THIRD WORLD APPROACHES *to* INTERNATIONAL LAW *Review*

MATHEUS GOBBATO LEICHTWEIS ~ *Bob Marley and the TWAILers*

S. ALI MALIK ~ *Making the New Developmental State*

JANE EZIRIGWE ~ *TWAIL As A Scholarly Approach To Teaching IEL*

CONRAD BRYAN ~ *The Pursuit of Justice for Children of African Irish Descent*

ỌLÁOLÚWA ÒNI ~ *Nigeria's Settler-Colonial Present*

CHRISTIANA ESSIE SAGAY ~ *Transnational Labour Mobility and Issue-Linkages*

KAMARI M. CLARKE ~ *El imperio del derecho a través de la economía de las apariencias*

USHA NATARAJAN Y KISHAN KHODAY ~ *Situando la naturaleza*

TWAIL*Review*

05

Issue 5/2024

THIRD WORLD APPROACHES *to* INTERNATIONAL LAW *Review*

TWAIL Review ~ Issue 5 (2024) 1-29

Bob Marley and the TWAILers: Music, Decolonization, and the Critique of International Legal Education[1]

Matheus Gobbato Leichtweis[2]

Abstract

This article explores the lyrics of Bob Marley in the light of a TWAIL approach to international legal education. It starts by identifying an 'aesthetic turn' in critical international legal scholarship, discussing the use of music for educational purposes. The second part devises four TWAIL-inspired questions that should guide the interpretation of Marley's lyrics. The third part finally proceeds with the analysis of Marley's song lyrics. It is concluded that, to the extent that lyrics depicted or reflected international legal processes, institutions, movements, and ideas from specifically Third-Worldist points of view, Bob Marley's work can be seen as providing valuable lessons for learning and unlearning international law, for developing critical, anti-colonial historical sensitivities, and for strengthening a spirit of the Third World, anti-imperialist, and anti-racist solidarity. The analysis found four main thematic axes relevant for TWAIL scholarship: 1) the continuity of colonial patterns of oppression and exploitation after the end of formal imperialism; 2) the ubiquitous presence of imperialism in the daily life experiences of oppressed peoples; 3) the transformative power of Rastafarianism in reclaiming African history, fostering a political identity against slavery and racial oppression, and addressing contemporary challenges of regional integration, human rights, and decolonization; and 4) Marley's project of epistemological emancipation, a spiritual and political call for the decolonization of the mind, of ideas and also material practices that continually reproduce injustices and oppression across the globe.

---

[1] This article was developed especially for the conference on The Aesthetics of International Law, held in Central European University in Vienna on May 12, 2023. The author would like to thank all the comments and suggestions received on that occasion. The research was further developed over the course of the year, being tried out as a pedagogical experiment in the classrooms of the Postgraduate Law Program at the Federal University of Rio Grande do Sul, with the generous invitations of Professors Fabio Morosini and Luiza Leão Pereira. A shorter version was recently published as a blogpost on Opinio Juris' 'Symposium on Pop Culture and International Law'. Finally, the author would like to thank the TWAIL Review editorial board and reviewers for their careful comments and suggestions regarding the paper. All errors and weaknesses in the article remain my own. See Matheus Gobbato Leichtweis, 'Third Annual Symposium on Pop Culture and International Law: Subverting Otherness Against Oppression – Decolonizing International Legal Scholarship Through the Music of Bob Marley and the TWAILers' (2 November 2023) https://opiniojuris.org/2023/11/03/third-annual-symposium-on-pop-culture-and-international-law-subverting-otherness-against-oppression-decolonizing-international-legal-scholarship-through-the-music-of-bob-marley-and-the-twailers/ (accessed 31 December 2023)

[2] PhD candidate, Federal University of Rio Grande do Sul, Brazil (matheusglei@gmail.com).

Keywords
Bob Marley; Music and international legal pedagogy; TWAIL; Decolonization; Interdisciplinarity.

Introduction

This paper explores pedagogical strategies for teaching and understanding international law from a TWAIL (Third World Approaches to International Law) perspective. It proposes an 'aesthetic turn' in critical international legal studies, suggesting a pedagogical potential of music for the learning and the unlearning of international law.

The paper focuses on the lyrics of Bob Marley, interpreting them in the light of TWAIL-oriented lessons that seek to advance critical teaching in international law classrooms around the world. The study finds that Bob Marley's work provides valuable lessons for decolonizing the discipline, developing critical, anti-colonial historical sensitivities, and strengthening a spirit of third-world, anti-imperialist, and anti-racist solidarity among international lawyers in formation.

A TWAIL approach to international legal education guides the endeavor. Embracing a broad, loose definition of TWAIL as 'a dynamic, intentionally open-ended and decentralized network of international law scholars' (a definition which seems to welcome methodological plurality[3]), this paper stretches a proposition that Bob Marley could be seen as being part of this movement (or at least a source of inspiration to its scholars).[4] According to Fagbayibo, Marley's lyrics provide 'valuable critical avenues through which to perceive global imbalances' and also serve as 'an important gateway to the works of TWAIL scholars'.[5] In light of that, the wordplay Wailers/TWAILers in the title suggests that for every Marley's wail against oppression, a cry of resistance was amplified across the Third World, generating, among the 'wretched of the earth' feelings of love, unity, solidarity, and the prospect that a fairer world was, indeed, possible.

The first part of the article establishes the parameters of an 'aesthetic turn' in critical international legal studies, focusing specifically on the role of music as a pedagogical tool. The second part presents a critical discussion of the challenges of decolonizing the discipline and introduces four TWAIL-inspired lessons according to which the lyrics will be interpreted. These lessons concern: a) history's presence in today's contemporary world; b) the pervasiveness of imperialist

[3] See Michelle Burgis-Kasthala, 'Scholarship as Dialogue? TWAIL and the Politics of Methodology' (2016) 14:4 *Journal of International Criminal Justice*, at 921–937.

[4] Luis Eslava, 'TWAIL Coordinates' (2 April 2019) *Critical Legal Thinking*. https://criticallegalthinking.com/2019/04/02/twail-coordinates/ (accessed 19 September 2023)

[5] See Babatunde Fagbayibo, 'Ballads of Dissent: Music as a Tool for Rethinking International Law in Africa' (February 2021). https://twailr.com/ballads-of-dissent-music-as-a-tool-for-rethinking-international-law-in-africa/ (accessed 19 September 2023).

domination and exploitation in the daily lives of Third World peoples; c) the current functioning of the 'dynamics difference' and the logic of exclusion in international law; and d) the pressing challenge of decolonizing international legal education, which involves demystifying legal positivism and drawing attention to historical and systemic issues, epistemic injustices, and the 'lived experiences' of the students. Finally, the third part interprets the work of Bob Marley, taking some of his most iconic songs as a case study to show music's pedagogic potential for generating alternative understandings of international law.

Songs were chosen to the extent they deal with politically relevant themes. They are seen as protest songs that condense in their lyrics the transformative and revolutionary desires of a generation that rebelled, through music, against an unjust system based on exploitation and oppression. A chronological approach is privileged insofar as it reveals a movement towards the internationalization of Marley's own life and ideas: during this period not only did the artist go international, but the lyrics themselves progressively revealed a concern with internationalist themes. Ghanaian poet Kwame Dawes' interpretation of Marley's lyrics should serve as a starting point for this work.[6]

The analysis found that Marley's lyrics enable an understanding of international legal histories, subjects, ideas and sensibilities along four main axes especially relevant for the TWAIL scholarship. First, by centralizing the theme of slavery and racial memory in the Caribbean, Marley's work enabled an alternative understanding of the racial capitalist processes of formation of the modern global political economy, even pointing to its necessary theoretical reorientation towards the recentralization of colonialism and racism as founding elements. Songs like 'Concrete Jungle', 'Slave Driver', the album 'Survival' and 'Redemption Song' are especially notable for demonstrating the disturbing continuity of colonial patterns of exploitation after the end of formal imperialism.

The second relevant point concerns Marley's lyrical contribution to identifying the persistence of neo-colonial oppression in Third World countries. It is in the identification, through the metaphor of Babylon, of the global political and economic system as the common enemy — or obstacle to the freedom — of all Third World peoples, that Marley indirectly gave meaning and unity to the concept of the Third World, constituting it as an international political identity, eventually popularizing anti-imperial and anti-colonial analyses of the international order. Among others, songs like 'Them Belly Full', 'So Much Trouble in the World' and, again, 'Concrete Jungle' provide a basis for such comprehension.

Thirdly, Marley's lyrics were found to be especially relevant to understanding the historical and political processes of African liberation and Pan-

[6] Kwame Dawes, *Bob Marley: Lyrical Genius* (Bobcat Books, 2007). See also Maureen Sheridan, *Bob Marley: The Stories behind every song* (Carlton Books, 2011).

Africanism, as well as the overlooked importance of Africa in the construction of the human rights regime. Songs like 'War', 'Zimbabwe' and 'Africa Unite' are then suggested as illustrations that enrich debates on imperialist rule, regional integration, human rights and decolonization challenges within the continent and beyond. The songs also highlight the importance of Rastafarianism in the recovery of African history and in the constitution of the identity of the black peoples of the Caribbean and America.

Finally, Marley's work indicates the necessity of continuing to resist the epistemic, cultural, and ideological dimensions of imperialism beyond the legal, political and economic ones. Consider, in this regard, the verses of 'Redemption Song' that call for an epistemological emancipation from the chains of 'mental slavery'. It is in this sense that, I argue, singing and listening to Marley's songs of freedom in classrooms may provide tools to at least envisage the breaking of disciplinary and epistemological barriers of today's international legal order, question the reigning paradigms of modern capitalist legal reason, and, finally, point to the construction of a genuinely post-colonial world, finally free from all oppression and exploitation.

1. 'Aesthetic Turn', Decolonization and the use of Music as a pedagogic tool in Critical International Legal Studies

This paper proposes the inclusion of 'aesthetics' as a valuable tool for unravelling the complexities of the international legal order. It suggests that a stimulus to creativity, sensibility, imagination and different faculties beyond scientific reason should foster innovative and radical strategies to think and feel differently about international law. It starts thus by recognizing the existence of an 'aesthetic turn' in international legal studies.

A growing movement that uses aesthetic forms such as literature, pop culture, visual arts, and music to understand international law is indeed taking form. With valuable contributions, this type of material is being used more and more in law classrooms around the world, with allusions to cultural and artistic expressions as a way of exemplifying legal concepts and histories in class and elsewhere.[7]

[7] See Christopher Gevers, 'International law, literature and worldmaking', in Shane Chalmers & Sundhya Pahuja (eds.), *Routledge Handbook of International Law and the Humanities*, (Routledge, 2021); Lucy Finchett-Maddock & Eleftheria Lekakis (ed.), *Art, Law, Power: Perspectives on Legality and Resistance in Contemporary Aesthetics* (Counterpress, 2020); Andreas Philippopoulos-Mihalopoulos, 'Law is a stage: from aesthetics to affective aestheses', in Emilios A. Christodoulidis, Ruth Dukes & Marco Goldoni (eds), *Research Handbook on Critical Legal Theory* (Edward Elgar Publishing, 2019); Judith B. Prowda, *Visual Arts and the Law. A handbook for Professionals* (Lund Humphries, 2013); Oren Ben-Dor (ed.) *Law and Art: Justice, ethics and aesthetics* (Routledge, 2012); Randy E. Barnett 'Interpretation and construction' (2011) 34:1 *Harvard Journal of Law and Public Policy*, 65–72; Robert Stecker, *Interpretation and Construction: Art, Speech and the Law,* (Blackwell Publishing, 2003); Centre de Droit International: University Libre de Bruxelles. '« Culture-pop » et droit international' https://cdi.ulb.ac.be/culture-pop-et-droit-international/ (31 December 2023).

Together with the 'TWAILR mixtapes' project,[8] articles by Babatunde Fagbayibo specifically paved the way for the use of music as a teaching tool in international law.[9] According to Fagbayibo, music ('persuasive rhythmic beats and intense lyrics of socially conscious songs'[10]) can be used 'for communicating and interpreting existential issues'.[11] 'As a communication mechanism',

> music assists in the wider dissemination of problems, developments and strategies for critical intervention. In this sense, it is at once reportorial, interrogative and provocative. As an interpretive tool, music provides a multidimensional and nuanced perspective of understanding and approaching the challenges of the international law/international system.[12]

In this vein, the paper proposes the use of music to develop accurate understanding and sensitivity on 'both the complicity and complexities of mainstream international law'.[13] Recognizing the tension between, on the one hand, the ethical need for critical teaching and, on the other, the immediate, professional need for doctrinaire, classical teaching',[14] it contends that recourse to aesthetic sensibility can enrich our capacity for comprehension of political and legal phenomena. Music, in particular, has a special capacity to alter sensible experiences, to reorient and reframe the relationship between subjects and objects, spaces and times, the common and the singular, transcending disciplinary boundaries and legal abstractions and thus being capable of transforming the subjects' own positionality and subjectivity as they feel the music dances to its beat.[15]

---

[8] See 'TWAILR Mixtape: A playlist for rethinking the spirit and purpose of international law'. (4 March 2020) https://twailr.com/twailr-mixtape-a-playlist-for-rethinking-the-spirit-and-purpose-of-international-law/ (accessed 12 September 2022); 'TWAILR Mixtape: Voces del Sur / Vozes do Sul, Vol. 1 – TWAILR Latino' (5 March 2020) https://twailr.com/twailr-mixtape-voces-del-sur-vozes-do-sul-vol-1-twailr-latino/ (accessed 29 December 2023); TWAILR Mixtape: 'I sing the song of the colony" (6 March 2020) https://twailr.com/twailr-mixtape-i-sing-the-song-of-the-colony/ (accessed 29 December 2023); 'TWAILR Mixtape: 'En las Américas: Stories, Optimism, Spirits, and Justice" (2 May 2020) https://twailr.com/twailr-mixtape-en-las-americas-stories-optimism-spirits-and-justice/ (accessed 29 December 2023); and 'TWAILR Mixtape: System Crash and the Subaltern Subject – a Musical Narrative from the Levant'. (26 August 2020) https://twailr.com/twailr-mixtape-system-crash-and-the-subaltern-subject-a-musical-narrative-from-the-levant/ (accessed 29 December 2023);

[9] See Fagbayibo (2021); Babatunde Fagbayibo, 'Choral intervention: Reimagining international law pedagogy in Africa through music' (2022) *The Law Teacher* 1-14; Babatunde Fagbayibo, 'Fela's Music can Decolonise International Law in African Universities' (13 May 2018) https://theconversation.com/felas-music-can-decolonise-international-law-in-african-universities-95816 (accessed 19 September 2023); and Babatunde Fagbayibo, 'Composition: A Fela-Marley Collaboration' (22 January 2021) https://twailr.com/composition-a-fela-marley-collaboration/ (accessed 19 September 2023).

[10] Fagbayibo (2021).

[11] Ibid.

[12] Ibid.

[13] Ibid.

[14] See Mohsen Al-Attar 'The Peculiar Double-Consciousness of Twail' (2022) 19:2 *Indonesian Journal of International Law,* at 239–262.

[15] Michael J. Shapiro, *Studies in Trans-Disciplinary Method: After the Aesthetic Turn* (Routledge, 2012), 153.

So feel the drum beat
as it beats within
playing a rhythm
Resisting against the system

Conflating musical expression and social struggle, these verses in Marley's song 'One Drop' (1979) — the title of which refers to Reggae's distinctive drumbeat[16] — capture the transformative power of Reggae music. The fourth verse specifically points to the dimension of music as a form of cultural resistance.[17]

Finally, the specific choice of Marley's songs to illustrate the possible pedagogical uses of music in international law in this article is justified for a number of reasons: 1) the uniqueness of Reggae music and its internationally recognized importance;[18] 2) the uniqueness of the Caribbean in the history of modern capitalism;[19] 3) Marley's political and cultural importance for Jamaican national identity;[20] 4) Marley's unique stature as 'the first third-world superstar';[21] and 5) his unique approach to music as an instrument of pacification, liberation, faith, solidarity, and love.

This last point is especially important. Seeking to achieve freedom not through violent means, but by freeing people's minds through his music, Marley used metaphorical language and explored the spiritual aspect of revolutionary movements. As Dawes remarks, 'in song after song … Marley makes it clear that music is his hope of healing. …. Rita Marley would describe [him] as a dangerous man who used his guitar as his M16.[22] In sum, music was his weapon. And as such we should engage in the analysis of his lyrics.

---

[16] 'One Drop' is reggae's characteristic beat, which consists of playing the snare drum stroke and bass drum both on the third beat of every four, while leaving beat one empty; in other words, 'dropping' beat one out.

[17] 'The value of culture as an element of resistance to foreign domination lies in the fact that culture is the vigorous manifestation of the ideological plane of the physical and historical reality of the society that is dominated or to be dominated …'. Amílcar Cabral, as quoted in Horace Campbell, *Rasta and Resistance: From Marcus Garvey to Walter Rodney* (Africa World Press, 1990), 4.

[18] See UNESCO, 'Reggae Music of Jamaica' (2018) https://ich.unesco.org/en/RL/reggae-music-of-jamaica-01398 (accessed 19 September 2023); UNESCO, 'Decision of the Intergovernmental Committee: 13.COM 10.B.18' (2018) https://en.unesco.org/creativity/policy-monitoring-platform/reggae-music-jamaica-inscribed (accessed 19 September 2023).

[19] See Edouard Glissant, *Poetics of Relation* (University of Michigan Press, 1997); See also footnote 89.

[20] Marley became an influential personality in Jamaican society, even getting involved in the country's troubled political life. Two events illustrate the weight of his political influence: the Smile Jamaica Concert, held on 5 December 1976 in Kingston, 'One Love Peace Concert', 1978, where he famously managed to bring Jamaica's two rival political leaders onto the stage and had them shake hands.

[21] See David Moskowitz, *Bob Marley A Biography* (Greenwood biographies, 2019), xi. As Marley internationalized reggae, he became an internationally relevant actor. In recognition of this, in 1978 Marley was bestowed the 'Medal of the Third World' by the African delegation to the United Nations. The award recognized Marley's efforts on behalf of millions of disenfranchised blacks around the world, and 'his courageous work appealing for justice and peace during a time of great political unrest and unprecedented violence in the streets of Kingston, Jamaica'. 'Bob Marley Champion for Peace in the Third World' (2020) https://www.bobmarley.com/bob-marley-champion-for-peace-in-third-world-1978/ (accessed 19 September 2023)

[22] Dawes (2007) 52.

2. Decolonizing International Legal Studies with Music: four TWAIL Lessons for the Interpretation of Marley's Songs

This section identifies four specific lessons or axes of analysis that should guide the interpretation of Bob Marley's songs. They were devised according to a TWAIL-inspired theoretical framework.

2.1 History matters: the living legacies of the past in the present

The first TWAIL lesson concerns the realization that the past matters to understand international law. This means that the past should not only be seen as a historical curiosity but as constitutive of the present and an important factor in shaping the future.

As explained by Eslava, a shared interest in history and historiography is an approach that actually brings TWAILers together. This interest has allowed TWAILers to trace 'the co-constitution of international law and imperialism', and to challenge international law's 'complacent linearity and one-dimensionality by showing the skewed power dynamics that criss-cross the international legal order'. In parallel, challenging traditional historical accounts of the discipline has allowed TWAILers to explore alternative normative projects and counter-hegemonic movements that have had a South orientation, such as Bandung, the Non-Aligned Movement, the New International Economic Order, La Vía Campesina and so on.[23]

With its own particularities — being the convergence of the heritage of the Jamaican Maroons, Ethiopianism, and the emergent Pan-African movement —, Rastafarianism can be understood precisely in this context of counter-hegemonic, alternative normative projects to the colonial international order. What is distinct about the movement, according to Horace Campbell, is the way in which it challenged 'not only the Caribbean but the entire Western World to come to terms with the history of slavery, the reality of white racism and the permanent thrust for dignity and self-respect by black people'.[24]

Campbell particularly emphasizes the role of the Guyanese historian and revolutionary Walter Rodney in sharing with the Rastafari his view that African history should serve in the process of liberation. Rodney stated that

> One of the major dilemmas inherent in the attempt by black people to break through the cultural aspects of white imperialism is posed by the use of historical knowledge as a weapon in our struggle … The white man has already implanted

[23] Eslava (2019).

[24] Campbell (1990) 1.

> numerous historical myths in the minds of black peoples; and those have to be uprooted, since they can act as a drag on revolutionary activity in the present epoch.[25]

According to Dawes, the Wailers have certainly felt the reverberation of Rodney's ideas. 'It was his expulsion from Jamaica in the late 1960s that led to an explosive street riot in Kingston'.[26] So that, as will be shown, this sort of historical sensibility stimulated by Rodney is present throughout Marley's analysed work.

Finally, of particular importance for this paper is the realization that colonialism is not gone, cordoned off to the past, but remains a present, pervasive reality in the international world. B.S. Chimni has long denounced the threat of recolonization, which has continued to haunt the Third World, requiring the continual development of a set of instruments to 'address the material and ethical concerns of Third World peoples'.[27] It is important to keep in mind thus that the ghosts of the past not only haunt the present as a lingering memory but as a real threat, ready to be resurrected.

2.2 'Babylon is everywhere': The ubiquitous presence of imperialism in the daily lives of global south peoples

The second TWAIL lesson concerns the observation that international legal phenomena have a detrimental relationship to the Global South and that this can be felt in the daily life experience of its peoples. For TWAIL scholars, 'international law makes sense only in the context of the lived history of the peoples of the Third World'.[28]

This requires recognizing that imperialism actually encompasses a diffuse force that is not outside the law but actually internalized in the very normative fabric of the contemporary international legal order.[29] As explained by Eslava, imperialism is -

> not a 'historical' phenomenon …. [It] consists, instead, of a multifarious set of asymmetrical arrangements and forms of conditional integration that have travelled across time and space, and through many scales and sites of governance …. These constraining and detrimental forms of ordering make and remake our surroundings – and indeed ourselves – on a daily basis.[30]

---

[25] Ibid, 128. See also Walter Rodney, *How Europe Underdeveloped Africa* (Tanzanian Publishing House, 1973).

[26] Kwame Dawes (2007) 56.

[27] Chimni (2006) 4.

[28] Antony Anghie and B.S Chimni, 'Third World Approaches to International Law and Individual Responsibility in Internal Conflicts' (2004) 36 *Stud. Transnational Legal Policy*, at 185-210.

[29] China Miéville, *Between Equal Rights: A Marxist Theory of International Law* (Pluto, 2005).

[30] Eslava (2019).

The use of music as a pedagogical tool has the purpose of stimulating the senses and highlighting the connections between people's experiences in different places of the world in order to understand precisely how these multiple forms of ordering remake our subjectivities and determine our modes of existence on a universal scale. With its particularly universal reach, Marley's music performs this pedagogical function in an exemplary manner. The ways in which his lyrics sublimate, for example, legacies of slavery, African American history across the Atlantic, and revolutionary desires into aesthetic forms capable of touching the depths of the human soul are good illustrations of music's unique communicative and transcendental capacity.

Additionally, through the concept of Babylon, Marley has managed to describe the omnipresence of imperialist oppression over people's lives. Taken from the Psalms and used to depict the conditions of poor people, the name *Babylon* soon became a symbol of oppression, linked to oppressive forces, 'whether it was the imperialist states, the local black oppressors or the police who carried out the wishes of the State'.[31] For Dawes,

> Babylon is the symbolic description of everything that has conspired to bring about the downfall of the African. The system of slavery, the system of colonialism, the post-colonialist policies of Europe, the neo-colonialist policies of formerly colonized nations, the influence of America, the perpetuation of oppressive ideas by racist Christianity and any force, system, or philosophy that was seen as destroying the black man amounted to Babylon. This all-encompassing system was the object of Rasta resistance.[32]

Finally, as Marley himself defined in an interview, 'Babylon is everywhere. … I could have been born in England. I could have been born in America. It makes no difference where me born because Babylon is everywhere'.[33]

As it will be demonstrated, this global universality of oppression appears clearly in Marley's lyrics. As pointed out by Moskovits, '[M]uch of his universal appeal is based on the fact that, as he spoke for himself, he simultaneously spoke for all downtrodden [underprivileged and oppressed] people everywhere.'[34]

In light of that, because of such a universal, global reach of Marley's lyrics, I claim that international law students across the world may come to identify with the experiences narrated therein, and recognise, in the historical dimension of their geographies, the structural challenges to their own people's happiness, 'development' and 'freedom', and the inequality of the global order.

---

[31] Campbell (1990) 101.

[32] Dawes (2007) 140-141.

[33] Ibid 243.

[34] Moskowitz (2019), xi.

2.3 'Dynamics of difference': Othering and the Logics of Exclusion at the Heart of International Law

A third TWAIL lesson concerns the concept of 'dynamic of difference', which refers to a logic of exclusion that lies at the heart of international law.[35] According to Antony Anghie, the concept stems from an understanding of international law emerging from the colonial encounter as a means of hierarchizing peoples and distributing rights of political sovereignty and economic dominance.[36] Anghie has shown that concepts which are traditionally seen as the foundations of the international legal order — such as sovereignty, for example — have been created in order to justify international hierarchies and domination.[37]

The 'dynamic of difference' can be understood as the act or process of 'Othering', that is, of identifying, hierarchizing and then excluding the 'Other' from the 'universal' and the 'human' that law represents.[38] At its core is the debate about the meaning and practical use of the concept of 'civilization', which has often served as a placeholder for other concepts that also reassert difference and power structures, such as 'race', 'culture', 'progress', 'governance' and 'development'.[39] In sum, the concept refers to the creation and maintenance of the difference between sovereigns and non-sovereigns, justifying specific types of political and economic domination in colonies — including the system of transatlantic slavery, which profoundly marked the Americas and the Caribbean.

The central point is to recognise that 'otherness' is the necessary hidden side of any assertion of sovereignty. That is, in order for a state to be able to assert its sovereignty and hierarchy over others, it is necessary to affirm its differences in relation to a specific 'other' so as to eventually justify political domination and economic exploitation. As it happens, in colonial societies such as Jamaica, this logic is internalized, which gives rise to the 'internal power struggles' in post-colonial states, as identified in songs 'Top Rankin' and 'Zimbabwe'. Crucially, it will be shown that, by repeatedly making use of a poetic structure that antagonizes 'us' — the exploited, the colonized — versus 'them' — the exploiters, colonizers — Marley subversively embraces the 'otherness' of international law inside out, allies himself with the oppressed, the supposedly 'savage' and 'uncivilized', in the fight against the colonizers.

Finally, even more importantly for this paper is Rob Knox's understanding of Anghie's 'dynamic of difference', which highlights race as a central element in

---

[35] This analysis was partly developed in Leichtweis (2023).

[36] Anghie (2004) 3.

[37] Ibid, 9.

[38] Anne Orford (ed.), *International law and its Others* (CUP, 2009).

[39] Ntina Tzouvala, *Capitalism As Civilisation: A History of International law* (CUP, 2020).

the division of the world and distribution of power and resources, and racism as the primordial substance of 'difference' in international law. In 'Haiti at the League of Nations', Knox gives centrality to racialization as a fundamental element to ascribe sovereignty and legitimize accumulation in favor of certain international elites.[40] Knox's argument focuses not only on the process of racialization but also on the parallel processes of accumulation as the material background of such 'dynamics'. He is interested in identifying 'key moments in the accumulation of capital in which racialization played a central role'.[41] As a result, Knox regards international law as 'structurally rooted in both capital accumulation and racialization', mediating and articulating the expansion of capital 'through racializing certain territories and societies'. This framework is central to analyzing Bob Marley's lyrics from a TWAIL perspective.

2.4 Decolonizing international legal education through historicization and provincialization of knowledge

Finally, the fourth lesson concerns TWAIL ideas for decolonizing international legal teaching.[42] As summarized by Srinivas Burra, critical pedagogical interventions can contribute to decolonizing international law — a task that involves debunking the false necessity legal positivist and deconstructing the myths of law's supposed neutrality, objectivity and universality — in at least three different ways.[43] Firstly, by drawing attention to historical and systemic issues — for example, by highlighting international law's constitutive role in colonialism and power imbalances. Secondly, by relating the topics of international law to the 'lived and epistemic experiences' of the students[44]; and thirdly, by pointing to epistemic injustices, Eurocentrism and the so-called 'Geopolitics of knowledge' in the field.[45]

---

[40] Rob Knox, 'Haiti at the League of Nations: Racialisation, accumulation and representation' (2020) 21:2 *Melbourne Journal of International Law,* at 245–274.

[41] Rob Knox, 'Valuing race? Stretched Marxism and the logic of imperialism' (2016) 4:2 *London Review of International Law,* 81–126, at 107. See also Rob Knox, 'International Law, Race, and Capitalism: A Marxist Perspective' (2023) 117 *AJIL Unbound* , at 55-60.

[42] See Folúkẹ́ Adébísí, *Decolonisation and Legal Knowledge: Reflection on Power and Possibility* (Bristol University Press 2023); Mohsen Al Attar & Shaimaa Abdelkarim, 'Decolonising the Curriculum in International Law: Entrapments in Praxis and Critical Thought' (2022) 34:1 *Law & critique,* 41–63, at 57; Mohsen Al-Attar, 'Must International Legal Pedagogy Remain Eurocentric?' (2021) 11:1, *Asian Journal of International Law*, at 176-206; Babatunde Fagbayibo, 'A Critical Approach to International Legal Education in Africa: Some Pivotal Considerations' (2019) *TWAILR: Reflections #12/2019* https://twailr.com/a-critical-approach-to-international-legal-education-in-africa-some-pivotal-considerations/ (accessed 19 September 2023).

[43] Srinivas Burra, 'Teaching Critical International Law: Reflections from the Periphery, *TWAILR: Reflections* #29/2021 (12 March 2021) https://twailr.com/teaching-critical-international-law-reflections-from-the-periphery/ (accessed 31 December 2023).

[44] According to Burra (2021), categories like the 'Third World', 'colonialism', 'class', 'race', and 'Third World feminism' are better conceptualised in relation to the realities of the historical past and the present in the global South. It is probably easier to relate topics of international law to the 'lived and epistemic experiences' of students in Third World classrooms; after all, 'the substance of some critical perspectives is directly related to the lived experience of our students'.

[45] For Burra (2021) 'First World-Third World' and 'global North-global South' are important analytical tools 'to understand the inner dynamics of what are referred to as meta categories of "global". Similar geographical

It will be shown that Marley's songs do provide opportunities to develop these three points.

It should be acknowledged though that '[f]or legal scholars sympathetic to decolonization, it is the law itself that poses the greatest obstacle to a decolonization agenda'.[46] This means recognizing that the mere diversification of curricula and methods will not bring about the decolonization of the discipline if traditional international legal forms at the core of the system are preserved. Instead, it is against the very structure of which international law is a pillar that critical academics must turn to.

This is why, adopting a more radical approach to decolonization, this article seeks in non-legal, alternative, and musical sources the means and possibilities of breaking away with the dominant paradigms of international law, proposing to think beyond (and even against!) the legal form itself. Inspiration for this struggle is found in Marley's songs like 'Babylon System' and 'Redemption Song', which famously calls for 'emancipation from mental slavery'. Although I recognize that artistic language has limits when it comes to transforming the world (after all decolonization is not a metaphor[47]), this work seeks to join this struggle for epistemic freedom, thus contributing to fulfilling international law's promise of equality and completing the decolonization project.

Finally, acknowledging the existence of an aesthetic dimension of decolonization, it is contended that, although the decolonization project has been indeed restricted or rendered dormant since the 1980s, it can still be found in artistic subjectivities around the world, beyond international legal texts and classrooms. This hopefully means that the possibility of reigniting anti-colonial, revolutionary desires in the students' political imagination remains alive.

3. Representations and reflections of International Law in Bob Marley's Lyrics.

This section finally analyzes Bob Marley's lyrics in the spirit of what has been discussed so far. Building on the four lessons presented above, the analysis portrays Marley's work as valuable for a TWAIL approach to international legal education according to four main thematic axes.[48]

First, by centralizing the theme of slavery and demonstrating the disturbing continuity of colonial patterns of exploitation after the end of formal imperialism, Marley's work enables an alternative understanding of the racial

spatialisation would also inform biases, preferences, perceptions, and realities in the process of knowledge production.'.

[46] Mohsen Al Attar & Shaimaa Abdelkarim (2022) 57.

[47] Eve Tuck & K. Wayne Yang, 'Decolonization is not a metaphor' 1 (2012) 1:40 *Decolonization: Indigeneity, Education & Society*.

[48] Some lyrics were analyzed by Leichtweis (2023) in a shorter version of this paper.

capitalist processes of the formation of the modern global political economy. Second, by identifying the persistence of neo-colonial forms of oppression in all countries of the global South, Marley indirectly gave meaning and unity to the Third World as a political, cultural, and historical international identity. Third, by spreading the ideas of Rastafarianism concerning African history and African liberation, Marley's lyrics contributed to better understanding of the historical and political processes involved in liberation and Pan-Africanism. This has also contributed to the (re)construction of an identity for black peoples across the Caribbean and beyond. Finally, and most importantly, Marley's work becomes especially relevant for a TWAIL approach to education because of its call to decolonize the mind: a call to break away from the ways of thinking imposed by the Babylonian system, which is nothing but the ideological forms of capitalism and imperialism which are constantly reinforced through international legal discourses.

We shall start in 1973, when Marley released his first international album, 'Catch a Fire'. In the song 'Concrete Jungle', Marley sings about the harshness of life in Jamaica. The song is a profoundly poetic lyric that begins conveying a feeling of hopelessness. Yet, the singer is hopeful and adamant that 'there is love somewhere to be found / instead of a concrete jungle / where the living is hardest'.

According to Dawes, 'Marley is not merely lamenting his own life. He is speaking on behalf of others [who also live in concrete jungles around the world]. He knows that the song will connect with some people in a direct way'.[49] There is incredible potential here to transcend Marley's experience in Kingston and relate it to other cities around the world. By doing so, the song may provide topics for discussion on urban development challenges from a TWAIL perspective within classrooms.[50]

The song's second stanza opens up with a sentence that masterfully captures the historical problem of the shift from slavery to freedom: 'No chains around my feet but I'm not free'. The verse ironically notes that despite no slavery, the singer and others have remained enslaved people in post-colonial Jamaican society. It takes a refined historical and critical sensibility to perceive the abstract but very real shackles of the new forms of slavery that, in modern capitalism, continue to subjugate oppressed peoples despite rhetorics of freedom. In other words, the verse provides an opportunity to reflect on the present legacy of slavery and the pervasive forms of oppression in the supposedly 'free', post-colonial world of capitalism.[51]

---

[49] Dawes (2007) 47-48.

[50] See United Nations Human Settlements Programme (UN-HABITAT), *Rescuing SDG 11 for a Resilent Urban Planet*, (Synthesis Report, 2023); and UN-HABITAT, 'New Urban Agenda', https://habitat3.org/the-new-urban-agenda/ (accessed 19 September 2023).

[51] According to ILO, 50 million people were living in modern slavery in 2021. See International Labor Organization (ILO), Walk Free, and International Organization for Migration (IOM), *Global Estimates of Modern*

Thirdly, 'Concrete Jungle' not only evokes the memory of slavery but actually shakes this memory by bringing it to the present. As put by Dawes, Marley is aware of slavery's 'hold on him and those around him'.[52] Besides revealing the ubiquitous presence of colonial history in the present, another TWAIL issue emerges here: although slavery had been formally abolished more than a hundred years before the writing of this song, materially, in the suffering lives of the 'concrete jungle' dwellers, oppression could still be felt as a reality of the present, regardless of the new abstract legal-political status of 'freedom'.[53] According to Dawes,

> For Marley, there was no difference between the world that he lived in and the world of the slave … He sang about slavery, the oppression of the slave system, in the present tense. For him, this was not mere history, but a present reality.[54]

Finally, the song gained renewed importance when the European Union's foreign policy chief, Josep Borrell, shamefully referred to 'the rest' of the world as a jungle — as opposed to Europe, which, according to him, would be the 'garden' of the world. This statement reveals that imperialist, neo-colonial, racist political projects and world views still permeate modern international institutions, being rather common among First World leaders and elite members.[55]

In the song 'Slave Driver' (1973), Marley also manages to render historical events pertinent to contemporary times. With impassioned language, he delves into lessons gleaned from the history of slavery and examines its impact on the poor and marginalized in Jamaica.

> Slave driver, the table has turned
> Catch a fire so you can get burned now

As explained by Horace Campbell, 'in order to maintain the pace of the 16- or 18-hour day, the overseers employed *slave drivers* who were armed with special whips which, when cracked, sent a loud sound all across the fields, and left deep wounds in the flesh of the slaves'.[56] The song delivers a powerful message of rebellion

---

Slavery: Forced Labour and Forced Marriage, (2022) Geneva. (Report, 12 September 2022) https://www.ilo.org/global/topics/forced-labour/publications/WCMS_854733/lang--en/index.htm (accessed 19 September 2023)

[52] Dawes (2007) 49-50.

[53] See Caroline O. N. Moser and Jeremy Holland, *Urban Poverty and Violence in Jamaica World Bank Latin American and Caribbean Studies. Viewpoints* (World Bank, 1997).

[54] Dawes (2007) 54-55.

[55] Sheridan (2011).

[56] Campbell (1990) 17.

against the slave driver and his heirs, championing the emergence of a revolutionary spirit to dismantle the oppressor's dominance.

> Every time I hear the crack of a whip, my blood a-runs cold
> I remember on the slave ship
> How they brutalized our very souls
> Today they say that we are free
> Only to be chained in poverty
> Good God, I think it's illiteracy
> It's only a machine that make money

Marley declares war against the slave driver, linking the legacy of slavery to the continued system of subjugation through poverty and illiteracy. The radical 'turn of tables' places the oppressor in a position of vulnerability, subject to the mercy of the formerly oppressed.

According to Dawes '[t]he burning of cane fields was one of the signal actions carried out by slaves during their many rebellions in Jamaica.'[57] In fact, a reference to slave revolts in all the Caribbean islands underlies the song, offering an opportunity to bring up the important — but overlooked — subject of the Haitian Revolution in the classroom.[58]

Lastly, as in 'Concrete Jungle', Marley challenges the general notion that slavery had ended. Contemporary forms of oppression, such as poverty, illiteracy, and the overwhelming power of capitalism ('the money machine'), have replaced traditional slavery. However, he notices that ideological apparatuses such as the liberal promises of 'freedom' continued functioning in order to conceal this reality.

In 1973, Bob Marley recorded the song 'Get Up Stand Up', which was allegedly written when the songwriters were touring Haiti. The song called on the oppressed to rise up and fight for their rights, reinforcing a tradition of songs with sharp social commentary. In this same vein, in 1974, Marley released the song '*Them Belly Full*', criticizing poverty and social inequality.

A point of attention in this song concerns the use of the 'we/them' structure as a poetic resource, whereby Marley makes explicit his affinity with the poor and hungry: 'Them belly full, but we hungry / A hungry mob is an angry mob'.

---

[57] Dawes (2007) 64-65

[58] See Michael Fakhri: Afronomics Law, 'International Law Started with the Haitian Revolution' (19 February 2020) https://www.afronomicslaw.org/2020/02/19/international-law-started-with-the-haitian-revolution (accessed 31 December 2023). See also Taylor Borowetz, 'After property? The Haitian Revolution, racial capitalism, and the foundation for a universal right to freedom from enslavement, (2023) *The International Journal of Human Rights*; Liliana Obregón, 'Empire, Racial Capitalism and International Law: The Case of Manumitted Haiti and the Recognition Debt' (2018) 31-3 *Leiden Journal of International Law,* at 597-615; and Julia Gaffield, 'The Racialization of International Law after the Haitian Revolution: The Holy See and National Sovereignty' (2020) *The American Historical Review* 125:3, at 841–868.

As seen, Marley's use of the 'we/them' structure can be read as a rebellious appropriation of the cultural difference historically used by oppressors to justify colonial exploitation.[59] By posing 'we' against 'them', Marley embraces the otherness of sovereignty, self-identifying with the oppressed side of the struggle. The song ends up serving as a denunciation of social class division that condemns some to misery while a minority (nowadays, to use Chimni's term, the Transnational Capitalist Class) enjoys abundance.[60]

In the song 'War', released in 1976, Marley thrust himself into international matters in a way that had not happened before. The song was composed of a quote from a speech given by Haile Selassie, Emperor of Ethiopia, during his address to the United Nations in 1963.[61] Based on a speech by a state leader from a country that had immense symbolic value for the Rastafarians and African anti-colonial struggle in general, the importance of these lyrics for a TWAIL critique is immense.

To provide context as to why the speech was particularly important for Marley, it is important to acknowledge that Haile Selassie was considered more than a state leader, but God himself, by the Rastafarians. According to Campbell,

> The crowning of Haile Selassie [in 1930] was to provide a new deification, replacing the white God in heaven and the white representative at Buckingham Palace with … a god who was both divine and human. The beliefs of the first Rasta were a profound response to the sickness of colonial society. Those who preached the divinity of Ras Tafari were rejecting the link between Christianity and whiteness, … thus linking their cultural and spiritual roots with Ethiopia and Africa. As a first step, this was progressive.[62]

Selassie's speech was based on two points: disarmament, for which Selassie called for an 'end to the nuclear arms race', and 'true equality among men' (par. 14).[63] Besides calling for regional integration in the continent, the speech can also be read as part of the African contribution to the development of human rights, a contribution often diminished by traditional, Eurocentric narratives.[64] The specific words that Marley used in 'War' can be found in paragraphs 27 and 28, where the Ethiopian leader also refers to the lessons 'on the question of racial discrimination' agreed upon at the Addis Ababa Conference of the Heads of African States and

---

[59] Anghie (2004).

[60] B.S Chimni, 'Prolegomena to a class approach to international law', (2010) 21:1 *The European Journal of International Law*, at 57-82.

[61] Haile Selassie, 'United Nations Address' (1963) https://www.youtube.com/watch?app=desktop&v=MDscnpF4RsI (accessed 19 September 2023).

[62] Campbell (1990) 65.

[63] UNGA Eighteenth Session Official Records 1229th Plenary Meeting Friday, October 1963, at 3. p.m. A/PV/.1229

[64] Derrick M. Nault, *Africa and the Shaping of International Human Rights* (OUP, 2021); Katherine M. Beall, 'The Global South and global human rights: international responsibility for the right to development' (2022) 43:10 *Third World Quarterly*, at 2337–2356; James Thuo Gathii, 'Africa and the Radical Origins of the Right to Development' (2020) 1 *Third World Approaches to International Law Review,* at 28–50.

Governments (1963), which dealt with the topics decolonization, apartheid and racial discrimination.[65]

> Until the philosophy
> Which hold one race superior
> And another inferior
> Is finally and permanently
> Discredited and abandoned
> Everywhere is war
> …
> until that day
> The dream of lasting peace
> World citizenship
> Rule of international morality
> Will remain but a fleeting illusion to be pursued
> But never attained
> …
> until the ignoble and unhappy regime
> That hold our brothers in Angola
> In Mozambique
> South Africa
> Sub-human bondage
> Have been toppled
> Utterly destroyed
> Well, everywhere is war

In sum, 'War' is a powerful song that calls for an end to racism, racial inequality and imperialist domination. For as long as this suffering continues, 'everywhere is war', Marley warns, denouncing the permanence and ubiquity of violence and oppression, especially in Africa. Moreover, by denouncing the many ills and contradictions of the international order, the song exposes the illegitimacy of the whole edifice of international law as the moral rule of international society.

Finally, with 'War' Marley takes on the world as his thematic concern and establishes himself as a voice of international relevance. Dawes notes that in 'War' Marley's vision 'has become global and he now finds value in the political importance of Haile Selassie – his Pan-Africanism and his targeted attack on apartheid and other systems of oppression'.[66] From here, it becomes possible to see Marley as strengthening the spirit of international, anti-racist and anti-

[65] Organization of African Unity (OAU), Secretariat, CIAS/PLEN.2/REV.2, 'Resolutions adopted by the First Conference of Independent African Heads of State and Government held in Addis Ababa, Ethiopia, from 22 to 25 May 1963. https://au.int/sites/default/files/decisions/32247-1963_cias_plen_2-3_cias_res_1-2_e.pdf (accessed 19 September 2023)

[66] Dawes (2007) 177-178.

imperialist solidarity that gives substance and meaning to what can today be understood as the Third World.

'Exodus' (1977) is both an album and a song about exile and repatriation. In the song *'Exodus: Movement of Jah People!'* Marley laments that his own people are suffering and calls for movement in search of a new promised land, a march '[t]owards Africa, towards righteousness and towards man'.[67] Stating the importance of repatriation to Africa for the Rastafarian faith, in 'Exodus' Marley urges people to leave Babylon.[68]

In sum, 'Exodus' can be interpreted as a compelling exhortation to migrants. It is an energetic song of motivation for the migrant survival march, as Marley repeatedly commands those who suffer to 'Move!' towards new and safe land. Within the classroom, the song can be used to reflect upon the phenomenon of migration in general, as well as the specificities of political, ethnic, religious, economic and even environmental migration.

The song thematizes the issue, placing it in the complex historical context of African peoples expatriated as a result of Atlantic slavery. Interestingly, for Tendayi Achiume, from the point of view of the oppressed and racialized in the Global South, migration is in itself an act of decolonization, an opportunity for historical reparation in the face of imperialism.[69] In its symbolic sense, the song is important as it reflects on the state of constantly seeking redemption, liberation from all the forms of oppression that characterize life in 'Babylon'.

Also, part of the album 'Exodus', '*The Heathen'* is an important song to analyze Marley's subversive process of transforming oppressive language into a weapon against the oppressors. Historically, the original use of the word 'Heathen' in the Caribbean was associated with the enslavement of African people and the Slave Codes.[70] As explained by Sherman-Peter,

> The Caribbean was where chattel slavery took its most extreme judicial form in the instrument known as the Slave Code, which was first instituted by the English in Barbados. Passed in 1661, this comprehensive law defined Africans as "heathens" and "brutes" not fit to be governed by the same laws as Christians. The legislators proceeded to define Africans as non-human—a form of property to be owned by purchasers and their heirs forever. The Slave Code went viral across the Caribbean, and ultimately became

[67] Vivien Goldman, *The book of Exodus the Making and Meaning of Bob Marley and the Wailers' Album of the Century* (Three Rivers Press, 2019) 276.

[68] For the Rastafarian faith, Repatriation to Africa served as the one source of hope in their existence. Dawes (2007) 204. The idea only developed as a full force with the 'massive out-migration of the fifties', and 'in conjunction with the land grant of Haile Selassie to Africans in the West'. Campbell (1990) 89.

[69] Tendayi E. Achiume, 'Migration as decolonization' (2019) 71:6 *Stanford Law Review,* at 1509–1574.

[70] Verene A. Shepherd and Hilary McD. Beckles, *Caribbean Slavery in the Atlantic World: a student reader* (Ian Randle Publisher, 2000).

> the model applied to slavery in the North American English colonies that would become the United States.[71]

The Rastafaris, however, seem to have re-appropriated the term, using it instead as a way of referring to non-believers and enemies of the Rasta faith. Thus the word 'heathen' can be seen as an example of a community embracing the otherness that has been imposed on them through language, inverting it, and then using it against oppressors with an emancipatory sense.

'The Heathen' can also be interpreted as a wake-up call from Marley to face his enemies and put them against the wall once again. Vivien Goldman described the song as

> A defiant war chant with the rhythm of a Zulu prebattle stomp echoes in the percussive elongation of the lyrics. The repetition of the refrain, ['Heathen back dey 'on the wall'] works like a mantra or a positive affirmation, giving courage the more it's steadily repeated.[72]

Then Marley's vocal rips in calling all the fallen warriors to reassert their fight against the oppressors: 'Rise up fallen fighters / Rise and take your stance again'. This is an evocation of the spirit of all those fighters who have perished along the battle. According to Dawes, 'here is Toussaint rallying the Haitian warriors to face the French in the battle for freedom'.[73]

Finally, it is important to notice that 'since the bible and biblical ideas were so prominent in the experience of domination, the thrust for self-determination and basic human rights was expressed in the biblical term of redemption and deliverance'. This is true of 'Exodus', 'The Heathen' as well as of 'Redemption Song', for instance. [74]

In 1979 Bob Marley and the Wailers released the album 'Survival', consolidating the militant international character of Marley's music. In this album, Marley shows that his perspective of the world had expanded. He comments now on Babylon as a global force that shapes the lives of all the impoverished. The album cover by Neville Garrick (figure 1) demonstrates the essentially international character of the work.

---

[71] See United Nations Chronicle, 'The Legacy of Slavery in the Caribbean and the Journey Towards Justice' (25 March 2022) https://www.un.org/en/un-chronicle/legacy-slavery-caribbean-and-journey-towards-justice (accessed 11 October 2023).

[72] Goldman (2019).

[73] Dawes, (2007) 202.

[74] Campbell (1990) 47.

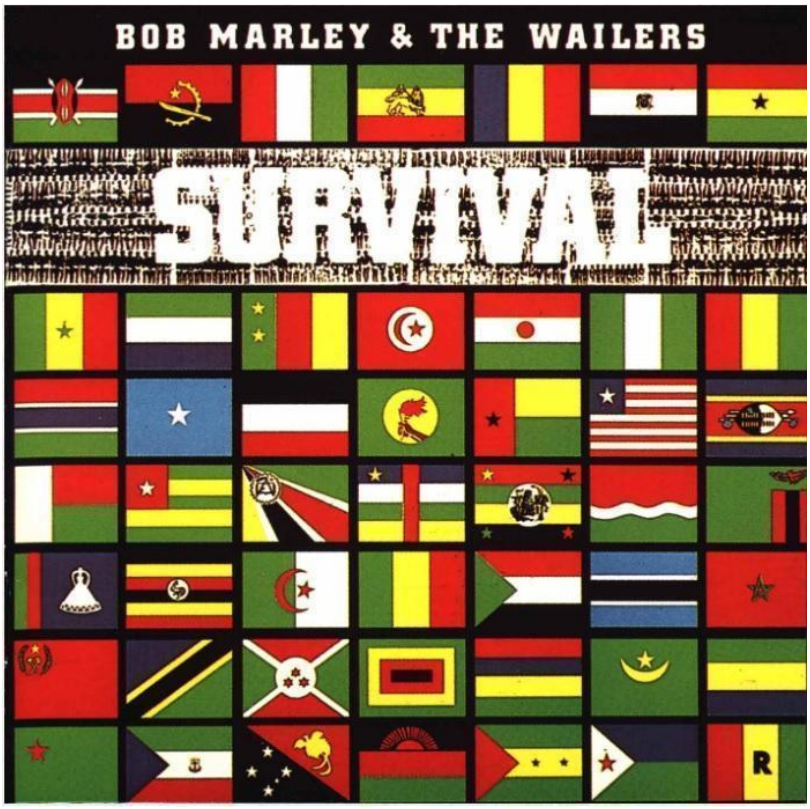

Figure 1: art cover of the album 'Survival', by designer Neville Garrick

.

The album was originally intended to be called Black Survival to emphasize not only the urgent need for African unity and the centrality of the racial element for global imperialist rule but also to denounce the proliferation of nuclear weapons in the world.

The first song, 'So Much Trouble in the World' testifies to the album's global preoccupation. The second song, 'Zimbabwe', is a call to arms and unity that kicks off using the language of rights to assert resistance against colonialism and imperialism: 'Every man gotta right to decide his own destiny'. According to Dawes, this verse offers Marley's own 'bill of rights', while the line 'arm in arms with arms' conveys at the same time an idea of peace and unity as well as a violent call to arms.

In 'Zimbabwe' Marley constructs his argument against the system, particularly addressing the 'divide and rule' strategy used by colonialists and imperialists to win and maintain their power.

> No more internal power struggle
> ….
> To divide and rule could only tear us apart
> …
> So soon we'll find out who is the real revolutionaries
> And I don't want my people to be tricked by mercenaries

These lines provide valuable perspectives on the dynamics of power and resistance in post-colonial states, where local elites often acted as 'mercenaries' of imperialism, collaborating with colonial powers in maintaining their own privileges at the expense of the broader population. Marley's critique highlights the need to challenge the complicity of these elites in perpetuating imperialist systems of domination and exploitation.

It is important to recall that 'Zimbabwe' was dedicated to Rhodesia, which gained independence at a later stage than many other African nations (1980), and that the song was played live during Zimbabwe's independence celebration. As claimed by Dawes, Marley was certainly aware that, at the time, the Rhodesian government employed mercenaries who came from South Africa, Israel, Europe, and the United States to try to defeat the forces of liberation.[75]

Similarly, in the song 'Top Rankin' Marley also articulates a direct critique of the 'divide and rule' strategy of imperialism. Employing the 'we/they' structure, the verses go:

> They don't want to see us unite/live together
> All they want us to do is keep on fussing and fighting/killing one another

Both 'Zimbabwe' and 'Top Rankin' provide tools to interpret and question the imperialist modes of domination still in force in Africa. One simple look at the presence of foreign troops and mercenary groups in today's North Africa, for example, reveals how the neocolonial forces that Marley denounced in 1979 are still very much alive.

In the song '*Survival*', Marley sings: 'We're the survivors/The Black survivors', a refrain that makes clear, again, his self-identification with the struggles of black and disenfranchised people while also intervening against 'technological inhumanity' and 'atomic misphilosophy' of the Cold War Era. As such, the song declares the very state of survival that living in Cold War Babylon actually meant for the Third World.[76]

In the song '*Babylon System*', Marley addresses the cultural and ideological character of global imperialism. The song is a manifesto against the epistemic violence that characterizes the colonial system. Using, again, the 'we/they' structure, Marley announces that the people refuse to conform to the image that Babylon has imposed on them. 'Skeptical about Babylon's false promises of freedom and equal opportunity, Marley calls for rebellion, rejecting conformity to Western Civilization patterns.[77]

---

[75] Dawes (2007) 255-256.

[76] Campbell (1990) 144.

[77] Dawes (2007) 264.

> We refuse to be
> What you wanted us to be
> We are what we are
> That's the way it's going to be …
>
> You can't educate I
> For no equal opportunity
> Talkin' 'bout my freedom
> People freedom and liberty!

Then Marley presents an image of Babylon as a vampire sucking out the very prospects of the exploited people (represented in the lyrics by the 'children').

> Babylon system is the vampire
> Suckin' the children day by day

The image evokes Karl Marx' metaphor that referred to Capital as 'dead labour, that, vampire-like, only lives by sucking living labour, and lives the more, the more labour it sucks.'[78] The explanatory and pedagogical potential of this metaphor is striking.[79]

In sum, the song offers a special opportunity to reflect on the role of religion, education, propaganda and also legal ideology in promising freedom and equality (which never really materializes) while legitimizing a status quo of exploitation and oppression. Babylon may promise individuals 'development as freedom'. But the Rasta see themselves as 'sufferers' who wish, instead, for 'redemption from development".[80] The outright rejection of Western standards of civilization is here thus the main act of resistance to domination.

Also, part of 'Survival', the song '*Africa Unite'* stands as a true Rastafarian hymn to unity, solidarity and the prospects of a better future for Africa. A rallying cry for Africans to recognize their shared history, culture and struggles, the song embodies the vision of a unified Africa, originally put forth by Marcus Garvey and adopted by Pan-Africanists in the latter part of the twentieth century.[81] Again invoking the movement of repatriation to Africa, Marley provides a language and a sense of time and place that refreshes ideas of hope and redemption, presenting Africa 'the fatherland', as a new promised land for the twentieth century.

---

[78] Karl Marx, *Capital: A critique of Political Economy,* (Charles H. Kerr & Company, 1909) 257. See also Gregory Slack, 'Did Marx Defend Black Slavery? On Jamaica and Labour in a Black Skin' (2023 forthcoming) 32:2-3 *Historical Materialism* (Race and Capital) https://www.historicalmaterialism.org/articles/did-marx-defend-black-slavery (accessed 11 October 2023).

[79] See J Morrissette, `Marxferatu: The Vampire Metaphor as a Tool for Teaching Marx's Critique of Capitalism` (2013) 46:3 *PS: Political Science & Politics,* at 637-642.

[80] See Robbie Shilliam, 'Redemption from development: Amartya Sen, Rastafari and promises of freedom' (2012) 15:3 *Postcolonial Studies*, 331–350, at 331.

[81] See Robbie Shilliam, 'What about Marcus Garvey? Race and the Transformation of Sovereignty Debate' (2006) 32:3 *Review of International Studies*, at 379-400

For this, the song can be seen as a hymn of Pan-Africanism which, by proposing a dialogue with and on behalf of children, projects the continent into a future of achievement and liberation.[82] Today, 60 years after independence, can it be said that the song's promise of the future, unity and regional integration of the African continent is alive and well?[83] What future looks like in the continent's strategic framework Agenda 2063: The Africa We Want?[84]

All along, Marley's concern for the world's problems in Survival' (the album), evokes a feeling of empathy and internationalist solidarity that contributed greatly to the formation of the Third World and the Global South as collective subjectivities. This spirit can contribute to critically educating students of international law even today.

Finally, Redemption Song *(1980)*, perhaps the most iconic song by Marley, is analyzed here. The song summarizes his libertarian poetics, sharp historical sense, political radicalism, and commitment to liberation from epistemological constraints. The lyrics are a testament to Marley's ability to convey profound messages, making it a prime example of poetic sublimation. As put by Dawes, '[i]n four minutes, Marley tells of a history that spans 400 years':[85]

> Old pirates, yes, they rob I
> Sold I to the merchant ships

The song narrates the history of the African diaspora across the Atlantic and the experiences of black people who were 'stolen from Africa' and 'brought to America'.[86] The opening lines draw attention to the activity of piracy, which was not economically marginal but fulfilled a central function in the primitive accumulation of capital, the distribution of wealth, and the dispute for hegemony in capitalism's initial phase.[87]

Several academics have studied the influence that primitive accumulation processes in the Atlantic world from the 17th to the 19th centuries had on the development of modern capitalist international legal order.[88] Eric Williams, for

---

[82] See James O. Adesina, 'Variations in Postcolonial Imagination: Reflection on Senghor, Nyerere and Nkrumah' (2022) 47:1 *Africa Development,* at 31–58.

[83] Apollin Koagne Zouapet, *Africa & international law, views from a generation* (Pretoria University Press, 1990).

[84] African Union, 'Agenda 2063: The Africa We Want', https://au.int/en/agenda2063/overview (accessed 21 September 2023).

[85] Dawes (2007) 308.

[86] See Stuart Hall, 'Cultural identity and diaspora' in Patrick Williams and Laura Chrisman (eds) *Colonial Discourse and Post-Colonial Theory: a reader.* (Columbia University Press, 1994), 392-403. The quotes 'stolen from Africa' and 'brought to America' are from Marley's posthumously released 1983 song 'Buffalo Soldier'.

[87] Tor Krever, *The ideological origins of piracy in international legal thought* (PhD thesis, London School of Economics and Political Science, 2018). See also Isaac Kamola, 'Pirate Capitalism, or the Primitive Accumulation of Capital Itself' (2018) 47-1 *Millennium: Journal of International Studies,* at *3-24*.

[88] See Verene A. Shepherd and Hilary McD. Beckles (2000); and Eric Williams, *Capitalism and Slavery* (The University of North Carolina Press, 1945).

instance, has highlighted the significant role that bonded slave labour played in laying the crucial financial groundwork upon which British banking, shipping, manufacturing, and insurance enterprises prospered, ultimately contributing to the emergence of the Industrial Revolution.[89] Walter Rodney has written on how these processes have contributed to the impoverishment of Africa on the other end.[90] A more recent study evidenced the contribution of slave wealth to Britain's growth prior to 1835.[91]

These points of view project the Caribbean experience as a privileged point from which to understand the origins and dynamics of the modern world. As put by Sherman-Peter, 'the principal market for enslaved labour', '[t]he Caribbean was at the core of the crime against humanity induced by the transatlantic slave trade and slavery'[92] Barbadian historian Hilary Beckles regarded the Caribbean colonial 'contact zones' as foundational sites of the modern.[93] Along similar lines, Paul Gilroy finds the roots of Modernity not in the imperial centers but rather in the innumerable colonial 'routes' established across the Black Atlantic.[94] So that, for him, Modernity could be 'most adequately symbolized by the innumerable ships which transported not only tangible goods and humans in various degrees of bondage, but also complex cosmogonies, ideologies and ideas.[95]

All in all, this demonstrates the historical shrewdness of Bob Marley's first verses on 'Redemption song', turning (à la Edouard Glissant) the concrete particulars of Caribbean reality into a complex, energetic vision of a world in transformation.[96]

Secondly, by summarizing more than 400 years of history, this song opens up an opportunity to bring up a very important debate on responsibility and reparations for the damage caused by transatlantic slavery. Some initiatives are worth mentioning.

In 1994, UNESCO launched the Slave Route Project. The project examines the foundations, forms of operation, and consequences of the slave trade and slavery in different regions of the world, aiming to contribute to 'a better

---

[89] Eric Williams (1945).

[90] Rodney (1973).

[91] Stephan Heblich, Stephen J Redding and Hans-Joachim Voth, 'Slavery and the British Industrial Revolutions' (2022) *Working Paper Series* 30451 (National Bureau of Economic Research, 2022) http://www.nber.org/papers/w30451 (accessed 21 September 2023).

[92] United Nations Chronicle, 'The Legacy of Slavery in the Caribbean and the Journey Towards Justice' (25 March 2022) https://www.un.org/en/un-chronicle/legacy-slavery-caribbean-and-journey-towards-justice (accessed 11 October 2023).

[93] Hilary Beckles, 'Capitalism, Slavery and Caribbean Modernity', (1997) 20:4 *Callaloo*, at 777–89.

[94] Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Verso, 1993).

[95] Kamola (2018) 9.

[96] Glissant (1997).

understanding of the impact of this history on our modern world'.[97] Taken from the project's archive, Figure 2 presents an overview of the Slave Trade Out of Africa throughout the centuries.

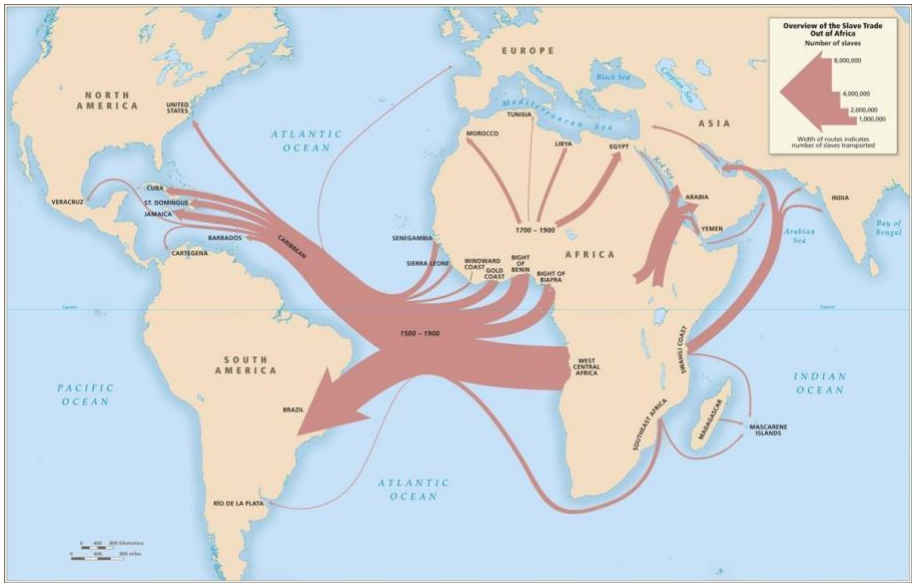

Figure 2: Overview of the Slave Trade Out of Africa, 1500-1900[98]

The issue has been the subject of important discussions and developments in the fields of history,[99] politics[100] and international law.[101] Crucially, the topic has recently been discussed in two American Society of International Law (ASIL) symposia on 'Reparations' in 2021 and 2022, which have contributed to the development of legal arguments and methodological debates on quantification of damage and related reparations.[102] UN General Assembly's resolution 62/122 of

---

[97] UNESCO, 'Slave Route Project' http://www.unesco.org/new/en/social-and-human-sciences/themes/slave-route/ (Accessed 9 September 2023). See also Doudou Diène, Elikia M'Nokolo, Howard Dodson et al. 'Slave Routes' (UNESCO 1997) https://unesdoc.unesco.org/ark:/48223/pf0000114427.locale=en (accessed 23 September 2023); and UNESCO, 'Routes of Enslaved Peoples' https://www.unesco.org/en/routes-enslaved-peoples' (accessed 23 September 2023).

[98] David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (New Haven 2010) http://www.unesco.org/new/en/social-and-human-sciences/themes/slave-route/ (accessed 21 September 2023).

[99] Ana Lucia Araújo, *Reparations for Slavery and the Slave Trade: A Transnational and Comparative History* (Bloomsbury, 2017).

[100] Sarah Goldy-Brown, *Reparations for Slavery: The Fight for Compensation* (Greenhaven Publishing 2017).

[101] Katarina Schwarz, *Reparations for Slavery in International Law: Transatlantic Enslavement, the Maangamizi, and the Making of International Law* (Oxford University Press, 2022).

[102] ASIL, 'Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean' (2021) https://www.asil.org/events/Reparations; (accessed 21 September 2023) and ASIL 'Symposium on Reparations Under International Law for Enslavement of African Persons in the Americas and the Caribbean' (2022) https://www.asil.org/sites/default/files/reparations/2021%20Reparations%20Proceedings.pdf (accessed 21 September 2023); Coleman Bazelon, Alberto Vargas, Rohan Janakiraman and Mary M. Olson, 'Quantification of Reparations for Transatlantic Chattel Slavery' (Brattle Group, 2023)

17 December 2007 declared 25 March the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade; and 2015-2024 the International Decade for People of African Descent.[103] Importantly, there is also a Global Reparations Movement led by CARICOM Reparations Commission.[104]

Thirdly, Marley's call for redemption in this song is also against a different kind of slavery. The verses 'Emancipate yourselves from mental slavery / None but ourselves can free our minds' call for resistance against the epistemic violence exercised by the colonial and imperial system. It suggests that the struggle for freedom against the system is not only a struggle of Africans against the chains of slavery, but a universal struggle of all the oppressed against ideological slavery, a subjugation of not only the physical body, but of the mind, the psyche, and the subjectivity of all those who, generation after generation, have remained trapped in the 'bottomless pit' of cycles of deprivation, poverty, hunger, exploitation and oppression.[105]

Importantly, this freedom of the mind to which Marley refers also concerns the power not to be afraid, that is, freedom from fear. It is perhaps in this sense that Marley sang 'Have no fear for atomic energy for none of them can stop the time.' According to Campbell, Marley probably wrote this verse while having in mind the explosion of a nuclear device in September 1979 by South Africans to intimidate the freedom fighters.[106]

Finally, the song urges the listeners to join the liberation struggle through the sublime act of singing ('Won't you help to sing?'). Marley was adamant about the healing, transformative power of his music. Whether this was meant literally or metaphorically, one can only wonder. And it is certainly necessary to draw a line between the mystical, idealistic sense of Marley's ideas, on the one hand, and their real, material, historical sense on the other. What is certain though is that the TWAIL canon could benefit from helping to sing them.

Final remarks

This work has argued for an 'aesthetic turn' in critical international legal studies, emphasizing the transformative role of music and its pedagogical potential to decolonize the discipline. It used Bob Marley's work as a case study, suggesting that his musical work provides fertile ground for asking 'TWAIL questions' about the international legal order.

---

[103] United Nations, 'Slave Trade' https://www.un.org/en/observances/decade-people-african-descent/slave-trade (accessed 21 September 2023)

[104] CARICOM Reparations Commission, https://caricomreparations.org/ (accessed 21 September 2023).

[105] Dawes (2007) 309-310. See also Ngugi Thiong'o, *Decolonising the Mind: The Politics of Language in African Literature*. (East African Educational Publishers, 1986).

[106] Campbell (1990) 148.

Although an unconventional method of studying international law, music has immense pedagogical potential. In the case of Marley's music, his songs played a unique historical role in mobilizing the revolutionary energies and third-world subjectivities of the 1960s and 1970s, putting into musical form central themes such as slavery and racial memory, the quest for freedom and independence; the end of exploitation, racial oppression, wars, poverty, hunger and illiteracy; as well as giving voice to the yearnings for national liberation, regional integration, human rights, self-determination, and nation- and identity-building in post-colonial Africa and the Caribbean. These are all issues that remain topical for international law students today.

However, while this piece has benefitted from using reggae and Bob Marley as examples of how music can be used in TWAIL approaches to international legal education, it is crucial to point to other music styles that could also be studied in a similar way, such as, for example, Peter Tosh, Fela Kuti, Gilberto Gil, Victor Jara, Miriam Makemba, Mercedes Sosa, as well as styles such as Salsa, Reggaeton, global Hip Hop, Brazilian music (MPB, Tropicália, Samba de Roda, Funk carioca), electronic fusions, Afro Beat, High Life and other styles in Africa, Asia, Oceania, and Americas. The point is to suggest other places to look or listen in the future, thus helping the TWAIL canon to see the article's points as not limited to Bob Marley but instead opening vital questions to see things beyond one artist and one style of music.

This work hopes to have taken a further step in the use of music to teach international law. Before presenting the core of the study's conclusions, some words on the absences and limitations of the paper are in order. First, it should be clarified that our interpretations of the lyrics did not delve deep into the legal analyses of the themes, nor exhausted interpretative possibilities that each song may open up. Instead, it has only pinpointed elements found to give rise to TWAIL-oriented reflections. As a pedagogical proposal, this study follows a Freirean methodology in which the agency of the students (and readers) is to be privileged, so that it is their interpretative inputs and record of sensations that should guide this experiment, whenever it is put into practice.[107] Overall, the focus on Bob Marley's lyrics was found to be productive of a number of possibilities for use in international law classrooms, although the use of English language may be seen as a problem of exclusion for those students who do not master the language.

Secondly, it is acknowledged that the article disregarded longstanding debates around Rastafarianism (such as mysticism, idealism, millenarianism,

[107] See Paulo Freire, *Pedagogia do Oprimido* (Paz e Terra, 1987). A similar methodology, which served as an inspiration for this project was used in Brazilian classrooms of International Relations. The study found that music may function as a 'critical, engaged, and radical pedagogy'; contributing, dialogically, to the 'effort of decolonization and resignification of IR'. See Vinicius Tavares de Oliveira, Mariana Balau Silveira & Rafael Bittencourt Rodrigues Lopes, 'Music as an Emancipatory Pedagogical Tool in International Relations Classes in the Global South' (2021) 22:3 *International Studies Perspectives*, at 283–300.

messianism, eschatology, for instance), problems of misogyny and homophobia (often related to Rastafari and Reggae), as well as Marley's controversial relationship with women. Adequately tackling these contradictions and tensions is encouraged for developing a properly inclusive TWAIL approach to international legal education and avoid reproducing mythologizing narratives and hagiographical accounts of Marley. However, the space was limited to go into the tensions, contradictions and complexities of the artist and his art.

Thirdly, the article did not address the Marley 'business empire' either, refraining from problematizing the legacy of the artist's family, a business/estate worth hundreds of millions of dollars in which a diverse range of commodities bear the 'Bob Marley brand'.[108] To what extent is this consistent with the anti-colonialism defended in TWAIL? There seem to be limits to the revolutionary potential of Marley's lyrics and political positions, which have not been addressed here. This should definitely be addressed in future works that might want to deepen this debate.

In sum, the paper found that key international legal histories, normative projects, concepts, and ideas are represented or reflected in Marley's lyrics. By speaking directly to the lived experience of Third World students. Bob Marley's music might contribute to developing a critical postcolonial subjectivity in international lawyers in training, nurturing the spirit of third-world, anti-colonial and anti-imperialist solidarity, which is lacking in global affairs today. Specifically, in searching for TWAIL-inspired lessons in Bob Marley's lyrics, the paper found four aspects of his work that may contribute to the development of an anti-colonial, anti-imperialist and anti-racist critique of international law.

First, the paper interpreted the lyrics as contributing to understanding the relevance of history, the centrality of race, and the continuity of colonial patterns of exploitation and oppression after the end of formal imperialism. By centralizing the theme of slavery and racial memory in the Caribbean, Marley's work enabled an alternative understanding of the racial capitalist processes of formation of the modern global political economy, even pointing to its necessary theoretical reorientation towards the recentralization of colonialism and racism as founding elements. Songs like 'Concrete Jungle', 'Slave Driver', the album 'Survival' and 'Redemption Song' are especially notable for demonstrating the disturbing continuity of colonial patterns of exploitation after the end of formal imperialism.

Second, Marley's lyrics have contributed to denouncing the persistence of neo-colonial oppression in the multiple forms of war, racism, poverty, inequality and urban violence in the Third World. In identifying, through the metaphor of Babylon, these elements in the form of a diffuse global political and economic

[108] Hua Hsu, New Yorker: 'Manufacturing Bob Marley: A new oral history shows just how much of his story is up for grabs' (17 July 2017). https://www.newyorker.com/magazine/2017/07/24/manufacturing-bob-marley (accessed 31 December 2023).

system of oppression that stands as an obstacle to the freedom of all Global South peoples, Marley gave meaning and unity, form and content to the concept of the Third World. This brought new light on imperialism and neo-colonialism as relevant to the analysis of the international order. Songs like 'Them Belly Full', 'Survival', 'So much Trouble in the World' and, again, 'Concrete Jungle' provide a basis for such comprehension.

Thirdly, Marley's lyrics were found to be especially relevant to understanding the historical and political processes of African liberation and Pan-Africanism. Songs like 'War', 'Zimbabwe' and 'Africa Unite' were found to contribute to enriching debates on decolonization, denouncing, for example, racism, apartheid, violence and internal power struggles in the continent's decolonization processes. Some songs also highlight the importance of Rastafarianism in the recovery of African history and in the constitution of the identity of the black peoples of the Caribbean and America. In that sense, 'Concrete Jungle' and 'Slave Driver' are important in recovering African and slavery history and racial memory, thus contributing to the constitution of the identity of the black peoples of the Caribbean and America.

Finally, Bob Marley's music retains unique value in that it points to the need to break away from the mental chains that maintain colonial epistemological domination over oppressed peoples. Highlighting the ideological and cultural aspects of imperialism domination, Marley's music indicates the necessity of resisting and continuing the completion of the decolonization project beyond the legal, political and economic realms. Consider, in this regard, the calls for epistemological emancipation present in the songs 'Babylon System' and 'Redemption Song'. It is in this sense that, I argue, singing and listening to Marley's songs of freedom in classrooms may provide tools to at least envisage the breaking of disciplinary and epistemological barriers of today's international legal order, question the reigning paradigms of modern capitalist legal reason, and, finally, point to the construction of a genuinely post-colonial world which is free from all kinds of oppression and exploitation.

THIRD WORLD APPROACHES *to* INTERNATIONAL LAW *Review*

Front Cover Image

Guernica
via wikimedia commons

TWAIL Review Issue 5

Published October 2024
Windsor, Canada ~ Bogotá, Colombia

www.twailr.com

editors@twailr.com

submissions@twailr.com

twitter: @TWAILReview

facebook: @twailr