

## BOOK REVIEWS

*To the Uttermost Parts of the Earth: Legal Imagination and International Power 1300–1870* by MARTTI KOSKENNIEMI [Cambridge University Press, Cambridge, 2021, xiv + 1107pp, ISBN: 978-0-521-76859-7, €189.95 (h/back)]

Comprising, in addition to an introduction and conclusion, 12 chapters covering the period from 1300 to 1870, this book, in film-making parlance, is a ‘prequel’. And, as with any good prequel, the audience find themselves on familiar ground. Koskenniemi’s writings and preoccupations since the publication in 2001 of *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* show through, not just because he is reprising his own lead role in the turn to history in international law scholarship, but also in his criticism of attitudes in the legal academy.

In *The Gentle Civilizer of Nations*, the story began, more or less, with the Berlin Conference of 1884–5 that facilitated greater colonial activity in Africa (Chapter 2). We find in it discussions of Gustave Moynier and Travers Twiss—who envisaged Leopold II of Belgium’s *Association internationale du Congo* playing a role akin to the medieval Teutonic Knights or the North Borneo Chartered Company. We also read that Enrico Levi-Catellani of the University of Padua and also a member of the Institut de Droit International had expressed his misgivings about the Berlin Conference in the 1901 issue of the *Revue Générale de Droit International Public*, criticizing Europeans for acting from a position of superiority, capitulatory treaties, extraterritorial jurisdiction and brutal colonial wars.

*To the Uttermost Parts of the Earth* continues with the preoccupation of *The Gentle Civilizer of Nations*, as a further exploration of the deeper history, or histories, of European ideas about international law, concentrating on the relationship between law and power—what he calls ‘the legal articulation of European power’. However, whereas much of the current postcolonial scholarship is said to be, simply, anti-European, Koskenniemi is preoccupied with the difficulties of international law’s Europeanness.

Beginning in the Late Middle Ages, taking us from Salamanca to the Age of Absolutism, and ending with German legal science and the construction of an international society, it is a slow burner. But why does he do it? Recently, while reading Daragh Grant’s elegant article on ‘Francisco de Vitoria and Alberico Gentili on the Judicial Status of Native American Politics’ in the 2019 volume of *Renaissance Quarterly* the present reviewer was reminded that these days one is not allowed to speak of Vitoria’s Christian humanism without getting caught in a critical postcolonial backlash. This reviewer cannot help but think that Koskenniemi’s latest book is also an attempt, even if his attention is directed entirely elsewhere and others will read him very differently, to grapple with that same difficulty. Incidentally, Grant’s article is

devoted to an account of how, following Jean Bodin, Gentili had reinterpreted the *jus gentium* and advanced sovereignty as a chief organizing principle, thereby marking a decisive break from Vitoria's Christian worldview (the corresponding chapters in *To the Uttermost Parts of the Earth* are Chapters 2 and 3; Bodin receives star treatment later in Chapter 5).

What Koskenniemi has done, though not always in the places we might expect, is to inject an element of race into our usual reading of the European intellectual heritage and to treat it critically, unlike our books by Westlake, Holland or Hall in England, or Lorimer in Scotland, on that score.

If not for positivism, and to a lesser extent what David Harris once described as an 'empiricist approach', if not for Oppenheim, Schwarzenberger and Brownlie, undergraduate students of the subject in the later decades of the twentieth century would have had to grapple with the subject's discomfiting history. Instead, we have had a century of sanitization, the United Nations Charter, progress and human rights, in the way Humpty Dumpty might be portrayed in a children's television programme. In short, Koskenniemi's latest book can be read as an effort at decolonializing our usual historical account of, and the intellectual history of, international law, on a scale which befits his stature and reputation in the field. In Britain, the reader will be likely to be drawn first to Chapters 8 to 10 (in France, Chapters 5 to 7). It will not always make for comfortable reading for everyone, but the days when the more delicate aspects of our subject could be hidden behind a strictly formal account have probably passed. Chapter 7 in Part II on French colonies, companies and slaves which precedes Part III entitled 'Britain: Laws and Markets', while going over historical ground that is widely known, nonetheless helps the reader to understand current interest in international law scholarship concerning 'racial capitalism'.

Papers from a book review symposium on *To the Uttermost Parts of the Earth* were published in the August 2021 issue of the *European Journal of International Law*. The historian Priya Satia offered an especially critical paper on Chapter 10, 'Global Law: Ruling the British Empire'. Hers is written from a subaltern viewpoint and the piece makes necessary points; however, its harshness should perhaps have been avoided. Engaging with the intellectual history of the European Law of Nations engages colonialism and the history of the world. If anyone should attempt to do that, on this scale, it should be Martti Koskenniemi.

C L LIM\* 

\*Choh-Ming Li Professor of Law, Chinese University of Hong Kong, Hong Kong, [chin.leng.lim@cuhk.edu.hk](mailto:chin.leng.lim@cuhk.edu.hk).