

Erik De Bom, Randall Lesaffer, and Werner Thomas (eds.), *Early Modern Sovereignties. Theory and Practice of a Burgeoning Concept in the Netherlands*. Legal History Library (Leiden and Boston: Brill, 2021, 310 pp., ISBN 9789004446045).

The study of sovereignty has long had a contested origin story. Which began first, the theoretical construct of authority invested in a political body, or the taking of particular territory and claiming absolute rights over the people and places that lay within it? And how to know when sovereignty was truly ‘there’ – before the Peace of Westphalia in 1648, with the signing of this landmark treaty, or only much later in the nineteenth century? Scholars have sought its beginnings either in the appearance of particular medieval states or in the treatises of natural law theorists like Jean Bodin and Hugo Grotius, while others have argued for its formation in the process of building and justifying colonial empires.¹ Its elusive beginnings have meant that these different pathways often emphasize either the contingencies of politics and warfare or the development of legal theories without finding an easy balance between the two.

The collection *Early Modern Sovereignties. Theory and Practice of a Burgeoning Concept in the Netherlands*, edited by Erik De Bom, Randall Lesaffer, and Werner Thomas, aims to address this problem by acknowledging the real-world situations that theorists like Grotius and political bodies like the Estates General found themselves negotiating during the long years of the Dutch Revolt. While not solving the conundrum over origins, these essays successfully expose the multiple ways in which sovereignty was envisioned and expressed in the early modern Low Countries and confirm the value of a Skinnerian contextualism that embeds theory and people in their historical moment.²

The introduction (Thomas) sets the stage for the rise of sovereignty in the sixteenth century, as states were transformed by the size and nature of government bureaucracy, constant warfare, the territorial jockeying of composite empires, and resistance to authority from religious breakdown, and which was made popular after the publication of Bodin’s *Les Six Livres de la République* (1576). Ten essays follow, grouped in three sections that move from the construction of sovereignty to its implementation during the Dutch Revolt, with attention to the divergent political fates of the southern and northern provinces.

Part one addresses the concepts developed by Grotius (Hans Blom), Grotius, Domingo de Soto, and Fernando Vázquez (Gustaaf van Nifterik)

and Simon Stevin and François Vranck (Lies van Aelst). Blom situates Grotius within the larger developments with which his theories are often associated, such as the discovery of the Americas and Francisco de Vitoria's concern for Indian rights. Additionally, he notes that in his role as a diplomat in 1598 representing the Estates General in its negotiation with French King Henry IV, Grotius also drew on Batavian historical myths of original freedom to legitimate this new political community. By doing so, he engaged in the new historiographic interest of the period as well as its diplomatic exigencies. In revealing the changing political situation in the Low Countries through different phases of war, Blom is able to argue for the coherence of Grotius' views rather than the apparent inconsistency of why one state can oppose another in war but why citizens do not have the right to rebel against their own government. Van Aelst questions whether one can use the word sovereignty to mean the same thing for different actors, noting the differences between the Estates-General's understanding of the term (the sovereign's role was guarding the law, not legislating) and the newer iteration from Bodin, who considered sovereignty as an absolute power vested in a commonwealth. These contrasting conceptions of sovereignty, for instance, shaped the negotiations with the Duke of Anjou. Overall, this part reveals that there were multiple theories of sovereignty deployed by various actors in these conflicts, and even theoretical frameworks espoused by a single writer shifted to address the changing circumstances of rebellion, war, and state legitimation.

Part two strikes out in a different direction and is perhaps the most original in its focus on the territorial claims underpinning assertions of power. Bram De Ridder, noting how little territory has actually been examined in discussions of sovereignty, argues here that '[sovereignty] provided a convenient argument [for the Dutch government] to underpin the connection between their [the United Provinces'] political power and the lands which they intended to govern' (115). Sovereignty itself was not the goal; its meaning only derived from the creation of a territorial entity that needed legitimation as such. Shavana Haythornthwaite demonstrates how Grotius' and Vitoria's theories had an impact on the possession of and rights over

1 Joseph Strayer, *On The Medieval Origins of the Modern State* (Princeton 1970); Annabel Brett, 'The Subject of Sovereignty: Law, Politics and Moral Reasoning in Hugo Grotius', *Modern Intellectual History* 17:3 (2020) 619-645. DOI: <https://doi.org/10.1017/s1479244319000040>; Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge 2015). DOI: <https://doi.org/10.1017/CBO9781316417782>; Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge 2009).

DOI: <https://doi.org/10.1017/CBO9780511988905>; Ken MacMillan *Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576-1640* (Cambridge 2006); Philip J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (Oxford 2012).

2 Quentin Skinner, *Visions of Politics: Volume 1: Regarding Method* (Cambridge 2002). DOI: <https://doi.org/10.1017/CBO9780511790812>.

the moveable property affected by the Anglo-Dutch wars. A sovereign may have acquired the power to change the awarding of private property – with some exceptions – that had been seized as a result of war on the high seas, but the admiralty court allowed restitution of goods in a way that limited such blanket claims. Alicia Esteban Estríngana’s chapter traces the path by which the Archdukes controlled the southern Low Countries instead of King Philip III. She demonstrates the long-term thinking of the Habsburg crown in attempting to divide up its empire among the children of Charles V in his 1548 will, to maintain the integrity of the Low Countries within the Burgundian circle, and to retain the connection of the Spanish crown to the Empire through mechanisms like the Order of the Golden Fleece. Interpreting these efforts as experiments rather than long held beliefs, Estríngana emphasizes the fluidity of sovereignty that legitimized some partibility within the inheritance of the Spanish Crown.

The third part comprises of essays that examine sovereigns and sovereignty in practice. It includes a close reading by Gustaaf Janssens of the way the Duke of Alba sought to restore the Crown’s legitimacy during his governorship, a case study by José Javier Ruiz Ibáñez of tensions over political legitimacy in the city of Cambrai and two articles by Simon Groenveld and René Vermeir about the role of the provincial Estates and the Estates-General in the exercise of power respectively. Ruiz Ibáñez analyzes Cambrai’s urban militia, who offered to recognize the sovereignty of Philip II over their local lord and declared that in a vacuum of power, it was the people’s right to choose anew. These requests, shaped by local concerns, became one successful way in which the Spanish crown incorporated new territories directly, although in other regions Philip preferred to transfer power or bestow sovereignty through feudal methods. Groenveld turns to another experiment in popular sovereignty, describing the way that assemblies of Estates functioned in the northern provinces, how they met and interacted with other assemblies and foreign powers. A comparison of these different estates’ manner of meeting as well as their treatises developed to argue for a pre-Bodinian collection of rights shows concern over whether sovereignty was considered divisible or indivisible. And who best represented the sovereignty of the state? This part emphasizes that the people’s sovereignty might be interpreted in a number of ways, but that the end result meant the ‘better’ people – those who had staffed the burgeoning state in the sixteenth century – continued to represent the state and implement its authority.

A few additions would have strengthened this impressive collection. While the relationship of the development of sovereignty to religious belief

3 Daniel Nexon’s work on religious resistance playing havoc with Habsburg attempts to hold together their composite empire, for example, would have been a useful addition to this

scholarly conversation. Daniel H. Nexon, *The Struggle for Power in Early Modern Europe: Religious Conflict, Dynastic Empires, and International Change* (Princeton 2009).

appears in the essays by Blom and Van Nifterik, it is not a main focus of the collection.³ Granted, these essays discuss less the time of the early revolt and the period of iconoclastic fervor in the year of wonders (1566-1567), but surely the continuation of religious instability across Europe had its effect on both the notions and the applications of sovereignty well into the seventeenth century, particularly in the Low Countries.

The collection would also have benefited from more conversation among the individual essays. Although each author provided rich details, clear questions, and a tight focus on sovereignty itself, there could have been greater integration of the whole by acknowledging points of connection among them. The mixed sovereignty of Philip II discussed in part two would have been useful to put in conversation with the divisions of power discussed in part three. Similarly, two chapters discuss Vranck's writings but do not address their different perspectives, and Grotius's thinking and political roles, which unsurprisingly threaded through multiple essays, would have been illuminated by more direct engagement among these learned authors. These points, however, should not detract from the importance of examining the key roles played by individuals and institutions of the Low Countries in creating such a powerful new configuration of power, community, and space, as these essays do remarkably well.

Ellen Wurtzel, Oberlin College