

Stories of War and Peace: On Writing the History of International Law in the 'Third Reich' and After

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This essay presents some reflections on what today is widely regarded as the standard book on the history of international law, and on its author, Wilhelm G. Grewe, who after 1945 was one of the architects of West Germany's international legal status and of its relations with the three Western Allied Powers. In particular, the essay discusses Grewe's principal and most influential idea, an interpretation of the history of modern international law as a sequence of epochs defined in each case by the then-dominant power in the states' system. Since Grewe developed and formulated this idea in the context of National Socialist political and legal thought, and particularly under the influence of Carl Schmitt's work, the essay leads back to the time of the Second World War and the ideological struggles of that time. In that respect, it is a study of the performance of international legal scholars under the conditions of a dictatorship, and of the intellectual legacy of the 'Third Reich' in international law. Thus, in different ways the essay explores the larger questions of the origins, validity and future of the idea of a power-based international legal order.