

Imperialism, Sovereignty and the Making of International Law by Antony Anghie

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1. Introduction

Antony Anghie’s *Imperialism, Sovereignty and the Making of International Law* offers a critical reexamination of the origins and development of international law, challenging the conventional understanding that presents it as a neutral and universal system of rules. Instead, Anghie argues that international law is deeply entangled with the history of imperialism, with its principles and doctrines having been shaped by the European colonial project. The book provides a powerful critique of how the legal concepts of sovereignty, universalism, and development have been employed to justify and perpetuate global inequalities.

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This book review explores Anghie's key arguments, critically engages with his analysis, and discusses the broader implications of his work for the field of international law. The reviewer also considers the strengths, weaknesses, and broader academic contributions of the book in understanding the complex interplay between imperialism, sovereignty, and the making of international law. By evaluating these aspects, the review aims to provide a comprehensive assessment of how Anghie's work reshapes the study of international law and its historical and contemporary relevance.

2. Key Arguments of the Book

One of the central arguments in Anghie's book is that international law's origins are closely tied to the colonial encounter between European powers and the non-European world. He traces the development of international legal doctrines back to the 16th century, when European colonial powers, such as Spain and Portugal, were expanding their empires into the Americas, Africa, and Asia. The need to regulate and legitimise these colonial ventures led to the creation of legal concepts that continue to influence international law today. For instance, the concept of *terra nullius*, which establishes a legal principle on lands that haven't been inhabited by people could be claimed by European powers, was instrumental in the dispossession of indigenous peoples.¹

Anghie further explores the concept of sovereignty, arguing that it was employed as a tool of imperialism. European powers claimed sovereignty over their colonies on the grounds that the indigenous populations were not sufficiently "civilised" to exercise sovereignty themselves. This created a legal framework that justified the subjugation and exploitation of non-European societies, while simultaneously

¹ Anghie, Antony. *Imperialism, sovereignty and the making of international law*, Cambridge University Press, 2005

excluding them from the international legal order.² The notion of a "standard of civilisation" was thus central to the formation of international law, with European states defining the criteria for inclusion in the community of nations.

The process of decolonisation, which began in the mid-20th century, did not bring an end to the imperial structures embedded in international law. Instead, Anghie argues that decolonisation transformed imperialism into new forms. The newly independent states were integrated into an international legal order that continued to reflect the interests of the former colonial powers. This is evident in the economic and political structures that disadvantage former colonies, such as the global financial system and the rules governing international trade.³ Anghie's analysis highlights the continuity of imperialism in the post-colonial world, challenging the narrative that decolonisation marked a break with the past.

Specifically, Anghie's book unpacks several critical analyses, which this review highlights hereafter:

Primarily, Anghie's critique of the universalism of international law is one of the most compelling aspects of the book. He argues that the claim of universality often masks how international law serves the interests of powerful states, particularly in its application to weaker, formerly colonised nations. This critique is rooted in the historical analysis of how international law was used to justify European colonial expansion and the subjugation of non-European peoples. By revealing the imperial origins of international law, Anghie challenges the idea that it is a neutral and objective system of rules.

Besides, Anghie's work is foundational to the Third World Approaches to International Law (TWAIL) movement, which seeks to challenge the Eurocentric bias in international law. TWAIL scholars argue that international law has been

² *Ibid*

³ *Ibid*

complicit in the marginalisation and exploitation of the Global South and that it continues to perpetuate global inequalities. Anghie's analysis of the colonial origins of international law provides a historical foundation for this critique, showing how the legal doctrines developed during the colonial period continue to shape the international legal order today.⁴

Anghie's book is also highly relevant to contemporary international legal issues, mainly state sovereignty. His analysis of the concept of sovereignty has important implications for debates on humanitarian intervention and the responsibility to protect (R2P). Anghie's work suggests that these doctrines, while often framed in terms of universal principles, can be seen as continuations of the imperial project, with powerful states using the language of human rights and humanitarianism to justify interventions in the Global South. Similarly, his critique of the global economic order resonates with current debates on global inequality and the role of international financial institutions, such as the International Monetary Fund (IMF) and the World Bank, in perpetuating economic dependency and underdevelopment in the Global South.

Further, Anghie's critical call for the reconceptualisation of international law has significant insights to deconstruct the hegemony of imperial discourses. He argues that international law needs to be rethought in a way that acknowledges its imperialist roots and seeks to create a more just and equitable global order.⁵ This involves rethinking key concepts, such as sovereignty, development, and human rights, from the perspective of those who have been historically marginalised by the international legal system. Anghie's work thus provides a powerful critique of the

⁴ *Ibid*

⁵ Anghie, Antony. *Imperialism, sovereignty and the making of international law*. Vol. 37. Cambridge University Press, 2005

existing international legal order and offers a vision for a more inclusive and equitable system.

3. The Relevance of the Book for Ethiopia and the Global South

Antony Anghie's book, *Imperialism, Sovereignty and the Making of International Law*, presents a critical examination of the historical interplay between imperialism and international law, emphasising its implications for the Global South, particularly Ethiopia. Anghie argues that the foundations of international law were significantly shaped by colonial encounters, where the concept of sovereignty was crafted to justify the domination of non-European societies under the guise of civilising missions. This perspective is particularly relevant for Ethiopia, a nation with a rich history of resistance against colonialism and a unique position as one of the few African countries to maintain its sovereignty during the Scramble for Africa.

The relevance of Anghie's work lies in its challenge to conventional narratives that often marginalize colonial histories in discussions of international law. By foregrounding the colonial roots of legal doctrines, Anghie illuminates how these structures perpetuate forms of neo-colonialism even after formal independence. For Ethiopia, this reflection is crucial as it navigates contemporary international relations and legal frameworks that may still reflect imperial legacies. The book compels Ethiopian scholars and policymakers to critically assess how historical injustices shape current legal standings and diplomatic engagements on the global stage.

Moreover, Anghie's analysis highlights the ongoing struggles faced by countries in the Global South against systems that continue to favour former colonial powers. Ethiopia's experience with international institutions, such as the United Nations and various economic agreements, often reveals a tension between its aspirations for autonomy and the constraints imposed by global governance structures that echo colonial hierarchies. This context underscores the importance of Anghie's work in fostering a deeper understanding of how international law can be both a tool for empowerment and a mechanism for continued subjugation. By critically engaging

with Anghie's insights, Ethiopia can better articulate its position within global legal frameworks while advocating for reforms that acknowledge and rectify historical injustices. This engagement is essential not only for Ethiopia's national interests but also for contributing to broader discourses on justice and equity in international relations.

4. Strengths and Weaknesses of the Book

Antony Anghie's book, *Imperialism, Sovereignty and the Making of International Law*, presents a groundbreaking analysis of the colonial roots of international law, challenging the traditional Eurocentric narrative that portrays it as a neutral product of diplomacy among sovereign equals. Anghie argues that colonial encounters have fundamentally shaped international law, which has historically intertwined legal principles with imperialism. This perspective is particularly significant as it highlights how the development of international law has often marginalised non-European societies and perpetuated global inequalities.

Anghie employs a diverse range of sources, including legal texts and historical documents, to provide a nuanced understanding of international law's evolution. His work is foundational for the Third World Approaches to International Law (TWAIL) movement, which critiques the Eurocentric bias in legal frameworks and emphasises the experiences of the Global South. In addition, the book offers a critical analysis of sovereignty, arguing that it was selectively granted by European powers based on a "standard of civilisation." This notion justified colonial domination and raises questions about the legitimacy and implications of sovereignty in contemporary global politics. Anghie also argues that imperial structures persist even after decolonisation, as seen in institutions like those established at Bretton Woods. This continuity challenges scholars to examine how these structures affect newly independent states and contribute to ongoing global economic disparities. Moreover,

despite its complex subject matter, Anghie's writing is clear and coherent, making it accessible to both legal scholars and readers from other disciplines. The author's ability to distil complex ideas into compelling arguments enhances the book's impact.

Despite these strong sides, Anghie's book has some limitations and raises important questions about the possibilities for reforming international law. Can a system that is so deeply rooted in imperialism be transformed into a tool for justice and equity? Or does Anghie's analysis suggest that international law is irredeemably compromised by its imperial origins? These are questions that Anghie's book leaves open, and they are crucial for scholars and practitioners of international law to consider as they seek to address the challenges of global inequality and injustice.

In addition, Anghie's focus on colonial dominance could be critiqued for underrepresenting the agency of non-European states in shaping international law. While he acknowledges their contributions, his analysis might risk portraying the Global South primarily as victims rather than active participants in the legal order. In addition, although Anghie calls for a reconceptualisation of international law, he provides little guidance on how this might be achieved practically. A more detailed exploration of strategies for reforming entrenched legal structures would strengthen his argument. Besides, Anghie's critique raises important questions about achieving a truly universal system of international law free from imperial influences. Further exploration of alternative conceptions of universality could offer a more comprehensive vision for future international law that promotes global justice.

5. Conclusion

In *Imperialism, Sovereignty and the Making of International Law*, Antony Anghie provides a profound critique of the history and development of international law, revealing its deep entanglement with the history of imperialism. His analysis challenges the conventional understanding of international law as a neutral and universal system of rules, showing how it has been used to justify and perpetuate

global inequalities. Anghie's work is foundational to the TWAIL movement and has important implications for contemporary debates on international law, particularly in relation to issues of sovereignty, humanitarian intervention, and global economic justice.

The book's call for a reconceptualization of international law is both timely and necessary, as it challenges scholars and practitioners to rethink the fundamental principles of the international legal order. However, the question of whether international law can be reformed to address its imperialist roots remains open. Anghie's work thus serves as a starting point for further research and debate on the possibilities and limitations of international law as a tool for justice and equity in the global order.

Overall, Anghie's work is pivotal in redefining the relationship between law, power, and imperialism within international law. By exposing its colonial roots and advocating for more inclusive approaches, he has laid important groundwork for future scholarship and policy discussions aimed at addressing historical injustices in global governance. However, the book's critiques regarding agency, practical application, and universalism suggest areas for further exploration within this critical discourse.

Conflict of Interest

The author declares no conflict of interest.