



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

Prof. B.S. Chimni

***Capitalism and Jurisdiction in International Law: A Conspectus of
Extraterritorial Jurisdiction Over Time***

MPIL Agora

Thursday, 26 April 2018, 16:00-17:30, Room 014

The modern concept and rules of jurisdiction have been historically shaped by a variety of factors that include the emergence of the modern state and the ideologies of enlightenment that produced the necessary political subjectivity. But it was also crucially shaped by the demands of an industrial capitalism that required larger legal spaces to function. To meet the demands of universalizing capital over time there has been a constant drive towards legal harmonization.

This process of harmonization of laws and institutions was extended to the non-western world in the colonial era either by subjecting them to the suzerainty of the Metropolitan powers or through intrusive extraterritorial arrangements such as capitulation regimes. The drive for harmonization has continued in the postcolonial era. For this purpose, the bourgeois state has been treated as the norm and rules of jurisdiction have been framed and interpreted accordingly, especially for the exercise of extraterritorial jurisdiction.

Prof. B.S. Chimni will discuss his work on a paper that seeks, among other things, to provide an alternative account of the history of the concept and rules of jurisdiction in international law. It argues for a broad definition of "jurisdiction", given how new bases for the exercise of jurisdiction have been invented to allow for intervention into the internal affairs of weak states (as with the doctrine of responsibility to protect) or the international administration of territories (as in the instance of East Timor and Kosovo). The doctrine of jurisdiction has also enabled powerful private actors such as multinational corporations (MNCs) to advance their interests while escaping public scrutiny and interference. Consequently, as against "liberal internationalism", the idea of "subaltern internationalism" is proposed as the basis for jurisdictional internationalism, so as to democratize the discourse and practice of jurisdiction and work towards the goal of global justice.



Professor B.S. Chimni has been Chairperson of the Centre for International Legal Studies at Jawaharlal Nehru University, New Delhi, India. He also held the position of Vice Chancellor of the West Bengal National University of Juridical Sciences. He also served as a member of the Academic Advisory Committee of the Office of the United Nations High Commissioner for Refugees. He is an associate member, Institut the Droit International. He is currently a visiting scholar at the Max Planck Institute for Comparative Public Law and International Law.

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