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BOOK REVIEW

Martti Koskenniemi, *To the Uttermost Parts of the Earth: Legal Imagination and International Power, 1300–1870*

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The title of Martti Koskenniemi's new book comes from the New Testament, specifically Jesus's instructions to the Twelve Apostles: "You are to be witnesses unto me both in Jerusalem, and in all Judea, and in Samaria, and unto the uttermost parts of the earth." It is a fitting encapsulation not just of the book's argument but of the book itself. At over 1000 pages, it covers everything from law, history, and politics to religion, economics, and philosophy over almost 500 years of history—from 1300 to 1870—while spanning most of the globe. *To the Uttermost Parts of the Earth* is thus a supremely expansive work. It is also supreme in a second sense. As the third of three books—following 1989's *From Apology to Utopia* and 2001's *The Gentle Civilizer of Nations*—it completes a trilogy presenting Koskenniemi's now classic "critical" view of international law. Hereon, all those writing international legal history will have to reckon with this trilogy. Put differently, we are all witnesses unto Koskenniemi—both in Jerusalem, and in all Judea, and in Samaria, and unto the uttermost parts of the earth.

The book is labyrinthine in its organization. It is divided into four parts, each containing two to four chapters. Apart from the first part—which covers France, Spain and the Spanish Empire, the Italian city-states, and the Netherlands and the Dutch Empire, in that order—each part is defined nationally, focusing successively on France and the French Empire, Britain and the British Empire, and the German states. Broadly, the parts move chronologically. But chapters also double back. Parts III and IV, for instance, cover roughly the same period, from the fifteenth to the late nineteenth century. If, like a hedge maze, this can sometimes be disorienting, it can also be remarkably elegant. For example, the book ends exactly where Koskenniemi's last, *The Gentle*

Civilizer of Nations, started: with the founding of the Institut de Droit International in 1873.

Throughout the book, Koskenniemi draws on two key concepts. The first is "legal imagination." In particular this is an international legal imagination, which he defines as being how people thought about "authority beyond the domestic world" (1). They did this, Koskenniemi suggests, through his second concept: "bricolage." This term was originally used by French anthropologist Claude Lévi Strauss to describe people who, when faced with a new project, draw on whatever tools they have at hand instead of restricting themselves to bespoke ones made for that purpose. Building on this, Koskenniemi identifies a process of legal bricolage. In his words, it describes how individuals in the past "employed familiar legal vocabularies lying around to construct responses to new problems in order to justify, stabilize or critique the uses of power" (2).

Moving beyond the first two books in the trilogy, and in keeping with recent scholarship, Koskenniemi's "bricoleurs" are not just lawyers. In fact, very few of them are. They are simply those who used what Koskenniemi calls "legal vocabulary" (2). They range from canonical authorities like Francisco de Vitoria, Hugo Grotius, and Emer de Vattel to less well-known figures in the history of international law, including French statesman Cardinal Richelieu, British governor of Massachusetts Thomas Pownall, and German philosopher Gottfried Achenwall. Indeed, some of the most absorbing parts of *To the Uttermost Parts of the Earth* are the miniature biographies of such individuals.

Koskenniemi makes many arguments in the book. The one that will likely resonate the most with legal historians regards the relationship between public and private law, or what Koskenniemi terms sovereignty and property. Scholars have long held that the two are separate. Koskenniemi, by contrast, insists that they are fundamentally intertwined. In Part III, for example, Koskenniemi shows how the expansion of the British Empire depended on a symbiotic relationship between sovereignty and property: elites converted British sovereignty into private property rights; in turn, the British government extended its sovereignty on the basis of claims to private property. As Koskenniemi puts it, in what serves as a sort of catchphrase for the book: "Sovereignty and property are the yin and yang of European power" (959).

Koskenniemi hints at this argument in the book's title. My account of the title's provenance at the beginning of this review was not exactly true. In fact, it is a quotation of a quotation: Koskenniemi is quoting the English poet John Donne quoting the Bible in a sermon he gave to the Virginia Company in 1622. In other words, Donne's, and therefore Koskenniemi's, "witnesses" were British colonizers. Here, Koskenniemi builds on recent work by legal historians and others who have worked to establish that corporations were central to imperialism—what Philip J. Stern calls "venture colonialism" in his and Rupali Mishra's related works on corporations and British colonialism. Donne's Virginia Company exemplifies this. Combining private functions of trading and profiting with public ones of governing a colony, it functioned as a "company-state." If the members of the Virginia Company were witnesses

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unto Christ, as Donne suggested, they were also witnesses unto the Company and the state.

Unfortunately, Koskenniemi makes less of this new history of corporations and international law than he could. For example, the frame of venture colonialism is almost entirely restricted to Part III on the British Empire. By contrast, in Part I on the Dutch Empire and Part II on the French Empire, Koskenniemi reverts to an older view of the state and companies as distinct, with the latter only playing a supporting role. He thus overlooks recent work by historians of Dutch and French company-states, such as Adam Clulow and Elizabeth Cross. Even where Koskenniemi discusses venture colonialism, the book's structure leads him to portray companies as national enterprises. As this new history has shown, however, these companies were in many ways transnational, sharing ideas, financing, and even people. The English and Dutch East India Companies, for instance, cooperated commercially and militarily at various points. In these instances, individual company-states became conjoined company-state-company-states.

But these critiques only strengthen Koskenniemi's central contention concerning the historical blurring of sovereignty and property. This is an argument about the past but it is also, as Koskenniemi himself recognizes, about the present. As he writes in the introduction: "The ideas and events of the approximately half-millennium treated in this book are connected to the ways in which we think and act today as lawyers, activists and politicians, inhabitants of a world we imagine as ours" (4). He might have added legal historians as well. For in imagining a different legal history, we are also imagining a different legal future—a project to which Koskenniemi has contributed much.

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