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Between law and history: the Berlin Conference of 1884-1885 and the logic of free trade

Matthew Craven*

The Berlin West Africa Conference of 1884-1885 has assumed a powerful symbolic presence in international legal accounts of the 19th century, but for historians of the era its importance has often been doubted. This article seeks to re-interpret the place of the Berlin General Act in late 19th-century history, suggesting that the divergence of views has arisen largely as a consequence of an inattentiveness to the place of systemic logics in legal regimes of this kind.

INTRODUCTION

The Berlin West Africa Conference of 1884-1885 has assumed a canonical place in historical accounts of late 19th-century imperialism¹ and this is no less true of the accounts provided by legal scholars seeking to trace the colonial origins of contemporary international law.² The overt purpose of the Conference was

* Professor of International Law, SOAS, University of London. Email: mc7@soas.ac.uk.

1 For general accounts of the Conference see J Keltie, *The Partition of Africa* (Edward Stanford, 1893); E Fitzmaurice, *The Life of Granville George Leveson Gower*, vol. 2 (Longmans Green & Co, 1905); A Keith, *The Belgian Congo and the Berlin Act* (Clarendon Press, 1919); S Crowe, *The Berlin West African Conference 1884-1885* (Longmans Green & Co, 1942); R Anstey, *Britain and the Congo in the Nineteenth Century* (Clarendon Press, 1962); S Cooke, *Britain and the Congo Question 1885-1913* (Longmans, 1968); R Gavin & J Betley, *The Scramble for Africa: Documents on the Berlin West African Conference and Related Subjects 1884/1885* (Ibadan UP, 1973); R Robinson, J Gallagher & A Denny, *Africa and the Victorians: The Official Mind of Imperialism*, 2nd ed. (Macmillan & Co, 1981); S Förster, W Mommsen & R Robinson (eds), *Bismarck, Europe and Africa: The Berlin Africa Conference 1884-1885 and the Onset of Partition* (Oxford UP, 1988); T Pakenham, *The Scramble for Africa: 1876-1912* (Abacus, 1991); M Ewans, *European Atrocity, African Catastrophe: Leopold II, the Congo Free State and its Aftermath* (Routledge, 2002).

2 One might cite here: T Elias, *Africa and the Development of International Law* (Martinus Nijhoff, 1972); R Anand, *New States and International Law* (Vikas, 1972); C Alexandrowicz, *The European-African Confrontation: A Study in Treaty Making* (Sijthoff, 1973); U

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