***Fitzmaurice, Andrew*: King Leopold's Ghostwriter. The Creation of Persons and States in the Nineteenth Century.** Princeton: Princeton University Press 2021. ISBN: 978-0-691-14869-4. xx, 572 pp. $39.95/£35.00

The creation of social personae and their integration into a (international) society lie at the heart of Fitzmaurice's account of the life of Travers Twiss (1809-1897). He was Queen's Council, Doctor of Civil Law, Fellow of the Royal Society and for many years Regius Professor of Civil Law at the University of Oxford, Admiralty Advocate and Queens Advocate. All these titles and positions were listed on his modest tombstone after a life of 88 years (p. 525). This modesty at the end of his life was not a choice as he spent his last years in a poor working-class suburb of London and remote from all the circles and offices he formerly held. His life as a renowned lawyer holding several important public offices was brought to an end by a dramatic scandal: The woman he married and introduced to the highest noble circles in England, Pharaïlde van Lynseele, was exposed as formerly offering sexual services on the streets of London. This transformation was orchestrated by Twiss and the consequences this exposure had on his life were irreversible. However, becoming an outsider in England from the early 1870 s onwards lead his path to the practice of law on the international level, a field he had dealt with before only to a small extent as part of his professorship in civil law.

The book that Fitzmaurice has written about this Victorian intellectual offers according to the author's self-description a micro-intellectual history (p. 24) of not a particularly remarkable intellectual (p. 9). So why bother reading the more than 500 pages? Most notorious for historians of international law is probably Twiss's monography *The Law of Nations Considered as Independent Political Communities* consisting of two volumes published in 1861 and 1863. The work appeared in a second edition in 1884. It becomes clear from his other writings on international law that he was foremost a practitioner of law and treated topical issues and lobbied for clients, such as King Leopold II of Belgium in the foundation of the Congo Free State. Moreover, he was an active member of the newly founded *Institute de Droit International* and published also about the law of the sea and the protection of the submarine telegraph cables.

Recounting these episodes might already provide a path to an interesting account of a remarkable figure for the history of international law. However, Fitzmaurice takes a different route. He builds his narrative of Twiss's life around the idea of legal and social metamorphosis in its broadest sense and indeed, there is quite some content that Twiss's biography provides for following this road. Essentially, it results in three different books between the front cover and verso. A reader interested in the history of international

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law has to browse through 400 pages until the book actually lives up to its captivating title 'King Leopold's Ghostwriter'. The different episodes that also inform the structure of Fitzmaurice's book – besides a comprehensive introduction into the historical context of England at the time and an epilog on civil death – make the argument about the centrality of metamorphoses for Twiss's professional and private life:

First, the political metamorphosis of the nation state building processes in the wake of the 1848 revolutions. A man of the *ancien régime*, Twiss was appalled by those events. He lobbied on behalf of Count Metternich, the architect of the repressive political system after the Congress of Vienna (1815), for a conservative restauration. Twiss's letters exchanged with Metternich after 1848 form the key sources to this part. Second, Twiss was also privately receptive to the idea of metamorphosis. His Belgian wife, Pharaïlde van Lynseele, whose transition into a lady who was presented to the Queen may have had the greatest impact on his life. Fitzmaurice meticulously analyses for this part – inter alia – the files of the court proceeding that scandalised the past of his wife. Third, Twiss supported state creation processes in the founding of the Congo Free State. From a private joint stock company to a state, the *Association Internationale Africaine* was recognised in the course of the Berlin Congo Conference as the Congo Free State. Fitzmaurice uses as main sources for this part the diplomatic correspondence around the Congo Conference 1884/1885 and the writings of Twiss about the creation of the Congo Free State.

The red threat that guides Fitzmaurice through these parts follows the various transformations of persons in society that Twiss accompanied, aided, and commented during his lifetime. This type of intellectual history focusing on the materialisation of an idea in the biography of a person is a rare endeavour and the author of this review article cannot think of any similar piece of scholarship in the field of the history of international law so far. The closest is probably scholarship about conceptual history (*Begriffsgeschichte*) that studies the use and development of the meaning of terms and concepts in different contexts over space and time.

Consequently, one must applaud Fitzmaurice for having traced these different episodes, identifying a common concept behind all of these events in Twiss's life as well as in European politics and colonialism and tying them together into a comprehensive narrative. It is a real intellectual challenge for an author to develop such perspectives over a broad range of sources in a convincing way. At the same time, the book is also a good example why such paths have not been taken more often in intellectual history before. The volume contains three well-separable narratives, which not only provide for a stimulating but also time-consuming read. However, reading through the 400

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pages before arriving at the chapter about the Congo Free State might also be worth it. In particular, Fitzmaurice manages to situate Twiss very well in his Victorian context. The clubs where he used to eat, his admiration of the German historical school, especially the work of the historian Barthold Niebuhr and the jurist Friedrich Carl von Savigny, the publicist debates in political journals he participated in. It includes also Twiss's combination of practical work and academia that brought him several particularly profitable offices as a member of the Doctors' Commons, the civil law equivalent of the Inns of Court (p. 74). While English law dominated, the practice of civil law was still important in the Chancery Court in matters of equity, in Ecclesiastical Courts and the Admiralty Courts during Twiss's time (p. 76). So, Twiss could take advantage of his training in civil law and his reputation as Regius Professor of Civil Law to gain lucrative positions and economic advantage.

Fitzmaurice stresses the irony of the fact that Twiss was in his offices extensively concerned with matters of marriage law and used this knowledge to invent the *persona* of his wife as descendant from a noble family to veil her socially unacceptable past. Eventually, it was also the uncovering of this lie that would cause the end of his professional career. After being blackmailed for a longer period by the lawyer Alexander Chaffers, who claimed to have been a former client of Marie Gelas (i. e. the fake identity invented by Pharaïlde van Lynseele for her former work) over a long period, Twiss was forced to bring a libel suit against Chaffers in 1872 once those rumours reached his employers, the Anglican church and the royal court. Being aware of the risk that the truth might come to light, Twiss only pursued the case until it became clear that the damage from pursuing the claim further would be larger than the chance of winning anything. This was the start of Twiss's economic decline and in the end his ruin. He had to withdraw from most of his offices and was excluded from acquiring new public offices in future. This was also the reason why he turned his attention to the practice of international law as a potential field of income so late in his life.

Fitzmaurice provides the details of this libel case meticulously and he cites extensively from the case protocols. A further contextualisation within discourses of legal gender studies would have been desirable. Although Fitzmaurice continuously shows that he is aware of the gender inequality in such a legal procedure, he does not theoretically deconstruct the power relations reproduced in court. He also refers to Twiss's wife and other sex professionals as 'prostitutes' without contextualising the term and its usage or meaning for that time. However, in his over 50 pages long chapter about Agnes Willoughby, Fitzmaurice explains the agency that such women could have had in this Victorian environment. Willoughby was also formerly earning her living by offering sexual services before, in the early 1860 s, she married

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William Windham, a young man in his twenties who could count several estates as his property. Twiss was also a former client of Willoughby and it became clear that this was an open secret in certain circles. They are fascinating cases and an interesting example of the ambivalent relation between public secretive manners and public knowledge. However, this part of the book might speak more to other legal historical disciplines than the history of international law. Despite the well written prose of Fitzmaurice, one often asks oneself while reading to what extent these episodes were significant for Twiss's particular legal work and scholarship, besides the resonance with the idea of metamorphosis and the fact that it caused severe restrictions on his professional life and made him turn his attention to international law.

The chapter on the creation of the Congo Free State does not disappoint. King Leopold II's endeavour to turn the conglomerate of approximately 400 treaties of Leopold's joint stock company with indigenous rulers into the Congo Free State was juridically prepared and supported by the lobby work of Travers Twiss. There are not so many documents about the direct exchange between King Leopold II and Twiss or their debates about legal strategies, but therefore Fitzmaurice gives a clear account about Twiss's arguments in his lobby work. Already years before the Congo Conference in Berlin 1884/1885, Twiss started to argue in various journals and also in a monograph from 1883 for an international protectorate for the Congo River. He positioned himself as an international expert on this question. This even resulted in his consultation by the British Foreign Office in the preparation and during the Conference in Berlin. Despite his outsider status, his knowledge brought him back in contact with the Foreign Office, but not on an official position or as a delegate. The scandal was not forgotten, but his expertise was still valued.

The eventual route to the recognition of the Congo Free State went over the recognition of the flag of the International Association of the Congo as a friendly power (p. 459). This acknowledgement of the flag from the imperial powers and eventually also Great Britain paved the way towards statehood. This solution seemed to neutralise the interests of the competing imperial powers mutually and in consequence to be the most diplomatically prudent solution. At the same time, the metamorphosis was not completed in a single effort. As this new legal person was not established as the colony of another state, it was itself not a European state, but also could not be considered as an 'oriental' state (p. 489). Trying to navigate between these different categories had practical implications to limit foreign influence on the newly founded state, such as by consular jurisdiction. Fitzmaurice stresses that this also contributed to a liberalisation and broadening of the international society. Statehood could be attributed by the virtue of legal arguments to something that did not have a bureaucracy, its own military or hardly any other regular

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characteristics of a state. At the same time, this practice also implied that African peoples carried sovereign rights that could rightfully be transferred by treaty. In the forthcoming years, international lawyers were debating and arguing about the legal status of the Congo Free State.

For Twiss, the Berlin Conference was a diplomatic success that follows the congress diplomacy of the Congress of Vienna (1815) and has a long list of predecessors. This is also what he would have written to Klemens von Metternich, the so-called architect of balance of power in Europe after Napoleon's defeat and in office for the Habsburg Empire until the revolution of 1848. Since Metternich and Twiss first met in London shortly after Metternich fled from the revolution of 1848 in the Austrian Empire, they started a correspondence over personal, but foremost public matters and foreign politics. It even went so far as to Twiss publishing in journals on questions related to Austria that largely echoed Metternich's opinions formulated in letters to Twiss. In that sense, it was also here that Twiss became a lobbyist, but in this case for a conservative restauration of Europe and the Habsburg Empire. The integration of these letters found in Czech and French archives into the book does not necessarily help the argument in a convincing way – Fitzmaurice argues with the transformation from empires into nation states and the changes of the political understanding in general – but they provide exciting insights in the ways that public opinion was influenced at the time. Twiss was the loyal executor of Metternich's instructions, who refrained from publishing under his name because he feared that the author and not his thoughts would be judged. This cooperation between Twiss and Metternich also provided an opportunity to exchange about international law as such. Metternich was not convinced about the utility of international law for international relations. He was sceptical about the principles of the law of nations and preferred to be guided by reason and 'the Decalogue and the Catechism' (p. 67). In contrast, Twiss regarded the Concert of Europe following the Congress of Vienna 1815 also as an institution to uphold and enforce the law of nations. In a way, this discussion already points to Twiss's later work as an agent of the Belgian King, in which he also set aside the traditional principles of statehood and sovereignty in international law to argue for the creation of the Congo Free State.

A summarising verdict on the book is difficult, since the different parts can each stand on their own feet and probably have a varying significance for different readers. Fitzmaurice has woven together with great diligence and finesse a book that seems unparalleled in its conception and the stringent execution thereof. Therefore, it is easy to understand why the who's who of the history of international legal thought (David Armitage, Duncan Bell, Randall Lesaffer, and Michael Lobban) celebrate the book with their blurbs

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on the back cover. It is a book that is deeply rooted in traditional European intellectual histories and appreciates them, but most of the time also meets them with the necessary distance. This point alone is probably where one would wish for a clearer positioning of the author. By reproducing the biographical episodes of Twiss's life from the sources, a contrasting contextualisation is often missing, against the background of which the biography but also the idea of the creation of persons could appear, informed by postcolonial studies and gender studies, in a more nuanced and sometimes maybe even different light. Nevertheless, this book is a scholarly contribution that sets new standards for the biographical historiography of international law.

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