Toxic Comfort Blanket: Imperial Delusion in Modern Britain

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one of the most difficult things for modern observers to grasp when contemplating the Enlightenment is the yawning gap between the language associated with it and the behaviour of some of its adherents. Enlightenment philosophy is often credited with putting reason at its core, arguing against, among other things, superstition and prejudice. It also emphasized liberty and equality, and is said to have sparked the late eighteenth-century revolutions in North America, France and Haiti. For all these late eighteenth-century revolutions in North and equality, and is said to have sparked the

**Might vs right**
The development of the Eurocentric ‘law of nations’

**ANNETTE GORDON-REED**
Jennifer Pitts

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Law and empire

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diverse political arrangements gave European governments a simple way of excluding non-Europeans, whatever their stage of development, from the presumptive benefits of international society.

Pitts’s account of the eighteenth- and nineteenth-century progress of the law of nations reminds us that in the past, as today, people did not think of the law as one voice on the law. Respected theorists challenged the dominant exclusionary strand in law of nations principles, arguing for a truly “universal” application of the laws that would “bind European states in their actions with [at least] Asian commercial ones.” Victoria, perhaps the lone voice on the law, identified cases, and murkily, claimed to be the focus of nations theorists, claimed in his famous Le Droit des gens that the law included “non-European states in both hemispheres.” But his heavy reliance on European practice as the source of detailed accounts of legal norms”, his “tendency to reinsert the exclusion of Muslim states on the grounds of their supposedly habitual violence”, and his “account of the state as a moral community that effaced the imperial quality of the major European powers” worked against the development of a truly universal law of nations. Edmund Burke, among others, tried to move “the boundary of exclusion further along a spectrum of development”, with societies designated as “savage” still excluded. Abraham Huyssen and Angela-Duperron, in discussing the application of the law of nations, was even more sympathetic to non-Europeans, launching a “profound critique of European provincialism and racism”, but his work had “little impact in its day”.

Pitts tells a familiar story about the nineteenth century and the rise of scientific racism, though her account would have been even better had she more directly engaged with and analysed racism as a phenomenon. Musings on “civilization and barbarism” hardened into the language of “sociology and legal positivism” that masked the naked power employed in service of empire. Despite the tremendous amount of violence that the imperial powers unleashed on the world, Europeans continued to feel, throughout the century, that they had the “right to adjudicate international legal norms and to deploy violence in an administrative (rather than political or legal) mode over those societies [they] deemed not yet candidates for legal inclusion”. This was not so long ago. The world is still dealing with the legacy of the way the law of nations was constructed. Pitts’s history of the strengths and weaknesses of those early forms may help us develop a law of international relations that will bring about the “greater justice and equity” that critics of the eighteenth- and nineteenth-century law of nations hoped to find. Fortunately, there are many more diverse voices to be heard on this subject, and the end of the twentieth century was the time of which Jennifer Pitts writes.

The Empire’s New Clothes succeeds in exposing both the nakedness of myths attributed to a weak and insubstantial organization and in reminding us of the dangerous ends to which these can be deployed. Allowing Sri Lanka to host the 2013 Commonwealth Heads of Government Meeting at a time when the Rajapaksa regime had achieved international infamy showed how a state that egregiously violated what are oft-proclaimed core Commonwealth values, namely democracy, the rule of law and human rights, could manipulate the organization to bolster its international legitimacy. The Leave campaign’s narrow victory after including Commonwealth-related claims within its cache of false promises for Britain’s future after Brexit serves as another example of how it has been abused. The announcement in 2017 that the first United States-based branch of the Royal Commonwealth Society would soon open in Mississippi, with its chairman promising to be the Republican state governor who supports Donald Trump together with keeping the Confederate battle cross on the “second flag”, is another major example of the Commonwealth’s tarnished moral authority.

Although the Queen’s death might one day weaken the Commonwealth parrot’s shaky hold on its perch, Murphy concludes with a call for more immediate action: “Our old comfort blanket has become toxic. It’s time to grow up and set it aside”. This timely intervention makes a highly persuasive case to do just that. While the UK is unlikely to leave the Commonwealth, the benefits of abandoning the misconceived notions attached to it are all too clear.

By the early twenty-first century, the Commonwealth had long since destroyed its negative association with mass migration while the European Union steadily gained. So, too, had the British Empire’s memory been revived yet again by Conservative and Eurosceptic voices and media outlets as a legacy Britain could be proud of and linked up with arguments about the Commonwealth’s future promise for a post-Brexit Britain. Written in the wake of the 2016 referendum and framed by it, Murphy’s account outlines how key figures in the Leave camp, many of whom had shown little interest in the Commonwealth before (or had contemptuously belittled it, as Boris Johnson did in 2002 when suggesting in the Daily Telegraph that the Queen loved the Commonwealth “partly because it supplies her with regular cheering crowds of flag-waving piccaninnies”), breathed new life into the mythical parrot as a serious alternative to EU membership. He convincingly refutes pro-Brexit claims about the Commonwealth’s potential as a trading partner that could effectively replace the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with economic circumstances and the priorities of political elites in many Commonwealth countries.

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