A Genealogy of Humanitarianism: Moral Obligation and Sovereignty in International Relations

by

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Abstract

This dissertation examines the history of humanitarianism in international relations by tracing the relationship between moral obligation and sovereignty from the 16th century to the present. Its main argument is that moral obligations and sovereignty are mutually constitutive, in contrast to a widely held assumption in international relations scholarship that they are opposed to each other. The dissertation’s main theoretical contribution is to develop a framework, using a genealogical method of inquiry, for understanding the relationship between sovereignty and the shifting boundaries of moral obligation during the Westphalian period. This approach makes it possible to identify both elements of continuity and change in the history of humanitarianism and practices of sovereignty. The first chapter demonstrates how the extant literature on sovereignty and humanitarianism fails to adequately account for how states have participated in the construction of new moral boundaries even as they have sought to assert their own sovereignty. Chapter two lays out the dissertation’s theoretical framework, first by outlining an identity-based understanding of sovereignty in relationship to moral obligation, and then discussing the genealogical method that is used in three case studies. The following three chapters
contain the dissertation’s empirical contributions, which are three historical cases that represent pivotal moments in the history of moral obligation and sovereignty. Chapter three examines the assistance offered by Elizabeth I to Huguenot refugees from 1558-1603, and relates England’s moral obligations towards Huguenots to the emergence of a sovereign English confessional state. Chapter four examines the relationship between British abolitionist arguments against slavery in the 19th century, and justifications for the extension of empire. Chapter five examines the emergence and evolution of the Responsibility to Protect (R2P) doctrine since 2001, whose advocates posit a modified conception of sovereignty that is explicitly tied to moral obligation. The concluding chapter discusses how the dissertation accounts for both the rise of humanitarianism and the persistence of sovereignty in international relations, as well as provides some reflections on areas for future research.
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INTRODUCTION

There are instances throughout history when moral obligations have not conformed to the territorial or juridical borders of states. These pivotal moments have occurred not when humanitarians have opposed the logic of sovereignty, but when moral obligations have transformed the meaning of sovereignty. The boundaries determined through sovereignty are not only territorial or juridical, but are also, as Roxanne Doty has pointed out, a function of a state’s discursive authority to distinguish one political community from all others. Taking up Doty’s call to conceive of sovereignty more broadly in terms of identity helps us to see the multiple and complex ways in which sovereignty is actually practiced. Rather than merely being opposed to the logic of juridical sovereignty, relationships of moral obligation give meaning to the boundaries of political community – the “inside” and the “outside” - that are produced through the logic of sovereignty. Moreover, the notion of international moral obligation is only possible after political identities – and moral boundaries - have been marked. An identity-based conception of sovereignty may help to explain not only why states experience moral obligation to those “outside,” but also how those moral obligations have changed over

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time. Thus, the history of humanitarianism is the story of the changing relationship between sovereignty and moral obligation.

This dissertation argues that the history of humanitarianism is not only the story of changing practices of moral obligation, but it is also the story of how moral obligations and sovereignty are mutually constitutive, contra arguments that view them in opposition to each other. Its main theoretical contribution is to develop a framework, using a genealogical method of inquiry, for understanding the relationship between sovereignty and moral obligation during the Westphalian period. The rise of sovereignty, and its shifting construction over time, has contributed not only to the formation of the state as a particular form of political community, but has also legitimized the construction of certain moral boundaries. Since constructions of moral obligations can act as indications of how states view themselves in relation to those outside their borders, this dissertation tries to understand the history of sovereignty through the lens of moral obligation. Indeed, a major assumption of this argument is that one cannot understand the history of moral obligations outside the wider context of how sovereignty has come to be defined as a basic principle of international relations.

Sovereignty is the defining principle of the modern international system, what Hedley Bull identified as a “basic rule of coexistence within the states system.”² Traditionally, sovereignty has been understood in juridical terms, as the basis for the exercise of exclusive jurisdiction within a particular territory,³ which implies that a state’s obligations are primarily towards its own citizens. In other words, by serving as

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the defining principle of legitimate authority within a state, the concept of sovereignty also acts to demarcate where moral obligations end – which is usually at the border. This dissertation provides an alternative perspective on the history of sovereignty, one that examines how sovereignty both gives meaning to a state’s moral obligations to communities beyond its own borders, at the same time as setting certain constraints on those moral obligations. This identity-based approach to sovereignty provides a more nuanced way of understanding the role of moral obligations in international relations, particularly since it approaches the history of humanitarianism with a view to understanding how states have participated in the construction of new moral boundaries even as they have sought to assert their own sovereignty. Furthermore, it examines moral obligations within a wider systemic context in light of the ordering principle of sovereignty, rather than solely tracing the diffusion of humanitarian norms without accounting for these systemic effects and constraints.

In regards to its empirical objectives, the dissertation examines constructions of moral obligation in different times and places with the view that understanding past practices will shed light on how current practices have evolved. Discussions about humanitarianism tend to focus on the question of what humanitarian obligations look like to the exclusion of how those obligations have been formed in the first place. Asking the latter question opens up the possibility of seeing how states have experienced different types of moral obligations towards non-citizens in various times and places. If it is true that modern humanitarianism is but one class of moral obligation to non-citizens amongst many, this raises the following questions: what have different forms of moral obligation looked like in the past? How has contemporary humanitarianism become the dominant
paradigm of how states construct their moral obligations towards non-citizens? Despite the proliferation of recent writing on the subject of humanitarian norms, there is little that situates these debates within a broader historical context. The result is that the concept of humanitarianism has been de-historicized and accepted as unproblematic. The inattention to humanitarianism’s historical roots has the consequence of reifying its meaning in terms of the present, which in turn ignores the contingency of the discourses of moral obligation on time and place. I argue that examining different empirical cases of moral obligation will help to shed light on how contemporary humanitarianism, as one particular construction of moral obligation, has become “logically possible.”

The first part of this introductory chapter will provide a brief overview of how the extant literature fails to adequately account for the relationship between sovereignty and moral obligation. The chapter will then summarize the overall structure of the dissertation, and conclude with some discussion of what this project will contribute to ongoing debates about sovereignty and humanitarianism.

There are two sets of literature that are relevant to this project, which my dissertation intends to bring together into conversation. The first has to do with how sovereignty is an unstable and contested concept, and the second consists of recent constructivist literature on humanitarian norms.

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Sovereignty

Daniel Philpott has observed that “sovereignty has come closer to enjoying universal explicit assent than any other principle of political organization in history.”

Modern practices of sovereignty arose out of the religious wars of the 16th and 17th centuries, when European monarchs agreed to the principle of *cuius regio, eius religio*. Its intellectual heritage derives from the writings of early theorists in the 16th century, including Thomas Hobbes, Jean Bodin and Hugo Grotius. International relations scholars have traditionally understood sovereignty as a legal principle, which legitimises the demarcation of borders between states as well as the exercise of absolute authority within those borders. Hans Morgenthau, for instance, describes sovereignty as “the appearance of a centralized power that exercised its lawmaking and law-enforcing authority within a certain territory.”

This definition follows from an essentially Weberian conception of the state, in which sovereignty implies a “monopoly of the legitimate use of physical force within a given territory,” a view taken to extremes by Charles Tilly in his explanation of the origins of the modern state. The notion that political authority is an extension of juridical sovereignty has held sway over many different theoretical approaches to international relations. For instance, in his neorealist theory, Kenneth Waltz is interested in sovereignty only insofar as it helps him to explain how states assert their relative power in order to deal with the anarchy of the international

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6 Morgenthau, 328.
system. Similarly, Stephen Krasner’s analysis of sovereignty as organized hypocrisy makes the argument that violations of sovereignty occur because it is more compelling for rulers, as rational, interest-maximising actors, to govern according to the logic of consequences rather than the logic of appropriateness. Starting in the 1970s, many scholars attempted to move away from a state-centric approach in order to understand a possible “erosion” of sovereignty as a result of the rise of global governance and globalization. With the rise of new actors in international politics, including multinational corporations and international organizations, these theorists want to understand how the international system – and sovereignty - may be undergoing a fundamental transformation. Other authors have concluded that sovereignty is simply becoming more “complex” as problem-solving devolves away from the state and towards transnational institutions. While this more recent literature takes a more nuanced approach to understanding how sovereign authority functions, it remains for the most part grounded within the dominant juridical understanding of sovereignty.

In recent years, a number of scholars have turned a critical eye to the concept of sovereignty itself, apart from its juridical or territorial effects. One important strand of critique has called into question the standard historical accounts that date the birth of modern sovereignty to the Protestant Reformations and the settlements of 1648. The “Westphalian myth,” according to Andreas Osiander, is a “figment of the nineteenth-century imagination” that was later reified for ideological reasons by twentieth century international relations scholars. Other historical critiques have questioned the conventional narrative that the Protestant Reformations played a key role in the emergence of sovereignty. As Daniel Nexon suggests, the Reformations were significant insofar as they facilitated the rise of new religious trans-state and trans-regional non-state actors, and thus transformed the texture of international politics, but they were not responsible for the emergence of a sovereign-territorial state system.

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16 For an impressive articulation of the view that the Reformations contributed directly to the emergence of sovereignty, see Philpott, *Op. cit.*
An important contribution of this renewed attention to sovereignty has been to show how sovereignty is a socially constructed - and essentially contested - concept.\(^\text{18}\) As J. Samuel Barkin and Bruce Cronin write, “Definitions of sovereignty tend to focus on its legal content; this content changes little, therefore sovereignty is seen as fixed.”\(^\text{19}\) At the heart of such critiques is the argument that traditional approaches have dehistoricized sovereignty and rendered it a static concept that does not reflect actual practice. These approaches are also concerned with interrogating how the principle of sovereignty has legitimized the boundaries between different political identities. For instance, Jens Bartelson writes a genealogy of sovereignty that is not so concerned with finding the meaning of the concept as it is with exploring its relationship to the conditions of knowledge that produce meaning. He argues that any attempt to find a scientific understanding of sovereignty will ignore how it is based on intersubjective understandings, and not an empirical reality.\(^\text{20}\) Similarly, R.B.J. Walker, tries to understand how sovereignty is a historically constituted concept that creates epistemological categories for thinking about what is “inside” the state, and what lies “outside.”\(^\text{21}\) Like Bartelson, Walker is concerned with the conditions of knowledge that makes the concept of sovereignty possible, but he is also concerned with how the

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construction of sovereignty has led to the assumption that the international realm is devoid of ethics.

The main contribution of this literature is to show how sovereignty is an essentially contested concept, which is both historically contingent and productive in how it draws discursive boundaries between the Self and Other. My dissertation builds on this work, but the way that I cut into the concept of sovereignty is through the lens of moral obligation. In this dissertation, I make no attempt to provide a comprehensive history or theory of sovereignty, nor do I propose that sovereignty is completely understood through moral obligation. However, my approach does explore an aspect of sovereignty that has received little attention in existing literature, and promises to improve our understanding of the historical relationship between sovereignty and moral obligation. Examining how different constructions of moral obligation constitute and are constituted by changing conceptions of sovereignty provides insight into how the boundaries of moral communities are constructed – and thus contributes to improving our understanding of the history of humanitarianism.

**Humanitarianism**

Recent research on humanitarianism can be divided into two broad categories. The first, larger body of literature approaches humanitarianism as part of the larger project of understanding how norms function in international relations, while the second, more recent literature takes the idea of humanitarianism itself as its subject of inquiry. I will briefly discuss these in turn.
The constructivist turn in IR theory opened up the study of humanitarian practices as part of the larger project of understanding how norms function in international politics. Constructivists conceive of international politics as a social sphere of interaction, in contrast with the materialist approaches of neorealism and neoliberalism. According to constructivist logic, states engage in humanitarian practices because they have been socialised to do so. Interests are not based solely on rational calculation of consequences, but they may also arise out of a state’s beliefs about what is appropriate behavior. Following this, a norm exists when there are “collective expectations for the proper behaviour of actors with a given identity.”

Much of the recent literature on humanitarianism falls largely within this constructivist framework, and is concerned with how humanitarian ideas have emerged as norms that are inherently opposed to the logic of sovereignty. As Martha Finnemore writes:

[Humanitarian] norms, more than most kinds of norms, challenge central notions about sovereignty and the organization of international politics in important ways….The fundamental difficulty with asserting humanitarian norms in a world dominated by states is that humanitarian values are premised on a worldview not easily accommodated within the principles and rights associated with state sovereignty.

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23 March and Olsen, *op. cit.*
Finnemore’s articulation of the relationship between sovereignty and moral norms exemplifies the assumption that moral action is circumscribed by the limitations of sovereignty. From this point of view, moral norms act to “tame” sovereignty: they either attempt to subvert or transcend it, but they are portrayed as fundamentally in opposition to sovereignty. Furthermore, often the “norm entrepreneurs” are non-state actors who are trying to convince the state to follow a particular moral behaviour. For instance, Finnemore’s case study of Henri Dunant and the founding of the International Committee of the Red Cross (ICRC) analyses how that organization, as a norm entrepreneur, was able to persuade states that it was in their interests to sign the First Geneva Convention.26 Other studies of humanitarian or human rights movements examine how non-state actors use ethical argumentation27 or transnational advocacy28 to convince a state to recognize its moral obligations.

Overall, this research has contributed to a better understanding of how non-state actors have helped to change the behaviour of states, and has also drawn attention to the larger normative structures within which states operate.29 But the norm literature also has

26 Ibid.
some significant limitations. While it is certainly true that non-state actors have played a central role in these efforts, these studies perpetuate the notion that the logics of moral obligations and sovereignty are fundamentally opposed to each other. They also overlook how states have promoted new practices of moral obligation, thereby perpetuating a realist assumption that the state is either immoral or amoral. Furthermore, they fall prey to the same problem as neorealist or neoliberal approaches; namely, they take the concept of sovereignty for granted, rather than viewing it as a socially constructed concept.30 The problem with focusing on humanitarian norms to the exclusion of sovereignty is that the norms end up doing all the analytical work, while sovereignty remains a static concept. Finally, the norm literature tends to focus on how norms emerge and “cascade,”31 while taking for granted the content of those humanitarian norms. In other words, they are mainly concerned with how norms spread, but do not problematise the meaning of humanitarianism by providing a systematic critique.

The second relevant body of research on humanitarianism tries to address this failing, namely it treats the idea of humanitarianism as a subject of inquiry in itself. There are a number of internal critiques of humanitarianism, which focus mainly on debates about the humanitarian principles of impartiality and neutrality.32 These efforts have provided important critiques of humanitarianism, as well as drawn attention to the “dark

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30 Biersteker and Weber, 8.
sides” of humanitarianism. Unlike the norm literature, which does not problematise humanitarianism, this research aims to show how humanitarian responses can only provide limited solutions to suffering and even contribute to sustaining the conditions that make aid necessary in the first place. Such studies also demonstrate how new patterns of intrastate conflict require new humanitarian strategies. These critiques are crucial for understanding the shortcomings of contemporary humanitarianism, but they are fairly limited in historical scope since they mainly focus on the post-Cold War era. In this regard, they are focused on the details of humanitarian practices, but do not explain the rise of contemporary humanitarianism in the first place or relate humanitarianism to larger normative structures of international order, such as sovereignty.

This dissertation has been influenced most directly by research that examines humanitarianism within the context of larger political structures, that takes a historically sensitive view of humanitarianism as a largely Western project, and that critiques humanitarianism on the basis of its production of certain moral categories. For instance, Michael Barnett’s work has demonstrated the links between humanitarianism and productive power, as well as related the emergence of humanitarian norms to a

transformation in the character of sovereignty.\textsuperscript{38} Rather than emphasizing how humanitarian norms have changed the behaviour of states, Barnett inverts this claim to show how “global politics [have] reshaped the nature of humanitarian action.”\textsuperscript{39} Amongst this body of research, Barnett is unique in that he tries to examine humanitarianism as contingent upon other normative structures, such as sovereignty.\textsuperscript{40} In this respect, Barnett’s approach is most similar to my own, in that he views humanitarianism as embedded in deeper structures, although this dissertation emphasizes more strongly the mutually constitutive relationship between moral obligation and sovereignty.

Stephen Hopgood has also drawn attention to the relationship between humanitarianism and modernity in his examination of Amnesty International’s use of the sacred to legitimize its own moral authority.\textsuperscript{41} In other places, Hopgood tries to determine what is uniquely “humanitarian” about humanitarianism, in order to see how humanitarian actors maintain and legitimize their own moral authority.\textsuperscript{42} Rather than shying away from discussing humanitarianism in terms of authority – a link that other research on humanitarianism is reluctant to make – both Barnett and Hopgood have moved the discussion forward by showing how humanitarianism both contributes to – and is a product of – political processes. While this research is limited in its historical

\textsuperscript{39} Michael Barnett, “Humanitarianism Transformed,” \textit{Perspectives on Politics}, 3(4), 733.
\textsuperscript{40} See also Craig Calhoun, “The Imperative to Reduce Suffering: Charity, Progress, and Emergencies in the Field of Humanitarian Action,” in Michael Barnett and Thomas G. Weiss, eds., \textit{Humanitarianism in Question}, (Ithaca: Cornell University Press, 2008).
scope, it provides an appropriate theoretical starting place for this dissertation, which is largely concerned with sovereignty’s production of moral categories and how humanitarianism is a process within, not in opposition to, international politics.

Overall, research on humanitarianism has contributed to the study of international relations by drawing attention to the processes by which a humanitarian norm has emerged. These theoretical contributions include a greater understanding of the social nature of international relations, including the role of beliefs and norms, as well how non-state actors help change state practices. Nevertheless, since the historical scope of this research is so limited, it does not provide insight into the emergence of this norm within the larger context of the history of the modern international system, nor does it provide a comprehensive understanding of the relationship between humanitarianism and sovereignty. Many studies of humanitarianism limit their scope to the post-Cold War era, with only occasional references to pre-twentieth century cases. While it is necessary to understand contemporary humanitarian practices, looking at other historical cases will help us to understand the roots of current practices and beliefs. There has been much scholarly interest in the emergence of a humanitarian norm; however, this is not the same thing as inquiring into the origins of the idea of humanitarianism itself. Looking at previous discourses of moral obligation helps us to understand not only the history of humanitarianism, but more importantly how changes in humanitarian norms are a function of the mutually constitutive relationship between moral obligations and sovereignty.
Chapter Overview

The chapters that follow use a genealogical method to understand the historical relationship between moral obligation and sovereignty. Chapter two lays out the dissertation’s theoretical framework, first by outlining an identity-based understanding of sovereignty in relationship to moral obligation, and then discussing the genealogical method that will be used in three historical case studies. It would be futile to attempt to examine all cases of moral obligation throughout history, and misguided to trace a seamless thread through different historical permutations of moral obligation. In this regard, it is worth quoting Foucault at some length:

Genealogy does not resemble the evolution of a species and does not map the destiny of a people. On the contrary, to follow the complex course of descent is to maintain passing events in their proper dispersion; it is to identify the passing accidents, the minute deviations – or conversely, the complete reversals – the errors, the false appraisals and the faulty calculations that gave birth to those things that continue to exist and have value for us; it is to discover that truth or being do not lie at the root of what we know and what we are, but the exteriority of accidents.43

To try to trace a logical progression in the history of moral obligation would not only be an enormous task, but it would also force a semblance of continuity onto the past that simply did not exist. Instead, what is of more interest to the genealogist are the moments of resistance, disruption and accidents, which led to unforeseen change. As Bartelson writes, “Since genealogy is not a history of essences, but a history of the battles between different interpretations, it seeks to describe how these battles clear the logical space where objects of knowledge, subjects and concepts can emerge within discourse.”44 Such

44 Bartelson, A Genealogy of Sovereignty, 76.
an approach has also been followed by Richard Price, who does not attempt to weave a continuous history, but rather identifies “defining moments” in the history of the chemical weapons taboo.\footnote{Richard Price, \textit{The Chemical Weapons Taboo} (Ithaca: Cornell University Press, 1995), 10.}

As such, chapters three, four, and five examine three different “logical spaces” of moral obligation, which are “defining moments” in the history of humanitarianism. There is little direct continuity between the three cases, in that there is no continuous historical transition from case study to case study, although there is some overlap of time in the chronology. What these cases do have in common is that each represents a different discursive space of moral obligation towards non-citizen. The goal of each case study will be to show the ways in which moral obligations helped to define sovereignty, while sovereignty set particular limits on those moral obligations. In each historical period, the discourse of moral obligation was powerful in that it produced subjects of moral obligation, as well as defined the limits of those obligations.

Chapter three examines the immigration of Huguenot refugees to England during the reign of Elizabeth I from 1558-1603. This wave of immigration started with the outbreak of the first War of Religion in France in 1562, continued with Spanish rule in the Netherlands under the Duke of Alva in 1567 and the St. Bartholomew massacre in 1572, and ended finally with Henry of Navarre’s Edict of Nantes in 1598. Estimates vary, but most historians agree that the total number of immigrants over this period was somewhere between 100,000 and 150,000.\footnote{Ole Peter Grell, \textit{Calvinist Exiles in Tudor and Stuart England} (Aldershot: Scolar Press, 1996), 4.} The case of Protestant refugees is notable both in its size and the nature of the migration. It is also worth investigation is because it
was also so closely linked to the consolidation of absolutist power. The modern state system emerged out of the conflicts over religion, so the Protestant refugees from the Continent can be viewed as the first victims of the new Westphalian order. In other words, the persecution of Protestants ran parallel to the emergence of sovereignty as the organizing principle of the international system. It makes sense, therefore, to examine this case since it plays a hidden role in the story of the constitution of our modern international order.

Chapter four examines the relationship between abolitionist arguments and justifications for empire. The British abolitionist movement is frequently identified as one of the first transnational grassroots civil society movements. The movement first started amongst English Quakers in the early 1780s, and by 1787 the Committee for the Abolition of the Slave Trade was formed. There were two arguments that were used to promote the abolitionist cause, both of which rested on constructions of English identity. The first was a religious argument that pointed out how slavery contradicted the values of England as a Protestant state, while the second argument was based on notions about the British commitment to liberty. As Christopher Leslie Brown has written, the British viewed themselves as guarantors of public liberty, and the abolitionists drew on these notions of British identity to promote the anti-slavery cause. At the same time, the same arguments that were used to promote the abolitionist cause were also used to justify the

47 As Aristide Zolberg writes, “The case may thus be viewed as a particular instance of a more general situation, involving a clash between a state-building project founded on the pursuit of ideological homogeneity – here indicated by public adherence to the official religion – and a state of affairs that had recently come to be marked by considerable diversity of opinion on the matter.” Aristide Zolberg, "The Formation of New States as a Refugee-Generating Process," Annals May (1983): 33.
scramble for empire, which was dressed in the cloak of the “civilizing mission.” The story of abolition and emancipation lent credence to Britain’s claim that it was deeply committed to its moral obligations in its colonies abroad.

Chapter five examines the Responsibility to Protect (R2P) doctrine, which was first articulated in the 2001 report by the International Commission on Intervention and State Sovereignty. The document tries to advocate a new conception of sovereignty that is explicitly tied to moral obligation. While acknowledging that it is the primary responsibility of the state to protect its own citizens, the R2P doctrine argues that “if the state is unable or unwilling to fulfill this responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community to act in its place.”

The R2P doctrine signifies a shift away from the notion of “sovereignty as control” towards a conception of sovereignty that is predicated – and conditional – on a state’s exercise of its sovereignty as responsibility. R2P represents the attempt to strengthen a norm of moral obligation, but paradoxically this norm has, as one of its own goals, the entrenchment of sovereignty as the ordering principle of international relations. R2P contradicts the common logic about the relationship between sovereignty and intervention, namely that they are considered mutually exclusive concepts.

The doctrine represents the emergence of a new discourse of moral obligation at the same time as it sets certain boundaries of moral obligation, represented by the re-definition of sovereignty in terms of responsibility. This attempt to reframe sovereignty in terms of responsibility had the goal


of clarifying when, if ever, the use of force through military intervention could be legitimately exercised for humanitarian reasons. The chapter examines the evolution of the R2P doctrine through its endorsement in various forums, including the ICISS report, the report of the High Level Panel on Threats, Challenges and Change, Kofi Annan’s report “In Larger Freedom” and the World Summit Outcome document. The analysis will then proceed to Ban-Ki Moon’s January 2009 report on the implementation of R2P and will conclude with an analysis of the General Assembly debate held at the end of July 2009. I will argue that ongoing attempts to strengthen R2P have resulted in the further entrenchment of sovereignty in international relations, while intervention has become only a residual category. The content of moral obligation and the nature of sovereignty may shift, as the emergence of the R2P norm demonstrates, but moral obligation and sovereignty continue to constitute each other, even as their content changes.

There are a number of reasons why a genealogical study of humanitarianism has the potential to be fruitful on a number of dimensions. The tendency to emphasise the relatively recent emergence of humanitarian norms has the unintended consequence of implying that norms of moral obligation are also a new phenomenon. A genealogy of humanitarianism will show that, while contemporary humanitarianism is a recent norm of moral obligation, different norms of moral obligation towards non-citizens have existed throughout the history of the modern state system. In addition, a genealogy will show what is unique about contemporary understandings of moral obligation and where there may be overlaps with previous understandings of obligation. In short, providing a longer
historical perspective on the history of moral obligation will bring new understanding about present practices.

There may be some objection that there is an implicit normative thread that runs through the cases, and that the third case is qualitatively different from the first two by virtue of the fact that R2P, which is based on a universalist conception of human rights, is much less exclusionary than either religious or colonial obligation. As I have stated above, it is not my intention to suggest that there has been logical progress in terms of how humanitarian discourse has evolved to the present day. Although the emergence of R2P may signify a move towards universalism, I do not believe that this should exclude scholars from considering the effects of modern humanitarian practices in terms of productive power. Contemporary humanitarianism is often described in universalist terms, which suggests that humanitarian activity transcends boundaries in order to provide assistance to those who suffer. My project suggests a more counterintuitive and complex understanding of moral obligation, namely that humanitarian discourse not only provides a framework for legitimate humanitarian action, but it also sets the limits of moral obligation. The universalist claims that mark contemporary humanitarian practices remain constrained by the demands of sovereignty, at the same time that moral obligations contribute to the meaning of sovereignty. This dissertation provides a way to account for both the potential transformative effects and the limitations of moral obligations in international politics.

As such, the overarching goal of the project is to provoke its readers to look to the past in order to reconsider conventional understandings of humanitarianism, to question what is taken for granted, and thereby to acquire a better understanding of how
constructions of moral obligation shape current realities. Moreover, different norms of moral obligation have contributed to the construction of state identity, as well as the boundaries that delineate moral communities. This study will show how these boundaries are not inevitable or natural. In this sense, there is a deeply normative element that runs through the project, insofar as it challenges its reader to question how a humanitarian discourse has come to shape the boundaries that distinguish Self from Other.
I do not believe that history obeys a system, nor that its so-called laws permit deducing future or even present forms of society; but rather that to become conscious of the relativity (hence of the arbitrariness) of any feature of our culture is already to shift it a little, and that history (not the science but its object) is nothing other than a series of such imperceptible shifts.

- Tzvetan Todorov, *The Conquest of America: The Question of the Other*¹

This chapter proposes an identity-based approach to sovereignty, which accounts for how moral obligations are historically constructed and contingent, the relationship between moral obligation and sovereignty, and the mechanisms of productive power that operate therein. It then argues that a genealogical method provides a way to cut into these issues. Genealogy problematises concepts that have been accepted as given, without resorting to a search for final origins or trying to impose a linear narrative that overlooks the discontinuities of history. As such, the chapter proceeds in three parts. The first part begins with a discussion of how identity and difference has been conceived in social theory, with a focus on Emmanuel Lévinas and Michel Foucault, and argues that these approaches provide a useful theoretical starting point for thinking about identity and sovereignty in international politics. I then go on to examine how international relations theory has accounted for the processes of inclusion and exclusion that are essential to the practice of sovereignty. I go on to propose an identity-based approach to sovereignty that

brings these processes into focus. The discussion then returns to the issue of moral obligation, namely how constructions of moral obligations and sovereignty operate together. The final section outlines the genealogical method that will be used in the dissertation to analyse the mutually constitutive relationship between moral obligation and sovereignty.

**The Problem of Difference**

A problem that certainly pre-dates the existence of the modern state system, and which characterizes international relations, is the question of how to live with the Other. Most of the time, scholars of international relations have focused on the conflict that characterizes the relationships between political communities and their Others. As early as Thucydides, there were debates about whether to live and let live, to conquer, or to destroy.\(^2\) During the Middle Ages, the Crusades were a series of armed expeditions that had the goal of conquering territory for Western Christendom, but were also justified as defending Christians against the Muslim world.\(^3\) Later yet again, the Treaty of Westphalia was signed in response to the religious wars in Europe that had divided the continent between Catholics and Protestants. History provides countless examples of the way in which conflict has been a recurring feature of international politics.

At a basic level, such conflicts arise out of differences in identity, and are often the consequence of futile attempts to reconcile difference. However, while scholars have

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emphasized how identity contributes to conflict, they have paid little attention to how differences in identity contribute to other types of behaviours. Indeed, discursive explanations of identity argue that difference is an essential feature of identity formation. From this point of view, difference does not only lead to conflict, but also plays a role in other patterns of interaction, including practices of moral obligation.

This section lays out some theoretical groundwork on the processes of identity formation, in order to understand the role that difference plays in the construction of identity. It is necessary to note that this discussion is only intended to provide some theoretical foundations for an identity-based approach to sovereignty, and does not engage in these social theory debates per se. Following this, I will show how international relations scholars in particular have dealt with the issue of identity and difference, before moving on to discuss the relationship between sovereignty and moral obligation.

According to Stuart Hall, semantic approaches to identity formation imply that identities are seamless unities that are fairly settled; such approaches emphasize the “being” of identity rather than the “becoming.” For Hall, this overlooks the historical contingency of identity, in that identity is treated as the natural discovery of an essence of self. In contrast, discursive explanations of identity formation emphasise the historicism of identity, rather than viewing identity as an indication of a “stable core of the self.” These approaches view identity as a discursive formation, so that rather than being a settled natural outcome, identity is a representation that is both negotiable and

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5 Ibid, 3.
contestable, and which is situated in practice. In other words, discursive approaches – including the genealogical approach of this dissertation - view identity as characterized more by “process” rather than finished product. Identities are “fragmented and fractured…, subject to a radical historicization, and are constantly in the process of change and transformation.”

Discursive analyses are also concerned with the way difference is implicated in processes of identity formation:

Like all signifying practices, [identity formation] is subject to the ‘play’ of différences. It obeys the logic of more-than-one. And since as a process it operates across difference, it entails discursive work, the binding and marking of symbolic boundaries, the production of “frontier-effects”. It requires what is left outside, its constitutive outside, to consolidate the process.

Hall points out that this view requires the somewhat radical step of recognizing that it is only through a relation with the Other that any positive sense of identity can be constructed. “The unity, the internal homogeneity, which the term identity treats as foundational is not a natural, but a constructed form of closure, every identity naming as its necessary, even if silenced and unspoken other, that which it ‘lacks’.” The recognition that the emergence of the self is contingent on the Other leads to the conclusion that there is no natural or given essence to the Self: identity is fundamentally a relational phenomenon.

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6 This view conceives of discourse as a practice. See Foucault: “[Discursive] relations characterize not the language (langue) used by discourse, nor the circumstances in which it is deployed, but discourse itself as a practice.” Michel Foucault, The Archaeology of Knowledge and the Discourse on Language, trans. A.M. Sheridan Smith (New York: Barnes & Noble Books, 1972), 46.
7 Hall, 4.
8 Ibid, 3.
9 Ibid, 5.
There is a rich social theory literature that deals with the role of difference in processes of identity formation. I shall concentrate in particular on the work of Emmanuel Lévinas and Michel Foucault. Lévinas and Foucault both address the question of subjectivity, albeit from fundamentally different positions. Lévinas is primarily concerned with the ethics of the Other, whereas Foucault’s approach to the subject deals with discursive aspects of identity, technologies of the self and mechanism of power. Nevertheless, each of these theorists contributes important insights into the construction of identity, which will be helpful when this discussion turns to identity in the sphere of international politics.

Lévinas, whose work deals with the problem of the unknowable Other, writes that it is alterity, rather than shared attributes, that is the key to social life.\textsuperscript{10} The above encapsulates an idea that is crucial for the understanding of identity formation, namely that the recognition of difference is a prerequisite for the discovery of Self. “The Other as Other is not only an alter ego; the Other is what I myself am not.”\textsuperscript{11} For Lévinas, the subject emerges because it exists by virtue of that which it is not, and it becomes knowable only through its recognition of an exterior other. Despite his recognition that the subject becomes knowable to herself through alterity, for Lévinas the other remains mysterious. He does acknowledge that there is some minimal level of recognition of resemblance, but, Lévinas contests that the relationship between the subject and Other ever gets close to a fusion.\textsuperscript{12}

\textsuperscript{11} \textit{Ibid}, 48.
\textsuperscript{12} \textit{Ibid}, 57.
What’s more, the relationship is often asymmetrical in terms of the power dynamics involved: “The Other is the weak, the Widow, the Orphan, whereas I am the rich and powerful.”

13 This is why, for Lévinas, the question of the Other is invariably a question of ethics: what should the relationship between the subject and the Other look like if one is more powerful than the other? The recognition that difference is essential for identity leads Lévinas to the conclusion that the subject holds no exceptional place of honour. If the Other is necessary for the emergence of the self, there is an ethic of responsibility towards that other – despite the fact that the Other remains unknowable. But problems arise because more than one Other exists, so this is where the importance of the political arises for Lévinas. The state exists in order to mediate between the multitude of Others:

But in the real world there are many others. When others enter, each of them external to myself, problems arise. Who is the closest to me? Who is the Other? Perhaps something has already occurred between them. We must investigate carefully. Legal justice is required. There is need for a state.

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For Lévinas, the state exists to ensure the well-being of various collective identities within the polity, and it acts as a sort of guarantor or mediator, however, he stops short of articulating the implications of this for interstate relations. It’s not entirely clear what duty there is towards the Other when she exists outside one’s immediate political community or when the main actors are states, rather than individuals or collectivities within a polity. Moreover, Lévinas takes for granted that the state is the only actor that can act as a mediator. Still, it could be plausibly argued the ethical component of Lévinas’ theory is tied more to the Other as essential for identity formation, rather than

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being tied to the existence of the modern state. This will be explored later on, when I discuss how international relations theorists have dealt with the issues of identity and difference.

While both Lévinas and Foucault emphasise the role of difference in identity formation, Lévinas does not problematise the subject to the extent that Foucault does, nor does his account historicize identity to the same degree. Lévinas points to the necessary role of alterity for the emergence of Self, but the result is that he takes the a priori existence of the Other – and consequently that of the Self - for granted. This leaves his account of identity more static, in the sense that it does not account for historical change. Furthermore, while he does recognise that asymmetries of power exist – in fact, this is what leads him to his ethical understanding of the Other - the fact that he does not problematise the identities of either subject or Other means that he cannot explain how power leads to different configurations of relationships and hierarchies. The quote above - “The Other is the weak… whereas I am the rich and powerful” - reveals his assumptions about the hierarchy of power between Self and Other. In other words, what happens when it is I who am weak, and the Other is powerful? Lévinas’ theory provides no way of uncovering how these relationships emerge through various negotiations or contestations.

In contrast, Foucault’s genealogical approach does away with the subject, rather than placing a transcendental subject within some kind of linear historical trajectory. The question of power also plays a more active role in Foucault’s conception of identity: power produces subjectivities, rather than being merely a by-product of taken-as-given inequalities. Rather than positing an ethical position based on an assumed set of identities, Foucault sets the question on its head by questioning the origins of those
identities in the first place. Unlike Lévinas, Foucault’s argument does not lead him to the conclusion that there is an obligation of care in the relationship between Self and Other. Yet, because Foucault goes further in exploring and problematising the origins of identity, I would argue that his theory offers a more complete explanation of the technologies of productive power that lead to a particular understanding of Self and Other.

In contrast to Lévinas, Foucault is interested in power as actively productive in identity formation, rather than accepting certain asymmetries as givens. Namely, his theory of power brings attention to the mechanisms of productive power that are implicated in identity formation - and the production of truth. Foucault conceives of power as something that is exercised, rather than wielded, and it is productive power that produces “domains of objects and rituals of truth.”\textsuperscript{15} The production of knowledge is an exercise of power, and so the subject comes to be known only through the way discourse inscribes the subject in relation to other bodies. In other words, truth is produced through mechanisms of power that create the boundaries of what is normal: “[The] effects of truth are produced within discourses which in themselves are neither true nor false.”\textsuperscript{16} It is not only that the subject is produced by and through discourse, but that it is produced as a \textit{particular type of subject}. Seen in this light, power should not be viewed in solely negative terms as a mechanism of repression. Rather, power is productive, in the sense that it actually creates the subject and invests it with meaning. In other words, discourse prescribes and proscribes various types of behaviour, and sets certain types of limits to

\textsuperscript{16} Foucault, ”Truth and Power,” 60.
the way in which the subject interacts with its Others. Identity as a discursive formation, therefore, emerges out of the nexus between power and the production of truth.\footnote{Michel Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress," in \textit{The Foucault Reader}, ed. Paul Rabinow (New York: Pantheon Books, 1984), 351.}

In short, with regards to identity formation, Foucault is interested in the notion of identity as a discursive formation, by virtue of which the subject emerges through the discontinuity and fragmentation of history. At the same time, Foucault describes the production of self, and namely that ethics arises through the attempt of the subject to make herself into a particular type of subject in relation to others. This notion of ethics is in clear contrast to Lévinas’ ethics of the Other, in that the locus of ethics is the subject’s \textit{rapport à soi}, rather than the indissoluble link between alterity and Self. Yet Foucault does not do away with the idea of otherness altogether, since his idea of historical process is founded on the interplay of difference between various subjectivities.

\textbf{An Identity-based Theory of Sovereignty}

The discussion above has attempted to provide a glimpse of how identity formation has been discussed in some central works of social theory. Some of these themes are relevant to the concept of identity in the theory and practice of international relations. Specifically, the role of difference implicitly lies at the core of international relations, in that the concept of sovereignty is the basis of the practices of inclusion and exclusion that characterize relations between states. The principle of sovereignty, as a marker of difference, has contributed to processes of identity formation, and not solely the production of juridical boundaries. As Anthony Giddens has written, “Sovereignty is linked to the replacement of ‘frontiers’ by ‘borders’ in the early development of the
nation-state system: autonomy inside the territory claimed by the state is sanctioned by the recognition of borders by other states."

Within international relations theory, constructivist scholars have gone the furthest in exploring the relationship of identity and sovereignty. Ruggie’s critique of Waltz not only paved the way for other international relations theorists to explore the transformation of the medieval state system to the Westphalian state system, but it also opened the door for scholars to take a closer look at the principle of sovereignty as an ordering principle in international relations. In particular, constructivism views the basic structures of international politics as social, not material, phenomena. Rather than

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18 Anthony Giddens, "The Globalizing of Modernity," in *The Global Transformations Reader: An Introduction to the Globalization Debate*, ed. David Held and Anthony McGrew (Cambridge: Polity, 2003), 64. This is not to overlook the fact that, within states, countless sub-communities exist, and the lines of difference do not stop at the border of states. Indeed, one of the largest challenges of the modern state is to deal with the sometimes-overlapping pluralities that exist within or cross over a state’s borders. Nevertheless, I am concerned here with how sovereignty, in theory and practice, has generally come to be regarded as the defining principle of differentiation between states at the international level of politics.

19 John Ruggie, "Continuity and Transformation in the World Polity: Toward a Neorealist Synthesis," *World Politics* 35, no. 2 (1983). In his theory of structural realism, Kenneth Waltz argued that states are “functionally undifferentiated” by virtue of the existence of anarchy, so the only way to distinguish between states is to compare the distribution of capabilities across like units. “The units of such an order are…distinguished primarily by their greater or lesser capabilities for performing similar tasks” Kenneth Waltz, *Theory of International Politics* (Boston: McGraw-Hill, 1979), 97. In his famous critique, John Ruggie argues that Waltz’s theory fails on its own terms; it falls back on an implicit reductionism. Because it drops the differentiation of units from its analysis, the only way Waltz can distinguish between states is by comparison of material capabilities. As a result, Ruggie argues, Waltz’s theory cannot account for the shift from the medieval system, in which authority was overlapping and interwoven, to the Westphalian system in which states were differentiated by the principle of sovereignty.

20 Ruggie has criticized both neorealism and neoliberalism for their “neo-utilitarian” foundations, on the basis that both theories conceive of states as rational actors that maximize their utility defined in terms of relative material power. He describes this as the “convergence of the neos.” John Ruggie, "What Makes the World Hang Together? Neo-
seeing identities and interests as rooted in a material reality, this ontological shift makes it possible to view them as socially constructed. Instead of taking interests as given, constructivists argue that interests and identity are socially constructed and mutually constitutive. Further, constructivists are more interested in the process by which identities contribute to the construction of interests, rather than conceiving of identities fixed in strictly materialist terms.

While “neo-neo” approaches regard sovereignty as a function of material constraints, constructivists, in contrast, conceive of sovereignty as socially constructed, with the implication that it is not an inevitable reality, but a contestable and mutable concept. In this regard, Alexander Wendt has argued that the concept of anarchy is an “empty vessel,” in that the concept of anarchy by itself does not actually tell us a lot about how states really interact with each other. There are different cultures of anarchy in which states construct their own identities, and their relationships with other states, by varying logics. As Wendt writes, “This process is based on actors’ ideas about the nature and roles of Self and Other, and as such social structures are ‘distributions of ideas’ or ‘stocks of knowledge.’” He continues: “Subject positions are constituted by representations of Self and Other as particular kinds of agents related in a particular way, which in turn constitute the logics and reproduction requirements of distinct cultural


Since there are different cultures of anarchy, it follows that the way in which sovereignty is constructed is contingent on the various constructions of state identity that emerge through the logics of anarchy. In other words, sovereignty and identity are closely linked, in that they are both socially constructed, contestable, and subject to change.

The principle of sovereignty is the means by which states in the Westphalian system establish themselves as distinct actors, or the means by which they differentiate themselves from other states. However, a purely legal understanding of the term, namely that sovereignty grants legitimate authority of a state over a certain territory and people, does not capture the various ways in which sovereignty is actually practiced or how these practices change. Just as Wendt argued that the concept of anarchy by itself is an “empty vessel,” the principle of sovereignty alone does not say anything about the mode in which sovereignty is put into practice, nor does it reveal anything about the identities that inform its practice. An identity-based approach views sovereignty as the formation of a political community, which involves the simultaneous processes of inclusion and exclusion. Sovereignty, and the borders that are created by sovereign practices, mark the material boundaries of inclusions and exclusions that occur in this process. Keeping in mind, however, that sovereignty is a socially constructed idea that is contingent on identity, sovereignty is much more than the marking of physical borders. It is also the social construction of a political community, in which the marking of difference is a critical part.

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24 Ibid, 257.
There have been a number of scholars who have taken a closer look at the practices of exclusion and inclusion that are a defining feature of the modern state system. The work of Roxanne Doty, Tzvetan Todorov, and Iver Neumann explores how inclusion and exclusion function in specific cases of identity formation, although they do not discuss this explicitly in terms of sovereignty. Doty’s starting point is to problematise how the global “North” and “South” are commonly treated as a priori entities that interact with each other. By examining several historical encounters, Doty show how representational practices have contributed to the construction of the identities of North and South, and that these constructed categories are actually quite arbitrary and political. She writes, “North-South relations become more than an area of theory and practice in which various policies have been enacted and theories formulated; they become a realm of politics wherein the very identities of peoples, states, and regions are constructed through representational practices.”

Central to her analysis is the question of how power works to produce the identities of North and South, and moreover, how the naturalization of these identities has led to marginalizing practices ranging from land appropriation to mass subjugation.

Tzvetan Todorov, like Doty, is interested in representations of the West’s Others. Although Todorov is not strictly speaking an international relations theorist, his book examines a critical moment that has been largely neglected by IR scholars: the discovery and conquest of America. Todorov uses this archetypical example of Self’s discovery of the Other to examine the relationship between power and knowledge. In the case of the

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26 Ibid, 2.
27 Ibid, 7.
Spaniards in America, Cortés knew the Indians more than Bartholomew de Las Casas, yet he loved them less. Yet both engage in their own modes of assimilation, Cortés through his belief in his superiority, and Las Casas through his belief that equality equals sameness: “Difference is corrupted into inequality, equality into identity.” Todorov’s discussion of this case shows how knowledge of the Other, acquired through literal or metaphorical conquest, feeds into one’s knowledge of the Self. What’s more, in the placing of one’s Self relative to the Other, the conquest of knowledge always involves the imposition of power – regardless of whether this leads to eradication or assimilation.

Finally, Iver Neumann uses the Self/Other nexus to examine collective identity formation in international relations, and specifically how European identities have emerged in relation to their Eastern Others. Neumann observes that “the East” has always served as Europe’s Other in various ways, and that it is constantly being “recycled” in order to represent new forms of European identity. Neumann argues that the “Eastern excursion” will help international relations theory to clarify the ontological and epistemological status of the subjects of world politics. The Self does not exist merely in opposition to the Other, as a dialectical approach would have it, but the subject actually comes to know herself and the world through discourse, where consciousnesses meet, through dialogue. At the same time, Neumann cautions that an over-reliance on

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28 Ibid, 146.
29 Ibid, 254.
30 Iver B. Neumann, *Uses of the Other: "The East" In European Identity Formation* (Minneapolis: University of Minnesota Press, 1999), 207.
31 Ibid, 1. The “Eastern excursion” includes diverse thinkers as Georg Simmel, Carl Schmitt, Friedrich Nietzsche, Mikhail Bakhtin, and Emmanuel Lévinas. The common thread through these thinkers the dialogical approach through which they approach their concerns about the epistemological and ontological status of the Other.
the Self/Other nexus may result in an over-reification of these identities. While Self and Other can take us a certain distance in understanding the way that identities are formed, they too can fall prey to the same reifying tendencies that they purport to criticize. There are thus two contradictory, but possibly necessary, challenges: first, to kill off the sovereign subject to show how identity consists of nothing but “as if stories”, and second, to understand that those “as if stories” are necessary if we are to be able to live in a world of difference.33

The problem for Neumann, and a key point for the identity-based understanding of sovereignty developed here, is not that inclusion and exclusion are part and parcel of sovereignty; the issue is how this actually takes place.34 This insight is especially crucial for the discussion of moral obligation that follows. An identity-based view of sovereignty assumes that differentiation exists within relationships of moral obligation, but what is interesting for the purposes of this analysis is the degree to which those moral obligations reproduce or transcend the identities that make them possible in the first place.

While the principle of sovereignty lingers in the background of the above analyses, Andrew Linklater and R.B.J. Walker focus explicitly on the principle of sovereignty as a practice of inclusion and exclusion. Linklater argues that Western political theory has endorsed the concept of sovereignty to such an extent that the tradition has promoted a narrow moral dualism. There is a dichotomy between the obligations that humans bear towards each other as members of humanity, and the obligations that citizens bear as members of a state. Moreover, sovereignty acts as a marker of difference: “[Sovereignty] denotes the institutionalization of the distinction

33 Ibid, 227-228.
34 Ibid, 37.
between insiders and outsiders, and reflects the fact that the former have granted each other a special status which is not possessed by outsiders.”35 This leads to a tension between the way that we exist inside the state, and our relations with those outside the state. He writes:

As human beings, it is argued within a famous Western tradition, men owe horizontal moral obligations to one another, obligations which survive and are as profound as their separation into sovereign states. As citizens, however, they acquire more specific obligations which they share with fellow-members of their political association alone.36

For Linklater, the problem with political theory’s conception of sovereignty is that it leads to an implicit endorsement of a moral vacuum that appears to exist once humanity has been divided up into states. The solution to the dilemma rests on whether there is such a thing as moral obligation towards members of humanity. If not, this provides a strong justification for the existence of sovereign states. If so, this leads to huge consequences for sovereignty - and therefore political theory.

In a later edition of the book, Linklater provides a postscript on how the work of Habermas and Foucault has led him to somewhat modify his conclusions. Linklater admits that his reliance on notions of universalism, freedom and progress are not immune to the critical theorist’s challenge that all discourse does violence.37 This anti-foundationalist critique leads Linklater to suggest that there are limits to universality just

35 Andrew Linklater, *Men and Citizens in the Theory of International Relations* (Houndmills: The MacMillan Press Ltd., 1982), 44. Linklater may overstate the distinction between insiders and outsiders, given the reality that identities are often complicated, multiple and overlapping. Also, identity is generally much more untidy than he implies, given, for instance, today’s ease of mobility or the existence of large diasporas. Nevertheless, I think his basic point still holds about the effect of sovereignty in creating insider and outsider groups.
as there should be limits to difference. Rather than focus on how progress is possible, Foucault leads Linklater to ask how the categories of difference and universality are constructed by and through discourse in the first place. He writes that Foucauldian genealogy might provide a way to examine how the outside is constructed: “That is the analysis of the means by which societies construct ‘the moral other’ in international relations whom they exclude and whom they seek to marginalize, manipulate or control. This area of inquiry would be concerned with the various modes of objectification which accompany the definition of the moral boundaries which separate communities from each other.”

It is in the spirit of Linklater’s conclusion that this dissertation undergoes a genealogical study of the relationship between moral obligation and sovereignty, since the history of humanitarianism is essentially the story of how “moral others” are constructed.

Like Linklater, Walker attempts to understand how sovereignty is a historically constituted concept that creates epistemological categories for thinking about what is “inside” the state, and what lies “outside.” It is not that sovereignty is something “out there” that needs to be explained, but rather, different constructions of sovereignty create the conditions for a certain type of politics. “As discourse about limits and dangers, about the presumed boundaries of political possibility in the space and time of the modern state, theories of international relations express and affirm the necessary horizons of the modern political imagination.”

It is the historically contingent, constructed category of sovereignty that divides up the space in which international politics takes place. What is

38 Ibid, 220.
interesting for Walker is how these divisions of space are so often taken for granted by international relations theorists. He writes,

[The] principle of sovereignty did not appear out of thin air. It embodies an historically specific account of ethical possibility in the form of an answer to questions about the nature and location of political community…. Spatially, the principle of state sovereignty fixes a clear demarcation between life inside and outside a centred political community.\(^{40}\)

Sovereignty is not only about how territory is divided up, but also about how this sets and limits the conditions for political communities. The discourse of sovereignty not only serves to differentiate between who is inside or outside a state, but it also demarcates the boundaries of acceptable political practice in international relations. Difference is not only a matter of territorial division, but it is also a matter of how such spatial divisions lead to a particular view of what politics looks like, within the state and between states. Walker is concerned with the conditions of knowledge that makes the concept of sovereignty possible, but he is also concerned with how the construction of sovereignty leads to an assumption that the good life can only occur “inside” political communities.\(^{41}\) The latter assumption implies that aspirations toward ethical possibilities are unrealizable “outside” a centred political community, that is, in the sphere of international relations. Walker is ultimately interested in challenging these constructions of Self and Other, in order to affirm the possibility of an ethical world politics that disintegrates the divisions between political theory and international relations, and between citizenship and humanity.\(^{42}\)

\(^{40}\) Ibid., 62.
\(^{41}\) Ibid, 63-64.
\(^{42}\) Ibid, 181.
Moral Obligation and Sovereignty

The discussion above has intended to provide a theoretical starting place for the way I intend to frame my discussion of the relationship between identity, sovereignty and moral obligation. As discussed, many international relations theorists have regarded sovereignty as the primary marker of difference in international relations, which provides a basis for the inclusions and exclusions that occur between political communities. Sovereignty is considered the defining principle of the modern international system, whereby states differentiate themselves from other states. Such a view of sovereignty implies that a state’s obligations are primarily towards its own citizens. In other words, by serving as the defining principle of legitimate authority within a state, the concept of sovereignty also acts to demarcate where moral obligations end – which is usually at the border.

However, historical practice has shown that moral obligations do not always conform to the physical borders of sovereign states, and that there is a complex relationship between sovereignty and moral obligation. Practices of moral obligation help to inform the identity of the state as Self, and of those outside the state as Other. The relationship between Self and Other becomes the basis for defining legitimate acts of moral obligation – as well as the limits of those obligations. Moral obligations serve to establish the boundaries of moral community, which defines to whom moral obligations both do and do not apply, as well as gives meaning to the identities of the participants and the acts themselves.

The discursive approaches discussed above provide a useful way to account for the role of difference in identity formation, and some of these insights can be applied in
the international context to provide insight on the relationship between moral obligation and sovereignty. Echoing Lévinas, sovereignty is a marker of alterity in international relations, and it relies on the existence of the Other as a condition for its practice. Yet as the above discussion has shown, if one takes a Foucaultian approach to sovereignty, it becomes possible to see how productive power works to produce particular identities that arise out of differences. Foucault’s genealogical approach helps to reveal how the practice of sovereignty is not static, but it shifts according to the historical constructions of difference that make up identity - in the words of Walker, who is “inside” and who is “outside.” Whereas materialist or juridical conceptions of sovereignty take for granted that state identity is rooted in territory, discursive approaches view sovereignty as emblematic of the socially constructed boundaries between political communities. In other words, sovereignty is where state identity gets put into motion. The practice of sovereignty is less about the assertion of material power than it is about the practices of inclusion and exclusion that signify the way that constructions of differences have led to particular identities in international politics.

This is where the issue of moral obligation becomes important, namely that constructions of moral obligation can act as a locus where it may be possible to see shifting conceptions of sovereignty and boundaries of political community at play. Furthermore, moral obligations may provide a lens through which it is possible to see the discursive aspects of sovereignty. Specifically, I would argue that shifting conceptions of difference are reflected in the way that sovereignty is constructed, which in turn influences how moral obligations are articulated, and it is through these moral obligations that the boundaries of political community – the “inside” and the “outside” – moves into
focus. In other words, it is at the points of confrontation between differences that moral boundaries are revealed, and this may help us to better understand the relationship between constructions of moral obligation and constructions of sovereignty.

As Foucault reminds us, the identities that provide the bases for acts of moral obligation are not static, but are continuously contested, disrupted and transformed, and for this reason it is also necessary to regard moral obligations as historical products. Yet, contemporary literature on humanitarianism tends to focus on the question of *what* moral obligations look like to the exclusion of *how* those obligations have historically emerged as legitimate practices. The problem with asking the former question is that it contains an underlying assumption that moral obligations are static. In contrast, the approach taken here is to historicise moral obligations, to treat them as contingent practices that are ultimately rooted in identity, reflected in practices of sovereignty, and therefore are productive of the discursive boundaries between Self and Other. Asking the latter question opens up the possibility of seeing how moral obligations have been conceived differently in various times and places, in addition to allowing for changing notions of obligation through history. In other words, it is necessary to look to the past in order to understand how contemporary practices are possible.

A historical approach to moral obligation also provides an opportunity to understand how shifting practices of sovereignty contribute to new constructions of moral obligations, at the same time at setting certain limits on those obligations. Examining the historical constitution of moral obligations will not only lead to a better understanding of contemporary humanitarianism, but it will also show how humanitarian practices are inextricably linked with the processes of inclusion and exclusion that are an integral part
of sovereignty. What’s more, this approach also provides the opportunity to analyse the ways in which power operates in moral obligation through the production of identities and legitimate practices. Practices of moral obligation, as social acts, are reflections of discursive formations that define who holds moral obligations, what those obligations entail, as well as the limits of obligations. Recalling the words of Todorov, who shows the link between identity formation and power, the discursive demarcation of these obligations is an act of productive power, since it constitutes knowledge about who is a legitimate moral subject: “The conquest of knowledge leads to the conquest of power.”

A Genealogical Approach

This leads me to discuss why a genealogical method would be the most suitable for this project. Genealogy was most famously used by Friedrich Nietzsche and Michel Foucault, and is generally considered to be a method on the fringes of mainstream IR theory. Richard Ashley introduced genealogy into IR in the mid-1980s, and Richard Price, Roxanne Doty, and Jens Bartelson have used the method in more recent contributions.

45 Foucault, *Discipline and Punish: The Birth of the Prison*.
Genealogy is much more than the uncovering of historical facts in a chronological fashion. Instead, it is a history of how meaning is constructed. Nietzsche writes:

The “evolution” of a thing, a custom, an organ is thus by no means its progressus toward a goal, even less a logical progressus by the shortest route and with the smallest expenditure of force – but a succession of more or less profound, more or less mutually independent processes of subduing, plus the resistances they encounter, the attempts at transformation for the purpose of defense and reaction, and the results of successful counteractions. The form is fluid, but the “meaning” is even more so.\textsuperscript{50}

History does not consist of the logical or necessary progression of facts or events. Instead, meaning is the result of the production of discourse, which privileges some practices as normal, and others as illegitimate. Since genealogy assumes that practices are contingent upon the “vicissitudes of history,”\textsuperscript{51} a genealogical method has a built-in theory of power, insofar as it is concerned with how meanings are produced. As Foucault writes, “Power produces; it produces reality; it produces domains of objects and rituals of truth.”\textsuperscript{52}

Thus, at the heart of genealogical inquiry is the goal of understanding how power operates to produce social reality. As Stefano Guzzini writes, power is “a counterfactual which implies that things could have been otherwise.”\textsuperscript{53} In other words, the genealogist is

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\textsuperscript{50} Nietzsche, "On the Genealogy of Morals.", 513-514.
\textsuperscript{52} Foucault, Discipline and Punish : The Birth of the Prison, 194. Following Foucault, Barnett and Duvall define productive power as follows: “Productive power…is the constitution of all social subjects with various social powers through systems of knowledge and discursive practices of broad and general social scope. Conceptually, the move is away from structures, per se, to systems of signification and meaning… and to networks of social forces perpetually shaping one another.” Power in Global Governance, 20.
\textsuperscript{53} Stefano Guzzini, "A Reconstruction of Constructivism in I.R.," European Journal of International Relations (2000): 171. Along with Barnett, Guzzini agrees that a theory of power is inherent to constructivist analysis. He argues that power is performative in
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ultimately concerned with the present, but it is by looking to the past that she understands how the present is possible. This echoes what Jens Bartelson has written paraphrasing Foucault, that genealogy is a “history of the present in terms of its past.”54 He continues, “[Genealogy] is strategically aimed at that which looks unproblematic and is held to be timeless; its task is to explain how these present traits, in all their vigour and truth, were formed out of the past.”55 In short, genealogy seeks to uncover, by looking to the past, how present truths have been constructed, in order to understand how the effects of truth are produced, reproduced and transformed in discourses.56

Foucault’s genealogical understanding of identity serves two functions, namely it accounts for contingency and change, and also the ways in which power produces identity. Foucault writes:

I don’t believe the problem can be solved by historicizing the subject as posited by the phenomenologists, fabricating a subject that evolves through the course of history. One has to dispense with the constituent subject, to get rid of the subject itself, that’s to say, to arrive at an analysis which can account for the constitution of the subject within a historical framework. And this is what I would call genealogy, that is, a form of history which can account for the constitution of knowledges, discourses, domains of objects, etc. without having to make reference to a subject which is either transcendental in relation to the field of events or runs in its empty sameness throughout the course of history.57

Foucault conceives of identity as a discursive formation, which is rooted in practice rather than language and characterised more by discontinuity than unity. Foucault posits nature, which is consistent with a genealogical method, although he does not refer specifically to genealogy. See Guzzini, "The Concept of Power: A Constructivist Analysis."
54 Bartelson, A Genealogy of Sovereignty, 7.
55 Ibid, 73.
this conception of identity in opposition to a conceptualization of history that relies on a subject that is coherent and timeless:

Continuous history is the indispensable correlative of the founding function of the subject...Making historical analysis the discourse of the continuous and making human consciousness the original subject of all historical development and all action are the two sides of the same system of thought.... In various forms, this theme has played a constant role since the nineteenth century: to preserve, against all decentrings, the sovereignty of the subject….58

In other words, continuous history acts to shield the subject from the fragmentary effects of non-linear history, to provide a “privileged shelter for the sovereignty of consciousness.”59 If history is marked by ruptures and contingencies as Foucault argues, it is misguided to trace or impose a long line of identity through an uninterrupted process. Rather, history is about the interplay of divisions, disappearances, and repetitions that contribute to the construction of the subject, which is characterized by the absence of stable foundations.60 Instead of positing a frozen subject, Foucault’s approach emphasizes how identity transforms through the interplay of differences. Identity, therefore, emerges out of the play of historical process, rather than being a static object that passes through history unscathed.

Such a genealogical approach has much to bring to the study of humanitarianism. There has been much scholarly interest in the emergence of a humanitarian norm; however, this is not the same thing as inquiring into the origins of the idea of humanitarianism itself. As Michael Clifford has written, genealogy challenges the

58 Foucault, The Archaeology of Knowledge and the Discourse on Language, 12.
59 Ibid, 12.
60 Ibid, 5.
“metaphysics of essence,” and questions the existence of a substantive, given subject. At the risk of painting broad strokes, the problem with many approaches is that they essentialise humanitarianism, so that it becomes just a matter of explaining how humanitarian ideas are transmitted from one type of actor to another. This also has the unfortunate effect of implying that states did not experience moral obligation before the emergence of a humanitarian norm. In contrast, I would argue that states have in fact experienced many types of moral obligations towards non-citizens, although these obligations could not be described as humanitarian in the sense that we understand the word today. A genealogical method makes it possible to examine these different forms of moral obligation, without falling into the ahistorical trap of using contemporary humanitarian discourse to describe past practices.

Since it is one of my main contentions that moral obligations are contingent on notions of identity as reflected in the practice of sovereignty, it is imperative to use a method that permits the examination of historically-situated constructions of obligation and sovereignty. What is at stake here is the issue of identity, and specifically how identity is closely intertwined with discourses of moral obligation. Productive power operates through discourse to define who can legitimately perform actions of moral obligation, and who can be the legitimate recipients of those actions. Roxanne Doty has argued, in reference to North-South relations, that practices of representation are implicated in the production of meanings, as well as social subjects and objects. The same could be said about relations of moral obligations insofar as they both create the possibility for humanitarian actions, but also prescribe the limits for those actions. The

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implication of this is that different constructions of moral obligations run parallel to constructions of identity, both of the state and of non-citizens. This means that the enactors of moral obligation and the recipients of such actions do not look the same in all times and places. Discourses of moral obligation have also constructed the state as a particular type of actor, as well as defined those to whom those obligations apply.

The story that is told through this genealogy does not only concern the construction of moral obligations, but it is also about how sovereignty is produced through discourses of moral obligation. Sovereignty entails the construction of an “inside” and an “outside,” and it is these politics of difference, according to Lévinas, that make it possible to exist in ethical relations with others. Sovereignty is a socially constructed concept, and moral obligations in part help to constitute its meaning. Yet, sovereignty has also had the effect of setting limits on those relationships, and of setting boundaries on practices of moral obligation. In short, moral obligations have helped to transform the meaning of sovereignty, even while sovereignty sets constraints on moral obligations. In contrast to analyses that view moral obligations in opposition to a fixed notion of sovereignty, the subject of this genealogy is the process of mutual constitution between the two, that is, the construction of moral boundaries in international relations.

It would be an impossible task to trace the entire relationship between moral obligation and sovereignty. This would also be contrary to the spirit of genealogical inquiry, which is not so concerned with tracing a continuous thread of history, as it is with identifying important moments of rupture or discontinuity. It is at such points of rupture that it is possible to identify agents of change, as well as to find answers to the
question of “how things might have been otherwise.” The following three chapters represent what Price would describe as “defining moments” in the history of moral obligation and sovereignty. They are not the only moments in the genealogy, and they may not even be the most important moments. They have been selected, however, because they are particularly illustrative of the mutually constitutive relationship between sovereignty and moral obligation. As representations of different “discursive spaces” of obligation, specifically religious, colonial, and rights-based obligation, these defining moments can tell us about how the boundaries of moral obligation have been constructed at different points during the history of the modern international system – as well as how those boundaries have shifted. While each chapter describes an important instance of change – important moments of rupture within the genealogy - taken together they demonstrate an element of continuity in the history of humanitarianism. The rise of emergency relief aid in the past twenty years might indicate that norms of moral obligation have become more influential for both states and non-state actors. In contrast to such an argument, this genealogical approach suggests that moral obligations have always played an important role in constructing the meaning of sovereignty, and should thus provoke us to reconsider the role of morality in international relations.

At the beginning of this chapter, there is a quote in which Tzvetan Todorov describes history as a series of imperceptible shifts of awareness about the relativity of

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63 Stefano Guzzini, ”A Reconstruction of Constructivism in I.R.”
culture. This has everything to do with how one perceives oneself in relation to Others, in that the identity of the Self is closely linked to how one differentiates oneself from others. Moreover, the power dynamics that keep some groups dominant and others weak are not inevitable, nor are the borders that serve to demarcate the space of a political community. Such relationships, defined by the lines of difference, are ever-shifting and mobile. History is a non-linear path of small discoveries - and sometimes conquests - of identities. Even though the shifts are imperceptible, these discoveries have considerable consequences for the ways in which people interact. In the case of international relations, the practice of sovereignty is not merely determined by geographical borders, but also by the way that identity and difference help to define the non-material borders of political communities. Looking at the relationship between moral obligations and identity over a long historical span will help to make these imperceptible shifts more visible, as well as to show how even moral obligations operate within their own logic of productive power, whereby they contribute to the construction of an “inside” and an “outside.” There are two sides to this coin. On one side, the possibility that the boundaries of political communities are malleable provides hope that the assertion of identity does not always lead to conflict. On the other side, if it is true that identity always requires an Other, the extent to which differences are reconcilable is not immediately apparent.
HUGUENOTS, CONFESSIONAL IDENTITY, AND THE EMERGENCE OF ENGLISH SOVEREIGNTY

...a horrible massacre having been committed in Paris on the 24th of August last, in which a great many noblemen and faithful were killed in one day and one night, coming up to twelve or thirteen thousand people, and preaching having been forbidden throughout the kingdom, and the belongings of those of the Religion pillaged throughout the kingdom; for their consolation, and that of the Low Countries, and in order to pray to the Lord for their deliverance, a solemn fast was held.1

The assistance offered by the English state to Huguenot refugees during the 16th century reinforced the identity of England as the bastion of Protestantism in Europe, and contributed directly to the consolidation of English sovereignty. The word “refugee” was coined in reference to the thousands of French Protestant refugees who flocked to exile in England in successive waves of immigration during the 16th and 17th centuries.2 While the word “refuge” implies retreat or remoteness, this overlooks the strategic role played by the Huguenots in the history of European Protestantism. England’s identity as the protector of Protestantism led to a policy of offering both official and unofficial forms of assistance. Moreover, there was an active transnational network of Huguenots and sympathizers who worked hard to rescue their fellow Protestants from the persecutions of the French and Spanish crowns.

This chapter will argue that England’s moral obligations towards Protestant refugees under the reign of Elizabeth I contributed to the consolidation of English

2 Cottret, 7.
sovereignty. An identity-based view of sovereignty highlights how the emergence of English sovereignty was just as much about the consolidation of a collective confessional identity as it was about control over territory and population. England’s policy of offering assistance to European Protestants was a reflection of this identity, and also signified that the boundaries of moral obligation were defined through religious identity.

The first part of the chapter provides some historical background to the reign of Elizabeth I in the context of discussions about English sovereignty, and then goes on to discuss England’s policies towards Huguenot refugees during the French Wars of Religion. The following section discusses the implications of this history for understanding both collective identity formation and the nature of moral obligation during the emergence of the English confessional state. The chapter concludes by drawing some parallels between early modern religious obligation and contemporary humanitarianism.

The Huguenot Refuge

The birth of the modern state system and the principle of sovereignty are conventionally dated to the Treaties of Westphalia in 1648 (although, as noted in the introductory chapter, the “Westphalian myth” has come under some recent scrutiny\(^3\)). The Treaties, however, did signal the end of a series of major religious wars in Europe that had started in the previous century. In 1555, the Peace of Augsburg between the Holy Roman Empire and France was the first to institute the principle of *cuius regio, eius religio*. This gave the leaders of Germanic states the authority to choose between

Catholicism and Lutheranism – but it did not extend protection to Anabaptists or Calvinists. As for France, Nancy Lyman Roelker writes that the principle un roi, une, loi, une foi signified an indissoluble bond between the two: “France equals the law, plus the king, plus the faith, as ordained by God and sanctioned by custom and history.” More simply, being French meant being Catholic. From 1562 until 1629, France was divided by a series of factional struggles over political and religious authority, the French Wars of Religion. As various authorities tried to consolidate their power, by forcing populations to follow the religion of the Prince or flee, this led to a massive scale of persecution and subsequent migration. As Daniel Statt writes: “The religious dissection of Europe in the sixteenth century… joined with the expanding powers – military and fiscal – of the dynastic nation-states to greatly increase the compass and the devastation of religious persecution. Wars and persecutions, pursued with zealous rivalry by Protestants and Catholics alike, uprooted large numbers of people and drove many into exile.”

There were a couple waves of immigration to England that coincided with heightened levels of persecution on the Continent. The first wave of immigration started with the outbreak of the first War of Religion in France in 1562, continued with Spanish rule in the Netherlands under the Duke of Alva in 1567 and the St. Bartholomew

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massacre in 1572, and ended finally with Henry of Navarre’s Edict of Nantes in 1598. Estimates vary, but most historians agree that the total number of immigrants over this period was somewhere between 100,000 and 150,000. Of this number, approximately 50,000 settled in England over the course of this period, and 10,000 refugees had settled in the city of London by the year 1590. The second major wave of immigration, often called *le Grand Refuge*, occurred from 1680-1710, with around 200,000 mostly French Huguenot refugees over the span of thirty years. Starting in the 1660s, the French Crown gradually restricted Huguenot participation in French society, which culminated in the persecutions of the *dragonnades* and the Revocation of the Edict of Nantes by Louis XIV in 1685. As Bertrand van Ruymbeke observes, the short duration and large magnitude of the Second Refuge makes it “the third largest one-shot migration in early modern Europe after the expulsion of the Jews and the Moriscos from Spain in 1492 and 1609, respectively.”

This case study focuses on the first wave of immigration to England, during the reign of Elizabeth I from 1558-1603. Even though *le Grand Refuge* was larger in terms of numbers, the First Refuge established stable networks that remained in place and played a crucial role in the migrations of the following century. Charles Littleton writes, “When the Huguenot refugees from Louis XIV’s France began to flood into London in the

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9 Grell, 5.
1680s, they were greeted by a functioning and well-administered Reformed church which had not disappeared from sight during the years of sparse immigration in the mid-seventeenth century and which still played an important role for the increasingly anglicized descendants of the original immigrants.”\(^{11}\) In a certain sense, the First Refuge is more significant, because it represented the first time that England had to deal religious refugees on such a large scale, whereas the Second Refuge signified a continuation of practice that had been established in the previous century. Laura Hunt Yungblut observes that England has long been a refuge for people who have been forced to flee their home countries, but she points out that this tradition has its roots in the 16\(^{th}\) century Protestant migration. She writes, “Those aliens who fled to England during the reign of Elizabeth I were, at least in any sizeable numbers, the first to have been motivated in their immigration by factors beyond what can be characterized as purely economic ones.”\(^{12}\) England was viewed as the bastion of Protestantism, and was thus the natural choice for these religious refugees.

The case of Protestant refugees is notable in at least two aspects, both in its size and the nature of the migration. As already noted, the migration was virtually unprecedented in terms of the numbers of refugees it produced. This was one of the largest instances of immigration in Europe up until this point in history, and certainly the largest influx of migrants into England. Moreover, the causes of the migration were unique. Religious persecution in Europe was not a new phenomenon, as attested to by the experiences of Jews and Muslims in Spain, as well as the victims of the Inquisitions.


But, as Aristide Zolberg observes, both of these communities were considered “outsiders,” insofar they were minority ethnic groups. The Protestant persecutions were inflicted on a community that was culturally homogenous with the rest of the population, while religious difference was their only distinguishing feature. Daniel Statt points out, “[Religious] persecution following the Reformation and the clash of expanding nation-states added a new dimension to the potential for large-scale immigration.” The persecution of the Protestants was notable, therefore, because it signaled one of the first major ideological clashes between indigenous Europeans.

Related to this, it is also important to note that England did not have a tradition of welcoming foreigners to its soil. Most foreigners were transients who crossed the Channel for economic reasons, and, if they stayed, were tolerated on the fringes of society. Up until the 16th century, strangers were treated with suspicion, and in some cases even violence. In the 12th century, Jews in York and London were the victims of large-scale massacres, and Flemings and Lombards were targets of violence in the Peasants’ Revolt of 1381. In 1517, many English were suspicious of the economic prosperity of foreign merchants – one sermon claimed that aliens “eate the bread from the poore fatherles children” - and a hostile environment ensued which culminated in the Evil May Day riots. This is not to say that a sharp dichotomy of attitudes did not exist regarding the Protestant refugees; some tension did remain between the English and

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14 Statt, 26.
16 Hunt Yungblut, 73.
foreign populations. But as Andrew Pettegree notes, given the antipathy of the English towards foreigners, it is notable that by the middle of the 16\textsuperscript{th} century, a large number of Dutch and French refugees did “come into their island,” and that they were, on the whole, much better received than one might have expected.\textsuperscript{17} While the obvious answer is that religious identification with the refugees created a sense of sympathy, it remains that the practice of welcoming refugees was unprecedented. One must also remember that, despite their religious affinities, the French and Dutch refugees were distinguished from the English population by cultural and language differences. They may have been Protestant, but they were still foreign. The question arises of what factors were present that contributed to this change in practice? Thus, this case is worth investigation because it not only signaled the emergence of a new norm of welcoming refugees, but it created a precedent which would be followed in the centuries to come.

More importantly, the practice of welcoming Protestant refugees played an important role in the consolidation of English sovereignty, and the emergence of the confessional state. The English monarchy’s policies towards foreign Protestants had implications for the consolidation of absolutist power. Using the benefit of hindsight, one could argue that the modern state system emerged out of the conflicts over religion, so the Protestant refugees from the Continent can be viewed as the first victims of the new Westphalian order. As Aristide Zolberg writes, “The case may thus be viewed as a particular instance of a more general situation, involving a clash between a state-building project founded on the pursuit of ideological homogeneity – here indicated by public adherence to the official religion – and a state of affairs that had recently come to be

\textsuperscript{17} Pettegree, 2.
marked by considerable diversity of opinion on the matter.\textsuperscript{18} In other words, the persecution of Protestants ran parallel to the emergence of sovereignty as the organizing principle of the international system. The case is significant since it plays a role in the process of confessionalisation, and the emergence of sovereignty as the defining principle of international order.

There were two aspects of Huguenot aid to refugees: the official policy of the English Crown towards them and the support given to them by individual and groups. Elizabeth I came to power at a precarious time for the British throne, and her attempts to aid the Protestant refugees must be interpreted within the unstable domestic and international contexts of the time. Domestically, the Marian rule had left England divided along Catholic and Protestant lines. As soon as Elizabeth came to power, it was clear that she would attempt to unite the country under the Protestant Church. The first session of Parliament in 1559 passed a number of bills that established the supremacy of Protestant forms of worship.\textsuperscript{19} At the same time, the country was threatened by the powerful Catholic powers on the Continent, Spain under Philip II and France under Henry II. During Elizabeth’s rule, England’s traditional enemy France was divided by internal conflict, while Spain threatened to dominate Western Europe.\textsuperscript{20} Thus, Elizabeth was faced with the task of unifying her own country, while balancing the threats from across the Channel.

\textsuperscript{18} Zolberg, 33.
\textsuperscript{19} For discussion on the details of these bills’ passage, see Susan Doran, \textit{Elizabeth I and Religion, 1558-1603}, (London/New York: Routledge, 1994), 10-13.
Traditionally historians have viewed Elizabeth’s foreign policy as being motivated primarily by considerations of security and defense, while religion was only peripherally important. However, many historians now agree that this view is incomplete and now agree that religion played a complex and central role in the formation of Elizabethan foreign policy. Simon Adams argues that Elizabeth’s foreign policy was associated with an ideology of “political Puritanism,” which he defines as “the advocacy of assistance to the Church abroad, rather than rapprochement with the Catholic power or Realpolitik.” More recently, Susan Doran has argued that it is impossible to separate Elizabeth’s political and religious interests. While Elizabeth was not interested in assisting rebels against their legitimate sovereigns, she did use all the diplomatic and informal means at her disposal to assist them, and portrayed herself abroad as the protector of Protestants. David Trim gives the most extreme version of this argument, when he writes that Elizabeth’s foreign policy was “confessionally driven” by a “Protestant programme of action.” He argues that when “True Faith” and “National Interest” did conflict, “the confessional, rather than the national, interest consistently took

precedence for Elizabeth and her ministers.”\(^{24}\) The common strand through all these arguments is that they reveal a false dichotomy between national interest and religious commitment. By emphasizing the central role played by religion, these historians are not saying that religion trumped political interests, but rather that Elizabeth’s religious beliefs and values were constitutive of her foreign policy. In the examples that follow, I will show how Elizabeth’s confessional identity led to a policy of protection for persecuted Protestants.

The first test of Elizabeth’s foreign policy in regards to the persecution of French Protestants came in 1562. France was on the brink of civil war between its Catholic majority and Calvinist minority, and in March the Duke of Guise participated in the massacre of a Protestant congregation at Vassy. A number of Huguenot insurrections occurred throughout the country, and the following month the Protestant princes of Condé requested assistance from England. Condé and Coligny, the Huguenot Admiral of France, sent requests to Elizabeth for military aid even before they asked for assistance from the Huguenot churches.\(^{25}\) At first, Elizabeth resisted sending direct military aid and offered to mediate instead. By September, however, she agreed in the Treaty of Hampton Court to send an envoy to France “to protest at the persecution of ‘those who profess the same cause’ and to announce her intentions ‘to act for their preservation.’”\(^{26}\) As William Cecil, the queen’s principle secretary and trusted advisor noted, the victory of


\(^{25}\) *Ibid*, 151.

\(^{26}\) Quoted in Doran, *Elizabeth I and Foreign Policy*, 21.
the Guise would “put us here in danger for our religion.”

Susan Doran notes that there was a convergence of religious with other political interests in that, while Elizabeth was motivated by her sympathies for the Protestant cause, she also viewed this as an opportunity to recover Calais. In the end, the intervention was an unmitigated disaster, exacerbated by Elizabeth’s stubborn refusal to surrender, even after the fall of Condé.

The humiliation of the defeat made Elizabeth much more cautious about sending direct military assistance to Protestants abroad. The fact that England did not wage open war against the Catholic powers was not a sign of its lack of commitment to the Protestant cause, nor does it mean that religion did not shape its foreign policy. Trim argues that, rather than interpreting this as a sign of lack of support for the Protestants, it was Elizabeth’s realization of England’s military weakness that necessitated the change in policy.

She feared that open support for Protestant rebels might provoke military reprisals from the Catholic rulers, so while her assistance passed covertly through unofficial channels, she did not react passively to these persecutions. Even so, a number of Elizabeth’s closest advisors advocated for a foreign policy that more actively supported Protestantism abroad. For instance, Sir Nicholas Throckmorton, her appointed ambassador to Paris, worked openly with factions of the Huguenot resistance.

Similarly, Elizabeth’s secretary Dr. Thomas Wilson advised that English policy whereby “those abrode who are faithful, and of the same religion that we professe, might be united to us, and we to them.”

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27 Trim, 151.
29 Doran, England and Europe in the Sixteenth Century, 100. See also Trim, 154.
30 Trim, 150.
31 Qtd. In Doran, Elizabeth I and Foreign Policy, 97
Despite her caution after the debacle in 1562, she sent military aid to La Rochelle after the outbreak of the third war of religion in 1568. In a treaty drawn up by Throckmorton, Elizabeth agreed to “supply ordnance and munition of war to La Rochelle,” which amounted to 4000 rounds of shot, six siege guns, 20 lasts of powder, and all the necessary wagons. They were shipped to La Rochelle in a merchant ship escorted by the royal fleet, which returned to England loaded with salt to give the appearance of legitimate commerce. In addition, throughout the 1570s, she covertly financed the armies of the prince of Condé, the Palatine reformer John Casimir, and William of Orange. English mercenaries were active in the Dutch army, if not with Elizabeth’s explicit authorization, undoubtedly with her implicit support. In spite of Spanish protests about the recruitment of Englishmen to serve in the army of William of Orange during the Dutch revolts, “the queen and her ministers repeatedly condemned their actions; and they kept raising men and shipping them across the narrow seas.”

While Elizabeth tried to keep this military support covert, the assistance she offered could not have gone unnoticed by Catholic powers. Giovanni Comer, a Venetian diplomat, observed that Elizabeth could not continue to assure foreign sovereign “that she desires to be their good sister [when] she makes no attempt to put a stop to [such] practices.”

Elizabeth also employed a number of diplomatic and unofficial means of support for the “secret war” against European Catholicism. Both in 1567 and in 1573, she

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32 Trim, 164.
33 Trim, “Seeking a Protestant Alliance,” 161-162.
34 Ibid, 167. See also Doran, England and Europe in the Sixteenth Century, 100.
35 Trim, “Seeking a Protestant Alliance,” 168.
36 Qt. in Ibid, 169.
offered to mediate between the Catholic and Huguenot princes, with the aim of securing a
degree of toleration of Protestant religious practices. After 1577, she exerted diplomatic
pressure on Philip II of Spain to suspend the Inquisition and allow freedom of
conscience. Later in 1593 when Henry IV (previously known as her ally Henry of
Navarre) converted to Catholicism, Elizabeth sent Sir Robert Sidney to France to remind
Henry of the support she had previously lent him: “[He] hath often tasted of the good of
such her succors.” She also made it clear in the message that she would assist the
Huguenots directly if necessary: “She could not forsake them now nor suffer the cause to
want assistance.” Aside from diplomatic and financial support, Elizabeth’s support for
the Protestants can be demonstrated by the fact that England openly provided asylum for
the tens of thousands of religious refugees who arrived in England during her reign. As
Robin Gwynn observes, “[Her] favourable reception of Huguenot refugees was a more
effective statement, falling short of direct intervention in France on behalf of the
Protestant cause…but making her position plain.” The Spanish ambassador, La Quadra
was “quite astounded to see the flocks of heretics come hither to the city and are well
received.”

The story of the Protestant refugees would be incomplete without some
discussion of the role played by Protestant individuals and groups within England. The
first stream of mostly Dutch refugees arrived in England in the latter half of the 1540s,
and by 1549 there was a congregation of Dutch Protestants in London who met regularly

38 Doran, England and Europe in the Sixteenth Century, 99.
39 Qtd. in Adams, 130-131.
40 Qtd. in Doran, England and Europe in the Sixteenth Century, 99.
41 Gwynn, 65.
for worship. From the beginning, there were close connections between the English government and leaders in the foreign Protestant community. In 1550, the French and Dutch churches were officially founded under a mutual superindendent, Johannes a Lasco, a Polish reformer and refugee who had connections at Court, most notably with Elizabeth I’s future minister, William Cecil. The church was also supported by leading figures within the Church of England, such as Bishop John Hooper and Archbishop Cranmer, who viewed their support of the foreigners’ church as a way to further the English Reformation, as well as prevent the spread of Anabaptism.\footnote{Grell,1, 34.} After the death of Edward VI and the ascension of the Catholic Queen Mary, many Protestants had to seek refuge on the Continent, where they stayed until Elizabeth I’s rise to the throne in 1558.

Shortly after the first session of Parliament in 1559 restored Protestantism as the main religion of England, Jan Utenhove, a Dutch Protestant recently returned from the Marian exile, petitioned the Crown to re-establish the foreign churches. Later, he also acted as an unofficial ambassador between the government and Countess of East Friesland in Germany, as well helped to solve a trade dispute between England and the Netherlands in 1564. In 1560, the foreigners’ church was re-opened under the leadership of a pastor from Geneva, Nicolas des Gallars.\footnote{Cottret, 46-47.} Like many of the ministers who would follow his short tenure in London, des Gallars also played an important role as liaison between the church and the English government. In 1562, when Elizabeth considering sending military support to the Huguenot Prince of Condé, des Gallars was privy to the discussion. Nicolas Throckmorton, the English ambassador in Paris, recommended that des Gallars be kept fully briefed “as one in great credit with the Prince [Condé] and such
as profess the religion,” so as to ensure the good faith of the negotiations.\textsuperscript{45} Similarly, after the St. Bartholomew’s Day massacre, French ministers were frequently summoned to Court to confer with government officials about a possible intervention.\textsuperscript{46}

The above examples demonstrate that the Huguenot churches not only provided a community for the Protestant refugees, but they also were in a position to influence the policies of the Elizabethan government. In other words, the churches acted as a pressure group on the Crown to persuade it to intervene on behalf of persecuted Protestants. Even though England did not supply direct military assistance in many instances, the French ministers were certainly in a good position to persuade Elizabeth to provide more informal forms of assistance. At any rate, the willingness of the English government to receive direct input from the Protestant churches is an indication of their sympathy to the cause.

As for the church communities themselves, they provided a huge source of comfort and security for the refugees. With the flood of refugees that arrived after each renewal of intense persecution, during the first War of Religion and after the St. Bartholomew’s Day massacre, “a heroic effort was required to maintain the social provision of the community at an adequate level.”\textsuperscript{47} The leaders of the churches charged themselves with caring for the community’s poor, and when the plague epidemic swept across Europe in 1563, they hired a surgeon to take care of victims in the refugee community.\textsuperscript{48} Not only did they provide a religious haven for the French and the Dutch refugees, but they were also a source of support for their co-religionists on the continent.

\textsuperscript{45} Pettegree, 265.
\textsuperscript{46} Ibid, 266.
\textsuperscript{47} Pettegree, 206. See also 210-211.
\textsuperscript{48} Ibid, 206-207.
The church members maintained their ties to family and friends on the continent, and sent support whenever possible. Church communities in Sandwich, London and Norwich helped to organize and finance activities in Flanders during the Revolt of the Netherlands. In 1568 and 1570, the London churches sent financial support, arms and volunteers to aid the campaigns of William of Orange. While these are only a couple of small examples, they provide some indication of the presence of a well-established network, which acted as a conduit of assistance for the Protestants on the Continent as well as in the Refuge.

Moral Obligations and the Emergence of the English Confessional State

The emergence of the English state was largely the product of the consolidation of a confessional collective identity. The process of confessionalisation, that is the “mapping of religious sites of difference…within Latin Christendom to the boundaries of polities,” was a result of the religious conflicts and Reformations of the 16th and 17th centuries. According to Daniel Nexon’s account, the processes of confessionalisation arising out of the Reformations created the conditions of possibility for the emergence of state sovereignty. As Benjamin de Carvalho has argued in his examination of English 16th century statecraft, the inscription of a specifically Protestant identity was integral to the formation of the English state. The construction of a confessional identity contributed to English state formation insofar as it shaped the way the English state

49 Gwynn, 65.
50 Pettegree, 253-254; Gwynn, 65.
51 Nexon, 265.
52 Ibid.
governed its own populations as well as its foreign interests and policies. In particular, de Carvalho argues that it was England’s confessional identity that influenced its Protestant alliances abroad and shaped its efforts to counterbalance the Catholic powers of Spain and France.\textsuperscript{54} In other words, it was the formation of a confessionalised identity that contributed to the construction of English sovereignty.

As De Carvalho has pointed out, to understand the socially constructed character of state sovereignty, it is necessary to acknowledge the discursive practices that constitute and legitimize it: “[The] boundary between ‘inside’ and ‘outside’ the sovereign nation-state is ceaselessly reproduced through the continuous process of identity inscription.”\textsuperscript{55} As religious and socio-political structures became more intertwined through the processes of confessionalisation, the emergence of English sovereignty demarcated the socially constructed boundaries of English identity. “Through detailed specifications of what constituted the boundaries of membership to the community, this inscription of the boundaries constituted the boundaries of Self and Other according to the \textit{sovereign demarcation of collective identity}.”\textsuperscript{56} England’s identity emerged through the consolidation of a collective Protestant identity, which in turned gave meaning to assertions of English sovereignty in both its domestic and foreign relations.

An identity-based view of sovereignty, which accounts for the central role of confessionalisation, provides a richer understanding of England’s assistance to Huguenot refugees than an interpretation that relies solely on material interests and power. Elizabeth had little material incentive to provide assistance to French Protestants abroad.

\textsuperscript{54} \textit{Ibid.}, 79-109.
\textsuperscript{55} \textit{Ibid.}, 359
\textsuperscript{56} \textit{Ibid.}, 320.
Indeed, providing assistance to the Huguenots brought risks of reprisals from the Catholic powers at a time when England was militarily weak. Rather, I would argue that the assistance given to French Protestants was not merely a matter of national security, since it was not necessary to extend this assistance to preserve England’s military interests in face of the Catholic threats abroad. Echoing Trim and de Carvalho, I would argue that England’s moral obligations towards French Protestants arose largely out of its confessional identity. The emergence of this collective identity was endogenous to the process of English state formation and the assertion of English sovereignty.

It is important to note that the formation of collective identity has parallel and somewhat contradictory effects. The link between collective identity and violence has been described by Heather Rae, who focuses on the pathological tendencies of states to homogenize their populations. While “pathological homogenization” has resulted in mass persecution and violence, the case study above shows how collective identity formation also contributes to the construction of moral obligations across political boundaries. While Rae is correct to point out that there are crucial moral dimensions to collective identity formation, she focuses on the violent effects of state formation, while overlooking how the inscription of an “inside” and “outside” also gives meaning to relationships of moral obligation across boundaries of identity. It was the formation of England’s confessional identity that influenced its policy of aid towards foreign co-religionists, at the same time as marking the limitations of these obligations. In other words, collective identity has both the potential to lead to violence as well as lead to new

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transnational solidarities. In the case above, understanding the links between English confessional identity and sovereignty provides a persuasive understanding of the role that moral obligations play in shaping state interests, and in giving meaning to the practice of sovereignty.

While it is beyond the scope of this chapter to consider the relationship between collective identity formation and moral obligations across Europe during this period, there is reason to believe that similar processes may have operated in different spaces. Admittedly, England is a unique case, because the English state was the first to consolidate, nearly a century prior to the Westphalian Treaties. However, as Rodney Bruce Hall has argued, the emergence of national collective identity in the 16th-17th centuries contributed to sovereign identity within the state as well as helped to transform the legitimate social purposes of state action. In other words, the formation of collective identity was an integral component of the consolidation of state sovereignty across Europe. Likewise, as Nexon points out, the formation of religious identities transformed the texture of international politics insofar as it led to new transnational solidarities centered around religious identities and ideas. While it is impossible to generalize without doing detailed historical research, the case of English aid to Huguenot refugees suggests that the formation of confessional identities was integral for both the emergence of sovereignty across Europe as well as practices of moral obligation across political boundaries.

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60 Nexon, 287.
The case of Protestant refugees during the 16\textsuperscript{th} century contains many of the ingredients of what we would now label a humanitarian crisis. The Catholic rulers of France and Spain targeted a specific group of people, with the goal of removing them from their property or killing them. As a result, there were thousands of deaths at the hands of the armies of the Catholic monarchs, and even greater numbers of displaced people seeking refuge. As the beacon of Protestantism in Europe, many of the refugees turned to England for safety, while the English government also had legitimate interests in supporting the Protestant cause. As a result, England not only provided a haven for the refugees, but also was able to muster the political will to intervene directly and indirectly on behalf of the Dutch Protestants and the Huguenots. Additionally, there were extensive networks of individuals and churches that mobilized to bring awareness about the crisis to their host government and community. These networks also sent support to the Continent in the form of money, arms, or volunteers, as well as provided a security net for the refugee communities in England. Many aspects of the case - the massacres, the government-sponsored violence, and the refugees – are not dissimilar from the humanitarian crises, and responses to them, that occur in modern times.

There is, however, some limit to the comparison. I am not about to argue that Elizabeth’s response to the Protestant refugees was “humanitarian” in the same way in which we understand the term today. Absolutist Europe has little in common with today’s modern, liberal, democratic state, while contemporary notions of humanitarianism are located within the framework of international humanitarian law and human rights discourse. It would be deeply problematic to examine the case of the Huguenots in these terms. Nevertheless, it is useful to look at the response to the
Protestant refugees – both the similarities and the differences – to understand how the beliefs that underline humanitarian practices are historically contingent on notions of identity. While the practices themselves may look similar to those of today, the beliefs that underline those moral obligations are different, and thus lead to different possibilities for moral action. Examining practices of moral obligation provides a window into how constructions of identity serve to legitimate the boundaries and interactions between Self and Other. More importantly, the enactment of moral obligations provides clues about how the practice of sovereignty simultaneously excludes and includes various groups. While moral obligations are certainly not the sole determinant of state identity, they do contribute in some part to the delineation of the boundaries of political communities.

As such, the case of the Protestant refugees outlined above illustrates the possibilities and limitations for “humanitarian” action in the 16th century. As discussed above, the Huguenots and Dutch Protestants were the first victims of the newly emerging Westphalian order, at the core of which was religious identity. Each sovereign had the power to choose the religion of the state without external interference. The Protestant refugees were produced through the process of negotiating this emerging basis for sovereign authority. For England, its identity as a Protestant state was inseparable from its legitimacy as a sovereign authority. England viewed itself as the bastion of Protestantism in Europe, so it perceived a moral obligation to assist the persecuted Protestants on the Continent.

It is also important to note that England’s perception of its own identity as a Protestant power also defined the limits of its moral obligations. After all, it provided no similar refuge for Jews or Muslims, and, during the Protestant migration, even refused to
allow members of certain Protestant sects, such as Anabaptists.\textsuperscript{61} This provides some indication of how identity sets the limits on humanitarian action, in that, only a certain defined community was perceived as deserving of assistance. It may be objected that this case does not contain a true example of moral obligation, on the basis of such a limited scope of application. However, I would argue that this objection comes from a contemporary universalist understanding of humanitarianism, which would be inappropriate to apply to this case. While it is true that England displayed only a very limited notion of who deserved assistance, this nevertheless provides an empirical indication of its own understanding of its moral obligations towards threatened populations. It is also reflective of the fact that the international society of absolutist Europe was limited to Western Christendom, and that such moral obligations extended no further than its borders.\textsuperscript{62} In short, England’s practice of providing refuge to Protestant refugees contributed to its identity as a Protestant state, thereby defining who it considered “inside” the state, and who remained “outside.” In other words, England’s enactment of its moral obligations to foreign Protestants was an integral component of its assertion of its religious sovereignty, and the demarcation of its borders. While it may seem counterintuitive, moral obligation served at the time to transcend old cultural boundaries at the same time as establishing new political borders.

It is necessary to respond to the objection that England’s motives in providing refuge for the Protestants were not merely altruistic. Spain and France posed significant threats to the security of the Continent and to England, so it may be argued that England’s actions were intended to balance this threat or undermine the Catholic powers,

\footnotesize{\textsuperscript{61} Grell, \textit{op.cit.}}

\footnotesize{\textsuperscript{62} See Bull, 27-33.}
and were thus purely self-interested. The problem with this explanation is that it assumes that England’s national interests and its moral obligations were mutually exclusive. It is easy to fall into this polarizing trap: was England’s effort to aid Protestant refugees the result of security interests or was it motivated by genuine concern? One possible answer to this objection is that England could have supported the anti-Catholic fight on the Continent while refusing to welcome the thousands of refugees to its shores. The fact that it not only supported the Protestant military efforts, but also provided a haven for the refugees, indicates a deeper sense of moral obligation to the Protestants. More fundamentally, I also echo David Trim here when I argue that the dichotomy between national interest and moral obligation is false.\textsuperscript{63} England’s sense of moral obligation to the refugees arose from its perceptions of its own identity as the protector of Protestantism, and these beliefs then constituted its interest in aiding the Protestants. It is impossible to understand the power dynamics of 16\textsuperscript{th} century Europe without reference to the religious identities of these states. In this light, England’s aid to the Protestants did not merely balance a foreign threat, but rather, the meaning of its actions were constituted by the way in which it perceived its moral obligations as a Protestant state.

The objection above, nevertheless, does highlight the connection between national interest and moral obligation. The humanitarian failures of the 1990s – the obvious examples are Rwanda and Yugoslavia - were often the result of lack of political will, because states perceived that they had no immediate political interests in risking their own soldiers for a humanitarian cause. In other words, just because a state perceives a moral obligation does not mean that the moral obligation will be acted upon. In the case

\textsuperscript{63} Trim, \textit{op. cit.}
of England in the 16th century, there was a convergence between moral obligation, national interest, and political will. In many other cases, humanitarian crises have escalated when states have perceived no match between obligation and interest, or they have not been able to muster the will to intervene even if the former two do converge.

The case also demonstrates another aspect of historical continuity, namely how moral obligations and sovereignty are not opposed to each other, as is often assumed in scholarship about moral norms. While international relations scholars often depict humanitarianism as being opposed to the logic of sovereignty, the case of England’s assistance towards French Huguenot demonstrates how moral obligations can be constitutive of sovereignty. In this case, English sovereignty was given meaning partly through the enactment of its moral obligations towards co-religionists. In turn, these moral obligations arose through the process of collective identity formation. The case is notable in that it demonstrates how moral obligations were inherent in the process of sovereignty even as the principle was emerging in the early modern period. An approach that takes into account England’s confessional identity provides a richer understanding of the relationship between sovereignty and the role that moral obligations played in early English state formation.

Another task of this genealogy is to identify how moral obligations in various historical contexts have reflected, perpetuated or transformed various relations of power. This approach provides a way of understanding the relationship between power and moral action. England’s provision of assistance to the Protestants was demonstration of its power, whereby it attempted to help a weaker party. This can be understood in material terms – England sent money and military aid to the Protestants. But England’s
actions can also be interpreted in terms of productive power, which as Raymond Duvall and Michel Barnett argue, has to do with how identities and meanings are constituted through social processes:

Productive power…is the constitution of all social subjects with various social powers through systems of knowledge and discursive practices of broad and general social scope. Conceptually, the move is away from structures, per se, to systems of signification and meaning…and to networks of social forces perpetually shaping one another.64

England’s assistance to the refugees was a function of its confessional identity, in that it was an attempt to provide support to European Protestantism. Moreover, English assistance to French Protestants produced a particular understanding of what constituted acceptable religious practice, and who was deserving of assistance. In other words, these practices reinforced certain identities and activities as legitimate. This notion of productive power does not undermine England’s assistance to persecuted Protestants, but it shows how moral obligations played an integral role in producing the political and moral identities of various actors, which is an act of productive power in itself. The process has some parallels to Michael Barnett’s description of how contemporary notions of humanitarianism have played a role in producing and reproducing liberal hegemony.65

In the 16th century, moral obligations contributed to an international order that was based on confessional identities.

Opening up practices of moral obligation to wider historical examination helps to show how the beliefs that underline these practices shift and give different meaning to these practices. In this regard, this chapter has argued that England’s moral obligations to

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65 Barnett, *op. cit.*
Protestant refugees in the 16th century were closely linked to the consolidation of a confessional collective identity and the formation of English sovereignty. Relationships of moral obligation give rise to different understandings of sovereignty and state identity, insofar as the beliefs that render a set of moral obligations to be legitimate also help to socially construct the boundaries of political community. This has been demonstrated through a historical case study of Protestant refugees in England during the latter half of the 16th century. England’s response to this crisis arose from the way in which its moral obligations stemmed from its confessional identity as the bastion of European Protestantism, which in turn constituted its foreign interests. Furthermore, its Protestant identity also defined the limits of its moral obligations. I have tried to show that humanitarian practices are historically contingent upon notions of identity, as well as how they implicated in relations of power. Finally, the chapter provides an early example of the mutual constitution of moral obligation and sovereignty, and, even further, provides further evidence of the myth that sovereignty was born in 1648 in the Treaties of Westphalia.66 Viewing the identity effects of sovereignty as socially constructed, and partially constituted by moral obligations, demonstrates how sovereignty is an ongoing process, and not a final state to be achieved.

The next chapter considers this process in the context of how moral obligations regarding slavery helped to constitute new conceptions of British identity and assertions of colonial sovereignty.

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66 Osiander, Op. cit..
“FOR LOVE OF LIBERTY OR VIRTUE”:
IDENTITY AND MORAL OBLIGATION IN BRITISH ABOLITIONISM

“Africa, thou shalt be free! Britons, patriots, fathers, females, join me in my endeavours to rid my country of this Moloch of iniquity!”
“Memoir of William Knibb, Missionary of Jamaica,” 1847

The British campaign against slavery is a pivotal moment in the history of humanitarianism, because it signified the emergence of a norm against a practice that had been acceptable for thousands of years. Ethan Nadelmann boldly asserts that the regime against slavery and the slave trade is the most powerful confirmation of the potential of humanitarian and moral concerns to shape global norms. Others have agreed with his assessment. Chaim Kaufmann and Robert Pape use the case of British abolition to explain why states pursue costly moral actions that appear to contradict state interest, and they cite Britain’s effort to suppress the slave trade as the “most expensive example recorded in modern history.” The abolitionist movement is also frequently given as an early example of civil society activism. Margaret Keck and Kathryn Sikkink cite the anti-slavery movement as one of the earliest examples of a transnational advocacy network.

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while Neta Crawford has shown how abolitionists used ethical arguments about slavery to bring about normative change.\(^5\) David Brion Davis, the renowned historian, goes even further: “The emergence of an international antislavery opinion represented a momentous turning point in the evolution of man’s moral perception, and thus in man’s image of himself.”\(^6\)

British anti-slavery was largely the result of a concerted campaign that transformed Britain’s identity, thereby leading to a reconfigured relationship with slavery. The abolitionist movement is significant because it marks the process by which those boundaries of moral obligation dramatically shifted, and Britain’s moral obligations started to extend into its empire, and eventually beyond. The abolitionist movement gained its momentum through the activism of a community of committed individuals, who successfully melded ideas about the obligations of British Empire with their arguments about the slave trade. These abolitionists successfully reinvented British identity, and then demonstrated how support of the slave trade contradicted British values.

Yet this new configuration of identity also had other important implications for Britain’s imperial practices. If we look at this case with a view to understanding the relationship between sovereignty and moral obligations, we see how British sovereignty was shaped in terms of its moral obligations towards slaves, and that these moral obligations were rooted in a particular perception of British identity. In the case of British abolitionism, the relationship between morality and sovereignty was not


necessarily one of opposition, but one of interaction. Moral obligation was not opposed to or in contradiction of sovereignty – or the exercise of British power - but constitutive of British understandings of legitimate statehood. Britain’s support for abolition had consequences for its foreign policy, both with other European powers and also its relations with Africa. The anti-slavery cause was marshaled as a justification for the extension of British naval power, as well as for the expansion of British colonial power in Africa. With regards to both of the latter, the assertion of power was given meaning through these new configurations of Britain’s moral obligations. The consequences for those people subject to British colonial power were anything but benign, in that moral obligations led to a new configuration of hierarchical relations.

This chapter will proceed first by considering the background of slavery and the abolitionist movement in Britain. The topic of slavery has received enormous amounts of scholarly attention over the past two hundred years, and there are numerous historical debates about the reasons for the success of the abolitionist movement.\(^7\) I do not seek to

contribute to these historical debates or tell the story of abolition in its entirety. The history is complex and many others have told a more detailed story than is possible to do in these pages. Rather, the more limited goal of this chapter is to understand how abolitionists reinvented British identity in their arguments about eliminating Britain’s involvement in the slave trade. Using an interpretive approach the chapter will closely examine written arguments published by abolitionists and their critics prior to Britain’s abolition of the slave trade in 1807. Later, activists used similar arguments about British identity to advocate for the emancipation of slaves in British colonies, as well as to justify colonial intervention in Africa. A close examination of these documents will provide insight into how moral obligation played a crucial role in assertions of British colonial sovereignty, namely that abolitionism led to a new configuration of the relationship between sovereignty and humanitarian practice. The final section of the chapter will discuss the relationship between British identity, sovereignty and the abolitionist campaign.

The British Slave Trade and the Road to Abolition

What was Britain’s relationship to the slave trade prior to the successes of the abolitionist movement in the early 19th century? If the abolitionist movement signifies an important change in Britain’s foreign policy that was driven primarily by a new sense of Britain’s moral obligation towards slaves, we must first get some sense of what Britain’s relationship was with the slave trade before abolitionist ideas became more widespread. In order to understand what changed, it is first necessary to understand more precisely the
situation from which abolition was a departure. What was the status quo in Britain? What, if any, were Britain’s moral obligations in relation to the trade in slaves?

The earliest recorded participation of Britain in the slave trade are the voyages of John Hawkins between 1562 and 1567, news of which was apparently received with disapproval by Elizabeth I. The military forts that the British established along the west coast of Africa during the 17th century doubled as trading centers for both minerals and slaves. Prior to the 1700s, the slave trade appeared in Parliamentary debates mainly in relation to discussions about how the slave trade was best organized - through a Charter monopoly or free trade – and who should be responsible for taking care of English forts along the West African coast. In 1618, the Company of Adventurers of London was the first incorporated company for African trade, and the first permanent English settlement with a fort was established at Kormantin in 1631. It was during this time that England’s engagement in the slave trade became more regular. In 1663, the Royal Adventurers into Africa received its Charter, in which the slave trade was mentioned for the first time as an objective of the company, and in 1672, the Royal African Company (RAC) received its charter. Although the RAC was continuously hindered by debt, it maintained a monopoly over the slave trade until 1698, when Parliament rescinded its monopoly. The trade opened up to private merchants who had to pay a 10% duty on exports in order to cover the costs of maintaining English forts along the West African coast. From this point

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onwards, and especially after the 10% duty expired in 1712, private merchants from the English port cities of Liverpool, London and Bristol dominated the slave trade. In 1750, Parliament divested the Royal African Company of its West African possessions, and replaced it with a regulatory body, the Company of Merchants Trading to Africa, whose sole purpose was to care for English forts along the coast.10 Until the 1780s, Parliament held no discussions about the legitimacy of the trade itself or its moral implications. Debates about the slave trade were in the public interest only insofar as they helped to ensure the profitability of trade with the colonies, and Britain’s security interests on the coast of Africa.

The history of Britain’s participation in the slave trade cannot be separated from the history of its imperialism; the two run parallel to each other. As Kenneth Morgan observes, it would have been fanciful to imagine “a British imperial world without a regular supply of new black cargoes.”11 As Britain’s colonial possessions in North America and the Caribbean expanded, Parliamentarians and merchants alike viewed the slave trade as necessary to supply labour for tobacco and sugar plantation in the colonies. Slavery and British imperial expansion went hand in hand, reaching its pinnacle in the quarter century before the American Revolution. Indeed, Morgan argues that “enduring and firm trade links between Europe and the Americas were not forged until slavery was

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introduced in the New World.”\textsuperscript{12} Thus, Britain’s imperial interests were closely tied to its identity as a slave-trading nation. The African slave trade was a crucial part of the triangular trade between Britain, Africa and the North American colonies. Approximately 3.3 million African slaves crossed the Atlantic on British slave ships between 1662 and 1807, reaching an annual figure of 42,000 during the 1760s.\textsuperscript{13} Although historians dispute the degree to which the slave trade contributed to Britain’s economic growth from the 17\textsuperscript{th} though 19\textsuperscript{th} centuries, there is overall consensus that it did lead to higher industrial output and increased demand for British exports, as well as served to strengthen Britain’s naval capacity.\textsuperscript{14} Prior to the 1780s, few people in Parliament questioned the slave trade from a moral perspective, because they regarded it as essential to maintaining Britain’s military and economic interests. As Brown points out, a proslavery tradition did not need to exist since the institution rarely came under attack.\textsuperscript{15}

As for the legal status of slavery in Britain, juridical opinion was divided. The main issues were whether British law recognized the status of slavery, and whether slave owners who brought their slaves to Britain could force a runaway slave to return to the

\textsuperscript{13} Kenneth Morgan, \textit{Slavery and the British Empire: From Africa to America} (Oxford: Oxford University Press, 2007), 12. Most historians agree that around 12 million enslaved Africans crossed the Atlantic during the entire period of the slave trade.
colonies. One judgment, issued in 1569, stated that “England was too pure an air for Slaves to breathe in.”\textsuperscript{16} This did not settle the issue, and subsequent opinions in 1677 and 1694 recognised the status of slavery, while in 1701, Justice Holt declared that “as soon as a Negro comes into England, he becomes free.”\textsuperscript{17} In 1729, Yorke and Talbot issued an opinion at Lincoln’s Inn, which stated that neither being in England nor receiving baptism would make a slave free:

We are of the Opinion, That a Slave by coming from the West-Indies to Great Britain, doth not become free, and that his Mast’ers Property or Right in him is not thereby determined or varied: And that Baptism doth not bestow freedom on him, nor make any Alteration in his Temporal Condition in these Kingdoms. We are also of the Opinion, that his Master may legally compel him to return again to the Plantations.\textsuperscript{18}

Even though it was not an official court decision, the Yorke and Talbot opinion was frequently cited to justify the claims of slave owners throughout the 18\textsuperscript{th} century.

The first legal challenge to slavery within Britain arose in a series of court trials during the 1760s, when the question arose as to whether it was legal for slave owners to force a slave to leave Britain. Granville Sharp, known for his commitment to non-mainstream Evangelicalism, went to the courts to settle the question of whether defend Jonathan Strong in 1765, whose owner David Lisle had beaten nearly to the point of death and then abandoned. The Chief Magistrate of the City did not pronounce any judgment on the question of slavery in Britain, but the court did allow Strong to go free.

In 1770, the case of a recaptured runaway slave named Thomas Lewis came before Lord Mansfield, who up until this point had been reluctant to consider the legality

\textsuperscript{16} Qtd. in Folarin Shyllon, \textit{Black People in Britain, 1555-1833} (London: Oxford University Press, 1977), 17.

\textsuperscript{17} Qtd in \textit{Ibid.}

\textsuperscript{18} Quoted in \textit{Ibid.}, 20.
of slavery in England. In the end, the jury decided in favour of Lewis, and in his closing address to Lewis’s counsel, Mansfield demonstrated his misgivings about issuing a judgment that would make slavery effectively illegal in England:

I don’t know what the consequences may be if the masters were to lose their property by accidentally bringing their slaves to England. I hope it never will be finally discussed; for I would have all masters think them free and all Negroes think they were not, because then they would both behave better.\(^1^9\)

Since there were between 10,000 and 15,000 black slaves living in Britain at the time, at £50 per capita Mansfield had reason to be nervous about the economic and social consequences of declaring slavery illegal in Britain.\(^2^0\) As Seymour Drescher observes, Mansfield seemed to be more interested in avoiding a decision and doing damage control than broadly extending liberty to all.\(^2^1\)

Two years later, the famous case of James Somerset went up before the court, once again presided over by Lord Mansfield. When the case of Somerset went before Mansfield, there was widespread expectation that it would decide the matter once and for all. After a month’s delay for deliberation, Mansfield came back with the verdict that the state of slavery was so “odious” that nothing could support it, except positive or common law. Since no such positive law existed in England, there was no legal basis to support the forced repatriation of Somerset, and “therefore the black must be discharged.”\(^2^2\)

\(^{19}\) Quoted in Coupland, *The British Anti-Slavery Movement*, 53.
\(^{21}\) Drescher, *Capitalism and Antislavery: British Mobilization in Comparative Perspective*, 36.
\(^{22}\) Coupland, *The British Anti-Slavery Movement*, 55.
Mansfield’s decision was widely interpreted to indicate the legal end of slavery inside Britain, although this decision had no bearing on slavery in Britain’s colonies.\(^{23}\)

Even prior to the Mansfield decision, while it had been fashionable in some quarters to keep slaves,\(^{24}\) slavery was certainly not as widespread in Britain to the degree that it was in the colonies of America and the Carribean, for the reason that the plantations kept the demand for labour high.\(^{25}\) Nevertheless, the decision of the Somerset case did not condemn slavery as an institution, but only reinforced the belief that Britain protected the liberty of all its subjects *within its own borders*. Even while Britain was becoming ever more reliant for its wealth on the slave trade in the triangular route between Europe, Africa and North America, the Somerset case reaffirmed Britain’s commitment to individual liberty. Most people simply assumed that slavery would continue in other places, but here was proof that Britain – the land of liberty - did not support slavery. As Brown argues, since the Somerset case only questioned the legal status of slavery in Britain, it fostered an implicit toleration of slavery elsewhere. “The champions of English liberty displayed little interest in the slave system as a whole…. [The] great majority accepted that slavery would continue elsewhere, as long as England

\(^{23}\) There has been some disagreement amongst historians regarding what Mansfield actually meant by the judgment, or the degree to which Somerset signified the *de facto* or *de jure* end of slavery in Britain. On the extremes, Coupland claims that Somerset was turning point in the abolitionist movement (“behind the legal judgement lay the moral judgement”, while on the other end Shyllon argues that slavery continued in Britain until emancipation in 1834. For more on this debate, see Shyllon, *Black People in Britain, 1555-1833*, Cotter, "The Somerset Case and the Abolition of Slavery in England.", James Oldham, "New Light on Mansfield and Slavery," *Journal of British Studies* 27, no. 1 (1988).


\(^{25}\) Morgan, *Slavery and the British Empire: From Africa to America*, 11.
would remain free, as long as slavery in the land of liberty would never exist again.” In other words, the Somerset case can be viewed as a marker of the limits of moral obligation. In 1772, those limits were defined by England’s borders, and no further.

At the same time that these legal shifts were occurring, abolitionist sentiment started to grow within Quaker and Evangelical communities on both sides of the Atlantic. The Society of Friends had long asserted a separate identity and a reluctance to engage in public affairs, a policy of “quietism,” in order to distance itself from a corrupt world. Quakers had not abstained from holding slaves through the 17th and early 18th centuries, but starting in the middle of the 18th century, the Society of Friends in New England urged its members to abstain from holding slaves or participating in the slave trade. In the 1750s, a sustained debate about slavery emerged within the larger context of Quaker reform, which was taking place after the Seven Years War. Many Quaker elders renounced holding slaves, and gradually there was increased pressure for any

member of the Society to manumit their slaves. At this time, however, abolitionism amongst Quakers was not a political issue, but rather a matter of asserting their collective identity against a sinful world. As Brown writes, “[The] drive for purity directed Quakers inward, away from the world, rather than outward and into public canvassing for abolition and emancipation.” 29 Nevertheless, this was the first instance that opposition to slavery arose in the form of a collective initiative rather than isolated instances of individual conscience.

Influenced by the American Quaker community, and in particular the writings of Anthony Benezet, 30 British Quakers began to prohibit the ownership of slaves amongst its members. At the London Yearly Meeting of 1761, the Friends declared that they would disown any members who engaged in the slave trade. Whereas other versions of religious opposition to slavery were based on the concern that slavery prevented the salvation of souls, the Quakers viewed slavery as inconsistent with general principles of justice and humanity. The minutes from the Yearly Meeting in 1763 recorded:

> We renew our exhortation, that friends every where be especially careful to keep their hands clear of giving encouragement in any shape to the slave-trade, it being evidently destructive of the natural rights of mankind, who are all ransomed by one Saviour and visited by one divine light in order to salvation; a traffick calculated to enrich and aggrandize some upon the misery of others, in its nature abhorrent to every just and tender sentiment, and contrary to the whole tenor of the gospel. 31

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However, this early decision did not give rise at that time to public movement against slaveholding, and it was not until the early 1780s that the Quakers became actively involved in trying to advocate for change.

It is also important to recall the historical context in which the rise of abolitionism took place. Christopher Brown has written extensively on how the American Revolution provoked many dislocations that later contributed to the growth of the abolitionist movement:

The dissolution of the North American empire…would intensify the impulse in Britain toward collective self-scrutiny, an inclination that originated shortly after the Seven Years’ War but would become influential only with the loss of the thirteen colonies. The outcome of the American war inspired the first sustained doubts about the moral character of British overseas enterprise.32

As Brown argues, the war across the Atlantic raised a number of questions about Britain’s activities across the Atlantic. Confronted by the colonial overthrow of British rule, there was the contradiction between the assertion of British rule in North America and Britain’s professed dedication to liberty. Associated with this was the problem of slavery. Whereas prior to the Revolution slavery had been attributed to isolated individuals, abolitionists began to argue that Britain as a nation was responsible for encouraging an immoral trade in humans. In short, according to Brown, the American Revolution prompted people to reconsider the moral aspects of its relationship with its empire. A strong degree of administrative autonomy had allowed Britain to devolve itself of any responsibility for slavery in its colonies.33 The American Revolution provoked a

33 Morgan, Slavery and the British Empire: From Africa to America, 112.
series of questions about imperial governance, authority, and the moral aspects of empire.\textsuperscript{34} Whereas slavery had previously been regarded as an integral, if distasteful, agent of expansion, afterwards it was regarded as a sign of moral decay.

After repeated appeals from American Quakers, the London Quakers formed the first formal anti-slavery committee in 1783, which was the sole in existence in Britain until 1787. During its first year, the Quaker antislavery committee submitted a petition with 273 signatures to the House of Commons,\textsuperscript{35} asking its members to consider abolishing the slave trade, the first of many petitions that followed on the subject. From 1783 to 1787, the Quakers published and distributed numerous pamphlets promoting abolition, which helped to put slavery on the public agenda. When the Society for Effecting the Abolition of the Slave Trade was founded in 1787, with Granville Sharp as honorary chair and Thomas Clarkson\textsuperscript{36} a founding member, two-thirds of its Committee were Quakers.\textsuperscript{37}

Twenty years lay between the founding of the first abolition Society in 1787 (known as the London Committee) and the passing of the Slave Trade Abolition Bill in February 1807. During the intervening time, Thomas Clarkson travelled around the

\textsuperscript{34} Oldfield, \textit{Popular Politics and British Anti-Slavery: The Mobilisation of Public Opinion against the Slave Trade, 1787-1807}, 117.
\textsuperscript{35} Brown, \textit{Moral Capital: Foundations of British Abolitionism}, 422.
\textsuperscript{36} Thomas Clarkson had written a prize-winning Latin essay at Cambridge on the topic of slavery, which had been greatly influenced by Benezet’s writing. Although he had originally planned a career in the church, he was so affected by the research for his essay that he decided to devote his life to the cause of anti-slavery. The Quaker press of James Phillip published and distributed Clarksons’s translated essay in 1788. Thomas Clarkson, \textit{An Essay on the Slavery and Commerce of the Human Species, Particularly the African; Translated from a Latin Dissertation, Which Was Honoured with the First Prize in the University of Cambridge, for the Year 1785. 2d Ed., Rev. And Considerably Enl. London, Printed and Sold by J. Phillips, 1788}. (New York: AMS Press, 1972 [1788]).
country giving public talks and supported the work of local committees. Many historians have noted how the abolitionist movement used popular culture to spread its ideals, through poetry, literature, and even consumer goods. Josiah Wedgewood’s famous medallion of the kneeling slave with the question, “Am I not a man and a brother?” appeared on cameos, rings, buttons, furniture, and other consumer objects. This figure became an icon of the movement, and was instantly recognizable all over the country. One of the most effective tools of the movement was the public petition campaign, the first of which the London Committee mounted in 1788. While the use of petitions was not entirely new, the abolitionists revolutionized the way they were used to circulate abolitionist propaganda, activate public interest and put pressure on Parliament. For instance, during the large campaign in 1792, Oldfield estimates that

400,000 people signed abolitionist petitions, representing about 13% of the adult male population of England, Scotland and Wales.\(^\text{42}\)

Many notable abolitionists, including William Wilberforce, Granville Sharp, Thomas Clarkson, and Zachary Macaulay, were also involved in the establishment of a settlement for freed slaves on the coast of West Africa. This endeavor was representative of abolitionist attitudes towards colonialism – and foreshadowed later developments in British colonial policy in Africa a century later. The Sierra Leone Company was incorporated in 1791 with the primary goal of promoting the civilization of Africa. The Company’s founders were convinced that the settlement would prove the economic benefits of commerce with Africa, and, with British assistance, the ability of free Africans to attain high standards of civilization. The Company relocated former slaves from Nova Scotia and transported them to what is modern day Freetown. Yet, as Cassandra Pybus has demonstrated, the Company was a massive failure, due not only to the difficulty of farming the land, but also because the governance of the Sierra Leone Company proved to be nearly as oppressive as the slave owners the settlers had left behind.\(^\text{43}\) The leaders of the Company insisted on compulsory Christian education, charged rent for the land on which the settlers lived, and refused to allow self-rule. In regards to the settlement, Pybus concludes:

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These pious men had formed the Sierra Leone Company to christianise Africa, not to help emancipated slaves. In the same spirit of Christian crusade, they took up abolition with such intensity because they believed complicity in the trade degraded the moral integrity of the nation. In these matters their politics and their morality were in perfect harmony.⁴⁴

The Sierra Leone settlement was a precursor and a microcosm of what would later be official British colonial policy, and it was the moral obligations of abolitionists that paved the way.

The other main venue for abolitionist activism was British Parliament. In 1788 after the first major public petition campaign, Wilberforce was too ill to bring a motion to Parliament, but the same year Dolben’s Bill passed, which regulated and tried to improve conditions on slave ships that crossed the Atlantic.⁴⁵ Between 1789 and 1807, Wilberforce and his allies moved for abolition of the slave trade twelve times. Before 1806, the House of Commons passed two separate bills for abolition, but both were defeated in the upper house. After the large petition campaign in 1792, the House of Commons passed a bill for gradual abolition, but the House of Lords insisted on carrying out its own lengthy inquiry into the slave trade, and the delays killed the abolitionists’ momentum. In addition, the movement became victim to the climate of anti-radical politics after 1791, which was a reaction to the revolution in France and slave revolt in Saint Domingue.⁴⁶ The petitions eventually waned, and by the end of the decade even Wilberforce stopping bringing his annual motions for abolition to the House of

⁴⁵ Hochschild, Bury the Chains: The Struggle to Abolish Slavery, 139-40.
Commons. The Society for the Effecting the Abolition of the Slave Trade met in 1797, but did not reconvene until May 1804.47

By 1804, a few key developments rendered the political climate more receptive to abolitionist ideas. St. Domingue had become independent Haiti, which meant that France, St. Domingue’s former colonial ruler, could no longer dominate the sugar market. The price of sugar had dropped, leaving British planters with less money to purchase slaves and less incentive to fight for the continuation of the trade.48 In addition, Napoleon had reinstituted slavery after its short-lived abolition by the revolutionaries, which made it possible for abolitionists to disassociate abolitionism with revolutionary politics, and also to link British nationalism with moral superiority. Wilberforce brought a motion to Parliament in 1804, which passed in the House of Commons, but was brought to a standstill again by the House of Lords, who wanted to institute a second inquiry. In 1806, William Pitt died, clearing the way for Lord Grenville, a strong advocate for abolition, to become Prime Minister. In May 1806, Wilberforce tried a new tactic, proposing a bill that prohibited British subjects from participating in the slave trade with France and its allies. Once again, abolition was on the public agenda, and petitions in support of it poured into Parliament. The Foreign Slave Trade Bill passed, severely curtailing the trade. It was not a great leap the following year when the Slave Trade Abolition Bill passed on February 23rd, with 283 in favour and only 16 opposed.49

48 Hochschild, Bury the Chains: The Struggle to Abolish Slavery, 304.
The Abolition Bill signified the end of the British sanctioned slave trade, but it did not mean the end of the trade altogether, since other states continued to pursue it – as did British merchant ships in disguise. At great economic cost, Britain expended a huge number of naval resources in patrolling the waters of the Atlantic to prevent the trade.\textsuperscript{50} Meanwhile, the anti-slavery consensus continued to coalesce in Britain, as anti-slavery became much more closely linked with nationalist discourse.\textsuperscript{51} In the negotiations in 1814-15, under much pressure from another flurry of petition campaigns, Castlereagh succeeded in getting a declaration appended to the Congress of Vienna that condemned the slave trade as “repugnant to the principles of humanity and universal morality.”\textsuperscript{52} This declaration, embedded into the post-war peace settlement, was a moral victory for Britain, since it confirmed her role at the international level as the leading protagonist in the “crusade” against slavery.\textsuperscript{53} This was the first international agreement that explicitly condemned slavery, and as Miers notes, one of the first times that “native welfare” became an accepted matter of international concern.\textsuperscript{54} Moreover, as Paul Kielstra has written, abolition was not only a matter of moral conviction or a source of British nationalism; it became also a political tool in Britain’s international interactions with its

\textsuperscript{50} Raymond Howell, \textit{The Royal Navy and the Slave Trade} (London: Croom Helm, 1987).
\textsuperscript{52} Miers, \textit{Britain and the Ending of the Slave Trade}, 11.
\textsuperscript{54} Miers, \textit{Britain and the Ending of the Slave Trade}, 11.
rivals. Yet, all these efforts belied the fact that slavery continued to be legal in British colonies, until the Emancipation Act was passed in 1833.

In the later parts of the 19th century, Britain’s campaign against African slavery served as a justification to export “Commerce, Christianity, and Civilization” to that continent. In other words, abolitionism provided the legitimation for British colonial endeavors in Africa, by linking the end of slavery to the export of British civilization. When the European powers met in Berlin in 1884-85 to discuss how to divide the African continent, once again Britain wanted credit for its moral leadership in ending African slavery. On the eve of the conference, the Permanent Under-secretary wrote to Lord Granville, the Foreign Secretary: “It has occurred to me that Great Britain might carry off all the honours of the meeting by being the first to propose (on so fitting an occasion) an international Declaration in relation to the traffic in slaves…. [The] honour and credit of proposing either Declaration,… should be reserved to this country…” The result of the negotiations was that Britain succeeded in getting a declaration against slavery included in the Berlin Act of 1885:

All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being, and to help in suppressing slavery, and especially the slave trade. They shall, without distinction of creed or nation, protect and favour all religious, scientific or charitable institutions and undertakings created and organized for the above ends, or which aim at instructing the natives and bringing home to them the blessings of civilization.

56 Miers, Britain and the Ending of the Slave Trade, 25.
57 Qtd. in Ibid., 171.
The “blessings of civilization” referred largely to Christianity, and the Berlin Act also provided special protections to missionaries in Africa.\(^{59}\) As Miers notes, the spurt of missionary activity in the 19\(^{th}\) century was closely linked to the abolition of the slave trade.\(^{60}\) Thus, one of the main moral justifications for the European division of the African continent was rooted in abolitionist convictions. Britain justified the extension of colonial sovereignty with its beliefs in its moral superiority and leadership, which was largely the result of its long efforts to combat the slave trade.

One could object that the use of anti-slavery acted merely as a cover for the extension of Britain’s economic interests, that the moral content of these claims was a façade for naked pursuit of power. Yet, this argument overlooks the fact that Britain sought the end of slavery even when it was costly and inconvenient to do so.\(^{61}\) It also ignores how the use of moral arguments had the effect of conferring legitimacy to Britain’s actions. Namely, the abolitionist enterprise gave a moral content to the exercise of British sovereignty, both in its negotiations with other European powers and its colonial efforts in Africa. To acknowledge the central role of abolitionism, however, is not to ignore the consequences of the extension of British influence and power. The use of abolitionist argument lent moral force to the extension of British influence in Africa. Yet, Britain’s convictions to act according to its moral obligations ultimately reinforced and legitimized the power relations between master and slave, rather than transcended

\(^{59}\) “Christian missionaries, scientists and explorers, with their followers, property and collections, shall likewise be the objects of especial protection.” Article VI, “General Act of the Conference at Berlin.”

\(^{60}\) Miers, *Britain and the Ending of the Slave Trade*, 153.

this hierarchy. In other words, the boundaries between “inside” and “outside” were further entrenched through the pursuit of moral obligation. As I shall go on to discuss in the next section, looking closely at the content of abolitionist arguments reveals how the construction of British identity played a key role in abolitionist arguments. It was the preservation of Britain’s moral identity that was a central concern for abolitionists, rather than a desire to transform the relationships between political communities.

Before turning to a closer analysis of abolitionist arguments, it is important to note that the Berlin Conference does not constitute a real conclusion to this history, but rather just a convenient place to pause the narrative.62 Slavery continues in various forms up to the present day.63 As Joel Quirk points out, it is mistaken to regard the legal abolition of slavery as a narrative endpoint, since to do so would be to leave the impression that it marked a radical departure from the status quo, thus making it easier to ignore forms of slavery that have persisted.64 This observation should also compel scholars to be critical about the narratives they choose to tell, since these narratives have a way of constructing the realities we see. For this reason, it is important to regard any

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62 It is beyond the scope of this paper to examine the different ways in which slavery was practiced across Africa, and also the very different paths that were taken to abolish slavery in different places. Abolition did not follow a set pattern, and there were endless variations in the way colonial administrators administered their policies. For further discussion, see Suzanne Miers and Martin A. Klein, ed. *Slavery and Colonial Rule in Africa*, Studies in Slave and Post-Slave Societies and Cultures (London: Frank Cass,1999); Suzanne Miers and Richard Roberts, ed. *The End of Slavery in Africa* (Madison: University of Wisconsin Press,1988); Paul E. Lovejoy and Jan S. Hogendorn, *Slow Death for Slavery: The Course of Abolition in Northern Nigeria, 1897-1936* (Cambridge: Cambridge University Press, 1993).

63 In a 2005 report, the International Labour Organization estimated that 12.3 million people are victims of some kind of forced labour. "A Global Alliance against Forced Labour," (International Labour Organization, 2005).

64 Quirk, "Ending Slavery in All Its Forms: Legal Abolition and Effective Emancipation in Historical Perspective," 529.
end of this narrative as a somewhat pragmatic but arbitrary decision. What I hope the narrative does show is that abolition started as a domestic campaign, but it became an essential part of Britain’s international identity that justified its actions abroad. More importantly, it should also demonstrate the long history of the entanglements between Britain’s belief in its moral obligations, its identity, and its efforts to assert its sovereignty through the lens of moral superiority.

Abolition and Identity

I will now turn to a more detailed analysis of the arguments used by abolitionists in their campaign to end Britain’s involvement in the slave trade, and eventually slavery. The analysis is limited to examining the arguments of the first generation of abolitionists, mainly prior to 1807. This is for reasons of limited space, but also because it makes sense to examine how the issue of abolition was originally conceived, and the first attempts to reconstruct British identity in terms of moral obligation. Moreover, these arguments provided the main discursive framework for the campaigns that followed, so while it is true that anti-slavery arguments did evolve through the 19th century, it is important to understand the arguments that set the abolitionist campaign in motion.

Concerns about the moral aspects of empire were expressed in terms of a belief in Britain’s unique commitment to liberty, which had been regarded since the Magna Carta as one of the cornerstones of British identity. For instance, in the 1760s Blackstone concluded his legal commentaries with an exhortation: “The protection of THE LIBERTY OF BRITAIN is a duty which they owe to themselves, who enjoy it; to their ancestors, who transmitted it down; and to posterity, who will claim at their hands this,
the best birthright, and noblest inheritance of mankind.”\(^{65}\) Additionally, Morgan observes that British notions of white racial supremacy were related to the importance of freedom in British society. Englishmen prided themselves that individual liberty was guaranteed through common law,\(^{66}\) and this had been confirmed by the Somerset ruling in 1772.

But therein lies a crucial puzzle. Why did the concept of liberty, which had been a defining feature of British identity for a long time already, become meaningful in the context of slavery at that particular time? These shifts took place as a result of a changing perception of British identity, which arose out of the efforts of abolitionists to highlight the discrepancy between British values and British imperial policy. Although we can say that Britain’s moral obligations towards slaves started to expand from the centre to the periphery of the empire, this by no means should imply that this was the result of a march of progress towards moral enlightenment. As David Brion Davis writes:

> Recognition that slavery in America involved a genuine moral problem does not require us to believe that emancipation was preordained by the progressive unfolding of moral truth, or that men in the nineteenth century were morally superior to those in periods when slavery was universally accepted, or that in the contest between slaveholders and abolitionists all virtue and reasonableness were on one side.\(^{67}\)

The abolitionist movement led to the construction and expression of new moral obligations, based on a new construction of British identity. The contents of these obligations differed from the legal status quo established by the Somerset case, but this is not to say that abolition did away with the limits on obligation. Just because the boundaries of obligation were redrawn in different places - and not fully eliminated -

\(^{65}\) Qtd. in Anstey, *The Atlantic Slave Trade and British Abolition, 1760-1810*, 113. Capitals in original.

\(^{66}\) Morgan, *Slavery and the British Empire: From Africa to America*, 23.

\(^{67}\) Davis, *The Problem of Slavery in Western Culture*, 27.
should not lead to the conclusion that those moral obligations did not exist or that they did not matter. They did matter, insofar as they created new possibilities for moral action. Thus, it is crucial to understand the nature of those moral obligations, so as to be able to explain how those moral obligations led Britain’s foreign policy of abolitionism. I will argue that abolitionism led to a serious re-evaluation of Britain’s imperial relations, which in turn facilitated its eventual withdrawal from the slave trade.

The earliest abolitionist arguments originated in religious communities, and they used Christian theology to condemn British foreign policy. In the early days, many abolitionists were members of fringe religious communities, such as Quakers or the Clapham Sect, a small Evangelical group of which William Wilberforce was a member. Granville Sharpe, famous for his radical Evangelicalism, wrote about the negative implications of slavery on Britain’s empire, and, drawing parallels with Biblical references to slavery, predicted that Britain would be subject to divine punishment should it continue to engage in the slave trade. “[A] speedy Reformation is absolutely necessary (as well with respect to the African Slave-trade, encouraged in this Kingdom, as the Toleration of Slavery in the British American Dominions) if we mean to entertain the least hope of escaping a severe National Retribution.”

Sharp’s worries about divine retribution were by no means unique. In their 1783 petition to Parliament, the British Quakers also expressed similar concern about impending divine judgment, that “this nation may no longer... remain obnoxious to the

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righteous judgments of the Lord." The Quakers argued that Britain’s obligation to end the slave trade was a religious duty concomitant with Britain’s identity as a Christian nation. Similarly, in the published version of his prize-winning Latin dissertation, Thomas Clarkson reflected on the abomination of slavery and the collective guilt of Britain as a nation: “A crime, founded on a dreadful pre-eminence in wickedness, - a crime, which being both of individuals and the nation, must sometime draw down upon us the heaviest judgment of Almighty God, who made of one blood all the sons of men, and who gave to all equally a natural right to liberty.” Clarkson, too, feared that Britain would face divine punishment for violating the natural right to liberty, as well as viewed Britain – not only individuals – as culpable for its role in perpetuating slavery. James Ramsay, who had worked as a clergyman on St. Kitts before returning to Britain, argued, “Every man who gives a vote in favour of the abolition of the Slave trade, helps to save his country from divine vengeance, and to draw down success and blessings on every public undertaking.”

The moral content of abolitionist arguments were based on a combination of religious and philosophical values, both of which served to reinforce a particular construction of British identity. Many abolitionist writings combined religious doctrine

with philosophical arguments about the virtue of liberty and progress. For instance, the Quaker petition of 1783 appealed to those Members of Parliament who were “true friends of civil and religious liberty,” arguing in favour of abolition not only for the sake of “justice and humanity,” but also because abolition was consistent with “sound policy.”

Alongside religious arguments, they also appealed to notions of liberty and justice, which would resonate with a broader audience: “Your petitioners regret, that a nation professing the Christian faith, should so far counteract the principles of humanity and justice, as by cruel treatment of this oppressed race, to fill their minds with prejudices against the mild and beneficent doctrines of the Gospel.” Clarkson, quoting Foster, was able to make the case in his 1808 history of abolitionism that the slave trade sacrificed reason, humanity and Christianity for “sordid gain.”

Such arguments demonstrate how the abolitionists were products of the intellectual environment of their day, since their arguments contained echoes of such Enlightenment thinkers as Smith, Ferguson, and Montesquieu. As Roger Anstey has written, there was a close relationship between eighteenth century philosophical understandings of liberty, benevolence and happiness facilitated and the growth of anti-slavery sentiment and reform movements. But many of the most active abolitionists were also devout Christians, who were able to combine their spiritual beliefs with philosophical arguments about liberty, humanity and reason. The commitment of

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72 "Society of Friends. London Yearly Meeting. The Case of Our Fellow-Creatures, the Oppressed Africans, Respectfully Recommended to the Serious Consideration of the Legislature of Great-Britain, by the People Called Quakers," 8.

73 Ibid., 6.


Evangelicals, such as William Wilberforce, to civil and political liberty was grounded in a belief in Christian liberty – the freedom from sin.⁷⁶ Religious doctrine served to reinforce philosophical arguments about Britain’s commitment to eradicating the tyranny and oppression of slavery.⁷⁷ At the same time, arguing against the slave trade also provided a means for religious communities to assert their own identities in a manner acceptable to the mainstream British public. As Sydney James observes, “[The Quakers] advocacy of ideas of natural liberty in the Revolutionary period and their application of them to the Negroes similarly followed current intellectual fashion. In both instances, using contemporary ideas helped Quakers to express their virtues in ways which could be appreciated by the general public.”⁷⁸ Thus, arguing against the slave trade was not only a way to rectify Britain’s wrongful behaviour, but it was also a way for the Quakers to assert their own identity within the public sphere.

Anthony Benezet’s writings provide a particularly fine example of how the Quakers combined religious argument with contemporary moral philosophy. His influential 1771 book is notable for its paucity of religious argument, insofar as it makes the case that Britain would benefit much more from “a fair friendship and humane commerce with the Africans” than continuing its trade in slaves.⁷⁹ While this may have been a deliberate rhetorical tactic, aimed to make abolitionism more attractive to

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⁷⁶ Ibid., 162.
⁷⁷ Thomas Clarkson would not have agreed with this argument, since he thought that Christianity was the true and sole origin of abolitionism. This is not surprising, given his membership in the Clapham Sect, but the argument does not stand up to historical scrutiny. See Clarkson, The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-Trade by the British Parliament, Vol. I., 8, 262.
⁷⁸ Qtd. in Anstey, The Atlantic Slave Trade and British Abolition, 1760-1810, 213.
mainstream audiences, it also provides some indication of what values they thought would resonate with their audiences – and also the values with which they identified. This explains why Benezet, in a pamphlet published in 1767, could argue that the slave trade was “inconsistent with the plainest Precepts of the Gospel, the Dictates of Reason, and every common Sentiment of Humanity.”\(^8^0\) As Anstey observes, Benezet’s religious beliefs supported his conviction in the equality of all humans, but he invoked legal and moral philosophy to argue the immorality of the slave trade. Benezet was not only a committed Quaker, but he was also a product of his times.

In their arguments, many abolitionists explicitly drew connections between British identity and the obligations of empire. Their conception of British identity also made it possible for abolitionists to argue that Britain as a nation was collectively guilty of oppression through the slave trade. Such arguments reflected the belief that Britain’s moral decline was strongly linked to its relationship with its overseas empire. The Law of Retribution, feared Sharpe, would fall on Britain as long as it continued to tolerate slavery, because Britain was equally as culpable as the slave holders in the colonies: “The inhabitants of *Great Britain* and the Inhabitants of *the Colonies* seem to be almost equally guilty of *Oppression*.”\(^8^1\) Britain’s involvement in the slave trade was evidence of moral decline, and had serious implications for Britain’s relationship to its empire, namely that the British Empire as a whole was culpable for denying fellow human their natural right to liberty. Moreover, the blame could no longer be deflected by blaming unsavory


\(^8^1\) Sharp, *The Law of Retribution; or, a Serious Warning to Great Britain and Her Colonies, Founded on Unquestionable Examples of God’s Temporal Vengeance against Tyrants, Slave-Holders, and Oppressors.*, 305.
merchants and shipowners: “The horrible guilt…which is incurred by Slave-dealing and Slave-holding, is no longer confined to a few hardened Individuals, that are immediately concerned in those baneful practices, but alas! the whole BRITISH EMPIRE is involved!” In 1788, Reverend William Agutter preached a sermon in Oxford that offered a full indictment of Britain’s collective guilt: “[These] dreadful crimes are not only the crimes of individuals, but also of nations, which are conscious of these enormities, and do not interpose to restrain the fury of the tyrant, and to set the oppressed free. England is deeply stained with this guilt; she must answer for the blood of millions, for she knows, and yet she tolerates, this inhuman traffick.” It was clear to abolitionists that Britain, as a nation, was collectively guilty for the policy of oppression it perpetuated through its support of slavery in its empire.

Arguments against slavery also contained assumptions about the nature of civilization. Slavery, it was argued, was not only morally questionable, but it also contradicted British standards of civilization. James Ramsay compared slave traders to “base murderers,” and argued that the trade “finds, or makes, unfeeling Savages of almost every man, who continues any length of time in it.” In his notebooks, Ramsay also argued that liberty was an indicator of civilization: “Thus in highly civilized states liberty is more generally equal, than in those not so far advanced. Civilization naturally produces

82 Qtd. in Brown, Moral Capital: Foundations of British Abolitionism, 182. Capitals in original.
84 Ramsay, "An Address to ______ on the Proposed Bill for the Abolition of the Slave Trade," 169.
liberty.”

If liberty, therefore, was a sign of advancement, Britain’s participation in the slave trade undermined its identity as a purveyor of civilization. Benezet pointed out the contradiction between Britain’s commitment to liberty and its pursuit of profit through the slave trade: “It is a matter of astonishment how a people, who as a nation, are looked upon as generous and humane, and so much value themselves for their uncommon sense of the benefit of liberty, can live in the practice of such extreme oppression and inhumanity, without feeling the inconsistency of such conduct, and feeling great remorse.”

Ending the slave trade would not only correct this contradiction, but it would also contribute to the overseas mission of spreading standards of civility. The British imperial historian Reginald Coupland approvingly notes that abolitionism had multiple objectives: to abolish the slave trade to be sure, but also to export Christianity, commerce, and colonization.

In this regard, arguments about the failures of British imperial policy also foreshadowed what would later become colonial practice in the 19th century: the export of Christianity and the civilizing mission. Many commentators - both abolitionists and supporters of slavery - had drawn parallels between British imperial expansion and the export of civilization. Malachy Postlethwait, a leading apologist of slavery who worked as a propagandist for the Royal Africa Company in the 1740s, argued that expanding British commerce in Africa would civilise its inhabitants (while also creating greater

87 Coupland, The British Anti-Slavery Movement, 82-83.
dependency on British goods). Advocates of imperial expansion had long advocated the positive potential civilizing effects of British imperialism. In this regard, there had always been a moral component to Britain’s overseas enterprises.

However, abolitionists were successful in that they were able to combine their denunciations of the slave trade with arguments about the moral and economic benefits of imperial expansion. Some abolitionists, including Anthony Benezet and Thomas Clarkson, even relied on the arguments of Postlethwait to provide further credence to their own claims. It was the slave trade, according to abolitionists, that was directly responsible for preventing Britain from achieving its imperial goals. The Quaker petition of 1783 lamented the incongruity between religious morality and British actions abroad: “It would surely have been more consistent with the avowed principles of Englishmen, both as men and as Christians, if their settlement in heathen countries had been succeeded by mild and benevolent attempts to civilize their inhabitants, and to incline them to receive the glad tidings of the gospel.” In other words, propagation of the gospel and the spread of civilization went hand in hand. Likewise, in his Oxford sermon, Agutter noted that England’s guilt was further compounded by the fact that, unlike the French, Spanish and Portugese, the English made no attempts to try to convert their slaves.

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89 Ibid., 274, 322-23, 28.
90 "Society of Friends. London Yearly Meeting. The Case of Our Fellow-Creatures, the Oppressed Africans, Respectfully Recommended to the Serious Consideration of the Legislature of Great-Britain, by the People Called Quakers," 9.
The Critics of Abolition

The abolitionists faced no lack of opposition to their endeavors, and were faced with a number of sophisticated criticisms. There was no one coherent “pro-slavery” position. Just as there was a spectrum of abolitionist arguments, some advocates of slavery were more moderate or radical than others. Overall, it would be more accurate to describe their arguments as “anti-abolitionist” rather than “pro-slavery,” in that individuals often recognized the harms of slavery but worried about the detrimental effects of halting the slave trade. One analysis by Seymour Drescher has concluded that, in general, the abolitionists consistently emphasized moral reasons for abolition, while their opponents tended to emphasize economic or security reasons.\footnote{Drescher, "Public Opinion and Parliament in the Abolition of the British Slave Trade," 49.} Overall, there were few who whole-heartedly defended slavery as an institution, but those who criticized abolition often viewed slavery as a necessary evil. It would be mistaken to conclude from this that the eventual abolition of the slave trade was simply a triumph of morality over interests, a false dichotomy that has been frequently overplayed in debates about abolition. As will be discussed, this dichotomy overlooks how British identity and interests became closely associated with its moral obligations to African slaves outside Britain.

On the more moderate end of the spectrum, some supporters of the slave trade recognized the harms of slavery, but argued that the negative consequences of abolishing slavery would be so detrimental as to outweigh the benefits. Instead measures could be

\footnote{Drescher, "Public Opinion and Parliament in the Abolition of the British Slave Trade," 49.}
taken to improve its practice and mitigate its terrible effects. Mercator,\textsuperscript{93} for instance, while acknowledging that slavery was “irreconciliable to the principles of humanity and natural justice,”\textsuperscript{94} nevertheless argued that a sudden end to slavery would bring destructive consequences such as slave revolts or revolutionary bloodshed such as that seen in France.\textsuperscript{95} Instead, it might be possible to improve the practice of slavery by bringing about gradual civilization and instruction to West Indian slaves without emancipating them.\textsuperscript{96} Another variant of this argument was that slavery was odious, but that it prevented many more African slaves from dying at the hands of their African captors. How much better it was, argued the Duke of Clarence, that slaves could benefit from the care of British masters rather than die at the hands of African traders:

For the sake of humanity, therefore, my Lords – and I repeat it – for the sake of humanity – this Trade ought to continue; for how many thousands, how many millions of lives have been saved in the Kingdom of Dahomy! And how much bloodshed has been spared amongst the wretched and miserable victims in that quarter of the globe, thus rescued from the knife.\textsuperscript{97}

\textsuperscript{93} “Mercator” was the pseudonym for Sir John Gladstone, the father of British Prime Minister W.E. Gladstone. A staunch critic of abolition, he was a Liverpool merchant, the chairman of the Liverpool West Indian Association, and a slave owner. \textit{The Slave Trade Debate: Contemporary Writings for and Against}, (Oxford: Bodleian Library, 2007), 24.

\textsuperscript{94} Mercator, "Letters Concerning the Abolition of the Slave-Trade and Other West-India Affairs " in \textit{The Slave Trade Debate: Contemporary Writings for and Against} (Oxford: Bodleian Library, 2007 [1807]), 371-272.

\textsuperscript{95} \textit{Ibid.}, 378.


\textsuperscript{97} The Duke of Clarence, "Substance of the Speech of His Royal Highness the Duke of Clarence, in the House of Lords, on the Motion for the Recommitment of the Slave Trade Limitation Bill, on the Fifth Day of July, 1799.,” in \textit{The Slave Trade Debate: Contemporary Writings for and Against} (Oxford: Bodleian Library, 2007 [1799]), 340. See also Mercator, 382; William Beckford, "Remarks Upon the Situation of Negroes in Jamaica, Impartially Made from Local Experience of Nearly Thirteen Years in That
Overall, economic and security-related defenses of the slave trade were the most common. As Marika Sherwood points out, slavery was so long-lived *because* it was profitable.\(^98\) Bryan Edwards was a West Indian merchant and banker who claimed to be “no friend to slavery,” but nevertheless defended the planters’ rights to their “private property” as well as claimed that Britain’s commercial interests would be harmed if the trade were to end.\(^99\) This fear was closely linked to the specter of foreign competition. If Britain were to suddenly end its involvement in the slave trade without ensuring the cooperation of other states, the profits from the trade would go to Britain’s competitors.\(^100\) Mercator and Edwards both argued in favour of continuing the slave trade until all European powers agreed to stop, and only when compensation could be given to plantation owners for lost profits.\(^101\) This argument became even more powerful after the start of the French Revolution, when critics associated abolitionism with revolutionary ideology. As one anti-abolitionist pamphlet noted, “We should never lose Sight of that great Truth which the French most certainly have in View, that they can only rise by our Fall, and that our Ruin must be the Foundation on which they can establish their

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\(^{100}\) See also Holroyd, "Observations on the Project for Abolishing the Slave Trade and on the Reasonableness of Attempting Some Practicable Mode of Relieving the Negroes," 353.

\(^{101}\) Mercator, "Letters Concerning the Abolition of the Slave-Trade and Other West-India Affairs", 376-7. Edwards, "A Speech Delivered at a Free Conference between the Honourable Council and Assembly of Jamaica... On the Subject of Mr. Wilberforce's Propositions in the House of Commons, Concerning the Slave Trade," 329.
Greatness." In this regard, critics attempted to link notions of British nationalism with anti-abolitionism, using similar tactics as the abolitionists themselves.

Finally, even if the situation of slaves abroad was terrible and the institution of slavery vile, there were those who thought it hypocritical to concentrate on horrors abroad while ignoring the plight of the poor in England. As William Beckford wrote:

If Great Britain be seriously bent upon humanity, let it enlarge the scale of benevolence, and take in, so far as her influence shall extend, all colours, and all conditions of men; and reform at home before it venture to make romantic trials of compassion abroad! Let it look into itself, into its own internal mayhem.

Many critics of the abolitionists regarded the religious-based arguments of William Wilberforce and Thomas Clarkson as self-righteous hypocrisy. William Cobbett was a journalist and radical advocate for industrial workers, and, dismissing the sanctimoniousness of abolitionists, he argued that slaves in the West Indies were better cared for than any of the British peasantry or labouring poor in Europe.

Religious arguments came the closest to defending slavery as an institution. For example, the Reverend Raymund Harris in the major port city of Liverpool wrote a

103 Beckford, "Remarks Upon the Situation of Negroes in Jamaica, Impartially Made from Local Experience of Nearly Thirteen Years in That Island," 270. See also Beckford, 253.
104 Cobbett, "Slave Trade, from the Political Register, (January-June, 1802)," 373.
105 Harris’ real name was Raimundo Hormoza, and he was a Spanish priest who became embroiled in a number of controversies with the Catholic church in Liverpool. An ardent supporter of the slave trade, the Corporation of Liverpool gave him £100 to mark their
widely distributed tract in 1788 that elicited at least half a dozen abolitionist pamphlets in response.\textsuperscript{106} Harris drew extensively on references from the Old and New Testament to declare “the Slave-Trade is intrinsically good and licit.”\textsuperscript{107} Similarly, William Cobbett denounced the religious piety of abolitionists who tried to establish “their own ideas of humanity and justice,” and cited numerous Scriptural references in support of slavery.\textsuperscript{108} These arguments were particularly difficult for abolitionists to counter since they used their own religious arguments to demonstrate the immorality of slavery. Furthermore, the use of religious arguments by both sides of the debate shows the complexity of this issue: both supporters of slavery and abolitionists could not claim the monopoly on religious interpretation.

As can be seen in the discussion above, the arguments of anti-abolitionist critics drew on similar sources as abolitionists. Their appeals to Britain’s economic or security interests were often framed in terms of religious references, appeals to humanity, or allusions to nationalism. On the surface, the abolitionist debates were about whether to continue a practice that had been considered acceptable for centuries. Yet, an analysis of the content of these arguments shows that even anti-abolitionists framed their concerns in terms of identity and moral obligation. Was Britain more obligated to its own labouring appreciation for the publication of his pamphlet. \textit{The Slave Trade Debate: Contemporary Writings for and Against}, 29.

\textsuperscript{106} For instance, see James Ramsay, "Examination of the Rev. Mr Harris’s Scriptural Researches on the Licitness of the Slave Trade.,” in \textit{The Slave Trade Debate: Contemporary Writings for and Against} (Oxford: Bodleian Library, 2007 [1788]).


\textsuperscript{108} Cobbett, "Slave Trade, from the \textit{Political Register}, (January-June, 1802),” 375.
poor than slaves in its colonies? Would a sudden end to the slave trade bring about more violence and harm to African slaves? Above all, the main focus of these debates is not slavery as such, but rather the moral implications of the slave trade for Britain. The abolitionist debates revolved around competing conceptions of Britain’s identity as an imperial state and how it should enact its moral obligations. In other words, what was at stake in this debate was Britain’s identity as a legitimate imperial state, and the boundaries that delineated the “outside” and the “inside” of its moral obligations.

**Moral Obligation and Sovereignty**

The popular abolitionist movement in Britain that began in the late 18th century is important because it signifies the process by which the moral indignation of individuals against the slave trade became the moral indignation of a state. Britain’s boundaries of moral obligation gradually began to shift as it began to reconceptualise its relationship with those outside its political community. The shift in British identity led a change in the way in which Britain conceived itself as a particular political community with certain obligations. Oldfield concludes that the abolition of the slave trade was “inextricably linked with the character and destiny of the British nation itself.”

Britain’s identity as a state became contingent on engaging in certain practices, namely fulfilling certain moral obligations that filled the requirements of what it meant to be a legitimate state. As William Wilberforce observed in 1823, “Power always implies responsibility; and the

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possessor of it cannot innocently be neutral when by his exertion moral good may be promoted, or evil lessened or removed.“\textsuperscript{110}

What conclusions can be drawn from this study of how constructions of British identity contributed to the success of the abolitionist movement? This section will talk about some of the implications of this case for our understanding of the relationship between moral obligation, identity and sovereignty in the study of international relations. I will discuss the relationship between moral obligations and identity, and then go on to argue that this case shows that sovereignty does not necessarily entail that moral boundaries are drawn at the borders of the state, as is implied by the logic of sovereignty, nor are moral obligations necessary posed in direct opposition to sovereignty. Rather, the case of British abolitionism demonstrates that state sovereignty, and the manner in which a state asserts its sovereignty through its foreign policy, can be constituted by transnational moral obligations.

A number of constructivist scholars have shown how non-state actors have influenced or changed state behaviour, by promoting a moral norm\textsuperscript{111} or through the process of argumentation.\textsuperscript{112} The extant literature on moral obligation tends to focus on the universality of humanitarianism. Through the adoption or expansion of a moral

\textsuperscript{112} Crawford, \textit{Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention}. 

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obligation, one’s own identity is transcended, or conversely, that a political community becomes more inclusive. For instance, Finnemore shows how states were socialised by the International Committee of the Red Cross to accept certain shared duties and responsibilities in times of war. The norm promoted by the ICRC was based on a humanitarian worldview that accepted the intrinsic value of humans based on the simple fact of their humanity. \(^{113}\) Likewise, Crawford shows how the identity arguments of abolitionists stressed the humanity of the slaves, their morality, honesty, hospitality and courtesy. For Crawford, the success of abolitionist arguments depended on their ability to change identity beliefs about African slaves, thereby creating greater empathy for them. \(^{114}\) Thus, both Finnemore and Crawford see humanitarian norms as ultimately progressive, and both emphasise how moral obligations have the ability to transform and transcend boundaries.

This is not to say that moral obligations do not transcend boundaries, since this is demonstrably not the case. I would argue, however, that since the history of moral obligation is not linear, but moves in fits and starts, it is important to determine where are the limitations of universality in different discourses of moral obligation. In order to identify these limitations, rather than focus on how British abolitionists understood the Other, this discussion tried to understand how they understood *themselves*. To this end, my examination of abolitionism has emphasized how the moral obligations of Britain, as depicted by the abolitionists, depended on a particular construction of British identity. While this entailed the recognition of the humanity of African slaves, the main catalyst


for abolitionist activism was the perception that British behaviour was inconsistent with
British identity, especially in regards to its overseas relations with its empire. It was not
merely enough to recognize that African slaves were entitled to freedom and liberty; even
slavery apologists like Postlethwait or Mercosor argued that Britain should export
standards of civilization beyond its border. The abolitionists were successful because
they were able to construct a particular identity regarding Britain’s commitment to liberty
and its relations with its empire, and then show how Britain’s involvement in the slave
trade entailed that Britain did not live up to the standards it had set for itself. Thus, in the
case of British abolitionism, moral obligations were constitutive of British identity, and it
was the discrepancy between identity and behaviour that resulted in Britain’s efforts to
eliminate the slave trade.

This leads us to consider the importance of moral obligation and identity for
sovereignty in the case of British abolitionism. The assertion of British sovereignty
overseas, through its efforts to eliminate the international trade in slaves and settle large
parts of Africa, was not merely an exercise of material power. Rather, the moral
obligations that led to a particular construction of British identity were also constitutive
of Britain’s assertion of sovereignty throughout its empire and beyond, and these
obligations are what lent legitimacy and meaning to Britain’s overseas activities. As
Wilberforce had observed, Britain had a duty to exercise its power as a force for moral
good. In other words, moral obligations were constitutive of British assertions of
sovereignty. Brown writes:

[The] history of antislavery provided a compelling origin story for the modern
empire as well as its ideological defense. It displayed Britain as the purveyor of
civilization, justice, and order. It established the British state as concerned
historically with the welfare of African peoples, even, it was noted, at a cost to itself.\textsuperscript{115}

The arguments of abolitionists against the slave trade and slavery were used explicitly to justify imperial expansion into Africa; as we have seen, many abolitionists were among the most fervent advocates of colonial endeavors. Even though religion was in decline at home, the colonial powers supported the missions as important ideological components of their programs for political and economic expansion.\textsuperscript{116} The moral obligations that had contributed to the “civilizing” of British society and the abolition of British involvement in the slave trade in turn justified, in the colonisers’ minds at least, the subordination of non-Europeans to colonial power. According to Crawford, this was an example of “aggressive humanitarianism,” in that anti-slavery arguments were used to justify greater intervention and colonial settlement in Africa.\textsuperscript{117} Likewise, the same construction of identity that led Britain to halt the slave trade enabled the colonialists to justify their pursuit of empire, because they could see themselves as fulfilling religious, political and civil duties. The discourse of moral obligation was an effective weapon, because Britain was able to use it to secure its empire. Anti-slavery was, in other words, not just a topic with domestic importance, but rather a matter concerning Britain’s imperial relations.\textsuperscript{118}

We can see how the assertion of British sovereignty overseas was given meaning through the moral obligations that were articulated by the early abolitionists. The logic of sovereignty, which suggests that moral obligations are confined to the borders of states,

\begin{footnotes}
\textsuperscript{117} Crawford, \textit{Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention}, 201-02.
\textsuperscript{118} Brown, \textit{Moral Capital: Foundations of British Abolitionism}, 27.
\end{footnotes}
stands in contradiction to the case of British abolitionism. The logic of sovereignty would imply that Britain’s moral obligations would stop at its own border, as established by the Somerset case. Moreover, it would imply an oppositional relationship between the abolitionists and British foreign policy. Instead, this case study has shown that the assertion of British sovereignty through its imperial expansion was given meaning by the construction of moral obligation to the slaves throughout the empire. In other words, moral obligations operated beyond the borders of the state, and thus did not conform to the logic of juridical sovereignty.

Nevertheless, this did not imply the limitless extension of rights to the slaves in the empire. Moral obligations do have their boundaries, and even if they do not conform to the logic of sovereignty, they are not limitless or benign. The boundaries of moral obligation shifted to define Britain’s relationship with Africans in terms of colonizer and colonized, instead of slave and master. In this regard, the abolitionist case demonstrates how moral obligations can be exercises of power. They have the ability to transform the relationship between Self and Other, but it is important to remember that they do not do away with this relationship altogether.

For Britain in the 19th century, the abolitionist movement signified a number of important changes. Most obvious was the relatively quick demise of the Atlantic slave trade. But its significance goes beyond this. First of all, it is one of the earliest examples of large-scale popular organization at a domestic level about an international cause. More particularly, it is one of the earliest examples of organized human rights activism, and what’s more, this was directed towards people who were outside the state. Abolition provides a powerful and successful precedent of states acting, or at least claiming to act,
on behalf of the well-being of others outside one’s own state. The interests of others outside the state were an effective and legitimate justification for state behaviour in a way that did not seem possible prior to the abolitionist movement. The British abolitionist movement provided a powerful example of international intervention in what was primarily a moral cause. Britain had little to gain materially by abolishing the slave trade; indeed, much of the opposition to abolition stemmed from the fact that Britain had much to lose economically if the slave trade were abolished. Despite the material gain to be had from the slave trade, the main reason that abolition eventually succeeded was through the high level of moral suasion of abolitionist arguments. Through abolitionism, we can see how interests are shaped by coherent narratives about morality, rather than are opposed to them.

Second, abolitionism signified the beginning of a new policy towards Africa, one that developed over the course of decades. The abolition of the slave trade and the eventual emancipation of slaves in the British Empire led directly to British colonialism in Africa. At first glance, British colonialism seems to contradict the spirit of abolition, but upon closer examination, is remarkably consistent with abolitionist arguments. Ultimately, as noted above, abolitionist arguments were used to justify greater colonial intervention and settlement in Africa. This is not to say that abolitionism merely acted as a mask for material self-interest. As Christopher Brown argues, British abolitionism was successful because it brought moral prestige to Britain. Abolitionism wasn’t just about abolition; it was also about parading moral virtue. This is why it is essential to

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acknowledge the ways in which moral obligation was constructed by abolitionists through the lens of British identity, thereby shaping the meaning of Britain’s relationship with its empire. In the end, the abolitionist movement not only signifies the gradual end of a practice that had spanned centuries, but it also demonstrates how these constructions of moral obligation contributed to the beginning of a new age of British colonialism.

Finally, the abolitionist movement provides a clear example of how moral obligations contributes to the identities of Self and Other, “inside” and “outside,” that are so crucial in the practice of sovereignty. These moral boundaries defined the relationship between the British Self and Slave Other, as well as set the criteria for legitimate types of behaviour. Specifically, Britain’s sense of moral obligation towards African slaves was based on its identity as a protector of liberty and a Christian nation. The abolitionist example demonstrates how, as identities shift, they set new parameters for inclusions and exclusions, as well as help to redefine where the boundaries of moral obligation lie.

In short, the abolitionist movement signifies an important moment of historical change in regards to the role of moral obligation in international politics. While many scholars have recognized its significance as one of the first transnational human rights movements or as evidence of the importance of moral norms, this overlooks another important aspect of the case. As I have argued, the abolitionist movement signifies a crucial turning point insofar as it led to a transformation in Britain’s understanding of legitimate practices of sovereignty. These beliefs about Britain’s moral obligations led to important changes in the practice of sovereignty, with regards to both the cessation of Britain’s involvement in the trans-Atlantic slave trade as well as Britain’s later colonial endeavors in Africa. While abolitionism followed different paths in other states, the
British case was undoubtedly influential as a precedent. For this reason, the abolitionist movement signifies a major juncture in the history of sovereignty and in the genealogy of humanitarianism.

Sovereignty is a marker of alterity in international relations, and it relies on the existence of the Other as a condition for its practice. Thus, the moral obligations of the abolitionists did not eliminate the markers of difference between Britain and enslaved Africans, but merely replaced them with a new set of markers: civilized and uncivilized, colonizer and colonized. In observing the dilemma that lies at the core of the problem of slavery, David Brion Davis remarks, “[The] master’s identity depends on having a slave who recognizes him as master; the truth of the master’s independent consciousness lies in the dependent and supposedly unessential consciousness of the bondsman.”121 Similarly, the case outlined above shows how moral obligations, while seemingly acts of transcendence, can simultaneously act as markers of hierarchy and difference.

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THE RESPONSIBILITY TO PROTECT: MORAL OBLIGATION, INTERVENTION, AND CONDITIONAL SOVEREIGNTY

“[State] sovereignty implies not only rights, but also responsibilities and obligations under international law.... Therefore, if a state has manifestly failed to do so, the international community has the moral obligation to give a timely and decisive response.”

Ambassador of Hungary to the UN, General Assembly debate, July 2009

Almost no other current issue in international politics highlights the relationship between moral obligation and sovereignty better than debates about humanitarian intervention. These debates escalated in the 1990s as a result of the increasing incidence of intrastate conflicts, and have evolved through the emergence of the so-called Responsibility to Protect. The Responsibility to Protect (R2P) has been heralded as a “new norm” of moral obligation in international politics. While Francis Deng first


2 Stephen John Stedman, "UN Transformation in an Era of Soft Balancing," *International Affairs* 83, no. 5 (2007): 933; Gareth Evans and Mohamed Sahnoun, "The Responsibility to Protect," *Foreign Affairs* 81, no. 6 (2002); Alex Bellamy, "Whither the Responsibility
coined the phrase in the early 1990s, the International Commission on Intervention and State Sovereignty (ICISS) popularized the phrase in its 2001 report. The concept was originally conceived as a way of achieving consensus about the legitimacy of international intervention in intrastate conflicts. Since then, it has achieved increasing prominence in international affairs. R2P has been the subject of numerous debates amongst policy makers and academics, it is the focus of a centre for research at the Ralph Bunche Institute in New York, and has been debated at the UN General Assembly, most recently in July 2009.

R2P represents an attempt to strengthen a norm of moral obligation, but a seeming paradox is that this norm also affirms the principle of sovereignty as the ordering principle of international relations. As Peter Nyers observes, R2P contradicts the common logic about the relationship between sovereignty and intervention, namely that they are considered mutually exclusive concepts. R2P represents the emergence of a new discourse of moral obligation at the same time as it sets certain boundaries of moral obligation, represented by the re-definition of sovereignty in terms of responsibility. “At the heart of this conceptual approach,” write Gareth Evans and Mohamed Sahnoun, “is a shift in thinking about the essence of sovereignty, from control to responsibility.” This attempt to reframe sovereignty in terms of responsibility has the goal of clarifying when,

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6 Evans and Sahnoun, "The Responsibility to Protect."
if ever, the use of force through military intervention may be legitimately exercised for humanitarian reasons.

I will argue in this chapter that ongoing attempts to strengthen R2P have resulted in the further entrenchment of sovereignty in international relations, while intervention has become only a residual category in the principle of R2P. The strengthening of the R2P norm provides a new set of criteria for the exercise of legitimate sovereignty. Like the previous chapters, this one takes an identity-based approach to sovereignty. It examines how boundaries of political communities are produced through the logic of sovereignty, and how moral obligations inscribe meaning on the identities that are produced through those boundaries. As such, R2P, as a discourse of moral obligation, contributes both to the construction of sovereignty, and the moral identities that are produced through practices of sovereignty. In other words, the case demonstrates how moral obligation and sovereignty are mutually constitutive, rather than being opposed to each other. The content of moral obligation and the nature of sovereignty may shift, as the emergence of the R2P norm demonstrates, but moral obligation and sovereignty continue to constitute each other, even as their content changes.

While the emergence of R2P is consistent with other historical examples of shifts in the boundaries of moral obligation, the case differs in other significant ways from the two cases discussed in the preceding chapters. The most obvious difference is that R2P is still highly contested. Indeed, it has never been successfully invoked, despite numerous ongoing humanitarian crises that would arguably meet the threshold criteria for intervention. Whereas the previous two chapters benefit from historical hindsight, the debates about R2P are ongoing; the extent to which it will have an impact on practices of
intervention remains to be seen. Another qualitative difference is that this chapter focuses on the discursive processes that generate new understandings of moral obligation and sovereignty related to debates about intervention and R2P, rather than examining cases of intervention by themselves. In doing so, there is a risk of overlooking a gap between discourse and practice, that is, between the norm of R2P as it appears in UN resolutions and debates, and the absence of its actual application. Nevertheless, I would argue that the attempts to articulate and achieve consensus on R2P merit analysis in themselves, because these documents explicitly attempt to re-frame sovereignty in terms of a moral obligation of responsibility. In other words, R2P is significant, because never before has there been such an explicit attempt to reframe the relationship between moral obligation and sovereignty. While it is unclear at this point whether R2P represents a major juncture on the scale of the abolitionist movement, the discussion below represents an attempt to shed new light on R2P within a wider historical context of longstanding debates about the relationship between moral obligation and sovereignty.

This chapter will begin by providing a brief historical background to the principle of R2P, and then will proceed by tracing the evolution of the concept through its iterations in various documents. These include the ICISS report, the report of the High Level Panel on Threats, Challenges and Change, Kofi Annan’s report “In Larger Freedom” and the World Summit Outcome document. The analysis will then proceed to Ban-Ki Moon’s January 2009 report on the implementation of R2P and will conclude with an analysis of the General Assembly debate held at the end of July 2009. The analysis shows how the focus of R2P has shifted away from the legitimization if
intervention and towards a reconstituted notion of sovereignty in which intervention remains only as a lingering category.

**Historical Background**

Six weeks after Saddam Hussein sent thousands of Iraqi soldiers across the border into Kuwait, President George H. W. Bush heralded a “new world order.” In articulating his belief that an era “freer from the threat of terror, stronger in the pursuit of justice, and more secure in the quest for peace” might emerge from the troubled times, Bush expressed optimistic hopes that were shared by many at the end of a century marked by military and ideological conflicts. After the conclusion of the Gulf War, Bush predicted that the United Nations might be able to “fulfill [its] historic vision,” and human rights could finally reach their full potential as a source of unity amongst states. The decade of violent conflict that followed these pronouncements, however, challenged and undermined this optimism. Operation Restore Hope in Somalia was poorly planned and executed, and ended with the quick withdrawal of US troops after the deaths of eighteen Rangers in Mogadishu. Ethnic cleansing during the fragmentation of Yugoslavia, and genocide in Rwanda, with nearly one million people killed in the space of 100 days, hollowed out the promise of “Never Again” that world leaders had made after the gas chambers of the Holocaust. The United Nations was paralyzed once again in the face of this violence, mostly by lack of political will, but also because intervention in these

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conflicts would violate the most fundamental principles of the UN Charter, which are the principles of state sovereignty and non-intervention. Finally, in a serious crisis of authority for the United Nations, in 1999 NATO proceeded with military intervention in Kosovo without receiving authorization from the Security Council, embarking on an action that, afterwards, was deemed “illegal but legitimate.”

The end of the ideological conflicts of the Cold War, and the crises of the 1990s revealed the existence of a number of conceptual tensions. At the top of this list was the tension between sovereignty and norms of human protection. On the one hand, a humanitarian consensus was emerging throughout the decade, partly in response to these failures, that such egregious violations of human rights could not continue without intervention by the international community. This consensus signified the emergence of a new way of thinking about obligations to individuals outside one’s own state. These obligations were firmly rooted in beliefs about human rights, as enshrined in international law and advocated by influential non-state actors. The human rights principles contained in the UN Charter and in numerous instruments of international law mandated the use of intervention to stop violations. On the other hand, the principle of state sovereignty was deeply enshrined in international law, in the “sovereign equality” recognized in Article 2.1 of the Charter, as well as the article 2.7’s prohibition on UN intervention in the domestic matters of any state. The controversy seemed to be between two incompatible positions, between moral obligation and state sovereignty. Secretary-General Kofi Annan

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concisely articulated the dilemma: “...if humanitarian intervention is, indeed, an unacceptable assault, how should we respond to a Rwanda, to a Srebreica – to gross and systematic violations that affect every precept of our common humanity?”\(^\text{12}\)

In response to the dilemma posed by Annan, the Canadian government established the International Commission on Intervention and State Sovereignty. Composed of ten eminent scholars and policy-makers, and co-chaired by Gareth Evans and Mohamed Sahnoun, the Commission sought to build consensus on the issues surrounding intervention, and The Responsibility to Protect report was the outcome of this year-long consultation process.\(^\text{13}\) The goal of the R2P report was to tackle the dilemma that had been revealed so starkly throughout the 1990s, that is, the apparent opposition between the defense of human rights, and adherence to the principle of sovereignty. The tension has been concisely stated by Alex Bellamy: “[Should] sovereignty and the basic order it brings to world politics be privileged over the rights of individuals, or should it be overridden in certain cases, so as to permit intervention for the purpose of protecting those fundamental rights?”\(^\text{14}\) Do states have the right to intervene in states which are unwilling or unable to protect their own populations from massive human rights violations? If so, under what conditions and under whose authority? The report addressed the apparent tension between the principle of state sovereignty on the one hand, and the obligation to protect human rights on the other. The mandate of the


\(^{14}\text{Alex Bellamy, Responsibility to Protect: The Global Effort to End Mass Atrocities (Cambridge: Polity Press, 2009), 9.}\)
Commission was to “generally build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty,” as well as to move the debate forward in terms of practical policy. As the report entailed a fairly radical attempt to re-write sovereignty, it is worth examining its content in some detail. The next section of the chapter will provide an analysis of the report, with particular focus on its discussion of the thresholds for intervention.

The ICISS Report

The ICISS’s Responsibility to Protect report represents a deliberate attempt to shift the way in which states conceive of their moral obligations, first towards their own citizens and then towards the citizens of other states. One of the most radical features of the ICISS report is that it conceives of sovereignty not exclusively in legal terms, but as explicitly linked to the moral obligation of responsibility. In other words, the report views sovereignty as explicitly tied to moral obligations, rather than being simply opposed to them. The first main contribution of the report was to reframe the parameters of the debate by shifting the language from “a right to intervene” to a “responsibility to protect.” The framing of the debate in these terms purports to move away from polemical debates about “humanitarian intervention,” with “intervention” on one side and “sovereignty” on the other. According to R2P, intervention does not trump sovereignty (or vice versa); instead, moral obligation becomes an essential element of sovereignty

15 "The Responsibility to Protect," 2.
16 Ibid., 18. See also Evans and Sahnoun, "The Responsibility to Protect."
17 The report points out that, even through there appears to be no way to reconcile these positions, in fact, debates about humanitarian intervention implicitly favour intervention over sovereignty, since to argue against intervention is seen as anti-humanitarian and therefore an unacceptable position (16).
itself. This responsibility is directly derived from a dual notion of state sovereignty: “externally – to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state.” In contrast to a Westphalian understanding of sovereignty that emphasizes control, responsibility emphasizes a state’s duty to ensure the security of its own citizens. If the legitimacy of a state is tied to responsibility, then the logic is that a state’s interests will be tied to meeting its responsibilities. Where the report is unequivocal is that sovereignty remains a central feature of international order. “There is no transfer or dilution of state sovereignty. But there is a necessary recharacterization involved: from sovereignty as control to sovereignty as responsibility in both internal functions and external duties.” In this regard, the report is fundamentally inward looking, insofar as it outlines the primary obligations of responsibility of a state towards its own citizens, at the same time as linking this to the exercise of legitimate sovereignty.

The second main contribution of the report was to outline the conditions in which intervention by outside states is justified. A state has the primary responsibility to protect its own citizens, but in case it is unable or unwilling to do so, it becomes the responsibility of the international community to do so in its place. While Westphalian sovereignty depends on a state’s control over a territory, the report argues that sovereignty as responsibility has to do with whether a state provides security for the

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19 Ibid., 13.
20 Ibid., 17.
people within it. And if it does not, “sovereignty as responsibility” entails that the international community must provide this protection. In other words, by not meeting its responsibilities, a state forfeits its right to non-intervention as the international community takes on this responsibility. While the notion that the “international community” has a responsibility towards outsiders is implied in other treaties, such as the Genocide Convention, the ICISS document is unprecedented in two respects: first, the degree to which it systematically outlines a framework of collective responsibility towards outsiders, and second, the notion that this outward looking responsibility is linked directly to the exercise of sovereignty. While there is a cosmopolitan ethic that underlies the ICISS report insofar as it advocates the collective responsibility of the international community, it also reinforces sovereignty by linking it to the moral obligation of responsibility.

The report identifies a number of non-military measures that the international community can use as part of the “responsibility to react,” including arms embargoes, financial sanctions, restrictions of diplomatic representation and travel, and suspension from membership in an international organization.21 The ICISS stipulates that armed intervention should be used as a last resort in “extreme cases” only, after all other options have been tried and failed: “the starting point… should be the principle of non-intervention.”22 Despite its emphasis on non-military responses, Alex Bellamy points out that the vast majority of the discussion is focused on the conditions for military

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21 Ibid., 30-31.
intervention (32 of its 85 pages).\textsuperscript{23} In providing six threshold criteria for military action, the ICISS outlines the conditions under which intervention for humanitarian purposes would be legitimate. At the same time, however, the threshold criteria articulate the boundaries of moral obligation that delineate when intervention is or is not permitted. In other words, the possibility for intervention is legitimized under certain circumstances, but sovereignty is also strengthened through the articulation of these principles. Even while articulating the conditions in which intervention may occur, the threshold criteria actually help to constitute the boundaries of moral obligation, rather than transcend them. A quick overview of the six threshold criteria in the R2P report will provide some indication of these boundaries, draw attention to some of the ambiguities and contradictions in these criteria, as well as show how they contribute to the mutual constitution of a sovereignty and moral obligation.

\textit{a. Just cause}

The report identifies two measures of determining whether or not there exists a “just cause” for intervention: 1) violence must be “large-scale” or 2) there is a threat to international peace and security. These two measures imply that the obligation for other states to intervene for human protection purposes is limited only to a select number of circumstances. The default position is one of non-intervention, and the scenario in which intervention is justified is an “exceptional and extraordinary” exception to this rule: “exceptions to the principle of non-intervention should be limited.”\textsuperscript{24} In essence, the report reiterates the obligations that are already found to exist within the UN Charter and


\textsuperscript{24} "The Responsibility to Protect," 32.
other humanitarian treaties. In other words, the measure of “just cause” does not create any new obligations since the large scale of violence to which the report refers falls under Chapter VII, the 1948 Genocide and the Geneva Conventions, all of which already create an obligation for states to respond. Nevertheless, by reiterating the obligations that exist in international law, R2P serves to strengthen the emerging norm that states must be held accountable for the way they treat their own citizens. However, it can hardly be argued that the “just causes” identified in R2P entail a radical shift in moral obligation by themselves. In fact, it is likely that they would make intervention less rather than more likely, since they clearly articulate the situations in which intervention would not be legitimate. In this regard, the identification of “just causes” legitimizes the possibility of intervention at the same time as marking the limits of moral obligation.

b. Right intention

The first paragraph of the section initially argues that the intention “to halt or avert human suffering” should be the primary purpose of intervention. This clearly disqualifies regime change, occupation, or alteration of a state’s borders as intentions. The problem is that intentions are notoriously difficult to ascertain, even in the best of circumstances. To deal with the difficulty of ascertaining whether an intervention has been motivated by “right intention,” the ICISS qualifies that an intervention should be multilateral, and that it is likely that an intervention will have “mixed motives.” The third qualification offered in the report is the assertion that “good international citizenship is a matter of national self-interest.” This assertion is at the heart of the R2P doctrine, as

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25 Ibid, 35.
26 Ibid, 36.
27 Ibid, 36.
indicated in the report’s opening chapter: “Sovereignty as responsibility has become the minimum content of good international citizenship.”

While determining “right intention” does not actually seem to be possible, it is much easier to determine who are “good” international citizens and who are not, since identity is possible through mutual recognition. As argued in the conclusion of the report, “The interest in being seen to be a good international citizen is simply the reputational benefit that a country can win for itself, over time, by being regularly willing to pitch into international tasks for motives that appear to be relatively selfless.” Good international citizenship” is a much more easily judged than “right intention”, since it rests on a socially constructed notion of state identity. Good international citizens are those that exercise their sovereignty responsibly – and thus legitimately. R2P strengthens sovereignty through the promotion of the idea of good international citizenship, which becomes a moral end in itself. As Peter Nyers has pointed out, the ICISS links the notion of good international citizenship to knowing when “interventions are a legitimate performance of sovereignty.”

c. Last resort

The criterion of last resort states that every other diplomatic and non-military method of protection must be attempted before military intervention becomes a legitimate option. There is little guidance here about how long the international community should wait before moving to a different or more aggressive strategy of protection; the report states that it is only when “full-scale violence is in prospect or in occurrence” that

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28 Ibid, 8.
29 Ibid, 72.
30 Nyers, "Sovereignty Redux?: Autonomy and Protection in Military Interventions."
31 "The Responsibility to Protect," 36.
military intervention can be legitimately considered.\textsuperscript{32} The section neither advocates a more robust obligation for intervention than currently exists in international law, nor does it significantly shift the conditions in which intervention is legitimate. If anything, it provides a fairly strict interpretation of non-intervention, thereby reaffirming that intervention is the exception rather than the rule and that there are fairly strict limitations on the outward looking components of R2P.

\textit{d. Proportional means}

The criterion of proportional means, like that of last resort, serves to put strict limitations on the application of R2P. According to the R2P report, “the means have to be commensurate with the ends, and in line with the magnitude of the original provocation.”\textsuperscript{33} In other words, the purpose or goals of the intervention will determine its method, including scale, duration and intensity.

\textit{e. Reasonable prospects}

Under the criterion of reasonable prospects, military intervention for human protection purposes is only justified if it “stands a reasonable chance of success.”\textsuperscript{34} If the intervention cannot halt the atrocities that necessitated it in the first place, or if it leads to an escalation of conflict that would not have occurred without that intervention, military action can no longer be justified. Nevertheless, the most important effect of this principle is to define the limits of moral obligation, by placing restrictions on when military intervention is or is not justified. The criterion of “reasonable prospects” sanctions some interventions but precludes others, using the measure of “unacceptable cost.” The report

\begin{itemize}
\item \textsuperscript{32} \textit{Ibid}, 37.
\item \textsuperscript{33} \textit{Ibid}, 37.
\item \textsuperscript{34} \textit{Ibid}, 37.
\end{itemize}
admits that this means that there will be instances where intervention is not an option: “It will be the case that some human beings simply cannot be rescued except at unacceptable cost – perhaps of a larger regional conflagration, involving military powers. In such cases, however painful the reality, coercive military action is no longer justified.”

f. Right authority

The question of right authority is so critical as to merit a separate chapter of discussion in the report. The chapter confirms that the UN “is unquestionably the principal institution for building, consolidating and using the authority of the international community,” and places the principle of the “responsibility to protect” squarely within this framework. The United Nations, and particularly the Security Council, is the only international institution with the ability to authorize and legitimize the use of force. The section begins by reiterating the bedrock principle of non-intervention, as contained within Articles 2.4 and 2.7 of the UN Charter. The crucial qualification to these articles is contained in article 24, which states that it is the responsibility of the Security Council to determine when there is a threat to international peace and security. In the most extreme cases, the Security Council can authorize the use of military force to restore peace and security (Article 42). The responsibility to protect does not increase the authority of individual states, nor does it decrease the authority of the Security Council in cases where intervention may be appropriate. As the report points out, there is no “humanitarian exception” to the rules of non-intervention in the Charter, and R2P does not constitute an exception to these rules either. Rather, the R2P report

36 Ibid, 48.
makes every effort to be consistent with the principles of the UN Charter. The report clearly states: “[The] Commission is in absolutely no doubt that there is no better or more appropriate body than the Security Council to deal with military intervention issues for human protection purposes. It is the Security Council which should be making the hard decisions in the hard cases about overriding state sovereignty.”

The report of the ICISS, and the discussion of threshold criteria in particular, was the first articulation of the principle of R2P and the first attempt to reframe sovereignty in terms of responsibility rather than control. The central argument of the report is that the practice of legitimate sovereignty entails the responsibility to protect the rights of individuals, and that the exercise of responsible sovereignty may, in certain circumstances, justify intervention in the affairs of an “irresponsible” state. At the same time, the threshold criteria do not give states a “carte blanche,” but rather articulate narrow conditions under which intervention would be legitimate. While the focus of the discussion is to legitimize intervention in terms of responsible sovereignty, the report also contributes to setting strict limitations on the exercise of R2P by setting threshold conditions. In articulating R2P, the ICISS report is as deeply concerned with emphasizing the inward looking responsibilities of states to protect the rights of their own citizens as it is about framing the boundaries of moral obligation to outsiders. In other words, the ICISS report articulates the conditions for intervention in such a way as to reframe sovereignty in terms of a moral obligation of responsibility, but resists the move to go completely beyond sovereignty.

38 “The Responsibility to Protect,” 49.
After the ICISS report was published in 2001, the concept of R2P was endorsed in a number of different documents, including the report by the High Level Panel on Threats, Challenges, and Change, Kofi Annan’s “In Larger Freedom,” and most significantly in the 2005 World Summit Outcome document. Additionally, Ban Ki-Moon released a report on implementing R2P in January 2009, which was debated for three days in the General Assembly at the end of July 2009. What is clear in these documents is that the focus of debate has gradually shifted away from considering criteria for military intervention towards constituting a framework of moral obligation that is consistent with the notion of responsible sovereignty. The following section will discuss the elaboration of R2P through these documents to show that, while a new discourse of moral obligation is emerging through the debates about R2P, these debates focus on building consensus around this reconstituted notion of sovereignty, while the issue of intervention, which was a central theme in the ICISS report, has become a residual category in R2P. The discussion will begin with the High Level Panel’s report, Annan’s “In Larger Freedom,” and the World Summit Outcome document, and then will examine the more recent 2009 documents, Ban Ki-Moon’s report and the General Assembly debate of July 2009.

**From the High Level Panel to the World Summit Outcome document**

At the end of 2003, Secretary-General Kofi Annan commissioned the High Level Panel of Threats, Challenges and Change (HLP) to evaluate the challenges for collective security in the face of the new security threats of the 21st century. The panel was

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instructed to “assess current threats to international peace and security,” evaluate existing institutions and to provide “recommendations for strengthening the United Nations so that it can provide collective security for all in the twenty-first century.”

The HLP’s references to R2P support a fairly permissive interpretation of the concept, in that it fully supports the legitimacy of intervention as an exercise of responsible sovereignty. It is within the context of analyzing the collective security mechanisms of the United Nations that the principle of R2P was invoked by the panel. In a chapter on rules and guidelines for the use of force, the panel endorsed “the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort.” Moreover, while the High Level Panel report argues that intervention is the appropriate response to genocide and ethnic cleansing, it also mentions the decidedly more ambiguous “large-scale killing” and “serious violations of international humanitarian law” as legitimate triggers for the use of force, potentially widening the range of conditions for which intervention would be an appropriate response. Additionally, the HLP report reiterates the five threshold criteria for the use of force. Although the report does discuss the importance of prevention and non-military means of pressuring recalcitrant states, and even repeats many of the recommendations that appear in the ICISS report, it does not do this in the context of its discussion about R2P, but in a separate section on prevention. The HLP’s


40 HLP, para 3.
41 HLP, para. 203.
42 HLP, para. 203.
43 HLP, para. 207(a-e).
44 HLP, paras. 35, 98.
reading of R2P reinforced the interpretation that the concept is primarily concerned with the conditions for military intervention in humanitarian crises. In fact, Anne-Marie Slaughter argued that the endorsement of R2P by the High Level Panel constituted a “tectonic shift” in international relations, since its endorsement of intervention spelt the arrival of nothing less than conditional sovereignty.45

However, In March 2005, then Secretary-General Kofi Annan released his report entitled “In Larger Freedom: Towards Development, Security and Human Rights for All,” which drew inspiration from the ICISS and High Level Panel report, but also suggested an important shift in emphasis away from intervention.46 Annan envisioned a holistic approach to security threats by linking development, security and human rights under the broad rubric of freedom: freedom from want, freedom from fear, and freedom to live in dignity. The second section, “Freedom from Fear,” addresses the issue of security threats, and in this section, Annan fully endorses the High Level Panel’s recommendations on collective security. While this amounts to an indirect endorsement of the High Level Panel’s interpretation of R2P, Annan does not make explicit reference to the concept in this section – even though in this section he does refer to the importance of prevention, peacemaking, peacekeeping and peacebuilding, as well as to the Rwandan genocide.47 This section then goes on to address various security threats, including

47 ILF, paras. 86, 106, 111-119.
terrorism, organized crime and WMD, without returning to the threats posed by intrastate conflicts or military responses to them.

Where R2P does make an appearance in Annan’s report is in the third section, “Freedom to live in dignity,” under a sub-section entitled “Rule of law.” The third section opens with an affirmation to the UN’s commitment towards the “universal values of the rule of law, human rights and democracy [as] ends in themselves.”48 He then goes on to write that both security and development must be based on a foundation of respect for human dignity. It is in the sub-section on “rule of law” that Annan endorses the principle of R2P. Here, he refers directly to the ICISS report and the more recent High Level Panel, and assertively writes: “I believe that we must embrace the responsibility to protect, and, when necessary, we must act on it.”49 Rather than framing R2P as a security issue, as did the High Level Panel with regards to collective security, Annan makes a deliberate effort instead to link it to the maintenance of international humanitarian law – even though R2P itself did not have international legal status. Although Annan does not go so far as to promote R2P as a new piece of international law, he refers to it to address the “gap between rhetoric and reality” in the field of international law.50 In linking R2P to rights protection rather than collective security, Annan shifts the focus to the wider obligation to protect individuals rather than a narrow focus on security. Since the success of security agendas is based on a commitment to human dignity,51 by linking R2P to rights rather than security, Annan hoped to strengthen this foundation. Another result of

48 *ILF*, para. 128.
49 *ILF*, para. 135.
50 *ILF*, para. 134.
51 *ILF*, para. 128.
the shift from security to rights was to shift the focus of R2P away from intervention, and to place a greater emphasise on the exercise of responsible sovereignty.

The inclusion of R2P in the World Summit Outcome document in September 2005 was a real achievement, in that it represented the first international consensus on the principle, appearing merely four years after the ICISS report. The inclusion of R2P in the document was also one of the few points of consensus reached at that meeting. It was no small feat that a consensus on R2P was included in the final Outcome document, since many states expressed considerable skepticism about the principle during the negotiations leading up to the summit. For instance, in April 2005 during the informal thematic consultations held on Cluster III issues (“Freedom to live in dignity”), Malaysia spoke on behalf of the Non-Aligned Movement in voicing its criticism of R2P:

My delegation concurs with the Non Aligned Movement that there should be more discussions on the concept of responsibility to protect and its implications on the principles of non-interference and non-intervention as well as respect for the territorial integrity and national sovereignty of States. The Secretary General in paragraph 135 of his report has proposed that the enforcement mechanism follows the criteria prescribed by the High Level Panel for the use of force…. We would have difficulty with this and would like to see further clarification.

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53 Bellamy, Responsibility to Protect: The Global Effort to End Mass Atrocities 2.

Other similar criticisms of R2P were voiced by Egypt, India, China, Indonesia, and Iran, among others.\(^55\)

Nevertheless, the World Summit Outcome document included a consensus reached by all states on the principle of R2P. Paragraphs 138-139 of the Outcome document reiterate a number of key points from the three reports discussed above: 1) that primary responsibility rests with the state to protect its own citizens; 2) that final authority rests with the Security Council; and 3) that “collective action” may be possible when states fail to protect their own populations from the crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. Furthermore, the document affirms the need for the General Assembly to continue consideration of R2P, the commitment to help states build their capacity to protect their own populations, as well as reiterated Annan’s emphasis on rights as the basis for security.\(^56\)

It is important to note that the World Summit Outcome document affirms the central argument of the ICISS report, which is that each individual state has the primary responsibility of protecting its own citizens. But in contrast to the ICISS and HLP reports, the Summit Outcome document also has a number of omissions. Most noticeably, the document does not mention any threshold criteria for the use of force. As to determining when a state has failed in its responsibility to protect its own citizens, the document provides little guidance except for saying that “collective action” is justified when

\(^{55}\) For instance, the representative of Indonesia stated: “[We] have reservations concerning the concept ‘responsibility to protect.’ Indeed, we share the view that it is uncomfortably similar to the so-called concept of ‘humanitarian intervention,’ which lacks basis in The Charter and in international law.” All of these statements can be viewed on online at http://www.reformtheun.org/index.php/government_statements/c304?theme=alt2.


\(^{56}\) WSO, paras. 138-139.
“national authorities are manifestly failing to protect their populations.”\textsuperscript{57} This is in contrast to the ICISS report, which devoted significant attention to conditions for intervention in the case of state failure in its responsibility to protect. While the Outcome document does not explicitly negate the possibility of military intervention in extreme cases, it does not explicitly sanction it either. The document states that “we will take collective action,” leaving open the range of actions that might be possible. While the Outcome document does not provide criteria for military intervention, it does provide a more concise definition of the kinds of situations for which R2P is relevant. Whereas the ICISS report argued that R2P should apply to cases of “large-scale suffering,” either natural or man-made, the Summit Outcome limits its application specifically to the crimes of genocide, war crimes, ethnic cleansing and crimes against humanity.\textsuperscript{58} In short, while member states at the World Summit were able to agree on crimes that would justify application of R2P, they were not able to reach consensus on other threshold conditions or when the use of force could be applied.

Overall, the World Summit Outcome document represents a consensus that states have the responsibility to protect their own populations, and that they must exercise this responsibility towards threatened populations whose own state will not or cannot do so. Similar to \textit{In Larger Freedom}, the General Assembly’s endorsement of R2P appears in the section on “Human Rights and the Rule of Law,” rather than the previous section on “Peace and collective security.” This has the effect of watering down R2P’s associations with the use of force for intervention purposes, both because the section on collective security does not refer to R2P and also because the discussion of R2P does not discuss

\textsuperscript{57} \textit{WSO}, para. 139.
\textsuperscript{58} \textit{WSO}, para. 138.
the conditions for intervention. However, by linking R2P with human rights, the Outcome document affirms an understanding of sovereignty that is linked to responsibility rather than sovereignty as control, as well as argues that the protection of rights is the basis for security. While critics of the World Summit Outcome document argue that its lack of specificity regarding threshold criteria takes away R2P’s teeth, the document nevertheless does provide some guidance as to when states may exercise their responsibility towards citizens of other states, namely in case of genocide, war crimes, crimes against humanity, or ethnic cleansing. In other words, the World Summit Outcome document represents an international consensus about sovereignty as responsibility, insofar as R2P creates obligations for states towards their own citizens and towards citizens in other states. At the same time, this is a limited consensus that does not represent a free license for states to intervene in all cases or override the principle of sovereignty entirely. In short, the World Summit Outcome document articulates a norm of moral obligation that both constitutes and is constrained by this new understanding of sovereignty.

From “Implementing R2P” to the GA Debate

While the World Summit Outcome document represented international consensus over elements of the R2P doctrine, it also left a lot open for further discussion. Six months after the World Summit, Resolution 1674 reaffirmed the “responsibility to protect

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59 Michael Byers that the World Summit Outcome document watered down R2P to the extent that the UN would not be able to respond decisively to humanitarian disasters. Michael Byers, "High Ground Lost on Un's Responsibility to Protect," Winnipeg Free Press 2005.
populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”\textsuperscript{60} What this Resolution and the Outcome document do not include are specific measures for implementation, although the Outcome document paves the way to this by committing the General Assembly to further consideration of R2P. After the World Summit consensus, there were no major developments or international discussions on R2P until January 2009, when Secretary- General Ban Ki-Moon released his report entitled “Implementing the responsibility to Protect.”\textsuperscript{61}

While Ban Ki-Moon’s report takes the consensus reached in the World Summit Outcome document as its starting point, his report re-frames the responsibility to protect in a way that differs significantly from its first articulation in the ICISS report or the iterations in subsequent documents. The ICISS report identifies three responsibilities – the responsibilities to prevent, react and rebuild – and the bulk of the discussion is devoted to the question of when the use of military force is justified for human protection purposes. While this was due to the fact that the ICISS report was a direct response to the humanitarian interventions of the 1990s, this focus contributed to the perception that the principle of R2P was mainly concerned with spelling out the conditions for the use of force. As we have seen above, the High Level Panel report also linked R2P with the use of force in its discussion of collective security, while Annan’s report and the World Summit Outcome document tried to link R2P more closely to human rights, rather than


military force. Ban Ki-Moon’s report takes this move even further, so that intervention is only a minor component of his Three Pillars, and the main focus of his discussion is on the notion of responsible sovereignty.

Ban Ki-Moon outlines a three-pillared strategy for advancing the responsibility to protect. Pillar One entails the protection responsibilities of each state; Pillar Two is the commitment of the international community to assist member states in achieving its obligations; and Pillar Three has to do with international assistance and capacity-building. According to the report, all three pillars have equal weight and are all necessary for the successful implementation of the responsibility to protect.62 Taking the Summit Outcome document as a starting point, the three pillars go even further in emphasizing the concept of sovereignty as responsibility, while continuing the trend of placing much less emphasis on the use of force for human protection purposes. The recommendations for implementation promote the obligations of R2P in a manner that is consistent with the defining principle of sovereignty. In this regard, Ban Ki-Moon’s recommendations are consistent with the argument that moral obligations and sovereignty are mutually constitutive.

It is particularly in the first pillar, which emphasizes a state’s inward looking obligations, that the relationship between the responsibility to protect and sovereignty is laid out. “Pillar one is the enduring responsibility of the State to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity.”63 While the report claims to allocate equal weight to each of the three pillars, the recognition of state responsibility towards its own citizens is actually a precondition

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63 IR2P, para. 11(a).
of all three pillars, and is, as Ban Ki-Moon acknowledges, “the bedrock of the responsibility to protect.” Moreover, the principle of sovereignty does not lie in opposition to this responsibility, but in the twenty-first century is a defining attribute of sovereignty. “Respect for human rights, therefore, is an essential element of responsible sovereignty.” A state’s responsibility can be enacted in a variety of ways, including better implementation of international humanitarian and human rights law in the domestic context, assisting the UN Human Rights Council, signing the Rome Statute, and facilitating self-reflection about potential sources of conflict within one’s own state. All of these initiatives have the ultimate goal of helping states build their own capacities, and would serve to strengthen a state’s ability to protect its own population, which is, as the report argues, a defining attribute of the exercise of state sovereignty.

The second pillar, related to international assistance and capacity-building, has to do with other members of the international community providing support to help other states exercise responsible sovereignty. Drawing from paragraph 139 of the Summit Outcome document, Ban Ki-Moon points out that such assistance can range from encouragement to active capacity-building in a number of issue areas, including advocacy for children in conflict and assistance in the development of early warning systems, all with the common element of building civilian capacities of conflict prevention. The report also highlights the necessity of addressing underlying social and political inequalities, since these are major contributors to intra-society conflict, thereby demonstrating a holistic conception of R2P that is linked not only to security, but to

64 IR2P, para. 11(a).
66 IR2P, para. 16.
67 IR2P, paras. 36-37.
larger issues of development, the environment and rights.\textsuperscript{68} The use of force as a last resort does receive some attention in this section: “[Collective] international military assistance may be the surest way to support the State in meeting its obligations relating to the responsibility to protect and, in extreme cases, to restore its effective sovereignty.”\textsuperscript{69} It is important to note the report makes it clear that the goal of military intervention is not solely the protection of the civilian population, but rather the restoration of the state’s own ability to exercise its sovereignty effectively. The international community is not meant to displace or override a state’s sovereignty, but encourage and help states to fulfill their responsibility to protect.

It is in the discussion of the Third Pillar, “Timely and decisive response,” that the issue of the use of military force receives the most attention. Even so, while the Secretary-General leaves open the possibility for coercive action to be used, the discussion is not conclusive. He does not go so far as to provide criteria for the use of force, and most of the section is devoted to the discussion of peaceful alternatives – in contra-distinction from the ICISS document, which was centrally concerned with conditions for intervention.

The section opens by reiterating the conclusions from the Summit Outcome document: “The international community through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means... to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”\textsuperscript{70} As Ban Ki-Moon suggests, this implies that these forms of non-military

\textsuperscript{68} IR2P, paras. 43-44.
\textsuperscript{69} IR2P, para. 40.
\textsuperscript{70} IR2P, para. 49.
assistance should be ongoing, but a wider range of coercive actions can be used if 1) peaceful means are inadequate and 2) national authorities are manifestly failing to exercise their responsibility to protect. The report emphasizes the need to employ peaceful means first, and reviews some cases, including the prevention of hate speech in Côte d’Ivoire and Kenya, where diplomacy succeeded in preventing escalation. While the Secretary-General does not provide a list of criteria for the use of force, he does emphasise the need for further discussion on the matter by UN Member States and makes reference to the criteria in the ICISS report. The report is at its most assertive when the Secretary-General promises to “tell the Security Council…what it needs to know, not what it wants to hear,” as well as urges the Security Council not to exercise veto power in cases where one of the four crimes are occurring. At the same time, he affirms that the implementation of the responsibility to protect must take place within the framework of the UN Charter, and he does not attempt to move beyond the consensus reached at the World Summit in 2005.

The main thrust of Ban Ki-Moon’s report, which is repeated at various points throughout the document, is that the implementation of the responsibility to protect must fundamentally serve to strengthen state sovereignty, not undermine it: “The responsibility to protect is an ally of sovereignty, not an adversary.” In a nutshell, the purpose of R2P is to “save lives by preventing the most egregious mass violations of human rights while reinforcing the letter and the spirit of the Charter and the abiding principles of responsible

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71 IR2P, para. 49.  
72 IR2P, para. 55.  
73 IR2P, para. 61.  
74 IR2P, paras. 60, 67.  
75 IR2P, para. 10(a).
sovereignty.” The latter formulation, contained in the report’s conclusion, provides perhaps the most succinct indication of how R2P entails both an affirmation of the centrality of sovereignty – sovereignty as responsibility – and the articulation of a norm of moral obligation which operates in a manner that is fully consistent with – and constrained by – this notion of sovereignty.

At the end of July 2009, the members of the General Assembly debated the principle of R2P for the first time since the World Summit in 2005. The debate itself followed on the recommendation of Ban Ki-Moon in his January 2009 report for the General Assembly to consider a strategy for implementing the responsibility to protect.

On July 21st, Ban Ki-Moon formally presented his report to the General Assembly, emphasizing that R2P sits squarely within the UN Charter, the importance of prevention, and the need to improve early warning capabilities. The debate opened on July 23rd with statements by the Assembly President Miguel d’Escoto Brockmann and Edward Luck, Special Advisor to the Secretary-General on the Responsibility to Protect, followed by a panel discussion. The panel discussion featured four professors, including Jean Bricmont, Noam Chomsky, Gareth Evans, and Ngugi wa Thiong’o.

In the lead-up to the debate, there was considerable concern that the debate would be side-lined by R2P’s detractors, which include the President of the General Assembly, D’Escoto Brockmann. The President scheduled the debate to take place at the end of July, a “snoozy” time during which the Secretary-General was not scheduled to be in town. Prior to the debate, D’Escoto distributed a concept note to all members of the General

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76 IR2P, para. 67.
77 IR2P, para. 71.
Assembly that emphasized R2P’s non-legal character (making reference to former US Ambassador John Bolton’s opinion of R2P), linking R2P with colonial interventions, and questioning the ability of the Security Council to authorize the use of force for humanitarian purposes.79 Additionally, of the four people he invited to participate in the panel discussion, only Gareth Evans, former chair of the ICISS and author of its report in 2001, was a supporter of the doctrine.80 In their speeches to the General Assembly, both Chomsky81 and Bricmont82 equated R2P with historical cases of humanitarian and colonial intervention, and argued that the principle was more likely to be abused than to protect people, while Ngugi wa Thiong’o urged Member States to concentrate on addressing sources of inequality and crimes against humanity.83 Edward Luck, the Secretary-General’s Special Advisor on the Responsibility to Protect was permitted to


Despite the efforts of D’Escoto and a small handful of states, including Cuba, Nicaragua, North Korea, Sudan, and Sri Lanka, to sway the opinion of the General Assembly against affirming the 2005 consensus and the Secretary-General’s recommendations for implementation, the debate strongly confirmed widespread support for the Responsibility to Protect.\footnote{Statements by member states are available online at \url{http://www.eyeontheun.org/documents-item.asp?d=7790&id=10775}. Accessed on December 19, 2009.} Ninety-four member states signed up to give statements over the course of the three-day debate, and the vast majority voiced their support for the narrow “three pillars, four crimes” approach articulated by Ban-Ki Moon. Support for R2P crossed regional divides, with particularly strong endorsements from African states, including Rwanda, Côte d’Ivoire, Nigeria, Ghana and Mali. Several states who had previously expressed skepticism of R2P joined the majority in this support, including Egypt on behalf of the Non-Aligned Movement, Brazil, Indonesia, India, and South Africa.\footnote{“Implementing the Responsibility to Protect, The 2009 General Assembly Debate: An Assessment,” Global Centre for the Responsibility to Protect, 4. Available online at \url{http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/2493-general-assembly-debate-on-the-responsibility-to-protect-and-informal-interactive-dialogue-%22}. Accessed on December 19, 2009.} It is worth comparing Egypt’s statement in July 2009\footnote{See below at footnote 104.} with the views of the Non-Aligned Movement prior to the World Summit in 2005:

[The] movement will remain seized of and active in further deliberations in the UN General Assembly on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, bearing in mind the
principles of the UN Charter and international law, including respect for the sovereignty and territorial integrity of States, non-interference in their internal affairs, as well as respect for fundamental human rights. 88

While Egypt still expresses some concerns about the potential abuse of R2P and underlines the principle of non-interference, there is nevertheless a remarkable shift in tone. It not only agrees with the need for capacity-building, and commends the pioneering efforts of the African Union with regards to its implementation of R2P, but also expresses its agreement with the consensus reached on the four crimes, as well as reaffirms the 2005 World Summit consensus.

The vast majority, well over 74 states, expressed support for both the Secretary-General’s recommendations for implementation as well as the 2005 consensus. Most states also re-iterated Ban Ki-Moon’s emphasis on the importance of prevention and capacity building, and many, including non-African states, made reference to the African Union Constitutive Act’s principle of non-indifference. A number of states also voiced their concern about the potential for states to abuse R2P, the need for further discussion by members of the General Assembly, and encouraged the members of the Security Council to refrain from exercising veto power in cases related to the four crimes of R2P. Yet, aside from the comments of Sudan, Venezuela, and Sri Lanka, there was no effort to roll back or re-consider the consensus that had been achieved in 2005.

While an extended analysis of all aspects of the debate would be beyond the scope of this discussion, it is necessary to take note of two points of consensus achieved at the

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88 Statement by H.E. Ambassador Maged A. Abdelaziz, the Permanent Representative on behalf of the Non-aligned Movement at the United Nations General Assembly Interactive Thematic Debate on the Responsibility to Protect, United Nations, New York, July 23, 2009. See op. cit for web address of all statements by member states.
GA debate on 1) the difference between humanitarian intervention and R2P, and 2) the compatibility of R2P and sovereignty. I will discuss each of these in turn.

In their statements, President d’Escoto, Chomsky and Bricmont made explicit comparisons between historical cases of colonialism and humanitarian intervention, and argued that R2P is simply a new iteration in the long chain of Western attempts to justify domination of the weak by the strong. As D’Escoto argued, “Recent and painful memories related to the legacy of colonialism, give developing countries strong reasons to fear that laudable motives can end-up being misused, once more, to justify arbitrary and selective interventions against the weakest states.”89 Along similar lines, Chomsky argues that “humanitarian intervention” has long been used to justify the exercise of power: “[Virtually] every use of force in international affairs has been justified in terms of R2P, including the worst monsters.”90 Both Chomsky and Bricmont points to R2P’s ambiguity, that it is being “sold” as something different from humanitarian intervention, when in reality it signifies a continuation of the history of Western meddling for purportedly benevolent purposes: “This attitude of righteous indignation continues to this day and is at the root of the claim that the West has a ‘right to intervene’ and a ‘right to protect’, while turning a blind eye to oppressive regimes considered ‘our friends”, to endless militarization and wars, and to massive exploitation of labor and resources.”91 They cite such examples as the colonialists’ exploitation of the New World, the neglect of Rwanda in 1994, NATO’s bombing of Serbia in 1999, and the 2003 war in Iraq to

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90 Chomsky, op. cit.
91 Bricmont, op. cit.
show how moral justifications have been used to justify hegemonic practices. In essence, these critiques claim that there is nothing essentially new about R2P, that it represents an extension of the old idea of “humanitarian intervention,” and that any attempt to implement R2P will fail due to the problem of political will and selectivity.

Despite these arguments, during the debate and in their statements, Member States clearly differentiated between “humanitarian intervention” and R2P. What is notable is that this agreement not only exists among states who are its greatest defenders, but also amongst states who are skeptical of R2P. Australia opens its statement with the following assertion: “This is not a discussion about the now-discredited notion of humanitarian intervention. Rather it is a discussion about protection – the protection of all our peoples against mass atrocity crimes.”\(^9^2\) Similarly, Switzerland argues that the R2P approach is enshrined in the UN Charter and is “distinct from the so-called ‘humanitarian’ interventions, and we are committed to ensuring that this distinction will be clearly maintained.”\(^9^3\) The Responsibility to Protect report by the ICISS arose out of debates about humanitarian intervention, and had the goal of moving away from a humanitarian intervention framework, in which emphasis was placed on the right of states to intervene, rather than on the protection of victims. The statements above confirm that states have interpreted R2P in this light, and that the focus is on protection rather

\(^{92}\) Statement by H.E. Mr. Gary Quilan, Ambassador and Permanent Representative of Australia to the United Nations, GA Debate, July 23, 2009.

\(^{93}\) Statement by H.E. Mr. Peter Maurer, Ambassador and Permanent Representative of Switzerland to the United Nations, GA. Debate, July 23, 2009.
than intervention: “We should...not confuse the responsibility to protect with the ‘right to intervene.’”

Perhaps it is not so surprising that R2P’s supporters view it as distinct from “humanitarian intervention,” but it is notable that even critical states distinguish between the two ideas. India, which has historically been critical of R2P, argued, “[The] responsibility to protect should in no way provide a pretext for humanitarian intervention or unilateral action. To do so would not only give responsibility to protect a bad name but also defeat its very purpose.” We can see that not only does the Indian Ambassador differentiate R2P from humanitarian intervention on the basis that it is not the result of unilateral action, but this statement also contains an endorsement of the purposes of R2P, namely the prevention of the four crimes to which it applies. The Ambassador then goes on to emphasise the importance of “sticking to the parameters” of the World Summit framework, in order to avoid the disingenuous misuse of the principle. The acceptance of R2P is not a blanket approval, but applies to a carefully negotiated and restricted set of

94 Statement by Ambassador Ranko Vilocić, Chargé d’Affaires of the Republis of Croatia to the United Nations, GA Debate, July 24, 2009. See also the statement of Mohammed Loulichki, Ambassador and Permanent Representative of Morocco: “Le nette distinction établie désormais entre, la R2P et ce qu’on appelle le droit d’ingérence humanitaire ainsi que la limitation de la Responsabilité de Protéger, aux quatre categories de crimes qui sont le génocide, les crimes de guerre, le nettoyage ethnique et les crimes contre l’humanité, contribuent positivement à faire progresser la consideration par les Etats membres de ce principe.”


96 Statement by Ambassador Hardeep Singh Puri, Permanent Representative of India to the United Nations, GA Debate, July 24, 2009
conditions. Even China, known for its strong skepticism of R2P and its defense of sovereignty and non-interference, also differentiates between the two concepts. Ambassador Liu Zhenmin first points out R2P’s narrow scope – “the 2005 World Summit Outcome document gave a very prudent description to R2P” - and then he goes on to argue that it is “necessary to prevent ‘R2P’ from becoming another version of ‘humanitarian intervention.’” Even though China takes an exceedingly cautious approach to R2P, and is deeply suspicious of its potential misuse, it nevertheless acknowledges the difference between R2P and humanitarian intervention. The statements above indicate that it is due to R2P’s limited scope that it is possible to view it differently from the broader notion of humanitarian intervention. Nevertheless, just because this is a narrow framework does not negate the significance of its acceptance as a norm of moral obligation having to do with the protection of individuals in cases of mass violence.

That states – both supporters and critics – distinguish between the two principles is important, because it indicates that R2P is regarded not just as old wine in new bottles, but as a new framework of thinking about the prevention of serious crimes and the rights of individuals. The original framers of R2P in the ICISS report first articulated the need to move away from the language of humanitarian intervention, and the above discussion shows that this argument has been more or less accepted by states. This indicates support for the argument that R2P does actually constitute a new discourse of moral obligation that is distinct from previous notions about humanitarian intervention. From the initial articulation of R2P in the ICISS report of 2001 to the consensus expressed at the General Assembly on the question of “Responsibility to Protect, GA Debate, July 24, 2009.

97 Ibid.
Assembly debate in July 2009, states have gradually accepted a carefully defined and narrowed version of this new discourse. At the same time, however, the move to distinguish R2P from humanitarian intervention means that intervention as such receives much less attention in the debate, since most of the discussion is devoted to prevention and capacity-building.

The second important point of consensus reached at the General Assembly debate has to do with the compatibility between the responsibility to protect and sovereignty. One of the central points of Ban Ki-Moon’s report is that R2P is an “ally,” not an adversary, of sovereignty.99 Support for this notion was expressed by numerous statements that either directly cited Ban Ki-Moon’s concept of R2P as an “ally of sovereignty,” or by advocating the notion of “responsible sovereignty.” While the widespread endorsement of the 2005 consensus and Ban Ki-Moon’s report indicates implicit agreement with this idea, nearly half of the 94 statements additionally expressed agreement with the notion of “responsible sovereignty” in fairly explicit terms.100

Not surprisingly, many of these statements came from R2P’s greatest supporters, including Canada, including Canada, Germany, Nigeria, Romania, Singapore, Guatemala, and South Korea. For instance, the Ambassador from the Netherlands, Piet de Klerk, observed that R2P “is fundamentally about national obligations under the rule of law and it complements state sovereignty rather than undermining it.”101 In this regard, the Ambassador of Ghana cited Kofi Annan at length:

99 IR2P, para. 10(a).
101 Statement by the Chargé d’Affaires, A.I. of the Kingdom of the Netherlands to the United Nations, Mr. Piet de Klerk, at the debate on the Report of the Secretary-General
Today we see State sovereignty not as an absolute good in itself but as an instrument – albeit a very important one – which has value only in so far as it is used to protect human life, to ensure respect for human dignity and to uphold human rights. Sovereignty, in other words, should not be seen as a privilege but as a very heavy responsibility.\textsuperscript{102}

For R2P’s biggest proponents, this conception of sovereignty relies explicitly on the emergence of R2P as a new way of framing moral obligations in which sovereignty is contingent upon the state’s ability to carry out its obligation to protect.

On the other end of the spectrum, states that were historically skeptical of R2P tentatively articulated their support of the notion of sovereignty as responsibility, although they continued to express concerns about the details of implementation or R2P’s potential abuse. A case in point is Malaysia, whose Ambassador acknowledged that the 2005 consensus “strengthened the principle of sovereignty by making a State responsible for the protection of its population.”\textsuperscript{103} The Ambassador’s statement then went on to question the conditions in which a state can be held liable for neglecting its responsibility, and called for further elaboration of R2P’s implementation. Although Malaysia’s approach was cautious relative to R2P’s supporters, it nevertheless indicates that it has become more receptive to the principle since it spoke on behalf of the Non-Aligned Movement in 2005.\textsuperscript{104} Brazil’s statement provides another example of this tentative agreement. While its Ambassador takes care to assert that “the State’s

\textsuperscript{“Implementing the responsibility to Protect,” United Nations General Assembly, 23 July, 2009. See also the statement by H.E. Ms. Sanja Stiglic, Ambassador and Permanent Representative of the Republic of Slovenia: “[The] purpose of R2P is to build responsible sovereignty, not to undermine it.” [Her emphasis.]}
\textsuperscript{103} Statement by Mr. Zainol Rahim Zainuddin, Charge d’Affaires of the Permanent Mission of Malaysia to the United Nations, GA Debate, July 28, 2009.
\textsuperscript{104} Ibid. See above at footnote 87.
responsibility to protect does not qualify State sovereignty,” he then goes on to acknowledge:

[The] attribute of sovereignty does not exempt the State from its obligation to protect its population. On the contrary, it is from this very attribute that derives such obligation.105

Some of the more critical states, including Brazil, try to weaken the novelty of R2P by making the argument that the notion of “responsible sovereignty” is grounded in the principles of the UN Charter and international law, and is therefore not a new norm. However, their arguments are actually compatible with the notion of “sovereignty as responsibility,” since all the reports discussed above also ground the principle within the framework provided by the UN Charter and international law. Overall, the debate in the General Assembly demonstrates the emergence of a base level of consensus amongst Member States that the notion of sovereignty as responsibility is gaining traction both amongst the principle’s greatest supporters and even amongst some of its critics.

Conclusion

The documents discussed in this chapter serve as a roadmap that shows how R2P has developed as a norm of moral obligation over the past decade. The initial articulations of R2P by the ICISS and the High Level Panel’s report were focused more directly on criteria and conditions for the use of force for humanitarian purposes. By the GA debate in July 2009, however, we can see how the focus has shifted away from intervention and towards an affirmation of sovereignty – but not the notion of sovereignty

related to exclusive jurisdiction, but rather a sovereignty that rests on the responsibility of the state to protect the human rights of its own citizens.

Taken together, the two points of consensus at the GA debate— the differentiation between R2P and “humanitarian intervention” and the compatibility between R2P and sovereignty – suggest that the principle of responsible sovereignty is emerging as a new discourse of moral obligation. However, intervention for humanitarian purposes remains only as a weak residual category of this discourse, despite its centrality in the initial articulations of R2P in the ICISS and HLP reports. The international consensus at the GA debate indicates that R2P is primarily concerned with building states’ capacities to protect the rights and dignity of individuals, and it is only in a narrow set of cases that R2P permits the use of force for protection purposes. Thus, R2P not only determines what obligations states have towards individuals outside their borders, but it also strictly sets the limits of those obligations. Currently, there appears to be a consensus that the limits of moral obligation are defined by the four crimes described at the 2005 World Summit. Thus, the negotiation of moral obligations is not only about where moral obligations begin, but also where they end.

If we interpret the Responsibility to Protect as a historically contingent discourse of moral obligation, we can see how it has been carefully constructed and negotiated by a variety of actors. While the member states of the UN have not yet reached a consensus for the thresholds of its implementation or the means to prevent its abuse, they are nevertheless much closer to a consensus about the crimes to which R2P applies, and how R2P can operate within a system that still maintains sovereignty as its organizing principle. Considering that the idea of R2P is relatively new – not yet a full decade old –
it is remarkable how quickly it has been accepted by the international community, as demonstrated in particular by the 2005 World Summit consensus and the GA debate in July 2009. At the same time, it is important not to exaggerate the significance of these changes. The idea of sovereignty as responsibility entails the moral obligation of states to protect the rights and dignities of individuals, and only permits intervention in a very restricted set of circumstances. Nor does it amount to a more fundamental transformation of international order of the kind that has been suggested by Anne-Marie Slaughter, who argued that R2P heralded the arrival of new era of conditional sovereignty.\textsuperscript{106} At this point in time, R2P does not entail conditional sovereignty or a move beyond sovereignty; rather it affirms conditions for the practice of legitimate sovereignty.

This conclusion has important implications for how states proceed in their implementation of the Responsibility to Protect principle. While R2P has contributed to reconstituting the meaning of sovereignty, there are no indications that sovereignty is about to disappear. This should put to rest any suggestion that R2P presages that disappearance of Westphalian sovereignty. What debates about the Responsibility to Protect \textit{do} make explicit is that moral obligations and sovereignty continue to be intrinsically bound together. As the principle of R2P is gradually being carried forward, narrowed, and adopted, states are setting it within a framework that does not undermine, replace or transcend sovereignty, but rather reconstitutes it. We have seen in previous chapters how various figurations of moral obligation have contributed to assertions of sovereignty in the early English state, as well as helped to justify the assertion of Britain’s colonial empire in the 19\textsuperscript{th} century. In the 21\textsuperscript{st} century, moral obligation, that is

\textsuperscript{106} Slaughter, "Security, Solidarity, and Sovereignty: The Grand Themes of UN Reform."
the responsibility of the state to protect the dignity and human rights of individuals both inside *and* outside its own borders, is exercised as part of a state’s sovereignty and, indeed, provides a measure of the legitimacy of a state’s assertion of its own sovereignty. This analysis of R2P, along with the two historical cases, has attempted to show how moral obligations and sovereignty are mutually constitutive, and that this has been a consistent feature of international politics. At these moments of change and disruption, when a new discourse of moral obligation emerges, it is particularly evident how sovereignty is socially constructed in terms of moral obligation, *not* in opposition to moral obligation.

The concluding chapter will now turn to consider some of the implications of this argument for future practices of sovereignty and ongoing attempts to define the moral obligation of states towards various Others.
We will ask ourselves who grants or imposes the right to all these distinctions, to all these preventions and all the sanctions that they give rise to. Is it a living being? A living being purely and simply living, presently living? A living present? Which one? God? Man? Which man? For whom and to whom? Whose friend or enemy?

- Jacques Derrida, *The Politics of Friendship*¹

The primary concern of this dissertation has been to locate the rise of contemporary humanitarian practices within the larger structures of international order by asking: “What is the relationship between moral obligation and sovereignty in international politics?” In the preceding chapters, I have argued that moral obligation and sovereignty have historically existed in a mutually constitutive relationship, rather than simply being in opposition to each other. The principle of sovereignty and its varying construction over time has contributed not only to the formation of the state as a particular form of political community, but has also legitimized the construction of certain moral boundaries. Sovereignty sets certain boundaries on moral obligations, while paradoxically it is also transformed by new understandings of moral obligations. In other words, there is a seemingly paradoxical two-way relationship between sovereignty and moral obligation, in which sovereignty both limits the scope of moral obligations at the same time that moral obligations give meaning to practices of sovereignty. Changes in the boundaries of moral obligation have occurred when moral obligations have

transformed the meaning of sovereignty. Yet, despite the seeming opposition between moral obligation and sovereignty, these changes have not resulted in the transcendence of sovereignty as a defining principle of international order, but rather its affirmation.

The dissertation opened by outlining an identity-based approach sovereignty, which, in contrast to material or juridical approaches, shows how the identity effects of sovereignty contribute to the construction of different political communities. The dissertation then argues that moral obligations, as discursive structures, emerge as a function of the identities and boundaries that are created through the principle of sovereignty. Using a genealogical method, the dissertation examines three historical shifts that demonstrate how moral obligation and sovereignty have constituted each other at different historical moments. This concluding chapter will outline the main research contributions of the dissertation, discuss the significance of these contributions for understanding the rise of humanitarianism in international politics and, based on these conclusions, provide some reflection on areas for future research.

**Contributions and Implications**

The first contribution of this genealogy is to offer a counter-narrative of the history of contemporary humanitarianism. In most historical accounts, the birth of modern humanitarianism is linked to 18th century notions of sympathy and compassion, as articulated, for instance, by Adam Smith and David Hume, as well as Immanuel Kant’s writings on moral duty. These philosophical foundations have shaped contemporary understandings of what it means to experience moral duties to other humans. According to David Hume, the common thread that connects individuals in
society is their resemblance to each other - their humanity. It is the experience of being human that enables an individual to identify with the “pains and pleasures” of another.² Although one does not feel the same pain as a person who experiences suffering, an impression of this pain is created in the mind of one who witnesses it. Along similar lines, Adam Smith also writes that, although one cannot feel the pain of another, one can conceive of how one might feel in a similar situation. Upon witnessing suffering, one can imagine being in the position of the sufferer:

By the imagination we place ourselves in his situation, we conceive ourselves enduring all the same torments, we enter as it were into his body, and become in some measure the same person with him, and thence form some idea of his sensations, and even feel something which, though weaker in degree, is not altogether unlike them.³

Imagination is the source of sympathy, or what Smith evocatively calls *fellow-feeling*⁴, and this ability to imagine another’s suffering is also a sign of humanity. While such notions of “fellow-feeling” and “sympathy” are rooted in 18th century discoveries of “the human” and moral imagination,⁵ these ideas about compassion continue to resonate. The arguments of humanitarian NGOs, while also encompassing more recent understandings of human rights and humanitarian law, echo many of the themes articulated by Hume and Smith.

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Modern humanitarianism also owes a large conceptual debt to Immanuel Kant, whose conception of the categorical imperative provides the basis for his writings on moral duty:

Morality consists, then, in the reference of all action to the lawgiving by which alone a kingdom of ends is possible. This lawgiving must, however, be found in every rational being himself and be able to arise from his will, the principle of which is, accordingly: to do no action on any other maxim than one such that it would be consistent with it to be a universal law, and hence to act only so that the will could regard itself as at the same time giving universal law through its maxim.6

For Kant, the maxim of avoiding war is a universal principle, the performance of which rests on the ability of humans to recognize each other as rational and therefore moral beings. It is by virtue of this human rationality that the goal of peace becomes a moral duty, whereby the maxim of seeking peace becomes a universal principle. Kant’s writings on the project for a perpetual peace provide the basis for a humanitarian cosmopolitanism, insofar as it provides a way to imagine a world where the meaning of borders is replaced by a mutual recognition of common humanity.7

While not denying the influence of these thinkers on the modern understandings of humanitarianism, I would argue that focusing on the birth of humanitarian sentiment in the 18th century precludes analysis of different discourses of moral obligation, which may have existed in previous eras or in different cultural and religious contexts. As such, any analysis of humanitarianism that takes this historical framing as its starting place imposes certain assumptions about what counts as humanitarian, what fits into this history, and where the history of humanitarianism begins. This obstructs from analysis activities that

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do not fit into this historical framework, or that do not hold the same central concepts. Using the concept of “moral obligation” as a starting place in this genealogy makes it possible to ask what practices existed prior to the emergence of contemporary humanitarianism, and how these practices fit into other normative structures in international politics. As such, this genealogy has identified episodes in which a new understanding of moral obligation has emerged and led to a reconstitution of sovereignty. What other discourses of moral obligation have existed, either prior to or alongside the discourse of humanitarianism? How has humanitarianism, as one possible discourse of moral obligation, become the dominant way of framing moral obligation? Once there is the possibility of asking the latter questions, we can then ask how moral obligations fit into the larger structures of an international order that is based on the principle of sovereignty. Thus, the first major contribution of this dissertation is to provide a more historically sensitive account of the role of moral obligations in international politics since the emergence of the modern state system in the 16\textsuperscript{th} century.

To this end, the three historical cases were selected because they represent important instances of discontinuity and change, moments in which there was a shift in the relationship between moral obligation and sovereignty. In each case, there is a shift in the boundaries of moral obligation that, at the same time, reaffirms the boundaries of sovereignty rather than transcends them. The Huguenot case in Chapter 3 argues that England’s extension of assistance to Huguenot refugees contributed to the emergence of English sovereignty, which was as much about the consolidation of England’s confessional identity as it was about control over territory and population. England’s policy of offering assistance to European Protestants was a reflection of this identity, and
also signified that the boundaries of moral obligation were defined through religious identity. The abolitionist case in Chapter 4 shows that moral obligations arose out of England’s identity with regards to liberty and civilization, and that abolitionist ideas played a crucial role in the assertion of England’s sovereignty over its colonial empire.

Chapter 5 outlines how the principle of R2P is gradually being carried forward, narrowed, and adopted, at the same time that states are setting it within a framework that does not undermine, replace or transcend sovereignty, but rather reconstitutes it. By selecting these three cases, my intention is not to argue that these are the only cases or there is a logical progression from one episode to the next. Rather, my argument is that moral obligations and their limitations are the shadow side of sovereignty; it is through the boundaries that are established through sovereignty that relationships of moral obligation are given meaning. Furthermore, it is in the moments of rupture and change that this relationship comes most clearly into focus. The main thread of the genealogy is not in viewing this chronology in terms of moral progress, but rather in viewing sovereignty and moral obligation as perpetually constituting each other in different ways.

This leads to a second major contribution of this dissertation. Much of the current literature on humanitarianism focuses on debates about the legitimacy of humanitarian intervention, the role of non-state actors and humanitarian NGOs in global governance, or the complex debates within humanitarian practitioner communities about principles or

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best practices.\textsuperscript{10} While not denying the importance of these debates, the problem with this literature is that it takes for granted its own central concepts, and neglects to consider how humanitarian practices exist within the larger context of international structures that have facilitated the emergence of a humanitarian discourse in the first place. Yet, with the exception of only a few pieces of research, most of this literature fails to recognize how humanitarianism is both shaped by, at the same time as contributes to, international order.\textsuperscript{11} By explaining the emergence of contemporary humanitarianism within the context of a framework that recognizes the ongoing interactions between moral obligation and sovereignty, this dissertation offers a more complete understanding of the role of humanitarian action in international politics. In other words, humanitarian action does not exist within a vacuum, but is enabled and legitimized by the existence of beliefs about moral obligation that are framed by a system that takes sovereignty as its defining principle.

This systemic approach, namely linking moral obligations to larger structures of international politics, namely sovereignty, offers two further insights about the role of morality in international politics. First, as the three cases have demonstrated, throughout the history of the international state system moral obligations have contributed to new understandings of sovereignty at the same time as being constrained by sovereignty. Based on these cases, all of which examined a significant shift in the boundaries of moral

obligation, we can conclude that moral obligations have not led to the transcendence of the sovereignty principle. The sources of moral obligation have changed, leading to shifts in how a state may legitimately assert its sovereignty across political boundaries. But new discourses of moral obligations have served to delineate new limitations of moral obligation and new political identities, rather than do away completely with sovereignty and the moral boundaries that arise out of this principle. Thus, the first insight implies that humanitarianism, as a discourse of moral obligation, contributes to perpetuating the current sovereignty-based order, rather than transcending it.

The second insight stems from the first, although at first glance it seems to be in tension with it. While moral obligations contribute to the perpetuation of a sovereignty-based order, this does not imply, as a realist analysis would claim, that morality plays no significant role in international politics. A realist would argue that moral obligations exist for states only so far as they contribute to the pursuit of a state’s national interest. Yet the three case studies have shown that moral obligations towards populations “outside” the state have played a significant, even fundamental, role in determining how sovereignty may be legitimately exercised, an observation that goes against the grain of realist analyses that interpret state action with regards to the pursuit of material power. In contrast, moral obligations arise out of a state’s identity in relation to others, which in turn contributes to the construction of interests which are contingent on and consistent with that identity. This is not to say that states act consistently with those identities and moral obligations all the time; they clearly do not. But this dissertation has not been so interested in asking when a state conforms to moral obligation so much as showing that moral obligations, in certain cases, have contributed to important developments in the
history of sovereignty over the past five hundred years. Thus, even though moral obligations have not led to the displacement of sovereignty as the ordering principle of the international system, moral obligations have played an indispensable role in legitimating the exercise of sovereignty. This approach provides a novel way of conceiving of the role of morality in international relations, one that both accounts for the limitations and potential transformative effects of moral obligations. The effects of moral obligations are limited in the sense that they have not contributed to the transcendence of the effects of sovereignty, but they are transformative to the degree that they have contributed to new ways of thinking about the legitimate practice of sovereignty. In other words, moral obligations both perpetuate a sovereignty-based order, at the same time as contributing to shifts in the way in which sovereignty is practiced and understood.

The most recent example of such a shift is the case of the Responsibility to Protect principle, which explicitly attempts to redefine sovereignty in terms of both the inward and outward looking moral obligations of a state. At the same time, this redefinition is constrained by the boundaries imposed by the principle of sovereignty. What is most revolutionary about R2P is that it proposes a notion of sovereignty that is conditional on a state’s ability to meet its inward looking obligations to its own citizens. On the one hand, it may seem to be a fairly modest claim to say that the moral obligations in R2P are constrained by the logic of sovereignty. But the argument I want to make goes a step beyond this to claim that moral obligations and sovereignty are two sides of the same coin, and so must be understood in tandem. The identities that arise through sovereignty give meaning to relationships of moral obligation between different political communities, at the same time as sovereignty sets certain limitations or constraints on
those moral obligations. The outward looking obligations contained in R2P are largely contingent on whether or not a state exercises its inward looking obligations, that is, whether it exercises its sovereignty responsibly. There is a constant back-and-forth relationship between the two, and this is why it is necessary to understand moral obligations as both constitutive of the boundaries created by sovereignty at the same time as being limited by sovereignty. In other words, to argue that morality is unimportant in international relations, because moral obligations legitimate rather than transcend the principle of sovereignty, ignores the important function of moral obligations in perpetuating an international order that continues to be based on the principle of sovereignty. Thus, one of the main contributions of this dissertation is to provide a more complete understanding of both sovereignty and morality, insofar as it shows how morality relates to other political structures, rather than viewing morality in isolation from those structures.

This genealogy has attempted to provide a richer understanding of the nature of continuity and change in the history of humanitarianism. Certainly, as the cases above have shown, there have been significant shifts in the boundaries of moral obligation, which have led to new moral practices and new understandings of the relationships between different political communities. The abolitionist movement, for instance, signified the beginning of the end of the long-standing practice of legal slavery, and is rightly considered a turning point in the history of humanitarianism. But this analysis has also attempted to point out the elements of continuity in this history, the most important of which is to show how moral obligations in international politics, even in moments of disruption, are not opposed to the sovereign order, but are also entrenched within its
logic. As radical as R2P appears in its effort to propose a notion of conditional sovereignty, looking at its emergence within the context of historical debates about the relationship between sovereignty and moral obligation demonstrates how it is, in fact, more an example of continuity than fundamental change. This study suggests that sovereignty, since its inception, has fundamentally contributed to the way in which political communities form their identities in relation to outsiders, including relationships of moral obligation. An important implication is that sovereignty and moral obligations will continue to undergo transformation, but there is no evidence – at least for the present - that sovereignty will cease to define the boundaries between different political communities.

Directions for Future Research

The challenge of genealogical inquiry, indeed of any study that contemplates a long historical timeframe, is that there is more that is left out of the story than is possible to include. This study is certainly no exception. The cases included here were selected because they represent pivotal moments during the course of the sovereign state system in which there was an important shift in the discursive boundaries of moral obligation. I have argued that these cases are pivotal in the genealogy of moral obligation and sovereignty, but they are certainly not the only relevant moments. Various scholars have drawn attention to other developments in the history of humanitarianism, including, but not limited to: the early encounters of Europeans with indigenous peoples in North America, as recounted in the debates between Bartholomé de las Casas and Juan Gines de
Sepulveda;\textsuperscript{12} assistance given to Protestant or Catholic refugees in Europe and America during the Wars of Religion;\textsuperscript{13} the American abolitionist movement; the founding of humanitarian organizations in the 19\textsuperscript{th} century, including the International Committee of the Red Cross;\textsuperscript{14} the movement against King Leopold of Belgium’s exploitation of the Congo in the early 20\textsuperscript{th} century;\textsuperscript{15} the emergence of international humanitarian law, starting with the first Geneva Convention and continuing until the present day;\textsuperscript{16} the rise of humanitarian NGOs since the 1960s, and the debates between needs-based and rights-based humanitarianism;\textsuperscript{17} the use of military force for humanitarian ends, from British interventions in the 19\textsuperscript{th} century to the mostly failed interventions during the 1990s.\textsuperscript{18}

The above list represents events that have been identified by other scholars as important developments in the history of contemporary humanitarianism. Certainly, future research should investigate these cases with a view to understanding their

\textsuperscript{14} David P. Forsythe, \textit{The Humanitarians: The International Committee of the Red Cross}, (Cambridge: Cambridge University Press, 2005).
\textsuperscript{17} Margaret Keck and Kathryn Sikkink, \textit{Activists Beyond Borders: Advocacy Networks in International Politic}, (Ithaca: Cornell University Press, 1998); David Chandler, \textit{From Kosovo to Kabul and Beyond: Human Rights and International Intervention}, (London; Ann Arbor, MI: Pluto, 2006).
relationship with contemporaneous understandings of sovereignty. But what is most striking about this list is how it reflects a narrative in which largely Western actors experience moral obligations towards various Outsiders. Embedded in the story, but largely unrecognized, is a story about power, in which certain (usually Western) actors have the legitimacy and capacity to act on moral obligations to presumably weaker (non-Western) Others. It is for this reason that it is important to regard the rise of contemporary humanitarianism within the wider context of international politics, in order to see that the rise of humanitarianism has not occurred in a vacuum, but rather has a particular history that reflects international hierarchies, political processes, and the exercise of power. The goal of this dissertation has not been to merely reproduce this history, but to show how it has been possible for a humanitarian narrative to become dominant. In this regard, I have argued that dominant narratives of moral obligation arise because they are consistent with a given framing of legitimate sovereignty.

The task for future research is to explore more closely other traditions of moral obligation that have been left out of this genealogy or exist in the periphery of humanitarian narratives. As this genealogy of humanitarianism has suggested, contemporary humanitarian practices represent the emergence of a discourse of moral obligation that ascribes particular type of relationships between those providing assistance and those receiving it. It is necessary, therefore, to understand how relationships of moral obligation can be conceived in different ways that might not fit into this framework. This dissertation has laid some of the groundwork for future research that might contribute to the de-essentialization of humanitarianism. The next
The next step is to investigate different cultural or religious models of moral obligation that exist on the periphery of dominant humanitarian practices.

It remains to note that, although the discussion above has acknowledged the role of non-state actors in advocating for moral change, the overall focus has remained on the state, insofar as the dissertation has been concerned with the relationship between sovereignty and moral obligation. This stands in contrast to scholarly work on humanitarian that investigates the role of non-state actors in humanitarian movements.\(^\text{19}\) In this regard, another contribution of this study has been to show how states can be moral agents in international relations. In the three cases above, states – and not only non-state actors – have played important roles in defining new configurations of moral obligation. This suggests that there needs to be further research on how states and non-state actors interact to produce new moral norms.

This project was born out of a concern about a significant omission in research on humanitarianism within the discipline of international relations. Research on humanitarianism is often centered on a number of “great debates” about the legitimacy of humanitarian intervention, or concern about the fragmentation of humanitarian principles, or interest in the ever-growing membership of the humanitarian community. The omission is that, too often, humanitarianism itself, as a legitimizing principle, is taken for granted. Thus, the aim of this project has been to turn the microscope onto the idea of humanitarianism, and to inquire into the conditions of possibility that have enabled

\(^{19}\) For instance, see Martha Finnemore, \textit{National Interests in International Society}, (Ithaca: Cornell University Press, 1996); Margaret Keck and Kathryn Sikkink, \textit{Activists Beyond Borders: Advocacy Networks in International Politics}.
humanitarianism to become a legitimate domain of activity within international politics in the first place.

The purpose of genealogy is to tell the history of the present in terms of the past; it endeavors to explain how current realities have become “logically possible.” This project has attempted to understand the rise of contemporary humanitarianism with reference to how it has both shaped and been shaped by the larger structures of international order, specifically the principle of sovereignty. Moral obligations have contributed to major transformations in political practices at the same time as they have reflected structural inequalities and hierarchies between different actors in international politics. It has shown how the exercise of power has moral implications, as well as how moral obligations can provide powerful motivations for action. It has demonstrated that moral obligations are as much about the affirmation of one’s own identity as they are about the recognition of Others, and about the delineation of moral boundaries more than their ultimate transcendence. Indeed, it is through such boundaries and identities that it is possible to make sense of the world and the various actors, with their diverse motivations, within it.

This is not to say that moral obligations should be abandoned as tools of the powerful with too great a potential for abuse. Humanitarianism contains many paradoxes, and perhaps one of the greatest is that humanitarian action is only possible when one actor is powerful enough to act on behalf of another. For this reason, it is crucial to face these power dynamics head-on, rather than retreat into the more comfortable language of universality or humanity, because what is at stake is who defines the boundaries of this humanity and the limits of humanitarianism. As Jacques Derrida asked, “For whom and
to whom? *Whose* friend or enemy?20 The result of taking these questions seriously will be a humanitarianism that is more aware, more politically astute, and more transparent about its own limitations and vulnerabilities.

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