
Briefly Noted

Stefan Kadelbach, Thomas Kleinlein, and David Roth-Isigkeit (ed.). **System, Order, and International Law. The Early History of International Legal Thought from Machiavelli to Hegel.** Oxford: Oxford University Press, 2017. Pp. 544. £80. ISBN: 9780198768586

Ever since Ernest Nys published his *Les origines du droit international* in 1894, there has been a lively discussion of the question of who is to be considered the father (or fathers) of modern international law, with Vitoria and Grotius as the main candidates for this honour. The volume presented here successfully enlarges the scope of the history of the doctrines of international law by presenting and analysing the contributions of authors writing between the 16th and 19th centuries, who are thought to be of foremost importance in this history. About two thirds of the book deal, in 17 chapters, with 18 historical authors, from Machiavelli to Hegel (strangely enough, Hobbes and Rousseau are the only authors who have to share a chapter), while the remaining third of the book, consisting of six chapters, deals with some central topics of the discipline, including ‘power and law’ or ‘universalism and particularism’, to which is added a chapter on state practice during the early phase of the European expansion as well as a special, second chapter on Vitoria. This partly explains the title of the book: the newly developing regime provided a system, which in its turn ensured order under the umbrella of the international community; the whole turning out to be a system of international law.

The editors and authors have produced an important extension of their subject both systematically and chronologically, presenting an impressive number of historical scholars who are often not, or only marginally, dealt with in modern studies. This particularly holds for the two scholars highlighted in the sub-title of the book. Neither Machiavelli nor Hegel is usually considered among the classics of international law, and both are supplemented to some extent by a comparable contemporary: Bodin and Fichte respectively. Their treatment in the book, in turn, is followed by chapters on scholars mainly engaged in non-legal, often political, disciplines: Suarez, Althusius, Montesquieu, Hobbes and Rousseau, and, interestingly enough, Adam Smith and Spinoza. The traditional founders of the discipline are duly represented as well, in the chapters on Vitoria and Grotius in the first place and supported by Gentili, Pufendorf, Wolff, Vattel and Kant.

The result is an important broadening of the doctrinal history of international law. What at first glance looks like a mere legal perspective becomes a deeply-rooted multi-disciplinary history. This allows for a balanced answer to the question of system and order: as it seems, for the majority of the modern contributors, the aspect of a system is more important than that of order, at least in the long run. But then, system gradually takes hold of order, while order gains strength with the aid of a systematized international law.

The wide scope of the book, however, has its price. Synthesis is replaced to a great extent by detailed analysis: the contributions to the volume show, much more than previous comparable works, the multi-layered roots of modern international law. But dividing the subject mainly on an author-by-author basis ultimately results in an absence of real synthesis. We now know more about more authors, but not enough about origins. We are still waiting for a modern version of Ernest Nys.

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