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RESEARCH ARTICLE

The South, the West, and the meanings of humanitarian intervention in history

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Abstract

As it has been written, the history of humanitarian intervention is all too Whiggish and all too white. By conceptualising humanitarian intervention in the way that they do, orthodox histories should be seen as entangled in debates about the origins of human rights but also, perhaps more crucially, debates about the various formations and reinventions of human rights. Alternative codifications of rights reveal the historical possibility of a Southern practice of what we would almost certainly call 'humanitarian intervention'. The record of a radical Third World practice to save strangers from the atrocities of colonialism and extreme racism is also a record of Western states playing staunchly sovereigntist roles, of the West's late devotion to Westphalia. To sketch out such a counterhistory is to argue the following: at a threshold moment in the international-political life of the Responsibility to Protect, it is the terms, range, and domain of the intervention debate that must be re-formulated and re-evaluated.

Introduction

As it has been written, the history of humanitarian intervention is all too Whiggish, and all too white. Emerging gradually with the heady liberalism of the 1990s and first decade of the new millennium, an orthodoxy took hold of intervention as subject matter, operating in the mode of activist and preacher, and in this way imitating more general histories of human rights that have recently fallen into disfavour.[1] Triumphalist, it endorsed the international use of force for the protection of human rights as desirable institutionalised practice. Teleological, it unfolded through inevitable historical events and processes likened to links in a chain. And hagiographical, it sought to identify great heroes, founders, 'norm entrepreneurs', and birthplaces. In the nineteenth century, historians wrote grand narratives about the emergence of constitutionalist government. In the late twentieth and early twenty-first centuries, did political scientists, IR scholars, and historians of international law and diplomacy do for humanitarian intervention what the Victorians had done for national liberty and enlightenment?

It may seem obvious that empathy for the suffering of fellow human beings, and the will to ignore national boundaries in the prevention of such suffering, has been variously felt and acted upon by many cultures across the world. Yet we are told that humanitarian intervention, like most other institutionalised practices underpinning modern international society, is a

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[1]Insisting on the critical rather than monumental impulse is Samuel Moyn, *Last Utopia* (Cambridge, MA: Harvard University Press, 2012); see also Samuel Moyn, *Not Enough* (Cambridge, MA: Harvard University Press, 2018).

practice and concept belonging to Europe particularly.[2] To understand this act of creation, we look to the early modern period, the 'emerging Law of Nations', and 'common interests of "Christendom"', when European saviours prevented the massacre of fellow co-religionists, as well as to the long nineteenth century, when brave Victorians halted 'savage' and 'barbarous' acts like those committed by the Ottoman Empire in places like Greece, Lebanon, and Syria.[3] 'For better or for worse', the Western world, following a number of classical European philosophers, theologians, and jurists, has had 'a unique impact on our contemporary conceptual categories and normative standards' and 'consequently has fundamentally shaped the parameters of legitimate intervention, including intervention by non-Western states'.[4]

It is not that the history of humanitarian intervention makes no mention of the world beyond those locations in which it is most usually written. In particular, the cases of India in East Pakistan, Tanzania in Uganda, and Vietnam in Cambodia receive attention.[5] Still, these were interventions 'shaped largely by Western concepts of international relations', which to a great extent reflected 'the experiences of the Western world', they were a consequence of an ideational diffusion or globalisation that radiated outward from Europe to eventually incorporate all nations under a single rubric of norms and rules.[6] Supposedly the ways in which Europe intervened, and the ways in which Europe thought about intervening, were being imitated by 'non-Europeans' or 'non-Westerners' in a limited set of cases; these ran counter to more general normative trends in the Third World or Global South. Following from its hard faith in 'absolute sovereignty' ('a license to kill'), the developing world excluded human rights as a legitimate motive for interfering in the internal affairs of states – conscious that their independence might otherwise be compromised, the smaller powers clung 'to the rhetoric of sovereignty as one of the means available to them of defending it'.[7]

Some parts of the contemporary debate have indeed deviated from this large and important orthodoxy. It is certainly true that many scholars have stressed the Southern sources of the modern practice of the Responsibility to Protect (R2P), for example.[8] These arguments usually have to do with the varied positions of the South in terms of 'sovereignty as responsibility'

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[2]Humanitarian intervention is a 'European concept' that cascaded into international practice. See for example Davide Rodogno, *Humanitarian Interventions in the Ottoman Empire, 1815–1914: The Emergence of a European Concept and International Practice* (Princeton: Princeton University Press, 2012).

[3]D. J. B. Trim and Brendan Simms, 'Towards a history of humanitarian intervention', in Brendan Simms and D. J. B. Trim (eds), *Humanitarian Intervention: A History* (Cambridge: Cambridge University Press, 2011), pp. 18–19; Gary Bass, *Freedom's Battle: The Origins of Humanitarian Intervention* (New York: Knopf, 2008); Rodogno, *Humanitarian Interventions in the Ottoman Empire*; Alexis Heraclides and Ada Dialla, *Humanitarian Intervention in the Long Nineteenth Century: Setting the Precedent* (Manchester: Manchester University Press, 2015); Fabian Klose (ed.), *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present* (Cambridge: Cambridge University Press, 2016).

[4]Stefano Recchia and Jennifer Welsh (eds), *Just and Unjust Military Intervention: European Thinkers from Vitoria to Mill* (Cambridge: Cambridge University Press, 2013), p. 7.

[5]See, for example, Nicholas Wheeler, *Saving Strangers* (Oxford: Oxford University Press, 2000), pp. 55–111; Gary Bass, 'The Indian way of humanitarian intervention', *The Yale Journal of International Law*, 40:2 (2015), pp. 227–94; Sophie Quinn-Judge, 'Fraternal aid, self-defense, or self-interest? Vietnam's intervention in Cambodia, 1978–1989', in Simms and Trim (eds), *Humanitarian Intervention*, pp. 343–62; Fernando Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (Irvington-on-Hudson, NY: Transnational Publishers, 1988), pp. 179–95.

[6]Simms and Trim, 'Towards a history', pp. 18–19. If Europe has served 'as the origin, engine, and *telos* of historical knowledge' of international law, is this not also true of humanitarian intervention? For a discussion of Eurocentrism in the history of international law, see Martti Koskenniemi, 'Histories of international law: Dealing with Eurocentrism', *Rechtsgeschichte*, 19 (2011), p. 158.

[7]Rather than drawing on 'longstanding indigenous concepts of the immorality of tyranny … Asian and African experiences of intervention in the 1970s to a great extent reflected the experience of the Western world'. Simms and Trim, 'Towards a history', pp. 18–19; on the developing world and sovereignty as a 'license to kill', see Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocities Once and For All* (Washington, DC: Brookings Institution Press, 2008), pp. 11, 19–31.

[8]R2P's most ardent supporters are keen to remind us. See, for example, Evans, *The Responsibility to Protect*, pp. 38–50.

and the localising or shaping, during the 1990s and early 2000s, of humanitarian intervention as a norm – they cite the writings of Sudanese diplomat-scholar Francis Deng (and his colleagues at the Brookings Institution), the late summit debates of the OAU, subregional interventions such as those of ECOWAS in Liberia, Sierra Leone, and Guinea-Bissau, the AU's shift in security culture from 'non-interference' to 'non-indifference', etc.[9] There is also a vast critical literature that historicises the link between imperialism and the modern doctrine of humanitarian intervention.[10] But these welcome contributions still miss a great deal of how we need to think about humanitarianism, human rights, and intervention in, for example, the Cold War years, a period that for the vast majority of the world's population was not only about superpower confrontation and geopolitics, but decolonisation and anti-white-supremacism, issues entwined in an international-legal and -normative struggle against Western-dominated order. Recent contributions take us some of the way towards a revisionism, but only as part of a debate that remains overwhelmingly framed in classic humanitarian intervention terms.

In this article my aim is to sketch out a type of counterhistory, one that provokes questions that seem timely and critical – particularly in the aftermath of 'Libya' and 'Syria' when faith in the sharpest edge of the Responsibility to Protect has splintered and frayed. What interests me in the first instance is the North-South dimension of orthodox liberal thought, the regional features of humanitarian intervention as a normative-historical problem (Western humanitarian interventionists versus Southern non-interventionists, Western solidarists versus Southern pluralists, Western 'responsible sovereigntists' versus Southern 'absolute sovereigntists', etc.)[11] But it is in the process of critiquing these roles commonly attributed to the West and South that I would like to make the following major argument: it is not just the substance, but the terms, domain, and range of the humanitarian intervention debate that must now be re-evaluated and re-formulated. Either we need to define the scope of humanitarian intervention more broadly, or we need to better understand how narrower ways of doing so have prejudiced the kinds of assessments we have asked of intervention history, including in regard to the pluralist or solidarist character of international society, the erosion of state sovereignty, the stability of global governance institutions, and the evolving relationship of individuals and groups to the state and to the international.

In offering the rough outlines of a rival history, then, I mean to expose distortions and omissions, but also to say something more positive about prevailing research design, a form of inquiry that has answered to the most prominent political concerns of its time, bound up in a neoliberalism or liberal-solidarism that was once widely considered just and on the upswing. To confine

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[9]See Luke Glanville, *Sovereignty and the Responsibility to Protect: A New History* (Chicago: University of Chicago Press, 2013), pp. 132–212; Amitav Acharya, *Constructing Global Order: Agency and Change in World Politics* (Cambridge: Cambridge University Press, 2018), pp. 97–128; Paul D. Williams, 'From non-intervention to non-indifference: The origins and development of the African Union's security culture', *African Affairs*, 106:423 (2007), pp. 253–79. Writes Ramesh Thakur: 'Many traditional Asian cultures also stress the symbiotic link between duties owed by kings to subjects and the loyalty of citizens to sovereigns … In India, for example, Emperor Ashoka (third century BC) inscribed the following message on a rock edict …'. Ramesh Thakur, 'R2P after Libya and Syria: Engaging emerging powers', in *Reviewing the Responsibility to Protect: Origins, Implementation, and Controversies* (London: Routledge, 2019), p. 130. See also Luke Glanville, 'Retaining the Mandate of Heaven: Sovereign accountability in ancient China', *Millennium*, 39:2 (2010), pp. 323–43.

[10]I address separately and later on the centrality of the civilising mission, standards of 'civilisation' or 'good government', anti-barbarism, anti-savagery, and divided sovereignty in various strains of humanitarian intervention. On the relationship of imperialism to the language of 'humanitarian war' or 'humanitarian intervention' as used in the late 1980s and 1990s, see, for example, Mohammed Ayoob, 'Third World perspectives on humanitarian intervention and international administration', *Global Governance*, 10:1 (2004), pp. 99–118; see also Aidan Hehir, *Humanitarian Intervention: An Introduction* (London: Red Globe Press, 2013), pp. 187–307. On the changing nature of international hierarchy, the grading of powers, and the origins of intervention, see Edward Keene, 'International hierarchy and the origins of the modern practice of intervention', *Review of International Studies*, 39:5 (2013), pp. 1079–82.

[11]'Humanitarian intervention exposes the conflict between order and justice at its starkest'. To elucidate these tensions we turn to a 'conception of international society' comprised of 'pluralists or solidarists' whereby 'the importance of these categories is that each provides a very different understanding of the legitimacy of humanitarian intervention'. Wheeler, *Saving Strangers*, p. 11.

historically relevant episodes of human rights abuse to those concerning 'large-scale loss of life' or violent ethnic cleansing is to exclude other types of human rights violations and egregious atrocities which surely also offend 'every precept of our common humanity' and which have also elicited and justified interventionary action.[12] Alternative codifications of rights, visible not simply in localised and regional settings but in some of the most important agreements of modern international society, reveal the possibility of historical practices, including non-Western, non-liberal, and alter-liberal practices, which we could almost certainly understand as 'humanitarian intervention' – as significant illustrations of the humanitarian intervention concept.[13] The most notorious single quality of orthodox writing is this: its aversion to the provisional and appraisive nature of the political concepts it puts under analysis, to the centrality of these contingencies in the process of ascribing and describing various notions of intersubjective knowledge.

Whiggishness in the post-Cold War era comprised a series of unobvious, often unacknowledged, and yet fundamental normative choices. As a consequence there was a broad set of cases and controversies that were defined out, but logically could have been defined in, and which in being placed out of sight were also being placed out of feeling. Clearly, the unspeakable violence and most tragic suffering experienced during the 1990s in Rwanda, Somalia, Iraq, and the former Yugoslavia are 'problems from hell' that must 'never again' be allowed to occur.[14] On this, all agree (except perhaps the 'absolute sovereigntists' – but of course these sovereigntists have existed only as a foil to be deployed by scholars themselves).[15] The right to life is obviously sacrosanct. And it ought always to be protected, including by effective international emergency action, without ulterior motives so blatant and far-reaching that triage becomes a fig leaf for regime change, imperialism, or other manoeuvres that go beyond the letter and spirit of civilian protection.

Yet if we are to better understand humanitarian intervention as a political and moral problem, in the past and in the present, then the terms of our historical attention must extend beyond these recurring nightmares, so that we may historicise other sorts of nightmares, nightmares which are frequently forgotten in the West, but which nevertheless demand our empathy and critique. That includes those sorts of terrors in which the West has been undeniably implicated as an offender, and the South as protector or intervener. To do so is to document the extent to which dominant history has told a partial story, both in the sense that it is incomplete, and in the sense that it has been preferential to a certain range of human rights, and a certain range of politics, which seem conveniently self-congratulatory. In the process of recovering and inventing a counterhistory we must ask questions about the purpose and methodology of previous accounts, about whether we should continue to tell stories of a singular meaning called humanitarian intervention, or whether it would be reasonable, and more useful, to historicise meaning in its multiplicity.

Coercive interference for human rights

Humanitarian intervention is coercive interference undertaken to protect human rights. At least that is the kind of definition offered by those 'traditional international legal publicists' whom Hedley Bull recommended we 'take as our starting-point' in thinking about intervention in international relations.[16] In 1950, Lauterpacht embraced what he called, following Oppenheim, 'dictatorial interference' should members of the UN fail to uphold their responsibility 'to respect

[12]Kofi Annan, *We the Peoples: The Role of the United Nations in the 21st Century* (New York: UN Department of Public Information, 2000), p. 48.

[13]On naturalist and anti-naturalist views of concept formation, see, for example, Mark Bevir and Asaf Kedar, 'Concept formation in Political Science: An anti-naturalist critique of qualitative methodology', *Perspectives on Politics*, 6:3 (2008), pp. 503–17.

[14]Samantha Power, *A Problem from Hell* (New York: HarperCollins Perennial, 2003).

[15]Compare to 'traditional sovereigntists' in accounts like Evans, *Responsibility to Protect*, pp. 11–30.

[16]Hedley Bull (ed.), *Intervention in World Politics*, p. 1.

human rights and fundamental freedoms'.[17] More recent legal scholars have more or less agreed: humanitarian intervention, says Simon Chesterman, quoting Ian Brownlie, is 'the threat or use of armed force by a state, a belligerent community, or an international organization, with the object of protecting *human rights*.'[18] This definition corresponds to that of liberal-solidarist legal critics like Fernando Tesón, who similarly interpret humanitarian intervention as 'the proportionate transboundary help, including forcible help, provided by governments to individuals in another state who are being denied basic human rights and who themselves would be rationally willing to revolt against their oppressors'.[19]

International Relations scholars adopted the same basic definition in the late 1970s, reluctantly, after many decades of disagreement (in the 1960s, so 'many diverse activities, motives, and consequences' were understood to constitute intervention that most definitions were 'ambiguous and fail to discriminate empirical phenomena').[20] In doing so, they fulfilled R. J. Vincent's promise to define intervention in a manner that would 'fix its place in knowledge about international relations', though many misunderstood the implications of accepting a definition drawn not from its actual meaning among states or from an understanding of the dialogical and situated dimensions of social inquiry, but from a positivist international-legal tradition.[21] In *Saving Strangers*, published at the turn of the century, Nicholas Wheeler made a historical argument about the legitimacy of humanitarian intervention in international society, a question that he depicted, uncontroversially, as 'the legitimacy of using force to end appalling abuses of human rights'.[22] Over the coming years, many others, like J. L. Holzgrefe, would similarly refer to transboundary military force 'aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals'.[23]

The major inquiry here was not how the humanitarian intervention concept came to be contemplated (nor how, in interrelated processes, notions of 'human rights' and 'intervention' came to be understood), but instead how a more bounded idea, that of coercive interference to protect human rights, was implemented and institutionalised historically (including during times when and in places where the vocabulary of 'humanitarian intervention' had yet to have been coined or used).[24] In their recent history of humanitarian intervention, which stretches back to the early modern period, Brendan Simms and David Trim define humanitarian intervention as 'action by governments (or, more rarely, by organisations) to prevent or to stop governments, organisations, or factions in a foreign state from violently oppressing, persecuting, or otherwise abusing

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[17]Hersch Lauterpacht, *International Law and Human Rights* (London: Stevens and Sons, 1950), pp. 167–70; Lassa Oppenheim, *International Law: A Treatise, Vol. 1*, ed. Hersch Lauterpacht (London: Longmans, 1948), pp. 272–3.

[18]Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001), p. 1; Ian Brownlie, 'Humanitarian intervention', in John N. Moore (ed.), *Law and Civil War in the Modern World* (Baltimore: John Hopkins University Press, 1974), p. 217.

[19]Tesón, *Humanitarian Intervention*, p. 5. Richard Lillich emphasises that there must be an 'imminent or ongoing gross human rights violation' and Rosalyn Higgins writes of 'gross human-rights violations'. This was also the position adopted by the International Law Association in 1975. Lillich is quoted in Wheeler, *Saving Strangers*, pp. 42–3; Rosalyn Higgins, *Problems and Process: International Law and How We Use It* (Oxford: Oxford University Press, 1995), p. 255; International Law Association, *Report of the Fifty-Sixth Conference Held at New Delhi: December 29ᵗʰ, 1974 to January 4ᵗʰ, 1975* (London: International Law Association, 1976), pp. 217–22.

[20]James Rosenau, 'Intervention as a scientific concept', *The Journal of Conflict* Resolution, 13:2 (1969), pp. 149–71.

[21]R. J. Vincent, *Non-Intervention and International Order* (Princeton: Princeton University Press, 1974), p. 4. Consider the discussions in Bevir and Kedar, 'Concept formation in Political Science'.

[22]Wheeler, *Saving Strangers*, p. 2.

[23]Holzgrefe would limit 'force' to military force in particular. Others would broaden the scope to economic sanctions and, less frequently, diplomatic sanctions. See, for example, J. L. Holzgrefe and Robert Keohane (eds), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press, 2003), p. 18; Thomas Weiss, *Humanitarian Intervention: Ideas in Action* (Cambridge: Polity Press, 2007), pp. 5–8; Jennifer Welsh (ed.), *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2004), p. 3.

[24]'Humanitarian intervention' is probably a nineteenth-century neologism, but references to 'humanity' and ideas like the 'rights of man' are much older. See Rodogno, *Humanitarian Interventions in the Ottoman Empire*, pp. 18–36.

the *human rights* of people within that state.' They specify further that by 'action' they mean not just any action, but specifically 'coercive action', which may be imagined on a 'sliding scale' with diplomatic pressure at one end, formal armed violence at the other, with measures like economic sanctions between the polarities.[25]

To their credit, Simms and Trim admit there are difficulties in applying such a definition historically. 'If by "humanitarian" one intends to imply a reference to human rights and international human right law, then it self-defines humanitarian intervention as something only carried out since the mid- to late nineteenth century, when the concept of "human rights" emerged'.[26] Hence many studies have disqualified, wrongly, 'the concepts and praxis' that gave rise to modern human rights – a move, we are told, 'acceptable for a political scientist, perhaps, but not for an historian'. They therefore conclude that the history of humanitarian intervention is to be defined by episodes concerning what we would today call '"human rights" or "crimes against humanity", but which were not called that in the past'.[27]

Yet surely the difficulties admitted by Simms and Trim are not so easily resolved. In particular, it does not seem useful to trace the 'concepts and praxis' that gave rise to human rights if we have not clearly defined what we mean by 'human rights' itself, or better still, if we recognise that these political projects – that of humanitarian intervention, of human rights, and of humanitarianism – are interrelated and probably mutually implicated in the histories of each other.[28] The writing of history is a process itself entangled, more unconsciously than not, in debates about the meaning and origin of human rights, and more specifically debates about the meanings and origins of human rights, and the meanings and origins of humanitarian intervention. That is, there exist multiple valid understandings of these research objects, and therefore it seems reasonable to assume the possibility of many points from which histories may be traced. Accordingly we can pinpoint a rarely admitted and very orthodox assumption: that meaning is stable, universal, and singular, that the history of the humanitarian intervention concept is about the emergence, cascade, and institutionalisation of singular meanings – say, as singular international norms, or as singular international practices – or about logging and chronicling events that seem to resemble those meanings.[29]

It is not at all certain that the place of human rights – its place in humanitarian intervention, as just cause or otherwise – is some settled or wholly resolved affair. Nor is it clear that the concepts and praxis that gave rise to these rights (once we define them) should be found in Europe particularly, no less in early modern Europe. Because we know that when concepts like human rights emerge in actual political life, they emerge in a range, and we might wonder about the extent to which that range is to be distinguished by criteria having to do with evolution and change over time and place.[30] The case has been made that much of what we today recognise as human rights emerged as late as the 1970s, and a related but separate revisionist argument would suggest that many of the values that have come to define human rights should probably not be attributed to the West at all; despite their affinity with long-standing intellectual traditions associated with Europe, they were given new life and content as a function of their political use by

[25]Simms and Trim, 'Towards a history', p. 3.

[26]Ibid.

[27]Ibid.

[28]See Fabian Klose, 'Humanitarian intervention as an entangled history of humanitarianism and human rights', in Michael Barnett (ed.), *Human Rights and Humanitarianism: A World of Difference?* (Cambridge: Cambridge University Press, forthcoming); Andrew Thompson, 'Humanitarian interventions, past and present', in Klose (ed.), *The Emergence of Humanitarian Intervention*, pp. 331–56.

[29]Compare to the discussion in the introduction to the 2013 special issue of *Review of International Studies*: John MacMillan, 'Intervention and the ordering of the modern world', *Review of International Studies*, 39:5 (2013), pp. 1039–56.

[30]On the many lives of humanitarianism, for instance, see Michael Barnett, *Empire of Humanity* (Ithaca: Cornell University Press, 2011).

Third World coalitions from the 1940s onwards.[31] In this way it seems reasonable to ask whether some types or uses of what might be called humanitarian intervention, for causes which seem especially modern, surfaced around the same period, undertaken by the same actors (that is, 'non-Western' actors). And it is only by exegesis of this sort of transformation and variance that we can speak clearly of emergences or origins.

So even if we accept the basic definition of humanitarian intervention proffered by traditional publicists ('coercive interference to protect human rights'), there remain significant definitional ambiguities about the content of the rights that make up the content of humanitarian intervention in practice. In short, if human rights, then which human rights?

A fixation with massacre

To put it bluntly, orthodox historians have placed disproportionate emphasis on the right to life, and large-scale deprivations of that right. To them the act of 'saving strangers' refers to saving strangers not from some abstract peril, but from the more literal loss of life and threat to life from bodily harm. Generally speaking the historical record as it has been written is an episode-by-episode account of interventions to halt 'massacre', 'slaughter', acts of 'mass murder', 'bloodbaths', 'major campaigns of killing', 'genocide', 'extermination', and other incidents 'where blood has been spilt on a significant scale'. Occasions that constitute a just cause, or trigger the obligation to intervene, are grave and violent experiences in which the 'intent to destroy' takes on imminent attributes, they follow from overt state culpability or manifest state indifference.[32] That is, grounds for intervention surface when an 'intent to destroy' meets the will of corporeal violence.[33] No doubt the prevention of large-scale loss of life is one very important purpose of human rights and humanitarian intervention – but are there others?

Vincent wrote in 1986 that humanitarian intervention is typically reserved 'for *extraordinary oppression*, not the day-to-day variety'.[34] To him, like most, the threshold of humanitarian intervention was not just any violation of human rights, but violations so egregious and so lurid that they deserve classifications of their own. Writers refer variously to 'supreme emergencies' or 'supreme humanitarian emergencies' not only for rhetorical effect, but also because these phrases contain distinct arguments about human rights abuses that ought to constitute the 'just cause' of humanitarian intervention and 'the nature of [its] necessity'.[35] Yet if one common denominator among these categories has to do with scale and extremity, then precisely what sort of extreme and large-scale suffering is of shared interest? Vincent's use of the 'extraordinary oppression' was telling; to speak of 'extraordinary' or irregular suffering is to exclude other severe, widespread, and large-scale violations of human rights which, tragically, are indeed ordinary, 'day-to-day', and 'commonplace' in the most deprived settings of the world. While it is seldom made so explicit, the basic moral concern behind Vincent's writing, and the writing of most others, is not 'routine

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[31]See Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton: Princeton University Press, 2019); Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010); Steven Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values* (New York: Cambridge University Press, 2016). Compare with Jan Eckel, 'Human rights and decolonization: New perspectives and open questions', *Humanity*, 1:1 (2010), pp. 111–35; Moyn, *Last Utopia*.

[32]A/810, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948.

[33]An antiquated humanitarian concern with its own complex history, which as Lynn Hunt shows, may have fell into favour in Western culture during the Enlightenment. See Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton and Company, 2007). For a discussion, see Sam Moyn, *Human Rights and the Uses of History* (New York: Verso, 2014), pp. 1–19.

[34]Vincent then makes reference to 'the extraordinary deprivation of the right to life', specifically. R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), pp. 126–7.

[35]See, for example, Michael Walzer, *Just and Unjust Wars* (London: Allen Lane, 1977).

abuse': it is 'acts of killing' and bodily suffering of a potentially lethal nature that disrupt an otherwise tolerable international status quo.[36]

Simms and Trim similarly write that while humanitarian interventions in history can relate to wider humanitarian concerns, 'when combined with "intervention", "humanitarian" typically refers to a response to mortality and brutality inflicted by humans on others'.[37] Davide Rodogno's work on European humanitarian interventions against the Ottoman Empire during the nineteenth century is titled *Against Massacre*, and scrutinises 'whether the intervening states acknowledged the existence of a given threshold (quantitative – the number of people slaughtered – and/or qualitative – the way they were killed, the kind of atrocities perpetrated against them)'. Rodogno is unequivocal: 'What distinguishes humanitarian intervention from other kind of interventions is its main motivation, that is, to save strangers from massacre.'[38] Others looking to the nineteenth century write along identical lines, historicising cases like the loss of life at Scio during the Greek revolt in the 1820s, the mass killings of Christians by the Druzes in Syria during the 1860s, and the 'Bulgarian horrors' of the 1870s.[39]

In his important account of post-1945 humanitarian interventions and their legitimacy in international society, Wheeler is interested in 'supreme humanitarian emergencies' distinguished by their extreme violence and civilian causalities ('a supreme humanitarian emergency exists when the only hope of saving lives depends on outsiders coming to the rescue').[40] Case studies count 'Pakistan's slaughter of over one million Bengalis', the rise of the Pol Pot regime and its 'killing fields', 'the murder of hundreds of thousands of Ibos during the war over Biafra's secession', 'Indonesia's mass murder of East Timorese', 'the deaths of hundreds of thousands from malnutrition and starvation' in Somalia, the plight of the Kurds in the aftermath of the 1991 Gulf War ('without outside intervention hundreds of thousands would have died from hypothermia and exhaustion'), the 'enormity of the killings' and 'inferno of genocide' in Rwanda, as well as violent ethnic cleansing in Bosnia and Kosovo.[41]

All of this should not be so surprising. The focus on relieving massacre, violent ethnic cleansing, and the bodily suffering of innocent civilians in wartime constituted the terms and framing of policy debates at some of the highest levels of international society during the late 1980s and 1990s: the French government's advocacy of a 'droit d'ingérence', President Bush's position on 'humanitarian needs' and Defense Secretary Dick Cheney's vision of 'humanitarian missions' of the 'new world order', as well as the 'humanitarian war' arguments of the Clinton administration a few years later.[42] Let us be clear: it is not hard to imagine explanations for these sorts of choices, but what matters is that they were normative choices, as in ordained, evaluative decisions, made in and for a political era now passed or passing.

In the Canadian-sponsored R2P report of the International Commission of Intervention and State Sovereignty, the just cause threshold for military intervention is claimed as twofold: either

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[36]The language of 'routine abuse' and 'acts of killing' comes from Wheeler, *Saving Strangers*, p. 34.

[37]Simms and Trim, 'Towards a history', p. 3.

[38]Rodogno, *Humanitarian Interventions in the Ottoman Empire*, p. 4.

[39]Research on the late eighteenth- and early nineteenth-century battle against the transatlantic slave trade, reflected in the British Royal Navy's interferences on the West African Coast, is the key exception. As it has been applied, however, this argument returns our gaze not only to great European founders, but to singular practice. See Fabian Klose, 'Enforcing abolition: The entanglement of civil society action, humanitarian norm-setting, and military intervention', in Klose (ed.), *The Emergence of Humanitarian Intervention*, pp. 91–120; Maeve Ryan, 'The price of legitimacy in humanitarian intervention: Britain, the right to search, and the abolition of the West African slave trade, 1807–1867', in Simms and Trim (eds), *Humanitarian Intervention*, pp. 231–56.

[40]Wheeler, *Saving Strangers*, p. 50.

[41]Ibid., pp. 74, 78, 13, 172, 170, 209.

[42]Wheeler acknowledged the ties of his work to turn-of-the-century liberal hegemony. In a 1992 article for *Millennium*, he noted the 'growing interest, especially among liberal opinion in the West, in the idea of permitting a legal right of humanitarian intervention in international society'. Nicholas Wheeler, 'Pluralist or solidarist conceptions of international society: Bull and Vincent on humanitarian intervention', *Millennium*, 21:3 (1992), p. 1.

'large-scale loss of life' or 'large-scale "ethnic cleansing"', actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape'.[43] The Commission's preparatory research materials ('the quarry from which the report was mined', confess its co-chairs) exemplify a similar pivot.[44] The section on 'interventions before 1990' asserts that 'the definition of "humanitarian" refers to the threat or occurrence of large-scale loss of life (including, obviously, genocide), forced migration, and abuses of human rights', but the most far-reaching and potentially subversive feature of this interpretation ('abuses of human rights') is noticeably missing in the conclusion of the same section, which makes mention only of the familiar 'threshold requirement of the existence or likelihood of substantial loss of life'.[45]

The orthodox framework hence resembled the most prominent interventionist programmes of its time. It was as if the purpose of recounting the history of humanitarian intervention was to establish the prestige and self-evident construction of those programmes, as if the victories of previous events called humanitarian intervention were a demonstration of the latest 'humanitarian mission' or R2P itself. Again this much should be obvious. What is less clear is that by aligning (unintentionally or not) with a liberal-solidarist human rights agenda, orthodox narratives may have controverted parallel human rights agendas, including rights agendas that justified historically significant acts of coercive interference.

Freedom's other battles

Among the most authoritative legal references on humanitarian intervention, the ninth edition of Oppenheim's *International Law*, reads: 'When a state commits cruelties against and persecution of its nationals in such a way as to deny their fundamental human rights and *to shock the conscience of mankind* [sic], the matter ceases to be of sole concern to that state and even intervention in the interest of humanity might be legally permissible.'[46] But what shocks the moral conscience of humankind? If we could listen to it, what traumas would it disclose? Oppenheim and his editors are interested here in humanitarian intervention as a legal conclusion, but we can take these words as an invitation for political and moral theorising, the sort of theorising that has stood, surreptitiously but always behind influential historical investigations that are more than meditations on the law.

One writer who refers regularly to 'crimes against humanity' is Gary Bass.[47] He finds the language, for example, in an essay by John Stuart Mill, which Bass notes was written one hundred years before Nuremberg (the indictments of which cited genocide), but which, we should add, can be found sufficiently removed from subsequent passages in the same piece that justify the imperial rule over and conquering of less civilised 'barbarians' (Mill specifies: barbarians like those in Algeria and India), who 'have no rights as a nation, except a right to such treatment as may, at the earliest possible period, fit them for becoming one'.[48]

Bass titles his book *Freedom's Battle*. But ironically *Freedom's Battle* also happens to be the title of a major collection of Mohandas Gandhi's essays and speeches, first published in 1921 and edited by prominent independence activist and Indian statesman Chakravarti Rajagopalachari.[49] In

[43]International Commission on State Sovereignty and Intervention, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), p. xii.

[44]Gareth Evans and Mohamed Sahnoun, 'Preface', in Thomas Weiss and Don Hubert (eds), *The Responsibility to Protect: Research, Bibliography, Background* (Ottawa: International Development Research Centre, 2001), p. v; see, for example, Weiss and Hubert (eds), *The Responsibility to Protect*, pp. 47–79.

[45]Ibid., p. 47. The World Summit Outcome Document would list four broader categories of atrocity: genocide, war crimes, ethnic cleansing, and crimes against humanity. See A/RES/60/1, 'World Summit Outcome Document', 24 October 2005.

[46]Lassa Oppenheim, *International Law: A Treatise, Vol. 1*, eds Robert Jennings and Arthur Watts (Oxford: Oxford University Press, 2003), p. 442.

[47]See Bass, *Freedom's Battle*.

[48]J. S. Mill, 'A few words on non-intervention', in John Robson (ed.), *Essays on Equality, Law, and Education* (Toronto: University of Toronto Press, 1984), pp. 111–24.

[49]Mohandas Gandhi, *Freedom's Battle*, ed. Chakravarti Rajagopalachari (Urbana, IL: Project Gutenberg, 2003).

this collection, Gandhi outlines a very different understanding of 'freedom' – not only freedom from extreme and lethal violence, but also freedom from the psychological, cultural, economic, and spiritual violence that is colonialism and empire, a system that he considered to have done irreparable harm to his country: draining it of wealth and resources, disregarding its poverty while ensuring the extravagant workings of its civil service departments, sacrificing its people to ever-increasing military expeditions, and robbing them of real forms of freedom in other ways.[50] In his written statement before a trial in Ahmedabad on 18 March 1921, Gandhi recounts an anecdote from 1893, when he worked as a lawyer and civil rights activist in South Africa: 'My first contact with British authority in that country was not of a happy character. I discovered that as a man and as an Indian I had no rights. On the contrary I discovered that I had no rights as a man because I was an Indian.'[51]

In truth the question 'whose freedom' or 'whose battle' runs parallel to that of 'which human rights', 'which mass atrocity', or 'which crime against humanity'. Adam Hochschild reminds us that among the first to employ the phrase 'crimes against humanity' was George Washington Williams, who used it in a letter to the US Secretary of State concerning King Leopold's Congo.[52] The year was 1890, and the so-called 'Congo Free State' (later the Belgian Congo) was ruled by and for Leopold II, its system of mass forced labour and natural resource extraction enforced by an infamous brutality. But loss of life and bodily harm was hardly the only form of oppression, hardly the only flagrant abuse of human rights (what we readers might recognise as human rights) to which indigenous Congolese were subjected by their Belgian masters. Williams was concerned with the horrendous moral deficiencies of Leopold's colonial administration:

> Instead of the natives of the Congo 'adopting the fostering care' of your Majesty's Government, they everywhere complain that their land has been taken from them by force; that the Government is cruel and arbitrary, and declare that they neither love nor respect the Government and its flag. Your Majesty's Government has sequestered their land, burned their towns, stolen their property, enslaved their women and children, and committed other crimes too numerous to mention in detail. It is natural that they everywhere shrink from 'the fostering care' your Majesty's Government so eagerly proffers them.[53]

One interpretation of Williams' letter, if not also Williams' thinking, submits that it was colonialism itself that constituted a crime against humanity. To Williams, state-directed violence and its toll on the bodies of the native Congolese was appalling – it was the worst he had ever seen – but the loss of life was part and parcel of a system that was in its own right a gross and systematic atrocity. Elsewhere Williams called for Leopold's 'oppressive and cruel Government' to be replaced by one that was 'local, not European; international, not national; just, not cruel'.[54]

The contingent relationship of humanitarianism with imperialism is one very important example of a research question gone missing in the Whig's history of singular practice or singular meaning. Humanitarianism at different points of time, in different perimeters of place, seems both imperialist and anti-imperialist, both colonialist and anti-colonialist: compare Mill's humanitarianism, an expression of the civilising mission, to the humanitarianism drawn from

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[50]Mohandas Gandhi, 'Letter to every Englishman in India', in Rajagopalachari (ed.), *Freedom's Battle.*

[51]Mohandas Gandhi, 'Statement before the Ahmedabad trial', in Rajagopalachari (ed.), *Freedom's Battle.*

[52]Adam Hochschild, *King Leopold's Ghost* (New York: Houghton Mifflin, 1998), p. 102. Phillipe Sands offers a history of 'crimes against humanity' and 'genocide' but does not mention George Washington Williams or the Belgian Congo or colonialism or apartheid. What I am saying is that, without abandoning Nuremberg, Lemkin, and Lauterpacht, we must understand atrocity as it came to be variously understood, for example, in the 1950s, 1960s, and 1970s, as legal vocabulary and as political vocabulary. See Phillipe Sands, *East-West Street* (London: Weidenfeld and Nicolson, 2016).

[53]'An open letter to His Serene Majesty Leopold II' by George Washington Williams is reprinted in John Hope Franklin, *George Washington Williams: A Biography* (Chicago: University of Chicago Press, 1985), pp. 242–54.

[54]Quoted in Hochschild, *King Leopold's Ghost*, p. 257.

Williams' letter. The ways in which plausible practices of humanitarian intervention were, or were not, a subjugation of nations or governments is precisely the sort of question that historians ought to be investigating. Is a battle for freedom a battle for civilian protection? For civilisation? For self-determined destinies? For regime change? The spectrum of human rights or humanitarianism or humanitarian intervention goes much further of course than just the aforementioned causes; my point is that we can have no appreciation of the multiple histories and conceivable formulations of humanitarian intervention if we converge on the large-scale loss of life alone, if we write histories *with* the forcible prevention of imminent massacre, but *without,* say, the coercive struggle against colonial oppression and apartheid.

So the vagueness of 'human rights' is blatant: as a political concept it must be specified, and yet to do so in any stiff or unyielding way is to narrow what types of histories can be told and what observations can be made. Humanitarian intervention is a lawyer's doctrine, but is also a moralist's doctrine, and a politician's doctrine. To put it one way, historical episodes typically recovered are episodes that suit the liberal imagination of the West; episodes typically ignored have to do with forms of suffering that have fallen out of that same liberal conscience, or which have (at least in part) been caused by it. Waiting to be made, by reference to moral standards that differ with time and place, are new and challenging sorts of arguments, some of which will appear as outright provocations: for instance that the types of humanitarian intervention that have done the most for the people of sub-Saharan Africa are in fact less 'continental' than Tricontinental.

Locating alternative practices: A responsibility to liberate?

One critique of the orthodoxy might read as follows: in its excessively stipulative treatment of a historically contingent category, histories of humanitarian intervention are plagued by double standards, not unlike the ones that have defined recent implementations of modern interventionist practice (employed where it has served ulterior Western interests, as in Iraq, but neglected where those ulterior interests had no chance at being furthered, as in Darfur). A harsher and more complicated argument might suggest that by doing so existing histories provide comfort for empire. For surely it was always on the basis of 'which human rights' that the orthodoxy could excuse its bracketing of European colonialism in favour of early modern rescues of co-religionists or nineteenth-century incursions into civil wars linked up with the Eastern Question – the trick was to set 'civilising' (or anti-barbarism or anti-savagery) against the relief from lethal violence that constituted 'true' cases of humanitarian intervention. But neither of these critiques is equivalent to the point that I am making here.

What I have been saying so far is that we need to find a way of pushing forward our historical understanding of humanitarian intervention without resort to singular meaning, as a way of doing historical inquiry that takes a stand from outside its Western-liberal or moderate-Western-liberal connotation. Accordingly I have suggested that we be guided by the following sort of observation: that by fixating on massacre, and by confining the spectrum of humanitarianism or human rights to the prevention of loss of life alone, orthodox accounts also confine in a single sweep the range of problems, observations, and lessons to be drawn from their histories. It is not enough to say, as anti-interventionists have previously done, that humanitarian intervention is a mere Trojan horse, that the history of the concept amounts to a glove over the hand of imperialist exploitation; this sort of move, commonplace for the past thirty years, in fact contradicts the project that I have in mind.[55]

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[55]Insofar as it rejects Whiggishness on the basis of another singular true meaning. We should, however, conceive of a distinct practice of humanitarian intervention for the promotion of 'civilisation', as one formulation among others. In reasserting historically this particular strand of meaning, consider, for instance, 'Whose right to intervene? Universal values against barbarism', in Immanuel Wallerstein, *European Universalism: The Rhetoric of Power* (London: The New Press, 2006), pp. 1–29.

What is required I think is a different sort of counterhistory, which inverts the prevailing account, reconstitutes its conceptualisation of human rights abuse, and, yes, circumvents its cycle of flattery and praise, but which also recognises humanitarian intervention as a concept with multiple forms and heritages. As an exemplification I would like to trace an alternative practice of coercive interference for human rights that comes into view at the moment in which an absolute rule of non-intervention, a hard sovereignty, and a betrayal of the individual in favour of the state is said to have taken hold of international society. If the Cold War was the era in which international society became genuinely global, when nations previously excluded as 'uncivilised' and essentially 'inferior' were given seats of their own in the assembly halls of the UN, then it is also during the Cold War that a Third World practice of humanitarian coercion is developed within factions of the non-aligned group.[56] The period is to be associated with a broader normative and international-legal 'revolt against the West'; this, and not merely superpower competition, was bearing upon the ways in which human rights, sovereignty, and intervention were being defined and institutionalised.[57]

The Declaration on the Granting of Independence to Colonial Countries and Peoples was adopted by the UN General Assembly on 14 December 1960. It takes up the following theme: 'the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights' and therefore the society of states ought to proclaim 'the necessity of bringing to a speedy and unconditional end colonialism in all its forms'. The colonial powers opposed decolonisation except on their own terms (the process would otherwise interfere with what they were calling their internal affairs) but 'the peoples of the world', convinced that the process of liberation was 'irresistible and irreversible', were demanding metropolitan privilege to abdicate in favour of universal justice, in favour of the 'dignity and worth of the human person, in the equal rights of men and women and of nations large and small', without 'any distinction as to race, creed, or colour'.[58]

What might such a Declaration mean to a counterhistory? On the one hand it is an introduction to the idea of universal anti-colonialism as humanitarianism, the idea that human rights were themselves antithetical to colonial rule, and that the liberation of dependent peoples related to, and in some ways was contingent upon, international action. On the other hand it is emblematic of a political attitude which far from being essentially 'Western' was integral to practices that should be called Southern, that should be associated with those who suffered and resisted colonial abuse rather than those who presided over its operation. The timing of the declaration's vote (when dozens of newly independent Asian and African states had finally been granted UN membership), the location of its adoption (where a non-aligned voting majority had emerged unconstrained by a Great Power veto), and the author of its final draft (Cambodia on behalf of 26 Asian and African countries) provide a sense as to whom, and to what sort of politics, this initiative belongs. The human rights project was never imposed on the South, its mutual adoption was a creative process; in seeking to thwart the metropolitan North, anti-colonialists in the South salvaged its meaning through new use.

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[56]Only by fixing a very narrow definition of atrocity crimes could it be argued that during the Cold War 'it is hard to find examples where states looked beyond their own territorial and colonial borders … to demonstrate – by acting to halt or avert new or continuing atrocity crimes – that they indeed had, in Hedley Bull's evocative phrase, "purposes beyond themselves"'. Evans, *The Responsibility to Protect*, p. 16.

[57]Glanville writes that Third World arguments in support of sovereign self-government and anti-apartheid action were often premised on human rights. 'Traditional' rights of sovereignty were hence contested, sovereignty was accepted as a responsibility. Still, we are told that this era of international society should be understood as 'firmly non-interventionist'; 'sovereigns were not held accountable to international society', 'increased monitoring and reporting was not the same as enforcement', legitimate 'scrutiny and condemnation' was not intervention. But can the point hold? On what grounds does it hold? When does it fall apart? See Glanville, *Sovereignty and the Responsibility to Protect*, pp. 164, 130–70.

[58]A/RES/1513(XV), Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960.

In 1973, the force of decolonisation may be said to take a different but related form in the International Convention on the Suppression and Punishment of the Crime of Apartheid.[59] The Convention adopts the 'crimes against humanity' language, explicitly recalls the 1960 Declaration on the Granting on Independence to Colonial Countries and Peoples, as well as the 1948 Genocide Convention, and invites the political if not legal argument that apartheid is in fact a subtype of genocide, that apartheid shares its requisite intent (to 'destroy, in whole or in part' a national, ethnic, or religious group).[60] What it may be made to represent is both the criminal nature of extreme racism in international law and the intimate relationship between racism and colonial rule. And, once again, it is to be remembered as a political project of the South, which resembles the attitudes and experiences not of the white men (and white women, like Margaret Thatcher) who condemned the liberation movements, who jailed Nelson Mandela, but of the posture of Third World revolutionaries themselves. When the Apartheid Convention was adopted, 91 were in favour. Four voted against: Portugal, South Africa, the United Kingdom, and the United States.[61]

The language of human rights, humanitarianism, genocide, ethnic cleansing, and crimes against humanity was crucial to the struggle; we find it for instance in the UN Special Committee on Apartheid, formed by the General Assembly in November 1962 (composed of 16 members from Asia, Africa, Latin America, and Eastern Europe).[62] In 1976, Leslie O. Harriman, the permanent representative of Nigeria to the UN, held its chair. In June he sent a letter to the General Assembly, which reported on a Declaration adopted by the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa. One paragraph in particular demands attention:

> The Seminar calls upon Governments and peoples to give *full support* to the national liberation movements in southern Africa in their struggle for the total eradication of racism and colonialism, and to end all military, economic and other collaboration with the racist regimes. *The Seminar declares that apartheid constitutes a crime against humanity, and that the international community has a duty to suppress and punish that crime.*[63]

This international responsibility to suppress and punish would be variously operationalised, including through economic sanctions approved by the UN Security Council under Chapter VII – though the United States, France, and Britain initially opposed mandatory sanctions against South Africa, their endurance broke under public pressure in the late 1970s.[64] The international duty to prevent apartheid, linked to the duty to throw off colonialism, and established because of and not in spite of a 'non-Western' coalition of states, could be said to emulate the logic of a universal Responsibility to Protect; it might also be said to predate it, and in terms of its cause, in terms of its conceptualisation of human rights, reach beyond it.

Cases and executions

What emerges then – through this admittedly brief and incomplete discussion – is the obligation to at least consider the historical possibility of an international practice whereby state boundaries

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[59]A/RES/3068(XXVIII), Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973.
[60]A/810, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948.
[61]Twenty-six abstained. See A/RES/3068(XXVIII).
[62]A/31/104, S/12092, The Chairman of the Special Committee Against Apartheid to the Secretary-General, 1 June 1976.
[63]A/31/104, S/12092. Emphasis added.
[64]After relenting to the 1977 arms embargo, the United States and the United Kingdom vetoed against more far-reaching sanctions again in 1988. Thatcher notably denounced the ANC as a 'typical terrorist organisation' just a year prior at the Vancouver Commonwealth Summit.

were forcibly breached in the name of 'saving strangers' from the tyranny of colonialism and systematic racism, which existed separately from the tyranny of mass murder. To found a practice premised on the cruelties of colonial and racist rule, on colonialism's violence to bodies, of course, but also to minds, economic development, natural resources, the environment, local cultures, faiths, and customs: this is among the aims of the preambular paragraphs first, of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, and second, of the Apartheid Convention.[65] Feasibly it is also the animating spirit of a counterhistory, one that seeks to throw off the weight of the orthodoxy, to diversify its values, and to clarify its methodology, without denying the possibility of alternative meanings and practices.

So without leaving behind our moral outrage towards what have become conventional symbols of atrocity (the machetes of the Rwandan Genocide, the gas chambers of Auschwitz, the killing fields of Cambodia, etc.), to what other memories might this new strain of history draw our attention? Briefly I would like to consider a few additional substantiations, bearing in mind the divisions within the South, but also the plausible emergence of a group or groups, cutting across the three continents, which surely did agree on what might be described as an anti-colonialist and anti-white-supremacist interventionism.

At the Bandung Conference of 1955, 29 states from Africa and Asia, representing nations of different sizes, cultures, and political alignments – pro-Western, pro-Communist, and neutralist – argued that peace and freedom were interdependent, that the most precious ideals of the UN could not be upheld without emancipation of the world's colonies. There, colonialism was already being called an anachronism by people like Mohammad Ali Bogra, the third Prime Minister of Pakistan, who saw in the old empires a moral bankruptcy premised upon the lies of civilisational superiority and ethnic hierarchy.[66] Self-determination was essential to the Bandung agenda and, as we know from a number of recent histories of human rights, became interpreted as nothing less than a prerequisite for the full enjoyment of all other human freedoms – over time self-determination moved from principle to right, the promotion and protection of which emerged as an international responsibility.[67]

Bandung is a precursor: if not yet an interventionist programme, a kind of Bandungian humanitarianism might be said to have transformed at Belgrade, 1961, where what later became known as the Non-Aligned Movement called for the rendering of 'all necessary aid and support, whether moral, political, or material' to the national liberation movements struggling against colonial and neocolonial domination.[68] At Algiers in 1973, the non-aligned agreed to 'increase their military, material, political, and moral assistance to the liberation movements and to take all necessary steps to enable them successfully to pursue their fight', qualifying that 'assistance and support that the non-aligned countries provide to the peoples fighting for their freedom are based on the unity of the fight which they are waging and their common aspirations'. 'So long as colonialism in any of its forms continues to exist, the non-aligned countries should join forces with the liberation movements in a common struggle to end it.'[69]

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[65]See especially para. 7 in A/RES/1513(XV).

[66]Mohammad Ali Bogra, 'Address of Pakistan during the opening session', in Roeslan Abdulgani (ed.), *Asia-Africa Speaks from Bandung* (Jakarta: Indonesian Ministry of Foreign Affairs, 1955), p. 109.

[67]As suggested by the first article of both the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social, and Cultural Rights. See Burke, *Decolonization*, pp. 35–59; on the relationship of self-determination to international order-making and nondomination, see Getachew, *Worldmaking after Empire*; on the idea of a wide Bandung ethic, see, for instance, Obiora Chinedu Okafor, 'The Bandung ethic and international human rights praxis', in Luis Eslava, Michael Fakhri, and Vasuki Nesiah (eds), *Bandung, Global History, and International Law* (Cambridge: Cambridge University Press, 2017), pp. 515–32.

[68]A/5763, Declaration Adopted by the Second Conference of Heads of State or Government of Non-Aligned Countries held in Cairo, 10 October 1964.

[69]A/5763, Declaration on the Struggle for National Liberation Adopted by the Fourth Conference of Heads of State or Government of Non-Aligned Countries held in Algiers, 9 September 1973.

When the OAU was established in September 1963 in Addis Ababa, Article 2 (1d) of its Charter listed as a purpose of the organisation the eradication of 'all forms of colonialism from Africa'.[70] There the Casablanca group – Algeria, Ghana, Guinea, Libya, Mali, Morocco, and the United Arab Republic – had been promoting a right to effectively intervene in the internal affairs of colonialist or neocolonialist states (South Africa, Portugal, and Rhodesia among them).[71] It arrived in the context of a broad pan-Africanist vision consisting of many parts. In his speech before the conference Kwame Nkrumah described military aid to colonial oppressors as 'an act of aggression against the whole of Africa'.[72] An African High Command was to be set up for the collective self-defence of the OAU's existing members but also for the liberation of the continent: it was to protect against overt neocolonialist aggressions, as well as interventions of the more covert sort – like that which had occurred in the Congo, that had assassinated Patrice Lumumba.[73] 'Is not our unity essential to guard our own freedom as well as to win freedom for our oppressed brothers, the freedom fighters?'[74]

An African High Command did not come to fruition, but the legitimacy of international coercive struggle to free Africa was never seriously doubted, it found support within the Organisation's most radical circles. The OAU's Liberation Committee, established in 1963 and based in Dar es Salaam, described its official purpose as the use of 'all means at its disposal to restore elementary human rights to the oppressed peoples of Africa' when states showed 'no sign or willingness' to recognise the right of Africa's peoples to self-determination.[75] Years later, the OAU considered the creation of an 'Inter-African Intervention Force' or 'African Task Force' to protect against the raids of white supremacist countries into 'Frontline States' – black states sharing borders with the white-ruled states of Southern Africa – and hence to shield the bases of freedom fighters who, hosted in and assisted by frontline countries like Julius Nyerere's Tanzania, launched their sabotage from across those borders.[76] In 1977 William Eteki Mboumoua, then-Secretary-General of the OAU, appeared before a ministerial meeting in Libreville, Gabon:

> The most serious consideration should be given to the necessity and the urgency of considering a mechanism which would permit the mobilisation without delay of a *collective intervention force* in cases of aggression against an African country.[77]

Mboumoua made his call in the wake of raids in Mozambique, Zambia, and Botswana by Rhodesian troops belonging to the South African-backed Ian Smith regime.[78]

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[70] Charter of the Organization of African Unity, United Nations Treaty Series, 479:6947, 25 May 1963.

[71] See A. Bolaji Akinyemi, 'The Organization of African Unity and the concept of non-interference in internal affairs of member states', *British Yearbook of International Law*, 46 (1972–3), pp. 394–7; T. O. Elias, 'The Charter of the Organization of African Unity', *The American Journal of International Law*, 59:2 (1965), pp. 243–67.

[72] 'Address to the Conference of African Heads of State and Government, 24 May 1963', in Kwame Nkrumah, *Revolutionary Path* (London: Panaf, 1973), p. 241.

[73] On the African High Command and other attempts at regional defense systems, see T. A. Imobighe, 'An African High Command: The search for a feasible strategy of continental defence', *African Affairs*, 79:315 (1980), pp. 241–54; see also Adekeye Adebajo and Chris Landsberg, 'The heirs of Nkrumah: Africa's new interventionists', *Pugwash Occassional Papers*, 2:1 (2001), pp. 65–90.

[74] Nkrumah, 'Address to the Conference of African Heads of State and Government', p. 235.

[75] A/6700, Report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2 October 1967; Emmanuel Dube, 'Relations between liberation movements and the OAU', in N. M. Shamuyarira (ed.), *Essays on the Liberation of Southern Africa* (Dar es Salaam: Tanzania Publishing House, 1971), p. 27.

[76] See Imobighe, 'An African high command', pp. 247–9.

[77] Quoted in 'OAU ministerial meeting hears call for a combined African defence force', *Jordan Times* (25 June 1977). See also 'OAU asks for a military force', *New York Times* (28 January 1977).

[78] 'OAU ministerial', *Jordan Times* (25 June 1977).

But perhaps the most extreme expression of this form came earlier: at the Tricontinental Conference of 1966, delegates declared the 'right of all peoples to oppose imperialist violence with revolutionary violence' and the international 'duty' to give 'unrestricted support' to freedom fighters across Asia, Africa, and Latin America.[79] Meeting in the Habana Libre Hotel (formerly the Havana Hilton), 83 delegations – representing state governments as well as liberation movements – met to condemn the devasting effects of colonialism and neocolonialism on developing nations, to 'close ranks', and to contest prevailing international norms and rules ('eager to cover up their crimes, the imperialists and their oligarchic agents invent false legal arguments', which must be met by 'the powerful drive of world public opinion').[80] In his speech to close the conference, Fidel Castro called for 'a common strategy, a joint, simultaneous struggle' because 'the field of battle against imperialism takes in the whole world'. Accordingly 'Cuban fighters can be counted on by the revolutionary movement in any corner of the earth', this was how nations were to understand the theory of internationalism.[81]

Consider the West's response: at the OAS, the United States and its allies led a charge to condemn 'emphatically the policy of intervention and aggression of the communist states and other participating countries and groups' that was adopted at the 'the so-called conference of solidarity' (the Tricontinental).[82] The resolution was followed by a letter dated 7 February 1966 to the President of the UN Security Council, which made essentially the same claim: it ought to be known to the international community that the Tricontinental's commitment to assisting internal rebel movements struck 'against the sovereignty and political stability of state members of the United Nations' and 'the fundamental principles of international law', including the Charter's non-intervention and sovereign equality provisions.[83]

At the UN, the liquidation of metropolitan privilege, including white minority rule, was initially portrayed by Western colonial powers as a 'purely domestic' question. In October 1956, France summitted a letter to the Secretary-General in which it argued that Egyptian military aid to Algerian revolutionaries constituted an 'attack on French sovereignty in flagrant violation of the fundamental rules of international law which stipulate non-interference in the internal affairs of another state'.[84] Agreed the representative of the United Kingdom: 'The question of Algeria was incontestably within the domestic jurisdiction of France'.[85] The Ceylonese delegation was outraged: 'if that theory were accepted, that would sound the death knell of all liberation from colonial bondage'.[86] And when the UN formally considered South Africa's horrific treatment of its own nationals, Pretoria took to the podium to explain apartheid as a matter 'exclusively of domestic jurisdiction'. More explicitly than others allied with the South Africans, Australia agreed: to intervene internationally on grounds of 'racial origin or the general principle of human rights' would be 'unwise as well as illegitimate'.[87]

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[79]See the General Declaration reprinted in *The First Solidarity Conference of the Peoples of Africa, Asia, and Latin America* (Havana: Organisation of Solidarity with the People of Asia, Africa, and Latin America, 1966), pp. 153–8.

[80]*The First Solidarity Conference of the Peoples of Africa, Asia, and Latin America*, p. 19.

[81]See 'Speech by Fidel Castro in the closing session', in *The Tricontinental Conference of African, Asian, and Latin American Peoples: A Staff Study* (Washington, DC: US Printing Office, 1966), pp. 93, 91, 89.

[82]The resolution adopted by the Council of the OAS on 2 February 1966 is reprinted in *The Tricontinental Conference of African, Asian, and Latin American Peoples*, pp. 145–6.

[83]Letter to the President of the Security Council, S/7123, 8 February 1966.

[84]Letter to the Secretary-General, S/3689, 25 October 1956.

[85]A/C.1/SR.831, Official Records of the First Committee, 4 February 1957; A/C.1/SR.834, Official Records of the First Committee, 6 February 1957.

[86]A/C.1/SR.839, Official Records of the First Committee, 8 February 1957.

[87]Compare with the arguments of the Indian delegation: the Universal Declaration of Human Rights 'imposed the moral obligation upon States to promote respect for human rights', that 'intervention by the collective body of the United Nations for the sake of freedom and in accordance with the principles of the Charter was appropriate international action'. See *Yearbook of the United Nations* (New York: UN Department of Public Information, 1950), pp. 398–400.

It should be immediately clear that the South disdained the notion that sovereignty was absolute, that it rejected, for instance, the argument that sovereignty was a shield or wall behind which colonialists and racists could hide. At the UN in 1965, representatives of states like Senegal were unequivocal: 'The principle of non-intervention could not be invoked to justify apartheid, the denial of self-determination to colonial peoples or in any circumstances in which the dignity of the human person was under attack'.[88] Some of the conceptual issues that appear with this rupture: the difference between a Western-liberal or moderate-liberal conception of humanitarian intervention, and a Southern-revolutionist or radical-liberal conception of humanitarian intervention; the possibility that a Western-liberal practice of intervention was also a liberal-legalist practice of intervention, that a Southern-revolutionist practice represented radical-legalist practice; the relationships of these formulations with various models of sovereignty and of self-determination.

In terms of a total, clear-cut implementation of this responsibility to liberate, Cuba's intervention in Angola is the salient case. In 1975 a 30,000-strong Cuban military operation successfully halted a South African march towards Luanda, delivering what one South African military analyst at the time called an 'irreversible blow' to white elitism.[89] At the Fifth Summit of the Non-Aligned Movement, held in Colombo, August 1976, 86 member states unanimously 'congratulated the government and people of Angola for their heroic and victorious struggle against the South African racist invaders and their allies, and praised the Republic of Cuba and other states which helped the people of Angola foil the expansionist and colonialist strategy of the South African regime and its allies'.[90]

When on the 14 October, 'Angola was invaded by regular South African forces' the world 'couldn't just sit and watch'. 'When the MPLA asked for our help, we offered the aid necessary', explained Castro on Havana television in July 1977. Castro continued, eyes piercing into the interviewer: Cuba had acted 'to prevent apartheid from being installed in Angola'. Apartheid was 'the most shameful, unworthy, criminal and repugnant institutions of modern times' and the situation could not last indefinitely: 'it is impossible for 3 million white racists to continue humiliating, exploiting, discriminating and oppressing almost 20 million blacks in South Africa'.[91] The struggle would be long and arduous, but Castro was certain that 'neither Africa nor the world' could stand idly, and certain too of the fraternal justification of his titanic military mission:

> Some imperialists ask why we're helping the Angolans, what our interest is. They assume that countries only act out of a desire for petrol, copper, diamonds or some other resource. No. We have no material interest. Of course the imperialists don't understand this. They would only do it for jingoistic, selfish reasons. We are fulfilling an elementary, internationalist duty in helping the people of Angola![92]

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[88]A/C.6/SR.889, Official Records of the Sixth Committee, 3 December 1965.

[89]Quoted in Piero Gleijeses, *Visions of Freedom: Havana, Washington, Pretoria, and the Struggle for Southern Africa* (Chapel Hill: University of North Carolina Press, 2013), p. 30. The key references are Piero Gleijeses, *Conflicting Missions: Havana, Washington, and Africa, 1959–1976* (Chapel Hill: University of North Carolina Press, 2002); Gleijeses, *Visions of Freedom*.

[90]A/5763, Declaration Adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries in Colombo, 19 August 1976.

[91]The Swedish-produced documentary *History Will Absolve Me* was played on Havana national television on 23 July 1977. Castro's statements to an unidentified interviewer are reprinted in 'Castro in TV film discusses Angola, Southern Africa', LANIC, University of Texas at Austin, available at: {http://lanic.utexas.edu/project/castro/db/1977/19770723.html}.

[92]'Closing speech to the First Party Congress, 22 December 1975', in Michael Taber (ed.), *Fidel Castro's Speeches, Vol. 1* (New York: Pathfinder Press, 1981), p. 80.

Nelson Mandela would commend the Cuban victory over South Africa as a turning point in the history of the African continent: it was Cuba's intervention in 1975 that 'broke the myth of the invincibility of the white oppressors'.[93] Henry Kissinger, at the time, had a different opinion: 'My own view is that countries should determine their own future free of foreign military intervention'.[94] According to whom did state sovereignty amount to impunity to commit mass atrocities? According to whom did international society and its members have a duty to coercively prevent large-scale human rights abuses?

Conclusion

We are at a threshold moment in the historiography of humanitarian intervention, which in many ways mirrors a threshold moment in the international-political life of R2P. As collective faith in modern interventionist projects suffers from the sting of Libya and regime change, so too is there declining confidence in the stories previously told about intervention in historical international society. This article has attempted to chart out paths forward and towards a different sort of historicising, which in surveying various ethical commitments makes a series of timely provocations. Recent decades of writing on the subject matter have been Whiggish and Eurocentric: orthodox narratives tempted us to reaffirm the vintage, prestige, and progressive march through time of the most recognisable types of intervention, rather than to confess the contingency of humanitarian intervention as a political concept. In terms of research design we cannot understand how this feat was achieved, and how it might be overcome, until we consider the problem of singular and universal meanings.

The orthodoxy is not wrong to say that humanitarian intervention, at some level of abstraction, in some form, has very old and deep roots, including in Europe. Yet it never shows how ascriptions of 'humanitarian intervention' to historical acts and practices are always interwoven with, for instance, judgements pertaining to the form and realisation of human rights, according to which some applications of human rights are contested and in many ways quite new, or, at the very least, cannot be seen as constant or uniform. Human rights are not simply human lives. To pose the question of what sorts of causes are properly 'humanitarian', of what sorts of suffering are horrific and outrageous enough to constitute 'mass atrocities' or 'supreme emergencies' is to expose the normative underpinnings of a literature that has successfully but misleadingly presented itself as detached and disinterested. It is not at all certain that the scope of humanitarian intervention is some settled or wholly resolved affair; and, as is well known, the invention of the modern practice of R2P did not, even cannot, resolve the issues that lurk beneath the surface of its conceptual applications. Different practices reasonably described as humanitarian intervention suggest the possibility of multiple alternative histories, illustrative of multiple alternative meanings.

It cannot be said that all of these practices are 'Western'. To the contrary, some seem vehemently anti-Western, at least insofar as the West associated itself with the atrocities that were colonialism and apartheid. If an old rule of intervention discourse was that the historical Third World had no original role to play in the coercive interference to promote human rights, that it obstructed solidarism, that it defended a pluralism so pure that states were to 'stand idly by' in the face of atrocities, then a new historical assessment shows how the South developed distinct practices of 'saving strangers' in ways not merely derived from 'Western experience' and 'Western concepts', which stand as a reminder of how Western states, by raising sovereignty as a wall, betrayed the better angels of their nature. After all, from the early 1960s through to the late 1980s, did not something like a responsibility to liberate – a responsibility to liberate peoples

[93]Nelson Mandela, 'Speech on July 26, 1991', in Mary-Alice Waters (ed.), *How Far We Slaves Have Come* (Atlanta, GA: Pathfinder Press, 1991), p. 12.

[94]Henry Kissinger's comments in 'News Conference, San Jose, February 24, 1976', *Department of State Bulletin*, 74:1916 (1976), p. 350.

and nations from colonial oppression and apartheid – become palpable practice, particularly within radical Third World circles? And can we not say that the fact of this international responsibility, with its qualifications as to the source and limits of state sovereignty, and its coercive dimension for the promotion of human rights, challenges fundamental conclusions of the history of humanitarian intervention as we know it?

Admittedly, there are important questions here about the use of intervention language to describe what historical subjects were thinking in their own contexts. Clearly the non-aligned held non-intervention, as well as respect for the territorial integrity and sovereignty of states, as the basis of international peace and security.[95] The Bandung Final Communiqué named 'abstention from intervention' as one of its ten principles for world peace and cooperation, the Panchsheel or Five Principles of Peaceful Coexistence referred to 'mutual non-interference', and the 1965 Declaration on the Inadmissibility of Intervention (sponsored in the General Assembly by a broad Southern coalition) held that 'no State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any State'.[96] So how, in any consistent way, could the Third World ever have practiced a responsibility to liberate? How could the Non-Aligned Movement ever have called for the sending of 'all necessary aid and support, whether moral, political, or material' to the liberation movements? How, in 1976, could all 86 of its member states have embraced Cuba's intervention in Angola?

But it is the contemplating of and deliberating about these sorts of questions that I think will prove so redemptive for humanitarian intervention as academic subject matter. At the same time the identification of recurring sets of actions as intervention, even when interveners themselves claimed to have been doing something else, would hardly seem to contradict existing historiographical trends. Because historians of humanitarian intervention have already accepted as a legitimate line of historical enquiry the analysis of actions not called, in their own contexts, 'intervention', but which would almost certainly be called intervention in contexts of the present.[97] Scholars of humanitarian intervention have already conceded the complex 'interplay between motives, justifications, and outcomes' in the process of locating their research object, in the satisfying of tests by which historical coercive interferences are deemed 'humanitarian intervention', in the determining of threshold criteria to be met before an event is understood to fall within its theoretical ambit.[98] These methodological choices remain useful, though for new reasons: contemplation upon the current erosion of liberal institutions in international society should also anticipate the fragmentation of related intellectual fashions, and a demand for historical understandings of fragmentations or deviations in general.

In their introduction Simms and Trim would appear to suggest that it is not their perspective that can be called Eurocentric, but 'the historical record' itself.[99] They tell us that their purpose is not 'political' but 'primarily historical'.[100] While it might seem as if the purpose of this article was to praise a Southern or Southern-revolutionist formulation of humanitarian intervention, what I have been praising is not so much the correctness or durability of this particular form, not a Responsibility to Liberate as an alternative to a Responsibility to Protect, and not the innocence

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[95]See, for example, the Declaration of Heads of State or Government of the Non-Aligned Countries reprinted in *The Conference of Heads of States or Government of Non-Aligned Countries* (Belgrade: Editions Jugoslavija, 1961), pp. 253–61.

[96]See the Bandung Final Communiqué reprinted in *Asia-Africa Speaks from Bandung*, pp. 161–70; Agreement on Trade and Intercourse between the Tibet Region of China and India, *United Nations Treaty Series*, 299:4307, 29 April 1954; A/RES/20/2131, Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, 21 December 1965.

[97]See, for instance, Keene, 'International hierarchy and the origins of the modern practice of intervention', pp. 1079–82.

[98]Wheeler, *Saving Strangers*, pp. 2, 21–52.

[99]'[I]t is not our perspective but the historical record itself that can be called Eurocentric.' Hedley Bull and Adam Watson (eds), *The Expansion of International Society* (Oxford: Clarendon Press, 1984), p. 2. If the 'examples are mostly drawn, in one form or another, from the experience of the Western world', this merely 'reflects the historical record'. Simms and Trim, 'Towards a history', p. 18.

[100]Ibid., p. 11.

or purity of such a practice – no doubt it too was prone to abuse, selectivity, and mixed motives. What I have been praising instead is the function of this and other recovered meanings in the making of more successful critical-historical analysis, wherein the objective is both to expose the Whiggish tendencies of a significant – but I think passing – historiographical moment, and to redraw the boundaries of a debate that, in the turbulence of the 2020s, must turn away from the governance models of the 1990s. The possibility of recognising alternative formulations of saving strangers is imploring us to wonder: to what extent has the 'primarily historical' study of humanitarian intervention in fact served as a primarily political exercise, towards primarily Western-liberal ends? Should it do so any longer?

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