

Sovereignty, Property and Empire: Early Modern English Contexts

Prof Martti Koskenniemi,
University of Helsinki

The paper

This paper is based on a set of notes from a larger work that seeks to map the uses of different legal vocabularies by ambitious European legal and political thinkers in the period of c. 1300-1800 in order to defend, explain and organize the exercise of power outside the domestic commonwealth. One chapter in that work will concern the ways the English legal languages (civil law, common law, natural law, *jus gentium*) were used to think about, propagate and defend English transatlantic expansion. For most of that time, the relations of public and private power remained closely interwoven. The pluralism of English law also contributed to arguments from property and sovereignty appearing in different configurations so that it is often hard to figure out which precise connotation is being made. The uses also varied significantly from continental practices. I am above all interested in the *imperial* or *colonial* significance of these arguments. The point that emerges here is that by 1800, a conception of British empire had arisen where the exercise of sovereign power was clearly derivative from and supplementary to claims about private property.

The author

Martti Koskenniemi is Academy Professor and Director of the Erik Castrén Institute of International Law and Human Rights at the University of Helsinki, a Professorial Fellow at Melbourne Law School, and Centennial Professor at the London School of Economics. He has held visiting professorships at New York University, the University of Cambridge, the University of Utrecht, Columbia University, the University of São Paulo, the University of Toronto, and the Universities of Paris I, II, X and XVI. He was a member of the Finnish diplomatic service from 1978 to 1994 and of the International Law Commission (UN) from 2002 to 2006. His main publications include *From Apology to Utopia: The Structure of International Legal Argument* (1989), *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (2001), *The Politics of International Law* (2011), and *The Cambridge Companion to International Law* (2012, co-edited with Professor James Crawford).