

S W E D I S H
COLLEGIUM
for ADVANCED STUDY

Seminar

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*The Law of Civilized Nations
from Grotius to Vattel*

Thursday, 28 November, 4:15 p.m.

In the Thunberg Lecture Hall
SCAS, Linneanum, Thunbergsvägen 2, Uppsala
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ABOUT PÄRTEL PIIRIMÄE

After studying history at the University of Tartu and Georg-August-Universität Göttingen, Pärtel Piirimäe received an M.Phil. in the History of Political Thought and Intellectual History in 1999 and a Ph.D. in History in 2007, both from the University of Cambridge. In 2003-2006, he worked as a Research Fellow in European History at St. John's College, University of Cambridge, and since 2006 he has been working as Senior Researcher and Associate Professor at the University of Tartu.

His research field covers early modern political and legal ideas, propaganda and the public sphere, regional identities, and intellectual history in the Baltic area. He is the author of chapters in *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept* (Cambridge University Press, 2010); *Exploring Cultural History* (Ashgate, 2010); and *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of Empire* (Oxford University Press, 2010). Piirimäe is currently completing a book on the legitimization of war in seventeenth-century Europe. His publications also include articles in the *Historical Journal*, *Trames*, and *Journal of Early Modern History*. He has edited *The University of Tartu in the Early Modern Academic World* (2010), *Baltic Regionalism* (2012) and *Die baltischen Kapitulationen von 1710* (Böhlau, in print), and is the editor of *Ajalooline Ajakiri: The Estonian Historical Journal*.

During his fellowship at SCAS, Piirimäe intends to study the discourses of international law and morality in early modern Europe. He will focus on the formation of a Euro-centric conception of 'the law of civilized nations' which replaced the universalist, natural law-based aspirations of seventeenth-century international law scholars. He will also look at the reception and development of these ideas in Northern Europe.

ABSTRACT

Legal historians have argued that we can speak of international law as a 'proper' legal discipline only from the second half of the 19th century, when it became identified with the positive law of nations anchored in international treaties and customary law. This positive international law was a distinctly European or Western project: the extra-European powers were gradually accepted as subjects of international law only on the condition that they complied with the 'standard of civilization' established by the Europeans. International law became treated as the 'legal conscience of the civilized world'. In my paper I will explore the origins of this view in earlier legal scholarship. I will focus on the period from the 17th to the 18th centuries when the hopes were still alive to establish a more universal doctrine of the law of nations that would be grounded on 'natural law'. Natural law was viewed as the minimal rational code of behavior that was discoverable by reason. It was valid both for individuals and states, irrespective of revelation and particular civil laws. I will discuss the epistemological and methodological difficulties that thinkers such as Hugo Grotius and Emerich de Vattel encountered when carrying out this universalistic project. I will especially look at the role which the contemporary discourses of 'civilization' and 'barbarity' played in their concepts of natural law and the law of nations.