

Benton, Lauren: *A Search for Sovereignty. Law and Geography in European Empires, 1400–1900*. Cambridge: Cambridge University Press 2009. ISBN: 978-0-521-88105-0; 340 S.

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We have all seen them. One large island and a smaller satellite, both red, hover just off the northwest coast of Europe. Australia, New Zealand and India are also uniformly shaded red, as are the northern half of North America, quite a few islands in the Caribbean, and large stretches of sub-Saharan Africa. Not so long ago, maps like these adorned the walls of schools and public buildings throughout the British Empire and Commonwealth, and they can still be found in books on what, at the height of its power, was the mightiest empire that the world had ever known. Invariably, the overall impression was — and no doubt to some people still is — one of unlimited authority over territory to which the British government claimed an undisputed right.

As is clear from *A Search for Sovereignty*, Lauren Benton's important new book about the legal geography of Europe's expansion, such an image is deeply misleading. Taking issue with what she calls „familiar and seductive narratives“ that exaggerate the ability of Britain and Europe's other powers to master colonial space (p. xii), Benton argues that the early modern European overseas empires were legally complex polities, where boundaries were porous, territorial jurisdictions were uneven, and the legal authority of European rulers was entangled with — and therefore dependent on — the laws and customs of their indigenous subjects. Whatever appeal it may have held during the later nineteenth and early twentieth centuries, the uniform imperial sovereignty so beloved by imperial officials and cartographers was (and is) usually „more myth than reality, more a story than politics [told] about their own power than a definite quality that they possess[ed]“ (p. 279).

Readers familiar with current scholarship on Europe's early modern expansion will find much to applaud in this thesis. In six dense, tightly argued chapters, Benton explores a series of „anomalous legal zones“ (p. 30) whe-

re the uneven nature of European imperial power was especially conspicuous: the estuaries and riverine regions that Europeans used to extend their authority into the landmasses of Africa, Asia and the Americas; the seas that European navies attempted (often with limited success) to keep clear of pirates; the island chains where Europeans created pockets of military law and penal servitude; and the mountainous, landlocked enclaves where indigenous peoples were usually most successful in resisting European encroachments. In each of these areas, the sovereignty of Europe's imperial powers coexisted with, and was often severely constrained by, the laws and customs of the people over whom they wielded supremacy. For that reason, the colonial jurisdictions that Europeans created also tended to be uneven and irregular, with ill-defined boundaries and entangled, overlapping institutions of control.

Given the depth of Benton's analysis, it is not possible in a review of this length to do more than touch on the book's main points. The chapter on mountainous enclaves struck me as especially important and original. Benton's argument about the maritime origins of Europe's expansion is also well worth bearing in mind and, as she notes at several places, represents an important corrective to imperial narratives that privilege territorial sovereignty over other forms of dominion. Yet another of the book's many strengths is Benton's exhaustive treatment of the secondary literature, both in the body of the text and in the notes. For an advanced undergraduate or graduate student compiling a reading list on the history of law and empire, it would be hard to imagine a better place to start.

Despite these strengths, there are several places where Benton might have expanded the argument a bit more fully. One involves the question of who, exactly, accepts the „familiar and seductive narratives“ of empire to which she refers in the preface and, using slightly different words, in the introduction (pp. xii and 9). Among historians of Europe's early modern expansion, it is widely accepted that the main powers wielded what Jack Greene has called a „negotiated authority.“¹ No historian today, as far as I am

¹ Jack P. Greene, *Negotiated Authorities. The Problem of*

aware, accepts the imperial maps of the late nineteenth century as accurate renderings of imperial power. Another question that the book seems to beg is how the movement of European settlers fits into Benton's analysis. For the most part, when Benton talks about empire and sovereignty, what she means is the fiduciary sovereignty of European rulers over non-European subjects; however, Europe also expanded through the outmigration of European settlers, who generally preferred not to govern indigenous peoples but to displace them — often with the assistance of non-European slaves, who also tended to be migrants — and who cared deeply about the territorial sovereignty that Benton cautions against. On this last point, it is worth noting James Belich's recent argument that „it was settlement, not empire, that had . . . staying power in the history of European expansion.“² This of course is a contentious point, with which Benton might well disagree. Still, by passing over the settler nations and empires that also proliferated during the period covered by her book, Benton leaves the reader wondering how that part of Europe's expansion affected the part that is her main concern.

If Benton leaves a stone or two unturned, *A Search for Sovereignty* is a book of the first importance. Although most readers will already be skeptical about the ideas of space and power depicted in the „standard, multi-colored maps“ of the great European empires (p. 3), Benton shows us in new and revealing ways why that skepticism is well-founded, and she does so with an erudition and intelligence that few historians today can match. For these reasons alone, her book seems likely to have a long shelf-life indeed.

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Governance in the Extended Polities of the Early Modern Atlantic World, in: *Negotiated Authorities. Essays in Colonial Political and Constitutional History*, Charlottesville 1994), pp. 1-24.

²James Belich, *Replenishing the Earth. The Settler Revolution and the Rise of the Anglo-World, 1783-1939*, Oxford 2009, p. 23.