Myths and lessons of liberal intervention: the British campaign for the abolition of the Atlantic slave trade to Brazil[1]

Key words: liberal intervention; slave trade; humanitarian intervention; utility of force

Abstract: This article takes issue with recent references to the British nineteenth century campaign for the abolition of the trans-Atlantic slave trade to Brazil that serve to bolster interventionist or imperialist agendas. In particular, such accounts reproduce two and a half myths about the campaign: that it can serve as a model for the present age; that the success of the campaign can be explained through the actions of the intervening party alone (with a corresponding neglect of those of the 'target' state); and the half-myth that the campaign's success was due to military action (at the expense of institutional (legal) and normative factors and the capacity of the target state). I argue instead that this case – and interventions more generally – would benefit from an analysis that considers the role of force in relation to a series of residual institutional and cultural constraints within the liberal state and to political conditions in the target state. In light of the complexities and contingencies that these factors present the underlying lesson is that military force should be used sparingly, if at all.

The British campaign for the abolition of the Atlantic slave trade to Brazil was the most costly international moral action recorded in modern history:[2] it lasted for forty years,

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incurred the loss of around 5,000 British seamen (mostly from disease) and cost an average of 2% of British national income annually. For social-scientists this level of resource expenditure makes it an 'extreme' example of humanitarian intervention and therein intrinsically interesting as a case in which the politics and dynamics of intervention stand to be more starkly exposed than in less costly cases and therein prospectively illuminating for the study of 'humanitarian intervention' or 'military humanitarianism' more widely.[3] But also, the case has in recent years been rediscovered by advocates of liberal interventionism and of empire who see in the British campaign a positive example for our own times. Typically, the campaign is represented as a successful, robust and long haul endeavour that stands in marked contrast to the moral uncertainties, weak or fragile political will and high risk aversion of the present. Yet contemporary analogies with the anti-slave trade campaign tend to be brief and the message or lessons drawn or inferred misleading in important respects. There is, then, both a social scientific and a policy justification for re-examining the campaign and its 'lessons'.

In particular, the case illustrates the how liberal institutions and culture serve to condition the possibilities and limits of such interventions in ways which resonate with recent experience. The case suggests the need for liberals to use force sparingly and to rethink alternatives to the military dimension, whilst at the same time being aware that these are unlikely to offer any easy 'solutions'.

Mythologising the anti-slave trade campaign

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[2] Chaim D. Kaufmann & Robert Pape, 'Explaining costly moral action: Britain's sixty-year campaign against the Atlantic slave trade', *International Organization*, 53/ 4: 631-668 (1999), pp. 631, 634-37.

[3] See Stephen Van Evera, *Guide to Methods for students of Political Science* (Ithaca: Cornell University Press, 1997), pp. 77-88.

This first part of the article identifies two-and-a-half 'myths' that are apparent in current representations of the anti-slave trade campaign and shows that they offer only partial or misleading insights. The notion of 'myth' is used here to refer to a representation of an historical event or episode that exists in the public domain but which is of limited or superficial accuracy when considered in the light of historical scholarship. The first myth is that the campaign can serve as a model for interventions in the present day. Closer analysis, however, shows the limits of this comparison due both to the selective nature of certain contemporary representations and to changes in the character of democratic politics, society and warfare in the past two centuries. The second myth is that the 'intervening' Power was solely responsible for abolishing the trade. Whilst several recent accounts focus solely on the role of the intervening Power, richer historical analyses tend to recognise the vital role of the target state. The half-myth is that it was the use of (naval) force – and in particular the unilateral, illegal use of naval force – that achieved the aims. In fact, whilst the use of force *did* eventually play a key role (hence the *half* myth), for long periods it was ineffective and ultimately its efficacy was closely related to the development of state capacity and elite calculations within Brazil itself.

The centre-left British Labour politician, Lord Clive Soley, situates contemporary military interventions against dictatorial regimes in a liberal teleological framework in which 'the world has been gradually moving towards greater commitment to democracy and the rule of law.... As long as we don't lose our nerve we may look back on this period as a time when we finally consigned brutal dictators to the dustbin of history'. Aware that the experience in Iraq has given military intervention a 'seriously bad name' he asks whether it is worth it. His answer is to cite the British nineteenth century slave trade campaign. That too was at times unpopular and 'much of what Britain actually did then was illegal': 'just change the names

and the dates and you could be reading about our attempts to put an end to dictatorships'. [4]

Clearly, Soley regards the anti-slave trade campaign as an example of what robust, unilateral action can achieve. His account, however, has no mention of the significance of political developments in the 'target' state and despite referring to economic and political options the focus is very much on the military dimension.

The conservative historian Niall Ferguson's representation of the anti-slave trade campaign may be understood in terms of his overarching argument that empires – or at least the British empire – was a positive civilisational force and that the United States should in the present age recognise and cultivate its own liberal imperial mission. In his account of the Atlantic trade's abolition it is a) British agency and b) military (naval) power that is to the fore:

> 'If the British wished to abolish the slave trade, they simply sent the navy…. If the
> British wished the Brazilians to follow their example by abolishing the slave trade,
> they simply sent a gunboat. That was what Lord Palmerston did in 1848; by
> September 1850 Brazil had passed a law abolishing the trade'. [5]

This simple causal logic is, however, deeply misleading. Brazil had in fact criminalised the trade in 1831 but the law was wholly ineffective – in fact the trade boomed as the decade

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[4] Lord Clive Soley, 'The Right Side of History',

http://www.google.co.uk/search?hl=en&biw=1260&bih=863&q=soley+right+side+of+history&oq=soley+right +side+of+history&aq=f&aqi=&aql=&gs_sm=e&gs_upl=8186l9983l0l14l8l0l0l0l0l0l0l0ll0, pp. 2-3; accessed 26/6/11; See also Gary J. Bass, 'Humanitarian Intervention in the 21st Century', *The Tocqueville Review*, 30/1: 17-35 (2009), pp. 17-18.

[5] Niall Ferguson, *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power*, (London: Allen Lane, 2002), pp. 303-17; 139.

progressed.[6] The question shifts, then, to why the law was effective in the 1850s but not the 1830s? As discussed below the answer requires close attention to the Brazilian dimension – and in particular to matters of state development and elite policy making – which is wholly overlooked in the above accounts. Others too, such as the former British Conservative Foreign Secretary Lord Douglas Hurd have also overlooked the Brazilian dimension. His own term (1989-95) was marked by a reluctance to intervene militarily in Bosnia and whilst his account places greater emphasis upon the network of treaties than do the interventionists and imperialists there is still no mention of developments in the target state.[7]

The problem with such accounts is that they overlook the 'interactive' nature of many interventions which actually require some form of cooperation – even if this be coerced cooperation – between the intervener and target government (or faction within the target state) and downplays the importance of the political dimension. It is not only that such accounts may encourage military adventurism; they are also unhelpful for understanding the utility of force. The discussion returns to this theme after first reviewing the campaign itself.

The campaign and its challenges

'I fear we cannot without experiment assume success to be certain'.[8]

Peel to Aberdeen (January 1844)

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[6] See *The Trans-Atlantic Slave Trade Voyages Database* at www.slavevoyages.org

[7] Douglas Hurd, *Choose Your Weapons: the British Foreign Secretary, 200 Years of Argument, Success and Failure*, (London, Phoenix, 2011) pp. 83-84.

[8] Wilbur D. Jones, 'The Origins and Passage of Lord Aberdeen's Act', *The Hispanic American Historical Review*, 42/ 4: 502-520 (1962), pp. 505-06.

Besides being a 'humanitarian'[9] intervention the British campaign was also a 'liberal' intervention. That is to say, independent of its particular ends the campaign was subject to the political institutions and processes of policy-making in a liberal state such as parliamentary government, party-political competition, an independent legislature and such associated societal pressures as a dynamic civil society and free press. Whilst Britain was not 'democratic' in this period – only 1 in 7 adult males had the vote *after* the 1832 Reform Act – this was the period when the middle classes and nonconformists were actively challenging the old Toryism such that the combination of institutional and cultural factors confirm Britain's increasingly liberal character.

A vital initial question, given the seemingly limited public support for intervention in the present age, is how it was politically possible for Britain to sustain the campaign over forty years when for much of this period it was of limited effectiveness, high cost, faced declining public support and after 1830 faced with the alternation of Whig and Tory governments? Kaufmann and Pape point primarily to the finely balanced electoral competition between the two main parties which gave the anti-slavery lobby a political significance and impact it may not otherwise have enjoyed. From 1835 onwards, 'British governments, whether Whig or Conservative, could not resist abolitionist demands absent countervailing mass mobilization – which occurred just once, over sugar duties in 1846'. [10] Besides this, Palmerston as Whig

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[9] On the question of whether the abolition campaign was driven by economic or moral reasons see Eric Williams, *Capitalism and Slavery* (Chapel Hill: University of North Carolina Press, 1944); Seymour Drescher *Econocide: British Slavery in the Era of Abolition* (Pittsburgh: University of Pittsburgh Press, 1977); Kenneth Morgan, *Slavery and the British Empire: From Africa to America* (Oxford: Oxford University Press, 2007), pp. 167-71.

[10] Kaufmann & Pape, 'Explaining Costly Moral Action', p. 658.

Foreign Secretary was personally committed to the abolition campaign and government leaders generally sought to avoid the perceived loss of prestige and credibility should Britain abandon its efforts. Also, the establishment of the Slave Trade Department of the Foreign Office in 1821 institutionalised the issue and created a point of access and influence for the abolitionist societies. The question of whether there is an equivalent political base for a protracted humanitarian campaign in the present age will be discussed in the final section of this paper.

The predominant government approach comprised a treaty based naval stop and search regime known as the preventive system. This had only limited success as patrols were frequently outrun or outwitted by the slavers, leading to the adoption of various alternatives, all of which were beset by their own internal tensions and contradictions.

From the outset the government's conduct and development of the campaign was closely interwoven with international legal considerations. The 1807 Abolition Act had made it illegal for British ships to participate in the slave trade but did nothing to stop ships of other flags. During the Napoleonic Wars Britain countered this through exercise of its belligerent rights to search and capture enemy slave ships and initially sought to extend this action into peacetime, particularly after the failure at the Congress of Vienna to gain more than a non-binding general declaration that the trade was 'repugnant to the principles of humanity and universal morality'. By this point most of the major slave trading nations had already prohibited or agreed to prohibit the transatlantic trade leaving Spain and Portugal as the principal perpetrators. However, the unilateralist strategy was overruled by the judiciary in the landmark *Le Louis* (1817) judgement which upheld the principle of state sovereignty through ruling that under customary international law no such right of search and capture

existed: no government, argued Sir William Scott, could 'force the way to the liberation of Africa by trampling on the independence of other states in Europe'.[11]

Britain, then, was in the position of requiring individual bilateral treaties in order to put the right of stop and search on a sound legal footing. However, powers such as the United States and France refused to allow British vessels such rights with the effect that the slave traders were able to exploit the differential legal regime through changing flags or falsifying papers. Even Portugal, despite the fact that Britain had facilitated the passage of its entire Royal Court to Brazil when it was threatened by Napoleon in 1807/8, granted Britain rights of naval stop and search *only* north of the equator and *outside* of territorial waters in the treaties of 1815 and 1817.[12] The 1817 treaty did, however, establish a judicial procedure whereby captured ships were taken before one of two Anglo-Portuguese Courts of Mixed Commission at either Rio de Janeiro or in Sierra Leone composed of a judge from each state.[13] A further opportunity arose in 1826 when Britain made recognition of Brazilian independence conditional on the extension of its non-reciprocal commercial privileges (which was a cause of resentment locally) and a commitment to criminalise the participation of Brazilian subjects in the slave trade with effect from 1831. However, it was Article 1 of the treaty that was *later* to prove particularly valuable to the British in declaring such participation after that date to be 'deemed and treated as piracy'. This raised the prospect of warships of any country

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[11] Christopher Lloyd, *The Navy and the Slave Trade. The Suppression of the African Slave Trade in the Nineteenth Century*, (London: Longman, 1949), p. 44.

[12] Leslie Bethell, *The Abolition of the Brazilian Slave Trade*, (Cambridge: Cambridge University Press, 1970), p. 18.

[13] Lloyd, *The Navy and the Slave Trade*, p. 45; Bethell, *ibid*. pp 18-19.

seizing slave ships on the High Seas, regardless of what flags they were flying, for trial at the captor's *own* tribunals.[14]

That there was a glut of slave imports prior to criminalisation of the trade in Brazil did not stop the trade expanding in the latter half of the decade in response to booming European demand for cotton, sugar and coffee. According to Lloyd only about 10% of the traffic was stopped[15] and even then there remained a chance of acquittal at the courts of mixed commission depending upon whether there was a British or a Brazilian judge.[16] This patent lack of success drove divisions between abolitionists on the question of means. Thomas Fowell Buxton, Wilberforce's successor as leader of the anti-slavery group in parliament, showed in his pamphlets *The Slave Trade* and *The Remedy* (1838) that despite the naval patrols and treaties the expanded trade was having increasingly serious consequences for Africa as more wars were being fought to maintain the supply of slaves. If one took into account the high level of deaths from disease associated with the trade then Africa was losing approximately 400,000 persons a year to the Atlantic trade, which was twice that of half a century earlier.[17] It was becoming increasingly clear to contemporaries that the preventive system was a *conceptual* as well as an operational failure, which is not to say that alternative approaches would necessarily fare any better.[18]

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[14] Bethell, *Abolition*, p. 60.

[15] Lloyd, *The Navy and the Slave Trade*, pp. 61, 275, xii.

[16] Bethell, *Abolition*, pp. 122-150.

[17] Howard Temperley, *British Antislavery, 1833-1870* (London: Longman, 1972), p. 50.

[18] But see E. Philip D LeVeen, 'A Quantitative Analysis of the Impact of British Suppression Policies on the Volume of the Nineteenth Century Atlantic Slave Trade', in Stanley L. Engerman and Eugene D. Genovese

Buxton's largely aristocratic 'Society for the Extinction of the Slave Trade and the Civilisation of Africa' was formed in 1839 to mobilise support for a fresh approach that paid greater attention to the socio-cultural conditions that fed supply. His scheme entailed the conclusion of treaties with local chiefs to develop agriculture and commerce in place of slaving and the establishment by the British government of an infrastructure of trading posts, transportation and model farms. Melbourne and Palmerston were both sceptical but the government could not afford to lose the support of the humanitarians in parliament and pledged to send a mission to explore the Niger in search of a suitable area of land. The crew, however, were struck by fever and the model farm experiment degenerated such that this alternative to the preventive system was soon discredited.[19]

The more middle-class British and Foreign Anti-Slavery Society (BFASS) founded by Joseph Sturge in 1833 tended to be pacifist, with a large Quaker membership, and more rigidly principled as was apparent in their opposition to both the government's preventive system and to compensation for slave-holders following emancipation. Their alternative to the preventive system was the abolition of slavery itself and to this end they held well-attended World Anti-Slavery Conventions in 1840 and 1843. Such ambitions were, however, thwarted by the prior question of whether or not to admit women delegates as full participants. They decided against. As Temperley notes, the British (as the American) anti-slavery movement became marked by factionalism, tactical and personal differences and after the abolition of slavery in the sugar colonies in 1833 increasing frustration.[20] Thus whilst civil society was

(eds.), *Race and Slavery in the Western Hemisphere: Quantitative Studies*, (New Jersey: Princeton University Press, 1975) for an alternative view.

[19] Temperley, *ibid.*, pp. 42-61; Philip D. Curtin, *The Image of Africa: British Ideas and Action, 1780-1850*, (London: Macmillan, 1965) pp. 289-317.

[20] Temperley, *ibid.,* pp. xi-xvii, 62-92.

essential for sustaining the political base of the campaign, it failed spectacularly to generate practical alternative models of abolition.

The most radical alternative to the preventive system, however, and one which ran directly against the British policy of minimizing commitments, was governmental annexation of the territories generating slaves. The annexation of Lagos in 1861 was a direct consequence of the limits of military intervention as a political instrument in that it has failed to resolve the issue of African Christians being enslaved and sold across the Atlantic. Under pressure from the Church Missionary Society the British government intervened in 1851 to install a more cooperative leader in Lagos and increase 'legitimate trade', but this only led to further interventions in 1853 and 1861 and then to the outright annexation of Lagos.[21] But then, as now, annexation was hardly a strategy that could be applied whenever a humanitarian outrage emerged.

Palmerston's response to the lack of progress through the 1830s was to turn at the end of the decade from a treaty based approach to a more robust unilateralism. He authorised the seizure of all ships flying the Portuguese flag that were either carrying slaves or equipped for slaving but soon realised that in the absence of an international treaty this exposed British naval officers to the risk of being sued for illegal seizure. Palmerston consequently sought the authority of parliament in order to indemnify the naval officers involved, resulting in the Slave Trade (Portugal) Bill (1839) which also lowered the threshold for capture by including a number of 'equipment articles', extending the bounty for officers to vessels captured south of the equator and making provision for vessels to be taken to British vice-admiralty courts rather than the mixed commissions.[22] The Bill enjoyed bipartisan support in the Commons

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[21] Curtin, *The Image of Africa*, pp. 314-5.

[22] Lloyd, *The Navy and the Slave Trade*, pp. 46-47.

but was initially defeated in the Lords by Tory peers. The 'ultra' Tory Duke of Wellington invoked the *Le Louis* judgement to argue that the right of search was illegal in peacetime unless secured through treaty, protested that the authority to undertake what amounted to operations of war rested with the executive and not parliament, and that such actions risked 'universal war' through provoking other maritime nations. The bill did eventually pass but it was not long before the British navy, despite being at the height of its powers, was reminded that it could not simply excuse itself from the wider international legal system.

In 1840 Captain Denman, operating under the authority of the new Act, blockaded a notorious slaving factory at Gallinas where he succeeded in capturing fifteen vessels, freeing 800 slaves and destroying eight slave barracoons and the stores belonging to European slave dealers. To the satisfaction of Palmerston and the Colonial Secretary, Lord John Russell, from mid-1839 through to mid-1842 the British squadrons inflicted considerable losses on the slave traders and caused a significant downturn in the volume of the Brazilian trade.[23] There were also limited patrols off the Brazilian coast at this time which generated many complaints that innocent Brazilian ships were roughly searched as they left port stoking further nationalist resentment. In one episode in which a British crew were imprisoned and humiliated after an incident at Campos, Britain responded by sending all available warships and warning of serious consequences should 'the subaltern authorities guilty of such outrages' repeat such behaviour.[24]

However, the Crown's own law officers could not be so readily checked for in May 1842 they rescinded their support for Denman's actions and naval officers were instructed not to destroy slave factories in the absence of a formal agreement with the respective authority.

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[23] Bethell, *Abolition*, pp183-4; Lloyd, *ibid.*, 92-99.

[24] Bethell, *ibid.,* pp. 207, 204-13.

Lord Aberdeen, as Foreign Secretary in the Conservative Peel government that came to office in November 1841 was himself concerned by the legal and geopolitical implications of Palmerstonian methods and cautioned the Admiralty that 'however desirable it may be to put an end to the slave trade, a good, however eminent, should not be attained otherwise than by lawful means'.[25] At this time, Denman himself faced legal action initiated by one of the slave traders at Gallinas for damages to property which, whilst eventually settled in Denman's favour, took six years to resolve and deterred further proactive naval action.[26] By July 1844 after further naval incidents and heated diplomatic exchanges British naval officers were specifically instructed not to make captures in Brazilian or West African waters without the agreement of the local authorities[27] and, whilst the trade itself continued to flourish, the government's principal alternative to the preventive system had reached an impasse.

There was, then, no easy option for government or civil society groups. Whilst the preventive system was grounded in international law but largely ineffective Palmerston's unilateralism significantly raised the level of captures but could not escape the power of the law. Given party-political and personality differences such naval unilateralism was in any case fundamentally unstable, subject both to the electoral cycle and competing schemes of British foreign policy as well as the prospective legal liability of naval personnel themselves. Whilst civil society groups were vital for mobilising and sustaining public support for the campaigns the specific projects they themselves advocated ended in farce. The annexation option provided clear evidence of how an intervening Power can become increasingly entangled in an issue, despite the British reluctance to become encumbered with colonial

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[25] Bethell, *ibid.*, p. 185; see also Peel in Bethell, *ibid.*, p. 255; Lloyd, *The Navy and the Slave Trade*, pp. 97-98.

[26] Lloyd, *ibid.*, pp. 98-99.

[27] Bethell, *Abolition*, pp. 200-12.

possessions and the associated costs. Yet, as if this wasn't problem enough, during the 1840s public support declined as the prospect of cheaper sugar rivalled humanitarian sentiments.

After the financial crisis of 1840-41 and greater competition for middle and working class votes both parties were more receptive to the arguments of the free traders. For liberals and dissenters support for free trade in the campaign against the Corn Laws (promising a cheaper loaf) had dovetailed neatly with an assault on the powers of landed privilege. However in the case of the sugar duties the slave trade and free trade campaigns stood in contradiction as many who were against the slave trade were also in favour of free trade, but the reduction of sugar duties would (and did) stimulate the slave trade as demand for cheaper grown sugar increased. By the end of the decade the split was evident in parliament as the 1848 Commons Select Committee Inquiry chaired by the free trader William Hutt, M.P. recommended the withdrawal of the West African squadron. By 1850 Hutt's motion to terminate Britain's anti-slave trade treaty engagements and naval operations on the African coast found twice as much support as in 1848 and would have had more had Palmerston and Russell not threatened to resign. One hundred and fifty four members (comprising 48 Liberal Whigs, 17 Peelites and 89 Protectionists) voted to end Britain's efforts against two hundred and thirty two (176 Liberal Whigs, 23 Peelites and 33 Protectionists) to continue.[28]

The issue of casualties was also pressed by Hutt and others leading Aberdeen to argue in the Lords that reports on the matter were greatly exaggerated and in the first half of 1847 loss of life in the squadron was less than two per cent which 'is not such a loss as should make the country abandon efforts having so important an object in view'.[29] George Eden, the Earl of Auckland and First Lord of the Admiralty pointed out in *support* of the preventive system

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[28] Lloyd, *The Navy and the Slave* Trade, pp. 107-114; Bethell, Abolition, pp. 296-309; 321-324.

[29] *Hansard's Parliamentary Debates*, Third Series, vol. XCVI, (London: Longman, 1848), p. 1039.

that in 1845 mortality had been equal to 5% of the squadron and in 1846 the number of invalids equal to 10% but that these had fallen to 2% and 5% respectively by 1847.[30] Philip Curtin, however, argues that the average was closer to 20%.[31] As a point of current reference, the death rate in Afghanistan for British troops in the summer of 2008 spiked at 0.8 per cent,[32] and in conjunction with a perceived lack of clear strategic objectives became a high profile media issue, lending some support to the view that society is more casualty-sensitive than in earlier periods.[33]

Following the curtailment of unilateral operations and in particular the repeal of the sugar duties in 1846 the trade again increased. The market was king, vindicating Buxton's comment that at the Customs House it was an axiom that 'no illicit trade can be suppressed where the profit exceeds 30%'.[34] Whilst captures did increase the slave traders developed a sophisticated range of evasive and protective techniques: faster ships to outrun and slower, outdated ships as decoys; the forming of an association to minimise the impact of losses on any one trader; sailing under the stars and stripes as the US refused Britain the right of search and American enforcement efforts were weak; and, indeed, taking out insurance against capture.

On top of this 1845 marked the date at which British rights under the 1817 treaty with Portugal expired and hence the entire basis of the preventive system was under threat. It was

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[30] *Ibid.* p. 1047.

[31] Philip Curtin, *The Atlantic Slave Trade: A Census*, (Madison: University of Wisconsin Press, 1969), pp. 282-86.

[32] John Bingham, 'Afghanistan Death Rate Exceeds Peak in Iraq', *Daily Telegraph*, 28 August 2008, p. 9.

[33] See for example John Mueller, 'The Iraq Syndrome', *Foreign* Affairs, 84/6: 44-54 (2005).

[34] Lloyd, *The Navy and the Slave Trade*, p. 149; Temperley, *British Antislavery*, pp. 161-67; Bethell, *Abolition*, p. 152.

at this point that Aberdeen seized upon the 'piracy' clause of the 1826 treaty. Aberdeen was, however, keen to distinguish – at least in his own mind – his approach from that of Palmerston in 1839 and gained the support of the Law Officers for the unilateral seizure of suspected slaving ships and the right to try captured vessels in British Admiralty courts, subject to an act of parliament. The Advocate General, Sir William Follett, was a 'close friend of the Prime Minister' and Aberdeen was confident that the Law Officers would deliver 'such an opinion as we desire'.[35] Passage through the Lords was smooth – Aberdeen had sought the consent of Wellington in advance – but embarrassingly the Commons returned the matter to the Admiralty and the Judge of the Prerogative Court for legal clarification. A key concern was that Brazil had never passed a municipal statute declaring the slave trade as piracy and that the Brazilian executive could not make criminal law, which was the domain of the legislature. Peel's argument in reply was that no such municipal statute was necessary as Brazil had acknowledged the slave trade as piracy in the 1826 treaty (and subsequently) and that piracy was an international crime punishable by all nations. The Bill remained controversial but was passed on its third reading, only for the Law Officers themselves to subsequently indicate a lack of confidence in its legal validity in a departure from their initial support.[36]

Nevertheless, in the Whig Ministry of July 1846 to December 1851 the force of the Aberdeen Act was brought to bear. In 1849 Palmerston intensified the naval campaign on the Brazilian coast facilitated by the availability of ships hitherto servicing the blockade of Buenos Aires and the supply of regular, accurate intelligence from a well-placed local informant. By June 1850 British warships were regularly operating within Brazil's coastal waters visiting Brazilian ports and harbours and making forays onto land. Seizures increased, as did

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[35] *Bethell, Abolition, p. 257.*

[36] Bethell, *ibid.*, pp. 242-66, 270-71, 275; Jones, 'Origins and Passage', pp. 512-17.

incidents such as that at Paranaguá where fire was exchanged between a Brazilian fort and a British warship. Relations at this point were very tense and rumours were rife that Palmerston might impose a general blockade or even declare war. Brazilian politics were pushed into crisis and in a meeting of the Chamber of Deputies on 8 July the majority supported strong resistance against Britain. But, three days later, after a full meeting of the Council of State, chaired by the Emperor, the process of abolition was initiated. With a speed that astonished British contemporaries the trade was massively curtailed by the end of the year and virtually abolished by 1853.

It is important, however, not to be deceived by the speed and immediate terms through which the trade was ended such as to reinforce the view that one can explain the outcome in terms solely of British agency and the use of naval power. Palmerston's unilateralism had not succeeded in 1839 and it is quite possible that had the 1849/50 campaign not generated such a swift response by the Brazilian elite domestic political and legal support for the actions in Britain would have undermined the renewed unilateralist turn rendering it unsustainable. More importantly, however, 'British' success in 1850 required certain specific developments within the target state, Brazil.

The utility of force and the Brazilian dimension

> *"In Brazil the eventual abolition of the slave trade depended on a favourable conjuncture of political and economic forces within the country as well as Palmerston's threats, although these were crucial to the timing of abolition".*[37]

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[37] Rory Miller, *Britain and Latin America in the Nineteenth and Twentieth Centuries*, (Longman: London, 1999), p. 55.

At the time (as indeed now) interpretations of the trade's abolition were politicised. The British government *and* the opposition liberals in Brazil explained it in terms of British pressure whilst the Brazilian government *and* opponents of the preventive system in Britain highlighted contemporary initiatives of the Brazilian government. More recently, however, there has been greater convergence amongst historians on the view expressed by Miller above that explanation requires recognition of factors in both the intervening *and* the target party. Bethell, for example, states that 'at the very least, British naval action could be said to have greatly accelerated, if it did not alone precipitate, Brazil's own, ultimately successful, efforts to suppress the slave trade'[38] Vitally, however, given the nature and scale of the task coupled with the limits of British power and reach it was only ever the Brazilian government that could ensure the long-term enforcement and administration of the closure of the trade.

Slavery was integral to Brazil's socio-economic structure and whilst the nub of the system was the export-oriented plantations the cities also had a large slave labour force working as, for example, stevedores, porters, sedan chair carriers, sex workers, domestic servants, water and refuse carriers and some semi-skilled labour. Harsh conditions and a preponderance of male over female slaves meant that the population was far from self-sustaining.[39] The interests of the dominant merchant-planter class in the trade, the pervasiveness of slavery in Brazilian society, and the influence of the slave traders in Brazilian politics combined to

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[38] Bethell, *Abolition*, p. 363; see also Lloyd, *The Navy and the Slave Trade,* p. xii; Jeffrey D. Needell , 'The Abolition of the Brazilian Slave Trade in 1850: Historiography, Slave Agency and Statesmanship', *Journal of Latin American Studies*, 33, 2001, p. 681-711; Jeffrey D. Needell, *The Party of Order: The Conservatives, the State, and Slavery in the Brazilian Monarchy, 1831-1871*, (Stanford: Stanford University Press, 2006).

[39] See, William L. Mathieson, *Great Britain and the Slave Trade 1839-1865*, (London: Longman, London, 1929), pp. 121-23; Robert E. Conrad, *World of Sorrow: The African Slave Trade to Brazil*, (Baton Rouge: Louisiana State University Press, 1986), pp. 7-24.

create strong forces capable of resisting, delaying or otherwise thwarting British efforts. Besides this, the Paranaguá incident had alarmed British naval officers and there was an element of bluff in the British position thereafter. But more broadly the British presence was conditional on a number of factors that were themselves unstable, including robust political leadership, sustained public and parliamentary support, and the favourable state of South American affairs.

The question remains, however, of the role and contribution of naval force in achieving abolition? Actually, whilst Palmerston was not wholly right in this particular instance he did hold an astute sense of the *way* in which intervention (as a mode of force that alters the domestic balance of forces in a third state) might operate. He argued that naval action would counterbalance the real and imagined grip of the slave traders on Brazilian politics and society. Indeed, greater divisions had emerged as the planters had become increasingly indebted to the 'foreign' Portuguese traders through long-term finance deals. However, the Brazilian turn is more fully understood through 'bigger' themes of interest, capacity and identity.

Given that the British had applied pressure before what had changed by 1849/50? In the 1830s the Liberals were more willing than the Conservatives to suppress the trade[40] but by the 1840s their efforts had collapsed and it was a Conservative government electorally and personally connected to the merchant-planter class and which publicly defended slavery that abolished it. There was little to suggest that abolition at this point was in any way 'inevitable': as a counter-factual if the Liberals had been in office in 1850 'the realities of the era suggest that the result would have been British pressure, Brazilian protest and ineffectiveness, British armed intervention, and Brazilian resistance, political chaos, and

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[40] Needell, *Party of Order*, p. 118; Bethell, *Abolition*, pp. 288-89.

military conflict'.[41] Indeed, it was the ineffectiveness of the Liberal administrations of the *quinqueno liberal* from 1844-48 that led Palmerston to return to coercive unilateralism. To understand the Conservative government's decision analyses must consider both the *will* and the *capacity* of the Brazilian government to effect change.

Whilst the question of 'will' can be readily understood in immediate cost-benefit terms as explained below this should be set against the point that the 'rationality' of particular choices is itself conditional upon the Brazilian elite's wider political and cultural assumptions regarding Brazil's 'place in the world', or identity, and the behaviour most likely to realise such a vision. This will in turn be evident in how Brazil engaged with such historically specific material and ideational factors as the international economy, the normative and cultural character of a Eurocentric international society, and the appeal of (and confidence in) 'the state' as a modern political unit. Then, the ability and competence of the state to pursue its desired path is a matter of possessing the necessary 'capacity'.

Within Brazil the 1830s were a period of severe political violence and instability and it was not until the late 1840s that the state had sufficiently consolidated its capacity and reach and had a sufficiently strong government to be in the position to effect its will on such an important and fundamental matter as the slave trade. The 1850 crisis may, then, be regarded as a moment of coerced synchronisation in which naval force broke the impasse in Brazilian politics and impelled the Brazilian elite to concentrate on 'bigger' political-strategic issues of interest and identity at a moment when Brazil probably for the first time was strong enough as a state to implement and enforce its will on this question. This can be better understood through showing how the specific decision rests upon such bigger questions.

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[41] Needell, 'The Abolition of the Brazilian Slave Trade in 1850', p. 711.

The Council of State on 11 July 1850 came to the view that a protracted conflict with Britain, let alone war, would be disastrous for Brazil. Brazil's commerce would be paralysed and this, in turn, would hit public revenues; the slaves might be encouraged to revolt; the recent period of internal stability might be threatened; and in anticipation of the future conflict with Argentina, the prospect of Britain as an adversary was especially troubling. The Foreign Minister, Paulino, put these points to the Chamber and told the deputies that Brazil had little choice. It was in any case, he said, the traders that profited most from the trade; the planters would simply have to adapt (which was a prospect softened by the possibilities of an *internal* market in slaves). He argued also that persistence with the trade had led Brazil to become isolated internationally and that in the longer term it would be impossible and shameful to maintain it. Noting that the rest of the civilised world was now opposed to the trade he asked, rhetorically, "can we resist the torrent?".[42]

Needell is persuasive in arguing that the Conservatives 'chose their state over their long-term access to slave labour' through situating this specific decision in their wider struggle for socio-political order.[43] The Brazilian Conservatives had earlier been part of a broad liberal opposition to the Portuguese Court and their allies after their arrival in 1808. The opposition was held together by a common support for constitutional reform to satisfy Brazilian nationalism but at key junctures they shifted rightward and when joined by the restorationists and regional oligarchs of the first reign in 1833 represented a consolidated body of merchant-planter interests.

Their political character was shaped by both European and Brazilian considerations such that Brazilian 'exceptionalism' was marked by the need to *adapt* rather than imitate the liberal

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[42] Bethell, *Abolition*, pp. 333, 335-41.

[43] Needell, 'The Abolition of the Brazilian Slave Trade in 1850', p. 707.

constitutional and political models of Europe or the United States, with the predominant influence tending to be the European conservative-constitutional right rather than full blown monarchism. Many were schooled in constitutional theory and influenced in particular by the French conservative-liberal constitutionalist, Guizot. The 1824 constitution itself was modelled on the ideas of Benjamin Constant and 'analogous to that of the French constitutional monarchy during the first half of the nineteenth century'.[44] Whilst the emperor had a 'moderative' power which included the right to dissolve parliament, call for new elections, form cabinets and appoint senators, the support of the Chamber was regarded as important for the legitimacy of the government and to guard against 'prince and priest'.[45] In practice, however, election fraud was routine and the system worked to 'ensure the influence of the elite within a larger society dominated by patronage and hierarchical networks of influence'.[46]

The question of state structure marked a major point of difference between liberals and conservatives and was central to the question of state-capacity. During the 1830s the liberal reformist *moderado* government under Fejió introduced the *Additional Act* (1834) which drew from the federal structure of the United States and was intended to mark a departure from the centralized and authoritarian practices of the monarchy through giving greater power to the provinces and diffusing the power of the executive. The unintended consequences of this decentralisation, however, were to fuel a violent competition for power in the provinces (as well as stimulate the consolidation of conservative forces noted above) in a decade characterised by major political turmoil and violence. The National Guard too was

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[44] Seymour Drescher, *Abolition: A History of Slavery and Antislavery*, (Cambridge: Cambridge University Press, 2009), p. 352.

[45] Needell, *The Party of Order*, pp 75-76.

[46] Drescher, *Abolition*, p. 352.

formed in this period but soon lost its intended democratic character as the respective militias increasingly became controlled by local merchant-planter interests.

Indeed, the 'perception and reality of state power were probably weaker in 1835 than they had ever been in the nation's history'.[47] The weak governments of the *moderados* faced a series of restorationist and radical *exaltado* coups; in the southernmost province of Rio Grande do Sul there began a secessionist war that lasted a decade whilst in the northern Amazonian province of Pará there began a six year race and class war in which perhaps a fifth of the population were killed. In Bahia the most serious of a number of slave revolts in the province occurred as captives attempted to seize the capital and in the ports of the *fluminense* political heartland around Rio and elsewhere violence was also commonplace, particularly at election times. Between 1832 and 1838 there were five major provincial revolts.[48] Clearly, then, amidst such turmoil the Brazilian government was hardly well-positioned to respond effectively to British demands for the closure of the Atlantic slave trade. In 1837 the Marques de Barbacena sought to curb the trade whilst also protecting the interests of the planters through increasing efforts to capture slave ships whilst decriminalising the purchase of slaves once they were on Brazilian soil. This, however, failed to impress either the pro-planter majority of deputies or the smaller number with abolitionist sentiments.[49]

Upon returning to office in 1837 the Conservatives undertook a process of recentralisation, through reform of the *Additional Act*, establishing increased state control over the local judiciary and the restoration of the Council of State – recall how influential this was in the

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[47] Needell, *The Party of Order*, pp. 60-61; see also Bethell, *Abolition*, p. 79.

[48] *Ibid*., pp. 61, 95-105; see also E. Bradford Burns, *A History of Brazil* (New York: Columbia University Press, second edition, 1980), pp. 170-86.

[49] Bethell, *Abolition*, pp. 81-83.

Brazilian decision to close the trade – through which the monarch could exert influence. During the 1840s, whilst violence was still widespread and the propertied classes generally fearful for their position, the country developed a more stable and effective state due not least to the crowning of the new emperor, Dom Pedro II. By 1842 the reactionaries had defeated a series of provincial revolts through the combined use of the police and the national guards, highlighting the increasingly effective bond between the Conservatives, the state, and the merchant-planter class.[50] In short, the Conservatives returned to office in 1848 forming 'the strongest and most stable [government] that Brazil had known since independence'.[51]

At this time also the state developed an institutional capacity that it had hitherto lacked and which was vital if the Atlantic slave trade was to be permanently abolished. The recentralising reforms were becoming increasingly effective and the last of the provincial revolts in Pernambuco (1948-49) was suppressed and the internal security apparatus expanded and became better organised. Financially Brazil resisted British pressure to renew the commercial treaty and Brazilian tariffs thereafter comprised approximately half of the government's revenue, enabling for example the development of the navy which was to be available for anti-slave patrols. Indeed, both Bethell and Needell argue on the basis of an internal memorandum from Eusébio, the Minister of Justice, in which he authorised police actions against local traders that Brazil had already started to close the trade prior to the intensification of British pressure in January 1850.[52] This indication of Brazilian will to shut down slave trade corresponds with the view that the end of the regency and commencement of Dom Pedro II's reign, alongside the Conservative's reforms, contributed to the self-

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[50] Needell, *The Party of Order*, pp. 102-04.

[51] Bethell, *Abolition*, pp. 341-42

[52] Bethell, *Abolition*, p. 311; Needell, 'The Abolition of the Brazilian Slave Trade in 1850', p. 706.

conscious turn amongst key figures in the elite away from the old colonial system so that Brazil could take its place in the 'modern world'.

The Conservatives, then, had developed the state so as to serve their general class and ideological interests and were willing to sacrifice the Atlantic slave trade and adapt so as to protect their achievements. These state-building endeavours were, however, part of a wider political, social and cultural development process undertaken in relation to a European model that they regarded as both *desirable* and, *mutatis mutandis*, credibly attainable. French political influence has been noted above. The constitutional empire was regarded by Brazilians as a progressive entity that had managed to reign in autocratic power whilst at the same time avoiding the scale of disorder common to the neighbouring republics. Culturally, the Brazilian elite 'aspired to be an outpost of European culture and civilisation' and economically Brazil's 'ports were more closely linked to Europe than they were to their own hinterlands'.[53] European demand for coffee, sugar and cotton ensured a thriving trade between the two regions and the emperor increasingly came to regard international commerce as fundamental to Brazil's strategic development. Normatively too, whilst the Brazilian conservatives professed the 'exceptionalism' of Brazil's development, they were unavoidably bound in the wider body of moral-cultural standards that had developed against the slave trade – under British leadership – and which bore upon strategic considerations. It did not go unnoticed, for example, that despite the dubious legality of British actions Brazil was unable to find a single other state to come to its support during this period of intense crisis.[54] Whilst many of the merchant-planter class were more concerned by the trade's implications for the racial balance and the 'Africanisation' of Brazil than for the rights of slaves, the trade did

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[53] Drescher, *Abolition*, p. 352, 354.

[54] Bethell, *ibid.*, p. 333.

leave the elite morally isolated internationally and falling behind the standards of the 'civilised world' in which they believed they belonged.

The Brazilian elite's particular form of conservative-liberal modernism provided, then, the environment in which naval intervention could serve as the mechanism or trigger of coercive harmonisation or synchronisation: the act of intervention pushed the Brazilian elite further in a direction they were already moving as distinct from presenting an existential challenge to state or class interests. This may not have assuaged the immediate affront to Brazilian honour but it did break the deadlock in Brazilian politics and society on this question and led to Brazil conforming to the normative standards of contemporary international society. Accordingly, it was the extent of historically specific political, economic and cultural complementarities, coupled with the development of state capacities in the 1840s, which created conditions in which the intervention could force the impasse that had characterised earlier British and Brazilian efforts to abolish the Atlantic slave trade.

Myths and Lessons Revisited

Given the political difficulties and operational dilemmas of liberal intervention and military humanitarianism in the present day the ultimate success of the slave trade campaign warrants a fresh examination, especially given that in some quarters the campaign is proffered as a 'model' or even a rallying cry. The discussion so far has shown that the question of success is significantly more complex than is sometimes suggested and that an emphasis on the role of the intervener and military force at the expense of the place of the 'target' state and political-social developments therein is misleading. The question of 'lessons' for the present day may be considered in light of several central themes and issues pertaining to liberal interventionism: the political support base for military intervention, the role of political

parties and the question of public opinion, liberalism's normative indeterminacy, the place of law, and the utility of force.

That the political base of support for the slave trade campaign held up for forty years in the face of limited success *is* remarkable, particularly given the potential opportunities for an opposition party to exploit the issue for electoral reasons. Kaufmann and Pape explained the duration of the campaign through the fine electoral balance between the parties, particularly after the 1832 Reform Act, in which there was a premium upon the votes of the humanitarian lobby. Slavery issues continued to have a high profile amongst the public and civil society organisations, which coupled with a group of committed supporters in parliament, kept the campaign alive. In the present age, however, despite some close fought elections in the United States and Britain over the past two decades it is difficult to think of a global moral issue (for which military humanitarianism might be an appropriate response) that could have such extensive electoral appeal. The issues of human rights and humanitarian intervention exposed deep differences between the Labour and Conservative parties in Britain and particularly the Republicans and Democrats in the US during the 1990s – even when faced with genocide – where the issue became an ideological battleground over national interest and identity in which Republicans disparagingly referred to Clinton's foreign policy as a type of 'social work' removed from the 'national interest'.[55] But even for Democrats the limits of support were soon exposed by the withdrawal of troops from Somalia after the loss of 18 Rangers in 1993, therein foreclosing the political possibility of intervention to prevent genocide in Rwanda the following year in which an estimated 800,000 people lost their lives. Indeed, that political debate about intervention tends to be pinched by questions of exit

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[55] Michael Mandelbaum, 'Foreign Policy as Social Work', *Foreign Affairs*, 75/1: 16-32 (1996).

strategy and timetables makes it difficult for politicians to publicly argue for a long-term campaign.

There is, however, a paradox between the apparent political sensitivity to casualties in humanitarian missions and public opinion surveys which indicate that, for example, the American public is often favourably inclined towards the use of American power for humanitarian purposes or to prevent genocide.[56] Such findings led writers such as MacDonald to argue that the barriers to US intervention and imperialism have been overstated.[57] The paradox is readily resolved, however, when understood in light of what, besides the principal policy objective or purpose of the mission is *the* other key determinant of public support: that the policy is perceived to be successful.[58] In the case of humanitarian intervention there is no escaping from the fact that the specific crisis or atrocities that may trigger an intervention are generally manifestations of much deeper ongoing social and political problems that are in their nature extraordinarily difficult to address and which have the capacity to draw in the intervener ever more deeply. As such whilst an initial clarity of objectives *may* exist, this is often exposed by subsequent developments as superficial or naïve and the precursor to a deeper involvement and so-called 'mission creep'.

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[56] Bruce W. Jentleson, Bruce W. 'The Pretty Prudent Public: Post post-Vietnam American opinion on the use of military force', *International Studies Quarterly* 36/1: 49-74 (1992); Bruce W. Jentleson and Rebecca L. Britton, 'Still Pretty Prudent: Post-Cold War American Public Opinion on the Use of Military Force' *Journal of Conflict Resolution*, 42/4: 395-417 (1998) ; Paul Dixon, 'Britain's Vietnam Syndrome', *Review of International Studies*, 26/1: 99-121 (2000).

[57] Paul K. MacDonald, 'Is Imperial Rule Obsolete?: Assessing the Barriers to Overseas Adventurism', *Security Studies*, 18/1: 79-114 (2009).

[58] Richard C. Eichenberg, 'Victory Has Many Friends: U.S. Public Opinion and the Use of Military Force, 1981-2005', *International Security*, 30/1: 140-77 (2005).

The sugar duties issue highlighted the vulnerability of public support for humanitarian missions when faced with countervailing material pressures. Liberalism as a normative project gives little direct guidance here as both the abolition and free trade campaigns represented liberal 'goods'. But the issue also points to the fact of deeper historical transitions in the character of different epochs, within which the prospects and possibilities for humanitarian commitments will vary. Curtin makes the point that the failure of the Niger expedition, the reduction in the sugar duties and the fall of the Whig government in 1852 marked the 'end of the humanitarian age' which began in the second half of the eighteenth century. Indeed, interest in Africa waned until the post-Darwin (1859) resurgence of interest in the age of imperialism that marked the later decades of the century and in which harder-headed security driven considerations prevailed.[59] This observation invites reflection on the character of the current age and in particular the extent to which the 9/11 attacks marked the turn away from humanitarianism – or at the very least its increasing securitization – towards a more security oriented epoch in which humanitarianism and questions of human rights are increasingly squeezed. It would be wrong to say that the liberal response – that human rights provide the basis for long-term security – goes unheard, but it remains secondary to geo-economic and geo-strategic considerations such that charges of 'selectivity' or 'double-standards' are manifestations of a structural-hierarchy of objectives in the foreign policies of the most powerful liberal states.

The tension between competing liberal goods highlighted by the sugar duties is not, however, the only area in which liberalism does not offer clear normative guidelines. At the heart of the *Le Louis* case were the competing claims of sovereignty and cosmopolitanism which continues to structure liberal debates on the use of force as apparent in the case of the Kosovo intervention (1999) in which the debate was framed in terms of the tension between

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[59] Curtin, *The Image of Africa*, pp. vi-vii.

(sovereignty based) 'legality' and (cosmopolitan) 'legitimacy'.[60] The effect of this normative indeterminacy or ambivalence is to produce a fairly formulaic debate between competing conceptions of the rightful use of force and the principles of foreign policy, effectively allowing the outcome to be decided by political or strategic considerations.

Prominent in the above account of the campaign was the place of 'law'. Wheeler makes the point that whilst international law provides the 'rules of the game' which players recognise, internalise and may seek to exploit, it is still intimately bound up with the political process.[61] In this case it is the *interplay* between international law and liberal domestic political institutions, notably an independent judiciary and a sphere for public legal debate, which creates an extra mechanism or dimension through which international law can exercise political influence. The reaction against Palmerston's unilateral turn in 1839 and the Aberdeen Act in 1845 shows that whilst in the short-term the executive might prevail, in the medium term it could not hijack the legal process or dominate the judiciary. As such, in political terms Palmerston's extra-legal actions were inherently unstable insofar as they relied on his own exceptionally robust leadership, could not muster cross-party consensus, and were vulnerable to a change of government. Hence whilst international law is sometimes dismissed as an influence on state behaviour due to the lack of enforcement machinery, when taken in conjunction with liberal domestic political institutions it offers a further degree of accountability and constraint. Beyond this, the legal status of British actions was itself regarded as important given the possibility of legal claims against individual naval officers.

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[60] Dan Keohane, (2000) 'The Debate on British Policy on Kosovo', *Contemporary Security Policy*, 21/3: 78-94 (2000).

[61] Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, (Oxford: Oxford University Press), p. 25.

At the same time, however, that the power of law in conjunction with domestic political considerations can have paradoxical consequences can be illustrated by President Obama's efforts to carve out a post-Bush strategy regarding the use of force. Whilst he has tempered the use of harsh interrogation techniques the efforts to close the Guantanamo detention centre in Cuba have met with considerable congressional opposition and at the time of writing remains in use. The legal difficulties of what to do with captured suspects appears to be one reason behind the emergence of a 'kill-not-capture' policy and in particular the use of unmanned remote controlled drones to launch missile strikes which has increased under Obama. [62] One can recognise, then, that whilst Obama holds different policy preferences than did Bush, the complexities of domestic political and international legal factors can level or distort these.

The 2003 Iraq War, whilst not principally a 'humanitarian' intervention, illustrated not only the pressure law officers can face from executive agencies but also the difficulty executive agencies face in trying to control the law. Thus in London on the eve of the war the Attorney General faced enormous pressure to revise his view of the legality of an invasion without further legal authorisation from the United Nations Security Council. After protests from the Chief of the Armed Forces the senior legal adviser at the Foreign Office stated in a confidential memorandum reminiscent of the Denman case that 'unless the Attorney-General agrees that there is a proper legal basis for military action, individual members of the Armed

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[62] See Trevor McCrisken, 'Ten Years On: Obama's war on terrorism in rhetoric and practice', *International Affairs*, 87/4: 781-801 (2011) for the differences (and similarities) between the Bush and Obama presidencies on the use of force; Kenneth Roth, 'Empty Promises? Obama's Hesitant Embrace of Human Rights', *Foreign Affairs*, 89/2: 10-16 (2010).

Forces and civilian officials would also be potentially liable for charges of murder'.[63] In the medium-term, however, the controversial nature of the Attorney General's last-minute support for the war came under widespread criticism from the wider legal community which undermined trust in the institution itself.[64]

There is also the question of the 'utility of force' upon which there has been much interest in the post-Cold period due to perceived changes in the nature and objectives of war. In particular is the claim that 'old' wars marked by state-centric industrial warfare for political goals have been superseded by 'new' wars marked by non-state combatants, low-tech weaponry, and driven by political-economic, ethno-nationalist or ideological logics.[65] Liberal interventions in this period have not been against the physical integrity or existence of the target states *per se*, but against either certain ruling elites that are deemed to have misused their power and authority or in circumstances where states have 'collapsed' or are otherwise unable to maintain effective governance within their territories. Such interventions have been intended as temporary (and ideally brief) operations either to force a change of government or regime in the target state or else to compel the existing government to desist from civil violence and the violation of human or minority rights. In many of these conflicts there is a clear conceptual contradiction: the 'military' instrument of foreign policy is applied to

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[63] David Brown, 'Lord Goldsmith to face pressure over legal U-turn on Iraq war', *The Times*, 27 January 2010 http://www.timesonline.co.uk/tol/news/world/iraq/article7003804.ece (accessed 10/10/10).

[64] Owen Bowcott, 'Was the War Legal? Leading Lawyers Give their Verdict', *Guardian,* 2 March/2004, http://www.guardian.co.uk/politics/2004/mar/02/uk.internationaleducationnews *(accessed 6/7/11)*; Patrick Thornberry, '"It seemed the best thing to be up and go", On the legal case for invading Iraq', in Alex Danchev and John MacMillan, *The Iraq War and Democratic Politics*, (Abingdon: Routledge, 2005), pp. 114-33.

[65] See for example Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, (Cambridge: Polity, 1999) ; Herfried Münkler, *The New Wars*, (Cambridge: Polity, 2005).

address what are at root political and societal problems of order or governance. This has led to a steep learning curve – with the ICISS report *The Responsibility to Protect* being one product of this – and the need to ask searching questions about what the utility of force actually is in circumstances where state institutions may have collapsed and/or governments or armed groups are behaving abominably towards fellow citizens or neighbours.[66]

In the case of the British anti-slave trade campaign it is clear that for long periods the use of naval force was ineffective in suppressing the trade. When the use of force did make a difference was when Brazil was itself emerging from a protracted period of civil-political violence, had progressed in the building and consolidation of state capacities, and had a strong government which subscribed to the 'modern state' project and believed that Brazil – and key class interests therein – had a positive future in the expanding international economy. It was then, in this case, the 'state' and the 'international economy' that provided the institutional bases for peace. In the present age the importance of a soundly administered territorial area is generally well-understood but it is clear that the international community (as Peel above) is still engaged in its own 'experimentation' on how best to achieve this aim and there is no single alternative to the unified Weberian state, which has in any case always been problematic in the post-colonial world.

As such, it is one thing for President Obama to proclaim, for example, that 'Africa doesn't need strongmen, it needs strong institutions'[67] and quite another to identify what form such

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[66] Rupert Smith, *The Utility of Force: The Art of War in the Modern World*, (London: Allen Lane, 2005); Jan Angstrom & Isabelle Duyvesteyn (eds.), 'Exploring the Utility of Armed Force in Modern Conflict', special issue of *Small Wars & Insurgencies*, 19/3: 297-443 (2008); Johnathan Schell, *The Unconquerable World*, (London: Penguin, 2003).

[67] Quoted in Roth, 'Empty Promises?', p. 12

institutions will take, how they might be developed, and what role (if any) military force might play in the process. There are presently a range of approaches to stabilising territory and developing governance ranging from the large-scale involvement of international political and economic agencies in the departments and agencies of weak or failing states, schemes of trusteeship, membership of a wider confederation such as the EU, or some combination thereof.

If one takes the specific case of Afghanistan, for example, one can see that, as in Brazil for much of the nineteenth century campaign, the military cog of naval enforcement and compulsion was not in synchrony with the political cog of state capacity building. The military campaign operates on a politically-determined time-span that is shorter than estimates of the time-span required to develop sufficient state and governmental capacity in Afghanistan, if that is actually a feasible objective. [68] Yet without close harmonisation of the military with the political timelines the military presence risks becoming dislocated from its political rationale, self-perpetuating, and counter-productive as the friction of a military presence incurs political, social and ethical costs. Getting the timing 'right', however, is itself an intrinsically difficult thing to do.

Conclusion

The discussion began by showing how current references to the British anti-slave trade campaign offer distorted accounts of the trade's abolition through neglecting the role of the target society, over-emphasising the role of force, and under-estimating the specific political

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[68] Rudra Chaudhuri and Theo Farrell, 'Campaign Disconnect: Operational Progress and Strategic Obstacles in Afghanistan, 2009-2011', *International Affairs*, 87/2: 271-96 (2011) ; see also Jonathan Owen, 'After 10 years, no security unit is fit to take over from coalition in Afghanistan', *The Independent*, 12 June 2011.

circumstances and wider socio-historical milieu that limits its relevance as a model for the present age. This is not to say, however, that there are no parallels or 'lessons' and in this regard the central theme has been to view these through the three-way relationship between the institutional and cultural character of a liberal state, political conditions in the target state, and the utility of force. Clear, for example, from Tony Blair's Chicago speech[69] is that the moral impetus for action is a residual feature of liberal foreign policy discourse. At the same time however, the slave-trade and contemporary cases illustrate that liberal institutions and culture condition the use of force by states such as to exercise significant political constraints. Often liberal interventions lack the resources to sufficiently penetrate state or society to achieve the political objectives and hence the cooperation of the target government (or some other group) is likely to be required in order to fit the target into the intervener's scheme of things. It was in this sense that intervention was presented as a form of coercive co-operation between intervener and target.

On the question of the 'utility of force' the case is informative for both doves and hawks. For doves, it demonstrates that military pressure can produce a decisive moment – in this case the crisis that broke the impasse in Brazilian politics – which in turn pushed the Brazilian elite to close down the trade. For hawks, it demonstrates the limits and contingencies of force insofar as an effective local actor possessing both the capacity as well as the will was required to administer and enforce the objectives.

Through factoring in conditions in the target state rather than focusing solely on the intervener a further complication for the use of force becomes apparent: synchronizing or co-

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[69] Tony Blair, 'Doctrine of the International Community', 22 April 2009

http://www.pbs.org/newshour/bb/international/jan-june99/blair_doctrine4-23.html (accessed 11/10/10).

ordinating the use of force with political conditions in the target *and* in the intervening state. In the case above whilst naval operations did at times create a political space for action, in the medium to long term political considerations conditioned the military operations. Without this three-way synchronisation of the military with domestic political constraints and with political conditions in the target – lacking throughout most of the campaign – there is a danger that the military asset will be squandered or have unintended, counter-productive consequences. Key, then, is the primacy of the political. The burden of this discussion has been to elaborate upon the residual complexities and contingencies of liberal (military) intervention and the importance of the wider political and social context such as to suggest that military interventions should be undertaken sparingly, if at all.