Imagining World Order: International Law and Literature in Britain, 1876-1907

by

Evan Radeen

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
(English Language and Literature)
in the University of Michigan
2023

Doctoral Committee:

Professor Daniel Hack, Chair
Assistant Professor Hadji Bakara
Professor Don Herzog
Professor Adela Pinch

Evan Radeen

eradeen@umich.edu

ORCID iD: 0009-0002-3827-0295

Acknowledgements

I am happy to have the chance to thank all of the people who have contributed to the completion of this project.

First, I would like to express my gratitude to Daniel Hack, my dissertation director, for his guidance, generosity, and patience, as well as the example of his work. Thanks, Danny. I'm also glad to acknowledge my debt to all the teachers who have helped me along the way; I'm especially grateful for the advice of Hadji Bakara, Don Herzog, Scotti Parrish, Adela Pinch, Megan Sweeney, and Sarah Winter.

I would like to thank my friends and family for their help and encouragement over the years. Friends from home hopefully know who they are, but I'd like to specifically thank the Midwest contingent, as well as the rest of Mandy's competition. Thanks to Max for sticking with me. My family members, especially my parents, have been supportive at every turn.

And final thanks go to Lea and Neva—for absolutely everything.

Table of Contents

Abstract

This dissertation reconstructs the international legal imagination of late-nineteenth-century Britain. Traversing different registers of discourse—from novels and newspapers to legal treatises and conference proceedings—I show how writers and thinkers at the turn of the century imagined the systemic basis of, and thus imparted form to, inter-imperial relations. This chase for coherence was consequential, I argue, because it drew the politics of empire into a more continuous relationship with the liberal signposts of law and order. Anatomizing this conjunction, "Imagining World Order" thus proposes a theoretical and historical corrective to the tendency in transnational and postcolonial theory to treat the scene of British imperial rule as some sort of despotic state of exception or remnant of premodern barbarity. Against these binary schemes, which miss the intimacy between order and violence, this dissertation illuminates the narrative tactics that figured the world as an integrated if uneven totality.

Each chapter unfolds an imaginative commitment to transimperial equilibrium. My first chapter unpacks an explosion of mid-Victorian debates about the territorial parameters of sovereignty. Those parameters are thrown into relief by George Eliot's *Daniel Deronda*, a self-consciously globalizing novel that represents the "comity of nations" as the product of territorial integration. My second chapter reads the reports of Sir Travers Twiss, the British jurist who gave legal form to the colonial exploits of King Leopold II of Belgium, alongside the early imperial romances of H. Rider Haggard. Just as Twiss envisions the colonial sphere as a continuously legal space in which sovereignty can be packaged, sold, and distributed, so does

Haggard imagine the project of conquest in terms of an orderly series of exchange relationships. My third chapter takes the politics of international investment law as an interpretive framework for Joseph Conrad's *Nostromo*, which issues a full-throated dismissal of the rules of geopolitical economy, only to cynically insist on the inevitability of their institutional installment. My fourth chapter records the curiously extralegal, moralistic arguments that derailed the Second Hague Peace Conference of 1907, thereby earning the indignation of internationalists like H.G. Wells. His early essays and novels reflect this well-earned outrage, even as they also reproduce the moralism of the legalist paradigm, figuring its reform in terms of spiritual or cultural regeneration. Highly ambivalent, the discourse of law and order proves to be central to the violent arrival of the twentieth century.

Introduction

The final decades of the nineteenth century have typically been understood as the high tide of European expansionism, a dark, war-torn period that finally shattered any lingering fantasies of equipoise or progress. Spurred on by the increasingly global course of capitalist modernization, imperial actors and attitudes in these years were by all accounts newly unrestrained, an ungovernable and bloody-minded force that plunged the world into violent disarray. "In the imperialistic epoch," Hannah Arendt writes, "a philosophy of power became the philosophy of the elite, who quickly discovered and were quite ready to admit that the thirst for power could be quenched only through destruction" (144). Defiant of bourgeois self-interest and rationalized instruments of productivity, the new imperialism was nothing less than the death-driven conclusion to the long durée of colonial rule.[1]

This version of colonial history has been one of the major frames of reference for literary and cultural accounts of empire since at least the work of Patrick Brantlinger. In his pathbreaking *Rule of Darkness*, Brantlinger takes the brute facts of imperial aggrandizement and territorial domination as central to the story of late-Victorian cultural production, a veritable laboratory, he argues, for the articulation of "jingoists values" and "dogmatic, warmongering forms of social

[1] Eric Hobsbawm complements this narrative in his similarly influential study of the "age of empire." Like Arendt, Hobsbawm describes this late phase of colonialism as disorganizing and regressive, a basically primitive form of rule: "Within the colonial empires autocracy ruled, based on the combination of physical coercion and passive submission to a superiority so great as to appear unchallenging and therefore legitimate." *The Age of Empire, 1875-1914* (New York: Vintage, 1987), 82.

Darwinism" (33). There may have been an anxious underside to this aggression, which betrays for Brantlinger an almost melancholic concern about the inexorability of imperial demise, but that only fed back into the aggression, amplifying the need for power. "The militant imperialism of the late Victorian and Edwardian years," Brantlinger concludes, "thus represents a national (indeed international) cultural regression, a social atavism." "[N]oisy, racist, and self-conscious," imperial discourse fueled, and was fueled by, the violent unwinding of an era whose terminus in global conflict seemed, by the turn of the century, all but inevitable (33).[2]

More recent studies of the culture of late imperialism have tended to replicate the general outlines of this narrative, even as they have refined or amended it. When Jed Esty historicizes the "figure of stunted youth" in imperial fiction, for example, he does so by turning to Arendt and the "historiographical crisis" of the fin de siècle—or more aptly, "the fin du globe," the moment when the progressive idealism of the nineteenth century finally gave way to the "regressive logic of racialism, a biologized apotheosis of instrumental reason and social hierarchy" (22, 21). A similar historical spirit guides the work of Nathan Hensley, who situates his late-colonial archive in relation to the proliferation of mass violence and the unraveling of the fantasy of "perpetual peace" (199). For Hensley, in fact, the entire nineteenth-century history of empire must be understood as a ruinous parade of human cruelty, "extrajudicial killing as everyday life" (2). This

[2] For similar accounts of the period, see: Martin Green, *Dreams of Adventure, Deeds of Empire* (New York: Basic Books, 1979); Chris Bongie, *Exotic Memories: Literature, Colonialism, and the Fin de Siècle* (Palo Alto: Stanford University Press, 1991); Joseph Bristow, *Empire Boys: Adventures in a Man's World* (London: HarperCollins, 1991); Robert MacDonald, *The Language of Empire: Myths and Metaphors of Popular Imperialism, 1880-1918* (Manchester: Manchester University Press, 1994); and Stephen Arata, *Fictions of Loss in the Victorian Fin de Siècle* (Cambridge: Cambridge University Press, 1996).

It's also worth noting that Daniel Bivona reinforces these perspectives in a study that is ostensibly closer in topic to this dissertation: writing about the administration of empire, Bivona nevertheless cites Arendt in order to underline the ironies of late-Victorian bureaucratization, whose rationalized image was belied, he argues, by its aimlessness and will to power; for Bivona, the period is still defined by "those European powers" who "were not even capable of mastering their own desire of expansion." *British Imperial Literature, 1870-1940: Writing and the Administration of Empire* (Cambridge: Cambridge University Press, 1998), 22.

is the reality, he argues, "subtending the entirety of domestic life and therefore cultural production in the period" (6).[3]

"Imaging World Order" corrects these storylines by excavating one of the ground-level channels of imperial politics: the international legal imagination. My primary contention is that the climate of international legal thought around the turn of the century offers a powerfully reorienting set of parameters for conceptualizing the project of empire, allowing us to understand that project as coterminous with, rather than dialectically opposed to, the topologies of law and order. This argument hinges on the recognition of legal discourse, or what the legal historians Lauren Benton and Lisa Ford would call "law talk," as one of the primary mediums of global expansion, an authorizing framework for imperially organized networks and practices, which depended for their legitimacy on stamps of moral or normative approval. Focalized around various scenes of security—from jurisdictional distribution to claims of sovereignty to the safeguarding of global capital—"Imagining World Order" asks what it might mean to see the era of high imperialism through the sanitizing registers of law and legality. What might we learn about the period's wider fields of vision if we shifted our systems of explanation from the savage encroachment of violence to the quieter but no less terrorizing imposition of order?

This project sets out to answer those questions by analyzing the essays and fiction of four major late-Victorian and Edwardian writers: George Eliot, H. Rider Haggard, Joseph Conrad, and H.G. Wells. Each of these authors, I argue, rezoned the unruly landscapes of geopolitical experience in terms of the rationalizing forces of law, although they did so in remarkably divergent ways—sometimes in complicity with those forces, other times in protest or with

[3] For another, more recent study of the violence of the muscular imperialism of the fin de siècle, see also Bradley Deane, *Masculinity and the New Imperialism: Rewriting Manhood in British Popular Literature* (Cambridge: Cambridge University Press, 2014).

ambivalence. Even as their attitudes and the objects of their aesthetic pursuits differed, however, they all shared the tendency to harness the overheated terrains of the colonial realm to the exigencies of legal governance. In effect, they mobilized the discourse of international law as a cosmology, a way of gathering the convulsions of their globalizing world into systematized coherence. These were complicated strategies of containment, though, since they were also ideologically disruptive, a challenge to the dualistic precepts of imperial thought, with its racist-civilizational distinctions between metropole and colony, center and margin—the latter always historically immobile, despotic, even lawless. This is part of what makes these texts revealing as objects of investigation: textual conduits for the transmission of newly emergent ideas about global security, they gave form to universalizing energies that were both counterposed to the imperial imaginary and, by the same token, extensions of it.

It's not exactly obvious, though, why the law would have been the discourse at the center of these complex cultural productions. Indeed, international law couldn't have been more removed from literary venues by the turn of the century, which witnessed the consolidation of the international legal discipline and, with it, the triumph of technical professionalism. Driven in large part by disciplinary ambition, international lawyers understood themselves as scientific specialists whose primary goal was the forensic elaboration of doctrinal meaning. It is partially for this reason that Christopher Warren, one of the few literary scholars to study the nexus between international law and literature, locates his work in the early modern period, "before the law of nations in general became too professionalized for…rich engagements with literary forms." "In its broadest outlines," Warren writes, "the story of literature and the law of nations in

the eighteenth century"—when Jeremy Bentham inaugurated the formalization of the discipline—"is one of bifurcation" (21).[4]

But we might wonder about the accuracy or plausibility of this story, both in terms of its historiographical assumptions and the way it figures the relationship between legal authority and literary practice. For the first point we can call upon the legal scholar David Kennedy, who wonders whether the image of the nineteenth-century international lawyer as narrow-minded agent of professional concern might be a sort of "retrospective fantasy," a comforting and self-reassuring story about the "stuffy" legalism of "the bad old nineteenth century" (103). In fact, as Kennedy explains, "it does not seem that nineteenth century international lawyers experienced themselves as formalist—quite the contrary. The new profession of public international law was self-consciously 'modern' for its day, flexible and innovative in its reasoning, deferential to state power but cosmopolitan in its ambition" (134). Yet even if we accept the standard historical view of the profession—as an increasingly institutionalized silo of technical competence—it's not clear why that competence would cordon the law off from narrative forms like the novel. It's true that the relationship between the two probably couldn't be characterized as reciprocal or mutually constitutive: you won't find jurists quoting Eliot, or vice versa, in the pages that follow. But tracking causal lines of exchange hardly exhausts the possibilities of affiliation. If law and literature speak to one another in this context, it's through their mutual interest in the ideologically productive question of how to organize imperial life in terms of a subjection to a single nomos, a normative universe of rational calculation and deliberative procedure.

[4] This story has been confirmed by Jennifer Pitts, who cites Warren in explaining the periodization of her own work. "As a study of law of nations discourse and its imperial entanglements," she writes "[her] book focuses primarily on authors of the two major imperial powers of the period, Britain and France, where, until the consolidation of international law as an academic discipline in the second half of the nineteenth century, the law of nations was a language and framework for political argument used broadly in public debate and works of political thought." *Boundaries of the International: Law and Empire* (Cambridge: Harvard University Press, 2018), 2.

This argument rests partly on a formal claim about these discursive regimes—law and literature—which might be said to perform their cultural work by asserting meaningful order over social relations. In this regard my project is happy to share its basic intuitions with the ones animating the work of Joseph Slaughter, who takes the narrative functions of the Bildungsroman to overlap with human rights legislation to the extent that they both "constitute and regulate, imagine and test, kinds of subjects, subjectivities, and social formations" (8). I proceed along similarly homological lines most clearly in the first chapter, where we'll see Eliot working through questions of national belonging in spatial registers that "cooperate," as Slaughter might say, with the territorial logic of the law's sovereignty concepts. Yet, even as my work is in this sense indebted to Slaughter's formalist procedures, it also represents an historicized departure from them, an attempt to think in more local and concrete terms about the way different literary productions grappled openly and explicitly with the universalizing rhetoric of legal rule. International law may have been retreating from the realm of public debate, but its will to order still radiated out across cultural modernity, as we'll see, providing an urgently needed framework for managing the intensities of imperial politics.

In terms of its methodology, then, this study is perhaps most comfortably situated alongside recent work in the field of law and literature that connects those discourses on historical or epistemological levels, linking them through their shared place within broader cultural paradigms. Here we might think of the work of Ayelet Ben-Yishai, who sees law and literature in nineteenth-century Britain as interrelated efforts to manage the effects of social change through the protocols of precedential reasoning. "In this way," Ben-Yishai explains, "[her work] is neither about 'law' and 'literature,' nor about the relationship between them, but calls upon both to provide a cultural history of precedent and the intricate ways in which it

facilitates a commonality through time" (4). Ben-Yishai aligns her approach with the one developed by Bradin Cormack, whose study of the early modern history of jurisdiction is similarly geared toward the creation of what he calls "legal-cultural meaning." Here, too, literary works are "continuous" with legal forms: "at once by-products, vivid supports, and dialectical partners of the political in formation" (43). My analysis retains the premise of these interpretive methods, placing international law and literature beside one another as discrete but proximal styles of thought, ones which are intimately conversant with the scale and meaning of global rule.

We can start to flesh out this framework by turning to one of the paradigmatic legal events of the fin de siècle: the Berlin West Africa Conference of 1884-1885. A watershed moment in the history of empire, the conference featured a range of juristic arguments about the form and function of imperial sovereignty, establishing the legal basis of the so-called Scramble for Africa. One of the more prominent voices in this administrative chorus belonged to Sir Travers Twiss, an eminent British jurist who would provide the legal justification for the International Association of the Congo (IAC), a private association backed by King Leopold II of Belgium. Deploying the rhetoric of humanitarianism, Twiss defended the IAC as a philanthropic endeavor that had legitimately won international standing by conducting treaty negotiations with African leaders, who had allegedly signed their territorial rights over to Leopold in exchange for political guardianship. Insisting on the validity of these negotiations, which cut against commonly held assumptions about the legal incompetency of non-Europeans, Twiss effectively recast the colonial realm as modern and bureaucratized, a continuously legal space in which sovereignty could be packaged, litigated, and distributed. Authorized to govern by the universally obligatory nature of law, the IAC could only be denied standing, Twiss

concluded, on dubiously political grounds: "It is, therefore, evident that the obstacles which the establishment of the International Association upon the Upper Congo might meet with from European powers are not to be found in the fact that they are in contravention of any law of nations" (508).

I argue in the second chapter that Haggard's early romances, *King Solomon's Mines* (1885) and *She: A History of Adventure* (1886), can best be understood against the backdrop of this story of global transformation. While these novels have typically been read as straightforward apologies for the national-imperial mission and its racialized dynamics of difference, my contention is that they actually subscribe to the compelling but occlusive legal principles of equality, reciprocity, and humanitarian concern. In effect, they pin their imperial agendas to the stabilizing structures of law, advocating for the procedural universalism that jurists like Twiss would bring to the project of the new imperialism. This isn't to say that the novels derive in any simple sense from the legal theaters of the Berlin Conference; we don't know if Haggard read Twiss or was familiar with "the Congo question," as contemporaries referred to it. Rather, the point is that the jurisprudential context can help to illuminate the binding link that Haggard forges between law and empire, restoring to view his persistent fixation with the vocabularies and concepts of international legal thought.

That imperialists like Haggard would have been eager to accommodate their political outlook to the rationality and legitimacy of an international rule of law is probably not surprising. Indeed, it has long been an article of faith within imperial historiography and colonial studies that the Victorian Empire depended for its viability on rationalized forms of bureaucratic management, which only reinforced liberal political ideologies of self-mastery and disinterested judgment. This Weberian sense of the politics and culture of imperialism can be traced back to

the foundational work of scholars like Bernard Cohn, who locates British power "in the gradual extension of 'officializing' procedures that established and extended [its] capacity in many areas." Key to colonial governmentality, this process facilitated the development of "investigative modalities," defined by Cohn as "the definition of a body of information that is needed, the procedures by which appropriate knowledge is gathered, its order and classification, and then how its transformed into usable forms such as published reports, statistical returns, histories, gazetteers, legal codes, and encyclopedias" (2, 5). Identifying the institutions of knowledge production as central to the project of colonial regulation, Cohn clearly anticipates the methodological imperatives of Saidian discourse analysis, which names imperialism as an ever-expanding disciplinary force, an epistemic domain whose primary effects are regulatory. "At some very basic level," Said writes in *Culture and Imperialism*, "imperialism means thinking about, settling on, controlling land that you do not possess" (7).[5]

While this dissertation remains responsive to these modes of postcolonial inquiry, it also makes the case for a wider analytic and historical approach, one which finds imperial discipline sublimating into the broader and seemingly more neutral discourse of global governance. To be sure, scholars have revisited and revised the tightly delimited frames of postcolonial critique over the years, contesting them as insufficiently attentive to the international conditions of imperial authority.[6] Still, the conventional sense of empire as a system of nonreciprocity between

[5] For some other early postcolonial theory and criticism that fits within the broadly Foucauldian constellation being mapped here, see: Nicholas B. Dirks, *The Hollow Crown* (Cambridge: Cambridge University Press, 1987); Gauri Viswanathan, *Masks of Conquest: Literary Study and British Rule in India* (New York: Columbia University Press, 1989); Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (New York: Routledge, 1992); David Scott, *Formations of Ritual: Colonial and Anthropological Discourses on the Sinhala Yaktovil* (Minneapolis: University of Minnesota Press, 1994); and Ann Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995).

[6] Cf. Anne McClintock's framing in *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge, 1995): "I wish to emphasize from the outset, however, that I do not regard imperialism as an

colonizer and colonized—a system in which the former unilaterally imposes laws or rules on the latter, licensing their involuntary subjection to power—continues to shape our understanding of the scene of colonial rule. In her recent study of the colonial laws of disaffection, for instance, Tanya Agathocleous figures those laws in terms of the state of exception, as exclusionary forces that shuttled colonial subjects "from political to bare life, outside the boundaries of citizenship." "To be disaffected was not just to be disloyal but to be profane or, to use a properly imperial expression, beyond the pale" (26, 25). Zachary Samalin reaches similar conclusions about the governing strategies of the Empire, which leveraged the rhetoric of disgust, he argues, as a technology for policing racial difference and upholding the "sweeping narrative matrices of civilizational ideology" (242). It's true that neither of these accounts sees the legal or bureaucratic transmission of power as monolithic or seamless, and both are interested in locating the surfaces of that transmission along affective-rhetorical lines that have historically been overlooked in colonial studies. Even so, they reconstruct familiar scenes of imperial domination, in which the dissemination of legalistic or modern discourses effectively marks the borders between metropole and colony, neatly cleaving the "counted from the discounted, the vulnerable from the protected" (Hensley 5).

By contrast, I argue throughout this project that the trouble arises when those borders dissolve—when the forms and forces of law take on nearly limitless contours, entering zones of circulation that make them everywhere available as political resources, regardless of the national or cultural scripts that might dictate otherwise. Within this juridical cosmology, as the legal scholar Nasser Hussain writes, "we are to read the colonial as an iteration of the modern" (7). The reasons for this imperative receive expression not only in novels like *King Solomon's Mines*,

inherently British power that impelled itself outward from a European center to subjugate the peripheral territories of "the Other" (16).

where Haggard promotes the law's increasingly global breadth of accessibility, but also within the pages of *Nostromo,* where Conrad more cynically captures the legal webs that ensnare postcolonial states within the transnational flows of global capital. Here, relations of dependence and domination are again paradoxically contingent on the spread of legal relations, which preserve the uneven arrangements of imperial globalization by eliding them.

By recasting these novels in terms of their commitment to or understanding of the expansive designs of international law, "Imagining World Order" seeks also to contribute to the critical idioms that scholars have used in describing the imperial structures that exceeded the horizons of formal empire. In general, these idioms have captured the tensions and imbalances produced by the extraterritorial geographies of informal imperialism, those forms of rule that emerged, as Sukanya Banerjee writes, "beneath, above, and beyond the nation," often with the globalized networks serving private or multinational interests (926).[7] This is empire in its most modern or neocolonial forms, understood through the proliferation of market relations and commercial services—banking, shipping, finance, insurance—as well as the geopolitical rivalries that are instigated by them. And while liberal imperial ideology might cast these arrangements as self-regulating ones that set the conditions for law and order, it turns out that the opposite is true, that the political economy of informal empire is itself in need of litigation, of a way of authorizing its claims without the administrative or jurisdictional powers of the state. "Imagining World Order" thus contributes to the study of informal empire by turning to the legal institutions

[7] For recent work on informal empire within literary studies, see: Robert Aguirre, *Informal Empire: Mexico and Central America in Victorian Culture* (Minneapolis: University of Minnesota Press, 2005); Cannon Schmitt, *Darwin and the Memory of the Human: Evolution, Savages, and South America* (Cambridge: Cambridge University Press, 2007); Ayşe Çelikkol, *Romances of Free Trade: British Literature, Laissez-Faire, and the Global Nineteenth Century* (Oxford: Oxford University Press, 2011); Ross Forman, *China and the Victorian Imagination: Empires Entwined* (Cambridge: Cambridge University. Press, 2016); and Jessie Reeder, *The Forms of Informal Empire: Britain, Latin America, and Nineteenth-Century Literature* (Baltimore: Johns Hopkins University Press, 2020).

and ideologies that abetted it, furnishing its operations with resources of explanation and validation.

And yet, if this intervention again confirms the intimacy between law and violence, one of the final implications of "Imagining World Order" concerns the possibility of their separation —the possibility that law and legality might be made to bend away from, and perhaps even constrain, the repressive mechanisms of exploitation and extraction. This is the conceptual reorientation undertaken in the last two chapters, which try to understand the law as a contested and multivalent set of practices and concepts, ones which have the capacity to receive their content from different domains of authority, political or ethical. Here we'll witness the counter-paradigmatic deployment of the law as an instrument for postcolonial independence or the social internationalist cause of perpetual peace. In either case, though, we'll also witness the ways in which these legal alternatives become effectively unreachable for writers like Conrad and Wells, who entertain those alternatives only to eventually turn away from them, reproducing the very orthodoxies that they decry. In this way, "Imagining World Order" also finally traces the divergences between law and literature, though not of course in order to "cast the relationship as some version of that between law and life, rule and exception, legal formalism and a more ample justice" (Cormack 2). Quite the contrary: this is an antagonism that resolves into complacency, an historically determined ambivalence that enables a limited field of social possibilities.

Each chapter of "Imagining World Order" analyzes signal developments in legal and literary practice during the late nineteenth and early twentieth centuries. The first chapter considers the mid-Victorian explosion of legal arguments about the concept of sovereign statehood. In particular, it focuses on the personalized terms in which jurists discussed the state, inquiring into their tendency to treat this abstract body as concrete and volitional—i.e., as a

person. Drawing on recent work in international legal theory, the chapter understands the state-individual analogy as an ideologically forceful device that linked the state to a model of personhood predicated on the right to property—or in the case of international relations, territory. I claim that thinking about George Eliot's *Daniel Deronda* in relation to these logics challenges the critical consensus on the novel's political program, shifting our perspective from Eliot's racialist arguments about the nation to her legalistic ones about state formation: a project that she envisions in strictly geographic terms, as a territorially acquisitive effort that can help to order the international legal landscape.

The second chapter unpacks Twiss's arguments in support of the IAC by examining his defense not only of the validity of native treaties but also the governing rights of private or non-national organizations, which had historically been denied international standing by the law of nations. I show in each case how these arguments effectively employed the politics of recognition or assimilation to expand the scope of the law, whose newly extended reach would entrench rather than impede the violence of European-African relations. The chapter then turns to Haggard and shows how his novels align with both sides of Twiss's arguments, lending credence to his contractual image of colonial relations, as well as the notion that sovereignty could and indeed should be signed over to neutral parties like the IAC.

The third chapter draws the extraterritorial operations of international investment law into conversation with Conrad's *Nostromo*—a novel that explicitly engages juridical tropes in its dim assessment of capitalist modernity. I acknowledge, on the one hand, the value of this critical engagement, showing how the novel rightfully protests the transnational activities of the law, which consistently alibied the depredations of global capital. Yet I also argue that this skeptical understanding of legal authority, while justified, works in misleadingly absolute terms, casting

the law as fatally complicit, and perhaps even identical, with the operation of power. The result is that the novel anathematizes a form of anticolonial legalism very much alive at the turn of the century, when third-world thinkers started appropriating the principles of international law to critical and egalitarian ends—to mitigate the global hierarchies that those principles had typically supported.

The fourth chapter measures the reaction to these tactics of resistance by turning to early debates about the laws of war. Here, jurists abandoned their recently appropriated language by adopting an anti-formalistic register: rather than argue about issues of procedure, they wrote about the need to inaugurate an ethical international mindset, a communal sense of fidelity not only to the rules of armed conflict but also to the broader codes governing what they called the "family of nations." The chapter sets this reaction formation against the work of H.G. Wells, who frequently complained about the myopic complacency of the international legal establishment. Unlike Conrad, though, Wells also felt that extranational institutions could serve progressive causes—but only once a moral consensus had been established among states. For all his critical perspicuity, then, Wells reproduced the new premises of the legalist paradigm, resorting to the very ideological demands—for cultivation and cohesion—that would prevent the progress he putatively desired.

Chapter 1

Neutral Ground: Statehood and Settlement in *Daniel Deronda*

The most dramatic episode of *Daniel Deronda* (1876) takes two of its characters out to sea. Floating across the Mediterranean "on a gentle breeze," Gwendolen Harleth finds herself consumed with "plans of evil," her mind playing out revenge fantasies in which she kills her husband, Henleigh Grandcourt, finally exacting retribution for his brutal act of marital conquest (681). To her dismay, the object of this fantasy suddenly takes on an agency of its own, moving from the self-conscious depths of her interiority to the world outside: hitting the water as his boat capsizes, Grandcourt drowns helplessly in front of his wife, who can only fumble for the rope that she never ends up throwing to him. The weird congruence between thoughts and actions then throws her into an ostensibly deluded panic about the question of her culpability, of whether her fantasies can now be counted as crimes. As she says to Daniel, her confessor, "You know I am a guilty woman" (689).

I begin with this episode because it tends to attract the attention of critics who are interested in the legal entailments of *Daniel Deronda*. In arguing about the novel's connection to nineteenth-century theories of criminal intention, for instance, Lisa Rodensky lingers over Gwendolen's claims about the omnipotence of her mind, showing how Eliot takes these claims seriously, even as she finally upholds the line between intentions and actions by emphasizing Gwendolen's innocence. For Simon During, meanwhile, the episode crystallizes Eliot's interest in the idea of monomania, or "motiveless" action, where agency floats free from agents,

frustrating any easy account of guilt or responsibility. It's been less remarked, however, that Grandcourt's fall into the Mediterranean might also have jurisdictional resonances as an event that indexes the territorial limits of law. Indeed, the ambiguity of this narrative stretch, which never finally discloses, as Rodensky says, "the truth of what actually happened on the yacht," might be said to begin with the setting and the sea itself: a space that fractures the production of normative meaning across potentially competing jurisdictional orders (161). Hence the confusion of the political geography of the Italian shoreline, where Daniel encounters the "clamorous talk of various languages," a jumble of conflicting attempts to provide the authoritative account of the "woman apparently snatched from the waters" (685).

The jurisdictional difficulties of the sea would not have been unfamiliar to Victorian readers in 1876, a year in which the international law of territorial waters turned into something of a national concern in Britain, as the state attempted—and ultimately failed—to extend its power over English coastal waters. Generating widespread concern about the fragility of the nation's legal authority, the year-long drama produced several different jurisprudential controversies, throwing up questions not only about the territorial thresholds of sovereign power but also about the basic protocols for international rulemaking. In effect, legal commentators turned the quarrel over jurisdiction into a kind of referendum on the foundation for and viability of the so-called international legal system.

This chapter anatomizes that referendum in some detail in order to get to its conceptual core—which is to say that the spatial limit of the sea is only a point of departure for us, a way into an overlapping set of ideas about the nature of sovereignty and indeed the state itself. In fact, I argue, the debate over the law of territorial waters foundered on a field of unexamined assumptions about the nominalist abstraction of the state, which was taken as a self-evidently

intentional actor who could authorize international rules by consenting to them. Positing this vision of the commonwealth—as concrete, autonomous, volitional—as the source of the law's destabilization, the chapter asks in turn about the place and currency of that vision within the broader international legal imaginary. What were the dimensions of meaning that animated the idea of the statesperson, and how was that idea formalized as an operative fact of law?

My primary aim in what follows is to constellate the answers to these questions as interpretive pathways into *Deronda,* ones which can encompass topics that are typically studied separately in the criticism on the novel. On one level, we will see that Eliot's engagement with law and statecraft, the latter of which often gets subsumed either under her ethno-nationalism or her cosmopolitanism, needs to also be understood in relation to the territorial structures of international legal subjectivity, a proprietary category that, I show, underwrites the state-forming efforts of Mordecai et al. But we will also see how these topical or thematic connections to international legal agency fold into other, more formal ones. Here the analysis will find the conceptual ingredients necessary to the very construction of sovereign will within the seemingly disparate experiments that Eliot conducts with the mimetic conventions of the theater, which has indeed suggested itself to political theorists (starting most famously with Hobbes) as an analogue for the representational workings of the body politic. Together, these different strands of my argument thus ask for an unusually wide view of the legal and literary force of the novel. It requires some quick shifting, but then again Eliot "meant everything in the book to be related to everything else there" (qtd. in Haight 290).

1. The Case of the *Franconia*

Late in the afternoon on February 17, 1876, just one week before *Daniel Deronda*'s first installment appeared in print, two steamships collided in the English Channel, less than two miles off the Dover Coast. One of them, an English passenger ship en route to the West Indies, almost immediately started to sink, its stern having been shattered by the impact of the collision; less than an hour later, it was fully submerged. Only half of the eighty-two passengers on board survived. The incident was followed by two different inquests, the first of which aimed to determine whether or to what extent the pilot of the other boat could be held legally responsible for the accident, which could have been the result either of an errant but innocent judgement or grossly negligent command. After five days of expert testimony, the jury found that the evidence demonstrated negligence, ruling that the pilot of the *Franconia*, Captain Ferdinand Keyn, had been needlessly "reckless" in his navigational decisions and that he was therefore subject to the charge of involuntary manslaughter.

Eventually, the case was brought before the Court for Crown Cases Reserved at Westminster, where the guilty verdict would get overturned by a narrow seven-to-six margin—not, however, on the grounds that Keyn was actually innocent but rather because of a lack of precedent for these peculiar circumstances. The challenge turned on the question of criminal jurisdiction, "the right of an English court to try a foreigner for an offence committed on the high seas, but within British territorial waters, which, at this time, were taken to extend three miles out to sea" (Simpson 231). The difficulty was that Keyn was a German citizen in charge of a German vessel, and while he had potentially committed a crime in British territory, he had done so while heading away from port, as a mostly well-intentioned transient who evidently had not planned on inflicting harm or damaging property. Taken together, these facts essentially made irrelevant the

jurisdiction over territorial waters, which had historically been invoked only to legitimate defense against attack or preserve revenue. Still, despite what was finally a relatively straightforward ruling, the law report for *Regina vs. Keyn* would amount to the size of a "substantial book," testifying to an "extraordinary display of recondite legal learning, a sort of orgy of doctrinalism." "There really never had been an earlier English decision quite like it," as one legal scholar has observed, "and there has never been a rival since" (Simpson 241).

This was so because, as both the majority and dissenting opinions would make clear, the questions at issue in the case were not simply precedential ones about the parameters of criminal jurisdiction. Indeed, in the eyes of Chief Justice Lord Alexander Cockburn, the author of the majority, the real problem was the validity of the law itself. On his skeptical view, in fact, the international rules governing territorial waters were meaningless within English criminal courts, since these rules had not been officially codified or endorsed by Parliament. International laws could only count as laws, he insisted, once the state had translated them into domestic statutes. If this principle of translation impoverished the very idea of an autonomous international legal order, that seemed to be the point for Cockburn, who leavened his closing paragraphs with an outright assault on the discipline of international law: "Writers on international law," he declared, "however valuable their labors may be in elucidating and ascertaining the principles and rules of law, cannot make the law" (202).

Ironically, though, the writers to which Cockburn referred would probably not have disagreed with him. Just as he advocated for concrete laws that reflected the will of the state, so too did jurists define the law in positivistic and consensual terms, as a body of rules that could be observed through the conventional procedures of interstate diplomacy. As Henry Wheaton explained in the preface to his *Elements of International Law* (1836), the task for the jurist was

not to interpret—much less invent—the laws between nations but rather to render those laws visible through processes of deduction and observation. *Elements* thus constituted an attempt, Wheaton wrote, "to collect the rules and principles which govern, or are supposed to govern, the conduct of States, in their mutual intercourse in peace and in war, and which have therefore received the name of International Law." Whatever the difference between Wheaton and Cockburn, then, they seemed to share the conviction that laws only acquired validity after states had agreed to them. In this sense, and despite Cockburn's claims to the contrary, the principal issue raised by *Keyn* was really a formal one about how the state could be said to signal its intent to follow the law.

For his part, Cockburn felt that the laws governing territorial waters lacked clarity and continuity without domestic legal basis. "To those who assert that, to the extent of three miles from the coast, the sea forms part of the realm of England," he wrote, "the question may well be put, when did it become so? Was it so from the beginning? It certainly was not deemed to be so as to a three-mile zone, any more than as to the rest of the high seas, at the time the statutes of Richard II were passed" (194). Accepting the confusion performed by those rhetorical questions only follows of course if we also accept the tightly delimited premise that law can only be derived from textual codifiers like statutes. Sensing the tautology, Cockburn thus located the true value of the statute in its ability to crystallize the intentions of the state. "The outward manifestation of the national will," statutory measures had to act as the decisive criterion for determining international law, at least as long as its validity depended on the approval of the state (207). Yet this argument begged its own questions, since Cockburn never explained why domestic law, as opposed to interstate diplomacy, should function as the most indisputable sign of sovereign intent. In effect, without an explanation of the link between signal and intention, it

seemed like the two were not just inseparable but indeed indistinguishable, that the "outward" display of legislation was not indicative of a state's aims but entirely constitutive of them. The opinion would thus be unavoidably circular: intent could only be gleaned through its outward manifestations, and these manifestations codified the law because they demonstrated intent.

International jurists would tie themselves into similarly challenging knots. Writing nearly a decade after the *Keyn* decision, Henry Sumner Maine responded to Cockburn's opinion directly in his *International Law* (1888), a series of posthumously published lectures that he had originally delivered as the Whewell Chair of International Law at Cambridge. Somewhat sympathetic to Cockburn's dualistic jurisprudence, "which [was] one," he admitted, "to which English judges, always busily occupied in interpreting and applying the law of this country, [were] naturally minded," Maine objected to the principle of translation not on substantive or theoretical grounds but rather for the sake of expediency—because the principle would have proven too inconvenient for lawmaking at the international level. "In that case [the case of translation]," Maine wrote, "each separate alleged rule of International Law would have had to be shown to have been engrafted on our legal system of Parliament, by the alternative legislation, within certain limits, of the English Courts..." "For a simple rule," he thankfully concluded, "a most complicated rule would have been substituted" (44). The point was that any explicit declaration of consent was unnecessary because redundant. States already consented to the laws between nations, Maine argued, simply by virtue of their active participation in international society, whose rules they naturally and automatically obeyed; their behavior in this realm rendered their intent obvious. As this brief explication has hopefully made clear, though, Maine refuted Cockburn's argument by mirroring it: swapping observable behavior for municipal legislation, Maine reproduced the formal logics of the Cockburn decision, resting his argument

on another external manifestation of sovereign will. The debate about state consent would therefore remain an insoluble one, with each side arguing for its own version of the same interpretive principle, thereby avoiding any meaningful exchange about what consent could mean, whether it might be known at all, independently of the ways it could be signified or expressed.

In some obvious respects, the problems here are the basic epistemological problems posed by any argument about intentionality, an internal condition that can never not be mediated.[8] But I think it would also be fair to say that this conceptual confusion hardens into something more obtrusive and difficult in this context, when the willful organism in question is the corporate body of the state, a body whose mindfulness can only ever be understood in metaphorical terms. Paralleling and exacerbating the uncertainty about the form consensual participation should take, in other words, was a sort of ontological difficulty about the very agents of participation. I raise this point not to invalidate the state-individual analogy as dubious metaphysics but rather to ask about its role within the field of international legal thought: considering the difficulty of treating vast social bodies as mindful people, why would the law turn on theories of consensual agreement that required its collective subjects to possess and project intentions?

One could of course answer this question on disciplinary or technical grounds, noting that the tendency to speak of collective bodies as people with mental attributes is simply a conventionality for lawyers and judges, "a means to a practical end," as Lisa Siraganian says of

[8] Cf. Jonathan Kramnick's discussion of classic liberal theory and consensual politics: "in order to know whether someone has consented, one must understand what someone is thinking, and in order to get a sense of what someone is thinking, one needs to examine what someone is doing. Once thoughts move into actions, they become prat of the world of objects and events." *Actions and Objects from Hobbes to Richardson* (Palo Alto: Stanford University Press, 2010): 169.

"corporate personification" (116). I will have more to say about disciplinary procedure later in the chapter, but for now I just want to observe that if we restrict our understanding of the state-individual analogy to the hermetic routines of legal argument, we miss the participation of that analogy in larger fields of social formation. Here I want to follow international legal scholars like China Miéville and Rose Parfitt, who understand the law's personifying operations in terms of the paradigmatic link between personhood and possession, where having subjectivity means acting not only as the proprietor of one's person and capacities but as the owner of property. "The fundamental subjects of international law are sovereign states," writes Miéville, "which face each other as property owners, each with sole proprietary ownership over their own territory, just as legal subjects in domestic law face each other as owners of commodities" (291-2). It's for this reason that Parfitt suggests that the relationship between individual and international legal subjectivity is actually less analogical than material, a function of an aggressive regime of accumulation and control.[9]

All of this might seem a world away from the case of the *Franconia*. We can begin to establish the connection, though, by recalling that while the case would ultimately founder on discussions of contract and consent, it began with the jurisdictional issue of whether the British state had the right to extend its legal authority into coastal waters. And we can note, too, that this was the issue that would capture the attention of the public, which reacted to the Cockburn opinion with anxious if not panicked commentary on the newly tightened geographic confines of the state. An opinion piece in the *Times*, for instance, sounded an alarm about the position of vulnerability that the Court had potentially forced the "Englishman" into by circumscribing Britain's jurisdictional power: "It is at least noteworthy that if the judgment in the Franconia case

[9] See Parfitt's *The Process of International Legal Reproduction*: *Inequality, Historiography, Resistance* (Cambridge: Cambridge University Press, 2019).

is right a foreigner passing our shores might deliberately take a pot shot at an Englishman on shore and kill him without being liable to our jurisdiction" ("The Franconia Case"). Similarly, if somewhat less dramatically, a leader in a Scottish paper that same week (the week that the Court finally quashed the guilty verdict) expressed concern about what the curtailment of marine sovereignty would mean for the perceived order of "the high seas," worrying that they "will be looked upon as beyond all jurisdiction, so that persons bringing about collisions through culpable recklessness will virtually be amenable to no law" ("The Case of the Franconia"). From these perspectives, the scandal of *Keyn* inhered in its failure to deliver on the territorial promises that may have been produced, or at least abetted, by the logic of international legal subjectivity.

The next section teases this logic out of *Deronda*, where the prospect of state formation gets explicitly and exclusively premised on the legalized settlement of land. We will see, first, how the novel presses toward zoned, territorialized forms of order and orientation, and then how those forms are marked out for the state not only as politically necessary but also as lawful, coextensive with some sense of international legal justice. Clarifying Eliot's political program, this discussion will eventually lead back to the ontological perplexities of statehood—a corporate form of association that turns out to be quite resistant to spatial analogies.

2. Neutral Ground

Eliot offers up the project of Jewish state-building in her last novel as an alternative to the shallowness of English politics and the dislocations of global modernity. Based on the identity-grounding value of racial solidarity, the project has nevertheless struck some influential critics as amenable to a kind of liberal-progressive cosmopolitanism, with its countervailing emphasis on dialogue, openness, self-critique, and reason. Foremost among these voices is Amanda Anderson, who makes her case by distinguishing between the different versions of nationalism

within the novel: if Mordecai advocates troubling ideas about the primacy of blood and race, reproducing a collectivist-romantic model of nationality, Daniel explicitly rejects this model, Anderson argues, selecting instead a universalist civic one that welcomes—indeed depends upon—detachment and debate. Eliot ultimately goes some way, Anderson says, "toward balancing the claims of the particular against those of the universal," and vice versa (41).

Yet, even if the reconstructed nationalism that Daniel pursues could oppose chauvinistic politics, the novel holds out a policy of state-building, and therefore boundary-drawing, not radical inclusiveness. As Suzanne Graver writes, "for all the talk of Jewish separateness leading ultimately to world community, Deronda's task is the forging of an individual nation. The inevitable result is nationalism—analogous in the public realm to self-serving individualism in private life" (242). Indeed, however careful Daniel might be to pull up from Mordecai's ethnic nationalism—and he is noticeably careful, as Anderson and others have pointed out, emphasizing his desire to not, as he says to Kalonymos, "believe exactly as my fathers have believed" (725)—he finally intends to fulfill at least part of Mordecai's vision by helping to found a state for the Jewish people in Palestine. He says as much to Gwendolen, whose Englishness disqualifies her from joining the movement, at the end of the novel: "The idea that I am possessed with is that of restoring a political existence to my people, making them a nation again, giving them a national center, such as the English have, though they too are scattered over the face of the globe" (803). If it's important, for Daniel as for critics like Anderson, that he has reached such a decision by constantly questioning and reassessing his cultural inheritance, by insisting on his right to choose, what he ends up choosing—the materialization of cultural difference in the form of statehood—should not be overlooked or underestimated either. As he articulates it here, the task in front of him is in a fundamental sense anti-cosmopolitan: the idea is to organize—by

territorializing—the national collective into a centralized state, one that will pave the way for cultural repair.

That the novel might falter, or simply be uninterested, in reconciling the parochial interests of the ethnically homogeneous nation-state with more global claims has of course not gone unnoticed by critics, even or especially by those writing after Anderson.[10] James Buzard, for one, stresses the novel's investment in ethnic inheritance and the fortifying power of blood and habit, neither of which Daniel will be able to exercise any choice over. "What Daniel teaches Gwendolen and the other English," he explains, "is that one need not have had any direct experience of the culture proper to one's ethnicity (as Gwendolen has not) so long as the culture is somehow held in trust, preserved in the collective memory of the race, until the moment one decides to begin learning how to act like what one is" (296). This view of Eliot as a committed racial nationalist resonates with the earlier arguments of Bernard Semmel, who suggests that almost all of Eliot's late career reflects her faith in the "morally overriding compulsions of blood and race" (112). Both accounts thus emphasize the anti-cosmopolitan currents of Eliot's nationalist thinking by pointing to her crude racialism, which functions in *Deronda* as "the one 'secure' determinant of national identity," as Buzard puts it (297n24). But if Eliot advocates for what David Kurnick calls "blood-and-soil nationalism" (491), then these arguments really only provide one half of the picture, leaving mostly unexamined the second side of *Deronda*'s nationalism: the finding and settling of a distinct homeland.

This one-sidedness makes a certain kind of sense, though, given the metaphorical treatment that place and space often get within the novel. When the narrator first notes Daniel's

[10] Other accounts of *Deronda*'s cosmopolitanism can be found in Thomas Albrecht, "'The Balance of Separateness and Communication': Cosmopolitan Ethics in George Eliot's Daniel Deronda," *ELH* 79.2 (2012): 389-416, and Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: Norton, 2007).

need for “an influence that would justify partiality,” for instance, she explains how this sense of direction would make him feel “an organic part of social life, instead of roaming in it like a yearning disembodied spirit, stirred with a vague social passion, but without fixed local habitation to render fellowship real” (365). Finding “partiality”—or genealogy, as the case may be—will be the equivalent for Daniel of finding the security of a geographically defined place, a “local habitation,” one that makes relationships meaningful and “real” in some kind of wider, ethical sense; in this way, place comes into play only by analogy, as an illustration of the grounding qualities of racial and cultural affiliation. The narrator seems to draw similar equivalencies, moreover, in her earlier and more frequently quoted disquisition on Gwendolen’s deracinated childhood, a “[p]ity” explained in terms of the absence of “prejudice in favour of milk of which we blindly begin.” And yet in this passage geographical relations are not only the figures for or conditions of genealogical ones. To the contrary, Gwendolen has been deprived of “kinship for the face of the earth,” too, a proprietary dynamic that might have expanded her sense of ownership over, well, everything: as the narrator concludes, “the best introduction to astronomy is to think of the nightly heavens as a little lot of stars belonging to one’s own homestead” (22). If these observations disturb the analogy between blood and soil by prizing the latter (in the form of infinitely extensible property), Daniel will eventually heed the lesson in his decision to set down his own “homestead,” a territorialized settlement that his Jewishness might have otherwise supplanted. A sense of national or political belonging requires land and presence in the end.

This turn of events has also been anticipated—indeed prescribed—by Mordecai, who combines his racial mysticism with relatively practical arguments about the virtues of territorial

sovereignty. When he begins to outline his plans for a formalized state in Palestine, for instance, he does so by persistently focusing on the political significance of the land:

> [The Jews] have wealth enough to redeem the soil from debauched and paupered conquerors; they have the skill of the statesman to devise, the tongue of the orator to persuade...There is store of wisdom among us to found a new Jewish polity, grand, simple, just, like the old—a republic where there is equality of protection, an equality which shone like a star on the forehead of our ancient community, and gave it more than the brightness of Western freedom amid the despotisms of the East. Then our race shall have an organic center, a heart and brain to watch and guide and execute; the outraged Jew shall have a defence in the court of nations, as the outraged Englishman or American. And the world will gain as Israel gains. For there will be a community in the van of the East which carries the culture and sympathies of every great nation in its bosom; there will be a land set for a halting-place of enmities, a neutral ground for the East as Belgium is for the West. (535)

Retrospectively striking as the least prophetic thing Mordecai has to say, the passage has been singled out by Edward Said for the way it "orientalizes" the East, making it seem like a lost, mythic space in need of Western enlightenment. "There is a remarkable failure," he notes, "when it comes to taking anything non-European into consideration" (20). If the novel looks ideologically fraught in this moment, though, it's not only because it works toward "a seamless fulfillment of the goals of Zionism," as Carolyn Lesjak puts it, leaving Mordecai's vision of the East—as empty and ripe for settlement—basically uncontested (130). It's also that it identifies statehood as a fundamentally geographic condition, overlaying an historical narrative about the resiliency of the Jewish nation—which still "beat[s] in the pulses of millions," Mordecai claims (536)—with a spatial one about the political form this collectivity will inevitably take. In other words, the issue is not just with the fact of unevenly distributed narrative attention but with the spatial typology of statehood itself, which turns the prospect of settler migration into one of the only predetermined conditions of political legitimacy. And more: for as Mordecai works to validate this territorial form of order, he also leverages the language of the law, casting the act of

settlement as essentially licit—and hence legally beneficial for the Jews, who will gain some unspecified set of protections. "The outraged Jew shall have a defence in the court of nations," he says cryptically, "as the outraged Englishman or American" (535). This "court" functions metaphorically, to be sure, referring to some kind of cosmopolitan world audience rather than an actual legal venue; that the juridical would be the metaphoric resource here is telling, though, reflecting Mordecai's justified sense of confidence in the legitimacy—indeed the legality—of this state-forming effort.

I say "justified" because of the indissoluble bonds that we observed in the last section between the possessive power of the state and the structure of international legal personality. States are expressive totalities in law, we learned, precisely to the extent that they can exert control over property, understood in the international sphere as a species of power over territory. The expression of legal agency and the process of accumulation are in this sense inseparable, so tightly bound that the idea of an "acquisitive state" becomes almost tautological in international law. It's perhaps for this reason that the validity of settler migration seems practically self-evident to Mordecai, who need only reference the law metaphorically to remind his audience that the links between expropriation and state-building are always already legitimate, a logical precondition of international legal relations.

To be sure, one could also explain Mordecai's relatively submerged awareness of the legality of the territorial state in terms of his more general ambivalence about legal form, which he regularly subordinates to his communitarian ideals. As Camey VanSant points out, he all but anathematizes legalism as the basis of his proto-Zionism: for Mordecai, VanSant writes, "[l]aw cannot be used to create community; rather, it ratifies existing divisions" (np). Thus, when Daniel finally accepts his discovered mission, Mordecai feels compelled to tell him that the

"footsteps" of the Jews are "guide[d]" by "another order than the law," whose material structures apparently attenuate "the message of the Eternal: 'behold the multitude of your brethren'" (749-50). Anticipating this lesson, Daniel has in fact already renounced his "law-reading as a vocation," trading his aimless jurisprudence for the task of cultural unification: "I hold that my first duty is to my own people," he announces to Kalonymos, "and if there is anything to be done towards restoring or perfecting their common life, I shall make that my vocation" (725). Discarded in favor of the obligations of racial inheritance, law would seem irrelevant if not inimical to the realization of the Jewish republic, which will be founded on the immediacy of common culture rather than the authority of any civil institution.

And yet, as Daniel Hack makes clear, it would be wrong to understand the novel's proto-Zionism solely in terms of the anti-materialist rhetoric that the characters occasionally or ostensibly adopt. Hack has in mind the alignment between the marketplace and Mordecai, whose "projected attempt to reclaim the Holy Land depends openly and unapologetically on wealth accumulated by Jews," but we can extend this argument to include one of the other conditions of possibility that Mordecai identifies for the birth of the Jewish state: the intimacy between Jews and the processes of modern rationalization (161). Indeed, just as Mordecai celebrates the Jews as "monarchs of commerce" who will "redeem the soil from debauched and paupered conquerors," so does he throw an adulatory light on their propensity for institutional design: "they have the skill of the statesmen to devise" (534-5). Thus he will later temper his own claims about the antagonism between legal and cultural obligation, reminding Daniel that while the "Jewish spirit" may be assimilable to "another order than law," it nevertheless moves "in obedience to the laws of justice," neatly conforming to the disinterested principles of some wider legal universe (749). Hence the pacific function that Mordecai assigns to the state, which will be

"a land set for a halting-place of enmities," as well as a "sacred land" for the Jews themselves, who will come to understand their commonwealth "as a republic where the Jewish spirit manifests itself in a new order" (535, 537).

It's no coincidence that, in making these legalistic claims about the peacekeeping role of the state, Mordecai again emphasizes its geographic form: the international legal infrastructures of sovereignty are necessarily marked, as we have seen, by the compulsion for territorial integration. But to take the implications of Mordecai's juridico-political vision in a different and final direction, I would also point out that his fixation with geography has the misleading effect of turning the state into a strictly spatialized category. "Misleading," because the corporate body of the state always exists over and above its component parts, eluding spatial analogies as a type of human association that endures independently of its physical or material instantiations. "Territory is easy enough to locate," explains the intellectual historian David Runciman, "as is, to a lesser extent, the seat of government. But if the state, in its own terms, is something more than these, then the likelihood is that it will also be something other than spatial" (93). Here, too, we must grapple with the spectral dimensions of the political apparatus of the state, which is at once constituted by the things it owns and, at the same time, irreducible to them (much in the same fashion that the corporation is, in Runciman's words, "something very hard to pin down in terms of boundaries and limits" (93)). I want to begin the following section by considering the way Cockburn and the jurists circumvented this problem, working around the state's immateriality—less by simply ignoring the issue than by assuming the interchangeability of part and whole, the way that governmental bodies like Parliament might speak *as* the state and not only for it.

3. Sincere Acting

In reviewing the debate over the *Keyn* decision, I suggested that the part of the difficulty for Maine and Cockburn was that both sides took the collective agency of the state for granted. To the extent that the state would even enter the discussion, it appeared as a static, fully-formed subject that naturally possessed the ability to either express or withhold its intent to follow the rules of the so-called international arena. Questioning the validity of the law of territorial waters, Justice Cockburn narrowly reserved his skepticism for the discernibility of intent, not for whether states had the potential to give it: "When I am told that all other nations have assented to such absolute dominion, over this portion of the sea, as their ships may be excluded from it, and that, without any open legislation, or notice to them or their subjects, the latter may be held liable to the local law, I ask, first, what proof there is of such assent as here asserted" (203). The agency of the state was a rigidly jurisprudential position, an assumption that would not permit inquiry into the relationship between "legislation" and "assent."

To assert as much is not only to identify the difficulty of the debate but to clarify its premise: the state's personhood was a conventionality, a function of the law's conditions of expediency; as John Dewey would famously put it, "'person' signifies what the law makes it signify" (655). In other words, the firmly held and thus barely articulated consensus between Maine and Cockburn was not exactly that corporate organisms could function as people with intentions, but rather that the latter could be imputed to the former in one way or another. This is not quite to say that they treated corporate personality merely as a figure of speech—just that they appeared confident that motivations or purposes could be ascribed to the state by observing the right kind of action or writing. These hairs are worth splitting because of the representational

logics that they reveal: if the state behaved purposefully and intentionally for these legal thinkers, it did so only as a principal, a body that acted vicariously through different agents.[11]

To draw a distinction between principals and agents is just to be clear about the progenitors of action: agents perform actions, while principals own them. So when the state's authorized representatives behave in their official capacity, acting in the state's name rather than in their own, they are in some fundamental sense acting as the state. This attributive system can easily trip over the question of authority, as we have seen, but it is also burdened by a sort of two-body problem, a perceptually challenging identity between principal and agent. This is because the issue is not simply about holding the principal accountable for the actions of an agent, as it is in the case of liability law, which helps to ensure that an employer, for instance, can be held responsible for damage caused by an employee, even if the employer did not specifically order the employee's actions. The doctrine of state consent, by contrast, asks for a more completely coeval relation between principal and agent, taking the words or actions of the representative to be not just the "property" of the state—things it in can or must claim by virtue of being represented—but the only intelligible expressions of how the state itself intends to

[11] This is not a totally uncontroversial way to read the kind of language used in and in response to the *Keyn* decision. Whether "action-sentences about states," as one international political theorist puts it, should be read literally, as referring to the actions of actual corporate agents rather than the actions of representatives, has generated intense debate in the fields of IR and international political and legal theory. For the literal interpretation, which often supports its claims by referring to judgment aggregation theory and the reality of collectivized thinking and feeling, see Toni Erskine, "Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States," *Ethics and International Affairs* 15.2 (2001): 67-85, and Alexander Wendt, "The State as Person in International Theory," *Review of International Studies* 30.2 (2004): 289-316. For the opposite side, which claims that action-sentences about states must be metaphorical because states are incapable of action or feeling, see Peter Lomas, "Anthropomorphism, Personification, and Ethics: a Reply to Alexander Wendt," *Review of International Studies* 31.2 (2005): 349-355, and M.P. Marks, *Metaphors in International Relations Theory* (New York: Palgrave, 2011). Following the lead of some more recent work in the field, I am taking a middle ground in this chapter, arguing that while corporate intentionalism is not quite a figure of speech for the thinkers involved here, they cannot mean it literally either, since their claims are based exclusively on the behavior of the state's representatives. Crucial for my thinking has been the international political theory of Sean Fleming, particularly his recent article, "Artificial Persons and Attributed Actions: How to Interpret Action-Sentences about States," *European Journal of International Relations* 23.4 (2017): 930-950.

behave. In this sense, *representative* seems like exactly the wrong word for the agent, since it is not at all mimetic, a body that stands for another; it is instead a matter of copresence.

This is not unlike the formal logic governing the theater, where actors effectuate the concrete existence of abstract, ontologically ambiguous characters by literally bodying them forth.[12] "Even when [a character like] Hamlet stands alone," as Henry S. Turner explains, "it would be as true to say that the audience sees *two* bodies on stage, each coincident with and identical to the other, as it would be to say that it sees one" (153). It would of course also be true to say that Eliot is preoccupied with precisely these sorts of dynamics throughout *Deronda*, a novel that seems to have initially been planned as both "a novel and a play," in George Henry Lewes's words (qtd. in Haight 73). There is by now a relatively large number of commentators who have focused specifically on the theatrical character of the novel, teasing out the different ways that Eliot engages with ideas about spectatorship, performance, and dramaturgy. Despite their varying emphases, though, this cohort of commentators has tended to share the conviction that, for all her interest in the affordances of the theater, Eliot ultimately resists the "tendency to transport the notion of 'drama' from the stage to the page," as David Kurnick puts it (70).[13] The

[12] The connection between the theater and the state is not as random or arbitrary as it might sound. On the contrary: the analogy between the two has a long history that runs all the way back to Hobbes, who found in the representational logic of the stage a way to think in non-metaphysical terms about the body politic and whether or in what sense it could be said to manifest itself in the single body of the sovereign. This element of Hobbes's thought has received excellent critical attention over the years; see, e.g., Henry Turner, *The Corporate Commonwealth: Pluralism and Political Fictions in England, 1516-1651* (Chicago: University of Chicago Press, 2016); Mónica Britto Vieira, *The Elements of Representation in Hobbes: Aesthetics, Theatre, Law, and Theology in the Construction of Hobbes's Theory of the State* (London: Brill, 2009); Paul Kottman, *A Politics of the Scene* (Palo Alto: Stanford University Press, 2008); Hanna Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967). For a more general discussion of the state-theater analogy, see David Runciman, *Pluralism and the Personality of the State* (Cambridge: Cambridge University Press, 1996).

[13] For the best scholarship in this vein, see: Catherine Gallagher, "George Eliot and *Daniel Deronda*: The Prostitute and the Jewish Question," in *Sex, Politics, and Science in the Nineteenth-Century Novel*, ed. Ruth Yeazell (Baltimore: Johns Hopkins University Press, 1986); David Marshall, *The Figure of Theater: Shaftesbury, Defoe, Adam Smith, and George Eliot* (New York: Columbia University Press, 1986); Joseph Litvak, *Caught in the Act: Theatricality in the Nineteenth-Century English Novel* (Berkeley: University of California Press, 1992); and Kurnick, *Empty Houses: Theatrical Failure and the Novel* (Princeton: Princeton University Press, 2012).

problem with this consensus is not that it is wrong but that it has produced a fairly circumscribed view of the novel: that is, insofar as the arguments prosecuted under this rubric seek to show how Eliot contains, rejects, or qualifies the possibilities of performativity or dramatic expression, they tend not to draw too much attention to the moments where the novel falters on this point, failing or hesitating to stage its own triumph over the figure of the theater. I focus on these moments in the remainder of this chapter, moments where the novel takes the embodied mode of performance especially seriously, unironically asking if the enabling premise of the stage—that two (or more) bodies are one—might also be a feature of reality. My contention is that these moments can serve as virtual lessons in the legal theory of corporate intent, lending coherence to the epistemologically irrational idea that individuals might undertake events or plans not so much on behalf of other people or things but *as* them.

Crucial for any discussion of the theater in *Deronda* is Daniel's mother, the Princess Halm-Eberstein, whose brief emergence at the end of the story marks one of the more memorable performances of the novel. Leonora upsets expectations (or Daniel's expectations, anyway), as she turns out to be a widely successful singer and performer, rather than the illicitly promiscuous and maligned woman that Daniel has imagined as the "nephew" of Sir Hugo Mallinger. Even before she reveals her story, though, Leonora dismays her son: with a "face so mobile that the next moment she might look like a different person," she appears as pure artifice, a theatricalized façade that resists classification. The impression chimes with what we have already learned at the very beginning of the scene, just as Daniel approaches his mother but before he can register her face, an interval that the narrator uses to make explicit the Alcharisi's powers of deception: concealed almost entirely by black lace, she sits in motionless waiting, "the

fine poise of her head [making] it look handsomer than it really was" (624). The congruences between first- and third-person perspectives quickly tighten at this point, with free indirect discourse wobbling in and out within the same lines: "What was it that gave her son a painful sense of aloofness? – Her worn beauty had a strangeness in it as if she were not quite a human mother, but a Melusina, who had ties with some world which is independent of ours" (625). Irreducibly alien, Leonora already seems poised to elude psychic or individual distinction, her performative exterior threatening to overwhelm the narrator's interpretive powers.

And indeed, as several commentators have noticed, the ensuing confession is itself a kind of performance for Leonora, who seems either unable or unwilling to control her theatrical impulses. Delivered in tones as "perfect as the most accomplished actress could have made them," her account of her decision to pursue an artistic career, rather than a life with Daniel, both sounds and looks like part of a drama:

> The speech was in fact a piece of what may be called sincere acting: this woman's nature was one in which all feeling—and all the more when it was tragic as well as real—immediately became matter of conscious representation: experience immediately passed into drama, and she acted her own emotions. In a minor degree this is nothing uncommon, but in the Princess the acting had a rare perfection of physiognomy, voice, and gesture. It would not be true to say that she felt less because of this double consciousness: she felt—that is, her mind went through—all the more, but with a difference: each nucleus of pain or pleasure had a deep atmosphere of excitement or spiritual intoxication which at once exalts and deadens. (629)

If the Princess's heightened sense of "double-consciousness" does not detract from the truth or authenticity of the confession, it does not exactly vitiate our skepticism of her character either: the primary effect of the performance is, after all, "spiritual intoxication which at once exalts and deadens." It's not hard to see that the novel can barely countenance this figure, who only appears long enough to confess her sins and confirm what her son should probably already know about his identity. Readily apparent, too, are the reasons for this intolerance: a self-absorbed, sexually

autonomous woman who has callously rejected family and heritage in order to win artistic fame, Leonora obviously defies the cultural norms that the novel prizes. At the same time, and as Kurnick highlights, she also challenges the coherence of the novel from almost the complete opposite direction, tugging against its interiorizing drive as the embodiment of the collective externality of the theater. Leonora thus opens up the possibility, Kurnick writes, "that the world of *Daniel Deronda* may not be one where everyone retires to his assigned ethnic corner, but instead a kind of 'show' whose collective nature renders such stabilizing rubrics beside the point" (95). In fact, though, I think the problem here runs in a slightly different and deeper direction, for it seems to me that Leonora needs to be exorcised from the narrative not so much because she stands for the collectivity of the theater but because she in some strange sense *is* this collectivity—less a reflection than an actual manifestation or distillation of it.

To understand this claim we have to further unpack "the collective possibility named by the theater" (Kurnick 104). For Kurnick, that possibility resides primarily though not exclusively in the egalitarianism of theatrical assembly, which brings performers and spectators together as a kind of *polis*, a self-organized body of collaborators, and it is this democratic ethos that he identifies with Leonora (who sparks the question of whether the novel might be "'putting on' on the collective world it depicts'" (103)). By contrast, I would emphasize the anti-individualistic demands of performance itself, which studiously erases the personality of the player by slotting her into her part, "a new 'whole,'" as Turner says, "that contain[s] everything [s]he need[s] to know" (149). Leonora explains and enacts this move from "person to personation" at several points throughout her confession (Turner 166), as when she avers the pluralizing effects of her dramaturgical powers: "I was living a myriad lives in one," she says in justifying her departure from the domestic sphere, conceived by contrast as an alienating zone of individuation (626).

The comment anticipates the thrust of her final soliloquy, in which she celebrates her self-cancelling dispersal into experiences or worlds other than her own: “Another life! Men talk of ‘another life,’ as if it only began on the other side of the grave. I have long entered another life” (666).

This transpersonal history might explain why the content of Leonora’s confession seems to be weirdly rinsed of any psychological or idiosyncratic truth. Ostensibly particularizing her experiences, her speeches reveal her inability to conform to the gendered expectations of parenthood, an inability that should not, she insists, count as some sort of moral deficiency. “I am not a monster,” she maintains, “but I have not felt exactly what other women feel—or say they feel, for fear of being thought unlike others” (628). It’s not a motion for absolution so much as a poignant and seemingly genuine explanation of her past, which Leonora wants Daniel to understand. Indeed, according to Thomas Albrecht, “these admissions appear to be rare instances in which she gives him a little of the emotional access he so urgently solicits from her” (404). Yet if the confession reveals something personal and true about this otherwise elusive character, it does so almost entirely by negation, by naming the experiences or feelings that Leonora has constantly evaded. Neither a monster nor a mother, she remains unable to define the private realm of her authentic experience, which becomes detectable here only as a sort of negative shape, a shadow of the life she has disclaimed. “I did *not* feel that,” she stresses again, turning the assertion into a defensive refrain. Even by the end of the confession, when she articulates her much more recent decision to reveal Daniel’s history to him, she speaks in terms of deficits, referring to what she cannot comprehend or what she will not do. “I feel many things I can’t understand,” she enigmatically says of her choice to arrange the meeting with Daniel. “I will

not," she continues, "deny anything I have done. I will not pretend to love where I have no love" (628).

How, then, to explain the nature of this confession? What exactly has Leonora disclosed about herself through this performance of self-disclosure? What I am suggesting is that if she remains troublingly opaque even here, in the moment when she would seem to finally give her son "emotional access" to her inward life, it might be because that life has shriveled in relation to the outward pressures of the theater and the public event of performance. What this moment reveals is Leonora's detachment, to re-invoke Amanda Anderson's reading of the novel, not just from her cultural heritage but from any sense of interiority or psychological depth.[14] It's as if she has so fully opened herself up to the experiences and feelings of others (in living "those myriad lives in one") that she has had to permanently bracket her own bundle of idiosyncrasies and desires, putting aside the very question of an inner life. It's in this sense that I think Leonora is not just representative of but continuous with or identical to the collective imagination of the theater, a sort of perfect synecdoche that erases the difference between public and private.

That Eliot experiments with this depersonalized mode throughout the novel might seem surprising, given Leonora's opposition to the political energies of the novel. Yet, as critics like Catherine Gallagher have pointed out, that mode is instructively analogous to the emotional self-control and sympathetic imagining that Eliot typically takes as central to social experience: "performance requires the submergence of the self in the words and thoughts of another; it

[14] True, the reading I am proposing here sits in some tension with the one offered by Anderson, who associates Leonora's brand of cosmopolitanism with avant-garde aesthetics and hyperindividualism. Without necessarily discounting this interpretation, I am submitting that Leonora's commitment to the "transnational force of art," and the theater in particular, has the somewhat paradoxical effect of producing a suppression, rather than a confinement, of the self. Anderson, *The Powers of Distance: Cosmopolitanism and the Cultivation of Detachment* (Princeton: Princeton University Press, 2001), 138-146.

requires then the development of the kind of self that Eliot considered ideal, the 'self that self restrains' in the interest of some larger, corporate identity." In *Deronda,* the operative version of that "corporate identity" is Jewishness, which holds out the possibility of a "moral economy," as Gallagher calls it, in which the "collective project of culture" might be undertaken without the interference of other spheres of exchange (56). Gallagher is largely interested in how the novel clears the ground for this Judaized project, which eventually gets pulled apart from and substituted for the promises of theatrical form, but her argument can help us to understand why that form proves to be, for a while at least, indispensable to the story Eliot wants to tell about the moral economy and, in particular, the centralization of Jewish culture.

Thus, one of the more obvious parallels to Leonora's self-suppression can be located in Mordecai's Kabbalistic vision of cultural transmission, or "the marriage of souls," which will see his cognition absorbed by some spiritual successor. The first candidate for this transference process is the young Jacob Cohen, who looks manifestly uninterested in the idea of a spiritual or intellectual union. Yet the failure seems to mostly be a result of Mordecai's pedagogical strategies, which are characterized by a fundamental indifference to Jacob and his capacity for comprehension. Indeed, his "strategy" involves exposing Jacob to a language he knows the boy cannot yet understand, in the hopes that the "young organs of speech would submit themselves," such that these foreign "words may rule him some day" (476). Treated merely as a body upon which knowledge might be inscribed—Mordecai thinks of the tutorials as the "printing of Hebrew on little Jacob's mind" (480)—Jacob "becomes," as John Lurz puts it, "less the living bearer of vital ideas than an inert automaton subject to unthinking and rigid repetition. The ideas Mordecai is transmitting to Jacob are as static and inelastic as he hopes Jacob's speech organs will ultimately become" (444).

Yet the tutorials do more than just reveal the futility of Mordecai's inflexible pedagogy. In the case of their final lesson, in fact, his failures lead them to a kind of breakthrough, a moment of genuine emotional contact between pupil and teacher, who seems to finally find a way to leave his mark. Frustrated by Jacob's inattention, Mordecai furiously cuts his recitation short, flying into an impassioned monologue—about the "curse" the next generation of Jews faces—that renders him terrifyingly unrecognizable to Jacob:

> The aspect and action of Mordecai were so new and mysterious to Jacob—they carried such a burthen of obscure threat—it was as if the patient, indulgent companion had turned into something unknown and terrific: the sunken dark eyes and hoarse accents close to him, the thin grappling fingers, shook Jacob's little frame into awe, and while Mordecai was speaking he stood trembling with a sense that the house was tumbling in and they were not going to have dinner anymore. (478)

If this counts as a successful teaching moment, it does so in an obviously perverse way that neither the narrator nor Mordecai will really register. Stricken with fear, Jacob soon breaks down altogether and brings the scene to its close, though not before we find Mordecai mentally "strain[ing] towards the discernment of that friend to come, with whom he would have a calm certainty of fellowship and understanding" (479). But while Jacob clearly fails to provide the easy companionship his teacher desires, he still finds himself "infected" by Mordecai, to borrow from Pamela Thurschwell's reading of the novel, in the same kind of embodied way that Daniel, "that friend to come," will be.[15] It's not just that he feels frightened by the suddenly "unknown" figure before him; it's that this sense of awe-struck terror rhymes with the fear that Mordecai himself seems to experience, as he narrates his own worst nightmare—the forced dissolution of what remains of Jewish culture ("They will open the mountain and drag forth the golden wings

[15] Pamela Thurschwell, "George Eliot's Prophecies: Coercive Second Sight and Everyday Thought Reading," in *The Victorian Supernatural*, ed. Nicola Brown, Carolyn Burdett, and Pamela Thurschwell (Cambridge: Cambridge University Press, 2004): 87-105.

and coin them into money," he warns, obliquely referring to the Hebrew verses he has just been reciting, "and the solemn faces they will break up into ear-rings for wanton women!" (478)). The passage may formally signal this affective overlap, too, in the slight ambiguity surrounding that final third-person pronoun— "and while Mordecai was speaking he stood trembling"—whose referent could potentially spin in either direction. This reading is recommended by the peculiar way that the narrator describes the scene's denouement, in which Jacob's reaction explicitly starts to slide into imitation: "feeling the danger wellnigh over, [he] howled at ease, beginning to imitate his own performance and improve upon it—a sort of transition from impulse into art often observable" (478). What's striking about this moment is not so much that Jacob seems to be imitating his own impulses (an "often observable" "transition" that we will later see Leonora make), but that these impulses are themselves imitative. Copying "his own performance," he thus confirms what I am suggesting we might have already gathered: that his initial reaction to the trembling body in front of him was really less of a response to than a replication of that body.[16]

In a way, and despite the fact that Mordecai takes this moment as his cue to finally abandon hope for Jacob, the exchange demonstrates how Mordecai imagines the transmission process to work: as a form of embodied mimesis. Later refusing Daniel's offer to publish his written work, he explains that he needs his surrogate to "be not only a hand to me but a soul—believing my belief—being moved by my reasons—hoping my hope—seeing the vision I point to—beholding a glory where I behold it…" (499). True, this is an explanation of a spiritual union that mostly requires the transference of beliefs; Daniel needs to play host by making available his

[16] Here I am parting ways with Garrett Stewart, who reads this scene as illustrative of "a spurt of logocentric metaphysics," whereby Mordecai can achieve transmission "without the spoiling interposition of script, can pass directly from soul to the body of a spiritual double." I am arguing, however, that transmission is here an embodied process, a theatricalized form of imitation that requires contact and presence. See Stewart, *Dear Reader: The Conscripted Audience in Nineteenth-Century British Fiction* (Baltimore: Johns Hopkins University Press, 1996), 313.

"soul," much more than his "hand." But if Mordecai therefore insists on the primacy of the psychic, he elaborates his vision in strikingly corporeal terms, constructing Daniel specifically as a body—one that will be "moved" by his thinking, "seeing" and "beholding" the world as he would. This is transmission not just as thought-sharing but as the transference of lived, felt experience. Just so, their relationship will involve an elaborate "choreography of touches," as Hack argues, which will play an increasingly important role in their coming together (170).

For Hack, this physical intimacy raises questions about the durability of Mordecai's influence and whether Daniel will be able to sustain the performance in the future, once he has literally lost touch with the person that he is supposed to mimic.[17] I would only add that the ongoingness of this relationship is uncertain even on Mordecai's own terms. Here is how he describes the marriage of souls after Daniel has finally confirmed his identity:

> It has begun already—the marriage of our souls. It waits but the passing away of this body, and then they who are betrothed shall unite in a stricter bond, and what is mine shall be thine. Call nothing mine that I have written, Daniel; for though our Masters delivered rightly that everything should be quoted in the name of him that said it—and their rule is good—yet it does not exclude the willing marriage which melts soul into soul, and makes thought fuller as the clear waters are made fuller, where the fulness is inseparable and the clearness is inseparable. For I have judged what I have written, and I desire the body that I gave my thought to pass away as this fleshly body will pass; but let the thought be born again from our fuller soul which shall be called yours. (751)

By this account, attribution seems not just unnecessary but impossible; absorbed into Daniel, Mordecai can only take credit for his work, their work, as Daniel. Yet the emphatic nature of this disavowal, the way Mordecai insists on his own erasure, forfeiting ownership over "their fuller soul," grants Daniel a kind of autonomy that had earlier seemed precluded by their one-to-one dynamic, which worked strictly mimetically (i.e., with Daniel moving and seeing exactly as

[17] As we have seen, there are other reasons to doubt Mordecai's influence over Daniel, who is clearly hesitant to embrace Mordecai's political idealism and worldview. Anderson is still the definitive take on the split between the two. See her *Powers of Distance,* 136.

Mordecai would). This is not to use Mordecai's own vision against him, doubting the replicative project altogether, but rather to point out that there are at least two different ways to understand the nature of this project—which might mean either that Daniel will play the part of Mordecai, or that the part of Mordecai will play him. Mordecai's multi-faceted understanding of this relationship thus bears out the ambiguity inscribed at the very heart of the theatrical notion of the *persona*, which can refer either to the actor or the role he inhabits. "In the first instance," Runciman explains, "we recognize the presence of the *persona* on stage in the freedom enjoyed by an actor as he sees fit. In the second instance, we recognize it in the constraints that act upon the actor, binding him to the performance of certain actions" (230). Constantly opening and closing the gap between the real and the fictional, the double meaning thus produces an awareness of the situation of the theater, rotating both actors and characters into view such that either might seem responsible for the actions on stage.

This type of boundary confusion is precisely the problem for the doctrine of state consent and the concept of international legal personality more generally. Much as the law wants to see the state as a principal capable of acting through other agents, it can't actually delete the friction between these figures; like actors on a stage, agents are not simply translucent units through which abstractions can be made apprehensible. This is why some contemporary international legal scholars have turned Cockburn's anxiety about the observability of "assent" into a broader concern about the idea of corporate intentionalism. Whether or not intent has been expressed through the proper channels—through statutory measures or customary practice—the problem on this account is exactly that it has to be delivered by something or someone other than the state

itself. Hence the question recently posed by one international legal scholar: "how does one ultimately distinguish the will of the entity from that of its members?" (Klabbers 44).[18]

The question could not have bothered nineteenth-century lawmakers any less. The panicked dismay induced by *Keyn* led almost immediately to legislative action, with Parliament passing the Territorial Waters Jurisdiction Act on August 16, 1878, less than two years after Keyn's guilty verdict had been overturned. Establishing the right of state officials to exercise "power and jurisdiction" over the three-mile zone, the bill reinforced Cockburn's international legal skepticism, even as it undercut the authority of the Court by essentially reversing its ruling (which initially had to "be accepted," as the Solicitor-General declared to the House of Commons, "as the law of England" (qtd. in Marston 149)). If this legislative activity nonetheless affirmed Cockburn's dualistic view of the law, it implicitly stacked one side of what would become an ongoing debate in the international legal field, a debate not about the nature of corporate association, what states were, but about the kind of laws they could make. The state was thus always visible, manifestly functional, under these argumentative conditions. It's hard to imagine that it could have been otherwise.

[18] To be sure, not all international legal scholars share this frustration with the concept of consensual participation. For the counterview, which argues that consent is essential to international lawfulness, see Samantha Besson, "State Consent and Disagreement in International Law-Making: Dissolving the Paradox." *Leiden Journal of International Law* 29.2 (2016): 289-316.

Chapter 2

Contracts, Sovereignty, and the Rage for Order in Early Haggard

The category of international legal subjectivity expanded in the late 1880s. After much debate, and against the conventions of the law of nations, which had traditionally reserved international personhood for the sovereign nation-state, jurists and politicians across Europe agreed to grant legal standing to the International Association of the Congo (IAC), a private association backed by Belgium's Leopold II. Lacking the support of the Belgian state, Leopold had billed the IAC as a sort of philanthropic endeavor, a humanitarian project that would aim towards the management and minimization of colonial tensions in central West Africa. The legal case for this enterprise had been built in large part by Sir Travers Twiss, an eminent British jurist whom Leopold had personally contracted in order to clear the legal hurdles facing the IAC; without identifying his employer, Twiss published a series of essays on what contemporaries called "the Congo question," explaining the grounds on which Leopold had established his unique form of legal authority.[19] Yet while Twiss legitimated a type of sovereignty with few precedents or parallels, his arguments were still in some respects exemplary—typical of this moment in international legal history, when lawmaking functioned as the medium of multiple schemes for imperial expansion and change. This is one side to the story of global transformation

[19] Andrew Fitzmaurice has detailed Twiss's personal and professional history in "The Justification of King Leopold II's Congo Enterprise by Sir Travers Twiss," in *Law and Politics in British Colonial Thought: Transpositions of Empire,* ed. Shaunnagh Dorsett and Ian Hunter (New York: Palgrave, 2010), and "The Expansion of International Franchise in the Late Nineteenth Century," *Duke Journal of Comparative and International Law* 28.3 (2018): 449-462.

at the end of the nineteenth century: a process marked by legally extensive but politically repressive measures, which cited the law, not its absence, as justification for imperially organized spaces and practices.[20]

This chapter argues that Twiss's essays provide a crucial, overlooked lens through which to view the early and most successful imperial romances of H. Rider Haggard: *King Solomon's Mines* (1885) and *She: A History of Adventure* (1886). In exploring the shared logic between these two discourses, we can see how the romance form actually upends some of the customary rubrics of imperial thought, trading its sanctioned binaries—between metropole and colony, self and other—for a globally comprehensive vision of legal and political order. Of course, postcolonial scholars have long insisted on the need to abandon center/periphery organizations and hierarchies, impugning them as misleading representations of the layered and uneven effects of imperial globalization.[21] Yet we still tend to think of liberal imperial ideology in dualistic terms, as a project that authorized the domination of non-European people by expelling them from the spheres of law and reason: the violence of empire, according to Nathan Hensley,

[20] For the some of the legal-historical scholarship that has reconstructed this version of global transformation, see: Siba Grovogui, *Sovereigns, Quasi-Sovereigns, and Africans: Race and Self-Determination in International Law* (Minneapolis: University of Minnesota Press, 1996); Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960* (Cambridge: Cambridge University Press, 2001), Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University Press, 2004); China Miéville, *Between Equal Rights: A Marxist Theory of International Law* (Leiden: Brill Publishers, 2005); and, though their focus is largely restricted to the beginning of the nineteenth century, Lauren Benton and Lisa Ford, *Rage For Order: The British Empire and the Origins of International Law* (Cambridge: Harvard University Press, 2016).

[21] See arguments about the cross-cultural proximities and intimacies of the colonial encounter in, e.g., Homi Bhabha, *The Location of Culture* (London: Routledge, 1994); Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Context* (London: Routledge, 1995); or, to take a similarly influential but slightly later example, Leela Gandhi, *Affective Communities: Anticolonial Thought, Fin-de-Siecle Radicalism, and the Politics of Friendship* (Durham: Duke University Press, 2006).

"depended on mechanisms of exclusion that separated the discounted from the counted, the vulnerable from the protected" (5).

The historical account offered here challenges this characterization. Situating Haggard's work more thoroughly in the legal-imperial climate of the mid-1880s, I argue that his novels reconstruct the universalizing vectors of the law, bracketing racist-civilizational distinctions in order to imagine a world system organized by an overarching legal apparatus. Certifying the need to evenly distribute law and sovereignty across the colonial contact zone, these novels work chiefly to reveal the extent to which imperialism depends on the implementation of globally normative legal procedures. The result is an oddly purified, even antiseptic, understanding of international order, couched in terms consistent with the abstract neutrality of Twiss's argument and the broader administrative logics of the new imperialism.

In mapping this fully globalized iteration of the discourse of the rule of law, this chapter also unfolds in conversation with the field of informal empire studies, where the object of attention is the non-national settings of empire—those contexts in which the statal system, and in particular the threat of state violence, no longer shaped the grounds of imperial dispossession. Marked by the absence of institutional structure and the openly coercive features of colonization, informal rule was, if not feeble, than at least more exposed to the possibility of its opposition or contestation, especially in the nineteenth century, "when [it] was emergent and experimental," as Jessie Reeder explains, "still in the process of becoming conventional." This chapter doesn't exactly anatomize that process—which can be most accurately identified, as Reeder notes, with later phases of neoliberal globalization—but it does historicize its conditions of possibility, helping to explain how "informal empire found its footing" (30). To apprehend the international legal institutions of the late nineteenth century is to understand another, still relatively

overlooked way in which the contingent and contested practices of modern imperialism took their shape.[22]

1. Contract and Dispossession

Leopold sought to gain the status of a protector in the Congo, a form of sovereignty that would allow him to control the area and its resources, overseeing any new or emerging markets, without also acquiring ownership over the land itself. Twiss crafted a relatively straightforward, two-step argument in support of this operation, the first part of which dealt with the hundreds of treaties by which African leaders had allegedly ceded their sovereignty to the IAC. Countering prevailing ideas about the legal incompetency of non-Europeans, Twiss insisted on the validity of "native treaties," arguing that they marked an actual legal exchange between two rights-bearing bodies. This led to the second point: that the IAC had the ability and perhaps the duty as a neutral and non-national organization to accept the cessions of sovereignty, offering guardianship and military protection in exchange for political control.

I will return to this second side of the argument later on in the chapter, but for now I want to focus on the potency of the first point, measuring the colonial efficacy of its contractual ideals. The notion that native subjects could engage in deliberative processes like contract negotiations was not exactly an unfamiliar one within the context of empire, and indeed, in building his case for Leopold, Twiss sought to remind his readers of the substantive precedents for his argument.[23]

---

[22] Overlooked in Victorian literary and cultural studies, at least, and only recently of interest, as Jennifer Pitts notes in her 2018 study, to scholars working in political theory and history. "The history of international law," she explains, "has until the last two decades been a relatively minor enterprise within international law, and largely the province of international lawyers only, but it has become one of the most vibrant areas of legal scholarship and only recently has begun to be mined by political theorists and historians." *Boundaries of the International: Law and Empire* (Cambridge: Harvard University Press, 2018), 27.

[23] Treaties had been key to many early modern projects of colonization. Much of the conquest of North America, for instance, depended on international treaties and alliances with Native people, who gained legibility before the law—but only as criminal actors who had the obligation to sign away their rights. As the international legal scholar

In particular, he pointed to the history of Borneo, the Pacific island recently colonized by Britain's James Brooke, who had purchased governing rights from local rulers, basically leasing sovereignty over the island and its people. That Brooke had eventually gained recognition from Whitehall, appearing before Queen Victoria as an acknowledged head of state, solidified for Twiss the lawfulness of the operation; there could be no doubt, he wrote, that "the English Government regarded this delegation of sovereign rights by native chiefs, in return for an annual subsidy, as a sufficient title to enable the company to exercise these powers, and sustained this proposition before the House of Commons" ("The Free Navigation of Congo" 508). The point was that imperial powers like Britain, having already given standing to Brooke, effectively had no choice but to sign on to what was happening in the Congo. "In other words," as the historian Steven Press explains, "unless these great powers wanted to contradict themselves mere months into the Borneo experiment, they could not possibly refuse to recognize an organization with identical credentials to govern in Africa" (117). Safe in the knowledge that these powers were thus "on the hook," as Press puts it, Twiss posed the question of native rights rhetorically: "Why should it be forbidden to a native chief to cede his territory to an international European company, which according to the law of nations, is perfectly capable of accepting and exercising such a sovereignty?" ("Free Navigation" 509).

But if the appeal to precedent apparently obviated the need to define the nature and scope of indigenous sovereignty, Twiss knew that he still had work to do in establishing the continuities between Borneo and the Congo. "It might reasonably be asked," he admitted, "if

---

Antony Anghie notes, this application of the law created a "discrepancy between the ontologically 'universal' Indian and the socially, historically, 'particular' Indian [which in turn] must be remedied." *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University Press, 2004), 22. For more on this history, see also Jeffrey Glover, *Paper Sovereigns: Anglo-Native Treaties and the Law of Nations, 1604-1644* (Philadelphia: University of Pennsylvania Press, 2014).

there is any difference in principle between the right of African chiefs, admitting they are sovereigns of a territory, and the right of Asiatic chiefs to cede their territory to a private company" (509). As proof that the former possessed the same juridical abilities as the latter, he cited the terms and conditions of the following agreement:

> Take for example the treaty which Captain Eliot, agent of Mr. Stanley [whom Leopold had hired in order to oversee the treaty-making process], concluded with the Chief Manipembo, the 20th of May this year. The first three articles declare that the Chief Manipembo cedes and abandons to the committee of the Upper Congo, in full property, certain territories in return for a present the receipt of which is acknowledged, and he solemnly declares that these territories form an integral part of his state, and that he can freely dispose of them. It is clearly evident from the tenor of these articles that the Chief Manipembo recognizes no superior chief. Article IV of the treaty states that the cession of territory carries with it the abandonment by the above-named chief, and the transfer to the committee of all his sovereign rights.
>
> Was this transmission of sovereign rights to the committee of the Upper Congo illegal according to the law of nations? It is indisputable that the Chief Manipembo was legally capable of concluding treaties with European Powers… (510)

The first thing to notice here is Twiss's desire to lend agency to Chief Manipembo, such that he might be seen as a self-possessed, fully volitional actor who belongs, however partially or momentarily, to the modern, well-behaved world of his interlocutors. That desire surfaces most obviously on a rhetorical level, in the way the passage explicitly signals the chief's political autonomy and rationalist approach to the negotiations: acting independently of any "superior chief," he can "freely dispose" of his land, "solemnly" declaring his intention to sign over his rights in exchange for a gift, of which he has already indicated "receipt." A similar effect is achieved formally, by the steady refusal to locate Chief Manipembo anywhere other than within the individuating and procedural grammars of the contract, divorcing him even further from any association with the barbarous or despotically-determined space of Africa, as imagined by Europeans. The problems with this contractual vision of equal exchange will sound familiar to students of critical political theory, whose various traditions have demonstrated how the

presumptively neutral language of social contract theory facilitates—by eliding—different forms of domination and subordination. [24] Just so, we should note that Twiss's equalizing gestures blot out the material circumstances of this interaction, scrubbing away the particularities—the pressures and exigencies—of the colonial confrontation. Under this legal rubric, in other words, recognition acts as another form of erasure.

The effort to integrate treaty relations between European and non-European communities into international legal discourse would regularly produce this paradox. Writing on the wider history of this effort, international relations scholar Siba Grovogui notes how the "contractual image of colonial relations belied the precepts of the colonial discourse as well as the power dynamics of most transactions, which opposed protector (or conquering) powers to protected (conquered) communities" (86). In order to assimilate the non-European world into the international legal system jurists sidestepped powerful cultural myths about the inferiority of other races, but did so only by supplanting these myths with their own kinds of fictions, ones which just as obviously distorted—indeed belied, as Grovogui says—the predicaments of imperialism. In any case, in turning to the political technology of assimilation, jurists like Twiss

[24] Some of the more influential examples of this critique would include Carole Pateman, *The Sexual Contract* (London: Polity, 1988), as well as Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997), although relevant antecedents of both could probably be traced as far as back as, e.g., Marx's account of the rights of man in "On the Jewish Question," where he sees the liberal political subject as "the imaginary member of an imaginary sovereignty, divested of his real, individual life, and infused with an unreal universality." "On the Jewish Question," in *The Marx-Engels Reader*, 2nd edition, ed. Robert C. Tucker (New York: Norton, 1978), 34.

It's worth noting, too, that while the critique of liberal contractarianism is a longstanding one, it has not always or even usually found traction within the field of postcolonial studies: here the problem with liberal political thought is not so much that it imagines the contracting subject in invidiously abstract or decorporealized terms—but rather that this subject is, as the law-and-literature scholar Elizabeth Anker puts it, "consolidated by the specter of [racialized, nonwhite] bodies being violated, broken, and unmade." *Fictions of Dignity: Embodying Human Rights in World Literature* (Ithaca: Cornell University Press, 2012). In other words, the object of critique in this context is not (the false promise of) recognition but rather the very denial of it. See, e.g., Uday Singh Mehta, *Liberalism and Empire* (Chicago: University of Chicago Press, 199). In this, we observe again the tendency to think of empire as a dualistic system that plugged the non-European world into preestablished categories of difference.

represented the international arena as seamless and undifferentiated, a continuous space in which racial and cultural hierarchies could be overlooked, postponed, or even remedied.

2. Novels of Law and Order

King Solomon's Mines subscribes to similarly difference-blind logics, most obviously on the level of character. As has often been observed, Haggard places an unusually strong emphasis on the cultural affinities between the English adventurers—Allen Quatermain, Captain Good, and Sir Henry—and the Kukuanas, the lost tribe that they discover on their journey into the African continent. Quatermain, the narrator, regularly marks the overlap between the two groups, recording their shared masculinism and prizing their place within some wider interracial collective, distinguished by its heroic impulses and lust for power. These convergences have typically been understood as part of the "primitive" energy of the imperial romance, a form characterized by its nostalgic attraction to the authenticity and purity of some ancient or ancestral past, usually locatable in the far reaches of empire. Here, primitivism both responds to and compensates for the stultifying conditions of civilized life, which has deprived the modern subject of action and adventure. For Patrick Brantlinger, these escapist fantasies are actually the function of an underlying, racialized anxiety about social regression and decay, "the ease with which civilization can revert to barbarism" (230). That interpretation has recently been updated by Bradley Deane, who sees in the glorified violence of the atavistic mode an imperialist desire for "the timeless strongholds of primal masculinity" (149).[25]

[25] Earlier critics forwarded similar lines of thinking, albeit toward different conclusions. Alan Sandison, for example, assimilates Haggard's relativizing impulses to his fatalistic belief in "the subservience of all races, creeds and opinions to process and flux." Convinced that there can be no meaningful difference between races or people in an ungoverned natural order, in which everyone is "under the same doom," Haggard could thus dispense, Sandison tendentiously says,"without fuss the whole arrogant notion of the white man's burden." *The Wheel of Empire: A Study of the Imperial Idea in Some Late Nineteenth and Early Twentieth-Century Fiction* (London: MacMillan, 1967), 31.

This interpretive paradigm follows the imperial romance's own major rhetorical lead, at least as it was articulated by Andrew Lang, Haggard's chief sponsor and editor. Lang infamously militated against the enfeebling intellectualism of liberal-humanist cultivation, which could only be combatted, he felt, with a return to the heroic magnitude of premodern life. Enlisting the imperial romance for this cause, he regularly championed Haggard for his ability to reanimate the "barbaric elements" of the Homeric epic. Unlike those "tales of introspective analysis," which left "The Coming Man" "bald, toothless, and highly 'cultured,'" the romance enlivened the reader by putting him back in touch with "the ancestral barbarism of our natures" (689). Haggard took up the same mantle in an essay of his own later that year, where he argued that the neo-Homeric mode fulfilled his readership's desire to escape the stifling constraints of Arnoldian culture: "More and more," he wrote, "as what we call culture spreads, do man and woman crave to be taken out of themselves" (174).

As Nicholas Daly reminds us, however, definitions of the late-Victorian romance as savage folklore can obscure its status as "a specifically modern and commercially successful form," one which engages with contemporary projects of rationalization (22). Taking a cue from this argument, which sees the so-called romance revival of the late nineteenth century as conversant with the professionalized and commodified structures of its own moment, I want to argue that, in the case of Haggard, the guiding claims of Brantlinger and Deane can effectively be reversed: *King Solomon's Mines* transcends division by relocating the "uncivilized" from a brutal, primitive, and affective world to a modern, liberal, and rationalist one. For as we will see here, Haggard relativizes his characters to the common denominator not of uninhibited aggression but a kind of legalistic rationalism: self-possessed subjects defined by their capacity

to will and contract, the characters in *King Solomon's Mines* are united by their participation in legal systems of exchange.

It's worth remembering that the events of the novel are powered by a series of negotiations and agreements between Sir Henry et al. and Ignosi, who volunteers to join the group on their adventure, in the hopes of returning to his native Kukuanaland to reclaim his rightful place on the throne there. The interactions begin once Ignosi, known at this point as Umbopa, advertises his military prowess to the adventurers, inventorying his experiences and expertise in order to convince them of the contributions he could make to their expedition: "I was Cetywayo's man in the Nkomabakosi Regiment. I ran away from Zululand and came to Natal because I wanted to see the white man's ways. Then served against Cetywayo in the war. Since then I have been working in Natal" (39). Credentialed and industrious, Ignosi then forwards his proposal, ostensibly offering himself up as an indentured servant. "I want no money," he says, "but I am a brave man, and am worth my place in meat" (40).

These terms of service prove to be attractive to Sir Henry, who quickly hires Ignosi as his servant, although we should note that at this point their relationship's range of implications is not only or even primarily contractual. To the contrary, the deal between the two would seem to be fated, a function of kismet rather than contract. Thus will Good endorse their alliance by registering the uncanny resemblance between their equally imposing statures, a physical symmetry that seems to have almost supernatural explanatory power: "'They make a good pair, don't they?' said Good; 'one as big as the other." The assessment receives implicit confirmation from Sir Henry himself, who claims to hire Ignosi solely because of his appearance: "I like your looks, Mr. Umbopa, and I will take you as my servant" (40). Quatermain telegraphs the ancestral

continuities between the two, moreover, in his earlier description of Sir Henry, whose features apparently recall the "ancient Danes," "a kind of white Zulus" (12).

And yet, despite these deep, mythic affiliations, Ignosi strains against the language of destiny, contesting his employer's cosmology as outmoded and even outlandish, especially in contrast with his own disenchanted view of the world. That view finds expression after Sir Henry discloses his frighteningly zealous faith in the singular power of essentially masculine forces of ambition and action: "[T]here is no journey upon this earth," he announces, "that a man may not make if he sets his heart to it. There is nothing, Umbopa, that he cannot do, there are no mountains he may not climb, there are no deserts he cannot cross…" (53-4). Ignosi reacts to this misplaced confidence in the individual agency of human desire with "bursts of rhetorical eloquence," a disquisition on the fragility and meaninglessness of life, which is distorted by the visionary gleam of "white men" like Sir Henry. "Like a storm-driven bird at night," he says, "we fly out of the Nowhere; for a moment our wings are seen in the light of the fire, and, lo! we are gone again into the Nowhere. Life is nothing. Life is all" (65). Consonant with our narrator's more rational if pessimistic outlook—unlike either Good or Sir Henry, who never evince anxiety about their perilous mission, Quatermain doubts their chances of survival from the very beginning ("What has been your brother's fate?" he asks Sir Henry; "I tell you frankly that as their fate was so I believe ours will be" (33))—this quasi-Darwinian understanding of life—as random, purposeless—baffles Sir Henry, who can only respond to his interlocutor by belittling him as "a strange man." Unfazed, Ignosi insists that they "are much alike" in their mutual subjection to the universe of natural law, an order of meaning that transcends—by subduing—the domain of individual passion or desire (55).

The demystified view folds neatly into the rationalized scope of their relationship, which will be enacted from here in the idiom of legality. When Ignosi reveals his ulterior motives to the group, for instance, proposing an ambitious and potentially catastrophic plan for armed intervention, he knows to update the conditions of his deal, quickly promising to compensate everyone with diamonds—but only under the stipulation that the coup succeeds and that he can find the promised treasure: "The white stones, if I conquer and can find them, ye shall have as many as ye can carry hence" (115). While both Good and Sir Henry deem this offer superfluous, an unnecessary gesture that upsets their gentlemanly code of conduct, Quatermain acknowledges, with only some hesitation, his desire for material compensation:

> "Umbopa, or Ignosi," I said, "I don't like revolutions. I am a man of peace, and a bit of a Coward" (here Umbopa smiled) "but, on the other hand, I stick to my friends, Ignosi. You have stuck to us and played the part of a man, and I still stick to you. But mind you I am a trader, and have to make my living, so I accept your offer about those diamonds, in case we should ever be in a position to avail ourselves of it." (116)

Hensley cites this passage in his analysis of the novel, citing it as an exemplary instance of the text's ability to mediate between what seem like competing ideological positions: giving lip service to liberal ideals about the obligations of friendship, Quatermain reveals his true motivations to be more self-serving, a tension that Hensley thinks the text leaves unresolved. "The result," he concludes, "is a hybrid packaging of a fading empire's contradictory logics. On the one hand, a nightmarishly violent episode of capital extraction, resource theft, and puppet sovereignty; on the other, a reluctant intervention on behalf of values construed as 'human'" (215). Yet if the first side of that equation emerges here, it does so faintly and only by negation. Quatermain certainly appears more avaricious than a "gentle civilizer" should, but the passage simultaneously mitigates that greed—not so much by emphasizing his reservations or idealism, both of which seem insincere after all, but by turning him into a contracting agent, one who has

simply agreed to the terms of the deal in front of him. While this deal may present our narrator with the course of action that he would have felt compelled to take in any case, regardless of any agreement, the point is that the text cancels the need for those unpleasant counterfactuals. Quatermain stands to gain his wealth rightfully on this account, which invokes the reciprocal arrangements of the promissory contract and its logics of consent: Ignosi offers the prospect of mineral wealth as long as certain conditions are met, and Quatermain happily accepts, paraphrasing those conditions ("in case we should ever be in a position to avail ourselves of it") as a signal of mutual understanding.

After finally returning to his throne, however, Ignosi finds his promised reward unsatisfactory, an insufficient measure of his appreciation. Revising the agreement yet again, he grants the British team royal privileges as remuneration for their help: "An order was also promulgated through the length and breadth of Kukuanaland that, whilst we honoured the country with our presence, we three were to be greeted with the royal salute, to be treated with the same ceremony and respect that was by custom accorded to the king, and the power of life and death was publicly conferred upon us" (183). Ignosi may effectively be sharing some of his political and territorial authority here, but Haggard represents him as a fully cognizant and autonomous actor in this process—not unlike the litigious and willful chiefs described by jurists like Twiss. Deploying similarly idealized conceptions of legal agency, Haggard has the restored king deliver his new orders proudly and publicly, at a courtly event—"the spectacle was a most imposing one," Quatermain observes—that includes the declaration of several other policy changes, each of which "reaffirm[s]" Ignosi's earlier promises to return order and justice to his state (182). We can see an air of authority reflected by the prose, too, in the passive construction of these decrees—"the power of life and death was publicly conferred upon us"—which efface

the king by turning him into the impersonal and impartial force of law itself. Fifty pages later, as if to stress the self-regulating consistency of the new regime, the story concludes with Ignosi reminding the British adventurers of their special privileges, acknowledging that although he plans to close the region off to all white men, "the path [to Kukuanaland] is always open" to them (223).

To be sure, this tidy conclusion (already preceded by the extraction of the promised diamonds) offers relatively clear evidence of the "triumphalism" that Edward Said, among others, takes as one of the defining features of the imperial adventure story, whose narrative structures, "far from casting doubt on the imperial undertaking, serve to confirm and celebrate its success." "Explorers find what they are looking for, adventurers return home safe and wealthier," and the narrative ends with "optimism, affirmation, serene confidence," and an unshakably certain view of British imperial supremacy (187-188). Yet if the novel ultimately ensures the smooth reproduction of power, the presence of Ignosi within the final pages offers a crucial reminder about the path towards this point, which depends in an important sense on the chain of negotiations running up to it. That's to say, what the novel depicts as a moment of imperial closure—Ignosi reappearing to send the heroes off with a final blessing—testifies as well to the preconditions of this closure, to the series of contractual engagements that have driven the characters along their adventure, launching and directing them toward this celebratory scene of departure. A primary source of narrative energy, those engagements are finally indispensable to the romance form.

Evenly applying the logic of contractual will and free choice, *King Solomon's Mines* discards civilizational distinctions, or at least renders them temporarily inoperative, insisting instead on the ubiquity of law and order. The same sort of universalist message finds expression

in *She*, albeit negatively, in the form of a cautionary tale. Featuring a more mystical and supernatural story, in which an immortal sorceress, Ayesha, reigns imperiously over a lost African civilization, ruthlessly killing subjects with blasts from her arm, the novel finds in Africa another model of imperial power, an autocratic fantasy about endless rule and temporal mastery. Yet, as Laura Chrisman argues, the novel can only entertain this fantasy for so long: a figure of terrible, despotic power, Ayesha is ultimately punished—by immolation—for bringing the organizing principles of imperialism to their logical extremes. Building off Chrisman, I would suggest that we can understand the threat posed by Ayesha and her authoritarianism in legal terms, as the result of her disdain for any kind of judicial process, especially one that might involve her subjects. In effect, the problem is that she forecloses the spread of a legal system, espousing an inconvenient if familiar vision of Africa—as a lawless zone of alterity—that cannot be reconciled with the kind of legal proceduralism needed for the new imperialism.[26]

This vision is on display from the moment the story's two protagonists, Horace Holly and Leo Vincey, arrive in Kôr, when Ayesha chides Holly for labeling the Amahagger "her people" and thus baselessly implying the identify of ruler and subject. "[T]hese slaves are no people of mine, they are but dogs to do my bidding till the day of my deliverance comes," she explains, "and, as for their customs, naught have I to do with them" (140). This sense of revulsion surfaces

[26] Critics have understood Ayesha's threat from different angles. Like Chrisman, who views the immolated queen as imperialism's despotic and therefore intolerable double, Deirdre David situates Haggard's wildly misogynistic tendencies within the context of imperial expansion. Her argument is that, insofar as Ayesha seems unproductive—literally sterile but also unwilling to sustain an economically productive empire—*She* can be seen as a kind of justification for Britain's "imperial wealth and governance." See Chrisman, "The Imperial Unconscious? Representations of Imperial Discourse," *Critical Quarterly* 32.3 (1990): 38-58, and David, *Rule Britannia: Women, Empire, and Victorian Writing* (Ithaca: Cornell University Press, 1995), 197. Other critics have understood Ayesha as a manifestation of a gendered anxiety about the rise of the New Woman. For the two most prominent examples of this interpretation, see Sandra Gilbert and Susan Gubar, *Sexchanges*, vol. 2 of *No Man's Land: The Place of the Woman Writer in the Twentieth Century* (New Haven: Yale University Press, 1989), and Elaine Showalter, *Sexual Anarchy: Gender and Culture at the Fin de Siècle* (New York: Viking, 1990).

again, and even more vividly, when she decides to put what seems like the majority of the tribe on trial for their earlier attack on Holly and Leo, an offence for which she finds them guilty in advance (i.e., regardless of whether they knew of her orders to leave the "white men" unharmed). The sentence is death by torture:

> But ye are all evil—evil to the core—the wickedness bubbles up in you like fountains in the spring-time. Were it not for me, generations since had ye ceased to be, for of your own evil way had ye destroyed each other. And now, because ye have done this thing, because ye have striven to put these men, my guests, to death, and yet more because ye have dared to disobey my word, this is the doom that I doom you to. That ye be taken to the cave of torture, and given over to the tormentors, and that on the going down of tomorrow's sun those of you who yet remain alive be slain, even as ye would have slain the servant of this my guest. (160)

As Ayesha readily proclaims, the real crime inheres in the fact that she feels as if she has been disobeyed, not that her "guests" have been unfairly harmed. The previous lines provide the grounds for this judgment, staging its inevitability as an issue of self-preservation: an inherently violent, conflictual people that would have annihilated themselves without the queen's outside influence, the Amahagger can only survive as long as her authority remains unconditional. "Hath it not been taught to you from childhood," Ayesha asks at one point, "that the law of She is an ever fixed law, and that he who breaketh it by so much as one jot or tittle shall perish?" (160). Existing in a sort of non-relation to her subjects, who register only as potential threats to her discretionary license, Ayesha thus manufactures her own legality, or the veneer of legality, while also producing a violence (mass murder) that shreds all relation to law.

Terrified by this illiberal form of sovereign power, Holly speaks out in defense of the guilty parties—who have responded to their sentence by weeping for mercy—pleading with Ayesha "to spare them, or at least to mete out their fate in some less awful way." Ayesha remains firm in response by clarifying the need for her course of action, which she claims to use

sparingly and only when necessary: “How thinkest though that I rule this people? I have but one regiment of guards to do my bidding, therefore it is not by force. It is by terror. Once in a generation mayhap I do as I have done but now, and slay a score by torture” (161). In her early, foundational work on Haggard, Wendy Katz suggests that these memorable lines underscore both the appeal and the limitations of Ayesha’s style of rule, a style that obviates the need for an “extensive military machine”—but which remains vulnerable for that reason. “The might of Ayesha’s empire, then, is as imaginary,” Katz observes, “as its method of control” (129). Without the support of armed forces, Ayesha relies on purely arbitrary forms of legal administration, short-circuiting the connection between crimes and punishments, which she doles out only as reminders of her lethal force.

Of course, as an exterior authority who reigns only by virtue of her limitless power, Ayesha bears more than a passing resemblance to Leopold, the nineteenth century’s stranger-king par excellence. Unlike Leopold, though, Ayesha casts her imperial project in narrowly romantic and parochial terms, as the function of her own intimacies and impulses, chief among them her desire to reunite with her love, Kallikrates, the ancient Greek priest literally embodied by Leo. This desire animates her unambiguously villainous decision to murder Ustane, the Amahagger woman who has already married Leo, preventing the union that Ayesha has anticipated. Unrepentant, Ayesha apologizes to Leo only for having “shocked thee with my justice,” and explains the fairness of the outcome by appealing to her longsuffering past: “‘For two thousand years, Kallikrates, have I waited for thee and now at length thou hast come back to me; and as for this woman,’ pointing to the corpse, ‘she stood between me and thee, and therefore have I removed her, Kallikrates’” (203). Again, “justice” for Ayesha is the obscene antithesis of lawfulness, a disorderly process fueled this time by anger and jealousy, which mark

the queen as hopelessly narcissistic. The characterization discloses the oft-remarked misogyny running through the text—which can barely tolerate, as Deirdre David writes, "assertive intellectual women bent upon visibility in the public sphere" (197)—while also further clarifying the legal complaint, which Haggard specifically lodges against the passionate and partial nature of Ayesha's authority.

That complaint can be observed on a secondary level, too, through the justificatory language that Holly ironically marshals in defense of Ayesha. Unsure of whether "she-who-must-be-obeyed" really deserves the label "evil," Holly redirects the reader to a long-winded footnote in which he tries to elicit sympathy or at least understanding for the queen, whose depravity might be explained by her senescence: "It is a well-known fact that very often…the older we grow the more cynical and hardened we get, indeed many of us are only saved by timely death from utter moral petrification" (215). At the same time, though, Holly wants to suggest that Ayesha has gained certain moral virtues over the course of her years, which have taught her "that there was but one thing worth living for, and that was Love in its highest sense." "This is really the sum of her evil doings," he concludes, "and it must be remembered on the other hand that whatever may be thought of them she had some virtues developed to a degree very uncommon in either sex—constancy, for instance" (215). The explanation is meant to be empty, a feeble rationalization undercut in part by its logical inconsistencies, as well as its reliance on vague ideals about amorous commitment ("Love in its highest sense"), which would seem to be at odds with Holly's own investment in modern categories of reason, evident in his earlier sense of being a "rational man, not unacquainted with the leading scientific facts of our history" (158). The only way to defend Ayesha's brutal, executive actions is to make them seem

like manifestations of some higher law—a defense that we have been prepared to see as no defense at all.

There is also another irony in identifying Ayesha with some higher or purer law, since her gravest error has been to violate the most basic natural principles by choosing immortality. Holly reaches this conclusion himself by the end of the story, when he attributes Ayesha's fate, the way she "was swept back to nothingness—swept back with shame and hideous mockery," to the fact that she had "opposed herself against the eternal Law" (258). Stephen Arata has argued that this conclusion reflects Haggard's desire to reaffirm the value of natural processes like death and decay—to celebrate, that is, "what would otherwise be a distressing fact, namely that human beings and their institutions do not last forever" (102). But the framing of Ayesha's choices as unlawful should also remind us that she has violated more than just the natural order, and that part of her punishment also has to do with her resistance to the rule of law. It's worth considering in this regard the scene that precedes her climactic return to the flaming Pillar of Life, in which she shares her ambition to leave Kôr and challenge the global hegemony of Queen Victoria. Holly meets the announcement with anxiety, warning Ayesha that, in the world outside her kingdom, acts of violence "[were] not an amusement that could be indulged with impunity, and that any such attempt would be met with the consideration of the law and probably end upon a scaffold." Contemptuously dismissing the possibility, Ayesha reminds Holly of what he should already know by now: "that I am above the law, and so shall my Kallikrates be also. All human law will be to us as the north wind to a mountain. Does the wind bend the mountain, or the mountain the wind?" (225). Certainly, the enormity of this threat makes it difficult to delimit its shape, a difficulty that may move our forum of judgment from the legal domain to the moral one. Yet Holly explicitly issues his warning in terms of legal process, by alerting Ayesha to the

judicial forms of authority that will fit her crimes with punishments, placing her, if necessary, "upon a scaffold." In other words, he projects her into the supervisory space of the juridical, revealing the need for the neutralizing rigor of legal activity. Without it, he worries, the imperial mission collapses into lawless domination, which may well continue to produce wealth and prosperity—but only, he warns, "at the cost of a terrible sacrifice to life" (226).

It should go without saying that, historically, these comments could not fall much wider of the mark: in the case of the Congo and the Scramble for Africa, the legal frameworks brought to bear on European-African relations did much more to entrench colonial violence than to impede it.[27] The Congo Free State would turn into one of the most devastating colonial regimes in modern history, claiming nearly ten million lives over the course of its relatively short career.[28] The violence of imperialism, in this context and others, depended on an increasingly complex and comprehensive legal architecture, a dense web of what Nasser Hussein would call hyperlegality, "not a suspension of the law but an intensification of an administrative and bureaucratic legality, particularly in the use of classifications" (744). This is the project of global lawmaking that finds its literary expression in Haggard's early novels, underwriting their advocacy for an imperial order founded on judicial consistency and legal procedure.

[27] It's clear, given the infinite harm that Leopold would visit on the Congo, that his legalism was a bad faith position that acted only as cover for his own power. It's less clear, on the other hand, whether Twiss believed that the Congo Free State might actually fulfill its stated goals; vocally against slavery and the slave trade, he could be read as a more earnest proponent of the humanitarian mission Leopold claimed to support. This at least is the perspective offered by the intellectual historian Casper Sylvest in "'Our Passion for Legality': International Law and Imperialism in Late Nineteenth-Century Britain," *Review of International Studies* 34 (2008): 403-423; see esp., 408-415. Of course, we need not doubt the sincerity of Twiss (or the insincerity of his employer) in order to recognize the role that the law played in the wholesale dispossession of African peoples' territories.

[28] This estimate is from Adam Hochschild's *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (London: Houghton Mifflin, 2000), 232-3.

3. Neutral Forces

But Haggard's novels speak to both sides of Twiss's argument: not only the claim for the wider application of the law, but also the notion that sovereignty could be signed over to individuals. The idea that private parties could acquire political rights and international standing, acting in effect like states, was not an unfamiliar one within the context of the British Empire, where chartered companies, such as the East India Company, had purchased and held governmental powers starting in the early modern period.[29] But the tide had been changing over the course of the nineteenth century, thanks in part to the spectacular failures of the East India Company. It was also shifting in the face of the earlier arguments of influential jurists like Emer de Vattel, who had sought to limit the powers of private corporations by giving states a kind of stranglehold on the category of international personhood; by the mid-nineteenth century, according to Andrew Fitzmaurice, states had won "a monopoly over international life" ("The Expansion of International Franchise" 459). Twiss himself had contributed to this consensus in his early work, where he had insisted on the incoherence of privately held sovereignty.[30] It would be no surprise, then, that by the time he changed his tune in the 1880s, arguing for the validity of Leopold's enterprise, jurists and diplomats across Europe evinced more than a little skepticism about the proposal. "It is a principle of law," explained one French legal scholar, "that states alone may exercise sovereign rights, and that a private company may never hold them" (qtd. in Press 234).

---

[29] Cf. Philip Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (Oxford: Oxford University Press, 2012).

[30] As Fitzmaurice notes, Twiss defended this position when weighing in on the Oregon Boundary dispute in his 1840 treatise, *The Oregon History, Its Territory and Discovery*, where he "implacably opposed the right of private individuals crossing the Rocky Mountains to establish new societies of their own." Fitzmaurice, "The Expansion of the International Franchise in the Late Nineteenth Century," *Duke Journal of Comparative and International Law* 28.3 (2018), 449.

Challenging the orthodoxies of the field, Twiss was in essence asking for a reassessment of the idea of statehood. If private individuals like Leopold could buy political and territorial sovereignty, gaining recognition as rights-bearing bodies in international society, what was the difference between these bodies and other states? Could sovereignty simply be purchased in some sort of global marketplace? Was a state an asset or a commodity? What was a state? Twiss overcame these obstacles in part by citing the evidentiary record: here, again, the example of Borneo proved useful, as did the history of the United States, whose earliest members "owed their origins to private associations" that had acquired territorial sovereignty independently, without "incorporation from the Crown of England" ("The Free Navigation of the Congo" 507). Just as the question regarding native rights had basically seemed rhetorical, then, Twiss felt that there could be no doubt about whether private associations could lawfully accept transfers of rights; "the law of usage of Europe" clearly demonstrated that they could. Again, the only real question was whether the European powers would be willing to be consistent in their application of the law: "Should there be a different rule in Africa from that which has prevailed in America and Asia? Or should there be…a law of nations opposed to that which prevailed at the foundation of the independent states on the shores of North America—States whose federation gave birth to the parent republic of our age?" (507).

But while this argument would find receptive audiences in places like the United States,[31] Twiss knew that he would have to do more than simply appeal to precedent in order to win widespread approval. In addition to establishing the legal basis for the IAC, then, he also

[31] In his study, Steven Press highlights the response of Senator John Tyler Morgan, who was so "moved" by Twiss's argument that he urged Leopold's lobbyists to "get up the instances in our history of the treaties made by those who came to America as private people, not under charter, and made treaties with Indians" (qtd. in Press 235). The United States would ultimately be the first government to confer recognition on Leopold, in April 1884, acknowledging "the flag of the AIC as equal to that of any 'friendly government'" (Stengers 240).

advertised its diplomatic function, its capacity to act as a neutral party in central West Africa, ensuring freedom of commerce and travel for all interested parties. He spent virtually an entire essay elaborating a version of this point in the run-up to the Berlin Conference, writing about the need to internationalize the Congo River, "the great channel of water communication between the Atlantic Ocean and the immense basin of Equatorial Africa" (*An International Protectorate of the Congo River* 3). The essay reads initially like a travelogue, as it opens with a sort of virtual tour of the Congo Basin: "As we ascend the river from Boolembepa Point, the northern shore is low and unattractive to the eye, until Bull Island comes into sight at the distance of about eleven miles, above which there are several inlets or creeks unexplored, but studded with villages" (6). These kinds of descriptions proliferate, bringing the region's untainted, self-stabilizing ecology into clearer view, until it's practically unnecessary for Twiss to explain that this is a realm ripe for development—and hence in need of regulation. The situation raises specifically legal questions:

> Vivi [a station recently established by Stanley] may thus be regarded as the portal of a new country, which the researches of Stanley have thrown open to the European traveler, who is sure to be followed by the merchant, and the question will of necessity arise, as to what law should be binding on the European merchant who frequents the river, and to what jurisdiction he shall be amenable if he disobeys that law. A difficulty on this subject has already arisen on the Lower Congo, where it may be justly said that each man sets law unto himself, for no other European Government exercises an acknowledged jurisdiction over the River or its banks, and when crimes have been committed, extemporized judges have had to take upon themselves also the duty of executioners, and the sense of their own weakness has led them in the interest of self-preservation to have recourse sometimes to measures of severity, which a constituted authority might not think it necessary to adopt. (7-8)

The Lower Congo offers an object lesson in how not to handle the apparently unavoidable expansion of the international capitalist economy, which cannot fully succeed on its own, without the establishment of some kind of formal, centralized legal authority that can superintend

the claims of competing powers. Inter-imperial commerce and exchange needs the oversight of some sort of regulatory body. Moreover, because the goal is to secure an equitable arrangement for all parties, each of whom should have a chance to pursue and defend their interests, that body has to be (seen as) neutral and disinterested, committed above all to the principles of fairness. Only one actor could claim to fit this bill: if the "concert of nations" wished to pursue an internationalist policy of free trade in central West Africa, guaranteeing equal access to the region's resources, their only choice was to recognize the sovereignty of the International Association of the Congo, the one organization that could operate "in the general interests of civilization and of humanity" (11).

This was in some respects the most rhetorically powerful part of Twiss's argument, since it made the prospect of commercial gain widely available, while also precluding the costly obligations of territorial occupation. As the international legal scholar Martti Koskenniemi explains, "by agreeing on free navigation and free trade in the area European States sought to secure maximal commercial advantage in the enormous territory in the middle of Africa without administrative burdens for any one of them" (157).[32] The agreement would be especially

[32] The great irony of the Berlin Conference is that these arguments for the internationalization of central West Africa would enable the imperial dynamics—partition, occupation, ruthless competition between colonial powers—that they were meant to forestall. It's partially on these grounds that some historians have dismissed the Conference as politically and legally inconsequential. For an early and influential example of this argument, see Sybil Crowe, *The Berlin West African Conference 1884-1885* (London: Longmans, Green & Co, 1942). International legal scholars like Antony Anghie, on the other hand, have lent an enormous amount of significance to the Conference, "which determined in important ways," Anghie says, "the future of the continent and which continues to have profound influence on the politics of contemporary Africa." *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University Press, 2004), 91. The international legal scholar Matthew Craven has recently tried to resolve the tension by contending that the choice between reading the Conference, and the push for internationalization in particular, as either successful or not is a false one, at least insofar as it fails to coordinate rules and outcomes; the point should be to try and understand the gap between aspiration and reality, how it was that the "regime of free trade subverted itself through the (attempted) realization of its own conditions of possibility" (58). "Between Law and History: The Berlin Conference of 1884-1885 and the Logic of Free Trade," *London Review of International Law* 3.1 (2015): 31-59. I wade through this historiographical debate partially in order to acknowledge that there isn't exactly a consensus on the kind of effect that Twiss's arguments might have had on imperial politics. But, as Craven somewhat ambiguously points out, "'efficacy' and 'effect' are not necessarily covalent" (58). In the context of the Conference, I take this to mean that if the call for an international framework in

appealing in Britain, even as officials worried about Leopold's ulterior motives and the possibility of losing control of the Sub-Saharan region, where the Empire had long been the dominant economic force. Notwithstanding this dominance, though, Britain had no interest in claiming formal authority over the Congo, especially after a select committee of Parliament had recommended abandoning the state's extant colonies in West Africa. Thus, by the time the Foreign Office would officially be faced with the question of whether to grant Leopold sovereignty, the under-secretary of foreign affairs took the answer to be obvious: "Why," he asked, "should we not recognize the political existence of the Free States of the Congo and make a Treaty with their chosen Chief, the Association?" (qtd. in Press 202).

Yet if British officials gladly, if somewhat cautiously, embraced the internationalist framework sketched by Twiss and other members of Leopold's team, it's hard to imagine imperialists like Haggard expressing as much enthusiasm for the idea. Indeed, Haggard explicitly took issue with politico-economic arguments about the need for trade and multilateral cooperation in the colonies, arguments that he felt acted against the national interest by prioritizing some wider, transnational set of capitalistic values.[33] Literary scholars have leveraged opinions like these in order to accentuate the cynical notes in Haggard's novels, where he often inveighs against the materialistic dimensions of British imperialism, lamenting the heedless profiteering of imperial policymakers who operate without any consideration for the civilizing mission—or indeed anything other than commercial advantage. Lindy Stiebel has accordingly noted that "beneath the cover of narrative convention and fictional characters, some

---

Africa ultimately failed, that call still worked rhetorically, as a means of rallying the European powers around the cause of the IAC.

[33] Cf. The essays published in *A Farmer's Year*, where he derides the way that "countries in China, Central Africa, anywhere, must be seized or hypothecated to provide 'new markets'—even 'at the cost of war'—for this is fashionable and imperialistic, and it is hoped, will bring profit to the people with the most roles and influence, the traders and the dwellers in towns." *A Farmer's Year* (London: Longmans, Green & Co., 1906), xi.

contradictory part of Haggard is free to show…more fears and pessimism as to the outcome of the imperial project than the public, imperialist Haggard could allow" (31). Moreover, as Chrisman argues in her work, when Haggard supplies correctives to the commercial basis of imperial expansion, he tends to do so on what Chrisman calls "racial-national grounds," by granting power to an ethnically and nationally uniform cast of characters. Such is the case at least in *King Solomon's Mines*, where the "fantasy guiding the construction of Haggard's trio," Chrisman submits, "is the transformation of a multinational capitalist phenomenon [mining] into an exclusively national one" (45).

On first glance, then, Haggard's work would seem to defy the internationalist spirit of Twiss's proposal by stubbornly insisting on the primacy of the airtight container nation. Yet, as Chrisman herself indicates, the central cast of characters in *King Solomon's Mines* make for unlikely representatives of their country and era, since they "have a marginal and atypical relationship to the contemporary processes of British socio-economic development both in Britain and in South Africa"; alienated by these processes, "they are portrayed as victims rather than leaders of capitalist modernization" (49). If this portrayal condemns the existing order, suggesting the need for a more traditional, nationalistic imperial mission, as Chrisman argues, it also has the somewhat paradoxical effect of making Sir Henry et al. seem not just disaffected or displaced but almost unincorporated, as if they altogether lack ties to their home country. If these are imperial heroes, it is because they have established themselves as independent and self-sufficient actors, ones who have abjured the limited fields of national belonging in favor of the universal economies of law. In effect, between their neutrality and their deference to higher principles of law and order, they read like justifications for the legalistic argument that sovereignty could, and in some cases should, belong to private parties; however opposed

Haggard might have been to the international framework that this argument would be made to serve, he lends credence to the idea that non-national entities might be the best—because most impartial—administrators of the law.

Thus, from the novel's opening pages, Haggard takes pains to establish the distance between his trio and the national-imperial body, emphasizing their economic and political marginalization—none of them, not even the younger, wealthier Sir Henry, belong to "the newly emergent generation of metropolitan-imperial capital," as Chrisman observes (48)—but also their resultant sense of disaffiliation from this body. After learning that Good had essentially been forced to retire from the Royal Navy, which refused to offer him a promotion after his seventeen years of service, Quatermain expresses more resignation than surprise, making sure to represent this kind of treatment as commonplace: "That is what people who serve the Queen have to expect: to be shot out into the cold world to find a living just when they are beginning to really understand their work, and to get to the prime of life" (13). Having managed to internalize this lesson early on, Quatermain explains his decision to avoid the auspices of the bureaucratic state, noting that while his life as an independent trader presents its own set of challenges—"one's halfpence are as scarce perhaps," he admits—he has had the fortune to live freely, without having to endure "so many kicks" (13). Yet if he has chosen his self-interest over the administrative rationality of the national-imperial establishment, it is not out of any desire to escape the moral constraints of bourgeois culture, to "go native," proverbially speaking, like some proto-Kurtz figure. To the contrary, his experiences have intensified his attachment to the rule of law, whose certitude and authority act like guideposts for his sense of self. This much is clear when he first introduces himself to the reader, albeit not immediately, since he begins by disavowing his official legal title—"Allan Quatermain, of Durban, Natal, Gentlemen"—which

he deems inappropriate for this literary context, not "quite the right way to begin a book" (10). As he quickly reveals, though, this uncertainty has more to do with the veracity of the title than with the rigid formalities of the law. What he's really unsure about is whether the category of "gentleman" applies to him. Asking the question prompts a reflection that brings base racial politics and notions of status to the fore, in ways that are unsettling for the contemporary reader:

> And, besides, am I gentleman? What is a gentleman? I don't quite know, and yet I have had to do with niggers—no, I'll scratch that word 'niggers' out, for I don't like it. I've known natives who *are*, and so you'll say, Harry, my boy, before you're done with this tale, and I have known mean whites with lots of money fresh out from home, too, who *ain't*. Well, at any rate, I was born a gentleman, though I've been nothing but a poor and travelling trade and hunter all my life. Whether I have remained so I know not, you must judge of that. (11)

We might of course read the confession as falsely modest or disingenuous, given Quatermain's otherwise confident ability to gauge whether or not other people might fit the criteria for gentleman.[34] But even if this confusion seems more performative than sincere, it still highlights Quatermain's ambivalence about the idea of the gentleman, an idea that he sees as riddled with racial thought and overdetermined by domestic class politics, as the denigration of "mean whites with lots of money fresh out from home" suggests. The notion of gentleman is therefore in need of redefinition. More certain for our narrator is the standard of the law, which he knows to have always followed, even or especially when he has had to use violence: "I've killed many men in my time," he admits, "but I have never slain wantonly or stained my hand in innocent blood, only in self-defence" (11). The claim may be motivated by a sort of providential or theological

[34] This is the tack Chrisman takes, anyway, arguing that the passage should be read as a performative bit that doesn't so much undermine or challenge the category of "gentleman" as make it more inclusive: "Gentlemen are defined not through socio-economic class, race, or heredity but through moral behavior that includes the use of 'polite' language—'native' rather than 'nigger.' This opening of the boundaries itself facilitates reader self-identification." *Rereading the Imperial Romance* (Oxford: Oxford University Press, 2000), 52.

calculation (i.e., only God can judge), but it still mobilizes legal principles of proportionality, neatly lining up ends and means such that the object of violence can be justified in the eyes of the law: he was only acting in self-defense. The point is not just that those actions have legal merit—though the self-exculpation is obviously convenient—but that the normative bindings of the law are his only frame of reference in this world, which cannot for him accommodate the forms of subjectivity constituted in relation to specifically British ideals of male conduct.

Crucially, this perspective is not one that Quatermain adopts selectively, that is, only when he needs to indemnify himself against the risk of seeming unjust. Soon after this introduction, for instance, we glimpse again both his sense of autonomy and his commitment to legalistic notions of fairness and justice, this time in the context of his early and non-confrontational experiences as an adventurer. Setting up the legend of the Suliman Mountains, home to the fictionalized diamond mines of King Solomon, Quatermain first narrates to Sir Henry and Good the story of how he discovered gold in the Transvaal some thirty years prior. "Inside the mouth of this gallery are stacks of gold quartz piled up ready for crushing," he tells them, "which shows that the workers, whoever they were, must have left in a hurry…" (20). Chrisman helpfully points out that Haggard tangles the actual chronology of mineral development in South Africa here, as he suggests the longstanding existence of a gold industry that had in fact only just emerged in 1885, at the time of the novel's composition; not just an attempt to lend "a hyperreal magnitude to the treasure," this move to collapse the present into the past looks to Chrisman like a kind of ideological displacement, an effort to deprive imperial capitalists of the wealth and resources that they had only recently and unfairly accumulated (30). We might also notice, though, how this deviation from the historical record rolls back the presence of Britannic rule more generally—the mines, abandoned by unnamed workers, simply

materialize for the unsuspecting Quatermain, who discovers them on his own while hunting in the area—such that our imperial hero cannot plausibly be associated with the causes of Empire.[35] It's perhaps for this reason, though Quatermain keeps his motivations unspoken, that he decides to leave his discovery untouched, refusing to arrogate the right to take the abandoned treasure. True, as Chrisman argues, the virtuous clarity of this decision may simply reinforce the need for the authority of the "'legitimate' classes represented by his trio," supplying another reason to place governing power in their hands (31). And yet, precisely because of the absence of an imperial apparatus that Quatermain has himself already disclaimed, it's difficult to read his magnanimity as some covert colonial maneuver. Unwilling to consolidate ownership over the mines, he earnestly attempts to preserve the claims of "the workers, whoever they were," honoring their prior rights of access.

These chivalric displays of honor contrast sharply with the cruel, amoral practices of rule that Ayesha develops in *She*. The contrast can be felt most acutely, perhaps, in the moments when Ayesha offers a theory of or explanation for her cruelty, a rationale, as it were, for her totalitarian personality. Here she is, for example, openly embracing acts of violence and domination as justifications in their own right: "Is it, then, a crime, oh foolish man, to put away that which stands between us and our ends? Then is our life one long crime, my Holly; for day by day we destroy that we may live, since in this world none save the strongest can endure. Those who are weak must perish; the earth is to the strong, and the fruits thereof" (183). The

[35] Here I'm also in conversation with those critics who have noticed the way that Haggard tends to elide the brutal aspects of imperialistic exploitation, often by locating the process of resource extraction in the distant past. Contra Chrisman, though, these critics have seen this tendency as Haggard's way of absolving contemporary imperialists of their sins, such that, in Deirdre David's words, "white Britannic presence in black Africa is untainted by abuse of native labor" (191). For David's representative interpretation, see *Rule Britannia,* 189-192. My point here is just that this tactic also becomes another way in which Haggard's protagonists appear detached from the structures of the Empire, less like agents of British rule than neutral, unaffiliated individuals.

explanation subordinates legal categories of criminality and responsibility to the political energies of tyranny, biologized here as an elemental form of hierarchy. To be sure, the novel's discomfort in following Ayesha to her slaughter-bench of self-aggrandizement is even more latent than usual, with Holly standing in an awed silence that isn't exactly dismissive or denunciative of the queen. Even so, he confides his "fear" to the reader in an anxious aside about the anarchy of outlaw violence, of a blood-soaked wilderness in which the figure of violation is completely "unconstrained by human law" (184). Whatever Ayesha's lure, then, the object of outrage is still her mode of lawlessness: a demonic will to power that must be exorcized from the structures of empire.

It is true, of course, that the adventurers in *King Solomon's Mines* do not always model the neutral rectitude that Ayesha so conspicuously lacks. Indeed, as Hensley makes clear in his analysis, the trio look less like disinterested peacemakers once the narrative settles on the violence of the armed intervention, described in an inordinately lengthy scene (fifteen pages) that showcases the unsettling sense of satisfaction that they derive from the crucible of combat. Take for example the disturbingly exultant terms in which Quatermain describes the murderous rage of Sir Henry: "And yet more gallant was the vision of Sir Henry," he says, "whose ostrich plumes had been shorn off by a spear stroke, so that his long yellow hair steamed out in the yellow breeze behind him. There he stood, the great Dane…his hands, his axe, and his armour, all red with blood, and none could live before his stroke" (23). At the same time, Quatermain repeatedly emphasizes the legitimacy and humanity of the operation, turning the field of military conflict into a carefully ordered zone of rules and regulations, a norm-governed space that humanizes the violence—and indeed accords with the laws of war. [36] Thus, just as he earlier

[36] The laws of war have a long history that extends at least as far back as the early modern period, when jurists like Hugo Grotius became interested in the justifiability of war and the kind of causes for which it could be waged (*jus*

insisted on his commitment to the legal protocols of proportionality, so too does he advertise their mandate not to harm the "enemies wounded," making sure to mention that "so far as we could see this order was scrupulously carried out" (163).

For Hensley, who traces these contradictory dynamics, the oscillation between law and violence, down to the level of the prose in this scene, Quatermain's descriptions of the battle once again display the text's ability to crystallize the paradoxes of liberal imperial thought. "Haggard's prose sharpens the question of justification," he writes, "and while maintaining its anti-deliberative superficiality discloses a secret compact between the moral discourse of nation-building ("justice," "law," "freedom") and a visceral exultation in death seemingly more at home in the blood-and-soil language of Tory realpolitik" (230). The assessment is true as far as it goes; the group's taste for gratuitous violence, apparent at almost every turn in the protracted battle scene, sits uneasily and obviously beside the "ethico-political language" Quatermain deploys in order to define the cadre's actions as judicious and restrained. But what gets disclosed here beyond that? To read this conjunction as an awareness of or comment on the way liberal strategies of interventionism can turn into projects of brutal conquest is to bend the novel's form too far past its own epistemological framework, overriding the way Haggard characterizes the campaign for law and order: the point is not so much that the characters wage war in the name of

---

ad bellum). By the nineteenth century, however, legal theorists would be less interested in whether war could be restricted to just causes than in how it could be regulated; the point would be not to outlaw war, in other words, but rather to find ways to define its proper conduct (*jus in bello*). The shift found concrete expression at the first Geneva Convention in 1864, when the European powers agreed to humanize armed conflict by providing systematic and organized help for those injured on the battlefield. While this initiative therefore aimed, as the legal historian Stephen Neff explains, "not so much towards regulating the conduct of hostilities as towards relieving the sufferings of victims of war," there were other, smaller measures taken around the same time in order to establish the "technical limits" of conflict (188, 186). Key here would be the 1868 Declaration of St. Petersburg, "which had the immediate purpose," Neff says, "of banning the use of certain explosive projectiles in war" (186). Such measures would culminate with the First Hague Peace Conference in 1899, when the powers agreed to legally codify the codes of conduct that had been established, though not always followed, over the course of the nineteenth century. For Neff's encyclopedic coverage of this history, see the third section of his *War and the Law of Nations: A General History* (Cambridge: Cambridge University Press, 2005).

peace, but that they do so as neutral forces who have no power, much less any desire, to exercise the jurisdiction of the state.[37] What I have been trying to suggest is that the text works hard to divorce the characters' sense of juristic duty from any official imperial program—and indeed to posit the distance between the two as part of the condition of possibility for the former. In other words, the protagonists' neutrality and fidelity to the rule of law isn't some sort of farce, a double-faced move that merely conceals British imperial interests. There actually is a difference between law and politics in this world, and it's because of this difference, I think, that the novel supports the argument about the impartiality of non-state actors.

None of this is to discount the ways that Haggard ultimately ties his characters back to the cultural frame of the nation, holding up their virtue and piety as moral sources of improvement that will pave the way for a reclamation of national integrity. As Anne McClintock notes, Quatermain begins the narrative by imagining its domestic reception and the impact it will have on his son, Harry, a London medical student who will find the tale useful in his pursuit of what McClintock calls "the task of national hygiene, the restoration of the race" (240). Even here, though, Quatermain stresses his principled distance from any cause, political or otherwise, representing himself as an unbiased and humble reporter, "not a literary man," whose "first reason" for writing this story is simply that "Sir Henry Curtis and Captain John Good asked me to" (9). The assertion anticipates the closing notes of the frame narrative, which finds Quatermain preparing to "see about the printing of this history," a "task" he cannot "trust to anybody else," presumably because doing so would threaten the integrity of the account (233).

[37] Hensley himself speaks to this point when he acknowledges that this is a story "not of regular armies but of representative adventurers," a story conspicuously unconcerned, that is, with the imperial projects of "autonomous European powers." While this point remains an inexplicable one for Hensley, who can only upgrade the trio to what he calls a "quasi-British proxy army" once they enter battle, I would argue that the characters' lack of affiliation has to be taken seriously on its own terms, as a feature of the text that operates within the kind of ideological formation I have been tracing in this section (225).

The posture of the earnest author as purveyor of truth is of course just that: a posture that sustains the tendentious promise of objectivity, of a value-neutral view that will somehow deliver unmediated access to authentic experience. To fully capture the ideological valences of this moment, though, we have to take seriously the claims to impartiality, treating them not so much as mystifications but rather as further confirmation of the judicial disinterest that the heroes assume within the story itself. Here, at the extradiegetic level of the narration, discipline and self-restraint arrive by way of authorial obligation, which provides a sort of formal correlative to the moralized neutrality that the characters adopt as arbiters of peace. In this, Quatermain extends his bid to a detached nonpartisanship, a critically distant stance that wins him currency as participant observer, peacemaker, and narrator.

Virtuous, independent, and clear-eyed, the characters in *Mines* drive genuinely towards the ideals of liberty and justice, taking them up as worthy causes in their own right (and not as instrumental devices for the consolidation of British power). Yet this is not to say that Haggard inadvertently backs himself into some progressive, postimperial narrative. My point is that the novel, in bolstering the claim for the peacemaking function of neutral, sub-sovereign bodies, accommodates itself—still probably against Haggard's own inclinations—to the juristic arguments Twiss and others would make in securing the legitimacy of the kind of supranational endeavors undertaken by figures like Leopold. Those arguments had an anti-colonial ring to them; as one international legal scholar points out, the goal of neutralization as it was articulated by Twiss was to "control the colonising impulses of the imperial powers" (Craven 53). But this was only a newer, more sophisticated way of facilitating imperial rule—part of the effort to move away from the bilateral relations between colonizer and colonized, and toward legal and political structures that would maintain the hierarchies of international society.

I have argued throughout this chapter that Haggard's early novels largely act in accordance with this effort, giving narrative shape to the logics of an international legal system at the moment of its fullest doctrinal development in the nineteenth century. I have shown that both *King Solomon's Mines* and *She*, in keeping with contemporaneous arguments about the spread of juridical relations, convey the need for the universalizing sweep of the law, an internationalized legal system with clear procedural norms and practices. These novels cut against commonly held assumptions about Haggard, and imperial discourse more generally, illustrating why our established accounts and categories are incomplete: together, they promote globally cohesive networks and ambitions, ones predicated not on the universality of savagery, but rather on the international rule of law.

Chapter 3

Capital Rules: *Nostromo* and the Problem of Justice

In the summer of 1904, John Bassett Moore, one of the leading international legal experts in the United States, approvingly cited the latest decision of the Permanent Court of Arbitration (PCA) at The Hague, confirming its legitimacy and rationality. Formed in 1899, the PCA had only just rendered its second judgment, licensing the force that Britain and Germany had recently used in collecting debts from Venezuela, after its government had started defaulting on the loans backed by British and German bondholders. While probably not conducive to the "reign of peace on earth," Moore felt the judgment nevertheless demonstrated fidelity to the rule of law, evincing what he saw as the proper judicial ethos: hewing closely to both doctrine and practice, "the Hague Tribunal merely declared and applied, as it was in duty bound to do, the existing international law" (64). Tendentiously put, the observation was basically true: the use of force for the collection of public debt, while not widely practiced, had historically been valid, a legally acceptable version of the extraterritorial politics that Western powers often exercised, especially in the nominally independent regions of Latin America.

This chapter examines the British response to the sovereign debt crisis in Venezuela, treating the justificatory claim for armed debt collection as an object of critique, not unlike the one we located in the last chapter, in the argument that clinched the formation of the Congo Free State. Indeed, just as Travers Twiss had built his case for King Leopold II around the sovereignty of non-Europeans (around their right to cede their rights), so too did the claim for intervention in

Venezuela rest on the recognition of its place within the international legal arena, whose norms extended to the newly independent states of South America. Here, too, legal incorporation secured the distinctly modern arrangements of informal empire, understood in this case as the reconciliation of formal independence with the exploitative conditions of global market relations.[38]

It is against this backdrop of global structuring that I want to turn in this chapter to Joseph Conrad's *Nostromo* (1904), a novel directly concerned, as Nasser Mufti observes, with the transition of "imperial policy from annexation and domination to decentralized governance" (114). The specific forms of governance that the novel documents have tended for good reason to be understood in economic terms: charting the dismal outcomes of capitalist development in South America, the novel explicitly protests against the birth of financialization, with its neocolonial array of structural adjustment reforms and enforced austerity politics.[39] Yet if

[38] For two appraisals of the longstanding alliance between law and capital in Latin America, see Charles Lipson, *Standing Guard: Protecting Foreign Capital in the Nineteenth and Twentieth Centuries* (Berkeley: University of California Press, 1985) and Kate Miles, *The Origins of International Investment Law: Empire, Environment and the Safeguarding of Capital* (Cambridge: Cambridge University Press, 2013).

For important entries in the vast historiography of informal empire in Latin America, see the original articulation of the concept of an "imperialism of free trade" in John Gallagher and Ronald Robinson, "Imperialism of Free Trade," *The Economy History Review* 6.1 (1953): 1-15, and the comprehensive update in P.J. Cain and A.G. Hopkins, *British Imperialism: Innovation and Expansion, 1688-1914* (London: Longman, 1993). For studies of the imaginative or ideological dimensions of informal empire, see Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (London: Routledge, 1992); Robert Aguirre, *Informal Empire: Mexico and Central America in Victorian Culture* (Minneapolis: University of Minnesota Press, 2005), Luz Ramirez, *British Representations of Latin America* (Gainesville: University Press of Florida, 2007), Cannon Schmitt, *Darwin and the Memory of the Human: Evolution, Savages, and South America* (Cambridge: Cambridge University Press, 2009), and, much more recently, Jessie Reeder, *The Forms of Informal Empire: Britain, Latin America, and Nineteenth-Century Literature* (Baltimore: Johns Hopkins University Press, 2020).

[39] The novel's scorn for the profit motive and the world-spanning rule of capital has been covered repeatedly over the years. Earlier assessments can be found in Irving Howe, *Politics and the Novel* (New York: Horizon Press, 1957), Avrom Fleishman, *Conrad's Politics: Community and Anarchy in the Fiction of Joseph Conrad* (Baltimore: Johns Hopkins University Press, 1967), Edward Said, *Beginnings: Intention and Method* (New York: Columbia University Press, 1975), Fredric Jameson, *The Political Unconscious: Narrative as a Socially Symbolic Act* (Ithaca: Cornell University Press, 1981), and Benita Parry, *Conrad and Imperialism: Ideological Boundaries and Visionary Frontiers* (London: Macmillan, 1983).

More recently, critics have specified Conrad's cynical geopolitical vision, arguing that the novel takes aim not just at capitalist imperialism per se but at the more specific dilemmas of financialization, resource extraction, and absentee capitalism. See, respectively, Cannon Schmitt, "Rumor, Shares, and Novelistic Form: Joseph Conrad's

Nostromo clocks this geopolitical transition as an essentially economic one that is marked by the absence of the colonial state or imperial infrastructures, the novel nevertheless—or rather, therefore—turns its critical gaze toward the institutional circuits of legal process. That is to say, Conrad is sensitive to the fact that the multinational landscapes of empire are themselves in need of rationalization, of a set of juridical instruments that can regularize exchange in an international scene whose increasing complexity and mobility precludes reliance on the liberal fantasy of the self-directing market.

And yet, however much this skeptical understanding of legal authority might add to the novel's anti-imperial clarity, I want to argue that it might ultimately have the opposite effect: that the condemnatory view, while justified, works in misleadingly absolute terms by casting the law as fatally complicit—perhaps even identical—with the operation of power. The result is that the novel closes itself down to a form of anticolonial legalism very much alive at the turn of the century, when writers and intellectuals from the Global South started appropriating the law to egalitarian ends, converting its universalistic principles into devices for social transformation. Those efforts took particularly concrete shape, as we will see, in the wake of the Venezuelan affair, as South American statesmen appealed to the classic principles of international law—the idea of sovereign equality, the right to noninterference—in order to challenge the ruling of the PCA. Seeking to inaugurate an anti-imperial order based on the universality of equality and independence, these figures insisted on the immanence of justice, its place within structures and

---

Nostromo," in *Victorian Investments: New Perspectives on Finance and Culture*, edited by Nancy Henry and Cannon Schmitt (Bloomington: Indiana University Press, 2008), Nathan Hensley and Philip Steer, "Signatures of the Carboniferous: The Literary Forms of Coal," in *Ecological Form: System and Aesthetics in the Age of Empire*, edited by Nathan Hensley and Philip Steer (New York: Fordham University Press, 2019), Elizabeth Carolyn Miller, "Drill, Baby, Drill: Extraction Ecologies, Open Temporalities, and Reproductive Futurity in the Provincial Realist Novel," *Victorian Literature and Culture* 48.1 (2020): 29-56, Nasser Mufti, *Civilizing War: Imperial Politics and the Poetics of National Rupture* (Evanston: Northwestern University Press, 2018), and Regina Martin, "Absentee Capitalism and the Politics of Conrad's Imperial Novels," *PMLA* 130.3 (2015): 584-598.

institutions that had otherwise militated against it. Against this program of recuperation, *Nostromo* refuses any alternatives to the legally authored violence of imperialism.

1. A House of Strife

Conrad's hostility toward the legal armature of imperialism can be understood on some level as an expression of his ongoing anxiety about more general issues with law, which he worries might simply be another name for power. As Paul B. Armstrong points out, Conrad frequently betrays an uncertainty about whether the higher values of what he often calls "concord and justice" can be reconciled with the actual workings of law and politics: "whether justice and power are compatible," as Armstrong says, "whether a sense of equity and compassion can successfully curb power, or whether the force required to impose any legal standard must invariably undermine its pretensions" (9). Such questions find their clearest expression in Conrad's 1905 essay "Autocracy and War," which uses the recently concluded Russo-Japanese War as an occasion to reflect on the ideas of law and right in postmonarchic Europe. Working in broad historical strokes, the essay opens by casting a withering glance back to the political inheritances of the French Revolution, a "bombshell" of revolt that resulted only in the "lurid blaze" of constitutional failure. Surprisingly, though, given the reactionary tenor, the complaint turns out to have less to do with the ideals of popular sovereignty than with the despotic order, what Conrad calls "the Napoleonic episode," that degraded those ideals. The false heir to the Revolution, "a personality without law or faith," Napoleon I negated the emancipatory promise of the final decades of the eighteenth century, "preying upon the body of Europe which did indeed for some dozen years resemble very much a corpse" (35). At this early stage, then, the essay seems internally divided—invested on the one hand in the idea that law might coincide

with natural right and universal norms of justice ("a personality without law or faith"), vehement on the other that Napoleon's legal and political authority lent itself to arbitrary misrule.

Yet if Conrad thus seems undecided about the compatibility between law and "the ultimate triumph of Concord and Justice," that ambivalence evaporates by the end of the essay, when he turns again toward the lessons and legacies of French revolutionary thought. Here, he clarifies the purpose of the resistance by claiming that the people reacted not against absolutism per se but rather its destructive legal machinery: "The revolutions of European states have never been in the nature of absolute protests en masse against the monarchical principle: they were the uprisings of the people against the oppressive forms of legality" (46). These revolutionary agendas, while admirably motivated by higher ideals of justice, were also by this account misguided—in part because they elided the root of the problem, leaving the autocratic system more or less in place ("the thrones still remain," Conrad observes), but also because, in advocating for legal reform, they misunderstood the nature of law, conceived in this final instance simply as a creature of coercion. Here is the unequivocal diagnosis: "Every form of legality is bound to degenerate into oppression, and the legality in the forms of monarchical institutions sooner perhaps than any other" (46). The problem is finally categorical, inhering not at the practical level of process or procedure but at the theoretical level of the violence of law as such.

As further justification for his thoroughgoing skepticism, Conrad turns to the register of legal discourse governing recent discussions of international diplomacy and the balance of power in Europe. In particular, he decries newfound efforts to regulate armed conflict as naked apologies for state power and "Welt-politik," paradigmatic instances of the law's near-automatic acquiescence to political interests. The effect has been to paradoxically undermine the movement

for peace by bestowing an official status on geopolitical might, now a permanent feature of international society: European peace and diplomacy resemble "a beleaguered fortress," "with its alliances based on mutual distrust, the preparedness for war for its ideal, and fear of wounds—luckily stronger so far than the pinch of hunger—for its only guarantee" (51). Strangely congruent with its object of interdiction, law has in fact normalized the violence of interstate conflict, allowing for "the right of war [to be] more fully admitted in the rounded periods of public speeches, in books, in all the public works of peace." And so arises the final gesture of derision, a full-throated dismissal of "the establishment of The Hague Tribunal—that solemnly official recognition of the Earth as a House of Strife" (51).

If the last-minute swipe at The Hague is a way of pressing the historical point home, we should take note of its transnational scope. The international legal community may have recently gathered at The Hague—for the 1899 Peace Conference to which Conrad here alludes—in order to codify the laws of war, but the most notable outcome of that meeting had actually been the development of the Convention on the Pacific Settlement of Disputes, a globally extensible arbitration scheme whose most proximate effect turned out to be the advancement of economic imperialism in the Global South. Giving birth to the PCA, the convention would put into place quasi-judicial mechanisms for the protection of international capital, effectively equipping foreign lenders with their own legitimation machine, a way of justifying the coercive measures they already deployed, or advocated for, in collecting public debt.[40]

[40] The literature on the first Peace Conference is extensive. For sources that give attention to the PCA, or the more general issue of dispute resolution, see Martha Finnemore, *The Purpose of Intervention: Changing Beliefs About the Use of Force* (Ithaca: Cornell University Press, 2003), Stephen Neff, *Justice Among Nations: A History of International Law* (Cambridge: Harvard University Press, 2014), Benjamin Allen Coates, *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century* (Oxford: Oxford University Press, 2016), and Jorge Viñuales, "Experiments in International Adjudication," in *Experiments in International Adjudication: Historical Accounts*, ed. Ignacio de la Rasilla and Jorge Viñuales (Cambridge: Cambridge University Press, 2019).

This history may not be the primary force of Conrad's invocation of The Hague as the emblem of internationalist failure, but it is still relatively close to hand, and would have no doubt resonated with many contemporary readers in 1905, less than one year after the PCA had finally issued its ruling on the Venezuelan dispute. Rated by one historian as "one of the most famous arbitration proceedings of the pre-War period," the case concerned the legal merits of the blockade that British and German naval forces had formed around several Venezuelan ports, in an effort to force payment on the debts that Venezuela owed to British and German firms. The Court found nothing illegitimate about this sort of gunboat diplomacy, and in fact the unanimous opinion was, as Martha Finnemore explains, "not only that Germany and Britain were justified in intervening but also that, because of their willingness to use force to secure justice, they had a right to repayment ahead of the powers who had been content with a peaceful solution" (29).

Actively promoting the use of force, the decision clearly covered for interventionist power and the imperial geographies of the day. More to the point, though, it did so without denying or disavowing the legal personality of Venezuela. On the contrary, in fact, the argument for intervention rested quite explicitly on the universal applications of sovereign equality and contractual construction, with the use of force imagined as the legal consequence of Venezuela's failure to fulfill its sovereign obligations. Thus did Sir Robert Finlay, the chief British litigator, contest the idea, apparently raised at some point in the arbitral proceedings, "that the weakness of Venezuela should have given her a certain immunity from the obligations of international law."

> I submit that no such doctrine can possibly find favour at the hands of this Court. All nations are equal. The obligations for international law are for the weak as well as for the strong, and no doctrine can be imagined more likely to imperil the peace of the world than that, on account of its weakness, any nation should be supposed to enjoy immunity from the discharge of those international obligations which are incumbent upon all

> countries, whether they are powerful or whether they are weak. It is always a thankless and an ungrateful task for a Great power to have to impose respect for international law upon a weak Power. (332)

There is something strange, not to say invidious, about this passage: compelled to dismiss the idea that Venezuela's marginalization, "its weakness," could mitigate its responsibilities, Finlay enacts the otherwise misleading slide toward equivalence, showing how the law elides, justly in his mind, the asymmetries of the international sphere. At the same time, his registration of these asymmetries is itself misleading: taking the difference between Venezuela and Britain merely as the difference between weak and strong, as if these characteristics had simply been inherited rather than historically determined, he discounts the cause of the imbalance of power. And yet, for all this ideological work, the explanation is nevertheless poised to depart from the unjust order it seeks to sustain, as its equalizing gestures ironically cast doubt on the preferential treatment that imperial powers like Britain hoped to enjoy within the international legal system.

In the event, the departicularizing argument proved convincing—the Anglo-German alliance won their day in court—and the arbitral regime established credibility in the eyes of the public, which met the case with immediate approbation. According to *The Times*, for instance, the Court had delivered an "impartial verdict" that would hopefully become controlling for the future development of international finance, "serv[ing] as a salutary warning to such states as may manifest an inclination to repudiate their financial obligations. The Hague Tribunal itself, which has now successfully endured the test of its first experience, will become confirmed in the respect of the world as a serious institution" ("The Hague Arbitration"). Echoing this optimism, another report found the arbitral decision to act "in accordance with common sense and with principles of jurisprudence which are accepted in ordinary civil controversies as a matter of course by all civilized peoples" ("The Decision of the Permanent Court of Arbitration"). Even

when some commentators resisted joining the chorus of praise, expressing dismay about the unqualified approval that the decision had garnered, they articulated their reservations in strikingly narrow terms, without calling into question the legitimacy of these new international legal procedures (i.e., dispute resolution). A piece in *The Economist*, for instance, wondered skeptically about the kind of difference the ruling would actually make in the realm of international relations, dismissing the Court's authority not on legal or moral grounds but as politically inconsequential: whether or not coercive intervention was now officially valid, British creditors still had to abide by the foreign policy of the state, which generally did not "use force to back up the claims of bondholders," the case of Venezuela notwithstanding ("The Venezuela Arbitration"). These concerns may have had some historical basis (British officials had repeatedly gone on record disavowing economic interventionism), but the financial priorities that they reflect are more telling than their veracity. If the claims resolution merited scrutiny rather than praise, it was first and foremost because the Court had widened the gap between the lawful and the just, licensing the very forms of violence it was supposed to proscribe—a paradoxical outcome that few commentators seemed ready to acknowledge let alone question.

This context might help explain why Conrad explicitly indicts the public sphere in the apocalyptic final stretch of "Autocracy and War," where he predicts that, after the onset of total collapse, "the apostles of war's sanctity will crawl away swiftly into the holes where they belong, somewhere in the yellow basements of newspaper offices" (56). The scornful implication of print culture drives home the force of the critique: it's not just that international legal ventures like the PCA have legitimated rather than constrained the violence of imperial politics, but that this reality has essentially been obfuscated by legalist ideology—the idea that law is fundamentally neutral and apolitical, always anchored to some second external order of justice or

morality. It would probably be too crude or simplistic to say that the points here are polemical replications of the ones that Conrad makes just one year earlier in *Nostromo,* which is after all a work of fiction—and a notoriously difficult one at that. As J. Hillis Miller says, "The words on the pages [of *Nostromo*] are the material basis of an internal theatrical or cinematic show, not a treatise on politics or on the economics of global capitalism" (193). Still, as we will see, there are some striking continuities between the nightmare measurements of "Autocracy and War" and the catastrophic "show" staged across the pages of *Nostromo*. Indeed, *Nostromo* magnifies the sort of structural dilemmas that we have explored in this section, dwelling on the problems of global lawmaking, its perversion of justice, in ways that both anticipate and explain the enervating pitch of Conrad's foray into political journalism.

2. Law, Good Faith, Order, and Security

The system of wealth and inequality in Costaguana finds the need for modern legality in several different ways. On the one hand, and as we will see first in this section, legal thinking ratifies and even naturalizes prevailing structures of economic power in order that they may both legitimate and reproduce themselves. Here commerce and law travel together as familiar bedfellows, replaying the roles given to them by the civilizational narratives of liberal imperial thought: coextensive with the very idea of justice is the process of economic liberalization, the two bound together by normative fantasies about the jurisprudential benefits of commercial society.[41] On the other hand, and as the first account sometimes obscures, market forces require more than legitimacy and priority in order to replicate themselves; unable to gain durability on

[41] Cf. Jennifer Pitts's explication of the theory of moral progress offered by Adam Smith, who felt that "commercial society and free government were more hospitable to the development of what Smith called natural justice." Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton: Princeton University Press, 2005), 41.

its own, the capitalist economy in Costaguana needs law in its most practical and material forms, not as an idea but as a series of codes and support structures that can insulate market actors against political and social pressures.

The modernization schemes of foreign capital receive particularly strong support from the political elite in Sulaco, who see the path toward integration into the economic world order as inherently just. One of the earliest adopters of this view is Don José Avellanos, "a statesman, a poet, a man of culture, who had represented his country at several European Courts," as the narrator says by way of introduction (41). His credentials are diplomatic rather than legal—those "European Courts" refer to formal assemblies of state, as in the Court of St. James, not judicial venues—though in any case the introduction firmly plants him in the world of foreign affairs, associating him with the official procedures and politics of the international sphere. The affiliation explains the final lines of the preface to *Fifty Years of Misrule*, his tome on Costaguanan political life, referenced later on in the story: "Don José Avellanos desired passionately for his country: peace, prosperity, and (as the end of the preface to *Fifty Year Years of Misrule* has it) 'an honourable place in the comity of civilsed nations'" (111). It's partially out of these aspirations for international credibility that Don José endorses the dictatorship of Don Vincente Ribiera, condoning his extraordinary power on the understanding that he will help to "redeem the national credit by the satisfaction of all just claims abroad" (112). If surrendering the autonomy of the country to the claims of foreign investors seems like a dubious way of gaining admission to international society, the reminder that some of these claims might nevertheless be "just," and so implicitly compatible with some wider legal universe, lends legitimacy to the costly prospect of integration, which seems for Don José not just politically desirable but almost morally virtuous. Legal notions about justice and responsibility thus clearly,

if somewhat indirectly, serve the causes of capital, authorizing the economic exploitation that will secure international recognition.

Predictably, given their financial interests, many of the European characters seem to think of law and justice in similarly utilitarian terms, as instruments or devices that should be tuned to the winds of profit. Witness for example the outrage of Charles Gould Sr. over what he thinks of as the injustice of the "Gould Concession," an agreement that, in payment of loans received, grants him ownership over the defunct San Tomé silver mine. Primarily a strategy for claiming future profits—"[t]he third and most important clause stipulated that the concession holder should pay at once to the Government five years' royalties on the estimated output of the mine"—the agreement throws Gould Sr. into fiscal and personal crisis. "'It will end by killing me,' he used to affirm many times a day. And in fact, since that time he began to suffer from fever, from liver pains, and mostly from a worrying inability to think of anything else" (46). The narrator then makes the source of this agony tellingly specific, suggesting that the problem for Gould Sr. is not only that the Government has forced him into an untenable financial position, but they have done so formally and officially, by operating completely within the contractual bounds of the law. "[T]o be robbed under the forms of legality and business was intolerable to his imagination," the narrator says, and it's this particular complaint that animates the "angry jeremiads" Gould Sr. sends to his son Charles, then fourteen-years old and studying in England: "He groaned over the injustice, the persecution, the outrage of that mine" (46). Here, as elsewhere in *Nostromo*, the irony is manifest: lamenting the fact that legal technicalities have served public rather than private interests, that they have contravened the typically inequitable arrangements of informal empire, Gould Sr. insists on the injustice of conditions that seem only fair.

Of course, because of the dedication of Charles Gould, who defies his father's orders to "never return to Costaguana," the mine eventually yields profits for the family, and the concession meets the self-serving standards of justice articulated by Gould Sr. It's fitting, then, that those standards find their most dramatic expression once Charles Gould rehearses them for his wife, Emilia, paraphrasing his father's convictions in terms that intensify the opposition between law and equity:

> What is wanted here is law, good faith, order, security. Any one can declaim about these things, but I pin my faith to material interests. Only let the material interests get a firm footing, and they are bound to impose the conditions on which they alone can continue to exist. That's how your money-making is justified here in the face of lawlessness and disorder. It is justified because the security which it demands must be shared with an oppressed people. A better justice will come afterwards. That's your ray of hope. (68)

Gould deploys well-worn civilizational tropes about the degeneracy and immorality of the non-European world, while evincing total faith in the stabilizing force of market relations, in the idea that law and order follows from, indeed depends upon, economic processes like liberalization and free trade. And yet, if the familiar registers of liberal imperial thought make visible the mutually reinforcing relationship between law and capital, they also distort something about this relationship, I think, disordering our comprehension of how exactly those two forces interact and behave in Costaguana. This is simply to say that we should distinguish Gould's perspective from that of the novel, resisting the temptation to collapse the first into the second, as Stephen Ross does in his gloss on the passage: "In all respects," he writes, "the law and order that form the ideological justification for adherence to 'material interests' are the law and order *of* material interests, belonging to them, serving them, and reproduced by them in precisely the same way as ideology reproduces its own imaginary constructions to perpetuate existing relations of production" (118). To the extent that this interpretation gets Gould right, accurately parsing his capitalist fantasy of the self-regulating market, it smudges the larger picture captured by

Nostromo, which will elsewhere make clear that the economic world of dominium—that is, the world of production, distribution, and ownership—itself requires constant litigation and protection. In other words, the novel will show that the global circuits of capital, far from operating as laissez-faire systems that naturally bring law and order trailing in their wake, depend for their viability on the safeguards and shelter provided by legal structure.

We can begin to throw this point into relief by taking a brief detour through the next novel in Conrad's major period, *The Secret Agent* (1907), which understands legalized networks of power and management as beneficial, though not necessarily reducible, to the capitalized global order. Vladimir, the foreign secretary who designs the plot on the Greenwich Observatory, conceives his plans on the grounds of the Embassy (of which more soon), with the intention of provoking enough "anarchist outrage" to support the repressive legislation he hopes will pass through "the International Conference assembled in Milan" (21). Right away, then, the novel identifies the instruments of surveillance and coercive authority as fundamental to the bourgeois and capitalist coordinates of liberal internationalism—a project primarily concerned, as both Vladimir and Verloc understand, with preserving the world of capital accumulation. "Protection is the first necessity," Verloc thinks, "of opulence and luxury. They had to be protected; their horses, carriages, houses, servants had to be protected; and the source of their wealth had to be protected in the heart of the city and the heart of the country" (10). Like Nostromo, who embraces the same sort of administrative logic, as we will see, in playing the role of *de facto* police officer, Verloc recognizes—and imagines himself to partially fulfill—the need for normalizing and authoritarian modes of social control, ones which can keep an increasingly globalized system of wealth and consumption in place.[42]

[42] Allen MacDuffie has helpfully teased out the presence of this global system within Verloc's ostensibly more local reflections about the protection needed domestically, in the city and the country: "Verloc sees himself as a guardian

True, Vladimir's plans ultimately fail—Verloc and Stevie dramatically botch the bombing, allowing the press to overlook the event almost entirely—but the novel still takes pains to demonstrate the stultifying effects of the law, which successfully defends the system of interlocked power relations that Vladimir represents. Here we need only recall the failures and inefficiencies of the investigation conducted by the Assistant Commissioner, whose authority is finally undercut by the legal protocols of international diplomacy: unable to exercise jurisdiction over the Embassy, which remains protected by the legal fiction that embassies "are supposed to be part and parcel of the country to which they belong," he can only "glimpse" the "inciter" (Vladimir) of the bomb plot (180-1).[43]

Unlike Vladimir, who finds cover in the loopholes of diplomatic procedure, the capitalists in *Nostromo* enjoy more tailor-made legal protections, ones which guarantee their ability to supersede local opinions and arrangements in Sulaco. That ability is especially important for Sir John, "chairman of the railway," whom we meet towards the beginning of the story, as he reflects on the challenges his company will have to overcome on its way to bringing industrialized transport and the railway economy to a region that has consistently resisted the incursions of this "modern enterprise." There are geographical obstacles to consider, such as the

---

of the 'source' of European wealth which 'had to be protected in the heart of the city and the heart of the country.' 'The heart of the country' may mean the center of England to Verloc, but to readers of Conrad's other novels, it also conjures images of the natural world of Africa and South America: the heart of darkness and the 'weary heart of the land' towards which civilization is extending its reach in *Nostromo*." Allen MacDuffie, "Joseph Conrad's Geographies of Energy", *ELH* 76.1 (2009), 88.

[43] I'm inspired here by the analysis of Geoffrey Harpham, who has explained why the fictions of national borders would have been an enabling place for Conrad to start thinking about fiction-making more generally: "Both real and theoretical, established and revisable, national boundaries not only enable but virtually necessitate secret agents, which are employed freely by embassies, by anarchists, by fictionalists of all kinds." Geoffrey Harpham, "Abroad Only by a Fiction: Creation, Irony, and Necessity in Conrad's *The Secret Agent*." *Representations* 37 (1992), 94.

"natural barriers" formed by the surrounding mountain range, though the most pressing issues are social: more intransigent than the mountains are in fact the people, "all these aristocratic Spanish families, all those Don Ambrosios this and Don Fernandos that, who seemed actually to dislike and distrust the coming of the railway over their lands." While Sir John remains hopeful that this conservative regionalism will soften once the project gains the public approval of the newly elected "President-Dictator" (Ribiera), he also knows that his company's fate does not ultimately hinge on the potency of its propaganda, and that its imperial ventures have been backstopped by something far more dependable and immutable than politics: namely, the juridical determinants of contract. What really underwrites Sir John's confidence is the company's legal right to development: "The Government was bound to carry out its part of the contract with the board of the new railway company, even if it had to use force for the purpose." Sir John may or may not be able to help in avoiding the need for extreme measures, in peacefully quelling "inimical sentiment," but in either case, on his contractual "right alone," the noisy modernity of the railway will reach Sulaco (31).

The steam-driven railroad is crucial to the eventual success of the San Tomé silver mine, providing Gould with a reliable means of transporting his geophysical treasure abroad. The extraction of that treasure can only begin, moreover, once Gould has turned to the core institutions of private law—contract, property, collateral, etc.—securing investments from capital-exporting firms with the power to shape and maintain certain spheres of exchange. Foremost among these investors is the American financier Holroyd, "the meta-sovereign behind even Gould," as Nathan Hensley and Philip Steer describe him (73), the one who effectively pulls the strings on the operation of the Gould Concession, circumscribing every aspect of "the mining affairs of Sulaco." To be sure, Holroyd is styled as an extreme market fundamentalist, a

capitalist visionary who, like Gould, sees the free flow of capital and goods as part of an eminently natural, almost preordained process that requires few planning measures, legal or otherwise. Pinning moral purpose to his economic pursuits, he speaks in terms of "vast conceptions of destiny," and only barely establishes rules for his investment, which he fashions as a kind of transitory arrangement that he might abandon or reorder at any moment. "You go ahead on your own way," he says to Gould during one of their earlier meetings, "and I shall know how to help you as long as you hold your own. But you may rest assured that in a given case we shall know to drop you in time" (66).

Still, while Holroyd rhetorically rejects the need for planning or rulemaking, espousing fantastic ideas about the divinely sanctioned prospect of capitalist growth, he relies in the first instance on legal, extra-economic measures that can guarantee high rates of return on his investment. Indeed, although ostensibly intent on minimizing his involvement—lest his investee should forget about his absolute rights of withdrawal—Holroyd finances the Ribiera administration after Gould starts to feel threatened by what he takes to be the region's illiberal political barbarism. "To feel that prosperity always at the mercy of unintelligent greed had grown irksome to [Gould]. To Mrs. Gould, it was humiliating. At any rate, it was dangerous." Embracing legal rationality, the newly installed regime will immediately obviate that danger with the passage of the "Five-Year Mandate law," a mass of legislative arrangements that provide capitalists like Gould with strategic footholds in the region (114). Despite his free-market ideologies and profound sense of imperial destiny, then, Holroyd has to actively defend the safety and mobility of his capital, laboring to establish a regulatory climate that will shield his investee against the violence and corruption of revolutionary politics

Seeing Holroyd in this light—in terms of the questions that the novel poses about the rule of law—requires thinking about why Conrad casts him as an American. The choice has not gone unnoticed by critics like Nasser Mufti, who reads the alliance between Gould and Holroyd alongside contemporaneous discussions about the reinvention of the imperial mission, and the need for Britain to collaborate with the United States on the global stage. Citing the transimperial ideology of "Greater Britishness," articulated most famously by the M.P. Charles Dilke, who proposed the political unification of Anglo-America, Mufti sets up the correspondence in these terms: "If 'England is speaking to the world' through America in Dilke's *Greater Britain*, then Gould speaks through Holroyd in Costaguana; Holroyd's money does the talking" (126-7). It's important to point out, though, that liberal internationalists like Dilke often attributed the commercial success of the U.S. to its legal and constitutional history, which they felt had been congenial to capitalist expansion. Hence their interest, as Duncan Bell has explained, in using federalism as an ideal prototype for world organization: "The increasing political and economic vitality of the [U.S.] seemed to demonstrate that federalism could work, and work well" (237).

These arguments about the success and viability of what was often called the "American experiment" tended to feature claims about its judiciary system, which figures like J.R. Seeley took as a pivotal datum in thinking through the possibilities for dispute resolution in the international sphere. For Seeley, the liberal historian and author of the much-cited *Expansion of England* (1883), the effort toward pacific global stability had so far foundered, in 1871, on the inability of the European powers to form international tribunals or adjudicatory bodies that could effectively mediate interstate conflict. There was the "European Congress," as he conceded in his essay "The United States of Europe" (1871), but the obvious partiality of its members undercut any claims it might make "to even the superficial appearance of a law-court." "That the judges

should be avowedly partial is quite enough to strip them of all judicial character; but when the litigants are among the great European powers, they are *judges in their own cause*" (440, emphasis original). Adamant about the international need for federalism "after the model of the Unite States," which had shown how to evenly distribute law-making power, Seeley felt that the architects of international society could start by taking on board one of the most basic tenets of U.S. constitutional design: "There ought to be no representation of interests on a judicial bench. You have a good court not where both parties are represented, but where neither" (441). Advocating explicitly for the creation of supranational bodies like the PCA, internationalists like Seeley thus saw international law, and institutional engineering in particular, as an essentially American project—or if that's too strong, as an effort that would reflect and extend the legalist sensibilities of the American world.

Those sensibilities get more directly attached to the partnership between Holroyd and Gould halfway through the novel, when their relationship receives comment from the typically perceptive Chief Engineer. The conversation here concerns Gould's ill-fated decision to have Nostromo and Decoud covertly transport the store of silver ingots out of Sulaco after news of the latest insurrection reaches the province, a decision that the Chief Engineer explains in terms of Gould's contractual commitments—as a function of his comportment towards the norms of promissory exchange:

> 'Charles Gould,' said the Engineer-in-chief, 'has said no more about his motive than usual. You know he doesn't talk. But we all here know his motive, and he has only one—the safety of the San Tomé mine with the preservation of the Gould Concession in the spirit of his compact with Holroyd. Holroyd is another uncommon man. They understand each other's imaginative side. One is thirty, the other nearly sixty, and they have been made for each other. (249)

Gould may have his own interests in mind in honoring the "compact" with Holroyd, whose disinvestment would clearly threaten "the preservation of the Gould Concession," but the judgment here subtly locates another reason for his deference to the investor, suggesting that the motivating factor for Gould might also derive from the form of the compact itself, which plays on his desire to represent himself as honest and procedurally proper, an upright businessman committed above all to the reciprocal standards of contract.[44] This interpretation gets recommended by the final lines of the passage, in which the Chief Engineer highlights the symmetries between the two contracting parties, emphasizing the named and stable relationship that they have forged through legalistic agreement.

In some important respects, though, this agreement depends upon an already extant legal apparatus, one which has helped in establishing the conditions of predictability that Holroyd looks for in an investment opportunity. This is one way that we might think about the regulatory power of Nostromo, "the indispensable man" who acts as the disciplinary arm of the justice system in Sulaco, doling out punishment for things like work stoppages. Called on to rouse the longshoremen back to work after one of their periodic strikes, he asserts his legal agency by putting down any resistance to the regime of economic efficiency: "He called out men's names menacingly from the saddle, once, twice. The drowsy answers—grumpy, conciliating, savage,

[44] My reading here resonates with, while also complicating, the analysis recently offered by Regina Martin, who contends that the process of accounting for Gould's motives is not as easy or straightforward as it might seem. Against the conventional view of Gould as prototypical capitalist, Martin underscores the ways in which he resists the strictly utilitarian considerations of profit, often by excepting himself from the realm of exchange. For Martin, Gould needs to be understood in relation to an older, mercantilist, and family-based economic order, one which is counterposed in some ways to the financial capitalism that arrives in Sulaco. "For Gould the value of the mine cannot be realized through an act of exchange," Martin reasons, "because the mine's value lies not in the material commodity of silver but in his affective attachment to his father" (589-90). Yet even as Gould may recoil from the depersonalized world of finance capital, or what Martin calls "absentee capitalism," he still forms meaningful relationships with "strangers" like Holroyd, who impose powerful norms on his sense of duty and purpose. See Martin, "Absentee Capitalism and the Politics of Conrad's Imperial Novels," *PMLA* 130.3 (2015): 584-598.

jocular, or deprecating—came out into the darkness in which the horseman sat still, and presently a dark figure would flit out coughing in the still air." Using force when necessary—noncompliance results in "a ferocious scuffle"—he returns the laboring subjects to their posts by sunrise, allaying the anxieties of Captain Mitchell, who rushes onto the wharf only to see "lighters under way, figures moving busily about the cargo cranes" (77). Nostromo will inhabit a similarly repressive role on the eve of the Monterist rebellion (the point at which this chronologically tangled novel begins), when he efficiently stems an attack on the sites and symbols of corporate enterprise—"on the railway yards, on the O.S.N. [Oceanic Steam Navigation Company] Offices, and especially on the Custom House"—all of which he manages to preserve. "Even the little hotel kept by old Giorgio…escaped looting and destruction, not by a miracle, but because with the safes in view [the mob] had neglected it at first, and afterwards found no leisure to stop. Nostromo, with his Cargadores, was pressing them too hard then" (14). Even or especially in times of crisis, then, the titular hero assumes the responsibilities of law enforcement by diminishing any threat to the realization of capital investment.

These displays of juridical authority are consistent with Nostromo's desire to seem politically neutral, "a public institution or monument or record," as Edward Said puts it (127). Critics have routinely noted Nostromo's excessive postures of detachment, which have the effect of making him seem strangely evacuated, less like a psychologically dynamic protagonist than an opaque or two-dimensional side character. Peter Mallios offers another characteristic assessment: "Nostromo caters to all of Sulaco's intensely heterogeneous 'admiring eyes'; and because he does, because he aims to exist at the idealized intersection of all those radically incommensurate parts, he can only be an intensely subtracted and narrowly delineated figure—surrounded by an overarching negative aura of ambiguity and opacity into which anyone can read himself or

herself" (247).[45] Interested in Nostromo as the imaginative site of national belonging, the blank screen onto which others can project their fantasies about the unity of the nation, Mallios casts him not so much as impartial but as endlessly pliable, Deronda-like in his many-sided sympathies. Yet part of what makes Nostromo crucial to the development of material interests in Costaguana is that he remains, for a while at least, impervious to those interests—"a perfectly incorruptible fellow," as Captain Mitchell likes to say. This is a performance in the service of his vanity, as becomes especially clear in the theatrical scene where he publicly cuts all of the silver buttons from his coat, but he's committed to it (under the belief that perceptions are everything), and so he leaves an impression of his "incorruptibility" on everyone, including Gould, who entrusts him with the lighter of silver precisely because of this impression. "I prefer to think him disinterested, and therefore trustworthy," Emilia Gould explains, supplying the justification for the decision (175). A carefully ordered series of outward signs, Nostromo fits himself to the form of strict law and procedure, presenting as empty, neutral, and natural—the embodiment of the disinterested technologies of legal modernity.

But this performance crumbles in the last third of the novel, as Nostromo loses his audience and, with it, his irreproachable style. Alone, disillusioned, painfully aware of his disposability, he begins stealing the silver one bar at a time, confident in the knowledge that Decoud has died—and hence that no one else knows about the treasure. Readers have long registered the irony in this twist of fate, which sees Nostromo come to class consciousness at the

[45] Mallios is augmenting an early line of thought here, drawing on the observations of commentators like R.B. Cunnignhame Graham, who felt that, whatever else its merits, *Nostromo* had been marred by its namesake: "The one issue, however, that everyone agreed on—with voices ranging from essentially critical reviewers like Virginia Woolf to positive reviewers like John Buchanan, W.L. Alden, and Conrad's close friends Edward Garnett and R.B. Cunninghame Graham—was that the character of Nostromo himself was an arbitrary inclusion and a fundamental mistake." *Our Conrad: Constituting American Modernity* (Palo Alto: Stanford University, 2010), 242.

same time as he adopts the moral perspectives and behaviors of the ruling class, compulsively hoarding wealth in the name of justice (i.e., as a way of exacting retribution). "[A]t the very of moment of his liberation," Parry explains, "Nostromo is enslaved by another master, and only when the hireling who had remained a sovereign agent is overtaken by the slave of the silver does he lose his capacity for free will, submitting to the subtle seductions of the stolen ingots" (126). Not surprisingly, given his earlier commitments to the legalistic tactics of surveillance and punishment, part of the shame of this surreptitious transition inheres for Nostromo in its unlawfulness: "A transgression, a crime, entering a man's existence, eats it up like a malignant growth, consumes it like a fever. Nostromo had lost his peace; the genuineness of all his qualities destroyed" (413). The malignancy worsens as he starts to awkwardly court the Viola daughters, and realizes that love will never claim him in the way crime has: "He was afraid, because, neither dead nor alive, like the *gringos* on Azuera, he belonged body and soul to the unlawfulness of his audacity" (420). If the fixation on criminality underscores the anguish of Nostromo, who seems almost masochistically impelled to define himself in opposition to the dispassionate image others once had of himself, it also points back toward the broader juridical patterning of the novel, re-invoking its questions about the legal armature of material interests. More specifically, it asks us to follow the logical trajectory of these questions, to apprehend how law and legality must eventually devolve, or perhaps even dissolve, once pressed into the matrix of global imperial expansion.

3. A Moral Principle

But Conrad ultimately goes further than this, darkening the picture by precluding the possibility of change, the possibility that legal categories might be revalued and repurposed,

"salvaged," to adapt Angela Naimou's legal-literary framework,[46] in order to mitigate or guard against the iniquities they may have otherwise sponsored. This is another way to understand the sense of stasis that readers find in many of Conrad's novels, which can prove curiously unwilling or unable, for all their discontent with the foundational violence of imperial globalization, "to point to a future other than imperialism" (Mufti 132).[47] Critics have identified this immobility as an especially salient feature of *Nostromo*, with its endless series of revolutionary conflicts and its tangled narrative structure, the combination of which vex any sort of forward or progressive motion: "no fix is possible, no break in sight, no viable future imaginable," as Hensley and Steer put it (77).[48] I want to argue that this feeling of suspension, on narrative and historical levels alike, follows in part from the hard and fast distinctions that Conrad draws between law and justice—the latter of which of gets perpetually deferred—and that these distinctions manifest as bugs rather than features of his political commentary. In effect, the novel forecloses on what was already a very real possibility in 1904: namely, that the road to a universal postimperial world

[46] Working in the field of twentieth-century U.S. and Caribbean literatures, Naimou develops the concept of "salvage work" in order to understand how the idea of legal incorporation, so often derided as a mode of exclusion, continues to live on in creative forms in the contemporary moment, generating animated and vibrant work in literary and expressive culture. See the introduction to her *Salvage Work: U.S. and Caribbean Literatures amid the Debris of Legal Personhood* (New York: Fordham University Press, 2015).

[47] Mufti is building off the insights of Said in *Culture and Imperialism*, where he (Said) discusses the stalled temporality of *Heart of Darkness*: "Kurtz and Marlow are ahead of their time in understanding that what they call 'the darkness' has an autonomy of its own, and can reinvade and reclaim what imperialism has taken for *its* own. But Marlow and Kurtz are also creatures of their own time and cannot take the next step, which would be to recognize that what they saw, disablingly and disparagingly, as a non-European 'darkness' was in fact a non-European world *resisting* imperialism so as one day to regain sovereignty and independence." *Culture and Imperialism* (New York: Vintage, 1994), 30. For Mufti's discussion in *Civilizing War*, see p. 132.

[48] Elizabeth Carolyn Miller takes a similar tack to Hensley and Steer, though she suggests that the future in *Nostromo* isn't so much foreclosed as it is frighteningly indeterminable, born of the idea that future human life will not be environmentally sustainable. Elizabeth Carolyn Miller, "Drill, Baby, Drill: Extraction Ecologies, Open Temporalities, and Reproductive Futurity in the Provincial Realist Novel," *Victorian Literature and Culture* 48.1 (2020): 29-56.

order would travel through the international legal realm, seeking protection in the norms of sovereign equality and noninterference.

That route had been on the horizon sometime around the close of the nineteenth century, as international law continued to acquire global geographic scope. This expansionism had of course been conducive to if not continuous with the acceleration of European colonization. But the making of global law was also historically contingent, a complex, multiform process that flowed in different directions, some of which led, as Arnulf Becker Lorca explains, "a new type of practitioner [to enter] the discipline of international law" (25). In his pathbreaking work on the contributions of semi-peripheral lawyers and jurists to the formation of modern international legal thought, Becker Lorca shows how non-Western national elites, especially in South America, gained professional competency and training in the field of international law, often by pursuing advanced legal studies or diplomatic work in cities like Paris and London. The result was the development of what Becker Lorca calls "a *mestizo* international law," a wide-ranging project "to build an international legal order more attentive to the cultural, political, and economic particularities of smaller and less powerful states, a legal order that [would] lay the foundations for a more just and peaceful world" (25).

This effort gained substantial ground in the aftermath of the Venezuelan affair, as Latin American states disputed the legality of the forcible collection of sovereign debt, calling the actions of Britain et al. into question specifically as a matter of law (as opposed to, say, moral sentiment). The most audible and consequential voice in this dispute belonged to Luis Drago, the minister of affairs for Argentina, who roundly condemned economic interventionism in a 1902 memorandum (to the Argentine ambassador in Washington D.C.), in which he argued that the non-payment of public debt was not a legitimate cause for the use of force. Elaborating the view

several years later in an article for the *American Journal of International Law*, he submitted that while states may have historically had the right to intervene on the behalf of their nationals, that right clearly negated the more fundamental one of sovereign equality, a categorical mandate of the Westphalian vision of equal political communities. Every state, including postcolonial ones, had the right to autonomy and self-determination, which could only be abrogated in the "exceptional case" of self-defense:

> Sovereignty is a historic fact and may be studied in each of the phases of its long and slow evolution, but it has attributes and prerogatives which may not be disregarded without danger to the stability of social institutions.
>
> The bodies of men that constitute human society are not mere aggregations; they are living organisms with distinct characters and inalienable rights, inherent in their nature, among which is the right to grow and develop independently and without hindrance. (700)

Holding tightly to the analogy between natural and social bodies, both of which deserve the negative liberty from outside interference, Drago thus expresses faith in longheld ideals about the vitality and individualism of the state—think of the case of the *Franconia*—precisely in order to reach beyond the existing conditions of international life. This was the legible account of sovereignty and its correlates (equality, self-determination), realized as the point of transit out of the substantive hierarchies that had typically been concealed, or explained away, by that very account.

The case for postcolonial sovereignty acquired traction almost immediately in the Anglo-American legal world, though not, obviously, enough (or in enough time) to affect the judgment of the PCA and their understanding of the Venezuelan predicament. Notwithstanding that outcome, though, Drago's revisionary argument "received strong support in U.S. and European legal circles," according to Martha Finnemore, and soon hardened into constancy as the "Drago Doctrine" (31). There were political and diplomatic reasons for these legal advances, to be sure,

ones which reflected the newly emergent and complicated hegemonies of the international sphere: any attempt to delimit European power suited the interests of the U.S., whose imperial plans depended on the nominal preservation of postcolonial independence, at least in the Western Hemisphere.[49] Regardless, the right to self-determination and noninterference gained prominence and foundation—so much so that, by the time the great powers reconvened for the Second Hague Peace Conference in 1907, they were ready to adopt specific and strict limits on the use of force, creating an anti-interventionist norm that would more or less put an end to the practice of armed debt collection.[50]

In *Nostromo*, the character who most frequently and eloquently gives expression to the anticolonial critique of exploitation and domination is Martin Decoud. As Jennifer French has observed, "Decoud's recognition of the links connecting the internal issues of debt, dictatorship, and revolution to the external problem of neocolonialism locates him very near the vanguard of Latin American political thought at the time *Nostromo* was written" (251). Building on this interpretation, which puts Decoud in dialogue with anticolonial nationalists like César Zumeta, I would add that the lens through which Decoud often perceives and articulates the need for complete independence and autonomy in Costaguana gets specifically coded as legal. We can find an early invitation to this reading in the biographical details that the narrator offers in his

[49] In fact, Drago's arguments prompted the U.S. to issue a corollary to the Monroe Doctrine, "according to which the U.S. proclaimed, vis-à-vis European nations, a special responsibility to police and chasten Latin American states' behavior." Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History, 1842-1933* (Cambridge: Cambridge University Pres, 2014), 157.

[50] A further caveat should probably be applied here, since it's not as if these legal developments obviated the exercise of power altogether. Not only did Drago's argument afford the U.S. another opportunity to assert its hegemony over Latin America, it also pushed international jurists in Britain to start arguing against the universalization of sovereignty and "the cult of equality." We will soon catch a glimpse of those arguments, which would only pick up steam in the pre-War years. For more on these ideological adjustments, and the general disillusionment with the core concepts of international lawmaking in the first decades of the twentieth century, see the account, esp. chapter 4, in Gerry Simpson, *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (Cambridge: Cambridge University Press, 2004).

introduction of Decoud: a creole gentleman with South American heritage, "Martin Decoud was seldom exposed to the Costaguana sun under which he was born," having long been settled "in Paris, where he had studied law" (120). Already, though, the narrator supplies reasons to question the seriousness and substance of these legal endeavors, underlining Decoud's corrosive inability to invest himself in any particular career or cause. "An idle boulevardier," he studies law more out of boredom than interest, trying the profession out as if it were a purely frivolous hobby, something to be sampled at leisure, rather than a sophisticated and difficult practice of sense making. Lacking earnest commitment, "he was in danger of remaining a sort of nondescript dilettante all his life" (121).

Still, he formulates startlingly cogent, legally informed analyses of the twinned problems of dispossession and dependence in his home country. For example, in singling out for derision the internationalism of the ruling elite—"the interest of all those foreigners was gratifying," he says in mock explanation of their obeisance to foreign investors—Decoud calculates the cost of integration into the world system in legal-institutional terms, noting the way Costaguana, now "a democratic parody," operates at the hands of "scoundrels and cut-throats, our institutions a mockery, our laws a farce" (135). He makes a version of this point in the next chapter, in his more frequently quoted disquisition on the importance of national solidarity:

> "Now the whole land is like a treasure-house, and all these people are breaking into it, whilst we are cutting each other's throats. The only thing that keeps them out is mutual jealousy. But they'll come to an agreement some day—and by the time we've settled our quarrels and become decent and honourable, there'll be nothing left for us. It has always been the same. We are a wonderful people, but it has always been our fate to be"—he did not say 'robbed,' but added, after a pause—"exploited!" (137)

Wary of how this outburst will be received by his audience—Antonia Avellanos, her father, and Emilia Gould—Decoud censors himself in conclusion, pulling up short of the more precise and

truthful verdict, which is that the process of capitalist modernization has not only been tumultuous and uneven but also illegal, effectively commensurate with the lawless despotism that capitalists like Gould ostensibly oppose. Hence Decoud's bitter repudiation, moments later, of the idea that Sulaco should continue to try and curry favor with foreign interests, "cabl[ing] encouraging extracts to Europe and the United States," as Don José proposes, "to maintain a favourable impression abroad." "Oh yes," Decoud sarcastically retorts, "we must comfort our friends, the speculators" (138). The irony in this response assumes pointed shape in light of the tirade about the crime of modernization, which serves to define these "friends" as thieves: agents who have ensured the economic abjection of the country by violating the juridical norms of sovereignty.

Yet if legal thinking emerges on this view as an alternative to imperial domination, a way of militating against the extreme hierarchies of the international sphere, Conrad effectively shuts that view down as the novel progresses, burying the postcolonial claim to sovereign autonomy. This happens in part through the representation of the Monterists, the characters who come closest to translating Decoud's anticolonial agenda into a political program, revolting against the Ribiera administration under the banner of national honor and redistributive justice. The novel holds their cause up primarily as an object of scorn, undermining "the rebels' claims to equal citizenship," as French says, "by reducing the Monterists themselves to a series of racist stereotypes" (251). More tellingly, the novel turns the rationales for self-government and nondomination into cartoon versions of the postcolonial strategies for independence, diminishing and distorting the legalistic argument for justice and equality on the international plane. Indeed, even as they are situated within the interpretive frame of colonial otherness, the rebels can seem in some respects like imperialists themselves, mouthing the values of liberal idealism—"law,

good faith, order, and security," in Gould's memorable phrasing—only in order to wield reckless power. The contradiction is neatly captured in the moment where Sotillo, later willing to interrogate Hirsch under torture, identifies himself with the cause of universal justice, informing another one of his prisoners—Captain Mitchell—that "[t]he law shall take note later on of your transgressions" (274). The attitude chimes with the slogan of the Monteros themselves, who claim to act "in the name of 'a justly incensed democracy,'" a slogan everywhere belied by the greed and self-interest motivating their grab for power (150). Pedrito Montero, we learn, "meant to acquire a serious fortune for himself" (304).

Meanwhile, the novel basically puts Decoud on trial for his cynicism: isolated on the barren Isabels, he loses "all belief in the reality of his action past and to come," eventually dying "from want of faith in himself and others" (393, 392). The suicide reads, and has been read, as the inevitable consequence of his lack of conviction, a sort of punishment that he has to bear for never having faith in any higher ideals. "Decoud's suicide draws its importance," as J. Hillis Miller explains, "from the way it demonstrates that it is an error to believe that Conrad recommends thoroughgoing skepticism and detached observation" (227). Such readings seem to me indisputable as far as they go, but in order to grasp the overall effect of Decoud's "ignominious and inglorious death," as Miller labels it, we need to specify its ideological nature, considering the legalistic politics that get disavowed along with (as a function of?) the faithless materialism. Here we should recall that the novel again signals its unease with those politics right as Nostromo discovers the disappearance of Decoud, permitting the extended and dramatic flashback to the scene of the suicide. Frustrated with his partner for having left the site of the treasure detectable, Nostromo takes the oversight to be continuous with the failures of the legal-administrative culture to which Decoud belonged: "Ah! They were all alike in their folly, these

hombres finos that invented laws and governments and barren tasks for the people" (391). The thoughts come from Nostromo, reflecting his newfound class enmity ("barren tasks for the people"), but they are also cast in an indirect discourse that carries the license of the narrative voice, soliciting approval of the overall sentiment, of the idea that legal-political activity is inextricable from the arbitrary projection of power, even when it transpires under the postcolonial signs of self-rule and independence. If *Nostromo* cancels any expectation of release from the present tense of imperialism, it is at least in part because of this despairing and disabling judgment, this sense that lawmaking must be constitutively corrupt, always past repair or recuperation.

It's important to mark at this point that Latin American efforts to refunction and redeploy the law as an anticolonial instrument were often calibrated temporally, according to diachronic, progressivist conceptions of history. Here we can cite, as just one example, the arguments of Ruy Barbosa, the Brazilian politician and jurist who followed Drago in converting the legal principles of equality and reciprocity into bulwarks against hierarchy. Presenting at the Second Hague Conference, Barbosa explicitly framed his case as part of the historical trajectory and extension of the system of international law, which named sovereignty as "the prime and elemental right of constituted and independent states. Therefore, sovereignty signifies equality." Lest the equation seem tendentious, Barbosa urged his audience to remember that

> We repose our trust…in the loyalty of the Powers placed at the head of this [Conference], in their honor, and in their wisdom, being convinced that they could not construe our present attitude as indicating the least break from judicial principles presented to us upon this question. On the contrary, we act thus at this hour only to uphold and strengthen the ideas expressed upon former occasions, renewing at the same time our appeal to the future, which, we are sure, will win for these ideas a lasting triumph. (150)

In keeping with the core practice of common law reasoning, which looks for and proceeds from the binding force of precedent, Barbosa insists on the consonance between his claims for equality and previously referenced doctrines ("judicial principles presented to us"), thereby maintaining his conformity to the international legal tradition. At the same time, in pitching those claims towards the future, he gives them a sort of forward flow, such that they seem to transcend the past that they also crystallize. Barbosa thus shapes the argument around the familiar historical logics of progressive idealism, casting his equitable and postimperial vision in developmental terms, as part of the trajectory or teleology of an intellectually coherent legal tradition.[51]

Just so, when a small but vocal minority of European delegates at the Conference quarreled with Barbosa's narrative, which had on their account overstated the significance of the principle of equality, he parried the charge as an ahistorical one that clearly broke from the patterns of the past. In fact, it was their implicit support for inequality as the basis of international rulemaking that betrayed "revolutionary audacity," a flagrant disregard for one of the only points of "moral commensuration" in the international system (643, 647). Representing his challengers as the forces of rupture and dispersion, Barbosa thus continued to portray his radical commitment to equality as an affirmation of the history of international law, an attempt to realize rather than transform its fundamental promises.[52]

---

[51] For canonical nineteenth-century examples of this kind of historicism, think of the social theories of J.S. Mill in *On Liberty* (1859), where he sees rational and improving civilization as marking some kind of social evolutionary progress. Or, perhaps closer to home, think of Henry Maine's status-to-contract narrative in *Ancient Law* (1861). The literature on nineteenth-century historiography is obviously enormous but for two of the more influential examples, see Raymond Chapman, *The Sense of the Past in Victorian Literature* (London: Croon Helm, 1986), and Peter Bowler, *The Invention of Progress: The Victorians and the Past* (Oxford: Blackwell, 1989).

[52] These rhetorical moves ratify, I think, the recent tendency in comparative history and postcolonial studies to revisit and revise the claims of Arjun Appadurai, Dipesh Chakrabarty, and other early proponents of the "alternative modernities" theory. Briefly, this theory holds that the teleological models of modernity imagined by Eurocentric paradigms are incommensurate with the diverse, untimely, and unpredictable social worlds that emerge in colonial and postcolonial contexts. Hence Chakrabarty's titular call to provincialize Europe and its totalizing self-portrait. Recently, however, scholars have registered the shortcomings of this imperative, noting that concepts of universality were not limited to Europe, nor were they, as Gary Wilder writes, "imposed by Europeans or imitated by non-

Nostromo resists this relatively progressive temporality most clearly on the level of form, through its famously difficult, anachronic narrative structures, which toggle with dizzying regularity between analepsis and prolepsis. The back-and-forth hovering makes it virtually impossible to locate the novel's present; as Mallios elsewhere says, "there is no other Conrad work…that flaunts problems of temporal displacement and deferral, and challenges assimilation to any specific moment 'in' time, the way this one does" ("Untimely *Nostromo*," 214). The sense of vertigo might be explained not only by the novel's refusal of orderly progression but also by the complexity of its narration, which Conrad distributes across a range of different voices, shifting perspectives either through the use of indirect discourse or, less frequently, the interpolation of first-person narration. The technique only contributes to the novel's temporal density, since the changes in focalization typically occasion the re-telling of events—as in the long letter Decoud sends to his sister, recounting and analyzing the political turmoil that opens the first part of the novel.

Taking up half of the seventh chapter of part 2, the letter constitutes the most substantial interruption to the narrative voice, and is itself fragmentary and discontinuous, broken up into five different parts, each of which is separated by descriptions of the scene of composition. Time slows to a kind of trancelike emptiness in this interval—much as it will for Decoud on the Golfo Placido and in the moments before his death—with repetition replacing and preventing progression: writing to report on his contributions to the latest constitutional developments in

---

Europeans. They were elaborated relationally and assumed a range of meanings that crystallized concretely through use." Gary Wilder, *Freedom Time: Negritude, Decolonization, and the Future of the World* (Durham: Duke University Press, 2015), 11. Relevant here as well would be Susan Buck-Morss's study of the Haitian revolution and the concept of universal history in *Hegel, Haiti, and Universal History* (Pittsburgh: University of Pittsburgh Press, 2009). See also Christopher Taylor's work in *Empire of Neglect: The West Indies in the Wake of British Liberalism* (Durham: Duke University Press, 2018).

Sulaco (i.e., the birth of the Occidental Republic), Decoud essentially re-arranges the earliest scenes of the novel, describing the very events—Ribiera's downfall, Nostromo's heroic fight against the mob—that Captain Mitchell records in the first chapter, before the extended analeptic detours of the intervening sections (which track everything from the history of Sulaco to Gould's childhood to the relationship between Nostromo and Viola). As if to register this looping effect, Decoud himself feels the loss of temporal duration, experiencing his detailed reportage as the cancellation of time: "With the writing of the last line there came upon Decoud a moment of sudden and complete oblivion. He swayed over the table as if struck by a bullet. The next moment he sat up, confused, with the idea that he had heard the pencil roll on the floor" (197). Just as the narrative presentation eschews any linear principle of temporal organization, so too does time and space slacken and disperse on the level of diegetic content, as Decoud faces the terrifying indeterminacy of his own inertia.

It's not a coincidence that these temporal dilemmas condense around Decoud, the figure that, as we have seen, stands in for the resistant legal tactics that the novel systematically denounces. And in fact the letter seems designed in part to provide further justification for this denunciation, since its contents confirm the fact that, like the Monterists, Decoud has himself deployed the legalistic discourse of liberal nation-building ("justice," "freedom") in cynical and self-interested ways, hatching the secessionist movement only in order to win the hand of Antonia Avellanos, daughter of Gould's closest ally, Don José. Aware that the movement will merely sustain the existing balance of power, he announces the birth of the Occidental Republic with caustic resignation: "Prepare our little circle in Paris," he writes, "for the birth of another South American Republic. One more or less, what does it matter? They may come into the world like evil flowers on a hotbed of rotten institutions" (176). The cyclical, anti-developmental

narrative procedures find their warrant here, in the limited and limiting perception that the established channels of law and statecraft are themselves circular, always reifying the underlying forces and relations of production that originally shaped them.

So it is that we get the harsh appraisals of Dr. Monygham towards the end of the novel, when he disabuses Emilia Gould of the notion that Costaguana might eventually escape its history of civil strife: "There is no peace and rest in the development of material interests. They have their law and their justice. But it is founded on expediency, and is inhuman; it is without rectitude, without the continuity and the force that can be found only in a moral principle (403-4). The observation delivers us into the realm of redemptive idealism, confirming what we might have already assumed by this late stage: namely, that the true pursuit of justice exists in a sort of adversarial relationship to the bureaucratic and procedural rationality of the law, which, even in the absence of material interests, would probably lack the virtues and authority of moral thinking. In place of legal and political anthropology, the novel now deals in moral metaphysics. In some ways, it makes sense that the latter would supplant the former: as we have seen, the novel constantly adumbrates the extravagant injustices of legal modernity, regularly tracking its connection to, even identity with, the imperial project of global capitalism; it becomes difficult to imagine from within this frame how legalism or legal thinking might do anything other than secure the world-spanning rule of capital. But there were in fact other possibilities available at this historical moment, as anticolonial thinkers transformed the structures of international law, generating normative and political resources against international hierarchy. Actively disputing this vision of justice, *Nostromo* insists instead on the seriality of imperialism.

Chapter 4

Law Against War: H.G. Wells and the Common Sense of Peace

> One can orient oneself to objects that are alien to reality and which transcend actual existence—and nevertheless still be effective in the realization and the maintenance of the existing order. – Karl Mannheim, *Ideology and Utopia* (1929)

The second volume of the quarterly *American Journal of International Law*, whose debut had featured Luis Drago's arguments about sovereign self-determination, appeared in 1908. Among the contributors this time around was Lassa Oppenheim, one of the foremost international jurists in pre-War Britain and the recently appointed Whewell Professor of International Law at Cambridge. Taking the form of a position paper, his essay offered recommendations for the future of international jurisprudence, "a guide to those younger students who are desirous of working up some problems of international law" (313-314). The key to this guide was captured in the title of the piece, "The Science of International Law: Its Task and Method," which recapitulated the dominant convictions of the emerging discipline of international law, a discipline that saw itself as highly technical, analytically rigorous, untainted by metaphysical abstractions—indeed scientific. Yet while Oppenheim ratified this self-reassuring image, arguing for the value of empirically precise methods (ones which could make clear "the victorious development of certain rules" (317)), he also acknowledged, somewhat contradictorily, the role that the larger cultural surround would have to play in the development of international legal institutions. Indeed, the efficacy of newly established bodies like the Permanent Court of Arbitration (PCA) at The Hague would depend not only on its rules of

procedure, he argued, but also on the cultivation of an ethical and pragmatic global public sphere, one which could understand and advocate for the importance of dispute resolution. Thus, the science of international law would need to serve an educative function, pairing its jurisprudential tasks with pedagogical ones: "The question is not to make everybody an international lawyer, but, to make the fundamental principles and rules of international law so well known that everybody has access to them and can acquire a knowledge of them" (324).

Oppenheim explains this desire for what he calls "popularization" by reminding his readers of "the impotence and powerlessness of international law," a feeble system that lacks instruments of regulation and enforcement—and which therefore requires the support of extralegal institutions and discourses (323). But we might also view the call for sociocultural alliances as historically symptomatic, a function of a gradual but perceptible shift within the field of international law at the beginning the twentieth century, when jurists and lawyers started to articulate their visions of legal order in holistic social terms—as projects that were contingent on the united, cooperative spirit of some wider world forum. For Arnulf Becker Lorca, the international legal historian who introduced us to the idea of "mestizo international law," this shift marks the arrival of modern international law, a distinctly twentieth-century formation that took the "interdependent international community," not the sovereign autonomy of individual states, as the basis for global lawmaking (197). Legal thinkers in this era thus dispensed with formalistic arguments about juridical equality—arguments that, as we know, had long been congenial to imperial expansion—and looked instead toward collectivist social models that prized wholeness and harmony. Yet these adjustments were hardly the signs of some progressive evolution in legal sensibility. On the contrary, insofar as they sponsored the gradualism and voluntarism that would defer or deflect regulatory questions, they represented classically

conservative attempts to preserve the global status quo. This was the paradox of the emergence of modern international law, a transformation that, as Becker Lorca explains, "did not come with [indeed actively forestalled] a fundamental change in the actual rules governing international relations between states at the core and peripheries of the world" (198).

This chapter isolates one example of these paradoxically static dynamics, analyzing a series of arguments about the laws of war and, by extension, the prospect of achieving international peace. The first decade of the twentieth century supplied plenty of occasions for these reflections, with lawyers and statesmen coordinating the first major, multilateral efforts to regulate the methods and means of conflictual violence (first at The Hague, most famously, in 1899 and 1907, and then again in London in 1909). While these efforts sparked lively debates about the criteria of particular norms, leading in some cases to substantive regulations, they tended to prioritize and preserve the claims of the major powers, who usually balked at the prospect of meaningful reform. What this looked like rhetorically was the substitution of social questions for jurisprudential ones: rather than argue about issues of procedure, jurists wrote about the importance of having an ethical international mindset, a communal sense of fidelity not only to the rules of armed conflict but also to the broader paradigms governing what they called the "family of nations." In other words, they forwarded moralistic arguments about the social conditions preparatory to legal responsibility. The result was an idealistic vision that eschewed the language of sovereignty and equality and, with it, the institutional and official constraints of an increasingly pluralized legal order.

Part of my aim in this chapter is to piece together a critical genealogy, linking these curiously extralegal arguments to wider, contemporaneous trends in liberal international thought, which took up the problem of world harmony with more frequency and urgency in the years

before the Great War. These engagements varied widely in terms of their ideological commitments and political goals—the spectrum of voices ran from left-leaning scholars and "new liberals" like J.A. Hobson to more conservative figures like Alfred Zimmern (founding father of the League of the Nations)—but they often converged around their impatience with the international legal establishment, which they regarded as stagnant and complacent, dangerously out of step with the geopolitical realities of the day. For the most part, however, this commentary pulled back from the sort of Conradian skepticism that we tracked in the last chapter, where we saw the very idea of law rejected as irredeemably corrupt, polluted to the core by its association with power. By contrast, the complaints that we will register here were often framed precisely as a defense of the rule of law, an attempt to recover its fundamental compatibility with world peace. Yet, because these commentators subscribed to liberal ideas about governance and reform, which often translated legal or political questions into moral ones, they tended to articulate their arguments in terms of the need for cultural and intellectual advancement, usually conceived as the development of an international set of civic values that would install a sense of community and responsibility among states and individuals. For all their critical perspicuity, then, liberal internationalists mostly reproduced the premises of their adversaries, resorting to the very ideological demands—for cultivation and cohesion—that had prevented the progress they putatively desired.

Nowhere were these ironies more apparent than in the work of H.G. Wells, who vocally supported the cause of perpetual peace, among many other things, and who will serve as the protagonist of the story I want to tell here. An active participant in the planning of the League of Nations, and eventually one of the inspirations for the 1948 Universal Declaration of Human Rights, Wells firmly believed, on the one hand, that extranational laws and policies could serve

as unifying and pacifying instruments, providing the foundation for the world state that he thought would rescue humanity from its perilous condition. On the other hand, he was profoundly critical of extant legal institutions, which he disparaged as inept and ineffectual, and felt that the only way forward would be through the self-directing judgments and moral ambition of the Anglo-American intelligentsia. These dialectically linked visions appear across his vast archive—which includes dozens of books, not to mention countless newspaper articles —but they underwrite his early essays and social theory in especially direct ways; they are also the animating forces behind two of his earlier and more successful experiments in science fiction, *The Island of Doctor Moreau* (1896) and *The War in the Air* (1908), which we will turn to at the end of this chapter.

In its broadest outlines, this story will sound relatively familiar to readers of Wells, a notoriously slippery thinker who can often be found, as Sarah Cole says, "swiveling through and among contrary impulses, many of these hovering out at the end of the spectrum of what is comfortable or acceptable" (14). Yet in examining the legal registers of his work, which has tended to stand out for its more obvious preoccupation with science and technology, [53] we will uncover a more coherent picture, one which moves toward synthesis rather than static opposition. In part, then, I hope to supply another point of entry to the polarized structures of Wellsian form, though without acceding to a claim (made implicitly by Cole, for instance, when she characterizes Wells as an iconoclastic purveyor of the unthinkable) about the singularity of those structures. Indeed, my effort here will be to recast his work as an emblematic

[53] For the best explorations of these themes, see Patrick Parrinder, *Shadows of the Future: H.G. Wells, Science Fiction, and Prophecy* (Syracuse: Syracuse University Press, 1995); Stephen Arata, *Fictions of Loss in the Victorian Fin de Siècle* (Cambridge: Cambridge University Press, 1996); Simon James, *Maps of Utopia: H.G. Wells, Modernity, and the End of Culture* (Oxford: Oxford University Press, 2012); and Sarah Cole, *Inventing Tomorrow: H.G. Wells and the Twentieth Century* (New York: Columbia University Press, 2020).

response to the geopolitical dilemmas of international lawmaking and legal thought at the beginning of the twentieth century, at a moment when legalistic categories and practices were being studded with and supplemented by their opposites—by illusive visions of moral uniformity and global consensus.

1. Modern War

The immediate impetus for the Second Hague Peace Conference of 1907 was the Russo-Japanese War of 1904-1905, typically described by historians as the first major, modern war of the twentieth century. Covered extensively by newly globalized media networks, the conflict featured some startling and lethal developments in weapons technology, effectively previewing the industrialized violence that would characterize the coming world wars. It also represented a major turning point geopolitically, as the Japanese victory unsettled prevailing assumptions about the balance of power between Western and non-Western nations; for many contemporary observers, in fact, these destabilizing consequences were the most salient facts about the war. "What came as a shock to the world at large," explains one historian, "was not so much the war itself as rather its outcome: the overnight déconfiture of a legendary world empire at the hands of an 'upstart' non-Western nation that showed itself Europe's 'wizard apprentice'" (Eyffinger 12-13). In effect, the war announced the arrival of a new international order, inaugurating a period in which East and West would be reconstituted as complex, interconnected, and politically crowded networks.

This shift had legal implications: if Japan had emulated and challenged Western modernity, it was not only by winning the war but also by casting its military strategies as legally valid, consistent with the established rules and principles of armed conflict. These displays of juridical competency, as the legal historian Douglas Howland notes, "[were] proof that Japan

could articulate its sovereignty with the full approval of its allies and the grudging respect of its enemies" (54). Yet if mastery over the laws of war lent further credibility to the Asiatic empire, it also brought home the problems with these laws, which had served the interests of this "upstart" power in convenient and uncomfortably familiar ways; or as Howland writes, "the laws of war invited a civilized Japan to engage in both the aggressive warfare and the colonialism of its civilized fellows" (55).[54] In short, the liabilities of the established terms of warfare had suddenly risen to new levels of visibility. Unsettled by the mimetic appropriation of their policies and procedures, European lawyers and statesmen quickly returned to the drawing board, intent not only on reconfiguring the rules of combat but also on establishing the ethical baselines of the family of nations.[55]

Thus, less than two years after the conclusion of the conflict, the Second Hague Conference was underway, the vast majority of its conventions—eleven out of thirteen by the estimation of one historian (Eyffinger 12)—prompted by the events of the war. Among the most hotly debated items on the agenda was a proposal for more specific rules around the opening of hostilities: rules that would clearly establish whether or to what extent combatants had the duty to notify their opponents of their intention to declare war. Motivated in large measure by the complaints of the Russians, who insisted that the Japanese had violated international conventions by commencing the war without notice, the proposal would in fact entail revision of the

[54] Japan used the war as an opportunity to assert its control over Manchuria and Korea, two areas that Russia had been encroaching on and which Japan would subsequently incorporate into its empire. For a helpful overview of these details and some of the other geopolitical consequences of the war, see the collection edited by Rotem Kowner, *Rethinking the Russo-Japanese War, 1904-1905* (London: Brill Publishers, 2007).

[55] This despite the political and strategic considerations of the hour, which saw both Britain and the U.S. allying with Japan, a power that they felt could protect their interests in East Asia (now an "open-door" area), in part by checking the expansionism of Russia. An Anglo-Japanese alliance had even been formalized in 1902. Still, while the legal case against Japan certainly found more traction on the Continent, it was part of a larger reaction formation that, as we'll see, very much had a home in Britain.

customary law, which had never stipulated the need for formal declarations. The recent evidentiary record was exceptionally clear on this point: of the dozens of wars conducted between "civilized" powers since the end of the eighteenth century, only one—the Franco-Prussian War of 1870—had begun with written notification.

For some conference delegates, though, the question of whether or not the law had ever categorically required declarations of war was beside the point: the Japanese may not have violated the principles of warfare, they argued, but they had transgressed the unwritten and longstanding codes of the international community, undermining their spirit of reciprocity. The British jurist T.J. Lawrence had captured the flavor of these kinds of arguments in the run-up to the Conference, aptly characterizing them as forms of sentimental critique: "So rooted is the notion, derived from the ages of chivalry, of the unfairness of an attack on an enemy without giving him notice beforehand, that the commencement of an undeclared war is constantly mourned over as a sad example of lawlessness and perfidy" (*Far East* 29). Just so, when the French delegation argued in favor of preliminary warnings, they did so by turning the issue into an ethical consideration, a matter of conscience or feeling rather than legal or technical necessity: "From the point of view which we must assume here, it would be as vain to seek what has been the actual practice in the various wars since the beginning of the last century, as it would be to determine if it can be said that there is according to the positive law of nations, a law upon this subject. We need only ask ourselves if a law should be enacted and in what terms" (qtd. in Scott 518). The case for legal and institutional revision turned not on evidence and argument but the shared compassion and forbearance of this community of lawmakers, who only had to follow their moral intuitions ("we need only ask ourselves") in deciding on the normative standards for armed conflict.

It was a compelling case in the event, with nearly every delegation, including the Japanese themselves, signing on to Convention III regarding the Opening of Hostilities, which established that conflict "must not commence without previous and explicit warning, in the form of either a reasoned declaration of war or of an ultimatum with conditional declaration of war" (96). Jurists writing in the aftermath of the Conference generally applauded the resolution, taking it as a powerful expression of the collaborative and humane spirit of the family of nations, which had proven capable of transcending one of the more outmoded—but still habitual—norms of the legal arena. By these accounts, that is, the delegates had successfully modernized the rules around the opening of hostilities because of their extralegal resolve, their willingness to trade the vocabulary of legal validity for something like humanitarian virtue. William Hull offered a representative assessment in his postmortem report on the Conference, in which he celebrated Convention III for being responsive to and inspired by "modern belief," which held that "every war, before it is commenced, should be justified or explained to the family or society of nations" (269).

The implications of this sort of rhetoric, with its emphasis on ethical verities and external orders of belief, can be difficult to parse. In principle, it can function as a form of what we might call higher law critique, a way of militating against the complicities of abstract legal doctrines and procedural techniques. The laws of war had clearly, if paradoxically, furnished the basis for the construction and legitimation of modern war. The vision of an ethically committed international society in which mutually dependent states acted in concert with one another, creating universally acceptable rules that could override the parochialisms and prerogatives of sovereign power—these ideas looked like promising routes toward more dynamic, consensual, and pacific arrangements. Why, then, would they operate as bulwarks against change? Part of the

problem was that the abrogation of Western sovereignty was still largely inconceivable in most legal and diplomatic circles, a non-starter for jurists and statesmen, who rarely had any intention of upsetting the fundamental terms that organized power. This isn't to say that their reformism was disingenuous—just that their elevated claims of moral truth and social harmony were also the function of profoundly conservative impulses. Indeed, the language of ideality and wholeness provided in the final instance a terminology for imagining a world untroubled by hierarchy, a world in which kinship and virtue—and not, say, equality and autonomy—guaranteed the peaceful coexistence between states.[56]

Hence the complaints of several prominent Japanese legal experts, who impugned the discourse of international morality as partial and political. On their view, the assertion of communal values like loyalty and solidarity looked like an idealist protest of traditionalism against the equalizing structures of the law. The jurist Sugimura Yōtarō, for instance, arraigned his European colleagues for creating and securing a fantasy of collective perfectibility, a sort of utopian dream of fraternal consensus that denied the material realities of international life, eliding the differences and disparities that the legal order might have otherwise redressed. In the

[56] The issues here should call to mind some of the more general and well-established criticisms that scholars have levelled against the universalist rhetoric of cosmopolitanism. Typically, this rhetoric has been dismissed as part of an overly sentimental project that eschews political questions in favor of cultural ones, often by placing aesthetic spectatorship, or affective recognition, at the center of what ties people together. One of the more influential versions of this critique can be found in Pheng Cheah, *Inhuman Conditions: On Cosmopolitanism and Human Rights* (Cambridge: Harvard University Press, 2007). These are not, of course, unimpeachable arguments, and indeed scholars have countered them by recovering progressive and socially engaged versions of cosmopolitanism, ones which are not reducible to aestheticism or the apolitical stance of the privileged onlooker. Amanda Anderson writes from this rehabilitative perspective in *The Powers of Distance*: *Cosmopolitanism and the Cultivation of Detachment* (Princeton: Princeton University Press, 2001), as does Kwame Anthony Appiah in *Cosmopolitanism: Ethics in a World of Strangers* (New York: Norton, 2006).

The analysis offered here isn't meant to adjudicate between these positions, ratifying one over the other. As the disclaimer at the beginning of this paragraph should suggest, I don't think that cosmopolitan conceptions of justice have an inevitable political ideology. Or as Bruce Robbins puts it, "cosmopolitanism behaves differently when it is applied at different times and places, and above all as it is applied…at different scales." *Perpetual War: Cosmopolitanism from the Viewpoint of Violence* (Durham: Duke University Press, 2012), 3. My goal, then, is simply to historicize one kind of cosmopolitan project, thinking about the ideological resources furnished, in this context, by the values of the higher law tradition.

end, Sugimura concluded, the tendentious promise of moral agreement had been substituted for the pragmatism of legal activity, leaving behind only "political discussions" that had, or should have had, "no relation to law" (213).

If these concerns had a self-serving quality to them, implicitly justifying Japan's commitment to a narrow rule of law, they also gave accurate measure of the emerging internationalist spirit, whose problems would become especially apparent when the discussion about the opening of hostilities ran up against questions about obligation. Those questions arose after several Conference delegates lobbied for more comprehensive prohibitions against unannounced attacks, proposing a mandatory delay between any declaration of war and the official commencement of conflict. For Britain, as for every other major power at the Conference, the proposition went too far by asking for unreasonably firm requirements that undermined their discretionary power. Yet the stated objection was less about restrictions than redundancies: if the rule was unnecessary, it was because it merely restated the self-binding standards of the family of nations, whose mutual respect for one another already precluded the possibility of treachery and deceit. T.J. Lawrence phrased the rationale in this way:

> [T]he wording of the Convention [regarding the Opening of Hostilities] forbids a complete surprise, provides for a clear indication of the date when a state of war supersedes a state of peace, and secures that reasons for war shall be given formally and officially. It is difficult to see what more is needed. Justice and honour forbid anything in the nature of a treacherous attack—a bolt out of the blue launched by a power which has not previously stated its grievances and intimated that it will use force if they are not redressed. This the Convention provides against…It is quite true that an ambitious and unscrupulous state could suddenly formulate an outrageous demand, follow its rejection by a declaration of war, and then follow the declaration by an attack the moment news of its reception arrived. It would be the act of a bandit, and no one would perpetrate it who shrank from the reputation of a bandit, which, to put it as mildly as possible, is a very bad international asset. (*International Problems* 88-89)

That an "unscrupulous" state might flagrantly disregard the opinions of its peers is only theoretically possible for Lawrence, who basically treats the idea in counterfactual terms, as the reality of some alternate and anarchic timeline in which the governing principles of the global order somehow lose their normative pull. This contrasts with the actually existing dynamics of international society, a genuinely social and interdependent place that inspires deep-seated commitment to the universal values of "justice and honor." A stable and self-sustaining formation, this community generates its ordering protocols internally and immanently, through a set of already-evolved cosmopolitan conventions that obviate the need for the coercive rules of a public and general legal system.

The proposal for mandatory delays was dead on arrival, as were most plans, like disarmament, that required multilateral commitment to formal regulation. The arguments that prevailed at the Second Hague Conference were the ones that discouraged substantive reform, and indeed most checks against power politics, cloaked by the reactionary imperatives of community and cooperation. The order of the day was a sort of prudent gradualism, secured by optimistic claims about the promise of cosmopolitan intercourse. As the historian Mark Mazower notes, "in terms of real political achievements, [the Conference] was not much more than an act of faith in the future" (*Governing the World* 82). In the meantime, there was the ongoing violence and extreme brutality of capitalist imperialism, an entirely unrestrained arms race between the European powers, and the increasingly imminent possibility of a full-scale war that would plunge the world even further into disorder. Even if they had been successfully renovated, the laws of war might not have done too much to mitigate these circumstances; as it was, they would be little more than a foothill on the way to the First World War.

2. A Common Cause

Liberal internationalists outside the specialized fields of law and diplomacy thus registered the Conference as a letdown, a depressing testimony to the myopia and complacency of international policymakers. A leader in an early issue of the *Nation*, whose regular contributors would include new liberals like J.A. Hobson and L.T. Hobhouse, offered a typical response: "The comments of the European Press on the work of the Hague Conference reveal a nearly unanimous disappointment, and it is those who least desire progress who express the least discontent. A review of actual progress achieved shows, indeed, a very meagre result" (107). A similarly disillusioned perspective surfaced in the pages of the *New Age*, where an observer reflected bitterly on the permission the Conference had given to the rising tide of global militarism: "Hague Conferences come and go. Appeals for limitations of armaments are heard awhile, and then fall dumb. Meanwhile the Naval Budgets of the Powers, not only European but American and Asiatic, mount up and up" (537).

This sort of legal skepticism had been mounting for some time among liberal internationalists, who had been on record with their discontents since at least the turn of the century, at the time of the First Hague Conference in 1899. Indeed, as we will see in this section, commentators had bemoaned the alignment of legal authority and the burgeoning military-industrial complex well in advance of the 1907 Conference, which only confirmed their sense that legalism had grown antagonistic toward the initiative for international stability. For all their vociferous disapproval, though, these were not arguments against law and legality per se; on the contrary, for the commentators under consideration here, the international legal system should have been playing an important role in the mediation of conflict and the restoration of peace. And yet, because of their commitment to the depoliticizing logics of liberal reformism, marked

by what Stefan Collini would call the "primacy of morality," these commentators issued their calls for legal advancement, ironically, in the language of their opposition, by insisting on the need for intellectual enlargement and enlightened forms of global consciousness.[57] In other words, like the very authorities they decried, they asked for the communion of better sensibilities.

We can begin to unravel some of these knots by turning to Wells himself, and in particular to the essays collected in *Anticipations* (1901), his first serious and successful foray into social theory. Composed in the prophetic mode that would become his trademark, the essays lay out an expansive set of predictions about the future of humanity, forecasting transformations in technological, social, and political processes: the arrival of modern transport and communications systems—above all the electric telegraph and air travel—as well as the emergence of a utopian world state, what Wells calls the New Republic, which will serve the cause of universal peace. When scanning the immediate political horizon, though, Wells primarily sees the cataclysmic destruction of total war (a possible precondition, he thinks, for geopolitical realignment), and it is here that we can observe his impatience with the law and legal process. Chief among his objections is the stagnancy of international jurisprudence and its failure to even confront, let alone constrain, the realities of modern mass warfare, which have clearly outpaced the established rules of combat. As evidence for this claim he cites the "curious" and tedious distinctions that jurists continue to draw between different kinds of war actors, distinctions that will obviously be shattered by the totalizing form of the oncoming conflict: "In our imaginary twentieth century state, organized primarily for war," he writes, "this tendency to differentiate…will certainly not be respected, the State will be organized as a whole

[57] Collini coins this phrase in *Public Moralists: Political Thought and Intellectual Life in Britain, 1850-1930* (Oxford: Oxford University Press, 1991).

to fight as a whole, it will have triumphantly asserted the universal duty of its citizens" (186). Unwilling or unable to digest these possibilities, jurists hang onto outdated, even romantic, notions about wartime, enabling by ignoring the mass violence of their newly militarized world.

Such concerns are partially explicable in terms of the more general worries that Wells has about the circular structures of lawmaking, an activity that clings to the conventional and the prescribed, steadily supplying alibis for the status quo. Locked into the repetitious circuits of precedent and procedure, legal reasoning defies the temporal orientation of modern society, which should—indeed, for Wells, must—look toward the future: having "derived everything from the offences and promises of the dead," legal thinkers are like "older theologians" who understood the world in terms of the "revenge—accentuated by the special treatment of a favoured minority—of a mysteriously incompetent Deity exasperated by an incompetent creation. But modern thought is altogether too constructive and too creative for that." "It is manifest that a reconstructed ethical system," he says moments later, "will give very different values from those given by the existing systems (if they can be called systems) to almost all the great matters of conduct" (290-1, 297). Against this forward-looking program, legal thinking is essentially an enemy of progress, a primary cause of the inertia that a new "ethical system" will need to overcome on its way to the New Republic.

Whatever his misgivings about legalism, though, one gets that sense that the most fundamental issue for Wells is with the very idea of administrative authority, of having power concentrated in the hands of a professionalized class of policymakers or managerial elites—or really any sort of group that relies on the bureaucratic machinery of the state. As Warren Wagar observes, "[Wells] was genuinely reluctant to organize or have organized in a political sense groups of men and women for even the worthiest causes," a reluctance that found him searching

"all his life for higher criteria of action than laws and decrees, human or divine" (180). Over and over, in *Anticipations* and throughout his political writings, Wells lays heavy blame not only on legal professionals and legislators but also diplomats, military leaders, government officials, virtually any institution or authority that he thought could claim some responsibility for the "bankruptcy of mankind," as he would elsewhere put it. "The only course open to us," he explains there, "is an attempt to limit and restrict State activities in every possible way, and to make little private temporary islands of light and refinement amidst the general disorder and decay" ("Disease of Parliaments" 309). In *Anticipations*, the anti-institutional sentiment finds expression in similarly strident terms, as when Wells implicates the entire governing agency of the state in the catastrophe of militarization: "The military and navel professions in our typical modern state will subsist very largely upon tradition, the ostensible government will interfere with rather than direct them, and there will be no force in the entire scheme to check a corrupting influence…" (170). Adamant about the scale and scope of the problem ("no force in the entire scheme"), Wells effectively calls all forms of governmentality into question, throwing suspicion onto every level of administrative distribution and organization.

And yet none of these attacks are ever far removed from the countervailing sense of confidence that Wells seems to have in the legal and institutional shape of his New Republic. Here he is, for example, speculating about its organizational conditions:

> In a few years I believe many men who are now rather aimless—men who have disconsolately watched the collapse of the old Liberalism—will be clearly telling themselves and one another of their adhesion to this new ideal [of a republican utopia]. They will be working in schools and newspaper offices, in foundries and factories, in colleges and laboratories, in county councils and school boards…It may be dawning even in the schools of law, because presently there will be a new and scientific handling of jurisprudence. (277)

The object of the New Republic is not to subvert or discard extant forms of law and administration but rather to improve them, such that they eventually represent and enforce the utilitarian and "scientific" principles that Wells takes as engines of progress. A utopian rationalist order, the New Republic will be a model of bureaucratic efficiency and uniformity, with its machinelike operations "pruning irresponsible property, checking speculators and controlling the abyssward drift" (278). The plan offers up a version of what Douglas Mao, in his recent and wide-ranging study of utopian discourse, calls "freedom through administration," a technocratic dream that finds the key to world organization in vast, centralized systems of legal and political management (163). Such a dream would only gain intensity for Wells over the years, especially as he began his advocacy for the League of Nations, an organization that aimed to contribute to "the cessation of war and the world-wide rule of international law," as he would write in the interwar period ("The Idea of a League of Nations" 5).

It can seem contradictory, or at least curious, for Wells to place his trust in the very forms of authority that he ordinarily disparages, as if he has suppressed or anathematized his own cynicism about the regulatory failures of liberal internationalism. That tension can start to resolve, though, once we recall that, for Wells, laws and institutions are not so much structures or disciplines as they are forms of belief—that is, crystallized expressions of a popular consciousness that can always be remade or revised. This "underlying ideational social theory," as Duncan Bell labels it, receives perhaps its clearest elaboration in "The Discovery of the Future," originally delivered as a lecture to the Royal Institution in early 1902 and later published in *Nature* as a companion piece to *Anticipations* (869). Here, Wells explicitly frames legalism as a sort of psychic force, what he calls a "type of mind," defined by its submission to "the law made, the right established, the precedent set" (6). Later, as he harps again on the

recursive nature of legal process, with its "hopeless loyalty" to the past, he suggestively registers the legalist paradigm as mental apparatus, attacking "the legal mind" for its stultifying fealty to "treaties, constitutions, legitimacies, and charters" (16). Against these static forms of thinking, Wells offers the constructive force of what he calls "the legislative mind," "an active mode of thought" that "is perpetually attacking and altering the established order of things, perpetually falling away from respect for what the past has given us" (7). The legislative mind is both creative and calculative, bent on refashioning the resources of the present so that they may meet the "demands of some ideal future" (15).

But how do we get from one to the next, from tradition to innovation, law to legislation? Wells never exactly addresses this question, which is often obviated by his sense that progress will be achieved inevitably and almost imperceptibly, through "the forces behind the individual man" (42). Still, we glimpse at least the outline of an answer towards the end of the essay, when he cheerfully predicts that the "nearer future" will see an increase in educational activity, as people continue to move "some way up the scale of education and personal efficiency in the next two or three decades" (50). That the development of legislative practices would follow from or be coextensive with this transformation is left implicit—but it isn't too difficult to see why the problem of modern legal rationality would, as Wells has defined it, lead to the issues of "education" and "efficiency." That's to say, the conclusion makes sense given the binding link that Wells forges between the conduct of legal affairs and the development of intellectual habits: if lawmaking is essentially a form of cognition, a technique of thought, then its effectivity will depend primarily on subject formation, on the cultivation of certain attitudes and temperaments, what the Victorians would have called "frames of mind."[58]

[58] Here, I mean to evoke the longer history of liberal political thought, whose nineteenth-century practitioners often framed the issue of political agency in terms of culture, refinement, cultivation, disinterest—a framing that led them,

And so it is that the justice of the New Republic derives, in *Anticipations*, from the enlightened clarity of its citizenry, who will work together, Wells predicts, in achieving order and stability on a global scale. Powered by an "assured faith and purpose," the New Republicans will establish "a common language and a common rule," setting the groundwork for an omnicompetent global polity: "All over the world its roads, its standards, its laws, and its apparatus of control will run" (315). The prediction echoes the commentary of earlier chapters, where Wells finds the antecedents to the New Republic in the organic unity of an emergent group of educated "efficients," "a great inchoate mass of more or less capable people engaged more or less consciously in applying the growing body of scientific knowledge to the general needs, a great mass that will inevitably tend to organize itself in a system of interdependent educated classes with a common consciousness and aim." Animated by this lived cohesion, the group will collectively renovate multiple modes of office and authority, attuning "obsolete and obsolescent contrivances for the management of public affairs to the new and continually expanding and changing requirements of the social body" (99, 102).

If these visions lay out some generalized playbook for reform, a guide for fixing the governing institutions of the international field, they do so in an ironically self-defeating key—by assuming the terminological mantle that those very institutions were already starting to wear. Indeed, to the extent that Wells anchors his theories in the moralizing qualities of global

---

inevitably, to the question of education. For an important left-critique of this depoliticizing rhetoric, see David Lloyd and Paul Thomas, *Culture and the State* (London: Routledge, 1998). For a slightly more neutral and recent account, see Elaine Hadley, *Living Liberalism: Practical Citizenship in Mid-Victorian Britain* (Chicago: University of Chicago Press, 2010).

Wells's own indebtedness to this body of thought has already received some overview from commentators. Lauren Goodlad, for instance, identifies him as part of a group of Edwardian writers who retained the liberal humanism of the nineteenth century, "hallowed the self-originating force of character, cherished personal intimacy, aspired to cultivating individuality, and dreamed of intersubjective utopia." *Victorian Literature and the Victorian State: Character and Governance in a Liberal Society* (Baltimore: Johns Hopkins University Press, 2003), 233. As an assessment of Wells, this seems to me indisputable; my addition is to trace how these inheritances shape his legal theory, which Goodlad leaves unexplored.

sociability, he can sound like those statesmen and jurists who would derail the agenda of the Second Hague Conference by appealing to the sentimental politics of sympathy and solidarity. To say as much is not to pull the rug out from under Wells, nor to minimize the range of critique behind his arguments for remaking the world. But it is to observe the way that his liberal allegiances, his ongoing sense that law was reducible to a series of thoughts or choices made by more or less disciplined subjects, undercut the traction of those arguments, leading him back to the reactionary politics he sought to contest.

We can locate variants of this ironically conservative progressivism within some of the other major strands of liberal internationalism, even those that ostensibly headed toward more materialist forms of critique. Take for example the radical political economy of J.A. Hobson, an outspoken and savvy critic of capitalist imperialism, not to mention an early contributor to the League of Nations Society, a planning committee that Wells would later join. The first chapter of *Imperialism* (1902), his classic study on the relation between finance capital and empire, ends with an indictment of legal categories like "suzerainty" and "protectorate," nebulous designations that form part of what he calls the "sliding scale of diplomatic language," a remarkably pliant and often euphemistic language that surreptitiously permits "acts of forcible seizure or annexation" (13). The consequence is the promotion of imperial competition—which is to say, the installation of wide and indiscriminate violence as the dominant feature of international life (as Hobson says later, "the decades of imperialism have been prolific in wars" (126)). The picture is as bleak as the one painted by Wells, with its equally disabused depiction of "the enormous expenditures on armaments, the ruinous wars, the diplomatic audacity or knavery by which modern Governments seek to extend their territorial power" (55).

Also like Wells, though, Hobson believes that current forms of law and statecraft can, and perhaps already have, provide(d) a "real beginning" for a more peaceful and just world. Taken as illustration are "the whole unwritten law of war and international courtesies," which have mitigated the antagonisms of the world system, he thinks, by promoting the "recognition of certain reciprocal duties." The problem, then, lies not with the institutions of lawmaking but—and this is the sticking point—with the morally compromised leaders, the "legal theorists" and "high politicians," who have stalled the development of these institutions by actively "ignoring" their progressive designs (167). Hence, when Hobson anatomizes the failures of the First Hague Conference moments later, he reserves criticism mainly for the "presence in high places of cliques," those groups of elites who put their own interests ahead of the "maintenance of peace" (171). Just as Wells transposes the law to the registers of character and virtue, then, so too does Hobson convert legal questions into moral ones, reducing the injustice of international policymaking to the habitual selfishness of the ruling classes.

To be sure, these assessments are not unrelated to the otherwise robustly systemic analyses of *Imperialism*, still a touchstone for the field of empire studies (if not the originary point of the field itself). Indeed, Hobson almost immediately links the self-absorption and indifference of the "legal theorists" and "high politicians" to an earlier discussion "of the economic driving forces that exhibit certain sectional interests and orders within the nation usurping the national will and enforcing their private advantages" (167). And yet Hobson continues to grant explanatory primacy to the ideal of spiritual or moral health, as when he emphasizes in these same passages the language of shared sentiment: hopeful about the alternatives to interstate conflict, he writes optimistically about the "potent and pervasive forces in the industrial, intellectual, and moral life of most European races," which are together

producing “a large common body of thought and feeling, which furnish a ‘soul’ for internationalism” (170). These are the regenerative principles of the international field, the antidotes to the disordered consciences or wills of the possessing classes who have blatantly obstructed the cause of peace.

The tendency to displace questions of law and policy to the mystifying discourse of moral or spiritual regeneration was especially pronounced, not surprisingly, within the more conservative branches of liberal international thought. We might think here of the work of Alfred Zimmern, an Oxford classicist and sociologist who eventually worked for the Foreign Office, before returning to Oxford as the university’s first professor in international relations. Zimmern, too, attacked international laws and policies as inadequate to the task of world peace—like his progressive contemporaries, he complained about the “schemes and ambitions” of the European powers and the “machinations of the great armament interests allied to them” (*The War and Democracy* 9)—although he remained committed to the rule of law in the abstract. Against the anti-imperialism of new liberals like Hobson, though, Zimmern also felt more comfortable with the uneven arrangements of capitalist globalization—or at least, as an advocate for the liberal ideal of the free market, less willing to interfere with those arrangements. Jeanne Morefield has framed these ambivalences as typical of Zimmern and his coterie, who were interested, on the one hand, in the “transformation of the old international order, which they characterized as anarchic, rife with power politics and secret diplomacy,” even as they were, on the other, “deeply fearful of radical changes in the world economic and political system” (174). The effects of this hesitancy can be felt in the way that Zimmern avoided any deep or specific engagement with the law and its field of operations, which he tended to subordinate to extralegal arguments about the need for fellow-feeling and moral consensus.

Zimmern laid the groundwork for his thinking in *The Greek Commonwealth* (1911), a study of fifth-century Athens that doubles as what Mazower calls a "political manifesto" for Hellenistic thinking (*No Enchanted Place* 69). Part of what Zimmern admires about the Athenians is that they humanized armed conflict, creating a set of rules that brought "the breezes of humanity blowing in to purify the atmosphere of the blood feud." These codes of conduct, which required that "each side reverently and piously accept the pious usage of its adversaries," signal "the beginning, both in letter and in spirit, of international law." Yet these developments only form one part of a much longer story that Zimmern wants to tell about the relational affections of the Athenians; as he says of their criminal justice system, "the court on Ares' Hill was not set up in a day." For Zimmern, the birth of legalist and pragmatist responses to the problem of disorder should primarily be understood as an index of the growth of the "Greek spirit," which "took centuries" to shuck off the outworn "barbarities" of the past (100). In other words, what he finds in these episodes of legal progress is an opportunity to make claims for the sensibilities of the Athenians, who only achieved juridical progress through their collective investment in "fraternity" and the "emotions of friendship and family," as he says earlier (72). Here, too, law gets subsumed under prosocial feeling; or as Zimmern concludes later, "it is more important to form good habits than to frame good laws" (131).

Mazower identifies this idealism as "entirely characteristic" of the internationalism that emerged around Oxford's "powerful school of liberal neo-Hegelians" (the same school under consideration in Morefield's study). These thinkers, Mazower writes, "found in the Greek texts an eternal ideal of sociable selflessness, a political system driven toward perfection by an ethics of mutual assistance. The mechanics of government, the precise composition of laws, did not concern them" (71). Yet despite—or, I am arguing, in a way because of—this indifference to the

particulars of policymaking, these were the intellectuals who would ultimately dictate the direction of international governance in Britain: Zimmern effectively designed the organizational shape of the League during his time with the Foreign Office, penning the plans that British officials would eventually take to Paris at the end of the war.[59] Nominally in favor of the global rule of law, those plans demoted legalism in practice, adopting an anti-formalistic program that sought, as the historian Stephen Wertheim writes, "to foster the growth of a global society bound by common consciousness and values" (232). It was the culmination of the self-directing moralism of liberal internationalism, the apotheosis of a tradition that had challenged the legalist paradigm by reproducing its fantasies of cooperation and conciliation, of a global society void of struggle and inequality.

3. Applied Art

It's against the backdrop of this ironic convergence that we can best rethink some of the early dystopian fictions written by Wells. Tales of scientific fantasy, or what Wells called "evolutionary fables," the novels warn of the disorganization and disaster of the post-Darwinian universe, grimly projecting the degeneration of the human species. At the same time, they also exhibit a contrasting or conflicting sense of optimism about the technologies of modernity, which they represent as progressive forces that may forestall the slide toward primitivism. Critics have routinely highlighted these sorts of dualisms or divisions, turning the early Wells oeuvre into a sort of reverberating echo chamber of meanings, a restless and often directly contradictory series of thoughts and innovations.[60] By contrast, I want to suggest that, in thematizing the issues of

[59] For comprehensive coverage of British contributions to the planning of the League of Nations, see the account in George Egerton, *Great Britain and the Creation of the League of Nations: Strategy, Politics, and International Organization, 1914-1919* (Chapel Hill: University of North Carolina Press, 1978).

law and legality, the novels are in fact relatively unified in their designs: Wellsian antinomies tend in this case not toward irresolution but integration. For proof of this claim we can turn to *The Island of Doctor Moreau* (1896) and *The War in the Air* (1908), two novels that systematically contest the structures of legal authority, which they directly implicate in the cascading violence of the future, even as they also aim toward a technocratic horizon of legal and bureaucratic efficiency. Far from incompatible, the first position ends up allowing for the second by framing the law's deficiencies in terms of misplaced values and undisciplined habits—a framing that allows Wells to logically if tendentiously subscribe to an ameliorative logic of progress that finds the law redeemed through moral conviction.

Moreau is narrated by Edward Prendick, "a private gentleman," who documents the sinister experiments of the titular physician, a vivisector who has populated a remote Pacific Island with his man-beast hybrids (5). Maligning the egoism of the scientist, the story works most straightforwardly as a sort of Shelleyan cautionary tale about the dangers of interfering with the processes of nature.[61] It's also clearly an "island myth" that takes inspiration from Defoe, Swift, even Shakespeare (with Moreau acting as what one scholar calls "a capricious Prospero" (James 67)). As Wells tells it, though, the story that most immediately incited him was actually a

---

[60] Patrick Parrinder notes that it has become something of critical commonplace to see "Wells's imagination as a theatre of dualistic conflict." *Shadows of the Future* (Syracuse: Syracuse University Press, 1996), 108. For a "persuasive example" of this approach, he recommends John Huntington, *The Logic of Fantasy: H.G. Wells and Science Fiction* (New York: Columbia University Press, 1982), to which we might also add Frank McConnell's contemporaneous study, *The Science Fiction of H.G. Wells* (Oxford: Oxford University Press, 1981). More recent versions of the argument can be found in various forms in Simon James, *Maps of Utopia: H.G. Wells, Modernity, and the End of Culture* (Oxford: Oxford University Press, 2012), Bradley Deane, *Masculinity and the New Imperialism: Rewriting Manhood in British Popular Literature, 1870-1914* (Cambridge: Cambridge University Press, 2014), and Sarah Cole, *Inventing Tomorrow: H.G. Wells and the Twentieth Century* (New York: Columbia University Press, 2019).

[61] This at least is the point of departure for many recent analyses. See, for example, John Glendening, "'Green Confusion': Evolution and Entanglement in H.G. Wells's *The Island of Dr. Moreau*," *Victorian Literature and Culture* 30.2 (2002): 571-597, Sherryl Vint, "Animals and Animality from the Island of Moreau to the Uplift Universe," *Yearbook of English Studies* 37.2 (2007): 85-102, and Chris Danta, "The Future Will Have Been Animal: Dr. Moreau and the Aesthetics of Monstrosity," *Textual Practice* 26.4 (2012): 687-705.

legal one: “There was a scandalous trial about the time,” he writes in his preface to the 1921 edition, “the graceless and pitiful downfall of a man of genius, and this story [*Moreau*] was the response of an imaginative mind to the reminder that humanity is but rough-hewn to a reasonable shape and in perpetual internal conflict between instinct and injunction” (ix). The “genius” is Oscar Wilde, infamously prosecuted for “gross indecency” in 1895, and the trial seems to serve for Wells as the sign of some essential contest between law and nature, “injunction” and “instinct.” There is of course some ambiguity in this explanation, which may invite us to read Wilde on either side of the dichotomy: either as the victim of legal order, a subject “destroyed by the injunctions against his sexual instincts,” as Neville Hoad says in his gloss on the passage (192), or, perhaps more plausibly, given Wilde’s “genius,” as the embodiment of that order, with its putatively unnatural commitment to specialized, esoteric forms of knowledge. Either way, though, Wells casts legalism as dangerously factitious, an ideological formation that threatens, by occluding, the higher laws of the natural world.

This judgment holds from the very start of *Moreau*, even before the introduction of Moreau himself, when Prendick encounters one of his creations, “the black-faced man,” on a trader vessel off the coast of the island. A zone of privation—“I never beheld a deck so dirty,” Prendick says, before observing the “indescribable filth”—the boat keeps other various animals in brutal captivity: “Fastened by chains to the mainmast were a number of grisly staghounds, who now began leaping and barking at me, and by the mizzen a huge puma was cramped in a little iron cage, far too small even to give it turning-room” (14). The person responsible for this scene of subjection is the belligerent captain, who defends his cruelty and negligence as the prerogatives of his administrative office. “I tell you I’m the captain of the ship—Captain and Owner. I’m the law here, I tell you—the law and the prophets” (17). Bewildered by the legally

authored chaos, Prendick wonders about the values and interests of the captain, forwarding various lines of speculation about his enterprise: "What are these beasts for? Merchandise, curios? Does the captain think he is going to sell them somewhere in the South Seas?" (14). For Jennifer DeVere Brody, who understands this scene through the analytic of slavery—the vessel a site of racialized repression that recalls the slave ship—Prendick's questions are analogous "to the queries of abolitionists about the value of human cargo" (157). Already, then, the novel stages its legal critique in almost categorical terms, by wedding the idea of legal authority to the terrible spectacle of atrocity.

The entrance of Moreau will reinforce this skepticism, although his legal regime is in some sense distinct from the one created by the captain: Moreau uses laws for the ostensible purpose of humanizing, not debasing, the beast-folk. Just so, his assistant, Montgomery, reacts to the anomie of the ship with just as much indignity as Prendick, eventually informing the captain that "that man of mine [the black-faced man] is not to be ill-treated. He has been hazed ever since he came aboard" (16). Drawing the abject creature back into the circle of humanity, Montgomery performs the language and logic of the "amazing law" that governs the "Beast-People," who are prohibited from backsliding to their animal ways. These are their codes, which they recite with "rhythmic fervour":

> Not to go on all-Fours; *that* is the Law. Are we not Men?
> Not to suck up Drink; *that* is the Law. Are we not Men?
> Not to eat Flesh or Fish; *that* is the Law. Are we not Men?
> Not to claw Bark of Trees; *that* is the Law. Are we not Men?
> Not to chase other Men; *that* is the Law. Are we not Men? (59)

That these commands soon give way to "a new formula" in which the beast-folk praise Moreau himself—"*His* is the Hand that wounds/"*His* is the hand that heals"—confirms for Prendick, still our shell-shocked observer, that the laws here are no less coercive than the ones on the ship. "A

horrible fancy came into my head," he explains, "that Moreau, after animalizing these men, had infected their dwarfed brains with a kind of deification of himself" (59). Some of this may indeed be "fancy"—Moreau works on animals, not humans, as Prendick will learn after he attempts to run away—but the assessment nevertheless gives objective measurements of Moreau's discretionary power, which derives its force from theological sanction. Indeed, as maker-master, he gathers authority under the very sign of creation, the sublime signature of divine sovereignty. As he explains to Prendick, "I have seen more of the ways of this world's Maker than you—for I have sought his laws, in my way, all my life" (74).

From this vantage, which captures the law in mythic or originary terms, we can see why Timothy Christensen would want to read *Moreau* as a theoretically sophisticated account of law's foundations. For Christensen, who remains, as far as I can tell, the only previous critic to think of the novel primarily as a legal one, "the nature of law as a set of rules generated through an always originary performative act that conceptually exceeds the legal order that it inaugurates is demonstrated in relatively direction fashion in *The Island of Doctor of Moreau*" (577). Without contesting the validity of this Derridean thesis, we can just note that, in staging the act of lawmaking as theocratic theater, the novel also extends its own critique of legal power, now perceived as the self-justifying fanaticism of religious delusion. And we can reinforce this reading by recalling the report, moments later, that the experiments of Moreau are basically pointless, an empty pursuit that aims only toward the perpetuation of his own sovereignty. "His curiosity, his mad, aimless investigations, drove him on," Prendick bitterly reflects, "and the things were thrown out to live a year or so, to struggle and blunder and suffer; at last to die painfully" (95).

And yet, if these mobilizations of rhetorical pathos and biblical echo give persuasive energy to the novel's legal skepticism, as I am arguing, they also help to modify and relax that skepticism, defusing its force so that the law might be seen as recoupable. Here we can begin by noting that the characterization of Moreau as mystifying sovereign who gains corrupt intimacy with the divine has the effect of making his crimes seem like sins, as if the problem is also and mainly internal, spiritual: he has simply lost his way, "fallen," as Prendick says, perhaps punningly, at the beginning of the narrative, "under the overmastering spell of his own research" (34).[62] This is in some sense the quintessential lesson of all the scientific romances, which polemically take aim at the egotistical presumptions of the modern intellectual, modeling the catastrophic consequences of his arrogance and producing what Wells calls, in *A War of the Worlds* (1898), "a sense of dethronement" (6). What matters for our purposes is that, in *Moreau*, these techniques tip the legal commentary onto a quasi-idealist axis in which the object of investigation isn't so much the law as a certain style of thought, an excess of pride; rather than reject legal institutions as such, and indeed to suggest the conditions of their efficacy, the novel ultimately turns its ire toward the deformed attitudes that corrode them.

We can give greater force to this point by examining the scene in which Moreau explains his frustrated ambitions to Prendick. Acknowledging that his experiments have consistently "fall[en] short" of his desire to "burn out all the animal" from his subjects, Moreau laments the mere presence of those subjects as reminders of his failures:

> There is a kind of travesty of humanity out there [on the island]. Montgomery knows about it, for he interferes in their affairs. He has trained one or two of them to our service.

[62] To be sure, as someone who subscribed to the tenets of evolutionary theory and took as foundational the amoral procedures of natural selection, Wells would have strenuously objected to any sort of providential understanding of the world. Still, as Bernard Bergonzi notes, he also clearly felt subject to something like God: "not the traditional God of Christian theology, but the sort of arbitrary and impersonal power that might be conceived of as lying behind the evolutionary process." *The Early H.G. Wells: A Study of the Scientific Romances* (Manchester: Manchester University Press), 104-5.

> He's ashamed of it, but I believe he half likes some of these beasts. It's his business, not mine. They only sicken me with a sense of failure. I take no interest in them. I fancy they follow in the lines the Kanaka missionary marked out, and have a kind of mockery of rational life—poor beasts! There's something they call the Law. Sing hymns about "all thine." They build themselves their dens, gather fruit and pull herbs—marry even. But I can see through it all, see into their very souls, and see there nothing but souls of beasts, beasts that perish…It only mocks me. (79)

The confession provides further evidence of Moreau's craven monomania, of course, but it also highlights his disdain for or distance from the legal mechanisms of his control, whose partial force only "mocks" him. Indeed, "the Law" looks on this view curiously external to his office, "something" he has only passively engaged, as if he has been more observer than overseer of his own legal system. As a description of his regime, the account is obviously incoherent. Yet the very structure of this account seems to also confirm the logic of the novel, which seeks to dissociate the law from the distorted mind of the romantic individual, understood as the determining category of injustice. No surprise, then, that this speech essentially marks the beginning of the end for Moreau, who will quickly lose his hold on the scene of sovereignty over the next two chapters, with the beast-folk growing increasingly insistent on their own autonomy. This narrative stretch only amplifies the moral scandal of his delusions, which drive him on a tyrannizing crusade for control, a vengeful but futile campaign that devolves into hollow performance. Putting the Leopard Man on trial, Moreau can barely recite his own codes without appealing to his audience: "'Who breaks the Law—' said Moreau, taking his eyes off his victim and turning towards us. It seemed to me there was a touch of exultation in his voice." The self-conscious aside, while only a glance, still generates a syntactical interruption, a dash that tellingly splits Moreau from "the Law," dissevering the two just before the former finally suffers for his moral abjection: "For the Leopard Man, released from Moreau's eye, had risen straight from his knees, and now, with eyes aflame and his huge feline tusks flashing out from under his

curling lips, leapt towards his tormentor" (91). Precipitating an all-out rebellion that soon kills Moreau offstage, the attack launches the renewal of the legal world, initiating a purifying turnover that clears away the turpitude of the scientist and enjoins us to imagine, in turn, the categories of value and subjectivity that might replace him.

In some ways, the novel has itself already supplied an answer to that enjoinder in the character of Prendick, "the orthodox and humane scientist," as Bernard Bergonzi describes him, who acts as outraged witness to the violence on the island. A former pupil of T.H. Huxley, the evolutionary theorist who Wells himself studied under at the Normal School of Science, Prendick is in effect the authorial spokesperson, an eminently rational man of science who seems poised to banish the specter of Moreau. In the end, though, it does not quite happen this way: faced with the task of reinstalling order on the island, Prendick blanches and ultimately eschews the trappings of sovereignty in favor of his own solitude. "Had I kept my courage up to the level of dawn," he reports, "had I not allowed it to ebb away in solitary thought, I might have grasped the vacant sceptre of Moreau, and ruled over the Beast People" (117). Forfeiting the opportunity, he soon decamps to the English countryside, where he finds "infinite peace and protection" in "wise books" and the idyllic quiet of provincial life (131).

Certainly, then, the novel is not entirely unequivocal when it comes to refashioning the law, which seems not to appeal to the only character who occupies a stable frame of ethical judgment. But we should also note that Prendick's decision to abandon his post doesn't exactly receive an approving endorsement from the novel either. For one thing, his refusal to wield the "vast sceptre of Moreau" arises not out of any principled stance against authority but rather from what he recognizes in retrospect to be the "folly of [his] cowardice." (One may wonder, too, about whether the impulse for self-preservation has animated Prendick all along; as Hoad says,

perhaps a bit uncharitably, "he never experiences sympathy [for the beast-folk] as a way of putting himself at risk, as a way of redefining himself, as an invitation to an action that may involve some self-sacrifice in the interest of a collective rather than individual good" (191)). For another, his commitment or resignation to intellectual isolation (he fills his days in the country with reading and "experiments in chemistry") has the ironic effect of locating him along the same continuum as Moreau, the misanthropic recluse who conducts his grievous experiments in extreme solitude. Thus, we might read the novel as suggesting by antithesis the need for another version of "the Law," an instrument that Prendick only repudiates once his judgment has finally lapsed. This might be an oblique way of conveying the message, but I would argue that's part of the point: Prendick's failure is bait to the audience, just as much a part of the fable as the juridical abuses of Moreau. The lesson: we can preserve the idea of law against the spiritual malignancies of the modern age so long as we maintain the vigilance and self-discipline to act on our moral intelligence. Having raised credible concerns about the problems with legalism, the novel thus ends by quietly softening those concerns, by offering an idealizing if implicit conclusion that posits legal progress as an act of will.

If these points emerge somewhat abstractly in *Moreau*, they receive more direct and concrete expression in *The War in the Air* (1908), which gives shape to the historically specific questions that we have been exploring in this chapter. A prophecy of worldwide conflict and calamity, the novel fits under the rubric of the "future-war story," an early subgenre of the scientific romance that took off in the 1870s (with George Chesney's *The Battle of Dorking* (1871)), before reaching peak popularity sometime around the turn of the century, when Wells offered his first contribution to the craze with *The War of the Worlds*.[63] Like that novel, but with

[63] The definitive account of this literary history is still I.F. Clarke, *Voices Prophesying War, 1763-1984* (Oxford: Oxford University Press, 1966).

more "visionary accuracy," as one critic puts it, *The War in the Air* stages a sort of final conflict between civilizations, a devastating geopolitical clash that sees the world annihilated by various forms of combat aircraft (Gannon 82). As with the scientific romances more generally, this narrative of total war offers up a warning about the potentially catastrophic reach of science and technology. "The key to this ingenious story," as Jay Winter writes in his introduction to the novel, "is the manner in which it shows that to wage war under conditions of industrialization is to open a Pandora's box, the contents of which are worse than anyone could realize" (xix).[64] Crucially, the novel ties these spiraling effects not only to the newly unstoppable modes of warfare but also to the laws and governments that have permitted and even promoted them. On this view, the future of war will be enabled rather than constrained by legal and diplomatic practice, which will be too easily annexed for, or obliterated by, the indiscriminate pursuit of military advantage. Just as in *Moreau*, though, the novel dials back its own doubts about the law by ultimately routing them through a sort of morality play—this one about the indolence and improprieties of policymakers—which frames legal repair simply as an issue of conviction and intellection.

The play begins with the story of Bert Smallways, an innocent Cockney mechanic who, after a series of comically rendered chances, joins a German air fleet for its transatlantic attack on New York, where he will disembark for the next phase of the catastrophe. Upset by the "mischief and waste of war," which he initially imagines "as being a jolly, smashing, exciting

---

[64] This is a representative assessment of the novel. See also Roslynn Haynes, *H.G. Wells, Discoverer of the Future: The Influence of Science on his Thought* (New York: New York University Press, 1980), Patrick Parrinder, *Shadows of the Future: H.G. Wells, Science Fiction, and Prophecy* (Syracuse: Syracuse University Press, 1995), Charles Gannon, *Rumors of War and Infernal Machines: Technomilitary Agenda-setting in American and British Speculative Fiction* (Lanham, MD: Rowman, 2005), Steven Mollmann, "Air-Ships and Technological Revolution: Detached Violence in George Griffith and H.G. Wells," *Science-Fiction Studies* 42.1 (2015): 20-41, and Sarah Cole, *Inventing Tomorrow: H.G. Wells and the Twentieth Century* (New York: Columbia University Press, 2020).

affair," Bert grows increasingly uncomfortable with the policies of the Germans, who carry out their mission with a calculated indifference to human suffering (122, 123). This much is clear even before the bombardment of New York, when they put one of their own soldiers on trial "for carrying a box of matches," recently designated as contraband by German officials. Arguing that he had missed that memorandum, the soldier "pleaded in his defence, what is indeed in military affairs another serious crime, inadvertency." Guilty on two counts, "[h]e was tried by his captain, and the sentence confirmed by wireless telegraphy by the Prince, and it was decided to make his death an example to the whole fleet" (124). Lest we miss the brutal inhumanity of this legal calculus, Bert recoils in scandalized disbelief from the scene of the execution, which makes him "almost physically sick with the horror of this trifling incident" (125). At this stage, then, the novel seems bent on representing the law as integral to the reign of force, the legitimating key to the unlimited violence of war.

That assessment stands in the aftermath of the conflict, too, which sees the law devolve into the pure expression of power. As the narrator explains, the postbellum landscape is largely agrarian and precivilized, with "little communities, still haunted by ten thousand memories of a greater state, gather[ing] and develop[ing] almost tacitly a customary law" (264). The perils of these decentralized and informal legal arrangements receive dramatic illustration in the preceding chapter, where we see Bert himself regressing toward the harsh justice of his new world, now composed of various "festering centres of violence and despair" (257). Identifying with the ritualistic laws of this "barbaric stage," Bert swiftly kills a local warlord in a demonstration of his love (for Edna, longtime object of the warlord's affection), before then supplanting his victim as chief administrator of "what [was] called, I regret to say, a 'Vigilance Committee'" (261). Having passed through the catastrophic cusp of social collapse, the law only

grows more permissive of violence, aiding the new world in its tendency toward entropy and exhaustion.

The dire notes of Bert's story are accentuated by the broader reports of the narrator, who regularly zooms out to offer commentary on the macropolitical developments of the war. In some respects, in fact, these departures are themselves the main drama of the story; as Sarah Cole points out, "for all the tremendous appeal of Bert, *The War in the Air* is a novel that seems to want no protagonist at all but instead a receptacle to view the great destruction" (123). Part of what the birds-eye view reveals is the disintegration of interstate norms, which end up perpetuating world violence by immediately giving way to it. When describing the militarization of the U.S., for example, the narrator mentions "the complete separation that had arisen between the methods of warfare and the necessity of democratic support." Easily avoiding any legislative scrutiny, Washington officials "did not even condescend to talk to Congress [about entry into the war]. They burked and suppressed every inquiry. The war was fought by the President and the secretaries of state in an entirely autocratic manner" (132). Similarly, and in terms that more directly recall the historical context of the novel (written in the aftermath of the Russo-Japanese War and during the Second Hague Conference), the narrator later notes how the Japanese intervention in the war—hyperbolically characterized by "secrecy and swiftness and inventions that had far surpassed those of the Germans"—triggers the total breakdown of diplomatic protocols: "Instantly every organized government in the world was frantically and vehemently building airships and whatever approach to a flying machine its inventors had discovered. There was no time for diplomacy" (175). Institutional process thus gets figured as flimsy and ineffectual, too easily overtaken by the intensity and rapidity of modern warfare.

But one might already sense how these disparaging depictions of international institutions also allow for their redemption. After all, if these institutions can be said to inflict harm, it seems to be more out of accident or oversight than design—because they have been left in dysfunctional or ramshackle arrangements that prevent them from keeping pace with the turbulence of their military industrial epoch. The view delivers us back to the Wellsian theme of planning and efficiency, which we captured earlier with his idea of "the legislative mind," an anticipatory and active form of thought that rejects the torpidity and complacency of precedential reasoning. Thus the emphasis that the novel also places, in the above passages, on calculation and foresight—or what we might call the intellectual equipment of legislative work. Having provided a fuller explanation of the scale and timing of the war, for example, the narrator laments that "these aspects of aerial fighting took the world by surprise. There had been no forethought to deduce these consequences. If there had been, the world would have arranged for a Universal Peace Conference in 1900" (179). Of course, the world had already made those arrangements: the First Peace Conference did actually happen, as we may remember, only it was in 1899; noted without further comment by the editor of the Penguin edition is that "[t]here had in fact been a Peace Conference at the Hague, Netherlands in 1899 which reached conclusions on the rules of war and arbitration (the Hague Convention) but at which little progress was made on issues of disarmament" (283). We will be interested in this historical erasure or confusion in just a moment, but for now we can stress the lesson of the hypothesizing: the primary obstacle to the development of legal and institutional measures against war is merely cognitive or internal ("there had been no forethought"), a function of an unearned sense of confidence in the present. A change in thought will per force bring a change in the institutional landscape.

But why push the 1899 Conference out of history to make this point? What does this elision achieve, and what might that achievement have to do with the ideational theories that we have started to uncover here? Clearly, in negating the reality of the First Conference, the novel confirms its status as a non-event, an inconsequential development that, like the Second Conference, will look like nothing from the perspective of the future, especially if that future also looks back at full-scale war. What we will remember, what our narrator remembers, is the world-historical violence of global conflict, not the pathetic inaction that preceded it. Yet the point is not only or so much that the Conference does not happen on the novel's alternate timeline but rather that, under the circumstances adduced by the narrator, it could *never* have happened: the lethargy of lawmakers precludes as a logical possibility the formation of effective institutional assemblies. In other words, the counterfactual serves as vivid illustration of the causal function that Wells wants to assign to forces of mind and spirit, which provide the very ground of international organization.

The novel sharpens the implications of these causal schemes over the final stages of the narrative, when the narrator most clearly distills the meaning of his total-war story. At the beginning of the penultimate chapter, for example, he pulls back from the wreckage of the war in order to reflect on some of the conditioning factors of civilizational collapse: "When now in retrospect the thoughtful observer surveys the intellectual history of this time, when one reads its surviving fragments of literature, its scraps of political oratory…the most striking thing of all this web of wisdom and error is surely the hallucination of security." To elaborate the material effects of this blithe disregard for the possibility of turmoil, the narrator immediately turns to the spheres of law and politics: "To us it seems that every institution and relationship was the fruit of haphazard and tradition and the manifest sport of chance, their laws each made for some separate

occasion and having no relation to any future needs." The assessment implicitly figures these laws against the systematic ones of the narrator's "future-now," to borrow from Cole's description of the narrative structure (120), a future realized by an "orderly, scientific" spirit that prizes planning and innovation (246). This might be an unfathomably distant future—one radically discontinuous, as Cole points out, with the "dystopic ruin" of the war (120)—but that distance need not diminish the moral of this admonitory tale, which is that laws and institutions can be salvaged from their "haphazard" conditions through the incitement of a strenuous, sober-minded commitment to organization and forethought.

A similar moral seems to be embedded in the narrator's next set of reflections, offered just pages later, when he returns to the complacency of the modern world. Deploring its tendency to take "the side of Progress" as a pregiven fact in need of no defense or explication, he claims that "no one troubled over the real dangers of mankind," and then wonders, accordingly, about the question of contingency:

> Could mankind have prevented this disaster of the War in the Air? An idle question that, as idle as to ask could mankind have prevented the decay that turned Assyria and Babylon to empty deserts or the slow decline and fall, the gradual social disorganization, phase by phase, that closed the chapter of the Empire of the West. They could not because they did not, they had not the will to arrest it. What mankind could achieve with a different will is speculation as idle as it is magnificent (248-49).

Refusing to entertain alternative outcomes, to indulge in "idle" speculation, the narrator nevertheless preserves those outcomes as possibilities, ones which might still be realized by an actually existing "mankind." That's to say, this refusal doubles as an imperative to the audience, an exhortation to the vigilant acts of "will" that might redeem and reunify the world, interrupting the seemingly inevitable path toward "social disorganization." In this, the novel gives its fullest embrace to the immodest task of moral instruction, of awakening its readers to their

undisciplined habits and to the enduring significance of their shared burdens as people in the world. To be sure, the bleak self-portrait offered here and throughout the narrative already raises questions about the efficacy of this task. Still, to the extent that this portrait acts as the very vehicle of instruction, the novel holds fast to an ameliorative vision that takes moral and intellectual fitness as the key to progressive change, whether it be legal, institutional, or social.

From this angle, we can see the how the novel functions as what Simon James calls "applied art," a pedagogical project meant to prepare readers for the task of global social reform and world unity (159). Indeed, here as in many of his later future-war stories, one of the main goals for Wells, as Cole explains, "is to eliminate war by reconstructing the mental workings of the population on worldwide lines of commonalty" (42). Without necessarily dismissing this liberal cosmopolitan rhetoric—which may sound today like "a horizon-spreading gesture of self-improvement," as Cole later says (150)—this chapter has endeavored to expose that rhetoric to history. The turn from structure to feeling, from law to common culture: these were exactly the moves that jurists and diplomats made in deferring the process and politics of regulation. That Wells made them, too, should perhaps not be surprising, given the shape of the wider intellectual surround, its tendency to replay the moralism of the liberal political tradition. It can be tempting to read all of these continuities and conceptual heritages as part of some historically determined picture of Wells, inevitably unable to offer anything more than a platitudinous understanding of either the law or global politics. But I would hesitate to impose a single frame of analysis on the discourse of international morality, which doesn't necessarily preclude, as the example of Conrad should suggest, the clear-eyed critique of social relations. There is no deep essence to the genealogy of values that we have traced here and throughout this dissertation. There is only the contingent, partly indeterminate articulation of categories and concepts, each allowing for or

downplaying certain possibilities. That's not to cement contingency as the way of the world, nor to make some claim about the randomness of the free play of signification. Far from it: Wells, for his part, fed the system of values he contested by trucking with soaring, self-delighting fantasies that hitched the question of social change to the elevation or improvement of human character. To say as much is just to explain the divided nature of his progressive agenda, to offer what Gayatri Spivak might call "a critique of things that are useful, things without which we cannot live on" (5). The narrative of this chapter has in this sense been reparative, oriented in its way toward the revelation of possibility.

Coda

This dissertation ends where the birth of a new legal universalism begins. Tracking the rhetoric of global social reform in the last chapter, we saw some of the early signs of the breakthrough of the human rights imagination, that "last utopia" that marks the twentieth-century shift, as Samuel Moyn writes, "from the politics of the state to the morality of the globe" (43). While the last chapter took up the some of the historical reasons for this swing, charting its prehistory in relation to the shifting dynamics of the geopolitical field, this coda offers a more formal or theoretical explanation, one which will, I hope, throw the narrative of my project into sharper relief.

We can take as our starting point the early work of Martti Koskenniemi, who famously defined the structure of international legal argument as an antinomic one that slides endlessly between the poles of apology and utopia, between barefaced capitulations to state power and moralized dreams of cosmopolitan consensus.[65] Here's the thesis as glossed by David Bederman in his review, which can help in keeping our discussion relatively free of the jurisprudential thickets: "International law risks being viewed as politics if it either imposes its own moral order without reference to reality *or* fails to separate itself sufficiently from State behavior. The first ailment is utopia; the second is apologism" (222). The trouble is the institutionally incomplete—we might say notional—shape of the international legal system, notoriously without authoritative

[65] *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge: Cambridge University Press, 1989).

sources for the interpretation or enforcement of its norms, which thus can be said to exist only to the extent either that states voluntarily agree to them (apology) or that those norms descend from some higher realm of moral truth (utopia). One can object to this post-deconstructive argument as overheated, an unfaithful portrait of an international society that does in fact have decently functioning legal equipment (in the form of treaties or customs, for instance).[66] I take the point, and it is for this reason that this dissertation hasn't really pressed any claims about the fictionality of international law. But one can scarcely deny that international law, if it is law, raises questions about the location of authority by treating states—or more exactly for this study, empire-states—as both the sources and subjects of global rule. It would be fair to say, I think, that legal affairs in the international sphere are nontransparent in their infrastructure, especially when imperial politics are constantly changing the dimensions of that sphere, variously composed in the age of empire by colonies, dominions, protectorates, states under suzerainty, and more.

I want to unravel this thread a bit further, going back to the scenes of security that this project has explored, before finally returning the discussion to the horizon of human rights. One way to understand my efforts in earlier chapters is in terms of their examination of the dialectical counterpart to utopia: namely, the legal apologia for imperial interest. Here, we saw the concept of sovereign equality play an instrumental role in supporting, partly by concealing, the construction of global hierarchies, as when Britain laundered the business of informal empire through the putatively neutral mechanisms of dispute resolution, or when Travers Twiss packaged the International Association of the Congo (IAC) as an agent of humanitarian concern.

---

[66] Cf. Richard Falk, "Reframing the Legal Agenda of the World Order in the Course of a Turbulent Century." In *Reframing the International: Law, Culture, Politics*, ed. Richard Falk, Lester Edwin Ruiz, and R.B.J. Walker (New York: Routledge, 2002).

But the story in these chapters was not only about the legitimation of naked political interest. It was, rather more broadly, about the inauguration or invention of a normative claim on the globe, "a wresting of form," to borrow a phrase from Susan Stewart, from the rough edges of the imperial frontier, marked by overlapping—and otherwise uncoordinated—geographies of power (111). In other words, at stake in these chapters was not only the self-protective claims of imperial authority but the fantasy of their enclosure within an ever more global system of arrangement. That fantasy can be held under the name of "worldmaking," understood in the ideological sense of the formation of stable realities for the negotiation of power relations.[67] We could also think of it in terms of what Lauren Berlant might call an "epistemological event in law," a genre of knowing that gathers "singularities into exemplary, intelligible patterns" (670). It was in any case part of a formal paradigm that paralleled the organizing structure of the novel, itself a fantasized space in which the international scene could be transposed into an icon of order. Or so I argued in the case of Haggard's romances, for instance, where we saw a sort of rationalist reversal of imperial conflict, deleted or at least diminished in favor of contractual construction.

This argument was not, to be sure, a categorical one about the intrinsic unity of the novel or its tendency to deliver false resolutions to systemic contradictions, although I have certainly given airtime to that materialist maxim. Still, this dissertation has avoided any predestined conclusions about the narrative shape of the will to order, which is after all an object of ambivalence for authors like Conrad and Wells, each in their own way skeptical of the stern logics of legality and indeed any rigidly economized form. At the same time, my point in the final two chapters was not to esteem the more experimental projects of either of these writers as

[67] Compare to Ayesha Ramachandran, *The Worldmakers: Global Imagining in Early Modern Europe* (Chicago: University of Chicago Press, 2015).

the ironizing or self-reflexive keys to some alternative vision of social relations. Quite the contrary, both of them but especially Wells, as we saw, turn out to be synchronized with the dialectical development of the legal order they decry, their moral purity reflected back to them by the law's own turn toward utopia, captured in the fourth chapter in terms of the basic belief in what Jeanne Morefield calls, in a different but related context, "the power of international 'Spirit' or 'mind' to change global politics in fundamental ways" (10).

The question of how to read this idealism in relation to the postwar push for human rights is admittedly complicated, and will depend on how strict one wants to be in setting historical goalposts. "There are many ways," as Jill Richards reminds us, "to narrate a history of human rights: as Enlightenment philosophy, as natural law, as postwar institutional doctrine, as universalizing morality" (6). What interests me is just that international legal discourse in the early part of the twentieth century was increasingly receptive towards the idea of a moral culture, in which order was to be maintained in the first instance not so much through formal rules or regulations but rather the collective forbearance of the global community. (Recall the declarations of the eminent jurist Lassa Oppenheim, introduced at the beginning of the previous chapter, who wrote in 1908 about the importance of public opinion to international rulemaking.) Thus, in the years before the Great War, according to David Kennedy's definitive account, "international lawyers felt an urgent need to develop a new polemic for international cosmopolitanism," which would be expressed in their desire "to 'popularize,' to write newspapers articles, to go on the radio"—to make international organization a matter of cognition or culture, a harmony of outlooks (137).

If the law's "pragmatic cosmopolitanism," as Kennedy calls it, entailed the formation of a kind of cultural policy, then we should perhaps not be surprised by the fact that artists and

writers would themselves contribute to the daily life of global governance, both before and after the War (137). Wells played a part in this story, with his media presence rising in the 1920s and '30s, right as he was attending commissions at The Hague and drafting his Declaration of the Rights of Man (copies of which found their way to political leaders like Franklin D. Roosevelt and Winston Churchill).[68] Then there were Virginia and Leonard Woolf, the latter of whom joined the British delegation at the Paris Peace talks in 1919, just a few years after the two had collaborated on "a draft manuscript entitled 'International Relations,' written in [Virginia's] hand, which discusses the 'enforcement of international law,'" as Gabriel Hankins reports (50). Adjacent to the Bloomsbury group were Cambridge intellectuals like G.L. Dickinson, who was E.M. Forster's tutor and confidant, as well as a founder of the field of international relations. And that's not to mention the circles that gathered on the Continent, often at the meetings of the League of Nation's "International Committee on Intellectual Cooperation," which aimed to advance global mutuality through the creation of a kind of public sphere, a forum for the civic-minded debate of international issues.[69]

There are good reasons to be critical of the identification between cultural workers and the institutions of liberal internationalism, especially in the context of the World Wars. Indeed, the idea that order might be won through the ostensibly pacifying activity of culture making seems naïve at best, probably bankrupt at worst, in view of the devastation of total conflict and the rise of fascism. We might take this hindsight as a warrant for a fatalistic historical outlook, or perhaps just as a full and depressing testimony to the ideological work that the idea and idiom of

[68] For more on this phase of Wells's career, see Kynan Gentry and Victoria Mason, "'The Invisible Man': H.G. Wells and Human Rights During the Interwar Period," *Human Rights Quarterly* 41.3 (2019): 620-645.

[69] The history of the League's culturalism has been traced by Peter McDonald in *Artefacts of Writing: Ideas of State and Communities of Letters from Matthew Arnold to Xu Bing* (Oxford: Oxford University Press, 2017).

culture has performed as a global policy formation. But what if the problem was generative rather than disabling? What if the failure to transcend a system of unjust relations was an opportunity to recognize the shape of that system, to grasp the limits on what can be achieved? Maybe that would be one way to see the world differently.

Bibliography

Agathocleous, Tanya. *Disaffected: Emotion, Sedition, and Colonial Law in the Anglosphere.* Ithaca: Cornell University Press, 2021.

Aguirre, Robert. *Informal Empire: Mexico and Central America in Victorian Culture.* Minneapolis: University of Minnesota Press, 2005.

Albrecht, Thomas. "'The Balance of Separateness and Communication': Cosmopolitan Ethics in George Eliot's *Daniel Deronda*." *ELH* 79.2 (2012): 389-416.

Anderson, Amanda. *The Powers of Distance: Cosmopolitanism and the Cultivation of Detachment*. Princeton: Princeton University Press, 2001.

Anghie, Antony. *Imperialism, Sovereignty, and the Making of International Law*. Cambridge: Cambridge University Press, 2004.

Anker, Elizabeth. *Fictions of Dignity: Embodying Human Rights in World Literature.* Ithaca: Cornell University Press, 2012.

Appiah, Kwame Anthony. *Cosmopolitanism: Ethics in a World of Strangers*. New York: Norton, 2007.

Arata, Stephen. *Fictions of Loss in the Victorian Fin de Siècle.* Cambridge: Cambridge University Press, 1996.

Arendt, Hannah. *The Origins of Totalitarianism*. New York: Harcourt, 1976.

Armstrong, Paul B. "Conrad's Contradictory Politics: The Ontology of Society in *Nostromo*." *Twentieth Century Literature* 31.1 (1985): 1-21.

Banerjee, Sukanya. "Transimperial." *Victorian Literature and Culture* 46.3/4 (2018): 925-28.

Barbosa, Ruy. "The Equality of Sovereign States." In *The Proceedings of the Hague Peace Conferences*, ed. James Brown Scott. New York: Oxford University Press, 1920.

Becker Lorca, Arnulf. *Mestizo International Law: A Global Intellectual History, 1842-1933*. Cambridge: Cambridge University Press, 2014.

Bederman, David. Review of *From Apology to Utopia*. *NYU Journal of International Law and Politics* 23.1 (1990): 217-230.

Bell, Duncan. *The Idea of Greater Britain: Empire and the Future of World Order, 1860-1900*. Princeton: Princeton University Press, 2007.

---. "Before the Democratic Peace: Racial Utopianism, Empire, and the Abolition of War." *European Journal of International Relations* 20.3 (2014): 647-670.

---. "Founding the World State: H.G. Wells on Empire and English-Speaking Peoples." *International Studies Quarterly* 62.4 (2018): 867-879.

Ben-Yishai, Ayelet. *Common Precedents: The Presentness of the Past in Victorian Law and Fiction.* Oxford: Oxford University Press, 2013.

Benton, Lauren, and Lisa Ford. *Rage for Order: The British Empire and the Origins of International Law, 1800-1850*. Cambridge: Harvard University Press, 2016.

Bergonzi, Bernard. *The Early H.G. Wells: A Study of the Scientific Romances*. Manchester: Manchester University Press, 1961.

Berlant, Lauren. "On the Case." *Critical Inquiry* 33.4 (2007): 663-672.

Besson, Samantha. "State Consent and Disagreement in International Law-Making: Dissolving The Paradox." *Leiden Journal of International Law* 292 (2016): 289-316.

Bhabha, Homi. *The Location of Culture*. New York: Routledge, 1994.

Bivona, Daniel. *British Imperial Literature, 1870-1940: Writing and the Administration of Empire.* Cambridge: Cambridge University Press, 1998.

Bongie, Chris. *Exotic Memories: Literature, Colonialism, and the Fin de Siècle.* Palo Alto: Stanford University Press, 1991.

Bowler, Peter. *The Invention of Progress: The Victorians and the Past.* Oxford: Blackwell, 1989.

Brantlinger, Patrick. *Rule of Darkness: British Literature and Imperialism, 1830-1914.* Ithaca: Cornell University Press, 1988.

Brody, Jennifer DeVere. *Impossible Purities: Blackness, Femininity, and Victorian Culture*. Durham: Duke University Press, 1998.

Bristow, Joseph. *Empire Boys: Adventures in a Man's World*. London: HarperCollins, 1991.

Buck-Morss, Susan. *Hegel, Haiti, and Universal History*. Pittsburgh: University of Pittsburgh Press, 2009.

Buzard, James. *Disorienting Fiction: The Autoethnographic Work of Nineteenth-Century British Novels.* Princeton: Princeton University Press, 2005.

Cain, P.J., and A.G. Hopkins. *British Imperialism: Innovation and Expansion, 1688-1914.* London: Longman, 1993.

Çelikkol, Ayşe. *Romances of Free Trade: British Literature, Laissez-Faire, and the Global Nineteenth* Century. Oxford: Oxford University Press, 2011.

Chapman, Raymond. *The Sense of the Past in Victorian Literature*. London: Croon Helm, 1986.

Cheah, Pheng. *Inhuman Conditions: On Cosmopolitanism and Human Rights*. Cambridge: Harvard University Press, 2007.

Chrisman, Laura. "The Imperial Unconscious? Representations of Imperial Discourse," *Critical Quarterly* 32.3 (1990): 38-58.

---. *Rereading the Imperial Romance: British Imperialism and South African Resistance in Haggard, Schreiner, and Plaatje.* Oxford: Oxford University Press, 2000.

Christensen, Timothy. "The Bestial Mark of Race in *The Island of Dr. Moreau*." *Criticism* 46.4 (2004): 575-595.

Clarke, I.F. *Voices Prophesying War, 1763-1984.* Oxford: Oxford University Press, 1966.

Coates, Benjamin Allen. *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century*. Oxford: Oxford University Press, 2016.

Cohn, Bernard. *Colonialism and its Forms of Knowledge: The British in India*. Princeton: Princeton University Press, 1996.

Cole, Sarah. *Inventing Tomorrow: H.G. Wells and the Twentieth Century*. New York: Columbia University Press, 2020.

Collini, Stefan. *Public Moralists: Political Thought and Intellectual Life in Britain, 1850-1930.* Oxford: Oxford University Press, 1991.

Conrad, Joseph. *Nostromo: A Tale of the Seaboard.* 1904. London: Penguin, 2007.

---. "Autocracy and War." *North American Review* 181.1 (1905): 33-55.

---. *The Secret Agent: A Simple Tale*. 1907. London: Penguin, 2007.

Cormack, Bradin. *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law.* Chicago: University of Chicago Press, 2007.

Craven, Matthew. “Between Law and History: The Berlin Conference of 1884-1885 and the Logic of Free Trade.” *London Review of International Law* 3.1 (2015): 31-59.

Crowe, Sybil. *The Berlin West African Conference 1884-1885*. London: Longmans, Green & Co., 1942.

Danta, Chris. “The Future Will Have Been Animal: Dr. Moreau and the Aesthetics of Monstrosity.” *Textual Practice* 26.4 (2012): 687-705.

David, Deirdre. *Rule Britannia: Women, Empire, and Victorian Writing.* Ithaca: Cornell University Press, 1995.

Deane, Bradley. “Imperial Barbarians: Primitive Masculinity in Lost World Fiction.” *Victorian Literature and Culture* 36.1 (2008): 205-225.

---. *Masculinity and the New Imperialism: Rewriting Manhood in British Popular Literature*. Cambridge: Cambridge University Press, 2014.

Dewey, John. “The Historic Background of Corporate Legal Personality.” *Yale Law Journal* 35 (1926): 655-673.

“Diary of the Week.” *The Nation.* 26 October 1907.

Dirks, Nicholas. *The Hollow Crown.* Cambridge: Cambridge University Press, 1997.

Drago, Luis. “State Loans in Their Relation to International Policy.” *The American Journal of International Law* 1.3 (1907): 692-726.

During, Simon. “The Strange Case of Monomania: Patriarchy in Literature, Murder in *Middlemarch*, Drowning in *Daniel Deronda*.” *Representations* 23 (1988): 86-104.

Egerton, George. *Great Britain and the Creation of the League of Nations: Strategy, Politics, and International Organization, 1914-1919.* Chapel Hill: University of North Carolina Press, 1978.

Eliot, George. *Daniel Deronda*. 1876. London: Penguin, 1995.

Erskine, Toni. “Assigning Responsibility to Institutional Moral Agents: The Case of States and Quasi-States.” *Ethics and International Affairs* 15.2 (2001): 67-85.

Esty, Jed. *Unseasonable Youth: Modernism, Colonialism, and the Fiction of Development.* Oxford: Oxford University Press, 2011.

Eyffinger, Arthur. “Caught Between Tradition and Modernity: East Asia at the Hague Peace Conferences.” *Journal of East Asia and International Law* 1.1 (2008): 7-46.

Falk, Richard. "Reframing the Legal Agenda of the World Order in the Course of a Turbulent Century." In *Reframing the International: Law, Culture, Politics,* ed. Richard Falk, Lester Edwin Ruiz, and R.B.J. Walker. New York: Routledge, 2002.

Finlay, Sir Robert. Speech to Tribunal at The Hague, 5 November 1903. *Venezuelan Claims Arbitration: Speeches Delivered by the British Counsel Before the Tribunal at The Hague*. November 1903.

Finnemore, Martha. *The Purpose of Intervention: Changing Beliefs About the Use of Force*. Ithaca: Cornell University Press, 2003.

Fitzmaurice, Andrew. "The Justification of King Leopold II's Congo Enterprise by Sir Travers Twiss." In *Law and Politics in British Colonial Thought*: *Transpositions of Empire,* ed. Shaunnagh Dorsett and Ian Hunter. New York: Palgrave, 2010.

---. "The Expansion of International Franchise in the Late Nineteenth Century." *Duke Journal of Comparative and International Law* 28.3 (2018): 449-462.

Fleishman, Avrom. *Conrad's Politics: Community and Anarchy in the Fiction of Joseph Conrad*. Baltimore: Johns Hopkins University Press, 1967.

Fleming, Sean. "Artificial Persons and Attributed Actions: How to Interpret Action-Sentences about States." *European Journal of International Relations* 23.4 (2017): 930-950.

Forman, Ross. *China and the Victorian Imagination: Empires Entwined.* Cambridge: Cambridge University Press, 2016.

French, Jennifer. "Martin Decoud in the Afterlife: A Dialogue with Latin American Writers." *Conradiana* 40.3 (2008): 247-265.

Gallagher, Catherine. "George Eliot and *Daniel Deronda*: The Prostitute and the Jewish Question." In *Sex, Politics, Science in the Nineteenth-Century Novel,* ed. Ruth Bernard Yeazell. Baltimore: Johns Hopkins University Press, 1986.

Gallagher, John, and Ronald Robinson. "Imperialism of Free Trade." *The Economic History Review* 6.1 (1953): 1-15.

Gandhi, Leela. *Affective Communities: Anticolonial Thought, Fin-de-Siècle Radicalism, and the Politics of Friendship.* Duke University Press, 2005.

Gannon, Charles. *Rumors of War and Infernal Machines: Technomilitary Agenda-setting in American and British Speculative Fiction.* Lanham, MD: Rowman, 2005.

Gentry, Kynan, and Victoria Mason. "'The Invisible Man': H.G. Wells and Human Rights During the Interwar Period," *Human Rights Quarterly* 41.3 (2019): 620-645.

Getachew, Adom. *Worldmaking After Empire: The Rise and Fall of Self-Determination.* Princeton: Princeton University Press, 2019.

Gilbert, Sandra M., and Susan Gubar. *No Man's Land: The Place of the Woman Writer in the Twentieth Century.* Vol 2: *Sexchanges.* New Haven: Yale University Press, 1989.

Glendening, John. "'Green Confusion': Evolution and Entanglement in H.G. Wells's *The Island of Dr. Moreau*." *Victorian Literature and Culture* 30.2 (2002): 571-597.

Glover, Jeffrey. *Paper Sovereigns: Anglo-Native Treaties and the Law of Nations, 1604-1664.* University of Pennsylvania Press, 2014.

Goodlad, Lauren, *Victorian Literature and the Victorian State: Character and Governance in a Liberal Society.* Baltimore: Johns Hopkins University Press, 2003.

Graver, Suzanne. *George Eliot and Community*. Berkeley: University of California Press, 1984.

Green, Martin. *Dreams of Adventure, Deeds of Empire*. New York: Basic Books, 1979.

Grewe, Wilhelm. *The Epochs of International Law*. Trans. Michael Byers. New York: De Gruyter, 2000.

Grovogui, Siba N'Zatioula. *Sovereigns, Quasi-Sovereigns, and Africans: Race and Self-Determination in International Law*. Minneapolis: University of Minnesota Press, 1996.

Hack, Daniel. *The Material Interests of the Victorian Novel*. Charlottesville: University of Virginia Press, 2005.

Hadley, Elaine. *Living Liberalism: Practical Citizenship in Mid-Victorian Britain.* Chicago: University of Chicago Press, 2010.

Haggard, H. Rider. *King Solomon's Mines*. 1885. London: Penguin, 2007.

---. *She: A History of Adventure.* 1886. Oxford: Oxford University Press, 2008.

---. "About Fiction." *Contemporary Review* 51 (1887): 172-180.

---. *A Farmer's Year*. London: Longmans, Green & Co., 1906.

Hankins, Gabriel. *Interwar Modernism and the Liberal World Order: Offices, Institutions, and Aesthetics after 1919.* Cambridge: Cambridge University Press, 2019.

Harpham, Geoffrey. "Abroad Only by a Fiction: Creation, Irony, and Necessity in Conrad's *The Secret Agent*." *Representations* 37 (1992): 79-103.

Harris, Steven. “The Global Construction of International Law in the Nineteenth Century: The Case of Arbitration.” *Journal of World History* 27.2 (2016): 303-325.

Haynes, Roslynn. *H.G. Wells, Discoverer of the Future: The Influence of Science on his Thought*. New York: New York University Press, 1980.

Hensley, Nathan. *Forms of Empire: The Poetics of Victorian Sovereignty.* Oxford: Oxford University Press, 2016.

Hensley, Nathan, and Philip Steer. “Signatures of the Carboniferous: The Literary Forms of Coal.” In *Ecological Form: System and Aesthetics in the Age of Empire*, ed. Nathan Hensley and Philip Steer. New York: Fordham University Press, 2019.

Hervey, Grant. “An Australian View of Imperial and Foreign Affairs.” *The New Age* 10 (April 1912): 536-537.

Hoad, Neville. “Cosmetic Surgeons of the Social: Darwin, Freud, and Wells and the Limits of Sympathy on *The Island of Dr. Moreau*.” In *Compassion: The Culture and Politics of an Emotion*, ed. Lauren Berlant. London: Routledge, 2004.

Hobsbawm, Eric. *The Age of Empire, 1875-1914.* New York: Vintage, 1987.

Hobson, J.A. *Imperialism.* 1902. Ann Arbor: University of Michigan Press, 2011.

Hochschild, Adam. *King Leopold’s Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa.* New York: Houghton Mifflin, 2000.

Howe, Irving. *Politics and the Novel*. New York: Horizon Press, 1957.

Howland, Douglas. “Sovereignty and the Laws of War: International Consequences of Japan’s 1905 Victory over Russia.” *Law and History Review* 29.1 (2011): 53-97.

Hull, William. *The Two Hague Peace Conferences and Their Contributions to International Law.* Boston: The Athenaeum Press, 1908.

Huntington, John. *The Logic of Fantasy: H.G. Wells and Science Fiction*. New York: Columbia University Press, 1982.

Hussain, Nasser. *The Jurisprudence of Emergency: Colonialism and the Rule of Law.* Ann Arbor: University of Michigan Press, 2003.

---. “Beyond Norm and Exception: Guantanamo.” *Critical Inquiry* 33.4 (2007): 734-753.

James, Simon. *Maps of Utopia: H.G. Wells, Modernity, and the End of Culture*. Oxford: Oxford University Press, 2012.

Jameson, Fredric. *The Political Unconscious: Narrative as a Socially Symbolic Act*. Ithaca: Cornell University Press, 1981.

Katz, Wendy. *Rider Haggard and the Fiction of Empire: A Critical Study of British Imperial Fiction*. Cambridge: Cambridge University Press, 1987.

Kennedy, David. "International Law and the Nineteenth Century: History of an Illusion." *Quinnipiac Law Review* 17.1 (1997): 99-138.

Klabbers, Jans. "The Concept of Legal Personality." *Ius Gentium* 2 (2005): 35-66.

Koskenniemi, Martti. *From Apology to Utopia: The Structure of International Legal Argument* Cambridge: Cambridge University Press, 1989.

---. *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960.* Cambridge: Cambridge University Press, 2001.

Kowner, Rotem, ed. *Rethinking the Russo-Japanese War, 1905-1905*. London: Brill Publishers, 2007.

Kurnick, David. "Unspeakable George Eliot." *Victorian Literature and Culture* 38.2 (2010): 489-509.

---. *Empty Houses: Theatrical Failure and the Novel*. Princeton: Princeton University Press, 2012.

Lang, Andrew. "Realism and Romance." *Contemporary Review* 52 (1887): 683-693.

Lawrence, T.J. *War and Neutrality in the Far East.* London: MacMillan, 1904.

---. *International Problems and the Hague Conferences.* London: J.M. Dent & Co., 1908.

Lesjak, Carolyn. *Working Fictions: A Genealogy of the Victorian Novel*. Durham: Duke University Press, 2006.

Litvak, Joseph. *Caught in the Act: Theatricality in the Nineteenth-Century English Novel*. Berkeley: University of California Press, 1992.

Lipson, Charles. *Standing Guard: Protecting Foreign Capital in the Nineteenth and Twentieth Centuries.* Berkeley: University of California Press, 1985.

Lloyd, David, and Paul Thomas. *Culture and the State.* London: Routledge, 1998.

Lomas, Peter. "Anthropomorphism, Personification, and Ethics: A Reply to Alexander Wendt." *Review of International Studies* 31.2 (2005): 349-355.

Lothe, Jakob, Jeremy Hawthorn, and James Phelan. “Introduction.” In *Joseph Conrad: Voice, Sequence, History, Genre*, ed. Jakob Lothe, Jeremy Hawthorn, and James Phelan. Columbus: Ohio State University Press, 2008.

Lurz, John. “The Memory of the Book: The Particular Bodies of *Daniel Deronda*.” *Novel: A Forum on Fiction* 46.3 (2013): 438-452.

MacDonald, Robert. *The Language of Empire: Myths and Metaphors of Popular Imperialism, 1880-1918.* Manchester: Manchester University.

MacDuffie, Allen. “Joseph Conrad’s Geographies of Energy.” *ELH* 76.1 (2009): 75-98.

Maine, Henry Sumner. *Ancient Law: Its Connection with the Family History of Society, and its Relation to the Modern Ideas*. New York: Henry Holt, 1861.

---. *International Law*. New York: Henry Holt and Company, 1888.

Mallios, Peter. “Introduction: Untimely *Nostromo*.” *Conradiana* 40.3 (2008): 213-232.

---. *Our Conrad: Constituting American Modernity*. Palo Alto: Stanford University Press, 2010.

Mannheim, Karl. *Ideology and Utopia: An Introduction to the Sociology of Knowledge.* 1929. trans. Edward Shils and Lewis Wirth. San Diego: Harcourt, 1985.

Mao, Douglas. *Inventions of Nemesis: Utopia, Indignation, and Justice.* Princeton: Princeton University Press, 2020.

Marks, M.P. *Metaphors in International Relations Theory*. New York: Palgrave, 2011.

Marshall, David. *The Figure of Theater: Shaftesbury, Defoe, Adam Smith, and George Eliot*. New York: Columbia University Press, 1986.

Marston, Geoffrey. *The Marginal Seabed: United Kingdom Legal Practice*. Oxford: Oxford University Press, 1981.

Martin, Regina. “Absentee Capitalism and the Politics of Conrad’s Imperial Novels,” *PMLA* 130.3 (2015): 584-598.

Marx, Karl. “On the Jewish Question.” 1844. In *The Marx-Engels Reader,* 2nd edition, ed. Robert C. Tucker. New York: Norton, 1978.

Mazower, Mark. *No Enchanted Place: The End of Empire of the Ideological Origins of the United Nations*. Princeton: Princeton University Press, 2009.

---. *Governing the World: The History of an Idea, 1815 to the Present*. New York: Penguin,

2012.

McClintock, Anne. *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest.* New York: Routledge, 1995.

McDonald, Peter. *Artefacts of Writing: Ideas of State and Communities of Letters from Matthew Arnold to Xu Bing.* Oxford: Oxford University Press, 2017.

McLean, Steve. *H.G. Wells: Interdisciplinary Essay*s. Newcastle: Cambridge Scholars, 2008.

Mehta, Uday Singh. *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought.* Chicago: University of Chicago Press, 2000.

Meyer, Susan. "'Safely to Their Own Borders': Proto-Zionism, Feminism, and Nationalism in *Daniel Deronda*." *ELH* 60.3 (1993): 733-758.

Miéville, China. *Between Equal Rights: A Marxist Theory of International Law.* Leiden: Brill Publishers, 2005.

Miller, Elizabeth Carolyn. "Drill, Baby, Drill: Extraction Ecologies, Open Temporalities, and Reproductive Futurity in the Provincial Realist Novel." *Victorian Literature and Culture* 48.1 (2020): 29-56.

Miller, J. Hillis. *Communities in Fiction.* New York: Fordham University Press, 2014.

Mill, John Stuart. *On Liberty, Utilitarianism, and Other Essays*. Oxford: Oxford University Press, 2015.

Mollmann, Steven. "Air-Ships and Technological Revolution: Detached Violence in George Griffith and H.G. Wells," *Science-Fiction Studies* 42.1 (2015): 20-41.

Moore, John Bassett. "The Venezuela Decision from the Point of View of Present International Law." *Report of the Tenth Annual Meeting of the Lake Mohonk Conference on International Arbitration*. 1904.

Morefield, Jeanne. *Covenants Without Swords: Idealist Liberalism and the Spirit of Empire.* Princeton: Princeton University Press, 2005.

Moyn, Samuel. *The Last Utopia: Human Rights in History*. Cambridge: Harvard University Press, 2010.

Mufti, Nasser. *Civilizing War: Imperial Politics and the Poetics of National Rupture*. Evanston: Northwestern University Press, 2018.

Naimou, Angela. *Salvage Work: U.S. and Caribbean Literatures amid the Debris of Legal Personhood*. New York: Fordham University Press, 2015.

Neff, Stephen. *War and the Law of Nations: A General History.* Cambridge: Cambridge University Press, 2005.

---. *Justice Among Nations: A History of International Law*. Cambridge: Harvard University Press, 2014.

Oppenheim, Lassa. "The Task of International Law: Its Science and Method." *American Journal of International Law* 2.2 (1908): 313-356.

Pateman, Carole. *The Sexual Contract*. Cambridge: Cambridge University Press, 1988.

Parfitt, Rose. *The Process of International Legal Reproduction: Inequality, Historiography, Resistance*. Cambridge: Cambridge University Press, 2019.

Parrinder, Patrick. *Shadows of the Future: H.G. Wells, Science Fiction, and Prophecy*. Syracuse: Syracuse University Press, 1995.

Parry, Benita. *Conrad and Imperialism: Ideological Boundaries and Visionary Frontiers.* London: Macmillan, 1983.

Pitkin, Hanna. *The Concept of Representation*. Berkeley: University of California Press, 1967.

Pitts, Jennifer. *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*. Princeton: Princeton University Press, 2005.

---. *Boundaries of the International: Law and Empire.* Cambridge: Harvard University Press, 2018.

Pratt, Mary Louise. *Imperial Eyes: Travel Writing and Transculturation.* New York: Routledge, 1992.

Press, Steven. *Rogue Empires: Contracts and Conmen in Europe's Scramble for Africa*. Cambridge: Harvard University Press, 2017.

Pritchett, V.S. "The Scientific Romances." In *H.G. Wells: A Collection of Critical Essays*, ed. Bernard Bergonzi. Englewood Cliffs, NJ: Prentice Hall, 1976.

Ramachandran, Ayesha. *The Worldmakers: Global Imagining in Early Modern Europe*. Chicago: University of Chicago Press, 2015.

Ramirez, Luz. *British Representations of Latin America*. Gainesville: University Press of Florida, 2007.

Reeder, Jessie. *The Forms of Informal Empire: Britain, Latin America, and Nineteenth-Century Literature.* Baltimore: Johns Hopkins University Press, 2020.

Regina v. Keyn [1876] 2 L.R. C.C.R., 63.

Richards, Jill. *The Fury Archives: Female Citizenship, Human Rights, and the International Avant-Gardes.* New York: Columbia University Press, 2019.

Robbins, Bruce. *Perpetual War: Cosmopolitanism from the Viewpoint of Violence*. Durham: Duke University Press, 2012.

Rodensky, Lisa. *The Crime in Mind: Criminal Responsibility and the Victorian Novel*. Oxford: Oxford University Press, 2003.

Ross, Stephen. *Conrad and Empire*. Columbia: University of Missouri Press, 2004.

Runciman, David. *Pluralism and the Personality of the State*. Cambridge: Cambridge University Press, 1997.

---. "Is the State a Corporation?" *Government and Opposition* 35.1 (2000): 90-104.

Said, Edward. *Beginnings: Intention and Method*. New York: Columbia University Press, 1975.

---. "Zionism from the Standpoint of Its Victims." *Social Text* 1.1 (1979): 7-58.

---. *Culture and Imperialism.* New York: Knopf, 1993.

Samalin, Zachary. *The Masses are Revolting: Victorian Culture and the Political Aesthetics of Disgust.* Ithaca: Cornell University Press, 2021.

Sandison, Alan. *The Wheel of Empire: A Study of the Imperial Idea in Some Late Nineteenth and Early Twentieth-Century Fiction.* London: MacMillan, 1967.

Schmitt, Cannon. *Darwin and the Memory of the Human: Evolution, Savages, and South America.* Cambridge: Cambridge University Press, 2007.

---. "Rumor, Shares, and Novelistic Form: Joseph Conrad's *Nostromo*." *Victorian Investments: New Perspectives on Finance and Culture*, ed. Nancy Henry and Cannon Schmitt. Bloomington: Indiana University Press, 2008.

Scott, David. *Formations of Ritual: Colonial and Anthropological Discourses on the Sinhala Yaktovil.* Minneapolis: University of Minnesota Press, 1994.

Scott, James, ed. *The Proceedings of the Hague Peace Conferences.* 1907. Oxford: Oxford University Press, 1920.

Seeley, John Robert. "The United States of Europe." *Macmillan's* 23.137 (1871): 436-448.

Semmel, Bernard. *George Eliot and the Politics of National Inheritance*. Oxford: Oxford University Press, 1994.

Showalter, Elaine. *Sexual Anarchy: Gender and Culture at the Fin de Siècle*. New York: Viking, 1990.

Simpson, A.W. Brian. *Leading Cases in the Common Law*. Oxford: Oxford University Press, 1996.

Simpson, Gerry. *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order*. Cambridge: Cambridge University Press, 2004.

Siraginian, Lisa. *Modernism and the Meaning of Corporate Persons*. Oxford: Oxford University Press, 2020.

Slaughter, Joseph. *Human Rights, Inc.: The World Novel, Narrative Form, and International Law*. New York: Fordham University Press, 2007.

Spivak, Gayatri. *Outside the Teaching Machine*. London: Routledge, 1993.

Stengers, Jean. "Leopold II and the *Association Internationale du Congo*." In *Bismarck, Europe, and Africa: The Berlin Africa Conference 1884-1885 and the Onset of Partition*, ed. Stig Förster, Wolfgang Mommsen, and Ronald Robinson. Oxford: Oxford University Press, 1988.

Stern, Philip. *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India*. Oxford: Oxford University Press, 2012.

Stewart, Garrett. *Dear Reader: The Conscripted Audience in Nineteenth-Century British Fiction*. Baltimore: Johns Hopkins University Press, 1996.

Stiebel, Lindy. *Imagining Africa: Landscape in H. Rider Haggard's African Romances*. London: Greenwood Press, 2001.

Stoler, Ann. *Race and the Education of Desire: Foucault's* History of Sexuality *and the Colonial Order of Things.* Durham: Duke University Press, 1995.

Sylvest, Casper. "'Our Passion for Legality': International Law and Imperialism in Late Nineteenth-Century Britain," *Review of International Studies* 34 (2008): 403-423.

Taylor, Christopher. *Empire of Neglect: The West Indies in the Wake of British Liberalism*. Durham: Duke University Press, 2018.

"The Case of the Franconia." *The Dundee Courier and Argus*, 15 November 1876, 1-2.

"The Decision of the Permanent Court of Arbitration." *The Times* 23 February 1904, 7.

"The Franconia Case." *The Times*, 15 November 1876, 10.

"The Hague Arbitration." *The Times*, 25 February 1904, 3.

"The Venezuela Arbitration." *The Economist* 62.3157 (1904): 11-13.

Thurschwell, Pamela. "George Eliot's Prophecies: Coercive Second Sight and Everyday Thought Reading." In *The Victorian Supernatural*, ed. Nicola Brown, Carolyn Burden, and Pamela Thurschwell. Cambridge: Cambridge University Press, 2004.

Turner, Henry. *The Corporate Commonwealth: Pluralism and Political Fictions in England, 1516-1651*. Chicago: University of Chicago Press, 2016.

Twiss, Travers. "The Free Navigation of the Congo." *The Story of the Congo Free State*, ed. Henry Wack. 1883. New York: G.P. Putnam's Sons, 1905.

VanSant, Camey. "'Duteous Bounds': *Daniel Deronda* and the 1870 Naturalization Act." Forthcoming in *Victorian Literature and Culture*.

Vint, Sherryl. "Animals and Animality from the Island of Moreau to the Uplift Universe." *Yearbook of English Studies* 37.2 (2007): 85-102.

Viñuales, Jorge. "Experiments in International Adjudication." In *Experiments in International Adjudication: Historical Accounts*, ed. Ignacio de la Rasilla and Jorge Viñuales. Cambridge: Cambridge University Press, 2019.

Viswanathan, Gauri. *Masks of Conquest: Literary Study and British Rule in India.* New York: Columbia University Press, 1989.

Wagar, W. Warren. *H.G. Wells and the World State.* New Haven: Yale University Press, 1961.

Warren, Christopher. *Literature and the Law of Nations, 1580-1680.* Oxford: Oxford University Press, 2015.

Watt, Ian. *Joseph Conrad: Nostromo*. Cambridge: Cambridge University Press, 1989.

Wells, H.G. *The Island of Dr. Moreau.* 1896. London: Penguin, 2005.

---. *Anticipations of the Reaction of Mechanical and Scientific Progress Upon Human Life and Thought.* New York: Harper, 1902.

---. *The War in the Air.* 1908. London: Penguin, 2005.

---. "The Disease of Parliaments." In *An Englishman Looks at the World, Being a Series of Unrestrained Remarks Upon Contemporary Matters*. London: Cassell, 1914.

---. “The Discovery of the Future.” 1902. New York: B.W. Huebsch, 1914.

---. “The Idea of a League of Nations.” *The Atlantic* (January 1919): 5-44.

Wendt, Alexander. “The State as Person in International Theory.” *Review of International Studies* 30.2 (2004): 289-316.

Wertheim, Stephen. “The League of Nations: A Retreat from International Law?” *Journal of Global History* 7.2 (2012): 210-232.

Wheaton, Henry. *Elements of International Law*, 6th ed. Boston: Little Brown, 1855.

Wilder, Gary. *Freedom Time: Negritude, Decolonization, and the Future of the World*. Durham: Duke University Press, 2015.

Winter, Jay. Introduction to H.G. Wells, *The War in the Air*. London: Penguin, 2005.

Yōtarō, Sugimura. *De la Déclaration du Guerre au Point de Vue du Droit International Public*. Paris: A. Rousseau, 1912.

Zimmern, Alfred. *The Greek Commonwealth: Politics and Economics in Fifth-Century Athens*. Oxford: Clarendon Press, 1911.

---. Introduction to *The War and Democracy*, ed. R.W. Setton-Watson, J. Dover Wilson, Alfred Zimmern, and Arthur Greenwood. London: MacMillan, 1918.