Title: The practical language of international law from Aix-la-Chapelle (1748) to Paris (1763): sovereignty and territory within and outside the Public Law of Europe

International legal history is a blossoming field since the initiation of the “turn to history” in international law. Whereas the study of international law’s past used to be restricted to published treaties and works of doctrine, the ambitions are more boldly stated nowadays. The mass digitization of printed sources and the use of character-recognition for handwritten documents broaden the heuristic scope of legal research. Following the recent fundamental works of Dhondt (2015) on practical legal argumentation and Franco-British diplomacy between 1713 and 1740 and of Fedele on the hybrid theoretical background of early modern diplomacy (2017), legal historians are able to interrogate the rich and extensive archives of the European foreign offices. The period stretching from the War of the Austrian Succession (1740-1748) to the Seven Years’ War (1756-1763) has not yet been thoroughly explored from a legal historical point of view. The War of the Austrian Succession was of seminal importance to the constitutional arrangements in the Habsburg hereditary lands and the Holy Roman Empire. The Seven Years’ War marked a decisive British victory in the struggle for empire in India and the Americas.

The traditional themes of international law (jus ad bellum, ius in bello, diplomatic immunities, sovereignty and jurisdiction, source theory, diplomatic intercession on behalf of private individuals and corporations) play up in the diplomatic dispatches exchanged between the various sovereign entities in Europe. These documents do not only cover European issues, but also treat imperial and commercial grand strategy. The latter themes have been the object of historical research, considering the Seven Years’ War as the “First Global War”. Recent works in the fields of history of political thought (Alimento & Stapelbroek 2017) and imperial legal history (Herzog 2015) render it possible to conceptualise the application of the European law of nations in French and British imperial strategy. The preference of the supervisor lays with the French (Archives Diplomatiques, Correspondance Politique – Mémoires et Documents, La Courneuve) and British archives (National Archives, State Papers (Foreign), Kew) archives, but this can be discussed. The Research Group CORE has a strong track record for both the history of international law (Dhondt/Cahen/De Rycke) and the history of commercial law (De ruysscher/in ’t Veld/Plasschaert/Dreijer). We offer a stimulating research environment, at the heart of a strong European and global network of legal historians. The candidate can pursue fundamental research abroad for the duration of the mandate, in regular contact with the supervisor.

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