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ISTANBUL VIGNETTES:
OBSERVING THE EVERYDAY OPERATION OF INTERNATIONAL LAW

Luis Eslava*

ABSTRACT: Through a series of photographic vignettes of everyday life in Istanbul, this article explores international law beyond the exceptional events and sites often associated with it. The article challenges international law's enframing as a narrow field of action and instead highlights its expansive role in the constitution of our world.

KEYWORDS: International Law; Everyday; Enframing; Methodology; Photography; Anthropology of International Law; Ethnography; Istanbul; Turkey.

INTRODUCTION

International law, like photography, involves a way of observing the world, and a way of categorizing what is worth looking at. Importantly, both international law and photography have a tendency to draw our gaze to exceptional events and sites, often leaving aside what they consider ordinary or everyday. International law and photography function, in this way, as technologies of *enframing*.¹ They are mechanisms through which the world is viewed, apprehended and constructed, according to parameters that are superimposed upon our surrounding realities. In so doing, they organize the world and our political responses to it.

Susan Sontag explored these concerns in relation to photography in her celebrated collection of essays on the subject published between 1973 and 1977 in the *New York Review of Books*. In these essays, which later appeared as a book, she argues that the act of capturing reality through the photographic camera has become a sort of collective compulsion.² The ease of shooting pictures, accompanied by the voyeuristic impulse of the observer, has produced, according to Sontag, an endless proliferation of photographs, and a subsequent commodification of the reality being captured – a process that, one could argue, has only been exacerbated by the arrival of digital technology in recent years.³

In Sontag's view, the increasing number of photographs in circulation has, in this way, not simply entrenched within subjects a 'chronic voyeuristic relation' to the world around

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¹ See especially on the idea of enframing, Martin Heidegger, *The Question of Technology and Other Essays* (Harper Torchbooks, 1982), 3-35. See on enframing as a modern technique of governance, Timothy Mitchell, 'Everyday Metaphors of Power' (1990) 19(5) *Theory and Society* 545.

² Susan Sontag, *On Photography* (Penguin, 1977).

³ See e.g., Frank Möller, 'Photography after Empire: Citizen-Photographers or Snappers on Autopilot?' (2010) 32(4) *New Political Science* 501.

them.⁴ In the endless taking of photographs, the exceptionality of any reality has been also gradually numbed, and finally neutralized. The result of this dual process is that it has become progressively more difficult for us to appreciate the proper dimensions of iconic subjects of contemporary photographic recording, such as the widespread nature of poverty, social disempowerment, and environmental decay in our world. Through their photographic capturing, these events become objects of consumption, which increasingly need to satisfy an always-distant public that persistently requires stronger, more exceptional images. Hence, running in tandem with the progressive 'exceptionalization' of what is considered worth viewing, the extreme proliferation of photographs also negates our capacity to grasp the structural connection that exists between seemingly ordinary events and those moments that are still considered exceptional. In Sontag's own voice,

[The] very insatiability of the photographing eye changes the term of confinement in the cave, our world. In teaching us a new visual code, photographs alter and enlarge our notions of what is worth looking at and what we have a right to observe. They are a grammar and, even more importantly, [they involve] an ethics of seeing.⁵

Taking individual photographs, and the activity of photography as a whole, is thus part of a broader exercise of enframing reality. As an exercise of enframing, photography brings with it a particular visual economy, one that dictates why some events, and not others, are considered exceptional and worth being captured, and how these events are eventually registered and reproduced within the confines of the photographic frame.

Approaching photography as a technique of enframing raises several important issues. For example, it reveals how photography affects our appreciation of the past and present, and it exposes the liminal character that reality has come to occupy in our time.⁶ Yet, understanding photography through the idea of enframing poses an even more fundamental question. This is the question of how we might overcome the current drive towards exceptionalism in order to re-appropriate the act of gazing at – of observing and fully assessing – our immediate realities. In other words, how can we subvert those modalities of enframing that we have inherited, and that we seem to perpetuate in our ingrained, almost exclusive attention to exceptional events, and learn again instead to pay due attention to our everyday surroundings and their structural connection with the larger mechanics of the world and its problems?⁷

The insights and questions that emerge from examining photography as a technique of enframing speak closely to the way in which international law is often approached – and how it often presents itself – in popular and academic accounts. In a constant process of reification and retrieval, international law frequently occupies the upper corner of legal taxonomies in these readings, and tends to be placed solely in removed spaces and extraordinary events and norms. Just as photographers and the consumers of their products have become caught in a circular relation in which new photographs continually reduce the scope of what is worth viewing, producing a craving for ever more exceptional images, observers of international law are regularly unable to move beyond the exceptional and crisis-oriented descriptions and events that define the field, such as global summits, international interventions, or the latest international criminal tribunal – events which are themselves, heavily photographed.⁸ And like photographs, these crises and

⁴ Sontag, *On Photography*, above n 2, 11.

⁵ *Ibid.*, 3 -11.

⁶ Susan Marks has explained this marginalization of reality in terms of the promotion of superfluity by today's international political, economic, and legal order. Susan Marks, 'Law and the Production of Superfluity' (2011) 2(1) *Transnational Legal Theory* 1.

⁷ This particular question became central in Sontag's later works. See especially, Susan Sontag, *Regarding the Pain of Others* (Picador, 2004).

⁸ See especially, Anne Orford, 'Embodying Internationalism: The Making of International Lawyers' (1998) 19 *Australian Year Book of International Law* 1; Hilary Charlesworth, 'International Law: A Discipline of Crisis' (2002) 65(3) *Modern Law Review* 377. 385-386. See also, Luis Eslava and Sundhya Pahuja, 'Beyond the

exceptional events that define the realm of international law have become progressively more spectacular over the years. Even the international events of the past are being recast as permanently more extraordinary than they really were, as icons signifying the very meaning and purpose of international law. The Peace of Westphalia and the establishing of the United Nations or the World Trade Organization are perhaps the best examples of this trend.⁹

Although engaging with these overtly international sites and significant events and norms is very important, it is also necessary to realize that by understanding international law only in these terms, the international legal enterprise confirms its authority to enframe certain events as superior and extraordinary, and therefore in need of international attention, while enframing many other events as everyday, domestic, lower level occurrences. This distinction between the international and the everyday is, of course, artificial in at least two significant ways. First, international legal practice involves – as practitioners would readily attest – countless mundane routines as part of its operation. Some examples include: report-writing, mounting legal cases, bureaucratic procedure, and long institutional meetings. Second, and more importantly for my analysis in this article, many international norms and institutional activities aim to shape people's everyday lives and their local geographies.¹⁰ And this occurs, most often than not, through people's domestic norms and institutions. This is what I refer to as the *everyday operation of international law*.

Regardless of this widespread operation at the domestic level, international law continues to be understood as being cohesive, self-contained, removed from local realities and, above all, intrinsically powerful, not as a result of its ubiquity in everyday life, but because of its immediate presence or its calculated absences. As Annalise Riles has argued, this enframing between relevant (global/international/superior/extraordinary) and not so relevant (local/domestic/inferior/everyday) concerns and moments lies at the very core of the discipline. Through this enframing, international law grounds its own identity, and it gains its capacity to enact normative claims about the world at large.¹¹

I argue in this article that a different mode of approaching (a different mode observing and photographing) at international law may provide a useful corrective to the lack of attention to the domestic everyday operation of the field. With the help of a handful of photographic vignettes of everyday life in Istanbul, I discuss how international law operates through national and local norms, administrative and spatial practices, ordinary artifacts, and our everyday lives. As the reader will see, observing this domestic operation of international law with attention can help us to become aware of a universe of human and physical sites that are constantly shaped by the international legal order, while still being formally enframed as foreign to the international legal discipline. As I discuss below, serious methodological, doctrinal and political insights emerge from exploring this oblique form in which international law operates at the level of our everyday domestic life.

My photographs in this article should be approach, for these reasons, as an attempt to overcome our apparent incapacity (as consumers of photographic material, and as international legal scholars) to look beyond exceptional, overtly international sites and

(Post)Colonial: TWAIL and the Everyday Life of International Law' 45(2) *Journal of Law and Politics in Africa, Asia and Latin America* 195.

⁹ See on a critical engagement with this trend, Fleur Johns, Richard Joyce and Sundhya Pahuja (eds), *Events: The Force of International Law* (Routledge, 2011)

¹⁰ The American Society of International Law has engaged with this impulse of international law to shape people's everyday life through the research project: *International Law: 100 Ways it Shapes Our Lives*. The multimedia initiative that resulted from this exercise is available at <<http://www.asil.org/asil100/>>.

¹¹ See especially, Annalise Riles, 'The View From the International Plane: Perspective and Scale in the Architecture of Colonial International Law' (1995) 6(1) *Law and Critique* 39.

events.¹² My text should be read, on the other hand, as a helping device to decode how and with what results international law enframes as domestic everyday events, things and subjects that are already part and parcel of the international legal order. With this exercise, I extend an invitation that I have outlined in more detail elsewhere, for international legal scholars to share the sensibility of the *international legal ethnographer*, and to engage in the construction of an *Anthropology of International Law* capable of capturing the operation of international law within, but also beyond those exceptional and 'small sites' that we have learnt to associate with the field.¹³

The reading of international law that I advance here departs from the idea that international norms and institutional practices have historically aimed to constitute a particular kind of order in the world. This global exercise of 'constituting order' has been enacted, as Anne Orford has shown, on the basis of universal promises that rely on an array of worldly forms of authority and processes in order to come into being.¹⁴ As such, the organization of the world executed under the rubric of the international has expanded through international norms and institutions on the one hand, and through national, and increasingly more localized norms, processes, artifacts, spatial and subjective formations on the other. In all of these sites, a process of global administration and a global normative order – in which formal international norms and institutions play a key role – are permanently moulding everyday realities. In this process, everyday life is pulled in a particular internationalized direction, while still being largely enframed as a domestic affair, external to the economy of the international legal order.¹⁵ As I discuss below, in this enframing of certain things as international and many others as everyday, indirect forms of authority are propagated, lines of global responsibility broken, and the potential for resistance to the international diffused. Approached in this way, international law functions as both as a particular mode of visualizing reality, and as a constitutive regime.¹⁶ International law tells us how we should observe, comprehend and act in the world, a world of which it is already an intimate part, and to which it is constantly constituting at all levels and dimensions (e.g. national and local, public and private, human and material), and through all fields of law.

With this understanding of international law in mind, I explore the following questions in the three main parts of this article:

- i. Where can we observe international law in its everyday domestic operation?

¹² At this level, the article offers a frame of reference to understand the increasing interest on the role of photographs (particularly non-exceptional photographs) in international law, an interest clearly encapsulated in the section *Roaming Charges* of the *European Journal of International Law* (EJIL). This section has brought, since 2011, a selection of what the journal calls no 'programmatic photographs' – photographs that speak in different ways about international law but not through the images of 'people shot up; the ravages of pollution and all other manner of photojournalism'. *Roaming Charges* appeared for the first time in EJIL on Volume 22(2). From Volume 22(3), editors made explicit their interest for 'programmatic photographs'.

¹³ Luis Eslava, 'Local Space, Global Life: The Everyday Operation of International Law and Development' (PhD Thesis, The University of Melbourne, 2012) [Copy with the author]. See also, Eslava and Pahuja, above n 8. For a review of the field of Anthropology of International Law, see especially, Sally Engle Merry, 'Anthropology of International Law' (2006) 35 *Annual Review of Anthropology* 99. I return to Merry's understanding of the field of Anthropology of International Law in the conclusions of this article.

¹⁴ Anne Orford, 'Constituting Order' in James Crawford and Martti Koskeniemi (eds), *The Cambridge Companion to International Law* (Cambridge University Press, 2012) 271.

¹⁵ The concept of *pulling* refers to Latour's analysis of the constitutive and directional function of law. See especially, Bruno Latour, *The Making of Law: An Ethnography of the Conseil D'État* (Marina Brilman and Alain Pottage trans, Polity, 2010).

¹⁶ Approaching international law as a constitutive regime, invites us to examine the international legal order not just as a normative project or as the output of ideological, political, and economic forces. Approached through the lenses of a constitutive theory of law, international law is both normative and ideological, and also material and performative. See e.g., Alan Hunt, *Explorations in Law and Society: Towards a Constitutive Theory of Law* (1993); Alain Pottage and Martha Mundy (eds), *Law, Anthropology and the Constitution of the Social: Making persons and Things* (Cambridge University Press, 2004); David Delaney, *The Spatial, the Legal and the Pragmatics of World-Making: Nomospheric Investigations* (Routledge-Cavendish, 2010).

- ii. What are the effects of international law's everyday operation on our lives? And,
- iii. What does this all mean for our understanding of international law and our political engagement with its everyday operation?

The city of Istanbul is an ideal place to explore these questions, for two reasons. Istanbul, like many other cities across the South (such as Bogotá or Rio de Janeiro, both of which I have studied in the past) finds itself at the very center of an international process in which new forms of global life are being created within local spaces, *via* local norms and administrative interventions.¹⁷ Istanbul is different from other such cities, however, in that its recent urban and social transformations are not just the outcome of this broader international turn to the decentralization of nation-states. They are also the result of the city's location within Turkey – a country that has gone through an intense process of neoliberal adjustment, one of the explicit objectives of which has been to convert Istanbul (Turkey's biggest city and largest economic cluster) into a site for the reproduction of capital and the emblem of the country's readiness to be integrated to the European Union.¹⁸ The encountering of these geopolitical and economic forces in the city makes of Istanbul a particularly telling location in which to observe international law operating at the everyday level.

Another factor pointing to Istanbul as an ideal site for such a study can be linked to the social mobilizations which took place there in May 2013, sparked by the violent removal by police forces of activists claiming their right to the city at the Taksim Gezi Park. In a matter of a few days, the audience of global media was captivated by what was described variously as a new iteration of the Arab Spring, *Los Indignados*, or the Occupy movement. In the international (legal) imagination the events of May 2013 quickly became *the* new extraordinary international site worthy of attention. As such, they were instantly encapsulated, or better, enframed – just as the protests in Tunisia, Egypt, Spain, Greece had been, or those in Brazil were a week later – as spontaneous popular uprisings demanding international human rights and the global ideals of economic development, democracy, and the rule of law to be respected.¹⁹

When I visited Istanbul to conduct my fieldwork and gather the images for this exercise just a month before the protests, however, the city was still being viewed in a very different light by the global gaze. At that point, Istanbul's international image was that of a leading emerging global city, with a cosmopolitan spirit, and a buoyant economy. It was, above all, a beloved destination for international tourists. On the last morning of my visit I read in a local newspaper that Istanbul had registered a 10-year high in tourist figures, with almost a million visitors to the city during the first trimester of 2013.²⁰ So, in many ways, it was another commodified globalizing city, highly photographed, highly neutralized. Another example of how the promise of development can occur today at the local, not the national level. (See photo. 1).

¹⁷ Eslava, *Local Space, Global Life*, above n 13. See also, Luis Eslava, "I feel like a dog with the tail between its legs": The Limits of Protest and Urban Law in a Decentralized World' in Oishik Sircar, Vik Kanwar and Rajshree Chandra (eds), *Human Rights Beyond the Law* (Oxford University Press, forthcoming); Maria Clara Dias and Luis Eslava, 'Horizons of Inclusion: Life Between Laws and Developments in Rio de Janeiro' (2013) *Inter-American Law Review* 177.

¹⁸ Istanbul's population exceeds 15 mill residents, and it generates, for example, more than 40% of Turkey's tax revenues, and 50% of the country's exports. OECD, 'OECD Territorial Reviews: Istanbul, Turkey' (Policy Brief, March 2008). See e.g., on the urban tensions generated as a result of this process of transformation of Istanbul, Ülke Evrim Uysal, 'An Urban Social Movement Challenging Urban Regeneration: The Case of Sulukule, Istanbul' (2012) 29(1) *Cities* 12; Mehmet Baris Kuymulu, 'Reclaiming the Right to the City: Reflections on the Urban Uprisings in Turkey' 17(3) *City* 274.

¹⁹ See e.g., *The Economist*, 'The March of protests' (29 June 2013); Daniel Dombey, 'Istanbul shaken by fresh violence' (*Financial Times*, 16 June 2013).

²⁰ Daily News, 'Istanbul set 10-year high in tourist figures' (4 April 2013).



Photo. 1. Photographic urge in Istanbul. L.Eslava.

Aware of the complications enclosed in these claims, I visited and took my photographs of Istanbul's everyday while keeping an eye on the structural tensions already lying beneath of the surface of the city. The results of my trip, therefore, had nothing in common with the spectacular and moving images of brave Turkish youth or the dreadful images of violent police actions that came to inundate television and computer screens across the world just a month later. Instead, I came home with a collection of vignettes of everyday life in Istanbul: ordinary photographs that once 'consciously explored' – as Walter Benjamin would put it – become prolegomena of what would later turn out to be a new exceptional international event.²¹

I. THE OPEN-ENDEDNESS OF INTERNATIONAL LAW

A humanitarian crisis in North Africa; a session of the International Criminal Court in The Hague; a convoy of blue helmets in East Timor; a special rapporteur at a press conference in Quito; the office of a human rights organization in Manila; state representatives in the Security Council Chamber at the United Nations Headquarters in New York. These are all familiar vignettes of international law coming into being in the world. But is that all? Is

²¹ Walter Benjamin, *The Work of Art in the Age of Mechanical Reproduction* (1936) in Marxist Internet Archive <<http://www.marxists.org/reference/subject/philosophy/works/ge/benjamin.htm>>.

international law only expressed in these exceptional events? Does international law only materialize before our eyes in moments of political collapse, high state maneuvers, international court chambers, and the workings of human rights organizations?

Surely this is not the case. International law exists in many other places. And the history of the discipline and the evolution of the international normative order confirm this to us. Since 1789, when Jeremy Bentham first coined it, and even before in its incarnations as *Ius Gentium* and *Ius Publicum Europeam*, international law has expanded well beyond its European origins – beyond Salamanca, Osnabrück, Münster, Berlin, Vienna, San Francisco and New York.²² In its consolidation as the law between *and* above nations, over a period that spans from the start of the colonial enterprise in the sixteenth century to its formal institutionalization after WWII, the original European international law has superseded previous modes of regulating the encounter between peoples across regions and cultures. In this process, European international law has purportedly become a ‘universal’ international law.²³ In George B. Davis’s *The Elements of International Law, With an Account of its Origins, Sources and Historical Development* (1903), we find a neat encapsulation of the rationale that supported this expansion of the *Ius Publicum Europeam* and its domination over other forms of legal intercourse between communities. According to Davis,

The absolute and crudely organized Eastern monarchies were intolerant of the very existence of neighboring nations, and lived in a state of constant warfare with them. Of distant nations they knew nothing. [Under these conditions], it was impossible that a science resembling international law could have existed among them.²⁴

International law’s move towards universalization operated, therefore, not only at the level of discourse; in the sense of just being a process in which a particular form of legal reasoning and conceptual categories eventually gained a position of predominance in global relations. While this has certainly been the case, international law has also played a central part in the actual constitution of our world, in material and social terms, and at all levels – a world that from the very beginning it saw as incomplete and in need of ordering and mastering. In the classic handbook by T. J. Lawrence, *The Principles of International Law* (1923), international law’s role in shaping the world in a particular way was explained as the natural result of Europe’s position at the forefront of human history.

International law, as we know it, is as a system of rules for the guidance of civilized powers. It sprang up originally in Europe, and extended its authority to states outside European boundaries as they *adapted* themselves to European civilization.²⁵

Our current sense of interconnectedness, as well as the transnational patterns of wealth accumulation, mal-distribution of resources, discriminatory movements of peoples, and environmental degradation that have come to characterize our present, are thus as much the result of the consolidation of the global economic system, as they are of the expansion of international law over the last centuries. Mark Mazower has recently confirmed this crucial, yet often unaccounted connection between international law and the constitution of the contemporary world.²⁶ According to Mazower, while the international character of our present is certainly the outcome of several historical strands of economic and political

²² M. W. Janis, ‘Jeremy Bentham and the Fashioning of “International Law”’ (1984) 78 *American Journal of International Law* 405.

²³ Sundhya Pahuja, ‘Laws of Encounters: A Jurisdictional Account of International Law’ (2013) 1(1) *London Review of International Law* 63.

²⁴ George B. Davis’s *The Elements of International Law, An Account of its Origins, Sources and Historical Development* (Harper & Brothers, New and rev. ed., 1903), 4.

²⁵ T. J. Lawrence, *The Principles of International Law* (Macmillan & Co, 7th ed, 1923), 14. [Italics added]

²⁶ Mark Mazower, *Governing the World: The History of an Idea* (Penguin, 2012). See also, Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton University Press, 2009).

thought, the current international world order – with all of its peculiarities and pathologies, with all of its nations, borders, trade agreements and overarching discourses – really only took off thanks to ‘sources that were willing to compromise with power... Key among these [being] law and [international] lawyers.’²⁷ Our national passport, the one that we need to carry in our pockets to leave our countries and visit foreign nations, is an extremely powerful piece of evidence of this, our current world of nation-states and their international legal order.²⁸ (See photo. 2).

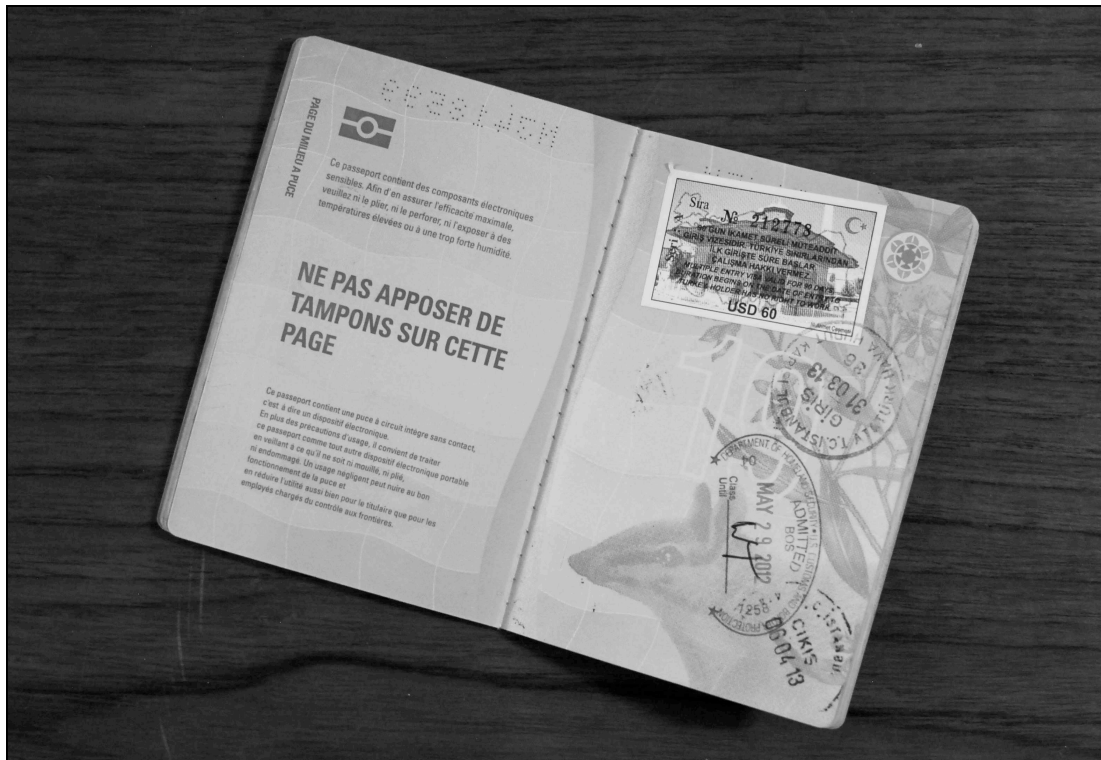


Photo. 2. An international world of nations and passports. L.Eslava.

The most salient testament to the expansion of international law has been, as a result, the dissemination of the European Westphalian nation-state across the world. This has occurred as a result of the formation of colonial and later postcolonial states, the disarticulation of large political bodies into smaller nations, and the retrieval of old scattered empires into nation-states of their own – the re-articulation of the core of the Ottoman Empire into the contemporary state of Turkey with the signature in 1923 of the Treaty of Lausanne being a good example of the latter. The birth of such states has been always an intense legal affair, and a confirmation of how European international law has come to regulate – through the very form of the nation-state – the world as a whole.²⁹

International law coming into being in the emergence of states has been powerfully reasserted in our modern age in the constitution of the nation-state as a protected category of international law in the UN Charter (art. 2).³⁰ With the principle of non-intervention in national affairs, the nation-state was confirmed in its primary position at

²⁷ Mazower, *Governing the World*, above n 26, 66.

²⁸ See on the origins and power of passports, John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge University Press, 1999).

²⁹ See especially, Bertrand Badie, *The Imported State: The Westernization of the Political Order* (Claudia Royal trans, Stanford University Press, 2000). See also, Hendrik Spruyt, *The Sovereign State and its Competitors: An Analysis of Systems Change* (Princeton University Press, 1994); Antony Anghie, 'Nationalism, Development and the Postcolonial State: The Legacy of the League of Nations' (2006) 41 *Texas International Law Journal* 447; Vasuki Nesiah, 'Placing International Law: White Spaces on a Map' (2003) 16 *Leiden Journal of International Law* 1.

³⁰ James Crawford, 'Sovereignty as legal value' in James Crawford and Martti Koskenniemi (eds), *The Cambridge Companion to International Law* (Cambridge University Press, 2012), 119-120.

the core of international law and international relations. It is for this reason that nationalists claims, wherever these are made, must today be read in tandem with the architecture of the international legal order. The central position of nation-states in the international order should be understood, therefore, as having effects that reach beyond inter-state diplomatic and trade relations, belligerent actions, and international norm production. For nation-state engagements at the 'international level' are closely linked with the actual functioning and transformations promoted by states within their national territories and over their national citizens. In 1943, for example, in the final months of WWII and at the moment in which the shape of the United Nations was being discussed, Gilbert Murray, one of the leading characters behind the establishment of the League of Nations, expressed this long-established and by that time already tight nexus between external and internal statecraft. According to Murray,

The modern state, even though now for the moment definitely organized to the last button a killing machine, is far more at home in the work of constructive organization, economic research, social service, care of health, provision against fear and want. The sort of work that we shall have to undertake, amid many dangers and on a gigantic scale, is just the work for which, in contrast to these earlier times, we are splendidly equipped.³¹

As this passage suggests, in having the dual quality of forbear and progeny of international law, nation-state practices should be understood as being constantly actualizing international law and its predicaments, even when they are performed through domestic laws and actions.³² In this process, international aims and obligations are routinized within nation states, facilitating a subsequent process of internationalization from within or, what we could also call, of autochthonous internationalization. And this occurs through states' electoral and legislative activities, in the machinations of their administrative and judicial bureaucracies, and in the glamorous fanfare and the all too often violent events unleashed by their anxiety to develop and compete in the global market place.³³ In these instances, the biases that accompany the operation of the international legal order are eventually replicated and multiplied within nation-states.³⁴ And this is the case, even when the state refuses to abandon a festive character in many of these occasions, as we can see here in the Princess Islands in Istanbul. But it is maybe this festive character – for example, this familiar outburst of banderoles and party logos that seem to congeal during elections what the state is all about – which enables a world of nations to continue regardless of its shortcomings and its larger influence in our lives. (See photo. 3).

³¹ Mazower, *Governing the World*, above n 26, 202.

³² See especially, Eve Darian-Smith, *Law and Societies in Global Contexts* (Cambridge University Press, 2013), 179-183, 378-383.

³³ Eslava, *Local Space, Global Life*, above n 13.

³⁴ See on the structural biases of international law: Martti Koskenniemi, 'The Politics of International Law – 20 Years Later' (2009) 20(1) *European Journal of International Law* 7. See also, Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press, 2004). For a detailed study of how international legal biases are replicated within nation-states, see, Rose Parfitt, 'Empire des Nègres Blancs: The Hybridity of International Personality and the Abyssinia Crisis of 1935–36' (2011) 24 *Leiden Journal of International Law* 849.



Photo. 3. The state and its festive side.. L.Eslava.

In a subtler, but perhaps more resilient way, nation-states also bring into being the idea of an international world through their ubiquity in our daily life. It is thanks to this silent, but endemic presence that nation-states become even able to dominate those sites that we believe lie beyond the official. Underpinning the very existence of nation-states there is, thus, that capacity to occupy our actions, thoughts, geographies and emotions without permission or validation. It is of their nature to be disrespectful of the politics of hospitality.³⁵ Their ethos and elites, as well as their signs and symbols, continually walk into our lives without previous announcement, while immediately requesting their recognition. In official, but also in ordinary events and spaces, we are therefore constantly being required to be part of an international world. It is as a result of this everyday, yet still forceful performativity engendered in the existence of the nation-state, that a simple national flag, at the stern of an ordinary urban ferry in Istanbul, puts us again into a persuasive communion with that world that has resulted from international law. (See photo. 4).

³⁵ Jacques Derrida, 'Foreigner Question: Coming from Abroad / from the Foreigner' in Mieke Bal and Hent de Vries (eds), *Of Hospitality* (Rachel Bowly trans, Stanford University Press, 2000).



Photo. 4. The city, the flag, the world. L.Eslava.

In its geographical expansion, international law has over-exceeded, as a result, those moments and sites that we often declare, without hesitation, as epiphenomenal of the international normative and institutional order. In so doing, international law constantly over-passes its own enframing of the national or even the domestic everyday as unrelated to the international. Through its putative universalization, international law has widened its normative and physical scope and expanded through incalculable legal fields and realms of expertise and social action, and in so doing it has deeply penetrated the human and material tissue of the world deeply. Like law in general, international law has not merely followed and guided the enterprise of 'civilization'. It has also, as Yfat Hachamovitch has put it, developed the capacity to murmur 'below and within the demotic of everyday life'.³⁶

The global economy that international law has helped to create has further ensured international law's percolation throughout the realm of the quotidian. Behind most of the products that we consume and the services that we use, it is possible to find a tumultuous array of international economic regulations, regional agreements, and multilateral or bilateral trade investments. Even when this is not the case, when the international economic order has been brought to a halt by tariffs and safeguards, what we find are national regulations that make products appear national, when in fact they are just as likely to be born of an intimate, ongoing conversation between local policies and international market forces. If nation-states ground a large part of the international normative order before our eyes through their actions, norms, artifacts and paraphernalia (their passports, electoral contests, and flags), the global economic system transforms the world into a dynamic, supremely viral international market place. The sites where we can observe the international normative order operating through and within the nation-state proliferate tremendously once we shift our gaze to the market place. (See photo. 5).

³⁶ Yfat Hachamovitch, 'Ploughing the Delirium' in Véronique M. Fóti (ed), *Merleau-Ponty: Difference, Materiality, Painting* (Prometheus Books, 2000), 112.



Photo. 5. Viral market. L.Eslava.

This dissemination of the international order via the global economy has achieved a new level of intensity in the contemporary age. From the canonization by the Spanish Scholastics of private rights, the right to travel and to commerce as foundational elements of the international legal order, to Grotius' free market internationalism – and later that of David Ricardo and Adam Smith – to the present commitment to the international liberalization of trade, the transnational exchange of commodities across the globe has made our world one.³⁷ In so doing, the global economic system, and the system of international and national institutions behind it, has slowly but surely disaggregated and reconnected in new forms the locales where commodities are produced, assembled, and finally consumed. This is the very shift that Orford has recently identified as the incremental move over the last two centuries from an empire of political expansion and land appropriation, to an empire of economic circulation and administration.³⁸ The nation-state has been transformed through this process into a source of cultural motifs, and into an institutional enabler for exchanges to take place, and rights to be ensured.³⁹ And what a better place to witness this than Turkey, and even better contemporary Istanbul: a city

³⁷ See e.g., Martti Koskenniemi, 'Empire and International Law: The Real Spanish Contribution' (2011) 61 *University of Toronto Law Journal* 1.

³⁸ Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge University Press, 2011), 56. See for an analysis of this point from Orford's work, Charlotte Peevers, 'Conducting International Authority, Hammarskjöld, the Great Powers and the Suez Crisis' (2013) 1(1) *London Review of International Law* 131.

³⁹ See e.g., John L. Comaroff and Jean Comaroff, 'Reflections on the Anthropology of Law, Governance and Sovereignty' in Franz Von Benda-Beckmann, Keebet Von Benda-Beckmann and Julia Eckert (eds), *Rules of Law and Laws of Ruling: On the Governance of Law* (Ashgate, 2009).

that has lived through different national trade policies and different degrees of transcontinental commercial flows for a long time.⁴⁰

Extremely agile and mimetic, masters of camouflage, commodities can serve, in this context, local markets, appearing to be local, when they can just as easily be profoundly foreign.⁴¹ Like Valencia oranges, which originated in China but were eventually taken to Europe by Portuguese and Spanish voyagers, and are now produced in Chile or Australia by prices controlled in the international agricultural futures market, today head-scarves and *keffiyehs* sold and worn across the Middle East, North Africa, and beyond, are produced in assembly lines across China and South East Asia. They are manufactured, transported, and sold according to prices dictated by the global labour market, financial direct investment frameworks, and the vicissitudes of the global textile trade regime that operates now under the WTO. Approached in this way, commodities become archetypical artifacts of our embedded international reality. From their mode of production, to their shipping, display, commercialization, and their final consumption, commodities expand and entrench the jurisdiction of international law well beyond our usual conceptualizations. And they do all this while continuing to appear domestic, autochthonous. (See photo. 6 and 7).



Photo. 6. Wholesale (satişimiz toptandır) economy. L.Eslava.

⁴⁰ See e.g., Yildiz Atasoy, *Islam's Marriage with Neoliberalism: State Transformation in Turkey* (Palgrave Macmillan, 2009); Chad P. Bown, *Trade Policy Flexibilities and Turkey: Tariffs, Antidumping, Safeguards, and WTO Dispute Settlement* (Policy Research Working Paper 6322, The World Bank, 2013).

⁴¹ See e.g., Sidney Mintz, *Sweetness and Power: The Place of Sugar in Modern History* (Viking, 1985); Kenneth Pomeranz and Steven Topik (eds), *The World That Trade Created: Society, Culture and the World Economy, 1400 to the Present* (ME Sharpe, 1999).



Photo. 7. Commodities and mimesis. L.Eslava.

As objects of exchange that navigate the planet through torrents of norms and levels of government, commodities contain within themselves the world – a world that they make. In their capacity as world-makers, commodities redraw social geographies permanently, bringing the international order to our doorstep and drawing it over our bodies, shifting and attesting to what we want, where we work, how much we earn, and how we enjoy and survive life. Commodities remind us clearly that the international normative order is more like a rich archipelago of social and material transactions than a tidy vertical legal assemblage – more Malinowskian than Kelsenian, more horizontal than pyramidal.⁴² In this archipelago, commodities far from being neutral or neatly boxed within a particular jurisdictional sphere, operate instead as containers and reproducers of history and power relations.

The intertwined mimesis between the international and the national, and between the international and the global economy, is further complicated by the current role of local jurisdictions in the international order. During the 1970s and 1980s, at the time when nation-states and their bureaucracies and industries were being put through an intense process of structural adjustment, the idea of shifting the international project from the

⁴² See especially on Malinowski's understanding of the nature of international law as a result of his ethnographic work in the Pacific, Bronislaw Malinowski, *Argonauts of the Western Pacific: An account of a Native Enterprise and Adventure in the Archipelagoes of Melanesian New Guinea* (Routledge & Kegan Paul, 1922), 515. Compare with, Hans Kelsen, *Principles of International Law* (Holt, Rinehart and Winston, Inc., 2nd ed, 1966).

national to the local (i.e. to cities and municipalities) emerged in international policy circles and institutional discussions. At that point, the decolonization movement had already altered the face and color of the international order, bringing Third World nationalist claims to the forefront of international discussions.⁴³ But running parallel to this reification of the nation-state in the world system, the hurdles of nation-building became also clear during this period, particularly in the Global South.

It was not only that the economy of Southern nations had been constructed over the preceding centuries such that they had little option but to remain primary commodity producers. And it was not just that their geographical make up was often precarious, given the arbitrariness underpinning their colonial boundaries.⁴⁴ Besides these concerns, Southern national governments also began to face an intense scrutiny by international institutions from the 1970s onwards due to their accumulated debt, rapidly growing urban populations, lack of infrastructure, high levels of informality, and lack of presence throughout their complicated human and physical geographies.

Although these problems were all largely the effect of early colonial relations and the development project (which Southern governments embraced keenly during the 1950s and 1960s in order to attain their 'modernization'), concerns around these nations' 'uneven development' underlined the need for a reshuffling of their territorial, political and administrative structures.⁴⁵ So, with the aim of consolidating their nation-building projects, the idea of decentralization was crystallized in international institutional discourses, and began to be mobilized by national and local elites across the South during the 1980s and 1990s.⁴⁶ This was, of course, a process that also took place within Northern nations, which had already embarked in their own version of neoliberal structural adjustment by this time.⁴⁷

Today local jurisdictions have come to occupy an important, but still ambivalent place in the international legal and institutional order.⁴⁸ They are increasingly receiving new international developmental obligations that were previously under the scope of national agencies, yet they are still operating as component parts of their nation-states. As a result, local jurisdictions have become the preferred spaces in which finally to make real the idea of international development, but this is occurring with many of the anomalies that have accompanied the history of national development. Significantly, these anomalies have become more insidious in many cases given the insistence of national governments on making their localities more globally competitive and fiscally sustainable. Local administrations, on the other hand, are conducting a radical transformation of their territories and residents using the bottom-up aura of legitimacy and community participation enjoyed by 'local' development projects.⁴⁹

⁴³ See e.g., Vijay Prashad, *The Poorer Nations: A Possible History of the Global South* (Verso, 2012).

⁴⁴ See especially on the role of the international principle of *uti possedetis juris* in the setting of colonial boundaries as the shape of newly independent/decolonized states, Giuseppe Nesi, 'Uti Possedeis Doctrine' in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford University Press, online ed).

⁴⁵ See especially on South governments embracing the development project, Sundhya Pahuja, *Decolonizing International Law: Development, Economic Growth and the Politics of Universality* (Cambridge University Press, 2011). Uneven development emerged in official literature during the 1970s. See e.g., Robert H. Bates, *Patterns of Uneven Development: Causes and Consequences in Zambia* (University of Denver, 1974).

⁴⁶ See on the normative basis and widespread use of decentralization, Eslava, *Local Space, Global Life*, above n 13. See also, Luis Eslava, 'Decentralization of Development and Nation-Building Today: Reconstructing Colombia from The Margins of Bogotá' (2009) 2(1) *The Law and Development Review* 282.

⁴⁷ In the case of England, see e.g., Michael Rustin, 'Restructuring the State' (1986) 158 *New Left Review* 43.

⁴⁸ See e.g., Yishai Blank, 'The City and the World' (2006) 44(3) *Columbia Journal of Transnational Law* 875; Gerald E. Frug and David J. Barron, 'International Local Government Law' (2006) 38 *Urban Lawyer* 1; Ileana M. Porras, 'The City and International Law: In Pursuit of Sustainable Development' (2009) 36 *Fordham Urban Law Journal* 537.

⁴⁹ See on an early critical appraisal of decentralization, David Slater, 'Territorial Power and the Peripheral State: The Issue of Decentralization' (1989) 20(3) *Development and Change* 501.

The Turkish state has not escaped the decentralization trend. In the case of Turkey, decentralization has been promoted both through international developmental discourses, and also as a crucial element of the adaptation of the nation for its future accession to the European Union.⁵⁰ Istanbul has been at the center of this process, given its central political, economic and fiscal role within Turkey, and the long history that ties the growth of the city to the vicissitudes of the Ottoman Empire, and to the de-ruralization of the country as a result of the modernization of the Turkish republic. In Istanbul it is possible to witness, therefore, the legacies both of a long history of national modernization efforts, and of the recent push by local authorities to finally realize the development ideal (for example, in terms of the attraction of foreign investment and the increase of local competitiveness). The encounter of these trends has created a city replete with developmental ambitions and projects, and their often undesired ripple effects. (See photo. 8 and 9).⁵¹



Photo. 8. The international within. L.Eslava.

⁵⁰ See e.g., Mehmet S. Tosun, *Decentralization, Economic Development and Growth in Turkish Provinces* (The World Bank, 2008); Ulaş Bayraktar and Élise Massicard, 'Decentralisation in Turkey' (Agence Française de Développement, Focales N. 7, July 2012).

⁵¹ See e.g., Çağlar Keyder, 'Globalization and Social Exclusion in Istanbul' (2005) 29(1) *International Journal of Urban and Regional Research* 124; Mona Fawaz and Hiba Bou Akar, 'Practicing (In)Security in the City' (2012) 24(2) *City & Society* 105.



Photo. 9. The development effect, L.Eslava.

In Istanbul, as in many other cities across the South, the international-local interconnection is being guaranteed through the opening of local markets to international flows of financial and commercial trade, the current extensive use of local development plans, local programmes of fiscal sustainability, programmes of urban revitalization, and in the current international lines of credit to local municipalities (via loans with the World Bank, regional development banks, and the private international financial system).⁵² The material and human effects of these actions, plans, and loans show how local realities are being molded not simply by their national governments, but also by the international order.⁵³

Again like Istanbul, many other cities at the vanguard of this new attention to local jurisdictions are coming to be known as global cities. They have become financial hubs, ideal places for rental speculation, and showcases for international tourists. As a result, they have become receptacles and breeders of transnational capital, and sources of income for their now-decentralized nation-states. The outcome of this process has been that these cities have been transformed into places for an increasingly rich global elite to reside in, while national economies are being further de-industrialized, and the job conditions of working families are allowed to deteriorate.⁵⁴ Hence, in a city like Istanbul, looking across the road offers – as shown in the following photograph – an intense collage of old and new forms of wealth accumulation and power. These old and new forms speak about different ways in which Istanbul has been used to support the construction of a large imperial formation, a republican project, and today a decentralized nation-state – each of these moments being imbued in particular forms of international ordering and global political economy. The juxtaposition of a tourist bus (as those that we see today in

⁵² See e.g., on the interaction between the World Bank and Turkey, in particular with Istanbul <<http://www.worldbank.org/en/country/turkey>>.

⁵³ See e.g., Berna Turam, 'The Primacy of Space in Politics: Bargaining Rights, Freedom and Power in an Istanbul Neighborhood' (2013) 37(2) *International Journal of Urban and Regional Research* 409; Ozan Karaman, 'Urban Renewal in Istanbul: Reconfigured Spaces, Robotic Lives' (2013) 37(2) *International Journal of Urban and Regional Research* 715.

⁵⁴ Ibid. See also in a comparative perspective, Teresa Caldeira, *City of Walls: Crime, Segregation and Citizenship in São Paulo* (University of California Press, 2001); Véronique D.N. Dupont, 'The Dream of Delhi as a Global City' (2011) 35(3) *International Journal of Urban and Regional Research* 403.

many global cities) against a centuries old mosque reveals, in this way, the different economic and political arrangement experienced in the city, and how immediate is the request for residents to adapt themselves to the new order. (See photo. 10).



Photo. 10. Spectacles of internationalization. L.Eslava.

So if the global economic system has transformed the world into a frantic market place, the process of decentralization has turned cities like Istanbul into the petri dishes of our global times.⁵⁵ The drastic transformations taking place in such cities, and their new outlook, bear witness to a progressively localized international order. In cities like Istanbul, the scars of the makeover of local realities according to global shifts in modes of production, wealth circulation, and allocations of power are visible everywhere. In their mundanity and domestic position, however, these transformations continue to disguise themselves as yet another set of events taking place within a local jurisdiction, the result of another commercial venture, or the outcome of another domestic governmental plan. They appear in the landscape, sometimes like innocuous engineering behemoths, foreign to the international normative and institutional order, and external to its history of expansion. (See photo. 11).

⁵⁵ See e.g., Saskia Sassen, 'Cities in Today's Global Age' (2009) 29(1) *SAIS Review* 3; Jamie Peck, Neil Brenner and Nik Theodore, 'Neoliberal Urbanism: Models, Moments, Mutations' (2009) 29(1) *SAIS Review* 49.



Photo. 11. Localized behemoths. L.Eslava.

But one only needs to get closer, to zoom-in slightly, to realize the vast impact that the current internationalization of cities is having on local affairs. In the traces of social and cultural displacements; in the broken windows and drastically replaced pasts; in the half covered realities left behind by current urban revitalization projects; in all of these sites the observer is confronted with the violence of localities being reorganized to attend the aesthetic or functional capriciousness of new modalities of capital accumulation and power. And here, again, Istanbul has become a living showcase where we can witness this unromantic side of the current international order operating at the city's everyday level. (See photo. 12).



Photo. 12. The unromantic international. L.Eslava.

II. THE PULL OF INTERNATIONAL LAW

Once we take up the challenge of observing international law beyond overtly ‘international’ places and events, we encounter a rich multiplicity of sites in which the international order is at play. In national, and gradually also in more localised norms, processes, artefacts, spatial and subjective formations, we can see traces of the everyday operation of international law. Approached in this way, international law appears less like an isolated body of rules produced by hierarchically superior institutions, or contained in removed extraordinary events, and more as an expansive normative and institutional system that carries with it a certain type of material and experiential baggage.⁵⁶ At this level, and as Bruno Latour would put it, international law functions like a tiny, yet total piece of lacework.⁵⁷

International law is, according to this understanding, both a force animating the world around us, and an actual shaper, constantly pulling our surrounding realities in a particular direction. In this section I concentrate on some of the outcomes of this pulling, which I identify here under the rubrics of i) *legibility*, ii) *self-management*, and iii) *cultural upgrading*. As the last section indicates, these three effects – as broad or dynamic as they may be – can hardly cover all the possible transformations that we might notice once we

⁵⁶ See on international law as a system, Martti Koskenniemi, ‘The Empire(s) of International Law: System Change and Legal Transformation’ (2003) 8 *Austrian Review of International and European Law* 61.

⁵⁷ Latour above n 15, 264-265.

follow the everyday domestic operation of the international legal order. My purpose in paying attention to these three particular effects is simply to offer a set of possible entry points with which to assess what kind of world results from the widespread functioning of international law. In the next section, I will review what possible consequences derive from this shaping of domestic realities by international law.

Throughout its evolution, one of the most salient features of the international legal order has been its drive to generate legibility, to produce a global order in which things and subjects are distinguishable beyond their difference. The result of making things and subjects legible (or visible) is that they can eventually be articulated into larger structures of governance. The history and operation of international law could be understood, in this way, as an effort to create an international order in which the hugely diverse human and physical geography of the world becomes intelligible, in the sense of comprehensible, graspable. The old *Ius Gentium* and *Ius Publicum Europaeum*, for example were used to mediate between imperial powers and across cultural differences that were irredeemably abrupt, but still manageable. The relation between European powers among themselves, in the early system of diplomatic relations and conferences, was thus enabled by practices of mutual recognition and common normative frames, which involved the capacity of parties to understand each other as homologous, legible entities. And this system applied also, at least to some extent, to relations between the European powers and those they considered not too far from their civilization.⁵⁸

The necessity of legibility became even more important, however, when the issue of relations between central powers and those understood as the savages and uncivilized of the world was under discussion.⁵⁹ Confronted with what was considered to be a radical difference, it was important to generate more sophisticated frameworks by means of which individuals and their territories could be understood and positioned within the global order. For example, as Jenny Beard and others have demonstrated, the contribution of Judeo-Christian values and the teleology associated with them fulfilled a crucial function in determining the manner in which international normative frameworks supported Europe's imperial expansion.⁶⁰ These values and this particular teleology not only animated the enterprise of civilization, but also rendered indigenous populations as redeemable sons of God, thereby constructing their unknown territories as areas that had to be brought into the geographical economy of Christendom. As a result of this process of making legible the initially incommensurable, a large set of interventionary devices emerged within the framework of international law. Some early examples are the right to conquest and the duty to civilize, and the juridical figures of protectorates, mandates and zones of influence. As we saw in the previous section, after the nineteenth century these European international legal concepts ended up taking over the world, particularly as the European nation-state propagated itself across the globe.

This process of making populations and territories internationally legible continues to expand through increasingly ingenious mechanisms.⁶¹ Because of our attention to Istanbul here, an example worth mentioning is the way in which global events are being utilized today to make certain nations and cities internationally legible.⁶² As Istanbul was

⁵⁸ See e.g., Brett Bowden, 'The Colonial Origins of International Law: European Expansion and the Classical Standard of Civilization' (2005) 7 *Journal of the History of International Law* 1; Liliana Obregón, 'The Civilized and the Uncivilized' in Bardo Fassbender et al (eds), *The Oxford Handbook of The History of International Law* (Oxford University Press, 2012).

⁵⁹ *Ibid.*

⁶⁰ Jennifer Beard, *The Political Economy of Desire* (Routledge-Cavendish, 2006).

⁶¹ The wide international use of measurements is a good example. See e.g., Kevin Davis et al (eds), *Governance by Indicators: Global Power through Classification and Rankings* (Oxford University Press, 2012).

⁶² See e.g., on the disciplinary function of global events, C. Rutheiser, 'Making Place in the Nonplace Urban Realm: Notes on the Revitalization of Downtown Atlanta' in S. Low (ed), *Theorizing the City* (Rutgers University Press, 1999); M. Roche, 'The Olympics and Global Citizenship' (2002) 6 *Citizenship Studies* 165; V. Eick, 'A Neoliberal Sports Event? FIFA from the Estadio Nacional to the Fan Mile' (2010) 14(3) *City* 278.

disputing the assignation of the 2020 Olympics (against Tokyo and Madrid), it became clear how this process of legibility was already bringing with it a whole array of fiscal and aesthetical disciplinary practices that aimed at changing the city. Had its bid been successful and had the government 'step[ped] beyond sport to make history' – as it asserted as part of its tender – these changes would have been even more far-reaching.⁶³ If the Olympics had come to Istanbul, the city would have not only confirmed its position as a global city, but it would also have been the target of a further makeover, ostensibly for the benefit of Turkey and the world – an outcome strongly feared by social groups based there.⁶⁴ (See photo. 13).



Photo. 13. We, 2020. L.Eslava.

The need for 'international' legibility, as this experience indicates, brings with it the requirement of forceful adaptations that subjects and territories must adopt if they are to be interpolated in international terms.⁶⁵ As such, the pull for legibility does not only make larger abstract units like nation-states or local jurisdictions enter into a particular regime of visibility. It also entangles individual subjects and particular spaces into the fluctuations of the global order.

This process of spatial and individual entanglement with the world occurs through today's sophisticated systems of individual identification, such as ID cards, global databases of personal records, electronic surveillance mechanisms, biometric technologies and digital mapping and planning systems. These instruments are widely endorsed by international institutions and compose the daily backbone of North and South governmental and private administration today.⁶⁶ Importantly, these newer instruments have come to reinforce many other, older and broader mediums, like currency exchanges or time

⁶³ Owen Gibson, 'Istanbul, Madrid and Tokyo seek final flourish in race for 2020 Olympics' (The Guardian, Talking Sport Blog, 4 July 2013) <<http://www.guardian.co.uk/sport/blog/2013/jul/04/istanbul-madrid-tokyo-2020-olympics>>

⁶⁴ See e.g., *Boycott Istanbul 2020, Report to the International Olympic Committee* (September 2013) <<http://es.scribd.com/doc/166680741/Report-to-IOC>>

⁶⁵ See especially, Louis Althusser, *On Ideology* (Verso, 2008).

⁶⁶ See e.g., United Nations, *Handbook on Geographic Information Systems and Digital Mapping* (UN, 2000); The World Bank, *Information and Communications for Development: Extending Reach and Increasing Impact* (The World Bank, 2009); The Economist, 'Identifying a Billion Indians' (29 January 2011).

standardizations, which similar to the newer mechanisms enjoy international and domestic legal endorsement.⁶⁷ As time articulates, to the smallest detail, our increasingly busy modern days with happenings in other parts of our cities, nations and the world, currency exchanges synchronize individual, municipal, and national finances with the passions of the global economic order. Interestingly, the deployment of these mechanisms of individual legibility occur in an ambience of naturalized uneventfulness, and sanitized and distanced from questions about, for example, the disciplinary function of time or money. What we do observe on our streets, however, are expressions of how much fascination the global ethos of time and money continue to produce. In these expressions, like the ones that we can observe in the following two photographs in Istanbul, the feeling of being in time with the world, and immersed in the midst of currency exchanges, become localized objects of cosmopolitan fetishism. (See photo. 14 and 15).



Photo. 14. Timing world. L.Eslava.

⁶⁷ See e.g., Bernard Guinot, 'History of the Bureau International de l'Heure' (2010) 208 *Polar Motion: Historical and Scientific Problems* 175; Samuel Knafo, *The Making of Modern Finance: Liberal Governance and the Gold Standard* (Routledge, 2013).



Photo. 15. The silent synchronizer. L.Eslava.

So, running parallel to the pulling of realities towards a greater international legibility (an *outwards* pulling, as it were), the everyday operation of international law also involves the generation of specific type of territories and subjects. And the objective here is often to produce both national and, more recently local jurisdictions and individuals which, while attending to an international regime of legibility, are still able to regulate themselves in social, financial, and environmental terms. In this way, the *outwards* pulling of legibility comes with an *inwards* pull that aims to yield self-management.

As we saw earlier, behind the idea of self-determination in the case of nation-states, or decentralization in the case of cities and municipalities, there is an attempt to make these jurisdictions into independent units, where authority is exercised from within.⁶⁸ Although this search to create jurisdictions that are self-managed and regulated has a long history, the principle of financial sustainability currently promoted by the International Monetary Fund – for example through its Fiscal Monitor programme and new system on bilateral and multilateral surveillance – has come to update this urge.⁶⁹ And similar to the consequences that we have seen being unleashed as a result of the infamous structural adjustment reforms programmes over the last decades, this new search for sustainability is often followed by the shrinking of social expenditures and privatization of public assets. In these instances, individual subjects are being called upon to make the necessary ‘fiscal effort’ in order to ensure the sustainability of their cities, their nations, and the world.⁷⁰ The aim on these occasions is to generate subjects capable of internalizing their cumulative responsibilities *vis-à-vis* the different jurisdictions and levels of government in which they find themselves situated. Tellingly, Turkey has been at the forefront of this trend, embracing both this idea of self-management promoted by the IMF and the re-

⁶⁸ See on this drive to exercise authority from within, Michel Foucault, *Society Must Be Defended: Lectures at the College de France, 1975-1976* (Picador, 2003). See also, Barry Hindess, *Discourses of Power: From Hobbes to Foucault* (Wiley-Blackwell, 1996); Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (Verso, 2003).

⁶⁹ See especially, IMF, ‘Fiscal Monitor’ <<http://www.imf.org/external/ns/cs.aspx?id=262>> and ‘Integrated Surveillance Decision’ <<http://www.imf.org/external/np/exr/facts/isd.htm>>

⁷⁰ See e.g., Richard M. Bird and François Vaillancourt (eds), *Fiscal Decentralization in Developing Countries* (Cambridge University Press, 1998).

structuring of its economy accordingly. As the Governor of the IMF for Turkey's Ali Babacan expressed to the 2013 Annual Meeting of the World Bank Group and the IMF,

The [IMF] should stand ready to effectively support policy decisions of member countries through its bilateral and multilateral surveillance... and encourage country authorities to understand how their policies fit into and impact [the] global economic and financial system... [In this context,] Turkey has proved that it is possible to achieve fiscal discipline and growth simultaneously ...⁷¹

Behind Turkey's dedication to this idea of self-management has been a commitment from the government to rely heavily on the flow into the country of foreign capital. This has been achieved through the systematic selling of public assets and land, the welcoming of foreign investments in the Istanbul stock market and government bonds, and large international loans for the private sector. This model based on privatization, liberalization and debt-infused development (which started in the mid-1980s and has accelerated over the last decade) has altered significantly the internal economic apparatus of Turkey, redirecting the new resources to the construction sector and the makeover of cities, Istanbul in particular. This has transformed cities and deepened urban inequalities, while calling all citizens to share the cost of an increasingly expensive, now heavily privatized and indebted economy.⁷²

As a result, and perhaps counterintuitively, in the concatenation of rather conservative events resulting from the search of self-management there has been in Turkey, as in many other parts of the world, a confirmation of people's membership in their political communities. Everyone becomes part of their communities in these occasions, if only for the exercise of self-management and sustainability. Even citizens at the edges of the formal economic and legal order can find an opportunity at such moments to attest to their membership of their localities and nations. As governments become more disciplined in terms of their finances, these same governments are engaging, for example, in massive processes of regularization of informal urban settlements and informal vendors – activities that have recently been celebrated by the UN Commission on the Legal Empowerment of the Poor.⁷³ According to the Commission, these activities not only extend the realm of legality and legibility across the social body, but also bring the wealth of the poor into the official realm.

In the case of informal vendors, individuals previously considered uninteresting for the official order since engaged in the generation of very small incomes, are increasingly becoming the sites in which governments can demonstrate their commitment to consolidate their grip on their economies. In return for this public acknowledgment, the newly-formalized vendors, now officially legible, become cornerstones in the reproduction of self-management across local jurisdictions and nations – or at least a testament to that aim. Sadly, these exercises of regularization seldom bring much in the way of concrete change for those being regularized – whether they are informal vendors or the inhabitants of the informal urban settlements which are increasingly being subject to the same process.⁷⁴ And, perhaps on an even more depressing note, regularization frequently

⁷¹ Ali Babacan, 2013 Annual Meetings World Bank Group – International Monetary Fund (Governor's Statement No. 9, 11 October 2013) <<http://www.imf.org/external/am/2013/speeches/pr09e.pdf>>

⁷² See e.g., Mehmet Barış Kuymulu, 'From 'Urban Renewal' to Urban Uprising and Back Again: The Gezi Protests amid 'Economic Growth'' (Council for European Studies, Reviews & Critical Commentary, Columbia University, 3 October 2013) <<http://councilforeuropeanstudies.org/critcom/from-urban-renewal-to-urban-uprising-and-back-again-the-gezi-protests-amid-economic-growth/>>. Mustafa Sönmez, 'What left to sell after \$54 billion of privatization' (*Hürriyet Daily News*, 27 July 2013) <<http://www.hurriyetdailynews.com/what-left-to-sell-after-54-billion-of-privatization.aspx?pageID=238&nID=51486&NewsCatID=344>>. See also, above n 40.

⁷³ UNDP, *Report of the Commission on Legal Empowerment of the Poor* (UNDP, 2008).

⁷⁴ See e.g., Alan Gilbert, 'Extreme Thinking about Slums and Slum Dwellers: A Critique' (2009) 29(1) *SAIS Review* 35; Daniella Gandolfo, 'Formless: A Day at Lima's Office of Formalization' (2013) 28(2) *Cultural*

triggers unexpected internal processes of differentiation in which formalized vendors and residents become gatekeepers, protecting their cities from smaller, even more disenfranchised merchants and illegal dwellers.⁷⁵ In this large, and often agonic sequence of events, the actions of street vendors and residents of previously illegal neighbourhoods are shaped in ways in which international ambitions become entrenched in even the smallest interstices of daily life. Domestic laws and regulations – in the areas, for example, of administrative law, urban law and planning, law and order, and public health – play here a crucial function in solidifying this new state of affairs. (See photo 16).



Photo. 16. Big and small. L.Eslava.

For the external observer, all of this pulling towards self-management is enveloped in an aura of normality. These processes of economic restructuring, formalization, and their collateral effects, are events that come to solidify a new (inevitable) step in the *longue durée* of modernity, and local and national development. For informal vendors and residents of peripheral neighbourhoods involved – or not involved – in these processes, however, there is nothing ordinary, passive, or inevitable about these events. In a rapidly globalizing city like Istanbul, for example, this increasing pull towards formalization and official self-management is closing off an important avenue for the integration of large sections of the Turkish population who continue to move to the city as a result of the de-ruralisation and de-industrialization of the national economy. Tolerance of the informal sector in Istanbul played a crucial role in the formation of a substantive middle-class throughout most of the twentieth century.⁷⁶ But in the current situation, with the city not only aiming to formalize its economy, but also rapidly gearing itself towards the service industry and more specialized markets, a large section of the population is finding it increasingly difficult to find a niche within the economic system, and within the territory of the city itself. For those able to be included in the formalization of the economy and the city, it is clear how their lives have become part of larger structures of government and the economic system. As Ozan Karaman has recently argued, the urban transformation taking place in Istanbul ‘does not necessarily seek to displace poor residents.’ Instead of this,

Anthropology 278; Neslihan Demirtas-Milz, ‘The Regime of Informality in Neoliberal Times in Turkey’ (2013) 37(2) *International Journal of Urban and Regional Research* 689.

⁷⁵ See e.g., Eslava, *Local Space, Global Life*, above n 13.

⁷⁶ See especially, Keyder above n 51.

these changes incorporate them into the functioning of the formal economic, legal and financial system, which aims to turn such low-income residents into functional 'robots' – as Karaman has found out during his interviews with families recently included in such formalization programmes.⁷⁷ For those who are still informal, illegible, and outside the spectrum of self-management, meanwhile, the everyday domestic operation of the international legal order is also pulling their lives in a particular direction, yet along an even narrower path of economic survival. (See photo 17).



Photo. 17. Narrow paths. L.Eslava.

The process of making of jurisdictions, peoples, and their geographies legible and self-managed therefore involves a significant reconfiguration of social and physical landscapes. In pulling individuals and communities both outwards and inwards, the everyday functioning of international law confirms not simply the open-endedness of the international order, but also the manner in which international law contributes to the shaping of people's spaces and sense of themselves. As we saw above, these transformations are often justified because the assumed inescapability of global interaction, the need for technical innovation and economic growth, and the search for political inclusiveness. Yet behind these justifications, we often find an entrenched drive for cultural upgrading.

This appeal for cultural upgrading today tends to take the form of a call to embrace what seem to be inevitable changes taking place in our world. Older structures and modes of being are seen as requiring rehabilitation in order to become proficient, ready to negotiate a world that is always mutating and that is permanently asking something new from already existing spaces and habits. Intriguingly, however, even in these post-colonial, self-reflexive times, such calls for cultural upgrading are not propelled simply by abstract theories and technical legal and economic parameters regarding the ways in which people and spaces must be transformed to match a changing world. On some occasions, concrete ideas of sociality and personal aesthetics are also mobilized as the goalposts for daily transformations. As demonstrated by this image (below) included on a billboard advertisement for a new large housing project in Istanbul, the idea of cultural upgrading

⁷⁷ Karam above n 53.

can even take the form of a young white couple enjoying a relaxing day on the grass. (See photo. 18).



Photo. 18. Between the real and the ideal. L.Eslava.

In a city located in the midst of a tectonic encounter between different civilizations, historical trajectories, and economic and legal forces, the inclusion of this couple is a perplexing reminder of how the international lies in the bosom of our everyday, in concrete, even racialized ways. The image is used as a proxy to invite viewers – potential buyers and others – to rejoice in the possibility, the promise, of becoming someone else, far from the Turkish stereotype, perhaps more cosmopolitan, more ‘international’.

Interestingly, the housing project promoted by this publicity is sponsored by TOKI, the Turkish Mass Housing Administration. Today, TOKI is the most powerful real estate developer in the country, with agency to regulate the zoning and sale of state-owned urban land, and construct for-profit housing through its subsidiary firms and through public-private partnerships that involve both local and international financial resources.⁷⁸ So what we can see here, in a rather uncanny form, is the coupling of new forms of internationalism and nation-building at play: a coupling in which private and public

⁷⁸ Created in 1984 as a public agency with the aim of providing affordable housing, TOKI was restructured in the early 2000s in a way that its scope of operation was significantly widened. See especially, Tuna Kuyucu and Üzlem Ünsal, ‘Urban Transformation and State-Led Property Transfer: An Analysis of Two Cases of Urban Renewal in Istanbul’ (2010) 47(7) *Urban Studies* 1479.

capital come together with a new wave of domestic legal norms, to build what TOKI announces in its motto as 'the Turkey of the Future'.⁷⁹

The inclusion of a white young couple – serene, proficient, 'beautiful', able to enjoy life while participating in a highly competitive housing market – appears in this mixture of interests as a kind of decontextualized, yet powerful launching pad from which to continue the cultural transformation of a new generation of Turkish citizens. In many ways this is a message both for those who can afford buy into this and similar housing projects, and also for those who are excluded from them. As Bolívar Echeverría shows in his work on the associations of *whiteness* with the history of global capitalism and its legal expansion, the linkage between white figures (and their origin in the proficient capitalist countries of the North) and their success (in economic, political and cultural terms) is not a question of accuracy or force. It is instead a perennial *aide-mémoire* which confirms that in order to be successful in today's world one needs to let oneself be judged and transformed in ways that in many occasions hardly correspond to who we are and what we can.⁸⁰

III. INTERNATIONAL LAW AS ENFRAMING

In this third and final section, I turn my attention to the question of what we can learn from paying attention to the everyday operation of international law. In particular, I want to draw the attention of the reader to the question of how, as a result of international law's enframing of certain events as worthy of international attention, and others as lower level domestic occurrences, i) *indirect forms of authority are propagated*, ii) *lines of global responsibility are often broken* and, iii) *the potential of resistance to the international is diffused*.

In my discussion above it was possible to see how international law cannot be understood as being only contained within overtly international sites, events and norms. As China Miéville has argued, international law is not only about distant (international) phenomena, and is 'manifestly not 'merely' ideological'.⁸¹ Without abandoning its ideological underpinnings and its operation through extraordinary international norms and events, international law also 'impinges on and regulates everyday life at all levels'.⁸² Affirming this open-endedness of international law does not imply that there is a fully formed global order in which all boundaries between the international, the national, and the local have dissolved. Quite the opposite. As Foucault would put it, the global normative order that we encounter at the level of the everyday is frequently the result of 'tactics that are often quite explicit at the restricted [local] level', but which find 'their base of support and their condition elsewhere'.⁸³ This interplay between localized transformations and external variables is facilitated by the powerful assumption that different levels of government, as well as different bodies of law, work according to neatly compartmentalized sources of authority and within well-demarcated, and hierarchically organized jurisdictional realms. This assumption facilitates the transformation of ground realities, while helping to enframe such changes as purely municipal, or purely national, or purely international. On the basis of this compartmentalized understanding of how law and levels of government work in our world, international law's presence in our everyday lives becomes almost untraceable. What appears before our eyes, again and again, in our neighborhoods, towns, and fields are everyday domestic scenes; seemingly disjointed

⁷⁹ See e.g., TOKI's official website <<http://www.toki.gov.tr/english/hda.asp>>. For a critical review of TOKI's activities in Istanbul, see especially the documentary, *Ecumenapolis: City Without Limits*, directed by Imre Azem (2012).

⁸⁰ See especially, Bolívar Echeverría, *Modernidad y Blanquitud* (Era, 2010).

⁸¹ China Miéville, 'The Commodity-Form Theory of International Law: An Introduction' (2004) 17 *Leiden Journal of International Law* 271, 280.

⁸² *Ibid.*

⁸³ Michel Foucault, *The History of Sexuality. Vol. 1: An Introduction* (Pantheon Books, 1978), 94-95.

vignettes in a world that we experience as tightly connected, but that is constantly presented as fragmented. (See photo. 19).



Photo. 19. Untraceable international. L.Eslava.

In order to avoid this fractured approach to our surrounding realities, it is important to keep in mind that paying attention to international law's role in the shaping of everyday life does not result from the innate normative supremacy of international norms or institutions. Rather, it arises, as I have argued in this article, from international law's historical and juridical association with the consolidation of the world system through the process of state-formation since the seventeenth century, the colonization and later the decolonization process and, finally, international law's role in the establishment of transnational institutional regimes of economic, social, cultural and environmental governance over the past century. Through these actions, international law has ensured a key place for itself in the constitution of our world. And most importantly, as a result of these events international law has helped to produce a system of diffuse sovereignty that is sometimes locatable in key international institutions and the heads of nation-states, but that then disperses across multiple public and private regimes, and levels of government.

If we work with this description of the international normative order, it is possible to recognize how multiple 'local', domestic transformations have their roots in international frameworks, institutions and norms. However, in the process of their actual materialization and crystallization, these international roots or prescriptions are usually presented as simply the result of national or local will.⁸⁴ The end result is that what appears as local is already entangled in – or pulled by – international patterns of normative expansion and asymmetrical forms of social development, economic accumulation, and political control. Istanbul, with all of its history and current

⁸⁴ See e.g., on how the relation between international and municipal law continues to fuel intense debates about how to characterize or classify (the wide diversity of) international norms and actions: Pierre Marie Dupuy, 'International Law and Domestic (Municipal) Law' in Rüdiger Wolfrum (ed), *The Max-Planck Encyclopedia of Public International Law* (Oxford University Press, 2012), 836-862; Matthias Goldmann, 'We Need to Cut Off the Head of the King: Past, Present, and Future Approaches to International Soft Law' (2012) 25 *Leiden Journal of International Law* 335.

transformations, provides a useful example of how the local format is almost unable to contain the many international forces at play in our cities (See photo. 20).



Photo. 20. Uncontainable international. L.Eslava.

The domestic iteration of international normative frames involves, as a result, not simply acts of translation or normative assimilation. For such acts make possible an actual *re-embodiment* of international authority within national, and increasingly more local norms, subjects, spaces, artifacts and procedures.⁸⁵ Through this process of re-embodiment, domestic institutions and officials, as well as apparently mundane spaces, subjective formations, administrative and private actions, and ordinary artifacts (as we have seen, for example, in the cases of head-scarves, *keffiyehs*, time zones and rates exchanges) become vehicles of the international in disguise. These are the actual, everyday globalizers of our world.⁸⁶ They are, they construct, and they ended up becoming our very world – a world that is domestic, and yet international at the same time. (See photo. 21).

⁸⁵ This idea of *embodiment* relates to the internalization of social practices – a point famously elaborated in terms of its impact on social relations by Marcel Mauss, and later by Pierre Bourdieu. See especially, Marcel Mauss, *Sociology and Psychology: Essays* (Routledge & Kegan Paul, 1979); Pierre Bourdieu, *The Logic of Practices* (Polity Press, 1990). See also, above n 16.

⁸⁶ From this perspective, local institutions, officials and ordinary things and procedures, perform and expand, the job often associated to international organizations and agents as globalizers of the world. See especially, Ngaire Woods, *The Globalizers: The IMF, the World Bank, and their Borrowers* (Cornell University Press, 2007); Jeffrey T. Jackson, *The Globalizers: Development Workers in Action* (John Hopkins University Press, 2007).



Photo. 21. So local, so international. L.Ešlava.

This domestic internalization of the international is, of course, mediated by intense creolizations, judicial and legislative reconstructions, and popular acts of refusal or strategic re-appropriation. Nonetheless, transmogrified as domestic, international aspirations and commitments are often perceived as having an unmediated relation with local constituencies. What prevails is a form of mediated administration between the international and domestic orders: one in which international commitments and obligations are constantly re-embodied as national or local. In these processes, domestic transformations are executed through municipal authorities, actors, norms and things, while carrying within themselves, the ethos of international law.

But paying attention to the everyday operation of international law reveals not only how international norms and frameworks are often re-embodied through domestic actions and events, and how indirect forms of authority runs behind apparently domestic phenomena. For it can, at the same time, help us to understand how lines of global responsibility are often broken when the international normative order presents itself as national or local. This means it is important to notice how the expansive, and often oblique performativity that characterizes the operation of international law at the level of the everyday is often accompanied by a reallocation of international responsibilities to domestic authorities and subjects.

Unsurprisingly, this reallocation of international responsibilities to the domestic level is usually felt more painfully by those who are less able to cope with new international requirements and standards.⁸⁷ And these are, again unsurprisingly, the same subjects with less financial ability to navigate across the local, national and international divides, and who are often less able to separate domestic interests from international influences. In spite of this, in the Third World or in those places that we know today as the 'Third World in the First',⁸⁸ the pressure to internationalize is everywhere: through incessant nation-

⁸⁷ See e.g., Zigmunt Bauman, 'On Glocalization: or Globalization for Some, Localization for Some Others' (1998) 54(1) *Thesis Eleven* 37.

⁸⁸ See e.g., Arjun Appadurai, 'Spectral Housing and Urban Cleansing: Notes on Millennial Mumbai' (2000) 12(3) *Public Culture* 628; Dennis Gilbert, *The American Class Structure in an Age of Growing Inequality* (Thousand Oaks, 7th ed, 2008).

building efforts, through the conditionalities imposed on governments and populations by international institutions, and through the permanent anxiety felt by local and national elites to 'develop' their peers and territories according to world standards.⁸⁹

Opposed to traditional readings of international law, which tell us that there is a vacuum of international law in 'poor' nations and territories, an attention to the everyday operation of international law draws our attention to the fact that these 'poor' sites are in fact precisely the places in which international law is ever more present, yet often in the form of non-extraordinary domestic norms, events and actions. Importantly, the materialization of international law in these sites reveals the self-contradictory nature of making local authorities and subjects responsible for international aspirations. This is because international aspirations normally respond to specific interests or multi-layered structural problems, and often ask for 'local' solutions that cannot also be compatible with local needs or solved within the confines of domestic policies and resources.

What emerges from the re-embodiment of international aspirations in national, and increasingly more to local jurisdictions and subjects is – as we saw earlier – that the everyday operation of international law signals the intensification of global patterns of inequality, realities abruptly interrupted, and half-way achieved global dreams. And even though they seem to be endemic across nations, these rather persistent 'anomalies' of our day are still often presented as intrinsic domestic malaises: products of bad internal policies, deficient local institutions, geographical shortcomings of particular countries or towns, or the result of low social capital or morally deficient local politicians. A drive across Istanbul – or for that matter across other cities in the South or the depressed North – demonstrates, however, that these half-way dreams are more the result of larger systemic problems with the global order, and less the result of intrinsic domestic malaises. (See photo. 22).



Photo. 22. Half-way dreams. L.Eslava.

⁸⁹ See, e.g., Pahuja, *Decolonizing International Law*, above n 45; Benedict Kingsbury, 'Sovereignty and Inequality' (1998) 9 *European Journal of International Law* 599; Nico Krisch, 'International Law in Times of Hegemony: Unequal Power and the Shaping of the International Legal Order' (2005) 16(3) *The European Journal of International Law* 369; Richard Falk, Balakrishnan Rajagopal and Jacqueline Stevens (eds), *International Law and the Third World: Reshaping Justice* (Routledge, 2008).

Paying attention to the everyday side of international law makes us aware, as a result, how lines of global responsibility are broken in the enframing as domestic affairs, events that are ready-made elements of the global order. In so happening, of course, the potential to resist international norms, interests and canons is also diffused. As domestic, international responsibilities and the transformations and upheavals that they unleash become internal – not international – concerns. As a technique of enframing, international law also works, in this way, as an organizer of the focus of our political attention. In a global context full of indirect forms of authority, cross enforcing legal regimes, and disaggregate allocations of responsibility, the pull of international law over our spaces and lives is concealed within a tapestry of niches for contestation. Hence, the challenge remains: how to internationalize what appears to be localized struggles without forgetting that the international does not reside necessarily in foreign lands or institutions, but exists, already, in the very norms, processes, space, artifacts and subjective configurations that form our day-to-day existence. This is, of course, the complicated background that residents and activists in Istanbul have faced during and after the protests unleashed as a result of the events at Taksim Gezi Park in May 2013.

CONCLUSIONS

In 2006, Sally Engle Merry made a timely call for the constitution of a field of inquiry dedicated to the study of the anthropological dimensions of international law. In Merry's view, advancing the coupling of anthropological thought with international law is a particularly important project today, given the proliferation of international norms and regulations, and the intensity of transnational economic and social processes. In Merry's understanding:

Given the ambiguity and novelty of these developments, anthropological research plays a critical role in examining how international law works in practice, mapping the circulation of ideas and procedures as well as examining the array of *small sites* in which international law operates, whether in Geneva, a local office of a human rights NGO, or the International Criminal Court.⁹⁰

I hope to have contributed with this article to this grounded understanding of international law through the use of an anthropological perspective. I suggested here that this type of approach is not only useful for the study of those stereotypical and extraordinary 'small' sites which we often associate with international law. Instead of this I argued that an anthropological approach can be also used to understand all of those other realms of life, places, objects and levels of government that form part of the expansive economy of international law and yet which all too often fall below the radar of international legal scholarship. I argued in this article, as a result, for the need to pay attention to the non-exceptional, usually 'domestic' everyday operation of international law. In doing so, I used the idea of 'enframing' to explain how traditional approaches to international law shape our appreciation of what constitutes a proper object of the field, and as a tool with which to explore the implications of classifying *only* certain (often extraordinary) events as 'international'.

To pursue this expansive reading of international law I offered in this article an alternative regime of visualization with which to register the everyday operation of international law. Attending to the intense international historicity of the present, and remaining alert to the operation of the international normative order through national, and increasingly through local jurisdictions I showed how international law comes into being in sites that are usually regarded foreign to its economy, yet which are in fact places powerfully shaped by the international legal predicament. I hope I have demonstrated how when we change the conventional lenses that we use to capture – or to photograph as I did here – the

⁹⁰ Engle Merry, above n 13, 111. Italics added.

operation of international law, we become aware of how international law has constituted, and continues to constitute the world through all aspects of life.

As a result, I hope my photographs and reflections about Istanbul have offered to the reader an opportunity to grasp what Eve Darian-Smith has recently called a 'global sociolegal perspective' into the operation of law in our contemporary world. In particular, how 'domestic law as it plays out within states is, and always has been, constitutively linked to issues of global economic, political, and cultural power as manifested both within and beyond national jurisdictions.'⁹¹ A critical attention to international law within this global sociolegal perspective continues to be important not simply because of the key role of international legal concepts and institutions in the constitution of our present world. It is also important because of the manner in which traditional understandings of international law continue to sustain a modality of global administration that remains ungraspable from within the usual canon of the discipline.

Recent events in Istanbul have confirmed this inadequacy of traditional approaches to international law in order to understand the broader operation of the field. After the protests in May 2013, the global attention to the city slowly dissipated. What could become an international (legal) event, due to the extraordinary character of the social mobilizations and the violent response by state forces, became eventually a 'national' crisis: the product of governmental mismanagement, the result of excesses by local policemen, the slowdown of the Turkish economy. From a traditional point of view, the turmoil that surrounded the protests in May – and that continued for months – were just another spark of domestic social dissent, resulting from domestic conditions. From this approach it was not possible to understand how before, during, and after the protests, the issues at stake were largely expressions – local embodiments – of the international legal order.

The authoritarian character of the current government and its law and order measures based on discourses of national security and development, the increasingly harder situation for working families due to the neoliberal restructuring of Turkey, the systematic urban reconstruction of Istanbul in order to open space for new real estate projects and respond to the privatization of public land, and the imminent disruptions announced as part of the possible landing of the Olympics in the city, were some of the reasons connected to international law that underpinned the protests. Importantly, the events that followed the (official) end of the protests have been also linked with the international legal order. As social dissatisfaction persisted and the government continued to attest its force, international actors and investors became weary about these 'local' events. This immediately generated a drop in Turkey's investment-grade rating, a fall of Istanbul stock index, the Turkish lira plummeted to a record low, questions about the entering of Turkey into the EU were raised once again, and the Olympic committee announced that the games were going to Tokyo and not to Istanbul.⁹² As these international responses emerged, the economic situation has been hardening in Turkey, the criminalization of dissent has accelerated, and renewed calls for development are being announced in order to demonstrate that Turkey, and especially Istanbul, are still at the forefront of the global game.⁹³

⁹¹ Darian-Smith, above n 32, 378.

⁹² See e.g., Joe Parkinson and Emre Peker, 'Turkey's Once-Golden Economy Buffeted from All Sides' (The Wall Street Journal, 6 September 2013) <<http://online.wsj.com/article/SB10001424127887324886704579052871861015240.html>>; Jeré Longman and Martin Fackler, 'For 2020 Olympics, I.O.C. Picks Tokyo, Considered Safer Choice' (The New York Times, 7 September 2013) <<http://www.nytimes.com/2013/09/08/sports/olympics/tokyo-wins-bid-for-2020-olympics.html?smid=tw-share&r=3&>>; Elif Babül, 'Gezi Resistance, Police Violence, and Turkey's Accession to the European Union' (Jadaliyya, 7 October 2013) <<http://www.jadaliyya.com/pages/index/14469/gezi-resistance-police-violence-and-turkey%E2%80%99s-access>>

⁹³ See e.g., Nurettin Kurt, '45 öğrenciyeye 6'şar yıl' (Hürriyet Daily News, 16 September 2013) <<http://www.hurriyet.com.tr/gundem/24717914.asp>>; Ayça Çubukçu, 'In this Sublime Struggle of Ours: After Egypt, on Turkey and Terror' (Aljazeera, 23 August 2013) <<http://www.aljazeera.com/indepth/opinion/2013>>

From a traditional international legal perspective, all of this back and forth between international and local events remains not only a difficult dynamic to grasp. From a traditional point of view, it is also complicated to appreciate how the separation between international and domestic, and between extraordinary and everyday events, fuels the violence enacted by the government and enables the capacity for international actors to usufruct from 'local' conditions.

Thinking in terms of how we engage with international law, of what our method should be, remains for all these reasons critical to a better appreciation of the nature and scope, as well as the effects of international law. But this attention to method should involve, as Martti Koskenniemi would put it, more than a visit to the 'supermarket' of techniques of research, and then a decontextualized application of research tools.⁹⁴ Instead, thinking about method in international law (as in law in general) must involve some reflection on the question of how others understand our object of study, of how we understand it, and of what kind of redefinition of our object we are then committed to as a result of our reading. For international law has never been empty of method or content. It has always been involved in 'constituting order' in the world, and it has always involved a process of interpretation in order to define how and to what extent it is implicated in this process of world-making.⁹⁵

Affirming that international law has always involved these two actions (constituting the world and establishing the degree of its participation) is a parallel process to that of understanding how photography is not just an innocent exercise of capturing reality. As we saw above, international law, like photography, involves ideology, manifested in terms of particular modes of enframing and molding the world. The point is thus how to deploy another mode of gazing at international law, a mode ready to examine and challenge both its everyday as well as its extraordinary functioning. Ossip Brik, the early twentieth century Russian *avant garde* writer and literary critic, expressed this in a rather simple but persuasive way. According to Brik, 'the photo-eye can show us things from unexpected viewpoints and in unusual configurations, and we should exploit this possibility.'⁹⁶ The opportunity for doing this within international law is also there. Just stop, look again, and try gazing at the world differently. (See photo. 23).

/08/2013823134346943484.html>; Ayla Albayrak and Joe Parkinson, 'Turkey Government Forms 6,000-Member Social Media Team' (The Wall Street Journal, 16 September 2013) <<http://online.wsj.com/article/SB10001424127887323527004579079151479634742.html>>; 'Mass Legal Cases Awaiting Gezi Protesters in Istanbul' (Hürriyet Daily News, 19 September 2013) <<http://www.hurriyetdailynews.com/mass-legal-cases-awaiting-gezi-protesters-in-istanbul.aspx?pageID=238&nID=54763&NewsCatID=341>>; 'New Law to Permit Turkish Police to detain 'possible' protestors' (Hürriyet Daily News, 6 October 2013) <<http://www.hurriyetdailynews.com/PrintNews.aspx?PageID=383&NID=55790>>

⁹⁴ Martti Koskenniemi, *The Politics of International Law* (Hart, 2011), 294-306.

⁹⁵ Orford, 'Constituting Order', above n 14. See especially on the role of interpretation in international law, Susan Marks, 'Introduction' in Susan Marks (ed), *International Law on the Left: Re-examining Marxist Legacies* (Cambridge University Press, 2008), 6.

⁹⁶ Ossip Brik, 'What the eye does not see' in Liz Wells, *The Photography Reader* (Routledge, 2002), 64.



Photo. 23. Gazing 2.0. L.Eslava.

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