Response: Storytelling

Martti Koskenniemi

Was I writing a sequel to Mahabharata? Surabhi Ranganathan’s comment wriggled its way under my skin to give eloquent expression to a tradition of storytelling that she suggested was evoked by *Uttermost*. At the same time, her remarks drew attention to the point that imagination does begin at home, that everyone – not just Europeans – are armchair historiographers (Prabhakar Singh), weaving our legends and mythologies from cultural materials we share with those whom we wish to impress. This might also explain the impression of conservatism, reported by Christian Pogies and Hendrik Simon. The bond between the storyteller and his or her audience is created by their sharing a story that is already well-known in its outlines. There are expectations and audience members are capable of filling in the gaps. The challenge is to make the story appear in a new light, to create a surprising turn or to draw out a new meaning perhaps already intuitively grasped by some part of the audience but still without proper articulation.

Imagination as Mythology

I have discussed the theme “imagination begins at home” that plays an important role in *Uttermost* at greater length in my response to comments in a forthcoming issue of the *Rechtsgeschichte/Legal History*, so I will not dwell on it here. But one aspect of it is the sense that the larger story – mythology, if you wish – on which imagination works is one that is not only familiar but even constitutive to the social world to which the narrator and the audience belong. Hence the impression that this is a “history of nearly everything”, as observed by Frederik Dhondt. That is the nature of mythologies. The individual stories are chosen, told and linked together so as to reveal a latent meaning in that larger whole that has been, as it were, hidden in plain sight but made obvious by a new arrangement of elements. This is work on Europe, as noted by Alexandra Kemmerer, inspired by a wish akin to her own to revisit half-familiar landscapes with a readiness to be surprised and think anew that which has frozen into cliché. It is work on stories by European men in the context of a half-millennium that does have a teleology about it, as Manuel Bastias Saavedra observes. It is work on the idioms of law, theology, philosophy, politics and any number of professional vocabularies through which Europeans have justified their hegemony over each other and beyond. Singh is right to write that the agency of colonial subjects here is “decentred”. But I hope that their shadowy presence is visible in many of the linguistic practices that count as European legal and political thought. I have wanted to follow and record the trajectories of some of those past practices. For this purpose, I have tried not so much to trace a single, coherent narrative about the idioms of sovereignty and property as to illustrate how they have been entangled at particular moments so as to justify what I have described to students countless times as the *yin and yang of Western power*.

With Stories to Innocence
But I have not done this by employing any strictly identifiable historiographic method. I find the demands of method in the social sciences, law and the humanities often unduly limiting of the work of imagination over meaning. The image of storytelling is infinitely more to the point. Or painting. I sometimes think of writing as a kind painting where each narrative bit is a kind of brush stroke on a canvas. With each subsequent sweep the paint becomes thicker and the image more complex. While each stroke has its singular expressive force, the painting is not just a sum total of what they amount to (if such could be somehow calculated). The artwork is not reducible to the brush strokes. To make sense of it, the spectator (or indeed the painter/writer) will need to take a few steps backwards, at which point, like in the sfumato of an expressionist artwork, or perhaps Werner Tübke’s *Peasant’s War Panorama* invoked by Kemmerer, the contrast between individual forms tends to vanish and some totality steps in to fill the space of perception. This might also incidentally make sense of the experience that although one might have a clear idea of the details to include in a narrative, the meaning of the whole may become clear even to the author only once they have been written down.

The large narrative in *Uttermost* is familiar in its broad contours. Most readers will know something – perhaps quite a bit – on the writings and projects of the individuals treated there. Many will have some sense of how they come together in history, perhaps even a “tradition”. By beginning the book with the denial that it is a “history of international law”, however, I have wanted to destabilize expectations based on such prior knowledge and invite readers to come to these stories as if they were new, as if the relationship of these persons and these stories to each other and to how the world came about had not been already settled. From such a position of “innocence” it might then be possible to ask new questions about the meaning of this history, including how something like a “international law” emerged to frame our understanding of the past, what elements it has included and what it has instructed us to think about them. Why is it, for example, that while abolition is often read into the history of international law, the complex transactions that constitute slavery are not?

**Symptoms, Signals and the ‘Struggle of the Faculties’**

Much of the book deals with what used to be called the “struggle of the faculties”, the fight over authority between professional vocabularies and their attendant forms of expertise. From a position of “innocence” it might be possible for the reader to attempt to step outside of such vocabularies in order to pose questions about their limits and relationships. How do they carve up the world into chunks of meaning and allocate authority over them? How what begins as law may turn into theology, and then revert back to law or politics or economics or indeed history itself – and how the respective idioms translate into and continue to exercise influence within each other? To believe that such worlds – “international law”, say, or “economics” – exist in and for themselves is to stare at a sweep of a brush on a canvas without seeing it in relationship to the other forms and colours and, finally, to the work as a whole. Of course, like history, complex artworks invite many interpretations; even the frame from which interpretations should begin is usually a topic of contestation. One analyst focuses on subject, another on form, one on the appropriate artistic school
another on the “social context”. Recent debates on method in international legal history invoke those kinds of choices.

As storytelling, *Uttermost* has little to say about method. Instead, it was inspired by a recurrent experience that the methodological or stylistic strictures of law, politics, theology or economics often obstructed taking a larger view, their internal histories aiming at little more than vindicating the depths of present wisdom against the superficialities of earlier times. Ideas about sovereignty and property of course transgress disciplinary boundaries and are, in their different ways, quite crucial for the constitution of all such disciplines. How to think of theology without the idea of the “sovereignty of God”? Or of economics without the concept of an inalienable right of property? To write a “history of international law” would have made it impossible to trace the ways those idioms move about and take part in the constitution of inherited hierarchies both inside the disciplines and between them. From a strictly method-oriented standpoint, Singh is right to note that *Uttermost* certainly appears “eclectic”. This does not mean that its author wrote in vacuum; full innocence is not available to any storyteller. With the assumption that “imagination begins at home” I have tried to make visible how lawyers in familiar European locations have employed their domestic training and experience so as to justify, exercise or critique the uses of power at home as well as in the “uttermost parts of the earth”. I do not see this as work on “ideas” in contradistinction to “action”; instead, I think of engagement in law as action by articulation. This is where the story format has been helpful. In a work covering half a millennium, only very few stories can be told, but they must be told in such a way as to enable the readers to fill the blank spaces in between. If the effort to understand the stories as symptoms or signals of something larger has engaged the audience’s sense of what is just and what unjust, then the telling has fulfilled its ambition.