

Imperial pasts, imperial presents

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Jeanne Morefield, *Empires without imperialism: Anglo-American decline and the politics of deflection*. Oxford University Press: Oxford, New York, 2014, 300 pp. ISBN: 9780199387328.

Andrew Fitzmaurice, *Sovereignty, Property, and Empire, 1500-2000*. Cambridge University Press: Cambridge, UK, 2014, 400 pp. ISBN: 9781107076495.

The two books reviewed here are powerful testimonies to the internal diversification and sophistication of the recent “imperial turn” in the field of political theory. Political theory of empire had its humble beginnings in the 1990s, when a number of trailblazing works set out to detect the colonial agendas of European states lurking within paradigmatic liberal theories of John Locke and John Stuart Mill. The field has since then flourished with great momentum, and two trajectories of development are worth mentioning. First, the initial focus on the complicity between Western political thought and imperial expansion was challenged by subsequent efforts to reclaim the anti-imperial potential of the eighteenth-century Enlightenment, and both positions have been found wanting by historiographical studies that carefully map the polyvalence of arguments on empire within the Western political tradition. Secondly, scholars have increasingly turned away from canonical thinkers towards lesser known yet often more practically influential figures in the intellectual history of empire. The result is a rich and growing literature that spans five centuries and six continents, examines both stalwart endorsements and trenchant critiques of empire, and sheds new light on the luminaries of the Western canon while illuminating a host of more obscure historical figures.

Both books represent the current state of the art in studying political theory in the imperial fold, albeit in different and at times discordant keys. Jeanne Morefield’s *Empires Without Imperialism* updates and furthers the older agenda of disclosing the liaisons between liberalism and empire by focusing on a current of liberal imperialism that erupted into public discourse at the turn of the twentieth

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and twenty-first centuries. Morefield is fully cognizant of the recent caveats about the complexity of the intellectual history of empire, yet she is admirably unhesitant in making bold, polemical claims that are likely to raise ‘Cambridge School’ eyebrows. Andrew Fitzmaurice’s *Sovereignty, Property and Empire* is a formidable contextualist investigation of the heterogeneity of Western ideas on empire and imperialism. The book offers a masterful conceptual genealogy of the ‘law of occupation’ as a privileged vantage point for surveying the continuities and discontinuities in Western understandings of political rule, empire, and global order since the early-modern period.

Their different methodological choices and normative commitments, however, should not obscure a crucial theoretico-political preoccupation on which the two books converge: praxis and power. Both Morefield and Fitzmaurice commendably train their attention on intellectuals of modest stature who operated as silent hinges between political reflection and imperial practice. Theirs are stories of merchants, lawyers, diplomats, colonial governors, imperial think-tanks, and scholars-turned-public intellectuals, who attended to the pressing and topical questions of empire and addressed themselves to policymakers and publics instead of narrow scholarly circles. This shared concern with *imperial praxis* is reflected in both books’ explicit recognition that the ideas they examine were intended for imperial-metropolitan audiences rather than for those on the receiving end of empire, despite the very concrete repercussions that these metropolitan discourses had on the latter. In these works, we see how contending interpretations of the Roman law of occupation implicated the legitimacy of indigenous property claims in North America, or how acquitting Anglo-American imperialism of any responsibility in the current global instability has shaped foreign policy options of the liberal ‘we’ (the West) in dealing with the illiberal ‘them’ (the Rest). In this regard, both books are ultimately about *power*, and about the *power of ideas*, in the genealogy of the modern global order, our present not excluded. As such, they ought to be of interest to not only political theorists and intellectual historians but also scholars in political science, international relations, and international law.

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Ingenious in conception and scintillating in execution, Morefield’s *Empires Without Imperialism* is a study of a distinctly liberal strain of imperial apologetics that rushed first to the defence of the British Empire before First World War and then to the aid of American imperialism after the Cold War. Morefield investigates three British and three American ‘imperial stories’, which despite a century of profound convulsions and transformations that separate them, evince striking resemblances in their ideological objectives and their discursive strategies. What renders these two junctures commensurable is a structurally analogous ‘imperial crisis’ of the Anglo-American global order as perceived by the six liberal imperialists under study. If the first valence of the imperial crisis is, as the subtitle suggests, the anxiety of ‘Anglo-American decline’ and the arrival of the barbarians (Germany, Russia, China), then the second stems from the need to shore up

commitment to Anglo-American imperial politics while at the same time insisting that these liberal polities, in the ever profound words of Donald Rumsfeld, ‘don’t do empire’.

Peering through this prism, Morefield obtains a stereoscopic view of history that brings into focus analogous ‘strategies of deflection’ – a series of discursive manoeuvres ‘aimed at drawing critical attention away from the liberal empire’s illiberalism by insisting on its fundamental character’ (p. 2). For greater analytic clarity and depth, Morefield examines such strategies under the rubrics of ‘antiquity’, ‘metanarrative’, and ‘character’, though these often coalesce into a common arc of deflection that bends as follows: (1) the Anglo-American political tradition is traced back to a fictive ancient Athens that is already inflected with modern liberal values such that it already looks like nineteenth-century Britain or twentieth-century America; (2) through a grand metanarrative of continuity, Britain and America are portrayed as the legatees and guardians of the liberal democratic treasure of the Western civilization that has been passed onto them in a 2500 year-long relay race; (3) the liberal legacy flows over into the imperial careers of Britain and America and stamps them with an immutably liberal character, which plays down their bloody and violent histories of imperial deeds as incidental, unintended, or tragic. The politics of deflection that Morefield identifies calls us to recognize Anglo-American polities as *incapable* of truly imperializing other peoples and to view their imperial projections as reluctant yet necessary attempts to save the world order from a myriad of illiberal threats.

Empires develops this analysis in three sections, each of which juxtaposes one British and one American liberal apologist for empire and rubs their arguments together, so to speak, to set off sparks that illuminate their common strategy of deflection. Chapters 1 and 2 investigate Alfred Zimmern and Donald Kagan’s ‘strategies of antiquity’. In Morefield’s account, these intellectuals’ ostensibly academic endeavour to reinterpret Thucydides is revealed to double as a medium for articulating and managing the respective imperial anxieties of Britain and America. In both cases, Thucydides’s Athens serves as a historical laboratory, a sort of isolation chamber, in which the aporias of a ‘liberal imperialism fundamentally at odds with itself’ could be worked out (p. 72). For Zimmern, this involved justifying the continued possession of non-white British dependencies, especially India, without sounding racist and exclusionary at a time when these traits were imputed to imperial Germany. For Kagan, the problem was to rationalise aggressive American foreign policy, particularly once the end of the Cold War removed the immediate *raison d’être* of America’s global military presence.

Instead of confronting these problems head on, Zimmern and Kagan displaced them to the safety of fifth-century BCE Athens – ‘safe’, because it was an Athens already refracted through an idealised image of Anglo-American liberalism and enshrined as its original incarnation. This necessitated Zimmern and Kagan to minimise the role of slavery, exaction of tribute, and forced regime changes in the history of the Athenian Empire, or to underplay the slaughter of the Melians in favour of the ‘Panhellenic’ colonisation of Thurii. From these obfuscations, Athens emerged as a *cosmopolis* of freedom-loving citizens, an empire of commerce

whose predominance in Greece grew spontaneously from other city-states' attraction to its grand example. Athenians, in short, were the first 'absent-minded' empire-builders in history. Crucially, for both Zimmern and Kagan, it was the same absent-mindedness and naïve pacifism that spelled Athens's doom, as it kept Athenians from recognising their position as an empire of liberty and defending it through a decisive military policy against Sparta. At this point, the Athenian story folds back into the contemporary anxieties of the authors, as Pericles's 'wake up call' to Athenians resounds in Zimmern's cry to rally around the British Empire and in Kagan's support for an activist, unilateral American foreign policy. In Morefield's brilliant encapsulation, the result in both cases is a call for 'bearing' imperial responsibility without 'taking' responsibility for what imperialism entails.

Chapters 3 and 4 interrogate the 'metanarrative strategies' of the Round Table (a pro-imperial think-tank) and Niall Ferguson, which narrate the transmission of the liberal heritage of Athens first to ancient Germans and then onto the British and the Americans. One such strategy, developed by Lionel Curtis of the Round Table, was to rechristen the British Empire as a 'commonwealth', whose 'actuating principle' had always been a relentless 'striving for freedom' (p. 110). For Curtis, the British Commonwealth embodied the forward movement of this spirit from the 'city commonwealth' of Periclean Athens eventually to a 'commonwealth of nations'. This world-historical emplotment insulated Britain's liberal essence from the spectre of imperialism precisely at those moments where the British Empire resembled that of Prussia, most notably, in the racialised exclusion of its Indian subjects. Round Tablers' Hegelianism proved particularly convenient at this juncture, as it allowed them to weave imperial illiberalism back into the singular and progressive realisation of the principle of liberty.

In Chapter 4, we see Niall Ferguson performing a similar manoeuvre in his grand narrative of 'Anglobalization' that celebrates the British Empire for disseminating the institutions of private property, free trade, and the rule of law. In signature brashness that sets him apart from the other figures in the book, Ferguson refuses to writhe before the violent, exclusionary, and repressive methods that have attended global economic integration. Instead, he exhorts his liberal audience to find relief rather than self-doubt in the bad conscience occasioned by these illiberal forays. After all, unlike *essentially illiberal* empires (Russia, Germany, Japan, and now China), Anglo-Saxons are unique in discovering their inherent liberalism ('who they are') every time they contravene it. Like Kagan, the real danger for Ferguson resides in diffidence and squeamishness in acting against the enemies of Anglo-American free market capitalism and liberal democracy, including fifth column Marxists, state capitalism, and Islamic fundamentalism. In the neoliberal time of finance, where 'perception is everything', the smallest crisis of confidence can scale up to push the global order over the brink of chaos, a malaise to which Ferguson peddles his grand narratives of 'Western ascent' as a rejuvenating imperial antidote.

Chapters 5 and 6 turn to 'strategies of character' in the writings of Jan Smuts and Michael Ignatieff. Smuts is perhaps the most peculiar amongst Morefield's liberal imperialists as a provincial South African statesman who attempted to

restore confidence in the British Empire by turning it into a model for and a world-historical antecedent to the League of Nations. In a heady brew of neo-Hegelianism and Darwinian evolutionism, Smuts described the British Empire as a complex organic unity in which liberal principles of 'freedom, equality, and equity' pervaded the entire whole without homogenising it. Instead, the internal institutional flexibility of the empire, comprising crown colonies, protectorates, dependencies, and dominions, allowed the liberal 'actuating principle' to totalise the various parts of the empire into an 'ordered diversity' (190). Smuts proves one step ahead of the Round Tablers in 'internationalizing' empire by disentangling it from the idea of statehood and rendering it the template for a nominally post-imperial international hierarchy. Deftly obfuscated by this formulation are the racial hierarchies and exclusions that subtended this 'ordered diversity', not least those concerning the relationship between English settlers, Boers, and Africans of Smuts's homeland.

Turning to Ignatieff, we encounter an account that at first blush resembles that of Ferguson in admitting that 'liberal imperialism requires the violation of liberal norms for liberal imperial aims' and positing a liberal character that is recursively confirmed such violations (202). Yet in contrast to Ferguson's arrogance, Ignatieff opts for the trope of tragedy to project a *semblance* of self-reflection and wrestling with imperial guilt. Having lost his 'humble humanism' (an inheritance from Isaiah Berlin) in the cataclysm of 9/11, Ignatieff adumbrates the impossibility of keeping liberal hands clean in an increasingly entropic world of violence spawned by religious fundamentalism, militant nationalism, and failed states. Enhanced interrogation, extraordinary rendition, and military intervention are but tragic choices that 'have to be made' (always in passive voice) in order to keep liberal polities safe in an illiberal world. This strategy of character persistently elides the destabilizing reverberations of past and present imperial violence inflicted by the 'international community'. That Ignatieff has the temerity to propose 'empire lite' as the remedy to 'two botched decolonisations' stems from the blithe effacement of the responsibility of the liberal 'we' in botching these attempts.

Empires offers more than just tracing the deflected moves of these imperial stories as they bob and weave to protect Anglo-American imperialism from the blows of critical reflection on its illiberalism. A principal contribution of the book is to magnify a key moment in the 'internationalization' of imperial relations in the early twentieth century. Morefield restores significance to little known figures like Curtis and Smuts as harbingers of 'post-imperial imperialism' (p. 160), which has pulsed through the Mandate System, Trusteeship Council, and the Bretton Woods Institutions down to the present architecture of 'global governance'. Secondly, *Empires* leaves no doubt about the present political stakes of the strategies of deflection, namely, that they have thwarted and continue to thwart the possibility of a 'reflective' politics towards liberal imperialism as a structural *problem* in international politics. Exonerating Anglo-American (and more broadly Western) imperialism of responsibility in the creation of an uneven, unequal, and unstable international order narrows down the range of imaginable responses to global turbulence to a single one: 'more and better empire' to reinstate order and to

save the world, once again, from illiberalism. In an endless loop of Hegelian bad infinity, liberal imperialism perpetuates the conditions that engender the ills to which it claims to be the panacea. Morefield skilfully unearths the grip of these rhetorical strategies, for instance, on the Obama administration's official policy discourse on the War on Terror. Although they do not figure in the book, the recent military interventions by the 'international community' in Libya and now in Syria lend further credence and immediate relevance to Morefield's analysis, especially as liberal imperialists like Ignatieff and Ferguson continue to call for getting hands dirty in Syria sneer at 'the left's irrational fear of intervention'.

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If Morefield's history of liberal imperialism is inventively stereoscopic, then Fitzmaurice's survey of the law of occupation in Western political thought is decidedly genealogical. Formidable in its command of primary sources and occasionally disorienting in its erudition, *Sovereignty, Property, and Empire* meticulously traces the historical mutations of the doctrine of occupation over the last 500 years as the 'common denominator in European conceptions of the nature of property, sovereignty, and empire' (p. 1). Although the title of the book suggests a wide net, Fitzmaurice's principal intervention is in the area of political theory of empire and contributes to the contextualist warnings that the Western political tradition's relationship to empire is 'more fractured and divided' than either the detractors or the redeemers of this tradition suggest.

Notwithstanding Fitzmaurice's 'linguistic contextualism' (p. 17), a number of broad theoretical premises and interpretive dispositions, some more explicitly advanced than others, structure his conceptual genealogy. The first of these, which breaks out with full force in the Conclusion, is Fitzmaurice's verdict on the 'possessiveness of Western political thought', which is evidenced by the fact that the idea of occupation as the transformative appropriation of nature (an idea with Aristotelian roots) has been remarkably resilient across 'Roman Law, canon law, medieval and early modern natural law, Enlightenment historicism and nineteenth-century positivism as well as modern international law' (p. 332). Across its conflicting historical deployments, this possessive kernel consistently posits an 'exploitative' relationship between humans and their environment as the origin of all political societies, functioning as a sort of enabling myth or a 'foundation story' in the Western political tradition.

Secondly, although the law of occupation has its provincial roots in Roman law, its modern relevance springs from its adoption as *the* language for contemplating the relationship between European and non-European polities in the age of colonial expansion. Empire thus operates as the vector for globalising a historically and geographically specific doctrine, which, however, in the course of its globalisation, undergoes three fundamental transformations: (1) the mutation of occupation in the sixteenth century from a *private* legal doctrine governing transactions between individuals into a *public* legal premise of the 'law of nations' that applies to relations between polities; (2) the infusion of occupation with a materialist rationality in the

seventeenth century, whereby occupation turns into a compound of *legal* theory of appropriation and *economic* discourse of progress predicated on varying degrees of exploiting nature; (3) the redefinition of the proper object of occupation as *sovereignty* as opposed to *property*, relocating the central stake of occupation from individual ownership of things towards state control over territory. As one would expect, each of these conceptual mutations is shown to be deeply entangled in and responding to a specific historical juncture of imperial formation and reformation.

The third and most pronounced thesis is the historical polyvalence of the law of occupation as an ideational resource as much for anti-imperial critique as for imperial apology. In a moment of exceptional lucidity, Fitzmaurice distils the possessive core of imperial justification into the notion that

States, and indeed humanity itself, could only preserve themselves through the exploitation of the earth's resources to which all people had a common right, but to which particular people gained superior and particular rights through their acts of exploitation or occupation. (p. 4)

On the side of anti-imperial arguments, he is particularly adept in showing that these were often animated less by sympathetic cosmopolitan concerns for non-Europeans than by apprehensions about the implications of imperial rationalities for domestic politics or inter-state relations in Europe. Between these bookends of imperial argumentation, the reader is treated to a consummate mapping of the various inflections, inversions, and redeployments of the idea of occupation in Western thought in relation to the nature of civil society, political rule, and international order.

After a perspicuous introduction, Chapters 2 and 3 track the Roman law of occupation from its codification in medieval canon law to its first modern adoption in the Salamanca debates. Through these subsequent adoptions, the law of occupation, originally a *private* Roman law principle intended to apply to spontaneous and unclaimed products of the earth (*ferae bestiae*), was first transformed into a general doctrine of establishing property rights in things and then into a *public* law principle by which to judge if a human community qualified as a 'civil society' with discernible institutions of property and public authority. In Chapter 2, Francisco de Vitoria is given the pride of place in insinuating the law of occupation into the law of nations. Fitzmaurice explains how Vitoria's renowned denial of Spanish sovereignty in America stemmed as much from a preoccupation with political stability in Europe as from compassion for indigenous Americans. In his quest for a post-Reformation alternative to political claims from religious piety and grace, Vitoria turned to the doctrine of occupation (exploitation of nature) as the universal foundation of private and public dominion. Extended to Americas, Vitoria interpreted this doctrine to defend the indigenous rights against the Spanish, as he maintained that the natives had sufficiently exploited the earth to be recognised as living in civil societies.

For the doctrine of occupation to be safely utilized as a justification for colonial dispossession, it had to be stripped of its applicability to Europe, which constitutes

the subject of Chapters 3 and 4. Pivoting to seventeenth-century England, Fitzmaurice connects the ambivalence of occupation in Salamanca debates to the 'anxiety about colonial dispossession' in the discourse of Virginia Company and onwards to early-modern natural law theories of property. The English innovation, which enlisted the doctrine of occupation to justify colonial settlement, was to retain Vitoria's predication of civil society on the exploitation of the earth but to reject that such exploitation was to be found amongst Native Americans. In inverting Vitoria's argument, the English (especially Samuel Purchas) drew heavily on José de Acosta's rudimentary stadial theory of barbarism. The pragmatic (as opposed to philosophical) nature of this inversion left many inconsistencies unresolved, and Fitzmaurice reminds us that amongst his English contemporaries John Locke was exceptional in the theoretical rigour and moral certainty of his belief that 'there was no question of Indian dispossession because he did not believe Indians to be in possession of the lands upon which they lived' (p. 59).

Locke was also exceptional amongst major seventeenth-century natural law theorists in asserting a unilateralist theory of occupation against the compact theory of occupation variously forwarded by Hugo Grotius, Thomas Hobbes, and Samuel Pufendorf. The compact theory, especially salient in Pufendorf, relativised the criteria of occupation and admitted a range of different property arrangements into the definition of civil society. In contrast, Locke tethered occupation to the singular act of labouring and did so in a manner that raised the Roman notion to a higher octave. Occupation no longer meant simply 'taking a mere presence' but 'the improvement of the thing which becomes property' (p. 116). By merging in the labouring activity a theory of appropriation and a theory of value, Locke effected the second crucial mutation in the doctrine of occupation by rendering it the 'basis of a progressive understanding of history', which 'further distanced the world of settlers from that of the Native Americans'. (p. 117). Enhanced as a legal-economic compound, the doctrine of occupying property would circulate in European settler colonies as the chief justification of territorial expansion in the seventeenth and eighteenth centuries.

Chapter 5 delves into the eighteenth-century innovations in the occupation doctrine enacted by Scottish conjectural history and Continental compact theories of property, which set the terms for Fitzmaurice's analysis of the American Revolution and its aftermath in Chapter 6. Of these innovations, particularly significant are Adam Smith's and Adam Ferguson's move to 'historicize' occupation by disentangling it from natural law (thus making it available for legal positivism), Immanuel Kant's designation of 'control' rather than 'possession' as the essence of occupation, and Emer de Vattel's restriction of the agency to occupy territory to states as opposed to individuals. The relationship between the American colonists, the British crown, and the Native Americans provides the stage on which the shifting valences of occupation played out at the colonial frontier. By excavating the stories of John Bulkley (Connecticut clergyman) and Richard Wharton (Pennsylvanian land speculator), Fitzmaurice demonstrates how occupation was utilised with a pragmatism bordering on the cynical for negotiating complex situations on the ground. As the ideological ranks closed on the eve of the Revolution,

settlers pitted the Lockean, prepolitical strand of the doctrine against the historical-conventionalist interpretation of the Crown, going even so far as to claim the right to occupy Crown territories in America. Once the 13 colonies assumed the mantle of sovereignty, however, the rights-generating conception of occupation became too destabilising for the new republic, and the Lockean line (in its Jeffersonian incarnation) was abandoned in favour of Vattel's dictum (now propounded by John Adams) that the right to occupy flowed from state sovereignty – a turnabout cast into detailed relief in Fitzmaurice's reconstruction of the Oregon Territory controversy.

The third and final major mutation in the doctrine of occupation is treated in Chapter 7, which launches the analysis into the nineteenth century and beyond. In this period, Fitzmaurice argues, the object of occupation shifted from property to sovereignty, and occupation itself was increasingly understood as establishing control over, rather than ownership in, extra-European territories. This semantic shift corresponded to the increasingly commercial-extractive character of nineteenth-century European empires that aimed less at settlement than at controlling colonial land, labour, and capital. Parsing sovereignty into its perfect (territorial) and imperfect (feudal or personal) variants and mapping these onto European and non-European polities, the new conception envisioned the subordination of the latter to the former through schemes of indirect rule. Fitzmaurice ingeniously juxtaposes the Franco-Prussian War and the Berlin Conference as key moments in the redefinition of occupation as an international public law principle that did not apply to relations of property. This served, in the first instance, to defend private property against the Prussian armies and the French Communards alike, and in the second, to codify the terms of carving up Africa by inventing the notion of '*territorium nullius*' (p. 246). The redefinition of occupation as control over sovereignty also subsumed the earlier Enlightenment critiques of territorial occupation without, however, relinquishing the zeal of the civilizing mission. The latter, as Fitzmaurice's discussion of Sir Travers Twiss, James Lorimer, and Robert Philimore demonstrates, found renewed vigour in the language of international law.

Chapters 8, 9, and 10 are organised conceptually rather than chronologically. Moving freely between seventeenth-century natural law, eighteenth-century stadial history, and nineteenth-century legal positivism, Fitzmaurice reconstructs the genealogy of three interrelated terms, *res nullius*, *territorium nullius*, and *terra nullius*, calling to account the loosely metaphorical and transhistorical employment of these terms in contemporary scholarship. Far from being a simple and self-evident basis of colonial land appropriation, *res nullius*, we are told in Chapter 8, was reified into a doctrine only in the eighteenth century, and even then, cited as often to defend the rights of the non-Europeans as to undermine them. Of particular anti-imperial import were the natural law renditions of *res nullius* as a creature of compact, an agreement on things that *could not* be occupied by anyone (*res communis*). Public international law principle of *territorium nullius* was equally beset with ambivalence. Chapter 9 charts out the 'spectrum' of arguments for and against empire articulated in international law, reclaiming this

discipline as ‘something more than a liberal instrument created for the domination of global political society’ (p. 272). Insightfully, if counter-intuitively, Fitzmaurice shows how humanitarians and philanthropists like Sir Travers Twiss rallied behind empire, while imperial sceptics, notably Gaston Jèze, were motivated by concerns that appeared provincial in comparison, above all by the threat that the repatriation of empire posed to liberties at home. From these ‘competing internationalisms’, we are led to the more general point that nineteenth-century liberalism resembled not so much a doctrine as a dialogue and disputation, or a ‘toolbox’ that could be utilised for conflicting purposes.

The diversity and polyvalence of arguments from occupation have been lost to modern interpreters, however, as attested by the frequent invocation of *terra nullius* ‘as a shorthand for the doctrine of occupation as it was deployed in the justification of empire’ (p. 302). Chapter 10 sets itself the task of correcting this error by unveiling the very recent and specific history of the term. After chronicling the occasional appearances of *terra nullius* in international law in the second half of the nineteenth century, Fitzmaurice singles out a congregation of international jurists at Columbia Law School, particularly active in the 1920s and 1930s, as responsible for disseminating an oversimplified and transhistorical understanding of *terra nullius*. The ‘Columbia interpretation’ first collapsed the conceptual distinction between *territorium nullius* and *terra nullius* by equating the absence of territorial sovereignty with the absence of *any* sovereignty, and then stretched the scope of *terra nullius* to encompass all European encounters with ‘savage populations’, ‘aborigines’, or ‘nomadic tribes’. A very specific concept that had originated in the debates over the legal status of the Polar Regions was thereby extended all the way back to the sixteenth century and rendered coeval with the history of European colonial expansion. The result was the flattening of centuries of debate and disagreement into a monochromatic instrument of imperial justification, which has not only infiltrated contemporary scholarship on European colonialism but also found concrete traction in legal disputes over the status of Western Sahara and Australia well into the 1980s.

The conclusions of *Sovereignty Property and Empire*, especially the inherent possessiveness of Western thought, gesture beyond the boundaries of intellectual history. One surprising conclusion that awaits the reader is the ‘link between empire and the environment’ that Fitzmaurice’s account of the law of occupation throws into sharp relief. The adaptation of occupation to wildly different political visions not merely testifies to its amoebic resilience but gives cause for alarm over the consequences of unbridled ‘ecological imperialism’, which arguably goes unnoticed precisely because it is not contemplated in terms of empire, that is, as a *political* problem. It is not surprising that this insight comes from an Australian historian who, for obvious reasons, is particularly attuned to the most virulent and aggressive form of imperial expansion, that is, settler colonialism.

That being said, *Sovereignty* remains first and foremost a *tour de force* in the intellectual history of empire and as such should be a reference book for anyone interested in European colonial expansion and its legacies. Fitzmaurice dexterously navigates trans-temporal continuities and breaks across five centuries with

unwavering attention to detail. He proves himself to be as comfortable in the Polar Regions as in Congo and as at home in the seventeenth century as in the twentieth. One has to note, however, the palpable absence of British India in Fitzmaurice's account. It is not difficult to imagine the insights to be gained from turning the lens of occupation on one of the most striking experiments in reassigning property rights in modern history, namely, the Permanent Settlement of Bengal, or from comparing the International African Association to the East India Company as two quasi-sovereign commercial enterprises. Such an omission, while lamentable, is understandable, given that the book already contains 400 pages crammed with rather rich intellectual fare.