Review of Alexis Heraclides' and Ada Dialla, Humanitarian Intervention in the Long Nineteenth Century: Setting the Precedent

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Humanitarian Intervention in the Long Nineteenth Century: Setting the Precedent

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Humanitarian intervention is often conceived as a post-Cold War phenomenon. Understood as military intervention carried out in pursuit of humanitarian rather than strategic pursuits, it flourished in the 1990s due to the liberal expectations linked to the prospect of a "new world order". However, and especially after the US military involvement in Afghanistan and Iraq, deep concerns have been expressed regarding the benefits and motives of humanitarian intervention. In fact, humanitarian intervention is one of the most hotly disputed issues in global politics.[1] Some see it as being guided by new and moral enlightened cosmopolitan sensibilities, stressing that in a world characterised by growing interconnectedness/interdependence, humanitarian intervention is justified in order to facilitate the development of a rule-bound global order based on shared values (peace, democracy, human rights). Others argue that humanitarian intervention is deeply misguided and morally unacceptable, not only because it is usually undertaken on the basis of particular geopolitical reasons (selectivity, double standards) but also because it is based on western notions (democracy, human rights) and, thus, the simplistic "good vs. evil" understanding of conflicts and global developments. As a result, considerable attention has focused on the attempt to establish, when, if ever, humanitarian intervention is justifiable.

The *Responsibility to Protect* report, published by the International Commission on Intervention and State Sovereignty, laid down conditions for humanitarian intervention, based on large scale of loss of life, possibly due to ethnic cleansing, where the state in question is unwilling or unable to act itself. Such thinking has often involved attempts to reconceptualise sovereignty, particularly through the idea of "responsible sovereignty" (that is, that a state's right to sovereignty is conditional on fulfilling its duty to protect its citizens).[2]

Despite the above, however, it would be wrong to conceive humanitarian intervention as only a post-Cold War phenomenon. Recently, a few scholars have indicated that it has long been recognised that intervention may be justifiable on humanitarian grounds. An edited book by Simms and Trim examines the concept and practice of humanitarian from the sixteenth to the end of the twentieth centuries.[3] Bass analyses humanitarian intervention practice in the nineteenth century,[4] and Rodogno examines humanitarian intervention in the Ottoman empire.[5] In so doing, these scholars not only indicated, and rightly so, that in the nineteenth century humanitarian intervention was invoked and recognised, but also raised the need to examine in more detail and depth why the nineteenth century was the real heyday of humanitarian intervention.

This task was undertaken by Alexis Heraclides and Ada Dialla, who provide a well-researched examination of how most of the issues for and against humanitarian intervention raised nowadays were articulated in the nineteenth century, both in theory and practice. To do so, not only do they identify the main issues now at stake (1–8), but, in contrast to the scholars mentioned above, provide a well-written and detailed analysis of the international law discourse on humanitarian intervention, linking the theoretical

arguments of those in favour or against to four nineteenth-century case studies.

In chapter four (57–81), and by stressing that humanitarian intervention entered the scene as international law was developing into a scientific discipline, Heraclides and Dialla have undertaken the exhaustive task of identifying and analysing the positions of international lawyers and jurists who addressed the question from the 1830s to the 1930s. Prior to this period, the whole idea of saving those that were tyrannised fell under the just-war criteria prevalent in the Renaissance (see the exhaustive second chapter of the book).

In 1880, the term was introduced by a British jurist William Edward Hall, and, as the authors rightly argue, this debate occurred at a time when there was no international legal ban on internal massive acts of cruelty by states, when independence and sovereignty were well-established cornerstones of international law, and when international political theory and political philosophy paid scant attention to the ethics and conditions for humanitarian intervention (chapter five, 81–101).

In particular, they examine and present the positions of no less than a hundred authoritative international lawyers and jurists, among them Henry Wheaton, Terenzio Mamiani, Robert Phillimore, William Vernon Harcourt, Adolph von Flöckher, Égide Arntz, Johann Caspar Bluntschli, John Westlake, Paul Pradier-Fodéré, Lassa Oppenheim, Antoine Rougier and Ellery Stowell. As it turns out, those not supportive (38 in number) of humanitarian intervention developed their positions not only on the principles of sovereignty, independence and nonintervention, but also on practical grounds (sheer abuse by powerful states against weaker ones) as well as on the selectivity of the practice (as most interventions of the age were almost exclusive-

ly against the Ottoman empire, as will be discussed below). Those in favour enjoyed a clear majority (68), with 48 supporting the right to intervene only in exceptional cases and 14 only for moral or political reasons. By and large, those in favour regarded it as exceptional and acceptable only if, first, intervention was needed to counter gross mistreatment that shocked "the moral consciousness of mankind"; second, the intervention was collective or quasi collective, so as to acquire international legitimacy and limit the abuse factor; and, third, disinterestedness or humanitarian concern was one of the main motives and justifications for intervening (58). On the whole, however, as it emerges from Heraclides and Dialla's study, international lawyers, at least until 1914, with a very few exceptions, remained attached to the dominant civilian-barbarian dichotomy of the age, which understood international law as a matter for the civilised states, which set the standard of entry into the "family of nations" (chapter three, 31–57). This reality, and despite the fact that a respectable majority of the lawyers did not argue in favour of this distinction when it came to humanitarian intervention, not only raised the question of double standards but also the more fundamental question as to whether armed intervention had become part of customary international law at the time. The majority view of scholars since 1920 has been that this is indeed the case. But, as Heraclides and Dialla stress, in order to claim that such a legal right did exist, it is inappropriate to combine those who accepted it as a legal right and those that advocated it only on moral/political grounds. Rather, if one combines those totally against it and those in favour only on moral/political grounds, it is probably "debatable" whether such a right existed in international law at the time. However, as they rightly argue

> when it comes to humanitarian intervention as conceived prior to the UN Charter,

which also included presentations (per-emptory demands) and other forms of coercive interference short of actual hostilities, it appears that humanitarian intervention in this wider sense of the term, was arguably part of customary international law … or at the very least an emerging customary norm. If our assessment is not wide of the mark, this is a striking finding, well before the era of the international law of human rights (including the 1948 Convention Against Genocide which made genocide a matter of major international concern) and the 1975 Helsinki Final Act and the subsequent documents of the CSCE until the 1990 Copenhagen Document, which made respect for human rights, including minority rights, an essential factor for peace and one of the norms of friendly relations between states and criticism of abuses of human rights not a violation of the principle of non-interference in the *domaine réservé* of states (72).

In the second part of their book (101–225), Heraclides and Dialla examine four case studies in detail. These are the Greek War of Independence (1821–32), the Lebanon/Syria "massacres" case (1860–61), the Balkan crisis and the Bulgarian case (1875–78) and the US intervention in Cuba (1895–98). Their criteria for selecting these cases conform to the nineteenth-century understanding of humanitarian intervention and are as follows: "(1) governmental onslaught against unarmed people or atrocities by both sides in a protracted internal war; (2) humanitarian concern, that is, stopping, the 'effusion of blood', as one of the main reasons and official justifications for intervening; (3) military intervention, ranging from 'peacekeeping' to hostilities or a full scale war; and (4) intervention opposed or reluctantly condoned by the incumbent" (101).

On the basis of these criteria, and with an emphasis on diplomatic history and the views of key individuals of the time, Heraclides and Dialla arrive at the following assessments. Firstly, that the Greek War of Independence, widely regarded as the first case of humanitarian intervention, provided the "springboard for the emergence of a new concept" (123) in a number of ways, not only on the basis of moral consciousness and the significant role of public opinion and civil society in favour of humanitarian intervention but also in a multilateral way with a repertoire that involved calls for a ceasefire, mediation attempts, a peace conference and a peace-keeping force as well (105–133).

Secondly, that the Lebanon/Syria case (134–43) contained new features that had a significant bearing on the evolution of humanitarian intervention. These are: "(a) co-optation of the state on whose territory the outrages had taken place; (b) an overseeing committee comprising commissioners of the great powers; and (c) the setting up of a new political-administrative arrangement which placed a region of a state under the collective tutelage of the great powers, limiting that state's control over its sovereign territory" (143).

Thirdly, the case of the Balkan crisis and the Bulgarian atrocities (144–68) features not only the introduction of a unilateral wholesale military intervention (war), but with the benevolent neutrality of the other great powers, but also the far greater role of the press and public opinion (182–84) and finally a high-level conference, the Congress of Berlin, which drastically altered the situation in the Balkans. Regarding the Balkan Crisis, Heraclides and Dialla also examine a lesser-known dimension, that of how "humanitarian sentiments went hand in hand with the patronising attitude of the 'saviour' towards the victim" (190). This is particu-

larly the case with the aggressive stance of many influential Russians based on pan-nationalist grounds, namely pan-Slavism, triggered by humanitarian plight (169–96). Here it is important to stress that probably the most innovative part of the case studies is the reference to Russia and the Russians, which is little known in the international bibliography (169–98).

Fourthly, that in the case of the US intervention in Cuba (197–222) the main features were mainly negative. Despite the humanitarian plight, the pressure of the press and public opinion, the expansionist agenda of the American administration and the results of such of such a humanitarian intervention (colonialism/empire, no real independence for Cuba), underlined the "abuse" factor (215) in humanitarian intervention, especially when a great power is the protagonist.

In examining these cases, Heraclides and Dialla rightly stress that in comparison to the seven interventions of the 1990s, there were barely four interventions within the period under examination (1821–1914). As examined, the powers of the time initially exhibited scepticism due to their belief that it would harm their interests, but the problem in all cases could not be ignored and their diplomatic pressure produced no results. Thus, the powers intervened in concert (the 1860 Paris Protocols regarding Lebanon), in an "alliance of the willing" (as with the 1827 Treaty of London and the battle of Navarino) or by declaring war following several attempts at mediation (Russia in 1827 and 1877; the US in 1898).

The authors also stress that the humanitarian interventions of the period provided a clear manifestation of the civilised-barbarian binary. In three of the four cases examined, the then powers had to deal with Christians suffering

at the hands of Muslims, and not of Muslims at the hands of Christians (as was the case in a few instances of Christian insurgency in the Greek and Bulgarian cases). Military intervention was never contemplated for the excesses and barbarities of the powers in their colonies, as such acts were not acknowledged as humanitarian violations. Identification with the Christians of the Ottoman empire was a decisive factor, as was the nonidentification with the Muslims. Thus, the massacred Muslims and flow of Muslim refugees from the Balkans in the nineteenth century as new states were established and the Balkan Wars of 1912–13 passed unnoticed in Europe.

It would, however, as the authors argue, be better to avoid

> throwing the baby out with the bathwater. If we try to judge "reality" in the nineteenth century on its own terms, as perceived then and not anachronistically (on the basis of today's more scrupulous standards of morality and justice), then the following assessment is probably more fair: that despite the obvious Christian bias, Eurocentricm, hardly disguised "anti-Turkism", incipient racism, double standards and national interests, not to mention the unabashed "civilising" (read haughty imperialist) spirit reigning in those days, the overriding motive of European publics … was indeed humanitarian, to save lives and alleviate suffering (227).

After all, the fact that all the interventions were against the Ottomans does not make them irrelevant to the evolution of humanitarian intervention. Their essential goal, it could be argued, was to prevent large-scale massacres or to protect Ottoman subjects against intolerable or outrageous treatment. Thus, they "were not merely better than nothing (as in the

case of Somalia today), too late (Rwanda) or leading to inordinate destruction, refugees and civilian deaths (Kosovo/Serbia)" (226).

Last, but not least, Heraclides and Dialla, also make some very interesting and important propositions that are of relevance today. Their first proposition deals with the states and great powers involved. It would, as they stress (228), be unrealistic to examine their motives only on humanitarian grounds, and in so doing neglect their instrumental priorities and interests. As evident in most cases of the post-Cold War period, as well as during the nineteenth century, when vital interests of the powers involved were not engendered, their reaction/inaction would always be one of reluctance to intervene. In fact, why should powers intervene to defend "strangers" given the cost (economic, casualties) and risk involved? This, as Heraclides and Dialla point out (4–5), is clear in the issues that dominate the current debate, despite the growing respect for the right to life and the limited resonance and changing character of sovereignty in a globalised interdependent world. Some of these issues are: Is legality through UN authorisation indispensable? Where should the threshold be for intervening with or without UN authorisation? In which cases should interventions be made? Abuse (wrong intentions and ulterior motives), and how can it be checked, if at all. UN authorisation, collective intervention and intergovernmental supervision may do the trick but what if they are not forthcoming? Should intervention take place after the failure of peaceful efforts or should there be early anticipatory and preventive intervention? Moreover, there is also the need for a reasonable estimate of the outcome, that is, of the humanitarian goals with few deaths of civilians and little destruction of infrastructure. Should the intervening powers invest in a quick exit strategy or a longer stay? How many casualties of our "own" soldiers are acceptable?

Thus, and bearing these issues in mind, as Heraclides and Dialla rightly argue (229), humanitarian intervention in the nineteenth century and today should be rejected as a mere option for expansion and other imperialist strategies. It is a question of the right balance. If humanitarian and instrumental motives reinforce and justify each other, then an intervention may qualify as humanitarian, for pure humanitarian motives are almost impossible to come by. It could also be the case that the motives have always been basically humanitarian (in the nineteenth century and today). However, and given

> the heavy costs and risks involved, governments have to justify their action to their home publics and can hardly do so on lofty grounds (by claiming to be the world conscience as it were) but only by invoking, in effect fabricating, dire threats to vital national interests. Conversely, states or leaders in order to attain the moral high ground – perhaps for "humanitarian prestige" or to act in conformity with existing "standards of justice" – may invoke humanitarian motives to conceal their narrow instrumental goals. But after a while they may come to regard these concocted motives as equally valid so as to attain a positive self-definition and for reasons of posterity (229).

Their second proposition is related to the decisive role of the press and public opinion. In the nineteenth-century cases they examined, Heraclides and Dialla conclude that had it "not been for the humanitarian plight and for the pressure from the press and public opinion, no great power would have intervened. These powers found it increasingly difficult to appear insensitive to a plight that moved their citizens" (228). In addition, they also point to how crucial it was to "enlist the advocacy of celebrities, as for example Byron in the Greek War of Inde-

pendence" (228) in a humanitarian cause. Thus, the role of public opinion, the press and celebrities is hardly novel, as depicted by the recent literature on, first, the so-called "CNN-effect", which examines how the scope and speed of the new global media influence the foreign policy of states by bringing images and issues of humanitarian disasters and catastrophes to the immediate forefront of political and moral consciousness, and, second, the role of celebrities in international relations, where celebrities such as Angelina Jolie, George Clooney and Bob Geldof are prominent in humanitarian work and activism across the globe, bringing to attention a wide variety of humanitarian issues and causes to a global audience.

Heraclides and Dialla have provided a most comprehensive presentation of humanitarian intervention in theory and practice in the course of the long nineteenth century. Through the exhaustive and well-analysed international law debate of the time, and the thorough presentation and assessment of the cases studies linked with the ongoing debate they have succeeded in indicating how most of the issues for and against humanitarian intervention raised today were articulated in the long nineteenth century.

NOTES

1   J.L. Holzgrefe and Robert O. Keohane, eds, *Humanitarian intervention: ethical, legal and political dilemmas* (Cambridge: Cambridge University Press, 2002).

2   Alex J. Bellamy, *Responsibility to protect: the global effort to end mass atrocities* (Cambridge: Polity Press, 2009); Gareth J. Evans, *The responsibility to protect: ending mass atrocities once and for all* (Washington: Brookings Institution, 2008).

3   Brendan Simms & D.J.B. Trim, eds, *Humanitarian intervention: a history* (Cambridge: Cambridge University Press, 2011).

4   Gary J. Bass, *Freedom's battle: the origins of humanitarian intervention* (Ithaca: Cornell University Press, 2009).

5   Davide Rodogno, *Against massacre: humanitarian intervention in the Ottoman empire, 1815–1914* (Princeton: Princeton University Press, 2012).