

HUMANITARIAN INTERVENTION: THE EARLY YEARS

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Between 1967 and 1970 civil war in Nigeria resulted in human suffering on a scale and for a length of time not known, or at least not noticed, since World War II and its aftermath. At that very time, the legitimacy and limits of intervention in international relations were matters of intense discussion.¹ Inevitably, the scale of suffering in Nigeria prompted some observers to ask whether the

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¹ Nicholas Greenwood Onuf, "The Principle of Nonintervention, the United Nations and the International System," *International Organization*, Vol. 25, No. 2 (Spring 1971), pp. 209-227. In this essay, I define the term *intervention* to refer those acts by which agents intend to change the unfolding of events in the world. Under the broad terms of this definition, intervention is not limited with respect to resources deployed and response of affected agents. Also see Nicholas Greenwood Onuf, *The Republican Legacy in International Thought* (Cambridge: Cambridge University Press, 1998), pp. 136-62.

situation called for humanitarian intervention and, if so, under whose auspices.² Standard texts in international law offered little guidance. For example, the most important English language treatise on international law at the time—commonly called Oppenheim-Lauterpacht—states that “intervention in the interest of humanity is legally permissible.”³ There follows a single instance of practice: “Great Britain, France and Russia intervened in 1827 in the struggle between revolutionary Greece and Turkey when public opinion reacted with horror to the cruelties committed during the struggle.”⁴ The same treatise also tells its readers that one instance of any practice is unlikely to suffice for it to acquire the normative weight of customary law.⁵ That European states “often” intervened in Turkey “to put an end to the persecution of Christians” might constitute a continuous practice but hardly a general one, given the

² See particularly Richard B. Lillich, ed., *Humanitarian Intervention and the United Nations* (Charlottesville: University Press of Virginia, 1973).

³Quoting more fully, “there is a substantial body of opinion and of practice in support of the view that...when a State renders itself guilty of cruelties against and persecution of its nationals in such a way as to deny their fundamental human rights and to shock the conscience of mankind, intervention in the interest of humanity is legally permissible.” L. Oppenheim, *International Law: A Treatise*, Vol. I, *Peace*, 8th ed. by H. Lauterpacht (New York: David McKay, 1955), p. 312, footnote citing this body of opinion deleted. By the standards of this treatise, the number of citations is strikingly small.

⁴ *Ibid.*, pp. 312-3.

⁵ “International jurists speak of a *custom* when a clear and continuous habit of doing certain actions has grown up under the ægis of the conviction that these actions, are according to International Law, obligatory or right.” *Ibid.*, p. 26, emphasis in original.

anomalous position of the Ottoman Empire in 19th century international practice.⁶ After all, European powers did not even confer formal equality on the Ottoman Empire until 1856.

It might be argued that repeated intervention in Turkey had produced a “special custom” as an exception to the general rule of non-intervention.⁷ Instead various 19th century commentators affirmed the existence of humanitarian intervention as general legal rule, or denied it.⁸ Later writers affirmed it ever more perfunctorily. As framed, the issue had acquired an antique flavor by the 1950s and 60s. Contemporary relevance could only be achieved by re-framing the issue in terms of human rights. “The Charter of the United Nations,” according to Oppenheim-Lauterpacht, “marks a further step in the direction of elevating the principle of humanitarian intervention to a basic rule of international society,” because the Charter makes human rights a central concern.⁹

⁶ Again quoting *ibid.*, p. 313.

⁷ On “special custom,” see Anthony A. D’Amato, *The Concept of Custom in International Law* (Ithaca: Cornell University Press, 1971), pp. 233-63.

⁸ Ellery C. Stowell, *Intervention in International Law* (Washington: John Byrne, 1921), pp. 51-62; Stephen Kloepfer, “The Syrian Crisis, 1860-61: A Case Study in Classic Humanitarian Intervention,” *Canadian Yearbook of International Law*, Vol. 23 (1985), pp. 255-8; Sean D. Murphy, *Humanitarian Intervention: The United Nations in an Evolving World Order* (Philadelphia: University of Pennsylvania Press, 1996), pp. 47-9.

⁹ Oppenheim-Lauterpacht, *International Law*, p. 313. Hersch Lauterpacht was one of the first and most influential voices for the development of the international law of human rights in the Charter era. H. Lauterpacht, *International Law and Human Rights* (New York: F. Praeger, 1950).

Today, of course, humanitarian intervention is much discussed, almost always as a collective response to acts of systematic violence against large, readily identifiable population groups. NATO's aerial intervention in Kosovo in 1999 is only the latest occasion "to revisit the troubled law of 'humanitarian intervention.'"¹⁰ The scare marks are symptomatic. While the violation of human rights provides an obvious frame of reference in current-day discussions, at least some of the trouble comes from the limitations imposed by that framework. The call for humanitarian intervention is a plea, a warning, an incitement to act. Such calls have a history and a normative power of their own. Responding to great harm, calls to action on humanitarian grounds draw much of their power from a concern for what is good. Questions of right and wrong, of rights and redress, are secondary.

Calls for what we would now call humanitarian intervention began in the 18th century, but they reached a peak in the decades after 1815. Strongest in Britain, they reached across the liberal world. Typically, they were calls for legal and therefore potentially coercive action—action under law, action to bring the law into line with urgent humanitarian concerns. Less often were they sounded in the register of international law, because the most charged humanitarian concerns were close to home or, for the British, within the empire.

The early 19th century experienced a good deal of international intervention, most of it eventuating at some point in the use of force. Prompted by quite a range of concerns, governments

¹⁰ Louis Henkin, "Kosovo and the Law of 'Humanitarian Intervention,'" *American Journal of International Law*, Vol. 93, No. 4 (October 1999), p. 824. See generally "Editorial Comments: NATO's Kosovo Intervention," pp. 824-62.

took these actions against the governments and in the territory of other states. Discussion then and since has made the relevance and requirements of international law indispensable considerations. Today the discussion of international intervention continues to do so. Yet international law has changed dramatically by making human rights one of its central features. It is no wonder, then, that most general assessments of humanitarian intervention—at least the recent ones in English that I am aware of—give only passing attention to humanitarian intervention in the 19th century.¹¹

To put my claim in somewhat different terms, I believe that treating humanitarian intervention as a practical issue of ending human rights abuses does an injustice to liberal sensibilities. So does treating humanitarian intervention as a special if dubious category of international intervention. In the early decades of the 19th century, liberal sensibilities motivated humanitarian concerns and a predilection for intervention, even as they supported the conviction that state sovereignty sheltered liberal societies and

¹¹ Fernando R. Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (Dobbs Ferry, NY: Transnational Publishers, 1988), simply ignored the 19th century, despite a misleading reference to Hegel (p. 57). Murphy, *Humanitarian Intervention*, and Stephen A. Garrett, *Doing Good and Doing Well: An Examination of Humanitarian Intervention* (Westport CT: Praeger, 1999), gave it a few pages (pp. 46-55, 9-14, respectively). Exceptionally, Martha Finnemore, “Constructing Norms of Humanitarian Intervention,” in Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), pp. 153-85, gave it proportionally far more attention (pp. 161-72).

enjoined governments from engaging in frivolous interventionary conduct. Put into practice, these sensibilities took on much of their normative weight during these years.

These same sensibilities remain with us now, and so do the tensions and ambiguities that practice had already made evident in the early years. The recent embrace of human rights has brought yet another distinctively liberal sensibility to the fore. In practice, tensions and ambiguities have compounded, as have the opportunities and warrants for action. At the same time, the cost and benefits attaching to different courses of action are ever harder to calculate. We can only assume that liberal sensibilities are worth the “trouble” they cause.

First I sketch all too briefly the rise a distinctively liberal world between 1815 and 1848. Here I introduce Henry Wheaton’s *Elements of International Law* as a revealing but hardly sufficient guide to this momentous development.¹² With Wheaton’s help, I then review the place of intervention in the world of liberal states. In this context, I conclude that urgent need, or *emergency*, came to provide the conceptual grounding for international intervention in the early 19th century. I go on to show that early 19th century humanitarian concerns combined utilitarian, religious and Romantic sentiments to give the practice of intervention a dimension not readily evident in an international context. Progressive movements in liberal society learned how to construct longstanding but despised social conditions into humanitarian emergencies warranting intervention within the law.

¹² Henry Wheaton, *Elements of International Law with a Sketch of the History of the Science* (Philadelphia: Carey, Lea and Blanchard, 1836).

Darwin and Darwinism ruptured the confluence of progressive sentiments for social reform and religiously inspired altruism. Humanitarianism nevertheless survived in a liberal world beset by social Darwinism, most notably in the Red Cross movement. The very symbol of the Red Cross institutionalizes intervention to relieve suffering in carefully prescribed circumstances. Today nongovernmental organizations join governments and international organizations in responding to what they now call *complex emergencies*, yet they do so with limited success. However attractive as an alternative to making misery a human rights issue, these activities fail to address the problem on the needed scale. An important reason, I suggest, is that a progressive commitment to social reform animates these activities, thereby limiting their appeal to the large numbers of people whose religious sentiments would otherwise motivate them to help.

1. World-making after Vienna

We are accustomed to thinking of international relations as constituting a world of states, each state a world in its own right.¹³ All that we think of as modern presupposes the world of states, which itself took a recognizably modern form in the 18th century. To see the modern world in just these terms, we need only look back to Emmerich de Vattel's great treatise on *The Law of Nations* (1758). Yet if we look any further back, we find nothing of the sort.

¹³ Also see Nicholas Onuf, "Worlds of Our Making: The Strange Career of Constructivism in International Relations," in Donald J. Puchala, ed., *Visions of International Relations* (Columbia: University of South Carolina Press, forthcoming).

According to Vattel, "Nations are free and independent of each other as men are by nature"; liberal assumptions about people apply no less to states. Vattel held that people need not lose their natural freedom by living in society, and the same holds for states. Indeed, it is a "general law of their society that each Nation should be left to the Peaceful enjoyment of that liberty which belongs to it by nature."¹⁴ Freedom from interference is the operational meaning of independence; sovereignty as a right entails non-intervention as a duty.¹⁵

In Vattel's judgment, the world of states depended on a balance of power among the major powers of Europe, and it depended on their willingness to live by the normative consequences of their regular practices. The French Revolution blew that world apart. Napoleon's defeat was seen to restore the balance of power, and the Vienna settlement gave old practices new life in 1815.¹⁶ The first

¹⁴ Emmerich de Vattel, *The Law of Nations or the Principles of Natural Law Applied to the Conduct and to the Affairs of Nations and of Sovereigns*, trans. by Charles G. Fenwick (Washington: The Carnegie Institution, 1916), Introduction, § 15, p. 6.

¹⁵ Many writers give Vattel credit for the principle of non-intervention. Yet his treatment of states' rights and duties in this respect follows Christian Wolff's treatise of 1750. *Ibid.*, II, iv, § 54, p. 131; Wolff, *Jus gentium methodo scientifica pertractatum*, trans. by Joseph H. Drake (Oxford: Clarendon Press, 1934), § 269, p. 137. For more on Wolff and Vattel, see Peter Onuf and Nicholas Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolutions, 1776-1814* (Madison: Madison House, 1993), pp. 10-9; Onuf, *The Republican Legacy in International Thought*, 1998, pp. 58-84.

¹⁶ But note Paul W. Schroeder's less sanguine view of the era before the revolution. *The*

premise of Vattel's world was never in question: It remained a society of sovereign states. Yet the Vienna settlement failed to support the inference that sovereignty meant non-intervention. When the five great powers formed the Concert of Europe in 1818, they effectively repudiated it.

According to Wheaton, whose 1836 treatise succeeded Vattel's as the most influential in its time, the Concert granted "a sort of superintending authority" to the great powers, "the precise extent and objects of which were never very accurately defined." As interpreted by the conservative powers, the Concert "was intended to form a perpetual system of intervention among the European states...." By some accounts, its purpose was to suppress "every revolutionary movement pronounced by these powers to endanger, in its consequences, immediate or remote, the social order of Europe or the particular safety of neighboring states."¹⁷

Wheaton certainly did not believe that intervention was unusual in the 18th century world of Vattel. Nor did he think it always inappropriate in his own time. He held that sovereignty entitled any state to use all available means "to increase its national dominions, wealth, population, and power" up

Transformation of European Politics 1763-1848 (Oxford: Clarendon Press, 1994), pp. 3-52. On the Vienna settlement, see *ibid.*, pp. 517-82; Charles Webster, *The Foreign Policy of Castlereagh 1812-1815* (London: G. Bell, 2nd ed., 1934); Henry A. Kissinger, *A World Restored* (New York: Grosset & Dunlap, 1964), pp. 1-174.

¹⁷ Henry Wheaton, *Elements of International Law*, II, i, § 5, pp. 85-6. On the Concert, see Charles Webster, *The Foreign Policy of Castlereagh 1815-1822*, 2nd ed. (London: G. Bell, 1934); Kissinger, *A World Restored*, pp. 175-285; Schroeder, *The Transformation of European Politics*, pp. 583-628.

to such point that doing so “immediately interferes with the actual exercise of sovereign rights of other states....” When, however, a state’s conduct “merely involves a supposed contingent danger to the safety of others,” or when it results in “the disturbance of what has been called the balance of power,” there is no reason to consider such conduct interventionary and unlawful. Conversely, the “numerous examples of intervention by the European states in the affairs of each other” have not produced a “general rule” making such conduct lawful.¹⁸ Wheaton did think the Concert rule—“a principle so indefinite and so peculiarly liable to abuse”—altogether inappropriate.¹⁹

Wheaton’s assessment of intervention and its legal status closely reflects British practice after 1815. For a succession of foreign ministers, sovereignty entitled Britain to increase its wealth and power by its own lights. No less did it entitle other states to do the same, giving normative weight to non-intervention “as an expression of a *laissez-faire* ideology.”²⁰ Yet, as John Vincent has argued, this did not mean that Britain “would refrain from intervention if pressing imperatives like the maintenance of the balance of power required it; what it did mean was that she could admit intervention only as an exception not as a rule of international conduct.”²¹ In British practice, domestic developments in any

¹⁸ Wheaton, *Elements of International Law*, II, i, § 4, pp. 82-4.

¹⁹ *Ibid.*, II, i, § 5, p. 85

²⁰ R. J. Vincent, *Nonintervention and International Order* (Princeton: Princeton University Press, 1974), p. 71. See pp. 70-102 for a superb account of British practice under Castlereagh, Canning and Palmerston.

²¹ *Ibid.* Also see H. W. V. Temperley, *Life of Canning* (New York: Haskell House, [1905] 1968), pp. 127-51.

state warranted intervention only when they had large, adverse consequences for other states. By contrast, the Concert rule gave nervous, conservative governments an incentive to quell radical domestic change in any state before things got out of hand.

At a time when British wealth and power grew far more rapidly than its competitors, collective intervention receded in likelihood and the Concert rule lost most of its credibility. Instead, the presumption against intervention defined the operational limits of a liberal world—a world that included Britain and its far-flung imperial interests, the United States and, after 1822, the rest of the Americas, France and the low countries. I do not want to suggest that there were no people with liberal sentiments elsewhere. There were in fact considerable numbers throughout Europe, although they were generally thwarted in their efforts to liberalize their societies. Nor could anyone think that most people in the liberal world, as I call it, were liberal-minded.

I do suggest that this world was liberal because the states within it dealt with each other more or less the way that people in liberal societies are obliged to. Nevertheless, these states were not in themselves liberal societies—in the first instance, societies whose members coordinate their relations through the exercise of rights and duties that make them equal before the law. The *laissez-faire* ideology that Vincent remarked on starts with a legal framework. When that framework takes form in, and takes the form of, the state, *laissez-faire* ideology calls for the least possible government consistent with the general security of society and the settlement of disagreements over rights and duties. Governments need to be able to make rules when needed, keep watch and respond to emergencies. As a rule, they should not intervene in their own societies and, by extension, the societies of other states.

When the historical development of particular states endowed them with powerful governments and entrenched interests, intervention was the rule. Perhaps paradoxically intervention was no less an instrument by which to create the conditions for liberal societies in those same states. Liberal-minded people pressed for the reform of governments by limiting their powers and for governments to intervene in reforming offensive societal practices and institutions. In these circumstances, reformist intervention drew on progressive humanitarian and religious sentiments with no sense that doing so might be inconsistent with the premises of *laissez-faire* ideology.

Between 1815 and 1848, progressive sentiments and *laissez-faire* ideology collided with some of Britain's most characteristic social arrangements. In those years, Britain experienced a great deal of conflict. Major reforms suiting a liberal society took place in fits and starts. In the United States, the contradiction between egalitarianism and slavery distorted all else. Thanks to the Revolution and its aftermath, liberalism developed even more erratically and uncertainly in France. Revolutionary disturbances in 1848 put liberalism on the defensive, no doubt hardening the boundaries of the world in which liberal reforms were even possible.

We might ask what made the liberal world more liberal than the states within it had yet become. I suspect the answer has to do with the recent origin of the modern state and thus of international society. States inherited the institutions and practices of pre-modern, largely illiberal societies, including governments well-equipped to resist pressure to reform themselves and their societies along liberal lines. Yet these same states encountered each other as sovereign equals in a competitive environment that was otherwise remarkably free of institutional restraints. Over time their governments developed institutions that were more or less compatible with sovereignty as the constitutive premise of

international society. More compatible was the British preference for non-intervention. Less compatible was the great power Concert.

Vattel had emphatically stated that nations are sovereign equals.²² As Vattel's most important successor, Wheaton spelled out the necessary conclusion that international society is a legal order unrelated to the legal orders of the states that are its members, and then attributed this conclusion to Vattel, who had never stated it clearly. Wheaton and other writers routinely started with the principle of sovereign equality and thereupon enumerated the rights and duties of states as a matter of law. They also enumerated the rules of international law, or sources, by which new rules of law could be brought into existence, and which gave the totality of these rules the properties of a legal order sufficient unto itself.²³

These writers did not conceive of the liberal world as a legal order in its own right, apart from international society. Many of the rules that they adduced to exist were, however, especially well suited

²² "Since men are by nature equal, and their individual rights and obligations the same, as coming equally from nature, Nations, which are composed of men and may be regarded as so many free persons living together in a state, are by nature equal and hold from nature the same obligations and the same rights." Vattel, *The Law of Nations*, § 18, p. 7. Here again Vattel followed Wolff, whom Samuel Pufendorf preceded in this way of thinking. See Walter Schiffer, *The Legal Community of Mankind: A Critical Analysis of the Modern Concept of World Organization* (New York: Columbia University Press, 1954), pp. 49-68.

²³ I develop these claims in "Henry Wheaton and 'The Golden Age of International Law'," *International Legal Theory*, Vol. 6, No. 1 (2000), pp. 2-9.

to the needs of states whose material advantages and productive practices put a premium on orderly, peaceful relations. I have in mind the considerable body of rules that demarcate the jurisdictional reach of the state. Without these rules, commerce across state frontiers would hardly be possible, and the *laissez-faire* ideology that assigns such importance to commerce and the prosperity it engenders would lose its appeal. With these rules in place, commerce made the liberal world ever more prosperous, and liberal reforms seemed ever less threatening to entrenched interests. Given a host of material advantages, the liberal world fostered liberalizing societies, though not by anyone's design and not by itself, and by so doing made itself into the global phenomenon that it has now become.

Looking back on the period between 1815 and 1848, quite a few scholars describe it as a time of British hegemony. By implication, the liberal world did not make itself, as I just suggested somewhat rhetorically. Britain made it, and the British made it in the first instance for their own benefit. Furthermore, Britain intentionally made this world liberal. And, finally, only a liberal Britain could, or would, have done so.

It should be clear that I do not think Britain was a liberal society during these years. Undoubtedly the British government helped a great deal to make this world liberal by conducting its relations with other governments on the general premise that intervention is to be avoided. By persuading Continental powers to forego intervention, it offered real protection to the smaller, more vulnerable states throughout international society. Yet Britain did not take the initiative in developing jurisdictional rules and trade agreements to assure commercial prosperity. Commercial dominance, not to mention imperial interests, made such rules less important to Britain than they were to other members of the liberal world. Instead British prosperity prompted the United States to take the initiative in this

respect.²⁴ Indeed, respect for law, peaceful relations and the cascading effects of prosperity, far more than British hegemony in any active sense, set the liberal world on its course.

2. Intervention in international relations, 1818-1841

A diplomat for the United States between 1827 to 1846, Wheaton was a close observer of European affairs.²⁵ In his *Elements of International Law*, we find him reviewing a series of episodes that bear on the character and propriety of intervention. Everyone writing after Wheaton has used pretty much the same list: Austria's intervention in Italy (1821); France's intervention in Spain (1823-1827); the insistence by Britain and the United States that no state intervene in "the contest between Spain and her revolted American colonies" (1822-1825); Britain's intervention in Portugal (1826-1828); the intervention of Britain, France and Russia in the contest between the Ottoman Empire and Greek insurgents (1821-1830).²⁶ When Wheaton revised *Elements* for a new edition (1846), he added two episodes: Anglo-Austrian intervention against Egypt in its contest with the Ottoman Empire (1839-1841); the five power intervention in the Netherlands to provide for Belgian independence (1830-1839).²⁷ The interventionary episodes on Wheaton's list are connected in some instances,

²⁴ See further Nicholas Onuf, "Hegemony's Hegemony in International Political Economy," in Kurt Burch and Robert A. Denemark, eds., *Constituting International Political Economy* (Boulder: Lynne Rienner Publishers, 1997), pp. 101-9.

²⁵ On Wheaton's career as constitutional lawyer and diplomat, see Elizabeth Feaster Baker, *Henry Wheaton 1785-1848* (Philadelphia: University of Pennsylvania Press, 1937).

²⁶ Wheaton, *Elements of International Law*, II, i, §§ 6-10, pp. 86-94, quoting §8, p. 88.

²⁷ Henry Wheaton, *Elements of International Law*, 3rd ed. (Philadelphia: Lea and

overlap in time and are hard to date precisely. Although the dates provided above are mine, not his, I review these seven episodes in the same order that he did.

Wheaton's list begins with Concert system—"a perpetual system of intervention," I quoted him earlier as saying. Wheaton reacted to this system with the same distaste that marked Britain's grudging acquiescence to its creation in 1818 at the Congress of Aix-la-Chapelle. He clearly preferred the British position on the right of intervention, which Castlereagh, as foreign minister, had articulated in 1818 and reaffirmed on a number of occasions before his death in 1822. In Wheaton's rendition, intervention could "only...be justified by the strongest necessity," and which could never "receive a general and indiscriminate application to all revolutionary movements...."²⁸

Revolution was very much the issue. By 1820 Spain's empire in the Americas had all but disintegrated. Early that year revolution came to Spain itself, and with it came a new government proclaiming a constitution variously described as "ultra-liberal" and "radical and impractical."²⁹ Against the expectations of Continental leaders, revolution soon spread to Naples, an ally of Austria's. Metternich, as Austria's foreign minister, managed to summon a conference at Troppau late in 1820. Beyond sending observers, Britain and France did not participate in the conference. By the terms of the Troppau protocol, Austria secured authorization to intervene in Naples subject to some unwanted

Blanchard, 1846), II, i, §§ 11-12, pp. 115-9.

²⁸ Wheaton, *Elements of International Law*, 1st ed., II, i, § 6, p. 86.

²⁹ Kissinger, *A World Restored*, p. 248; Schroeder, *The Transformation of European Politics*, p. 608.

constraints. Meeting again early in 1821, this time in Laibach, with the ruler of Naples, Metternich and his like-minded colleagues cleared the path for Austrian intervention.

Spain was another matter. Castlereagh had decided to participate when the powers assembled yet again, but, increasingly isolated from his own government, he took his life before the Congress of Verona took place in 1822. The Congress had two consequences. First, Britain found itself so much at odds with the other powers that Canning, the new foreign minister, took an even firmer position than his predecessor had on non-intervention.³⁰ Second, the Congress produced an agreement among the four other great powers that led finally, after many complications, to French military intervention and the end of revolution in Spain. Predictably Wheaton took Britain's side in reporting the episode. "The British government disclaimed for itself, and denied to other powers, the right of requiring any changes in the internal institutions of other states, with the menace of hostile attack in case of refusal. It did not consider the Spanish revolution as affording a case of that direct and imminent danger to the safety of other states, which might justify a forcible interference."³¹

³⁰ On Temperley's assessment, Canning had always been more liberal than his predecessor, and always more firmly opposed to intervention. *Life of Canning*, pp. 137-42. On intervention in Spain, see *ibid.*, pp. 152-71.

³¹ Wheaton, *Elements of International Law*, 1st ed., II, i, § 7, p. 87. Also see Temperley, *Life of Canning*, pp. 155-71.

Revolution had come to Spanish America years before.³² By the time of the Congress of Vienna, Spain had regained most of the authority lost to insurgents in 1810. Yet European powers were reluctant to intervene on Spain's behalf, even though it became clear in the next three years that Spain would lose the struggle. As the leading commercial power, Britain gained the most from inaction, given Spain's refusal to allow trade with its colonies, and Castlereagh made sure that nothing happened. Trouble came not from Europe but from the Americas, where the United States gained a great deal from Spanish weakness. After a territorial settlement in 1819 gave the United States Florida in exchange for claims on Texas, the United States no longer had that reason at least to defer recognizing Spanish American states that had made good on their claims of independence.

Under discussion in the United States since 1811, recognition offered rewards—commercial advantages and the opportunity to foster republican institutions—but risked difficulties with Europe. Spain would treat recognition as a hostile, interventionary act, and a Europe set on rolling back revolution at home might take action wherever it deemed necessary. At the end of 1821, Monroe and Adams, as President and Secretary of State, judged the risks for the United States greater than the rewards. Two months later, they reversed themselves. On James Lewis's careful assessment, they realized “that recognition might check the spread of European influence and arrest the descent of

³² I draw here chiefly on Webster, *The Foreign Policy of Castlereagh*, pp. 404-36; Schroeder, *The Transformation of European Politics*, pp. 628-36; James E. Lewis, Jr., *The American Union and the Problem of Neighborhood: The United States and the Collapse of the Spanish Empire, 1783-1829* (Chapel Hill: University of North Carolina Press, 1998).

Spanish American republics into monarchy.”³³ The United States recognized Buenos Aires, Chile, Colombia, Mexico and Peru as independent states in 1822 and undertook to establish diplomatic relations the following year.

Recognition did capture European attention and forced Britain into an more active stance. Preparing for Verona, Castlereagh’s instructions (they were to have been for himself) suggested that the situation was already one of *de facto* recognition, but that formal recognition was inappropriate until Spain accepted the independence of its colonies: “It is for the two contending parties themselves to settle the question of title, not for third parties to interfere.”³⁴ At Verona, there was little enthusiasm for a British proposal for joint *de facto* recognition. Canning then turned to the United States. He proposed a joint statement warning the other European powers against intervention on Spain’s behalf. President Monroe famously outflanked Canning by declaring unilaterally in 1823 that the Americas were off-limits to Europe. British interests were well enough served in the event, and European powers were little enough disposed to challenge the outcome. With Spain’s conclusive military defeat at the end of 1824 finally came British recognition.

Ever since the collapse of the Spanish American empire, recognition has been the device by which the members of international society collectively admit new members to that society on equal terms. Yet states accord recognition to claimant-states on a case-by-case basis. Governments have broad discretion in choosing whether to recognize and when to do so. In cases where the claimant-state has declared its independence from a state already a recognized member of international society,

³³ Lewis, *The American Union and the Problem of Neighborhood*, p. 166.

³⁴ Quoted in Webster, *The Foreign Policy of Castlereagh*, p. 434.

the latter's government is likely to object strenuously when any other government proposes to recognize the claimant-state. Indeed, there will be cries of intervention.

Nevertheless, the regular practice of states, from 1822 on, suggest that these acts are *not*, in any legal sense, interventionary, even if they turn out to be ill-considered, isolated and ineffective. We might better say that the right to accord recognition comes with a duty not otherwise to intervene in the affairs of other states, whether by force or by providing assistance to insurgents. By exercising the right to recognize a claimant-state, the government of a state may induce other governments to follow suit. When enough do so, they have made the claimant into a state, which any of them may then materially support. In short, recognition inhibits intervention by normalizing its practice in a limited but constitutively significant respect. The Monroe Doctrine makes explicit the necessary relationship between recognition and intervention, and it makes this relationship a constitutive feature of the liberal world.

Revolution against Spain brought no help from Continental powers. Instead, recognition and non-intervention insured the end of its empire. Revolution in Spain brought military intervention in 1823. The last French troops withdrew in 1827. As Spain's traditional foe and chief European beneficiary of the collapse of the empire, Britain had a longstanding alliance with Spain's Iberian neighbor, Portugal.³⁵ In 1822 Portugal's king reluctantly returned from many years in Brazil, where

³⁵ This episode has excited little interest among diplomatic historians. The most useful sources are Temperley, *Life of Canning*, pp. 197-204; Richard Little, *Intervention: External Involvement in Civil Wars* (Totowa, NJ: Rowman and Littlefield, 1975), pp. 47-50, 195-7.

Napoleon had driven him, to rule within newly adopted constitutional limits. The king died in 1826. His older son, still in Brazil, renounced the throne, adopted a new constitution and named a regent. Residing in Vienna, the king's younger son, Miguel, agitated for a return to absolutism with himself as king, and his supporters gathered in Spain, where French intervention had meant a return to the old regime.

With Continental support, Portuguese dissidents launched armed attacks from Spain. Simultaneously, Spanish dissidents menaced Spain from Portuguese territory. Canning responded to pleas for help by supporting the Portuguese constitution and sending British troops. Given the "hostile aggression of Spain," the British were "bound to interfere," in Wheaton's words, "on behalf of Portugal by the obligations of treaty."³⁶ British troops delayed leaving Portugal until French troops left Spain. Canning died in 1827. Pressed by Austria, the British government allowed Miguel to assume the regency the following year. Although he immediately repudiated the constitution, the government in Britain chose to view this provocation as an internal matter, and its troops thereupon left Portugal.

The Spanish Empire was not the only Empire to experience revolution in the 1820s. It unduly simplifies matters to say that Greek nationalists rose up against the Ottoman Empire in 1821.³⁷

³⁶ Wheaton, *Elements of International Law*, 1st ed., II, i, § 9, p. 91.

³⁷ My sources here are George Finlay, *A History of Greece from Its Conquest by the Romans to the Present Time B.C. 146 to A.D. 1864*, Vol. VI, *The Greek Revolution. Part I, A.D. 1821-1827* (New York: AMS Press, 1970, reprinting ed. of 1877), pp. 96-438; Kissinger, *A World Restored*, pp. 286-311; William St. Clair, *That Greece Might Still Be Free: The Philhellenes in the War of Independence* (London: Oxford University Press, 1972); Paul Constantine Pappas, *The*

Banditry prevailed over much of Greece; Ottoman control was remote at best. While many Greek insurgents were warlords who happened to be Greek, other more cosmopolitan Greeks, many of whom lived abroad, made a cause of independence and joined the fray. Much blood was shed, Turkish blood first when Greeks massacred thousands of Turks in the Peloponnese. As violence spread, both sides committed atrocities costing tens of thousands of lives. Ruler of an already dilapidated empire, the Sultan could no more afford to ignore the uprising among Orthodox Christians than the Tsar of Russia could be expected to ignore the fate of his co-religionists. The crisis brought Russia and the Turks to the verge of war in 1822.

Great power diplomacy succeeded in keeping the peace regionally. Greek insurgents persisted in their quest for freedom, which brought them a good deal of attention in Europe. So did continuing massacres, especially when, as on the island of Chios, Moslems committed them against Christians.³⁸

United States and the Greek War for Independence, 1821-1828 (New York: Columbia University Press, 1985), pp. 1-26; Paul Johnson, *The Birth of the Modern: World Society 1815-1830* (New York: HarperCollins, 1991), pp. 672-701; Schroeder, *The Transformation of European Politics*, pp. 614-21, 637-53; Yannis Stivachtis, *The Enlargement of International Society: Culture versus Anarchy and Greece's Entry into International Society* (New York: St. Martin's Press, 1998), pp. 112-86.

³⁸ Home to over 100,000 people, almost all of them Greek, Chios fell to revolutionaries in 1822. Turkish forces were joined by thousands of other Turks in retaking the island. Even islanders living in Constantinople were massacred. Some 41,000 people not massacred on the island were sold into slavery. Finlay, *A History of Greece*, pp. 250-62; St. Clair, *That Greece Might Still Be Free*,

Progressive European intellectuals, many of whom romanticized Greece as the cradle of Western civilization, made the Greek cause their own.

Hundreds of volunteers, including quite a few military men, arrived in Greece only to find their sentiments not appreciated and their talents wasted. Throughout Europe and the United States philhellenic societies raised considerable sums of money. The most famous European to intervene personally was the British poet Byron. Recruited by the London Greek Committee, Byron brought substantial personal resources, energy and flair to the cause. Yet all this was to no avail; a frustrated Byron died in Greece in 1824.

As the insurgency dragged on, support dwindled, internal feuding took its toll and the Sultan received decisive help from Ali, the Albanian soldier-ruler of an almost autonomous Egypt. Fearing Russian intervention to counter Egypt's, Canning arranged an Anglo-Russian agreement in 1826 to make Greece effectively free but nominally within the Ottoman Empire, thereby guaranteeing Greece a status not very different from Egypt's. French support the following year produced a three-power agreement to impose peace on the warring parties. With Ali's backing, the Sultan resisted the allied plan for Greek autonomy until the allied fleet destroyed the Ottoman fleet at Navarino in 1827. Russia took advantage of Turkish weakness by going to war in 1828; its settlement two years later produced a fully independent Greece.

Early on, the Greek independence movement excited European intellectuals. Religiously motivated massacres outraged much larger numbers of Europeans and afforded governments a

pp. 78-81.

justification for intervention in the affairs of the Ottoman Empire. Religious sentiments made intervention over Greece an easy choice for a Russia already predisposed to intervention in general. Humanitarian and religious concerns combined to inflame the liberal world and to override the resistance to intervention so typical of the British government. Nevertheless, between 1821 and 1824, distrustful governments were content to prevent other governments from intervening in Greece. At the same time, nongovernmental intervention proved utterly ineffectual.

When governments finally turned to intervention, the humanitarian justification for doing so had lost its force. Navarino was all but accidental. Yet at this very time, nongovernmental intervention began to make a difference. Exhausted by war, Greece faced starvation, to which philhellenic societies in the United States responded by sending enough relief to save a large number of lives. Claiming the Greek episode as an example of humanitarian intervention calls for a host of qualifications. Yet soon afterwards we find writers such as Wheaton making this claim, without qualification and in the most generalized, not to mention rhetorically excessive, terms.

In a ruder age the nations of Europe, impelled by a generous and enthusiastic feeling of sympathy, inundated the plains of Asia to recover the holy sepulchre from the possession of infidels, and to deliver the Christian pilgrims from the merciless oppressions practiced by the Saracens. The Protestant princes and states of Europe, during the sixteenth and seventeenth centuries, did not scruple to confederate and wage war in order to secure the freedom of religious worship for the votaries of their faith in the bosom of Catholic communities to whose subjects it was denied. Still more justifiable was the interference of the Christian powers of Europe to rescue a whole nation [Greece], not merely from religious persecution, but from the cruel alternative of being transported from their native land into Egyptian bondage, or exterminated by their

merciless oppressors. The rights of human nature, wantonly outraged by this cruel warfare, prosecuted for six years against a civilized and Christian people, to whose ancestors mankind are so largely indebted for the blessings of arts and letters, were but tardily and imperfectly vindicated by this measure; but its principle was fully justified by the great paramount law of self-preservation. “Whatever a nation may lawfully defend for itself, it may defend for another people, if called upon to interpose.” The interference of the Christian powers to put an end to this bloody contest might therefore have been safely rested upon this ground alone, without appealing to the interest of commerce or the repose of Europe, which, as well as the interests of humanity, are alluded to in the treaty [of 1827] as the determining motives of the high contracting parties.³⁹

Wheaton saw progress in the history of Christian Europe, as measured by a commitment to religious freedom and human welfare. Moral progress far beyond that seen in the rest of the world provided the broadest possible justification for intervention. Wheaton acknowledged that governments had other reasons for intervening on behalf of the Greeks. Yet the one justification he chose to emphasize derives from the right of self-determination, which he linked to the right to seek assistance for self-preservation. Looking back in 1921, Ellery Stowell also thought that “the motive of the [Greek] intervention would seem to have been to protect the rights of self-determination, rather than put an end to the conflict and the uncivilized methods by which it was conducted.”⁴⁰ In the end, what

³⁹ Wheaton, *Elements of International Law*, 1st ed., II, i, § 10, pp. 93-4.

⁴⁰ Stowell, *Intervention in International Law*, pp. 126-7, footnotes deleted.

mattered most was the Greek cause, because freedom, as the mark of civilization and moral progress, justified atrocities on one side, but not the other.⁴¹

Peace between Russia and the Ottoman Empire hardly ended the instability in the region. Egypt's Ali continued to threaten the Empire from within, and by provoking Russia, from without as well. Matters turned critical in 1838 when Ali decided on independence for an Egypt that would also include Syria and then took military action.⁴² Except for France, the European powers agree to help the Sultan, who had made a formal request for assistance, and stop Ali. The French government preferred less drastic measures; cut out, the French were furious to the point of war with Britain. To support an uprising in Beirut, the British bombarded the city from the sea and then joined with Turkish, Austrian and rebel forces to drive the Egyptians from Syria. In 1840 Ali agreed to the loss of Syria and accepted Egypt's place in the Ottoman Empire.

⁴¹ Of course not everyone committed to the Greek cause took this view. Byron wrote: "Coming to Greece, one of my principal objects was to relieve as much as possible the miseries incident to a warfare so cruel as the present. When the dictates of humanity are in question, I know no difference between Turks and Greeks." Letter to Mr. Mayer, British Consul in Préveza, Greece, 21 February 1824?, in Leslie A. Marchand, *'For Freedom's Battle': Byron's Letters and Journals, Vol. 11, 1823-1824* (Cambridge, MA: Harvard University Press, 1981), p. 118.

⁴² Henry Wheaton, *History of the Law of Nations in Europe and America; from the Earliest Times to the Treaty of Washington, 1842* (New York: Gould, Banks, 1845), pp. 538-555; Schroeder, *The Transformation of European Politics*, pp. 726-47.

The last episode on Wheaton's list is the five-power intervention against the Netherlands to guarantee Belgium's independence.⁴³ The Belgians rose up against a repressive Dutch king in 1830. Violence against unarmed Belgians merely accelerated the defeat of Dutch forces. For a variety of reasons, the great powers refused to help the king, who in turn refused to come to terms over two years of negotiations. French military action finally proved decisive, and in 1833 the king accepted most of the conditions that the powers had agreed to impose on him in 1831. Even then, negotiations over remaining issues dragged on until a final agreement in 1839, by which the Netherlands formally recognized Belgium and the great powers guaranteed its neutrality.

Neither of the last two episodes on Wheaton's list seem to involve humanitarian considerations except in the most incidental way. Yet John Stuart Mill thought otherwise. Writing in 1849, he held that at least one new principle "had been introduced into the conduct of nations toward one another" during the previous thirty years.⁴⁴

It is, that whenever two countries, or two parts of the same country, are engaged in war, the war either continues long undecided, or threatens to be decided in a way

⁴³ Wheaton, *History of the Law of Nations*, pp. 563-83; Schroeder, *The Transformation of European Politics*, pp. 670-91, 716-8.

⁴⁴ John Stuart Mill, "Vindication of the French Revolution of February 1848, in Reply to Lord Brougham and Others" (1849), in *Dissertation and Discussions: Political, Philosophical, and Historical*, Vol. II (New York: Haskell House, [1859] 1973), p. 379. Also see John Stuart Mill, "A Few Words on Non-Intervention" (1859), in *Dissertation and Discussions: Political, Philosophical, and Historical*, Vol. III (Boston William V. Spencer, 1864), p. 257.

involving consequences repugnant to humanity or to the general interest, other countries have a right to step in; to settle among themselves what they consider reasonable terms of accommodation, and if these are not accepted, to interfere by force, and compel the recusant party to submit to the mandate. This new doctrine has been acted on by a combination of the great powers of Europe, in three celebrated instances: the interference between Greece and Turkey at Navarino; between Holland and Belgium at Antwerp; and between Turkey and Egypt at St. Jean d'Acre [then in Syria, today in Israel]. It is too late in the day, after these precedents, to tell us that nations may not forcibly interfere with one another for the sole purpose of stopping mischief and benefiting humanity.⁴⁵

Mill's enthusiasm for a new rule of international law arises from three episodes in which no one acting on behalf of the great powers could be said to have been solely or even chiefly motivated by humanitarian considerations. Public indignation over the treatment of the Greeks, not statecraft, gave the Greek episode whatever precedential value it came to have. Far less affected by public concern, the two other episodes would seem at most to point to the management of civil wars as a regular, coordinated practice of the great powers. The common motive and frequently reiterated justification for this practice was the peace and order of Europe, and not the benefit of humanity.

All three episodes make it clear that the great powers had become less disposed than they were in 1818 to intervene with their neighbors and stamp out insurgencies. Protracted civil wars threatened the public order of Europe, made diplomatic intervention imperative and made military intervention acceptable. Shifting practice did not amount to a concession that people have a right of self-determination once they constitute themselves as a nation. As we saw, Wheaton seemed to suggest

⁴⁵ Mill, "Vindication of the French Revolution," p. 380.

that the Greek episode confirmed the right of national self-determination. Liberal sentiment then and since has favored such a right; Mill clearly did so. He famously argued against intervention to assist people struggling for independence because they should do it for themselves to appreciate what it means, and not because they had no right to try.⁴⁶ For states and their leaders, such struggles could be matters of great consequence, but they were matters of fact.

By law and practice, governments were free to suppress insurgencies within their borders, and to seek help from other governments in doing so. Other governments could act only within the limits set by the rights and duties that recognition entailed; recognition of the insurgents was, in effect, admissible intervention but not to be undertaken lightly. Nor was intervention to protect the peace and order of Europe a casual matter. The mere fact of prolonged civil war was not enough. In Canning's words, intervention is appropriate only "in great emergencies and then with commanding force."⁴⁷

Whether or when a particular situation constitutes an "emergency" and what makes force "commanding" are never self-evident matters. All seven of the interventionary episodes that I review took place in diplomatic contexts far more extensive and intricate than I have been able to convey in these few pages. Governments attempted to persuade each other situations had, or had not, become emergencies, to which they might singly or should severally respond. In general the most reluctant to respond, even the British government could see the need on some occasions.

⁴⁶ Mill, "A Few Words on Non-Intervention," pp. 258-61.

⁴⁷ Quoted in Webster, *The Foreign Policy of Castlereagh*, p. 147, and Vincent, *Nonintervention and International Order*, p. 82.

Always attentive to rights, liberals concede the need for minimal security, such as the police and the fire brigade provide domestically. Emergencies come in many forms, but none commands more attention and a quicker, more effective response than those that involve sudden human peril and suffering. Nevertheless, someone has to ring the alarm. In an international context, humanitarian emergency makes it possible for governments to find a common ground for intervention, while their many other concerns—diverse, undisclosed and often at odds—do not. First, there must be a concerted campaign to bring attention to extraordinary human suffering and to subject those who are responsible for it to moral condemnation. Once alarmed, governments can figure out what to do.

The Greek episode served as a model for the construction of a humanitarian emergency and the use of commanding force in responding to it. If the details tend to confound the model, then the kind of rhetoric that Wheaton deployed more than compensated. Mill could see the same elements in the interventions against Egypt and The Netherlands, if I may say, without looking very hard. From Wheaton and Mill to Oppenheim-Lauterpacht, the model, not the subtleties of practice, suffice to make intervention on humanitarian grounds permissible under international law.

3. Social reform, intervention and empire

Diplomatic and social histories of any given period often seem completely unrelated, even when one might think that large political issues might give them something in common. Diplomatic histories of the period after Vienna typically focus on the politics of intervention and make passing reference to social and political upheavals that spread so contagiously across Europe. Not coincidentally, humanitarian concerns swept the liberal world during this same period. Yet diplomatic histories seem generally to be oblivious to these concerns and, when they intrude, as in the Greek episode, tend to

minimize them.⁴⁸ It is this disregard, I suggest, that makes claims on behalf of humanitarian intervention, such as Wheaton's and Mill's, so rhetorically inventive and so wanting by reference to practice.

Social histories offer quite a contrast. They tend to be national histories, at least for the decades after Vienna. Historians and philosophers at the time found a potent symbol in the nation, and later historians could plausibly think that the Vienna settlement provided national societies with the freedom to fulfill their respective historical destinies. Social history bears on politics—national politics and not the international politics to which diplomatic historians attend. In Britain's case, humanitarian concerns were an integral feature of the social history of the time. Simultaneously, calls for the government to address these concerns, and to intervene where needed to redress humanitarian abuses, were central to national political history.

Linda Colley's wonderful book, *Britons*, nicely illustrates these claims.⁴⁹ In her treatment of the period after Vienna, reform is the dominant theme, captured by three episodes of social and political

⁴⁸ For example, Schroeder, *The Transformation of European Politics*, simply ignored the humanitarian dimension in his treatment of the Greek episode. When Kalevi J. Holsti listed 22 issues that contributed to armed intervention and war between 1815 and 1914, the protection of ethnic and religious "confrères" ranked 4th and 10th, but humanitarian concerns do not even make the list. *Peace and War: Armed Conflicts and International Order 1648-1989* (Cambridge: Cambridge University Press, 1991), p. 144.

⁴⁹ Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven: Yale University Press, 1992), pp. 321-363.

struggle: Catholic emancipation, achieved by act of Parliament in 1829; parliamentary reform enacted in 1832; and the emancipation of slaves throughout the empire by Parliamentary acts in 1833 and 1838. Poor law reform and factory reform also animated those years. Although Colley ended her story in 1837 when Victoria became queen, the struggle for reform continued unabated with the Chartist movement and efforts to repeal the Corn Laws, finally successful in 1846.

In the broadest sense, humanitarian concerns always motivate social reform. Yet the term “humanitarian” normally suggests a concern for others more than for one’s own situation. “Humanitarianism, the leaven of the age of reform, was a revulsion from suffering and a compassion for the miserable.”⁵⁰ Working men and women embraced the cause of Parliamentary reform to the benefit of their class, and not out of compassion for others. Thereafter reform movements divided along class lines.⁵¹ Working class movements propelled poor law and factory reform, Chartism and the efforts to repeal the Corn Laws. Only to the extent that these movements secured the sympathy and support of middle class liberals were they humanitarian.

The issue of Catholic emancipation also split Britain, but not along class lines. Hostility to Catholicism was an abiding feature of British history and the culture of all classes. With the Glorious Revolution, Catholics lost all political rights. Bringing Ireland into the United Kingdom in 1800 only

⁵⁰ Raymond G. Cowherd, *The Politics of English Dissent: The Religious Aspects of Liberal and Humanitarian Reform Movements from 1815 to 1848* (New York: New York University Press, 1956), p. 7.

⁵¹ Hannah Barker, *Newspapers, Politics and English Society, 1695-1855* (London: Longman, 2000), pp. 208-20.

made matters worse, and so did the arrival after 1815 of poor Irish Catholics in Britain.⁵² Under Daniel O’Connell’s leadership, Irish Catholics mobilized for massive and concerted action to achieve political autonomy for Ireland, or political rights for the Irish, within the United Kingdom. As with working class movements, the efforts of the Irish to free themselves from oppression were not motivated by humanitarian concerns in any direct and obvious sense.

Yet the issue of Catholic emancipation also took on major proportions within Britain. In its time, it was, according to Wendy Hinde, “the most controversial and intractable issue in English politics.”⁵³ On the one hand, evangelical fervor among Protestants worked against accommodation. On the other hand, many evangelical Protestants were members of dissenting sects whose rights were also limited.⁵⁴ Furthermore, a considerable number of middle class liberals supported emancipation for

⁵² On Catholic emancipation and its relation to the Irish question, see Johnson, *The Birth of the Modern*, pp. 917-29; Colley, *Britons*, pp. 322-34; Wendy Hinde, *Catholic Emancipation: A Shake to Men’s Minds* (Oxford: Blackwell, 1992); Charles Tilly, *Durable Inequality* (Berkeley and Los Angeles: University of California Press, 1998), pp. 205-17.

⁵³ Hinde, *Catholic Emancipation*, p. 1.

⁵⁴ On the “evangelical ferment of the late 1820s,” see D. W. Bebbington, *Evangelicalism in Modern Britain: A History from the 1730s to the 1980s* (London: Unwin Hyman, 1989), pp. 75-104, quoting p. 97; on humanitarian and concerns and agitation for social reform among evangelical Protestants, also see pp. 69-72, 132-7, and Cowherd, *The Politics of English Dissent*; on the “evangelisation of indigenous peoples,” see C. A. Bayley, *Imperial Meridian: The British Empire and the World 1780-1830* (London: Longman, 1989), pp. 136-147, quoting p. 144. In the United States,

what we must consider humanitarian reasons. In 1829 a broad and heterogeneous movement for emancipation finally succeeded in doing what even the threat of revolution in Ireland could not.

Colley's third example of social reform is the abolition of slavery in the British Empire. The long story of slavery's place in the Americas, its importance to Europe, and the circumstances under which the institution was finally dismantled is a dauntingly difficult one to tell in a short space.⁵⁵

Assessing motives of those who led the abolition movement is even more daunting.⁵⁶ Slavery earned the attention, and opprobrium, of Enlightenment intellectuals in the 1760s. As early as 1772 British courts ruled against holding slaves in Britain, where there were very few to start with. At this early date, motives were relatively clear and uncomplicated; slavery was "odious" and the "inconvenience" caused by ending it minimal.⁵⁷

this same period of ferment is known as "the second great awakening."

⁵⁵ All the more because there is so much scholarship on the subject. I have relied on Cowherd, *The Politics of English Dissent*, pp. 46-63; Johnson, *The Birth of the Modern*, pp. 321-33; Colley, *Britons*, pp. 35-60; Andrew Porter, "Trusteeship, Anti-Slavery and Humanitarianism," in Porter, ed. *The Oxford History of the British Empire, Vol. III, The Nineteenth Century* (Oxford: Oxford University Press, 1999), pp. 198-221.

⁵⁶ Consider Jefferson's opposition to, and support of, slavery in the United States, and see Peter S. Onuf's riveting explication of a stance that has long baffled historians. *Jefferson's Empire: The Language of American Nationhood* (Charlottesville: University Press of Virginia, 2000), pp. 147-88.

⁵⁷ Johnson, *The Birth of the Modern*, pp. 322.

Anti-slavery agitation emanated from dissident and often evangelical religious groups. By the 1780s, anti-slavery sentiments took over the whole of British society, with slavery in the Caribbean their primary target. We should not conclude, however, that religious scruples or altruistic sentiments on their own motivated such an outpouring of concern for the welfare of others. Some decades ago, Eric Williams claimed that altruism came cheap because slavery was no longer profitable.⁵⁸ Colley suggested a link with the loss of North American colonies. Britons “had warred against fellow Protestants. And they had been duly punished. In this mood, the slave trade, so obviously questionable in moral terms, and so productive of worldly profit and luxury, seemed far more of a liability.”⁵⁹ In effect, Colley’s argument turns Williams’ on its head. The very fact that Britons had profited, and continued to do so, made altruism meaningful and gave the movement much of its power.

In 1807 Parliament ended slave trading throughout the empire. Thereupon millions of people from all walks of life petitioned Parliament to end the continued use of slaves anywhere in Empire. Success came in the 1830s, long after Britain had forgotten its ignominious defeat in North America. In Colley’s judgment, slavery in the United States helped to keep the movement going for so many years. “Anti-slavery became an emblem of national virtue, a means by which the British could impress foreigners with their innate love of liberty and reassure themselves whenever their own faith was in danger of flagging.”⁶⁰ While this judgment sounds entirely plausible, “disinterested motives” also played

⁵⁸ Eric Williams, *Capitalism and Slavery* (Chapel Hill: University of North Carolina Press, 1944).

⁵⁹ Colley, *Britons*, p. 353.

⁶⁰ *Ibid.*, p. 354.

a part in the movement to abolish slavery in the empire. Mixed motives no doubt characterized the abolition movement in United States, just as they do whenever people engage in sustained social action on any scale.

In this great period of social reform in Britain and the empire, there is yet another episode that neither Colley nor my other sources mentioned: the abolition in 1829 of *sati* (also called *suttee*) in those parts of India under the direct control of the East India Company. Never widespread but lingering on even today, *sati* is the Hindu practice of burning wives with their deceased husbands. Every aspect of this practice has excited scholarly controversy, not least over the capacity of the British and other Europeans to understand its cultural meaning.⁶¹ Inevitably its abolition has come to be seen as an exemplary instance of one civilization imposing its moral sensibilities on another. For the British, this was humanitarian intervention, made easier and all the more imperative because this reprehensible practice took place within the empire. Yet British motives were a good deal less clear than this characterization suggests.⁶²

⁶¹ Even the term *sati* resists translation—a symptom of incommensurable cognitive and normative structures orienting whole civilizations. On problems of translation, see John Stratton Hawley, “Introduction,” in Hawley, ed., *Sati, the Blessing and the Curse: The Burning of Wives in India* (New York: Oxford University Press, 1994), pp. 11-5. For an exceptionally subtle effort to make *sati* intelligible within the context of Hinduism, see Catherine Weinberger-Thomas, *Ashes of Immortality: Widow-Burning in India*, trans. by Jeffrey Mehlman and David Gordon White (Chicago: University of Chicago Press, 1999).

⁶² Jörg Fisch brought the abolition of *sati* to my attention and alerted me to the complexity of

The East India Company assumed political control over Bengal in 1765. In civil matters, company officers sought to minimize interference with local practices by governing Hindu and Moslem communities with their own traditional, religiously-based systems of law. Many Hindu practices varied across regions and in the source of their validity. Relatively infrequent even in the higher castes where it had long been practiced, *sati* was a confusing but highly visible illustration of this kind of variability. In 1789 the British decided to allow *sati*, but also to regulate its practice, most importantly by demanding that widows consent to their immolation.

Thereafter the incidence of *sati* increased substantially, no doubt for a number of reasons. Company officers kept better records. Higher caste Hindus resented British interference at the same time they adopted the British taste for textual authority and cultural self-awareness. Colonial tax collection adversely affected the more privileged castes in Hindu society. Reports of coerced immolation also increased, suggesting that hard times prompted some families to rid themselves of burdensome widows.

British motives in doing so. I have made use of the following materials in this discussion: V. N. Datta, *Sati: A Historical, Social and Philosophical Enquiry into the Hindu Rite of Widow Burning* (Riverdale, MD: Riverdale 1988); Jörg Fisch, *Tödliche Rituale, Die indische Witwenverbrennung und andere Formen der Totenfolge* (Frankfurt: Campus Verlag, 1998), pp. 213-328; Lata Mani, *Contentious Traditions: The Debate on Sati in Colonial India* (Berkeley and Los Angeles: University of California Press, 1998).

Many company officers expressed moral indignation. Outraged British missionaries began to make their presence felt after 1800, both in Bengal and back in Britain. Evangelists made *sati* an issue in 1813 when Parliament renewed the East India Company's charter. In the following years, missionary publications focused public awareness on the moral horror of *sati* and the moral error of tolerating its practice. Despite building pressure, abolition had to wait for a Governor-General who thought the humanitarian costs of *sati* outweighed the practical benefits of keeping it legal. Soon after assuming that post in 1828, William Bentinck did so.

First Bentinck queried judicial officers and found them largely opposed to allowing *sati* under any condition. He also queried military officers and found them generally of the view that abolition was not likely to cause civil unrest or induce Hindu troops under their command to mutiny. Then, by exercising the power of his office, he intervened decisively by prohibiting *sati*, and the practice rapidly dwindled.

A number of Hindu notables upset with Bentinck's decision presented the Privy Council in London with a legal petition to overturn it. The East India Company's counter-petition held that the Company had given "just attention to the religious opinions and customs of the natives so far as compatible with the paramount claims of humanity and justice."⁶³ Popular religious sentiment strongly supported the Company's position, which the Privy Council accepted in 1832.

In this episode of social reform, the role of a single individual conveniently focuses the question of motives. Bentinck was an aristocrat but also a liberal—in the words of John Rosselli, Bentinck's

⁶³ Quoted in Datta, *Sati*, p. 143.

biographer—a “liberal imperialist.”⁶⁴ The best account of his motives is the one that he provided himself when he abolished *sati* in 1829.

Whether the question be to continue or discontinue the practice of suttee, the decision is equally surrounded by an awful responsibility. To consent to the consignment, year after year, of hundreds of innocent victims to a cruel and untimely end, when the power exists of preventing it, is a predicament which no conscience can contemplate without horror. But on the other hand, if heretofore received opinions are to be considered of any value, to put to hazard, by a contrary course, the very safety of the British empire in India, and to extinguish at once all hopes of those great improvements affecting the condition, not of hundreds and thousands, but of millions, which can only be expected from the continuance of our supremacy, is an alternative which, even in the light of humanity itself, may be considered as a still greater evil. It is upon this first and highest consideration alone, the good of mankind, that the tolerance of this inhuman and impious rite can, in my opinion, be justified on the part of the government of a civilized nation.⁶⁵

For Bentinck, the empire came first because its benefit to humanity exceeded all else. Only insofar as the abolition of *sati* did nothing to compromise the integrity of the empire or diminish its effectiveness was this an appropriate course of action. In such a case abolition was appropriate, even demanded, on religious and humanitarian grounds. John Rosselli thought it significant that Bentinck was evangelically inclined; V. N. Datta thought his utilitarian connections and commitments were more

⁶⁴ John Rosselli, Lord William Bentinck: *The Making of a Liberal Imperialist 1744-1839* (Berkeley and Los Angeles: University of California Press, 1974).

⁶⁵ William Bentinck, “Minute on Sati, 8 November 1829,” reprinted in Datta, *Sati*, p. 237.

important.⁶⁶ This is quibbling. As Rosselli observed, “in the early nineteenth century the Evangelical and Utilitarian paths converged,” and they converged on the humanitarian need to intervene in societies not meeting civilized standards. The cause of the Greeks had produced a similar convergence. Although Byron was no admirer of Bentham, utilitarians dominated the London Greek Committee. “Philhellenism was to be an experiment in practical utilitarianism.”⁶⁷ The fact of empire made intervention in India easier than it had been in Greece but no less imperative.⁶⁸

Social reform dominated British politics in the 1820s and 30s. Reformers and their supporters came from all sectors of the society and joined forces for many reasons, among them a humanitarian concern for the plight of others. As we saw with Bentinck, humanitarian sentiments drew their sustenance from a potent combination of evangelical and utilitarian beliefs and practices—a Protestant ethic, as it were. They also combined with Romantic tendencies so much in evidence at that time to reinforce imperialist, nationalist and orientalist beliefs and practices. In turn, all of these beliefs fed a

⁶⁶ Rosselli, *Lord William Bentinck*, p. 86; Datta, *Sati*, pp. 86-9.

⁶⁷ St. Clair, *That Greece Might Still Be Free*, p. 155; on Byron’s view of Bentham, p. 170. As for the London Greek Committee and its utilitarian members, see pp. 138-49; C. M. Woodhouse, *The Philhellenes* (Rutherford, NJ: Fairleigh Dickinson University Press, 1971), pp. 66-93; F. Rosen, *Bentham, Byron and Greece: Constitutionalism, Nationalism, and Early Liberal Political Thought* (Oxford: Clarendon Press, 1992), pp. 219-43.

⁶⁸ And it suggests an interventionary tendency in utilitarianism rather at odds with liberal premises. Eric Stokes, *The English Utilitarians and India* (Oxford: Clarendon Press, 1959), pp. 47-66.

sense that humanitarian concern demanded action, whether by governments or against them. The Greek episode did not, by itself, make humanitarian intervention acceptable. The times did.

4. Humanitarianism after Darwin

Times change. The reformist sensibilities of the 1820s and 30s did not last; humanitarian concerns gave way to national yearnings and heroic quests, new goods and great fortunes, social welfare and state machinery. There is, however, one feature of the 19th century that looms over all others in explaining the long-term decline of humanitarianism. To be shamelessly rhetorical about it, Darwin's revolutionary account of natural history broke the link between evangelical Protestantism and progressive social reform along utilitarian lines—and broke it forever, if not for good.⁶⁹

In effect, Darwin gave Christians a stark choice. Either one takes the Bible literally and views the claims of science as incompatible with the dictates of faith, or one views the Bible as a cultural document and the claims of science as progressively closer approximations of the truth of the world. Before Darwin, Christians could plausibly think that the methods of science and the natural laws that

⁶⁹ Here *Darwin* stands in for a related set of developments in natural history, for which Darwin and his champions—call them Darwinists—are perhaps unduly credited. For a cogent review of these developments, see Robert C. Bannister, *Social Darwinism: Science and Myth in Anglo-American Thought* (Philadelphia: Temple University Press, 1979), pp. 14-33. On the breach between Christians and Darwinists in Britain and the United States, see Richard Hofstadter's enormously influential discussion. *Social Darwinism in American Thought*, rev. ed. (New York: Braziller, 1959), pp. 13-30. In Catholic France, Darwin and Darwinism were less wrenching in impact. Linda L. Clark, *Social Darwinism in France* (University, AL: University of Alabama Press, 1984), pp. 9-50.

science uncovers are entirely compatible with Christianity as a coherent system of beliefs. After Darwin, many Christians ducked the problem—they maintained the coherence of their beliefs by leaving them unexamined. Progressive liberal thinkers treated matters of faith as private and irrational, religious practice as edifying ritual, and science as the source of well-founded beliefs about the world. The many Christians for whom the Bible is literal truth (and not just evangelical Protestants) rejected Darwin, and science, as a threat both to the coherence of their beliefs and to their source in the revealed word of God. In the great religious revival that Darwinism inspired, these believers came to be known as fundamentalists.⁷⁰

For Christians, charity is more than a duty; it is a redemptive expression of love for God. Christianity embraces what François Debrix has called an “altruistic ideology.” To be worthy of the name, Christians must be practical humanitarians.⁷¹ Yet a deep concern for the welfare of others need *not* be guided by social and ethical theories predicated on the possibility of human improvement

⁷⁰ In the United States, this was a third “great awakening.” See Robert William Fogel, *The Fourth Great Awakening and the Future of Egalitarianism* (Chicago: University of Chicago Press, 2000), pp. 22-5. “Darwin’s theories...did not just challenge the biblical account of creation. By describing nature as amoral and purposeless, they also challenged the millennial goal of the nation, the building of God’s kingdom on earth” (p. 23).

⁷¹ François Debrix, *Re-Envisioning Peacekeeping: The United Nations and the Mobilization of Ideology* (Minneapolis: University of Minnesota Press, 1999), pp. 182-4, quoting p. 184. Debrix implied that altruism is, or becomes, an ideology on its own. I am inclined to see Christianity as an ideology in which altruism functions constitutively.

through applied science. Charity that is spontaneously offered, responsive to immediate need, and entirely local in effect satisfies the requirements of Christian altruism, perhaps expressing love of God and his children better than bloodless abstractions ever could. Conversely, progressive liberal thinkers have no trouble combining faith in science and in social progress into an altruistic ideology as powerful and coherent for them as Christian ideology is for its believers.

There is, of course, nothing necessary about the link between science and altruism through social reform. After Darwin, many social Darwinists followed Herbert Spencer in claiming the mantle of science, but, as *laissez-faire* liberals, did so with great disdain for social reform.⁷² At best, the altruistic ideology of Christianity was evidence of the cultural and moral superiority that Darwin could be read as confirming scientifically. There are hints of *noblesse oblige* already shaped by the Romantic fascination with the exotic when Byron went to Greece and Britons campaigned against *sati*. A more thoroughly orientalist version of *noblesse oblige*—taking up “the White Man’s burden”—is as close as most Victorian Darwinists got to humanitarian concern.

Liberalism has never recovered from the split between positivist science and social reform on the one hand and the cultural smugness of Darwinist materialism on the other. Indeed this split marks

⁷² There were exceptions. The most prominent, if ambivalent, was T. H. Huxley. See Bannister, *Social Darwinism*, pp. 29-32; Mike Hawkins, *Social Darwinism in European and American Thought, 1860-1945: Nature as Model and Nature as Threat* (Cambridge: Cambridge University Press, 1997), pp. 168-70. On the dangers of unduly generalizing about social Darwinism, see Bannister, *Social Darwinism*, pp. 3-13.

the boundary between left and right among liberals in our own day. Marx and his followers combined elements of both in repudiating liberalism and formulating an altruistic ideology to supplant Christianity. The first part of this program offended most liberals, the second part those many Christians for whom science had lost all connection to altruism. If today the liberal right is largely indifferent to moral issues on Darwinist grounds, it is nevertheless closer to fundamentalist Christianity than the liberal left, with its ideology of science and reform, is capable of becoming.⁷³ Romantic nationalism and cultural conservatism give the liberal right and Christian believers common cause against the liberal left and its appropriation of science in the name of modernity.

Romantic nationalists have always found something else in science: the vindication of blood, pride and struggle. Yet even in the 19th century, progressive liberals were able to pursue humanitarian goals in the context of an international relations increasingly conducted on Darwinist premises. The Red Cross movement offers an ideal example of a social reform leading to what I would call institutionalized humanitarian intervention.⁷⁴ Precipitating this reform was Henri Dunant's horror over the plight of soldiers wounded in battle, *and* his recognition of this situation as a humanitarian emergency calling for a positive, appropriately gauged response. Inspired by the example of the International Committee of the

⁷³ I use the term *fundamentalist*, perhaps too broadly, for contemporary adherents of what might better be called "enthusiastic religion." In the late 1980s, there were some 60 million of these in the United States, including six million born again Roman Catholics, and five million Mormons. Fogel, *The Fourth Great Awakening*, p. 25.

⁷⁴ For an overview, see David P. Forsythe, *Humanitarian Politics: The International Committee of the Red Cross* (Baltimore: Johns Hopkins University Press, 1977), pp. 1-56.

Red Cross (ICRC), national red cross societies and many other organizations throughout the liberal world join governments in treating natural disasters as humanitarian emergencies warranting concerted intervention.

Most of these disasters are local. Positivist science does little to prevent or mitigate them, and failures of science or the excesses of modernity sometimes take the blame for them. Humanitarian sentiments lead large numbers of people to respond spontaneously with whatever kind of assistance they have at their disposal. A panoply of institutions devoted to disaster relief channel this outpouring of resources into bringing the situation under control. Reform is only an issue afterwards, and only then if public order breaks down, coordination is wanting, or the scale of response is inadequate. Governments are especially susceptible to criticism, since almost everyone agrees that governments exist in the first instance to take care of disastrous situations.

Dunant's scheme for institutionalizing humanitarian intervention in time of war fixed on a situation that was neither natural nor local. Parties to the hostilities were limited in their ability to care for even their own casualties. Where governments could not intervene, an appropriately designated nongovernmental institution could, but only if governments agreed on rules specifying conditions for doing so. Red Cross intervention depended on an international legal framework. Dunant persuaded representatives of governments to assemble in Geneva to prepare a treaty creating just such a framework in 1864.

The legal framework for Red Cross intervention has been subject to extensive development in successive Geneva Conventions (1906, 1929, 1949) and additional protocols (1977), which most governments accept, on condition of reciprocity, in most sorts of conflict. Simultaneously subject to

development was the customary law of war regulating the conduct of hostilities, as codified in the Hague Conventions of 1899 and 1906 and augmented by such treaties as the 1925 Geneva Protocol outlawing gas warfare and the 1972 convention on biological weapons. For quite some time, the law of war consisted of two distinct bodies of rules, one specifically humanitarian and the other more broadly regulative in accordance with a vague balance of the principles of necessity, humanity and chivalry (or honor).⁷⁵ In recent years, however, even the two bodies of law have become one, and it is no longer a law of war. Instead, we find it called “international humanitarian law.”⁷⁶

Theodor Meron has suggested, I think correctly, that this shift in nomenclature “reflects the influence of the human rights movement.”⁷⁷ The legal framework that Dunant called into being took the rights and duties of states for granted and institutionalized a vehicle for intervention on their collective

⁷⁵ On the balance of principles upon which the latter body of law is said to rest, see, for example, Julius Stone, *Legal Controls of International Conflict: A Treatise on the Dynamics of Disputes- and War-Law*, rev. ed. (New York: Rinehart, 1959), p. 335-41. On the development of both bodies of law, see generally pp. 547-732.

⁷⁶ Authoritatively so by the International Court of Justice in 1996: “These two branches of law applicable in armed conflict have become so closely interrelated that they are considered to have gradually formed one single complex system, known today as international humanitarian law.” *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, § 75, reprinted in *International Legal Materials*, Vol. 35, No. 4 (July 1996), 827.

⁷⁷ Theodor Meron, “The Humanization of Humanitarian Law,” *American Journal of International Law*, Vol. 94, No. 2 (April 2000), p. 239.

behalf. Thanks to the human rights movement, the much grander framework of international humanitarian law grants rights and duties to individuals and, by so doing, ever more severely limits states in the exercise of their rights and duties. I would go on to suggest that the alteration and extension of this framework has become the foremost project of social reform in the liberal world today.

The framework of international humanitarian law is massively interventionary, if we use the term *intervention*, as I have throughout, to refer to those acts that agents take with the intention of changing the flow of events in that agent's world. States are more often objects than agents of intervention under this law, and human rights violations, not emergencies, are the primary trigger for the initiation of intervention. Quite typical, I think, are these claims of Anthony D'Amato's: "The three paradigm cases justifying humanitarian intervention are genocide, slavery and widespread torture. At the other extreme are human rights violations that have no basis in customary or conventional international law for justifying intervention because the evil they represent is minor in comparison to the evil of military intervention (and the loss of life that usually accompanies military intervention)."⁷⁸

Even if, or when, human rights trump states' rights, that alone does not justify intervention. Slavery is no longer an issue, and rarely is torture obviously widespread while it is happening. Genocide remains as the only basis in human rights for intervention. If we take genocide to include the extermination of large numbers of people and the uprooting of whole communities, then the appropriate response must be equally massive and systematic. Many situations involving great human suffering do

⁷⁸ Anthony D'Amato, *International Law: Process and Prospect* (Dobbs Ferry, NY: Transnational Publishers, 1986), p. 226, footnote deleted.

not obviously qualify as genocide, and in these situations it is difficult to use human rights to organize any practical response at all. If we think there are violations of human rights, then we can only hope to bring the perpetrators to justice later.⁷⁹ The suffering is—shall I say?—secondary.

The last decade has made it clear how many situations are fraught with such human peril and suffering that something must be done. To borrow a phrase, the response should be adequate, effective and prompt, because, in the first instance, these situations are emergencies. Of course they also involve intractable political conditions and persistent social problems making them quite unlike most natural disasters. In acknowledgment that these situations are both humanitarian emergencies and complex crises, they have come to be called *complex emergencies*.⁸⁰

⁷⁹ For an overview of issues and developments, see Garrett, *Doing Good and Doing Well*, pp. 66-90; Tom J. Farer, “Restraining the Barbarians: Can International Criminal Law Help?” *Human Rights Quarterly*, Vol. 22, No. 1 (February 2000), pp. 90-117.

⁸⁰ Office for the Coordination of Humanitarian Affairs, *OCHA Orientation Handbook on Complex Emergencies* (New York: United Nations, 1999), pp. 2-3; U.S. Department of State, *Interagency Review of U.S. Government Civilian Humanitarian & Transition Programs* (January 2000), pp. 3, 6-8. The former document is available at <www.reliefweb.int/library/documents/ocha__orientation__handbook_on__htm#1>. The latter is available in *National Security Archive Briefing Book No. 30* <www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB30/index.html>. According to OCHA, a complex emergency involves “a total or considerable breakdown of authority resulting from internal and external conflict,” while for the State Department, a complex emergency could, and did, result from a natural

As complex emergencies, these situations always involve states, their governments and the manifold dynamics of intervention (non-intervention, collective intervention). Given the scale of human suffering that these situations bring on, they receive a good deal of attention in daily news media. Popular attention is far more likely to focus on graphically presented humanitarian issues than complex political issues. A large number of nongovernmental relief organizations will leap into action, more or less in tandem with governments and international organizations. For some of these organizations, the ICRC is an inspiring example, while for others the deficiencies of the ICRC's allegedly "apolitical" humanitarianism prompts them to action.⁸¹

A complex emergency brings forth a complex of activities, which taken as a whole constitute an episode of humanitarian intervention. Rarely do things seem to work the way the intervening participants want them to. The "dark side" of humanitarian assistance, as Thomas Weiss has so aptly called it, often enough seems to make the situation even worse: the wrong people benefit.⁸² Predictably, frustration mounts, recriminations fly, motives are questioned, popular attention wanes, victims come to be seen as not wanting help, cultural hostility increases. From the point of view of a

disaster such as Hurricane Mitch.

⁸¹ Thomas G. Weiss, "Principles, Politics and Humanitarian Action," *Ethics and International Affairs*, Vol. 13 (1999), p. 4, 13-19. Also see the three very different responses to Weiss's paper, pp. 23-42.

⁸² *Ibid.*, p. 12. See pp. 12-13 for a short but devastating list of the ways that humanitarian assistance has gone wrong in the last decade. Also see Stanley Hoffmann, *World Disorders: Troubled Peace in the Post-Cold War Era* (Lanham MD: Rowman and Littlefield, 1998), pp. 161-71.

great many intervening participants, the problem is organizational or, more precisely, a matter of coordinating a host of organizations and their diverse activities. In turn, coordination depends on governmental intervention, individually and collectively, which only compounds the political complexity of the situation.⁸³ Paradoxically, if an emergency is defined as a situation calling for immediate action, then these situations cease to be emergencies—immediate action remedied nothing. In the meantime, human misery deepens. It is no wonder, then, that suffering becomes secondary, as violations of human rights take priority.

At least this is a tendency among progressive liberals for whom the situation has become an inescapable morass, and for whom human rights are the great project of social reform in our time. Critics of liberalism think little of the human rights movement. They are disposed to see social reform activism, and more generally the development of civil society, as a manifestation of “global liberal governance” or, more scornfully, “liberal peace.” According to Michael Dillon and Julian Reid, “liberal peace finds itself deeply implicated in a terrain of disorder in which some states are powerful, some states are in radical dissolution, traditional societies are collapsing and civil conflict is endemic, where international corporations and criminal cartels are also involved, and where international organizations and nongovernmental organizations are inextricably committed as well.”⁸⁴

⁸³ Indicatively, both the OCHA Handbook and the U.S. Government’s Interagency Review take coordination to be the root problem in responding effectively to complex emergencies.

⁸⁴ Michael Dillon and Julian Reid, “Global Governance, Liberal Peace, and Complex Emergency,” *Alternatives*, Vol. 25 No. 1 (January-March 2000), p. 117.

Dillon and Reid have argued against calling the more striking manifestations of global disorder “complex emergencies” because doing so unduly simplifies their “vexed political character” and masks the degree to which global liberal governance is implicated in making them so vexed. Their alternative description—“emerging political complexes”—implies that the people who want to call these situations “emergencies” are cynically motivated.⁸⁵ Perhaps some humanitarian liberals are cynically motivated; others no doubt have complex political motivations—people always do. Yet banishing “emergency” from our vocabulary because people have mixed motives in calling for immediate action has the untoward result of forestalling action that could help the many victims of the liberal peace and its global disorder. Progressive liberals and their critics both end up making suffering secondary to their own programmatic concerns.

As a progressive liberal reformer, Weiss rejects “visceral charity” as ingenuous and ineffectual.⁸⁶ The critique from the left rejects the possibility that charity can ever be visceral because progressive liberals such as Weiss are disingenuous about political motives. If anything, this makes them worse than liberals on the right, whose motives no one doubts. I can imagine much the same sort of critique from the illiberal right. Ever since Darwin, the right has looked on science and social reform as elements in a hostile and insincerely altruistic ideology. From a fundamentalist point of view, reformist concerns are *never* visceral, never spontaneous acts of charity, and never sufficient to redeem God’s love.

⁸⁵ Ibid., pp. 117-24, quoting p. 117-8. “Liberal humanitarians have, for example, become politicized, geopolitically ambitious, and sometimes warlike in pursuit of liberal peace” (p. 120).

⁸⁶ Weiss, “Principles, Politics, and Humanitarian Action,” p. 14.

Fundamentalism is always visceral. Debrix has suggested that some relief organizations, such as *Médecins sans Frontières* (MSF), attract “humanitarian fundamentalists” who see themselves as “the rescuers and the defenders of all of humanity” and for whom the Hippocratic oath is a “universal truth” and moral passport.⁸⁷ Debrix seems to think that clinical vocation undercuts the MSF commitment to visceral charity and implicates the organization in an ideology of science and reform.⁸⁸ If Debrix is right about this (and I think he is), then it makes his original description of medical professionals as humanitarian fundamentalists somewhat misleading. Even if MSF and the like do attract genuinely altruistic followers, there are too few of them to overcome the (mis)management of relief by progressive liberal reformers, public and private, for whom nothing is visceral.

⁸⁷ Debrix, *Re-Envisioning Peacekeeping*, pp. 192-6, quoting pp. 192, 194. With the Hippocratic oath, physicians adopt an ethic of doing whatever good they can, regardless of rights and wrongs. As some feminists have pointed out, giving care is both a vocation and an ethical stance not to be confused with the ethics of good and right. See, for example, Joan C. Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care* (New York: Routledge, 1993). For the usual sexist reasons, an ethic of care is unlikely to appeal to most physicians. With its emphasis on concrete experience, such an ethic is also unlikely to constitute an ideology.

⁸⁸ “Clinical humanitarianism, after all, may also be interpreted as a method of supergovernmentality. It is not only, and not simply, an instrument of global medical assistance. It is also, and more importantly, an instrument of knowledge, subjection and normalization.” Debrix, *Re-Envisioning Peacekeeping*, p. 201. See generally pp. 196-201.

When faced with human suffering, vast numbers of Christian fundamentalists react with visceral charity. Fundamentalist Christianity is highly organized, at least in the United States, and using mass media as well as the pulpit to mobilize the faithful is a well practiced activity. Many of the global relief organizations associated with religious groups and sects have fundamentalist sponsors. Yet fundamentalist Christianity has yet to respond to a complex humanitarian emergency with the collective visceral charity that their numbers, organizational experience and moral commitments might lead us to expect.

In another time, when social reform and Christian charity still meant the same thing, movements to end slavery, *sati* and other social ills brought progressive thinkers and sincere Christians together, and in numbers proportionately far greater than we see today, despite the vastly more effective machinery to disseminate information and mobilize support. Governments got in the way then as now, and people's motivations are just as complicated as they ever were. After Darwin, ideological hostility begets mutual suspicion. To the extent that liberal progressives now dominate the machinery of humanitarianism assistance, Christian fundamentalists see no place for themselves and for their visceral sense of what to do.

It is difficult to imagine what would happen if Christian fundamentalists did respond massively and viscerally to a complex humanitarian emergency. There is no doubt that coordination problems would increase dramatically. So would mistakes and failures, quite possibly worsening human suffering before the sheer scale of assistance changed everything. I think it likely that the politically complex features of the situation would be altered, abruptly and irrevocably, in ways that no positivist social

scientist or social reformer could begin to anticipate. The effects would reverberate through social arrangements on every scale.