

Roman law and other texts dealing with Roman armed expansion and warfare were among the most influential traditions in the 16th and 17th century development of the law of nations in Europe and in European imperial expansion. The first panels of this conference inquire into the importance of Roman law and of judgments about Roman practice as sources for later thinking about the law of nations, imperialism, and just war.

Several of the papers will use the work of the sixteenth-century Roman law scholar Alberico Gentili (1552-1608) as one focal point for the discussion of these wider issues. The later panels consider connections between these Roman traditions and major European thinkers on international law in the 18th century such as Barbeyrac, Montesquieu and Vattel, and the impact of this tradition and of other justifications of

European expansion in the Americas and elsewhere. The conference aims to bring together participants from several different disciplines, extending from ancient historians to specialists in modern international legal and political theory, in order to deepen understandings of this Roman tradition and of its ebb and flow among the different projects to justify and shape imperialism through law. The conference will also draw wider attention to Alberico Gentili's work, and provides an opportunity for deeper evaluation of the traditions of Roman and international legal thought on war and imperialism to which he was a signal contributor.



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# A Just Empire? Rome's Legal Legacy and the Justification of War and Empire in International Law

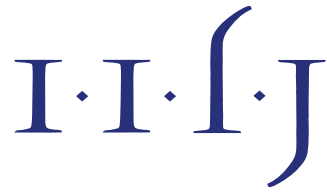
Commemorative Conference  
on Alberico Gentili (1552-1608)  
March 13 - 15, 2008

*Albericus Gentilius.*

*Professor Benedict Kingsbury and Dr. Benjamin Straumann, as organizers of the conference, express their thanks and appreciation to Dean Richard Revesz and New York University Law School, Dr. Diego Panizza and Pepe Ragoni of the Centro Internazionale di Studi Gentiliani, Silvano Lattanzi, Nicola Mare, and Alma Fuentes Roche.*

*A new edition of Alberico Gentili's De Armis Romanis (1599 - this neglected work exists only in Latin and was last published in 1770), with an English translation and critical notes by Professor David Lupher, is in preparation. Edited by Benedict Kingsbury and Benjamin Straumann, this volume will be published by Oxford University Press. The editors and translator acknowledge with gratitude the generous support for this work from Silvano Lattanzi USA Inc., the Italian National Committee for the Alberico Gentili Commemoration, and the Italian Ministry of Cultural Heritage.*

Institute for International Law and Justice and  
The Program in the History and Theory of  
International Law  
New York University School of Law



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## The Program in the History and Theory of International Law

Present

### A Just Empire? Rome's Legal Legacy and the Justification of War and Empire in International Law

Commemorative Conference on Alberico Gentili  
(1522-1608)

New York University School of Law

March 13 - 15, 2008

#### Agenda

All events take place at NYU Law School in the  
Lester Pollack Colloquium Room, Furman Hall  
(245 Sullivan Street, New York City, NY 10012)  
9th Floor - unless otherwise noted

For the latest updates, please go to:  
<http://www.law.nyu.edu/conferences/gentili/>

#### Thursday, March 13th

4:00 p.m. - 6:00 p.m. **Martti Koskenniemi**  
(Helsinki/NYU): "Natural law between moral principle  
and *raison d'état*: understanding the pre-history of  
international law"

7:00 p.m. - 8:30 p.m. *Welcome Reception at Silvano Lattanzi*  
905 Madison Avenue, New York, NY

#### Friday, March 14th

9:00 a.m. *Dean's Welcome*

#### **Panel 1, 9:15 a.m. – 10:45 a.m.:** **Roman Law and Roman Imperialism in Classical Antiquity and in Early Modern International Thought**

**John Richardson** (Edinburgh):  
"The meaning of *imperium* in the last century BC and the  
first AD"

**Clifford Ando** (Chicago):  
"Studying the development of Roman doctrines on the  
laws of war"

**Benjamin Straumann** (NYU):  
"The Corpus iuris as a source of law between  
sovereigns in Gentili's thought"  
*Chair: Daniel Hulsebosch* (NYU)

10:45 a.m. – 11:15 a.m. *Morning Coffee Break*

#### **Panel 2, 11:15 a.m. – 12:45 p.m.:** **Alberico Gentili's De Armis Romanis**

**Diego Panizza** (Padua):  
"Alberico Gentili's *De Armis Romanis*: the Roman model of  
just empire"

**Kaius Tuori** (Helsinki/NYU):  
"The invader's remorse: Gentili and the criticism of  
expansion in the Roman empire"  
*Commentator: David Lupher* (Puget Sound)

1:00 p.m. – 2:00 p.m. *Lunch*

#### **Panel 3, 2:00 p.m. – 3:30 p.m.:** **Law, War and Empire in 16th and 17th Century International Theory**

**Peter Schroeder** (UCL):  
"Vitoria, Gentili, Grotius, and beyond: from universal  
*bellum iustum* to *iustus hostis*"

**Christopher N. Warren** (Chicago):  
"Gentili, the poets, and the laws of war"

**Partel Piirimae** (Tartu):  
"Alberico Gentili's doctrine of defensive war and its  
impact on seventeenth-century normative views"  
*Commentator: Annabel Brett* (Cambridge)

3:30 p.m. – 4:00 p.m. *Afternoon Coffee Break*

#### **Panel 4, 4:00 p.m. – 6:00 p.m.:** **Law, War and Empire in 16th and 17th Century Legal Practice**

**James Whitman** (Yale):  
"The verdict of battle"  
**Randall Lesaffer** (Tilburg):  
"Gentili's *ius post bellum* and early-modern peace  
treaties"

**Lauren Benton** (NYU):  
"The many legalities of the sea in Gentili's *Advocatio  
Hispanica*"  
**Benedict Kingsbury** (NYU) and **Alexis Blane** (NYU):  
"Punishment and the *Ius post bellum*"  
*Commentator: John Witt* (Columbia)

#### Saturday, March 15th

#### **Panel 5, 9:15 a.m. – 11:00 a.m.:** **Law in 18th Century European International Political Thought on War, Commerce and Empire**

**Petter Korkman** (Helsinki):  
"The vital string of mankind - sociability and the  
foundation of natural law and universal rights"

**Robert Howse** (Michigan):  
"Montesquieu on Conquest"

**Emmanuelle Jouannet** (Paris I):  
"The disappearance of the concept of empire"  
*Chair: Martti Koskenniemi* (Helsinki/NYU)  
*Commentator: Jennifer Pitts* (Chicago)

11:00 a.m. – 11:15 a.m. *Morning Coffee Break*

#### **Panel 6, 11:15 a.m. – 1:15 p.m.:** **Beyond Europe: Extra-European and Global Dimensions**

**David Golove** (NYU) and **Daniel Hulsebosch** (NYU):  
"The status of the law of nations in the early American  
republic"

**Liliana Obregón** (Bogotá):  
"Andrés Bello's Roman Law and International Law as  
foundational projects for the newly independent Latin  
American States"

**Ileana Porras** (Arizona State):  
"Atheists, cannibals, rebels and pirates: Cementing the  
bonds of human society in Gentili's *De Iure Belli*"

**Jeremy Waldron** (NYU):  
"*Ius gentium*: a defense of Gentili's equation of the law  
of nations and the law of nature"

*Chair: Rahul Rao* (Oxford)  
*Commentators: Anne Orford* (Melbourne)