

# 11

## Assessment

### Main characteristics

In the nineteenth century, a humanitarian justification was invoked by governments, press, public opinion and international jurists from the three-power intervention in the Greek War of Independence (1821–31) through to the more controversial US intervention in Cuba in 1898, but also for other instances short of the use of armed force in humanitarian plights. The doctrine of humanitarian intervention was at its zenith in international law discourse from the mid-nineteenth century until the 1930s and in particular from the 1870s onward (see chapter 4).

As regards the practice of humanitarian intervention in the nineteenth century, we will highlight a number of characteristics.<sup>1</sup>

Within a period of nine decades (1821–1914), there were barely four *military* interventions justified on humanitarian grounds, contrary to the 1990s, with as many as seven within a decade. Clearly, this new tendency from the 1820s onwards did not open the flood gates to constant intervention.

The interventions were taken (1) by the great powers in concert, as seen with the 1860 Paris protocols regarding Lebanon; (2) by an ‘alliance of the willing’, as with the three powers in the 1827 Treaty of London and its consequences (Navarino and French expeditionary force); and (3) by declaring war following several attempts at good offices and mediation (Russia in 1827 and 1877, or the US in 1898). Although some aspects of one-power intervention were criticized, there was no overall condemnation but benign neutrality, regarding Russia in 1828–29 and 1877–78 (bar Britain, with the cabinet and people divided) or the US in 1898. Moreover, the intervening states were aware of the abuse factor and thus made sure to adopt self-denying clauses or to limit the time frame for the presence of troops (bar the US in Cuba). More generally, in the cases examined one can see a repertoire of international norms and rules of conduct in instances of humanitarian plight, most of which are applicable today (see end of chapters 6, 7, 8 and 10).

Three of the four cases involved Christians suffering at the hands of Muslims, where the ‘effusion of blood’ and other suffering were shocking. The great powers and the rest of Europe or the Americas were blind to atrocities committed by

Christians against Muslims, which in instances of liberation wars were committed first by the Christian insurgents, who had opted for the use of violence, with the Ottomans over-reacting (in the Greek and Bulgarian cases) and then facing the wrath of ‘civilized’ Europe.

Military intervention was never contemplated for the excesses and barbarities of the British in Jamaica, South Africa and elsewhere in Africa, the French and Belgians in Africa, quasi-genocide in British Australia or US policy against the indigenous peoples or for acts of violence by the great powers when conquering neighbouring territories, as in the case of Russia in the Caucasus and central Asia. Such acts were not even acknowledged by the governments in question. As Mowat had put it: ‘Civilized Governments do not openly acknowledge themselves to be bandits or plunderers; they can always put forward a “case” in their favour. This they do ... partly because, for political reasons, they do not wish to offend brutally the opinion of moral people in their own or other countries.’<sup>2</sup>

The four interventions were successful in stopping the ‘effusion of blood’. They were not merely better than nothing (as in the case of Somalia today), too late (Rwanda) or leading to inordinate destruction, refugees and civilian deaths (Kosovo/Serbia).

The insurgents themselves sought foreign armed intervention to save them. With the exception of the Cubans in 1895–98, they did not seem apprehensive of future domination by the intervening parties, probably for one or more of the following reasons: because their yearning for freedom from a ‘foreign yoke’ obscured all other considerations and fears; confidence reigned that when independence was achieved they could neutralize their patron’s influence or use it to their advantage; or the belief that even circumscribed independence was better than nothing and in due course would lead to unfettered independence.

### Criticism and counter-criticism

Supporters of the nineteenth-century precedent point to many commonalities with today’s landscape. As Gary Bass has argued:<sup>3</sup>

All of the major themes of today’s heated debates about humanitarian intervention – about undermining sovereignty ... about altruistic or veiled imperialistic motivations, about the terrible danger of taking sides in civil wars ... about multi-lateral and unilateral uses of force, about the moral responsibility of political leaders – were voiced loud and clear throughout the nineteenth century.

Leaving aside those who regard humanitarian intervention as inconceivable and a contradiction in terms, the practice of armed humanitarian intervention in the period under study has been criticized mainly on three grounds: the civilization–barbarian construction, the related selectivity (double-standards) factor, and abuse.

Franck and Rodley, for instance, have claimed that the nineteenth century is 'illustrative of principles applicable to relations between unequal states in a community of law which prefers one socio-religious system over another and in which "civilized" states exercise de facto tutorial rights over "uncivilized" ones'. Therefore they 'are of little precedential value in the contemporary world'.<sup>4</sup> Others have also pointed to 'double standards', with the 'international community' defined as the Christian community of states, and they maintain that no useful inferences can be drawn, for this would amount to reintroducing the unacceptable imperialist ethos of bygone days.<sup>5</sup>

As for the selectivity factor, why support one of many cases, for instance the Greeks, the Maronites or the Bulgarians, but not intervene militarily on behalf of the Jews of Russia or the Armenians in the Ottoman Empire?<sup>6</sup> And why did the US intervene only in Cuba and not in, say, oppressive regimes of South America, which instead it chose to support?<sup>7</sup> But as even Franck and Rodley are prepared to accept, the Greek case and some others against the Ottoman Empire 'are probably not to be dismissed as bogus. At least they struck a responsive chord in Western European and Russian public opinion. But these motives were certainly neither wholly pure, nor were they consistently pursued in the absence of other power considerations'.<sup>8</sup>

Knudsen has reasoned that the fact that almost all of the interventions were against the Ottoman Empire 'does not make them irrelevant to the evolution of humanitarian intervention', for they sought to protect Ottoman subjects 'against outrageous treatment'; the treatment was indeed 'outrageous' and 'the humanitarian justification was important for the general European acceptance of the interventions'; and the essential goal of these humanitarian interventions, 'namely to stop or prevent large-scale massacres, was mostly accomplished'.<sup>9</sup>

Eurocentrism, Orientalism, binary oppositions of civilized and barbarian/savage, the standard of civilization and, not least, the negative image of the 'Turks' cast a shadow on the nineteenth-century idea of humanitarian intervention. This is reinforced by its practical application, aimed at saving Christians from 'Turkish barbarism'. But as we have seen, this obvious double standard had been a source of criticism in the long nineteenth century.

To conclude, we would argue that one is better served by avoiding throwing the baby out with the bathwater. If we try to judge 'reality' in the long nineteenth century on its own terms, as perceived then and not anachronistically (on the basis of today's more scrupulous standards of morality and justice), then the following assessment is probably more fair: that despite the obvious Christian bias, Eurocentrism, hardly disguised 'anti-Turkism', incipient racism, double standards and national interests, not to mention the unabashed 'civilizing' (read haughty imperialist) spirit reigning in those days, the overriding motive of European publics (and some in government, the bureaucracy and opposition) was indeed humanitarian, to save lives and alleviate suffering.

### Tentative propositions

There is, according to Knudsen, ‘plenty of evidence’<sup>10</sup> to support Martin Wight’s claim that ‘[i]n the history of nineteenth century intervention, humanitarianism became increasingly the prime motive, as the balance of power was always the limiting one’.<sup>11</sup> This may be an overstatement, but worth making are the following observations that are also of relevance today.

As seen in the four cases examined, the initial reaction by foreign governments was one of restraint, not wanting to be involved, certainly not militarily. But as the problem could not be wished away and diplomatic pressure and mediation failed, intervention did take place, though with limited goals, save in the case of the US in 1898 with its sudden imperialist appetite.

The role of public opinion was decisive. Had it not been for the humanitarian plight and for the pressure from the press and public opinion, no great power would have intervened. After a while, these governments found it increasingly difficult to appear insensitive to a plight that moved their citizens. It is also crucial for a humanitarian or national cause to enlist the advocacy of celebrities, the Byron example (and in this sense the role of celebrities is hardly novel, as depicted by the recent literature on the role of celebrities in international relations<sup>12</sup>).

In humanitarian plights, the most likely supporters of intervention are the ‘liberal humanitarians’ (Byron, Shelley, Bentham, Pushkin, Hugo, Gladstone, Twain) or ‘conservative humanitarians’ (Chateaubriand, Dostoevsky), and those against intervention are pacifists (Tolstoy) and, in particular, *Realpolitik* advocates (Castlereagh, John Quincy Adams, Disraeli, Bismarck). But from a certain point onwards and as the armed clash and suffering continue unabated, some realist decision-makers may opt for intervention if geostrategic and other interests also come into play or their state’s and government’s prestige is on the line (Nicholas I, Palmerston, Napoleon III, Gorchakov), especially if a conflict appears unending and catastrophic, is likely to escalate or spill over into other regions, or if a rival power is likely to intervene and gain advantage.<sup>13</sup> For some pragmatists, instrumental considerations may go hand in hand with humanitarian concerns in a given case (Canning, Thouvenel, Alexander II, Ignatiev, McKinley).

When it comes to states, especially great powers, searching for pure humanitarian motives without an inkling of instrumental motives for intervening militarily is unrealistic. As seen in the 1990s in the case of Bosnia and Herzegovina and Kosovo prior to intervention, and at the end of the nineteenth century in the case of the Armenians, when vital interests are not at stake, there is considerable reluctance to intervene, however just a cause and shocking to the moral conscience of humankind. As Stowell had put it, ‘[s]tates are not generally willing to incur the burdens of the intervention, even on the appealing ground of humanity, unless they are also actuated by other and more selfish considerations’.<sup>14</sup> After all, there is no greater sacrifice than to go to war ‘for total strangers’,

given the heavy economic cost, casualties and risks involved. Thus humanitarian intervention in the nineteenth century (and today) is not to be rejected out of hand as a mere fig-leaf for imperialist and other designs. It is rather a question of degree. If affective and instrumental motives are more or less balanced, one reinforcing and justifying the other, then a good case can be made for intervening, especially if there is a fair chance of succeeding and alleviating extreme suffering, and provided there are no advantages for the intervening party that will make a mockery of intervention.

Lastly, it may well be that motivation (or the intention but not the motivation per se<sup>15</sup>) is basically humanitarian. However, given the heavy costs involved in any military venture, governments have to justify their future intervention to their home publics (who may see coffins arriving back home) and can hardly do so on lofty humanitarian grounds alone – by claiming to be the world’s conscience as it were – but only by invoking, perhaps fabricating, dire threats to vital national interests. Alternatively, governments or leaders may seek the moral high ground to enhance their waning international credentials, for ‘humanitarian prestige’,<sup>16</sup> to act in conformity with existing ‘standards of justice’,<sup>17</sup> to mobilize their citizens to a noble cause, or simply in order to vilify their adversary. Thus they may invoke humanitarian motives to conceal their instrumental goals. But after a while they may regard these concocted motives as equally valid, or they may use them to attain a positive self-definition and to ensure their legacy for posterity.

## Notes

- 1 For other such attempts regarding nineteenth-century practice (though in far less detail) see M. Ganji, *International Protection of Human Rights* (Geneva: Librairie E. Droz, 1962), 37–8; W. G. Grewe, *The Epochs of International Law* (Berlin: Walter de Gruyter, 2000, translated and revised by M. Byers), 493; J.-P. L. Fonteyne, ‘The Customary International Law Doctrine of Humanitarian Intervention: Its Current Validity Under the U.N. Charter’, *California Western International Law Journal* (1973–74), 235; M. Finnemore, ‘Constructing Norms of Humanitarian Intervention’, in P. J. Katzenstein (ed.), *The Culture of National Security* (New York: Columbia University Press, 1996), 168–9; K. F. Abiew, *The Evolution of the Doctrine and Practice of Humanitarian Intervention* (The Hague: Kluwer Law International, 1999), 42–3.
- 2 Quoted in G. W. Keeton and G. Schwarzenberger, *Making International Law Work* (London: Stevens and Sons, 1946), 63.
- 3 G. J. Bass, *Freedom’s Battle: The Origins of Humanitarian Intervention* (New York: Vintage Books, 2009), 5.
- 4 T. M. Franck and N. S. Rodley, ‘After Bangladesh: The Law of Humanitarian Intervention by Military Force’, *American Journal of International Law*, 67:2 (1973), 281.
- 5 See e.g. H. Köchler, ‘Humanitarian Intervention in the Context of Modern Power Politics’, *Studies in International Relations*, 26 (2001), 3–4, 6–7.
- 6 Franck and Rodley, ‘After Bangladesh’, 290–5.
- 7 *Ibid.*, 285.

- 8 *Ibid.*, 281.
- 9 T. B. Knudsen, 'The History of Humanitarian Intervention: The Rule or the Exception?', 50th ISA Annual Convention, New York, 15–18 February 2009, 32.
- 10 *Ibid.*, 31.
- 11 M. Wight, 'Western Values in International Relations', in H. Butterfield and M. Wight (eds), *Diplomatic Investigations: Essays in the Theory of International Politics* (London: Allen and Unwin, 1966), 119.
- 12 See e.g. A. F. Cooper, *Celebrity Diplomacy* (Boulder: Paradigms Press, 2008); L. Tsaliki, C. A. Frangonikolopoulos and A. Huliaras (eds), *Transnational Celebrity Activism in Global Politics: Changing the World?* (Bristol: Intellect, 2011).
- 13 See the more recent cases of US involvement in Somalia and Bosnia, in J. Western, 'Sources of Humanitarian Intervention: Beliefs, Information, and Advocacy in the US Decisions on Somalia and Bosnia', *International Security*, 26:4 (2002), 117–18, 127–9, 131–2.
- 14 E. C. Stowell, *Intervention in International Law* (Washington, DC: John Byrne, 1921), 64 n.14.
- 15 For those who distinguish between intention and motives. See e.g. F. R. Tesón, 'Humanitarian Intervention: Loose Ends', *Journal of Military Ethics*, 10:3 (2011), 200–6. See also n. 4, p. 103, in the present volume.
- 16 T. B. Knudsen, 'Humanitarian Intervention Revisited: Post-Cold War Responses to Classic Problems', in M. Pugh (ed.), *The UN, Peace and Force* (London: Frank Cass, 1997), 154.
- 17 Finnemore, 'Constructing Norms of Humanitarian Intervention', 159.