Louis Menand's article “What Happens When War is Outlawed” for the *New Yorker* magazine notes that “in modern political history ... the Paris Peace Pact, if it is mentioned at all, usually gets a condescending tip of the hat or is dutifully registered in footnote. Even in books on the law of war, little is made of it.”[1] Oona Hathaway and Scott Shapiro step into this void and argue in their new book, *The Internationalists: How a Radical Plan to Outlaw War Remade the World*, that the ideals which spawned the treaty drastically changed the world. The outlawry of war and the legal framework established by it, they claim, directly led to the precipitous decline of aggressive warfare since 1945. Their work, while captivatingly written and informative on international diplomacy history, contains structural and evidence-related issues that hamper its otherwise effective narrative and contentions.

Both Hathaway and Shapiro are professors of law at Yale University. As such, they neither contend with nor place themselves in conversation with historiography on the outlawry movement or Paris Peace Pact. It is difficult, therefore, to determine how radical an addition to that historiography their assertions are. Hathaway and Shapiro argue that an entire new world order was established in 1928 that fundamentally and profoundly affected the post-World War II era. The Kellogg-Briand Pact (also known as the Paris Peace Pact) was the first treaty that attempted to abolish warfare as a legal extension of international relations. The Pact acted to fundamentally change nation-state interaction. This legal effort, practically utopian in scope, was long considered a failure because of World War II. Hathaway and Shapiro, however, contend that although it did not prevent the most destructive war in human history, the pact was a valuable stepping stone toward the United Nations Charter and the decline of aggressive war and conquest.

Hathaway and Shapiro's work is an impressively sprawling text, moving from seventeenth-century Holland to the current troubles in the Ukraine and the rise of the Islamic State. Their work touches on individuals as varied as Hugo Grotius, Napoleon, Nishi Amane, Salmon Levinson, Carl Schmitt, and Sayyid Qutb. They explore a large number of military and diplomatic incidents, explaining, “A key theme of this book, then, is that ideas matter, and people with ideas matter. ... It is a story of how ideas emerged, clashed, and evolved” (p. xxi). As a result, their work might be defined as both a legal and intellectual history.

The authors assert that the outlawry of war defines the modern world. Hathaway and Shapiro divide modern human history into two orders: old and new. The delegates who signed the Paris Pact
in 1928, in fact, precipitated the death of the old world order that reigned for centuries. The old world order accepted war as a natural part of international discourse. In contrast, the new world order provides a new system, in which aggressive war is illegal, territorial conquest is unrecognized, gunboat diplomacy is prohibited, and sanctions are a permissible tool of diplomacy. Hathaway and Shapiro do not hold that the Paris Pact alone brought about the shift from old to new. They suggest, rather, that the Paris Pact is the most important and overlooked step in the process.

This compelling argument directs the structure of their book, which has three parts. The first covers the origins and tenets of the old world order. The second—the bulk of the text—explores the roots of the outlawry movement, the signing of the Paris Pact, the United Nations’ creation, and finally Karl Schmitt’s legal arguments against outlawry. Part 3 shows how the world changed with the onset of the new world order and the flaws inherent in the new system. The authors’ conclusion, at times, seems to be a jeremiad of threats to the relative peace of the new world order.

Hathaway and Shapiro first establish the rules of the old world order. Hugo Grotius, a seventeenth-century Dutch wunderkind, is widely considered the father of international relations. The authors credit him with establishing and codifying the tenets of the old world order. Of those, perhaps no tenet is more central than the concept that “might is right” (p. 23). From Grotius, they move on to the Mexican-American War as the perfect example of an old world order conflict. The United States found legal justification for war in Mexico’s refusal to repay its debt. It swiftly occupied vast amounts of Mexican territory and followed that with decisive military victory. Mexico, therefore, had no recourse but to accept the harsh territorial losses imposed by the United States. Part 1 effectively establishes the world which will be overthrown by the men discussed in part 2.

Hathaway and Shapiro then discuss the outlawry movement through a series of central figures who helped evolve, redefine, and eventually craft the movement into both the Paris Pact and the UN Charter. These men include Salmon Levinson, who led the early outlawry movement during World War I and helped the movement come to prominence in the 1920s. James Shotwell tweaked some of Levinson’s ideas and actually crafted the text of the Paris Pact. Henry Stimson, as secretary of state under Herbert Hoover, attempted to provide the Paris Pact with some teeth to help it achieve its goal. The resulting Stimson Doctrine, as it was called, provided that any territory acquired by aggressive conquest would not be recognized by the international community. This doctrine was the death knell of the “might makes right” system that was the backbone of the old world order.

The Internationalists takes something of a legal side trip to examine the arguments surrounding the Nuremberg trials of Nazi war criminals after World War II. This section outlines the legal framework of the new world order and how it fundamentally differs from the old. To help explain this legal shift, Hathaway and Shapiro devote several chapters to the life and work of Carl Schmitt, a German lawyer who became infamous for his legal defense of Nazi atrocities. Opposed to the outlawry movement, Schmitt provided an effective foil and naysayer to the likes of Levinson, Shotwell, and Stimson.

The final section of the book examines the new world order since 1945. Hathaway and Shapiro use statistics to illustrate the decline of aggressive war, noting that “conquest, once common has nearly disappeared” (p. 313). They then insist that this steep decline in territorial conquest and aggressive warfare traces back to the United Nations and its forebear: the Paris Peace Pact. The new order, however, does have downsides. Failed states, civil wars, and terrorism are all symptoms of the new world order. Failed states in the old
world order usually encountered demise, likely becoming conquered by a stronger state. Without aggressive war, failed states can become lawless disaster zones with tendencies towards civil war, humanitarian crisis, and terrorism. The authors also, briefly, discuss the effects of the spread of democracy and the build-up of nuclear arsenals on the new world order and how these factors may have contributed to the relative peace. Ultimately, however, they return to the ideals of the Paris Pact as the key to the precipitous decline of aggressive war.

Exemplifying these ramifications of the new world order, the final chapter of this work is a brief history of the Islamic philosopher and extremist Sayyid Qutb. Qutb’s work is widely considered the basis for many Islamic jihadist movements that plague society today. Hathaway and Shapiro say that extremism is a symptom of the new world order. The authors assert that Qutb’s teachings are the fundamental opposite of the new world order. Qutb taught that jihad is both self-defense and the duty of all Muslims to wage aggressive war against the West to protect Islam. Though an interesting digression, this chapter feels somewhat separate from the overall work. While the discussion of Russia’s actions in Ukraine provides an excellent example of how the new world order responds to aggression, the Qutb chapter seems somewhat forced.

It is difficult to sketch a full summary of a nearly five-hundred-page tome, but the book is compelling in its narrative style and intriguing in the interpretations it provides. While the narrative is not linear, the chronological jumps are logical. Furthermore, the historical subjects provided captivating evidence and engaging anecdotes, although the narrative transition from the 1940s to the conflict in contemporary Ukraine is jarring. Still, despite its comprehensive analysis of old vs. new world orders, some historical omissions are glaring.

Missing is the most obvious and significant event of the last seventy years: the Cold War. *The Internationalists* mentions the Cold War only three times. The decades-long ideological standoff kept the world on the edge of nuclear destruction. By this omission, Hathaway and Shapiro may mean to imply that the lack of direct war between the two superpowers is further evidence of the success of the new world order. Nevertheless, the two superpowers utilized multiple alternative methods to aggressive war. Most notably, destabilizing actions such as proxy wars, regime change, and nuclear threat effectively changed the mechanisms and tools of aggressive war.

The United States perpetrated an extensive array of clandestine and blatantly aggressive actions in the name of national security during the Cold War. Indeed, the wars in Korea and Vietnam, countless coups, and the suppression of socialist and nationalist movements all over the world are all examples of aggressive US actions since the creation of this new world order. Is regime change not an aggressive act? One could argue that US efforts to destabilize potential threats and rivals have led directly and indirectly to the quagmires America faces all over the world. Furthermore, the work fails to adequately discuss the role nuclear weapons have played in maintaining the new world order’s relative “peace.”

The authors also miss a great opportunity to undergird their arguments by investigating the exceptions to the norm of the new world order. Why not discuss, for example, Iraq’s invasion of Kuwait in 1991? Saddam Hussein would have certainly understood something of the new world order and would know the consequences of defying the international community with blatant acts of aggression. So then why did he think he could get away with it? Was he still operating under a Cold War understanding of the world in which he could expect American backing?

Additionally, there remains some question about other possible steps that explain how “ideas
emerged, clashed, and evolved” toward the outlawry movement. For example, *The Internationalists* seem to imply that Levinson was the first person to suggest the concept of outlawry. This is, however, not the case. As Robert Ferrell discusses in his book *Peace in Their Time: The Origins of the Kellogg-Briand Pact*, “Certainly the very heart of Outlawry—that war was a crime—was not a new idea. Andrew Carnegie in 1910 ... had described war as a crime. Moreover, one of the basic ideas of the wartime League to Enforce Peace was the criminality of war.”[2] While Levinson may have been the central figure of the movement, he certainly did not develop the concept or promote it alone.

There were several prominent spokesmen in the movement who helped Levinson develop and publicize the concept. As Daniel Gorman notes in *The Emergence of International Society in the 1920s*, “other prominent members of the outlawry movement included ... pacifist reverend John Haynes Holmes ... Charles Clayton Morrison, editor of the influential progressive Protestant weekly *The Christian Century*, and lawyer and social activist Raymond Robins.”[3] None of these three men make it into the narrative of *The Internationalists*.

Ultimately, these issues speak to the absence from the book of relevant historiographic debates on the matter. Granted, the Paris Pact is not an extensively studied historical event. There is, however, scholarship on both the internationalist and outlawry movements that precipitated the pact. This lack of interaction with any other historical contention undermines the authors’ assertions and their conclusions. Thus, the reader may well ponder how exactly to categorize their work. Is it political, diplomatic, legal history, or some hybrid of all three?

Oona Hathaway and Scott Shapiro created a tremendously interesting work with *The Internationalists*. As they write in their conclusion, “Tracing the evolution of the global legal order over the course of four centuries teaches us that international law is a system and the rules rise or fall together. It is not possible to pick and choose the rules one at a time” (pp. 421-422). The result, however, is that they do not engage important historiographical discussions which might illuminate key aspects of the new world order and international relations. This omission hurts what is an otherwise effective and intriguing argument. *The Internationalists’* greatest import lies in generating further scholarship that will situate their work within the proper historiography and lift the Paris Pact to its proper place in history.

Notes


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