

Legal Imagination as Bricolage

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The publication of Martti Koskenniemi's new book marks a much-anticipated event among scholars working on the Theory and History of International Law. This may come as little surprise, given that Koskenniemi's earlier monographs – [From Apology to Utopia](#) (1989) and [The Gentle Civilizer](#) (2001) – have both contributed to turning points in the scholarly field: *From Apology to Utopia* by strengthening [critical legal studies](#) in the theory of international law; *The Gentle Civilizer* in that it helped the [historical turn of international law](#) to make its eventual breakthrough. Accordingly, the publication of Koskenniemi's just-released [To the Uttermost Parts of the Earth. Legal Imagination and International Power 1300–1870](#) (hereafter: *The Uttermost Parts*) comes with both – great expectations and a high bar.

Völkerrechtsblog is therefore excited to contribute to the scholarly discourse on 'the new Koskenniemi' with this book review symposium. In the upcoming days, we will publish five blogposts by established scholars addressing different parts and aspects of *The Uttermost Parts*. We are very pleased that the author, Martti Koskenniemi, has agreed to conclude the symposium by responding to these contributions.

The Epochs of Bricolage? On Law, Power and Discourse

However, before we turn the floor over to our reviewers and the author, we would like to outline some general observations about the book in the sense of an introduction to this symposium. When we began reading *The Uttermost Parts* for the first time, two things in particular stood out to us: *First*, although the publication is eagerly awaited in the discipline of International Legal History, this monumental work is, as the author tells us, 'not a history of international law' (p. 1; 953) – or at least not in a *classical* sense. Rather, Koskenniemi describes his thousand-plus page endeavour as 'a history of the uses of the legal imagination in the past but also in the present' (p. 4). The author is concerned with writing a history of the legal imagination between 1300 and 1870 'as it sought to capture actions or policies with consequences outside the domestic sphere' (p. 2). Thus, *The Uttermost Parts* can be read, chronologically, as a prehistory to *The Gentle Civilizer*. Furthermore, as becomes clear when reading the book's acknowledgements, it bundles some of the theses, narratives, and ideas Koskenniemi has developed since *The Gentle Civilizer* into a concise narrative.

Second, the structure of the book may strike you, as it seems quite 'conservative' at first glance: as in *The Gentle Civilizer*, Koskenniemi devotes himself to various legal traditions. *The Uttermost Parts* is structured in four larger parts, which deal with: I.) thirteenth century France, sixteenth century Spain, Gentili and Grotius on the way to the 'rule of law'; II.) France; III.) Great Britain; and IV.) Germany. Moreover, a cursory glance at the table of contents after opening the book for the first time might even remind one of Wilhelm Grewe's [Epochen der Völkerrechtsgeschichte](#) (1984). Like *The Uttermost Parts*, Grewe's book entails parts on a Spanish, French, British etc.

epoch. So, is this just old wine in new wineskins? Not really. The two authors work with quite different approaches: Strongly [influenced](#) by Carl Schmitt, Grewe argued primarily from a theoretical perspective granting discursive dominance to states' power and hegemony. *The Uttermost Parts* takes a completely different route. It is here that our first observation kicks back in: At the end of his book, Koskeniemi explains: 'I have structured this book – that this type of imagining could only emerge from the legal education and the local experience of those who engaged in it' (p. 955). The structure of *The Uttermost Parts* points out that the continuity of legal imaginations that persists in political and legal discourse today 'cannot be read as a single tradition' (p. 4). Instead, Koskeniemi argues that 'different ways of imagining a law to be applied abroad or with respect to foreign peoples arose simultaneously at different places; they flourished and withered away in the manner that ways of speaking and thinking do' (p. 4).

But of course, as Koskeniemi emphasizes here again, this does not mean that these discourses are apolitical. However, it is not the crude power politics of '*realist*' statesmen in Grewe's sense that Koskeniemi is referring to. Rather, the book deals with discursive power relations that have emerged in the course of scholarly thinking about 'the international' and that contend with each other between apology and utopia. Words are politics – and these politics, Koskeniemi again underlines in his new book, are engaged in by many thinkers and shaped by multiple traditions. It follows that *The Uttermost Parts* is thus not a singular linear history of legal imaginations, but emphasizes the multiplicity of traditions of legal imagination that are nonetheless interconnected. Koskeniemi reminds us how legal work functions as legal imaginations. They form a *bricolage*, 'the combination of materials lying around to persuade those whose opinions and words count' (p. 958).

An Act of Bricolage: The Contributions to the Symposium

In order to approach these different traditions in *The Uttermost Parts*, we asked our reviewers to look more closely at one part of the book at a time and infer the overall work from that perspective:

In reviewing 'The Political Theology of *Ius gentium*' from Part I, [Manuel Bastias Saavedra](#) (MPI for Legal History and Legal Theory) identifies three main themes in Martti Koskeniemi's take on the School of Salamanca. His critical comment concerns whether the distinctions that interest the author, however, are distinctions that were also relevant to 16th century authors. In line with this, Bastias argues 'that rights, privileges, obligations, and *iurisdictio* resided not in individuals but in collective bodies.'

[Frederik Dhondt](#) (Vrije Universiteit Brussel) analyses Koskeniemi's reconstruction of French legal imaginations from Richelieu to Rayneval in Part II (France): Reflecting on *The Uttermost Parts* in light of Foucault's concept of knowledge (*savoir*), Dhondt concludes that Koskeniemi's 'synthesis of philosophical, economic, legal and historical scholarship shall probably become a standard entry point for students of a broader field than international law or legal history alone'.

In his critical review on Part III (Britain), [Prabhakar Singh](#) (Jindal Global Law School) criticizes the great role European men play in Koskenniemi's new book – a 'luxury of European armchair historiography' according to Singh. While he praises *The Uttermost Parts* as 'a history of European legal imaginations', Singh emphasizes the need to look more closely at the practices and encounters between empires and the colonized to recenter the agency of colonial subjects.

Comparing Martti Koskenniemi's historiography with panorama painting, [Alexandra Kemmerer](#) (MPI for Comparative Public Law and International Law), for her part, draws a panorama of Koskenniemi's work from 1989 until today. She particularly focuses on Part IV (Germany) of *The Uttermost Parts* in order to explore Koskenniemi's thesis that 'international law is a specifically German discipline'.

In taking a step back, [Surabhi Ranganathan](#) (Lauterpacht Centre for International Law) explores Koskenniemi's form of storytelling. Looking at his monographs from 1989 and 2001, she makes comparisons with *The Uttermost Parts* and the evolution of his form of history writing. She argues that Koskenniemi's current work evokes a narrative style of *Dastans* and the *Mahabharata*.

[Martti Koskenniemi](#) (Erik Castrén Institute), the author of the volume under review, concludes our symposium. In his response, he addresses the reviewers' comments. Furthermore, Koskenniemi devotes special attention to the art of storytelling that characterises *The Uttermost Parts*.

