

STANCE

State-Making and the Origins of Global Order
in the Long Nineteenth Century and Beyond

Empire and State in Early Modern Political
Thought

Jens Bartelson

Working Paper Series, 2018:2
STANCE, Lund University



LUND
UNIVERSITY

STANCE is a six-year research program at the Department of Political Science at Lund University, Sweden. The program, consisting of several separate but connected research projects, aims to answer the question of how state-making and the international system co-evolved in the long 19th century (1789-1914) and beyond. The program is constructed around three research themes: (1) How did the different dimensions of state-making evolve? What actors and organized interests supported or put up resistance to these processes?; (2) How were these dimensions of state-making affected by geopolitical competition, warfare and the diffusion of novel political technologies?; and (3) What were the consequences for the international system, both with respect to the type of state that emerged and what entities were granted membership in the state system? The program aims to bridge the gaps between comparative politics and IR, as well as those between the study of political thought and positive empirical political science. The research has been made possible by the Bank of Sweden Tercentenary Foundation (Riksbankens Jubileumsfond). Visit the research program's website at www.stanceatlund.org

Please address comments and/or queries for information to:

Email address: info@stanceatlund.org

Mailing address: STANCE

Department of Political Science

Lund University

Box 52, SE-221 00 Lund, Sweden

In Series 2016:

1. "STATE CAPACITY AS POWER: A CONCEPTUAL FRAMEWORK", Johannes Lindvall and Jan Teorell
2. "THE LAY OF THE LAND: INFORMATION CAPACITY AND THE MODERN STATE", Thomas Brambor, Agustín Goenaga, Johannes Lindvall, and Jan Teorell
3. "STEPPE STATE MAKING", Martin Hall
4. "WAR, PERFORMANCE AND THE SURVIVAL OF FOREIGN MINISTERS", Hanna Bäck, Jan Teorell, and Alexander von Hagen-Jamar
5. "THE NATION-STATE AS FAILURE: NATIONALISM AND MOBILITY, IN INDIA AND ELSEWHERE", Erik Ringmar
6. "CABINETS, PRIME MINISTERS, AND CORRUPTION. A COMPARATIVE ANALYSIS OF PARLIAMENTARY GOVERNMENTS", Hanna Bäck, Staffan Lindberg, and Jan Teorell
7. "SOCIAL POLICY AND MIGRATION POLICY IN THE LONG NINETEENTH CENTURY", Sara Kalm and Johannes Lindvall
8. "FROM AN INCLUSIVE TO AN EXCLUSIVE INTERNATIONAL ORDER: MEMBERSHIP OF INTERNATIONAL ORGANISATIONS FROM THE 19TH TO THE 20TH CENTURY", Ellen Ravndal
9. "A FEDERATION OF EQUALS? BRINGING THE PRINCELY STATES INTO UNIFIED INDIA", Ted Svensson

10. “REPUBLICA SRPSKA – THE BECOMING OF A STATE”, Annika Björkdahl
11. “MILITARY RIVALRIES, ALLIANCES AND TAXATION: THE INTERNATIONAL ORIGINS OF MODERN FISCAL CONTRACTS”, Agustín Goenaga and Alexander von Hagen-Jamar

In Series 2017

1. “THE SOCIAL ORIGINS OF STATE CAPACITY: ORGANIZATIONS, INSTITUTIONS AND LATE DEVELOPMENT”, Agustín Goenaga Orrego
2. “TECHNOLOGY AND POLITICS: A RESEARCH AGENDA”, Johannes Lindvall
3. “RULES OF RECOGNITION: EXPLAINING DIPLOMATIC REPRESENTATION IN THE LONG NINETEENTH CENTURY”, Jan Teorell
4. “MIMESIS AND ASSEMBLAGE: THE IMPERIAL DURBARS AT DELHI”, Ted Svensson
5. “INTERNATIONAL ORGANISATIONS, AUTHORITY AND THE FIRST PERMANENT SECRETARIATS IN THE 19TH CENTURY”, Ellen Ravndal
6. “MILITARY SPENDING AS A COUP-PROOFING STRATEGY: OPENING THE ‘BLACK BOX’ FOR SPAIN (1850-1915)”, Oriol Sabaté, Sergio Espuelas and Alfonso Herranz-Loncán
7. “STATE MAKING AND SWEDISH POLITICS IN THE NORTH”, Martin Hall
8. “STANDARDIZING MOVEMENTS: THE INTERNATIONAL PASSPORT CONFERENCES OF THE 1920s”, Sara Kalm
9. “PREPARING FOR WAR: DEMOCRATIC THREAT RESPONSIVENESS AND MILITARY SPENDING IN THE LONG 19TH CENTURY”, Alexander von Hagen-Jamar
10. “DOES FEMALE LEADERSHIP MATTER? AN ANALYSIS OF SWEDISH FOREIGN MINISTERS AND THEIR PARLIAMENTARY SPEECHES 1955-2016”, Hanna Bäck and Annika Björkdahl
11. “SOLVING THE DECIDER’S DILEMMA: SCAPEGOATS, FOREIGN AFFAIRES, AND THE DURATION OF INTERSTATE WAR”, Alejandro Quiroz Flores, Hanna Bäck, Alexander von Hagen-Jamar, and Jan Teorell

In Series 2018

1. “INTERNATIONAL ORDER, LANGUAGE GAMES AND THE EMERGENCE OF CHINESE ‘SOVEREIGNTY’ CLAIMS IN THE SOUTH CHINA SEA, 1909-1947”, Amanda J. Cheney
2. “EMPIRE AND STATE IN EARLY MODERN POLITICAL THOUGHT”, Jens Bartelson

STANCE working papers are available in electronic format at
www.stanceatlund.org

COPYRIGHT © 2018 by authors. All rights reserved.

Empire and State in Early Modern Political Thought*

Jens Bartelson
Professor in Political Science
Lund University

* This working paper will be a chapter (Chapter 2) in *From Empires to States*.

Introduction

As I argued in the previous chapter, many of those who have tried to make sense of the transition from a world of empires to a world of states have done so by assuming that empires and states are categorically distinct forms of polity. In support of this view, they have often argued that this distinction has a long pedigree, stretching back at least to the revival of Roman ideas of empire and the birth of a recognizably modern concept of the state during the sixteenth century.

In this chapter, I will dispute this view by arguing that no such distinction would have made much sense to those who were conceptualizing empires and states into existence during the early modern period. This being so for several interrelated reasons. First, many of those who articulated notions of empire did so with more or less explicit references to sovereignty understood in terms of indivisible authority. Since indivisible authority was also in the process of becoming a defining characteristic of the state, this made any sharp distinction between empires and states difficult to maintain. To most early modern political and legal theorists, the important distinction was not between empires and states in any recognizably modern sense of this latter term, but rather between empires and an array of other and equally complex amalgamations of political authority and community, such as composite monarchies, unions, or compound republics.¹ Second, whereas the defining characteristic of the state was thought to be the existence of a supreme locus of political authority within a community, and later, of a unified territory and population over which such authority could be exercised, many of those who have been credited for conceptualizing the state into existence could equally well be construed as theorists of empire.² This being so, since most of these authors did not recognize

¹ See, for example, John H. Elliott, 'A Europe of Composite Monarchies', *Past & Present* 137 (1992): 48-71; Helmut Georg Koenigsberger, *Dominium Regale or Dominium Politicum Et Regale: Monarchies and Parliaments in Early Modern Europe*, in Helmut G. Koenigsberger, *Politicians and Virtuosi: Essays on Early Modern History*, (London: Hambledon Press, 1986), 1-26; Helmut G. Koenigsberger, 'Composite States, Representative Institutions and the American Revolution', *Historical Research* 62 no. 148 (1989): 135-153; Peter Haldén, *Stability without Statehood: Lessons from Europe's history before the Sovereign State*, (Basingstoke: Palgrave MacMillan, 2011); Ben Holland, *The Moral Person of the State: Pufendorf, Sovereignty and Composite Polities*, (Cambridge: Cambridge University Press, 2017).

² See, for example, Quentin Skinner, 'A Genealogy of the Modern State', *Proceedings of the British Academy*. Vol. 162. (2009): 325-370; Jens Bartelson, 'Sovereignty and the Personality of the State', in Robert Schuett & Peter M. R. Stirk (eds.), *The Concept of the State in International Relations. Philosophy, Sovereignty, and Cosmopolitanism*, (Edinburgh: Edinburgh University Press, 2015), 81-107.

any territorial limits on the scope of political rule, and made few if any assumptions to the effect that subject populations were homogeneous or bounded. Third, those who were involved in the ideological justification of empires and states capitalized on the same Roman symbolic legacy. The same metaphors, symbols and rituals that were used to bolster the legitimacy of empires were routinely used in the context of state making for the very same purpose.³

Something similar goes for the relationship between the concept of empire and that of nation. Although this latter concept was used rather infrequently by early modern authors on empire, it was then often used in the Roman and archaic sense of a group of people tied together by place of birth, and which could as a consequence of this common birth share beliefs and values in common. During the early modern period, the concept of nation was largely floating free of references to political authority and was sometimes used in a derogatory way to describe foreigners who posed a threat to the cohesion of states and empires. There is little to indicate that nations were perceived as anything but constituent parts of empires or sometimes as outside threats to their existence, so that empires were believed to consist of several nations without themselves necessarily being expressive of the identities or interests of any particular nation, although this did occasionally happen, such as when the Spanish were described as a chosen people in order to legitimize their claims to empire in terms consonant with Christian eschatology.⁴

Hence, in this chapter, I will analyze the trajectories of the concepts of empire and state from the early seventeenth to the late eighteenth century, arguing that there is hard to find any evidence to the effect that these notions were understood as categorically distinct during this period. To the extent that early modern authors distinguished between them at all, they did so in terms of their geographical scope and cultural complexity rather than in terms of different principles of rule and legitimacy. When it came to the alternatives to empire, these were even

³ Caspar Hirschi, *The Origins of Nationalism. An Alternative History from Ancient Rome to Early Modern Germany*, (Cambridge: Cambridge University Press, 2012); Jens Bartelson, *Visions of World Community*, (Cambridge: Cambridge University Press, 2009), ch. 4.

⁴ See Svetlana Kočovska-Stevović, 'On the Roman Concept of Natio', *Colloquia Humanistica*, No. 5. (2016): 1-18; Ralph W. Mathisen, 'Peregrini, barbari, and cives Romani: Concepts of citizenship and the legal identity of barbarians in the later Roman Empire,' *American Historical Review* 111, no. 4 (2006): 1011-1040; Eva Botella-Ordinas, 'Exempt from time and from its fatal change': Spanish imperial ideology, 1450-1700', *Renaissance Studies* 26, no. 4 (2012): 580-604.

harder to distinguish in such terms, since composite monarchies, unions, and compound republics also comprised a host of different peoples distributed across several discontinuous spaces. Since neither empires nor their main competitors were believed to be territorially demarcated or culturally homogenous, the difference between them was mostly a matter of nuance and ideological preference. Re-describing empires in terms of its competitors or vice versa was a potent way of legitimizing and de-legitimizing their concrete instantiations. In practice, empires and states were even harder to distinguish, since many states entertained imperial ambitions during this time and most empires were but states blown big through serial conquests. And conversely, a loss of possessions could make an aspiring empire contract into something state-like.

So when did empires and states become more clearly distinguishable in the literature? As I shall suggest, this happened when European states were understood as territorially continuous and bounded while their overseas empires were simultaneously understood as boundless and discontinuous. This bifurcation of the world into two spheres composed of two distinct forms of polity each ruled according to different principles and standards of legitimacy is something we owe to the late eighteenth century and the final disavowal of claims to universal monarchy in Europe.

But the objective of this chapter is not to dwell on the ideological justifications of empire and state, but rather to inquiry into what I would like to term the *political ontology of empire*, and to what extent that ontology was any different from that underpinning the sovereign state. I shall first describe how empires and states were conceptualized by some of those conventionally held responsible for their conceptualization during the early modern period. I shall then proceed to discuss some of the most important objections leveled against empire and imperial aggrandizement during the same period in order to show that this did not spell the death of empire and the birth of states, as has sometimes been assumed. In the final section, I shall discuss some of the first attempts to distinguish between empires and states in law and historiography, arguing that this distinction is coeval with a bifurcation of the world into a European system of states and a non-European sphere of commercial empires run by European powers and their proxies.

In Defense of Empire

When Roman dreams of empire were revived during the Italian Renaissance, scholars and princes alike faced the challenge of translating these dreams into tangible realities in a new and largely alien geopolitical context. The revival of Roman historiography and architecture inspired attempts at aggrandizement by European powers during the early modern period with much of its impetus and legitimacy. Renaissance humanists such as Petrarch used the Roman emperors – most notably Julius Caesar – as examples of moral virtue and military valor to be emulated by contemporary princes and monarchs in all of Europe in their quest for power and glory.⁵

The election of Charles V as the Holy Roman Emperor in 1519 gave such aspirations new salience, given the vast but disjointed territories thereby brought under his rule. As Dandeleit has remarked, ‘[t]he previous two centuries had provided the literary blueprint and symbolic foundations for the revival, but it was the victories and conquests of Charles V and his armies that demonstrated the resurrection of real imperial power on a military and economic level.’⁶ But in the early modern thought, empires had to be imagined into existence before they could be claimed as possessions. This understanding gave the quest for empire its dream-like character. As Yates remarked about Charles V, ‘it is precisely as a phantom that Charles’s empire was of importance, because it raised again the imperial idea and spread it through Europe in the symbolism of its propaganda.’⁷ But the imagined greatness of early modern empires was not only determined by their territorial extent or the scope of imperial rule, but also by the diversity of beings brought under their sway. The discovery of the New World was interpreted as a harbinger of a world monarchy by poets like Ariosto, but it also brought the intimate connection between marvel at the unknown and the lust for power and glory into sudden relief.⁸ In early modern political imagination, imposing rule on a barren sameness would not satisfy that

⁵ See Thomas James Dandeleit, *The Renaissance of Empire in Early Modern Europe*, (Cambridge: Cambridge University Press, 2014).

⁶ Dandeleit, *Renaissance of Empire*, 111.

⁷ Frances A. Yates, *Astrea. The Imperial Theme in the Sixteenth Century*, (London: Routledge & Kegan Paul, 1975), 1.

⁸ See, for example, Stephen Greenblatt, *Marvelous Possessions: The wonder of the New World*, (Chicago: University of Chicago Press, 1991); Tzvetan Todorov, *The Conquest of America: The question of the other*. (New York: Harper& Row, 1984).

lust as much as imposing rule on some wild and marvelous diversity would. Yet the greater and more diverse the empire in question, the more difficult it to govern and protect from inner and outer threats. This gave rise to a peculiar tradeoff that would haunt all imperial schemes for centuries to come. Whereas safeguarding the customs and liberties of peoples brought under imperial rule made that rule easier to legitimize to those on the receiving end, imposing the same language and the religion all over the empire made it easier to govern. The many failed attempt to manage this tradeoff created lasting uncertainty as to the defining characteristics and ontological status of empire. Are empires really something more than the sum of their parts, or are they nothing more than peoples and provinces lumped together under the same lord? Hence what distinguishes an empire proper from a mere hegemony?

Most of those who were in the business of imperial aggrandizement wanted to achieve what they believed that the Romans had achieved but had often to contend with achieving little but a loose hegemony. Yet however much Renaissance princes and early modern monarchs claimed to be the true heirs to the Roman Empire, the concepts invoked to describe and justify their endeavor had only vague resemblances to the concept of *imperium* in Roman law.⁹ Rather many early modern conceptions of empire derived from medieval and Christian ones, with Dante as a favorite template. As he defined empire in *De Monarchia* (1312-1313), '[t]emporal Monarchy, called also the Empire, we define as a single Principality extending over all peoples in time, or in those things and over those things which are measured by time.'¹⁰ Such a pursuit of world monarchy was often legitimized with reference to the peace, justice and prosperity that world monarchy was supposed to bring, and the war, injustice and poverty that allegedly would ensue from its absence, failure, or collapse. As Dante goes on to explain, 'it becomes obvious that for the well-being of the world there is needed a Monarchy, or Empire', which also means that if '[j]ustice is preeminent only under a Monarch; therefore, that the world may be disposed for the best, there is needed a

⁹ John Richardson, 'The Meaning of Imperium in the Last Century BC and the First AD', in Benedict Kingsbury and Benjamin Straumann (eds.) *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of Empire*, (Oxford: Oxford University Press, 2010): 21-29; John Richardson, *The language of Empire: Rome and the idea of empire from the third century BC to the second century AD*, (Cambridge: Cambridge University Press, 2008).

¹⁰ Dante Alighieri, *De Monarchia*, trans. By Aurelia Henry, (Boston & New York: Houghton, Mifflin and Company, 1904), II.1,5.

Monarchy, or Empire.’¹¹ This and similar justifications of empire would continue to resonate throughout the early modern period, as would the claim that the Romans had ruled the world by virtue of right rather than might.¹²

Such dreams of boundless power found expression and partial justification in two concepts. The first of these was based on revival of the Roman idea of *Dominus Mundi*, and was mainly used to describe relations between European powers on the one hand, and peoples and places in the non-European world on the other.¹³ The other was the notion of *Monarchia Universalis*, which was used to describe similar aspirations to lordship but in the context of European great power rivalry.¹⁴ Although these concepts sometimes were used interchangeably by early modern authors, they followed different ideological trajectories and gave rise to different objections and forms of opposition. Whereas the former idea was often met with the objection that it was unjust and illegal under natural law, the latter was often met with opposition on the grounds that it threatened the legitimate interests and liberties of other European powers. While those who opposed the subjugation and dispossession of non-European peoples did so from within a legal framework that emphasized the natural rights of these peoples, those who were opposing attempts to erect a universal monarchy in Europe did so from within a legal framework that emphasized the right to wage preventive war in order to counteract such attempts.

But early modern justifications of empire were more a matter of historical rewriting than of rigorous philosophical or legal argument in its defense. Historical narratives supportive of Spanish claims to a global empire began to emerge already during the reign of Charles V and Philip II. These histories followed a predictable pattern. Chroniclers started by recounting the virtuous deeds and good examples of Roman emperors, and then placed their patrons in neat succession to them by means of flattering comparisons centered on moral virtues, military valor, and glory. When doing this, they most frequently took the concept of empire and its cognates to signify a simple fact of possession rather than to

¹¹ Dante, *Monarchia*, I.V,21& LXI, 31.

¹² John M. Headley, ‘The Habsburg World Empire and the Revival of Ghibellinism’ [1978], in David Armitage (ed.), *Theories of Empire 1450-1800*, (Farnham: Ashgate, 1998), 45-79.

¹³ See Anthony Pagden, *Lords of All the World. Ideologies of Empire in Spain, Britain and France c.1500-c.1800*, (New Haven: Yale University Press, 1995).

¹⁴ See Franz Bosbach, ‘The European Debate on Universal Monarchy’, in David Armitage (ed.) *Theories of Empire 1450-1800*, (Farnham: Ashgate, 1998), 81-98.

describe an entity capable of existing independently of its component parts. None of this was altogether unlike the way in which other authors during this period used the concept of the state to denote a mere extension of princely power rather than an entity capable of existing independently of rulers as well as ruled.¹⁵

More or less at the same time as the idea of empire was revived and recycled, other authors were in the process of articulating a recognizably modern concept of the state. When seen in this context, the concept of empire looks like a phantom, little but a disturbing anachronism in a world in which modern states were in the making. But even if Machiavelli has often been credited with taking the first steps towards the articulation of a modern notion of the state, it is also fully possible to read *Discorsi sopra la prima deca di Tito Livio* (c. 1517) as a defense of a republican version of empire in which political liberty at home is a necessary condition of aggrandizement abroad, as well as conversely.¹⁶ But the concept of empire often came with ontological commitments different from that of the state, insofar as claims to empire were often targeted against a totality comprising all beings political within a preordained universal order of things. As the confessor and courtier of Charles V – Antonio de Guevara – explained in his *Relox de Principes* (1529), just as there is but one God, ‘[a]ll superior and inferior things would bee well ordered, and many things much better by the arbitrement of one, then by the aduice of many’.¹⁷ From this divine order of things followed ‘that in one family there should bee but one Father, among one people there should be but one Citizen that should command, in one Prouince there should be Gourneour alone, and also that one King alone should gourne...a Realme, and also that by one onely Captaine a puissant Army should be ledde.’¹⁸ Just as the elements of air, water and fire are subordinate to that of earth, the body to the soul, the beastly to the wise, woman to man, ‘it is very necessary, that in

¹⁵ See, for example, Harvey C. Mansfield, ‘On the Impersonality of the Modern State: A Comment on Machiavelli’s Use of Stato’, *American Political Science Review* 77 no. 4 (1983): 849-857.

¹⁶ For this argument, see Michael Hörnqvist, *Machiavelli and Empire*, (Cambridge: Cambridge University Press, 2008); Michael Hörnqvist, ‘Machiavelli’s Three Desires: Florentine Republicans on Liberty, Empire, and Justice’, in Sankar Muthu (ed.) *Empire and Modern Political Thought*, (Cambridge: Cambridge University Press, 2012), 7-29.

¹⁷ Antonio de Guevara, *The Diall of Princes. Compiled by the reuerende father in God, Don Anthony of Guevara, Bysshop of Guadix*. Trans. by Thomas North, (London: 1557), I:x. Although his work is known to be a fabrication, this fact matters less in the present context. See Horacio Chiong Rivero, *The Rise of Pseudo-Historical Fiction. Fray Antonio de Guevara’s Novelizations*, (New York: Peter Lang, 2004).

¹⁸ Guevara, *The Diall of Princes*, I.xxviii.

the Common-wealth many be governed by the one...For in a common-wealth there can bee no greater enemie than hee that desireth than many should rule therein'. But 'furthermore and above all' God 'willeth that there bee but one Monarchyall King and Lorde of the World'.¹⁹ Thus all political beings are ordered according to the same principle of indivisible authority. On top of it all stands the virtuous prince: it is no coincidence that de Guevara devotes an entire book to the question of how the prince should govern himself and his household before addressing the question of how his empire best should be governed.

Similar themes recur in *Historia Imperial y Cesárea* (1545) by the chronicler Pedro Mexia, in which he relates the 'liues of the Roman Emperours, which held the Monarchie of the world.'²⁰ Thus we learn of Ceasar that he came to be 'the most mightie, the most redoubted, and most highly esteemed man that euer had been in the world, hauing subdued and conquered the greatest part thereof, with an Armie and by force, in as little time, as it might seeme that another man might be able to trauail those countries by reasonable iourneys.'²¹ As Pocock has remarked about this curious work, it 'is by definition a history of *translatio imperii*; the line of Caesars is unbroken to the moment of writing and the Roman Empire still exists.'²² Less burdened by cosmological references, the concept of empire is now simply used to describe the totality of Spanish possessions. Thus, for example, we learn that he, 'hauing ruined the protestants, which made the greatest power of *Germany*, he would subiect the states of the Empire to his will, that he might keepe the Empire in his family, and make it hereditary.'²³ As indicated by this more modern usage, Mexia thought of empire as an object that Charles and his successors could legitimately claim possession of, yet one which hardly could be said to exist independently of its components. But as Pocock has noted, Mexia traces the origin of those individual kingdoms that later were subjugated by Spain to the fall of the Roman Empire. Although he does not narrate the history of these provinces and kingdoms, he believes that they had resulted from barbarian invasions, making the Spanish not only heirs to the Roman

¹⁹ Guevara, *The Diall of Princes*, lxxviii.

²⁰ Pedro Mexia, *The Imperiall Historie: or the liues of the emperours, from Iulius Cæsar, the first founder of the Roman monarchy*, (London: Mathevv Lovvnes, 1623), 2

²¹ Mexia, *Imperiall Historie*, 14.

²² J. G. A. Pocock, *Barbarism and Religion III. The First Decline and Fall* (Cambridge: Cambridge University Press), 247.

²³ Mexia, *Imperiall Historie*, 653.

Empire, but equally also to that of the Goths. From this followed that the Spanish claim to universal monarchy was likely to be met with resistance from those kingdoms that were of barbarian origin.²⁴ Yet those in those provinces that had been subjected to imperial rule, Charles ‘had alwaies endeouored to maintaine the publike quiet; that he had vndertaken many painefull and dangerous voiajes to come vnto them; that he had been carefull to gouerne them with iustice, to maintaine their rights and priuiledges, and to doe all other things whereunto a good Prince is bound.’²⁵ Mexia here invokes a familiar defense of empire as the vanguard of liberty of justice, a defense that later was to be singled out for target practice by his critics.

Being much more detailed and comprehensive than any of his successors, the last of the great Spanish imperial historians – Juan de Mariana – stands out from the rest by insisting that the Spanish empire had been founded *before* that of Rome, and had then successfully resisted subordination to the latter thanks to the extraordinary virtue of its kings. Thus, from *De Rebus Hispaniae* (1592) we learn that Tubal, the first to occupy Spanish soil after the flood ‘founded the Spanish Monarchy, which continues to this time. This is that Empire which in all Ages has afforded Men Famous, both in Peace and War, which has been blessed with Plenty and Prosperity, and which has always furnished extraordinary matter to imploy the greatest Pens.’²⁶ Here Mariana is explicitly invoking another unspoken but widespread justification of empire, namely that it will bring prosperity to those who voluntarily subject to its rule.

None of these historians distinguished sharply between empire and state, and most likely so because no such distinction was available to them. If we allow for the fact that their usage of the term *estado* still remained much indebted to its medieval meanings, and therefore was mainly used to describe a *condition* in which a ruler or his possessions might find themselves in, and then as a matter of the *standing* of the former and the *health* of the latter, they do occasionally use this term in a recognizably early modern sense when implying that a political community is capable of existing independently of its ruler. As we have seen above, while Guevara does this by means of an analogy between

²⁴ Pocock, *Barbarism and Religion* III., 250-257.

²⁵ Mexia, *Imperiall Historie*, 657.

²⁶ Juan de Mariana, *The General History of Spain*, (London: Richard Sare & Thomas Bennet, 1699), 1.

macrocosm and microcosm, to the effect that the state is embedded within the empire as much as the empire is embedded within the whole of creation, Mexia uses the concepts of empire and state interchangeably. For example, '[a]mong all the glorius actions of Julius Caesar, the greatest in my opinion, ad which breeds most admiration, is, how he first project, then put it into practice, and lastly bring it to effect, to make himself Lord of the Roman State.'²⁷ Finally, Mariana seems to have successfully appropriated a by then fresh definition of sovereignty when he noted that 'the irreconcilable Enmities betwixt near Relations, and even Brothers, may be a sufficient warning to Sovereigns not to divide their Dominions, especially when their Limits are but narrow. It is a certain Maxim, that Sovereignty admits of no Fellowship, and Ambition is not curbed by any ties, tho' never so Sacred.'²⁸ Much the same goes for the concept of the nation, which is invoked in an archaic Roman sense by Mexia. For example, we learn that at the time of the Roman invasion, Britain 'was inhabited by a fierce Nation'.²⁹ The same usage of the concept of the nation can be found in Mariana, when he describes the coming of the Goths in the following way: 'The coming of these Barbarous Nations was the ruin of *Spain*, for they seized indifferently as well what belonged to *Spaniards*, as *Romans*, and destroyed the Towns and open Country, whereupon ensued such a Famine, that the Natives fed upon human flesh, and the wild beasts ranged abroad to devour Men.'³⁰

If the Spanish had claimed to be the true vanguards of the Roman Empire during much of the sixteenth century, the French were trying hard to assume the same role in the following century. While capitalizing on the same Roman symbolic legacy, the ideological underpinnings of French imperial ambitions were hard to tell apart from those informing territorial state making during the same period. A perhaps less obvious but all more revealing example in this regard is *Six Livres de la Republique* (1576) by Jean Bodin. Heavily indebted to the same Roman sources that inspired other imperial humanists at the time, his *Six Livres* is famous for its definition of sovereignty in terms of its indivisibility, and has

²⁷ Mexia, *The Imperiall Historie*, 2.

²⁸ Mariana, *The General History of Spain*, 137. Although there is no evidence that Mariana actually had read Bodin, his notion of sovereignty betrays strong affinities with that of the latter, see Harald E. Braun, *Juan de Mariana and Early Modern Spanish Political Thought*, (Aldershot: Ashgate, 2008), 74.

²⁹ Mexia, *Imperiall Historie*, 4.

³⁰ Mariana, *The General History of Spain*, 68.

therefore been taken to represent another important step towards the articulation of a recognizably modern concept of the state.³¹ But it is also worth recalling that Bodin took the object of sovereign authority to be a multitude of families or households, and made no reference to territory as an object of government, or implied that sovereign authority had to be bounded in order to be effective or legitimate.³² This implies that what Bodin has to say about the republic or commonwealth would apply equally to *any* polity regardless of its spatial extension or the number of households subsumed. Indeed, given the imperial aspirations of the Henry III and his overt patronage of this work, such a reading is perhaps less anachronistic than those that have placed *Six Livres* squarely in the lineage of the modern concept of the state. Indeed, as Dandeleet has shown, the *Six Livres* is sprinkled with references to the Roman Empire and the founding fathers of imperial humanism, which are used in support of far-ranging royal power and prerogatives.³³ But apart from such references to the symbolic legacy of the Romans, this reading could be further substantiated by looking into how Bodin uses the concept of *imperium* when discussing the prerogatives of the sovereign. When he raises the question ‘[w]hether the power of the sword (which the law calleth *merum imperium*, or meere power) be proper unto the soveraigne prince, and inseparable from the soveraignte; and that the Magistrats have not this *merum imperium* but onely the execution thereof’, he does so only to confirm the absolutist view according to which the power of the sword was among the prerogatives that could not be delegated downwards.³⁴ By the same token, when he asks ‘[w]here the word, *imperium*, or power, signifieth not onely the power to command, or forbid, but even the magistrate himselfe’, only to following Cicero in concluding that the ‘greater power cannot by right be examined by the lesse.’³⁵ Given these usages of the term *imperium*, *Six Livres* marks a

³¹ See, for example, Quentin Skinner, ‘The State’, in Terence Ball, James Farr, and Russell T. Hanson (eds.), *Political Innovation and Conceptual Change*, (Cambridge: Cambridge University Press, 1989), 90-131; Julian H. Franklin, *Jean Bodin and the Rise of Absolutist Theory*, (Cambridge: Cambridge University Press, 1973); Preston T. King, *The Ideology of Order: A Comparative Analysis of Jean Bodin and Thomas Hobbes*, (London: Allen & Unwin, 1974).

³² See, for example, Quentin Skinner, ‘The State’, in Terence Ball, James Farr, and Russell T. Hanson (eds.), *Political Innovation and Conceptual Change*, (Cambridge: Cambridge University Press, 1989), 90-131; Julian H. Franklin, *Jean Bodin and the Rise of Absolutist Theory*, (Cambridge: Cambridge University Press, 1973); Preston T. King, *The Ideology of Order: A Comparative Analysis of Jean Bodin and Thomas Hobbes*, (London: Allen & Unwin, 1974).

³³ Dandeleet, *Renaissance of Empire*, 217-219.

³⁴ Jean Bodin, *Six Bookes of a Commonwealth*, trans. by Knolles, (London: 1606), Book III, 327.

³⁵ Bodin, *Six Bookes*, Book III, 347.

return of a Roman and legalist understanding of empire which had been largely absent in earlier humanist and predominantly historical defenses of imperial rule that had accompanied the revival of empire in early modern Europe.

Towards the end of the sixteenth century, conceptualizations of empire began to change. As we have seen above, humanist imperialism was a matter of legitimizing imperial ambitions in the present by constructing unbroken continuities with an imagined Roman past. While doing this, chroniclers and court historians rarely bothered to discuss the concept of empire in any detail but instead took some of its received medieval meanings for granted and transposed them to forever new political contexts. But invocations of edifying examples drawn from the deeds of Roman emperors slowly gave way to abstract philosophical meditations on empire, all while theological justifications of empire slowly fade in favor of arguments derived from the precepts of secular statecraft. So rather than merely telling histories supportive of this or that claim to empire, advocates of empire begin to tell us what empires are, what makes them different from other forms of polity, and how they ideally ought to be governed in order to preserve or enlarge them.

Even if *De Monarchia Hispanica* (1600) by Tommaso Campanella never found favor with the Spanish crown, it was conceived at the crossroads between the Renaissance and the early modern world, and came to reflect a curious blend of Neo-platonic theocratic principles and the precepts of secular statecraft.³⁶ In the view of Campanella, all empires owe their existence to divine providence. While individual empires go through the cycles of rise, decline and fall, the eternal idea of empire remains in search of new temporal instantiations. Thus, he starts by noting that the ‘The Universal Monarchy of the World, beginning from the East, and so coming at length to the West, having passed through the Hands of the Assyrians, Medes, Persians, Greeks, and Romans...it is a length coming to the Spaniard...and that with greater Splendour, than on any of his Predecessors.’³⁷ Like all earlier instantiations of empire, the rise of Spain is conditioned by the

³⁶ For important accounts, see John M. Headley, *Tommaso Campanella and the Transformation of the World*, (Princeton: Princeton University Press, 1997); Anthony Pagden, ‘Instruments of Empire: Tommaso Campanella and the Universal Monarchy of Spain’, in Anthony Pagden, *Spanish Imperialism and the Political Imagination*, (New Haven: Yale University Press, 1990), 37-64.

³⁷ Tommaso Campanella, *A Discourse Touching the Spanish Monarchy*, (London: Philemon Stephens, 1654), preface.

confluence of providence, prudence and opportunity. Since astrological observations tell us that the end of the world is imminent, ‘so before the end of the World, the Spaniard being joined in amity with the Pope, shall live in a more happy condition, and shall reign securely and peaceably...neither yet shall he arrive to that height of Universal Monarchy he had aspired unto. But this is a businesse to be handled secretly, and not to be published openly to the World.’³⁸ Such a universal monarchy was intended to put an end to heresies and keep the Turks at bay. So, in apparent contrast to the more secular imperial schemes of the same period, Campanella envisaged a universal theocracy in which the Spanish king ruled with support from the pope, because ‘how much it concerns the Interest of the King of Spain, that he endeavour the attaining to the Empire of the World by the means of the Pope’.³⁹

In order to achieve such a universal monarchy, the Spanish king must prudently capitalize on the opportunities for expansion whenever they present themselves: ‘the King of Spain, following the order of things, and by observing the Rules of Prudence, together with Occasion, may bring all things under his Obedience.’⁴⁰ To exercise such prudence, the king must harness religious beliefs, since ‘[a]ll Religions, as well the False, as the True, do prevail, and are Victorious, when they have once taken root in the Minds of men; upon which onely depend both their Tongue and Armes, which are the onely Instruments of attaining Dominion.’⁴¹ And the opportunities for such expansion ‘consists chiefly in this, that his Neighbouring Enemies are weak, and at discord among themselves touching both Points of Religion, and matters of State.’⁴² Yet in order to vanquish his enemies and overcoming internal discord, the king needs to embody those virtues that had made Roman emperors able to exercise imperial authority over their own unruly passions:

He cannot govern the World, that cannot govern an Empire, that cannot a Kingdom, that cannot a Province, nor he a Province, that cannot a City; nor he a City, that cannot a Village; nor he a Village,

³⁸ Campanella, *Spanish Monarchy*, IV.10.

³⁹ Campanella, *Spanish Monarchy*, V.24.

⁴⁰ Campanella, *Spanish Monarchy*, IV.15.

⁴¹ Campanella, *Spanish Monarchy*, V.19.

⁴² Campanella, *Spanish Monarchy*, VII.30.

that cannot a Family; nor he a Family, that cannot a single House,
nor he a single house that cannot govern himself.⁴³

The foremost of those virtues was prudence. But in contrast to many of his contemporaries, Campanella discusses not only how universal monarchy is to be attained and what makes such an endeavor possible and necessary, but he also elaborates on the makeup of the world to be brought under imperial control. Doing this, he also tells us some important things about how he envisages the contours and composition of an empire. Upon establishing a universal monarchy, the king needs to consider carefully the nature of the world to be conquered. He needs to know ‘the Division of the World into its parts, and of his own Dominions; the different manners and Customes of the several Nations of the Earth, and their Religions and Sects; as also the stories of all the former Kings.’⁴⁴ The fact that different nations have different religions and different customs pose a very real challenge to imperial rule. Thus, the next step is to attain knowledge of its history and laws: ‘The King must also take care to have the General Histories and Annals of the Whole World, compiled in a compendious and succinct way...Let Him likewise cause a Brief Collection to be made of the Lawes of all the several Kingdomes and Principalities of the World.’⁴⁵ But this knowledge is only of interest to the extent that it can be harnessed for the purpose of furthering imperial rule. And this is only achieved by means of arms, because ‘[w]hoever desires to become a great Monarch, it will behoove him to be continually in making War upon all his Neighbours that lye round about him.’⁴⁶ But the rush of power and glory soon give way to the many difficulties associated with the imposition of new rule on foreign lands.

The main challenge of that rule is to manage or overcome the cultural diversity that arises as a consequence of the constant conquest and incorporation of foreign lands into the empire. Campanella embarks on a lengthy discussion of how to homogenize the empire for the sake of maintaining the cohesion necessary for smooth and effective rule. Since any commonwealth stands to benefit from the presence of mutual love between subjects and the unity of religion among them, the Spanish

⁴³ Campanella, *Spanish Monarchy*, IX.32

⁴⁴ Campanella, *Spanish Monarchy*, IX.34.

⁴⁵ Campanella, *Spanish Monarchy*, X.42.

⁴⁶ Campanella, *Spanish Monarchy*, XIX.116.

empire would be well served if Spaniards would marry members of other nations: for as much as the Spaniards are hated by all Nations, the best Course would be, that the King should endeavour to reconcile them to the Spaniard by intermarrying with them.⁴⁷ Thus, at the end of the day, the maintenance of empire hinges on successful homogenization: '[w]hosoever therefore is to Rule Several, and Different Nations, and would keep them all within the bounds of Obedience, let him endeavour to reduce them into a conformity, as far as he is able, and make them in all things like to each other.'⁴⁸ Campanella here most clearly states what would remain a paradox of imperial rule for the centuries to come. On the one hand, in order to be perceived as legitimate, imperial rule must remain sensitive to the fact that an empire consists of a plurality of different communities, each with customs and laws of its own. On the other hand, in order to become effective, imperial rule must follow the precepts of secular statecraft to reconcile and homogenize this plurality into a unity.⁴⁹

Despite its strange blend of philosophical influences, *De Monarchia Hispanica* is among the first works to use the concept of empire in a recognizably modern sense. This term is now used to describe not only a rule over a plurality of communities or peoples, but also to denote a polity capable of independent existence by virtue of being something more than the sum of its component parts and the possessions of its ruler. While such an empire is composed of many kingdoms and comprises several nations, these kingdoms and nations also exist independently of their rulers as well as of the empire of which they form part. Campanella also uses the concepts of state and nation in ways consonant with other early modern usages, in which states and nations are believed to exist independently of their rulers. Even if he does not attribute autonomous agency to any of them, they are understood as more than extensions of the will of the ruler. But even if this recipe for imperial aggrandizement and consolidation was intended for the Spanish crown, commentators quickly pointed out that it could equally well be applied to similar ends by any other state aspiring to great power status. As his English translator noted, 'although this be designed wholly...in reference to the Spanish Monarchy only, and the support of the Papacy;

⁴⁷ Campanella, *Spanish Monarchy*, XVII.95-97.

⁴⁸ Campanella, *Spanish Monarchy*, XIX.121

⁴⁹ Pagden, 'Instruments of Empire', 58-64.

yet may all wise, Judicious men make very good use of the same, and apply what Counsells are here given...to their own Affaires.⁵⁰ Although his influence on posterity was limited, this conception of empire would find its way into the works of other early modern authors such as Grotius and Richelieu.⁵¹

Similar understandings of empire and the paradoxes of its rule recur in a short treatise by Francis Bacon entitled *Of the True Greatness of Kingdoms and Estates* (1612/1625). Bacon is adamant that the difference among empire and state is a matter of scale only. Thus, he informs us that ‘the greatness of an estate in bulk and territory doth fall under measure; and the greatness of finances and revenue doth fall under computation. The population may appear by musters; and the number and greatness of cities and towns by cards and maps.’⁵² He then goes on to elaborate on the means most appropriate for imperial aggrandizement, which he – like Campanella – identifies squarely with warfare, since ‘for empire and greatness, it importeth most, that a nation do profess arms as their principal honor, study, and occupation.’ But from the sweetness of many victories follows the challenges of rule. The successful manner of the Romans was to grant naturalization ‘not to singular persons alone, but likewise to whole families; yea to cities, and sometimes to nations.’ When in the latter case ‘putting both constitutions together, you will say that it was not the Romans that spread upon the world, but it was the world that spread upon the Romans; and that was the sure way of greatness.’ Whereas Spain has not been that good at assimilating peoples brought under their control to their own culture and customs, ‘they have that which is next to it; that is, to employ almost indifferently all nations in their militia of ordinary soldiers; yea and sometimes in their highest commands.’⁵³ But as a consequence of such relentless expansion into a world of marvelous diversity, those in charge of early modern empires must face a peculiar paradox:

To speak now of the true temper of empire, it is a thing rare and hard to keep; for both temper and distemper consist of contraries.

⁵⁰ Campanella, *Spanish Monarchy*, translators note.

⁵¹ Pagden, ‘Instruments of Empire’, 38.

⁵² Francis Bacon, ‘Of the True Greatness of Kingdoms and Estates’, in Francis Bacon, *Essays, Civil and Moral*, Vol. II, Part I, (New York: P. F. Collier & Son, 1909-1914), XXIX, 2. For a background, see Markku Peltonen, ‘Politics and Science: Francis Bacon and the True Greatness of States’, *Historical Journal* 35, no. 2 (1992): 279-305.

⁵³ Bacon, ‘Of the True Greatness of Kingdoms and Estates’, 6.

But it is one thing to mingle contraries, another to interchange them. And certain it is that nothing destroyeth authority so much as the unequal and untimely interchange of power pressed too far, and relaxed too much.⁵⁴

But the imperial aspirations of the Spanish crown were soon to be challenged on a much greater scale than before. Even if the outbreak of the Thirty Years War in 1618 was caused by religious discord, it was also a contest of Spanish dominance and its aspirations to universal monarchy in Europe. Yet however much the Westphalian settlement was supposed to curb such aspirations to universal authority by the signatory powers, it was obvious that the signatory powers themselves were empires dressed up as states for the occasion. Whereas the treaties of Münster and Osnabrück granted some autonomy to German princes in relation to the Holy Roman Empire, they also gave renewed sanction to imperial pursuits outside Europe.⁵⁵ But as we shall see in the next section, the Westphalian settlement also gave rise to new justifications of empire inside Europe, in which aggrandizement now could be legitimized with reference to the rights of conquest rather than with reference to principles of dynastic succession that had constituted the most accepted basis for claims to empire in the past.⁵⁶

Grotius had already furnished some important elements of a theory of legitimate conquest. Hobbes furnished still others. Although he is famous for having contributed to the articulation of the modern concept of the state, his understanding of sovereignty was in fact equally if not more compatible with imperial forms of rule. This being so, since he conceived of no preconstituted limits to sovereign authority, whether in terms of its territorial extent or the nature of its subject populations. Thus we learn from *Leviathan* (1651) that ‘[w]hen in one Common-wealth there be divers Countries, that have their Lawes distinct from one another, or are farre distant in place, the Administration of Government being committed to divers persons, those Countries where the Sovereign

⁵⁴ Francis Bacon, ‘Of Empire’, in Francis Bacon, *Essays, Civil and Moral*, Vol. II, Part I, (New York: P. F. Collier & Son, 1909-1914), ch. XIX, 2.

⁵⁵ José Manuel Barreto, ‘Cerberus: Rethinking Grotius and the Westphalian System’, in Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca (eds.), *International Law and Empire: Historical Explorations*, (Oxford: Oxford University Press, 2017), 149-175, at 164-166.

⁵⁶ See John Robertson, ‘Empire and Union: Two Concepts of the Early Modern European Political Order’, in John Robertson (ed.), *A Union for Empire. Political Thought and the British Union of 1707*, (Cambridge: Cambridge University Press, 1995), 3-36.

is not resident, but governs by commission, are called Provinces.’⁵⁷ Hobbes then goes on to exemplify this imperial arrangement with that of the ‘Romans, who had Sovereignty over many Provinces, yet governed them alwaies by Presidents and Praetors’ and the ‘Colonies sent from England to Plant *Virginia*, and Sommer-Illands, through the Government of them there, were committed to Assemblies in *London*.’⁵⁸ From this it is tempting to infer that Hobbes, like many of those of his predecessors that have been credited with the conceptualization of the modern state, with equal ease could be read as a theorist of empire. And likewise, as I have tried to show above, since many of the authors who have conventionally been held responsible for reviving and legitimizing conceptions of empire during the early modern period did so with reference to notions of indivisible political authority, it seems fair to conclude that they equally well could be read as theorists of the state.

Against Empire

Already by the early seventeenth century, dreams of territorial empire had become increasingly difficult to realize and even more difficult to justify. The Spanish conquest and colonization of America were judged illegal by many contemporary lawyers while attempts at territorial expansion in Europe were met with fierce resistance from other great powers. The claim to world dominion, which had first been raised in the context of overseas expansion, became increasingly to justify in terms consonant with the early law of nations. In the context of European power politics, the most common way to oppose territorial expansion was now by arguing that such schemes threatened to destroy the balance of power as well as the liberty of individual states.

Yet most of what was dressed up as resistance to all forms of universal rule during the second half of the seventeenth century were in fact little but clever justifications of aggrandizement or were at least likely to be perceived as such. Still such attempts at aggrandizement became more limited in their scope, making the quests for empire and statehood even harder to distinguish as seventeenth century progressed.

⁵⁷ Thomas Hobbes, *Leviathan*, ed. by Richard Tuck, (Cambridge: Cambridge University Press, 1991), XXII, 158-159.

⁵⁸ Hobbes, *Leviathan*, 159.

The concept of universal monarchy, which had been widely used to characterize quests for power on the European continent, was turned into a derogatory and polemical term used to castigate those suspected of entertaining unbridled aspirations to power and glory.

In this section, I shall discuss some of the arguments leveled against empire and imperial aspirations. As I shall argue, instead of reading arguments against empire as pointing towards a decline of empire and a rise of the state as the predominant form of political community, I think it is more accurate to read some arguments against empire as rhetorical attempts to reconcile policies of overseas expansion with claims to territorially bounded sovereignty at home, while others are perhaps better read as attempts to reconcile aspirations to great power status with the perceived need for international order and liberty in Europe. These strands of criticism were brought to converge in Enlightenment historiography, where it ushered in the eventual division of the world into a sphere of states and a sphere of empires.

The first wave of criticism concerned the legality of the Spanish claims to dominium in the New World.⁵⁹ Since most of these arguments are very well known, I will recapitulate only those that concern the nature of empires and states respectively. In 1539, Francisco de Vitoria delivered a lecture in Salamanca in which he disputed the rightfulness of Spanish dominion over the Indies and the dispossession and enslavement of their inhabitants that had ensued. Whereas advocates of empire such as Juan Gines de Sepúlveda had argued that a war of conquest against the inhabitants of the New World was justified by virtue of the latter being natural slaves in an Aristotelian sense of this term, both Vitoria and Las Casas retorted that however sinful and repulsive their customs may seem to the European mind, the American Indians were nevertheless rational and sociable enough to qualify as members of the great family of humankind, and were therefore entitled to the same rights as their conquerors.⁶⁰ As Vitoria famously stated, although apparently barbarous, this did in no way disqualify the American Indians

⁵⁹ See, for example, Anthony Pagden, 'Dispossessing the Barbarian: the language of Spanish Thomism and the debate over the property rights of the American Indians', in Anthony Pagden (ed.), *The Languages of Political Theory in Early-Modern Europe*, (Cambridge: Cambridge University Press, 1987): 79-98; Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, (Cambridge: Cambridge University Press, 2007); David A. Lupher, *Romans in a New World: Classical Models in Sixteenth-Century Spanish America*, (Ann Arbor: University of Michigan Press, 2006).

⁶⁰ Anthony Pagden, *European Encounters with the New World. From Renaissance to Romanticism*, (New Haven: Yale University Press, 1993), 51-87

from ownership (*dominium*) since they ‘have some order in their affairs; they have properly organized cities, proper marriages, magistrates and overlords, laws, industries, and commerce, all of which require the use of reason.’⁶¹ Yet this criticism did not spill over into a recognition of the sovereignty of the Indians, and left the Spanish Crown with ample grounds for waging war on them should they resist evangelization. But Vitoria provided also undercut the notion of imperial dominion indirectly, by providing a new answer to the question of who had the legitimate authority to wage war. Only a prince who was the head of a ‘perfect community’ could do so, the latter being ‘complete in itself: that is which is not part of another commonwealth.’⁶² But if only political communities that enjoyed de facto independence could wage just war, that made the ideas empire proposed by his contemporaries precarious at best, since these were based precisely on the principle of amalgamation described in the previous section. But in contrast to some modern readings of Vitoria, this was not to say that such proto-sovereign entities were categorically distinct from empires. As Koskeniemi has argued, the real contribution of the Salamanca school laid not so much their critique of empire as in the articulation of universal property rights that supposedly existed independently of political authority. Claiming such rights were to become crucial to the pursuit of commercial empire when aspirations to territorial empire appeared increasingly economically and politically unsustainable.⁶³ Vitoria had thereby taken a first important step towards dividing global space into two distinct spheres – one of empire and the other of sovereignty – but that were able to coexist within the same legal framework provided by the *ius gentium*.

Whereas his critique of empire was directed against Spanish claims to ownership in the New World, Vitoria did not touch directly upon the claims to jurisdiction over the same territories. But the validity of such claims had already been contested by another prominent member of the Salamanca school, Domingo de Soto. Equally concerned questions of ownership and jurisdiction, his *Relectio de Dominio* (1535) and *De Iustitia et Iure* (1553/1556) contested Spanish claims to universal jurisdiction by

⁶¹ Francisco De Vitoria, *De Indis*, in Jeremy Lawrance and Anthony Pagden (eds.) *Vitoria: Political Writings*, (Cambridge: Cambridge University Press, 1991), 250. For his contemporary impact, see José A. Fernández-Santamaría, *The State, War and Peace: Spanish Political Thought in the Renaissance 1516-1559*, (Cambridge: Cambridge University Press, 1977).

⁶² Vitoria, *De Indis*, 301.

⁶³ Martti Koskeniemi, ‘Empire and International Law: The real Spanish contribution’, *University of Toronto Law Journal* 61, no. 1 (2011): 1-36.

disputing those of the Roman Empire, so that to the extent that Spanish claims to universal jurisdiction were on those of the Romans, a refutation of the latter would spill over into a refutation of the former. De Soto began his lecture by distinguishing between *dominium* in the sense of ownership and *dominium* in the sense of jurisdiction, relegating the question whether ‘the emperor is lord of the whole world’ to the latter category. He then proceeded to refute such claims on the grounds that they were contrary to natural, divine and positive law respectively. The idea of world dominion was contrary to the natural equality and liberty of men, and if somebody had indeed been intended for that role by God, then there would always have been a lord of all the world. Yet history provided no single example of such world lordship. Although it is true that the Romans had aspired to that position, the fact that they were unaware of the existence of other continents meant that they could not have ruled the whole world. Thus, the Roman claims to dominium appeared unfounded, since ‘[f]rom their own historians that their right was in force of arms (*ius erat in armis*), and they subjugated many unwilling nations through no other title than that they were more powerful.’⁶⁴ But if the Roman claims to world dominium were invalid for that very reason, the Spanish could not justify their dominion on that ground either. Nor could their claims be substantiated in any other way, since whatever lordship the Romans had exercised had been based on arms rather than on consent on behalf of those conquered, and so were the claims to dominion raised by the Spanish over the New World and its inhabitants.⁶⁵

Many modern commentators have questioned the extent to which the members of the Salamanca school actually recognized the Indians as moral and political equals in any genuine sense, and have instead held them responsible for legitimizing European imperialism and colonialism.⁶⁶ Similar concerns have been raised with regard to Grotius and his role in promoting Dutch imperialism during the following

⁶⁴ Quoted in Lupher, *Romans in a New World*, 65.

⁶⁵ Lupher, *Romans in a New World*, 62-68.

⁶⁶ See, for example, Antony Anghie, ‘Francisco De Vitoria and the Colonial Origins of International Law’, *Social & Legal Studies* 5, no. 3 (1996): 321-336; Andrew Fitzmaurice, *Sovereignty, Property and Empire, 1500-2000*, (Cambridge: Cambridge University Press, 2014), ch. 2; George Cavallar, ‘Vitoria, Grotius, Pufendorf, Wolff and Vattel: accomplices of European colonialism and exploitation or true cosmopolitans?’, *Journal of the History of International Law* 10, no. 2 (2008):181–209; Andrew Fitzmaurice, ‘The Problem of Eurocentrism in the Thought of Francisco de Vitoria’, in José Maria Beneyto and Justo Corti Varela (eds.), *At the Origins of Modernity: Francisco de Vitoria and the Discovery of International Law*, (Cham: Springer, 2017): 77-93.

century, and this especially given his indebtedness to the Salamanca school.⁶⁷ Yet like the members of that school, most of what he actually said about empires and their legality indicate a more critical stance. In *De Iure Belli ac Pacis Libri Tres* (1625), he uses the term *imperium* first and foremost with reference to the Roman Empire, and then in order to discuss what Roman historians and lawyers had said about its legal foundations. But he also uses this term in order to describe sovereign authority, which has been taken to indicate that he mainly uses this concept to refer to sovereign states.⁶⁸ But although Grotius takes *imperium* to extend over land spaces, he does not imply that sovereignty has to be territorially bounded in order to be legitimate or effective, but rather seems to assume that individual subjects and populations constitute the primary objects of such authority in those spaces, and this irrespective of where exactly these happen to find themselves.⁶⁹ Consequently, in one of the most frequently used English translations of *De Iure Belli ac Pacis*, the terms empire and sovereignty are used more or less interchangeably. But this ambiguous usage should not be allowed to overshadow the fact that Grotius had a very clear understanding of empire and regarded it as illegal unless inflicted as punishment for wrongdoing. The first sustained engagement with empire occurs in Book II when Grotius discusses unjust war. Using Dante's *De Monarchia* as a foil, he first warns of the perils of overstretch: 'For as a Ship may be built to so vast a Bulk, as to be unwieldy, and not manageable, so an Empire may be extended over so great a Number of Men and Places so widely distant from each other, that the Government of it becomes a Task, to which no one Sovereign can be equal.' Yet even if such a universal jurisdiction might seem desirable or even expedient under certain circumstances, 'the Right of Empire cannot be thence inferred.

⁶⁷ See, for example, Martin Van Gelderen, 'From Domingo de Soto to Hugo Grotius: Theories of monarchy and civil power in Spanish and Dutch political thought, 1555-1609', in Graham Darby (ed.) *Origins and Development of the Dutch Revolt*, (Abingdon: Routledge 2001), 151-170; Edward Keene, *Beyond the Anarchical Society: Grotius, colonialism and order in world politics*, (Cambridge: Cambridge University Press, 2002); Arthur Weststeijn, 'Provincializing Grotius: International Law and Empire in a Seventeenth-Century Malay Mirror', in Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca (eds.), *International Law and Empire: Historical Explorations*, (Oxford: Oxford University Press, 2017), 21-38.

⁶⁸ Knud Haakonssen, 'Hugo Grotius and the History of Political Thought', *Political Theory* 13, no. 2 (1985): 239-265.

⁶⁹ Annabel Brett, 'The Space of Politics and the Space of War in Hugo Grotius's *De iure belli ac pacis*', *Global Intellectual History* 1 no. 1 (2018): 33-60; Elden, *Birth of Territory*, 259-268; Annabel S. Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. (Princeton: Princeton University Press, 2011), 199, 210.

For Consent is the Original of all Right to Government, unless where Subjection is inflicted as a Punishment.⁷⁰

In Book III, Grotius proceeds to discuss the virtue of moderation in obtaining empire for punishment or retribution. Conquerors should as far as possible intermix with the conquerors, and the victorious should as far as possible 'leave to the Conquered, either Kings or People, their own Government.' The reasons for this lenient approach turns out to have more to do with imperatives of statecraft, since 'that their own Sovereignty should be left to the Vanquished, is not only agreeable to Humanity, but often also to Policy.'⁷¹ Yet as Robertson has pointed out, since Grotius granted those engaged in just war the right to conquer and punish their adversaries, Grotius had thereby issued a rather generous license for territorial aggrandizement by means of conquest, a license which was soon to be capitalized on by Gustavus Adolphus during his campaign in Germany.⁷² Thus, although Grotius regarded universal empire as both unsustainable and illegitimate, he provided ample justifications for imperial expansion in Europe as well as elsewhere. In the former context, justifications of imperial conquest could be derived from his permissive view of preventive war between sovereign states and the right of punishment. In the latter context, his view of sovereignty and the rights of private war gave states and trading companies free reign in search for profit.⁷³ So in the final analysis, Grotius ended up legitimizing imperial expansion by removing commercial imperial enterprises from the purview of international law, thereby exempting them from legal responsibility. As we shall see later, this bifurcation of the world into two distinct legal spheres came to coincide neatly with the distinction between the public and private sphere in those conceptions of commercial empire whose emergence has been taken to mark the end of ideas of universal monarchy in Europe.

But claims to universal monarchy could also be challenged on the grounds that they furnished a recipe for constant war and violated the independence of individual states. Most of those who opposed universal monarchy on such grounds held that the balance of power was a better way of maintaining peace and international order in Europe, yet that

⁷⁰ Hugo Grotius, *De Iure Belli ac Pacis Libri Tres*, ed. by Richard Tuck, (Indianapolis: Liberty Fund, 2005), II.XXII.XV, 1107-8.

⁷¹ Grotius, *De Iure Belli ac Pacis*, III.XV.III-III.XV.VII, 1500-1504.

⁷² Robertson, 'Empire and Union', 18-19.

⁷³ Keene, *Beyond the Anarchical Society*; Barreto, *Cerberus*.

kind of argument often itself carried imperial overtones.⁷⁴ Among the first attempts in this direction was the *Grand Design* (1638) of Duc de Sully.⁷⁵ Written with the stated aim to create the conditions of lasting peace in Europe, the *Design* outlined detailed plans for a federation of European states that would counteract hegemonic aspirations within Europe while keeping Turks and Russians at bay. According to Sully, the objective ‘was to divide Europe equally among a certain number of powers and in such a manner that none of them might have cause either of envy or fear from the possessions or power of the others.’⁷⁶ Instead the states of Europe should be united in ‘an indissoluble bond of security and friendship.’⁷⁷ Admittedly, therefore, the *Design* was a ‘general treaty of peace, wherein such methods would be projected as the public benefit and the general service of Europe might suggest as necessary to stop the progress of the excessive power of the house of Austria.’⁷⁸ To realize this plan it was first necessary ‘to divest the house of Austria of the empire and of all the possessions in Germany, Italy, and the Low Countries; in a word, to reduce it to the sole kingdom of Spain.’⁷⁹ Such dismembering would not only put a permanent end to the quest for hegemony, but also redistribute territories in such a way that a balance of power could be easily maintained. To Sully, empires and states were of different size, but not necessarily governed according to different principles. While he identified the Habsburg Empire as illegitimate, the entities resulting from its breakup could be governed according to different principles – some being monarchies while others being republics – as long as no one aspired to preponderance. Yet it was obvious to his contemporaries that the upshot of the *Design* was not only to dismember the Habsburg empire but to augment French power in the process, however much Sully tried to convince the reader that ‘[a]mong all these different

⁷⁴ See Peter Schröder, ‘The Concepts of Universal Monarchy and Balance of Power in the first half of the Seventeenth Century – A Case Study’, in Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca (eds.), *International Law and Empire: Historical Explorations*, (Oxford: Oxford University Press, 2017), 83-100; Martin van Gelderen, ‘Universal Monarchy, the Rights of War and Peace and the Balance of Power. Europe’s Quest for Civil Order’, in Hans-Åke Persson and Bo Stråth (eds.), *Reflections on Europe. Defining a Political Order in Time and Space*, (Brussels: Peter Lang, 2007), 49-72.

⁷⁵ Maximilien de Béthune, Duc de Sully, *Grand Design of Henry IV, from Memoirs of Maximilian de Béthune duc de Sully*, (London: Sweet and Maxwell, 1921). For a background, see Francis H. Hinsley, *Power and the Pursuit of Peace: Theory and Practice in the History of Relations Between States*, (Cambridge: Cambridge University Press, 1963), 25ff.

⁷⁶ Sully, *Grand Design*, 41.

⁷⁷ Sully, *Grand Design*, 30.

⁷⁸ Sully, *Grand Design*, 45-6

⁷⁹ Sully, *Grand Design*, 35

dismemberings, we may observe that France reserved nothing for itself but the glory of distributing them with equity.⁸⁰ But by insisting on such a massive redistribution of power in Europe, it was to provide a 'new method for maintaining the equilibrium of Europe and for securing to each religion a more undisturbed peace than it had hitherto enjoyed.'⁸¹ But the *Design* also included a plan for compensating the Habsburgs for their territorial losses in Europe. This was 'to increase its dominions in the three other parts of the world by assisting it to obtain and by declaring it the sole proprietor both of what we do know and what we may hereafter discover in those parts.'⁸² So to Sully, the only way to put an end to the quest for universal monarchy in Europe was to channel the hunger for power and glory into expansion on other continents.

Yet contrary to the once widespread view according to which the Peace of Westphalia in 1648 marked the end of empire in Europe and inaugurated the beginning of a system of sovereign states, the Westphalian settlement merely served to recalibrate the parameters of imperial ambition in Europe. While the treaty of Westphalia granted German princes greater autonomy and turned what remained of the Holy Roman Empire into little but a legal fiction, it also gave new impetus to the quest for aggrandizement among European powers. Propelling this quest was a reciprocal and often self-fulfilling suspicion among the great powers that each of them aspired to universal monarchy, as well as the shared conviction that such aspirations must be checked by means of either alliances or preventive war for the sake of peace and prosperity in Europe.⁸³ This makes it reasonable to describe the emergent balance of power in Europe less as a consequence of deliberate choices on behalf of great powers, but more as an ideological byproduct of their mutual suspicion and the ongoing competition for universal monarchy in Europe.⁸⁴

Unsurprisingly, the swift rise of France after Westphalia provoked such suspicions among the Habsburgs, who now were in the process of being dethroned from the position as dominant power in Europe. Those

⁸⁰ Sully, *Grand Design*, 40.

⁸¹ Sully, *Grand Design*, 46.

⁸² Sully, *Grand Design*, 35-36.

⁸³ See Arno Strohmeyer, 'Ideas of Peace in Early Modern Models of International Order: universal monarchy and balance of power in comparison', in Jost Dülffer and Robert Frank (eds.), *Peace, War and Gender from Antiquity to the Present. Cross-cultural Perspectives*, (Essen: Klartext Verlag, 2009), 65-80.

⁸⁴ See Richard Devetak, 'The Fear of Universal Monarchy': Balance of Power as an Ordering Practice of Liberty', *Proceedings of the British Academy* 190 (2013):121-137.

who wanted to challenge the Habsburgs could now do this undeterred by their traditional dynastic claims to empire, and armed with the versatile Grotian theory of conquest described earlier. As it turned out, the Habsburg suspicions were far from baseless. One of the boldest attempts to reassert French ambition came from the historian and counsel to Louis XIV, Antoine d'Aubery. As he argued in his *Justes Pretentions du Roi sur l'Empire* (1667), since the French monarchy had remained the same since the days of Clovis, and since Charlemagne had possessed Germany as king of France and not in the capacity of Emperor, these lands rightfully belonged to the French king. This being so, since any conquest undertaken for the right reasons and in the name of a sovereign state was fully legitimate.⁸⁵ And since the German kings only later had been granted their titles by the Pope and the king of France, the latter was therefore the rightful heir to the Roman Empire: a looming dynastic union with Spain would eventually produce 'an empire over all the sea and earth, and thus also a universal monarchy'.⁸⁶

Unsurprisingly, these claims did not go down well in Vienna, where they provoked an almost immediate rebuttal from the Habsburg diplomat Franz von Lisola. His *Bouclier d'Etat et de Justice* (1667) sought to delegitimize the French claims to German lands by exposing these as but steps towards universal monarchy. According to Lisola, the French were operating on the assumption that 'the Dominions of Sovereign Princes have always been the Dominions and Conquests of their Estates, and, That the Dominions and Conquests of Crowns can neither be alienated nor prescribed.'⁸⁷ This implied that 'their Design is to drive on their Conquests as far as ever the fortune of War will suffer them, and that those Overtures of Peace which they do make are but to amuse the neighbouring Princes.'⁸⁸ By making lasting peace impossible, the French actually aimed to destroy the Habsburg monarchy, which to Lisola was the only remaining bulwark against universal monarchy in Europe. Yet it is obvious from the ways in which both d'Aubery and Lisola use the concepts of empire and state that an empire is but a state blown big

⁸⁵ Antoine d'Aubery, *Justes Pretentions du Roi sur l'Empire*, (Paris: Antione Bertier, 1667), I.I & I.II.27.

⁸⁶ d'Aubery, *Justes Pretentions du Roi sur l'Empire*, III.III, at 182.

⁸⁷ Franz von Lisola, *The Buckler of State and Justice against the design manifestly discovered of the universal monarchy, under the vain pretext of the Queen of France, her pretensions translated out of French*, (London: James Flesher for Richard Royson, 1667), 9.

⁸⁸ von Lisola, *The Buckler of State and Justice*, 14.

through successive conquests rather than a *sui generis* category of political association.

The invasion of the United Provinces by Louis XIV in 1672 also incited fears in England that the French aspired to universal monarchy, which led to another wave of proposals for restoring the balance of power in Europe.⁸⁹ As one anonymous author remarked in 1680, ‘The great thing which has disturbed the Peace of Europe...and shaken the dismembered Kingdoms and States thereof, has been the huge designe of the Universal Monarchy, a designe which...has possessed the Genius of the Spanish and French Monarchies, which therefore...have been dangerous to all Europe.’⁹⁰ The crisis of the Spanish succession did little to alleviate these fears among politicians and pamphleteers, who now believed that the joint ambitions of France and Spain would threaten English and Dutch overseas commerce. What set these authors apart from their predecessors was that they saw the tendency to universal monarchy not as a result of the hunger for power and glory on, but as a natural consequence of mercantile competition. In a pamphlet entitled *A Discourse Concerning the Affairs of Spain* (1698), Andrew Fletcher started by arguing that governments were predisposed to pursue universal empire, his reason for writing being to put ‘all the other princes and states on their guard against whoever should pursue that ambition, to frustrate such a design, and spare the world from so much ruin.’⁹¹ Fletcher proceeds to describe the sources of Spanish decline, the causes of French ascendancy, and the possible outcomes of succession. The many sources of Spanish decline which had kept its kings from attaining universal monarchy were the failure to adopt modern practices of agriculture, industry and commerce in the Indies, along with the intolerance of other religions that had contributed to the depopulation and decay of Spanish dominions. Fletcher was then worrying that France might rise to a position of preponderance in the event Louis should succeed in installing the Duke of Berry on the Spanish throne.⁹² But if ‘the French were to become lords of Spain and

⁸⁹ For a background, see Steven Pincus, ‘The English Debate over Universal Monarchy’, in John Robertson (ed.), *A Union for Empire: political thought and the British Union of 1707*, (Cambridge: Cambridge University Press, 1995): 37-62.

⁹⁰ Anon., *Discourses upon the Modern Affairs of Europe*, (London: 1680), 1.

⁹¹ Andrew Fletcher, ‘A Discourse Concerning the Affairs of Spain’, in Andrew Fletcher, *Political Works*, (Cambridge: Cambridge University Press, 1997), 84-117, at 84. For a background, see John Robertson, *The Case for the Enlightenment. Scotland and Naples 1680-1760*, (Cambridge: Cambridge University Press, 2005), ch. 4.

⁹² Fletcher was wrong here, since Louis ended up favoring his other grandson, the Duke of Anjou.

of the Spanish Indies after renouncing the Spanish dominions in Italy to the Germans and Italians, they would do great damage to the commerce of the English and the Dutch.’⁹³ Yet fortunately such a scheme was unlikely to succeed since ‘so formidable has the power of the Most Christian King become in our time, that should he have the desire to make himself master of any part of the Spanish Monarchy, he must expect to have the whole world allied against him.’⁹⁴ To avert this outcome, Fletcher proposed a redistribution of territories among the possible contenders for the Spanish crown, and the restoration of the Spanish monarchy, whose imperial ambitions now had been bridled by commercial exchange, balance of power, and religious toleration.

Whig pamphleteers and political economists like Daniel Defoe and Charles Davenant were likewise inclined to regard aspirations to universal monarchy as natural consequences of economic competition rather than of any evil designs.⁹⁵ As Defoe stated, ‘if then the French and Spaniard United, should make themselves in proportion too strong at Sea for the English and Dutch, they may bid very fair for a Universal Empire over this part of the World.’⁹⁶ From this Defoe was able to conclude that ‘such a Union...would be very pernicious to the Trade of England and Holland in general...and absolutely inconsistent with the Ballance of Power in Europe.’⁹⁷ To Davenant, the ongoing quest for universal monarchy was but a consequence of the fact the ‘forward parts’ of humankind always had sought to accumulate as much wealth and power as possible. Peoples had ‘formed themselves into particular Principalities and Commonwealths...finding they increased in Fame, and value with the World, as they increased in Wealth and Power...proceeded forward still to fresh Conquests, till they had subdued all round about them; and from thence came what we call Universal Monarchy or Empire.’⁹⁸ Even if nobody had ever succeeded to

⁹³ Fletcher, ‘A Discourse Concerning the Affairs of Spain’, 107.

⁹⁴ Fletcher, ‘A Discourse Concerning the Affairs of Spain’, 107.

⁹⁵ For the context, see Steven Pincus, ‘The Making of a Great Power? Universal Monarchy, Political Economy, and the Transformation of English Political Culture’, *European Legacy* 5, no. 4 (2000): 531-545; Steven Pincus, ‘Addison's Empire: Whig Conceptions of Empire in the Early 18th Century’, *Parliamentary History* 31, no. 1 (2012): 99-117; Istvan Hont, *Jealousy of Trade. International Competition and the Nation State in Historical Perspective*, (Cambridge, MA.: Harvard University Press, 2005), 210ff.

⁹⁶ Daniel Defoe, *The Interests of the Several Princes and States of Europe consider'd, with respect to the succession of the crown of Spain, and the titles of the several pretenders thereto examin'd*, (London, 1698), 22.

⁹⁷ Defoe, *Interests of the Several Princes and States of Europe*, 29.

⁹⁸ Charles Davenant, *An Essay upon Universal Monarchy. Written in the year 1701 soon after Lewis the Fourteenth had settled his grandson Philip de Bourbon upon the throne of Spain*, (London: James, John and Paul Knapton, 1734), 30-31.

create let alone maintain such a universal empire, ‘there hardly appears to have been any long course of Time, in which some People or other did not either actually obtain, or at least attempt to procure to themselves sovereign Sway over the whole.’⁹⁹

But even if it was the clear and present danger of French hegemony that occasioned Davenant to write his famous essay, he tried to refute the arguments in favor of universal monarchy in much more philosophical terms than did many of his contemporaries.¹⁰⁰ Contrary to what Mexia had argued in his *Historia Imperial*, universal monarchy was unlikely to bring security, prosperity and peace to the peoples subjected to its rule. Rather the opposite: ‘[w]hich way soever we consider great Empires (whether in their Infancy, in their blooming youth, in their Manhood and full Strength, or in their declining Age) we shall find Mankind...afflicted with Wars, Famine, Bloodshed, Thralldom, and Devastations.’¹⁰¹ Nor would universal empire bring prosperity other than to its center, while its constituent kingdoms and provinces will end up overburdened by taxes and impoverished. Davenant then disputes the main argument for universal monarchy, namely that it would put an end to wars among states and thus bring lasting peace to the world. Yet quite regardless of the moral qualities of its ruler, the cost and trouble of maintaining such a universal monarchy ‘were a greater Weight upon the World, than now and then a War could.’¹⁰² Instead the proper antidote to constant war is the balance of power, ‘[a]s the Earth is now divided into several Kingdoms, principalities and States, between them wars will happen, but the weaker fortify themselves by Alliances with the stronger so that (unless some great Oppressor rises up to disturb the World with his ambition) we have many more years of Peace than of War.’¹⁰³ By arguing that empire had to be based on commerce and liberty in order to be viable, the doctrine of balance of power was not only a recipe for resisting Spanish hegemony but also the centerpiece of contemporary British imperial ideology.¹⁰⁴

From the ways in which the above critics of universal monarchy use the concepts of empire and state, it is evident that an empire is

⁹⁹ Davenant, *An Essay upon Universal Monarchy*, 32.

¹⁰⁰ Davenant, *An Essay upon Universal Monarchy*, 60.

¹⁰¹ Davenant, *An Essay upon Universal Monarchy*, 63.

¹⁰² Davenant, *An Essay upon Universal Monarchy*, 69.

¹⁰³ Davenant, *An Essay upon Universal Monarchy*, 69.

¹⁰⁴ David Armitage, *The Ideological Origins of the British Empire*, (Cambridge: Cambridge University Press, 2000), 142-144.

understood as a state expanded through the conquest of other political beings. And conversely, their systematic invocation of the balance of power to counteract imperial aspirations indicates that they believed or at least hoped that the natural fate of empires in Europe was to shrink into states of almost equal power. So, again the difference between empire and state turns out to be a matter of scale and diversity rather than of any profound principle of political order.

Ending Empire?

By the mid eighteenth century, the prospect of a universal monarchy in Europe was no longer perceived as a threat by most states, although it still inspired fear among those city republics that still struggled to maintain their independence in the midst of ongoing great power rivalry.¹⁰⁵ The final rhetorical blow against the idea of universal monarchy had come from no one less than Montesquieu. Asking whether any European people was designated to rule over the others, he found this idea to be morally impossible. Advances in military technology had made nations increasingly equal in power, all while international law had made war increasingly disadvantageous to victors as well as vanquished. Since overseas commerce had superseded war as the main source of wealth and power, European states had to adapt to the demands of commercial competition or perish.¹⁰⁶

In Europe, the notion of balance of power was now widely espoused in theory and practice as the way to maintain peace and international order while preserving the liberty of individual states. As Emer de Vattel argued in his *Droit de Gens* (1758), '[t]he continual attention of sovereigns to every occurrence, the constant residence of ministers, and the perpetual negotiations, make of modern Europe a kind of republic, of which the members — each independent, but all linked together by the ties of common interest — unite for the maintenance of order and liberty.' The ultimate warrant of this international order was the balance of power 'which is understood such a disposition of things, as that no

¹⁰⁵ Richard Whatmore, *Against War and Empire: Geneva, Britain, and France in the eighteenth century*, (New Haven: Yale University Press, 2012).

¹⁰⁶ Charles-Louis Secondat de Montesquieu, 'Réflexions sur la Monarchie Universelle' [1734], in *Œuvres Complètes*, Tome II, Édition de Roger Caillois, (Paris: Pléiade, 1951), 19-38, esp. 20-23.

one potentate be able absolutely to predominate, and prescribe laws to the others.’¹⁰⁷ Should any power try to dominate the others, ‘other states have a right to anticipate him: and if the state of war declares in their favour, they are justifiable in taking advantage of this happy opportunity to weaken and reduce a power too contrary to the equilibrium, and dangerous to the common liberty.’¹⁰⁸ Enlightenment historians saw this emergent system of states as a consequence of the successful resistance against universal monarchy. As Robertson argued in his *History of the Reign of the Emperor Charles V* (1769), a modern system of states in Europe had emerged as a consequence of the opposition by other European powers against the imperial designs by Charles V. Thus, it was an unintended consequence of his great ambition that ‘[n]o prince was so much superior to the rest in power, as to render his efforts irresistible, and his conquests easy...the advantages possessed by one state were counterbalanced by circumstances favourable to others and this prevented any from attaining such superiority as might have been fatal to all.’¹⁰⁹ But this contestation had also galvanized Europe into a unity, since ‘[t]he nations of Europe in that age, as in the present, were like one great family: there were some features common to all, which fixed a resemblance; there were certain peculiarities conspicuous in each, which marked a distinction.’¹¹⁰ And as Gibbon was to remark a couple of years later in his *Decline and Fall of the Roman Empire* (1776-1778), in sharp contrast to the Roman Empire, ‘the division of Europe into a number of independent states, connected, however, with each other, by the general resemblance of religion, language, and manners, is productive of the most beneficial consequences to the liberty of mankind.’¹¹¹

But beyond the confines of a Europe now believed to be held together by common laws and customs, the enterprise of empire was well

¹⁰⁷ Emer de Vattel, *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, with Three Early Essays on the Origin and Nature of Natural Law and on Luxury*, [1758]. Edited and with an introduction by Béla Kaposy and Richard Whatmore, (Indianapolis: Liberty Fund, 2008), III.III. § 47, 496. See also Isaac Nakhimovsky, ‘Vattel’s Theory of the International Order: Commerce and the balance of power in the Law of Nations’, *History of European Ideas* 33, no. 2 (2007): 157-173.

¹⁰⁸ Vattel, *Law of Nations*, III.III. § 49, 498.

¹⁰⁹ William Robertson, *The History of the Reign of the Emperor Charles V, with a view of the Progress of Society in Europe, from the Subversion of the Roman Empire to the Beginning of the Sixteenth Century*, Vols. I & II, [1769], (London: Routledge, 1857), Vol. II, 470. For an analysis, see Frederick G. Whelan, ‘Robertson, Hume, and the Balance of Power’, *Hume Studies*, 21, no. 2 (1995): 315-332.

¹¹⁰ Robertson, *The History of the Reign of the Emperor Charles V*, Vol. II, 470.

¹¹¹ Edward Gibbon, *The Decline and Fall of the Roman Empire*, Vol. 1, (New York: Modern Library, n. d.), 72-3. For an analysis, see John Robertson, ‘Gibbon’s Roman Empire as a Universal Monarchy: The Decline and Fall and the Imperial Idea in Early Modern Europe’, in Rosamond McKitterick and Roland Quinault, (eds.), *Edward Gibbon and Empire*, (Cambridge: Cambridge University Press, 1997), 247-70.

and alive. As Pocock has argued, to Enlightenment historians, ‘the advent of a commerce-generating civil society in all parts of what they chose to term ‘Europe’ was the guarantee that neither ancient empire, medieval empire and papacy, or early modern universal monarchy and religious warfare, would return and plague them, and they knew that oceanic commerce and European empire in other continents were part of their modern world.’¹¹² But even as the realization of global commercial empires had superseded old dreams of territorial conquest and aggrandizement in Europe, some Enlightenment historians and philosophers maintained that commercial empire abroad served to sustain despotism at home, and that these institutions should either be reformed, or altogether abolished and replaced with political institutions that would better cater to the interests of humankind as a whole.¹¹³ As we shall see in the next chapter, such arguments later became commonplaces of revolutionary rhetoric in attempts to de-legitimize the commercial and colonial system.

Perhaps the most widely read analysis of the rise commercial empires during this period was the *Histoire philosophique et politique des établissements et du commerce des Européens dans les deux Indes* (1770) by the Abbé Guillaume-Thomas Raynal.¹¹⁴ While other Enlightenment historians such as Robertson and Voltaire had accounted for the transition from empires to a system of states in Europe, Raynal provided a detailed account of the political and economic consequences of the intensified intercourse between Europe and the rest of the world that had been brought about by the discoveries. At the core of this attempt to write a global history was the assumption that commercial exchange was a great civilizer of nations, but also a source of increasing disparities among them as well as among their inhabitants.¹¹⁵ Thus, while it is true that ‘those states, that have been commercial, have civilized all the rest’, intensified commerce has also meant that ‘some nations, that were of no

¹¹² Pocock, *Barbarism and Religion IV: Barbarians, Savages, and Empires*, 231.

¹¹³ See Sankar Muthu, *Enlightenment Against Empire*, (Princeton: Princeton University Press, 2003), chs. 2 & 3; Sankar Muthu, ‘Conquest, Commerce, and Cosmopolitanism in Enlightenment Political Thought’, in Sankar Muthu (ed.) *Empire and Modern Political Thought*, (Cambridge: Cambridge University Press, 2012), 199-231.

¹¹⁴ A collaborative work by Raynal, Diderot and others, *L’Histoire des Deux Indes* appeared in several editions, with significant changes and additions being made to the editions of 1774 and 1780. To bring home my rather general points here, I have used the translation of the 1774 edition by Justamond. For notable differences between the editions, see Girolamo Imbruglia, ‘Civilisation and Colonisation: Enlightenment Theories in the Debate between Diderot and Raynal’, *History of European Ideas* 41, no. 7 (2015): 858-882.

¹¹⁵ For an analysis, see Kenta Ohji, ‘Civilisation et Naissance de l’Histoire Mondiale Dans l’Histoire des Deux Indes de Raynal’, *Revue de Synthèse* 129, no. 1 (2008): 57-83.

consequence, are become powerful; others, that were the terror of Europe, have lost their authority.¹¹⁶ Raynal then proceeds to explore the connection between commerce and civilization by tracing the history of empire from Rome to his own contemporaneity. Thus, we learn that the Romans had ‘promoted an intercourse between different nations, not by uniting them by the ties of commerce, but by imposing upon them the same yoke of subordination’, and that during the Middle Ages, ‘[t]he single maxim, that the pope had a right to the sovereignty of all empires, sapped the foundation of all society and public virtue.’¹¹⁷ Thus neither the Roman Empire nor the Christian empire of the Middle Ages were worthy of emulation. Instead it was the Portuguese discoveries during the fifteenth century that had paved the way for the rise of the transcontinental commercial empires of the modern age, so that ‘[i]f Vasco de Gama had not made his discoveries, the spirit of liberty would have been again extinguished, and probably without hopes of a revival.’¹¹⁸ Much of the success of the Portuguese had depended on the generous liberties granted to the people by its kings, who ‘raised the spirit of the nation still higher, by treating the nobility in some measure upon a footing of equality, and by setting bounds to their own authority.’¹¹⁹

Whereas Spain had extended its empire in the Americas by brute force and governed it according to the old model of territorial sovereignty, the Portuguese had discovered in the course of their eastward expansion that it ‘was necessary to establish a system of power and commerce, which, at the same time that it was extensive enough to take in all objects, should be so well connected, that all the parts of the grand edifice intended to be raised, should mutually strengthen each other.’¹²⁰ Where the traditional model of territorial aggrandizement had failed to produce the desired economic benefits, commercial exchange was capable of connecting different parts of the world into a coherent and governable whole. But commercial exchange was but another way of conquest, albeit perhaps of a less brutal kind. The right of conquest now applied to commercial enterprises and companies as much as to

¹¹⁶ Abbé Guillaume-Thomas-François Raynal, *A Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies*, trans. by J. O. Justamond, (London: W. Strahan and T. Cadell, 1783), I.I, 2 & 4.

¹¹⁷ Raynal, *Philosophical and Political History*, I.I, 9 & 31.

¹¹⁸ Raynal, *Philosophical and Political History*, I.I, 124.

¹¹⁹ Raynal, *Philosophical and Political History*, I.I, 146.

¹²⁰ Raynal, *Philosophical and Political History*, I.I, 105.

sovereigns, sometimes with unexpected outcomes. So the Portuguese empire was soon beset by decay as a consequence of ‘the vices and folly of some of their chiefs, the abuse of riches and of power.’¹²¹ ‘Thus the Portuguese lost the foundation of all real power, which consists in agriculture, natural industry, and population, and there was consequently no proportion between their commerce and the means of keeping it up.’¹²² After having been conquered by Spain and having their colonial possessions taken over by the Spanish Crown, Portugal lapsed into obscurity and lost most of its commercial edge. Instead we witness the rise of the Dutch and the English, who gradually perfected the idea of commercial empire much to the chagrin of the French. Again, much of this success hinged on republican liberties of the Dutch, who in ‘[t]he ambition of giving greater stability and extent to her enterprises, excited in the republic a spirit of conquest... her connections embraced the universe, of which, by toil and industry, she became the soul. In a word, she had attained the universal monarchy of commerce.’¹²³

On the eve of the Age of Revolutions, the world appeared divided into two distinct political spheres. On the one hand, as aspirations to universal monarchy in Europe had been bridled by the confluent forces of balance of power and public international law, the long and ultimately futile quest for empire in Europe had given way to a system of territorially demarcated states. On the other, many European states had established vast overseas commercial empires that recognized no formal territorial limits whatsoever, and which were governed according to legal norms and practices derived mainly from the rights of property and occupation that had been used to justify European expansion since the first wave of conquests in the sixteenth century.¹²⁴ The stateless parts of the world subjected to imperial rule had long been within the scope of the law of nations, but were now gradually removed under with the rising positivist conviction according to which this law applied to sovereign states only.¹²⁵ So, to the extent that empires and states were perceived as distinct forms of polity at this time, it was because they

¹²¹ Raynal, *Philosophical and Political History*, I.I, 206.

¹²² Raynal, *Philosophical and Political History*, I.I, 223.

¹²³ Raynal, *Philosophical and Political History*, I.I, 223.

¹²⁴ See Andrew Fitzmaurice, *Property, Sovereignty, and Empire, 1500-2000*, (Cambridge: Cambridge University Press, 2014).

¹²⁵ See Jennifer Pitts, ‘Empire and Legal Universalisms in the Eighteenth Century’, *American Historical Review* 117, no. 1 (2012): 92-121; Jennifer Pitts, *Boundaries of the International. Law and Empire*, (Cambridge, MA.: Harvard University Press, 2018), 118-147.

existed in different spaces, were composed of different populations that were ruled according to different principles. While European states now were based on the principles of territorial and indivisible sovereignty, forms of imperial rule presupposed that sovereignty was divisible in principle and that it ought to be divided in practice between imperial powers and semi-autonomous polities subjected to indirect rule. Although these commercial empires had grown out of states to the point of being indistinguishable from them, to many of their critics this was simply because the non-European world had been appropriated as a factory outlet for the same relentless quest for power and wealth that had made lasting peace and order so difficult to attain in Europe for centuries.

But the world of empires and the world of states were now interconnected through commerce and other modes of exchange. Although such exchange had supposedly brought the benefits of civilization to the non-European world, it had given rise great disparities between those worlds. If indeed empire abroad went hand in hand with despotism at home, the antidotes were now becoming increasingly available. Since Vattel had equated sovereignty with external independence, those who wanted to break free from their masters could do so by declaring independence and hope for international legal recognition of their claims. And given the contemporary critique of empire and despotism, those who wanted to raise claims to independence could now do so armed with fresh notions of liberty and doctrines of popular sovereignty, and eventually boost these claims with reference to notions of nationhood.¹²⁶ What these claims presupposed and implied for the transition from a world of empires to a world of states form the topic of the following chapters.

¹²⁶ For an overview of some of these possibilities and their emergence, see Anthony Pagden, 'Fellow Citizens and Imperial Subjects: Conquest and Sovereignty in Europe's Overseas Empires', *History & Theory* 44, no. 4 (2005): 28-46.

References

- Anghie, Anthony, 'Francisco De Vitoria and the Colonial Origins of International Law', *Social & Legal Studies* 5, no. 3 (1996): 321-336
- Anghie, Anthony, *Imperialism, Sovereignty and the Making of International Law*, (Cambridge: Cambridge University Press, 2007)
- Anon., *Discourses upon the Modern Affairs of Europe*, (London: 1680)
- Armitage, David, *The Ideological Origins of the British Empire*, (Cambridge: Cambridge University Press, 2000)
- Bacon, Francis, 'Of the True Greatness of Kingdoms and Estates', in Francis Bacon, *Essays, Civil and Moral*, Vol. II, Part I, (New York: P. F. Collier & Son, 1909-1914)
- Bacon, Francis, 'Of Empire', in Francis Bacon, *Essays, Civil and Moral*, Vol. II, Part I, (New York: P. F. Collier & Son, 1909-1914)
- Bartelson, Jens, *Visions of World Community*, (Cambridge: Cambridge University Press, 2009)
- Bartelson, Jens, 'Sovereignty and the Personality of the State', in Robert Schuett & Peter M. R. Stirk (eds.), *The Concept of the State in International Relations. Philosophy, Sovereignty, and Cosmopolitanism*, (Edinburgh: Edinburgh University Press, 2015)
- Bodin, Jean, *Six Bookes of a Commonwealth*, trans. by Knolles, (London: 1606)
- Bosbach, Franz, 'The European Debate on Universal Monarchy', in David Armitage (ed.) *Theories of Empire 1450-1800*, (Farnham: Ashgate, 1998)
- Braun, Harald E., *Juan de Mariana and Early Modern Spanish Political Thought*, (Aldershot: Ashgate, 2008)
- Brett, Annabel S., *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. (Princeton: Princeton University Press, 2011),
- Brett, Annabel, 'The Space of Politics and the Space of War in Hugo Grotius's *De iure belli ac pacis*', *Global Intellectual History* 1 no. 1 (2018): 33-60
- Campanella, Tommaso, *A Discourse Touching the Spanish Monarchy*, (London: Philemon Stephens, 1654)
- Cavallar, George, 'Vitoria, Grotius, Pufendorf, Wolff and Vattel: accomplices of European colonialism and exploitation or true

- cosmopolitans?', *Journal of the History of International Law* 10, no. 2 (2008):181-209
- Dandele, Thomas James, *The Renaissance of Empire in Early Modern Europe*, (Cambridge: Cambridge University Press, 2014)
- Dante Alighieri, *De Monarchia*, trans. By Aurelia Henry, (Boston & New York: Houghton, Mifflin and Company, 1904)
- d'Aubery, Antoine, *Justes Pretentions du Roi sur l'Empire*, (Paris: Antione Bertier, 1667)
- Davenant, Charles, *An Essay upon Universal Monarchy. Written in the year 1701 soon after Lewis the Fourteenth had settled his grandson Philip de Bourbon upon the throne of Spain*, (London: James, John and Paul Knapton, 1734)
- Defoe, Daniel, *The Interests of the Several Princes and States of Europe consider'd, with respect to the succession of the crown of Spain, and the titles of the several pretenders thereto examin'd*, (London, 1698)
- Devetak, Richard, 'The Fear of Universal Monarchy': Balance of Power as an Ordering Practice of Liberty', *Proceedings of the British Academy* 190 (2013):121-137.
- Elden, Stuart, *The Birth of Territory*, (Chicago: University of Chicago Press, 2013)
- Elliott, John H., 'A Europe of Composite Monarchies', *Past & Present* 137 (1992): 48-71
- Fernández-Santamaría, José A., *The State, War and Peace: Spanish Political Thought in the Renaissance 1516-1559*, (Cambridge: Cambridge University Press, 1977).
- Fitzmaurice, Andrew, *Sovereignty, Property and Empire, 1500-2000*, (Cambridge: Cambridge University Press, 2014)
- Fitzmaurice, Andrew, 'The Problem of Eurocentrism in the Thought of Francisco de Vitoria', in José Maria Beneyto and Justo Corti Varela (eds.), *At the Origins of Modernity: Francisco de Vitoria and the Discovery of International Law*, (Cham: Springer, 2017)
- Fletcher, Andrew, 'A Discourse Concerning the Affairs of Spain', in Andrew Fletcher, *Political Works*, (Cambridge: Cambridge University Press, 1997)
- Franklin, Julian H., *Jean Bodin and the Rise of Absolutist Theory*, (Cambridge: Cambridge University Press, 1973)
- Gibbon, Edward, *The Decline and Fall of the Roman Empire*, Vol. 1, (New York: Modern Library, n. d.)
- Greenblatt, Stephen, *Marvelous Possessions: The wonder of the New World*, (Chicago: University of Chicago Press, 1991)

- Grotius, Hugo, *De Iure Belli ac Pacis Libri Tres*, ed. by Richard Tuck, (Indianapolis: Liberty Fund, 2005)
- Guevara, Antonio de., *The Diall of Princes. Compiled by the reuerende father in God, Don Anthony of Gueuara, Bysshop of Guadix*. Trans. by Thomas North, (London: 1557)
- Haakonssen, Knud, 'Hugo Grotius and the History of Political Thought', *Political Theory* 13, no. 2 (1985): 239-265.
- Haldén, Peter, *Stability without Statehood: Lessons from Europe's history before the Sovereign State*, (Basingstoke: Palgrave MacMillan, 2011)
- Headley, John M., *Tommaso Campanella and the Transformation of the World*, (Princeton: Princeton University Press, 1997)
- Headley, John M., 'The Habsburg World Empire and the Revival of Ghibellinism' [1978], in David Armitage (ed.), *Theories of Empire 1450-1800*, (Farnham: Ashgate, 1998)
- Hinsley, Francis H., *Power and the Pursuit of Peace: Theory and Practice in the History of Relations Between States*, (Cambridge: Cambridge University Press, 1963)
- Hirschi, Caspar, *The Origins of Nationalism. An Alternative History from Ancient Rome to Early Modern Germany*, (Cambridge: Cambridge University Press, 2012)
- Hobbes, Thomas, *Leviathan*, ed. by Richard Tuck, (Cambridge: Cambridge University Press, 1991)
- Hont, Istvan, *Jealousy of Trade. International Competition and the Nation State in Historical Perspective*, (Cambridge, MA.: Harvard University Press, 2005)
- Holland, Ben, *The Moral Person of the State: Pufendorf, Sovereignty and Composite Politics*, (Cambridge: Cambridge University Press, 2017).
- Hörnqvist, Michael, *Machiavelli and Empire*, (Cambridge: Cambridge University Press, 2008)
- Hörnqvist, Michael, 'Machiavelli's Three Desires: Florentine Republicans on Liberty, Empire, and Justice', in Sankar Muthu (ed.) *Empire and Modern Political Thought*, (Cambridge: Cambridge University Press, 2012)
- Imbruglia, Girolamo, 'Civilisation and Colonisation: Enlightenment Theories in the Debate between Diderot and Raynal', *History of European Ideas* 41, no. 7 (2015): 858-882.
- Keene, Edward, *Beyond the Anarchical Society: Grotius, colonialism and order in world politics*, (Cambridge: Cambridge University Press, 2002)
- King, Preston T., *The Ideology of Order: A Comparative Analysis of Jean Bodin and Thomas Hobbes*, (London: Allen & Unwin, 1974).

- Kočovska-Stevović, Svetlana, 'On the Roman Concept of Natio', *Colloquia Humanistica*, No. 5. (2016): 1-18
- Koenigsberger, Helmut G., *Dominium Regale or Dominium Politicum Et Regale: Monarchies and Parliaments in Early Modern Europe*, in Helmut G. Koenigsberger, *Politicians and Virtuosi: Essays on Early Modern History*, (London: Hambledon Press, 1986)
- Koenigsberger, Helmut G., 'Composite States, Representative Institutions and the American Revolution', *Historical Research* 62 no. 148 (1989): 135-153
- Koskenniemi, Martti, 'Empire and International Law: The real Spanish contribution', *University of Toronto Law Journal* 61, no. 1 (2011): 1-36.
- Lisola, Franz von, *The Buckler of State and Justice against the design manifestly discovered of the universal monarchy, under the vain pretext of the Queen of France, her pretensions translated out of French*, (London: James Flesher for Richard Royson, 1667)
- Lupher, David A., *Romans in a New World: Classical Models in Sixteenth-Century Spanish America*, (Ann Arbor: University of Michigan Press, 2006).
- Mariana, Juan de., *The General History of Spain*, (London: Richard Sare & Thomas Bennet, 1699)
- Mansfield, Harvey C., 'On the Impersonality of the Modern State: A Comment on Machiavelli's Use of Stato', *American Political Science Review* 77 no. 4 (1983): 849-857.
- Mathisen, Ralph W., 'Peregrini, barbari, and cives Romani: Concepts of citizenship and the legal identity of barbarians in the later Roman Empire,' *American Historical Review* 111, no. 4 (2006): 1011-1040
- Mexia, Pedro, *The Imperiall Historie: or the liues of the emperours, from Iulius Cæsar, the first founder of the Roman monarchy*, (London: Mathevv Lovvnes, 1623)
- Montesquieu, Charles-Louis Secondat de, 'Réflexions sur la Monarchie Universelle' [1734], in *Œuvres Completes*, Tome II, Édition de Roger Caillois, (Paris: Pléiade, 1951)
- Muthu, Sankar, *Enlightenment Against Empire*, (Princeton: Princeton University Press, 2003)
- Muthu, Sankar, 'Conquest, Commerce, and Cosmopolitanism in Enlightenment Political Thought', in Sankar Muthu (ed.) *Empire and Modern Political Thought*, (Cambridge: Cambridge University Press, 2012)

- Nakhimovsky, Isaac, 'Vattel's Theory of the International Order: Commerce and the balance of power in the Law of Nations', *History of European Ideas* 33, no. 2 (2007): 157-173.
- Ohji, Kenta, 'Civilisation et Naissance de l'Histoire Mondiale Dans l'Histoire des Deux Indes de Raynal', *Revue de Synthèse* 129, no. 1 (2008): 57-83.
- Pagden, Anthony, 'Dispossessing the Barbarian: the language of Spanish Thomism and the debate over the property rights of the American Indians', in Anthony Pagden (ed.), *The Languages of Political Theory in Early-Modern Europe*, (Cambridge: Cambridge University Press, 1987)
- Pagden, Anthony, 'Instruments of Empire: Tommaso Campanella and the Universal Monarchy of Spain', in Anthony Pagden, *Spanish Imperialism and the Political Imagination*, (New Haven: Yale University Press, 1990)
- Pagden, Anthony, *European Encounters with the New World. From Renaissance to Romanticism*, (New Haven: Yale University Press, 1993)
- Pagden, Anthony, *Lords of All the World. Ideologies of Empire in Spain, Britain and France c.1500-c.1800*, (New Haven: Yale University Press, 1995).
- Pagden, Anthony, 'Fellow Citizens and Imperial Subjects: Conquest and Sovereignty in Europe's Overseas Empires', *History & Theory* 44, no. 4 (2005): 28-46.
- Peltonen, Markku, 'Politics and Science: Francis Bacon and the True Greatness of States', *Historical Journal* 35, no. 2 (1992): 279-305.
- Pincus, Steven, 'The English Debate over Universal Monarchy', in John Robertson (ed.), *A Union for Empire: political thought and the British Union of 1707*, (Cambridge: Cambridge University Press, 1995)
- Pincus, Steven, 'The Making of a Great Power? Universal Monarchy, Political Economy, and the Transformation of English Political Culture', *European Legacy* 5, no. 4 (2000): 531-545
- Pincus, Steven, 'Addison's Empire: Whig Conceptions of Empire in the Early 18th Century', *Parliamentary History* 31, no. 1 (2012): 99-117
- Pitts, Jennifer, 'Empire and Legal Universalisms in the Eighteenth Century', *American Historical Review* 117, no. 1 (2012): 92-121
- Pitts, Jennifer, *Boundaries of the International. Law and Empire*, (Cambridge, MA.: Harvard University Press, 2018)
- Pocock, J. G. A., *Barbarism and Religion III. The First Decline and Fall* (Cambridge: Cambridge University Press)

- Raynal, Abbé Guillaume-Thomas-François, *A Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies*, trans. by J. O. Justamond, (London: W. Strahan and T. Cadell, 1783)
- Richardson, John, *The language of Empire: Rome and the idea of empire from the third century BC to the second century AD*, (Cambridge: Cambridge University Press, 2008).
- Richardson, John, ‘The Meaning of Imperium in the Last Century BC and the First AD’, in Benedict Kingsbury and Benjamin Straumann (eds.) *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of Empire*, (Oxford: Oxford University Press, 2010)
- Rivero, Horacio, *The Rise of Pseudo-Historical Fiction. Fray Antonio de Guevara’s Novelizations*, (New York: Peter Lang, 2004).
- Robertson, John, ‘Empire and Union: Two Concepts of the Early Modern European Political Order’, in John Robertson (ed.), *A Union for Empire. Political Thought and the British Union of 1707*, (Cambridge: Cambridge University Press, 1995)
- Robertson, John, ‘Gibbon’s Roman Empire as a Universal Monarchy: The Decline and Fall and the Imperial Idea in Early Modern Europe’, in Rosamond McKitterick and Roland Quinault, (eds.), *Edward Gibbon and Empire*, (Cambridge: Cambridge University Press, 1997)
- Robertson, John, *The Case for the Enlightenment. Scotland and Naples 1680-1760*, (Cambridge: Cambridge University Press, 2005)
- Robertson, William, *The History of the Reign of the Emperor Charles V, with a view of the Progress of Society in Europe, from the Subversion of the Roman Empire to the Beginning of the Sixteenth Century*, Vols. I & II, [1769], (London: Routledge, 1857)
- Schröder, Peter, ‘The Concepts of Universal Monarchy and Balance of Power in the first half of the Seventeenth Century – A Case Study’, in Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca (eds.), *International Law and Empire: Historical Explorations*, (Oxford: Oxford University Press, 2017)
- Skinner, Quentin, ‘The State’, in Terence Ball, James Farr, and Russell T. Hanson (eds.), *Political Innovation and Conceptual Change*, (Cambridge: Cambridge University Press, 1989)
- Skinner, Quentin, ‘A Genealogy of the Modern State’, *Proceedings of the British Academy*. Vol. 162. (2009): 325-370
- Strohmeier, Arno, ‘Ideas of Peace in Early Modern Models of International Order: universal monarchy and balance of power in

- comparison', in Jost Dülffer and Robert Frank (eds.), *Peace, War and Gender from Antiquity to the Present. Cross-cultural Perspectives*, (Essen: Klartext Verlag, 2009)
- Sully, Maximilien de Béthune duc de, *Grand Design of Henry IV, from Memoirs of Maximilian de Béthune duc de Sully*, (London: Sweet and Maxwell, 1921).
- Todorov, Tzvetan, *The Conquest of America: The question of the other*. (New York: Harper& Row, 1984).
- Van Gelderen, Martin, 'From Domingo de Soto to Hugo Grotius: Theories of monarchy and civil power in Spanish and Dutch political thought, 1555-1609', in Graham Darby (ed.) *Origins and Development of the Dutch Revolt*, (Abingdon: Routledge 2001)
- Van Gelderen, Martin, 'Universal Monarchy, the Rights of War and Peace and the Balance of Power. Europe's Quest for Civil Order', in Hans-Åke Persson and Bo Stråth (eds.), *Reflections on Europe. Defining a Political Order in Time and Space*, (Brussels: Peter Lang, 2007)
- Vattel, Emer de, *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, with Three Early Essays on the Origin and Nature of Natural Law and on Luxury*, [1758]. Edited and with an introduction by Béla Kapossy and Richard Whatmore, (Indianapolis: Liberty Fund, 2008)
- Vitoria, Francisco De, De Indis, in Jeremy Lawrance and Anthony Pagden (eds.) *Vitoria: Political Writings*, (Cambridge: Cambridge University Press, 1991)
- Weststeijn, Arthur, 'Provincializing Grotius: International Law and Empire in a Seventeenth-Century Malay Mirror', in Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca (eds.), *International Law and Empire: Historical Explorations*, (Oxford: Oxford University Press, 2017)
- Whatmore, Richard, *Against War and Empire: Geneva, Britain, and France in the eighteenth century*, (New Haven: Yale University Press, 2012).
- Whelan, Frederick G., 'Robertson, Hume, and the Balance of Power', *Hume Studies*, 21, no. 2 (1995): 315-332.
- Yates, Frances A., *Astrea. The Imperial Theme in the Sixteenth Century*, (London: Routledge & Kegan Paul, 1975)