



THIRD WORLD APPROACHES to INTERNATIONAL LAW *Review*

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TWAILR: Dialogues ~ 21/2026

Structured Ambivalence and the Commodification of Critique

[Jake Okechukwu Effoduh](#) interviewed [Usha Natarajan](#) on 5 September 2025 for the opening keynote conversation of the [Toronto TWAIL Conference](#) ~ ‘A Structured Ambivalence? TWAIL and Governance in a Time of Global Crises’ at Osgoode Hall Law School. They discussed resisting the diverse attempts to undermine radical scholarship, considering in particular Palestine, environmental and migration crises, and #MeToo in academia.

1. Introduction

Jake Okechukwu Effoduh: Good morning and welcome to *A Structured Ambivalence*, a TWAIL convening at a moment when crisis is less an exception than a mode of governance. Three orienting questions sharpen our lens: **First, when critical vocabularies are embraced by institutions, who controls the indicators, budgets, and infrastructures through which they are implemented? Second, when reform is offered, what governance arrangements are being spared from scrutiny? Third, when solidarity is invoked, whose risks are offloaded, across borders, onto ecosystems, and into classrooms.**

Our keynote speaker, Dr Usha Natarajan, has warned that **international law’s most disruptive ideas can be commodified, absorbed, and resold as procedural fixes, compliance markets, or glossy ESG [Environmental, Social, and Governance], generating prestige without redistribution.** That is both a sign of TWAIL’s traction and a strategy that can blunt its edge. Today she’ll advance her own account of structured ambivalence: Not indecision, but a disciplined stance for

moments when cooptation and emergency pull in opposite directions. She asks: What does this governance choice enable? What does it obscure? When must it be refused? This matters for planetary regulation, for migration infrastructures, and for scholarly praxis around Palestine, as well as for #MeToo in academia where 'risk management' can become harm management. If commodification is the diagnosis, governance is the terrain: standard-setting, mandates, financing, data, and enforcement. Over the next two days, our task at this convening is to move from critique to institutional design, to test whether TWAIL insights change who sets rules, who counts, who pays, and who decides.

It's an honour to open this convening with Dr Usha Natarajan, a renowned TWAIL scholar whom I have followed for years and who has inspired my own work as a junior scholar thanks to Professor Obiora Chinedu Okafor. Her award-winning work and renowned scholarship braids anti-colonialism, environmental justice, migration, and feminist praxis. She has an exciting forthcoming book which she may or may not talk about today, but she will be inviting us to an engagement of her interpretation of 'structured ambivalence', one that resists commodification and rebuilds law and governance for shared futures.

Usha Natarajan: Thank you, Jake, for your kind introduction and perceptive thematic precis. Let me begin with a shout out to Jake and Miracle Okomu Mudeyi's recent Reflection on [TWAILing AI Governance](#) as well as Jake's thoughtful article a few years ago on [self-driving cars](#). For anyone interested in diverse techno-legal challenges across the Global South, Jake is doing cutting edge work, and I look forward to our conversation today.

Before we get to your questions, Jake, I take this opportunity to thank Obiora Chinedu Okafor and Sylvia Bawa for their kind invitation. It's always a pleasure to be back at Osgoode and among friends. Amid current events, I'm particularly grateful for this time with TWAILers. Conferences are frequently far removed from the suffering across the Global South that concerns us, and TWAILers have been grappling with this incongruity as long as we've been in academic life. Over the past two years, I've found it not merely uncomfortable but at times unbearable to sit in elite spaces and debate starvation, famine, and genocide, from Palestine to Sudan to Mali to Haiti to Yemen and beyond. Perhaps because these issues are hitting closer and closer to home. By early 2024, four of my students and colleagues were killed by Israeli strikes on the Gaza Strip, and it's been challenging to keep in touch with other folks there. My partner is with the UN and based in the Arab region for the last 15 years, and [376 of his colleagues have been killed in the last two years](#). We have [journalists and cameramen](#) constantly transmitting information and images at great personal risk and

sacrifice to ensure that we all bear witness to these truths. **For international lawyers, starvation, famine, and genocide cut to the core of our disciplinary raison d'être: peace and friendly relations. How did we let this happen? What does this say about us?**

I'm grateful to be in a room with people who've been asking and answering these questions for several decades. TWAILers tend to be self-reflective not only about international law but about academic life and how academia serves our politics. With research institutions in the crosshairs of authoritarian regimes across the Global South and North, it's brought home to me that **TWAIL is the reason that I feel that academia is worth preserving**. So, thank you Obi, Tony, Chimni, James, Vasuki, and Raj for nurturing TWAIL, for keeping it real, and keeping it kind.

It's been twenty years since my doctoral supervisor first introduced me to TWAIL through Anghie and Chimni's [article](#). And eighteen years since I attended my first academic conference, which was James's [Albany TWAIL Conference](#). That's when the TWAILers whose works I'd been reading became real people to me, and where I first met Obi and where he immediately put this very shy and nervous PhD student at ease. He has been unfailingly encouraging and supportive ever since and I know he has done the same for countless others all over the world. I took this for granted at the time but, looking back, I was blessed to have had that introduction to academic life, through folks who not only write about equity, justice, and truth but who provide an example of honesty, integrity, and kindness. So, thank you TWAIL – not just the founders but everyone who is helping to build this movement – for being **relentlessly disruptive but in a creative way by constructing space for international lawyers and legal traditions from the global south**. Let me hand it back to you, Jake, to bring us back to the conference theme.

2. What is Structured Ambivalence?

Jake: How do you define structured ambivalence, as a diagnostic and as a method for institutional design, not just a scholarly posture? And what does it mean for you in this era of emergency governance, whether war, sanctions, or climate catastrophe?

Usha: When I learnt that Obi and Sylvia were organizing a TWAIL conference and the theme was structured ambivalence, I assumed just from the title before reading anything that the conference was about TWAIL being structurally ambivalent about international law. Many TWAILers have written about [whether it is possible for international law to ever be international](#), or if it's irredeemably corrupted by its Eurocentric origins. Presumably those still engaging with international laws and institutions believe there is some point in doing so. I certainly believe this. First,

international laws and institutions efficiently structure violence across the Global South, against the people and places that I love and call home. Hence, I feel compelled to do my best to combat and dismantle these harms. Second, I believe we need an international rule of law as some issues cannot be governed locally. We are witnessing environmental change, migration, and displacement on a scale unprecedented for the human species, producing numerous interrelated concerns regarding health, food, water, energy, and other basic needs. These challenges transcend legal constructions such as international borders and sovereign states and can only be managed through some degree of transnational cooperation. As such, many TWAILers share a structural ambivalence: **International laws and institutions today cause more harm than good, but there is hope if those who experience these harms can radically remake the discipline.**

Then I read the conference concept note and realized that Obi and Sylvia were gesturing towards the multiple diverse stances that states across the Global South have taken over the years, from Bandung and the Non-Aligned movement, to the New International Economic Order and the doctrine of Permanent Sovereignty over Natural Resources, to more recent southern stances on Ukraine and Gaza. I'm happy to talk about either of these two concerns, whether the structural ambivalence of the countries of the global south towards international law, or of TWAIL towards international law, and no doubt both will come up over our coming two days together. But then I thought, what do I want to talk about? Does this notion of structured ambivalence shed light on my current concerns as a longstanding TWAILer? And it did, it helped me approach an issue that has concerned me for some time, **the commodification of critique.**

TWAIL and other critical approaches to international law that draw on Critical Race Theory, Decoloniality, Feminist Approaches, Lat Crit, Marxism, Postcoloniality, Subaltern Studies, and so on, have made strong inroads into the disciplinary mainstream in recent decades. We've helped displace the old white male disciplinary canons and replace them with more representative voices drawing on diverse knowledges and legal traditions to tackle global concerns. As James and Tony evidenced in their [Grotius Lecture](#) and [EJIL Foreword](#) respectively, TWAILers have written extensively on every area of international law and the movement continues to grow. **What happens when a critical movement achieves a certain measure of momentum and influence?** If its demands of power and wealth redistribution begin to be taken seriously then backlash is of course inevitable – the higher the stakes, the fiercer the backlash.

One response is to forcibly suppress or obliterate critique, for instance the crude and unabashedly racist second term of US President Trump, or some of us also

have experience with the targeting of universities in Egypt, India, Türkiye, and beyond. Demonizing scholarly movements; arrests, disappearances, deportations, firing, or ostracization for its adherents; monitoring research and banning books; closing down departments and grants; prohibiting gatherings; escalating the costs of support, solidarity, and association with such movements; and so on. The consequences, while devastating, are not always fatal because they often provoke and cement significant resistance. Movements may go through cycles of resurgence and pushbacks and make incremental gains over time. **A more subtle tactic is the commodification of critique, and the latter is the more effective and insidious way to undermine anticolonial, antiracist, antisexist, and anti-elitist approaches to law.** TWAIL is a large and diffuse movement, and it allows for structured ambivalence. I wonder what the consequences are at a time like this. We need to pay attention and accordingly [choose our bearing](#).

3. Governance Theater

Jake: You've written about the 'making and unmaking of international law', which I read as a kind of structured ambivalence. Are there real-time signals that a radical claim has been converted into governance theatre?

Usha: Making and unmaking international law is how Julia Dehm and I framed a project called [Locating Nature](#). The project began because we were **concerned about harms wreaked across marginalized communities in the name of protecting the environment**. In a sense, Julia and I were worried that environmental justice claims had been mobilized for governance theater, the [Paris Agreement](#) being a good example. And some of our wonderful colleagues in this project are here in the audience, shout out to [Ileana Porras](#), [Vanessa Lamb](#), and [Dayna Scott](#). What we meant by making and unmaking was essentially to show how harmful assumptions about nature are built into international law, to unpack them, and go about a remaking through drawing on subaltern legal traditions that have a better understanding of interlinkage between peoples and planet.

It's a privilege to learn about underrepresented legal traditions, to respect them as living legal traditions, and cede space to such scholars and practitioners. TWAILers do that in various ways, through [publications](#) and [events](#) in the global south of course; but also through hiring, admissions, scholarships, and so on; curriculum design and degree programmes; teaching and syllabi; unions and better administrative and grievance procedures; legal clinics and practicums; and all the myriad ways that academics can make institutional change. I'm really impressed by what many of my

colleagues have achieved in this regard and the person I've learned most from on how to create this type of institutional change is Sujith Xavier at Windsor University.

Now the opposite of this is the commodification of critique, selective engagement with critical approaches only in so far as these approaches provide the means or shortcuts to successful institutional, professional, and personal power and enrichment – or at the very least engagement that comes at no risk, cost, or sacrifice – as opposed to working in solidarity as part of a movement with radical transformative anti-capitalist aims. So, in answer to your question, **attempts to coopt, undercut, and capitalize on radical claims are inevitable, and often these processes can be quite theatrical.**

For instance, TWAIL scholars have long had to reckon with the protracted legacies of Third World governing elites that employ anticolonial discourse for purposes of accumulating power and wealth. As western scholars increasingly turn to whichever critical approach happens to be au courant, with rapacious claims to decolonize everything from pedagogy to syllabi to our minds, it is crucial to support actual decolonization struggles in Palestine and Indigenous and Tribal communities across the Global South and North; and to make space for others rather than speak for them.

So how does one detect when commodification is happening in one's own work, projects, progressive movements, and institutions? Symptoms identified by Critical Race, Indigenous, Feminist, and Palestinian scholars include, among other things, [methodological whiteness](#) and [progressive branding](#), as discussed by Gurminder Bhambra and Ivana Isailović respectively. Western academia likes to suddenly 'discover' new approaches that non-western scholarly traditions have been familiar with for some time, give these approaches new names, and conceptually settle and occupy this scholarly space under the pretense of terra nullius. Additionally, Kattan and Liboiron have both highlighted the [politics of sources and citations](#) and the [obfuscation or obscuring of scholarly positionality](#) by not acknowledging or addressing one's own privileges, caste, nationality, class, and complicity in the problems that one is writing about. There are also [performative moves towards innocence](#), as famously discussed by Tuck and Yang, where abusers of power construct cover for themselves by publicly adopting the requisite critique. This includes, for instance, sexual harassers who are experts in feminism, queer theory, human rights, Indigeneity, and so on, as many of us discuss in an upcoming edited collection on [#MeToo in Academia](#). These are some ways of distinguishing between a radical claim and governance theater.

4. Structured Ambivalence on Palestine

Jake: Today, Palestine is tied to contestations across law, politics, and even here in Canadian academia. Can structured ambivalence guide decisions around hiring, speech policies, funding, or journal governance, so that 'risk management' does not become complicity?

Usha: In the context of Palestine, we already know that **risk management by academic institutions is complicity**. Palestinians have written about and have been combatting this for decades. Incidentally, just a couple of days ago, I saw a well-respected disciplinary journal that some time back had published an anti-Palestine article so full of factual and legal errors that even pro-Israeli legal scholars were pointing out mistakes. A couple of days ago I saw the journal's response, which was to amplify this sub-par article beyond all reason by dedicating a special issue to it. That is a relatively innocuous example of the futility of attempting to manage risk in such situations, which I only raise because I saw it recently, but more to the point are the much more serious situations where folks have faced sanctions, movement restrictions, frozen bank accounts, deportation, imprisonment, disappearance, and worse because of [institutions offloading their risks onto convenient individuals](#).

Having been at the American University in Cairo from 2010 to 2020, amid a revolution followed by a harsh counter revolution, and then spending some time at North America institutions in recent years including in the Edward Said Archives, this has been one long lesson in academic praxis and I'm still learning. Not only seeing what we as academics do – for better and for worse – in these situations but looking back and seeing what academics such as Said and others built – not just a scholarly legacy but a farseeing *institutional* legacy to preserve, protect, translate, and circulate Palestinian and Arab texts.

For me, **TWAIL is about an academic praxis of solidarity and not risk management**. I wish I could say there is no risk of TWAIL approaching the question of Palestine as one of risk management. After all, we are an anticolonial movement, and the one thing TWAILers all have in common is that we are against colonialism. So surely, we can say without hesitation that TWAIL stands with a free Palestine and against the Israeli occupation? Well, my brilliant Palestinian colleagues [Noura Erakat](#), [Ardi Imseis](#), [Nahed Samour](#), and many others, have written extensively about TWAIL and the question of Palestine, and what work remains to be done by TWAILers. Our comrade and longtime co-conspirator at the *TWAIL Review*, [John Reynolds](#), has been steadfast in advocating for a principled TWAIL stance on Palestine and together with [Sujith Xavier](#) has steered our course at the *TWAIL Review* in a consistent, principled, and steady manner when it comes to Palestine. And I direct anyone who is interested in this question to Noura and John's [special issue](#) in the *Journal of Palestine Studies*.

Let me finish by referring to the work of my perceptive colleague [Adil Hasan Khan](#) who, a few weeks ago in Melbourne, talked about the liberal institutional death drive and predicted how liberal international law may bemoan the genocide now – too little too late – but will happily come in and rescue international laws and institutions after the so-called Gaza ceasefire, just as it does after every blatantly imperialist act. And he rightly points out that **there are TWAILers and critical legal scholars engaging in similar tactics in how they are deploying their silence and their critique.** Let me finish with this quote from him:

collective public engagements with a liberal imperial international law are not about having the requisite disciplinary expert authority to speak international law but about the collective task of forming and caring for political community with colonised peoples and cultivating the courage to reveal the operations of imperial power ... This Third Worldist revelatory critique is not about seeing and then looking away but seeing and bearing witness to a truth about imperial power that is always already in the process of being covered – so that we, and those who come after, might not misremember ... It is collective heart work that capacitates such truth-telling, not simply the intellect.

5. The Nonhuman and the Environment

Jake: You've done global work on TWAIL and the environment. If nonhuman life were treated as coconstituents of law, what first-order design changes would you prioritize, and what trade-offs would you accept to see them adopted in treaty bodies or domestic regulators?

Usha: As a TWAILer, one must be quite careful and circumspect in how one approaches **the question of the nonhuman in law.** I guess the attempts that get the most attention often are the rights of nature jurisprudence. I am not a huge fan of the terminology of 'rights of nature', namely because I am critical of human rights discourse and am not in favor of extending it infinitely to try and solve every problem when I don't think it has done a good job so far. I generally agree with Ariel Salleh who said, 'it would make no more sense to assert the rights of ... trees or animals against humans that it does to claim that the heart has rights in its relationships with the bloodstream or lungs'.¹

¹ A. Salleh as quoted in R. Nash, *The Rights of Nature: A History of Environmental Ethics* (University of Wisconsin, 1989) 146.

A couple of years ago, Frédéric Mégret, Vincent Chapeaux and I edited a [Research Handbook on Anthropocentrism and International Law](#) and there is an excellent chapter in there by a colleague at UQAM, Alejandro Lorite Escorihuela, warning about the dangers of projects such as global animal law. **The extension of liberal law to more and more subjects amid an already congested and structurally violent legal framework only exacerbates inequality and injustice.** That being said, it is possible to have a legal framework based on holistic interlinkages between the human and nonhuman realms. John Borrows for instance has written about the Anishinaabe process of [akinoomaagewin](#), where nature is a source of law as drawn from the bison, from the sun, the grass, the river, and so on.

For me the design priority, as per your question, is about who decides. **If the purpose is to have a healthier relationship between law and the environment, then these laws must be made by those who have such a relationship.** Not those who have the opposite. I would not accept any trade-offs on that. It starts with changing the lawmakers and then they are in the best position to assess the trade-offs. Any other way is precisely the methodological whiteness that Bhambra has warned against, which has continually reproduced the problems that it claims to solve. I will talk more about racism and the environment at a panel later today, so I will leave it at that for now to avoid repetition.

6. TWAIL and Migration

Jake: You've lived and worked across different worlds, and you describe migration as solidarity governance. What might a solidarity-based migration regime look like, one that resists extractive labour logics and security tropes? And what metrics, like care infrastructures, portability of rights, or wage equalization, would tell us it's redistributing power, not just moving people?

Usha: Professor Chimni pointed out [back in the 1990s](#) and [many times since](#) that **migration and refugee law is made almost entirely in the global north and never by those who experience irregularity, displacement, statelessness, and so on.** Since then, we've wonderful scholarship from folks such as [Adelle Blackett](#), [Adrian Smith](#), [Amar Bhatia](#), [Asma Atique](#), [Jay Ramasubramanyam](#), [Jaya Ramji-Nogales](#), [Obiora Chinedu Okafor](#), [Sara Dehm](#), [Sujith Xavier](#), and a growing number of TWAILers joining Chimni in this scholarly landscape, many of them also engaging in crucial litigation and clinical work.

So, to answer your question, one metric would be participation of those who have experienced the hardships of migration. I know some TWAILers do have experience with displacement, asylum-seeking, and irregularity. I don't. As you rightly

observed, I am an inveterate itinerant, a perpetual migrant, so this issue is close to my heart. But migration for me has been a privilege, not a hardship. I've been migrating since I was ten months old when my parents moved from Mumbai to Tehran, and I have never stopped. We eventually moved back to Mumbai, then Indonesia and Australia, then after law school my first job was in Italy, then Malaysia, then back to Indonesia, then China, Saudi Arabia, Egypt, Jordan, and now Jamaica. It is a privilege to be this mobile; I've learned seven languages, witnessed three revolutions, three earthquakes, two floods, a volcanic eruption, a tsunami, and a category 5 hurricane, and lived to tell the tale. I realize the peripatetic life may seem odd to some but I don't know any different. As a result, I end up thinking a lot about the **concept of home and family and community**, what exactly it is, and why it matters.

Not many people migrate internationally. International migrants constitute between 3 to 4 per cent of the world population and this has been the case for many decades. So, migration has been stable and minor phenomenon. Moreover, most international migration is not from the global south to the global north. Yet the subject occupies disproportionate space in the public psyche. **Migrants seem to be magnified in the public psyche because they serve as a receptacle for broad sociocultural fears, making migrants the object of perpetual scrutiny.** The figure of the migrant acts as a repository for deep-seated human fears and insecurities: the need to belong, the need to feel safe, and the need to feel significant in the world. Basically, a need to feel at home somewhere. As I said, I understand this need, but unfortunately it has produced some incredibly violent outcomes, with Israel being one contemporary example alongside other [settler colonies](#) across the Americas and Australasia.

As with environmental concerns, I am suspicious of turning to rights for answers. Having worked with migrant and refugee communities in the global south for several decades, the rights discourse has not helped and has sometimes made things worse. Labor solidarity between domestic and migrant workers, while rare, has helped when it comes to wage equalization, power redistribution, and care infrastructures. It is also important to erode the implacable legal distinction between refugees and every other type of migrant, a distinction that has created irrational hierarchies of suffering that are extremely unhelpful **in a world where hundreds of millions are now on the move now as its habitable zones change.** There are also valuable lessons to be learned from the history of climate migration and how this spurred not only the spread of our species from Africa to other continents but gave rise to the first civilizations as climate change drove populations to the river valleys of the Tigris, Euphrates, Nile, Indus, Yellow River, and so on. Rather than something to be feared, **migration has been crucial to the survival and evolution of our species and others.**

7. #MeToo in Academia

Jake: Some assume academia is insulated from #MeToo. Yet you've written about harassment and gender-based violence in our own institutions. Where does ambivalence in these settings become complicity?

Usha: From conference rooms and hotels to classrooms and board rooms; supervision and grants; research, fieldwork, and writing; hiring, tenure, and promotion; admissions and scholarships; **no aspect of academic experience is untouched by gender-based violence.** While individual circumstances are unique, there are some unmistakable patterns: Violence is often perpetrated by articulate well-respected colleagues in positions of power who are comfortable manipulating laws and institutional processes by virtue of their privilege. Perpetrators considered themselves untouchable due to the systems and people within and beyond university structures that insulated them from accountability, and their assessment is often borne out by outcomes. Perpetrators tend to flourish like the green bay tree while shame and guilt is displaced onto those experiencing abuse, wondering if they invited the violence, deserved it, or overreacted.

Perpetrators often presented themselves as feminists, queer theorists, human rights defenders, Marxists, progressive critical and radical thinkers, Indigenous activists, and the like. Such stances disarm victims, disguise perpetrators, and aid perpetrators in framing themselves as the real victims of misunderstanding, overreaction, puritanism, liberalism, conservatism, cancel culture, the mainstream, or whatever it is that their chosen coterie happens to abhor most at the time. Perpetrators are skilled at targeting the vulnerable, grooming those least likely to report them to the university and to the police.

When complaints are made, universities are invariably 'shocked' every time, despite harboring well-known serial harassers and abusers, because universities prefer non-disclosure agreements and not keeping transparent records of such embarrassing truths. Enablers – coming now to the question of complicity that you raised – know full well the terrible violence that perpetrators inflict, and nevertheless persist in treating perpetrators as respectable colleagues and collaborators, inviting them to projects and opportunities, and providing them with support, platforms, citations, respectability, and cover.

Cultures of complicity and hypocrisy can be changed, and those who have experienced this violence are determined to change it together. [This book](#) is different to all the others I have worked on. It contains accounts of people who have experienced gender-based violence in academia and what they did about it.

Frankly, it would never have occurred to me to write down my experiences. It was bad enough to experience them, let alone re-live them. But one of my mentors suggested it and, when I felt ready to consider this, it made sense to include others.

The reasons are straightforward: raise awareness, build solidarity, share tactics for improvement. Gender-based violence in academia is pervasive and normalized and requires an organized response. If you are going through this, you may feel alone, or singled out, or stupid. But **you are not alone, and this is not your fault**. Writing also helps stave off bitterness and cynicism. It can be scary to trust and work with colleagues again, but this collaboration helped me to remember what I love about academic life. It was harrowing to read about, let alone edit, accounts of rape, battery, torture, and death threats within academic life, not to mention to the quotidian macro and microaggressions that slowly strip away dignity and sense of self. But being able to speak our truths, in whatever manner or words we choose, is immensely valuable resistance to systemic silencing and feigned deafness.

We do not write as victims, or to make a spectacle of our suffering, or to exchange our suffering for charity. Rather, it is the opposite, we are exercising our narrative control. **We see the connections between the violence we experience in the workplace and the patriarchal violence of the state and international order.** We know that our book is being published alongside unprecedented horrors and desolation across Palestine, Sudan, the Sahel, Haiti, Yemen, and beyond. There are diverse pathways linking these individual and collective sufferings and it is important to speak out against interconnected oppressions in all their forms.

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