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A "Bridge over *Chaos*": *De Jure Belli, Paradise Lost,* Terror, Sovereignty, Globalism, and the Modern Law of Nations

PAINTED AROUND 1666, the year before the publication of Milton's *Paradise Lost*, Luca Giordano's "The Archangel Michael Routs the Rebel Angels" (fig. 1) offers what one might think of as an allegory of seventeenth-century fantasies of world order. Giordano departs from the iconography of earlier paintings such as Pieter Bruegel's "Fall of the Rebel Angels" (1562; fig. 2), in which the fallen angels—creatures at once of air, sea, and land—figure the hybridity of heaven and hell itself in the moment of chaos that is the war in heaven. In Giordano, roughly a century later, the two realms are clearly separated: one in light, one in darkness, clouds above, smoke and hellfire below. Here, the archangel Michael, bathed in light and dressed in classical attire, seems to push Satan and his fellow rebels downward into the darkness with his foot, holding his sword aloft like a sign. For the sake of peace, the cosmos must be split into separate realms, boundaries established, and the demons left to their own demonic world. Yet Michael also must remain in place, his liberatory and yet menacing sword aloft, to keep the borders of heaven inviolate and preserve the cosmic rule of law.

The establishment of sovereign boundaries watched over by a global legal order that preserves the right to transgress those boundaries in order to protect the ordered sovereignty they represent: this has become our central paradigm of world order. Painted during what was arguably the crucial moment of this paradigm's formation in the mid-seventeenth century, Giordano's version of the fall of the rebel angels offers us an image that encapsulates some of its paradoxes: the simultaneous creation of sovereignty as *ur*-principle and of global rights as

super-principle; the legal prohibition of violence and an insistence on violence as the heart of the global legal order; the recognition of global law's very dependence on global chaos for its existence. Giordano's painting offers us a glimpse into what I would like to look at here more closely: two complex seventeenth-century visions of the developing global legal order, with all its anxieties—the order which ultimately became ours.

Paradise Lost: The Boundaries of Heaven and Hell

In *Paradise Lost*, Milton's fallen angels can sometimes look like Bruegel's strange hybrid creatures of the air and deep. In the Palace of Pandaemonium, their heaven in exile, they swarm thickly on the ground and in the air, sickeningly shape-shifting, half human, half animal (1.767-80). Yet Milton's most extended account of the Fall of the Rebel Angels, which Raphael narrates to Adam in Book 6, is far more in keeping with the baroque-heroic spirit of Giordano's painting. Here, the muscular, god-like rebel angels, once led by "tow'ring" Satan with his "vast and haughty strides" (6.109-10), run in horror from the thunder wielded by the Son of God, who has taken over "the Sword of *Michael*" (250). Driven to "the bounds/And Crystal wall of Heav'n" (859-60), they are pushed headlong through the "spacious Gap" that opens for them "Into the wasteful Deep" (861-62).

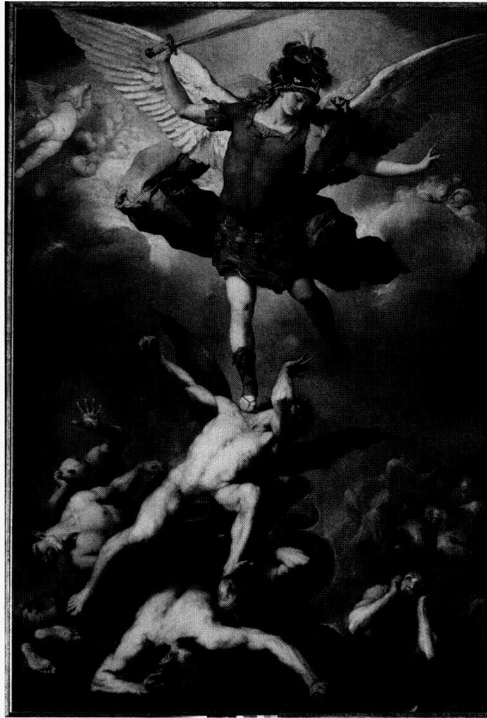


Fig. 1: Luca Giordano (1634-1705), "The Archangel Michael Routs the Rebel Angels" (c. 1666).
Photo: Erich Lessing/Art Resource, NY. Kunsthistorisches Museum, Vienna, Austria.

Arguably, one of the poem's central problems is what to do about unjust war (waged by the forces of evil).¹ God's solution to the anarchy and moral confusion produced by unjust war is the waging of a just war followed by an act of geographical separation. Cosmically linked, Heaven and Hell are nonetheless to be territorially sovereign, each constrained within its own boundaries and ruled by a "sovereign" with absolute dominion: God in heaven, seated on his "sovrán Throne" (5.656), and Satan in Pandaemonium, seated "High on a Throne of Royal State" (2.1) and ruling "by command/Of Sovrán power" (1.752-53). There is, admittedly, a certain ambiguity here: Satan's "Sovrán power" ultimately derives from and depends on God's. Nevertheless, just as God will eventually grant Adam and Eve autonomy within their sphere, so he offers Satan a similar freedom to rule—and to sin—as he will.



Fig. 2: Pieter Bruegel the Elder (c. 1525-1569), "Fall of the Rebel Angels" (1562).

Photo: Scala/Art Resource, NY. Musée d'Art Ancien, Musées Royaux des Beaux-Arts, Brussels, Belgium.

¹ Milton's representation of war in Book 6 draws, of course, on both epic and baroque theatrical conventions. But it also evokes the horror and irrationality of "grim War" in its modern forms, with gunpowder and its attendant horrors (6.236). War appears not only as one of the prime "cause[s]" of the poem (1.28), a premonition of "Man's First disobedience" (1.1) and a central part of the plot, but also as one of the chief tropes for evil's power to disrupt ordered sovereignty. War is both the result of moral crisis and its expression, a state of "confusion" and anarchy where "*Chance*," rather than providential order, "governs all" (2.897, 910). For extended discussions of *Paradise Lost* as a poem about war, see Freeman and Revard.

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Milton stresses the geographical fixity of both spheres, whose closed borders mark a clear end to hostilities. Hell, in horror at the falling host plummeting toward her, tries to unmoor herself, but can't: "strict Fate had cast too deep/ Her dark foundations, and too fast had bound" (6.867-70). As a result, she "Yawning receiv'd [the fallen angels] whole, and on them clos'd" (6.875). Heaven, having rid herself of the rebellious enemy within, more happily repairs her breached borders (in a passage with wryly scatological overtones): "Disburd'n'd' Heav'n rejoic'd, and soon repair'd/ Her mural breach, returning whence it roll'd" (6.878-79).

In Book 7, Milton's description of the Son's initial creation of the cosmos out of Chaos provides a more foundational version of boundary drawing in the service of a cosmic geographical order. Critics have long debated Chaos's status, attempting to dissociate it from the moral opprobrium attached to the adjective derived from it and noting its association with creation and its partnership with the order that eventually emerges from it (see, for example, Rumrich and Leonard). However, Chaos is nonetheless allied to hell and, notably, in a state of eternal war. There, the old Anarch Chaos and his consort Night preside over "Eternal Anarchy, amidst the noise/ Of endless wars," where unborn atoms and the elements in which they live must "ever fight" (2.896-97, 914). Chaos thus offers us a figural rendering of war that generalizes what we have learned from the War in Heaven: war is the condition of a disordered cosmos not yet subject to territorial order or the rule of law. The Son's cosmic act of creation transforms this anarchic world order, that "vast immeasurable Abyss/ Outrageous as a Sea, dark, wasteful, wild" (7.211-12), into a set of geographical domains whose spatial regularity is meant to express an equivalent political regularity. Standing before the warring elements, the Son commands: "'Silence, ye troubl'd waves, and thou Deep, peace,/. . . your discord end'" (7.216-17).

The Son frames this command for the erasure of Chaos as an echo of what God might have said to the rebel angels—that is, as a divinely mandated ceasefire ("peace . . . your discord end"). But the declaration of peace is, in fact, a command that the void conform to God's territorial commands. And it does. The Son takes out a set of golden compasses and begins to create the cosmos by drawing the boundaries of Heaven and Earth, the Universe, the World, and "all created things":

He took the golden Compasses, prepar'd
In God's Eternal store, to circumscribe
This Universe, and all created things:
One foot he centred, and the other turn'd
Round through the vast profundity obscure,
And said, Thus far extend, thus far thy bounds,
This be thy just Circumference, O World.
Thus God the Heav'n created, thus the Earth. (7.225-32)

Several critics have identified the Son's golden compasses with the surveying instruments used by those conquering and claiming colonial territories in the seventeenth century (for instance, McLeod 54). And there is clearly a relationship here between the coercive declaration of peace (by the most powerful king around) and the "creation" of territories out of the "dark, wasteful, wild," with

boundaries clearly demarcated and (soon after) fortified against a malevolent enemy eager to claim territory for himself. (There are strong echoes here of the contest between England and Spain for control over colonial territories.)

Indeed, one might read the suppression of chaos and creation of territorialism through violently enforced peace as a metonymy for the whole poem, which enacts the move from chaos to order through a reconfiguration of the geopolitical scheme: once unified, the cosmos is now to be divided into separate sovereignties. God's answer to discord is the creation of separate spheres with separate moral bases, each coherent unto itself. Yet the violent creation of the order of sovereignty at the same time establishes a global super-law, where the power of the sword-wielding Michael or the thunder-bearing Son determines what is just, establishing the victor's right to force the transgressor to return to his proper sphere in the name of "law." As Satan himself puts it, he whom "force hath made supreme," "hee/Who now is Sovran can dispose and bid/What shall be right" (1.245-48). With reason, law, and benevolent justice on his side, God is both neutral judge and violent executioner, mandating a global rule of law that is, by tragic necessity, also a global rule of force.

The Global Sovereign, Empire, and the Rule of Law

God's act of creation represents, ambivalently, two ways of imagining international order: as a relationship among autonomous sovereignties coherent unto themselves (heaven, earth, and hell), or, conversely, as a unified entity, "the Universe," with a single "just Circumference" ("just" carrying both spatial and moral overtones). These two ways of imagining international order reflect two faces of the poem. On the one hand, it is a parable about the virtues of sovereignty: the necessity of borders fortified to protect the sovereign domains they delimit, and the necessity of tolerating evil within those same boundaries because toleration is essential to human freedom. The poem in this guise becomes a tragedy of violated borders: Satan crosses over into earth, disrupts the moral order there, and creates for mankind a future defined by exile. On the other hand, the poem can be read as a parable about "just Circumference," that is, the extension of beneficent empire so that the values of virtuous cultivation and free and fair exchange may thrive. The poem then becomes a prologue to the comedy of *Paradise Regained*: God's global empire is restored through his Son's journey across his imperial domains. These two ways of imagining the global order might in turn be recast as a set of tensions within the poem: between a celebration of inward consolidation imagined as sovereignty and a celebration of outward (global) expansion; between a celebration of domestic contentment and a celebration of freedom and cosmic knowledge; between anti- and pro-imperial narratives.²

On the one hand, the principal imperial adventurer and violator of God's borders is Satan: a Spanish *conquistador* on his earthward mission (or, perhaps equally, an English or Dutch imperial adventurer), transgressing sovereign bound-

² My discussion of imperial themes here is indebted to Evans (in particular, p. 8); the essays in Rajan and Sauer; and Quint 253-66.

aries, driven by “Honor and Empire” and sheer greed to “conque[r] this new World” (4.390-91), mapping out a global “Highway” (the “Bridge over *Chaos*”) that Sin and Death eventually build in his wake (Bk. 10, “Argument”). If we cast Satan as a *conquistador*, eager to enslave the inhabitants of the New World and to convert them by guile or by force (2.365-68), Adam and Eve become noble savages, living with “Simplicity and spotless innocence” (4.318) and standing before God “with native Honor clad/In naked Majesty” (4.289-90). This reading renders the poem’s turn from cosmic history to a narrative of domestic life as a parable celebrating in its depiction of Adam and Eve’s happy native state the virtues of political domesticity. The lesson: one ought to stay at home and cultivate one’s garden.

But if Adam and Eve may be figured as happy natives, they may also be figured as colonial settlers, going out to do the work of their imperial overlord, the great “sovrän Planter” (4.691) who has created the New World out of Chaos and will “therein plant/A generation” (1.651). Like their settler counterparts, Adam and Eve have been granted “many signs of power and rule” in the New World, including “Dominion . . . Over all other Creatures that possess/Earth, Air, and Sea” (4.429-32). Although Milton is suspicious of global commerce, serving (as it does) the excesses of sensuous appetite,³ he celebrates global cultivation as both a benevolent civilizer and a means of receiving God’s bounty. Adam and Eve must “prune th[e] growing Plants, and tend th[e] Flow’rs” (4.438), “labor[ing] to reform” the “branches overgrown” that “require/More hands than ours to lop thir wanton growth” (4.625-29). That is, they must cultivate the uncultivated territory of their imperial overlord, in a sense building their own “Bridge over *Chaos*.” To do so they must (in a metaphor that applies to the entire living world over which Adam and Eve have been granted dominion) “reform” the world by taming its “wanton[ness].”

Freedom is essential to this project, and the whole poem deals, in a sense, not only with the freedom to err in the moral sense, but also to err—to wander—in the geographical sense. Milton is famously obsessed with global geography (see Cawley), his imaginative wanderlust reflected in the great passages of moral geography in the poem. And the poem’s vast moral geography is intimately linked with its lessons about human fate after the Fall. From the Hill of Paradise Michael not only gives Adam a vision of the whole expanse of human history, with its lessons about failed empire, but also shows him the whole expanse of human geography—the great “Hemisphere of Earth . . ./Stretcht out to the amplest reach” (11.379-80), with its promise of happy empire. As Michael explains to Adam and Eve in their fallen state, to dwell at home is not their destiny (11.181-82). Rather, Providence wills them to leave their “Native Soil” (270), sending them forth, “though sorrowing, yet in peace” (117), and with the gift of “All th’ Earth . . . to possess and rule” (339). If wandering is a fit punishment for Adam and Eve’s failure to be

³ Milton shows what he thinks of colonial mining ventures in his description of the Spanish “with impious hands/Rifl[ing] the bowels of thir mother Earth/For Treasures better hid” (1.686-88). His one significant reference to overseas trade in *Paradise Lost* is a simile likening merchants, with “Thir spicy Drugs,” to Satan on his journey to earth (1.636-42). On Milton’s identification of Comus with global commerce, see also McColley 118-22.

content with their proper bounds, it also gives them the geographical freedom necessary to human flourishing. As Milton tells us (in an echo of what the colonial settlers often said), “the World was all before them.” Guided by “Providence,” they are free “to choose/Thir place of rest” (12.646-47).

Insofar as the poem is about geographical as well as moral freedom—the freedom to seek new worlds and to cultivate them so that humankind can enjoy the fruits of the earth—it is also about the protection of that freedom by a beneficent but all-powerful global force, a neutral world court, of sorts, with God as supreme judge. If God is the “sovrän Planter,” “the poem’s most powerful and successful imperialist” (Evans 146), he is also the protector of humane empire, which is dedicated not only to the cultivation of the earth but also to the punishment of those who sin against nature. Milton makes it clear that this divine empire is a model for worldly empire, not a trump for it (as Adam initially thinks). Thus, when Adam exclaims to Michael that God may have given humans absolute dominion only over animals, “but Man over men/He made not Lord; such title to himself/Reserving, human left from human free” (12.67-71), Michael corrects him. Worldly empire is often justified, explains Michael; some “Nations” do not deserve liberty because they are “vicious” and “curse[d]”—the sons of Ham, for example, a “vicious Race” whom many contemporaries believed to be the forebears of the “dark” races, and thus justifiably placed in subjection (12.82-110). Political servitude is just punishment for sinning against God and nature.

Territorialism and the Modern Law of Nations

In an era of incessant war throughout Europe, Milton’s two complementary myths about the cure for international disorder (the myth of coherent and delimited sovereignty, and the myth of neutral and beneficent globalism) served as one answer to (in Hobbes’s famous formulation) “the *war* of all against all” (Hobbes 30) in the international sphere, a war which looked to many like a worldly manifestation of the primal anarchy of the war in heaven. Sovereignty and globalism are, of course, touchstones of the classic account of the birth of the modern system of states. They are, it is argued, *the* foundational concepts of the modern system of states, because they provided successful answers to early modern religious and political crisis and so offered a permanent and stable form to the modern, liberal, political order. Thus (according to the classic account), the system of sovereign states, born with the Peace of Westphalia in 1648, happily signified the end of the order of medieval Christendom and the beginning of political modernity. Rather than being subordinate to an overarching spiritual entity, states were now autonomous, relating to one another not as part of a vertical hierarchy but on a plane of horizontal equality, each state territorially and spiritually sovereign. Modern international law was created to regulate this new system of free and equal sovereign states.⁴ For good or ill, the modern state system was born, and it produced a lasting peace in Europe.

⁴ The philosophical foundation of this account runs from Machiavelli, through Bodin, to Hobbes: Machiavelli represents the kind of *raison d’état* doctrines that justify a strong and autonomous state for the sake of its subjects; Bodin offers a theory of political sovereignty proper (as a theory of the

In its starkest form, this account is clearly wrong. Among the political realities it ignores are Westphalia's renewal of the role of the Holy Roman Empire, its constitution of a delicate structure of inter- and sub-state hierarchies, its failure to provide a sufficiently strong concept of sovereignty to prevent civil war and revolution (not to mention regicide a year after the treaties), the absence of unified, modern states in Germany and Italy until the nineteenth century, the persistence of inter-European wars until the second half of the twentieth century, and its exclusively European focus.⁵ But it also ignores the fact that both sovereignty and the global law of nations were less political realities than desperate assertions against chaos, global and local. It ignores the fact that sovereignty and globalism were not so much reciprocally reinforcing (with sovereign states contentedly interacting in the global sphere) as in contradiction both with each other and within themselves.⁶

A more accurate description of the seventeenth-century European political order, its foundational concepts, and its modern inheritance would have to include an account of the expansion of colonial trade and the growth of European colonial rule (particularly Northern European colonial rule)—not as a mere extension of European state sovereignty outward but as a central fact of political order and political ideology. It would also entail a description of the powerful colonial trading companies that emerged within this expanded world, acting both as extensions of the state (with quasi-governmental powers) and in their own interest. Such a description would likewise provide a more complex understanding of European notions—and forms—of sovereignty and territorialism. The Renaissance political imagination mapped sovereignty territorially—as extending to the boundaries of the state. But sovereignty was also, as everyone knew, a territorial *assertion* against internal division and external fragmentation (depending on one's perspective). As a result, in a world made up of maps and globes, spaces to be marked and remarked, charted and recharted across the expanse of the continents, the political imagination ultimately understood sovereignty as territorial *imperative*, both within (in the suppression of civil dissent)

state); and Hobbes then gives this theory the secular foundation (its grounding in a theory of contract) that allowed it to become the basis for the modern state. The diplomatic history on which this account is based asserts that the treaties comprising the Peace of Westphalia generally stand for the following principles: the affirmation of absolute sovereignty, based in territorial concepts and marked by territorial boundaries; the affirmation of the equality of states; and the affirmation of free relations between states. For a defense of "Westphalia as Origin," see Philpott. For a more complex philosophical account, see Bartelson.

⁵ The Peace of Westphalia restated the rights of the Holy Roman Empire, which still had official sovereignty (at least) over most of Germany and the Hapsburg states. There continued to be an emperor, as well as an imperial diet and imperial courts, all of which were seen as having sovereignty that crossed national boundaries. The parties to the Westphalia treaties were certainly not equal, and they continued to relate to one another within a set of complex hierarchies. The treaties also largely mandated sub-state boundaries, and continued to understand sub-state entities as proper subjects of the law of nations. Furthermore, the argument that Bodin's idea of sovereignty embodied in a sovereign was the central political concept of the period is surely complicated by revolts by the nobility, judiciary, and Parisian populace against the power of the crown during and for several years after the Peace of Westphalia, and the execution of Charles I a year after the Peace began. For an extended critique of the classic account of the Peace, see Krasner, "Compromising" and "Westphalia."

⁶ See Benedict Anderson's parallel discussion of the relationship between empire and nation as one of "fundamental contradiction" (93).

and without (in colonial conquest).

Alongside a powerful myth of neutral globalism, then, existed a recognition of globalism's moral ambiguity. One can see this recognition expressing itself in the colonial debates of the period, in the anguished uncertainty about the value of the exploitation of natural resources, or the use of force to defend one's acquisitions, or the rights of native inhabitants, or the prudence of extending one's political reach into the dangerous unknown. We have seen Milton, consciously or unconsciously, reflecting both sides of this ambivalence: Satan and his Spanish heirs greedily mining ore; God gloriously measuring out the world with his golden compasses. One can also see it in discussions of religious toleration, the value of global commerce, and the laws of war and peace. Seventeenth-century thinkers and poets seem, on the one hand, to assert that the boundaries between Heaven and Pandaemonium are to be honored: one may not cross boundaries to convert the devil. But at the same time they seem also to argue that one must build a bridge to trade with the devil in order to vanquish him. The Peace of Westphalia, like *Paradise Lost*, tries to teach us that the command, "peace, / . . . your discord end," is a command prohibiting the crossing of boundaries, a prohibition against the chaos produced by the mingling of Heaven with Hell. But it is also a command threatening a war in which "the Law" (like Milton's God), wielding the sword of justice, breaches boundaries in order to protect them.

De jure belli and Paradise Lost

Perhaps the most important spokesperson for both sovereignty and global law during the period was Hugo Grotius, a Dutch protestant theologian, lawyer, and functionary cum statesman. Famous for his precocity as a young humanist, Grotius had created his own version of the story of the Fall in a Latin tragedy called *Adamus exsul* (1601). His first major legal treatise was an unpublished brief, *De jure praedae commentarius* (*Commentary on the Law of Prize and Booty*) (1604), defending the Dutch East India Company's capture of a Portuguese ship and seizure of its cargo as war booty. But the work for which he was best known throughout Europe was *De jure belli ac pacis* (*The Laws of War and Peace*), first published in 1625 when Grotius was in exile in Paris and republished in a substantially revised form in 1646, a year after his death and only two years before the Peace of Westphalia.

As an admirer of Grotius's humanist scholarship, theology, and legal writings, the young Milton made a special trip to Paris to meet the exiled Grotius in the late 1630s. And it is clear that Milton was thinking of Grotius when he began to compose *Paradise Lost* several decades later, borrowing liberally from *Adamus exsul* and echoing *De jure belli* in more subtle but equally important ways.⁷ The two men shared a good deal. Both came from budding seafaring empires (often in conflict with each other), empires with a developed merchant culture still fighting for a Protestant internationalism that might liberate Europe from the yoke

⁷ For the influence of *Adamus exsul* on *Paradise Lost*, see Woodhull. The only essay solely devoted to the relationship between *De jure belli* and *Paradise Lost* is Dust's. Achinstein and Tennenhouse both offer suggestive discussions of the status of slaves in Grotius and Milton.

of Catholicism. Grotius and Milton shared a deep humanism, a mandate that understood passionate political advocacy and poetry as part of the same project, and an equal horror of Papal imperialism and the politics of Calvinist predestination. Both devoted a large part of their careers to defending both the republicanism and the liberal (Arminian) Protestantism of their countries, and both must have seen themselves as having failed in that attempt. Both wrote their great works in an exile of sorts from nations that had been taken over (as they saw it) by tyranny and surrounded by the chaos of what must have seemed war without end.⁸

De jure belli and *Paradise Lost* might seem, in some ways, odd bedfellows—the first a legal treatise written in the throes of the early seventeenth-century religious wars, the second an epic poem written after the defeat of a revolution four decades later. But both works are about regulating the continuing disorders of the global leviathan.⁹ What I would like to suggest here is not that *De jure belli* directly influenced *Paradise Lost*, or that *Paradise Lost* is a poetic articulation of Grotius's rules of just war. Rather, I am suggesting that the two works share a set of characteristic seventeenth-century anxieties and ambivalences, and that they resolve those anxieties and ambivalences through structurally similar ways of imagining world order. If we might think of Milton as enacting in *Paradise Lost* the arc from Bruegel to Giordano (from the chaotic intermingling of the spheres to the spatial distinction of the spheres under the rule of law backed by the authority of force), we might think of Grotius as transforming such a vision into a recipe for world order, and so laying the foundation for the moral assumptions that undergird today's liberal order of states. That is, we might resurrect the early twentieth-century characterization of Grotius as the "founder of modern international law,"¹⁰ if only as one whose work, like Milton's, reflects seventeenth-

⁸ Grotius was condemned to prison for life in 1619, after the Calvinist national Party took over the Netherlands. He escaped to Antwerp and then to Paris, where he wrote *De jure belli*. Milton's exile after the Restoration was not, of course, a literal one, but he had been barely saved from execution as a regicide and was living in poverty and isolation while writing *Paradise Lost*.

⁹ One might list as similarities the fact that both works attempted to articulate the meaning of human freedom between tyranny, on the one hand, and chaos, on the other. Both works argue that reason is the human faculty essential to freedom and attack the moral and epistemological uncertainties that were at once the product and producer of global chaos in order to provide a new foundation for understanding good and evil in a skeptical world. Both were written against war for its own sake, and (officially at least) against the proposition that (as Grotius puts it) "might makes right." At the same time, both saw war as sometimes tragically necessary. Both, then, attempt to justify not only the "ways of God to men" (*Paradise Lost* 1.26), but also the ways in which men as servants of the godly must employ violence to punish evil and maintain justice. For Grotius's arguments against "might makes right," see *De jure belli* 9 (Prolegomena, Sec. 3) and 20 (Prolegomena, Sec. 28-29).

¹⁰ On Grotius as "the father of international law," see Lauterpacht and Vollenhoven. For the most important historical corrective to the general tendency to understand Grotius retrospectively through his later contributions to international law, see Haggemacher, who identifies Grotius's work as the culmination of medieval just war theory. For a view of Grotius's work as discontinuous with both medieval and modern thought, see Kennedy. For two historical correctives that nonetheless identify Grotius's important contributions to modern political theory, see Tuck, *Philosophy* 154-201; and *Rights* 78-108. For a helpful summary of variant readings of Grotius and of his relationship to modern international law, see Kingsbury, "Grotian Tradition," and Kingsbury and Roberts. For attempts to situate Grotius in relation to the European colonial order, see Röling; Kingsbury, "Gentili"; and Keene.

century tensions located both within concepts of sovereignty and concepts of global order and between sovereign power and global imperative. Thus, although Milton offers us a theological rendering of the global imaginary that places heaven and hell in their separate domains, interacting according to providential law, he seems unable to shake off either the narrative of civil discontent at the heart of sovereignty or the narrative of global violence that is the other side of global freedom. Similarly, although Grotius offers us a jurisprudential rendering of the same global imaginary—secularized, neutralized, ostensibly impartial and disinterested—that rendering nonetheless preserves its own vision of the terrors of sovereignty and the demons who dwell in the heart of the law of nations.¹¹ That is, both Grotius and Milton offer us, simultaneously, both the *assertion* of the coherence and compatibility of sovereignty and neutral globalism and a vision of their individual incoherence and mutual incommensurability.

De jure belli

Grotius's central project in *De jure belli* involves the legitimation of sovereign power, the extension of private trading and freedom of commerce, and the creation of a super-authority legitimating the use of force to protect sovereign boundedness and global liberty. Although sovereignty and globalism are meant to be complementary, there is a certain tension between them. Looked at from one perspective, the primary intent of *De jure belli* is to instantiate sovereignty as the primary tenet of the law of nations and to protect sovereign powers from one another. But looked at from another perspective, its primary goal is to lay out the limits imposed on sovereigns by natural law in order to establish a global order in which free commerce, based in an ethic of sociability, may thrive. There is thus a basic paradox at the heart of *De jure belli*: sovereignty is, by definition, a power not subject to the *legal* control of another; but just war is the overarching *legal* control of outlaw sovereigns. That is, the model of an international rule of law based in a notion of national sovereignty governs *De jure belli*. But this model exists in tension with two other mutually reinforcing transnational models: one based in a mercantile culture that recognizes commercial bodies as entities with rights independent of those belonging to the order of sovereign states and free from territorial limitation, and the other constructed in the image of municipal penal culture, in which the collective power of the law (representing all humanity) unites to punish outlaw nations in accord with a "rule of law" that represents the will of God. These three models begin to meld in troubling ways when Grotius discusses the etymology of the word "territory," linking the ideas of (sovereign) territory and the cultivation of the earth (*terra*) with the necessity of terror as an instrument of the law.

¹¹ To call *De jure belli* secular is not to undermine its theological grounding. See Grotius's discussion of God's will as the first principle of the law of nature in *De jure praedae* 8 (Ch. 2). But Grotius does provide us with a law of nature that is fixed and independent of the will of God. See, for instance, the two passages in *De jure belli* that shocked his contemporaries: 13; Prolegomena, Sec. 11; and 40; 1.1.10).

Sovereignty as Legitimacy and Prohibition

Grotius devotes a substantial section of Book 1 of *De jure belli* to defining sovereignty and defending the coherence of this central concept, which is, for him, the foundation of the law of nations. All politics must be understood as consisting of relationships to a sovereign undivided "power" (officially, at least), whose "actions are not subject to the legal control of another" (102; 1.3.7). This definition is the foundation for Grotius's entire discussion of the law of nations (101; 1.3.5). Sovereignty is, first of all, fundamental to the basic principle of non-intervention that guides *De jure belli*. One may not go to war except to punish a nation's specific violation of the law of nations; that is, one may not violate another's sovereignty without just cause. Just causes include "defence, the obtaining of that which belongs to us or is our due, and the inflicting of punishment" (171; 2.1.2). The notion of sovereignty is also crucial to determining who may rightfully punish wrongdoers, since the institution of civil society radically limits the right of private parties to punish others (504-5; 2.20.40; see also 485-86; 2.20.15). Although private parties do have the right to use violence exceptionally (in self-defense or in defense of other rights when no court is available), on the whole, sovereigns have a monopoly on the use of force, both municipally (in their exclusive right to imprison or kill their subjects) and internationally (in their exclusive right to declare and engage in formal public war) (97-99; 1.3.4-5; see also 630-33; 3.3.1-4).

The concept of sovereignty is crucial, then, to the distinction between legitimate war and mere violence. Wars fought in good faith under the authority of a legitimate sovereign are always *legitimate* ("without guilt") (565; 2.23.8), even if unjustly prosecuted (in violation of *jus ad bellum*) or unjustly fought (in violation of *jus in bello*). Grotius likens the distinction between legitimate and just wars to the distinction between a legitimate and a just lawsuit: both parties may legitimately bring a lawsuit, but only one party's cause can be just (565-66; 2.23.13). Sovereignty is also crucial to the distinction between war and rebellion (a distinction to which Grotius devotes an entire chapter): while war declared by the sovereign power against its subjects is always legitimate (though not necessarily just), rebellion is almost always illegitimate.¹² Finally, the concept of sovereignty distinguishes states at war from groups of brigands, pirates, robbers and other "men who are like beasts" (506; 2.20.40). Grotius quotes Pomponius approvingly: "Enemies are those who in the name of the state declare war upon us, or upon whom we in the name of the state declare war; others are brigands and robbers" (630; 3.3.1). Sovereignities at war (even when they are acting unjustly, even when they use violence indiscriminately) are not to be confused with bands of outlaws.

Sovereignty within Grotius's theoretical edifice is a fundamentally conservative concept that protects both the ruler or ruling body and the territorial status quo (207; 2.3.4). The rule mandating "abstaining from that which is another's"

¹² Grotius allows for rebellion only in narrowly defined circumstances: when a people's survival is threatened, when a ruler has abdicated or otherwise legitimately lost sovereignty, when the right to resist has been reserved constitutionally, or when sovereignty has been usurped (148-63; 1.4.7-20). In any case, "the person of the king must be spared" (151; 1.4.7). However, Grotius's discussion of rebellion under popular rule also leaves room for an ambiguity that Milton must have found attractive: "If rulers responsible to the people . . . transgress against the laws and the state, not only can they be resisted by force, but, in case of necessity, they can be punished with death" (156; 1.4.8).

(12; Prolegomena, Sec. 8) generally prohibits the acquisition of territory already under another's sovereignty. Thus, Grotius echoes approvingly the prophet Amos, who "severely reproves in the Ammonites th[eir] zeal for extending their borders by armed force" (771; 3.15.2). In addition, Grotius offers numerous specific prohibitions: against war for the acquisition of richer land (550; 2.22.8); against war on the pretext that one has discovered property already belonging to another (550; 2.22.9); against war so that one may rule inhabitants "for their [own] good" (551; 2.22.7). Naturally, war under title to universal empire (like that claimed by the Catholic Church) is illegal (551-54; 2.22.13-14). Furthermore, although Grotius allows for the acquisition of sovereignty over conquered territory in just war, he counsels moderation: "It is praiseworthy to abstain from the exercise of the right to acquire sovereignty over the vanquished" (770; 3.15.2). One might say that the first principle of the laws of war is a prohibition against the crossing of boundaries, a prohibition against the violation of the sovereignty of others.

Sociable Commerce, Liberal Rights

Here, we have a vision of sovereignty as coherent and delimited: pertaining to a unified people circumscribed by their proper territorial limits. This vision is joined by its global complement: a world in which each sovereign power sends forth its agents into the free space of the international, a world (for some purposes) without borders that is the natural habitat of sovereigns relating on a plane of equality. This habitat is governed by liberal rules—neutral and impartial—intended to promote commerce among nations and to bridge what would otherwise be the chaos of inter-sovereign relations. For starters, there is an absolute right to free commerce: "No one . . . has the right to hinder any nation from carrying on commerce with any other nation at a distance. That such permission be accorded is in the interest of human society" (199; 2.2.13).¹³ Commerce, it turns out, is one of the basic laws of nature and of nations. It is essential to a human sociability founded in the fundamental law of collective self-protection, as Grotius stresses with a quote from Libanius:

God did not bestow all products upon all parts of the earth, but distributed His gifts over different regions, to the end that men might cultivate a social relationship because one would have need of the help of another. And so He called commerce into being, that all men might be able to have common enjoyment of the fruits of earth, no matter where produced. (199-200; 2.2.13; see also *De jure pradae* 8-9, Ch. 2, "Rule 1")

Grotius here gently recalls the creation of Eve so that Adam might have a helpmeet. In so doing, he stresses that commerce is God-given and essential to God's vision of a human race bound in one great "alliance." "If you destroy commerce," writes Grotius, quoting Florus, "you sunder the alliance which binds together the human race" (200; 2.2.13).¹⁴

¹³ While wary of declaring an absolute right to freedom of contract, Grotius was politically committed to defending Dutch contract monopolies and distinguishing them from the kind of monopolies by Papal mandate that the Iberian states used regularly. See 346-51; 2.7-13; and 205; 2.2.24.

¹⁴ All of the laws of nature derive from the will to existence, and hence from the law of self-protection. Grotius's logic is as follows: "What God has shown to be His Will, that is law"; God willed

Central to the law of human sociability is the freedom of the seas, the subject of Grotius's first publication on international law, *Mare liberum* (1609): "The sea, viewed either as a whole or in its principal divisions, cannot become subject to private ownership" (190; 2.2.3).¹⁵ Freedom of the seas is founded in the fundamental principle of sociability that lies behind the absolute right to free commerce. The sea "has united and has rounded out our life," writes Grotius, quoting Plutarch, "which without it had been savage and without commercial intercourse; supplying, as it does, through mutual help what was lacking, and through the interchange of commodities fostering a social relationship and friendliness" (199; 2.2.13). The commercial intercourse that the freedom of the seas protects combats the inherent savagery of life, serving an Aristotelian principle of friendship that is the basis of ethics.

Grotius's discussions of freedom of commerce and freedom of the seas belong to a chapter entitled "Of Things Which Belong to Men in Common." Freedom of commerce and of the seas serve an underlying principle of commonality—in Libanius's words, "common enjoyment of the fruits of earth, no matter where produced" (200; 2.2.13). If the laws of war generally prohibit territorial expansionism, the principle of commonality (the common right to cultivate the fruits of the earth) paradoxically underlies broad rights to the acquisition of territory through occupation and cultivation. "If within the territory of a people there is any deserted and unproductive soil," writes Grotius, "this also ought to be granted to foreigners if they ask for it. Or it is right for foreigners even to take possession of such ground, for the reason that uncultivated land ought not to be considered as occupied" (202; 2.2.17). Grotius explains that the original sovereignty here remains unimpaired, but the reference to "foreigners . . . tak[ing] possession" has an ambiguous quality that suggests a slippage between the right to private acquisition and the right to a public claim of sovereignty. This slippage appears more insistently in Grotius's discussion of "unoccupied lands," which are apparently distinct from "desert[ed] lands" in that they were never occupied. "Unoccupied lands" are at once "things which can be made subject of private ownership" and things which can be made the subject of public sovereignty (191-92; 2.2.4). Indeed, private and public claims reinforce each other, shoring up each others' potential vulnerability (see 2.2.4). That is, a ruler may confirm individual settlers' rights through the authority of a claim to sovereign authority. Reciprocally, possession by sovereign subjects, cultivating uncultivated land, may be converted into a public claim of sovereignty by their sovereign, who in this way transforms a claim of sovereignty over people into a claim of sovereignty over territory. Ultimately, the principle of commonality underlying liberal rules for commerce, the

existence; the law of nature mandates self-protection for the sake of carrying out God's will. This argument is most clearly stated in *De jure praedae* (8-9; Ch. 2, "Rule 1"), but also governs the understanding of natural law and its derivatives in *De jure belli*. For a discussion of the centrality of self-preservation as a first principle, see Tuck, *Rights* 78-108.

¹⁵ Grotius went from advocating in *De jure praedae* an unqualified freedom of the seas, subject only to enforcement of that freedom (237; Ch. 12), to advocating in the 1625 edition of *De jure belli* (212-24; 2.3.13) a more qualified freedom subject to various claims of sovereignty, to advocating in the 1637 revision of *De jure belli* state sovereignty over territorial waters (see Pauw). See also Grotius's discussion of the right to free passage for "legitimate" travelers (196-97; 2.2.13).

seas, and arable land serves an ethic of possession: via the commercial value of “cultivation,” commonality converts private property into public sovereignty, and in turn translates public sovereignty back into a confirmation of private property.

This easy convertibility between private property and public sovereignty suggests a broader marriage between commercial freedom and a sovereign territorial imperative than Grotius’s initial distinction between (public) sovereignty and (private) ownership (207; 2.3.4) would imply. That the rules of global mobility ultimately serve the expansion of sovereign territorial boundaries becomes still clearer in Grotius’s discussion of public and private war. Given Grotius’s lengthy discussion of sovereignty as the necessary authority for waging public war, one might expect him to declare private war (war waged by individuals or non-sovereign entities) to be always and everywhere illegitimate. Private war threatens the sovereign state’s monopoly on force, upsetting a neat international system of quasi-equal sovereign authorities: if private war is legal, anyone may resort to violence legitimately. But Grotius nonetheless argues that, while a private war is “that which is waged by one who has not the lawful authority [to wage it], . . . private wars in some cases may be waged lawfully” (91; 1.3.1).¹⁶ Private war is of course limited: one may engage in it, for instance, only when there is no reasonable judicial procedure available (92; 1.3.2). But this exception turns out to cover a wide range of circumstances: when time does not allow judicial review; “in places without inhabitants, as on the sea, in a wilderness, or on vacant islands, or in any other places where there is no state; in fact, if those who are subject to jurisdiction do not heed the judge, or if the judge has openly refused to take cognizance” (92; 1.3.2); or where there is no adequate state (but mere brigands, pirates, and robbers)—that is, most places that a global venturer would be likely to explore in the name of freedom of commerce, passage, and cultivation.

The right to employ both public and private war to enforce liberal rights turns out to legitimate the right to property—movable and immovable—taken by force (672; 3.6.11-12). For one may justly engage in public or private war to enforce rights to free trade, freedom of the seas, the free cultivation of uncultivated lands, and free passage (198; 2.2.13).¹⁷ And the victor in such a war may take booty and land not only equal to the value of rights lost but in excess of that value, as punishment for the wrong inflicted (663; 3.6.1). While Grotius specifies that punitive spoils ought not to “exceed an equitable measure of punishment” (663; 3.6.1; and see 494; 2.20.28), the rest of his discussion and all of his quotations imply the opposite: “By the law of nations not merely he who wages [private] war for a just cause, but in a public war also any one at all becomes owner, without limit or

¹⁶ Indeed, Grotius’s legal career was essentially built defending a private act of war: the Dutch East India Company’s seizure of the Portuguese ship the *Catharine*, an act arguably sanctioned only after the fact by the States Assembly of Holland and the States-General of the United Provinces (though Grotius argues that the directors of the East India Company were implicitly given a prior mandate to defend their rights by force). See *De jure praedae* 306 (Ch. 13) and the editors’ Preface to *De jure praedae* xiii.

¹⁷ While *De jure belli* does not specifically mention the defense of other liberal rights as just cause for war, both its general argument that just war is the enforcement of rights and its focus on liberal rights make this an important subtext. Grotius is, however, explicit on these points in Chapter 12 of *De jure praedae*.

restriction, of what he has taken from the enemy" (664; 3.6).¹⁸ Most important, the victor in a just public war (or a private war converted to public war on the authority of the sovereign) may claim sovereignty over any territory acquired, as well as over its subjects. If movable property may be granted to soldiers or taken by the individuals who seize it, territory taken in just war is always public property subject to a claim of sovereignty (672; 3.6.11). Grotius may counsel moderation in the postwar acquisition of sovereignty over the vanquished and their territory, but the expansion of sovereignty is nevertheless one of the natural spoils of just war (770-77; 3.15). Peace treaties almost invariably mandate the impairment of the weaker party's sovereign power, and sometimes "a transfer of the whole sovereign power," with "obligations . . . to recognize the sovereignty and respect the majesty of the other signatory" (396; 2.15.7). That is, one of the central functions of treaties is to confirm the right of the strong to alienate the territorial and political sovereignty of the weak.

Globalism as Discipline and Punishment

In his discussion of the etymology of the word "territory," Grotius seems to get to the heart of the kind of territorial expansion he ends up justifying. Several different origins are attributed to the word, he explains. Varro attributes it to the word for ploughing (*terendo*) and Frontinus to the word for land (*terra*). But one might equally credit the origin given by Siculus Flaccus: terrifying the enemy (*terendis hostibus*) (667; 3.6.4). Territory is thus both cultivation and terror. This double etymology, however, is still missing one component, which Grotius supplies in his last etymology, taken from Pomponius the jurist: territory comes from *terrendi iure*, "'the right of terrifying' . . . which is enjoyed by the magistrates" (667; 3.6.4, emphasis added). Territory is not merely the ability to terrify others but the legal right to do so. Pomponius identifies the right to terrify with sovereign territory (it is a right "enjoyed by the magistrates"), and Grotius extends it into the global sphere. The global rule of law—the modern law of nations—is a law of force, and a terrifyingly punitive one at that.

However, the rules for penal war are intended to be as neutral and impartial as those for global commerce. Just war "inflict[s] penalties upon men [only] according to their deserts" (13; Prolegomena, Sec. 8). Among those deserving of punishment are not only states that engage in aggression or violate obligations, but also peoples who live in gross violation of natural law, or, as Grotius puts it, "men who are like beasts" (506; 2.20.40). Grotius is fully aware that one may easily mistake mere differences in cultural practices for violations of natural law and that the claims of culture or "civilization" often form a pretext for unjust war.

¹⁸ My interpolation of "private" here is based on my reading of Chapter 10 in *De jure praedae*, in which Grotius clearly asserts that "in a private war, the spoils are acquired neither by subjects nor by allies, but by the principal author of the war himself, up to the point where his rightful claim has been satisfied" (141). "Things captured in a public war," on the other hand, "become the property of the state undertaking the war, up to the point where the said state shall have received satisfaction" (142-43). "Satisfied" and "satisfaction" here are essentially the same: compensation for a debt including costs and damages.

“To wish to impose civilization upon uncivilized peoples,” he writes, quoting Plutarch, “is a pretext which may serve to conceal greed for what is another’s” (507; 2.20.41). As a result, he is particularly careful to derive his identification of gross violations of natural law “by a sure process of reasoning” (24; Prolegomena, Sec. 40) based on the neutral and universal principles grounding his system as a whole: God’s will is law; God willed human existence; self-protection carries out God’s will; sociability is necessary to self-protection. Grotius derives from these principles the following list of peoples who live in gross violation of natural law: cannibals, pirates (even if one has not been attacked by them), those who commit crimes against God, and those who act with impiety toward their parents (505-10; 2.20.40). (While parents are thus protected, it is worth noting that Grotius asserts the right of parents to sell their children, should the need arise [see 232; 2.5.5].)

If there is a tension for Grotius between ideologies of sovereign autonomy and ideologies of mobility, there is a parallel tension between his promotion of toleration and his punitive legal project. Like Milton, Grotius held views about toleration more liberal than those of most of his contemporaries. While God may ultimately punish evil-thinkers, natural law mandates broad toleration of internal thoughts, mistaken theological ideas, and any acts not injurious to human society (see 2.20. 17-18, 20). One should tolerate the religion of those over whom one has acquired sovereignty through just war (776; 3.15.11), and heathens may not be punished for refusing to accept the Christian religion (516; 2.20.48). On the other hand, atheism and impiety are crimes against God and thus cannot be tolerated: “Th[e] ideas, that there is a divinity . . . and that he has a care for the affairs of men, are in the highest degree universal, and are absolutely necessary to the establishment of religion, whether it be true or false” (513; 2.20.46). Therefore, explains Grotius, “those who first begin to abolish these ideas may be restrained in the name of human society, to which they do violence without a defensible reason; just as they are regularly restrained in well-organized states” (514; 2.20.46).¹⁹ That is, atheism and impiety pose security threats, which justify extraordinary measures in the name of public safety. Since atheism and impiety are forms of violence, one may justly wage war to combat them. Thus, Grotius approvingly quotes Justin on the Phocians’ sacrilege: “This had to be expiated by the forces of the whole world” (521; 2.20.51).

In authorizing a universal right to punish certain crimes, Grotius extends punitive power to humanity at large: “Atrocious criminals, who do not belong to any state, can be punished by any person whatsoever” (794; 2.19.3); indeed, some crimes are “to be expiated by the forces of the whole world.” Unlike many of his near predecessors (see 2.20.40), Grotius argues that, because the right to punish is derived from the law of nature, it is not limited to those who have particular jurisdiction (504-6; 2.20.40). To punish violations of natural law, or to protect others, one need not have been directly injured, for all humanity is injured by

¹⁹ Grotius distinguishes punishment for impiety (and atheism) from punishment for beliefs: “Himerius the Sophist in the suit against Epicurus said: ‘Do you then demand punishment for a belief? No, but for impiety. For it is allowable indeed to preach one’s beliefs, but not to assail piety’” (514; 2.20.46).

such violations. Grotius devotes an entire chapter to “the causes of undertaking war on behalf of others” (578-86; 2.25), arguing that third-party interventions are not merely allowable but noble, since they put into action the basic principles of the law of sociability. “Men have been born to aid one another,” writes Grotius, quoting Seneca (582; 2.25.6); “Truly it is more honourable to avenge the wrongs of others rather than one’s own” (505; 2.20.40). The law of humanitarian intervention in fact overrides one of the most fundamental principles of sovereignty: that sovereigns have absolute power over their own subjects and may persecute them as they wish. Clearly, subjects may not take up arms in their own defense, and in cases where “the cause is doubtful” one may not justly undertake war against a ruler on behalf of persecuted subjects. “If, however, the wrong is obvious, in case some Busiris, Phalaris, or Thracian Diomedes should inflict upon his subjects such treatment as no one is warranted in inflicting, the exercise of the right vested in human society is not precluded” (584; 2.25.8).

Here we have war on behalf of persecuted peoples, “the protection of innocent persons” (584; 2.25.8), where “the wrong is obvious” in the name of a right vested in “human society.” We have humanitarian intervention in vindication of God’s law against its violators, the opposition of forces of good to the forces of evil. In a sense, we have a return of the heavenly host, attacking with all its collective power the “obvious wrong” that threatens human society. And thus, too, in the “obvious wrong” we encounter the return of the demonic repressed, Milton’s Satan in worldly guise: secularized, neutralized, rendered in the impartial and disinterested terms of the law, but nonetheless to be crushed by the violence of the holy. The unholy violence of the holy, that is, as Grotius seems to suggest in the interstices. “War is a cruel thing,” he writes (quoting Plutarch and Augustine), “and it drags in its train a mass of wrongs and insults. . . . If . . . anyone endures or reflects upon these things without anguish of soul, his plight is all the more wretched, because he considers himself happy, while in fact he has lost his feeling for humanity” (576; 2.24.10).

Outcomes and inheritances

While asserting a tripartite system of international order against the chaos of a world at war, both *Paradise Lost* and *De jure belli* ultimately show that each of the three strands of this system is hopelessly compromised. Sovereignty, it turns out, is not only fractured from within by rebels, outlaws, or “men who are like beasts.” It is also uncontainable: not merely mobile, but expansionist and acquisitive, necessarily asserting its claims—both within and without—through terror. Commercial and cultivatory globalism, it turns out—those bridges over chaos dedicated to freedom, sociability, commerce, and the agrarian way (in the domains of the “Sovran Planter,” in the forays of traders and those in search of uncultivated lands)—cannot be separated from expansionist sovereignty, from the territorial claims that eternally link cultivation and terror. And punitive globalism (whether God’s or our own) can never be neutral, impartial, and unequivocally tolerant: for good or ill, it is always haunted by its own capacity for terror. Like Blake’s Milton, globalism is always, in some sense, “of the Devil’s party” (Blake 35).

In Grotius's image of the benevolently global we can see, of course, the basic outlines of the ostensibly kinder, gentler commercial colonialism practiced by the Northern European states: a commercial and settlement globalism that ultimately crosses boundaries to expand sovereign power; a penal globalism that justifies intervention into local conflicts and the forcible salvation of persecuted peoples. But we can also see the basic outlines of what one might think of as modern humanitarian liberalism: a liberal global political order governing the relations among sovereign states with a set of minimal rules; a relatively independent liberal economic order, governing both private and public bodies primarily through contract; a "development" mission; a basic pacifism conjoined with a mandate for collective military intervention against "obvious" wrongs (cannibalism, impiety, genocide, communism, terrorism) by and in the name of "human society." To see these as intimately related—and in many ways indistinguishable—is not to condemn the latter because of their association with the former. Nor is it to suggest a historical break between bad and good versions of liberalism. Rather, it is to recognize the way in which the political and moral history that is ours is necessarily mixed. Grotius could, on the one hand, devote his life to the promotion of peace where possible, humane warfare (where peace is impossible), the global rule of law, religious toleration, human freedom, and human rights. He could defend the sovereignty of East Indian peoples against Portuguese claims that such peoples were their "chattels," arguing that they were "free men possessed of full social and civil rights" (*De jure praedae* 226; Ch. 12), and insisting on their right to practice religion as they wished (514-17; 2.20.47-48). On the other hand, he could also passionately defend Dutch military adventurism, cynically attacking his own principles regarding freedom of the seas when it served the Dutch interest in capturing East Indian trade routes (see Knight, especially 137-49). In a similar fashion, Milton could devote his life to overthrowing a tyrannical king, carrying forward a popular revolution that represented the principles of quasi-egalitarian republicanism and freedom of worship, and pleading for civil liberties when that revolution began to turn back on its own principles, while at the same time implicitly condoning African slavery, passionately advocating the vicious suppression and imperial annexation of Ireland, and perhaps also supporting Cromwell's (failed) plan to take over Spanish colonies in the Caribbean by force.²⁰ We need not view Grotius's and Milton's mixture of political views as hypocrisy, or as the inevitable combination of the forward-looking and the backward looking, or as bizarre aberrations, compromising their more fundamental progressivism or radicalism. Rather, we should see these views as a complex response to the inescapably competing demands of various and conflicting visions of order and chaos, each with its own peculiar logic.

We are still living amidst the contradictions and incongruities of Grotius's and Milton's claims regarding sovereignty and globalism, claims we translate into their

²⁰ On Ireland, see Milton's *Observations on the Articles of Peace with the Irish Rebels* (1649) and Maley. As regards Cromwell's Western Design in the Caribbean, Milton's support is debatable. On the one hand, he was involved in most of Cromwell's foreign policy decisions in the 1650s, and it is possible to read the *Defensio Secunda* (1654) as straightforward praise for Cromwell. On the other hand, David Armitage (among others) has argued that the *Defensio Secunda* was less a panegyric than an admonition to Cromwell for both his foreign and domestic policy (214).

late modern forms. Or, one might say, we are still working out the theological, political, geographical, and moral consequences of seventeenth-century ways of bridging chaos. The notion of sovereignty we have inherited from the seventeenth century is one foundation of that powerful modern religion, international liberalism, a liberalism that asserts that one must avoid crossing boundaries and tolerate whatever sovereigns wish to do inside them. At the same time, we have inherited a theology of empire, with *its* moralism: the view that chaos needs our shaping hand; the repressed fear of Pandaemonium afar—a realm of devils who pose a threat to *our* sovereignty, since, after all, boundaries are always permeable and the devils may already live among us. In this tension between two intertwined theologies—moralist sovereignty and moralist globalism—lie the confusions of patriotic nationalism, which cannot decide between isolationism and bouts of imperialist excess, justified as the necessary means to protect “our way of life.” But here lie, too, the ambivalences of human rights: justice requires the transgression of sovereignty to protect those within; justice requires restraining the excesses that the transgression of sovereignty inevitably produces. Heaven and Pandaemonium, spheres of absolute good and absolute evil, have always offered a vision of a cosmos in which good and evil are clear and unmixed, as easy to distinguish as separate territories. The dream of the purity of these separate spheres is a dream not only of a world of clear geography and harmoniously uniform cultures but also of easy moral choices. But even Milton knew that Heaven and Pandaemonium are, on earth at least, hopelessly and forever intermingled.

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