Victorian Visions of Global Order

Empire and Relations in Nineteenth-Century Political Thought

OUR EMPIRE ATLAS

BRITISH POSSESSIONS AT HOME AND ABROAD

FIFTY-NINE PLATES

AND

COMPLETE INDEX

WITH INTRODUCTION

BY

G. P. LUCAS, M.A.

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VICTORIAN VISIONS OF GLOBAL ORDER

This wide-ranging and original collection analyses some of the diverse visions of global politics that circulated during a pivotal era in the history of the British empire. A distinguished group of contributors explore topics including: the evolution of international law; the ways in which the world was imaginatively divided into the 'civilised' and the 'barbarian'; the role of India in shaping conceptions of civil society; grandiose ideas about a global imperial state; the emergence of an array of radical critiques of empire; the varieties of liberal imperialism; and the rise and fall of the ideology of free trade. Spanning canonical figures (including Bentham, Cobden, Marx and Mill) as well as many important but neglected figures (including J. R. Seeley, Henry Maine and James Fitzjames Stephens), this collection is a significant contribution to the study of political thought and intellectual history.

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EDITED BY

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Victorian visions of global order: an introduction

Duncan Bell

I. INTRODUCTION

For much of the nineteenth-century Britain, standing at the heart of a vast and intricate network of power and patronage, dominated global politics. The Victorian empire was the largest that the world had ever known, spanning all the continents and oceans of the planet, and shaping the lives of hundreds of millions of people. The political, cultural, and economic dynamics of our own age bear the imprint of this tangled history.

The British empire is the subject of a vast scholarly literature.[1] In recent years a fertile, and rapidly expanding, subfield has investigated the multiple ways in which empires have been theorised – imagined, explained, justified, and criticised.[2] This dovetails neatly with a strand of scholarship that explores the development of international thought, analysing how thinkers of previous generations conceived of the nature and significance of political boundaries, and the relations between discrete communities.[3] The spatial reorientation of intellectual history has been catalysed by two broader developments: a fixation, ranging across the social sciences and humanities, on the dynamics and normative status of globalisation, and more recently, a concern with the revival of empire, driven primarily by American foreign policy.[4] As well as highlighting the richness of past thinking about empire and international relations, scholars have demonstrated that much of what has been greeted as exhilaratingly original in current thinking about global politics, has roots deep in the history of western political reflection. As Istvan Hont argues, for example, there is little that is conceptually novel in contemporary accounts of globalisation, and issues such as the complex and potentially destabilising relationship between international commerce and state sovereignty were staple topics in eighteenth century political discourse.[5]

Yet despite the surge of interest in the history of imperialism over the last quarter of a century, the array of arguments addressing the Victorian

empire, and the practices of nineteenth-century international politics more generally, have received surprisingly little sustained attention from historians of political thought. *Victorian Visions of Global Order* seeks to help fill a significant gap in both intellectual history and the history of political theory, through exploring some of the most prominent and interesting ways in which thinkers based in Britain imagined the past, present, and future of global politics during the long years of Queen Victoria's reign (1837–1901).

In *The Expansion of England* (1883) J. R. Seeley lambasted 'our childish mode of arranging history'.[6] He was referring to the common tendency to partition, label, and judge the past according to which monarch happened to be sitting on the throne, whether Elizabeth, George III, or Victoria. In so doing, he suggested, the historical imagination was constrained, the identification of long-term patterns of continuity and change obscured. This charge carries considerable weight, and the authors of the following chapters do not stick rigidly to the exact span of Victoria's rule, sometimes reaching further back in time to trace connections with the intellectual worlds of preceding decades, even centuries, and sometimes moving forward into the early twentieth century. A case can nevertheless be made for examining the Victorian period as a distinctive era, both politically and intellectually. The 1830s saw the end of what J. G. A. Pocock, following Reinhart Koselleck, refers to as the 'sattelzeit', an era of disruption and transformation in patterns of discourse, conceptions of temporality, and understandings of the political universe, which began in the mid-eighteenth century and intensified over the revolutionary period and during the Napoleonic wars. Pocock argues that this period witnessed the end of 'early modernity' and the birth of 'the modern'.[7] Liberalism was its most significant progeny. In Britain the Roman Catholic Relief Act (1829) and the Reform Act (1832) ushered in a new era, marked above all by the rise of liberalism, the slow gestation of democracy, the increasing importance of ideas about nationality and 'national character', and the move from mercantilism to free trade.[8] The 1830s also witnessed a distinct break in the *dramatis personae* of theoretical debate. The decade saw the death of Jeremy Bentham (1832) and Samuel Taylor Coleridge (1834), intellectual polestars of their generation, whilst Thomas Macaulay, F. D. Maurice, Thomas Carlyle, and John Stuart Mill, to name only some of the more influential, rose to prominence.[9] Mill's celebrated 'reaction' of the nineteenth century against the eighteenth, while exaggerated, was not completely illusory. The 1830s likewise signalled the end of what C. A. Bayly labels the 'first age of global imperialism'. He argues that the European drive for overseas empire

can be divided into three main epochs. If the first saw the European states beginning their brutal march across the globe between 1520 and 1620, and the third, stretching through much of the nineteenth-century and reaching its pinnacle in the 'Scramble for Africa' from the 1880s onwards, saw them fight over the remaining unoccupied territories, it was the middle epoch, reaching from 1760 to 1830 and driven by the imperatives and might of the 'fiscal military state', that saw the greatest 'percentage of the world's resources and population seized and redistributed'.[10] It was also the first that was truly global in reach, encompassing territories in south and southeast Asia, North America, Australasia, much of the middle east, and southern Africa. Victorian imperialism deepened and extended these foundations.

The end of Victoria's reign is less clearly defined; the customary terminal date for the long nineteenth century is 1914. Nevertheless, the South African War (1899–1902), which acted as such a shock to British publics and elites alike, was a significant point of rupture, and can act as a convenient point to frame the volume. Victoria had been buried before it reached its bitter conclusion. At the century's end, Britain had entered the democratic age, albeit partially and often grudgingly, attacks on the shibboleth of free trade were on the rise, socialism in its diverse forms was gaining some adherents and more enemies, and organic and welfarist theories of state and society dominated debate. Liberalism was on the retreat, its recrudescence in the wake of Chamberlain's tariff reform campaign imminent but not yet discernable.[11]

The term 'visions of global order' captures something important about many of the positions covered in this book.[12] It signifies both the ambition and the prophetic mode of enunciation that characterised much of the thinking about empire and international politics during the century, highlighting the all-encompassing nature of many Victorian theoretical projects. This was an age of grand (and grandiose) theorising. It was also an age in which intellectual generalists thrived, and the crossing of what in the twentieth century many would come to regard as sturdy disciplinary walls was the norm. It is very hard to separate 'the political' (or 'political theory') from other domains of nineteenth-century thought – it was embedded in, and shaped by, political economy, theology, jurisprudence, the emerging social sciences, especially anthropology, literature, and the writing of history.[13] Much of the most influential and interesting political thinking was articulated, moreover, in registers and formats that often escape the eye of historians of political theory, who have tended to focus on canonical figures even as they seek to locate them in their multifarious

contexts. This is a valuable exercise, but when applied to the Victorians, and especially when probing the history of international and imperial thought, it can lead to omission and distortion. There are few 'canonical' figures to examine, which has meant, in practice, that a great deal of attention has been lavished on John Stuart Mill.[14] Whilst this has led to a much fuller understanding of the centrality of empire in his political vision, Mill has frequently, and usually implausibly, stood in as representative of his time, and in particular of liberal attitudes to conquest and imperial rule. Consequently, wider patterns of thought and contrasting political and theoretical tendencies have often been elided.[15] It is important to avoid basing sweeping generalisations about a vibrant and conflict-strewn intellectual environment on a very limited range of sources; and it is also essential to recognise the different registers, outlets, and modes of systematic political reflection that shaped the intellectual life of the time.[16] Any comprehensive exploration of Victorian imperial and international thought must traverse both sophisticated theory and more mundane forms of speculative, reflective or prescriptive political discourse. Following this injunction, the chapters in this volume range from detailed historical reconstructions of public policy debates to analyses of some of the most complicated political theorising of the era, in doing so encompassing figures as diverse as W. E. Gladstone, Frederic Harrison, L. T. Hobhouse, J. A. Hobson, H. M. Hyndman, James Lorimer, Henry Maine, Karl Marx, John Stuart Mill, D. G. Ritchie, Wilfred Scawen Blunt, J. R. Seeley, Herbert Spencer, Travers Twiss, and John Westlake.

The languages used to theorise world order have an extensive and intricate history; much of our own vocabulary emerged or assumed its current meanings during the long nineteenth century. Jeremy Bentham coined the term 'international' in 1789 to replace the 'law of nations' as an appellation for law that extended beyond the state, governing the 'mutual transactions of sovereigns'.[17] Today it is so commonly employed that its genealogy is often forgotten, as is its problematic formulation, which stresses 'nation' where it invariably refers to 'state'.[18] The terms associated with empire (including imperialism, imperial, colony, and colonisation) also have highly complex histories, some stretching back millennia, others of far more recent provenance. Here is not the place to chart these histories, but it is worth indicating that the meaning of empire was not fixed during the nineteenth century, connoting as it did an assortment of different, and sometimes contradictory, processes and political forms. During the sixteenth and seventeenth centuries, the term 'empire' signified the lands

comprising the Three Kingdoms of Britain and Ireland, and it was only in the second quarter of the eighteenth century that it became popular as a designation for the totality of the British state and its overseas territories, principally lands in the Caribbean and North America.[19] Although its terms of reference varied, it was widely employed throughout the Victorian age. For some, it meant simply the full array of British possessions throughout the world; for others, it was used in a more differentiated sense, referring, for example, to the British empire in India, the empire of settlement, and so forth.[20] Whilst acknowledging that Britain possessed an empire in India, Africa, and the Caribbean, Seeley denied that the colonies in Australia, New Zealand, the Cape, and Canada constituted an empire 'in the ordinary sense of the word', preferring to see them as an integral part of a British 'world-state'.[21] Differentiation often followed from the conflicting lessons the Victorians drew from ancient Roman and Greek modes of foreign rule, although it also frequently expressed the semantic vagueness that characterised much political discourse at the time.[22] 'Imperialism', meanwhile, was a term used for much of the Victorian period to characterise the purportedly despotic municipal politics of France; it was only in the 1870s that it entered mainstream usage to refer to aggressive policies of foreign conquest, and even then confusion over its meaning was rife.[23] These definitional conflicts continue to this day, most conspicuously in the emotive debates over whether or not the United States should be classified as an empire, and if so, whether it represents a depressing continuation of western imperial history, or a significant break from it. The history of political thought provides ample ammunition for all sides, replete as it is with diverse and sometimes incongruous accounts of the character of empires, colonies, and imperialism.

II. POLITICAL AND INTELLECTUAL CONTEXTS

Historians conventionally divide the Victorian period into early, middle and late, although they often differ over the precise demarcation points.[24] In this short introduction it would be foolhardy to attempt either a comprehensive account of the manifold social, political, economic, and intellectual, developments spanning the era or an exhaustive synthesis of recent scholarship.[25] It is useful, however, to briefly outline some of the basic features that historians have identified as shaping the character of British political life in the decades under discussion in this book, both to establish the general historiographical context and to highlight the ways in which the following chapters conform with and challenge these lines of interpretation.

In very general terms, the early years of Victoria's reign, up until the 1850s, were marked by pessimism and apprehension. Emerging victorious from over a decade of war against Napoleonic France, the country was soon riven by internal discord and unrest. Indeed the first half of the century was characterised, argues Boyd Hilton, by 'a constant sensation of fear – fear of revolution, of the masses, of crime, famine, and poverty, of disorder and instability, and for many people even fear of pleasure'.[26] Apocalyptic visions of bloody revolution alarmed and energised the ruling elite, leading to harsh punitive legislation and then, following an acrimonious struggle, to limited franchise reform. All of this took place in the context of rapid industrialisation and urbanisation, which simultaneously re-calibrated the economy and uprooted many traditional ways of life. Aside from the Reform Act, the other key piece of legislation was the repeal of the Corn Laws in 1846, a defining moment in British history, and one that was to play a pivotal role in the political imagination for the remainder of the century. As a result of constitutional reform, the crushing of dissent, the strength of popular conservatism, the flexibility of the governing elite, increasing affluence, and, argues Miles Taylor, the existence of an imperial system that lowered the tax burden on the middle classes and simul-taneously provided a 'safety valve' for the removal of political agitators and excess population, Britain escaped an eruption of revolutionary fer-vour in 1848.[27] The mid-century years saw the flowering of a more optimistic mood; the 1851 Great Exhibition, a paean to British confidence, economic dynamism, and political power, symbolically inaugurated a new era. The period stretching from the early 1850s to the late 1870s is often seen, indeed, as an 'age of equipoise' characterised by 'stability, optimism, social solidarity, relative affluence, and liberality'.[28] 'Old corruption' was defeated; a popular monarch sat on the throne.[29] The previous social discord receded into the background, partly through exhaustion and partly through clever government intervention, whilst the economy flourished. Despite occasional invasion 'scares', there was no serious threat to the territorial integrity of the United Kingdom.[30]

This optimism was soon to falter: during the closing years of Victoria's reign, and especially from the 1880s onwards, the horizon once again darkened, although not to the degree seen earlier in the century. Global competition, both economic and geopolitical, seemed more intense and threatening. The swift rise of a unified Germany flaunting its imperial ambitions, the post-Civil War dynamism of the United States, the percep-tion of a menacing Russian threat in the East: all generated consternation. Such concerns triggered the publication of numerous popular novels and

short stories envisaging the outbreak and trajectory of future wars that the British would fight against a variety of enemies, most commonly Germany.[31] This was also the period of the rapacious 'Scramble for Africa', as the European powers sought to divide up the remaining territories of that vast continent.[32] Domestic political clashes turned increasingly bitter, especially over the extension of the franchise, the prospect of Irish Home Rule, and then the war in South Africa. The economy was thought to be in free-fall, whilst the 'social question' once again raised its head.[33] Individuals across the political mainstream feared the perfidious march of 'socialism', a term vague even by the prevailing standards of political argument, seeing it as a potential threat to all that had been achieved during the century. When Victoria died in 1901 the political elite of the country was deeply divided.

The chapters in this volume offer considerable support to this tripartite historical narrative. The repeal of the Corn Laws generated, as Anthony Howe argues in his contribution, an outbreak of optimism about the pacific effects of international trade, which was (partly) extinguished in the closing two decades of the century by a bleaker assessment of the international situation, and a loss of confidence in the powers of free trade to overcome dangerous rivalries. Casper Sylvest highlights how the mid-century years witnessed the blooming of international law, regarded by many of its proponents as a key agent for fostering moral progress in world politics. Likewise, as I examine in my own chapter, during the last three decades of the century international competition and domestic unease intensified interest in the settler colonies, for many people saw the immense expanses of land across the Atlantic and in the South Pacific as a means of guaranteeing British power and prestige, as well as spaces in which to foster a new breed of rugged imperial patriots.

But a number of chapters also complicate the standard picture. In particular, the view of the mid-Victorian era as an age of equipoise needs to be balanced by a recognition of the existence of widespread anxiety over Britain's place in the world. Arrogance and pride co-existed with apprehension and frustration. Looking back on the early 1850s, Henry Maine told his Cambridge audience in 1888 that the 'generation of William Whewell may be said to have had a dream of peace', exemplified by the atmosphere surrounding the Great Exhibition, but the 'buildings of this Temple of Peace had hardly been removed when war broke out again, more terrible than ever', and he pointed to the Crimean War (1854–6) as inaugurating a new period of conflict. To believers in the possibility of peace this represented 'a bitter deception'.[34] The campaign in the Crimea

demonstrated the ineptness of the British Army, whilst the Sepoy Rebellion (1857–8) and the prolonged controversy that followed Governor Eyre's brutal repression of the Morant Bay rebellion in Jamaica (1865) highlighted the precarious hold of the British over their subject populations, challenged (as Karuna Mantena argues in her chapter) the very foundations of the liberal imperial mission, and served to harden racial attitudes.[35] British failure to help the Danish, as had been promised, over Schleswig-Holstein in 1864, the devastating Prussian victory over Austria at Königgrätz in 1866, and increasing unease at the potential bellicosity of Napoleon III, all fuelled fears that British power was eroding dangerously. This does not mean that the equipoise was illusory – and it is important to remember that many commentators at the time thought that international and imperial affairs, aside from moments of high drama, such as wars, resonated little with the public[36] – but rather that the relationship between domestic and foreign affairs needs to be conceived in a more nuanced and dynamic manner.[37]

The political languages that the Victorians drew on and developed were constantly evolving. Most prominent of all was liberalism, the subject of many chapters in this volume. Analysing the development and structure of liberalism is a formidably difficult task. This is mainly because it is what Raymond Geuss terms a 'Janus-faced historical phenomena', simultaneously comprising a constantly shifting abstract theoretical structure, 'a collection of characteristic arguments, ideals, values, and concepts', and a complex 'social reality, a political movement that is at least partially institutionalized in organized parties'. Such an amalgam presents difficulties for 'traditional forms of philosophy' – and, it might be added, traditional forms of the history of philosophy – which tend to focus on the 'analysis and evaluation of relatively well-defined arguments', not on the dynamics of political contestation, and the interweaving of principled argumentation, rhetorical ploys, tactical manoeuvre, and power.[38] The term liberal was first used in Spain *circa* 1810 to refer to a political party demanding the circumscription of royal power and the creation of a constitutional monarchy modelled on that in Britain.[39] It was employed in Britain increasingly from the 1830s onwards.[40] Drawing on a variety of different (and sometimes conflicting) intellectual positions, including Benthamite utilitarianism, classical political economy, the historical sociology of the Scottish enlightenment, civic humanism, and long-standing whiggish organicism, liberalism in its diverse and competing forms shaped the political thought (if not always the political practice) of much of the Victorian age. It underwent constant adaptation and reinvention: at

various junctures its proponents drew on, reacted against, or incorporated numerous influences, including evolutionary theories (both pre- and post-Darwinian), continental political thought, especially Comte and Saint-Simon, the marginalist revolution in economics, and various shifts in the philosophical current, particularly the rise of idealism, to name only a few of the more significant.[41] The Liberal party, which had emerged from the shell of the Whigs, and also incorporated Peelite Tories and a miscellaneous collection of Radicals, dominated parliamentary politics for much of the mid-Victorian era, until it fragmented over Home Rule in the 1880s.[42] Even after this parliamentary collapse, however, liberal thought remained vibrant, mutating as its advocates wrestled with the lessons taught by the idealists who, following the inspirational example of T. H. Green, had come to dominate British philosophical debate.[43]

Mirroring the general influence of liberalism, much of the international thought of the mid- and late-Victorian periods can be seen as composing a species of 'liberal internationalism'. Encompassing figures as diverse as Cobden, Mill, Maine, Sidgwick, Spencer, Hobson, and Hobhouse, liberal internationalism was powered by the twin engines of international law and international commerce, its adherents (often adopting the mantle of prophets) believing that when combined and properly directed the two could generate a transformation in international 'morality', ushering in a new, more harmonious age. The international domain, so it was argued, need not be governed by the ruthless logic of militaristic competition and incessant conflict. There were, of course, many different strains of this loose (and often imprecisely articulated) cluster of beliefs, and it spanned intellectual and sometimes even party political divides.[44] There were also assorted positions that stood in opposition to it – including pacifism, promoted with varying degrees of enthusiasm by the more radical members of the energetic peace movement, a plethora of socialist and Marxist visions of world order, the pragmatic realism of Lord Salisbury, forms of jingoistic imperialism, as well as the glorification of war, albeit quite rare in Britain, that Karma Nabulsi has helpfully labelled 'martialism'.[45] Nevertheless, liberal internationalism was probably the most widespread mode of thinking about global politics during the closing decades of the century, at least among the intellectual elite. Its influence lasted well into the twentieth century, and continues to this day.[46]

One of the main fault-lines running through nineteenth-century British visions of global order concerned the role of the empire. Victorian thinkers tended to divide the world into different imaginative spheres, each generating radically diverse sociological accounts and competing ethical

claims. The most important divide separated the 'civilised' and the 'non-civilised' (savage or barbarian) spheres, and it was argued that the relations between civilised communities should assume a very different form from those governing the relations between the civilised and non-civilised. This distinction did not preclude the existence of considerable variation within each category – it allowed, for example, the construction of elaborate hierarchies of civilised states, as well as differentiation between types of 'savage'. But there was no consensus on how or where to draw the lines, on the actual content of civilisation, or over how deeply ingrained the distinctions were. Levels of civilisation could be assessed in relation to the socially dominant modes of theology, ascribed racial characteristics, technological superiority, political institutions, the structure of family life and gender relations, economic success, individual moral and intellectual capacity, or (as was typically the case) some combination of these. This bifocal, though fluid, conception of global order provided the theoretical foundations for justifying empire: it simultaneously deprived 'non-civilised' communities of the protective sovereign rights that were held to govern relations between the 'civilised' states while legitimating conquest in the name of spreading civilisation.[47]

Most nineteenth-century British political thinkers supported empire in one form or another, but this allowed for significant variation in the intensity of their support, the types of arguments offered in its defence, and the actual shape, size, and purpose of the empire envisaged. There were also notable critics of empire and imperialism, most famously Richard Cobden and Herbert Spencer, and the various positivist and socialist writers examined by Gregory Claeys in his contribution to this volume.[48] Sweeping claims about the political thought of the time – for example, about the inescapable connections between liberalism and empire, often generated by a reading of Mill's work – neglect much of the theoretical and political diversity of the era. The following chapters seek to paint a far richer picture of the time, one that stresses the variability, conflict, and dissonance, as well as the continuities, in conceptions of empire and international politics.

III. STRUCTURE OF THE BOOK

The book opens with Anthony Howe's panoramic account of the 'rise and fall' of the ideology of free trade. The Repeal of the Corn Laws, combined with the 1847 Repeal of the Navigation Acts, propelled the British state into a new political and economic age, a transition that was to have profound

consequences for both domestic and international politics. Alongside the scale and prestige of the empire, free trade came to define Britain's role, as well as the sources of its power, on the global stage. It also formed, as Howe has written elsewhere, an essential element in popular political identity.[49] Howe traces the emergence of the ideology, noting its roots in the eighteenth century and stressing the way in which following 1846 the argument over the potential costs and benefits of free trade was largely supplanted by conflict over its scope and consequences. For moderate advocates, free trade was primarily an instrument for re-calibrating Britain's economic relations with other countries, creating increased prosperity and, it was hoped, more friendly political interaction. For other, more ambitious devotees, including Cobden and Spencer, free trade would help to erase the scourge of war, undermine the feudal passions of patriotism, and help to dissolve the bonds of empire. After reaching a peak of optimism in the 1860s, there followed, contends Howe, a period of retrenchment, vigorous nationalism, neo-mercantilism, and military aggression – a time, that is, of 'imperial globalisation'. Thus, contrary to many recent accounts, the apogee of free trade was to be found not in the years immediately preceding the First World War, but rather forty years beforehand.

The following two chapters chart the evolution of international law. Focusing on the character and foundations of international law, Casper Sylvest revises the standard narrative that describes the gradual, but inexorable, defeat of natural law by positivism.[50] This whiggish story, implying a simple linear progression, occludes as much as it illuminates. As Sylvest demonstrates, naturalism was never fully supplanted, and indeed positivism and naturalism co-existed – sometimes comfortably, sometimes in tension – within British conceptions of international law well into the twentieth century. He argues that British international legal thought can be divided into three periods. Between 1835–55 international law began to emerge as a self-contained subfield, albeit one that tended to anchor jurisprudence in theology. Between 1855–70 international lawyers became increasingly confident, securing new institutional respectability, and secular accounts of law and morality began to displace theological arguments. Finally, after 1870 the role of evolutionary theories (coupled to the idea of civilisation) provided authoritative new foundations for legal reasoning. Throughout the century British lawyers battled the 'spectre of Austin', the argument by the Benthamite theorist that 'laws properly so called' rested on a command theory of sovereignty, requiring a determinate and identifiable source, and that international law was consequently merely a tissue of custom and convention, a moral rule not a law.[51] The ultimate

resolution to this problem, argues Sylvest, was to be found in the idea of legal evolution, of 'international law as law in the making', which 'obtained a standing in international legal argument that was not far removed from that formerly occupied by "natural law"'.

Jennifer Pitts explores the debate amongst the emerging international legal community over the boundaries of civilisation, and hence over the legitimate membership of international society.[52] There was no consensus on the exact criteria for and scope of membership, and jurists and public commentators adumbrated a wide variety of arguments. Most believed in the dualistic nature of global politics, stressing the moral and hence juridical superiority of the civilised over the barbarous, although there were a few dissenters, located mainly outside the professional ranks of the lawyers, who challenged this myopic arrogance. Pitts argues that international lawyers placed the idea of civilisation at the centre of their conception of law, and in particular she illustrates how they focused on the notion of 'capacity as reciprocity', 'rendered variously as an ethical notion particular to certain religions, or as a capacity of cognition or will', to determine which states should be granted the prized membership of civilisation. The Ottoman empire, the Indian princely states, African kingdoms, as well as Native American regimes, were usually excluded for reasons including 'civilizational backwardness, a lack of sufficiently abstract notions of justice [and] the hostility of Islamic states to infidels'. The Ottoman empire generated the most heated debate, while the standing of Asian commercial states, and in particular China, was also a topic of intense deliberation. Pitts highlights the tensions inherent in, and also the occasional opposition to, jurisprudential attempts to delineate the civilised from the barbarian, and she traces the role of such debates in legitimating the ideas and practices of international law, noting the role that legal positivism played in challenging universalism, and suggesting, ultimately, that the Victorian boundaries of international law were often less fluid and open than those of the late eighteenth and early nineteenth centuries.

Sandra den Otter and Karuna Mantena both concentrate on India. Den Otter analyses the attempt by reformers, mainly utilitarians, to codify Indian law. In doing so she highlights how shifting ideas about colonial law were bound up with justifications of imperial legitimacy and under-standings of the foundations and evolution of social order. 'Victorian political thinkers were a pivotal part of a trans-national exchange in the ideas and practice of civil society and government.' Law, 'the gospel of the English', as James Fitzjames Stephens called it, was often considered both a gift of the civilised to the barbarian and a key to the efficacy of British

imperial administration.[53] The 1860s and 1870s saw the most ambitious period of law-making, as much Hindu and Muslim customary law was codified with the intention of rendering it 'rational, lucid and intelligible to all', usually with negative consequences: 'Colonial interventions distorted indigenous law and then, rather than interjecting dynamic growth, tended to ossify the distortions.' From the 1860s onwards, various currents of evolutionary thinking led to a greater emphasis on comparative accounts of social development, and this emphasis served both to strengthen and destabilise universalism. Den Otter demonstrates the methodological imperative of interweaving analyses of theory and practice, arguing that an actual engagement with Indian policy-making led many theorists to modify their thinking about the universality of law, Henry Maine foremost amongst them. As Maine wrote, in the light of experience the scholar of India does not completely reverse 'his accustomed political maxims, but revises them, and admits that they may be qualified under the influence of circumstance and time'.[54] Den Otter argues that this modification was not simply the product of the practical difficulties encountered in colonial administration, but of ambiguities in underlying theories of legislation and civil society that were emphasised and exacerbated by an immersion in Indian policy-making.

Casting her eye over the century, Mantena argues that the optimistic missionary zeal of the liberal imperialists reached its climax in the middle decades of the century, before gradually losing intellectual plausibility and political support in the face of a number of challenges. A series of events, especially the Sepoy Rebellion, the Eyre controversy, and the Ilbert Bill crisis (1883), combined to undermine the belief of the earlier liberal reformers (most notably John Stuart Mill) that subject populations could be transformed, through a combination of incentives and coercion, into a civilised people fit for self-government. It no longer looked so straightforward, and a reconsideration of the sociological and anthropological foundations of the civilising mission led to a shift in the justification of empire and the type of imperial government advocated. Under the influence of the 'comparative approach', an anthropological turn in imperial thought stressed the immense difficulty, the potential dangers, and even the ethical problems, of uprooting 'traditional' ways of life and forms of community.[55] It was this mode of thinking, which had been pioneered by Maine, that helped to legitimate the policy of 'indirect rule'.[56]

Georgios Varouxakis examines a neglected topic that was of considerable importance during the nineteenth century, namely the role of 'greatness' in political thought. This was a debate mainly about status within the

'civilised' world. In particular, he focuses on the ways in which liberal thinkers of various stripes – principally John Stuart Mill, Walter Bagehot, J. R. Seeley, John Robertson, Lord Acton, James Fitzjames Stephens, and Matthew Arnold – conceived of the conditions necessary for characterising a state as 'great'. Varouxakis outlines the competing conceptions of the ideal configuration of territoriality, nationhood, and the state. Emphasising the variability of the proposed conditions of greatness, he notes that for most Victorian thinkers greatness was equated with size, and as such they challenged both the viability of an international system characterised by massive asymmetries in scale and also the value of living in a small state. Great states, it was proclaimed, bred great individuals. Others, however, had a more complex attitude towards greatness. Small states could, it was countered, be great – think only of Athens or Florence. In such units, political debate was vibrant, civil society strong, and virtue could flourish along with power. John Stuart Mill argued that the key lay in the level of 'civilisation' that had been reached, and the prestige that others assigned to the state. For Arnold, greatness was 'a spiritual condition', excellence that attracted the 'love, interest, and admiration' of mankind.[57] Large states, in this reading, often displayed torpor, sluggishness, and, that great source of Victorian apprehension, 'stagnation' and decay. Varouxakis concludes by suggesting that as the century drew to a close the dominant mid- and late-Victorian equation between size and greatness was beginning to loosen, with thinkers such as Robertson lambasting those (notably Seeley) who denigrated small countries and basked in the hubristic glory of vast territorial extent.

One of the main gaps in both the 'new imperial history' of the last twenty years and the more recent interest in the history of imperial thought concerns the role of the settlement empire (spanning what we know now as Canada, Australia, and New Zealand, as well as parts of South Africa). From the 1870s onwards these colonies played an increasingly important role in the British imperial imagination. This period witnessed the flowering of the idea of Greater Britain, a vision in which the 'mother country' and the colonies were conceived of as a single political community.[58] The debate over Greater Britain was driven by a combination of two mutually reinforcing anxieties: fear over the potentially deleterious consequences of domestic political reform, especially in light of the world-historical rise of democracy; and fear about the increasing levels of international competition, both political and economic. This resulted in numerous calls for the creation of a globe-spanning British polity, encompassing the rapidly expanding colonial communities. This polity would act as a bulwark

against the encroaching threats, deterring potential competitors whilst simultaneously providing an outlet that, through a proposed system of systematic emigration, would deflate the danger of political revolt or degeneration at home and populate the colonies with increasing numbers of imperial patriots. In my own contribution to the volume, I examine the ambitious vision of Greater Britain as a global state. Most of the proponents of Greater Britain were less adventurous, advocating a variety of proposals for drawing the colonies and the 'mother country' into closer relations, including the construction of non-legislating Advisory Councils and the election of colonial representatives to parliament. A few, including some of the most prominent, went further, and I examine the genealogy of their ideas and the forms that the global state was supposed to assume.

Gareth Stedman Jones's chapter traces Karl Marx's views on the character of empire and imperialism. Both deeply embedded in Victorian society and alienated from it, Marx wrote on imperial questions over an extended period of time, although as Stedman Jones highlights, his views changed significantly towards the end of his life. Initially Marx held fast to the same assumptions of the superiority of European civilisation that were so widespread amongst nineteenth-century thinkers, drawing much of his understanding of non-western societies from literature published during the 1810s and 1820s. His views on Eastern despotism, and on the caste-bound nature and 'passive immobility' of Indian society, helped generate his ambivalence about the British empire in India. In the 1850s he criticised the motivations and many of the consequences of British rule, while insisting nevertheless that in bringing advanced technologies, industry, and bureaucratic rationality to a backward society, the British were helping to lay the foundations for a necessary social revolution. They were serving as the 'unconscious tool of history' by releasing the potential energies of the Indian people.[59] Stedman Jones argues, however, that during the 1870s Marx's position shifted, and that this was part of a general theoretical reorientation. In moving from a 'post-capitalist' to an 'anti-capitalist' stance, and utilising newly published ethnological writings, Marx began to see capitalism as entirely destructive, rather than as the Promethean agency that he had previously imagined. Modelling a socialist future on a primordial past, he saw no role for capitalism (and hence capitalist empires) in positively transforming the world, instead preferring to seek inspiration in a romantic view of ancient and uncorrupted primitive communities.[60]

Peter Cain examines the fervent debate over Disraeli's imperial policy. This is a study in the manipulation of political language and in the politics

of unintended consequences. He argues that Disraeli was defeated by a coalition of two normally distinct political groups, and that both, in this instance, employed a long-standing anti-imperial language of 'popular radicalism'. This language stretched back to Thomas Paine and remained in circulation on the radical fringe of liberalism in the late Victorian era, where its most sophisticated advocate was Herbert Spencer. The first, and most consistent, proponents of this view were radicals who regarded imperialism as a throwback to a feudal age – a 'militant' society in Spencer's terminology – and as a bar to progress. 'They came to see it as nothing less than an attempt to set in reverse the long march towards liberty and constitutionalism that ... they saw as the great and glorious achievement of English history, the foundation of its commercial vigour, of its opulence, and of its standing in the world.'[61] However Gladstone, strongly influenced by his devout Christianity, also drew on this language, utilising it to great effect in his assault on the foreign and imperial policy of Disraeli's Tory party during the famous Midlothian campaign in 1879–80. When directed at Disraeli, this critique was often tinged with anti-semitism. The temporary alignment between the radical and Whig wings of the Liberal party proved decisive in defeating Disraeli's ambitions, but the political cost to the Liberals was very high. The vitriol with which Gladstone attacked Disraeli served to mask their many points of agreement, and painted the liberal mainstream in an anti-imperial light that was misleading, and which as a result lost the party considerable support and haunted it over the following years.

Gregory Claeys explores some of the most powerful lines of 'anti-imperialist' thought that emerged among the diverse elements of the British 'left' during the closing decades of the nineteenth century, and onwards into the twentieth. He shows how the proponents of a number of distinct visions came together from the 1860s onwards, in a powerful 'coalescence of views', to offer a systematic and (relatively) sophisticated critique of the economic, political, social, and psychological roots of imperialism. He explores three 'interrelated paths to an ideal of human-itarian foreign policy': positivism, represented forcefully by Frederic Harrison, which came to prominence during the 1860s; the idiosyncratic Pan-Islamism of the (inappropriately) self-styled 'conservative nationalist' Wilfred Scawen Blunt; and the revival of socialism in the 1880s, represented especially by H. M. Hyndman, the leading British interpreter of Marx. Drawing on a variety of different sources, both religious and secular, these thinkers fashioned a 'cosmopolitan humanitarian' critique of imperialism centring on the pernicious influence of finance capital. As Claeys argues, in

so doing they prefigured J. A. Hobson's hugely influential account of *Imperialism* (1902) by over two decades. They were also, he shows, sympathetic to calls for national self-determination by non-western peoples, as a result of which they tended to support nationalist movements throughout the empire. Some even supported violent resistance to western occupation. Although they failed to win over the mainstream of public opinion, Claeys argues that this group provided a vital source of opposition to empire. They also generated ideas that fed into radical liberalism and the development of the early Labour party, especially in the wake of the South African War.

The concluding chapter, by David Weinstein, focuses on 'consequentialist cosmopolitanism'. Weinstein identifies important elements of the political theories of a number of key late Victorian thinkers, especially L. T. Hobhouse, J. A. Hobson, and D. G. Ritchie, and traces the continuities and shifts in their thought in the early twentieth century. He argues that in order to grasp fully the meaning of specific and carefully elaborated political theories, it is essential to understand the wider philosophical systems in which they are embedded and from which they are derived. 'Political theory and moral philosophy typically come fastened together.' In this chapter he shows how Hobhouse, Hobson, and Ritchie anchored their 'cosmopolitan' visions of international politics in consequentialist foundations and theories of social evolution. Their cosmopolitanism, he argues, lay in the belief that individual 'self-realisation', rather than the prioritisation or valorisation of communal (especially national) attachments, was the ultimate good. For all three, this cosmopolitanism found institutional expression in the conviction that grand federations of civilised states would help to secure global harmony. Weinstein also demonstrates, however, that similar philosophical foundations can generate contrasting political positions. Whilst Hobson and Hobhouse offered some stinging criticisms of empire and imperialism, and while all three thought that human rationality could eventually overcome the passion for war and aggression, Ritchie argued, also in consequentialist terms, that the empire was of great benefit to humanity.

In combination, the chapters in this volume explore some of the cross-cutting currents of Victorian international and imperial thought. In so doing they illuminate the complexity and variety of intellectual and political debate during the period, and the differences separating thinkers as well as the many assumptions they shared. At a time when visions of empire are once again resurgent, and when ideas about globalisation and the rights and obligations of 'civilisation' have assumed a central place in the western geopolitical imagination, understanding the ways in which previous

generations of thinkers conceived of the dynamics of global politics, and the prejudices, contradictions, and ambiguities, permeating their arguments, is a timely endeavour.

NOTES

1. For a sampling of perspectives on the history of (mainly) British imperialism, see Antoinette Burton (ed.), *After the Imperial Turn: Thinking With and Through the Nation* (Durham, NC, 2003); P. J. Cain and A. G. Hopkins, *British Imperialism, 1688–2000* (Harlow, 2001); Linda Colley, 'What is Imperial History Today?' in David Cannadine (ed.), *What is History Today?* (Basingstoke, 2002), pp. 132–47; Wm. Roger Louis (ed.), *The Oxford History of the British Empire*, 5 vols. (Oxford, 1998–9); Edward Said, *Culture and Imperialism* (New York, 1993); and Kathleen Wilson (ed.), *A New Imperial History: Culture, Identity, and Modernity in Britain and the Empire, 1660–1840* (Cambridge, 2004).

2. See, for examples, David Armitage, *The Ideological Origins of the British Empire* (Cambridge, 2000); Duncan Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860–1900* (Princeton, 2007); Andrew Fitzmaurice, *Humanism and America: An Intellectual History of English Colonisation, 1500–1625* (Cambridge, 2003); Sankar Muthu, *Enlightenment Against Empire* (Princeton, 2003); Peter Miller, *Defining the Common Good: Empire, Religion, and Philosophy in Eighteenth-Century Britain* (Cambridge, 1994); Anthony Pagden, *Lords of all the World: Ideologies of Empire in Spain, Britain and France, c.1500-c.1850* (London, 1995); and Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005).

3. See also David Armitage, 'The Fifty Years' Rift: Intellectual History and International Relations,' *Modern Intellectual History*, 1 (2004), pp. 97–109; Duncan Bell, 'International Relations: The Dawn of a Historiographical Turn?' *British Journal of Politics and International Relations*, 3 (2001), pp. 115–26; and Chris Brown, Terry Nardin, and Nicholas Rengger, 'Introduction' in Brown, Nardin, and Rengger (eds.), *International Relations in Political Thought: Texts from the Ancient Greeks to the First World War* (Cambridge, 2002), pp. 1–17. For examples, see David Boucher, *Political Theories of International Relations: From Thucydides to the Present* (Oxford, 1998); Jonathan Haslam, *No Virtue Like Necessity: Realist Thought in International Relations since Machiavelli* (London, 2002); Istvan Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA, 2005); Beate Jahn (ed.), *Classical Theory in International Relations* (Cambridge, 2006); and Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford, 1999).

4. On the latter, see for example, Andrew Bacevich, *American Empire: The Realities and Consequences of U. S. Diplomacy* (Cambridge, MA, 2002);

Craig Calhoun, Frederick Cooper, and Kevin Moore (eds.), *Lessons of Empire: Imperial Histories and American Power* (New York, 2006); and Charles Maier, *Among Empires: American Ascendancy and its Predecessors* (Cambridge, MA, 2006).

5. Hont, *Jealousy of Trade*, pp. 1–156.

6. Seeley, *The Expansion of England: Two Courses of Lectures* (London, 1883), p. 26.

7. Pocock, 'Political Theory in the English-Speaking Atlantic, 1760–1790: (2)' in Pocock, Gordon J. Schochet and Lois G. Schwoerer (eds.), *The Varieties of British Political Thought, 1500–1800* (Cambridge, 1993), pp. 310–17. In general, see Pocock, *The Discovery of Islands: Essays in British History* (Cambridge, 2005). See also, Koselleck, *Futures Past: On the Semantics of Historical Time*, trans. Keith Tribe (Cambridge, MA, 1985).

8. The most radical, though thoroughly overstated, case for a break in British politics is made in J. C. D. Clark, *English Society, 1688–1832* (Cambridge, 1985). On the rise of the idea of the nation, see Peter Mandler, *The English National Character: The History of an Idea from Burke to Blair* (London, 2006); and H. S. Jones, 'The Idea of the National in Victorian Political Thought,' *European Journal of Political Theory*, 6 (2006), pp. 12–21. It is even arguable that between 1810 and 1840 there was a 'reorganization of the visual', a shift in the multiple ways in which the world was catalogued and imaginatively ordered. Jonathan Crary, *Techniques of the Observer: On Vision and Modernity in the Nineteenth Century* (Cambridge, MA, 1990).

9. H. S. Jones, *Victorian Political Thought* (Basingstoke, 2000), pp. 1–2.

10. Bayly, 'The First Age of Global Imperialism, c.1760–1830,' *Journal of Imperial and Commonwealth History*, 27 (1998), p. 28. See also Bayly, *Imperial Meridian: The British Empire and the World, 1780–1830* (London, 1989).

11. For various perceptions of the retreat of liberalism, see L. T. Hobhouse, *Liberalism* [1911] in *Liberalism and Other Writings*, ed. James Meadowcroft (Cambridge, 1994), p. 103; John Morley, *On Compromise*, 2nd edn. (London, 1886 [1874]), p. 29; and A. V. Dicey, *Lectures on the Relation between Law and Public Opinion in England During the Nineteenth-Century*, 2nd edn. (London, 1914 [1905]), p. 444. For the general intellectual context, see Stefan Collini, *Public Moralists: Political Thought and Intellectual Life in Britain, 1850–1930* (Oxford, 1991).

12. For various conceptions of 'order' pertaining to political thought and global politics, see N. J. Rengger, *International Relations, Political Theory and the Problem of Order: Beyond International Relations Theory?* (London, 2000), pp. 1–33.

13. See also the introduction to Gregory Claeys and Gareth Stedman Jones (eds.), *The Cambridge History of Nineteenth-Century Political Thought* (Cambridge, 2007); and Martin Daunton (ed.), *The Organization of Knowledge in Victorian Britain* (Oxford, 2005). In recognition of this issue, Quentin Skinner has recently observed that 'We need to replace it [the 'history of political thought'], I would now contend, with a more general form of intellectual

history in which, even if we continue to centre on 'political' texts, we allow the principle of generic expansiveness the freest rein.' Skinner, 'Surveying the *Foundations*' in Annabel Brett and James Tully, with Holly Hamilton-Bleakley (eds.), *Rethinking the Foundations of Modern Political Thought* (Cambridge, 2006), p. 244.

14. See, for example, Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, 1999); Lynn Zastoupil, *John Stuart Mill and India* (Stanford, 1994); M. I. Moir, Douglas Peers and Lynn Zastoupil (eds.), *J. S. Mill's Encounter with India* (Toronto, 1999); Michael Levin, *J. S. Mill on Civilization and Barbarism* (London, 2004); Pitts, *A Turn to Empire*, ch. 5; Beate Jahn, 'Barbarian Thoughts: Imperialism in the Philosophy of John Stuart Mill,' *Review of International Studies*, 31 (2005), pp. 599–618; Eileen P. Sullivan, 'Liberalism and Imperialism: J. S. Mill's Defense of the British Empire,' *Journal of the History of Ideas*, 44 (1983), pp. 599–617; Carol A. Prager, 'Intervention and Empire: John Stuart Mill and International Relations,' *Political Studies*, 53 (2005), pp. 621–41; and Margaret Kohn and Daniel I. O'Neill, 'A Tale of Two Indias: Burke and Mill on Empire and Slavery in the West Indies and America,' *Political Theory*, 34 (2006), pp. 192–228.

15. See also the discussions in Bell, 'Empire and International Relations in Victorian Political Thought,' *Historical Journal*, 49 (2006), pp. 281–98; and Andrew Sartori, 'The British Empire and its Liberal Mission,' *Journal of Modern History*, 78 (2006), pp. 623–43.

16. For two exemplary studies that move away from the canon to illuminate major theoretical shifts, see Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1795–1865* (Oxford, 1988); and Anthony Howe, *Free Trade and Liberal England, 1846–1946* (Oxford, 1997). See also the comments in Frank Trentmann and Martin Daunton, 'Worlds of Political Economy: Knowledge, Practices and Contestation' in Trentmann and Daunton (eds.), *Worlds of Political Economy: Knowledge and Power in the Nineteenth and Twentieth Centuries* (Basingstoke, 2004), p. 10.

17. Bentham, *An Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart (London, 1970 [1789]), p. 296.

18. At the time Bentham was writing the two were used synonymously, but during the nineteenth century their meanings increasingly (although never completely) diverged. On the genealogy of 'nation' see Hont, *Jealousy of Trade*; for shifts in meaning in Britain, see Mandler, *The English National Character*; and Jones, 'The Idea of the National in Victorian Political Thought.'

19. Armitage, *The Ideological Origins of the British Empire*, pp. 7–8, 170–1.

20. The lack of precision in defining empire was widely noted during the Victorian era (and beyond). See, for examples, George Cornewall Lewis, *An Essay on the Government of Dependencies* (London, 1841); Arthur Mills, *Colonial Constitutions: An Outline of the Constitutional History and Existing Government of the British Dependencies* (London, 1856/1891); and Henry Jenkyns, *British Rule and Jurisdiction Beyond the Seas* (Oxford, 1902), pp. 1–9.

21. Seeley, *The Expansion of England*, p. 51; and also my chapter, 'The Victorian Idea of a Global State,' in this volume.

22. On the conflicting uses of Rome and Greece, see, for example, Duncan Bell, 'From Ancient to Modern in Victorian Imperial Thought,' *Historical Journal*, 49 (2006), pp. 1–25; and more generally, Frank Turner, *The Greek Heritage in Victorian Britain* (New Haven, 1981); Richard Jenkyns, *The Victorians and Ancient Greece* (Oxford, 1981); and Norman Vance, *The Victorians and Ancient Rome* (Oxford, 1997).

23. Richard Koebner and Helmut Dan Schmidt, *Imperialism: The Story and Significance of a Political Word, 1840–1960* (Cambridge, 1964), chs. 5–7; Bruce Knox, 'The Earl of Carnarvon, Empire, and Imperialism, 1855–90,' *Journal of Imperial and Commonwealth History*, 27 (1998), pp. 48–67; and Peter Cain's chapter in this volume, 'Radicalism, Gladstone, and the Liberal Critique of Disraelian "Imperialism."'

24. An instructive way of periodising the long nineteenth century is provided by the three relevant volumes of *The New Oxford History of England*: Boyd Hilton, *A Mad, Bad, and Dangerous People? England, 1783–1846* (Oxford, 2006); Theodore K. Hoppen, *The Mid-Victorian Generation, 1846–1886* (Oxford, 1998); and G. R. Searle, *A New England? Peace and War, 1886–1914* (Oxford, 2004).

25. On some of the recent historiography of political history, see Philip Harling, 'Equipoise Regained? Recent Trends in British Political History, 1790–1867,' *Journal of Modern History*, 75 (2003), pp. 890–918.

26. Hilton, *A Mad, Bad, and Dangerous People?*, p. 31. See also Edward Royle, *Revolutionary Britannia? Reflections on the Threat of Revolution in Britain, 1789–1848* (Manchester, 2000).

27. Miles Taylor, 'The 1848 Revolutions and the British Empire,' *Past & Present*, 166 (2000), pp. 146–80. See also Jonathan Sperber, *The European Revolutions, 1848–1851*, 2nd edn. (Cambridge, 2005); and Robert Evans and Hartmut Pogge von Strandmann (eds.), *The Revolutions in Europe, 1848–9: From Reform to Reaction* (Oxford, 2000).

28. Lawrence Goldman, *Science, Reform and Politics in Victorian Britain: The Social Science Association, 1857–1886* (Cambridge, 2002), p. 59. See also, W. L. Burn, *The Age of Equipoise: A Study of the Mid-Victorian Generation* (London, 1964); Martin Hewitt (ed.), *An Age of Equipoise? Re-Assessing Mid-Victorian Britain* (Aldershot, 2000); and Harling, 'Equipoise Regained?'

29. Philip Harling, *The Waning of "Old Corruption": The Politics of Economical Reform in Britain, 1776–1846* (Oxford, 1996); John Plunkett, *Queen Victoria: First Media Monarch* (Oxford, 2003), ch. 1; and Walter Arnstein, *Queen Victoria* (Basingstoke, 2003), chs. 4–6.

30. John Gooch, *The Prospect of War: Studies in British Defence Policy, 1847–1942* (London, 1982), ch. 1.

31. A variety of the most popular and interesting narratives are collected in I. F. Clarke (ed.), *The Tale of the Next Great War, 1871–1914* (Liverpool, 1995). They are analysed in I. F. Clarke, *Voices Prophesizing War*, 2nd edn. (Oxford, 1992);

and Michael Gannon, *Rumors of War and Infernal Machines: Technomilitary Agenda-Setting in American and British Speculative Fiction* (Liverpool, 2005).

32. M. E. Chamberlain, *The Scramble for Africa*, 2nd edn. (London, 1999); Colin Newbury, 'Great Britain and the Partition of Africa, 1870–1914' in *The Oxford History of the British Empire*, III, ed. Andrew Porter, pp. 624–51. For the wider geopolitical context see, Dominic Lieven, 'Dilemmas of Empire, 1850–1918: Power, Territory, Identity,' *Journal of Contemporary History*, 34 (1999), pp. 163–200.

33. There is still much debate about the state of the economy in the late nineteenth century, although it is important to remember that whether or not it was actually in depression, most contemporaries thought that it was and acted accordingly. For an overview of the situation, see Roderick Floud, 'Britain, 1860–1914: A Survey' in Floud and Deirdre McCloskey (eds.), *The Economic History of Britain Since 1700*, 2nd edn. (Cambridge, 1994), II, pp. 1–29. On the social question, see Jose Harris, *Unemployment and Politics: A Study in English Social Policy, 1886–1914* (Oxford, 1972); and Harris, *Private Lives, Public Spirit: A Social History of Britain, 1870–1914* (Oxford, 1993).

34. Maine, *International Law: A Series of Lectures Delivered before the University of Cambridge, 1888* (London, 1888), pp. 3–5.

35. Bernard Semmel, *The Governor Eyre Controversy* (London, 1962); Catherine Hall, *Civilizing Subjects: Metropole and Colony in the English Imagination, 1830–1867* (Cambridge, 2002), pp. 23–57; Gautam Chakravarty, *The Indian Mutiny and the British Imagination* (Cambridge, 2005); Paul Rich, *Race and Empire in British Politics* (Cambridge, 1986); Karuna Mantena, *Alibis of Empire: Social Theory and the Ideologies of Late Imperialism* (Princeton, forthcoming); and Mantena, 'The Crisis of Liberal Imperialism,' in this volume.

36. See, for example, J. S. Mill, 'A Few Words on Non-Intervention,' *Collected Works*, XXI, p. 117; J. A. Froude, 'England and her Colonies,' *Fraser's Magazine*, 1 (1870), pp. 4–5; and Seeley, *The Expansion of England*, pp. 120–1. Evidence for this lack of interest is presented in Bernard Porter, *The Absent-Minded Imperialists: Empire, Society, and Culture in Britain* (Oxford, 2004); and Jonathan Rose, *The Intellectual Life of the British Working Classes* (New Haven, 2001).

37. For a general theoretical discussion of this issue, see R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge, 1993).

38. Raymond Geuss, 'Liberalism and its Discontents,' *Political Theory*, 30 (2002), p. 322. On the importance of viewing politicians as political theorists, see Kari Palonen, 'Political Theorizing as a Dimension of Political Life,' *European Journal of Political Theory*, 4 (2005), pp. 351–66.

39. Geuss, 'Liberalism and its Discontents,' p. 321. The first account of liberalism was written by Kant's successor at Königsberg, Wilhelm Traugott Krug, *Geschichtliche Darstellung des Liberalismus alter und neuer Zeit: Ein historischer Versuch* (Leipzig, 1823). See here Hont, *Jealousy of Trade*, p. 92n.

40. See, for example, Joseph Coohill, 'The "Liberal Brigade": Ideas of Co-Operation Between Liberal MPs in 1835,' *Parliamentary History*, 24

(2005), pp. 231–6; and J. P. Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (London, 1993).

41. For useful overviews of these developments, see the chapters by Rom Harré, Margret Schabas, Geoffrey Hawthorn, Ross Harrison, Peter Nicholson, and James Livingston, in Tom Baldwin (ed.), *The Cambridge History of Philosophy 1870–1945* (Cambridge, 2003); and for the general context, see John Burrow, *The Crisis of Reason: European Thought, 1848–1914* (London, 2000); and Claeys and Stedman Jones (eds.), *The Cambridge History of Nineteenth Century Political Thought*.

42. Parry, *The Rise and Fall of Liberal Government in Victorian Britain*. For a more positive appraisal of the impact of Home Rule on liberal thought and practice, see Eugenio Biagini, *Ireland and the British Nation: Passion, Populism and the Radical Tradition in the British Isles, 1876–1906* (Cambridge, 2007).

43. On idealism, see Sandra den Otter, *British Idealism and Social Explanation: A Study in Late Victorian Thought* (Oxford, 1996); Peter Nicholson, *The Political Philosophy of the British Idealists* (Cambridge, 1990); and David Boucher, 'British Idealism, the State, and International Relations,' *Journal of the History of Ideas*, 55 (1994), pp. 671–94. On the new liberalism, see Peter Clarke, *Liberals and Social Democrats* (Cambridge, 1978); Stefan Collini, *Liberalism and Sociology: L. T. Hobhouse and Political Argument in England, 1880–1914* (Cambridge, 1979); Michael Freeden, *The New Liberalism: An Ideology of Social Reform* (Oxford, 1978); and Avital Simhony and David Weinstein (eds.), *The New Liberalism: Reconciling Liberty and Community* (Cambridge, 2001). This valuable literature is marked by an absence of discussion of world politics. For partial correctives, see Peter Cain, *Hobson and Imperialism: Radicalism, New Liberalism, and Finance, 1887–1938* (Oxford, 2002); David Long, *Towards a New Liberal Internationalism: The International Theory of J. A. Hobson* (Cambridge, 1996); and David Weinstein, 'Consequentialist Cosmopolitanism,' in this volume.

44. See for example Duncan Bell and Casper Sylvest, 'International Society in Victorian Political Thought: Herbert Spencer, T. H. Green, and Henry Sidgwick,' *Modern Intellectual History*, 3 (2007), pp. 1–32.

45. On the peace movement, see: Martin Ceadel, *The Origins of War Prevention: The British Peace Movement and International Relations, 1730–1854* (Oxford, 1996); Ceadel, *Semi-Detached Idealists: The British Peace Movement and International Relations, 1854–1945* (Oxford, 2000); and Paul Laity, *The British Peace Movement, 1870–1914* (Oxford, 2002). On Salisbury, see Michael Bentley, *Lord Salisbury's World: Conservative Environments in Late Victorian Britain* (Cambridge, 2001), ch. 8; David Steele, *Lord Salisbury: A Political Biography* (London, 1999), chs. 6, 10 & 13; and, on martialism, Nabulsi, *Traditions of War: Occupation, Resistance, and the Law* (Oxford, 1999), ch. 4. For the views of another conservative statesman, see Jason Tomes, *Balfour and Foreign Policy: The International Thought of a Conservative Statesman* (Cambridge, 1997). On socialism, see Claeys's chapter in this volume.

46. For early twentieth century articulations, see Casper Sylvest, 'Continuity and Change in British Liberal Internationalism, c.1900–1930,' *Review of International Studies*, 31 (2005), pp. 263–83; Sylvest, 'Interwar Internationalism, The British Labour Party, and the Historiography of International Relations,' *International Studies Quarterly*, 48 (2004), pp. 409–43; and David Long and Peter Wilson (eds.), *Thinkers of the Twenty Years' Crisis: Interwar Idealism Assessed* (Oxford, 1995).

47. See also the discussion in Duncan Bell, 'Empire and Imperialism' in Claeys and Stedman Jones (eds.), *The Cambridge History of Nineteenth Century Political Thought*.

48. Claeys, 'The "Left" and the Critique of Empire c.1865–1900: Three Roots of Humanitarian Foreign Policy.' See also Cobden's letters to Mr Ashworth (October 16, 1857) and John Bright (August 24, 1857) in John Morley, *The Life of Richard Cobden* (London, 1910 [1881]), pp. 333–4; J. A. Hobson, *Cobden: The International Man*, ed. Neville Masterman (London, 1968 [1919]), chs. 8 & 13; Spencer, *Social Statics*, in *Herbert Spencer: Collected Writings*, ed. Michael Taylor (London, 1996 [1851]), III, ch. 27; Spencer, *The Proper Sphere of Government* [1843] in *The Man Versus the State, with Six Essays on Government, Society, and Freedom* (Indianapolis, 1982), pp. 217–26; and Peter Cain, 'Capitalism, War, and Internationalism in the Thought of Richard Cobden,' *British Journal of International Studies*, 5 (1979), pp. 229–45.

49. Howe, *Free Trade and Liberal England*, p. 113; see also, Eugenio Biagini, *Liberty, Retrenchment, and Reform: Popular Liberalism in the Age of Gladstone, 1860–1880* (Cambridge, 1992); Frank Trentmann, 'National Identity and Consumer Politics: Free Trade and Tariff Reform' in Donald Winch and Patrick O'Brien (eds.), *The Political Economy of British Historical Experience, 1688–1914* (Oxford, 2002); and Martin Daunton, 'Britain and Globalisation since 1850: 1. Creating a Global Order, 1850–1914,' *Transactions of the Royal Historical Society*, 16 (2006), pp. 1–38.

50. See also Casper Sylvest, 'International Law in Nineteenth-Century Britain' in *The British Yearbook of International Law* (Oxford, 2005), pp. 9–70. For a transnational perspective, albeit one with only sporadic analysis of British developments, see Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870–1960* (Cambridge, 2001).

51. Austin, *The Province of Jurisprudence Determined*, ed. W. E. Rumble (Cambridge, 1995 [1832]), pp. 123 & 171.

52. For other important aspects of international and imperial legal argument, see Karma Nabulsi, *Traditions of War*; Gerry Simpson, *Great Powers and Outlaw States*: *Unequal Sovereigns in the International Legal Order* (Cambridge, 2004); Randi Kostal, *A Jurisprudence of Power: Victorian Empire and the Rule of Law* (Oxford, 2006); and Anthony Angie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge, 2004), ch. 2. On how and why nineteenth century legal scholars (and many of their twentieth century successors) mis-identified Grotius as the 'founding father' of international law, see Edward

Keene, 'Images of Grotius' in Jahn (ed.), *Classical Theories of International Relations*, pp. 233–53.

53. James Fitzjames Stephen, 'Legislation under the Earl of Mayo' in Sir William Hunter (ed.), *A Life of the Earl of Mayo, Fourth Viceroy of India* (London, 1875), pp. 168–9.

54. Maine, *Village Communities in the East and West* (London, 1881), p. 206.

55. In particular, this related to the 'village community'. See also, John Burrow, '"The Village Community" and the Uses of History in Late Nineteenth-Century England' in Neil McKendrick (ed.), *Historical Perspectives: Studies in English Thought and Society* (London, 1974), pp. 255–85.

56. See also, William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford, 2003).

57. Matthew Arnold, 'Culture and Anarchy' in *The Complete Prose Works of Matthew Arnold*, ed. R. H. Super (Ann Arbor, 1960–77), V, pp. 96–97. For some reflections on shifting perceptions of scale in relation to British imperial thought, see Duncan Bell, 'Dissolving Distance: Empire, Space, and Technology in British Political Thought, c.1770–1900,' *Journal of Modern History*, 77 (2005), pp. 523–63. In general, see Stephen Kern, *The Culture of Time and Space, 1880–1918*, 2nd edn. (Cambridge, MA, 2003).

58. Bell, *The Idea of Greater Britain*. For key texts, see Charles Dilke, *Greater Britain, A Record of Travel in English-Speaking Countries during 1866 and 1867*, 2 vols. (London, 1868); J. A. Froude, *Oceana, or England and her Colonies* (London, 1886); and Seeley, *The Expansion of England*. Many proposals travelled under the label of 'imperial federation', although not all of the advocates of Greater Britain were federalists. See also, Ged Martin, 'Empire Federalism and Imperial Parliamentary Union, 1820–1870,' *Historical Journal*, 16 (1973), pp. 65–92; Michael Burgess, *The British Tradition of Federalism* (Leicester, 1995); and J. E. Kendle, *Federal Britain: A History* (London, 1997), ch. 3.

59. Marx, 'The British Rule in India,' *New York Daily Tribune*, June 25 1853, reprinted in *Karl Marx and Friedrich Engels On Colonialism* (Moscow, 1960), p. 37.

60. He also notes, however, that Engels never followed Marx along this path, remaining highly sceptical of the value of looking to the ancient past for inspiration.

61. On Spencer's international thought, see also Casper Sylvest, 'War, Evolution, and Internationalism: The International Thought of Herbert Spencer,' unpublished paper, University of Cambridge, July 2005; and David Weinstein, 'Imagining Darwinism' in Bart Schultz and Georgios Varouxakis (eds.), *Utilitarianism and Empire* (Lanham, 2005).

Free trade and global order: the rise and fall of a Victorian vision

Anthony Howe

I. INTRODUCTION

With the repeal of the Corn Laws in 1846 Britain entered on an unprecedented course for a Great Power. In adopting unilateral free trade, it opened its markets to all the nations of the world equally while seeking no reciprocal benefits. Rather than this heralding simply a new phase in Britain's shopkeepers' mentality, for many this offered the potential to reorder relations between states which industrialisation made possible. Trade – the douceur of commerce – would replace warfare between nations, for rather than representing a zero-sum contest between mercantilist states, the opening of a world market offered the possibility of universal peace. This ambition was voiced by the Conservative architect of repeal Sir Robert Peel, who, in writing to the citizens of Elbing in Germany, urged that 'by encouraging freedom of intercourse between the nations of the world, we are promoting the separate welfare of each and are fulfilling the beneficent designs of an all-wise Creator'. 'Commerce' was, he continued, 'the happy instrument of promoting civilisation, of abating national jealousies and prejudices, and of encouraging the maintenance of general peace by every consideration as well as every obligation of Christian duty.'[1] This language, however, was far from that of many of his own former supporters who distanced themselves from what they saw as a supremely misguided and potentially hazardous course, one which was, as Sir John Gladstone put it, 'pregnant with results that may prove fatal in their consequences'.[2] Nevertheless, the Peelite expectation that free trade would promote civilisation and peace was one which ran deeply through the public mind and morality of Victorian Britain.[3] Typically, John Stuart Mill upheld the intellectual and moral benefits of free trade in rendering war obsolete: 'it may be said without exaggeration that the great extent and rapid increase of international trade, in being the principal guarantee of the peace of the world, is the great permanent security for the uninterrupted progress of the

ideas, institutions, and the character of the human race.'[4] This vision of a global order based on free trade, peace, and progress in civilisation was central to Britain's contribution to the international history of the nineteenth century. Its memory has not yet disappeared.[5]

In examining this powerful and enduring liberal vision of the global community, this chapter sets out to trace the origins of this ideal in the political economy and cosmopolitanism of the later eighteenth century before examining its emergence at the centre of domestic political debate in the battle for the repeal of the Corn Laws in the 1830s and 1840s. In turn the success of repeal left the future contested between those who saw in free trade only a limited modification of Britain's traditional foreign policy and those who like Cobden and Spencer saw in it a fundamental realignment presaging the dissolution of empire, the ending of territorial annexation and the abandonment of aristocratic militarism. Such ideas remained tightly constrained in Palmerstonian Britain but the Anglo-French commercial treaty of 1860 provided a major boost for the liberal vision in which the newly emergent peoples/nations of Europe would be bound by commercial treaties into a peaceful community of nations. Trade would help bind together nations united by 'race, religion, language ... not by the parchment title deeds of sovereigns'.[6] This 'Commonwealth of Europe' was underpinned by the mid-century world-wide development of trade, transport and communications in a Europe-led phase of globalisation. However, after 1870, this optimistic vision of free trade and progress was rapidly dethroned by a new age of military conquest, imperial expansion and neo-mercantilistic economic policies. Such imperial globalisation did not eradicate the liberal vision of international free trade and peace but it severely restricted its audience within the global community as a new understanding of the state, military force, and empire threatened the older vision rooted in the market, civil society and the people.

II. COMMERCE AND PEACE, 1776–1846

The origins of this vision lay primarily in the classical political economy of the Scottish Enlightenment that had engrafted a new theory of international trade on to a flourishing strand of discourse on universal peace.[7] Already, with the dismantling of the first British empire, it was possible, as in the case of the Anglo-French commercial treaty of 1786, to envisage commercial treaties as part of a new civilised consortium of nations, while a decade earlier Adam Smith's *Wealth of Nations* (1776) had posited the potential to recapture the utopia of free trade between nations, albeit long

overlain by the labyrinthine coils of mercantilist restriction.[8] Smith had not underestimated the obstacles to such emancipation, and twenty-two years of Anglo-French warfare (1793–1815) had led to their further entrenchment. Even so, when the impetus towards liberalisation was resumed after 1815 the Smithian vision had been clouded by the Malthusian shadow of the growth of population outrunning food supply. In the longer term the Ricardian theory of comparative advantage provided a compelling demonstration of the benefits of international trade, but especially before 1846 even 'liberals' were reluctant free traders – evangelicals, as Boyd Hilton has shown, held firm to a quasi-nationalist physiocratic vision of free trade, while Whig landowners were readier to embrace constitutional change than economic reform.[9] Among Tories, protectionism and mercantilism remained deftly defended against the rising liberal tide.[10] Nor were early Victorians keen to grasp the anti-imperial implications of liberal political economy, although one group, the Wakefieldian colonizers, produced a vision of a free trade empire, in which self-governing colonies would spontaneously adhere to the liberal policies of the Mother Country.[11]

In this intellectual context, it was only in the 1830s that the international possibilities of economic progress were made explicit. Firstly, among the Benthamite utilitarians, including ardent free traders such as Bowring and Joseph Hume, the link between free trade and peace became increasingly the focus for public debate.[12] Secondly, if the ballot was the primary interest of the Philosophical radicals in the later 1830s, they and their associates also mounted important debates on reciprocity treaties, the colonies, and the Corn Laws, which all impacted upon perceptions of Britain's position in the international order.[13] Thirdly, the ending of war in 1815 had prompted the creation of the peace society and its vision of a world without wars was one that would cross-fertilise with the secular vision of free trade.[14] Fourthly, among the public, the diffusion of political economy heralded a growing debate on the goals of British foreign policy in which the interests of commerce were counter-posed to the 'feudal' ends of the British state. In particular in the 1840s the Anti-Corn Law League propagated an international vision in which repeal would foreshadow universal harmony and peace, the message to be rehearsed by Peel in 1846.[15] From these sources the demand for the dismantling of the mercantilist state was paramount – the repeal of the Corn Laws, the abolition of the Navigation Acts, and the end of the ties of preference which bound together the second British empire. In effect trade would become the source of Britain's greatness, and the basis of international harmony. After 1846, with the rapid dissolution of protectionism, this vision was clearly in the ascendant, and

was proclaimed to the world in the Great Exhibition of 1851. The belief in Britain's providential mission to spread free trade and peace was not one confined to a minority of Leaguers but became part and parcel of Victorian political morality, shared *inter alia* by the Queen and her consort.[16]

III. FREE TRADE AND THE INTERNATIONAL ORDER, 1846–1859

Yet the ramifications of the liberal vision of free trade were as yet unclear. To what extent did the policy of free trade provide simply an agenda for domestic reform (the abolition of monopoly) rather than for the reordering of international relations? For many the debate on free trade was primarily one that concerned the level of wages, the privileges of the landed elite and ship-owners, or the removal of restrictions within the national market. This debate was one which vitally affected class relations in 1840s Europe, with the free market often perceived as a threat to the interests of artisans and craftsmen, although Britain's more intensively industrialised workers were soon ready to exchange higher real wages for mythical independence. Free trade was soon held to guarantee the material welfare of the many, hitherto held to ransom by the beneficiaries of protection, whether in agriculture, shipping, or imperial trade. Nevertheless, this was the proclamation of a vision of civil society as market society in which the key components were not members of communities but individuals acting as consumers and individual property-owners. In contrast to the utopian socialist ideal in France or the communitarian/conservative defence of guilds in Germany, in Britain the free market had become the hallmark of modernity.[17] The predominant free trade vision was also largely an anti-socialist one which proclaimed the individual property-owner, including the owner of labour, as sovereign. Nevertheless, free trade also saw the nation/polity as the collectivity of such individuals – it therefore dethroned the power of vested interest groups and restored political independence to the citizenry. As such it was a vision which could appeal in both a civic context as well as a national or international one – to some extent indeed in the 1830s free traders still held to a vision of Europe as a collection of city-states bound by ties of trade, and such civic traditions of free trade, as in the case of Hamburg, would persist well into the later nineteenth century.[18]

Yet for the most part, the appeal of free trade in 1846 ranged far beyond its defence of particularist city-state traditions. Rather its protagonists, including Peel and Cobden, envisaged free trade as the basis for a new international order and sought to establish the removal or lowering of

tariffs as the touchstone of the right relations between states. The British example had been one of unilateral free trade (or as it would be put in the interwar years, 'tariff disarmament') and this was seen by many as the best means of progress towards the 'calico millennium', with each nation adopting free trade in its own interests rather than as the result of diplomatic bargaining; in part free trade appealed as a means of superseding the disorderliness of tariff bargaining whose complexity in the early 1840s had irked even Gladstone himself.[19] By contrast, the spontaneous relaxation of the American tariff in 1846 seemed to provide welcome evidence that states would respond positively to the British example, and in this spirit the leading British free trader, Cobden, had toured Europe in 1846/47 hoping to spark off tariff liberalisation. John Stuart Mill, pessimistically surveying the world in 1847, found 'The only propitious circumstance is the great progress of free trade. The Repeal of the Corn Laws is working wonders: the relaxation of the U. S. tariff, Cobden's triumphant progress, the French government authorising their League . . .'[20] Had Mill looked even further he would have found growing enthusiasm for free trade in the provinces of Italy (even the Neapolitan chief of police reputedly was a free trader!) while the ideals of free trade had been opened up to a wide audience – for example in 1847, although its participants were largely Belgian, there had assembled in Brussels a self-declared World Congress of Economists whose main aim was to support free trade as the engine of universal reform, morality and improvement, drawing to it many of the avant-garde of liberal progress as well as its critics, not least Karl Marx.[21] Finally in 1848, free trade enthusiasm swept together with Mazzinian democracy saw the proclamation of a federal free trade United States of Europe, an ideal tantalisingly brief in expression yet one which recurred at moments of crisis and revolutionary opportunity in nineteenth-century Europe.[22]

Such utopian expectations rose and fell with the revolutions of 1848, yet Britain, largely immune to revolutionary enthusiasm, persisted in practical steps towards free trade. Despite its supposed unilateralism, Britain reached a number of trade agreements with European states, for example Tuscany in 1847 and the kingdoms of Sardinia and Belgium in 1851. Intriguingly there had even been the strong prospect of a commercial treaty with France in 1852.[23] Britain also sought to ensure that its colonies conformed to the metropolitan impetus to free trade – for example passing the Australian Customs Duties Act of 1850 that specifically prohibited the passing of differential duties in favour of Britain. Self-government did not mean colonial freedom to regulate tariffs but, as Grey put it, 'The common interests of all parts of that extended empire requires that its commercial

policy should be the same throughout its numerous dependencies.'[24] Outside the formal empire, Britain continued to negotiate favourable treaties, seeking lower duties on exports in return for diplomatic and economic concessions. Here in many ways the model was the commercial treaty with the Ottoman empire in the 1830s followed by others such as that with Morocco in 1855/6.[25] Further afield, and especially in Asia, the framework of commerce was buttressed by the architecture of military force in the so-called unequal treaties which kept open the flow of trade but limited the penetration of western merchants.[26] In this phase, British policy was promoted in line with a westernising creed that trade, especially in tandem with missionary endeavour, promoted civilisation; but also that commerce and the trader would replace warfare and the freebooter.

It was, however, in relation to the extension of extra-European trade that the free trade vision of spontaneous global order was challenged by the realities of trade in a world of piracy, slavery, and violence in which the arm of the state was constantly called upon to protect the trader. However much the state might reject such calls, as it persistently did, it found it necessary to become involved in a series of flashpoints even in the 1840s, including wars, especially in Borneo and South Africa. Increasingly this posed the issue of ends and means – to what extent did the goal of increasing trade legitimate the use and extension of state military power? For the keenest free traders, the use of force was incompatible with free trade – hence the classic confrontations between Cobden and Palmerston over the use of the navy in China and Japan.[27] For Cobden free trade could not be imposed at gunpoint, and his free trade vision was one that was ruthlessly anti-imperialist. The abolition of the colonial system was one of the goals of free trade:

The Colonial system with all its dazzling appeal to the passions of the people can never be got rid of except by the indirect process of Free trade which will gradually and imperceptibly loose the bonds which unite our colonies to us by a mistaken notion of self-interest – yet the colonial policy of Europe has been the chief source of wars for the last 150 years.[28]

Unlike most of his contemporaries, who, as Karuna Mantena shows, strove to reconcile their liberalism and imperialism, Cobden was prepared to follow his creed to its logical conclusion: the dismemberment of the empire.[29] For him, the real lesson of the Indian mutiny was that 'they are the real friends of England who try to prepare us for severing the *political* connexion which binds us to the people of Hindostan', for 'It is a piece of foolish presumption to suppose that we can govern 150 millions of people

at the opposite side of the Earth.'[30] For Cobden, the Indian empire existed on borrowed time – far better to rely on the links created by trade than links created by territorial expansion and military power. Increasingly Cobden saw the costs of opening up trade as exceeding the value of the trade created. In Japan he was ready to urge the 'principle of restricting rather than increasing the number of points of contact', while raising doubts as to whether it was worth destroying existing 'civilisations', especially ones marked by 'mechanical ingenuity & progressive character', given 'the cost to life, health & morality of our Oriental occupations'.[31] As Peter Cain's chapter shows this creed was fully expounded against Disraelian Conservatism, but it had been formulated by Cobden in his attack on Disraeli's model, Lord Palmerston.[32] Had the Cobdenite vision held full sway, Britain would have abandoned imperial outposts such as Malta, Gibraltar, and even India, in favour of becoming a model of economic power without diplomatic responsibility, tantamount in Palmerston's eyes to the abdication of great power status. On the other hand, in the Cobdenite perspective the retention of such colonies would in the long run undermine Britain's ability to promote free trade itself.

IV. TOWARDS THE 'COMMONWEALTH OF EUROPE', 1860–1873

The apparent swing to the east in British foreign policy in the 1850s, with not only the Crimean war but also expansion in India and intervention in China, deeply alarmed both those for whom empire was synonymous with corruption in domestic politics and the supposedly 'modern' commercial liberals who, following good Smithian precedent, regarded European trade as far more valuable than that with the periphery.[33] In this they were undoubtedly correct.[34] Among these liberals, the key priority was to resume trade liberalisation in Europe. This had made only limited progress in the 1850s. There had been some positive developments – even at the height of the Crimean War, the Paris Universal Exhibition in 1855 had served to rekindle French interest in free trade until stymied by a protectionist backlash. Lord Clarendon had also envisaged adding discussion of tariffs to the agenda of the Paris Peace Congress in 1856, a move stifled by Palmerston.[35] More traditionally in 1859 a reciprocal Anglo-Russian commercial treaty had been designed as a stimulus to the growth of British trade and to the economic modernisation of Russia. But the dynamic intellectual cum political axis that was now shaped was somewhat unexpectedly between British economic liberals and the

former Saint-Simonians in France, above all Michel Chevalier and Arlès-Dufour.[36] Although not agreed on all issues (above all that of colonies), men such as Cobden and Chevalier were drawn together by a two-pronged model of global progress – the negotiations of trade treaties in Europe and the diffusion of economic development by means of a technocratic vision of 'les industriels'. Britain was at the heart of both, albeit in uneasy partnership with France. The idea of a tariff-free Europe, briefly glimpsed during 1848, emerged at the forefront of European diplomacy in the first half of the 1860s. In the past commercial treaties had been often dismissed as emanations of national self-interest but they were now re-evaluated as the best means to reconcile the demands of national sovereignty with the creation of a world market.[37]

In part this revaluation stemmed itself from the unexpected linkage between free trade and nation-building which had come to the fore between 1848 and 1860. For example in Italy the British model of free trade became an integral part of the state-building of the Risorgimento, while in Germany the Zollverein and Bismarckian commercial diplomacy in the 1850s had stressed the benefits of regional integration. Although the Zollverein aroused some suspicion in Britain as a potential means of diverting British trade, it was also seen as a longer term means of trade creation and above all a step to national unity on a freer trade basis. Elsewhere in Europe the national or state benefits of free trade were also propagated, in Spain for example, as the best way to reduce smuggling and maximise state revenue. In France itself, free trade was seen as a means of liberating the French people from the thrall of vested interest groups, although this emancipatory message was largely undermined by the imperial framework in which free trade took place. Even so tariff liberalisation in France went some way towards rehabilitating Napoleon III in British eyes. More widely, the adoption of free trade by continental regimes helped convert suspicion of nationalism into enthusiasm, as in the case of Italy.[38] Continental regimes were now assessed not only by their dynastic, military, or territorial ambitions as in the Palmerstonian register, but by the extent to which their tariff schedules conformed to that of Britain. Protectionism, as well as barracks and bureaucracy, became the touchstone for judging foreign nations; adherence to free trade was erected into the key standard of political legitimacy, 'a test of almost universal merit' as Cobden put it to the Foreign Secretary in December 1859.[39]

More importantly still, the consolidation of the nation state itself was regarded as the precondition for free trade to emerge as the mechanism for *inter*-nationalism. Commercial treaties offered a means by which national

self-interest and the common good would be reconciled. In this context, commercial treaties were now seen, as in the late eighteenth century, as evidence of Britain's leadership of a European consortium of nations.[40] As such, they embodied a new form of international institution which would integrate the emergent nation states of Europe into a pacific order based on prosperity. Commercial treaties provided a new form of 'international compact', with the potential to unite the peoples of Europe, in contrast to the conservative, monarchical diplomacy of the 'old' Concert of Europe.[41] In this sense it was free trade which now made 'inter-national-ism' possible for the first time in world history. This therefore replaced older European visions of universal law or cosmopolitanism, ideals which envisaged the common treatment of individuals or citizens of the world, rather than consumers or citizens of nation states.[42]

In this process, the pacemaker of change was provided by the Anglo-French commercial treaty of 1860, whose practical importance was as a lever to a further series of commercial treaties throughout Europe, the creation of a 'low tariff bloc', but which ideologically represented, as Cobden put it, 'a complete revolution in the Commercial system of France'.[43] Mutual concessions made by Britain and France were designed to promote a general and systematic reduction of tariffs in Europe by means of the most-favoured nation clause. The Anglo-French treaty was followed by treaties on Britain's part with Italy, Belgium and the Zollverein, while France negotiated with most European states resulting in a network of treaties which generalised the concessions made in the Anglo-French treaty.[44] Approximately 60 treaties were negotiated, embracing most of Western Europe, and creating the nearest Europe got to a single market before the 1950s, possibly the 1990s. Among the more enthusiastic states in the mid-1860s were Sweden and Denmark, among the more reluctant the Habsburg empire. But even here detailed negotiations were undertaken in the hope of extending 'the ever-widening circle of commercial civilisation' and in a significant term, drawing the Empire into 'the Commonwealth of Europe'.[45] Eventually only Russia remained outside this network, with the failure to get treaty negotiations off the ground despite the advocacy in St Petersburg and Moscow of the merits of free trade by a deputation from the recently formed British Association of Chambers of Commerce. But even in Russia there had been some unilateral tariff reductions by the early 1860s.[46]

This model of the Commonwealth of Europe persisted throughout the 1860s and 1870s. There were repeated attempts to extend the net of European commercial treaties, for example through continued negotiations,

especially with regard to Iberia. There were also important attempts to draw the successor states to the Ottoman empire into the liberal framework, with one visionary scheme seriously propagated by some officials for a British-led Balkans customs union. In 1875 too the idea of a European tariff congress was seriously canvassed for the last time virtually before the 1950s negotiations preceding the formation of the common market.[47] If then we can see here the outlines of 'the first European common market', rather than the means at work, we need to highlight the goals: a vision in which it was believed nations would unite to evolve a common law applicable to tariffs as well as to peace or borders. This embryonic discussion thus coincided with the efforts discussed elsewhere in this volume for the reordering of international law.[48] But it also briefly raised the issue of how the common law of Europe could reconcile the interests of nations with different levels of economic development. Would free trade, as its critics argued, simply institutionalise Britain's comparative advantage, maintaining industrial supremacy and retaining continental Europe in a state of docile agrarianism?[49] Against the Listian-inspired suspicion that cosmopolitan Britain sought simply to kick away the ladder of economic development, the primary British free trade vision, as seen in Mill and others, was one which entailed a necessary levelling up and off towards the stationary state, one of a common level of development.[50] In theory this ideal united free traders and Listian 'protectionists' for whom infant industry clauses were only justifiable on 'catch-up' principles, and who proclaimed their desire for free trade once this equalisation had been achieved. Yet for the orthodox, free trade was not a means to institutionalise British supremacy but rather to encourage equality between nations. Enthusiasts for free trade such as Cobden believed that it would rapidly lead to the economic supremacy of the United States, an end not unwelcome on the grounds that the USA was a non-imperial power and her republican principles of 'no foreign politics' would guarantee the autonomy of emerging nation states.

The degree to which free traders envisaged economic convergence in Europe is also often underestimated. As Luca Einaudi has shown, even monetary union was a distinct possibility on a European and potentially global scale;[51] at the same time the internationalisation of weights and measures was enthusiastically propelled forward by a variety of individuals and pressure groups.[52] 'International' was the 'buzzword' of the 1860s just as globalisation became in the 1990s. In the use of the term 'international', 1862 provides the *annus mirabilis*, with an explosion of societies and publications devoted to international issues. The terminology of the international was applied particularly to law but also to copyright, language,

weights and measures, postage as well as to a wide range of voluntary
bodies, whether concerned with occupational interests or even philan-
thropy. Interestingly at this point 'international' seems to supersede the
discourse of the 'universal' – a term applied to history, religion, peace and
geography, appealing to the brotherhood of man, not to the citizens of
different nations.[53]

Perhaps the greatest dynamic behind the new discourse of the interna-
tional was the communications revolution of the mid-nineteenth cen-
tury, in some ways a far more dramatic revolution than that which
propelled globalisation in the late twentieth century. Here the spur was
provided from the 1840s by the railways, reinforced by a new generation
of inter-oceanic canals, steamships, and postage and telegraphic commu-
nications ('the nerve of international life'), which not only increased the
pace and intensity of communications but also created their own interna-
tional institutions, a vital part in the mechanics of internationalisation.[54]
Associated with these technological developments was a new breed of
international capitalist. Banks and companies were now labelled 'interna-
tional', raised money on worldwide markets, conducted business ventures
across national frontiers and were in all but name genuine transnational
corporations. The international exhibitions – the 'phantasmagoria[s] of
capitalist culture' as Walter Benjamin later described them[55] – also
deployed a rhetoric of internationalism and provided pre-eminent signs
of growing transnational cultural connections. There also emerged the
hallmarks of a supranational free trade intelligentsia, as institutions such
as the Cobden Club and meetings of international associations helped
diffuse a common set of international values across Europe and the
world. The Cobden Club, for example, included hundreds of overseas
honorary members who publicly subscribed to and propagated in their
own countries the doctrines of their mentor. Cobden's reputation itself
provides a good reflection of the rise and fall of the global free trade
ideal. He was first commemorated not in Manchester but Verviers, was
widely celebrated in continental Liberal circles in the 1860s, and even in
the 1880s an honourable exception was often made of him in German
attacks on 'Manchesterism'.[56] Cobden, for this liberal generation, per-
sonified not British deviousness or materialism but a vision of global
order linked to economic prosperity and non-intervention. In turn,
national or, in Britain, imperial visions of development would find in
Cobden their anti-hero.[57]

Finally, the free trade vision of global order also contained the promise
of avoiding war. For Cobden, from the early 1840s, part of the appeal of

free trade was as 'the only human means, of effecting universal and permanent peace . . . Free-trade by perfecting the intercourse & securing the *dependence* of countries one upon another must inevitably snatch the power from the *governments* to plunge their people into wars.'[58] Cobden persisted in this vision throughout his life; subsequently his belief that 'Free Trade throughout the world, & peace & goodwill amongst all the nations of the earth, are really convertible phrases', became the most fundamental tenet of the creed of Cobdenism.[59] This link between liberal political economy, interdependence, and peace, also drew many continental economists in Cobden's wake either directly or through similar lines of reasoning, particularly Say, Chevalier, Molinari, and Lavaleye.[60] This also remained fundamental to the thinking of the British and continental European peace movements. Although their discussions often pointed out the persistence of warfare in modern society, the belief that free trade and economic interdependence would reduce the possibility of war became deeply rooted and still pervades the literature of globalisation today.[61]

As a result of this powerful interlocking between free trade ideology, practical tariff liberalisation, and a technological and communications revolution, the Victorian ideal of global order in no way fell short of that which the late twentieth century considered its unique contribution to world history. Rightly some commentators on globalisation have perceived this similarity, although the correspondence is in no sense exact.[62] Fundamental to this vision was harmony between sovereign nations, the liberal ideal of the mutual compatibility of the goals of multiple states, superseding the era of conflict between empires and dynastic states. Yet the key signal of that compatibility, of states seeking a common good, was freedom of exchange: that the benefits of commerce would be freely available to all citizens; that consumption was a universal good, even if production was national. But if this was a 'capitalist' vision of global order, its premises were shared by the growth of socialism; internationalism as a socialist creed was based on the reality of capitalist globalisation.

V. THE RETREAT FROM FREE TRADE, 1873–1914

These sentiments were therefore not confined to a technocratic elite but became deeply engrained in the European imagination, perceptible for example in the literary works of Jules Verne and Thomas Hardy.[63] Yet perhaps no nineteenth-century vision was more quickly dissipated. The reasons for this lie partly in shifts in European culture as a whole – the part played by, say, Darwinism in undermining the view of natural harmony.[64]

Arguably too, the link between trade and nation was undermined by a new understanding of the nation in the later nineteenth century.[65] Many, especially from the right, now argued that universal free trade, rather than being a means towards nationhood, was incompatible with national sovereignty. In Germany especially, free trade after 1879 was identified as 'the garb of a philanthropic cosmopolitanism' cloaking the 'special interests of England', and harmful to the national interests of Germany.[66] Nor was Britain immune to this new understanding which took the form of the 'fair trade' movement, proclaiming that universal free trade was inconsistent with the national good, since free imports undermined national production while the failure of other nations to reciprocate had led to a system of one-sided free trade to the detriment of Britain's producers. The pursuit of the global ideal of free exchange had led to the abandonment of the interests of British farmers, industrialists, and empire settlers. The fair traders were the first significant group of dissentients from free trade adopted in 1846, but unlike the proponents of 'national' policy in Europe and the colonies, they remained an isolated minority in British politics.[67]

Nevertheless, the failure to establish tariffs as part of the 'common law of Europe' led after 1870 to the return to unilateral decision-making. Here Britain was no exception and free traders were ready to fall back to the belief in unilateralism, based on the view that free trade upheld Britain's interests irrespective of those of other nations.[68] This was a significant scaling down of the expectations of the 1860s. In part it was based on the recognition that British commercial diplomacy had run into the sands in too many of its negotiations and that Britain had little to bargain with. But in addition there was a growing recognition that bargaining was still required, 'higgling', as Gladstone disdainfully put it, and that the political promise of free trade in dissolving vested interest groups had not succeeded.[69] Rather than facing the democratised peoples of Europe, Britain by the 1870s was faced by a series of states in which the balance of domestic coalitions had turned decisively against universal free trade. This was triggered by two key factors. Firstly we can detect a backlash against globalisation as a result of the Great Depression after 1873. However mythical that depression appears in economic retrospect, there is no doubt that many considered themselves losers from globalisation and free markets and these groups were now available to be mobilised by politicians who canvassed for growing tariffs.[70] However, the second, and arguably more decisive, factor was that this now coincided with growing state demands for revenue. Only England had an established system of direct taxation; elsewhere in Europe as state revenue came under pressure from growing military demands, tariffs offered an attractive

option. Cobden had seen low tariffs as stifling armaments expenditure, cutting off the supply of funds for state warfare; rising tariffs in the 1870s grew in appeal as the very means to fund such increases. The liberal vision of the small state disappeared not as some free traders had feared in the satisfaction of 'socialist demands' for popular welfare, but in the re-emergence of the link between protectionism and militarism in the late nineteenth century continental state.[71]

With the free trade vision of global order rapidly in retreat in the 1880s, both the 'fair trade' critique of free trade and the reaction against continental developments highlighted the importance of the British empire. One response, as Duncan Bell has shown, lay in the rise of 'Greater Britain', the substitution of the global market by the imperial polity.[72] The Cobdenites had proclaimed the dissolution of the empire but had failed to achieve it. Rather, the settler colonies of the second British empire acted as the foci for a new imperialism. The worldwide consolidation of 'new' nation states (the post-Civil War USA, Germany, Italy) heightened a sense that the British nation to be consolidated was imperial in its dimensions; Greater Britain was hence a call for a new political organisation, a defence community, and a customs union. Yet this structure would be built on the ruins of the free trade ideal. For dismayed metropolitan free traders had already observed the signs of colonial disorder – the re-emergence of protectionist tariffs, with the alarm bells first sounded by the Galt tariff in Canada in 1858–9.[73] By the mid-1860s, the Australian colony of Victoria had followed suit, led above all by the protectionist ideas of David Syme, influential editor of *The Age*, who inverted metropolitan policy by making protection, not free trade, the touchstone of political virtue.[74] By 1873 Britain was forced to accept the imposition of differential duties by the colonies, 'made fools of . . . in the face of the whole world', according to Gladstone.[75] While free traders might lament the signs of colonial disorder, an increasing body of sentiment led by the fair traders and later the imperial federalists saw the root of the problem in the absence of an imperial co-ordinating authority. The fair traders had appealed to the resurrection of the imperial ideal but this refrain was now widely taken up in 1880s Britain. J. R. Seeley himself perhaps can act as the authentic embodiment of this generational transition. In 1870 he had addressed the Peace Society and had discussed possible models of a United States of Europe as an antidote to war; in 1883 he had outlined Britain's imperial future in *The Expansion of England*.[76] The shift in focus of Seeley's thought from closer European unity to imperial federation reflected that of a whole generation of liberal intellectuals.

This imperial turn was further encouraged by the stillbirth of the free trade Anglo-Saxon axis. By contrast with the expected evolution of the USA towards free trade the Civil War was seen to have created a great discontinuity, prioritising revenue collection and manufacturing productivity at the expense of commerce, agriculture and 'the natural order'. The vision, prominent in the 1840s, of the natural complementarity of Britain and the United States was replaced in the United States by an Anglophobic vision, in which free trade was rejected as an English ideology subverting republican democracy.[77] At home, free traders themselves were brought into disrepute by their association with Goldwin Smith, the 'disloyal' advocate, it was believed, of the annexation of Canada by the United States, primarily for the 'NAFTA' style benefits of North American economic unity.[78] Anglo-Saxondom had been an important component of Charles Dilke's *Greater Britain* when first published in 1868, but its economic promise rapidly waned thereafter.

Finally, by the 1870s, few could fail to see that war had not been eradicated by free trade. As we have seen in Peel, Cobden, and Mill, among the keenest logical arguments behind the free trade case was the link between economic interdependence and peace. Yet an unparalleled period of commercial negotiations had had seemingly no eroding force on war in Europe in the 1860s.[79] The manipulation of tariffs had become in Bismarckian Germany a further political and diplomatic weapon available to the state. Only in Britain had the state effectively deprived itself of this weapon. This had a paradoxical impact on free trade and global order. On the one hand, many continued to believe that the pursuit of economic rationality, leading to the enhanced interchange between nations, would prevent wars, a view propounded most famously by Norman Angell;[80] on the other hand, free trade was now detached from the central ideas of the peace movement as it sought less utopian means either to mitigate the effects of war or to constrain the actions of governments, as in the growth of international law.[81] Peace activists did not abandon the ideal of free trade, but few were now able to regard it as a sufficient or even a necessary means to their goals.

For these reasons it was clear by the 1880s that Britain had failed, whether as persuasive exemplar or powerful 'hegemon', either to encourage or to enforce the reshaping of the world's trading order in its own free trade image. Increasingly British goals were limited to keeping open the domestic market and as much of that of the British empire as possible, for example resisting the movement towards protection in the self-governing colonies or the imposition of tariffs in India.[82] Holding back the tide of

world protectionism seemed a task well beyond Britain, while in this hostile environment commercial negotiations paid diminishing returns. As other nations sought to consolidate their imperial and national markets, so too Britain once more resumed annexation of territory on the grounds of maintaining 'a fair field and no favour'. Rather than empire being fatal to free trade, empire now seemed necessary to preserve free trade. But empire was fatal to economic internationalism. The German and French empires were designed to confer national advantages and erected clear barriers to 'free exchange'. Imperial markets were reshaped as trade blocs, although not always exclusive ones. This fundamentally challenged the mid-century vision of global order. Rather than free exchange and peace, the prospect was of a 'de-globalised' world, with the erection of barriers to trade, migration and even investment.[83] Many aspects of mid-century internationalism were also challenged in a new phase in which, as A. G. Hopkins suggests, empire became crucial to globalisation.[84] This meant for example that international exhibitions were replaced by colonial exhibitions; international communications become national and imperial ones;[85] companies reorganised on an imperial basis; even education and patterns of travel to some extent became imperial, rather than cosmopolitan.[86]

VI. CONCLUSIONS: TRADE AND WAR

These trends between 1873 and 1914 seriously undermined the mid-century's genuine approximation of 'the golden age of transnationalism' made possible by the *Pax Britannica*.[87] This transition was not of course complete. Hence recently the years before 1914, with their unparalleled levels of trade and investment, have been seen as a prototype for globalisation in the late twentieth century.[88] The ideology of free trade and its view of the world remained central to the writings of men such as Hobson and Keynes, while in 1908 for the first time an International Free Trade Congress was held. But contrary to the view that it was the First World War that brought an abrupt end to a golden age of globalisation between 1890 and 1914, it was the reaction against mid-century globalisation which had helped revive competitive forces that contributed to the fragility of the international order before 1914 and which would more fully culminate in the 'deglobalisation' of the inter-war period. In Britain, free trade had survived, 'the only piece of sane internationalism left', according to Bertrand Russell.[89] Elsewhere, in cartels, bounties, tariffs, and neo-mercantilism, we already find all those economic 'serpents' that the Victorian visionaries had sought to expel from their free trade paradise.[90]

NOTES

1. Peel, draft reply 5 Aug. to Elbing address, 14 July 1846, Peel Papers, British Library, Add. MS 40612, ff.227–8. See also David Eastwood, 'Tories and Markets' in Mark Bevir and Frank Trentmann (eds.), *Markets in Historical Contexts* (Cambridge, 2004), pp. 70–89.
2. Sir John Gladstone, *Plain Facts Intimately Connected with the Intended Repeal of the Corn Laws* (London, 1846), p. 30.
3. Anthony Howe, 'Free Trade Cosmopolitanism in Britain, 1846–1914' in Patrick K. O'Brien and Armand Clesse (eds.), *Two Hegemonies: Britain, 1846–1914 and the United States, 1941–2001* (Aldershot, 2002), pp. 86–105.
4. Mill, *Principles of Political Economy*, [III, xvii, 5] ed. William J. Ashley (Oxford, 1909), p. 582. For Mill on 'the novelty in the world' of unilateral free trade, see 'A Few Words on Non-Intervention' (1859), in *Collected Works* (Toronto, 1984), XXI, p. 111.
5. E. J. Hobsbawm, 'The Last of the Utopian Projects,' *The Guardian*, 9 March 2005.
6. Richard Cobden to Charles Sumner, 7 November 1849, Sumner papers, Harvard University Library.
7. Francis H. Hinsley, *Power and the Pursuit of Peace* (Cambridge, 1963).
8. Anthony Howe, 'Restoring Free Trade: The British Experience, 1776–1873' in P. K. O'Brien and Donald Winch (eds.), *The Political Economy of British Historical Experience* (Oxford, 2002), pp. 193–213.
9. Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1785–1865* (Oxford, 1988), pp. 68–70, 188–202 & 246–8.
10. Anna Gambles, *Protection and Politics: Conservative Economic Discourse, 1815–1852* (Woodbridge, 1999).
11. Donald Winch, *Classical Political Economy and Colonies* (London, 1965); Bernard Semmel, *The Rise of Free Trade Imperialism* (Cambridge, 1972); Wakefield posited the need for 'at least one good Political Economist at each settlement to prevent us from devising an Australasian tariff'. See his *A Letter from Sydney* (1829) in *The Collected Works of Edward Gibbon Wakefield*, ed. Muriel F. Lloyd Prichard (Glasgow, 1968), p. 165.
12. Stephen Conway, 'Bentham, the Benthamites and the Nineteenth-Century British Peace Movement,' *Utilitas*, 2 (1990), pp. 221–43.
13. William Thomas, *The Philosophic Radicals* (Oxford, 1979); and Michael Turner, 'Radical Opinion in an Age of Reform: Thomas Perronet Thompson and the *Westminster Review*,' *History*, 86 (2001), pp. 18–40.
14. Martin Ceadel, *The Origins of War Prevention: The British Peace Movement and International Relations, 1730–1854* (Oxford, 1996).
15. Richard F. Spall, 'Free Trade, Foreign Relations, and the Anti-Corn Law League,' *International History Review*, 10 (1988), pp. 405–32; and also Alex Tyrrell, 'Making the Millennium: The Mid-Nineteenth Century Peace Movement,' *Historical Journal*, 21 (1978), pp. 75–95.

16. For enthusiastic royal endorsement of the Great Exhibition, see Bernard Porter, *The Absent-Minded Imperialists: Empire, Society, and Culture in Britain* (Oxford, 2004), p. 91.

17. For this theme in historical context, see Bevir and Trentmann (eds.), *Markets in Context*.

18. John Breuilly, '"Ein Stück Englands"?: A Contrast Between the Free-Trade Movements in Hamburg and Manchester' in Andrew Marrison (ed.), *Free Trade and its Reception, 1815–1960* (Manchester, 1998), pp. 105–26.

19. Francis E. Hyde, *Mr Gladstone at the Board of Trade* (London, 1934).

20. Mill to H. S. Chapman, 9 March 1847, *Collected Works*, xiii, p. 710.

21. For its proceedings, see *Congrès des Économistes Réuni à Bruxelles par les Soins de l'Association Belge pour la Liberté Économique* (Brussels, 1847).

22. Pierre Renouvin, *L'Idée de Fédération Européenne dans la Pensée Politique du XIXe Siècle* (Oxford, 1949).

23. For Disraeli on the benefits of such reciprocity, see *Coningsby* (London, 1844; 5th edn. 1849), book 6, ch. 2; p. 311; and Anthony Howe, *Free Trade and Liberal England, 1846–1946* (Oxford, 1997) p. 86.

24. J. A. La Nauze, 'Australian Tariffs and Imperial Control, Part II,' *Economic Record* (December 1948), p. 222; and Henry G. Grey, *The Colonial Policy of Lord John Russell's Administration*, 2 vols. (London, 1853; reprint, New York, 1970), I, pp. 281–2.

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26. Patrick K. O'Brien & Geoffrey A. Pigman, 'Free Trade, British Hegemony and the International Economic Order,' *Review of International Studies*, 18 (1992), pp. 89–113.

27. Anthony Howe, 'Two Faces of British Power: Cobden versus Palmerston' in David Brown and Miles Taylor (eds.), *Palmerston Studies*, 2 vols. (Southampton, 2007), ii, pp. 168–92.

28. To Ashworth, 12 April 1842, BL, Cobden Papers, Add MS 43653 ff.14–18.

29. Mantena, 'The Crisis of Liberal Imperialism' in this volume.

30. Cobden to J. Sturge, 28 Sept. 1857 & 6 Jan. 1858, BL Add MS 43722 ff.264–5 & ff.285–9.

31. Cobden to H. Richard, 12 Feb. 1849, 19 Nov. 1863, Add MS 43659 ff.296–7; ff.252–5.

32. Cain, 'Radicalism, Gladstone, and the Liberal Critique of Disraelian "Imperialism."'

33. Miles Taylor, 'Imperium et Libertas? Rethinking the Radical Critique of Imperialism in the Mid-Nineteenth Century,' *Journal of Imperial & Commonwealth History* 19 (1991), pp. 1–23.

34. Anthony Howe, 'Britain and the International Economy, 1801–1900' in Chris Williams (ed.), *Blackwell Companion to Nineteenth-Century Britain* (Oxford, 2004), Table 1:1, p. 25.

35. Howe, *Liberal England*, pp. 89–91.

36. This nexus has been unduly neglected by historians but for the background, see Roger Price, *The French Second Empire: An Anatomy of Power* (Cambridge, 2001).
37. Howe, *Free Trade and Liberal England*, chs. 3 & 5.
38. Kenneth Bourne, *The Foreign Policy of Victorian England* (Oxford, 1970), p. 98; and Gladstone to Lacaita, 1 December 1860, BL Gladstone Papers, Add MS 44233 f.156.
39. Cobden to Lord John Russell, 23 December 1859, BL, Russell Papers, Add MS 38080 ff.124–7.
40. Eliga Gould, 'American Independence and Britain's Counter-Revolution,' *Past & Present*, 154 (1997), p. 139.
41. Mountstuart E. Grant Duff, *Studies in European Politics* (Edinburgh, 1866).
42. Cobden's vision approximates in several ways with the 'cosmopolitan nationalism' of T. H. Green, on which see Duncan Bell and Caspar Sylvest, 'International Society in Victorian Political Thought: T. H. Green, Herbert Spencer, and Henry Sidgwick,' *Modern Intellectual History*, 3 (2006), pp. 1–32.
43. Letter to Ashworth, 2 January 1860, CP Add MS 43654 f.2.
44. William O. Henderson, *The Genesis of the Common Market* (London, 1962), pp. 56–63; and Pierre Bairoch, 'European Trade Policy, 1815–1914' in Peter Mathias and Sidney Pollard (eds.), *The Cambridge Economic History of Europe* (Cambridge, 1989), VIII, pp. 1–160.
45. The terms were those of Sir Louis Mallet, 'Commercial Treaty with Austria', PRO CAB1/1 [1866].
46. Howe, *Free Trade and Liberal England*, p. 104.
47. Howe, *Free Trade and Liberal England*, p. 165; Jack W. Gaston, 'The Free Trade Diplomacy Debate and the Victorian Common Market Initiative,' *Canadian Journal of History*, 22 (1987), pp. 317–38; and P. Marsh, *Bargaining on Europe: The First Common Market* (London, 1999).
48. See the chapters by Jennifer Pitts and Casper Sylvest in this volume.
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50. Friedrich List, *The National System of Political Economy* (1841; trans. Sampson S. Lloyd; London, 1885; new edn. 1904), especially ch. ix.
51. Luca Einaudi, *Money and Politics: European Monetary Unification and the International Gold Standard (1865–1873)* (Oxford, 2001).
52. Geoffrey Searle, *Entrepreneurial Politics in Mid-Victorian Britain* (Oxford, 1993), pp. 174–76; and Martin H. Geyer & Johannes Paulmann (eds.), *The Mechanics of Internationalism: Culture, Society and Politics from the 1840s to the First World War* (Oxford, 2001), especially the chapter by Geyer.
53. These observations are based on contemporary publications listed in the British Library catalogue for each year in the 1860s and selective years between 1848 and 1875.
54. For these new governance methods, see especially Francis S. L. Lyons, *Internationalism in Europe, 1815–1914* (Leyden, 1963); and Duncan Bell, 'Dissolving Distance: Empire, Space, and Technology in British Political Thought, c.1770–1900,' *Journal of Modern History*, 77 (2005), 523–63.

55. Walter Benjamin, 'Paris – Capital of the Nineteenth Century,' *New Left Review*, 48 (1968), p. 83.

56. *Le Buste de Richard Cobden à Verviers* (Verviers, 1866); and Howe, *Free Trade and Liberal England*, pp. 107–8.

57. An Anti-Cobden club was formed in protectionist Philadelphia; for a typical tariff reform reading, Thomas P. Gaskell, *The Curse of Cobdenism* (London, 1919).

58. Cobden to H. Ashworth, 12 Apr. 1842, BL, Cobden Papers, Add MS 43653 f.14.

59. Cobden to D. McLaren, 19 September 1853 (copy), Cobden Papers 29, WSRO.

60. Edmund Silberner, *The Problem of War in Nineteenth-Century Economic Thought* (Princeton, 1946).

61. For example see Douglas Irwin, *Free Trade under Fire* (Princeton, 2002), pp. 46–7.

62. Paul Hirst and Grahame Thompson, *Globalisation in Question* (Cambridge, 1996); and for a recent perspective, Per Haamarlund, *Liberal Internationalism and the Decline of the State: The Thought of Richard Cobden, David Mitrany, and Kenichi Ohmae* (Basingstoke, 2005).

63. For example Hardy saw in the telegraph 'a machine which beyond everything may be said to symbolise cosmopolitan views and the intellectual and moral kinship of all mankind'. *A Laodicean* (London, 1881), ch. 2.

64. For an overview, John W. Burrow, *The Crisis of Reason: European Thought, 1848–1914* (London, 2000).

65. See *inter alia*, Hobsbawm, *Nations and Nationalism since 1780* (Cambridge, 1990), ch. 4.

66. Carl J. Fuchs, *The Trade Policy of England*, trans. Constance Archibald (London, 1905 [1892]), p. 18.

67. Benjamin H. Brown, *The Tariff Reform Movement in Britain, 1881–1895* (New York, 1943); and Sydney Zebel, 'Fair Trade: an English Reaction to the Breakdown of the Cobden Treaty System,' *Journal of Modern History*, 12 (1940), pp. 161–85.

68. See for example Bonamy Price, Drummond professor of political economy at Oxford, 'Free Trade and Reciprocity,' *Contemporary Review*, 13 (1870).

69. Agatha Ramm (ed.), *The Political Correspondence of Mr Gladstone and Lord Granville, 1868–1876* (London, 1952), II, p. 272.

70. For the 'backlash' against globalisation, see Kevin O'Rourke and Jeffrey Williamson, *Globalisation and History* (Cambridge, MA, 1999); see also Ronald Rogowski, *Commerce and Coalitions: How Trade Affects Domestic Political Alignments* (Princeton, 1989).

71. See especially John M. Hobson, *The Wealth of States* (Cambridge, 1997).

72. See Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860–1900* (Princeton, 2007); and his essay in this volume.

73. For alarm at the Galt tariff, see *The Times*, 29 November 1859, 8e.

74. Stuart Macintyre, *A Colonial Liberalism: The Lost World of Three Victorian Visionaries* (Melbourne, 1991); and John. A. La Nauze, *Political Economy in Australia: Historical Sketches* (Melbourne, 1949), ch. 2.

75. Gladstone to Kimberley, 29 Dec. 1871, cited in *The Gladstone Diaries*, ed. Michael D. R. Foot & Colin Matthew (Oxford, 1968–94), VIII, p. 87.

76. Seeley, 'United States of Europe,' *Macmillan's Magazine* (1871), pp. 436–48; see also Duncan Bell, 'Unity and Difference: J. R. Seeley and the Political Theology of International Relations,' *Review of International Studies*, 31 (2005), 559–79.

77. For an overview, see Anthony Howe, 'Free Trade and the International Order: The Anglo-American Tradition, 1846–1946' in Fred Leventhal and Roland Quinault (eds.), *Anglo-American Attitudes* (Aldershot, 1999), pp. 142–67

78. Elisabeth Wallace, *Goldwin Smith: Victorian Liberal* (Toronto, 1957).

79. For Cliffe Leslie on the prevalence of war in the nineteenth century, Silberner, *Problem of War*, pp. 195–97.

80. Angell, *The Great Illusion* (London: William Heinemann, 1909).

81. Geoffrey Best, *Humanity in Warfare* (London, 1980); Martin Ceadel, *Semi-Detached Idealists: The British Peace Movement and International Relations, 1854–1945* (Oxford, 2000); and Paul Laity, *The British Peace Movement, 1870–1914* (Oxford, 2001).

82. For Mill this had provided the one irrefutable benefit of the empire: *Representative Government* in *John Stuart Mill: Three Essays* (Oxford, 1975 [1861]), p. 406.

83. Anthony Howe, 'From *Pax Britannica* to *Pax Americana*: Free Trade, Empire and Globalisation, 1846–1948,' *Bulletin of Asia-Pacific Studies*, XII, (2003), pp. 137–59.

84. Hopkins 'The History of Globalization – and the Globalization of History?' in Hopkins (ed.), *Globalisation in World History* (London, 2002), p. 28.

85. Robert Boyce, 'Imperial Dream and National Realities: Britain, Canada and the Struggle for a Pacific Telegraph Cable, 1879–1902,' *English Historical Review*, XCV (2000), pp. 39–70.

86. Antony G. Hopkins, 'Back to the Future: From National History to Imperial History,' *Past & Present*, 164 (1999), pp. 198–243; and Richard Symonds, *Oxford and the Empire* (Oxford, 1991).

87. Robert Gilpin, 'The Politics of Transnational Economic Relations' in Robert O. Keohane and Joseph S. Nye (eds.), *Transnational Relations and World Politics* (Cambridge, MA, 1972), p. 56.

88. Hirst & Thompson, *Globalisation in Question*, pp. 31 & 49.

89. Richard Rempel, 'Conflicts and Change in Liberal Theory and Practice, 1890–1918: The Case of Bertrand Russell' in Philip J. Waller (ed.), *Politics and Social Change in Modern Britain: Essays Presented to A. F. Thompson* (Brighton, 1987), p. 123.

90. The term 'serpents' is taken from John Maynard Keynes, *The Economic Consequences of the Peace* (London, 1919), p. 10.

The foundations of Victorian international law

Casper Sylvest

I. INTRODUCTION

In textbooks on the history of international law, the nineteenth century is depicted as a period that saw the transformation of a Law of Nations applicable to a family of Christian and European peoples into a body of international law common to a society of civilised nations.[1] This general development – in no small part due to the global influence of Britain – took place in the context of an uneven and gradual extension of the states system. Especially in continental versions of the history of international law, which are premised on a close relationship between political and intellectual power, the nineteenth century is therefore often delineated as 'the British era'.[2] Meanwhile, theoretical debates over international law are identified, in slightly teleological fashion, as moving from a 'rationalist natural law and abstract character' towards considerations of state practice: in short, from naturalism to positivism.[3] While such a change of attitude is certainly detectable, this narrative simplifies a much more complex and variegated story. The literature on the intellectual history of nineteenth century Britain has tended to treat international, including international legal, questions only tangentially.[4] Moreover, a recent and extremely valuable account of the rise of international law, which identified a 'late-Victorian reformist sensibility written into international law', lacks a specifically British perspective.[5]

By looking at Victorian international lawyers, their understanding of international law and their visions of global order, this chapter contributes to the history of international legal thought in Britain and to wider debates in Victorian intellectual history and the history of political thought. The slowly emerging discipline of international law was not an isolated academic activity. Rather, international legal scholars were part of the 'well-connected intellectual-cum-political stratum' in British society, and as such their activity necessarily reflected the preoccupations of the

Victorian elite.[6] This included a widely shared liberal internationalist ideology understood as an attempt to bring progress and order to the international domain, a development often associated with concepts like 'civilisation' or 'the rule of law'.[7] The presence of this ideology should make us suspicious of the conventional account of a burgeoning positivism succeeding an outmoded naturalism in the nineteenth century. There clearly was a positivist challenge to naturalism, but in attempting to solve the problems that arose from this challenge both naturalism and positivism underwent profound changes. Specifically, I will argue that the idea of legal evolution obtained a standing in international legal argument that was not far removed from that formerly occupied by 'natural law'. This idea could be invoked to explain the current problems of the subject as well as its future redemption. In short, it offered scientific respectability and a sense of direction. But these advantages came at a cost.

The chapter is structured as follows. The first section provides a very brief intellectual backdrop to the argument by outlining the positivist (or Austinian) challenge to international law and identifying some broad developments in the subject prior to 1870. The second section makes up the bulk of the chapter. It presents the idea of legal evolution as it was formulated by Henry Sumner Maine and demonstrates how the (legal) evolutionary model, which was only one element in the general popularity of social evolutionary modes of thinking, was put to use in late nineteenth century international legal thought. I argue that the idea of legal evolution provided international legal scholars with the opportunity and ammunition to face the Austinian challenge. Yet, this defence of the international law had equivocal consequences, which are briefly discussed in the concluding section.

II. THE SPECTRE OF AUSTIN AND BRITISH INTERNATIONAL LAW PRIOR TO 1870

This section briefly sketches the history of British international legal thought prior to 1870. It does so by identifying two vaguely distinct periods, between 1835–1855 and 1855–1870 respectively. Before proceeding to these periods, however, it is helpful to point to three general intellectual preconditions for international legal thought in the nineteenth century. Firstly, what I have termed the spectre of Austin is a vital component of any attempt to understand the trajectory of British international legal thought. This spectre arose against the backdrop of Benthamite analytical jurisprudence, which during much of the nineteenth century was an inspiration for

legal and political reform. In fact, it was Bentham who coined the phrase 'international law' and tried to put the subject on a new footing as a reaction to the perceived lethargy of Blackstone.[8] As with most of Bentham's jurisprudential distinctions and innovations, this euphemism was aimed at establishing a conceptual and legal clarity that could provide the basis for reform.[9] While it is possible to find rudiments of positivist challenges to natural law in the late eighteenth century,[10] it was, above all, the analytical jurisprudence developed in the 1830s by a friend and neighbour of Bentham, John Austin, that proved most influential. Although Bentham and Austin were largely in tune in terms of jurisprudence and politics (at least during the 1820s and early 1830s) it is important to stress a crucial difference between them. As one scholar has recently argued, 'Bentham distinguished is and ought for the sake of ought. Austin made the same distinction for the sake of isolating law as it is for detached study.'[11] Thus, the central contribution of Austin's *The Province of Jurisprudence Determined* (1832) was a positivist conception that dispensed with the mystical foundations of law, and had underlying this a firm statement of the centrality of authority and sovereignty in enactments of law.[12]

For the systematic Austin, who was interested in placing law on a firmer footing, this starting point left a major task of conceptual clarification, as it was necessary to distinguish between (in a characteristic formulation) 'laws properly so called and laws improperly so called'.[13] To Austin proper laws were of three types. Both the laws of God and positive laws were proper laws, because they were established directly by command and/or originated from a determinate source. Finally, Austin's otherwise rigid system did allow that some positive moral rules (for example, rules set by men to men in a state of nature), were to be regarded as proper laws due to their imperative character. Austin conceded that this involved 'an analogised extension of the term' law, but the scheme still left many 'laws' improperly so called,[14] and it is significant that he pointed to international law as the foremost example of these 'laws'. Thus, international law was relegated to the state of positive moral rules '*imposed by general opinion*'.[15] At the heart of the matter, according to Austin, was the fact that international law did not emanate from any command or other determinate source. Thus, positive law was closely connected to the Austinian idea of sovereignty, which in turn implied a notion of hierarchy.[16] The lack of such notions in the intercourse between states left the inflexible Austin with no other option than to dismiss international law. Thus, it followed that 'the law obtaining between nations is law (improperly so called) set by general

opinion. The duties which it imposes are enforced by moral sanctions.'[17] We should not infer from these arguments that Austin was uninterested in peace among states or in the moral (not legal) rules that were to obtain in the intercourse between them. Yet it is certainly true that few professors appointed to a chair of 'Jurisprudence and Law of Nations', as Austin was in 1832 (at the University of London), would start their career by destabilising their subject in this fashion. At any rate, the spectre of Austin was to haunt international legal scholars for the rest of the century, as it prejudiced any attempt to form an academic discipline of international law by denying it the authority of the term law.

   The second and third preconditions of the development of international legal thought can be dealt with more briefly. They concern legal education and the understanding of natural law. The state of legal education in early nineteenth-century England was poor; it was simply unclear how a science of law could contribute to a system of law which was essentially directed by practical men. Thus, prevailing ideas about 'liberal education' and the English Common Law were mainly responsible for there being no legal education 'worthy of its name' as the Select Committee on Legal Education of 1846 concluded.[18] Nevertheless, following much debate on the question, legal education was increasingly structured along Continental lines and law acquired a relatively safe haven in the newly revived universities, even if its status as a separate academic subject remained unstable. As part of this process, the subject of international law slowly secured a place at the ancient universities with professorships established at Oxford and Cambridge before 1870.[19] Finally, it should be noted that the concept of natural law was a constant source of confusion during the nineteenth century, a point widely acknowledged among legal scholars by the end of the century. Naturalism in law can generally be defined as the idea of justifying, founding, or supporting law by reference to some extra-legal structure or agency, but in the Victorian era it was unclear to what extent the natural law under attack based itself on religion or hypothetical speculation in the contractual tradition (or both).[20] This confusion with regard to natural law is longstanding, and it is arguably present in the writings of Grotius, who acquired a central standing in international legal discourse. Although most scholars agreed that some aspects of Grotius's writings were out-of-date, it was not uncommon to refer to him as 'the great legislator of the commonwealth of nations'.[21] During the nineteenth century widespread hostility towards and bewilderment over continental jurisprudence and its potential political consequences (as epitomised in the French revolution) also added to the perplexity. As one contemporary wrote,

'[h]e who, being first trained in the manner of English legal thinking, comes thereafter to the study of the juridical theories prevalent upon the Continent, finds himself a stranger in a strange land. Therein he wanders disconsolate, hearing unknown doctrine taught in an unknown tongue.'[22]

It is possible to delineate two periods of international legal theorising prior to 1870. From the late eighteenth century, when there was some theorising about the Law of Nations, until the 1830s there was little scholarly activity with regard to international law. Yet, the subject arguably underwent a renaissance between 1835–60, a period which witnessed the publication of the first English treatise on international law.[23] Scholarship in this period was to a large extent characterised by an attempt to legitimate the existence and explain the growing acceptance of international law by reference to religion. This approach posited a strong connection between law and morality, and the morality in question was, ultimately, derived from religion, whether this was made explicit or not. When approaching the Austinian challenge it was conventional to argue for the existence of international law by pointing to the fact that international law was observed and recognised by states and that many European countries had incorporated international law into municipal law. But above all, this approach maintained that even if international law and justice was not always observed this did not mean that it was unnecessary. Theology and jurisprudence were conjoined – God willed international law and therefore it *had* to exist.[24]

Between the late 1850s and the early 1870s British ideas about international law were transformed: the traditional, religiously based notion of international law co-existed with other no less moralistic but more secular notions of the subject. While religious reasoning in international law did not suddenly become impossible, there was a gradual move away from justifying the subject *in terms* of religion and/or natural law, and this concession to analytical jurisprudence entailed the paradoxical argument that international law operated like law without being law.[25] On the face of it that left the aspiring subject in disarray. Yet, if appeals to natural law now seemed unconvincing, many liberal legal scholars were to discover the forces of progress in the development of civilisation and public opinion, which came, partly at least, to substitute for Christianity. As Montague Bernard, Chichele Professor of International Law and Diplomacy at Oxford, argued in 1868, 'less is to be hoped from any direct endeavours to abolish wars or diminish their frequency than from the silent growth of interests, habits of life, modes of government, and a public opinion, favourable to peace'.[26] This turn in international legal thought had

equivocal consequences. On the one hand, there was a drive to turn
international law into a scholarly discipline and a subject to be studied at
the universities, on the other, a price had to be paid for respectability. No
longer could its promulgators explicitly define the subject in the terms of
'natural law', although they often appealed to some form of extra-legal
standard. This 'defence' of international law apparently stripped it of all its
legal characteristics except for the term law itself. From the 1870s, when
new hopes were invested in international law, a way round this dilemma
had to be found. How this was accomplished, and how the moralistic
sentiment survived in a more respectable and 'scientific' form, is the subject
of the remainder of the chapter.

III. LEGAL EVOLUTION AND THE GRADUAL REDEMPTION OF INTERNATIONAL LAW

During the nineteenth century, the concept of civilisation came increas-
ingly to act as a criterion for entry into the sphere of international law.
Moreover, as the previous section briefly indicated, it also supplied interna-
tional legal thought with a teleological, even historicist, element; a frame-
work that proved useful when one external foundation of international law,
the discredited law of nature, could no longer be enlisted on behalf of the
subject. The double-edged quality of the concept of civilisation was cap-
tured in the founding statute of the *Institute of International Law*, an
'exclusively scientific organisation' formed in Belgium in the autumn of
1873 in order to 'favour the progress of International Law by seeking to
become the organ of the legal conscience of the civilised world'.[27] The first
Geneva Convention (1864), the founding of the *Institute* and the signing of
the Treaty of Washington (1871), which provided for the arbitration of
disputes between Britain and the United States, all signalled the beginning
of a new and more optimistic period for the subject of international law
and its ongoing quest for academic and legal respectability. However, in
contrast to their continental colleagues, it was still a pressing concern of
British international legal scholars to find a way round the Austinian
challenge,[28] and as I will argue in this section, the idea of legal evolution,
especially when coupled with the idea of civilisation, proved remarkably
effective in achieving this objective. The popularity of evolutionary ideas
was closely connected to the air of scientific certainty with which they were
surrounded at a time when neither 'cynical' utilitarianism nor traditional
religious belief could enlist the support they previously did.[29] Moreover,
ideas about evolution partly caused, and were partly caused by, a general

shift in Victorian conceptions of time, which in turn sparked a remarkable appetite for history and a re-orientation towards locating origins within a greatly extended time-scale.[30] While legal evolution cannot be reduced to social evolution, it can be regarded as a species of social evolutionary ideas.[31] In terms of international legal thinking, these theories offered a number of possibilities, but I will focus on one: the possibility of surveying the historical development of international law and speculating about its future.

In order to spell out this argument, we must look closer at the jurist and author of *Ancient Law* (1861), Henry Sumner Maine. The most famous of Maine's sweeping generalisations to be found in *Ancient Law*, which heralded the ascendancy of the Historical Method in English Jurisprudence, is the evolutionary idea that 'we may say that the movement of the progressive societies has hitherto been a movement from Status to Contract'.[32] By no means an unconditional optimist, Maine often stressed the normal, 'stationary' condition of human society. What he identified were the situations in which favourable circumstances had made progress possible by means of three agencies of legal change: fictions, equity and legislation. If the process was rushed it could yield negative rather than positive results. Behind this analysis lay an admiration for Rome (associated with England) and its ability gradually to co-opt civil laws into the law of nature thereby preserving order, and a corresponding disapproval of Ancient Greece (associated with France) and its tendency to codify recklessly. In this scheme, contract, codification, and written law were all ethically superior to status, myth, and fiction. However, the rhetorical force of this argument not only serves to ridicule earlier modes of thinking: there is also an element of veneration coupled with arrogance towards, for example, natural law thinking or the use of fictions.[33] No matter how imprecise or unscientific they appeared to Maine, he recognised that they were necessary steps towards the society in which he found himself.

Maine's contribution to international law has generally been neglected or overshadowed by his other writings.[34] This is perhaps surprising considering that Maine appears to have been interested in international law and its historical connection to natural law throughout his life.[35] Nevertheless, the one set of lectures Maine devoted exclusively to the subject were written shortly before his death, when he was ill, and there is an argument to be made that Maine's views on the substance of international law were relatively unimportant owing to their sometimes highly idiosyncratic character.[36] This will not be disputed here. But I will

maintain that Maine's influence on the development of the subject was profound, despite being indirect. As intellectual historians have argued, the 'extent and profundity of Maine's influence among the intellectual class would be hard to exaggerate'.[37] Before proceeding, it should be stressed that due to lack of space I can only illustrate, rather than demonstrate, some of the arguments I am making. Moreover, in presenting the idea of evolution I am guilty of some simplification,[38] but I have singled out Maine for one reason in particular: while he was perhaps not the only influential figure to link evolution with jurisprudence and the development of legal systems, he was surely the first Victorian writer closely associated with the study of law to do so explicitly.[39]

In terms of international law, Maine's starting point was that Roman law formed the basis of what had become known as international law or the Law of Nations. The modern theory of natural law associated with Grotius was virtually taken from Roman law, but in the process a number of important conceptual mutations took place. For example, the Grotian theory requires that a determinable law of nature (an idea shared with the Romans) is valid between sovereign and independent commonwealths (a conception foreign to Roman law). And this sovereignty is thought of in territorial terms, another aspect unintelligible in terms of Roman law. This led Maine to conclude that,

. . . [t]he theory of International Law assumes that commonwealths are, relatively to each other, in a state of nature; but the component atoms of a natural society must, by the fundamental assumption, be insulated and independent of each other. If there be a higher power connecting them, however slightly and occasionally by the claim of common supremacy, the very conception of a common superior introduces the notion of positive law, and excludes the idea of a law natural.[40]

Although Maine did not develop his views on international law further in *Ancient Law*, the implication to be drawn from the argument of the book was that international law still operated on the basis of natural law. This was not in itself a bad thing, as this idea had carried with it a number of rules with a benevolent effect on the development of mankind. In 1856 Maine even described international law as 'that body of rules which alone protects the European Commonwealth from permanent anarchy'.[41] Although international law was nowhere near as developed as municipal law, when Maine likened ancient law (out of which modern law had grown) to international law,[42] the implication was clear: the latter could also progress if the conditions were favourable. To a large extent, Maine reiterated these arguments in the lectures he gave after being elected to the

Whewell Chair of International Law in Cambridge in 1887. But he also plunged into contemporary disagreements by denying both a purely positivist and a purely naturalist conception of international law. Maine identified a rudimentary form of positive international law among primitive groups, but while positive law was undoubtedly the most useful and practical part of international law, it could not be separated from 'the same principles of right reason, the same views of the nature and constitution of man, and the same sanction of Divine revelation, as those from which the science of morality is deduced. There is a natural and positive Law of Nations.'[43] Maine found a *via media* between positivism and naturalism. He denied that Austin had intended or succeeded in diminishing 'the dignity or imperative force of international law'. Maine vehemently denied validity to the Austinian concept of indivisible sovereignty, which 'though it belongs to Austin's system, does not belong to International Law'.[44] At the same time, he also expressed his wish for international law, and particularly the laws of war, to become codified, scientific, and reliable, preferably through the involvement of practitioners. However, in discussing measures that could prevent war (as the endowment of his chair prescribed), Maine pointed his fingers at the ultimate problem of international law: '[T]he denial to International Law of that auxiliary force, which is commanded by all municipal law, and by every municipal tribunal, is a most lamentable disadvantage.'[45]

At the end of his life Maine had grown sceptical of the direction of modern politics – especially its journey towards democracy, which he attacked in *Popular Government* (1885) – and he appeared increasingly as a reactionary figure.[46] Corresponding to the trajectory of his political views, Maine began his lectures on international law with a number of historical reflections on the nature of man and the prospects for peace – both were bleak.[47] Maine ended his lectures on a similar note by arguing that '[w]ar is too huge and too ancient an evil for there to be much probability that it will submit to any one or any isolated panacea. I would even say that there is a strong presumption against any system of treatment which promises to put a prompt and complete end to it.'[48] Much has been made of Maine's progressive apple going sour towards the end of his life, and it is worth remembering that he always stressed the precarious and fortunate character of progress. However, among twentieth-century observers Maine and the historical school have become almost exclusively associated with stifling conservatism.[49] Not only does such a reading underestimate the extent to which (social as well as legal) evolutionary ideas were used to justify most political positions in the late nineteenth

century, it also appears implausible in relation to a number of issues, including international law. The mainstream of British international legal thought soon put evolutionary ideas to work within their liberal internationalist vocabulary.

Although there were substantial political and methodological differences between British scholars of international law, almost all of them found no contradiction between reacting against (or accommodating their theories to) analytical jurisprudence in the quest to put their subject on a firmer footing *and* emphasise the ethical force behind international law. This meant that positivist and naturalist elements continued to co-exist. This can be illustrated by locating these scholars on a continuum of positivist and naturalist justifications of international law. At one end we find T. E. Holland, Chichele Professor of International Law and Diplomacy at Oxford 1874–1910, who was more Austinian than Austin. Combining this starting point *and* international law was no easy task, which arguably points to a more general tension in positivism: to what extent is pure positivism at all possible? If the authority of law can be reduced to the power enforcing or commanding it, 'progress' is hardly possible. On the other hand, if positivism is conceived as the codification or institutionalisation of extra-legal principles, an element of naturalism becomes hard to escape.[50] Holland admitted that international law was the 'vanishing point of Jurisprudence; since it lacks any arbiter of disputed questions',[51] but he defended international law as law by loosening the criteria of analytical jurisprudence and adding a solid dose of moralism.[52] At the other end we find scholars like James Lorimer and Robert Phillimore, who welcomed the urge to codify international law into positive law but stressed its ultimate grounding in natural law.[53] While these positions indicate the 'ends' of our continuum, they were never purely positivist or naturalist, and the mainstream clearly combined these two justifications. Those taking this stance often adopted and adapted evolutionary arguments by implying that positivism gradually succeeded naturalism in the development of international law.

As the editor of the most important law journal, the *Law Quarterly Review*, and the author of influential works on jurisprudence, Frederick Pollock was a central figure in late nineteenth-century English legal theory. He did much to further the cause of the Historical Method, and in this venture he unequivocally spelled out its implications for the 'science' of law: 'The doctrine of evolution is nothing else than the historical method applied to the facts of nature; the historical method is nothing else than the doctrine of evolution applied to human societies and institutions.'[54] As in

so many other instances of late-Victorian intellectual activity, evolutionary arguments were synonymous with reputable scientific research. In terms of international law, this offered a special opportunity. Pollock acknowledged that the status of this law was the subject of much debate, but to his mind it could be defined as 'those customs and observances in an imperfectly organised society which have not yet fully acquired the character of law, but are on the way to become law'.[55]

A more explicit evolutionary perspective – derived from the writings of Maine, Spencer and Darwin, while glossing over their more pessimistic aspects – was presented by T. J. Lawrence, Maine's deputy at Cambridge. Lawrence developed Pollock's argument – that international law was in the infant stage of *becoming* proper law – which in turn raised the question of the role of and room for manoeuvre accorded to international legal scholars. On the face of it, defining international law as subject to an evolutionary process left the legal scholar as an observer, not a creator, of his subject, which would largely seem to conform to positivism. In a remarkable essay on 'The Evolution of Peace', Lawrence argued that international law followed an evolutionary trajectory similar to that of municipal law, which made it futile for philosophers to attempt to accelerate a long, gradual process of development.[56] There is no doubt that Lawrence shared the aspirations of progressives and liberals: he lamented the proliferation of armaments and the horrors of war and argued that '[w]e have . . . three of the greatest forces in modern life – Commerce, Democracy and Christianity – ranged together on the side of peace'.[57] Lawrence specifically had Kant and James Mill in mind when he argued that their 'cut and dried schemes are of no value at all, unless as moments of the mingled simplicity and ingenuity of their authors'.[58] Lawrence still carved out a limited role for legal scholars as public moralists, but he stressed that they had to settle for less than the immediate (and impossible) creation of peace. The doctrine of evolution narrowed 'the sphere within which we can hope our own action will be effective', but it also taught Lawrence to see 'the little that can be done in one generation' as a step in 'the great march of progress'. The point of the analysis was inescapable: in international law 'as elsewhere the process of reform and improvement must be slow and gradual'.[59] It was idle to expect that international legal scholars could envisage or realise the endpoint or institutions that evolution would bring about. 'Perpetual peace will come as the result of gradual evolution.'[60] In order to substantiate this hypothesis, he sketched a speculative historical analysis of how, in four stages, private war had been gradually outlawed.

That the sceptical attitude towards 'hypothetical blueprints' was com-
mon stock among British international lawyers is also illustrated by the
writings of Sheldon Amos, Professor of Jurisprudence in University
College, London. To Amos, the 'most remarkable feature of international
law [is] that it exhibits law in the making',[61] which in turn led him to argue
that the proper task of the international lawyer was different from that of
the 'International legislator, of the moralist, or of the philanthropist'. His
job was simply to 'to register and expound' the rules that nations had
consented to and which were in conformity with abstract justice.[62] Yet,
Amos, like Lawrence, still found a role for the international legal scholar as
moralist, and again the solution owed much to an optimistic interpretation
of the forces of history: a time when war became obsolete 'may not be very
remote', which in turn meant that 'the object of hastening the day when
War shall become extinct is a rational and legitimate end (among others)
for the reformer of International Law'.[63] Amos bolstered this argument
with a classic formulation of internationalism: an elaborate list of the forces
of peace (education, losses involved in war, the press and public opinion,
the spread of liberalism, the pacific tendency of modern philosophy,
including Hegel, Christianity, although not Judaism, and international
co-operation for all sorts of purposes) is lined up against the causes of war
(internal development of any state outgrowing its external relations, pecu-
liar mutual sensibilities of states, intervention, alliances, the defective
condition of international morality, standing armies, and so on). The
two are then placed within a historical narrative that, in the end, favours
the forces of peace. But it also supplies the argument with rhetorical power
as the pessimism of the present is almost a precondition for optimism
about the future. In the arguments of Lawrence and Amos we can clearly
discern the implications of evolutionary thinking for international law: the
discredited law of nature reasserted itself in a different, evolutionary form,
but still as an externally directed protector of international law.

As a final illustration of this popular idiom, I turn to the young John
Westlake, a Cambridge-educated liberal who, following the death of
Henry Maine in 1888, took over the Whewell chair at Cambridge.
Westlake's influential definition and defence of international law demon-
strates how and why almost all developments within the field – codifica-
tion, arbitration, the Hague Conferences, and so forth – could be turned
into signposts of a historical process which, paradoxically perhaps, stressed
the immaturity and fragility of international law as well as its innate
rationality, resilience, and future redemption. In his inaugural lecture
in 1888 Westlake confronted the Austinian argument (as had become

convention) and argued that the rules of international law were those observed in the real world. However, Westlake went on to introduce what could be termed a hidden hand of international law. Not willing to claim the title of law for any single rule, Westlake teleologically defended international law as a totality.

[I]n the gradual improvement of international relations the precision and observance of rules is constantly on the increase, and . . . therefore those international rules which may already be ranked as law are typical of the subject, in that they are the completest outcome of a tendency which pervades the whole.[64]

In conjunction with the optimism supplied by an evolutionary philosophy of history, Westlake often stressed the fragility of international law. An international society (and with it a law-abiding sentiment) could not be as easily created as a national society, and the institution of the state was a major stumbling block for international legal progress. 'As soon as the boundaries of the state are passed, common action ceases, or is limited to rare occasions.'[65] So while there was no doubt that the rationale behind international law was bringing progress and order to the international domain, it was equally doubtless that international law was less robust than national law. Yet Westlake offered an ingenious argument for the advantages bestowed by this predicament. By avoiding the stifling conservatism of established legal institutions, international law was still able to develop under the influence of public opinion, which in turn meant that 'the student has the power, and with it the responsibility and the privilege, of assisting in its evolution'.[66] In a variety of ways, then, the idea of legal evolution allowed international lawyers to combine the scholarly with the moralistic and explain the current problems as well as the bright future of their subject.

IV. POSITIVISM, NATURALISM AND MORALISM

This chapter has attempted to establish two related points. Firstly, that a narrative positing the succession of an outmoded naturalism by a confident positivism in nineteenth-century British international legal thought is too simplistic. As we have seen there was an accommodation of positivism to the 'special case' of international law, and although legal naturalism had a rough ride in the nineteenth century, it was never absent. This leads me to the second point. If we understand naturalism to be the intellectual practice of providing an extra-legal foundation for law, the idea of evolution – despite, or perhaps because of, its indeterminable meaning and wide

range of reference encompassing biological, social and legal forms – took over some of the functions formerly fulfilled by the idea of a natural law. Thus, legal evolution supplied the mainstream of international legal scholars with a historical framework that explained the current problems of the subject as well as its future redemption; it offered academic respectability without sacrificing the liberal internationalist agenda of international lawyers. In short, it allowed for the positivist distinction between *is* and *ought* to be blurred, but in an intellectually acceptable fashion which in turn made the 'scientific' study of law compatible with a measure of moralism.

However, the spectre of Austin was never entirely defeated and evolutionary ideas were arguably not without responsibility for the problems that the subject of international law had to confront in the early twentieth century. On the one hand the widespread support for codification operated on the assumption that if only rules that were generally observed as well as some reasonable rules corresponding to the stage of civilisation reached by Europeans were made clearer, they would always be obeyed. This in turn meant that the codification of rules regulating arbitration, the laws of war, and a number of less important subjects preoccupied international legal scholars more than the preconditions necessary for them to be obeyed. To some extent, this cult of codification might have been caused by the Austinian scepticism towards international *law*: to many international lawyers it appeared that they had to defend international law as being almost as good as municipal law. This they often did by employing a number of speculative or empirical arguments that stressed the *fact* of laws being obeyed as well as their reasonable *content*, but evaded detailed discussion of the *authority* behind these rules or how such authority could be established. On the other hand international law was caught in a cycle of moderation, which is often the consequence of handing over the responsibility for progress to an evolutionary philosophy of history. Developments in international law – the Alabama arbitration, the establishment of the *Institute*, gradual codification, the Hague Conferences – were interpreted within an evolutionary framework that hardly allowed for setbacks. If anything resembled a setback it was mainly seen as proof of the prolonged course of evolutionary history, but it was rarely allowed to question the progressive, civilising march of international law. Thus, while there was some scope for offering evolution a helping hand, its logic could not be circumvented.

The concept of sovereignty provides a good illustration of this dilemma. Most international legal scholars defined their subject as consisting of

(legal) relations between independent sovereign states (public international law). On one level this turned the notion of sovereignty into a crucial building block of the subject. Yet, the ideological inclinations of the newly formed discipline also produced attempts to circumscribe sovereignty, or at least absolute definitions of the concept. It should come as no surprise that the critique of sovereignty proved ineffective. Any (revolutionary) attempt to overthrow the logic of sovereignty was arrested by the guardsmen of gradual evolution, while every attempt at codification depended on the very exercise of the sovereignty it attempted to circumscribe. Bringing progress to the international was, therefore, returned to the hands of legal scholars-cum-moralists, who persistently tried to engineer and interpret the gradual but potent moral development of mankind that was seen as the only possible redeemer of an increasingly conflict-ridden world. Even if the contemporary intellectual activity called international law likes to present itself in a more pragmatic and realistic guise, there is little doubt that this ethical (even moralist), internationalist sensibility continues to be a vital part of international legal theory and practice. So while this chapter has primarily focused on the 'Foundations of Victorian International Law', it is also, partly at least, about the 'Victorian Foundations of International Law'.

NOTES

1. This chapter draws on material from a much larger analysis of 'International Law in Nineteenth-Century Britain' in *The British Yearbook of International Law* (Oxford, 2005), pp. 9–70. I would like to thank all the participants at the Victorian International Thought Workshop, University of Cambridge, July 2004, and particularly Duncan Bell, David Palfrey and Jennifer Pitts, for valuable comments. Also, I have benefited from insights provided by Jens Bartelson, James Crawford, Robert Cryer, Charles Jones, Martti Koskenniemi, Reidar Maliks, and Vibeke Schou Tjalve. All the usual disclaimers apply.

2. Wilhelm G. Grewe, *Epochen der Völkerrechtsgeschichte*, 2nd edn. (Baden-Baden, 1988); Karl-Heinz Ziegler, *Völkerrechtsgeschichte* (München, 1994).

3. Hans-Ulrich Scupin, 'History of the Law of Nations: 1815 to World War I' in R. Bernhardt (ed.), *Encyclopaedia of Public International Law* (Amsterdam, 1995), II, pp. 767–93, at p. 787. See also Anthony Anghie, 'Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law,' *Harvard International Law Journal*, 40 (1999), pp. 1–80.

4. See e.g. Stefan Collini, Donald Winch & John Burrow, *That Noble Science of Politics: A Study in Nineteenth Century Intellectual History* (Cambridge, 1983); Stefan Collini, *Public Moralists: Political Thought and Intellectual Life in Britain 1850–1930* (Oxford, 1991). But cf. Duncan Bell, 'Empire and

International Relations in Victorian Political Thought,' *Historical Journal*, vol. 49 (2006), pp. 281–98.

5. Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge, 2001). See also Anghie, 'Finding the Peripheries'.

6. Collini, *Public Moralists*, p. 270.

7. For further comments on the ideology of internationalism, see Casper Sylvest, 'Continuity and Change in British Liberal Internationalism, *c*.1900–1930', *Review of International Studies*, 31 (2005), pp. 263–83; Duncan Bell and Casper Sylvest, 'International Society in Victorian Political Thought: T. H. Green, Herbert Spencer, and Henry Sidgwick,' *Modern Intellectual History*, 3 (2006), pp. 1–32.

8. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart (London, 1970 [1789]), p. 296. See also Jeremy Bentham, *A Fragment of Government*, ed. J. H. Burns and H. L. A. Hart (Cambridge, 1988 [1776]).

9. M. W. Janis, 'Jeremy Bentham and the Fashioning of "International Law",' *American Journal of International Law*, 78 (1984), pp. 405–18. See also Stephen Conway, 'Bentham on Peace and War,' *Utilitas*, 1 (1989), pp. 82–101.

10. David Armitage, 'Parliament and International Law in the Eighteenth Century' in Julian Hoppit (ed.), *Parliaments, Nations and Identities in Britain and Ireland 1660–1850* (Manchester, 2003), pp. 169–86, esp. pp. 180–81.

11. William Twining, *Globalisation & Legal Theory* (London, 2000), p. 21.

12. John Austin, *The Province of Jurisprudence Determined*, ed. W. E. Rumble (Cambridge, 1995 [1832]). Hereafter *PJD*. Austin's jurisprudence was influential well into the twentieth century, although interpretations differed widely. See Neil Duxbury, 'English Jurisprudence between Austin and Hart,' *Virginia Law Review*, 91 (2005), pp. 1–91; and also, Michael Lobban, 'Was there a Nineteenth Century "English School of Jurisprudence"?', *The Journal of Legal History*, 16 (1995), pp. 34–62.

13. To many of his later critics it was this dry zeal for order and definition as much as anything he wrote that indicted Austin. See e.g. James Bryce, 'The Methods of Legal Science' in Bryce, *Studies in History and Jurisprudence*, 2. vols. (Oxford, 1901), II, pp. 172–208, esp. p. 182.

14. See the discussion in Austin, *PJD*, pp. 119–23.

15. Austin, *PJD*, p. 123, italics in original.

16. Laws were 'set by political superiors to political inferiors'. Austin, *PJD*, p. 18. It was by virtue of this notion of command that analytical jurisprudence became associated with a Hobbesian tradition during the nineteenth century. Compare Thomas Hobbes, *Leviathan*, ed. R. Tuck (Cambridge, 1996 [1651]), chapter XV.

17. Austin, *PJD*, p. 171.

18. For a good summary of the work of the Select Committee on Legal Education (1846) and of the Commission of Inquiry into the Inns of Court (1855), see Brian Abel-Smith and Robert Stevens, *Lawyers and the Courts: A Sociological*

Study of the English Legal System 1750–1965 (London, 1967), pp. 64–66 and 66–68, respectively. Following the demise of the Doctors' Commons – the civilian lawyers' counterpart of the common lawyers' Inns of Court – in the 1850s and 1860s, civilian lawyers could no longer practice. However, their training in Roman law was useful for enquiring into international legal questions, and at least two prominent scholars in the international law community, Robert Phillimore and Travers Twiss, were members of the Doctors' Commons. See G. D. Squibb, *Doctor's Commons: A History of the College of Advocates and Doctors of Law* (Oxford, 1977), pp. 102–110, 201–02; J. H. Baker, *An Introduction to English Legal History*, 3rd edn. (London, 1990), ch. 10.

19. See Abel-Smith and Stevens, *Lawyers and the Courts*, p. 69; Sugarman, 'Legal Theory'. The Chichele Chair of International Law and Diplomacy at Oxford University was established in 1859, while the Whewell Chair of International Law at the University of Cambridge was first occupied in 1869.

20. Arguably this tension goes further back and is related to the 'old problem of whether natural law had moral force for humanity solely because it was God's will or whether in addition it had independent moral authority with us'. Knud Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge, 1996), p. 6.

21. Henry S. Maine, 'The Conception of Sovereignty, and Its Importance in International Law', *Papers read before the Juridical Society*, vol. I [1855–1858], pp. 26–45, at p. 28. See also D. H. N. Johnson, 'The English Tradition in International Law', *International and Comparative Law Quarterly*, 11 (1962), pp. 416–45; Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics* (Cambridge, 2002).

22. John W. Salmond, 'The Law of Nature,' *Law Quarterly Review*, 11, no. 42 (1895), pp. 121–43, at p. 121.

23. This was William Oke Manning, *Commentaries on the Law of Nations* (London, 1839). Manning's work was, however, anticipated by two American books: James Kent's *Commentary on International Law* (1826) and the influential lawyer and diplomatist Henry Wheaton's *The Elements of International Law* (1836).

24. See particularly Manning, *Commentaries*; William Whewell, *The Elements of Morality, Including Polity*, 2 vols. (London, 1845), esp. Bk. VI; William Whewell, 'Editor's Preface' in Hugo Grotius, *De Jure Belli et Pacis Libri Tres, Accompanied by an Abridged Translation by William Whewell*, 3 vols. (Cambridge, 1853), I, pp. iii–xvi; Robert Phillimore, *Commentaries upon International Law*, 4 vols. (London, 1854–1861). But cf. also Richard Wildman, *Institutes of International Law*, 2 vols. (London, 1849–1850). There were important differences between the religious beliefs of, for example, Manning (Unitarian) and Phillimore (High Church). Tracing the implications of these differences is, however, beyond the scope of this chapter.

25. See Montague Bernard, *Four Letters on Subjects Connected with Diplomacy* (London, 1868); Bernard, *On the Principle of Non-intervention: A Lecture*

(Oxford, 1860); Travers Twiss, *Two Inaugural Lectures on the Science of International Law* (London, 1856); Twiss, *The Law of Nations considered as Independent Political Communities*, 2 vols. (Oxford, 1861–1863). Compare John Stuart Mill, 'Inaugural Address Delivered at the University of St. Andrews' [1867] in *Collected Works of John Stuart Mill*, ed. J. M. Robson (Toronto, 1963–1991), XXI, pp. 215–57, esp. pp. 240–47.

26. Montague Bernard, 'Systems of Policy' in Bernard, *Four Letters*, pp. 61–109, at p. 101.

27. James Lorimer, 'The Institute of International Law founded at Ghent' in Lorimer, *Studies National and International: Lectures 1864–1889* (London, 1890), pp. 77–87, at pp. 82–83. For discussions of the prejudices and practices of exclusion in late nineteenth-century writings on international law, see Jennifer Pitt's contribution to this volume. See also Anghie, 'Finding the Peripheries'; Koskenniemi, *The Gentle Civilizer of Nations*, pp. 11–97; and Casper Sylvest, '"Our Passion for Legality": International Law and Imperialism in Late-Nineteenth-Century Britain,' *Review of International Studies* (2008, forthcoming).

28. This was not least due to the fact that 'Austinian' arguments pertaining to the standing of international law continued to be voiced by influential lawyers. See for example the remarks in James Fitzjames Stephen, *A History of the Criminal Law in England*, 3 vols. (London, 1883), II, ch. xvi; and A. V. Dicey, *Lectures Introductory to the Study of the Law of the Constitution* (London, 1885), p. 23. For different refutations of the idea that international law is not law, see Fredrick Pollock, 'The Methods of Jurisprudence,' *Law Magazine*, Fourth series, vol. 8 (1882–3), pp. 25–53; T. J. Lawrence, 'Is There a True International Law' in Lawrence, *Essays on Some Disputed Questions in Modern International Law*, 2nd edn. (Cambridge, 1885 [1884]), pp. 1–40; and Westlake, 'Introductory Lecture on International Law: 17 October 1888' in Westlake, *The Collected Papers of John Westlake on Public International Law*, ed. L. Oppenheim (Cambridge, 1914), pp. 393–413.

29. J. W. Burrow, *Evolution and Society: A Study in Victorian Social Theory* (Cambridge, 1966), p. 97.

30. J. W. Burrow, 'Images of Time: from Carlylean Vulcanism to Sedimentary Gradualism,' in Stefan Collini, Richard Whatmore and Bryan Young (eds.), *History, Religion, and Culture. British Intellectual History 1750–1950* (Cambridge, 2000), pp. 198–223. Burrow describes a movement from the 'cyclical', abrupt, spasmodic, catastrophic idea of history which deals with 'shocks and endings, or types of the end, of the moments when the order of time and nature is suspended' (p. 204) towards a 'linear' conception of history characterised by unlimited timescales, gradualism, a notion of the imperceptible passage of time, 'a history without heroes, almost without events, a history essentially of largely anonymous agents and unintended consequences' (p. 218).

31. Peter Stein, *Legal Evolution: The Story of an Idea* (Cambridge, 1980), p. 99.

32. Henry Sumner Maine, *Ancient Law: Its Connection with the Early History of Society, and Its Relations to Modern Ideas* (London, 1861), p. 170.

33. Maine, *Ancient Law*, pp. 73–74.
34. The centennial reappraisal of Maine contains no analysis of Maine's views on international law. See Alan Diamond (ed.), *The Victorian Achievement of Sir Henry Maine* (Cambridge, 1991). An exception is Carl Landauer, 'From Status to Treaty: Henry Sumner Maine's International Law,' *Canadian Journal of Law and Jurisprudence*, 15 (2002), pp. 219–54.
35. In 1855 Maine read a paper on international law before the Juridical Society ('The Conception of Sovereignty'). Moreover, *Ancient Law* and the early essay on 'Roman Law and Legal Education' (in *Cambridge Essays* [London, 1856], pp. 1–29) contained discussions of international law. According to Leslie Stephen, who wrote Maine's entry in the *DNB*, Maine had actually written a book on international law but lost the manuscript before leaving for India in 1862. See also George Feaver, *From Status to Contract: A Biography of Sir Henry Maine 1822–1888* (London, 1969), p. 256.
36. See e.g. J. Crawford, 'Public International Law in Twentieth-century England' in J. Beatson and R. Zimmermann (eds.), *Jurists Uprooted: German-speaking Emigré Lawyers in Twentieth Century Britain* (Oxford, 2004), pp. 681–707.
37. Collini *et al.*, *That Noble Science of Politics*, p. 210. This was also the view of Maine's successor as Corpus Professor of Jurisprudence in Oxford, Frederick Pollock (see his 'Sir Henry Maine and his Work' [1888] in Pollock, *Oxford Lectures and Other Discourses* [London, 1890], pp. 147–68).
38. My focus on Maine should not obscure the fact that there existed a receptive audience for evolutionary ideas, and that Maine owed debts to German as well as British scholars. Moreover, I shall say relatively little about other forms of evolution. This is perhaps problematic, as some international legal scholars later in the century bundled all evolutionary theories together in a rather uncritical fashion. However, it is worth noting that there is considerable evidence that biological evolution, and especially Darwin's contribution, has been overestimated. See Burrow, *Evolution and Society*; and Jose Harris, *Private Lives, Public Spirit: Britain 1870–1914* (Harmondsworth, 1994), ch. 8.
39. According to Duxbury, however, Maine's long-term influence on English jurisprudence was slight. See Duxbury, 'English Jurisprudence,' pp. 22–9.
40. Maine, *Ancient Law*, pp. 111–12; Maine, 'The Conception of Sovereignty,' p. 39.
41. Maine, 'Roman Law', p. 12.
42. Maine, *Ancient Law*, p. 167.
43. Henry Sumner Maine, *International Law: A Series of Lectures delivered before the University of Cambridge 1887* (London, 1888), p. 32.
44. Maine, *International Law*, pp. 49, 58.
45. Maine, *International Law*, p. 221. The details of Maine's system as applied to the international domain are discussed in Landauer, 'From Status to Treaty'.
46. See the discussion in Collini, *Public Moralists*, pp. 271–80.
47. Maine, *International Law*, esp. pp. 3–13.
48. Maine, *International Law*, pp. 227–28.

49. See e.g. Stein, *Legal Evolution*, pp. 113, 122–23.

50. For example, which extra-legal principles are in most need of codification? Who is to decide this and on what basis, etc.?

51. T. E. Holland, *The Elements of Jurisprudence* (Oxford, 1880), p. 263.

52. See T. E. Holland, 'Recent Diplomatic Discussion as Illustrations of International Law' [1878] in Holland, *Studies in International Law* (Oxford, 1898), pp. 151–67, esp. p. 167.

53. Robert Phillimore, *International Law: Inaugural Lecture* (London, 1879); and James Lorimer, *The Institutes of the Law of Nations: A Treatise of the Jural Relations between Communities*, 2 vols. (Edinburgh, 1883–84). See also Johnson, 'The English Tradition,' pp. 418–21.

54. Frederick Pollock, 'English Opportunities in Historical and Comparative Jurisprudence' [1883], reprinted in Pollock, *Oxford Lectures*, pp. 37–64, at p. 41.

55. Frederick Pollock, *A First Book of Jurisprudence for Students of the Common Law* (London, 1896), p. 13.

56. T. J. Lawrence, 'The Evolution of Peace' in Lawrence, *Essays*, pp. 234–77.

57. Lawrence, 'The Evolution of Peace,' p. 240.

58. Lawrence, 'The Evolution of Peace,' p. 248.

59. Lawrence, 'The Evolution of Peace,' pp. 248–49. Cf. also 'Is There a True International Law?' (pp. 39–40), where Lawrence pays tribute to his profession: '[s]ome of the best and wisest of men have devoted their talents to the task of shaping [international law] out of chaos into form and symmetry, and their eloquence to the harder task of persuading the nations to accept its humanizing precepts.'

60. Lawrence, 'The Evolution of Peace', p. 249. See also the analysis in [Annelise Riles], 'Aspiration and Control: International Legal Rhetoric and the Essentialization of Culture,' *Harvard Law Review*, 106 (1993), pp. 723–40.

61. Sheldon Amos, *Lectures on International Law* (London, 1874), p. 1.

62. Sheldon Amos, *Political and Legal Remedies for War* (London, 1884), p. 1. See also Sheldon Amos, *A Systematic View of the Science of Jurisprudence* (London, 1872), ch. xvi.

63. Amos, *Political and Legal Remedies*, p. 56.

64. Westlake, 'Introductory Lecture', pp. 401–402.

65. Westlake, 'Introductory Lecture', p. 409.

66. John Westlake, *Chapters on International Law* [1894], reprinted in Westlake, *Collected Papers*, pp. xix–282, at p. 281.

Boundaries of Victorian international law

Jennifer Pitts

I. INTRODUCTION: THE NEW CENTRALITY OF THE SCOPE OF INTERNATIONAL LAW

When John Stuart Mill wrote in 1859 that '[t]o characterize any conduct whatever towards a barbarous people as a violation of the law of nations, only shows that he who so speaks has never considered the subject', he ignored, whether unwittingly, or more probably wilfully, a long history of legal and diplomatic relations with many non-European powers and of sophisticated philosophical and doctrinal inquiries into the universality or limits of the law of nations.[1] Mill's Victorian contemporaries almost universally concurred in his judgement that very few, if any, non-European states could be considered equal subjects of international law, but they debated the scope of international law and the grounds for its boundaries with an urgency that belies Mill's self-assured dismissal of the very question.

The question of the geographic scope of the law of nations was central for theorists of international law throughout the second half of the nineteenth century in a way that it had not been to the thinkers they recognised as the founders of their field – Grotius, Pufendorf, Wolff, or Vattel, for instance.[2] In this chapter, I explore the preoccupation among Victorian thinkers, both international lawyers and participants in a broader public debate, with the question of the scope of international law and the extent to which it could be thought to apply to non-European societies, especially Asian commercial states. Building on recent work by scholars such as Martti Koskenniemi and Antony Anghie that has demonstrated the extent to which imperial concerns contributed to the formation of central concepts of international law such as sovereignty, I argue in Section II that the Victorian international lawyers placed questions of membership in international society at the heart of their theories of international law. The notion of a capacity for reciprocity, I suggest, came to play a particularly central role in the construction of ostensible standards for inclusion in

international society. Jurists offered a variety of claims about non-European societies' incapacity for relations of reciprocity and mutual respect – civilisational backwardness, a lack of sufficiently abstract notions of justice, the hostility of Islamic states to infidels – claims that tracked various theories about the distinctiveness of the European law of nations as uniquely civilised or distinctively Christian. The distinction between barbarous and civilised societies, which, though contested in its details, found extraordinarily widespread acceptance in nineteenth-century discourse, pervaded such debates. The efforts of jurists self-consciously attempting to elaborate a coherent positivist legal doctrine were undoubtedly a central element of the Victorian debate over the universality of international law, as Antony Anghie has shown.[3] But, as I argue in Sections III and IV, the debate ranged more widely, involving political thinkers such as John Stuart Mill, legislators, colonial administrators, and journalists without the jurists' professional interest in doctrinal coherence. While international jurists, whatever their disagreements over the most satisfactory grounds for the exclusion, agreed that international law could apply to only very few non-European states, we find some dissent from this position in the broader public debate and efforts to establish European states' extensive legal obligations abroad. In journals such as the *Fortnightly Review* and the *Westminster Review*, a few authors criticised the exclusion especially of Asian commercial states from international law and sought to deflate European pretensions to civilisational superiority, warning that these attitudes invited and sanctioned egregious injustices. They noted that while such exclusions neatly served the Europeans' exploitative agenda, they also provoked hostility and resistance and so proved not only unjust but foolish and impolitic.

Victorian international lawyers were most concerned to establish the legal status of Asian commercial states; while African and native American societies were occasionally considered, there was nearly universal agreement that such societies were outside the scope of international law. Even after the 1856 Treaty of Paris ostensibly admitted the Ottoman empire into the 'family of states' bound by international law, Turkey continued to be the case that provoked the greatest dispute among jurists; other central cases included China, Japan, and the so-called Indian Native States not formally incorporated into the British empire.[4] Two international law associations founded in the 1870s in the wake of the Franco-Prussian War, the Institute of International Law and the Association for the Reform and Codification of the Law of Nations, both placed the question of the scope of international law at the centre of their agendas. The Institute formed a

commission to study whether and how international law applied to 'Oriental' nations and the Codification Association asked how it applied to non-Christians. These scholars and groups debated extensively the grounds for the inclusion or exclusion of various societies. Was the distinction between international law's subjects and those outside it a merely historical one between a cultural and commercial community of Europeans (and colonies populated by their descendants) and other communities in the world? A religious and ethical distinction between Christians and non-Christians? A distinction of political, legal, or moral capacity between the civilised and the semi-civilised or savage? Each of these choices was challenged as irrelevant, incoherent, or unsustainable by some participants. Yet there was near universal agreement among the jurists that not only was it inappropriate to regard the European law of nations as fully binding on other peoples, but also that it did not, or not fully, obligate Europeans in their interactions with others.[5]

The many late-nineteenth-century efforts toward codification of international legal standards certainly intensified the era's exclusionary tendencies by encouraging jurists to specify what might otherwise have remained vague and more implicit prejudices. The notion of an exclusive and largely European international legal community found a particularly secure place within the emerging discourse of legal positivism, which emphasised shared customs and legal conventions as the basis of law and tended to eschew explicit reliance on universalistic and normative frameworks such as natural law.[6] And yet the theorists of the later Victorian period by no means abandoned their predecessors' universalist aspirations. The familiar language of natural law persisted among some Victorian jurists such as James Lorimer and Robert Phillimore. And even those thinkers who shunned a natural law framework continued to regard their principles as universally valid, though their universalism was now refracted through the progressivist or perfectionist prism of ostensibly scientific accounts of civilisational progress.

The widespread turn toward such theories of progress had two results of particular importance for approaches to the question of the scope of international law and the duties it imposed on Europeans beyond Europe. First, these progress narratives permitted an elision of universalist moral claims with particularist ones. They enabled thinkers of this period to argue that their theories respected human moral equality even as they advocated suspending ordinary moral, political, and legal norms in interactions with non-European societies. In contrast to a non-progressivist moral universalism, according to which differential standards are suspect and demand

explanation and defense, universalism premised on a narrative of progress regards different treatment for various groups (both across societies and, often, within them) not only as defensible, but as indeed required by the moral duty to assist the backward to advance. Second, the turn to purportedly scientific accounts of social stages as bases for legal and political argument naturalised what might otherwise be recognised as social conventions. It thus denied the artificiality, the socially or theoretically constructed nature, of legal norms. This tendency is particularly pronounced among the Victorian positivist jurists, who often insisted that their legal theories of the scope and membership of international societies simply acknowledged indisputable social facts. Travers Twiss, for instance, claimed to make 'no pretension' to present a normative theory. His work was intended simply to 'examine into the existing usages of State-Life, and to illustrate the modifications and improvements which they have undergone from time to time, whereby they have been adjusted to the growing wants of a progressive civilization'. Lorimer, similarly, claimed that one cannot proceed with jural arguments without knowing, through science, the '*necessary* characteristics' of a nation.[7] Theories of civilisation and barbarism, rendered in the scientific idiom of sociology and legal positivism, offered legal and political theorists a means by which to posit European moral and political norms as universally valid while forestalling inquiry into this assumption.

We might contrast such a view with Edmund Burke's arguments during the trial of Warren Hastings that the law of nations is a universal law based on the law of nature. Burke made such claims primarily in order to insist that Europeans are bound by strict moral and political obligations in their interactions with non-Europeans, against Hastings's assertion that the laws of Asia were so different from European law – and Asians so accustomed to despotic rule – that he and the East India Company were justified in acting toward them in ways that would have been unconscionable in Europe. Burke countered that 'in Asia as well as in Europe the same Law of Nations prevails, the same principles are continually resorted to . . . Asia is enlightened in that respect as well as Europe'.[8] Burke's arguments cannot be said to have been typical of late-eighteenth-century views – indeed, he clearly saw himself as arguing against a widespread acceptance in Britain of the suspension of British legal and moral standards in India. But Burke was undoubtedly drawing upon a tradition of European thought and practice that held the law of nations to apply to all commercial states and to bind Europeans outside Europe as well as within it. C. H. Alexandrowicz has convincingly located in the second half of the eighteenth century the

beginnings of a doctrinal struggle between that older 'universal and natural conception of the law of nations' and a new positivist conception that regarded the law of nations as the exclusive province of Europe and its daughter states.[9] His narrative reiterates in a critical vein the transformation in which many nineteenth-century thinkers themselves believed they were engaged. Robert Ward's *Enquiry into the Foundation and History of the Law of Nations in Europe* (1795) was an early effort to repudiate the earlier universalist view and to trace the rise of the mistaken approach said to have been taken by Grotius and his followers.[10] Prominent later accounts included John Austin's *Lectures on Jurisprudence* (published in 1863, though written in the 1830s) and Henry Maine's *Ancient Law* (1861).[11] Burke's arguments, then, appear a kind of rear-guard universalism in the face of a widespread and self-conscious, if still incipient and never completed, development in theories of the law of nations toward a more restricted regional and positivist view.

II. JURISTS, INTERNATIONAL LAW SOCIETIES, AND 'ORIENTAL' NATIONS

The criteria European jurists appealed to as grounds for the legal exclusion of other societies overlapped and reinforced one another, making the distinction appear over-determined and so all the less in need of carefully elaborated justification. These included the 'standard' of civilisation;[12] the notion of a religious (and therefore ethical) community that bound Europeans to one another and guided their interactions even without explicit agreements;[13] and vague claims of the racial or biological incapacities of certain human groups that posed obstacles to their achievement of sufficient self-development to participate fully in a regime of reciprocal rights and duties (even thinkers not avowedly racist appealed to persistent differences among groups, or noted that science had not progressed far enough to determine the role of race in politics).

A recurrent 'criterion' for inclusion within the scope of international law was said to be the ability to engage in reciprocal relations, rendered variously as an ethical notion particular to certain religions, or as a capacity of cognition or will, whether determined by race, or, as in Mill's thought, by civilisational stage. Sir Travers Twiss argued that the question of the scope of international law could not be addressed until one had determined whether 'Oriental peoples . . . are capable, to the same degree as Western peoples, of admitting a moral basis of reciprocity with other peoples who do not accept the same religious sanctions.'[14] While Twiss's notion of a

capacity for reciprocity evokes Mill's exclusion of 'barbarians' from international law on the grounds that their 'minds are not capable' of the effort required for reciprocity, Twiss concluded that the problem of reciprocity does not arise with Buddhist or Confucian but only Islamic nations. The moral code of the Koran is at the same time a code of international law, he argued, one that prohibits relations of equality and reciprocity between the 'house of Islam and infidel countries'.[15]

Twiss's argument was in keeping with a standard European view of Islam that, while it reflected a genuine aspect of Muslim doctrine (the distinction between the Dar al-Islam and the Dar al-Harb, or house of war), chose to regard the long history of treaties between the Ottoman Porte and European states as irrelevant.[16] European jurists emphasised that capitulation arrangements, which provided for European consuls' jurisdiction over European residents of the Ottoman empire (also known as extra-territoriality) and which constituted a major element of legal interaction between the Ottoman state and its European trading partners, were technically not treaties but privileges granted unilaterally by the Sultan. Although such arrangements had arguably presumed reciprocity for centuries and had become explicitly bilateral in the eighteenth century, nineteenth-century European analysts consistently cited capitulations as evidence both of an absence of reciprocity in Europe's legal relations with Muslim states and of the compromised sovereignty of the states granting such extra-territorial privileges to Europeans.[17] Twiss conceded that the Ottoman empire had, under Sultan Mahmud II, 'submitted to the influence of the general civilization of the nineteenth century', and had reinterpreted its duties under the Koran, with results such as the proclamation of 1839 that all subjects of the empire enjoyed equal rights, irrespective of religion.[18] Still, while he suggested that China and Japan posed no cultural obstacles to reciprocity, and that major reforms in Turkey counteracted Islam's suspected refusal to engage in reciprocal relations, he concluded that mutual legal obligations between Europe and these states were as yet impossible.

Despite the widely lauded 'admission' of the Ottoman empire into the European concert through the 1856 Treaty of Paris, then, considerable disagreement persisted about Turkey's appropriate legal status. While some, such as Phillimore, argued that Turkey had been formally and unambiguously inducted not just into international society but also into the European 'family of nations',[19] members of the Institute of International Law were still disputing the question two decades later (see below), and even moderate jurists such as Twiss questioned Turkey's eligibility for full legal personality. James Lorimer went further and insisted that the recognition of Turkey,

which he called a 'phantom state', had always been a farce that was best abandoned for frank acceptance of Europe's duty to civilise the place by conquest. 'I would give up the farce of pretending that he [the Turk] was *sui juris* when, if not in his dotage, he was plainly in his minority.'[20]

Lorimer, who held the Chair of Public Law and of the Law of Nature and of Nations at the University of Edinburgh, devoted several of his annual introductory lectures in public law during the 1870s to the impossibility of any reciprocal relations between European and Muslim states. 'To talk of the recognition of Mahometan States as a question of time,' Lorimer wrote with characteristic dispatch, 'is to talk nonsense,' for Islam, whatever its truth or falsehood, 'is always false when seen from an international point of view.'[21] Lorimer announced that Turkey in particular, on religious and also racial grounds, was 'bankrupt ... of every quality of a nation', and he maintained that capitulation treaties demonstrated the absurdity of any claims of Turkish sovereignty. 'It is plain,' he argued, 'that such tribunals constitute an *imperium in imperio*, and their existence in Turkey is a complete *reductio ad absurdum* of the "integrity and independence of the Ottoman Empire".'[22] He called on Europeans to give up the sham by which they pretended to regard the Ottoman empire as a legal equal, and instead conquer Constantinople and use the city as the home for a new international legislature, executive, and judiciary body, which, given Lorimer's restricted notions of international membership, was really more a European Community.[23] Thus, he argued, with a remarkable combination of cynicism and utopianism, '[i]n the only possible answer which I can see to this Eastern Question, I am not without hope that we shall find the only possible answer to the central question of International Jurisprudence'.

Lorimer undoubtedly had idiosyncratic preoccupations and unusually overt prejudices compared with his more conventionally positivist colleagues.[24] His international thought drew explicitly on racial categories.[25] He rejected the notions, fundamental to the emerging positivist dogma, of the legal equality and independence of European states: the 'insincere recognition of [the] jural equality' of great powers and minor European states had 'doomed' the latter to exclusion from international politics, whereas honest recognition of their separate but inferior status would earn them genuine, if modest, influence ('Half a loaf is better than no bread', he remarked).[26] But despite these differences of language and political program – which contributed to his unusually hostile posture toward the Ottoman empire – in important ways Lorimer simply articulated openly what remained implicit or under-developed in others' work. He theorised his recourse to race as a factor in international membership,

for instance, far more thoroughly than most, calling for further study in 'ethical and jural ethnology'; but the suggestion that racial differences as yet uncomprehended by science might perhaps underlie political differences, and influence political relations, was more widespread.[27] Similarly, while Lorimer's project for Constantinople was more audacious and bizarre than most, he was characteristic of his time in his confidence that European experiments in the 'semi-barbarous' societies at Europe's periphery could furnish solutions to the greatest challenges of international society.[28] While Lorimer's insistence that the law of nature underlies international law made it especially clear that his universalist legal aspirations were compromised by his European particularism, such a tension was present throughout this literature.[29] Ostensibly impartial theoretical provisions, such as Lorimer's criterion that a state have the capacity for 'reciprocating will', prove to be the exclusive province of European states for an indefinite, though in principle limited, period.[30]

Lorimer himself claimed, with some justice, to be simply attempting to theorise explicitly the political reality of states' unequal status that others recognised but attempted to veil with legal fictions. Like the critics of the legal exclusions of Asian states whom I discuss below, though from a very different political perspective, Lorimer recognised the hypocrisy of Europe's legal posture toward Turkey and other Asian powers; but rather than calling for political practice that might live up to international law's universal pretensions, he sought the revision of the legal framework to reflect what were, in his view, justifiably unequal practices.[31] Finally, Lorimer made particularly plain an impulse shared by many positivist legal thinkers of the period: the insistence that they were basing their legal theories on bare 'fact' and indeed that legal systems, rather than being products of will and agreement, amounted simply to the acknowledgement of an unalterable and independent reality. Sovereignty, for instance, was not a legal convention but a statement about reality rendered in legal terms: 'International law can no more create a State, add to it, or diminish it, than it can create a man, or increase or diminish his stature.'[32] This insistence on 'fact' as the basis of law led Lorimer and others to naturalise the conventional and so to exclude the possibility of articulating the thought that practices of sovereignty were not simply conventions but (as Ward, for one, had admitted) peculiarly European conventions whose exclusions remained all too often unacknowledged and unjustified.[33]

The centrality of the question of international law's scope is apparent, too, in the agendas of the new international law societies that were forming in the 1870s. At the suggestion of the American legal reformer David

Dudley Field, the Institute for International Law (*Institut de Droit International* [IDI]) formed a commission in 1874 to consider the question 'To what extent, and under what conditions, is the unwritten international law of Europe applicable to Eastern nations?'[34] Field himself hoped to see the issue addressed in the broadest terms. He held that neither Christianity nor 'civilisation' supplied a convincing justification for the exclusions of international law as they stood in his day. He noted the unreasonableness of radical differences in legal standing between Russia and China, despite the apparent similarities in degree of civilisation throughout much of their territories. Of China, he asked, 'Can it be justly claimed that a nation which has maintained a regularly administered government, over hundreds of millions of human beings, for thousands of years . . . is uncivilized? It must be admitted, I think, that the point of civilization is not the one on which the question of international law, in its application to China, should turn.'[35] While Field was unusually articulate in his scepticism about the use of 'civilisation' as a criterion, other jurists occasionally voiced similar doubts. A vote was later held to remove the language of *civilised* and *uncivilised* states from the commission's report; after some discussion the words were replaced by Christian and non-Christian, although it is clear that many doubted the fairness or justifiability of this distinction as well.[36]

The Institute's commission on Oriental nations concluded that Field's question was unmanageably broad and chose to restrict its agenda to the far narrower question of how to organise the European consular tribunals abroad. Travers Twiss, the commission's reporter, held that it was not yet possible to abolish consular jurisdiction in Asia, but that the consular and mixed courts must be reformed, for they allowed Europeans at times to 'escape justice altogether', causing scandal and ill will in the host countries.[37] The commission had sent a questionnaire to European and American diplomats in Asia as well as some Asian diplomats in Europe, asking whether these experts believed there was 'such a radical difference' between Asian and European views of duties toward foreign peoples and individuals, and obligations to abide by treaties, 'that it would seem impossible to imagine permitting these nationals to enter the general community of international law?'[38] Although respondents to the questionnaire maintained that views in Asia's commercial states about treaty obligations were similar enough to those in Europe to pose no obstacle to these states' inclusion in international law, the commission declined to pursue that broad agenda further.

The commission's failure to address the broader and more philosophical question of legal relations between Europe and Asia (not to mention

Africa) did not go unchallenged. The Swiss jurist Joseph Hornung protested that the commission's decision to limit itself to legal arrangements
tailored to the needs of Europeans abroad was symptomatic of a more
general European egoism: 'in our relations with non-Christian humanity,
Europe never sees anything but its own interest . . . It is time for Europe to
raise itself to better and more disinterested perspectives. Before speaking to
Oriental nations about their duties toward us, it would do to think about
those we bear toward them.'[39] Hornung's approach to non-European
societies was by no means egalitarian, and he regarded Europe's duties
toward Asia as those of superiors to inferiors.[40] Yet he was a more astute
critic than most of his colleagues of the European interests promoted by
ostensibly scientific inquiry among the European jurists, and of the tendency of the broader question of *mutual* obligations under international
law to collapse into the less challenging question of what Europeans could
demand of those they deemed unfit for full membership in the international system.

III. JOHN STUART MILL, CIVILISATION, AND INTERNATIONAL LAW

Debates among international lawyers over the legal status of non-European
states were, as we have noted, framed in terms of their concern to place
international law on a secure footing; but others with less specifically
doctrinal interests also took up the question of international law's scope
and likewise addressed the question in terms of the distinction between
barbarous and civilised societies. Mill, for one, seems to have considered
this distinction too obvious to require much theoretical elaboration, although
his argument for non-intervention as a fundamental principle of international law turned on it.[41] 'To suppose,' he wrote, 'that the same international customs, and the same rules of international morality, can obtain
between one civilized nation and another, and between civilized nations
and barbarians, is a grave error, and one which no statesman can fall into,
however it may be with those who, from a safe and unresponsible position,
criticise statesmen.'[42] Mill used the term 'barbarian' vaguely and expansively, apparently applying it to all the commercial societies of Asia in
addition to the rest of the non-European world; he displayed none of the
jurists' meticulousness in specifying the legal arrangements appropriate
for particular non-European countries.[43] Of the 'many reasons' why no
conduct toward barbarian people could be considered a violation of the
law of nations, he argued, two were most significant: first, barbarians'

deficiencies of mind and character made them incapable of understanding or acting on principles of reciprocity, and second, they were at a stage of society in which it was 'likely to be for their benefit that they should be conquered and held in subjection by foreigners'.[44] Mill made little attempt to elaborate the anthropology that lay behind the first claim or to rebut the view that India and China, for instance, were civilisations of great and longstanding complexity and sophistication. His most detailed account of the distinction between barbarous and civilised societies, written over twenty years earlier in the essay 'Civilization' (1836), equated savage and barbarous societies and attributed to them 'no commerce, no manufactures, no agriculture, or next to none . . . little or no law, or administration of justice'.[45] While Mill well knew that such a description could not apply to the complex commercial societies of India (to say nothing of other societies he deemed barbarous), he based his argument for the limited scope of international law on just such a suggestion. Mill wrote his essay on non-intervention in 1859, in the wake of the Sepoy Rebellion. As a senior official of the East India Company, he had contested, in memoranda and parliamentary testimony, the subsequent dismantling of the Company and its replacement by direct rule over India by the British government. It seems likely that his scornful remarks in the essay about critics of British imperial policy – 'those who write in strains of indignant morality on the subject' – refer to writers such as F. W. Newman who charged the Company's officials with having violated international law in their treatment of Indian princes.[46]

Mill's relatively casual approach to the determination of the boundary between the 'communion of civilised nations' and the rest of the world can perhaps be attributed partly to his belief, following Austin, that international law could not properly be thought of as law at all.[47] The law of nations, Mill wrote, is 'simply the custom of nations . . . a set of international usages, which have grown up like other usages, partly from a sense of justice, partly from common interest or convenience, partly from mere opinion and prejudice'.[48] Since this 'falsely-called law' was not promulgated by any sovereign and so could not be repealed, the only way for members of the international community to improve it, he argued, was to attempt to establish new principles by violating the existing customary rules. Given that Mill conceived of international law as nothing other than a vague set of customs established out of convenience and prejudice as much as from principle, it is not surprising that he believed its boundaries were of little theoretical interest. While he spoke in terms similar to those of the international jurists, Mill was attempting not to develop a coherent doctrine or code of international law but rather to determine what political or administrative arrangements were most conducive

to human progress as he understood it: 'the permanent interests of man as a progressive being', as he put it in *On Liberty* (1859).[49]

If Mill was more satisfied than many jurists with an underspecified anthropological framework, there was little dissent among the jurists about the fundamental justifiability of the legal distinctions, however vague or poorly theorised, between civilised and barbarous, or improving and stationary, societies. It is rather in the broader public debate that we find some rare voices of dissent against the exclusion of Asian commercial states from the scope of international law. In faint echoes of a recurrent trope of earlier centuries (among thinkers such as Montaigne or Diderot), a few writers lambasted the instability and presumption of the very language of civilisation. Henry E. J. Stanley, a gifted linguist, sometime diplomat, and Muslim convert, presented a series of powerful arguments against such legal exclusions in an edited volume titled *The East and the West: Our Dealings with our Neighbours* (1865).[50] Stanley's collection of unsigned essays denounced the hypocrisy of the discourse of civilisation and its pernicious consequences for international law, asserting that Europeans had long cultivated 'anti-humanitarian' habits of lawlessness in Asia.[51] Stanley regarded the 'perversion of ideas' through the use of terms such as *civilisation* and *expediency* as one element of the European arrogance that engendered contempt for international law, bullying and violent abuse of Asian states from Turkey to Japan to Siam, and the widespread acceptance in Britain of a 'rapidly increasing number of little wars'.[52] What is perhaps most striking about these essays is their historical self-consciousness: their criticism of the peculiar form that European hypocrisy and aggression had taken in the nineteenth century, and their nostalgia for an earlier understanding of the law of nations as based on universal moral commitments (in this sense they seem an Alexandrowicz *avant la lettre*).[53]

One essay on the 'Effects of Contempt for International Law' contended that the nineteenth century had replaced an older religious rhetoric of exclusion with the 'watchword' *civilisation*, which served simply,

... to proscribe those who differ from the persons who utter it, and to deprive them of those rights which all men possess in common, and to get rid of those obligations which all members of the family of mankind owe to one another. The modern term is more vague, more elastic, more unjust; and it serves to deprive the Chinese of the rights of international law and its mutual obligations, equally with the Feejee Islanders, or other cannibals.[54]

The essay pointed to the variability and irrelevance of European 'standards' of civilisation: De Maistre limited it to 'nations which study Latin', Cobden looked to 'miles of electric telegraph' and numbers of daily newspapers. The Chinese, with as much justice, the essay argued, could point to 'respect for the law, and the most ancient annals', the Japanese to the absence of pauperism. As the line dispensing with Fijians and other cannibals indicates, this essay, for all its criticism of the emptiness of the language of civilisation, and like many others who defended the inclusion of Asian commercial societies within the scope of international law, simply moves the boundary of the community of legal reciprocity further along a spectrum of development to exclude ostensibly savage societies (Burke had done much the same).[55] Still, its insistence on the indefensibility of the 'standard' of civilisation, and the power that the term's elasticity gave states like Britain to justify aggression and high-handedness toward its trading partners throughout Asia, represents a provocative moment in the Victorian debate over the scope of international law.

Stanley's volume was unusual in its insistence upon the full legal personality of Asian states and its hostility to the system of consular jurisdiction, but we find its arguments echoed in the London *Times*, in several unsigned articles by the correspondent and leader writer Antonio Gallenga published in the summer of 1868. These pieces called in acerbic tones for a reform of the system of consular jurisdiction in the Ottoman empire and Egypt; they castigated Europeans' cultural arrogance, 'bigotry', and 'hypocrisy', and charged that Europe's patent violations of international law and standards of reciprocity stemmed from European contempt for Muslim societies and legal institutions.[56] The legal argument of these articles was unambiguous: all international law could be established only on the basis of 'spontaneousness and reciprocity'. It was within the rights of the Turkish government under international law to demand that Europeans either submit to local jurisdiction or leave the country; any other legal arrangements, such as the mixed tribunals recommended by the author, had to gain the approval of the Turkish authorities. These articles were strikingly more inclusive in their understanding of international law and the duties it imposed on Europeans than were the prominent international lawyers of the time. They suggest that there was a place in the broader public debate about international law for the position that Europeans were obligated under international law to treat at least certain non-European states with the respect and reciprocity due to sovereign states, and for an inclination to question European cultural confidence and the categories of barbarous and civilised.

While Turkey's status, especially after 1856, was the case most persistently debated, the political and legal status of the hundreds of Indian principalities that remained outside direct British rule was similarly in dispute during this period.[57] Were they, as the British parliament sometimes put it, 'princes and states in alliance with Her Majesty', whose sovereignty had to be respected under international law, or were they, as other statutes had it, under British 'suzerainty' and therefore without any international standing whatsoever? Was the language of sovereignty and international law that the British state sometimes used evidence of these states' true status or meaningless rhetoric?[58] In the wake of the Sepoy rebellion of 1857–58, some of those who held the former view charged that Britain's aggressive policy of annexing Indian principalities, which had intensified under the governor-generalship of Lord Dalhousie (1848–56), was not only a violation of international law but was in large measure responsible for provoking the rebellion and might ultimately lead to the violent overthrow of British rule in India.

The polymath scholar and writer Francis William Newman (brother of John Henry, Cardinal Newman) argued in a series of articles between 1858 and 1863 that the Indian principalities were independent states whose relations with Britain were 'international' and toward which Britain had (and perpetually violated) strict obligations to fulfil its treaties.[59] In a *Westminster Review* article of 1858, Newman argued that Dalhousie's aggressive annexation policy had been a principal cause of the Sepoy rebellion. While Newman lacked the international lawyers' professional concern to establish the scope of international law, he pointedly described Lord Dalhousie's annexation measures as an aspect of 'foreign policy' and spoke of the 'national rights' of the peoples annexed or slated for annexation.[60] Newman noted the hypocrisy with which the British had appealed to law in their dealings with Indian states: they had extorted agreements by force and then piously insisted on the treaties' terms; or they turned to accounts of Indian immaturity or degeneracy when the letter of a treaty was inconvenient. Typical of this approach, he suggested, was Dalhousie's avowed policy of using the policy of lapse to take (in the governor-general's own words) 'any *just* opportunity for consolidating the territories that already belong to us'. Newman commented: 'The word *just*, thus used by English statesmen towards Asiatics, means *in accordance with treaty*, quite regardless of the questions whether that treaty was obtained by unjustifiable violence, (as were *all* our treaties with Oude,) and whether the party who made the treaty had any legal or moral right to make it.'[61] Newman noted that British writers dwelt on sensational but irrelevant descriptions

of Indian princes' personal vices in order to obscure 'the fact, that we have entered into solemn public treaties with these dynasties'.[62]

Although Newman shared the nearly universal British view that Indians as a whole were still 'unfit . . . for democratic representation', he believed that the immediate extension of citizenship and political rights to Indian elites would make broader democratic participation and self-government imminently possible, and he looked forward to Indian independence in the not-distant future with equanimity.[63] While he hoped such self-government might be accomplished without bloodshed, he warned that British injustices would almost inevitably provoke violent rebellion; respect for Indian states as participants in international law was both just and prudent.[64] Newman's arguments for the jural independence and international subjecthood of those states represented a minority view, even though the British parliament remained content to refer to the Indian princes as allied states, at least into the 1870s. Legal texts rarely discussed the status of the states, and those that did regarded the states as dependent entities with nonexistent, or, occasionally, nominal international status.[65]

V. CONCLUSIONS

The international jurists considered here shared a number of tensions and inconsistencies in their approach to the scope of international law. While they often claimed, as positivists, not to have normative projects of their own but rather simply to be recorders of scientific fact and of the actual practices of international society, they contributed in several ways to the development of an exclusive European understanding of international law, and of Europe's legal and political obligations to other states and societies. They were selective in their approach to evidence of international recognition: while many acknowledged, for instance, that Europe had long engaged in treaty relations with non-European powers, they discounted such forms of legal engagement as peripheral to international law properly understood. The jurists focused preponderant attention on the treaties of extra-territoriality, so that consular courts became a – even *the* – central question of legal relations with Asian states, diverting attention away from questions of European obligations to those states, or of reciprocal duties on a host of other matters. In considering the legitimacy of the special European consular courts, they tended to give great weight to the testimony of European merchants and to assume the worst about local courts, in order to argue that the courts were justified by sheer necessity. The jurists generally interpreted capitulations as diminishing the sovereignty of

host countries like China and Turkey, rather than as legal arrangements between sovereign powers: another example of a judgement that was presented as simple recording of fact. Finally, these jurists shared with the broader public a faith in a discourse of civilisation and progress that, although it remained vague and insufficiently interrogated, achieved the reputation of social science and so deflected social criticism and moral inquiry of the kind that emerged very occasionally, as we have seen, in a wider circle of debate. Far from abandoning a universalist programme, even self-described positivist legal scholars who emphasised the distinctly European character of international law as it stood in their day adopted what in many ways was a strongly universalist posture. Their assumptions about progress rendered opaque their elisions between their commitment to universally valid principles, and their conviction of Europe's unique moral and political achievements. In doing so, international legal theorists contributed to a broader Victorian turn away from a strand of moral universalism that, while it was by no means perfectly consistent or inclusive, had been articulated in terms that left space for the claim – exemplified in Burke's critique of Hastings – that its exclusions violated its commitment to human equality properly understood.

<center>N O T E S</center>

1. Mill, 'A Few Words on Non-Intervention,' in the *Collected Works of John Stuart Mill* [hereafter *CW*], (Toronto, 1963-), XXI, p. 119. I would like to thank the participants at the Victorian International Thought conference, especially Duncan Bell, Istvan Hont, David Palfrey, and Casper Sylvest, for their valuable comments on earlier drafts; I am grateful also to Charles Beitz, Sankar Muthu, and Tamsin Shaw.
2. See, for example, Travers Twiss, *Law of Nations*, 2nd edition (Oxford, 1884), I.xxxvii and 2; James Lorimer, *Institutes of the Law of Nations* (Edinburgh, 1884) I.91 ff; Robert Phillimore, *Commentaries on International Law*, 2nd edition (London, 1871), pp. 14–24; and W. E. Hall, *A Treatise on International Law* (Oxford, 1890 [1880]), p. 18ff, and, on 'semi-civilised' states, pp. 42–44.
3. Anghie emphasises the efforts of positivist jurists to establish 'the intellectual coherence and rigor of their discipline' as central to the exclusivity of nineteenth-century international law. Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, 2004), p. 40.
4. Phillimore maintained in 1857 that the Treaty of Paris had 'in a manner to place the question beyond all doubt' admitted Turkey into the 'family of states' bound by the principles of public international law (*Commentaries*, 1857 edition, III. iii), and this was a widely accepted reading of the treaty. Also see Hugh McKinnon Wood, 'The Treaty of Paris and Turkey's Status in

International Law,' *American Journal of International Law*, 37 (1943), pp. 262–74, and J. C. Hurewitz, 'Ottoman Diplomacy and the European State System,' *Middle East*, 15 (1961), pp. 141–52.

5. Two remarkable recent studies, which focus on the intersection of international law and colonial expansion, are Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge, 2001), especially chapter 2, and Antony Anghie, 'Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law,' *Harvard International Law Journal*, 40 (1999), pp. 1–80. Anghie convincingly rejects the 'traditional' view that positivism formed within a European context and was then applied outside, arguing instead for the 'constitutive effect of colonialism on sovereignty' and positivism (Anghie, *Imperialism, Sovereignty*, p. 37). Examples of the traditional view include the essays in Hedley Bull and Adam Watson (eds.), *The Expansion of International Society* (Oxford, 1984); Abi-Saab, 'The Long Road to Universality' in R. St. J. Macdonald (ed.), *Essays in Honour of Wang Tieya* (Dordrecht, 1993), pp. 31–41, esp. pp. 36–7; and Gerrit Gong, *The Standard of 'Civilization' in International Society* (Oxford, 1984).

6. British international lawyers sought to defend their discipline in the face of John Austin's argument that international laws were not law in the proper sense because they were not '*commands* . . . established by *determinate* individuals or bodies'; Austin, *Province of Jurisprudence Determined*, ed. W. E. Rumble (Cambridge, 1995 [1832]), p. 119. See, for example, Henry Maine, *International Law* (London, 1888), pp. 50–53; Twiss, *Law of Nations*, I.174–5; and Lorimer, *Institutes*, I.83. See also Casper Sylvest, 'Foundations of Victorian International Law' in this volume; Sylvest argues compellingly that the idea of legal evolution, particularly thanks to the work of Henry Maine, came to substitute for natural law as an extra-legal, normative support for international law.

7. Twiss, *Law of Nations*, v; and Lorimer, *Institutes*, I.108 (also see I.25).

8. Burke, 16 February 1788, *Writings and Speeches of Edmund Burke* [hereafter *WSEB*] (Oxford, 1981–2000), VI, p. 367. Also see Burke's claim in his closing speech in the Hastings trial (28 May 1794) that 'with regard to all foreign powers [Hastings] was obliged to act under the law of Nature and under the Law of Nations' (VII.256). Phillimore, who (together with Lorimer) was the major international lawyer of this period most committed to natural law, cited a similar passage from Burke's impeachment speeches in support of the claim that 'the *principles* of international justice do govern, or *ought* to govern, the dealings of the Christian with the Infidel Community' (*Commentaries*, 1871 edition]), I.23).

9. See Alexandrowicz, *An Introduction to the History of the Law of Nations in the East Indies* (Oxford, 1967), and 'Doctrinal Aspects of the Universality of the Law of Nations,' *British Yearbook of International Law*, 37 (1961), pp. 506–15. Alexandrowicz recently and rightly has been criticised for overstating the universalism of the earlier period and for failing to note the universalist commitments of nineteenth-century thinkers such as Lorimer: see Koskenniemi, *Gentle Civiliser*, p. 131; and Edward Keene, *Beyond the Anarchical Society* (Cambridge, 2002).

10. Ward's argument for a regional interpretation of the law of nations, while it anticipated the opposition to legal universalism that would characterise so much thought later in the century, was more accommodating of political and cultural difference, in part because it was less definitively progressivist than later accounts in its treatment of Europe's differences from other societies.

11. Austin wrote that natural law had 'thoroughly perplexed and obscured the sciences of jurisprudence and ethics' (*Lectures on Jurisprudence*, II, p. 235; quoted by Mill, *CW*, XXI, p. 184). Maine contended that Grotius and his successors launched a 'process of engrafting on to the international system rules which are supposed to have been evolved from the unassisted contemplation of the conception of Nature', when in fact they were specific to Roman law and custom and thus to European history; Maine, *Ancient Law* (London: Everyman's Library, 1972), p. 59. For Mill's substantial agreement with the approach he attributes to both Austin and Maine, see 'Austin on Jurisprudence', first published 1863, *CW*, XXI, pp. 167–205, especially pp. 184–7.

12. Koskenniemi has rightly noted the fluidity of the civilisation 'standard' and the mythical nature of the suggestion that non-Europeans had merely to meet some well-established set of criteria in order to gain all the rights of international legal personhood. Koskenniemi, *Gentle Civilizer*, p. 103. Gerrit Gong's *Standard of Civilization* too readily takes the lawyers' language of a standard at face value; see pp. 25ff.

13. Phillimore, more explicitly than most, adhered to the idea that the European-international system of public law was fundamentally a Christian system. He oddly described the Treaty of Paris as 'recognis[ing] the quasi-Christian *status* of the Turkish Empire'; Phillimore, *Commentaries*, 1857 edition, III.iv; also his *Commentaries*, 2nd edition, 1871, Preface, I.xiv. Others tended to emphasise the ethical community that stemmed from religious agreement but did not logically require it.

14. Twiss, *Annuaire de L'Institut de Droit International* (IDI), 5.133 (Oxford session of 1881).

15. Mill, 'A Few Words on Non-Intervention,' *CW*, XXI, p. 118. See Twiss's report to the IDI, *Annuaire*, 3–4.303; also see *Law of Nations*, p. 465ff, where Twiss tempers his argument somewhat with the claim that there are two schools of Muslim thought and that the 'larger and more liberal views have obtained the ascendant' in Turkey, over the older belief in permanent hostility with non-Muslims (p. 467).

16. See Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore, 1955), pp. 162–231.

17. See H. Inalcik, 'Imtiyazat' in *Encyclopedia of Islam*, CD-ROM edition (Leiden, 1999); and H. J. Liebesny, 'The Development of Western Judicial Privileges' in Majid Khadduri and H. J. Liebesny (eds.), *Law in the Middle East* (Washington, DC, 1955), pp. 309–33.

18. He refers to the Hatti Cheriff (Sherif) of Gulhani, 3 November 1839, part of Sultan Abdul Mejid's *Tanzimat* state reforms; see H. Inalcik, *Application of the Tanzimat and its Social Effects* (Lisse, 1976).

19. Phillimore, *Commentaries*, Preface, I, p. xiv.
20. Lorimer, 'Denationalisation of Constantinople,' *Studies National and International* (Edinburgh, 1890), p. 129; also see Lorimer, 'Does the Corân Supply an Ethical Basis on which a Political Superstructure can be Raised?', *Studies*, p. 136.
21. Lorimer, *Institutes*, p. 123.
22. Lorimer, 'Does the Corân', p. 144.
23. Lorimer, 'Denationalisation,' p. 122. In one of the passages that steer the essay in the direction of farce, Lorimer argues that the 'whole yachting world' would flock to the new international city and elevate property values; this, along with secure property, religious freedom, and lower taxes, would secure the happiness and loyalty of the native inhabitants.
24. Koskenniemi calls him 'eccentric'; *Gentle Civilizer*, p. 33.
25. He spoke of 'ethnical differences which for jural purposes we must regard as indelible'; Lorimer, *Institutes*, p. 98.
26. Lorimer, 'Jurisprudence as a Science,' *Studies*, p. 156. For the more common view, see Phillimore, *Commentaries* (1871 edn.), part III, chapter 2; and Twiss, *Law of Nations*, chapter 1 §§ 1 and 12.
27. Lorimer, *Institutes*, p. 98. On 'racial speculation' in the thought of other jurists, see Koskenniemi, *Gentle Civilizer*, pp. 102–4. The equivocal nature of the term *race* in this period makes it difficult to determine whether given instances are intended to indicate biological difference; Joseph Hornung, to give one example, spoke of the 'very intelligent races [in the Orient], who judge and condemn' European aggression. For J. S. Mill's ambiguities on the subject of race, see Georgios Varouxakis, 'John Stuart Mill on Race,' *Utilitas*, 10 (1998), pp. 17–32. Also see Mill's letter to Gustave d'Eichthal encouraging further study of racial difference; 25 December 1840, *CW*, XIII, p. 456.
28. W. F. Newman (discussed below, see Notes 59–64) similarly regarded his proposed court to adjudicate disputes between the British crown and the Indian princes as the possible basis for an international court; 'Our Relation to the Princes of India,' *Westminster Review*, 69 (1858), p. 477.
29. Lorimer, 'Reasons for the Study of Jurisprudence as a Science,' *Studies*, pp. 37–52; also see *Institutes*, p. 77ff. One of Lorimer's Edinburgh colleagues remarked in an obituary that Lorimer had taught his students to resist 'the Austinian superstition long so dominant to the south of the Tweed'; Robert Flint, 'Biographical notice', reprinted in *Studies National and International*, p. xiv.
30. Lorimer, *Institutes*, I.109ff. Such surreptitious eliding of universal and particular often occurred in the other direction as well, when thinkers such as Robert Ward set out to argue that European law was simply one system among many and then went on to maintain that it had unique and universal validity.
31. Lorimer maintained that states are no more equal to each other in the 'absolute' sense than individuals are: 'They differ in powers, and consequently in rights' (p. 103). For analogous reasons, Lorimer was an advocate of plural

voting and other means of granting greater political influence to worthier citizens.

32. Lorimer, 'Jurisprudence as a Science,' *Studies*, p. 155.

33. On the other hand, Lorimer suggested that the notion that all of mankind ought ultimately to be self-governing was a peculiarly British notion, a kind of cultural prejudice; *Institutes*, p. 124.

34. See Field, 'Applicability of International Law to Oriental Nations' (presented to the IDI at the Hague, August 1875); reprinted in Field, *Speeches, Arguments, and Miscellaneous Papers* (New York, 1884), p. 447. Travers Twiss served as commission president and rapporteur; *Annuaire de l'Institut de Droit International*, Première Année (volume 1), p. 51. Also see Koskenniemi, *Gentle Civilizer*, p. 31. The Association for the Reform and Codification of the Law of Nations addressed the question of legal relations between Christian and non-Christian nations, at the prompting of another American, the Congregationalist minister and Egyptologist Joseph Parrish Thompson (1819–79). See his 'The Intercourse of Christian with Non-Christian Peoples,' *American Comments on European Questions, International and Religious* (Boston, 1884). Also see the summary of the committee report on 'Principles of International Law to Govern the Intercourse between Christian and Non-Christian Peoples'; Association for the Reform and Codification of the Law of Nations, *Report of the Fifth Annual Conference* (London, 1880), pp. 57–8 (Antwerp conference, 30 August to 3 September, 1876).

35. Field, 'Applicability of International Law,' pp. 452–3.

36. *Annuaire*, 6.263 (Turin session of 1882).

37. *Annuaire*, 3.304.

38. *Annuaire*, 1.141–2. The questionnaire also posed what became the commission's primary question: whether special consular tribunals for Europeans living in Turkey, China, and Japan were justified and if so, how they should be organised. Also see Koskenniemi, *Gentle Civilizer*, pp. 132–6.

39. *Annuaire*, 3.305.

40. As Koskenniemi has put it, Hornung 'lived securely in a prison-house of paternalism' (*Gentle Civilizer*, p. 129). This paternalism is abundantly demonstrated in Hornung's multi-part article, 'Civilisés et Barbares,' *Revue de Droit International et de Legislation Comparée*, XVII, pp. 1–18, 447–70, 539–60; XVIII, pp. 188–206, 281–98 (1885–6).

41. In 'Bentham' (1838), Mill had argued similarly that the answers to the 'great questions in government . . . vary indefinitely, according to the degree and kind of civilization and cultivation already attained by a people, and their peculiar aptitudes for receiving more' (*CW*, X, p. 106).

42. Mill, 'Non-intervention,' *CW*, XXI, p. 118.

43. In 'Non-Intervention', Mill explicitly included the Indian principalities and Algeria among barbarians (*CW*, XXI, p. 119). In contrast to many of the lawyers, Mill does not appear to have considered deeply the Ottoman empire's appropriate legal status. For a few oblique references, see 'French News,' 11 March 1832, *CW*, XXIII, p. 423; and 'Non-Intervention', where he speaks of

interventions between Turkey and other powers in the context of relations among 'civilized peoples' (pp. 120–1). Also see his parliamentary questions of 16 and 22 July 1867, when he made clear his concern that Britain not appear to intervene in Turkey's internal affairs; *Hansard*, vol. 188, cols. 1621–22 and 1873. An official letter about trade policy with Persia, written to the secretary of the India Board and signed by Mill, observes that Turkey, like Russia, should be considered a European power; letter of 31 January 1857, *CW*, XXXII, p. 101.

44. He wrote that '[B]arbarians will not reciprocate. Their minds are not capable of so great an effort, nor their will sufficiently under the influence of distant motives.' Mill, 'Non-intervention,' p. 118.

45. Mill, 'Civilization,' *CW*, XVIII, p. 120.

46. Mill, 'Non-intervention,' pp. 118–19.

47. Mill, 'Austin on Jurisprudence,' *CW*, XXI, p. 183.

48. Mill, 'Vindication of the French Revolution of 1848,' *CW*, XX, p. 345. Also see Mill's 'Inaugural Address Delivered to the University of St. Andrews' (delivered in 1867), in which he repeats the claim that the 'Law of Nations is not properly law, but a part of ethics' but nonetheless stresses the great importance of this evolving set of rules for the conduct of (civilised) states and insists that all citizens, not just diplomats and lawyers, have a duty to understand international law and form opinions about the justice of their state's conduct in international affairs (*CW*, XXI, pp. 246–7). I am grateful to Casper Sylvest for stressing this point.

49. Mill, *On Liberty*, *CW*, XVIII, p. 224.

50. The clever and eccentric Stanley, who became the third Baron Stanley of Alderley (and the uncle of Bertrand Russell), edited a number of early-modern European travel accounts for the Hakluyt Society. See the *ODNB* entry on Stanley; *The Amberley Papers*, edited by Bertrand Russell and Patricia Russell (London: Hogarth Press, 1937); and Stanley's obituary in *The Times*, 11 December 1903. Stanley was buried according to Muslim rites, his funeral presided over by the imam of the Turkish embassy.

51. See Anon., 'Our Consular System,' p. 13. The essays argued that Europeans had abused the capitulation regime, which was supposed simply to transfer to their consuls jurisdiction over Europeans who broke local laws, in order to violate altogether whatever local laws they chose.

52. Stanley, *The East and the West*, pp. v–vi.

53. 'Contempt for International Law' repeatedly quotes Vattel as a model of international legal thought, noting in particular Vattel's criticism of the Spanish for bringing the Inca Atahualpa to trial on the ground that his polygamy and other domestic practices had violated the law of nations (p. 129).

54. 'Contempt for International Law,' p. 115. The repetition of themes from the Preface suggests Stanley as a possible author of this essay.

55. For Burke's disparaging remarks about savages (largely confined to his earlier writings), see his *Address to the King* and *Address to the Colonists*, both of 1777, and *Speech on the Use of Indians*, 1778; *WSEB*, III.267–68, III.281–82, and III.354–61.

56. Gallenga, 'Mr. LAYARD'S remarks in the House of Commons,' *The Times*, 13 July 1868, p. 8; 'The East And The West,' *The Times*, 24 August 1868, p. 4. Gallenga's proposed remedy was mixed tribunals developed jointly by European and Ottoman governments. I am grateful to Nicholas Mays of *The Times* archive for identifying Gallenga as the articles' author. Antonio Carlo Napoleone Gallenga (1810–1895) was a war correspondent and leader writer for *The Times* from 1859 through 1884; he also served as a Deputy in the Italian Parliament, under Cavour's influence, from 1854–64; see *The Times* obituary, 19 December 1895.

57. For studies of British relations with the Indian princes in the first half of the nineteenth century, see the contemporary account by a British military officer, Captain J. Sutherland, *Sketches of the Relations Subsisting Between the British Government in India and Different Native States* (Calcutta, 1837; reprinted Jaipur, 1988); and Urmila Walia, *Changing British Attitudes Towards the Indian States, 1823–35* (New Delhi: Capital Publishers, 1985).

58. William Lee-Warner discussed the history of the states' ambiguous status in *Protected Princes of India* (London, 1894); see p. viii for the citations.

59. Newman, 'Our Relation to the Princes of India,' *Westminster Review*, 13 (1858), pp. 453–77; 'Duties of England to India,' *Fraser's Magazine*, 64 (December, 1861), pp. 674–89; 'Indian Annexations: British Treatment of Native Princes,' *Westminster Review*, 23 (1863), pp. 115–157.

60. Newman, 'Princes of India,' p. 462.

61. Newman, 'Princes of India,' p. 463.

62. Newman, 'Princes of India,' p. 461. In other articles Newman analysed more minutely the racism implicit or explicit in much British discussion of India; see especially 'Duties of England,' p. 675 ff.

63. He pointed to the example of Ceylon, where limited participation in juries was soon extended to the entire (male) population, with none of the dire consequences predicted by the 'fanatics of race'. Newman, 'Duties of England,' p. 681.

64. Newman, 'Princes of India,' p. 454.

65. Twiss considered them 'protected dependent states' with no international status; see *Law of Nations*, p. 27. John Westlake, who held the Whewell chair of international law at Cambridge from 1888 to 1908, denied that the language of international law when used vis-à-vis Indian states had any meaning, calling it simply empty rhetoric held over from an earlier era; see 'The Native States of India,' *Collected Papers of John Westlake on Public International Law* (Cambridge, 1914); also see his *Chapters on the Principles of International Law* (Cambridge, 1894), pp. 203–4.

'A legislating empire': Victorian political theorists, codes of law, and empire

Sandra den Otter

I. INTRODUCTION

A feature of British nineteenth-century political and legal thinking was a sustained and direct engagement with empire. Victorian political thinkers were a pivotal part of a trans-national exchange in the ideas and practice of civil society and government.[1] The British empire in India provides the most striking illustration of this exchange; some theorists, like the Mills, were employed in the East India Company; others like Henry Maine and James Fitzjames Stephen were colonial administrators for the Raj; and yet others like Burke, Bentham, Malthus, and Richard Price incorporated Indian affairs into their reflections on political economy and theory. One imperial issue in particular absorbed their attention – the transformation of law in India, and more particularly the primarily utilitarian ambition to frame codes of law for India. Because this ambition was also central to British dominance of the sub-continent, political theorists from Mill to Maine were drawn closely into the actual exercise of imperial power. In turn, their engagement with imperial governance had an impact on domestic conversations about legal reform, and more precisely about the relationship between law and the development and progress of civil societies.

Though the rule of law was deemed to be one of the most potent moral justifications for British imperialism – Britain would liberate India by replacing the tyranny of the arbitrary command of a personal sovereign and the tyranny of custom and superstition with colonial rule of law – law was also one of the most visible manifestations of British control and domination. Even when striving to minimise the violence of legal change by using indigenous law to decide cases and by compiling digests of Hindu and Muslim law to guide these decisions, colonial interventions distorted indigenous law and then, rather than interjecting dynamic growth, tended to ossify the distortions. The dissonance between these claims did not

escape the notice of Victorian theorists, nor were they oblivious to other dissonances within this vision of a global order founded on universal principles about civil society. The very notion of a scientific and rational code of law for India was predicated partly on universalism, on the belief that Britain could frame law for India according to principles that were not bounded by time and place. But the Indian experience challenged the utility and feasibility of this model and both theorists and colonial administrators reconfigured this universalism in response to Indian society and the dilemmas of colonial rule. This both sharpened other intellectual currents, such as the lingering impact of Scottish conjectural history, which emphasised the contingency and variability of human societies. It also served to enrich a more organic understanding of law as the slow accumulation of manners and customs, refined by juridical reasoning, and embodied in the state, at the same time as it fortified authoritarian strands within both liberal and conservative thought.

In the same period in which colonial administrators were debating the merits and dangers of a legal revolution on the subcontinent, London lawyers, intellectuals, parliamentarians and pamphleteers were engaged in controversy over legal change closer to home. This controversy became an interlocking arena for refining theories of law and civil society. Nineteenth-century legal thinkers looked across the channel to continental experiments in legal codification, for at this time Austria, Russia, Prussia, France, Bavaria, Tuscany and Holland inaugurated codes of law. In this chapter I examine how these shifting ideas about law as an ambivalent instrument of progress and a vehicle for the diffusion of civic virtue were closely connected to the British conquest of India, and Britain's place in Europe.

The chapter is grounded on archival research in the records of the Raj, as well as the more abstract and formal writings of Victorian theorists. This focus on practice as well as theory is essential because, while India can be to some extent regarded as a laboratory for theories of civil society (James Fitzjames Stephen gleefully regarded himself as a kind of Philosopher King and was exhilarated by the power that his ideas seemed to wield in India), Victorian theorists in India did not legislate freely. Encounters with indigenous groups protesting against proposed legislation and in some cases drafting legislation, and the shifting exigencies of sometimes-precarious imperial rule, compelled colonial administrators and theorists to adapt their imported ideas. Henry Maine once reflected that the serious scholar of India finds not that 'he reverses his accustomed political maxims, but revises them, and admits that they may be qualified under the influence of circumstance and time'.[2] Looking at how political theorists engaged

with the actual practice of colonial governance is critical, therefore, to understanding the contours of Victorian political thought. As Fitzjames Stephen declared, referring to Bentham's influence on the Anglo-Indian Codes and the Code Napoleon, 'These practical questions are the only real tests of the value of theories.'[3]

II. COLONIAL LAWS AND JUDICIAL ADMINISTRATION

Affirming that 'I believe that no country ever stood so much in need of a code of law as India,' Macaulay, as the first member of an Indian Law Commission formed in 1833 to codify Indian law, appealed directly to Benthamite principles: codification would ensure that law was universally accessible and applicable.[4] Such law would not need armies of lawyers or libraries to explicate it. It would be characterised by simplicity and clarity.[5] The underlying principle was that if law were rational, lucid, and intelligible to all, and punishment for its transgression swift and uniform, individuals would conform to it.[6] The abstract utilitarian defence for codification seemed to many to assume a particular authority in the context of colonial India. In the wake of the Rebellions of 1857–8 the British government revived the plan to frame codified law for India, and the 1860s and 1870s saw the most ambitious period of law-making. In 1860 Macaulay's Penal Code which had been set aside for almost thirty years was enacted, accompanied by Codes for Civil and Criminal Procedure (1859/61). Within two decades, under the aegis of Maine and James Fitzjames Stephen, another scion of the utilitarian intellectual aristocracy, vast parts of Hindu and Muslim customary law and Anglo-Indian law had been codified. By the mid 1880s, codification had ground to a halt. This establishment of English law was regarded by Fitzjames Stephen as a 'moral conquest more striking, more durable, and far more solid, than the physical conquest which renders it possible', for law, 'the gospel of the English', brought order to 'a theatre of disorder'.[7] The 'vague, uncertain, feeble system' of native custom, the quarrelsome nature of the effete Bengali, and the caprices of native rulers were to be reformed by British lawyers who 'with peculiar vigour' would reduce custom to systematic law.[8]

Although establishing law and a legal system had obvious advantages for an imperial power seeking to solidify their dominance and secure their commercial activity in the sub-continent, metropolitan and colonial debate about codes of law also rested on a moral defence of empire and powerfully connected law to the progress of civil societies. To many legal reformers and colonial administrators, India seemed an ideal field for

codification. This was partly because the defects of the existing judicial
system were so apparent. By the late eighteenth century, successive govern-
ments had pledged to respect 'local custom' in religious and family matters,
and the British operated a dual legal system: Hindu, Islamic and Parsi law
guided family and inheritance cases, and largely English law governed the
rest. (Tribal law was most often ignored.) Knowledge of Indian customary
laws was often fragmentary and inaccurate. Prior to 1864, judges could
consult *pandits*, Indian legal advisers, for interpretations of written and
unwritten customary law; there were also English digests of indigenous law;
but the very act of writing down and systematising indigenous custom
shaped that custom. Judges in Indian courts often resorted to English law
books in cases when they were uncertain of local custom or if the law
digests were silent on a certain point. The provision that judges rule
according to what they deemed to be in accordance with 'justice, equity
and good conscience' gave great latitude to the slow Anglicisation of Indian
law, and to the growing authority of English common and statutory law.
The result was a chaotic and uneven administration of justice, and in James
Fitzjames Stephen's estimation, 'a vast body of half understood law, totally
destitute of arrangement and of uncertain authority maintains a dead-alive
existence.'[9] By the 1830s the need to reform judicial administration cut
across party and race lines – with almost everyone in agreement about the
need for revision though with little concord about what was required.

III. LAW AND THE EVOLUTION OF CIVIL SOCIETY

Advocacy of reforming judicial administration on the sub-continent on the
grounds of practical quandaries was interlaced with more metaphysical
arguments in favour of reform, specifically about the evolution of civil
society. For many nineteenth-century political theorists and colonial rul-
ers, law was a gift that England could bestow on other nations at lower
rungs in the hierarchy of civilisations. Law then became the idiom for a
paternalistic relationship between an imperial parent and a colonial child,
and legal reform as a powerful way to legitimate imperial rule. While most
Victorian liberals asserted that representative government was not a gift
that England could confer on India immediately (and as the nineteenth
century progressed, this goal became more and more remote), they agreed
that just, impartial and universal law could be given and that indeed a legal
reformation could inculcate the civic virtues essential to enjoying political
liberty, notably individual rights, security of property, and freedom of
contract.[10] Part of this legal reformation entailed the shift from justice

residing in the family to the public arena of the modern state. This ambition to transform an immature civilisation guided by custom into a progressive civilisation governed by scientific law was most familiarly formulated by James Mill in his widely read *History of British India* (1817). Mill took aim at Orientalists like Sir William Jones and romantics like Southey and Coleridge for their admiration of the sophistication and sublime qualities of ancient Hindu civilisations.[11] For Mill Indian law unambiguously confirmed the lowly status of the civilisation. Lacking rational order, Indian law was not systematically divided, its punishments were not rationally defined nor proportionate to the crime; there was little law governing property, almost nothing on contract. Indeed, the very conception of keeping agreements was abysmally absent, and this in itself demonstrated how primitive Hindu civil society was, for 'in the early and imperfect states of the social union . . . law is both feeble and inaccurate, poverty reigns, violence prevails . . .'[12] This was a particularly ruthless expression of a more commonly held presumption that India before the conquest was without law, and that order was maintained by the arbitrary fiat of despots and the tyranny of a Brahminical priesthood. In the absence of rational government and clear laws, the Indian subcontinent was mired in superstition and poverty (for 'poverty is the effect of bad laws, and bad government').[13] Mill's remedy was strong government that would lift India from its stagnation, and by establishing a legal culture of individual rights would guide India towards progress. The universal principles of liberal political economy would inspire this legal revolution.

But there was considerable debate in the late eighteenth and early nineteenth century about the precise relationship between law and the progress of societies and states, and considerable debate about what constituted law. Colonial and metropolitan debate about the codification of law called upon a diverse and sometimes overlapping range of answers to such questions. A generation of Scottish Enlightenment theorists had provided a framework for understanding the relationship between laws and the evolution of civil societies, and students who after studying in Glasgow and Edinburgh took up major administrative posts in the empire – Alexander Hamilton, James Mackintosh, William Erskine, Mountstuart Elphinstone, and Thomas Munro – challenged in diverse ways the transplantation of English legal ideas to India that had been proposed by Governor Cornwallis.[14] While not a monolithic group, they collectively articulated an alternative conception of Britain's role in the world, not as the embodiment of universal principles of reason (though elements of a natural law perspective remained), but as a paternalistic colonial power

maintaining social order through local indigenous practices and institutions. They in diverse ways regarded civilisation as the complicated interplay of social, economic, political and religious elements and set this interplay within an evolutionary framework.

Codes of law could not hasten the civilisation of India unless they were fitted to local character and customs, partly because legislating in advance of a society's progress towards that step would lead to chaos, or as one colonial pamphleteer invoked Mackintosh: 'There is but one way of forming a civil code either consistent with common sense or that has ever been practised in any country, namely that of gradually building up the law in proportion as the facts arise which it is to regulate.'[15] The expectation that law could possibly accelerate social evolution was also challenged on the grounds that such 'progressive' law would command only a shallow and nominal obedience to its dictates. Viewed from London, colonial justice demonstrated to London radicals and reformers all that was wrong and misguided about judge-made law, and illustrated the merits of framing law scientifically according to rational and universal principles. Such law would have a self-evident authority. This approach, however, minimised the contested nature of the legitimacy of the imperial state. Senior judges in Indian courts mounted a vocal campaign to undermine plans to codify law, on the grounds that 'judge-made law' was more sensitive to the intense changes to Indian society that followed conquest than codes that would artificially fix the law. The evolutionary currents that swept through the natural and human sciences in the early and mid nineteenth century provided grist for their arguments.

This consideration of law and social evolution within Britain's South Asian empire took place against the backdrop of a European debate about codification. The wave of codification that swept the Continent in the wake of the Code Napoleon framed metropolitan critiques of codification as much as the contemplation of codifying laws in the empire. At least initially the French codes had attracted interest and sometimes support among some British legal reformers, who by the 1820s were robustly debating the merits and dangers of codification, or the less ambitious consolidation of common law. But upon the publication in 1826 of an English code loosely based on the Code Napoleon a catena of polemical pamphlets critical of the French codes and its English variant, the Humphreysian Code, appeared.[16] Most of the pamphleteers disputed that law could in itself transform a society and presented the familiar argument drawn in various ways from Matthew Hale Coke and Blackstone that law, derived from the slow accumulation of inherited

wisdom and juridical interpretation, was superior to statute law. Ideas of liberty and despotism were central to all sides of this controversy, with opponents to codification appealing to popular ideas of national identity. France was the nation of extremes and the Code Napoleon simply the most recent instrument of despotism, 'a firm and coercive bond, by which they might be more permanently attached to his [Napoleon's] sway and rendered more subservient to his ambitious purposes'.[17] But beneath the flamboyant language of national chauvinism, these criticisms pointed to deeper arguments against codification that were directly relevant to empire, made particularly by the legal scholar and imperial administrator John Reddie. Educated at the Universities of Glasgow and Göttingen (at which latter he came under the influence of Gustav Hugo), Reddie was one of the key transmitters of German historical thinking to a British public in the late 1820s, and he forcefully challenged the wisdom of codification both within Britain and the empire. His career as a imperial administrator was far from illustrious, and never recovered from a scandal in 1848 when a Privy Council investigation upheld charges that he had lied as Chief Justice of St Lucia about his authorship of anonymous articles critical of the Bishop of St Lucia for rushing the liturgy.[18] Reddie saw in attempts to codify law 'the delusive supposition that there existed an immutable, perceptible system of natural law, valid at all times and in all places, and equally suitable for every nation, which only required to be discovered – like the philosopher's stone – to transmute the baser metal into virgin gold'.[19] He defied Bentham for losing 'sight of the data which human nature affords' and forgetting 'that each nation nay each individual may have different sentiments from those which he has chosen to assume to be the universal standard'.[20]

Although the historical school's assertion of the changing character of law and custom directly questioned the possibility of universal timeless principles of law, nonetheless the principles of equity and justice contained in Roman law were universal ideas that underwrote the administration of law in many nations. Reddie, for example, regarded the inheritance of Roman law as a great unifying tie among nations in which ideas of equity and justice, grounded in Roman law, remained the same in Italy and England.[21] Advocates of natural law early in the nineteenth century, notably Sir James Mackintosh, Francis Horner and later James Reddie, had imagined a 'new international commonwealth' founded on natural law.[22] This notion of Roman natural law as the *lingua franca* of a new international order lasted throughout the century, though as Casper Sylvest argues in this volume, natural law combined with ideas of evolutionary

change in Victorian theories of international law. Parallels were drawn between the Roman empire at its height and the far-flung British empire. The Roman empire was of course a familiar exemplar for Victorians who used the Roman empire in often didactic but paradoxical ways to understand their own empire and its dangers.[23] As in other areas, the legacy of the Roman empire to modern imperialists was equivocal: the universalism of the Roman codes, or as Reddie described, 'what they supposed was suited to all nations, at all times, and which they termed Jus Gentium' helped bind together the empire and served as a bulwark against decay and 'effeminacy'; but law could not indefinitely prevent collapse, as the fall of the Roman empire so unambiguously revealed.[24] Reflecting the powerful evolutionary sensibility that shaped other arguments against codes, Reddie advised that 'the course of jurisprudence is never stationary', constantly changing as laws and manners in a society change.[25] Codes were for despots who hubristically saw themselves as unfettered by this restless evolution; and for nations, like Austria and Prussia, habituated to despotism.[26]

But imagining codes of law as the tool of the despot in contrast to the liberty of common law legal cultures was fraught with contradictions for nineteenth-century theorists of law and empire. Some, notably James Fitzjames Stephen, argued that India was already habituated to despotism and that the British rule of the subcontinent was necessarily despotic and that therefore India was the ideal field for codification. The failure of the campaign to codify law in England in the 1820s and 1830s contributed to an increased interest in codes within the empire. The publication of the Indian Penal Code was celebrated among radical circles in London who had long urged the codification of English law.[27] Unlike the Code Napoleon, which became a less compelling prototype as time went on (English commentators noted the burgeoning case law and libraries of treatises required to interpret its simple rules), the Indian codes were frequently enlisted to support the cause of reform in Britain. As Sir Erskine Perry, an Indian judge and administrator, hoped in 1850: 'The effect of these Indian experiments will not be lost upon John Bull, torpid as he ordinarily is on these subjects and he now will join in the law reform cause.'[28]

IV. CHALLENGES TO UNIVERSALISM

The Indian experiments did have an impact upon the torpid John Bull but not necessarily to advance codification within England. The Indian experiments compelled Victorian theorists to consider the connection between

law and the progress of societies and nations, and closely related to this theme to consider whether laws, based on apparently uniform and universalist principles, could command obedience, despite the particularity and difference of colonial societies. Bentham, who was one of the most forcible original advocates of law codes, has most often been regarded as advocating a universalist understanding of law; and indeed much of his *Introduction to Morals and Legislation* (1789), as well as his voluminous draft codes of law for European and North American countries, to some degree support this interpretation. His sample codes of law were based on the universal principles of human nature and the science of utility, and he counselled that foreigners were best equipped to write codes of law because 'the seductions of local influences' could muddy the simplicity of these universal principles and, as he added, circumstances do vary from country to country but 'this is much less considerable than one might suppose'. An impartial legislator would see beyond the limitations of time and place and legislate according to the abstract and reasoned principles of utility. (Bentham frequently offered his services to various countries – he sent numerous petitions to President James Madison to draft a law code for the United States.)[29] Yet at other points Bentham considered with greater sensitivity how universal and immutable principles ought to be adapted in response to different circumstances, notably when he in the 1790s contemplated how a legal code might be framed for Bengal. It was at this time that he wrote the essay 'On The Influence of Time and Place on Legislation', using as his example English law-making in Bengal, and ranging from seeming to endorse a thorough-going cultural relativism to reaffirming a strong universalism. Some commentators have accordingly interpreted the essay as illustrating Bentham's receptivity to cultural difference, while others, including many of his contemporaries, were sceptical.[30]

Suggesting that law-makers have before them (physically and materially, he emphasised) charts and diagrams enumerating local circumstances, Bentham assumed that law-makers could effortlessly know Bengal. Although the appetite of the British Raj for 'knowledge' of the subcontinent was voracious and this knowledge was closely connected to the exercise of colonial power, for Bentham this knowledge did not enable the law-maker to shape law according to local circumstance but to conclude confidently 'that all places are alike'. Difference was trivial when compared to the weight of a universal reason and its transformative powers. None the less, at other points in the essay, Bentham provided numerous examples of how codes would be adapted to Bengal. He recognised that legislators were not always able to 'free themselves from the shackles of

authority', and indeed perhaps could never legislate freely. Throughout the essay, he emphasised the power of the people of Bengal to withhold their consent from new laws – and suggested that legislators must sometimes accept that local manners and customs would make some legal innovations repugnant and that 'it would be better to yield to it altogether for a time, than uselessly to compromise his authority, and expose his laws to hatred'.[31] A perfect code of law was universal and immutable, but this utopia, even in the new colonies, was a chimera; the alien legislator must adapt laws to established manners and thereby attempt to gain the acquiescence of the governed.

James Mill, for all his posturing, laced his defence of the authority of a universal reason with a mindfulness of the difference and particularity of societies within the empire. Influenced by associational psychology of a Hartleyian variant, Mill regarded India as a *tabula rasa*, on which the liberating principles of classical liberal political economy could be written. But this constructivist tenor of Mill's analysis of Indian law – what was required was an imperial scientific legislator who would write law and so transform Indian society – mingled with his debt to Scottish conjectural historians, notably John Millar, and their attention to the panoply of institutions and forms of social life across the globe.[32] He had taken from the conjectural historians who had been such a formative early influence on him an evolutionary framework which saw a passage from primitive to more advanced societies. Even as they discarded the appreciation of the multiple forms that civil society could take which had characterised Scottish conjectural history, Benthamite utilitarians retained and sharpened the evolutionary force of that school. While theorists like James Mill regarded difference as deviation from European progress masquerading as universal principles of civilisation, they did not yet tend to describe this as racial difference. But race increasingly became a way of explaining divergence from European models of civilisation, as indicated, for example, by metropolitan debate over the Eyre controversy.[33]

While James Mill was still sufficiently influenced by Scottish conjectural historians and administrative realities to concede that any legal revolution in India would have to be based to some extent on Hindu and Muslim customary law and practice, he could scarcely bridle his distaste for the manners and laws of an India locked in a primitive stage of development, and thought it foolish to use Indian law which was nothing more than the expression of this primitive stage, and so throw away the chance to engineer a social revolution.[34] It was equally foolish to import English law because English common law was retrogressive, muddy and opaque – rather India

provided a rare chance to write law as if on a blank slate. Yet Mill came to qualify this universalism more and more. Two decades later, as a witness to a Select Committee in 1833, he emphasised the need to found new laws on existing custom and avoid large-scale innovation. The way he described the codification of Indian law was very different from his initial radical re-writing of Indian customary law:

... here the great practical question is, what can be done to classify and record those customs in a book, under such well defined heads and such accurate expressions as would give them in any degree the instructive operation of laws? It appears to me that a great deal might be accomplished. The leading customs which constitute the great directing principles in India, are not so many but that they might be comprehended in general propositions or maxims, which might receive by the Legislature the authority of laws, and thence by degrees a code of laws, not interfering with, or disturbing existing rights, but in reality confirming and establishing them, might be obtained.[35]

This much more temperate voice was in part the voice of a seasoned servant of the East India Company seeking to reassure its parliamentary critics, and in part a more modest assessment of the power of the British Raj to transform Indian society through a change in law.[36] But it also followed from the limitations of utilitarian moral theory. It was only possible for individuals who were guided primarily by self-interest to live in harmony with each other if law commanded the respect and moral authority of citizens.[37] Accordingly, law framed by a conquering and despotic state, needed to be calibrated to the customs and manners of India.

An uneasy balancing of universalism and attention to local custom and tradition characterised the first major code of law produced by T. B. Macaulay who went out to Calcutta with his sister Hannah More in 1834 to join the Viceroy's Supreme Council as a law-maker for India, where in addition to contemplating a sweeping legal revolution he also pronounced on other aspects of Indian society, most notoriously mandating that English be the official language of the sub-continent. While he served on the Supreme Council, his visceral belief in the superiority of English civilisation encountered the practical difficulties of imperial rule. Shortly before leaving for Calcutta, he had proclaimed to parliament, 'There is an Empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.'[38] None the less, Macaulay was not in favour of the wholesale importation of English law to India and he was opposed to a code being drawn up entirely in

England because, as he reminded the Indian Legislative Council in Calcutta, the English jurist 'knows nothing of the languages, customs and prejudices of the people of this country'.[39] He favoured a very small commission of about four people in England and India who in Benthamite style possessed the authority to frame a new legal system. Introducing the Charter Act in 1833 (which called for the establishment of an Indian Law Commission to write a code of laws for India), Macaulay went to great lengths to downplay the radical nature of the project, deflecting the criticism of an overly ambitious plan to codify law. 'We know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much, I am persuaded, may be done to assimilate the different systems of law without wounding those feelings. But, whether we assimilate those systems or not, let us ascertain them, let us digest them. We propose no rash innovation; we wish to give no shock to the prejudices of any part of our subjects. Our principle is simply this – uniformity where you can have it – diversity where you must have it – but in all cases certainty.'[40] The Code of Penal Law, which Macaulay subsequently wrote and which was enacted finally after the Rebellions of 1857–8, incorporated this recognition of difference to some degree. As Macaulay wrote in one of the copious notes which punctuated the code,

That on these subjects our notions and usages differ from theirs is nothing to the purpose. We are legislating for them, and though we may wish that their opinions and feelings may undergo a considerable change, it is our duty while their opinions and feelings remain unchanged to pay as much regard to those opinions and feelings as if we partook of them. We are legislating for a country where many men, and those by no means the worst men, prefer death to the loss of caste; where many women, and those by no means the worst women, would consider themselves as dishonoured by exposure to the gaze of strangers; and to legislate for such a country as if the loss of caste or the exposure of a female face were not provocations of the highest order would in our opinion be unjust and unreasonable.[41]

In pointing here to the markers of an essentialised Indian difference – caste and subjection of women – which were so familiar to Victorian commentators, Macaulay simultaneously appealed to universal ideas of progress towards rationality and very strongly affirmed the legislator's duty to govern according to indigenous custom, though he at the same time constantly demoted the judicial status of custom to the unscientific category of 'opinion' and 'feeling'. Macaulay's Penal Code was not an aggressive statement of Anglicisation, though the very act of translating custom into Macaulay's Code hastened the dissolution of indigenous customary

law and as later commentators realised 'the amazing muddle of English criminal law' drifted into the Penal Code.[42] Maine acutely observed this, even as he himself set about to codify Indian law further.

V. THE EVOLUTION OF CUSTOM AND THE DANGERS OF LEGAL REVOLUTION

I have been arguing that in these early utilitarian attempts to write law codes for India a dominant universalism was mingled with attention to how particularity and difference limited or constrained the applicability of these universal principles used to legitimise British domination of the subcontinent. But difference and particularity were still most commonly understood as deviation from a universal progress from the primitive to the modern, from superstition to rationalism, and not as inherently valuable or as a rebuke to the capitalist market economy. Currents of evolutionary thinking led to a greater emphasis on comparative and evolutionary accounts of social evolution, and this emphasis served both to strengthen and destabilise universalism. Universalism of course animated the major strains of historicism in the mid to late nineteenth century; and colonial societies were still measured and found wanting by such European categories as private property rights, freedom of contract, and representative government, categories that still masqueraded as universal. As Jennifer Pitts argues in her essay in this volume, Asian commercial nations were most often excluded from international law, paradoxically affirming both universalist premises and recognition of European difference.

Universalism was mediated by an equally powerful countervailing influence that imagined law as the organic growth of manners and customs and warned against the dangers of implementing laws grounded on a mistaken belief in universal principles. When the radical liberal Charles Dilke toured India a few years after the Indian codes were introduced, he warned that 'the result of over great rapidity of legislation and of unyielding adherence to English or Roman models in the Indian codes must be that our laws will never have the slightest hold upon the people, and that if we were swept from India our laws would vanish with us'.[43] Few mid Victorian political thinkers so suggestively highlighted the ferment thrown up by a comparative history of civil society and its implications for the normative claims so pervasively made for empire as the legal theorist Henry Sumner Maine. Although he published *Ancient Law* in 1861, three years before he went to India, the rest of his widely-influential books and articles he wrote in the light of his experience as a colonial law-maker in India (1864–8) and

thereafter as an influential member of the Council of India in London, where he closely scrutinised India Office policy for most of the rest of his life. Maine's central argument, that societies evolve from status to contract, encapsulated a principal theme in the nineteenth-century whig and liberal traditions. This narrative was essentially a moral one, in which contract was the means by which the virtues of independence, honour, and self-government could be cultivated. This state of modern enlightenment was juxtaposed with primitive societies and the vestiges of these earlier arrangements that lived on in India, all governed by custom, superstition, and often-despotic kinship ties. As the Legal Member of the Viceroy's Council, Maine sought to entrench ideas of freedom of contract, in keeping with the theoretical exemplar that he had outlined in *Ancient Law*. In so doing, he contended that law was a powerful vehicle for advancing social evolution.

His first and ultimately frustrated attempt to legislate freedom of contract for the subcontinent was in response to a crisis over indigo cultivation in which agricultural labourers refused to fulfil unfair contracts to deliver the crop in return for advances. Arguing that the British state had an obligation to introduce 'modern' ideas to India, he described legislation that would require the performance of contract as a kind of 'moral education' that would remedy 'possibly the most moral failing which a people can possess'.[44] Arriving in Calcutta in 1865, Maine found contract to be 'utterly unregulated, except by the small portion of Muhammadan jurisprudence'.[45] He found joint rather than private ownership; he found nothing resembling a competitive market rate in rents in India since land was very rarely sold or rented, and fixity of tenure meant the virtual absence of market standard. Succession of property through wills and testaments was rare, because succession was guided not by individual caprice but by custom. He observed further that there was no notion of right or duty in an Indian village community where 'a person aggrieved complains not of an individual wrong but of the disturbance of the order of the entire little society'.[46] In Maine's estimation, the apparent torpor of Indian society could be explained not simply by the deadening authority of sacerdotal elites, but by the scarcity of commercial exchange and contracts to enforce exchange.

Maine was convinced that it was essential for contracts to be civilly enforced in India and that non-enforcement would be 'especially pernicious in this country. If Europeans are to come to India for the investment of their capital the best relation which can be established between them and the natives is surely one of contract, provided the contracts are fair ones.'[47]

He warned the Home Government that the 'mercantile community [was] trading without the advantage which is the first condition of success in trade i.e. reasonable security that persons dealing with them will hold to their bargain.'[48] Maine's theoretical vision of the movement from status to contract in India justified the creation of the familiar instruments of commercial exchange that the enhancement of European commercial interests demanded. But he also used universalist arguments to argue for framing contract law for India, reminding the Viceroy and his Council that 'contract is the branch of law on which men of all times and races have come most nearly to identical conclusions'.[49]

But very quickly Maine's universalist arguments in defence of framing contract law ran aground. Other colonial administrators and indigenous groups protested that the agricultural contracts, which the proposed law would have enforced, were unfair. The Secretary of State and others argued against enforcing contracts which would arm 'white masters' against 'black subjects' or that implied in any way that 'white men are to be trusted and that black men are not to be trusted'.[50] Here racial inequalities undermined the universalism of contractual thinking. A wave of agrarian protest, following on the heels of the recently subdued rebellions of 1857–8, reminded fellow colonial administrators of the frailty of their authority. The confidence of utilitarian reformers like Governor-General Dalhousie a decade earlier had given way to much less sanguine expectations of rapid reform. While some colonial administrators and legal reformers might look upon India as a laboratory in which all sorts of legal experiments could be tried, the political reality was very different. More often, proposed legislation changed, often substantially, in response to challenges by diverse parts of Indian society and other branches of the colonial government.

Maine also attempted to advance contract on the subcontinent by framing divorce and marriage laws. But in response Shia and Sunni Muslim groups lobbied so effectively that these groups were excluded from legislation. While the whole point of legal codes was to provide a uniform law for all, Maine also framed special legislation to cover marriage and divorce among the Parsi in response to a well-organised campaign by the influential Bombay Parsi community.[51] Parsi legal experts actually drafted this legislation, enacted virtually unchanged by the Indian Government. It was then colonised 'subjects' who also forced the re-framing of utilitarian expectations of a universal and abstract framework for law.

Maine's experience as a colonial administrator in India had several far-reaching implications for his understanding of the power of law to

transform societies. It widened his sense of how the particularities of time
and place shaped law despite the expectation that law was a unified system
that ought to transcend the pluralism of local custom. A critical influence
was Sir Charles Wood, Secretary of State for India, who in his many letters
to Maine repeatedly urged the particularity of Indian society, laws and
customs and the error of stamping upon India some abstract universal
template of social progress. Upon leaving India, he mournfully regretted to
Maine: 'Our law is not adapted to their habits and notions', adding that
'My firm conviction therefore is that *in spite of political economy* that men
will have conferred the greatest boon not only on the Indian ryot but on the
English nation, who I hope have succeeded in placing the rights of the ryots
on such a footing as to defy the encroachments of capitalists a little.'[52]
Maine took also with him a much deeper sense of historical contingency.
Maine had been impressed by this long before India, for as Vinogradoff
later recalled, Maine and others 'did not only stand under the influence of
the proceeding generation, which had given such an extraordinary impulse
to historical research, but also under the sign of his own time with its
craving for a scientific treatment of the problems of social life'.[53] Maine
drew on the ferment of evolutionary thought of the mid century: the
historical jurisprudence of Savigny (who had argued against the imposition
of the Napoleonic Code on Germany), and less so the scientific explora-
tions of Darwin and Lamarck; by the 1870s, the teutonic historians were
outlining a comparative history of the evolution of civil societies. This led
to a forceful critique of the legal positivism of earlier thinkers:

. . . they [Bentham and Austin] sometimes write as if they thought that, although
obscured by false theory, false logic, and false statement, there is somewhere,
behind all the delusions which they expose, a framework of permanent legal
conceptions, which is discoverable by an eye looking through a dry light, and to
which a rational code may always be fitted . . . The legal notions which I described
as decaying and dwindling have always been regarded as belonging to what may be
called the osseous structure of jurisprudence. The fact that they are nevertheless
perishable suggests very forcibly that even jurisprudence itself cannot escape from
the great law of evolution.[54]

   Furthermore, Maine came to dispute the universalism of political econ-
omists who are too 'apt to speak of their propositions as true a priori, or
from all time' because 'They greatly underrate the value, power and interest
of that great body of custom and inherited idea.'[55] The elements of modern
commercial society – contract, private property, rent, money, unrestricted
competition in purchase and exchange – were far from being universal
features of societies.[56] Accordingly he cautioned against teaching political

economy to candidates for the civil service before they left for imperial postings: political economy, and its mistaken assumption that private property was an essential and inevitable feature of human societies, would encumber young civil servants in India where much of the land was held in common.[57]

Maine had never subscribed to any radical demand for codes of substantial law that would scientifically arrange the general principles of human conduct purportedly following a Benthamite model. Codes, made necessary because of the upheaval of colonialism in India, should not be framed in London according to abstract principles and according to the model of English common and statutory law, with little knowledge of India. Codification should be initiated and carried out in India, so that the codes would be more closely tailored to the needs of Indian society, and not cut from English cloth. He broke apart universalism and law codes and argued that in fact law codes would have much greater sensitivity to local variation than judge-made law and 'In the long run, legislation by foreigners, who are under the thraldom of precedents and analogies belonging to a foreign law, developed thousands of miles away, under a different climate, and for a different civilization.'[58]

In his comparison of the evolution of human societies, Maine was forcefully asserting that these myriad forms of society should arouse scepticism about universalism: the first step towards a true understanding of political economy, Maine asserted, was to recognise 'the Indian phenomena of ownership, exchange, rent and price as equally natural, equally respectable, equally interesting, equally worthy of scientific observation, with those of Western Europe'.[59] But Maine did not assert that these Indian pre-capitalist forms were equally conducive to the progress of human civilisation, and here he parted company with some of his contemporaries (notably Marx, Kovalevsky, and even John Stuart Mill in his critique of Irish land law), who were much more ready to draw more radical conclusions from the comparative study of civil societies and to qualify freedom of contract. His administrative role in India led Maine to question some of the claims commonly used to legitimate the British conquest of India, although he remained a defender of empire more generally. Rather than regarding British attempts to reform Indian law as the gift of a civilised nation to an uncivilised one, Maine argued that much of this legal revolution 'at first placed the natives of the country under a less advanced regimen of civil law than they would have had if they had been left to themselves'. The British conquest of India had destroyed indigenous customary law and 'For myself I cannot say that I regard this transmutation

of law as otherwise than lamentable.'[60] He was not suggesting a return to pre-colonial law and institutions, and in the main concurred with Fitzjames Stephen who dismissed the whole 'nativist' turn by declaring that 'Tribes, families, hordes, small town and village communities like those which the very latest school of historical speculators busy themselves with so much belong to the infancy of the world, and have only a speculative interest. You cannot get much that is worth having out of a village community.'[61]

In contrast to Fitzjames Stephen's much grander notion of what an individual imperial legislator in India could achieve, for Maine progress in law and custom depended on the slow diffusion of ideas that only then would make legal change possible. Imperial conquest had dangerously accelerated and agitated this slow evolution. Maine was impressed by the sheer destructiveness of only a few decades of English judge-made law in India (akin to the destructiveness of the writers of the Napoleonic Code, determined to destroy the social fabric of France, for example, by abolishing primogeniture).[62] Maine constantly found examples to illustrate his conviction that the habits, manners, and customs of Indian society had not yet evolved to the point where a modern legal framework could be safely implanted. For example, the conception of individual rights which was the marker of an advanced society was only beginning to emerge in India, and because of the disruptions of colonial conquest, it was emerging without the necessary moral sensibility required to modulate individual right to collective or group right (and Maine was very concerned about the erosion of social stability both in Britain and in India). Maine concluded then that India was not yet ready for a law of torts, just as India was not deemed ready for self-government.

This moral and evolutionary framework, which saw law as an organic growth as much as it was the product of imperial legislation, both qualified the power of the colonial state to bring civilisation to the sub-continent through a legal revolution, and at the same time justified its continued dominance. Fitzjames Stephen unapologetically understood colonial law to be the arm of a necessarily coercive state. Echoing the Benthamite defence of codified law, Stephen argued that 'The real foundations of our power will be found in an inflexible adherence to broad principles of justice common to all persons in all countries and all ages.'[63] Viceroy Lytton, reflecting Stephen's tutelage, defended codification to his more sceptical Secretary of State for India: 'In dealing with an alien community, to which our whole system of law is more or less unintelligible and uncongenial, it seems to me most desirable to embody it in the simplest,

most intelligible, and most accessible form.'[64] Stephen noted with pride that pocket editions of the Indian Codes 'are published, which may be carried about as a "pocket" Bible; and I doubt whether, even in Scotland, you would find many people who know their Bible as Indian civilians know their Codes.'[65] These boasts were characteristic of Fitzjames Stephen, who was advertising his Indian work to a more sceptical home audience with a view to furthering his legal career and his ambition to codify law in England. But many colonial officers were critical of this argument; they regarded the extension of the rule of law as inimical to vigorous government, for law not only regulated the conduct of its citizens, but it bound the discretionary powers of colonial officials. Stephen, who relished the exercise of power, was sympathetic to this objection, for he frequently marvelled at how the authority of a couple of hundred colonial officers achieved dramatic results in India, though such an approach was 'of course quite inconsistent with parliamentary government and trial by jury, but are they after all so beautiful or glorious?'[66] Stephen was much less troubled than most other contemporary liberals by the illiberal and authoritarian character of British rule in India, and regarded the authority of the colonial state as a rare opportunity to accelerate through a legal revolution a country's otherwise desultory progress towards greater civilisation, though he too recognised the need to take into account the diversity of Indian society.

VI. CONCLUSION

I am not claiming that the ambition to write codes of law for India and the attempt to do so resulted in a highly nuanced understanding of how particularity and difference compromised utilitarian universalism or that it engendered an appreciation akin to that attributed to Edmund Burke[67] or William Jones of the diversity of civil societies (though both at the same time reaffirmed the superiority of European society), but that theorists who also worked as administrators were forced to adopt a more capacious understanding of the diversity of experience. The project of legal codification on the subcontinent forced them to consider how far law grew out of customs and manners or abstract principles, and about the capacity or limitations of the power of law to transform societies. The ambition to codify law fostered countervailing conclusions, undermining the potency of a more universalist perspective (as in Maine), at the same time as it strengthened authoritarianism and universalism in others (notably Fitzjames Stephen).

Controversy about the Anglo-Indian law codes continued, with the Indian Law Commission as late as 1879 defending the empire in India on the grounds that law reform could 'hasten by whole generations its entry into the great procession of the nations towards a uniformity of laws, founded on uniformity in the conception of right and of the essential elements of human welfare'.[68] But more and more contrary voices were heard. For some, the new sciences of race had ruptured irrevocably the confident universalism of half a century earlier. Others saw differences within Indian society and politics as valuable without reference to a historical journey towards ultimate universal goods. They looked instead to revitalising indigenous traditions and institutions, notably the village *panchayat*, as an alternative legal remedy to codes of law centered in the state. A new Code of Law was framed for Panjab in 1898, not by appealing to purportedly universal principles, but rather to indigenous customary law, endangered by the disintegration of village communities and the spread of individual ownership.[69] The great enthusiasm for the Anglo-Indian codes of the 1830s and 1840s never quite translated into a confident metropolitan-based movement for the codification of English law, so much so that in 1889, James Bryce could conclude that 'The desire for codification in England has not been perceptibly strengthened by the experience of India,' despite the expectation thirty or forty years earlier that 'the enactment of codes of law for India and the success which was sure to attend them there, must react upon England.'[70]

NOTES

1. See Eric Stokes, *The English Utilitarians and India* (Oxford, 1959); Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth Century British Liberal Thought* (Chicago, 1999); Jennifer Pitts, *A Turn to Empire* (Princeton, 2005); Lynn Zastoupil, *John Stuart Mill and India* (Stanford, 1994); and A. Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, 2005), ch. 2.

2. Maine, 'Influence of India' in his *Village Communities in the East and West* (London, 1881), p. 206.

3. Stephen, 'Bentham's Theory of Legislation,' *Horae Sabbaticae: Reprint of Articles Contributed to the Saturday Review* (London, 1892), p. 229.

4. Macaulay, cited in W. Stokes (ed.), *The Anglo-Indian Codes* (Oxford, 1887), I.x. There is an extensive, valuable literature on the diverse ways in which Bentham was interpreted by nineteenth-century English legal reformers; see, in particular, David Lieberman, 'Bentham and Benthamism,' *Historical Journal*, 28 (1985), pp. 119–24; and Michael Lobban, *The Common Law and English Jurisprudence, 1760–1850* (Oxford, 1991), pp. 185–221.

5. See Bentham, *General View of a Complete Code of Laws* in *The Works of Jeremy Bentham*, ed. John Bowring (Edinburgh, 1843), III, pp. 157–210. See also Fitzjames Stephen, 'Legislation under the Earl of Mayo' in Sir William Hunter, A *Life of the Earl of Mayo, Fourth Viceroy of India* (London, 1875), p. 177.

6. See Stokes, *The English Utilitarians and India*, pp. 70–1; and also Bentham, 'Draft of a New Plan for the Organization of the Judicial Establishment in France,' *The Works of Jeremy Bentham*, IV, p. 305.

7. Stephen, 'Legislation under the Earl of Mayo,' pp. 168–9.

8. Stephen, 'Legislation under the Earl of Mayo,' p. 181.

9. Asia Pacific and Africa Collections (APAC), British Library. V/9/12. Proceedings of the Legislative Council, 27 March 1871: Fitzjames Stephen on the Indian Evidence Bill. See den Otter, 'Law, Authority and Colonial Rule' in N. Guptu and D. Peers (eds.), *The Oxford History of the British Empire in India* (Oxford, 2007).

10. 'A system of law, which would really afford the benefits of law to the Indian people, would confer upon them unspeakable benefits. It is perhaps the only great political blessing which they are yet capable of receiving.' James Mill, *A History of British India* (London, 1817), V, p. 398.

11. On James Mill's engagement with India, see Duncan Forbes, 'James Mill and India,' *Cambridge Journal*, V (1951–2), pp. 19–33; Javed Majeed, *Ungoverned Imagining: James Mill's "The History of British India" and Orientalism* (Oxford, 1992); Mehta, *Liberalism and Empire*; and Stokes, *The English Utilitarians and India*.

12. James Mill, *History of British India*, Book II.

13. James Mill, *History of British India*, V, pp. 542–3.

14. Jane Rendall, 'Scottish Orientalism: From Robertson to James Mill,' *Historical Journal*, 25 (1982), pp. 43–69. As Governor-General, Elphinstone dismissed the possibility for a code of law for all nations because of the religiosity of Indian society which he regarded as inimical to this universalism. See Jon Wilson, 'Governing Property, Making Law: Land, Local Society and Colonial Discourse in Agrarian Bengal, c. 1785–1839,' D.Phil. dissertation, University of Oxford, 2000.

15. Sir James Mackintosh, cited in T. Cockburn, *Legislative Interference in the Conversion of the Indian Population to Christianity* (London, 1813), p. 4.

16. See, for example, Jeremy Bentham, 'Mr. Humphrey's Observations on the English Law of Real Property,' *Westminster Review*, XII (October 1826); J. H. Christie, *A Letter to the Rt. Hon. Robert Peel on the Proposed Changes to the Laws of Real Property* (London, 1827); R. Dixon, *Observations on the Proposed New Code Relating to Real Property* (London, 1828); J. Humphrey, *Observations on the Actual State of the English Laws of Real Property with the Outlines of a Code* (London, 1826); J. J. Parks, *A Contre Project to the Humphreysian Code* (London, 1828); John Reddie, *A Letter to the Lord High Chancellor of Great Britain on the Expediency of the Proposal to form a New Civil Code for England* (London, 1828); M. Rey, *Des Institutions de l'Angleterre comparés avec celles de*

la France; and E. Sugden, *A Letter to James Humphrey on his Proposal to Repeal of the Laws of Real Property and Substitute a New Code* (London, 1826).

17. Reddie, *Historical Notices of the Roman Law and of the Recent Progress of its Study in Germany* (Edinburgh, 1828), pp. 97, 98.

18. *Papers referred to by Her Majesty in Council 11 April 1848 for Consideration of the Committee of her Majesty's Privy Council in matter of certain charges brought by Lieutenant Colonel Torrens recently administering the government of St. Lucia against Dr. John Reddie, Chief Justice of that Colony* (London, 1848). Reddie died six years later as Judge of the Calcutta Court of Small Causes.

19. Reddie, *Letter*, p. 10.

20. Reddie, *Letter*, p. 46.

21. Reddie, *Historical Notices*, pp. 97, 98.

22. Knud Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge, 1996), pp. 286–7.

23. Duncan Bell, 'From Ancient to Modern in Victorian Imperial Thought,' *The Historical Journal*, 49 (2006), pp. 1–25.

24. Reddie, *Historical Notices*, p. 9.

25. Reddie, *Letter*, pp. 6, 8.

26. Reddie, *Letter*, p. 113.

27. See L. Farmer, 'Reconstructing the English Codification Debate: The Criminal Law Commissioners 1833–1845,' *Law and History Review* 18 (2000), pp. 1–25; M. Lobban, 'How Benthamic was the Criminal Law Commission?' *Law and History Review* 18 (2000), pp. 1–6.

28. Sir Erskine Perry, *A Letter to Lord Campbell, Lord Chief Justice of England on the Reforms in the Common Law with a letter to the Government of India on the same subject* (London, 1850), p. 33.

29. Bentham, 'Codification Proposal addressed by Jeremy Bentham to All Nations Professing Liberal Opinions, or Idea of a Proposed all Comprehensive Body of Law' (1822) in *Works*, IV, p. 560.

30. John Burrow, *Evolution and Society: A Study in Victorian Social Theory* (Cambridge, 1966), p. 39. See Jennifer Pitts, *A Turn to Empire*, for a persuasive counter-reading. See Bentham, 'Essay on the Influence of Time and Place' in *Works*, I, p. 180. Bentham first offered to draft a code of laws for Bengal in 1793: Stokes, *The English Utilitarians and India*, p. 51n1. See also Vesey Fitzgerald, 'Bentham and the Legal Codes' in G. Keeton and G. Schwarzenberger (eds.), *Jeremy Bentham and the Law* (London, 1948).

31. Bentham, 'Essay on Time and Place,' pp. 174, 177.

32. Haakonssen, *Natural Law and Moral Philosophy*, pp. 301–9; and Burrow, *Evolution and Society*, pp. 59–62.

33. Walter Bagehot marked a turning point. In India, Bagehot observed a wayward culture which required an authoritarian Viceroy 'from the special necessity of his position as representative of a civilised race among a half civilised one, to keep a vast population which wants to recede perpetually advancing'. Bagehot, 'The Indian Viceroyality' in *The Collected Works of*

Walter Bagehot, ed. Norman St. John-Stevas (London, 1965–86), VIII, pp. 338, 339. On the other hand, Maine, at a time when race was becoming more and more a way of defining difference, decried the term 'barbarism' because it implied a difference in kind, rather than the difference in degree. Maine, *Ancient Law*, p. 121.

34. Mill regarded Sir William Jones' attempt to create codes of law from existing indigenous customary law as 'a farrago, by which nothing is defined, and nothing is established'. Mill, *History of British India*, V, p. 428.

35. 'Examination of James Mill before Committee on East India Company's Affairs,' 29 June 1832. *Parliamentary Papers*. 1831–1832, XII, pp. 119–128.

36. In the same interview, James Mill suggested that aspiring civil servants studying at Haileybury should be taught much less of Sir James Mackintosh and much more of Indian languages and manners.

37. Haakonssen, *Natural Law and Moral Philosophy*, p. 309.

38. Macaulay, 'Debate on the Charter Act of 1833' in *Hansard* Session 1833 XIX. 536.

39. Macaulay, 'Minute on the Law Commission and a Penal Code' in C. D. Dharker (ed.), *Lord Macaulay's Legislative Minutes* (Madras, 1946), p. 256.

40. Macaulay, *Hansard*, XIX (1833), 533.

41. Macaulay, 'Note J on the Chapter of Offences Relating to Religion and Caste,' Indian Penal Code. See Radhika Singha, *The Despotism of Law: Crime and Justice in Early Colonial India* (Delhi, 1998), pp. 298–9.

42. Frederick Pollock to Oliver Wendell Holmes, 26 July 1877. Mark DeWolfe Howe (ed.), *Holmes-Pollock Letters* (Cambridge, 1961), I.7–8.

43. Charles Dilke, *Greater Britain; A record of Travel through English Speaking Countries during 1866–1867* (London, 1869), p. 526.

44. Maine, 'Breaches of Contract,' p. 91; APAC MSS Eur c 179/114/1 ff. 12–18: Maine to Sir Charles Wood, 13 Feb. 1863. For a fuller discussion of this section of the paper, see Sandra den Otter, 'Freedom of Contract, the Market and Imperial Law-Making' in Mark Bevir and Frank Trentmann (eds.), *Critiques of Capital in Modern Britain and America: Transatlantic Exchanges 1800 to the Present Day* (London, 2002), pp. 49–72.

45. APAC. V/9/9. 1865.

46. Maine, *Village Communities in the East and West*, pp. 41, 68, 190–7.

47. APAC. MSS Eur c 179/114/1 ff 79–84: Maine to Sir Charles Wood, Nov. 5 1863.

48. APAC. MSS Eur c 179/114/2/ff 46–53: Maine to Sir Charles Wood, March 19, 1864.

49. Parliamentary Paper, 'Statement of Object and Reasons Accompanying the Draft Contract Bill,' *Parliamentary Papers*, 1867–1868, XILX, 686.

50. APAC. Mss Eur F 78.55.6 ff. 52–52. Wood to Canning, 8 Oct. 1860.

51. *Act XV of 1865: An Act to Define and Amend the Law relating to Marriage and Divorce among the Parsees* followed from a Privy Council ruling that the Supreme Court of Bombay had no jurisdiction to entertain suits by a Parsee for restitution of conjugal rights and for maintenance. See also Act XXI of 1865

An Act to Define and Amend the Law relating to Intestate Succession among the Parsees.

52. APAC. MSS Eur C 179 ff 102–107: Sir Charles Wood to H. S. Maine, 19 July 1866.

53. Paul Vinogradoff, 'The Teaching of Sir Henry Maine' in *The Collected Papers of Paul Vinogradoff*, ed. H. A. L. Fisher (Oxford, 1928), II, p. 182.

54. APAC. C 142: Maine, 'Memorandum on Codification in India, July 1879,' p. 1219b.

55. Maine, 'The Influence of India,' p. 233.

56. Maine, 'The Influence of India,' p. 230.

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69. W. Rattigan, 'The Possibilities of Codification in India,' *Law Quarterly Review*, XIV (1898), pp. 375–7.

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The crisis of liberal imperialism

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I. INTRODUCTION

Recent studies of nineteenth-century political thought have focused on the salient relationship between liberalism and empire in this period. Scholars have sought to understand how liberalism, ostensibly grounded in universal and democratic principles, generated, at the same time, political and ethical justifications of imperial rule. In exploring this paradox, studies of 'liberal imperialism' have investigated tensions in liberalism that could justify a variety of forms of political exclusion.[1] However, this exclusive focus on justifications of empire has tended to elide the ways in which liberalism and its relationship to empire underwent fundamental transformations throughout the nineteenth century. This chapter focuses precisely on one such transformative moment in imperial ideology, namely the crisis of liberal imperialism during the latter half of the nineteenth century.

In the closing decades of the nineteenth century – at the height of imperial power – moral and political justifications of empire, paradoxically, receded from the forefront of debates about the nature and purpose of imperial rule. Just as British expansion assumed its greatest geographic reach, an ethically orientated political theory of imperial legitimacy, exemplified in the liberal model of imperialism that had dominated British imperial discourse since the early nineteenth century, retreated in significance. Ethical justifications of empire were displaced as new sociological understandings of colonial societies began to function as *de facto* explanations for imperial rule.[2]

Since the origins of empire in India in the eighteenth century, leading British political thinkers had struggled not only to make sense of what they considered to be the 'strange' and 'anomalous' character of British rule in India, but also to construct a politically legitimate and morally justifiable framework for imperial governance. For British India was considered to be

an unprecedented and contradictory political formation; in Henry Maine's words, it was a 'most extraordinary experiment' involving 'the virtually despotic government of a dependency by a free people'.[3] Thus models of imperial government were forged that could both stem the flow of the potentially corrupting influences of despotism on domestic political institutions as well as offer a form of rule that was, in principle, beneficial for the subject people. And while there were great debates on which models best fulfilled these goals, in the writings of Edmund Burke, James Mill, and John Stuart Mill, there existed a common attempt to frame these debates in ethical terms, specifically in terms of a higher moral standard of duty and responsibility concomitant with the status of the ruling power as a free, civilised people.

The liberal model of imperialism, which tied together a theory of imperial legitimacy with a project of improvement and civilisation, represented the most prominent and fully articulated ethical justification of empire in the nineteenth century. Liberal imperialism came to embody a coherent ideology marked by an intersecting set of justifications and governing practices centred upon the duty of liberal reform as the purpose of imperial rule. In the latter half of the nineteenth century, however, this coherence broke down. In this period, the central tenets of liberal imperialism were challenged as different forms of rebellion, resistance, and instability in the colonies instigated a more general crisis over the nature and purpose of imperial rule. In retreating from the commitment to the so-called civilising mission of liberal imperialism, a new emphasis on the potentially insurmountable differences between peoples came to the fore. In addition, the crisis of liberal imperialism precipitated, more generally, the waning of ethical justifications of empire. As modes of justification became more tentative in terms of their moral and political aspirations, late imperial strategies of rule were presented less in ideological than pragmatic terms, as practical responses to and accommodations to the nature of 'native society'. Under this cover, social, cultural, and racial theories entered through the back door, to explain and legitimate the existence of empire; they functioned less as justifications than as alibis for the *fait accompli* of empire.

II. THE MORALITY OF EMPIRE

. . . at first English power came among them unaccompanied by English morality. There was an interval between the time at which they became our subjects, and the time at which we began to reflect that we were bound to discharge towards them the duties of rulers. (*T. B. Macaulay*)[4]

Framing the debate on empire in moral terms was a central objective of Edmund Burke's attempted impeachment of Warren Hastings (the first Governor-General of India) in the founding political drama of British India.[5] Alongside Burke's charges of violations against 'the eternal laws of justice' – in the form of treaty violations, despotic government, and acts of corruption committed by Hastings – was a pressing concern to articulate 'some method of governing India *well*, which will not of necessity become the means of governing Great Britain *ill*'.[6] Burke's linking of the question of legitimacy to the securing of sound, lawful institutions set the stage for the succeeding generation of more radical reformist arguments – such as those put forward by James Mill and Charles Grant – that likewise rested the moral basis of empire on the possibility of good government. However, the definition of good government varied dramatically between Burke and the liberal reformers to come.

For Burke, to govern India *well* required, firstly, some kind of constitutional reform, that is, the creation of institutional checks to reign in what he saw as the arbitrary and 'peculating despotism' of Hastings's rule. Burke's institutional solution was Fox's East India Bill, which attempted to subject the East India Company more tightly to Parliamentary authority and oversight and thus render it accountable. Accountability for Burke was the very essence of government understood as a *trust*.[7] But a true trust, from which all political power and authority ultimately stemmed, must be oriented towards the welfare of those over whom power is exercised. For Burke, if India could be so governed, Company rule would command legitimacy based upon the implicit consent of the people governed. In an early speech on India, Burke elaborated the connection between trust and consent via the question of the law, in particular on which principles – English or Indian – law and legal reform should be based. Burke's answer was unequivocal: 'Men must be governed by those laws which they love. Where thirty millions are to be governed by a few thousand men, the government must be established by consent, and must be congenial to the feelings and habits of the people.'[8] The respect for the customs and habits of the people, moreover, was linked to a normative principle in which the 'empire of opinion' and prejudice were not only the grounds of everyday morality but also, for Burke, the key source of happiness. It was due to this moral conception of the sources of obligation and action, and not just as a matter of stability (as later nineteenth-century imperial policymakers would stress) that Burke argued,

. . . that we, if we must govern such a Country, must govern them upon their own principles and maxims and not upon ours, that we must not think to force them to

our narrow ideas, but extend ours to take in theirs; because to say that that people shall change their maxims, lives, and opinions, is what cannot be.[9]

The heated debates of the Hastings's trial tends to elide the more fundamental consensus between Burke and Hastings (and more generally among late-eighteenth-century ideologies of rule), which took as its premise the creation of an imperial regime that was fundamentally consistent with the 'ancient constitution' of India, however differently they may have construed it to be. Burke articulated a reverential image of the ancient laws, customs, and institutions of India and, in doing so, hoped to evoke a humility and respect that would deter the instinct toward premature and prejudicial conclusions.[10]

It was precisely this reverence for Indian antiquity that James Mill and Charles Grant would target in their influential characterisations of Indian society and history. As Francis Hutchins notes, these writers sought to undermine the dominant eighteenth-century view of India as a highly developed civilisation (as depicted in the work of Sir William Jones and the Scottish philosophical historian William Robertson) and replace it with an account that portrayed Indian society as exhibiting and promoting the most extreme forms of moral degradation. For both, tarnishing the prevailing assessments of India was, paradoxically, the necessary ground upon which to formulate a more expansive and elaborate notion of a 'just rule'.[11] Mill's monumental *The History of British India* (1817) was a full-scale assault upon every claim made on behalf of the achievements of Indian arts, science, philosophy, and government.[12] Mill's *History* was fundamentally different in that it was a critical history, that is, 'a *judging* history', the principal task of which was to accurately ascertain India's position in 'a scale of civilization'.[13] For Mill, this re-evaluation was not merely a scientific endeavour, it was essential for determining the structure and purpose of imperial rule,

No scheme of government can happily conduce to the end of government, unless it is adapted to the state of the people for whose use it is intended ... If the mistake in regard to Hindu society, committed by the British nation, and the British government, be very great, if they have conceived the Hindus to be a people of high civilization, while they in reality made but a few of the earliest steps in the progress to civilization, it is impossible that in many of the measures pursued for the government of that people, the mark aimed at should not have been wrong.[14]

Here Mill clearly articulates the ways in which theories of native society and societal development intersected with and directly shaped ideologies of

colonial governance. In this sense, Mill's break with the Orientalist image of Indian civilisation was also a break with the 'Orientalist' philosophy of rule, that is, one that was premised upon insinuating itself into existing practices of rule.

Barbarism in India, while certainly the deep-seated cause of centuries of stagnation, was not, however, conceived of as a permanent or natural condition. Rather, for Mill, the indolent, mendacious, and superstitious character of the natives was the long-term product of political despotism and a religious tyranny perpetuated by a conspiratorial class of priests (the Brahmins). As a product of circumstance and social conditioning, the moral character of the natives was, in principle, amenable to transformation, specifically through the agency of law and government. In this sense, Mill's obsessive critique of William Jones's account of the glories of Indian civilisation was meant precisely to integrate Indian history into a universal account of the progress of society. In doing so, Mill presented the grounds for why India could be deemed capable of improvement as well as a rationale for why Britain, as an advanced civilisation, had the necessary knowledge and the moral duty to attempt to promote reform.

Charles Grant's *Observations on the State of Society Among the Asiatic Subjects of Great Britain* (1792) likewise grounded the project of reform upon the rejection of Orientalist and Enlightenment histories of India.[15] For Grant, it was the atheistic and anti-clerical passion of the philosophical historians, such as Voltaire and Robertson, that sustained their mistaken exaltations of so-called Indian civilisation. In Grant's work, the source of corruption, and thus the proposed terrain of reform, was religion. The central bulwark against continuing moral degradation was education, particularly *English* education, as the means for the improvement of moral character.[16] For Grant, rather than reconciling government to the nature and traditions of Indian society, as was the central ideology of the Burke–Hastings era, the foundations of British rule was to be a policy of assimilation, where Indian society would be actively reshaped along the lines of British society.

Grant's and Mill's criticisms of the sympathetic tendencies of Orientalist scholarship transformed the framework of debates on what constituted a just and morally defensible basis for rule. For both, the Orientalists had become enthralled by the follies and superstition of Brahminical science and religion, and thus rescinded the moral obligation to create a form of government that would work towards the improvement of the subject race. In justifying the imperial project in terms of

future improvement, rather than in terms of its historical origins, Mill and
Grant rendered the foundations of empire *ethical* in a specific sense. This
argument for the morality and justness of empire was premised upon a
simultaneous disavowal of conquest and force as legitimate sources of
imperial authority. The link between the morality of empire and the
critique of conquest was elaborated in their portrayals of early Company
rule that was consistently decried as resting upon a nexus of criminal
acts.[17] And even more straightforwardly, Grant pleaded for a new moral
framework for imperial rule precisely as a way to compensate for the past
misdeeds and the burden of imperial rule; the fulfilment of the British
debt owed to the inhabitants of India would be made through the radical
reform of native society. This was a moral duty, not only in terms of a
duty inherent in power to care for and promote the 'civil and social
happiness' of subjects, but also to rectify and absolve oneself of the crimes
of conquest.[18]

   Thus, for these early reformers 'good government' was necessary to
overcome the precarious and illegitimate beginnings of empire in India.
Moreover, in defining 'good government' as the creation of a form of rule
that would work towards the improvement of the subject race, Grant and
Mill thereby intertwined the moral defence of empire with a platform of
liberal reform. For J. R. Seeley, the combined platform of reform (liberal,
utilitarian, and evangelical) ushered in the liberal era, in which, at last,
Britain had boldly assumed its civilisational role.[19] The period of liberal
ascendance is usually associated with the tenures of Lords Bentinck and
Dalhousie in the 1830s and 1840s, respectively. The liberal regime was
the most transparently interventionist in its ideals and practices; it was
in this period, more than any other, that India became the testing ground
for various reformist political, educational, and social experiments.[20]
Moreover, in terms of aspirations the liberal age was the first in which
eventual self-government by Indians was first contemplated.[21] For the
moral justification of rule was premised precisely on the grounds that
once Britain had completed its educative role its paternalist duty would
be over. And any argument for the continuation of rule merely for the
benefit of English prestige, wealth, or honour would be unjustifiable.

   But in tying together the ethical justification of empire with the project
of liberal reform, the liberal agenda became susceptible to a variety of
critiques that highlighted the theoretical and practical obstacles to
improvement. If the modernising transformation of native peoples is
held suspect, as was increasingly the case in the late nineteenth century,
empire quickly lost its most salient ethical justification.

The main inheritor of the ethical framework of liberal imperialism and its idiom of improvement was John Stuart Mill.[22] While Mill's formulation is perhaps the most well-known liberal justification of empire, it is also one whose political efficacy came to be questioned in the wake of a series of imperial crises. Moreover, some of the resources for questioning the viability of the liberal model of improvement could be harnessed from tensions internal to Mill's theoretical framework. In this regard, Mill stands as a crucial transitional figure in the transformation of imperial ideology.

In the introduction to *On Liberty* (1859), Mill writes, '[d]espotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end.'[23] Like the early reformers, Mill emphasises future improvement as both the goal of empire and the ethical foundation of imperial rule. The central pivot of Mill's defence of imperial despotism, however, is structured most insistently by the temporal contrast between the civilised and the barbarian. This distinction is the key conceptual vehicle for justifying the initial exclusion of barbarous peoples from the benefits of liberty and self-government and from an equal status in the community of nations. As Mill writes in the introduction to *On Liberty*, the doctrine of liberty,

... is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children ... Those who are still in a state to require being taken care of by others ... For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its nonage.[24]

Here, Mill's analogy between the immaturity of children and the immaturity of barbarous societies is not only sustained by this historical contrast, but also reveals and exploits a characteristic vulnerability of liberal theories of consent. Uday Mehta has elucidated this dilemma in terms of a disjuncture or gap between the foundations and actualisation of liberal universalism.[25] For Mehta, universalism in liberalism is derived from a minimalist philosophical anthropology, that is, from a minimum set of characteristics and capacities taken to be common to all humans. According to Mehta, in the liberal tradition from Hobbes and Locke, and including Mill, these common, universal, characteristics are construed as natural freedom, moral equality, and the inbuilt capacity to reason. The political actualisation of these universalist premises – for example to be included in the political constituency of the Lockean social contract or to be capable of permanent improvement in the Millian sense – is nevertheless mediated by the real capacity of the potential

citizen to properly exercise reason. This capacity, what Mill calls intellectual maturity, turns out to be empirically conditioned, and thus not-quite or not-yet universal. In this sense, the paradox of the child born free but not-yet-able to practise liberty is thus particularly revealing of how 'behind the universal capacities ascribed [by liberalism] to all human beings exist a thicker set of social credentials that constitute the real bases of political inclusion'.[26] Mill projects the paradox of the child onto a scale of civilisation, and in so doing expands and heightens, in cultural and historical terms, the requirements for political inclusion.

In this way Mill ties the exercise of liberty and representative government to civilisational development, and thus the possibility of political liberty is circumscribed by the imperatives of culture and history. In limiting the applicability of liberalism in this manner, Mill's ethical justification of empire itself allowed these other empirical, cultural arguments to bear the burden of legitimation. And in doing so it exposed a deep tension between the theoretical commitment to liberal reform and improvement and the practical impediments for the realisation of progressive transformation. Moreover, in insisting on an exceedingly sharp contrast between civilisation and barbarism, the possible transition from one state to the other, in Mill's work, was projected long enough into the future that, if not in principle impossible, in practical terms seemed so. This sharp and almost insurmountable contrast was grounded in a philosophy of history that emphasised the slow and precarious development of civilisation.

In an early essay entitled 'Civilization' (1836) Mill outlined what he considered the fundamental feature of civilised life, namely the power of co-operation. For Mill, what makes the life of the savage materially poor and fragile is his inability to compromise, to sacrifice 'some portion of individual will, for a common purpose'.[27] This is one reason why barbarous societies fall outside the community of nations and norms of international law. As Mill writes,

. . . the rules of ordinary international morality imply reciprocity. But barbarians will not reciprocate. They cannot be depended on for observing any rules. Their minds are not capable of so great an effort, nor their will sufficiently under the influence of distant motives.[28]

Thus a savage or barbarous society, unable to either suppress immediate instincts or conceptualise long-term interests, is thus fundamentally incapable of the organisation and discipline necessary for the development of the division of labour, of commerce and manufacture, and military achievement – in short, civilisation. If discipline, or 'perfect co-operation', is the central attribute of civilised society, it is also something that can only be learnt incrementally

through practice and 'the whole course of advancing civilization is a series of such training'.[29] The purpose of this centuries-long process of training is to render discipline an unconscious habit. More importantly, Mill characterises the process of civilisation – this training that is the condition of possibility for liberty – not only in terms of an incremental process of learning but also one that is collective in nature.[30] This emphasis on the group as the bearer of culture and cultural advancement reveals further strains in the edifice of liberal imperialism.

The more radical, transformative ambition of the project of liberal reform seemingly stalls in the face of a conception of culture which stresses the long process of cultural and historical learning. In other words, in Mill's work, the basic commitment to an idea of human nature as malleable and infinitely perfectible loses its purchase when linked to a philosophy of history and a theory of character formation that at the same time emphasises the precarious and incremental development of progressive societies in human history. Critics would emphasise the latter aspect over the former, concluding either that models of perfectibility needed to be abandoned or that moral reform required a great deal more coercion than liberals could countenance. These criticisms revealingly came to fore in the most prominent public debates on empire in the late nineteenth century. In key imperial scandals of the period, for example the response to the Indian Mutiny or Rebellion of 1857, the Governor Eyre controversy of 1865, and the Ilbert Bill crises of 1883, advocates of liberal imperialism found themselves consistently on the losing side of the argument. Here, I begin with the Eyre controversy, not least because John Stuart Mill himself played a prominent role in this public debate.

The public controversy began in 1865 upon news from Jamaica of a 'rebellion' in Morant Bay and its suppression by the then Governor of Jamaica, Edward John Eyre.[31] As reports of the extent and brutal nature of the rebellion's suppression came to light, Mill (now the Liberal MP for Westminster) became the Jamaica committee's chair and leading spokesman. The committee was formed initially to lobby the government for an official inquiry, and then (when it was clear that the government would do no more than dismiss Eyre from his post) to bring criminal charges against Eyre and his deputies. If Eyre's actions were excused as the regrettable but understandable excesses of power endemic to the colonial situation (which was the basic gist of the Royal Inquiry into his actions), the liberal imperialist model of benevolent despotism that Mill thought was genuinely possible would be radically undermined. This possibility no doubt fuelled Mill's vehement commitment to Eyre's prosecution, which after three years

came to nothing. Indeed it could be argued that the vocal public campaign proved to be, in important respects, counter-productive.

For the long campaign to publicise Eyre's abuses galvanised an even stronger opposition to the civilising ideals of liberal imperialism. The widespread opposition to the prosecution of Eyre was, to say the least, multi-faceted. Prominent members of the Jamaica committee included Charles Darwin, Herbert Spencer, T. H. Huxley, Charles Lyell, and T. H. Green. On the other side, vocal supporters of Eyre included Thomas Carlyle, John Ruskin, Alfred Tennyson, Charles Dickens, and Matthew Arnold. The Eyre controversy coincided with the public agitation and debate about the Reform Bill, and fear of unrest in the empire was necessarily intertwined with anxieties about the growth of popular government and mass democracy. In this sense, the sharp polarisation between the supporters and critics of Eyre intersected with and intimated the growing divide between the proponents and critics of democracy.

Moreover, the failure of Mill and the Jamaica committee to procure a criminal trial of Eyre portended an important ideological shift in the ways in which empire would be justified and colonised peoples would be governed. For the public support for Eyre revealed an increasingly unsympathetic view of subject peoples, in this case towards the ex-slave population of Jamaica. The Morant Bay rebellion, coming on the heels of the Indian Mutiny/Rebellion of 1857, signalled for many an ingratitude on the part of Jamaicans and Indians for the emancipatory and civilising character of colonial rule. The fact of rebellion itself also seemed to call into question the practicality of an agenda of liberal reform in the colonies. The improvement of native customs and morals seemed not only to be limited in effect, but also potentially dangerous for the stability of empire. Thus the reactions to the events of Morant Bay, like responses to the Indian Rebellion, heralded a deepening sense of racial and cultural difference between rulers and ruled, on the one hand, and a distancing from the universalist and assimilationist ideals of liberal imperialism, on the other.

IV. IMPERIAL AUTHORITARIANISM AT HOME AND ABROAD: JAMES FITZJAMES STEPHEN AND THE ILBERT BILL CRISIS

Like the public debates unleashed by the Governor Eyre controversy, the Ilbert Bill crisis of 1883 also exemplified central paradoxes in liberal justifications of empire. But while the Eyre controversy was instigated by the dramatic display of colonial violence that at times shaped the tenor of the

debate, the Ilbert Bill crisis was provoked by a relatively minor piece of colonial legislation. Less determined by questions of order, the debate about the Ilbert Bill was framed more explicitly by rival philosophies of imperial rule. In this sense, the challenge to the ideals of liberal imperialism that was intimated in the Eyre controversy became more openly proclaimed in the defeat of the Ilbert Bill.

In 1883, Courtney Ilbert, as Law Member of the Viceroy's Council, introduced a seemingly innocuous amendment to the Indian Criminal Procedure Code, extending the right to try cases involving Europeans to certain classes of native magistrates in rural districts.[32] But in attempting to remove this minor 'anomaly' to procedural universality, Ilbert unknowingly instigated widespread protest among the non-official British population in India and, thus, propelled the Government of India into a general crisis. In the face of widespread opposition, the Bill in its original form could not pass the Legislative Council and instead a watered-down version was finally passed after two years of intense criticism.[33]

As criticism of the Bill mounted in both Britain and India, it became increasingly clear that what was at stake was less the privileged status of British Indians *per se* than the very philosophy of British rule in India. The 'great question', according to Lord Ripon, the Liberal Viceroy under whose watch the Bill was introduced, was not about the particular provisions supported by the Bill,

> . . . but the principles upon which India is to be governed. Is she to be ruled for the benefit of the Indian people of all races, classes, and creeds, or in the sole interest of a small body of Europeans? Is it England's duty to try to elevate the Indian people, to raise them socially, to train them politically, to promote their progress in material prosperity, in education, and in morality; or is it to be the be all and end all of her rule to maintain a precarious power over . . . 'a subject race with a profound hatred of their subjugators'?[34]

Ripon thus articulated and defended the basic premises of liberal justifications of empire, one in which the purpose of imperial government must be for the moral education and betterment of the subject people, rather than for the benefit of the home country or some faction therein.[35] In practical terms, the aim of the government of India would be the timely introduction of and expansion of liberal principles in the central institutions of education, law, and government. The vehement contestation of the principle of legal equality that was at stake in the Ilbert Bill thus struck the very core of the transformative and educative project of liberal imperialism.

The most eminent spokesman for the opposition was James Fitzjames Stephen, who had also briefly served as Law Member of the Viceroy's

Council under Lord Mayo. Stephen not only opposed the adoption of a similar bill under his tenure but, in the midst of the current crisis, published a provocative letter in *The Times* warning that the passage of such a bill would undermine the very 'foundations' of British rule. As Stephen wrote,

> . . . [i]t has been observed that if the Government of India have decided on removing all anomalies from India, they ought to remove themselves and their countrymen . . . It is essentially an absolute government, founded, not on consent, but on conquest . . . It represents a belligerent civilization, and no anomaly can be so striking and so dangerous as its administration by men who, being at the head of a Government founded on conquest, implying at every point the superiority of the conquering race, of their ideas, their institutions, their opinions and their principles, and having no justification for its existence except that superiority, shrink from the open, uncompromising, straightforward assertion of it, seek to apologize for their own position, and refuse, from whatever cause, to uphold and support it.[36]

The corollary to the unabashed assertion of superiority, for Stephen, was unapologetic authoritarian rule in the colonies.

Despite the brashness of his rhetoric, Stephen was not simply a jingoistic defender of empire. Rather the argument for absolute rule as a form of legitimate and good government was premised on a theoretical account of the necessity of coercion as a mechanism for the improvement of native society. The most important mechanism, in this regard, was the implementation of a sound system of laws based upon English principles that would induce peace and security and thereby effect a change in moral and religious practices. Without law and order, which was for Stephen Britain's great export, India would dissolve into the chaos and anarchy in which it was found. Coercion was a necessity for Britain's 'great and characteristic task is that of imposing on India ways of life and modes of thought which the population regards, to say the least, without sympathy'.[37] This minimal commitment to substitute English civilisation for Indian barbarism, however, was not conceived of as a moral duty, less still as a kind of atonement or apology for the sins of conquest. Rather, it was a sign of and the means by which to express England's virtue, honour, and superiority. As such, for Stephen, it was in principle a permanent and not temporary enterprise (as the liberal imperialist camp proposed) and ought to be justified as such. Stephen straightforwardly criticised the view of empire as resting upon 'a moral duty on the part of the English nation to try to educate the natives in such a way as to lead them to set up a democratic form government administered by representative institutions'.[38] Not only was self-government unfit for India, for Stephen it was a qualified benefit for England as well.

In this sense, for Stephen, the principles of imperial government may indeed be equally well suited for a rapidly democratising Britain. As one of Mill's best-known contemporary critics, Stephen exemplified the ways in which the critique of liberal imperialism coalesced with a more general critique of the popular and democratic variants of liberal thought. According to Stephen, it was his 'Indian experience' that confirmed his belief in the dangers of 'sentimental' liberalism of the Millian kind for both England and the empire.[39] In *Liberty, Equality, Fraternity* (1874), Stephen famously argued that Mill's proposition that self-protection could be the only grounds for coercion was unsustainable and illustrative of a deeper set of commitments which he found to be both philosophically untenable and practically objectionable. For Stephen, Mill's attempt to delineate a sphere of free action revealed Mill's illegitimate prioritising of the principle of liberty over that of utility. Moreover, for Stephen, what Mill claimed to be the practical effects of liberty in history – that is, the expansion of freedom of speech and discussion and the concomitant shift from compulsion to persuasion as the vehicle of moral improvement – was a misreading of the actual source of moral progress, namely the historical effects of moral and legal coercion. For Stephen, man was not by nature a progressive being, but one who was at heart selfish and unruly and therefore needed to be continuously compelled to live peaceably and morally in society. The benevolent despotism of imperial rule, for Stephen, proved emphatically that liberty was not a necessity for the purpose of good government. Thus, Mill's tenuous distinction between civilised and barbarous societies could be reversed: what was deemed appropriate for barbarians was equally suitable for civilised society (or at least certain classes therein).[40]

V. EMPIRE, NATION, CONQUEST: REVISING THE LANGUAGES OF JUSTIFICATION

The project of liberal imperialism tied together its moral justification with a consistent set of ideologies of rule, most notably in outlining a platform of reform based on the transformative goals of the civilising mission. With the crisis of this overarching vision, both aspects would be subject to critique and revision. And while late imperial ideologies and discourses of justification were grounded in a common, conservative opposition to the liberal project, they did not necessarily evolve into a comprehensive alternative imperial vision. Rather what emerged were a series of distinct modes of justification and strategies of rule that were only loosely and obliquely tied to one another. In this section I will focus on the former and

outline the different ways in which the moral vision of liberal imperialism as a discourse of legitimation was criticised, transformed, and revised in the late nineteenth century.

In one of Stephen's last works, *The Story of Nuncomar and the Impeachment of Sir Elijah Impey* (1885), he revisited the original 'crimes' of British India and the impeachment trial of Warren Hastings.[41] Ever since Burke's famous prosecution of Hastings at the end of the eighteenth century, the question of the legitimacy of British rule in India was intimately tied to one's position *vis-à-vis* this originary moment.[42] For liberals like James Mill and Macaulay the disavowal of conquest and the critique of early Company rule was the necessary first step in arguing for a new, firmer and more moral basis for imperial rule. Thus for Stephen the return to the trial was a way to sever the link between the morality of empire and the critique of conquest. Indeed, in rehabilitating the notorious figure of Impey, Stephen tried instead to argue that the so-called 'crimes' of conquest were exaggerated, if not entirely fabricated. In this way, conquest, now devoid of its associations with criminality, could emerge as legitimate on its own terms.

Stephen's revisionist history of the Hastings era, with its audacious defence of the legitimacy of conquest and force, struck at the heart of an earlier liberal consensus. Stephen's reformulation, however, was avowedly critical of liberal imperialism and thus represents the reversal of its tenets in the starkest of terms. Liberals themselves responded more ambivalently, and this is nowhere more evident than in relation to the theme of conquest. In Seeley's *The Expansion of England* (1883), the fact of conquest is consistently raised only to be disavowed as a proper characterisation of either the mode by which England acquired its Indian empire or as a justification of its present status as a dependency. Moreover, what is significant in Seeley's attempt to cleanse empire of its unsavoury associations with conquest is that it is also severed from any distinct moral project or aim. These two aspects, I would argue, are not unrelated. For what lent the liberal project its peculiar ethical weight was precisely its ability to frame and judge the history of empire in moral terms.

In Seeley's account, 'conquest' itself was declared a misnomer in terms of a description of the acquisition of the Indian empire. English rule was the natural fulfilment of a purely internal tendency of Indian political history. The eighteenth-century machinations of rival Indian principalities in alliance with competing European powers in the subcontinent, were, for Seeley, a time when 'the distinction of national and foreign seems to be lost'. And thus, 'India can hardly be said to have been conquered at all by

foreigners; she has rather conquered herself.'[43] If there was no conquest, there was nothing the British needed to atone for. Indeed, for Seeley, since British rule itself brought stability and government, it was always already a notable advance upon the anarchy in which India found herself.[44] Moreover, in suggestively arguing that terms such as 'national' and 'foreign' had no meaning in the context of eighteenth-century India, Seeley was in fact putting forward a far bolder claim, namely, that in India there was and is no sense of nationality. For Seeley conquest could only be conceived of as a political affront if the subjected population formed a recognisable community. For 'It is upon the assumption of such a homogeneous community that all our ideas of patriotism and public virtue depend.'[45]

The use of the discourse of nationality as a justification of imperial rule became more insistent in the late nineteenth century, even as the discourse around the so-called civilising mission waned. While, for Mill, the claim that barbarians were not true nations was certainly meant to legitimate imperial subjection (and perhaps even outright conquest), it was subordinated to the purpose of civilising. The primary reason for withholding the status of nationhood from barbarous societies was that for these societies 'Nationality and independence are either a certain evil, or at best a questionable good.'[46] In this sense, for Mill, nationality is conceptualised more in normative rather than sociological terms, as an equivalent for self-government and thus subject to the same moral and civilisational requirements.

Later liberal theorists of empire, on the other hand, tended to mobilise and prioritise the sociological analyses of nationality, severed from any strict or elaborate scale of civilisation, as the linchpin to justify imperial rule. For Seeley, here giving voice to a commonplace among imperial observers of the time, India lacked uniting forces; there was no community of race or religion out of which a feeling or belief in nationality could develop.[47] As Seeley writes, '[I]t appears then that India is not a political name, but only a geographical expression like Europe or Africa.'[48] But if India were to ever show signs of a love of independence, of acting in concert as 'the expression of a universal feeling of nationality, at that moment all hope is at an end, as all desire ought to be at an end, of preserving our Empire'.[49] If the hallmark of liberal imperialism was the implicit belief in the temporary nature of British rule in India, liberals like Seeley transferred the criteria of future self-government from the strict model of improvement or assimilation to English manners and customs to the question of nationality. The fact that India was not yet a nation, however, was the

descriptive, sociological basis upon which the continuity of imperial rule rested. For what was implicit in the denial of nationality was a belief in the natural tendency of Indian society to devolve into anarchy and/or communal divisions. In this sense British rule was justified less in ambitious moral and political terms than as *the lesser evil* compared to leaving India to disintegrate on her own. Tied less to the specific project of transforming Indian society, the prioritising of the sociological account of the logic of Indian society portrayed Britain's continued presence as primarily stemming from a practical necessity.

VI. REVERSING THE CIVILISING MISSION: MAINE AND THE LESSONS OF 1857

The thinker or scholar who approaches it [India] in a serious spirit finds it pregnant with difficult questions, not to be disentangled without prodigious pains, not to be solved indeed unless the observer goes through a process at all times most distasteful to an Englishman, and (I will not say) reverses his accustomed political maxims, but revises them, and admits that they may be qualified under the influence of circumstance and time. (*Henry Maine*)[50]

The crisis of liberal imperialism generated not only new justifications of empire but also new and distinct strategies of rule and governing practices, specifically premised upon the critique of previous liberal ideologies of rule. Historically, one of the key events that precipitated this shift was the so-called Indian Mutiny of 1857. In response to the rebellion, the Crown assumed direct responsibility over the Company's former Indian territories, and in its first official act explicitly put forth a doctrine of non-intervention as the directive principle of British rule.[51] Propositions about non-interference *after* 1857 were necessarily imbued with reflections upon the causes of the 1857 Rebellion as well as implicit critiques of previous strategies of governance that were seen to have precipitated revolt. Victoria's Proclamation emphasised the religious aspects of revolt, an account with which Henry Maine notably concurred.

According to Maine, the mutiny was a shock to the English mind, not only because of the unprecedented speed and scale of the mutiny's expansion into insurrection but also because it seemingly sprang from such *inscrutable* sentiments. Crucially, Maine declared this blindness to the strength and persistence of religious sentiments as arising from 'defect of knowledge or imagination which hides these truths from the English mind'.[52] This lacuna, however deep, could be overcome through the acquisition of better and more appropriate knowledge of native practices

and beliefs. It is in this sense that ascertaining the roots of the 1857 Rebellion was not,

> . . . a merely historical interest. It is a question of the gravest practical importance for the rulers of India how far the condition of religious and social sentiment revealed by the Mutiny survives in any strength . . . It is manifest that, if the belief in caste continues unimpaired or but slightly decayed, some paths of legislation and of executive action are seriously unsafe: it may be possible to follow them, but it is imperative to walk warily.[53]

Thus, for Maine, fundamental questions about the character and strength of native beliefs were necessarily linked to pragmatic solutions in relation to the exigencies of colonial governance. Moreover, in framing the cause of the revolt as epistemic, Maine (like many contemporary viewers) very much tied future remedies to expanding apparatuses for knowledge gathering and dissemination.[54] In his appeal for greater and more accurate knowledge, Maine also critically redefined the parameters of what constituted appropriate knowledge of India.

Through his methodological innovations in relation to the study of Indian society, Maine initiated an important reconceptualisation of native society, one that, in the context of imperial policy, provoked a profound change in attitudes regarding the scientific and practical basis of liberal ideologies of rule. For Maine, previous accounts of Indian society suffered from a number of drawbacks. Substantively, as most colonial officers and European observers were based in the Presidency towns along the coasts, which had long histories of contact with the outside world, they were apt to view the urbanised (and more secularised) natives they encountered as representative of all of India.[55] This led them to overestimate the possibility of reforming native belief along Western lines and thus underestimate the rigidity of native habits. A similarly mistaken view of Indian society, for Maine, was also inherent in utilitarianism, which had had an enormous impact in shaping the liberal agenda of colonial reform.

In *Ancient Law* (1861) and *Village Communities in the East and West* (1876), Maine famously criticised the abstract methods of utilitarianism, arguing that analytical conceptions of law and political economy were inapplicable to primitive or ancient societies, of which India was the prime example. Indeed, for Maine, India was 'the great repository of verifiable phenomena of ancient usage and ancient juridical thought'[56] and its study would shed light on the historical and evolutionary development of law and society. Moreover, India and England shared an Indo-European heritage and thus a common institutional history. But while this filiation grounded India's epistemological centrality for the comparative

study of institutions, it also construed India as representing the 'living past' of Europe. The study of contemporary Indian social and political institutions would cast light upon the history of Aryan societies and peoples precisely because Indian society was assumed to have stagnated, arresting the development of institutions at an early stage, and, thus, preserving their ancient character. Thus alongside the claim to a deep affinity, Maine also asserted the radical difference between Indian and English institutions.

With the assertion of difference, however, also came a stress on understanding the unique logic of primitive society. Maine's historicism was accompanied by an anthropological sense that viewed native society as functional wholes, ordered by the dictates of primitive custom. Yet, despite the internal coherence of native institutions, this structural integrity was construed as fragile and increasingly threatened under modern conditions.[57] This double-edged vision lent Maine's conception of native society a central ambiguity that would become utilised in important ways in the context of late imperial ideologies of rule.[58] In Maine's work, this view of native society was most prominent in his suggestive rendering of the self-sufficient village-community, which Maine took to be the dominant social form of India. The vitality of the Indian village-community, however, was quickly dissolving under the impact of colonial rule. Moreover, in practical terms, the rapidity of the process of disintegration, for Maine, engendered grave consequences for the stability of imperial rule.

Maine's reconstitution of the appropriate bases of colonial knowledge and his reconceptualisation of Indian society served as an enormous fillip to the growth of 'official anthropology' and its influence in crafting colonial policy.[59] Indeed it directly spurred, in some quarters, a wholesale rejection of the liberal agenda of reform in favour of policies that sought the rehabilitation and protection of native customs and institutions. For some, protecting native 'traditions' was a normative priority and, for them, Maine's evocative account of native society, where primitive custom rationally ordered social, political, and economic life, was particularly appealing. Others argued for a policy of protection and/or rehabilitation as a safeguard against instability, unrest, and rebellion. Indeed in prioritising the maintenance of order, liberal models of education, economy, and politics would all be limited because they were now considered to inherently bear disintegrative effects on native/traditional society. Unlike liberal ruling strategies that construed 'traditional' social structures, customs, and identities, such as those relating to caste and religion, as impediments to the project of improvement and thus good and moral governance, the new ideologies of rule stressed the need for reconciliation with native

institutions and structures of authority. In practical terms this entailed a more conciliatory relation to the princely states, now seen both as bulwarks against radicalism and as authorities which commanded 'natural' obedience.[60] There was also a notable shift away from the institution of the principles of laissez-faire and private property rights for the sake of protecting the 'traditional' foundations of agrarian society, such as caste and the village-community.[61]

The lessons of 1857 prioritised a practical and strategic concern for questions of law and order over issues of imperial legitimacy and moral purpose. The non-interference principle, in this sense, expressed both the difficulty of reforming the native and the indeed the political danger that attempts at transformation could entail. But in construing the rebellion as an example of the failure of liberal reform to either transform native habits and customs or lend security to the imperial enterprise, reflections on 1857 also spurred ethnographic and sociological investigations into the nature of native society – accounts that would mirror and account for the newly understood rigidity of native customs and traditions.

Thus, in contrast to liberal theories of imperial legitimacy, these anthropological and sociological understandings functioned more as alibis, rather than as ethical justifications, for imperial rule. Rather than as a willed and purposive moral project, empire was instead deemed a practical necessity arising from the nature of colonised societies themselves (either for curtailing the tendency of native societies towards disintegration and/or as merely an epiphenomenal construct 'indirectly' ruling through pre-existing native institutions and structures of authority). In this way, alibis served to defer and displace the source of imperial legitimacy, authority, and power, *elsewhere* – in this case from metropole to colony – and thus also made possible the deferral and disavowal of a deep sense of moral and political responsibility for the fact of imperial rule.

NOTES

1. See especially Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, 1999); and Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005).
2. In this chapter, I use the terms 'empire' and 'imperial' to refer specifically to British rule over dependent territories and non-settler, indigenous populations (with India as the primary example). Throughout the nineteenth century, the distinction between (settler) colonies and dependencies in the British empire became sharper and their institutional development followed quite different

political trajectories. In this sense, the crisis of liberal imperialism is born of practical and theoretical dilemmas that emerge in relation to ruling alien subjects. On the need to distinguish between different facets of the empire, see Duncan Bell 'Empire and International Relations in Victorian Political Thought,' *Historical Journal*, 49 (2006), 281–98.

3. Henry Maine, *Village Communities in the East and West* (London, 1876), p. 233.

4. T. B. Macaulay, *Warren Hastings* (Oxford, 1890), p. 13.

5. For recent interpretations of Burke on India, see especially Frederick G. Whelan, *Edmund Burke and India: Political Morality and Empire* (Pittsburgh, 1996); Mehta, *Liberalism and Empire*; Sunil Agnani, 'Enlightenment Universalism and Colonial Knowledge: Denis Diderot and Edmund Burke, 1770–1800,' Ph.D. dissertation (Columbia University, 2003); and Pitts, *A Turn to Empire*, ch. 3.

6. Edmund Burke, 'Speech on Fox's East India Bill' in the *Writings and Speeches of Edmund Burke*, ed. P. J. Marshall (Oxford, 1981), V, p. 383. Italics in original.

7. Burke, 'Speech on Fox's East India Bill,' p. 385.

8. Edmund Burke, 'Speech on Bengal Judicature Bill,' p. 141. See also Richard Bourke, 'Liberty, Authority, and Trust in Burke's Idea of Empire,' *Journal of the History of Ideas*, 61:3 (2000), pp. 453–471.

9. Burke, 'Speech on Opening of Impeachment,' *Writings and Speeches of Edmund Burke*, ed. P. J. Marshall (Oxford, 1991), VI, p. 302.

10. Burke, 'Speech on Opening of Impeachment,' p. 304.

11. Francis G. Hutchins, *The Illusion of Permanence: British Imperialism in India* (Princeton, 1967), ch. 1.

12. James Mill, *The History of British India* (New Delhi, 1990 [1817]). For extended discussions of Mill's *History* and his views on imperial policy, see Eric Stokes, *The English Utilitarians and India* (Oxford, 1959); Javed Majeed, *Ungoverned Imaginings: James Mill's* The History of British India *and Orientalism* (Oxford, 1992); and Pitts, *A Turn to Empire*, ch. 5.

13. Mill, *The History of British India*, I, p. 3.

14. Mill, *The History of British India*, I, p. 456.

15. Charles Grant, *Observations on the State of Society Among the Asiatic Subjects of Great Britain, Particularly with Respect of Morals; and the Means of Improving It* [written in 1792]. This was first published as an appendix to the 'Report from the Select Committee of the House of Commons on the Affairs of the East India Company,' 16 August 1832, *Parliamentary Papers*, Vol. 8 (1831–32).

16. See Syed Mahmood, *A History of English Education in India, 1781–1893* (Aligarh, 1895); and Gauri Viswanathan, *Masks of Conquest: Literary Study and British Rule in India* (New York, 1998).

17. In his account of the Hastings trial, for example, Mill aligned himself with Burke. See especially volume III of James Mill, *The History of British India*, and Grant, *Observations on the State of Society*, p. 22.

18. See Ainslee Embree, *Charles Grant and British Rule in India* (New York, 1962).

19. J. R. Seeley, *The Expansion of England: Two Courses of Lectures* (London, 1883), p. 253.
20. Stokes, *The English Utilitarians and India*, p. xii, and Sandra Den Otter's contribution to this volume.
21. See Macaulay's famous speech on the renewal of the charter, 'Government of India' [1833] in *Macaulay: Prose and Poetry* (Cambridge, 1970) p. 718.
22. For discussions of Mill's writings on India, see Lynn Zastoupil, *John Stuart Mill and India* (Stanford, 1994) and Martin I. Moir, Douglas M. Peers, and Lynn Zastoupil (eds.), *J. S. Mill's Encounter with India* (Toronto, 1999), especially the contributions by Moir and Robin Moore. See also Pitts, *A Turn to Empire*, ch. 5; Mehta, *Liberalism and Empire*; and Pratap Bhanu Mehta, 'Liberalism, Nation and Empire: The Case of J. S. Mill,' paper presented at the Annual Meeting of the American Political Science Association, 1996.
23. John Stuart Mill, *Utilitarianism, On Liberty, Considerations on Representative Government*, ed. Geraint Williams (London, 1972), p. 79.
24. Mill, *On Liberty*, pp. 78–9.
25. Mehta, *Liberalism and Empire*, pp. 46–77.
26. Mehta, *Liberalism and Empire*, p. 49.
27. Mill, 'Civilization' in *Dissertations and Discussions: Political, Philosophical, and Historical* (London, 1869), I, p. 165.
28. Mill, 'A Few Words on Non-Intervention' in *The Collected Works of John Stuart Mill*, ed. Stefan Collini (Toronto, 1984), XXI, p. 119.
29. Mill, 'Civilization,' p. 167.
30. Mill, 'Civilization.' Also see Mehta's argument regarding Mill's normative understanding of the collective character of people in Mehta, 'Liberalism, Nation, and Empire.'
31. For general accounts of the Eyre controversy, see Catherine Hall, *Civilizing Subjects: Metropole and Colony in the English Imagination, 1830–1867* (Cambridge, 2002); Bernard Semmel, *Jamaican Blood and Victorian Conscience: The Governor Eyre Controversy* (Westport, 1976); Thomas Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832–1938* (Baltimore, 1992); Geoffrey Dutton, *Edward John Eyre: The Hero as Murderer* (New York, 1977).
32. See Edwin Hirschmann, *'White Mutiny:' The Ilbert Bill Crisis and the Genesis of the Indian National Congress* (New Delhi, 1980); Mrinalini Sinha, *Colonial Masculinity: The 'Manly' Englishman and the 'Effeminate' Bengali* (New York, 1995); Uma Dasgupta, 'The Ilbert Bill Agitation, 1883' in Ravi Dayal (ed.), *We Fought Together for Freedom: Chapters from the Indian Nationalist Movement* (New Delhi, 1995).
33. When it was clear that the Bill in its original form would not pass, a compromise version was adopted in 1884. This Bill allowed European settlers in the rural districts to appeal for jury trials (comprised of Europeans) to compensate for their acceptance of the jurisdiction of native judges.
34. Lord Ripon, Letter to Forster, 6 March 1883, cited in Hirschmann, *'White Mutiny*,' p. 70.

35. Here I would note that the argument I am making is not meant to imply that there were no defenders of the civilising mission in late nineteenth-century Britain. Rather I want to emphasise that their ability to shape imperial policy declined in the face of growing opposition.

36. J. F. Stephen, *The Times*, 1 March 1883, p. 8.

37. Stephen, 'Foundations of Government of India,' *The Nineteenth Century*, 80 (1883), p. 558.

38. Stephen, 'Foundations of Government of India,' p. 561.

39. See the preface to James Fitzjames Stephen, *Liberty, Equality, Fraternity* (Chicago, 1991 [1874]).

40. Here are two characteristic passages that turn on the inversion of Mill's distinction between barbarism and civilisation: 'You admit that children and human beings in "backward states of society" may be coerced for their own good . . . Why then may not educated men coerce the ignorant? What is there in the character of a very commonplace ignorant peasant or petty shopkeeper in these days which makes him a less fit subject for coercion on Mr. Mill's principle than the Hindoo nobles and princes who were coerced by Akbar?' And again, '[I]t seems to me quite impossible to stop short of this principle if compulsion in the case of children and "backward" races is admitted to be justifiable; for, after all, maturity and civilization are matters of degree.' Stephen, *Liberty, Equality, Fraternity*, pp. 68–9.

41. James Fitzjames Stephen, *The Story of Nuncomar and the Impeachment of Sir Elijah Impey* (London, 1885).

42. Other notable attempts to challenge the Burke-Mill-Macaulay consensus were John Strachey, *Hastings and the Rohilla War* (Oxford, 1892) and A. C. Lyall, *Warren Hastings* (London, 1889).

43. Seeley, *The Expansion of England*, p. 202.

44. Seeley, like earlier liberals, was critical of the lawlessness and violence that accompanied the acquisition of empire in India, but he was also convinced that British rule was a better alternative to leaving India to either disintegrate of her own accord or be acquired by more despotic imperial powers (such as the French). This ambivalence is echoed in Seeley's qualified endorsement of a civilising mission in India. While Seeley is clear that the introduction of English education and science in India would be beneficial in the long run, the primary reason for the British staying in India had less to do with this goal than with a duty to stay and stem the supposedly natural tide towards anarchy. For discussions of Seeley on the duty of empire, see Duncan Bell, 'Unity and Difference: J. R. Seeley and the Political Theology of International Relations,' *Review of International Studies*, 31 (2005), pp. 559–79, and his *The Idea of Greater Britain: Empire and the Future of World Order, 1860–1900* (Princeton, 2007).

45. Seeley, *The Expansion of England*, p. 205.

46. Mill, 'A Few Words on Non-Intervention,' p. 119.

47. See John Strachey, *India: Its Administration and Progress* (London, 1888); A. C. Lyall, 'Government of the India Empire,' *The Edinburgh Review*, 325

(1884), pp. 1–40; Stephen, 'Foundations of Government in India'; and W. W. Hunter, *History of British India* (London, 1899).

48. Seeley, *The Expansion of England*, p. 222.
49. Seeley, *The Expansion of England*, p. 234.
50. Maine, *Village Communities*, p. 206.
51. 'We declare it to be our royal will and pleasure that none be in anywise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge to enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.' The transfer of India from Company to Crown authority took place on August 2, 1858. The Queen's Proclamation was delivered on November 1, 1858. Excerpts of the speech are taken from C. H. Philips, H. L. Singh, and B. N. Pandey (eds.), *The Evolution of India and Pakistan, 1858 to 1947: Select Documents* (Oxford, 1962), p. 11.
52. Maine, 'India' in Humphrey Ward (ed.), *The Reign of Queen Victoria: A Survey of Fifty Years of Progress* (London, 1878), I, p. 474.
53. Maine, 'India,' p. 476.
54. Nicholas Dirks, *Castes of Minds: Colonialism and the Making of Modern India* (Princeton, 2001).
55. Maine, *Village Communities*, pp. 1–31, 203–40.
56. Maine, *Village Communities*, p. 22.
57. Maine, *Village Communities*, pp. 24–62.
58. For a more detailed account of Maine's influence on imperial policy see Karuna Mantena, 'Law and Tradition: Henry Maine and the Theoretical Origins of Indirect Rule' in Andrew Lewis and Michael Lobban (eds.), *Law and History* (Oxford, 2003); and Mantena, *Alibis of Empire* (Princeton, forthcoming).
59. Clive Dewey, 'The Influence of Sir Henry Maine on Agrarian Policy in India,' in Alan Diamond (ed.), *The Victorian Achievement of Sir Henry Maine: A Centennial Reappraisal* (Cambridge, 1995), pp. 353–75. See especially Lyall's and Hunter's works on caste and clan formation: A. C. Lyall, *Asiatic Studies: Religious and Social* (London, 1899) and W. W. Hunter, *The Annals of Rural Bengal* (London, 1868).
60. Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge, 1994); and Metcalf, *The Aftermath of Revolt, India 1857–1870* (Princeton, 1964).
61. Dewey, 'The Influence of Sir Henry Maine on Agrarian Policy in India.'

'Great' versus 'small' nations: size and national greatness in Victorian political thought

Georgios Varouxakis

I. INTRODUCTION

As should be obvious from other chapters published in this volume, there was a near-consensus among Victorian political thinkers that not all nations or states were equal members of an international community. Rather, a distinction was made, quite explicitly and routinely, between 'civilised' European and Christian nations, to which the rules of international law or international morality applied, and 'barbarians', who could not claim the same treatment. In this chapter I focus on another distinction about which there was a near-consensus, at least for most of the Victorian period, a distinction that applied to nations *within* the so-called 'civilised' world: that between 'great' and 'small' nations.[1]

From at least the middle of the nineteenth century, once the revolutions of 1848 had brought the issue of 'nationality' to the foreground of European politics and political thinking, through to the 1920s, when, in the aftermath of the treaties that followed the end of the First World War the new international settlement was being vividly debated, one of the issues that attracted considerable attention on the part of political thinkers was that of the scale or size of nations. Political debate was infused with a variety of arguments about whether it was advisable for 'small' nations to exist – and form independent states, in accordance with the 'principle of nationality' – or whether they should instead be absorbed into larger units, forming what were called by many 'great nations', in the best interests of civilisation as well as of the individual members of the nations/groups concerned. From James Fitzjames Stephen's argument that membership of a 'great' nation was a matter of individual prestige to Alfred Zimmern's argument (elaborated after the First World War) that the increasing interconnectedness of the world – and, more generally, what we would call today globalisation – meant that small states were not independent and sovereign anyway, and therefore should be happy to participate in larger units like the British Commonwealth, all sorts of

versions and nuances emerged. And it was not just political thinkers living in the 'great' metropolitan nations who wrestled with the issue. It was also internalised by those considered less fortunate, those born in 'small' nations. There is a touching, as well as telling, passage in the journal of the early-twentieth-century Greek *sui generis* nationalist thinker Ion Dragoumis where he complains that a person who is a member of a 'small' nation does not enjoy the same dignity and respect that they would had they been born in a 'great' nation, whatever their personal merits or the merits of their work.[2]

The issue of 'small' versus 'great' nations was particularly salient between the revolutions of 1848 and German unification (first, North-German unification in 1866, and then German unification following the Franco-Prussian war of 1870). In an incisive treatment of some of the most important issues related to the rise and evolution of nationalism, Eric Hobsbawm observed that the German political economist Friedrich List had 'clearly formulated a characteristic of the "liberal" concept of the nation which was usually taken for granted': it had to be of 'sufficient size to form a viable unit of development. If it fell below this threshold, it had no historic justification'. This, he adds, 'seemed too obvious to require argument, and was rarely argued out'.[3] According to Hobsbawm, two consequences followed from this thesis, which was 'almost universally accepted by serious thinkers on the subject, even when they did not formulate it as explicitly as the Germans who had some historical reasons for doing so'.[4] In the first place, 'It followed that the "principle of nationality" applied in practice only to nationalities of a certain size.' Hobsbawm calls the principle in question the 'threshold principle'. The second consequence Hobsbawm identifies is that the 'building of nations was seen inevitably as a process of expansion'. Thus 'It was accepted in theory that social evolution expanded the scale of human social units from family and tribe to county and canton, from the local to the regional, the national and eventually the global.' This meant that nations were, 'as it were, in tune with historical evolution only insofar as they extended the scale of human society, other things being equal'.[5]

This is an important point that needs to be stressed. As H. S. Jones argues, most nineteenth-century British liberals were favourably disposed towards nationalism because 'they saw the nation as a step away from the particular and towards the universal, and not because they wished to emphasize their own nation's particularity in relation to other nations. The nation was particular in relation to other nations, but was the most general and universal of actual communities.'[6] Most Victorian liberals would agree with Frederic Harrison when he declared emphatically 'how precious to the life of the

world are these growing aggregates of people when the lofty conception of nation first comes to supersede the narrower idea of clan or tribe'.[7]

This chapter attempts to show, in the first place, that British thinkers *did* theorise explicitly about the question of the size of nations and the broader issue of national 'greatness' more than Hobsbawm would have one believe. In the second place, it seeks to show that the issue of 'greatness' was not necessarily identified with geographical or population size, no matter how connected the two questions might be. However, it will also be argued that nineteenth-century British thinkers tended to express little enthusiasm for physically 'small' nations or states. John Stuart Mill was a partial exception to this tendency, for he was prepared to support the claims for independence of certain nationalities that were 'small' in size but displayed a relatively high degree of 'civilisation' – provided those claims were directed against states that were more 'backward' in civilisational or political terms. Another partial exception was Matthew Arnold, who stressed the role of culture and esteem, the spiritual conditions of greatness, as opposed to economic or geo-strategic criteria. For most others, though, physically 'small' nations were not particularly attractive. It was only in the very last years of the nineteenth century that we find sustained and explicit defences of geographically 'small' nations and states.

Section II explores the views of John Stuart Mill. Section III examines the writings of John (later Lord) Acton, James Fitzjames Stephen, and Matthew Arnold, the last receiving more attention than the former two because of the originality of what this champion of 'culture' wrote on the subject of 'greatness'. Section IV examines the pronouncements of Walter Bagehot. Section V deals with the important contribution made to the debate by the Cambridge historian J. R. Seeley in his widely discussed book *The Expansion of England* (1883). A very different approach was that taken by the leading British Positivist Frederic Harrison, and his thought is the subject of Section VI. Section VII examines the first sustained attempt to defend physically 'small' nations and assert that it was preferable to be a citizen of such a nation than a citizen of a so-called 'great' nation, in the writings of John Mackinnon Robertson in the very last years of the Victorian period. Finally, Section VIII takes a longer-term view of the debate discussed in this chapter and draws some conclusions.

II. JOHN STUART MILL ON CIVILISATION AND SIZE

A useful way to demonstrate the complexity of the issue is to start with the thought of John Stuart Mill. I have argued elsewhere that Will Kymlicka

misinterprets Mill when he accuses him (among other nineteenth-century thinkers, liberal and socialist) of being guilty of the 'ethnocentric denigration of smaller national groups', or of recommending 'coercive assimilation for smaller nationalities'.[8] As far as Mill is concerned, Kymlicka misses the point when he emphasises the factor of the size of a nation or cultural group. It is simply not true that Mill 'insisted that progress and civilization required assimilating "backward" minorities to "energetic" majorities'.[9] Depending on the case, Mill often insisted that progress and civilisation would be served by the absorption of backward majorities by energetic minorities, or, conversely, that the progress of civilisation would be impeded by the absorption of 'energetic' or highly 'civilised' minorities by relatively 'backward' majorities. His hostility to Russian expansion and to Russia's absorption of any smaller, more 'civilised' – in his eyes – nationalities in Central and Eastern Europe was a case in point.[10] Mill's judgement when considering the advisability of one group 'absorbing' another was always based on his assessment of the level of civilisation that he thought each had achieved, and whether therefore the absorption would be to the benefit of the absorbed or to the detriment of both (if the less 'civilised' absorbed the more 'civilised'). Mill's pronouncements may well strike twenty-first-century readers as problematic, but his arguments did not refer to size in particular. He would probably have agreed with Walter Bagehot that greater size offered opportunities for a broader and more sophisticated debate in most cases, but size was not the only criterion.[11] The other thing that should be borne in mind in addressing this issue is that Mill, as well as many of his contemporaries, most notably Matthew Arnold and Bagehot, when discussing the admixture of national (or ethnic or cultural, as we would call some of them today) groups with one another, did not mean the absolute absorption and disappearance of any of the groups. Rather, what they had in mind was a kind of heterosis, whereby the best qualities of each group would be preserved and enhanced; it was a give and take, and by no means denoted the absolute extinction of all the traits of one group and the adoption of those of the other.[12]

All the above being the case, a couple of observations need to be added. On the one hand, Mill did write that all 'civilised' states were equal members of a community of states. An analysis of his (widely discussed) views on intervention and non-intervention leads to the same conclusion.[13] On the other hand, though, his civilisational perspective and the scale of progress in civilisation that he inherited – more or less uncritically – from his father meant that some states and their cultures were 'more equal than others', as it were. Commenting on developments in French politics in *The*

Examiner in the early 1830s, the young and – then at least – staunch Francophile Mill did not hesitate to write that: 'The unsettled state of Belgium, and the approaching struggle in Poland, appear to occupy and agitate the French people far more than that which is of greater importance to human kind than the very existence of Belgium and Poland taken together – their own struggle for good institutions.' He went on to enumerate the negative results he thought that a war in Europe would bring in its wake.[14] If we regard this comment as disparaging to Belgium and Poland, it has to be noted once again that size does not seem to be the key criterion, as the Polish nation was not 'small' by European standards. The same conclusion, that 'great' does not refer to size in Mill's case, emerges from his choice of words in a letter of 1863 to the Scottish historian George Finlay, then living in Greece, in which he expressed his enthusiasm at the news that the Duke of Saxe-Coburg, Ernst II, had consented to be a candidate for the vacant throne of the young (and very 'small', in geographical and population terms) Kingdom of Greece. As Mill saw it: 'If he is elected, it will be his object *to make Greece a great country by making her a free and prosperous one to begin with, and all the best European thought will have a greater chance of access to her* than to any crowned head in Europe except his uncle Leopold.'[15]

III. ACTON, FITZJAMES STEPHEN, AND ARNOLD ON NATIONAL 'GREATNESS'

Size was, however, a major issue for most Victorian political thinkers. In his famous essay 'Nationality' (1862) John (later Lord) Acton denigrated small states:

Their tendency is to isolate and shut off their inhabitants, to narrow the horizon of their views, and to dwarf in some degree the proportions of their ideas. Public opinion cannot maintain its liberty and purity in such small dimensions, and the currents that come from larger communities sweep over a contracted territory. In a small and homogeneous population there is hardly room for a natural classification of society, or for inner groups of interests that set bounds to sovereign power. The government and the subjects contend with borrowed weapons. ... These States ... are impediments to the progress of society, which depends on the mixture of races under the same governments.[16]

Another dimension of the debate related to the prestige of a state and the dignity the individual was supposed to enjoy as a result of this prestige. This is the logic of Herbert Spencer's argument that estimation of one's society is a reflex of self-estimation: 'The pride a citizen feels in a national

achievement, is the pride in belonging to a nation capable of that achievement: the belonging to such a nation having the tacit implication that in himself there exists the superiority of nature displayed.'[17] During the same year when Acton's essay was published, James Fitzjames Stephen wrote in 'Liberalism':

The value of rank and titles is derived, not from their intrinsic glitter, nor even from the old associations connected with them, but from the fact that they designate their possessor as one of the leading men in a great nation. Who honours a Sicilian marquis or a Mexican field-marshal? An English title is worth having, because it gives rank in England, and the value of rank in England is derived from the greatness of the English nation.[18]

No matter how much they differed in their views, and no matter how critical Stephen was of Matthew Arnold on other issues, prestige is also one of the factors taken into account by Arnold when he was dealing with the question of national 'greatness'. Arnold's standard warning to the English, his cautionary tale to them time and again, was that England was in danger of being reduced to a minor power. 'Unless you change, unless your middle class grows more intelligent, you will tell upon the world less and less, and end up by being a second Holland.'[19] This disparaging use of 'Holland' may or may not be related to the size of the country. For Arnold, however, prestige was a complex issue and was not reducible to size, wealth, industry, or military power. In *Culture and Anarchy* (1869) he castigated '[f]aith in machinery' as being his countrymen's 'besetting danger', and argued that things like 'freedom', 'population', 'coal', and 'religious organisations' were not ends in themselves, as 'every voice in England' was accustomed to speak of them as being, but rather means to the proper ends of life. In that context he commented on the 'strange language current during the late discussion as to the possible failure of our supplies of coal'. England's coal, thousands of people were saying, was 'the real basis of our national greatness; if our coal runs short, there is an end of the greatness of England'. Yet Arnold had a different conception of the conditions of 'greatness': 'But what *is* greatness? – culture makes us ask.' 'Greatness,' he replied, 'is a spiritual condition worthy to excite love, interest, and admiration; and the outward proof of possessing greatness is that we excite love, interest, and admiration.'[20] In that spirit, Arnold added that,

If England were swallowed up by the sea tomorrow, which of the two, a hundred years hence, would most excite the love, interest, and admiration of mankind, – would most, therefore, show the evidences of having possessed greatness, – the

England of the last twenty years, or the England of Elizabeth, of a time of splendid spiritual effort, but when our coal, and our industrial operations depending on coal, were very little developed?[21]

The relentless castigator of English 'philistinism' was bound to tell his compatriots that it was other things that would make or keep their country 'great', not coal and industry. Excellence in 'Culture' was paramount.

In his first foray into political issues, the essay *England and the Italian Question* (1859), Arnold asked: 'Is it true that the principle of nationality, in virtue of which the Italians claim their independence, is chimerical?' Arnold's own answer – typical of most mid-Victorian liberal thinking – was that it all depended on the context: 'In some cases, to make a separate nationality the plea for a separate national existence, would be unreasonable in the highest degree. In other cases it is in the highest degree reasonable.' Everything depended on the merits of the particular case in which the principle of nationality was invoked. But what constituted 'reasonableness' or 'unreasonableness'? In the first place, 'To invoke with reasonableness the principle of nationality, it is necessary that the parties connected should themselves, one or other of them, be dissatisfied with their connection.' This was straightforward enough. Obviously it would be unreasonable to try to give separate nation-state status to a group who did not desire it and were happy with their connection with another group.

Secondly, he argued, 'It is also necessary that the dissatisfied party, connected by constraint and against his will with an alien nation, should belong, by nature and origin, to a *great nationality*.' The 'principle of nationality', if 'acted upon too early', or 'if pushed too far', would 'prevent that natural and beneficial union of conterminous or neighbouring territories *into one great state*, upon which *the grandeur of nations* and *the progress of civilisation* depends'. Thus, it would have prevented 'the amalgamation of Cornwall and Wales with England', or of Brittany with France.

Small nationalities inevitably gravitate towards the larger nationalities in their immediate neighbourhood. Their ultimate fusion is so natural and irresistible that even the sentiment of the absorbed races ceases, with time, to struggle against it; the Cornishman and the Breton become at last, in feeling as well as in political fact, an Englishman and a Frenchman.[22]

We have here an explicit illustration of the point made by Hobsbawm and referred to earlier (to the effect that nations were 'in tune with historical evolution only insofar as they extended the scale of human society'). On the other hand, Arnold continued, 'Great nationalities refuse to be thus absorbed.'[23]

Examining the first condition in the case of Italy, Arnold opined that there was no doubt that Lombardy and Venice were dissatisfied with their connection with Austria. The issue depended on the second condition: 'Do they also belong to a great nationality, to a nationality too considerable in itself to be ever absorbed in another?' In order to answer this question, he had to determine in what the greatness of a nationality consisted:

Let an Englishman or a Frenchman, who respectively represent the two greatest nationalities of modern Europe, sincerely ask himself what it is that makes him take pride in his nationality, what it is which would make it intolerable to his feelings to pass, or to see any part of his country pass, under foreign dominion. He will find that it is the sense of self-esteem generated by knowing the figure which his nation makes in history; by considering the achievements of his nation *in war, government, arts, literature, or industry*. It is the sense that his people, which has done such great things, merits to exist in freedom and dignity, and to enjoy the luxury of self-respect.[24]

What about Italy? According to Arnold, 'Except England and France, no country can have this feeling of self-esteem in so high a degree as Italy.' For apart from England and France, no country could 'suffer so much in having it wounded'. No other country, not even great powers, such as Russia, Austria, and Prussia, 'could cry with such just humiliation and despair in undergoing a foreign rule, "*Unde lapsus*!"' For what was the past of these three nations, 'what their elements for a national pride to feed upon, what their history, art, or literature, compared with those of Italy?' Italy had an unrivalled history to dwell upon, for as well as having been 'the most brilliant in Europe in the middle ages and at the Revival of Letters' it could also 'swell its consciousness of its gifts and grandeur, all the glories of the Roman Empire'.

It was inevitable, then, that the Italians should display 'a national self-consciousness, strong, deep, and susceptible'. It was equally inevitable that, having that self-consciousness, they should be 'perpetually restless under a foreign domination'. As a consequence, claimed Arnold: 'A politician is not fanciful for taking such a sentiment into account. It is considerable enough to demand his notice.' However, because 'he takes it into account for Italy, he is not bound to take it into account for all countries'. Rather, he had a right to ask 'whether, for those countries, this sentiment is as legitimate, as inevitable, and as unconquerable as for Italy'. If not, 'He may be excused if, while treating it with respect, he yet refuses to indulge it and to grant its demands; for he may fairly expect that it will in time yield to interest or convenience.' A politician may thus,

. . . weigh the claims of different nationalities, and while he admits some may fairly reject others. He may fairly say to Poland, Hungary, or Ireland: 'I respect your susceptibilities, but I cannot convince myself that the past history of your countries has been so great and fruitful as to give them a necessary right to a place by themselves for ever; as to generate in their inhabitants an immense legitimate self-esteem which must for ever prevent their fusing themselves with another nationality.'

In other words,

A Pole does not descend by becoming a Russian,[25] or an Irishman by becoming an Englishman. But an Englishman, with his country's history behind him, descends and deteriorates by becoming anything but an Englishman; a Frenchman by becoming anything but a Frenchman; an Italian, by becoming anything but an Italian.

The conclusion was obvious: 'The principle of nationality, in virtue of which Italy claims her independence, is not, in the case of Italy, chimerical.'[26] From our point of view, the conclusion we are concerned with is also obvious by now. Some 'nationalities' were more legitimate as 'nationalities' than others, depending on whether they could convincingly claim to be 'great'. However, the criteria were never completely clear, and the scope for applying one's prejudices and predilections was ample. Arnold mentions, in the case of an Englishman or a Frenchman, 'the achievements of his nation in war, government, arts, literature, or industry' as potential criteria. In the case of Italy, however, he spoke of great powers such as Russia, Prussia and Austria as inferior to Italy in 'greatness' by drawing on such factors as 'their history, art, or literature'. But then he was rarely clear or consistent.[27]

IV. WALTER BAGEHOT ON 'GREATNESS' AND SIZE

Perhaps even more directly and explicitly, the same question was raised by Walter Bagehot a few years later, while the processes that led to the unification of Italy and Germany were well on their way. In 1864 he had written in *The Economist* that the 'interest of the world is that it should be composed of *great nations*, not necessarily great in territory, but great in merit, great in their connecting spirit, great in their political qualities, vigorous while living, famous when dead'. This was because between a 'great national history like that of Rome or England and the unelevated lives of an equal number of human beings – suppose of South Sea islanders or Esquimaux wanderers – there is as great a discrepancy as between the organised world of nature and the unorganised'. History would be a 'barren catalogue of isolated facts – life a discontinuous rush of human

events – if great, single, continuous nations did not bind the whole together'. If one were to strike Greece and Rome from ancient history, or France and England from modern history, 'see how loose and aimless a secular history would become'.[28] The above explanation of what he meant by 'great nations' accords, to an extent, with what his sister-in-law later wrote about him:

From boyhood Walter Bagehot was a devourer of history, Greek and Roman, no less than of modern literature, and his sagacity taught him early, through these studies, that no great nation made its mark through political strife, but rather through the quality of its moral temperament, its art and its literature.[29]

Bagehot, however, did consider size an important criterion of greatness, even if only instrumentally. Although size was not an end in itself, it was conducive to the things that made for greatness. This was so for a variety of reasons. First of all, members of 'great' nations had the advantage of the 'diffused participation in elevating excitement', or, as he put it elsewhere, 'the magnifying effect of a great career will ennoble powerful nations' while the 'deteriorating consequences of a petty life will render small nations more and more ignoble'. In the second place, there was 'a saving in the mental cost of governing mankind'. And finally, 'there would be an increase in the utility of armies' as ever more 'great' nations were being consolidated.[30] Let us analyse what he meant by each of these statements.

Once the unification of the Northern German states had taken place following Prussia's defeat of Austria in the struggle for the domination of the Germanic world, Bagehot returned to the topic. This time he examined it in considerably more detail than before. He wrote in August 1866 that one of the major reasons why the recently achieved unification of the northern German states under Prussian leadership had been a 'great improvement in the structure of nations' was that the 'European world is now, with exceptions and abatements it is true, but still upon the whole likely, to be made up of *great nations*'. Although the process affecting that result was 'still in progress', and the outcome as yet incomplete, the tendency was nevertheless evident, and two of its 'great achievements' were 'conspicuous':

We have made two great nations – the Italian and the north German nation – within ten years; and *mere size* is not in the present state of the world a matter of secondary importance to any people. It has been said, perhaps with exaggeration, 'that the knell of small nations has sounded', but what is certainly true is, that the animation of small nations has declined. Great states for years past have been rising round them, and though they manage well their own matters, they do not mingle

in the mighty strife of Europe, *or elevate their subjects by conscious participation in momentous transactions*. They are like the Greek republics after the rise of the Macedonian monarchy; they may feel that they have more ideas, or better civilisation, or clearer judgment than the great powers, but these are matters of dispute and argument. What is certain is, that they have 'few cannons'. *The demoralising sensation of being 'nobody' has come upon them*, and their spirit, life, and energy are not and cannot be what they once were.

Bagehot hastened to add that he did not wish to root out all the little states from Europe. There were some 'which, from situation, national character, and curious history, will long remain there'. But this did not change the fact that 'for a long time since it has been, and henceforth will even more be, a great gain to be born of a great nation'. Whatever the case might be in the remote future, at least for the present, and for the near future, 'the magnifying effect of a great career will ennoble powerful nations, and the deteriorating consequences of a petty life will render small nations more and more ignoble'.[31]

Nor was 'the diffused participation in elevating excitement' the only advantage the world reaped from 'an augmentation in the number of great nations'. Bagehot argued that 'There are coarser advantages of a more economical kind.' There was 'a saving in the mental cost of governing mankind': A multitude of small states absorbed into politics 'a needless mass of considerable minds, and their concentration into one sets at liberty a large number of them'. If every county in England were independent, the minds that would be needed for a parliament, a government and a bureaucracy for each, would be 'incalculably greater than the minds now used in governing England. And the work would be worse done.' In general,

Small politics debase the mind just as large politics improve it. The many small governments of Italy and Germany waste far more of the highest class of mind upon the work of government than the two single large states which will replace them; and the effect of the new politics will be to raise and rouse the minds engaged in them, while the effect of the minute old sort was often to cramp and lower them.

The same principle had other ramifications. For example Bagehot fore-saw that there would be an increase in the utility of armies. That was not all: 'And as is the utility of an army in war, so is the ennobling effect of war upon it. To have a real share in a great victory, so to say, aggrandises the souls of all concerned in it; but to have an infinitesimal participation in useless skirmishes wearies all and debases many, by confining them to plunder and licence.'[32]

V. J. R. SEELEY AND *THE EXPANSION OF ENGLAND*

Another major contribution to debates related to scale was J. R. Seeley's highly influential analysis of *The Expansion of England* (1883), 'a new book which everybody has been reading', wrote John Morley in the long review article he dedicated to it.[33] Seeley considered the alternatives facing Britain with regard to the empire, and more importantly for him, the colonial empire. One option was for the four groups of colonies to become independent states. That would leave 'England'/Britain 'on the same level as the states nearest to us on the Continent, populous, but less so than Germany and scarcely equal to France'. Meanwhile, however, Russia and the United States 'would be on an altogether higher scale of magnitude', as Russia already had, and the United States would soon have, twice the population of Britain. Under such circumstances, British trade was bound to be exposed to 'wholly new risks'.

The other option, for Seeley, was for England to manage to hold together in a federal union countries very remote from one another. In that case England would join Russia and the United States 'in the first rank of state, measured by population and area', and in a higher rank than any of the states of Continental Europe. Was that the best way forward? Seeley professed open-mindedness, and in the process raised explicitly the question of the relation between 'greatness' and 'bigness':

We ought by no means to take for granted that this is desirable. *Bigness is not necessarily greatness*; if by remaining in the second rank of magnitude we can hold the first rank morally and intellectually, let us sacrifice mere material magnitude. But though we must not prejudge the question whether we ought to retain our Empire, we may fairly assume that it is desirable after due consideration to judge it.[34]

In the end, after having offered his readers a history of how the empire was acquired and an analysis of what that history meant for its future, Seeley proposed that the *colonial* empire, Greater Britain, populated by colonists of British descent, was not an empire at all, but a nation dispersed throughout the globe, which should be organised as a global state along federal lines – a topic that Duncan Bell explores in greater detail in the following chapter. Seeley proffered two major arguments in response to two major objections. In the first place, the geographical distance argument was not valid any more, due to technological developments that had made the globe smaller. The world had changed decisively because of electricity and steam; distance had become less important. In the eighteenth century Burke was probably right in thinking a federation 'quite impossible across

the Atlantic Ocean'. Things had changed, however, and 'since Burke's time the Atlantic Ocean has shrunk till it seems scarcely broader than the sea between Greece and Sicily'.[35]

In the second place, Seeley offered an argument about size. The question 'whether large states or small states are best' was 'not one which can be answered or ought to be discussed absolutely'. A lot depended on the international context: 'We often hear abstract panegyrics upon the happiness of small states. But observe that a small state among small states is one thing and a small state among large states quite another.' It was indeed 'delightful' to read of the bright days of Athens and Florence, but, Seeley noted, 'Those bright days lasted only so long as the states with which Athens and Florence had to do were states on a similar scale of magnitude.' Both of these glorious states sank as soon as 'large country-states of consolidated strength' emerged around them. Thus, '[T]he lustre of Athens grew pale as soon as Macedonia rose, and Charles V speedily brought to an end the great days of Florence.' This had clear and grave repercussions for the situation of Britain: the big question was whether it was true that 'a larger type of state than any hitherto known' was springing up in the world. If that were the case, it was bound to be a serious consideration for those states that rose only to the old level of magnitude. At a not so distant date, he predicted, 'Russia and the United States will surpass in power the states now called great as much as the great country-states of the sixteenth century surpassed Florence.' England had at the moment the choice between two courses of action, 'the one of which may set it in that future age on a level with the greatest of these great states of the future, while the other will reduce it to the level of a purely European Power looking back, as Spain does now, to the great days when she pretended to be a world-state'.[36]

What emerges from Seeley's book – and is demonstrated by its popularity – is that something had happened to the mid-Victorian confidence (not to say smugness) about the role of Britain/'England' in the world. The most striking feature of the changes that had taken place in this respect was the ever-growing anxiety about the inexorable rise of the United States. This anxiety was already discernible in the 1860s, in the writings of Arnold or Bagehot for instance, and seems to have grown dramatically by the last decades of the century.[37]

VI. A COMTIST CONFRONTS THE EMPIRE: FREDERIC HARRISON AS LITTLE-ENGLANDER

As Morley feared, Seeley's book put the issue of imperial federation and a British global state firmly on the agenda and proved remarkably popular. Morley himself went to great lengths to reject the idea, using arguments to

the effect that it was impracticable.[38] Others had objections related to their fear that a global empire or state would lead to the dilution of 'Englishness'. Frederic Harrison was a rather idiosyncratic 'Little Englander'. I have discussed elsewhere his combination of what he called 'nationalist patriotism' with his pronounced attachment to the Comtist 'Religion of Humanity' with its fundamentally universalistic allegiance.[39] Although there is no space here to offer a full analysis of his thought on these matters, it is worth mentioning his vociferous attack on both the empire and the use of the term 'Britain', as well as his valiant defence of 'the sacred name of England'. In an article entitled 'A Word for England' (1898), Harrison took issue with those – envious Scotchmen, he suggested – who were, in his opinion, trying to impose the use of 'Britain' as opposed to 'England': 'As a real patriot, I grieve to see how the ancient and beloved name of my Fatherland is being driven out of use by the incessant advance of Imperial ideas.' It made '[his] blood tingle, as a patriotic Englishman', he declared, when he saw 'the silly, unhistoric, and bombastic term "Briton" supplanting the ancient and grand name of "Englishman"'. For '[A]ll that is truly great in our poetry, in our history, in our language, and our household words centres in "England".'[40] He further warned that 'an empire, to which its own subjects cannot agree to give a national name, is not in a sound and abiding state', citing the example of the Austro-Hungarian empire as a cautionary one. Of course, Harrison continued, 'the Imperialists of the Forward school' desired to sink 'England' in 'Empire'. But, he commented, what was the national name of that Empire to be?

Why British any more than Pictish or Jutish? It is a thing like Napoleon's Empire or that of Philip II, an accident, a passing anomaly. How does one feel a common patriotism with Klondike and Mashonaland? England has had a thousand years of organic life and glorious record. The Empire of Pathans, Klondikes, Mashonalands, and Ugandas is a thing of yesterday. Who can say where it will be to-morrow?

For that reason, he concluded,

I want something more definite, more organic, more permanent to satisfy my ideas of a Fatherland. I have that in England, in my birthright as Englishman. I will let no Scot, no Australian, no Rhodesian, swagger me out of that name. *Who says "Little England"? I say Great England. It is great enough for me, and for all true Englishmen.*[41]

Apparently Harrison's article did not go down well with some Scottish nationalists, for he had to write another article, 'On a Scotch Reply', in order to defend himself and, more importantly, the name of 'England'.

After some strong protestations of his interest in and affection for Scottish nationality, and after invoking his own 'Celtic' blood, he proceeded to declare that he was 'a nationalist *pur sang*', that he advocated 'true nationalist patriotism', and that he and the other Positivists believed 'that Patriotism is one of the first public virtues, and that real patriotism must be national, local, and historic'. He explained that his article 'A Word for England' had been 'a protest against swamping our ancient fatherland in a congeries of boundless tracts without any national cohesion'. And this was not because he was in any way afflicted with any English arrogance. He had absolutely no desire to force 'Englishman' and 'England' on the other constituent nations and peoples of the Queen's dominions; but nor would he have 'Britain' imposed on them or on the English themselves.[42]

As far as the issues of Englishness, patriotism, humanity, and empire are concerned, Harrison's stance can be said to make sense independently from the peculiarities of his Comtism. He was staunchly anti-imperialist for a number of reasons. One was the moral outrages, the 'crimes' he thought the British were committing in places like Afghanistan, Egypt or South Africa in the name of empire. The other reason is the one that interests us particularly here: that he thought a state the size of the British Empire, with its attendant heterogeneity, was bound to lack the organic unity and the shared historical antecedents that he thought were necessary for a successful nationality to exist. This is what made him a 'Little Englander', rather than any narrow-mindedness or xenophobia. In his anti-imperialism and Little-England-ism Harrison was in good company by the turn of the century.[43]

VII. IN DEFENCE OF 'SMALL NATIONS': J. M. ROBERTSON

Harrison attacked the imperialists in order to defend England's 'organic' nationality, and in the process offered, indirectly, an argument against huge states or empires, for they were, he thought, bound to lack organic unity. Others, however, would come, by the end of the century, to offer much more direct theoretical defences of 'small nations'. A most vociferous attack on the advocates of 'great nations', which included a direct assault on Seeley, appeared during the last year of the nineteenth century, in John Mackinnon Robertson's *An Introduction to English Politics*.[44] Robertson gave a new twist to the argument. Instead of singing the praises of 'small nations' in the traditional terms of the wondrous contributions of Athens

or Florence to civilisation, he argued that life in small nations was preferable because their inhabitants stood a greater chance of developing a better system of morality, undistorted by the hallucinations of 'greatness' and 'wilful patriotism'. To his mind, they were less likely to be subject to the morally debilitating effects of national megalomania.

Part V of Robertson's book was entitled 'The Fortunes of the Lesser European States', the first chapter of which was 'The Ideas of Nationality and National Greatness'. From the beginning Robertson set out to attack the 'spurious conception of greatness attached to membership in a large population'. He criticised 'the late Sir John Seeley' for having written, in *The Expansion of England*, that countries like Holland and Sweden 'might pardonably regard their history as in a manner wound up', the only practical lesson of their history being 'a lesson of resignation'. More generally, Seeley and the other panegyrists of 'great nations' came under sustained fire. To follow them, Robertson commented, 'The unit in a population of three millions is implicitly credited with the consciousness of a dwarf or a cripple facing a gigantic rival when he thinks of the existence of a community of thirty or sixty millions.' Robertson retorted that: 'Happily, the unit of the smaller community has no such consciousness.' Rather, it may be true that 'the future lies with small nations'. For it seemed likely, according to Robertson, 'that a higher level of general rationality will be attained in the small than in the large populations, in virtue of their escaping one of the most childish and most fostered hallucinations current in the latter'. He attacked the British publicists who were 'speaking of Holland as an "effete nation", of Belgium as "doomed to absorption", of the Scandinavian peoples as "having failed in the race", and of Switzerland as "impotent"'. Robertson saw the prospects of these smaller nations very differently: 'Nearly every one of those nations, strictly speaking, has a fairer chance of ultimate continuance without decline of wealth and power than England, whose units in general show as little eye for the laws of decline as Romans did in the days of Augustus.' Thus, he argued, countries like Switzerland and the Scandinavian states, 'with their restrained populations, may continue to maintain, as they do, a rather higher *average* of decent life and popular culture than that of the British Islands'.

British greatness, on dissection, consists in the aggregation of much greater masses of wealth and much greater masses of poverty, larger groups of idlers and larger swarms of degenerates, with much greater maritime power, than are to be seen in the little nations; certainly not in a higher average of manhood and intelligence and well-being.

According to Robertson,

. . . "the things that are most excellent" have no dependence on mere material magnitude. Given a saner and juster distribution of wealth and culture-machinery, each one of smaller States may be more civilised, more worth living in, than the larger, even as Athens was better worth living in than Rome, and Goethe's Weimar than the Berlin of 1800.

As for 'the sentiment of a national greatness that is measured by acreage and census and quantity of war material', it was, he argued, 'hard to distinguish ethically between it and that individual pride in lands and wealth which all men save those who cherish it are agreed to pronounce odious'. To Robertson's mind,

The men of some of the lesser States, then, stand a fairer chance of becoming ethically and aesthetically, as well as intellectually, superior in the average to those of the larger aggregates, in that their moral codes are not vitiated nor their literary taste vulgarised by national purse-pride and the vertigo of the higher dunghill; though they, too, have their snares of "patriotism," with its false ideas and its vitiation of true fraternity.

Robertson's conclusion was that: 'Politically speaking, then, the future of the small nations seem rather brighter than that of the large; and thus in the last analysis the pride of the unit of the latter is found to be still a folly.'[45]

Robertson reversed the moral argument about the effects of the size of the nation on character. While mid-Victorian thinkers like Bagehot had argued that membership of a 'great' nation elevated the mind and character of a citizen, Robertson argued that membership of a nation with claims to 'greatness' (such as Britain) debased the mind and character of the citizen through the deleterious effects of megalomania. Obviously the different context must be borne in mind here. Robertson was writing at a time when jingoism had shown its ugly face in Britain in ways that were not familiar to a writer like Bagehot. His was, after all, the age of the notorious music hall xenophobic jingoism.[46] Some of his arguments are bordering on the fallacious and sophistic. His treatment of the subject of the size of nations has to be seen as a polemic against the jingoistic imperialism of the time of the Boer War.

VIII. CONCLUSIONS

The debate continued into the early twentieth century. It displayed more balance though, as 'small' nations were more popular than they had been in the nineteenth century. Supporters of 'small nations' found their

arguments cogently presented by Herbert Fisher during the First World War, in opposition to German 'Caesarism' and attempts to absorb smaller states like Holland, Belgium or Switzerland. On the other side of the argument stood Alfred Zimmern who wrote repeatedly after the First World War to the effect that 'small nationalities' should not be given their own states but rather live happily in greater entities like the United States, the United Kingdom or the British Commonwealth, given that the world had changed, and large political units were now the norm. In 'The International Settlement and Small Nationalities' (1919) Zimmern argued that the war that had recently ended, while it had brought many new states into existence 'in response to the cry of self-determination', had 'at the same time brought about conditions under which small states, whether new or old, are more dependent than ever before in history upon the policy of their larger neighbours'.[47] Nothing could efface 'the experience of the last five years', he opined, and,

. . . the chief moral of that experience, both on the political and economic side, is that we live in a large scale society, that the world has become internationalised in its political and economic life, or, to put it in scriptural language, that we are all members one of another, whatever our national flag, and in whichever corner of the globe we happen to live.

Modern mankind was 'bound to the chariot of industrial development and large-scale organisation. We can modify this or that feature, but the process as a whole is irresistible.' Not that he was excited about it: in his opinion 'We none of us like it', because 'We all know in our hearts that we were made to live in a small-scale world.' But he was equally adamant that 'Whatever our individual inclinations, we feel ourselves in the grip of a power not ourselves which makes for material progress and we must needs follow whithersoever it takes us.' According to Zimmern, the only solution was 'international organisation':

We have reached a stage in world development when the common affairs of the world can and will be organised. The only question is whether they shall be organised by selfish individuals, groups or nations for their own ends, or whether they shall be organised in the interests of mankind. That is the unanswerable argument for a League of Nations, and for large-scale democratic political organisations like the British commonwealth and the United States.

It was *not*, he stressed, a question 'between isolation and co-operation, between national self-determination and international control, between an independent Ireland or Esthonia and their absorption into larger units'. That issue had been decided: 'It was decided by the great inventions of the

nineteenth century. Ireland and Esthonia cannot now hope to be independent in any really effective sense of the word. Are Holland and Switzerland independent?'[48] Under modern conditions it was,

... difficult to live absorbed in the affairs of a local community or even a small state, such as Wales or Ireland would be if they were independent, *without sinking into an illiberal provincialism.* Small-scale political areas have their own special dangers and drawbacks, which are summed up by Lord Acton in his epoch-making essay on Nationality, when he says: "Their tendency is to isolate and shut off their inhabitants, to narrow the horizon of their views, and to dwarf in some degree the proportions of their ideas. Public opinion cannot maintain its liberty and purity in such small dimensions."[49]

In some important senses, the debate still continues. In recent years, much has been written about the economic or geo-strategic viability of small states.[50] And moreover, the economic or strategic aspects are not the only ones subjected to scrutiny, with Ernest Gellner, for example, stressing the importance of scale in providing the foundations for a flourishing civil society.[51]

What emerges from the examination of British nineteenth-century political debate is that, with the important but partial exception of Mill, 'small' nations had few supporters. Most of the authors discussed here seem to be moving away from a tradition of praising the role of small countries in the international system, a tradition that had prospered until the early nineteenth century.[52] It is only at the very end of the century, in 1900, that we find the return of sustained and explicit defence of 'small' states. This tendency was to be reinforced by the First World War and the attempt to refute German claims directed against the independence of neighbouring 'small' states. But even then, the old 'civilisational perspective' – a position that Peter Mandler has correctly argued survived long into the nineteenth century – was alive and kicking, represented most vociferously in the writings of people like Zimmern.[53] It should be clear from the previous pages that the perspective in question, which, as far as the size of nations was concerned, saw nationalism as positive only when it led to larger units, was almost completely dominant during the mid- and late-Victorian period.

NOTES

1. Although I would very much like to avoid using 'nations' and 'states' interchangeably, in this context this may be inevitable as Victorian thinkers often employed them as synonyms.
2. Ion Dragoumis, *O Hellenismos mou kai Oi Hellenes* [*My Hellenism and the Hellenes*] (Athens, 1909), Chapter Z, b: 'Rome, 1909, Italismos,' pp. 151–2.

3. E. J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality*, 2nd edn. (Cambridge, 1992), p. 30.

4. Hobsbawm, *Nations and Nationalism*, p. 31. For an interesting analysis of the 'historical reasons' that German thinkers, publicists and historians had for arguing in favour of large-scale states (*Grossstaaten*) and against the small-state system (the *Kleinstaaterei*, as they called it disparagingly), in writings published during the Great War, see Herbert L. A. Fisher, 'The Value of Small States' [1915] in Fisher, *Studies in History and Politics* (Oxford, 1920), pp. 161–79.

5. Hobsbawm, *Nations and Nationalism*, pp. 32–3.

6. H. S. Jones, *Victorian Political Thought* (Basingstoke, 2000), p. 49. For more on this idea of the nation as an extension of the sphere of fellow-feeling in Victorian political thought see, H. S. Jones, 'The Idea of the National in Victorian Political Thought'; and Georgios Varouxakis, '"Patriotism," "Cosmopolitanism," and "Humanity" in Victorian Political Thought,' both in the *European Journal of Political Theory*, 5 (2006), pp. 12–21 and 100–18 respectively.

7. Frederic Harrison, 'Empire and Humanity' [1880] in Harrison, *National and Social Problems* (New York, 1908), p. 248.

8. See, for example, Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, 1995), p. 53; and Kymlicka, 'Introduction' in Kymlicka (ed.), *The Rights of Minority Cultures* (Oxford, 1995), pp. 5–6.

9. Kymlicka, 'Introduction,' p. 6.

10. Mill, *Considerations on Representative Government*, in *The Collected Works of John Stuart Mill*, ed. John M. Robson (Toronto, 1963–91) [hereafter *CW*], XIX, pp. 549–50.

11. Walter Bagehot, 'The Gains of the World by the Two Last Wars in Europe,' (18 August 1866) in *The Collected Works of Walter Bagehot*, ed. Norman St John-Stevas (London, 1965–86) [hereafter *Collected Works*], VIII, p. 155.

12. Mill, *Considerations on Representative Government*, pp. 549–50. For Matthew Arnold's similar attitude see Vincent P. Pecora, 'Arnoldian Ethnology,' *Victorian Studies*, 41 (1997–8), pp. 355–79. For Bagehot's emphatic assertion of the advantages of the '*mixture of races*' (emphasis in original) see: Walter Bagehot, *Physics and Politics* (1872) in *Collected Works*, VII, p. 57; also: Bagehot, 'Are Alsace and Lorraine Worth Most to Germany or France?' [1870] in *Collected Works*, VIII, pp. 187–91. For more on this subject see Georgios Varouxakis, *Victorian Political Thought on France and the French* (Basingstoke, 2002), pp. 102–17.

13. As Mill put it in 1870 in 'Treaty Obligations': 'The community of nations is essentially a republic of equals. Its purposes require that it should know no distinction of grades, no rights or privileges enjoyed by some and refused to others. The basis of international law – without which the weak, for whose protection chiefly international law exists, would never be secure – is that the smallest and least powerful nation, in its capacity of a nation, is the equal of the strongest.' *CW*, XXI, p. 346. Cf. *CW*, XXI, p. 120. See also Georgios

Varouxakis, 'John Stuart Mill on Intervention and Non-Intervention,' *Millennium: Journal of International Studies*, 26 (1997), pp. 57–76.

14. Mill, *The Examiner*, 6 February 1832, *CW*, XXII, pp. 258–9. He was referring in particular to French reactions to the affairs of Belgium and Poland (which had led the French opposition to demand French armed intervention in those two cases).

15. Mill, *CW*, XV, p. 833 (letter of 2 February 1863). Emphasis added.

16. John Emerich Edward Dalberg-Acton, 'Nationality' [1862] in the *Selected Writings of Lord Acton*, ed. J. Rufus Fears (Indianapolis, 1985), I, pp. 429–30.

17. Herbert Spencer, 'The Study of Sociology: IX – The Bias of Patriotism,' *The Contemporary Review*, 21 (1873), pp. 475–502.

18. James Fitzjames Stephen, 'Liberalism' [1862] in Julia Stapleton (ed.), *Liberalism, Democracy and the State in Britain: Five Essays, 1862–1891* (Bristol, 1997), pp. 46–65 & 54–5.

19. Matthew Arnold, 'My Countrymen' (1866) in Arnold, *The Complete Prose Works of Matthew Arnold*, ed. R. H. Super (Ann Arbor, 1960–77), V, p. 27.

20. 'Culture' is a complex concept in Arnold's work, but for our purposes here let us define it as the *harmonious* development of all sides of human excellence. See here Varouxakis, *Victorian Political Thought*, pp. 47–56 and passim.

21. Matthew Arnold, 'Culture and Anarchy,' *Prose Works*, V, pp. 96–97. Emphasis added throughout.

22. Matthew Arnold, 'England and the Italian Question' [1859] in *Prose Works*, I, pp. 70–1. Emphasis added throughout.

23. Arnold, 'England and the Italian Question,' pp. 70–1.

24. Emphasis added.

25. Mill would disagree here, as we saw earlier.

26. Arnold 'England and the Italian Question,' pp. 70–3. Arnold applied the same principle to other cases, although it seems that for some nations the jury was still out as to whether they were or could become a 'great nation': Referring to the issue of the future of the Ionian Islands (at the time British, but claimed by the Kingdom of Greece), he opined that '*If Greece ever becomes a really great nation it will be impossible for us to keep them*, being the size they are, on the Greek frontier as they are, and the Greek race being what it is.' Arnold, letter to 'K' (his sister), 13 August 1859, in *The Letters of Matthew Arnold*, ed. Cecil Y. Lang, 6 vols. (Charlottesville, 1996–2002). Emphasis added.

27. On Arnold's lack of great solicitousness for consistency and coherence see Varouxakis, *Victorian Political Thought*, pp. 106–7.

28. Walter Bagehot, 'The Meaning and the Value of the Limits of the Principle of Nationalities,' *Collected Works*, VIII, pp. 149–53. Emphasis in original. The article was first published in *The Economist* on 18 June 1864.

29. Russell Barrington, *Life of Walter Bagehot*, by his sister-in-law, Mrs Russell Barrington (London, 1914), p. 24.

30. Bagehot, 'The Gains of the World by the Two Last Wars in Europe,' *Collected Works*, VIII, pp. 154–160 (first published in *The Economist*, 18 August 1866).

31. Bagehot, 'The Gains of the World by the Two Last Wars in Europe,' *Collected Works*, VIII, pp. 155–6. Cf. Ion Dragoumis's statement, referring to the individuals of a 'small nation' like Greece (referred to earlier); according to him, they 'feel smaller, weaker, not equal. They lost their pride.' Dragoumis, *O Hellenismos mou kai Oi Hellenes*, pp. 151–2.

32. Bagehot, 'The Gains of the World by the Two Last Wars in Europe,' pp. 154–60, esp. pp. 155–7.

33. John Morley, 'The Expansion of England' in Morley, *Critical Miscellanies* (London, 1898), III, p. 291.

34. J. R. Seeley, *The Expansion of England*, ed. John Gross (Chicago, 1971 [1883]), p. 18. Emphasis added.

35. Seeley, *The Expansion of England*, p. 234. On these issues see also Duncan Bell, 'Dissolving Distance: Empire, Space, and Technology in British Political Thought, c.1770–1900,' *Journal of Modern History*, 77 (2005), pp. 523–63, which tracks this shift; and Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860–1900* (Princeton, 2007), for the general context.

36. Seeley, *The Expansion of England*, pp. 236–7.

37. See especially Bell, *The Idea of Greater Britain*, ch. 9.

38. Morley, 'The Expansion of England.'

39. See Varouxakis, '"Patriotism," "Cosmopolitanism," and "Humanity" in Victorian Political Thought.'

40. Harrison, 'A Word for England' [1898] in Harrison, *Memories and Thoughts: Men – Books – Cities – Art* (London, 1906), p. 263.

41. Harrison, 'A Word for England,' p. 265. Emphasis added.

42. Harrison, 'On a Scotch Reply,' pp. 266–7. And the debate went on. Shortly afterwards Harrison found himself again responding to David Macrae and other Scotsmen: '*We are true patriots. We stand up for England and its ancient name and glorious memories.* I am sorry to learn that Scotsmen can be found who wish to sink Scotland and its grand traditions in a style which is too often used in the way of swagger or the way of mockery.' Harrison, 'The Scottish Petition to the Queen' [1898] in Harrison, *Memories and Thoughts*, p. 277. Emphasis added.

43. For more on some of the 'intellectual liberals' who were 'dissenters from "greatness"' (John Morley, J. M. Robertson, L. T. Hobhouse, J. A. Hobson *et al.*) at the time of the Boer War and afterwards, see J. H. Grainger, *Patriotisms: Britain 1900–1939* (London, 1986), pp. 140–66 and passim.

44. John M. Robertson, *An Introduction to English Politics* (London, 1900), pp. 251–8. See also Robertson, *Patriotism and Empire*, ed. Peter Cain (London, 1998 [1899]).

45. Robertson, *An Introduction to English Politics*, pp. 251–8.

46. Cf. J. A. Hobson, *The Psychology of Jingoism* (London, 1901).

47. Zimmern, 'The International Settlement and Small Nationalities' [1919] in Alfred Zimmern, *The Prospects of Democracy and Other Essays* (London, 1929), pp. 116–34. This was originally an 'Address delivered to the Welsh National Conference on Self-Government for Wales, held at Llandrindod Wells on June 9th, 1919.'

48. Zimmern, 'The International Settlement,' pp. 123–6.

49. Emphasis added: Zimmern, 'The International Settlement,' p. 128.

50. See, for example, Alberto Alesina and Enrico Spolaore, *The Size of Nations* (Cambridge, MA, 2003). Cf. Hubert Vedrine (with Dominique Moïsi), *France in an Age of Globalization* (Washington, D.C., 2001), p. 6. It should be noted that Vedrine was, at the time the book was published, the Foreign Minister in François Mitterrand's French Socialist government.

51. Gellner, one of the most influential scholars of nationalism, stressed the indispensability of a certain scale, that of the modern nation state, for the purposes of sustaining the high culture and educational system that are required for individuals to have the minimum level of cultural equipment required by modern, industrialised conditions. See 'Nationalism' in Gellner, *Thought and Change* (London, 1964), pp. 158–60.

52. This tradition is dealt with by Maurizio Bazzoli in his book *Il piccolo Stato nell'età moderna: Studi su un concetto della politica internazionale tra XVI e XVIII secolo* (Milan: Edizioni universitarie Jaca, 1990). See also the special issue of the journal *Filosofia Politica*, XV, 3 (2001) – especially the article by Eugenio Di Rienzo: 'Piccoli Stati, Piccole patrie: dall'antico regime alla rivoluzione tra storia e storiografia', *Filosofia Politica*, XV, 3 (2001), pp. 399–410.

53. Peter Mandler, '"Race" and "Nation" in Mid-Victorian Thought' in Stefan Collini, Richard Whatmore, and Brian Young (eds.), *History, Religion, and Culture: British Intellectual History, 1750–1950* (Cambridge, 2000), pp. 224–44. I would like to thank Duncan Bell for his invaluably useful advice on how to improve this chapter at various successive stages as well as for his remarkable patience with me. I am also grateful to the two anonymous referees for their suggestions. Finally, I am grateful to my colleague Maurizio Isabella for his very useful suggestions.

The Victorian idea of a global state

Duncan Bell

> When we have accustomed ourselves to contemplate the whole
> Empire together and call it England, we shall see that here too is a
> United States. Here too is a homogeneous people, one in blood,
> language, religion, and laws, but dispersed over a boundless space.[1]

I. INTRODUCTION

Modern politics, Jens Bartelson reminds us, is 'intelligible only in terms of
the state'. Western political experience is so conditioned by the structures of
sovereign authority, by the apparatus of coercion available to the state, and
by the rigid distinctions between the domestic and the foreign, that 'We
simply seem to lack the intellectual resources necessary to conceive of a
political order beyond or without the state, since the state has been present
for long enough for the concept to confine our political imagination.'[2]
Despite this, or perhaps because of it, the scope, content, functions, and
future of the state remain as hard to identify as ever. Conceptually and
empirically, it is both present and absent, foregrounded in political con-
sciousness but receding into the distance at each attempt to grasp its
specificity.[3] Although many attempts have been made by radical political
theorists and – in an ironic mirror of the post-political universe of Marxism –
by the neo-liberal prophets of globalisation to envisage a space beyond the
state, it seems exceptionally difficult to escape.

The nineteenth century witnessed numerous attempts to think beyond
the state, to imagine new forms of human association. Marx's grand vision
was but the most ambitious. The long-running debates over the future of
the British colonial empire generated a variety of proposals for the creation
of novel political structures, seeking to burst the bounds of statehood.
During the closing decades of the century, and especially from the 1870s
onwards, a significant number of political thinkers reacted to what they
perceived as simultaneous threats to Britain's internal stability and its

global standing by reconceiving the relationship between the 'mother country' and the ('Anglo-Saxon') settler empire. Plans for hybrid colony-state architectures proliferated. But the state continued to exert a strong magnetic pull: it kept returning to the centre of debate, although often in re-imagined forms.

In this chapter I explore some intriguing aspects of this remarkable yet largely overlooked episode in the history of both imperial thought and reflection on the state. Grouped mainly but not exclusively under the capacious umbrella of 'imperial federation' many commentators, amongst whom were numbered leading politicians, civil servants, academics, lawyers, and 'men of letters' – in short, a significant subset of the 'public moralists' who dominated elite metropolitan discourse – sought to inculcate a heightened sense of imperial patriotism, and to articulate a vision of an integrated globe-spanning polity, a Greater Britain.[4] This vast structure would incorporate the continental expanses of Canada, have at its heart the British Isles, and stretch over the South Pacific to include the colonial territories in New Zealand and Australia.[5] The argument assumed two basic forms. One deemed the colonies important external appendages of the British state, and sought to strengthen the dense web of connections between them. The other regarded the colonies – either descriptively or prescriptively – as integral elements of the British state itself. In this chapter I focus primarily on the latter. J. G. A. Pocock wrote once that 'The Atlantic Ocean is a great channel across which continents confront one another, but the Pacific is the true surface of the planet Aqua.'[6] In confidently bestriding 'planet Aqua' many of the proponents of Greater Britain envisaged a global state.

Visions of a global state were not simply projections of the future, of an as yet unrealised dream. It was argued frequently that the contours of this entity could be discerned in the existing structure of the empire, but only in a ghostly form, and that in order to secure the greatness of Britain this unprecedented, immanent, polity needed to be put on a different constitutional footing. Nevertheless, arguments about a global state were not adumbrated by all of the proponents of Greater Britain. While a number of prominent imperialists, including the historian J. R. Seeley and the Liberal statesman W. E. Forster, argued explicitly for a global federal state, and despite the fact that a number of critics, such as the legal scholar A. V. Dicey, recognised the claims to statehood inherent in many proposals, most of them were wary of making such bold claims. Deliberately eschewing such a controversial line of argument, they preferred instead to offer more cautious proposals for imperial reform.[7] The avoidance of

radical claims was not especially surprising, given the hostility that they often generated. The 'idea . . . in my opinion', John Bright once scoffed, 'is ludicrous that the British Empire – that is, the United Kingdom with all its colonies – should form one country, one interest, one undivided interest for the purposes of defence. They [the Imperial Federation League] must be blind to the lessons of history'. But history taught conflicting lessons, Forster retorted, and one of them was that it was necessary to transform the empire in order to save it.[8]

This chapter focuses on some of the ways in which the advocates of Greater Britain attempted to reconcile their arguments with pre-existing ideas about the state. It is not concerned with what Herbert Spencer described as the 'proper sphere of government', with the role and reach of state institutions, but rather with the widely held (and usually under-theorised) assumptions about the necessary and sufficient conditions of statehood.[9] I will be employing the word 'idea' in a double sense, moreover, as connoting both a descriptive account of statehood and – in a manner familiar to many nineteenth-century thinkers, from Coleridge through the Christian socialists, the idealists, the new liberals, and beyond – in identifying the polity as a moral community rather than simply as an instrumental-functional set of institutions. As a descriptive category, the state referred to a particular genus of political unit – a unit distinguishable (ideally) from empires, regions, colonies, counties, provinces, and more basic 'political societies'. But beyond this, Victorian accounts of the state, including and perhaps especially that of the global state, often embodied pronounced moral or metaphysical dimensions. In the eyes of its proponents Greater Britain was not simply a set of institutions, a marker in an Aristotelian classificatory matrix, but a polity that expressed an important normative purpose.

The chapter unfolds as follows. Section II suggests that despite manifest differences over conceptions of the state, a small number of (very) general suppositions underpinned much Victorian political discourse. Section III focuses on ambiguities in the way that federalism was conceived, and argues that this opened up a theoretical space for imagining elements of the empire as a global federal state. Section IV stresses the importance of the belief in a relatively homogeneous and highly-integrated global Anglo-Saxon community, arguing that Greater Britain was viewed as both a solution to perceived domestic challenges (and in particular to the rise of democracy) and as an agent for securing global power and prestige. The Victorian vision of the global state represented an unprecedented spatial stretching of the state to accommodate a planetary constellation of

territories whilst simultaneously embodying a vision of moral order in which a superior Anglo-Saxon race, benevolently but firmly, offered leadership and stability to a chaotic world.

II. THE VICTORIAN IDEA OF THE STATE

It used to be thought that the Victorians lacked a vocabulary of the state. As James Meadowcroft has demonstrated, however, the period stretching roughly from 1880 to 1914 witnessed a 'theoretical turn towards the state'.[10] Whilst the word 'state' had been employed sporadically during the eighteenth and early nineteenth centuries, it was then simply one amongst a collection of often interchangeable terms: political society, commonwealth, nation, government, body politic, political union, sovereign, and so forth. Although these terms, and especially government and nation, continued to feature throughout the nineteenth century, during the closing decades of Victoria's reign 'state' became the dominant concept around which discussion about the nature of political organisation orbited. As Henry Sidgwick lamented in a review of the Swiss jurist Johann Casper Bluntschli's influential *Theory of the State*, this new-found interest rarely translated into great sophistication or conceptual novelty.[11] It did, however, establish the linguistic context for conceiving aspects of the empire as a state, and it is one of the arguments of this chapter that much of the debate over Greater Britain should be seen as a manifestation of this efflorescence of interest in statehood.

The 'state' was a multi-valent concept, carrying a variety of meanings.[12] Ambiguity, even ambivalence, about the concept was common in the late nineteenth century; and to some, it still seemed an unnecessary or exotic term. (This partly explains why, when describing Greater Britain, some thinkers openly employed the word state, whilst others who described it in otherwise identical terms failed to do so.) Despite the proliferation of meanings attached to it, the most common way in which the state came to be employed was fairly straightforward, namely as a general substitute for 'polity' – a term to categorise a bounded sovereign territorial space, an independent political community that had reached a certain level of 'civilisation'.[13] A number of basic assumptions underpinned this view. Whilst not all thinkers subscribed to all of the assumptions, it is possible to identify a family resemblance in the preconditions considered essential for successful statehood.

An American commentator, writing in the *Political Science Quarterly* in 1895, provides a useful entry point for examining understandings of the

state. In an essay attempting to chart the meanings of key political terms, and drawing at various points on Austin, Bagehot, Bentham, Bluntschli, Dicey, Maine, Mill, Sidgwick, and Spencer, as well as the canonical roster of Aristotle, Hobbes, Rousseau, and Burke, Charles Platt argued, in a broadly idealist idiom, that the state had both 'inward' and 'outward' aspects. In its 'outward or mechanical aspect' it consisted of 'a numerous body of human beings permanently united by a common inhabitation of a definite territory and by the establishment of an all-encompassing relation of sovereign and subject, and corporately possessing external independence'. This was the 'descriptive' element of statehood, necessary but not sufficient. What distinguished the state from other forms of political society, however, was 'a just apprehension of the purpose or end of the state'.[14] Whilst Victorian thinkers were deeply divided over the nature and content of the 'outward' and 'inward' aspects, most tended to agree that the state was both a specific type of political organisation and one that embodied, channelled, or facilitated certain collective ends.

At least four pervasive assumptions about statehood can be identified. Firstly, that the state could in some sense be regarded as natural. This was understood in two distinct senses. On the one hand, the state was seen frequently as both originating in, and being in some sense comparable to, the family.[15] On the other hand, because it lacked an Archimedean rational designer, the state had over time accreted a complex variety of institutions and practices, customs and traditions, and as such it was largely a product of organic growth, not intentional human fabrication. Such views, articulated most forcefully in Maine's seminal *Ancient Law* (1861), were grounded in a pervasive evolutionary idiom, their sources as various as their manifestations. They drew on and incorporated a mosaic of influences, including the resurgence of interest in Greek thought, long-standing whig conceptions of history, romantic organicism, the rise of idealist philosophy, and the dominance of the 'comparative method'.[16] As with other 'natural' kinds, moreover, the state was capable of both growth and decay: progress was a fragile thing, demanding constant vigilance and care. Indeed, fear about the fragility of advanced political communities, and the necessity of sustaining their vitality, provided one of the main sources of anxiety about the vulnerability of civilisation. The spectre of decline and degeneration, and of a reversal of progress, haunted the Victorian political imagination.[17] It likewise shaped imperial discourse.

Secondly, the state was an independent political community, exhibiting decision-making authority over domestic and foreign affairs. This independence was usually phrased in the language of sovereignty, although

there was considerable disagreement over the exact locus of sovereign power.[18] Earlier in the century John Austin had argued that sovereignty lay in the power to command obedience. Law and rights were the product of the command of the sovereign, and sovereignty was located (or at least locatable) in the hands of an easily identifiable agent or group of agents in the state. In an Austinian vein, Seeley wrote that the state was 'the power which issues commands and inflicts punishments'.[19] Yet Austin's particular conception of the relationship between law and state was widely challenged during the closing decades of the century, especially in the wake of Maine's work. The question of the location of sovereignty nevertheless remained a pressing one. Where did power reside? Bagehot argued that it was vested in the Cabinet, in the fusion of executive and legislative functions, whilst other constitutional commentators, such as Alpheus Todd, argued that the Crown retained considerably more power than was usually believed.[20] T. H. Green proffered a damning critique of what he labelled the 'abstract' Austinian conception, insisting that although it was possible to locate a group which 'in the last resort has the recognised power of imposing laws and enforcing their observance', in most advanced states an adequate descriptive account of sovereignty had to look beyond pure coercive capacity and understand that 'a common desire for certain ends' bound the sovereign to the people. Sovereignty was thus located in the 'impalpable congeries of the hopes and fears of a people bound together by common interests and sympathy, which we call the general will'.[21] Sidgwick was likewise critical of the command theory of sovereignty.[22] Despite considerable differences over the specific *location* of power, however, most people agreed about the necessity of both internal and external sovereignty for successful statehood.

Thirdly, the state was a political space that exhibited territorial contiguity; it was a single and continuous community marked by easily identifiable borders. It was held – as it had been from Plato's discussion of the republic onwards – that it could be neither too small nor too large for effective and rational government. Throughout the nineteenth century China and India were frequently held up as examples of the stagnating effects of great territorial extent, although, as we shall see, the debate over the most appropriate physical dimensions necessary for a successful state was being transformed by technological developments.[23] Again, these positions were more often assumed than carefully argued. Nevertheless this theme appeared repeatedly, figuring, for example, in Mill's arguments over the rational principles of government, in Spencer's analysis of the nature of citizenship, and in Bagehot's discussion of nationality.[24] The

historian E. A. Freeman expressed the view succinctly: the 'ideal nation', he argued, required a 'continuous territory ... inhabited by a people under one government'.[25]

Fourthly, a fairly high degree of social and cultural homogeneity was thought necessary in order for a state to function adequately. Social solidarity was both necessary for and a result of political vitality and progress. One of the main conditions of stability in society was, wrote Mill in the first edition of his *System of Logic* (1843), 'a strong and active principle of cohesion among the members of the same community or state'.[26] 'States are composed of men', Seeley observed forty years later, 'who are in some sense homogeneous, and not only homogeneous in blood and descent, but also in ideas or views of the universe.'[27] This desiderata was often expressed in terms of the organic unity of state and society, an idiom drawing as much on Burkean and romantic notions as on philosophical idealism or evolutionary biology.[28] One of the key analytical moves was to stress the importance of 'nationality', itself usually defined in terms of 'national character' and/or 'race'. Both of these were largely, though not exclusively, cultural constructs.[29] Whilst there were exceptions to such arguments, notably Acton's early essay 'Nationality' (1862), this belief underpinned the majority of accounts of the state during the period.[30] The ethical qualities of statehood – Platt's 'inward' aspect – often derived from the normative claims made about the superior characteristics demonstrated by the race/nation: Britain was Great because the British were great, but their greatness was shaped and sustained by the institutions of the state. This was, as Stuart Jones has argued, an era in which '[e]thical conceptions of the state reigned supreme, among both individualists and collectivists'.[31] The state was both the container and the expression of the moral qualities of the people who inhabited it.

In short, then, the state was a historically evolved, territorially continuous political entity the government of which exhibited autonomy in decision-making, both internally and externally, and which was, ideally, underpinned by a sense of national self-consciousness that both shaped and expressed a strong and virtuous character.

III. HISTORY, FEDERALISM, AND GREATER BRITAIN

Three types of demand for colonial reform dominated political debate.[32] The most straightforward politically was 'extra-parliamentary' federation, defined by the operation of an organised group of distinguished individuals offering non-binding advice on imperial affairs. This led to a proliferation

of calls for the creation of a non-legislative imperial Advisory Council in London.[33] An alternative, more complex and constitutionally demanding, was 'parliamentary federalism', whereby the colonies were to send elected representatives to sit in Westminster. This had been a common exhortation since the mid eighteenth century. Finally, and comprising the theoretical heart of the late Victorian debate, 'supra-parliamentary federalism' called for a sovereign federal chamber operating above and beyond the individual political assemblies of the empire. As such, so the argument went, the organisation of the Anglo-Saxon empire would resemble that of Switzerland, Germany (after 1871) and, in particular, the United States.[34]

According to the understandings of statehood common at the time all supra-parliamentary imperial federalist schemes – and indeed most parliamentary ones – could be viewed as demanding the creation of a state, a political-economic entity composed of people belonging to the same nation and/or 'race', governed by a single, albeit devolved, system of representative institutions subordinate to a supreme federal legislative chamber. It would be federal in the sense that, due to the division of powers, the local legislatures would have a high degree of autonomy over specified and territorially de-limited domains of policy. It would be centralised in the sense that supreme authority would reside in either a newly created 'senate' or a reconfigured parliament in Westminster. This body would determine questions of war and peace, trade, and any other general issues that concerned the whole polity. It would lack power over many local issues. This was a situation recognised by A. V. Dicey, one of the most implacable critics of imperial federation, who noted that such proposals implied the creation of a 'new federated state'.[35] The case of the extra-parliamentary advocates is less straightforward, for they were simply trying to re-animate the existing structure, and were far less willing to promote significant constitutional engineering, let alone the creation of new assemblies – although it is also the case that despite their caution about the present, many of them also imagined radical developments in the future. Nevertheless, as we shall see, some of these individuals insisted on labelling Greater Britain a state. The most ambitious imperial federalists went well beyond this, calling for the reconfiguration of both the colonies and the British state itself, stipulating the transition from an unequal to an equal league, and in so doing avoiding the incorporating state in favour of a federal alternative.

Whilst a number of the imperialists confronted directly the idea of transfiguring the empire into a state, many vacillated, remaining wary about how they characterised their plans. They made frequent admiring

references to the United States, the archetypal federal state, employing it with monotonous frequency as a template for the future, and they often described their proposals in terms that fell squarely within the language of state theory.[36] But they remained wedded, either through custom or through caution, to the language of empire, a language forged and reproduced in relation to very different types of political organisation. This presented a recurring set of challenges, most notably in reconciling political subordination and equality. The core of the problem was identified by the historian and imperial federalist J. A. Froude: 'One free people cannot govern another free people.'[37] Wary of the constitution building of the radical federalists, Froude preferred to draw on an older language; his ideal future lay in a 'commonwealth' of 'Oceana', 'held together by common blood, common interest, and a common pride in the great position which unity can secure'.[38] Oceana would not be an empire, based (by definition) on subordination, but a single structure offering political equality to its constituent parts. From a critical standpoint Freeman, the recognised authority on federalism, argued that imperial federation was a 'contradiction in terms': 'What is imperial cannot be federal, and what is federal cannot be imperial.'[39] A political structure defined by domination could not, he suggested, be governed simultaneously by a system of devolved legislative powers and equal representation. This was a theoretical and practical problem neatly sidestepped by those who openly branded Greater Britain a state.

By the late nineteenth century the settler colonies were often viewed as the product of the natural, even inevitable, diffusion of the English people across the 'unpopulated' or under-utilised spaces of the planet. This view helped spawn the idea that the constituent units of the settlement empire could be seen both as a natural extension of the 'mother country' and as forming an organic whole. 'If there is nothing highly glorious in such an expansion,' argued Seeley, 'there is at the same time nothing forced or unnatural about it.'[40] As colonialism was the spread of the English people, and not the imposition of a set of institutions and values on alien cultures, it could be conceived of as both natural and potentially more robust than other aspects of empire-building. Indeed, it could be seen as an element of state-building. It is no coincidence that the closing decades of the century witnessed an outburst of historical writing on the colonial empire, generated, as one commentator noted, largely by the publication of *The Expansion of England*.[41] In order to provide an adequate account of the present, and a foundation on which to build the future, it was essential to illuminate the teleological trajectory of imperial growth, to both naturalise

it and locate it in time. This represented yet another example of the Victorian tendency, highlighted throughout this volume, to interweave social science, theories of history, and political philosophy.[42]

Greater Britain, moreover, would be a sovereign power. Those in favour of Advisory Councils left the constitutional structure of Britain largely intact. The parliamentary federalists, who in contrast with earlier bouts of colonial reformist agitation were in a marked minority, called for the recasting of the franchise and a transformation of the constitutional status of the colonies, but not for the creation of any new legislative chambers. Such a vision could still be seen as pointing to a global state. A colonial supporter of federation, demanding a 'really Imperial Parliament' in place of the 'English, Scotch, and Irish one that wrongly goes by that name', suggested that if given representation the colonists would 'feel themselves part of one great state'.[43] The real novelty, however, lay in the proposals of the supra-parliamentary federalists, whose vision – when they bothered to sketch it in any detail – often included the creation of a new chamber (sometimes labelled a 'senate') and the simultaneous downgrading of the power and scope of Westminster, which would be re-organised as a local legislature overseeing domestic British issues. Drawing on John Stuart Mill's discussion of federalism in chapter 17 of the *Considerations on Representative Government*, George Ferguson-Bowen, a former Governor of Victoria, demanded a fully-fledged federal polity, with an imperial council 'analogous to the Congress of the United States, and to the Reichstag of United Germany'. Francis de Labillière was fully cognisant of the constitutional implications of his own plans: 'a second parliament and executive would therefore have to be formed'.[44] Demanding an empire based on equal citizenship and full manhood suffrage, an anonymous author writing in the *Westminster Review* likewise called for the construction of a new imperial chamber.

Such, we believe, will be the completed genesis of the British Constitution, and to this end we are not a day too soon in bringing up the mighty conservative and revolutionary energies of the masses. In this sense it may even be said that the British Constitution is in its infancy, for it has to solve larger and even larger problems of government, so as to become adjusted to the mental, moral, and material developments of its people.[45]

Frederick Young, an ardent and prolific imperial federalist, advocated 'a complete and equitable representative system in an imperial Parliament'. This required the creation of a new senate. Such a federation – which he compared to America and labelled a 'state' – would 'mean an equal participation in the government of the empire, as a whole, and a full

share in the exercise of its power'. Greater Britain should be, he wrote elsewhere, 'one, equal, indivisible'. His ambitions for this polity were not modest: 'It seems the mission of Greater Britain to be, by the Providence of God, the principal colonising country of the world.'[46]

Plans for Greater Britain often drew on ambiguity over the existing quasi-federal structure of the British empire, and indeed over the nature of federalism itself. The exact constitutional status of the colonial empire was a source of widespread ignorance and confusion, as was noted by Alpheus Todd in his respected *On Parliamentary Government in England* (1867), and it was not until Todd wrote his sequel, *Parliamentary Government in the British Colonies* (1884), that a comprehensive text on the subject existed.[47] This lack of clarity was perhaps unsurprising given that the empire comprised a complex jigsaw of economic, judicial, and political institutions and practices – an ensemble once described as a 'political museum comprehending specimens of almost all races and languages, and fragments of almost every extinct and existing nation of the habitable world'.[48] Many commentators regarded the contemporary colonial empire as a federal (or quasi-federal) structure, albeit a weak and partial one. The new liberal theorist L. T. Hobhouse, for example, referred to the 'loose, informal, quasi-Federalism of the British Colonial Empire', comparing it with the 'strict' American variant, and emphasising how in 'true British fashion' the 'lines of demarcation are not clearly marked, and much is left to tacit understanding'.[49] Sidgwick argued that federation proper was '*prima facie* applicable' to such a political system, although he considered the differentials in size and power between the constituent units probably made it unwise. 'If, for this or other reasons', he continued, 'a Federal union is out of the question, the best temporary substitute seems to be to constitute the colony self-government within a sphere somewhat similar to that of a part-state in a Federation, but without any formal control over the operations of the central government of the state of which it is a part'.[50] The ambiguities had been crystallised, as was so often the case, in the writings of John Stuart Mill, who had argued nearly forty years before that the colonial empire comprised 'an unequal federation'.

Every colony has . . . as full power over its own affairs, as it could have if it were a member of even the loosest federation; and much fuller than would belong to it under the Constitution of the United States, being free even to tax at its pleasure the commodities imported from the mother country. Their union with Great Britain is the slightest kind of federal union; but not a strictly equal federation, the mother country retaining to itself the powers of a Federal Government, though reduced in practice to their very narrowest limits.[51]

It was this retention of powers that would disappear under both (most) parliamentary and (all) supra-parliamentary schemes. Mill realised the consequences of granting colonial representation: 'On this system there would be perfectly equal federation between the mother country and her Colonies, then no longer dependencies.' In other words, such a move would transform the nature of the constitutional relationship to such a degree that the old vocabulary would be inappropriate, and a new one required. No longer dependent, the colonies could be considered an integral and equal part of the polity. This opened the door for characterising the colonial empire as a state. Mill, however, was not prepared to argue in favour of this shift: noting (parliamentary) proposals for an 'equal federation' between the colonies and the 'mother country', he dismissed them as laudable but ultimately inconsistent with the 'rational principles of government'. In particular, he argued, they failed to take account of the lack of common interests between such far-flung lands, and the impossibility of adequate deliberation between their elected representatives. 'Even for strictly federative purposes', he wrote, 'the conditions do not exist, which we have seen to be essential to federation.'[52] He reiterated this point in a letter written in 1871: 'I do not think that the federal principle can be worked successfully when the different members of the confederacy are scattered all over the world; & I think the English people would prefer separation to an *equal* federation.'[53] This was a claim that the proponents of a federal Greater Britain sought to challenge, and they did so by arguing that the political and cognitive conditions had changed sufficiently for such charges to be rendered obsolete.[54] In particular, and as I return to in more detail below, they claimed that new communications technologies rendered distance inconsequential. They tried to challenge the socio-political analysis underpinning Mill's normative arguments.

This ambiguity was further reinforced in Freeman's *History of Federal Government* (1863), a book that drew from and in large part synthesised the theoretical points elucidated in *The Federalist*, and by Tocqueville and Mill.[55] This rapidly became the standard text on federalism, and it was utilised by both critics and supporters of a federal Greater Britain. For a government to be classified as federal, Freeman argued, it had to meet two conditions: 'On the one hand, each of the members of the Union must be wholly independent in those matters that concern each member only. On the other hand, all must be subject to a common power in those matters which concern the whole body of members collectively.' This led to his widely employed definition of an ideal-typical federal polity: 'A federal Commonwealth, in its perfect form, is one which forms a single State in its

relations to other nations, but which consists of many states with regard to its internal government.' As such, a federation could be seen simultaneously as a state and a collection of states, as singular and plural. It all seemed to depend on the angle of vision. Given the prominence of Freeman's writings, this ambiguity over the status of federalism helped open up the space that allowed Greater Britain to be considered a state. Unlike Sidgwick and Mill, however, Freeman was clear that the colonies were not part of a federation, for despite their high degree of internal independence their 'relations towards other nations are determined for [them] by a power over which [neither] the Colony nor its citizens have any sort of control'.[56] The Crown in parliament retained ultimate authority. It was this asymmetry that was challenged by the most ambitious imperial federalists.

In constructing a moderate argument about the necessity of an advisory council the Liberal statesman W. E. Forster drew directly on Freeman's definition – whilst ignoring his claims about the nature of the actually existing empire. His ambition was to see 'a federation of peaceful, industrious, law-abiding commonwealths'.[57] Yet he also insisted that the British colonial empire could already be seen, in some sense, as a single polity. In an essay published in 1885, Forster argued that the British empire comprised 'the realm of one state in relation to other states'. 'I do not say that we are trying by federation to make the empire one commonwealth in relation to foreign Powers, because at present time it is one commonwealth.' It formed, though, an 'imperfect, incomplete, one-sided federation', and it was essential to complete and perfect it.[58] Freeman directly repudiated Forster's use of his definition. And he argued, moreover, that Forster was calling not for the 'perfect' form of federation, the *Bundesstaat*, but the weaker 'imperfect' form, the *Staatenbund*, a form of political organisation that was bound to fail due to its inherent weakness.[59] As was common amongst the extra-parliamentary federalists, Forster appeared ambivalent about whether to discount the future creation of an imperial senate, and he once stated that he foresaw a time when a council would be superseded by a full parliament.[60] But among such moderates it was rare to explicitly label Greater Britain a state. This was largely for tactical reasons – they were determined to stay within the realm of what was archly termed 'practical politics' and the idea of a globe-spanning state, and especially one endowed with fully representative institutions and a new governing senate, seemed to many to fall into the realm of fantasy.[61]

It was left, in general, to the more radical federalists to make explicit the claim of statehood. The most prominent of these figures was Seeley, the

intellectual figurehead of imperial unity. Considered 'as a state', he wrote, 'England has left Europe altogether behind it and become a world-state'.[62] Such a structure could already be traced in outline, but this comprised only the foundations of his ambitious vision, for he sought the creation of a 'great and solid World-State', an enduring polity that was yet to be brought into being.[63] This argument formed part of the wider debate over the conditions for establishing 'great states', as explored by Georgios Varouxakis in the previous chapter, and it reflected the obsession with scale that lay at the heart of the contemporary geopolitical imagination. Meadowcroft has observed that Seeley initially sketched a remarkably broad definition of the state in the *Introduction to Political Science*, so that it encompassed just about all forms of human community.[64] As such, it might be argued that there was nothing unusual in Seeley viewing Greater Britain as a state, at least in a minimal sense.[65] This would be a mistake, however, for in assessing the status of Greater Britain Seeley was drawing on a much narrower understanding of the 'nation-state'. In *The Life and Times of Stein* (1878), his three-volume history of one of the key figures in modern German history, he wrote that the state 'is merely a machinery by which a number of men protect their common interests'. Following Fichte, he argued that the bonds of the nation 'are more instinctive, and as it were, more animal' than those of the state, and consequently that the 'state which is also a nation is an organism far surpassing in vigour and vitality the state which is only a state'.[66] This fusion of two distinct but complementary ideas – state and nation – was a recent development in the evolution of human societies, and it was, he argued, a rare phenomenon. He fleshed out his account of successful statehood in *The Expansion of England*, arguing that there were three essential preconditions for (nation) state unity: the existence of a community of race, a community of religion, and a community of interest.[67] Greater Britain, he argued, met all of these conditions. The key to this argument lay in the belief, common among the advocates of imperial unity, that the British *nation* stretched across the planet.

IV. RACE, NATIONALITY, AND THE GLOBAL BRITISH COMMUNITY

Greater Britain was not merely conceived of as a set of globe-spanning political institutions – whether a quasi-state, or one yet to come. It was viewed also as a community bound by shared norms, values and purpose. The most pronounced manifestation of this vision of Greater Britain can be

found in a distinct strain of what I call 'civic imperialism', which drew heavily though not exclusively on the long extant languages of 'civic human-ism'.[68] Enunciated most explicitly in Froude's quasi-Harringtonian *Oceana* (1886), civic imperial themes were also prominent in the writings of figures as otherwise diverse as Dilke, Bryce, and Seeley.[69] The civic imperialist dimension of federalist thought placed public duty, individual and com-munal virtue, patriotism, disdain of luxury, and the privileging of the common (imperial) good, at the centre of the political universe. Fearful of the social, political, and moral dangers heralded by the degradation and urban squalor of industrial capitalist society, and critical of the perceived materialism and atomism of much (though certainly not all) contemporary liberalism, many of the imperialists looked to the vast expanses of the colonies to reshape a new breed of rugged and loyal subjects. Greater Britain was to be the stage upon which this vision of the morally and spiritually regenerative power of imperial patriotism was to be acted out.

This vision of a global colonial polity was often bound together by the concept of nationality. For the majority of the advocates of a federal Greater Britain the colonists remained an intrinsic element of the English nation.[70] The historian Hugh Egerton talked of the 'common nationhood' binding together the peoples of Greater Britain.[71] For Froude, the 'English', spread throughout the world, were a 'realised family', the population of the colonies 'as much England as we are'.[72] A pamphlet produced for the Imperial Federation League argued that federation was 'a means of securing the continued Union of our nation throughout the world'.[73] Julius Vogel, sometime premier of New Zealand, argued that once they left the shores of the United Kingdom, colonists still imagined themselves as belonging to part of the same country, whilst Seeley claimed that if Greater Britain was properly understood, then Canada and Australia 'would be to us as Kent and Cornwall'.[74] In a later essay Vogel objected to the view that the colonies were 'foreign' territories; they were instead, he argued, 'part of a mighty nation'.[75] The nation acted as social cement connecting the scattered elements of the empire, allowing it to be repre-sented both as a natural outgrowth of England and as a cohesive whole. Given this degree of homogeneity, a fully-fledged state could thus be envisaged. At the centre of this conception of the nation lay the idea of the Anglo-Saxon (sometimes simply 'English') race, although this too was usually understood in a culturally constructed rather than biologically determined sense.

The issue of distance stood at the centre of imperial debate, for the vast expanses separating the component parts of the colonial empire challenged

the plausibility of a compact and contiguous political community. As Mill had noted, in an idiom common throughout the eighteenth and much of the nineteenth-century, distance acted as a bar to imagining a global union. Not only did it preclude the principles of 'rational government' – a point as familiar to Edmund Burke and Adam Smith as to Mill[76] – but it also prohibited the necessary degree of communal homogeneity. This had long been an argument deployed against closer constitutional ties with the colonies.[77] During the second half of the nineteenth century, and especially from the 1860s onwards, it lost much of its force. The reason for this lay in the cognitive shifts precipitated by technological developments, most notably the electrical telegraph. Due to the swiftness of communication with the colonies, it was thought by many observers that the age-old barriers of distance had been removed: the engineers and scientists were forging a political revolution. As the world appeared to shrink, Forster claimed (with a nod to Burke) that it was now 'possible for a nation to have oceans roll between its provinces'.[78] In poetic imagery worthy of his hero Carlyle, Froude boasted that 'We have yoked horses of fire to our sea-chariots; the wire-imprisoned lightning carries our messages around the globe swifter than Ariel; the elemental forces are our slaves.'[79] For Seeley, the overcoming of distance was the key to creating a 'world-state'. Whilst transoceanic political communities had existed throughout modern history, they were not proper states: 'for who had ever heard of two parts of the same State separated by the whole breadth of the Atlantic Ocean?' 'These new conditions', he argued, 'make it necessary to reconsider the whole colonial problem. They make it ... possible to actually realise the old Utopia of a Greater Britain.' Indeed, 'Just as the difficulty of communication checked the growth of states in the Middle Ages, so the unprecedented facility of communication which our age enjoyed seems to be creating new types of state.' The novelty lay in size. Greater Britain, he continued, 'is a vast English nation, only a nation so widely dispersed that before the age of steam and electricity its strong natural bonds of race and religion seemed practically dissolved by distance. As soon as it is proved by the example of the United States and Russia that political union over vast areas has begun to be possible, so soon Greater Britain starts up, not only a reality, but a robust reality.'[80] Russia and America were already gigantic states; in the future the unified lands of Greater Britain would be seen to dwarf even these, becoming 'in time far greater than any political union the world has known'.[81] Tocqueville's prophecy that Russia and America would carve up the future, offered in the closing lines of *Democracy in America*, was something that the imperial advocates were determined to fight.[82]

During the second half of the nineteenth century, and especially from the 1860s onwards, the colonial empire came to be regarded as ever more tightly bound, and it became possible – as previously it had not been – to imagine Greater Britain as both a single political unit and a unified people.

But why was this global polity necessary in the first place? In short, it had two main purposes. Firstly, it was to help secure Britain's place as a (even the) leading world power. With the rise of the nascent German state, and with the threatening presence of the Russian 'bear' in the East and an economically resurgent America across the Atlantic, a giant polity offered the possibility of maintaining and strengthening Britain's place in the global order. However, the geopolitical arguments sometimes pointed in different directions. Some people argued that the aim was to redefine the international balance of power, and that Greater Britain would simply be one among a number of potent competitors. The primary aim was to stop any one of them becoming dominant. We need to preserve, demanded one federalist, 'the power and prestige of our common nationality'.[83] Combined with the belief that the stability of the international system was reinforced as the number of sovereign units composing it declined, this impulse generated an argument about the advantages of inter-imperial federations.[84] Yet others were more ambitious in their aims, arguing that Greater Britain could be a hegemonic power, thus overturning the logic of balancing. As the Oxford historian Charles Oman wrote, 'A firm and well-compacted union of all the British lands would form a state that might control the whole world.'[85] Although both kinds of arguments could be formulated in (instrumental) strategic terms, they also tended to be infused with ideas about the value of British honour, glory, and duty, and as such they can be seen as an element of republican politics, which, reaching back to its distant roots in Rome, had stressed the importance (and the inter-weaving) of national strength and grandeur.[86]

The second purpose, the result of the civic vision, was to help reverse the purported moral decay of the 'mother country' and to secure its internal stability in the face of a plethora of challenges. This was set against the backdrop of the rise of democracy, at home and abroad, which was often regarded as both inevitable and potentially destabilising for the empire. Amongst the main enemies identified by many of the proponents of Greater Britain were greed and corruption, seen as the result of an increas-ingly hollow materialist culture. They feared what one federalist termed the 'virus of Manchesterism'.[87] An important dimension of this was fear of over-population at home, which was in turn thought to generate the threat

of socialism at the time of an expanding franchise. Britain was in danger of being undermined from within, its physical and moral strength degraded. For the proponents of Greater Britain the obvious answer to this dilemma lay in massive and systematic emigration to the colonies, which acted both as a 'safety valve' – as it was labelled by Vogel[88] – for the 'mother country' and as a breeding ground for a new type of hardy imperial patriot. The United Kingdom, William Greswell argued in 1883, needed to 'utilize to the utmost the circumscribed area we possess, and, in the face of pauperism, competition, and the evils of a rapidly growing population, hold our position amongst the nations of the world'.[89]

There was a notable agrarian dimension to many of these arguments. Immersion in the squalid social environment of the cities, and exposure to the lure of socialism therein, could be averted by re-planting people in the colonies.[90] For Lord Brabazon, President of the Association for Promoting State-directed Colonization, the agricultural depression in Britain was a disaster, for it led to an exodus from the countryside to the city. Emigration was the answer: 'The flow of this stream of strong healthy life could be directed to the Colonies before it had become polluted by contact and mixture with the foul cesspools of the city.'[91] For Froude, the most straightforward exponent of this vision of agrarian patriotic imperialism, it was axiomatic that 'A race of men sound in soul and limb can be bred and reared only in the exercise of plough and spade, in the free air and sunshine, with country enjoyments and amusements, never amidst foul drains and smoke blacks and the eternal clank of machinery.'[92] The colonies offered just such an opportunity for challenge and, accordingly, reform. Emigrants would be able to live, he wrote, 'under conditions the most favourable which the human condition can desire', spawning as a result, 'fresh nations of Englishmen'.[93] Greater Britain would not only secure the geopolitical position of Britain, it would transform its internal politics, creating a new model of imperial citizenry.

V. CONCLUSIONS

The debate over Greater Britain was both a reaction to and a product of nineteenth century 'globalisation'. It was a reaction in the sense that the transformed economic and political conditions of the era generated a profound sense of anxiety and the consequent belief that it was essential to create a new type of polity in response. It was a product of it in the sense that the communications technologies underpinning the increasing level of global economic interdependence also facilitated the cognitive shift that

was necessary for people to begin to think of the scattered elements of the colonial empire as a coherent and unified nation, and even as a state. The advocates of a federal Greater Britain – and in particular the theorists of a supra-parliamentary polity – demanded the transformation of existing political structures to confront multifarious challenges; the construction of an extended transcontinental state was their answer to the anxieties of the age. In an era of increasing global interdependence and competition, this was one of the most ambitious (and perhaps most desperate) rejoinders to a multitude of perceived threats.

It is no coincidence that the reinvigoration of interest in the settler empire during the late Victorian era was coextensive with a drawing down of ambitions about the potential of a British global 'civilising mission', a trend identifiable among a number of leading thinkers, including Henry Maine, and arguably Seeley.[94] As growing numbers of people became disenchanted with the possibilities for transforming much of the conquered world into facsimiles of the British, of acting as the surrogate parents of modernity, so they often looked increasingly, with a mixture of hope and excitement, to their own kin spread throughout the distant colonies. This view was born out during the first half of the twentieth century, a period in which British political and economic global power relied far more extensively on the connections with the settlement colonies than with India or Africa. Late-Victorian proposals for imperial federal union were simultaneously conformist and radical; conformist because the obsession with physical size was a common feature of European political thought at the time, radical because their response lay in the belief that it was possible to create a state that straddled the planet, a non-contiguous representative polity. The former of these beliefs, articulated now in terms of the necessity of an American hyper-power, continues to haunt the political imagination; the latter, although virtually silenced today, figured in political debate through the early decades of the twentieth century. In 1910, Leo Amery was still talking of the empire as a 'single world State'.[95] In the 1920s Harold Laski even argued that the League of Nations was 'juristically a super-state'.[96]

Rather than adapting to the changing mode of global political order through heralding the end of the state, as both Marx and many modern neo-liberals suggest, the more radical imperial unionists insisted on re-inforcing the state, extending it over previously unimaginable distances, whilst simultaneously attempting to re-configure the bases of national self-consciousness. Imperialists of all but the palest stripes demanded the transformation of the way in which both Britain and the empire were

conceived (through a reconsideration of the relationship between the two), and in so doing they challenged the boundaries, language, and traditions of British political thought.

NOTES

1. J. R. Seeley, *The Expansion of England: Two Courses of Lectures* (London, 1883), pp. 158–9. Aside from the contributors to this book, who provided excellent advice, I would like to thank the following for commenting on the argument in this chapter: Stuart Jones, Istvan Hont, Richard Tuck, David Cannadine, Peter Mandler, Colin Tyler, Linda Colley, Michael Freeden, and Jon Parry. All the usual disclaimers apply.

2. Jens Bartelson, *The Critique of the State* (Cambridge, 2001), pp. 1–2. For an example, see also Bartelson, 'Making Sense of Global Civil Society,' *European Journal of International Relations*, 12 (2006), pp. 371–95.

3. On the historical origins of the concept see Quentin Skinner, 'From the State of Princes to the Person of the State' in Skinner, *Visions of Politics, Volume II: Renaissance Virtues* (Cambridge, 2002), pp. 368–414. On its conceptual elusiveness, see Bartelson, *The Critique of the State*, ch. 1; David Runciman, 'The Concept of the State: The Sovereignty of a Fiction' in Quentin Skinner and Bo Stråth (eds.), *States and Citizens: History, Theory, Prospects* (Cambridge, 2003), pp. 28–39; and Raymond Geuss, *History and Illusion in Politics* (Cambridge, 2001), ch. 1.

4. For the social composition of the 'public moralists' (as well as for the coining of the term), see Stefan Collini, *Public Moralists: Political Thought and Intellectual Life in Britain, 1850–1930* (Oxford, 1991), Part I. The term Greater Britain was popularised by the radical politician Charles Dilke in *Greater Britain: A Record of Travel in English-Speaking Countries During 1866 and 1867*, 2 vols. (London, 1868). Dilke himself was sceptical about the institutional designs of the federalists, although he was a keen advocate of a global Anglo-Saxon moral community. See Dilke, *Problems of Greater Britain* (London, 1890), II, part VII.

5. The South African colonies played an uneasy role in this political vision, incorporated by some, expelled by others, ignored or passed over as not worthy of full and detailed discussion by most.

6. Pocock, 'Between Gog and Magog: The Republican Thesis and the *Ideologia Americana*,' *Journal of the History of Ideas*, 48 (1987), p. 334.

7. For a wider interpretation of the debates over Greater Britain, see Duncan Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860–1900* (Princeton, 2007); and also Ged Martin, 'Empire Federalism and Imperial Parliamentary Union, 1820–1870,' *Historical Journal*, 15 (1973), pp. 65–93; J. E. Kendle, *Federal Britain: A History* (London, 1997), ch. 3; and Michael Burgess, *The British Tradition of Federalism* (Leicester, 1997).

8. John Bright, speech on 29 January 1885, Birmingham, quoted in W. E. Forster, 'A Few More Words on Imperial Federation,' *The Nineteenth Century*, 17 (1885), pp. 552–3. On the uses of history in late nineteenth century imperial

thought, see Duncan Bell, 'From Ancient to Modern in Victorian Imperial Thought,' *Historical Journal*, 49 (2006), pp. 1–25.

9. Spencer, *The Proper Sphere of Government* [1843] in *The Man Versus the State* (Indianapolis, 1982), pp. 181–265.

10. Meadowcroft, *Conceptualizing the State: Innovation and Dispute in British Political Thought, 1880–1914* (Oxford, 1995), p. 3. It is arguable, however, that this 'turn' occurred in the preceding generation. See also, Cécile Laborde, 'The Concept of the State in British and French Political Thought,' *Political Studies*, 48 (2000), pp. 540–57; and David Runciman, *Pluralism and the Personality of the State* (Cambridge, 1997), pp. 34–63, 150–61 & 195–219.

11. Sidgwick, *The English Historical Review*, 1 (1886), pp. 378–82. See here Bluntschli, *The Theory of the State*, trans. D. G. Ritchie, P. E. Matheson, and R. Lodge (Oxford, 1885). This was a translation of the sixth German language edition.

12. See, for example, the discussion in Sheldon Amos, *The Science of Politics* (London, 1890), pp. 63–7.

13. For a clear example, see Henry Sidgwick, *The Development of European Polity*, ed. Eleanor Sidgwick (London, 1903), pp. 1 & 25–8. On the importance of ideas about civilisation in shaping conceptions of world order, see the discussion (and the references) in Duncan Bell, 'Empire and International Relations in Victorian Political Thought,' *Historical Journal*, 49 (2006), pp. 281–98. Thomas Baldwin argues that the explicit claim to territory (the right to a particular parcel of land) cannot be found in early modern theories of the state. Instead, he argues that this was a nineteenth-century point, suggesting that it emerged as part of the 'romantic critique of the abstract rationalism of the political theory of the Enlightenment'. Baldwin, 'The Territorial State' in Hyman Gross and Ross Harrison (eds.), *Jurisprudence: Cambridge Essays* (Oxford, 1992), p. 214. It was certainly common by the 1870s.

14. Charles Malcolm Platt, 'A Triad of Political Conceptions: State, Sovereign, Government,' *Political Science Quarterly*, 10 (1895), p. 298.

15. H. S. Jones, *Victorian Political Thought* (Basingstoke, 2000), ch. 3. See also Jeanne Morefield, 'Hegelian Organicism, British New Liberalism, and the Return of the Family State,' *History of Political Thought*, 23 (2002), pp. 141–70.

16. See here Jones, *Victorian Political Thought*, pp. 97–100; Bartelson, *The Critique of the State*, ch. 2; and John Burrow, *Evolution and Society: A Study in Victorian Social Theory* (Cambridge, 1966).

17. John Burrow, *Whigs and Liberals: Continuity and Change in English Political Thought* (Oxford, 1988), ch. 5; Collini, *Public Moralists*, Part I; and, for comparative perspectives, John Burrow, *The Crisis of Reason: European Thought, 1848–1914* (London, 2000), ch. 2; and Daniel Pick, *Faces of Degeneration: A European Disorder, 1848–1918* (Cambridge, 1989).

18. This meant both internal and external sovereignty, the former in the Weberian sense of legitimate authority over the monopoly of force (as well as effective control over the relevant territory), the latter in terms of the legal and political recognition of independent statehood granted by other sovereign powers. See

here Helen Thompson, 'The Case for External Sovereignty,' *European Journal of International Relations*, 12 (2006), pp. 251–74.

19. Seeley, *Introduction to Political Science: Two Series of Lectures*, ed. Henry Sidgwick (London, 1923 [1896]), p. 145. Quentin Skinner argues that the Austinian view, which insists that an agent be identifiable as the source of power, expresses a 'serious confusion' about the nature of the state, and misinterprets the Hobbesian conception on which it claims to draw: Skinner, 'From the State of Princes to the Person of the State,' p. 406.

20. Bagehot, *The English Constitution*, ed. Paul Smith (Cambridge, 2001); and Alpheus Todd, *Parliamentary Government in England: Its Origin, Development and Practical Operation* (London, 1867).

21. Green, *Lectures on the Principles of Political Obligation, and Other Writings*, ed. Paul Harris and John Morrow (Cambridge, 1986), pp. 68–70.

22. Sidgwick, *The Elements of Politics*.

23. See also the chapter by Georgios Varouxakis in this volume.

24. Mill, *Considerations on Representative Government* [1861] in *The Collected Works of John Stuart Mill*, ed. J. A. Robson (Toronto, 1963–91), XIX, p. 564; Spencer, *The Proper Sphere of Government*, Lecture VII, p. 221; and Bagehot, 'The Meaning and the Value of the Limits of the Principle of Nationalities' [1864] in *The Collected Works of Walter Bagehot*, ed. Norman St. John-Stevas (London, 1965–86), VIII, pp. 149–53.

25. Freeman, 'The Physical and Political Bases of National Unity' in Arthur Silva White (ed.), *Britannic Confederation* (London, 1892), p. 35, and also p. 52. Note that Freeman here employed nation and state as synonyms, as was still quite common at the time.

26. Mill, *System of Logic*, *Collected Works*, VIII, p. 923. Mill is here quoting with approval his earlier essay, 'Coleridge' (1840), *Collected Works*, X, p. 135.

27. Seeley, *Introduction to Political Science*, p. 137. As Peter Mandler argues, this ideal of nationality only took firm root in British intellectual debate in the 1830s, when it was a position usually upheld by liberals and radicals; it was only in the second half of the century that it became an almost universally accepted position. Mandler, *The English National Character: The History of an Idea from Burke to Blair* (London, 2006), chs. 3–5.

28. On romantic organicism, see Mark Bevir, 'The Long Nineteenth Century in Intellectual History,' *Journal of Victorian Culture*, 6 (2001), pp. 313–36.

29. See Peter Mandler, '"Race" and "Nation" in Mid-Victorian Thought' in Collini *et al.* (eds.), *History, Religion and Culture: British Intellectual History, 1750–1950* (Cambridge, 2000), pp. 224–45; Mandler, *The English National Character*, chs. 3–5; and H. S. Jones, 'The Idea of the National in Victorian Political Thought,' *European Journal of Political Theory*, 5 (2006), pp. 12–21. On the importance of a concept of nationality in general, see Jones, *Victorian Political Thought*, ch. 2.

30. John Emerich Edward Dahlberg-Acton, Lord Acton, 'Nationality' in *Selected Writings of Lord Acton, Vol. I: Essays on the History of Liberty*, ed. J. Rufus Fears (Indianapolis, 1985), pp. 409–39.

31. Jones, *Victorian Political Thought*, p. xiv.

32. This distinction is drawn from Ged Martin, 'Empire Federalism and Imperial Parliamentary Union, 1820–1870'. I am here excluding two other categories of response: firstly, and very much in the minority, those that demanded the abolition of the colonial settler system (including Goldwin Smith, Herbert Spencer, Robert Lowe, and Frederic Harrison); and secondly, the much larger group that saw no need for change. A number of plans can be found in Seymour Cheng, *Schemes for the Federation of the British Empire* (New York, 1931).

33. See, for example, Earl Grey, 'How Shall We Retain the Colonies?' *The Nineteenth Century*, 5 (1879), pp. 935–54; and John Douglas Sutherland Campbell, Marquis of Lorne, *Imperial Federation* (London, 1885).

34. Francis De Labillière, *Federal Britain, or, Unity and Federation of the Empire* (London, 1894); and Frederick Young, *On the Political Relations of Mother Countries and Colonies* (London, 1885).

35. Dicey, *Introduction to the Study of the Law of the Constitution*, 8th edn. (London, 1915), p. lxxxiv. This comment comes in a discussion of the constitutional innovations proposed during the preceding thirty years.

36. For example William Westgarth, expressing suspicion about the term federation, and offering a limited extra-parliamentary proposal, argued for 'one great, complete, indivisible power' under 'one . . . government'. Westgarth, 'The Unity of the Empire: Federation, Intercolonial and Imperial,' *National Review*, 4 (1884), p. 507.

37. Froude, *Oceana, or England and her Colonies* (London, 1886), p. 2.

38. Froude, *Oceana*, p. 12. Froude, whilst very critical of transposing written constitutions, did not rule out a future formal federation (p. 395). On his views about empire, see Bell, *The Idea of Greater Britain*, ch. 5; see also John Burrow, *A Liberal Descent: Victorian Historians and the English Past* (Cambridge, 1981).

39. Freeman, 'The Physical and Political Bases of National Unity,' p. 45

40. Seeley, *The Expansion of England*, p. 296. There were critics of this view, though. John Morley, for example, argued that the colonial system was a weak 'artificial empire'. Morley, 'The Expansion of England,' *Macmillan's Magazine*, 49 (1884), p. 252. The 'unnaturalness' of imperial connections had been a key pillar in Bentham's critique of empire: Bentham, 'Emancipate Your Colonies!' [1793/1830] in Philip Schofield, Catherine Pease-Watkin and Cyprian Blamires (eds.), *Rights, Representation, and Reform: Nonsense upon Stilts and Other Writings on the French Revolution* (Oxford, 2002), pp. 296, 305. The pamphlet was written originally in 1793, but was only published in 1830.

41. H. Morse Stephens, book review, *The American Historical Review*, 4 (1899), p. 712.

42. See especially the chapters by Karuna Mantena, Sandra den Otter, and David Weinstein.

43. [A Colonist], 'A Proposed Reform of the English Constitution,' *Fraser's Magazine*, 8 (1873), p. 602.

44. Ferguson-Bowen, 'The Federation of the British Empire,' *Proceedings of the Royal Colonial Institute*, 17 (1885–6), p. 287; and De Labillière, 'Present Aspects of Imperial Federation,' *Imperial Federation*, 1/1 (1886), p. 5. For a sample of supra-parliamentary proposals, see: [Edward Jenkins], 'Imperial Federalism,' *Contemporary Review*, 16 (1871), pp. 165–88; and [Jenkins], 'An Imperial Confederation,' *Contemporary Review*, 17 (1871), where he demands a 'Federal Legislative Union under a Supreme Federal Government' (p. 78); [Urquhart Forbes], 'Imperial Federation,' *London Quarterly Review*, 4 (1885), p. 334; J. N. Dalton, 'The Federal States of the World,' *The Nineteenth-Century*, 16 (1884), pp. 96–118; and Samuel Wilson, 'A Scheme for Imperial Federation,' *The Nineteenth-Century*, 17 (1885), pp. 590–8.

45. Anon., '*Imperium et Libertas*,' *Westminster Review*, 57 (1880), p. 98.

46. W. J. Bradshaw, 'Imperial Federation' in London Chamber of Commerce, *England and Her Colonies* (London, 1887), pp. 79–80; Young, *On the Political Relations of Mother Countries and Colonies*, pp. 14 – 15; and Young, *Imperial Federation of Great Britain and her Colonies* (London, 1876), pp. 43 & ix. See also Granville Cunningham, *A Scheme for Imperial Federation* (London, 1895), p. 11.

47. Todd, *On Parliamentary Government in England* (London, 1887 [1867]), pp. x–xii; and Todd, *Parliamentary Government in the British Colonies* (London, 1880).

48. Arthur Mills, *Colonial Constitutions* (London, 1856), p. xxxix.

49. Hobhouse, *Democracy and Reaction*, ed. Peter Clarke (Brighton, 1972 [1904]), 154. See also J. R. Seeley, 'Georgian and Victorian Expansion,' *Fortnightly Review*, 48 (1887), p. 136.

50. Sidgwick, *The Elements of Politics*, 2nd edn. (London, 1897 [1891]), p. 548. On the need for rough parity in the size of the units, see also Sidgwick's post-humously published, *The Development of European Polity* (London, 1903), Lecture XXIX.

51. Mill, *Considerations on Representative Government*, pp. 450 & 449. Mill referred to the colonial empire as a 'modified federation' in a letter to the New South Wales journalist John Plummer, 24 January 1864, *Collected Works*, XXXII, p. 146. Note that Mill followed both George Grote and E. A. Freeman in regarding the ideal solution to the eventual problems of the Athenian empire as being a federation of their parts: 'Grote's History of Greece [IV]', *The Spectator*, 10 March 1859, *Collected Works*, XXV, pp. 1128–34. See also Freeman, 'Grote's History of Greece,' *North British Review*, 25 (1856), p. 149.

52. Mill, *Considerations on Representative Government*, p. 450. On the importance of deliberation in Mill's political thought, see Nadia Urbinati, *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago, 2002).

53. Letter to Arthur Patchett Martin, 10 October 1871, *Collected Works*, XXII, p. 233. Italics in original.

54. Indeed, the above passage from the *Considerations on Representative Government* was criticised by imperial federalists; see for example William

Greswell, 'Imperial Federation: Prize Essay' in London Chamber of Commerce, *England and Her Colonies*, p. 2. Critics of federation also drew on it: Morley, 'The Expansion of England,' p. 256.

55. Freeman, *History of Federal Government, from the Foundation of the Achaian League to the Disruption of the United States* (London, 1863), esp. ch. 1.

56. Freeman, *History of Federal Government*, pp. 3, 9 & 26.

57. Forster, *Our Colonial Empire* (Edinburgh, 1875), p. 31. Forster was the first President of the IFL.

58. Forster, 'Imperial Federation,' *The Nineteenth Century*, 17 (1885), pp. 201–2. See also Forster, comments, in *Imperial Federation League, Report on the Adjourned Conference and of the First Meeting of the League* (London, 1884), p. 12.

59. Freeman, 'Imperial Federation,' *Macmillan's Magazine*, 51 (1885), pp. 433–4, 441.

60. Forster, comments, Executive Committee meeting of the IFL, 27 January 1885, IFL Minute Book, British Library Add Ms 62778, p. 43.

61. On the ambivalent role played in imperial debate by the idea 'practical politics', see Bell, *The Idea of Greater Britain*, ch. 5.

62. Seeley, *The Expansion of England*, p. 293. And: 'by Greater Britain we mean an enlargement of the English State and not simply of the English nationality' (p. 42). See also Seeley, 'Georgian and Victorian Expansion,' *Fortnightly Review*, 48 (1887), p. 133. Seeley nowhere discusses the practical details of governing Greater Britain, but his views on federation in the *Introduction to Political Science*, and especially his admiration for the United States, point, I would argue, towards a vision of a fully federal global state (see Seeley, *Introduction*, pp. 95–100). See also Bell, *The Idea of Greater Britain*, ch. 4.

63. Seeley, *The Expansion of England*, pp. 169 & 75.

64. Meadowcroft, *Conceptualizing the State*, pp. 45–7; and Bartelson, *The Critique of the State*, p. 52. See also, Seeley, *Introduction to Political Science*, p. 17; and Seeley, *Natural Religion* (London, 1882), p. 185.

65. For a later example of this minimalist 'administrative unit' conception of the British empire as a state, see Norman Angell, *The Great Illusion: A Study of the Relation of Military Power to National Advantage* (London, 1913), pp. 298 & 304.

66. Seeley, *The Life and Times of Stein, or Germany and Prussia in the Napoleonic Age* (Cambridge, 1878), II, pp. 17 & 35. See also Seeley, 'History and Politics, II,' *Macmillan's Magazine*, 40 (1879), p. 297; and Seeley, 'Georgian and Victorian Expansion,' p. 126; as well as Fichte, *Addresses to the German Nation*, ed. George A. Kelly (New York, 1968 [1807–8]).

67. Seeley, *The Expansion of England*, pp. 11, 50, & 220. See also Seeley, *Introduction to Political Science*, pp. 68–70. For his ambiguity on this point, see Bell, *The Idea of Greater Britain*, ch. 4.

68. From a vast literature on the permutations of republican (and/or civic humanist) thought, see J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975); Iseult Honohan, *Civic Republicanism* (London:, 2002); and Martin van Geldren and Quentin Skinner (eds.), *Republicanism: A Shared European Heritage*, 2 vols. (Cambridge, 2002).

69. Duncan Bell, 'The Idea of a Patriot Queen? The Monarchy, the Constitution, and the Iconographic Order of Greater Britain, 1860–1900,' *Journal of Imperial and Commonwealth History*, 34 (2006), 2–19; and Bell, *The Idea of Greater Britain*, esp. ch. 5.

70. Another position (which I am not examining here) regarded the Greater Britain as composed of multiple nations, bound by ties of race and political institutions. This position became dominant during the Edwardian era. See here Bell, *The Idea of Greater Britain*, ch. 4.

71. Egerton, *Short History*, p. 477; Anon., 'A Colony and Parliament,' *The Colonist*, June 26 1874, printed in *Imperial Federation of Great Britain and her Colonies*, ed. Young, p. 152. On the general importance of the nation in political thought, from a critic of federation, see E. A. Freeman, *Comparative Politics: Six Lectures read before the Royal Institution in January and February, 1873* (London, 1873), pp. 81–3.

72. Froude, *Oceana*, pp. 15–16. On the conflation of 'English' and 'British' so common at the time, see Krishan Kumar, *The Making of English National Identity* (Cambridge, 2003).

73. 'What is Imperial Federation?' (1890); a copy can be found in the Minute Book of the General Committee of the Executive Committee of the IFL, British Library, Add MS, 62779, p. 256.

74. Julius Vogel, 'Greater or Lesser Britain,' *The Nineteenth Century*, 1 (1877), p. 813; and Seeley, *The Expansion of England*, p. 63.

75. Vogel, 'The British Empire: Mr Lowe and Lord Blachford,' *The Nineteenth Century*, 3 (1878), p. 617. On the need to collapse the artificial distinction between 'domestic' and 'foreign' see also [John Edward Jenkins], 'Imperial Federalism,' p. 178. For some general comments on this issue, see R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge, 1993).

76. Mill, *Considerations on Representative Government*, pp. 449–50. See also, Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* [1776], ed. W. B. Todd (Oxford, 1976), p. 619, and Edmund Burke, 'Speech on Conciliation with America' (22 March 1775), *The Writings and Speeches of Edmund Burke*, ed. W. M. Elofson with John A. Woods (Oxford, 1996), III, pp. 124–5.

77. Duncan Bell, 'Dissolving Distance: Technology, Space, and Empire in British Political Thought, 1770–1900,' *The Journal of Modern History*, 77 (2005), pp. 523–63; and Bell, *The Idea of Greater Britain*, ch. 3.

78. Forster, 'Our Colonial Empire,' p. 9. Cf. Burke, 'On Conciliation with the Colonies,' pp. 124–5.

79. Froude, *Oceana*, p. 78.

80. Seeley, *The Expansion of England*, pp. 62 & 74–5.

81. Seeley, 'Introduction' to *Her Majesty's Colonies* (London, 1886), pp. xi & xii. Seeley also referred to America as a 'world-state' (*The Expansion of England*, p. 293).

82. Tocqueville, *Democracy in America*, trans. Henry Reeve, 2 vols. (London, 1862 [1835–40]), II, pp. 456–7. The impact of Tocqueville's thought on mid-Victorian debates about empire is examined in Edward Beasley, *Empire as*

the *Triumph of Theory: Imperialism, Information, and the Colonial Society of 1868* (London, 2005).

83. Sir Samuel Wilson, 'A Scheme for Imperial Federation,' *The Nineteenth Century*, 17 (1885), p. 590.

84. As advocated, for example, by J. A. Hobson and D. G Ritchie. See also Weinstein, 'Consequentialist Cosmopolitanism.'

85. Charles Oman, *England in the Nineteenth Century* (London, 1899), p. 258.

86. Most prominently articulated in Machiavelli's defence of 'republican empire': Mikael Hörnqvist, *Machiavelli and Empire* (Cambridge, 2004).

87. Edward Salmon, 'The Colonial Empire of 1837,' *Fortnightly Review*, 61 (1897), p. 863.

88. Vogel, 'Greater and Lesser Britain,' pp. 818–19.

89. Greswell, 'Prize Essay: Imperial Federation,' p. 6.

90. The language of 'planting' – both people and vegetation – has been central to the idea of colonisation since the Romans. After all, the Latin term *colonia* derived from the verb *colere*, meaning to cultivate, or to farm. See Moses Finley, 'Colonies – An Attempt at a Typology,' *Transactions of the Royal Historical Society*, 5th series, 6 (1976), p. 173.

91. Brabazon, 'State-Directed Colonization,' *National Review*, 9 (1887), p. 537.

92. Froude, *Oceana*, p. 8. For Froude's withering attack on luxury, see 'Reciprocal Duties of State and Subject,' *Fraser's Magazine*, 81 (1870), pp. 285–392. See also Lord Brassey, 'On Work and Wages in Australia' in *Papers and Addresses of Lord Brassey*, ed. Arthur H. Loring and R. J. Beardon (London, 1895), pp. 235–47.

93. Froude, 'England and her Colonies,' p. 15.

94. On the decline of enthusiasm, see Karuna Mantena's chapter in this volume, as well as her *Alibis of Empire: Social Theory and the Ideologies of Late Imperialism* (Princeton, forthcoming). This claim should not be over-generalised, however, as many imperial administrators and advocates remained fully committed to the project.

95. Amery, 'Imperial Unity,' speech, 15 July 1910, in Amery, *Union and Strength: A Series of Papers on Imperial Questions* (London, 1912), p. 2. See also, Hedley Bull, 'What is the Commonwealth,' *World Politics*, 11 (1959), p. 578.

96. Laski, *A Grammar of Politics* (London, 1926 [1925]), p. 580.

Radicalism and the extra-European world: the case of Karl Marx

Gareth Stedman Jones

I. THE RADICAL CRITIQUE OF EMPIRE

The radical case against empire remained remarkably constant between Paine at the end of the eighteenth century and Hobson at the end of the nineteenth; and that included Marx.[1] This was true, whether of its depiction of the colonists, its exposure of the corrupt arrangements between government and trading companies, its attack upon indefensible monopolies or its highlighting of the cost to the tax-payer. But Marx's attitude towards extra-European and pre-capitalist societies underwent a remarkable transformation between 1848 and the 1870s.

Among a small minority, there had been condemnation of the brutality and greed accompanying European exploration and conquest ever since the Spanish debate about the Conquistadors in the sixteenth century. But after 1750, criticism became both more comprehensive and more intense. This was in part the result of the beginnings of a sustained campaign against slavery, in part the result of a growing conviction that the Seven Years War of 1757–1763 – the first truly global conflict – had been 'altogether a colony quarrel'.[2] Two works in particular shaped the terms – moral, historical and economic – in which criticism would be made. The first was the *Histoire des deux Indes*, a collective work containing nineteen books, which first appeared under the name of the Abbé Raynal in 1772.[3] The second, Adam Smith's *Wealth of Nations*, was first published in 1776. In both cases enthusiasm for long distance commerce and the opportunities it afforded for communication and mutual benefit between distant peoples was contrasted with the squalid record of robbery, corruption, massacre or enslavement, meted out to all who had encountered the European invaders since 1492.

Raynal's work quickly became a popular classic, running through thirty editions in seventeen years.[4] It was principally known for its detailed accounts of the greed, cruelty and deceit of successive waves of colonisers – the

Spaniards, Portuguese, Dutch, French, English and Danes. Diderot, one of its unavowed authors, also attempted to explain why Europeans, cut loose from their own societies, had proved capable of acts of such excessive cruelty, greed or arrogance. He portrayed European invaders as adventurers without a *patrie*, and therefore not inhibited by the presence of fellow citizens. Released from normal restraints, the European became 'an unleashed tiger', indifferent to the fate of the people or lands he invaded and interested only in the riches he might amass in the shortest possible time.[5] Conjoined with this critique was a growing emphasis upon the bellicosity of mercantilist conceptions of economic well-being. Attention was drawn to 'the fierce desire' among the European powers to build exclusive commercial ties to the non-European world, the real 'motive for which you take arms, and massacre each other'.[6] *The Wealth of Nations* concentrated upon this point. Smith directed a 'very violent attack' against a 'commercial system' which depended upon special taxes, export bounties, monopolies, garrisons, colonies and national fleets.[7] Ever since 1492, it had been attended by patently unjust practices. Its main beneficiaries were trading companies, obliged by their wasteful and fraudulent practices to secure monopolies and government support. The consequent rivalry between states in support of their associated trading companies was in turn responsible not only for greed and corruption, but for wasteful taxation and unnecessary wars of conquest.[8]

Such criticisms became the staple fare of radical critics during the years of the American and French Revolutions. A youthful Tom Paine denounced Clive's military triumphs in India in the following terms: 'The wailing widow, the crying orphan, and the childless parent remember and lament; the rival nabobs court his favour; the rich dread his power, and the poor his severity. Fear and terror march like pioneers before his camp, murder and rapine accompany it, famine and wretchedness follow in the rear.'[9] According to Condorcet in his *Sketch for A Historical Picture of the Progress of the Human Mind*, published in 1795, 'The history of our settlements and commercial undertakings in Africa and Asia ... our trade monopolies, our treachery, our murderous contempt for men of another colour or creed, the insolence of our usurpations, the intrigues or the exaggerated proselytic zeal of our priests, have destroyed the respect and goodwill that the superiority of knowledge and the benefits of our commerce at first won for us in the eyes of the inhabitants.' These settlements had been staffed by 'government hirelings hastening, under the cloak of place and privilege, to amass treasure by brigandry and deceit, so as to be able to return to Europe and purchase titles and honour'.[10] Criticism

focused increasingly upon what modern historians have called the 'fiscal-military state'. As Paine put it, 'All the monarchical governments are military. War is their trade, plunder and revenue their objects. While such governments continue, peace has not been the absolute security of a day.'[11]

After 1815, this form of state gradually began to be dismantled. Between 1815 and 1835, there was a 25 per cent reduction in government expenditure, tariffs were reduced and sinecures cut down. As a result, during the revolutionary years of 1848 to 1849, the British empire was quite overstretched. But even so, in 1850, British colonial expenditure remained at a record level and parsimony made surviving excesses of imperial expenditure stand out more sharply.[12] The Indian case was particularly prominent. After the 1780s, the trading role of the East India Company and its Commercial monopoly was confined to the trade with China. In other respects, the Company had become in effect an agent of government. Yet the ambiguous boundary between its mercantile and government functions remained. As Jean Baptiste Say remarked, despite promises going back to 1767, the Company did not pay the state an annual sum of £400,000. Instead, it accumulated a debt, which by 1824 had reached 48 million pounds, while proprietors continued to be paid an annual dividend of over 10 per cent.[13] It was no wonder that Cobden in 1836 should classify 'the colonies' together with 'the Army, Navy and Church ... and the Corn Laws' as 'merely accessories to our aristocratic government'.[14]

Marx's writings on empire – particularly his contributions to the *New York Daily Tribune* in the 1850s – shared this approach.[15] The East India Company, he stated, dated back to an agreement between constitutional monarchy and 'the monopolising monied interest' after the 1688 Revolution. Originally, its treasures were gained less by commerce than by 'direct exploitation'; and colossal fortunes were extorted and transmitted to England. After the Seven Years War, 'oligarchy absorbed all of its [the Company's] power which it could assume without incurring responsibility'.[16] Like Say, Marx noted that in terms of a 'surplus of Indian receipts over Indian expenditure' 'nothing whatever reaches the British Treasury'.[17] The Court of Directors itself dispensed each year appointments of the value of nearly £400,000 among the upper classes of Great Britain. It was also attended by a large and exceedingly slow-moving bureaucracy. As Marx summed the situation up: 'The oligarchy involves India in wars, in order to find employment for their younger sons; the moneyocracy consigns it to the highest bidder; and a subordinate bureaucracy paralyse its administration and perpetuate its abuses as the vital condition of their own perpetuation.'[18]

II. THE SHIFT IN CONCEPTIONS
OF THE EXTRA-EUROPEAN WORLD 1750–1850

But this continuity was deceptive. Around the beginning of the nineteenth century, there was a dramatic shift in conceptions of the extra-European world. Enlightened attitudes around the middle of the eighteenth century were perhaps best captured by the serenely laughing Chinaman surmounting Frederick the Great's fanciful pagoda at Sans Souci in Potsdam. For leading *philosophes*, Asia had stood for the calm and peace of an ancient civilisation; it provided a foil to the doctrinal absurdities and religious bellicosity of the Europeans. Used primarily as a literary device in Montesquieu's *Lettres Persanes*, this stance had been elaborated into a substantive historical argument in Voltaire's *Essai sur les Moeurs*. Against the so-called *Universal History* of Bossuet, an amplification of the sacred history recounted in the Bible, Voltaire had put forward a rival universal history that began with an account of China, India and Persia. Not only had these nations become civilised long before the West, but their antiquity also cast doubt upon the time-scale of the Bible. Basing himself on travellers' tales and missionary reports, Voltaire praised the stable and peace-loving empires of the East for their rational monotheism, their morality and their lack of superstition. Others drew parallels between Spinoza and Confucius, whose 'natural' philosophy was said to be based solely upon reason and truth.[19]

Even among those with a less starry-eyed view of oriental culture, there was still relatively little sense of a vast or unbridgeable gap between Europe and Asia. Smith wrote of Bengal as a country 'remarkable for the exportation of a great variety of manufactures' and he praised its recently overthrown 'Mohametan government' for the making and maintaining of good roads and navigable canals and for the moderation of its land-tax.[20] After the Seven Years War, it is true, Europe's advantage over Asia became inescapable.[21] But, however exploitative the behaviour of the East India Company, there remained a respect for local beliefs and institutions. Warren Hastings, later vilified by Evangelicals and Philosophic Radicals alike, learnt Persian and strongly supported both the foundation of the Bengal Asiatic Society and the work of the pioneer Sanskrit scholar, Sir William Jones. During his time, the Company patronised the Hindu and Muslim religions. Troops were paraded in honour of Hindu deities and Company offices observed Indian rather than Christian holidays.[22]

During the years of the American and French Revolutions, there developed a new sort of radicalism based upon the global possibilities of

commercial society. Inspired by the *Wealth of Nations* and Hume's *Essays*, Tom Paine already believed that trade could create 'universal civilisation'. 'Up until recently,' Paine wrote in 1782 in his *Letter to the Abbé Raynal*, 'mutual wants have formed the individuals of each country into a kind of national society, and here the progress of civilisation has stopped.' But now, he continued, 'the condition of the world' was being 'materially changed by the influence of science and commerce' which could lead to 'an extension of civilisation'.[23] The Revolution in France led to the hope that old forms of plunder would give way to the peaceful progress of civilisation across the globe.[24] Once the evils created by 'force and fraud' had been removed, Condorcet believed, 'the peoples of Europe' would confine themselves to free trade and would understand 'their own rights too well to show contempt for those of other people'. 'Men occupied in propagating amongst them the truths which will promote their happiness will then aid the peoples of Asia and Africa.' But for all its heartfelt generosity, within this new radicalism there could be detected an ominous shift in cultural assumptions. 'These vast lands', Condorcet continued, 'are inhabited partly by large tribes who need only assistance from us to become civilised, who wait only to find brothers amongst the European nations to become their friends and pupils.'[25] The 'universal civilisation' to which Paine and Condorcet aspired, together with the rationalist theory of progress, which now underpinned it, was unambiguously European in form.

This shift towards a Eurocentric rationalism had already been made by Condorcet's mentor, Turgot, in his *Philosophical Review of the Successive Advances of the Human Mind* of 1750. Turgot claimed that the regions first to become enlightened were not those where the sciences made their greatest progress. Despotism had impeded their development.[26] Thus in his famous *Sketch for a Historical Picture of the Progress of the Human Mind*, published in 1795, Condorcet moved from the earliest stages of hunting and gathering, and pasture and agriculture, straight on to the Greeks, the Romans and the European middle ages. In the development of civilisation, the Orient now barely merited a mention.

After the French Revolution and the British triumph at Waterloo, the terms of the contrast became even sharper. In India, a convergent distaste for the local culture shared by born-again Evangelical Anglicans and Philosophical Radicals eager to try out a Benthamite legal code led to a reversal of the policy of the East India Company. The 'Orientalists', led by Sir William Jones, were defeated. The Company ceased to patronise Hindu and Muslim cultures. Missionaries were no longer restrained and

in 1813, the first Anglican Bishop was appointed. Macaulay's 1835 Minute on Education declared English rather than Sanskrit or Arabic to be the official language. Indian art was condemned as idolatrous and serving no practical purpose; and in 1828, the Governor-General, William Bentinck, narrowly failed to secure the demolition of the Taj Mahal and the sale of its marble. A new and more intolerant breed of officials was now sent out from Britain.

III. RATIONALISM AND EUROCENTRISM: BRITAIN, FRANCE AND GERMANY

Three texts from Britain, France and Germany in the first quarter of the nineteenth century suggest how the lines between rationalism and the extra-European world had sharpened after the French Revolution. The first was James Mill's voluminous and uncompromising study, *The History of British India*, begun in 1806 and published in 1817. The intolerance of the new generation of East India Company officials can partly be attributed to Mill's book. It became the standard authority for aspirant Company employees, and remained a set-text for those sitting exams to enter the Indian Civil Service until well into the mid-Victorian period.[27]

Bentham had thought that in framing legislation the statesman needed to take account of 'the influence of time and place'. Mill claimed that 'degree of civilisation' in 'the scale of nations' could provide the appropriate universal yardstick. Scottish conjectural historians and rationalist theorists of progress had developed 'the scientific approach' to this question. Mill's *History of British India* was designed to show how this scientific approach could be applied. According to Macaulay, Mill's *History* was 'the greatest historical work which has appeared in our language since that of Gibbon'.[28] But it was a book singularly untouched by the new forms of historical investigation, which Gibbon's work had helped to inspire.[29] Mill claimed to follow Tacitus and Robertson in dismissing the need for 'ocular knowledge of the country'. Furthermore, he not only defended his lack of acquaintance with any Indian language, but also sharply reproached those whose defence of Hindu culture was based upon a familiarity with Sanskrit language and literature. Jones was attacked for his vague and inconsistent claims for Hindu 'civilisation'. Mill believed that 'civilisation' meant scientific knowledge (i.e. Newton) and universal moral laws. But the 'science' of the Hindus was nothing more than astrology. Similarly, their religion lacked 'elevated and pure and rational' ideas of God. It was not a deist religion, as Voltaire had claimed; Jones's championing of the poetic

strengths of Sanskrit obscured the fact that poetry belonged to the infancy of mankind and to a time when language was confined to the expression of passions. It was a hindrance to clear thought and the development of civilisation. As man progressed, words would be freed from artificial and confusing associations. In a modern language, there would only be one word for one thing. There was therefore no place for a language like Sanskrit, with its thirty different words to describe the sun.[30] In their employment of language as in their treatment of women, Mill saw the Hindus as still belonging to the barbaric past. Indeed, since '... the manners, institutions and attainments of the Hindus, have been stationary for many ages; in beholding the Hindus of the present day, we are ... carried back, as it were, into the deepest recesses of antiquity.'[31] Mill's conception of a barbarian stage encompassed not simply the Indians, but the Persians and Chinese, indeed all Asian societies. All these societies remained subject to the tyranny of priestcraft and despotic rule; and 'the existence of despotism' was 'a proof of low civilisation'.[32]

Equally indicative of the shift in opinion in the decades after 1810 was the 1824 pamphlet written by Jean Baptiste Say, *Historical Essay on the Rise, Progress and Probable Results of the British Dominion in India*. In 1816 in an earlier pamphlet, Say had not only emphasised the fact that the expenses of conquering India outweighed the profits to be derived from it, but had confidently predicted that 'the old colonial system will fall to the ground everywhere in the course of the nineteenth century', that instead of 'the mad pretension of administering the government of countries at a distance of two, three, or six thousand leagues', there would be 'a lucrative trade' between 'independent states'.[33]

In 1824, however, while not retracting his analysis of the profit and loss entailed by British rule in India, he claimed somewhat surprisingly that 'the situation of Hindustan was never happier than at the moment'. The British had brought peace, security and religious toleration: benefits to be super-imposed upon a passive Hindu culture and an unchanging Asia. 'The natives are quiet and laborious, and quite incapable of appreciating the effect of national independence and good political institutions upon individual happiness. The people of Asia resemble their flocks, who scarcely think it possible to live without a master; they are happy without knowing why, when fortune sends them a good one; and when the contrary happens, suffer patiently without troubling themselves as to the means of bettering their condition.'[34]Rather than desiring the freedom of India, he continued, 'ought we not rather to wish that it [the influence of Europe over Asia] should increase?' Asia had nothing to fear from European

influence, because 'with her despots and superstitions Asia had no good institutions to lose'. Europe, Say concluded, was destined to 'subdue the world' not by force of arms, but 'by the inevitable ascendancy of knowledge and the unceasing operations of her institutions'. It was no longer necessary to take up arms against the American Indian. Asia would need a longer time 'on account of her immense population and the inertia which long-rooted and immoveable customs opposed to every species of innovation'. But the march of events was inevitable. Traditional religions were declining; communication by sea was rapidly improving. Advancing civilisation would clear away obstacles to communication. For 'the more civilised nations become, the more will they perceive that it is in their interest to communicate with their neighbours'.[35]

For Hegel, as for Mill and Say, India had remained 'stationary' and 'fixed'. In his *Philosophy of History*, World History was divided into four 'worlds', the Oriental, the Greek, the Roman and the German. But whereas the links in development between the Greek, the Roman and the German were substantial, a far sharper division existed between the Oriental world and the others, especially between the Greeks and the Egyptians.[36] Development within the Oriental world was treated not as a matter of time, but of space.[37] Hegel's interpretation of India was more complex than that found in Mill, and unlike Condorcet, Mill and Say, he did not attribute India's plight to the mystifications of the priesthood. Religion, culture and society were intertwined at a deeper level. In a German context, Hegel was evidently irritated by the claims for Sanskrit as the ancient poetic root of all Indo-European languages. His account of India was therefore designed to strip away the romantic fantasies conjured up by 'Indomania'.[38] Unlike Humboldt and Schlegel, Hegel not only discussed Indian literature, but also its connection with law and politics.[39] If Sanskrit had been the basis of the languages of Europe, Hegel believed that its transmission had been 'prehistoric': 'prehistoric', since 'history is limited to that which makes an essential epoch in the development of spirit'. 'History requires understanding – the power of looking at an object in an independent objective light, and comprehending it in its rational connection with other objects.' 'Only by history does a people become aware of its path of development expressed in laws, manners, customs and deeds.' History provided a form of universality 'essential for a rational political condition'. By contrast, the spread of Sanskrit had been a 'dumb, deedless expansion' without a political context. For in India there was no history in the form of annals or transactions. Numbers and dates were arbitrary; some kings were said to have reigned 70,000 years. The only reliable records were those

provided by the Greeks or later the Mohommetans. 'The people of India have achieved no foreign conquests.' Conquest came from the outside, whether by Alexander on land or the East India Company by sea. 'For it is a necessary fate of Asiatic empires to be subjected to the Europeans.'[40]

India represented an advance over China, which remained wholly external in its 'patriarchal substantiality' and its 'undifferentiated unity of individuals'. It created a freedom of separation against 'the all-subduing power of unity': independent members ramified from the unity of despotic power. But the distinction that these implied was referred to nature and petrified into a caste system, which by its 'rigid stereotyped character' condemned the Indian people to 'the most degrading spiritual serfdom'. Individuals should arrive at 'subjective freedom' and doing so, give an objective form to these diversities. But Indian culture had not reached the recognition of freedom and inward morality. The distinctions, which prevailed, were only those of occupation and civil condition, and like 'the rigid unity' in China 'remain the same as they were in the beginning'. Individuals were bound for life to their class; 'all vitality sinks back to death'. Every caste had its own special duties and rights. In the case of the Brahmins, a state of divinity conferred on them by birth freed them from taxes and the payment of interest beyond 2 per cent.[41] Relations of caste were essentially religious. India was 'an enchanted world', 'a fairy region', a 'wild extravagance of fancy' in which 'the dreaming Unity of Spirit and nature involves a monstrous bewilderment in regard to all phenomena and relations'. Absolute being was grasped only in the ecstatic state of a dreaming condition in which 'the individual ceased to be a conscious self distinguished from other objective existences'. 'One substance pervades the Whole of things, and all individualisations are directly vitalised and animated into particular powers.' 'Sensuous matter and content' was not 'liberated by the free power of the spirit into a beautiful form', but 'simply ... taken up and carried over into the sphere of Universal and Immeasurable'. It was 'Universal Pantheism'. But only of the imagination.

As a result, the Divine was made 'bizarre'. 'The morality which is involved in respect for human life is not found among the Hindus.' Abstract unity with God was realised in abstraction from humanity and the highest state was 'annihilation'. Incarnation of the divine in human form was not of special importance. It could equally be embodied in a parrot, a cow or an ape. There were hospitals for old cows or monkeys, but not a single institution to assist aged human beings. All finite existence was deified. God was embodied as much in the excesses of sensualism as in the highest expression of the spirit. This intertwining of religion, culture and

politics through the caste system prevented the emergence of a proper state. The state was based upon freedom of the will realised as law. But in India, there was no freedom of the will and despotism without principle could hold sway. Elsewhere in Asia – even in China – despotism was seen as contrary to the order of things. But in India, there was no sense of personal independence with which a state of despotism could be compared. The only restraint upon the ruler was the caste system itself. The social and political arrangements governing village life were also fixed. Half the product went to the producers, the rest to the rajah. In sum, absence of freedom reinforced the inertia of Indian society at all levels. All political revolutions were therefore 'matters of indifference' to the common Hindu, for his lot was unchanged.[42]

Marx's writings of the 1850s and 1860s inherited and reproduced these images of the passive immobility of the extra-European world.[43] 'However changing the political aspect of India's past must appear,' Marx wrote in the *New York Herald Tribune* on 10 June 1853, 'its social condition has remained unaltered since its remotest antiquity.' 'Indian society has no history at all, at least no known history. What we call its history, is but the history of the successive intruders who founded their empires on the passive basis of that unresisting and unchanging society.' Nearly a decade later, his view of Asian empires had not fundamentally changed. In 1862 he described China as 'that living fossil', and explained that 'the Oriental empires demonstrate constant immobility in their social substructure, with unceasing change in the persons and clans that gain control of the political superstructure'.[44] Marx was at one with James Mill and Hegel in a feeling of distaste for the orientalist fantasies of 'the Romantic school'.[45] 'We must not forget that these idyllic village communities, inoffensive though they may appear, had always been the solid foundation of Oriental Despotism, that they restrained the human mind within the smallest possible compass, making it the unresisting tool of superstition, enslaving it beneath traditional rules, depriving it of all grandeur and historical energies.' Not only were these little communities 'contaminated' by caste and slavery, but, as Marx noted, following Hegel, India's religion was at once, one of 'sensualist exuberance' and 'self torturing asceticism'. Above all, these communities 'subjugated man to external circumstances, instead of elevating man to be the sovereign of circumstances'. It was this 'brutalising worship of nature' that accounted for the worship of 'Kanuman the monkey, and Sabbala the cow'.[46] The only real question to be resolved was how the 'unchanging' character of 'oriental despotism' was to be explained in terms of Marx's picture of historical development as a progressive sequence of

'modes of production'. In 1853, encouraged by Engels, Marx thought the unchanging character of Asia could be explained, firstly, by 'the leaving to central government the care of great public works', especially irrigation, and secondly, a 'village system' based upon 'the domestic union of agricul-tural and manufacturing pursuits' agglomerated in small centres.[47] By the late 1850s, however, he came to emphasise the absence of private property in land as the crucial feature. On the basis of his researches in the *Grundrisse* on 'pre-capitalist economic formations', he also felt confident enough to write of an 'Asiatic' mode of production as the first stage in the 'economic development of society'.[48] However, the search for common features shared by societies and states allegedly defined by this mode of production turned out to be in vain; and it is notable that after 1859 Marx never again explicitly referred to the concept.[49]

IV. THE 1850S AND 1860S: REVOLUTION FROM WITHOUT

What part then, would be played by the extra-European world in the revolution, which would result from the ever more far-reaching intrusion of global capitalism? Or, as Marx saw it in 1853, 'Can mankind fulfil its destiny without a fundamental revolution in the social state of Asia?'[50] Marx agreed with the writers of the 1820s that change in Asia must come from outside. James Mill had thought that a legislative system adapted to Hindu culture would only prolong India's stationary condition. Laws designed to accelerate India's progress would be simple and cheap. The obvious answer, therefore, was that the English introduce a Benthamite code.[51] Say believed that 'Europe will subjugate the world by the inevitable ascendancy of its knowledge', by 'the unceasing operations of her institu-tions', and by the perfecting of 'communication by water'.[52]

In *The Communist Manifesto* Marx firmly placed his confidence in 'the bourgeoisie', 'the cheap prices' of whose 'commodities are the heavy artillery with which it batters down all Chinese walls'. 'It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilisation into their midst.'[53] He elaborated this thought in one of his *New York Daily Tribune* articles on India in 1853. The age-old 'village system' based upon the 'domestic union of agricultural and manufacturing pursuits' was being 'dissolved', 'not so much through the brutal interference of the British tax-gatherer and the British soldier, as to the working of English steam and English free trade'. British rule was bringing the advantages of political unity, European

science, a European trained army, a free press, British trained civil servants, the abolition of the old system of common-land tenure and a shorter passage between India and England. If the revolution depended upon the social transformation of Asia, England 'was the unconscious tool of history in bringing about that revolution'.[54]

During the 1850s and 1860s this basic attitude did not change significantly. Unlike Maine, Marx's thinking was not deeply affected by the Indian Mutiny. The Indian revolt did not begin with the Ryots, who were 'tortured, dishonoured and stripped naked by the British', but with 'the Sepoys, clad, fed, petted, fatted and pampered by them'. He therefore compared the Sepoy revolt with that of the French nobility against the monarchy on the eve of the fall of the *Ancien Régime*.[55] His reports dwelt mainly upon the cruelties inflicted by both sides and details of the fighting. It was only after a speech by Disraeli that he was prepared to concede that the insurrection might not simply be 'a military mutiny', but 'a national revolt'.[56] His attitude to the Taiping rebellion was even more distant. It fitted perfectly his belief that 'Oriental empires demonstrate constant immobility in their social substructure, and unceasing change in the persons and clans that gain control of the political superstructure.' As for the rebels, they are aware of no task except changing the dynasty. 'They have no slogans' and 'They seem to have no other vocation than, as opposed to conservative stagnation, to produce destruction in grotesquely detestable forms, destruction without any nucleus of new construction.'[57]

In some writings during the same period, Marx noted the extent of customer resistance to British incursions. In China, where the self-sustaining 'combination of husbandry with manufacturing industry' could not be undermined, as in India by tampering with the 'peculiar constitution' of landed property, the village system was proving more resilient than his first reports had anticipated.[58] He had also begun to believe that small-scale village production might possess some economic advantages over modern industry. Discussing India and China in the early 1860s, he conceded that while in India the low prices of British goods had helped to destroy the spinning and weaving industries, 'the substantial economy and saving in time afforded by the association of agriculture with manufacture put up a stubborn resistance to the products of the big industries, whose prices included the *faux frais* of the circulation process which pervades them'. Because of this, 'the work of dissolution proceeds very gradually; and still more slowly in China, where it is not reinforced by direct political power'.[59]

In these writings, Marx firmly included Russia alongside other 'Asiatic societies'. In his 1859 *Contribution to the Critique of Political Economy*, Marx

used researches in pre-history to combat the 'absurdly biased view' that '*primitive* communal property is a specifically Slavonic, or even an exclusively Russian phenomenon'. He pointed out that such forms could also be found 'among Romans, Teutons and Celts' and still survived in a disintegrated form in India.[60] The passage was repeated, almost word for word, and with the same examples, in the first edition of *Capital*.[61] As Marx wrote to Engels in 1868, Russian village institutions, far from being unique, were a survival of a mode of production once found in Europe as well as Asia. 'The whole business *down to the smallest detail*, is absolutely identical with the *Primeval Germanic* communal system.' But he went on specifically to align 'the Russian case' with 'part of the Indian communal systems', highlighting in particular 'the *non-democratic*, but *patriarchal* character of the commune leadership' and 'the *collective responsibility* for taxes to the state'.[62]

   Marx's target was the Slavophile theory which identified the Slavic spirit with the church, popular traditions and the *obshchina* (the communal institutions of ownership in the Russian village). Particularly alarming to Marx was the fact that this theory appeared to have been accepted not simply by romantics and conservative nationalists, but also by liberals and socialists. Hence his outburst against Herzen at the end of the first German edition of *Capital*. Herzen was accused of prophesying the rejuvenation of Europe through 'the knout' and 'the forced mixing with the blood of the Kalmyks'. 'This Belle Lettrist', he went on, 'has discovered "Russian" communism not inside Russia but instead in the work of Haxthausen, a councillor of the Prussian government.'[63]

v. MARX AFTER 1870

In the years after 1870, there was a remarkable change in Marx's general outlook. Commentators have noticed shifts in particular areas, but have rarely attempted to make connections between them. They have therefore generally missed the subtle but noticeable changes in the character of Marx's theory as a whole. These included the abandonment of *Capital* and a retreat from the universal and unilinear terms in which Marx had framed his theory in 1867. This was accompanied by a growing interest in the pre-history or early history of man. Politically, it was marked by an acceptance of the strategy of the Russian Populists in preference to the 'orthodox' Marxism of the group gathered around Plekhanov in Geneva. The old faith in the world-transforming advance of the bourgeoisie and a post-bourgeois modernity faded. Post-capitalism yielded to anti-capitalism. The recurrent

points of emphasis in Marx's late writings were that the pre-history of man had been that of primitive communities, that capitalism was an unnatural and ephemeral episode in the history of mankind, and that man's future lay in a return to a higher form of a primordial communal existence. Alongside this shift went a change in Marx's attitude towards societies subjugated and colonised by the empires of Europe.

I discuss these changes here only insofar as they help to explain the shift in Marx's conception of the extra-European and pre-capitalist world. Particularly relevant was Marx's changing conception of what in 1859 he had called the 'Asiatic' mode of production. In his writings of the 1850s, especially the *Grundrisse*, Marx had frequently argued that the Asiatic form remained nearest to the original communal form of society. 'Direct communal property' was identified with 'the oriental form', or 'the older and simpler form as it occurs in India and among the Slavs', or that in which 'the fundamental condition of property based on tribalism' was least modified. For 'in the midst of Oriental Despotism and the absence of property which it juridically appears to imply, there in fact exists as its foundation, this tribal or communal property'. Writing of 'communal property' or 'spontaneously evolved communism', Marx stated, 'India offers us a pattern card of the most diverse forms of such an economic community, more or less decomposed, but still entirely recognisable; and more thorough historical study finds it as the starting point of all cultured peoples.'[64]

In the writings of the 1850s and 1860s, this form of communal property appeared inseparable from despotic rule. Nowhere was there any indication that the culture or politics of these regions contained – in however camouflaged a form – some germ of a different future. On the contrary, what stood out most sharply was their imprisonment in an irrational and despotic past. As Marx wrote of 'the ancient Asiatic and other modes of production' in *Capital*, 'these ancient social organisms are, as compared with bourgeois society, extremely simple and transparent. But they are founded either on the immature development of man individually, who has not yet severed the umbilical cord that unites him with his fellow men in a primitive tribal community, or upon direct relations of subjection.'[65] If in Asiatic and other pre-capitalist societies, communal ownership came coupled with despotism or 'lordship and bondage', it clearly had no place in a communist future. But after 1870, Marx discarded the assumption that communal property and despotic rule went together. The change was most obvious in his references to Russia. In 1881, Vera Zasulich from the Geneva group around

Plekhanov requested Marx to make clear his position on the Russian village commune. After the emancipation of the serfs in 1861, she asked, would the commune inevitably disappear as Russian capitalism developed? Or could it, before capitalist development became unstoppable, become 'the direct starting point' or 'element of regeneration in Russian society?' In reply, Marx conceded that 'isolation' even if not 'an immanent characteristic' was a weakness of the commune and that 'wherever it is found, has caused a more or less centralised despotism to arise on top of the communes'. Yet despite this, he now argued that 'it is an obstacle which could easily be eliminated', that it would be 'an easy matter to do away with . . . as soon as the government shackles have been cast off', or even that 'it would vanish amidst a general turmoil in Russian society'.[66]

What had apparently persuaded Marx to change his evaluation of the village commune had been Nicholas Chernyshevsky's essays on the community ownership of land in Russia, and his review of Haxthausen. Chernyshevsky stripped away the Slavophile mysticism surrounding the Russian communal institutions, dismissing it as a symptom of the nation's backwardness. But he then went on to argue that this backwardness could now be an advantage. For 'the development of certain social phenomena in backward nations, thanks to the influences of the advanced nation, skips an intermediary stage and jumps directly from a low stage to a higher stage'.[67] If this was correct, Chernyshevsky believed, it would be possible for Russia to proceed straight from the village commune to socialism. Marx accepted Chernyshevsky's claim. In 1873 in the second German edition of *Capital*, he dropped the sneering reference to Herzen, and instead introduced a fulsome tribute to Chernyshevsky, 'the great Russian scholar and critic'.[68] Acceptance of this claim also meant abandoning the universal terms in which Marx had originally framed his argument. From the first edition of *Capital* in 1867, one sentence in particular stood out. It stated – and added an exclamation mark for further emphasis – that, 'the country that is more developed industrially only shows, to the less developed, the image of its own future!'[69] In the 1870s, Marx stealthily backed away from this claim. In the second German Edition of 1873, the exclamation mark was dropped, and in the French translation of 1875, the chapter on 'Secret of Primitive Accumulation' was amended to imply that the story of the dispossession of the English peasantry from the land only applied to the path followed by Western Europe. This enabled Marx two years later to dissociate himself from the idea that *Capital*'s depiction of the process of 'primitive accumulation' necessarily applied to Russia.[70]

It is also clear that Marx had come to endorse the politics of Populism. That is, he agreed that following the Emancipation of the serfs in 1861, a socialist revolution must be made *before* capitalist development in the countryside destroyed the village commune. In one of the drafts of the letter to Vera Zasulich in 1881, Marx declared, 'to save the Russian commune, a Russian revolution is needed', and went on to argue that 'If the revolution comes at the opportune moment, if it concentrates all its forces so as to allow the rural commune full scope, the latter will soon develop as an element of regeneration in Russian society and an element of superiority over the countries enslaved by the capitalist system.'[71] At the same time, Marx strongly repudiated those of his social-democratic followers who believed that a socialist revolution would only be possible in the aftermath of capitalist development. In another of the drafts of the Zasulich letter, referring presumably to other members of Plekhanov's group, Marx wrote, 'The Russian "Marxists" of whom you speak are quite unknown to me. Russians I know hold diametrically opposed views.'[72]

Marx's vision of the village commune in the 1870s should not be seen solely as a shift of position on Russia.[73] It clearly went together with other changes, political and theoretical. Politically, the prospect of anti-capitalist revolution in the industrialised nations was becoming remote. This had become clear in the aftermath of the Franco-Prussian War, the defeat of the Commune, and the growth of moderate and constitutionally-oriented labour movements in Western Europe and North America. Conversely, the future of tsarist Russia looked increasingly unstable, particularly at the outset of the Russo-Turkish war in 1877. Intoxicated by the prospect of Russian defeat and revolution, an excited Marx wrote to Sorge in September 1877: 'This crisis is a *new turning point* for the history of Europe ... This time the revolution will begin in the East, hitherto the impregnable bastion and reserve army of counter-revolution.'[74] But in this war, the Russians won.

VI. THE CRITIQUE OF CIVILISATION

Political disappointment was compounded by theoretical difficulty. For reasons which have yet to be made clear, Marx abandoned *Capital*, his critique of political economy. One reason may have been the inconclusive character of his study of capitalist crisis.[75] Another reason may have been his inability to produce a coherent theory of the state.[76] Ill health was no doubt in part to blame. But that did not prevent the growth of other interests, notably his Russian researches and an increasing preoccupation

with the early history of man.[77] The character of these interests also suggested a distancing from his previous perspectives, particularly the preoccupation with pre-history from the late 1870s. Firstly, references to capitalism, so expansive in the 1850s, became cursory and dismissive. The Russian rural commune could bypass capitalism, Marx argued, because it could appropriate its 'positive acquisitions without experiencing all its frightful misfortunes'. But the 'acquisitions' mentioned were purely technological – the engineering industry, steam engines, railways, the 'mechanism of exchange'.[78] There was no mention of the changes in productivity and the division of labour, which this technology presupposed. Capitalist production was 'merely the most recent' of a succession of economic revolutions and evolutions, which had taken place since 'the death of communal property'. Although it had resulted in 'a wondrous development of the social productive forces', 'it has revealed to the entire world except those blinded by self interest, its purely transitory nature'.[79]

Conversely and secondly, capitalism's primitive communal ancestor was endowed with 'a natural viability'. It had survived 'the vicissitudes of the middle ages' in certain places, like the area around Trier, Marx's home town, and it had 'imprinted its own characteristics so effectively on the commune which replaced it' that Maurer, the historian of ancient Germany, when 'analysing this commune of secondary formation, was able to reconstruct the archaic prototype'.[80] 'The vitality of primitive communities', Marx claimed, 'was incomparably greater than that of Semitic, Greek, Roman, etc. societies, and *a fortiori* that of modern capitalist societies.'[81] Or, as he noted of the work of the American anthropologist, Lewis Henry Morgan, both on the Grecian gens and on the character of the Iroquois, 'unmistakeably . . . the savage peeps through'.[82] Marx was greatly enthused by Morgan's depiction of the gens as that form of primitive community which preceded patriarchy, private property, class and the state. Morgan inferred the existence of the gens, both from his contemporary researches on the tribes of North America, especially the Iroquois, and from his classical study of Greece and Rome.[83] Inspired by the new world which pre-history had opened up, Marx's vision now encompassed, not 'merely' capitalism, but the whole trajectory of 'civilisation' since the downfall of the primitive community. Remarkably, he had now come to agree with the French utopian socialist, Charles Fourier, that 'the epoch of civilisation was characterised by monogamy and private property in land' and that 'the modern family contained within itself in miniature all the antagonisms which later spread through society and its state'.[84] 'Oldest of all,' he noted, the primitive community contained 'the

existence of the horde with promiscuity; no family; here only mother-right could have played any role'.[85]

The 'donkey' or 'blockheaded John Bull', whom Marx now nominated as the supreme representative of civilisation, and English civilisation in particular, was Sir Henry Maine. Maine had not read Morgan, and was apparently unaware of descent through the female line in gentile society. He 'transports his "patriarchal" Roman family into the very beginning of things'.[86] 'The English philistine, Maine, understands the primitive wholly as "the despotism of groups over the members composing them".' He had forgotten that Bentham's 'greatest happiness of the greatest number' was the 'representative formula of modern constitutions'. 'Oh You Pecksniff' exclaimed Marx.[87]

Primitive community had preceded the subjection of women, and it had embodied 'economic and social equality'. It was thanks to these 'characteristic features' borrowed from 'the archaic prototype' that 'the new commune introduced by the Germanic peoples in all the countries they invaded was the sole centre of popular liberty and life throughout the middle ages'.[88] Kingship and private property in land – the political realm as such – both arose from the gradual dissolution of 'tribal property and the tribal collective body'.[89] Maine did not realise that the state was 'an excrescence of society'. Just as it had only appeared at a certain stage of social development, so it would disappear again, once it reached another stage yet to be attained. 'First, the tearing away of individuality from the originally not despotic chains (as the blockhead Maine understands it), but satisfying and comforting bonds of the group, of the primitive commune – then the one-sided spreading of individuality.'[90] 'Civilisation', however, was approaching its term. Capitalism was now in a 'crisis which will only end in its elimination' and in 'the return of modern societies to the "archaic" type of communal property'.[91] Marx agreed with Morgan. 'The new system towards which society tends will be a revival in superior form of an archaic social type.' In Russia, 'The rural Commune ... may gradually detach itself from its primitive features and develop directly as an element of collective production on a national scale.'[92]

VII. THE LATE MARX ON EMPIRE

How did Marx's new perspective impinge upon his conception of empire and the extra-European world? In 1853, Marx had confided to Engels that as part of a 'clandestine' campaign against the editorial line of the *New York*

Daily Tribune, which Marx described as the 'Sismondian-philanthropic-socialist anti-industrialism' of 'the protectionist, i.e. industrial bourgeoisie of America', he had described 'England's destruction of native industries' in India as 'revolutionary'.[93] In the late 1870s, however, Marx no longer praised the breakdown of traditional and often communal social structure by European merchants and colonisers. The main difference of Russia from India or China was that 'it is not the prey of a foreign conqueror, as the East Indies, and neither does it lead a life cut off from the modern world'.[94] Marx now appeared to believe that, as in Russia, primitive communal structures left to themselves were resilient enough to survive in the modern world, and in favourable political conditions could even develop. But they had been prevented from doing so by European colonisation. He agreed with much of the analysis that he found in Kovalevsky's account of the impact of colonisation upon communal forms of property, particularly the French conquest of Algeria. Underlining Kovalevsky's analysis, Marx noted: 'To the extent that non-European, foreign law is "profitable" for them, the Europeans recognise it, as here they not only recognise the Muslim law – immediately! – but, "misunderstand it" only to their profit, as here.'[95] Similarly in the case of the East Indies, it was not true, as Maine claimed, that the destruction of the communes was the result of 'the spontaneous forces of economic laws'. 'Everyone except Sir Henry Maine and others of his ilk, realises that the suppression of communal landownership out there was nothing but an act of English vandalism, pushing the native people not forwards but backwards.'[96]

VIII. CONCLUSION

Marx's late writings on the extra-European and pre-capitalist world do not in any important ways anticipate the Marxist debate on imperialism in the era of Hobson and Lenin. He had nothing to say about the scramble for Africa or about the empire-building competition between states. He did not reflect at any length upon empire as a venue for surplus capital or upon the possible relationship between imperial expansion and under-consumption at home. Nor was he imaginatively seized by the anti-colonial struggles he wrote about, whether the Indian Mutiny or the Taiping Rebellion. When he thought about 'imperialism', it related to ancient Rome or the miserable adventures of Napoleon III in Mexico and elsewhere.[97] What mattered to him when he thought about the world beyond Europe was the transformation of the globe by the expansion of commodity production, about the

battering down of 'Chinese Walls', be it by traders and companies, or by gunboats and soldiers.

Rather than identifying Marx with later arguments about imperialism, we can fruitfully relate him to a more basic tension which has been present in radical or heterodox thought since the late eighteenth century and flowered spectacularly in particular places and at particular times in the nineteenth. This was the recurring conflict between the impulses of romanticism and modernism, between a romantic identification with the supposedly ancient, primordial and communal inheritance reflected in the spirit and practices of a newly discovered nation or people and the liberating, rationalising and secular cosmopolitanism of the Enlightenment, the French Revolution and their aftermath. This was not a simple conflict between left and right. Rather it ran as a line of division through both of them, and it produced stark polarities between those who in other respects might have been allied – from the struggle between Sir William Jones and James Mill, or Hegel versus Humboldt, through to Annie Besant's dramatic move from Fabianism to an Indian nationalism inspired by the Theosophy of Madam Blavatsky in the 1890s.

Formed among other things by radical attacks upon the *romantische Schule* in Germany in the 1830s and 1840s, Marx's writings of the 1850s and 1860s were of a resolutely modernist and anti-romantic kind. They were of a piece with his critique of political economy and his identification of socialism with a post-capitalist future, heralded by a revolt of the new industrial working class. But for reasons already discussed, many of these hopes had faded by the 1870s. Only this can explain why Marx, after scoffing at the book for so many years, finally procured and read Haxthausen; and why he convinced himself that the hopes invested by Chernyshevsky in the supposedly archaic communal practices of the 'rural commune' were radically different from those found in Herzen. For whether the commune were considered as essentially religious and hierarchical, or egalitarian and democratic, there was the same hope that an archaic spirit surviving in the practices and institutions of the present world could provide a concrete starting point of visionary transformation; the same belief that the key to the future was to be discovered in the still living past.

Engels remained fundamentally suspicious of the romantic investment in the *Obshchina*. He denied that ancient communal beliefs had much bearing upon modern collective institutions. In 1894, he brought out a new edition of the attack he had made twenty years before against the populist and Bakuninist, Peter Tkatchev. Ostensibly the essay was written for 'all Russians

concerned about the economic future of their country'. He pointed out that in Russia 'the few thousand people' who were aware of 'Western capitalist society with all its irreconcilable antagonisms and conflicts' did not live in the commune, while 'the fifty million or so … who still live with common ownership of the land … have not the faintest idea of all this'. 'They are at least as alien and unsympathetic to these few thousand as the English proletarians from 1800 to 1840 with regard to the plans which Robert Owen devised for their salvation.' And as Engels emphasised, the majority employed in Owen's New Lanark factory also 'consisted of people who had been raised on the institutions and customs of a decaying communistic gentile society, the Celtic-Scottish clan'. 'But nowhere', Engels emphasised, 'does he [Owen] so much as hint that they showed a greater appreciation of his ideas.' 'It is a historical impossibility', he concluded, 'that a lower stage of economic development should solve the enigmas and conflicts which did not arise, and could not arise, until a far higher stage.'[98] It is hard to resist the conclusion that these pronouncements were really addressed to his late friend.

NOTES

1. On periods of liberal-radical convergence, see Peter Cain's analysis, in this volume, of Gladstone's Midlothian campaign and 'Beaconsfieldism'. This essay largely concerns Asia and what Engels described as 'the semi-asiatic' state of Russia. For most of the nineteenth century, radicals appear to have been less concerned about the fate of indigenous peoples within areas of white settlement, like the United States or the white Dominions, than they had been in the eighteenth. See, for example, the 1847 edition of *The Black Book*, 'Suppose America had never been colonised, and helped forward by British settlers; suppose the development of her natural resources had been left to the Red Indian – to merely her own aboriginal agency – what beneficial relations is it likely would have subsisted between her and England? Would a population have arisen to take annually from seven to nine millions of British produce and manufactures? Oh! no; she would in all likelihood have remained as destitute as the Pampas or the Oregon now is.' *The Black Book of England Exhibiting the Existing State Policy, and Administration of the United Kingdom etc.*, (London, 1847), p. 149.
2. Smith, *The Wealth of Nations* (1776), ed. E. Cannan (Chicago, 1976), Vol. 2, Bk. IV, ch. VII, pt. III, p. 131.
3. The full title was *Histoire philosophique et politique des établissements et du commerce des Européens dans les deux Indes*. The 1780 edition contained ten volumes. Most of the critical passages were written by Diderot. See Sankar Muthu, *Enlightenment Against Empire* (Princeton, 2003), ch. 3.
4. Muthu, *Enlightenment Against Empire*, p. 72; and see Ch. 3 passim for a particularly perceptive analysis of the *Histoire*.

5. According to Raynal, such posts were filled 'by indigent, rapacious men, without talents or morals, strangers to all sentiments of honour, and to every idea of equity, the refuse of the higher ranks of the state', cited in Muthu, *Enlightenment Against Empire*, p. 96. Smith emphasised that his attack was directed against 'a system of government' rather than individuals. Nevertheless, he frequently railed against 'the mean rapacity' of merchants, and in the case of the slave trade, referred to its perpetrators as 'the refuse of the jails of Europe'. See Emma Rothschild, 'Adam Smith in the British Empire', unpublished MS, p. 17.

6. Muthu, *Enlightenment Against Empire*, pp. 98–100.

7. Letter from Adam Smith to Andreas Holt, October 1780, in *The Correspondence of Adam Smith*, ed. E.C. Mossner & I.S. Ross, 2nd edn. (Oxford, 1987), p. 251.

8. Not only did this rivalry further the growth of the African slave trade, but 'a great empire has been established for the sole purpose of raising up a nation of customers'. In the East Indies, merchants had become sovereigns, even though 'the government of an exclusive company of merchants is perhaps the worst of all governments for any country whatsoever'. In Bengal in 1769–1770, for example, a 'very great dearth' occasioned by a drought had turned into a famine. This in Smith's view was not a 'natural event', but the result of 'improper regulations' and 'injudicious restraints' imposed upon 'the rice trade' by the East India Company. See Smith, *The Wealth of Nations*, vol. 2, Bk. 1 V, Ch.V., p. 33; Bk.1 V, Ch. VII, p. 81. See also Sankar Muthu, 'Adam Smith's Critique of International trading companies: Theorizing "Globalisation" in the Age of Enlightenment,' unpublished MS 2006.

9. Paine, 'The Life and Death of Lord Clive' (1775) in Moncure Daniel Conway (ed.), *The Writings of Thomas Paine*, 4 vols. (London, 1906), I, p. 30.

10. A. N. de Condorcet, *Sketch for a Historical Picture of the Progress of the Human Mind* (1795), ed. Stuart Hampshire, trans. J. Barraclough (London, 1955), pp. 175–7.

11. Paine, 'Rights of Man: Part the Second,' *Writings of Thomas Paine*, II, p. 403.

12. Philip Harling & Peter Mandler, 'From the Fiscal-Military State to the Laissez-Faire State, 1760–1850,' *Journal of British Studies*, 32 (1993), p. 56; and Miles Taylor, 'The 1848 Revolutions and the British Empire,' *Past and Present*, 166 (2000), p. 148.

13. In effect, 'The Company loses, or is the cause of a loss to the English nation of the sum of two millions, more or less annually; but its servants gain, perhaps to the amount of half a million. This is the sum total of what this celebrated Company adds to the wealth of England; were it not for the Company, she would not purchase every year half a million of profit with two millions and a half of loss.' Say, *Historical Essay on the Rise, Progress and Probable Results of the British Dominion in India* (London, 1824), pp. 14, 21, 24–5.

14. Richard Cobden to T. Dick, 17 October 1836, cited in Wendy Hinde, *Richard Cobden* (New Haven, 1987).

15. For a very useful collection of Marx's writings on colonialism, see Shlomo Avineri (ed.), *Karl Marx on Colonialism and Modernisation* (New York, 1969). Avineri, however, doesn't take account of Marx's shift in position in the 1870s, which I argue for below.

16. *New York Herald Tribune*, June 24 1853, *Karl Marx, Frederick Engels Collected Works* (henceforward *MECW*), (London, 1975-), XII, pp. 149, 151, 154.

17. The debt owed by the Company to the Exchequer now amounted to more than £50 million. Therefore 'The advantage to Great Britain from her Indian Empire must be limited to the profits and benefits which accrue to individual British subjects.' These were 'very considerable'. For example, the 3,000 or so stockholders of the Company continued to receive an annual dividend of 10.5%. *New York Herald Tribune*, Sept. 21st, 1857, *MECW*, XV, pp. 349–50.

18. *New York Herald Tribune*, July 5th, 1853, *MECW*, XII, pp. 181, 184.

19. Peter Gay, *The Enlightenment: An Interpretation* (London, 1970), II, pp. 391–2; and Jonathan Israel, *Radical Enlightenment: Philosophy and the Making of Modernity 1650–1750* (Oxford, 2001), pp. 588–9.

20. Smith, *Wealth of Nations*, Bk. V, ch.11, vol.2, p. 364.

21. Smith could only hope that changes in the global balance of power would restore non-European nations to a more equal position. In his contributions to the *Histoire des deux Indes* Diderot, pondering the fate of the once mighty empire of the Incas in Peru, adopted a cyclical view of history and believed that the civilised nations would once again return to a primitive state. See Muthu, *Enlightenment Against Empire*, p. 82.

22. Duncan Forbes, 'James Mill and India,' *Cambridge Journal*, V (1951–2), p. 22.

23. Paine, 'Letter to the Abbé Raynal,' *Writings of Thomas Paine*, II, p. 102.

24. For, as Paine remarked in *The Rights of Man*, 'From the rapid progress which America makes in every species of improvement, it is rational to conclude that if the governments of Asia, Africa and Europe had begun on a principle similar to that of America, or had not been very early corrupted there from, those countries must by this time have been in a far superior condition to what they are.' Paine, 'The Rights of Man: Part the Second,' *Writings of Thomas Paine*, II, p. 402.

25. Condorcet, *Sketch*, pp. 176–7.

26. 'In great Asia, political despotism, the result of the establishment of great empires during the centuries of barbarism; the civic despotism born of slavery and the plurality of wives which is a consequence of it; the want of vigour on the part of princes; the prostration of their subjects; in China, the very care which the Emperors took to regulate research and tie up the sciences with the political constitution of the state, held them back forever in mediocrity.' Ronald L. Meek (ed.), *Turgot on Progress, Sociology and Economics* (Cambridge, 1973), p. 47.

27. On Mill's *History of British India*, see Forbes, 'James Mill and India,' pp. 19–33; and William Thomas, 'Introduction' in Thomas (ed.) James Mill, *The History of British India* (Chicago, 1975), pp. xi–xlvii. The shift in the thinking about empire and the extra-European world has also been

recently analysed by Jennifer Pitts, who focuses in particular upon the writings of Smith, Burke, Bentham, the Mills and Tocqueville. See Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005).

28. Cited in Forbes, 'James Mill and India,' p. 23.
29. For instance, the work of Hugo, Savigny, Niebuhr and the Historical School of Law in Germany.
30. See the discussion in Thomas, 'Introduction,' pp. xxxi–iii.
31. We, in some measure, converse 'with the Chaldeans and Babylonians of the time of Cyrus, with the Persians and Egyptians of the time of Alexander'. Mill, *History of British India*, pp. 248–9.
32. In doubting the scientific attainments of 'the ancient civilisation of Asia', Mill cited Adam Smith's *Essay on the History of Astronomy*, which had argued that despotism was 'more destructive of leisure and security, and more adverse to the progress of the human mind, than anarchy itself'. See Mill, *History of British India*, pp. 249–50.
33. Say, *England and the English People*, 2nd edn., trans. J. Richter (London, 1816), pp. 63–5.
34. Say, *Historical Essay on the Rise, Progress and Probable Results of the British Dominion in India* (London, 1824), pp. 31–2. I am grateful to Tom Hopkins for drawing my attention to this pamphlet.
35. Say, *Historical Essay*, pp. 33–4.
36. In the Egyptian Spirit, 'Two elements of reality – Spirit sunk in Nature, and the impulse to liberate it – are held together inharmoniously as contending elements.' The Egyptians could pose the riddle of the Sphinx, but not answer it. 'Oedipus, giving the solution, *Man*, precipitated the Sphinx from the rock. The solution and liberation of that Oriental Spirit, which Egypt had advanced so far as to propose the problem, is certainly this: that the Inner Being (the Essence) of Nature is Thought, which has its existence only in human consciousness.' Hegel, *The Philosophy of History*, ed. C. J. Friedrich (New York, 1956), pp. 218, 220–1. In different and more and more adequate forms, the Greeks, the Romans and the Germans all possessed this awareness.
37. Hegel, *The Philosophy of History*, pp. 105–6; 'On the one side, we see duration, stability – Empires belonging to mere space, as it were (as distinguished from time to time) – unhistorical history – as for example in China, the state based on the family relation . . . on the other side, the states in question without undergoing any change in themselves, or in the principle of their existence, are constantly changing their position towards one another. They are in ceaseless conflict which brings on rapid destruction. The opposing principle of individuality enters into these conflicting relations; but it is itself as yet only unconscious, merely natural Universality – Light, which is not yet the light of the personal soul. This history too . . . is for the most part really *unhistorical*, for it is only the repetition of the same majestic ruin.'

38. See V. Hosle, 'Eine unsittliche/sittlichkeit: Hegels Kritik an der indischen Kultur,' W. Kuhlmann (hrg), *Moralität und Sittlichkeit* (Suhrkamp, 1986), pp. 156–83.

39. Humboldt's discussion of the *Bhagavadgita* avoids any discussion of its relation to the caste system. See Hosle, 'Eine unsittliche Sittlichkeit,' p. 157. Friedrich Schlegel attempted to defend the institution: 'The Indian system of castes is in many respects more favourable to institutions of a republican nature, or at least republican tendency, than the constitution of any other Asiatic state. When those modern writers, therefore, who were the declared enemies of hereditary ranks and hereditary rights, spoke with contempt and abhorrence of the Indian constitution of castes, represented it as the peculiar basis of despotism, and even applied the name of caste as a party-word to the social relations of Europe; their assertions were false, and utterly opposed to Europe.' Schlegel, *The Philosophy of History as a Course of Lectures*, 2nd edn., trans. J. B. Robertson (London, 1846), pp. 142–3.

40. He added that 'China will, some day or other, be obliged to submit to this fate.' Hegel, *The Philosophy of History*, p. 142.

41. Hegel, *Philosophy of History*, p. 152.

42. Hegel, *Philosophy of History*, p. 154.

43. I do not know whether Marx had read Say's pamphlet. He was certainly familiar with James Mill's *History of British India*, which is quoted in one of his *New York Herald Tribune* contributions. See Marx, 'The East India Company and its History and Results,' *New York Herald Tribune*, June 24th, 1853, *MECW*, XII, p. 150.

44. Marx, 'The British Rule in India,' *New York Herald Tribune*, June 10th, 1853, *MECW*, XII, p. 128; Marx, 'The Future of British Rule in India,' *New York Herald Tribune*, July 22nd, 1853, *MECW*, XII, p. 217; and Marx, 'Chinese Affairs,' *Die Presse*, *MECW*, XIX, p. 216.

45. In Germany, progressives believed there to be an explicit alliance between romanticism and reaction. See Heinrich Heine, *Die romantische Schule*.

46. Marx, 'The British Rule in India,' pp. 125–6, 132.

47. Marx, 'The British Rule in India,' p. 128.

48. 'In broad outline, the Asiatic, ancient, feudal and modern bourgeois modes of production may be designated as epochs marking progress in the economic development of society.' Marx, 'A Contribution to the Critique of Political Economy,' 'Preface,' *MECW*, XXIX, p. 263.

49. One major difficulty was created by the apparent incompatibility between Asia's 'unchanging' character and the inherent dynamism of the mode of production. Why was it that Asiatic societies – leaving aside the unmentioned case of Japan – never produced a form of feudalism? Marx gradually abandoned Engels's suggestion that oriental despotism was connected with the need for state irrigation schemes or the provision of public works, and in his last writings agreed with Maine that the oriental despot did little beyond maintaining his court and waging war. See Marx's 'Excerpts from Maine, *Lecture on the Early History of Institutions*,' in Lawrence Krader (ed.), *The Ethnological Notebooks of*

Karl Marx (Assen, 1972), pp. 333–4; and also Krader, 'Introduction,' p. 38. Even more promising, initially was the notion that 'private property in land' was 'the great desideratum of Asiatic society'. Marx, 'The Future Results of British Rule in India,' *New York Daily Tribune*, August 8th, 1853, *MECW*, XII, p. 218. It was originally François Bernier who had attributed the character of Turkey, Persia and Hindustan to the lack of private property in land; and Adam Smith seemed to confirm Bernier's insight in arguing that the revenue of the sovereign in Asia derived from a land-tax or land-rent. But although Marx argued that 'village communities resting upon the common ownership of land' had been 'the original form in China', in nineteenth century China, the 'living fossil', this was no longer the case. See Smith, *The Wealth of Nations*, vol.2, bk.5, ch. 1, pp. 252–3; and Marx, *Capital*, vol. III, *MECW*, XXXVII, p. 332. Similarly, Marx welcomed Morgan's attempt to locate the origins of caste in 'gentile society' and to treat it as one of its 'petrified' remains. Marx, 'Excerpts from Lewis Henry Morgan, *Ancient Society*,' in Krader (ed.) *Ethnological Notebooks*, p. 183. But caste was not a universal feature of Asiatic societies. The most extensive examination of Marx's attempt to construct a concept of the Asiatic mode of production is Lawrence Krader (ed.), *The Asiatic Mode of Production: Sources, Development and Critique in the Writings of Karl Marx* (Assen, 1975). In the twentieth century, for political reasons, the notion of an 'Asiatic mode of production' became extremely controversial within a Marxist tradition. For a brief account of the disputes surrounding the term, see 'Asiatic Society' in Tom Bottomore (ed.), *A Dictionary of Marxist Thought* (Oxford, 1983), pp. 32–6.

50. Marx, 'The British Rule in India,' p. 132.
51. Thomas, 'Introduction,' pp. xxvi–vii.
52. Say, *Historical Essay on the Rise, Progress and Probable Results of the British Dominion in India* (London, 1824), p. 34.
53. Karl Marx and Friedrich Engels, *The Communist Manifesto*, ed. Gareth Stedman Jones (London, 2002), p. 224.
54. Marx, 'The British Rule in India,' pp. 131, 132.
55. Marx, 'The Indian Revolt,' *New York Daily Tribune*, September 16th, 1857, *MECW*, XV, p. 353.
56. Marx, 'The Indian Question,' *New York Daily Tribune*, August 14th, 1857, *MECW*, XV, p. 313.
57. Marx, 'Chinese Affairs,' *Die Presse*, July 7th, 1862, *MECW*, XIX, p. 216.
58. Marx, 'Trade with China,' *New York Daily Tribune*, December 3rd, 1859, *MECW*, XVI, pp. 536–9.
59. Marx, 'Capital, Volume III,' *MECW*, XXXVII, p. 332.
60. Marx, 'A Contribution to the Critique of Political Economy,' *MECW*, XIX, p. 275.
61. Marx, '*Capital*, Volume I,' *MECW*, XXXV, p. 88
62. Marx to Engels, November 7th, 1868, *MECW*, XLIII, p. 154.
63. Marx, *Das Kapital: Kritik der politischen Oekonomie* (Neudruck, Hildesheim, 1980), Urausgabe, Hamburg 1867, p. 763. Even in 1870, when Marx had begun to read Russian, his attitude to the Populist view of the Russian village

commune remained the same. In a critical note appended to his annotation of Flerovskii's 'Peasant Reform and the Communal ownership of land', Marx wrote 'From this rubbish it emerges that Russian communal property is compatible with Russian barbarism, but not with bourgeois civilisation.' Cited in H. Wada, 'Marx and Revolutionary Russia' in Teodor Shanin (ed.), *The Late Marx and the Russian Road* (London, 1983), p. 45.

64. Marx, 'Economic Manuscripts of 1857–58,' *MECW*, XXVIII, pp. 401, 414, 417, 421; XXIX, p. 253.

65. Marx, '*Capital*, Volume I,' p. 90. What is translated as 'direct relations of subjection' in the German original reads 'unmittelbaren Herrschafts- und Knechtschaftsverhaltnissen,' terms conventionally referring to lordship and bondage. This would suggest that Marx included Russian serfdom in this list of 'old Asian, ancient etc. modes of production'. Marx, *Das Kapital*, p. 40.

66. Marx, drafts of the letter to Vera Zasulich (March 1881), *MECW*, XXIV, pp. 353, 354, 363, 368.

67. Cited in Wada, 'Marx and Revolutionary Russia,' p. 48. This essay is invaluable in its meticulous tracking of Marx's changing position on Russia in the 1870s.

68. Marx, *Capital*, 'Afterword to the Second German Edition,' 1873, *MECW*, XXXV, p. 15. Engels seemed much less predisposed than Marx to abandon the coupling between the village commune and despotism. In *Anti-Dühring* (1878), Engels stated, 'Where the ancient communities have continued to exist, they have for thousands of years formed the basis of the cruellest form of state, Oriental Despotism from India to Russia. It is only where these communities dissolved that the people made progress of themselves,' *MECW*, XXV, p. 168. His views had not substantially changed in 1894 when he wrote a 14 page 'Afterword' to 'On Social Relations in Russia.' He reiterated his hostility to Haxthausen, Herzen, Bakunin and Tkatchev. He was respectful of Chernyshevsky, but thought him 'not entirely blameless' in encouraging 'a faith in the miraculous power of the peasant commune to bring about a social renaissance'. He did not blame 'the selfless devotion and heroism' of those inspired by this vision. But 'this does not mean we need to share their illusion'. Engels, 'Afterword to "On Social Relations in Russia,"' January 1894, *MECW*, XXVII, pp. 421–3, 431.

69. Marx, 'Afterword,' p. 9.

70. Marx drafted, but did not send, a letter to the editor of *Otechestvenniye Zapiski*, Nikolai Mikhailovsky. Mikhailovsky described *Capital* as 'a historico-philosophical theory of universal progress', which argued that every country would undergo the same process of peasant expropriation as that experienced by England and assumed that Marx's attitude to populism was summed up by his denunciation of Herzen. Marx referred him to the 1875 French edition and his praise of Chernyshevsky, implying that he shared the analysis of the populists. See Wada, 'Marx and Revolutionary Russia,' pp. 57–60; for the letter, see *MECW*, XXIV, pp. 196–201.

71. *MECW*, XXIV, pp. 357, 360.

72. Marx to Vera Zaulich (2nd draft), *MECW*, XXIV, p. 361. It is of course important to remember that this draft was never sent.

73. In the twentieth century, the story of Marx's changing views about revolution in Russia and 'skipping a stage' was generally treated as a particular response to the Russian situation, prompted in large part by the intensity of the response of Russian revolutionaries to *Capital*. It was of particular interest since 'Marxism' in late nineteenth century Russia was associated above all with the rejection of the Populist position. This was true both of Plekhanov, the so-called 'father of Russian Marxism' and his Geneva-based Group for the Emancipation of Labour, and of Lenin in his *Development of Capitalism in Russia* (1899).

74. Marx to F. A. Sorge September 17th, 1877, *MECW*, XLV, p. 278; and see Wada, 'Marx and Revolutionary Russia,' pp. 55–6.

75. See Meghnad Desai, *Marx's Revenge: The Resurgence of Capitalism and the Death of Statist Socialism* (London, 2002), ch. 5.

76. As Marx had written to Kugelmann about *Capital* in 1862, 'On the basis thus provided,' his argument 'could easily be pursued by others', . . . 'with the exception, perhaps, of the relationship between the various forms of state and the various economic structures of society'. Marx to Kugelmann 28 December 1862, *MECW*, XLI, p. 435.

77. See especially, D. R. Kelley, 'The Science of Anthropology: An Essay on the Very Old Marx,' *Journal of the History of Ideas*, 45 (1984), pp. 245–63.

78. Marx to Vera Zasulich (1st draft), *MECW*, XXIV, p. 349.

79. Marx to Vera Zasulich (2nd draft), *MECW*, XXIV, p. 361.

80. Marx to Vera Zasulich (1st draft), p. 360. Marx was referring to G. L. von Maurer, *Enleitung zur Geschichte der Mark-, Hof-, Dorf-, und Stadt-Verfassung und der offentlichen Gewalt* (Munich, 1854).

81. Marx to Vera Zasulich, p. 358.

82. Marx's comment in the original reads, 'Dch. d. Grecian gens gukt d. Wilde (Iroquois z.B.) aber auch unverkennbar durch.' Marx, 'Excerpts from Lewis Henry Morgan, *Ancient Society*,' *Ethnological Notebooks*, p. 198.

83. Lewis Henry Morgan, *Ancient Society or Researches in the Lines of Human Progress from Savagery through Barbarism to Civilisation* (London, 1877).

84. Marx, *Ethnological Notebooks*, p. 120. For Fourier's theory, see Charles Fourier, *The Theory of the Four Movements*, ed. Gareth Stedman Jones (Cambridge, 1996), pp. 56–74.

85. Marx, *Ethnological Notebooks*, p. 102.

86. Marx, 'Excerpts from Henry Sumner Maine, *Lectures on the Early History of Institutions*,' p. 324.

87. Marx, 'Excerpts from Henry Sumner Maine, *Lectures on the Early History of Institutions*,' p. 326.

88. Marx to Vera Zasulich (1st draft), pp. 350, 351.

89. Maine, Excerpts, *Ethnological Notebooks*, p. 292 & 'Introduction,' p. 10.

90. Maine, Excerpts, *Ethnological Notebooks*, p. 329.

91. Marx to Vera Zasulich (1st draft), p. 349.

92. Marx to Vera Zasulich (1st draft) pp. 349, 350.
93. Marx to Engels 14 June 1853,' *MECW*, XXXIX, p. 347.
94. Marx to Vera Zasulich (1st draft), p. 352.
95. Marx, 'Excerpts from M. M. Kovalevsky, *Obscinnoe Zemlevladenie. Priciny, khod i posledstvija ego razlozenija*, Pt.1 (Moscow, 1879), in Krader (ed.), *The Asiatic Mode of Production*, p. 406.
96. Marx to Vera Zasulich (first and third drafts), pp. 359, 365.
97. On the mid-19th-century connotations of the word *imperialism*, see Richard Koebner & Helmut Dan Schmidt, *Imperialism: The Story and Significance of a Political Word, 1840–1960* (Cambridge, 1964), chs.1–4.
98. Engels, 'Afterword to "On Social Relations in Russia,"' pp. 425–6.

CHAPTER 10

Radicalism, Gladstone, and the liberal critique of Disraelian 'imperialism'

Peter Cain

I. INTRODUCTION

Within the multiform and sometimes contradictory web of ideas labelled 'liberalism' in Victorian England there was an important strand of thinking best described as popular radicalism.[1] It emerged in the eighteenth century, finding its first full expression in the work of Paine, and ended with Hobson and Brailsford in the early twentieth century, at which point it was subsumed in what passed in Britain for Marxism. In the grand narrative of radicalism the world was divided – to use James Mill's and Bentham's dramatic language[2] – between the 'Many' and the 'Few'. The Many were the carriers of freedom in religion, in politics and in the sphere of the market; the Few were the traditional autocratic elite who, through privilege and monopolies, controlled and exploited the Many. Until late in the nineteenth century the core of the Few was the landed class, but it also embraced a cluster of interests including the military, the established church, businesses dependent on aristocratic favour, the London professional and political elites and the key institutions of the City of London that had financed the revolution after 1688. The elite controlled the state and taxation and used it to drain the wealth of the 'producing classes' – small capitalists and workers alike – to further its own interests. In the radical narrative war, colonialism, and what from the 1870s was designated 'imperialism' were among the many means by which the aristocracy plundered society and, by harnessing the support of the ignorant and the 'mob', tried to arrest or even reverse the liberal tide of reform.[3]

By 1870 this radicalism was largely contained politically within the emerging Liberal party, a coalition of forces that stretched from Whig grandees through provincial businessmen to the Nonconformist shopkeepers and industrial trades unionists who were most likely to embrace the radical discourse.[4] It was held together in part by the masterly compromises that first Peel and then Gladstone presided over and which

eliminated the worst features of 'Old Corruption'.[5] In return for the loss of privileges such as protection and the creation of a low-tax state based on rigorously controlled budgets, the traditionally wealthy were left in possession of their property and still controlled the machinery of government, the established church and the armed services. In curbing central expenditure and bringing in free trade, 'Gladstonianism' also forced the City to shift its interest from government stock to the running of the international economy.[6] This compromise lay at the heart of the liberal movement in Britain until 1914 and proved widely popular.[7]

Disraeli's new Toryism[8] – his dramatic purchase of the Khedive's Suez Canal shares and his government's subsequent involvement in Egyptian affairs; his proclamation of Queen Victoria as Empress of India; his strong support for Turkey against Russia even to the point of war; his vision of the empire as a consolidated military force symbolised by his movement of Indian troops to Suez in the crisis of 1878, together with the 'forward' policies adopted by his pro-consular appointments in South Africa and Afghanistan; and the imaginative finance required to sustain these policies – re-activated that radical discourse in a way not seen since Cobden's heyday. Even so, radical ideas were usually found on the margins of the Liberal party as it emerged in the 1850s and 1860s and there they would probably have stayed had not the Bulgarian atrocities in 1875–6 and Disraeli's refusal to condemn Turkey angered provincial Nonconformity and thus revived popular radicalism.[9] Of most significance was that Gladstone entered the fray as an ally of Nonconformity, obscuring his Peelite Conservative origins,[10] adopting much of the language of radicalism and bringing many of its concerns into the mainstream not only of Liberal, but also of national, political debate. But, in the heat of the battle, Gladstone gave a rather misleading impression of his own, and his party's, views on empire, an impression that it was impossible thereafter for the party to shake off entirely.

II. INDUSTRIALISM VERSUS MILITANCY

J. A. Schumpeter was writing out of a similar European tradition of thinking to that of English radicalism when he published his famous essay on imperialism in 1919 and attributed its longevity to the overhang of aristocratic ideals. However, looking back at Disraeli's policy, Schumpeter thought that it was much more show than substance, a clever way of gaining votes by tapping into atavistic emotions, rather than a serious attempt to return to militaristic imperialism. He was confident that

Britain, as the world's first industrial power, had advanced, both practically and psychologically, to the point where it was impossible for politicians to commit themselves wholeheartedly to anything except the development of peaceful commerce.[11]

Although he would have approved of Schumpeter's general approach to imperialism, Herbert Spencer, the most probing radical thinker of the 1870s, was much less confident about the import of Disraeli's strategy. Updating the language of radicalism, Spencer distinguished between two types of society: 'militant' societies, organised around warfare and conquest and based on 'compulsory co-operation'; and 'industrial' societies centred on the market and peaceful exchange and on 'voluntary co-operation'. Spencer recognised that these were ideal types and that every society had some elements of both systems. Indeed, rather than thinking as Schumpeter did of Britain as a country where militancy was vestigial, Spencer characterised it as one that was still 'semi-militant semi-industrial'.[12] The structures that supported militancy were still in place and it was impossible to be confident that industrialism would get stronger as time passed. He also understood the importance of the international environment as a factor in determining the degree of militancy in Britain itself: if other powers became more militaristic then they could activate the same elements in Britain and he was arguing, as early as 1871 in the wake of the Franco-Prussian war, that 'since the revival of militant activities and structures on the Continent, our own offensive and defensive structures have been re-developing'.[13] Spencer thought of Disraeli's imperialism as an example of the trend. In 1879 he wrote:

. . . I have been frequently thinking of the question of Militancy v Industrialism, and the profound antagonism between the two which comes out more and more at every step in my Sociological enquiries, and I have been strongly impressed with the re-barbarization that is going on in consequence of the return to militant activities.[14]

In other words, Spencer thought that Disraeli was, consciously or otherwise, strengthening the anti-industrial elements in Britain and thereby threatening its future as an advanced economy and as a progressive liberal nation. His concerns were echoed amongst what Spencer called 'a considerable sprinkling of Liberal politicians' and other leading figures associated with the party.[15]

Writing in 1878 in Spencerian terms Goldwin Smith, the radical historian and journalist, thought the nation was at a crucial juncture in its affairs.

England now stands where the paths divide, the one leading by industrial and commercial progress to increase of political liberty; the other, by career of

conquest, to the political results in which such a career has never yet failed to end. At present the influences in favour of taking the path to conquest seems to preponderate, and the probability seems to be that the leadership of political progress, which has hitherto belonged to England, and has constituted a special interest of her history, will, in the near future, pass into other hands.[16]

His fears were widely shared. Looking forward in the same year to the next general election, Robert Lowe, who had been Chancellor of the Exchequer in Gladstone's government of 1868–74, claimed that it would be 'in all probability ranked by posterity among the most momentous that has occurred during the last six hundred years'.[17] The energy and innovativeness of the subsequent Midlothian campaign showed that Gladstone shared Lowe's sense of the seriousness of the times and he declared that he was addressing 'the most important crisis in the national history that has occurred during the last half century'.[18] Moreover, when the election was won, E. A. Freeman, famous historian and Christian scourge of the Turk, also saw it as a major event in English, even European, history. He wrote that 'the act which the English nation has just done rises to the height of historic sublimity', because it showed repentance for the serious sin it had committed in recent years in electing Disraeli's Tory government and in supporting imperialism.[19] The depth of both pre-election anxiety and post-election relief are indications of how threatening that Tory imperialism appeared to Gladstone's supporters at the time. They came to see it as nothing less than an attempt to set in reverse the long march towards liberty and constitutionalism that, encouraged by 'Whig' historians such as Freeman himself,[20] they saw as the great and glorious achievement of English history, the foundation of its commercial and industrial vigour, of its opulence, and of its standing in the world. Under liberal guidance the nation had, wrote Frederic Seebohm, Quaker, Liberal, banker and mediaeval historian,

. . . grown in freedom and in respect for law, as well as in population, commerce and wealth. It is a nation of whom alone it could be said that her army supplied entirely by voluntary enlistment, and that the masses of her people, if they chose to abstain from a few common luxuries, need hardly know that they were taxed at all; a nation in whose experience democracy had been trained and guided into peaceful paths, until the people, habituated to self-reliance and self-control, had altogether abandoned the old cry of Chartism, the product of former oppression and unequal laws.[21]

All that, thought Seebohm, was now under threat from Disraeli. It was a shock to many liberals in the 1870s to see the apparent recrudescence of a set of ideas and a style of politics they thought liberalism had effaced over

the previous political generations. Disraeli's government of 1874–80 was the first long-lived and secure Tory administration since Peel's of the 1840s; and since Peel, and even Huskisson in the 1820s, could in retrospect be claimed for liberalism as great economic reformers, Gladstone had to hark back to the early years of Lord Liverpool's government and its post-Waterloo repression to find its true precursor.[22] Moreover, what Disraeli's liberal opponents thought they faced was, first and foremost, a *moral* crisis though one that they believed would have serious effects on the practical lives of all the citizens of the nation if it were not confronted. To them, what was at issue was the future of the 'man of character', that energetic, self-disciplined, manly and public-spirited fellow, whose emergence was, they believed, part cause and part consequence of the great liberal and commercial nation Britain had become.[23]

III. THE RADICAL ATTACK ON DISRAELI

What Disraeli advocated was denounced by the critics as 'Imperialism'. Traditionally, of course, the word 'Imperialism' had been used as a shorthand description of Roman militarism and of the authoritarian populism of emperors such as Napoleon III of France.[24] The *Spectator* reflected the latter perfectly when referring to 'such a policy as that of the "Imperialists" as they are called on the Continent … a policy that should magnify the Crown on the one hand, and the wishes of the masses on the other, and should make light of the constitutional limits on either'.[25] In the same vein, Lowe spoke not only of Napoleonic but of Prussian imperialism;[26] and the word was still in vigorous use in that sense amongst liberals in 1880 when, for example, Seebohm associated the 'great Continental empires' of Russia and Germany with 'a policy of military Imperialism' and accused Disraeli of attempting to emulate them.[27] Gladstone used the word when commenting on the 'shadow of political subordination' that he accused the government of attempting to cast over the empire of settlement.[28] However, through Disraeli and his obsession with India, 'Imperialism' became directly associated with overseas empire. As a result, in the late 1870s, the long-running radical notion that Britain's dependent empire was acquired and run by aristocratic/military interests whose politics were essentially authoritarian gained credibility in Liberal circles to a greater extent than before and joined together radical thinkers such as Spencer and Goldwin Smith with those like Freeman and Gladstone, whose hostility to Disraeli also had more obviously Christian roots.

Since India was an empire, imperialism became increasingly seen as an 'Asiatic' policy. In the words of the *Spectator*, Disraeli had now linked

imperialism with 'Asiatic modes of expressing reverence' and frequently thereafter his imperialism was associated with the East.[29] Disraeli's own fascination with India, and his support for Turkey in relation to that, was also interpreted as a natural outcome of his own Orientalism, for did he not have 'a mind impregnated with Eastern mystery'?[30] Despite the fact that Disraeli's policy towards Turkey was the traditional one, in the wake of the 'Bulgarian horrors' his support was deemed to be anti-Christian. It was an easy step from there to characterise his actions as driven by his Judaic sympathies, to emphasise his alien qualities and to question his patriotism.[31] The liberal thinkers who pursued this line furthest at the time were Freeman and Goldwin Smith. The election of 1880 was, Freeman declared, 'a victory of sound European and English feeling over the empty drag and tawdry tinsel of Asiatic imperialism' and that imperialism was, he claimed, the logical outcome of the fact that as a Jew Disraeli was 'purely Asiatic' and had tried to put his novel *Tancred* into practice.[32] Some Jews, said Freeman, were very good Englishmen. 'But the charge against Lord Beaconsfield is that he never became a European, that he remains a man of Asiatic mysteries, with feelings and policy distinctly Asian.' He went on to interpret Disraeli's support for Turkey against Russia as a natural outcome of his racial origins: 'In the East the Jew and the Turk are bonded together against the European.'[33] Goldwin Smith went even further in this direction, arguing that in supporting Turkey, Britain was in danger of being dragged into a 'Jewish war' and that Jews had to be distrusted because they were incapable of patriotism.[34] Gladstone's attack on Disraeli's policy also had an anti-semitic streak: the editor of the prestigious *Nineteenth Century* edited out of a Gladstone article a passage that described Disraeli as 'that alien' who wished 'to annex England to his native East and make it the appendage of his Asiatic empire'.[35]

Radicals countered Disraeli's assumption that India was vital to the economic well-being of the British nation by claiming that free trade had made empire economically redundant: to them, India was a burden to the nation rather than an asset.[36] Grant Allen recognised that India had become an important market for Lancashire textiles but denied that the trade would be lost if India became independent. Lowe took a different line. He admitted that Britain had become dependent on India and that the market would not exist but for Britain's good government: but he went on to claim that this market would soon be lost because peace and order were stimulating economic growth and encouraging Indian competition.[37] Lowe also claimed that, although the East India Company had extracted tribute from India in the early days of conquest, exploitation had

disappeared under good government and now India was 'petted and subsidised' with cheap guaranteed loans.[38] Gladstone took a similar stance and though he recognised that there was a flow of funds out of India known as the 'Home Charges' he argued that it was tiny in proportion to India's national income. He objected to the idea that the British were dependent on India as 'degrading'. The country had a 'duty' towards India but no 'interest', economic or otherwise, 'except the well-being of India itself'.[39] Behind all these ideas lay the common liberal assumption that, if the colonies and dependencies did not exist, the capital and labour in empire trade would find markets elsewhere – and would find them on more advantageous terms if the colonial defence burden was cut and taxation eased.

In radical thinking, the military and diplomatic costs of empire always exceeded whatever economic benefits were available. The Indian army was a continuous drain on the country's military manpower, weakened it in the face of its European enemies and multiplied points of conflicts with foreign powers.[40] The critics were also alarmed by Disraeli's threat to use Indian troops in European conflicts and forecast that a continuation of a militant policy could lead either to the need for conscription or the employment of mercenary armies, both of which would pose great dangers to traditional freedoms in Britain.[41] Seebohm did recognise that Disraeli's policy was intended mainly to glamorise empire and increase public pride in it; and he went on to anticipate Schumpeter's famous argument by calling it a 'mock Imperialism'. What he feared, however, was that the policy, if pushed too far, would embroil the nation in a war with one of the great powers, 'the scale and cost of the armaments would be fixed by the Continental stand-ard' and Britain would then be caught in a series of military struggles that might require not just an Indian army but Chinese mercenaries and conscription as well.[42] Goldwin Smith laid the emphasis on the moral dangers of the strategy as he saw it, claiming that

. . . it now appears that the wrongs of the Hindoo are going to be avenged, as the wrongs of the conquered often have been, by their moral effects on the conqueror. A body of barbarian mercenaries has appeared upon the European scene as an integral part of the British army, while the reflux influence of Indian Empire upon the political character and tendencies of the imperial nation is too manifest to be any longer overlooked.[43]

The government's Indian policy was interpreted as a sign of support for autocratic rule and it was implied that England would be tainted by contact with Oriental torpor and moral decrepitude.[44] Commenting on the

Queen's new Indian title in Parliament, Lowe asked 'Would it be wise and prudent of us to confound in name our wise and beneficent government with that of the [Indian] Rulers who preceded us?'[45] Strongly imbued as he was with the notion that Anglo-Saxon England was the foundation point of present-day English liberties, Freeman later claimed that 'It was no small feat from his [Disraeli's] point of view to have turned a European Queen, the daughter of Cerdic and William, into an Asiatic Empress of his own making.'[46] Radicals were also suspicious that Disraeli's aim in rousing imperialist passions was to increase the power of the Crown at the expense of Parliament, 'to revive the pretensions which George III strove unsuccessfully to assert'.[47] The suspicion was deepened by Disraeli's penchant for making foreign and imperial policy without the aid of the legislature and because he was cheered on by a few intemperate Tories who wanted to curb the powers of the Commons so as to limit the impact of democracy.[48] Lowe was typical among the critics in believing that 'the shell of absolute power' in the shape of the monarchy and its attendant institutions that had been allowed to remain in England over the centuries could easily be filled again.

We have been learning under our present guides and leaders the doctrine of despotic and arbitrary power and we must not repine if we experience in our own persons that which we are taught by these our new schoolmasters to be the proper treatment of our friends and allies.[49]

Empire in Asia and Africa drained the nation of its money and its manhood and rested on the fallacious assumption that the source of Britain's power lay overseas rather than at home. Gladstone was adamant that 'The root and pith and substance of the material greatness of our nation lies within the compass of these islands.'[50] Similarly, Goldwin Smith's assertion that 'in England the strength of England lies' and Freeman's claim that, in the 1880 election, the British people recognised that 'their real interest, their real glory, lay after all, within the four seas of Britain' go to the heart of their opposition to Tory Imperialism. In their mental universe, as in that of many other leading critics of empire, Britain's constitutional success, its military strength and its prestige and possessions abroad, rested upon the superiority of the moral values which underpinned its material success.[51] Fundamentally, they were all convinced that, if Disraeli's approach to policy became the norm, the British character – the foundation stone on which the nation's wealth and strength rested – would be fatally undermined.[52] Imperialism, said Gladstone, was 'not the way to make England great, but to make it both materially and morally little'.[53]

If Disraeli and his allies believed that the maintenance and extension of empire was in everyone's interest, the critics thought very differently. The latter adopted the traditional radical approach in believing that empire was both morally and materially costly to the nation but that, if the nation was a loser, certain special interests were gainers. Dependencies such as India brought jobs for politicians, the military and civil servants;[54] and the standard view was that the policy was intended to 'dazzle' the ignorant masses and the politically uninformed so that these special interests could pick their pockets and undermine their liberty.[55] In radical eyes, Disraeli's policies were designed to strengthen the power and position of what was often called, by Gladstone amongst others, the 'Upper Ten Thousand', composed mainly of the landed aristocracy and their supporters, especially those in the armed services and the older professions.[56] As inheritors of old wealth they were perceived as politically backward with leanings towards authoritarianism, with historic links to warfare and to foreign adventure and with a history of finding jobs for their younger sons in colonial outposts. As such, they were seen as a threat not only to the nation's liberal institutions but to its prosperity because, when in power, their reckless spending particularly on defence could burden the nation with excessive taxation and debt and extinguish the savings on which economic growth depended.[57]

Some critics were also concerned that the power of traditional elites was being swelled by support from the new rich. Goldwin Smith detected a merging of commercial and industrial wealth – hitherto the driving force behind material and moral progress – with landed wealth, and a muting of liberalism in consequence.[58] His list of the supporters of the Tory party under Disraeli – the party of imperialism – was in many ways a traditional one. The usual suspects were the monarchy, landed wealth and the established church, 'the ignorant and thoughtless of all classes', publicans and brewers 'and the trades generally which minister to pomp and luxury', with the whole ensemble aided by 'an army of political agents and literary propagandists'. However, 'a great body of capitalists' was now added to the mix, driven there in search of high status.[59] Smith also believed that, under Disraeli's guidance, a new alliance was being forged between the traditionally rich, their new supporters and the poorest sections of urban society that would challenge those who had hitherto been in the van of progress. In his opinion,

... the growth of great cities itself seems likely, as the number of poor householders increases, to furnish Reaction with auxiliaries in the shape of political

Lazzeroni capable of being organised by wealth in opposition to the higher order of working men and the middle class.[60]

W. R. Greg also argued that some of the lower classes enfranchised in 1867 were financially irresponsible and excitable politically and ready to throw in their lot with the upper classes in support of the imperial cause.[61] The *Spectator*, too, believed that Disraeli was intent on eliminating the influence of the 'trained middle class' from high politics and 'to bring the cheers of the unthinking to the direct support of the counsels of the crafty'.[62] Such a 'union of the monarch and the mob' would, it was thought, have severe economic consequences.[63] Smith felt that a commitment to imperial policies and the expense they would occur could easily undermine Britain's competitiveness abroad. Seebohm believed that Disraeli's attempt to revert to something like Continental imperialism through the re-militarisation of British society would, if it succeeded, not only undermine liberty but also ruin the economy and reduce the masses to a helpless dependence on the state, an outcome he called 'Socialism'.[64]

The Cobdenite economist, Thorold Rogers, was thinking along the same lines, though in a different context, when he spoke of the stifling of public debate on the issue of national finance by 'the Clodius of the aristocracy and the Milo of the Stock Exchange' who 'have each his gang, hired from the residuum'.[65] His comment shows that, like radicals of old, the critics of the 1870s saw City wealth and London wealth as tainted by association with traditional sources of power: Smith talked of the need to resist 'the snortings of the warhorses on the Stock Exchange and Pall Mall'.[66] A correspondent in the *Spectator* also complained that Disraeli's 'immoral' policy in Afghanistan was strongly supported 'in the wealthy society of London and especially in the City where the party of the Government rules unquestioned'.[67] Christian liberal critics of Disraeli backed up these arguments about the politics of the metropolis. Edward Freeman was convinced that 'Among other work to be done, while we free eastern Europe from the Turk, is to free England from the London West End ... One of our greatest evils is the connexion of Parliament with London "society".'[68] And after the election in 1880, he again claimed that 'London and what is called "Society" was against us' as were those with 'genteel aspirations' who lived in the surrounding counties; while the *Spectator* thought that the heart of Toryism was 'in the Home Counties, where the villa folk are still convinced that Conservatism is the "gentlemanly interest"'.[69]

Gladstone came to similar conclusions. He saw it as one of his great tasks to create a harmonious society, one that through the abolition of

privilege would reconcile wealth with poverty and avoid class conflict. Disraeli's Toryism upset him because its policies seemed designed to emphasise class differences rather than diminish them.[70] He had also become more and more convinced that, although the 'masses' would always need careful intellectual guidance, they were more to be trusted ethically than the 'classes' in matters of policy[71] and that, in opposing Disraeli, he was battling against most of the 'Plutocracy' and the London clubs on behalf of the 'true nation'.[72] During his Midlothian campaign in 1879 Gladstone also spoke of the rise of new 'hybrid or bastard men of business' whose wealth 'has made a progress wholly out of proportion to any advancement they may have affected during the last quarter of a century in mental resources or pursuits' and that this had produced 'disproportioned growth' and 'derangement' in the 'moral and social world'. The moral slackness that the new class exhibited was, Gladstone believed, closely related to the failure of Disraeli's government to hold to the canons of sound finance by allowing the growth of a serious budget deficit, a deficit that was the material cost of Disraeli's moral failures in pursuing imperialism.[73] He was also afraid that, under Tory leadership, Britain would waste its substance on war and imperial expansion when there was a need to concentrate on domestic reform and maintain low taxation in preparation for difficult times ahead, especially given that the United States would soon be challenging Britain's global economic hegemony: extensions of empire drained the nation of scarce manpower and resources and diverted attention from the domestic scene and from the need for political and social reform.[74]

The liberal animosity against London wealth and particularly against the City was also used in some quarters to reinforce the anti-Jewish sentiments excited by Disraeli's personality and politics. 'The City, the Jews, the wealthy and luxurious classes' were often bracketed together.[75] Goldwin Smith was particularly sharp on this point, his animosity no doubt reinforced by the fact that the Rothschilds, though traditionally Liberal in politics, were close to Disraeli, had provided the finance for his Suez Canal coup in 1875 and warmly backed his Turkish policy in 1877–8.[76] Smith wrote of the 'Judaism of the Stock Exchange' and argued that Jews were 'plutopolitan' rather than patriotic.[77]

Their politics are those of wealth; and . . . they will now, as liegemen of wealth pass to the side of reaction . . . with social progress they can have no sympathy. The growth of national debts has greatly increased their power. They are becoming masters of the newspaper press.[78]

Most liberals concerned with the economic basis of Disraeli's support saw it in terms of new wealth being captured to serve the interests of the old: despite admitting that India was an important market for textiles, it was rare for anyone at this time to put industry or commerce at the forefront of villainy. Frederic Harrison did claim that imperial expansion was based on 'the sordid lust for new markets' but the main thrust of his argument was that 'this empire is the empire of the entire governing class' and that 'Imperialism is the creed of all who find in the military empire the glory and strength of England. And they form the bulk of the official and governing classes, under whichever political chief they are sworn to serve.'[79] Given the close connection between liberalism and the rise of capitalist industrialism it was always difficult for liberals or radicals to come to terms with the possibility that it might be the chief force behind war and imperialism.

It is evident that most of the ingredients of the radical critique of 'financial imperialism' which sprang up in the 1890s and which culminated in Hobson's *Imperialism: A Study* (1902) existed in the 1870s. Although he identified certain industrial export interests as clamorous for imperial expansion, Hobson could not accept any more than had his predecessors that industry was central to imperialism. Moreover, although in response to the marked rise in foreign investment in the intervening years he declared finance to be the 'governor of the imperial engine' and thus gave it a greater role than it had been accorded in the 1870s, he also thought of finance as the orchestrator of a complex of vested interests most of which would have been familiar to Goldwin Smith. He also reproduced the latter's anti-semitic bias into his analysis as did some other of his contemporaries such as Francis Hirst. Similarly, Hobson's intensely moralistic denunciation of imperialism and his concern that, backed by the jingoism of the mob and a hired press, it would reactivate militarism, undermine the economy, make Britain dependent on mercenary armies, and subvert parliamentary democracy were all echoes of the critique fashioned in the 1870s.[80]

V. GLADSTONE'S IMPERIAL PHILOSOPHY

In challenging Disraelian imperialism, Gladstone made some shrewd hits. He responded to the argument of Edward Dicey, the editor of the *Observer*, that Britain should occupy Egypt to safeguard the empire against Russia by saying that the Russian menace was grossly exaggerated; that strategically the Cape mattered far more than Suez; that we would make a permanent enemy out of France if we occupied Egypt; and that although he wished to

see Turkish rule removed from Europe he felt that it was well adapted to deal with the 'Orientals and Mohammedans' in Egypt and the Middle East.[81] He also predicted that, once occupied, Egypt would become 'the almost certain egg of a North African empire' and thus extend Britain's overseas commitments even further.[82] In doing so, he accurately predicted the problems of imperial 'overstretch' which haunted British statesmen in the twentieth century. Gladstone was also appalled by Dicey's *Realpolitik* and his conviction that empire was a matter of power not principle and insisted on assessing imperial and foreign policy in a moral context.[83] Rather than cynically supporting the alien Turk against its Christian rivals, Britain should be concerned to 'exercise foreign influence as a member of the great community of Christendom'.[84] This, of course, referred to the 'Concert of Europe', an idea that had its origins in Gladstone's deep Christian convictions and which should be pursued, he declared during his Midlothian campaign, because,

... by keeping all in union together you neutralize and fetter and bind up the selfish aims of each ... common action is fatal to selfish aims ... [and] ... the only objects for which you can unite together the Powers of Europe are objects connected with the common good of them all.[85]

Gladstone was assured that 'We have a true superiority, as to moral questions, in European affairs, over the other great Powers in this part of the globe.' Britain had long been prevented from immoral meddling in Europe by the accident of insularity: but this 'has grown by long tract of time into our mental and even our moral habit'.[86] The government's flagrant abuse of morality in its support of Turkey, the fact that 'we in late years have sadly shown that we too have selfish aims', was not aiding the imperial cause but weakening it by lowering Britain's moral standing in Europe and the wider world and by making it more difficult to act with other powers.[87]

Nonetheless, the anti-Disraelian rhetoric he employed often hid the subtlety of Gladstone's own position and what is most striking about his response to Dicey is how much he had in common with the latter. He admitted that 'the sentiment of empire may be called innate in every Briton' and a 'part of our patrimony' that was 'interwoven with all our habits of mental action on public affairs'. And, echoing Dicey, he went on to say that, if empire were lost, Britons would 'discover other inhabited or uninhabited spaces on the globe on which to repeat its work, or would without them in other modes assert its undiminished greatness'.[88] However, this argument was immediately heavily qualified: empire 'was a portion of our national stock that had never been deficient, but which has

more than once run to rank excess and brought us to mischief accordingly'. Indeed, he argued, 'The dominant passion of England is extended empire.' He admitted that extension of the empire could not always be avoided but he wanted to make a distinction between its 'normal action' and the 'domineering excess' which characterised Disraeli's policy and which had in the past led to the rupture with the American colonies.[89]

Gladstone's belief that Britons would naturally spread over the globe meant in effect that there would be continuous and numerous clashes between British agents and native civilisations in Africa and Asia that would find it sometimes impossible to assimilate the former without social breakdown. Peripheral conflicts were thus inevitable and resolving them without extending British sovereignty was not easy even when governments were resolutely opposed to expansion, especially as the pressure from other European powers on the lookout for territory grew in intensity. In the circumstances, it was not usually possible to make polite distinctions between 'normal' and 'excess' expansion. Gladstone gave a list of extensions of sovereignty under Disraeli and was particularly savage about the acquisition of Cyprus which, with some justice, he described as unnecessary;[90] but he admitted that not all annexations were avoidable. In the case of the annexation of Fiji and the extension of authority on the Gold Coast as a result of the Ashanti Wars in 1874–5, he conceded that they had not been planned, though he failed to remind his audience that these frontier problems had erupted under his administration and that, had he continued in office, he would probably have been forced to take the same measures as his successor.[91]

Moreover, Gladstone and most of his supporters, save for the few who took their lead from Richard Cobden, were believers in Britain's mission to civilise. This sense of Britain's moral superiority underpinned liberal responses to frontier crises; it also informed their policies towards the existing empire. Gladstone's opinions on India are typical in this regard. He may have been right to argue that Britain was not a net gainer in economic terms from its control over India, or over any other part of the empire, and that, in an ideal world, Britain would have been better off devoting its resources to internal development with an eye to its future competitive position as European and American industrialisation advanced rapidly. (The modern debate on the issue is inconclusive.)[92] Despite appearances, he may also have been right in arguing that Britain's position in India depended not so much on military power – which he acknowledged – as upon the moral authority of its civilisation. Such a view is compatible with Robinson's 'collaborationist' argument about the foundations of British imperial power or with Gramscian ideas about power resting on 'hegemony'.[93] However, the fact

that Gladstone thought that Britain should exercise such authority shows that he believed in Britain's 'civilising mission'. Britain's 'comparative force of manhood and faculties for action' gave it the moral right to rule over Indians and he was convinced 'It is them and their interests that we are defending, even more, and far more, than our own.'[94]

His views were widely shared amongst Disraeli's opponents. Both Lowe and Goldwin Smith deplored Britain's conquest of India but felt that Britain was morally obliged to stay. Smith, like Lowe, was less sanguine than Gladstone about the benefits of British rule to the Indians but he was convinced that withdrawal would mean the reign of 'anarchy' which would be not only bad for the Indians but would imperil British property there.[95] Rogers, who thought that leaving India would 'effect a vast reduction in the public expenditure', still declared that to withdraw would be a 'great national crime' and would 'hand mankind over to barbarism'.[96] And even Frederic Harrison, who was convinced that proper governance of the empire 'would demand the strength, the wealth, the enlightenment, the moral conscience of fifty Englands', still believed that we should not 'fling off the tremendous responsibilities with which the ages have burdened us'.[97] Grant Allen did a quick back-of-the-envelope calculation that convinced him at least that India cost the nation far more than it brought in benefits and he then inferred from it that we had no reason to be there at all;[98] but such rigorous Cobdenite logic was alien to Gladstone and to most of the liberals who supported him – as it had been to most critics of empire in the past – not because they distrusted Allen's arithmetic but because of their sense of 'England's mission'. For liberals like Gladstone it was precisely because they had such a strong belief in Britain's role as a civilising agent that they were so adamant that the empire should not be extended lightly. Gladstone had an acute sense of the mismatch between Britain's limited resources and the extent of its commitments to imperial governance and he was aware of many deficiencies in British overseas administrations including the Indian one. Such knowledge only enhanced his despair at the idea of further extensions of empire because they would lead to more claims on scarce materials and make the civilising mission so much harder to achieve in those places where Britons had already assumed the 'obligation' and the 'duty' to rule.[99]

VI. IMPERIALISM: AN EMERGING CONSENSUS?

In practice, Gladstone's radical rhetoric and the clamour of his supporters obscured not only his own complex response to the phenomenon of

imperialism but also hid the fact that there was a good deal of support for the government's policies within the Liberal movement, both at Westminster and in the country. Hartington, as leader of the Liberal party in the Commons, cautiously supported the government's Turkish policy but his views were often swept aside as Gladstone strode back to the centre of affairs in the wake of the Bulgarian crisis.[100] Yet Gladstone himself often found it impossible to mobilise strong support for his own views in the party where 'financial and commercial men' such as J. G. Goschen often favoured the government's approach over his own.[101] Moreover, if Gladstone felt guilty about deficiencies in imperial governance his views were not representative of broader liberal thinking. Sir John Lubbock, banker and naturalist as well as Liberal MP for Maidstone, was rather more typical of average opinion in the party in regarding Britain's record as a matter for complacent pride. He spoke of 'justice and even generosity' and of 'sacrifice' and concluded that, 'It is not I think too much to say that our country has exercised its great trust in a wise and liberal spirit, and governed the Empire in a manner scarcely less glorious than the victories by which the empire was won.'[102]

Indeed, sentiment within the Liberal party as a whole was not far removed from that of moderate Tories such as Lord Carnarvon, the Colonial Secretary until 1878 when he broke with Disraeli whose policies he had come to see as extreme. Freed from office, Carnarvon distinguished between a 'false' imperialism (which he associated with Continental militarism and, by implication, with Disraeli's foreign policy) and a 'true' one that meant both the pursuit of white imperial unity and a policy of spreading the benefits of European civilisation – freedom, justice and good government – to the less developed and less fortunate.[103] His position was enthusiastically endorsed by the *Spectator*, which under its influential editor, Meredith Townsend, was in the mainstream of educated Liberal opinion in the country. The *Spectator* was with the Gladstonians when they accused Disraeli of adopting a policy of Continental-style militarism and imperialism. It also agreed with Gladstone that the strength of the empire lay at home rather than on the periphery, and, like him, it did so not to play down the importance of empire but because it felt that Disraeli's policy would undermine Britain's pursuit of its proper imperial destiny by dissipating its resources and thus weakening its ability to defend its possessions. But it differed from more extreme opponents of Disraeli, such as Lowe, in thinking that the governance of dependencies was much more than an irksome necessity and was more positive than Gladstone about the virtues of imperial rule.[104]

True Imperialism is an Imperialism of service and rests upon the vast influence which a great people, thinking only of the duties imposed on it by its history and resources, may exert over all the various offshoots and States who have gradually come to lean on its counsels, and be guided by its decisions – an influence, however, degraded by every act of selfish ambition, by every wanton extension of its power, and every vulgar indulgence of its pride.[105]

It was assumed that Liberals would fight and die for this empire of service and that they were ready to extend it for the same cause: an approach they contrasted with the 'selfish' policy of glorifying empire promoted by Disraeli, a policy they thought similar to that which had operated under the old colonial system and which, they averred, had led to the loss of the American colonies.[106]

This was a rather more positive, and much more common, liberal view of imperial responsibility than the rather austere picture of Britain failing to meet its imperial responsibilities put forward by Gladstone and his allies. The crossover between mainstream Liberal and moderate Tory views on empire was made even plainer when Lord Derby, Foreign Secretary until 1878, also abandoned Disraeli and adopted the language of Spencerian radicalism to denounce his former chief's militarism as harmful to the industrialism that was the source of Britain's strength. The *Spectator* supported him in broad terms while cautioning its readers that military training counteracted 'the too loose and too selfish organisation of industrial society', and 'the love of luxury' it sometimes encouraged, and inculcated ideas of discipline and self-sacrifice. Accordingly, it wished to combine 'a subdued and generous military spirit with industrial enterprise, which alone can check the aggressive and domineering military spirit that would ride roughshod over all industrial enterprise'.[107]

VII. CONCLUSIONS

It has been argued that Gladstone became convinced in the 1850s of the radical ideals on foreign and imperial policy finally unveiled at Midlothian but that he had been forced to suppress them because of the widespread popularity of Palmerstonianism even after its author's demise. Initially he was surprised by the strength of the reaction to Disraeli's Turkish politics: once that was clear, he felt free to speak and saw it as his duty to do so.[108] Nonetheless, as so often with Gladstone, the imperatives of morality dovetailed neatly with his perceptions of his own and his party's needs. He had become convinced that the Liberal party's future depended on harnessing those provincial forces within which Nonconformity and

popular radicalism were abiding elements. At the same time, he was also determined not to become dependent on them but to bring them under the control of the Peelite and Whig elements within the party.[109] Similarly, his growing recognition of the ethical value of the instincts of the mass of the new electorate of 1867 was qualified by his firm conviction that the masses could not manage without the intellectual guidance and authority of their traditional masters. In that sense, Gladstone's radical stance in the 1870s can be seen as part of his evolving strategy for managing the shifting coalition of the wealthy and the poor, the established and the unestablished, that made up the Liberal movement in Britain to ensure that it could still produce a party that was a serious candidate for governmental power. It was also a strategy that, consciously or unconsciously, served Gladstone's own interests since he was the only major political figure capable of holding the motley band together, its essential electoral asset.[110]

The strategy had its costs, edging the Whigs towards their final departure from the party over Ireland, slowly frightening away many of the 'financial and commercial men' and thus forcing the party into a greater dependence on the urban working class voter. Gladstone's faith in the 'masses' and his attempts to 'democratise' it in the Midlothian campaign also lost him the support of some emerging 'liberal imperialists' such as Edward Dicey and Fitzjames Stephen, who believed that he did not understand the realities of power in a world that was more Bismarckian than it was Gladstonian.[111] The ferocity of his attack on 'imperialism' also left the more general, and highly misleading, impression that the whole liberal movement was anti-empire in sentiment, a problem that hampered the party well into the twentieth century.[112] The irony of this position was well illustrated by Gladstone's own inability to stem the tide of expansion when he became Prime Minister for the second time. As we have seen, he had opposed Dicey on Egypt and accurately predicted some of the bad international consequences that would flow from absorbing it. But as the collaborative government of the Khedive began to collapse in 1882, Gladstone, under pressure from a strong 'imperialist' strand in his own party and quite unable to organise the common action with other powers he had too easily assumed was possible when in opposition, felt impelled to intervene. One critical element in the problem here was that Gladstone, along with most other liberals, did not believe that Egyptians were capable of managing an ordered, capitalist society without European guidance and, when it appeared that the new regime in Cairo wanted European authority removed, Gladstone felt compelled to act lest 'anarchy' should

reign.[113] In calling for limits on expansion when in opposition, his ambivalence towards the whole imperial project meant that he failed to indicate clearly where the line in the sand could be drawn. In the circumstances, it is not surprising that he could not maintain the rigorous standards that he had called on his political opponents to observe when in office after 1880.[114]

NOTES

1. I should like to thank Duncan Bell and Tony Taylor for their comments on earlier drafts.
2. James Mill, 'Colony' [1821] in *Essays on Government, Jurisprudence, Liberty of the Press, and the Law of Nations*, written for the *Supplement to the Encyclopaedia Britannica* (London, 1828).
3. For introductions to the tradition see P. J. Cain, *Hobson and Imperialism: Radicalism, New Liberalism and Finance, 1887–1938* (Oxford, 2002), esp. ch.3. For a different perspective see Miles Taylor, 'Imperium et Libertas: Rethinking the Radical Critique of Imperialism during the Nineteenth Century,' *Journal of Imperial and Commonwealth History*, 19 (1991), pp. 1–23.
4. On the make-up of the party see the classic account by John Vincent, *The Formation of the Liberal Party, 1857–1868* (Harmondsworth, 1966).
5. Philip Harling, *The Waning of Old Corruption: The Politics of Economical Reform in Britain, 1779–1846* (Oxford, 1996); Harling and Peter Mandler, 'From "Fiscal-Military" State to *Laisser-Faire* State, 1760–1850,' *Journal of British Studies*, 32 (1993), pp. 44–70. On Gladstone, see H. G. C. Matthew, *Gladstone, 1809–1898* (Oxford, 1996), and Richard Shannon, *Gladstone: Heroic Minister, 1865–98* (Harmondsworth, 1999).
6. On the City see Anthony Howe, *Free Trade and Liberal England* (Oxford, 1997), esp. ch.2. On the emergence of the 'nightwatchman state' see Martin Daunton, *Trusting Leviathan: The Politics of Taxation in Britain, 1799–1914* (Cambridge, 2001).
7. Eugenio Biagini, *Liberty, Retrenchment and Reform: Popular Liberalism in the Age of Gladstone, 1860–1880* (Cambridge, 1992). See also Jon Lawrence, 'Popular Radicalism and the Socialist Revival in Britain,' *Journal of British Studies*, 31 (1992), pp. 163–86; Biagini and Alistair Reid (eds.), *Currents of Radicalism: Popular Radicalism, Organised Labour and Party Politics in Britain* (Cambridge, 1991); and Antony Taylor, *Lords of Misrule: Hostility to Aristocracy in Late Nineteenth and Early Twentieth Century Britain* (Basingstoke, 2004).
8. On Disraeli's policies and the historical controversies they have generated, see C. C. Eldridge, *Disraeli and the Rise of a New Imperialism* (Cardiff, 1996); and J. P. Parry, 'Disraeli and England,' *Historical Journal*, 43 (2000), pp. 699–723. A measured account of Disraeli's foreign policy is Roger Millman, *Britain and the Eastern Question, 1875–1878* (Oxford, 1979).
9. R. T. Shannon, *Gladstone and the Bulgarian Agitation, 1876* (London, 1963).

10. In the 1880 election Gladstone presented himself as a 'Liberal' rather than as a 'Liberal Conservative' as hitherto. K. T. Hoppen, *The Mid-Victorian Generation, 1846–1886* (Oxford, 1998), p. 634.

11. J. A. Schumpeter, 'Imperialism' in R. Swedberg (ed.), *Joseph A. Schumpeter: The Economics and Sociology of Capitalism* (Princeton, 1991), esp. pp. 144–50.

12. Spencer, *The Man versus the State* [1892 edn] (Indianapolis, 1981), p. 167.

13. Spencer, *The Man versus the State*, pp. 453–4.

14. Letter of 10 Oct. 1879, in Herbert Spencer, *An Autobiography*, 2 vols. (London, 1904), II, p. 329.

15. Ibid., pp. 329–30.

16. Goldwin Smith, 'The Greatness of England,' *Contemporary Review*, 34 (1878), p. 18. Smith's language had strong similarities to that of Spencer. For example, he described the Ottoman Empire as 'one of those military empires that has never become industrial . . . It has never shown the slightest sign of civilisation – political, intellectual, commercial.' Smith, 'The Policy of Aggrandisement,' *Fortnightly Review*, 23 (1877), p. 303.

17. Robert Lowe, 'Imperialism,' *Fortnightly Review*, 24 (1878), reprinted in P. J. Cain (ed.), *Empire and Imperialism: The Debate of the 1870s* (South Bend, Indiana, 1999), p. 261.

18. W. E. Gladstone, *Midlothian Speeches* (Leicester, 1971), pp. 60 & 18.

19. E. A. Freeman, 'The Election and the Eastern Question,' *Contemporary Review*, 37 (1880), p. 958. Freeman was typical in constantly referring to 'England' rather than to 'Britain'.

20. On Whig history in general and Freeman in particular see John Burrow, *A Liberal Descent: Victorian Historians and the English Past* (Cambridge, 1981), esp. chs 2, 7 & 8.

21. F. Seebohm, 'Imperialism and Socialism,' *Nineteenth Century*, 7 (1880), reprinted in Cain (ed.), *Empire and Imperialism*, p. 299. On Seebohm see the *Oxford Dictionary of National Biography*, Vol. 49 (Oxford, 2004), pp. 663–5.

22. W. E. Gladstone, 'England's Mission,' *Nineteenth Century*, 4 (1878), as reprinted in Cain (ed.), *Empire and Imperialism*, p. 234.

23. On 'character' and its attendant virtues see Stefan Collini, *Public Moralists: Political Thought and Intellectual Life in Britain, 1850–1930* (Oxford, 1991), esp. chs 2, 3 & 5.

24. Richard Koebner and Helmut Dan Schmidt, *Imperialism: The Story and Significance of a Political Word* (Cambridge, 1964), ch. 5.

25. *Spectator*, 8 April 1876, as in Cain (ed.), *Empire and Imperialism*, p. 158.

26. Lowe, 'Imperialism,' pp. 268–9.

27. Seebohm, 'Imperialism and Socialism,' p. 299.

28. Gladstone, 'England's Mission,' p. 244.

29. *Spectator*, 18 March 1878, p. 630. See also Frederic Harrison, 'Empire and Humanity,' *Fortnightly Review*, 27 (1880), pp. 288, 290.

30. Seebohm, 'Imperialism and Socialism,' p. 302.

31. A. S. Wohl, '"Dizzi-Ben-Dizzi": Disraeli as Alien,' *Journal of British Studies*, 34 (1995), pp. 375–411. See also Goldwin Smith, 'England's Abandonment of the Protectorate of Turkey,' *Contemporary Review*, 31 (1878), pp. 617–8.

32. Freeman, 'The Election and the Eastern Question,' p. 964.
33. Freeman, 'The Relation of the English People to the War,' *Contemporary Review*, 30 (1877), pp. 494–5. Disraeli went to the House of Lords as Lord Beaconsfield in 1878.
34. Smith, 'England's Abandonment of the Protectorate of Turkey,' p. 617. See also, *idem*, 'Can Jews be Patriots?' *Nineteenth Century*, 3 (1878), p. 875; and Colin Holmes, 'Goldwin Smith (1823–1910): A Liberal Antisemite,' *Patterns of Prejudice*, 6 (1972), pp. 25–30.
35. Shannon, *Gladstone*, p. 221. See also Niall Ferguson, *The World's Banker: History of the House of Rothschild* (London, 1998), p. 829.
36. Goldwin Smith, 'The Policy of Aggrandizement,' p. 309; Gladstone, 'England's Mission,' p. 252.
37. Grant Allen, 'Why Keep India?', *Contemporary Review* 38 (1880), pp. 550–1; and Lowe, 'The Value to the United Kingdom of the Foreign Dominions of the Crown,' *Fortnightly Review*, 22 (1877) as reprinted in Cain (ed.), *Empire and Imperialism*, pp. 116–7.
38. Lowe, 'The Value to the United Kingdom,' pp. 112–4.
39. Gladstone, 'Aggression on Egypt and Freedom in the East,' *Nineteenth Century*, 2 (1877), as reprinted in Cain (ed.), *Empire and Imperialism*, p. 193.
40. Lowe, 'The Value to the United Kingdom,' pp. 117–8; and Allen, 'Why Keep India?' pp. 444, 551–2
41. Lowe, 'Imperialism,' p. 269.
42. Seebohm, 'Imperialism and Socialism,' pp. 300–1.
43. Smith, 'Greatness of England,' p. 18.
44. The classic sources on Orientalist discourse are of course Edward Said, *Orientalism* (London, 1978) and his *Culture and Imperialism* (London, 1994).
45. *Parliamentary Debates* 3rd ser. vol. 227, 17 Feb. 1876, cc. 413–4.
46. Freeman, 'The Election and the Eastern Question,' p. 966.
47. Frank H. Hill, 'The Political Adventures of Lord Beaconsfield–II,' *Fortnightly Review*, 24 (1878), p. 707. See also Henry Dunckley, 'The Progress of Personal Rule,' *Nineteenth Century*, 4 (1878).
48. T. E. Kebbel, 'Personal Rule: A Reply,' *Nineteenth Century*, 4 (1878); 'The Danger behind Personal Government,' *Spectator*, 7 Dec. 1878.
49. Lowe, 'Imperialism,' pp. 273–4. See also *Spectator*, 'The Danger behind Personal Government'; and P. J. Durrans, 'A Two-edged Sword: The Liberal Attack on Disraelian Imperialism,' *Journal of Imperial and Commonwealth History*, 10 (1982), pp. 268ff.
50. Lowe, 'Imperialism,' pp. 273–4.
51. Smith, 'The Policy of Aggrandisement,' p. 309; Freeman, 'The Election and the Eastern Question,' p. 966.
52. See e.g. Smith, 'The Policy of Aggrandisement,' pp. 315, 322.
53. Gladstone, 'England's Mission,' p. 241.
54. Allen, 'Why Keep India?' pp. 552–3; and Lowe, 'The Value to the United Kingdom of the Foreign Dominions of the Crown,' pp. 114–5.
55. 'Lord Beaconsfield's Magic,' *Spectator*, 2 Nov. 1878.

56. For Gladstone, see Marvin Swartz, *The Politics of British Foreign Policy in the Age of Gladstone and Disraeli* (London, 1985), p. 42. See also W. R. Greg, 'Foreign Policy of Great Britain: Imperial or Economic?' *Nineteenth Century*, 4 (1878), pp. 398–9.

57. Smith, 'The Eastern Crisis,' *Fortnightly Review*, 23 (1878), pp. 658–9.

58. Smith, 'The Greatness of England,' p. 7.

59. Smith, 'Whigs and Liberals,' *Fortnightly Review*, 23 (1878), pp. 414–15.

60. Smith, 'The Greatness of England,' p. 8.

61. Greg, 'Foreign Policy of Great Britain,' pp. 404–5.

62. 'Lord Beaconsfield's Magic.'

63. Seebohm, 'Imperialism and Socialism,' p. 299.

64. Smith, 'The Policy of Aggrandisement,' p. 306; Seebohm, 'Imperialism and Socialism,' pp. 298–9. The young John Morley held similar views. See D. A. Hamer, *John Morley: Liberal Intellectual in Politics* (Oxford, 1968), pp. 131–3.

65. J. E. Thorold Rogers, 'British Finance: its Present and Future,' *Contemporary Review*, 34 (1879), p. 303.

66. Smith, 'The Policy of Aggrandisement,' p. 324.

67. 'A Convert to Democracy,' *Spectator*, 3 Jan. 1880, pp. 13–14.

68. Letter from Freeman to Canon Liddon, 11 May 1878, in W. R. W. Stephens, *The Life and Letters of Edward A. Freeman* (London, 1895), pp. 164–5.

69. Freeman, 'The Election and the Eastern Question,' pp. 958, 967; 'The London Press and the Elections,' *Spectator*, 10 April 1880.

70. Matthew, *Gladstone*, pp. 345–7.

71. Matthew, *Gladstone*, pp. 347–50; Shannon, *Gladstone*, pp. 221–2.

72. Gladstone is quoted from Durrans, 'A Two-edged Sword,' p. 275. For the persistence of this analysis of 1876–80 among liberals see James Bryce, *Modern Democracies* (London, 1923), II, pp. 414–5.

73. Gladstone, *Midlothian Speeches*, pp. 237–9. See also Matthew, *Gladstone*, pp. 303–7. Gladstone's view of new wealth echoed Anthony Trollope's vivid account of it in his famous novel *The Way We Live Now* (London, 1876). A measured view of Disraeli's financial policy can be found in P. R. Ghosh, 'Disraelian Conservatism: A Financial Approach,' *English Historical Review*, 99 (1984), pp. 268–96.

74. W. E. Gladstone, 'Kin Beyond Sea,' *North American Review*, 127 (1878), p. 180; see also *idem*, 'Aggression on Egypt,' pp. 191–2. Cf. Seebohm, 'Imperialism and Socialism,' p. 734.

75. *Spectator*, 3 Jan. 1880, pp. 13–14.

76. Ferguson, *The World's Banker*, pp. 820–31. It should be noted that, in rallying to Disraeli, the Rothschilds saw themselves as supporting their co-religionists and paid a considerable price in lost revenues in Russia.

77. Smith, 'Can Jews be Patriots?', pp. 875, 887.

78. Smith, 'England's Abandonment of the Protectorate of Turkey,' p. 618.

79. Harrison, 'Empire and Humanity,' pp. 295–6.

80. Cain, *Hobson and Imperialism*, esp. ch. 4.

81. Dicey, 'Our Route to India,' *Nineteenth Century*, 1 (1877), as reprinted in Cain (ed.), *Empire and Imperialism*, p. 165. This article also appears in Edward Dicey, *England and Egypt* [1881] (London, 1986), pp. 29–74.
82. Gladstone, 'Aggression on Egypt,' pp. 195–202. See also Smith, 'The Policy of Aggrandizement,' pp. 305, 320, 324.
83. Dicey, 'Mr. Gladstone and Our Empire,' *Nineteenth Century*, 2 (1877), as reprinted in Cain (ed.), *Empire and Imperialism*, pp. 221–3.
84. Gladstone, 'England's Mission,' p. 252. See also Durrans, 'A Two-edged Sword,' pp. 273–4.
85. Gladstone, *Midlothian Speeches*, pp. 115–6. On the role of his Christianity, see Matthew, *Gladstone*, pp. 271–5.
86. Gladstone, 'England's Mission,' p. 248.
87. Gladstone, *Midlothian Speeches*, p. 116.
88. Dicey, 'Mr. Gladstone and Our Empire,' p. 216.
89. Gladstone, 'England's Mission,' pp. 241–3.
90. Gladstone, 'England's Mission,' pp. 238–9.
91. Gladstone, *Midlothian Speeches*, pp. 48, 134. On Fiji and the Gold Coast conflict see C. C. Eldridge, *England's Mission: The Imperial Idea in the Age of Gladstone and Disraeli* (London, 1973), ch. 6.
92. For introductions to this debate see Avner Offer, 'Costs and Benefits, Prosperity and Security' in A. N. Porter (ed.), *The Oxford History of the British Empire* (Oxford, 1999), III, pp. 690–711; and P. J. Cain, 'Was it Worth Having? The British Empire, 1850–1950?' *Revista de Historia Economia*, 16 (1998), pp. 351–76.
93. Ronald Robinson, 'The Excentric Idea of Imperialism with or without Empire' in Wolfgang Mommsen and Jurgen Osterhammel (eds.), *Imperialism and After: Continuities and Discontinuities* (London, 1986), pp. 267–89.
94. Gladstone, 'England's Mission,' pp. 253–5.
95. Lowe, 'The Value to the United Kingdom,' pp. 114, 116; Goldwin Smith, 'The Policy of Aggrandisement,' pp. 307, 318–9.
96. Rogers, 'British Finance,' pp. 301, 303.
97. Harrison, 'Empire and Humanity,' pp. 296, 298.
98. Allen, 'Why Keep India?,' *passim*.
99. Gladstone, 'England's Mission,' pp. 256–7.
100. Durrans, 'A Two-edged Sword,' pp. 269, 277.
101. Swartz, *The Politics of British Foreign Policy*, pp. 57, 90, 100, 110.
102. Sir J. Lubbock, 'The Imperial Policy of Great Britain,' *Nineteenth Century*, 1 (1877), p. 49.
103. Lord Carnarvon, 'Imperial Administration,' *Fortnightly Review*, 24 (1878), as reprinted in Cain (ed.), *Empire and Imperialism*, pp. 295–6.
104. 'Mr. Lowe on Imperialism,' *Spectator*, 5 Oct. 1878.
105. 'Lord Carnarvon on True and False Imperialism,' *Spectator*, 9 Nov. 1878.
106. 'True and False Imperialism,' *Spectator*, 7 Feb. 1880.
107. 'Lord Derby on Militarism and Commerce,' *Spectator*, 10 Jan. 1880.
108. R. T. Shannon, 'Midlothian: 100 Years After' in Peter John Jagger, *Gladstone, Politics and Religion* (London, 1984).

109. Swartz, *The Politics of British Foreign Policy*, pp. 43, 75.
110. Matthew, *Gladstone*, p. 345.
111. Shannon, *Gladstone and the Bulgarian Agitation*, pp. 213–15; J. A. Colaiaco, *James Fitzjames Stephen and the Crisis of Victorian Thought* (New York, 1983), pp. 192–4.
112. Durrans, 'A Two-Edged Sword,' p. 279. See also *The Times*, 11 Mar. 1880, as quoted in Koebner and Schmidt, *Imperialism*, p. 164.
113. This is made clear in Juan Ricardo Cole, *Colonialism and Revolution in the Middle East: Social and Cultural Origins of Egypt's 'Urabi' Movement* (Princeton, 1993).
114. Gladstone's *étatisme* and 'itch' to intervene should also be remembered here. Matthew, *Gladstone*, p. 350.

The 'left' and the critique of empire c. 1865–1900: three roots of humanitarian foreign policy

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1. INTRODUCTION

Though their numbers were few at mid-century, Britain by the death of Victoria possessed a substantial number of critics, chiefly on the socialist left, who challenged the reigning orthodoxy of high Victorian imperialist thought of Dilke, Seeley, Froude and others. Their contention was broadly that imperialist expansionism was not justifiable morally, and threatened, moreover, grave economic and political consequences. Such views would be a commonplace by the mid-twentieth century, and with the virtues of hindsight have vindicated that prophetic quality which a few contemporaries afforded them.

Yet while much has been written about John Hobson's classic study, *Imperialism* (1902),[1] many earlier critical sources have been curiously neglected. Leading studies of the early opponents of imperialism, such as A. P. Thornton's classic if quaintly untheoretical *The Imperial Idea and Its Enemies*, have however done little to assess the formative development of the earlier vehement critics of empire, and of their sympathy for extra-European nationalist movements.[2] Even the most important account of this strand of thought, Bernard Porter's illuminating study, *Critics of Empire* (1968), underestimates the impact of the coalescence of views examined here, and says relatively little about the formation of a left-wing critique before 1895, especially its Positivist component.[3] And while Porter has suggested that growing 'cultural relativism', often combined with a disillusionment respecting the supposed merits of western civilisation, was one of the elements of anti-imperialist thought at the end of the century, he does not develop this now much more hotly-contested theme.[4] This chapter explores the roots of such criticisms of empire first mooted from the 1860s onwards, then much more widely at the end of the century, by which time imperialism was being described as 'the outstanding political problem of the period' and 'the prevailing fashion in political

thought'.[5] It explores these sources by examining three interrelated paths to an ideal of humanitarian foreign policy: the Positivist critique of imperialism, notably by Frederic Harrison, begun in the mid-1860s; the Pan-Islamism of Wilfrid Scawen Blunt, in formation from the late 1870s; and Socialist rejections of empire, by H. M. Hyndman in particular, commencing in the early 1880s. This group of writers were nearly all acquainted, with Harrison and Blunt, and Blunt and Morris, being close friends. Anti-imperialism, in fact, was the cause which united them to a substantial degree. Intellectually, despite some differences, they crafted an account of imperialism which placed finance capital at the centre of their explanation for the motives for jingoistic imperialism, and united this to a willingness to engage with non-European peoples on a footing of relative equality, thus laying the grounds for what some early twentieth century writers were already referring to as a 'conflict of civilisations'.[6] They also drew the conclusion that it was necessary to support non-Western nationalist movements, and to call for the end of imperialism as such, if need be, for some, violently.

II. THE POSITIVISTS: WILLIAM CONGREVE, EDWARD BEESLY, JOHN HENRY BRIDGES, FREDERIC HARRISON

That Auguste Comte's British followers should have helped to fashion a cogent critique of imperialism is unsurprising.[7] For foreign affairs were in fact central to Positivism's engagement with public policy through its altruistic insistence on the supremacy of morals to politics, and the influence of the movement was vastly greater than its numbers alone suggest, for which we have evidence from various socialists, amongst others.[8] Comte's championing of the cause of 'Humanity' invited an open-ended embracing of a variety of anti-imperialist themes, notably resisting 'encroachments by the Christian nations of the West on less civilised peoples', and going beyond criticism to offer 'an alternative policy, the superiority of which from all points of view is undeniable'.[9] These themes were taken up in Britain, to considerable effect, by his leading British followers, the Wadham College quartet of Edward Beesly, William Congreve, J. H. Bridges, and Frederic Harrison. Politically Comte's followers urged the maxim that if the 'most perfect state is that which conducts itself with justice towards other states, and does most for the happiness of its own citizens', 'in proportion as any State exceeds a very moderate size, its citizens enjoy less of the advantages that ought to follow from civic union', with the consequence that 'Our vast empire not only gives us no

strength, but is the direct cause of our weakness.'[10] Positivism's philosophy of history and commitment to the creation of a 'Religion of Humanity' predisposed it to acknowledging the virtues of other religions,[11] a crucial issue, we will see, in the formation of anti-imperialist thought, to the point that their Society proclaimed in 1882 that 'the establishment of an international policy based on morality is the most immediate need of our time'.[12] Most notably, Comte conceded that Positivism had 'points of sympathy of which Catholicism would not admit' with Islam, which had fulfilled the vital role of transmitting Greek science to medieval Christian Europe.[13] Frederic Harrison continued the Comtist tradition of acknowledging Mohammed as 'one of the four chiefs of the initial theocracies', and the Koran to possess 'the grandest possible conception of monotheism; sublime poetry; and noble morality',[14] and celebrating events from the Islamic calendar at the Positivists' Newton Hall meeting place.[15] And through Comte's philosophy of history, this was extended to other religions as well; as John Henry Bridges put it, even

The fetich-worshipping population of Africa represents one of the earlier stages of social life through which we ourselves once passed. We know that friendly sympathy and wise guidance might do much to help on the natural process of growth, and enable them to pass rapidly and without shock from their primitive condition to a level with ourselves.[16]

The tone of this criticism was initially set by Richard Congreve (1818–99), who founded the Positivist movement in London in 1855, and published a series of essays on imperial questions. An examination of the Gibraltar issue as the basis for an exposition of the application of Positivism to foreign affairs was undertaken directly at Comte's suggestion in 1856.[17] There followed an extended treatment of India, and its implications for Britain's policy towards China, which concluded that Britain should withdraw 'without any unnecessary delay, within the shortest period compatible with due arrangements for the security of European life and property, and with such measures as shall be deemed advisable in the interest of Indian independence and good government'.[18] Empire was simply 'antimoral; for the sum and substance of morality is the victory of altruism over egoism', and the interest of empire was a 'purely commercial interest'.[19] Congreve rejected any claim of an innately superior European civilisation, and deprecated any effort to force Christianity on any nation, 'or to spread it even by persuasion, whenever and in however decaying a form there yet lives a religious organization'.[20] Throughout the next four decades Congreve extended these criticisms to every part of the empire.

Respecting Ireland, he advocated the creation of an independent Irish state, giving 'full sovereignty to those who are born in it and inhabit it', by way of repealing the Act of Union, though not direct and immediate separation.[21] He also condemned the Ashanti wars, and wrote extensively on Burma, Egypt and the Sudan, Uganda, the Transvaal and southern Africa, as well as India.[22]

Congreve's assault on British foreign policy was reinforced in a remarkable collection of essays, including contributions by Edward Beesly, Congreve, and Harrison, conceived in 1862 and published in 1866 under the title of *International Policy*.[23] This volume, which excited 'considerable attention',[24] demonstrates how coherent the Positivist critique of imperialism was well before any socialist writers of note had addressed the issue. Indeed it presents the first mature critique of empire which included free trade imperialism under the rubric.[25] It sought to assert that 'the interest, power, or prestige of any particular nation' was 'secondary and subordinate' to 'the acceptance of duties, not . . . the assertion of rights', which 'ought to have a moral, not a political or purely national foundation'.[26] The predominant theme of the volume was announced in Congreve's opening essay: Positivism taught

. . . the conception of the unity of the race. No theory as to its origin, no different estimate of the capabilities of its different parts, need or can disturb this practical relative conception. Under whatever divisions man exists, races, national aggregates, tribes, empires, states, families, all are but integral parts, practically, of one whole; branches of one great family; each with its proper function; each able to minister to the welfare of the others and of the whole. They are organs of one common organism, Humanity.[27]

Such a principle did not imply a denial of European leadership in the world – meaning France and Britain principally, for there is little sympathy for Germany, and none for Russia. To Congreve 'The African races assert no initiative. They wait for, and are not averse to accept, a wise guidance.' But elsewhere he wrote that 'The vast Polytheistic Empires of the East, in their strong organisation, strong under any delusive appearances of weakness, have also renounced, if they ever put forward, any claim to the direction of others . . . The same may be said of the aggregate of the Mohammedan powers.'[28] Once a European order was placed on settled foundations, and united not by the 'collective selfishness' of commercial interests but 'on a community of faith',[29] the independence of Canada and the Australasian colonies was to be anticipated. The liberal ideal 'that the pursuit by each nation of its own interests will practically lead to the harmonious adjustment of all human difficulties' was to be firmly rejected.[30]

Subsequent essays in the volume applied these general principles. Harrison explored Anglo-French relations, Beesly wrote on 'England and the Sea', and other writers examined relations with India, China, Japan and the 'uncivilised communities'. The conquest of Asia was regarded as the uniform result of commercial policy; 'The India of yesterday is the China of to-day, and the China of to-day the Japan of to-morrow.'[31] Lacking any justification in its origins, British domination had been 'ruinous to Indian society'.[32] Instead of dividing Indians, and proscribing their entry into imperial administration (as John Stuart Mill for instance did),[33] it was suggested (by E. M. Pember) that Indians be integrated into the civil service and judiciary, as a step towards reversing the policy of annexation, and eventual independence.[34] Chinese culture and traditions were given due homage by the physician John Henry Bridges (1832–1906), perhaps the most radical Positivist champion of Irish nationalism (he probably helped edge John Morley towards accepting Home Rule). Bridges was motivated by a 'real hatred of racial prejudices and the greed of empire'. His 'sympathies were always with the oppressed', and he believed, according to the 'humanitarian spirit', that 'all native races had the right to be left to themselves'.[35] Other contributors continued a similar line of thought. In the essay on Japan, it is the forced opening of commercial ports which was chiefly criticised. Regarding native policy, the French are complimented for having 'fraternised and intermarried with the natives, instead of exterminating them';[36] and a general policy of 'gradual elevation in the social scale, and their direct participation in the moral and intellectual results of Western civilisation' is endorsed, but without 'our prevailing disposition to an exaggerated individualism, overlooking the paramount importance of the family as the fundamental unit of society, without land seizures, and with adequate acknowledgement of the duty of the strong to protect the weak', guided by, as Henry Dix Dutton expressed it, the 'fundamental doctrine' of the 'Unity of the race and the leadership of the West'.[37]

Comte's foremost British disciple to defend the principles of *International Policy* was Frederic Harrison (1831–1923).[38] Harrison's leading theme was that 'Every fresh extension of the Empire beyond the Eastern or the Western oceans but extends the area of vulnerability and weakness; whilst the powers which surround its centre are gathering up resources with redoubled velocity.'[39] Initially the danger stemmed from Russia; after the Franco-Prussian War it was a united Germany fuelled by Bismarckian militarism. At each crisis of imperial intervention Harrison offered a critique based on the premise that Britain involved 'herself in international dilemmas to enable speculators to secure their usurious dividends . . . The

entire adventure of bloodshed and oppression falls back always on "finan-
cial interests".'[40] In the late 1870s and 1880s Afghanistan, then Egypt, were
predominant. Southern Africa followed suit, and India was never distant.
And there were comments on many others of the forty wars in fifty years
which he calculated Britain had engaged in. On each occasion Harrison
resisted what he regarded as violations of international norms, be it hang-
ing captured Afghan soldiers, wantonly violating treaties, governing gen-
erally not by Western ideals but 'terrorism in fact'.[41] Wherever possible he
assailed imperial myths, such as that the occupation of Egypt was to secure
a pathway to India, whereas in fact it was to secure bondholders their
interest.[42] Always he condemned the fact that 'races of dark men [were]
sacrificed to the pitiless genius of Free Trade, and at the blood-stained altar
of colonial extension'.[43] In most cases he readily lent his support to
independence movements, such as 'Egypt for the Egyptians',[44] but equally
'for the free development of every distinct nationality, for the free develop-
ment of the Irish and the Indian races, as well as for the free development of
the races of the Balkans or the banks of the Danube, against the encourage-
ment of any scheme of territorial aggression, however plausibly veiled . . .
against *all* oppression of conquered by their conquerors; we look for the
dissolution of these empires of conquest.'[45] Eventually he hoped that
'industry, not empire, shall be the end of human ambition and the desire
of true patriotism', with the 'vast tyrannous empires' being dissolved into
'smaller, homogeneous, industrial, and peaceful republics'.[46]

III. WILFRID SCAWEN BLUNT: NATIONALISM AND PAN-ISLAMISM

The most personally extraordinary of the critics of imperial policy in
this period was the renowned philo-Islamist Wilfrid Scawen Blunt
(1840–1922).[47] Born to a life of privilege, Blunt moved easily in Establish-
ment circles all his life, and shared their common view, as late as 1875, of
England's 'providential mission in the East'.[48] An orphan, raised as a
Catholic, Blunt married Byron's grand-daughter, Lady Annabella Noel,
and, retiring from the diplomatic service, embarked on a series of horse-
back journeys in the mid-1870s through Spain, North Africa, the Middle
East and Arabia. His sympathy with the Arab peoples, and a chance
meeting with the Persian ambassador in 1880,[49] engendered an extreme
hostility to imperialism, and a growing sense of his own 'mission in the
Oriental world', eventually extending to the 'cause of the backward nations
of the world'.[50] Disenchantment at British greed and cynicism followed;

with his first encounter in India 'my faith in British institutions and the blessings of British rule . . . received a severe blow'.[51] Though he was willing to acknowledge that imperialism had had some positive effects, notably in India, where liberty of thought had given the country a capacity for change which 'the ancient order of Asiatic things' had lacked, he now rejected European efforts at civilising 'improvement', averring instead that '*all* nations were fit for self-government'.[52]

Though Blunt never converted to Islam, being hindered by 'the incredulity of my reason',[53] he soon believed its renovation to be crucial to anti-European agitation; thus Africa's 'only chance' was embracing Islam to avoid its being 'absorbed by Europe'.[54] He took up Arab dress (and was buried in his own garden wrapped in a favourite Turkish carpet) as well as the cause of Egyptian nationalism, championing the Khedive's Minister of War, Arabi's, short-lived resistance to the British in 1882,[55] and contributing £3000 to his subsequent legal defence, thereby, it was widely acknowledged, saving his life. He also made an abortive attempt to negotiate between the Sudan's Mahdi, whose movement he considered 'the most important there has ever been in Africa',[56] and Tennyson's 'warrior of God', Gordon, realising that a martyr on either side would only prolong the bloodshed. Blunt eventually produced an exceptionally detailed and critical narrative of British imperial policy. Of his influence as a critic of imperialism there is a wealth of evidence. His *Ideas about India* was later described as providing 'conspicuous illustrations of keen insight into the real relations between England and India'.[57] Leading members of government referred to him as 'a considerable authority on Asiatic matters'.[58] His 'Secret History' became the basis for much subsequent writing on Egypt in this period.[59] Even Queen Victoria was informed of his doings, though dismissively; Cromer too had only contempt for his vision of an 'Arab utopia'.[60]

Though his own politics are often labelled 'Conservative' ('Conservative Nationalist' was his own preference), such a description hardly does justice to the subtlety and complexity of his anti-imperialist position, and the extent of his condemnation of that 'demoralisation which spread to all classes in England from the highest to the lowest, and which, by the violence of its injustice in the rush for wealth, obliterated all distinction between right and wrong in the minds of our people'. This he thought had originated 'in financial speculations, mainly of Hebrew origin', first encouraged by Disraeli.[61] Blunt's 'Toryism', as he defined it in May 1885, when he flirted with Lord Randolph Churchill's group of Tory Democrats, included support for the Established Church and House of Lords,

opposition to secular education, and to Radical views of land nationalisa-
tion, though supporting greater popular access to the land as 'in the truest
sense, a Conservative measure'.[62] His parliamentary associates included Sir
William Gregory (though they had their differences)[63] and Sir Wilfrid
Lawson.[64] Blunt was a Nationalist and Home Ruler relative to Ireland,
where he was imprisoned for three months for leading an illegal meeting.
His interests extended well beyond Egypt to India, where he supported
'large reforms in the direction of self-government', and to any who aided
their cause, including Hindu assassins and Roger Casement. His broader
perspective in international relations stressed the need for openness and the
principle of 'plain dealing and respect for international law [which] makes
special alliances and secret treaties impossible'.[65] He rejected not only what
he regarded as Gladstone's betrayal of such high principles, but equally 'the
Manchester doctrine which allows injustice to weaker nations in the
interests of finance and trade, though not of military glory', which required
the protection of weaker nations wherever possible. In Europe, Britain
could maintain its insular position while strengthening its navy. But in
Asia, so long as India remained British, the assistance of an 'alliance of the
Mohammedan nations against Russia' was requisite, and this provided the
political basis of Blunt's pan-Islamist principles, and his vehemently pro-
Egyptian stance against Anglo-French domination.[66]

   Blunt's single-minded detestation of the empire was based on several
sources. Religion, both his own Catholic background and his sympathy for
Islam, played a major role. Christianity, he wrote at one point respecting
Ireland, 'acknowledged at least this right to the weak races of mankind, that
they had their place in the general scheme of things and equality in God's
sight with the most efficient'.[67] Like that of Ireland, the cause of Egypt,
too, 'seemed to me to stand on a common footing of enlightened human-
ity, and of that adherence to religious tradition which I held to be essential
in every well-ordered community'.[68] The interpretation of Islam he was
taught stressed an antagonism towards intolerance and bitterness not only
within Islam, but equally between it and Judaism and Christianity, and the
belief that the world was 'progressing towards a state of social perfection
where arms would be laid down and a universal brotherhood proclaimed
between the nations and the creeds', ideas to which he acknowledged
himself greatly receptive.[69] (But eventually disillusionment did set in,
compelling Blunt reluctantly in 1897 to conclude that 'there is *no* hope
anywhere to be found in Islam . . . The less religion in the world perhaps,
after all, the better.')[70] As these thoughts and feelings broadened, and his
travel extended, Blunt became aware that throughout the empire relations

between the British and native peoples were deteriorating, principally through what he termed 'race hatred', a term he applied equally to Ireland.[71] Here India was particularly important, however, for the respect and affection felt by the natives towards many English were rapidly dissipating by the 1870s for three reasons: the increased rapidity of communications with Britain, which renewed attachment to the British way of life; the bitterness of feeling left in the wake of the Mutiny; and the effects of increasing numbers of Englishwomen in India, 'the cause of half the bitter feelings there between race and race' through a much greater unwillingness to meet the natives as equals.[72]

A mental crisis induced in part by reading *The Origin of Species* (which he guiltily devoured despite Papal proscription) provided a second motive, for Blunt soon came to reject the Darwinian hypothesis, as vulgarly understood, of the 'law of force', particularly philosophically in its Nietzschean guise. These concepts in politics had produced, and been fostered by, the balance of power ideal associated in Britain first with Palmerston and then Disraeli. Blunt believed that while Christianity had at least imposed a restraining moral law which prevented the 'weak races of mankind' from 'extermination on mere economic grounds', this had been replaced 'by men of Balfour's scientific temperament' with 'the evolutionist creed of man, which in the sixties and seventies imposed itself on the thought of the day as a development of Darwin's "Origin of Species". This represented the world of life no longer as an ordered harmony, but as in its essence a struggle for existence where whatever right there was was on the side of might.'[73]

Though Blunt referred to his supposed '"unpatriotic" vagaries',[74] he not only regarded himself as a patriot, but indeed a local, Sussex-bred patriot, 'the extremest of all possible Little Englanders'. He regretted that imperialism was undermining many of Britain's best qualities. Warning that if Britain did not 'divest ourselves of our overgrown overseas Empire and devote our naval and military resources to the defence of our own shores . . . we shall perish, as the Roman Empire perished, by trying to hold too much', Blunt insisted that 'the task undertaken by a nation of ruling other nations against their will is the most certain step for it upon the road to national ruin. It is impossible to exercise tyrannical authority abroad and retain a proper respect for the dignity of liberty at home. The two things are not permanently compatible.'[75] So, too, he argued that

The British Empire of the present day is being run on lines of speculation which is often sheer gambling. It has lost the sense of all economy in its finances, and all

moderation in its spendthrift ways ... Moreover – and this is perhaps the most dangerous feature of it all – the vanity of imperialism, of being members of an imperial caste, is rapidly teaching Englishmen to rely, wherever possible, for their living upon the labour of others rather than their own. The great Crown Colonies, the Indian Empire, and the South African federation are all slave communities in disguise, where white men do not work themselves but live by 'native' labour.[76]

Blunt's critique of empire was expressed in a remarkable series of writings. His first major work, *The Future of Islam* (1881), sketches both the origins of Islam and the development of the Pan-Islamist movement in response to British and French imperialism in particular, and promotes Blunt's 'supreme confidence in Islam, not only as a spiritual, but as a temporal system the heritage and gift of the Arabian race, and capable of satisfying their most civilized wants ... the Mohammedan creed must be treated as no vain superstition but a true religion, true inasmuch as it is a form of the worship of that one true God in whom Europe, in spite of her modern reason, still believes.'[77] On this reading the Koran provided an explanation of 'certain religious truths, the unity of God, the doctrine of rewards and punishments in a future life, and the revelation of God's claims on man',[78] which was thus not incompatible with Christianity.

Blunt's *Ideas About India* (1885) he proclaimed to be 'the first complete and fearless apology of Indian home rule which had been published'.[79] After first visiting India in 1879, Blunt detailed the oppressive taxation of the land, the opulence of the British ruling class, living at five times the standard of living it could expect at home, the oppressive weight of debt, and the fact of widespread hunger induced by agricultural mismanagement. With reform of the civil service, the admission of increasing numbers of Indians to its ranks, and the gradual introduction of local parliamentary institutions[80] – precisely what the utilitarians and most Britons denied was possible – and the decentralisation of political and financial power, the preconditions for nationhood could be formed. Blunt's *Secret History of the English Occupation of Egypt, Part II, India* (1907), partly reprinted as *India Under Ripon* (1909), extended this analysis.

The Secret History of the English Occupation of Egypt (written 1895, published 1907) details Blunt's progressive sense of the injustice of British foreign policy, and of specific changes in it from a 'pacific, unaggressive' stance in 'the years following the Crimean War which had disgusted Englishmen with foreign adventures'[81] to something vastly more malevolent. Blunt's attempts to persuade his parliament to alter its course in Egypt were met by the overt hostility of Whigs and Liberals to all forms of nationalism, with the deliberate misrepresentations of Dilke, Morley and Colvin being

particularly galling. Gladstone he found most hypocritical, for permitting intervention to continue by subordinating all principle to 'that of securing a Parliamentary majority'.[82] The Radicals were merely uninterested and ignorant. Nor was the 'Anglo-Indian official' view that Asiatics had no capacity for self-government helpful. Blunt would eventually conclude that the real rationale for intervention, however, lay less with the government than the City; 'Nobody really wants war or annexation, except the financiers.'[83] He reported that his cousin Algernon Bourke's close connections with the Rothschilds, for instance, 'made him aware of the financial strings that were being pulled in the City to bring about intervention, and he had a low opinion of Gladstone's ability to understand foreign questions or deal with a case where the money interests of all the Stock Exchanges of Europe were so largely concerned'.[84]

The Land War in Ireland (1912) describes his struggles there 'for the cause of Irish national independence against English Imperial rule', and as a Tory Home Rule parliamentary candidate in the 1885 election, when he claimed to have been betrayed by Lord Randolph Churchill's intimation that he would support Home Rule.[85] His sympathy for Ireland, Blunt acknowledged, derived in part from his religious upbringing; yet he also saw a link between 'the two causes, the Irish and the Egyptian', which 'seemed to me to stand on a common footing of enlightened humanity, and of that adherence to religious tradition which I held to be essential in every well ordered community'.[86] Accusing the Whigs of merely wanting to retain their property in Ireland, Blunt here too saw a clear parallel with Egypt: 'It reminds me so much of the National movement in Egypt, and is faced by the same unscrupulous gang of financiers, property holders, mortgage companies, and speculators. Money is lord of these islands and will have its way in Ireland too.'[87]

Blunt's campaign brought him into contact with both the Positivists and the Socialists. He had met Frederic Harrison by 1884, found him a 'thoroughly honest good fellow', made earnest efforts to convert him to the Egyptian nationalist viewpoint, and came to regard him as 'the soundest and most courageous man on foreign politics then in the Liberal party'.[88] Harrison stayed with Blunt at Cairo in 1895, where he was amused by the latter's wholesale adoption of Arab 'dress, habits, and mode of life'.[89] Both contributed to Arabi's defence. In 1892 Harrison told Blunt that 'he had been converted to Islam as a living religion, and offered to support my candidature if I would come forward as a Mohammedan at the elections'.[90] Both supported Home Rule, though Blunt commented that Harrison 'thinks, nevertheless, that Ireland would some day or other get its

independence, while I maintained that the tendency of progress was towards the amalgamation of nations, not their separation'.[91] Periodically they met to discuss Egypt, India, the Congo, the Transvaal; divided, Blunt once wrote, by 'his creed of Humanity and mine of anti-Humanity', but united in 'the principal wish of both of us ... to see the break-up of the British Empire'.[92] Blunt occasionally contributed to the *Positivist Review*.[93] Lecturing to the Positivists with Blunt present, Harrison praised his work on Egypt, to cheers from the audience.[94] A breach between them would come only in 1909, when 'Harrison and I diverged from what had for twenty-seven years been a common political sympathy about foreign affairs into antagonism, his path being towards war with Germany, mine towards a gradual shedding of our "white man's burden" in Egypt and India.'[95]

Amongst the socialists, whom he confessed that he 'had a feeling for' in 1887,[96] and who came to fit part of his self-description,[97] it was William Morris, whom he first met in 1883, whom Blunt knew best. Blunt became well acquainted with Morris only in 1889, at a time when, as Blunt put it after a lengthy visit to Kelmscott Manor, Morris was 'in a mood of reaction from his socialistic fervour'. They had much in common, thought Blunt, notably that 'both of us sacrificed much socially to our principles, and our principles had failed to justify themselves by results, and we were both driven back on earlier loves, art, poetry, romance'.[98] As their friendship grew there is no doubt each contributed something to the other's world-view; Blunt speaks of 1888 as marking 'the beginning of Morris's influence over me'.[99] Blunt was willing to concede of Morris's *News from Nowhere* that the 'picture he draws in it of social communism is pretty', but added that Morris, 'too, is not very hopeful of its ever coming true'.[100] Clearly he found its anti-modernistic qualities, by contrast with the future-oriented ideals of most socialists, potentially appealing, though he could not accept Morris's views in principle when they meant that 'socialism and national-ism have nothing in common'.[101] By 1891 he was writing of Morris that 'He has found his Socialism impossible and uncongenial, and has thrown it wholly up for art and poetry, his earlier loves. I fancy I may have influenced him in this.'[102] If this exaggerates, Morris indisputably shared many values congenial to Blunt's Toryism, and their romantic temperaments clearly meshed well. Morris mentioned Blunt a number of times in various newspaper articles, chiefly in relation to Ireland, where he recommended Gladstone adopt Blunt's views.[103] At Morris's death in early October 1896 Blunt termed him 'the most wonderful man I have known, unique in this, that he had no thought for anything or person, including himself, but only for the work he had in hand'.[104] We now know, too, that the handsome

Blunt, whose extra-marital affairs were plentiful, had another interest in Morris, for he had become Jane Morris's lover, braving the creaky floors at Kelmscott Manor for midnight trysts as Rossetti had once done.[105]

After Morris's death Blunt's chief connection with the socialist movement was through H. M. Hyndman, whom he first met at length in 1897, and later described as 'the only man, of those who know about India, who is willing to do anything positive'.[106] Though he refused point blank to join it, with Hyndman's Social Democratic Federation's view on imperialism, Blunt wrote in 1903, he was 'as a rule ... in sympathy',[107] certainly more than with the Fabians, whom he described as supporting 'merely socialism without the few humanitarian virtues which commonly go with it, without romance and without honesty of principle, only opportunism'.[108] But there were disagreements with Hyndman too; in 1910 Blunt records that 'We discussed the prospects of Socialism and how it would affect Imperial questions, and I told him I believed it would be just as bad for the subject races in Asia under a Socialistic régime in England as now. This he would not agree to, but he did not convince me I was wrong. "We are National too," he said, "as well as International and have no wish to go on preying on the Asiatics."'[109] Hyndman would later write approvingly of Blunt's attack on Morley's policies in Egypt, Ireland, and India.[110] It is certainly plausible to suggest, too, that Hyndman pushed Blunt towards an acceptance of revolutionary means to accomplish anti-imperial ends. In 1885, when he first engaged with the Irish issue, he did not support violence; by 1912 he did. By 1908, too, he felt 'that India will get nothing except, as Gordon said, by revolution'.[111] A curious brand of Toryism, this.

IV. THE SOCIALISTS

While Blunt acted chiefly alone, and Harrison's Comtists never constituted more than a small if influential sect, a powerful mass anti-imperialist movement arose in the twenty years before the publication of Hobson's *Imperialism* (1902), which possessed a more lasting, if understudied, impact.[112] The revival of British socialism from the early 1880s onwards never produced a monolithic party with a single programme, either in the Social Democratic Federation or the Fabians, or, eventually, in 1906, in the Independent Labour Party. Like the Owenites, however, the later socialists were generally cosmopolitan and internationalist in their attitudes towards empire and foreign policy, and insisted that the growing concentration of capital and drive for markets, the increase in warfare and imperial expansion, were intimately intertwined. As Ernest Belfort Bax put it in 1885, 'The

end of all foreign policy, as of colonial extension, is to provide fields for the relief of native surplus capital and merchandise, and to keep out the foreigner', with the corollary that 'the foreign policy of the great international Socialist party must be to break up these hideous race monopolies called empires'.[113] The I.L.P. constitution repeated that 'Socialism is an International Movement. It recognises that the interests of the workers throughout the world of whatever race, colour or creed are one; and that war, imperialism and the exploitation of native races are mainly caused by the greed of competing capitalist groups.'[114]

Such views were easily caricatured as 'socialistic Little Englanderism'.[115] But, seen from this perspective, both monarchy and empire were incompatible with socialism, since both 'essentially imply domination and inequality'.[116] Particularly during the Boer War, given the near-unanimous opposition to the Boer War by Labour MPs, and its condemnation as a 'capitalist war' by Keir Hardie,[117] some socialist writers, such as Bax, were compelled to confront the accusation of being anti-patriotic, while defending cosmopolitan principles.[118] But, leaving aside Ireland, a consciousness of the importance to socialism of an analysis of imperialism was relatively slow to develop; significantly, this is, for instance, perhaps the most important omission in an otherwise seminal and definitive statement of socialist intent published in 1897, *Forecasts of the Coming Century*, which included essays by Shaw, Carpenter, Mann and Morris. The condition of the British working class simply had priority, and for some leading socialists, like Robert Blatchford, what the empire chiefly represented was the threat of cheap labour undermining British employment.[119]

We will concentrate in this section on the leading socialist writer of the period, H. M. Hyndman. However, it is worth noting that many other influential socialists also commented on imperial affairs. Edward Carpenter (1844–1929), who met Hyndman in 1883, describing 'England's Ideal' in an 1884 essay, insisted that India 'must go', that Ireland would 'desert us', that 'Egypt will curse the nation of Bondholders.'[120] He developed an interest in Theosophy and Indian philosophy, published a volume of travels in India and Ceylon in 1892, which convinced him of 'the essential oneness of humanity everywhere', and included an extensive account of Indian religion and its similarity in aim to Christianity, and considerable praise for the nationalist Congress movement.[121] He would later write at length on China.[122] A sympathy with pre-civilised peoples, and a challenge to the vaunted moral superiority of 'civilisation', was integral to his plea for a greater simplification of life.[123] His main contribution in the period which concerns us was *Empire: In India*

and Elsewhere (1900), issued as a pamphlet by the Humanitarian League, which developed Hyndman's arguments about Indian finance in order roundly to condemn the 'hollow pretence' of empire as such.[124]

Amongst other socialists, William Morris, whom we have already treated in relation to Blunt, never wrote extensively on imperial questions, though he noted on occasion the general injustice of British rule in India and elsewhere.[125] Where he did comment at greater length, for instance in one substantial article of 1884 on the actions of 'a gang of international loan-mongers' in suppressing Egyptian nationalism,[126] he clearly followed Blunt's views, and cited him, as we have seen, on a number of occasions.[127]

A more substantial engagement with Indian affairs in particular occurred in the case of Annie Besant (1847–1933), who was led towards socialism by Hyndman's confrontation with her associate Charles Bradlaugh.[128] Besant moved to India in 1895, where, having passed from atheism to pantheism, she attempted to reconcile Theosophy and Hinduism, in part at least to effect an undermining of the belief in the superiority of the white races.[129] Eventually she became President of the Indian National Congress. Her starting-point was almost invariably the assertion that 'almost everything which can be learned from Christianity exists also in the eastern faiths'.[130] Like Blunt, Besant thus relied on a 'spiritual awakening' to underpin nascent nationalist movements, and precede any desire for greater material prosperity.[131] Most of her activities fall outside the scope of this chapter.[132] Amongst her early writings, however, mention should be made of *England, India, and Afghanistan* (1879), which offered both an historical account of British conquest and a condemnation of motive: 'from lust of conquest, from greed of gain'. Here Besant also advocated the case for Indian self-government, not through the recreation of the native states, but by democracy.[133]

While various Fabians wrote on imperial issues, none of the original *Fabian Essays* (1889) tackled foreign or imperial policy as such, though Britain's 'nefarious aggression in Egypt' in 1882 was condemned, with the 'extension of English trade to new markets' being cited as the cause of imperial adventurism.[134] William Clarke in 1886 reviewed the issues surrounding the imperial federation debate, describing its proponents as an alliance of military, aristocratic and financial interests, without rejecting the empire as such.[135] The tract edited by Bernard Shaw entitled *Fabianism and the Empire* (1900) spoke of a 'British Empire, wisely governed' as 'invincible'.[136] It proposed an increasing Indianisation of the Civil Service in India, and the gradual development of institutions of self-government, through more efficient administration, 'brains and political

science', in other parts of the empire, with an end in part of protecting the native populations against European depredations. But as Bernard Porter has indicated, few Fabians prior to 1900 took extra-European developments very seriously, and when they began to do so thereafter, they often focused on making imperial government more efficient, if also more humane, rather than abolishing it altogether.[137] One leading Fabian, Sidney Olivier, who had been much influenced by Comte, indeed later carved a reputation as a colonial administrator.[138]

But a confrontation with imperialism certainly did mark the career of Henry Mayers Hyndman (1842–1921), who is regarded as the foremost of Marx's interpreters in Britain, an obligation he noted on various occasions.[139] The author of the classic *England for All* (1883), Hyndman early sympathised with the Italian independence movement, meeting both Mazzini and Garibaldi. Though an 'an out-and-out Radical'[140] in domestic affairs, his starting-point vis-à-vis British foreign policy in the late 1870s was a Russophobic pro-imperialist stance closer to Toryism, and hostile to Gladstone's anti-expansionist policies.[141] He was, however, critical of H. M. Stanley's violence towards African natives in the early 1870s.[142] When he began to study India in the late 1860s, his attitude was 'that British rule in India was beneficial to its peoples; that the suppression of the Mutiny, though disfigured by hideous English crimes, was on the whole justifiable'.[143] Studying the issue of the retention of Hyderabad, Hyndman found himself forced to challenge 'the assumption that the people under British rule were much better off in every way than under native rule'. A perusal of official documents detailing the 'terrible and ever-increasing poverty among the agricultural population of India' led him 'to doubt whether our rule could possibly be as good as it was stated to be'.[144] The result was *The Nizam of Hyderabad: Indian Policy and English Justice* (1875) and *The Indian Famine and the Crisis in India* (1877), which pleaded for enlightened and liberal rather than despotic and exploitative policies. An article entitled 'The Bankruptcy of India' (*Nineteenth Century*, October 1878), reprinted as an extended pamphlet in 1886, followed, whose chief conclusion, exhaustively illustrated statistically, was 'that Indian society, as a whole, has been frightfully impoverished under our rule, and that the process is going on now at an increasingly rapid rate'.[145]

Hyndman now concluded that the only reasonable policy respecting India was 'the re-establishment of genuine Indian rule throughout Hindustan, under light English leadership, the terrible drain of produce without commercial return being stanched'.[146] There was still an element of imperialism, thus, in this view. From his Australian travels Hyndman

had come to concede that China might pose a threat to India; but under his plan 'A self-governing, powerful Empire of India, therefore, with her 300,000,000 of population, supported by Great Britain, would have presented a formidable barrier to any hostile Chinese movement.'[147] These proposals found some favour with the Conservative Party, but Gladstone's victory in the election of 1880, at which time Hyndman read with interest Blunt's analysis of Egyptian events, put paid to any possible reforms in Indian policy. He also acknowledged the Positivists' criticisms,[148] which he probably first encountered during their defence of the Paris Commune.[149] Hyndman, who vehemently resisted Gladstone's pro-Russian stance during the election, now found himself 'as a result of my studies on India, my conviction as to the hopelessness of Liberalism and Radicalism, my reading up of the Chartist movement, and my acquaintance with foreign revolutionists . . . very near to being an avowed Socialist': anti-imperialism led him towards socialism, in other words, rather than the reverse. One barrier remained, namely that

. . . the downfall of the Chartist organisation, which had been a vigorous and capable protest against the revolting brutalities of the capitalist class in this island, and then the complete destruction of the Commune, followed by the breakdown later of the International, had all led me to the belief that the horrors of existing human life were inevitable, and that mankind was in the grip of a slave-owning class which, in one shape or another, must hold permanent sway over the majority of mankind.[150]

At this opportune moment, Hyndman, through the philo-Turk Tory M. P. Butler Johnstone, now encountered Marx's *Capital*, and 'came to the conclusion that the only way out of the existing social difficulties was the inevitable development from capitalism to socialism'.[151] Announcing his conversion on 1 January 1881 in an article entitled 'The Dawn of a Revolutionary Epoch', Hyndman now supported 'a resolute policy of general social improvement throughout Britain, adopting Home Rule and general Colonial Federation instead of domination, and granting self-government to India'.[152] *England For All* (1881) detailed the new policy, recommending 'legislative independence' for Ireland, and support for 'upright native rule' for India,[153] and the SDF thereafter remained committed to it.

Respecting Egypt, Hyndman argued in *Why Should India Pay for the Conquest of Egypt?* (1882) that Indian revenues were being used to pay for a 'nice little war of aggression on Egypt', which he agreed was a mere 'moneylenders' campaign' carried on 'in favour of the largely Jewish bondholders',[154] though this should not be mistaken for anti-Semitism as

such. Of India itself he contended that 'We are ruining India because our upper and middle classes will persist in exacting from its people agricultural produce to pay interest, home charges, and pensions.'[155] That the rationale for much imperial conquest was the search for new markets for British goods he accepted.[156] Thus both the 'conspiracy' theory and the 'economic model' contained in John Hobson's classic study, *Imperialism*, were in place well before the end of the century.[157] So too was the cosmopolitan and anti-racist outlook we have already associated with the Positivists and Blunt.[158] A 'Marxist' analysis, if such it was, thus fitted exactly what Blunt and Harrison had come to conclude from a very different starting point. Inspired by Marx, Hyndman began to detail, nearly twenty years before Hobson, the intimate interconnection between domestic British capital accumulation and imperial expansion, to the degree to which 'Everything has been turned to the account of English capital, which draws its return from all quarters of the globe.'[159] Though he denounced Comte's ideas as mere 'moralisation of the capitalists', he admired Beesly greatly, and indeed credited him with having renewed Socialist agitation in Britain in 1864.[160] Both spoke together on a number of occasions against British rule in India, notably in 1897, when Hyndman exclaimed that 'The same class who sweat the Indian people sweat the English workers', and Michael Davitt was present to ensure a link to Ireland.[161]

V. CONCLUSION: MOTIVE AND PERSPECTIVE

If subsequent events have exonerated them quite adequately, the writers we have discussed here failed to convince contemporary public opinion of the ultimate evils of imperial expansion.[162] Britain's policy towards Ireland, it was asserted at the time, probably played a key role in permitting the suppression of nationalist movements elsewhere in the empire.[163] But the Boer War was also a turning point, and after 1900 a number of later radical liberal writers took up the perspective of the writers we have examined here, such as J. M. Robertson and G. P. Gooch.[164] Amongst later socialists, too, James Ramsay Macdonald's *Labour and the Empire* (1907) argued for the incompatibility of democracy and imperialism, and, rejecting any right to subject other nationalities, specially condemned the financier (citing the case of Egypt) as 'the most dangerous man for implicating us in foreign trouble'.[165]

Between 1865 and 1900, as we have seen, the anti-imperialist cause thus drew together an extraordinarily diverse group of individuals who grew closer, much of the time, as a result of their common commitment to

this issue. The cosmopolitan humanitarianism of this group could emanate from a religious or secular viewpoint. For Hyndman it was the latter, while the Positivists, Blunt, Besant and Carpenter all took religion as a means of sympathising with non-European societies. What clearly links Harrison and Blunt was the appreciation of Islam, whether reached through Comtism or independent study, as a religion equal in value, in its liberal forms, at least, to Christianity, and thus meriting equal respect. As the basis for a cosmopolitan perspective which accords equal rights to non-Europeans such a perspective was rare, but clearly crucial. If we see the Positivists as both politically and religiously closer to most socialists than, for instance, Hyndman conceded, the influence of their views on foreign policy becomes more plausible, despite the Positivists' greater stress on reconciling nationalism and cosmopolitanism.[166] When Hobson's famous study appeared, both the Positivists and Socialists recognised a kindred spirit; thus Harrison praised Hobson in 1900 for attributing the South African war to the machinations of 'a ring of international financiers, mostly Jewish, and only in part British', for this had been his own explanation of jingoistic imperialism for many years.[167]

NOTES

1. For example, Bernard Porter, *Critics of Empire: British Radical Attitudes towards Colonialism in Africa, 1895–1914* (London, 1968), pp. 156–238. Hobson's critique is assessed from a variety of angles in Michael Freeden (ed.), *Reappraising John Hobson: Humanism and Welfare* (London, 1990). On Hobson's economics see J. Allett, *New Liberalism: The Political Economy of J. A. Hobson* (Toronto, 1981) and P. J. Cain, *Hobson and Imperialism: Radicalism, New Liberalism, and Finance 1887–1936* (Oxford, 2002). See also David Long, *Towards a New Liberal Internationalism: The International Theory of John Hobson* (Cambridge, 1996).
2. A. P. Thornton, *The Imperial Idea and Its Enemies* (London, 1959). Thornton for instance does not discuss Hyndman or Carpenter at all, mentions Frederic Harrison once, and Wilfrid Scawen Blunt five times.
3. Porter, *Critics of Empire*, esp. pp. 28–9, 158–9. Porter discusses Congreve's pamphlet on India, for instance, but not his other anti-imperialist writings, and ignores both *International Policy*, the Comtists' most important publication on foreign policy, and the extended debates in the *Positivist Review*. By focusing on the period from 1895 in particular Porter also misses the origins of socialist debate in the 1880s. As a consequence he asserts vis-à-vis Hobson that the 'surplus capital' theory of imperialism, 'which attributed imperial expansion to the pressure for new markets' was 'before 1900 . . . an argument in support of imperialism rather than against it' (p. 41), which we will see was not the case.

Other studies, however, similarly omit an account of Positivism, e.g., Richard Shannon, *The Crisis of Imperialism, 1865–1915* (London, 1976).

4. Porter, *Critics of Empire*, p. 33.

5. J. M. Robertson, *Patriotism and Empire*, 3rd edn (London, 1900), pp. 138, 142.

6. For example, Leonard Woolf, *Imperialism and Civilization* (London, 1928).

7. The Positivist credo as a whole was expressed by Beesly: 'In the discussions of the Society it is assumed that the Human Evolution proceeds in accordance with laws more or less ascertainable by Man; that morality must henceforth be placed on a strictly human basis, instead of a theological basis as formerly, and that it is summed up in the maxim *Live for Others*; that the right course in practical politics cannot be ascertained, as the democratic school affirm, by mere reference to the Will of the People at any given moment, but must be sought in conformity with the laws of order and progress revealed by the scientific study of Man and his environment; that the reorganisation of society can be effected only by a previous regeneration of beliefs, and therefore that very little is to be expected from a mere change of political institutions; and lastly, that there is urgent need of a religious, but non-theological organisation, in order to balance and check the material balance of the State and of Wealth, both tending in the absence of such check to become oppressive' (*Positivist Comments on Public Affairs*, London, 1896, pp. 5–6).

8. To give one example: 'It is difficult for the present generation to realise how large a space in the minds of the young men of the eighties was occupied by the religion invented by Auguste Comte': Edward Pease, *History of the Fabian Society* (London, 1925), p. 15.

9. *Positivist Comments on Public Affairs* (1896), p. 12; *Positivist Review*, 45 (September 1896), p. 182. Contemporary accounts of Positivism include Edward Caird, *The Social Philosophy and Religion of Comte*, 2nd edn (Glasgow, 1893), and John Macgee, *A Crusade for Humanity: The History of Organized Positivism in England* (London, 1931). The chief modern studies are Walter Simon, *English Positivism in the Nineteenth Century* (Ithaca, 1963), pp. 202–38, which ignores foreign policy entirely; and T. W. Wright, *The Religion of Humanity: The Impact of Comtean Positivism on Victorian Britain* (Cambridge, 1986), which also says little on the issue.

10. E. S. Beesly, in *Positivist Review*, 2 (February 1893), pp. 41, 35.

11. Cf. John Henry Bridges: 'This discovery of a natural law of growth in human beliefs made it possible for the first time to sympathize fully and deeply with the religions of the past' (*Essays and Addresses*, 1907, p. 43).

12. *Positivist Comments on Public Affairs* (1892), p. 20.

13. August Comte, *A General View of Positivism, Or, Summary Exposition of the System of Thought and Life* (Paris and London, 1848), p. 435.

14. Frederic Harrison, *The Creed of a Layman* (London, 1907), p. 131.

15. Harrison, *Autobiographic Memoirs* (London, 1911), II, p. 145; Malcolm Quin, *Memoirs of a Positivist* (London, 1924), p. 84. The Society included a few Indians, and members from Brazil, Mexico, Denmark, France and Germany

(Quin, *Memoirs*, p. 161). Quin later (1898) formed a 'Patriotic Union' to promote peace through the discussion of foreign policy issues which he likened to a 'League of Nations' in miniature.

16. John Henry Bridges, *Essays and Addresses* (London, 1907), p. 59.
17. Richard Congreve, *Essays Political Social and Religious* (London, 1874), II, pp. 1–66.
18. Congreve, *Essays Political Social and Religious*, I, p. 76.
19. Congreve, *Essays Political Social and Religious*, III, pp. 37, 95.
20. Congreve, *Essays Political Social and Religious*, I, p. 91.
21. Congreve, *Essays Political Social and Religious*, I, pp. 186, 191.
22. For example, Congreve, *Essays Political Social and Religious*, II, pp. 60–70.
23. It has been asserted that the volume 'was a vital precursor of the League of Nations': Susan Liveling, *A Nineteenth Century Teacher: John Henry Bridges* (London, 1926), p. 125. Congreve wrote that the formation of the Anti-Aggression League in 1883 resulted from the volume (Congreve, *Essays Political Social and Religious*, II, p. 452).
24. Justin McCarthy, *Reminiscences* (London, 1899), II, p. 208. When it was reprinted in 1884 Congreve stated that it had had 'a real influence on opinion': *Essays Political Social and Religious*, II, p. 506.
25. Harrison's description of Britain's assault on Egypt in 1882 has been described by A. J. P. Taylor as the 'first, rather crude attempt to expose the financial basis of Imperialism' (quoted in Martha Vogeler, *Frederic Harrison: The Vocations of a Positivist* (Oxford, 1984), p. 188). As we have seen it was anticipated fully both by Congreve and the essays in *International Policy*. But there is a clear difference between accusing meddling financiers of dictating government policy and identifying a systemic imperative within capitalism to secure ever wider foreign markets, though in both instances 'finance capital' as such may play a central role.
26. *International Policy* (1866), p. vi.
27. *International Policy* (1866), p. 5.
28. *International Policy* (1866), p. 11.
29. *International Policy* (1866), p. 32.
30. *International Policy* (1866), p. 40.
31. *International Policy* (1866), p. 228.
32. *International Policy* (1866), p. 279.
33. In 1853, most notably. See Eric Stokes, *The English Utilitarians and India* (Oxford, 1959), p. 255.
34. *International Policy* (1866), pp. 282–95.
35. M. B. *Recollections of John Henry Bridges* (London, 1908), pp. 199–200, 251, 219. Bridges translated Comte's *A General View of Positivism* in 1865. Some of his writings are reprinted in John Henry Bridges, *Essays and Addresses* (London, 1907).
36. *International Policy* (1866), p. 171.
37. *International Policy* (1866), pp. 543, 599.
38. See generally Martha S. Vogeler, *Frederic Harrison: The Vocations of a Positivist* (Oxford, 1984). Also useful is Austin Harrison's memoir of his father, *Frederic Harrison: Thoughts and Memories* (London, 1926).

39. Frederic Harrison, *Order and Progress* (London, 1875), p. 298.

40. Frederic Harrison, *National & Social Problems* (London, 1908), p. xiii.

41. Harrison. *National & Social Problems*, p. 172. He added that 'Terrorism consists in the killing, torturing, or punishing of A, not for any crime committed by A, but in order to terrify B, C, and D into submitting to your will. That is terrorism; and it is, always and everywhere, evil and abominable, in Europe or in Asia. No circumstances can justify it. No object can excuse it' (p. 182).

42. Harrison. *National & Social Problems*, p. 199.

43. Harrison, *Realities and Ideals* (London, 1908), p. 60.

44. Harrison, *National & Social Problems*, p. 209. This position he was led towards by Blunt; see Wilfrid Blunt, *Gordon at Khartoum* (London, 1911) p. 248, where Harrison initially is described as taking 'the English instead of the Egyptian point of view'.

45. Harrison, *National & Social Problems*, p. 248.

46. Frederic Harrison, *On Society* (London, 1918), pp. 70–1.

47. The sole study of Blunt's work as such is Mary Joan Reinehr, *The Writings of Wilfrid Scawen Blunt* (Milwaukee, WI, 1941).

48. Wilfrid Scawen Blunt, *The Secret History of the English Occupation of Egypt* (London, 1907), p. 9.

49. Blunt, *The Secret History of the English Occupation of Egypt*, p. 85.

50. Edith Finch, *Wilfrid Scawen Blunt, 1840–1922* (London, 1938), pp. 67, 257, 115.

51. Blunt, *The Secret History of the English Occupation of Egypt*, p. 62.

52. Earl of Lytton, *Wilfrid Scawen Blunt* (London, 1961), p. 162 [italics in original]; Blunt, *The Secret History of the English Occupation of Egypt, Part II. India* (London, 1907), p. 154. 'For my part, I disbelieve altogether in European methods of improving the East, whether Egypt, or Turkey, or India. Railways and canals and tramways are profitable in England, but here they are a dead loss' (Blunt, *Ideas About India* (London, 1885), p. xviii.)

53. Blunt, *The Secret History of the English Occupation of Egypt, Part II. India*, p. 18.

54. Blunt, *The Land War in Ireland* (London, 1912), p. 194.

55. It has been suggested that Blunt in fact misled Arabi into thinking that Gladstone would never sanction intervention against his policies: Valentine Chirol, *The Egyptian Problem*, (London, 1921), p. 41.

56. Blunt, *The Secret History of the English Occupation of Egypt, Part II. India*, p. 502.

57. Sir Henry John Stedman Cotton, *New India or India in Transition* (London, 1904), p. 165.

58. *The Diary of Sir Edward Walter Hamilton* (Oxford, 1972), p. 28. Hamilton was Gladstone's private secretary at this time.

59. M. Travers Symons, *The Riddle of Egypt: A Hand-book to the Study of Anglo-Egyptian Affairs* (London, 1913).

60. 'This invaluable subject of your Majesty spends his time in masquerading like an Oriental in a circus, under a tabernacle outside Cairo, and intriguing against the British occupation of Egypt. Fortunately, he is not looked on as a serious personage.' *The Letters of Queen Victoria*, Third Series, II (London,

1931), p. 244. Blunt later suggested that respecting Ireland his sovereign should be known as 'Evictoria'.

61. Lytton, *Wilfrid Scawen Blunt*, pp. 184–5.
62. Blunt, *Gordon at Khartoum*, p. 610.
63. Gregory complained that 'I view all these matters differently from Blunt, who pushes things to first principles, but I think that Blunt deserves great credit for the bold and indefatigable manner in which he has fought this battle almost single-handed. He has fought for Egypt alone. I have fought for England first, and for Egypt also.' Lady Gregory (ed.), *Sir William Gregory: An Autobiography* (London, 1894), p. 382. Lady Gregory, however, remained more supportive, with the exception of Blunt's assistance to the Land League in Ireland; see Lady Gregory, *Seventy Years: Being the Autobiography of Lady Gregory* (London, 1974), esp. pp. 203–61.
64. See George W. E. Russell (ed.), *Sir Wilfrid Lawson: A Memoir* (London, 1909), pp. 132–46, and *The Wit and Wisdom of Sir Wilfrid Lawson* (n.d.).
65. Blunt, *Gordon at Khartoum*, p. 610.
66. Blunt, *Gordon at Khartoum*, p. 610.
67. Finch, *Wilfrid Scawen Blunt*, p. 171.
68. Lytton, *Wilfrid Scawen Blunt*, pp. 196–7.
69. Blunt, *The Secret History of the English Occupation of Egypt*, p. 100.
70. Finch, *Wilfrid Scawen Blunt*, pp. 299–300. Yet such misgivings did not affect his later publications. 'In the end Islam proved the supreme disappointment of his thwarted life' commented Shane Leslie: *Men Were Different* (London, 1937), p. 229.
71. See especially Wilfrid Scawen Blunt, *India Under Ripon* (London, 1909), pp. 255–77.
72. Blunt, *India Under Ripon*, p. 261.
73. Wilfrid Scawen Blunt, *The Land War in Ireland* (London, 1912), pp. 297–8. It was A. J. Balfour who ordered his arrest in Ireland. On the Darwinist underpinning of imperialist arguments see, for example, J. L. Hammond, 'Colonial and Imperial Policy' in F. W. Hirst *et al.*, *Liberalism and the Empire* (London, 1900), p. 171.
74. Blunt, *My Diaries*, I, p. 1.
75. Blunt, *Gordon at Khartoum*, p. x; *My Diaries*, II, p. 240.
76. Blunt, *Gordon at Khartoum*, p. xi.
77. Wilfrid Scawen Blunt, *The Future of Islam* (London, 1881), pp. ix, 142.
78. Blunt, *The Future of Islam*, p. 154.
79. Wilfrid Scawen Blunt, *Ideas About India* (London, 1885), p. vii.
80. Blunt, *Ideas About India*, p. 163.
81. Blunt, *The Secret History of the English Occupation of Egypt*, p. 2. An attempt to rebut Blunt's 'too ardent espousal' of the Nationalist cause can be found in Sir Edward Malet, *Egypt 1879–1883* (London, 1909).
82. Blunt, *The Secret History of the English Occupation of Egypt*, p. 239.
83. Blunt, *The Secret History of the English Occupation of Egypt*, p. 367.
84. Blunt, *The Secret History of the English Occupation of Egypt*, p. 218.

85. Blunt, *The Land War in Ireland*, pp. vi, 20.

86. Blunt, *The Land War in Ireland*, pp. 1–2.

87. Blunt, *The Land War in Ireland*, p. 22.

88. Blunt. *The Secret History of the English Occupation of Egypt, Part II, India*, p. 315; Finch. *Wilfrid Scawen Blunt*, p. 156.

89. Harrison, *Autobiographic Memoirs*, II, p. 165.

90. Blunt, *My Diaries*, I, p. 65.

91. Blunt, *My Diaries*, I, p. 66.

92. Blunt, *My Diaries*, I, p. 233.

93. For example, *Positivist Review*, 16 (1908), pp. 281–4.

94. Blunt, *My Diaries*, II, p. 19.

95. Blunt, *My Diaries*, II, p. 240.

96. Lady Gregory, *Seventy Years*, p. 230. But his 'socialism' did not include 'the preposterous claim of the Government to all ownership in land', which 'right of State ownership has worked everywhere, or nearly everywhere, its full natural result of impoverishment and disaffection': Blunt, *Ideas About India*, p. 35. Blunt rejected land nationalisation for Ireland, but accepted the principle that the land question would be solved only by having 'no rent in any form'. Blunt, *The Land War in Ireland*, p. 62. What he admired in particular among the Socialists was that 'they speak the truth, however brutally, abut governments and financiers': Blunt, *The Secret History of the English Occupation of Egypt, Part II, India*, p. 451.

97. When Michael Davitt termed himself a 'Christian Socialist', Blunt's response was that he was 'a religious Socialist, for I include the people of the East'. Blunt, *The Land War in Ireland*, p. 93.

98. Blunt, *My Diaries*, I, p. 23. See generally Peter Faulkner, *Wilfrid Scawen Blunt and the Morrises* (London, 1981).

99. *The Letters of Jane Morris to Wilfrid Scawen Blunt*, ed. Peter Faulkner (Exeter, 1986), p. 21.

100. Blunt, *My Diaries*, I, pp. 52–3.

101. Faulkner, *Wilfrid Scawen Blunt and the Morrises*, p. 17. This also meant that Morris misunderstood Ireland in Blunt's eyes, because he 'did not care for the Irish movement except so far as it goes against property. Nationalism he cares nothing about' (quoted in *The Letters of Jane Morris to Wilfrid Scawen Blunt*, p. 13). Blunt noted of Morris by contrast to his collaborators on *Commonweal* that 'His socialism is not theirs, being antiquarian rather than a true doctrine of the future' (*The Letters of Jane Morris to Wilfrid Scawen Blunt*, p. 46).

102. Blunt, *My Diaries*, I, p. 57.

103. William Morris, *Journalism: Contributions to Commonweal 1885–1890* (Bristol, 1996), pp. 49, 68, 301–2, 346.

104. Blunt, *My Diaries*, I, p. 240; Blunt, *The Land War in Ireland*, p. 79.

105. *The Letters of Jane Morris to Wilfrid Scawen Blunt*, p. 31.

106. Viola Meynell (ed.), *Friends of a Lifetime: Letters to Sydney Carlyle Cockerell* (London, 1940), p. 178.

107. Lytton, *Wilfrid Scawen Blunt*, p. 115.

108. Blunt, *My Diaries*, II, p. 28.
109. Blunt. *My Diaries*, II, p. 293.
110. H. M. Hyndman, *The Record of an Adventurous Life* (London, 1911), p. 233.
111. Lytton, *Wilfrid Scawen Blunt* (London, 1961), p. 179. But he also wrote in 1910 that India 'has hardly any chance now, nor do I think a rising will be attempted. The break-up of the British Empire will come more likely through a financial collapse and troubles nearer home. India will profit by it but will not initiate it': Blunt, *My Diaries*, II, p. 204.
112. For example, Stanley Pierson, *British Socialists: The Journey from Fantasy to Politics* (Cambridge, MA, 1979), which neglects the theme almost entirely.
113. Bax, 'Imperialism v. Socialism', reprinted in *The Religion of Socialism* (n.d.), pp. 124–6. Porter credits Bax with providing 'the basis for a neo-Marxist anti-imperial ideology', and notes that Hyndman wrote frequently on African and Indian affairs (*Critics of Empire*, pp. 100–1). But the presumption here again was that 'This was the Marxist line' which was developed, without linkage to other strands of British anti-imperialist thought.
114. *Socialism and the Empire* (Independent Labour Party, 1926), p. 1.
115. For example, Emil Reich, *Imperialism* (London, 1905), p. 169.
116. E. Belfort Bax and H. Quelch, *A New Catechism of Socialism*, 5th edn. (London, 1907), p. 37.
117. James Keir Hardie, *Keir Hardie's Speeches and Writings* (n.d.,), p. 100.
118. For example, Ernest Belfort Bax's 'Patriotism: Its Growth and Outcome' in *Essays in Socialism: New and Old* (London, 1907), pp. 89–93. Bax also insisted that 'The sole benefit of Imperial expansion accrues in the long run to the large capitalist' (p. 107). See also his essay, 'The Problem of Britain and the Human Race' in Bax, *Problems of Men, Mind, and Morals* (London, 1912), pp. 232–46, which takes up the issue of the corrupting effects of imperialism on national character.
119. For example, Robert Blatchford, *Britain for the British* (London, 1902), p. 129; and *Merrie England* (London, 1894), p. 35. Nor do the early histories of the movement devote any space to a socialist analysis of imperialism, for example, Max Beer, *A History of British Socialism*, 2 vols (London, 1929); and Joseph Clayton, *The Rise and Decline of Socialism in Great Britain 1884–1924* (London, 1926).
120. Edward Carpenter, *England's Ideal And Other Papers on Social Subjects* (London, 1887), pp. 2–3. On Carpenter see Chushichi Tsuzuki, *Edward Carpenter 1844–1029: Prophet of Human Fellowship* (Cambridge, 1980).
121. Edward Carpenter, *From Adam's Peak to Elephanta: Being Sketches in Ceylon and India* (London, 1892), 1903 edition, chapters 8–11; here, p. viii.
122. Edward Carpenter, 'Social and Political Life in China' in *Towards Industrial Freedom* (London, 1917), pp. 164–214.
123. See Edward Carpenter, 'Characteristics and Customs of Pre-Civilized Peoples' in *Civilization: Its Cause and Cure*, 15th edn (London, 1921), pp. 265–99.
124. Edward Carpenter, *Empire: In India and Elsewhere* (London, no publisher; 1900), pp. 6, 15; see also 'The Awakening of China' in the *Co-operative Wholesale Society's Annual* (Manchester, 1907).

125. For example, Morris, *Journalism*, p. 223.
126. William Morris, *Political Writings: Contributions to Justice and Commonweal 1883–1890* (Bristol, 1994), p. 10.
127. Porter asserts that 'Among English Marxists Morris was the first to relate imperialism so closely to overproduction. But the idea was not his. He was only repeating the common view of the imperialists themselves' (*Critics of Empire*, p. 44). But this ignores his debt to other anti-imperialists, notably Blunt and Hyndman.
128. Annie Besant, *An Autobiography*, 2nd edn (London, 1893), pp. 301–2.
129. Annie Besant, *The Case for India* (London, 1917), p. 27. The Theosophical Society had been founded in New York in 1875, and was led by Helena Blavatsky. Its aims, notably the creation of 'a Universal Brotherhood of Humanity, without distinction of race, creed, sex, caste, or colour', are not dissimilar to those of the Positivists. See Annie Besant, *An Introduction to Theosophy* (Benares, 1895).
130. Annie Besant, *England and India* (Benares, 1906), p. 3, and generally, Besant, *The Means of India's Regeneration* (Benares, 1895).
131. Besant, *India's Awakening*, p. 1.
132. Amongst the later writings, see her *The Case for India*, and *Home Rule and the Empire* (Madras, 1917).
133. Annie Besant, *England, India, and Afghanistan* (Madras, 1931), pp. 17, 84. Besant also wrote pamphlets on Gordon and the Sudan, Ireland, and the Transvaal.
134. Bernard Shaw (ed.), *Fabian Essays in Socialism* (London, 1889), p. 82.
135. 'An English Imperialist Bubble' reprinted in John Hobson and H. Burrowes (eds.), *William Clarke: A Collection of His Writings* (London, 1908), pp. 76–89.
136. Bernard Shaw (ed.), *Fabianism and the Empire* (London, 1900), p. 15.
137. Porter, *Critics of Empire*, p. 109. See also Bernard Semmel, *Imperialism and Social Reform: English Social-Imperial Thought 1895–1914* (London, 1960), ch. 6.
138. See Francis Lee, *Fabianism and Colonialism: The Life and Political Thought of Lord Sydney Olivier* (London, 1998). Olivier's main contribution to debates over the impact of colonial rule was *White Capital and Coloured Labour* (London, 1906).
139. Hyndman, *The Evolution of Revolution* (London, 1920), p. 7. The principal study of his work is Chushichi Tsuzuki, *H. M. Hyndman and British Socialism* (Oxford, 1961). See also Frederick J. Gould, *Hyndman: Prophet of Socialism* (London, 1928).
140. H. M. Hyndman, *The Record of an Adventurous Life* (London, 1911), p. 51.
141. 'I was an Imperialist in those days, believed in the beneficent influence of the British flag and the glories of British rule all over the world, considering, indeed, that our expansion was good alike for governors and governed.' Hyndman, *Further Reminiscences* (London, 1912), p. 151.
142. Hyndman, *The Record of an Adventurous Life*, p. 165.

143. Hyndman, *The Record of an Adventurous Life*, p. 167.
144. Hyndman, *The Record of an Adventurous Life*, p. 173.
145. H. M. Hyndman, *The Bankruptcy of India: An Enquiry into the Administration of India Under the Crown* (London, 1886), p. 40.
146. Hyndman, *The Record of an Adventurous Life*, p. 176.
147. Hyndman, *The Record of an Adventurous Life*, p. 177.
148. Gould, *Hyndman*, p. 51.
149. Hyndman, *The Record of an Adventurous Life*, pp. 158–9.
150. Hyndman, *The Record of an Adventurous Life*, pp. 206–7.
151. Hyndman, *The Record of an Adventurous Life*, p. 209.
152. Hyndman, *The Record of an Adventurous Life*, p. 243.
153. Hyndman, *England For All* (London, 1881), pp. 130, 148. But he drew short of calling for immediate independence, arguing that 'If India is to be retained at all, she must have a direct voice in her own administration, as well in England as in India' (p. 151).
154. Hyndman, *Why Should India Pay for the Conquest of Egypt?* (London, 1882), pp. 6, 14; 'The Oppenheims and Bischoffheims, the Rothschilds, the Barings and the Lawson Levys, Baron de Worms, and the Right Hon. J. G. Goschen – the new Chancellor of the Exchequer as, some say – Sir George Elliott and Sir Julian Goldsmid, these are the main champions of the Egyptian War. This Semitic array and their bottleholders have made a fine thing of it.'
155. Hyndman, *England For All*, p. 142.
156. For example, Hyndman, *The Bankruptcy of India*, p. 76.
157. See Porter, *Critics of Empire*, p. 215.
158. *The Awakening of Asia* (London, 1919) argues for the proposition, respecting China, Japan, and India, that any supposed 'manifest superiority over Asiatics' by Europeans 'does not exist', and as a corollary that 'Asia for the Asiatics' should be the operative principle of European policy (pp. 274, 282).
159. H. M. Hyndman, *The Historical Basis of Socialism in England* (London, 1883), p. 282.
160. Hyndman, *The Historical Basis of Socialism in England*, p. 411.
161. Gould, *Hyndman*, p. 127.
162. The following generation would retrospectively acknowledge that a policy of co-operation rather than exploitation would have been far from 'impossibly Utopian', to use the words of Leonard Woolf: *Economic Imperialism* (London, 1920), pp. 84–5, respecting the case of China.
163. J. M. Robertson, *Patriotism and Empire*, 3rd edn (London, 1900), p. 141.
164. Robertson, *Patriotism and Empire*, esp. ch. 3; and G. P. Gooch, 'Imperialism' in C. F. G. Masterman, *et al.*, *The Heart of the Empire* (London, 1901), pp. 308–97.
165. J. R. Macdonald, *Labour and the Empire* (London, 1907), p. 20. Macdonald also wrote at length about Indian nationalism in *The Awakening of India* (London, 1910). His views are examined in Porter, *Critics of Empire*, pp. 185–9.

166. For example, *Positivist Review*, 87 (March 1900), p. 60.
167. Frederic Harrison, 'Mr. Hobson on the Transvaal', *Positivist Review*, 8 (1900), pp. 69–73. But note the Positivists' support for Jewish emancipation, for example, by Congreve (*Essays Political Social and Religious*, II, p. 451), and the Society's 'Address to the English Jews' (1892), *Positivist Comments on Public Affairs*, pp. 18–20.

Consequentialist cosmopolitanism

David Weinstein

1. INTRODUCTION[1]

In *Liberalism* (1902), Herbert Samuel wrote with John Stuart Mill surely in mind:

Liberals hold that the ultimate purpose of politics is nothing narrower than to help men to advance towards the best type. No people can reach the goal, indeed, unless they have liberty: but there may be stages in the march when unrestrained liberty is rather a hindrance to them than a help. A barbarian race may prosper best if for a period, even for a long period, it surrenders the right of self-government in exchange for the teachings of civilization. Because we think freedom better than control, we do not count it a kindness to let a child do whatever he likes, or a sick man eat whatever he fancies: and because we hold that democracy is good for the Englishman and the Frenchman, we need not pedantically pretend that it must always be good for the Indian or the African as well.[2]

Other new liberals followed Samuel in echoing Mill's prejudices as much as what they took to be his liberalism's core principles. And while their prejudices were certainly not uniquely utilitarian, their core principles certainly were, although the received view of new liberals has continued to suggest otherwise. But unlike earlier utilitarian liberals, they also borrowed generously from Kant, Hegel and Darwin, transforming late Victorian and early twentieth-century utilitarianism rather significantly, including utilitarian international politics.

David Long has correctly insisted that there is considerably more to Hobson's theory of international relations than his theory of imperialism.[3] Likewise, there is much more to new liberal thinking about international politics and about imperialism than Hobson's. L. T. Hobhouse and D. G. Ritchie as well had a great deal to say about both, though not as much as Hobson. Hence, if we need to take better account of Hobson's theorising about international politics, then we also ought to follow suit with other new liberals like Hobhouse and Ritchie. I also stick to Hobhouse,

Ritchie and Hobson because all three were accomplished political theorists, unlike most other new liberals. Since this chapter focuses on the political theory of new liberal internationalism, I eschew discussing other less philosophically-inclined new liberals, such as Samuel. Ritchie, Hobhouse and Hobson were political philosophers above all else. Their liberal internationalism therefore cannot be properly made sense of outside its grounding in their respective moral and political theories.[4]

What follows begins by showing how, for Hobson, Hobhouse and Ritchie, the emergence of utilitarian practical reasoning was a sea change in human evolutionary development. For all three, utilitarian ethics constituted the substitution of 'rational' for 'natural' selection, making politics, including international politics, increasingly less conflictual. Next, I discuss Hobson, Hobhouse and Ritchie's respective conceptions of international government. Whereas Hobhouse remained consistently upbeat that political and economic democracy was expanding the circle of pacific federation, Hobson and Ritchie were less sanguine. Hobson's optimism waxed and waned with the vicissitudes of British imperialism and the shock and upshot of the First World War. Ritchie always believed that international peace would never evolve beyond accommodation between competing liberal empires. The third and fourth sections explore the significance of imperialism for new liberals. For Hobson and Hobhouse, though less so for Ritchie, imperialism reversed social evolution by reversing the displacement of natural selection by rational selection. By abandoning rational selection and moral universalism for antiquated natural selection, national chauvinism and ethnic prejudice, imperialism was thoroughly anti-utilitarian and immoral. Finally, I conclude by suggesting how important moral theory can be for properly interpreting theories of international politics and imperialism especially when, as with Hobson, Hobhouse and Ritchie, moral theory and political theory come so acutely intertwined.

II. FROM NATURAL TO RATIONAL SELECTION

New liberals typically viewed human history as a watershed in biological evolution. Human social evolution modified directionless biological evolution, making it gradually purposeful. Human social evolution was thus simply biological evolution qualitatively transformed. Human history was natural history but natural history tamed and channelled by consciousness and reason. And insofar as human social reasoning remained piecemeal and timid, human history would continue to be plagued by 'innumerable false

starts' and 'backslidings' and would therefore never entirely escape from endless rounds of violence, especially between states. In short:

Social development may be conscious or unconscious. It has been mostly unconscious in the past, and therefore, slow, wasteful, and dangerous. If we desire it to be swifter, safer, and more effective in the future, it must become the conscious expression of the trained and organized will of a people not despising theory as unpractical, but using it to furnish economy of action.[5]

Despite the trauma of the First World War, new liberals never lost faith in their conviction that reason and political co-operation would continue expanding unabated. For instance, writing in 1921, Hobson remained unshaken in believing that 'all history exhibits progress in terms of the subjection of force to reason'. Human nature was not immutably flawed, condemning humankind to diffidence and perpetual conflict, especially in international affairs. The purported immutability of human nature was a 'great bluff', which served the interests of reaction everywhere. Rather, human nature was constantly changing under the pressure of natural selection and biological heredity, gradually altering our instincts and emotions, and via education and our ability to constantly modify our environment. But whereas hereditary change occurred with imperceptible slowness, our self-changing educational and environment-modifying skills produced comparatively speedy and fecund political results. The 'arts of political and economic invention are now perceived to be of paramount importance' being geared 'more and more to institutional reforms' which were reacting on 'Human Nature by directing its instincts and emotions along new channels of individual and social behaviour'.[6] And as humanity begins to concentrate on reforming international as well as national institutions, the pliability of human nature becomes increasingly transparent and the possibility of peaceful global co-operation less unreal.

For Hobson, 'social evolution shows a series of expanding selves finding their determination in some federal form'. From 'the family to humanity', all institutions were gradually being recast by 'fresh attempts to apply the federal principle'.[7] Hence, global institutional reform was tending towards concentric federations within federations, with, for example, the British empire transforming itself into a federal bond of equals circumscribed by a federated league of federations, which the League of Nations modelled in embryo. In effect, then, Hobson hoped that the British empire was evolving into the kind of 'supra-parliamentary', federal 'global state' that Duncan Bell refers to in his contribution to this volume.[8] And even when he was feeling less optimistic, such as when he was writing *Imperialism*, Hobson never lost faith in the

possibilities of federation because, even then, he never doubted that rational selection would ultimately prevail as the dominant mechanism of historical development: 'If progress is helped by substituting rational selection for the struggle for life within small groups, and afterwards within the larger national groups, why may we not extend the same mode of progress to a federation of European States, and finally to a world-federation?'[9] We have no grounds for assuming that 'the competition among nations must always remain a crude physical struggle, and that the substitution of "rational" for "natural" selection among individual members of a nation cannot be extended to the selection of nations and of races'.[10] Rather, we have every reason to believe that although international struggle will continue, it will become fairer, and thus more pacific, in virtue of becoming more rational. We should expect that war will likely disappear as 'cruder national selection' gives way to 'rational' selection in international politics.[11] Just as reason 'grows in the nation' closing 'the ring' by imposing national laws making struggle a 'fairer test of a fuller form of individual fitness', so reason rationalises the rules of the international ring 'imposing a fairer test of forms of national fitness'.[12] Like state socialism, international government 'quickens and varies the struggle; by equalising certain opportunities it keeps a fairer ring, from which chance or other' alien factors 'are excluded'. And also, as again with state socialism, 'it admits on more equal terms a larger number of competitors, and so furnishes a better test of fitness and a more reliable selection of the fittest'.[13]

Furthermore, Hobson firmly believed that national selves were no less interdependent than individual selves. Like individuals, they flourished in concert. And just as individual flourishing depends upon collectively restraining others from over-asserting themselves, national flourishing requires taming national self-assertion collectively. Both kinds of flourishing were therefore versions of collective self-mastery or collective autonomy. Much like personal self-determination requires guiding one's conduct by 'consideration of the permanent good of the whole self instead of by the satisfaction of some single passing desire', so national self-determination entails realising the permanent good of the nation at the expense of allowing class and sectional interests to run riot.[14] Similarly, global self-determination requires harmonising competing national interests in the name of the global community's permanent good. Hobson's internationalism thus illustrates poignantly Michael Freeden's contention that new liberals 'simply exten-ded' the fundamental philosophical motifs and attitudes of their domestic political theorising to their theorising about international politics. Accord-ing to Freeden, whether as philosophers, social theorists, social critics or practical reformers, new liberals tended to view international politics as

merely enlarged domestic politics. For all new liberals, including new liberal politicians, international peace replicated domestic peace. Both forms of peace looked to human reason altruistically mastering self-interest, emotion and chauvinistic desires.[15] In sum, then, Hobson modelled global self-mastery after national self-mastery that he, in turn, modelled on individual self-mastery. Individual, national and global self-determination alike constituted the triumph of reason over boundless desire, freedom over unfreedom, common good over sectional interest, and consequently autonomy over heteronomy, suggesting that Hobson's international relations theory was paradigmatically neo-Kantian besides being similarly and merely liberal internationalist.[16]

Moreover, for Hobson, the international balance of power was international heteronomy. It supposed 'no true harmony of interest and no organic policy'.[17] It regarded nations as 'hard, separate unities' and international relations mechanically as endless cycles of 'poise, balance, or adjustment'.[18] Balance of power, then, implied a 'hard-shell nationalism' which was 'false in the same way and to the same degree as the hard-shell [Hobbesian] individualism of older times'.[19] Just the way heteronomous agents were bundles of shifting, contingent desires and emotions, international power politics was a 'policy of Pulls' between competing national interests and enflamed, jingoistic passions. To the extent that a balance of power was any kind of equilibrium at all, it was little more than the temporary triumph of some momentarily more powerful global contingencies over others, rather than the subjection of contingency itself to universal reason. And as we shall shortly see, imperialism therefore effectively represented for Hobson global heteronomy mutated and powerfully re-energised.

According to Hobhouse, social evolution was likewise biological evolution qualitatively transformed and accelerated. The emergence of consciousness and reason reoriented biological selection by making, for the first time, the haphazard biological struggle for survival 'orthogenically' purposeful. With orthogenic evolution, 'domination of rational spirit in the world' replaces 'mere adaptation to circumstances'.[20] As with Hobson, then, the appearance of consciousness was therefore immeasurably significant. It made morality possible. With developed consciousness, or 'social mind', miscellaneous moral sentiments gradually congealed into a tissue of moral traditions and then into universalistic moral intuitions characterising moral common-sense. Ultimately, common-sense morality is superseded by systematic rational ethics exemplified by improved utilitarian practical reasoning grounded in our deepening recognition that 'the best

life for each is understood to be that which is best for those around him'.[21] In sum, according to Hobhouse, 'social mind' made organic evolution self-directing via principally, though not exclusively, the invention and gradual perfection of communitarian-based, utilitarian moral thinking.[22]

In addition, following Hobson, orthogenic evolution eventually begins transforming international politics from blind power struggle into co-operative mutual benefit and concord. The 'application of ethical principles to the social structure, to national and international politics, is merely the effort to carry one step further that guidance of life by rational principles which constitutes . . . the essence of orthogenic evolution'.[23] And this transformation accords 'with Mr Hobson's conception of Internationalism, and it is only mentioned here as indicating that a philosophic theory of evolution leads us to results which justify and support the application of humanitarian principles to political affairs'.[24]

D. G. Ritchie, too, held that the emergence of consciousness radically transformed organic evolution, accelerating evolutionary change and investing it with purpose and direction. But unlike Hobhouse's, though more like Hobson's, Ritchie's social evolutionary theory was explicitly and self-consciously utilitarian.[25] For Ritchie, moral codes are naturally selected into existence, becoming more revered in societies that thrive at the expense of their rivals. And the more sacrosanct a society's moral codes become, the more internally harmonious it becomes and the more likely it is to outperform rivals. Intersocietal success encourages rivals to imitate these moral codes, causing moral conventions to spread and become intuitively self-evident. Eventually, moral intuitionism gives way to utilitarian practical reasoning as the selected societies flourish:

Natural selection . . . is a perfectly adequate cause to account for the rise of morality . . . Morality, to begin with, means those feelings and acts and habits which are advantageous to the welfare of the community. Morality comes to mean the conscious and deliberate adoption of those feelings and acts and habits which are advantageous to the welfare of the community; *and reflection makes it possible to alter the conception what the community is, whose welfare is to be considered.*[26]

In short, with the emergence of utilitarian practical reasoning, social evolution becomes self-conscious as 'rational selection' replaces 'natural selection'. Wherever 'reflection appears, . . . a higher form of morality becomes possible; the useful – i.e. what conduces to the welfare of the social organism, is not recognized merely by the failure of those societies in which it is not pursued, but by deliberate reflection on the part of the more thoughtful members of the society'. Utilitarian reformers reflect for their societies, circumventing the excruciatingly slow and 'cruel process of natural

selection by the more peaceful methods of legislative change'. The theory of natural selection consequently 'gives new meaning to Utilitarianism', thus 'vindicat[ing]' it.[27]

For Ritchie, in sum, societies that refine and systematise their moral codes with general utility deliberately in mind, flourish best. And much like Hobson and Hobhouse, he believed that 'objectified mind' was relentlessly globalising utilitarian practical reasoning. However, Ritchie was less sanguine than either, predicting that a 'few great empires' of 'self-governing communities' would most likely constitute the limit at which 'objectified mind' would successfully institutionalise utilitarianism globally. Consequently, Kant's project for perpetual peace would not work unless republican empires deployed some kind of international force for policing collective security.[28] Moreover, tropical populations were unfit for republicanism and would require foreign rule indefinitely.[29] Ritchie's new liberal internationalism was therefore decidedly less robust than either Hobson's or Hobhouse's.[30] Furthermore Ritchie in particular, but other new liberals as well, were heavily influenced by Herbert Spencer even when they were interested mostly in refuting him. They all agreed with him fundamentally in how best to account for the evolution of morality as the gradual and relentless substitution of purposeful rational selection in place of indiscriminate natural selection.

For Spencer, social evolution favoured societies where vital custom and habits congeal as uniform moral intuitions. Imperceptibly, moral intuitionism gives way to 'empirical' utilitarianism as the intuitions mature into sacrosanct principles because of their utility-promoting power. With the emergence of 'rational' utilitarian practical reasoning, humans begin refining and systematising their often conflicting moral principles according to the standard of general utility. 'Empirical' utilitarianism is 'unconsciously made', whereas 'rational' utilitarianism is 'determined by the intellect' and takes into account 'distant effects' on lives 'at large'.[31] And because they take 'distant effects' into account, 'rational' utilitarians also take moral rights seriously. Unlike 'empirical' utilitarians like Bentham, they see that successfully promoting utility long-term requires championing moral rights as indefeasibly sacred. Unlike 'empirical' utilitarians, 'rational' utilitarians are self-consciously and defiantly liberal. They simultaneously stand firm by inviolable rights while invoking the principle of utility as their ultimate criterion of right. In sum, for Spencer much like Ritchie, utilitarian practical reasoning evolved following a similar sequence of unsystematic utilitarianism gradually giving way to scientific, systematic utilitarianism, though Ritchie's version of 'rational' utilitarianism never treated rights as *indefeasible* constraints on the pursuit of utility.[32]

Stefan Collini has argued that Victorian culture was marked by the 'primacy of morality', by which he means that Victorian intellectuals privileged moral concerns in thinking about politics.[33] They tended to see politics, particularly international politics, through the prism of their ethical commitments more than we purportedly do today, making their political theory and political practice seemingly normatively richer or at least normatively more blatant and obvious. They wore their culture's values on their sleeves. They magnified these values not so much by exaggerating them but by simply articulating them. Victorian intellectuals were Victorian moralists as much as anything else. And, according to Collini, altruism especially featured prominently in their moralising since it flowed so deeply and widely through the subterranean recesses of Victorian culture. Victorian moralists therefore 'exhibited an obsessive antipathy to selfishness, and consequently their reflections were structured by a sharp and sometimes exhaustive polarity between egoism and altruism'.[34]

In Collini's view, T. H. Green perfectly exemplified the kind of Victorian 'public moralist' whose thinking modelled Victorian culture. His moral philosophy foregrounded systematically the kinds of altruistic sentiments which typified so much of Victorian intellectual discourse. His theorising captured more completely and comprehensively than anyone's the altruism purportedly widespread among Victorian intellectuals in the latter half of the nineteenth century and because it so successfully did so, his moral philosophy resonated widely. Moreover, in Collini's judgement, new liberals like Hobhouse carried this moral sensibility forward into later decades, helping to insure that altruism remained an animating philosophical concern.[35]

If Collini is correct about how altruism had become such a formidable background assumption for Victorian intellectuals, and especially for Green and subsequently for new liberals like Hobhouse, then we can better understand why utilitarianism continued to enthral new liberals so that they never entirely abandoned it. Most versions of utilitarianism are pre-eminently altruistic insofar as they require agents to maximise general happiness notwithstanding any special commitments and relationships. For utilitarians, everyone's happiness counts equally, demanding the sacrifice of individual happiness if there is no other way of maximising general happiness, especially when considerable general happiness is at stake. If Victorian intellectuals were indeed 'obsess[ively]' altruistic, then little wonder that utilitarianism continued to enchant them. And given Darwin's vogue during the latter part of the nineteenth century, we should not be any less surprised that new liberals like Hobson, Hobhouse and Ritchie should

follow Spencer in attempting to accommodate utilitarianism with evolutionary theory in the name of 'rational' utilitarianism of some sort. Their respective versions of new liberal internationalism were so cosmopolitan because they were altruistically utilitarian as well as 'rational'.

III. NEW LIBERAL INTERNATIONALISM

According to Peter Cain, and in keeping with what I have been suggesting, Hobson never stopped doubting that economic democracy and internationalism would eventually combine in delivering palpable global concord.[36] Certainly, late nineteenth century imperialism plainly tempered his faith in humanity's collective forward march. The First World War rekindled these earlier doubts. In *Democracy After the War* (1917), Hobson concluded that Cobdenism was misguided in naively assuming that militarism would wane as liberalism and capitalism prospered and spread internationally.[37] Rather, capitalism thrived on diffidence and protectionism that, in turn, promoted militarism, thus encouraging diffidence and protectionism even more. 'Close state' nationalism, whether liberal or socialist, refused to wither away as a formidable corrupting peril to genuine internationalism:

The attempt is, therefore, certain to be made (nor with clear, conscious intention, but by the drift of selfish interest which we have seen to be the ordinary *modus operandi*), to keep this country and the Western world in a sufficiently unsettled state to reconcile the workers to the necessary subjugation and restraints . . . The effort, and the implicit purpose, is to stop the resumption of free international commerce, to set up lasting economic conflicts in Europe, and so to render impossible a League of Nations. This policy would ensure a dangerous world. It would justify the maintenance of military conscription and great competing armaments, thus providing for the discipline of the working classes and the forcible repression of any proletarian movement, economic or political, which threatened the public order. While playing directly into the hands of the great armament businesses it would also furnish the requisite stimuli and instruments for the further pursuit of an imperial aggrandizement which in its turn would evoke the competition of other aspiring empires and so once more react against security and internationalism.[38]

In *Richard Cobden: The International Man* (1918), Hobson welcomed the possibility that a federated international government would eventually supervise the distribution of the world's resources and wealth:

If the world for economic purposes could be organized upon this principle, its natural resources, assigned to the cultivation of the inhabitants of the various countries, according to their capacities, and supplemented where necessary by

suitable drafts from other countries . . . the world would then be raised to the level of its highest productivity. If also, this greatest economic product were able to be distributed, or rationed, according to the diverse needs, or capacities of enjoyment of the members of this world community, such an economy of production and consumption would yield a maximum economic contribution to human welfare.[39]

However, by 1934, in *Democracy and a Changing Civilization*, Hobson had become much less sanguine about, if still just as supportive of, the prospects of a global redistributive state emerging anytime soon. He now conceded: 'But even if each nation member of a world federation were socialized for internal government, it is unlikely that they would all consent to a world-pooling of the national resources', and that the 'economic application of the democratic principle to the functions of world-federalism would be unlikely, for some generations, to proceed to so strict a limitation of national self-government'.[40] Hobson adds, moreover, that he now doubts that any form of global federalism will in any case emerge until, in every country 'capitalism has been eliminated at least in all the fundamental industries and services'. But he nevertheless 'would not go so far as to say that federal world-government could not come into existence until all its constituent States had taken on a full democratic socialism'.[41] Moreover, he insists that should international federalism emerge, it 'must be accorded some powers of intervention primarily directed to the welfare of those backward populations, but also to the commercial and other rights of the outside world'. Backward 'countries may contain material resources the development of which is of prime importance for world prosperity, and the claim that the people in occupation of a country are absolute owners of those resources, and entitled to leave them undeveloped, is a quite inadmissible assertion of national sovereignty'.[42]

By and large, though, Hobson never forswore his underlying conviction that the twin forces of political and industrial democracy would pave the way to internationalism. He never abandoned hope that universal reason and international peace would sooner or later prevail via a world federation of federated states constituting the triumph of rational over natural selection in international affairs.[43] Such a federation would succeed because even half-hearted exercises in international rational will, such as the League of Nations, would educate humankind in the benefits of simply delaying international conflicts from ripening into violence. Delay cools passions and fosters reflection. Reflection forces states to calculate more cautiously and systematically, insuring that they would see more clearly that their individual well-being ultimately depended upon global well-being and

co-operation. Delay, reflection, calculation, reason and utility were conceptual cousins:

> For the cooling-off time thus secured has its first and chief effect, not in invoking an external interference, but in evoking the play of the reasonable mind of the nation contemplating war. Delay means an appeal from the passion to the reasonable self of a nation . . . Delay, the statement of the case and the consequent appeal to justice, will, therefore, insensibly and not slowly undermine the absolutism of the modern State, by enabling statesmen to perceive that the reasonable self of a nation can only be maintained by regular effective membership of the Society of Nations, and that such membership involves submission of its private arbitrary judgment on international matters of conduct to the rational will of the whole Society.[44]

The above passage is preceded by a lengthy comparison of how passions often get the best of us, irrationally carrying us away against our best, long-term interests. Individual self-realisation likewise requires delay, cooling-off and calculation no less than national, and for that matter, global self-realisation. All three are the triumph of rational will or, as previously suggested, the defeat of heteronomy. Hobson writes:

> Why does what we call our 'higher nature' so often succumb to the temptations of our 'lower nature', why do our bodily desires, or our short-range impulses, so frequently triumph over our rational self? It is not because, when fairly pitted against one another in a 'moral struggle', the lower motives prove themselves stronger than the higher. It is because they employ a rush tactics that carries us away before the moral forces of our personality are fully mobilized. The 'irrational' instincts get their work in quicker: the processes of reflection and self-realization involve delay, and this delay is often fatal. This is the inevitable task of *idealism* when pitted against the '*realism*' of the passions and desires which spring more directly from the life of instinct.[45]

By analogy, then, imperialism and war result whenever irrational, 'short-range', sectional interests get the better of nations. Imperialism and war are animal instinct and heteronomy. For realists following Hobbes, we are fated to heteronomy in all that we do but not for evolutionary idealists like Hobson who followed Kant in never doubting, or at least never entirely dismissing, the potency of rational will.

Hobhouse seems to have been less pessimistic, wavering less about prospects for global order and co-operation than Hobson (or Ritchie, for that matter). For him, humankind was the 'one ultimate' ethical community which he never doubted would eventually find 'organized expression' though he, like Hobson, admitted that the League of Nations was a very 'imperfect embryo' of this expression.[46] Only a 'World League' of federated

democracies, representing not just individual states but also transnational organisations and interests, could succeed where the exclusively state-based League of Nations was plainly failing. For instance, Hobhouse says: 'It is probably necessary to the effective union of humanity – since we cannot overcome division – that it should be divided on different principles at the same time, so that men who are opposed on one relation find themselves cooperating in another. Moreover, if we could get the right basis for functional government in each case there is in every function something that appeals intimately to those peculiarly interested in it, and thereby calls out their public spirit and intelligence to better effect than the mixed and confused appeal of ordinary State politics.' By representing and fostering cross-cutting international allegiances, this functionally-based league would diffuse visceral nationalistic loyalties and passions, reducing patriotism to just one among many healthier sources of communal identification.[47] And since Hobhouse appears to have despaired less that such a league was forthcoming, his theory of international politics remained more consistently upbeat than Hobson's. That is, it didn't fluctuate as dramatically between vituperation about financial conspiracies and hope.

Ritchie's theory of international politics is less transparent than either Hobson's or Hobhouse's. He shared their internationalist enthusiasms as well as their faith that reason would eventually institutionalise global co-operation in some sort of democratic federation.[48] But the kind of democratic federation that Ritchie seems to have had in mind was limited to western powers fully possessed of their imperial dependencies. In short, Ritchie's pacific federation was essentially a federation of liberal empires, making his version of new liberal internationalism effectively a disguised new liberal imperialism that Samuel surely would have found sufficiently congenial.[49]

IV. IMPERIALISM AND REACTION

Hobson was, of course, preoccupied with imperialism, but one of the main reasons for this is often missed. Chapter I, Part II of *Imperialism*, 'The Scientific Defence of Imperialism', provides these undervalued reasons. There, Hobson warns against the ease with which we 'glide from natural history to ethics' finding in 'utility a moral sanction for the race struggle'. For Hobson, imperialism 'is nothing but this natural history doctrine regarded from the standpoint of one's own nation'.[50] It simply revived the animalistic struggle for existence characterising early history. It reversed the 'ascendancy of reason over brute impulse', reintroducing 'military'

ethics in place of 'industrial' ethics.[51] In other words, imperialism effectively constituted the re-emergence of natural selection over rational selection, thus undoing and reversing social evolutionary progress. Imperialism reinstates 'sectionalism into international society', as Long nicely puts it, reinfecting emerging global autonomy with heteronomy and contingency. Sectionalism is untamed nationalistic passions and global unreason.[52]

Hobhouse was not as fixated as Hobson on the phenomenon of imperialism. Nevertheless, he followed Hobson in condemning imperialism as incompatible with national well-being. Though like Hobson he readily conceded that imperialism benefited investors and special interests that manipulated government and popular opinion to promote it, he insisted that imperialism was overall a misadventure of considerable economic disutility.[53] And it was also counterproductive because it corrupted domestic democratic institutions and values. Imperialism reacted on domestic politics negatively producing overheated patriotism, which, in turn, invariably compromised the 'liberties of the ruling people themselves'.[54] Whereas the central principle of liberalism is 'self-government', the central principle of imperialism 'is the subordination of self-government to Empire'. The former 'stands for autonomy and the other for ascendancy and between these two ideas there can be no reconciliation, for they represent the most fundamental cleavage of political opinion'.[55] Imperialism, then, inflamed militarism which 'eats into free institutions' enchaining the imperial conqueror to his conquest as Spencer understood all to well. Following Spencer, Hobhouse condemned imperialism for inverting social evolutionary progress by turning 'industrial' societies back into 'militant' societies. Imperialism rebarbarised liberalism: 'The Assyrian conqueror, Mr. Spencer remarks, who is depicted in the bas-reliefs leading his captive by a cord, is bound with that cord himself.'[56] Hobhouse's anti-imperialism, then, surely owed much to Spencer as well as Hobson. As with Hobson and Spencer, imperialism was reactionary and irrational. By undermining democracy at home as well as promoting military competition abroad, it turned social evolution backwards, reversing the displacement of natural by rational selection.

Ritchie, however, denied that imperialism constituted such a normative reversal. For him, imperialism was not necessarily backward-looking but instead, when properly managed, actually epitomised rational selection. It therefore contained considerable utilitarian promise, which Hobson was unable to see, in part, according to Ritchie, because his vision was clouded by his anti-Semitic venom.[57] By contrast to Hobson and Hobhouse, then, Ritchie viewed imperialism more favourably. Imperialism was often justified depending upon the circumstances. Hobson was simply wrong in

thinking that imperialism necessarily exploited native populations. On the contrary, British imperialism, correctly administered, could better protect indigenous populations from predatory foreign capitalists than if these capitalists are allowed to run amok unrestrained. Hence, Ritchie supported the South African War.[58] Criticising Hobson specifically, he insisted that the 'British Colonial Government . . . is the best government of the kind the world has yet seen, allowing the greatest scope for democratic developments and experiments among the white population, irrespective of creed or race, and yet securing more protection for uncivilized or half-civilized natives than could be found if the white colonists were left entirely uncontrolled'.[59] And contrary to what Ritchie took to be Hobson's standard of judging imperialism, we should judge it, not according to the motives of its agents, but according to its consequences. We should judge it according to 'English principles of justice and English utilitarianism'.[60]

Hobson took Ritchie to task, in turn, not simply for thinking that British imperialism was uniquely progressive but also for his timid internationalism, which Hobson deemed backwardly un-Kantian. Contrary to what he took to be Ritchie's view, Hobson held that the federation of federations, which he welcomed and anticipated, would not compromise national liberty but enhance it:

A nation no more loses its freedom and liberty by entering into organic relations with other nations than the individual does by entering into organic relations with his fellow-citizens. We understand that a properly established state in a civilized community is engaged in enlarging the liberty of its members, and what is true of the individual is equally true for nations . . . By giving up the right of individual war, by abandoning the right to fight duels or to murder a person who offends him in a society, a citizen does not lose his freedom in any true sense. We recognize that the true liberty of the individual gains precisely by the establishment of this just social order in the state, and so it is in the establishment of an international state . . . The antagonism between nations will disappear just so far as we establish this new relation, and for its establishment one thing is necessary. The apparent oppositions of interest between nations, I repeat, are not oppositions between the interests of the people conceived as a whole; they are oppositions of class interests within the nation.[61]

National freedom is enlarged by fairer international politics no less than individual freedom is enlarged by fairer national politics. Just as greater equal opportunities within each nation allow its citizens to thrive, so greater equal opportunities between nations allow nations themselves to flourish. Just as 'sectional', class interests undermine equal opportunities and, thus, the flourishing and autonomy of individual citizens, they also undermine international fairness and, hence, the flourishing and autonomy of individual

states. And keeping in mind that new liberals, following Kant and Green, viewed individual autonomy as a higher kind of individual freedom, we see why Hobson deemed national autonomy qua national flourishing grounded in international fairness a higher kind of national freedom too.

Hobson, Hobhouse and Ritchie were utilitarians, albeit unconventional utilitarians in comparison with Bentham and even Mill. Of the three, Hobson was the least unconventional and, unsurprisingly, he never hesitated in proclaiming his utilitarian credentials. For instance, in *The Social Problem*, published the same year as *Imperialism* (1902), he declared unreservedly that he was a 'new' utilitarian. Whereas 'old' utilitarianism was simplistically individualistic, hedonistic and quantitative, 'new' utilitarianism was socialistic and psychologically subtler. For 'new' utilitarians, happiness included, in addition to pleasure and the satisfaction of cruder desires, 'higher human goods' such as knowledge, freedom, and physical and mental health.[62] 'New' utilitarianism, that is, substitutes a more nuanced standard of welfare for older utilitarianism's conceptually impoverished 'monetary standard of wealth'. Utilitarians should borrow from Ruskin, making the 'multiplication of human life at its highest standard' their maximising goal.[63] In short, they must make 'organic welfare' or 'social utility' their ultimate criterion of right.

Hobhouse and Ritchie were much less conventional utilitarians though, as we saw earlier, Ritchie explicitly identified himself as a utilitarian. Indeed, they were arguably not utilitarians at all but rather very different kinds of consequentialists. Briefly, for Hobhouse, actions were morally right if they promoted the 'development of personality', or self-realisation, 'in each member of the community' including, presumably, the community of humankind.[64] And insofar as happiness was integral, or *internal*, to self-realising personality, promoting the latter entailed promoting the former simultaneously. Hence, maximising happiness maximised self-realisation because happiness constituted self-realisation in part. Either goal could substitute just as well for the other for both personal and practical, policy-making purposes. However, for Ritchie, happiness was not *internal* to self-realisation as one of its components as it was for Hobhouse. For Ritchie, instead, happiness was merely a by-product or contingent, *external* symptom of self-realisation, making him less of a genuine utilitarian consequentialist than either Hobhouse or Hobson. Happiness conveniently marked the existence of

self-realisation, though it was not part of it. Thus, maximising happiness tended to maximise self-realisation too, allowing utilitarianism to stand in as a reliable substitute strategy for the underlying, perfectionist consequentialism Ritchie was truly committed to. In short, Ritchie was even less conventionally utilitarian than Hobhouse, though he never stopped insisting that he was an authentic utilitarian.[65]

The new liberalism, then, was fundamentally a new form of utilitarianism that regarded social evolution as gradually realising utilitarian practical reasoning not just nationally but internationally as well. For new liberals, the instrumental reasons for sanctifying national rights were similar to the reasons for sanctifying individual rights. For them, moderated nationalism was just as promising an *indirect*, global utilitarian strategy as moderated liberalism was a promising *indirect*, national utilitarian strategy. There was just as much good reason, consequentially speaking, to take nationality seriously as there was to take individuality seriously. But neither should be taken so seriously that they trumped considerations of long-term, collective well-being. Hence, according to Hobson, while 'insane' imperialism violated national rights and thus indirectly violated the 'principle of social utility expanded to its widest range, so as to be synonymous with "the good of humanity"' making it unjustified, 'sane' imperialism 'devoted to the protection, education, and self-development of a "lower-race"' was entirely laudable.[66] 'Sane' imperialism took as its 'supreme standard of moral appeal, some conception of the welfare of humanity regarded as an organic unity'.[67] Since, as we have seen, Ritchie says much the same thing, Hobson and Ritchie seem to have exaggerated their differences about the prospects of reforming imperialism.

The problem with traditional imperialism for Hobson and Hobhouse, though less so for Ritchie, was its irrational insanity or its inability to see that the principle of national self-determination was the most promising, cosmopolitan utilitarian strategy.[68] Imperialism was fundamentally immoral because it was so thoroughly inconsistent with utilitarian practical reasoning. It re-infected humanity with new strains of heteronomy, miscalculation and irrational will, thus sacrificing global well-being to selfish national interests.[69] It undermined internationalism and reversed the advance of rational selection by contravening 'utilitarian ethics which insist that morality, the performance of human obligations, is the best policy, that policy which in the long run will yield the fullest satisfaction to social beings'.[70] Little wonder, then, that Hobson should close his chapter, 'Imperialism and the Lower Races' in *Imperialism* by so pointedly invoking John Stuart Mill.[71]

The new liberalism was unquestionably consequentialist even if it wasn't plainly a form of utilitarian consequentialism. Because new liberals were consequentialists, their respective versions of liberal internationalism were essentially consequentialist too, making them consequentialist cosmopolitans. Trying to understand, for instance, Hobson's *Imperialism* separately from his consequentialist practical reasoning would be like trying to decipher Peter Singer's recent *One World* (2002) without taking account of his uncompromising utilitarianism.[72]

One possible objection to my argument is that the new liberals were not so much cosmopolitans as they were internationalists. For instance, Boucher states that Hobhouse was not a cosmopolitan but an internationalist insofar as he never eschewed nationalism entirely.[73] Long similarly contends that Hobson was not a true cosmopolitan.[74] Casper Sylvest, meanwhile, has cautioned me against confusing internationalism and cosmopolitanism, arguing that whereas on balance internationalists prioritise national rights over human rights, cosmopolitans prioritise human rights over national rights. Accordingly, internationalists view nations as normatively fundamental whereas cosmopolitans make individuals normatively basic. The former is literally inter-nationalism while the latter is cosmopolitan individualism. Likewise Duncan Bell suggests that another way of conceiving the division between the two is that internationalists typically grant nationality considerable 'independent' value in contrast to cosmopolitans who, when they defend the nation, resort to 'instrumental' justifications and admit 'no intrinsic value in large-scale partial attachments, including the nation'. Internationalists thus regard the nation as an essential component or facilitator of individual development, whereas cosmopolitans regard it as much less crucial.[75] New liberals, clearly, had their feet in the doors of both conceptual paradigms, making them neither purely internationalists nor cosmopolitans. But they were more cosmopolitan than internationalist since, at the end of the day, they championed individual self-realisation as an ultimate good. International justice was fundamentally cosmopolitan justice for them. In any case, cosmopolitanism and internationalism were not mutually exclusive even for Kant. Like new liberals, Kant held that national sovereignty and pacific federation were compatible and that both were justified to the extent that they effectively protected individual rights and autonomy.

New liberals owed Kant other potent philosophical debts in addition. They were much influenced by Kant's conception of freedom as

autonomy, which powerfully informed his conception of international government as I have intimated at several junctures. For Hobson, and Hobhouse, though less so for Ritchie, promoting global welfare was simultaneously a matter of promoting global peace as global self-determination. Individual autonomy as the triumph of reason over contingency and desire was, especially for Hobson, paradigmatic of global harmony. Just as individual autonomy entails taming individuals' passions and desires, so global autonomy entails a world federation finally mastering competing national self-interests and their respective nationalistic fevers. Hobson's pacific federation of federations was Kantian autonomy writ large.[76] Neo-Kantianism as much as Millian utilitarianism, then, inscribed new liberal international politics.

In closing, I would certainly not want to assert simplistically that understanding Hobson, Hobhouse or Ritchie's theories of international politics requires interpreting them primarily through the lens of their underlying moral theories. I would never wish to claim that we can come to terms with their views about imperialism, foreign policy and international order exclusively, or even largely, via their respective accounts of practical reasoning. But I do wish to insist that too little account has been taken of their consequentialism, with all its neo-Kantian accessories, in discussing these views. Properly interpreting a particular political theory or set of related political theories requires more than placing them in their historical and political contexts, as arduous and as crucially important as such contextualising reconstructions are. Theories like utilitarianism certainly 'acquired their prominence partly because they gave a coherent form and foundation to attitudes and beliefs already widely, if unselfconsciously, entertained'.[77] But, we must also read political theories against the backdrop of the deeper moral theories in which they are embedded, particularly when their authors have gone to such great lengths to develop and defend these underlying moral theories. Political theory and moral philosophy typically come fastened together. We should guard against trying to make sense of either divorced from, and therefore at the expense of, the other.

NOTES

1. I would like to thank Marc Stears especially, as well as Duncan Bell, Casper Sylvest and the other participants at the conference on Victorian Visions of Global Order, Cambridge University, 2–3 July 2004, for their helpful comments on earlier drafts of this essay.
2. Herbert Samuel, *Liberalism* (London, 1902), p. 330. Samuel identified himself as a new liberal and helped popularise the term. See J. S. Mill, *On Liberty* in

Collected Works of John Stuart Mill, ed. J. M. Robson (Toronto, 1977), XVIII, p. 224: 'It is, perhaps, hardly to say that this doctrine [of liberty] is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of young persons below the age that the law may fix as that of manhood or womanhood. Those who are still in a state to require being taken care of by others, must be protected against their own actions as well as against external injury. For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its nonage . . . Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion.'

3. David Long, 'J. A. Hobson and Idealism in International Relations,' *Review of International Studies*, 17 (1991), p. 285.
4. However, it should be kept in mind that Hobson was not a systematic thinker, making assessing both his political theory and international politics partic-ularly challenging.
5. J. A. Hobson, *The Crisis of Liberalism* (London, 1909), p. 132.
6. J. A. Hobson, *Problems of a New World* (New York, 1921), pp. 206, 258, 265.
7. Hobson, *Problems of a New World*, pp. 255, 253.
8. Bell, 'The Victorian Idea of a Global State,' in this volume.
9. J. A. Hobson [1902], *Imperialism* (Ann Arbor, 1965), p. 164.
10. Hobson, *Imperialism*, p. 174. Note that here, Hobson substitutes 'national' in place of 'natural' when describing the crude kind of selection 'rational selec-tion' supplants. That is, by equating 'national' with 'natural', Hobson seems to be suggesting that excessive nationalism is irrationally degenerate and backwards-looking.
11. Hobson, *Imperialism*, p. 191.
12. Hobson, *Imperialism*, p. 188.
13. Hobson, *Imperialism*, p. 173 and also p. 185.
14. Hobson, *Imperialism*, p. 251.
15. Michael Freeden, *Liberalism Divided: A Study in British Political Thought, 1914–1939* (Oxford, 1986), p. 363.
16. Much of the preceding discussion was drawn from *Problems for a New World*, Chapter IV, entitled 'Self-Determination and Federalism'. Notwithstanding Hobson's neo-Kantianism, his conception of national self-determination also resembles Hegel's. See Colin Tyler, 'Hegel, War and the Tragedy of Imperialism,' *History of European Ideas*, 30 (2004), pp. 6–7. Hegel, of course, saw himself as repairing and improving Kantian autonomy.
17. J. A. Hobson, *Incentives in the New Industrial Order* (London, 1922), p. 148.
18. J. A. Hobson, 'The Ethics of Internationalism,' *International Journal of Ethics*, 17 (1907), reprinted in *Writings on Imperialism and Internationalism*, ed. Peter Cain in *J. A. Hobson: A Collection of Economic Works* (London, 1992), pp. 27–8.
19. Hobson, 'The Ethics of Internationalism,' p. 26.

20. L. T. Hobhouse, *Mind in Evolution* [1901] (London, 1905), p. 411.

21. L. T. Hobhouse, 'The Ethical Basis of Collectivism,' *International Journal of Ethics*, VIII (1897), p. 149.

22. See especially L. T. Hobhouse, *Development and Purpose* [1913] (London, 1927), where Hobhouse says that, in becoming self-determining, social mind 'is guided by values' and 'begins to master the very conditions which first engendered it' (p. 13). See also L. T. Hobhouse, *Morals in Evolution* [1906] (New York, 1919), p. 631.

23. L. T. Hobhouse, *Democracy and Reaction* [1904] (Brighton, 1972), p. 116.

24. L. T. Hobhouse, 'Democracy and Empire,' *Speaker*, 18 October 1902.

25. My account of Ritchie parallels Sandra Den Otter's in *British Idealism and Social Explanation* (Oxford, 1996), especially pp. 101–11. She rightly highlights how Ritchie anticipated Hobhouse and how aware Hobhouse was of their similarities. However, I see Hobhouse and Ritchie as more traditionally utilitarian than she seems to allow. See my 'Vindicating Utilitarianism,' *Utilitas*, 14 (2002), pp. 71–95, and my *Utilitarianism and the New Liberalism* (Cambridge, 2007), for a comprehensive account of the complex historical legacy of nineteenth century utilitarianism to the new liberalism.

26. D. G. Ritchie, *Darwin and Hegel* [1891] in *Collected Works of D. G. Ritchie*, ed. Peter P. Nicholson (Bristol, 1998), II, pp. 62–3. Italics added. Ritchie, in the last clause, seems to be implying that morality not only evolves internally by becoming more sophisticated and effective but also expands outwardly eventually taking in all of humanity.

27. D. G. Ritchie, 'Natural Selection and the Spiritual World' in *Collected Works*, I, p. 105.

28. See especially D. G. Ritchie, 'War and Peace,' *Studies in Political and Social Ethics* [1902] in *Collected Works*, IV Ibid., p. 170.

29. Ritchie, 'War and Peace,' p. 171.

30. Ritchie, 'War and Peace,' pp. 155–71.

31. Herbert Spencer, *The Study of Sociology* [1873] (Ann Arbor, 1969), p. 279; and Spencer, *The Man Versus the State* [1884] (Indianapolis: Liberty Classics, 1981), p. 165.

32. Also, in contrast to Ritchie, Spencer was a committed Lamarckian. Unlike Ritchie, Spencer held that acquired moral practices were *biologically* inheritable whereas Ritchie insisted that they were *culturally* transmitted via 'objectified mind' exclusively.

33. Stefan Collini, *Public Moralists: Political Thought and Intellectual Life in Britain, 1815–1930* (Oxford, 1991), p. 63.

34. Collini, *Public Moralists*, p. 65.

35. Collini, *Public Moralists*, p. 89.

36. Peter Cain, *Hobson and Imperialism: Radicalism, New Liberalism, and Finance, 1887–1938* (Oxford, 2002), especially ch. 7.

37. J. A. Hobson, *Democracy After the War* [1917] in Peter Cain (ed.), *The Empire and Its Critics, 1899–1939* (London, 1998), V, p. 27. By contrast, see Anthony Howe's essay in this volume, 'Free Trade and Global Order: The Rise and Fall

of a Victorian Vision,' p. 26, where he suggests that, whereas most late Victorian political economists no longer believed that free trade promoted international peace, Hobson never abandoned this conviction.

38. Hobson, *Democracy After the War*, pp. 200–1.
39. J. A. Hobson, *Richard Cobden: The International Man* (London, 1918), pp. 408–9.
40. J. A. Hobson, *Democracy and a Changing Civilization* (London, 1934), p. 146.
41. Hobson, *Democracy and a Changing Civilization*, pp. 150–1.
42. Hobson, *Democracy and a Changing Civilization*, pp. 141–2.
43. David Long argues that Hobson's theory of international government was tension-ridden, fluctuating with his alternating bouts of optimism and pessimism about the prospects for international peace. On the one hand, particularly during and immediately after the First World War, he advocated giving international government robust policing powers. On the other hand, prior to the war, he defended a much weaker, decentralized conception of international government. Long also claims that Hobson's latter conception lacked substantive content. David Long, *Towards a New Liberal Internationalism* (Cambridge, 1996), Ch. 8.
44. Hobson, *Problems of a New World*, pp. 135–6.
45. Hobson, *Problems of a New World*, pp. 134–5. Italics added.
46. L. T. Hobhouse, *The Elements of Social Justice* [1922] (London, 1949), p. 199.
47. Hobhouse, *The Elements of Social Justice*, pp. 203–4.
48. See, for instance, D. G. Ritchie, 'Another View of the South African War,' *The Ethical World*, 13 January 1900, *Collected Works*, VI, p. 20.
49. For Henry Sidgwick's federated union of 'civilized states' that seems similar in many ways to Ritchie's pacific federation, see Bart Schultz, *Henry Sidgwick: Eye of the Universe* (Cambridge, 2004), p. 619.
50. Hobson, *Imperialism*, p. 156. Hobson notes that justifying imperialism on the basis of unavoidable race struggle illicitly transforms 'survival of the fittest' into a bogus moral principle. Incidentally, Spencer, and not Darwin, coined the phrase.
51. Hobson, *Imperialism*, pp. 135 and 368.
52. Long, *Towards a New Liberal Internationalism*, p. 75.
53. L. T. Hobhouse, 'Foreign Policy of Collectivism,' *Economic Review*, IX (1899), pp. 197–220.
54. Hobhouse, *Democracy and Reaction*, p. 49. Hobhouse enumerates several other counterproductive consequences of imperialism which include increased military and especially naval expenditure, compulsory enlistment, protectionism, exploitation of native workers and the weakening of unionism domestically (pp. 28–56). Also see Peter Cain's essay in this volume where he argues that these kinds of counterproductive worries typified radical criticisms, such as Goldwin Smith's, of Disraeli's India policy. Freeden, in *Liberalism Divided*, pp. 22–3, discusses how Hobhouse's related worries about how the First World War risked re-militarising British domestic politics. Besides quoting and discussing Hobhouse, Freeden cites J. R. Tomlinson,

'Liberalism and the War', Letter to the Editor, *Nation* (23/10/1915): 'We go to war professedly to fight for freedom, and are rapidly introducing industrial and military slavery here.' Hobhouse's (and Hobson's) anxieties about how war and imperialism corrupted and re-barbarised domestic politics were apparently commonplace among Victorian and Edwardian liberal intellectuals. See, too, Collini's discussion in *Public Moralists*, pp. 116–7, for how, by the end of the nineteenth century, military heroism replaced spiritual heroism as an ideal-type.

55. Hobhouse, *Democracy and Reaction*, pp. 47–8.

56. L. T. Hobhouse, *Liberalism* [1911] (Oxford: Oxford University Press, 1964), pp. 26–7. Also see Hobson, *Imperialism*, pp. 135–38, 145–52, and Hobson, *Democracy After the War*, p. 202. Spencer consistently and vigorously opposed British imperialism especially because it 're-barbarised' British democracy. See Spencer, *The Man Versus the State*, pp. 174–5; Herbert Spencer, *The Principles of Ethics* [1879–93] (Indianapolis, 1978), II, p. 320; Herbert Spencer, 'To the Hon. Auberon Herbert,' 30 September 1888, *Life and Letters of Herbert Spencer*, ed. David Duncan (London, 1908), p. 284 and Herbert Spencer, *Social Statics* [1851] (New York, 1970), pp. 319–32. For a more thorough discussion of Spencer's probable influence on Hobson's and Hobhouse's liberal internationalism, see Casper Sylvest, 'War, Evolution and Internationalism: The International Thought of Herbert Spencer', unpublished ms, University of Cambridge, 2005. See also Freeden, *Liberalism Divided*, p. 29, where he says that the First World War rehabilitated Spencer in the thinking of Hobhouse and other new liberals. Note particularly L. T. Hobhouse, 'Hebert Spencer', *Manchester Guardian* (1/5/1920).

57. See, for instance, 'Mr. Hobson's Book and the Coming Settlement,' *The Ethical World*, 10 March 1900, in *Collected Works*, VI, p. 2.

58. D. G. Ritchie, 'The South African War,' *The Ethical World*, 3 February 1900, in *Collected Works*, VI, p. 70. According to David Boucher all British idealists, with the exceptions of Ritchie, Jones and Haldane, opposed the South African war. See David Boucher, 'British Idealism, the State, and International Relations,' *Journal of the History of Ideas*, 55 (1994), p. 681. Incidentally, Ritchie was arguably an idealist as much as he was a new liberal. Of all new liberals, he owed the most to neo-Hegelianism.

59. Ritchie, 'Another View of the South African War,' p. 19. Also see D. G. Ritchie, 'South Africa,' *The Ethical World*, 31 March 1900, in *Collected Works*, VI, p. 206. Being more favourably disposed to imperialism and yet cynical about its moralising effects on indigenous populations, Ritchie exemplifies the kind of justification for empire that Karuna Mantena calls an 'alibi' rather than 'ethical justification'. See her contribution to this collection, 'The Crisis of Liberal Imperialism,' especially 25–6.

60. D. G. Ritchie, 'Ethical Judgments as to the War,' *The Ethical World*, 3 March 1900, in *Collected Works*, VI, p. 2. Ritchie's review of Hobson's *The War in South Africa* contrasts with Spencer's enthusiasm for the book. Ritchie notes Spencer's praise, adding that at least Spencer's anti-imperialism was

consistent with his anti-socialism whereas Hobson championed state inter- ventionism at home while condemning it abroad.

61. Hobson, 'The Ethics of Internationalism,' pp. 27–8. Hobson continues, invoking Kant on perpetual peace, that 'the conception of a real republic, by which is meant an effective democracy, is essential to the achievement of peaceable relations between the nations of the world ... a real republic in which the people themselves, the several units, express themselves with free- dom and equality in the determination of their own affairs'. According to Boucher, Ritchie never regarded the nation state as the highest form of polity and always welcomed the possibility of a global federation of nations, espe- cially in his influential *Principles of State Interference* (1891). Also, for British idealists like Bosanquet, it 'is by being a good citizen, ensuring that the state is genuinely committed to its purpose, that the way is opened to contribute what is best in the state to the cosmopolitan ideal'. Boucher, 'British Idealism, the State, and International Relations,' pp. 690–2. Finally, see T. H. Green, 'Lectures on the Principles of Political Obligation' in *Lectures on the Principles of Political Obligation and Other Writings*, eds. Paul Harris and John Morrow (Cambridge, 1986), Sect. 166.

62. J. A. Hobson, *The Social Problem* [1902] (Bristol, 1996).

63. J. A. Hobson, *Work and Wealth* [1914] (London, 1933), p. 11. Hobson also insists that 'old' utilitarianism errs in treating production as invariably painful and consumption as always pleasurable. 'Old' utilitarian political economy therefore wrongly focuses on how to minimise work and maximise consum- ing. Production and consumption must be measured with respect to their 'total bearing upon the life of the producer or consumer'. Welfare is organic, obliging us 'to value every act of production or consumption with regard to its aggregate effect upon the life and character of the agent' (pp. 12–14).

64. Hobhouse, *Liberalism*, p. 68.

65. For Hobhouse's utilitarianism, see David Weinstein, 'The New Liberalism of L. T. Hobhouse and the Re-Envisioning of 19th Century Utilitarianism', *The Journal of the History of Ideas*, 57 (1996), pp. 487–507. For Ritchie's utili- tarianism, see Weinstein, 'Vindicating Utilitarianism', and *Utilitarianism and the New Liberalism*.

66. Hobson, *Imperialism*, pp. 232 and 246.

67. Hobson, *Imperialism*, p. 233. Hobson continued justifying 'sane' imperialism along these lines for many years at least. See, for instance, the minutes to Hobson's paper read to the 131st meeting of the Rainbow Circle, 4 November 1908, *Minutes of the Rainbow Circle, 1984–1924*, ed. Michael Freeden (London, 1989), p. 178.

68. Ritchie's belief that imperialism, properly managed, was justified to the extent that it benefited non-western cultures suggests that he was more of a *direct* global utilitarian. That is, intervention could sometimes *directly* make the world better off in terms of overall, global utility.

69. Also see J. A. Hobson, *Poverty in Plenty* (New York, 1932), p. 84. See, too, Hobhouse, *Democracy and Reaction*, p. 197. Also see Jennifer Pitts'

contribution to this volume, 'Boundaries of Victorian International Law', where she contends that late Victorian international jurists, by rejecting international natural law, 'contributed to a broader Victorian turn away from . . . moral universalism'. Like Hobson, Hobhouse and Ritchie, they viewed international law positivistically and as converging on a common set of principles.

70. J. A. Hobson, *The Morals of Economic Internationalism* (Boston, 1920), pp. 43–4. Also see Hobson, *Problems of a New World*, p. 191, where Hobson labels the domestic reforms on which internationalism depends, a 'more intelligent utilitarianism'.

71. 'The government of a people by itself has a meaning and a reality, but such a thing as government of one people by another does not and cannot exist. One people may keep another as a warren or preserve for its own use, a place to make money in, a human cattle-farm, to be worked for the profits of its own inhabitants; but if the good of the governed is the proper business of a government, it is utterly impossible that a people should directly attend to it' (Hobson, *Problems of a New World*, p. 284). The quote is from Mill's *Considerations of Representative Government*.

72. Peter Singer, *One World: The Ethics of Globalization* (London, 2002).

73. Boucher, 'British Idealism, the State, and International Relations,' p. 691.

74. Long, *Towards a New Liberal Internationalism*, p. 50.

75. Casper Sylvest and Duncan Bell, in personal correspondence.

76. Claiming that new liberals mixed neo-Kantianism with Millian consequentialism raises the spectre of consequentialism's purported incompatibility with deontological ethical theories such as Kant's. Recently, some philosophers have challenged this supposed incompatibility. See, for instance, David Cummiskey, *Kantian Consequentialism* (Oxford, 1996). Also see Weinstein, *Utilitarianism and the New Liberalism*.

77. Collini, *Public Moralists*, p. 4.

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IDEAS IN CONTEXT

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