

*H-France Review* Vol. 18 (May 2018), No. 116

Edward James Kolla, *Sovereignty, International Law, and the French Revolution*. Cambridge: Cambridge University Press, 2017. xi + 340 pp. Maps, bibliography and index. £75 (hb). ISBN 978-1-107-17954-7

Review by Richard Harding, University of Westminster.

At a time when representative democracies around the world are under pressure from populist movements that cast doubt on whether such systems really do represent the will of the people, this book seems extremely apposite. An important fact is that such pressure cannot be confined to domestic politics. The politics of identity—questioning who the people are, what their wishes and rights might be and how these wishes can be measured or channelled—has, almost inevitably raised its head in international relations as well. From Syria to Scotland, from the Crimea to Catalonia, separatist movements pin their ambitions on asserting the sovereignty of the people, but the fragmentation of nation states has a potential for major shifts in the world diplomatic order—an order carefully negotiated and balanced over decades.

Unsettling as the present situation is, it is very little besides the shock that the emergence of this legitimising ideology produced at the end of the eighteenth century. Traditionally, the narrative is of the old order of dynastic rights in France being overthrown by a revolution inspired by an Enlightenment assertion of the sovereignty of the people. The force liberated by this idea could not be stopped by the old monarchies of Europe, and the French revolutionary army took the ideology of liberty wherever it marched. The people were asked to determine their own relationship with other states. Although manipulated for French national interests by both the Republic and the Napoleonic Empire, it was an ideology that could not be eliminated, but it could be contained, adapted and used to cope with crises of unification, imperial break-up and total war as the international order evolved in the nineteenth and twentieth centuries.

Kolla shows that the emergence of this ideology was more complex and conditional than this positivist narrative presents. Although the concept of popular sovereignty had a history of theoretical development and practical application, it was never fully articulated as an alternative legitimating principle in international relations. The view that the sovereign embodied the state, and treaties encoded the rights and responsibilities of nominally equal states, without reference to the people residing in the territorial units, dominated the international order. Kolla's purpose is to show how a new legitimising principle based on the will of the people evolved and was practiced between 1789 and 1799. In 1789-90 there was no intention of exporting revolution based on popular sovereignty, or of utilising it to undermine the foundations of international

relations but, by the time the Consulate was established, France had become extremely adept at the art of annexation based upon it.

The chronological narrative suits Kolla's purpose. From 1789 the new French revolutionary government was faced by calls for constitutional liberty from people in jurisdictions linked to France. Corsica lay under French administration but Genoese sovereignty. Alsace was French sovereign territory, but held on condition of maintaining the rights of the local *princes possessionés* of the Holy Roman Empire. Avignon was a papal enclave in the midst of France. Contemporary treaties gave no right to France to intervene nor any right of the populations to self-determination. Kolla explores each situation in some detail, highlighting the process by which the French government came to accept the logic and advantages of a new political system, founded on popular sovereignty, which permitted France to respond to popular requests to join France or at least enjoy the benefits of self-determination. Corsica proved the simplest as Genoa posed little threat to France and there was some cover in the treaty clauses. This was not the case with Alsace and the dangers this presented to the international order were quickly exposed. France could claim sovereignty, but recognising the popular will in Alsace put France on a course of confrontation with the princes and a direct negation of the terms of the Peace of Westphalia (1648). If France could abrogate such a fundamental treaty then all treaties were at risk. A similar situation pertained in Avignon where France chose to recognise the result of a plebiscite and annexed the territory in September 1791.

In each case French policy evolved as it encountered local conditions. Kolla's investigations establish that there were no pre-determined plans, but French security interests, the logic of revolutionary philosophy and the nature of the opposition shaped actions. That logic was initially based on the right of people to request a union with France, but once war broke out against Austria and Prussia in April 1792, it evolved to include the right of France to impose freedom (or union with France) on other people in the name of self-defence through *pouvoir révolutionnaire*. By the end of 1792 the Convention ordered the army to promise support for any people calling for the recovery of liberty. Belgium and the Rhineland provide Kolla with the examples to illustrate this blend of coercion, political agitation and support. In both these cases France could not ignore the deep interests of other powers and consolidating the new status quo with treaty law (Treaties of Basle, 1795 and Campo Formio 1797) was a means of normalising a situation that had emerged from spectacular military success and radical claims for legitimacy.

Kolla notes that there was always a tension between the altruistic Enlightenment sentiment of a united and equal human society, and the actual conditions in which expressions of self-determination was permitted and how these annexed societies stood in relation to France. The exploitation, the manipulation and the cultural differences did not escape contemporaries, which led, in part, to what Kolla presents as "the last major innovation with respect to international law and territory" (p. 207)—the establishment of the Sister Republics. Nominally independent polities, but modelled on French constitutional principles and in the shadow of French military control, the Batavian Republic (Holland, 1795)), the Helvetic Republic (1796), and eventually the Cisalpine Republic (1797) consolidated French ability to exploit while presenting a political structure based on popular sovereignty and self-determination. This model no more resolved the tension inherent in obvious inequality than earlier attempts to blend a philosophy of popular self-determination with the needs of great powers engaged in a war of survival. The Napoleonic satellite kingdoms added nothing to the development of international law. The concept turned

against France by 1807 as self-determination, defined increasingly as an expression of the nation, played a great part in the final destruction of the First Empire.

Although the Vienna Treaty system tried to suppress the notion of a popular right to self-determination, Kolla's final chapter charts its failure to do so. The problems of establishing who the people are, what their wishes are and how effectively those wishes might be expressed have never been resolved, but increasingly embedded in the debates and actions was the assumption that it was all to be founded on an imagined "national comradeship".

Kolla's well-researched and careful analysis of specific cases provides an excellent insight into how an idea of political legitimacy, fundamentally important to the modern world, evolved over a decade of conflict. He shows both its strength and the compromises or constant manipulations which, from the first application in the early 1790s to the present day, make popular sovereignty a central, yet problematic, concept in international relations.

Richard Harding  
University of Westminster  
[hardinr@westminster.ac.uk](mailto:hardinr@westminster.ac.uk)

Copyright © 2018 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 redistribution/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