

H-France Review Vol. 16 (June 2016), No. 79

Frederik Dhondt, *Balance of Power and Norm Hierarchy. Franco-British Diplomacy after the Peace of Utrecht*. Brill Nijhoff: Leiden, 2015. (Studies in the History of International Law 7). xii-636 pp. €179.00 (hb). ISBN 978-90-04-29374-8.

Review by Peter Schröder, University College London.

This study deals with the period between the Peace of Utrecht of 1713 and the outbreak of the War of the Austrian Succession that lasted from 1740 to 1748. An impressive amount of work has gone into this study, and it is to be welcomed that this period is singled out as being more distinctive than has often been assumed (cf. p. 21). The aim of this book is to study the formation of diplomatic and legal procedures after the Peace of Utrecht. According to its author, the underlying “basic question” of this study is to understand “how (...) diplomats make use of state-created legal obligations” (p. 36). At the heart of the work lies, therefore, an attempt to assess whether and to what extent the diplomatic praxis during this period shaped a distinctive culture of international law. The approach taken is avowedly “not a work on political or legal theory, but one on legal history” (p. 16). Dhondt proposes an important and original way to evaluate a wealth of diplomatic and legal documents. The effort is commendable.

But there are also a few areas of concern. The main criticism regards the structure and aim of the study. The introductory chapter fails to set out clearly what this book is about. Instead, too much space is taken up in the introduction by a discussion of questions of methodology. Yet, Dhondt does not really engage with these questions, nor does he actually show why he should have to do so. It would have been helpful to insist more clearly on the distinctiveness of this period (1713-1740) from the outset and to introduce the material and actors in a less ambiguous way. Not enough attention is paid in the introduction to the question of how we might assess how diplomatic praxis could have led to the formation of a norm hierarchy. Thus, one of the most intriguing aspects of this study is not given adequate attention. Bourdieu is briefly solicited to argue that “interactions between actors create new social systems in their own right (...) language in human interactions is not neutral, but represents power relationships” (p. 19). But this is hardly a new insight. Hobbes, for instance, made a similar point, and Carl Schmitt put this assumption at the heart of his understanding of political struggle.^[1] It remains unclear what is gained by this unspecific reference to Bourdieu, other than to underscore the general assumption that “establishing norms implies a *struggle* within a social field” (p. 510). Dhondt equates legitimacy with recognition of power (p. 19). But does this not suggest that the term *legitimacy* is employed to foster power relations? How do norms evolve from power relationships? Or, to put it differently, would it not be more appropriate to avoid the concept of norms and concentrate on praxis and exercise of power? Dhondt’s claim that we can recognise “a new *vector of legitimacy*, which imposed itself in brute approbation by the major powers” (p. 104f.) seems to suggest as much.

The second chapter deals with the “system of Stanhope and Dubois,” which is not so much a legal but rather a classical historical account of diplomacy. To be sure, there is nothing wrong or problematic with such a narrative. But again, one would have expected at least a clearer structure and some more assertive guidance as to how to digest the wealth of consulted source material. The underlying approach of this chapter lies in “tackling the Cambrai Congress as the apex of diplomatic argumentation of the

Post-Utrecht era” (p. 253), but it is slightly surprising that long passages of this book-length chapter (pp. 41-250) tend to be fairly descriptive and fall short of analyzing the underlying strategies, legal concepts, or even legal norms. Some discussion of the term *system* itself would also have been useful, given that this concept emerged towards the end of the seventeenth century and was just about to find its way into the language of interstate relations. Dhondt argues that “the bilateral Franco-British treaty [1717] marked the formal birth of a new European system” (p. 92), but he neglects to explain what was specific about it. Instead we learn that the European system should be equated with the balance of power. It is here that an opportunity for further critical assessment is missed. Despite some fleeting remarks concerning the balance-of-power thinking in the introduction (p. 10f.), there is no thorough discussion of the contemporary use and understanding of this ambiguous and multifaceted concept.

Nor is there any consideration of the outspoken criticism of the balance-of-power as an adequate mechanism to stabilize Europe. This is the more surprising as Dhondt quotes repeatedly from the writings of the Abbé de Saint-Pierre, who was presumably the most ardent critic of the balance-of-power politics of this period. Instead we are told that “the diplomatic community enjoyed considerable freedom in the management of the European system” p. (99). But to what end was this alleged freedom used? Despite the richness of the material presented in this study, one cannot help but wonder why the interpretation of it is so timid, and in the end unfortunately rather general and vague. This is also exemplified in the deliberate “extensive [use of] quotations” (p. 29), which is in principle commendable. Too often than not, however, these citations are not used for interpretative purposes, but left unrelated to the wider argument of this study.

The third chapter looks at “Stanhope and Dubois’s diplomatic legacy” (p. 253). Dhondt argues that Cambrai attempted to establish a workable plural order that combined feudal, imperial, and international norms. And “to emphasise the importance of the conference, James Stanhope preferred himself, Dubois and Sinzendorf as the main negotiators in Cambrai” (p. 188). The Congress of Cambrai had thus provided the frame of reference for this legacy. The gist of Dhondt’s argument is that Europe enjoyed peace because it was “guaranteed by a solidly forged Franco-British couple” (p. 427). The fourth chapter considers how France and Britain found themselves increasingly in opposing positions. This situation undermined the existing international balance and “gave Spain every opportunity to play them against each one another [sic!]” (p. 439).

Again, at this point in Dhondt’s historical narrative, a more substantial discussion of the underlying *norms* of the European *system* would have been desirable. Instead Dhondt only asserts that “by abandoning their former close cooperation [between France and Britain], Britain removed the political consensus shaping normative concepts, and undid the system of the Triple and Quadruple Alliance” (p. 439). Given the richness of the primary source material studied, it is a missed opportunity that the underlying *norms* on which the European *system* was allegedly built are not analyzed in more detail. Dhondt is content to develop “a story of eighteenth-century diplomacy,” and he “deliberately turned away from a history of ideas” (p. 500). This is fair enough, but it comes at the considerable cost of not being able to offer an adequate understanding of wherein the alleged norm hierarchy actually consisted and how it came into being. This is the more regrettable since the general assertion of this book is that “‘Balance of Power’, ‘equilibrium’ or ‘general tranquillity’ could not serve as a guarantee of stability on its own. Norm hierarchy was the necessary counterpart to these phrases” (p. 501).

Despite the criticism offered here, this study is nevertheless an important contribution to the vibrant field of legal and diplomatic history. The assertion that “Stanhope and Dubois created a new diplomatic *praxis* and language, which would impose itself to [sic!] their contemporaries and successors” (p. 105), is in the end well documented and substantiated.

They might not have created a hierarchy of norms, but they managed to establish conventions and practical ways of conducting foreign policies. This study is not interested in scrutinizing how this *praxis*

was related to the existing international political thought of the eighteenth century. Presumably, one would need to study the link between the various strands of this political thought and the evolving praxis of these actors if one wanted to understand how the “norm hierarchy” of eighteenth-century international relations came into being.

NOTE

[1] Carl Schmitt, *Positionen und Begriffe im Kampf mit Weimar-Genf-Versailles* (Berlin: Duncker and Humblot, 1988), p. 191. See also Pierre Bourdieu, *The Field of Cultural Production: Essays on Art and Literature* (New York: Columbia University Press, 1993).

Peter Schröder
University College London
p.schroder@ucl.ac.uk

Copyright © 2016 by the Society for French Historical Studies, all rights reserved. The Society for French Historical Studies permits the electronic distribution of individual reviews for nonprofit educational purposes, provided that full and accurate credit is given to the author, the date of publication, and the location of the review on the H-France website. The Society for French Historical Studies reserves the right to withdraw the license for edistribution/republication of individual reviews at any time and for any specific case. Neither bulk redistribution/ republication in electronic form of more than five percent of the contents of H-France Review nor re-publication of any amount in print form will be permitted without permission. For any other proposed uses, contact the Editor-in-Chief of H-France. The views posted on H-France Review are not necessarily the views of the Society for French Historical Studies.

ISSN 1553-9172