The recent upsurge of interest in the history of human rights must surely be seen as one of the more productive intellectual consequences of the ending of the Cold War. The early 1990s spawned hopes for the emergence of a new world order in which the United Nations would be able to regain some of the lustre it had lost while sidelined over the preceding decades, and the sense of the start of a new historical epoch directed scholarly attention back toward the start of the previous one, in 1945. The increasingly grim spiral of events thereafter if anything confirmed the importance of historicizing the human rights phenomenon: The war in the former Yugoslavia and genocide in Rwanda put in question the robustness of the human rights regime that had been established after the Second World War, while the advent of a unilateralist American administration with a thinly veiled contempt for the UN has inspired several American historians to write accounts of the internationalism of earlier administrations in an effort to remind people of the alternatives.

The year 1945 was not a Year Zero for internationalists: The roots of the UN were much more firmly embedded in the past than its founders felt it was expedient to admit. Nevertheless, in at least one crucial respect, 1945 did represent a break with the past. It is commonplace to regard that year as the ‘end of the European era’, meaning the end of an era in which the European Powers effectively dominated world politics; but this collapse of European power carried with it something rather less discussed – the parallel erosion of Europe’s normative dominance of international affairs. Between 1815 and the war, a system of states had grown up that was based on the primacy of European power and values, and the rationalization of their imperial expansion in terms of the spreading of civilization and its accompanying rights. The First World War had dented confidence in the idea of Civilization (with a capital C), but it was, above all, the rise of Nazism that spelled its doom. The rise of a new order after 1945 was based on new, or at least, substantially adapted principles, and,

* An earlier and shorter version of this essay was published in *International Affairs*, 82:3 (2006), 553–566.
for perhaps the first time, the question of rights was detached from the notion of civilization. This essay explores the rise and fall of the concept of civilization as an ordering principle for international politics, a concept bound up with the idea of freedom, humanity and rights, and one whose demise could not but affect the projection and political significance of those values as well.

It is not only in our own day that the 1815 Congress of Vienna has been recognized as the inauguration, not merely of the post-Napoleonic settlement, but more generally, of a new era in international governance. After both the First and Second World Wars, we find writers turning their attention back to 1815. But one of the most striking interpretations of the Congress’s achievement was one of the earliest, and least known. I refer to a study (really an exercise in special pleading) that appeared in the same year as the Congress itself, a study that was penned by that extraordinary political chameleon the Abbe de Pradt. In his time, de Pradt had been a royalist, a counter-revolutionary and a confidant of Napoleon. But he was also friendly with Benjamin Constant – the two men frequented the salon of Madame de Staël at the restoration – and it is Constant’s spirit that permeates Pradt’s book.

In it, he disavows the defeated Emperor: Napoleon, he writes, has covered Europe with ‘wrecks and monuments’. The task of the victors was to eradicate ‘the military spirit’ and to return Europe to ‘its civil state’. He went on to say that this required them to recognize the ‘rise of a new power called opinion’ and what this power carried with it – civilization. It was civilization, he wrote, that had emerged through commerce and communication over the previous century, delegitimizing despots, prompting belief in the idea of humanity, and bringing war into disrepute. ‘Nationality, truth, publicity – behold the three flags under which the world for the future is to march…. The people have acquired a knowledge of their rights and dignity’. Europe had been military; now it would become commercial and constitutional. A colonial order would carry civilization and spread European tastes around the world; the process had already worked in Russia and North America, and had been started in Egypt. It should be applied to the Ottoman empire as well, through a ‘moral not a territorial conquest’.

The term ‘civilization’ itself had emerged in both Britain and France several decades earlier, around the middle of the eighteenth century. It connoted both the process by which humanity emerged from barbarity, and by extension the condition of a civilized society, and in particular, the sense of ‘a certain security of the person and property’. What is striking about the word’s development after Napoleon’s defeat is its increasingly programmatic political coloration. Civilization now conveyed – as in de Pradt’s account – a liberal program for Europe based on cooperation rather than conquest. Guizot’s History of Civilization in Modern Europe defines civilization as ‘the history of the progress of the human race toward realizing the idea of humanity’, and

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highlights the key themes for the future – the ‘expansion of mind’, the full and rational enjoyment of the human faculties, and the spread of rights. Guizot acknowledged that there had been other civilizations – in Egypt and India – in the past. But European civilization was superior because it combined cultural community with an acceptance of political diversity. J. S. Mill, perhaps influenced by de Tocqueville, offered a gloomier assessment in his 1836 essay: It is true, he asserted, that the ‘present era is the era of civilization in the narrow sense’ (i.e., as the converse of barbarism), and that the elements of civilized life existed in modern Europe (and especially in Great Britain ‘in a more eminent degree and in a state of more rapid progression, than at any other place or time’. But Mill was not completely positive about this; civilization – he noted, striking a Tocquevillean note – meant that individuals mattered less, and masses more. It bred materialism and avarice, and popular literature that pandered to base sentiments rather than improving them.

These uncertainties did not vanish, and they were to reappear with a vengeance as we shall see (often inspired by the same force that had given de Tocqueville pause – the rise of the United States); but for the rest of the nineteenth century, it was the relatively sunny version that came to dominate thinking about international affairs. For Guizot, civilization had been what united the states of Europe. But what about Europe’s relations with the rest of the world? Here de Pradt’s formulation foreshadowed the tropes of the civilizing mission that emerged with the age of imperialism. If civilization was located in Europe, then Europe’s overseas expansion required deciding how far civilization was for export.

One fertile intellectual elaboration of this belief emerged – as we have learned from the work of Martti Koskenniemi and Antony Anghie – through the new discipline of international law. A rationalization of the values of the Concert of Europe, international law was designed as a moral-procedural aid to the preservation of order among sovereign states, and its principles were explicitly stated as applying only to civilized states much as Mill saw his principles of liberty as applying solely to members of ‘a civilized community’. In 1845 the influential American international lawyer Henry Wheaton had actually talked in terms of the ‘international Law of Christianity’ versus ‘the law used by Mohammedan Powers’; but within twenty or thirty years, such pluralism had all but vanished. According to the late-nineteenth-century legal commentator W. E. Hall, international law ‘is a product of the special civilisation of modern Europe and forms a highly artificial system of which the principles cannot be supposed to be understood or recognized by countries

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differently civilized. ... Such states only can be presumed to be subject to it as are inheritors of that civilization.\(^4\)

Thus conceived, international law defined the problem of global community in terms of the nature of the relationship between a civilized Christendom and the noncivilized but potentially civilizable non-European world. States could join the magic circle through the doctrine of international recognition, which took place when ‘a state is brought by increasing civilization within the realm of law’.\(^5\) In the 1880s James Lorimer suggested there were three categories of humanity – civilized, barbaric and savage – and thus three corresponding grades of recognition (plenary political; partial political; natural, or mere human). Most Victorian commentators believed that barbaric states might be admitted gradually or in part. Westlake proposed, for instance that ‘Our international society exercises the right of admitting outside states to parts of its international law without necessarily admitting them to the whole of it’. Others disagreed: Entry ‘into the circle of law-governed countries’ was a formal matter, and ‘full recognition’ all but impossible.\(^6\)

The case of the Ottoman empire exemplified this ambivalent process. European states had been making treaties with the sultans since the sixteenth century. But following the Crimean War the empire was declared as lying within the ‘Public Law of Europe’ (a term which some commentators then and now saw as the moment when international law ceased to apply only to Christian states but which in my opinion is better viewed as a warning to Russia to uphold the principles of collective consultation henceforth rather than trying to dictate unilaterally to the Turks). In fact, despite its internal reforms, the empire was never regarded in Europe as being fully civilized, the capitulations remained in force, and throughout the nineteenth century the chief justification of the other powers for supporting first autonomy and then independence for new Christian Balkan states was that removing them from Ottoman rule was the best means of civilizing them and securing property rights and freedom of worship.

In fact, the spread of rights could be tied directly to a willingness to over-ride the formal sovereignty of non-European powers, and law became a mechanism for justifying differential policies toward the sovereignty of different types of states. After the Franco-Prussian War, international lawyers devised


the notion of belligerent occupation – a state of affairs in which a military occupant interfered as little as was compatible with military necessity in the internal affairs of the occupied country. This was so as not to prejudice the rights of the former ruler of that territory, who was regarded as remaining sovereign until a peace settlement might conclude otherwise. But belligerent occupation was a compact solely between so-called civilized states not to unilaterally challenge each other’s legitimate right to rule. In the case of Ottoman territory, for instance, the powers felt no such inhibitions: The Russians in Bulgaria in 1877, the Habsburgs in Bosnia the following year, and the British in Egypt in 1882 all demonstrated through their extensive rearrangement of provincial administrations that, although they would allow the Ottoman sultan to retain a fig leaf of formal sovereignty, in fact the new theory of belligerent occupation did not apply in his lands. Thirty years later, the Austrians (in 1908) and the British (in 1914) went further: On both occasions they unilaterally declared Ottoman sovereignty over the territories they were occupying at an end, suggesting that whatever had or had not been agreed at Paris in 1856, by the early twentieth century, the Ottoman Empire was regarded once again as lying outside the circle of civilization. (The fact that it was a Muslim power was certainly not irrelevant to this. In 1915, when the French and Russians prepared a diplomatic protest at the mass murder of Ottoman Armenians, their initial draft condemned the massacres as ‘crimes against Christendom’. Only when the British mentioned that they were worried over the possible impact of such a formulation on Indian Muslim opinion was the wording changed to ‘crimes against humanity’.)

If the Ottoman empire was, as it were, semicivilized, then sub-Saharan Africa – site of the main European land grab in the late nineteenth century – was savage. European and American lawyers extended the notion of the protectorate – originally employed for new European states such as Greece – to the new colonial situation, ostensibly as a way of shielding vulnerable non-European states from the depredations of other European powers, but really to avoid complications among the powers which might trigger further conflict. In Africa itself, the spread of civilization was a useful liberal justification for expansion, and appeared prominently in France in particular, where the colonial lobby was fighting hard after 1871 to find a reason to deploy the resources of the Third Republic overseas after the country’s humiliation in the Franco-Prussian War. Geographers, economists and administrators all stressed France’s obligation to ‘contribute to this work of civilization’: Such a contribution was now seen as a mark of national greatness. Yet in the increasingly racialized worldview of late-nineteenth-century European imperialism, it was above all in Africa that the civilizing mission was put in question as

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colonial experts cast doubt on Africans’ readiness to take advantage of what was being offered them. From such a perspective, protectorates might be a way of slowing down social transformation – in the interests of ‘native customs’ – as much as they were of introducing it. ‘Much interest attaches to legislation for protectorates, in which the touch of civilization is cautiously applied to matters barbaric’, wrote a commentator in the *Journal of the Society of Comparative Legislation* in 1899. Yet the concept of civilization remained vital. The treaty that followed the Berlin Colonial Conference of 1884–1885, which marked the attempt to diplomatically manage the scramble for Africa, talked of the need ‘to initiate the indigenous populations into the advantages of civilization’. The Congo Free State was one disastrous outcome.  

In this way, Victorian international law divided the world according to its standard of civilization. Inside Europe – and in other areas of the world colonized by Europeans – there was the sphere of civilized life: This meant – roughly – property rights; the rule of law on the basis (usually) of codes or constitutions; effective administration of its territory by a state; warfare conducted by a regular army; and freedom of conscience. The fundamental task of international law in this zone was to resolve conflicts between sovereign states in the absence of an overarching sovereign. Outside this sphere, the task was to define to terms upon which sovereignty – full or partial – might be bestowed. It was in the non-European world that the enormity of the task required in acquiring sovereignty could thus best be grasped. There, too, the potential costs – in terms of legalized violence – of failing to attain the standard of civilization were most evident.

Until well after the First World War, in fact, it was axiomatic that ‘international law is a product of the special civilization of modern Europe itself’. Siam was admitted to the Hague conferences as a mark of respect; but in China, where the Boxer Rebellion was put down with enormous violence – on the grounds that it was ‘an outrage against the comity of nations’ – the unequal treaties remained in force. It was only the Japanese who seriously challenged the nineteenth-century identification of civilization with Christendom. Having adhered to several international conventions, and revised their civil and criminal codes, they managed to negotiate the repeal of the unequal treaties from 1894 onwards, as well as to win back control over their tariffs, and their victory over Russia in 1905 simply confirmed their status as a major power. Not surprisingly, the Young Turks – desperate to repeal the humiliating capitulations – could not hear enough of the Japanese success.

The Japanese achievement confirmed that the standard of civilization being offered by the powers was capable of being met by non-Christian, non-European states. But the Japanese achievement was also unique and precarious. After the ending of the Russo-Japanese War, the Second Hague Conference of 1907 talked of ‘the interests of humanity, and the *ever progressive* needs of civilization’. But could civilization (with a capital C) really ever be universalized?

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8 A. Gray, ‘West Africa’, *Journal of the Society of Comparative Legislation* (1899), 129.
Doubts were growing. German and Italian jurists essentially ruled out any non-European power receiving full recognition; the prominent Russian jurist de Martens was equally emphatic. As for the empire builders, in Africa, in particular, as well as in the Pacific, many liberals and Gladstonians came to terms with imperialism at century’s end – as Saul Dubow has recently reminded us – because they thought in terms of a kind of an imperial cosmopolitanism or commonwealth, in which individual peoples might preserve their own distinctive cultures. Where necessary, of course, civilized powers had to rule others to ensure this.\(^9\)

Although it inherited many of these ways of imagining the relationship between empire and sovereignty, the League of Nations, established at Versailles after the First World War, adapted and transformed the idea of international civilization. A permanent international organization whose members included Abyssinia, Siam, Iran and Turkey was already something with a very different global reach from the old European conference. That was chiefly thanks to the Americans, not the British, whose schemes for a beefed-up version of the old Concert of Europe were shot down by the heavier firepower of messianic Wilsonian liberalism; Whitehall’s idea for an international organization run by a small group of select powers lost out to his vision of ‘a general association of nations’.

Sovereignty was henceforth explicitly shaped by the doctrine of national self-determination in its most anti-autocratic and optimistic guise so that the task for the civilized nations became that of guiding the less, or uncivilized, into the way of national self-realization. ‘Imperialism’ was suddenly once more a term of rebuke, and trusteeship and mandates became – in the minds at least of some idealistic or self-deluded British civil servants – something entirely different from prewar empire building.\(^10\)

On the other hand, the new Society of Nations in Geneva still depended on the same civilizational hierarchies that had underpinned so much pre-1914 liberal thought: The peace settlement made this crystal clear. (Curzon was more honest than his colleagues when he remarked that the British were supporting the doctrine of self-determination because they believed they would benefit more from it than anyone else.) In eastern Europe, the victors at Versailles bestowed sovereignty upon the so-called New States, but insisted upon instituting League oversight of their protection of the rights of their national minorities. Should the new minorities rights regime be imposed on established defeated states such as Germany? That was not deemed necessary, still less to universalize it to apply to Britain, France or the United States.

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Minority rights were, in other words, a badge of the new states’ secondary and relatively uncivilized status, their need for tutelage in the exercise of their own sovereignty. This was bad enough for East European politicians, but it was considerably less humiliating than the fate assigned to those outside Europe. In Egypt, which was not, of course, a mandate, the British imprisoned the leading Egyptian nationalists and made it clear that Wilson’s new dawn did not apply to them. Not surprisingly, what one historian calls ‘the Wilsonian moment’ was greeted with demonstrations and protests from North Africa to China. Even Japanese diplomats felt rebuffed when their proposed racial equality clause was summarily dismissed by the British and the Americans.  

The other former Ottoman lands were brought within the new mandate system whose tripartite system classified non-European societies on the basis of their likely proximity to ‘existence as independent nations’. The Arab provinces of the Middle East became Class A mandates – to the fury of their inhabitants, whereas former German colonial possessions in central Africa and elsewhere were placed in the B and C classes, to be administered as ‘a sacred trust for civilization’ until such time as, in the long-distance future, they might be fit to govern themselves. Smuts, a powerful influence on the mandate system as a whole, and keen to see the dominions allowed to acquire colonial possessions themselves, thought the time was never: The B and C class colonies were ‘inhabited by barbarians, who not only cannot possibly govern themselves but to whom it would be impracticable to apply any ideas of political self-determination in the European sense’.  

All of this was, for British liberal imperialists, at least, still entirely in harmony with the idea of spreading civilization around the world. They hailed victory over the Germans in 1918 as confirmation of the fundamental harmony between empire – at least in its British incarnation – and the spread of civilized values. The Round Table group offered Britain as a moral example for the world and saw empire as a way of defending the weak against the unscrupulous. It was, essentially, an exercise in altruism. In his 1919 The Expansion of Europe, the ‘forgotten giant’ of interwar British liberalism, Ramsay Muir, described the empire as the ‘supreme expression of the very spirit of Liberalism’ and thought the British victory would allow ‘the victory of Western civilization’, by allowing that ‘extension of the influence of European civilization over the whole world’ that had been such a feature of the previous centuries. People wrongly dismissed this process, he went on, as ‘imperialism’ – a term suggesting ‘brute force, regardless of the rights of conquered peoples’. In fact, it was all for the best: ‘the civilization of Europe has been made into the civilization of the world’. The philosopher Alfred Whitehead was similarly optimistic. In his 1933

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The Adventure of Ideas he depicted the rise of the West in terms of the spread of rights and the idea of freedom: ‘The growth of the idea of the essential rights of human beings, arising from their sheer humanity affords a striking example in the history of ideas. Its formulation and its effective diffusion can be reckoned as a triumph – a chequered triumph – of the later phase of civilization’.

Such confidence did not last long beyond Hitler’s triumph. But even before then others, less wedded to empire, were driven to doubt. Some followed Freud’s diagnosis: Civilization was a fragile crust barely covering harsher instincts shared by Europeans and non-Europeans alike. For others, the Bolshevik Revolution and the rise of socialism not only threatened bourgeois values, but could also be seen in racialized guise as the spearhead of an Asiatic threat to Europe. Meanwhile, Europe itself was tearing itself apart through political polarization, as the constitutional regimes established across the continent after 1919 gave way to varieties of right-wing authoritarianism. The crisis of democracy in Europe made liberals conscious that their own values and hierarchies of rights required extensive revaluation – replacing the old bourgeois stress on protection under the law with a new recognition of the lower classes’ social and economic needs – if they were to compete in the modern world against the temptations of Left and Right. To be civilized, in the old liberal sense, was not necessarily to be modern – quite the contrary: It was to prioritize a set of civil liberties which many Marxist and fascist political theorists dismissed as antiquated and self-serving.

Fears of biological decline, intensified by the bloodletting of the war, also merged with vitalist conceptions of history to reinforce fears about Europe’s waning position in the world. Spengler’s gloomy survey confirmed the idea that its civilization faced inevitable organic decline. Race popularizers such as Lothrop Stoddard warned of the white man’s peril in the face of the teeming hordes of the coloured races and saw civilization as leading to a ‘growing underclass of individuals who cannot keep up’. Common to both was a deep anxiety about cultural and social mixing and a sense of foreboding as power shifted toward what the classicist and League activist Gilbert Murray called ‘the politically immature peoples of the world’. Like his friend Jan Smuts, Murray was deeply worried that ‘the domination of the white races was shaken’. Who else had the power or the essential fairness of mind to distribute the world’s territories fairly, to apportion the Middle East between Turks and Armenians, Jew and Arabs, so that each would have a national home where they might flourish and play their part in the ‘ultimate solidarity among the peoples of the world’. Paternalism and the language of humanity fused here so deeply as to be inextricable.

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Rather different in spirit was the Spengler-inspired work of Gilbert Murray’s son-in-law, Arnold Toynbee. Toynbee too wanted to think through the implications of the war, but he sought to make Europeans realize that their civilization was merely one among many and to accept the loss of their central place in the world. Having imbibed ancient Greek at school, he saw the tragic cycle of Hellenic civilization as foreshadowing the fate of all future civilizations. ‘I am conscious of having a certain “down” on Western civilization’, Toynbee wrote to his father-in-law in 1930, attributing it ‘partly to the effect of the War, which for anyone of my age, is bound to seem the chief expression of Western civilization, so far, in one’s own lifetime, and partly it is the effect of a classical education’. But unlike Spengler, Toynbee did not see civilizations as closed – he did not share Spengler’s Herderian conception of cultural unity – and he increasingly detected spiritual progress and meaning amid the collapse of defunct and exhausted civilizations.15

A not dissimilar discourse of civilizational relativity was also emerging from outside Europe at this time. The war had accentuated long-standing criticisms by Muslim, Chinese and Japanese intellectuals of the pretensions of Western claims to civilizational supremacy and in the immediate aftermath of the ‘Wilsonian moment’ many talked about Asia as an alternative civilizational force, one which – unlike the Europeans – would naturally fight for the ‘rights of nations’ around the globe. Tagore, for one, described the European conflict as suicidal, the product of excessive competitiveness and a love of violence fed by an addiction to industry and science.16

But as the 1920s went on, such talk subsided, and in any case, most European liberals were sublimely indifferent to extra-European critiques of this kind. They were, in this sense, Hegelians, uninterested in what one interwar historian termed ‘all that human misery which prevails in the vast spaces of Asia, Africa and South America, where thousands of millions of men and women have lived, worked and died, leaving no memorial, contributing nothing to the future’17. What did give these latter-day Victorians pause for reflection was not Indian or Japanese criticism, nor even the rise of the USSR (hailed by the Webbs as a ‘new civilization’), but the Nazi seizure of power in 1933. It was this that really worried the British historian H. A. L. Fisher as he completed his best-selling history of Europe. Sounding like some latter-day de Pradt, he insisted Britain should not withdraw from the Continent if it wished peace to be preserved. Yet it was as though the era that de Pradt had heralded more than a century earlier was drawing to a close. Fisher saw unavoidable threats to peace and liberty in modern science, which allowed new despotsisms to tyrannize the masses – ‘the spiritual servitude of the totalitarian state’ – and permitted the destruction of entire cities by aerial bombing. His concluding plea that Europeans remember they were ‘trustees for the civilization of the world’

sounds half-hearted and unconvinced. He was keenly aware that the peoples of the Continent had already once allowed their divisions to lead to conflict and that this had had a dramatic impact on the ‘place of Europe in the world’ and destroyed its ‘moral unity’. Now, he wrote in 1935, it faced a choice: a new war which would lay ‘civilization in ruins’, or work toward a permanent organization of the peace, a new period of plenty and well-being.

The latter meant continuing to have confidence in the experiment of the League of Nations. But the expansion of the League had itself made it less acceptable to use the old Eurocentric language. In 1929, for instance, Sir John Fischer Williams confessed that ‘the concept of “civilized society” as a community of nations or States distinct from the rest of the world no longer corresponds with the main facts of contemporary life’. According to a French jurist in 1930, ‘The family of nations is the totality of states [civilized and uncivilized] and other subjects of international public law’. Writing in *The Listener*, Prof. H. A. Smith of London University drew attention to some of the consequences; the age of what we would call humanitarian interventionism was over: ‘In practice, we no longer insist that States shall conform to any common standards of justice, religious toleration and internal government. Whatever atrocities may be committed in foreign countries, we now say that they are no concern of ours.... This means in effect that we have now abandoned the old distinction between civilized and uncivilized States’.

Nazism’s rise was particularly worrying because the Germans were among the most highly ‘civilized’ peoples of Europe, so civilized indeed that they had not been made subject to the minorities rights treaties at Versailles. The implications, therefore, of their rejection of the premises of international law were acute; the very foundations of the old system were being thrown into question from within Europe itself. ‘European civilization has shaped modern International Law’, noted a London University professor in 1938. ‘But is European civilization still what it was, and if not, how do the changes affect international law?’ ‘International law is seriously discredited and on the defensive’, commented another. Cordell Hull, the U.S. Secretary of State warned, in an address of June 1938, of a world ‘growing internationally more and more disordered and chaotic’. One of his assistants, Francis Sayre, followed a few days later: ‘The supreme question which we and all the world face today is whether or not we are to live henceforth in a world of law or a world of international anarchy’.

Of course, for many German jurists, this was a false dichotomy, or better, false consciousness. The world had always been shaped on the basis of power, and the language of international civilization and humanity had merely

masked the claim to power of the victors at Versailles. For Carl Schmitt, a state could try to identify itself with humanity ‘in the same way as one can misuse peace, justice, progress and civilization in order to claim these as one’s own and to deny the same to the enemy’. It was not just the Nazis’ indifference to the premises of interwar liberal jurisprudence that was so fatal to the continued faith in the power of international law; it was the way they subverted the traditional division of the world between (civilized) Europe and (non-civilized) Rest. This was clear from the spring of 1939. By creating a protectorate out of much of prewar Czechoslovakia, they brought a colonial constitutional institution to Europe itself, and made it clear that they would treat their racial inferiors as colonial subjects. Churchill and others pretended that what was happening in Europe had no obvious relevance to the fate of the empires; but others knew better. Europeans, wrote Aime Cesaire, were learning what it was like to be treated as colonial subjects. Suddenly they were discovering the value of human rights. But could they seriously maintain the old dichotomy between the defence of rights at home and the deprivation of rights abroad?21

The short answer was: They could try. After the war, the United Nations committed itself to fighting for human rights, but it made no formal commitment to forcing imperial powers to disgorge their colonies. Empire, as Fred Cooper and Jane Burbank argue, was not doomed in 1945, or at least it did not seem so – and the new UN was certainly not initially an anti-imperial body. On the contrary, at San Francisco, the U.S. delegate Harold Stassen stated that it would be better for colonial peoples not to force issue of freedom: Better think about interdependence than independence. African and Asian journalists and commentators were deeply dismayed at the conservatism of what emerged. As they understood, the founders of the UN were trying their hardest to keep the Victorian civilizational dichotomy intact.

But by this point it had largely lost credibility. Few talked any longer as though there was a single civilization, let alone a single standard. International law, which had elaborated this, was in disarray; one of the conditions for the new international organization to work was its much weaker legal regime compared with its predecessor; far fewer legal shackles bound the Great Powers in particular in 1945 than had done so in 1919. It was the very opposite of what a latter-day Victorian such as international lawyer Hersch Lauterpacht had predicted or wanted; in his 1943 paper on the rights of man, he had argued that recognition of the fundamental rights of man had become a general constitutional principle of the law of ‘civilized states’. But this was perhaps to mistake the wish for the deed, for the enforceable rights regime that he had called for never came into existence. He and others (such as Quincy Wright) had hoped to see new the new international organization defending rights against tyrannical national states. Instead what they got was a body committed even more than its

21 Schmitt in Koskenniemi, Gentle Civiliser of Nations, 433.
predecessor to the sanctity of state sovereignty – and this was not compatible with the sort of civilizational intervention that had been routine before 1914. The 1948 Declaration on Human Rights, as Lauterpacht despondently noted, was little more than decoration – a substitute for a real legally binding commitment and a retreat from the minority rights regime of the interwar era.\(^\text{22}\)

Some commentators, such as Ian Brownlie, have recognized that the collapse of the standard of civilization created a normative vacuum at the UN – for states were no longer united by virtue of regarding one another as ‘civilized’ members of the same moral community. On the contrary, the term in its original usage was denounced as insulting, and UN General Assembly resolutions specified that claims about the level of civilizational backwardness could not be allowed to delay grants of independence. Brownlie argues that by the mid-1960s at the latest, respect for human rights had come to serve as a successor norm for the international community. Indeed, one participant in the drafting of the Universal Declaration itself had segued neatly from one norm to the other, arguing that ‘civilized states’ were to be equated with respect for ‘fundamental human rights’.\(^\text{23}\)

But this was to move too fast, for the concept of civilization itself was being transformed under the pressure of the Cold War; it was being used in a newly partial way, and increasingly relativized. Even before the war, as faith in the League of Nations and the rule of international law had waned, liberals using the language of civilization had cast it in increasingly spiritual terms. They had talked about the development of an ‘international mind’ as an emanation of the Spirit beyond the state. Such talk became part of the West’s reinvention of itself during the Cold War. In the crucial months of 1947 and 1948 that lay between the Truman Doctrine and the Treaty of Brussels, the idea that the United States and Western Europe were joined in some kind of a ‘spiritual union’ crept into speeches on either side of the Atlantic. Truman praised American ‘faith’ in the face of godless Bolshevism. In London Ernest Bevin talked up Britain as the bastion of Western civilization. Following the collapse of the London conference of foreign ministers at the end of 1947, he told George Marshall that ‘he now felt that the spiritual consolidation of western civilization was possible’ and suggested a kind of ‘spiritual federation of the West’.\(^\text{24}\)

The Oxford historian Ernest Woodward echoed such thoughts in the lectures he gave at this juncture on ‘the heritage of Western civilization’. A western tradition, he reminded his audiences, had emerged relatively recently – perhaps only with what people just at this time starting to call the ‘scientific revolution’. But it was a religious tradition as well as a technological one, and it had to be defended against totalitarian materialism. America would have

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22 Ibid., 391–395.
to save Europe; for this was in its own interest and for the sake of the ‘good life’ of the entire world.\(^{25}\)

In this way, Western civilization – a term which asserted America’s role as heir to a fading Europe – became part of a beleaguered liberal tradition’s struggle against totalitarianism. American intellectuals were especially prone, naturally, to such a view, especially as they tended to worry about what one might call a spirituality deficit in a culture increasingly defined for its technological and especially industrial character. The United States could preserve European values and save its soul in the process. In 1941, perhaps the most prominent exponent of this view, the Chicago professor John Neff, founded the Committee on the Study of Civilization (note the singular). He had long been arguing that the United States had to save civilization as it collapsed in Europe, and that American universities in particular needed to act as agents of spiritual transformation, preaching truth and the universal values embodied in the Western canon. (Neff was persuaded to change the title to the more neutral Committee on Social Thought, in which form it survives to this day at the University of Chicago.)

But others found this kind of moral absolutism anachronistic and parochial. The dominant paradigm in American international relations thought in the 1950s moved in an entirely different direction, toward the kind of Schmittian-inflected cult of the national interest, of realism, propounded by Hans Morgenthau, Henry Kissinger and others. In realist thought there was little or no space for civilizational aspirations and the moral certainty that accompanied them. And even those who did take the idea of civilization seriously saw the postwar globalization of the idea of humanity – the extension of the idea of the Family of Man into the colonial Third World – as something which necessitated a much greater modesty about the pretensions of Western or European civilization itself.

Toynbee, for one, agreed that the world could not afford for European civilization to be ‘snuffed out’; but he was increasingly alarmed by the messianism he detected among the American enthusiasts for western civilization. ‘I suppose it is the first phase of a coming American world empire’, he grumbled to Gilbert Murray at the time of the Truman Doctrine, which had been talked up in Time magazine – in an article on Toynbee – as ‘a crisis in Western civilization itself’. Soon he was worrying about American belligerence, a much greater threat in his view than the Russians. By the time of his controversial 1952 Reith Lectures, Toynbee was portraying Russia as one among the many victims of western aggression and arguing that ‘Western imperialism, not Russian communism, is Enemy no.1 for the majority of the human race’. Humanity had to place its faith, not in the United Nations – which he saw as a political association that would probably not outlast the breakup of the wartime alliance – but in the idea that ‘a unified world gradually works its

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way towards an equilibrium between its diverse component cultures’. This was a task that fell to academics who had to help people escape the ‘prison walls of the local and short-lived histories of our own countries and our own cultures’ and accustom them to ‘taking a synoptic view of history as a whole’. Only in this way could one harness the ‘unprecedented degree of humanitarian feeling’ that had arisen, the ‘recognition of the human rights of people of all classes, nations and races’. After all, Western civilization might have unified the world; but in this world, the eighteen non-Western civilizations that Toynbee had identified (four living, fourteen extinct) ‘will assuredly reassert their influence’.26

It was Neff’s Chicago colleague, the anthropologist Robert Redfield, who took up Toynbee’s challenge and tried to put the study of world civilizations on a scientific basis. Redfield had come to see that ‘folk cultures’ were themselves worthy of study in the way they interacted with the forces of social and technical change to produce what he called ‘new moral orders’. Civilizational development did not lead to a single set of values – as Neff asserted – nor to disbelief, psychic disequilibrium and confusion, as the Freudians believed. Rather, civilizations were multiple – formed out of the interaction of Western technology and moral belief systems. As an alternative to Neff’s Committee on Social Thought, Redfield founded a Comparative Civilizations project. Its purpose, or so he told his backers, was to ‘move towards a better understanding of that humanity which is widespread or universal, and on which a world community must rest’. Neff’s approach to civilization focused on European high culture; Redfield’s blurred the distinction between culture (from the bottom up, best studied in the village) and (urban) civilization, and redirected attention away from Europe, toward India, China and the Middle East in particular.27 Inside the universities, this sort of approach fed into the development of area studies and courses on ‘non-Western civilizations’, while the moral certainties that had underpinned the old Victorian standard of civilization were now decried as unscientific idealism by a new generation of social scientists. Civilization met social science and dissolved increasingly into the more comfortable language of culture.28

After 1945, therefore, claims to civilization were made in a very different, and much less propitious, context for interventionist policies than had been the case. The old standard of civilization had made being civilized the precondition for recognizing states as independent; now, during the Cold War, independence was granted in the context of a struggle between rival claimants to European civilizational superiority (the United States and the USSR).

27 Wilcox, Robert Redfield and the Development of American Anthropology, 139–140.
28 As it did in the 2001 UN International Conference on the Dialogue of Civilizations, which equated the concept of civilization with that of culture.
Civilization – increasingly parsed in less morally loaded terms as the condition of being modern – was something to be attained with the help of technical and social scientific expertise after independence by a means of state policy and external assistance. But what did civilization in the new Cold War sense actually mean? Rationality, the defence of property rights, to be sure; and liberty? Initially yes, but as modernization theorists came to entertain doubts about the capacity of Third World countries to modernize under democratic leadership, the spread of liberty came to be equated with defence of property rights against communism and the leadership of army generals and dictators.

In this postwar world, law and claims of ethical superiority no longer offered justifications for intervention, least of all to defend rights. As the number of sovereign states mushroomed, pressure on states to expand the realm of rights depended more than ever on public opinion – domestic and foreign, sometimes swept up into the official policy of states, at others expressed through newly powerful NGOs such as Amnesty International. As international organizations such as the UN backtracked from earlier more interventionist regimes where sovereignty was concerned, it was NGOs that acted as chief defenders of individuals and collective groups against their own states, but this was a much weaker kind of defence.

In short, the collapse of the old civilizational certainties both fostered a more global sense of international community and simultaneously weakened the system’s capacity to force through observation of rights of various kinds. A combination of NGOs and rhetorical exhortation made little headway against the spread of sovereign states in the former colonial world. The European Convention showed that states could derogate powers to a genuinely enforceable rights regime, but this regional arrangement was the exception, not the rule. Perhaps this brief sketch helps explain why, in the 1990s, with the re-emergence of genocide as an international problem, frustration with the UN’s inability to respond adequately fed calls for a new basis for intervention, new criticisms of the doctrine of sovereign sanctity, and calls for some kind of return to an idealized version of nineteenth-century liberal imperial crusades. Currently one reads about demands to replace – or supplement (but doesn’t it come to the same thing?) – the UN with a ‘league of democracies’ that can act when state leaders sacrifice their right to rule by failing to respond to humanitarian crises. Here too the sovereignty criterion is under challenge. But that is not so surprising as the way proponents of such arrangements unproblematically return to the language of civilizational superiority in the name of defending rights. It is hard, I think, if the kind of conceptual trajectory I have outlined here has any validity, to avoid seeing such moves, for all their self-proclaimed practicality, as exercises in nostalgia for a world centred on Europe and ‘European values’ (whatever those may be thought to be) at the very moment when the world is moving in a different direction.