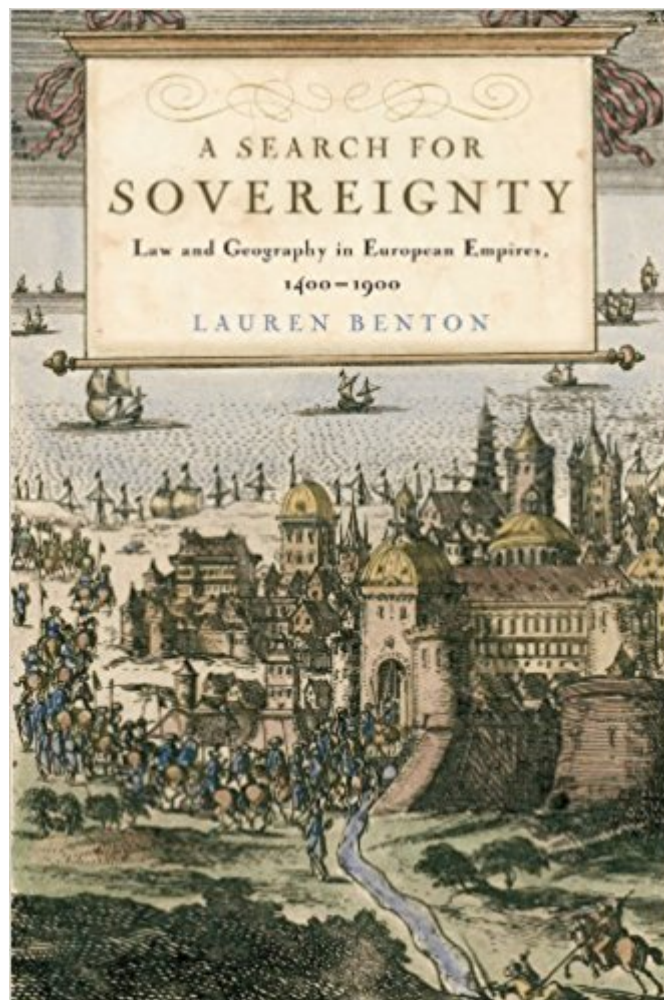




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A Search For Sovereignty: Law And Geography In European Empires, 1400-1900



Synopsis

A Search for Sovereignty maps a new approach to world history by examining the relation of law and geography in European empires between 1400 and 1900. Lauren Benton argues that Europeans imagined imperial space as networks of corridors and enclaves, and that they constructed sovereignty in ways that merged ideas about geography and law. Conflicts over treason, piracy, convict transportation, martial law, and crime created irregular spaces of law, while also attaching legal meanings to familiar geographic categories such as rivers, oceans, islands, and mountains. The resulting legal and spatial anomalies influenced debates about imperial constitutions and international law both in the colonies and at home. This original study changes our understanding of empire and its legacies and opens new perspectives on the global history of law.

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Customer Reviews

"Lauren Benton's book is sure to remap how we think about the geography of world history.

Elegantly written, theoretically sophisticated, and impressively documented, this book challenges the common view of sovereignty as the result of spreading laws and extending territorial claims, as if the world rested on a divide between lawful and lawless lands. According to Benton, these divides were the artifice of legal ideologies that obscured the common features of violence and uncertainty that pervaded empires from their hinterlands to their cores." Jeremy Adelman, Princeton University

"Empires usually appear expansive, implacable, and all-encompassing, but A Search for Sovereignty portrays them instead as uneven, tentative, and riddled with gaps and contradictions.

The novel topics and surprising juxtapositions in this strikingly original book comprise a vision of

world history that is as convincing as it is unsettling. Its achievement confirms Lauren Benton's stature as one of the most creative historians writing today." David Armitage, Harvard University

"Lauren Benton has shown, with immense erudition and considerable flair, how central the concern with sovereignty was for all the European overseas empires throughout their long and complex histories. She has shown also how closely tied law was to the concept of space, in ways that will have an enduring impact not only on how world history is conceived but also on how we understand the current tangled conflict over international jurisdiction. *A Search for Sovereignty* is a brilliant, innovative, and timely book." Anthony Pagden, Distinguished Professor of Political Science and History, University of California, Los Angeles

"Canvassing legal archives over large reaches of the early modern world, Benton discerns striking correlations between the practice of geography and the practice of law - and between discrete categories of space and recurring types of threat to state sovereignty. The resulting account calls for a new map of imperial space - one replete with gaping holes and alarming lumps, a viscous and uneven medium that has eluded cartography to date. This is a superb book that will make a splash among historians, geographers, and social theorists alike." Karen Wigen, Stanford University

"In this examination of the relation between law and geography in European empires between 1400 and 1900, Benton argues the Europeans constructed sovereignty in ways that merged ideas about geography and law." *Law and Social Inquiry* "... a book of the first importance." Eliga Gould, *H-Soz-u-Kult*

"Benton's most notable contribution is to show that sovereignty is indeed a geographical discourse but one comprised and constitutive of multiples spaces, sites, and places, rather than simply the supposedly fixed, bounded and homogenous spaces of territorial states." Nisha Shah, *Political Geography*

"Lauren Benton's deeply imaginative monograph rethinks the relationship between law, geography, and jurisdictional politics in European overseas empires ... Readers who follow Benton upriver, across oceans, and to islands and mountains with eyes trained for legal posturing and jurisdictional politics will see European empires in a new and arresting way." *Law and History Review* "... succeed[s] in presenting a compelling set of reasons for questioning teleological accounts of sovereignty ... [Benton] provides many points of entry for further elaboration on the ways in which empire disrupts the narrative of a steady convergence of sovereignty and bounded territory culminating in the present international legal order." Kate Purcell, *British Yearbook of International Law*

A Search for Sovereignty examines the relation of law and geography in European empires, exploring spatial patterns of treason, piracy, convict transportation, and martial law in European

empires between 1400 and 1900. Lauren Benton's research reveals that European powers imagined imperial space as networks of corridors and enclaves, and that they constructed sovereignty in ways that merged geographic discourse with law.

Lauren Benton uses deep historical research to undo the sense of sovereignty and colonial empires many readers may have derived from theoretical discussions of 'modernity', 'coloniality', and such. The standard image--again, derived more from theoretical debates than careful engagement with the historical record--is that European empires increasingly controlled space rationally, as epitomized by the standardized geography of modern cartography. Furthermore, distinctions were drawn and maintained between rational European subjects and others who supposedly lacked rationality and thus could not be agents of the modern world. These vague generalizations are eroded by the evidence presented in "A Search for Sovereignty". Rather than producing a homogeneous, smooth space, empire-builders are portrayed as having to improvise through a number of types of territories that confounded them--rivers, mountains, oceans, islands. In turn, efforts to define sovereignty in these ambiguous spaces produced opportunities for multiple agents to make contradictory claims about law and their rights. Far from producing a smooth space, one might instead picture a space that is more deeply and coherently produced near centers, and then becomes increasingly vague and contradictory (although claims made about the hinterlands were often ruled on in the centers, and redounded there). Even oceans, for example, were the site of contradiction between corridors which were relatively controlled and expanses where who could exert sovereignty was much less clear. The bulk of the text is given over to illustrating the contradictions of each of these spaces. Rivers are the sites of claims and counter-claims of treason, as actors near ports or further upriver attempt to use loyalty to the crown to undermine their rivals and assert their own autonomy. In oceans, pirates were actors who often asserted a relation to the law, claiming to act on behalf of various sovereigns. Islands, often used as penal colonies, were the site of the ambiguous development of martial law, as it was unclear whether non-prisoners residing on the islands (often soldiers) were subject to the arbitrary rules developed for prisoners, or what the rights of everyone were in relation to the rights developed in the states controlling the island. Mountains were imagined as places where less civilized people resided (although the historical development was much more contradictory--they were often refuges from oppression in the lower lands) and forms of indirect rule, involving inconsistent concepts of who (representatives of the colonies, or indigenous leaders) had jurisdiction over what. In all these cases, concepts of law and sovereignty only emerge from repeated contestations and claims by different actors. There was no

palimpsest of colonial law that could be imposed and stably reproduced. The different European powers picked up on and developed what each other was doing. Several of these chapters resonate with the present--most dramatically, the question of whether rights recognized elsewhere are nullified for island prisoners jumps out for its similarities to Guantanamo. Benton only makes the most passing reference to this continued parallel and her gentle hand is appreciated here (she also notes the parallels between questions of indirect rule and problems of occupying Iraq and Afghanistan--note the indeterminacy as to who has the right to hold those employed by the US (such as Blackwater mercenaries) responsible for crimes committed in Iraq. Piracy has of course also returned lately, although to date the Somalis have not attempted to use law to defend their actions). I found the general pattern laid out in the book to be quite stimulating, and it shook up my (admittedly limited) framework for understanding these questions. However, each chapter tended to lapse into somewhat turgid prose as different cases and claims were laid out. I altogether lost track, for example, of the difference between the Grotian and Gentilian conceptions of the rule of the sea. In other words, this is one more academic book that could have really have used a more careful edit. Benton eschews any simple directionality to the processes she describes. While many people writing about colonialism emphasize the exertion of power by Europeans and the resistance of various 'Others', she emphasizes that diverse actors tried to employ the law to strengthen their claims, and European classification of non-Europeans was not stable and already-known before the colonial process developed. Or to take another example, she disputes Peter Linbaugh's claim that pirates were resolute opponents of the states in the eighteenth century. Instead, pirates themselves often made legal claims in the name of various sovereigns to legitimize their actions. It is very useful to blur boundaries and complicate the picture in this way. In a sense, although this is fairly large scale history, moving across many continents and through several centuries, it parallels the anthropological insistence on the contradictory effects of power when it is localized and played out among a number of actors. However, as with this sort of anthropological work, Benton's book left me wondering why European empires achieved a stability of sorts that lasted for several centuries, and whether any sort of directionality to events can be identified. Is it possible to write grand narratives of colonial empires that do justice to the contradictory and ambiguous processes highlighted here?

This book elevates a technical legal topic to the level of the finest modern historical writing. It does not have everything, but it has everything it needs. All the erogenous zones of a well-informed reader with a smattering of Theory will be stimulated by a book that concerns itself with liminal

issues, with exceptions to general rules and systems, with quasi-sovereignty, with the establishment on and by means of the oceans of the sovereignty of the land, with the supposed relegation of non-European civilizations to the status of imperfect polities. The book is underscored with paradoxes, which it treats both sensibly and seriously. There is none of the hackneyed playfulness that issues of this kind can inspire in lesser writers. The application of legal theories to tracts of territory far from the metropolises in Europe is outlined and analyzed with commendable clarity. The recruitment of law to aid the imposition of colonial will on distant territory is demonstrated. The Eurocentrism of the enterprise, so clear to us today, is pointed up in the treatment of the topic in the early modern period and later. The discussion of particular issues is especially valuable, such as the legal consequences of the formation of enclaves, which remain of considerable moment today in some parts of the world. Outside pure legal textbooks of the most technical kind, there is little available of this quality on this subject. In short, this is a work of real analysis, establishing a new way of seeing the history of the period when Europe burst out onto the world stage and, with the jackboot and the lawyer's opinion operating in harmony, divided the world legally into the domains of different European states. The raggedness of the enterprise of empire, the contingency of its creation: these are among the other features of the past that this book holds up for our attention. The book makes the reader wonder how the leaders of modern ex-colonial powers so confidently expect ex-colonies to demonstrate reflex respect for an international law system grounded in the theories elaborated to support the European colonial land grab. And a writer who begins a chapter with the sentence 'It is hard to avoid beginning with Conrad' very definitely begins well. This reviewer can assure readers that the book continues in the same excellent vein.

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