The emergence of humanitarian intervention

*Three centuries of ‘enforcing humanity’*

Fabian Klose

People begin to feel that not only is every nation entitled to a free and independent life, but also that there are bonds of international duty binding all the nations of this earth together. Hence, the conviction is gaining ground that if on any spot of the world, even within the limits of an independent nation, some glaring wrong should be done ... then other nations are not absolved from all concern in the matter simply because of large distance between them and the scene of the wrong.¹

Giuseppe Mazzini, 1851

THE DILEMMA OF INTERVENTION: A HISTORICAL AND RECENT POLITICAL DEBATE

How should the international community react when a government transgresses humanitarian norms and violates the human rights of its own nationals? If a responsibility for protecting people from gross human rights violations exists, which international actor should be responsible for counteracting such crimes? Is it legitimate to interfere from outside in the internal affairs of a sovereign state to prevent mass atrocities and to stop crimes against humanity? These controversial questions are inherent

I would like to thank Andrew Thompson, Martin Geyer, and Johannes Paulmann for their perceptive comments on the draft of this chapter. My essay was supported by the German Research Foundation (DFG) for which I am deeply grateful.

to the issue of humanitarian intervention and reveal the existing conflict between two crucial pillars in international relations: the respect of state sovereignty and the defence of humanity. The debate revolves around the central problem of how to reconcile the humanitarian imperative with the idea of the inviolability of national sovereignty rights. This dilemma of intervention is not just a very recent one; it has a long history. Already at the beginning of the nineteenth century, an intense debate evolved over the issue of interfering in the rights of sovereign states ‘in the cause of humanity’. In order to stop massive violations of humanitarian standards, the European Great Powers intervened repeatedly by military means in various regions of the world, such as West Africa, East Africa, North Africa, the Near East, and the Balkans; amazingly, these are almost the same ‘geographic hot spots’ of humanitarian intervention as those of the twentieth and twenty-first centuries. Fighting the transatlantic slave trade and protecting religious minorities became the two major impulses for the emergence of a new kind of interventionist doctrine. Thus the aim of the chapters in this book is to present the evolution of the practice and theory of humanitarian intervention over three centuries, from the nineteenth to the twenty-first century.

First and foremost, the dilemma of intervention is regarded as a hot topic in an ongoing international political debate. In his Millennium Report in 2000, the then United Nations (UN) Secretary-General Kofi Annan described trenchantly the problem by asking:

I also accept that the principles of sovereignty and non-interference offer vital protection to small and weak states. But to the critics I would pose this question: if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?²

Annan purposely referred to the two most fatal failures of the international community, in general, and the deployed UN Blue Helmets, in particular, to prevent mass atrocities against civilians – the genocide of approximately 800,000 Tutsis in Rwanda by Hutus in 1994 and the massacre of over 8,000 Bosnian Muslims by Serbian troops in the so-called UN safe haven of Srebrenica in July 1995 – in order to argue for the moral duty of intervening actively against such horrendous crimes.

Thus, the Secretary-General incorporated the central recommendations of two UN reports of inquiry concerning both cases, which acknowledged the complete failure of the UN system and demanded, as a lesson for the future, the development of an effective concept to protect humanity. Ensuing from the humanitarian catastrophes in Rwanda and Srebrenica, the controversy revolves in general around the topics of the responsibility to act, the related serious doubts about the role of the UN, and the existing deficiency of international law. This debate was once more intensified by the inaction of the Security Council in the Kosovo crisis and the related North Atlantic Treaty Organization (NATO) military intervention without UN authorization in 1999.

In response to the pending dilemma of intervention, the International Commission on Intervention and State Sovereignty (ICISS), set up by the Canadian government, proposed in December 2001 the idea of ‘responsibility to protect’ (R2P), which was based on an alternative, reframed concept of sovereignty. In its final report, the ICISS argued that sovereignty not only gave states the right to control their own affairs but implied as well their primary responsibility to protect the people living within their borders: ‘Where a population is suffering serious harm, as a


5 On this debate and related developments, see also Chapter 14 by Manuel Fröhlich in this book.

6 The crucial new approach to sovereignty as responsibility, which the ICISS report follows, was articulated for the first time in the study by Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman, Sovereignty as Responsibility: Conflict Management in Africa (Washington: The Brookings Institution, 1996).
result of internal war, insurgency, repression or state failure, and the state
in question is unwilling or unable to halt or avert it, the principle of
non-intervention yields to the international responsibility to protect.\(^7\)
In other words, when a state failed to uphold the fundamental rights of
its people, its sovereignty was suspended, and the responsibility shifted
to the international community, which could, as a last resort, even forcibly
interfere.\(^8\)
This concept was celebrated as a crucial watershed, a promising
normative advancement in international politics and gained international
recognition at the UN World Summit in 2005. On the occasion of the
sixtieth anniversary of the foundation of the UN, all UN member states
officially affirmed their acceptance of ‘the responsibility to protect
its population from genocide, war crimes, ethnic cleansing and crimes
against humanity’.\(^9\)
Two recent conflict scenarios became test cases for the consistency and
value of the new R2P formula in international politics. Following widespread
attacks against civilians by the regime of Muammar al-Gaddafi in Libya, the UN Security Council issued its Resolution 1973 on 17 March
2011, in which it referred for the first time explicitly to the principle of the
responsibility to protect\(^10\) and authorized the UN member states ‘to take

\(^7\) International Commission on Intervention and State Sovereignty, *The Responsibility to


\(^9\) Resolution 60/1, 2005 World Summit Outcome, 24 October 2005, UNGA A/RES/60/1,

all necessary measures\textsuperscript{11} to protect the Libyan civilian population. As a result, NATO started to attack Gaddafi’s forces with air strikes and thus contributed significantly to the victory of the opposition movement in the civil war. In a later interview, UN Deputy Secretary-General Jan Eliasson justified the armed intervention by arguing that Gaddafi’s announced atrocities against civilians depicted a ‘Srebrenica moment’ that forced the international community to react.\textsuperscript{12}

According to various reports of the international media, the recent civil war in Syria with the ruthless attacks against the civilian population also evokes memories of the Bosnian tragedy. For instance, both the desperate situation of the people in the besieged rebel stronghold of Homs and the appalling massacres of civilians in the town of Houla are repeatedly characterized as ‘Syria’s Srebrenica moment’.\textsuperscript{13} Despite the ongoing humanitarian crisis, the international community shows no reaction similar to the Libyan case, is instead entirely divided over the issue, and abstains from the option of direct intervention. The UN Security Council remains paralysed by the division among the proponents and opponents of applying the R2P concept to the Syrian conflict. While the civil war continues to haunt the civilian population, the question of how to react to massive violations of human rights and ongoing humanitarian crises continues to be fiercely disputed within the sphere of international politics.\textsuperscript{14}


\textsuperscript{12} “’Srebrenica-Moment’: Der künftige UN-Vizechef über gute Gründe für Interventionen”, \textit{Die Zeit}, 22 March 2012. For a similar interpretation, see Brendan Simms, ‘Road to Libya Runs through Srebrenica’, \textit{The Independent}, 29 May 2011.


\textsuperscript{14} For this ongoing debate, see Michael Staack and Dan Krause (eds.), \textit{Schutzverantwortung in der Debatte. Die ’Responsibility to Protect’ nach dem Libyen-Dissens} (Opladen and Berlin, Verlag Barbara Budrich, 2015).
A SHORT- OR LONG-TERM HISTORY OF HUMANITARIAN INTERVENTION? DEFINITION AND THE STATE OF RESEARCH

Despite the recent intense political debate, the academic discussion about the issue of humanitarian intervention is much older. It reaches back to the work of scholars in the nineteenth and early twentieth centuries, in which there was already controversy over legal arguments for and against an interventionist doctrine.\(^\text{15}\) However, against the backdrop of the ban on the use of force and intervention explicitly established in the UN Charter,\(^\text{16}\) this debate at first waned noticeably after 1945, and prominent legal scholars such as Ian Brownlie even expressed serious doubts about the validity of the whole concept. By pointing to the political abuse of humanitarian rhetoric to justify forcible interference in the past, especially in the case of the German assault on Czechoslovakia in 1939,\(^\text{17}\) Brownlie concluded that no genuine case of humanitarian intervention had ever occurred. Moreover, he called it a beneficial development in international law and politics that this ‘institution has disappeared from modern state practice’.\(^\text{18}\)


\(^{16}\) See Article 2, para. 4 and para. 7 of the UN Charter.

\(^{17}\) On this case, see Chapter 10 by Jost Dülffer in this book.

The issue of humanitarian intervention regained momentum on the occasion of specific political events at the end of the 1960s and the beginning of the 1970s. The crisis in Biafra in 1968\(^1\) and the military intervention of India to stop mass atrocities against the civilian population in East Pakistan in 1971 prompted academics to pay considerable attention to the notion once again. After these significant cases, they began to raise the question of whether the idea of forcible interference for humanitarian purposes fit into international law and earned any legal recognition.\(^2\) Especially the last twenty years have witnessed a significant intensification of the debate within international law and political science. During this time, both disciplines have produced and are still producing a burgeoning body of literature on the topic.

While working intensively in the field, scholars such as J. L. Holzgrefe managed to offer a sustainable definition of humanitarian intervention. According to Holzgrefe, the term refers to ‘the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human


\(^1\) See also Chapter 15 by Andrew Thompson, 348–49, in this book.

rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied'. Although this definition slightly varies in one form or another throughout the literature, most scholars agree on three key features in defining the term: the transboundary interference in the domestic affairs of a foreign state, the predominant humanitarian purposes, and the coercive nature of the engagement. Thus, most studies focus purely on the use of military force as humanitarian intervention and distinguish it clearly from other forms of civil humanitarian action, such as aid and relief operations by governmental and nongovernmental agencies. Accordingly, the various activities of prominent international organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of

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the Red Cross (ICRC), Médecins Sans Frontières (MSF), CARE, and Oxfam are characterized as ‘humanitarian aid’, ‘humanitarian protection’, and ‘humanitarian assistance’ rather than as ‘humanitarian intervention’. As a matter of fact, various authors address the growing dilemma of intermingling military coercion and humanitarian action in this context. Thus ‘coercive humanitarianism’ can indeed undermine and endanger the genuine humanitarian enterprise. For this reason, Didier Fassin and Mariella Pandolfi argue for a precise methodological distinction: ‘We need to be clear that the work of humanitarian organizations cannot be likened to the action of military forces. It is therefore important that analysis does not add to the confusion of categories that reigns on the ground by blurring the issues and by placing all actors and all logics on the same level.’

The existing literature on international law and political science takes a distinctly normative approach in addressing the topic of humanitarian intervention. Among legal scholars, the overarching concern deals with the lawfulness of this kind of intervention. They concentrate on the questions of whether and under which legal conditions it is permissible to forcibly intervene in the name of humanity. In short, does a right to interfere in the internal affairs of sovereign state for humanitarian purposes exist according to the body of international law? Their foremost attention is on the legal dilemma of intervention, which rests on competing claims of state sovereignty as a guiding principle in international

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23 See also Thompson, Chapter 15, 348.
relations and on the evolving idea of the promotion of human rights. In order to illuminate this problem, some law scholars purposely trace the legal origins of an interventionist doctrine back to the Christian medieval tradition of just war. In addition, they analyse the further development of the notion according to the emergence of natural law theory in the work of such prominent figures as Hugo Grotius and Emerich de Vattel during the seventeenth and eighteenth centuries and in relation to the growth of positive law in the nineteenth century. By integrating early historical precedents in their legal analysis, they discuss whether a doctrine of humanitarian intervention existed in customary international law prior to 1945. Nevertheless, legal research remains definitely focused primarily on the discourse on forcible interference under the legal paradigm of the UN Charter and on the very recent debate about the development of the concept of intervention from a right to intervene to a responsibility to protect. The NATO intervention in Kosovo in 1999, which had no UN mandate, thereby serves as the prime case study for discussing the two contesting issues of the legality and legitimacy of humanitarian intervention and the impact on the body of international law.


28 Fernando R. Tesón, Humanitarian Intervention: An Inquiry into Law and Morality (Dobbs Ferry, N.Y.: Transnational Publishers, 2005); Thakur, Responsibility to Protect; Orford, International Authority.

As far as the analytical timeframe of research is concerned, political science focuses more exclusively on the twentieth and twenty-first centuries. Political scientists put the issue of humanitarian intervention in the context of contemporary world politics, including geostrategic considerations, and analyse it according to the various schools of thought in international relations. In investigating the political dilemma of intervention, recent studies tend to take an integrative approach that merges the various ethical, moral, and legal perspectives into a more multidimensional analysis.30 Crucial remain the questions about the role of international society and how it should react to gross violations of human rights. Broad agreement exists among scholars of law and political science that the emergence of a new world order after the end of the Cold War constitutes the decisive caesura. For decades, the idea of military intervention for humanitarian purposes was stalemated by superpower confrontation; therefore, only a very few cases occurred, such as India’s invasion of East Pakistan to stop mass atrocities against the civilian population in 1971, Vietnam’s in Kampuchea (the later Cambodia) to close down ‘the killing fields’ of the Khmer Rouge in 1978, and Tanzania’s in Uganda to overthrow the murderous regime of Idi Amin in 1979. However, the 1990s witnessed a real ‘explosion of intervention with largely humanitarian justifications’.31 The end of the East–West conflict, induced by the collapse of the Soviet Union, enabled the UN to become a more active key player in the realm of international peace and security. Due to the outbreak of a series of new conflict scenarios, UN involvement in various humanitarian crises around the world, stretching...
from Iraq to the former Yugoslavia and to Somalia, significantly increased in the post–Cold War era.32

As a result, the genealogy outlined by these interpretations views humanitarian intervention above all as a recent invention and denies the existence of a long, complex history of the idea of protecting humanitarian norms by force. To a great extent, the predominant normative approach found in the existing literature leaves little room for historical interpretation and marginalizes the relevant cases of the past centuries.33 Most studies thus refer only very briefly if at all to historical precedents such as the interference of the Great Powers in the Greek War of Independence in 1827 and in the Civil War in Lebanon in 1860–1.34 Apart from these interventions in the Ottoman Empire, some authors such as Gareth Evans, former co-chair of the ICISS, even characterize the four hundred years from the Peace of Westphalia in 1648 to the Holocaust as a time of ‘institutionalizing indifference’ in which very few examples of

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state intervention into foreign territory can be said to have occurred for humanitarian purposes or any reason beyond immediate economic and security interests, thanks to the unchecked operation of the Westphalian principles of sovereignty.\textsuperscript{35}

However, this perspective seeks a counterargument: if the purity of humanitarian purposes is the sole criterion defining the concept of humanitarian intervention, then it never existed and will never exist. It is an absolute myth that states would risk or have ever risked the lives of their soldiers just to follow the altruistic call of humanity. From the past to the present, humanitarian intervention was and is almost invariably driven by a mixture of various intentions of the interfering parties. As we argue in this book, the humanitarian consideration was and still is just one motive among many, including economic, geostrategic, and security issues.\textsuperscript{36}

Furthermore, to characterize the period from the late seventeenth to the early twentieth century as an age of ‘humanitarian indifference’ means to overlook completely the burgeoning body of historical research on the history of humanitarianism and early human rights. As recent studies show explicitly, this period witnessed a true ‘humanitarian revolution’\textsuperscript{37} in the sense that people started to feel sympathy for their fellow human beings, not only within their own country, but across borders and even on distant continents. Far from being indifferent, individuals were mobilized by a sentimental and moral ‘humanitarian narrative’ that motivated them to care for strangers and remedy their woes.\textsuperscript{38} This new sensibility triggered a real wave of humanitarian reform within the societies of Western

\textsuperscript{35} Evans, Responsibility to Protect, 15–19. For a similar interpretation, see Brownlie, International Law, 338–42.

\textsuperscript{36} On the mix of various motives for humanitarian intervention, see also Michael Walzer, Just and Unjust Wars: A Moral Argument with Historical Illustrations (New York: Perseus Books, 2000), 101; Vincent, Nonintervention, 10–12; Wheeler, Saving Strangers, 37–9, 47; Pattison, Humanitarian Intervention, 156–61; Weiss, Humanitarian Intervention, 7–9; Andreas Krieg, Motivations for Humanitarian Intervention: Theoretical and Empirical Considerations (Heidelberg and New York: Springer, 2013).

\textsuperscript{37} In this book we refer to the term ‘humanitarian revolution’ in the sense of the revolutionary emergence of humanitarian sensibility and activities rather than as a decline in violence, as it is interpreted by Steven Pinker, The Better Angels of Our Nature: The Decline of Violence in History and Its Causes (London and New York: Viking Press, 2011), 129–88.

They either referred to the historical cases very briefly, if at all, or emphasized other aspects of interventionist politics, such as anti-revolutionary and imperial purposes. Thus, it is one of the crucial aims of this book to investigate the entangled history of emerging humanitarianism and interventionism as well as to relate both historiographies to each other.


This is a guiding theme for all of the chapters in this book, but on this issue see especially Chapter 2 by Michael Geyer and Chapter 15 by Andrew Thompson.
Very recent studies provide the first important steps towards a genuine history of humanitarian intervention, based on archival research, and sketch the genealogy of the concept’s long history. The pioneering prelude to this trend is the book *Freedom’s Battle: The Origins of Humanitarian Intervention* by the political scientist Gary Bass, in which he addresses the various interventions of the Great Powers in the Ottoman Empire during the nineteenth century.\(^{41}\) Bass begins his narrative with the Greek War of Independence in 1821, moves then to European intervention in the civil war in Syria in 1860–1, and finally discusses the political agitation that occurred during the Bulgarian crisis in 1876–7. His perspective is clearly dominated by his focus on the role of leading contemporary figures such as the prominent British philhellenic Lord George Gordon Byron, the French emperor Napoleon III, and the British Prime Minister William Ewart Gladstone. Although Bass anticipates some features of humanitarian intervention in the nineteenth century, his purpose is political rather than historical. His main concern is to vindicate and promote empathically the concept of humanitarian intervention. Thus he presents the historical precedents as a guideline, descended linearly from the past, for today’s policy-making and presents a lesson he argues should be drawn from past ages: ‘The nineteenth century shows how the practice of humanitarian intervention can be managed.’\(^{42}\) By concentrating primarily on his political agenda, Bass unfortunately leaves unexcavated vital aspects of nineteenth-century humanitarian intervention in their manifold relations to the emerging concept of humanitarianism, the development of international law, and the assumptions of colonialism and imperialism.

Like Bass, the historian Davide Rodogno focuses in his book *Against Massacre: Humanitarian Interventions in the Ottoman Empire 1815–1914*\(^ {43}\) on the various cases in which the Great Powers intervened.

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in the Ottoman Empire during the nineteenth century, while adding the dimension of non-intervention. Rather than promote a political agenda and draw analogies to today’s problem of humanitarian intervention, Rodogno clearly takes a genuine historical perspective. His approach becomes particularly evident by his reference to commonly used terms of the nineteenth century such as ‘massacre’, ‘atrocity’, and ‘extermination’, instead of using modern concepts such as human rights, genocide, or even ethnic cleansing.\textsuperscript{44} The aim of this political, diplomatic history is to show the significant genealogical roots of the concept in the exclusive context of the manifold intertwined relations of the European powers to the Ottoman Empire. In doing so, Rodogno places the intervention issue in the larger matrix of the so-called Eastern Question and in relation to geostrategic, imperial factors. For him, nineteenth-century humanitarian intervention proved to be a selective practice used to protect exclusively Christian minorities and ‘took place in a clearly defined geographical area of the globe – the Ottoman Empire.’\textsuperscript{45} However, there remains the question about other interventions for protecting non-whites and non-Christians in various other regions of the world. For instance, how can the efforts to stop the transatlantic slave trade or to defend the rights of Jewish minorities throughout the nineteenth century be placed in this context? In their recently published volume, Bronwen Everill and Josiah Kaplan have compiled essays by historians and scholars of international relations on the practice of humanitarian intervention and aid. The geographical focus of the book shifts exclusively to the African continent, particularly to select cases in sub-Saharan Africa. Seeking to investigate the continuities and evolutions since the colonial era, Everill and Kaplan deliberately chose a rather broad conceptual approach, one that ‘sees humanitarian military interventions as part of a series of related activities – or “interventions” – in African societies, which includes military action, economic aid, political support and state-building and assistance’.\textsuperscript{46} However, by subsuming assistance for refugees, medical campaigns to combat leprosy, various forms of charity, famine relief, and discourses on good governance under the term of humanitarian intervention, the editors run the risk of blurring the term and losing

\textsuperscript{44} Ibid., 4. \textsuperscript{45} Ibid., 264. \textsuperscript{46} Bronwen Everill and Josiah Kaplan, ‘Introduction: Enduring Humanitarianisms in Africa’, in Bronwen Everill and Josiah Kaplan (eds.), \textit{The History and Practice of Humanitarian Intervention and Aid in Africa} (Basingstoke and New York: Palgrave Macmillan, 2013), 3.
its conceptual precision. Both editors acknowledge the analytic importance of a long-term historical perspective, but nearly all of the chapters in the volume concentrate on case studies from the second half of the twentieth century.

In their book *Humanitarian Intervention: A History*, Brendan Simms and David Trim offer a broader, more comprehensive history of humanitarian intervention.\(^{47}\) The edited volume, which consists almost solely of contributions by historians, presents for the very first time a long-term perspective covering the period from the sixteenth to the twentieth century. Besides European interventions in the Ottoman Empire and Africa, the editors incorporate non-European interventions and thus significantly extend the geographical scope of the book to a global dimension. They place their narrative mainly in the context of shifting geopolitical coordinates over four hundred years and seek to dismiss the ‘Westphalian paradigm’ of absolute territorial sovereignty. In their opinion, the volume confirms that ‘the concept of Westphalia as originating a system of states whose sovereignty was absolute simply is not true’.\(^{48}\) Accordingly, it was possible to merge geopolitical and humanitarian concerns to some extent, thereby creating the space in which humanitarian intervention could take place.

With respect to the methodological question of how far back the history of humanitarian intervention can be mapped out, both editors deliberately decided to include early modern precedents. For them, the early modern period constitutes a time of ‘incubation’, in which the notions of the common interest of ‘Christendom’ provided a crucial starting point for doctrines to evolve first during the Enlightenment and then during the nineteenth century into the ideas of today.\(^{49}\) Accordingly, Simms and Trim argue: ‘Precisely because of the frequency of such interventions, “human rights” emerged as a term and legal concept in the mid-nineteenth century and the term “humanitarian intervention” emerged in the late nineteenth century.’\(^{50}\) At this point the *longue-durée* approach of the volume seems to be overstretched and far too linear,

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\(^{48}\) David J. B. Trim, ‘Conclusion: Humanitarian Intervention in Historical Perspective’ in ibid., 381.


\(^{50}\) Ibid., 22.
especially with respect to the recent controversial debate among historians about the origins of the human rights concept and its relation to humanitarianism. Historical precedents of humanitarian intervention indeed contributed significantly to the emergence of humanitarian norms in international law, but this was not tantamount to the rise of the human rights concept in a modern sense. For instance, prominent advocates of a legal doctrine of humanitarian intervention such as the Swiss legal scholar Johann Caspar Bluntschli and his German colleague Aegidius Arntz referred in their works to the protection of ‘Menschenrechte’ and ‘droits de l’humanité’ as a justifiable reason to interfere. However, without defining the content and nature of these aforementioned rights, they left the term completely vague and did not codify these rights, as was later realized in the Universal Declaration of Human Rights in 1948. Abolitionists could passionately fight against the transatlantic slave trade and demand military intervention against this violation of common sense humanity, but at the same time endorse the paternalistic concept of a mission to civilize the Africans without granting them equal rights. For instance, William Wilberforce, one of the leading abolitionists, was recorded as expressing this view significantly in a parliamentary debate on the abolition of the slave trade in April 1791 with these words:

The Negroes, he [Wilberforce] said, were creatures like ourselves: they had the same feelings, and even stronger affections than our own; but their minds were uninformed, and their moral characters were altogether debased. Men, in this state, were almost incapacitated for the reception of civil rights. In order to become fit for the enjoyment of these, they must, in some measures, be restored to that level from which they had been so unjustly and cruelly degraded. To give them power of appealing to the laws, would be to awaken in them a sense of the dignity of their nature. The first return of life after a swoon, was commonly a convulsion, dangerous, at once, to the party himself, and to all around him.

52 Johann Caspar Bluntschi, Das moderne Völkerrecht der civilisierten Staten als Rechtsbuch dargestellt (Nördlingen: C.H. Beck, 1872), 20, 265, 269.
Such, in the case of the Slaves, Mr. Wilberforce feared might be the consequence of a sudden communication of civil rights.55

There are good reasons to argue that the history of humanitarian intervention is entangled with the emergence of humanitarianism and human rights in manifold ways. However, we have to be careful to avoid the random mixing-up of the different concepts, because the relationship between humanitarianism and human rights does indeed constitute a ‘troubled rapport’.56

THREE CENTURIES OF HUMANITARIAN INTERVENTION:
GUIDING RESEARCH THEMES AND OUTLINE OF THE BOOK

The timeframe of this book is set in the decisive formative period of the concept of humanitarian intervention and its development over the last three centuries. Despite our choice to start our study in the nineteenth century, we do not approach the European intervention in the Greek War of Independence as the prelude for the development of the idea of defending humanitarian norms by military force. Although there can be no doubt about the importance of the various European interventions in the Ottoman Empire, we do not focus here on these already well-studied cases. The book proposes another moment as the start of humanitarian intervention policy: rather than linking it exclusively to the protection of Christian minorities, we trace the origins of the concept to the milieu of the struggle against the transatlantic slave trade at the turn from the eighteenth to the nineteenth century. More than two decades before the European powers intervened for the first time in the Ottoman Empire, Great Britain sent Royal Navy squadrons to the West African coast to intercept slave ships. Their mission was to end coercively the trade in human beings, thus constituting a military campaign that lasted over sixty years and became the longest humanitarian intervention in history.57

In this context the British government tried to gain the approval of other nations for an international ban of the slave trade, which was

55 Wilberforce quote is found in the parliamentary debate of 18–19 April 1791 as recorded in Great Britain, Parliament, House of Commons (ed.), The Debate on a Motion for the Abolition of the Slave – Trade, in the House of Commons on Monday and Tuesday, April 18 and 19, 1791 (London 1791), 37.
achieved at the Congress of Vienna in 1815. As we argue, it was through the efforts to enforce this ban that an international moral consensus was created and a new practice of protecting humanitarian norms collectively was established in international politics. Furthermore, we identify a key transition in the nineteenth century: the departure from the early modern concept of protection on the grounds of religious affinity to the practice of defending humanitarian norms for all individuals regardless of their religious affiliation and on the basis of an evolving notion of a common humanity.

After illustrating the development of this new concept over the course of the nineteenth century as the genuine ‘century of humanitarian intervention’, the book seeks to build a bridge to experiences of ‘enforcing humanity’ in the twentieth and twenty-first centuries. In contrast to the vast majority of the existing literature, we deconstruct the notion of ‘humanitarian intervention’ as a pure phenomenon that only emerges successfully after the end of the Cold War. In seeking to investigate the long-term development, we analyse the concept against the backdrop of crucial historical epochs stretching from the ages of colonialism and imperialism via the interwar years in the first half of the twentieth century to the emerging East–West conflict after 1945. Finally, we pose the critical question whether the end of the Cold War in the 1990s really marks the beginning of a new era of humanitarian intervention and thereby incorporate very recent developments in international politics regarding the cases of Libya and Syria.

To cover four different geographical regions – namely Europe, America, Africa, and Asia – means that the book is methodologically oriented to the concept of transnational and global history. However, even though the historical approach clearly dominates this book, it is not exclusively grounded in the discipline of international history. Acknowledging the multidimensional character of the topic and emphasizing the enrichment of research from different perspectives, the book adopts a broad multidisciplinary approach. Scholars of international law, sociology, political science, and international history in the United States, Great Britain, Canada, Germany, and Switzerland provide, for the first time together, innovative insights into the concept of humanitarian intervention and thus strengthen an integrative approach to the theme.

With regard to the definition of humanitarian intervention, we basically adopt the aforementioned social-science proposal featuring the three key elements of transboundary interference in the domestic affairs of foreign state, predominant humanitarian purposes, and the coercive
nature of the engagement.\textsuperscript{58} For the purpose of broadly illustrating the idea of ‘enforcing humanity’ as well as mutual impacts, interactions, and tensions between various strategies, we include forms of coercive diplomacy rather than focus exclusively on direct military action. In addition, we keep in mind the specific historical circumstances in which direct military intervention was rejected. For instance, due to the exhaustion caused by the First World War, nations became utterly suspicious in the interwar period of any international military engagement on the behalf of suffering strangers. This then made it possible for other reactions to humanitarian crises to evolve significantly.\textsuperscript{59}

To illustrate a history of humanitarian intervention over a time span of three centuries means that care must be taken in selecting the case studies to be presented. We have deliberately chosen episodes that represent decisive steps in the further development of the theory and practice of humanitarian intervention, episodes that have been often neglected by historical research so far. As mentioned earlier, we only briefly refer to already well-studied cases such as those in the Ottoman Empire. By choosing this approach, we seek to address the significant entanglement of various actors (e.g. humanitarian activists, politicians, and military personnel in a global perspective); of political, legal, military, civilian, and cultural relations; and of national, international, and transnational perspectives. It is also the book’s aim to focus on the interdependence and conjunctures of humanitarian crises, international public opinion, and coercive intervention. Furthermore, by investigating the emergence of humanitarian intervention over three centuries, we aim to integrate the topic of enforcing humanitarian norms in two entangled and growing fields of research, namely the broader history of humanitarianism as well as the newer historiography of human rights. In contrast to the already existing literature on humanitarian intervention, this collection of work combines for the first time not only different geographical regions but also various historical epochs and academic disciplines in a single book.

The book combines a thematic with a chronological order and is arranged in five main sections. By discussing the theoretical approach and legal discourse on issues of sovereignty and humanitarian intervention (Part I) and the two major impulses for intervention, namely the battle against the slave trade and the protection of religious minorities (Part II), the book describes the nineteenth century as the decisive

\textsuperscript{58} Holzgrefe, \textit{Humanitarian Intervention Debate}, 18; Vincent, \textit{Nonintervention}, 13.

\textsuperscript{59} On this development, see especially Chapter 9 by Davide Rodogno in this book.
formative period for the idea of ‘enforcing humanity’. In Chapter 2, Michael Geyer links the central issue of armed intervention to the major umbrella themes of humanitarianism and human rights and discusses the various related dilemmas. He suggests a historical baseline to assess, compare, and problematize contemporary definitions of humanitarian intervention without blurring concepts of human rights protection and humanitarianism. In his examination of current political definitions of humanitarian intervention, Geyer compares these with the historical lineage of forcible intervention in theory and practice, on the one hand, and the long tradition of humanitarianism and the protection of rights, on the other.

In Chapter 3, Daniel Marc Segesser discusses the tensions between the principle of state sovereignty and the idea of intervention on humanitarian grounds in the evolving body of nineteenth-century international law. His chapter focuses on the controversial discourse of legal scholars starting with the position taken by Henry Wheaton, as published in his influential work on the *Elements of International Law* in 1836. Segesser shows that the legal debate on how to react to major violations of humanitarian norms intensified once again in the context of the outbreak of massive violence in the Balkans in the second half of the nineteenth century. In the decades that followed, prominent legal scholars such as Johann Caspar Bluntschli, Gustave Rolin-Jaequemyns, and Aegidius Arntz advocated the concept of humanitarian intervention to end mass atrocities, thereby provoking the frank dissent of colleagues who spoke out in favour of the absolute protection of state sovereignty.

In Chapter 4, Stefan Kroll takes a close look at the problem of justifying international intervention in the period from the second half of the nineteenth to the beginning of the twentieth century. He argues that the interpretation of state sovereignty was never understood as absolute, neither in practice nor in theory. Furthermore, Kroll identifies a substantial shift in leading principles of international legal order. The idea of an international community as a new legal principle emerged and provided a benchmark to legitimate the collective action taken by the European powers for humanitarian causes. However, as Kroll shows in the case of the protection of Christian minorities and of the bogus defence of religious freedom, this emerging interventionist norm could also be abused to legitimate practices of cultural hegemony and imperial expansion.

In Part II, the major impulses for humanitarian intervention in the long nineteenth century – namely the fight against the slave trade and the protection of religious minorities – are discussed and compared against
of emerging colonialism and imperialism. In my own Chapter 5, I emphasize the close entanglement of civil society action, humanitarian norm-setting, and military intervention. The Congress of Vienna in 1815 and its Declaration for the Abolition of the Slave Trade is regarded as the central starting point for the concept of protecting a humanitarian norm coercively. By referring explicitly to the evolving ‘humanitarian narrative’, British abolitionists successfully mobilized national as well as international public opinion and thus greatly influenced the decision made in the Austrian capital to declare an international ban of the slave trade by all European powers. Furthermore, I argue that the significant interaction between civil society and international politics made it possible for the new practice of enforcing humanitarian norms by military means to finally become established in the aftermath of the Vienna summit. In this respect, the various cases of intervention by the Great Powers of Europe to protect Christian minorities in the Ottoman Empire did not mark, in and of themselves, the first practical implementation of the idea of humanitarian intervention.

In Chapter 6, Mairi MacDonald addresses the moral hazards of humanitarian intervention by taking a close look at the supposedly pretended last great step to complete the century-long campaign against the slave trade. On the pretext of humanitarianism, the Brussels General Act Relative to the African Slave Trade of July 1890 justified the military conquest of the interior of Africa and proclaimed colonial rule as the best way to accomplish the declared objective of protecting the aboriginal populations from slavery. Focusing on the prime movers of the conference, the United Kingdom and Belgium, this chapter explores the close link between coercive humanitarianism and the colonial projects of the European powers. As MacDonald argues, the humanitarian goals of eliminating the slave trade by ‘civilizing’ the interior of Africa provided the best cover for colonial conquest and exploitation. She raises the question of whether military intervention, as justified on the grounds of humanitarianism, establishes a contradiction in itself, if not an actual invitation to abuse.

In Chapter 7, Abigail Green deals with the second major impulse for humanitarian intervention in the nineteenth century, namely the protection of religious minorities. By exploring responses of coercive diplomacy to the Jewish question, especially to Jewish minority rights in Morocco and Romania during the 1860s and 1870s with reference to the Congress of Berlin (1878) and the Conference of Madrid (1880), she describes the key transition from the concept of protection on the grounds of religious
affinity in early modern times to nineteenth-century practices of humanitarian intervention. According to Green, the experience of Jewish activists to promote civil and religious liberty in Romania and Morocco suggests that interference through coercive diplomacy was primarily a product of the international system, with religious affinity only a secondary factor. Thus her argument challenges articulated assumptions about humanitarian intervention in the nineteenth century as being essentially directed by Christian powers against the Muslim Ottoman Empire for the sole purpose of aiding Christian minorities.

In Part III, the book seeks to bring together the experiences of ‘enforcing humanity’ over the course of two centuries. Jon Western pursues this objective in Chapter 8 by comparing nineteenth-century public attitudes and concepts of humanitarianism in light of mass atrocities to the public attitudes concerning similar phenomenon in the twentieth century. Examining the different cases of international response to the Greek War of Independence in the 1820s, the intervention of the United States in Cuba in 1898, and the response of the US government to the Bosnian war from 1992 to 1995, Western analyses the complex mutual impacts of public opinion and foreign policy decision-making. In particular, he asks why the public was outraged in some instances of mass atrocity and not in others, what role media reports and elite cues played in influencing public attitudes about mass atrocities, and to what extent public attitudes have influenced state behaviour across time and place.

Actually, the first half of the twentieth century seemed to experience a complete halt in the further development of the concept of humanitarian intervention. Due to the heavy toll that the First World War took on Europe – socially, economically, and politically – nations became very wary of any proposed international military engagement on the behalf of peoples in far-off lands. For this reason, the interwar period is described as the ‘eclipse of humanitarian intervention’. Nevertheless, the reluctance of governments to interfere directly and militarily left the door open for the development of other types of reaction to humanitarian crisis. Thus Davide Rodogno focuses in Chapter 9 on the activities of the Near East Relief (NER) organization and its humanitarian politics on the fringes of the newly independent Turkish state in aftermath of the First World War. The chapter, based on archival sources often overlooked by historians, describes how this organization intended to relieve and

rehabilitate the victims of ‘crimes against humanity’, specifically the ex-Ottoman Armenian civilians scattered in what would become Soviet Armenia, Syria and Lebanon (under French mandate), and Greece. The chapter highlights the ambitions and inconsistencies of various NER projects; it critically examines the paternalistic and quasi-colonial posture of the NER relief workers and leaders. Rodogno concludes by explaining the way in which NER activities prefigured international development politics and practices undertaken by the UN Relief and Rehabilitation Administration (UNRRA) and other UN agencies in the aftermath of the Second World War.

The interwar period not only yielded new forms of intervention but also new risks of abuse. In Chapter 10, Jost Dülffer addresses the dark sides of humanitarian intervention on the eve of the outbreak of the Second World War. His analysis focuses on the abuse of the concept of interfering for humanitarian purposes and its potential of being instrumentalized for an aggressive foreign policy. Dülffer argues that Nazi Germany used the rhetoric of the protection of German minorities to legitimate the assaults on the sovereignty of Austria, Czechoslovakia, and Poland in the period between 1937 and 1939. Although the National Socialist goal to return the German populations scattered throughout these neighbouring countries to the fold of the Greater German Empire were driven purely by racist, economic, and military strategic reasons, the argument that Germans were being suppressed beyond the borders of the Reich served as a dangerous diplomatic weapon that paved the way to military aggression. Thus, the concept of armed intervention for humanitarian purposes was significantly discredited and rejected as a useful diplomatic tool after the Second World War. As previously mentioned, the German case also compelled prominent legal scholars such as Ian Brownlie to dismiss utterly the validity of the whole concept of humanitarian intervention even as late as the 1960s.61

In order to break up existing caesuras, we scrutinize whether the Cold War era really meant the complete absence of humanitarian interventionist practice (Part IV). In the recent debate on humanitarian intervention, the East–West confrontation is mainly regarded as a stalemate, in which military interventions in the name of humanity were rather limited, if not completely impossible. By taking a close look at the role of the UN and its peacekeeping missions during the Cold War period, we challenge this

notion and present instead a more multifaceted picture. In Chapter 11, Norrie MacQueen first looks back to the often-neglected pre-UN origins of international peacekeeping during the interwar period and the related role of the League of Nations. He explicitly connects this history with the evolution of the peacekeeping concept within the UN system in the 1950s under UN Secretary-General Dag Hammarskjöld. Focusing on the significant UN interventions in the Congo (1960–4) and in West New Guinea (1962–3) MacQueen explores the further development of the UN peacekeeping model against the backdrop of humanitarian intervention without neglecting to address the contradictions and tensions between the concepts.

Jan Erik Schulte picks up this theme in Chapter 12 and affirms the need to include the issue of UN peacekeeping in the broader context of the history of humanitarian intervention. He argues that UN operations during the East–West confrontation displayed various crucial elements believed to be constitutive ones for the concept of interfering for humanitarian purposes after 1989/90. Schulte explicitly refers to UN interventions during the Cold War as major preconditions for the genesis of the concept and the practice of humanitarian intervention. While linking Cold War experiences with developments of the post-Cold War era, he also illustrates that the changes in UN peacekeeping and the development of the rather multidimensional missions of the 1990s were gradual. Thus his analysis includes the prominent and controversial cases of UN involvement, starting in 1992, in Somalia and the former Yugoslavia and the far-reaching consequences.

In Part V, we finally ask whether the end of the Cold War does indeed mark the often-proclaimed starting point for a ‘new century of humanitarian intervention’ and thus leads directly to the concept of the ‘responsibility to protect’ in the twenty-first century. Bradley Simpson examines this alleged new interventionist attitude with regard to the international intervention in East Timor in 1999, which is considered a paradigmatic case in humanitarian intervention due to its timing (in the aftermath of the NATO intervention in Kosovo) and to the humanitarian justifications evoked by international politicians. In Chapter 13, Simpson challenges this notion and argues that most countries, including Australia and the United States, were motivated more by the fear that the devastation of East Timor might fatally undermine both Indonesian political stability and the credibility of the UN rather than by a newly evolving humanitarian sensibility. According to Simpson, the lessons that East Timor holds for both the history and future of humanitarian intervention are therefore
much more sobering and limited than the humanitarian rhetoric surrounding the case study would suggest.

Manuel Fröhlich discusses the most recent case of military intervention in the name of human rights. In Chapter 14, Fröhlich examines the recent concept of R2P in the light of an attempt in the twenty-first century to reframe and reform the concept of what hitherto has been termed ‘humanitarian intervention’. He investigates the origin of R2P and looks at the transformation process of the concept from its publication in 2001 to its first implementation in 2011. The case of Libya is looked at closely since it was the first time that the use of military intervention was justified by the argument of an international responsibility to react. Fröhlich examines the way the concept of responsibility evolved before, during, and after the military intervention. His conclusion offers important findings on the state of affairs of R2P and the possibility and rationale of normative change regarding the use of force and the protection of populations by the international community.

In the final chapter, Chapter 15, Andrew Thompson reflects on the main themes that emerge from this book. In doing so, he also describes how an examination of the past helps us better understand both current and future humanitarianism. Thompson presents lines of enquiry that are essential if we are to link the experiences of three centuries of ‘enforcing humanity’ and the relationship between humanitarian intervention and connected discourses. At the beginning he explores the various meanings of what role humanitarians played and play in relation to the course of history, the often unclear and vast areas of their engagement, and their entanglement with other discourses, in particular the debates on human rights. Furthermore, Thompson underscores how important it is to delineate genealogies and to agree upon major episodes concerning intervention in the ‘cause of humanity’. He investigates the troubled relationship between power, paternalism, and humanitarianism, and emphasizes the need to investigate carefully various models for justifying intervention and the groups defining them. At the same time, he argues, it is imperative to pay attention to the logic of humanitarian legitimacy, which appears to have been far more selective and bound to ‘geographies’ or ‘ethnographies’ of care.