

Humanity: A History of European Concepts in Practice From the Sixteenth Century to the Present

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Fabian Klose / Mirjam Thulin (ed.)

Humanity

A History of European Concepts
in Practice From the Sixteenth Century
to the Present





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Fabian Klose and Mirjam Thulin

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Mainz, July 2016

Fabian Klose and Mirjam Thulin

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Fabian Klose and Mirjam Thulin

Introduction

European Concepts and Practices of Humanity in Historical Perspective

I have seen those immense and miserable countries, which seemed destined to no other purpose than to cover the earth with herds of slaves. At their vile appearance, I turned away my eyes out of disdain, horror and pity; and on beholding one fourth part of my fellow-creatures transformed into beasts for the service of the rest, I could not forbear lamenting that I was a man.¹

Jean-Jacques Rousseau, Julie ou la Nouvelle Héloïse, 1761

One time we rescued 10 migrants. When they got on the boat two of them started praying. It gave me chills, all over my body. We are fisherman [sic]. We are here to make a living. We are not here to rescue people, but we have a feeling of humanity. So if I find someone on the sea I will save him.²

Captain Slaheddin, Tunisian fisherman, on rescuing refugees, 2015

In January 1873, a diplomatic delegation led by Sir Henry Bartle Frere, former governor of Bombay and professed abolitionist, arrived on the East African island of Zanzibar to negotiate by order of the British government with Sultan Barghash bin Said on the abolition of the slave trade in his domain.³ In the course of their stay the British delegates also took the chance to visit the notorious slave market in Stone Town, the undisputed center of the East

1 Quote from Jean-Jacques Rousseau's best-selling novel *Julie ou la Nouvelle Héloïse*, published for the first time in 1761. For an English translation see: Jean-Jacques Rousseau, *Julia: or, The New Eloisa. A Series of Original Letters*, vol. II (Edinburgh 1773), 282.

2 "Fishermen stepping in to save migrants stranded in the Mediterranean", Interview by Lisa Desai, 26 July 2015, <http://www.pbs.org/newshour/bb/cant-just-see-people-die-mediterranean-fisherman-saving-african-migrants/>.

3 For this special diplomatic mission see: Reginald Coupland, *The Exploitation of East Africa 1856–1890. The Slave Trade and the Scramble* (London 1968), 183–216; R. J. Gavin, "The Bartle Frere Mission to Zanzibar, 1873", in *Historical Journal* 5 (1962), 122–148; R. W. Beachey, *The Slave Trade of Eastern Africa* (London 1976), 108–114.

African slave trade, to which an average of 20.000 captured Africans from various parts of the continent were deported each year and from where they were then sold again to various destinations, mainly in the Arab world. In an official memorandum special envoy Bartle Frere reported back to London the appalling scene they had witnessed there:

And now came a cruel time. With a true knowledge of business, the sickliest and most wretched slaves were trotted out first, led round by the hand among the crowd, and their price called out. The price of one boy was seven dollars; he was stripped and examined by a connoisseur, his arms felt, his teeth examined, his eyes looked at, and finally he was rejected. The examination of the women was still more disgusting. Bloated and henna-dyed old debauchees gloated over them, handled them from head to foot before a crowd of lookers-on, like cow seller or horse dealer, and finally, when one was apparently satisfactory, buyer, seller, and woman all retired behind the curtain of the shed to play out the final scene of examination.⁴

In such stirring reports Europeans – explorers, missionaries, merchants, delegates and consuls – characterised the market as a place of brutal inhumanity where captured Africans were examined and treated like animals rather than beings with human dignity forming an undeniable, essential part of humankind. They used their outcry to attack especially the Arab slave dealers and to demand intervention against them, obviously forgetting that Europeans had engaged in exactly the same practice for hundreds of years in Africa and the Americas. Accordingly, special envoy Bartle Frere justified maritime action by Great Britain by “[...] seeing no other means open for securing their just and righteous demands in the interests of civilization and humanity”.⁵ Thus, the Royal Navy intervened against the Sultan of Zanzibar forcing him to sign the abolition treaty, which led to the closure of the slave market in June 1873.⁶ Subsequently, British missionaries built an Anglican cathedral on this ground as a symbol of the final triumph over the slave trade and the alleged transformation from a place of inhumanity into one of European humanity.⁷

4 “Memorandum on the Present State of the Slave Market in Zanzibar, 17 January 1873”, in Houses of Parliament (ed.), *Correspondence Respecting Sir Bartle Frere’s Mission to the East Coast of Africa. 1872–73* (London 1873), 27.

5 Bartle Frere, “Memorandum on the Position and Authority of the Sultan of Zanzibar, 17 April 1873”, in The National Archives, Kew, Foreign Office 84/1391, 19.

6 “Treaty Between Her Majesty and the Sultan of Zanzibar for the Suppression of the Slave Trade, 5 June, 1873”, in Houses of Parliament (ed.), *Correspondence Respecting Sir Bartle Frere’s Mission to the East Coast of Africa*, 154f.

7 Today the cathedral and the memorial site erected in 1998 are an integral part of Stone Town. They are also designated as a World Heritage Site. One criterion for the UNESCO decision was the great symbolic importance for Zanzibar in the suppression of slavery, i.e. criterion VI:

The slave market in Zanzibar constitutes a significant example for the general issue of slavery and the slave trade, which triggered substantial debates on human dignity and the nature of being human from the sixteenth century onwards. Without a doubt, these themes are major case studies – and accordingly form an important part of this volume – for analysing concrete implications of European concepts of humanity to practice. However, as a matter of fact the relationship between concepts and practices of humanity or rather concepts of humanity in practice is not only a field of historical research but is of enormous relevance today. Confronted with the tremendous humanitarian crisis of hundreds of thousands of people trying to escape from disaster, war, and persecution – many of them drowning and dying on their perilous journeys to the supposedly safe haven of Europe – voices are loudly raised appealing to common humanity and demanding appropriate action by the international community. Horrified by the loss of thousands of lives in the Mediterranean Sea and on the occasion of the appalling discovery of 71 dead refugees asphyxiated inside an abandoned lorry near the Austrian-Hungarian border, the UN Secretary-General Ban Ki-moon launched an urgent appeal on 28 August 2015. He stated that

[a] large majority of people undertaking these arduous and dangerous journeys are refugees fleeing from places such as Syria, Iraq and Afghanistan. International law has stipulated – and states have long recognized – the right of refugees to protection and asylum. When considering asylum requests, States cannot make distinctions based on religion or other identity – nor can they force people to return to places from which they have fled if there is a well-founded fear of persecution or attack. This is not only a matter of international law; it is also our duty as human beings. [...] I appeal to all governments involved to provide comprehensive responses, expand safe and legal channels of migration and act with humanity, compassion and in accordance with their international obligations.⁸

In his statement, Ban Ki-moon purposely referred to international law, and framed the relief for refugees as a fundamental common duty of all human beings in order to counter the growing perception of fleeing people as a quantitative problem without acknowledging the true human tragedies involved. Instead of acting in accordance with the principles of empathy and humanity as demanded by the UN Secretary-General, states started to erect new barbed-wire fences to seal off its borders pushing back people

“Zanzibar has great symbolic importance in the suppression of slavery, since it was one of the main slave-trading ports in East-Africa and also the base from which its opponents such as David Livingstone conducted their campaign.”, cf. <http://whc.unesco.org/en/list/173>.

⁸ Ban Ki-Moon, “Statement attributable to the Secretary-General on recent refugee/migrant tragedies”, 28 August 2015, <http://www.un.org/sg/statements/index.asp?nid=8938>.

desperately seeking asylum. Right-wing politicians across Europe started to refer to refugees merely as statistical numbers without any human attributes or even worse as an unwanted, anonymous swarm approaching the fortress Europe and endangering health, prosperity, and security on the continent. A dangerous tendency of deliberately dehumanising fugitives and degrading them to annoying problem has started and is still gaining strength. Accordingly, the current crisis is becoming an increasingly serious challenge to Europe's sense of humanity and its capacity for appropriate humanitarian action.

In this context Owen Jones, a journalist for the British newspaper *The Guardian*, reminds the public of a simple but fundamental fact that seems to be forgotten recently: "Refugees are human."⁹ Jones maintains that migrants are not just statistical numbers. He strongly argues for a strategy of humanising faceless refugees and showing their true human nature by pointing to the fact that

[i]t is only when we strip the humanity from people – when we stop imagining them as being quite human like us – that our empathic nature is eroded. That allows us either to accept the misery of others, or even to inflict it on them. [...] We need to show the reality of refugees: their names, their faces, their ambitions and their fears, their loves, what they fled.¹⁰

This argument by a twenty-first-century journalist closely resembles to the humanitarian narrative and strategies of abolitionists in earlier centuries. Both cases, though stated in different times and on different issues, fighting for the cause of slaves and for the relief of refugees, rest upon the common idea of mobilising humanitarian practice by showing that those who suffer are the same human being as we are. Both issues raise fundamental questions that this book grapples with, namely: What does it mean to be human and being part of common humankind? What did this mean before our time, and

9 Owen Jones, "Refugees are human. This simple fact seems to have been forgotten", in *The Guardian*, 28 August 2015, <http://www.theguardian.com/commentisfree/2015/aug/28/migrants-humans-drowning-suffocating-safety-statistics>. For a similar argument see: David Marsh, "We deride them as 'migrants'. Why not call them people?", in *The Guardian*, 28 August 2015, <http://www.theguardian.com/commentisfree/2015/aug/28/migrants-people-refugees-humanity>; "Refugees have to be dealt with as human beings, stresses senior UN official", 8 September 2015, <http://www.un.org/apps/news/story.asp?NewsID=51820#.VjEVpE2FOUK>. See also Ban Ki-moon's statement on 20 June 2015: "Refugees are people like anyone else, like you and me. [...] On this World Refugee Day, let us recall our common humanity, celebrate tolerance and diversity and open our hearts to refugees everywhere." in Ban Ki-moon, "Secretary-General's Message, World Refugee Day", 20 June 2015, <http://www.un.org/en/events/refugeeday/2015/sgmessage.shtml>.

10 Jones, "Refugees are human".

how did earlier advocates argue? What are the significant consequences, duties and obligations arising from concepts of humanity for concrete practices? Furthermore, what does it mean to act in the name of humanity?

However, the notion of humanity is a malleable concept, which exists in various languages as well as in diverse cultural and geographic contexts, having very different meanings at different times. It is invoked in an extraordinary array of circumstances. Being aware of this huge spectrum, the aim of this book is not to present a history of this notion and concept in general.¹¹ It rather seeks to analyse the varieties and shifting meanings of humanity and the preceding practices within the European context¹² as well as in the context of Europe's relations to other world regions from the sixteenth century up to the present. Despite the fact that, in various European languages, the definition of the term varied over time and context, some core meanings are significantly and repeatedly associated with the word humanity. For instance, in Samuel Johnson's *A Dictionary of the English Language*, first published in 1755 and regarded as a seminal dictionary in the history of the English language, the word humanity (together with a direct reference to the French translation of *humanité* and the Latin translation of *humanitas*) was defined as the "nature of man" as well as "Human kind; the collective body of mankind".¹³ Beyond this description as the natural characteristics of individual human beings as well as the collective noun for the body of the whole human species, the dictionary provided another significant definition, namely the practice of "Benevolence; tenderness". In order to explain this third definition more concretely to the reader, Johnson's dictionary referred to the English philosopher and influential Enlightenment thinker John Locke, who had written that "All men ought to maintain peace and the common offices of *humanity* and friendship in diversity of opinion".¹⁴ In Denis Diderot's

11 For this approach see: Hans Erich Bödeker, "Menschheit, Humanität, Humanismus", in Otto Brunner et al. (ed.), *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, vol. 3 (Stuttgart 1982), 1063–1128; Henri Duranton, "Humanité", in Rolf Reichardt/Hans Jürgen Lüsebrink (ed.), *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680–1820*, vol. 19 (Munich 2000), 9–52.

12 On the discourse on "Europe" in a narrow and broad sense, cf. for example Hartmut Kaelble, *Europäer über Europa. Die Entstehung des modernen europäischen Selbstverständnisses im 19. und 20. Jahrhundert* (Frankfurt/M. 2001); Wolfgang Schmale, "Die Konstruktion des Homo Europaeus", in *Comparative European History Review* 1 (2001), 165–183; Jost Dülffer, "Europa – aber wo liegt es? Zur Zeitgeschichte eines Kontinents", in *Archiv für Sozialgeschichte* 44 (2004), 524–564.

13 Samuel Johnson, "Humanity", in id., *A Dictionary of the English Language: in Which the Words are Deduced From Their Originals, and Illustrated in Their Different Significations by Examples Form the Best Writers*, vol. 1 (London 1755). As a fourth definition, the dictionary referred to "Philology, grammatical studies".

14 Johnson, "Humanity".

famous *Encyclopédie* the term humanity is also closely related to social practices. Diderot and his collaborator Jean Baptiste le Rond d’Alembert define humanity (*humanité*) as

a feeling of good will toward all men. Ordinarily only great and sensitive souls are consumed by it. This noble and sublime enthusiasm is tortured by the sufferings of others and tormented by the need to relieve such suffering; it fills men with the desire to traverse the world in order to do away with slavery, superstition, vice, and misfortune.¹⁵

According to these definitions, the term humanity was not just some lofty, abstract idea, but implied a guiding norm for societal behaviour among human beings and had concrete consequences for various practices.¹⁶

This notion gets additional confirmation when we take a close look at the influential book *The Law of Nations; or, Principles of the Law of Nature* by the Swiss legal scholar and philosopher Emer de Vattel, which was first published in French in 1758. It was published just three years after Johnson’s dictionary and became a foundational text of modern international law. In book II, de Vattel deliberately called the duties of a nation towards others “offices of humanity”¹⁷ (*offices d’humanité*) and described them in detail as:

The offices of humanity are those succours, those duties, to which men are reciprocally obliged as men, that is, as social beings which necessarily stand in need of a mutual assistance for their preservation, for their happiness and for living in a manner conformable to their nature. Now the law of nature being no less obligatory to nations than individuals [...] what a man owes to other men, a nation, in its manner, owes to

15 See the English translation: *The Encyclopedia of Diderot & d’Alembert*, trans. by Nelly S. Hoyt et. al., <http://hdl.handle.net/2027/spo.did2222.0000.172>. For the original French version, cf. “HUMANITÉ, f. f. (Morale.) c’est un sentiment de bienveillance pour tous les hommes, qui ne s’enflamme guere que dans une ame grande & sensible. Ce noble & sublime enthousiasme se tourmente des peines des autres & du besoin de les soulager; il voudroit parcourir l’univers pour abolir l’esclavage, la superstition, le vice, & le malheur.”, in Denis Diderot/Jean Baptiste le Rond d’Alembert, *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers*, vol. 8 (Paris 1765), 348.

16 A similar notion of the term “humanitas” can be also found in Kant’s “Metaphysik der Sitten”, published in 1797, cf. Immanuel Kant, *Gesammelte Schriften*, vol. 6: *Die Religion innerhalb der Grenzen der bloßen Vernunft. Die Metaphysik der Sitten* (Berlin 1907), 456f. In this context, see also for the understanding of humanity of Kant’s contemporary Johann Gottfried Herder: Sonia Sikka, *Herder on Humanity and Cultural Difference. Enlightened Relativism* (Cambridge, MA 2011).

17 The book was first published in 1758 in French as “Le droit des gens ou principes de la loi naturelle: appliqués à la conduite et aux affaires des nations et des souverains”. Here we use the English translation, cf. Emer de Vattel, *The Laws of Nations; or Principles of the Law of Nature: Applied to the Conduct and Affairs of Nations and Sovereigns*, book II, ch. I (Dublin 1792), 211.

other nations [...]. Such is the foundation of the common duties of those offices of humanity to which nations are reciprocally bound one to another. They consist generally in doing for the conservation and happiness of others all that is in our power, as far as this reconcilable with our duties towards ourselves.¹⁸

In order to illustrate what does it mean to fulfil these “offices of humanity”, de Vattel referred to the English and Spanish relief operations to Portugal after the devastating earthquake of 1755, which destroyed large parts of Lisbon and killed more than 30.000 people.¹⁹

In addition to the philosophical definitions, in international law the term humanity was directly related to concrete practices. It was even constituted as a fundamental principle for the relationship not only between individuals, but also between nations. In general, we have to relate this emerging notion to a broader “humanitarian revolution” taking place in the Enlightenment during the second half of the eighteenth century.²⁰ People increasingly expressed

18 Ibid., § 2, 213.

19 Ibid., § 5, 215. On the earthquake see Christiane Eifert, “Das Erdbeben von Lissabon 1755: Zur Historizität einer Naturkatastrophe”, in *Historische Zeitschrift* 274:3 (2002), 633–664; Russel R. Dynes, “The Lisbon Earthquake of 1755. The First Modern Disaster”, in Theodore E. D. Braun/John B. Radner (ed.), *The Lisbon Earthquake of 1755. Representation and Reactions* (Oxford 2005), 34–49; Jürgen Wilke, “Das Erdbeben von Lissabon (1755)”, in *European History Online (EGO)*, published by the Leibniz Institute of European History (IEG), Mainz 2014-12-18, <http://www.ieg-ego.eu/wilkej-2014-de>. Peter Walker and Daniel Maxwell argue that the relief operations related to the earthquake of 1755 mark the beginning of the system of humanitarian aid, cf. Peter Walker/Daniel Maxwell, *Shaping the Humanitarian World* (New York 2009), 16f.

20 Here we refer to the term “humanitarian revolution” in the sense of the revolutionary emergence of humanitarian sensibility and activities rather than as a decline in violence, as it is interpreted by Steven Pinker, *The Better Angels of Our Nature: The Decline of Violence in History and Its Causes* (London 2011), 129–188. For this “humanitarian revolution” and emerging humanitarian sensibility see Thomas Laqueur, “Bodies, Details, and the Humanitarian Narrative”, in Lynn Hunt (ed.), *The New Cultural History* (Berkeley, CA 1989), 176–204; Samuel Moyn, “Empathy in History: Empathizing With Humanity”, in *History and Theory* 45 (2006), 397–415; Lynn Hunt, *Inventing Human Rights: A History* (New York 2007); Richard D. Brown/Richard Wilson (ed.), *Humanitarianism and Suffering. The Mobilization of Empathy* (Cambridge 2009); Lynn Festa, “Humanity Without Feathers”, in *Humanity* 1 (2010), 3–27; A. R. Humphreys, “‘The Friend of Mankind’ (1700–60). An Aspect of Eighteenth-Century Sensibility”, in *Review of English Studies* 24 (1948), 203–218; Chester Chapin, “Shaftesbury and the Man of Feeling”, in *Modern Philology* 81 (1983), 47–50; Norman S. Fiering, “Irresistible Compassion: An Aspect of Eighteenth-Century Sympathy and Humanitarianism”, in *Journal of the History of Ideas* 37 (1976), 195–218; Karen Halttunen, “Humanitarianism and the Pornography of Pain in Anglo-American Culture”, in *American Historical Review* 100 (1995), 303–334, on pp. 304–307; Natan Sznajder, “The Sociology of Compassion: A Study in the Sociology of Morals”, in *Cultural Values* 2 (1998), 117–139, on pp. 124–127; Ildiko Csengei, *Sympathy, Sensibility, and the Literature of Feeling in the Eighteenth Century* (Basingstoke 2012), 29–62; Thomas L. Haskell, “Capitalism and the Origins of Humanitarian Sensibility, Part 1”, in *American Historical Review* 90 (1985), 339–361; id., “Capitalism and the Origins of Humanitarian Sensibility, Part 2”, in *American Historical Review* 90 (1985), 547–566.

empathy for their fellow human beings, not only within their own country, but across borders and even on distant continents. They were mobilised by a sentimental and moral “humanitarian narrative”, which had its origins in a broader “sentimental revolution”²¹ in literature emerging in the course of the eighteenth century. This new sentimentalism, which was originally influenced by religious ideas and emphasised the openness for emotional expression, spread across Europe and chiefly prepared the grassroots of a new thinking about humanity.²² Thus, humanity as a sentiment increasingly gained crucial ethical qualities and transformed evermore to a kind of “moral compass” for social behavior within human societies.²³

In this volume, we look at European concepts of humanity in practice in a wide time horizon. Although research mostly agrees that the eighteenth century is central to the notion and practice of “humanity”, some studies argue that “humanity” as a concept only emerged in the context of global war and modern genocide after 1945.²⁴ In contrast, we do not focus on one particular time frame but aim to cover a period beginning with early modern humanism up to most recent developments. Thus, this book takes a *longue durée* approach, which explicitly takes account of various crucial early modern debates about human nature, the issue of slavery and behaviour towards indigenous peoples.²⁵ Moreover, not particular concepts and practices are

21 Geoffroy Atkinson coined this term in the mid-1960s. Since then it is in use to describe the literarily “sentimentalism” in mainly Western Europe, cf. Geoffroy Atkinson, *The Sentimental Revolution. French Writers of 1690–1740* (Seattle, WA 1965).

22 For a study focusing specifically on humanity in the age of the Enlightenment, see Alexander Cook et al. (ed.), *Representing Humanity in the Age of Enlightenment* (London 2013).

23 Kenan Malik, *The Quest for a Moral Compass. A Global History of Ethics* (London 2014), 189–217.

24 For instance, in his book *The Idea of Humanity in a Global Era*, Bruce Mazlish prominently argues “that out of an epochal crime – global war and modern genocide – has emerged the idea of crimes against humanity. And out of crimes against humanity has emerged the concept of Humanity”. Furthermore, he emphasizes that the “transformation of the notion of humanity into the concept of Humanity takes place in the context of humankind entering upon a time of total war” and derives its legal status only from the precedent set by the Nuremberg trials, cf. Bruce Mazlish, *The Idea of Humanity in a Global Era* (New York 2009), 15, 35f. Moreover, in their intriguing edited volume *In the Name of Humanity*, the anthropologists Ilana Feldman and Miriam Ticktin investigate the relationship between government and humanity, thus focusing exclusively on issues of the twentieth and twenty-first centuries, cf. Ilana Feldman/Miriam Ticktin (ed.), *In the Name of Humanity. The Government of Threat and Care* (Durham, NC 2010).

25 For these early modern debates see esp. Francisco Bethencourt, “Humankind: From Division to Recomposition”, Mihai-D. Grigore, “Humanism and its Humanitas: The Transition *From Humanitas Christiana to Humanitas Politica* in the Political Writings of Erasmus”, and Thomas Weller, “Humanitarianism Before Humanitarianism? Spanish Discourses on Slavery From the Sixteenth to the Nineteenth Century”, in this volume.

essential for our analysis but rather “concepts in practice”, that is, unspoken practices prior to the concept and term “humanity” as well as shifting concepts shaped and informed these practices at the same time.

In order to connect contemporary developments with early modern times, this volume presents case studies from the sixteenth century up to the present. As “humanity” is invoked in a remarkable array of contexts, the book focuses on issues such as humanism, colonial expansion and imperialism, missions, abolitionism, international humanitarian law, humanitarianism, human rights, solidarity, charity, and philanthropy. In our understanding, these are crucial arenas, in which concepts and practices of humanity were sustainably shaped, defined, questioned and reconfigured. While there exist many studies on every single topic, the book seeks to connect these various themes and fields, and analyse their entanglements under the overarching theme of “humanity” as a concept in practice.²⁶

Accordingly, we understand the notion of “humanity” not as static and related only to one specific century but as a dynamic concept that emerged in the course of several centuries. One of our central aims is to show its procedural and evolutionary character with ambiguities and inconsistencies in the context of Europe itself as well as the continent’s relation to the wider world. In this context we look especially at how humanity in practice helped to overcome fundamental divisions but also created new hierarchies at the same time. Beyond Europe, the volume covers three geographical

26 For studies on each field, see exemplary: Erica Bornstein/Peter Redfield, “An Introduction to the Anthropology of Humanitarianism”, in id. (ed.), *Forces of Compassion. Humanitarianism Between Ethics and Politics* (Santa Fe, NM 2011), 3–30; Horst Gründer (ed.), *Geschichte und Humanität* (Münster 1994); Michael Barnett, *Empire of Humanity. A History of Humanitarianism* (Ithaca, NY 2011); Stefan-Ludwig Hoffmann, “Introduction: Genealogies of Human Rights”, in id., *Human Rights in the Twentieth Century* (Cambridge 2011), 1–26; Seymour Drescher, *Abolitionism. A History of Slavery and Antislavery* (Cambridge 2009); Hugh Cunningham/Joanna Innes (ed.), *Charity, Philanthropy, and Reform. From the 1690s to 1850* (Basingstoke 1998). Peter Stamatov, *The Origins of Global Humanitarianism. Religion, Empires, and Advocacy* (New York 2013); Johannes Paulmann, “Humanitarianism and Empire”, in John M. MacKenzie (ed.), *The Encyclopedia of Empire*, vol. II (Oxford 2016), 1112–1123; Alan Lester/Fae Dussart, *Colonization and the Origins of Humanitarian Governance. Protecting Aboriginies Across the Nineteenth-Century British Empire* (Cambridge 2014); Rob Skinner/Alan Lester, “Humanitarianism and Empire: New Research Agendas”, in *The Journal of Imperial and Commonwealth History* 40 (2012), 729–747; Ian Tyrrell, *Reforming the World. The Creation of America’s Moral Empire* (Princeton, NJ 2010), 98–145; Caroline Shaw, *Britannia’s Embrace: Modern Humanitarianism and the Imperial Origins of Refugee Relief* (Oxford 2015); Andrew Thompson, “Humanitarian Interventions, Past and Present”, in Fabian Klose (ed.), *The Emergence of Humanitarian Intervention. Ideas and Practice From the Nineteenth Century to the Present* (Cambridge 2016), 331–356; Michael Geyer, “Humanitarianism and Human Rights. A Troubled Rapport”, in *ibid.*, 31–55; Abigail Green, “Humanitarianism in Nineteenth-Century Context: Religious, Gendered, National”, in *Historical Journal* 57 (2014), 1157–1175; Franklyn K. Prochaska, “Philanthropy”, in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain 1750–1950* (Cambridge 1990), 357–393.

regions – Africa, America, and Asia – thus seeking to combine European history with approaches of transnational and global history. While taking into account the multidimensional character of the topic and underlining the enrichment of research from different perspectives, the book adopts an interdisciplinary approach.²⁷ Without doubt in the debates around the idea of humanity, religion played a remarkable role. Jewish, Catholic as well as Protestant teaching shaped the notion in many significant ways. Religion or religious convictions served various actors such as philosophers, reformists, missionaries, abolitionists, and legal scholars frequently as a fundamental source for developing their theories and influencing their actions.²⁸ For this reason, theologians and historians provide, for the first time together, innovative perspectives on European concepts of humanity in practice. Thus, we promote an integrative approach by combining not only different geographical regions but also various historical epochs and academic disciplines in this volume.

By taking a comparative approach and exploring the intersections of religious studies, international law and philosophy as well as history, the contributors deal with three essential areas: morality and human dignity; humanitarianism, violence, and international law as well as, finally, charity, philanthropy, and solidarity. Within these key areas, we ask which actors used the concept of humanity for which purposes. In other words, what are the concrete implications of theoretical discourses on the concept of humanity regarding the practices in various fields? Furthermore, we investigate to what

27 There are a number of interdisciplinary studies on the topic of humanity, which discuss various notions and perspectives of the term rather than relate it to special practices. For instance see: Marianne Heimbach-Steins/Rottraud Wielandt (ed.), *Was ist Humanität? Interdisziplinäre und interreligiöse Perspektiven* (Würzburg 2008); Jörn Rüsen (ed.), *Perspektiven der Humanität. Menschsein im Diskurs der Disziplinen* (Bielefeld 2010); Longxi Zhang (ed.), *The Concept of Humanity in an Age of Globalization* (Göttingen 2012); Jörn Rüsen (ed.), *Approaching Humankind. Towards an Intercultural Humanism* (Göttingen 2013); Andrea Radasanu (ed.), *In Search of Humanity: Essays in Honor of Clifford Orwin* (Lanham, MD 2015).

28 For the importance of religion here, a few references to texts from a large body of literature must suffice: Roy A. Rappaport, *Ritual and Religion in the Making of Humanity* (Cambridge 1999); Heimbach-Steins/Wielandt, *Was ist Humanität?*; Rainer Liedke, *Religion und Zivilgesellschaft in der europäischen Zivilgesellschaft. Entwicklungen im 19. und 20. Jahrhundert* (Paderborn 2009); John Macquarrie, *In Search of Humanity. A Theological and Philosophical Approach* (London 1984); Katell Berthelot/Matthias Morgenstern (ed.), *The Quest for a Common Humanity. Human Dignity and Otherness in the Religious Traditions of the Mediterranean* (Leiden 2011); Michael Barnett/Janice Gross Stein (ed.), *Sacred Aid. Faith and Humanitarianism* (Oxford 2012). See also Wolfgang Huber, *Gerechtigkeit und Recht. Grundlinien christlicher Rechtsethik* (Darmstadt 2006); id./Heinz Eduard Tödt, *Menschenrechte. Perspektiven einer menschlichen Welt* (Stuttgart 1977). Here we cannot discuss the “Church” or “Religion of Humanity” that was initiated by the sociologist, mathematician and religious philosopher Auguste Comte in the nineteenth century. For the influence of Comte’s convictions see e.g. Terence R. Wright, *The Religion of Humanity. The Impact of Comtean Positivism on Victorian Britain* (Cambridge 1986).

extend the term humanity is connected to the emergence of normative concepts and guiding principles, implying moral and religious commandments as well as humanitarian obligations, international law, and human rights. The basic questions are therefore the following: Did humanity become a “moral compass” for social relationships between human beings from the sixteenth century to the present? If so, how did this development exert a lasting influence on their actions? Instead of only asking what the idea of humanity is, we reconsider the concept of humanity in practice itself. We ask how taking care for the “unfree”, the “uncivilized”, the non-Christian, the wounded, the suffering, the underprivileged, the persecuted, or the helpless was embedded in the notion of a common humanity. Therefore, we focus in case studies on the entanglement of diverse actors but also of religious, political, military, civil, legal, and cultural relations as well as of national, international and transnational perspectives.

Considering the fact that the discourse on humanity as well as its practices relied on some sort of counterpart and divide as for instance god and man/woman, human and animal, adult and child, saviour and victim,²⁹ we survey how the emerging concept of humanity lead to the overcoming of fundamental divisions on the one hand and the emergence of new hierarchies on the other hand. For instance, the British legal philosopher James Lorimer, one of the co-founders of the influential *Institut des droits international* in Ghent, plainly argued in his seminal book “The Institutes of the Law of Nations” in 1883:

As a political phenomenon, humanity, in its present condition, divides itself onto three concentric zones or spheres – that of civilized humanity, that of barbarous humanity, and that of savage humanity. To these, whether arising from peculiarities of race or from various stages of development in the same race, belong, *of right*, at the hands of civilized nations, three stages of recognition – plenary political recognition, partial recognition, and natural or mere human recognition.³⁰

Such a notion contributed to the establishment of an international legal and political hierarchy, which served significantly to legitimate violent colonial and imperial expansion often disguised as a humanitarian endeavour. In his writings on the concept of the political in the 1920s the controversial German political theorist and jurist Carl Schmitt even described the whole concept

29 On these divisions, esp. in the context of the human/animal divide, see Joanna Bourke, *What It Means to Be Human: Historical Reflections From the 1800s to the Present* (Berkeley, CA 2011).

30 James Lorimer, *The Institutes of International Law. A Treatise of the Jural Relations of Separate Political Communities*, vol. 1 (Edinburgh 1883), 101.

of humanity as a particularly useful ideological instrument of imperialist expansion, claiming that

Whoever invokes humanity wants to cheat. To confiscate the word humanity, to invoke and monopolize such a term probably has certain incalculable effects, such as denying the enemy the quality of being human and declaring him to be an outlaw of humanity; and a war can thereby be driven to the most extreme inhumanity.³¹

However, still today the invocation of the term humanity is used by various actors to legitimate military interventions, which follows the logic of a distinctive hierarchy of humanity. For instance, Didier Fassin clearly indicates this fact by referring to NATO air strikes in the case of Kosovo and the US invasion in Iraq, when both military operations were legitimised by supposedly just, even humanitarian reasons, but in fact rested on unequal valuations of the lives of Serbian and Iraqi civilians heavily suffering under these military strikes.³²

The book is arranged in thematic order and consists of four main sections, within which the structure is chronological. The first section establishes the wider context for the essays that follow and offers important general reflections on crucial developments over the course of a time period covering more than four hundred years, namely from the sixteenth century up to the present. In Chapter 2, Francisco Bethencourt identifies categories and practices of distinction that have shaped the notion of humankind in a crucial way from the early modern period to the twentieth century. He discusses fundamental divisions between free people and slaves, “barbarians” and “civilised”, white and black, male and female, rich and poor. Thus, he analyses how these categories and related practices emerged, overlapped, changed and finally influenced concepts of humanity. Overall Bethencourt argues that these striking historical divisions of humankind have been partly overcome and a notion of a common humanity based on respect for the dignity of all human beings has gained ground. Nevertheless, Bethencourt makes clear that some of these fundamental divisions still exist and continue to structure societies today. Thus, he finally argues for a re-configuration of a comprehensive notion of humankind based on an ever-evolving set of human rights.

In Chapter 3, Paul Betts picks up the thread of Bethencourt’s essay and shifts the focus to the twentieth century, when humanity became one of the

31 As an example, Carl Schmitt refers here to the colonial extermination of the “Indians of North America”, cf. Carl Schmitt, *The Concept of the Political* (Chicago, IL 1996), 54 (German 1927).

32 Didier Fassin, “Inequality of Lives, Hierarchies of Humanity. Moral Commitments and Ethical Dilemmas of Humanitarianism”, in Feldman/Ticktin, *In the Name of Humanity*, 238–255, on pp. 243f., 255. On the controversial issue of humanitarian intervention see also Klose, *The Emergence of Humanitarian Intervention*.

most contested terms reflecting the hopes as well as the disappointments of “the Age of Extremes”³³. Many camps and causes invoked the concept. The use of the term ranged from being an article of faith to a term of derision, from a romantic dream of redemption to failed social engineering projects. Betts takes a close look at the alternating meanings of the concept, which was sometimes consistent with related terms such as civilisation and human rights, while at other times it meant something completely different. In his contribution he reflects on how the concept was used, abused and politicised at various moments over the last century, with particular emphasis on World War I, 1945, and the period of decolonisation.

In Part II, the fundamental issues of morality and human dignity are discussed and analysed against the backdrop of major developments and movements such as humanism, colonialism, pietism, protestant missionary activities and Post-war Catholicism. In Chapter 4, Mihai-D. Grigore surveys the crucial epoch of early sixteenth century-humanism and one of his most important representatives, Erasmus of Rotterdam. By analyzing two of Erasmus’s influential political writings, *Institutio Principis Christiani* (Education of a Christian Prince, 1516) and *Querela Pacis* (The Complaint of Peace, 1517), Grigore discusses the transitional process from a *humanitas Christiana* to *humanitas politica*. He argues that in early modern political anthropology a significant shift concerning the term humanity can be identified: from a concept understood in relation to an external transcendental factor such as God to a new paradigm based on the fundamental notion of the human nature of human beings. In other words, the notion of humanity significantly changed from one exclusively defined by the relationship to God into an anthropocentric concept.

In Chapter 5, Mariano Delgado deals with the emergence of a universalist notion of a common “family of mankind” and the “unity of mankind”. In light of the rise of the Spanish colonial empire in America in the course of the sixteenth century, he analyses the discussions about the nature of indigenous Americans. In particular Delgado concentrates on the famous debate of Valladolid in 1550 between the Dominican friar Bartolomé de Las Casas and his opponent Juan Ginés de Sepúlveda. While his counterpart denied the native inhabitants of the “New World” recognition as full members of human kind, Las Casas strongly argued against their exclusion. Consequently, Las Casas criticised their violent subjugation as totally unjustified. By focusing on this debate, Delgado stresses the significant contribution made by early modern Christian thinkers to the genealogy of a universalist notion of a “family of mankind”.

33 Eric Hobsbawm, *The Age of Extremes: The Short Twentieth Century, 1914–1991* (London 1994).

In Chapter 6, by focusing on the Basel Mission, Judith Becker raises the question how German missions of the nineteenth century understood “humanity” and how this concept formed a foundational element for them. According to Becker the idea of the unity of humankind constituted a major impulse for Pietists to missionise abroad. Becker focuses on the Indian context, where in contact with Hinduism a discussion about the definition of “humaneness” and about who a human being is evolved. Another aspect was the paradox between the emphasis on unity and equality as aspects of a common “humanity” and the introduction of new hierarchies in the colonial context. Finally, Becker looks at notions of humanitarianism in the Basel Mission, which in the Indian context mainly meant poor relief but in a modified way.

In Chapter 7, Robert Brier explores the multi-layered relationship of human dignity, human rights, and Catholicism in the twentieth century. His aim is to discuss how dignity featured in Post-war Catholic discourses and which understandings of humanity emerged from them. Furthermore, Brier asks how significant these Catholic notions were for the wider Post-war currency of human dignity. In his perspective, the concept of human dignity was never exclusively religiously defined, but always a contested idea, which various actors reinterpreted in specific historical contexts. Brier argues that the introduction of this concept opened up a field of contestation where different imaginaries of humanity, religious and secular, could significantly clash. Accordingly, he seeks to show that Catholic views of dignity were neither quite as dominant after 1945, nor did they disappear entirely in the subsequent decades of the twentieth century.

In Part III, the book seeks to connect the fields of humanitarianism, violence, and international law to humanity as a concept in practice. In general, the antislavery movement is regarded as the first humanitarian movement in history. It attacked the violent practice of enslaving people and demanded legal standards to abolish the slave trade and slavery itself. As Thomas Weller shows in Chapter 8, however, the British and American abolitionists were not the first to campaign against Atlantic slavery. Already in the context of the Spanish colonial empire, theologians, missionaries, and jurists fundamentally criticised the practice of enslaving Africans at the beginning of the sixteenth and in the course of the seventeenth centuries. By examining this often neglected Spanish discourse, Weller reveals that concerns for the distant suffering of others have a much older tradition than the history of modern humanitarianism usually claims. The authors of these early modern documents made use of humanitarian narratives in basing their arguments on their own experience as eyewitnesses of human suffering and appealing to their readers’ empathy, compassion and practical sense of humanity. In his contribution, Weller seeks to shed new light on the origins

of humanitarianism prior to the alleged “humanitarian big bang”³⁴ in the late eighteenth and early nineteenth centuries.

Despite these earlier debates, the period at the turn from the eighteenth to nineteenth centuries remains crucial. As Fabian Klose shows in Chapter 9, long-term implications of a theoretical debate about the concept of “humanity” to an interventionist practice in international politics can be identified during this period. In their campaign, British abolitionists successfully mobilised public opinion in favour of their cause by explicitly referring to common “humanity”. In doing so, they evoked the moral argument that the slave trade was contrary to all principles of humanity and managed to find legal recognition for this notion on the national as well as the international level. Furthermore, Great Britain initiated an international treaty network to enforce abolition, based on the emerging consensus that human trafficking constituted a “crime against humanity”. Therefore, it is his central argument that by abolition and the related practice of enforcing it the concept of humanity developed from a moral category into an accepted norm and thus contributed significantly to the emergence of the concept of humanitarian intervention in the long nineteenth century.

In Chapter 10, Kerstin von Lingen directly picks up the theme of violence and international law. From an intellectual historian’s perspective, she looks at the term and concept of “crimes against humanity” as it developed as a legal tool in the tribunals in the twentieth century. The concept is based on earlier attempts to civilise warfare, beginning in the mid-nineteenth century, in particular on the two The Hague Peace Conferences in 1899 and 1907. Von Lingen argues that the underlying understanding of “humanity” and “civilized nations”, laid down within the so-called Martens Clause of 1907, became the blueprint for later attempts to prosecute war crimes and in particular crimes against civilians until the Nuremberg Tribunal, when a new agenda was set with an legacy enduring to this day.

In Chapter 11, Esther Möller addresses humanity as one of the terms most frequently used by the International Red Cross and Red Crescent Movement, finally becoming one of its seven principles in 1965. However, the meaning and use of the term were not undisputed within the movement. By focusing on the interactions between Western and Non-Western Red Cross and Red Crescent societies between 1948 and 1973, Möller seeks to show that the reference to humanity fulfilled various functions on the practical and structural as well as the normative levels. She argues that in the second half of the twentieth century, the term humanity became both a central category of

34 Barnett, *Empire of Humanity*, 57.

international humanitarian law but at the same time also one of the Red Cross and Red Crescent Movement's litmus tests for the challenges of decolonisation and globalisation.

Part IV finally deals with social and benevolent practices closely linked to the concept of "humanity", such as charity, philanthropy, and solidarity. In Chapter 12, Joachim Berger reflects on the issue of internationalism in relation to Freemasonry in the second half of the nineteenth century. Berger addresses the debates about the proclaimed ideal of "humanité" (*Humanität, umanità, humanity*) in the national as well as international context. Within national masonic bodies, the virtue of (brotherly) love as an emanation of "pure humanity" was applied to divergent fields of action such as relief for needy fellow-masons, aid and assistance for underprivileged groups as well as solidarity with all forces in society that fought for peace, freedom (of conscience), and justice. Furthermore, Berger argues that on the international level the reference to "humanity" was primarily seen as an important instrument to bridge emerging differences between various national Freemason branches. Thus, speaking "in the name of humanity" became a testing ground for negotiating religious, ideological, societal, and national differences.

In Chapter 13, Katharina Stornig analyses the fundraising texts issued by three European Catholic associations (Holy Childhood Association, Hilfsverein zur Unterstützung der armen Negerkinder, St. Petrus-Claver-Sodality) that promoted the saving of children in Africa and Asia in the long nineteenth century. Inspired by domestic child-saving campaigns as well as European religious and secular expansion, these associations promoted aid for distant children as religious and humanitarian. Stornig discusses the various ways in which authors used the notion of humanity and its cognates in order to raise support and donations. She argues that Catholic philanthropists employed the notion of humanity with the particular goal to expand child-centred charity from domestic contexts to geographically distant settings in Africa and Asia. In doing so they appealed to a sense of Christian and human solidarity with distant children, who were represented as the most vulnerable, needy and innocent part of humankind.

In Chapter 14, Gerhard Kruijck picks up the crucial issue of solidarity. By analysing fundamental documents such as "De iustitia in mundo", the final declaration of the Roman Bishop's Synod of 1971, and "Laudatio si", the encyclical of Pope Francis from 2015, he argues that the notion of the unity of the whole human family constitutes one of the key concepts of Catholic social teaching. Moreover, in his contribution Kruijck raises the fundamental question about concrete consequences of this notion for the idea of global justice and asks whether this concept can also gain importance outside the context of Christian faith. He pleads for a significant change in the concept

of catholicity itself, which would make the Catholic Church less western, less centralised and thus more open to the various cultures of the human family.

Finally, in chapter 15, Johannes Paulmann presents lines of enquiry that are fundamental for the investigation of humanity as a concept in practice. He distils four major perceptions drawn from the various contributions in this volume concerning the reliance of humanity on antonyms, the various functions of humanity, the dynamic nature of the concept, and the hierarchies of humanity. Furthermore, he discusses the global dimension of European and Western humanitarianism respectively as one of the most important and relevant current practices by focusing on the contemporary formation of a new moral economy called humanitarian reason. Thus, Paulmann addresses the imperial roots of humanitarianism. These roots offer – in the past and the present – a productive frame of reference for understanding how concepts of humanity and humanitarian practice affect each other.

PART I:
HUMANKIND AND HUMANITY

Francisco Bethencourt

Humankind

From Division to Recomposition

Humanity has been perceived in different parts of the world as divided or segmented, according to different hierarchies, throughout history and up to the present. This reality has not been sufficiently taken on board in the recently burgeoning debate on the history of human rights. After discussing some of the main issues raised by this debate, my chapter explores these hierarchies in the long term and looks at how social movements have contributed in different ways to changing perceptions and have to some extent overcome engrained social divisions.

The bibliography on the history of human rights is vast. I have only selected three authors who have been at the centre of the discussion to express my critical vision. I decided not to engage with the discussion on the history of humanitarianism, since its goal of alleviating suffering presupposes a moral discourse and a culture of compassion, but must not be confused with the legal discourse of rights.¹

My argument is that we need to address the long-term divisions of humankind that have been partly ignored by political scientists and modernist historians in this debate. I will address here the rooted discrimination against slaves, “barbarians”, ethnicities (or races), women and minorities. Some of these divisions formally collapsed in the nineteenth and twentieth centuries, but others still structure societies.

1. The Debate on Human Rights

Paul Gordon Lauren highlights a universal sense of the dignity of human life and of a duty of responsible behaviour toward those who suffer that is shared by Hinduism, Judaism, Buddhism, Confucianism (even if this is not a religion), Christianity and Islam.² The idea that basic notions of humanity had been inscribed in the main religious texts of the “axial civilisations”,

1 Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca, NY 2011); for a more entangled vision see Michael Geyer, “Humanitarianism and Human Rights. A Troubled Rapport”, in Fabian Klose (ed.), *The Emergence of Humanitarian Intervention. Ideas and Practice From the Nineteenth Century to the Present* (Cambridge 2016), 31–55.

2 Paul Gordon Lauren, *The Evolution of International Human Rights* (Philadelphia 2011), 4–36.

which emerged between 600 BCE and 700 CE in different parts of the world, was emphasised after the Second World War, particularly by United Nations Educational, Scientific and Cultural Organization (UNESCO), which discussed the divisive theory of races responsible for the extermination of many millions of people.³ Lauren acknowledges the conflict between principles and realities, defined by oppression and the absence (or the withholding) of rights, which lasted until the late twentieth century. The major strength of his book is that the narrative is built on specific cases of social struggles for human rights, particularly the abolitionist movement against the slave trade and slavery, the protection of prisoners of war and the women's movement for voting rights.⁴ Lauren attempts to be comprehensive and wide-ranging, based on an enormous and useful fund of information; but the accumulation of examples concerning the development of human rights is sometimes schematic and insufficiently critical of the shortcomings of humanitarian positions: for example, the protection of the welfare of natives at the Berlin conference in 1885, which was used to justify the division of Africa among the European powers.⁵ Its implicit evolutionary vision is another problem of this book, which does not sufficiently highlight the gaps, regressions and alternative paths to overcoming oppression, which hindered the assertion of human rights.

Lynn Hunt's *Inventing Human Rights* does not pretend to have the same universal scope as Lauren's work.⁶ It focuses on eighteenth-century Europe as a turning point in the definition of human rights. The novelty of this work lies in Hunt's astute analysis of the literature of that period, which transformed maidservants, women, sailors and employees into major characters. Novels, plays and short stories elicited empathy from readers through emotional descriptions of unfair rules and undue suffering. Richardson and Rousseau, among other authors, transposed the old Christian values relating to human dignity to make them part of a secularised setting in which a new consciousness of inequity emerged. Situations of oppression at the domestic level were widely depicted and placed within a framework in which abuse was exposed and the relative position of masters and servants challenged by a new vision of the rights of the humiliated, including women.⁷

3 On axial civilisations see S. N. Eisenstadt (ed.), *The Origins and Diversity of the Axial Civilizations* (Albany, NY 1986); Johann P. Arneson/S. N. Eisenstadt et al. (ed.), *Axial Civilizations and World History* (Leiden 2005). For UNESCO's contribution see Ashley Montagu, *Man's Most Dangerous Myth: the Fallacy of Race* (New York 1946); Claude Lévi-Strauss, *Race and History* (Paris 1952); and Jeanne Hersch (ed.), *The Birthright of Man* (Paris 1969).

4 Lauren, *The Evolution of International Human Rights*, 37–71.

5 *Ibid.*, 56.

6 Lynn Hunt, *Inventing Human Rights. A History* (New York 2007).

7 *Ibid.*, 35–69.

The possibilities created by the atmosphere of the Enlightenment, based as it was on ideas of self-direction and the autonomy of the individual, are at the core of Lynn Hunt's approach. It is not by chance that she started her book with a genealogy of rights, from Rousseau to the American Declaration of Independence and the declaration of the "rights of man" (the universal male formula then prevalent) during the French Revolution. The eighteenth century discussion of torture and the death penalty is also analysed, as well as the consequences of the above declarations of rights, extended to religious minorities and, in time, to slaves. The psychological side of the emergence of the notion of human rights in this period is convincingly demonstrated. Moreover, Lynn Hunt deals with the debate on the individualistic meaning of human rights opened up by Karl Marx and other socialists in the nineteenth century, who resented the crucial notion of rights protecting private property. The theory of races is briefly mentioned, but its specific chronology and plurality of visions is missed. Hunt also touches on the link between human rights and imperialism, but she does not engage with the debate on European universal values as a rhetoric of power denounced by Immanuel Wallerstein, among other authors.⁸

Samuel Moyn rightly criticises Lynn Hunt for the bridge she posits between the emerging notion of human rights in the eighteenth century and the Universal Declaration of Human Rights by the United Nations in 1948 (and beyond).⁹ Hunt considers that human rights failed only to succeed in the long run; but hers is deductive reasoning; there is insufficient discussion of the different periods between the end of the eighteenth century and the mid-twentieth century. Moyn's argument is that human rights never had a truly universal meaning before the Universal Declaration of 1948, and they were not really actively promoted before the 1970s.¹⁰ The advantage of this argument is clarity: it is true that human rights only became widely accepted after the 1970s. They cannot be left out of the picture when we discuss the end of the Soviet Union and the Warsaw Pact. Moyn argues that human rights finally emerged due to the collapse of both Marxism and formal colonialism, but also due to the crisis of the nation state. He refers to the concept as "the last utopia", an ideology that asserted itself after the failure of other ideologies based on grand utopias.

8 Immanuel Wallerstein, *European Universalism. The Rhetoric of Power* (New York 2006). I disagree with this dismissive and schematic vision of human rights as rhetoric of power. More interesting is Boaventura Sousa Santos, *If God Were a Human Rights Activist* (Stanford, CA 2015), who underlines the fragile hegemony of conventional human rights under threat from both political theologies and counter hegemonic conceptions and practices of human rights.

9 Samuel Moyn, *Human Rights and the Uses of History* (London 2014), 1–18.

10 Id., *The Last Utopia. Human Rights in History* (Cambridge, MA 2012).

Samuel Moyn has a point about the problem of chronology, supposed bridging links and the backdating of human rights. He rightly criticises many under-researched assumptions, particularly the difficult intersection between anti-colonialism and human rights.¹¹ However, his narrative is rather schematic, sources predating the twentieth century are quoted from secondary literature, and references to universalism or cosmopolitanism are interchangeable.¹² My critique is that, in this book, left-wing contributions are dismissed because Marxism criticised the individualist approach based on property rights, while economic and social rights resulting from social movements are undervalued. The crisis of the nation-state is arguably overstated, as recent developments have shown. Human rights have probably been overestimated as a new and universal ideology, while their formal diffusion has been followed by new challenges from religious and ethnic factionalism. The main problem of this intelligent approach is that anachronism, though justly criticised, risks being replaced by historicism (vision defined by compartmentalised chronology): the recent configuration of human rights based on protection of the individual against the state is taken as a yardstick to measure rights in other periods of time. I agree that the concept of human rights has only recently become predominant in international law and international values; but I believe that human rights have had different configurations in time and place and these have resulted directly or indirectly from social movements.

My argument is that, up to the present day, humankind has been defined much more by divisions than by a common perception of universal attributes. The nineteenth and twentieth centuries presented gaps, regressions, and alternative paths, only for the notion of rights to be vindicated after the devastation of the Second World War. The recent apparent triumph of human rights is dominant from an ideological point of view, but fragile in implementation inside and outside the Western world. That is why I consider it more productive to reflect on the successive visions of segmented humanity that prevailed up until the present and to analyse how these visions were successively addressed and challenged, one by one, with regard to their inherent hierarchical logic. This is not an inverted history of human rights, here avoided as a minefield charged with ideology, but a history of how hierarchical, divisive and exclusionary visions were targeted over time by social movements, which contributed to the ongoing process of building a more unified vision of humankind.

11 *Ibid.*, 84–119.

12 See the distinction between universalism, cosmopolitanism and cultural relativism in Steven Vertovec/Robin Cohen (ed.), *Conceiving Cosmopolitanism. Theory, Context and Practice* (Oxford 2002), 1–22 and 227–239 (by David A. Hollinger, “Not Universalists, Not Pluralists”).

2. Slaves

The epic poem *Mahabharata*, which probably originated in the ninth and eighth centuries and found a durable form in the fourth century BCE in South Asia, has as its turning point the tragic scene of a game of dice, in which King Yudhisthira loses his kingdom, all his possessions, his freedom, and the freedom of his four brothers and their joint wife Draupadi to their unscrupulous cousin Duryodhana. Gambling represents an offence against *Dharma*, and is punished by the loss of royal rights, property and control of one's own life.¹³ Enslavement of all the family is the terrifying moment of the poem; the reversal of the fortunes of the Kurava royal family, all children of gods, could not be more extreme. But the greedy and treacherous behaviour of the winners, who try to drag away Queen Draupadi as a slave during her period, allows the intervention of the old King Dhrtarastra. He accords three favours to Queen Draupadi, who asks and obtains liberation from slavery to the Kurava.¹⁴ The sequence of the story does not concern us here: it is the crucial divide between free people and slaves, independent and dependent people, that I want to highlight. It expresses the abyss of the human condition in ancient times: to serve, receive orders, obey, wait, live one's life as a function of the life of one's master. In this episode, the horror felt by Queen Draupadi does not concern her and her husbands alone; it concerns her children, who are demoted from royal privilege to servitude. Slavery generally meant a permanent and perpetual condition transmitted from generation to generation.

We know that different forms of dependence, including slavery and serfdom, were spread all over Asia until the nineteenth century.¹⁵ Debt was one of the main reasons for bondage, which could be transformed from a temporary to a permanent condition, alongside conventional slavery, mostly due to war or birth. The text *An Account of My Hut*, written by the Japanese Kamo no Chōmei in 1212, gives us an insight of the logic of a system that was prevalent in different parts of the world:

13 Gambling is explicitly forbidden in *The Laws of Manu*, trans. by Wendy Doniger (London 1991), 80, 133f., 222f.

14 *The Mahabharata*, trans. by J. A. B. van Buitenen (Chicago, IL 1973), books 2 and 3.

15 Anthony Reid (ed.), *Slavery, Bondage and Dependency in Southeast Asia* (New York 1983); Indrani Chatterjee/Richard M. Eaton (ed.), *Slavery and South Asian History* (Bloomington, Ind. 2006); Gwyn Campbell (ed.), *The Structure of Slavery in Indian Ocean, Africa and Asia* (London 2004).

Those who are powerful are filled with greed; and those who have no protectors are despised. Possessions bring many worries; in poverty there is sorrow. He who asks another's help becomes his slave; he who nurtures others is fettered by affection.¹⁶

Political and economic power are here implicitly mentioned as the sinews of lordship and superiority, condemned as greedy and insatiable. Poverty is equated with a lack of protection or dependence; but asking for help entails becoming a slave. Providing charity, a universal prescription made by different religions, is here seen as becoming subject to the bounds of affection. *The Ballad of Selling a Child*, written by the Chinese Wang Chiu-ssu three centuries later, concludes the sad narrative of a village woman selling her children to pay taxes and private debts in this humane way:

The rich grow crueller as their fields increase,/ and they buy servants and slaves with their wealth./ Then, one day, they curse them in anger,/ whipping them unfeelingly until their blood flows!/ Don't they know that all flesh and bone comes from the same womb,/ that another's son and my son are of one form?¹⁷

Humility among the powerful, respect for the weak and poor, distribution of land and measured taxation, already prescribed by Kong Qiu (Confucius) and Meng Ke (Mencius), envisaged a certain level of harmony to avoid social conflict.¹⁸ These general precepts can also be found in the Hindu texts *The Laws of Manu* or the *Arthashastra*.¹⁹ But bondage was nowhere forbidden, merely regulated, which meant the definition of duties and obligations between masters and slaves. Bondage is even enshrined in the Hindu tradition: *The Laws of Manu* stipulate that “even if he is set free by his master, a servant is not set free from slavery; for since this is innate to him, who can take it from him?”²⁰ However, the *Arthashastra*, also probably written by several hands in the same period of time, between second century BCE and third century CE, establishes that “when a slave gives birth to a child of her master, both the

16 Kamo no Chōmei, “An Account of My Hut”, in *Anthology of Japanese Literature From the Earliest Era to the Mid-Nineteenth Century* (1955), ed. Donald Keene (Tokyo 2006), 205.

17 Wang Chiu-ssu, “Ballad of Selling a Child”, in *The Columbia Anthology of Traditional Chinese Literature* (New York 1994), 274.

18 Confucius, *The Analects*, trans. by Raymond Dawson (Oxford 1993), 65; id., *The Most Venerable Book (Shang Shu)*, trans. by Martin Palmer (London 2014), 120, 136; Mencius, trans. by D.C. Lau (London 2004), 21, 56, 141, 163. While Confucius has supposedly lived in the sixth till the fifth century BCE, Mencius lived in the fourth till the third century BCE. The attribution of books to Confucius is highly disputed, mainly *The Most Venerable Book*.

19 *The Laws of Manu*, 140–142; *The Arthashastra*, trans. by L.N. Rangarajan (London 1997), 152–156.

20 *The Laws of Manu*, 196.

mother and the child shall be recognised as free. If the mother continues to stay with the master and look after the house, her brothers and sisters shall be considered free".²¹ Thus offences could lead to emancipation.²² Finally, an *Arya* minor (a Hindu child of any of the four *varna* or recognised castes) could never be sold or mortgaged into slavery, while *Arya* families were subject to easier conditions for redeeming themselves from bondage due to debt or war.²³

In Africa the same divide occurred for many centuries. Slavery and slave trade left an infamous heritage which meant stagnation of population and lineages of outcasts still stigmatised to this day in west, central and east Africa. The complexity of forms of slavery and serfdom from different origins that were found in Asia had a parallel in Africa, where local bondage as a result of war, debt, birth or kidnapping fed a powerful stream of slave trading first to the Mediterranean, then to the Middle East and finally to the Americas, causing an outflow of more than twenty million people between the fourth and nineteenth centuries.²⁴ Local oral law regulated these practices of bondage, and this was matched by Roman law and Islamic law, which framed the activities of external traders.²⁵ The exchange of forms of slavery and the continued slave trade had a visible impact, not only on structuring caste societies in different parts of Africa, mainly in west and central Africa, but also on increasing political instability in coastal areas affected by the transatlantic slave trade. Persistent poverty was partly the result of these forms of bondage and the informal caste systems they created.²⁶

In Europe the same contrast between slaves and free people was crucial in the Greek and Roman world. Greek philosophy reflected on the condition of slaves – considered animated property but endowed with the capacity for reasoning and affection – and slavery, which entailed exclusion from citizenship, from decision-making, from having a voice in the community.²⁷ This notion, developed by Plato and Aristotle, was adopted by Roman law, which defined in detail all the possible conditions of slavery and their consequences, along with an inventory of masters' responsibilities detailed in Justinian's compilation known as *Corpus Iuris Civilis* (529–535). However, slavery was defined as an institution of the law of nations (*ius gentium*),

21 *The Arthashastra*, 415.

22 *Ibid.*, 414.

23 *Ibid.*, 412f.

24 Paul Lovejoy, *Transformations in Slavery. A History of Slavery in Africa* (Cambridge 2012); *The Cambridge World History of Slavery*, vol. 3, ed. by David Eltis and Stanley L. Engerman (Cambridge 2011).

25 John K. Thornton, *Africa and Africans in the Making of the Atlantic World* (Cambridge 1992).

26 John Iliffe, *The African Poor: A History* (Cambridge 1988).

27 Plato, *The Laws* (London 2004), 74–109, 212–214 (676a–701d, 776b–778a). Aristotle, *Politics* (Oxford 1995), 8f., 13, 35–37 (1.2–3, 1.13).

not of natural law (*ius naturalis*), since it was considered against nature to become a property of another person. Roman Law distinguished between born slaves and slaves made through war or debt.²⁸ They were considered the property of owners, but there were clear restrictions concerning bad treatment. Emancipated slaves did not attain the same status as free-born people. It was this legal background that defined the main ways to regulate slavery in medieval Europe, although slavery receded after the implosion of the Roman Empire, largely replaced by serfdom due to political instability and economic need to guarantee settlement and agricultural output.²⁹ With the conquest of Constantinople in 1453, the import of slaves from the Black Sea was replaced by a supply of African slaves diverted from the Muslim networks of trade with North Africa and the Middle East.³⁰ Re-direction of part of this flux to the New World in the early modern period represented a significant change in the division of the world into slave and free people. In the Americas, slavery was extensively developed after the European conquest.

In the eighteenth century, the loss of the American colonies, economic reflection on the advantages of free labour, and the resistance of slaves expressed by revolts triggered a British debate on ethical issues concerning overseas expansion.³¹ The abolition of the slave trade and slavery became a mainstream movement in British public opinion, initially pushed by several branches of the Protestant confession, particularly the Quakers.³² Abolitionists found support for their cause in the idea of rights inspired by Jean-Jacques Rousseau and consecrated by the declarations of the American and French Revolutions, although these texts were meant for white people, as was the idea of shared human dignity, which inspired humanitarianism.³³ The

28 *The Digest of Justinian*, 4 vols (Philadelphia 1985), esp. book 1.5.1, 4–7, 9, 17f.; book 38; and book 40. See also the *Institutes*, book 1, <http://legacy.fordham.edu/alsall/basis/535institutes.asp>.

29 *The Cambridge World History of Slavery*, vol. 1, ed. by Keith Bradley and Paul Cartledge (Cambridge 2011).

30 Charles Verlinden, *L'esclavage dans l'Europe médiévale*, 2 vols (Bruges 1955–1977).

31 Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill, NC 2006).

32 See the related chapters by Mariano Delgado, “‘All People have Reason and Free Will’: The Controversy Over the Nature of the Indians in the Sixteenth Century”, Thomas Weller, “Humanitarianism Before Humanitarianism? Spanish Discourses on Slavery From the Sixteenth to the Nineteenth Century” and Fabian Klose, “‘A War of Justice and Humanity’: Abolition and Establishing Humanity as an International Norm”, in this volume.

33 Although the idea of human rights was not meant to slave people at the very beginning, it was immediately appropriated and transformed by slave revolts and anti-slavery movements. See Seymour Drescher, *Abolition. A History of Slavery and Antislavery* (Cambridge 2009), 10–118, 159–163. This is a moment of entangled history of ideas; for a different perspective, relating abolitionism exclusively with humanitarianism, see Samuel Moyn, “Die neue Historiographie der Menschenrechte”, in *Geschichte und Gesellschaft* 38 (2012), 545–572, on pp. 559–561.

movement spread, albeit with some difficulty, to all Europe; the principle of free soil had been established in Britain and Western Europe, although the abolition of serfdom only occurred in Russia in 1861.³⁴ The long sequence of abolitions of slave trade and slavery from the 1800s to the 1880s, in the European colonial world and the independent new countries in the Americas, eloquently expressed these social and intellectual changes, although in the European colonial world slavery was often replaced by native forced labour and indentured labour from India and China. In the Americas the movement for the emancipation of slaves played a crucial role, but in other parts of the world the new Western system of values had to confront ingrained practices of slavery and serfdom, particularly in the Muslim world, in India and in Africa, while in China forms of bondage persisted until the early twentieth century.³⁵ In time, local oppressed populations appropriated antislavery values to contest their social position.

The abolition of slavery was extended to the whole world and enshrined by the universal declaration of human rights ratified by the United Nations in 1948; the last country officially to abolish slavery was Saudi Arabia in 1960. The dignity of the human being was at the core of this movement, although the supposed superiority of the white man was not really questioned in the West until the Second World War. Slavery became illegal, but forced labour was practiced on a large scale in the colonial empires even after the Second World War, by the Nazis during the War, targeting Jews, Slavs, Roma and their political opponents, and by the Soviets from the 1930s to the 1950s, targeting political opponents and supposedly unreliable ethnicities.³⁶ Formal and informal forms of bondage still exist in different parts of the world. As we have seen with serfdom, slavery was not the only criterion by which to define dependent work. The notion of domestic service, for instance, had long-term consequences, being excluded from electoral rights in the nineteenth and early twentieth centuries.³⁷ In this period, large sections of the population did not have access to full citizenship due to the notion of dependent labour. The extension of the notion of citizenship, however, created a new norm that pushed the most debasing practices of social oppression to the margins.

34 David Moon, "Peasants and Agriculture", in *The Cambridge History of Russia*, vol. II: *Imperial Russia, 1689–1917* (Cambridge 2006), 369–388.

35 Mohammed Ennaji, *Slavery, the State and Islam* (Cambridge 2013); Drescher, *Abolition*.

36 Drescher, *Abolition*, 415–455; Francisco Bethencourt, *Racisms: From the Crusades to the Twentieth Century* (Princeton, NJ 2013), 335–365.

37 Even the liberal Spanish constitution of 1812 excluded dependent work from elections: https://es.wikisource.org/wiki/Constituci%C3%B3n_espa%C3%B1ola_de_1812. Lucy Delap, *Knowing Their Place: Domestic Servants in Twentieth Century England* (Oxford 2011); Inês Paulo Brasília, *O Tempo das criadas: A condição servil em Portugal (1940–1970)* (Lisbon 2012).

3. Barbarians

The second major division in humankind formulated both by Greek and Chinese societies concerned foreigners. The noun “barbarian” has its origin in the Greek *barbaros*, which designated non-Hellenic people, taken from the Sanskrit *barbara*, and used in the plural for foreign peoples. It is an onomatopoeic noun which imitates the babbling sounds of someone incapable of speaking the language of reference. Etymology stresses its cultural meaning: it meant a foreigner, someone rude, without manners, a stranger to urban or policed society.³⁸ The Greeks used the noun barbarian to reflect upon other societies they were in conflict with, mainly the First Persian Empire (c. 550–330 BCE). Political despotism, the subjection of peoples, the absence of political participation, the absence of notions of citizenship, and acceptance of tyranny equated with slave behaviour were the main features attributed by the Greeks to the Persians. Violence, cruelty, luxury, sensuality, idleness and cowardice were part of the Greek vision of the Persian Empire.³⁹

This perception was to have a long-term impact on Roman and then Western political thought on Oriental despotism, defining an East/West divide concerning models of political regimes. Aristotle justified predatory conquest by equating this supposed absence of the idea of citizenship among barbarians with natural slavery, a vision projected onto Native Americans by Juan Ginés de Sepulveda in the sixteenth century debate with Bartolomé de Las Casas on indigenous freedom, dignity and capacity for self-government.⁴⁰ The idea of self-enslavement was also to have an extraordinary impact, in the sixteenth century, with Étienne de La Boétie and the idea of voluntary servitude; and in the eighteenth century, with Giambattista Tiepolo and the representation of the slave next to Asia locking manacles onto himself in the fresco of the four continents painted on the ceiling of the Stairway Hall in the archiepiscopal palace at Würzburg.⁴¹ The idea of voluntary servitude inspired first Tolstoy and then Gandhi to challenge political power through collective widespread disobedience, following the idea that tyranny is only sustained by undue acquiescence.⁴²

38 *Shorter Oxford English Dictionary* (Oxford 2002), 184.

39 Herodotus, *The Histories* (London 1972), books VII–IX; Thucydides, *History of the Peloponnesian War* (London 1972), book I.

40 Anthony Pagden, *The Fall of Natural Man. The American Indian and the Origins of Comparative Ethnography* (Cambridge 1982). See the chapter by Delgado, “All People have Reason and Free Will”, in this volume.

41 Étienne de la Boétie, *Discours de la servitude volontaire* (1576) (Paris 1983); Giambattista Tiepolo, *Apollo and the Continents*, fresco, staircase, Residenz, Würzburg – see the analysis in Svetlana Alpers and Michael Baxandall, *Tiepolo and the Pictorial Image* (New Haven, CT 1994), particularly on p. 132.

42 Leo Tolstoy, *The Kingdom of God is Within You*, trans. by Constance Garnett (London 1894);

The Greeks were using the Persian case – but also Scythian, Egyptian and Phoenician examples, among others – to reflect on their own identity.⁴³ The divide between the Hellenic and the Barbarian worlds meant the assertion of their own forms of political regimes, and their own notions of citizenship and democracy based on free, adult, male members of the community, even if the political model of Athens prevailed in historical memory. This divide is visible in philosophical and political treatises, epic poems, chronicles and plays, although the main Greek literary authors, such as Herodotus, Aeschylus, Thucydides and Euripides, were critical of the Hellenic world, blurring differences between Greek and barbarian characters and dissolving stereotypes by the use of irony.⁴⁴ Despite these challenges to simple polarisation, the long-term prejudices against barbarians became equated, in the Christian world, with the notions of heathens and pagans inherited from the Jewish culture.⁴⁵ Those who were outside the *oikouménē* (the known world under the Greeks and the civilised world under the Roman Empire) were seen as strangers and inferiors, lacking mainly religion but also knowledge and capacity. In this tradition, attested and critically discussed by Montaigne with reference to the extreme case of cannibalism, the barbarian does not have only defects; in certain cases he is supposed to be a brave and courageous warrior, qualities lost or at risk from an excess of refinement in Europe.⁴⁶ However, even with nuances, barbarian is a noun with clear ethnocentric implications, since it supposes the superiority of one's culture, a feeling shared by the Chinese civilisation.⁴⁷

The notion of a savage is the extreme case in the hierarchy of human beings, beyond barbarian, and deprived of the rudiments of civilisation, living a nomadic life, without knowledge of writing, equated with beasts and cannibals. It was used to underline opposition between civilised and uncivilised and taken on board by José de Acosta in late sixteenth century to renew the old prejudice against people who did not form permanent settlements.⁴⁸ It became a persistent stereotype used constantly by the Europeans

Mahatma Gandhi, *The Essential Writings*, ed. Gopalkrishna Gandhi (Oxford 2008), 33, 366–371.

43 Kostas Vlassopoulos, *Greeks and Barbarians* (Cambridge 2013).

44 See among others Aeschylus, *Persians and Other Plays*, trans. by Janet Lembke and C. J. Herington (Oxford 2009); Edith Hall, *Inventing the Barbarian: Greek Self-Definition Through Tragedy* (Oxford 1989).

45 John Marenbon, *Pagans and Philosophers. The Problem of Paganism From Augustine to Leibniz* (Princeton, NJ 2015).

46 This was the line of reasoning exposed by Cornelius Tacitus, *The Agricola and The Germania*, trans. by S. A. Handford (Harmondsworth 1970).

47 Confucius, *The Most Venerable Book*, 101, 169; for a precise historical context see Evelyn S. Rawski, *Early Modern China and Northeast Asia: Cross-Border Perspectives* (Cambridge 2015).

48 José de Acosta, *De procuranda indorum salute* (1588), vol. I (Madrid 1984), 62–70.

in their voyages of exploration to define tribal people or people living close to nature. It was even used by Charles Darwin in his *Voyage of the Beagle*, horrified in Tierra del Fuego by the communitarian sharing of all goods and the absence of private property, the latter seen as the lever for improvement under the influence of Thomas Malthus.⁴⁹ However, the notion of the savage was soon questioned by Jean de Léry, the Protestant pastor who founded the French settlement in Guanabara Bay in the mid-sixteenth century, and who equated the Catholic understanding of the Eucharist with cannibalism.⁵⁰ The notion was also derided by Montaigne, who used it to reflect on the European presumption of civilisation in a century of atrocious religious wars. He exposed the double standards of European ideas and asked who were the savages or the cannibals after all.⁵¹ Curiously, a long time ago in China, this conversation attributed to Confucius was recorded in *The Analects*: “The master wished to dwell among the nine wild tribes of the East. Someone said: ‘They are uncivilized, so what will you do about that?’ The Master said: ‘If a gentleman dwelt among them, what lack of civility would they show?’”⁵² This is a clear statement in favour of the possibility of improvement shared by all human beings, long before the theory of races started to be elaborated in Europe.

The long-term assimilation of populations considered to be barbarians in China is a very interesting case of ethnic re-composition due to the centralisation of the state, leading to more than 90% of the population claiming Han ancestry. However, there are still traces of old divisions due to late conquest of territories in Central Asia, particularly in Xinjiang, where the Uyghur were recently subjected to overwhelming immigration that has changed the demographic balance of the region. In other areas where the integration of populations has proved difficult, such as the mountainous areas of the Southwest, there are still populations considered tribal. From the 1930s onwards there was an intellectual movement praising cultural mixing and infusion of new blood. In Japan, certainly a much less extensive territory, the vast majority of the population claim Yamato ancestry, although there is a traditional divide concerning the Ainu population (native to the Northern Hokkaido and Kuril islands), considered tribal and also subject to extensive immigration from the other islands.⁵³ This underlying vision of tribal people as ‘primitive’

49 Charles Darwin, *Journal of Researches Into the Natural History and Geology of the Countries Visited During the Voyage of H. M. S. Beagle* (1839) (London 2003), 403f., 417–419, 432f., 445–450.

50 Jean de Léry, *Histoire d'un voyage fait en la Terre du Brésil* (1580), ed. Frank Lestringant (Montpellier 1992), 143–150.

51 Michel de Montaigne, *Essays* (1580), trans. by M. A. Screech (London 2013), 79–84.

52 Confucius, *The Analects*, 32.

53 Richard Siddle, *Race, Resistance and the Ainu of Japan* (London 1996).

lasted until the present in different parts of the world, mainly in the Americas and Oceania. In the United States, for instance, Native American peoples were considered foreign nations until 1871, when the Supreme Court defined them as domestic dependent nations, wards of the government, without full sovereignty. Native Americans only received citizenship in 1924.⁵⁴ Although there were attempts to protect their way of life in the nineteenth and twentieth centuries, particularly in Brazil, constant white pressure for land and hierarchical perception of Native Americans prevailed until very recently. But if we turn to the growing field of international law by the end of the nineteenth century, we will see that the division between civilised, barbarian and savaged humanity was still argued by the main legal philosophers such as James Lorimer.⁵⁵

4. Racism

The third division of humankind concerns the transformation of ethnocentrism into racism. While ethnocentrism views ‘others’ with fear or contempt but allows for the integration of individuals, racism combines prejudice concerning ethnic descent with discriminatory action. It is systematic discriminatory action that defines racism.⁵⁶ The first obvious case in history concerns discrimination against converted Jews and Muslims in Iberia after the fourteenth and fifteenth centuries; and it breaches the universal tradition of Christianity since Paul of Tarsus’s decision to preach to the heathens. Jews and Muslims were uprooted from their religious traditions through violent conversion; but they were not fully integrated in the Christian community. They became labelled as New Christians and *Moriscos*; they were viewed as having the same attributes as their ancestors; and finally they were excluded from public offices, colleges, religious orders, military orders, confraternities and guilds.⁵⁷

Racism preceded and informed the theory of races. The notions of blood and genealogy, which had defined high and low birth in late medieval Europe, was followed by the notion of “tainted blood”, first targeting the Iberian New Christians and *Moriscos*, then the African slaves brought into

54 William C. Sturtevant (ed.), *Handbook of North American Indians*, vol. 4 (Washington, DC 1988); Wilcomb E. Washburn (ed.), *History of Indian-White Relations* (Washington, DC 1988).

55 I thank Fabian Klose for this information; see Fabian Klose and Mirjam Thulin, “Introduction: European Concepts and Practices of Humanity in Historical Perspective”, in this volume.

56 Bethencourt, *Racisms*, 1, 6–8.

57 Rafael Carrasco, *Deportados en nombre de Dios: la expulsión de los moriscos* (Barcelona 2009); Joseph Pérez, *Los judíos en España* (Madrid 2005); Francisco Bethencourt, *Racisms*, 137–151.

Iberia after the mid-fourteenth century and into the New World after the early twentieth century. The dynamics of mixed-race people in the New World, particularly in Mexico and Brazil, created a hierarchy of ‘stained blood’ that encompassed a wide variety of possible combinations, as represented in the *casta* paintings of the eighteenth century.⁵⁸ In the meantime, Portuguese and Spanish Oceanic expansion opened up intercontinental relations and revealed the extraordinary variety of human beings around the world. Prejudices concerning African slaves were projected onto Native Americans and Asian peoples, labelled as “local Blacks”. However, detailed human geography emerged through travel accounts, reports and chronicles, showing differences concerning the European yardstick.⁵⁹

Imperial projects took advantage of the new intercontinental maritime connections, adopting the Roman and Byzantine tradition of representing the Emperor surrounded by people from all around the known world. The universal purpose of empire was updated with Charles V, and during his reign the entrances to his cities in Italy, Spain and the Low Countries were embellished with representations of the different peoples he ruled over. The title page of Abraham Ortelius’s atlas published in 1570 used allegorical female figures to personify the four known continents,⁶⁰ and these typified the different races of human beings. This extraordinary image synthesised a century of oceanic exploration and offered a tentative representation of the variety of human beings, now divided by continents in a simplified way. The title page expressed a hierarchy of human races that corresponded to the new assertion of Europe over the Middle East. The previous central position of Jerusalem had been shifted as a result of Oceanic exploration and with it the vision of the different peoples of the Earth. The prejudices concerning races projected here – Europe representing regulated power, labour and justice, contrasted to Asian sensuality and lightness, African roughness and American cannibalism – had an enormous impact all over Europe, and by the nineteenth century they had inspired more than 500 paintings, sculptures and engravings.⁶¹ It was this synthetic and self-serving vision of European superiority in the world during the age of expansion that was taken on board by the late seventeenth-, eighteenth- and nineteenth-century theory of races.

58 Ilona Katzew, *Casta Painting: Images of Race in Eighteenth Century Mexico* (New Haven, CT 2004); Pilar Romero de Tejada (ed.), *Frutas e castas ilustradas* (Madrid 2004).

59 Bethencourt, *Racisms*, part II.

60 Abraham Ortelius, *Theatrum Orbis Terrarum* (Antwerp 1570); see Elizabeth McGrath, “Humanism, Allegorical Invention, and the Personification of the Continents”, in Hans Vlieghe et al. (ed.), *Rubonium. Concept, Design and Execution in Flemish Printing (1550–1700)* (Turnhout 2000), 43–71.

61 Sabine Poeschel, *Studien zur Ikonographie der Erdteile in der Kunst des 16.–18. Jahrhunderts* (Munich 1985).

Man was placed in nature, on top of the mammals and primates, above the apes, by Carl Linnaeus in his *Systema Naturae*, published in 1735.⁶² Linnaeus distinguished four categories, the white European, the red American, the dark Asian and the black African, but he added the wild and the monstrous men. These categories, interpreted as races, were developed in successive editions of the book. The hierarchy of human races was established not only by gradations of skin colour and physical features, but also by supposed mental attributes: the playful and careless African, the greedy and authoritarian Asian, embodying traditional European stereotypes of feckless Africa and Oriental despotism. Political stereotypes completed the picture: the African was regulated by caprice, the American by custom, the Asian by opinion, and the European by law. The supposed superiority of the European was further stressed by physical and mental attributes: he was muscular, inventive, and acute.⁶³ In the first edition of the *Systema Naturae*, the references to wild and the monstrous men reveal the tricks used to represent the chain of beings, with the wild man close to the apes, while the monstrous man was considered to represent some form of degeneration, a crucial eighteenth century topic and an enduring one, which was justified by the idea of perfect creation, an idea then challenged by the emerging notion of progress.

Buffon, Kant, Camper and Blumenbach helped to complicate this simple vision, not only stressing the presence of black people across continents – an idea already suggested in the seventeenth century by Alonso de Sandoval and François Bernier – but adding new races, particularly for Southeast Asia and Oceania, which were now brought into the picture.⁶⁴ They projected previous stereotypes, drawing heavily on travel literature, but they also created a scientific framework that had a major impact on popular perceptions of races, not only in Europe but also in other continents. These authors, curiously, were generally in favour of the abolition of the slave trade and slavery, they promoted the dignity of human beings, they supported the idea of perfectibility of all human beings; but they never doubted the superiority of the white man. Camper had another important impact: as both a sculptor and an anatomist, he tried to create the first measurement for the different races based on the facial angle, two lines from the forehead to the basis of the nose and from that point to the entrance of the ear. He calculated that the African would have

62 Carl Linnaeus, *Systema naturæ* (Lugduni Batavorum [Leiden] 1735).

63 Id., *Systema naturæ* (Vindobonæ [Vienna] 1767–1770), vol. 1, 28–33.

64 Alonso de Sandoval, *Un tratado sobre la esclavitud* (1627) (Madrid 1987), book 1; François Bernier, “Nouvelle division de la terre, par les différentes espèces ou races d’hommes qui l’habitent”, in *Journal des Sçavans* April 24 (1684), 148–155; Buffon, *De l’homme (extracts 1749–1777)* (Paris 2006); Immanuel Kant, *Anthropology, History and Education* (Cambridge 2007), 82–97, 143–159; Camper, *The Works* (London 1794); Johann Friedrich Blumenbach, *The Anthropological Treatises* (London 1865).

an angle of 70°, the American 73°, the Asian 75° and the European 80°. The problem is that he compared these measures with apes, estimated at 55°, and Roman and Greek sculptures, which reached 90° and 100°. Charles White, an English naturalist and polygenist immediately recycled these images as proof that black people were closer to the apes.⁶⁵

This measurement (or better, mismeasurement, as Stephen Jay Gould characterised it) had enormous consequences as it was first elaborated by Blumenbach, who tried to establish new methods of skull analysis, then simplified by Samuel Morton, who focused on the volume of the skull.⁶⁶ The flaws of the method – nobody considered the sex, age, economic and social background of these randomly collected skulls – were ironically pointed out by Gobineau, himself a notorious racist, but they persisted, and were later transferred to the calculation of the intelligence quotient (IQ) of different peoples and applied to the immigration quotas of the United States in the first half of the twentieth century. The debate concerning the method and racial implications of *The Bell Curve: Intelligence and Class Structure in American Life*, published by Richard Herrnstein and Charles Murray in 1994, was the most recent outcome of this sequence of failed attempts to define race according to levels of intelligence.⁶⁷

In the meantime, the scientific framework shifted dramatically in the mid-nineteenth century. The vision of immutable races advocated by Samuel Morton, Robert Knox, Arthur Gobineau, Josiah Nott and Louis Agassiz promoted a new scientific racialism opposed to previous ideas of the benefits of mixing and improvement of all humans beings.⁶⁸ The ideas of natural inequality, racial hierarchy and white racial superiority embodied in Aryan peoples were thus reinforced. This trend responded to the egalitarian ideas of the revolution of 1848 in Europe, the debate concerning free soil in the American expansion to the West, and the problematic integration of vast populations through the expansion of the British Empire in Asia.⁶⁹ These ideas of perpetual and immutable races enduring from creation were soon made obsolete by the notion of natural selection promoted by Darwin, highlighting millions of years of adaptation, survival and large-scale extermination of

65 Charles White, *An Account of the Regular Gradation in Man and in Different Animals and Vegetables* (London 1799).

66 Stephen Jay Gould, *The Mismeasure of Men* (New York 1996).

67 Richard Herrnstein and Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York 1994).

68 Samuel Morton, *Crania Americana and Crania Aegyptiaca* (1839–1840) (Bristol 2002); Robert Knox, *The Races of Men: A Fragment* (London 1850); Arthur de Gobineau, “*Essai sur l’inégalité des races humaines* (1853–55)”, in *Oeuvres* (Paris 1983), vol. 1, 133–1174; Josiah Nott/George Gliddon (ed.), *Types of Mankind* (Philadelphia 1857); Louis Agassiz, *An Essay on Classification* (1857) (Cambridge, MA 1962).

69 Bethencourt, *Racisms*, 271–289.

species. However, the idea of the survival of the fittest had an impact on the emerging social sciences, being reinterpreted, namely by Benjamin Kidd, as indicating the inevitable decline of less competitive races.⁷⁰ Racial division stayed at the core of the European discussion until the mid-twentieth century, when the atrocious genocides perpetrated during the Second World War led to the condemnation of the theories of races that sustained such infamous policies against humankind. Repulsion at the atrocities committed during colonial wars and the civic action of African Americans in the United States to access full citizenship and human rights contributed to exposing the double standards of the West and reinforcing the anti-racist norm all over the world.⁷¹ While we can say that racist divisions receded dramatically in the world over the past 60 years, there are still extensive informal practices of discrimination and segregation based on racial prejudices, mainly connected to the enormous increase in migration among continents, due to war and bad working conditions.

5. Gender

The fourth division of humankind concerns sex, or rather, gender as a social and cultural construct.⁷² The subordination of women to men was imposed in virtually all cultures, as well as the regulation of sexual behaviour. In China, the five Confucian precepts corresponded to the five virtues of filial love, loyalty, marital fidelity, obedience and sincerity.⁷³ Natural hierarchy implied the submission of children to their father, women to their husbands, widows to their sons, and younger siblings to their older male siblings.⁷⁴ Within the family, the most important relationship was between father and son; women counted mainly for reproduction and matrimonial alliances. Moderate and benevolent rule was generally praised, and contrasted with common cases of public and domestic abuse. Mencius tells the story of Tchou, the last emperor of the Yin, who killed two of his ducal ministers and imprisoned the third, the future King Wen, who was only released when he made gifts of beautiful women, fine horses and rare objects – a telling combination – to the tyrant.⁷⁵

70 Benjamin Kidd, *Social Evolution* (London 1894).

71 Fabian Klose, *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria* (Philadelphia 2013); Jack E. Davis (ed.), *The Civil Rights Movement* (Oxford 2001); Carol Anderson, *Eyes off the Prize. The United Nations and the African American Struggle for Human Rights, 1944–1955* (Cambridge 2003).

72 Judith Butler/Elizabeth Weed (ed.), *The Question of Gender: Joan W. Scott's Critical Feminism* (Bloomington, IN 2011).

73 Confucius, *The Most Venerable Book*, 87, 153.

74 *Mencius*, 42, 65, 148, 181.

75 *Ibid.*, 197.

The maintenance of unmarried women was guaranteed by their limited participation in inheritance, while the rule of patrilineal inheritance, even where there was an absence of male descendants, was reinforced in the early Ming dynasty. The chaste widow, increasingly recognised in this dynasty, could manage an estate in the absence of sons, but she needed to choose the closest nephew as the heir. The vast number of concubines and dependents, who did not participate in the inheritance system, complicated the problem of women's access to property in China.⁷⁶

The condition of women in Africa varied significantly from region to region. In West Africa, for instance, there were many communities that followed matrilineal inheritance laws, but the system made women the point of reference without giving them power. In certain circumstances of women at the margins of the African lineage system, particularly those who had married European men in pre-colonial times, they could enjoy significant economic and social power as widows or wives of absent husbands, managing their wealth. This pattern could be reproduced from generation to generation, has the case of the *sinhá* (Creole for Portuguese *senhora*, lady) in coastal West Africa well attested.⁷⁷ Given the extraordinary diversity of these situations, Catherine Cocquery-Vidrovitch's strong statement that the condition of women in late nineteenth-century Africa hardly differed from that of slaves, due to their extreme subordination to men, needs reassessment.⁷⁸ Nevertheless it is worth noting the extraordinary heavy work imposed on women, mainly in agricultural and household duties, along with violent rituals of initiation intended to prepare them for submission. In the case of Muslim population, inheritance was regulated by the Qur'ān and the Shari'a, which guarantee the maintenance of women, who would receive half the portion inherited by their brothers.⁷⁹

In Europe, the general recognition of private property prevented the re-absorption by the state of property left without direct heirs, but there was a significant diversity of systems. In various parts of the continent, dowries would compensate wealthy married women for their exclusion from inherited property, but the management of property by husbands was a matter of concern: it could end up in court. Unmarried women from wealthy backgrounds were excluded from inheriting property – at best they could stay with their

76 Kathryn Bernhardt, *Women and Property in China, 960–1949* (Stanford, CA 1999).

77 Philip Havik, *Silences and Soundbytes. The Gendered Dynamic of Trade and Brokerage in the Pre-Colonial Guinea Bissau Region* (Münster 2004).

78 Catherine Cocquery-Vidrovitch, "Women, Marriage and Slavery in Sub-Saharan Africa in the Nineteenth Century", in Gwyn Campbell et al. (ed.), *Women and Slavery* (Athens, OH 2007), 43–61; Catherine Cocquery-Vidrovitch, *Les africaines. Histoire des femmes d'Afrique subsaharienne du XIXe au XXe siècle* (Paris 2013).

79 Elke Stockreiter, *Islamic Law, Gender and Social Change in Post-Abolition Zanzibar* (Cambridge 2015).

siblings or enter a convent – but younger brothers also had a difficult life under property entails that favoured the elder son.⁸⁰ The extraordinary access to property given to wealthy women in Russia following the reforms of Peter the Great underlines the diversity of legal regimes of succession in use across Europe, although in regions where properties were small, particularly in Northern Spain and Portugal, and in various parts of Italy, in the absence of brothers women would regularly inherit.⁸¹ Although widows did have legal rights to property in various European countries, mainly in the South, the vast majority of women were placed in a subordinate position, and this situation was only addressed in the twentieth century. In general, it was only in the last century that the access of women to property, legal rights including inheritance, and the electoral system started to be addressed.

The debate on women's rights still divides societies in the present day, due to the idea that religions with a traditional vision of subordinated women should be respected. It is one of the issues concerning human rights that lacks a consensus, arousing vigorous debate about double standards and implicit hierarchies of people, leading to denunciations of the universalist vision of women's rights. The enormous historical changes that occurred in various Muslim societies still need to be acknowledged. They suggest the possibility of internal dynamic forces willing to push for further changes, including changes to gender divisions. But we should not concentrate only on Muslim societies, since the status of women is still far from being addressed in a satisfactory way in Western societies, too. In any case, local women's initiatives in the past two centuries in various parts of the world have not yet been sufficiently studied.

6. Social Exclusion

The fifth division of humankind concerns extreme social exclusion through ranking, discrimination and segregation. In India, the perpetuation of professions and occupations within certain groups was reinforced in the past through their equation with castes and sub-castes. Castes have been linked to Hinduism and are attested to in the old texts, particularly in *The Laws of Manu*, but there is a general recent consensus that the caste system is not static; there is an enormous regional diversity and evidence

80 Merry E. Wiesner, *Women and Gender in Early Modern Europe* (Cambridge 2000).

81 Michelle Lamarque Marrese, "Gender and the Legal Order in Imperial Russia, 1689–1917", in Dominic Lieven (ed.), *The Cambridge History of Russia, vol. 2: Imperial Russia, 1689–1917* (Cambridge 2006), 326–343; David Kertzer/Richard P. Saller (ed.), *The Family in Italy From Antiquity to the Present* (New Haven, CT 1991); David S. Reher, *Perspectives on the Family in Spain, Past and Present* (Oxford 1997).

of upward mobility among several castes, while conversion to a different religion may change social status.⁸² The segregation of outcastes (or Dalit) has been illegal in India since the constitution of 1949, but informal segregation persists.⁸³ Many activists have accepted the arguments of Babasaheb Ambedkar, one of the architects of the Constitution and himself an Dalit, who late in life became a Buddhist. He claimed that the emancipation of the outcastes could only occur with the abolition of the caste system altogether.⁸⁴

This is an extreme case, which can be analysed as internal racism, although India has become one of the most successful parliamentary regimes. Social exclusion here is not equated with political exclusion. Traditional ranking in Japan included outcast Burakumin, linked either to entertainment or to menial tasks dealing with dead bodies, carcasses of animals and refuse, although their numbers in society were much lighter than in India. Segregation of the Burakumin became illegal with the Meiji restoration, but discrimination is still visible nowadays.⁸⁵ However, Japan never had a caste system, being a relatively homogeneous society. In China, the Confucian system of exams for all levels of administration, reinforced after the Song dynasty, excluded the idea of hierarchy based on blood. However, if the idea of nobility based on blood and descent declined very early, due to imperial policies, ethnic conflict was not absent, particularly conflict involving the people of mountainous peripheries and Muslim Uyghurs in Central Asia.⁸⁶ Social ranking was reinforced through political favour, although lineage and family hierarchies were shaped at local and regional levels. Status was a main issue, which was also the case in Africa, where ranking was linked to specialised lineages, access to power and redistribution of resources. In Europe the old ranking by orders, in which nobility of blood played such an important role, was replaced by the hierarchy of class and status groups, based on economic

82 *The Laws of Manu*, 6f. (on the creation of the four varna), 238–243 (on outcasts); *The Rig Veda. An Anthology* (London 1981), 31; see also R. S. Khare (ed.), *Caste, Hierarchy and Individualism. Indian Critiques of Louis Dumont's Contributions* (New Delhi 2006).

83 Vijay Prashad, *Untouchable Freedom: A Social History of a Dalit Community* (Oxford 2000); J. Mohan, *History of Dalit Struggle for Freedom: Dravidian Parties and Dalit Uprise in Tamil Nadu* (Pondicherry 2001); Badri Narayana, *Women Heroes and Dalit Assertion in North India: Culture, Identity and Politics* (New Delhi 2006); Gnana Prakasam, *Social Separatism: Scheduled Castes and the Caste System* (Jaipur 1998).

84 *B. R. Ambedkar: His Political and Social Ideology*, ed. S. R. Bakshi (New Delhi 2000).

85 George de Vos/Hiroshi Wagatsuma (ed.), *Japan's Invisible Race: Caste in Culture and Personality* (Berkeley, CA 1966); Michael Weiner (ed.), *Japan's Minorities: the Illusion of Homogeneity* (London 1997).

86 Frank Dikötter, *The Discourse of Race in Modern China* (London 1992); id. (ed.), *The Construction of Racial Identities in China and Japan* (London 1997); Gardner Bovingdon, *The Uyghurs: Strangers in Their Own Land* (New York 2010).

and social assets.⁸⁷ Social mobility improved in the nineteenth and twentieth centuries, but in the past forty years social renewal has become less attainable again. The big social debate has focused on the end of poverty, with real progress made all over the world, but recent stagnation shifted the discussion to the growing gap between rich and poor. Social inequality is now at the forefront of the political and social debate.⁸⁸ But social divisions are rooted at local, regional, national and supra-national levels, representing the most difficult challenges since they do not fit into the basic framework of national management of individual rights.

7. Conclusion

To conclude, I posit that the divide between slaves and free people was partly overcome in the nineteenth and twentieth centuries, although countervailed by entrenched forced labour in the colonies and the massive return of forced labour from the 1930s to the 1950s in Europe, while pockets of slavery persist in different parts of the world. The notion of the “barbarian” also receded dramatically in the past centuries, due to the explosion of migration between continents, followed by more or less successful integration into local societies. However, there are still strong prejudices against migrants from developing countries and refugees from war zones. Here again we see religious and ethnic prejudices at work. Race is unfortunately still all too visible in the way humankind is divided, even if racism is no longer reinforced by law. There was undeniable legal progress, but economic and social conditions of discriminated-against minorities did not dramatically improve. Divisions based upon gender became less acute in the past century in the western world; legal equality has improved, but it is still far from being established in several parts of the world. Economic and social equal opportunities remain elusive; the gap between rich and poor has been widening in the past decades in most part of the world, even if absolute poverty has been encouragingly reduced. Ranking is one of the persistent realities of human condition; many social dynamics are driven by reproduction of hierarchies, conformity and distinction. The battle against social exclusion is still far from being won. The notion of human dignity has certainly registered enormous progress, revealed by the consensus on the need to end

87 Peter Burke, “The Language of Orders in Early Modern Europe”, in M. L. Bush (ed.), *Social Orders and Social Classes in Europe Since 1500* (London 1992), 1–12.

88 Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge, MA 2014); Joseph Stiglitz, *The Price of Inequality* (London 2012).

poverty, although the means to do it are contentious, as the present debate on social inequality and how it hinders economic and social development well demonstrates.

I have not had space here to address national divisions, which have been relatively in abeyance since the devastation of the two world wars. However, these divisions are still in place, transformed into a political tool, particularly against immigration, in Europe. Tribal and ethnic divisions are also at work, mainly in the Middle East due to failure of the state. Finally, religious divisions, which were considered something of the past, have returned with surprising violence through faction fighting and political projects of empire based on the manipulation of religious beliefs. This new reality challenges the Weberian notion of secularisation projected onto a world-wide scale; but it is also the result of systematic repression, supported by the Western powers, of secular political alternatives. We are now facing different social rhythms, economic layers, and cultural and religious backgrounds in a world that is far from homogeneous. The re-configuration of a comprehensive notion of humankind, hopefully based on an ever-evolving set of human rights, is still a fight for the present and for the future.⁸⁹

⁸⁹ See Johannes Paulmann, “Humanity – Humanitarian Reason – Imperial Humanitarianism: European Concepts in Practice”, in this volume.

Paul Betts

Universalism and its Discontents

Humanity as a Twentieth-Century Concept

Humanity was one of the most used – and abused – concepts of the last century. It possessed a remarkably elastic character, serving variably as a rallying slogan, political claim and term of derision. Tempting as it is to explore the semantic history of the term as a kind of *Begriffsgeschichte*, I prefer to do something else in this essay, not least because *Humanität* was one of the original entries in the third volume of the classic *Geschichtliche Grundbegriffe*, co-edited by Reinhart Koselleck.¹ This entry mostly concentrated on the Early Modern period, and argued that the term’s modern roots can be traced back to the Enlightenment or Christian missionaries. Whatever its exact provenance, Claude Lévi-Strauss was correct to say that the concept of an all-inclusive humanity blind to racial or cultural differences “appeared very late in the history of mankind and did not spread very widely across the globe”.² That may be for the better, given the way in which the dark spectre and cruel practices of inhumanity shadowed the lofty dreams of humanity over the last two hundred years. And in light of the last century’s chequered record of achievements and horrors, the French philosopher Alain Finkielkraut, in his elegant little book *In the Name of Humanity: Reflections on the Twentieth Century*, draws attention to the dialectical nature of twentieth century humanism itself by posing the question:

Can this new form of humanism explain how individuals espousing the most radical will to free humanity from its chains could produce a world of concentration camps like the ones produced by those who submitted themselves to the most rigid form of determinism?³

1 I would like to thank Robert Moeller, Margaret MacMillan, Steve Smith and Stefan-Ludwig Hoffmann for their constructive comments on an earlier draft. Hans Erich Bödeker, “Menschheit, Humanität, Humanismus”, in *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, Bd. 3 (Stuttgart 1982), 1063–1128.

2 Claude Lévi-Strauss, *Structural Anthropology*, vol. 2, trans. Monique Layton (Chicago, IL 1983), 329.

3 Alain Finkielkraut, *In the Name of Humanity: Reflections on the Twentieth Century*, trans. John O’Neill (French original 1996), 42.

This is a huge question, needless to say, and those who have tried to answer it have often put forward various histories of humanity dominated by villains and heroes, such as Jonathan Glover's popular book, *Humanity: A Moral History of the Twentieth Century*, with the usual suspects assigned their predictable places in a latter-day *Divine Comedy*. By contrast, I am going to try to outline how the term humanity was politicised at pivotal moments over the twentieth century. At times it dovetailed with cognate terms, like civilisation, humanitarianism and human rights, while at other times it signified something different altogether. In what follows I will reflect on how the concept was used at various political junctures over the twentieth century, with particular emphasis on World War I, 1945 and decolonisation.

Let's start with the Great War, or really just before it. It is well known that the concept of humanity had a long history before 1914, and was a subject of intense debate in the latter half of the nineteenth century.⁴ However, it's often forgotten that many of the main proponents of the concept of humanity before 1914 were pacifists. Certainly the second half of the nineteenth century witnessed widespread concern about the development of various anti-Enlightenment philosophies based on difference, violence and the defence of sacred communities under threat, be it in the form of imperialism, nationalism and/or racism, and the pacifists strove to assert the concept of humanity as an ecumenical and peaceful alternative.⁵ To be sure, pacifists came in many different ideological shapes and colours, ranging from those who sought to ban war to those who only wished to limit it. A strain of Second International socialism (including so-called "evolutionary socialists" like Jean Jaurès, Eduard Bernstein and the British Fabians) was linked to the pacifist cause and the need to save what Jaurès called "peace and civilization".⁶ Socialist pacifists were thus wary of revolutionary Marxists, precisely because their idea of true humanity was to be born through violence. As we know, the pacifist cause was buried by the conspicuous show of bruised honour, chauvinism and military mobilisation in the summer and autumn of 1914. During the war, the chief imagined community of the belligerents was the besieged empire or embattled nation-state, and the need to present the cause for war as fundamentally defensive was an obsession of all participants, and shaped much of the deliberations at Versailles. This meant that the

4 John Burrow, *The Crisis of Reason: European Thought, 1848–1914* (New Haven, CT 2000).

5 Sandi E. Cooper, *Patriotic Patriotism: Waging War on War in Europe 1815–1914* (New York 1991) and Margaret MacMillan, *The War That Ended Peace: How Europe Abandoned Peace for the First World War* (London 2013), esp. 266–294.

6 Jay Winter, *Dreams of Peace and Freedom: Utopian Moments in the Twentieth Century* (New Haven, CT 2006), 46.

deployment of the concept of humanity was not so common either during the war or immediately after, as the pacifist call to lay down arms was trampled beneath the full mobilisation of war across Europe.

There were notable exceptions, nonetheless. US President Woodrow Wilson, for example, invoked the term during the war to make a case for American intervention against Germany. His address to Congress on 2 April 1917 was called a “New Declaration of Freedom: A Charter of Humanity and World Peace”, in which he argued that the “present German warfare against commerce is warfare against mankind”, and that “irresponsible Government” has “thrown aside all considerations of humanity and right”, and thus must be stopped.⁷ By the end of the war Wilson’s loftier idea of humanity gave way to the concept more closely associated with his legacy, namely self-determination. Of course Lenin offered his own version about the meaning of self-determination, and the clash between their divergent notions of self-determined liberation framed much of the political sound and fury of the last century. Yet neither position put much store in any universal ideal of humanity at the time. In the eyes of post-war statesmen, humanity – if expressed at all – was closely aligned with specific national or particularist claims. In his book *The New Europe*, Thomas Masaryk, the first president of the newly independent Czechoslovak Republic, asserted that “nations are the natural organs of humanity. Humanity is not super-national, it is the organization of individual nations”.⁸ Japanese delegates at the 1919 Paris Peace Conference, disappointed by the inability of the peacemakers to introduce a clause of racial equality in the Versailles Treaty, cynically concluded “the peoples of those great western powers” had ultimately “failed to consecrate to mankind to the ideals of humanity and universal brotherhood”.⁹

In the aftermath of war a broader conception of humanity largely remained a pacifist dream; even if its cause and numbers were insignificant, the pacifists’ desire to preserve a notion of humanity linked to peace did find some echo in the foundation of the League of Nations. By the early 1920s the League was involved in a range of humanitarian causes, including campaigns against continued slavery in Africa as well as “white slavery” in Europe, and the Italian invasion of Ethiopia in 1935–1936 became a rallying cry for humanity at the League to mobilize international support for the anti-imperial

7 *President Wilson’s New Declaration of Freedom: A Charter for Humanity and World Peace* (London 1917), 1f.

8 Thomas Masaryk, *The New Europe* (1918), as cited in Gerasimos Augustinos (ed.), *The National Idea in Eastern Europe: The Politics of Ethnic and Civic Community* (Lexington, MA 1996), 28.

9 Kiyoshi Kari Kawakami, *Japan and World Peace* (New York 1919), 45–62.

cause.¹⁰ But despite the League's supposed devotion to international peace, it was never able to repair its compromised status as an exclusive European club whose main business was really managing inter-imperial rivalry. The result was that the League was not taken very seriously as a champion of a broader view of humanity, as the frustrations experienced by Iraq, China and Samoa over the very meaning of mandate autonomy made clear.¹¹ Carl Schmitt's well-known assertion that anyone who speaks in the name of humanity is lying, insofar as this seemingly all-inclusive term only masks special political interests, was a common critique of the League.¹² That the term humanity was often enlisted by member states as well as non-member pressure groups to petition the League about various national causes, such as Chinese dismay about the transfer of former European concessions to Japan, only underlined its new political usage. What is more, the Japanese advocacy of a racial equality clause was never intended to be universal, but rather was understood an instrument to protect Japanese nationals and seek great power recognition from the West, to the point that Japanese discrimination against Koreans and Chinese was not seen as hypocritical.¹³

Where the idea of humanity did surface during the war and its aftermath was in the realm of propaganda and law, particularly in connection with the new term, "crimes against humanity". In this new lexicon, humanity was redefined as a kind of global body politic coloured by a Romantic conception of bodily collective pain and suffering. Over the course of the nineteenth century the term "crimes against humanity" was enlisted to condemn slavery and colonialism. For example, the African-American journalist George Washington Williams denounced Leopold II of Belgium's rule in the Congo Free State as "crimes against humanity".¹⁴ In the Great War the Allied propaganda campaign against German atrocities on the Western Front against Belgian civilians is well known,¹⁵ and the Entente was not shy in broadcasting its outrage that the Central Powers had "dishonoured humanity by their acts".¹⁶

10 Amalia Ribí Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880–1940* (Oxford 2015), 46–76.

11 Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford 2014), 107–194.

12 Carl Schmitt, *Der Begriff des Politischen* (Leipzig 1932), 41–43.

13 Naoko Shimazu, *The Racial Equality Proposal at the 1919 Paris Peace Conference: Japanese Motivations and Anglo-American Responses*, DPhil Thesis, Oxford University, 1995, esp. on pp. 81f.

14 Fabian Klose, *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria* (Philadelphia 2013), 92.

15 John Horne and Alan Kramer, *German Atrocities, 1914: A History of Denial* (New Haven, CT 2000).

16 Paul Pic, "Violation Systématique des Lois de la Guerre par les Austro-Allemands: Les Sanctions Nécessaire", in *Revue Générale de Droit International Public* 23 (1916), 243–268, quoted in Daniel Marc Segesser, "Unlawful Warfare is Uncivilized: The International Debate on the

Such anger found further expression in the aftermath of war, especially at Versailles. The understanding of war crimes as breaches of civilisation had long nineteenth-century roots,¹⁷ which culminated in the Carnegie Endowment of International Peace's famed 1914 report on the recent Balkan Wars. The term humanity peppered the Carnegie Report, explicitly referring to "the European ideal of humanity", "outrages to humanity" and "the rights of humanity".¹⁸ Yet it was in the Versailles Treaty that the concept of "crimes against humanity" was elevated as a norm (admittedly not very clearly) in relation to the peace, specifically in relation to punishing perceived war crimes against POWs, deportees and refugees both during and after the war. And it was the Armenian genocide that intensified the debate and called for the codification of "crimes against humanity" as a new actionable dimension of international law.¹⁹ With it a new sense of humanity was articulated, not of pacifist anti-war sentiment, but rather as a campaign to limit and punish what were seen at the time as uncivilised forms of war conduct, thereby giving birth to a new internationalisation of norms – if not laws – about crime and punishment as part of a broader dream of constructing an inter-state regime of "new justice".²⁰

In any case, the term humanity dipped in usage over the 1920s, arguably reflecting a pronounced nationalist turn in interwar cultural life and understanding, as older dreams of a united humanity (to say nothing of a united Europe) suffered badly during and after the war. The pacifist cause fared poorly by the mid-1920s, especially among the losers of the war and the losers of the peace, such as Germany, Italy, Hungary and Romania, where political extremism born of revanchist fantasies developed a power politics in a different key, from both the left and right. Those associated with Germany's former colonies in East Africa, for example, argued that the removal of colonies was a scandal on the grounds, as one official claimed, that the "German people have the right and duty to cooperate [...] in the education of undeveloped races, the common task of civilized humanity".²¹ For their part, communism and fascism both espoused new and violent imagined communities based

Punishment of War Crimes, 1872–1918", in *European Review of History* 14 (2007), 215–234, on p. 222.

17 Daniel Marc Segesser, *Recht statt Rache oder Rache durch Recht? Die Ahndung von Kriegsverbrechen in der internationalen wissenschaftlichen Debatte, 1872–1945* (Paderborn 2002).

18 *Report of the International Commission to Inquire Into the Causes and Conduct of the Balkan War* (Washington, DC 1914), 15, 95, 143, 147, 156, 269, 340.

19 Daniel Marc Segesser, "Dissolve or Punish? The International Debate Amongst Jurists and Publicists on the Consequences of Armenian Genocide for the Ottoman Empire, 1915–1923", in *Journal of Genocide Research* 10 (2008), 95–110.

20 Mark Lewis, *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (Oxford 2014). See too Mark Lattimer/Philippe Sands (ed.), *Justice for Crimes Against Humanity* (Oxford 2003).

21 Pedersen, *The Guardians*, 32.

on class and race, not ones that encompassed all of humanity. And in Africa and Asia, dreams of liberation pivoted on national self-determination, not humanity, a trend that only intensified after 1945.

That the fledgling Soviet Union made little contribution to the humanity debate at first may seem surprising, given the revolution's global call to workers everywhere. After all, Marx had developed his own concept of *Menschen* as *Naturwesen*, and his own idea of humanity (borrowed from Feuerbach) was a collective concept without any trace of transcendence beyond *homo sapiens*.²² (The Soviet idea of humanism was a clear outgrowth of this formulation.) The Soviet Union's ideal of humanity was still restricted to a class identity that encompassed most, but not all, of the species. Even so, there was wide usage of the term during the Russian Revolution and the ensuing civil war, as the prospect of radical change brought with it a novel vocabulary of universalism.²³ But it didn't last very long. By the time Stalin took over, the Soviet lexicon of humanity dropped away, apparently reflecting a new concern with overriding national and regional consolidation, what Stalin famously called "socialism in one country". Such views only intensified during World War II, as nationalism became the emotional means of binding socialist citizens to the state, replacing older Soviet ideals of universalism from the early 1920s.²⁴

If the Soviet interwar contribution to the history of humanity as a term was rather limited, other transnational players helped recast the term in new ways after the Great War – and these were the so-called "new humanitarians". Humanitarianism in its Christian conception has a long history, and was heavily politicised in the nineteenth century around issues of anti-slavery and pacifism, as we have seen. The role of the International Red Cross was fundamental here, and the organisation, based in neutral Switzerland, arguably made its real international reputation during World War I for its care of wounded soldiers on all sides, for which it was awarded the Nobel Peace Prize in 1917. Even so, charity work was also nationalised in the Great War, and the various national chapters of the Red Cross were integrated into the war effort by all of the belligerent countries, raising questions about the organisation's neutrality.²⁵ After 1918 the Red Cross set out to reclaim its non-partisan reputation, and the period witnessed the rise of a new international and distinctly secular culture of humanitarianism, as in the case of Britain's Save

22 Bodeker, "Menschheit, Humanität, Humanismus", 1120–1128.

23 Richard Stites, *Utopian Vision and Experimental Life in the Russian Revolution* (New York 1989).

24 Steven Merritt Miner, *Stalin's Holy War: Religion, Nationalism and Alliance Politics, 1941–1945* (Chapel Hill, NC 2003).

25 Heather Jones, "International or Transnational? Humanitarian Action in World War I", in *European Review of History – Revue européenne d'histoire* 16:5 (Oct. 2009), 697–713.

the Children Fund, the American Relief Administration and Quaker Relief. What made the Save the Children Fund so unusual was the way that it built its humanitarian mission around looking after the children from former enemy countries, in this case Austria and Germany. In the 1920s the galvanising issue for the international community was the relief of civilian suffering in Russia after the famine of 1921 and in the Greco-Turkish wars; these were the favourite subjects of Red Cross films made in the interwar years, along with the Spanish Civil War in the 1930s. Even the League of Nations opened up a film division in the 1920s as “a new instrument of civilization” that would deal with what they called “problems of an international character aiming at the welfare of humanity”.²⁶ It was in relation to these far-flung conflicts that the old romantic conception of a collective humanity under threat was revived, nurtured and mediatised, with more than a little residue left over from its earlier Christian and imperial iterations. In this sense, humanity was redefined by charitable activity abroad in a kind of new “imagination of solidarity” across continents. Such philanthropy was also driven forward by the churches to bolster their image and to build international relief networks in the name of a common humanity. With it, Europe’s eastern fringes (especially Turkey and Russia) emerged as a new theatre of humanitarian imagination, especially for Great Britain, and, according to some, helped justify British moral and global leadership after World War I, not unlike its nineteenth-century role in the anti-slave trade movement.²⁷

Fascism provided an interesting twist to the political use of humanity. Recent scholarship has shown how Fascist Italy played a high-profile international role in condemning African slavery in the 1920s, in part as a means of diverting attention away from Mussolini’s brutal domestic politics and to shore up the country’s international reputation as a caring Catholic nation. So much so that Italy’s invasion of Abyssinia in 1935 was justified to the international community as a humanitarian emergency intervention to halt the slave trade there, whereby slavery became the key metaphor for Ethiopia’s supposedly uncivilised state and failed government. As a consequence, the classic nineteenth-century fusion of imperialism and humanitarianism was revived in the 1930s from a radical right-wing perspective.²⁸ Even the Third Reich’s invasion of Austria and Czechoslovakia can be seen in this

26 “The Cinema as an Instrument of Education”, in *International Review of Educational Cinematography* 1:2 (1929), 123.

27 Keith David Watenpaugh, “The League of Nations’ Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920–1927”, in *American Historical Review* 115:5 (2010), 1315–1339 and Michelle Tusan, “‘Crimes Against Humanity’: Human Rights, the British Empire and the Origins of the Response to the Armenian Genocide”, in *American Historical Review* 119:1 (2014), 47–77.

28 Forclaz, *Humanitarian Imperialism*, esp. ch. 4f.

light, to the extent that the blend of minority politics, self-determination and “humanitarianism” (based on restrictive sense of “racial community”) was used as a legitimization of military intervention.²⁹

The Second World War saw a flourishing of the term, but as with the Great War, it was mostly in reaction to charges of inhumanity from enemy combatants. Nazi Germany was routinely held up as the embodiment of inhumanity for its racism, anti-Semitism and political violence – punctuated by the drip-feed revelations about the horrors of the Holocaust itself – and eventually became the global benchmark for radical evil, the end of civilisation and barbarism everywhere. On an ideological level the Allies had elevated the “rights of man” (cf. H. G. Wells) and human rights as the highest moral cause of the war.³⁰ The 1941 Atlantic Charter and the 1942 Declaration of United Nations (signed by 26 countries) to create a “great union of humanity” based on “faith in life, liberty, independence and religious freedom, and in the preservation of human rights and justice in their own lands as well as in other lands” were key milestones here, to the extent that human rights was pressed into an ideological response to totalitarianism.³¹ Not that the language of humanity was the exclusive monopoly of the Allies; after all, Italian and German fascists had their own idea of civilisation and menacing inhumanity, even if the term humanity itself noticeably dropped from the Italian and German political vocabulary under Mussolini and Hitler. In Germany, the preferred terms were of course *Volksgemeinschaft*, *Kultur* and *Abendland*, and what reference there was to humanity was often expressed in derisive terms like *Humanitätsduselei*, in this case meaning the pernicious rhetoric of the Allies.³² But these words did not matter much in the war, nor did they for humanitarianism. The infamous inactivity of the Red Cross in Nazi Germany is a good illustration of how humanitarianism often buckled under the pressure of national power politics.³³

The ceasefire of 1945 gave rise to a renaissance of the term humanity. The sea of refugees and displaced persons was commonly described as “homeless humanity”, as the unprotected refugee became the emblem of the era, raising basic food and shelter for war victims in Europe and Asia as urgent humanitarian issues.³⁴ One administrator in the British Zone of Germany

29 Jost Döffler, “Humanitarian Intervention as Legitimation of Violence – The German Case, 1937–1939”, in Fabian Klose (ed.), *The Emergence of Humanitarian Intervention: Ideas and Practices From the Nineteenth Century to the Present* (Cambridge 2016), 208–228.

30 H. G. Wells, *The Rights of Man, or What We Are Fighting For* (London 1940).

31 Klose, *Human Rights*, 15.

32 Christian Helfer, “Humanitätsduselei – zur Geschichte eines Schlagworts”, in *Zeitschrift für Religions- und Geistesgeschichte* 16:2 (1964), 179–182.

33 Birgit Morgenbrod, *Das deutsche Rote Kreuz unter der NS-Diktatur* (Paderborn 2008).

34 Ben Shephard, *The Long Road Home: The Aftermath of the Second World War* (London 2011), 177, 257.

commented: “I grew to think that what we were dealing with was Germanity and humanity, the former being the bad to be corrected and the latter the good to be fostered.”³⁵ Perhaps the most famous moment of the rebooting of humanity was the huge assembly of peoples gathered from around the world in San Francisco in the spring of 1945, under the auspices of the United Nations Conference on International Organization. The conference, which gave birth to the UN, kicked off what was easily the most ambitious experiment in twentieth century internationalism. Not for nothing was the San Francisco conference called “the most important human gathering since the Last Supper”.³⁶ South African Prime Minister Jan Smuts set the tone: “For the human race the hour has struck. Mankind has arrived at the crisis of its fate, the fate of its future as a civilized world”, for whom the new Charter must be based on a “faith in justice and the resolve to vindicate the fundamental rights of man”.³⁷ Hundreds of delegates from 51 countries assembled in the city’s opera house, flanked by representatives from some 250 international organisations. The press scrum was without precedent – the combined international radio and newspaper contingent churned out some two million pages of news coverage each day over the course of three months. There was also great popular interest in the conference, as delegates were flooded with tens of thousands of letters from well wishers from around the globe.³⁸ A new world order seemed to be within reach, to be built on a new sense of humanity and a range of social, economic, political, and human rights in various guises. The soaring opening phrase of the UN Charter preamble – “We the People of the United Nations” – was taken as a sign of the world’s new democratic and collective spirit. After a war fought against the evils of racism, hopes were raised about building an international society based on international justice, racial equality and the end of colonialism.

Closely linked to ideals of humanity after 1945 was another term that was used more than any other in 1945 to signal the hopeful rebirth not only of Europe, but also of a world in tatters – and that was civilisation. At first this may seem a little strange; after all, the term carried with it the baggage of eighteenth century elitism and nineteenth-century imperialism, and European or Western civilisation was repeatedly pronounced dead by the end of World War II, be it in Auschwitz or Hiroshima. However, the term framed much public discourse (especially across the West) after 1945 as a part of a new lexicon to defend either what had been lost, or that which was under threat from post-war developments. In particular, the twinned terms of

35 Quoted in Francis Graham-Dixon, *The Allied Occupation of Germany: The Refugee Crisis, Denazification and the Path to Reconstruction* (London 2013), 37.

36 Glenda Sluga, *Internationalism in the Age of Nationalism* (Philadelphia 2013), 88.

37 Cited in Mark Mazower, *No Enchanted Palace* (Princeton, NJ 2009), 28f.

38 Herbert Vere Evatt, *The United Nations* (Oxford 1948), 14–20.

civilisation and humanity were used to frame three of the key international events in the second half of 1945, the first two being the Nuremberg and Tokyo trials.³⁹ In both cases the Allied judges were not shy in describing these war crimes as an unprecedented breach of civilisation that demanded new universalist concepts of justice, most controversially “crimes against humanity”. The third instance also took place in Japan – Hiroshima and Nagasaki. Like the war crimes trials, Nagasaki and Hiroshima spurred impassioned international discussion of the role and restoration of humanity as a new post-war mission.⁴⁰ Civilisation was repeatedly invoked defensively in the face of atomic power’s destructive capacities, and drove home for many people across the globe a new universal sense of the fragility of both humanity and the planet.

Much of the lofty United Nations idealism around the term humanity did not last long, as the imperial powers were keen to maintain power and control. As after the Great War, the transfer of the so-called “trust territories” – that is, the colonies that had belonged to the defeated Axis powers – to the victorious imperial powers scandalised non-European participants. Moreover, the more expansive rights talk during the war – seen in the ILO’s 1944 Philadelphia Declaration that made human rights synonymous with social and economic justice – succumbed to a more constrained liberal idea of social rights that privileged the rights of the market and the language of security over peace.⁴¹ Neither racial nor feminist issues were treated seriously either. As W.E.B. Du Bois bitterly remarked, the new UN effectively “disenfranchised 750 million persons living in colonies because the international organization could not interfere with domestic matters”.⁴² The charter’s call to “reaffirm” the “dignity of the human person” and “the equal rights of men and women” was viewed as too weak and vague to make much of a difference.⁴³ The failure

39 Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven, CT 2001), 38–64. Joseph B. Keenan, Chief Prosecutor for the International Military Tribunal for the Far East, opened the Tokyo War Crimes Trials on 4 June 1946 by saying “this is no ordinary trial, for here we are waging part of the determined battle of civilization to preserve the entire world from destruction”. Quoted in Ushimura Kei, *Beyond the “Judgement of Civilization”: The Japanese Intellectual Legacy of the Japanese War Crimes Trials, 1946–1949*, trans. Steven J. Ericson (Tokyo 2003), 3.

40 John Lewis Gaddis (ed.), *Cold War Statesmen Confront the Bomb: Nuclear Diplomacy Since 1945* (New York 1999) and John Preston Baratta, *The Politics of World Federation: United Nations, UN Reform, Atomic Control* (Westport, CT 2004).

41 Patricia Clavin, *Securing the World Economy* (Oxford 2013), 343f.

42 Sluga, 96, and Paul Gordon Lauren, “First Principles of Racial Equality: History and the Politics and Diplomacy of Human Rights Provisions in the United Nations Charter”, in *Human Rights Quarterly* 5:1 (1983), 1–26.

43 Johannes Morsink, “Women’s Rights in the Universal Declaration”, in *Human Rights Quarterly* 13:2 (1991), 229–256 and Allida Black, “Are Women ‘Human?’ The UN Struggle to Recognize Women’s Rights as Human Rights”, in Akira Iriye/Petra Goedde et al. (ed.), *The Human Rights Revolution: An International History* (Oxford 2012), 133–157.

of human rights to bring about any real breakthrough in the 1940s has been written about extensively, and by 1948 nationalism and the nation-state arguably emerged as the new international norm and foundation of a post-war world order. A universal human rights regime never challenged national sovereignty or the supremacy of the nation-state. In this sense the 1941 Atlantic Charter was much more influential than the Universal Declaration; indeed, the founding of India, Pakistan and Israel as new states set the terms for revolutionary nationalism around the world, even if human rights were used to help write these new national constitutions.⁴⁴

What is striking that the left was not very involved in this new romantic vocabulary of human rights in the 1940s. While European Social Democrats across the continent invoked ideals of humanity and human rights as a mobilizing term in the interwar years, they did so less frequently after 1945, especially regarding human rights.⁴⁵ By contrast the rhetoric of the nation was more much common. In part this had to do with the way that the western European left suffered from the effects of anti-communist containment policy.⁴⁶ French, Italian and Belgian Communist Parties were all expelled from their national governments by 1947, and Stalin launched the Cominform that year to bring the various national communist parties to heel. The cumulative effect was the virtual collapse of the democratic agendas of wartime resistance coalitions and the once guiding idea of “national roads to socialism” in both West and East Europe.⁴⁷ The left’s relative disengagement with human rights talk in the early Cold War may also be because they sensed that what really triumphed in 1945 was the national welfare consensus, not universal human rights, and nationally-based welfarist protection became the main form of collective politics across the Cold War divide.⁴⁸ In this way, the wartime Beveridge Report became a blueprint for a post-war order almost everywhere. The de-internationalisation of the left was also the result of its wartime success; having effectively organised the resistance movements meant that the left looked to fashion itself as the guardian of the nation both during the war and after, which committed them to strictly national causes after 1945. Social Democrats in West Germany, for example,

44 Samuel Moyn, “The Universal Declaration of Human Rights of 1948 in the History of Cosmopolitanism”, in *Critical Inquiry* 40:4 (2014), 365–384 and Zachary Elkins/Tom Ginsburg et al., “Getting to Rights: Treaty Ratification, Constitutional Convergences and Human Rights Practice”, in *Harvard International Law Journal* 54 (2013), 61–95.

45 Alexander J. Schwitanski, *Die Freiheit des Volksstaats: Die Entwicklung der Grund- und Menschenrechte und die deutsche Sozialdemokratie bis zum Ende der Weimarer Republik* (Essen 2008).

46 Ian Buruma, *Year Zero: A History of 1945* (London 2013), 272.

47 Geoff Eley, *Forging Democracy: A History of the Left in Europe, 1850–2000* (Oxford 2002), 299–328.

48 Moyn, “Universal Declaration”, 365–384.

opposed the liberal United Europe movement, as did French communists, and the same scepticism was directed toward the European Coal and Steel Community. In its engagement with patriotic resistance during the war, the left became ever more distant from revolution and revolutionary violence; on the contrary, and with justification, communist groups portrayed themselves instead as the victims of violence.⁴⁹ Where the left still used the term – recall that the newspaper for the French Communist Party was and remains *L'Humanité* – it was more the recycled language from the world of Jean Jaurés and his generation.

In this atmosphere, the concepts of humanity and human rights were reworked from more conservative quarters. The terms became integrated into Christian Democratic projects, often with a pronounced anti-communist dimension, and the Catholic Church in the 1950s (along with Protestants and Jews) certainly gave its blessing to this new arrangement.⁵⁰ Human rights were also bent toward special European interests. After decolonisation, for example, human rights language was enlisted by former imperial powers to protect its white minorities (and their property) still living in Africa and elsewhere, underlining how the old inter-war link between minority rights and human rights had returned, albeit in a very different guise.⁵¹ Humanity, generally seen as a concept denoting an inclusive set of common traits and values, was even invoked to defend – not challenge – racial difference. For instance, the Edinburgh-based international journal *Mankind Quarterly*, founded in 1961, was overtly an anti-liberal attempt to justify white racial supremacy and apartheid with the aid of “scientific racism”.⁵² What is surprising in this case is not the intellectual defence of apartheid, which is well known, but that the journal deployed the language of mankind as part of its rhetorical arsenal. The broader point is that humanity remained a slippery term, and could be aligned to various causes, be they liberal or Christian, fascist, communist or racist.

But while the United Nations may have failed in its project to remake the international community, other UN agencies worked to pick up the slack

49 Martin Conway and Robert Gerwarth, “Revolution and Counter-Revolution”, in *Political Violence in Twentieth Century Europe* (Cambridge 2011), 162.

50 J. Rossi, *American Catholics and the Formation of the United Nations* (Lanham, MD 1993); J. Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights* (Washington, DC 2005); and James Loeffler, “The Particularist Pursuit of American Universalism: The American Jewish Committee’s 1944 ‘Declaration of Human Rights’”, in *Journal of Contemporary History* 50:2 (2014), 274–295. More generally, Dianne Kirby (ed.), *Religion and the Cold War* (Basingstoke 2013).

51 Talmot C. Imlay, “International Socialism and Decolonization During the 1950s: Competing Rights and the Postcolonial Order”, in *American Historical Review* 118:4 (2013), 1105–1132.

52 Saul Dubow, “Racial Irredentism, Ethnogenesis, and White Supremacy in High-Apartheid South Africa”, in *Kronos* (2016), 236–264.

for the mission of humanity. This is where UNESCO made its mark. It was the sole international agency dedicated to upholding an ideal of a singular secular humanity that transcended Cold War divisions. Its effort to organise initiatives in international education, cultural preservation, and heritage management around the world reflected its broader universalist vision of a one-world humanity in the making. Not that this universalism was uncontroversial – the admission of West Germany, Japan and Spain as full members in UNESCO in the early 1950s on the grounds that a true international community must be predicated on a take-all-comers inclusiveness of even the most demonised states in the world was a bold position. Given that international law as a carrier and expression of humanity bumped up against Cold War limits after 1945, with no binding power or enforceability,⁵³ UNESCO spear-headed high-profile “soft power” initiatives in the fields of education, science and culture to bring about international cooperation and peace in areas where law and politics could not. This could be seen in its third world development schemes and in its commissioned six-volume *History of Mankind* project, which worked to rewrite world history alternatively as a story of peace, exchange and progress, instead of the conventional narrative framework of war and conflict.⁵⁴ In UNESCO’s eyes, science could serve as the new lexicon of universal humanity and intercultural understanding, what it significantly called “scientific humanism”.⁵⁵ UNESCO did take the international lead in debunking racism as specious form of science, proclaiming in a highly-publicised 1950 report that race was more “social myth” than “biological fact”.⁵⁶

What is more, UNESCO worked to create this sensibility through the media, and in particular through photography. The classic reference for this is the 1955 “Family of Man” photography show, conceived by Edward Steichen in collaboration with the Museum of Modern Art in New York. The exhibition aimed to show what Steichen called “the essential one-ness of mankind throughout the world”,⁵⁷ portraying peoples from across the world in a kind of intimate family album of post-fascist humanity. This revived link of photography and pacifism recalled French businessman Alfred Kahn’s dream to photograph the whole world in a new *Archives de la Planète* for

53 Mark Mazower, “The Strange Triumph of Human Rights”, in *Historical Journal* 47 (2004), 396.

54 Paul Betts, “Humanity’s New Heritage: UNESCO and the Rewriting of World History”, in *Past & Present* 228 (2015), 249–285.

55 Glenda Sluga, “Unesco and the (One) World of Julian Huxley”, in *Journal of World History* 21:3 (2010), 393–418.

56 Elazar Barkan, *The Retreat of Scientific Racism* (Cambridge 1992), 341–343, and Michelle Brattain, “Race, Racism and Antiracism: UNESCO and the Politics of Presenting Science to the Postwar Public”, in *American Historical Review* 121 (2007), 1386–1413.

57 Museum of Modern Art, *The Family of Man* (New York 1955), 4.

the sake of peace,⁵⁸ but this time the cause was represented by images of suffering humanity (and children in particular) used by UNESCO, UNICEF and the Red Cross to mobilise humanitarian aid around the world. It is no accident that this kind of photography became closely aligned to the human rights cause as dual registers of universalism.⁵⁹ So just as romantic novels in the early nineteenth century helped engender a new sensibility of humanity towards suffering distant strangers,⁶⁰ these photographs performed a similar role in helping spur a new phase of global engagement after 1945.

But despite UNESCO's best efforts to champion a secular ideal of humanity beyond Cold War antagonism and the ideologies of difference, the term became quickly embroiled in Cold War politics. Initially the USSR maintained its older cynicism toward the term humanity, shaped by Marx's suspicion of the bourgeois concept of humanity as simply class-based special interests dressed up in universalist language. The Soviet reaction to the 1955 *Family of Man* photography exhibition was instructive here, as Soviet critics took issue with the guiding ideology of a human family marked by progress and sameness across continents as perniciously obfuscating class conflict, war and international struggle.⁶¹ For the Soviets the preferred term was humanism, and in particular socialist humanism to distinguish it from its bourgeois counterpart. Humanism was intended as a distinctly this-worldly term that denoted the victory of reason and science over religion and obscurantism, and socialist humanism was retooled as a term of self-definition for the Soviet Union and its satellite states after 1945. Yet the term humanity did surface internally in the USSR after Stalin's death, especially in the 1960s. It re-emerged in the sphere of space exploration and evolutionary biology, to the extent that it was used to describe a more comprehensive anthropological designation of earth dwellers. The concept of humanity was thus more linked to science than politics, and if it was associated with politics, then it was generally associated with causes of peace and anti-imperialism. After the signing of the Helsinki Accords, which not only guaranteed borders and travel rights, but also allowed for academic exchanges across the Iron Curtain, science, human rights and a shared sense of humanity based on scientific internationalism that transcended Cold War division (the international scandal resulting from the imprisonment of Soviet physicist Andrei Sakharov

58 Winter, *Dreams of Peace and Freedom*, 12, 26.

59 Tom Allbeson, "Photographic Diplomacy in the Postwar World: UNESCO and the Conception of Photography as a Universal Language, 1946–1956", in *Modern Intellectual History* (2015), 1–33; Sarah E. James, *Common Ground: German Photographic Cultures Across the Iron Curtain* (New Haven, CT 2013), 47–102; and Heide Fehrenbach and Davide Rodogno, *Humanitarian Photography: A History* (New York 2015).

60 Lynn Hunt, *Inventing Human Rights: A History* (London 2007).

61 Eric J. Sandeen, *Picturing an Exhibition: The Family of Man and 1950s America* (Albuquerque, NM 1995), 125–154.

was a key test case) eventually emerged as a dissident discourse in the 1980s in the USSR.⁶²

However, the Soviet Union's growing interest in humanity was also forged as a Cold War weapon to attack the West. This was evident in the USSR's involvement with the Geneva Conventions. At the key 1949 conference in Geneva the USSR and its allies pushed hardest for all four Geneva Conventions to be applied to all wars and all civilians as a means of embarrassing the West,⁶³ and in so doing effectively positioned itself as the guardian of the Convention's spirit of universalism.⁶⁴ A major Cold War flare-up over the Geneva Conventions concerned the question of atomic weapons, as the USSR drafted a resolution calling for a full outlawing on atomic bombs on humanitarian grounds, clearly aimed at the Americans and British.⁶⁵ The Soviet claim to speak in the name of peace and humanity effectively put the United States and its allies on the back foot as the Soviet Union lobbied for more extensive protection of civilians in war zones.⁶⁶ This paralleled the USSR's political use of human rights to criticise the West for its inability to live up to its proclaimed ideals, be it in terms of racial equality or self-determination for third world liberation.⁶⁷ For them and for many leaders of the developing world, human rights were tantamount to anti-imperialism and national self-determination, which helped the USSR join forces with what we now call the Global South.

This brings me to decolonisation itself, as humanity was politicised in the so-called third world to advance new claims. A good example is the Algerian war of independence, and the way in which the Algerian FLN (*Front de Libération Nationale*) advanced its case in the name of humanity. In its first letters to the UN in 1955 and 1956, the FLN couched its struggle in the language of the French denial of Algerian human rights and its right to self-determination, citing mass arrests, the outlawing of national political parties,

62 Paul Rubinson, "“For Our Soviet Colleagues”: Scientific Internationalism, Human Rights and the Cold War", in Iriye/Goedde et al. (ed.), *The Human Rights Revolution*, 245–264.

63 The USSR maintained its long-standing belief in the complementarity (not contradiction) of humanity and military necessity under socialism, arguing that the military necessity of a socialist state “serves the higher interest of humanity”. Jiri Toman, “The Socialist Countries and the Laws of Armed Conflict”, in *Modern Wars: The Humanitarian Challenge* (London 1986), 158–176.

64 Peter Hast Vigor, *The Soviet View of War, Peace and Neutrality* (London 1975), 174f.

65 Geoffrey Best, *War and Law Since 1945* (Oxford 1994), 111–113.

66 Helen M. Kinsella, *Image Before the Weapon: A Critical History of the Distinction Between Combatant and Civilian* (Ithaca, NY 2011), 119f.

67 Jennifer Amos, “Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948–1958”, in Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge 147–165) and Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, NJ 2000), 203–248.

as well as the banning of newspapers and arbitrary seizure of homes.⁶⁸ The Algerian Executive Committee instructed commanders and officers in the field strictly to observe the Geneva Conventions, and made sure that the Algerian Red Crescent helped implement humanitarian law and retained the support of the Red Cross.⁶⁹ Both sides had already turned to the media to publicise their causes, often complete with graphic photographs of atrocities reminiscent of the media war of sensationalised killings during the Spanish civil war.⁷⁰ Having set up a media office in New York, the FLN conducted a shrewd media campaign to use the Geneva Conventions to their political advantage, and was winning in the court of international public opinion. As such the FLN was effective in gathering support from other third world countries at the UN, and cited the UN Charter, human rights and the right of self-determination as justifications for its cause.⁷¹

Elsewhere, leading Third World intellectuals and leaders were suspicious of the term humanity as warmed-over imperial ideology from a bygone age. Such figures as Frantz Fanon and Aimé Césaire voiced their disdain of such lofty European universalism, even in its more liberal UNESCO-style key. Even so, it pays to recall that humanity and universal civilisation as concepts were taken seriously by a range of leading non-European thinkers around the world. At first this may seem strange, given the 1990s discussions of so-called Asian values as a staunch defence of cultural relativism in the face of a proclaimed human rights universalism. But this was not the sentiment in 1945. Take for example Peng-Chun Chang, Kuomintang Chinese ambassador to the UN and one of the key framers of the Universal Declaration of Human Rights. For him the trick was to find a way of reconciling human rights, humanity and civilisation, and he noted that these terms were often at cross purposes. Chang was quick to point out that Britain, France, Belgium and Holland all pressed for a so-called “colonial clause” in the UN Charter to exclude colonies from the application of human rights covenants. European champions of human rights, such as René Cassin, made no bones about Asian and African peoples not being ready for self-rule and human rights recognition; Churchill said much the same about the need to limit the global application of the principle of self-determination enshrined in the 1941

68 Arnold Fraleigh, “The Algerian Revolution as a Case Study in International Law”, in Richard Falk (ed.), *The International Law of Civil War* (Baltimore 1971), 226.

69 Klose, *Human Rights*, 126f., and Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia 2010), esp. 35–91.

70 One French-produced English language pamphlet in the late 1950s, significantly called “Documents on the Crimes and Outrages Committed [sic] by the Terrorists in Algeria”, claimed that the so-called “Army of Liberation” had perpetrated an “uninterrupted succession of crimes against humanity, against civilization, against progress”. *Documents on the Crimes and Outrages Committed (sic) by the Terrorists in Algeria* (Algiers 1956[?]), 6.

71 Mohamed Alwan, *Algeria Before the United Nations* (New York 1959).

Atlantic Charter. The underlying assumption was that civilisation began with sovereignty, and colonies thus had to wait.

Chang made common cause with Léopold Sédar Senghor, poet and later President of Senegal, as he, Chang and others felt that a universal concept of humanity was worth salvaging and defending. Not coincidentally, Senghor was closely associated with UNESCO. Notably, this idea of universal civilisation – even based on a Western model – found some resonance among Asian intellectuals in the Ottoman and Japanese Empires in the late nineteenth century,⁷² though these views were increasingly muted after World War I, as the stress fell upon the primacy of distinct civilisations.⁷³ Yet the idea was revived in new ways after 1945. What he and Chang both recognised was that civilisation, traditionally understood, implied an evolutionary framework, whereas humanity and human rights did not – thus the claim to be part of a universal humanity was an effort to do away with this old imperial logic of progress in order to suggest that all peoples were now on an equal footing.⁷⁴ For them, the vision of universalism (which combined human rights and civilisation) was thus a dream of anti-imperialism. The point is that in the era between 1945 and decolonisation, the dream of humanity and universal civilisation was not confined to Europe or to the imperial powers, and the term remained a relevant concept of political thinking throughout the era of decolonisation, even if its one-time singularity now gave birth to new calls to define and defend more pluralistic and regionalised ideas of African and Asian civilisations for a post-imperial age.

This brings me to the conclusion. The career of the concept of humanity over the course of the twentieth century was inextricably tied to its opposite – namely, inhumanity – and for this reason the problem of humanity was closely connected to the larger problem of how and to what extent ideology justifies violence. This issue was the subject of intense debate in the 1940s in Europe, as noted in Maurice Merleau-Ponty's 1947 book, *Humanism and Terror*. The book was written in response to Arthur Koestler's *Darkness at Noon* published the year before, a book that posed the problem of liberty

72 Cemil Aydin, "Beyond Civilization: Pan-Islamism, Pan-Asianism and the Revolt Against the West" and Dominic Sachsenmaier, "Searching for Alternatives to Western Modernity: Cross-Cultural Approaches in the Aftermath of the Great War", in *Journal of Modern European History* 4 (2006), 204–223, 241–260 respectively. See too Rochona Majumdar, "From Civilizational Heroism to an Ethic of Universal Humanity: Bengali Discussions of Civility", in Margit Pernau/Helge Jordheim et al. (ed.), *Civilizing Emotions: Concepts in Nineteenth Century Asia and Europe* (Oxford 2015), 207–230.

73 Michael Ades, "Contested Hegemony: The Great War and the Afro-Asian Assault on the Civilizing Mission Ideology", in *Journal of World History* 15 (2004).

74 Lydia Liu, "Shadows of Universalism: The Untold Story of Human Rights Around 1948", in *Critical Inquiry* 40:4 (Summer 2014), 385–414. See also Jan Eckel, *Die Ambivalenz des Guten: Menschenrechte in der internationalen Politik seit den 1940ern* (Göttingen 2014), 260–342.

in a dramatic and controversial fashion. For the protagonist Rubashov, history went from being a “locus of revolutionary fraternity” to the “sheer force of fact”.⁷⁵ For Merleau-Ponty, Koestler’s book chronicled the great betrayal of the century, one had become a hallmark of modern political ideology of all stripes. What bothered Merleau-Ponty most – and again, he was writing in 1947 – is how the belief in humanism, in a desire to fulfil itself, was “transformed into its opposite, namely, into violence”.⁷⁶ It is the inurement to violence in the name of ideology that for him was the most frightening aspect of the age of social engineering.⁷⁷ Even worse for Merleau-Ponty is that the sins of Western humanism were simply carried over under communism, and arguably by many other regimes too. Again, in his words:

In its own eyes Western humanism appears as the love of humanity, but for the rest of men it is only the custom and institution of a group of men, their password and occasionally their battle cry. If the reply is that their forces are defending freedom and civilization, this implies a renunciation of absolute morality and entitles the Communists to say that their forces are defending an economic system which will put an end to man’s exploitation of man. It is from the conservative West that communism received the notion of history and learned to relativize moral judgment. It has not forgotten the lesson and has sought, at least in a given historical milieu, those forces which on balance have a chance to making humanity a reality [...]. But then the differences between them [i.e. capitalist civilisations] and the Soviet enterprise is not the difference between heaven and hell or between good and evil; it is only a matter of the different uses of violence.⁷⁸

Such views mirrored a related discussion in Europe about the relationship between dignity and History, in which History and progress were seen as the very vehicles that crushed individual dignity in the name of violent collective social orders of the left and right. As Hannah Arendt pithily put it: “It is against dignity to believe in human progress.”⁷⁹

Thinking about the link between ideology and violence is not irrelevant to our present moment. The post-Cold War militarisation of human rights and

75 Maurice Merleau-Ponty, *Humanism and Terror: An Essay on the Communist Problem*, trans. John O’Neill (Boston 1969), 16.

76 Id., *Humanism and Terror*, 13.

77 As he put it: “In reality the most serious threat to civilization is not to kill a man because of his ideas (this has often been done in wartime), but to do so without recognizing it or saying so, and to hide revolutionary justice behind the mask of the penal code. For, by hiding violence one grows accustomed to it and makes an institution of it.” Ibid., 34.

78 Ibid., 176f.

79 Hannah Arendt, *Lectures on Kant’s Political Philosophy* (Chicago, IL 1982), 77, cited in Finkielkraut, *In the Name of Humanity*, 59.

the advent of the “Responsibility to Protect” doctrine in Bosnia, Somalia and Rwanda brought a new union of humanity and war that has fatally hollowed out the pacifist dimension of the term. NATO’s proclamation that Kosovo was a “humanitarian war” was both a return to and rejection of the nineteenth-century past.⁸⁰ What is less remarked upon is that this new military assertion of the West went hand in hand with the revived assertion that the supremacy of sovereignty by Russia and China and others as a defence against the imposition of distinctively Western values disguised as benign universalism. The international blowback to such military interventions has led some observers to characterise the post-Cold War period as neo-Westphalian, or what some have coyly called “East-phalian” in its Asian-inflected defence of national sovereignty above all. In this rendition, humanity can only be expressed regionally, if at all. Tony Judt inadvertently reflects this logic in arguing that “the recovered memory of Europe’s dead Jews has become the very definition and guarantee of the continent’s restored humanity”,⁸¹ as formalised with the Stockholm Declaration in 1998.⁸²

The post-Cold War apotheosis of humanitarianism as a form of engagement and mode of being has taken place at a time when the old-style universalist precept of humanity no longer commands much adherence or faith, having lost its political currency and intellectual respectability.⁸³ It is perhaps worth noting here that Finkelkraut’s original book title in French is very different from its English translation. Whereas the English title is *In the Name of Humanity*, the French original is *Humanité Perdue*, implying in part that humanitarianism begins where the dream of humanity leaves off. This may be the result of our understandable suspicion toward ideologies of redemption of any kind, burnt as we have been by the false liberation theologies of the twentieth century. Yet the opposite extreme may be equally troubling, signifying what Finkelkraut calls a latter-day “treason of the intellectuals”, in that intellectuals have become ashamed “of aspiring to what is general and transcendent in all men”.⁸⁴ The language of humanity, once a rallying cry, has become a kind of empty phrase and even a source of embarrassment, an unwanted leftover from the age of social reconstruction. Or at least so

80 Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca, NY 2011), 186.

81 Tony Judt, *Postwar: A History of Europe Since 1945* (London 2005), 804.

82 Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca, NY 2013), 53f.

83 As Finkelkraut provocatively put it: “Recently misled by the myth of human progress, it [the ‘humanitarian generation’] now falls back on the indisputable truth about suffering humanity, thus avoiding all bad surprises. No longer susceptible to the grand scheme of history, it is only interested in the misfortune of the species.” Finkelkraut, *In the Name of Humanity*, 91. For context, see Johannes Paulmann, “Conjunctures in the History of International Humanitarian Aid During the Twentieth Century”, in *Humanity* 4 (2013), 215–238.

84 Julien Benda, *The Treason of the Intellectuals*, trans. R. Aldington (New York 1969), 79, cited in Finkelkraut, *In the Name of Humanity*, 43.

it appears in the West, for new formulations of humanity are being forged across the world, often for violent purposes. Al Qaeda terrorists in the wake of 9/11, for example, devised a notion of humanity as a diasporic faith-based community defined by its extremist self-perception as “global victim”.⁸⁵ The prosecution of war is also changing. With the advent of drone warfare, we are facing the very real possibility of future military interventions being made in the name of humanity by non-humans.⁸⁶ Be this as it may, one could argue that we are much less internationalist than our grandparents’ generation 70 years ago, and for this reason it is worth thinking about the legacy of humanity as the failure of universalism in our own time.⁸⁷ The fears of 1945 may have faded, but so too have the dreams.⁸⁸ The ongoing refugee crisis has dramatised this point, as humanitarianism – and arguably more so than a shared sense of humanity – is what drives action and charity. In this understanding, humanitarianism, and not human rights, may be the real last utopia.

85 Faisal Devji, “The Terrorist as Humanitarian”, in *Social Analysis* 53:1 (2009), 173–192.

86 Mark Mazower, *Governing the World: A History of an Idea, 1815 to the present* (London 2013), 402, 404.

87 Stefan-Ludwig Hoffmann, “Human Rights and History”, in *Past & Present*, forthcoming and Eckel, *Die Ambivalenz des Guten*, 825–842.

88 Buruma, *Year Zero*, 10.

PART II:
MORALITY AND HUMAN DIGNITY

Mihai-D. Grigore

Humanism and its Humanitas

The Transition From the *Humanitas Christiana* to
Humanitas Politica in the Political Writings of Erasmus

What is a human being? What is human nature? [...] Making and keeping human life human.¹

In the thicket of the many understandings of humanity and human nature in the modern and post-modern eras, there is a common denominator: humanity is not negotiable and contingent, but an ontological fact of every human being. “Negotiable” and “contingent” are only the adjectives and epithets that accompany humanity in the speech of humans on their own humanity. Such appropriations deconstruct humanity in “multiple humanities” – to paraphrase Shmuel Eisenstadt –, identifying a “proletarian”, “bourgeois”, “Christian”, “political” humanity and so forth.² As Noam Chomsky has argued,

a vision of a future social order [must] be based on a concept of human nature. If, in fact, man is an indefinitely malleable, completely plastic being, with no innate structures of mind and no intrinsic needs of a cultural or social character, then he is a fit subject for the “shaping of behaviour” by the State authority, the corporate manager, the technocrat, or the central committee. Those with some confidence in the human species will hope that this is not so and will try to determine the intrinsic human characteristics that provide the framework for intellectual development, the growth of moral consciousness, cultural achievement, and participation in a free community.³

1 John Macquarrie, *In Search of Humanity. A Theological and Philosophical Approach* (London 1982), 1.

2 On “proletarian” and “bourgeois” humanity see James Miller, *The Passion of Michel Foucault* (Cambridge, MA 1993), 202.

3 From Noam Chomsky’s *Language and Freedom*, quoted in Robin Headlam Wells, “Humanism and Human Nature in the Renaissance”, in Brian Boyd/Joseph Carroll et al. (ed.), *Evolution, Literature & Film. A Reader* (New York 2010), 231–245, on p. 231.

This ethical and implicitly political ideal of human individuality as possessing an intrinsic value and being independent of all forms – hidden or not – of determination and contingency, which in fact lead to oppression and injustice, is not new at all. It can already be found in the early modern period, albeit in a preliminary form, at the intersection of moral theology, natural sciences and the secular individualisation of man; the modern consequence of this is the transformation of the human being into a specific kind of selfhood as political person, with its own will, desires and rationality.

This essay is motivated, in part at least, by Jörn Rüsen's apt observation on Christian dogma's ambivalence towards humanity:

On the one hand, it contributed to the idea of human dignity through its understanding of man as an image of God, its belief that God became man in Christ, and its transcendence of the ethnic and social barriers of human life by emphasizing the immediacy and equality of human subjectivity in its relationship to God. On the other hand, it emphasized the rankness of human nature in its dogma of Original Sin and put all human approaches to a humane life under the command of the institutionalized dogmatic regulations of the Church.⁴

In anticipation of the following considerations, I should point out that both terms in the title of this essay, *Christiana humanitas* and *humanitas politica*, do not occur in early modern sources. They are my own analytical categories, with which I aim to capture the early modern transition to an understanding of humanity as a quality of human presence in the world.

I argue that there is a turn in the early modern period from a *humanitas* (humaneness, humanity, *Menschlichkeit*) understood in relation to an external transcendent factor, i.e. a creator God (as an active and determinative agency of humanity) to a new semantic paradigm, which comprehends humanity as the internal, intrinsic and inherent state of every human being, as the *locus* of human nature. I will thus try in this essay to describe this specific early modern turn from a purely theological to an immanent understanding of the humanity of human beings. For this purpose, "human nature" is understood as human needs, desires and actions in the world. For the first paradigm, I will use the analytic concept of *humanitas Christiana*, while the second will be described as *humanitas politica*.

4 Jörn Rüsen, "Homo Humanist? Towards a Universal History of Humanism", in id./Mihai I. Spariosu (ed.), *Exploring Humanity – Intercultural Perspectives on Humanism* (Göttingen 2012), 29–44, on p. 34.

At the heart of the following analysis are the political writings *Institutio Principis Christiani* (“Education of a Christian Prince” from 1516) and *Querela Pacis* (“The Complaint of Peace” from 1517)⁵ by probably the most important humanist author, “the prince of the humanists”, Desiderius Erasmus of Rotterdam⁶ These two works have been quietly ignored by modern scholars, despite their importance for the ethical system of Erasmus. For instance, only few extensive studies exist on the fundamental *Institutio Principis Christiani*: the chapter on Erasmus in Eric Voegelin’s *History of Political Ideas* from 1948,⁷ the introduction to the *Institutio* by Otto Herding,⁸ and recently the chapter on Erasmus in my own monograph on the discourses surrounding the concept of *Princeps Christianus* in Early Modern political theory.⁹ The following notes are also an attempt to correct certain simplistic interpretations, which see the *Institutio* and *Querela* merely as statements against the Augustinian theory of *bellum iustum*.¹⁰ Such interpretations totally ignore that Erasmus’ peace discourse represents only an application, a concretisation of the holistic notions of “humanity” and “human nature”, which for Erasmus represent the basis of human existence and co-existence.

Erasmus is most appropriate subject for the following case study, not only because of his reputation in the intellectual and political landscape of Europe in the sixteenth century and later,¹¹ but also because he was a “humanist” – a central concept when dealing with *humanitas* –, and because we can identify

5 I have used the following editions and translations of the texts: Erasmus Roterodamus, “Institutio Principis Christiani”, in *Opera Omnia Desiderii Erasmi Roterodami IV. 1*, ed. by Otto Herding (Amsterdam 1974), 95–219; id., “Querela Pacis”, in *Opera Omnia Desiderii Erasmi Roterodami IV. 2*, ed. by Otto Herding (Amsterdam 1977), 1–100; Erasmus von Rotterdam, *Ausgewählte Schriften 5*, ed. by Werner Welzig (Darmstadt 1968); Desiderius Erasmus, *The Education of a Christian Prince (1516)*, transl. by Lester K. Born (New York 1963); Erasmus of Rotterdam, *The Complaint of Peace. Translated From Querela Pacis (A.D. 1521)*, transl. by Thomas Paynell (London 1917) (the latter with numerous translation errors).

6 Gary Remer, *Humanism and the Rethoric of Toleration* (Philadelphia 1996), 45; Rösen, *Humanity*, 34.

7 Eric Voegelin, *Collected Works*, vol. 22 (Columbia, MO 1998), 88–109; German version: Eric Voegelin, *Die Ordnung der Vernunft*, Occasional Papers XXIX, ed. by Peter J. Opitz (Munich 2006).

8 Otto Herding, “Institutio Principis Christiani. Einleitung”, in *Opera Omnia Desiderii Erasmi Roterodami IV.1* (Amsterdam 1974), 95–130.

9 Mihai-D. Grigore, *Neagoe Basarab – Princeps Christianus. Christianitas-Semantik im Vergleich mit Erasmus, Luther und Machiavelli (1513–1523)* (Frankfurt/M. 2015), 193–231.

10 Christine Christ-von Wedel, *Erasmus of Rotterdam. Advocate of a New Christianity* (Toronto 2013), 225–235.

11 On the popularity of Erasmus see Cornelis Augustijn, *Erasmus. His Life, Works, and Influence* (Toronto 1991); Christoph Galle, *Hodie nullus – cras maximus. Berühmtwerden und Berühmtsein im frühen 16. Jahrhundert am Beispiel des Erasmus von Rotterdam* (Münster 2013). For the biography of Erasmus see Léon E. Halkin, *Erasmus von Rotterdam. Eine Biographie* (Zurich 1989); Erika Rummel, *Erasmus* (New York 2004).

in the aforementioned works the simultaneous presence of both paradigms: *humanitas Christiana* and *humanitas politica*. Erasmus was one of the first promoters of political humanity in contradistinction to Christian humanity. This makes it all the more disappointing that important recent anthologies on “Humanism”, “humankind”, or “humanity” should fail to devote at least a chapter to one of the most important thinkers on humanity.¹²

Stating that Erasmus was a humanist raises several problems. Therefore, I will begin by briefly discussing the humanist phenomenon in Early Modern Europe. After that, I will approach his political writings in order to show what made him a humanist, and to describe his understanding of *humanitas*. I will finish with some brief, final considerations.

1. Humanism and Humanists

What we today call “humanism” is, like every other major historical phenomenon, a difficult concept to define.

There is in fact no essential thing that we could call humanism – in the sense of a definite philosophical, practical and terminological system. At the same time, the concept itself is of late occurrence. It was first used by the theologian Friedrich Immanuel Niethammer in his educational manifesto *Der Streit des Philanthropinismus und des Humanismus in der Theorie des Erziehungsunterrichts unsrer Zeit*.¹³ The noun “humanism” also appeared for the first time in English in the nineteenth century, influenced by German usage.¹⁴ Yet the appropriate approach to humanism would be use the plural form “humanisms”, meaning a multitude of forms and intellectual or cultural interests, scientific and scholarly patterns etc. that could be designated as humanist.¹⁵

12 Jörn Rüsen (ed.), *Approaching Humankind. Towards an Intercultural Humanism* (Göttingen 2013); Andrea Radasanu (ed.), *In Search of Humanity. Essays in Honor of Clifford Orwin* (London 2015).

13 Friedrich Immanuel Niethammer, *Der Streit des Philanthropinismus und Humanismus in der Theorie des Erziehungsunterrichtes unserer Zeit* (Jena 1808). See also Paul O. Kristeller, *Humanismus und Renaissance I. Die antiken und mittelalterlichen Quellen* (Munich 1974), 16; Eckhard Keßler, *Der Humanismus und die Entstehung der modernen Wissenschaft* (Pforzheim 1998), 2. On the educational programme of so-called nineteenth-century “classical humanism” see Bas van Bommel, *Classical Humanism and the Challenge of Modernity. Debates on Classical Education in Nineteenth Century Germany* (Berlin 2015).

14 Andrew Copson, “What is Humanism?”, in id./A.C. Grayling (ed.), *The Wiley Blackwell Handbook of Humanism* (London 2015), 1.

15 Herfried Münkler, “Die politischen Ideen des Humanismus”, in id./Iring Fetscher (ed.), *Pipers Handbuch der politischen Ideen*, vol. 5 (Munich 1993), 553–613, on pp. 553–556; August Buck, “Der italienische Humanismus”, in Notker Hammerstein/August Buck (ed.), *Handbuch der deutschen Bildungsgeschichte 1* (Munich 1996), 1–56, on p. 1.

However, the use of the singular is surely legitimate in view of the method applied by the “humanists” in their work with the sources of classical and late antiquity as well as early Christianity.¹⁶ They developed a critical-philological approach in order to gain from their texts the information they thought they needed to revive morality and to renew the moral system.¹⁷ The scholarly preoccupation of the humanists had as its practical goal an improved human coexistence that would deliver happiness either on a Christian-theological or a philosophical-ethical basis.¹⁸ In this sense, as a common moral program grounded on education (*educatio*) and knowledge of the past (*eruditio*), and because this program brought together different intellectual circles all over Europe,¹⁹ we can speak of ‘humanism’ in the singular.

Concerning this point, let us consider the definition of “Humanism” given by *The Willey Blackwell Handbook of Humanism*:

Humanism is a democratic and ethical life stance, which affirms that human beings have the right and responsibility to give meaning and shape to their own lives. It stands for the building of a more human society through an ethic based on human and other natural values in the spirit of reason and free inquiry through human capabilities. It is not theistic, and it does not accept supernatural views of reality.²⁰

To speak of one humanism as a non-religious, not theistic position is a limited approach at best.²¹ Such a definition may seem philosophically quite appealing, but it is false when humanism is considered from a historical perspective. We cannot speak of an international, synchronically and diachronically all-embracing humanism. Furthermore, the European Byzantine, late medieval and early modern European humanisms were certainly profoundly religious.²² The possibly most influential humanist, Erasmus of Rotterdam, to whom the *Handbook* does not refer at any point, is the best example of deeply religious humanist views, as I will further try to show.

16 Augustijn, *Influence*, 17.

17 Erika Rummel, “Scholasticism and Biblical Humanism in Early Modern Europe”, in id. (ed.), *Biblical Humanism and Scolasticism in the Age of Erasmus* (Leiden 2008), 1–14, on pp. 1f.

18 Robert Evans, “European Humanism: East and West”, in Mihai I. Spărișu/Jörn Rüsen (ed.), *Exploring Humanity – Intercultural Perspectives on Humanism* (Göttingen 2012), 145–151, on pp. 145f.

19 See for instance Constance M. Furey, *Erasmus, Contarini, and the Religious Republic of Letters* (Cambridge 2006), 166.

20 Copson, *Humanism*, 6.

21 *Ibid.*, 4.

22 Keith Robbins (ed.), *Religion and Humanism. Papers Read at the Eighteenth Summer Meeting and the Nineteenth Winter Meeting of the Ecclesial History Society* (Oxford 1981).

“Humanism” is etymologically linked with the term *humaniora* used by Cicero to define what later in the European Renaissance was known as *artes liberales* or – to use the terms of humanist sources – as *studia humanitatis*.²³ The term “humanist”, *humanista*, in fifteenth century Italy designated mainly a teacher or preceptor, but it could also refer generally to anyone who had enjoyed an education following the high standards of Greek or Roman antiquity.²⁴ Nevertheless, not only scholarship and education were the goals of the humanist programme of *studia humanitatis*. As already mentioned, the main goal was an ethical and hence a political one. It is no coincidence that Aristotle’s *Nicomachean Ethics* and his *Politics* assumed a central place in the teaching canon of the humanist circles in the late Middle Ages and the early modern period. In his recent survey of global ethics, Kenan Malik claims that, the humanists “established a new model of intellectual excellence that emphasized literature, philology, oratory, poetry, ethics, and politics”, but also that they “were enthused less by Aristotle’s dry treatises than by Plato’s stylish dialogues”.²⁵ This is to misstate the facts. Aristotle’s works on poetics, ethics, and politics must in fact be considered a prime source of inspiration – more important than Plato’s works – for the humanist program and in consequence were taught extensively.²⁶ According to the Florentine scholar and statesman Coluccio Salutati, the *humanitas* of the humanist program meant both scholarship and education, but also goodness as a political idea of human coexistence, interaction and interdependence: “Because not only the virtue usually called goodness is contained in this concept of *humanitas*, but also experience and scholarship.”²⁷

Erasmus of Rotterdam enjoyed an education not only in the humanities, but also in spiritual and theological subjects, as well as gaining political experience as counsellor to the Bishop of Cambrai and to the *Dauphin* Charles (the future Emperor Charles V). In 1487, Erasmus entered the monastic community of the Augustine Canons in the Dutch town of Steyn, near Gouda. There he came into contact with “humanist concerns” (*humanistische Interessen*):²⁸

23 *Studia humanitatis* consisted, since the fifteenth century, of grammar, rhetoric, history, poetry and morals (Kristeller, *Humanismus*, 17f.). See also Robert Black, “Cicero in the Curriculum of Italian Renaissance Grammar Schools”, in *Ciceroniana* 9 (1996), 105–120; Susan Meld Shell, “‘More [Than] Human’. Kant on Liberal Education and the Public Use of Reason”, in Andrea Radasanu (ed.), *In Search for Humanity. Essays in Honor of Clifford Orwin* (Lanham, MD 2015), 449–464, on p. 452.

24 Münkler, *Humanismus*, 554.

25 Kenan Malik, *The Quest for a Moral Compass. A Global History of Ethics* (London 2014), 164.

26 Grigore, *Princeps Christianus*, 200f.

27 Eckhard Apud Kessler, *Das Problem des frühen Humanismus. Seine philosophische Bedeutung bei Coluccio Salutati* (Munich 1968), 44.

28 On Humanism in the Low Countries see the new anthology of Jozef Ijsewijn’s older studies, *Humanism in the Low Countries*, selected and ed. by Gilbert Tournoy (Leuven 2015).

the friars enjoyed the intellectual life of the *litterae*, practiced poetry and rhetoric, and cultivated the art of correspondence (*ars epistolandi*). In this exciting intellectual atmosphere, Erasmus wrote an important humanist work, *De contemptu mundi* (before 1493), in which he displays his humanist erudition as well as his theological and moral views on human existence.²⁹ In Erasmus's understanding of humanism, scholarship and good education are forms of Christian edification. In this view, those practices are humanist that form or empower social and rational human nature and help it to evolve – in Aristotelian sense – towards virtue, whereby “virtue” is understood as a quality of human performance and policy.³⁰

2. *Humanitas* and Political *Concordia*

In the preface of the *Institutio Principis Christiani*, dedicated to Emperor Charles V, Erasmus wrote that he considered himself a *theologus*,³¹ a theologian. Modern scholars invariably refer to him as a humanist. Both designations are of course legitimate, since they are not mutually exclusive. Regarding Erasmus, one can present two arguments to that effect:

On the one hand, Erasmus develops his whole program with the theological goal of human redemption. He argues that only through an education based on classical philosophers and the Church Fathers, one can educate a perfect, cultivated humanity, restored to its pre-lapsarian condition, as intended by the incarnation of Christ himself.³² As Jacob Vance has argued,

[...] Erasmus steeped himself in the study and translation of numerous Church Fathers, and he had a particular interest in patristic exegesis on Saint Paul. We know that by that time, he had read pseudo-Dionysius, Origen, Cyprien, Ambrose, and Jerome in Italy. Together with humanists such as the earlier Lorenzo Valla (1406–1457) and

29 Remer, *Humanism*, 43f; Grigore, *Princeps Christianus*, 201f.

30 Aristotle, *Nicomachean Ethics*, Translation, Introduction, and Commentary by Sarah Broadie/Christopher Rowe (Oxford 2002), book I, ch. 13 and book II, ch. 2; Aristotle, *Politics*, transl. by Carnes Lord (Chicago, IL 2013), book I. See Berndt Hamm, “Augustinus-Begeisterung und Augustinismus in der Reformation”, in Kenneth Hagen (ed.), *Augustine, the Harvest and Theology (1300–1650)* (Leiden 1990), 127–135, on pp. 158f., 195; Ekkehard Mühlenberg, “Das Argument: ‘Die Wahrheit erweist sich in Übereinstimmung mit den Vätern’. Entstehung und Schlagkraft”, in Leif Grane et al. (ed.), *Auctoritas Patrum II. Neue Beiträge zur Rezeption der Kirchenväter im 15. und 16. Jahrhundert* (Mainz 1998), 153–169, on pp. 166–169.

31 “[E]go theologus inclytum et integerrimum principem [instituit]”, Erasmus Roterodamus, *Institutio*, 134.

32 Fritz Caspari, “Erasmus on the Social Functions of Christian Humanism”, in *Journal of the History of Ideas* 8:1 (1947), 78–106; Grigore, *Princeps Christianus*, 213–227.

Jacques Lefevre D'Étaples (c. 1450–1536), Erasmus worked to rehabilitate Saint Paul as an Apostle of central importance during the fifteenth and early sixteenth centuries.³³

The theological message in the writings of Erasmus is clear. In his *De contemptu mundi*, Erasmus has no problem replacing the Christian *felicitas* (“happiness”) with the pagan, Epicurean term *voluptas* (“pleasure”) and making it a vehicle for Christian morals, associating for instance the monastic ascetical environment with a *paradisus voluptati* (“paradise of pleasures”) and with a *hortus deliciarum* (“garden of delights”).³⁴ Erudition (*eruditio*) was for Erasmus meaningless without its fulfilment in piety (*pietas*). When praising the privileges of education, Erasmus recurs to the well-known homily of Basil the Great *Ad adolescentes* and shows how important letters are for an authentic Christian life.³⁵ Such an approach dissociates Erasmus from basic humanism, making him a so-called “biblical humanist”.³⁶

On the other hand, we encounter a whole trend of humanist approaches (not only in Erasmus' writings), which in dealing with the *bonae litterae* or *politiores litterae* (good letters, cultivated letters) of classical philosophy aim in fact at the Christian *pietas*. The *bonae litterae* are seen as the prelude of the *sacrae litterae* (sacred writings, Holy Scriptures), in the same way as erudition is seen to precede piety and heavenly happiness.³⁷ The human ideal of Erasmus is the *homo duplex*, i.e. the “two-fold man”, erudite and pious.³⁸ However, Erasmus himself considers that in this way the heavenly Kingdom of God *depends directly* on functional human associations on Earth, capable of offering a viable infrastructure for education: and this means, of course, political, spiritual, literary or even economical education. Uncultivated,

33 Jacob Vance, *Secrets. Humanism, Mysticism, and Evangelism in Erasmus of Rotterdam, Bishop Guillaume Briçonnet, and Marguerite de Navarre* (Leiden 2014), 21. On the humanist preoccupation with the Church Fathers see Charles S. Stinger, *Humanism and the Church Fathers. Ambrogio Traversari (1386–1439) and Christian Antiquity in the Italian Renaissance* (Albany, NY 1977).

34 R. Bultot, “Érasme, Épicure et le *De contemptu mundi*”, in Joseph Coppens (ed.), *Scrinium Erasmianum II* (Leiden 1947), 205–238, on p. 237; Paul Mestwerdt, *Die Anfänge des Erasmus. Humanismus und devotio moderna* (Leipzig 1917), 234f.

35 August Buck, *Humanismus. Seine europäische Entwicklung in Dokumenten und Darstellungen* (Freiburg 1987), 39.

36 Cornelis Augustijn, “Erasmus”, in *Theologische Realenzyklopädie* 10 (1993), 1–18, on pp. 2–4. On the whole situation of biblical humanism in sixteenth century Europe see Timothy J. Wengert, *Philip Melancthon's Exegetical Dispute With Erasmus of Rotterdam* (Oxford 1998); Erika Rummel (ed.), *Biblical Humanism and Scholasticism in the Age of Erasmus* (Leiden 2008).

37 Robert W. Scribner, “The Social Thought of Erasmus”, in *Journal of Religious History* 6 (1970), 3–26, on p. 7. Augustijn, *Influence*, 25, 75.

38 Constant Matheussen, “*Religio und Litterae im Menschenideal des Erasmus*”, in Joseph Coppens (ed.), *Scrinium Erasmianum I* (Leiden 1969), 143–163, 353, 363.

illiterate and vulgar people, *vulgus* as Erasmus calls them, cannot make good inhabitants of *patria celesta* (heavenly Fatherland).

Only citizens of an earthly, well-organized political body, a *populus* – seen as partner of the ruler in the social contract – can do that.³⁹ This distinction between *vulgus* and *populus* is one of the most characteristic features of the political humanity intended by Erasmus. The *populus* represents the ground, the foundation of the political body and the place where lordship (*principatus*) can evolve and develop into a good, proper, Christian lordship (*principatus Christianus*), avoiding degeneration into abusive tyranny. The *populus* – understood as the community of free decision-makers within the state – is the most important political factor in establishing a *corpus rei publicae*.⁴⁰ However, the people have to be educated in order to do this. Education provides both citizens (subjects) and political elites, so it is indispensable for any polity. In his argument, Erasmus repeatedly refers to Aristotle:

In his *Politics*, Aristotle distinguishes between a prince and a tyrant on the basis that the one is concerned with the state and the other pursues his own ends. No matter what the prince is deliberating, he always keeps this one thing in mind: “Is this to the advantage of all my subjects?” A tyrant only considers whether a thing will contribute to his cause. A prince is vitally concerned with the needs of his subjects [...]. On the other hand, if a tyrant ever chances to do something good for his subjects, he turns it to his own personal gain. Those who look out for their people only in so far as it redounds to their personal advantage hold their subjects in the same status as the uneducated common man (*vulgus hominum*) does his horse or ass. For these men take care of their animals, but all the care they give them is judged from the advantage to themselves, not to the animals. But anyone who despoils the people with his rapacity, or wracks them with his cruelty, or subjects them to all sorts of perils to satisfy his ambition, considers free citizens even cheaper than the uneducated common folk (*vulgus*) value their draft animals or the fencing master his gladiators.⁴¹

39 Grigore, *Princeps Christianus*, 216f.

40 Herding, *Institutio*, 126.

41 “Id vt compendio dicam, hac nota principem a tyranno distinguit in politicis Aristoteles, quod his suis studet commodis, ille reipublicae. Princeps quacunq; de re deliberans illud semper in animo spectat, num expediat vniuersis ciuibus. Tyrannus illud consyderat, an sibi conducatur. Princeps etiam suum agens negocium tamen potissimum suorum spectat vtilitatem. Contra tyrannus si quando benemeretur de ciuibus, tamen hoc ipsum ad priuatam suam refert vtilitatem. Qui suos eatenus curant, quatenus expedit propriis commoditatibus, ii non alio loco ciues suos habent quam vulgus hominum equos et asinos. Nam hos quoque curant illi, sed omnem curationem suis, non illorum vsibus metiuntur. Caeterum qui rapacitate deglubunt populum aut crudelitate laniant aut ob ambitionem suam periculis omnibus obiciunt, ii peiore loco ciues habent liberos quam vulgus empta iumenta aut lanistae sua mancipia.” Erasmus Roterodamus, *Institvtio*, 154; compare with translation Desiderius Erasmus, *Education*, 161f.

Therefore, the main characteristic of the *populus* as a body of political subjects or citizens is, according to Erasmus, the fact that the *populus* is the partner of the good ruler in a well-functioning political organism. Rulers who neglect the virtues of generosity, considerate benevolence and good will toward their subjects, *dehumanise* them and abuse them in an unworthy, *in-humane* manner, in the same way that vulgar people (*vulgus hominum*) abuse and misuse their animals. Erasmus thus argues that humanity is a performative, conscious act on the part of humans for the benefit of other humans, in an all-embracing dimension of shared humanity.

On the other hand, in his writings Erasmus makes negative references to the *vulgus*,⁴² in order to contrast it to the positively connoted *populus*, with all its aspects related to political life. Education is thus the criterion of distinction between the two Erasman categories. When Erasmus speaks of *vulgus* or *plebs*, he does not necessarily mean social categories such as common people, poor, peasants, artisans or vagrants. He means all those – elites included –, who act without education and virtue, like an animal mob, animated by instinctive desires (*voluptates plebejæ*)⁴³ and poisoned by dubious, questionable views (*venena vulgarium opinionum*).⁴⁴

Erasmus considers it is important to decouple that which makes up a human being, its humanity – *humanitas* –, from its transcendent and external points of reference. Humanity is to him something that everybody *potentially* or *virtually* possesses. Christian humanity is what educated, pious Christians possess:

Education exerts an extremely powerful influence, as Plato says, so that a man who has been trained in the right (*homo recte instructus*) develops into a sort of divine creature, while on the other hand, a person who has received a perverted training degenerates into a monstrous sort of savage beast,⁴⁵

Erasmus states in *Institutio Principis Christiani*. Finally, it is education that leads to the rise of humanity: by birth, every human being possesses humanity *in nuce*, potentially, but this humanity has to be educated and cultivated in order to develop to its full extent. This association of humanity with biological existence given by natural birth as a member of the human species transforms Erasman humanity into an immanent category.

42 Voegelin, *Ordnung der Vernunft*, 20.

43 Erasmus Roterodamus, *Institutio*, 144.

44 *Ibid.*, 140.

45 “Tantum vim habet educatio, ut Plato scripserit hominem recte institutum in diuinum quoddam animal euadere; contra perperam educatum in immanissimam quandam degenerare beluam.” *Ibid.*, 188.

The main argument found in both *Institutio Principis Christiani* and *Querela Pacis* is that no political association, indeed no human coexistence, can succeed in the absence of concord or harmony (*concordia*) between humans, taken as individuals of the same species. People have to be educated in order to be able to comprehend their common humanity, leading to equality, good will and social solidarity. According to Erasmus, as well as to Aristotle, there is no functional political body without peace and harmony. There is also no international community without universal peace, a thought that would later be developed by Immanuel Kant in his pamphlet *Zum ewigen Frieden* (“Perpetual Peace”).⁴⁶

Erasmus attempts not only to show how important concord is for all forms of human forms, but also that concord is deeply rooted in human nature. Therefore, he draws on observations made in the study of nature.

Animals destitute of reason live with their own kind in a state of social amity. Elephants herd together; sheep and swine feed in flocks; cranes and crows take their flight in troops; storks, masters of dutifulness, have their public meetings; dolphins defend each other by mutual assistance; and everybody knows that both ants and bees have respectively established by general agreement a little friendly community.⁴⁷

The same argument occurs in the *Institutio*, where Erasmus stated that

dragons, panthers, lions, and all the other beasts that are condemned on the charge of savageness do not rage one against the other, but beasts of like characteristics (*suo generis*) are safe together. But the tyrant, who is a human among his conspecific humans (*homo in homines*), turns his bestial cruelty against his fellow humans and fellow citizens.⁴⁸

46 Immanuel Kant, *Zum ewigen Frieden. Ein philosophischer Entwurf. Texte zur Rezeption 1796–1900*, ed. by Manfred Buhr/Steffen Dietzsch (Leipzig 1984); English translation Immanuel Kant, *Perpetual Peace. A Philosophic Essay*, transl. by W. Hastie, <https://librivox.org/perpetual-peace-by-immanuel-kant/>. See about Erasmus’s part in the Kantian thought on peace Volker Gerhardt, *Immanuel Kants Entwurf “Zum ewigen Frieden”. Eine Theorie der Politik* (Darmstadt 1995), 24.

47 “Animantia rationis expertia in suo quaeque genere ciuiler concorditerque degunt. Armentum viuunt elephanti, gregatim pascuntur sues et oues, turmatim volant grues et graculi, habent sua comitia ciconiae, pietatis etiam magistrae, mutuis officiis sese tuentur deplhini. Nota est formicarum et apum inter ipsas concors politia”, Erasmus Roterodamus, *Querela*, 62; compare with transl. Desiderius Erasmus, *Complaint*, 4.

48 “Dracones pardi leones caeteraque immanitatis damnata crimine animantia a suo genere temperant et tuta est inter feras similitudo morum. At tyrannus homo in homines, cuius in ciues potissimum feritatem suam exercet”, Erasmus Roterodamus, *Institutio*, 157; compare transl. Desiderius Erasmus, *Education*, 166.

Erasmus continues with observations regarding human beings:

[...] Yet to man, whom, of all created beings, concord would most become, and who stands most in need of it, neither nature, so powerful and irresistible in every thing else, can reconcile; neither human compacts unite; neither the great advantages which would evidently arise from unanimity combine, nor the actual feeling and experience of the dreadful evils of discord cordially endear. To all men the human form is the same, the sound made by the organs of utterance similar; and while other species of animals differ from each other chiefly in the shape of their bodies, to men alone is given a reasoning power, which is indeed common to all men, yet in a manner so exclusive, that it is not at the same time common to any other living creature. To this distinguished being is also given the power of speech, the most conciliating instrument of social connection and cordial love. Throughout the whole race of men are sown by nature the seeds of virtue, and of knowledge. From nature, man receives a mild and gentle disposition, so prone to reciprocal benevolence that he delights to be loved for the pleasure of being loved, without any view to interest; and feels a satisfaction in doing good, without a wish or prospect of remuneration. This disposition to do disinterested good is natural to man [...]. Hence even the common people, in the ordinary language of daily conversation, denominate whatever is connected with mutual good will (*benevolentia*), humane (*humanum*); so that the word humanity (*humanitas*) no longer describes man's nature, merely in a physical sense; but signifies humane manners, or a conduct, worthy the nature of man.⁴⁹

In consequence, human nature is dignified by the conduct of every human individual and *not* by external instances like God and Church. Nature, Erasmus states in the *Querela*, offers everything that is needed to create concord: "Thus it appears, in the various ways nature has taught man her first great lesson of love and union."⁵⁰ Only later in the *Querela Pacis* do arguments occur pertaining to Christian theology, which grounds human communities

49 "Solos homines, quos omnium maxime decebat unanimitas quibusque cum primis opus est ea, neque natura tam aliis in rebus potens et efficax conciliat, nec institutio coniungit, nec tot ex consensu profecturae commoditates conglutinant, nec tantorum denique malorum sensus et experientia in mutuam amorem redigit. Figura communis omnium, vox eadem; et cum caetera animantium genera corporum formis potissimum inter se different, vni homini indita vis rationis, quae ita sit illis inter ipsos communis, vt cum nullo sit reliquorum animantium communis, vni huic animanti sermo datus, praecipuus necessitudinum conciliator. Insa sunt communiter disciplinarum ac virtutum semina, ingenium mite placidumque et ad mutuam benevolentiam propensum, vt per se iuuer amari et iucundum sit de aliis benemereri [...]. Hinc est videlicet, quod vulgus quicquid ad mutuam benevolentiam pertinet humanum appellat (vt humanitatis vocabulum non iam naturam nobis declaret, sed mores hominis natura dignos", Erasmus Roterodamus, *Querela*, 63f; compare to transl. Desiderius Erasmus, *Complaint*, 5f.

50 "Tot argumentis natura docuit pacem concordiamque", Erasmus Roterodamus, *Querela*, 64. This is not new, it is only an argument, Erasmus already formulated in his other work on the peace's benefits, *Dulce bellum inexpertis* from 1515, Peter G. Bietenholz, *Encounters With a*

on the sacrifice of Christ and on Eucharistic community, not on the biological/natural order. It is striking for an author who considers himself a *theologus* that reasons based on the observation of nature prevail in the order of argumentation over those that are purely theological. Of course, the natural order is to any theologian in the sixteenth century – and thus to Erasmus – an image of the divine creative power of God: but Erasmus’s line of argument, which begins with issues from the observation of nature and only later links them with the theological discourse, is still quite unusual and deserves mention.

It is no coincidence that, in the first of the above quotations, Erasmus cites bees as an example of animals forming associations; in the second quotation, he insists that only men have the gift of rationality and speech or language, in order to separate them from animals and insects. This is Aristotle’s argument in his *Politics*. As Aristotle affirmed, even though bees were able to build communities, this fact did not necessarily made them into state-building political beings (*zoa politica*). As Aristotle made clear, this was because the medium of politics was speech, and this was given only to men by their nature:

And why man is a political animal in a greater measure than any bee or any gregarious animal is clear. For nature, as we declare, does nothing without purpose; and man alone of the animals possesses speech. The mere voice, it is true, can indicate pain and pleasure, and therefore is possessed by the other animals as well (for their nature has been developed so far as to have sensations of what is painful and pleasant and to indicate those sensations to one another), but speech is designed to indicate the advantageous and the harmful, and therefore also the right and the wrong; for it is the special property of man in distinction from the other animals that he alone has perception of good and bad and right and wrong and the other moral qualities, and it is partnership in these things that makes a household and a city-state.⁵¹

In this way, Aristotle laid out an educational *desideratum* that culminated in the construction of the perfect political organism. Education is required because speech – as a medium of political virtue and ethics, as well as a communicational interface of human coexistence⁵² – is a complex instrument in which someone has to be instructed in order to display maximal efficiency.

Radical Erasmus. Erasmus’ Work as a Source of Radical Thought in Early Modern Europe (Toronto 2009), 73f., 77f.

51 Aristotle, *Politics*, <http://data.perseus.org/citations/urn:cts:greekLit:tlg0086.tlg035.perseus-eng1:1.1253a>.

52 Mihai-D. Grigore, “Die ethische Handlungsgemeinschaft als Voraussetzung der Hermeneutik. Zur Dialektik des Handelns und Verstehens”, in Christoph Ernst et al. (ed.), *Kulturhermeneutik. Interdisziplinäre Beiträge zum Umgang mit kultureller Differenz* (Munich 2008), 455–472.

Many beings are able to articulate sounds to reveal instinctive desires, but only political subjects, citizens, are capable of communication through speech. Speech distinguishes men as citizens, state-building beings, from barbarians and slaves, who are not capable of establishing a political body. Barbarians do not have education, so they do not have a (political) language.⁵³ Speech/language is for Aristotle a dimension of *human* reflection, discernment, learning, sharing and action.

Erasmus takes up the educational program laid out by Aristotle and adapts it in his own political and pedagogical thought. He no longer speaks of barbarians and slaves. In contrast to Aristotle, Erasmus works with a more inclusive definition of humanity, according to which *all* humans are able to learn to communicate and associate themselves in political organisms. Therefore, their human potential profits from their capacity to be educated. Erasmus's main distinction is not that between citizens and barbarians or slaves, as it was for Aristotle, but that between educated and uneducated people. On the other hand, for Erasmus, speech constitutes the main argument in favour of the divinity and privilege of the human being: the human being is the crown of the entire creation because it shares with God, the Creator, the skill of speech, of communication, of *logos*. Therefore, the nature of all humans – because all humans are capable of speech – is divine. In this way, Erasmus never forsakes his theological concerns in his anthropology, but he does make a decisive step towards strengthening the idea of human nature *per se* as a quality of all humans independent of their religious beliefs or social status.

The natural potential in human ontology, speech as the levelling medium of socio-political balance, and the quality of mutual good will are for Erasmus not only intensified by education, but also embodied in the laws of the state. This is why Erasmus expressly links the natural disposition of good will in conspecific beings to the practice of law. Both good will and law are signs and vehicles of *humanitas*. Erasmus writes in this sense in *Institutio Principis Christianis* about the “humanity of law” (*humanitas legum*).⁵⁴ The law and its humanity, as a sign of human policy and politics, attenuates the unnatural quality of the state, because state and political hierarchy between humans are actually results of inequality and are *against* the natural law (*jus naturale*). Natural law made all men free, equal and solidary with each other. Authority, servitude, power and lordship are typical human phenomena, and that is why they count as the law of nations (*jus gentium*): “Nature created all men equal, and slavery was superimposed on nature, which even the laws

53 Mihai-D. Grigore, “Der Mensch zwischen Gott und Staat. Überlegungen zu politischen Formen im Christentum”, in *Studii Teologice* 6:1 (2010), new series, 105–175, on pp. 110f.

54 Erasmus Roterodamus, *Institutio*, 199. See also Otto Schottenloher, “Zur *humanitas legum* bei Erasmus”, in *Festschrift für Hermann Heimpel zum 70. Geburtstag am 19. September 1971*, vol. I (Göttingen 1971), 667–683, on p. 671.

of pagans recognized”,⁵⁵ affirms Erasmus in the first book of *Institutio Principis Christiani* with regard to the Roman jurists Ulpianus and Florentinus.⁵⁶ In this case, all humans can do is to organize themselves according to their humanity, i.e. good will, solidarity, human laws and of course moral Christian conduct. In this context, it would be interesting to ask what impact such ideal and theoretical considerations had on the real political life of Europe in Erasmus’s times.

Let us take the case of the *Institutio Principis Christiani*, because it is older and more fundamental than Querela, which in many regards only repeated and deepened ideas of the first. According to a letter that he himself wrote, Erasmus began work on the *Institutio* in 1515 and finished it in March 1516.⁵⁷ The book was published that same year by Froben in Basel and was an instant bestseller.⁵⁸ In the same year, the book was reprinted without license in Leuven by Dirk Martens, which angered Erasmus extremely (“libellum de Principe, quemfurtim excudit interim cum ego abesse in Anglia”).⁵⁹ Further editions followed: the third was published by Badius Ascensius in Paris (1517), and Froben in Basel published a fourth revised edition in 1518. Altogether 33 Latin editions of the *Institutio* are known, accompanied by 21 translations into different European languages.⁶⁰ The first Froben edition was dedicated by Erasmus – in his quality of preceptor, *consiliarius*, of the

55 “Cum natura genuerit omnes homines liberos et praeter naturam inducta sit seruitus, quod ethnicorum etiam leges fetentur [...]”, Erasmus Roterodamus, *Institutio*, 165; transl. Desiderius Erasmus, *Education*, 177.

56 Grigore, *Der Mensch*, 112f. Ulpianus was the first to systemize the theory of natural law and the law of nations, stating that natural law was specific and common to all beings and postulated by nature itself, while the law of nations was a human product and characteristic exclusively for human beings: “Ius naturale est, quod natura omnia animalia docuit: nam jus istud non humani generis proprium, sed omnium animalium [...]. Ius gentium est, quo gentes humanae utuntur. Quod a naturali recedere facere intellegere licet, quia illud omnibus animalibus, hoc solis hominibus inter se commune sit” (*Corpus iuris civilis*, vol. I: *Institutiones/Digesta*, ed. by Theodor Mommsen/Paul Krueger [Hildesheim 251993], ch. 1, 29). Natural law consisted of the laws of nature, for instance freedom and equality. The law of nations consisted on the contrary of lack of freedom, inequality, and servitude. Lordship and political power were, according to the Roman jurist Florentinus, against nature and its laws: “Servitus est constitutio iuris gentium, qua quis dominio alieno contra natura subicitur” (*Corpus Iuris Civilis I*, ch. 4, 35). On Roman Law in Renaissance humanism see Quirinus Breen, “Renaissance Humanism and the Roman Law”, in Quirinus Breen, *Christianity and Humanism. Studies in the History of Ideas*, collected and published in his honor by Paul Oskar Kristeller et al. (Grand Rapids, MI 1968), 183–199.

57 Ludwig Enthoven, “Über die *Institutio Principis Christiani* des Erasmus. Ein Beitrag zur Theorie des Fürstenerziehung”, in *Neue Jahrbücher für klassisches Altertum, Geschichte und Literatur und für Pädagogik* 24 (1909), 312–329, on. p. 312; Herding, *Einleitung*, 107.

58 Augustijn, *Influence*, 40; Augustijn, *Erasmus*, 2.

59 *Opus Epistolarum Desiderii Erasmi Roterodami*, 12 vols, ed. by Preserved Smith Allen (Oxford 1906–1958), Letter 332 to Pieter Gillis from 7 May 1515.

60 Herding, *Institutio*, 101–104, 114f.

young prince – to the future Charles V.⁶¹ The resonance of the *Institutio* at the European Courts was quite impressive. It was used for the education of the young princes, the future rulers of their countries: Charles V, Ferdinand I, Henry VIII and Edward VI read it.⁶² Of course, that so many rulers read the book does not necessarily imply that they also put its ideas into practice.

There were also many critics of the work. The French humanist Guillaume Budé (Budaeus) described the *Institutio* as a thin, insubstantial book, full of superfluous speculations (“tenuis loqui, nimirum anxias ac nimirum subtiles argutias”).⁶³ Other critics accused Erasmus of pacifism, because of his emphasis on concord and solidarity in the policy of states. The theologians at the University of Paris warned the European political class not to be “infested” by Erasmian pacifism, which was endangering the political and social order (“enervat omnem politiam”). The Parisians considered Erasmus’s ideas on peace an abstruse heresy. This virulent critique moved Erasmus to publish in 1531 an apology of the *Institutio*, in which he softened many of his controversial and contested assertions.⁶⁴ We can see from both criticism and popularity, that the *Institutio Principis Christiani* garnered a wide interest in the European political and intellectual circles of the sixteenth century and thereafter.

3. Conclusion

What I have been trying to point out is that, in the two most important political works of Erasmus, we can witness a transition from the classical Christian political anthropology, focused on humanity as a Christian category, to a mundane (a precursory world-centred form of secularism) anthropology focusing on humanity as a sort of biological given.⁶⁵

Erasmus remains a theologian and considers mere humanity as only a preliminary, undeveloped form of Christian humanity. He gives priority to the latter, regarding it as an improved, educated and cultivated form of the former. In other words, all people possess humanity, but not all of them possess Christian humanity. This performative aspect – i.e. somebody has to perform something in order to gain a reward – in the deconstruction of the

61 Münkler, *Humanismus*, 592.

62 Herding, *Institutio*, 103; Ludwig Schrader, “Der Herrscher nach Erasmus von Rotterdam”, in Hans Hecker (ed.), *Der Herrscher. Leitbild und Abbild in Mittelalter und Renaissance* (Düsseldorf 1990), 179–201, on pp. 184f.

63 Apud Herding, *Institutio*, 99. For Erasmus’ controversial relation to Budaeus see David O. McNeil, *Guillaume Budé and Humanism in the Reign of Francis I* (Geneva 1975), 61–76.

64 Herding, *Institutio*, 108–110.

65 Voegelin, *Ordnung der Vernunft*, 11–17.

human being – i.e. the humanity of men is dependent on their (moral) performance – is typical of the pre-modern political theory centred on Christian theology. According to this pattern, humanity is related to external factors like God, who creates humans and humanity, like Christ, who intervenes to redeem humankind, or like the Church, with its intercessory power to administer good and evil on Earth in the name of God.

In Erasmus' political writings, we can discern a turn from an externally determined humanity toward an internally given one. In both the *Institutio* and *Querela*, for instance, the Church does not play any important part. Moreover, the arguments from the observation of nature take precedence over those of theological speculation. Two interdependent kinds of *humanitas* are in evidence here. On one hand, there is *humanitas politica*, based on the similarity, solidarity and common interest of all humans in order to create an earthly basis of coexistence, communication and harmony. The realisation of political humanity on earth is the first step toward Christian humanity (*Christiana humanitas*). Postulating a political concept of humanity is the modern *momentum* in Erasmus's anthropology. He inverts the priorities and relates the superior idea of Christian humanity to the basic and indispensable general humanity of all people. According to him, Christ addressed this general political humanity, which makes people capable of association, organisation and political life, in order to improve it, but not to replace it. Erasmus is discreetly alluding to the fact that all human association forms are capable of creating order and of giving a functional infrastructure for people to organize their earthly life using their natural disposition to solidarity, communication and rules. Christian humanity is indispensable for redemption, which needs a Christian state on Earth in order to prepare the future inhabitants of God's Kingdom in Heaven. Nevertheless, a political humanity is needed in order to ensure the survival of the human race. Of course, Erasmus is still a partisan of the lofty goal of citizenship in the heavenly Kingdom of God – he is and remains a Christian theologian – but, in his political writings, he opens the door for a broader understanding of the essence of human beings, and this is their naturally given humanity.

Erasmus's and in fact the entire whole humanist programme's main contributions to the conceptual development of *humanitas* may not be that innovative, but had a major impact on the history of humanity. Taking over many arguments from Aristotle, reinforcing, extending, and concretising them, Erasmus links them to an educational and political agenda. Moreover, in this way he shows that humanity is only less a *perfectus* (something closed, completed, done, self-contained) than a *perficiendum* (something still to achieve, to complete, to bring to an end). Humanity is itself a process of becoming aware, edification, and education of natural potential.

By stating that humanity is a form of humaneness centred on mutual benevolence, solidarity, and good will – in a single word “concord” (*concordia*) – Erasmus only opens an intrinsically indissoluble link: “No humanism without humanity, no ‘education’ without ‘compassion’, without *humanitarian practice*.”⁶⁶

⁶⁶ Hubert Cancik, “Europe – Antiquity – Humanism”, in Jörg Rüsen (ed.), *Approaching Humankind. Towards an Intercultural Humanism* (Göttingen 2013), 95–118, on p. 116. See also Sem Dresden, *Humanismus und Renaissance* (Munich 1968), 237.

Mariano Delgado

“All People have Reason and Free Will”

The Controversy Over the Nature of the Indians in the Sixteenth Century

Today it is common to speak of the “family of mankind” and the “unity of mankind”. This universalism, however, was not always as self-evident and, over the course of history, had to be fought for long and hard. Then again, the Christian contribution to the genealogy of human rights is, as Hans Joas has pointed out, disputed and at best an indirect one.¹ This certainly is true when the secular-humanist sacredness of the individual shows a certain convergence – only understood late by the different churches – with the Christian view of humanity. In the case of the “family of mankind” and the “unity of mankind” we can thus speak of a dual genealogy, but also of a decisive contribution made by Christianity.

1. The Dual Genealogy

On the one hand, there is the line of thought informed by Humanism and the Enlightenment. This can be traced back to the Stoic Cicero, who regarded mankind as a single family to which all men belonged. On the basis that they all shared in the capacity for reason, its individual members enjoyed “a dignity equal and common to all men”. Distinctions made with regard to dignity, “as resulting from the different wealth, achievements, talents, or decisions made by individuals”,² could never repeal the first, fundamental and shared form of dignity. Unfortunately, there had been incidents, caused by particular historical circumstances, in which the dialectic of universalism and particularism contained in this notion had turned into intolerance and violence.

The reception of this line of thought, combined with the conviction that mankind could be subjected to a cultural education, led, during the Enlightenment, to a celebration of the family of mankind. A famous example is Friedrich

1 Cf. Hans Joas, *Die Sakralität der Person. Eine Genealogie der Menschenrechte* (Frankfurt/M. 2011), 15–21, 204f.

2 Wilfried Härle, “Menschenwürde”, in Michael Anderheiden/Wolfgang U. Eckart (ed.), *Handbuch Sterben und Menschenwürde* (Berlin 2012; 3 vols), vol. 1, 237–257, on p. 239.

Schiller's *Ode to Joy* of 1805 ("Every man becomes a brother,/Where thy gentle wing abides. [...] Brothers – o'er the stars unfurl'd/Must reside a loving father.")³ In spite of this exuberant pathos of brotherhood, it did not take long for the opposite to show itself. Indeed, Voltaire's famous slogan "écrasez l'infâme" ("let us crush the infamous") soon evolved from a metaphor for the intellectual debate to a call for the cruel persecution of reactionaries. Likewise, the sinister liaison between the striving for an enlightened human existence and (German) nationalism led, already from the beginning of the nineteenth century onwards, to the familiar catastrophes in European history, catastrophes in which the family of states consisted of warring nations and, as far as brotherhood was concerned, behaved rather like Cain and Abel. It is for this reason, as Helmut J. Schneider has pointed out, that authors like Heinrich von Kleist depicted the family of mankind as a hypocritical illusion or impossibility in their plays. Others still, like the scholar Marc Shell, have spoken of the political danger contained the idea of a family of mankind contained, concealing the unacknowledged particularism of blood relationships and leading to an emphasis on the differences between (nation) families.⁴

On the other hand, there is the Christian line of thought, the ideas and narratives about human dignity and the unity of mankind carried into the world by missionaries. In terms of its dogmatic belief in monogenism and its view that all humans are made in the "image of God" (Genesis 1:26–27; 9:6), Christianity follows Judaism. By regarding Jesus as "the image of an invisible God" (Colossians 1:15) and the poor and suffering as his "representatives on earth" (Matthew 25:40.45), Christianity also set out its own course.

The Church Fathers addressed the Christian vision of the unity of nations in connection with the debate about monogenism, which, of course, also had certain social-ethical implications as to how different peoples lived together in the Roman Empire.⁵ But the real test for the Christian narrative came during the Age of Discovery, when Europeans encountered new and very different peoples, an encounter that soon turned into a hermeneutic problem: Did these peoples also descend from Adam? – For the prophetic missionaries there was no question about it. It therefore is not surprising that the central

3 Friedrich von Schiller, *Werke und Briefe in zwölf Bänden*, ed. by Otto Dann et al. (Frankfurt/M. 1992), vol. 1: *Gedichte*, ed. by Georg Kurscheidt, 248. Translation after William F. Wertz, http://www.schillerinstitute.org/transl/schiller_poem/ode_to_joy.pdf.

4 Cf. Helmut J. Schneider, *Genealogie und Menschheitsfamilie. Dramaturgie der Humanität von Lessing bis Büchner* (Berlin 2011); Marc Shell, *The End of Kinship – "Measure for Measure", Incest, and the Ideal of Universal Siblinghood* (Stanford, CA 1988).

5 Joseph Ratzinger, *Die Einheit der Nationen. Eine Vision der Kirchenväter* (Salzburg 1971).

questions of the famous sermon of Antón de Montesino on the fourth Sunday of Advent 1511 – which will be returned to below – read: “Are they not human beings? Have they no rational souls? Are you not obligated to love them as you love yourselves?”

It took a real effort to find an answer. Paracelsus disregarded the dogmatic belief in monogenism and in 1520 wondered whether “the inhabitants of the West Indies could be descendents of Adam and Eve, as Adam’s sons most certainly did not travel to any remote islands”.⁶ Upon reflection he reached the rather bold conclusion that they must have “descended from another Adam”.⁷ Others, like the Jesuit José de Acosta, openly admitted at the end of the sixteenth century: “The reason why we are forced to say that the Indians originate from Europe or Asia is because we cannot contradict the Holy Scripture, which clearly states that all men descend from Adam.”⁸

Still others, like Bartolomé de Las Casas, passionately defended the unity of mankind in a debate with the humanist Juan Ginés de Sepúlveda in Valladolid in 1550–1551.⁹ In merging the two genealogies, Las Casas and his fellow campaigners pointed to Cicero as well as to the Bible:

All people in the world are humans and there exists only one definition for all humans and every single individual, namely that they are all rational; made in God’s image, they all have reason and free will. [...] All the lineage of humanity is one and all human beings as regards their creation and natural existence are alike.¹⁰

But Las Casas did not leave it at the defence of the unity of the family of mankind; rather he also called, in a direct response to Eurocentric arrogance, for a more self-critical approach and greater openness towards the truth, sacredness, beauty and good harboured in the different indigenous cultures

6 Hugh Honour, “Wissenschaft und Exotismus. Die europäischen Künstler und die außer-europäische Welt”, in Karl-Heinz Kohl (ed.), *Mythen der Neuen Welt. Zur Entdeckungsgeschichte Lateinamerikas* (Berlin 1982), 22–48, on p. 30.

7 Ibid.

8 José de Acosta, “Historia natural y moral de las Indias”, in José Alcina Franch (ed.), *Crónicas de América* (Madrid 1987), vol. 34, 111.

9 Editions and abbreviations used: Ángel Losada (ed.), *Juan Ginés de Sepúlveda, Demócrates segundo – o De las justas causas de la guerra contra los Indios* (Madrid 1984) [abbreviated DS]; id. (ed.), *Apología de Juan Ginés de Sepúlveda contra Fray Bartolomé de Las Casas y de Fray Bartolomé de Las Casas contra Juan Ginés de Sepúlveda* (Madrid 1975); id. (ed.), *Epistolario de Juan Ginés de Sepúlveda* (Madrid 1966); id. (ed.), *Juan Ginés de Sepúlveda a través de su „epistolario“ y nuevos documentos* (Madrid 1949); id. (ed.), *Tratados políticos de Juan Ginés de Sepúlveda (Exhortación a la guerra contra los turcos. Del reino y deberes del rey. Demócrates primero o Diálogo sobre la compatibilidad entre la milicia y la religión cristiana)* (Madrid 1963); Paulino Castañeda Delgado (ed.), *Bartolomé de Las Casas – Obras completas* (Madrid 1988–1998, 14 vols) [hereafter abbreviated as OC].

10 Las Casas, OC VII, 536f.

and religions. In a way his thinking foreshadowed the search for a “global universalism”, a search Immanuel Wallerstein considers one of the key challenges of today.¹¹

Similarly, there occurred during the Age of Discovery – such as when Las Casas saw “flagellated Christs” in the maltreated native population – a breakthrough as to what the agreed reading of Matthew 25:40.45 was to be.¹² This interpretation was to become, as Sherman W. Gray has demonstrated, ever more prominent over time. From the nineteenth century on it was shared by the majority of exegetes, even if a particular restriction – to the followers of Jesus as the addressees of the parable of the Last Judgement – still received the support of some influential believers. Today – not least because of liberation theology, the merciful activities of the Church and the decisions of the Council – we are used to taking this encompassing reading for granted.¹³

Nonetheless, Christianity, which contributed so importantly to the defence of the unity of mankind, failed. Because of its exclusive reasoning it fell prey to the temptation of intolerance, “the construction of a hopeless, inner-worldly absoluteness that questions the other for now and forever”.¹⁴ In line with Ernst Benz, who incidentally considers church history itself as “the strongest argument against Christianity’s exclusive claim to absoluteness”, this can be expressed even more bluntly: “Neither Islam nor Buddhism nor Hinduism has killed nearly as many people because of their faith than the Christian churches.”¹⁵ Indeed, Christianity has long lost its innocence.

2. The Debate About the Indigenous Americans: Slaves by Nature?

Las Casas and Sepúlveda have already been mentioned. The following section considers whether the indigenous Americans were “natural slaves” as defined by Aristotle. The Scottish philosopher and theologian John Major, who taught at the Sorbonne in Paris, discussed the moral and legal questions

11 Immanuel Wallerstein, *Die Barbarei der anderen. Europäischer Universalismus* (Berlin 2007), 39.

12 Las Casas, *OC V*, 2366.

13 Cf. Sherman W. Gray, *The Least of My Brothers: Matthew 25:31–46. A History of Interpretation* (Atlanta 1987); Gustavo Gutiérrez, *Nachfolge Jesu und Option für die Armen. Beiträge zu einer Theologie der Befreiung im Zeitalter der Globalisierung* (Fribourg 2009), 43–59.

14 Joseph Ratzinger, “Das Problem der Absolutheit des christlichen Heilsweges”, in Joseph Ratzinger, *Das neue Volk Gottes. Entwürfe zur Ekklesiologie* (Düsseldorf 1969), 363–375, on p. 372.

15 Ernst Benz, “Ideen zu einer Theologie der Religionsgeschichte”, in Akademie der Wissenschaften und der Literatur (ed.), *Abhandlungen der geistes- und sozialwissenschaftlichen Klasse* (Wiesbaden 1961), vol. 5, 63f.

arising from the Spanish discovery of America in his commentary on *II Sententiarum* dist. 44, q. 3 as first printed in 1509. It was meant to close with Aristotle’s *Politics*, more precisely the widely held view that the Spaniards could rule over the indigenous Americans like “the Greek over the barbarians”: that the so-called Indians were “slaves by nature” and that “it was the right of the first person who conquered them to rule them”.¹⁶ This was the “scientific consensus” at the time.

The situation changed in September 1510 when the first Dominicans arrived in Santo Domingo, the capital of today’s Dominican Republic. At the end of 1511, Antón de Montesino asked – as already mentioned before – a number of decisive questions in his famous sermon on the last Sunday of Advent:

Tell me, with what right, with what justice do you hold these Indians in such cruel and horrible servitude? On whose authority have you waged such detestable wars on these people, who lived calm and peacefully in their lands, in which you have consumed such infinitudes of them, wreaking upon them this death and unheard-of havoc? [...] Are they not human beings? Have they no rational souls? Are you not obliged to love them as you love yourselves?¹⁷

Now the decisive questions had been asked, moreover, from a peculiar Christian perspective: Montesino had not only questioned the “right” with which the indigenous Americans were held in such cruel and horrible servitude, but had also indicated, to further evangelisation, that they were “children of God” and, thus, men “like us”. The ensuing controversy about the nature of the indigenous Americans reached its pinnacle in the aforementioned debate between Las Casas and Sepúlveda in Valladolid in 1550–1551.

16 John Major, *In secundum librum sententiarum* (Paris 1519), f. clxxxvij: “Etiam aliud est: Populus ille bestialiter vivit; citra ultraque equatorum et sub polis vivunt homines ferini, ut Ptholomaeus in Quadripartito dicit. Et iam hoc experientia compertum est [...]”. (“These peoples live like beasts and there are wild people on both sides of the equator and below the poles, as as Ptolemy states in his ‘Tetrabiblos’. This is proven today by way of experience. As they are slaves by nature, whoever conquers them first has the right to rule them. And as the philosopher states in chapters 3 and 4 of book I of ‘Politics’, it is clear that some people are slaves and others are masters by nature; indeed, in the case of some people, it is determined that others will benefit. And it is in fact just that one is a slave and the other a master, that one gives and the other obeys orders, as the ability to give order is natural to the master. It is for this reason that the philosopher states in the aforementioned book that the Greek should rule over the barbarians, as barbarians and slaves are essentially the same by nature.”) Cited after Las Casas in *OC IX*, 622; cf. Anthony Pagden, *La caída del hombre natural: el indio americano y los orígenes de la etnología comparativa* (Madrid 1988), 66.

17 Las Casas, *OC V*, 1761f.

The “Aristotelian argument” was Sepúlveda’s most important contribution to the debate. According to this argument, those whose natural constitution was such that they should be subservient, and “who rejected rule without there existing any other way”, could be subjected to “the use of force”. To the objection that the argument was rather astonishing “and far removed from general opinion”, Sepúlveda responded:

Astonishing perhaps, but only to those who welcomed the philosophy from a certain distance. I am all the more surprised that a man as educated as you are considers a certain teaching – well-known amongst philosophers and closely corresponding to natural law – to constitute a new dogma.¹⁸

Sepúlveda referred to the third, fifth and eighth chapter in Book I of Aristotle’s *Politics*, in particular. Following Aristotle, he first of all distinguished between the legal and philosophical notion of the term “slavery”. According to the first, slavery exists due to some accident, resulting in a loss of freedom; according to the second, it derives from an innate irrationality coupled with inhumane and barbaric customs. The different kinds of power and rule – of the father over his son, the husband over his wife, the master over slaves, the judge over citizens, the king over his people – rooted in natural law, derive, as Aristotle set out, from one sole principle and dogma: “The perfect always ought to dominate and rule over the imperfect, the excellent over its opposite, the noble over vice.”¹⁹ Whoever was unwilling to voluntarily respect this principle could legally be forced to do so, such as by way of a just war, as the philosophers had taught. To lend further support to his argument, Sepúlveda paraphrased a passage from Aristotle’s *Politics*:

It seems that war arises in a certain sense from nature, since a part of it is the art of the hunt, which is properly used not only against animals, but also against those men who, having been born to obey, reject servitude: such a war is just according to nature.²⁰

Based on Book I of Aristotle’s *Politics*,²¹ Sepúlveda thus subordinated “all” inhabitants of the New World in terms of prudence, acumen and a whole range of virtues and human emotions to the Spaniards – just as “children are subordinate to adults, women to men, the cruel and inhuman to the gentle, and the unrestrained to the restrained and moderate”. In short: All natives

18 *DS*, 19 (425–436).

19 *DS*, 20; cf. Aristotle, *Politics* I,8: 1256b.

20 *DS*, 22; Aristotle, *Politics* I,8: 1256b, <http://www.columbia.edu/acis/ets/CCREAD/sepulved.htm>.

21 Cf. Aristotle, *Politics* I,2f. 5.8: 1252a–1253b, 1254ab, 1256ab.

were “poor, weak creatures” (homunculi), barbaric man-eaters like the Scythians during Antiquity, who could hardly be regarded as rational beings and therefore could, should they not voluntarily subordinate themselves, be hunted like animals. Also, they had no cultural achievements to show. The fact that they had houses and political regimes of sorts indicated that they were neither bears nor monkeys, but not necessarily creatures with a trace of reason.

Today many authors are surprised that Sepúlveda had such bad press at that time. They believe that he only wanted to apply the principles of Aristotelian humanism to the project of Spanish expansion.²² The problem is not, however, that Sepúlveda argued in favour of whoever was the better, as such a line of argument, from a strictly philosophical point of view, would, in terms of meritocracy, also be valid today. The problem is rather that he described entire peoples as being “slaves by nature” and constructed on this basis, disregarding their cultures, a set of reasons why they should be subjected permanently.²³ That the natives would ever be able to govern themselves “rationally”, i.e. in a manner judged “civilised” by European standards, was more than unlikely if one believed Sepúlveda’s writings on the *controversia de Indis*. It is for this reason that he deserved being reproached by Erasmus in 1532 (when the Dutch scholar responded to the *Antapologia* which Sepúlveda had sent him, a series of arguments challenging Erasmus’s written defence against Alberto Pio, Prince of Capri, who had previously equated Erasmus’s pacifism with the harm caused by Luther):

I admire the erudition and talent as well as the brilliant style of your work. Nonetheless, I was most disappointed to see that you make your fine abilities available to such a cause. Indeed, it is regrettable that a talent like yours, for which no-one but Christ and his muses can be thanked, allows itself to be misused by such a polemic minority.²⁴

Unlike Sepúlveda, Las Casas knew the New World – the Caribbean and Central America – from personal experience. Between 1502 and 1547 he sailed five times between Spain and the West Indies, grew fond of the indigenous Americans and came to regard them as children of God and close relatives of Europeans. It was not least because of this that he called for a change

22 See, for example, Horst Pietschmann, “Aristotelischer Humanismus und Inhumanität? Sepúlveda und die amerikanischen Ureinwohner”, in Wolfgang Reinhard (ed.), *Humanismus und Neue Welt* (Weinheim 1987), 143–166.

23 As is evident from his late work *De regno* (1571), Sepúlveda maintained his Aristotelian world view after the Debate of Valladolid and continued to regard the indigenous Americans as “slaves by nature”; cf. Juan Ginés de Sepúlveda, “Del reino y los deberes del rey” in Ángel Losada (ed.), *Tratados políticos de Juan Ginés de Sepúlveda* (Madrid 1963), 29–125, on pp. 34–36.

24 Losada (ed.), *Epistolario*, 32.

of perspective in the *controversia de Indis*. He asked himself, for example, whether a John Major – or, for that matter, Sepúlveda – would have spoken in this manner “if he had been an Indian himself” (*si Indus esset*).²⁵ It is for this reason that Las Casas established a new kind of apologetic literature, which was meant to do justice to the values that Europe and Christianity represent. Considering that the term “apologia” had been used, since Socrates, to describe a person’s self-defence against criticism lacking facts, Las Casas wrote two rather remarkable texts – both with the word “apologia” in the title – to defend others, their human dignity, freedom and equality as well as the value of their cultures and religions: *Adversus persecutores et calumniatores gentium novi orbis ad oceanum reperti apologia*, which he wrote during and after the Debate of Valladolid and which remained unpublished until the middle of the twentieth century,²⁶ and *Apologética historia sumaria*, which he wrote for the most part after the Debate of Valladolid and which was first published in 1909.²⁷

Las Casas was fiercest in his critique of Sepúlveda’s “Aristotelian argument”. For Las Casas,²⁸ Aristotle’s notion of the barbarian was not as clear-cut as Sepúlveda had claimed, and he could not accept that the indigenous Americans were to be regarded as “slaves by nature”. First, a barbarian was any human being, who, contrary to reason and the natural law, had developed into the worst kind of possible being, something that could, as we all knew, also occur among the “civilised”.²⁹ Second, a barbarian was any human being who spoke a foreign tongue, had no system of writing, or simply belonged to another culture. Third, barbarians in the narrow Aristotelian definition of the word were only such human beings that resemble monsters and live like wild animals, free from any kind of political rule; this third kind, however, was exceedingly rare among mankind.³⁰ It is the last group that Aristotle referred to in Book I of *Politics*,³¹ whereas he referred to the second group in Books III and V of *Politics*,³² emphasizing that there also existed real kingdoms with natural kings, standing armies and political regimes among the barbarians. The indigenous Americans belonged to the second group, whereby Europeans were – according to such criteria as foreign language, etc. – as much barbarians to them as they were barbarians to us.

25 OC IX, 604.

26 Ibid.

27 OC VI, VII and VIII.

28 Cf. OC IX, 76–125.

29 Cf. Aristotle, *Politics* I,2: 1253a.

30 Cf. id., *Nicomachian Ethics* VII,1: 1145a.

31 Cf. id., *Politics* I,2: 1252b and I,8: 1256b.

32 Cf. id., *Politics* III,14: 1285a; III,16: 1287b; III,17: 1287b–1288a and V,11: 1314a; V,10: 1311a.

And even if the indigenous Americans were barbarians according to the narrow Aristotelian definition, there was no reason, as Sepúlveda had claimed, why they should be allowed, in wars of conquest, to be hunted down like animals. Indeed, any rule established against the will of the subordinates could only be, as Aristotle set out in Book III of *Politics*, tyrannical, brutal and short-lived; and tyrannical rule was, as Aristotle argued in the *Nicomachian Ethics*,³³ the worst form of government and not to be tolerated.

But Las Casas went further than to classify the indigenous Americans among the second group of the barbarians and to criticise colonial warfare. In Book VII of *Politics* and Book VI of the *Nicomachian Ethics*, Aristotle famously described the preconditions required for an ideal state to develop, namely the presence of farmers, craftsmen, warriors, a certain number of rich men, priests and judges who were distinguished by economic, religious and political intelligence.³⁴ In his apologetic writings, Las Casas attempted to prove that these preconditions were met by many native polities and were, in fact, at times more developed than those known from European antiquity. At the same time, it should not be concealed here that Las Casas’ description of the indigenous Americans was at times rather idealised, such as when he wrote that the inhabitants of some of the Caribbean islands – the Bahamas – were so naïve, serene and peaceful that it appeared that “Adam had never sinned”.³⁵

In fact, it was only a matter of duty for Las Casas to discuss Aristotle, a duty which he took on to rebut Sepúlveda’s main argument with Sepúlveda’s own weapons. It was, however, when Las Casas departed from Aristotle and subjected the great thinker’s dogmas to the ethic universalism of both the Biblical *and* the Stoic traditions that his true greatness showed: “Farewell Aristotle? Because it is from Christ, the eternal truth, that we received the commandment: ‘Thou shalt love thy neighbour as thyself’ (Matthew 22:40).”³⁶ With such sentences Las Casas indicated that it was, above all, the Christian humanism that concerned him – just as it had concerned the first Spanish Dominicans when they asked the decisive questions on the last Sunday of Advent in 1511. His faith told him that all men were made in God’s image and that they were, in principle, all capable of living a civilised life according to the faith. It is against this background and on the basis of Cicero that Las Casas could conclude his critique of the “Aristotelian argument” with the following words, resembling a declaration of universal human dignity: “All the lineage of humanity is one and all human beings with regard

33 Cf. id., *Nicomachian Ethics* VIII,12: 1160b.

34 Cf. id., *Politics* VII,8: 1328b; *Nicomachian Ethics* VI: 1138b–1145a.

35 *OC* VIII, 1319.

36 *OC* IX, 100f.

their creation and natural existence are alike.”³⁷ After all, all people have, in principle, reason and free will. Such an understanding of mankind is the precondition for the establishment of a more cooperative and just world order, as generally aspired to today.

3. Las Casas and the African Slaves

Ever since the Enlightenment philosopher Corneille de Pauw wrote in his *Recherches philosophiques sur les Américains, ou Mémoires intéressants pour servir à l'histoire de l'espèce humaine* (2 vols, Berlin 1768–1769) that the slave trade to America “had first been envisioned and conceptualised by a cleric named Las Casas”,³⁸ it has been claimed time and again that the Christian humanist Las Casas simultaneously defended the freedom of the indigenous American and the enslavement of the black African, an argument that would have been deeply fraught with contradiction, of course. Henri Grégoire, the famous constitutionalist Bishop of Blois, defended Las Casas in a memorable *Apologie* in the French Academy on 12 May 1800.³⁹ In this discourse he firmly denied that Las Casas had been the initiator of the slave trade. Indeed, the *Historia de las Indias*, in which Las Casas accused himself of having been the first to recommend “that licences should be issued to take Negro slaves to these countries”,⁴⁰ was – due to a law issued by Philipp II in 1558 strictly regulating all printed matter – only published later and Grégoire took the view that the parts recounted by Antonio Herrera in his *Historia de los hechos de los castellanos [...]* of 1601 amounted to nothing but defamation. The apologetic line adopted by Grégoire was subsequently reasserted by some other LasCasasists: Servando Teresa de Mier in 1806, Gregorio de Funes in 1819, and Juan Antonio Llorente in 1822. In the nineteenth century, there were also other authors who knew of Las Casas’ self-accusation, yet emphasised that there had already been black slaves in the Antilles before

37 OC VII, 537; cf. Marcus Tullius Cicero, *De legibus – Über die Rechtlichkeit* [transl., commentary and epilogue by Karl Büchner] (Stuttgart 1989), 19f., 30–32. The English translation after John Marenbon (ed.), *The Oxford Handbook of Medieval Philosophy* (Oxford 2012), 656.

38 Isacio Pérez Fernández, *Bartolomé de las Casas ¿contra los negros? Revisión de una leyenda* (Madrid 1991), 36.

39 Cf. “Apologie de Bartolomé de Las Casas, évêque de Chiapas” as delivered by Citizen Grégoire at the Institut National on 22 Floréal 08/12 May 1800 in Albert Soboul (ed.), *Les Œuvres de l'abbé Grégoire* (Paris 1977; 14 vols), vol. VI; Rita Hermon-Belot (ed.), *Écrits sur les Noirs* (Paris 2009; 2 vols), vol. 1 (1789–1808); Guy Bedouelle, “Las Casas et la traite des Noirs: une apologie bien intentionnée de l'abbé Grégoire (1802)”, in *Mémoire dominicaine* 16 (2002), 153–180.

40 OC V, 2191.

Las Casas made his recommendation, and moreover that others would have done exactly the same. Lascasists and anti-Lascasists have exchanged the same arguments ever since.

New documents and arguments were contributed above all by Isacio Pérez Fernández.⁴¹ He also challenged the views held by many scholars since the eighteenth century: namely, that Las Casas was the first to recommend bringing black slaves to the Antilles; that he came up with and drafted the plan for the slave trade; that he endorsed the enslavement of black Africans; and, last but not least, that he had a selective understanding as far as human rights and human dignity are concerned.⁴² So what has historical research revealed to be true? It showed that there were already black slaves in the Antilles before Las Casas wrote his memoranda in 1516–1518; that Las Casas suggested the following in his memorandum of 1516, written in response to pleas received from mendicants and settlers of the island Española and addressed to Cardinal Francisco Jiménez de Cisneros and Adriaan Florensz, the Bishop of Tortosa, the co-regents of Spain at the time: “As to the communities in question, H. E. is advised to keep twenty Negroes or other slaves instead of Indians for the mines, providing them with accommodation and food as necessary;”⁴³ that the Hieronymite Fathers made similar suggestions in 1517 and 1518 (see also the case of the colonial judge Alonso de Zuazo); that Las Casas renewed his suggestion in 1518; that all these suggestions only reflected the interests of the Spanish settlers, wishing to cease the exploitation of the indigenous Americans; that it was the general understanding in Europe at the time that the black Africans had been enslaved in just wars on the African west coast and that slavery was therefore legitimate; that the great scholastic Adriaan Florensz, later Pope Adrian VI, with whom Las Casas resided at the Spanish court of Charles V, did not voice any doubts; that the court made several attempts in 1518 to obtain licences to trade in slaves; that Las Casas answered, upon being asked how many slaves would be needed, that he did not know;⁴⁴ that the Atlantic slave trade began in 1518, after Laurent de Gorevod, the Governor of Bressa, had sold his licence to abduct 4,000 slaves to the Antilles to the brothers Centurione (Melchior, Gaspar, Martin, Esteban and Luis), Genoese bankers in Seville; that the slave trade then took on its own dynamic, driven by the laws of supply and demand.

41 Cf. footnote 38 as well as Isacio Pérez Fernández, *Fray Bartolomé de las Casas: de defensor de los indios a defensor de los negros. Su intervención en los orígenes de la deportación de esclavos negros a América y su denuncia de la previa esclavización en África* (Madrid 1995); Philippe-Ignace André-Vincent, “Las Casas face à la traite des Noirs”, in *Autour de Las Casas. Actes du colloque du Ve Centenaire 1484–1984 [Toulouse, 25–28 October 1984]* (Paris 1987), 235–241; Luz María Martínez Montiel, *Negros en América* (Madrid 1992).

42 Cf. Pérez Fernández, *Bartolomé de las Casas ¿contra los negros?*, 59–61.

43 Las Casas, *OC* XIII, 28.

44 Cf. Las Casas, *OC* V, 2191.

For what there is no historical proof, however, is a direct involvement of Las Casas in the slave trade. At the same time, it appears that he contacted the Crown on several occasions to obtain black slaves, for himself, for settlers in the Antilles, and for the family of Columbus. The last time this happened was in 1543, when he travelled as Bishop of Chiapas to Mexico. To contact the Crown for the services of black slaves was not uncommon for bishops at the time, at least not until 1547, when Las Casas started to change his mind.

In 1547, a black slave by the name of Pedro Carmona returned together with Las Casas from Cuba to Lisbon. While Carmona had been freed by his late master, the master's heirs did not agree with and recognise this decision. Protected by Bishop Las Casas, he thus travelled to Spain to assert his freedom in court. That he travelled under the protection of Las Casas we know from the account Carmona delivered in court. Once in Spain, Las Casas accompanied Carmona to court and posted bail for him, right up until his freedom was restored. It can be assumed that Las Casas, who by nature had a "compassionate heart",⁴⁵ listened to Carmona's life story on the long journey across the Atlantic. Recognizing that the Portuguese wars against black Africans in Guinea were no less unjust than the Spanish wars against indigenous Americans in the New World, it seems to have occurred to him that the enslavement of black men, women and children was no less horrendous.

Las Casas also used his stay in Lisbon to buy some of the chronicles compiled by Portuguese explorers about their journeys along the west coast of Africa. But it was only after the Debate of Valladolid in 1550–1551, which marked a turning point in his thought, that Las Casas was to find time to study the chronicles in detail. Convinced that the Portuguese wars in Africa were also deeply unjust, he wrote, from 1555 onwards, some additional chapters to his *Historia de las Indias*, which constituted something like a "Brief Report about the Destruction of West Africa" by the Portuguese.⁴⁶ His studies of Portuguese expansion led him, in 1560, to the succinct judgement "that the horrible servitude of the Negro is as unjust as that of the Indian".⁴⁷ Thus, with regard to the black slave, he came to recognise and regret his earlier misjudgement – indeed, to such an extent, that he was no longer certain whether "his past ignorance and general goodwill could be pardoned by God's judgement".⁴⁸

45 Cf. Las Casas, *OC V*, 2081.

46 Cf. Isacio Pérez Fernández, *Brevisima relación de la destrucción de Africa. Preludio de la destrucción de las Indias* (Salamanca 1989).

47 Las Casas, *OC V*, 2324.

48 *Ibid.*

This self-incrimination should, however, rather be understood in theological and moral terms: He subjectively felt “guilty” for having indirectly contributed to the slave trade, even though his contribution was never decisive and even though he acted out of ignorance and on the basis of good will. He had a scrupulous conscience and tended to overemphasise his “sin”. As far as the slave trade is concerned, his conscience remained troubled right until his death.

4. The Impact of Las Casas

Overall it can be said that Las Casas’ anthropological main thesis, that all men and women as children of God can be civilised and thus can believe, prevailed; in contrast, the thesis that indigenous Americans were by definition non-barbarians turned out not to be persuasive. Indeed, around 1570 the Franciscan friar and great ethnographer of Aztec culture Bernardino de Sahagún clearly emphasised that indigenous Americans “are our brothers, who like us are descended from Adam; they are our kin, whom we are obliged to love as we love ourselves”.⁴⁹ He did not allow himself to be drawn into the debate whether the Aztecs had been “wild” or “civilised” before their encounter with Christ, but certainly believed in an evolutionary notion of history and maintained that the Aztecs, now converted, were no longer barbarians:

Whatever the old days may have been like, we can see now that they are skilled in and practise all kinds of craftsmanship. They are also talented when it comes to the mastery of philosophy and theology, as can be seen from those who have been instructed in these matters.

And he added: “They thus are no less suited for Christianity, if only they received adequate instruction.”⁵⁰

Still, the Jesuit Acosta, who advocated a “differentiated” anthropological approach around 1600, was to have a much greater influence on the creation of the colonial system. Informed by both ethical and practical concerns, “one Indian [was] not the same as another” for Acosta, and “to express it with some humour, there exist[ed] barbarians who [were] far ahead of others”.⁵¹ More precisely, he spoke of three types of barbarians, as the recently

49 Bernardino de Sahagún, “Historia general de las cosas de Nueva España”, in Juan Carlos Temprano (ed.), *Crónicas de América* (Madrid 1990), vol. 55a, 5f.

50 Ibid.

51 José de Acosta, *De procuranda indorum salute* (Madrid 1984–1987), vol. 23, 60.

discovered atheists were all called: The first type included the Chinese, the Japanese and most of the peoples of East India, whom he considered to be as civilised as Europeans, as they had “clear forms of government, state laws, fortified cities, highly respected officials, a blossoming, well-organised trade and – what is perhaps most important – a recognised use of written languages”.⁵² The second type included the indigenous peoples who had given rise to the high cultures of Mexico and Peru. While they did not have any written languages, they nonetheless had well-ordered political regimes and maintained magnificent cults of God, all with priests and temples. The third type was associated with nomads, such as the Guaraní and most of the other indigenous peoples, who lived without laws and kings, without contracts and administrations, and who also knew no organised cults of God. These were the “slaves by nature”, whom, according to Aristotle, it was permissible to hunt and tame like animals. While all three types of barbarians had the capacity to learn and, even more importantly, the “capacity to believe”, the catechetical method needed to be applied differently and needed to include, especially with the third type, a certain degree of paternalistic compulsion.

It appears that Acosta⁵³ wanted to leave all conflicts behind, disputes that had long clouded the light of truth with thick fog. To this end he rejected Sepúlveda’s notion of religious and political expansion and insisted that the lack of civilisation among certain peoples was not so much due to their birth as to their education and customs.⁵⁴ While he maintained that Spaniards and indigenous Americans together made up the people of the Spanish Empire (“All have the same king and are subject to the same laws.”⁵⁵), he added the qualification, following Aristotle, that those with only manual skills should allow themselves to be led and those with intellectual abilities should lead the manually skilled and, above all, intellectually talented. According to Acosta, the relationship between Spaniards and indigenous Americans thus was to be as follows: the first were to treat the second, if necessary, with force, but never inhumanely; furthermore, the two were meant to help each other, as the state could only function if some lent their eyes for it to be able to see, and others their feet for it to be able to walk.

Las Casas was in favour of an idealist normative approach. Acosta, on the other hand, pursued a realist strategy and described what was politically feasible in the shadow of colonial ambitions. His theory, as adopted and implemented by the Jesuits, arguably constituted the most appropriate

52 Ibid., 62.

53 Cf. *ibid.*, 272.

54 Cf. *ibid.*, 148–156.

55 Cf. *ibid.*, 516.

approach – “a plan possible for the Europeans; a plan advantageous for the Indians” – to the political realities of the Americas after the Spanish conquest of the Inca Empire in 1572.⁵⁶

5. Outlook

Las Casas demonstrated two things: firstly, that non-Europeans were not uncivilised, but had different cultures and values from which Europeans could learn, and secondly, that European culture had a Christian-Stoic core, which remained to be fully universalised. In other words, Las Casas would not be a supporter of the moral and legal relativism still apparent today.⁵⁷ Rather, he would support those calling for a self-critical, “enlightened Eurocentrism” or truly “universal universalism”,⁵⁸ in other words a greater willingness to admit mistakes, acknowledge the values of other cultures and help build, together with all persons concerned, a better world order. To this end today’s Europeans require more thoughtfulness and modesty, but also the necessary self-confidence.

Translation: Uta Protz

56 Alain Milhou, “Die Neue Welt als geistiges und moralisches Problem (1492–1609)”, in Horst Pietschmann et al. (ed.), *Handbuch zur Geschichte Lateinamerikas*, vol. 1: *Mittel, Südamerika und die Karibik bis 1760* (Stuttgart 1994), 274–296, on p. 289.

57 As to the notion of a “universal universalism”, see Wallerstein, *Barbarei*, 17.

58 *Ibid.*, 9.

Judith Becker

Conceptions of Humanity in Nineteenth-Century German Protestant Missions

What do missions have to do with humanitarianism? In some circles, the mission movement was and is interpreted as being mainly humanitarian, both in looking back to its beginnings and with regard to the present when mission has become mostly social work and mission institutions work alongside other NGOs in areas of crisis.¹ However, as the substantiating arguments in favour of missions have changed considerably over the years, so have the definitions of “humanity” or “humanitarian”. When reading the publications in the Basel periodical *Der evangelische Heidenbote* (“The evangelical heathen-messenger”) with regard to India in the first 25 years of the Basel India mission (1834–1859), it is striking that the terms “humanity”, “humanitarianism” or some derivative are not used once. How, then, did German missions in the nineteenth century understand humanity and in what respects was the concept of humanity a foundational and substantiating element in these missions?

After a short introduction to the major nineteenth-century mission theologian Gustav Warneck, this study will focus on the Basel Mission, the largest and most important of the German-speaking mission societies in the early nineteenth century. The study will draw on their periodical *Der evangelische Heidenbote* and on manuscript sources, mainly applications by future missionaries in which they elaborated on their motives, as well as letters and reports from missionaries, mostly from South India.

The first section on Warneck will illustrate the broad theological outlines of the missions’ religious argumentation. Of course, Warneck cannot stand for all missions, not even for all German-speaking missions. But his was an important voice, heard by all and reacted to by all. Furthermore, his attitudes were shared by most mission societies and also by the Basel Mission.

1 These approaches are discussed in most newer overviews over mission history, see e.g. Dana L. Robert, *Christian Mission. How Christianity Became a World Religion* (Blackwell Brief Histories of Religion Series, Chichester 2009); Jeffrey Cox, *The British Missionary Enterprise Since 1700* (New York 2008); id., “Master Narratives of Imperial Missions”, in Jamie S. Scott/Gareth Griffiths (ed.), *Mixed Messages: Materiality, Textuality, Missions* (New York 2005), 3–18. An overview over contemporary approaches to conceptions of humanitarianism offers e.g. Lynn Festa, “Humanity Without Feathers”, in *Humanity* 1:1 (2010), 3–27. See also Michael Barnett/Janice Gross Stein (ed.), *Sacred Aid. Faith and Humanitarianism* (Oxford 2012).

In the later sections, foundational aspects of humanity in the viewpoint of the Basel Mission are discussed. They can be grouped according to three features: humanity as humaneness (“Menschlichkeit”), as unity and equality, and as relief from (spiritual and physical) poverty. Finally, I will draw some conclusions as to the importance of humanity for German missions in the nineteenth century.

1. Gustav Warneck’s *History of Protestant Missions* and Humanity

In 1882, the doyen of (German) mission studies, Gustav Warneck, published the first edition of his voluminous *Outline of the History of Protestant Missions*.² In his introductory chapter, after some general remarks on Christianity and missions, he gave an overview over the history of Protestant missions from the Reformation. To him, the nineteenth century was the real century of missions and he explained why this had become possible: besides geographical explorations and technical inventions, ideas and attitudes in the West had changed. Following the American and French Revolutions, political freedom came to the fore, as did “a certain philanthropy and humanity”³ that found its main expression in the abolition movement.⁴ While distancing himself from “political party fervour and doctrinal enthusiasm”,⁵ Warneck claimed that this ideological development helped to rouse interest in the well-being of “black” people and thus strengthened the mission movement.

2 Gustav Warneck, *Abriß einer Geschichte der protestantischen Missionen von der Reformation bis auf die Gegenwart. Ein Beitrag zur neueren Kirchengeschichte* (Leipzig 1882). On Warneck and his time see Dieter Becker/Andreas Feldtkeller (ed.), *Es begann in Halle ...: Missionswissenschaft von Gustav Warneck bis heute* (Erlangen 1997).

3 *Ibid.*, 42: “eine gewisse Philanthropie und Humanität”.

4 On this question see Seymour Drescher, “Trends in der Historiographie des Abolitionismus”, in *Geschichte und Gesellschaft* 16 (1990), 187–211; Herbert S. Klein, “Neuere Interpretationen des atlantischen Sklavenhandels”, in *ibid.*, 141–160; Howard Temperley, “The Ideology of Antislavery”, in David Eltis/James Walvin (ed.), *The Abolition of the Atlantic Slave Trade. Origins and Effects in Europe, Africa, and the Americas* (Madison, WI 1981), 21–35; Derek R. Peterson (ed.), *Abolitionism and Imperialism in Britain, Africa, and the Atlantic* (Athens, GA 2010), 129–149; John Stauffer, “Abolition and Antislavery”, in Robert L. Paquette/Mark M. Smith (ed.), *The Oxford Handbook of Slavery in the Americas* (Oxford 2010), 556–577. For an overview over the most important sources cf. e.g. John Oldfield (ed.), *The British Transatlantic Slave Trade*, vol. 3: *The Abolitionist Struggle: Opponents of the Slave Trade* (London 2003). Cf. also Stanley L. Engerman, “Some Implications of the Abolition of the Slave Trade”, in David Eltis/James Walvin (ed.), *The Abolition of the Atlantic Slave Trade. Origins and Effects in Europe, Africa, and the Americas* (Madison 1981), 3–18; Seymour Drescher, *Abolition. A History of Slavery and Antislavery* (Cambridge 2009); *id.*, *Econocide. British Slavery in the Era of Abolition* (Chapel Hill, NC 2010).

5 Warneck, *Abriß* (1882), 42: “politischer Parteieifer und doktrinäre Schwärmerei”.

This, as he repeatedly stated, was not the purpose of the liberal movements and revolutions, which were instead used by God to be put in the service of missions.⁶ Warneck underlined that God was the author of everything that happened in the world and that he used worldly events or human endeavours in ways that humans did not expect. The omnipotence of God and his active intervention in the world were among Warneck's main beliefs.

In the ninth edition, dated 1910, shortly before his death, Warneck was more outspoken about the relation between ideas of humanity and human rights on the one hand and mission on the other: again, he underlined the difference between revolutions and political and liberal ideas of humanity on the one hand and the Christian religion on the other, and then explained how these ideas had opened the way for Christian missions.⁷ He was of the opinion that these ideas and practices, together with Rousseau's ideal of nature, had led to a new esteem for "non-Christian and non-civilised humankind" and that this had made it easier for Christians to put into practice the right of all people to hear the Gospel.⁸

The last aspect was his main point: Christianity was a universalistic religion and taught universal salvation.⁹ Warneck taught the unity of all humankind as created in God's image and that all humankind was of the same blood.¹⁰ This means that it shared descent from Adam and Eve and was meant to be saved by the love and blood of Jesus Christ. Warneck claimed

6 Cf. e.g. Gustav Warneck, *Abriß einer Geschichte der protestantischen Missionen von der Reformation bis auf die Gegenwart. Mit einem Anhang über die katholischen Missionen* (Berlin 1910), 208: "[...] die menschlicherseits keineswegs in der Absicht geschehen sind und noch geschehen, dem Christentum zu seiner Ausbreitung Türen zu öffnen, die aber die weltregierende Hand Gottes heute geradeso in den Dienst der Mission stellt, wie in der apostolischen Zeit die jüdische Diaspora, [...]". Cf. also *ibid.*, 259: "es ist nicht Missionsaufgabe, die Türen der Welt aufzuschließen, sondern dahin zu gehen, wo sie bereits aufgeschlossen sind. Unter dem vorsehungsvollen Leiten Gottes öffnet der Wissenstrieb und der Erwerbssinn durch Entdecker, Kaufleute und Kolonialpolitiker die Türen der Welt und diese Türöffnung ist der Missionsbeitrag, den die Welt meist unwissentlich und selbst unwillentlich leistet."

7 Warneck belonged to the conservative wing of Protestant theologians and to the Pietist/awakening movement. Members of other groups within Protestantism would have argued in a very different way. Also, for Warneck like for the awakening movement, destruction of order was seen as endangering life, world and religion. Therefore, they opposed all kinds of revolution.

8 Warneck, *Abriß* (1910), 81: "So revolutionär auch jene Ideen auftraten, und so wenig die Forderung allgemeiner Menschenrechte religiös begründet wurde, so leisteten sie der Missionsbewegung dennoch dadurch Wegbereiterdienste, daß sie in Verbindung mit den Rousseauschen Naturidealen einen Umschwung in der Schätzung auch der nichtchristlichen und nichtzivilisierten Menschheit herbeiführten, und daß sie den christlichen Kreisen die Geltendmachung des Rechts aller Menschen auch auf das Evangelium wesentlich erleichterten."

9 *Ibid.*, 1.

10 On the reference to the same blood cf. also: Felicity Jenz, "Reporting From the Religious Contact Zone: Missionaries and Anthropologists in Nineteenth-Century Australia", in Judith Becker (ed.), *European Missions in Contact Zones. Transformation Through Interaction in a (Post-)Colonial World* (Göttingen 2015), 125–141.

that God had had, from the beginning, the plan to save all humankind and that he had made this plan more and more visible until the time of the present Christian missions. The idea of a universal mission made Christianity a world religion, according to Warneck.¹¹ The doctrine of justification, the centre of the Protestant faith,¹² taught “a universal want for salvation, a universal grace of salvation and a universal condition of salvation”. It followed, to Warneck, that there also needed to be a universal offer of salvation and thus mission to the whole world.¹³

That is how he defined humanity or humankind.¹⁴ All humankind shared an origin and a goal – and had the same problems to solve, the same faults, the same sins and the same, the only path to salvation. In his religious perspective, all humankind was one.

Opinions such as those of Gustav Warneck were very common in the nineteenth-century mission movement. They were not seen as contradicting the ethnological differentiation between races, the religious differentiation between cultures as influenced by religions, or the evolutionary differentiation between stages of development in particular countries and cultures. But all these differences, however important in daily life, were traversed by the religious conviction of a fundamental unity.

The relief that mission could bring was mainly interpreted as spiritual relief from the danger of eternal death. Still, the progress of the book makes clear that Warneck also believed in relief from physical distress. With regard to David Livingston, he underlined that his explorations all “ultimately served humane ends: the abolition of the slave trade, the opening of roads for legal trade, the introduction of a healthy culture and principally the spread of Christianity”.¹⁵

Warneck also believed in the civilisational benefits mission could bring and in different stages of development attained by peoples in Africa, Asia, Europe and America. This development, he believed, was intimately linked with their religiosity. Warneck, like most parts of the nineteenth-century

11 Warneck, *Abriß* (1910), 2.

12 Eberhard Jüngel, *Das Evangelium von der Rechtfertigung des Gottlosen als Zentrum des christlichen Glaubens. Eine theologische Studie in ökumenischer Absicht* (Tübingen 1999).

13 Warneck, *Abriß* (1910), 3: “So haben wir in der Lehre von der Rechtfertigung durch den Glauben ein *universales Heilsbedürfnis*, eine universale *Heilsgnade* und eine universale *Heilsbedingung*. Mit logischer wie mit dogmatischer und ethischer Notwendigkeit folgt daraus eine *universale Heilsanbietung*, d.h. die *Sendungsveranstaltung durch die ganze Welt* (Röm. 10, 4–17).”

14 Warneck himself spoke of “Menschheit”. When talking about liberal and political ideas of humanity he used the Latin term “Humanität”. I translate “Menschheit” with “humankind” in order to maintain the distinction.

15 Warneck, *Abriß* (1910), 319: “Alle seine Entdeckungen haben als letztes Ziel humane Zwecke: Beseitigung des Sklavenhandels, Straßenöffnung für gesetzlichen Handelsverkehr, Einführung gesunder Kultur und hauptsächlich Ausbreitung des Christentums.”

mission movement, interpreted all cultures as permeated by religion and since, to them, Christianity was the only religion that could open the path to God and eternal life; only the Christian religion could bring forward real progress and development.¹⁶ Furthermore, even when converted to Christianity, people had to grow in faith and in “Christian” standing before becoming “adult” Christians. Warneck, like others, and interpreting St. Paul, compared the development of Christians to children growing up.¹⁷ In the actual interpretation of when new converts were to be considered “adult”, he differed from others like the British Church Missionary Society, which elected the African Samuel Crowther as bishop in the mid-nineteenth century.¹⁸ However, he did not doubt that in the end, in the eschaton, all people would be the same.

Criticising the development in North America, where black slaves had been liberated but were not accepted as equal members of society, Warneck wrote that the church had become their social centre and that they put their efforts and sacrifices into churches and schools in order to build up their own, independent communities. They wanted to have churches with black ministers that were entirely independent of white staff. Implicitly, Warneck praised their religious endeavours whilst calling white Americans to account for their neighbours’ sense of independence, which he saw as contradicting the idea of a united Church.¹⁹ It was also in the sense of the unity not only of the Church but also of all humankind that Warneck interpreted the success of Protestant missions in India, mainly among the lower castes. In a worldly perspective, he saw that members of lower castes were attracted by the prospect of improving their social standing through conversion. He emphasised that Christianity did “everything in order to elevate them”.²⁰ In a religious perspective, he compared this development to the first centuries of Christianity, when the Christian faith had been adopted mostly by lower class people, too, and saw in this a proof of the right way of evangelising in accordance with the plan of God.

Civilisation was, according to Warneck, no prerequisite of Christian missions. If mission relied on a preexisting civilisation, if mission even tried to

16 The doctrine of development in successive stages was very popular at the time. However, the evangelicals also taught that progress was not linear but always interrupted by setbacks, declines of belief, “falling asleep” (thus the awakening) or even turning away from God. Warneck illustrates this in his overview over the history of Protestant missions from the Reformation to his present. On the development by stages cf. also Georg Wilhelm Friedrich Hegel, *Vorlesungen über die Philosophie der Geschichte* (Frankfurt/M. 1970).

17 Cf. 1 Cor. 3: 1–4.

18 Warneck, *Abriß* (1910), 271. On the CMS see Kevin Ward/Brian Stanley (ed.), *The Church Mission Society and World Christianity, 1799–1999. Studies in the History of Christian Missions* (Grand Rapids, MI 2000); Eugene Stock, *The History of the Church Missionary Society. Its Environment, its Men and its Work*, 3 vols (London 1899, vol. IV: London 1916).

19 Warneck, *Abriß* (1910), 234.

20 *Ibid.*, 365.

civilise before evangelising, it was doomed to failure. Warneck saw the proof of this theory in the Church Missionary Society's attempt to evangelise in New Zealand from 1814.²¹ Mission might well follow civilisation by others and it would certainly be followed by some kind of civilisation but (European) civilisation was not necessary for the success of missions. However, in order to further the growth of Christians in faith, Warneck found an enhancement of the moral, spiritual and social life of the whole society to be necessary.²² Still, he declared "the commingling of Christianisation and Europeanisation or Americanisation" to be one of the main dangers that threatened missionary success.²³

Warneck interpreted humankind as united by origin, object and goal, by creation and the eschaton, by sin and the need for salvation. In this sense, humanity became a substantiating element in his mission theory: all people had to be missionised or at least acquainted with the Gospel because they all needed it. It was the duty of those who were already converted to God to spread the "good news", for the sake of the others and to further of the Kingdom of God.

2. Humanity as Humaneness

Who is a human being? And how should he or she be treated?²⁴ In India, the Basel missionaries found these to be relevant questions.²⁵ They did not always agree with the Indians about the definition of who was to be considered a human being and what place this person took in society or in relation to animals. The definition of humanity itself was contested. Furthermore,

21 Ibid., 503f. On civilisation and humanitarianism in British missions see e.g. Richard Price, *Making Empire. Colonial Encounters and the Creation of Imperial Rule in Nineteenth-Century Africa* (Cambridge 2008), on the differences between the earlier missions described in this study and later nineteenth-century missions see Robert Eric Frykenberg, *Christianity in India. From Beginnings to the Present* (Oxford 2008), 339, on double-bound approach to culture and civilisation of evangelical and pietistic missions see Jeffrey Cox, "The Missionary Movement", in Denis G. Paz (ed.), *English Religious Traditions. Retrospect and Prospect* (Westport, CT 1995), 197–220. On colonialism see e.g. Harald Fischer-Tiné/Michael Mann (ed.), *Colonialism as Civilizing Mission. Cultural Ideology in British India* (London 2004); Catherine Hall, *Civilising Subjects. Metropole and Colony in the English Imagination, 1830–1867* (Oxford 2002).

22 Warneck, *Abriß* (1910), 510.

23 Ibid., 511.

24 Cf. e.g. Joanna Bourke, *What It Means to Be Human: Historical Reflections From the 1800s to the Present* (Berkeley, CA 2013).

25 On the Basel Mission see Wilhelm Schlatter, *Geschichte der Basler Mission 1815–1915. Mit besonderer Berücksichtigung der ungedruckten Quellen*, 3 vols (Basel 1916); Paul Jenkins, *Kurze Geschichte der Basler Mission* (Basel 1989); on the Basel Mission in India see Judith Becker, *Conversio im Wandel. Basler Missionare zwischen Europa und Südindien und die Ausbildung einer Kontaktreligiosität, 1834–1860* (Göttingen 2015).

the Basel missionaries discussed, on a more sophisticated level, how humans were to behave and what made “competent” or “good” humans.²⁶ In this debate, they did not distinguish between male and female humans.

The first opposition was that between humans and animals. When Herrmann Mögling, one of the most influential Basel Indian missionaries, first arrived in Mumbai²⁷ in 1836 and accompanied his Scottish colleagues Wilson and Mitchell on occasion of their visit to an animal hospital, he was shocked to see that animals were treated better than some humans. Taking into consideration the Hindu doctrine of reincarnation, he could understand that animals were regarded as equal to humans, but that animals should receive better treatment than humans was beyond his comprehension. The argument that humans could ask for help whereas animals could not did not convince him; he thought that humans who did ask for help were often not heard.²⁸ The contrast between the treatment of animals and of certain groups of humans, certain castes, again and again disgusted the missionaries. They had not the slightest sympathy for the esteem in which Hindus held certain animals – not when taking their treatment of humans into account. A fundamental difference between the Indian and the European definition of life appeared. It was based on different religious systems, the Hindu doctrine of incarnation on the one hand and the Christian belief in a linear history that would result in eternal life or damnation on the other. These differing beliefs had informed Indian (not only Hindu) as well as European (mostly Christian) attitudes towards life and towards the definition of humanity. While in Hinduism the boundaries between human and animal were fluent, in European Christianity they were regarded as stable.

But the definition of humanity was debated not only in relation to animals like cows or monkeys. It was also contested with regard to humans themselves. And here, though Indian notions concerning certain castes or groups of people were sometimes adopted, the Basel missionaries’ definitions and attributions as to who was considered human and who could be perceived as “animal” differed considerably from those of their Indian counterparts. And within the Basel community, different approaches can be found between the missionaries in India and the publishing and commentating editors of

26 Cf. e.g. Heidenbote 1837, 96. Cf. BMA, C-1,2 Mangalore 1836, no. 12, H. Mögling, 15.9.1836 for an more extensive description and the names and affiliations of the colleagues who welcomed the newcomers. Heidenbote 1846, 55.

27 As far as they are still recognisable, I use the official modern names of places in India. Only in cases when names have changed entirely and the towns are too small to be widely known have I retained the contemporary names. This decision was facilitated by the fact that the names were current in the nineteenth century, too, and their spelling differed considerably from one letter to the other, or even between reports in the *Heidenbote*. However, I am aware that the naming of many places is contested nowadays, too.

28 Quoted in Heidenbote 1837, 31.

their letters, the mission inspector and later the editor of the *Heidenbote*. Generally speaking, the people living in Europe were more ready to adopt Indian descriptions of certain groups as “savage” or “animal-like” than the missionaries in India.

In his annual report for 1844, inspector Wilhelm Hoffmann reported on the newly begun mission among the Nayadis “who up to now had led a savage and wretched life in the woods and on the streets [...]. They rambled around nearly naked like wild animals”.²⁹ The main reason for this ascription as “savage” and the comparison with animals lay in the people’s lack of sedentary ways, its clothing and dietary habits.³⁰ Sedentariness, to the Basel missionaries, was a main indicator of Christian development and faith.³¹ Nevertheless, it was the mission inspector in Basel, not the missionaries in India, who wrote in this pejorative way about the people. The Christians’ goal was, according to the inspector, to “educate these unfortunate people humanely”.³² Their goal was to form them as humans as opposed to their present life like “animals”. To this end, education and schooling in Christianity were considered necessary, as was a fixed residence. The *stabilitas loci* was one of the few persistent motifs when the Basel Mission discussed Christianisation in relation to civilisation or humanisation.

Two years later, Hoffmann distanced himself from the Hindu perception of the Nayadis as animals. Though he had adopted the ascription in the years before, he now declared that their “progress in learning, in work and in Christian moral or civilisation” proved “that they were not tigers or hyenas as the Hindus think”.³³ (“Hindu” in this context meant principally “Brahmin”).³⁴ The interesting point is that Hoffmann opposed “animal” not to “human” but

29 Heidenbote 1844, 62. Cf. also Heidenbote 1845, 13.

30 Cf. also the remarks in the annual report of 1845: Heidenbote 1845, 85. In Heidenbote 1844, 44. Johann Michael Fritz reported on the joy of the Nayadis when he had given them clothing so that they could, as he quoted the Nayadis, dress in a proper Indian way and thus appear as humans: “Ich hätte Ihnen und manchen vaterländischen Freunden es wünschen mögen, die Freude wahrnehmen zu können, die sich im Gesicht und Geberden dieser armen Leute kund that, als ich Abends jeglichem von ihnen ein Stück Zeug gab, mit dem sie sich nach indischer Weise ordentlich bekleiden konnten und wodurch sie, wie sie sich ausdrücken, nun in Stand gesetzt sind, als Menschen erscheinen zu können.”

31 Cf. Judith Becker, “‘Gehet hin in alle Welt ...’: Sendungsbewusstsein in der evangelischen Missionsbewegung der ersten Hälfte des 19. Jahrhunderts”, in *Evangelische Theologie* 72 (2012), 134–154.

32 Heidenbote 1844, 62. Another stated goal was to “save” them from Muslim missions.

33 Heidenbote 1846, 74.

34 The Basel Missionaries followed the general European trend to identify Brahmin and Sanskrit traditions with “Hinduism”. As an introduction see Gavin D. Flood, *An Introduction to Hinduism* (Cambridge 1996); Axel Michaels, *Der Hinduismus. Geschichte und Gegenwart* (Munich 2012). On the entanglement between Hindu and Christian approaches see Hugh Pyper, “The Battle of the Books: The Bible Versus the Vedas”, in C. L. Crouch/ Jonathan Stöckl (ed.), *In the Name of God. The Bible in the Colonial Discourse of Empire* (Leiden 2014), 169–187.

to “Christian”. It was their progress in education, civilisation and Christianity that proved the Nayadis’ humanity.³⁵

The definition of “Christian” as “human” was also behind the description of Brahmins as animal-like. In 1839, the charismatic Samuel Hebich was referred to as suffering from “very hard work with the grand Brahmins”. He wrote: “If our dear ones at home could see the fight with these wild animals for one hour only they would recognise, I am sure, that more favourable intercession for us and our work is needed.”³⁶ What turned Brahmins into animals in Hebich’s view was their persistent opposition to Christianity, a resistance not only on their own part but also, in the missionaries’ perception, engaged in keeping others from converting.³⁷ – On the other hand, Brahmins could also refer to the Europeans as belonging to the “race of monkeys” and thus assert their own superiority.³⁸ Both sides referred to their religious-political opponents as “animals”, an ascription which was used in both directions and functioned, of course, on a very different level from the discussion about the humanity of lower castes.

After visiting the animal hospital in 1836, Mögling saw some Hindu holy men, accompanied by his colleagues Johannes Layer and Heinrich Frey. He found the holy men to be disgusting and “hardly resembling humans”. Another holy man was, he thought, even more abhorrent. The man showed the dead fingers of a hand in which he held a green flower. According to Mögling, he boasted of his indifference towards his body.³⁹ The Christian message, however, was considered as relevant to the body as to the soul. This degree of asceticism was too much even for the ascetically inclined Mögling.⁴⁰ In his view, the holy man no longer behaved like a human being and voluntarily neglected his body, a gift from God. A different definition of asceticism as well as of humanity informed the missionaries’ and the Hindu perception of these saints. Not only was the “right” connection of body and soul contested, but also the definition of body and of physical pleasure or, in this case, suffering.

Yet the missionaries’ assessment of the Indians was not unidirectional. The same missionary could voice very different opinions. In 1846, the

35 Their regular prayers and their request for “Christian” names had already been quoted in the first reference to this new mission in 1844, thus elevating them above animals.

36 Heidenbote 1839, 89.

37 In a similar vein, Christian Müller reported on a Hindu festival where drunken Hindu guests became like “wild animals”. Heidenbote 1846, 27f. Here, too, an opposition to values, practices and religion informed the attribution as “animals”.

38 Heidenbote 1841, 68f.

39 Heidenbote 1837, 31.

40 Mögling’s attitude towards ascetics can be seen in his attempt to live like one of his Indian converts or audience and those were mainly from lower castes. His motif, however, was not ascetics but imitation of St. Paul; cf. 1 Cor. 9:20.

Heidenbote quoted several pages from Heinrich Albrecht's diary from 1844, when Albrecht had been in India for two years. He complained about "the Hindu" and enumerated "his" negative character traits, concluding with a reference to the ancient proverb about the Cretans: "They are always liars, evil beasts, slow bellies."⁴¹ A few pages later, the same Albrecht praised "the Hindus" for being better than "our white people at home" and thus closer to the Kingdom of God.⁴² Depending on the context, the attitude towards and estimation of the Indians could change considerably, particularly if the Indians were Hindus. Muslims were generally seen more negatively, less susceptible for evangelisation, but on the other hand they usually were not compared to animals, either. Catholic Indians, if they did not prove open to conversion, were seen even more negatively, but most certainly as humans.⁴³

The assessment of the Indians depended on their attitude towards the missionaries and on their practices towards the evangelising men and women. It was, therefore, a religious assessment. On the same page as the last quotation, Albrecht explained the goal of his mission: "to speak a word of truth, whereby vicious people shall become good people". He explained to his audience that all men were bad, without any exception, and that only faith could make them good and keep them from living in sin.⁴⁴ In this perception, conversion and faith were what made men human.

This opinion underlay the missionaries' notion that they could actually see who was a Christian and who was not. They repeatedly reported on external features in which they thought they saw the degree of "Christianness". This mostly referred to the faith, but sometimes also to posture or deportment. Of course, actions, keeping to "Christian" values and practices, were perceived as a more or less objective indicator, but features and posture also came up fairly often.⁴⁵ An open face, a "free" look indicated the Indian's inner beliefs, or so thought the missionaries. An additional feature was joy spread over the face.⁴⁶ When they could not see the "likeness of a disciple", they became suspicious of the person.⁴⁷ As in other respects, external features

41 Heidenbote 1846, 49. Cf. Titus 1:12.

42 Ibid., 55.

43 On Syrian Christians in India see Paul Verghese (ed.), *Die syrischen Kirchen in Indien* (Stuttgart 1974); George Oommen, "Strength of Tradition and Weakness of Communication – Central Kerala Dalit Conversion", in Geoffrey A. Oddie (ed.), *Religious Conversion Movements in South Asia. Continuities and Change, 1800–1990* (Richmond 1996), 79–95. Cf. also Matthias Frenz, "The Illusion of Conversion. Śiva Meets Mary at Vēlāṅkaṅṅi in Southern India", in Richard Fox Young/Jonathan A. Seitz (ed.), *Asia in the Making of Christianity. Conversion, Agency, and Indigeneity, 1600s to the Present* (Leiden 2013), 373–401.

44 Heidenbote 1846, 55.

45 Cf. e.g. Heidenbote 1841, 67; 1843, 65f.; 1852, 65, 68. Most of these general remarks were written by the editor of the Heidenbote in Europe.

46 Heidenbote 1836, 81.

47 Ibid., 81.

became indicators of inner processes and of faith itself. This contradicted the awakened missionaries' concept of conversion as personal *metanoia* but became increasingly important in India, where they had to evaluate a person's standing in faith, both in view of their reports to Europe and in view of the question of baptism.⁴⁸ With regard to the appearance of a person, his or her features decided whether they were to be considered human, because humanity was directly linked to faith and thus the individual's relationship to God.

This also became visible when the missionaries wrote about new converts and Indian (and European) congregations. Reporting back to the mission committee and their supporters in Europe, they had to count the converts and the members of congregations and Christian communities.⁴⁹ They did not count "persons" or "people", they counted "souls". What was important about their mission was bringing souls to God. This means that what defined people was not their being humans – walking on their feet, having a *ratio*, having speech etc. – but their having souls and turning them to God. Although the body was not to be neglected, the soul was the main feature of being human.

3. Humanity as Unity and Equality

Like Warneck, the missionaries were convinced that, fundamentally, all people were equal. This meant first and foremost that all people were equally sinners.⁵⁰ They were all descended from Adam and Eve, created in God's image, but had been included in the fall of humankind.⁵¹ Therefore, they were all sinners. As difficult as it was to convey this doctrine to the Hindu and Muslim Indians who had a very different concept of sin, the missionaries held it to be fundamental to the Christian faith and did not deviate from it. It enabled them to accept the Indians as equal and to receive them into an imagined community of sinners, to build a unity of humankind in which Europeans, Asians and Africans were alike.⁵²

48 Cf. Becker, *Conversio im Wandel*.

49 Cf. e.g. Heidenbote 1836, 83, 86.

50 Heidenbote 1842, 86; 1844, 39.

51 In 1844, Mögling explained by use of reproduction and lineage the unity of humankind: "Der Beweis für die Einheit der Menschen, daß aus der Verbindung irgend welcher Menschenrassen Kinder geboren werden, daß aber eine Rabe und ein Papagei etc. keine Junge hecken können, verschaffte einen vollständigen Sieg." (Heidenbote 1844, 48).

52 Of course, the missionaries would not have denied the hierarchies that existed in the colonial situation, nor would they have wished to overturn them entirely. But they added another aspect to the picture and, from a religious and eschatological perspective, they accepted the Indians as equal. On mission and colonial situations see Becker (ed.), *European Missions in Contact Zones*. One of the fundamental postcolonial approaches to missions is Jean Comaroff/John

In the missionaries' view, all humankind was not only alike in sin but also in the need for redemption. They were convinced that all religions, too, searched for redemption.⁵³ In their missionary disputes with Indians, the missionaries often referred to themselves in order to illustrate the need for redemption – and its possibility. They explicitly placed themselves on the same level as the Indians.⁵⁴ The goal in this case was to convince the Indians of the truth of their evangelisation. The comparison was to convince the Indians by putting Christian teaching into practice before their eyes. At the same time, it underlined the equality of all humankind, an important point particularly for members of lower castes.

Comparisons and references to equality were drawn not only with regard to Indians but also in view of the European audience, which the missionaries addressed directly from time to time. In these cases, the references served a different goal: They were to plead for understanding for and acceptance of the difficulties Indians had in embracing “Christian” values and adopting “Christian” (i.e. European) practices. Examples of sins that could be found everywhere, including among the missionaries, were haughtiness and conceitedness, as Hermann Gundert explained in 1846.⁵⁵ All other deviations that were highly reproachful to the Basel community were referred to, as well.

However, the missionaries were convinced that all the Indians, too, even the most disadvantaged ones, were of “God’s house”,⁵⁶ which is to say that there were elements in them that referred back to the creation of all and that “God’s law was written into their hearts” – the old theory of natural theology⁵⁷ –, which enabled them to hear the message and eventually return to God. They were, in short, part of creation and part of the redeemed people. This, too, entailed the perception of all humankind as equal.

L. Comaroff, *Of Revelation and Revolution. Christianity, Colonialism, and Consciousness in South Africa* (Chicago, IL 1991).

53 Heidenbote 1841, 30.

54 Heidenbote 1846, 44: “daher auch ich gekommen sey, sie zu laden, und sie bitte, diese Gnade anzunehmen, daß sie dem Zorn entrinnen möchten. Sey ich doch Sünder wie sie, Fleisch von ihrem Fleisch, Blut von ihrem Blut: aber gläubig worden und darum beschenkt mit Sündenvergebung und heiligem Geist, so daß ich dürfe nun als Zeuge von diesem Allen dienen.” This approach was adopted by the Indian catechists, cf. Heidenbote 1849, 41. On missions and colonialism in India see e.g. Jeffrey Cox, *Imperial Fault Lines. Christianity and Colonial Power in India, 1818–1940* (Stanford, CA 2002); see also Chad M. Bauman, *Christian Identity and Dalit Religion in Hindu India, 1868–1947* (Grand Rapids, MI 2008); and Becker, *Conversio im Wandel*.

55 Heidenbote 1846, 31.

56 Heidenbote 1838, 8.

57 See as an introduction Walter Sparrn, “Natürliche Theologie”, in TRE 24 (Berlin 1994), 85–98.

Most importantly, Christ had died and risen for all humankind, including those who were still “heathens”. He was “the saviour not only of the Franks and the English but the saviour of the world”.⁵⁸ Because his death had, in the Christian faith, been for all, all people were or would be equal and united in him.⁵⁹ This Christian teaching became fundamental to the missionaries who lived among people of other faiths, cultures and traditions. They believed that eventually all would be one.

The notion of the equality of humankind was strengthened by the conviction of the unity and equality of all Christians. It was illustrated in India by the unity of “black and white” Christians in one church, particularly in Kannur where Samuel Heibich worked among Indian and European Christians alike and where he insisted on the unity of both congregations, on communal services and feasts and where people from very different backgrounds assembled regularly.⁶⁰

Once an Indian had converted, he or she was to be accepted into the community of Christians and (officially) regarded as equal. This, of course, was a statement of faith. In reality, Indians were not always treated as equal. Yet, the factual inequality could head into two directions.

Firstly, in accordance with the theory of stages of development, Indian converts were often regarded as junior to European Christians.⁶¹ They were treated with what the missionaries thought was love and respect, but they were also often treated like children. The Indian convert Hermann Anandrao Kaundinya, a Brahmin, had been educated in Basel as missionary and worked as a regular missionary in India from 1851.⁶² Officially, he worked on equal terms with his European colleagues, but not all of them accepted him as equal and he repeatedly complained about his treatment. At the same time, he was best friend and confidant to Hermann Mögling, who did not make any distinction between Kaundinya and his European colleagues. Meanwhile, the missionary who opposed Kaundinya most, Samuel Kullen, had been educated alongside and sent out with Kaundinya. It later turned out that Kullen was a paedophile and that Kaundinya had tried to warn the Basel committee of him. This personal antagonism may also have influenced Kullen’s treatment of the Brahmin convert missionary colleague.

58 Heidenbote 1846, 56.

59 Heidenbote 1838, 30.

60 Cf. e.g. Heidenbote 1843, 69.

61 See e.g. for an approach influential at the time Georg Wilhelm Friedrich Hegel, *Vorlesungen über die Philosophie der Geschichte*.

62 On Kaundinya see Katrin Binder, “Herrmann Anandrao Kaundinya”, in Albrecht Frenz/ Stefan Frenz (ed.), *Zukunft im Gedenken. Future in Remembrance* (Norderstedt 2007), 419–424; Mrinalini Sebastian, “Mission Without History? Some Ideas for Decolonizing Mission”, in *International Review of Mission* 93 (2004), 75–96.

Secondly, Indians were quite often depicted as model Christians and used to illustrate to the European audience what a Christian life should be.⁶³ In this case, the Indians were held up as superior to the Europeans. Both attitudes can be found in the mission periodicals as well as the manuscript sources, sometimes on the same page. The reason for this was the conviction of the fundamental unity and equality in the Christian faith.

When they tried to convey this conviction to the Indians, it acquired what was, to the Europeans, a new sense: as opposition to caste divisions. At the same time, this opposition was used to illustrate the Christian belief in the unity and equality of all humankind in contrast to the perceived Indian tradition.⁶⁴ The missionaries promoted the idea that it was opposition to the caste system that underscored the superiority of the Protestant faith over Indian traditions. When confronted with the South Indian caste system, the missionaries insisted that castes were made by humans (or the devil acting through them), and that God opposed castes.⁶⁵ They repeatedly declared that there was only one caste, the caste of humans. When one of his pupils, on being asked by a Hindu in 1841, stated that they were of the Christian caste, Georg Friedrich Sutter interrupted the conversation by stating that “they are of the human caste”.⁶⁶ He then added that, therefore, he himself belonged to the same caste. The unity of humankind in one caste was not to be divided by races or cultures, at least not in theory.

People who wanted to convert had to leave their caste, or better: had to transgress caste boundaries, eat and drink and pray together.⁶⁷ There was no way back for those converts, because their former caste members would not accept them back once they had eaten with members of other castes. This made conversion appealing to members of lower castes and daunting to those of higher castes.⁶⁸ For the missionaries, this approach had not only the advan-

63 See Judith Becker, “‘Dear Reader, Remember This’: Mission Reports as Paradigms for Revival in Europe. The Barmer Missionsblatt and Basel Evangelischer Heidenbote in the Nineteenth Century”, in Christian Soboth, Pia Schmid with Veronika Albrecht-Birkner, Hartmut Lehmann, Thomas Müller-Bahlke and Udo Sträter (ed.), “*Schrift soll leserlich seyn.*” *Der Pietismus und die Medien. Beiträge zum IV. Internationalen Kongress für Pietismusforschung 2013*, 2 vols (Hallesche Forschungen 44/1+2), Halle 2016, vol. I, 149–162.

64 The Hindu conception of castes had been adopted by Islam, Syrian and Catholic Christianity in India, see e.g. David Mosse, *The Saint in the Banyan Tree. Christianity and Caste Society in India* (Berkeley, CA 2012).

65 Heidenbote 1844, 70; 1845, 53.

66 Heidenbote 1841, 26. Cf. also Heidenbote 1846, 51.

67 Only in rare cases and against their conviction the missionaries allowed caste divisions, cf. Heidenbote 1844, 38.

68 See e.g. Rowena Robinson/Sathianathan Clarke (ed.), *Religious Conversion in India. Modes, Motivations, and Meanings* (Oxford 2003); Bauman, *Christian Identity and Dalit Religion*; Walter Fernandes, *Caste and Conversion Movements in India. Religion and Human Rights* (New Delhi 1981).

tage of illustrating Christian unity in daily life but also of denigrating other Indian religions. It was mainly a religious, not a political statement, but since religion and politics could not be separated in India at the time, it had social and political consequences in an attempted breakup of the caste system.

Still, the conviction of the unity of all humankind was not only applied within India, but also in addressing the European audience: The missionaries in their reports repeatedly referred to the “beauty” of Indian people.⁶⁹ Since people who were considered internally bad were also depicted as bad-looking, the references to the beauty of the Indians illustrated their inner beauty, their (possible) faith and their humaneness.

And even if the Indians were not yet obviously equal in faith they could soon become so. Herrmann Mögling, in a mission sermon to an English audience in 1838, reprimanded those who looked down on Indians “as a lower species of humankind”. “Whoever does this throws away the gemstone whose brilliance is still hidden beneath the rougher crust”. Mögling counted on the future to demonstrate the value of the Indians. He also thought that friendship with Indian converts was possible and that it “would one day be more delightful than anything”.⁷⁰ This was a sermon preached in his first years in India. When looking back twenty years later, Mögling claimed that he had not thought real friendship with Indians possible but that he had experienced it with Kaundinya and others and had seen that communion was not dependent on tradition or on race but only on faith.⁷¹

That he could imagine such a community at the beginning of his work in India and that his colleagues voiced similar opinions on unity and equality was based on the conviction that all people would be one at the end of days.⁷² Even if the unity was not lived at the time and might never be fulfilled on earth, all Pietistic missionaries were convinced that in the eschaton, they would experience full unity. This would also be shown in communal meals.⁷³ When stressing this aspect, the missionaries adapted their eschatological conviction to what concerned Indians in light of their culture.

69 Heidenbote 1839, 45.

70 Heidenbote 1838, 29.

71 BMA, C-1.26 Kurg 1860, no. 38, H. Mögling, 21.7.1860.

72 Heidenbote 1844, 39.

73 Heidenbote 1841, 83.

4. Humanity as Poor Relief: Humanitarianism

“I know that love of the saviour and love of the heathens are the first virtues of a missionary”,⁷⁴ wrote Basel inspector Joseph Josenhans in 1852. To love one’s neighbours was an important concept that motivated young men and women to become missionaries. It played a major part in the future missionaries’ applications to the Basel institution. They founded it in the love of God and in the double commandment of love.⁷⁵ It is present in many applications from 1820 to 1860.⁷⁶ The future missionaries explained that they loved the “poor heathens” whom they saw as their neighbours.⁷⁷

In this way, albeit maybe involuntarily or even unconsciously, they introduced a hierarchy between themselves and their “neighbours”. This hierarchy was, in the first place, spiritually defined and pertained to Indians as well as Europeans.⁷⁸ When a collegial missionary was found to have acted in a deviant manner like Christian Greiner, who was found to have had an long-standing extramarital affair in Mangalore in 1856, they interpreted this as proof of his not having really been converted, not really believing in God and not living in tight connection with God. The colleague and brother became the “poor Greiner”. Correspondingly, when an Indian converted and became a missionary colleague like Kaundinya, he was not only no longer a heathen but was also no longer considered “poor”; he became the “dear brother”, the “dear Kaundinya”. “Poor” and “dear” were mainly spiritual attributes. The “neighbour” was, from a religious perspective, everyone.

Many candidates defined love as compassion, and this compassion was, again, mainly spiritually informed. It was also based on their own experience of conversion and of being a sinner and needing justification and grace. They thought that every sinner who did not know the only way to salvation, conversion to “real” faith, needed compassion – and mission. The missionaries

74 Heidenbote 1852, 70.

75 Matth. 22:36–40 parr.

76 Cf. BMA, BV. The applications were been analysed in in ten-year intervals, supplemented by the applications of those who were later sent to India.

77 Cf. e.g. BMA, BV 139 (Christian Leonhard Greiner), *Lebens-Geschichte* [1830], 2v; BV 252 (Christian Jakob Bomwetsch), [*Lebenslauf*, 1840], 4; BV 590 (Johannes Weiblen), [*Lebenslauf*], 23.11.1859, 1.

78 As a matter of course, the missionaries also believed in the concept of European superiority over other peoples and cultures. This theory became more widespread and more pronounced during the nineteenth century, and most members of the missionary movement adopted it in one way or the other. Still, except for single exceptions, they never adopted it entirely. The evaluation of people from a spiritual perspective continued to exist. Cf. e.g. Jeffrey Cox, *The British Missionary Enterprise Since 1700* (New York 2008), 114–144.

later compared themselves to those to whom they were sent and thus created a feeling of unity and equality.⁷⁹

The mission candidates expressed compassion for those who had not yet heard about God's saving grace and who therefore, in their view, still lived in "darkness", under the power of the devil.⁸⁰ What they intended to do, was "saving souls"⁸¹ as their own souls had been saved by their conversion. To the glory of God, they wanted to share with others the gifts that God had bestowed upon them. And they wanted, at the same time, to further the imminent Kingdom of God. They were convinced that the eschaton was soon to come.⁸²

Of course, all these ideas of the candidates were very idealistic and far removed from any reality because all they had to help them imagine what life in a foreign country was like and how the "heathens" lived was their Pietistic education and, as the century progressed, a growing number of missionary publications. Once they arrived in the missionary contact zones their attitudes changed considerably. The "poor heathens" became real people and their problems, too, became real. As a result, the definition of "poor" was modified. To be sure, the spiritual definition persisted, but it was complemented by a secular definition. People in Asia and even more so in Africa were "poor" not only on a spiritual level but also socially and economically. This pertained to slaves and former slaves among whom the Basel missionaries worked in West Africa and it was also true for the lower castes in India, Basel's most important Indian converts.

At the same time, the idea of the power of the devil, not only over the souls of people but also within cultures, was substantiated, too. The missionaries became convinced that they experienced the devil at work, particularly in cultures that were – as they saw it – permeated by religion and that were

79 Heidenbote 1853, 103.

80 Cf. e.g. BMA, BV 138 (Joh. Christoph Friedr. Schmidt), letter to C. G. Blumhardt, 13.1.1828, 2r. The difference between darkness and light was also a favoured topic in mission conversations, Heidenbote 1841, 26.

81 Cf. e.g. BMA, BV 611 (Friedrich Wilhelm Schnepf), Kurzer Ueberblick über meine Jugendjahre [1860], 7. Heidenbote 1835, 29. The love of neighbours, too, was fundamentally meant as a love of their souls. Heidenbote 1841, 80.

82 On this, cf. e.g. the debate published in Ernst Staehelin, *Die Christentumsgesellschaft in der Zeit von der Erweckung bis zur Gegenwart. Texte aus Briefen, Protokollen und Publikationen* (Basel 1974), 209–325. This is only one example of the expectation of the imminent return of Christ. Cf. on the mission's historical conception and consciousness also Judith Becker, "Die Christianisierung fremder Völker – ein Zeichen für die nahende Endzeit?", in id./Bettina Braun (ed.), *Die Begegnung mit Fremden und das Geschichtsbewusstsein* (Göttingen 2012), 183–204; Judith Becker, "Zukunftserwartungen und Missionsimpetus bei Missionsgesellschaften in der ersten Hälfte des 19. Jahrhunderts", in Wolfgang Breul/Jan Carsten Schnurr (ed.), *Geschichtsbewusstsein und Zukunftserwartung in Pietismus und Erweckungsbewegung* (Göttingen 2013), 244–270.

highly developed like Hinduism.⁸³ It was the duty of a Christian to fight against this and rescue people from the power of the devil.

In one of his first reports from India, Johann Christoph Lehner deplored how “deeply sunken” the people were, a condition that was also considered to be a kind of poverty. This was, of course, a religious judgement. But Lehner filled the statement with references to spiritual as well as secular matters: On a spiritual level, he found “blindness”, “idolatry” and “sin” everywhere, also “poverty” that could be interpreted in a religious as well as a secular way. He explained this with the “imperiousness” of the priesthood, yet another sign of “sunkeness”, although it went along with high social standing and mostly also with wealth. Lehner contrasted the condition of the lower people with India’s natural wealth and beauty and with the possibilities they offered.⁸⁴ The extreme discrepancies between possibilities and the practice and life they perceived in India induced the missionaries to broaden their conception of poverty, compassion and their duties towards their neighbours and to include secular relief as an important aspect of their mission.

Although conversion and the “saving” of souls remained at the centre of the mission programme – and particularly of the reports about it –, poor relief had been, from the beginning, an important part of the work of the missionaries.⁸⁵ It became even more pronounced because they thought they could set themselves apart from the Hindus who, as the missionaries perceived it, did not necessarily help their neighbours if they were poor and from lower castes.⁸⁶ Poor relief as a traditional pastoral duty of Christians was elevated in India to an indicator of “true” faith, increasingly perceived as a means of not only helping the poor but also of converting. This was the case not only in India, but also in Europe. In Europe, too, poverty was defined spiritually as well as socially, and social poverty was often seen as an external expression

83 Heidenbote 1847, 65.

84 Heidenbote 1835, 27f: “Aber um so schauerlicher wirkte der schneidende Kontrast auf unser Gemüth, denn der Anblick eines tief versunkenen Menschengeschlechtes um uns her auf unsere Seele machte. Fülle und Armuth, Hoheit und schmutzige Verwerflichkeit stellen sich im stärksten Gegensatze hier dem Blicke des Fremdlings dar, und während das Auge mit Wohlgefallen auf der Pracht und dem reichen Überflusse der Natur ruht, wird das Herz tief verwundet über der unsäglichen Versunkenheit, Blindheit und Armuth eines Volkes, das in den Fesseln eines rohen Aberglaubens und einer herrschsüchtigen Priesterschaft liegt, und unter dem Fluch der Sünde zu schmachten scheint. An allen Straßenecken wird man eine Schaar dieser unglücklichen gewahr, welche auf dem Boden umher liegen wie Schafe, die keinen Hirten haben [...]”. This can be contrasted with Lehner’s own report of his journey to India in which he stated that he wanted “to be useful to our poor heathen brethren.” Ibid.

85 The impact of poor relief in missions in India is illustrated e.g. by Bauman, *Christian Identity*. For an overview over poor relief and social welfare in nineteenth century Protestantism. See below, note 88.

86 Heidenbote 1835, 20.

of inner poverty with regard to faith.⁸⁷ Generally speaking, the missionaries acted in India as their Pietistic compatriots did in Europe, on the basis of the same convictions and with the same goal.

The Basel missionaries were not willing to support paupers on a permanent basis, but they were willing to offer one-time help (particularly if they thought they had found new candidates for conversion) or to provide a living by offering new means of employment.

Furthermore, work was meant to educate people towards the Christian faith. It was used as a test of the sincerity of candidates for conversion. If they were not willing to work, they were not considered to be sincerely interested in becoming Christians.⁸⁸ The Basel missionaries were not out to distribute alms. They could not afford to do so, but alms did not fit into their worldview either. As their main motif was “saving souls” by leading people to conversion, they did not want to raise people only socially or economically. Here, the body came into the play again. It was, the missionaries thought, made by God in order to work and to maintain the soul. And if they had to choose between body and soul, they would, of course, take the soul and leave the body. Also, the body had an important impact on the soul: work was interpreted as a means against superstition.⁸⁹ As social and economic poverty was interpreted as an expression of inner poverty, so was physical work as a means of relief from spiritual poverty – as long as it was accompanied by evangelisation, of course.

Another secular motive for providing work and caring for the poor was produced by the missionaries themselves: When Indians converted to Christianity they had to leave their castes, in the perspective of the missionaries as well as in that of their fellow caste members who turned them out when they broke caste boundaries. Because castes were usually linked to specific professions, converts lost their profession and thus their income.⁹⁰ Providing for them was fundamental to the mission and they often deplored that they had not more means to support converts. This, however, was a kind of poverty that was partly created by the mission. Still, to them, the quest for the right kind of work also had a religious aspect: Many of their first converts were from among the Billava, the “toddy drawer” (makers of palm wine) caste. As alcohol was seen as potentially dangerous, the missionaries searched for

87 And it was often the same people who supported poor relief and Bible distribution in Europe and the missions. See e.g. Stähelin, *Christentumsgesellschaft*, 182f., 186f., 227; Martin Friedrich, *Kirche im gesellschaftlichen Umbruch. Das 19. Jahrhundert* (Göttingen 2006); Traugott Jähnichen/Norbert Friedrich, “Geschichte der sozialen Ideen im deutschen Protestantismus”, in Walter Euchner et al. (ed.), *Geschichte der sozialen Ideen in Deutschland. Sozialismus, katholische Soziallehre, protestantische Sozialethik. Ein Handbuch* (Essen 2000), 867–1103.

88 Heidenbote 1843, 56.

89 Heidenbote 1845, 14.

90 Heidenbote 1853, 16.

new forms of employment, whether the toddy drawers were allowed by their compatriots to pursue their profession or not. Christian Greiner called regular work a “means of education”, meaning education to the Christian faith.⁹¹

Schools could also be seen as a part of poor relief, in a secular as well as a spiritual way, because their main objective was to evangelise by use of catechism and Bible lessons and by teaching how to read and write with the help of religious texts.⁹² They could thus be considered as contributing to spiritual and secular poor relief, by teaching about salvation and by education that would allow people to get office jobs, for instance in the colonial administration.

In 1838, Herrmann Mögling called the poor house “a very important appendix to missions”.⁹³ Gathering poor people became a mission strategy. They were assembled, dependent on the missionaries, were perceived as mostly grateful and thus as easy candidates for conversion – although the Basel missionaries continued to ask for “real”, inner conversions and under these conditions, they could not always be sure of the motives. However, they also began to argue that conversion to Christianity and leaving Hinduism could be a first step that was to be followed by the second step of inner conversion, a concept that differed considerably from the stance maintained in Europe.

Even though addressing themselves to poor people had a concrete secular motive – it was these people who were most willing to listen to the missionaries – it was also interpreted in a religious way: In 1837, Christian Leonhard Greiner declared that preaching to the poor was a main duty.⁹⁴ This perception was based on the biblical account, according to which Jesus not only was often depicted as a teacher of the poor but also was quoted as having answered the questions of the disciples of John the Baptist if he was the messiah: “Go your way, and tell John what things ye have seen and heard; how that the blind see, the lame walk, the lepers are cleansed, the deaf hear, the dead are raised, to the poor the gospel is preached.”⁹⁵ Greiner thus depicted himself as follower of Jesus when he preached to the poor.

The missionaries’ notion of slavery, too, was important in this context. In India, Layer found the people “in the devil’s bonds of slavery”, internally

91 Heidenbote 1841, 61.

92 The Basel India mission had been founded in order to build a school and an institution that would educate future catechists. On his first mission journey, which mainly aimed to get to know other missions and missionaries from European partner societies, Samuel Heibich visited his first school in India, Heidenbote 1835, 29.

93 Heidenbote 1838, 94: “ein sehr wichtiges Anhängsel einer Mission”. Later, the Basel Mission ran its own poor house in Tellicherry, Heidenbote 1851, 40.

94 Heidenbote 1837, 3.

95 Luke 7:22.

as well as externally.⁹⁶ That is to say that the Basel missionaries interpreted the lives of Hindus or Muslims as lives of inner slavery. Belief in what the awakened missionaries considered invented or man-made gods, living in a religious system of higher and lower gods (for the lower castes, this meant mainly lower gods) in which voluntary “possession” as they called it, or an “altered state of consciousness”,⁹⁷ as it might more appropriately be called, seemed to them to be slavery of a special kind. This was based on the Lutheran Pietistic conviction that a person could only either be turned to God or to the devil.

The perception of double slavery was applied also to Indian culture and particularly to the caste system. Being born into a particular caste precluded social mobility. What is more, living within caste boundaries that were absolute and in lower castes that were interpreted as polluting higher ones was, to the European missionaries, a kind of slavery, too. In both cases, with regard to “possession” and with regard to “caste”, slavery was an interpretation, an attribution of the European missionaries to Indian life and it was based on their religious convictions. It affected their actions in India and their attitudes towards Indians considerably. Liberation from this kind of slavery was perceived as an eminent goal.

Poor relief thus was not an aim in itself, it was only meant to accompany the efforts towards evangelisation. It was used as a means to attract people, it was seen as a necessary by-product of or a support for conversion. It was also seen as a “Christian” duty and central to the Pietistic system of values. Therefore, although it was far from insignificant, it was not primary purpose of the mission.

5. Conclusion:

Understandings of “Humanity” and Their Foundational Role in German Protestant Missions

Humanity was a foundational and substantiating element in the nineteenth-century German Protestant missions in several respects: The Pietists thought it their duty to missionise because of the unity of humankind, they thought it their duty to help others because of the unity of body and soul,

96 Heidenbote 1841, 71. On the conception of slavery in the Basel Indian mission and the development of a contact religiosity cf. Judith Becker, “Liberated by Christ: Evangelical Missionaries and Slavery in Nineteenth Century South India”, in id. (ed.), *European Missions in Contact Zones*, 65–85.

97 Masataka Suzuki, “*Bhūta* and *Daiva*. Changing Cosmology of Rituals and Narratives in Karnataka”, in *Senri Ethnological Studies* 71 (2008), 51–85, on p. 54.

and in both respects to fulfil the duty of loving their neighbours, which was considered the foremost commandment to Christians.

Once in the mission countries, they came upon further questions that made them voice their anthropological and theological beliefs with regard to other religious and cultural concepts and to ponder on and deepen their ideas of humanity in the sense of humaneness. In the contact zone, they slightly modified their anthropological views of people and entered into a discussion about who was human and about the boundaries between humans and animals and the right treatment of both. This as well as encounters with Hindu holy men made them discuss the relationship between body and soul and the duties towards both. And while they considered the soul much more important than the body, they maintained that care for the body was important, too. Ultimately, what made humans human was their Christian faith. Remarkably, the opposite of “animal” was “Christian”.

In the Indian context, humanity in the sense of humanitarianism consisted mainly of poor relief. But here, too, the definition of “poor” related to the body as well as the soul. The Pietistic missionaries always wanted to help the whole person, body and soul. Poor relief without a spiritual dimension was not what they had in mind. Indeed, it was only in the mission countries that they fully realised the social and economic dimensions of poverty – even if most of them had come from lower strata themselves.

Poor relief was closely tied to mission and conversion. On the one hand, it was a mission strategy: Caring for the poor brought them into contact with the mission. Furthermore, members of lower castes were more amenable to mission than Brahmins and other upper-caste Indians. One of the main reasons for this attitude lay again in the missionaries’ conception of humanity: in their emphasis on the unity of humankind. This emphasis made Christianity attractive to people from lower castes, whilst deterring those of higher castes.

Poor relief, however, only seldom consisted in giving alms (at least in the self-perception and -representation of the mission). It consisted in offering work, employment and other means of self-support to the (future) converts. The body, given by God, was to be used and it was to be employed as a means of conversion itself. The Basel missionaries were convinced that work would help people on their way to inner conversion. Implicitly, this may have had civilising implications, equating Christianity with (European) civilisation. Gustav Warneck discussed this openly – and dismissed a supposedly indissoluble link between civilisation and Christianisation.

The conception of humanity that ultimately undergirded the German Protestant missions was the believed unity of humankind. Although in practice they introduced new hierarchies and superiorities and their opposition to caste distinctions may not have been only religiously founded but also

a mission strategy, the fundamental belief that all humans were equal and united before God was one of the strongest motives to begin missions at all. It was predicated on the basic doctrines of creation, the fall, redemption and the eschatological perspective of unity in an (imminent) Kingdom of God.

Robert Brier

From Emancipation to Transcendence?

Dignity, Catholicism, and the Changing Imageries of Humanity in Post-War Europe

The idea of “human dignity” is easily one of the central values in post-war political thought and discourse. Faith “in the dignity and worth of the human person” features prominently in almost all global and regional human rights documents – from the Charter of the United Nations of 1945 and the Universal Declaration of Human Rights of 1948 (UDHR) to the United Nations Human Rights Covenants of 1966, and from the American Convention on Human Rights of 1969 to the Helsinki Final Act of 1975.¹ Dignity also features prominently in many contemporary constitutions – from the post-war West German and Italian to the South African or Polish constitutions of 1996 and 1997 respectively. Even military interventions are undertaken in the name of human dignity. Because of NATO’s intervention in the war in Kosovo, US President Bill Clinton said in 1999, “the twentieth century is ending [...] with a hopeful affirmation of human dignity and human rights for the twenty-first century”.² State sovereignty, the International Commission on Sovereignty and State Intervention wrote in 2001, entailed not only rights, but also a state’s responsibility to protect “the dignity and basic rights of all the people within the state”, and if it failed to provide this protection, “responsibility to protect” fell to the international community.³ Both supporters and opponents

1 The quotation is from the preamble to the UN Charter. See *Charter of the United Nations*, San Francisco 1945, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>; UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf; Organization of American States (OAS), American Convention on Human Rights, “Pact of San Jose”, Costa Rica, 22 November 1969, <http://www.refworld.org/docid/3ae6b36510.html>; Conference on Security and Cooperation in Europe (CSCE), Final Act of Helsinki, 1 August 1975, <http://www.refworld.org/docid/3dde4f9b4.html>. Art. 3 of the Geneva Convention also prohibits “[o]utrages upon personal dignity”. See International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, <http://www.refworld.org/docid/3ae6b36d2.html>.

2 Bill Clinton, Address on the Kosovo Agreement, 10 June 1999, <http://millercenter.org/president/speeches/speech-3933>.

3 *The Responsibility to Protect: Report of International Commission on Intervention and State Sovereignty*, December 2001, quotation on p. 8, <http://responsibilitytoprotect.org/ICISS%20Report>. For the history of humanitarian intervention see Michael Geyer, “Humanitarianism and Human Rights. A Troubled Rapport”, in Fabian Klose (ed.), *The Emergence of Humanitarian Intervention* (Cambridge 2016), 31–55.

of contemporary issues and policies ranging from abortion laws to stem cell research and from assisted suicide to same-sex marriage frequently invoke the idea of a universal human dignity in their arguments.⁴

But what is human dignity? While Germany's constitution defines the protection of human dignity as the state's foremost responsibility, the country's constitutional court has yet to come up with a binding definition of this notion. Is human dignity a transcendent kernel of every human being and as such the inalienable source of human rights? Or is the protection of one's dignity itself a human right?⁵ Historians are not qualified to answer this kind of legal and philosophical question. Yet by delineating the conceptual history of human dignity, they have brought a number of striking aspects about it to light.

While its pedigree reaches back to antiquity, dignity's connection to universal human rights is of relatively recent origin. It was not until the 1940s that the two concepts were increasingly seen as connected. Moreover, Samuel Moyn has shown in his recent book *Christian Human Rights* that not only had dignity not featured prominently in human rights discourses until the mid-twentieth century, some of the concept's most prominent supporters at the time came from authoritarian, clerical, at times even fascist circles, with political Catholics – including Popes Pius XI and Pius XII – chief among them.⁶

4 For two examples referring to “dignity” at least thirty times see *Obergefell vs. Hodges*, 576 U.S., Supreme Court of the United States, 2015, http://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf; Congregation for the Doctrine of the Faith, *Dignitatis personae* [Instruction on Certain Bioethical Questions], 2008, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20081208_dignitas-personae_en.html.

5 Rosemarie Will, “Bedeutung der Menschenwürde in der Rechtsprechung”, in *Aus Politik und Zeitgeschichte* 61:35–36 (2011), 8–14. For the debate in Germany see Stephan Kirste, “Die Würde des Menschen im Recht”, published in two parts in *Archiv für Rechts- und Sozialphilosophie* 95:3 (2009), 420–427 and 96:1 (2010), 109–114. For a collection of essays discussing dignity from various perspectives see Christopher McCrudden (ed.), *Understanding Human Dignity* (Oxford 2013). See also Charles R. Beitz, “Human Dignity in the Theory of Human Rights: Nothing But a Phrase?”, in *Philosophy & Public Affairs* 41:3 (2013), 259–290; Christopher McCrudden, “Human Dignity and Judicial Interpretation of Human Rights”, in *European Journal of International Law* 19:4 (2008), 655–724; for two philosophical accounts see Michael Rosen, *Dignity: Its History and Meaning* (Cambridge, MA 2012); Jeremy Waldron, *Dignity, Rank, and Rights* (Oxford 2012).

6 See Samuel Moyn, *Christian Human Rights* (Philadelphia 2015). On the history of post-war Catholicism see Giuliana Chamedes, *The Vatican and the Making of the Atlantic Order, 1920–1960* (Ph.D. thesis, Columbia University, 2013); James Chappel, *Slaying the Leviathan: Catholicism and the Rebirth of European Conservatism, 1920–1950* (Ph.D. thesis, Columbia University, 2012); John Connelly, *From Enemy to Brother: The revolution in Catholic Teaching on the Jews, 1933–1965* (Cambridge, MA 2012); see also Udi Greenberg, *The Weimar Century: German Émigrés and the Ideological Foundations of the Cold War* (Princeton, NJ 2014), 120–168; Jan-Werner Müller, *Contesting Democracy: Political Ideas in Twentieth-Century Europe* (New Haven, CT 2011), 132–143.

The concept of human dignity, thus, is not inherent in the notion of human rights; its introduction into human rights discourses, rather, gave rise to a specific, mid-twentieth century vernacular language of human rights.⁷ Analysing this vernacular leads us to the central topic of this book, for underlying these vernaculars are competing understandings of humanity, as the Lebanese philosopher Charles Malik, a member of the “inner core” of the drafting committee of the Universal Declaration of Human Rights, noted in the language of his time:

[...] the very phrase, “human rights” obviously refers to man, and by “rights” you can only mean that which belongs to the essence of man; namely, that which is not accidental, that which does not come and go with the passage of time and with the rise and fall of fads and styles and systems. It must be something belonging to man as such. We are, therefore, raising the fundamental question, what is man? And our differences will reflect faithfully the differences in our conceptions of man, namely, of ourselves.⁸

Against this background, this article pursues two aims: first, it discusses how dignity featured in post-war Catholic discourses and which understandings of humanity emerged from them. Second, the article asks how significant these Catholic notions were for the wider post-war currency of human dignity. In pursuing these aims, this article confirms core findings of Moyn’s *Christian Human Rights* as well as of an emergent historiography of post-war European Catholicism: by invoking human dignity, the Catholic Church adapted human rights to an essentially conservative discourse.⁹ Both Thomas Aquinas and Immanuel Kant, Michael Rosen has shown, defined “human dignity” as the intrinsic value of human beings.¹⁰ Kant, however, believed that dignity derives from human autonomy – the ability of human beings to independently understand the demands of the moral law and to act accordingly. According to this view, therefore, the ability for autonomous moral action sharply distinguished humanity from the rest of the natural world and imagined it as consisting of members of equal worth and status. In Thomist philosophy, on the other hand, a person’s or object’s dignity derived from its

7 The term “human rights vernacular” has been adopted from Mark Philip Bradley, “American Vernaculars: The United States and the Global Human Rights Imagination”, in *Diplomatic History* 38:1 (2014), 1–21.

8 “The More Important Speeches and Interventions of Dr. Charles Malik, Representative of Lebanon and Rapporteur of the Commission, Taken from the Verbatim Records, Human Rights Commission, First Session, 27 Jan. to 10 Feb. 1947”, Lake Success, N.Y., Library of Congress, Manuscript Division, Charles Habib Malik Papers, Box 76, Folder 9 (hereafter: LoC, Malik Papers).

9 Moyn, *Christian Human Rights*; Chamedes, “Vatican”; Chappel, “Leviathan”; Connelly, *Enemy to Brother*.

10 For the following see Rosen, *Dignity*, 1–61.

proper place within the divine order of creation. Humanity, in other words, was not imagined as distinct from the natural world, but as part of the natural world, and both this natural world and humanity were imagined as hierarchically structured. Protecting a person's dignity meant to allow her to assume her place within this hierarchical order.

At the same time, though, this article also seeks to chart a path beyond the interpretations of the recent historiography of human rights, dignity, and Catholicism. Two points are crucial in this respect: First, by broadening the focus beyond World War II and its aftermath, I seek to problematise seemingly homogeneous notions like "Catholics" and "Catholicism". Much as the Catholic Church is a hierarchically organised and centrally controlled organisation, its doctrines were nevertheless invoked and applied in a wide variety of different historical and geographical situations and were thus subject to contestations and reinterpretations. Catholic understandings of dignity and humanity thus changed considerably over the course of the post-war period. Second, I agree with the editors of this volume in understanding "humanity" as a constantly evolving, ambiguous, and contested notion, especially when it was normatively charged with a notion like "dignity" and thus became a source of social authority and political legitimacy. Acknowledging this contestedness of humanity, I hope to show that neither were Catholic views of dignity quite as dominant after 1945, nor did they disappear completely in the later decades of the twentieth century, as recent interpretations suggest.

1. Dignity and Catholicism in Post-War International History

In the twentieth century, "human dignity" has become one of the core ideas of Catholic social thought and the cornerstone of the Church's reconciliation with democracy and human rights. Having begun with Pius XII's Christmas addresses of 1942 and 1944, this process took on full force in the 1960s. In 1963, Pius' successor John XXIII promulgated the encyclical *Pacem in terris*. Arguing that only respect for human rights provided a stable basis for world peace, the Pope discussed a broad array of civil, political and economic rights as protecting or flowing from human dignity, a term he used 31 times, with religious freedom as the right "which most truly safeguards the dignity of the human person".¹¹ Dignity was also a central term in two texts of the Second Vatican Council. The Council's "Constitution on the Church in the Modern World", *Gaudium et spes*, promulgated in 1965, featured an entire chapter

¹¹ John XXIII, *Pacem in terris* [Encyclical on Establishing Peace in Truth, Justice, Charity, and Liberty], 11 April 1963, sec. 14, http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html.

devoted to “The Dignity of the Human Person”, which argued that there was “a growing awareness of the exalted dignity proper to the human person, since he stands above all things, and his rights and duties are universal and inviolable.” From this, the constitution deduced an entire catalogue of rights and social goods to which human beings were entitled.¹² The “Declaration on Religious Freedom”, *Dignitatis humanae*, promulgated simultaneously with *Gaudium et spes*, similarly noted how a “sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man [...]. This Vatican Council takes careful note of these desires in the minds of men”, the declaration went on. “It proposes to declare them to be greatly in accord with truth and justice.”¹³ John Paul II, finally, who is presumed to have had a major impact on drafting *Gaudium et spes*, made human dignity a leitmotif of his pontificate.¹⁴

If human dignity moved to the centre of Catholic thought and doctrine, Catholic thinkers and ideas played an important part in the emergence of dignity as a central concept of human rights discourses. The obvious person to mention in this context is the French philosopher Jacques Maritain, whose Catholic interpretation of human rights proved highly influential both for Church doctrine and the post-war emergence of Christian democracy in Europe and Latin America.¹⁵ Maritain is also often mentioned as someone who had a large influence on the writing of the Universal Declaration of Human Rights.¹⁶ Yet he appears to have been only the best-known exponent

12 Second Vatican Council, *Gaudium et Spes* [Pastoral Constitution on the Church in the Modern World], 7 December 1965, sec. 26, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html.

13 Second Vatican Council, *Dignitatis humanae* [Declaration on Religious Freedom], 7 December 1965, sec. 1, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html.

14 John Paul II, *Redemptor hominis*, 4 March 1979, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_04031979_redemptor-hominis.html. A scholarly biography of John Paul II remains to be written. For his views on human rights and dignity and presumed role in the Second Vatican Council see Avery Dulles, “John Paul II and the Mystery of the Human Person”, in id., *Church and Society: The Laurence J. McGinley Lectures, 1988–2007* (New York 2008), 414–428; George Weigel, *Witness to Hope: The Biography of Pope John Paul II* (New York 1999), 163–169.

15 Much like John Paul II, Maritain is still lacking a historical biography. On him see esp., Chappel, “Leviathan”, 40–65, 145–199, 335–396; Samuel Moyn, “Personalism, Community, and the Origins of Human Rights”, in Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge 2011), 85–106; see also Rajesh Heynickx/Jan de Maeyer, *The Maritain Factor: Taking Religion Into Interwar Modernism* (Leuven, Belgium 2010); Jude P. Dougherty, *Jacques Maritain: An Intellectual Profile* (Washington, DC 2003); Tobias Licht/Benedikt Ritzler, *Jacques Maritain: Philosophie und Politik aus katholischem Glauben* (Karlsruhe 2002); James V. Schall, *Jacques Maritain: The Philosopher in Society* (Lanham, MD 1998).

16 For this view see for instance Andrew Woodcock, “Jacques Maritain, Natural Law and the Universal Declaration of Human Rights”, in *Journal of the History of International Law* 8

of a broader revival of Thomist philosophy that went beyond Catholic thinkers and politicians.¹⁷ Another representative of this trend was Charles Malik, the aforementioned Lebanese philosopher, Greek Orthodox Christian, and author of the Declaration's preamble, which refers to "the inherent dignity [...] of all members of the human family" in the same prominent position it has in the preamble to the UN Charter. Malik also insisted on using the concept of the "human person", rather than the individual, in the declaration, a point he shared with Maritain's personalist philosophy. The work of the drafting committee also appears to have taken a number of drafts from Catholic groups and scholars into account. Malik went on to serve as rapporteur and later chairman of the UN Commission on Human Rights.¹⁸

National constitutions were another field where Catholic ideas and authors played a role in turning dignity into the basis for human rights. One of the first national constitutions to feature human dignity was the Irish constitution of 1937, a text heavily consulted with local Catholic bishops and even sent to the Vatican for approval.¹⁹ In West Germany, the Catholic legal scholar Günter Dürig argued that the Basic Law's understanding of humanity was derived from the Christian view of the human person. Dürig would go on to write a very influential interpretation of the first article of the West German Basic Law, one of the most prominent usages of human dignity in European constitutional texts.²⁰

(2006), 245–266; Edward M. Andries, "On the German Constitution's Fiftieth Anniversary: Jacques Maritain and the 1949 Basic Law (Grundgesetz)", in *Emory International Law Review* 13:1 (1999), 1–76.

17 Frieder Günther, *Denken vom Staat her: Die bundesdeutsche Staatsrechtslehre zwischen Dezi- sion und Integration 1949–1970* (Munich 2004), 192f.; Moyn, *Christian Human Rights*, 65–100; Michael D. Torre (ed.), *Freedom in the Modern World: Jacques Maritain, Yves R. Simon, Mor- timer J. Adler* (Notre Dame, IN 1989).

18 On the writing of the UDHR and Malik's role in it see Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York 2001); Johannes Morsink, *The Universal Declaration of Human Rights: Origins and Intent* (Philadelphia 1999); Antoine Prost/J.M. Winter, *René Cassin and Human Rights: From the Great War to the Uni- versal Declaration* (Cambridge 2013), 237–248; see also John Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights* (Washington, DC 2005).

19 Moyn, *Christian Human Rights*, 25–64.

20 Günter Dürig, "Die Menschenauffassung des Grundgesetzes", in *Juristische Rundschau* 7 (1952), 259–263; Günter Dürig, "Der Grundrechtssatz von der Menschenwürde: Entwurf eines praktikablen Wertsystems der Grundrechte aus Art. 1 Abs. 1 in Verbindung mit Art. 19 Abs. II des Grundgesetzes", in *Archiv des öffentlichen Rechts* 81:2 (1956), 117–157. On Dürig see Ernst-Wolfgang Böckenförde, "Die Würde des Menschen war unantastbar", in *Frankfurter Allgemeine Zeitung*, 3 September 2003; Hans-Ulrich Büchting, "Günter Dürig", in *Juristen im Porträt: Verlag und Autoren in 4 Jahrzehnten* (Munich 1988); Walter Schmitt Glaeser, "Günter Dürig (1920–1996)", in Peter Häberle et al. (ed.), *Staatsrechtslehrer des 20. Jahrhunderts: Deutschland – Österreich – Schweiz* (Berlin 2015), 933–950.

Catholics, finally, also assumed a central role in the emergent global human rights movement – from Peter Benenson, the founder of Amnesty International, to Jaime Castillo, the founder of the foremost human rights committee in the resistance to the dictatorship of Augusto Pinochet in Chile, from Soviet bloc dissidents like the Pole Tadeusz Mazowiecki and the Czech Vaclav Benda to the leaders of the People Power Revolution in the Philippines and the role of Catholic Priests for Justice in the South Korean events of June 1987.²¹

What are the implications of this broad Catholic role for the rise of “human dignity” as one of the crucial notions of contemporary human rights discourses? The most obvious aspect in this context is that, in adopting human rights language, the Catholic Church undertook one of the more spectacular doctrinal reversals in recent religious history. Until the Second Vatican Council, it was official Church teaching that the idea of universal rights – especially a right to religious freedom – contradicted the Catholic faith, a tradition going back to the Church’s reaction to the French Revolution. The concept of “human dignity”, however, had featured in Catholic doctrine long before the twentieth century. Already in the fifth century, Pope Leo I had called upon Christians to acknowledge their dignity.²² In the late nineteenth century, Pope Leo XIII wrote in his famous encyclical “On Capital and Labor”, *Rerum novarum*, that workers must not be “degraded [...] with conditions repugnant to their dignity as human beings”.²³ Yet neither of these Popes saw dignity as the foundation of universal rights. Leo I’s call for Christians to acknowledge their dignity went along with the warning not to fall back into their “previous worthlessness by evil conduct”, while Leo XIII called upon employers to “respect in every man his dignity as a person ennobled by

21 On Benenson, see Tom Buchanan, “‘The Truth Will Set You Free’: The Making of Amnesty International”, in *Journal of Contemporary History* 37:4 (2002), 575–597; Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca, NY 2006). On Castillo and Catholics in Latin America see Jan Eckel, *Die Ambivalenz des Guten: Menschenrechte in der internationalen Politik seit den 1940ern* (Göttingen 2014), 583–710; Patrick William Kelly, *Sovereignty and Salvation: Transnational Human Rights Activism in the Americas in the Long 1970s* (Ph.D thesis, University of Chicago, IL 2015). On Polish Catholic intellectuals see Piotr H. Kosicki, “L’avènement des intellectuels catholiques: Le mensuel *Więź* et les conséquences polonaises du personnalisme mounierien”, in *Vingtième Siècle* 102 (2009), 31–47; Stefania Szlek Miller, “Catholic Personalism and Pluralist Democracy in Poland”, in *Canadian Slavonic Papers/Revue Canadienne des Slavistes* 25:3 (1983), 425–439. On Korea see Paul Y. Chang, *Protest Dialectics: State Repression and South Korea’s Democracy Movement, 1970–1979* (Stanford, CA 2015). See also Daniel Philpott, “The Catholic Wave”, in *Journal of Democracy* 15:2 (2004), 32–46.

22 Quoted in Romanus Cessario, *The Godly Image: Christ & Salvation in Catholic Thought From St. Anselm to Aquinas* (Petersham, MA 1990), 124.

23 Leo XIII, *Rerum novarum* [Encyclical On Capital and Labor], 15 May 1891, sec. 36, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html.

Christian character”.²⁴ Dignity, it appears, was bound to the washing away of original sin through baptism, and humans could thus forfeit their dignity through sinful behaviour.

Well into the twentieth century, in fact, popes rejected such central human rights as freedom of the press or freedom of religion, demanded that Catholicism be the state religion, and, while accepting that other religions could be tolerated, justified legal restrictions on the practice of non-Catholic denominations.²⁵ Underlying these doctrines was the idea that restricting such rights protected Catholics from spiritual harm – the forfeiting of their dignity by accepting “erroneous” religious or even secular views. While a democratic Catholic politician like the later West German chancellor Konrad Adenauer thus had to struggle with his Church’s disapproval of democracy, the Church aligned itself with such notoriously repressive regimes as Franco’s Spain, a country whose quasi-constitution, the “Charter of the Spanish People”, adopted on 16 July 1945, notably defined “respect for the dignity, integrity, and liberty of the human person” to be one of its guiding principles.²⁶

2. Dignity and Social Order

Unless we adopt a Whiggish view of history according to which Catholicism was simply pulled along by the inexorable rise of human rights, we have to understand the emergence of Catholic discourses on human rights and dignity as fundamental reconfigurations of Catholic doctrines and/or their underlying imaginaries of humanity and we have to explore the interaction between Catholic discourses on dignity and the broader evolution of human rights ideas in the post-war period. This section is devoted to analysing how the concept of dignity was incorporated into Catholic thought, whereas the following section assesses its impact on secular human rights discourses.

Numerous examples suggest that, using the concept of dignity, the Church and lay Catholics adapted as much as adopted human rights language. For all that Pius XII, in his Christmas address of 1942, insisted that any domestic order must be based on the “dignity of the human person”, he still seems to have understood that term very much in the fourth-century sense of Leo I. Current events, the pontiff argued, had shown that “social life [...] is never nearer to losing its noblest prerogatives than when it thinks it can

24 Cessario, *Image*, 124.

25 Philpott, “The Catholic Wave”, 33f.

26 Art. 1 of the “Charter of the Spanish People”, 16 July 1945, in Amos Jenkins Peaslee (ed.), *Constitutions of nations*, 3 vols (The Hague 1956), vol. III, 282–285.

deny or forget with impunity the external source of its own dignity: God.” Giving “men” back their dignity, thus, meant for Pius XII to oppose their “dearth of solid principles and strong convictions, their surfeit of instinctive sensible excitement and their fickleness.” Unsurprisingly, the “fundamental personal rights” which he listed as the basis for a just social order were overwhelmingly rights to live a life according to Catholic views, such as the “right to [...] religious formation and education” and to “worship God in private and public” as well as the “the right to marry and to achieve the aim of married life” and “the right to free choice of state of life, and hence, too, of the priesthood or religious life.” Even “the right to work” appeared within the context of an imaginary of humanity as divinely ordered for it was to be guaranteed “as the indispensable means towards the maintenance of family life”.²⁷

Similar views could be found in “A Declaration of Human Rights”, a text which the US National Catholic Welfare Conference, the forerunner of today’s national conference of bishops, drafted in 1947 and submitted to the UN Commission on Human Rights. In many ways, to be sure, the text went significantly further than Pius’ Christmas address. It acknowledged a “right to freedom of expression of information and of communication”, freedom of association and assembly, and the right to form trade unions. Yet the preambles which introduced the entire text and each of its sections established an unequivocal interpretive framework for the draft’s articles. The preamble to the declaration’s first part, “The Rights of the Human Person”, read: “The dignity of man, created in the image of God, obligates him in accordance with law imposed by God. Consequently, he is endowed as an individual and as a member of society with rights which are inalienable.” The source of dignity, in other words, was divine and placed humans in a social and natural order governed by divine law. Rights were merely a means to an end. “God, the Creator of the human race”, the general preamble reads, “has charged man with obligations arising from his personal dignity, from his immortal destiny, and from his relationships as a social being.” And it was for the “fulfilment of these obligations” that “man is endowed with certain natural, inalienable rights.” Part II of the declaration focused on the rights of the family which was described as “the natural and fundamental group unit of society” and as “endowed by the Creator with inalienable rights antecedent to

27 All quotations are from Pius XII, *The Internal Order of States and People: Christmas Message of 1942*, <https://www.ewtn.com/library/PAPALDOC/P12CH42.HTM>. For the original Italian text see *Con sempre nuova freschezza* [Radio message for Christmas], 24 December 1942, <https://w2.vatican.va/content/pius-xii/en/speeches/1942.index.html>. For a contemporaneous German translation see “Die Weihnachtsbotschaft des Papstes vom 24. Dezember 1942”, in *Die Friedens-Warte* 43:1 (1943), 47–57.

all positive law.” One of the rights enumerated in this section was the “right to the protection of maternity” and to educate one’s children.²⁸

The Church’s two central human rights texts of the 1960s, *Pacem in terris* and *Dignitatis humanae*, went even further beyond the Christmas address of 1942 than the US bishops’ charter. Most importantly, *Dignitatis humanae* declared a general right to religious freedom—not just a right to be Catholic – which had “its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself”.²⁹ The declaration’s grounding of dignity and rights not only in revelation but also in anthropology and philosophy are probably the clearest departure from Pius XII and indeed the entire tradition for which he stood. This more secular line of argument was driven by authors who saw *Dignitatis Humanae* as more of a legal document in line with the UDHR, as Agnes de Dreuzy notes, a tendency begun with *Pacem in terris*, where John XXIII had called the UDHR a “step in the right direction”.³⁰

In a sense, then, Vatican II meant a step in the direction of Rosen’s Kantian understanding of dignity as resulting out of human autonomy.³¹ Even these more clearly philosophical endorsements of human rights, however, could be used in various ways. Unsurprisingly, bishops living under atheist dictatorships were among the first to understand the potential of a Catholic human rights doctrine. Polish bishops – especially Karol Wojtyła, the later pope – seem to have played an important role in drafting the council’s relevant documents. In the 1960s, amidst a fierce conflict with Poland’s Communist authorities over religious education in school, the bishops devoted several pastoral letters to *Pacem in terris*, emphasising the encyclical’s support for individual rights and democracy. “Standing behind us”, the bishops reassured the faithful in 1963, “is not only the Gospel of Salvation but also the ‘Universal Declaration of Human Rights’ whose fifteenth anniversary the world will celebrate in December”.³² The very fact that the Church argued from the idea of individual rights, rather than its own rights as an institution, and that it thus accepted the idea of such rights marked nothing short of a revolution

28 “A Declaration of Human Rights”, drafted by a committee appointed by the National Catholic Welfare Conference, 1947, LoC, Malik Papers, Box 76, Folder 7.

29 *Dignitatis humanae*, sec. 2.

30 *Pacem in terris*, sec. 143. Agnes de Dreuzy, “‘Dignitatis Humanae’ as an Encounter Between Two ‘Towering Theologians’: John Courtney Murray, S.J., and Yves Congar, O.P.”, in *U.S. Catholic Historian* 24:1 (2006), 33–44, on p. 39; Bernhard Sutor, “Katholische Kirche und Menschenrechte: Kontinuität oder Diskontinuität in der kirchlichen Soziallehre?”, in *Forum für osteuropäische Ideen- und Zeitgeschichte* 12:1 (2008), 141–158.

31 Rosen, *Dignity*, 19–30.

32 “Biskupi polscy do braci kapłanów”, 28 August 1963, in *Listy pasterskie episkopatu Polski 1945–1974* (Paris 1975) (hereafter: *Listy*), 296–313, on pp. 310f.; see also “Orędzie o prawie do nauczania religii”, 28 August 1963, in *Listy*, 317–320, on pp. 317f.

in Catholic social thought.³³ The Polish bishops' focus on individual rights, however, went along with the insistence that Polish society was overwhelmingly Catholic and that the main institution of Polish Catholics – the Church – therefore should be respected; in a sense, then, invoking an individual right to religious freedom was another way of demanding a special place for the Church in Polish society.³⁴

The pontificate of John Paul II, finally, marked a certain departure from the anthropological approach of the 1960s. Wojtyła had helped turn the term “inherent dignity of the human person” into a staple of Catholic discourse in Poland and, through his participation in the Second Vatican Council, may have helped place it at the centre of the Church's social teaching. His first encyclical *Redemptor hominis* – the programmatic statement of his papacy – was steeped in personalist ideas. It featured a section on human rights, describing them as the foundation of a just and peaceful world and lauding the U.N.'s attempts to guard over their implementation. The pope's take on dignity and human rights, though, was more than a little ambivalent when it came to non-Christians. Focused on Christ as the “redeemer of man”, his first encyclical developed an expressly Christian anthropology, thus departing from John XXIII's *Pacem in terris*, which had interpreted human rights in the natural law tradition. *Redemptor hominis*, moreover, saw “man” united to the nation “by organic links as with a larger family”.³⁵ John Paul II's vision of the Polish nation – as his visit to Poland of 1979 made abundantly clear – was unabashedly Christian. To be sure, he had a more open vision of Polish history than his fellow Polish bishops, supporting ecumenism and interreligious dialogue and calling Catholics to tolerance and respect towards non-Catholic Poles. However, his sermons were part of a discourse which claimed that it was Christian values that inclined the Poles to welcome members of other faiths. Non-Catholics were thus integrated into a still firmly Catholic narrative in which Polish tolerance – in itself a rather problematic claim – was another proof of Christ's presence in the Polish nation.³⁶

The ambiguities of the Polish pontiff's message are encapsulated in a sermon he gave at the former German extermination camp Auschwitz-Birkenau – a place whose over one million victims were almost exclusively Jewish, an aspect John Paul II did not emphasise. He never discussed or even mentioned Polish anti-Semitism in his addresses, sketching instead a martyriological understanding of Polish history. Yet he did single out the Jewish victims of Auschwitz as a special group “intended for total extermination”.

33 Sutor, “Katholische Kirche und Menschenrechte”.

34 “Orędzie o prawie do nauczania religii”, 28 August 1963, in *Listy*, 317–320, on p. 318.

35 *Redemptor hominis*, sec. 17.

36 For this discourse, see esp. Brian Porter-Szűcs, *Faith and Fatherland: Catholicism, Modernity, and Poland* (New York 2011), 347–359.

He also invoked the common descent of Christians and Jews from Abraham – a core idea of the Church’s newfound rejection of anti-Semitism and the centrepiece of the Pope’s own efforts to foster Catholic-Jewish dialogue. More importantly, John Paul II interpreted Auschwitz in a way that resonated strongly with the values of the human rights movement. The extermination camp was the “Golgotha of the modern world”, he said, a place posing the question whether it was “enough to impose on [man] an ideology in which human rights are subjected to the demands of the system, completely subjected to them, so as in practice not to exist at all”? Invoking two Catholic victims of Auschwitz – Maximilian Kolbe, a Franciscan monk who had sacrificed himself to save another inmate, and Edith Stein, a German-Jewish intellectual and convert to Catholicism³⁷ – he said that “Where the dignity of man was so horribly trampled on, victory was won through faith and love.” For this message to bear fruit in Europe – the Pope concluded his sermon – “the *Declaration of Human Rights* must have all its just consequences drawn from it”.³⁸

How influential were these views outside of the Church? How important were Catholic ideas in shaping the idea of human dignity? Core ideas of the Catholic discourse on human rights and dignity undoubtedly played a role in central events in the history of human rights. In Charles Malik’s aforementioned speech at one of the earlier meetings of the UNCHR, he made an argument echoing in many ways Pius XII’s concern about humans’ “dearth of solid principles and strong convictions, their surfeit of instinctive sensible excitement and their fickleness” and anticipating the argument of the Polish bishops in 1963.³⁹ Somewhat surprisingly, given World War II and events in Eastern Europe, Malik claimed that the main threat to human freedom did not emanate from “kings and dictators” but from the “tyranny of the masses” which would inevitably lead to the tyranny of an all-powerful state claiming the complete loyalty of its citizens. Yet, Malik went on, “man” was not only obliged to be loyal to the state, but also to “his family, to his religion, to his profession; he has his loyalty to science and the truth.” To Malik, therefore, protecting human rights meant defending the rights of these “intermediate

37 Both Kolbe and Stein are very controversial figures in the history of Catholic-Jewish relations. In Stein’s case it is primarily because she was a convert, whereas Kolbe established a veritable Catholic publishing empire in inter-war Poland and used the new medium of the radio. Dedicated to the fight with Freemasonry, these media would often feature overtly anti-Semitic statements. See Porter-Szűcs, *Faith*, 307–309, 367–369; Ronald Modras, “The Interwar Polish Catholic Press on the Jewish Question”, in *Annals of the American Academy of Political and Social Sciences* 548 (1996), 169–190, on pp. 181f.

38 John Paul II, “Homily During Holy Mass at the Brzezinka Concentration Camp”, 7 June 1979, https://w2.vatican.va/content/john-paul-ii/en/homilies/1979/documents/hf_jp-ii_hom_19790607_polonia-brzezinka.html.

39 Pius XII, *Order*.

institutions” against the all-encompassing claims of the modern state.⁴⁰ Notably, Article 16.3 defining the family as the “natural and fundamental group unit of society” seems to go back to an initiative by Malik, who had unsuccessfully proposed to add to this that the “family is endowed by the Creator with inalienable rights antecedent to all positive law”.⁴¹

Similar ideas can be found in the writings of the German legal scholar Günter Dürig, the aforementioned author of an influential interpretation of article 1 of the West German Basic Law. The understanding of humanity prevalent in the Basic Law, Dürig argued in 1952, was consciously or unconsciously derived from the Christian understanding of the human person, an understanding he saw as superior to that of the Enlightenment, in which humans had started to see themselves as absolute and thus either to understand themselves as *Übermenschen* or “fearfully take refuge in the collective.” The understanding of dignity in the Basic Law, by contrast, saw humans in the Christian sense as “persons” who had inalienable human rights but who became fully human only in serving the community and its values. The concept of the person, in other words, protected individuals from the state, but subordinated them to society, to Malik’s “intermediate institutions”.⁴²

Running through all of these statements, whether ecclesiastical or from laypeople, seems to be an idea that James Chappel has interpreted as central to the development of twentieth-century Catholic thought. At the centre of Catholicism’s social imaginary was the vision “of an overlapping set of hierarchies legitimized in the last instance by natural law, its organising principle, and God, its supreme leader.” What many Catholics came to realise, Chappel shows, is that their previous reliance on the state as the guarantor and enforcer of this vision was increasingly outdated in the age of mass society. Through democracy and with human community shattered into masses of atomised individuals, many Catholics came to believe, the state threatened the “natural” communities and hierarchies making up society. The task, therefore, was to shelter these communities from the state. The rights of human persons, in other words, were not meant to emancipate them, but to protect the “natural” social institutions, family and Church most of all, that were at the basis of their dignity and personhood.⁴³

40 “More Important Speeches”, 13f., LoC, Malik Papers, Box 76, Folder 9.

41 Morsink, *Universal*, 254f.

42 Dürig, “Menschenauffassung”, 260f.

43 James Chappel, “The Catholic Origins of Totalitarianism Theory”, in *Modern Intellectual History* 8:3 (2011), 561–590, on p. 565; Chappel, “Leviathan”.

3. Dignity After 1945: A History of Religious Conservatism?

How important were these views for human rights discourses more broadly? Is the post-war history of dignity thus a history of Catholic and authoritarian history? There are two important caveats in this respect. First, it is crucial not to take Catholicism's self-image as a monolithic and hierarchical structure with the pope on top at face value. The main actors and authors of Catholic discourses on dignity and human rights had spent the previous decades banned from teaching Catholic theology for their views or, as converts and laypeople, were outsiders in a Church in which the difference between clergy and laity was concomitant to the difference between baptised and non-baptised.⁴⁴ The latter observation is particularly true for the person who is nowadays somewhat too easily seen as the main exponent of post-war Catholic thought – Jacques Maritain. As a layperson and convert from Protestantism, an independent-minded philosopher married to a Jew, many bishops were highly suspicious of Maritain. Some tried to have his ideas condemned as contrary to Catholic faith as late as the Second Vatican Council.⁴⁵

Even before the changes of the 1960s, moreover, Catholicism was home to a wide variety of progressive groups and initiatives campaigning for peace and social justice and many Catholic human rights activists came from these movements. Chief among them was the lay organisation *Pax Christi* out of which two foundational figures of Amnesty International, Peter Benenson and Seán MacBride, would emerge.⁴⁶ Others came to combine Catholic ideas with Marxism to create “liberation theology”.⁴⁷ Catholic participation in the Chilean or Brazilian human rights movements seems to have evolved out of similar strands.⁴⁸

What is more, given how seamlessly the concept of human dignity has been transformed from an idea placing humans in a hierarchical society guaranteed by a Catholic monarch into an idea protecting individual against the state by means of “intermediate institutions”, it is easy to overlook

44 On this point see esp. Connelly, *Enemy*.

45 Yves Congar, *My Journal of the Council* (Collegeville, MN 2012), 37, entry from 23 January 1961.

46 Moyn, *Christian Human Rights*, 22.

47 Chris Dols/Benjamin Ziemann, “Progressive Participation and Transnational Activism in the Catholic Church After Vatican II: The Dutch and West German Examples”, in *Journal of Contemporary History* 50:3 (2015), 465–485; E. Gerard and Gerd-Rainer Horn, *Left Catholicism 1943–1955: Catholics and Society in Western Europe at the Point of Liberation* (Leuven 2001); Gerd-Rainer Horn, “Progressive and Conservative Religious Ideologies: The Tumultuous Decade of the 1960s”, in *Politics, Religion & Ideology* 12:4 (2011), 475f.; Gerd-Rainer Horn, *The Spirit of Vatican II: Western European Progressive Catholicism in the Long Sixties* (Oxford 2015).

48 Kelly, “Sovereignty”.

how revolutionary many of the texts of Vatican II really were.⁴⁹ Many of these texts, *Dignitatis humanae* most of all, were drafted in highly contentious and controversial processes, given how far they departed from ideas espoused only years before. One of the council's most influential theologians, Yves Congar, was disappointed when he realised that the faithful would not be given any explanation for how fundamentally *Dignitatis Humanae* changed Catholic doctrine on religious freedom and individual autonomy.⁵⁰ However much the Church adapted human rights and dignity to a conservative imaginary of humanity, and although John Paul II developed an unabashedly Christian anthropology as the basis for individual rights, the post-war period nevertheless fundamentally transformed Catholic thought and doctrine.

The second caveat is that, as influential as Catholic ideas and thinkers seem to have been in post-war politics, just how big their impact was remains to be determined, and there is good reason to believe it is currently somewhat overestimated. Again, Maritain is an important example. He is widely seen as having had a major impact on the writing of the UDHR to the extent that he is sometimes even described as one of the text's authors.⁵¹ In fact, though, it is very difficult to find evidence for this presumed influence. He and the UNCHR's René Cassin were in contact with one another, but mostly this seems to have concerned questions of the university in exile, whose dean Maritain was during World War II.⁵² Neither the Jacques Maritain Papers at the University of Notre Dame nor those of Charles Malik at the Library of Congress contain any evidence that the two philosopher exchanged views, or even only personally knew each other.⁵³ Maritain's only discernible impact on the commission's work was that he presided over a UNESCO-appointed committee of philosophers who were to discuss the fundamentals of human rights. Yet rather than steering the committee towards Catholic ideas, Maritain's contribution seems to have been to argue that the members' different views on the foundations of human rights did not keep them from working towards their practical realisation. The members of the committee agreed on human rights, Maritain quipped in the introduction, but only on

49 Sutor, "Katholische Kirche und Menschenrechte".

50 Dreuzy, "Dignitatis", 39f.

51 Woodcock, "Maritain".

52 See, for instance, Letter from Jacques Maritain to René Cassin, dated 30 June 1942, University of Notre Dame, Jacques Maritain Center, Jacques Maritain Papers, Box 17, Folder 1. See also Prost and Winter, *René Cassin*, 163.

53 Maritain's name does not even feature in Malik's extensive correspondence archived in the Library of Congress. See *Charles Habib Malik Papers: A Finding Aid to the Collection in the Library of Congress*, Library of Congress, Manuscript Division, Washington, DC, 2010, <http://rs5.loc.gov/service/mss/eadxm1mss/eadpdfmss/2011/ms011018.pdf>.

the condition that no one asked them why.⁵⁴ What role the findings of the committee played for the work of the commission is difficult to assess. What seems rather clear, though, is that to many of the commission's members, Malik's philosophical lectures were something of a nuisance. As important as he was for drafting the Declaration's preamble, moreover, authors of different philosophical views such as René Cassin, Eleanor Roosevelt, John Humphrey and P. C. Chang shaped the entire text.⁵⁵

When it comes to the Federal Republic it is true that, due to the division of Germany, Catholics made up about half the West German population and they may have had a disproportionate influence due to the dominant role of Christian Democracy. But while Dürig's Christian interpretation of the Basic Law may thus have resonated strongly with many of his compatriots, his main contribution to German legal thought – the so-called *Objektformel* – was not to provide a substantial definition of dignity but to describe it negatively. Human dignity was violated, Dürig argued, whenever a human being was degraded to being a mere object or means for something else. The West German constitutional court, moreover, did not apply this definition consistently, and Dürig himself was always denied his greatest ambition – to become a judge on the constitutional court himself.⁵⁶ Contrary to his views, moreover, it seems that the reference to dignity in the Basic Law was not religious. Shaped primarily by secular members of the parliamentary council, especially Theodor Heuss and Carlo Schmid, dignity was understood as humans' "internal liberty", which individual rights protected from intrusion by the state, as the legal historian Christoph Goos has shown.⁵⁷

If post-war human rights discourses were never as clearly shaped by Catholic ideas as it may seem, it is worth asking whether Catholic ideas became as completely irrelevant in later decades as the decay of European Catholicism would suggest. Catholics, as noted above, played a central role in many processes of the 1970s human rights revolution, and whether these groups brought religious ideas into human rights discourses, where they survived in a secular form, could be a fascinating idea for future research.⁵⁸

54 Jacques Maritain, "Introduction", in UNESCO, *Human Rights: Comments and Interpretations*, UNESCO/PHS/3(rev.), Paris, 25 July 1948, I–IX, on p. I.

55 See, for instance, Glendon, *World*, 39f. For the various sources on which the commission drew see also the Memorandum by the UN Secretariat "Textual Comparison of the Proposed Drafts of an International Bill of Rights Proposed by Private Individuals", not dated, LoC, Malik Papers, Box 76, Folder 7.

56 Will, "Bedeutung"; Gunther Rojahn, *Elfes – Mehr als ein Urteil: Aufladung und Entladung eines Politikums* (Diss., Freie Universität Berlin, 2009).

57 Christoph Goos, *Innere Freiheit: Eine Rekonstruktion des grundgesetzlichen Würdebegriffs* (Göttingen 2011).

58 For a fascinating view of Amnesty International as a secular church see Hopgood, *Keepers*.

4. Conclusion

The idea that all human beings have an inherent dignity, an intrinsic value derived from their autonomy and equality, is central to contemporary notions of humanity. Yet, as I hope this sketch has shown, the emergence of this notion evolved along crooked paths and was propelled by surprising and highly contingent developments. As such, it reflects the larger conceptual history of “humanity” as a notion that constantly evolves, is redefined, and – being a source of moral authority and political legitimacy – is also frequently contested.

The contemporary history of Catholicism as one of the main discourses to combine dignity and individual rights reflects this aspect of dignity, rights, and humanity as evolving and contested notions in two ways. First, it shows how that a category which we now associate with the Enlightenment belief in the rationality of human beings emerged, among others, thanks to a discourse revolving out of a deep seated scepticism about humanity. In Encyclicals and the writings of Catholic philosophers, a life in dignity meant that individuals assumed their proper place within a hierarchy of “intermediate institutions”, whereas human rights were meant to protect these institutions and allow individuals to fulfil their obligations towards them and to God. As Malik’s warning against the “tyranny of the masses” showed, then, the belief in human rights and dignity could just as well evolve out of a fear of destructive tendencies inherent in humanity as out of a belief in the rationality and moral autonomy of human beings.

But even as we reconstruct this discourse on human dignity and acknowledge its influence it would go too far to argue that the conceptual history of human dignity is a history of how authoritarian ideas were secretly snuck into contemporary human rights discourses. The second way in which the history of Catholicism reflects how contested and fluent notions of dignity and humanity remained concerns Catholicism itself. Highly controversial and driven by a diverse group of actors, many of whom were former outsiders and dissidents, the emergence of Catholic discourses on dignity evolved along paths that were just as crooked as those of secular developments. Most importantly, Catholic support for the right to religious freedom directly contradicted Church teaching before the 1960s. As much as the Church adapted human rights discourses to its imaginaries of humanity, therefore, it also transformed itself fundamentally in the process, thus opening up a space on which diverse groups could take central Catholic notions such as justice into new directions. To what extent the work of these groups left religious sediments in contemporary discourses on dignity and human rights is an exciting question for future research on the history of both dignity and humanity.

PART III:
HUMANITARIANISM, VIOLENCE,
AND INTERNATIONAL LAW

Thomas Weller

Humanitarianism Before Humanitarianism?

Spanish Discourses on Slavery From the
Sixteenth to the Nineteenth Century

1. Antislavery and the Humanitarian Big Bang Theory

The abolitionist movement initiated by Anglo-American Quakers and Evangelicals in the closing decades of the eighteenth century is generally considered the first humanitarian movement in history. According to Michael Barnett, the unprecedented public concern over the suffering of distant others and – even more startling – the European enslavement of black Africans, was an “historic breaching of established categories of humanity”.¹ Based on a “revolution in moral sentiments” and the “emergence of a culture of compassion”, for the first time in history humanitarian concerns led to a mass movement that finally forced the British government to abolish the slave trade. Thus, antislavery constitutes a core element of what Barnett calls the “humanitarian big bang”.²

No one who has ever researched the history of humanitarianism would seriously deny the pivotal role of Anglo-American abolitionism.³ As Abigail Green has pointed out in a recent article, however, “it is striking how much work deals in practice either with Britain and the United States or with Protestant Christianity, without reflecting seriously this bias”. As a consequence, Green pleads for a consideration of “different humanitarian traditions” that “evolved in different national, religious and imperial cultures”.⁴ This chapter aims to investigate one of these traditions. One might

1 Michael Barnett, *Empire of Humanity. A History of Humanitarianism* (Ithaca, NY 2011), 57. – I would like to thank my colleagues at the IEG and the participants of the conference “Humanity – A History of European Concepts in Practice” for their fruitful comments on my paper. Special thanks go to Austin Glatthorn whose careful reading helped to improve this chapter considerably not only with regard to language and style.

2 *Ibid.*, 49–56. For the importance of empathy and emotions in the formation of humanitarian ideas see also Lynn Hunt, *Inventing Human Rights. A History* (New York 2007), 35–69.

3 For a general overview see Seymour Drescher, *Abolition. A History of Slavery and Antislavery* (Cambridge 2009); Christopher Leslie Brown, *Moral Capital. Foundations of British Abolitionism* (Chapel Hill, NC 2006); John R. Oldfield, *Popular Politics and British Anti-Slavery. The Mobilisation of Public Opinion Against the Slave Trade, 1787–1807* (London 1998); David Turley, *The Culture of English Antislavery, 1780–1860* (London 1991).

4 Abigail Green, “Humanitarianism in Nineteenth-century Context. Religious, Gendered, National”, in *The Historical Journal* 57 (2014), 1157–1175, on p. 1169.

wonder whether the phrase “humanitarianism before humanitarianism” is appropriate to describe the phenomenon that will be discussed in the pages to follow (thus explaining the question mark in the title). Nevertheless, before the so-called “humanitarian big bang”, Europe’s moral universe was anything but empty. Within Spain’s colonial empire, theologians, jurists and missionaries questioned the legitimacy of enslaving Africans as early as the sixteenth and seventeenth centuries. Some of these authors even went beyond the early nineteenth-century abolitionists’ cry to end the slave trade. This chapter analyses the arguments and narratives of these early Spanish antislavery writings as well as their conceptual framework, paying special attention to the changing semantics of humanity.

2. How to Translate Wilberforce Into Spanish?

Interestingly enough, none other than William Wilberforce, one of the leading figures of British abolitionism, was perfectly aware – or at least had an idea – of this earlier antislavery tradition. In 1810, Wilberforce wrote to the British Foreign Minister, Lord Richard Wellesley, to ask for his assistance in launching an abolitionist campaign in Spain. To this end, Wilberforce wanted one of his texts to be translated into Spanish. For this task, he had in mind a Spanish exile who had recently arrived in London and was in close contact with the British Foreign Office and the African Institution.⁵ José María Blanco y Crespo, or Joseph Blanco White as he called himself upon his arrival in England, was descended from an Irish merchant family in Seville and thus moved with certain facility between the English and Spanish languages. He was also an ordained Catholic priest, although he converted to Anglicanism

5 Christopher Schmidt-Nowara, “Wilberforce Spanished. Joseph Blanco White and Spanish Antislavery, 1808–1814”, in id./Josep M. Fradera (ed.), *Slavery and Antislavery in Spain’s Atlantic Empire* (New York 2013), 158–175. See also id., “Bartolomé de las Casas and the Slave Trade to Cuba circa 1820”, in Matthew Brown/Gabriel Paquette (ed.), *Connections After Colonialism. Europe and Latin America in the 1820s* (Tuscaloosa, AL 2013), 236–249; Manuel Moreno Alonso, *La forja del liberalismo en España. Los amigos españoles de Lord Holland, 1793–1840* (Madrid 1997). On Blanco White and antislavery see also André Pons, “Blanco White, abolicionista (1)”, in *Cuadernos hispanoamericanos* 559 (January 1997), 63–70; “Blanco White, abolicionista (2)”, in *Cuadernos hispanoamericanos* 560 (February 1997), 29–38; “Blanco White, abolicionista (3)”, in *Cuadernos hispanoamericanos* 565–566 (July–August 1997), 143–158; Emily Berquist, “Early Antislavery Sentiment in the Spanish Atlantic World, 1765–1817”, in *Slavery and Abolition* 31:2 (2010), 181–205; Joselyn M. Almeida, *Reimagining the Transatlantic, 1780–1890* (Burlington, VT 2011), ch. 3; id., “Joseph (José) Blanco White’s Bosquexo del comercio en esclavos. British Abolition, Translation, and the Cosmopolitan Imagination”, in *Bulletin for Spanish and Portuguese Historical Studies* 37:2 (2012), <http://digitalcommons.asphs.net/bsphs/vol37/iss2/3>.

in 1812 and later embraced Unitarianism.⁶ Thus, to Wilberforce, Blanco White seemed an ideal translator of his texts not only for linguistic reasons. He hoped that the Spanish theologian might add some ideas borrowed from Spanish authors of the sixteenth and seventeenth centuries that would be likely to convince Spanish clergymen of the abolitionist cause:

It has occurred to me as worthy of Consideration whether, as Bartholomew (the Early Conveyor if not the first Spanish originator of the Sla[ve] Trade) de la[s] Casas, pleaded however the Cause of the Blacks, there might not be found in his Writings or those of some other of the Spanish divines passages likely to have weight with the Ecclesiastics of the Country. Y[ou]r Lordship knows, whether Mr. White is likely to be at all versed in Spanish Literature, especially in ecclesiastical.⁷

We do not know how familiar Blanco White really was with Spanish “ecclesiastical literature”. His writings do not contain explicit references to any sixteenth- or seventeenth-century authors. Some passages, however, reveal a certain familiarity with Lascasian thought. One of the closest friends of Blanco White in London was the Mexican Dominican friar Servando Teresa de Mier, a great admirer of Las Casas.⁸ It is very likely that Mier, who edited Las Casas’ *Brevisima Relación de la Destrucción de las Indias* in 1812, acquainted Blanco White with the Dominican’s oeuvre.⁹

At first glance, though, Blanco Whites’s abolitionist pamphlet, entitled *Bosquexo del comercio en Esclavos* (1814), owes much more to contemporary English antislavery writings than to Spanish sources. In the opening pages, one can find the famous illustrations of the overloaded slave ship *Brookes*, first published in Plymouth in 1788 and reissued one year later in London by Thomas Clarkson on behalf of the Society for Effecting the Abolition of the Slave Trade.¹⁰ Large parts of Blanco White’s *Bosquexo* are in fact a direct translation of William Wilberforce’s *Letter on the Abolition of the Slave Trade* (1807).¹¹ Another important source for Blanco White was

6 Only two years after his conversion, Blanco White became an Anglican minister. In 1835 he left the Church of England and declared himself Unitarian. For Blanco’s biography see Martin Murphy, *Blanco White. Self-Banished Spaniard* (London 1989); Francisco Durán López, *José María Blanco White o la conciencia errante* (Sevilla 2005).

7 Wilberforce to Lord Wellesley, August 1, 1810, The National Archives, FO 72/104, fol. 1v; see also Schmidt-Nowara, “Wilberforce Spanished”, 160.

8 Begoña Pulido Herráez, “Fray Bartolomé de las Casas en la obra y el pensamiento de Fray Servando Teresa de Mier”, in *Historia Mexicana* 2 (2011), 429–475.

9 Pons, “Blanco White, abolicionista (3)”, 148.

10 *Plan and Sections of a Slave Ship*, London 1789; for the history of this print see Marcus Rediker, *The Slave Ship. A Human History* (New York 2007), 308–342.

11 William Wilberforce, *A Letter on the Abolition of the Slave Trade; Addressed to the Freeholders and Other Inhabitants of Yorkshire* (London 1807).

Mungo Park's bestseller *Travels in the interior districts of Africa*, which first appeared in 1799.¹² At the request of the African Institution, Blanco White had translated and published fragments of both texts between 1811 and 1813 in the liberal periodical *El Español*.¹³ Notwithstanding, Blanco White's *Bosquexo* was more than just a compilation of his former translations of Wilberforce and Park. In view of the obvious differences between the British and Spanish public, it became necessary to alter the original texts "very considerably – indeed almost to compose a new work".¹⁴ Thus, large parts of the text constitute a polemical response to a proslavery pamphlet that the influential Cuban planter Francisco Arango y Parreño had presented to the Spanish constitutional assembly of Cádiz in 1811.¹⁵

Regardless of the necessary adaptations of Blanco White's sources, it is not surprising that his text is impregnated with the "humanitarian narrative", characteristic of contemporary abolitionist writings.¹⁶ The author's starting point is the supposed equality of all human beings, including the inhabitants of other continents and remote parts of the world. According to Blanco White, their "natural affections and sensations were absolutely equal" to those of Europeans.¹⁷ From this basic assumption Blanco White, like other abolitionists, appeals directly to the readers' sensibility, empathy and compassion for the oppressed Africans:

If there is something inside of them equal to our sentiments, if they do not belong to another species, if they feel and think like Europeans, they offer a picture of pain and misery that scares our imagination. Yet, can there be the slightest doubt? If we hear the howl of a suffering animal, we cannot avoid feeling some sort of sympathy and pain, some kind of powerful motion that tells us that there is an analogy between the

12 Mungo Park, *Travels in the Interior Districts of Africa* (1799), ed. by Kate. F. Marsters (Durham, NC 2000). On the influence of Park's and other African explorers' writings on the antislavery movement see Deirdre Coleman, *Romantic Colonization and British Anti-Slavery* (Cambridge 2005), 20–22.

13 Pons, "Blanco White, abolicionista (1)", 65f.

14 *Report of the Committee of the African Institution* 8 (1814), 21, quoted in Schmidt-Nowara, "Wilberforce Spanished", 172.

15 Francisco Arango y Parreño, "Representación de la ciudad de la Habana a las Cortes el 20 de julio de 1811, con motivo de las proposiciones hechas por D. Guridi Alcocer y D. Agustín de Argüelles, sobre el tráfico y la esclavitud de los negros", in Hortensia Pichardo Viñals (ed.), *Documentos para la historia de Cuba* (Habana 1973), vol. 1, 240–270. See Schmidt-Nowara, "Wilberforce Spanished", 164–169; Pons, "Blanco White, abolicionista (1)", 67–69.

16 Thomas Laqueur, "Bodies, Details, and the Humanitarian Narrative", in Lynn Hunt (ed.), *The New Cultural History* (Berkeley, CA 1989), 176–204.

17 "Los afectos y sensaciones características de la naturaleza son absolutamente iguales en unos y otros [sc. africanos y europeos]", Blanco White, *Bosquexo*, 29.

creature's pain and ours. And when we see the tears of these black slaves, victims of European greed, how can it be that any further argument is necessary to prove that their affliction is as bitter as ours.¹⁸

Like many other abolitionist writers – as Lynn Festa has observed – Blanco White slips “almost indiscernibly between the two primary senses the word [humanity] possessed during the period: humanity as shared species category and humanity as sympathy or benevolence”.¹⁹

These men, women, and children to whom we are linked by an undeniable kinship of *humanity*, are victims of a cruelty that would move us if we heard that it was committed toward beasts. The history [of this cruelty] cannot be read without tears, but these tears are demanded by *humanity*.²⁰

The two principal meanings of the Spanish word *humanidad* can be found as early as in Sebastián de Covarrubias' *Tesoro de la lengua castellana*, the first Spanish dictionary, published in 1611 (the first printed dictionary of a European language). Covarrubias defines “humanity” (*humanidad*) as “human nature” (*la mesma naturaleza humana*) and “kindness and politeness” (*benignidad y cortesía*).²¹ This indicates that the semantics of humanity employed by Blanco White are not as new as it may seem at first glance. In two passages of his text, however, Blanco White uses the term in an eye-catchingly modern way, condemning the slave trade as a “crime against humanity” (*delito contra la humanidad*).²² It is remarkable that Blanco White should use this concept, albeit in a moral rather than a legal sense, bearing

18 “[...] Si hay algo en ellos semejante a lo que nosotros sentimos: si no pertenecen a otra especie, si sienten y piensan como los Europeos; presentan un cuadro de dolor y miseria de que la imaginación se atemoriza. Pero ¿es posible que quepa la duda más pequeña en esto? – Al escuchar los ahullidos de un animal que sufre, no podemos dexar de sentir cierto dolor de sympathy, cierto movimiento poderoso que nos dice que hay analogia entre su dolor y el nuestro; y al ver correr las lágrimas de esos esclavos, de esas víctimas de la codicia Europea, ha de ser preciso recurrir a argumentos para probar que la aflicción que se las hace verter es tan amarga como la nuestra!” *Ibid.*, 22f.

19 Lynn Festa, “Humanity Without Feathers”, in *Humanity* 1:1 (2010), 3–27, on p. 7.

20 “[...] esos hombres, mugeres, y niños con quienes un innegable parentesco de *humanidad* nos enlaza; son víctimas de una crueldad que las [sic] estremecería si la oyeran referir como executada en bestias. La historia [...] no se podrá leer sin lágrimas. Pero la *humanidad* las exige”, Blanco White, *Bosquexo*, 48 [italics mine – TW].

21 Sebastián de Covarrubias Orozco, *Tesoro de la lengua castellana o española* (Madrid 1611), fol. 482v.

22 “¿Se puede continuar este tráfico, sin quebrantar las leyes de la moral y sin cometer un grave delito contra la humanidad?”, Blanco White, *Bosquexo*, 72. “[...] para que las Cortes tengan compasion de la Havana y le concedan el privilegio de colmar la medida de sus delitos contra la humanidad.” *Ibid.*, 94.

in mind that this very term would become a key concept of international law more than a century later.²³

3. The Spanish Tradition of Antislavery

The arguments put forward by Blanco White against the Atlantic slave trade were not completely new. His principal assertion, that Africans did not differ in “rationality and humanity” (*racionalidad y humanidad*)²⁴ from other humans, clearly recalls the famous sixteenth-century debate between Las Casas and Ginés de Sepúlveda over the “humanity” of the native Americans.²⁵ It is true that the advocate of the *indios* once had proposed the introduction of African slaves to the West Indies instead of turning to native manpower. Yet, Las Casas was by no means the architect of the Atlantic slave trade and, what is more, in his later writings, he regretted bitterly his former proposal and ultimately rejected the enslavement of native Africans for the same reasons he had advanced in favour of the *indios*.²⁶

Las Casas was not the only Spanish-speaking author who criticised the African slave trade. Other sixteenth-century theologians and jurists, such as the Dominican Tomás de Mercado, the Mexican professor of civil law Bartolomé Frías de Albornoz, and the Jesuit Luis de Molina also questioned the European right to enslave Africans and considered participation in the slave trade a sin.²⁷ Tomás de Mercado’s *Suma de tratos y contratos* (1571)

23 See the contribution by Kerstin von Lingen, “Fulfilling the Martens Clause: Debating ‘Crimes Against Humanity’, 1899–1945”, in this volume. In spite of the extensive research dedicated to this topic, most authors do not seem overly concerned with the historical roots of the concept. See Daniel Marc Segesser, “Die historischen Wurzeln des Begriffs ‘Verbrechen gegen die Menschlichkeit’”, in *Jahrbuch für juristische Zeitgeschichte* 8 (2006/2007), 75–101.

24 “Los negros no ceden en racionalidad y humanidad a los demás hombres”, Blanco White, *Bosquexo*, 25.

25 See the chapter by Mariano Delgado, “‘All People have Reason and Free Will’: The Controversy Over the Nature of the Indians in the Sixteenth Century”, in this volume.

26 Lawrence Clayton, “Bartolomé de las Casas and the African Slave Trade”, in *History Compass* 7 (2009), 1526–1541; Isacio Pérez Fernández, *Fray Bartolomé de las Casas, O.P. De defensor de los indios a defensor de los negros. Su intervención en los orígenes de la deportación de esclavos negros a América y su denuncia de la previa esclavización en África* (Salamanca 1995); Jürgen von Stackelberg, “‘Primero el clérigo Casas ...’ Zur Legende vom ‘Apostel der Indios’ als Initiator des Negerklavenhandels”, in *Iberoromania* 13 (1981), 30–46.

27 Liliana Obregón, “Spanish Colonial Critiques of African Enslavement”, in *Beyond Law* 8 (2001), 41–66; José Andrés-Gallego/Jesús María García Añoveros, *La iglesia y la esclavitud de los negros* (Pamplona 2002); Jesús María García Añoveros, *El pensamiento y los argumentos sobre la esclavitud en Europa en el siglo XVI y su aplicación a los indios americanos y a los negros africanos* (Madrid 2000); Javier Laviña, “La iglesia ante la esclavitud, jesuitas y dominicos”, in Gabriela Dalla Corte et al. (ed.), *Homogeneidad, diferencia y exclusión en América. X Encuentro-Debate América Latina ayer y hoy* (Barcelona 2006), 355–364; Miguel Anxo Pena González, “Aportación antiesclavista en tierras de Indias, a fines del siglo XVII”,

was one of the most popular merchant guide books (*artes mercatoria*) written in Spanish. One of the book's chapters was explicitly dedicated to the slave trade in Cape Verde. Casting doubt on the moral legitimacy of purchasing Africans, the Dominican concluded that the only way merchants could avoid sinning was to abstain from participating in the slave trade.²⁸ In his book *Arte de los contractos* (1573), Bartolomé Frías de Albornóz – who was a secular jurist and not a cleric as it is sometimes stated²⁹ – propounded a similar argument. Albornóz went one step further even than his predecessor in questioning some of the principal justifications for slavery that were generally accepted by most contemporary authors, including Mercado whose work Albornóz had read.³⁰ In the first volume of *De iustitia et iure* (1593), the renowned Jesuit jurist and theologian Luis de Molina also dealt with the problem of African slavery.³¹ In contrast to Albornóz, Molina reaffirmed that slavery was generally legitimate, provided that Africans were enslaved always with just cause. Over a period of several years during which he taught at a number of Portuguese universities, however, Molina had obtained first-hand information about the trade. Therefore, he knew only too well that the vast majority of Africans that Portuguese traders purchased on the West African coast had been unjustly enslaved. Accordingly, the Jesuit shared the opinion of other authors who stated that Christians were entitled neither to buy nor to resell these Africans as slaves. Anyone who did so committed a sin so grave that he was liable to be condemned for eternity. Surprisingly, though, Molina made one significant exception to this general rule: since most American slaveholders were not able to determine the origin of their

in Ildefonso Murillo (ed.), *El pensamiento hispánico en América. Siglos XVI–XX* (Salamanca 2007), 489–530.

28 Tomás de Mercado, *Suma de ratos y contratos*, ed. by Nicolás Sánchez-Albornóz (Madrid 1977), lib. 2, cap. XXI, 230–239. See Obregón, “Spanish colonial Critiques”, 49–52; Andrés-Gallego/García Añoveros, *La iglesia*, 35f.

29 See for example Obregón, “Spanish Colonial Critiques”, 52, who refers to him as a “Spanish Dominican priest”. Albornóz was originally from Talavera de la Reina, studied law in Osuna and later became the first professor of civil law at the University of Mexico. See García Añoveros, “Bartolomé Frías de Albornóz”, 531–570; Bernardo Alonso Rodríguez, “El Doctor Bartolomé Frías de Albornóz, primer catedrático de Instuta en la Universidad de México”, in Justo García Sánchez et al. (ed.), *Estudios jurídicos in memoriam del profesor Alfredo Calonge*, vol. 1 (Mexico City 2002), 43–59.

30 Bartolomé Frías de Albornóz, *Arte de los contratos* (Valencia 1573), lib. III, tit. IV, f. 130v–131r. See Obregón, 52f.; Andrés-Gallego/García Añoveros, *Iglesia*, 37–39; Jesús María García Añoveros, “Bartolomé Frías de Albornóz”, 547–562.

31 Pedro de Molina, *De iustitia et iure*, 6 vols (Mainz 1659), vol. 1, tract. ii, disp. 32–36; see Andrés-Gallego/García Añoveros, *Iglesia*, 46–53; Jesús María García Añoveros, “Luis de Molina y la esclavitud de los negros africanos en el siglo XVI. Principios doctrinales y conclusiones”, in *Revista de Indias* 60:219 (2000), 307–329; Matthias Kauffmann, “Slavery Between Law, Morality, and Economy”, in id./Alexander Aichele (ed.), *A Companion to Luis de Molina* (Leiden 2014), 183–225.

slaves or the circumstances under which they had been taken into captivity, they owned them in “good faith”. Thus, they were free from guilt and could continue using slave labor without repentance.³²

None of the aforementioned authors questioned the institution of slavery as such. The whole debate was over the question of whether native Africans were enslaved with “just cause” according to Canon Law and the Thomist tradition. To almost all sixteenth- and seventeenth-century Spanish authors, this was undoubtedly the case when non-Christians were captured in a “just war” or when they were condemned to slavery by a political authority for committing a crime. Notwithstanding, even those authors who either affirmed the legitimacy of the African slave trade on this basis or accepted slavery as a means of evangelisation, like the seventeenth-century Jesuit missionary Alonso de Sandoval, repeatedly denounced the inhuman treatment of African slaves by their Christian masters.³³

Since slavery was generally accepted as a centuries-old institution legitimised by undoubted authorities, only very few contemporary writers dared to raise their voice against the powerful apparatus that kept slavery in the Atlantic running for centuries. A rather extraordinary case was that of the two Capuchin friars Francisco José de Jaca from Aragón and Epifanio de Moirans (Epiphane de Moirans) from the small village of Moirans en Montagne in the Franche Comté (a part of Burgundy that belonged to the Spanish Monarchy until 1678). Both had travelled as missionaries to the Caribbean in the late 1670s. Jaca had exercised his ministry since 1678 in the district of Cartagena de Indias (today Colombia) and came to Havana in 1681. There he met his fellow Capuchin friar Epifanio de Moirans who had spent several years in Cayenne, the isle of Martinique and the province of Cumaná (in what is now Venezuela).³⁴

Both men had independently come to the conclusion that the enslavement of Africans was unjust and sinful. From their pulpits, they began to preach against slavery and demand that slave owners free their slaves and compensate them economically for their work. They also refused to hear slave masters’ confessions and absolve them of their sins, a strategy that Las

32 De Molina, *De Iustitia*, vol. 1, tract. ii, disp. 36, no. 1f.

33 Alonso de Sandoval, *Naturaleza, policía sagrada i profana, costumbres i ritos, disciplina i catechismo evangélico de todos los etiopes* (Sevilla 1627), lib. 2, cap. 2–4, fol. 132v–143v; see Obregón, “Spanish Colonial Critiques”, 55f.; Andrés-Gallego/García Añoveros, *Iglesia*, 55–61, 161–166.

34 José Tomás López García, *Dos defensores de los esclavos negros en el siglo XVII* (Caracas 1982); Miguel Anxo Pena, *Francisco José de Jaca. La primera propuesta abolicionista de la esclavitud en el pensamiento hispano* (Salamanca 2003); Christoph Krauss, *Epifanio de Moirans OFM Cap. und sein Kampf gegen die Sklaverei. Ein Frühaufklärer auf Kuba* (Saarbrücken 2009); Louis Sala-Molins, *Esclavage réparation. Les lumières des capucins et les leurs des pharisiens* (Paris 2014).

Casas had recommended and practised against Spanish *encomenderos* more than a century earlier.³⁵ Not surprisingly, the two Capuchins' struggle for the emancipation of slaves incited great controversy in Cuba's colonial society. The two friars were denounced to the authorities, put under arrest, and sent back to Spain in 1682. Meanwhile, each of them had started to write down their arguments against slavery. The result was two extremely remarkable texts, which constitute the most radical criticism of slavery before the rise of modern abolitionism.³⁶

The texts are very different in language, structure and style. Moirans' treatise, *Servi liberi seu naturalis mancipiorum libertatis iusta defensio*, is well-organised and much more eloquent than Jaca's *Resolución sobre la libertad de los negros*, which was written in the vernacular. Nevertheless, both authors' arguments were similar and they arrived at the same conclusions. By referring to earlier authors like Domingo de Soto, Tomás de Mercado, Luis de Molina, Diego Avendaño and others, Jaca and Moirans tried to demonstrate that all men were free by nature and that the enslavement of Africans was against natural law, divine law, and the law of nations (*ius gentium*). They refuted one by one arguments previously voiced in favour of slavery in the New World. Finally, they requested the immediate liberation and economic compensation of all enslaved Africans (which they based on St. Thomas' doctrine of restitution) as the only means of redeeming, at least partly, the terrible sins committed by those who participated directly or indirectly in the trade.

35 Helen R. Parish/Harold E. Weidman, *Las Casas en Mexico. Historia y obras desconocidas* (Mexico City 1992), 57–62, 71f.; Lino Gómez Cañedo, “Aspectos característicos de la acción Franciscana en América”, in *Archivo Ibero-Americano* 48:189–192 (1988), 441–472; Jesús Antonio de la Torre Rangel, “Confesionarios. Uso del derecho canónico a favor de los Indios”, in *Memoria del X congreso del Instituto Internacional de Historia del Derecho Indiano*, vol. 2 (Mexico City 1995), 1657–1674. On this practice in other parts of the Spanish empire see Guillermo Lohmann Villena, “La restitución por conquistadores y encomenderos. Un aspecto de la incidencia lascasiana en el Perú”, in *Anuario de Estudios Americanos* 23 (1966); Pedro Borges, “Posturas de los misioneros ante la duda indiana”, in *Corpus Hispanorum de Pace* 25 (1984), 597–630; Ángel Losada, “Diego de Avendaño S.I. moralista y jurista, defensor de la dignidad humana de indios y negros en América”, in *Missionalia Hispanica* 39:115 (1982), 1–18.

36 Epifanio de Moirans, *Siervos libres. Una propuesta antiesclavista a finales del siglo XVII*. Edición crítica por Miguel Anxo Pena González (Madrid 2007); id., *A Just Defense of the Natural Freedom of Slaves. All Slaves should be free. A critical edition and translation of Servi liberi seu naturalis mancipiorum libertatis iusta defensio*, ed. and trans. by Edward R. Sunshine (Lewiston, NY 2007); Francisco José de Jaca, *Resolución sobre la esclavitud de los negros y sus originarios en estado paganos y después ya cristianos. La primera condena de la esclavitud en el pensamiento hispano*. Edición crítica por Miguel Anxo Pena González (Madrid 2002); a first edition by López García, *Dos defensores*, 69–176.

One may wonder why these two authors came to such a radical conclusion, considering that they were mainly reiterating and reaffirming the arguments of previous texts. As in Las Casas' case, their personal experience as missionaries played a definitive and decisive role. It is noteworthy that both authors started by preaching and taking action against the practice of slavery and only then began to write down their arguments. Although both of them employed the traditional form of the learned treatise, they used their own experiences as eyewitnesses to support their argument. Moirans stressed this right from the start:

I have seen heard, tested, and confirmed by experience the wrongs done to slaves and the practice of injustices, oppressions, cruelties, inhumanities, and impieties of such a great number and enormity that barbarians or Scythians – not to mention Christians or religious – would be stunned to know or hear a part of what I have seen with my own eyes, heard with my own ears, and touched with my own hands in the West Indies.³⁷

Jaca appealed to his readers' practical sense of humanity in the same manner. No further arguments were necessary to condemn slavery, "if one looked with clear and Christian eyes at the baby boys and baby girls, [as] I have seen, being brought to America [...] like dogs, cats and sheep condemned to the scaffold of slavery without any more guilt than original sin".³⁸ The unfortunate fate of slave children provided the most telling example for Jaca's principal assertion that all Africans were unjustly enslaved.³⁹ By evoking the image of innocent babies condemned to the martyrdom of slavery, however, Jaca also aimed to arouse readers' empathy and compassion.⁴⁰ What rendered this strategy even more effective was the metaphorical comparison of human offspring with animals. This was more than just a rhetorical device, since the animalisation of African slaves, in word and deed, was right at the heart of

37 "Visis, auditis, probatis, experientia compertis factis erga mancipia iniuriis, iniustiis, oppressionibus, crudelitibus, inhumanitatibus exercitis et impietatibus tot ac tantis ut stuperet barbarus aut Scythia ne dicam Christianus vel religiosus si sciret vel audiret ex parte quae vidi oculis meis, auribus meis audivi, et contractavi manibus in Indiis occidentalibus", Moirans, *A Just Defense*, 6f.

38 "[...] si con ojos claros y cristianos se miran los niños y niñas de pecho que yo he visto, los cuales traídos a estas tierras [...] como perros, gatos y ovejas quedan condenados al degolladero de la esclavitud, sin más culpa que la del pecado original", Jaca, *Resolución*, 15.

39 Albornoz argues in the same fashion with the example of enslaved women and children who were without any guilt ("que diremos de los niños y mugeres que no pudieron tener culpa"), Albornoz, *Arte de los contratos*, lib. III, tit. IV, f. 130v.

40 See the chapter by Katharina Stornig, "Between Christian Solidarity and Human Solidarity: Humanity and the Mobilisation of Aid for Distant Children in Catholic Europe in the Long Nineteenth Century", in this volume.

Atlantic slavery.⁴¹ Moirans also pointed repeatedly to that fact, stating, for instance, that the “treatment of horses and mules” was not “as bad as that of Christian slaves by Catholics of the Indies”.⁴²

According to Moirans, female slaves too were treated no better than cattle, since they “live like mares, multiply like dogs, and produce profit for the master like cows”.⁴³ By denouncing the animal-like living conditions of slave women, Moirans questioned the asymmetric gender and race relations of colonial society. According to the Capuchin friar, female slaves were literally degraded to the status of baby-making machines.⁴⁴ At the same time, however, the text maintained the typical male European stereotype of African women, which considered them sexually promiscuous and highly procreative.⁴⁵ According to the author, he once “beheld large number of Blacks and mulattoes – pregnant slaves – who sometimes had two children in the lap and one in the womb, without a husband”.⁴⁶ The slave master’s wife considered this unavoidable, since she could not “be around my female slaves all the time to prevent fornication”.⁴⁷ According to Moirans, slave owners did not only tolerate and promote illicit sexual relations among their slaves, but they also sexually abused their female slaves; even married men and clerics did so:

It is horrible what remains unwritten concerning the masters in relation to female slaves, whom they use for sin, for adultery, and for defilement. Not only do bachelors beget their own offspring as male and female slaves, but even married men sire slaves, even clerics, even religious, because everybody uses female slaves at will for evil.⁴⁸

41 Karl Jacoby, “Slaves by Nature? Domestic Animals and Human Slaves”, in *Slavery & Abolition* 15:1 (1994), 89–97; David Brion Davis, “At the Heart of Slavery”, in id., *In the Image of God. Religion, Moral Values, and Our Heritage of Slavery* (New Haven, CT 2001), 123–136; id., *The Problem of Slavery in the Age of Emancipation* (New York 2014), 3–44.

42 “[...] nec enim equis aut mulis talia inferuntur qualia Christianis mancipiis a Catholicis Indiarum”, Moirans, *A Just Defense*, 50f.

43 “[...] et ancillae [...] vivunt ut equae, multiplicant ut canes et fructificant domino veluti boves.” Ibid., 40–43.

44 In fact, the rate of illegitimate births was much higher among slave women than among other members of colonial society. Contrary to the widespread image, however, the fertility of female slaves was relatively low, Susan Migden Socolow, *The Women of Colonial Latin America* (Cambridge 2000), 137; Jennifer L. Morgan, *Laboring Women. Reproduction and Gender in New World Slavery* (Philadelphia 2004), 107–143.

45 Barbara Bush, “‘Sable venus’, ‘she devil’ or ‘drudge’? British slavery and the ‘fabulous fiction’ of black women’s identities, c. 1650–1838”, in *Women’s History* 9 (2000), 761–789; id., *Slave Women in Caribbean Society, 1650–1838* (London 1990), 11–22; Henrice Altink, *Representations of Slave Women in Discourses on Slavery and Abolition, 1780–1838* (London 2007).

46 “[...] ingrediendo domum aspiciens multitudinem Nigrorum, mulatorum, ancillas gravidas, filios in sinu habentes quandoque duos, et unum in ventre sine viro”, Moirans, *A Just Defense*, 42f.

47 “Non sum ego (ait domina) semper cum ancillis meis, ut impediam fornicationem.” Ibid.

48 “Horribilia sunt quae remanent in calamo quantum ad dominos erga ancillas quibus abutuntur in peccatum, in adulterium, in stuprum, filios suos habentes in servos et ancillas non solum

This fact horrified Moirans so much that his “pen shudders and refuses to provide ink for those topics” that he would have preferred to “pass over in silence”.⁴⁹ The incriminated practices were not, however, peculiar to colonial slavery, but were also very common in the Spanish metropolis.⁵⁰

Whereas Moirans deliberately abstained from explicit descriptions of sexual violence perpetrated against enslaved women, he described in great detail how masters physically punished their slaves for the slightest offence:

Blacks suffer horrendous torments and continual martyrdom [...] for the least thing [...] they get scourged with inhuman whips until blood flows, bones show, and flesh disintegrates [...], because with single strokes bones are laid bare. Others burn the side of the slaves’ bodies with red-hot plates or a hot knife in sensitive parts; some cut off flesh and testicles with a razor.⁵¹

By pointing to these atrocities, Moirans turned the slave owners’ argument that Africans were like beasts that do not deserve better treatment against the slave owners themselves. Since they acted in such an inhumane way towards their fellow men, they were even worse than beasts. Indeed, their greed had deprived them of all human features:

But I say that those who in word and deed consider Blacks to be animals and beasts are more irrational than those very wild beasts and Blacks. Indeed, I say that those very people are insane and mad with greed. Not only are they deprived of the light of charity and justice but also reason. They are without conscience, morality and rational nature, worse than beasts and cattle, more foolish than beasts of burden that have no understanding.⁵²

soluti, sed coniugati, sed clerici, sed religiosi, quia omnes ancillis utuntur ad libitum in malum.” Ibid., 44f.

49 “Horret calamus atramentum nolens reddere ad istae quae tacentur.” Ibid.

50 William D. Phillips, *Slavery in Medieval and Early Modern Iberia* (Philadelphia 2014), 85–90; Aurelia Martín Casares, *La esclavitud en la Granada del siglo XVI* (Granada 2000), 359–373; Alessandro Stella, “Des esclaves pour la liberté sexuelle de leurs maîtres (Europe occidentale, XVIe–XVIIIe siècles)”, in *Clio. Histoire, Femmes, Société* 5 (1997), <http://clio.revues.org/419>.

51 “Horrenda sustinent tormenta Nigri et continua martyria [...] pro minima re [...] flagellis caeduntur inhumanis usque ad effusionem sanguinis, ossium denudationem, et carniurn consumptionem [...], quia singulis percussionibus denudantur ossa; alii laminis ardentibus comburunt latera eorum aut cultro candenti in partibus sensibilibus; nonnulli novacula abscindunt carnes et testiculos”, Moirans, *A Just Defense*, 48–50.

52 “Sed dico irrationabiliores esse ipsius feris bestiis, et Nigris, qui Nigris dictis et factis reputant pecudes, bestias; imo dico ipso esse amentes et furiosi cupiditate; non solum lumine charitatis et iustitiae privati, sed et rationis, sine conscientia, sine sinderesi, sine natura rationali, bestiis et pecudibus deteriores iumentis insipientiores quibus non est intellectus.” Ibid., 126f.

Thus, Moirans and Jaca opposed the common strategy of dehumanizing and animalizing Africans, in theory and in practice, by holding up a mirror to the inhumanities and bestialities committed by slaveholders in the New World. For Moirans and Jaca “humanity”, in the sense of kindness and benevolence, and its opposite “inhumanity”, in the sense of cruelty, barbarity or bestiality, were closely connected to the word’s primary meaning (i.e. belonging or not belonging to humankind).

Neither of the two authors, however, use the term *humanitas* or *humanidad* as a collective noun, meaning the universal body of mankind. The underlying notion of humankind was still a gradual and hierarchical one embedded in the history of salvation. Both authors made a clear distinction between human beings in general and (Catholic) Christians in particular. According to Moirans, the enslavement of Africans was unjust for two reasons (i.e. *ratione hominis et ratione Christiani*). Firstly as human beings, Africans had a natural right to personal freedom. Secondly, as Christians they also possessed a divine right. Within the same logic, however, Moirans accepts and reaffirms the Christian right to enslave Muslims: “Christians may own as slaves those who are sinners against the Church and enemies of the Church’s children, such as the Turks, the Moors, and all of the Muslim enemies of the Church.”⁵³ This is not surprising, given the historical context of his writings. At this time, Christian Europeans were at constant war with “Moors” and “Turks” and prisoners of war were enslaved on both sides of the Christian-Muslim front in the Mediterranean and South-Eastern Europe.⁵⁴

This shows very clearly that Moirans and Jaca did not condemn the institution of slavery as such, although their critique of the Atlantic slave trade was the most radical to be expressed before the rise of modern abolitionism. Nevertheless, like all previous authors, the two Capuchin friars did not deny the general possibility that a person could be enslaved with just cause. Yet they did state that this was definitely not the case with regard to enslaved Africans who were sold and brought to America without just cause. Thus, everybody who participated directly or indirectly in the Atlantic slave trade was sinning gravely and therefore obliged to contribute to the immediate emancipation and economic compensation of all enslaved Africans. This demand was

53 “Christiani possunt habere in servos qui contra Ecclesiam peccant, et hostes sunt filiorum Ecclesiae sicuti Turcae et Mauri, omnesque Mahumetani hostes Ecclesiae.” Ibid., 134f.

54 Robert C. Davis, *Christian Slaves, Muslim Masters. White Slavery in the Mediterranean, the Barbary Coast, and Italy, 1500–1800* (Basingstoke 2003); Phillips, *Slavery*, 32–53; Gillian Weiss, *Captives and Corsairs. France and Slavery in the Early Modern Mediterranean* (Stanford, CA 2011); Géza Dávid/Pál Fodor (ed.), *Ransom Slavery Along the Ottoman Borders (Early Fifteenth–Early Eighteenth Centuries)* (Leiden 2007); Stefan Hanss/Juliane Schiel (ed.), *Mediterranean Slavery Revisited (500–1800) – Neue Perspektiven auf mediterrane Sklaverei (500–1800)* (Zurich 2014).

not only aimed at individual slave owners, but also at political authorities who were expected to put an end to Atlantic slavery. Of course, this was an unattainable, utopian goal at this time. Most of Jaca's and Moirans' contemporaries could neither follow their argument nor understand the cause of their outrage. As we have already seen, the two Capuchins' stance provoked fierce opposition among the ruling colonial elite. The political authorities in Spain had legitimised and fostered the Atlantic slave trade for almost two centuries and thus were unlikely to embrace Jaca's and Moirans' cause. What was more, the closing decades of the seventeenth century were a period of economic decline. The so-called *asiento de negros* became an ever more important source of income for the chronically indebted Spanish Crown.⁵⁵ Nevertheless, the questions raised by Jaca and Moirans reached the highest institutions of the Spanish Monarchy, including the monarch himself, and also the Roman Curia.

While in America as well as on his way back to Spain, Jaca had addressed several letters to the Spanish king and the Council of the Indies. In these letters he complained about his imprisonment and urged the political authorities to take action against colonial slavery.⁵⁶ When Jaca and Moirans arrived in Spain they reiterated their demands. Thanks to the intervention of the papal nuncio Marcello Durazzo and the royal confessor Tomás Carbonell, bishop of Sigüenza, their case finally reached the monarch. After referring the matter to the State Council, Charles II ordered the Council of the Indies to think of measures to "suspend and emend the disorders that have been justly denounced, as reason, conscience, and humanity demand".⁵⁷ In October 1683 he issued a royal decree urging the royal officials in America "to take special care of the good treatment of slaves".⁵⁸ Those slaveholders who "exceeded in cruelty" should be punished and forced to sell their slaves.⁵⁹ However,

55 Hugh Thomas, *The Slave Trade. The History of the Atlantic Slave Trade, 1440–1870* (London 2006), 210–219; Reyes Fernández Durán, *La corona española y el tráfico de negros. Del monopolio al libre comercio* (Madrid 2011); Enriqueta Vila Vilar, *Hispanoamérica y el comercio de esclavos: los asientos portugueses* (Sevilla 1977); Marisa Vega Franco, *El tráfico de esclavos con América. Asientos de Grillo y Lomelín, 1663–1674* (Sevilla 1984).

56 Jaca, *Resolución*, Appéndice, no. 3, 6f., 81, 85–87. For Jaca's and Moirans' struggle with Spanish authorities see Jaca, *Resolución*, "Estudio preliminar", XLIX–LVI; Moirans, *Siervos libres*, "Estudio preliminar", XV–XVIII; Pena González, *Primera propuesta*, 169–178.

57 "[...] se encargue con ponderación al [consejo] de Indias procure dar tal providencia al reparo de tan justos desórdenes, que se suspenden y enmienden como lo pide la razón, la humanidad y la conciencia", Oficio del Consejo de Estado a Carlos II, Madrid, 27 March 1683, in Jaca, *Resolución*, Appéndice, no. 79, 272–274, on p. 274. *Oficio del Consejo de Indias a Carlos II* (Madrid, 8 April 1683), *ibid.*, no. 80, 275–277.

58 "[...] pongan muy particular cuidado en el buen tratamiento de los esclavos, velando mucho en ellos", *Real Cédula de Carlos II a las Audiencias y Gobernadores de las Indias* (Madrid, 12 October 1683), *ibid.*, no. 117, 313f.

59 "[...] siempre que se averiguase exceso de sevicia en los amos, se les obliga a venderlos [sc. los esclavos] y demás amas se les castigue, si el caso lo pidiese." *Ibid.*

it seems that the royal order had little effect on the practice of slavery in Spanish America, since it had to be reissued again in 1710.⁶⁰

Jaca's and Moirans' principal demand remained unmet. In 1685, Charles II requested another report from the Council of the Indies. This time the monarch wanted to know whether the enslavement of Africans was legal according to the opinion of learned theologians and jurists, if slavery was beneficial for the American colonies, and what consequences would follow from its suspension. The councillors' answer could not have been more clear-cut: after reaffirming the principal arguments voiced in favour of slavery, the councillors presented the case of Moirans and Jaca as a cautionary example of the turmoil that would necessarily follow from any restriction of colonial slavery.⁶¹ Consequently, the Spanish government did not take any further steps in this direction.

In the meantime, the case of the two Capuchins' had also reached the Roman Curia, who was well informed of the Spanish authorities' proceedings against Jaca and Moirans since their return to Spain in 1682.⁶² After the suspension of their trial in Madrid, Jaca and Moirans went to Rome, where other missionaries such as Girolamo Merolla supported their struggle against Atlantic slavery.⁶³ Another advocate for the emancipation of the enslaved Africans was Lourenço da Silva, a lay brother of Afro-Brazilian descent, who came to Rome in 1682 to denounce the atrocities of the slave trade to the Papacy.⁶⁴ In March 1685, shortly after Jaca's and Moirans' arrival in Rome, the General Procurator of the Capuchins presented a list of eleven propositions concerning slavery to the Congregation de Propaganda Fide.⁶⁵ This list, heavily influenced by Jaca's and Moirans' arguments, was passed on to the Holy Office, which finally confirmed all of the propositions one

60 *Real Cédula de Felipe V a los Gobernadores y Justicias de Indias* (Madrid, 19 April 1710), *ibid.*, no. 162, 371f.

61 *Oficio del Consejo de Indias* (Madrid, 21 August 1685), *ibid.*, no. 147, 349–354.

62 For the following see Jaca, *Resolución*, “Estudio preliminar”, LVI–LX; Moirans, *Siervos libres*, “Estudio preliminar”, XVIII–XXXI; Pena González, *Primera propuesta*, 179f., 377–382; Andrés-Gallego/García Añoveros, *Iglesia*, 84–92; Teobaldo Filesi, “Tratta atlantica africana e atteggiamento della chiesa”, in *Il cristianesimo nel mondo atlantico nel secolo XVII. Atteggiamenti dei cristiani nei confronti dei popoli e delle culture indigeni* (Vatican City 1997), 243–281, on pp. 258–263.

63 Merolla, also a Capuchin was active in the Congo. See Richard Gray, “Fra Girolamo Merolla da Sorrento, the Congregation of Propaganda Fide and the Atlantic Slave Trade”, in *La conoscenza dell'Asia e dell'Africa in Italia nei secoli xviii e xix* (Naples 1984), vol. 2, 803–811; Pena González, *Primera propuesta*, 353–367.

64 Richard Gray, “The Papacy and the Atlantic Slave Trade. Lourenço da Silva, the Capuchins, and the Decisions of the Holy Office”, in *Past & Present* 115 (1987), 52–68; Pena González, *Primera propuesta*, 377f.

65 “Carta de Giovanni Battista da Sabbio, procurador general de los Capuchinos a Alderano Cibo, secretario de Propaganda Fide, Rome, 12 March 1685”, in Jaca, *Resolución*, Apéndice, no. 128, 322–324.

year later.⁶⁶ According to the eleven articles confirmed by the Holy Office, it was neither legal for Christians to enslave Africans by force or deceit nor to purchase or sell those unjustly enslaved. The buyers were obliged to ascertain the origin of their slaves and to make sure that they had been enslaved by just title. If this was not the case, they had to set them free immediately and also were expected to compensate them for their sufferings. Slaveholders were not permitted to cause bodily harm to or kill their slaves “by private authority” (*ex privata auctoritate*). They were also not allowed to baptize them without first giving them religious instruction.⁶⁷ This decree was sent to the bishops of Angola, Cádiz, Valencia, Seville and Málaga, as well as to the Apostolic Nuncios in Spain and Portugal to proclaim and enact in the dioceses on both sides of the Atlantic.⁶⁸ The repeated protests of Capuchin missionaries in Africa that continued into the eighteenth century indicate that the results were rather poor. In the American colonies too, the decree had hardly any effect and the Spanish and Portuguese authorities did their utmost to quell the rise of any future antislavery sentiment or practice. Consequently, Jaca and Moirans were never allowed to return to America and their writings were kept under lock and key in Spanish archives. Indeed, they were forgotten for almost 300 years.

4. Humanitarianism Before Humanitarianism?

As the examples of Jaca and Moirans have shown, the discourse and practice of antislavery are much older than those of modern abolitionism. At first glance there were significant differences between their struggle and those of late eighteenth- and early-nineteenth-century abolitionists. Early modern Spanish authors writing against slavery conformed to the casuistry of scholastic tradition. Thus, they did not question the institution of slavery as such, but rather discussed the legitimacy of the enslavement of Africans. The works of Jaca and Moirans are no exception. Much like their later followers, these Capuchin friars made use of a “humanitarian narrative”. Basing their arguments on their own first-hand experience, they bluntly described the atrocities of New World slavery and appealed to their readers’ empathy and compassion for the oppressed Africans. By doing so, they employed a

66 “Decreto del Santo Oficio sobre varias dudas remitidas por los Capuchinos, Rome, 20 March 1686”, in Jaca, *Resolución*, no. 158, 230, 365–368; *Collectanea Sanctae Congregationis de Propaganda Fide seu decreta instructiones rescripta pro apostolicis missionibus* 1:230 (1907), 76f.; Pena González, *Primera propuesta*, 379–381; Sala-Moulins, *Esclavage*, 23–26.

67 *Ibid.*

68 *Ibid.*, 381.

semantics of “humanity” versus “inhumanity”, one that was very similar to that of nineteenth-century abolitionist writings. Moirans’ and Jaca’s concept of humankind, however, was marked by the religious struggles of their time. The divisions between (Catholic) Christians and enemies of the Church were a decisive factor in their position towards slavery. As a matter of course, Jaca and Moirans shared the common opinion that Muslims who were captured by Christians in war could be justly enslaved.

Bearing this in mind, it seems even more surprising that the demands of this “two-man-abolitionist-movement” *avant la lettre* were far more radical than those of any early nineteenth-century abolitionist. Whereas, British and American abolitionists initially only championed the abolition of the slave trade, Jaca and Moirans also demanded the immediate liberation and compensation of all enslaved Africans. Not surprisingly, their campaign against New World slavery did not succeed. This was partly due to the influence of powerful institutions and pressure groups within the Spanish monarchy, who successfully managed to silence the fundamental moral questions raised by Moirans and Jaca. No less important was the lack of a public sphere in the Spanish-speaking world of the seventeenth century. Had there been one, it might have embraced and pushed forward the antislavery campaign, as was the case one hundred years later. Jaca and Moirans were not, however, lone voices in the wilderness. In Africa and South America, there were other missionaries who voiced opinions in opposition to slavery. In Rome, they could count on the support of their religious superiors. Nevertheless, the idea of putting an end to New World slavery was something completely inconceivable to the vast majority of their contemporaries.

Thus, in some regards, sixteenth and seventeenth century Spanish authors can be considered the forerunners of modern humanitarianism, despite differences between their writings and those of nineteenth-century abolitionists. In his recent study on the *Origins of Global Humanitarianism*, Peter Stamatov has pointed to the structural similarities between early modern Spanish criticism of slavery and modern Anglo-American abolitionism.⁶⁹ According to Stamatov, both campaigns were paradigms of “long distance advocacy” that “emerged from the struggles of religious actors in the course of European imperial expansion overseas”.⁷⁰ However – and this is also very telling – there seems to be no direct continuity between the older Spanish antislavery discourse and Anglo-American abolitionism. Even in Spain, where modern abolitionism made its voice heard at a relatively late moment

69 Peter Stamatov, *The Origins of Global Humanitarianism. Religion, Empires, and Advocacy* (New York 2013).

70 *Ibid.*, 1.

in history, antislavery activists rarely referred to the older Spanish antislavery tradition, but instead to the Anglo-American model of antislavery.⁷¹ Thus, although parallels over time and space may not be accidental, the history of humanitarianism and human rights cannot be written as a linear progression stretching from Las Casas via Wilberforce to the Universal Declaration of Human Rights. Historians of humanitarianism should, however, take into account the diverse and multi-layered origins of humanitarian ideas and practices that arose in cultural contexts other than the Anglo-Atlantic Protestant world and that can be traced back to long before the so-called “humanitarian big bang”.

71 For nineteenth century Spanish antislavery see the pathbreaking study by Christopher Schmidt-Nowara, *Empire and Antislavery. Spain, Cuba, and Puerto Rico 1833–1874* (Pittsburgh, PA 1999); Belén Pozuelo Mascaraque, “Sociedad española y abolicionismo en la segunda mitad del siglo XIX”, in *Cuadernos de Historia Contemporánea* 10 (1988), 71–92; id., “Los abolicionistas españoles”, in *Estudios Históricos. Homenaje a los Profesores José María Jover Zamora y Vicente Palacio Atard*, 2 vols (Madrid 1990), vol. 1, 101–121. I touch on the question of the continuity and discontinuity between early modern and late nineteenth century Spanish antislavery in an unpublished conference paper: Thomas Weller, “The Long Road to Abolition. Spanish Discourses on Slavery in the Nineteenth Century”, paper read at the international conference “Religion in the Age of Imperial Humanitarianism, 1850–1950”, Mainz, 5–7 September 2012.

Fabian Klose

“A War of Justice and Humanity”

Abolition and Establishing Humanity as an International Norm¹

*My Lords; if we were to define humanity, what should we say it was?
What are its attributes; what is its character? ‘A sympathy of feeling for
the distress of others – a desire to accomplish good ends by good means.’
Let any man examine these qualities, and tell you, if he can, how the Slave
Trade agrees with either of them; and if he cannot, I think we can have no
difficulty in saying, that the Slave Trade is contrary to humanity.²*

Lord Grenville (British Prime Minister), 1806

1. Introduction

On 27 August 1816 a British fleet under the command of Lord Exmouth, supported by six Dutch warships, began to bombard the harbour and city of Algiers.³ The devastating bombardment lasted for several hours and destroyed almost the entire pirate fleet as well as a large part of the city’s fortifications. After his impressive victory Lord Exmouth liberated 1.624 European slaves⁴ and forced Omar Bashaw, the dey of Algiers, to sign a treaty conceding the

1 I would like to thank the participants of the conference “Humanity – A History of European Concepts in Practice” held from 8–10 October 2015 at the Leibniz Institute of European History for their important comments and remarks. Additionally, I would like to thank Martin Aust, Johannes Paulmann, Jorge Luengo Sánchez, Gregor Feindt, Joe Kroll and Benan Şarlayan for their perceptive comments on the draft of this chapter.

2 Quote from Lord Grenville’s Speech in the House of Lords on 24 June 1806, in Great Britain, Parliament (ed.), *Substance of the Debates on a Resolution for Abolishing the Slave Trade, Which was Moved in the House of Commons on the 10th June, 1806, and in the House of Lords, on the 24th June, 1806* (London 1806), 90.

3 On the exact course of the attack, see Cyril Northcote Parkinson, *Edward Pellew* (London 1934), 457–464; Roger Perkins/Kenneth John Douglas-Morris, *Gunfire in Barbary: Admiral Exmouth’s Battle With the Corsairs of Algiers in 1816 – the Story of the Suppression of White Slavery* (Homewell 1982), 107–132.

4 Among the liberated slaves were only eighteen English people, while the vast majority of those freed from slavery came from the Kingdom of the Two Sicilies, Spain, and Sardinia. For an exact listing, see Perkins/Douglas-Morris, *Gunfire in Barbary*, 147.

unqualified end of the enslavement of Christians.⁵ The military strike thus fulfilled all British expectations and unleashed a storm of enthusiasm. Upon their return, Lord Exmouth and his officers were showered with honours. The prince regent awarded the admiral the title of viscount for his services, and the kings of the Two Sicilies, the Netherlands, Sardinia, and Spain each demonstrated their gratitude to the war hero by knighting him.⁶ During a debate in Parliament on the official tribute to the admiral, Lord Castlereagh, the foreign secretary, depicted the military strike against Algiers even as a “war of justice and humanity”, in which the British nation had intervened selflessly in defence of all European countries against the North African pirates and their practice of enslaving Europeans.⁷ Similar glorifying voices were raised in public by contemporary publications such as “The Triumph of Justice; or British Valour Displayed in the Cause of Humanity”.⁸ By its naval action against the leading Barbary State, the United Kingdom tried to buttress its credibility with regard to its new foreign policy paradigm of universal abolition in the wake of the Congress of Vienna.⁹ London sent the unequivocal signal that it would not hesitate to deploy massive force in order to enforce the ban of the slave trade and stop gross violations of humanity. Thus Great Britain set the significant precedent for a new practice in international politics which emerged in the course of the nineteenth century and grew directly out of the campaign against the slave trade – the practice of humanitarian intervention.¹⁰

5 “Treaty of Peace Between Great Britain and Algiers”, 28 August 1816, in *British Foreign and State Papers (BFSP) 3 (1815–1816)* (London 1838), 516; “General Memorandum From Exmouth”, 30 August 1816, *ibid.*, 519; “Declaration of the Dey of Algiers Relative to the Abolition of Christian Slavery”, 28 August 1816, *ibid.*, 517.

6 On the numerous honors, see Parkinson, *Pellew*, 469f.; Perkins/Douglas-Morris, *Gunfire in Barbary*, 155, 165–171.

7 “Speech of Castlereagh Before the House of Commons”, 3 February 1817, in T. C. Hansard (ed.), *The Parliamentary Debates From the Year 1803 to the Present Time*, vol. XXXV (1817) (London 1817), 177–179.

8 J. Gleave (ed.), *The Triumph of Justice; or British Valour Displayed in the Cause of Humanity. Being an Interesting Narrative of the Recent Expedition to Algiers* (Manchester 1816).

9 See esp. Oded Löwenheim, “‘Do Ourselves Credit and Render a Lasting Service to Mankind’: British Moral Prestige, Humanitarian Intervention, and the Barbary Pirates”, in *International Studies Quarterly* 47 (2003), 23–48.

10 On the history of humanitarian intervention, see Gary Bass, *Freedom’s Battle: The Origins of Humanitarian Intervention* (New York 2008); Brendan Simms/David J. B. Trim (ed.), *Humanitarian Intervention. A History* (Cambridge, MA 2011); Davide Rodogno, *Against Massacre: Humanitarian Interventions in the Ottoman Empire, 1815–1914* (Princeton, NJ 2012). While these studies mainly focus on the interventions in the Ottoman Empire, I argue that the concept of humanitarian intervention grew directly out of the campaign against the slave trade, cf. Fabian Klose (ed.), *The Emergence of Humanitarian Intervention. Ideas and Practice From the Nineteenth Century to the Present* (Cambridge 2016).

By focusing on the case study of the abolition of slave trade, this chapter surveys the long-term implications of a theoretical debate over the concept of humanity for an interventionist practice in international politics. In a first step this essay focuses on the campaign of British abolitionists around 1800, when they successfully mobilised public opinion in favour of their cause and initiated decisive parliamentary debates on the issue of banning the slave trade. Here it is absolutely crucial to take into account that the abolitionists formulated their political demands not in a language of rights but rather in terms of common humanity.¹¹ In doing so, they gave a prominent place to the moral argument that the slave trade was contrary to all principles of humanity and succeeded in obtaining legal recognition for this notion with the Abolition Act of 1807. In a second step, this chapter looks at the impact of this new legal norm on practices in international politics. In order to efficiently enforce its new foreign policy paradigm of abolition in the wake of the Congress of Vienna, Great Britain initiated an international treaty network, which after decades of diplomatic negotiations included almost all states in Europe and the Americas. This treaty regime was based on the emerging international consensus that human trafficking constituted a “crime against humanity”.

While some studies argue that humanity emerges as a concept exclusively in the context of global war and modern genocide in the twentieth century, and derives its status as an international legal norm only from the Nuremberg trials in 1946,¹² this essay adopts a very different position. It argues that abolition and the related practice of enforcing it already brought about a significant development of the idea of humanity in the course of the long nineteenth century. During this period, it developed from a moral category to an accepted norm in international politics and finally in international law. Furthermore, the perception of defending common humanity by force was thus established as a new practice with all its ambivalent consequences.

11 For this reason most studies explicitly relate the campaign against the slave trade in the course of the eighteenth and nineteenth centuries to the history of humanitarianism instead of the history of human rights. See Samuel Moyn, “Die neue Historiographie der Menschenrechte”, in *Geschichte und Gesellschaft* 38 (2012), 545–572, on pp. 559–561. For two exceptions, see Jenny Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford 2012); Robin Blackburn, *The American Crucible. Slavery, Emancipation, and Human Rights* (London 2011).

12 For instance, in his book “The Idea of Humanity in a Global Era” Bruce Mazlish prominently argues “that out of an epochal crime – global war and modern genocide – has emerged the idea of crimes against humanity. And out of crimes against humanity has emerged the concept of Humanity”. Furthermore he emphasises that the “transformation of the notion of humanity into the concept of Humanity takes place in the context of humankind entering upon a time of total war” and derives its legal status only from the Nuremberg trials. See Bruce Mazlish, *The Idea of Humanity in a Global Era* (New York 2009), 15, 35f.

2. “The Slave Trade is Contrary to Humanity” – From a Moral Argument to a Legal Norm

In the last few years a burgeoning body of historical research on the history of humanitarianism has shown that a true “humanitarian revolution”¹³ took place at the end of the eighteenth century, in the sense that people started to feel empathy for their fellow human beings not only within their own country, but across borders and even on distant continents. Individuals were mobilised by a sentimental and moral “humanitarian narrative” that motivated them to care for strangers.¹⁴ In this context, British abolitionism is absolutely pivotal and regarded as the driving force for the crystallisation of humanitarian sentiments. In an intensive campaign spanning several decades, abolitionists significantly mobilised public opinion and caused a tremendous outcry against the transatlantic slave trade, which had been regarded as lawful and even a desirable branch of commerce for nearly 400 years.

From the end of the fifteenth to the middle of the nineteenth century, Europeans shipped over eleven million Africans to the Americas to supply the constant demand for slave labour on colonial plantations. In the process, captives underwent a significant process of dehumanisation, meaning that slave hunters, dealers and owners transformed them from individual humans into mere commodities. Instead of regarding them as beings with human dignity forming an undeniable part of humankind, they degraded them to ordinary goods in the Atlantic trading system and treated them accordingly.¹⁵ The hunt for slaves on the African continent alone costed countless lives even before the slave ships set sail for their voyages. Additionally, it is estimated that another 1.5 million people died due to the appalling and inhumane living conditions on board of the slave vessels during the so-called *middle passage*, the infamous crossing of the Atlantic.¹⁶ Thus, the transatlantic slave trade

13 Here I refer to the term “humanitarian revolution” in the sense of the revolutionary emergence of humanitarian sensibility and activities rather than as a decline in violence, as it is interpreted by Steven Pinker, *The Better Angels of Our Nature: The Decline of Violence in History and Its Causes* (London 2011), 129–188.

14 Thomas Laqueur, “Bodies, Details, and the Humanitarian Narrative”, in Lynn Hunt (ed.), *The New Cultural History* (Berkeley, CA 1989), 176–204; Samuel Moyn, “Empathy in History: Empathizing With Humanity”, in *History and Theory* 45 (2006), 397–415; Lynn Hunt, *Inventing Human Rights: A History* (New York 2007); Richard D. Brown/Richard Wilson (ed.), *Humanitarianism and Suffering. The Mobilization of Empathy* (Cambridge 2009); Lynn Festa, “Humanity Without Feathers”, in *Humanity* 1:1 (2010), 3–27; Kenan Malik, *The Quest for a Moral Compass. A Global History of Ethics* (London 2014), 189–217.

15 For this process of turning African captives into Atlantic commodities, see esp. Stephanie Smallwood, *Saltwater Slavery. A Middle Passage From Africa to American Diaspora* (Cambridge 2007), 33–64.

16 David Eltis, “The Volume and Structure of the Transatlantic Slave Trade: A Reassessment”, in *The William and Mary Quarterly* 58 (2001), 17–46; Herbert S. Klein, “The Atlantic Slave

can be described, in the trenchant words of the prominent African-American civil rights leader and historian W. E. B. Du Bois, as “the most magnificent drama in the last thousand years of human history”.¹⁷

The slave trade reached its high point in the 1780s, when over 80.000 Africans were transported each year to the Americas. In this period the United Kingdom was the undisputed leader in this flourishing economic system.¹⁸ However, it was also in Great Britain that, during the heyday of human trafficking, a small group of activists began to organise civil resistance to the well-established slave trade economy. On 22 May 1787, various abolitionists met in London to form the *Committee for Effecting the Abolition of the Slave Trade*.¹⁹ Instead of tackling the overall problem of slavery they explicitly decided to concentrate on the abolition of the slave trade. The main reason for this strategic decision lay in the fact that they deliberately wanted to avoid any involvement in complicated legal disputes over the property rights of the powerful West Indian plantation aristocracy to their slaves and the contested legality of efforts by the Westminster government to interfere in the legislation of the colonies.²⁰ In contrast, the regulation of any trade issue clearly fell under the jurisdiction of London. Hence a ban on human trafficking could be implemented by governmental means, as the leading abolitionist Thomas Clarkson remarked: “By asking the government, again, to do this and this only, they were asking what it could really enforce. It could station its ships of war, and command its custom-houses, so as to carry any act of this kind into effect.”²¹ Already in the founding phase of their organisation, the abolitionists had a clear vision of how to achieve their humanitarian aims through a governmental policy of intervention. The long-term goal was the complete abolition of slavery.

Trade. Recent Research and Findings”, in Horst Pietschmann (ed.), *Atlantic History: History of the Atlantic System, 1580–1830* (Göttingen 2002), 301–320. For an impressive online database concerning the transatlantic slave trade, <http://www.slavevoyages.org/tast/index.faces>.

17 W. E. B. Du Bois, *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880* (New York 1966), 727.

18 Klein, *Atlantic Slave Trade*, 198.

19 Thomas Clarkson, *The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-Trade by the British Parliament*, vol. I (London 1808), 255–258; Frank Joseph Klingberg, *The Anti-Slavery Movement in England: A Study in English Humanitarianism* (New Haven, CT 1926), 73; Peter Stamatov, *Global Humanitarianism. Religion, Empires, and Advocacy* (New York 2013), 155–174. There has been an intensive debate among historians concerning the background of British abolition. For an overview, see for example Thomas Bender (ed.), *The Antislavery Debate: Capitalism and Abolitionism as a Problem in Historical Interpretation* (Berkeley, CA 1992).

20 Clarkson, *History*, 286f.

21 *Ibid.*, 287.

Thus the principal aim of the new founded society, in which according to their own notion men of different religious denominations united “with true Christian harmony, in the cause of humanity and justice”,²² was to draw decisively parliamentary and public attention to the inhuman practice of the slave trade:

If this trade should become, as there is reason to hope it will, a subject of Parliamentary investigation early in this session, it is to be wished that the general sense of the Nation (which without doubt is in favour of liberty, justice, and humanity) may be expressed by Petitions to Parliament, and by applications to their Representatives, in order to procure their assistance. In the distribution of the Tracts, it is therefore recommended that this purpose may be kept in view.²³

As a consequence the abolitionists started a then unprecedented humanitarian campaign, lasting several decades. By distributing pamphlets, organising public rallies and initiating petitions on a large scale, they successfully mobilised public opinion to put significant pressure on parliament and government in order to take concrete action against human trafficking.²⁴

However, at this point it is of crucial importance to note that in their campaign the abolitionists were articulating their political demands not in the language of rights but in terms of humanity. They could passionately fight against the transatlantic slave trade and ask for state intervention, but at the same time endorse the paternalistic concept of a mission to civilise the Africans without granting them equal rights. For instance, William Wilberforce, the leading voice of the abolitionist movement in Parliament, was recorded as expressing this view significantly in a debate on the abolition of the slave trade in the House of Commons in April 1791 with these words:

22 Id., *A Summary View of the Slave Trade and of the Probable Consequences of its Abolition* (London 1787), iii. For the religious motivation of many abolitionists, see Roger T. Anstey, *The Atlantic Slave Trade and British Abolition, 1760–1810* (London 1975), 157–235; David Brion Davis, *The Problem of Slavery in the Age of Emancipation* (New York 2014), 291–390; Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill, NC 2006), 333–450; Boyd Hilton, *The Age of Atonement. The Influence of Evangelicalism on Social and Economic Thought, 1795–1865* (Oxford 1988), 209–211; Christopher Leslie Brown, “Christianity and the Campaign Against Slavery and the Slave Trade”, in Stewart J. Brown/Timothy Tackett (ed.), *Cambridge History of Christianity*, vol. 7: *Enlightenment, Reawakening and Revolution 1660–1815* (Cambridge 2006), 517–535.

23 Clarkson, *Summary View*, iii.

24 On this successful mobilisation, see James Walvin, “The Public Campaign in England Against Slavery, 1787–1834”, in David Eltis/James Walvin (ed.), *The Abolition of the Atlantic Slave Trade: Origins and Effects in Europe, Africa, and the Americas* (Madison, WI 1981), 67f.; Seymour Drescher, “Whose Abolition? Popular Pressure and the Ending of the British Slave Trade”, in *Past & Present* 143 (1994), 160–162.

The Negroes, he [Wilberforce] said, were creatures like ourselves: they had the same feelings, and even stronger affections than our own; but their minds were uninformed, and their moral characters were altogether debased. Men, in this state, were almost incapacitated for the reception of civil rights. In order to become fit for the enjoyment of these, they must, in some measures, be restored to that level from which they had been so unjustly and cruelly degraded. To give them power of appealing to the laws, would be to awaken in them a sense of the dignity of their nature. The first return of life after a swoon, was commonly a convulsion, dangerous, at once, to the party himself, and to all around him. Such, in the case of the Slaves, Mr. Wilberforce feared, might be the consequence of a sudden communication of civil rights.²⁵

Instead of rights it was the moral category of a common humanity²⁶ that was absolutely essential to the abolitionist argument and thus became the movement's undisputed leitmotif. Their paramount goal was to raise awareness in public and parliamentary debates that African slaves were not ordinary commodities but human beings with feelings who formed an undeniable, integral part of humankind.²⁷ The abolitionist task was to revoke the process of dehumanisation and degradation of the captives to mere goods in the Atlantic trade system by stressing their true human nature. For instance, Wilberforce precisely underlined the importance of this notion in the aforementioned parliamentary debate of April 1791: “Already we have gained one victory: we have obtained, for these poor creatures, *The recognition of their human nature*, which, for a while, was most shamefully denied.”²⁸ The iconic image created by Josiah Wedgwood of the enslaved African kneeling with manacled hands outstretched, posing the rhetorical question “Am I not a man

25 Quote by Wilberforce during the debate in the House of Commons on 18 and 19 April 1791, in Great Britain, Parliament, House of Commons (ed.), *The Debate on a Motion for the Abolition of the Slave-Trade, in the House of Commons on Monday and Tuesday, April 18th and 19th 1791* (London 1791), 37.

26 The term “humanity” was defined in a contemporary English dictionary as “1. The nature of a man. [...] 2. Human kind; the collective body of mankind. [...] 3. Benevolence; tenderness. [...] 4. Philology; grammatical studies [...]”. See “Humanity”, in Samuel Johnson, *A Dictionary of the English Language: in Which the Words are Deduced From Their Originals, and Illustrated in Their Different Significations by Examples Form the Best Writers*, vol. 1 (London 1755).

27 See here esp. Lynn Festa, “Humanity Without Feathers”. Concerning this idea the abolitionist referred to the older tradition of the Quakers and their campaign against the slave trade. See for instance Anthony Benezet, *Observations on the Inslaving, Importing and Purchasing of Negroes* (Germantown, PA 1760); id., *The Case of Our Fellow-Creatures, The Oppressed Africans, Respectfully Recommended to the Serious Consideration of the Legislature of Great Britain, By the People Called Quakers* (London 1784).

28 Quote by Wilberforce, in Great Britain Parliament, *The Debate on a Motion for the Abolition of the Slave-Trade*, 42.

and a brother?"; which swiftly became the official emblem of the movement, represented this notion most vividly.²⁹ The abolitionists sought to appeal to the humanitarian sensibility of their fellow citizens to evoke sympathy for the fate of African slaves and to demand action on behalf of suffering fellow human beings. Accordingly many petitions demanding immediate abolition were addressed to parliament in the name of "Justice, Liberty, and Humanity".³⁰ However, it was exactly this emerging notion of humanity which, in turn, provoked firm resistance in the anti-abolitionist camp and led to critiques such as that articulated by Lord Abingdon in a parliamentary debate in April 1793: "It is, say the petitioners, the ground of humanity; but humanity, as I have shown, is no ground for petitioning: humanity is a private feeling, and not a public principle to act upon: it is a case of conscience, and not a constitutional right."³¹

Despite the persistent opposition of the powerful lobby of West Indian planters, the abolitionist cause finally prevailed and gained official recognition in parliament. In June 1806 Wilberforce and his fellow campaigners managed to pass successfully a resolution in both houses of parliament, which denounced the slave trade as "contrary to the principles of justice, humanity, and sound policy".³² Especially in the House of Lords, which usually tended to favour the anti-abolitionist camp, Wilberforce's motion could rely on the support of the prime minister, Lord Grenville. He decisively influenced the

29 Clarkson, *History*, 450; Mary Guyatt, "The Wedgwood Slave Medallion. Values in Eighteenth-century Design", in *Journal of Design History* 13:2 (2000), 93–105; Hugh Honour, *The Image of the Black in Western Art*, vol. 4: *From the American Revolution to World War I: Slaves and Liberators* (Cambridge, MA 1989), 62–64; Joanna Bourke, *What It Means to Be Human: Historical Reflections From the 1800s to the Present* (Berkeley, CA 2011), 120.

30 For the content of these petitions, see exemplary e.g. R. Hamilton, *An Address Intended to Have Been Delivered at a Meeting of the Inhabitants of Ipswich for the Purpose of Considering the Propriety of Petitioning Parliament for an Abolition of the Slave Trade, 17th February 1792* (Ipswich 1792); Thomas Clarkson, *A Short Address Originally Written to the People of Scotland on the Subject of the Slave Trade With a Summary View of the Evidence Delivered Before a Committee of the House of Commons on the Part of the Petitioners for its Abolition* (Shrewsbury 1792). See also Seymour Drescher, "People and Parliament: The Rhetoric of the British Slave Trade", in *The Journal of Interdisciplinary History* 20:4 (1990), 561–580, on pp. 566f.; John R. Oldfield, *Popular Politics and British Anti-Slavery. The Mobilization of Public Opinion Against the Slave Trade 1787–1807* (Manchester 1995), 115–119.

31 Speech of Lord Abingdon on 11 April 1793, in William Cobbett (ed.), *The Parliamentary History of England From the Earliest Period to the Year 1803, Parliamentary Debates*, vol. 30: *13th December 1792 to 10th March 1794* (London 1817), 657f.

32 For the debate in the House of Commons on 10 June 1806, see Great Britain, Parliament, *Substance of the Debates on a Resolution for Abolishing the Slave Trade*, 1–85. For the debate in the House of Lords on 24 June 1806, see *ibid.*, 87–154. For the debate in parliament, see also Oldfield, *Transatlantic Abolitionism*, 186–188; Joel Quirk, *The Anti-Slavery Project: From the Slave Trade to Human Trafficking* (Philadelphia 2011), 48f.; Boyd Hilton, "1807 and All That. Why Britain Outlawed her Slave Trade", in Derek R. Peterson (ed.), *Abolitionism and Imperialism in Britain, Africa, and the Atlantic* (Athens, GA 2010), 63–83.

debate and clearly took a stand by stigmatising the slave trade as a gross violation of common-sense humanity:

My Lords; if we were to define humanity, what should we say it was? What are its attributes; what is its character? “A sympathy of feeling for the distress of others – a desire to accomplish good ends by good means.” Let any man examine these qualities, and tell you, if he can, how the Slave Trade agrees with either of them; and if he cannot, I think we can have no difficulty in saying, that the Slave Trade is contrary to humanity.³³

The resolution’s core statement that the slave trade was “contrary to humanity”, once again emphasised by Lord Grenville’s statement, became a legal norm just nine months later. On 25 March 1807 Parliament passed the “Act of the British Parliament for the Abolition of the Slave Trade”.³⁴ Under this act, every British citizen was forbidden to engage, directly or indirectly, in any aspect of the slave trade under threat of a heavy fine of 100 pounds³⁵ per slave. The singular importance of this decision lay, above all, in the fact that the struggle against the transatlantic slave trade, which the abolitionists had up to that point conducted exclusively at the levels of civil society and politics, now became, by law, a matter of the United Kingdom. The British government had committed itself to deploy means of state against the traffic in human beings. Accordingly, the act had practical implications, stipulating the seizure of slave ships:

And be it further enacted, that all Ships and Vessels, Slaves or Natives of Africa, carried, conveyed, or dealt with as Slaves, and all other goods and effects that shall or may become forfeited for any offence committed against this Act, shall and may be seized by any Officer of His Majesty’s Customs or Excise, or by the Commanders or Officers of any of His Majesty’s Ships or Vessels of War.³⁶

In this way the Abolition Act laid the legal foundation for the military deployment of the Royal Navy off the coast of West Africa to enforce the ban on the transatlantic slave trade. For this purpose, the Admiralty sent two warships to African waters in 1808, the year immediately following the passage of the

33 Quote from Lord Grenville’s Speech in the House of Lords on 24 June 1806, in Great Britain, Parliament, *Substance of the Debates on a Resolution for Abolishing the Slave Trade*, 90.

34 “Act of the British Parliament for the Abolition of the Slave Trade”, 25th March 1807, in *BFSP* 5, 559–568. See also Stephen Farrell, “‘Contrary to the Principle of Justice, Humanity and Sound Policy’: The Slave Trade, Parliamentary Politics and the Abolition Act, 1807”, in Stephen Farrell et al., *The British Slave Trade: Abolition, Parliament and People* (Edinburgh 2007), 141–171.

35 In 1787, a British pound had the purchasing power of about US \$140 today.

36 “Act of the British Parliament”, *BFSP* 5, 567.

act. In view of the task of patrolling a coastline more than 3.000 miles long from Cap-Vert in today's Senegal to Cape Fria in today's Namibia, this step was at first no more than a symbolic act. In 1811, however, the number of vessels was increased to that of a small fleet, and Great Britain continued to demonstrate its permanent military presence along the infamous Slave Coast until the mid-1860s: the first and longest humanitarian intervention in history. At the high point of its engagement in the 1840s, the British fleet consisted of more than 30 ships.³⁷ Ultimately, Lord Abingdon's contention that humanity was only "a private feeling, and not a public principle to act upon [...], and not a constitutional right"³⁸ was refuted in practice; instead, humanity and its violations became a guiding, legally recognized principle for the new British foreign policy paradigm of abolition, which eventually initiated and justified the new practice of humanitarian intervention.

3. Enforcing Abolition and Establishing an International Norm

However, this military intervention raised a major problem from the very start, namely the insufficiently addressed question of the mandate. What types of operations were British officers officially mandated to conduct? In addition to British slave ships, were they permitted to stop, search and seize the slave ships of other nations? All of these questions touched upon highly sensitive rights of national sovereignty and contained enough diplomatic explosives to spark serious international complications. During the Napoleonic wars, Great Britain legitimised its unilateral operations against the slave ships of other nations by citing maritime law in times of war which provided the right to stop and seize foreign ships as legitimate prizes.³⁹ With the end of Napoleon's reign and the peace agreement of 1814, the situation altered fundamentally, leaving Britain with the need for a new basis in international law for its policy of intercepting foreign slave ships in times of peace.

At the Congress of Vienna in 1814/15, the British foreign secretary, Lord Castlereagh, attempted to persuade other participating countries to support

37 On this deployment of the Royal Navy, see Christopher Lloyd, *The Navy and the Slave Trade. The Suppression of the African Slave Trade in the Nineteenth Century* (London 1968); William Ernest Frank Ward, *The Royal Navy and the Slavers. The Suppression of the Atlantic Slave Trade* (London 1969); Siân Rees, *Sweet Water and Bitter. The Ships that Stopped the Slave Trade* (London 2009).

38 Speech of Lord Abingdon on 11 April 1793, in Cobbett, *Parliamentary History*, 657f.

39 On this, see Jean Allain, "The Nineteenth Century Law of the Sea and the British Abolition of the Slave Trade", in *British Yearbook of International Law* 78 (2007), 342–388; Holger Lutz Kern, "Strategies of Legal Change: Great Britain, International Law, and the Abolition of the Transatlantic Slave Trade", in *Journal of the History of International Law* 6:2 (2004), 233–258.

a declaration for the immediate and universal ban of the slave trade by explicitly invoking the principles of common morality and humanity.⁴⁰ At the same time, Castlereagh proposed joint measures of direct maritime intervention to stop and confiscate slave ships in international waters.⁴¹ The result of the controversial and fierce negotiations in Vienna was the “Déclaration des 8 Cours, relative à l’Abolition Universelle de la Traite des Nègres”, signed on 8 February 1815.⁴² In the spirit of the Enlightenment and in the name of all “civilized states”, the eight members of the commission condemned the slave trade as a glaring contradiction to the “principes d’humanité et de la morale universelle”.⁴³ The declaration explicitly undertook to end this scourge, which had devastated Africa, humiliated Europe, and haunted humankind. It concluded with a direct appeal to all “civilized nations” to sustain and contribute to the noble cause of abolishing the slave trade with all means possible.

The Vienna declaration did not establish a legally binding ban, as the British delegation had sought to achieve; it was strictly a declaration of intent. However, its significance should not be underestimated. Its inclusion in the final act of the congress reveals its special status in international law because this international condemnation of human trafficking was approved not only by the members of the eight-nation commission but also by all of the countries participating in the congress.⁴⁴ With this broad base of support, the declaration transformed a humanitarian idea to a concrete norm in international law.⁴⁵ Although the Vienna declaration was not legally binding, it

40 “Protocole de la 1ère Séance Particulière Entre les Plénipotentiaires des 8 Cours, 20th January 1815”, in *BFSP* 3, 949–951.

41 “Protocole de la 2de Conférence Particulière Entre les Plénipotentiaires des 8 Cours”, in *BFSP* 3, 961f.

42 For a detailed description of these negotiations, see Charles K. Webster, *The Foreign Policy of Castlereagh 1812–1815. Britain and the Reconstruction of Europe* (London 1931), 413–424; Jerome Reich, “The Slave Trade at the Congress of Vienna. A Study in English Public Opinion”, in *Journal of Negro History* 53:2 (1968), 129–163, on pp. 137–140. On the question of the slave trade at the Congress of Vienna in general, see Helmut Berding, “Die Ächtung des Sklavenhandels auf dem Wiener Kongress 1814/15”, in *Historische Zeitschrift* 219:2 (1974), 265–290, on pp. 266–289; Ian Clark, *International Legitimacy and World Society* (Oxford 2007), 37–60; Thomas Weller, “...répugnant aux principes d’humanité’. Die Ächtung des Sklavenhandels in der Kongressakte und die Rolle der Kirche”, in Heinz Duchhardt/Johannes Wischmeyer (ed.), *Der Wiener Kongress – eine kirchenpolitische Zäsur?* (Göttingen 2013), 183–213; Brian E. Vick, *The Congress of Vienna. Power and Politics After Napoleon* (Cambridge 2014), 201–212.

43 “Déclaration des 8 Cours, relative à l’Abolition Universelle de la Traite des Nègres”, 8 February 1815, in *BFSP* 3, 971f.

44 The declaration was included in Article 118 as no. 15 of the final act. See Johann Ludwig Klüber (ed.), *Schluß-Acte des Wiener Congresses vom 9. Juni 1815* (Erlangen 1818), 111.

45 Berding, “Ächtung des Sklavenhandels”, 267f.; Clark, *International Legitimacy*, 42, 55–57; Robert Rie, *Der Wiener Kongress und das Völkerrecht* (Bonn 1957), 131; Vick, *Congress of Vienna*, 211.

may be referred to as one of the first important documents in the history of international humanitarian law, one in which the concept of humanity was firmly established as a norm.

In their vigorous demands to implement the ban of the slave trade, the abolitionists now used the Vienna declaration as a crucial point of reference. For instance, in a pamphlet published in 1816 the British lawyer James Stephen consistently referred to the internationally agreed principle that the slave trade was repugnant to humanity in order to attack the fierce Spanish resistance to universal abolition.⁴⁶ Furthermore, Stephen, who had given his brother-in-law William Wilberforce the decisive juristic impulse for the 1807 Abolition Act, derived from the declaration of the Congress of Vienna an internationally binding legal obligation on all “civilized nations” to enforce the ban. He addressed the question which measures the countries were mandated to undertake by citing the founding fathers of international law, Hugo Grotius and Emerich de Vattel, both of whom had granted states the right to intervene in cases where natural law was being severely violated.⁴⁷ Accordingly Stephen drew the conclusion: “If we have reasoned thus far justly, the Slave Trade is contrary to the law of nature; it is an enormous violation of that law; all nations have a right, all who safely can, are bound in duty to suppress it; and Africa is an object of this duty.”⁴⁸ Since the slave trade was now recognised internationally as standing in glaring contradiction to natural and international law, one was obliged to fight actively against human trafficking. Stephen once again emphasised this crucial notion by stating that

[t]o maintain the law of nature and of nations, to punish, or at least restrain, enormous violations of it, to succour an unhappy people oppressed by such offences, to promote by all means in our power the social and moral improvement and happiness of other countries, are duties, and therefore rights, not peculiar to Great Britain, [...] but belong to all the branches of the human family, and pre-eminently to every civilized nation.⁴⁹

With this line of argument, based on natural and international law, the lawyer provided a legal justification for the practice of military intervention by states against the slave trade in the name of common humanity.

In practice Great Britain implemented this emerging concept with its naval strike against Algiers in August 1816, when the Royal Navy destroyed almost the entire pirate fleet, liberated over 1.600 European slaves and forced the ruling dey to sign a treaty on the unqualified end of the enslavement

46 James Stephen, *An Inquiry Into the Right and Duty of Compelling Spain to Relinquish her Slave Trade in Northern Africa* (London 1816), 13, 20, 59.

47 *Ibid.*, 18–20, 33.

48 *Ibid.*, 49.

49 *Ibid.*, 50.

of Christians.⁵⁰ By its intervention against the leading Barbary state, which Castlereagh later even characterised as a “war of justice and humanity”,⁵¹ London sent the clear message that it would not hesitate to use military means to enforce its new foreign policy paradigm of universal abolition. However, the Algiers episode marked only the prelude to a much larger development. In the wake of the Congress of Vienna, as discussed above, the British government initiated diplomatic negotiations to install an international machinery of enforcement.⁵² Thus, a model of combining military and legal enforcement measures that had been discussed in Vienna found its way into an international treaty network between the United Kingdom and various other countries.

The first two of these agreements were the legally binding treaties in 1817 with Portugal and Spain, which both referred directly to the principles stipulated in the Vienna declaration.⁵³ The treaty with Spain even explicitly stressed this commitment of the Spanish crown by declaring:

His Catholic Majesty concurs, in the fullest manner, in the sentiments of His Britannic Majesty, with respect to the injustice and inhumanity of the Traffic in Slaves [...]. And His Catholic Majesty, conformably to the spirit of this Article, and to the principles of humanity with which He is animated, having never lost sight of an object so interesting to Him, and being desirous of hastening the moment of its attainment, has resolved to co-operate with His Britannic Majesty in the cause of humanity, by adopting, in concert with His said Majesty efficacious means for bringing about the abolition of the Slave Trade.⁵⁴

50 On this naval strike, see Parkinson, *Pellew*, 457–464; Perkins/Douglas-Morris, *Gunfire in Barbary*, 107–132.

51 “Speech of Castlereagh Before the House of Commons”, 3 February 1817, in Hansard, *Parliamentary Debates XXXV* (1817), 177–179.

52 For the beginning of these negotiations from 1816 to 1819, see *The National Archives of the UK (TNA), Foreign Office (FO) 84/1 and TNA/FO 84/2*; “Note sur le projet d’une ligue maritime pour assurer l’abolition de la traite et la repression de la piraterie des Barbaresques”, n. d., *Le Ministère des Affaires Étrangères, Archives des Affaires Étrangères (MAE)*, MD A15; Paul M. Kielstra, *The Politics of Slave Trade Suppression in Britain and France 1814–1848. Diplomacy, Morality and Economics* (Basingstoke 2000), 64–67.

53 “Additional Convention to the Treaty of the 22nd January 1815, between His Britannick Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves”, 28 July 1817, *TNA, FO 84/2*; “Additional Convention to the Treaty concluded at Madrid, on the 5th of July 1814, between His Britannic Majesty and His Catholic Majesty, for preventing their Subjects from engaging in any illicit Traffic in Slaves”, 23 September 1817, *ibid.*

54 *Ibid.*

With their signature each of the respective treaty parties agreed to grant the other a mutual “right to visit” their merchant ships in international waters during peacetime. This amounted to no less than the surrender of sovereign rights and was, in Castlereagh’s view, critical for the fight against the slave trade: “It is the basis of the whole without which treaties to abolish it [the slave trade] are mere waste paper.”⁵⁵ These treaties granted the navies of the respective countries the right in specified zones to stop ships suspected of slave trade, inspect them, and – if slaves were found on board – to confiscate them. Only warships with the required special authority, documented in the languages of both parties to the treaty, were permitted to engage in such activity under strict adherence to the common instructions.⁵⁶ In this way, a notable standardisation in the use of military executive force by the navies of three different countries was created, with the clear aim to avoid diplomatic complications from the outset and to conduct international cooperation as smoothly as possible.

Moreover, these treaties stipulated the creation of the so-called “Mixed Commissions for the Abolition of the Slave Trade”.⁵⁷ The sole purpose of these international commissions was to guarantee the adjudication of cases of captured ships. Similarly to the military measures, the treaty partners established a standardisation that stipulated a uniform set of practices, functions, and procedures for all of the mixed commissions eventually established throughout the entire Atlantic area. The treaty countries were equally represented on each commission by a commissary judge and a commissioner of arbitration, whereas the state on whose territory the mixed commission was seated appointed a secretary.⁵⁸ In this respect, the commissions are to be viewed as the first system of international jurisdiction.⁵⁹ Under the leadership

55 “Letter from Viscount Castlereagh to Wellesley”, 24 July 1817, *TNA, FO 72/196*.

56 “Instructions Intended for the British and Portuguese Ships of War Employed to Prevent the Illicit Traffic in Slaves”, *TNA, FO 84/2*; “Instructions for the British and Spanish Ships of War Employed to Prevent the Illicit Traffic in Slaves.” *Ibid*.

57 “Article 8 of the Additional Convention”, 28 July 1817, *TNA, FO 84/2*; “Article 12 of the Additional Convention”, 23 September 1817, *ibid*.

58 For mixed commissions, see Leslie Bethell, “The Mixed Commissions for the Suppression of the Slave Trade in the Nineteenth Century”, in *The Journal of African History* 7 (1966), 79–93; Farida Shaikh, “Judicial Diplomacy. British Officials and the Mixed Commission Courts”, in Keith Hamilton/Patrick Salmon (ed.), *Slavery, Diplomacy and Empire. Britain and the Suppression of the Slave Trade, 1807–1975* (Brighton 2009), 42–64.

59 On the definition of the mixed commissions as “international courts” see exemplary the report of the British Commissioner in Luanda, Edmund Gabriel: “That the Mixed Commissions [...], being international Courts, created for a definite and special purpose, and existing solely in consequence of precise treaty stipulations, cannot be constituted or governed by the laws of either country”, in Edmund Gabriel, “Opinion of Her Majesty’s Acting Commissioner, 20th December 1856”, in Foreign Office (ed.), *Correspondence With the British Commissioners at Sierra Leone, Havana, The Cape of Good Hope, and Loanda; and Reports From British Naval Officers, Relating to the Slave Trade, From April 1, 1857, to March 31, 1858* (London

of the United Kingdom an international enforcement machinery was thus developed, based on the idea that an internationally stipulated humanitarian norm was to be implemented by combined military and judicial means.⁶⁰

In the course of diplomatic negotiations lasting several decades, Great Britain successfully managed to establish a comprehensive international treaty network to enforce abolition. This included almost all states in Europe and the Americas as well as several African kingdoms.⁶¹ However, powers such as France and the United States of America persistently rejected the idea of granting a mutual “right to visit” its merchant ships and of joining a common system of international courts, mainly due to their traditional suspicion towards the foreign policy agenda of their old maritime rival Great Britain. Instead, Paris and Washington deployed their own navy squadrons to West African waters to capture slave ships sailing under their flags and accordingly to hand them over to French and US national courts for adjudication.⁶² But despite their reluctance to join an international system led by the United Kingdom, neither France nor the United States disagreed on the fundamental notion that the slave trade constituted a serious crime. Thus, by the mid-nineteenth century an international moral consensus had emerged that human trafficking was indeed a gross violation of common humanity and justified the employment of violent means.

1858), 60. See also Eugene Kontorovich, “The Constitutionality of International Courts: The Forgotten Precedent of Slave Trade Tribunals”, in *University of Pennsylvania Law Review* 158 (2009), 39–115.

60 Fabian Klose, “Humanitäre Intervention und internationale Gerichtsbarkeit – Verflechtung militärischer und juristischer Implementierungsmaßnahmen zu Beginn des 19. Jahrhunderts”, in *Militär-geschichtliche Zeitschrift* 72 (2013), 1–21.

61 For this international treaty regime against the slave trade, see Ethan A. Nadelmann, “Global Prohibition Regime: The Evolution of Norms in International Society”, in *International Organization* 44 (1990), 479–526, on pp. 491–498; Edward Keene, “A Case Study of the Construction of International Hierarchy: British Treaty-Making Against the Slave-Trade in the Early Nineteenth Century”, in *International Organization* 61 (2007), 311–339; Matthew Mason, “Keeping Up Appearances. The International Politics of Slave Trade Abolition in the Nineteenth-Century Atlantic World”, in *The William and Mary Quarterly* 66:1 (2009), 809–832; Robin Law, “Abolition and Imperialism. International Law and the British Suppression of the Atlantic Slave Trade”, in Derek R. Peterson (ed.), *Abolitionism and Imperialism in Britain, Africa, and the Atlantic* (Athens, GA 2010), 150–174. For an overview of all treaties concerning the slave trade in the period between 1776 to 1863, see “Slave Trade Suppression Tables; or A Chronologically Arranged Statement of the Measures Taken by Different Nations for the Abolition of the Slave Trade”, in Her Majesty’s Stationery Office (ed.), *Slave Trade Instructions, Being Instructions for the Guidance of the Commanders of Her Majesty’s Ships of War Employed in The Suppression of the Slave Trade* (London 1865), 131–142.

62 On the operations of the French and US Navy, see Serge Daget, *La répression de la traite des Noirs au XIXe siècle: L’action des croisières françaises sur les côtes occidentales de l’Afrique (1817–1850)* (Paris 1997); Donald L. Canney, *Africa Squadron. The U.S. Navy and the Slave Trade, 1842–1861* (Washington, DC 2006).

This significant consensus also found its way into such a seminal text of international law as Henry Wheaton's "Elements of International Law", first published in 1836. The renowned US legal scholar, who justified US government position against an international enforcement machinery and firmly endorsed national measures instead, explicitly stated in his study:

The African slave trade, once considered not only a lawful, but desirable branch of commerce, a participation in which was made the object of wars, negotiations, and treaties between different European states, is now denounced as an odious crime by the almost universal consent of nations.⁶³

By referring directly to the Vienna declaration and the related international treaty regime he clearly underlined this position. Furthermore, in his later publications, he clearly denounced the slave trade even as a "crime against humanity",⁶⁴ using a legal term long before it became a crucial element of international criminal law of the twentieth century.⁶⁵

4. Conclusion:

The Ambivalence of Humanity as an International Norm

This chapter has surveyed the lasting consequences of theoretical debates about the concept of humanity for an interventionist practice in international politics in the course of the long nineteenth century. Using the case study of

63 Henry Wheaton, *Elements of International Law With a Sketch of the History of the Science* (Philadelphia 1836), 114f.

64 "[...] a traffic so justly stigmatized by every civilized and Christian powers as a crime against humanity" and "Public opinion stigmatizing the traffic as a crime against humanity", in Henry Wheaton, *Enquiry Into the Validity of the British Claim to a Right of Visitation and Search of American Vessel Suspected to be Engaged in the African Slave Trade* (Philadelphia 1842), 4, 16; id., *History of the Law of Nations in Europe and America From the Earliest Times to the Treaty of Washington, 1842* (New York 1845), 594. Despite that Bruce Mazlish denies the importance of abolitionism in this context and argues that "'crimes against humanity' only enters the vocabulary as a legal assertion in the twentieth century", cf., Mazlish, *Idea of Humanity*, 2. The British Navy officers Joseph Denman, who was on duty with the Royal Navy in West Africa, also used the term "crime against humanity" in his publication in 1850: "Public opinion urged on an unwilling government all the efforts against the traffic at the Congress of Vienna; which, in declaring it a crime against humanity and universal morality, spoke the sentiments of the people of England", in Joseph Denman, *The Slave Trade, the African Squadron, and Mr. Hutt's Committee* (London [1850]), 10.

65 For the further historical development of the term in international criminal law, see Kerstin von Lingen, "Fulfilling the Martens Clause: Debating 'Crimes Against Humanity', 1899–1945", in this volume and Jenny Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford 2012), 114–116; M. Cherif Bassiouni, *Crimes Against Humanity. Historical Evolution and Contemporary Application* (Cambridge 2011).

the abolition of the slave trade, it has been shown that through the abolitionist campaign and the related enforcement of the ban on human trafficking, the concept of humanity increasingly developed from a moral category to a widely accepted norm in international politics. British abolitionists successfully used the moral argument that the slave trade was contrary to all principles of humanity and finally received legal recognition of this fundamental notion with the Abolition Act of 1807. Pursuing efficient enforcement, the United Kingdom initiated an international treaty network based on the emerging international consensus that human trafficking constituted a “crime against humanity”. The idea of protecting the emerging international norm of humanity by force was thus established in the long nineteenth century. States now referred to the norm of humanity for the purpose of gaining authority and legitimation for their actions and their interventionist practices.

However, at this point it is absolutely crucial to bear in mind that the process of establishing humanity as an international norm was by no means free of fundamental inconsistencies and ambivalences. Attacking the slave trade did not immediately and automatically lead to the end of the institution of colonial slavery itself. Great Britain could passionately fight for its foreign policy paradigm of abolishing human trafficking, but at the same time left colonial slavery untouched for nearly another two decades until the final Slavery Abolition Act of 1833. Other countries being also part of the international treaty regime waited even longer, until the second half of the nineteenth century, to abolish human bondage eventually, such as the United States in 1865, Spain in Cuba in 1886 and Brazil in 1888.⁶⁶

Moreover, there is a string argument that the practice of intervening against the slave trade “in the cause of humanity” triggered a development in the exact opposite direction, thus revealing the ambivalence of humanity as a nineteenth-century norm. As shown in this chapter, the concept could be successfully used to support abolition and even its military enforcement. But at the same time abolishing the slave trade in the name of humanity could be an effective instrument for legitimising colonial and imperial conquest in Africa. The General Act of the Anti-Slavery Conference of Brussels in 1890, which was enthusiastically celebrated by the British prime minister, Lord Salisbury, as a “Conference [...] for the purpose of promoting a matter of pure humanity”,⁶⁷ reveals this ambivalence in the clearest way. The content of the general act officially contained an entire interventionist charter against the

66 For the eventual abolition of slavery, see Drescher, *Abolition*, 245–266, 333–371; Blackburn, *American Crucible*, 391–454.

67 Quote by Lord Salisbury on the eve of the Brussels conference, 9 November 1889, in Gwendolen Cecil, *Life of Robert Marquess of Salisbury*, vol. IV: 1887–1892 (London 1932), 256.

slave trade on the African continent based on the older tradition and efforts to ban it.⁶⁸ In practice, however, this international agreement significantly contributed to the emergence of forced labour by indigenous peoples or what Kevin Grant so trenchantly called the “New Slaveries” in the European colonies, with King Leopold of Belgium’s Congo Free State as the most atrocious example.⁶⁹ Thus the issue of intervening against the African slave trade in the name of a common humanity reveals most vividly the close and infamous entanglement of European humanitarianism with nineteenth-century colonialism and imperialism.⁷⁰

68 For the “General Act of the Brussels Conference relative to the African Slave Trade”, 2 July 1890, see *BFSP* 82, 55–78. On the consequences of the conference, see Marcel van der Linden, “Unanticipated Consequences of ‘Humanitarian Intervention’: The British Campaign to Abolish the Slave Trade, 1807–1900”, in *Theory and Society* 39:3–4 (2010), 281–298; Suzanne Miers, “The Brussels Conference of 1889–1890: The Slave Trade in the Policies of Great Britain and Germany”, in Prosser Gifford/William Roger Louis (ed.), *Britain and Germany in Africa. Imperial Rivalry and Colonial Rule* (New Haven, CT 1967), 83–118.

69 See esp. Jan-Georg Deutsch, *Emacipation Without Abolition in German East Africa c. 1884–1914* (Oxford 2006); Kevin Grant, *A Civilised Savagery. Britain and the New Slaveries in Africa, 1884–1926* (New York 2005). On the Congo atrocities and the campaign against them, see Mairi S. MacDonald, “Lord Vivian’s Tears. The Moral Hazards of Humanitarian Intervention”, in Fabian Klose (ed.), *The Emergence of Humanitarian Intervention. Ideas and Practice From the Nineteenth Century to the Present* (Cambridge 2016), 121–141; Daniel Laqua, *The Age of Internationalism and Belgium, 1880–1930. Peace, Progress and Prestige* (Manchester 2013), 56–64; Kevin Grant, “Christian Critics of Empire: Missionaries, Lantern Lectures, and the Congo Reform Campaign in Britain”, in *The Journal of Imperial and Commonwealth History* 29:2 (2001), 27–58; Andrew Porter, “Sir Roger Casement and the International Humanitarian Movement”, in *Journal of Imperial and Commonwealth History* 29:2 (2001), 59–74.

70 For the significant entanglement of humanitarianism and European colonialism/imperialism in the nineteenth century, see Johannes Paulmann, “Humanitarianism and Empire”, in John M. MacKenzie (ed.), *The Encyclopedia of Empire* (Oxford 2016), 1112–1123. Alan Lester/Fae Dussart, *Colonization and the Origins of Humanitarian Governance. Protecting Aboriginies Across the Nineteenth-Century British Empire* (Cambridge 2014); Rob Skinner/Alan Lester, “Humanitarianism and Empire: New Research Agendas”, in *The Journal of Imperial and Commonwealth History* 40:5 (2012), 729–747; Caroline Shaw, *Britannia’s Embrace: Modern Humanitarianism and the Imperial Origins of Refugee Relief* (Oxford 2015); Amalia Ribi Forclaz, *Humanitarian Imperialism. The Politics of Anti-Slavery Activism, 1880–1940* (Oxford 2015); Andrew Thompson, *Humanitarian Interventions, Past and Present*, in Fabian Klose (ed.), *The Emergence of Humanitarian Intervention. Ideas and Practice From the Nineteenth Century to the Present* (Cambridge 2016), 331–356; Michael Barnett, *Empire of Humanity. A History of Humanitarianism* (Ithaca, NY 2011), 29f., 47–94.

Kerstin von Lingen

Fulfilling the Martens Clause

Debating “Crimes Against Humanity”, 1899–1945

When, on 8 August 1945, the London Conference was concluded with the charter for the first international military tribunal to be held at Nuremberg, the document contained a small sensation. Among the three charges listed was a new term: the Nazi leaders would face punishment not only for war crimes, but also for crimes against peace and for crimes against humanity. The international community thus responded to one of the most horrific novelties of the twentieth century, the politically organized persecution and slaughter of people under one’s own control.¹ The term originated in debates within the United Nations War Crimes Commission (UNWCC), founded in 1943, which had been concerned with formulating a minimum standard in dealing with mass atrocities whilst the war still raged on. The community of transnational lawyers involved thus suggested that the wording later used at Nuremberg be set down in the London Conference. By doing so, the term “humanity” was given renewed prominence.²

The concept of “Crimes against Humanity” states that “citizens are under protection of international law even when they are victimized by their own compatriots”.³ The new concept had been added to the agenda “because it was feared that under the traditional formulation of war crimes, many of the acts of the Nazis would go unpunished”.⁴ The concept of Crimes against Humanity thus represents an important legal tool in the Nuremberg era, especially with regard to Holocaust-related crimes in Europe, and is a turning point in legal thinking. As a legal tool, it has acquired “enormous resonance in the legal and moral imaginations of the post-World War II world”.⁵ Although often perceived as a Nuremberg “invention”, the concept of crimes against humanity was not introduced at the tribunal at

1 David Luban, “A Theory of Crimes Against Humanity”, in: *The Yale Journal of International Law* 29 (2004), 85–167, on p. 94.

2 The text of the Nuremberg Charter/London Conference can be found at <http://avalon.law.yale.edu/imt/jack60.asp>, the charges are under art. 6.

3 Beth van Schaack, “The Definition of Crimes Against Humanity: Resolving the Incoherence”, in *Columbia Journal of Transnational Law* 37 (1998–1999), 787–850, on p. 791.

4 *Ibid.*, 789; Bassiouni, too, argues that the idea of “crimes against humanity” was the “product of exigent historical circumstances”, see M. Cherif Bassiouni, “The Need for a Specialized Convention”, in *Columbia Journal of Transnational Law* 31 (1993–1994), 457–494, on p. 472.

5 Luban, “A Theory of Crimes Against Humanity”, 86.

Nuremberg,⁶ but can be seen as a fulfilment of the so-called Martens Clause of The Hague Peace Conferences of 1899 and its underlying notion of humanity. The Martens Clause dates back to the nineteenth-century humanitarian thinking and general international concerns like piracy and the slave trade. As this paper argues, the London Charter is the fulfilment of the moral approach towards the idea of humanity, and a transformation of this notion into a legal tool, into, as it were, a concept of Humanity.

The idea of humanity is rooted in Greek philosophy, Roman law and Christian theology and has found its noblest expressions in the Enlightenment as well as in the French revolution. Bassiouni states that the idea of humanity emerged not only out of the history of the long and bloody twentieth century, but had for centuries been shared “within laws and writings throughout western, Judeo-Christian, Islamic and other civilizations”, which expressed values and beliefs according to which “life, liberty, physical integrity and personal dignity are the fundamental rights of humanity”.⁷ As Mazlish observes, “humankind” and “humanity” as well as the “concept of Humanity” are terms that have core meanings, but changed over time, as they merged into one another, that have a certain ambiguity and are often used inconsistently in historical sources.⁸ Mazlish was the first to use the capital “H” to distinguish the concept, and observes: “The concept Humanity itself is a social construct, [...] changing over time and place and only taking on legal and political actuality in the last half of the twentieth century.”⁹ Legal norms play a key role within the concept of Humanity: Building on the assumption that humans are rational and equal, and given that laws ensure that equal rights are applied, he continues, “Humanity is rational, equal and legal in its existence”.¹⁰ He holds that the genesis of the concept of Humanity is intrinsically linked to the era of total war.¹¹ McFarland also underlines that the concept of crimes against Humanity is an outcome of the violence and wars experienced in the first half of the twentieth century,¹² or as Mazlish puts it: “The attempt to annihilate identified portions of humanity fosters an awareness for the opposite of such inhumanity: Humanity.”¹³

6 Id., “Theory of Crimes Against Humanity”, wrongly assumes that “no record exists of how the term crimes against humanity came to be chosen by the framers of the Nuremberg Charter”, 86.

7 Bassiouni, “Crimes Against Humanity”, 488.

8 Bruce Mazlish, *The Idea of Humanity in a Global Era* (New York 2009), 1.

9 Ibid., 32.

10 Ibid., 33.

11 Ibid., 35.

12 Sam McFarland, “The Slow Creation of Humanity”, in *Political Psychology* 32:1 (2011), 1–20, on p. 8.

13 Mazlish, *The Idea of Humanity*, 36.

However, the emphasis on the concept in the era of total war does not take its older roots into account, as this paper does, and fails to explain why the time was ripe during the Second World War to fulfil the humanitarian aspect. Judging from debates in the nineteenth century, the following model seems plausible: “Humanity” was first used in a moral sense, then became loaded with an additional political dimension during the Hague era before the first World War, and in the era of total war it was transformed into a legal tool for bringing the perpetrators of mass violence to justice.

The rise of the concept of Humanity thus took place within a judicial revolution over the course of nearly a century, and is an achievement fostered by international lawyers. In fact, its last protagonists are foregrounded in this chapter: the UNWCC’s legal committee, based in London and chaired by the Czechoslovakian representative Bohuslav Ecer with Egon Schwelb as its influential secretary, spearheaded the debate and played a key role in coining this concept. As will be examined later, the term surfaced in UNWCC meetings in 1944 and was adopted by the London Charter for the Nuremberg International Tribunal in 1945.

1. The Concept of Humanity and “Civilized Warfare”: From Abolition to the Hague Peace Conferences to Versailles

If we observe the use of the term “humanity” within the debate on the abolition of the transatlantic slave trade, as Fabian Klose points out in his chapter in this volume, the term “crimes against humanity” first shows up in the writings of Henry Wheaton, in his treatise “Elements of International Law” and later writings.¹⁴ Here, however, “humanity” is used as a moral category legitimizing humanitarian intervention, so to speak the Kantian imperative to act.

It first gained legal momentum in the courts for the abolition of the slave trade, the so-called Mixed Commissions, which used the term “crimes against humanity” in a broader sense.¹⁵ Martinez’s theory emphasizing the Mixed Commissions as the birth of the concept of crimes against humanity is however not entirely convincing: the idea behind this legislation was still deeply rooted in colonial reasoning, and emphasized the economic dimension

14 See Fabian Klose, “‘A War of Justice and Humanity’: Abolition and Establishing Humanity as an International Norm”, in this volume. Klose refers to Henry Wheaton, *Elements of International Law With a Sketch of the History of the Science* (Philadelphia 1836), 114f., as well as Wheaton’s *Enquiry* on issues related to slave trade issues of 1842.

15 See Jenny S. Martinez, “Antislavery Courts and the Dawn of International Human Rights Law”, in *The Yale Law Journal* 117:4 (2008), 550–641; id., *The Slave Trade and the Origins of International Human Rights Law* (Oxford 2012), 115, 136.

of the slave trade. Prize courts dealt with ship loads and human trafficking, not with human suffering, although moral arguments were raised to justify intervention and abolition. It is thus misleading to date the origins of the legal dimension of “crimes against humanity” back to the anti-slavery courts.

Instead, the coining of a legal concept paralleled the drafting of the laws of war in the nineteenth century, and thus added to a moral concept a political layer, and finally a legal one, making it possible to employ it as a legal tool. The idea of “civilized warfare” started as a kind of by-product of the foundation of the International Red Cross in 1863 and its idea to provide relief to wounded or imprisoned soldiers as well as civilians suffering from the horrors of war. Although at the time war was considered a legitimate form of achieving political goals, attempts were discussed to protect citizen from the effects of its violence. Debates developed in two directions: on one side, the *jus ad bellum* (the legality of entering into a conflict), on the other the *jus in bello* (rules for handling combatants and civilians), which is of interest for the nascent humanitarian law or law of armed conflict.

These attempts should be seen against the backdrop of the Victorian era and its imperialism. At the time, the world was perceived as belonging to different spheres of imagined standards of civilisation, and the Western countries wrapped their colonial interests in a mission to “civilize” other peoples and put their territories under supervision.¹⁶ In this regard, debates about civilizing warfare were reserved for conflicts amongst equal partners, but not binding for colonial warfare or wars outside of Europe. In the first half of the twentieth century, the two World Wars and the violence they unleashed between western partners destroyed this Eurocentric concept of civilisation, making room for more global approaches to humanizing wars, namely by establishing legal guidelines.¹⁷ The end of the Second World War thus also marks the end of “civilization” as a normative principle.¹⁸

There are, broadly speaking, three phases in the continuing effort by international lawyers to civilize warfare: after 1863, after 1919 and during the Second World War (1939–1945). There had been ongoing debates since the mid nineteenth century¹⁹ to enforce what we would today term humanitarian standards.²⁰ As Michelle Tusan underlines, the central point

16 Gerrit W. Gong, *The Standard of Civilization in International Society* (Oxford 1984); Bruce Mazlish, *Civilization and its Contents* (Stanford, CA 2004), 73–90.

17 Mark Mazower, “The End of Civilization and the Rise of Human Rights”, in Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge 2010), 29–44, on p. 29.

18 *Ibid.*, 30.

19 William Schabas, *Unimaginable Atrocities. Justice, Politics and Rights at the War Crimes Tribunals* (Oxford 2012), 52; Geoffrey Robertson, *Crimes Against Humanity. The Struggle for Global Justice* (New York 1999), 17–22.

20 Latest research in historical perspective offer Fabian Klose (ed.), *The Emergence of Humanitarian Intervention. Ideas and Practice From the Nineteenth Century to the Present* (Cambridge

is the translation of nineteenth-century humanitarianism, often rooted in “strident evangelicalism and moralizing liberalism”, into “twentieth century modes of representation”.²¹ The London Charter of 1945 was the capstone of nearly a century of debates about one of the most contested parts of international law.

As the term indicates, the notion of humanity is engraved into the history of humanitarian law. After the foundation of the Red Cross 1863 in Geneva, some parallel developments of codification came into existence. The Lieber Code, issued for the American Civil War, constituted a first set of rules within war. Of particular importance to the advancement of the project were communities of experts, who had agreed early on that defining international standards proved crucial. In 1873, legal scholars founded the *Institut de Droit international* at Ghent in Belgium, seeking to form the “conscience of the civilized world and install an international code of law”.²² Among its founding fathers were Johann Caspar Bluntschli, then Professor in Heidelberg, lawyer Tobias Asser from Amsterdam, Gustave Rolin-Jaequemyns from Belgium, barrister John Westlake from London, Friedrich Martens from Russia and Gustave Moynier from Geneva, one of the founders of the Red Cross.²³ As Martti Koskenniemi underlines, their “humanist vision of European civilization” was the core element, to be exported as a sign of modernity to other parts of the world.²⁴

Conferences became arenas of codification. The differences between what was later termed the Geneva Laws and the Hague Laws reflect the interests of those nations that dominated such international conferences, where these laws were drafted. While the Geneva laws are “characterized by strict, non-derogable prohibitions”, the Hague laws are permissive, “enabling powerful states to use the latest military technology with little regard for humanitarian consequences”.²⁵ In the Geneva Convention of 1864 on the

2016); Brendan Simms (ed.), *Humanitarian Intervention. A History* (Cambridge 2011); see also Jennifer M. Welsh (ed.), *Humanitarian Intervention and International Relations* (Oxford 2006).

21 Michelle Tusan, “‘Crimes Against Humanity’: Human Rights, the British Empire and the Origins of the Response to the Armenian Genocide”, in *American Historical Review* 119:1 (2014), 47–77, on p. 50.

22 Martti Koskenniemi, “Nationalism, Universalism, Empire: International Law in 1871 and 1919”, Conference paper for “Whose International Community? Universalism and the Legacies of Empire” (Columbia Department of History April 2005), 14, <http://www.helsinki.fi/eci/Publications/Koskenniemi/Columbia%200405.pdf>.

23 Id., *The Gentle Civilizer of Nations. The Rise and Fall of International Law 1870–1960s* (Cambridge 2001).

24 Id., *Nationalism, Universalism, Empire*, 14.

25 Chris af Jochnick/Roger Normand, “The Legitimation of Violence: A Critical History of the Laws of War”, in *Harvard International Law Journal* 35:1 (1994), 49–95, on p. 52.

“Amelioration of the Condition of the Sick and Wounded of Armies in the Field”, this notion of humanity was for the first time invoked. The relevant article runs:

The denunciation shall [...] in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.²⁶

The notion of humanity gained momentum within legal debates, though it was still being employed more as a moral or political category. Important in this regard were the two Peace conferences at The Hague (1899 and 1907), where a Convention on the Laws and Customs of Warfare was agreed upon (a scheduled third Hague Conference, where legal measures should have been drafted, never took place due to the outbreak of war²⁷). The clause had been intended as a diplomatic solution to a deadlock during the Hague Peace Conference of 1899, when debates arose about the protection of the population of occupied territories, especially with view to their right to defend themselves.²⁸ To overcome this impasse on partisan warfare and to assure that the conference proceeded smoothly,²⁹ the leading Russian delegate, Baltic-born Friedrich von Martens suggested the following preamble (which later became known as the Martens clause), which evokes the “laws of humanity”:

Until a more complete code of the laws of war is issued, [...] populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience.³⁰

26 Art 63, quoted according to the Geneva Convention – 1864 – for the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the Field, <http://www.un-documents.net/gc-1.htm>.

27 Arthur Eyffinger, “A Highly Critical Moment: Role and Record of the 1907 Hague Peace Conference”, in *Netherlands International Law Review* 54:2 (2007), 197–228, refers on pp. 234f. to the US-led plans for a third Hague conference, envisioned for 1915, as well as on the draft programme.

28 Theodore Meron, “The Martens Clause, Principles of Humanity and Dictates of Public Conscience”, in *American Journal of International Law* 94 (2000), 78–89, on p. 79.

29 Emily Crawford, “The Modern Relevance of the Martens Clause”, in *ISIL Yearbook of International Humanitarian and Refugee Law* 6 (2006), 1–18; *Sydney Law School Research Paper* 11:27, on p. 19, <http://ssrn.com/abstract=1810177>.

30 Martens Clause, quoted according to <http://www.icrc.org/eng/resources/documents/misc/57jnhy.htm>. There is a slight modification between the 1899 and 1907 version of the Martens Clause; the version of 1907 is cited here.

Martens, an eminent international lawyer,³¹ with this term reveals his commitment to international law, following Bluntschli's theory of law of civilized nations, and also positioned himself as a modernist legal expert from Tsarist Russia, contributing to international law taking shape.³²

The Hague Convention did not aim to provide a complete code of rules of warfare, but left it open to amendments by using this preamble.³³ Cassese underlines that it served, above all, to exclude the argument that belligerents were free to behave if certain matters were not especially restricted by the Hague convention; on the contrary, they had to respect certain rules which were “no less binding than those motivated by other (e.g. military or political) considerations”.³⁴

Although there are several versions of the Clause with different wording (replacing “inhabitants” with “populations”, “requirements” with “dictates”³⁵), the three consistent elements of the clause remain “the law of nations, as it results from the usages established between civilized peoples”, the “laws of humanity” and the “dictates of the public conscience”.³⁶ Whilst the first is a circumscription of customary international law, which was often termed “law of civilized nations”, the latter is more amorphous. “Dictates of the public conscience” involve at least two perspectives, as Meron underlines: it could be seen as public opinion, shaping the conduct of all parties at war, or as a reflection of the *opinio iuris*.³⁷ Both elements are inherent of the Martens Clause, and the moralist intent on public opinion is very clear, as the wording can be found in diplomatic declaration as well as in manuals of military law of the late nineteenth century. It was custom, judged by the manifold declarations, for example the aforementioned Geneva Convention from 1864 as well as the Declaration at St Petersburg in 1868³⁸ to invoke at

31 On Martens' role as a moderniser not only within international law, but also as a modernising agent of his country, see Martin Aust, “Völkerrechtstransfer im Zarenreich: Internationalismus und Imperium bei Fedor F. Martens”, in *Osteuropa* 60:9 (2010), 113–125; Martin Aust, “Das Zarenreich in der Völkerrechtsgeschichte 1870–1914”, in id. (ed.), *Globalisierung imperial und sozialistisch. Russland und die Sowjetunion global 1851–1991* (Frankfurt/M. 2013), 166–181.

32 Aust, “Völkerrechtstransfer”, 125.

33 Ecer, Additional Note, 12.05.1944, UNWCC III/4, 7 pp., on p. 3, <https://www.legal-tools.org/doc/6335bd/>.

34 Antonio Cassese, “The Martens Clause: Half a Loaf or Simply Pie in the Sky?”, in *European Journal of International Law* 11 (2000), 187–216, on p. 188.

35 Meron, “Martens Clause”, 79.

36 Crawford, “Modern Relevance”, 6.

37 Meron, “Martens Clause”, 83.

38 The Petersburg Declaration concludes with the following statement: “The Contracting or Acceding Parties reserve to themselves to come hereafter to an understanding whenever a precise proposition shall be drawn up in view of future improvements which science may effect in the armament of troops, in order to maintain the principles which they have established, and to conciliate the necessities of war with the laws of humanity”, http://avalon.law.yale.edu/19th_century/decpeter.asp, and printed as the “Declaration Renouncing the Use, in Time of War, of

least rhetorically the principles of humanity.³⁹ The Spanish manual of 1882 is an example for the use within military circles, as it notes that its rules were based on “the noble and eternal idea of humanity, justice and good faith”, and adds that “the principal authority, the most impartial and respectable judge, the organ and regulator, is public opinion”.⁴⁰ The Manual thus attributed a power to the public conscience “not dissimilar to international law-making bodies”, as Crawford underlines.⁴¹

Though legal circles debated whether the preamble itself constituted law,⁴² it was purposely placed “within a document which dealt with war crimes in the narrowest and technical sense”, thus undoubtedly giving it authority as a legal guideline for further war crimes regulations.⁴³ The Martens Clause came to be accepted as a legal principle by repetition, in 1907 in the Hague Convention as well as in the Geneva Convention of 1929 on the Sick and Wounded⁴⁴ and the Geneva Convention of 1949.⁴⁵ As Michael Geyer states, the concept is a “longstanding feature of the western legal tradition”. He concludes: “The notion of a set of crimes against all has prevailed, even as the idea of a ‘standard of civilization’ has receded.”⁴⁶

Critics have noted that the Hague Peace Conferences of 1899 and 1907 led to no measurable results. In the absence of either explicit boundaries or an implicitly shared understanding, let alone regulations on punishment, belligerents would inevitably interpret these terms to suit their military needs. A comment by the British military delegation member, Sir John Fisher of Kilmuir, commanding officer of the British Navy at Gallipoli during the Great War, underscores this:

Explosive Projectiles Under 400 Grammes Weight”, Dec. 11, 1868, see Jochnick/Normand, Legitimation, 68.

³⁹ Ibid., 84.

⁴⁰ Reglamentos para el servicio de Campaña, art. 826 (1882), quoted in Meron, “Martens Clause”, 85.

⁴¹ Crawford, “Modern Relevance”, 13.

⁴² Ecer, Additional Note, 12.05.1944, UNWCC III/4, 7 pp., on p. 4, <https://www.legal-tools.org/doc/6335bd/>. Ecer underlined that “Lord Cave in his article ‘War Crimes and their punishment’ (1923, *Grotius Society*, vol. 8, XXI) designated the laws of humanity and the requirements of the public conscience of the Preamble as *lex non scripta*, i.e. as law, and says expressly that this law is to be extracted”, and concluded that the Preamble was a part of International Law.

⁴³ Schwelb in his report “Material for the Preparation of a Definition of crimes against humanity”, compiled by Egon Schwelb, III/33, 22.03.1946, 14 pp., on p. 1, <https://www.legal-tools.org/doc/c52df5/>.

⁴⁴ Bassiouni, “Need for Convention for Crimes Against Humanity”, 461.

⁴⁵ Crawford, “Modern Relevance”, 1; see also Fabian Klose, “The Colonial Testing Ground: The International Committee of the Red Cross and the Violent End of Empire”, in *Humanity* 2:1 (2011), 107–126, on p. 108.

⁴⁶ Van Schaack, “Definition of Crimes Against Humanity”, 796; Michael Geyer, “Crimes Against Humanity”, in Gordon Martel (ed.), *The Encyclopedia of War*, Wiley Online Library, <http://onlinelibrary.wiley.com/doi/10.1002/9781444338232.wbeow146/full>.

The humanising of war! [...] You might as well talk of humanising hell. When a silly ass at The Hague got up and talked about the amenities of civilised warfare and putting your prisoner's feet in hot water and giving them gruel, my reply, I regret to say, was considered totally unfit for publication. As if war could be civilized! If I'm in command when war breaks out I shall issue my orders: "The essence of war is violence." "Moderation in war is imbecility." "Hit first, hit hard, and hit anywhere."⁴⁷

The handbook of the German General Staff, issued in 1902, also mirrors the perception that The Hague provisions consisted suggestions, but no binding law, and chivalry in warfare was the only guiding principle, apart from the concept of military necessity.⁴⁸

The first diplomatic document to use the term "crimes of humanity" was a joint Allied declaration of May 1915, which accused the Ottoman Empire "of crimes against humanity and civilization" with regard to atrocities against the Armenians.⁴⁹ Here, the concept of Humanity displays its political layer. In the telegram, which was issued by the French, British and Russians jointly, it was announced, "to hold personally responsible [for] these crimes all members of the Ottoman government and those of their agents who are implicated in such massacres".⁵⁰ There had been some controversy around the term "civilization", which the Russians wanted to replace with "Christianity".⁵¹ Britain's perceived double role as a "defender of oppressed Christian peoples" on the one hand and a "tolerant global Empire made up of many faiths" on the other had come under pressure during the First World War "and influenced thinking about an international justice at the moment when the world's attention first turned to the Armenian massacre".⁵²

International lawyers emphasize that the Armenia telegram can be seen as the inception of the legal concept of crimes against Humanity,⁵³ although

47 Quoted in Daniel Marc Segesser, *Recht statt Rache oder Rache durch Recht? Die Ahndung von Kriegsverbrechen in der internationalen fachwissenschaftlichen Debatte 1872–1945* (Paderborn 2010), 28. Segesser makes reference to Reginald H. Bacon, *The Life of Lord Fisher of Kilverstone*, vol. 2 (London 1929), vol. 1, 121.

48 Deutscher Generalstab, *Kriegsbrauch im Landkriege* (Berlin 1902), 2.

49 The Armenia telegram can be found at FRUS, United States Department of State, *Papers relating to the foreign relations of the United States with the address of the president to Congress December 7, 1915*, U.S. Government Printing Office, 1915, p. 981, Telegram of US Ambassador Sharp to Secretary of State, 28 May 1915.

50 Daniel Marc Segesser, "On the Road to Total Retribution? The International Debate on the Punishment of War Crimes, 1872–1945", in Roger Chickering et al. (ed.), *A World at Total War. Global Conflict and the Politics of Destruction, 1937–1945* (Cambridge 2005) 355–374, on p. 359.

51 Geyer, "Crimes Against Humanity".

52 Tusan, "Crimes Against Humanity", 51.

53 M. Cherif Bassiouni, *Crimes Against Humanity: Historical Evolution and Contemporary Application* (Cambridge 2011), 62.

it should be noted that the political dimension of the use of the term here is clearly much stronger than the legal aspect, which did not lead to punitive action and can thus not yet be considered a legal tool. The new moral awareness was however developed further by a blue book documenting the crimes and accusing “the Young Turkish Ministers and their associates at Constantinople” of being “directly and personally responsible, from beginning to end, for the gigantic crime that devastated the Near East in 1915”.⁵⁴ The reference to the Martens clause is visible, and testifies to the contemporary opinion that the Ottoman Empire had put itself outside of the realm of the civilized world.

However, when war was over, the perceived need to amend international law and enforce the political will by means of a reliable legal tool vanished under the demands of *realpolitik*. In 1919, during the Paris peace conference, an Allied commission addressed the question of “Offences against the laws of humanity” and compiled a long list of atrocities committed during World War I.⁵⁵ Although the so-called Versailles list represents a first step in coining a legal definition of a minimum standard of conduct in warfare, there was considerable resistance to using the term “crimes against humanity” in the commission’s report, and no clear agreement as on punishment of perpetrators.⁵⁶ The US representative Robert Lansing in particular feared that this term would lead to a “confusion of moral precepts and legal writ”, and saw a “lack of legal precedence” and “subjective definition of the dictates of humanity”.⁵⁷ Although Lansing confirmed that the First World War had given rise to a new class of crimes, which he termed “wanton acts which cause needless suffering” that were “perpetrated without adequate military reason”, he underlined that the prosecution of such “crimes against civilization” must follow principles of legality rather than general principles of humanity.⁵⁸ As a consequence, the term “crimes against humanity” was not mentioned in the relevant provisions.⁵⁹

The peace treaty, in articles 228 to 230, laid the ground for the establishment of the first war crimes tribunal, set up to try German war criminals.⁶⁰ These trials were held in Leipzig in the early 1920s and resulted in only a handful of convictions, thus constituting a grave setback to the idea of international criminal justice. But at least the trials confirmed and emphasized

54 Tusan, “British Empire”, 62.

55 Van Schaack, “Definition of Crimes Against Humanity”, 796; Geyer, “Crimes Against Humanity”.

56 Bassiouni, “Need for Convention for Crimes Against Humanity”, 458.

57 Geyer, “Crimes Against Humanity”.

58 *Ibid.*

59 Van Schaack, “Definition of Crimes Against Humanity”, 797, see also Schwelb report on the definition of Crimes against humanity, 22.03.1946, 2, <https://www.legal-tools.org/doc/c52df5/>.

60 William Schabas, “International Justice for International Crimes: An Idea Whose Time has Come”, in *European Review* 14:4 (2006), 421–439, on p. 421.

the status of war crimes as subject to prosecution under international criminal law.⁶¹ With regard to the Armenian cause, it was agreed in the peace treaty of Sèvres to form an Allied Court to punish Turkish atrocities (without mentioning – at the request of the US delegation – the term “crimes against humanity” or “laws of humanity at all”), however this never came into force.⁶² Instead, several trials were held between 1919 and 1922 under the Ottoman government, acting under British pressure, which resulted in the execution of three minor officials for “crimes against humanity”.⁶³ However, both, the Leipzig and the Constantinople trials fell short of expectations.⁶⁴ The idea of an Allied High Court to prosecute war crimes, discussed during the 1919 peace negotiations in Paris, failed either with regard to German as to Ottoman defendants. Bassiouni underlines that the leading powers were thus allowed the period after the First World War to become a “bypassed occasion to establish definitive law”.⁶⁵

2. Coining a Legal Norm of Humanity: Exile Lawyers During the Second World War

Until the Second World War, legal theory maintained that war crime trials could involve only atrocities that had been committed on a state’s own territory or against its own nationals.⁶⁶ However, the unprecedented record of crimes committed by Nazi forces made it necessary to extend the definition of war crimes to what was initially termed “war crimes and analogous offences”.⁶⁷ Many crimes perpetrated by the Axis powers in the Second World War had entailed either attacking minorities within their own jurisdiction or annexing territories without even declaring war at all. The term attempted to encompass such diverse crimes as the persecution of political opponents, for example Communists or Social Democrats within Germany, the persecution of German Jews, and the crimes committed against civilians in occupied territories, for instance the Czechs during the so-called Sudetenland crisis in

61 Id., “Introduction ICC”, 52.

62 Van Schaack, “Definition of Crimes Against Humanity”, 797.

63 Tusan, “Crimes Against Humanity”, 65.

64 James F. Willis, *Prologue to Nuremberg: The Politics and Diplomacy of Punishing war Criminals of the First World War* (Westport, CT 1982); Gerd Hankel, *Die Leipziger Prozesse. Deutsche Kriegsverbrechen und ihre strafrechtliche Verfolgung nach dem Ersten Weltkrieg* (Hamburg 2003); Vahakn N. Dadrian/Taner Akçam, *Judgment at Istanbul. The Armenian Genocide Trials* (New York 2011).

65 Bassiouni, “Crimes Against Humanity”, 466.

66 Arieh J. Kochavi, “Britain and the Establishment of the United Nations War Crimes Commission”, in *English Historical Review* (1992), 323–349, on p. 325.

67 Schwelb, “Crimes Against Humanity”, 185.

1938. It even had a global dimension, as it was equally applicable to crimes committed against Chinese nationals by Japanese troops in Manchuria 1932. All these were crimes committed by a state against its own citizens, on its own territory, prior to an official state of war. Nevertheless, many scholars considered it “legally unsound to hold the Nazis responsible for crimes committed against Germans within the borders of Germany”.⁶⁸

The call for a new definition of war crimes was already discussed during the war, and the need to form an internationally accepted standard in dealing with mass atrocities was advocated. The unprecedented Nazi war of aggression and occupation formed the basis for growing concern amongst the governments of nine states forced into exile,⁶⁹ and the call was made from London to set up new norms and establish a guideline for trials after the end of the conflict.⁷⁰ One result of the political impact of these debates was the foundation of the United Nations War Crimes Commission (UNWCC) in 1943, which started work in early 1944.⁷¹ It formed an internationally accepted advising body and was concerned with formulating a minimum standard in dealing with mass atrocities during the ongoing conflict, bringing together legal scholars from different countries and furthering discussion about justice for war crimes.

In London in the early 1940s, circles consisting of exiled lawyers from smaller Allied nations started debates over how to approach crimes committed in the ongoing war. Especially the Czech and Polish exile government representatives, echoed by their Belgian and Dutch counterparts, hoped that by establishing strict legal guidelines, the Nazis could be deterred from committing further crimes. Legal scholar Hersch Lauterpacht, himself at his time an émigré from Lemberg (Lviv) in the former Austro-Hungarian Empire, was particularly active in fostering the debate and became the host of the meetings. Since they first convened in 1941, these legal circles advocated new ideas of post-war justice within either UNWCC or its two forerunners, the “International Commission for Penal Reconstruction and Development”, centred on the faculty of law at the University of Cambridge (the so-called Cambridge Commission), and the “London International Assembly” (LIA). By analysing meetings and memoranda to detect the motivation and find

68 Schabas, “Introduction ICC”, 42.

69 The nine countries were: Belgium, Czechoslovakia, France, Greece, Holland, Luxembourg, Norway, Poland and Yugoslavia.

70 Arieh J. Kochavi, *Prelude to Nuremberg. Allied War Crimes Policy and the Question of Punishment* (Chapel Hill 1998), 3; Kirsten Sellars, “Crimes Against Peace” and *International Law* (Cambridge 2013), 60. The term “war of aggression” is new, to distinguish the Nazi war from the earlier concept of *bellum iustum*, the just war, which was a war of defence only.

71 Dan Plesch/Shanti Sattler, “A New Paradigm of Customary International Criminal Law: The UN War Crimes Commission of 1943–1948 and its Associated Courts and Tribunals”, in *Criminal Law Forum* 25:1 (2014), 17–43.

an explanation for the turning point of the concept in this era, it becomes clear that these legal scholars were deeply marked by personal experience of forced exile, in the sincere attempt to find a viable means of bringing the criminals to trial.⁷² The task of coming to terms with war crimes was not easy, as their existing definition proved outdated.

Bohuslav Ecer, the chairman of the UNWCC legal committee, submitted a proposal to the UNWCC on 27 April 1944 dealing with the problem of wars of aggression and advocating the use of the new charge “crimes against humanity” in an international criminal court. However, the British representative Arnold McNair rejected this proposal as too far-reaching.⁷³ He was particularly opposed to Ecer’s idea of holding heads of states accountable and applying what he saw as retroactive legislation. Ecer, in return, felt it was unacceptable that those who had broken the law so many times should go unpunished simply because established national codes were not sufficient to deal with them. He held the position that the Second World War had created a new situation, with war crimes incomparable to earlier conflicts, and to which new legal responses had to be formulated. He wrote: “Preparation and launching of the present war must be punished as a crime against peace”, and “if there are gaps in law, it is our duty to fill them.”⁷⁴

It can be proved that Ecer was not only inspired by his colleagues at London and thus the legal debates in the West, but also closely followed academic developments in the other wartime ally, the Soviet Union. The contribution of the Soviet Union to the development of the legal framework of the war crimes trials after the Second World War and thus to a modern international law is unjustly forgotten. In 1944, its leading legal scholar, Aron Trainin, had issued an English translation of his book on the criminal responsibility of the “Hitlerites”, in which he made the case for aggression being the main charge in war crimes, as well as the legal tool of complicity, to bring the Nazi elites to justice.⁷⁵ Its influence, however, was particularly strong on the Central European exile lawyers, and with growing disappointment over the weak British support for new legal ideas and still before the experience of double standards at Nuremberg, the Soviet approach to war crimes became an academic inspiration, if not an alternative for legal scholars like Ecer.⁷⁶

72 Kerstin von Lingen, “Setting the Path for UNWCC: The Representation of European Exile Governments on LIA and Cambridge Commission, 1941–1944”, in *International Criminal Law Forum* 25:1 (2014), 45–76.

73 Sellars, *Crimes Against Peace*, 58–64.

74 TNA London, FO 371/39005, UNWCC, minutes of 36th meeting, 17.10.1944; see also Sellars, *Crimes Against Peace*, 63, on the reference to Russian legal scholar Aron Trainin.

75 Aron N. Trainin, *Hitlerite Responsibility Under Criminal Law* (London 1944).

76 NAA Canberra, A 2937/273, Note of meeting with General de Baer, by Wright, 1.12.1944. 2. In this note, the later chairman of UNWCC expresses his fears that Ecer and Zivkovic turned over to the Soviets: “He had heard Ecer and Zivkovic express sentiments that they would prefer to

Trainin's writings may have inspired Ecer to develop the legal concept of crimes against humanity further.

In a memorandum submitted to the UNWCC in May 1944, Ecer amended his earlier report, following two lines of argument. First, he underlined that the UNWCC was not in transgression of its competencies when it suggested that the further handling of the war crimes problem include broadening the whole concept. Second, he advocated the use of the term "crimes against humanity".⁷⁷ In assessing the historical record of Nazi crimes, Ecer stated that the UNWCC had received several accounts of the planned nature of Nazi warfare especially in Eastern Europe, where not only Jews, but also members of the Soviet Intelligence Services and civilians in the hinterland in general were slaughtered by SS troops without prior trial.⁷⁸ Reports had been received that a considerable number of crimes committed in occupied Poland had not even "a remote connection with military necessity". The proposed new term "crimes against humanity" would, as Ecer underlined, cover these offences and draw a connection to the preamble of the Hague Convention – the Martens Clause – which he saw as of immense value for the work of UNWCC, as it referred to the term humanity.⁷⁹ He made the point that in his view, crimes against humanity were the most important concept of all, as they had been committed "as the real cause of all the other crimes, as the source of the war, the *malum in se*".⁸⁰

In his memoirs, Ecer recalled his deep personal commitment: "The atmosphere was tense, as in my opinion we discussed the whole rationale of the war in light of international law, that must necessarily lead to the victory of justice over the dark forces of evil and bring its perpetrators to the justice they deserve."⁸¹ It seems that his initiative focused heavily on the Holocaust, which until then had been dealt with among the bulk of Nazi occupation crimes, minimizing its uniqueness – however, he was personally concerned with crimes against political opponents (in his proposal of 17 October 1944 he speaks of "judicial murders committed on Czechoslovak territory"⁸²), as

remain on the Commission in London, but if things went on as at present they would certainly turn to the strong Russian Commission."

77 Ecer, Additional Note, 12.05.1944, UNWCC III/4, 7 pp., <https://www.legal-tools.org/doc/6335bd/>.

78 Ibid., 2.

79 Ibid., 4.

80 Ibid., 7.

81 Ecer in his memoirs entitled *Jak jsem je stíhal* (= How I prosecuted them) (Prague 1946), quote trans. and cited by Eduard Stehlik, "Bohuslav Ecer and the Prosecution of War Crimes", in *European Conscience and Communism*, Proceedings of the International Conference of 2–3 June 2008 at Prague (Prague 2008), 53–63, on p. 56.

82 Stehlik, "Ecer", 57.

he himself was a socialist party delegate, and had been imprisoned by the Gestapo in March 1938.⁸³

The British government was still reluctant to respond to the new term. In a debate in the House of Commons on 4 October 1944, referring to the killings of political prisoners in the Buchenwald concentration camp, the foreign secretary, Anthony Eden stated: “Crimes committed by Germans against Germans, however reprehensible, are in a different category from war crimes and cannot be dealt with under the same procedure.”⁸⁴ This notion was reaffirmed in a debate in January 1945.⁸⁵ It was still some way to go to include the concept of crimes against humanity in international law.

3. On Road to Nuremberg: Implementing the Concept of Humanity as a Legal Tool

Finally, at the London conference of summer 1945, a statute for the upcoming tribunal at Nuremberg defined the structure and basis for the prosecution of the major war criminals in Europe.⁸⁶ Debates were contested in two points, as Borgwardt underlined: would crimes against peace be declared war crimes to be dealt with by an international court, and how should the international community deal with state violence?⁸⁷

The creation and outcomes of the International Military Tribunals in Nuremberg (IMT) and in Tokyo (IMTFE) are generally seen by scholars as a victory of the Anglo-American legal doctrine. It was, however, once again the Soviet legal scholar Aron Trainin’s definition of crimes against peace that found its place in the Charter of the IMT, which made aggressive war itself a criminal act.⁸⁸ In 1945, Trainin was amongst the members of the Soviet delegation to London to formulate the principles laid down in the Charter for Nuremberg. Other definitions, such as the one of crimes against peace and war crimes, seem largely to follow the recommendations of the UNWCC, although it has not yet been possible to prove how the American judge Robert Jackson came to use the term. It is, however, plausible that Hersch

83 Biographical sketch on Ecer see http://www.valka.cz/clanek_12304.html.

84 Cited after Schwelb report on the definition of Crimes against humanity, 22.03.1946, 5, <https://www.legal-tools.org/doc/c52df5/>.

85 Ibid.

86 Bassiouni, “Need for Convention for Crimes Against Humanity”, 4.

87 Elizabeth Borgwardt, “Re-Examining Nuremberg as a New Deal Institution. Politics, Culture and the Limits of Law in Generating Human Rights Norms”, in *Berkeley Journal of International Law* 23 (2005), 401–462, on p. 403.

88 Francine Hirsch, “The Soviets at Nuremberg: International Law, Propaganda and the Making of a Postwar Order”, in *American Historical Review* 113:3 (2008), 701–730. On the concept of Crimes against peace and Trainin, see also Sellars, *Crimes Against Peace*, 63.

Lauterpacht might be the missing link,⁸⁹ as he convened with Jackson before the London Conference and might have summed up the ongoing debates he had had with his colleagues, amongst them Ecer.

The IMT at Nuremberg (1945–1946) followed the statute drawn up at the London conference during the summer of 1945, which set the structure and basis for the prosecution of the major war criminals,⁹⁰ and its main achievement consists of having formulated a first legal definition of “crimes against humanity”, although “crimes against peace” later became the cornerstone of the prosecution strategy and thus often referred as the main innovation at Nuremberg, considering its greater visibility.⁹¹ Crimes against humanity, however, was the legal tool with the longer-lasting implications, although it didn’t expand to its complete meaning in the Nuremberg era. Article 6 (c) of the charter defined crimes against humanity as

a distinct set of crimes, namely murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial and religious grounds in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of the country where perpetrated.⁹²

The latter was decisive insofar as it “established the supremacy of international over municipal law”.⁹³ In this regard, Article 6 (c) reflects the tension in international law between state sovereignty and human rights as the overarching goal of the international system.⁹⁴

Article 6 (c) of Nuremberg found its counterpart in Article 5 (c) of the Tokyo trial charter, and both charters were clearly connected by defining “aggression” and “war crimes” as well as “crimes against humanity”.⁹⁵ This article of the charter reflects the desire of the Allies not to be restricted “to bringing to justice those who had committed war crimes in the narrower sense [...], but that also such atrocities should be investigated, tried and punished as have been committed on axis territory, against persons of axis

89 Martti Koskenniemi, “Gentle civilizer”, draws on Lauterpacht’s decisive role within the British prosecution, where he drafted the opening and closing speech, see the chapter: “Lauterpacht: The Victorian Tradition in International Law”, 388f.

90 Bassiouni, “Need for Convention for Crimes Against Humanity”, 4.

91 Form underlines the similar wording of the definition to crimes against humanity in both, UNWCC and the London Charter, as proof, see Wolfgang Form, “Strategies for Genocide Trials After World War II: How the Allied Powers Dealt With the Phenomenon of Genocide in Occupied Germany”, in Christoph Safferling/Eckart Conze (ed.), *The Genocide Convention 60 Years After its Adoption* (The Hague 2010), 69–81, on p. 77.

92 IMT Charter, Art 6 (c). Cited after Geyer, *Crimes Against Humanity*.

93 Van Schaack, “Definition of Crimes Against Humanity”, 791.

94 *Ibid.*, 846.

95 Bassiouni, “Need for Convention for Crimes Against Humanity”, 463.

nationality”.⁹⁶ The Nuremberg court could now, simply by using the new tool, also address “acts committed by Nazi perpetrators against German victims, who were thus of the same nationality as their oppressors, or against citizens of a state allied with Germany”.⁹⁷

The judges at Nuremberg were nevertheless quite cautious in applying the new concept and treated it for the most part as subsidiary crimes connected to other war crimes.⁹⁸ The fact that crimes against humanity were only addressed as a subsidiary charge alongside conventional war crimes or crimes against peace has become known as the “*war nexus*”.⁹⁹ The *war nexus* allowed the Allied legal staff to “condemn specific inhumane acts of Nazi perpetrators committed within Germany without threatening the entire doctrine of state sovereignty”.¹⁰⁰ To avoid criticisms of retroactive law, during the IMT the new principle became bound to other charges, thus connecting it to a state of aggression. This so called *war nexus* later significantly limited the use of crimes against humanity in violence occurred during the wars of decolonisation,¹⁰¹ the dictatorship crimes of Latin America or Apartheid crimes in South Africa.¹⁰² Much to Ecer’s dismay, punishing crimes which had occurred prior to the state of war proved impossible: all crimes committed for example in Poland or Czechoslovakia (including the Sudetenland) prior to the outbreak of war in September 1939 could not be indicted, due to the lack of a *war nexus*, as “it has not been satisfactorily proven that they were done in execution of, or in connection with any such crime”.¹⁰³

96 Schwelb, *Crimes Against Humanity*, 183.

97 Van Schaack, “Definition of Crimes Against Humanity”, 790.

98 Schwelb report on the definition of Crimes against humanity, 22.03.1946, <https://www.legal-tools.org/doc/c52df5/>; Geyer, “Crimes Against Humanity”.

99 Van Schaack, “Definition of Crimes Against Humanity”, 791.

100 *Ibid.*, 791.

101 Fabian Klose, *Human Rights in the Shadow of Colonial Violence. The Wars of Independence in Kenya and Algeria* (Philadelphia 2013); see also Klose, “Colonial Testing Ground”, p. 107.

102 Van Schaack, “Definition of Crimes Against Humanity”, 793. Humanitarian Intervention is defined as “the intervention by one state into the territorial integrity of another state in order to protect individuals who are the victims of abuses by fellow citizens that the state is unwilling or unable to protect.” If the drafters of the IMT charter would not have been so focused on the principle of sovereignty, but more on the protection of individuals, Schaack summarizes on, 847: “The doctrine of humanitarian intervention suggests that the existence of a widespread or systematic attack against a civilian population provides the hook on which international jurisdiction can hang.”

103 Schwelb report on the definition of Crimes against humanity, 22.03.1946, 11, <https://www.legal-tools.org/doc/c52df5/>.

Only with Control Council Law Number 10 (CCL 10), released by the Allies in occupied Germany in 1946, was the link between state of war and crimes against humanity dropped.¹⁰⁴ In the British Zone of Occupation in Germany alone, courts applying CCL 10 held around 150 trials “exclusively involving crimes against humanity, committed between 1933 and the end of the war”, which addressed crimes against German or stateless victims, many of them Jewish.¹⁰⁵

With regard to the charter for the International Military Tribunal at Tokyo, which was modelled after the Nuremberg Charter, it can be observed that crimes against humanity were also included, though the phrase “persecution on religious grounds” was omitted.¹⁰⁶ In their definition, both charters clearly connected “crimes against humanity” to “aggression” and “war crimes”.¹⁰⁷ The term was also debated at the UNWCC sub-commission for the Far East in Chungking (Chongqing). When looking into the trial record of not only the Tokyo tribunal, but also the national war crimes courts set up in Asia, be it within the former European colonies or in China, it seems, however, that the courts were reluctant to use the concept crimes against humanity. In this regard, it becomes clear that also in Asia the *war nexus* prevailed.

Thus, the meaning of the term has met with considerable scepticism and has been “plagued by incoherence” since.¹⁰⁸ Egon Schwelb tried to set the legal path (avoiding criticisms of retroactivity) very clearly in his “Report on the Meaning of ‘crimes against humanity’”, which he submitted to the UNWCC in March 1946. He stated that crimes against humanity had (a) been committed by defendants from the Axis states or their allies, could (b) be committed by individuals as well as by members of an organisation, and (c) separated into “crimes of the murder-type” and “persecution”.¹⁰⁹ In this regard, it was irrelevant whether a crime of the “murder-type” had been committed before or during the war. “Persecutions”, in Schwelb’s definition, had to be committed on political, racial or religious grounds and in connection with any crime within the jurisdiction of the tribunal (crimes against peace, war crimes, or even crimes against humanity of the murder type).¹¹⁰

104 Bassiouni, “Need for Convention for Crimes Against Humanity”, 464; Schwelb report on the definition of Crimes against humanity, 22.03.1946, 8, <https://www.legal-tools.org/doc/c52df5/>; see also Geyer, “Crimes Against Humanity”.

105 Form, “Strategies for Genocide Trials”, 80.

106 Schwelb report on the definition of Crimes against humanity, 22.03.1946, 9, <https://www.legal-tools.org/doc/c52df5/>.

107 Bassiouni, “Need for Convention for Crimes Against Humanity”, 463.

108 Van Schaack, “Definition of Crimes Against Humanity”, 792; Diane F. Orentlicher, “Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime”, in *The Yale Law Journal* 100:8 (1991), 2537–2615, on p. 2585.

109 Schwelb report on the definition of Crimes against humanity, 22.03.1946, 6, <https://www.legal-tools.org/doc/c52df5/>.

110 *Ibid.*, 7.

Prosecution was to be extended not only to direct commission of, but also incitement to the aforementioned crimes, “by enacting legislation which orders or permits crimes against humanity”.¹¹¹ However, Schwelb’s views came too late to influence the Nuremberg judgement.

It took a while for the concept to find its way into national jurisdictions.¹¹² After the foundation of the organization of United Nations in San Francisco in 1945, several commissions were set up to continue the work of both the UNWCC and other predecessors. The assembly of the United Nations confirmed its value to international law as early as 1946,¹¹³ and incorporated it into the Draft Code of Offences against the Peace and Security of Mankind of 1954, which was, however, left incomplete due to Cold War implications following the Korean War.¹¹⁴ As Borgwardt summarizes, “Nuremberg was an attempt to express moralistic ideas in a legalistic manner”.¹¹⁵

The concept of crimes against humanity had first fully been realized during the Eichmann Trial in Jerusalem in 1961 (and thus became inextricably linked with Holocaust crimes), but the concept gained its wider meaning only in the 1990s, as an effect of the jurisprudence of the International Criminal Tribunals, for the former Yugoslavia (ICTY, 1993) and for Rwanda (ICTR, 1994).¹¹⁶ Two factors contributed to this outcome, first the end of the Cold War, and second the powerful Human Rights movement, which had begun “to develop a victim-oriented discourse that required states to ensure that perpetrators of atrocities were brought to justice”.¹¹⁷

However, it was only half a decade after the IMT at Nuremberg, within the foundation of the International Criminal Court (ICC) and its statute laid down at Rome, that crimes against humanity became the subject of a comprehensive, multilateral convention.¹¹⁸ Only the ICC charter offered a consensus definition of the term crimes against humanity, and thus marks “the welcome culmination of a slow but steady process of erosion of the significance of state sovereignty in the process of international law formation”.¹¹⁹

111 Ibid., 14.

112 Kerstin von Lingen, “Crimes Against Humanity: Eine umstrittene Universalie im Völkerrecht des 20. Jahrhunderts”, in *Zeithistorische Forschungen/Studies in Contemporary History* 8 (2011), 373–393.

113 Geyer, “Crimes Against Humanity”.

114 Ibid.; for the end to the work of the Law Commission, see M. C. Bassiouni, *Crimes Against Humanity in International Criminal Law* (The Hague 1999).

115 Borgwardt, “Re-Examining Nuremberg”, 452.

116 Geyer, “Crimes Against humanity”; Geoffrey Robertson, *Crimes Against Humanity*, 446–501.

117 William Schabas, “International Justice for International Crimes”, 422.

118 Van Schaack, “Defininition of Crimes Against Humanity”, 792.

119 Ibid., 850.

4. Conclusion

The use of the concept of crimes against humanity as a legal tool in the tribunals of our times can thus be seen as the legacy of the idea of humanity in warfare, rooted in a moral approach to injustice, as reflected within the anti-slavery courts during the nineteenth century, and its political legacy as embodied in the Peace Conferences at The Hague (1899 and 1907) and their preamble, the Martens Clause. Only following the bittersweet experience of the First World War and its political failure to deter perpetrators from further crimes, the notion of Humanity was transformed into a legally sound concept, brought forward during the Second World War by exile lawyers who gained access with their ideas to political decision making circles. The long way from debates within the UNWCC however, which was an advising body that could not set international law, to the charters of Nuremberg and Tokyo, which indeed established international law reflects, I argue, the permanent tension between the ideas of justice, diplomatic considerations and geo-politics.

The evolving definition of crimes against humanity since the Nuremberg IMT court shows that the principles guiding the contemporary codification of international criminal law were shifting: had they previously been drafted to protect state sovereignty, the new principles were more concerned accountability of individuals.¹²⁰ In this regard, Article 6 (c) reflects the tension in international law between state sovereignty and human rights as overarching goals of the international system.¹²¹

Meron holds that the principles of humanity as well as the dictates of public conscience had proved “restraining factors on the freedom of states to do what is not expressly prohibited by treaty or custom”.¹²² The Clause itself had an impact on politics through its afterlife in diplomatic declarations and the media, and had thus been “a significant factor in the work of international standard-setting conferences, tribunals and UN-rapporteurs”, although it was less influential to actually restrain belligerents from violence.¹²³ Cassese concludes that the Martens Clause,

inspite of its ambiguous wording, has responded to a deeply felt and widespread demand in the international community: that the requirements of humanity and the pressure of public opinion be duly taken into account when regulating armed conflict.¹²⁴

120 *Ibid.*, 795.

121 *Ibid.*, 846.

122 Meron, “Martens Clause”, 88.

123 *Ibid.*

124 Cassese, “Martens Clause”, 212.

As the judgment of one of the subsequent Nuremberg trials, the case against Krupp, made clear, the Martens Clause served as a legal yardstick:

The preamble is much more than a pious declaration. It is a general clause, making the usages established among civilized nations, the laws of humanity and the dictates of the public conscience into the yardstick to be applied if and when the specific provisions of the Convention and the Regulations annexed to it do not cover specific cases occurring in warfare.¹²⁵

The exile lawyers of the 1940s at London, who were excluded from political negotiations leading to the London Charter, were nevertheless satisfied with their new concepts being established.¹²⁶ In looking back at the achievements of the London charter, Ecer was quite confident that crimes against humanity would have an enduring legacy to protect peace in future generations:

As far as crimes against humanity are concerned, I see the importance of this particular provision of the Charter and the verdict also in the fact that certain human rights, namely the right to freedom of thought and religious beliefs and the right to pledge allegiance to nation and race, are placed under the protection of the international community and become articles protected under international law. I believe this has special significance for beyond the [Nuremberg] trial. The Charter itself will not protect elementary human rights all over the world, as it is primarily concerned with German crimes, but the Charter indisputably marked the start of the development of international law towards international protection of elementary human rights.¹²⁷

Also Schwelb, after observing the Nuremberg trial as well as the setting-up of the Tokyo trial and municipal courts in different European countries, saw crimes against Humanity as the sober successor of the Martens Clause, “namely, the principle that the protection of a minimum standard of human rights should be guaranteed anywhere, at any time and against anybody”.¹²⁸ Schwelb set an agenda for later UN resolutions when he concluded that legal norm-setting was not enough if political implementation was missing, as he observed in 1946: “The task of making the protection of human rights general, permanent and effective still lies ahead.”¹²⁹

125 Krupp case (1948), cited after Meron, “Martens Clause”, 80.

126 He was not present at the negotiations, as all the smaller countries, who had been so important in drafting the war crimes policy, had been excluded from the conference. See William Schabas, “The United Nations War Crimes Commission’s Proposal for an International Criminal Court”, in *Criminal Law Forum* 25 (2014), 171–189, on p. 186.

127 Ecer in his memoirs entitled *Jak jsem je stíhal* (= How I prosecuted them), Prague 1946, cited by Stehlik, Ecer, 59.

128 Schwelb, “Crimes Against Humanity”, 225.

129 *Ibid.*, 226.

By this token, the criminalisation of Crimes against Humanity was intended “not only to punish World War II perpetrators, but to deter future human depredateions and to enhance the prospects of world peace”.¹³⁰ The use of the concept of crimes against Humanity in the tribunals of the 1990s is thus, in the views of Bassiouni, above all, “a reaffirmation of the world community’s condemnation of such acts, irrespective of the outcome”,¹³¹ or, as Luban puts it referring to the original moral implication, “something which we owe the millions of dead of crimes against humanity offences in the twentieth century”.¹³²

130 Bassiouni, “Need for Convention for Crimes Against Humanity”, 493.

131 *Ibid.*, 494.

132 Luban, “Theory of Crimes Against Humanity”, 161.

Esther Möller

Between Globalisation and Contestation

Humanity as a Polemical Concept Within the Red Cross and Red Crescent Movement

1. Introduction¹

In his book *A City in the Sky*, the Lebanese author Issa Makhlouf lets his first-person narrator spend time in New York and watch the hustle around the United Nations building. He describes the scene as follows:

There is no place on earth where the word “peace” resounds more often than at the United Nations’ headquarters, this depository of wars where they are stocked from generation to generation. There are words that lose their content the more they are repeated, until their meaning becomes inverted.²

The same observation, that a term can lose its meaning through inflationary and institutionalised use, could be made for the Red Cross and Red Crescent Movement: there is rarely a place on earth where the word “humanity” and related notions like humane or humanitarian³ are used and pronounced more often. Yet this frequency of occurrence only partly led to a clarification of its meaning. Indeed, these terms appeared since the Movement was born in 1863 as the “International Relief Committee for Injured Combatants”, which would later become the International Committee of the Red Cross

1 This paper is part of a larger project investigating the role of the Red Cross and Red Crescent in establishing and transforming a new international humanitarian order in the second half of the twentieth century. I am thankful to Martin Aust, Michael Geyer, Daniel Palmieri and Katharina Stornig, and also the editors of this volume for their helpful comments on this paper. The transcription of Arabic letters follows the IJMES transliteration system.

2 Issa Makhlouf, *Une ville dans le ciel* (Paris 2014), 15f.: “Il n’y a pas un endroit au monde où le mot ‘paix’ résonne davantage qu’au siège des Nations-Unies, ce conservatoire des guerres où on les stocke de génération en génération. Il y a des mots qui, à force d’être répétés, se vident de leur contenu et finissent par désigner le contraire de ce qu’ils invoquent.”

3 Humanity, humane and humanitarian have the same etymological origin, although they carry different ideological backgrounds. For the relationship between human and humane see Christian Høgel, *The Human and the Humane. Humanity as Argument From Cicero to Erasmus* (Göttingen 2015), 11. Following Didier Fassin humanitarian, as derived from humanity, is understood best in a broad sense, encompassing mankind and humaneness. See Didier Fassin, *La raison humanitaire. Une histoire morale du temps présent* (Paris 2010), 8.

(ICRC).⁴ This is also true for the little book *A Souvenir from Solferino*, considered the founding document of the Movement. Throughout the book, its author Henry Dunant, one of the founding members of the Committee, already made frequent reference to the notion of humanity.⁵ However, while humanity occurred regularly, the notion of humanitarianism did not yet appear prominently in the Red Cross' early years. Throughout the rapid growth of the Movement, with the foundation of national Red Cross and Red Crescent societies worldwide, the reference to humanity remained central – in 1965, humanity even became one of the seven official principles of the Red Cross and Red Crescent Movement and is often characterised as the most essential one because it serves as a kind of foundation for the other principles.⁶ Yet despite its ubiquity, there was far from being a consensus on this notion within the movement, neither on its definition nor on its use. Rather, as Ilana Feldman and Miriam Ticktin have underlined for the term of humanity more generally, it encompassed different and even contradictory meanings that resulted both from practices and theoretical considerations.⁷ Indeed, the efforts to define humanity were paralleled by debates about its political and social scope.

In this article, I set out to trace the history of this concept and its place within the Red Cross and Red Crescent Movement in the second half of the twentieth century. The focus will be on the years from 1948 to 1973, because this period covers significant references to humanity within the Movement both in discourse and in practice: indeed, the humanitarian engagement of the Movement in the Middle East, but also beyond, was paralleled by debates

4 For example, in a letter to the personal surgeon of the Egyptian Khedive in 1870, the ICRC qualified the principles inscribed in the Geneva Conventions as the “core of humanity” (“noyau de l’humanité”), Archives of the Committee of the Red Cross in Geneva (henceforth ACIRC), AF 19, 2.1, 1: Egypte Copies Correspondances envoyées, letter from the ICRC to Burghières Bey, Geneva/22.2.1870. On the history of the Movement, see David Forsythe, *The Humanitarians. The International Committee of the Red Cross* (Cambridge 2005).

5 See, for example, Henry Dunant, *Un souvenir de Solferino*, Geneva 1862, 121, footnote 1: “[...] ce qui est certes déjà quelque chose au point de vue de l’humanité.”

6 See Geoffrey Best, *Law and War Since 1945* (Oxford 1997), 237. There is currently a common interest by the ICRC itself and scholars in the field to come back to the study of these principles, as a conference in Geneva in September 2015 illustrates, <https://www.icrc.org/en/document/new-report-connecting-past>. The seven principles are: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity, Universality. See Daniel Palmieri, “Les principes fondamentaux de la Croix-Rouge: une histoire politique”, <https://www.icrc.org/fr/document/les-principes-fondamentaux-de-la-croix-rouge-une-histoire-politique>, Jean-Luc Blondel, “The Fundamental Principles of the Red Cross and Red Crescent”, in *International Review of the Red Cross* 31:283 (1991), 349–357; Jacques Meurant, “Principes fondamentaux de la Croix-Rouge et humanitarisme moderne”, in Christophe Swinarski (ed.), *Etudes et essais sur le droit international humanitaire et sur les principes de la Croix-Rouge en l’honneur de Jean Pictet* (Geneva 1984), 893–911.

7 Ilana Feldman/Miriam Ticktin, “Government and Humanity”, in id. (ed.), *In the Name of Humanity. The Government of Threat and Care* (Durham, NC 2010), 1–26, on p. 2.

at concrete events such as the Red Cross conferences in 1948, 1957, 1963, 1965 and 1973.⁸ The paper argues that the reference to humanity fulfilled different functions within the movement, which went far beyond its definition as major principle. These different functions can be best systematised by analysing them on three different levels, namely the practical, the structural and the normative levels. On the practical level, the notion of humanity served as an appeal to humanitarian action, on the structural level humanity was debated as a principle, and on the normative level humanity was further integrated as a legal category of the Geneva Conventions. On all three levels, humanity was a polemical concept.⁹ The broad application of the term and its authority within the Red Cross Movement enabled the contestation and (re-)appropriation of its meaning in specific contexts. Furthermore, the discussions around the term of humanity testified to negotiations and frictions between the Movement's leaders and the individual societies and their members or between diverging political opinions. In analysing these debates, the relationship between Western and Non-Western branches of the organisation will be of special interest, with a focus on those in the Arab world and their various interactions with the movement. What happened when a European concept found application in a Non-European setting, shaped by colonialism? How did colonial strategies of dealing with humanity in the juridical, political and social spheres influence these debates? And how did the ICRC's attempt to globalise¹⁰ the Red Cross and Red Crescent Movement in the 1950s in the sense of more deliberately integrating Non-Western actors and ideas influence its discourses and practices related to the term humanity? To what extent were these attempts contested or supported by the Non-Western actors in question? Did they "take its universalist rhetoric at face value" and "exploit

8 It would be interesting to extend the analysis until the additional protocols of the Geneva Conventions 1977. In fact, more research has to be done on this crucial topic. For some first hints, see Geoffrey Best, *Humanity in Warfare* (New York 1980); Fabian Klose, "The Colonial Testing Ground. The ICRC and the End of Empire", in *Humanity* 2:1 (2011), 107–126. Besides, historian Eleanor Davey is currently working on that theme.

9 One might also call it "magnetic concept", as Irène Herrmann did in an article on humanitarianism and anti-Semitism in Switzerland in order to investigate the negative and positive attraction both terms have while also leaving much space for interpretation. Yet, in the present case, the critical positions vis-à-vis this notion persisted. See Irène Herrmann, "From Polemical Topics to Magnetic Concepts: Humanitarianism and Anti-Semitism in Switzerland", in *Journal of Political Ideologies* 15:1 (2010), 51–68.

10 While there are different definitions and periodisations of globalisation, I am relying here on the specific dimension of globalisation after 1945, when, according to Jürgen Osterhammel and Niels Petersson, "a deliberate attempt is made to establish a better world order according to two competing models in two competing power blocks" and "at the same time [...] people slowly perceive the world as a 'Schicksalsgemeinschaft', a community of fate threatened by nuclear annihilation and and confronted with environmental problems that transcend national borders." Jürgen Osterhammel/Niels Petersson, *Globalization, A Short History* (Princeton, NJ 2005), 29.

[...] its mechanisms”, as Mark Mazower has shown for the “emergence of the global United Nations” after 1945?¹¹ In short, how did the historical contexts of decolonisation and Cold War¹² shape the Movement’s members’ references to humanity? In order to go deeper into the colonial and post-colonial dimensions of the notion of humanity, the approach of Samera Esmeir’s book on *Juridical Humanity* seems very promising. It focusses on the establishment of European law in colonial Egypt in the nineteenth century. Esmeir argues that the British colonial administration introduced humanity as a juridical term in an inclusive sense by encompassing large parts of the Egyptian population. While this practice at first glance contradicted traditional colonial procedures, it nonetheless also meant an asymmetrical transformation of power in the Egyptian jurisdiction towards privileging European juridical norms and ideas.¹³ With regard to the topic of this paper, it will be interesting to ask how both Western and Non-Western Red Cross efforts to insist on an inclusive understanding of humanity still contained exclusive patterns. While in the context of International Humanitarian Law, the links to politics are evident, it seems that the Red Cross’ own humanitarian self-conception as a non-political body did not become more convincing by its insistence on humanity. It rather underlined the strong connection between humanitarianism and governance, highlighted for example by Didier Fassin, Alan Lester and Fae Dussart.¹⁴

The sources used for this paper reflect the complex organisational structure of the Red Cross and Red Crescent Movement: besides archival material from the International Committee of the Red Cross (ICRC) and the League of Red Cross and Red Crescent Societies, documents from different branches, specifically the British Red Cross and the Egyptian Red Crescent, will serve as a case in point for a Western and a Non-Western perspective. Next to these

11 Mark Mazower, *No Enchanted Palace. The End of Empire and the Ideological Origins of the United Nations* (Princeton, NJ 2009), 188.

12 For the interrelatedness of decolonisation and Cold War, see among others Leslie James/Elisabeth Leake (ed.), *Decolonization and the Cold War. Negotiating Independence* (London 2015). For a more specific focus on the Middle East see Rashid Khalidi, *Sowing Crisis. The Cold War and American Dominance in the Middle East* (Boston 2009); Yezid Sayigh/Avi Shlaim, *The Cold War and the Middle East* (Oxford 1997).

13 Samera Esmeir, *Juridical Humanity. A Colonial History* (Stanford, CA 2012). Of interest is also Talal Asad’s work on the transforming power of British colonial jurisdiction in Egypt in a general sense, see Talal Asad, “Redeeming the ‘Human’ Through Human Rights”, in id. (ed.), *Formations of the Secular. Christianity, Islam, Modernity* (Stanford, CA 2003), 127–158; id., “Thinking About Law, Morality and Religion in the Story of Egyptian Modernization”, in *Journal of the Interdisciplinary Study of Monotheistic Religions (JISMOR)* 1, Special Issue (2005), 13–24.

14 Fassin, *La raison humanitaire*, 22; Alan Lester/Fae Dussart, *Colonization and the Origins of Humanitarian Governance. Protecting Aborigines Across the Nineteenth-Century British Empire* (Cambridge 2014), 1–5.

unpublished sources, the different versions of the Geneva Conventions of 1949 and the proceedings of Red Cross conferences between 1948 and 1973 will be the object of study. With this diverse material, both from normative texts and inter-personal letters, official reports and personal statements, I intend to extend the analysis of humanity and the Red Cross as much as possible in order to mirror the complex position it occupies within the Movement. The structure of this chapter follows the levels of practical, structural and normative concern, by considering humanity as an appeal, as a principle, the particular relationship between humanity and politics and finally the reference to humanity and the Geneva Conventions. Particular focus is put on the question of humanity as a principle because it best highlights the tensions of communication and the cross-cultural engagements implied in the concept of humanity within the Movement and which I have qualified as polemical.

2. Humanity as an Appeal

The notion of humanity was fundamentally used to motivate or justify humanitarian action within and beyond the Red Cross and Red Crescent Movement. As will be shown by different examples related to the Arab world in the aftermath of the Israel-Palestine-Conflict of 1948, European and Arab members of the Movement addressed people within and beyond the Red Cross Organisation to all for their own or others' humanitarian action. Especially during the Israel-Palestine Conflict after 1948, humanity was referred to in order to mobilise both humanitarian actors and public opinion. Yet despite this intentional and partly even instrumental use, it seems that individuals also employed it to express their spontaneous reactions and intuitive despair, anger or hope. For example, in a speech addressed to the ICRC in a Palestinian journal article from 1950, a woman, in view of the thousands of refugees, asked "Where is justice, where is humanity, where is peace?"¹⁵

As for the more obviously instrumentalised reference to humanity in letters and speeches, this was often employed by Red Cross or Red Crescent societies towards their governments, all over the globe. For instance, in the early 1950s the Egyptian Red Crescent repeatedly addressed the ministry of social affairs in asking permission to collect alms or other activities by explicitly referring to their "humanitarian project", "humanitarian purpose"

15 "Ayna al-'adālah, ayna al-insāniyya, ayna al-salām?", ACICR, G 59 I GC 65 (XVIII): Action pour les pauvres de Jérusalem, coupures de Presse, mai 1950, journal Phalastine of 5 May 1950, article on "Risālat al-mar'at al-'arabiyah ila munaṭamat al-salīb al-aḥmar" ("The Arab Woman's Message to the Red Cross").

or “humanitarian mission”.¹⁶ The same can be observed for a letter from the ICRC to the British government in 1948, in which the author speaks about the “customary humanitarian activities” of the ICRC in order to calm the reservations of London towards an engagement for the refugees in Palestine.¹⁷ With other humanitarian activists, within or outside the movement, there was even more reference to humanity in order to mobilise the others’ help or to thank them for their support. For example, in a letter to the administration of the Indian Hospice in Palestine in 1950, the ICRC member Mr Gaberel asked the director to review his decision not to help which “does [...] prejudice our reputation in the field of our humanitarian activities”.¹⁸ In the same vein, ICRC president Ruegger wrote to a collaborator who wanted to leave the organisation in 1949 that he hoped his correspondent would always remember “our common humanitarian ideal”.¹⁹ Between Red Cross and Red Crescent societies as well, the “spirit of humanitarian cooperation” is emphasised to seek support, like in the letter from the ICRC to the Egyptian Red Crescent in 1954.²⁰ And when the latter granted its help, the ICRC thanked the sister society in Cairo for its “spirit of humanitarian understanding”.²¹ Yet the ICRC members were at times also aware of the misuse of humanitarian vocabulary.

16 In Arabic “mashrū’ insānī” and “gharaḍ insānī”, see Dār al-Wathā’iq/National Archives in Cairo (henceforth DWQ), 0075-057214: Jalasa majlis al-wuzarā’ al-mun’aqada [...] 1952, Letter of the Egyptian Red Crescent to the Minister of Social Affairs, Cairo/10.01.1952, no. 23; 0075-057412: Jalasa majlis al-wuzarā’ al-mun’aqada fī yaw, 21.10.1951, no. 6, Wizāra al-dākhiliyya/idāra majālis al-mudīriyyat. Muḍakkira marfū’a li-majlis al-wuzarā’, memorandum of the ministry of interior, September 1951.

17 ACICR, G 59 I GC 47: Correspondance avec la délégation de Londres, Notes reçues et expédiées 08.01.–15.04. 48, Letter from Kune/ICRC to the British Government, 27.1.1948.

18 ACICR, G 59/I/GC/28: Mission de Mr Gaberel en Palestine février 1949–avril 50, Correspondance générale, Letter from Gaberel to Ansari/Administrator of the Indian Hospice, Jerusalem/1.2.1950.

19 ACICR, G 59 I GC 41: Mission de Mr. Pflimlin en Palestine mai 48–avril 1949, Correspondance envoyée, letter from Ruegger to Pflimlin, Geneva/11.4.1949: he hopes that they will remain in contact in order to “conserver avec lui [that is the ICRC] des relations empreintes de cet esprit qui caractérise tous ceux qui ont consacré leur temps et leur dévouement à notre idéal humanitaire commun”.

20 ACICR, B AG 224.064.001: Situation de l’équipage du “Bat Galim”. Navire israélien et son équipage de dix marins arraisonné dans le Canal de Suez 1954–1955, letter from the Israeliian legation to Ruegger, Bern/4.10.1954: Ruegger is asked to ask the Egyptian Red Crescent to do some investigation concerning the sailors who were accused of having opened fire on Egyptian fishermen and who had then been transferred to Cairo. Two days later, the ICRC sent a corresponding telegram to the Egyptian foreign minister Fawzi and to ‘Azmi from the Egyptian Red Crescent. While in the telegram to ‘Azmi the ICRC wrote “Faisant appel a esprit cooperation humanitaire croissant rouge égyptien [...]”, this passage was missing in the telegram to Fawzi.

21 ACICR, B AG 224.064.001: Situation de l’équipage du “Bat Galim”. Navire israélien et son équipage de dix marins arraisonné dans le Canal de Suez 1954–1955, letter from Gaillard to Boutros-Ghali, Geneva/1.12.1954: “[...] esprit de compréhension humanitaire très positive dont le Croissant-Rouge égyptien a su faire preuve dans cette affaire”.

When in 1957 the Israeli Ministry of Foreign Affairs asked the ICRC to let Arab countries pay for Arab families in Gaza, an ICRC delegate criticised this “false humanitarianism”.²² The reference to humanity and its related terms persisted after the Israel-Palestine Conflict and continued to play a role in the relationship between the ICRC and different Arab partners who apparently identified the Geneva committee with these terms. For example, in 1965, at a meeting between delegates from the ICRC and the Arab League in Geneva, the Arab representative used the reference to the Red Cross’s humanitarianism to stress the links between their organisations:

Don’t both our activities share a common link? And don’t they join each other in their finality? I would even make a comparison that is more audacious yet: you, humanitarian action by the ICRC in the Arab world, for the benefit of the Arabs; we, sharing our Arab cultural patrimony in Switzerland for the benefit of Switzerland. Result: consolidation of the relations between Switzerland and the Arab world.²³

To sum up, activists within and beyond the Red Cross Movement identified the Movement with the notion of humanity and related terms. In fact, it was precisely due to this close connection that the appeals quoted gained force in practice and led to action.

3. Humanity as a Principle

The analysis of humanity as a principle of the Movement also has normative implications, but of interest here is its crucial meaning for the international structure and dynamics of the movement. On the structural level, meaning within the Movement, the notion of humanity was used by some delegates to create unity while others used it to criticise both each other and the orientation of the Movement. This was obvious with the establishment of and discussion about humanity as one of the seven Red Cross core principles. Reference to

22 ACICR, B AG 280.065-008: Secours à la population égyptienne en territoire occupé 1957, letter from de Traz to the ICRC, Beirut/15.3.1957: “[...] monument de fausse candeur: sous couleur d’humanitarisme, il s’agissait de rien moins que de faire supporter par les pays arabes le soutien financier des nécessiteux de Gaza, alors occupé par Israël. Les chiffres sous lesquels l’opération à laquelle on nous demandait de participer ne portait pas moins que sur cinquante à cet [sic] mille livres sterling par mois.”

23 “Nos deux activités, n’ont-elles pas un lien commun? Et ne se joignent-elles pas dans leur finalité? Vous, par la voie humanitaire, nous, par nos efforts culturels? J’avancerai même une comparaison plus hardie: vous, action humanitaire du CICR dans les pays arabes, pour le bien des Arabes; nous, partage de notre patrimoine culture arabe Suisse au bénéfice de la Suisse. Résultante: consolidation des rapports entre la Suisse et le monde arabe.” *Les liens entre la Ligue des Etats arabes et le Comité international de la Croix-Rouge* (Geneva 1965), 8.

humanity thus revealed both at once the strength and the weakness of the Red Cross and Red Crescent movement: indeed, the different branches and the movement as a whole showed strength by their ability to agree on these principles and to demonstrate their orientation, yet it can also be seen as a sign of weakness because the movement apparently was in need of self-identifying or self-affirming itself.²⁴

Before humanity was officially declared one of the seven Red Cross principles in 1965, there had been several preparatory steps. Of importance was a little book on *The Red Cross Principles* from 1955 by Jean Pictet, a Swiss jurist and Vice-President of the ICRC who had been one of the main authors of the Geneva Conventions of 1949. In his study from 1955, Pictet explained that although the notion humanity was central to the Red Cross, it had been neglected and he sought to give it its merited place. He defined it as “a sentiment of benevolence towards man”²⁵ and deliberately skipped the dimensions of this definition as mankind or human nature.²⁶ Pictet then implicitly referred to Dunant by introducing the parallel notion of charity,²⁷ but he rejected it immediately as a principle because the term charity carried the connotation of almsgiving, which might create confusion. Interestingly, he did not argue here that humanity was a notion much more compatible in religious, ideological or cultural terms,²⁸ as he would do six years later. In 1962 he reduced humanitarian morality to the following imperative: “do to others what you want them to do to you”²⁹ and continued: “This precept is found in most of the big religions and it constitutes also the golden rule of

24 For the difficult process of the ICRC’s self-identification after Second World War see Dominique Junod, *The Imperiled Red Cross and the Palestine-Eretz-Yisrael Conflict 1945–1952. The Influence of Institutional Concerns on a Humanitarian Operation* (London 1996), 2f., 30–32; Forsythe, *The Humanitarians*, 51–62; Catherine Rey-Schyrer, *De Yalta à Bien Phu. Histoire du Comité international de la Croix-Rouge 1945–1955* (Geneva 2007), 37–48.

25 “Un sentiment de bienveillance envers les hommes”.

26 Jean Pictet, *Les principes de la Croix Rouge* (Geneva 1955), 14f. Interestingly, there is a slight reversion in an article from 1962 where he puts all three definitions on a more equal level: “Le mot ‘humanité’ a deux sens: il désigne, tout d’abord, le genre humain, mais il signifie aussi un sentiment de bienveillance active envers les hommes. C’est dans ce sens que nous l’employons ici.” Jean Pictet, “La doctrine de la Croix-Rouge”, in *Revue internationale de la Croix-Rouge* 44:522 (1962), 269–286, on p. 271.

27 See Henry Dunant, *La charité sur les champs de bataille* (Geneva 1864).

28 One also has to bear in mind different conceptions of humanity by the ICRC members. Ex-ICRC president Max Huber, for example, in a speech from 1952 put strong emphasis on the religious, and even Christian roots of humanity. See Max Huber, “Le droit des gens et l’humanité”, in *Revue internationale de la Croix-Rouge* 34:404 (1952), 646–669.

29 Matthew 7, 12. In Islam, there is no literary expression of the Golden Rule but certain Surahs like Surah 24,22 (“Let those among you who are bounteous and resourceful not swear to withhold giving to the kindred, to the needy, and to those who have forsaken their homes in the cause of Allah; rather, let them forgive and forbear. Do you not wish that Allah should forgive you? [...]”) have been interpreted in this sense.

the positivists.”³⁰ After Pictet’s proposition of all seven principles, they were discussed at the council of delegates, proclaimed at the anniversary conference of the ICRC in 1963 and finally adopted by the Red Cross Conference in Vienna in 1965. The principle of humanity then read as follows:

The Red Cross, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours – in its international and national capacity – to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples.³¹

Scholars like David Forsythe,³² Daniel Palmieri and others have insisted upon the importance of the historical context in which the birth of these principles must be read; the context of competition with the League of Red Cross Societies on the one hand, and the political context of decolonisation and the Cold War on the other. As to the competition with the League, Palmieri has shown that at a meeting of the Council of Governors in Oxford in 1946, the League challenged the institution of four traditional principles established by the ICRC since the 1920s by deciding to add 14 other fundamental principles which would be confirmed at the eighteenth Red Cross Conference in Toronto in 1952. With the help of the Japanese Red Cross, the ICRC responded to this challenge, charged Pictet with the study of the principles and was able to impose its position – represented by the reduction to a lesser amount of principles – on the Movement.³³ Concerning the context of decolonisation, the Cold War and “the intersections of these two historical ages”,³⁴ the last sentence of the definition of humanity as principle shows this clearly: after many debates, the notion of peace was integrated on the initiative of the Soviet Red Cross society.³⁵ Indeed, there were many discussions about the notion of humanity within the Movement, which reflected political tensions of the Cold War and of decolonisation. The diverging opinions resulted in a debate about the non-political character, which the term of humanity and the movement itself were to uphold, but which was contested from within the Red Cross and Red Crescent Movement. Two different strategies can be observed in this context: the first, quite ambivalently, stressed the non-political character

30 Pictet, “La doctrine de la Croix-Rouge”, 271.

31 Proceedings of the XXth Red Cross Conference in Vienna 1965, 7.

32 Forsythe, *The Humanitarians*; David Forsythe, “On Contested Concepts: Humanitarianism, Human Rights, and the Notion of Neutrality”, in *Journal of Human Rights* 12:1 (2013), 59–68.

33 Palmieri, “Les principes fondamentaux”.

34 James/Leake, “Introduction”, in James/Leake (ed.), *Decolonization and the Cold War*, 1–17, on p. 2.

35 Blondel, “The Fundamental Principles”, 355.

of the Red Cross, yet its actors, mostly Western Red Cross participants, often at the same time made political statements. The other strategy aimed at underlining the political dimension of the organisation and was mainly used by Non-Western Red Cross or Red Crescent delegates.

4. Humanity and Politics

These different attitudes can be detected at all Red Cross conferences analysed here. At the conference of Stockholm in 1948, where the Israel-Palestine-conflict came up as a topic at several times and proved to be of crucial importance to the movement,³⁶ the chairman of the conference and president of the Swedish Red Cross, Count Folke Bernadotte, insisted on the non-political character of this organisation and criticised that talking about the Palestinian issue would “leave outside the humanitarian field”.³⁷ While Bernadotte tried to avoid the political dimension of the Palestinian topic, the delegate of the Egyptian government, Hussein Rady Bey, insisted on the humanitarian orientation of the conference for a political statement: he made clear that the participation of Jewish delegates at this conference did not at all mean that they were politically recognised.³⁸ In a similar logic, the Arab League, in a memorandum to the United Nations in 1948, accused the Jews in Palestine of “malicious, barbaric and inhuman methods of extermination [...] in violation of the accepted rules of civilised or chivalrous warfare”.³⁹ Beyond the concrete criticism of Israel’s behaviour in the conflict over Palestine, Egypt and other Arab states thus underlined once again their refusal to accept Israel as a state, which, in many cases, implied other political plans or aspirations.⁴⁰

Similar politically motivated discussions happened at the Red Cross conference in New Delhi in 1957. This conference was dominated by topics linked both to the Cold War and violent conflicts of decolonisation: indeed, wars of decolonisation had just ended, like in Indochina in 1954,⁴¹ or were

36 See Esther Möller, “Humanitarismus ohne Grenzen? Die Rotkreuz- und Rothalbmondbewegung im Israel-Palästina-Konflikt 1948/1949”, in *Geschichte in Wissenschaft und Unterricht* 66:1–2 (2015), 61–77.

37 Proceedings of the XVIIth Red Cross Conference in Stockholm 1948, 57.

38 *Ibid.*, 67: “[...] participation of the Jewish authorities in Palestine in the work of this Conference in the capacity of observers does not involve their political recognition on the part of the Conference. My Government, realizing the splendid humanitarian work of this Conference and desirous not to weaken its activities by political discussions which are entirely without its province [...]”.

39 League of Arab States (ed.), *Jewish Atrocities in the Arab Land. Memorandum Presented by the Representative of the Arab Higher Commission for Palestine at U.N.O.* (1948), 3.

40 See Ilan Pappé, *The Making of the Arab-Israeli Conflict 1947–1951* (London 1992), 25f.

41 See Martin Thomas, *Fight or Flight. Britain, France, and Their Roads From Empire* (Oxford

still going on, like in Algeria.⁴² Moreover, the Cold War impacted heavily on the conference, and revealed that despite the Non-Aligned Movement and its initial conference in Bandung in 1955, “Asia was deeply divided by the Cold War”.⁴³ As a consequence, the emergence of two de facto independent states from one single state, Formosa/Taiwan (Republic of China) and the People’s Republic of China, and which to recognise,⁴⁴ was a dominant topic in New Delhi in 1957.⁴⁵ During this conference, the concept of humanity was mostly referred to as “mankind” or “the whole world”, especially in a negative sense: the scenario of nuclear weapons and the Cold War was instrumentalised to speak of “threats” and “dangers” to humanity.⁴⁶ Every time they used this term, the different speakers tried to gain support for their cause by appealing for solidarity and underlining that all countries were concerned by the Cold War tensions. The delegate of South Korea, Hoon Kim, for example stated that apparently there were different understandings of humanity within the conference, and that he himself understood it as comprising all human beings and their relationships. Yet, while strengthening the non-political dimension of the term, he expressed his political opinion: by saying that the Conference was not the place to “explain how the People’s Republic of China feels about Formosa” and thus implicitly criticizing China,⁴⁷ he endorsed the position of the USA to support Formosa/Taiwan.⁴⁸

An even more explicit position regarding the relationship between humanity and politics was taken by the Indonesian Red Cross delegate Soemarno Sosroatmodje at the Anniversary Conference of the Red Cross in Geneva in October 1963. He directly pleaded for an extension of the principle of humanity in the sense that it implied politics. He also tried to overcome the idea that this connection would always be of harm to the Red Cross Movement:

2014), 131–163; Marc Frey, *Dekolonisierung in Südostasien. Die Vereinigten Staaten und die Auflösung der europäischen Kolonialreiche* (Munich 2006).

42 See Fabian Klose, *Human Rights in the Shadow of Colonial Violence. The Wars of Independence in Kenya and Algeria* (Philadelphia 2013); Thomas, *Fight or Flight*.

43 Mazower, *No Enchanted Palace*, 187.

44 For the historical context see Christopher Miller, “From Foreign Concessions to Special Economic Zones: Decolonization and Foreign Investment in Twentieth-Century Asia”, in James/Leake (ed.), *Decolonization and the Cold War*, 239–253, on pp. 242–246.

45 On the conference itself, see Françoise Perret/François Bugnion, *De Budapest à Saigon. Histoire du Comité international de la Croix-Rouge 1956–1965* (Geneva 2009), 105–123.

46 See Proceedings of the XIXth Red Cross Conference in New Delhi 1957, on p. 89. While both Eastern and Western bloc countries used the recourse to humanity, the Eastern side did so more often.

47 See Proceedings of the XIXth Red Cross Conference in New Delhi 1957, 81.

48 Frey, *Dekolonisierung in Südostasien*, 146.

That is why the Indonesian Red Cross [...] has more and more felt that the implementation of the Red Cross task should be based on a wider humanitarian scope reflecting the rising conscience of the universality of humanity and social consciousness of man. It is this conviction that caused me to join the Red Cross. How then can I separate the humanitarianism inspiring the Red Cross from the principle of humanity that is part of the drive behind the Indonesian revolution? If it is politics to respond in all possible ways, in all spheres of activity, to the call of humanity for deeper realization and wider practice of humanitarian principles, then truly do I think politics, feel politics, live politics. [...] To the Indonesian Red Cross this is the way in which it might be possible to broaden the field of our humanitarian activities in the whole of the Red Cross Movement without falling into the trap of discrimination or of favoring one political group at the expense of the other for reasons other than our humanitarian principles.⁴⁹

Although scholars should, for their part, be cautious of establishing direct links between this position and the political sphere, the arguments clearly translate current political issues of Indonesia at that time. First of all, the speaker, by highlighting the risk of favouring one political group against another, reflected the ideas of the Non-Alignment Movement in which Indonesia played a pivotal role.⁵⁰ Moreover, in the sense of Esmeir's argument, one can also deduce that, in the tradition of the Bandung conference, the Indonesian delegate criticised colonial practices and structures by declaring that only the Indonesian way of linking humanity and humanitarianism with politics would lead to a deeper realisation of humanitarian goals. Indeed, the Indonesian Red Cross had been founded one month after the unilateral declaration of Indonesian independence from the Netherlands in August 1945, and thus clearly stands in an anti-colonial tradition, as the reference to the Indonesian revolution makes clear. It was also this revolution which Indonesian president Sukarno felt being threatened by the creation of the federation of Malaya by the British and which led to an armed conflict between by then independent Malaysia and Indonesia from 1963 to 1966.⁵¹ In making this statement at the conference in 1963, the speaker implicitly justified his government's launching of the conflict as a humanitarian duty.

At the Red Cross conference in Teheran in November 1973, finally, the notion of humanity was equally prominent. For instance, the delegate of the North Vietnamese government, Nguyen Van Luu, reported on different understandings of the notion of humanity within the Commission on

49 Proceedings of the Centenary Congress of the International Red Cross in Geneva 1963, 88f.

50 See Amit Das Gupta, "The Non-Aligned and the German Question", in Nataša Mišković et al. (ed.), *The Non-Aligned Movement and the Cold War. Delhi – Bandung – Belgrade* (New York 2014), 143–160, on p. 147f.; Jürgen Dinkel, *Die Bewegung Bündnisfreier Staaten. Genese, Organisation und Politik (1927–1992)* (Berlin 2015), 2.

51 For the whole context see Frey, *Dekolonisierung in Südostasien*, 295–304.

Humanitarian Law, which had had to prepare a resolution for the conference. He criticised existing hierarchies within the Movement by declaring that the report on these discussions privileged the “old understanding” represented by the ICRC and complained: “Priority is still given to the old ideas!”⁵² Looking at the report the delegate is referring to, it is difficult to find the exact passage he claims to be quoting. There is only one passage on definitions, which concerns the definition of “armed conflict” and where the “softer” position (probably represented by the ICRC) is perhaps given more weight than the more radical one.⁵³ The report speaks about a delicate balance between the “claims of humanity” and the “corresponding requirements concerning the security of the state”. The North Vietnamese delegate then continues to report that the Commission had to choose between a narrower definition of the non-international armed conflict and a broad definition of the conflict, which would only give some general rules of protection. According to the report, some delegates voted for the narrow definition, while others declared themselves in favour of an application of the protocol to all non-international conflicts involving, on the one hand, governmental forces, and on the other regular or irregular military forces, i.e. to conflicts not covered by article two of all Geneva Conventions.⁵⁴ The debate on the definition of armed conflicts to which the Geneva Conventions would apply was very harsh in the time period under question, and this was especially true for the conflict that in 1973 was still going between North and South Vietnam.⁵⁵ The Paris Peace Accords of January 1973 had been unable to end the Vietnam War. North Vietnam’s international position was strengthened by its adherence to the Non-Aligned Movement in 1972,⁵⁶ but its rejection by the United States affected its global standing. More generally, the newly independent states

52 Proceedings of the XXth Red Cross Conference in Teheran 1973, 73.

53 For the central role of the doctrine of armed conflict for the ICRC and the whole movement, see Best, *War and Law Since 1945*, 236f.

54 See ICRC Library Geneva/XXIIe conférence de la Croix Rouge, Teheran 1973, “Rapport de la commission du droit international humanitaire”, 9f.: “[...] équilibre délicat entre les exigences de l’humanité et les impératifs afférents à la sécurité de l’État [...] il fallait choisir entre une définition étroite du conflit armé non international, assortie d’une réglementation très complète et une définition large du conflit, assortie d’une réglementation plus modeste et ne posant que des règles générales de protection. Alors que certains délégués exprimaient le vœu de préciser l’article premier du projet de Protocole II [...], d’autres, au contraire, se sont prononcés en faveur d’un article premier simplifié qui disposerait, en substance, que les dispositions du Protocole doivent s’appliquer à tous les conflits armés non internationaux mettant aux prises, d’une part, des forces gouvernementales et, d’autre part, des forces militaires régulières ou irrégulières, et auxquelles l’article 2 commun aux Conventions de Genève n’est pas applicable.”

55 Marc Frey, “Das Scheitern des ‘begrenzten Krieges’. Vietnamkrieg und Indochinakonflikt”, in *Zeithistorische Forschungen/Studies in Contemporary History* 2 (2005), 17–34; François Bugnion, *Le Comité international de la Croix-Rouge et la protection des victimes de guerre* (Geneva 2000), 453.

56 See Dinkel, *Die Bewegung Bündnisfreier Staaten*, 180.

were not able to impose their position directly. Their claim of extending Humanitarian Law to colonial and post-colonial conflicts only materialised in the Additional Protocol to the Geneva Conventions of 1977.⁵⁷ Yet, the link made by the North Vietnamese delegate also resounds in the claims of postcolonial researchers and contemporary activists who reject the notion of humanity as racist and exclusive and would like to replace it with other concepts.⁵⁸

One can see that the reference to humanity within the Movement was marked by efforts both to split and unite the organisation. The elevation of humanity as a principle and the differentiation between humanity and politics only partly clarified this process.

5. Humanity in the Geneva Conventions

The historical context described in the last chapter was also decisive for the Red Cross Movement's understanding of humanity in the discussions around the four Geneva Conventions of 1949, which renewed and extended the earlier version of 1929. Through its participation in the diplomatic conferences, which adopt the text of the Conventions, the Red Cross Movement, with the ICRC as the protector of this kind of law, was and is deeply linked to this set of International Humanitarian Law.⁵⁹ This is also obvious through a document that enables a comparison of the text of the Geneva Conventions of 1929, the Movement's proposition to the Red Cross Conference of 1949, the decisions at this conference, and finally the text of the Conventions of 1949. By analysing the text of the Convention and its preparatory and post-processing documents, we can see that there was both a narrowing and a broadening of the concept of humanity. Besides, we can observe that in 1949 the Red Cross Movement could only partly enforce its views.

In the four Geneva Conventions themselves, humanity is referred to in three principal ways: first in the sense of humanitarian (either humanitarian principles, humanitarian activities and humanitarian organisations such as

57 See Best, *War and Law Since 1945*, 74. Yet Best is also very critical as to the real scope and applicability of these provisions.

58 These alternative concepts might be alterity or cosmopolitanism. See the discussions in Feldman/Ticktin, "Government and Humanity", 10f.

59 For a historical perspective on the ICRC's involvement with the Geneva Conventions see Forsythe, *The Humanitarians*, 242–278; Jennifer Johnson, *The Battle for Algeria. Sovereignty, Health Care, and Humanitarianism* (Philadelphia 2015), 126–156; Klose, *Human Rights in the Shadow of Colonial Violence*. For a more general study of the Geneva Conventions see Mark Lewis, *The Birth of the New Justice. The Internationalization of Crime and Punishment 1919–1950* (Oxford 2014), 229–273; Andrew Clapham et al. (ed.), *The 1949 Geneva Conventions. A Commentary* (Oxford 2015).

the Red Cross; the two latter fields of words occurred the most frequently), second in the sense of (in-)humane treatment of people (prisoners, soldiers, civilians), and third in the sense of mankind (though this usage was less frequent).

To begin with the first one: concerning humanitarian organisations, the Red Cross Movement tried to maintain its position as *the* central agency, but had to accept that it was often only named as an example of an impartial humanitarian body, though this still implied a privileged position.⁶⁰ The outstanding position of the ICRC⁶¹ within the Movement can be detected when comparing the suggestions the organisation gave concerning the text of the Conventions of 1949: many of the propositions were followed and thus presented at the diplomatic conference of 1949.⁶²

A clear effort to narrow the definition of humanity can be found in the reference to humane or inhumane treatment. In the preparatory documents for the diplomatic conference of 1949, different governments and organisations, like the Finnish government or the International Labour Organization (ILO), had insisted on the integration of these terms.⁶³ In the final Conventions, this concern has been respected with an effort to define more clearly

60 A position against the privileged position of the ICRC was represented by e.g. the Italian government. In its memorandum to the Diplomatic Conference 1949, the Italian government, “in order not to prevent other impartial bodies from exercising their humanitarian activities for the benefit of prisoners of war”, suggested a change of art. 7 of the convention concerning prisoners of war which should henceforth speak of “the Red Cross or any other impartial humanitarian body”. See ICRC Library, Collection des documents préparatoires de la Conférence diplomatique pour l’élaboration de conventions internationales destinées à protéger les victimes de la guerre, 1949, Memorandum of the government of Italy. In the Geneva Conventions of 1949 this expression found wide application and thus both reduced and highlighted the pivotal position of the ICRC.

61 See for example art. 9, common to all four Conventions (art. 10 in the 4th Convention): “The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief.” Another example would be art. 3, § 2, equally common to all four Conventions: “The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict [...]”

62 For example, concerning the first Convention, five out of eight propositions of the ICRC were realised. Art. 22, for instance, contained a new passage of the “humanitarian activities” by the ICRC.

63 See ICRC Library, Collection des documents préparatoires de la Conférence diplomatique pour l’élaboration de conventions internationales destinées à protéger les victimes de la guerre, Memorandum of the government of Finland: the Finnish government proposed to replace the notion of “ill-treatment” in the Convention for Civilian Persons in times of War, art. 13, § 2, by the notion of “inhuman treatment”. In its memorandum in the same collection, the ILO pointed out that in 1929 already, it had insisted on making working conditions during war times “as humane as possible”. Other NGO’s and IO’s statements are not reported here, but probably also expressed their opinion, given the intensive relationship between the ICRC and other international bodies. See therefore for example François Bugnion, “Le Comité international

what humane treatment means. Most prominent in this context is Article 3, also called the “convention in miniature”⁶⁴ because of its far-reaching scope and because it is common to all four Conventions of 1949:⁶⁵

Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed “hors de combat” by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

While Article 2 of the Geneva Convention of 1929 only spoke about “humane treatment”,⁶⁶ the version of 1949 at least tries to be more specific. The same efforts can be seen in articles like article 130 of the Third Convention on Prisoners of War, which prohibits

[...] inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.⁶⁷

Nonetheless, vague references to humanity remained within the Conventions, e.g. Article 108 in the Third Convention, which speaks of “requirements of health and humanity”. This is also true for the terms used in the field of Humanitarian Law and its blurred boundaries with humanity as a principle represented by the Red Cross. Indeed, there is a certain variety of expressions that may sometimes refer to International Humanitarian Law, sometimes to basic principles. This becomes more complex when comparing French and English versions of the preamble. In the suggestions by the Red Cross for the diplomatic conference of 1949 the French version of the preamble speaks about “droit humain”.⁶⁸ The Conventions of 1949 did not integrate a preamble,

de la Croix-Rouge et les Nations-Unies de 1945 à nos jours: oppositions, complémentarités et partenariats”, in *Relations internationales* 152:4 (2012), 3–16.

64 J.H.W. Verzijl, *International Law in Historical Perspective*, vol. IX, Alphen aan den Rijn 1978, 127.

65 The first convention concerned armies in the field, the second armies in the sea, the third prisoners of war and the fourth civilians.

66 Geneva Conventions 1929, art. 2: “Prisoners of war [...] shall at all times be humanely treated and protected, particularly against acts of violence, from insults and from public curiosity. Measures of reprisal against them are forbidden.”

67 Geneva Conventions 1949, art. 130. This quotation provides an interesting link to the understanding of humanity in biological or technical terms, as highlighted by Feldman/Ticktin, “Government and Humanity”, 16–19.

68 ICRC Library Geneva, “Document de travail établi en vue de la Conférence diplomatique pour l’élaboration de conventions internationales destinées à protéger les victimes de la guerre,

but so did their additional protocols from 1977: in its English version there was a reference to “human rights” which in French would rather be “droits de l’homme” than “droit humain”.⁶⁹ It seems that this shift of words could be linked to the growing influence of the Universal Declarations of Human Rights in 1948.⁷⁰

After its adoption, the new Geneva Conventions were immediately confronted with its practical application in a postcolonial setting and particularly challenged by the violent wars of decolonisation, which they had not anticipated, contrary to other normative texts like the UN charter.⁷¹ This materialised for example when, after the capture and killing of Egyptian policemen by the British army in Ismailia near the Suez Canal in 1952,⁷² the Egyptian Red Crescent referred to these laws to criticise British behaviour in the Suez Canal zone.⁷³ In a similar manner, in the following years, the Arab Red Crescent societies used the Red Cross conferences to condemn Israeli conduct towards Palestine as a violation both of the Geneva Conventions⁷⁴ and of the UN Human Rights Charter.⁷⁵ This once again makes it clear that belonging to the same Movement and supporting the globalisation of its scope did not prevent the branches from criticising and contesting each other by making use of their common legal basis.

6. Conclusion

This analysis has shown that, although the notion of humanity fulfilled distinct functions on the three levels of practices, structures and norms, these levels also interacted: the principle of humanity also had a normative function,

convoquée le 21 avril 1949 à Genève par le conseil fédéral suisse, *Projet de convention pour la protection des personnes civiles en temps de guerre*, Préambule, 3.

69 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, Preamble: “[...] ‘Recalling’ furthermore that international instruments relating to human rights offer a basic protection to the human person [...]”.

70 See Forsythe, “On Contested Concepts”; Gerd Oberleitner, *Human Rights in Armed Conflict. Law, Practice, Policy* (Cambridge 2015), 46–51; Best, *War and Law Since 1945*, 72.

71 Johnson, *The Battle for Algeria*, 198; Klose, “The Colonial Testing Ground”.

72 For this incident see Thomas, *Fight or Flight*, 168.

73 ACICR, B AG 121 065–002: Généralités 19.02.1951–26.02.1953, letter from Gaillard to the ICRC, Cairo/8.5.1952.

74 See e.g. the discussions throughout the Fifth Regional Conference of Arab Red Cross and Red Crescent societies in Amman in April 1973. Archives of the Federation of Red Cross and Red Crescent Societies/Geneva, A 0768-1.

75 See Ministry of Justice Riyadh (ed.), *Conferences of Riyad, Paris, Vatican City, Geneva, and Strasbourg on Moslem Doctrine and Human Rights in Islam Between Saudi Canonists and Eminent European Jurists and Intellectuals*, Riyad 1975, Part One: Conference of Riyad on Muslim Doctrine and Human Rights in Islam, March 1972, 65.

the quest for cooperation and solidarity was also important for the structural and normative levels. Moreover, the narrowing of the definition of humanity as a principle of the Red Cross Movement in practice did not prevent its extension in normative texts like the Geneva Conventions or in practices and discourses like statements at conferences. That is why humanity was indeed a polemical concept for the Red Cross and Red Crescent Movement: it was used intentionally, it caused and represented divergent opinions, which were grounded in political opinions, and finally, it is difficult to define, similar to other normative texts on Humanitarian Law like the Marten's clause.⁷⁶ It thus helped to globalise the Movement, but also provoked contestation and made it difficult for the Movement's members to find a common language.

Indeed, the ICRC's attempt to strengthen its global applicability, for example with regard to the seven Red Cross principles, as well as its insistence on the apolitical understanding of humanity was contested by other national societies: they strengthened their political comprehension of the principle of humanity and integrated it into their political struggles, in particular the emancipation from colonial power, as the Indonesian example has shown. Yet, one has to further differentiate, because throughout the debates there was not only and not always a distinction between Western and Non-Western national societies, but also according to political camps, in particular the two opposing sides in the the Cold War. Political as well as cultural sensibilities thus played a central role.

In this context, it seems important to come back to the question of the compatibility between Humanitarian Law and other Non-Christian or Non-Western cultures mentioned before. The aforementioned Jean Pictet, in a speech given in 1961, mentioned Non-Christian predecessors of Humanitarian Law like Saladin during the Crusades.⁷⁷ While this point of view was shared by some Muslim scholars of the time, others insisted on the incompatibility of Islam and Humanitarian Law.⁷⁸ The debate continues until this day, including the discussions on compatibility between Islam and Human Rights, referred to earlier in this chapter as a topic closely related to humanity.⁷⁹ In

76 See the chapter by Kerstin von Lingen, "Fulfilling the Martens Clause: Debating 'Crimes Against Humanity', 1899–1945", in this volume.

77 Jean Pictet, "Le droit de la guerre", in *International Review of the Red Cross* 43:513 (1961), 417–425, on p. 419.

78 See the diverging positions between, for instance, Christopher Weeramantry, pleading for a compatibility between Islam and Western Humanitarian Law, and Majid Khadduri, stressing also the particular context of the Islamic law. Christopher Weeramantry, *Islamic Jurisprudence* (New York 1988); Khadduri, *The Islamic Law of Nations. Shabānī's Siyar* (Baltimore 1966).

79 See for example the rather critical position of Ann Elizabeth Mayer, *Islam and Human Rights* (Boulder, CO 2007), 42. For the close though tense connection between Human Rights and Humanitarian Law see Bronwyn Leebaw, "Justice, Charity, or Alibi? Humanitarianism, Human Rights and 'Humanity Law'", in *Humanity* 5:2 (2014), 261–276, on p. 261f.

order to resolve this dilemma, a look at historical actors' understanding of humanity in practice and in discourses might help: It shows that there was no difficulty in accepting humanity as such, even as a principle of the Red Cross and Red Crescent Movement. The difficulty in accepting universal values lies in their legitimation. Indeed, one should be wary of jumping to hasty conclusions from historical to current legal frameworks, but instead carefully analyse historical genealogies.⁸⁰ Moreover, as legal scholar Abdullah an-Na'im has argued,⁸¹ any attempt at universalisation should yield to the acceptance of diverse cultural and religious motivations.

80 The Islamic Studies scholar Erwin Gräf has already suggested this in the 1960s, cf. Erwin Gräf, "Religiöse und rechtliche Vorstellungen über Kriegsgefangene in Islam und Christentum", in *Die Welt des Islams* 3:8 (1963), 89–139.

81 Abdullah Ahmad An-Na'im, "Islam and Human Rights", in John Witte (ed.), *Religion and Human Rights. An Introduction* (Oxford 2012), 56–70.

PART IV:
CHARITY, PHILANTHROPY, AND SOLIDARITY

Joachim Berger

“Une œuvre internationale d’un caractère humanitaire”

The Appeal to Humanity in International Masonic Relations

It is not surprising that Freemasonry¹ as a type of association that grew rapidly in the century of the Enlightenment and whose language and activity was centered on the perfectibility of man should have adopted *the* “central virtue of the Enlightenment” as its ideal.² More astonishing are the duration of and variety in the use of the word “humanity”, both in the overall spectrum of the various national umbrella associations and within the context of individual activities.

The European masonic movements reflect the broader trends in the history of the development of the concept of humanity.³ The three principal meanings of humanity, the ontological (human nature), the ethical (humanity as sympathy and kindness towards fellow human beings) and the universal (the totality of mankind, “*le genre humain*”) influenced each other and overlapped in the general usage of the term. Also in the case of freemasons, humanity could relate to asymmetrical relationships – such as that between the affluent and civilised on the one hand and those in need of assistance and education on the other – or to symmetrical relationships, that is, to the community of all humans as equal beings, a concept which evoked sympathy and solidarity.⁴

The way in which the ubiquitous term “humanity” was employed by the European masonic movements is reminiscent of the function of an empty signifier as defined by Ernesto Laclau: a universal term intended to remove all internal differences within a system “if the signifiers empty themselves of their attachment to particular signifieds and assume the role of representing

1 Note on capitalisation: I speak of “Freemasonry” when referring to the institution, its general organisational features and ideology, whereas the terms “freemasonry” resp. “freemasonries” denote national or regional branches with their peculiar shapes and characteristics (French, German, Latin, Christian etc. freemasonries).

2 Hans Erich Bödeker, “Menschheit, Humanität, Humanismus”, in Otto Brunner et al. (ed.), *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, vol. 3 (Stuttgart 1982), 1063–1128, on p. 1076.

3 Cf. *ibid.*; Eilert Herms, “Humanität”, in Gerhard Müller (ed.), *Theologische Realenzyklopädie* (Berlin 1986), 661–682; Henri Duranton, “Humanité”, in Rolf Reichardt/Hans-Jürgen Lüsebrink (ed.), *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680–1820*, vol. 19 (Munich 2000), 9–51.

4 Cf. Thomas Zippert, “Humanität (Menschlichkeit). I. Dogmatisch. II. Ethisch”, in Hans Dieter Betz et al. (ed.), *Religion in Geschichte und Gegenwart* (Tübingen 1998–2005), vol. 3, 1947f.

the pure being of the system – or, rather, the system as pure Being”.⁵ In the following, I will try to show that while the appeal to humanity at the international level was intended to erase, conceal or bridge differences, it nonetheless made these differences conspicuous when attempts were made to derive universally valid recommendations for action from the ideal. In particular, the social-ethical standard of (brotherly and neighbourly) love as the expression of “true humanity” was directed into different fields of activity by the various masonic umbrella organisations. Consequently, masonic speech in the name of humanity developed into a field of negotiation between religious, ideological, social-political and national differences.⁶ In this chapter, this problem area is investigated for the example of masonic internationalism, which I understand as the interplay of bi- and multilateral relations with transnational movements and organisations. Therefore, I will analyse various national contexts with their individual linguistic variations in the appeal to humanity. Then I will delineate the contested fields of action with regard to international solidarity before discussing the effects of the appeal at the international level from the last third of the nineteenth century until the inter-war period.

1. Love – Charity – Solidarity: National Variations of the Appeal to Humanity

Two fundamental features of Freemasonry as an initiatory fraternity promoted talk about humanity: first, the method of the gradual ethical perfectibility of the individual, and second, “brotherly love” as a special form of love for one’s neighbour. During initiation, a freemason took an oath to love and support his fellow lodge members as “brethren”.⁷ From this love, which was viewed as emerging from and also redeeming humanity, norms for dealings with fellow humans and for social action were derived. The justifications and target groups of this action throughout Europe were as variable as the use of the term “humanity” generally.⁸ “Practical” humanity

5 Ernesto Laclau, *Emancipation(s)* (London 1996), 39.

6 Ilana Feldman/Miriam Ticktin, “Government and Humanity”, in id. (ed.), *In the Name of Humanity. The Government of Threat and Care* (Durham, NC 2010), 1–26, on p. 3.

7 Cf. August Wolfstieg (ed.), *Bibliographie der freimaurerischen Literatur*, vols 1–4 (Leipzig 1911–1926), vol. 2: no. 22166–22311, vol. 4: no. 7000–7069.

8 See the *tour d’horizon* in Abigail Green, “Humanitarianism in Nineteenth-Century Context: Religious, Gendered, National”, in *Historical Journal* 57 (2014), 1157–1175, esp. 1160, 1169; Lynn Festa, “Humanity Without Feathers”, in *Humanity* 1:1 (2010), 3–27, <http://humanityjournal.org/issue-1/humanity-without-feathers/>.

encompassed relief for fellow masons in need and their families, aid and assistance to underprivileged groups in the service of social reform as well as solidarity with all forces in society that fought for peace, freedom (of conscience) and justice. The following comparison of three national forms of appropriation of humanity relates the semantic loading of the concept in masonic dictionaries and encyclopaedias to the norms propagated in the rituals and the (discursive) practice in the national umbrella organisations.

Until well into the twentieth century, among the German-speaking freemasonries an understanding of humanity was prevalent which they attributed to the sometime mason Johann Gottfried Herder: anyone who improves the material circumstances of humans, for instance through charity, promotes humanity (*Humanität*) – as do those who elevate human morality through the “studium humanitatis”. Both of these aspects were taken up by German freemasons, albeit with varying emphases. Of all the German-language reference works, the *Allgemeines Handbuch der Freimaurerei* (published from 1865 to 1867) was the first to define the ideal of perfectibility referred to by the term “humanity”.⁹ According to this work, humanity referred to “the essence of human nature and simultaneously the pinnacle and goal to which all humanistic education must aspire”. This intellectual and aesthetic education (*geistige Bildung*) were the “dignity of humanity” upon which “human rights” were based – primarily “freedom of thought and conscience”. “Humanity thus consists firstly of human education and secondly of fraternity with humans or in general philanthropy [...]. This pure goodwill then leads to good works, to sympathy towards all those in need.”¹⁰ The revised

9 The entry “Humanität” is missing in Friedrich Mossdorf (ed.), *Encyclopädie der Freimaurerei, nebst Nachrichten über die damit in wirklicher oder vorgeblicher Beziehung stehenden geheimen Verbindungen, in alphabetischer Ordnung, von C.L. Lenning [sic]*, vols 1–3 (Leipzig 1822–1828); for Gädicke see below, footnote 20.

10 “[Humanität] bezeichnet das Wesen der menschlichen Natur und zugleich den Höhe- und Zielpunkt, nach dem alle Menschenbildung zu streben hat. [...] Sie besteht] zuerst in der Entwicklung geistiger Bildung, in der Erkenntniss und Liebe des Wahren und Schönen, in der Erlernung und Betreibung der Wissenschaften und Künste. Diese edlere Menschenbildung wird auch als der Adel und die Würde der Menschheit bezeichnet [...]. Auf diese Menschenwürde gründen sich die Menschenrechte, und die beiden ersten und ursprünglichen Rechte des Menschen sind: seine Vernunft und seine Freiheit zu gebrauchen, d.i. Gedanken- und Gewissensfreiheit. [...] Die Humanität besteht also erstens in Menschenbildung und zweitens in Menschenfreundlichkeit oder in allgemeiner Menschenliebe (Philanthropie), d.i. in freundlicher, liebevoller Theilnahme, in reinem Wohlwollen gegen jeden Menschen, so fremd oder fremdartig auch derselbe sein möge. [...] Dieses reine Wohlwollen führt sodann zum Wohlthun, zum Erbarmen gegen jeden Nothleidenden.”, cf. Hermann Th. Schletter/Moritz Alex. Zille (ed.), *Allgemeines Handbuch der Freimaurerei. Zweite, völlig umgearbeitete Auflage von Lenning’s Encyclopädie der Freimaurerei* (Leipzig 1863–1867), vol. 2, 3–5.

edition of the *Allgemeines Handbuch* published in 1900 summarises this chain of thought tautologically as follows: “Freemasonry should assist the humanisation of the person by developing his capabilities and encouraging true h[umanity].”¹¹

In both editions, “*Humanität*” is only ostensibly defined in a secular way, as the entries for “Love” and “Brotherly Love” are presented from the perspective of the relationship between God and man. Love was introduced in 1865 as one of the three theological virtues (faith, hope, and love [which in English is “charity”]) and as the third stave of Jacob’s Ladder. Only through love could we “attain true humanistic education and philanthropy, that we attain true human dignity [...]”.¹² The entry for “Brotherly Love” describes a chain of argumentation that was very prevalent in German freemasonries: God is love, and love is also “moral perfection”. Love is described as raising man up to God, teaching man to recognise God and to become more like him. “The masonic confederation of love was after all founded for the sake of the love of mankind (humanity) generally, and brotherly love is just the means of practicing the former.” According to the entry, love for fellow humans could overcome all differences, so that humanity would resemble “a great family of God”.¹³ The argumentation comes full circle, returning to the entry for “*Humanität*”. This is defined as “a general love of fellow humans which rises above all separations and divisions between people”.¹⁴ The 1900 edition of the *Allgemeines Handbuch* from 1900 still retains this integrative interpretation

11 “Die Freimaurerei soll zur Humanisierung des Menschen durch Ausbildung seiner Anlagen und Anbildung wahrer H[umanität]. dienen.”, in Verein Deutscher Freimaurer (ed.), *Allgemeines Handbuch der Freimaurerei. Dritte, völlig umgearbeitete und mit den neuen wissenschaftlichen Forschungen in Einklang gebrachte Auflage von Lennings Encyclopädie der Freimaurerei*, vols 1f. (Leipzig 1900–1901), vol. 1, 466–468.

12 “Durch die Liebe erlangen wir wahre Menschenbildung und Menschenfreundlichkeit, erlangen wir die wahre Menschenwürde und befördern wir den Adel des Menschengeschlechts. Je liebender der Mensch ist, desto mehr spiegelt sich in ihm das Bild der Gottheit, desto mehr wird er Gott ähnlich.” Schletter/Zille (ed.), *Allgemeines Handbuch (1863–1867)*, vol. 2, 201–203, on p. 202.

13 Die “gemeinsame religiös-sittliche Ueberzeugung” der Freimaurer besteht darin, “dass sie Gott als die Liebe und diese Liebe zugleich als sittliche Vollendung erkennen und verehren. [...] Durch die Liebe werden die Menschen zu Gott erhoben, indem die Liebe sie lehrt, Gott zu erkennen, zugleich aber auch sie anleitet, Gott ähnlich zu werden. [...] Der Liebesbund der Freimaurerei ist ja um der allgemeinen Menschenliebe (Humanität) willen gestiftet, und die Bruderliebe ist nur das Mittel, um jene zu üben. [...] Die Freimaurerei [...] [lehrt], dass die Liebe in der gesammten Menschenwelt endlich alle Gegensätze überwinden [...] wird, damit die Menschheit einen allgemeinen Bruderbund, eine grosse Familie Gottes darstelle.” Schletter/Zille (ed.), *Allgemeines Handbuch (1863–1867)*, vol. 1, 140f.

14 “Die Humanität bezieht sich auf alle Menschen, ist allgemeine Menschenliebe, insofern sie sich über alle Trennungen und Spaltungen der Menschen erhebt.” Schletter/Zille (ed.), *Allgemeines Handbuch (1863–1867)*, vol. 2, 3–5, on p. 5.

of “*Humanität*” while noticeably toning down the cosmopolitan thrust of the older edition, which was published before the Franco-Prussian War of 1870/71.¹⁵

The ritual texts of the German Grand Lodges that described themselves as “humanitarian” or “humanistic” are directed towards the ethical self-education of the individual, which is described as providing a foundation for “the recognition of the moral ideas of pure human dignity, of true humanity, in all areas of human life”.¹⁶ The image of ritual construction work on the “temple of humanity”, the building blocks of which are the freemasons striving for their own perfection, connect the ontological and the ethical meanings of “*Humanität*”, which are prevalent in the reference works, with the universalist meaning referring to the human race as a whole.¹⁷ The rituals of the grand lodges of Prussia, which viewed themselves as “Christian”, do not feature the buzzword “*Humanität*”. The concept did not have an integrative effect within German masonries, but instead highlighted differences. These differences lay not in the understanding of ethical self-education and its expression in charitable actions towards others, which both predominant camps derived from a Christian concept of love of one’s neighbour (*Nächstenliebe*).¹⁸ Rather, the “humanitarian” lodges gained this epithet by admitting members of other monotheistic religions, primarily Jews. In the aftermath of the First World War, the “Christian” lodges used the general lack of enthusiasm for universalistic buzzwords to accuse the “humanitarian” lodges of lacking patriotism.¹⁹

The English-language dictionaries provide little new information on the concept of humanity. Oliver’s *A dictionary of symbolical Masonry* (1855) adopts the tautological definition of the term from Gädicke’s

15 Verein Deutscher Freimaurer (ed.), *Allgemeines Handbuch (1900/1901)*, vol. 1, 466–468, 615–617.

16 “Die Freimaurerbrüderschaft ist eine über den ganzen Erdboden, über alle Völker und Stände verbreitete, durch das Band treuer, männlicher Freundschaft geeinigte Vereinigung, deren gemeinsames, unablässiges Streben dahin geht, den sittlichen Ideen der rein menschlichen Würde, der wahren Humanität, in allen Kreisen des menschlichen Lebens Anerkennung zu schaffen [...]” Ritual des Eklektischen Freimaurerbundes. Revidiert und genehmigt von der Grossen Mutterloge des Eklektischen Freimaurerbundes in Frankfurt am Main und den eklektischen Bundeslogen im Jahr 1871 (Frankfurt/M. 1872), 41. Frankfurt/M. Loge “Zur Einigkeit”, Archiv (unfiled).

17 Cf. Klaus-Jürgen Grün, “Humanität”, in Helmut Reinalter (ed.), *Handbuch der freimaurerischen Grundbegriffe* (Innsbruck 2002), 57–61.

18 Cf. Joachim Berger, “‘une institution cosmopolite’? Rituelle Grenzziehungen im freimaurerischen Internationalismus um 1900”, in Bernhard Gißibl/Isabella Löhr (ed.), *Bessere Welten. Kosmopolitismus in den Geschichtswissenschaften* (Frankfurt/M., New York, forthcoming).

19 Cf. Wolfstieg (ed.), *Bibliographie*, vol. 2: no. 34610–34670. See Stefan-Ludwig Hoffmann, *Die Politik der Geselligkeit. Freimaurerlogen in der deutschen Bürgergesellschaft 1840–1918* (Göttingen 2000), 314–317.

Freimaurer-Lexicon of 1818, which describes it as a fundamental concern of every freemason. The British edition of Mackey's *American A Lexicon of Freemasonry* does not contain an entry for the term at all.²⁰ The dimension of humanity is of course implied in the corresponding terms contained in the two triads of English freemasonry. The first triad contains the three principles of "Brotherly Love, Relief, and Truth". These principles are reflected in the institutions established to improve the material and moral state of the "human race". The "philanthropic tendency of masonry" manifests itself in the practice of assistance ("relief") and in "Brotherly Love", which bind the freemasons together like a family in an indissoluble bond of fraternal affection. These two behavioural standards realise the most important of the three theological virtues, which comes at the end of the second triad "Faith, Hope, and Charity" (1 Corinthians 13:1–2), "Charity" being another name for "that universal love of the human race". The freemason does not limit the "sentiments of benevolence" to relatives or friends, but "extending them throughout the globe, he will love and cherish all who sit beneath the broad canopy of our universal lodge".²¹ Both triads are introduced in the initiation ritual of the English lodges; he who is "in Charity with all men" can find his way up the staves of Jacob's Ladder into the kingdom of heaven. The rituals do not make reference to "humanity" either, speaking instead of "mankind" or, like the reference works, "the human race".²² The latter term refers to the totality of humans, without having the ontological and the ethical dimension of the German term "*Humanität*". The discursive practice in England follows the normative texts. In the proceedings of the English Grand Lodge, the term "humanity" is rarely used for the purposes of mobilisation.²³

20 George Oliver, *A Dictionary of Symbolical Masonry: Including the Royal Arch Degree; According to the System Prescribed by the Grand Lodge and Supreme Grand Chapter of England. Compiled, From the Best Masonic Authorities* (New York 1855), 134, adopted from Johann Christian Gädicke (ed.), *Freimaurer-Lexicon, nach vieljähriger Erfahrungen und den besten Hilfsmitteln ausgearbeitet* (Berlin 1818), 262; Albert Gallatin Mackey/Donald Campbell, *A Lexicon of Freemasonry: Containing a Definition of all its Communicable Terms, Notices of its History, Traditions and Antiquities and an Account of all the Rites and Mysteries of the Ancient World*, 1st English ed., reprinted from the 5th American ed. (London 1860).

21 Mackey/Campbell, *Lexicon*, 42, 54, 286f., 349.

22 *The Perfect Ceremonies of Craft Masonry According to the Most Approved Forms as Taught in the Unions Emulation Lodge of Improvement for M[aster]. M[ason]'s. Freemasons' Hall* (London 1871), 51, 68, 122.

23 This observation is based on the entries concerning international relations in the Proceedings of the United Grand Lodge of England from 1869 to 1933 (see below, footnote 38). In the period 1813–1938, the term "humanity" occurs in 94 of the 652 documents of the Proceedings (usually pertaining to the quarterly meetings of the United Grand Lodge). I am indebted to Martin Cherry, The Library and Museum of Freemasonry (Freemasons' Hall, London), for providing me with these figures. – On benevolence as aspect of Masonic ideology cf. Jessica

These differences from German-language usage became apparent when the leadership of the Prussian grand lodges visited London in June 1912. The visit was part of the efforts of the English leadership to overcome their “splendid isolation”, as the English Pro Grand Master Lord Ampthill put it. He asked the German freemasons for their “powerful assistance [...] in our endeavours to promote the true and highest aims in Freemasonry [...]. They are summed up in your one word ‘Humanity’, for which we have unfortunately no equivalent expression”. Was this a paradox? No – the Germanophile Ampthill gave his speech in German; the quote comes from a translation. Ampthill felt his English brothers lacked the “German methods of thought”, an ethical and intellectual self-reflection, which he believed could free English freemasonry from its self-absorption and open it to the social challenges of the present. As “citizens of the world” he argued, freemasons were obliged “to join the immense common task of social reform”. Class hatred must be counteracted and the divide between rich and poor closed.²⁴ The officials of the Prussian grand lodges inspected various sites including the Royal Masonic Institution for Boys in Bushey, one of the largest charitable institutions of the United Grand Lodge of England. They described the institution as a manifestation of the Grand Lodge’s generosity “in the service of *practical* Humanity”, as the Prussians subsequently translated their German-language report for their English counterparts, thereby indirectly confirming Ampthill’s perception of a multi-layered German concept of humanity.²⁵

Masonic charitable activity in Germany and Great Britain differed first in scale, being much larger in Britain, and second in the discussions on how to approach the social question, which were conducted much more intensively in the German lodges.²⁶ However, the aims were similar. In both countries, the charity of the lodges was primarily directed towards providing for lodge members and their relatives, particularly in the form of assistance for the elderly, which harked back to the traditions of the pre-modern guilds and confraternities. Additionally, the English lodges in particular supported “profane” institutions such as hospitals. This form of “benevolence” was viewed as a means of stimulating the economy, promoting prosperity and

Harland-Jacobs, *Builders of Empire. Freemasons and British Imperialism, 1717–1927* (Chapel Hill, NC 2007), 69–72, quote on p. 370.

24 Address of The Most Worshipful The Rt. Hon. Lord Ampthill, G.C.S.I., G.C.I.E., Pro Grand Master [print 1912, 3 pp., no pag.]. United Grand Lodge of England, The Library and Museum of Freemasonry, Freemasons’ Hall, London (hereafter: UGLE, FHL), Country Files, Germany, G.L. of The Three Globes.

25 Official Report of the Three Old Prussian Grand Masters On the Proceedings and Results of their Visit to the “Grand Lodge of England” from 18–22 June, 1912, n.D. [Berlin 1912, print, 6 pp. – italics by the author], on p. 3. UGLE, FHL, Country files, Germany, G.L. of The Three Globes.

26 Cf. Wolfstieg (ed.), *Bibliographie*, vol. 2: no. 27972–28088, vol. 4: no. 8051–8123.

avoiding social conflicts. In this way, masonic “benevolence” had at least an implicit social-political dimension.²⁷ Pro Grand Master Ampthill wanted to make this dimension explicit, and to expand the scope and in particular the discussion about it.

In France, as in Italy, no masonic dictionaries or encyclopaedias were produced in the nineteenth and early twentieth centuries; the dictionaries that were published shortly after 1800 and in 1921 did not deal with abstract concepts, but only with concrete objects, rituals and symbols.²⁸ In the ritual texts and the constitution of the Grand Orient de France, the largest French umbrella organisation, the philanthropic side of French freemasonry, which corresponds to the practice of solidarity, is complemented by its philosophical character, which is reflected in the search for truth and the study of morality. Philanthropy and philosophy were connected by the tendency towards progress: Freemasonry aimed at the intellectual, moral and material improvement and perfection of humanity. This concept of progress turns the Enlightenment aim of perfectibility from the individual to mankind as a whole. Freemasonry ought to expand the fraternal bonds between freemasons to “all members of humanity”.²⁹ From the 1880s, the emphasis shifted to the extent that the practice of solidarity, which was thought of in a collective sense, replaced the practice of benevolence (*bienfaisance*), which can also refer to individuals. The Grand Orient connected “*humanité*” in the sense of the totality of mankind with a perfectibilist perspective on the nature of man. The ethical meaning of “*humanité*” (humanness, love for one’s fellow humans) is not invoked in these official documents, as the Grand Orient rejected “dogmatic” prescriptions and thus all “metaphysical” or transcendent justifications of philanthropy and solidarity.³⁰

27 Cf. Paul Calderwood, *Freemasonry and the Press in the Twentieth Century. A National Newspaper Study of England and Wales* (Farnham 2013), 228–235.

28 [Jean-Louis Laurens,] *Vocabulaire des francs-maçons, suivi des Constitutions générales de l’Ordre de la Franche-Maçonnerie, d’une Invocation Maçonnique à Dieu, et de quelques pièces de Poésie inédites* (Paris 1805, ND Paris 1980); [Quentin, Charles-François-Nicolas,] *Dictionnaire maçonnique, ou Recueil d’esquisses de toutes les parties de l’édifice connu sous le nom de maçonnerie* (Paris 1825); [Robert-Charles Yves-Plessis,] *Petit memento maçonnique, rédigé en forme de dictionnaire à l’usage des Loges du Grand Orient* (Paris 1921).

29 “La Franc-Maçonnerie, institution essentiellement philanthropique, philosophique et progressive, a pour objet la recherche de la vérité: l’étude de la morale et la pratique de la solidarité; elle travaille à l’amélioration matérielle et morale, au perfectionnement intellectuel et social de l’humanité. [...] La Franc-Maçonnerie a pour devoir d’étendre à tous les membres de l’humanité les liens fraternels qui unissent les francs-maçons sur toute la surface du globe.”; cf. Grand Orient De France, *Cahiers des grades symboliques: Installation d’Atelier – Inauguration de Temple – Banquet – Pompe funèbre* (Paris 1887), 7 (hereafter: *Rituel Amiable*).

30 *Rituel Amiable*, 7; Grand Orient De France, *Constitution, statuts et règlements généraux de l’Ordre maçonnique en France* (Paris 1875), 9, art. 1 (“l’exercice de la bienfaisance”).

In the discursive practice of the Grand Orient, the combative appeal to humanity was prominent, and under its banner French freemasons opposed the dominance of the Roman Catholic Church – in line with their general anti-clerical attitude – on the one hand, and injustice, inequality and the infringement of human rights on the other. Both of these directions in “humanitarian” commitment were reflected in *their* masonic triad – “*liberté, égalité, fraternité*”.³¹ As a “progressive” institution, French freemasonry propounded a comprehensive understanding of social reform “*dans le sens républicain et démocratique*”, which connected it with other reform movements, and which went much further than the more palliative “benevolence” and “charity” of the English and the Germans.³² In France, both the integrative application of the target category of “*humanité*”, which viewed all humans as being on the path of progress, and the excluding, dualistic variant continued to have an impact.³³ This dual nature, which emerged from the French late Enlightenment, was, I argue, not easily comprehensible to the representatives of other masonic bodies at international forums.

The Grande Oriente d’Italia, to mention it only briefly, sought to bring an understanding of “humanity” (*umanità*) into its international relationships that promoted solidarity between all freemasons worldwide. The Grande Oriente also called for this solidarity in order to bolster its claim that it united all of the masonic groupings in Italy under its umbrella. From the 1870s, the leadership of the Grande Oriente sought to transfer this impetus to international masonic relations. And it was in fact the Grande Oriente d’Italia that most frequently and consistently invoked solidarity between the masonic umbrella associations in Europe and throughout the world, while always portraying its interventions as impartial and motivated by pure human kindness.³⁴

31 Duranton, “Humanité”, 27–33.

32 Cf. e.g. *Bulletin du Grand Orient de France* (hereafter: *BullGODF*) 52 (1896/97), 10f. (Conseil, 1896-09-22). Grand Orient de France, Bibliothèque/Archives, Paris (Frankreich) (hereafter: GODF, Archives).

33 Cf. Duranton, “Humanité”, 40f.

34 See e.g. Processi Verbali delle sedute/dell adunanza/della Giunta (dell Consiglio dell’Ordine)/del governo dell’ordine/della Giunta Esecutiva del Grande Oriente d’Italia (1865–1925, manuscript, hereafter: GOI Processi Verbali) 2:1 (1865–1879), 1874-08-08, 1878-12-08. GOI Processi Verbali 2:2 (1879–1887), 1881-04-06. GOI Processi Verbali 1:1 vol. XXI (1896–1902), Bl. 227 (Giunta, 1901-11-28). Grande Oriente d’Italia (hereafter: GOI), Archivio Storico, Rome (Italy).

2. Contested Solidarity in International Masonic Relations

International solidarity was portrayed by mostly the French and Italian but also by the German and English freemasonries as a practical consequence of the masonic ideal of humanity. In the name of humanity, masonic umbrella organisations called for, first, vocal resistance to the enemies of progress and mankind/humanity, usually with an anticlerical thrust which was confined to the masonries of the so-called “Latin” countries; second, material assistance to the victims of famine and natural disasters, and of war and oppression, and third, support for social-political movements that campaigned for peace.

In the case of each of these points, four problem areas were contentious:

Objects: Which groups of people in need should be supported – should one concentrate on freemasons and their relatives? Or should one assist broader circles within society?³⁵ If so, then in the event of war, the question arose whether the lodges should exclusively assist wounded and captured soldiers or all individuals and groups in difficulty. A particularly contentious issue was whether people from the opposing side should receive assistance, or whether assistance in the name of humanity should be limited to soldiers and civilians (or even just the masons among them) on one’s own side.³⁶

Actors: Was it most appropriate for individual freemasons, their lodges and their umbrella organisations to provide assistance themselves, or should they assign this task to other civil society organisations or state institutions?

Scope: Should freemasons, before becoming involved in cross-border efforts, not dedicate their efforts primarily to helping the needy in their own area (through the local lodge) or in their own country (through the national umbrella association)?³⁷

35 See Michael Barnett/Janice Gross Stein, “Introduction”, in id. (ed.), *Sacred Aid. Faith and Humanitarianism* (New York 2012), 3–30, on pp. 18f.

36 For example, the Grand Orient de France appealed in 1870 for an “œuvre d’humanité” to help the victims of the Franco-Prussian War. However, the Frankfurt Grand Lodge rejected an international masonic collection for the benefit of all the captured and wounded combatants of both sides, stating that efforts should concentrate instead on assistance for fellow masons, though masons in Germany could of course assist captive and wounded French freemasons there – and vice versa. *BullGODF* 26 (1870), 345f. (Circulaire, 1870-08-08). *Protokoll der Großen Mutterloge des eklektischen Freimaurerbundes in Frankfurt a. M.* (Frankfurt/M. 1871), 1870-08-26. Loge “Zur Einigkeit”, Archiv, Bestand Große Mutterloge des eklektischen Freimaurerbunds zu Frankfurt/M., Frankfurt/M. (Germany), 5.1.9., no. 355.

37 See, for example, the international masonic appeal by the Grande Oriente d’Italia for assistance for the victims of the earthquakes in the Strait of Messina and in Calabria in 1909: *Rivista della massoneria italiana* 40 (1909), 118–122, 231; Fulvio Conti, *Storia della massoneria italiana. Dal Risorgimento al fascismo* (Bologna 2003), 47, 199; Geheimes Staatsarchiv Preußischer

Spheres of influence: If an umbrella organisation decided to get involved in cross-border assistance, should it work together with all the other masonic associations in doing so? In particular, the British and the French frequently opted to limit their efforts to their own masonic “empires”, that is, to the territories over which their own state had sovereignty.³⁸

In these problem areas, the umbrella organisations were presented with the challenge of setting priorities and defining loyalties that structured activities for the sake of and in the name of humanity – which were supposedly universal and not constrained by borders – in line with their own interests. Additionally, their own individual understanding of humanity determined the directions for action that they drew from the metaphor of the family of humanity. Freemasons were supposed to feel a graded sense of love and responsibility towards the members of this family in concentric circles, similar to closer and more distant degrees of kinship.³⁹

3. The Appeal to Humanity as a Transnational Tie?

Between 1855 and 1911, nine international congresses and conferences of the masonic umbrella organisations took place.⁴⁰ In 1921, this transnational movement was reconfigured by the founding of the Association maçonnique internationale (A.M.I.), which organised international gatherings of its member organisations as well. Of relevance to conceptual history is the fact that the proceedings of these international events were published in French, with the exception of the Rome congress of 1911. Contributions in other languages were translated into the *lingua franca* of masonic internationalism for publication. This had the effect of smoothing over connotations and semantic loading of the term “*humanité*” that were specific to individual languages.

I will preface the qualitative textual analysis with a quantitative overview of usage of the term “*humanité*” in the documentation of the fifteen congresses that occurred in 1855, between 1889 and 1910 and between 1921 and 1932. A search was performed on this body of documentation for the

Kulturbesitz, Berlin-Dahlem (hereafter: GStAPK), FM, 5.1.4. GNML 3WK, no. 7597, fol. 178, 186f.

38 See, for example, the collection of the Grand Orient de France for those affected by recent fires in Constantinople in 1879; *BullGODF* 26:5 (1870), 344 (Circulaire, 1870-06-25). Another example is the assistance of the United Grand Lodge of England to the victims of a famine in India in 1874. *Proceedings of the United Grand Lodge of Ancient Free and Accepted Masons of England*, Minutes of Grand Lodge (1869–1876), 64 (1874-06-03). UGLE, FHL BE.140.Uni.

39 On this metaphor cf. Duranton, “Humanité”, 17f.

40 Not included are the international conference of the Supreme Councils of the Ancient and Accepted Scottish Rite (Lausanne, 1875; Brussels, 1907; Washington, 1912; Lausanne, 1922; Paris, 1929).

term “*humanité*” and the hits were categorised on the basis of the three basic meanings and their hybrid forms of these.⁴¹ Three observations stand out: First, the universalist meaning of “*humanité*” as the totality of mankind is the dominant one, constituting almost half of all instances (46.5%), and this does not include alternative terms such as “*genre humain*”. Second, in over one quarter (26.7%) of the instances “*humanité*” (as the totality of mankind) was viewed from the perspective of the development of human nature or of the character of mankind which “*humanité*” meant the totality of mankind; this proportion of perfectibilist future prognoses rose significantly at the congresses during and after the First World War. Not surprisingly, the ontological meaning *without* normative content scarcely occurs at all (2.5%). Third, “*humanité*” has an ethical meaning (kindness, empathy, decency) *without* referring to the totality of mankind in at least one fifth of the instances of the term; no change over time was discernible in this regard. As is to be expected in the case of international congresses, these connotations document the spatially unbounded, universal, ethically loaded mission of a global fraternity, which seeks to extend its principles to the whole of humanity.

Charity was the most important field of activity in which freemasons could interact with the “profane” world, that is, society. Prior to the First World War, to try to organise this activity transnationally on a permanent basis would have gone beyond the contemporary imagination. This was also the case with cooperation between other civil society actors and even assistance provided by states, which continued to be thought of in nation-state contexts. It was because freemasons did not expect their ideal of humanity to imply transnational action that charity limited in scope to national or local contexts seemed suitable for building bridges between the various directions, which were gradually hardening into distinct camps. As the Grande Oriente d’Italia was planning an international congress for 1900 in Rome, in addition to the promotion of peace it suggested masonic “benevolence” as an integrative topic of discussion.⁴² Were the Italians correct in their estimation?

The first two international conferences in the “era of internationalism” in Paris (1889) and Antwerp (1894) approached the topic defensively by limiting discussion to the national contexts and to internal masonic affairs. At the Paris congress, which coincided with the Universal Exhibition of 1889,

41 By the use of the Voyant Tool “Keywords in Context” (<http://www.voyant-tools.org>). Notwithstanding the varying OCR-quality of the texts available (one of which, the *Conférence maçonnique internationale de 1910 à Bruxelles. Compte rendu des séances les 9, 10 et 11 septembre* (Brussels 1912)), could only partially be digitised), the 252 hits on “*humanité*” do represent the proportionate relation between the different meanings of the term.

42 Ernesto Nathan/ Ettore Ferrari (Grand Master & Grand Secretary of the GOI) to C. Roese (representative of the GOI at the Große National-Mutterloge “Zu den drei Weltkugeln”), Rome, 15.02.1899 (letter in German). GStAPK, FM, 5.1.4. GNML 3WK, no. 7597, fol. 90–95, on fol. 93.

the Grand Orient de France as host reported on the charitable activities of its lodges, which included support for laicised schools and similar laicised institutions. The speaker delivering the report called upon the other delegates to applaud the French “workers”, “who build up the steadfast temple of human morality and of universal fraternity”.⁴³ The Antwerp conference (1894) concentrated on the “regulation of international masonic beneficence”. Discussion focused on the issue of travelling freemasons who purported to be in need of assistance and who abused the right to visit lodges in other countries. The relationship between voluntariness and controllability in internal-masonic charity was discussed.⁴⁴ A freemason from Antwerp, who as a member of the “Anglo-Belge” lodge was a natural mediator with the English-speaking world, sought a middle path. He argued that “*charité*” and “*bienfaisance*” went hand in hand, that they were fruits of brotherly love that made the entire “human species” one family. For freemasons working in the “temple of humanity”, he argued, alleviating need was a “humanitarian humanitaire”. However, the virtue of “beneficence” could not be demanded, he concluded.⁴⁵ The “Große Mutterloge des Eklektischen Freimaurerbundes” (based in Frankfurt on the Main) put it more forthrightly in its written submission, stating that Freemasonry is not an “institution of beneficence”. While it shows charity towards freemasons out of brotherliness and towards “profanes” out of love for all members of “humanity” (“*humanité*”), the way in which charity was shown must remain at the discretion of individual freemasons, the submission argued. Lodges could of course support or establish institutions to assist the poor or to promote the expansion of the “culture of letters, sciences and arts” – the Frankfurt freemasons included educational work in the category of charity toward humanity. However, the submission argued, it would be impossible to establish binding rules for this, especially internationally binding ones.⁴⁶

This prepared the way for the expansion of discussions. The subsequent conference in The Hague (1896) touched upon broader social topics and discussed how Freemasonry could contribute to an “international task with a

43 Report on “l’histoire, les travaux, l’esprit et les aspirations des at. du G.O. de France”, *Congrès maç. international du centenaire 1789–1889 tenu les 16 et 17 juillet 1889 (E. V.) à l’O. de Paris. Compte rendu des séances du congrès et discours prononcés dans cette assemblée* (Paris 1889), 110–138, on p. 138 (“[...] qui construisent le temple définitif de la moralité humaine et de la fraternité universelle!”).

44 *Conférence maçonnique universelle d’Anvers du 21e au 24e jour du 5e mois 5894 (21 au 24 juillet 1894)* (Brussels 1894), 82f. (“Réglementation de la bienfaisance maçonnique internationale”).

45 *Ibid.*, (“*espèce humaine*”; “*temple de l’humanité*”, “*action humanitaire*”).

46 *Ibid.*, 85 (“*institution de bienfaisance*”; “*expansion de la culture des lettres, des sciences et des arts*”).

humanitarian character” such as the protection of orphans.⁴⁷ The care and education of children were closely connected with the issue of schooling, a central topic of the late nineteenth-century “culture wars”, i.e. the controversies between the state and the (Roman Catholic) Church.⁴⁸ A representative of the Grand Orient de France introduced laicistic suggestions; Belgian delegates stated that they had no scope for action on this issue as anyone in their country who wished to provide for orphans would have to send them to Catholic schools. The Dutch chairman of the conference recorded in conclusion that “international masonry” could not engage with this issue; instead, Freemasonry must exercise influence at the local level on the relevant associations dedicated to this matter. The second “humanitarian” topic on the agenda was also potentially divisive – how could Freemasonry intervene in the struggle between the social classes.⁴⁹ The Grand Orient de France quoted from its constitution: As Freemasonry aimed to improve the moral and material circumstances of “humanity” (“humanité”),⁵⁰ it must mediate in the struggle between the classes in order to deprive the (Roman Catholic) Church of this role. The unilateral “beneficence” and “charity” engaged in by capitalists was only intended to alleviate the consequences of exploitation, it continued. The Grand Orient de France called for business owners and workers to find a shared basis for sustainable social peace. The German freemason Hugo Lissauer, on the other hand, pointed to the German model of social insurance for workers, which according to him was initiated by the freemason Emperor Wilhelm I, and which could become the “deliverance of humanity”.⁵¹

The topic of social reform was not discussed in depth again until the international congress in Rome in 1911.⁵² Speaking on behalf of the Italian hosts, Giovanni Antonio Vanni rejected the charity of the Christian churches because it subordinates this life to the life to come, which can only be reached by sacrificing the human “self”. This doctrine, he continued, had resulted in the suppression and brutalisation of peoples, with charitable activity only occurring fleetingly. He argued further that this narrow understanding of “charity” (“*carità*”) comprised only individual acts, which were

47 *Conférence maçonnique universelle de La Haye. 25–28 juillet 1896* (La Haye 1897), 23–38 (“La part que la Maçonnerie pourrait prendre à une œuvre internationale d’un caractère humanitaire comme la protection des enfants abandonnés”).

48 See Christopher M. Clark/Wolfram Kaiser (ed.), *Culture Wars Secular-Catholic Conflict in Nineteenth-Century Europe* (Cambridge 2003).

49 *Conférence La Haye 1896*, 116–129 (“Comment la Maçonnerie pourrait-elle intervenir dans la lutte entre les classes sociales?”).

50 *Ibid.*, 119 (“l’amélioration morale et matérielle de l’humanité”).

51 *Ibid.*, 125 (“salut de l’humanité”).

52 *Congresso massonico internazionale a Roma. 50° anniversario della fondazione del Grande Oriente d’Italia. XX settembre 1911* (Rome 1913), 66–79 (“La pubblica beneficenza intesa come opera di solidarietà sociale diretta all’elevamento morale e materiale dei beneficiati”).

not seen as the social duty of everyone towards everyone for the good of the whole. Instead of Christian charity in this narrow sense, Vanni proposed the public provision of care on the basis of human solidarity.⁵³ This public relief (“*assistenza pubblica*”) would have to be both remedial and preventive in order to enable future generations to cooperate in the advancement of mankind – on the basis of the masonic triad (“*Libertà, Uguaglianza, Fraternità*”). Vanni developed these fundamental convictions into an anticlerical programme for a social order which would withdraw all resources for public care provision from church institutions and centralise provision in the hands of the state. Joseph Junck from Luxembourg sought to narrow down these broad social-political aims. Freemasonry should by all means advocate for all social groups in need, he argued. But these measures do not impinge on masonic beneficence (“*Beneficenza Massonica*”), which must remain spontaneous and discrete.⁵⁴

After differences between French and German freemasons had occurred in 1894 and 1896 with the Belgians and the Dutch trying to mediate, it was the Italians who in 1911 highlighted the dividing lines between themselves and the Prussians and Scandinavians, who were overtly Christian, and the English, who operated on a (mono)theistic and implicitly Christian basis. The latter freemasonries may have viewed the anticlerical motivations of the Grande Oriente d’Italia as completely understandable in the Italian context. However, attempts to derive from this a programme of social reform that rejected Christian charity based on the relationship between God and man were always going to be problematic for them; to invoke “human solidarity” (“*solidarietà umana*”) as a universalist norm with this anti-Christian undertone seemed to them divisive and exclusionary.

After the war, the Grand Lodge of New York took it upon itself for a number of years to build bridges. According to two of its internationalists in 1921, if Freemasonry were to present itself as a united global association, it could become a force for the preservation of peace and “for practical human service”.⁵⁵ Shortly before this, the New Yorkers had played a central role in the establishment of the “Association maçonnique internationale” in Geneva. Its “declaration of principles” included key formulations from the constitution of the Grand Orient de France – Freemasonry works for the material and moral improvement, as well as the intellectual and social perfection of humanity

53 Ibid., 67 (“una effimera esplicazione dell’azione caritativa”; “assistenza per dovere di solidarietà umana”).

54 Ibid., 68, 78 (“a concorrere al miglioramento del genere umano”; “nazionalizzazione della pubblica beneficenza, trasformata in pubblica assistenza”).

55 Arthur S. Tompkins (Deputy Grand Master) & Townsend Scudder to Robert H. Robinson (Grand Master Grand Lodge New York), New York 12.12.1921 (copy). UGLE, FHL, In Archives Store, AS BY 362/5 [location], Bundle “International Relations”.

(“*humanité*”). This aim was loaded with the values of tolerance, respect and freedom of conscience; the exercise of beneficence (“*bienfaisance*”) was described as assisting “social progress”.⁵⁶ The inclusion of these formulations suggested that the new association would be more activist and laicistic in character than the Americans and the Dutch had intended. Arguments quickly emerged regarding the direction of the association, including the issue of the religious foundations of Freemasonry. In this process, the unifying power of the appeal to humanity clearly decreased, and this appeal noticeably receded after the founding congress in 1921.

In contrast with the pre-war congresses, action in the name of humanity was no longer included as an explicit discussion topic in the forums of the A.M.I., which after 1924 were dominated by the issues of masonic “regularity” and “territoriality”. In view of the experiences of the pre-war period, topics that would have exposed the different understandings of masonic “external work”, and civil society engagement were evidently withdrawn. This applies in particular to questions concerning human rights. The introduction by a Spanish Grand Lodge of a protest resolution against the suppression of the anti-Soviet rebellion in Georgia at the A.M.I. convention in 1924 was a notable exception. The resolution described the fratricidal fighting as being unworthy of civilisation and of the peaceful era that was opening up to “humanity” (“*humanité*”).⁵⁷ Discussing human rights issues would have made existing differences more conspicuous, while the appeal to humanity would not have been capable of bridging these differences.

4. Conclusion

In the international forums, it was possible to achieve temporal unity between the national umbrella organisations if there was no attempt to proceed from normative positions to concrete recommendations for action. This applies both to internal masonic relations and to masonic activity in broader society. However, the appeal to humanity regularly demanded such recommendations for action and thus exposed those fundamental differences that the appeal originally was intended to bridge.

This dialectic became apparent first of all with regard to the relationship between masonic internal and external work. Speaking and acting in the name of humanity fluctuated between the development of the self and

56 “Déclaration de Principes. Texte adopté par le Congrès Maçonnique international de Genève, 19–23 octobre 1921”, in *Bulletin de l'Association maçonnique internationale* (hereafter: Bull.A.M.I.) 8:29 (1929), 21.

57 “Convent maçonnique international [Bruxelles, 25.–28.09.1924]”, in *Bull.A.M.I.* 3:12 (1924), 1–17, on p. 10.

internal masonic benevolence on the one hand and social activism in the form of philanthropy, solidarity and campaigning for human rights on the other. At times the appeal to humanity could conceal or bridge the divergent analyses of problems and proposed solutions for the charitable and social activity of freemasons. This in turn implied that charitable activities did not mobilise freemasons to the same extent that religious philanthropy mobilised international Judaism – and that they were not meant to mobilise them either.⁵⁸ At the international congresses before the First World War those “realistic” voices that confined masonic charity to voluntary actions of individual members or local lodges prevailed.

Second, the semantics of humanity shed light on the mutual dependence between the Christian-religious and secular-ethical bases for the commandment to love one’s neighbour. As the Christological basis of the concept of mankind/humanity receded from the early nineteenth century onwards, Christian freemasons in Germany used the term less and less. By 1900, they were distancing themselves from the ubiquitous appeal to the ideal of “*Humanität*”, which they disparaged as “humanity claptrap” (*Humanitätsduselei*). English freemasonry had always preferred the corresponding terms “charity”, “brotherly love”, “relief” and “benevolence”. In the case of the French, Italian and some German “humanitarian” masons, a tendency towards the secularisation of concepts of love for one’s neighbour can be observed. At the same time, humanity was sacralised again, as French freemasons in particular – drawing on Auguste Comte – propagated the idea of a “*religion de l’humanité*” which would level all social differences in an ethical way.⁵⁹

Finally, tracing the elusive concept of humanity and its implications on masonic practice may help to elucidate the aims of transnational cooperation and, more generally speaking, the logic of internationalism. The general observation that internationalisms were often based on “varying (and often exclusive) definitions of ‘mankind’ or ‘global society’”, “from which criteria for ‘humanitarian commitment’ were then derived”, which tended to have an exclusionary effect, also applies to Freemasonry.⁶⁰ Thus the initial assumption has been confirmed: The appeal to humanity released those

58 Cf. Abigail Green, “Old Networks, New Connections: The Emergence of the Jewish International”, in id./ Vincent Viaene (ed.), *Religious Internationals in the Modern World: Globalization and Faith Communities Since 1750* (Basingstoke 2012), 53–81, on pp. 64f.; Jean-Philippe Schreiber, “Les élites politiques juives et la franc-maçonnerie dans la France du XIXe siècle”, in *Archives juives* 43:2 (2010), 58–69.

59 Cf. Herms, “Humanität”, 670; Hans Joas, *Die Sakralität der Person. Eine neue Genealogie der Menschenrechte* (Berlin 2011), 87f.

60 Holger Nehring, “Internationale soziale Bewegungen”, in Jost Dülffer/Wilfried Loth (ed.), *Dimensionen internationaler Geschichte* (Munich 2012), 129–149, on p. 144, with reference to Jürgen Osterhammel, *Die Verwandlung der Welt. Eine Geschichte des 19. Jahrhunderts* (Munich 2009), 1173–1238.

positions with which the concept had been filled. Humanity thus appears as an empty signifier to the extent that humanity, as an authority to appeal to, stood for the normative system “Freemasonry” as a whole. Thereby diverging objectives could at least partially be placed into a common frame of reference, and the diverse umbrella organisations with their local lodges and individual members could adhere to the utopia of a universal brotherhood.

Katharina Stornig

Between Christian Solidarity and Human Solidarity

Humanity and the Mobilisation of Aid for Distant Children in Catholic Europe in the Long Nineteenth Century

In 1898, a Franciscan priest in Tunis sent a promotional leaflet to Rome for distribution.¹ By so doing, Father Leonardo Maria tried to generate funding for a new orphanage that Italian Franciscans had established in the city of Tunis, then part of French North Africa and focal point of Italian settlement in the Maghreb. Interestingly, Father Leonardo explicitly advertised the orphanage as not only a philanthropic and religious but also a humanitarian enterprise that contributed to the general “moral and civil well-being” in Italy.² Stating that Catholicism had produced a superior notion of charity, he moreover claimed that only the Catholic missions had always spread what he called “true civilisation” and “mutual love between humans” and thus fuelled the “civil and moral renewal of human society” at large.³ At first sight, the promotion of a Catholic charitable initiative by a Franciscan priest around 1900 as “humanitarian” sounds somewhat odd, because, in nineteenth-century Italy, the notion of humanity was prominently associated with nationalist activism and secular politics.⁴ However, this essay shows that Catholic philanthropists also employed the notion of humanity in their promotional campaigns. They particularly did so when aiming to expand charity towards children from domestic contexts to geographically distant settings in Africa and Asia. Attempting to mobilise support for children

1 See Leaflet, Fr. Leonardo Maria, Orfanotrofio Maschile S. Antonio di Padova in Tunisi, APF, N. S., vol. 152, 374f.

2 “It is not only a philanthropic, but a religious and humanitarian work that aims at nothing else but the moral and civil well-being of our compatriots, [...]”. (“È opera non solo filantropica, ma religiosa ed umanitaria che tende a null’altro se non al benessere morale e civile dei nostri connazionali, [...]”) Ibid., 375.

3 “[...] the sublime school of the Catholic missions, which alone had always brought about true civilisation and mutual love between humans[,] and therewith the instant and beneficent restoration, and civil and moral renewal of human society.” (“[...] la scuola sublime delle Missioni Cattoliche, le quali sole appunto hanno sempre apportato la vera civiltà e l’amore reciproco fra gli uomini e perciò di conseguente la restaurazione istantanea e benefica, e il risorgimento civile e morale della umana società.”) Ibid.

4 For instance, “Giovane Europa”, the secret society led by Giuseppe Mazzini since the 1830s, promoted its nationalist and republican goals under the catchwords of “freedom”, “equality” and “humanity” (“libertà”, “uguaglianza” and “umanità”). See Andrea Weibel, “Junges Europa”, in *Historisches Lexikon der Schweiz*, <http://www.hls-dhs-dss.ch/textes/d/D17237.php>.

who did not belong to their own religious, social or national group, Catholic philanthropists, going beyond an inner-confessional language and practice of solidarity,⁵ appealed to their readers' sense of human solidarity with distant children, whom they constructed as the most helpless, needy and innocent part of humankind.

This article discusses the promotional campaigns of three Catholic associations, the Holy Childhood Association, the Hilfsverein zur Unterstützung der armen Negerkinder (Aid Organisation for the Poor Negro Children) and the St. Petrus Claver Sodality, all of which were founded in the context of the burgeoning missionary movement in nineteenth-century Europe.⁶ While the associations studied here differed in terms of organisational form, size and focus, what they all shared was the aim of raising support for children in Asia and Africa, whom they construed as needy for religious, social and material reasons. They launched broad promotional campaigns and resorted to the massive use of cheap print in order to promote religious activism and to distribute particular narratives of need and relief. This article examines how the notion of humanity and its cognates featured in the narratives created and circulated by Catholic associations. In other words, it asks when and in which ways specific religious groups used and operationalised a language of humanity and what they aimed to achieve by doing so.⁷ Allowing for the key role of shared stories as vital resources of social movements, the essay approaches promotional narratives as an essential part of mobilising practices, and thus as texts that aimed both to create awareness (or even moral outrage) among readers and to elicit their active response.⁸ Although particular attention is

5 As has been shown, religion and particularly confession held ground as an important base for active solidarity in nineteenth-century central Europe. See Rupert Klieber, "Von der Mildtätigkeit zum sozialpolitischen Engagement. Konfessionelle Antworten auf die soziale Frage der Habsburgermonarchie 1848–1918", in Michaela Maurer/Bernhard Schneider (ed.), *Konfessionen in den west- und mitteleuropäischen Sozialsystemen im langen 19. Jahrhundert. Ein "edler Wettkampf der Barmherzigkeit"?* (Berlin 2013), 209–233.

6 This article is based on a range of published sources (i.e. promotional texts and reports) issued by Catholic associations as well as on research in the Archivio Storico di Propaganda Fide (APF), the historical archives of the Pontifical Association of the Holy Childhood (POSI) and the archives of the Archdioceses of Cologne (AEK). Translations from German and Italian sources are my own. I particularly thank Katharina Wolf, Esther Möller, Gregor Feindt, Fabian Klose, Mirjam Thulin, as well as all participants in the workshop for helpful suggestions and perceptive comments on earlier versions of this article.

7 For similar approaches to (political) claims with reference to "humanity", see Ilana Feldman/Miriam Ticktin (ed.), *In the Name of Humanity. The Government of Threat and Care* (Durham, NC 2010). The shifting meaning of humanity and human identity in various historical contexts since the enlightenment explores Joanna Bourke, *What It Means to Be Human: Historical Reflections From the 1800s to the Present* (Berkeley, CA 2013).

8 On mobilising narratives, see Janet Hart, "Cracking the Code: Narrative and Political Mobilization in the Greek Resistance", in *Social Science History* 16:4 (1992), 631–668. A more theoretical discussion provides Ronald N. Jacobs, "The Narrative Integration of Personal and

paid to the mobilising campaigns in German-speaking Europe, the following analysis, taking the fundamental transnational character of these associations and their religious networks into consideration, also includes texts in Italian, French and English.⁹

The article comprises four parts. It starts with a brief introduction to the historical beginnings of these associations, which relate to both the Christian endeavour to expand missionary work in Africa and Asia and the parallel growth of child-centred philanthropy and social activism in Europe. Particular attention is given to the peculiar program of saving far-off children, as several Christian associations developed and promoted it since the mid-nineteenth century. In its second section, the essay outlines a first key context in which the notion of humanity was employed in mobilising campaigns: as a reference to humankind. As such, it addressed both the explicit distinction made between humans and animals as well as the implications of this divide in terms of practical ethics. As will be shown, the promotional narratives not only emphasised the idea of shared humanity and human unity but also derived an ethical imperative with regard to far-off people from it. This article argues that humanity as humankind was particularly appealed to when authors strove to mobilise readers to actively expand philanthropic action from local contexts to Asia and Africa. In turn, the third section of the essay examines another context of use of humanity, which evolved around a normative vision of human being, acting and feeling in general, and attitudes towards children in particular. Contrary to humanity as humankind, which invariably stressed human sameness, references to normative visions of human being potentially also encouraged the differentiation from others who allegedly violated these norms of human behaviour.

1. Saving Children in Far-Off Lands

Several scholars have argued that the nineteenth century saw the emergence of a new type of child-saving activities in Europe and North America. Accordingly, it was during the 1830s and 1840s, that the new ideology of childhood, as it had emerged since the Enlightenment, started to influence philanthropic action. This implies that the concerns of activists gradually exceeded the “traditional” concerns of church and state for souls and labour,

Collective Identity in Social Movements”, in Melanie C. Green et al. (ed.), *Narrative Impact. Social and Cognitive Foundations* (New York 2002), 205–228.

9 An extended discussion of the emergence and expansion of Catholic internationalism at that time provides Vincent Viaene, “Nineteenth-Century Catholic Internationalism and its Predecessors”, in id./ Abigail Green (ed.), *Religious Internationals in the Modern World. Globalization and Faith Communities Since 1750* (New York 2012), 82–110.

respectively. In fact, philanthropic action towards children was increasingly inspired by new ideals and values assigned to childhood, which came to be understood as an innocent, vulnerable and formative stage in human life.¹⁰ In the nineteenth century, growing numbers of adults in Europe and North America agreed on the fact that children, as helpless and innocent human beings, needed and deserved special protection and guidance by adults and institutions.

This was also true for religious activists, who launched initiatives focusing on poor, orphaned, neglected or “endangered” children. In several countries, philanthropists set up orphanages, schools, kindergartens and *Rettungshäuser*, as well as combatting phenomena such as cruelty to children, abuse, infant mortality, juvenile delinquency and later child labour.¹¹ Significantly, most initiatives focused on children whose parents or families had already failed to provide their offspring with what child savers considered a protected and thus proper setting in which healthy children could be raised to become what they considered valuable members of society. However, while there is a rich historiography on the expansion of child saving in local and national contexts, we still know only little about the ways in which child-centred philanthropy was gradually universalised.¹² In the mid-nineteenth century, it was particularly religious activists, who, inspired by the renascent missionary movement, European imperialism and abolitionism, promoted the expansion of philanthropy to far-off children in geographically distant settings in Africa and Asia.

The largest and most important Catholic association in this context was the Holy Childhood Association, which was founded in France in 1843 by the Bishop of Nancy. Inspired by missionary reports about infanticide and child abandonment in China, Bishop Charles de Forbin-Janson promoted the saving of Chinese children through the contributions and prayers of European

10 See Hugh Cunningham, *Children & Childhood in Western Society Since 1500* (London 1995), 134f.

11 For instance, see Uwe Birnstein, *Der Erzieher. Wie Johann Hinrich Wichern Kinder und Kirche retten wollte* (Berlin 2008); Katherine S. Bullard, *Civilizing the Child. Discourses of Race, Nation, and Child Welfare in America* (Lanham, MD 2014); Richard Dickinson, *The Politics of Child Welfare From the Empire to the Federal Republic* (Cambridge, MA 1996), 1–34; Sabine Hering/Wolfgang Schröer (ed.), *Sorge um die Kinder. Beiträge zur Geschichte von Kindheit, Kindergarten und Kinderfürsorge* (Weinheim 2008); Ivan Jablonka, “Social Welfare in the Western World and the Rights of Children”, in Paula Fass (ed.), *The Routledge History of Childhood in the Western World* (London 2015), 380–399.

12 Historian Dominique Marshall has proposed linking the internationalisation of child saving to the history of colonial expansion since the early modern period. See Dominique Marshall, “International Child Saving”, in Paula Fass (ed.), *The Routledge History of Childhood in the Western World* (London 2015), 469–490.

Catholics in general and Catholic children in particular.¹³ Forbin-Janson successfully launched the idea that Catholic actors (i.e. missionaries) in China should collect abandoned children or purchase unwanted babies from their parents, baptise them and raise the surviving children in Catholic children's homes. All this was to be funded by European Catholics, who were invited to regularly give and pray for whom the association constructed as the needy and helpless children of China. What is important to us, the Holy Childhood Association was extremely successful from the start: Broadly supported by the clergy and laypersons, the donations rose enormously and the association soon expanded all over Catholic Europe and North America.¹⁴ In the German-speaking lands, it opened branches in, to give but a few examples, Mainz, Munich, Freiburg, Vienna, Salzburg and Aachen, which, in its capacity as a thriving centre of Catholic charity at that time,¹⁵ soon became its German headquarters.¹⁶ Altogether, the rapid expansion of the association was possible due to a range of factors, including, for instance, extensive travel on the part of its main protagonists, support from Rome and campaigns in the established Catholic media. In addition, publishing formed the most important means by which the Holy Childhood Association drummed up support. Its proponents in Germany translated key texts from France and issued charity appeals, leaflets, brochures, handbooks, books of sermons, reports etc. Ultimately, however, its expansion depended on the active participation of volunteers and the regular contributions provided by many. But how did it manage to mobilise the Catholic masses?

The Holy Childhood Association successfully introduced a particular narrative of distant suffering and relief to Catholic circles in Europe. According to numerous promotional texts issued all over Catholic Europe and beyond, "heathen" China was a setting marked by the extreme suffering of children,

13 On the transnational history of the Holy Childhood Association in France and Europe, see Henrietta Harrison, "'A Penny for the Little Chinese': The French Holy Childhood Association in China, 1843–1951", in *American Historical Review* 113:1 (2008), 72–92; Sophie Heywood, "Missionary Children: The French Holy Childhood Association in European Context, 1843–1914", in *European History Quarterly* 45:3 (2015), 446–466; Katharina Stornig, "'Armes Kindlein in der Ferne – Wie machst du das Herz mir schwer!' Kindermissionsvereine und die religiösen Verflechtungen des Helfens in Deutschland, Europa und der Welt, 1843–1920", in *Themenportal Europäische Geschichte*, <http://www.europa.clio-online.de/2015/Article=741>.

14 For detailed information on the expansion of the Holy Childhood Association in terms of geography and fundraising, see Bernard Arens, *Die katholischen Missionsvereine. Darstellung ihres Werdens und Wirkens ihrer Satzungen und Vorrechte* (Freiburg im Breisgau 1922), 66–76.

15 Aachen as a thriving centre of Catholic charity around the middle of the nineteenth century is described by Relinde Meiwes, "Arbeiterinnen des Herrn". *Katholische Frauenkongregationen im 19. Jahrhundert* (Frankfurt/M. 2000), 28–30.

16 See Wilhelm Jansen, *Das Päpstliche Missionswerk der Kinder in Deutschland. Seine Entstehung und seine Geschichte bis 1945* (Mönchengladbach 1970), 23–36.

because cruel Chinese parents – out of poverty, superstition and/or barbarianism, or even on a whim – abandoned or even actively killed their children and particularly infants on a large scale, making them suffer a gruesome and non-Christian death.¹⁷ Attempting to induce a sense of solidarity with Chinese children, the authors primarily reminded their readers that Christ had died for “all humans without exception”.¹⁸ Besides, given the claimed inability or indifference of Chinese adults and institutions towards the suffering of boys and particularly girls, the Holy Childhood Association called upon European Catholics to step in and to come to the aid of these children, to whom it explicitly referred as the most “helpless part of mankind”.¹⁹

2. Narrative Functions of Humanity as Humankind

In the Holy Childhood Association, references to children as both the most helpless and valuable part of humankind can be found over a long period of time. As the author of a German publication emphasised in 1845, God wants “the salvation of all humans and particularly of childhood”.²⁰ In this context, the association established a historical narrative according to which Christianity constituted the most important spiritual and social force protecting children worldwide. It claimed that one of the largest benefits that Christianity had brought to humankind was the defence of childhood. Contrary to “heathen” societies, in which fathers supposedly enjoyed absolute power over the life and death of children, the incarnation of Christ in the body of a child had introduced dignity to childhood.²¹ To quote the same text from 1845: “Already at the nativity[,] His humanity sanctified infancy and

17 Similar passages were endlessly repeated in French publications and translated into other languages. For instance, see Leaflet, *Œuvre de la Sainte-Enfance ou association des enfants chrétiens, pour le rachat des enfants infidèles en Chine, et dans les autres pays idolâtres*, POSI Série A Règlements et statuts – Généralités, 3 Documentation sur l'Œuvre.

18 “But my dear children, Christ wants to save these [the heathen] children as well; because he died for all humans without exception.” (“Doch meine lieben Kinder, Christus will auch diese selig machen; denn er ist für alle Menschen ohne Ausnahme gestorben.”) Winand Hubert Meunier, *Das Werk der heil. Kindheit. Eine Sammlung von geistlichen Vorträgen über und für den Kindheitsverein* (Cologne 1908), 14.

19 *Institution of the Holy Childhood for the Redemption of the Children of Infidels* (Montreal 1860), original publication held by Bibliothèque nationale du Québec, https://archive.org/details/cihm_94187, 3.

20 (“[...] das Heil aller Menschen und besonders der Kindheit [...]”). Der Verein der Heiligen Kindheit (ed.), *Der Verein der Heiligen Kindheit. Geschichte seines Entstehens, seines Wachstums und gegenwärtigen Bestandes* (Mainz 1845), 17.

21 Id. (ed.), *Der Verein der Heiligen Kindheit. Kurze Darstellung seiner Entstehung und seines Zweckes, nebst Berichten über seine Wirksamkeit bis zum Jahre 1851* (Aachen 1852), 9f.

spread the reflection of His glory over childhood [...].”²² With this in mind, the Holy Childhood Association powerfully claimed that this dignified and special status of childhood was to be respected universally. It ascribed special spiritual power to the prayers of children and invited particularly the young to participate in its child saving venture.²³ Some German authors even spoke of the “inalienable rights” of childhood, meaning the universal restriction of paternal (or adult) power over children by divine commandments.²⁴ What all texts shared was the fact that authors largely ignored the existence of social phenomena such as child abandonment or infanticide in Christian Europe but rather located them in what they constructed as “heathen” parts of the globe. Similarly, they failed to report on both a well-established tradition of philanthropy in China and the fundamental criticism of practices like child abandonment, infanticide and the marketing of children on the part of the Chinese elites.²⁵ Instead, the Holy Childhood Association reproduced the view that China in particular, according to a German text from 1845, “stands out painfully” in “carelessness and barbarity against childhood”.²⁶ Thus, when the Holy Childhood campaigned against infanticide as “shame and scourge of humankind”,²⁷ it simultaneously presented Christianity and Christianisation as the only effective way to introduce change.

22 (“Schon bei der Geburt des Heilands heiligte seine Menschheit das Kindesalter und verbreitete über die Kindheit einen Abglanz seiner eigenen Herrlichkeit, [...]”) Id. (ed.), *Der Verein der Heiligen Kindheit. Geschichte seines Entstehens*, 7.

23 Officially speaking, children under the age of twelve constituted the main target group of the association. However, many of the promotional texts actually addressed adults (i.e. parents, teachers, priests), and some letters of activists in Aachen suggest that the German branch was mostly funded by adults. See Letter of Sr. Alysia Vossen to Sainte Enfance Paris, 6 June 1998, POSI Série E Lettres des Directeurs nationaux, 3 Allemagne.

24 Several authors cited well-known bible passages mentioning children (such as, for instance, Mt 18,5 and Mt 19,14), and derived adult responsibilities and rights for children from that: “Such teachings and examples present to the world the dignity of childhood and not only restored its inalienable rights [...]” (“Solche Lehren und Beispiele zeigten der Welt die Würde der Kindheit und gaben ihr nicht nur ihre unveräußerlichen Rechte zurück [...]”) *Der Verein der Heiligen Kindheit* (ed.), *Der Verein der Heiligen Kindheit. Geschichte seines Entstehens*, 7.

25 See Harrison, “A Penny for the Little Chinese”, 85; Caroline Reeves, “Developing the Humanitarian Image in Late Nineteenth- and Early Twentieth-Century China”, in Heide Fehrenbach/ Davide Rodogno (ed.), *Humanitarian Photography. A History* (New York 2015), 115–139, on pp. 118f.

26 “Especially it is China, which stands out painfully in its carelessness and barbarity against childhood”. (“Besonders ist es China, das sich durch seine Sorglosigkeit und Barbarei gegen die Kindheit auf eine schmerzliche Weise auszeichnet.”) *Ibid.*, 8. Almost identical phrases also featured in other texts published by the association in Germany. For instance, shifting the focus from the human state of childhood to children, another book stated: “It is China in particular that stands out sadly in its barbarity against the children”. (“Besonders ist es China, welches sich durch seine Barbarei gegen die Kinder auf eine betrübliche Weise auszeichnet.”) *Der Verein der Heiligen Kindheit* (ed.), *Der Verein der Heiligen Kindheit. Kurze Darstellung*, 10.

27 “[...] Schmach und Geißel der Menschheit [...]”). *Der Verein der Heiligen Kindheit* (ed.), *Der Verein der Heiligen Kindheit. Geschichte seines Entstehens*, 26.

References to humanity as humankind were even more frequent in the publications of another Catholic association, the so-called Hilfsverein zur Unterstützung der armen Negerkinder. The Hilfsverein was founded in 1852 in Cologne by clerics and laymen with the goal to save African child slaves. More particularly, the Hilfsverein promoted the ransoming, upbringing and education of child slaves from north-east Africa, who were seen as powerful agents in the future Christianisation of the continent.²⁸ Practically speaking, it launched campaigns and collected funds for individual Italian priests who engaged in the ransoming of child slaves in the vast territory that had become the Catholic Vicariate Apostolic “Africa Centrale” in 1846. During the 1850s, priests like the Genovese Nicolò Olivieri regularly visited slave markets in Egypt in order to ransom Sudanese or Ethiopian child slaves and to bring them to Europe, where the surviving children were to be brought up in Catholic institutions in Italy, France, Austria and southern Germany.²⁹ Other priests, in turn, such as the famous missionary to Sudan and later bishop of Khartoum, Daniele Comboni, promoted the freeing of African child slaves and their subsequent education in Catholic children’s homes in Upper Egypt.³⁰ Importantly to this study, both priests were prominent figures in early Catholic activism against what they increasingly termed “African” slavery. Besides, the activities of both were to a considerable extent funded by the German Hilfsverein, which launched charity appeals and issued promotional reports on a regular basis.³¹ In its publications, the Hilfsverein not only cited, translated and printed the writings of Olivieri, Comboni and others, but also celebrated their supporters as “benefactor[s] of humankind”,³² “relentless fathers of the Negroes”,³³ “saviour[s] of so many Negro children”

28 In particular, it was the aspired roles of these children as missionaries to Africa that was strongly emphasised. For instance, see Letter of the Hilfsverein to Johannes von Geissel/archbishop of Cologne, 19 September 1859, AEK, Nachlass Geissel 169.

29 For a detailed discussion of Olivieri and his involvement with the Hilfsverein in Germany and Italy, respectively, see Ute Küppers-Braun, “P. Nicolò Olivieri und der (Los-)Kauf afrikanischer Sklavenkinder”, in *Schweizerische Zeitschrift für Religions- und Kulturgeschichte* 105 (2011), 141–166; Katharina Stornig, “Figli della Chiesa. Riscatti e globalizzazione del welfare cattolico (1840–1914)”, in *Genesis. Rivista della Società Italiana delle Storie* 14:1, 55–83.

30 On Comboni and his activities in Northeast Africa, see Gianpaolo Romanato, *Daniele Comboni 1831–1881. L’Africa degli esploratori e dei missionari* (Milan 1998).

31 For instance, in 1870, the leading committee of the Hilfsverein sent a charity appeal to 69 German Catholic journals in Europe and the United States. See “Vorbemerkung”, in *Jahresbericht des Vereines zur Unterstützung der armen Negerkinder* (1871), 1f.

32 (“[...] Wohlthäter der Menschheit [...]”). “Die erste schwarze Colonie Central Africas zu den Füßen Pius IX”, in *Jahresbericht des Vereines zur Unterstützung der armen Negerkinder* (1868), 40–66, on p. 43.

33 (“[...] die unermüdlichen Negerväter [...]”). “Jetzige Lage und fernere Entwicklung des Vereines”, in *Jahresbericht des Vereines zur Unterstützung armer Negerkinder* (1863), 1–9, on p. 9.

and admirable men due to their “zeal and love for humankind”.³⁴ Child slaves, in turn, depicted as poor, innocent and helpless, were consistently referred to as the “unhappiest of all humans”.³⁵

Interestingly, compared to China, which, by the mid-nineteenth century, already held a firm position in Catholic mission history and probably was familiar ground to many European believers, the inclusion of African child slaves in Catholic charity seems to have needed more persuasion. This is at least suggested by the fact that, throughout the 1850s, 1860s and 1870s, the Hilfsverein never stopped emphasising that Africans were part not only of God’s redemptive plan but also of the human community. For instance, the authors of the 1871 annual report, which was forced to record setbacks in fundraising due to the Franco-Prussian War and increased needs at home, cautioned against forgetting Africa in charitable giving by proclaiming: “We must always remember that [Africa] is the tenth part of humankind!”³⁶ Generally speaking, the Hilfsverein made great narrative efforts to instruct readers about the evils of slavery and the slave trade. In this context, it also strove to deconstruct powerful narratives, such as those related to Noah’s curse in the Old Testament, by which also Christian groups had legitimised the enslavement of Africans for centuries.³⁷ Overall, its authors never tired of emphasising that Christ, through his redemptive sacrifice, had re-established all of humanity in its original dignity.³⁸ Besides, the Hilfsverein pointed out the violence inherent to the institution of slavery and referred to its continued

34 For instance, a publication (1859) introduced Olivieri as follows: “Olivieri [...] is the name of this generous venerable old man, this truly apostolic man, this rare philanthropist, this important benefactor and affectionate father, this savior of so many miserable Negro children, whose zeal and love for humankind is admired by many [...]”. (“Olivieri [...] ist der Name jenes hochherzigen ehrwürdigen Greises, dieses wahrhaft apostolischen Mannes, dieses seltenen Menschenfreundes, dieses großen Wohlthäters und liebreichen Vaters, dieses Erlösers so vieler elender Negerkinder, dessen Eifer und Liebe für die Menschheit viele Mitlebende anstauen, [...]”). “Olivieri, die Neger und die Sklavenfrage”, in *Jahresbericht des Vereines zur Unterstützung der armen Negerkinder* (1859), 3–42, on p. 5.

35 (“[...] die unglücklichsten aller Menschen [...]”) Ibid., 5.

36 “Wir müssen immer daran denken, daß es der zehnte Theil des ganzen Menschengeschlechtes ist!”, see “Die Neger-Institute in Aegypten”, in *Jahresbericht des Vereines zur Unterstützung der armen Negerkinder* (1871), 21–63, on p. 59.

37 This theme is discussed in Stephen R. Haynes, *Noah’s Curse: The Biblical Justification of American Slavery* (Oxford 2002).

38 See “Bericht über die erste Expedition nach Africa, zum Zwecke kathol. Missionen, nach dem Plane Don. Comboni’s”, in *Jahresbericht des Vereines zur Unterstützung armer Negerkinder* (1868), 13f., on p. 13. In this context, some Catholic groups also referenced what many nineteenth century Europeans referred to as the low cultural state of African peoples. For instance, authors writing for the St. Petrus Claver Sodality, which raised funds for Catholic anti-slavery and missionary activity in Africa argued that not even the “culturally low-standing Negroes” (“die culturell tief stehenden Neger”) could be excluded from the Catholic “works of love” (“Liebeswerke”). See Karl Friedrich, *Die Aufgabe der katholischen Frauen im Missionswerke* (Salzburg 1910), 6.

existence explicitly as a “stain on humanity”.³⁹ Yet it is important to note that, while the publications from the 1850s still contained attacks on Christian slave holders in America, such references largely disappeared in later decades, and Catholic authors gradually turned slavery into not only an African but also a “Muslim” or an “Arab” problem.⁴⁰ This, in turn, must be interpreted in the historical context of the nineteenth century, which not only saw abolition but also witnessed the consolidation of a historical narrative, according to which “civilised and Christian Europeans” battled slavery among “barbarian Muslims”.⁴¹

However, there remains the question of how the Hilfsverein mobilised German Catholics to not only condemn slavery in theory but also support child slaves in practice? Significantly, it was particularly eyewitness reports from slave markets, which, depicting the suffering of human beings being brutally abused and treated like cattle, fulfilled important narrative functions. Often, certain attitudes to the (gendered) human body and indifference to human pain formed the core of what authors judged to be the inhuman treatment of Africans by slave traders or holders.⁴² For instance, in 1859, the Hilfsverein reported that in Central Africa, male and female slaves of all ages were “chased with a whip on markets”, where they were “bought, sold, treated [and] examined like pack animals or animals for slaughter”.⁴³ In addition, authors expressed particular concern for the bodies and souls of girl slaves, whom they feared would be sexually exploited and end up in harems.⁴⁴

39 (“[...] Schandfleck der Menschheit [...]”). “Biographische Skizzen über die schwarzen Lehrerinnen des ersten Etablissements zu Cairo in Aegypten”, in *Jahresbericht des Vereines zur Unterstützung der armen Negerkinder* (1869), 43–61, on p. 45.

40 For instance, see Alexander Halka, *Was geht das uns an? Gedanken und Erwägungen über das Werk der Antislaverei und die katholische Missionsthätigkeit in Afrika* (Salzburg 1892), 12. The anti-Muslim bias in late nineteenth-century Christian activism against slavery has stressed Daniel Laqua, “The Tensions of Internationalism: Transnational Anti-Slavery in the 1880s and 1890s”, in *The International History Review* 33:4 (2011), 705–726.

41 See Simone Priesching, *Von Menschenfängern und Menschenfischern. Sklaverei und Loskauf im Kirchenstaat des 16.–18. Jahrhunderts* (Hildesheim 2012), 1f.

42 The “new” sacredness of the human body since the late eighteenth century has been emphasised by Lynn Hunt, *Inventing Human Rights. A History* (London 2007), 82.

43 (“[...] mit der Peitsche auf die Märkte getrieben [...]”); (“[...] gekauft, verkauft, behandelt, untersucht [...] wie das Last- oder Schlachtthier.”). “Olivieri, die Neger und die Sklavenfrage”, 8f.

44 See Stornig, “Figli della Chiesa”, 65f. However, Catholic activists treated gender-based experiences of slavery largely as a moral issue and thus related sexual violence to what was seen as the sinfulness of extra-marital sexual relationships more generally. In fact, gender-based violence only became a humanitarian concern and human rights issue in the late twentieth century. See Miriam Ticktin, “The Gendered Human of Humanitarianism: Medicalising and Politicising Sexual Violence”, in *Gender & History* 23:2 (2011), 250–265, on pp. 251f.

These eyewitness reports gained persuasive power from the fact that the authors reflected on their own affective response, when experiencing such scenes. For instance, the same publication quoted Olivieri, who commented on his visit to the slave market in Cairo as follows: “My feeling rebels and the pen refuses to depict the brutal treatment that the poor prisoners have to endure; the ways in which sellers and buyers alike examine their bodies; some to advertise their value, others to prove it.”⁴⁵ The author concluded that Olivieri’s heart was “deeply moved” by this experience, and the Hilfsverein implicitly assumed that emotional turmoil was the only “proper” human way of responding to such scenes.⁴⁶ This is indeed significant, for also the later founder of the largest international Catholic fundraising organisation for Catholic anti-slavery activism and missionary activity in Africa, the Austrian countess Maria Theresia Ledóchowska, explained the triggering experience for her engagement in similar terms. According to a speech she gave at an antislavery congress held in Vienna in 1900, it was the “deep shock” she felt when reading eyewitness reports about “the evils of slavery, [and] the physical and moral hardship of the poor Negroes in Africa” that moved her to action.⁴⁷ In the late 1880s, Ledóchowska established the so-called St. Petrus Claver Sodality, which was to develop into a huge fundraising and publishing enterprise in the 1890s. Beside these efforts, Ledóchowska, still writing under the male pseudonym of Alexander Halka, published a booklet entitled “Was geht das uns an?” (“Why does this concern us?”), in which she argued that the existence of slavery concerned all people as (feeling) humans and as Christians.⁴⁸ In the late nineteenth and early twentieth century, Ledóchowska’s St. Petrus Claver Sodality issued promotional texts and literature not only in German, but also in Italian, French, English, Spanish, Polish, Czech, Slovenian and Hungarian.⁴⁹

45 “Es sträubt sich das Gefühl und es weigert sich die Feder, die brutale Behandlung zu schildern, welche dort die armen Gefangenen erdulden müssen, die Art und Weise, wie die Gelaba und ihre Käufer ihre Körper untersuchen, die einen, um ihren Werth anzupreisen, die andern, um ihn zu erproben.” “Olivieri, die Neger und die Sklavenfrage”, 8f.

46 Ibid., 9.

47 “The evils of slavery, the physical and moral misery of the poor Negroes in Africa, which I have read about, shocked my deeply”. (“Die Greuel der Sklaverei, das physische und moralische Elend der armen Neger Afrikas, wovon ich darin las, erschütterten mich von Grund aus.”) Maria Theresia Ledóchowska, *Die Antisklavereibewegung und die St. Petrus Claver Sodality. Ansprache der General-Leiterin der St. Petrus Claver-Sodality, Gräfin M. Theresia Ledóchowska. Gehalten in der III. Festversammlung des I. österr. Antislaverei-Congresses zu Wien am 22. November 1900* (Salzburg 1900), 3f.

48 Halka, *Was geht das uns an?*, 7 and 9.

49 A brief introduction to Ledóchowska’s enterprise can be found in Walter Sauer, “Schwarz-Gelb in Afrika. Habsburgermonarchie und koloniale Frage”, in id. (ed.), *k. u. k. kolonial. Habsburgermonarchie und europäische Herrschaft in Afrika* (Vienna 2002), 17–78, on pp. 76f.

Taken as a whole, Catholic anti-slavery narratives often culminated in direct addresses to readers, who were given the opportunity to actively change the lives of child slaves across large geographic distance by donating money and thus seeing to it that the children were ransomed and received “a new home, loving care and the blessing of Christian education” at Catholic institutions.⁵⁰ Needless to say, while this language of “loving care” indeed tells us something about contemporary Catholic visions of humane attitudes to children, it tells us next to nothing about the (often extremely bad) living conditions in those institutions.⁵¹

3. Humanity as a Normative Vision of Human Attitudes

As already indicated, the Hilfsverein, whether explicitly or not, characterised the actions and attitudes of slave traders and slavers as beyond the limits of the human(e). For instance, reporting on slave raids among children in Central Africa, a missionary spoke of “abysmal moral aberration” and the “abandoning of all humanity”.⁵² Here, the notion of humanity refers to a specific vision of the treatment humans in general and children in particular. Characterising slave traders as “cruel”, “tormentors” and “heartless egoists”, the authors suggested that there was something fundamentally wrong with these men, for they not only treated slaves and particularly child slaves in such a brutal and degrading way, but also lacked all proper “human” reactions (e.g. compassion) to human suffering. In addition, the reports raised doubts with regard to the roles of African parents, who, according to the texts, either failed to protect their children from slave raiders or even actively sold them into servitude. In turn, while the authors fiercely attacked adult Africans and/or Muslims in often generalising terms for being either actively involved with or indifferent towards slavery, they consistently referred to African child slaves as “unhappy human beings”⁵³ and “innocent victim[s] of covetous inhumanity”.⁵⁴

50 (“[...] eine neue Heimath, die liebevolle Pflege und den Segen einer christlichen Erziehung [...]”). “Olivieri, die Neger und die Sklavenfrage”, 10.

51 Some studies have pointed out the difficult living conditions and high death rates among the girls rescued by Olivieri. See Küppers-Braun, “P. Nicolò Olivieri”, 151–163; Walter Sauer, “‘Mohrenmädchen’ in Bludenz, 1855–1858”, in *Montfort* 46 (2003), 293–300. On the Holy Childhood Associations children’s homes in China, see Harrison, “‘A Penny for the Little Chinese’”, 89–91.

52 (“[...] entsetzliche moralische Verirrung, [...] Aufgeben aller Menschlichkeit [...]”). “Biographische Skizzen”, 43.

53 (“[...] unglückliche Menschen [...]”). “Olivieri, die Neger und die Sklavenfrage”, 7.

54 (“[...] unschuldige Opfer habstüchtiger Unmenschlichkeit [...]”). “Die erste Blüthe der schwarzen Colonie zu Cairo”, in *Jahresbericht des Vereines zur Unterstützung der armen Negerkinder* (1869), 4–20, on p. 13.

Significantly, the Holy Childhood Association employed a comparable narrative approach. Its promotional texts consistently qualified Chinese parents not only as “heathen” and “infidel” but also as “unnatural”⁵⁵, “cruel”⁵⁶, “heartless”⁵⁷, “barbarian”⁵⁸ and/or “inhuman” parents.⁵⁹ For instance, an advertising brochure distributed in North America in 1856 defined the goal of the association as rescuing Chinese children from “the unhappy lot to which the cruelty of their inhuman parents daily abandons them”.⁶⁰ Besides, the authors endlessly reproduced stories and alleged eyewitness reports in order to demonstrate what it explicitly or implicitly presented as the inhuman actions of Chinese fathers and particularly mothers. A booklet published in Montreal in 1860 apparently quoted a former China missionary saying that “he had frequently heard [Chinese parents] speak of murdering their children, with an indifference that made him shudder”.⁶¹ Another American publication (1861) described the goal of the association as the task of rescuing Chinese children from the “barbarity of their parents”.⁶²

An advertising brochure published in Vienna in 1855 even spoke of “heathen dehumanisation” in China.⁶³ Hence, these narratives, which were circulated well into the twentieth century,⁶⁴ show that the association’s claim to the basic unity of humankind did not necessarily require a vision and language of human equality. Rather, constructing “heathen” Chinese adults as substantially different from Europeans, some authors explicitly

55 Der Verein der Heiligen Kindheit (ed.), *Der Verein der Heiligen Kindheit. Geschichte seines Entstehens*, 5; id. (ed.), *Der Verein der Heiligen Kindheit. Kurze Darstellung*, 26; *Institution of the Holy Childhood for the Redemption of the Children of Infidels*, 5.

56 Edmund Hager, *Die Heilige Kindheit* (Salzburg 1874), 15.

57 Ibid.

58 Der Verein der Heiligen Kindheit (ed.), *Der Verein der Heiligen Kindheit* (Wien 1855), 42.

59 Id. (ed.), *Der Verein der Heiligen Kindheit. Kurze Darstellung*, 3. Often, descriptions of the claimed “inhumanity” of parents was phrased drastically with the goal to outrage and mobilise readers. A booklet from 1852 stated: “Inhuman parents sell their children, throw them out of their houses and lock the door to them, [the parents] throw the most little ones onto the streets among the refuse or drown them in a river: Fathers and mothers slaughter or suffocate their own children!” (“Unmenschliche Eltern verkaufen ihre Kinder, weisen sie aus ihrem Hause hinaus und verschließen ihnen die Thüre, werfen die kleinsten derselben auf die Straße in den Unrath oder ertränken sie in einem Flusse: Väter und Mütter schlachten oder ersticken ihre eigenen Kinder!”). Id. (ed.), *Der Verein der Heiligen Kindheit. Kurze Darstellung seines Entstehens und seines Zweckes, nebst Berichten über seine Wirksamkeit bis zum Jahre 1851* (Munich 1852), 3f.

60 *Institution of the Holy Childhood* (1856), original publication held by the Seminary of Quebec, https://archive.org/details/cihm_06605, 2.

61 *Institution of the Holy Childhood for the Redemption of the Children of Infidels*, 11.

62 *The Society of the Holy Childhood* (1861), original publication held by the University of Alberta, https://archive.org/details/cihm_64007, 14.

63 (“Diessen entsetzlichen Zügen heidnischer Entmenschung [...]”). Der Verein der Heiligen Kindheit (ed.), *Der Verein der Heiligen Kindheit*, 35.

64 See Franz Xaver Wetzel, *Das goldene Jubiläum des Kindheit-Jesu Vereins. Ein Büchlein für Kinder* (Freising 1893), 5–7.

discussed their relation to what they normatively conceptualised as human behaviour and attitudes. This was, for instance, the case in a theater play for children that the Italian branch of the association issued in 1890.⁶⁵ In the play, which had been performed in the North Italian town of Vicenza and was consequently distributed in order to attract Italian children to Catholic child saving, a group of girls discussed the fate of Chinese infants, untold thousands of whom, according to the Holy Childhood Association's narrative, were neglected, abandoned or murdered by their parents. Confronting these stories of parental indifference and brutality, and comparing them to animal social behaviour, one of the girls asked whether such parents were actually humans or not.⁶⁶ Even though the question was answered in the affirmative, the girl speaking referred to Chinese parents as "barbarians", "idolaters" and "non-Christians" who did not know "the true God", which is why they lived "like animals" and acted even "worse", for "animals do not do their children to death".⁶⁷

The authors of the Holy Childhood Association universalised a certain vision of treating children as the only humane (and civilised) way of dealing with the young. In doing so, they contributed to a discourse that took the treatment of childhood and the status of child welfare as yardsticks of civilisation.⁶⁸ Indeed, the Holy Childhood Association claimed that its goals were beyond critique even by secular or Protestant groups. Some authors promoted its endeavours explicitly as of general human concern. According to a booklet from 1855, Protestants and Muslims also contributed to the association by giving alms "on grounds of humanity".⁶⁹ Other texts claimed that the high aims of the association had actually produced cross-confessional cooperation. For instance, a Canadian booklet stated that in view of the suffering of Chinese children, "Protestants forgot wherein they differed from

65 See *Annali della Santa Infanzia* 221 (1890), 54f.

66 After listening to these descriptions, one girl exclaimed "Oh, barbarians! And are those parents humans?" ("Oh, barbarie! E sono uomini quei genitori?") *Ibid.*, 55.

67 "Yes, they are humans like us, sons of Adam; but they are barbarians, they are idolaters, they are not Christians. And for that they do not know God, for that they live like animals, and do worse things than animals, because the animals do not do their children to death." ("Sì, sono uomini come noi, figli esse pure d'Adamo; ma sono barbari, sono idolatri, non sono cristiani. E per questo non conoscono il vero Dio, o perciò vivono come le bestie, e fanno cose peggiori delle bestie, perché le bestie non fanno morire i loro figli.") *Ibid.*, 55.

68 For a discussion of this theme, see Jablonka, "Social Welfare in the Western World", 380.

69 ("[...] aus Menschlichkeit [...]"). Der Verein der Heiligen Kindheit (ed.), *Der Verein der Heiligen Kindheit*, 25. Another promotional text posed the following question to the readers: "Should it be possible that anybody steps in the way of this association obstructively, who, I do not want to say is a Christian [or] a Catholic, but who has a feeling heart in his body?" ("Soll es also wohl möglich sein, daß jemand, ich will gar nicht sagen, der ein Christ, ein Katholik ist, sondern nur der ein menschlich fühlendes Herz in seinem Leibe trägt, diesem Werk hinderlich in den Weg trete?") Hager, *Die Heilige Kindheit*, 14.

Catholics, and had not scruple in associating with us in a cause which was that of humanity.”⁷⁰ Similarly, already the first promotional booklet published in German in 1845 claimed that, given its “pure and selfless” objectives, hardly anybody could remain indifferent to the aims of the association and, certainly, “nobody could appear as its enemy”.⁷¹ The author explained this statement by pointing to a broad consensus on the importance and moral force of child saving, by asking his readers rhetorically: “Who would dare [...] to withhold an arm that was already lifted in order to save a child from dying, to turn back a hand that would have opened him heaven [...]?”⁷² And the text continued, likewise appealing to the affective dimension of what was presented as an issue of general human concern: “Rather, let us hope that all noble and feeling hearts, that all men’s hearts, which are of Christian spirit, and all mothers’ hearts, which are inspired by faith and love, always turn to our work.”⁷³

As this passage shows, women and particularly mothers constituted the association’s major target audience. Universalising contemporary Western ideals of parent-child relationships and related values (such as parental and maternal love) as both natural and human, the authors accentuated both the universal needs of innocent children and the otherness of Chinese mothers. In a German booklet published on the occasion of the fiftieth anniversary of the Holy Childhood Association in 1893, we read that child abandonment was a “national custom” in China, from which followed that “heartless mothers” were “not at all distressed” when deserting their new-borns.⁷⁴

Hence, although it must be noted that, towards the end of the century, the reports of the association gradually acknowledged alternative (social) explanations for child neglect (such as famines or conditions of extreme poverty), its promotional booklets nonetheless maintained this long-standing mobilising narrative, according to which it was mainly a lack of maternal attitudes and sentiments that gave rise to such practices in non-Christian settings. This is indeed significant, for it suggests that it was precisely around this highly sentimental notion of gendered parenthood that collective narratives of distant child saving intersected with the personal lives (and stories) of ordinary

70 *Institution of the Holy Childhood for the Redemption of the Children of Infidels*, 16.

71 (“[...] Niemand als Feind gegen es auftreten wird”). Der Verein der Heiligen Kindheit (ed.), *Der Verein der Heiligen Kindheit. Geschichte seines Entstehens*, 20f.

72 (“Wer dürfte es auch wagen [...] einen Arm zurückzuhalten, der sich schon erhoben hatte, um ein Kind dem Tode zu entreißen, eine Hand abzuwenden, die ihm den Himmel eröffnet haben würde [...]?”) *Ibid.*, 21.

73 (“Wir wollen vielmehr hoffen, daß alle edlen und fühlenden Herzen, daß alle Männerherzen, die eine christliche Gesinnung hegen und alle Mutterherzen, die von Glaube und Liebe beseelt sind, sich stets unserem Werke zuwenden werden.”) *Ibid.*, 21.

74 Wetzel, *Das goldene Jubiläum*, 7.

Catholics in Europe.⁷⁵ The promotional texts not only appealed to gendered notions of parenting and maternal care as part of (female) human nature, but also reproduced myriad stories of Catholic women all over Europe and North America who, “deeply affected at such narratives, would see at once that this was a means of re-placing these unnatural parents”.⁷⁶

However, eventually it must be added that all associations understood and presented human ways of being and treating others as something that should and could be learned through Catholic education. This is why many authors balanced their reports about the inhuman attitudes of distant adults with extremely positive accounts of the life paths of the children saved. The Hilfsverein not only reminded its readers that “all nations and every single human being” were called to become “children of God”,⁷⁷ but also emphasised the need to raise free and educated Africans, who were seen as key agents in the aspired Christianisation of the continent, which, in turn, would eventually cause abolition.⁷⁸ It printed biographical accounts of the lives of saved children, and praised their transformation into pious Catholics. Similarly, the Holy Childhood Association not only highlighted the collaboration of indigenous Catholics in collecting and caring for abandoned children, but also referred to the key roles that the saved children were to play in the future of their country. Besides, it always pointed to the great (spiritual) merits of active charity for European Catholicism and claimed that membership in the association especially improved young Catholics, by, for instance, inspiring “beautiful sentiments” and “edifying dispositions” in their minds.⁷⁹ The St. Petrus-Claver Sodality argued on similar terms. While it stressed the agency of native converts in the evangelisation of Africa on the one hand, it pointed to the healing qualities of doing good and the revitalisation of religious life in Europe through active charity on the other. For instance, a booklet printed in 1892 proclaimed: “Through Africa, Europe itself, sick Europe, will recover and become truly Christian.”⁸⁰ Hence, by promoting the saving of non-Christian people in distant lands, these associations not only

75 Jacobs has argued that collective narratives work best when matched with personal ones. See Jacobs, “The Narrative Integration”, 208.

76 *Institution of the Holy Childhood for the Redemption of the Children of Infidels*, 16.

77 “He, who had announced true human freedom, by calling all nations and every single human being to become children of God, [...]”. (“Er, der die wahre Freiheit des Menschen verkündigte, indem er alle Nationen und jedes einzelne Wesen zur Kindschaft Gottes berufen hat, [...]”). “Biographische Skizzen”, 47.

78 Most prominently, this idea formed the core of Comboni’s “Plan for the regeneration of Africa” (“Piano per la rigenerazione dell’Africa”), which foresaw that “Africa” was to be converted by native missionaries. See Dorothea McEwan, *A Catholic Sudan – Dream, Mission, Reality* (Rome 1987), 86–88.

79 *Institution of the Holy Childhood*, 3.

80 (“Durch Afrika wird Europa selbst, das kranke Europa, echt christlich und gesund.”) Halka, *Was geht das uns an?*, 26.

strove to introduce religious change at home but also to achieve what they perceived to be the moral and civil improvement of society at large. And it was precisely by this understanding of the relationship between humanity and Christianity as an organic connection, by which the Catholic authors, partly citing anti-liberal Catholic journals such as the Jesuit *Civiltà Cattolica*, distinguished themselves vehemently from secular humanitarians and what they rejected as an “empty human philosophy” and “enemy of the cross of Christ”.⁸¹ Without doubts, most of the authors quoted in this article shared Ledóchowska’s claim, according to which a “humanitarian basis” and “mere philanthropy” alone did not suffice to end slavery, for it was only religiously grounded philanthropy that, rooted in the love of God, would give rise to selfless deeds in the long run.⁸²

4. Conclusion

In nineteenth-century Europe, Catholic child saving was expanded to distant children in Africa and Asia. Its ideas and practices relied on powerful notions of the rescue and care of fellow humans that had emerged in religious and secular historical contexts. As we have seen, in order to mobilise the Catholic public, Catholic associations established and circulated collective narratives in which the notion of humanity functioned in two principal ways.

First, it took the meaning of humankind. This was particularly the case in narratives promoting the extension of religious ethics and social practices of charity towards children from domestic contexts to geographically distant groups. With that, the authors not only stressed the universality of the redemptive act on an abstract level, but also derived concrete religious duties from it. Second, the notion of humanity came to describe particular human attitudes and sentiments. Utilised in that sense, the term and its cognates contributed to both the moral condemnation of distant adults and the construction of distant children as key symbols of humanity.

81 *Institution of the Holy Childhood for the Redemption of the Children of Infidels*, 17. See also “La redenzione delle Morette per Opera del Sac. Nicola Olivieri”, in *La Civiltà Cattolica*, Seconda Serie 2, vol. Settimo, 337–348, on p. 338. Interestingly, the Hilfsverein rejected the activities of secular humanitarians (“modern benefactors of humans”/“moderne Menschenbeglucker”) on very similar terms. See “Olivieri, die Neger und die Sklavenfrage”, 4.

82 “Mere philanthropy is all very well for selfless speeches – but it will rarely cause selfless actions and never working self-sacrifice. Thus, wherever the antislavery movement had a merely humanitarian basis, one soon had to realise: ‘This house was built on sand’”. (“Die pure Menschenliebe ist gut für selbstlose Reden – zu selbstlosen Thaten wird sie es selten bringen, zur dauernden werktätigen Selbstaufopferung niemals. Wo daher auch die Antislavereibewegung eine bloß humanitäre Grundlage erhielt, da mußte man leider bald wahrnehmen: ‘Dieses Haus war auf Sand gebaut’”). Halka, *Was geht das uns an?*, 20.

Overall, we have seen that Catholic child saving in the nineteenth century was a highly ambivalent phenomenon. As much as it depended on the moral condemnation of non-Christian adults in China and Africa, it likewise produced the long-term commitment of Europeans to and the establishment of some sort of solidarity with distant children. Rather than promoting social or national group interests, this type of solidarity rested on a universalised notion of children as special human beings in need and worth of the protection by Catholic adults and institutions. However, given that baptism and Catholic instruction were inevitable parts of Catholic child saving in the nineteenth century, we have to note that religion and shared faith, ultimately, were important as a ground for this type of transnational commitment.

Gerhard Kruip

The Unity of the Human Family

A Foundation for Global Justice

1. The Ongoing Discussion About Global Justice

One of the most important consequences of globalisation is the fact that national governments are no longer able to regulate the economy and social relations in their countries independently of what is going on in other countries or regions of the world. Necessary solutions for global problems cannot be found on the national level, but must be negotiated and implemented at least on the regional, better still on the global level. Therefore, questions of social justice, too, can no longer only be addressed to the nation state, but must be discussed among all nations, and solutions must be found that help make clear the responsibilities richer nations bear for other nations and the common good of all humanity.

Theories of justice must confront these problems and cannot limit the sphere of justice they reflect to the horizon of a single nation. They have to talk about “global justice”. For instance, to begin with the well-known theory of justice by John Rawls,¹ the crucial question is whether the “original position” comprises only the members of one nation deliberating possible rules of justice behind a veil of ignorance, or whether we must think about an original position that contains all members of humankind living on the planet. As everybody knows, Rawls rejected this idea and proposed a two-level procedure reducing global justice to questions of the law of peoples, so that his famous egalitarian difference principle cannot be applied to the global level.² Some of his disciples³ however, propose exactly this idea of an original position assembling the whole of humanity. In my view, Catholic

1 John Rawls, *A Theory of Justice* (Cambridge, MA 2005).

2 Id., *The Law of Peoples* (Cambridge, MA 1999).

3 E.g. Christian Barry/Thomas Pogge (ed.), *Global Institutions and Responsibilities: Achieving Global Justice* (2005) and Thomas Pogge (ed.), *Global Justice* (Oxford 2001). For further discussion of this topic see Elke Mack et al. (ed.), *Absolute Poverty and Global Justice: Empirical Data – Moral Theories – Initiatives* (Farnham 2009) and Gerald Hartung/Stephan Schaede (ed.), *Internationale Gerechtigkeit: Theorie und Praxis* (Darmstadt 2009). My own approach has been published as Gerhard Kruip, “Weltarmut und globale Gerechtigkeit. Wozu verpflichtet uns die Not der Menschen in anderen Teilen der Welt?“, in Christian Spieß (ed.), *Freiheit – Natur – Religion: Studien zur Sozialethik* (Paderborn 2010), 241–261.

Social Teaching, which very often refers to the “whole human family”, supports this approach to global justice, too. But before examining the specific position of Catholic tradition on this point I should briefly explain what I take “Catholic Social Teaching” to mean.⁴

2. Catholic Social Teaching

Modern Catholic Social Teaching has its origins in the late nineteenth century, when industrialisation and social change in Europe raised the so-called “social question”. Initially, this Church teaching was based on neo-scholastic doctrines and formed a fairly closed system of general social principles such as personality, solidarity, subsidiarity and the common good. Its central arguments were related to natural law as it was conceived of in scholasticism, relating nature to the will of God, who is seen as the creator of all things. It proposed a kind of “third way” between liberal and socialist ideologies. During Second Ecumenical Council of the Vatican (1962–1965) the Church insisted on a dialogue between Church and society and a finely developed awareness of modernity. This is expressed very clearly in the constitution *Gaudium et spes* (1965)⁵ of Vatican II: “[...] the council focuses its attention on the world of men, the whole human family along with the sum of those realities in the midst of which it lives”⁶ and “can provide no more eloquent proof of its solidarity with, as well as its respect and love for the entire human family with which it is bound up, than by engaging with it in conversation about these various problems”.⁷ This method, which allows the Church to develop its own position for this conversation is no longer a scholastic deductive argumentation, but a path of induction:

4 Parts of the following chapters of my paper are based on Gerhard Kruij, “‘De Iustitia in Mundo’. Global Justice in the Tradition of the Social Teaching of the Catholic Church”, in Elke Mack et al. (ed.), *Absolute Poverty and Global Justice*, 79–90, but have been revised substantially.

5 All Church documents can easily be found at www.vatican.va and are quoted in the English translations accessible there, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html. Another important source for Catholic Social Teaching is the “Compendium of the Social Doctrine of the Church”, published by the Pontifical Council for Justice and Peace, http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_compendio-dott-soc_en.html.

6 Second Vatican Council, *Gaudium et Spes* [Pastoral Constitution on the Church in the Modern World], 2, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html.

7 *Ibid.*, 3.

To carry out such a task, the Church has always had the duty of scrutinizing the signs of the times and of interpreting them in the light of the Gospel. Thus, in language intelligible to each generation, she can respond to the perennial questions which men ask about this present life and the life to come, and about the relationship of the one to the other. We must therefore recognize and understand the world in which we live, its explanations, its longings, and its often dramatic characteristics.⁸

This opening was valid even for Joseph Ratzinger, later Pope Benedict XVI. In *Libertatis Conscientia*, a declaration about liberation theology published in 1986, he wrote:

Being essentially oriented towards action, this teaching develops in accordance with the changing circumstances of history. This is why, together with principles that are always valid, it also involves contingent judgments. Far from constituting a closed system, it remains constantly open to the new questions which continually arise; it requires the contribution of all charisms, experiences and skills.⁹

With these changes, the social teaching of the Church became more open to biblical roots, ecumenical and interreligious exchange, social sciences and modern philosophical thought. Furthermore, while the Catholic Church began to be a global religious institution present in all countries of the world, the particular perspectives of local Churches in poor countries became increasingly important and were reflected even in papal documents. Without neglecting the social teaching of local Churches or of lay groups within them, I will refer to some important documents published by the Popes and to the final document of the Roman Bishops' Synod of 1971, because this text titled *Justice in the World* is the most important one when trying to learn something about the global perspective in the social teaching of the Catholic Church. But I shall also refer to the very recent encyclical *Laudato si'* (2015) of Pope Francis. Talking about climate change and ecological responsibility, he emphasises the unity of the human family and on the responsibility of mankind for the future of the planet. In both cases it is the concept of the whole human family that defines the group of people that must be taken into account when applying rules of justice.

⁸ Ibid., 4.

⁹ Congregation of the Doctrine of the Faith, *Libertatis conscientia* (1986), 72, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_free-dom-liberation_en.html.

But although I am concentrating here on Catholic Social Teaching, I should at least mention that in Protestant contexts, too, the unity of mankind was and still is an important issue, dating back at least as far as the missionary conference in Tambaram (1938). Earlier than the Catholic Church, Protestant churches reflected on the problem that the Christian view of the unity of mankind can be linked ideologically to Western modernisation, a connection which has been and still is criticised by various liberation and third-world theologies.¹⁰ This is probably due to the fact that in Protestant theology, creation theology and nature are not accorded the same importance as in Catholic theology and that the Protestant concentration on Christology can strengthen a tendency to see Christianity as the aim of universalisation. At the same time, the concept of the unity of the whole human family raised the question about the unity of Christian churches, so that the unity of mankind became a core ecumenical theme,¹¹ ultimately leading to the more general question of an ecumenical union of all religions.¹²

3. The Concept of the Whole Human Family

In Catholic Social Teaching, the concept of the unity of the whole human family (with its synonyms “humankind” or “the human race”¹³) is directly related to the concept of the universal use of the goods of the earth, which is part of the theology of creation of St. Thomas Aquinas.¹⁴ It appears in

10 Jacobus M. van’t Kruijs, “The Church and the Unity of Humankind”, in A.J.G. van der Borcht/Paul van Geest (ed.), *Strangers and Pilgrims on Earth: Essays in Honour of Abraham van de Beek* (Leiden 2012), 445–456.

11 See Libertus A. Hoedemaker, “The Unity of Humankind. Problems and Promises of an Indispensable Ecumenical Theme”, in *The Ecumenical Review* 50:3 (1998), 307–314. In his apostolic exhortation *Evangelii gaudium* (2013) Pope Francis also saw ecumenism “as a contribution to the unity of the human family” (EG 245). There are similar reflections even in the Orthodox Churches: Geevarghese Mar Osthatios, “The Third Millennium and the Unity of Humankind”, in *Mission Studies* 18:1 (2001), 165–169.

12 This idea of the unity of mankind can be found in other religions, too. Cf. Michael Amaladoss, “The Utopia of the Human Family. Among the Religions of Humanity”, in *Concilium* 37:5 (2001), 81–88.

13 The word *family* may have certain problematic implications when talking about the unity of humankind. There are two aspects to it: In the present context, the word *family* implies that all human beings are descendants from Adam and Eve, and should act in solidarity with one another. But in my view it is quite clear that this solidarity among all members of the whole human family does not have the same norms and structures as the solidarity among the members of a small family consisting of parents (or one parent) with children (or one child). I cannot discuss gender issues here, either. Certainly, when speaking about “mankind”, women (and transgender people) are included, hence the term “humankind” is preferable.

14 This idea of the universal use or purpose of all goods of the earth plays an important role in Catholic doctrine on private property. See Christian Spieß, *Sozialethik des Eigentums*.

many texts in the tradition of Catholic Social Teaching and is used never as a descriptive concept, but as a normative one that not only makes moral demands on individuals but even more so on social institutions and structures. Humanity in the sense of the whole human family stands for the claim that all human beings must be included in a community of individuals who live in solidarity and justice and to whom general rules of justice must be applied. This is particularly important for distributional justice which cannot be limited to questions of distribution among members of one nation, but must be realised among all human beings on earth. I can only very briefly mention the most important texts.

In *Rerum Novarum*, the first social encyclical of 1891, Pope Leo XIII asks readers to “feel and understand that all men indeed have been created by God, their common Father; [...] and [...] that the goods of nature and the gifts of divine grace belong in common and without distinction to all humankind [...]”¹⁵ In his defence of the right to private property against Marxist ideas, he refuses the use of the argument of universal ownership by God against private ownership, although he does not deny the argument itself: “The fact that God gave the whole human race the earth to use and enjoy cannot indeed in any manner serve as an objection against private possessions.”¹⁶ On the other hand, the message of the encyclical is also different from liberal thought, because the idea of mankind as a whole as the ultimate beneficiary of God’s gifts puts private property into the perspective of social responsibility, which all property holders bear for the sake of the others and the common good. It is important to note that the context of these texts, as of later, similar texts like *Quadragesimo Anno* (1931)¹⁷ and the radio messages of Pius XII, is still clearly national. The idea of the unity of the human family was already used when the problems they referred to were still problems of distributive justice on the level of national societies. But in *Mater et Magistra* (1961), the first social encyclical of John XXIII, the pope complains about the unequal international relationship between political communities that are economically advanced and those in the process of development:

Philosophische Grundlagen – kirchliche Sozialverkündigung – systematische Differenzierung (Münster 2004). It seems quite clear that the idea of the unity of the human family already has its roots in Stoic philosophy, for instance in the *Meditations* of Marcus Aurelius (121–180).

15 Leo XIII, *Rerum novarum* (1891), here 38, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html.

16 *Ibid.*, 14.

17 Pius IX, *Quadragesimo anno* (1931), http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html.

The solidarity which binds all men together as members of a common family makes it impossible for wealthy nations to look with indifference upon the hunger, misery and poverty of other nations whose citizens are unable to enjoy even elementary human rights. The nations of the world are becoming more and more dependent on one another and it will not be possible to preserve a lasting peace so long as glaring economic and social imbalances persist.¹⁸

It is important to note, that already here, the pope not only uses a theological and an ethical argument, but also the pragmatic and realistic argument of increasing interdependence, which implies that solidarity also can be founded on the particular self-interests of the parties concerned. It is not necessary to believe in God's creation to understand the reason for necessary solidarity among all human beings.

The second encyclical of John XXIII, *Pacem in Terris* (1963) – the first encyclical addressed to “all Men of Good Will” – puts the same idea in relation to a right to immigration: “The fact that he [the migrant] is a citizen of a particular State does not deprive him of membership in the human family, [...]”¹⁹ According to this principle, the encyclical contains a reminder that

we must bear in mind that of its very nature civil authority exists, not to confine men within the frontiers of their own nations, but primarily to protect the common good of the State, which certainly cannot be divorced from the common good of the entire human family.²⁰

Among the documents of the Second Vatican Council, the most important text is the pastoral constitution *Gaudium et Spes*: it testifies to an extension of the concept of the common good to a global level, once more using the argument of increasing interdependency:

Every day human interdependence grows more tightly drawn and spreads by degrees over the whole world. As a result the common good, that is, the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment, today takes on an increasingly universal complexion and consequently involves rights and duties with respect to the whole human race. Every social group must take account of the needs and legitimate aspirations of other groups, and even of the general welfare of the entire human family.²¹

18 John XXIII, *Mater et Magistra* (1961), 157, http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_15051961_mater.html.

19 John XXIII, *Pacem in Terris* (1963), 25, http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html.

20 *Ibid.*, 98.

21 Second Vatican Council, *Gaudium et Spes*, 26.

This also concerns the distribution of goods and has important implications for the status accorded to private property, which in *Gaudium et Spes* is distinctly more qualified than in *Rerum Novarum*: “God destined the earth and all it contains for all people and nations so that all created things would be shared fairly by all humankind [...]. Therefore everyone has the right to possess a sufficient amount of the earth’s goods for themselves and their family. [...] Persons in extreme necessity are entitled to take what they need from the riches of others.”²²

Populorum Progressio (1967) is the first social encyclical of Pope Paul VI and the first social encyclical after the Second Vatican Council. It was published in the context of worldwide decolonisation movements and gave an important impetus to the development of liberation theology. Here, the idea of the unity of the human family is related to the “right to development”²³ of all peoples²⁴ and is even extended to past and future generations: “[...] we have obligations towards all, and we cannot refuse to interest ourselves in those who will come after us to enlarge the human family.”²⁵

During the long term of office of Pope John Paul II, a general return to more traditional positions can be observed. This is particularly true for questions of sexual morality and the doctrine about Church authority, but not concerning social problems. Both in *Sollicitudo Rei Socialis* (1987) and *Centesimus Annus* (1991),²⁶ the second and third social encyclicals of Pope John Paul II, the perspective is a truly global one. John Paul II protests against “the persistence and often the widening of the gap between the areas of the so-called developed North and the developing South”,²⁷ he talks about the “elements and aspects which render the social question much more complex, precisely because this question has assumed a universal dimension”.²⁸ By using the term *social question*, the traditional concept referring to the problems of social justice during the industrialisation process in Europe in the nineteenth century, he also includes problems of distributive justice in his concept of global justice. He rejects the concepts of “the First World, the Second World, the Third World and at times the Fourth World. Such expressions,” – says the pope – “[...] are significant: they are a sign of a widespread sense that the

22 Ibid., 69.

23 Note that the UN resolution on the right to development dates from 1986 (resolution A/41/128), <http://www.un.org/documents/ga/res/41/a41r128.htm>.

24 Paul VI, *Populorum Progressio* (1967), 22, http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_26031967_populorum.html.

25 Ibid., 17.

26 John Paul II, *Centesimus Annus* (1991), http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html.

27 John Paul II, *Sollicitudo Rei Socialis* (1987), 14, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis.html.

28 Ibid., 14.

unity of the world, that is, the unity of the human race, is seriously compromised".²⁹ In his call for solidarity the pope claims "a new model of the unity of the human race, which must ultimately inspire our solidarity".³⁰

Benedict XVI, elected in 2005, follows the same lines: in his encyclical *Caritas in veritate*³¹ as well as in many other texts and, for instance, in his speech in the presence of the General Assembly of the United Nations in 2008, he spoke about the "common good of the human family" and, concerning the "responsibility to protect" against human rights violations, he referred to the "unity of the human family".³² He insisted on the idea that global rules did not limit human freedom and therefore could not be rejected with recourse to freedom:

In the context of international relations, it is necessary to recognize the higher role played by rules and structures that are intrinsically ordered to promote the common good, and therefore to safeguard human freedom. These regulations do not limit freedom. On the contrary, they promote it when they prohibit behaviour and actions which work against the common good, curb its effective exercise and hence compromise the dignity of every human person.³³

Nevertheless, Benedict XVI was less interested in social problems than John Paul II. Not only do statements of Pope Francis, elected in 2013, hark back to John XXIII and Paul VI, but he also uses essential concepts of liberation theology in his social teaching.

4. *De Iustitia in Mundo*:

The Final Declaration of the Roman Synod of Bishops (1971)

The Roman Synod of Bishops in 1971 on *Justice in the World* took place during the first years after the Second Vatican Council, when bishops from developing countries made great efforts to implement the decisions of the council in their respective local contexts and when the conservative reaction against the council had not yet picked up the speed it attained after 1972. The synod was marked by many contributions of these open-minded third-world

29 Ibid., 14.

30 Ibid., 40.

31 Benedict XVI, *Caritas in Veritate* (2009), http://w2.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html.

32 Benedict XVI, Meeting With the Members of the General Assembly of the United Nations Organization. Address of His Holiness Benedict XVI (2008), http://w2.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit.html.

33 Ibid.

bishops, mainly from Latin America, who were influenced by the emergent liberation theology. The natural starting point of the bishops' thinking was the unity of mankind and the idea of global justice in the whole world, which is expressed in a very direct, not primarily theological language.

As an assembly of bishops "gathered from the whole world, in communion with all who believe in Christ and with the entire human family", from the beginning of their consultations, they aimed to fight for "justice in the world"³⁴ and to "build a more human world".³⁵ "Since the Synod is of a universal character, it is dealing with those questions of justice which directly concern the entire human family."³⁶ The bishops started by analysing

the serious injustices which are building around the human world a network of domination, oppression and abuses which stifle freedom and which keep the greater part of humanity from sharing in the building up and enjoyment of a more just and more loving world.³⁷

They observed a great paradox:

Never before have the forces working for bringing about a unified world society appeared so powerful and dynamic; they are rooted in the awareness of the full basic equality as well as of the human dignity of all. Since people are members of the same human family, they are indissolubly linked with one another in the one destiny of the whole world, in the responsibility for which they all share.³⁸

On the other hand, in spite of these hopeful tendencies, global inequalities were growing, depriving poorer countries of the same possibilities for development that the richer countries once enjoyed. One of the main problems of global justice – already seen one year before the famous Stockholm world conference on environmental problems – was "the danger of destroying the very physical foundations of life on earth".³⁹

Moreover, people are beginning to grasp a new and more radical dimension of unity; for they perceive that their resources, as well as the precious treasures of air and water – without which there cannot be life – and the small delicate biosphere of the whole complex of all life on earth, are not infinite, but on the contrary must be saved

34 1971 Synod of Bishops, *De Iustitia in Mundo* (1971), 1, <http://www.shc.edu/theolibrary/resources/synodjw.htm>.

35 *Ibid.*, 2.

36 *Ibid.*, 63.

37 *Ibid.*, 3.

38 *Ibid.*, 7.

39 *Ibid.*, 64.

and preserved as a unique patrimony belonging to all human beings. Furthermore, such is the demand for resources and energy by the richer nations, whether capitalist or socialist, and such are the effects of dumping by them in the atmosphere and the sea that irreparable damage would be done to the essential elements of life on earth, such as air and water, if their high rates of consumption and pollution, which are constantly on the increase, were extended to the whole of humanity.⁴⁰

The bishops' ethical conclusion is very demanding, because they call for global distributive justice: "Those who are already rich are bound to accept a less material way of life, with less waste, in order to avoid the destruction of the heritage which they are obliged by absolute justice to share with all other members of the human race."⁴¹

Finally they make an earnest call for action:

We see in the world a set of injustices which constitute the nucleus of today's problems and whose solution requires the undertaking of tasks and functions in every sector of society, and even on the level of the global society towards which we are speeding in this last quarter of the twentieth century. Therefore we must be prepared to take on new functions and new duties in every sector of human activity and especially in the sector of world society, if justice is really to be put into practice. Our action is to be directed above all at those people and nations which because of various forms of oppression and because of the present character of our society are silent, indeed voiceless, victims of injustice.⁴²

The concrete measures they suggest appear quite innovative for 1971, and even in 2015 have been enacted only in small parts:

These [measures] include the transfer of a precise percentage of the annual income of the richer countries to the developing nations, fairer prices for raw materials, the opening of the markets of the richer nations and, in some fields, preferential treatment for exports of manufactured goods from the developing nations. These aims represent first guidelines for a graduated taxation of income as well as for an economic and social plan for the entire world. We grieve whenever richer nations turn their backs on this ideal goal of worldwide sharing and responsibility.⁴³

40 Ibid., 10f.

41 Ibid., 64.

42 Ibid., 20.

43 Ibid., 66.

In the bishops' understanding, campaigning for a "better world"⁴⁴ was part "of the Church's mission for the redemption of the human race and its liberation from every oppressive situation".⁴⁵ For the bishops – and it is here that the influence of the burgeoning liberation theology can be detected – God reveals himself as the "liberator of the oppressed and the defender of the poor". And the following statement encapsulates the key understanding of the relationship between the Christian faith and justice: "It is only in the observance of the duties of justice that God is truly recognized as the liberator of the oppressed."⁴⁶

Regrettably, beginning with the year 1972 conservative tendencies in Latin America (guided by the later Cardinal Alfonso López Trujillo from Medellín in Colombia), together with ideologically anti-communist parts of the Catholic hierarchy in Europe, successfully tried to restrain liberation theology and its influence on the world Church. Therefore, the final document of the bishops' synod of 1971 has for a long time been the Church's most progressive text on questions of global justice. Since 1972, no final document of a Roman bishops' synod has been published directly after the event. Instead, the popes always insisted on redacting the proceedings and issuing a carefully worded document some months later, so as to exercise more control over worldwide deliberations among bishops. But this looks set to change under Pope Francis, elected in 2013, who appears both to allow much more controversial discussions and to value transparency.

5. The Most Recent Encyclical: *Laudato si'* by Pope Francis (2015)

Pope Francis, the first pope from Latin America, from, in his own words, the "periphery", has introduced concepts drawn from liberation theology and brought new perspectives into Catholic Social Teaching.⁴⁷ But he remains quite traditional in appealing to the concept of human family when insisting on global justice, as he does emphatically in *Laudato si'*,⁴⁸ published in 2015 just a few months before the Paris international conference on climate

44 Ibid., 4.

45 Ibid., 6.

46 Ibid., 30.

47 On this, see Gerhard Kruip, "Die Befreiung und die Förderung der Armen" (EG 187): *Zum lateinamerikanischen Hintergrund von Papst Franziskus* (Mönchengladbach 2014).

48 Francis, *Laudato si'* (2015), http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html. On *Laudato si'* in general, see also Gerhard Kruip, "Ein dramatischer Appell. Die neue Umwelt-Enzyklika des Papstes", in *Herder Korrespondenz* 69:7 (2015), 341–344 and id., "Buen vivir – Gut leben im Einklang mit Mutter Erde. Das kulturelle Erbe der Indigenen und die Suche nach einem anderen Fortschritt in *Laudato si'*", in *AmonsInternational* 9:4 (2015), 11–18.

change. I shall quote only some of the most important sentences of this encyclical, addressed to “all people living on planet Earth”: “The urgent challenge to protect our common home includes a concern to bring the whole human family together to seek a sustainable and integral development, for we know that things can change.”⁴⁹ Or: “We need to strengthen the conviction that we are one single human family. There are no frontiers or barriers, political or social, behind which we can hide, still less is there room for the globalization of indifference.”⁵⁰ In the course of the ongoing (2015–) migration crisis, Europeans were reminded that in reality, there exist no frontiers behind which to hide. The pope further insists: “The natural environment is a collective good, the patrimony of all humanity and the responsibility of everyone.”⁵¹ In this context, he is emphasising intergenerational justice. The human family includes future generations, too.

But humanity is not only the sphere of common goods and of distributional justice. The pope also sees humanity as a subject of a common responsibility. Humanity must unite to act in its common interest. Pope Francis is cautiously optimistic about this:

Although the post-industrial period may well be remembered as one of the most irresponsible in history, nonetheless there is reason to hope that humanity at the dawn of the twenty-first century will be remembered for having generously shouldered its grave responsibilities.⁵²

The encyclical drew responses ranging across the spectrum from politicians and scientists. Many critics, especially from the United States, questioned how Pope Francis could claim authority in matters of the natural sciences and ecology. But the call for dialogue and shared responsibility on the part of all mankind was never criticised.

6. The Problem of Universalisability of the Christian Concept of the Human Family as a Basis for Global Justice

In the teachings of the Catholic Church discussed here, the theological background is very clear and has already been stated. *Gaudium et Spes* is quite explicit: “God, who has a parent’s care for all of us, desired that all men and women should form one family and deal with each other as brothers and

49 Francis, *Laudato si'* (2015), 52.

50 *Ibid.*, 13.

51 *Ibid.*, 95.

52 *Ibid.*, 165.

sisters.”⁵³ This attitude goes back to a universal demand at the very beginnings of Christianity, the commandment to missionary activity in Mt 28, 19 to 20. It is quite clear that this universalistic ambition later came to support a very strong claim to absolute authority, as evidenced in the medieval *orbis christianus* and the claims to global power on the part of the papacy, for instance during the colonisation of the Americas, when the pope divided the World into two areas of influence, one for Spain, another for Portugal (Treaty of Tordesillas, 1494).⁵⁴ But at the same time, the thought of Bartolomé de Las Casas and Francisco de Vitoria proves that another effect of this claim of universality was the idea of human rights and their extension to Native Americans.

Does this mean that these concepts of the unity of the human family were purely Christian concepts to be taken on faith, or can they also be grounded philosophically in the context of global justice theories as they are now discussed in political ethics? Grounding these concepts in Christian faith may be consoling for Christians, but is of little use in persuading others, no matter whether they are adherents of other religions or atheists. One indicator that this idea of the unity of mankind is not only a Christian thought seems to be the Universal Declaration of Human Rights, which in its preamble refers to the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family [, which] is the foundation of freedom, justice and peace in the world”.⁵⁵

Some philosophers⁵⁶ argue that a feasible approach would be to start from a universal “sense of justice”, which at its core seems to be common to all men and women among all religions and cultures. It should be clear that this sense of justice is not pre-cognitive but includes cognitive concepts of justice and at least implicit moral rules. Nevertheless, many philosophers, from David Hume to Paul Ricœur and Judith Shklar, have argued that it was easier to know what injustice is than to define what justice means. If all people, at least when themselves victims of injustice, are capable of moral indignation, and if more and more people feel affected by injustices committed all over the world, this universal sense of injustice today also includes

53 Second Vatican Council, *Gaudium et Spes*, 24.

54 The Treaty of Tordesillas divided the newly discovered lands outside Europe between Portugal and the Crown of Castile shortly after Columbus had discovered the island of Hispaniola. Due to this treaty, Brazil became a Portuguese, not a Spanish colony.

55 English text on <http://www.unhchr.ch/udhr/lang/eng.htm>. On the difficult relationship between the Catholic Church and human rights see Vasilios N. Makrides et al. (ed.), *Christentum und Menschenrechte in Europa. Perspektiven und Debatten in Ost und West* (Frankfurt/M. 2016); Samuel Moyn, *Christian Human Rights* (Philadelphia 2015).

56 On the following section, see also the contributions to Ian Kaplow/Christoph Lienkamp (ed.), *Sinn für Ungerechtigkeit: Ethische Argumentationen im globalen Kontext* (Baden-Baden 2005).

a global perspective and calls for global action. The sense of injustice is at first individual and local, but a growing number of people are affected by injustices in faraway places. Indeed, in recent years it has been possible to observe that, owing to the mass media and the work of global civil society organisations a consciousness of global interdependence has been growing. Different processes of globalisation are leading to a world society.⁵⁷

The concept of the unity of humankind nevertheless cannot be grounded on such a global sense of injustice, first because such a foundation in an empirical observation could be seen as a natural fallacy, second, and more importantly, because this sense of injustice will only work if the extension of justice, which makes it possible to speak of injustice, is a global one that integrates all human beings. Therefore, it must be grounded in the idea of the dignity of every person and the moral community that is formed in the consequence of that dignity. Kant, in his second formulation of his categorical imperative, already seems to have had at least the whole human family in mind (and, taking the thought to its conclusion, every rational being), when he claims: “Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end.”⁵⁸ Rainer Forst sees human beings as “justificatory beings”, i.e. able to justify, to take responsibility and to see the duty to give reasons to others and to justify moral norms. He thinks that this is the best possible way to reconstruct the Kantian categorical imperative to respect persons as end in themselves.⁵⁹ This implies that all members of the human family must have the right to have moral and legal norms concerning them justified to them. In a globalised world all are concerned, and therefore this moral community of persons in the sphere of the right of justification must be a global one and include all human beings. Anzenbacher argues that this global extension of justice is even intrinsically linked to the concept of justice.⁶⁰ For me, it seems quite obvious that theories of discourse ethics are particularly suitable for making clear what this could mean.⁶¹

57 Cf. Boris Holzer et al. (ed.), *From Globalization to World Society: Neo-Institutional and Systems-Theoretical Perspectives* (New York 2015).

58 Immanuel Kant, *Grounding for the Metaphysics of Morals* (Indianapolis 31993), 36.

59 Cf. Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice* (New York 2012). A similar argument is advanced by Stefan Gosepath, “Zu Begründungen sozialer Menschenrechte”, in Stefan Gosepath/Georg Lohmann (ed.), *Philosophie der Menschenrechte* (Frankfurt/M. 1998), 146–188.

60 Arno Anzenbacher, “Kooperation, Konflikt und Anerkennung. Zur Systematik des Gerechtigkeitsbegriffs”, in *Zeitschrift für Evangelische Ethik* 46 (2001), 168–180.

61 Cf. Karl-Otto Apel, “Globalisierung und das Problem der Begründung einer universalen Ethik”, in Karl-Josef Kuschel et al. (ed.), *Ein Ethos für eine Welt?: Globalisierung als ethische Herausforderung* (Frankfurt/M. 1999), 48–75.

7. Conclusion

Without any doubt, the concept of the unity of the human family has important consequences in many fields of ethical reflection about global justice. The idea of the unity of human family should lead us to call for the universalisation and globalisation of what is truly human.⁶² I must restrict myself here to some very short remarks about what these consequences should be: It seems quite clear that we have to guarantee a minimum allowing every man, woman and child to live in dignity, which implies a kind of social security system on the world level. We must find solutions for a more just distribution of goods, so that the poor can participate in the welfare of the rich instead of becoming increasingly poorer while the rich get richer. We need fair play in global trade, forcing the rich countries to reduce their protection policies in agriculture and to allow the poor countries – corresponding to their needs – a gradual and partial integration into the world market. We need just procedures in global decision-making, so that the great number of the poor can be really represented proportionally in world institutions, which should be reformed as democratic institutions for global governance in benefit of all, and that means primarily for the poor. We need global policies to find the right regulation regimes for international financial markets to avoid financial crises and their terrible consequences in the future.

Looking to the burning questions of the recent past, which are likely to remain high on the agenda in the near future, too, I would like to address very briefly two major problems: climate change and migration.

Taking the unity of the whole human family as our starting point, it can easily be shown that there is a common responsibility of all human beings to find a way to survive on the only planet we have – and this in a way that permits human rights and dignity for all. If the Universal Declaration of Human Rights in article 28 proclaims that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”, then this also means that everyone has the right to a global climate that permits future human life under conditions of dignity. Therefore, we need a better and more just distribution of the use of ecological resources so that opportunities remain for the sustainable development of the poorer population. Problems of global social justice and ecological justice are intertwined. By declaring that the climate of the planet is “a common good, belonging to all and meant for all”,⁶³ Pope Francis alludes to the burning issue

62 José I. González Faus, “The Utopia of the Human Family. The Universalization of the Truly Human as Real Globalization”, in *Concilium* 37:5 (2001), 97–104.

63 Francis, *Laudato si'* (2015), 23. Already in *Evangelii gaudium* and in similar terms, Pope Francis had underlined that “we must never forget that the planet belongs to all mankind and is meant for all mankind; the mere fact that some people are born in places with fewer resources

of “the global commons”, common goods for humanity as a whole, which cannot be produced by private initiatives in a free market, but need collective action and state regulation.⁶⁴ Therefore, the pope insists: “What is needed, in effect, is an agreement on systems of governance for the whole range of so-called, global commons.”⁶⁵ Ottmar Edenhofer, Christian Flachsland and Brigitte Knopf, three respected German researchers on climate change, agree that

elevating the status of the climate to a global commons would entail protecting the poor from climate change and a fair global sharing of the costs of mitigation, in particular by richer societies that are capable of doing so. This is an idea that some governments are obviously not keen to endorse, but which the pope’s encyclical puts prominently on the table.⁶⁶

On the other hand, the figure of 60 million of migrants worldwide forces us to frame rules for international migration, not by starting with national sovereignty but with the understanding that national borders and migration policies must conform to a global social responsibility for the poor in other countries. Borders, like private ownership, ought to be subject to social obligations. If in principle the goods of the earth belong to all, then there must be strict criteria for denying others the right to cross borders. Often, restricting migration, rejecting migrants and giving priority to nationals is legitimated with reference to the idea of special duties we have towards our fellow countrymen. But Goodin after having rejected other possible solutions has shown convincingly that these special duties are best reconstructed as consequences of a moral division of labour concerning positive rights.⁶⁷ In the case of negative rights there is no question who has the corresponding negative duties: simply all. But in the case of positive rights, it is not as clear. It can even be a problem if everybody wants to fulfil his positive duties, because this would not work for practical reasons. Therefore, this case requires a division of labour, with this duty to organise help becoming a “mediating duty”.⁶⁸

or less development does not justify the fact that they are living with less dignity.” Francis, *Evangelii gaudium* (2013), 190, http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html.

64 Elinor Ostrom (ed.), *The Drama of the Commons* (Washington, DC 2002). See also Silke Helfferich/Heinrich-Böll-Stiftung (ed.), *Commons: Für eine neue Politik jenseits von Markt und Staat* (Bielefeld 2012).

65 Francis, *Laudato si'* (2015), 174.

66 Ottmar Edenhofer et al., “Science and Religion in Dialogue Over the Global Commons”, in *Nature Climate Change* 5:10 (2015), 907–909.

67 Robert E. Goodin, “What is so Special About our Fellow Countrymen?”, in *Ethics* 98 (1988), 663–686. See also Brian Barry/Robert E. Goodin (ed.), *Free Movement: Ethical Issues in the Transnational Migration of People and of Money* (Philadelphia 1992).

68 Henry Shue, “Mediating Duties”, in *Ethics* 98 (1988), 687–704.

If we do not wish to limit our idea of the legitimacy of states to a mere contractual theory of their founding, we can understand states (and particularly nation states) as solutions to the problem of organising the fulfilment of the positive rights of all human beings. Special duties, in the view of Goodin, are “merely devices whereby the moral community’s general duties get assigned to particular agents”.⁶⁹ But cases where citizens are not protected and supported by their own states – which occurs very often in the present, deeply flawed assignment of responsibilities – they do not lose their positive rights. Their fulfilment becomes the “residual responsibility” of all.⁷⁰ If the previous division of labour doesn’t work, a new one must be put in place. This is why states have to accept migrants from other, failing states. And if individual states feel that it is too much for them, they have to organize solutions on a regional or international level.

Finally, I want to emphasise one last idea: the Catholic Church could raise its credibility in this field by realising the unity of the human family in its own structures, procedures of decision-making, internal distributions of goods and by fighting for more global justice. The Synod of the Bishops of 1971 expressed it well: “[...] unless the Christian message of love and justice shows its effectiveness through action in the cause of justice in the world, it will only with difficulty gain credibility with the people of our times.”⁷¹ Therefore, the concept of catholicity must be changed, so that the Catholic Church becomes less western, less centralised and more open to all the different cultures of the human family.⁷²

69 Goodin, “What is so Special”, 678.

70 Ibid., 684.

71 1971 Synod of Bishops, *De Iustitia in Mundo* (1971), 36.

72 See Robert J. Schreiter, “Globality and Catholicity as Unrenounceable Features of the Church. Two Discourses in the Church Today”, in *ET-Studies* 6:2 (2015), 185–196 and Gerhard Kruij, “Globale Herausforderungen – auch die Kirche selbst steht in der Pflicht!”, in *Wort und Antwort* 56:3 (2015), 120–125.

PART V:
EPILOGUE

Johannes Paulmann

Humanity – Humanitarian Reason – Imperial Humanitarianism

European Concepts in Practice

Global humanitarianism seems self-evident against the current backdrop of refugee crises, civil wars and man-made or natural disasters, on which the media report from near and far. “Global Humanitarianism” is a ubiquitous term.¹ We hear it in the context of humanitarian practice and public debate, read about it in scholarly books and find it in the titles of courses and seminars.² Yet the usage of the term global humanitarianism has implications that merit more in-depth reflections. When we talk about global humanitarianism, we do not simply state a fact, namely, that humanitarian action is taking place all over the planet. Instead, global humanitarianism carries normative and political implications: it says “We *should* be active in all places where human beings are suffering”, and “Humanitarian activities have to be *regulated* and *coordinated*”. In other words, when we talk about global humanitarianism, we are dealing with moral issues and with challenges of political governance.

On closer inspection, global humanitarianism is tautological. From a philosophical perspective and as an ideal, humanitarianism expresses the normative assumption that all human beings are of equal importance,

1 I thank all members of the research group on “Concepts of Humanity and Humanitarian Practice” at the Leibniz Institute of European History for the discussions we had over the past years. My special thanks are due to Fabian Klose, Mirjam Thulin and Esther Möller for their very helpful comments and Bernhard Gißibl, who at an early stage commented on this essay, and as always made me improve it. The paper benefited from questions by the audience at the lecture series on “Global History”, organised by Roland Wenzlhuemer at the Cluster “Europe and Asia” at the University of Heidelberg.

2 See, for example, the *Global Humanitarian Assistance Report 2015*, published by the Global Humanitarian Assistance Programme run by Development Initiatives funded by the governments of Canada, the Netherlands, Sweden and the United Kingdom – http://www.globalhumanitarianassistance.org/wp-content/uploads/2015/06/GHA-Report-2015_-Interactive_Online.pdf; or the Global Humanitarianism Research Academy (GHRA), which offers research training to advanced PhD candidates and early postdocs and is organised by the Leibniz Institute of European History, the Imperial and Global History Centre at the University of Exeter, and the Archives of the International Committee of the Red Cross in Geneva – <http://ghra.ieg-mainz.de/>. Cf. Bruce Mazlish, *The Idea of Humanity in a Global Era* (New York 2009), 35, who regards the emergence of a concept of Humanity as closely connected to the era of total war.

independently of their race, religion, class, gender or other such categories. This implies the obligation to help all those who are in distress. We are talking about a form of cosmopolitanism that assumes a moral claim that seems universal or, in other words, has a global reach.³ Global humanitarianism, however, is an overstatement; in practice, the concept has never been fully realised. Not all people in distress are equally objects of humanitarian aid. Some get more help than others. Nor does humanitarianism fully cover the globe. Some parts receive no relief at all. Discussing the development of global humanitarianism consequently means analysing it in terms of ideas as well as politics.

The contemporary use of the term is not a bad thing in itself. Humanitarian actions after all are a matter both of morality and of politics – and, I may add, one of sentiments. When we discuss the history of humanitarianism, however, we need to be more careful which terms we are using. Particularly in a field of inquiry that is so obviously connected to present-day concerns, some reflection is appropriate in order not to write present ideas back into the past and thereby misunderstand it as scholars, and at the same time fail to notice dimensions that may be essential for analysing what happens in today's world.

There are two notions embedded in the ubiquitous term used by today's pundits. One is the issue of the global, the other that of humanity, i.e. the concept linked with humanitarian activities.⁴ Humanity comprises indeed three facets: the moral humanitarian principle, the attitude behind it, which motivates and justifies humane behaviour, and the conception of humanity as the collective body of humankind – the object as well as the potential scope of humanitarian action. This essay begins with an exploration of humanity as a concept in practice by looking at the historical lexica of humanity. I put forward four observations drawn from the contributions in this volume regarding the reliance of humanity on antonyms, the various functions of humanity, the dynamic nature of the concept, and the hierarchies of humanity. Following on from this, I will discuss the global dimensions by highlighting the contemporary formation of a new moral economy called humanitarian reason. The apparent consensus on global relief of human suffering is imbued with issues of power and (in)justice. It can be traced to imperial roots, which

3 Cf. Iain Wilkinson, "Humanitarianism and Cosmopolitanism", in Gerard Delanty (ed.), *Routledge Handbook of Cosmopolitanism Studies* (Abingdon 2012), 400–413; Thomas W. Pogge, *World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms* (Cambridge 2002).

4 Ilana Feldman/Miriam Ticktin (ed.), *In the Name of Humanity. The Governance of Threat and Care* (Durham, NC 2010), 4.

provide a more suitable frame for understanding how concepts of humanity and humanitarian practice affect each other – in the past and in the present.⁵

The paper focuses on European or Western humanitarianism. I will clarify this where necessary. This does not mean that humanitarianism was an essentially European concept and practice, let alone one that high-minded and well-meaning individuals hatched in a box called “Europe”.⁶ Indeed, as a European phenomenon it is something that has developed from Europe’s relations with the wider world. Religious or philosophical ideas about humanity and the obligations of individuals and groups are not exclusive to Europeans but have been discussed in many cultures and societies. The European expansion in the modern period, however, increased the practical relevance of particular notions and led to ethical debates in political philosophy about the reach of obligations from the particular to the universal. Connected intimately to European interests and power, humanitarian challenges of war, violence and imperial rule, their practical application was based on interaction with other peoples. Humanitarianism resulted from an asymmetrical flow of ideas across various kinds of social and political borders. Moreover, it rested on asymmetries of power, which brought forth humanitarian constellations through colonial wars or through economic and social marginalisation by colonial rule. These could be compounded, for example, by dual systems of legal rights and procedures. Yet from time to time, notions of humanity also served to criticise exactly these asymmetries. Global humanitarianism therefore is a case study that is particularly pertinent to a discussion of humanity as a European concept in practice

1. A Necessary Paradox of Humanity and Humanitarianism

The moral sentiment we call humanitarianism refers, at its core, to humanitarian principles, humane attitudes, and humanity as a collective body. These are concepts that have had different meanings and functions during the course of modern European history so that we can study historical lexica of humanity and humanitarianism. In what follows, I will make a few systematic observations rather than describing the long history of the terms in

5 See also Andrew Thompson, “Humanitarian Interventions, Past and Present”, in Fabian Klose (ed.), *The Emergence of Humanitarian Intervention. Ideas and Practice From the Nineteenth Century to the Present* (Cambridge 2016), 331–356.

6 See Kevin O’Sullivan/Matthew Hilton/Juliano Fiori, “Humanitarianism in Context”, in *European Review of History* 23:1–2 (2016), 1–15, and Paul Amar, “Global South to the Rescue. Emerging Humanitarian Superpowers and Globalizing Rescue Industries”, in *Globalizations* 9:1 (2011), 1–13.

detail.⁷ The perspective will not follow the crest of philosophical or theological debates on humanity. The interest rather lies in the practical application of the concepts and, vice versa, the effects of humanitarian action on the notion of humanity and the shifting meaning for the governing mode that concerns people in precarious situations.

Concepts of humanity have represented values and norms guiding societal relations; they have served to legitimise or demand actions by the state, churches or other institutions; and they have inspired individuals to strive for what they hoped would be a better world. Humanity has therefore been a malleable concept, which has been used and indeed abused not just in the past. It also lends itself to different purposes in the present. Various competing notions of what constitutes the character of humanity and how human beings ought to be treated existed side by side.

As much as its European proponents seemed to make universal claims in the name of humanity, in practice there were limits not only to applying humanity as a principle but already to answering who belonged to humanity and what constituted it at a certain time and from a particular point of view. Moreover, concepts of humanity and humanitarian practices intersected with changing notions of differences in modern Europe. Fundamental changes effected a pluralisation of inequalities and ideologically charged understandings of otherness: the transition from a society based on estates to one based on classes, the debate regarding secularisation and re-confessionalisation, the dichotomy between nature and culture, and the emergence of nationalism, colonialism and imperialism. During these processes, in some cases new differences emerged, in other cases existing differences intensified and were ideologically charged.

Against this background, I suggest the following hypothesis: By referring to humankind as the ideal human collective, ideas of humanity and humanitarian action ignore, voluntarily or involuntarily, differences of various kinds or attempt to transcend them while, at the same time, the practical application of these ideas gives rise to new differences. This happens on a very basic level, for example by distinguishing between helpers and those in need of assistance. Here is the paradox of generating differences by means of a governing idea such as humanity, which intends to bridge differences, yet results in an ambivalence between concepts and humanitarian practices.

7 For example, for a history of the German and French term, see Hans Erich Bödeker, "Menschheit, Humanität, Humanismus", in Otto Brunner/Werner Conze/Reinhart Koselleck (ed.), *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, vol. 3 (Stuttgart 1982), 1063–1128; Henri Durantou, "Humanité", in Rolf Reichardt/Hans Jürgen Lüsebrink (ed.), *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680–1820*, vol. 19 (Munich 2000), 9–52.

On the one hand, internal European processes contributed to the growing importance of discussions of the concept of humanity and to the emergence of different understandings of humanity. On the other hand, the discourse on humanity changed through the encounter with non-European cultures, and contributed to the emergence of an understanding of humanitarianism perceived as “European”. The paradox appears, however, a necessary one, inasmuch as mobilising humanitarian action requires an overstatement to overcome existing differences in the name of humanity. It is open to debate whether this constitutes manipulation, exposes humanitarians to ridicule, or demonstrates a consciousness of the paradox and an insight into the necessities of constructing an inclusive idea of humanity.⁸

Investigating the modern period from the Humanists and early European expansion to the second half of the twentieth century and touching on contemporary issues in the immediate past, a number of general observations follow. They relate to the reliance of humanity on antonyms, various functions of humanity, the dynamic nature of the concept, and to hierarchies of humanity.

2. Humanity and its Constitutive Antonyms

In a general way, humanity in English carries two meanings, which in the German language are conveyed by two different words: humanity as an object or collective body (*Menschheit*) and as an attitude that guides behaviour (*Menschlichkeit*).⁹ The antonymous character of the concept becomes immediately recognisable when we think of humanitarian action, which addresses someone who is in need of assistance. How the people receiving help in the name of humanity were conceived of varied over time and depended on political, socio-economic and cultural context. In particular, various degrees of agency have been attributed depending on whether the “needy” were addressed as “victims”, “recipients” or “beneficiaries”. In development aid, “counterpart” refers to those local intermediaries who support or implement measures by foreign aid agencies and therefore possess greater agency than “sufferers”.

The “other” of humanity, which as a collective body is supposed to be of the same kind, does not only show itself in the terms used for the objects of humanitarian sentiment. The opposite of humaneness also becomes apparent

8 See Johannes Paulmann (ed.), *Dilemmas of Humanitarian Aid in the Twentieth Century* (Oxford 2016), 1–3.

9 For the usage of the two meanings in eighteenth- and nineteenth-century abolitionist writings see Lynn Festa, “Humanity Without Feathers”, in *Humanity* 1:1 (2010), 3–27, on pp. 7f.

in breaches of appropriate behaviour. Humanitarianism produces third parties beyond the humanitarian workers and the beneficiaries, implicitly and explicitly placing them outside humanity. Prominent historical cases of inhuman perpetrators were slave traders and slaveholders. During the nineteenth century, the abolition of slavery developed into a marker for the standard of civilisation a nation or society had achieved in the eyes of European public opinion.¹⁰ This standard, founded in the idea of the human likeness to God, referred mostly to Christian ideals of charity and narratives such as that of the Good Samaritan and contained a strong missionary element. In the historic self-image of Europe, branding slaveholding as inhuman signified the beginning of modern humanitarianism. Yet this is a largely Protestant, Anglo-American idea of Europe and the West. Before its proponents invented this modern narrative, which historical scholarship on the late-modern period tends to support, “Europe’s moral universe was anything but empty”, as Thomas Weller writes.¹¹ His analysis of Spanish discourses on slavery in the sixteenth and seventeenth centuries shows that some theologians, lawyers and missionaries criticised the enslavement of Africans as not being justified according to Canon law and scholastic tradition. As human beings and particularly as Christians, the Africans possessed a right to freedom. Although these critics did not question the institution of slavery per se, they still insisted that non-Christian slaves captured in a “just war” or condemned to servitude for committing a crime at least deserved a humane treatment even if they did not have the same right to freedom as Christians.

A highly gendered condemnation of inhumane behaviour emerged in the context of nineteenth century Catholic associations for the “rescue” of distant children. As Katharina Stornig shows, the stories about Chinese mothers abandoning, selling, or even killing their offspring characterised them not merely as “barbarian” but as “unnatural” and “inhuman”.¹² In the mid-nineteenth century, fund raising brochures spoke of “heathen dehumanisation” in China. Towards the end of the century, Catholic authors turned on slavery and declared it a particularly “Muslim” or “Arab” problem making it an

10 Fabian Klose, “‘A War of Justice and Humanity’: Abolition and Establishing Humanity as an International Norm”, in this volume; see also Gerrit W. Gong, *The Standard Civilization in International Society* (Oxford 1984).

11 Thomas Weller, “Humanitarianism Before Humanitarianism? Spanish Discourses on Slavery From the Sixteenth to the Nineteenth Century”, and Mariano Delgado, “‘All People have Reason and Free Will’: The Controversy Over the Nature of the Indians in the Sixteenth Century”, in this volume. For the structural similarities between early modern criticism of slavery and Anglo-American abolitionism, see also Peter Stamatov, *The Origins of Global Humanitarianism. Religion, Empires, and Advocacy* (New York 2013).

12 Katharina Stornig, “Between Christian Solidarity and Human Solidarity: Humanity and the Mobilisation of Aid for Distant Children in Catholic Europe in the Long Nineteenth Century”, in this volume.

ethnic and religious issue. Child abandonment or infanticide shifted from being a concern within Europe to one in the distant, “heathen” parts of the globe. The treatment of children served as another yardstick of civilisation. The Catholic charities established a mobilising connection between inhumanity and Christianity, suggesting that only the advance of Christianity among heathens overseas and the strengthening of it in European society by acts of human solidarity would save humanity at large from that “other” inhumane behaviour.

A later major instance of inhumane behaviour, which signifies the “other” of humanity, have been the crimes against humanity committed by troops as well as genocides instigated and administered by politicians and officials. Both concepts were introduced into international law in the 1940s but already had a history reaching back to the nineteenth century.¹³ As Kerstin von Lingen shows, the concept of “crimes against humanity” was a legacy of the earlier attempts to safeguard humanity in warfare put forward in the Geneva Conventions of 1864 and particularly the 1899 and 1907 Hague Conventions on the Laws and Customs of Warfare. The notion had a moral and political grounding connecting it explicitly to public conscience, customary international law and “the laws of humanity”.¹⁴ Only in 1945 did lawyers and politicians succeed in transforming it into a legal tool for bringing perpetrators to justice because “war crimes” alone did not suffice to cover the horrific deeds committed by German forces during the Second World War. It seems, though, that the blend of politics, morality and legal norms connected with crimes against humanity is inextricable and offers scope for varying interpretations. The notion of genocide exemplifies this when politicians distinguish between application of the concept to history and the legal applicability of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide in order to avoid compensation claims for crimes committed before the Convention.¹⁵

13 Kerstin von Lingen, “Fulfilling the Martens Clause: Debating ‘Crimes Against Humanity’, 1899–1945”, in this volume; cf. for the use in the context of the international treaty regime against the slave trade Klose, “A War of Justice and Humanity”, in this volume. Cf. also Daniel Marc Segesser, “Die historischen Wurzeln des Begriffs ‘Verbrechen gegen die Menschlichkeit’”, in *Jahrbuch für juristische Zeitgeschichte* 8 (2006/07), 75–101.

14 Quote from the “Martens Clause” in 1907 Hague Convention, <https://www.icrc.org/eng/resources/documents/misc/57jnhy.htm>.

15 See, for example, a debate in the German parliament on the genocide in the former German South-West-Africa (today Namibia) when Professor Dr. Egon Jüttner (CDU/CSU) stated: “Meine Damen und Herren, es ist wohl unbestritten, dass das, was vor 111 Jahren in Namibia geschehen ist, nach heutigen Maßstäben des Völkerrechts als Völkermord bezeichnet wird. Die Rechtsnorm des Völkermords wurde allerdings erst 1948 geschaffen, sodass ein Rückbezug nicht möglich ist und Rechtsansprüche daraus auch nicht hergeleitet werden können.” Plenarprotokoll Deutscher Bundestag – 18. Wahlperiode – 124. Sitzung. Berlin, 24. Sept. 2015, 12086–12091, here p. 12088, <http://dipbt.bundestag.de/dip21/btp/18/18124.pdf#P.12088>.

Beyond these delimitations in interactions, concepts of humanity in historical usage explicitly defined who belonged and who did not belong to humanity in anthropological or transcendental ways. The constitutive antonyms of humanity and humaneness reveal various and historically changing divisions. The implications for humanitarian action and practices were partly determined by these conceptually in-built differentials. Often (but not always) the differentiation rested on dichotomies. Following the historian Francisco Bethencourt,¹⁶ the big historical divisions of humankind were, first, Free people/Slaves. Europeans transferred this ancient legal division to the Americas and thereby transformed it into something of a law of nature. Europeans themselves debated this first with regard to indigenous Americans and then African Slaves in the Americas as early as Bartolomé de Las Casas in the sixteenth century.¹⁷ They fundamentally challenged slavery from the eighteenth century onwards so that it could no longer claim public currency, although the reality of slavery and servitude exists to this day. Second, Civilised/Barbarians: This second ancient distinction gained prominence in Europe through the application to peoples on the European continent as well as to peoples beyond its shores. It served to distinguish one's own community and created identities; in religious terms, it separated (Christian) believers from heathens. Civilisation reached salience from the second half of the nineteenth century well into the twentieth century. Since the 1960s and 1970s, as a consequence of decolonisation, its recognition has significantly diminished again, giving way to ideas of cultural relativism and the notion of diversity as an asset to all of humankind.¹⁸ Third, White/Black or Coloured: European ethnocentric racism developed on the Iberian Peninsula in the context of the *Reconquista*, with reference to the "tainted blood" of the *Moriscos*, and of oceanic expansion. It was reflected in manifold categorisations and hierarchical tables. Theorised in the nineteenth century, race saw its scientific character discredited during the later twentieth century. Fourth, Male/Female and Adults/Children: The division of humankind into

For the history of the genocide in 1904/08, see Jürgen Zimmerer/Joachim Zeller (ed.), *Völkermord in Deutsch-Südwestafrika. Der Kolonialkrieg in Namibia (1904–1908) und die Folgen* (Berlin 2016), and in general, *The Oxford Handbook of Genocide Studies*, ed. by Donald Bloxham and A. Dirk Moses (Oxford 2010), and A. Dirk Moses (ed.), *Empire, Colony, Genocide. Conquest, Occupation, and Subaltern Resistance in World History* (New York 2008).

16 Francisco Bethencourt, "Humankind: From Division to Recomposition", in this volume.

17 Delgado, "All People have Reason and Free Will", in this volume.

18 See Andrea Rehling, "'Kulturen unter Artenschutz'? Vom Schutz der Kulturschätze als Gemeinsames Erbe der Menschheit zur Erhaltung kultureller Vielfalt", in *Jahrbuch für Europäische Geschichte. European History Yearbook* 15 (2014), 109–137; cf. Mark Mazower, "The End of Civilization and the Rise of Human Rights. The Mid-Twentieth-Century Disjuncture", in Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge 2011), 29–44, who treats the end of civilisation as an ordering principle developed in response to the violence of the World Wars.

men and women with different rights, characters or natures ruled by various regulations has a long history. In itself, the gender division was addressed fundamentally in Europe and Western societies only during the twentieth century. Indeed, nineteenth-century Christian charity for children had reinforced the division by targeting mothers – as donors as well as in the women in China or Africa who would not fulfil their maternal role as part of female human nature.¹⁹ Fifth, Rich/Poor: People ranked and classified society in various social hierarchies. In Europe, groups and individuals experienced social segregation and exclusion, often linked with political exclusion, for many centuries. The prominence of these divisions changed. During the nineteenth century and again around the turn of the present century social inequality has figured high in public debate on divisions within European societies, between them and in comparison to the poorer countries outside the “developed” world. A variety of this basic division in the humanitarian sphere was the opposition between the affluent and the starving. Differences in this respect seem not to have diminished, indeed, they are increasing and social hierarchies persist.

There are two further divisions that we may add to Bethencourt’s list, the human/animal divide and the division between men and God. Both are antecedent to the distinctions mentioned so far. On the one hand, they conceive of humankind as a unity, each member of which is either an *animal rationalis* or created in God’s own image. It merits further attention how these categories cut across other constitutive antonyms and what determined their historically varying effects in practice, i.e. when did they work rhetorically and who made them applicable in political and judicial terms. On the other hand, Europeans used both divisions to deny or debate the human status of specific groups and persons or made room for hierarchies. The human/animal divide served in practice as an exclusion mechanism for slaves or the colonised by referring to these groups as “savages” or “beasts”.²⁰ However, particularly brutal treatment of people could also arouse humanitarian feeling, as did the “animalisation of slaves”, which the Dominican missionary Epifanio de Moirans condemned in the late seventeenth century when he became an eyewitness to conditions in the West Indies.²¹ The division was not always clear-cut, though, nor was it one-directional. In a different setting, Protestant

19 Stornig, “Between Christian Solidarity and Human Solidarity”, in this volume.

20 Besides several references in contributions to the present volume see, for example, Karl Jacoby, “Slaves by Nature? Domestic Animals and Human Slaves”, in *Slavery & Abolition* 15:1 (1994), 89–99; for the colonial setting Clapperton Chakanetsa Mavhunga, “Vermin Beings. On Pesticiferous Animals and Human Game”, in *Social Text* 29:1 (2011), 151–176, and generally Joanna Bourke, *What It Means to Be Human: Historical Reflections From the 1800s to the Present* (Berkeley, CA 2011).

21 Weller, “Humanitarianism Before Humanitarianism?”, in this volume.

missionaries, confronted with fluid boundaries between humans and animals in Hindu India, were disgusted by the better treatment of animals than of lower-caste humans.²² Yet, they still described certain groups in Indian society as “animal-like”, in particular those Hindus who resisted or hindered evangelisation. In their minds, the definitions of human and Christian became closely linked, so that the opposite of “animal” for them was “Christian”. Finally, the human/animal divide begs the question of its moral relevance. Debates on “speciesism”, originating from animal rights advocates in the 1970s, have revolved around the issue whether categorisation by species assigns different values and obligations or whether moral obligations reach beyond species. Doubts have been expressed whether the inclusive character of “human speciesism” should exclude non-human species from protection and rights.²³

The other additional fundamental division stemmed from religion, particularly the monotheist Christian, Jewish and Islamic religions. This was the fundamental division of the last resort, which is the division between man and woman on the one side, and God on the other. Religions in modern Europe recognised a transcendental relation of humans with their creator. Yet in the long term, we see a fundamental change in modern Europe in this respect. Europeans moved from a notion of humanity that was at its core defined by man’s or woman’s relation to God to an anthropocentric concept of humanity. Mihai-D. Grigore highlights the transformation in his analysis of the humanist Erasmus of Rotterdam who opened ways of thinking about humanity as a quality inherent to the human presence in the world not externally determined by God.²⁴ The theologian insisted that Christian humanity was indispensable for redemption but as humanist he recognised that the realisation of political humanity based on similarity, solidarity and common interests was a first step. The two kind of *humanitas*, the Christian and the political, were interwoven but distinct.

This historical change was not an exclusive, linear development.²⁵ God-centred and anthropocentric notions of humanity have existed side-by-side since the age of the Renaissance humanists and could complement as

22 Judith Becker, “Conceptions of Humanity in Nineteenth-Century German Protestant Missions”, in this volume.

23 From the numerous publications, see for example Peter Singer, “Speciesism and Moral Status”, in *Metaphilosophy* 40 (2009), 567–581.

24 Mihai-D. Grigore, “Humanism and its Humanitas: The Transition From *Humanitas Christiana* to *Humanitas Politica* in the Political Writings of Erasmus”, in this volume.

25 See, for example, Hans Joas, *The Sacredness of the Person. A New Genealogy of Human Rights* (Washington, DC 2013 [originally published in German, Berlin 2011]); cf. Stephen D. Moore/Mayra Rivera (ed.), *Planetary Loves. Spivak, Postcoloniality, and Theology* (New York 2011).

well as compete with each other. Humankind has been conceived of as a species and as Christian humanity. In particular, missionaries in the nineteenth century harboured the belief in the unity of all humankind as created in God's image and as of the same blood; they consequently saw all people as equal forming, in the Christian sense, a community of sinners in equal need of redemption.²⁶ As Judith Becker explains, leading Protestant missionary theologians were well aware of the political notions of humanity and human rights expressed during the American and French Revolutions and the ideas of philanthropy and humanity expressed in the abolition movement.²⁷ While they underlined the difference from Christian notions of humanity, they also managed to see the liberal ideas as an instrument used by God to raise interest in coloured people and thereby open a way for Christian missions. Humanity in terms of missionary practice then encompassed first of all spiritual relief from the danger of eternal death but it also comprised relief from physical distress as this also helped the spread of Christianity. It would warrant further investigation how European concepts confronted, in practice, non-European, non-Christian ideas of humanity.²⁸ Specifically in humanitarian activities from the West, tensions have arisen between secular concepts and religiously based notions in societies that receive assistance.

3. Varying Meanings and Functions of Humanity

While the constitutive antonyms reveal the paradoxical effects of bridging differences within and across societies, the meanings of humanity also varied over time and served various functions depending on circumstances. "Humanity" entered lexicography in the eighteenth century. It was Samuel Johnson in his *Dictionary of the English Language*, published in 1755, who gave three key meanings for the word relevant for our inquiry: First, the "nature of man"; second, "Human kind; the collective body of mankind"; third, "Benevolence;

26 On the ambivalence of the Christian understanding of man as an image of god and the equality of humans on the one side, and the dogma of the original sin on the other cf. Jörn Rüsen, "Homo Humanist? Towards a Universal History of Humanism", in Mihai I. Spariosu/Jörn Rüsen (ed.), *Exploring Humanity – Intercultural Perspectives on Humanism* (Göttingen 2012), 29–44, on p. 34.

27 Becker, "Conceptions of Humanity in Nineteenth-Century German Protestant Missions", in this volume; see also id., *Conversio im Wandel. Basler Missionare zwischen Europa und Südindien und die Ausbildung einer Kontaktreligiosität, 1834–1860* (Göttingen 2015); id. (ed.), *European Missions in Contact Zones. Transformations Through Interaction in a (Post-)Colonial World* (Göttingen 2015).

28 See Zhang Longxi (ed.), *The Concept of Humanity in an Age of Globalization* (Göttingen 2012), and Stefan Reichmuth/Jörn Rüsen/Aladdin Sarhan (ed.), *Humanism and Muslim Culture. Historical Heritage and Contemporary Challenges* (Göttingen 2012).

tenderness”.²⁹ In addition to the natural characteristics of individual human beings as well as the collective noun for the body of the whole human species, the dictionary referred thus to the practice of humane action. The entry in the 1765 *Encyclopédie* by Diderot also linked “Humanité” to social practice by describing it as “a feeling of good will toward all men”. “Great and sensitive souls” are indeed “tortured by the sufferings of others” and the urge to provide relief, which makes them “traverse the world in order to do away with slavery, superstition, vice, and misfortune”.³⁰ These seminal lexical entries, reflecting the eighteenth century “sentimental revolution”,³¹ define humanity as a quality of human beings or as desirable behaviour. These most basic meanings centred on individual actors, reflecting the anthropocentric transformation of the term.

Beyond this, humanity has carried several abstract meanings and served various functions, as the present collection illustrates. Within a Christian context, Catholic associations used “humanity” explicitly in nineteenth-century campaigns to mobilise donations for children when promoting the extension of religious ethics and social practices from European problems to distant children in Asia or Africa. The narratives of “abandoned” children thereby stressed the universality of the redemptive act and the scope of religious duties. As Stornig demonstrates, humanity was linked to missionary purposes and supplied with Christian values and gender norms, especially when the Catholic notion of humanity was declared distinct from secular “empty human philosophy” of “moderne Menschenbeglückter” (modern would-be benefactors of humanity).³² Protestant missionary histories put forward similar arguments along religious lines when they distinguished political and liberal ideas of humanity (“Humanität”) from religious notions of humankind

29 See the entry “Humanity”, in Samuel Johnson, *A Dictionary of the English Language: in Which the Words are Deduced From Their Originals, and Illustrated in Their Different Significations by Examples Form the Best Writers*, vol. 1 (London 1755). The fourth definition to which the dictionary referred was “Philology, grammatical studies”. See also Fabian Klose and Mirjam Thulin, “Introduction: European Concepts and Practices of Humanity in Historical Perspective”, in this volume.

30 “HUMANITÉ, f. f. (Morale.) c’est un sentiment de bienveillance pour tous les hommes, qui ne s’enflamme guere que dans une ame grande & sensible. Ce noble & sublime enthousiasme se tourmente des peines des autres & du besoin de les soulager; il voudroit parcourir l’univers pour abolir l’esclavage, la superstition, le vice, & le malheur.”, in Denis Diderot/Jean Baptiste le Rond d’Alembert (ed.), *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers*, Tome Huitieme, Paris 1765, 348. Emphases in the original. For the English translation *The Encyclopedia of Diderot & d’Alembert Collaborative Translation Project*, trans. by Nelly S. Hoyt and Thomas Cassirer (Ann Arbor, MI 2003). Web. <http://hdl.handle.net/2027/spo.did2222.0000.172>.

31 Lynn Hunt, *Inventing Human Rights. A History* (New York 2007).

32 “Olivieri, die Neger und die Sklavenfrage”, in *Jahresbericht des Vereines zur Unterstützung der armen Negerkinder* (1859), 3–42, on p. 24, quoted by Stornig, “Between Christian Solidarity and Human Solidarity”, in this volume. Cf. Feldman/Ticktin (ed.), *In the Name of Humanity*.

(“Menschheit”).³³ Some, like the late nineteenth-century scholar of mission studies Gustav Warneck, however, acknowledged that secular enlightenment ideas made it easier for Christian missionaries to claim the right of all human beings to hear the Gospel.

The relation of Christian ideas to secular notion plays also a role on the human rights discourse after the Second World War. Robert Brier analyses the use of “human dignity” by the Catholic Church and Catholic intellectuals.³⁴ On the one hand, the term helped in adapting human rights, which the Church had rejected officially with reference to the danger that freedom of religion posed to the Catholic faith, to an essentially conservative discourse. Human dignity was conceived of as coming from God and thus placed it in a social and natural order governed by divine law and safeguarded by institutions like the family and the Church. On the other hand, the two most relevant declarations *Pacem in terris* (1963) and *Dignitatis humanae* (1965) grounded the notion not only in revelation but also in anthropology and philosophy, which came as close to a fundamental reconfiguration of doctrines as the official bodies could get. It was a step towards an understanding of dignity as resulting out of human autonomy, or it at least opened windows for a variety of progressive groups campaigning for peace, social justice and human rights, such as Pax Christi or the liberation theology. The bishops allowed similar changes and opened windows during the same period with regard to global justice, as discussed by Gerhard Kruip under the heading of “The Unity of the Human Family”.³⁵ The process, which was in full force during the 1960s and 1970s, was highly contentious and the practical consequences were so controversial that it is difficult to speak of one single Catholic notion of humanity. Neither did the changes do away with former notions: It was exactly the openness of “human dignity” that had made it attractive for various sides.

When conceived of as a collective singular denoting unity, humanity becomes an actor on its own and an authority for appeal, for example in instances in which humanity is called to action. In 1957, the philosopher

33 See Gustav Warneck, *Abriß einer Geschichte der protestantischen Missionen von der Reformation bis auf die Gegenwart. Mit einem Anhang über die katholischen Missionen* (Berlin 1910), 81: “So revolutionär auch jene Ideen auftraten, und so wenig die Forderung allgemeiner Menschenrechte religiös begründet wurde, so leisteten sie der Missionsbewegung dennoch dadurch Wegbereiterdienste, daß sie in Verbindung mit den Rousseauschen Naturidealen einen Umschwung in der Schätzung auch der nichtchristlichen und nichtzivilisierten Menschheit herbeiführten, und daß sie den christlichen Kreisen die Geltendmachung des Rechts aller Menschen auch auf das Evangelium wesentlich erleichterten.”, quoted in Becker, “Conceptions of Humanity in Nineteenth-Century German Protestant Missions”, in this volume.

34 Robert Brier, “From Emancipation to Transcendence? Dignity, Catholicism, and the Changing Imageries of Humanity in Post-War Europe”, in this volume.

35 Gerhard Kruip, “The Unity of the Human Family: A Foundation for Global Justice”, in this volume.

and medical doctor physician Albert Schweitzer broadcast an “Appell an die Menschheit” (the literal translation “appeal to humanity” was at the time replaced by “Declaration of Conscience”) in which he warned against the danger posed by radiation and nuclear armaments.³⁶ A very different picture emerges when we look at humanities in the plural rather than the singular; it then represents a form of plurality. Historically, it has been a long way from competing concepts, which in the extreme could lead to violent struggle, to the appreciation of plurality as an essential feature of humanity.

Finally, in terms of functionality it is worth considering that humanity need not have a specific meaning shared by those who use the term in politics or social dealings. Humanity can even serve as an argument of last resort or indeed a kind of “empty shell word” left unspecified by both sides in a conflict, filled with meaning only by one and left void by the other. Or people used the term because other concepts were considered more contentious. Fabian Klose points out that the British abolitionists articulated their demand for the abolition of the slave trade from the 1780s in terms of humanity rather than rights because the latter would have involved legal disputes over property rights and because they did not consider the African slaves civilised enough to enjoy civil rights immediately.³⁷ Esther Möller explains that officially adding Humanity to the list of Red Cross principles in 1965 was an attempt by the ICRC to face the challenges to its identity and its role in the context of decolonisation and Cold War.³⁸ It served the purpose better than, for example, “charity” because it appeared more compatible in diverse cultural and religious settings. Yet the political conflicts of the times and the debates within the Red Cross and Red Crescent Movement still turned “humanity” into a contested term. While the ICRC and many Western representatives used it to highlight the non-political character of their actions, non-Western delegates explicitly linked it with political efforts. The latter thus also, on occasion, sought to reject the notion as a colonial normative instrument of governance.

36 See Thomas Suermann, *Albert Schweitzer als “homo politicus”. Eine biographische Studie zum politischen Denken und Handeln des Friedensnobelpreisträgers* (Berlin 2012), 219–240.

37 Klose, “A War of Justice and Humanity”, in this volume.

38 Esther Möller, “Between Globalisation and Contestation: Humanity as a Polemical Concept Within the Red Cross and Red Crescent Movement”, in this volume. See also David Forsythe, “On Contested Concepts. Humanitarianism, Human Rights, and the Notion of Neutrality”, in *Journal of Human Rights* 12:1 (2013), 59–68; Daniel Palmieri, “Les principes fondamentaux de la Croix-Rouge. Une histoire politique” (2015), in <https://www.icrc.org/fr/document/les-principes-fondamentaux-de-la-croix-rouge-une-histoire-politique>; Jean-Luc Blondel, “The Fundamental Principles of the Red Cross and Red Crescent”, in *International Review of the Red Cross* 31:283 (1991), 349–357.

Actors sometimes resolved differences and best achieved humanitarian purposes or at least unity among themselves by not explicitly spelling out the meaning of “humanity” because of its inherent ambivalence. As Joachim Berger shows, Freemasonry ran into difficulties precisely when it tried to find an internationally binding definition of humanitarian action in pursuance of the brotherly love to which its members subscribed.³⁹ Neither the protection of orphans nor social reform could serve as an international platform before the First World War because the so-called “culture wars”, particularly in Catholic Italy and secularist France, forced the national Freemasons to take a stance vis-à-vis the churches. On this, there was no international agreement. This also demonstrated that the link between a Christian and a secular-ethical base of neighbourly love had weakened. After the Great War, the Association maçonnique internationale wisely avoided the discussion of issues of civil society engagement, which would have exposed different understandings of the practical application of humanity. At least the idea of universal brotherhood thriving for the improvement of humanity as the totality of humankind could survive as a joint frame of reference, even if mostly an empty one which could not mobilise philanthropy to the same extent as religion.

During the twentieth century, the political left and right made different claims by reference to humanity. At its beginning, pacifists employed the term to describe the ecumenical and peaceful alternative to integral nationalism, imperialism, and the struggle for the survival of the fittest.⁴⁰ After the Second World War, conservatives integrated humanity, a concept they had largely shunned, into Christian Democratic projects, the idea of European distinctiveness or even the defence of colonial positions.⁴¹ Paul Betts’ analysis demonstrates also that the humanity need not be congruent with the universal. After the First World War, when nationalism rose to its apogee, the first president of independent Czechoslovakia for example contended that humanity was not supra-national but the organisation of individual nations. In the interwar period advocates of minority right also referred to humanity, thereby linking it to territorial claims or self-determination. The latter played an important role in decolonisation. Parallel to the return of the emphatic use of the term during the 1940s, the political organisation that came closest to representing humankind was after all the United *Nations*.

39 Joachim Berger, “‘Une œuvre internationale d’un caractère humanitaire’: The Appeal to Humanity in International Masonic Relations”, in this volume.

40 Paul Betts, “Universalism and its Discontents: Humanity as a Twentieth-Century Concept”, in this volume.

41 See also Brier, “From Emancipation to Transcendence”, and Kruip, “The Unity of the Human Family”, in this volume.

4. Humanity as a Dynamic Concept and the Hierarchies of Humanity

On first sight, humanity implicitly appears to be a static concept, implying that humanity has existed since the beginning of man/woman. Yet, looking at concepts of humanity in practices reveals quite a different kind of quality of the term. Humanity is often understood as a societal space in which principles of humanity are still to be applied. Humanity may be a quality of human beings practiced by many but it remains at least as much a desired behaviour. From this perspective, humanity is a goal not yet achieved on earth. The use of the concept therefore triggered dynamic processes. As Klose also demonstrates, in the context of abolitionism humanity became transformed from a moral argument in the late 1780s into a legal norm nationally in 1807 and then internationally in 1814/15, going on to become the basis for intervention by naval force during the nineteenth century.⁴² Several contributions to this volume demonstrate that humanity was also a dynamic concept by referring to a process. We see this in terms linked to humanity such as perfectibility, education, particularly with reference to children.⁴³ In the past, major players in this respect were the Renaissance Humanists, who like Erasmus acknowledged that all human beings by birth possessed humanity but insisted that they must educate to develop it fully.⁴⁴ Later the Pietists put an emphasis on discipline and missionaries claimed to take care of both body and soul of the “uncivilised” and other recent converts. Eighteenth century philosophers also understood humanity in a dynamic manner, as being on the path to enlightenment. Freemasonry, as an enlightened type of association, epitomised this with its understanding of humanity not merely as general philanthropy but foremost as human education.⁴⁵ Protestant missionaries in the nineteenth century believed that only the Christian religion would lead to individual and collective progress, but conversion did not automatically transform heathens in Africa and Asia into full humans. In a paternalistic fashion, they considered education in Christian principles of humanity necessary to turn the “saved souls” into “adults”. In particular, they regarded a sedentary lifestyle as the essential link between Christianisation, civilisation and humanisation.⁴⁶ In the twentieth century, The United Nations Educational, Scientific and Cultural Organization (UNESCO) took on the task of promoting peace through educational, scientific and cultural reforms. Yet it

42 Klose, “A War of Justice and Humanity”, in this volume.

43 Stornig, “Between Christian Solidarity and Human Solidarity”, in this volume.

44 Grigore, “Humanism and its Humanitas”, in this volume.

45 Berger, “Une œuvre internationale d’un caractère”, in this volume.

46 Becker, “Conceptions of Humanity in Nineteenth-Century German Protestant Missions”, in this volume.

unhinged the dynamic element of the concept in a manner. In particular, the world heritage programme, the roots of which lay in the post-war legal principle of the Common Heritage of Mankind, embraced cultural diversity and multiculturalism in the context of decolonisation and a shift to anthropological concepts of culture. Heritage of Mankind thus became a resource of *particular* cultural identity that was then elevated to a universal human right.⁴⁷ This proved attractive for intellectuals like Peng-Chun Chang or Léopold Sédar Senghor from countries then called the “Third World”, because the claim to the universal value for humankind of all cultures buried the imperial idea of progress through the spread of European civilisation.

At least temporarily, many if not most concepts of humanity have hierarchies embedded at their core. This is an implication of the dynamic conception of humanity but also of the dichotomous divisions mentioned above. These hierarchies overlap, change in relevance over time and contradict each other with various effects in practice. Although the Catholic missionaries to the Americas in principle recognised that the indigenous population also descended from Adam, they still developed a differentiated anthropology with several kinds of Barbarian categorised according their religious beliefs, the existence of a written language and the various forms of government. They also applied the catechetical method differently.⁴⁸ While all had the capacity for belief in God, the missionary idea still implied a distinction between human beings as children of God and (Catholic) Christians in particular, a division still prominent in radical antislavery pamphlets from seventeenth-century Spain.⁴⁹

Within a secular context, the hierarchies did not disappear either. To quote one example from the late nineteenth century that also illustrates the way the concept of humanity had been transformed since Samuel Johnson and Denis Diderot, we may take the Scottish legal philosopher James Lorimer, Regius Professor of Public Law and the Law of Nature and Nations at the University of Edinburgh. In his seminal book *The Institutes of the Law of Nations*, published in 1883–84, he divided humanity into the three spheres of “civilized humanity”, “barbarous humanity”, and “savage humanity”. In terms of political recognition, he concluded that to these zones “whether arising from peculiarities of race or from various stages of development in the same race, belong, *of right*, at the hands of civilised nations, three stages of recognition – plenary political recognition, partial recognition, and natural or

47 Betts, “Universalism and its Discontents”, in this volume, and Rehling, “Kulturen unter Artenschutz”, 109–137.

48 Delgado, “All People have Reason and Free Will”, in this volume.

49 Weller, “Humanitarianism Before Humanitarianism?”, in this volume.

mere human recognition.”⁵⁰ Lorimer exemplifies the ideological supercharging of otherness and inequalities in terms of race and culture based on the late modern differentiation between nature and culture and the establishment of imperialism. Other significant hierarchies of humanity exist to this day, some older, some more recent. The notion of a common humanity based on respect for the dignity of all human beings has not wholly overcome them, although this notion has gained ground and ousted particularly the late nineteenth-century racial hierarchies from public debate. Hierarchies manifest themselves, for example, in humanitarian interventions, which are publicly justified by humanitarian reasons, but ultimately rest on an unequal assessment of the lives of civilians who suffer severely from the military strikes.⁵¹

One main conclusion that derives from the historical lexica of humanity is that humanity in practice did not require equality, sometimes not even a language of equality. Quite on the contrary, for long periods and in many contexts concepts of humanity neither implied nor were they based on social and economic similarity, on religious ecumenism, or on equal rights. Therefore, the moral impetus that “we should be active in all places where there is suffering” needed not to be based on the notion that all humans are equal. Considering the double meaning of humanity, humaneness needs no language of equality while humanity as a collective body holds the potential for claims to equality even if the language establishes hierarchies and differentiations.

We can further conclude that humanity has been a malleable concept that was used and indeed abused in the past and still serves different purposes in the present. Concepts of humanity have never been merely lofty ideas discussed by intellectuals and theologians alone. They have rather represented values and norms guiding societal relations; they have served to legitimize or demand actions by the state, the churches or other institutions; and individuals have been inspired by them to strive for what they hoped would be a better world.

Finally, various competing notions of what constitutes the character of humanity and how human beings ought to be treated existed side by side. As much as its European proponents seemed to make universal claims in the name of humanity, in practice there were limits not only in applying humanity as a principle but already in answering who belonged to humanity at a certain time and from a particular point of view. In terms of European relations with the rest of the world, Europeans have often taken on the role of the advocates

50 James Lorimer, *The Institutes of the Law of Nations. A Treatise of the Jural Relations of Separate Political Communities*, vol. 1 (Edinburgh 1883), 101.

51 Didier Fassin, “Inequality of Lives, Hierarchies of Humanity. Moral Commitments and Ethical Dilemmas of Humanitarianism”, in Feldman/Ticktin (ed.), *In the Name of Humanity*, 238–255, here 255. On the controversial issue of humanitarian intervention, see also Klose (ed.), *Emergence of Humanitarian Intervention*.

of humanity giving a voice to those who could not speak but also thereby drowning out the (subaltern) voice of humanity itself. This relationship is something in need of further historical exploration. Suffice it to say at this point that politics, again, played a role. Humanitarian advocacy, for example by non-governmental organisations, has been a matter of governance within the field of providing succour and in the relation with the suffering human beings. It concerns the humanitarian agents as well as those people who are in precarious situations.⁵²

5. Humanitarian Reason

As we have seen so far, the ubiquitous and seemingly self-understood combination of global humanitarianism has a rather complex conceptual dimension in terms of humanity and humanitarianism. The global dimension is equally problematic. Starting from the practice rather than the concept of humanity, a contemporary basic, almost everyday definition focuses on the mundane side of humanitarian relief by speaking of “assistance given to people in immediate need resulting from natural or man-made disaster”.⁵³ This definition of humanitarian relief has strong conceptual overtones. It implies an emergency suggesting that need arises suddenly and unpredictably while simultaneously locating the situation in a specific place disconnecting it from global interactions. Causes are attributed to forces of nature or the evil nature of man so that disasters are naturalised and appear as a sort of normal incident to distant observers. Responding to them by quickly delivering assistance worldwide has become one of the modalities of globalisation carrying moral imperatives for immediate action.⁵⁴

52 Didier Fassin, *Humanitarian Reason. A Moral History of the Present* (Berkeley, CA 2012), ix–x.

53 Jonathan Benthall, “Relief”, in *The Palgrave Dictionary of Transnational History*, ed. by Akira Iriye and Pierre-Yves Saunier (New York 2009), 887–893.

54 Craig Calhoun, “The Imperative to Reduce Suffering. Charity, Progress, and Emergencies in the Field of Humanitarian Action”, in Michael Barnett/Thomas G. Weiss (ed.), *Humanitarianism in Question. Politics, Power, Ethics* (Ithaca, NY 2008), 72–97. In contrast to the apparently clear-cut definition of relief, a recent review of anthropological studies of humanitarianism emphasizes the blurring of boundaries of humanitarianism and the overlapping between humanitarian relief, human rights, development, and humanitarian intervention. Delimitations appear to be breaking down in the last decade, see Miriam Ticktin, “Transnational Humanitarianism”, in *Annual Review of Anthropology* 43 (2014), 273–289; see also Johannes Paulmann, “Conjunctures in the History of International Humanitarian Aid During the Twentieth Century”, in *Humanity* 4:2 (2013), 215–238; Bronwyn Leebaw, “Justice, Charity, or Alibi? Humanitarianism, Human Rights and ‘Humanity Law’”, in *Humanity* 5:2 (2014), 261–276; Michael Geyer, “Humanitarianism and Human Rights. A Troubled Rapport”, in Klose, *Emergence of Humanitarian Intervention*, 31–55.

In a systematic fashion, the anthropologist and sociologist Didier Fassin therefore defines humanitarianism as a moral landscape. He sees it as made up of two dimensions today; one feature is the “global spectacle of suffering”, and the other is the “global display of succour”.⁵⁵ Leaving aside for the moment the issue of the global, we learn that Fassin regards “humanitarianism” as a “mode of governing that concerns the victims of every situation characterized by precariousness”.⁵⁶ His analysis focuses on the decades since the end of the Cold War and leads him to the conclusion that humanitarianism in this period has become a language that not only links values and affects and “serves to define and justify discourses and practices of the government of human beings”.⁵⁷ Humanitarianism has also reconfigured previous vocabularies of social critique, so much so that we now have a “new lexicon of moral sentiments”; this new language affects public action and individual practices.⁵⁸ “Inequality is replaced by exclusion, domination transformed into misfortune, injustice is articulated as suffering, violence is expressed in terms of trauma”, according to Fassin.⁵⁹ He concludes that humanitarianism is morally driven, politically ambiguous and deeply paradoxical. Fassin proposes to call this new consensual force “humanitarian reason”; it forms the centre of a new moral economy, which has emerged in recent decades. “The politics of compassion”, as Fassin summarises the character of the present mode of governing, is paradoxical because it involves a politics of *inequality* and at the same time a politics of *solidarity*.⁶⁰ The resulting tension between the two, between a relation of domination and a relation of assistance, is constitutive of all humanitarian government.

Taking the cue from Fassin’s contemporary analysis of “humanitarian reason” and the paradoxical politics of compassion (with its uneasy mixture of inequality and solidarity) allows us to combine the historical analysis of governance and power relations between states, international institutions and non-governmental organisations with the changing humanitarian narrative and take the latter seriously as a force to be reckoned with. Humanitarian narrative here means the rhetoric and visual means employed to form a bond between those who are suffering and those who care to help. The particular descriptions of suffering act as an imperative to mobilise individuals and

55 Fassin, *Humanitarian Reason*, ix.

56 *Ibid.*, x. Precariousness for Fassin encompasses the domestic sphere as well as distant lands and may result from structural inequalities in societies as well as from catastrophic events.

57 Fassin, *Humanitarian Reason*, 6.

58 For a similar argument in the context of late eighteenth and early nineteenth-centuries abolitionism see Thomas L. Haskell, “Capitalism and the Origins of the Humanitarian Sensibility”, in *American Historical Review* 90:2 (1985), 339–361 (part 1), and *American Historical Review* 90:3 (1985), 547–566 (part 2).

59 Fassin, *Humanitarian Reason*, 6.

60 *Ibid.*, 3.

societies. They present a narrative, which tells the reader or spectator that ameliorative action is possible, effective and therefore morally required.⁶¹ As historical research and the contributions to the present volume show, this is by no means a contemporary phenomenon but one with a long history – a history entangled particularly with European expansion and empires.

6. (Post)Imperial Histories of Humanitarianism

To move from the history of humanity to global history seems but a small step when we take humankind to denote the body of the human species. Of course, we are then conceiving of the globe as the potential sphere of action, as it appeared in Fassin's definition of a moral landscape with the two dimension of the *global* spectacle of suffering and the *global* display of succour. This is global in the spatial sense of the planetary. Global history is thus characterised as large-scale and spacious dealing with long-distance or inter-continental relations and movements of people, goods and ideas. This is, largely, a useful delineation when describing a suitable topic for investigation. There are methodological problems involved with this kind of research, which are beyond the remit of this paper. Global in the sense of planetary does not provide a particular theoretical orientation.

However, we may also understand global in the sense of the universal.⁶² Global history then investigates the structures and principles of human development (and in a wider sense the living world, i.e. animals, plants, earth and climate). It encompasses the emergence of connectivity, from isolated ephemeral instances and more or less stable bundles of links to the structural entanglement and unification we know today – the emergence, or perhaps better the ebb and flow of connectivity takes centre place in the ensuing historical narrative. In the narrowest sense, this is the history of globalisation. In a less restrictive manner, this means looking for the links, contemporary and past, that connect a research topic and localities over long distances. In the widest sense, global history serves as a term for writing particular histories against a general interpretative background of similar cases elsewhere in the world – a kind of global comparative history.⁶³ On a very basic level,

61 See Thomas W. Laqueur, "Bodies, Details, and the Humanitarian Narrative", in Lynn Hunt (ed.), *The New Cultural History* (Berkeley, CA 1989), 167–204, and Richard Ashby Wilson/Richard D. Brown (ed.), *Humanitarianism and Suffering. The Mobilization of Empathy* (Cambridge 2009).

62 For a discussion of universal history see Ernst Schulin, "Universalgeschichte und abendländische Entwürfe", in Heinz Duchhardt/Gerhard May (ed.), *Geschichtswissenschaft um 1950* (Mainz 2002), 50–64, and Ernst Schulin (ed.), *Universalgeschichte* (Cologne 1974).

63 Sebastian Conrad, *Globalgeschichte. Eine Einführung* (Munich 2013), 7–28; Bruce Mazlish/Akira Iriye (ed.), *The Global History Reader* (New York 2005), and Douglas Northop

the driving force behind universal history for earlier generations in Europe was, as a matter of course, God (in which case global actually would mean worldly as opposed to transcendental); for later ones reason, the “Weltgeist”, material progress and class conflict, or natural selection explained the course of history. In the present, the planetary expansion of a science and technology driven capitalism represents the motor of history. Some emphasise the force of notions such as liberty and democracy, others the empathy with the suffering human being and the urge to provide succour.

This is of course a pointed description of global history. Nevertheless, I think the global is, just as much as humanity, a hyperbolic term. I have tried to highlight this by my reference to universal history. The global always contains a claim – be it a claim for global power, global business, global justice,⁶⁴ global relief, or for that matter, a claim for writing global history.⁶⁵ The normative claim in the later instance is that because the present is global, historical research must be globally organised and deal with global topics, otherwise it is supposed to be no longer relevant or up-to-date. The overstatement and exaggeration helps us to recognise the gap between what was actually realised politically, economically or otherwise in the past, and what on the other side was not achieved or remained to be expected or simply utopian.

Turning to what was realised in the history of humanitarianism, I suggest speaking of *imperial humanitarianism* rather than global humanitarianism for most periods of modern European history.⁶⁶ It started with the colonial roots of humanitarianism since the early European expansion, followed by the build-up of religious, secular and administrative structures in the imperial humanitarianism of the nineteenth century. A major conjuncture in the establishment of humanitarian organisations and structures beyond imperialism happened in the wake of imperial collapse after the First World War. Decolonisation, internationalisation and the legacies of imperial humanitarianism shaped the most recent period almost up to date.

(ed.), *A Companion to World History* (New York 2012); cf. A.G. Hopkins (ed.), *Globalization in World History* (London 2002).

64 Kruip, “The Unity of the Human Family”, in this volume.

65 Cf. for example Akira Iriye, *Global Community. The Role of International Organizations in the Making of the Contemporary World* (Berkeley, CA 2002).

66 See Rob Skinner/Alan Lester, “Humanitarianism and Empire. New Research Agendas”, in *Journal of Imperial and Commonwealth History* 40:5 (2012), 729–747; with a focus on Italian anti-slavery campaigns Amalia Ribì Forclaz, *Humanitarian Imperialism. The Politics of Anti-Slavery Activism, 1880–1940* (Oxford 2015). Cf. O’Sullivan/Hilton/Fiori, “Humanitarianism in Context”, 5, and Mark Mazower, *No Enchanted Palace. The End of Empire and the Ideological Origins of the United Nations* (Princeton 2013).

The relationship between colonial practices and humanitarian action has a complex history, which can only be related very briefly here.⁶⁷ The concern for distant strangers originated in colonial and missionary encounters, its development depended on imperial infrastructures and its justification was strongly imbued with imperial ideologies and civilisational hierarchies. In turn, humanitarianism strengthened imperial governance, even prolonging imperial ideas and practices beyond decolonisation. Yet it also contributed to anti-colonial sentiment and provided support for liberation movements. It manifested itself in a broad field of activities, with blurred rather than clearly delimited conceptual and practical boundaries. Humanitarian engagement encompassed campaigns for the abolition of slavery, the protection of indigenous populations, missionary work, famine relief, provision of shelter, health and rehabilitation for those suffering from war, humanitarian intervention by military force and the advocacy of human rights and development. Humanitarianism influenced the formation of European and Western civil society as its proponents were not only present in traditional organisations such as churches but also organised themselves nationally and internationally around particular humanitarian causes. Religious and secular motivations often intermingled. National governments and imperial administrators also took up the cause of humanity at times. So did international governmental organisations, which, together with decolonisation and the transformation of colonial missions, carried humanitarianism beyond empire in the twentieth century.⁶⁸ Humanitarianism shaped relations between colonisers and the colonised in the long term. In particular, media representations and campaigns for humanitarian causes formed the image of “donors” and “recipients” which today still underlies global asymmetries of the concern for distant strangers.

Perhaps the most recent phase of humanitarianism since the end of the Cold War clash between American and Soviet Empires and the acute crisis of the European Empire (named the European Union), should be viewed as yet another post-imperial period. We can see that the concept of humanity has also changed in the present. This may explain why we experience a surge of humanitarian issues and debates and why a new moral economy, which Didier Fassin has called “humanitarian reason”, has emerged. A history of imperial humanitarianism needs to be critical of empire and its power relations, the violence imperialists have exercised and the exploitation that went with it. Bearing in mind Frederick Cooper’s statement,⁶⁹ we should

67 This abstract is based on Johannes Paulmann, “Humanitarianism and Empire”, in *The Encyclopedia of Empire*, vol. 2, ed. by John M. MacKenzie (Oxford 2016), 1112–1123.

68 Cf. Kruip, “The Unity of the Human Family”, in this volume, for a contemporary request directed at the Catholic Church to adapt its structures to its own claims for global justice.

69 Frederick Cooper, “Writing the History of Development”, in *Journal of Modern European History* 8 (2010), 5–23.

however also recognise that empire provided the framework for claims, the development of rights, and the evolution of humanitarian organisation. The sociologist Krishan Kumar speaks of “Empires as bearers of global ideas of humanity”.⁷⁰ While this could be taken as an argument in defence of Empire, it would be more accurate to state that, with the demise of European empires, responsibilities became diffuse. Humanitarianism consequently acquired a systemic function in European relations with the “Third World” it had not had quite in the same manner under imperial rule. Moreover, in the present post-Cold War period, the emphatic concept of humanity underlying humanitarianism has probably been lost. The universalist appeal to humanity, Alain Finkielkraut points out in his *Humanité Perdue*, has given way to the notion of suffering humanity.⁷¹ In practical terms, humanity appears to have been reduced at present to “benevolence” in Samuel Johnson’s eighteenth-century vocabulary, while “humankind” serves at best in political rhetoric.

This essay has charted concepts of humanity by investigating how they shaped practices and how these practices themselves informed ideas. Based on the contributions to the present volume, it covered the modern period from the humanists and the early European expansion to the second half of the twentieth century, thus touching also on contemporary issues in the immediate past. By placing Europe firmly in the context of its relations with the wider world, we see that European expansion and imperial rule as well as its formal demise combined with claims for universal humanity in various shapes and forms. This accounts historically for the present ubiquity of the notion of “global humanitarianism”. The history of imperial humanitarianism and its hyperbolic side of a global history of humanitarianism demonstrate that humanitarian action necessarily, so it seems, needs a utopian reference in the form of a concept of humanity. It can thereby seek to bridge the manifold differences in practice. If the “other” were not a human being, why should we do something about his or her suffering? The exaggeration of a unified, equal humanity gives humanitarianism a sort of manipulative character which serves sometimes to ridicule it as ineffective and idealist: in German “Humanitätsduselei” (sentimental humanitarianism), a term denouncing people who allegedly fail to see political or economic realities. Yet, if we are aware of the gap between, for example, imperial humanitarianism and the claim for equal human rights for all subjects of particular empires, the

70 Krishan Kumar, “Empires as Bearers of Global Ideas of Humanity”, in Longxi (ed.), *The Concept of Humanity in an Age of Globalization*, 189–216.

71 See Betts, “Universalism and its Discontents”, in this volume, and Alain Finkielkraut, *L’humanité perdue. Essai sur le XXe siècle* (Paris 1996), 117–136 (trans. into English as *In the Name of Humanity. Reflections on the Twentieth Century* [London 2001]).

reference to a common humanity constitutes a political use of the term. If it were not for the utopia, how could a practicable goal be achieved? Indifference and cynicism certainly have less appeal than humanitarianism. Perhaps the notion of “Humanitarian Cosmopolitics” could serve as an alternative to the imperial humanitarianism of the past as well as to “humanitarian reason” as the present form of governance.⁷²

72 Cf. Wilkinson, “Humanitarianism and Cosmopolitanism”, and Pogge, *World Poverty and Human Rights*.

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