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 reasons, many appear puzzled by the spectacle of enlightened figures who enslaved other human beings whom they deemed inferior, who championed the “rights of man” but had no problem seizing, by conquest, the land of people who had done them no harm – conquerors supposedly guided by reason who claimed (unreasonably one could say) to have “discovered” the land on which those unoffending people had lived for generations. The disconnect unmasks those who see things through the eyes of the oppressed of that time, or who may wish to look on the Enlightenment as an unalloyed source of the good.

While the Enlightenment (in all its different incarnations) nurtured anti-slavery sentiment, promoted personal liberty, made room for religious tolerance and provided a critique of cruel forms of punishment, like any extremely powerful idea or concept, it had negative effects that went along with the positive. Indeed, it can be difficult to grasp that features endemic to the system of thought—the impulse to categorize and put things into hierarchies, and the faith in the capacity to measure scientifically, as well as the very notion of progress—were partly to blame for the oppression of those who did not, and alas, groups of people. Scholars have noted that it provided a basis, for those so inclined, to create a “science” of race and racial hierarchies that often justified the domination and ill treatment of people classed as “inferior”. In other words, the law of nations, most famously described by theorists like Hugo Grotius, Samuel Pufendorf and Emer de Vattel, were European in origin and, as Pitts says, “addressed to other Europeans”. But the laws derived were not based solely on what was happening among Europeans. As Pitts shows, the law of nations’ “theoretical questions and conceptual categories reflected the extent and significance of European states’ and other agents’ relations and activities outside Europe”. Through this process, the law that Europeans created for themselves and applied to peoples and countries around the globe, whether those people and countries wanted it or not. As Pitts explains: “The law of nations proved a powerful political discourse in the context of European commercial and imperial expansion, in at least three respects. It supplied justifications for the actions of imperial states and their agents: from the conquest of territory, to the seizure of other powers’ ships, to the imposition of unequal or discriminatory trade regimes. It also furnished resources for the criticism of abuses by imperial states; it had, as international law still does, both “imperial” and “counter-imperial”, critical, or emancipatory dimensions. Third, law of nations discourse could obscure the imperial nature of European states: for instance, by conceptualizing the states of the international legal community as territorially compact peoples rather than the sprawling and stratified global empires that the most powerful of them were.”

In other words, the law of nations was a complicated tool of empire. As they pursued imperial expansion, Europeans (Pitts mainly confines her study to Britain and France) encountered many different peoples who had their own mores, religious beliefs, their own forms of law, all differing variously from those of European societies. These differences were interpreted in terms of levels of civilization. Pitts does not discuss it, but the thinking was described neatly by Scottish and French Enlightenment figures who propagated a “stadi-al” theory of the development of mankind from hunters, pastoralists, agriculturalists to the final commercial and industrial phase. Those living in societies that operated within the system of the law of nations took a “linear view of progress that figured European civilization, and European commercial society, as the vanguard of the teleos of world history, as at once unique and model for the rest of the world”. “The law of nations”, Pitts writes, “was one of the most important discourses in which Europeans articulated Europe’s claim to be the unique bearer of universal values.” Having reached the final stage of development, Europeans were entitled to rule the world.

It is very hard now to see all of this as anything other than an elaborate cover for “might makes right”, the very maxim that law, and governments based on law, were supposed to replace. If I am able to build a better house than you are able to build, why should it follow that I have the right to drive you from your home, tear down your house, and build my own? Doing that, just because I can, requires no system of morality or ethics to back me up; it’s merely the logic of desire and force.

When European powers began to expand into territories outside Europe, they needed to justify taking control of territory and ignoring, or at the very least putting in a subordinate position, whatever rules governed the societies they encountered. And, in practice, where the society stood along the continuum of stages of development did not matter. There was ambivalence about how the law of nations should apply to the Ottoman Empire, India and China, societies very different from those the European colonists encountered when they came to the Americas, for example. In each case, the non-European nature of these people justified treating them differently. People living in the “hunter” stage were deemed “savage” and subjected to episodic extermination and imperial administration. What of the ancient civilizations in Asia? Montesquieu pronounced all “Oriental” nations decadent and “despotic” and, “thus, the antitype to international law and diplomacy”. Not granting recognition to

Might vs right

The development of the Eurocentric ‘law of nations’

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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 nine-teenth-century progress of the law of nations reminds us that in the past, as today, people did not always speak with one voice on the law. Respected theorists challenged the dominant exclusion-ary 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”. Vattel, perhaps the first voice to challenge the imperial quality of the major European powers’ actions with respect to the law of nations, observed that the “right to adjudicate international legal claims about the Commonwealth’s potential as a serious alternative to EU membership as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as ill-informed fantasies, which are strongly at odds with the EU or a meaningful global alliance as