

Book Note: Literature & The Law Of Nations 1580-1680, by Christopher N. Warren

Sarah Mackenzie

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/ohlj>

Book Note



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

Citation Information

Mackenzie, Sarah. "Book Note: Literature & The Law Of Nations 1580-1680, by Christopher N. Warren." *Osgoode Hall Law Journal* 53.3 (2016) : 1107-1109.

<http://digitalcommons.osgoode.yorku.ca/ohlj/vol53/iss3/14>

This Book Note is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

Book Note: Literature & The Law Of Nations 1580-1680, by Christopher N. Warren

Abstract

WHAT IS THE HISTORY OF THE TERMS international and globalization? How have they evolved, and what is their relevance? These are the questions Christopher N. Warren attempts to answer in *Literature & the Law of Nations*. Warren explores how the modern concept of law of nations has evolved and developed, tracing how it has passed from one age, culture, or language to the next. Warren argues the law of nations has evolved through literature, and that the recurrence of key words can be used to explore its roots. By examining literary works through the ages, the historical meaning of “nation” can be assessed and explained. Using works by Milton, Hobbes, Shakespeare, Grotius, and others, Warren demonstrates how genres (epic, tragicomedy, history, biblical tragedy) organized persons, actions, events, and evidence into recognizable, modern legal categories. Over seven chapters, Warren analyzes the relationship between literature produced in the 16th and 17th centuries and the development of national and international concepts in law. The first chapter establishes a broad rationale for a literary history of international law. Warren dissects the meaning of international, acknowledging the historic importance of the plurality of nations to explore its challenges and possibilities, so that readers can better understand the “early modern nexus of law and literature.”²

Book Note

***Literature & The Law Of Nations 1580-1680*, by Christopher N. Warren¹**

SARAH MACKENZIE

WHAT IS THE HISTORY OF THE TERMS *international* and *globalization*? How have they evolved, and what is their relevance? These are the questions Christopher N. Warren attempts to answer in *Literature & the Law of Nations*. Warren explores how the modern concept of law of nations has evolved and developed, tracing how it has passed from one age, culture, or language to the next. Warren argues the law of nations has evolved through literature, and that the recurrence of key words can be used to explore its roots. By examining literary works through the ages, the historical meaning of “nation” can be assessed and explained. Using works by Milton, Hobbes, Shakespeare, Grotius, and others, Warren demonstrates how genres (epic, tragicomedy, history, biblical tragedy) organized persons, actions, events, and evidence into recognizable, modern legal categories.

Over seven chapters, Warren analyzes the relationship between literature produced in the 16th and 17th centuries and the development of *national* and *international* concepts in law. The first chapter establishes a broad rationale for a literary history of international law. Warren dissects the meaning of *international*, acknowledging the historic importance of the plurality of nations to explore its challenges and possibilities, so that readers can better understand the “early modern nexus of law and literature.”²

Chapter two offers a literary history of public international law, connecting it to a history of reading generally. Warren argues that this history is intimately

1. (Oxford, UK: Oxford University Press, 2015), 286 pages.

2. *Ibid* at 2.

connected with the epic, around which legal, philosophical, and diplomatic interests of humanists converged. Warren argues that with the novel's emerging popularity, legal concerns organized in the world of epic came dislodged, forming the basis of public international law. Particular tropes - supplication, enmity, and diplomacy - were employed in epic forms, and were used to present international law in heroic ways.

Chapters three and four consider Jacobean literature. Chapter 3 discusses private international law contexts, as seen through adaptations of Plautine Roman comedy (including Shakespeare's *Pericles* and *The Tempest*, and Heywood's *The Captives*), suggesting that it points towards recognition that traders, exiles, expatriates, and migrants were facts of legal life, fundamental reality, and Renaissance comedy. Chapter four turns to the tragicomic law of nations, examining Shakespeare's *The Winter's Tale* as it relates to Union debates of the early Jacobean period. In this period, Warren argues, legal forms and literary convention were re-imagined, so that *The Winter's Tale* represents how geography, community, and the law of nations moved from international tragedy to transnational comedy in nature.

Chapter five discusses debates between humanist theorists and their role in the making of international law and examines the importance of translation to seventeenth-century understanding of international law. Using Hobbes' translation of Thucydides' *Eight Bookes of the Peloponesian Warres* as an example, Warren demonstrates that history and humanism intersected when making international law.

Chapter six explores questions of standing in international law by analyzing biblical tragedies. Grotius' *Sophompaneas* and Milton's *Samson Agonistes* are investigated together to show scripture's influence on emerging global consciousness, while also exposing two different orders in competition: human rights, and "international legal personality" (or standing).

Chapter seven considers Milton's *Paradise Lost* in light of problems faced by public international law. It addresses "the responsibility to protect" and humanitarian intervention as the new norm, but suggests instead that this element of thinking was present in *Paradise Lost*, which placed the struggle between tyranny and human jurisdiction at its centre.

Warren concludes by presenting his analysis in juxtaposition with another invocation of Romantic literature - one which he leaves as a surprise for readers until his conclusion. Warren ends with a plea to remember the literary law of nations, as it has played a crucial role in historical political participation, jurisprudential interpretation, and as a building block for democratic international law.

True to his purpose from start to finish, Warren offers an in-depth look at the relationship between literature and international law that provides a thoughtful framework for exploring the theory and foundations of international law.