

Cambridge University Press 0521623111 - The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 Martti Koskenniemi Table of Contents More information

## **Contents**

	Preface	page xi
	List of abbreviations	xiv
	Introduction	1
1	"The legal conscience of the civilized world"	11
	A manifesto	12
	An old-fashioned tradition	19
	A transitional critic: Kaltenborn von Stachau	24
	An amateur science	28
	A time of danger	35
	A meeting in Ghent, 1873	39
	A romantic profession: Bluntschli	42
	A social conception of law	47
	Method: enlightened inwardness	51
	Towards a culture of human rights: Fiore	54
	Advancing the liberal project	57
	Limits of liberalism	67
	Cultural consciousness	70
	Culture as character	76
	The elusive sensibility	88
2	Sovereignty: a gift of civilization: international	
	lawyers and imperialism 1870-1914	98
	Ambivalent attitudes	99
	Informal empire 1815–1870: hic sunt leones	110
	The lawyers 1815–1870	112
	The demise of informal empire in Africa	116
	The Berlin Conference 1884–1885	121

vii



Cambridge University Press
0521623111 - The Gentle Civilizer of Nations: The Rise and Fall of International Law
1870-1960
Martti Koskenniemi
Table of Contents
More information

## Contents

	The myth of civilization: a logic of exclusion—inclusion	127
	Looking for a standard	132
	Between universality and relativism: colonial treaties	136
	The myth of sovereignty: a beneficent empire	143
	The limits of sovereignty: civilization betrayed	149
	Occupation is nothing – Fashoda	152
	Sovereignty as terror – the Congo	155
	From sovereignty to internationalization	166
3	International law as philosophy: Germany	
	1871–1933	179
	1871: law as the science of the legal form	182
	From form to substance: the doctrine of the rational will	188
	Between the dangerous and the illusory State	194
	Rechtsstaat – domestic and international: Georg Jellinek	198
	Rationalism and politics: a difficulty	206
	Drawing lines in the profession	209
	Public law and the Hague Treaties	210
	A pacifist profession? Kohler, Schücking, and the First World	019
	War	213
	The internationalists: between sociology and formalism	222
	1914	228
	Getting organized	231
	Beyond Versailles: the end of German internationalism	236
	Ways of escape – I: Hans Kelsen and liberalism as science	238
	Ways of escape – II: Erich Kaufmann and the conservative	040
	reaction	249
	Break: the end of philosophy	261
4	International law as sociology: French "solidarism"	222
	1871–1950	266
	Internationalism as nationalism: the idea of France	270
	From civilists to functionalists 1874–1918: Renault to Pillet	274
	Solidarity at the Hague: Léon Bourgeois	284
	The theory of solidarism	288
	The war of 1914–1918 and solidarism	291
	Scientific solidarism: Durkheim and Duguit	297
	International solidarity almost: Alvarez and Politis	302
	Meanwhile in Paris	309
	L'affaire Scelle	316
	Solidarity with tradition: Louis Le Fur	317



Cambridge University Press
0521623111 - The Gentle Civilizer of Nations: The Rise and Fall of International Law
1870-1960
Martti Koskenniemi
Table of Contents
More information

## Contents

	The solidarity of fact: Georges Scelle	327
	Which solidarity? Whose tradition? The Spanish Civil War	338
	The European Union	342
	The twilight of the idea of France: between politics and	
	pragmatism	348
5	Lauterpacht: the Victorian tradition in	
	international law	353
	Tradition in modernity	353
	A complete system	361
	Between Zionism and assimilation	369
	A political commitment	376
	Nuremberg and human rights	388
	The birth of pragmatism	399
	A Grotian tradition?	406
	Coda	411
6	Out of Europe: Carl Schmitt, Hans Morgenthau,	
	and the turn to "international relations"	413
	A 1950 retrospective	415
	Vision of a new order	418
	The ambivalences of a Katechon (restrainer)	422
	A discipline transforms itself: Schmitt on Scelle and	
	Lauterpacht	424
	Against liberal neutralizations and depoliticizations	426
	"Whoever invokes humanity wants to cheat"	432
	Schmitt and Morgenthau: the primacy of the political	436
	Another retrospective	437
	International law and politics: an asymmetrical relationship	440
	The formation of a German thinker: between law and desire	445
	The guardian of international law: sanctions	455
	Schmitt and Morgenthau: the pedigree of anti-formalism	459
	From international law to international relations	465
	The heritage of realism in American international law	474
	Empire's law	480
	A culture of formalism?	494
	Epilogue	510
	Dillihi.	510
	Bibliography	518
	Index	558

ix