

## Christopher N. Warren, *Literature and the Law of Nations, 1580-1680*

Christopher N. Warren. [\*Literature and the Law of Nations, 1580-1680\*](#). Oxford: Oxford University Press, 2015. viii, 286p., ill. ISBN 9780198719342. US \$99.00 (hardcover).

As Christopher Warren amply demonstrates in his new book, “early modern poetics remains present in the modern structures of international law” (229). Reading literary works by Sidney, Shakespeare, Milton and others alongside international law classics by Grotius, Gentili, Hobbes and Selden allows him to trace Renaissance debates about colonialism, diplomatic immunity, sovereignty and human rights across generic boundaries.

Early modern theoreticians of the law of nations often drew their materials from ancient histories or epic poetry, as did Renaissance playwrights and poets; both groups participated in the same political, moral and legal debates. Warren traces issues of political representation and treatment of prisoners through Gentili’s reading of the *Aeneid* in his *De Jure Belli* and Sidney’s figure of the captive princess in the *New Arcadia*, issues played out historically in the execution of Mary Queen of Scots. He reads *The Tempest* against period legal cases involving piracy and maritime law to play comic recognition scenes against the recognition of the rights of migrants and conflict of inheritance laws against conflict of legal venues in the private or comic mode of international law. He examines border and genre crossing in the tragicomic *Winter’s Tale* in the context of the mixed public/private legal issues in the English-Scottish borderlands, arguing that the play “offered ways to think about ‘new geopolitical forms’” (126) as well as new generic ones. He interrogates Hobbes’s translation of Thucydides as a veiled defense of the colonial Virginia Company in which the former was a stockholder. He reads Grotius’s little-studied play *Sophompaneas* with Milton’s *Samson Agonistes* and *Paradise Lost* as steps toward the recognition of the international legal personality of the individual across sovereign boundaries, a tendency that has culminated in today’s concern with human rights and international humanitarian law. For Milton, as Warren shows, the rights of the people against a tyrant, an invasion to succor an oppressed foreign population, and the legalization of divorce were all remedies necessary within the “secondary law of nature and nations” after the Fall; later developments in international law which have “de-emphasized the nexus of so-called private concerns” contracts, commerce, family law, criminal law, and torts (203) have, according to Warren, impoverishing contemporary debates.

Warren’s concluding chapter reveals the impetus behind the complex and nuanced investigations in his book. “Scholarship in international law” is a source for the law itself, a principle enshrined for example in the Statute of the International Court of Justice (229). Ignoring the full range of texts that have participated in international legal debates may have devastating real-world consequences. Warren cites the example of John Yoo, whose introduction to a 1997 edition of Gentili’s *De Legationibus* claimed that in this author’s time non-state actors were not afforded the protection of international law, thus ignoring the complexity of the Renaissance debate across genres. Yoo, it turns out, was one of the advisors who helped justify the torture of Al-Qaeda suspects under George W. Bush. For Warren, repositioning early modern thinking about international law within its larger context, philosophical, literary, and ultimately Humanist, might help avoid such chilling oversimplifications.

Warren’s detailed and tightly-reasoned book aims primarily at an expanded intellectual history, an

enterprise in which it is hugely successful; its interest in recovering traces of contemporary legal debates within literary and non-literary texts leads it to a reconstruction of early modern sense-making which sometimes borrows methodology from the history of reading. Warren's sources for excavating buried meanings include annotated copies of early texts and passages copied into commonplace books. Exploiting the full range of such resources might depend on the participation of book historians among the scholars Warren has invited to join him in the production of a new literary history of international law (30).

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