

## BUCHBESPRECHUNGEN / BOOK REVIEWS

*Arnulf Becker Lorca, **Mestizo International Law: A Global Intellectual History 1842–1933**, Cambridge University Press, Cambridge 2015, 420 pages, £80.00, ISBN 978-0521763387*

The history, or rather histories, of international law have garnered much interest recently. One significant contribution comes now from the pen of Arnulf Becker Lorca. Continuing along the path laid out by eminences of international legal history like Martti Koskenniemi or Antony Anghie, this book adds a new and exciting perspective to the picture of how European international law was universalized since the late 19th century. Its main argument is that the turn from “classical” to “modern” international law cannot be properly understood without paying attention to the semi-periphery, a term derived from notions of a core-periphery antagonism employed in world system theories. It were the semi-peripheral states, diplomats, and lawyers, Becker Lorca argues, who induced and influenced major shifts in international legal reasoning, from absolute to relative sovereignty, from positivism to naturalism, from the “standard of civilization” to a more formalized concept of statehood. The universalization of international law was, in other words, not the simple enlargement of an existing system, imposed by Europeans on the non-European world. Rather it needs to be seen as hybrid product of the interactions between Western and non-Western actors.

Becker Lorca traces this “Mestizo” international law in nine lucidly written chapters from the apogee of European imperialism to the 1930s. Since the late 19th century, semi-peripheral states like China, Brazil or Japan gradually realized that international law provided useful tools to defend their interests and that legal expertise was indispensable to resist Western powers. Jurists and lawyers from around the globe poured into Western capitals to study, and to participate in, what was still an emergent international legal discourse. Becker Lorca hints at prominent jurists like Wellington Koo from China, once a student of John Bassett Moore at Columbia University, at the Chilean Alejandro Alvarz or at Nicolas Politis from Greece. Familiar examples like the Drago Doctrine from 1902 or the intransigence of Ruy Barbosa at the Hague Conference of 1907 underscore the argument that the appropriation of “classical” international law was essential to challenge European dominance. In short: Around the turn of the century, semi-peripheral lawyers quickly learned that invoking the general idea of international law could serve the national interests of their home countries as well.

The Eurocentric international order of the 19th century underwent a major shift during and after the Great War often described as turn from a “classical”, sovereignty-dominated to a more cooperative, interconnected, “modern” idea of international law. This transition was, as Becker Lorca points out, not entirely good news for the semi-periphery at first. Novel restrictions and constraints of sovereignty could now be placed on non-European

states and legitimize old discriminatory practices in new ways. On the other hand, the Great War enhanced ideas about justice, rights, and norms in the international sphere that now could be employed to demand a more equal treatment from the West. The book hints at the proposal of a racial equality clause put forth by the Japanese delegation during the negotiations of the Paris Peace Conference or at the demands of anti-colonial movements after the war. Building on the findings of Erez Manela and others, it also highlights the many ways self-determination was untied from its European contexts and embraced by subject peoples around the globe. In the end, it was no coincidence that a Pan-American initiative paved the way for replacing the older doctrine of constitutive state recognition by a modern concept of declaratory recognition. For Becker Lorca, the codification of a declarative theory of statehood through the Montevideo Convention of 1933 signifies a point of no return. The international legal order was truly global from now on; it was no longer the simple enlargement of a European set of rules but something decisively shaped by the semi-periphery.

Becker Lorca presents a fascinating narrative of what is arguably one of the most crucial epochs in the history of international law. There is a lot to learn about the subject—as well as on how contemporary jurists conceptualize the history of their discipline. From a professional historian's point of view, however, the approach raises some knotty methodological questions. As “intellectual history”, the book is mainly concerned with what scholars wrote for an academic public. Fascinating as these legal opinions, arguments, and statements are in their own right, they are rarely situated in a broader context. We do not really learn something about the personal biographies of the lawyers, about their dealings with the respective foreign ministries, or what they actually thought about the international affairs of the day. It goes unnoticed how much Politis, while participating in the Paris Peace Conference as Greek Minister of Foreign Affairs, used international law arguments to corroborate the staunch anti-Turkish sentiment of the Treaty of Sèvres.

Of course, Becker Lorca did not aim for a political or social history of international lawyers (although we need one) but wanted to make a point on the impact of the semi-periphery on the intellectual development of international law. But his success in making a convincing argument might come at the price of an essentialist perspective. Most lawyers appear as emblematic spokesmen of their country of origin, firmly assigned, as the maps in the appendix demonstrate, to the respective nation state. There is little systematic treatment of the differences between the position of a lawyer and that of the corresponding diplomatic apparatus, and even less of the fact that most of the books' *dramatis personae* spent long stretches of their careers abroad, quite often in Europe. Alvarez would be the obvious example. But how did being an expat for decades shape the outlook of the semi-peripheral jurists and to what degree were their legal opinions a means for assimilation and accommodation? Lawyers in this book either belong to the core or to the semi-periphery, representing one set of possible rationales and acting in the inevitable logic of this categorization. While this allows for an orderly arranged narrative, the conventional notion of international legal order as a system of neatly divided states is recreated rather than scrutinized and historicized.

These objections notwithstanding: Becker Lorca has written an intriguing book. He turns to more remote locations and digs deeper than most established accounts of international legal history usually do. A lot can be learned from this book about the transitions of international law from the late 19th century to the mid-20th century and how much lawyers and jurists from the non-Western world were involved in this process—even if their role might be more complex and more contradictory than the authors dualistic patterns of core and periphery, of classical and modern international law suggests. It may not go well with a jurists' desire for clear-cut categories but historians would insist on a picture of the past in shades of grey rather than black or white.

Marcus M. Payk, Berlin



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