic 'enchantment' with commodity culture (Bennett 2001). Copper, wheat and hay are no longer parts of the earth or tenuous roots, stalks and grains, but the beginnings of supply chains, objects of capital valuation and exploitation for commercial profit.

Not only a spatial, but a temporal connection exists here. The town's website echoes Wakefield's proposal for colonisation. The tourism board notes that the town's

major developments in recent years have included the Pork Industry with intensive farming and meat processing, poultry farms, Hay processing and exporting plants, An Intermodal Transport Hub, Quarry mines, and numerous housing developments ... With these economic indicators the town is on the verge of economic and population boom – watch this space. (Port Wakefield Community Management Committee 2021).

Port Wakefield's future streams along the same channels as its past: Intensive resource extraction to reap profit from the land, a 'population boom', and housing development. Wakefield himself was centrally concerned with population concentration: dispersal was bad for capital. He pictured a land divided up for dense settled, population, where the land was made to bear profit but also house people in a mirror of England (Birchall 2021: 144; see also Chalmers 2022).

The monument to Wakefield on the South Australian Parliament can be read as a knot where the material world converges with colonial myths of foundation and progress, and the global capitalist order. The posthumous celebration of Wakefield and his contribution to South Australia made tangible in the monument reinscribe Wakefield's role as the 'father' of systematic colonisation, but it also connects to other memorialisations of Wakefield – in streets, towns and buildings stretching out from the symbolic centre of Adelaide. These nodes connect Wakefield's to the current iterations of extractive capitalism that his theory rested on, from mining to intensive agriculture in introduced species.

The monument hides as well as marks things out. In this second reading of the Wakefield monument, we focus on what is obscured, unseen or denied, but can be brought to light in a new materialist reading.

The first act of obscuring, the deepest and most fundamental, is through the doctrine of discovery and the legal categorisation of Australia as *terra nullius* in international law. A foundational precondition for the land now claimed as South Australia was its emptiness. British assertions of sovereignty, and its characterisation as ‘wasteland’, grounded Wakefield’s proposal of systematic colonization (Wakefield 1829: xvi; *South Australia Act* 1834). This was despite significant and undeniable Indigenous presence. The landscape was a managed one, with open tracts, such as the Adelaide plains themselves, created and maintained by careful land management (Clarke 1991: 58-60). In addition, the colonisers encountered substantial tracks in frequent use, covering significant distances, which the colonisers took over first as cart tracks, and ‘many of them [are] almost certainly preserved today as bitumen roads.’ (Ibid.: 60). Early missionaries, among the most avid documenters of Aboriginal culture, recorded that Aboriginal names were tied to particular lands, and served as a prominent link with a particular territory. (Ibid.: 61).

The Indigenous presence ruptures the foundational documents and the ‘smooth’ presentation of a Wakefieldian history in the city. Indeed, subsequent colonial documents were forced to acknowledge the ‘natives’, and their rights, and declare their protection (The Proclamation of South Australia 1836; Letters Patent 1836). Nevertheless, successive colonial laws enabled a physical emptying of South Australia, effecting a retrospective ‘fit’ with the legal assertion of sovereignty and the colony as ‘waste’ (Owen and Cowie 2015; Watson 2015: 56; Foster 2000). But, as prominent Indigenous international law scholar Irene Watson argues, attempts to make Indigenous peoples vanish fail: Indigenous identity is ‘reflected back to us from the land’ and ‘the land has enabled us to survive’ (Watson 2015: 57). A deep and living interconnection among all beings animates and sustains First Nations’ law in what is now Australia (see Kwaymullina and Kwaymullina 2010; Bignall, Hemming and Rigney 2016; Gay’wu Group of Women 2019), one that the imposition of ‘subjects’ and ‘objects’, and static memorials to founding fathers cannot erase. At the same time, the monument to Wakefield, embedded into the seat of colonial law making, serves as a point around which resistance and erasure coalesce. Posthumanism and Indigenous law and knowledge can meet here: at an insistence that the land is not open to legal categorisation as a ‘passive resource for endless exploitation’ (Bignall, Hemming and Rigney 2016: 459; see also Graham and Pittavino 2021: 345-50). Rather, in the philosophy of South Australia’s Ngarrindjeri Nation, explained by Bignall, Hemming and Rigney as a posthuman philosophy with a powerful ancient existence (2016: 467), where the Ngarrindjeri speak ‘as Country’: ‘land and waters is a living body. We the Ngarrindjeri people

are part of its existence' (ibid.: 468). International law as a living posthuman practice and experience emerges strongly here: as Bignall, Hemming and Rigney explain:

Ngarrindjeri are not content to wait for the Westphalian system of the law of states to decide the terms under which their Nation's governmental authority is recognised by a principle of right, and instead are immediately mobilising their own (traditional) Aboriginal understanding of sovereignty as a power to negotiate relational conduct, in this case engaged by bringing the settler state to abide by clearly defined protocols of interaction. Here, right is not well conceived as a universal precedent for legitimate practice; instead agreed principles of rightful entitlement and action emerge *in situ*, from justly negotiated practices of political coexistence. (Ibid: 469).

From a new materialist perspective, monuments to colonial founding fathers – from statues to boulevards – cannot effect an erasure of Indigenous presence, law, and continued existence, because Indigenous presence cannot be separated from the land and lawful relationships embedded in and emerging out of it. Neither can the extraction of commodities and the marking of the land render it 'mere' property open for exploitation and capitalist accumulation under international and domestic laws. As Irene Watson writes, the relationship between land, law, and people, in Indigenous ontology is more complex: '[w]e live as part of the natural world; we are in the natural world. The natural world is us.' (Watson 2015:15). The statue of Wakefield emerges as a space where resistant agency coalesces and emerges from other ancient knowledges of intra-active being and becoming.

Historical Materialism

What is historical materialism (and how does it relate to International Law)?

Historical materialism is a theory employed (by Marx and by extension Marxists) to critique the capitalist mode of production, in particular by focusing on class struggle. The capitalist mode of production - how things are made - refers to the accumulation of surplus value through exploitation of labour. Central to understanding capitalism is the role of the wage labourer and her alienation from what she produces in relation to the so-called capitalist. In international (legal) terms, this can be demonstrated through the status of the wage labourer in global value chains. The accumulation of value along the chain – from raw material to finished product –

requires many steps with the final product remaining far removed from the labourer. Meanwhile, the capitalist accumulates the profits from the relationship. The pattern that has been reproduced through global capitalism is that raw materials and wage labour are typically exploited in the Global South, or in historical materialist terms, the ‘periphery’ to the capitalist ‘metropole’. The global economic order is organised through capitalist relations, but it is not only an economic order; it is a political and legal order too. Central to the creation, structure, geography, distributive effects, and governance of global value chains are legal regimes. ([The IGLP Law and Global Production Working Group](#) 2016). In global value chains, this is demonstrated through the international economic law and investment law and their institutions that uphold the unequal order.

The spilling over of the capitalist order into other (historically not strictly economic) social forms of organisation such as education, health, and public services, is often referred to as the neoliberal order. Terms such as neoliberal legality have been adopted to explain the role of law in creating and upholding capitalism (Brabazon 2018). Although Marxists differ in their focus on economic determinism (how much relations are defined through economic relations), ultimately, historical materialism is a means to understand social relations. Scholars influenced by Marx and interested in international law and political economy often refer to the upholding of the global capitalist order through international legal institutions such as the World Trade Organisation, the International Monetary Fund, the World Bank, and even the International Criminal Court (Slobodian 2018; Martin 2022; Tzouvala 2020; Baars 2019; Schwöbel-Patel 2021). These institutions do not merely protect capital, they also create continuations of racialized forms of capitalism, most acutely and devastatingly evidenced in the inequalities between the Global North and the Global South. Marxists, Socialists and other radical thinkers such as Socialist Feminists and Anarchists in the field of international law have sought not only to highlight the inequalities of this global order but have also sought to identify ways and means of redistribution.

A historical materialist reading of the Wakefield monument

There are several possible readings of the monument to Wakefield from a historical materialist perspective; we propose two possible emphases: First, the Wakefield monument is a reminder that settler colonialism can best be understood through the lens of the political economy of imperialism. Second, the monument as representative of ‘humanitarianism’ is based on a

truncated understanding of history that eliminates the view to exploitative social relations. Let us explore these in turn:

First, political economy: Political economy is often associated in critical circles with the critique of capitalism. E.G. Wakefield, however, employed classical political economy as a tool *for* not against capital accumulation. Indeed, ‘Wakefield explicitly intended his colonial reform agenda to save capitalism in the metropole and to secure it in the colonies’ (Ince 2018: 114). Karl Marx wrote admiringly about Wakefield that he had understood capitalist relations in the colonies, because he had discovered ‘the truth about capitalist relations in the mother country’ (Marx 1867: 932). What Wakefield had correctly identified, according to Marx, was that the means of production (money, machines, land) do not yet make a capitalist; a capitalist is dependent on the wage-labourer, ‘the other man, who is compelled to sell himself of his own free will’ (ibid.). Capital, Marx summarises, is not a *thing*, and it is not to *have things*; it is ‘a social relation between persons which is mediated through things.’ (ibid.). The means of production and subsistence described by Wakefield in *A Letter from Sydney* – such as a large acreage of an estate – only become capital ‘under circumstances in which they serve at the same time as a means of exploitation of, and domination over, the worker’ (Marx 1867: 933). Wakefield’s idea for systematic colonisation was to export capitalist relations to the colonies. This is an important lesson for studies of international law, even critical studies, which at times focus on the violence of colonisation, statehood, and sovereignty, without considering the social relations that were being established – and that continue today in the global capitalist order. Social (class) relations are entrenched in human relations. Wakefield was not only promoting colonisation through settlers; the aspect that was ‘systematic’ was the export of conditions that would lead to a distinct capitalist class that could profit from the land. A *posthumanism* that insists on looking beyond social relations as being too fixated on the human (too anthropocentric) may miss this crucial insight.

But this is not to say that Marx got it all right. Marx also had a blindspot in regards to Indigenous peoples. He assumed that in the colonies, the soil was ‘public property’ (Marx 1867: 934) – which he contrasted with the private property of Western European relations to land. This chimes with the idea of Australia as ‘waste land’, rather than a land that was lived on and with by Indigenous peoples. Marx therefore recognised the social relations between the capitalist and the worker, but omitted the forceful displacement of the Indigenous peoples. Moreover, although Marx insisted that existing societies were ‘not the owners of the globe. They are only its possessors, its usufructuaries’ (Marx 1867: chapter 46), he has been accused

of promoting a crude developmentalism, particularly in what would become the colonised world. To understand the racial relations of capitalism, also referred to as racial capitalism, one requires, what Fanon coined ‘stretched Marxism’:

Marxist analysis should always be slightly stretched every time we have to do with the colonial problem. Everything up to and including the very nature of pre-capitalist society, so well explained by Marx, must here be thought out again’ (Fanon 1963: 40).

What he meant by this was a material understanding of social relations that included the *constitutive* role of racialisation in capitalist relations. Arguably, Fanon’s views on (racial) capitalism can be further stretched to include an understanding of the relationship to the land that is more complex in Indigenous thought – a posthuman stretching of stretched Marxism, if you will. Indigenous scholars such as Glen Sean Coulthard have powerfully argued that Marx’s blindspot was that only people could be exploited. Coulthard argues that aside from workers, *land* must also be seen as exploitable and exploited, particularly when considering colonial relations (Coulthard 2014).

Second, humanitarianism: Figures of the 19th century continue to be memorialised for their *humanitarianism*, particularly if, like Wakefield, they were circulating their ideas after the abolition of the slave trade. Wakefield came from a family of Quakers. This background is often cited as an explanation for his desire for social reform (Woollacott 2015). However, his exporting of domination through capitalist relations stands in stark contrast with any progressive social reform agenda. As Jane Lydon has observed, E. G. Wakefield was part of a generation of ruling classes for whom the anti-slavery movement performed an important purpose by ‘simultaneously accruing moral authority and sanctioning oppressive new forms of disciplined labour’ (Lydon 2021: 112). The theory of systematic colonisation, which was intended to create the role of the wage-labourer in the colonies, was a type of disciplined labour drawn from plantations. The idea for new disciplined labour in combination with new techniques of land commoditisation was able to satisfy both the abolitionist reform agenda as well as pro-slavery interests of racial superiority (Lydon 2021: 112). Systematic colonisation was, in other words, a response to the economic losses of slavery, but with the added moral capital afforded ‘humanitarians.’ Humanitarianism is a form of social problem-solving that often falls short of taking structural inequality into account. Contemporary forms of humanitarianism that work on the basis of moral capital but are sustaining of structural inequality are celebrity humanitarianism or philanthro-capitalism (Schwöbel-Patel 2021).

Here, those in the public eye, from celebrities to large corporations, will take advantage of the stage that the attention economy grants them in order to centre their social reform agendas. A specific form of this is ‘green-washing’, where corporations attest to their climate credentials whilst continuing to be involved in extractive and polluting industries - and ultimately climate catastrophe (Schwöbel-Patel 2023). In the case of Wakefield, his idea drew interest because of his insistence on the difference between slave and ‘free’ labour; yet, as Lydon notes, this overlooked ‘the harsh conditions under which labourers lived and worked in Britain’ (Lydon 2021). He promoted his ‘systemic colonisation’ as a humanitarian fix: A solution to the overpopulation of the metropole, the bubbling labour unrest of exploited workers, and their pauperisation. With his suggestion for sending wage-labourers to the colonies, or in other words his ‘humanitarian expansion of empire’ (Lydon 2021), Wakefield not only embedded the given structural inequalities; he also helped constitute new inequalities. This reading of the monument disrupts the linear progress narrative often displayed in international law as it insists on a critical view of exploitation. The struggle of wage-labourers in the 19th century can be connected to the struggle of the exploited today – whether that is Indigenous peoples struggling for land or workers exploited in greenwashing corporations. International law’s role has not exclusively improved the lives of the oppressed; rather, it has facilitated oppression by supporting capitalist conditions. A historical materialist lens is, then, a means to take seriously the structural analysis – to see beyond the quick fixes of problem-solving.

Marx’s relationship to *humanism*, however, is hotly contested.⁴ Suffice to say for our purposes that historical materialism is a theory to understand social relations. For posthumanists, this might be limiting as they (also) direct attention to nonhuman entities. That is not to say that Marx didn’t also consider the effects and power of nonhuman entities – ‘thing-power’ as it has been described by contemporary theorists (Bennet 2010). Arguably, Marx was describing ‘thing-power’ both in relation to capital and commodities. As a nonhuman entity, capital can go ‘in search of’ more capital’ for accumulation and commodities have the power to enchant and alienate.⁵ Capital itself may, according to Moishe Postone, therefore ‘be constitutive of forms of social practice and subjectivity’ (Postone 2003: 86). Ultimately, though, despite the nonhuman serving the critique of social relations, for Marxists, the common key to overcoming

⁴ The publication of György Lukás’s *History and Class Consciousness* and Karl Korsch’s *Marxism and Philosophy* started the thought and praxis around Marxist humanism.

⁵ Capital, vol. I, see ‘commodity fetishism’.

exploitation or oppression is through political *struggle*, which requires an identification of the social classes involved and their access to material resources. From this vantage point, a focus on matter at the expense of the social does not readily reveal inequalities and is therefore a less useful tool for undoing the biases of the global order that are structured through race, class and gender. Such a critique, as voiced for example by the sociologist Thomas Lemke, is concerned that the posthuman attribution of ‘thing-power’ as a political theory provides no ‘substantive analysis of the specificities of power relations.’ (Lemke 2018: 53).

In its focus on humans and their social relations- with class struggle being the most notable -, historical materialism is therefore in a sense distinctly humanist. Although there is some scope to critique the labour relations that led to the monument being erected (how the bronze was erected, and by whom the raw materials were extracted), in a historical materialist reading, the monument to Wakefield remains most powerful in its *representation* rather than in its matter. The preoccupation of historical materialism is with the capitalist and imperial history (of the representation of Wakefield) and how these exploitative social relations continue to the present. The ‘matter’ of the monument, whilst interesting, would likely not be a preoccupation for answering the question of international law and its relationship to progress narratives, its complicity in (settler) colonialism, and its entanglement with the global capitalist order.

Conclusion

We sum up by re-emphasising that our engagement with new and historical materialism brings us to the conclusion that the two are not counterposed in that the ‘new’ has replaced the ‘old.’ In bringing our new and historical materialist readings of the monument to Edward Gibbon Wakefield into dialogue, we show that both theories offer forms of critique with different emphases. Both materialisms are analytical tools that help us understand monuments not as representing the past alone, but also the present economic, social and political order, and the role of international law and legal regimes in constructing and perpetuating that order.

Monuments look quintessentially like matter, in the sense that they are passive objects, rather than active subjects, by their very nature static, inert. But, both new and historical materialism would insist, monuments are not just about what you see on the plinth. In international law, monuments are variously objects of remembrance and reconciliation in post-conflict spaces; protected as objects of art, culture and human achievement; or reflect broader cultural and

historical significance. Like international law, monuments are often considered as reparative of political and societal ills.

From a new materialist perspective, monuments might serve as nodes where confluences of attention and inattention, power and resistance coalesce and, potentially, shift or are displaced. They are markers on the land that are rooted into and made out of networks of human and non-human relations, which remain present in their materials, even when such relations are denied or obscured. In this sense, they manifest the excess or agentive forces that new materialists find in objects. The Wakefield monument read from a new materialist perspective provides interpretations of arteries and boundaries and makes visible that which would be deemed empty, invisible, or unseen. A new materialist reading – as part of a posthumanist ontology – also meets Indigenous worldviews in this process, where law, land and people are formed in an entangled and co-constitutive process that makes visible processes of dispossession and denial that monuments to founding fathers seek to smooth over. From a historical materialist perspective, we chose to highlight the political economy and humanitarianism critiques so as to show that Wakefield's monument is a symbol of the humanitarian expansion of empire. The expansion of capitalist relations to the colonies is the prioritisation of capital over labour, underpinned by (international) legal regimes. Such a reading dislodges the calcified view of a linear progress narrative with international law at its helm. A historical materialist perspective ultimately emphasises that symbolism of monuments – even if they are reconciliatory with the past - is insufficient. Reckoning with monuments and colonial pasts from a decolonial Marxist perspective must include discussions on material reparations (Schwöbel-Patel 2022). Monuments do not have redistributive features per se and often lead to truncated historical accounts.

Bringing a new and historical materialist reading of monuments and international law into dialogue helps us make the point that international law itself has always been, in a sense, inhuman or anti-human. Critical tools have been employed to draw attention to this inhumanity at different junctures. Posthumanism aims to respond to the current advanced capitalist and advanced technological moment, not by centering the human, but by questioning anthropocentrism, and by insisting on the importance of those aspects of the world that have been rendered *non*-human and *inhuman* (Braidotti and Hlavajova 2018: 2-3, original emphasis). This helps to bring to the fore some key assumptions informing the field of international law, in particular assumptions around the propertisation of nature, the denial of other ways of being in the world, and its consequences in climate catastrophe. From a historical

material lens, such an insight must be complemented by a robust understanding of the underlying capitalist relations driving the international legal order. From a new materialist lens, it must be complemented by a recovery of those aspects of the world that have been denied agency, subjectivity, and vitality, but which are central to existence. We return then to our initial point that new and historical materialism are not in competition, rather they converge on certain important points and can even be considered as complementary in destabilising international law's imperialist, capitalist, racialized and patriarchal structures.

Bibliography

Additional Protocol I to the 1949 Geneva Conventions.

Adelaide Advertiser, *Memorial Plaque to Wakefield Unveiled* (19 April 1952) Adelaide, South Australia.

Anghie, A. (2005) *Imperialism, Sovereignty, and the Making of International Law*. Cambridge University Press.

Baars, G. (2019) *The Corporation, Law and Capitalism*. Brill.

Barad, K. (2007) *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning*. Duke University Press.

Beaumont, W. (1873) 'The Fee of Materfield. Part II' in *Transactions of the Historic Society of Lancashire and Cheshire, New Series Volume XIII Session 1872-73*. Liverpool.

Beautiful Britain, 'On This Day - 20th March' <<http://www.beautifulbritain.uk/html/onthisday/March/a420.htm>>. (Accessed 7 Sept 2022)

Bennett, J. (2001) 'Commodity Fetishism and Commodity Enchantment,' *Theory and Event* 5(1).

Bennett, J. (2010) *Vibrant Matter: A Political Ecology of Things*. Duke University Press.

Bignall, S., Hemming, S. and Rigney, D. (2016) 'Three Ecosophies for the Anthropocene: Environmental Governance, Continental Posthumanism and Indigenous Expressivism,' *Deleuze Studies*, 10(4).

Birchall, M. (2021) 'History, Sovereignty, Capital: Company Colonization in South Australia and New Zealand' *Journal of Global History* 16(1) 141-57.

Brabazon, H. (ed) (2016) *Neoliberal Legality: Understanding the Role of Law in the Neoliberal Project*. New York: Routledge.

Braidotti, R. and Hlavajova, M. (2018) 'Introduction,' in Rosi Braidotti and Maria Hlavajova (eds) *Posthuman Glossary*. Bloomsbury.

Braidotti, R. (2013) *The Posthuman*. Cambridge, Polity Press.

Braidotti, R. (2019) 'A Theoretical Framework for the Critical Posthumanities,' *Theory, Culture and Society* 36(6): 31-61.

Bhandar, B. (2018) *Colonial Lives of Property*. Duke University Press.

Chalmers, S. (2022). 'The Utopian Law and Literature of Systematic Colonisation,' *Law & Literature*. DOI: [10.1080/1535685X.2021.2011046](https://doi.org/10.1080/1535685X.2021.2011046)

Chimni, B.S. (2021) 'The International law of jurisdiction: A TWAIL perspective,' *Leiden Journal of International Law*, 35(1): 29-54.

Dolphijn, R. and van der Tuin, I. (2012). *New Materialism: Interviews & Cartographies*. Open Humanities Press.

Cole, A. (2017) 'The Subject of Objects: Marx, New Materialism, and Queer forms of Life,' *Journal for Cultural Research*, 22(2): 167.

Coole, D. and Frost, S (eds). (2010) *New Materialisms: Ontology, Agency, and Politics*. Duke University Press.

Coulthard, G.S. (2014) *Red Skin, White Masks*. University of Minnesota Press.

Davies, M (2017) *Law Unlimited: Materialism, Pluralism and Legal Theory*. Routledge.

Drumbl, M. (2020) 'Memorializing Dissent: Justice Pal in Tokyo', *American Journal of International Law Unbound*, 114: 111-116.

Eslava, L. (2015) *Local Space, Global Life: The Everyday Operation of International Law and Development*. Cambridge University Press.

Eslava, L., Fakhri, M. and Nesiah, V. (eds) (2017) *Bandung, Global History, and International Law: Critical Pasts and Pending Futures*. Cambridge University Press.

Fanon, F. (1963) *Wretched of the Earth*. Grove Press.

Foster, R. (2000) 'Endless trouble and agitation: Aboriginal Activism in the Protectionist Era,' *Journal of the Historical Society of South Australia* 28, 15-27.

Gay'wu Group of Women. (2019) *Song Spirals: Sharing Women's Wisdom of Country through Songlines*. Allen and Unwin.

Gandorfer, D. and Ayub, Z. (eds) (2021) 'Matterphorical,' *Theory & Event* 24(1): 1-410.

Gathii, J.T. (2022) 'The Agenda of Third World Approaches to International Law (TWAAIL)' in Jeffrey L. Dunoff and Mark A. Pollack (eds), *International Legal Theory* (CUP 2022) 153-173.

Grady, K. (2019) 'For whom the bell tolls: London's Iraq and Afghanistan Memorial 1990-2015,' *London Review of International Law* 7(3): 353–376.

Graham, N. and Pittavino, D.A. (2021) 'Bauxite and Boundaries: 50 Years since *Milirrpum v Nabalco Pty Ltd* (1971) 17 FLR 141' 29(3) *Australian Property Law Journal*: 335.

Gamble, C.N., Hanan, J.S. and Nail, T. (2019) 'What is New Materialism?' *Angelaki: Journal of the Theoretical Humanities* 24(6): 111

Hay, I., Hughes, A. and Tutton, M. (2004) 'Monuments, memory and marginalisation in Adelaide's Prince Henry Gardens', *Geografiska Annaler: Series B, Human Geography* 86(3): 201-216.

1907 Hague Convention

1954 Hague Convention on Cultural Property

Hohmann, J. and Joyce, D. (2018) 'Introduction' in Jessie Hohmann and Daniel Joyce (eds) *International Law's Objects*. Oxford University Press.

Hohmann J 'The Lives of Objects' in Jessie Hohmann and Daniel Joyce (eds) *International Law's Objects*. Oxford University Press.

Hohmann, J. (2021). 'Diffuse Subjects and Dispersed Power: New Materialist Insights and Cautionary Lessons for International Law,' *Leiden Journal of International Law* 34(3): 585-606.

[The IGLP Law and Global Production Working Group \(2016\)](#) 'The role of law in global value chains: a research manifesto' *London Review of International Law* 4(1) 57-79.

Ince, O.U. (2018) *Colonial Capitalism and the Dilemmas of Liberalism*. Oxford University Press.

Keenan, S. (2015) *Subversive Property: Law and the Production of Spaces of Belonging*. Routledge.

Kwaymullina A, and B Kwaymullina, (2010) 'Learning to Read the Signs: Law in an Indigenous Reality' *Journal of Australian Studies* 34(2) 195.

Lemke, T. (2018) 'An Alternative Model of Politics? Prospects and Problems of Jane Bennett's Vital Materialism,' *Theory, Culture and Society* 35(6) 53.

Lydon, J. (2021) "'Mr Wakefield's Speaking Trumpets": Abolishing Slavery and Colonising Systematically,' *The Journal of Imperial and Commonwealth History* 50: 81-112.

- Lixinski, L. (2018) 'Confederate Monuments and International Law,' *Wisconsin J International Law* 35(3).
- Martin, J (2022) *The Meddlers*. Harvard University Press.
- Marx, K. (1867) Capital volume III, Penguin Classics.
- Nail, T. (2020) *Marx in Motion: A New Materialist Marxism*. Oxford University Press.
- Owen, T. and Cowie, K. (2015) *Stories from Kaurua*. GLM Heritage.
- Parfitt, R. (2018) 'Fascism, Imperialism and International Law: An Arch Met a Motorway and the Rest is History...' *Leiden Journal of International Law* 31(3): 509-538.
- Parliament of the United Kingdom (1834) 'An Act to Empower His Majesty to erect South Australia into a British Province or Provinces, and to provide for the Colonization and Government thereof' (assented 15 Aug 1834) 4&5 Wm. IV, c 95.
- Pascoe, B. (2014) *Dark Emu*. Magabala Books.
- Peevers, C. (2017) 'A Deathless story: The ANZAC Memorial, Memory and International Law,' *London Review of International Law* 5(1) 153-84.
- Philippopoulos-Mihalopoulos, A. (2016) 'Lively Agency: Life and Law in the Anthropocene' in Irus Braverman (ed) *Animals, Biopolitics, Law: Lively Legalities*. Routledge.
- Port Wakefield Community Management Committee <<https://www.portwakefield.sa.au/>> (accessed 7 Sept 2022).
- Postone, M. (2003) 'Lukács and the Dialectical Critique of Capitalism' in Robert Albritton and John Simoulidis (eds) *New Dialectics and Political Economy*. Palgrave Macmillan.
- Pretty, G.L. (1967) 'Wakefield, Edward Gibbon (1796-1862),' *Australian Dictionary of Biography*. Vol 2 < available online at <https://adb.anu.edu.au/biography/wakefield-edward-gibbon-2763>> (accessed 7 Sept 2022).
- Privy Council of the United Kingdom, *Letters Patent under the Seal of the United Kingdom erecting and establishing the Province of South Australia and fixing the boundaries thereof*, 19 February 1836.
- Proclamation by His Excellency John Hindmarsh, Knight of the Royal Hanoverian and Guelphic Order, Governor and Commander-in-Chief of His Majesty's Province of South Australia, Glenelg, 28 December 1836.
- Rome Statute of the International Criminal Court.
- Renske Vos (2019) 'A walk along the Rue de la Loi: EU Facades as front- and backstage of transnational legal practice' in Lianne J M Boer and Sofia Stolk (eds) *Backstage Practices of Transnational Law*: Routledge.

- Schwöbel-Patel, C. (2021) *Marketing Global Justice*. Cambridge University Press.
- Schwöbel-Patel, C. (2022) 'The precarious agency of racialised recaptives', *London Review of International Law* 10(1): 151-158.
- Schwöbel-Patel, C. (2023 forthcoming) 'Real (E)State - Valuing a Nation under Imperial Rentier Capitalism' in Isabel Feichtner and Geoff Gordon (eds), *Law and the Global Constitution of Value: Ecology, Governance and Political Economy*: Routledge.
- Slobodian, S. (2018) *Globalists*. Harvard University Press.
- Spijkers, O. (2021) 'Legal Monuments for Srebrenica in the Hague,' *Utrecht Journal of International and European Law* 36(2): 118-126.
- Storr, C. (2022 forthcoming) 'Denaturalising the Concept of Territory in International Law' in Julia Dehm and Usha Natarajan (eds) *Locating Nature: Making and Unmaking International Law*. Cambridge University Press.
- Tzouvala, N. (2020). *Capitalism as Civilization*. Cambridge University Press.
- United Nations Office of the United Nations High Commissioner for Human Rights. Report of the UN Special Rapporteur on Cultural Rights, *Report on Memorialization processes in post-conflict and divided societies* UN Doc A/HRC/25/49 (23 Jan 2014).
- Vrdoljak, A.F. (2011) 'Cultural Heritage in Human Rights and Humanitarian Law' *International Humanitarian Law and International Human Rights Law*. 250–302l.
- Wakefield E.G., (1831) *Plan of a Company to be Established for the Purpose of Founding a Colony in Southern Australia, Purchasing Land Therein, and Preparing the Land so Purchased for the Reception of Immigrants* London: Ridgway and Sons.
- Wakefield, E.G., (1829). *Sketch of a proposal for colonizing Australasia, &c., &c., &c.* J.F. Dove.
- Wakefield, E.G. (1833). *England and America: A Comparison of the Social and Political State of Both Nations*. London: Richard Bentley
- Wakefield, E.G., (1829) *A Letter from Sydney: The Principal Town of Australasia* London: J Cross.
- Watson, I. (2015) *Aboriginal Peoples, Colonialism and International Law: Raw Law*. Routledge
- Woollacott, A. (2015) *Settler Society in the Australian Colonies: Self-Government and Imperial Culture*. Oxford University Press.