
This is a big book of 1124 pages. As Koskenniemi notes in the introduction, it is the prequel to his other major study of the history of international law, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870–1960* (CUP, 2004). His previous study shows how modern international law “arose from an effort by a group of European lawyers in the last third of the nineteenth century to spread liberal legislation across Europe and to civilize the colonies” (1). Although *Gentle Civilizer of Nations* is a convincing account in its own right, Koskenniemi claims that many sympathetic readers kept asking him about the period before 1800: “But what about Vitoria, Grotius and Vattel, theories of the just war and the Peace of Westphalia?” (1). *To the Uttermost Parts of the Earth* is Koskenniemi’s response to these questions.

The author informs us straightaway that he has no intention of writing a history of international law, but instead one of “the legal imagination as it operates in relationship to the use of power in contexts that we would today call international” (1). It is a story of the various ways in which ambitious, mostly European men used “legal vocabularies” (1) to engage with and, if possible, master the changing world around them. Koskenniemi focuses on two important developments in the pre-modern period: the rise of territorial sovereignty in Europe on the one hand, and European overseas expansion on the other. The author claims that “old ways of thinking” (2) became insufficient to deal with urgent new questions, such as

Who were the inhabitants of the New World whose existence had not previously been known – were they human at all, or humans of a different species? How to think about war between rival Christian princes, each claiming to fight for the right faith? What to do with respect to the spread of the trade in luxuries that accompanied the expansion of long-distance trade and undermined old religious moralities? (2).

To find answers to these questions, the lawyers, theologians, intellectuals, and political actors of pre-modern Europe were forced to engage in legal *bricolage* – a term borrowed from Claude Lévi-Strauss, meaning that they had to employ the “familiar legal vocabularies lying around to construct responses to new problems in order to justify, stabilise or critique the uses of power” (2). The notion of legal *bricolage* is an attractive one. It is a way-of-doing-things that should be familiar to any historian who has studied European overseas
expansion in the early modern period. Yet, it is less certain that Koskenniemi manages to weave together the pre-modern legal responses to European overseas expansion and the rise of territorial sovereignty in Europe itself to tell a coherent and convincing story.

*To the Uttermost Parts of the Earth* consists of four parts, which are subdivided into chapters, twelve in total. Part I (‘Towards the Rule of Law’) consists of four chapters. We start out in chapter 1 with the tug-of-war between the Pope in Rome and the Most Christian King in late medieval France. Who was entitled to impose taxes, and on whom? Whose writ could compel obedience, and from whom? What was the relationship between religious and secular rule? The feudal ‘system’ – a web of personal loyalties, oftentimes overlapping and conflicting – made it difficult for secular rulers to engage with ‘subjects’ other than members of the high nobility. The latter commanded the loyalty of people further down the chain, i.e., the lieges and tenants who filled the ranks of their private armies, making them very dangerous ‘subjects’ indeed. Even Louis XIV of France – commonly regarded as the absolute ruler *par excellence* – had to flee from the armies of the high nobility during the *Fronde* (1650–53).

In chapters 1 and 3, Koskenniemi discusses novel uses of the vocabularies of natural law and the law of nations (*ius gentium*) in the fourteenth through sixteenth centuries, which allowed French lawyers to emphasize service to the King and Italian lawyers to theorize the entity now known as the territorial state. In chapters 2 and 4, Koskenniemi’s focus shifts, however, to the Spanish theologians of the sixteenth and seventeenth centuries and their biggest fan in the Low Countries, Hugo Grotius, whose aims were to justify European expansion abroad – meaning Spanish rulership over people and territories in the New World and, in the case of Grotius, freedom of trade and navigation for the Dutch. Koskenniemi is right to say that Grotius’ reconfiguration of the vocabularies of natural law and the law of nations served the needs of Holland’s highly commercialized society. Yet little attention is paid to (cross-border) debates and conflicts generated by such theorizing. The elites of pre-modern Western Europe were hardly unified in their pursuit of trade and conquest abroad. For example, Grotius and his ideas faced plenty of opposition, oftentimes religiously inflected and from a wide range of interest groups. Particularly glaring is the lack of any references in Koskenniemi’s account to indigenous responses to ‘Grotian’ (and later Lockean) policies to ‘dispossess the native,’ implemented by European chartered companies in the Atlantic World and monsoon Asia in the period 1600 to 1800.

Part II (‘France: Law, Sovereignty and Revolution’) comprises three chapters, which discuss French theorizing on the state and territorial sovereignty in the seventeenth century (i.e. Jean Bodin and his followers), the establishment
of a diplomatic school in eighteenth-century Paris that offered practical training for French aristocrats who sought to serve their monarch at the negotiating tables of Europe, and the rise of Enlightenment notions such as “the natural laws of commerce” (Montesquieu), “the natural laws of the economy” (the French physiocrats), “natural rights” (Sieyès), and “European public law” (Rayneval). The primary aim of the Congress of Vienna (1814–15) was to put the revolutionary genies back into their bottles and to restore something called “European public law” – a carefully crafted system of alliances, which included mutual recognition of territorial rule and sovereignty as well as a universally accepted code of conduct for diplomatic relations. In chapter 7, Koskenniemi focuses on French overseas expansion and colonial empire in the early modern period. Although he discusses the Code noir establishing African slavery in the French Atlantic as well as the Haitian revolt and revolution (1791–1804), he is not always clear about what, if any, the connections are with discussions “back home” about natural law and the law of nations. Indeed, we learn at the end of chapter 5 that these subjects were not taught at all at French universities in the eighteenth century. This raises the question how French diplomats conversed and negotiated with other European colleagues (literally, which language did they speak?), and whether there was a shared European repertoire of empire-building overseas, including “empire talk.” There was, in fact, a shared European repertoire of empire-building. French naval and army commanders knew their Emer de Vattel and referenced Le droit des gens (published in French in 1758 and translated into English in 1760) in their encounters overseas with other European naval and army commanders. Indeed, if there is one thing missing from To the Uttermost Parts of the Earth, it is the book historical aspects of legal bricolage. Which legal texts were being read by the people involved in European expansion abroad, in which languages, and to which purposes? For example, Le droit des gens was reprinted in both French and English until the end of the eighteenth century. Moreover, older texts such as Grotius’ De Jure Belli ac Pacis remained current as well. Two instances come to mind. Thomas Jefferson owned a copy of De Jure Belli ac Pacis and referenced it in the 1792 negotiations with Spain about the boundaries of Georgia. The work was also cited by the legal defense team of Joseph Knight, the African slave who sued his Scottish owner/employer before the Court of Sessions in Edinburgh in 1777 and obtained his freedom.

This brings us to Part III (‘Britain: Laws and Markets’), which comprises three chapters, two of which discuss the purposes served by the vocabularies of natural law and the law of nations in the early modern British Isles, followed by a chapter on the British Empire and “global law.” All the usual suspects appear on stage: Thomas Hobbes, John Locke, David Hume, Adam Smith,
and Jeremy Bentham. There can be little doubt about their importance in reconfiguring the vocabularies of natural law and the law of nations as, respectively, “science of government,” political economy and, in the case of Bentham, international law. Koskenniemi points out, however, that common lawyers in England had little interest in developing new ideas about trade and expansion abroad – witness, for example, the frequent references to “our manor of East Greenwich” in the royal charters issued to English promoters of settlements in the New World. Moreover, the jurists known as “civilians” (i.e., specialists on the *ius civile*, meaning Roman law and by extension natural law and the law of nations) became a dying breed in England in the seventeenth and eighteenth centuries. The English universities produced very few of them. So, again, the question arises how English diplomats conversed and negotiated with other European colleagues, and whether there was a shared European repertoire of empire-building overseas, including “empire talk.” At this point, Koskenniemi’s account ignores the distinctive Scottish contribution to British empire-building in the eighteenth century, which consisted not just of Hume and Smith but also of countless Scottish jurists steeped in the vocabularies of natural law and the law of nations, courtesy of their legal training at Protestant universities on the European continent or at the universities of Edinburgh and Glasgow. These jurists entered the British foreign service and/or became British colonial officials. They did the “empire-talking” in recognizable natural law and law of nations idioms. Was it a coincidence that the Lord Chief Justice who ruled in Somerset’s case (1772) that slavery had no basis in common law happened to be a Scottish nobleman, whose elder brother was a barrister in Scotland?

The book concludes with Part IV (“Germany: Law, Government, Freedom”), which consists of two chapters. Here, the Holy Roman Empire (dissolved in 1806) and its successor, the German Confederation (dissolved in 1866), take center stage. Koskenniemi claims that

[i]nternational law is a specifically German discipline. Not only have German jurists played a powerful role in the field and many of its rules have been developed with the greatest sense of urgency at German universities. It is the very frame – the “grammar” – of international legal argument that has been inherited from the German debates that juxtaposed an overriding imperial jurisdiction to the territorial competences of imperial estates that gradually learned to think of themselves as sovereign. How to square the circle of the simultaneous validity of imperial and territorial law is the international law problem *par excellence*, the root from which its other quandaries arise (800).
This is an important insight. Yet, it also takes us back to the traditional narrative of international law and its history as, supposedly, an internally European project. Significantly, Part IV lacks a discussion of overseas trade and expansion. It is true that neither the Holy Roman Empire nor the German Confederation nor any of their constituent entities managed to engage in formal conquest and colonization in Asia and the Americas. Yet, as JEAH readers know, there was plenty of “informal” German participation in, for example, the Dutch and British empires of the early modern period – as mariners, traders, settlers, colonial officials, etc. It is possible, of course, that the German law schools ignored all of this and that students were frantically reading Kant and Hegel instead. Yet I am not so sure this was the case. It is a shame Koskenniemi fails to reference the big “Natural Law 1625–1850” research project, which focuses on the institutionalization of natural law at German universities. Thanks to this project, we know a great deal more than we did about the many teachers of natural law at German universities, about the lectures they gave and the textbooks they produced, and about student responses to their teachings, as revealed by annotated textbooks, student lecture notes and student dissertations. Legal bricolage was hardly the preserve of Kant and Hegel. Indeed, if we want to examine the practical consequences, we are better off studying student notes – if only because law graduates staffed the bureaucracies of the German states.

Still, To the Uttermost Parts of the Earth is a weighty, thought-provoking book, based on an awe-inspiring amount of secondary literature, taken from the modern disciplines of economics, history, international relations, law, politics, and philosophy. A book review of 2,000 words cannot do full justice to Koskenniemi’s many arresting insights and juxtapositions, which will shape the discussions on the histories of international law for many years to come. However, I do need to note the sloppy editing on the part of Cambridge University Press. The text contains too many random sentence fragments, particularly in Part I, which can make it difficult to understand Koskenniemi’s argument.

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