Doctoral School of Political Science, Public Policy and International Relations

CENTRAL EUROPEAN UNIVERSITY

Humanitarian Intervention and the Myth of 1648

By

Thomas William Peak

Submitted to

Central European University

Doctoral School of Political Science, Public Policy, and International Relations

In partial fulfilment of the requirements for the degree of Doctor of Philosophy

Supervisor: Professor Michael Merlingen

Budapest, Hungary

November 2018

*Declaration

I hereby declare that no parts of the thesis have been accepted for any other degrees in any other institution. This thesis contains no material previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

Thomas Peak, [26.11.2018]

Humanitarian Intervention and the Myth of 1648

Abstract

Deflating the 'Myth of Westphalia', this thesis makes an innovative case for the theoretical and moral legitimacy of humanitarian intervention. The myth is a traditional story told in international relations theory alleging that sovereign states acquired an absolute right of non-intervention, effectively a 'license to kill', from the Peace of Westphalia which ended the Thirty Years War in 1648. Though increasingly nuanced in various branches of scholarship, this view continues to exert profound influence on international politics; particularly in reflections over the appropriate response to genocide and other mass atrocities. Accordingly, humanitarian intervention is seen as a radical innovation by both realists and critical theorists, cutting against the grain of historically embedded norms. The result is a (seemingly) intractable conflict in international politics between the values of sovereignty and fundamental rights.

Challenging this stalemate, I reconstruct the mentalities of the Westphalian epoch through readings of some of its emblematic cultural artefacts. Mediated via the doctrine of neo-Stoicism, the conceptual meshing of human dignity is found to have framed the deep, intersubjective imaginings of renewed order around 1648. Contrary to the prevailing view, the devastation and traumas of the Thirty Years War did not result in a sovereign state system established at any cost, one which 'institutionalised indifference' to what today we call mass atrocities. I argue instead that the Thirty Years War constituted an existential crisis, and, for contemporaries, the peace meant re-establishment of space for enacting human dignity. This is fundamentally incompatible with the mythical view of Westphalia so widely accepted, one which takes for granted that unbounded tyranny was its normative implication. My argument contributes to current reinterpretations of both the Peace of Westphalia itself, and the history of sovereignty more broadly, which find the doctrine of absolute non-intervention to be a recent and highly-contested phenomenon. But whilst these accounts have so far approached the myth from a legalistic or political philosophical view, here the narrative is drawn from below. A constructivist reappraisal of the *Lebenswelt* which gave rise to the Westphalian Order, it reveals the continuity with contemporary bases of international politics.

This matters because the dominant narrative of sovereignty presents an obstacle to forming workable and more reliable norms of intervention against genocide and comparably severe crimes against humanity; the inadequate Responsibility to Protect a case in point. Appropriately formulated, humanitarian intervention is not only compatible with the rules-based international order, but it challenges critics to make the case as to why sovereignty should be a shield against humanitarian intervention in instances of mass atrocities. Respect towards victims of mass atrocity, over and above respect for the sovereign autonomy of the states that murder or fail to protect them, is restored to its proper place of historical pre-eminence.

Acknowledgments

Unfortunately, too many people have got there before me; thanking one's supervisor at the top of the PhD dissertation is now rather *de rigueur*. But it is no straightforward supervisory debt that I owe Michael Merlingen. During a turbulent and difficult first year of my PhD studies, without his concrete advice and generous personal support I would not have carried on. It is with great appreciation that I will look back on the many dinners we shared and the hours-long discussions in his old office in the Faculty Tower. Furthermore, I learnt from Michael how to be a better person as well as a more inquisitive thinker. I was also extraordinarily fortunate to have hood-winked László Kontler into sitting on my panel. Over the years, his sage comments, piercing insight, and ability to whittle my thoughts down to their barest form have proved as admirable as his patience and good humour. The third member, Paul Roe was very generous with his time, steering my work over the thorny hedge of security studies.

This journey began more than a decade ago at Oxford, and many debts have been accrued. It was Tom Buchanan who first of all admitted me to the Foundation Certificate programme, before supervising my Master's dissertation several years later. If I can ever give to others half of the opportunities he has afforded me, I will consider myself very lucky. Brasenose College will always be a very special place for me, I found it a transformational environment. Revd. Graeme Richardson deserves my warmest regards for the consideration he showed me. Also, I was fortunate enough to spend a term as a Visiting PhD Student at Peterhouse College, Cambridge. Brendan Simms was a hospitable and engaging host. The 'Westphalia for the Middle East' project, run by Brendan from Peterhouse along with Michael Axworthy and Patrick Milton is an exciting and bold effort; it reminds me why I wanted to study international politics in the first place.

Other thanks are due to colleagues at the Budapest Centre for Mass Atrocity Prevention and the European Centre for Responsibility to Protect. Ádám Budai and Dr György Tatár, especially, have become friends and this thesis has certainly profited from working alongside them for much of my time in Hungary. From the CEU, Sarah Wing, Felix Bender, Magdalene Ulceluse, Sergiu Delcea, and Balint Mikola have moved me with the 'constancy' displayed as fellow sufferers of this gruelling PhD process! My deepest thanks go to Alfredo Hernández, who sat with me for many hours during one particularly acute period of frustration and self-doubt in the second year, patiently unravelling my knotted ideas.

Without my parents, Bill and Joy, not only would this dissertation never have been written, but it certainly would not be so relatively light on grammatical error! Their love and support over these years was never in doubt.

This thesis is dedicated to,

Matthew, in memory

My nieces, Tiffles & Abbie who brighten the world

& S.K.G. with love.

Contents

Abstract i

Acknowledgments ii

Introduction 1

The Argument 2

The Myth of Westphalia 9

Against Intervention 15

I: Untangling Humanitarian Intervention 35

Facing hell 36

in Sierra Leone 36

in Cambodia 41

in Rwanda 47

Responding to Atrocity 51

Liberal Intervention 55

Responsibility to Protect 65

II: Dignity 75

Atrocity as Indignity 76

On Conceptualising Dignity 79

Dignity as Lived Experience 101

III: The Westphalian Epoch 104

Crisis 105

The Thirty Years War 109

1648 126

IV: The Westphalian Mentalities 135

Existential Crisis 136

In the Midst of this Laughter, Amidst this Misery 144
But Wicked Vanities 152
Envious Fortuna 158
V: Imagining Order 167
Life of the Artists 168
Constancy 180
Order & Utopia 195
VI: Justifying (Unilateral) Humanitarian Intervention 210
Humanitarian Intervention: A Longue Durée 211
Westphalia Revisited 218
Against indifference 233
Conclusion 237
Bibliography 244

Introduction

It began in the burning villages of Rwanda, their paths, fields, and even their churches, strewn with corpses.

-Kofi Annan[1]

[1] Kofi Annan, *Interventions: A Life in War and Peace* (London: Penguin, 2013), 155.

The Argument

Unilateral humanitarian intervention is considered to threaten a fragile international order based on the principles of Westphalian sovereignty. 'Humanitarian war' is defined as unilateral when it happens without Security Council approval, and therefore outside accepted international legal frameworks.[2] Established in the wake of World War II, the international legal framework is supposed to provide protection for populations falling victim to mass atrocities. Regretfully, this did not transpire as the Cold War rivalry hamstrung relevant mechanisms. From 1989, hopes were heightened by the supposed end of these intractable great power rivalries. 'The end of the Cold War has radically changed the international system and thus the context of the [humanitarian intervention] debate.'[3] However, in our imperfect world, such high hopes rarely materialise. As it stands, no footnote is required to show that the United Nations in general and the Security Council in particular remain frequently deadlocked and ineffective during emergencies. At the same time, there is general consensus that the prohibitions on war and the checks on cross-border force provided by the UN's authorising function are valuable.[4] The last resort of unilateral humanitarian intervention, therefore, poses a real problem for the 'international community', such as it is. Posed in the wake of Rwanda and Kosovo, Kofi Annan's oft-cited question sums up the dilemma. 'If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in

[2] 'Most scholars reject the suggestion that the Kosovo model of humanitarian intervention without Security Council authorization has attracted sufficient support in state practice and *opinio juris* to generate customary international law. And few accept the premise that under international law there can be such a thing as an "illegal but legitimate" use of force.' Evan J. Criddle and Evan Fox-Decent, *Fiduciaries of Humanity: How International Law Constitutes Authority* (Oxford: Oxford University Press, 2016), 204.

[3] Simon Duke, 'The State and Human Rights: Sovereignty Versus Humanitarian Intervention', *International Relations* 12, no. 2 (1994): 25.

[4] Stefano Recchia, 'Authorising Humanitarian Intervention: A Five-Point Defence of Existing Multilateral Procedures', *Review of International Studies* 43, no. 1 (January 2017).

defence of the Tutsi population, but did not receive prompt Council authorisation, should such a coalition have stood aside and allowed the horror to unfold?'[5]

This thesis argues that a firm *no* is the best answer. Yet, at an abstract level, this is not unanimously forthcoming. Especially because many are uncomfortable with the implications this holds for state sovereignty that, it is assumed, has for several hundred years been accompanied by an absolute right of non-intervention. In this view, the greatest threat to order and justice is a radical doctrine of intervention which breaks with established sovereignty norms by disregarding the precautions against aggression provided by Security Council authorisation. To undermine sovereign non-intervention by accepting the potential for unilateral humanitarian intervention – as either 'right' or 'duty' – is portrayed as a potentially dangerous revision of basic norms inherent in international society since the mid-seventeenth century. In his same speech to the General Assembly quoted above, Annan, a vocal opponent of impunity for mass atrocities, concedes as much. 'State sovereignty, in its most basic sense, is being redefined by the forces of globalisation and international cooperation.'[6] He echoes the widely accepted narrative about the historical content and meaning of sovereignty which begins in mid-seventeenth century Europe – at the Peace of Westphalia.

The 'Myth of Westphalia' is a foundational story for the discipline of International Relations. Its basic premise is twofold. First, following the cataclysmic Thirty Years War (1618 -1648), sovereign states became formally equal in status and, second, that sovereignty incorporated an absolute right of non-intervention, effectively a 'license to kill'. The idea is that the unprecedented destruction and bloodshed of a long war generated a condition in which mutual recognition of internal political authority had to be severed once-and-for-all from any external appraisal of legitimacy or justice (in the seventeenth century, largely considered in confessional terms). As a basic starting point of an academic discipline as fond of

[5] Kofi Annan, 'Annual Report of the Secretary-General to the General Assembly' (United Nations General Assembly, 20 September 1999).
[6] Annan.

naval gazing as International Relations, it is not surprising that it has already been much chewed over. Indeed, 'it is now commonplace to dismiss the 'myth' of Westphalia as a fabrication of naive international relations theorists, largely innocent of the historical facts of the matter'.[7] Despite this, its powerful spell over international political theory and practice persists, and as will be seen, the ethics of humanitarian intervention continue to be framed primarily in terms of a human rights-sovereignty/intervention-sovereignty contradiction which accepts its basic assumptions.[8] Humanitarian intervention is thus presented as an innovation cutting against the grain of historically embedded norms.

This thesis defends the moral and theoretical legitimacy of humanitarian intervention by challenging the traditional story of state sovereignty, as it originated with the dual peace treaties of Osnabrück and Münster. So far, explicit normative critiques to the Myth of Westphalia assume a legalistic-constitutional or philosophical perspective, whilst scholars of the Westphalian peace itself have questioned the textual basis of the myth. I add a fresh dimension to these 'top down' critiques through a reading of everyday Westphalian mentalities. As a recent historian of the Peace writes, 'no one can claim to understand the Peace of Westphalia who has not studied the values and modes of thought of the seventeenth century.'[9] Doing just that, this view of Westphalia from below will show how, mediated through the contemporary doctrine of neo-Stoicism, dignity inspired the desire for renewed order and an end to the war. Instead of establishing peace through a plurality of autonomous entities regarding only their agreement to leave one another alone inside their own borders, above all Westphalia meant securing the space for a dignified life. Because 'war' itself did not hold the same meaning for contemporaries as we generally accept that it does today. By looking through some of the most enduringly important cultural artefacts produced by the Thirty

[7] Ian Clark, *Legitimacy in International Society* (Oxford: Oxford University Press, 2005), 56.
[8] For example Fernando Tesón and Bas van der Vossen, *Debating Humanitarian Intervention: Should We Try to Save Strangers?* (Oxford: Oxford University Press, 2018), 7–11.
[9] Derek Croxton, *Westphalia: The Last Christian Peace* (New York: Palgrave Macmillan, 2013), 6.

Years War, it will be seen how the conflict constituted an existential crisis. How it was not war per se that was the ultimate evil, but rather the degree that it contributed to this existential crisis: a condition in which people felt their socially-grounded sense of self disintegrating and were unable to locate their lives in relatively coherent self-authored narratives which connected the past, the present, and the future. The idea that peace meant the establishment of exclusive spheres believed to have 'institutionalised indifference'[10] to mass atrocities, in today's terminology, is completely at odds with the fields of meaning which produced it.

Returning to the soil of the Thirty Years War, we find a European continent in turmoil. For Hugh Trevor-Roper, the seventeenth was a century 'irrevocably broken in the middle',[11] the fulcrum being this long German war which sucked in blood and treasure from every corner of Europe and sent ripples of violence across the oceans. Productive of new patterns of thought, the period was marked by a 'General Crisis' largely inflamed by a pronounced period of climate change known as the Little Ice Age. Comparable outbreaks of disease, revolt, war, and suffering are documented in otherwise totally disparate global regions. Around a third of the world's population saw an untimely death.[12] Renaissance gives way to Enlightenment, this was the era of the Baroque, a period more keenly aware than any other of the 'fragility of earthly bonds'.[13] This is the broader context of which the existential crisis was part. Wading through the carnage of the Thirty Years War, we find a historical period in which dignity was felt to be under threat. Dislocated from their horizons of experience and expectation, in a world turned upside down, a sense of dehumanisation overtook the inhabitants of the Westphalian *Lebenswelt*. Life was reduced to an animal-

[10] Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, D.C: Brookings Institution Press, 2008).
[11] Hugh Trevor-Roper, 'The General Crisis of the 17th Century', *Past & Present* 16 (November 1959): 33.
[12] Geoffrey Parker, *Global Crisis: War, Climate Change and Catastrophe in the Seventeenth Century* (New Haven: Yale University Press, 2014).
[13] Hermann Bauer, Andreas Prater, and Ingo F Walther, *Baroque* (Köln: Taschen, 2016), 8.

like existence lived hand-to-mouth and near-on minute-to-minute, in which choice and purpose no longer held any meaning. Dignity stands for what is distinctive about the human experience. And it is to this diminished sense of dignity that the Westphalian order is best viewed as a response.

Human dignity, of course, is a far from straightforward concept. It is best seen as comprised of a complex meshing of historically conditioned dimensions which overlap and shade into one another. Melded together, this expansive view of the concept explains its dramatic, authoritative force. Chapter 2 distinguishes some of the concept's primary dimensions, showing how dignity encompasses the human being as such, embracing its standing as a social, legal, and moral entity. In this sense, no realm of human existence is fully detachable from the concept. The profundity of this scope goes some way to explaining its foundational place in the post-1945 international legal and constitutional order. Unsurprisingly, dignity is highly visible within the mentalities of the mid-seventeenth century. From the midst of a collapsing universe and the millenarian unravelling of social life, in fact, this precious concept inspires the desire for renewed order. And of course, it was a threatened sense of human dignity which generated the existential crisis in the first place. Interpreted through Ortega y Gasset's notion of 'world-historical-crisis', the Westphalian *Lebenswelt* is one lost at sea. It is in a certain sense disintegrating. 'Life as crisis' is 'a life emptied of itself, incompetent, unstable'.[14]

Mediated through the Christian neo-Stoicism which so heavily influenced the baroque worldview, dignity above all becomes manifest in this condition as a stabilising crutch. Dignity as a process, an experience reflective of an inner-autonomy, an existence partially beyond the individual's external environment or plane of everyday experience, pushes back against the chaos and traumas of the Thirty Years War. And as mentioned this state of war per se was not the 'ultimate bad'. The baroque did not expect harmony in the temporal world; it did not expect much at all from the imminent world in fact. The earth,

[14] José Ortega y Gasset, *Man and Crisis*, trans. Mildred Adams (New York: W.W. Norton, 1958), 87.

and human life within it, was viewed partially as a fleeting and vain pseudo-reality. It was the stage upon which the same play was repeated over and over again. The point was to exercise virtue in this testing ground, in accordance with true eternal reality, as a corollary to salvation – sentiments expressed most clearly and forcefully in the poetry of Andreas Gryphius, a man who knew all too much about the subject on which he wrote. The bigger problem than the bare fact of war, was the totalising condition of crisis. This was a condition threatening to the expression of humanity in its divine and unsurpassable form, and dignity was a way of orienting the individual, of locating her in these coursing tides. Asserting itself as a personal resource towards the reclamation of autonomy and inner freedom, dignity informed imaginings about social and political order. The whole point of which, during the Westphalian epoch, was the (re-)establishment of space for life expressive of the special value and particular status of the human object. Its orientation in the world was implied as a strong psychological condition which was interwoven with the social. As will be seen in chapter 2, these various conceptual dimensions of dignity can only be artificially and provisionally distinguished. In this light, reading into Westphalia the implicit sanctioning of extraordinary tyranny, of what we now call mass atrocities, for the sake of ending even a great war is something which makes no sense. Such a reading cuts against the collective and individual self-understanding of the purposes of order. A self-understanding developed from the premise that the objective human life invested in the body, the breath, that which could be killed or maimed, was subordinate to the eternal existence, the transcendental *Geist*, reachable only from inside, but now threatened by the tremendous and almost unbearable weight of external pressure stemming from the crisis of the age.

Back in the twenty-first century, re-conceptualising the historical-normative content of Westphalian sovereignty is of far more than academic value. Sometimes, what IR theorists believe has consequences. Because sovereignty does have a value, a high one, and 'order' in our general contemporary sense was no less important for the seventeenth century. But this value has rarely been absolute. By recognising this,

respect towards victims of extreme and 'un-ordinary' tyranny,[15] over and above respect for the sovereign autonomy of the states that murder or fail to protect them, is restored to its proper place of historical pre-eminence. An important example of the practical impetus to address this erroneous historical narrative is the development of the Responsibility to Protect (R2P). Gareth Evans, one of the chief architects, is an especially explicit exponent of the myth. And, by conceding the premise that sovereignty historically implied a right of absolute non-intervention, in principle if not in practice, particularly during the process of state building and consolidation undertaken by European nations, he and his fellow framers let the wolf in the door. The permissibility of foreign powers to intervene across borders was therefore continued in its association with imperialism; an innovation that states would be asked to consent to as a revision of a Westphalian order which had facilitated centuries of robust European state building. This undermined the premise of the whole endeavour and left R2P without teeth in the face of Security Council intractability. Hence, the oft repeated claim, usually in defence of R2P, that it is not a brand name for humanitarian intervention, is all too true.

The argument made here is that the non-interventionists are the innovators, and that humanitarian intervention is fundamentally in accord with the original meaning of Westphalian sovereignty. A fresh definition of humanitarian intervention is provided; one that distinguishes it clearly from the associated practice (often referred to interchangeably) of 'liberal interventionism' and the doctrine of R2P as it was eventually realised by the 2005 World Summit compromise. Within this definition, the sovereignty-related dilemmas are clearly highlighted. But before turning to this, the rest of this introduction first details the Myth of Westphalia and then overviews scholarly objections to humanitarian intervention.

[15] Fernando R. Tesón makes the distinction between 'severe' and 'ordinary' tyranny. Fernando R. Tesón, 'Ending Tyranny in Iraq', *Ethics & International Affairs* 19, no. 2 (September 2005).

The Myth of Westphalia

> Westphalia… marks the end of an epoch and the opening of another. It represents the majestic portal which leads from the old into the new world.
>
> -Leo Gross[16]

'While history may or may not repeat itself, references to it in IR literature typically do. Such references tend to be limited to a relatively small pool of names, events, and concepts with which readers of this literature will be familiar.' The Peace of Westphalia is a (literally) textbook example. 'The familiarity is such that those very words can be treated as shorthand… most readers will readily associate standard contexts in which such expressions appear in IR. Indeed, history is almost always used in IR to elicit Pavlovian responses.'[17] Thus, the idea of 'unquestioned domestic authority' as the 'essence of sovereignty' is well established.[18] The term itself being a highly charged indicator:

> "Westphalia" is one of those powerful words which has its own existence as an active force within human consciousness. The expression "Westphalian model" acts as an *organic* instrument which can demonstrate, and may actually be strategically used to carry, tremendous social power within the shared consciousness of the international community.[19]

Indeed, the consensus around the Peace serves as an indispensable foundation for the discipline of international relations. 'Cross-disciplinary and cross-paradigmatic convergence on 1648 as the origin of modern international relations has given the discipline of IR a sense of theoretical direction, thematic unity, and historical legitimacy.'[20]

---

[16] Leo Gross, 'The Peace of Westphalia, 1648-1948', *The American Journal of International Law* 42, no. 1 (1948): 28.
[17] Andreas Osiander, *Before the State: Systemic Political Change in the West from the Greeks to the French Revolution* (Oxford: Oxford University Press, 2009), 1.
[18] Stephen Carley, 'Limping Toward Elysium: Impediments Created by the Myth of Westphalia on Humanitarian Intervention in the International Legal System', *Connecticut Law Review* 41, no. 5 (2009): 1741.
[19] Stephane Beaulac, 'The Westphalian Model in Defining International Law: Challenging the Myth', *Australian Journal of Legal History* 8 (2004): 181–82.
[20] Benno Teschke, *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations* (London: Verso, 2003), 2.

In the aftermath of the Thirty Years War, so the story runs, territories threw off pre-modern authorities stemming from sources such as local nobilities and fife holders, the Holy Roman Emperor – whose office lingered as a shell for another century and a half – and the papacy. Fixed territories and populations were established and recognisably modern States developed, formally equal in external relations and unrestrained in their territorial governance.

> The traditional story… is that the Peace ended, for all intents and purposes, the authority of all entities above and below the level of the nation-state and left behind a system of secular governments which ruled autonomous territories *without any outside interference whatsoever*.[21]

In international politics, 'change is never so stark'; everybody recognises this. But even so, more sophisticated proponents maintain a defence of the basic idea, arguing that 'Westphalia is as clean as historical faults come'.[22] Its power is enduring. As seen by the 'crippling and lasting influence the Westphalian myth has on legal progress for human rights'.[23] It conditions the worldview of both practitioners and theorists from across the spectrum of academic IR theory.

> The Westphalian sovereign state model, based on the principles of autonomy, territory, mutual recognition and control, offers a simple, arresting, and elegant image. It orders the minds of policymakers. It is an analytic assumption for neo-realism and neo-liberal institutionalism. It is an empirical regularity for various sociological and constructivist

[21] Emphasis added. Carley, 'Limping Toward Elysium: Impediments Created by the Myth of Westphalia on Humanitarian Intervention in the International Legal System', 1755.
[22] Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton: Princeton University Press, 2001), 77.
[23] Carley, 'Limping Toward Elysium: Impediments Created by the Myth of Westphalia on Humanitarian Intervention in the International Legal System', 1766.

> theories of international politics. It is a benchmark for observers who claim an erosion of sovereignty in the contemporary world.[24]

And its prevalence hampers conceptual development; 'the tricks that the concept of sovereignty continues to play on our political imagination make it difficult to make coherent sense of these new ['post-Westphalian'] constellations as they do not conform to the indivisibility and discreteness that characterize sovereignty'.[25]

This 'traditional' view of sovereignty is central to the humanitarian intervention problem. Because intervention involves poking one's nose into somebody else's business. The predominant 'Westphalian' model of understanding sovereignty as a central normative principle implies that events within the territorial boundaries of a given polity are the business of that territory's government and that territory's government alone. All outside noses should remain outside. In a thorough review of the IR literature, Luke Glanville finds adherents of this view spanning the normative spectrum from English School theorisers including R.J. Vincent[26] and Barry Buzan[27] to realist titans such as Hans Morgenthau[28] and Stephen Krasner.[29] Thus, important endeavours towards development of reliable mechanisms for the mitigation of conscience-shocking crimes are by and large interpreted against the underlying premise of sovereignty.

---

[24] Stephen D. Krasner, 'Rethinking the Sovereign State Model', *Review of International Studies* 27, no. 5 (2001): 17.
[25] Jens Bartelson, 'The Concept of Sovereignty Revisited', *European Journal of International Law* 17, no. 2 (2006): 464.
[26] R. J Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 2009).
[27] Barry Buzan, *From International to World Society? English School Theory and the Social Structure of Globalisation* (Cambridge: Cambridge University Press, 2004).
[28] Hans Joachim Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, ed. Kenneth W. Thompson, 6. ed (New York: McGraw-Hill, 1985).
[29] 'Krasner catalogues numerous "breaches" of this model of sovereignty, suggests that these breaches "have been an enduring characteristic of the international environment," and labels this phenomenon "organized hypocrisy." Yet he perpetuates the conventional story by proceeding from the assumption that, while often compromised, "Westphalian sovereignty" has always been defined in terms of a right to freedom from intervention.' Luke Glanville, *Sovereignty and the Responsibility to Protect: A New History* (Chicago: The University of Chicago Press, 2014), 13.

> [State sovereignty's] long reign of over 300 years is coming to an end. The twenty-first century will not be its kingdom. Well might it be said that the idea and reality of sovereignty are entering upon recognizable stages of rigor mortis. Sovereignty is dead; long live its successor, Humanity.[30]

This supposed essential hostility between sovereignty and 'humanity' is well accepted. Again, the Responsibility to Protect was faced with this problem during its development, beginning from a pushing-off point which conceded the strongest Westphalian normativity. Gareth Evans, co-Chair of the ICISS later writing:

> [The Westphalian principles] effectively institutionalized the long-standing indifference of political rulers toward atrocity crimes occurring elsewhere, and also effectively immunized them from any external discipline they might conceivably have faced for either perpetrating such crimes against their own people or allowing others to commit them while they stood by. Thus sovereignty — the possession by a country of the recognized trappings of independent statehood — meant immunity from outside scrutiny or sanction: what happened within a state's borders and its territorial possessions, however grotesque and morally indefensible, was nobody else's business.[31]

It was against such a view that the meagre and ineffectual concessions achieved by the R2P idea were defended during its passage towards UN ratification in 2005. It could look like real progress only against the backdrop of such a dour hypothesised past.

> To appreciate how far the world came… it is important to understand where it had been. For an insanely long time – centuries in fact, going all the way back to the emergence of

[30] Bruce Mazlish, 'Crimes and Sovereignty', *New Global Studies* 6, no. 1 (2012): 7.
[31] Evans, *The Responsibility to Protect*, 2008, 15.

> the modern system of states in the 1600s – the view had prevailed that state sovereignty is a licence to kill: that it is no one's business but their own if states murder or forcibly displace large numbers of their own citizens, or allow atrocity crimes to be committed by one group against another on their soil.[32]

The Responsibility to Protect will be briefly discussed in the next chapter.

The Westphalian Myth has been qualified in several respects already: through a review of the terms of the peace treaties themselves, through the developing history of state practices of (something like) humanitarian intervention in the years and decades following 1648, and through the broader 'constitutional' and conceptual addendums to sovereign authority stemming from high theory. Possible limitations on Westphalia's original meaning presented by the *Lebenswelt* from which it emerged (the universe of the Thirty Years War) have not thus far been brought to bear against the mythical view of what occurred in 1648. That is the purpose here. Locating the persistence of human dignity in the intersubjective patterns of existence presented by the Baroque artists offers a powerful counter to the standard misinterpretation of the peace. Reinforcing these other strands of criticism, or adjustment, this 'view from below' shows how ridiculous it is to suggest that untrammelled impunity for what – in today's lexicon – we call mass atrocities was either implicit in the meaning of Westphalia or deducible from the remedies mid-seventeenth century Europe found to end a most terrible war. Just as it explicitly does today, we see that human dignity has framed the boundaries of the acceptable since the genesis of the modern state. It is important to engage with this *Lebenswelt* because a presumption about the physiological universe which motivated an extended effort to re-establish functioning order underlines the fallacious interpretation which has been so damaging.

[32] Gareth Evans, 'The Responsibility to Protect: An Idea Whose Time Has Come … and Gone?', *International Relations* 22, no. 3 (September 2008): 284.

Even the myth's staunchest advocates concede that the implicit meaning of the Westphalian order cannot be fully extracted from the soil which produced it. Leo Gross, for instance, whose seminal article on the 300th anniversary of the treaties did so much to establish the current idea of Westphalian sovereignty, concedes that the myth is not based narrowly (or primarily?) on the texts composed in those dark times at Münster und Osnabrück.

> The actual terms of the settlement, interesting and novel as they may be, would hardly suffice to account for the outstanding place attributed to it in the evolution of international relations. In order to find a more adequate explanation it would seem appropriate to search not so much in the text of the treaties themselves as in their implications, *on the broad conceptions on which they rest* and the developments to which they provided impetus.[33]

It is precisely these broad conceptions which argue most strongly against certain implications arrived at by Gross and generations of scholarship which followed him. Specifically, the total subjugation of the person to the untrammelled will of even a profoundly unjust sovereign. The importance of this for debates about humanitarian intervention cannot readily be overstated. Even though the treaties themselves did not institute the framework of absolute sovereign inviolability per se, then, the myth cannot be entirely redressed by highlighting constitutional and textual inconsistencies within the foundational idea. As the next section proceeds to look at arguments against humanitarian intervention, the enduring finger print of the Myth of Westphalia will be seen.

[33] Emphasis added. Gross, 'The Peace of Westphalia, 1648-1948', 26.

Against Intervention

During the Kosovo crisis, then NATO Secretary-General Javier Solana spoke of the Peace of Westphalia as almost immediately relevant to the humanitarian intervention dilemma, which at that moment was in the forefront of policy makers' minds:

> 350 years after the Treaty of Westphalia, the conflict in Kosovo demonstrates that we stand at a crossroads: where does the sovereignty of a state end and where does the international obligation to defend human rights and to avert a humanitarian disaster start?[34]

The Myth of 1648 casts a long shadow. Of course, nobody conceives objections so nakedly. The present argument is not constructing a straw man who says 'because the Peace of Westphalia constructed sovereignty in such-and-such manner, we oppose intervention today in all instances'. But as we will see, the implications of this longue durée understanding of sovereign inviolability inform reactions to the concept of intervention, and sovereignty is for sure the crystallising issue in the debate.

An overview of the literature, focusing primarily on objections to a programme of humanitarian intervention such as the one closely defined in the following chapter, will therefore begin with those which more self-consciously juxtapose intervention with sovereignty. Challenges to the essential premise of any theoretical justification, that states might ever in reality actually seek to do something like humanitarian intervention, can then be seen. The empirical-historical record is much disputed on this point. But whatever the burden of evidence, notions of inherent selectivity and self-interest cast doubt on the very concept of 'humanitarian' intervention. Next, an overview of the intricate legal debates presents a flavour of the extent to which normative presumptions around Westphalian sovereignty bear on this crucial aspect. Finally, some cautions are considered which address the unintended consequences of intervention.

[34] Javier Solana, 'Speech by the Secretary General at the Symposium on the Political Relevance of the 1648 Peace of Westphalia, Münster, Thursday, 12th November 1998', www.nato.int, accessed 9 March 2018, https://www.nato.int/docu/speech/1998/s981112a.htm.

'In the classic Westphalian conception of international politics, states are immune from external interference unless they engage in aggression against other states.'[35] The broad consensus behind this statement has been extensively detailed already. Political scientist Rajan Menon's thoroughgoing critique of the humanitarian interventionist 'conceit' pushes off from it and questions the depth of the so-called 'revolution' in sovereignty. He points with disheartening resonance to a general lack of public support in Western democracies for humanitarian intervention missions. The supposed revision of sovereignty constitutes an 'elite assault' on this ages-old concept that most people are perfectly happy with. A vocal minority of Western 'human rights groups, international lawyers, public intellectuals, journalists, and academics… have been the true agents of change.' Not society in the main. This elite minority has pushed the interventionist agenda that is reconstructing the notion of sovereignty, 'by dint of expertise, political access, media clout, and money'.[36] Menon points to the particularly enduring attachment of developing states to the absolute non-interventionist construction of sovereignty, an attachment he rationalises as 'more than unrepentant fealty to the Westphalian model'.[37]

> They ['developing states' – shorthand for the African, Asian, and South and Central American countries supposed by Menon to be the 'natural' perpetrators of mass atrocity, just as the 'West' comprises the natural rescuers, despite beginning the relevant chapter in his book (number 3) with details of the famous Indian and Vietnamese interventions] may not see mass killings as paroxysms of blind rage, as intervenor's do, and so will question rescuers' motives. Indeed mass killings are arguably not irrational, nor do they necessarily stem from ethnic and religious animosity… Instead, atrocities are an extreme measure that

[35] Rajan Menon, *The Conceit of Humanitarian Intervention* (New York: Oxford University Press, 2016), 27.
[36] Menon, 27.
[37] Menon, 58.

> states and social groups choose to defend their power and status, broadly defined, against perceived threats to interests they deem vital.[38]

Indeed. This post-colonial marriage of realist and weak-relativist logics is not without company.

Of course, there is much in Menon's argument. After all it is very easy to say that, in principle, sovereignty is bounded and that 'we' should do something when the boundary is overstepped. This is not confined to the West. On their global fact-finding tour, the drafters of the R2P doctrine did not explicitly confront the strong sovereigntist sentiment posited by Menon *anywhere* in the world. Few leaders are today prepared to stand on the stage of global public opinion and openly espouse that they reserve the right to commit genocide under even very unlikely circumstances. But a look at the practice in many concrete cases – foremost in Syria during recent years – shows how cheap words can be. This reflects a public antipathy even in Western democracies, where leaders usually expend zero political capital by remaining aloof from the worst situations. 'Leaders in Western democracies… do not face overwhelming public pressure to defend human rights abroad by force of arms.'[39] Exceptions exist for every rule, but, as supporters of humanitarian intervention who have stood in the breach often point out,[40] critics can cite far more indifference than should make one feel comfortable.

Menon's defence of old-fashioned sovereignty reflects a cynical view about the motives of interveners, and an a priori assumption about the identity of potential interveners. And because great powers – or minor powers for that matter – cannot be trusted, within a pluralistic world order[41] the hypostasised absolute non-

[38] Menon, 58.
[39] Menon, 27.
[40] Samantha Power, *'A Problem from Hell': America and the Age of Genocide* (London: Harper Perennial, 2007).
[41] 'Pluralists argue that there is no agreement about what constitutes a supreme humanitarian emergency. Proposals for universal ethics or common standards of human rights are always culturally biased, they argue. Hence, strong states only respond selectively to humanitarian crises and are often motivated more by self-interest than humanitarian concern.' Alex J. Bellamy, 'Humanitarian Intervention and the Three Traditions', *Global Society* 17, no. 1 (January 2003): 3.

intervention inherent in Westphalian sovereignty should be adhered to in principle. It is here that the centrality of the Myth of Westphalia becomes most clearly and directly obstructive to humanitarian intervention. Sovereignty is being 'redefined', so the story runs. This is a Western project which does not enjoy the wide support – either in the developing world or in the domestic opinion of many Western countries themselves – that such a fundamental revision of the basic ordering principle of global order demands.[42] '[Despite a rhetorical commitment to stop mass atrocities] the AU [African Union] chooses to uphold sovereignty rather than protect human rights.'[43] The mooted incompatibility with the purpose and meaning of sovereignty is an innovation,[44] driven entirely by a (according to some scholars – very[45]) recent concern with human rights.

Mohammed Ayoob concurs with Menon. The posited revision of the concept of sovereignty, which assumes the myth to speak for the true and historically authentic meaning of sovereignty, denies the developing state scope for the violence required to establish functioning and authoritative institutions whilst maintaining domestic order 'even if it does so at times by the use of excessive force'.[46] This claim is alarming to people who have read the graphic details of mass atrocities. Particularly as Ayoob fails to provide criteria for a distinction between acceptable and unacceptable 'excessive force'. His argument misses the fact that

[42] 'The resurrection of the "standard of civilisation" assumptions in the late twentieth century, and their application under the guise of "sovereignty as responsibility" thesis, once again raises the spectre of a return to colonial habits and practices on the part of major Western powers. It also has the potential to divide the world once again into zones of civilised and uncivilised states and legitimise predatory actions by the former against the latter.' M. Ayoob, 'Humanitarian Intervention and State Sovereignty', *The International Journal of Human Rights* 6, no. 1 (March 2002): 84–85.

[43] Menon, *The Conceit of Humanitarian Intervention*, 58.

[44] 'The old principle of sovereign equality is a barrier to acting on the new "principle" of the right to intervention… This new human rights principle, derived from the needs of the universal human rights victim, imposes a duty on outside bodies to act if the nation state, of which they are a citizen, fails to or is unable to.' David Chandler, *From Kosovo to Kabul and beyond: Human Rights and International Intervention* (London: Pluto Press, 2006), 131.

[45] For Moyn, human rights are largely a product of the 1970s. Samuel Moyn, *The Last Utopia: Human Rights in History* (London: Belknap Press of Harvard University Press, 2010).

[46] Emphasis added. Ayoob, 'Humanitarian Intervention and State Sovereignty', 93.

the doctrine of humanitarian intervention does not arise even in circumstances of sustained human rights abuses, so long as they remain below an extreme threshold. In the next chapter, as an austere new definition of humanitarian intervention is provided, the exactingly terrible conditions on the ground will be seen to echo a broad international consensus, for instance, the four conditions listed by the R2P: genocide, crimes against humanity, war crimes, and ethnic cleansing. To take one prominent recent example, it is widely recognised that Saddam Hussein's Iraqi regime was not a legitimate target for humanitarian intervention in 2003.[47] And few would deny that the Ba'athist state institutions had considerable room to impose extreme control over the population, certainly enough to maintain 'domestic order'.

State sovereignty is normatively valuable for the protection of vulnerable members of the international community within a tragic and uncertain international setting.[48] Pragmatically, it is of profound value.

> These are the truths expressed by the legal doctrine of sovereignty, which defines the liberty of states as their independence from foreign control and coercion. In fact, of course, not every independent state is free, but the recognition of sovereignty is the only way we have of establishing an arena within which freedom can be fought for and (sometimes) won.[49]

But the fact of the matter is that the historical script from which IR theorists routinely work misconstrues it. From this, it is claimed that humanitarian intervention threatens a fragile and painstakingly constructed international normative and political order:

> It is increasingly apparent that the greatest challenge to the notion of international society comes from the new found proclivity on the part of major powers as well as international

[47] Ken Roth, 'War in Iraq: Not a Humanitarian Intervention', *Human Rights Watch* (blog), 25 January 2004.
[48] 'At the very least, sovereignty appears as a defensive wall against externally generated instabilities.' George Lawson and Robbie Shilliam, 'Beyond Hypocrisy? Debating the "Fact" and "Value" of Sovereignty in Contemporary World Politics', *International Politics* 46, no. 6 (November 2009): 659.
[49] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed (New York: Basic Books, 2006), 89.

and regional organisations to intervene in the domestic affairs of juridically sovereign states for ostensibly humanitarian purposes.[50]

This error can be corrected by reimagining some of the foundational assumptions of international relations, in a way which makes transparent the historically very recent innovation of the strong non-interventionists. Such is the task which falls to the remainder of this thesis.

Despite well-documented apathy in Western countries and hostility in the developing world, Menon was driven to write his 'contrarian' book because of a perceived (elite) intellectual-scholarly consensus favourable towards some kind of humanitarian intervention enacting mechanism.[51] Developed from his perspective of sovereignty, Menon's post-colonial realism portrays humanitarian intervention as a basic injustice, even if not always simply a fig leaf for powerful states to cover their modesty during aggressive and cynical military adventures. In large part this is due to their inherent inconsistency. Because interventions will always be in some sense 'selective'. That is to say, the identity of the offending country is important. If *State A* is relatively weak, and lacks powerful allies willing to protect it, its government is far less likely to get away with committing genocide or other appalling atrocities against its own citizens than *State B*, a well-armed and well-connected country in a strategically important location. So much almost goes without saying. There is something profoundly unfair in this fact of life. And when this is rendered obvious by sceptical observers such as Menon or Noam Chomsky, it begins to seem as if not all lives are equally valuable, not all like crimes equally as bad.

Originating from a similar position, Noam Chomsky, whose position has been described as 'cynical realism',[52] takes the view that given this undeniable fact the better thing would be simply to do nothing.

[50] Ayoob, 'Humanitarian Intervention and State Sovereignty', 81.

[51] Menon, *The Conceit of Humanitarian Intervention*, 2.

[52] 'Chomsky's criticism is that of the cynical realist. Both international politics and national politics are reflections of the interests of the powerful looking out for themselves. There is no morality to be found or expected anywhere in the real world of politics, only the duplicity and hypocrisy of the powerful, so commentary about this or that

He makes a critique of the NATO decision to intervene in Kosovo juxtaposed with Western support for oppressive governments in Turkey and Colombia, including the provision of high-tech weaponry used by the Turkish government on its Kurdish minority. The way he paints it, politics is such a profoundly dirty business that to speak of any kind of moral judgement, even as part of a complex ad-mixture, verges on an oxymoron. It is not surprising then that he has focused on humanitarian intervention; '[Humanitarian intervention] may be close to a universal feature of aggression and violence'.[53] His historical interpretation of events has not stood up to scrutiny, and his rhetoric is sometimes ridiculous. For example, on NATO's intervention in Kosovo he writes, 'Suppose you see a crime in the streets, and feel that you can't just stand by silently, so you pick up an assault rifle and kill everyone involved: criminal, victim, bystanders'.[54] Although the reliance solely on air power in this example can be critiqued, and has been, in response to Chomsky's caricature it hardly seems sufficient to be reminded of the exacting lengths to which the NATO high command went to minimise casualties and material damage. This statement comes after accusing NATO of being mere puppets of the Evil American Empire and of only intervening anyway with the very clear intention of accelerating atrocities in order to provide an excuse for the extension of American control in Europe. Whilst much of his narrative has been undermined,[55] Chomsky does reflect an especially strong strand of a very valid logic. '[As] interventions are undertaken on a selective basis and the same criteria are not applied uniformly and universally in every case, such interventions lose legitimacy and credibility in the eyes of many, if not most, members of the international system.'[56] The problem for Chomsky seems to be

---

international activity is about ramming home that generalization, that "reality".' David P. Shugarman, 'Chomsky's Rejection of Humanitarian Intervention', *York University Centre for Practical Ethics, Working Paper of the Canadian Political Science Association*, 2006, 12.

[53] Noam Chomsky, *The New Military Humanism: Lessons from Kosovo* (London: Pluto Press, 1999), 76.

[54] Chomsky, 156.

[55] Shugarman, 'Chomsky's Rejection of Humanitarian Intervention', 16.

[56] Ayoob, 'Humanitarian Intervention and State Sovereignty', 86.

that some tyrants *are* punished when others are not. It seems that a better view is to worry that some get away with it.

The most nefarious reading of the interventionist 'track record' goes further than acknowledging the constrained circumstances within which the project of humanitarian intervention occurs. Not only are states not able to intervene in certain circumstances, but they are in fact only willing to act when it is in their direct interests to do so. In fact, and contrary to contemporary (Western) societies' self-understanding as largely 'cosmopolitan', in the sense that they are concerned with the sufferings of 'others', a realist outlook is not restricted to hard-headed statesmen. 'Ordinary citizens seem to understand this better than do influential proponents of intervention. When Western citizens sense that intervention does not defend or extend vital interests… they reject it or offer tepid approval.'[57] The abandonment of Rwanda by the international community is, of course, the exemplar. Regrettably, context is important. Does the Rwandan case confirm the general rule that states will *only* act if it serves their vital national interests? Many episodes from the long history of humanitarian intervention might indicate otherwise. This history is only beginning to be written, however, and we will encounter its early production in a later chapter. But the perception that 'most states will not be inclined to undertake humanitarian intervention unless their national interests are directly or indirectly involved', and in the absence of these interests they have very little appetite to sustain their commitment over time and in the face of casualties and financial burdens,[58] threatens the credibility of interventionism as a practice. This will be especially so as long as the United States remains the sole (desirably) realistic intervener in many cases. The role of 'world policeman' is an enormous one to shoulder virtually alone.

[57] Menon, *The Conceit of Humanitarian Intervention*, 13.

[58] Ayoob, 'Humanitarian Intervention and State Sovereignty', 85.

The counterweight is that, actually, interests enhance interventions. And there is nothing inherently wrong with this. For instance, sixteenth-century Elizabethan England decided to protect people in France and the Netherlands from heinous persecution, episodes examined in the burgeoning literature on the history of intervention.[59] These commitments were intermittently continued over decades, so they required a deep staying power, one likely provided only by a common Protestantism and strategic interests in these relatively close countries. Similarly, it is telling that the Vietnamese intervention in Cambodia and the Indian one in East Pakistan – where the interveners had deep realpolitik reasons for taking action and then for seeing that action through – can be described as 'the most effective interventions in history'.[60] And realism is not in itself necessarily hostile to humanitarian intervention.[61] In a certain sense, 'prescriptive realism',[62] which (indirectly) implies that interventions are only legitimate *when* and *if* the raison d'état is also implicated, is validated by suggestions that an intervener's legitimacy is in fact enhanced by being 'internally representative' (and more likely possessed of staying power) and enjoys significant domestic support.[63] To accept this agrees with Menon's description of the weak internal commitment to intervention in most cases; even when populations see graphic images of whole villages gassed to death, as in Syria, it may not be enough to trigger a necessary resolve to act, let alone to maintain a costly commitment over

[59] David J. B. Trim, '"If a Prince Use Tyrannie towards His People": Interventions on Behalf of Foreign Populations in Early-Modern Europe', in *Humanitarian Intervention: A History*, ed. Brendan Simms and David J. B. Trim (Cambridge: Cambridge University Press, 2013).

[60] 'The Indian and Vietnamese interventions rival each other as probably the most effective interventions in history, in terms of the death-tolls in the genocides they terminated, and which might otherwise have increased to unknowable heights.' Brendan Simms and David J. B. Trim, 'Towards a History of Humanitarian Intervention', in *Humanitarian Intervention: A History*, ed. Brendan Simms and David J. B. Trim (Cambridge: Cambridge University Press, 2013), 17.

[61] 'The urge to pigeonhole thinkers has long affected criticism of realist readings of humanitarian intervention.' Daniel Fiott, 'Realist Thought and Humanitarian Intervention', *The International History Review* 35, no. 4 (August 2013): 766.

[62] Andrew Mason and Nicholas J. Wheeler, 'Realist Objections to Humanitarian Intervention', in *The Ethical Dimensions of Global Change*, ed. Barry Holden (Basingstoke: Macmillan, 1996), 96.

[63] James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010), 18.

time. And Menon himself, it should be recorded, does not proclaim a cold-blooded indifference to mass atrocities.

This broaches another issue. The state, liberally conceived as a voluntary association of people, has a particular duty to the members of that association. Therefore, using the state's resources to undertake humanitarian intervention when it is not in any way connected to the narrower interests of those members, far from noble, might actually be ethically problematic. This reflects the widely-held popular intuition that some form of proximity (political, emotional, historical) bears on the burden of duty;[64] Allen Buchanan suggests that the 'failure' to answer this important question is a major deficiency in the literature.[65] However, he further argues that a doctrine of humanitarian intervention can be reconciled with this obligation to the citizenry broadly speaking. This conclusion is contested by Dobos who highlights a problem not addressed by Buchanan.

> [T]he fact that an intervention is consistent with the fiduciary rights of the taxpayer does not guarantee that it leaves the fiduciary rights of the soldier intact. By saying nothing of this, Buchanan reduces military personal to just another kind of public resource whose expenditure needs to be justified only to those who pay their wage.[66]

Jeff McMahan's important recent contribution to Just War theory indirectly suggests a way around this objection. The international community:

> [Should create] a special force under international control whose only purpose would be to carry out humanitarian intervention operations. This would have to be a volunteer force composed of individuals who would not be members of any national military force. They

[64] Ned Dobos, 'Justifying Humanitarian Intervention to the People Who Pay for It', *Praxis* 1, no. 1 (2008).
[65] Allen Buchanan, 'The Internal Legitimacy of Humanitarian Intervention', *Journal of Political Philosophy* 7, no. 1 (March 1999).
[66] Dobos, 'Justifying Humanitarian Intervention to the People Who Pay for It', 49–50.

would have to be imbued with a warrior ethos distinctively suited to humanitarian intervention.[67]

Though a nice idea, it is not imminent.

Soldiers from the intervening state cannot be disposed of like little green men, for many reasons actually. The horrendous killing of US troops in Somalia removed the possibility of American intervention in Rwanda, for example. And whilst we can say that soldiers should expect to be sent to dangerous places, that they have (in contemporary democratic societies) volunteered for service as a free choice, this does ignore the possibility that those who opt for military service – especially as rank and file – might be from sections of society who lack many other options. If the primary duty of the military is to defend their country, or even to otherwise serve its vital national interests, asking them to step in between mass killers and their victims in faraway places – particularly with the constrained terms of engagement required by humanitarian intervention which perhaps could make them more likely to be killed or injured – does raise questions. It is one thing to sit in the ivory tower writing lovely justifications for sending in the troops, quite another to stare down angry mobs or determined militias in the process of enacting slaughter for deep-seated reasons not well understood by outsiders.

Turning to the complex arguments presented in international law, as things stand, it is widely supposed that it finds no space for humanitarian intervention.[68,69] According to the 'textualist' or 'legal classicist' position, propounded by scholars such as Ian Brownlie,[70] humanitarian intervention is ruled out by black

[67] Jeff McMahan, *Killing in War* (Oxford: Clarendon Press, 2010), 100–101.
[68] Chris O'Meara, 'Should International Law Recognize a Right of Humanitarian Intervention?', *International & Comparative Law Quarterly* 66, no. 2 (April 2017): 442.
[69] This is to say, humanitarian intervention as conceived and defined here. The specific parameters, including the absence of Security Council approval as the most pertinent fact, are discussed in the next chapter.
[70] Ian Brownlie, *International Law and the Use of Force by States* (Oxford: Clarendon Press, 1981).

letter law, and if any 'customary right' did ever exist, it was abrogated by the UN Charter.[71] Specific provisions for the use of force within the Charter, (individual and collective self-defence along with Chapter VII Security Council authorised action, encompassing the R2P doctrine) are taken to 'cover the field' of its permissible use, which is argued to be a good thing, as much as a true thing.[72] A key bone of contention is the wording of Article 2 (4), 'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations'.[73] Claims that the final clause of Article 2 (4) has a limiting provision, are given short shrift by Brownlie as mere lawyerly obfuscation of explicit rules set out in a specific way for very clear and justified reasons.[74] Brownlie's rejectionist approach 'became a vital instrument in making the case against any acceptance of kind-hearted gunmen in international law'.[75] And in the absence of a recognised or genuine 'international ethic' this is how it should be. Claims regarding the moral duty of states towards their own citizens, for some, 'are lacking in authorised and authoritative normative sources and are not supported by international consensus'.[76] Any endeavour to ground

[71] In fact, Brownlie is even more radical than most. Insisting that the right did not survive the global constitutional order established in 1919, let alone 1945. See, Ian Brownlie, 'Thoughts on the Kind Hearted Gunman', in *Humanitarian Intervention and the United Nations*, ed. Richard B. Lillich (Charlottesville: University Press of Virginia, 1973).

[72] 'Those who espouse the right of humanitarian intervention tend to ignore state practice. Instead, reliance is placed upon a number of ambiguous episodes, which, it is said, either presage or constitute a change in the customary law. In addition, reference is often made to the need to balance human rights against the prohibition of the use of force in the international legal order. Worthy though such an impulse may be, it runs into the same obstacle as the argument for anticipatory self-defence: there is simply no room for it within the regulatory space established by Articles 2 (4) and 51 of the Charter.' James Crawford and Ian Brownlie, *Brownlie's Principles of Public International Law*, Eighth edition (Oxford: Oxford University Press, 2012), 754.

[73] 'Charter of the United Nations' (United Nations, 24 October 1945).

[74] 'This phrasing [of Article 2 (4)] was introduced precisely to provide guarantees to small states and was not intended to have a restrictive effect; the Court has consistently held so.' Crawford and Brownlie, *Brownlie's Principles of Public International Law*, 746.

[75] Dino Kritsiotis, 'The Legal Travails of Kind-Hearted Gunmen', *The Modern Law Review* 62, no. 6 (November 1999).

[76] Danilo Zolo, 'Humanitarian Militarism?', in *The Philosophy of International Law*, ed. John Tasioulas and Samantha Besson (Oxford: Oxford University Press, 2010), 553.

humanitarian intervention in a 'presumed' or 'imaginary' international ethic will be illegitimate, will 'deform the law' for its own ends and reflect only the subjective will of the powerful.[77] Echoing the faith placed in a fictional story of Westphalian sovereignty, international lawyers widely fear that any accommodation made by international law towards humanitarian intervention would '[tear] a hole in its tapestry'.[78] Vincent's views from an IR perspective reinforce this feeling,[79] but such negative conclusions have been challenged. Because, as Goodman argues, is it not equally as plausible to suppose that a legal doctrine of humanitarian intervention, which presumably aggressive states *would* utilise, might actually reduce the likelihood of war by exposing flimsy cases?[80] Anglo-American attempts to frame the Iraq conflict as humanitarian intervention were not successful, and would not have justified the war to begin with. To take another example, Russian abuse of the R2P principle in Ukraine and Georgia failed to provide a veil of justification for their aggressive wars and left the country only with the blunt option of pretty-much naked aggression, for which they have been heavily sanctioned.[81]

Many who do recognise the value of the practice nevertheless agree that the rule or legal 'ambiguity' surrounding humanitarian intervention is actually a positive. Contrary to many commentators, who seek to establish or formalise the norm within given constraints, adherents of this view believe the absence of such a mechanism serves as a necessary check on abuse that must otherwise occur. The appeal of this view is shown by the range of support it commands across the disciplinary spectrum. This includes prominent international law scholar Jane Stromseth, international jurist Bruno Simma, and IR theorist Adam Roberts.

[77] Zolo, 563–64.
[78] O'Meara, 'Should International Law Recognize a Right of Humanitarian Intervention?', 466.
[79] 'He warned [in *Human Rights and International Relations*] that allowing human rights to serve as justification for intervention would open the floodgates to countless wars.' Jennifer M. Welsh, 'A Normative Case for Pluralism: Reassessing Vincent's Views on Humanitarian Intervention', *International Affairs* 87, no. 5 (September 2011): 1194.
[80] 'I contend that encouraging aggressive states to justify using force as an exercise of humanitarian intervention can facilitate conditions between those states and their prospective targets.' Ryan Goodman, 'Humanitarian Intervention and Pretexts for War', *American Journal of International Law* 100, no. 1 (January 2006): 110.
[81] Tom Keatinge, 'This Time, Sanctions on Russia Are Having the Desired Effect', *Financial Times*, 13 April 2018.

Roberts insists that any 'general doctrine' of humanitarian intervention must address problems that are 'virtually unanswerable in the abstract… and must depend… on the "empire of circumstance"'.[82] The choice of whether to intervene must always remain 'political' and codification could do nothing to change that or to evade 'accusations of double standards'.[83] For slightly different reasons Stromseth has influentially argued likewise.[84] She sees the tensions inherent in the concept as gradually working themselves out, on a case-by-case basis. Incremental change is preferred to codification, at least at this stage, which might 'freeze' the doctrine in time and prohibit any positive future developments. We find consonant reasoning offered by Simma. The scope for abuse is simply too grave to allow for the codification, or, as some see it, the legalisation of humanitarian intervention.[85]

Buchanan concurs with the above writers that humanitarian intervention is not currently permitted by the international legal order. However, and founded upon a particular interpretation of the evolution of global norms, he posits that instances of humanitarian intervention should be characterised as 'illegal legal reform'. Following the intervention in Kosovo:

> There was the suggestion... that the NATO intervention was a first important step toward establishing a new customary norm of international law, according to which humanitarian intervention can be permissible without Security Council authorization. [Accordingly]

[82] Adam Roberts, 'Humanitarian War: Military Intervention and Human Rights', *International Affairs* 69, no. 3 (1993).
[83] Roberts.
[84] Jane Stromseth, 'Rethinking Humanitarian Intervention: The Case for Incremental Change', in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003).
[85] Bruno Simma, 'NATO, the UN and the Use of Force: Legal Aspects', *European Journal of International Law* 10, no. 1 (January 1999).

violating existing law was justified to initiate an improvement in the international legal system.[86]

Due to the cumbersome, slow, and excruciatingly difficult process of international legal reform either via treaty or custom, states seeking to morally improve the international system may have little recourse other than to such illegal action.[87] Echoing a point strongly emphasised by Stromseth, Buchanan highlights how this option bears an extremely high burden of justification, yet cannot be dismissed outright as a mere disregard for the rule of law, as some critics would have it.

Simon Chesterman makes an argument that instances of humanitarian intervention should be considered as isolated cases of 'exceptional illegality'.[88] He does not follow Buchanan in arguing that the best interpretation is one of legal reform. A strong critique of the exceptional illegality approach, exemplified by Chesterman, has come from Geoffrey Robertson. For him, the idea of 'exceptional' illegality is 'exceptionally silly' and he highlights certain problems inherent in a stark distinction between legality and legitimacy.[89] Chesterman's view is not only that humanitarian intervention is illegal, but that it is also 'morally suspect'. Whilst citing the complaint offered by the French government in response to Vietnam's invasion of Cambodia, that 'the notion that because a regime is detestable foreign intervention is justified and forcible overthrow is legitimate is extremely dangerous', Chesterman does not fully concur.[90] 'Legitimacy' may be offered as a plea in mitigation, but the intervening state must concede its act as being

[86] Allen Buchanan, 'From Nuremburg to Kosovo: The Morality of Illegal International Legal Reform', *Ethics* 111, no. 4 (2001): 674–75.

[87] 'Heavy reliance on customary law, absence of both a universal legislature capable of overturning custom and a constitutional amendment process, and the obvious limitations of the treaty process together result in a system in which lawful reform is more difficult than in developed domestic systems.' Buchanan, 678.

[88] Simon Chesterman, 'Violence in the Name of Human Rights', in *The Cambridge Companion to Human Rights Law*, ed. Costas Douzinas and Conor Gearty (Cambridge: Cambridge University Press, 2012).

[89] Geoffrey Robertson, *Crimes against Humanity the Struggle for Global Justice* (London: Penguin Books, 2013), 759.

[90] Chesterman, 'Violence in the Name of Human Rights', 139.

illegal, and there is a sense in which this might serve to strengthen the international legal order.[91] The legal status of humanitarian intervention is highly controversial. The prevalent misunderstanding regarding Westphalian sovereignty bears starkly over this: not least through Westphalia's indirect connection with the UN Charter.

And then beyond the legal wrangling, humanitarian intervention is also susceptible to moral hazard. The doctrine, it has been suggested, provides 'perverse incentives' to separatist or otherwise dissatisfied groups to provoke governments into committing atrocities. If they believe that an international intervention might help them achieve their goals, apparently, groups might be encouraged to launch 'suicidal rebellions',[92] or adopt tactics, such as terrorism, likely to draw a harsh response from their political opponents.[93,94] The logic of the argument is shown in figure 1.[95] The empirical problem to which this responds is the lack of social scientific explanation as to 'why or when a group that is vulnerable to genocidal retaliation would launch a rebellion against a state that has explicitly threatened such punishment'.[96] In an effort to reduce this perceived proclivity of groups to intentionally bring genocidal violence down upon themselves, Kuperman suggests that the international community should undertake 'not to intervene on behalf of groups that provoke retaliation by rebelling'.[97] In a logic similar to that of Chomsky's, this formulation at least partially shifts responsibility for the worst possible crimes away from perpetrators who

[91] Simon Chesterman and Michael Byers, 'Changing the Rules about Rules?: Unilateral Humanitarian Intervention and the Future of International Law', in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003).
[92] Alan J. Kuperman, 'Suicidal Rebellions and the Moral Hazard of Humanitarian Intervention', *Ethnopolitics* 4, no. 2 (June 2005).
[93] Alan J. Kuperman, 'The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans', *International Studies Quarterly* 52, no. 1 (March 2008).
[94] Aidan Hehir, *Humanitarian Intervention after Kosovo: Iraq, Darfur and the Record of Global Civil Society* (Basingstoke: Palgrave Macmillan, 2008), 109.
[95] Reproduced from Alan J. Kuperman and Timothy W. Crawford, *Gambling on Humanitarian Intervention: Moral Hazard, Rebellion and Civil War* (London: Routledge, 2006), 2.
[96] Kuperman, 'The Moral Hazard of Humanitarian Intervention', 8.
[97] Kuperman, 14.

have (necessarily in this case) planned the commission of these crimes ahead of time and made this fact publically known.

Fig. 1: Illustration of moral hazard

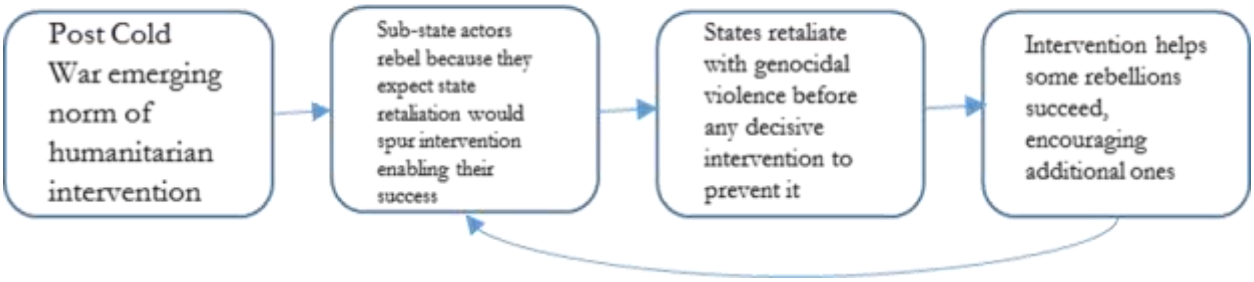

Figure 1

Further unintended consequences of humanitarian intervention can be pointed out. For Menon, the negative potential fallout is amplified by the hubris which drives intervention in the first place.[98] The chaos which has filled the vacuum left by the removal from power of Libyan dictator Colonel Gadhafi's regime is cited as evidence that things can usually get worse. Indeed, in the immediate aftermath of Gadhafi's toppling, the usual self-congratulations were seen.[99] Critics will often point out how much nicer things would have been, had the tyrant instead been persuaded peacefully to step down, or to forego butchering his own subjects en masse. 'The African Union (AU) consistently spoke of an 'inclusive transition' to democracy in Libya, meaning a process in which Gaddafi would step aside peaceably.'[100] Ultimately, this

[98] Menon, *The Conceit of Humanitarian Intervention*, 12.

[99] 'Despite the early setbacks in Libya, NATO's success in protecting civilians and helping rebel forces remove a corrupt leader there has become more the rule of humanitarian intervention than the exception. As Libya and the international community prepare for the post-Qaddafi transition, it is important to examine the big picture of humanitarian intervention—and the big picture is decidedly positive.' Jon Western and Joshua S. Goldstein, 'Humanitarian Intervention Comes of Age: Lessons From Somalia to Libya', *Foreign Affairs* 90, no. 6 (2011): 48–49.

[100] Alex De Waal, '"My Fears, Alas, Were Not Unfounded": Africa's Responses to the Libya Conflict', in *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention*, ed. Aidan Hehir and Robert Murray (New York: Palgrave Macmillan, 2013), 59.

is fairly cheap advice in the breach. In Libya the United Nations did attempt to persuade Gaddafi to show restraint, for example through the appointment of Abdel-Elah Mohamed Al-Khatib as a Special Envoy of the Secretary General.[101] But it would have been very difficult to calmly explain to the population of Benghazi, as artillery shells, rockets and tanks bombarded them,[102] that in the face of uncertain outcomes, the maintenance of 'stability' or 'order' in Libya was more important than their lives. Ironically, it is often those who would accept any label other than 'conservative' who infer that this is just what the toddlers and the elderly exposed to premeditated massacre should have been told.

Humanitarian intervention is uncertain (although I hasten to point out that the 2011 war in Libya was authorised under R2P, so is not an instance of humanitarian intervention as covered by the definition to come in the following chapter). It raises massive challenges, and it is undesirable for virtually everybody involved. But it seems appalling to accept that nothing should be done. That the world should stand by even when a dictator is actively throwing all the might of his armed forces against civilians, and who, with his forces gathered outside the walls of the country's second-largest city, which his rockets are reducing to rubble, announces publicly: 'We are coming tonight… Prepare yourselves from tonight. We will find you in your closets… [resistance will be met by] no mercy or compassion'; and even when the ICC has found convincing evidence of a long standing policy of systematic rape by this government.[103] Not to single his work out unduly, Menon states clearly that he is not dogmatically opposed to intervention. He criticises what happened in Libya extensively in his book. But the focus of his critique largely assumes that the threat

[101] 'United Nations Security Council Resolution 1973', Pub. L. No. Res 1973 (2011).

[102] 'Now there is a bombardment by artillery and rockets on all districts of Benghazi.' 'Gaddafi Forces Attacking Benghazi', *BBC News*, 19 March 2011, sec. Africa.

[103] '"We have information that there was a policy to rape in Libya those who were against the government," the [ICC] prosecutor, Luis Moreno-Ocampo, said at a recent news conference. There is evidence, he said, that anti-impotence drugs were bought in bulk and supplied to soldiers. In some parts of Libya, he said, there may have been hundreds of victims.' Kareem Fahim, 'Libya's Reported Rapes Unsettle and Divide', *The New York Times*, 19 June 2011, sec. Africa.

to civilians was exaggerated. He does not offer a road-map for how mass atrocities should have been prevented in these specific and constrained circumstances. It was only overwhelming evidence of intent and capability to massacre a city publicly announced by Gaddafi, with much evidence of horrendous crimes actively underway, that persuaded the Security Council to act. A rare feat, as Menon knows only too well. If the world would have stood by and watched Gaddafi kill thousands in Benghazi, even assuming the unlikelihood that the AU could have conducted diplomatic efforts to prevent some deaths, well, what would critics say then? And as has been amply demonstrated in Syria, non-intervention likewise brings its own unanticipated consequences and can also lead to extended instability and massive quantities of human suffering. Even staunch opponents of NATO action in Libya concede that waiting on persuasion was itself highly uncertain:

> The AU's diplomatic efforts may well have failed: its members were divided in their attitude toward Gaddafi, the Libyan leader was cagey about what he was prepared to do and when, and no AU state was keen to provide peacekeepers in the event that a deal proved possible.[104]

How much butchery in Benghazi should have been allowed in order to buy more time?

> Whilst few IR scholars would argue that seventeenth-century European politics can be directly compared with twentieth-century international politics, most do agree that fundamental principles of geopolitical order have not changed in the last 340 years, and may only have been challenged in the course of the last decade or two.[105]

[104] Menon, *The Conceit of Humanitarian Intervention*, 116.
[105] Teschke, *The Myth of 1648*, 2.

The myth bears heavily on arguments and assumptions about humanitarian intervention. The next chapter will present a refined definition of humanitarian intervention, distinguishing it from 'liberal interventionism' and R2P. With the framework established, the bounds of Westphalian sovereignty's original meaning will be shown to exclude a principled 'institutionalised indifference' to mass atrocities. The assertion that humanity – recognisably conceived – was foreign to the mentalities of the seventeenth century is contradicted. Human dignity is the ordering concept here. Before the mentalities of the seventeenth century are probed, via an innovative reading of centrally important cultural texts, the concept of dignity is discussed. Subject to much consideration and reconsideration in recent times, the word crops up everywhere today. Its central role in *describing* mass atrocities is pointed out, and then it is pulled apart and several interwoven conceptualisations are displayed. Read through seminal cultural production from the Thirty Years War, these conceptualisations reveal themselves in unexpected ways. Above all, dignity in the Westphalian epoch means freedom. It can be viewed as an experiential process, a way of carving a space for the internal – transcendent – elaboration of the human experience, which lived in uncomfortable juxtaposition with the imminent earthly 'reality'. The baroque life experience was so very different and at the same time so very similar to ours. The upshot for contemporary IR discourse is that this baroque *Lebenswelt* characterised life in general. The Westphalian treaties cannot be read as inhabiting an independent reality, and indeed, they aren't. Ideas about social order, as much as personal resilience, were touched by this. So whilst Westphalian sovereignty, rightly interpreted, did come from around this time and, indeed, it did endorse 'order' and hierarchy and social discipline, there was no possibility that this was not a *conditional* order. It had a purpose directly contradictory to the insinuations of the twentieth and twenty-first centuries. Humanity was not foreign or irrelevant to the sovereignty of the Westphalian epoch.

I: Untangling Humanitarian Intervention

"We've taken back our land, all of it" Pandi said. Mother gazed up at the scattered clouds in the sky and uttered, "Lord, open Thine eyes and take a look at this world..."

-Mo Yan[106]

I wish I were dead if any man will not affirm that humanity itself was utterly extinguished in that bloody and brutish age.

-Justus Lipsius[107]

[106] Yan Mo, *Big Breasts and Wide Hips*, trans. Howard Goldblatt (London: Methuen, 2005), 263.

[107] Justus Lipsius, *On Constancy*, ed. John Sellars, trans. John Stradling (Exeter: Bristol Phoenix Press, 2006), 123.

Facing hell

in Sierra Leone

Throughout the 1990s a brutal civil war ravaged the small West African state of Sierra Leone; a country founded in 1787, ironically enough, as a haven for rescued slaves. It was a terrible war. A 1991 invasion by the 'Revolutionary United Front' (RUF), sponsored by Liberian warlord Charles Taylor, ostensibly to topple the autocratic single-party rule, soon turned nasty. 'Distracted by diamonds and too angry at the society it would need to mobilise', the RUF terrorised the populace instead.[108] 'One of the most violent armed groups of modern times';[109] harrowing reports dripping out from the country felt nigh on incomprehensible to the West. 'This [is a] horrifyingly obscure war... Something primal has happened: both a political and a moral order have collapsed.'[110] Whilst in Freetown governments bickered and fell to a series of military coups, in the countryside the Sierra Leone Army (SLA) fought the RUF over diamonds and villages. But unpaid and disaffected, the SLA itself began exploiting civilians, so that within a couple of years government forces and rebels were 'virtually indistinguishable'.[111] 'Sobels' – soldiers by day, rebels by night[112] – elements of the SLA colluded with RUF to keep the war going. Responding to this development, a third force emerged; Civil Defence Forces (CDF) made up largely of Kamajors, rural hunters who claimed resistance to bullets.[113] These militias soon joined in the general brutality with 'indiscriminate killings, torture and abduction'.[114] Brief respite was achieved through the deployment of a murky South African mercenary firm, hired by the government in exchange for diamond concessions. An

[108] David H. Ucko, 'Can Limited Intervention Work? Lessons from Britain's Success Story in Sierra Leone', *Journal of Strategic Studies* 39, no. 6 (September 2016): 849.
[109] Kieran Mitton, *Rebels in a Rotten State: Understanding Atrocity in the Sierra Leone Civil War* (Oxford: Oxford University Press, 2016), 2.
[110] 'The Darkest Corner of Africa', *The Economist*, 7 January 1999.
[111] Myriam S. Denov, *Child Soldiers: Sierra Leone's Revolutionary United Front* (Cambridge: Cambridge University Press, 2010), 68.
[112] Denov, 65.
[113] Denov, 68.
[114] Denov, 69.

election in 1996 provided Sierra Leone a rare, democratically-elected civilian government. But in May 1997, a group of army officers, the Armed Forces Revolutionary Council (AFRC), seized power and invited the RUF and their leader Foday Sankoh, imprisoned in Nigeria, to join them.

The Economic Community of West African States (ECOWAS) deployed ECOMOG, a Nigerian-led force to oust the junta, yet the rebels remained a menacing presence outside the capital. Suffering hundreds of casualties, ECOMOG was unable to prevent the rebel capture of Freetown. An infamous date, 6 January 1999, inaugurates 'Operation No Living Thing', the weeks-long massacre which killed thousands. This horrendous episode stirred the international community, determined to make 'peace' at any cost, but the Lomé Accords of July 1999 included clauses so brazen that even the UN repudiated them. Arch war criminal Foday Sankoh, for example, later to be indicted on seventeen war crimes charges, including sexual slavery, extermination and other crimes against humanity,[115] was appointed vice-president and given control of the country's vast natural resources. Besides this, a wide-ranging programme of amnesties was granted.[116] So egregious were these concessions that Kofi Annan instructed his envoy to physically enter the opposition of the UN on the document by hand.[117] Predictably, the Lomé Accords did nothing to stop the violence.

The ingenuity of evil is one of its most telling features. A characteristic of mass atrocity is creativity and what happened in Sierra Leone darkly bears this out. The violence which marked the country during these years – and leaves its mark still, on the bodies of amputees and in the spirit of victim-perpetrators – was not determined by any significant ethnic or religious cleavages.[118] It exceeds any political or ideological objective; at first glance it appears devoid of any logic beyond itself. A recent social scientific analysis features the following entries in its subject index: 'babies, killing of' (nine times), 'blood, drinking of' (twice),

[115] 'Foday Sankoh: The Cruel Rebel', *BBC News*, 30 July 2003.
[116] Denov, *Child Soldiers*, 75.
[117] Annan, *Interventions*, 155.
[118] Mitton, *Rebels in a Rotten State*, 2.

'burning, of people' (six), and 'cannibalism' (five).[119] These few examples do not push beyond the third letter of the alphabet. Delving slightly deeper, the book must discuss 'pregnant women, cutting open of', eleven times.[120] One particular hallmark of war in Sierra Leone was symbolic mutilation. During the run-up to the 1996 election, RUF responded to the electoral slogan 'the future is in your hands' by hacking off the limbs of thousands of civilians, including children. This was 'Operation Stop Elections'.[121] An eight-year-old girl, Fatu Koroma, was told after her amputation to go and ask the president for a new pair of 'nice hands'.[122] During Operation No Living Thing, this blanket orgy of violence,[123] thousands of people were systematically amputated by children formed into special 'hand units'; these perpetrators were facilitated in their task by hundreds of machetes recently delivered by the World Food Programme.[124] Human Rights Watch cut to the heart of the matter: 'This is not a war in which civilians are accidental victims... This is a war in which civilians are the targets.'[125]

The fact that many of these atrocities were committed by children themselves, children kept high on drugs and socialised into committing horrendous acts, is another striking feature of the war in Sierra Leone.[126] The massive scale of kidnapped children coerced into becoming not only soldiers but murderers, rapists, and war criminals, blurs the victim/perpetrator distinction (up to 80% of RUF fighters were aged 7-14[127]). As a child soldier describes his role carrying out amputations for the rebels, the success of the process of 'systematic brutalisation', by which the RUF indoctrinated and desensitised the child-warrior,

[119] Mitton, *Rebels in a Rotten State*.
[120] RUF child soldiers used this to settle a bet on the sex of the unborn child. Mitton, 11.
[121] Denov, *Child Soldiers*, 64.
[122] Maria Berghs, *War and Embodied Memory: Becoming Disabled in Sierra Leone* (Farnham: Ashgate, 2012), 72.
[123] During this massacre patients were tortured in their hospital beds, children were thrown into burning houses and rebels even tried to poison the city drinking water supply. Mitton, *Rebels in a Rotten State*, 155.
[124] Berghs, *War and Embodied Memory*, 73.
[125] 'Shocking War Crimes in Sierra Leone', Human Rights Watch, 24 June 1999.
[126] Larry J. Woods and Timothy R. Reese, 'Military Interventions in Sierra Leone: Lessons from a Failed State' (Fort Leavenworth: U.S. Department of Defence: Defence Technical Information Centre, January 2008), 65.
[127] Denov, *Child Soldiers*, 63.

killer-child, is demonstrated.[128] 'We had very crude machetes… We refrained from using sharp ones because we believed that more pain would be inflicted if we used dull ones'.[129] This child and his colleagues had become participants in the moral universe of the RUF, a place governed by punishments such as 'death by plastic droppings'. A former RUF commander describes this punishment given to a rebel for having sex with a kidnapped woman a superior had taken as a 'wife':

> He called all of us to assemble at the airfield [near Tongo]… Plastic was tied around the fighter's body. They brought some batá drums and people were playing, some of us were singing. They sprinkled fuel on the plastic then lit a match. Whilst the man was in agony, jumping in pain, we were singing. We sang and played the drums until the man died. Then they brought the woman. The CO said 'Before killing this woman, I need ten men to rape her'… He said [to her] 'Since you were captured, you were treated rightly but you were not satisfied. You liked sex more than your life. So today we are going to satisfy you with sex.' Ten men raped her one by one, openly on the field in front of everybody… Then [the commander] asked her 'Is the sex enough for you now? Are you satisfied?' He called one small RUF boy and said 'Never mind that this is an old person. This stick here, you must put this up her until she dies.' The boy put the stick in her vagina and forced it until the woman screamed out. The stick came out of the side of her stomach and the woman died.[130]

The Nigerian troops who eventually recaptured the city from RUF summarily killed anybody suspected of being with the AFRC/RUF. In 2000, with the rebels again threatening Freetown, the completely impotent UN peace keeping force (UNAMSIL) were unable to protect themselves, let alone the people of

[128] Mitton, *Rebels in a Rotten State*, chap. 6.
[129] Denov, *Child Soldiers: Sierra Leone's Revolutionary United Front*, p. 128.
[130] Mitton, *Rebels in a Rotten State*, 239–40.

Sierra Leone. RUF even took 500 UNAMSIL troops prisoner along with their armoured personal carriers.[131] Britain, the former colonial power, finally stepped in to lead an effective military response. Troops landed at the Aberdeen Peninsula Bay, whilst the Guinean army advanced across the border. The soldiers seized the airport, stabilised the capital, secured the peacekeepers' release, and pushed the RUF away from important transit routes.[132] The dangerous militias responsible for so much terror were engaged, most famously the notorious West Side Niggaz after they captured eleven UK soldiers and killed an SAS trooper in the rescue mission (a mission which also liberated more than twenty Sierra Leoneans held in slavery by the group); with this sole casualty, the military intervention successfully ended a decade-long war that killed over two hundred thousand and displaced around half of the total population.[133] Tony Blair, then UK prime minister, is something like a national hero.[134] Importantly, the military effort was only one aspect of establishing a lasting peace in Sierra Leone, declared in 2002 and holding to this day. The British retrained thousands of SLA, took the lead in coordinating with UN troops and effectively restructured the civil service and government.[135] Yet the euphoria of the moment is betrayed by the graffiti in Freetown which read 'Queen Elizabeth for king!' and 'Return us to our colonial mother!'[136] A Special Court for Sierra Leone was established, the first which saw convictions for forced marriage as a crime against humanity, and attacks against UN peacekeepers. Running from 2002 to 2013, it indicted thirteen leaders from across the CDF, AFRC, and RUF. Whilst Sankoh evaded justice by dying before his trial, nine persons were convicted.

[131] Michael Maren, 'Outmanned, Outgunned in Sierra Leone', *The New York Times*, 9 May 2000.
[132] John Kampfner, *Blair's Wars* (London: Simon & Schuster, 2004), 71.
[133] Lansana Gberie, *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone* (London: Hurst & Company, 2005), 6.
[134] David Blair, 'Sierra Leone Makes Blair "Chief of Peace"', *The Telegraph*, 31 May 2007.
[135] Ucko, 'Can Limited Intervention Work?'
[136] Alex Renton, 'Sierra Leone: One Place Where Tony Blair Remains an Unquestioned Hero', *The Observer*, 18 April 2010.

'Long live Democratic Kampuchea! A prodigious leap forward! A marvellous leap forward! An extraordinary, grandiose leap forward! Be determined to work in the rice fields! Don't count on the heavens!'[137] In the desolate killing fields of Cambodia throughout the late 1970s, where an entire nation laboured in effective slavery, stripped of their identity, starving and terrified, slogans such as these were blasted into them around the clock. 'I sometimes hear them still,' a survivor recalls. 'We hunted rats, we ate them. We ate insects, roots, and raw snails. That's how dehumanisation starts. With hunger, with disease, with physical decay.'[138]

Little may need to be said about the Khmer Rouge. Their infamy is deeply ingrained upon the popular consciousness. After waging a five-year guerrilla war, in 1975 they finally entered Phnom Penh, in their own words, 'not for negotiations but as conquerors'.[139] Under Pol Pot – Brother Number One, Secretary-General of the Communist Party of Kampuchea – Cambodia would 'recover its pre-Buddhist glory' by eradicating all traces of modernity.[140] Not just everything 'foreign' should be eliminated, except, of course, for the friends the Great Dictator had made whilst a student in Paris, but history itself, and Cambodia would be returned to its agrarian, medieval heyday.[141] The cities were immediately emptied, the sick and infirm not exempted; hospital patients were forced out of their beds, doctors singled out for death and medicine destroyed as enthusiastically as books and records. All those who attempted to refuse were executed on the spot.[142] An eyewitness:

[137] Rithy Panh, *The Missing Picture* (Les Acacias, 2014).
[138] Panh.
[139] Power, *A Problem from Hell*, 87.
[140] Israel W. Charny, ed., *Encyclopedia of Genocide*, vol. 1 (Santa Barbara: Institute on the Holocaust and Genocide, 1999), 129.
[141] 'In terms of population as well as territory, history was to be undone.' Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79* (New Haven: Yale University Press, 2008), 27.
[142] Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (New Haven: Yale University Press, 2001), 300.

> I shall never forget one cripple who had neither hands nor feet, writhing along the ground like a severed worm, or a weeping father carrying his ten-year-old daughter wrapped in a sheet tied around his neck like a sling, or the man with his foot dangling at the end of a leg to which it was attached by nothing but skin.[143]

As around two million people trudged slowly out of Phnom Penh, they filed past huge bonfires of corrupting modernity. Counter-revolutionary televisions, fridges, and cars burned as a country was deported.[144] Amidst the expulsions – killing perhaps twenty thousand[145] – Angkar, the infallible, omnipotent, revolutionary mind, Cambodia's 'Big Brother', banned all foreign languages, outlawed faith, including the Buddhist culture and religion, and abolished even the concept of the family and the right to choose a sexual partner.[146] For three and a half years the Khmer Rouge constructed a dystopian nightmare. 'The regime probably exerted more power over its citizens than any state in world history. It controlled and directed their public lives more closely than government had ever done'; the 'culmination of Stalinism',[147] it killed more than a fifth of Cambodians.

Surprisingly, given the ferocity of death in Cambodia, these génocidaires received robust support from some intellectual circles in Europe and the US. For many on the radical left, they represented liberation.[148] Malcom Caldwell, an enthusiastic supporter of the Khmer Rouge whose achievements in the field of

[143] François Ponchaud, *Cambodia: Year Zero* (New York: Henry Holt & Co, 1978).
[144] Glover, *Humanity*, 303.
[145] Kiernan, *The Pol Pot Regime*, 49.
[146] 'Only Angkar could authorise sexual relationships.' Power, *A Problem from Hell*, 117.
[147] Glover, *Humanity*, 309.
[148] 'The autarkic economic policies of the Cambodian communists, though they appeared bizarre to many observers, represented a break with the global capitalist economy and would further the liberation of poor people around the world.' Donald W. Beachler, 'Arguing about Cambodia: Genocide and Political Interest', *Holocaust and Genocide Studies* 23, no. 2 (October 2009): 215.

emancipating progress he ranked only alongside those of the North Korean death camps,[149] believed atrocity stories were propaganda spread by capitalist fat cats. 'What the Cambodian people accomplished struck fear into the hearts of all those who at present control the 'free' world's food production business to their own immense profit.'[150] Like Noam Chomsky, who also spent the late 1970s railing against an unfair depiction of the regime in the Western media,[151] 'a vast and unprecedented propaganda campaign',[152] his faith in Brother Number One lasted until the end. Invited by the regime to visit Cambodia along with two western journalists in December 1978, the Scottish academic was killed by 'unknown' gunmen who burst into his dormitory and executed him, hours after returning from a meeting with Pol Pot, effusive about his grasp of 'revolutionary economic theory'.[153]

In 1979, as the mass graves were displayed for the world – 19,000 spread over 309 burial sites at the latest count[154] – Chomsky continued to obfuscate: supporting the insinuation that the words of refugees were not necessarily to be taken at face value, as potentially just the dredges of a work-shy class displeased with new, egalitarian, labour arrangements.[155] Caldwell had been most emphatic on this point, when writing about the deportation of the cities and the forced labour under starvation conditions: 'No doubt it will be hard for some urban dwellers accustomed to pushing pens or turning ledgers to adjust to labour in

[149] 'The Khmer Rouge was committed to dissociating Cambodia from global capitalism and abolishing the internal market as well. For Caldwell, only the North Korean government had achievements similar to those likely to occur under the Khmer Rouge.' Beachler, 221.

[150] Beachler, 221.

[151] 'For the next decade… any magazine that published a negative article about the Khmer Rouge found itself inundated with letters from Chomsky and his followers challenging its veracity.' Peter Maguire, *Facing Death in Cambodia* (New York: Columbia University Press, 2005), 54.

[152] Alex J. Bellamy, *The Responsibility to Protect: A Defence* (Oxford: Oxford University Press, 2015), 133.

[153] Power, *A problem from hell: America and the age of genocide*, pp.. 139 -140.

[154] 'Geographic Database (CGEO) | Cambodian Genocide Studies Program', Yale University Genocide Studies Program, accessed 19 August 2018, https://gsp.yale.edu/case-studies/cambodian-genocide-program/cambodian-genocide-databases-cgdb/geographic-database-cgeo.

[155] 'Chomsky and Herman were still arguing in 1979 that reports of Khmer Rouge genocide were largely unreliable, rooted too heavily in refugee testimony. The approvingly quoted [a] report that many refugees had fled Cambodia because they "disliked the rigorous working life".' Beachler, 'Arguing about Cambodia', 223.

the rice-fields, hardship as may arise cannot be construed as a 'bloodbath', unless many commit suicide rather than submit to it'.[156] Perhaps this was not hypocrisy. Perhaps Chomsky and Caldwell spent hours gazing beyond office windows in Boston and Bloomsbury dreaming of fifteen-hour days manning the hoe and plough. Leaving this possibility open, for an awful long time Chomsky eyed suspiciously the stacks of skulls and bones. He has claimed that 'only' between two thousand and two hundred thousand Cambodians were killed by the Khmer Rouge.[157] The current generally accepted toll is actually around one million seven hundred thousand human beings.[158] After the event it all become a trifle academic I suppose, but during the critical period when something could have been done, he sought to exert pressure against publication of Cambodian atrocity reports.[159] By denying their suffering, even their deaths – there were more than one and a half million murders that Chomsky has claimed never happened – he expunges the victims from the realm of existence, renders them questionable, then void, and victimises them all over again. But they had hands, legs. Once upon a time the stack of bones which the Vietnamese put on display to prove to the world THIS HAPPENED was more than a stack of bones, it was family, friend, neighbour, it was humanity. It was humanity and it was snuffed out.

[156] Malcolm Caldwell, 'Revolutionary Violence in a People's War', *Social Scientist* 3, no. 12 (July 1975): 47.
[157] Bellamy, *The Responsibility to Protect*, 133.
[158] Figure taken from the Yale Cambodia Genocide Program. https://gsp.yale.edu/case-studies/cambodian-genocide-program.
[159] 'Chomsky wrote to publishers… to urge discounting atrocity stories.' Beachler, 'Arguing about Cambodia', 223.

Figure 2: Choeung Ek mass grave exhumation site in 1980 & the faces of Vinh Thi Ngoc, Lay May, and Sok Sokhum following arrival at prison S-21, before they were tortured and murdered. Photographs from the Yale University Cambodian Genocide Program online repository.

Like the contemporary North Korean one, the Khmer Rouge regime rested its claim to authority largely upon an ideology of racial superiority.[160] The Vietnamese were 'monkeys' to be exterminated and rebellious communists in the east of the country were 'Khmer bodies with Vietnamese minds'.[161] These minorities and others were targeted with particular vindictiveness. The entire Vietnamese population was destroyed; this is difficult to process psychologically, but 100 per cent of an ethnic minority were killed. None of the pre-revolutionary number of twenty thousand survived. They were joined in death with half of the urban Chinese populace, 40 per cent of rural Thai, and 36 per cent of Cham.[162] From the pre-revolutionary population of sixty thousand Buddhist monks, only one thousand survived.[163] It was a patchwork of multiple and overlapping genocides. Yet despite the numerous race murders, in absolute terms Khmer

[160] 'Witness testimony points to DPRK authorities' disdain for ethnically mixed children – specifically children conceived to Chinese men – as the driver of forced abortions upon pregnant women and infanticide of their babies. Secondary sources and witness testimonies point to an underlying belief in a 'pure Korean race' in the DPRK to which mixed race children (of ethnic Koreans) are considered a contamination of its "pureness".' UNHCR CoI, 'Report of the Commission of Inquiry on HR in the Democratic People's Republic of Korea' (United Nations Human Rights Council, 7 February 2014), 122.

[161] Charny, *Encyclopedia of Genocide*, 1:132.

[162] Kiernan, *The Pol Pot Regime*, 458.

[163] Power, *A Problem from Hell*, 143.

themselves died in the largest numbers, currently 1,175,000 is the best guess. Many of them were killed in re-education and prison camps like S-21, located in a former school in Tuol Sleng, just outside Phnom Penh. S-21 swallowed between fourteen and seventeen thousand souls, of which only seven solitary individuals were spat out alive.[164] This fatality figure must have been a grave disappointment to the authors of the camp's official torture guide, as torture ending in death was a tragic 'loss of mastery'.[165] A survivor recalls, 'When you are suffering like we suffered, you simply cannot imagine that nobody will come along to stop the pain'.[166] On 30 December 1978, a few days after Caldwell joined so many others by becoming a victim of KR murder, Vietnam launched a massive invasion with over one hundred and fifty thousand troops. Somebody did come along. And by 6 January 1979 Phnom Penh was liberated.[167] On that day, the commandant of camp S-21, notorious Comrade Duch, made sure to execute a few surviving prisoners 'many of them chained to beds' before fleeing.[168] This was one of history's bloodier interventions. Sometimes, ordinary Cambodians took revenge. For example, when realising that Vietnamese troops were close behind them, that the game was up for Pol Pot's tyranny, villagers used axes to butcher regime cadres fleeing towards the Thai border.[169]

[164] 'S-21 Victims', The Killing Fields Museum of Cambodia, accessed 19 August 2018, http://www.killingfieldsmuseum.com/s21-victims.html.

[165] Extract form the torture guide: 'Our experience in the past has been that our interrogators for the most part tended to fall on the torture side.... However, we must nevertheless strive to do politics to get them always and absolutely to confess to us. Only once we have pressured them politically, only when we have put them in a corner politically and have gotten them to confess will torture become productive.' 'S-21 Victims'.

[166] Power, *A Problem from Hell*, 141.

[167] Kiernan, *The Pol Pot Regime*, 452.

[168] Kiernan, 452.

[169] Kiernan, 453.

in Rwanda

> During the killings I no longer considered anything in particular in the Tutsi except that the person had to be done away with. I want to make clear that from the first gentleman I killed to the last, I was not sorry about a single one.
>
> -A génocidaire[170]

Once, during the spring of 1994, a family huddled together in Mugonero church on the banks of Lake Kivu. An extended family, two sisters, Hutu, both had married Tutsi. Their many children were spread between the pews, running, playing, or lying amongst the few easily carried possessions which had been hastily grabbed; it was a large family. And this large family huddled together on a hot, dusty day because the sacred setting might protect them when, or even, hope-of-hopes, *if*, the men came. The adults preyed, but still the men do come. One sister choses to remain inside the church; to be murdered alongside her husband. The second sister begs, calls them uncle and speaks of their sisters, the ones in Kibuye and Mukundo. Finally the men relent, she can leave with her eleven children, she can take them away even though they are cockroaches with Tutsi blood flowing through their veins. They will not die right there in the nave with their father. The men promise the mother this. But outside, eight of the children are immediately exterminated, bloodily; seeing this, their three-year-old sibling freezes to the spot, looks up at the men and says 'Please don't kill me, I'll never be Tutsi again'.[171] I cannot write what men thought or felt when they murdered this three year old boy.

Hutus and Tutsis lived together for several centuries in Rwanda. Whilst a 'class' distinction arose, accentuated by the machinations of the colonial powers, based on the possession of livestock, Rwanda really

[170] Jean Hatzfeld, *Machete Season: The Killers in Rwanda Speak; a Report* (New York: Picador, 2005), 51.
[171] Alison Liebhafsky Des Forges, *'Leave None to Tell the Story': Genocide in Rwanda* (New York: Human Rights Watch: International Federation of Human Rights, 1999), 161–62.

could not have been called an especially violent place.[172] The Tutsi minority's elevated position in the colonial social strata led to a Hutu reaction in the post-colonial state, and after several outbreaks of violence, the ethnic-Tutsi RPF (Rwandan Patriotic Front) invaded the country from Uganda on 1 October 1990. The peace was shattered and terrible things were soon to unfold. Hutu communities feared a repeat performance of the genocide perpetrated against them by Tutsi forces in Burundi in 1972, fears stoked by the assassination of Burundi's Hutu president in 1993 and an ensuing stream of Hutu refugees from Burundi into Rwanda. Accordingly, the Hutu population of Rwanda organised itself into militias known as *interahamwe* (those who stand together); paramilitaries numbering around fifty thousand.[173] The Arusha Accords, a United Nations-brokered power-sharing arrangement concluded in August 1993, had deployed only a small number of peacekeepers who never received sufficient support. It succeeded only in a pause in fighting, a breathing space which gave opportunity for Hutu hardliners to increase their control over the Rwandese state. A few months before the start of the genocide, the UN commander, Romeo Dallaire, received reports of arms caches and systematic preparations by the hardliners to solve the Tutsi problem once and for all; New York refused to take any action.[174] The stage was set so that when, following a peace summit, ironically enough, a plane was shot down carrying Rwanda's dictatorial president Juvénal Habyarimana and president of Burundi Cyprien Ntaryamira on 6 April 1994, killing both, the massacres could really begin in earnest.

For one hundred days murder reigned at a rate three times that of the Holocaust. More than one million people were killed from a population of around seven and a half million.[175] For the first time since the

[172] 'For most of their history… the two groups coexisted peacefully.' James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford: Oxford University Press, 2002), 231.
[173] Waller, 232.
[174] Power, *A Problem from Hell*, 343–45.
[175] The figure of 800,000 victims is common in the literature, although some scholars place the figure as above one million. Usta Kaitesi, *Genocidal Gender and Sexual Violence: The Legacy of the ICTR, Rwanda's Ordinary Courts and Gacaca Courts* (Cambridge: Intersentia, 2014), 76.

Convention on Genocide had codified this evil, the United Nations officially and positively identified an instance of it in the world. What happened in Rwanda bears brief elaboration, at the human level of personal torment, lest we pass over the actualities of this event, its particularities, with the sheen and accustomed carelessness of the familiar. Lest we cease to be shocked.

Death rarely seems to be the prime motivator of genocidal murderers, or perhaps even when it is, they never take the most direct route. Rwanda was no exception. What we see, in the general concept as in the peculiarities of this instance of hell-made-reality, is humiliation. A body count is the surest measure of destruction, and this important task is rightly the first priority of observers. But the violence done is not fully captured by this measure alone. In the Rwandan genocide sexual violence was an especially prevalent means of both humiliation and extermination. This is not unique, 'rape camps' were operated by all parties in the Yugoslav conflicts for example, but in Rwanda the level of sexual violence was itself deemed to be genocidal.[176] The following happened:

> Rape, gang rape, being raped with objects, sexual mutilation, forced sexual intercourse with dead animals for men, sexual captivity, forced public nudity, intentional transmission of HIV/AIDS, the mutilation of breasts, the cutting open of wombs and removing the foetus, and forced intercourse between victims.[177]

The bodies of victims received no more respect in death than in life. 'Their dead bodies were left in public view, naked and spread eagle with nearby pools of blood and semen… There was in this repetitive conduct the message of subjugation, humiliation and degradation of the Tutsi.'[178] Rape was not about sexual gratification; this was a mode of violence intrinsically linked to the underlying perspectives of the

[176] 'The Organisation of African Unity (OAU) concluded that gender and sexual violence were genocidal.' Kaitesi, 76.
[177] Kaitesi, 76.
[178] Kaitesi, 76.

perpetrators. It is comprehensible only by reference to the nature of the communal sickness which overtook these people. A mother encourages her sons to rape, wives encourage husbands, and they do this because they were conquering the elevated Tutsi. The experience of a woman named Denise reveals much:

> He held one leg of mine open and another one held the other leg. He called everyone who was outside and said, "you come and see how Tutsikazi are on the inside"… Then he cut out the inside of my vagina. He took the flesh outside, took a small stick and put what he had cut on the top. He stuck the stick in the ground outside the door.[179]

Pygmies, looked down upon by both Hutu and Tutsi, systematically discriminated against and used as court jesters for the pre-colonial monarchy, were often 'enlisted' as rapists by the Hutus, to 'add an extra dash of tribal mockery' to these proceedings.[180]

The genocide in Rwanda was planned. It followed clearly from a public rhetoric poisoned by incitements such as the *Ten Commandments of the Hutu* published by a national newspaper in 1993; article eight reads 'The Hutu should stop having mercy on the Tutsi'.[181] Local authorities arranged their local communes into hunting parties:

> The municipal judge in Kibungo sent his messengers to gather the Hutus up there. The judge told everyone there that from then on we were to do nothing but kill Tutsis. Well, we understood; that was the final plan… The only regulation was to keep going till the end, maintain a satisfactory pace, spare no one, and loot what we found. It was impossible to screw up.[182]

[179] Daniel Jonah Goldhagen, *Worse than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (London: Abacus, 2012), 462–63.
[180] Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda* (London: Picador, 2000), 8.
[181] Andrew Jay Cohen, 'On the Trail of Genocide', *The New York Times*, 7 September 1994.
[182] Hatzfeld, *Machete Season*, 11–15.

The genocide was directed by radio broadcasts exhorting the roving bands of killers to finish the job, even identifying specific people and directing the killers to where Tutsi could be found. And despite his notorious failure to act, President Clinton was not the only Western leader who covered himself in ignominy. The Hutu extremist leaders had correctly identified that killing a small number of Belgium soldiers would result in their complete withdrawal, and against all logic, following the clearly-calculated torture and murder of ten Belgian paratroopers, this is just what played out. Then, Operation Turquoise, the belated French operation, seemed as intent upon obstructing the RPF advance as holding the Hutu killers to account.[183] Visiting Rwanda some years later, President Clinton offered feelings of regret at 'the most intensive slaughter in this blood-filled century'.[184] Rwanda is the touchstone of inaction, as the Holocaust is the touchstone of inhumanity. But for all his 'regrets' the world's most powerful man did not ride to the rescue.[185] The world watched these things happen: standing aside as humanity disfigured itself.

Responding to Atrocity

What we have just had the displeasure of discussing are mass atrocity crimes. In the general sense, they are crimes against humanity; 'a crime so heinous that it is "against humanity" because the very fact that a fellow human being could conceive and commit it demeans every member of the human race, wherever they live and whatever their culture or creed'.[186] All persons are in some way wounded by these events. 'Insofar as I

[183] 'Though France's ostensible aim was to save lives, local Hutu, including the Interahamwe, welcomed the French troops… the French intervention permitted many of the perpetrators, civilian and military, to escape amid the refugee exodus… Initially, French commanders claimed that putting the hate-mongering Radio Rwanda out of business was not part of their mandate, later, once its broadcasts began vilifying France, they did precisely that… In at least one instance, French troops were seen refuelling trucks carrying the Rwandan government soldiers, even though the vehicles were laden with pillaged property.' Menon, *The Conceit of Humanitarian Intervention*, 86–88.

[184] James Bennet, 'Clinton in Africa: The Overview; Clinton Declares U.S., with World, Failed Rwandans', *The New York Times*, 26 March 1998.

[185] 'The failure to try to stop Rwanda's tragedies became one of the greatest regrets of my presidency.' Bill Clinton, *My Life* (New York: Knopf, 2004), 593.

[186] Robertson, *Crimes against Humanity the Struggle for Global Justice*, xi.

identify with human-kind, damage that is done on it is also damage done on me… when a crime against humanity occurs… I am damaged."[187] And in times of truly extreme emergency, outside intervention, a violation of sovereignty by a foreign army, will usually be the only mechanism feasibly able to end atrocities. Sierra Leone and Cambodia are just two examples. The counter example of Rwanda is an unfortunate reminder, as if one is needed beyond the 'world' section of the daily newspaper, that sometimes those with the power to act will not.[188] Politics, fear of unknown consequences, and indifference to the other will condemn people to the most appalling deaths imaginable, and, as indicated by the Cambodian torture guide, the world will sometimes abandon people to fates going beyond even death in their unimaginability. Indeed genocide itself might just be 'the hardest [subject] for humans to conceive'.[189]

Humanitarian intervention is the highly contested project of last resort. Describing a response to these moments when politics has descended into the mire, when all else fails, the idea and practice of humanitarian intervention is fundamentally attached to two rather paradoxical assertions. Firstly, some crimes are beyond humanity. They are not justifiable in any way. The commission of such atrocious acts can only be criminal, evil, in all of the various dimensions of the word. War and killing may be justified, but mass atrocities can never be. Under no circumstance. Secondly, sometimes in the real world, people, human beings who love, like, and feel, nonetheless *do* commit them. The inhuman is human, all too human.

It is important to be clear about what is at stake, as it is common knowledge how rhetorics of humanitarianism are present in the justification for virtually all wars, on both sides. Many aid and emergency assistance agencies reject the phrase itself. To them, the prospect of tarnishing 'humanitarianism' with any military associations, even those within the strictest of contingencies, is

[187] Christopher Macleod, 'Towards a Philosophical Account of Crimes against Humanity', *European Journal of International Law* 21, no. 2 (May 2010): 300.
[188] Although even in the case of Rwanda, 'outside' intervention of a sort (the RPF) was instrumental in ending it whilst there were still any Tutsis alive at all.
[189] Larry May, *Genocide: A Normative Account* (Cambridge: Cambridge University Press, 2010), 3.

anathema,[190] and although some agencies do condone such eventualities in principle, they jealously guard the term's cachet.[191] The conditions of humanitarian intervention are highly contested, and, as Welsh notes, 'one of the greatest analytical challenges posed by humanitarian intervention is the variation in how it is defined'.[192] I provide a definition which disentangles humanitarian intervention from two other closely related forms of military action, with which it is often conflated: Responsibility to Protect and 'liberal intervention'. In a blazing triumph of precision over elegance it runs as follows:

> Humanitarian intervention is the timely and decisive utilisation, either threatened or applied, of proportional and cross-border military force with human protection intent; humanitarian interveners comply, as far as is feasible, with principles of impartiality and neutrality amongst parties within the target state and take extreme precautions against collateral damage; action is a last reasonable response to ongoing or imminent genocide, war crimes, ethnic cleansing, and crimes against humanity, occurring when the government of the target state is manifestly failing to exercise its Responsibility to Protect, and without meaningful consent or Security Council approval.

[190] Hence, the ICISS, responding to 'very strong opposition expressed by humanitarian agencies, humanitarian organizations and humanitarian workers', refrained from employing the term humanitarian intervention. ICISS, 'The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty' (Ottawa, December 2001), 9.

[191] Human Rights Watch, for instance, is an institution with a clear and long standing policy on humanitarian intervention. The director, Kenneth Roth, went out of his way to distance the notion of humanitarian intervention from the *ex-post* justifications for the war in Iraq. 'If its defenders continue to try to justify [the Iraq War] as humanitarian when it was not, they risk undermining an institution that, despite all odds, has managed to maintain its viability in this new century as a tool for rescuing people from slaughter.' Roth, 'War in Iraq'.

[192] Jennifer M. Welsh, 'Introduction', in *Humanitarian Intervention and International Relations*, ed. Jennifer M. Welsh (Oxford: Oxford University Press, 2006), 3.

Despite continued misunderstanding (even by some learned scholars),[193,194] it is well-established that Responsibility to Protect is not humanitarian intervention repackaged.[195] Humanitarian intervention and liberal intervention, however, are generally interchangeable terms. As of yet, no theoretical distinction has been made between the two, giving rise to what I consider a conceptual difficulty. This failure allows for the confusion of very different positions. Paying attention to the logics underpinning these two modes of intervention goes beyond semantics; to peer inside in fact reveals the production of divergent conceptions of intervention.

Five distinct components can be extracted from this (and any exhaustive) definition of humanitarian intervention. (1.) Forms of action covered (i.e. diplomatic, economic, military); (2.) intentions of the intervening state(s) and scope conditions in the target state; (3.) precautionary principles and humanitarian criteria; (4.) the international dimension; (5.) the thorny issue of UNSC authorisation. In the following two sections this chapter will discuss liberal interventionism and R2P in turn, and these five components will illustrate the distinct and overlapping characteristics of the three practices.

[193] '[Responsibility to Protect is] a new more forceful philosophy of humanitarian intervention.' Alec Russell, 'Kofi Annan, UN Leader in Difficult Times, 1938-2018', *Financial Times*, 19 August 2018.

[194] A recent academic contribution is replete with such confusion. Humanitarian intervention is the moral and R2P the legal side of a single coin (chapter 1); it worries that R2P can be abused by unilateral application outside of the UNSC framework, which is not possible (chapter 6); and the implementation of R2P is branded as a failure due to NATO interventions in Kosovo and Libya, the intervention in Kosovo, of course, preceding R2P by many years (chapter 9). C.A.J. Coady, Ned Dobos, and Sagar Sanyal, eds., *Challenges for Humanitarian Intervention: Ethical Demand and Political Reality* (New York: Oxford University Press, 2018).

[195] Although, in the Global South there remains scepticism, echoing the words of the Nicaraguan president of the General Assembly who called R2P 'redecorated colonialism' in 2009. 'That R2P was actually a clever repackaging of humanitarian intervention – another Trojan horse for Western Imperialism – retained traction as an epithet.' Thomas G. Weiss, 'The Turbulent 1990s: R2P Precedents and Prospects', in *The Oxford Handbook of the Responsibility to Protect*, ed. Alex J. Bellamy and Timothy Dunne (Oxford: Oxford University Press, 2016), 65–66.

Liberal Intervention

Setting out the guiding principles of his foreign policy ex-UK prime minister, David Cameron declared himself a liberal conservative. 'Liberal – because I support the aim of spreading freedom and democracy, and support humanitarian intervention. Conservative – because I recognise the complexities of human nature, and am sceptical of grand schemes to remake the world.'[196] This statement sums up the entangled and diverging logics running beneath the liberal and humanitarian intervention confusion. These entanglements were posed even more starkly a few years later when his Foreign Secretary expanded on the government's 'liberal-conservative' position. 'It is not in our character to have a foreign policy without a conscience: to be idle or uninterested while others starve or murder each other in their millions is not for us.'[197] This statement of moral principle was embedded in the broader normative outlook of a 'bounded liberal', thus, 'David Cameron and I have spoken in recent years of our approach to foreign affairs… in that we believe in freedom, human rights and democracy and want to see more of these things in other nations.'[198] A distinctly 'liberal interventionist' project can be drawn out of such thinking, a strand of thought in which responding to mass atrocity ('others starving or murdering each other in their millions') is embedded within a broader commitment ('spreading freedom and democracy'). In the liberal interventionist view, military intervention can be *internal* to the basic structure of world politics. The international, that is, as site of perpetual contestation between liberal principles and their book-end opponents: tyranny and anarchy. Exceptional though it may be, it participates in this fundamental struggle, one characteristic of the international. Academia's arch-liberal interventionist (who refers to his project as humanitarian intervention), Argentinian legal philosopher Fernando R. Tesón, writes how, 'Humanitarian

[196] Oliver Daddow and Pauline Schnapper, 'Liberal Intervention in the Foreign Policy Thinking of Tony Blair and David Cameron', *Cambridge Review of International Affairs* 26, no. 2 (June 2013): 336.
[197] Daddow and Schnapper, 331.
[198] Daddow and Schnapper, 336.

intervention is one tool to help move the quantum of political freedom in the continuum away… from the extreme lack of order (anarchy), and, on the other, from governmental suppression of individual freedom (tyranny)'.[199] This liberal interventionism is deeply embedded in the process of 'placing [the modern state] spatially – [of] drawing the boundaries of the contemporary "international community" and the dividing lines between "good" states (the insiders of international society) and "bad" states (the outsiders)'.[200]

Reviewing the five components of the definition of humanitarian intervention, subtle but consequential differences are highlighted. The first defining element of humanitarian intervention makes clear that it is about military force. For sure, the 'mass atrocity toolbox' contains an array of means by which international society can react to atrocious situations of mass killing.[201] Economic sanctions, political isolation, referral to the International Criminal Court (ICC), diplomatic pressure – all of these are direct, coercive, measures. Broader security options also exist. These include peacekeeping missions on the military observer model, interception of communications (i.e. jamming radio frequencies or blocking internet access), and arms embargoes. The international securitisation of egregious humanitarian norm violators thus has many forms. However, these coercive measures remain distinct from the humanitarian intervention project. Humanitarian intervention is a mode of war. 'Humanitarian war', perhaps, yet still war.[202] Whilst there is a broad consensus on this point among scholars,[203,204,205,206] and it also seems likely that military force is what is commonly meant by the term humanitarian intervention in everyday discussion, some critics do subsume

[199] Tesón, 'Ending Tyranny in Iraq', 97.
[200] Daddow and Schnapper, 'Liberal Intervention in the Foreign Policy Thinking of Tony Blair and David Cameron', 340.
[201] Evans, *The Responsibility to Protect*, 2008, 252–53.
[202] 'Humanitarian war' is the term coined by Roberts. Roberts, 'Humanitarian War'.
[203] Cecile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012), 166.
[204] J.L. Holzgrefe, 'The Humanitarian Intervention Debate', in *Humanitarian Intervention: Ethical, Legal & Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), 18.
[205] Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2002), 3.
[206] Pattison, *Humanitarian Intervention and the Responsibility to Protect*, 25–27.

humanitarian intervention within this more expansive continuum of coercive practices.[207,208,209,210] However this appears a mistake. Liberal interventionism, on the other hand – as a project to recalibrate the political barometer, one intimately tied to notions of democracy promotion and the implementation of international human rights regimes, even if those be of a fairly minimal standard – might be more inclined to view military force as of a piece with these other measures.

Second (intentions of the intervening state(s) and scope conditions in the target state), humanitarian intervention responds to a special category within the space of what we might call rights violations of international concern. And whilst in practical circumstances they are usually quite apparent (they famously 'shock the conscience of mankind'), a theoretical account must clarify these conditions as concretely as possible. But the precise determination of what constitutes such violations, essentially an issue of the minimal nature and scope of these, is often left loosely defined. Holzgrefe's widely accepted conditions, that humanitarian intervention must respond to 'widespread and grave violations of the fundamental human rights of individuals',[211] falls victim to the same indeterminacy as Nicholas Wheeler's 'supreme humanitarian emergency'. That is to say, 'there is no objective definition of what is to count as a supreme humanitarian emergency'.[212] The 'systemic' quality of abuse is a powerful indicator,[213] not least for its Holocaust connotations, but, as is so often pointed out, genocide rarely looks like the Holocaust.[214] Likewise, the absence of state authority can give rise to emergencies of equal severity as those unleashed by the worst

[207] Fernando R. Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (Irvington-On-Hudson: Transnational, 1997).
[208] Jack Donnelly, 'Human Rights, Humanitarian Crisis, and Humanitarian Intervention', *International Journal* 48, no. 4 (Autumn 1993).
[209] Simon Caney, *Justice beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), 231.
[210] Charles R. Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1999).
[211] Holzgrefe, 'The Humanitarian Intervention Debate', 18.
[212] Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2010), 34.
[213] Donnelly, 'Human Rights, Humanitarian Crisis, and Humanitarian Intervention', 611.
[214] May, *Genocide*.

excesses of brutalising government. 'Grievous suffering or loss of life',[215] 'mass killing' that is 'comparable with genocide',[216] there are many ways to conceptualise mass atrocity, but in specifying a definition of humanitarian intervention it is important to run as closely as possible along already existing normative criteria within the international system. As will be discussed in the following section, the particular form in which the global community endorsed Responsibility to Protect provides such a clearly delineated catalogue of international crimes that adequately covers most situations drawable from imagination or the vaults of historical depravity. This line in the sand is the commission or imminence of genocide, war crimes, ethnic cleansing or crimes against humanity. Of course, adopting these does not eliminate the problem of indeterminacy entirely,[217] but it has two particular benefits. It avoids the narrow concern as to whether or not particular mass atrocity situations meet techno-legal conditions of genocide, as if this was the sole crime of relevant international concern.[218] And the fact that these criteria have been unanimously agreed within the United Nations strengthens the intervener's hand in the sense that it is not credible for a state to say that they have not agreed in principle that committing these crimes is wrong. This dimension illustrates what will probably be the most severe disjuncture between liberal and humanitarian intervention. For

[215] Pattison, *Humanitarian Intervention and the Responsibility to Protect*, 27.

[216] Roth, 'War in Iraq'.

[217] Although the Rome Statues and the genocide convention are not so vague as all that.

[218] This problem was notably acute in the context of Darfur. Kofi Annan has described how such an overwhelming concern with 'genocide' and genocide only, amongst senior decisions makers at the United Nations, not least the United Kingdom's Jack Straw, dulled the appreciation that – genocide or not – the world was witnessing terrible and massive crimes. This preoccupation persisted despite Annan's attempts to set the issue aside and focus minds on the huge loss of life per se. The possibility is not foreign to my mind that diplomats could make a big show of legally investigating genocide cynically, in order to avoid doing anything else, but even the well-meaning have fallen into this trap, as Alex de Waal points out. Still in relation to Darfur, he has shown that many US Congressmen, who should know better, somehow believed that naming the mass brutality 'genocide' would magically generate an immediate and effective response from the world's most powerful nation. Regretfully, Darfur is not the only time that we have danced a soporific waltz to the genocide tune whilst mass graves are rapidly approaching capacity. Samantha Power details similar patterns within the American decision making apparatus over both Cambodia and Bosnia. Annan, *Interventions*, 130–31.; Alex De Waal, 'Darfur and the Failure of the Responsibility to Protect', *International Affairs* 83, no. 6 (November 2007): 1041; Power, *A Problem from Hell*, 142–45, 296–300, 319–21.

Tesón, for instance, the liberal interventionist, the standard is very much more permissive. Intervention is appropriate in 'tyranny or anarchy', which will be severe only 'in general'.[219] The implication being that if a case of tyranny is not especially severe, yet is amenable to correction through force, then this is justified because of the normative value of liberal institutions. 'Political institutions rest, morally, on the rights and interests of individuals, and international law is no exception. Under international law, states are sovereign. But the principle of sovereignty… has derivative, not intrinsic, value.'[220] Military adventures which override sovereignty with the goal of 'improving' the government in a foreign state, carried out by non-liberal states, even if the conditions on the ground might constitute tyranny or anarchy, are rarely termed humanitarian intervention.

It goes (almost) without saying that the line between liberal and humanitarian intervention will usually be extraordinarily porous in practice. The problem of mixed or ulterior motives appears similar for both. Clearly, genuine intervention will have a preponderant aim of righting the target state's declared wrong. Yet, a well-worn refrain is that humanitarian intervention can only ever be a mask for sinister and cynical 'true motives', and this is considered 'proven' in a given case by tracing any other considerations in the decision making process. This is problematic for a number of reasons. Cécile Fabre writes, 'I do not believe that a war must be fought purely for altruistic reasons in order to count as humanitarian and thus to count as a just humanitarian war'.[221] It is possible to go yet further and challenge the ontological possibility of truly grasping some objectively existing 'true motivation'. Difficult enough in the case of a single individual, swirling around the ever moving basin of time, the anthropomorphisation of infinitely complex things like states makes the hypothetical 'ethical puritanism' standard a straw man argument. Although many accounts

[219] Tesón, 'Ending Tyranny in Iraq'.
[220] Fernando R. Tesón, 'Eight Principles for Humanitarian Intervention', *Journal of Military Ethics* 5, no. 2 (June 2006): 93.
[221] Fabre, *Cosmopolitan War*, 167.

do fall back on such an excessive demand.[222,223,224,225,226] Mill offers a far more useful insight: the distinction between motives and intent.[227] (The 'confounding' of which as much in the nineteenth century as the twenty-first, was 'an oversight too common not to be quite venial'.) When Mill states, 'he who saves a fellow creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble',[228] in the case of international politics, one could say that the Samaritan is likely to wade into deeper waters on the grounds of reward than duty. Whilst human protection intent is required, motivations will also be extraordinarily complex, and probably include some that appear less than desirable.[229,230] This being said, there is a bright red line of distinction between humanitarian intervention and military acts for other purposes, such as self-defence or the rescue of one's own nationals.[231] Humanitarian intervention is a moral project, but it happens on earth; actors are embedded in the fabric of the international and it cannot be sanitised from the basic fact of the complexity of the modern state. Humanitarian intervention is characterised by an intent to prevent or end imminent or ongoing genocide, war crimes, ethnic cleansing or crimes against humanity. But a liberal intervention too, will still display the

[222] Noam Chomsky, *A New Generation Draws the Line: 'Humanitarian' Intervention and the Standards of the West* (London: Pluto, 2012).
[223] Donnelly, 'Human Rights, Humanitarian Crisis, and Humanitarian Intervention', 613.
[224] Roth, 'War in Iraq'.
[225] Alex J. Bellamy, 'Motives, Outcomes, Intent and the Legitimacy of Humanitarian Intervention', *Journal of Military Ethics* 3, no. 3 (November 2004).
[226] Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action*, War and Conflict in the Modern World (Cambridge, MA.: Polity Press, 2007), 6–7.
[227] John Stuart Mill, *The Collected Works of John Stuart Mill*, ed. J.M. Robson, vol. X: Essays on Ethics, Religion, and Society (Toronto: University of Toronto Press, 1969), 219–20.
[228] Mill, X: Essays on Ethics, Religion, and Society:220.
[229] Pattison, *Humanitarian Intervention and the Responsibility to Protect*, chap. 6.
[230] Tesón, 'Eight Principles for Humanitarian Intervention', 98–102.
[231] Tesón includes the forcible cross-border protection by a state of its own nationals – 'the rescue mission' – as a second type of humanitarian intervention, although this is clearly peripheral to the central issues, both theoretically and in practice. Tesón, *Humanitarian Intervention*, 6–7.

intent to end tyranny or anarchy, lest it be called by another, and less flattering name. Of course, and here is a difficulty, liberal intervention too will most likely take aim at mass atrocities.

The third aspect is introduced here: the precautionary principles which are fundamental to just war theory. The application of force is proportional and a last reasonable response to mass atrocity crimes with human protection intent and humanitarian interveners comply, as far as is feasible, with principles of impartiality and neutrality amongst parties within the target state and take extreme precautions against collateral damage. Here an ideal-type distinction can be drawn. Humanitarian intervention may be at best the black sheep of the humanitarian family, yet humanitarian criteria can be unevenly applied to the practice. The International Committee of the Red Cross posit four criteria for a humanitarian act. It must be universalistic, neutral, impartial/egalitarian, and consensual.[232] Difficulty in meeting these criteria poses a challenge, and yet they underscore the most fundamental difference between humanitarian intervention and the doctrine of liberal interventionism. On the one hand, to restate, humanitarian intervention is war. That is to say, it is against *something*. By reference to Responsibility to Protect, as shown, what exactly it is against can be specified with reasonable clarity, and an argument can be made for universality on this score; but, and the somewhat more tricky part, it is also against *somebody*. Neutrality and impartiality can only go so far. Viewed rigidly then, *humanitarian* intervention is an oxymoron and we are left only with shades of liberal interventionism. But of course, absolute terminological rigidity is no more useful in international affairs than any other sphere of life. As Leveringhaus indicates, force 'should be on the side of peace, and not on the side of any particular group… [it] is not to defend one group against the other or help "good guys" fight "bad guys"'.[233] This guiding logic diverts strongly from the liberal interventionist view of force as a weight to tilt the scale of global order toward the 'Kantian centre'. Impartiality and neutrality extend

[232] Alex Leveringhaus, 'Liberal Interventionism, Humanitarian Ethics, and the Responsibility to Protect', *Global Responsibility to Protect* 6, no. 2 (June 2014): 172.
[233] Leveringhaus, 178–79.

only *as far as is feasible*, of course, and interveners must obviously act in a way which will effectively end the killing. It might be the case that this will involve 'regime change'. It is difficult to see, for instance, how Vietnam could have halted the excesses of the Khmer Rouge but left them in power. So whilst we might be able to draw a distinct difference of logic between humanitarian and liberal intervention, with humanitarian interventionists cleaving closer to the humanitarian criteria laid down by the ICRC, the reality will be more complex.

The fourth, international, dimension is central to any definition of humanitarian intervention. We are talking about the *cross-border* application of force to protect populations from mass atrocity *when the government of the target state is manifestly failing to exercise its Responsibility to Protect*, and *without meaningful sovereign consent*. As commonly held, this excludes internal conflicts, even those fought for human protection purposes; and, to fit within the rubric of humanitarian intervention, the action must be 'unsolicited' in the sense that there be opposition from a party to the crisis. For McMahan and Fabre,[234] it is a conceptual condition of humanitarian intervention that 'it does not occur at the request or with the consent of the government concerned';[235] a government either 'unwilling or unable' to redress the situation. In clear-cut cases, many of the extremely problematic conceptual difficulties of intervention will disappear in the face of an invitation, it is true, and these instances might better be served by the label of 'humanitarian assistance'.[236] Because technically speaking, action taken at the instigation or invitation of the target state is not 'intervention' at all, it side-steps the fundamental problem. An intervention will 'breach the so-called non-intervention principle by virtue of which sovereign political communities are not permitted to aggress other such communities'. They constitute 'an aggression against the territorial integrity *and political*

[234] Fabre, *Cosmopolitan War*, 166–67.
[235] Jeff McMahan, 'Humanitarian Intervention, Consent, and Proportionality', in *Ethics and Humanity: Themes from the Philosophy of Jonathan Glover*, ed. N. Ann Davis, Richard Keshen, and Jeff McMahan (Oxford: Oxford University Press, 2010), 44.
[236] McMahan, 44.

sovereignty of another country'.[237] However, following Pattison, the issue of state consent should not in practice be viewed 'too strictly', because, 'what is important is that the action is against *someone's* wishes, such as those of militias, warlords, or criminal gangs, and in particular those who are responsible for the humanitarian crisis. This is the case even if it is not necessarily contrary to the wishes of the government of the target state'.[238] The situation on the ground will be highly complex, and issues of permission will be murky. Approaching the issue through the absence of 'meaningful' consent, as proposed by Thomas Weiss,[239] is attentive to several possibilities that have played out in practice. For instance, as arguably happened in East Timor in 1999, 'consent' may have been obtained from the target state's government under duress resulting from external pressure itself amounting to coercion. Alternatively, the relevant space might be ungoverned, as in Somalia in 1992, or a peacekeeping mission which was originally in receipt of state consent might require the exercise of additional force, such as we have seen in Sierra Leone.[240] The practice of humanitarian interventions, particularly during the 1990s, complicates the strict or easy notion of consent. They show that 'the legal requirement of "non-consent" is in practice very difficult to maintain – particularly when consent is ambiguous or coerced'.[241] The issues of consent muddy the humanitarian waters of intervention. However, with this particular aspect of humanitarian action, such stringency is clearly irreconcilable. To remain as close as possible to prevailing global norms, the specification of a government's *manifest failure to uphold its Responsibility to Protect* implies that consent can be inferred from the victimised groups within the state.

Fifth, we come to the all-important stipulation that humanitarian intervention occurs without Security Council authorisation. This is crucial. It returns us to the sharp debates at the turn of the millennium, and

[237] Emphasis added. Fabre, *Cosmopolitan War*, 167–68.
[238] Emphasis in original. Pattison, *Humanitarian Intervention and the Responsibility to Protect*, 26.
[239] Emphasis added. Weiss, *Humanitarian Intervention*, 5.
[240] Pattison, *Humanitarian Intervention and the Responsibility to Protect*, 26–27.
[241] Welsh, 'Introduction', 3.

to the final Secretary-General's report of the twentieth century. Kofi Annan famously confronting the 'international community' with the full weight of his moral intellect: 'If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defence of the Tutsi population, but did not receive prompt Council authorisation, should such a coalition have stood aside and allowed the horror to unfold?'[242] As we will see, Responsibility to Protect, which was supposed to resolve this question, did everything but. Therefore, we are left with 'humanitarian intervention' as a form of action synonymous with what is often referred to as 'unilateral' or 'unauthorised' intervention. This reflects its distinct place in a developing international normative order, and underlines that on most accounts it violates the letter of international law, but who would be bold enough to say that answering 'no' to Annan's question violates the spirit of the law? Humanitarian intervention though, on this reading, can only happen outside of council authority, as R2P can only happen inside. It is in this issue of right authority that the cleavage with Responsibility to Protect is laid bare: a cleavage which will shortly be outlined more fully.

Humanitarian intervention, as an ideal type, and unlike liberal interventionism, is politically agnostic. This is the most fundamental point. Unlike the (largely laudable) liberal interventionist endeavour to promote basic human rights, only the barest glimmer of morality and justice is sufficient to endorse the idea that people should simply not be slaughtered like cattle. Although there clearly will be significant bleeding between the two concepts in actual situations on the ground, as in theoretical speculation. That said, the manner in which the liberal interventionist and the humanitarian interventionist approach a particular crisis might well vary. Regime change, military tactics, and peace-building are just some obvious examples where the divergent logics of the two may produce very different results. The scale of the 2003 war in Iraq, a liberal intervention if ever there was one, shows the stark reality behind these concepts and their power to mobilise action or not.

[242] Annan, 'Annual Report of the Secretary-General to the General Assembly'.

Responsibility to Protect

> Injustice often arises also through chicanery, that is, through an over-subtle and even fraudulent construction of the law… Through such interpretation also a great deal of wrong is committed in transactions between state and state.
>
> -Cicero, 44 B.C.[243]

The Responsibility to Protect (R2P), the so-called global political commitment to end mass atrocities, was developed in 2000/01 to resolve the problem of humanitarian intervention. A response to UN failure during the *itfembabwoko*,[244] and the NATO intervention in Kosovo which bypassed a gridlocked Security Council, the fundamental problem had been summed up by Kofi Annan:

> To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might ask – not in the context of Kosovo – but in the context of Rwanda: If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defence of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold?[245]

Published weeks after 9/11, the report of the group of eminents convened to answer Annan, the International Commission on Intervention and State Sovereignty (ICISS), went to great lengths to placate a Global South jealous of the imagined form of sovereign authority handed down by the myth of 1648. The term humanitarian intervention was not used in the final report; it was claimed that sovereignty was being 'reimagined', and states were requested to willingly participate in this process of remaking sovereignty to include responsibilities towards the people. The myth was taken as the basic starting point and the idea

[243] Cicero, *De Officiis*, trans. Walter Miller, Loeb Classical Library (Cambridge, MA.: Harvard University Press, 1913), 35.
[244] Kinyarwandan term for the Rwandan genocide.
[245] Annan, 'Annual Report of the Secretary-General to the General Assembly'.

that Westphalia had 'institutionalised indifference' to mass slaughter of innocents has been put forward by several members of the Commission.[246,247,248] Thus, sceptics are encouraged to believe that developing states are foregoing a privilege instrumental to European state development which goes a long way to explaining the strength and wealth of contemporary Western societies.[249] The report embedded military action within a wide continuum of measures, to firmly emphasise the element of last resort. In a short section the issue of Security Council intractability was addressed.[250] Three options were put on the table: to fall back onto the 'Uniting for Peace' procedure, whereby the General Assembly can convene an Emergency Special Session to assume a residual responsibility for peace and security when the Security Council fails to discharge its responsibility; action by a regional or sub-regional organisation within the sphere of its jurisdiction; and finally, states acting outside of their regional organisation can request *ex post facto* authorisation from the Security Council.

R2P was endorsed by the monumental World Summit of 2005, the largest ever gathering of heads of state and government. But, for the ICISS co-chair, former Australian foreign minister Gareth Evans, 'the final outcome was hugely disappointing. World leaders failed to grasp the historic opportunity before them, and both the UN and the world are worse off for it'.[251] The reason for his dismay is the fracturing of the project which occurred in the process of its passage through the summit. Two versions of R2P exist, the ICISS report and the form accepted in 2005. This second version, 'R2P Lite', differed fundamentally from

[246] Evans, *The Responsibility to Protect*, 2008, 15–19.
[247] Michael Ignatieff, *Whose Universal Values?: The Crisis in Human Rights* (Amsterdam: Praemium Erasmianum Foundation, 1999), 21.
[248] Ramesh Thakur, 'Humanitarian Intervention and Responsibility to Protect', in *The Oxford Handbook on the United Nations*, ed. Sam Daws and Thomas G. Weiss (Oxford: Oxford University Press, 2016), 463.
[249] Ayoob, 'Humanitarian Intervention and State Sovereignty'.
[250] ICISS, 'The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty', 53–55.
[251] Gareth Evans, 'UN Missed the Chance of a Lifetime', *The Globe and Mail*, 11 October 2005.

the original proposal. Referenced in three paragraphs in the summit's Outcome Document, these are worth reciting in full:

> 138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.
>
> 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and

crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.

As can be seen, transition from the ICISS to the World Summit represents nothing less than a drastic departure from the ICISS document, with substantive and consequential differences. In the first instance, the product of the World Summit omitted any criteria to guide decision-making on the use of force; the threshold at which responsibility is transferred from the state to the international community was raised from 'unable and unwilling' to 'manifestly failing' to protect; the broader definition of threshold conditions envisioned by the ICISS, 'large scale loss of life', which explicitly could arise from 'state neglect' and 'large scale ethnic cleansing' was narrowed to incorporate only the four specific crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. In particular, this has had serious consequences in the ensuing, yet still unfinished, contestations over practical implementation.[252] Chiefly however, the (albeit weak) engagement with the issue of Security Council veto power from the ICISS was utterly evaded at the World Summit. No space was fashioned for action outside of Security Council authorisation, and all talk of agreeing on conduct to restrain use of the veto was dropped. Ultimately, the Responsibility to Protect was squeezed by the more general failure of Security Council reform. Thus, in the eyes of many, Responsibility to Protect was removed of any teeth. It became a kind of hollow statement to which everybody can pay lip service without any political cost whatsoever.[253] And as Bellamy has made clear, the outcome document committed, in essence, nobody to actually do anything. The Security Council declares

[252] For example the contestation over Cyclone Nargis in Myanmar.

[253] 'The governments of most countries indicate that, in principle, they support the concept of R2P, just as every government in the world will readily proclaim that they support "human rights" and "democracy" because such proclamations cost nothing and accountability to such commitments is weak'. Edward Newman, 'R2P: Implications for World Order', *Global Responsibility to Protect* 5, no. 3 (2013).

itself prepared only to 'stand ready to act', in stark contrast to the hopes of the post-Cold War period, and the language of consideration on a 'case-by-case' basis reflects a 'deliberate attempt to water down the Security Council's responsibility to protect'.[254] This was grist to the mill of the sceptics. In the splintering away of the Responsibility to Protect, particularly in the face of such concerted global engagement, they see validation of their claims that it was all hocus-pocus to begin with.[255] And, as it is this second Responsibility to Protect[256] which international society has moved forward with, has been seen as hindering rather than advancing the aspirations of a 'more humane humanity'.[257]

A cynic might point out how carefully the drafters of the Outcome Document made sure to say nothing whatever of importance about humanitarian intervention. And this, after all, was the whole point of the exercise to begin with. However, the reverse of this coin is an evolving and highly potent vocabulary for engaging in preventative action.[258] R2P has become an increasingly powerful rallying cry for transnational advocacy groups[259] and it is now well established as a baseline statement of moral principle which bounds

---

[254] Alex J. Bellamy, 'The Responsibility to Protect and the Problem of Military Intervention', *International Affairs* 84, no. 4 (July 2008): 623.

[255] 'In a world of multiple polities and cultures, the objections to and anxieties about humanitarian intervention carry enough weight to prevent R2P from acquiring universal approval and legitimacy. Thus, any version of R2P that stands a chance of gaining general acceptance will have to be diluted by reassuring qualifiers, caveats, and loopholes. Precisely this scenario has played out.' Menon, *The Conceit of Humanitarian Intervention*, 92.

[256] 'When governments, regional organizations and the UN talk about R2P they mean not the concept put forward by the ICISS but the principle endorsed by world leaders at the 2005 World Summit and reaffirmed by the Security Council in 2006.' Bellamy, 'The Responsibility to Protect and the Problem of Military Intervention', 622.

[257] 'The agreement on R2P reached in 2009 is so superficial that it actually constitutes, I argue, a setback for those supportive of the achievement of a consistent, impartial and effective means by which large-scale intrastate humanitarian crises can be addressed.' Aidan Hehir, 'The Responsibility to Protect in International Political Discourse: Encouraging Statement of Intent or Illusory Platitudes?', *The International Journal of Human Rights* 15, no. 8 (December 2011): 1333. (Use of Ken Booth's formulation, 'a more humane humanity' is not to implicate him in Hehir's argument. Ken Booth, 'Foreword', *International Politics* 53, no. 1 (January 2016).)

[258] 'Among the constitutive elements of the responsibility to protect (R2P), prevention has been deemed by many as the most important.' Serena K. Sharma and Jennifer M. Welsh, eds., *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention* (Oxford: Oxford University Press, 2015), 1.

[259] David Lanz, 'Why Darfur? The Responsibility to Protect as a Rallying Cry for Transnational Advocacy Groups', *Global Responsibility to Protect* 3, no. 2 (2011).

international pluralism.[260] Increasingly since the World Summit, R2P has come to occupy an influential, though fiercely contested, space in global political discourse. The Security Council has reaffirmed the World Summit endorsement on numerous occasions down the years; at present 60 countries representing every region of the world have established R2P Focal Points to coordinate national action related to R2P, usually through a senior diplomat; since 2009 the Secretary General has produced an annual report developing and further defining the principle; and a Special Advisor for the Responsibility to Protect has been created at the UN in a joint office with the Special Advisor for the Prevention of Genocide. Resolutions from the Security Council incorporating R2P are produced almost monthly, showing it to be a well-established part of the diplomatic lexicon. Notably more tangible successes have been had too; not least the successful mediation effort by Kofi Annan during the fallout from a contested election in Kenya in 2007. Annan explicitly operated within an R2P frame, and many analysts feel he diverted a crisis that was demonstrating all the hallmarks of impending genocide.[261]

What R2P did not do, despite these achievements, was resolve the problem of humanitarian intervention. The question of sovereignty remains. Indirectly, this might be demonstrated by the wide rhetorical support that R2P enjoys in the General Assembly, and from countries who are utterly unsympathetic towards intervention.[262] The language of R2P, however, and the degree to which precautionary principles and scope conditions are specified, provides a frame around which a conceptual clarification of humanitarian intervention can be erected. Cutting as close to the R2P bone as possible, humanitarian intervention can be vindicated by associations not just with basic principles of international

[260] Alex Bellamy and Tim Dunne, eds., *The Oxford Handbook of the Responsibility to Protect*, Oxford Handbooks (Oxford: Oxford University Press, 2016), vii.
[261] Serena K. Sharma, 'Kenya', in *The Oxford Handbook of the Responsibility to Protect*, ed. Alex J. Bellamy and Timothy Dunne (Oxford: Oxford University Press, 2016).; Noële Crossley, 'A Model Case of R2P Prevention? Mediation in the Aftermath of Kenya's 2007 Presidential Elections', *Global Responsibility to Protect* 5, no. 2 (2013).
[262] Taylor B. Seybolt, 'The Use of Force', in *The Oxford Handbook of the Responsibility to Protect*, ed. Alex J. Bellamy and Timothy Dunne (Oxford: Oxford University Press, 2016).

ethics, but by the explicitly and unanimously avowed intent of international society. Hence, humanitarian intervention responds to the closely delimited catalogue of international crimes explicitly spelled out in 2005: genocide, war crimes, ethnic cleansing and crimes against humanity. Humanitarian intervention happens when a country is 'manifestly failing to exercise its Responsibility to Protect'. Couching humanitarian intervention in these terms is a powerful means to enhance its legitimacy and elevate it above the more hysterical claims of the critical theorists.

The gulf between humanitarian intervention and the Responsibility to Protect is a chasm. This much is clear. This chasm however, though unbridged, can be criss-crossed. Locating humanitarian intervention within the normative space established by Responsibility to Protect does just this. This has its risks, but they are worth taking. One might be the continuance of conceptual confusion, and the serious danger to the important normative and political headway made by R2P which could come from continued conceptual overlap with humanitarian intervention. Already many are sceptical. For Pape, to take an example, 'R2P sets the bar for intervention so low that virtually every instance of anarchy and tyranny – or indeed, every potential instance – represents an opportunity for the international community to violate the sovereignty of states'.[263] This is clearly not the case. Despite the fact that the Security Council did take the unique step in 2011 of authorizing force against a government without any form of sovereign consent (Resolution 1973 against Libya), this was certainly not an opening to more intervention, or a 'lowered bar'. In fact, the controversy surrounding how NATO executed the mandate drives a further wedge between the military and non-military aspects of R2P. The broader R2P framework guiding states, civil society, and intergovernmental organisations towards greater and more coherent preventative and capacity-building endeavours, however, could be threatened by a denser space of connectivity between the two programmes.

[263] Robert A. Pape, 'When Duty Calls: A Pragmatic Standard of Humanitarian Intervention', *International Security* 37, no. 1 (July 2012): 43.

Especially as for some, even the really-existing R2P Lite already embodies an 'unachievable ideal'.[264] As Stephen Hopgood argues was the case in Darfur, the very fact of seeking to establish rules and to render decisions on humanitarian action as a decision to follow them – a decision which can establish precedent – makes states even *less willing* to act than they might otherwise have been.[265] This feeling will surely be exacerbated by a failure to properly distinguish between humanitarian intervention and R2P. That is to say, the denser the criss-crossing of words and signals becomes across that yawning gulf, the more vigorously 'rejectionist' states will oppose Responsibility to Protect.[266]

Responsibility to Protect is a long-term, structural project directed towards moderating excesses of power, and embedding the notion of responsibility more positively within the global order. It is conceived over 'three pillars'. First, the primary obligation of states themselves to protect their populations from the four crimes. Second, the responsibility of the international community to assist states in fulfilling this mandate. Third, failing in their willingness or ability to do so, the international community has a residual responsibility to protect persons, wherever they may live. The third pillar, however, has added nothing to the range of measures which pre-existed it, so much is clear. The problem of reconciling conflicting notions of authority and legitimacy in the use of force outside of a still dysfunctional Security Council has not been adequately addressed by the Responsibility to Protect. But, if the broad consensus around the principle reflects a minimum globally accepted standard, then humanitarian intervention ought to account for this. Despite the risks, adoption of the language and precautionary principles from R2P, not to mention the

[264] De Waal, 'Darfur and the Failure of the Responsibility to Protect', 1054.

[265] Stephen Hopgood, 'The Last Rites for Humanitarian Intervention', *Global Responsibility to Protect* 6, no. 2 (June 2014).

[266] Suspicion over the potential for Responsibility to Protect to mobilise military force is a sticking point for all 'rejectionist' states. Patrick Quinton-Brown, 'Mapping Dissent: The Responsibility to Protect and Its State Critics', *Global Responsibility to Protect* 5, no. 3 (2013).

humanitarian criteria mentioned above, will deepen the legitimacy of humanitarian intervention which must necessarily take place outside Security Council authorisation.

Of course, the central issue is reaffirmation of the Security Council as the sole body able to authorise an intervention. In this sense the dilemma posed by Kofi Annan remains largely the same, nearly 20 years and hundreds of thousands of dead later. In fact, by perpetuating the Westphalian myth, R2P presents an additional road block to effective humanitarian intervention. The issue of Security Council approval masks more than a simple procedural question. It speaks directly to the relative value of fundamental international ethics when held against sovereign prerogatives. It tests the degree to which 'reimagined' sovereignty goes beyond rhetoric, when the baseline assumption is that 'sovereignty… meant immunity from outside scrutiny or sanction, however grotesque and morally indefensible' was the sovereign's conduct,[267] and that an injustice is taking place at a certain level when states are deprived of the opportunity to exercise it. This chapter has provided a definition of humanitarian intervention which makes clear the distinction with liberal interventionism, and also the fact that R2P is not humanitarian intervention. This definition, however, seeks to benefit from the formal 'global consensus' around R2P as a floor of international pluralism: 'action is a last reasonable response to ongoing or imminent genocide, war crimes, ethnic cleansing, and crimes against humanity, occurring when the government of the target state is manifestly failing to exercise its Responsibility to Protect'. The following chapters will argue for the moral and theoretical legitimacy of humanitarian intervention by rejecting the basic intervention-sovereignty dichotomy supposed by scholars and practitioners. The continuity between the Westphalian idea of order-building and the contemporary global order is demonstrated via the basic concept of dignity. By showing how this concept was fundamental to the Westphalian mentalities, the context within which state sovereignty crystallised, the normative clock is reset. Humanitarian intervention in this view is not an

[267] Evans, *The Responsibility to Protect*, 2008, 16.

injustice which deprives contemporary states of a right of non-intervention historically enjoyed by European states. Thus, the non-interventionists are the innovators.

II: Dignity

It comes from a world where eternal hunger is the ruler, so to state that it hunts means that it takes part in the general hunt, for all around it every living being falls upon its prescribed prey in the eternal hunt… hence the bird too stands in the inexhaustibility of the hunt, compelled to the goal of hunting… the hunt here is… enriched with another meaning as well… a meaning that this word usually does not provide, and so quoting the three famous sentences of Al-Zahab ibn Shahib, now with increased complexity: "A bird flies home across the sky. It appears to be tired, it had a difficult day. It returns from the hunt, it was hunted"; well, we need to alter this somehow, shifting the emphasis a little; that although it had a direct goal, it did not have a distant one, it existed in a space in which any sort of distant goal, any distant cause was essentially impossible, yet making all the denser the weave of immediate goals and causes from which it was cast, and from which one day it will necessarily perish.

-László Krasznahorkai[268]

[268] László Krasznahorkai, *Seiobo There Below*, trans. Ottilie Mulzet (London: Tuskar Rock, 2016).

Atrocity as Indignity

By a circumspect metaphor, dignity conjures up the butterfly. It really exists, and it is beautiful; both radiate colour, and yet both know the shallow emptiness of dark and hollow cocoons. Squeeze either too tightly and all we risk being left with is a sticky strain of bloody matter.

Dignity describes the special, universal, frame by which the outer limits of international pluralism are bounded. A 'precious concept', it 'marks a line in the moral sand that most of us think should never be crossed.'[269] That it provides the normative foundation for the contemporary human rights regime,[270] is clearly enumerated in the very first sentence of the Universal Declaration of Human Rights,[271] a sentiment echoed by the International Covenants on both Economic, Social and Cultural Rights and Civil and Political Rights,[272] by the critically important post-war German Basic Law, which makes 'respect and protection' of dignity the 'duty of all state authority',[273] the EU,[274] Organisation of American States,[275] African Union,[276] and Geneva Convention, one of whose 'fundamental guarantees' prohibits 'outrages on

[269] Remy Debes, 'Introduction', in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017), 1.
[270] 'Since 1948, human dignity has been 'seen by scholars from various traditions as the foundational and basic concept of the entire human rights regime.' Marcus Düwell et al., 'Why a Handbook on Human Dignity?', in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, ed. Marcus Düwell et al. (Cambridge: Cambridge University Press, 2014), xviii.
[271] Famously, 'Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'… UN General Assembly, 'Universal Declaration of Human Rights', 10 December 1948.
[272] 'Recognizing that these rights derive from the inherent dignity of the human person'… United Nations General Assembly, 'International Covenant on Economic, Social and Cultural Rights', 16 December 1966. And United Nations General Assembly, 'International Covenant on Civil and Political Rights', 16 December 1966.
[273] Parliamentary Council, 'Basic Law for the Federal Republic of Germany', 23 May 1949.
[274] Article 1: 'Human dignity is inviolable. It must be respected and protected.' European Union, 'Charter of Fundamental Rights of the European Union', 2 October 2000.
[275] 'All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security'. Organization of American States, 'Charter of the Organization of American States', 30 April 1948.
[276] 'Freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples.' Organization of African Unity, 'Charter of the Organization of African Unity', 13 September 1963.

personal dignity'.[277] These examples could be multiplied *ad infinitum*, as 'state constitutions around the world claim dignity as the explicit grounds of their most fundamental entitlements and protections'.[278] Legally and constitutionally, it is ubiquitous, fulfilling a special, foundational role in contemporary order(s), at both state and supra-national levels.

An important part of this is that it describes the peculiar badness of mass atrocities. For instance, a policy document from the UN Office of the Special Advisor on the Prevention of Genocide writes, 'Atrocity crimes are considered to be the most serious crimes against humankind. Their status as international crimes is based on the belief that the acts associated with them affect the core dignity of human beings'.[279] And the simple words, 'I have lost my dignity', sum up the harrowing proliferation of sexual violence in Syria for a UN Human Rights Council report.[280] This followed the language evoked by an African Union campaign 'to restore the dignity of women' in the face of mass sexual assaults in the conflict in South Sudan a couple of years previously.[281] During this crisis in which 70 percent of women at one UN 'civilian protection site' reported experiencing sexual assault, the Special Envoy for Women, Peace, and Security resorted passionately to dignity. '[Victims] deserve to be considered as human beings… we need to give them the

[277] 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.
[278] Debes, 'Introduction', 1.
[279] United Nations Joint Office of the Special Advisor on the Prevention of Genocide & Special Advisor on the Responsibility to Protect, 'Framework of Analysis for Atrocity Crimes: A Tool for Prevention' (New York: United Nations, 2014), 1.
[280] United Nations Human Rights Council, 'A/HRC/37/CRP.3, "I Lost My Dignity": Sexual and Gender-Based Violence in the Syrian Arab Republic Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic', 8 March 2018.
[281] African Union, 'Launch of the African Union Campaign to Restore the Dignity of Women and to Ensure Accountability in South Sudan', www.au.int, 13 October 2016.

dignity they deserve."[282] As a factor 'assumed to be of overriding importance', dignity plays an indispensable discursive role.[283]

Yet despite this 'overriding importance' in international politics, this 'preciousness', what dignity means is in fact far from straightforward. It is a broad, excessive concept:

> Since discussions about human dignity are related to the cosmological, moral, legal and religious position of the human being in general, a comprehensive discussion of human dignity would cover more or less the intellectual, moral and legal history of humankind.[284]

In this chapter, dignity is approached via a conceptual sketch laid out over four dimensions. Its meaning is illustrated as value, status, behaviour, and attitude. As will be clear, these dimensions cannot cleanly be pulled apart. Yet they all contain distinctive senses which intrude on the idea. Following this outline, it is shown how these conceptual dimensions come together in accounting for the human as a 'historical being', to appropriate Koselleck's terminology.[285] This will provide a manner of viewing the experiences of the Thirty Years War that flatly contradict the prevalent assumption considerations of 'humanity' broadly speaking were absent in 1648; that the Westphalian system implicitly sanctioned institutionalised indifference to what today we call mass atrocities. The historical chapters to follow this conceptual outline demonstrate how the transhistorical netting of dignity entangled the seventeenth-century *Lebenswelt* as much as it does the twenty-first.

[282] Tito Justin, 'South Sudan: AU Official Calls for Accountability in Sexual Violence', *Voice of America (Washington, DC)*, 9 December 2016, http://allafrica.com/stories/201612090812.html.
[283] Marcus Düwell, 'Human Dignity: Concepts, Discussions, Philosophical Perspectives', in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, ed. Marcus Düwell et al. (Cambridge: Cambridge University Press, 2014), 25.
[284] Düwell et al., 'Why a Handbook on Human Dignity?', xx.
[285] Reinhart Koselleck, *The Practice of Conceptual History: Timing History, Spacing Concepts*, trans. Todd Samuel Presner, Cultural Memory in the Present (Stanford: Stanford University Press, 2002), 111.

Unpacking dignity in such a way not only offers an innovative way of viewing the Westphalian *Lebenswelt*. Besides providing an interpretive resource which both illustrates the profound existential crisis engulfing contemporaries and displaying deep-seated continuities between the post-1648 and post-1945 Euro-world orders, it also constitutes a small contribution to the proliferating literature on dignity. It reflects a modest attempt to coalesce the divergent conceptual strands in a form that can be applied to historical mentalities, if only as a loose set of interpretive notions.

On Conceptualising Dignity

The complexity of dignity is seen by turning to the Oxford English Dictionary (OED), where there are recorded no less than eight definitions of the word.[286] Three are obsolete: an eighteenth-century algebraic expression for 'the power of', a fifteenth-century military expression for a 'company of cannons', and an 'erroneous rendering of Greek ἀξίωμα' to mean a 'self-evident theorem or axiom'. A fourth, also apparently obsolete definition, comes from astrology. According to the 1706 edition of Phillips's New World of Words, 'Dignities are the Advantages a Planet has upon account of its being in a particular place of the Zodiack, or in such a Station with other Planets, etc. by which means its Influences and Virtue are encreas'd.' And such usage was already of sustained lineage, for we find dignity implying a place within the hierarchy of celestial order three hundred years earlier in Chaucer's fourteenth-century, 'A treatise on the astrolabe'.[287] Shortly it will be shown that shades of this implication remain implanted within dignity's conceptual meshing.

These accounted for, the OED provides four core definitions. The first describes a value: 'The quality of being worthy or honourable; worthiness, worth, nobleness, excellence.' This definition also encompasses

[286] 'Dignity, N.', *Oxford English Dictionary Online* (Oxford University Press, 2018).
[287] Geoffrey Chaucer, *A Treatise on the Astrolabe: Addressed to His Son Lowys by Geoffrey Chaucer. A.D. 1391* (London: Published for the Early English Text Society, by N. Trübner & Co, 1872).

a subordinate sense of the 'quality of being worthy of something'. 'Status' connects the second and third core definitions. The second, 'Honourable or high estate, position, or estimation; honour; degree of estimation, rank', defines dignity as a *high* relative place in a given order. Such is order conceived vertically, as when the sixteenth-century English theologian Richard Hooker speaks of the superior dignity in nature of plant over stone.[288] This definition implies something like caste status. It leads into the third, 'An honourable office, rank, or title; a high official or titular position', possession of which makes of one a dignitary. This is status as role, the specific dignity of a place within a given institution; it is changeable honour. And then lastly, although certainly not least, the OED's fourth core meaning concerns gravity, the 'befitting elevation of aspect, manner, or style'. Whether in clothing or bearing, dignified action, acting with dignity, being dignified, is a time-honoured moral virtue. The OED adds a specific reference to dignity as a component of rhetoric under this bracket.

Given such diversity in the meanings of dignity as a word, it is important to bear in mind Koselleck's word-concept distinction. 'A word may have several possible meanings, but a concept combines in itself an abundance of meanings.'[289] Examples drawn from two debates in the British parliament illustrate the vagrancy between these definitional threads, and pose questions as to how dignity should be approached as a concept.

During the fateful month of August 1940, Seymour Cocks, Labour MP for Broxtowe in Nottinghamshire, rose to directly address the newly-minted Vichy government with 'scorn and contempt'.[290] During long hours of debate in the crowded, acerbic chamber, a moment which found 'Hitler sprawled over Europe', Parliament was taking stock of a disastrous first year of war. It was a serious time.

[288] Richard Hooker, *Of the Lawes of Ecclesiasticall Politie: The Fift Booke* (London: I. Windet, 1597).
[289] Reinhart Koselleck, 'Introduction to the Geschichtliche Grundbegriffe', in *Global Conceptual History: A Reader*, ed. Margrit Pernau and Dominic Sachsenmaier, trans. Michaela Richter (London: Bloomsbury Academic, 2016), 46.
[290] Hansard, HC Deb, 20 August 1940, vol 364, cols 1132-274.

Churchill reported how 'the entire body – it might almost seem at times the soul – of France has succumbed to physical effects incomparably less terrible than those which were sustained with fortitude and undaunted will power 25 years ago'. With the Battle of Britain entering its most intense phase overhead, and London enduring heavy bombing day and night, Cocks wished Pierre Laval and his fellows a meeting with their 'just fate under the guillotine'. Decrying the new French regime, 'this camarilla of dastards and usurpers, slobbering over the jack-boots of the Nazis,' this mere cartel executing 'men whose only crime is that they have sought to defend their country', his attention turned directly to Philippe Pétain. 'For the third time in French history a Marshal of France has proved false to his rank and his dignity'. Cocks goes on,

> It is to be hoped that for the honour of the French nation and the French name, the people of France will rise in their masses and rescue these patriots from the hands of the modern Bourbons of Vichy, who, without the dignity which marked the old regime, have like that old regime preferred class to their country.

The question is raised as to what this dignity is which Marshal Pétain has failed, and how or if it differs from the dignity with which this stringently left-wing Labour MP endows the ancien régime. In the first instance it could simply be that Pétain, like Marmont and Bazaine before him, has failed to deliver on the promise of his office, and in so doing, has violated the duties of his role, the conduct which is expected of a dignitary. But this limp reading does not seem to capture the severity, it is tempting to write 'the dignity', of the moment. Parliament possesses the 'one voice in Europe', and it was self-consciously exercised with an aura of profound responsibility. 'We are doing the finest thing in the world, and have the honour to be the sole champion of the liberties of all Europe', announces Churchill whilst so much as the physical safety of the chamber itself was threatened by the Luftwaffe.

The betrayed role of Marshal of France was important in and of itself. But Pétain, after all, is charged with discarding both rank *and* dignity, so this cannot embrace the totality of meaning. And likewise it is

not immediately clear how this would connect to the dignity with which Cocks goes on to annoint the Bourbons; which seems more likely to embrace the aristocratic 'caste' status of the word. A profoundly important office, such as military commander, often has congruently important duties, consequences stemming from the rejection of which might be dire. But something more is at stake. Rubbing closer to it, it seems, is a betrayed sense of honour, and this cannot simply be the honour of 'rank' narrowly conceived, or dignity would be redundant. This could be a broader symbolic honour vested in the estate of Marshal of the French Republic, moving closer to status as caste, an expectant air of chivalric nobility which Cocks, in this moment of existential crisis, wafted through the chamber. And in failing to honour this estate, something implicated in the value of the collective, in short, by betraying France, Cocks could be supposed to imply that Philippe Pétain has surrendered also some quality of worthiness. It is here that the 'astrological' definition can, by analogy, be reintroduced. Because it could only be the dignity of historical legitimacy, the things 'being in a particular place of the Zodiack', in an order of historical contingency or necessitation, which, for Cocks, paints a coat of dignity on the Bourbon arms; although, presumably this is qualitatively different from that adhering in the body of French Marshals. Implications of 'becoming or fit stateliness', of dignified action, likewise show through. It seems that something could be made of this in Pétain's case, as much as in the Bourbons'.

Remaining in the Commons, removed by a century and a half, dignity's entanglements crop up once again, this time in a heated debate following a petition by representatives of the Irish catholics.[291] In the spring of 1808, Henry Gratton, a prominent campaigner for Irish sovereignty, argued against the old platitude that the catholics were happy with their condition. 'It is not in human nature to be satisfied with being excluded from situations of honour and dignity.' Exclusion of catholics from public life was 'not only degrading, but dishonourable in the highest degree'. This could simply mean straightforward exclusion

[291] Hansard, HC Deb, 25 May 1808, vol 11, cols 549-638.

from roles imbued with 'dignity', and an elevated social status, however inadequate that would feel. But fellow parliamentarian Henry Petty joined the attack on claims that there was no Irish desire for full participation in the life of the state. 'What! sir, was this treating a people with dignity, or decency, or likely to conciliate or convince them?' As Petty observes, this equates to 'forgetting the existence of one fourth of the population of the united empire'. 'Forgetting' is important. For anti-catholic discrimination denied these people their rights but still more it denied they were worth proper respect. So it could be an exclusion from an institutional role – even basic involvement – which was concomitant with, even inseparable from, a reduction of the collective worthiness, the basic ontological value, of the catholic population. Against this, Petty 'endeavoured to express towards [catholics] and towards Ireland, a conduct which might evince our sincerity, and deserve their confidence'. This conduct would involve 'treating people with dignity', and opens more possibilities; dignity as a relational property, implicated in the value of others. But this takes us away, both from Hansard and from the Oxford English Dictionary. We can move, at this point, from talking over threaded definitions to approaching the concept through dimensions of meaning.

'The meaning of words can be defined exactly, but concepts can only be interpreted.'[292] Koselleck's important observation reinforces how dignity should be approached. And, in accounting for the critical role that dignity plays in contemporary international politics, by describing the particular abhorrence of mass atrocities, and as the explicit normative foundation of the post-war order(s), dignity is a 'basic concept' in more than one sense.

> Basic concepts [are] those concepts that are inevitable at a given time: they are "non-interchangeable"; and in their absence it is "no longer possible to recognize and interpret social and political reality". For concepts to acquire this status, they first have to become

[292] Koselleck, 'Introduction to the Geschichtliche Grundbegriffe', 46.

> "exclusive" and lose a range of meanings – only to then turn particularly contentious, as all parties to a semantic (and, ultimately, political) struggle seek to fix their core meaning in their favour, so to speak. In short, concepts – to be basic concepts – have actually to be ambiguous or have multiple meanings (*vieldeutig*).[293]

It is clear that 'dignity' cannot be contained either within a single definitive definition, or even in several lying alongside one another. Conceptually, it overspills itself. It cannot help but do so. Necessarily, the concept escapes the word; which to utter is to invoke, is to expose dignity to its manifold conceptions, in short, is to make a mess. But the 'ambiguity' or 'multiple meanings' in dignity speak – as it is employed across a wide spectrum of legal, political, medical, and ethical fields, and appealed to over such important issues (and often on both sides) as abortion[294] and assisted suicide[295] – sometimes leads to the conclusion that it is a 'useless'[296] or 'stupid'[297] notion.

Efforts to stabilise this perceived slipperiness and to concretise the elusive often provide the basis for accounts of what dignity 'is', how it provides the foundational role ascribed it, or whether such a role is really appropriate – appropriate given such underhanded evasion, of course. But the evasion is essential; it

[293] Jan-Werner Müller, 'On Conceptual History', in *Rethinking Modern European Intellectual History*, ed. Darrin M. McMahon and Samuel Moyn (New York: Oxford University Press, 2014), 84.

[294] 'The specific use of the notion of human dignity makes a substantial contribution to the discussion of abortion, invoked by both opponents of abortion and proponents of abortion choice.' Scott Rae, 'The Language of Human Dignity in the Abortion Debate', in *Human Dignity in Bioethics: From Worldviews to the Public Square*, ed. Stephen Dilley and Nathan J. Palpant (New York: Routledge, 2013), 234.

[295] 'Human dignity… has a specific usage in the medical context of terminal illness, because opponents as well as supporters of assisted suicide lay claim to that notion.' Sebastian Muders, *Human Dignity and Assisted Death* (Oxford: Oxford University Press, 2017), 4.

[296] 'Appeals to human dignity populate the landscape of medical ethics. Claims that some feature of medical research or practice violates or threatens human dignity abound, often in connection with developments in genetics or reproductive technology. But are such charges coherent? Is dignity a useful concept for an ethical analysis of medical activities? A close inspection of leading examples shows that appeals to dignity are either vague restatements of other, more precise, notions or mere slogans that add nothing to an understanding of the topic.' Ruth Macklin, 'Dignity Is a Useless Concept', *BMJ* 327, no. 7429 (2003).

[297] Steven Pinker, 'The Stupidity of Dignity', *The New Republic*, 28 May 2008.

is the equivocation that any basic concept must comprise. The contest to 'fix' the core meaning of a range of basic concepts is an indispensable feature of the conceptual landscape; just when such concepts elude language and defy its capacity to contain reality. The basic concept is intrinsically historicised, constituted by its history, but not even fully explicable by that. To Nietzsche's: 'only something which has no history is capable of being defined',[298] we might add, and this seems especially so as far as dignity is concerned, that in certain ways to write its history is to diminish a thing. Fully to capture dignity – completely and in some kind of non-transitory sense – would be to seize the very high ground of history. That is because dignity refers to the composition of the human being in general, within its moral, legal, and social, its physiological and spiritual, even its biological standings. Dignity implicates the human *as such*. To fill such a thing in definitively would be worse than futile, it would be grotesque; it would be truly 'the end of history' fixing the essential question of 'the human'. And what's more, it would be impossible.

Given all this, there is not a straightforward, direct, 'dignity lens' through which to pry on the *Lebenswelt* of seventeenth-century Europe and the experience of the Thirty Years War. Instead, dignity here will be conceptualised through four historically-grounded dimensions of meaning: Dignity as value, as status, as behaviour, and as attitude. 'Dimension', I hope, emphasises the interconnected, mutually dependent, nature of these meanings; a fluctuating quality observable at least since its visible emergence through Cicero. Indeed, at the moment when the concept begins to bubble into view in his writing, it already contains these overlapping senses. From *De Officiis*:

> But it is essential to every inquiry about duty that we keep before our eyes how far superior man is by nature to cattle and other beasts: they have no thought except for sensual pleasure and this they are impelled by every instinct to seek; but man's mind is nurtured by study

[298] Friedrich Nietzsche, *On the Genealogy of Morals* (London: Penguin, 2013).

> and meditation; he is always either investigating or doing, and he is captivated by the pleasure of seeing and hearing… From this we see that sensual pleasure is quite unworthy of the dignity of man and that we ought to despise it and cast it from us; but if someone should be found who sets some value upon sensual gratification, he must keep strictly within the limits of moderate indulgence. One's physical comforts and wants, therefore, should be ordered according to the demands of health and strength, not according to the calls of pleasure. And if we will only bear in mind the superiority and dignity of our nature, we shall realise how wrong it is to abandon ourselves to excess and to live in luxury and voluptuousness, and how right it is to live in thrift, self-denial, simplicity, and sobriety.[299]

Cicero recasts a more established Roman *dignitas* to incorporate an intrinsic human *value*. Based on Nature's gift of Mind, this first Ciceronian 'persona', or mask which constitutes the human,[300] Cicero refers to something inalienable and universal. We are 'invested by Nature with two characters, as it were: one of these is universal, arising from the fact of our being all alike endowed with reason and with that superiority which lifts us above the brute'.[301] Cicero likewise applies *dignitas* in the more traditional sense, to explicitly connote a particular *status*. In *De Inventione*, for instance, dignity is 'possession of a distinguished office which merits respect, honour, and reverence',[302] a usage seen similarly in *De Officiis*: 'The truth is, a man's dignity may be enhanced by the house he lives in, but not wholly secured by it; the owner should bring honour to his house, not the house to its owner'.[303] It can be taken from here that dignity as *behaviour* leads

[299] Cicero, *De Officiis*, 107–9.

[300] With the other three being individuality, our historical circumstances, and free will. Hubert Cancik, '"Dignity of Man" and "Persona" in Stoic Anthropology: Some Remarks on Cicero, De Officiis I 105 -107', in *The Concept of Human Dignity in Human Rights Discourse*, ed. David Kretzmer and Eckart Klein (The Hague: Kluwer Law International, 2002), 21.

[301] Cicero, *De Officiis*, 109.

[302] Cicero, *De Inventione*, trans. H.M. Hubbell, Loeb Classical Library (Cambridge, MA.: Harvard University Press, 1949), 333.

[303] Cicero, *De Officiis*, 141–43.

on from this view of dignity as status. 'Roman dignity can be seen, it has splendour, it shines; it is an ornament (*decus, decorum*). It is a quality of the body as is health, strength or swiftness. What charm (*venustas*) is in the female, dignity is in the male. The opposite is "obscure, dirty, ugly, contemptible".'[304]

On the one hand 'dignified' behaviour – socially contingent dignified behaviour, more or less – elevates one's social dignity, one's status, but this cannot be distinguished easily from the fourth dimension, dignity as *attitude*. Because, in a sense, it appears to pertain to the expression of moral virtue as much as it ties personal conduct to particular social stations:

> Cicero's work was not only important because of his claim that one has to take great care for one's dignity but also in his elaboration on the facets of dignified behaviour that mirror more or less the rules of honour of the Roman aristocracy: gravity, solemnity, self-mastery.[305]

The thin, blurry lines between dignified behaviour and dignity as attitude can be seen in the distinction crafted by Stoic practical ethics in the Roman world, 'of remaining importance'.[306] That is the distinction between dignity as internal and external quality, with the internal, 'to be read as independent of appraisal or respect by others, whilst [the] "external" refers to a type of dignity that is dependent precisely on others' recognition.'[307] They are both based upon reason's universalising faculty. Cicero writes how 'Nature ordains that one man shall desire to promote the interests of a fellow-man, whoever he may be, just because he is a fellow-man'.[308] Here dignity is derived as a cause, a responsibility, to treat others with respect. But the

[304] Cancik, '"Dignity of Man" and "Persona" in Stoic Anthropology: Some Remarks on Cicero, De Officiis I 105 - 107', 23.
[305] Christian Neuhäuser and Ralf Stoecker, 'Human Dignity as Universal Nobility', in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, ed. Marcus Düwell et al. (Cambridge: Cambridge University Press, 2014), 303–4.
[306] Neuhäuser and Stoecker, 304.
[307] Neuhäuser and Stoecker, 304.
[308] Cicero, *De Officiis*, 293–95.

attitude implied by dignity extends to one's own self. Therefore, Cicero believes that 'one's physical comforts and wants… should be ordered according to the demands of health and strength, not according to the calls of pleasure'. In both cases, of course, this is because we are mindful of the 'superiority of our nature'. For Cicero and Roman Stoics such as Seneca and Epictetus,[309] dignity can thus refer to a way of orienting oneself, of living – of being in the world[310] – in virtue of one's humanity. It is something a human being owes to his status as a human. It is a bearing which inspires action expressive of virtues worthy of the unique status of the human being as a rational being in and of itself, which displays it, and this is fundamental to notions such as Schiller's 'beautiful soul', which draws these conceptual dimensions out more fully. It emanates from the conscious mastery and self-possession of the free being; the elaboration of the human.

Moving on from Cicero, the nature of each of these dimensions can more fully be spelled out. Dignity as a value covers both 'human dignity' and, for lack of a better way of putting it, ordinary dignity as value. Significantly due to Kant, it is not uncommon to interpret dignity as meaning only human dignity, at least when considering its value dimension. Human dignity, in this sense, is a special intrinsic quality granted to all and only humans, often by some special capacity connoting 'human excellence' or uniqueness. Importantly though, dignity as value is not restricted to this use. For instance, (and to some light ridicule, including the award of the 2008 'Ignoble prize') the Swiss Federal Constitution has asserted the legal

[309] 'It was a central question for stoic philosophy of how to maintain one's dignity under unfavourable external circumstances. Seneca, Epictetus and other Roman authors recurrently explained how to act in a dignified way even under extremely hostile conditions, for example as a captive or slave.' Neuhäuser and Stoecker, 'Human Dignity as Universal Nobility', 304.

[310] For ancient Stoics, this would mean something like self-consciously applying one's rational capacities to properly regulate the sense impressions, thus living in accordance with Nature, the reward for which was serenity and happiness.

principle that animals and plants have dignity.[311] This is a relative value, opposed to the absolute value of human dignity, but still relating to a thing in and of itself, and like human dignity, it can also be justified on grounds of 'objective' criteria.[312] Further, human communities can likewise possess dignity in this sense. 'Dignity is not merely a concept attached to a single person. Dignity radiates onto the peoples themselves, and thus onto their being together, either in nations, or, for the future, in a society that has become global.'[313]

It is often supposed that, following Cicero, the prodigious Renaissance philosopher Pico della Mirandola resumed the idea of dignity in the sense of intrinsic human worth.[314] His *Oration on the Dignity of Man*, the text containing 'pages read more often than any other product of Latin Renaissance Humanism',[315] was written in 1486, when Pico was just twenty three. Intended as the opening address of a grand philosophical disputation to be held in Rome on Pico's recently published *900 Theses*, a work covering the breadth of contemporary theological, scientific, metaphysical and philosophical problems, it was never delivered. The grand disputation never happened. In a Papal Bull of August 1487, the *900 Theses* became the first book universally banned by the Church; all copies were to be destroyed within three days, and any discussion or

[311] ECNH, 'Dignity of Living Beings', 2008, http://www.ekah.admin.ch/en/topics/dignity-of-living-beings/.
[312] Even with plants. For example, 'The background for our consideration in the Committee was provided by many discoveries in recent years that suggest a new "sensitive" picture of plants. It has, for instance, been revealed that plants are active in sensing numerous parameters from their environment, communicate extensively and actively; they interact with their surroundings. They can choose between different possibilities and change their behaviour accordingly. On the cellular level, similarities between animals and plants are far greater than previously assumed (communication with electrical action potentials, similar vesicle trafficking and signalling molecules, etc.). They have an innate immune system. At a rudimentary level, their roots can distinguish between self and non-self.' Florianne Koechlin, 'The Dignity of Plants', *Plant Signaling & Behavior* 4, no. 1 (January 2009).
[313] Paul Valadier, 'Jacques Maritain's Personalist Conception of Human Dignity', in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, ed. Marcus Düwell et al. (Cambridge: Cambridge University Press, 2014), 268.
[314] Michael Rosen, *Dignity: Its History and Meaning* (London: Harvard University Press, 2012), 14.
[315] Brian Copenhaver, 'Giovanni Pico Della Mirandola', in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2016, 2016, http://plato.stanford.edu/archives/fall2016/entries/pico-della-mirandola/.

readings were outlawed upon pain of excommunication.[316] Innocent VIII, whom Pico had envisaged as arbiter of his disputation, instead had the young count imprisoned in Paris following his flight from Rome.[317] The *Oration's* central proposition is that the human is an undetermined quality, is the sole creature who can 'be that which he wills.'[318] Free to create the essence of one's own being, and possessed of a dual nature – the lower and the higher, the 'brutish' and the 'divine' – man is imbued with the potentiality of all being. 'Man fashions, fabricates, transforms himself into the shape of all flesh, into the character of every creature.'[319] This aspect of the *Oration's* anthropology, which casts the human as the object of 'all wonder', has given rise to widespread proto-Kantian interpretations; with such readings locating in his writing the basis of dignity in human autonomy.[320] But, if at all, this is done only indirectly. Crucial is Pico's command that what a man should actually become is not human at all. He argues that it is incumbent upon such an unbounded being – the only unbounded being – to reach a 'unity with God'; meaning by which, one should emulate the angels and, through Kabballah and natural magic, in some sense disembody oneself to achieve a mystical ascent towards the deity. This, of course, straightforwardly speaks with neither Kant nor Cicero.

Recent scholarship has taken umbrage at the interpretation of Pico's undelivered speech as implying something about dignity as an intrinsic value of human beings. The speech, as is also the case with the *900 Theses*, was only assigned its title after Pico's death, and it appears that the author came to repudiate its

[316] Stephen Alan Farmer, *Syncretism in the West: Pico's 900 Theses (1486): The Evolution of Traditional Religious and Philosophical Systems* (Tempe: Medieval & Renaissance Texts & Studies, 1998), 15–16.

[317] Lasting until his friend Lorenzo de' Medici was able to intercede for him, he escaped back to Florence following his release. This episode was part of a romantic biography no less dramatic than his syncretic intellectual ambitions, and besides his confrontations with the Papacy, Pico caused a great scandal by attempting to run off with the wife of a Medici. Following his eventual pardon for these earlier 'heretical' wanderings, deemed 'harmful to the Catholic faith and human kind,' he embraced Savonarola and withdrew from the material world. His flame was snuffed-out at thirty-one, on the 17 November, 1494, the very day that Charles VIII conquered Florence.

[318] Pico della Mirandola, *On the Dignity of Man*, 5.

[319] Pico della Mirandola, 6.

[320] Copenhaver, 'Giovanni Pico Della Mirandola'.

central propositions.[321] Copenhaver sees the post-war boom in US university expansion and proliferating market for textbooks on 'western civilisation', and in particular that pivotal year for dignity, 1948 (when it was enshrined as the basis of the new universal declaration of human rights), as the popularising moment for this mistaken image of Pico.[322] All this granted, notions of self-creation, explicitly inspired by Pico's speech – even if one concedes this means removing it from its 'meaning or context' – remain important. Dan-Cohen, for instance, is 'guided' by Pico as a 'beacon of dignity-as-worth' in arguing for the location of dignity in social constructions of the self.[323] So, although it is something of a commonplace that, in Pico's speech, the 'core idea [of uniquely valuable humanity] is found early',[324] this is only something read into it by a posterity which happily takes his esoteric incantations as metaphor. In fact, he himself wanted 'humans to turn into angels with Jewish magic',[325] and used the term *dignitas* instead to refer to the higher standing of those angels and the value of philosophical learning which enabled him to construct such a learned-yet-cryptic text on Kabballah.[326]

The possibility of self-creation, inspired if not initiated by Pico, further complicates modern (or even post-modern) readings of the *Oration*. This is the heritage of medieval *Imago Dei* anthropological thought inherent in it. Perhaps the first text solely dedicated to human dignity, the anonymous ninth-century *Dignitate Conditionis Humanae* shows how the 'likeness to god', on which human value was based, can be lost.[327] It might be intrinsically valuable to live as a human according to this special metaphysical script,

[321] Giannozzo Manetti, *On Human Worth and Excellence*, trans. Brian P. Copenhaver, I Tatti Renaissance Library 85 (Cambridge, Mass.: Harvard University Press, 2018), viii.
[322] Brian Copenhaver and Remy Debes, 'Dignity, Vile Bodies, and Nakedness', in *Dignity: A History* (New York: Oxford University Press, 2017), 131.
[323] Meir Dan-Cohen, 'Introduction: Dignity and Its (Dis)Content', in *Dignity, Rank, and Rights*, by Jeremy Waldron (Oxford: Oxford University Press, 2012), 6.
[324] George Kateb, *Human Dignity* (Cambridge, MA.: The Belknap Press of Harvard University Press, 2014), 4.
[325] Manetti, *On Human Worth and Excellence*, viii.
[326] Copenhaver and Debes, 'Dignity, Vile Bodies, and Nakedness', 135.
[327] Mette Lebech and James McEvoy, 'De Dignitate Conditionis Humanae: Translation, Commentary, and Reception History of the Dicta Albini (Ps.-Alcuin) and the Dicta Candidi', *Viator* 40, no. 2 (2009): 15.

and, complicating matters, the *image* of god remains,[328] but retention of the privileged status – even amongst Christians – was fundamentally endangered by indulging in vice. Pico entertains similar possibilities. 'Or what greater disgrace could there be for a human being… [than] he should fall to the unlovely and irrational likeness of the brute beasts of burden.'[329] He goes on, 'If you see a man given over to his belly and crawling upon the ground, it is a bush not a man that you see'.[330] A person, which must only be understood within the context of human dignity as always, as necessarily a subject, in this reading, may become an object. Partaking of a dual nature, it is possible to slide a notch or two down the Great Chain of Being. Although it is true that, even should this happen, the special capacity inherent in the human *as such* persists. It is an enduring potentiality. Because, even if one 'grows downward' to become a brute or an object, 'Thou canst again grow upward from thy soul's reason into the higher natures'.[331]

Whilst being a very different understanding than the proto-Kantian one, this unique potentiality, in itself, could constitute a special value. And it is a value connected to a specific status of humanity within creation's cosmological order. Following long-standing medieval conceptions, humanity is placed in the middle of creation. Occupying a specific status within the universal hierarchy, this status has been granted to humanity – humanity alone – in order for this 'very eminent creature'[332] to fulfil a uniquely valuable role. This is to 'love the beauty of creation';[333] to appreciate and to curate the universe. Such a status can be viewed as underwriting grounds for saying that human dignity is qualitatively different, and elevated above, the dignity attaching to other things. Although not 'about' dignity, Pico's anthropological visions, particularly in the sense that he diverges from medieval assumptions which had located the special role of

[328] Lebech and McEvoy, 15.
[329] Lebech and McEvoy, 25.
[330] Pico della Mirandola, *On the Dignity of Man*, 6.
[331] Pico della Mirandola, 5.
[332] Lebech and McEvoy, 'De Dignitate Conditionis Humanae: Translation, Commentary, and Reception History of the Dicta Albini (Ps.-Alcuin) and the Dicta Candidi', 27.
[333] Pico della Mirandola, *On the Dignity of Man*, 5.

humanity as lying in 'dominion' over, rather than in appreciation of, the rest of creation[334] survive the superseding of this brilliant mind's theological-mystical worldview. They seep into contemporary secularised analogues to which we will return below. Added to this can also be the explicit case for inalienable human worth made in the Renaissance, to which attention should be turned, not to the young count, but Giannozzo Manetti writing several decades earlier. For Manetti, 'the body is "an amazingly elegant dwelling for the human soul" that proves mankind's superiority because the human frame is "worthier" (*dignior*) than any other animal's'.[335] And this was consciously done in opposition to much contemporary received wisdom, including the influential writings of Innocent III, who reviled the body.[336,337] Here human dignity is explicitly elevated over the rest, over what can be called 'ordinary dignity', at which point it is appropriate to introduce Kant's account.

Kant's influence on thinking about dignity is profound. So much so, it is frequently observed, that it 'should stand at the centre of any historical account of dignity'.[338] Famously writing that, 'morality, and humanity insofar as it is capable of morality, is that which alone has dignity';[339] dignity, in these terms, becomes only human dignity. That is to say, dignity describes incommensurable value, and only humans (on earth) have access to it. 'What has a price can be replaced by something else as its equivalent; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity.'[340] This is the unparalleled value of humans. Humanity's unique capacity for morality, putting it beyond mere price, cuts

[334] 'All agree that the bases for medieval views on human dignity were man's creation in the image and likeness of God and his dominion over other creatures.' Richad C. Dales, 'A Medieval View of Human Dignity', *Journal of the History of Ideas* 38, no. 4 (October 1977): 577.
[335] Copenhaver and Debes, 'Dignity, Vile Bodies, and Nakedness', 127.
[336] Manetti, *On Human Worth and Excellence*, XXX.
[337] A revulsion, Copenhaver suggests, shared by Pico. Copenhaver and Debes, 'Dignity, Vile Bodies, and Nakedness', 128.
[338] Rosen, *Dignity: Its History and Meaning*, 19.
[339] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, trans. Allen W. Wood (London: Yale University Press, 2002), 53.
[340] Kant, 52.

directly to an inalienable worth, an 'inner transcendental kernel' in Rosen's (sceptical) terminology.[341] The moral law is common to humanity, residing equally within each individual member of the human species. A consequence of Kant's argument is the enduring association of dignity with autonomy, which leads to the association with (anachronistic readings of) Pico, and the common idea that dignity 'in the full sense of the word has to be *human* dignity'.[342] So, humanity is possessed of an intrinsic, inalienable, special value beyond barter or comparison. But Kant's canonical statement introduces further dimensions. Besides Kantian dignity reflecting both a value and a consequently high, universal status, it holds implications for both behaviour and attitude. 'We acknowledge the dignity of humanity by treating every person with respect.'[343] People are ends-in-themselves, and cannot be disposed of as means. Whilst this famous Kantian dictum invites enormous challenges of interpretation, it offers a fulcrum for grounding duties to oneself and others. One must approach, and consider, others in the knowledge that these others are equally the embodiment of the moral law. And dignified behaviour is likewise implied on the same grounds. 'Although Kant does not make the point explicitly, the relevant standards for dignified behaviour must include the duty to one's self not to debase humanity in one's person.'[344] Dignity as a value is, I think, indispensable in grasping the concept. Human dignity, properly so called, is the basis from which dignity as value is derived for other types of beings and constellations, something which, in turn, becomes partly constitutive of human dignity itself.

As a *status*, dignity can first of all be seen as 'cosmological', particularly in regard to the special value of humanity just discussed. This value establishes an elevated place in nature. 'Every species is by definition unique, but only the human species achieves a partial break with nature; that is the reason that I call the

[341] Rosen, *Dignity: Its History and Meaning*.
[342] Rosen, 24.
[343] Thomas Hill, 'In Defence of Human Dignity: Comments on Rosen and Kant', in *Understanding Human Dignity*, ed. Christopher McCrudden (Oxford: Published for the British Academy by Oxford University Press, 2013), 317.
[344] Hill, 317.

human species the highest of all.'[345] Although connected, status and value are not the same here. Dignity as value – 'worth or quality as measured by a standard of equivalence'[346] – indicates that those things which possess dignity, having some kind of intrinsic worth, are to be granted consideration in their own right. Therefore it can be seen how, '*Dignity* could be a sign that plants are to be respected and that there are also certain obligations towards them'.[347] Human dignity, to adapt from Kant's description, is a 'worth or quality' which has no standard of equivalence. Thus it is not necessarily ridiculous to say that plants have dignity, because this is a qualitatively different kind of dignity to that possessed by humans. Dignity as cosmological status – 'the rank, position, or standing of a thing, esp. with regard to its importance'[348] – then, indicates how the higher value of human dignity also incorporates a place for what Pico described as 'the lower things'. Whilst it is well established that human dignity is attributable equally amongst all and only human beings, perhaps there is room for 'honorary' persons in this sense, something uniquely irreplaceable. A frog which embodies God perhaps. This hypothetical Holy Frog, or piece of fabric, or artwork, or building, might enjoy a value comparable with human dignity, but this will not alter the relative status of frogs, fabrics, paintings, or bricks and mortar, and persons in general. All things with dignity enjoy a particular status, but none equal to humanity.

Dignity is also social status. The 'position or standing' of a person, viewed horizontally in addition to its hierarchical implications, will embrace an almost inexhaustible range of roles that a person inhabits at any given moment. These evolve over the course of a life, and so do the expectations associated with them and the individual's general place within society. Whilst, for example 'citizen' might be relatively stable, 'mother', 'friend', 'fireman', 'Member of Parliament', 'General' can be taken up and in many cases put down.

[345] Kateb, *Human Dignity*, x.
[346] 'Value, N.', *Oxford English Dictionary Online* (Oxford University Press, 2018).
[347] Emphasis in original. Koechlin, 'The Dignity of Plants'.
[348] 'Status, n. and Adj.', *Oxford English Dictionary Online* (Oxford University Press, 2018).

The more 'traditional' aristocratic interpretation of dignity as social status, Waldron has argued, is actually the best form of dignity to account for the concept as the ground of human rights.[349] He views aristocratic dignity as the starting point, and following a historical process of equalisation of this high social status, each person now enjoys the particular rights formally reserved for the upmost echelons of society. Now, this form of dignity alters not the value of persons. Both are humans and imbued with human dignity. But in terms of legal obligations and rights, and of social respect and 'honour', social dignity differentiates between persons, formerly vertically, in contemporary democratic societies (at least in theory) horizontally.

These lead to the conceptual dimension of dignity as behaviour. In the first instance, dignity enjoins others to act and refrain from acting towards others in certain defined (or potentially definable) ways. This (following Rosen's distinction) is respect-as-observance. 'Just as I respect the speed limit by driving below a certain speed, I respect rights by not infringing them (if they are negative) or doing what they require if they are positive.'[350] On the one hand, dignity as social status offers a fuller conception. It can be said that behaviour is dignified when it is deemed appropriate to the particular social status – or role – in question. Dignity is frequently used as a word for praising or criticising the behaviour of important public figures such as royalty and presidents. But what might count as dignified – or appropriate (socially valuable) – behaviour will differ between persons, and will perhaps be variable for a given individual depending on what particular role they are presenting at a given time. Hence, De Tocqueville, 'true dignity in manners consists in always taking one's proper station, neither too high nor too low, and this is as much within the reach of a peasant as of a prince.'[351] This implies also that the life choices people make matter to dignity. The statuses borne by persons will accrue and drop off over the course of a life and the person can be a better or worse – a more dignified or less – bearer of the responsibilities that come with their ever proliferating and

[349] Jeremy Waldron, *Dignity, Rank, and Rights* (New York: Oxford University Press, 2012).
[350] Rosen, *Dignity: Its History and Meaning*, 57.
[351] Cited in Rosen, 47.

contracting portfolio of roles. This might appear to be a 'traditional' view which has decreasing relevance, at least for the core business of dignity as an inviolable foundation of human rights. But from a particular perspective it is very relevant because it refers to dignity as lived experience constitutive of human value and reflective of the importance, the dignity, of social roles. This will be addressed in the next section, following consideration of the fourth dimension of dignity, *attitude*, which rounds out the conceptual sketch that will guide our exploration of the Westphalian climate.

Dignity speaks to attitude in two ways. Much of the foregoing has expounded on this already. Respecting others as fellow shareholders in common humanity, 'respect-as-respectfulness', involves not only 'acting towards them in a way that gives expression to one's respect, or… negatively, by refraining from behaviour that would show disrespect'.[352] It indicates an approach to others which, ideally, is born out of an appreciation or a consideration of the value of people – and indeed other things – in themselves. Whereas 'respect-as-observance' emerges as straightforward respect for the claims which can legitimately be forwarded by a rights-bearer, through 'respect-as-respectfulness', it is seen that it is not simply a requirement or consequence of dignity that the rights of a rights-bearing subject are redeemed.[353] The person by virtue of their inherent value is approached with respect; that they are given consideration. Helm describes 'communities of respect' in this direction.

> These are communities in which, by virtue of their members' shared commitment to the value of the community itself, members normally recognize and respond with respect to the distinctive value, the dignity, each has as a member, and thereby hold each other

[352] Rosen, 58.
[353] Rosen, 114–15.

> accountable to certain communal norms that define the practices or way of life of that community.[354]

It is not only individuals who are approached with respect, but the communities and the roles that mediate our experience with the world. The product of this is binding norms, but, 'not just norms of action but what I shall call "norms of character", so that they prescribe and proscribe both what to do and who to be'.[355] This leads onto the second form of dignity as attitude, what can be described as a 'moral aesthetic'. A 'being with dignity should behave in a way that is appropriate to her rational capacities, it should exercise rational control in action, it should master the emotions, it has to stay sober in order to stay in control of himself'.[356] Echoing the Stoicism which so inspired Cicero, dignity as an attitude implies an acknowledgment or consideration of others, but also of oneself.

Friedrich Schiller divulges most emphatically the connective tissue between appropriate behaviour and intrinsic human worth which makes a virtue of dignity as attitude. His 1793 essay *On Grace and Dignity*, reveals the 'aesthetic dimension behind moral conduct, the moral dimension behind human beauty'.[357] This connection between morality and beauty is complicated and, to say the least, controversial. As the title to the essay alludes, Schiller's beautiful soul expresses itself through both 'grace' and 'dignity'. They are the dual aspects of a kind of moral aesthetic, and as such, to understand the important usage of dignity in Schiller's work it is crucial also to address this cognate term, grace. Because it is from the 'simultaneity of grace and dignity [that emerges] human perfection'.[358] 'Grace' is a fleeting appearance which adheres in

[354] Bennett W. Helm, *Communities of Respect: Grounding Responsibility, Authority, and Dignity* (Oxford: Oxford University Press, 2017), 7.
[355] Helm, 7.
[356] Düwell, 'Human Dignity: Concepts, Discussions, Philosophical Perspectives', 26.
[357] Frederick C. Beiser, *Schiller as Philosopher: A Re-Examination* (Oxford: Clarendon Press, 2005), 77.
[358] Jane V. Curran and Christophe Fricker, 'Introduction', in *Schiller's 'On Grace and Dignity' in Its Cultural Context: Essays and a New Translation*, by Friedrich Schiller, ed. Jane V. Curran and Christophe Fricker (Woodbridge: Camden House, 2005), 6.

the involuntary movements, accumulated through time, whose appearance, above or beyond the conscious governance of the individual, allow for the flickering 'visibility of [a person's] moral attitude'.[359] To act with grace is to carry out one's duty in correspondence with one's inclinations; something Kant thought impossible. Graceful behaviour displays this correspondence between moral duties and a person's inclinations. Such is achieved when one has absorbed the commands of morality to the point that one acts upon them 'joyfully', or as run of the course without internal struggle.

This basic understanding of grace reveals and enables the concept of dignity in what Rosen sees as this 'new sense' of Schiller's.[360] Although, as we have seen, this is already implicit as far back as Cicero. For Schiller, the grace-dignity dualism is tied in with those of the beautiful and the sublime. Frederick Beiser has shown that 'grace is a form of moral beauty; dignity is a form of moral sublimity. Grace and dignity are therefore different kinds of pleasing appearances of moral virtue'.[361] They arise under contrasting circumstances; because dignity crops up under conditions of the tragic. If grace is the expression of internal harmony between moral duty and natural human inclination, circumstances of biological life sometimes disrupt it. 'When pain threatens to force a human to act against reason, her ethical nature must resist.'[362] To be dignified is to maintain a stiff upper lip in the face of these circumstances of pain, of suffering, of life's tumultuous and multitudinous hardships. 'Dignity is the expression of resistance against impulse and revolution.'[363] It is calmness in suffering. Schiller describes such self-mastery in poetic tones. 'But while his veins swell, his muscles become cramped and taut, his voice cracks, his chest is thrust out, and his lower body pressed in, his intentional movements are gentle, the facial features relaxed, and his eyes and brow

[359] Curran and Fricker, 3.
[360] Rosen, *Dignity: Its History and Meaning*, 35.
[361] Beiser, *Schiller as Philosopher*, 80.
[362] Lydia L. Moland, 'Friedrich Schiller', in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Summer 2017 (Metaphysics Research Lab, Stanford University, 2017).
[363] Curran and Fricker, 'Introduction', 6.

serene.'[364] Whilst grace expresses itself in the involuntary movements accumulated over time,[365] dignity is more directly wilful. It expresses freedom; it indirectly represents the 'superiority of the higher faculties over the sensuous'.[366] A person attaining such a condition has gone some way to overcoming – to mastering – the 'beastliness' in their nature. This encompasses the central feature of Schiller's philosophy. 'It is the fundamental concept of not only his ethics but also his aesthetics, which see beauty as the appearance of freedom.'[367] Such can be found also in one of Schiller's intellectual interlocutors, the Scottish Enlightenment writer, Henry Home, Lord Kames. A prominent contributor to eighteenth-century aesthetic thought, he likewise sees that dignity adheres in virtuous actions. The highest of these are those virtues which do the most to exhibit humanity's 'SENSE of the worth and excellence of his nature'.[368] Dignity as attitude, in the sense of a moral aesthetic, seen through Home and Schiller, consists in the display, or the outward emanation, of the human being's special worth – in its partial liberation from nature. Actions which display such self-mastery 'advance [persons] nearer to divinity'.[369] Such is self-becoming, it is the 'I' realising itself against the infinitesimal frictions which both enable and restrict this process, that facilitate and constrain the individual – the spirit.

This idea of the moral aesthetic is crucial, whilst 'someone may have Schillerian dignity to a greater or lesser degree without lacking basic humanity,'[370] it nevertheless expresses that value. Schiller's ideal of the

---

[364] Friedrich Schiller, 'On Grace and Dignity', in *Schiller's 'On Grace and Dignity' in Its Cultural Context: Essays and a New Translation*, by Friedrich Schiller, ed. Jane V. Curran and Christophe Fricker, trans. Jane V. Curran (Woodbridge: Camden House, 2005), 159.

[365] Or, rather movements which appear involuntary as they have been assimilated into the character of the individual. 'These kinds of actions have their ultimate source in the will, because they involve resolve, discipline and practice, they do not have their immediate source there but in the agent's character or disposition… [These are] Schiller's voluntarily involuntary, or involuntarily voluntary, actions.' Beiser, *Schiller as Philosopher*, 97.

[366] Beiser, 158.

[367] Beiser, 214.

[368] Emphasis in original. Lord Kames Henry Home, *Elements of Criticism*, ed. Peter Jones (Indianapolis: Liberty Fund, 2005).

[369] Henry Home, 248.

[370] Rosen, *Dignity: Its History and Meaning*, 35–36.

beautiful soul, the irreducible concoction of grace and dignity, reconciles how that value generates a particular attitude. 'The object itself radiates the way it is to be treated: beauty, with respect.'[371]

Dignity as Lived Experience

This sketch of dignity as a concept is non-exhaustive, and also artificial. The notion of dignity is permeated by leakage between its conceptual dimensions, characteristic of a basic concept, as seen above. And as a basic concept, today it is the foundation of human rights and international legal order. Concerning a vast breadth of the human and its interaction with the world, the broad dimensions which today lend the concept such an important status were already identifiable in antiquity. Dignity as a value, embraces 'ordinary' dignity, those things which have value on their own account, and human dignity, which is of a qualitatively different nature. This affords the human a particular elevated status in a 'cosmological' manner which incorporates a place also for these other things of intrinsic value. Behaviour is limited or required by the claims that can be made by these dignified entities, and in terms of human beings, status is likewise social, and evolving over time. But dignity also demands more than this. It implies an attitude of consideration, a particular way of approaching others and of being in the world.

This is a broad-brush conceptualisation of dignity. In the process of human life they come together to illustrate a central insight. As George Kateb observes, 'the human species is only partly natural'.[372] The partial denaturalisation of humanity still turns upon the 'indefinite' nature of the human, as, in a certain sense, it did for Pico's fifteenth-century treatise. Unconstrained by the binding determinism welding other members of the animal kingdom to the earth, to an eternal present, the capacities of humanity liberate our being. Human lives are narratives, which are, to at least a certain degree, self-authored. This is the kind

[371] Curran and Fricker, 'Introduction', 4.
[372] Kateb, *Human Dignity*, x.

of *telos* which Waldron, conspicuously outside the language of dignity, uses to ground human equality.[373] This process of humanity happens in the midst of both 'experience and expectation', which is to say that lives are operative upon and enclosed within time.

> Historical times can be identified if we direct our view to where time itself occurs or is subjectively enacted in humans as historical beings: in the relationship between past and future, which always constitutes an elusive present. The compulsion to coordinate past and future so as to be able to live at all is inherent in any human being. Put more concretely, on the one hand, every human being and every human community has a space of experience out of which one acts, in which past things are present or can be remembered, and, on the other, one always acts with reference to specific horizons of expectation.[374]

Although this idea has been critiqued,[375] it explains something fundamental to the human which grows out of the concept of dignity. In secular accounts, something like partial non-naturalness can explain the special value humans universally possess. The human as 'historical being', existing between horizons of experience and expectation, is also one mediated through overlapping social roles which constitute a significant aspect of the self,[376] and in turn these will guide and shape the process of living.

The next section of this thesis will explore how, and in what ways, these conceptual dimensions of dignity – which shade into one another – comprise this experience of the human as a historical being, were operative during the 'Westphalian moment' and Global Crisis of the first half of the seventeenth century:

---

[373] Jeremy Waldron, *One Another's Equals: The Basis of Human Equality* (Cambridge, MA.: The Belknap Press of Harvard University Press, 2017).

[374] Koselleck, *The Practice of Conceptual History*, 111.

[375] 'Koselleck's use of "experience" and "expectation" confuses their metahistorical and historical meaning, with the result that his account fails to do justice to the static, to continuity in history, and mischaracterises what is distinctive of the modern era.' Anders Schinkel, 'Imagination as a Category of History: An Essay Concerning Koselleck's Concepts of Erfahrungsraum and Erwartungshorizont', *History and Theory* 44, no. 1 (2005).

[376] 'In some sense it is obvious that we humans are social animals. At the very least, we have an extended childhood in which we are dependent on others for our physical and emotional needs.' Helm, *Communities of Respect*.

perceived as foundational to notions of sovereignty in contemporary global order so central to the humanitarian intervention problem. The dimensions of dignity found in antiquity continue to operate on the concept today. And this deep, intersubjective pervasiveness enlightens an important arena of the European experience during the crisis of the seventeenth century. Dignity as lived experience underscores how the inhabitants of this period endured an existential crisis. It will also be seen how dignity afforded a ballast which implicitly framed the meaning of the emergent order of state sovereignty, which came about as a consequence of the initial crisis.

This circuitous route down which we have wandered might appear rather abstracted from United Nations Security Council deliberations, outcries in the face of unimaginable atrocities, and from Responsibility to Protect. But, as has been amply demonstrated, the normative force of dignity in contemporary international society is astounding. And unsurprisingly so, given its ability to capture so much. The primary purpose of unpacking it in this way, of course, is to offer a framework for describing how the sense of human dignity endured the crisis of the seventeenth century and what it means for comprehending the boundaries of meaning of 1648. It leads us to appreciate just how far astray many have been led by the Westphalian myth, and how historical assumptions which strongly pre-dispose commentators to view humanitarian intervention as a radical break with 'traditional' state sovereignty misunderstand the continuities between 1648 and basic underlying principles of contemporary, twenty-first-century order.

III: The Westphalian Epoch

The destruction that has been inflicted on Germany can only be compared to that of the Thirty Years War. The decimation of our people through hunger and deprivation must not be allowed to reach the proportion of that epoch.

-Albert Speer,
Radio address announcing the German surrender, 4 May 1945[377]

But I will not delay my tale by recounting how the men of the captured city were slaughtered by the conquerors, the women raped, and the city itself plundered, since such things were so common in the recent, long-continuing war that everyone has a tale to tell about them.

-H.J.C von Grimmelshausen[378]

[377] Cited in Peter H. Wilson, *Europe's Tragedy: A History of the Thirty Years War* (London: Allen Lane, 2009), 6.
[378] H.J.C von Grimmelshausen, *The Rungate Courage*, trans. John C Osborne (Lincoln: University of Nebraska Press, 1965), 36–37.

Crisis

That the seventeenth century was riven with hunger, disease, war, and death has long been recognised. The new pillars of international order erected in Westphalia were carved from the soil of what seemed like unprecedented distress. Contemporaries recorded the happenings of their time because otherwise, 'those who come after us will never believe what miseries we have suffered'.[379] It is a century overrun by devastating conflict and revolutions. In the words of Hugh Trevor-Roper, one 'broken in the middle, irreparably broken';[380] one whose turmoil forged a new psychological universe.

> The seventeenth century did not absorb its revolutions. It is not continuous… after the revolutions, men can hardly recognise the beginning. Intellectually, politically, morally, we are in a new climate. It is as if a series of rainstorms has ended in one final thunderstorm which has cleared the air and changed, permanently, the temperature of Europe. From the end of the fifteenth century until the middle of the seventeenth century we have one climate, the climate of the Renaissance; then, in the middle of the seventeenth century we have the years of change, the years of revolution; and thereafter, for another century and a half we have another, very different climate, the climate of the Enlightenment.[381]

For decades the specificities of this 'General Crisis' have been the subject of debate. Since its initial formulation by Eric Hobsbawm in the early 1950s,[382] the idea would form 'an interpretive paradigm that would echo through scholarly publications and lecture halls around the world'.[383] Crisis engulfed the *Lebenswelt* of the mid-seventeenth century European world: there were crises of the economy, institutions,

[379] Parker, *Global Crisis*, 41.
[380] Trevor-Roper, 'The General Crisis of the 17th Century', 33.
[381] Trevor-Roper, 33–34.
[382] E.J. Hobsbawm, 'The General Crisis of the European Economy in the 17th Century', *Past & Present* 5 (May 1954).
[383] Philip Benedict, 'Introduction', in *Early Modern Europe: From Crisis to Stability*, by Philip Benedict and Myron P. Gutmann (Newark: University of Delaware Press, 2005), 14.

politics, arts, and general culture. More recently, this has been seen as intimately connected to a crisis in ecology, a 'Little Ice Age',[384] during which the earth experienced its coldest weather in over a millennium,[385] and that served as an important structural precondition for the turmoil and upheavals which undergird a 'Global Crisis', engulfing peoples and places far removed from the Europeans. It is not for nothing that J.H. Elliott termed it a 'debate without end'.[386]

The crisis was felt to varying degrees in most parts of the world. It is estimated that, globally, perhaps one third of the human population died.[387] Parker speaks of a 'lost generation',[388] and some of the statistical evidence is stark. Württemberg, one of the hardest hit areas in Europe, for instance, saw its population of four hundred and fifty thousand at the onset of the Bohemian revolt in 1618 reduced to one hundred thousand by 1639. The century and a half of global cooling occurring between 1550 and 1700 has been described as the 'one overwhelming feature that conditioned the shape of the history of the seventeenth

---

[384] The 'Little Ice Age' (LIA) concept is of course disputed, and, in light of Parker's landmark work , was criticized especially vociferously by Kelly and Ó Gráda: '[We examine] the statistical and anecdotal evidence for an LIA in Europe but [find] little sign that any such event occurred. Looking at all of the available statistical reconstructions of European temperature during the last millennium… We find no statistical evidence of any major breaks, trends, or cycles in European weather of the sort that one could associate with an LIA.' In reply, Sam White writes, 'Whenever reputable scholars disagree about one issue or another, other historians tend to declare the matter a "debate" and leave it at that. However, there is not at present any substantial debate about whether global climate cooled between c.1300 and c.1850, or whether that cooling had significant human impacts. Kelly and Ó Gráda's article is a peculiar—and entirely unfounded—criticism of robust and widely accepted climate science, generally confirmed by historical records'. White's unabashed confidence is supported by climatologists Büntgen and Hellmann, 'By reviewing a rich body of regional to large-scale temperature reconstructions that span from the last millennium to almost the entire Holocene, we confirm the existence of several temperature depressions that occurred at different intensities and spatial ranges between c. 1350 and 1900, thus supporting the conception of an LIA'. In short, it is fairly well established that, 'The LIA is not a dogma'. Morgan Kelly and Cormac Ó Gráda, 'The Waning of the Little Ice Age: Climate Change in Early Modern Europe', *Journal of Interdisciplinary History* 44, no. 3 (Winter 2014): 301. Sam White, 'The Real Little Ice Age', *Journal of Interdisciplinary History* 44, no. 3 (Winter 2014): 351. Ulf Büntgen and Lena Hellmann, 'The Little Ice Age in Scientific Perspective: Cold Spells and Caveats', *Journal of Interdisciplinary History,* 44, no. 3 (Winter 2014): 368.

[385] Parker, *Global Crisis*, xviii.

[386] J.H. Elliott, 'The General Crisis in Retrospect: A Debate without End', in *Early Modern Europe: From Crisis to Stability*, ed. Philip Benedict and Myron P. Gutmann (Newark: University of Delaware Press, 2005).

[387] Parker, *Global Crisis*, xviii.

[388] Parker, 670.

century more than any other'.[389] Harvests failed, food became scarce, and disease spread rapidly and viciously among malnourished and impoverished communities. The severely adverse climatic conditions had appalling immediate effects. In 1625, for instance, 'a cold spring had deepened into a bitter summer; snow fell in June and the drenched crops rotted in the ground. Plague swept over Europe, checking political and economic life.'[390] The Little Ice Age exposed the people of Europe to 'long, cold winters, the late arrival of spring, cold, wet summers, and an early winter'.[391] Wars and revolts broke out and spread. Easy resolutions were no longer at hand. In the Holy Roman Empire on the brink of war in 1618, 'conditions were as bad as they could be. Bad winters and poor harvests over many decades had generated shortages, disease, and anxiety. Rural and urban unrest was widespread. The persecution of witches was but the most striking symptom of a society under huge strain'.[392] It was here that the European centre of the vortex can be located.[393]

Moving beyond Europe, the Ottoman Empire was shaken by a series of revolts and took to toppling sultans, with four murdered or deposed between 1618 and 1648; great empires in India and Persia were crippled and entered long periods of decline that opened them up to predatory rivals, whilst long-standing empires collapsed in sub-Saharan Africa.[394] 'North America and West Africa both experienced famines

---

[389] Timothy Brook, *Vermeer's Hat: The Seventeenth Century and the Dawn of the Global World* (New York: Bloomsbury Press, 2010), 12.

[390] C. V. Wedgwood, *The Thirty Years War*, Jonathan Cape Paperback ; JCP12 (London: J. Cape, 1964), 206.

[391] Hartmut Lehmann, 'Under the Spell of Mars: Power, Violence, and Mass Death in Seventeenth-Century Europe', in *Power, Violence and Mass Death in Pre-Modern and Modern Times*, ed. Joseph Canning, Hartmut Lehmann, and J. M. Winter (Aldershot: Ashgate, 2004), 94.

[392] Joachim Whaley, *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia* (Oxford: Oxford University Press, 2011), 564.

[393] 'The principle focus of the European balance… was the Holy Roman Empire, certainly from the mid-sixteenth century onwards. It was there that the interests and ambitions of nearly all the protagonists intersected.' Brendan Simms, 'Europe's Shifting Balance of Power', in *The Oxford Handbook of Early Modern European History, 1350-1750: Volume 2. Cultures & Power*, by H. M. Scott (Oxford: Oxford University Press, 2015), 640.

[394] 'Bubonic plague reached India in 1616, and was followed by economic stagnation and demographic decline. The Mughal Empire was left weakened and vulnerable to the predatory ambitions of European colonial powers. The death of Shah Abbas reversed the previous expansion of the Persian Empire, while the Bornu and Mangding

and savage wars.'[395] The global crisis had a devastating impact on Southeast Asia, which, 'like China, is only shaking off effects of the seventeenth century crisis on its relative standing in the world during the second half of the twentieth.'[396] In Qing China, the Emperor claimed that more than half the population had perished during the painful period of transition from the previous Ming dynasty. In certain places his assessment was optimistic. Tangcheng county, tentative results show, experienced a loss in human life of 60 per cent.[397] Indeed, the situation became so dire in parts of China that during the famine times of 1642, the price of a peck of rice rose to two children. This was not even enough food to sustain one person for a week.[398] This reflects what Timothy Brook describes as 'the collapse of the Chinese world in the mid-seventeenth century'.[399] The terrible experiences in China can be connected to deep economic struggles for the Tokugawa shogunate in Japan. 'In Japan, following several poor harvests, in 1637–8 the largest rural rebellion in modern Japanese history broke out… Five years later famine, followed by a winter of unusual severity, killed perhaps 500,000 people.'[400] These Chinese and Japanese experiences, 'were at once interrelated and strikingly similar to those that were occurring in other parts of the world at the same time.'[401] The confluence of European colonialism with the 'German crisis', and the concentrated and protracted violence which it produced, drew in even further-flung peoples. Manifold brutalities in the deepening global economy were exacerbated by the conflict.

Empires in sub-Saharan Africa also collapsed around this time.' Wilson, 'The Causes of the Thirty Years War 1618–48', 573.

[395] Parker, *Global Crisis*, 41.

[396] Anthony Reid, 'The Seventeenth-Century Crisis in Southeast Asia', *Modern Asian Studies* 24, no. 4 (October 1990): 656.

[397] All figures cited by Parker. Parker, *Global Crisis*, 77.

[398] Parker, 126.

[399] Brook, *Vermeer's Hat*, 228.

[400] Parker, *Global Crisis*, 41.

[401] William S. Atwell, 'Some Observations on the "Seventeenth-Century Crisis" in China and Japan', *The Journal of Asian Studies* 45, no. 2 (February 1986).

> The Europeans exported their quarrels to the Caribbean, Brazil, western Africa, Mozambique, Sri Lanka, Indonesia, and the Atlantic and Pacific Oceans. The silver that paid the soldiers of Catholic Europe was mined in appalling conditions by Mexicans, Peruvians, and Bolivians, many thousands of whom can be numbered among the war's victims.[402]

During this time, 'European life was so completely transformed in many of its aspects that we commonly think of this as one of the great watersheds of modern history… we recognise a change of atmosphere between the earlier part of the century and the later, a change accompanied by storms.'[403] The heaviest of those storms was the war which showered over Europe between 1618 and 1648. The Thirty Years War represented the 'concluding chapter of the story'[404] of the transformation of the European power system which culminated in the Westphalian moment.

The Thirty Years War

> The dismal course of this war [seems] to me an object lesson on the dangers and disasters which can arise when men of narrow hearts and little minds are in high places.
>
> -C.V. Wedgwood[405]

Within this crisis, the Thirty Years War was the singular event of the seventeenth century. For Europe, it was the epoch making disaster. Folk memories of the devastating extent and nature of the war persisted into the twentieth century.[406] Even to this day, four centuries on, it remains a synonym for the worst kind of savagery that people can inflict upon one another. Asked during the brutal Syrian civil war, 'what he

[402] Wilson, *Europe's Tragedy*, 8.
[403] Sir George Clark, *The Seventeenth Century* (New York: Oxford University Press, 1961), ix.
[404] Lehmann, 'Under the Spell of Mars: Power, Violence, and Mass Death in Seventeenth-Century Europe', 94.
[405] Wedgwood, *The Thirty Years War*, 7.
[406] Tony Judt, *Postwar: A History of Europe since 1945* (London: Vintage, 2010), 14.

made of the fate of human kind at the moment?' former UN Secretary General and 'global elder', Kofi Annan responded:

> I don't think it is all hopeless, we shouldn't forget the Thirty Years War in Europe. It took the European countries to realise that it was a senseless war where nobody wins and they came together and had their moment at the Peace of Westphalia. And I hope that would also happen in Syria. People will wake up… The world has seen this before.[407]

Playing on a common theme, historians have called for 'a Westphalia for the Middle East',[408] sparking a heated response.[409] Such persistence is far from surprising. After all, '[the war] is widely recognised as a period of great change… associated with the 'birth' of absolutism, of the standing army, and of an international order based on sovereign states'.[410] And Wedgewood's famous assessment, the exacerbation of a historian wedded to the slaughter for too long, sums up the notoriety of the war as a period of unrelenting butchery and brutality ('Morally subversive, economically destructive, socially degrading, confused in its causes, devious in its course, futile in its result, it is the outstanding example in European history of meaningless conflict'[411]). Along with the widely-agreed birth of modern sovereignty at the Peace of Westphalia,[412] the Thirty Years War is seen today as the archetype of the 'disasters of war', an 'inspiration' for resolving complex and generation-spanning conflicts,[413] it retains an immediate relevance for more than one reason.

[407] 'Interview with Kofi Annan', *BBC Newsnight* (London, 20 January 2016).
[408] Patrick Milton, Michael Axworthy, and Brendan Simms, *Towards a Westphalia for the Middle East* (London: Hurst & Company, 2018).
[409] Selim Can Sazak, 'No Westphalia for the Middle East', *Foreign Affairs*, October 2016.
[410] Wilson, 'The Causes of the Thirty Years War 1618–48', 554.
[411] Wedgwood, *The Thirty Years War*, 526.
[412] Or 'Christening', perhaps.
[413] Körber-Stiftung, '163rd Bergedorf Round Table: "A Westphalia for the Middle East?"', 11 November 2016.

But what happened, and how bad was the death and destruction. These are difficult questions. For a long time it was estimated that population losses had reached 75 per cent in Germany.[414] And though these figures have been argued over and dramatically reduced down, a recent landmark monograph still compares the difficulty for later generations 'in coming to terms with the scale of the devastation', 'to the problem of historicizing the Holocaust'.[415] That is a scale, in stark, crude comparison, which Albert Speer was probably correct to say had not yet been exceeded by the ravages of World War II. Günther Franz estimated that within the German theatre, 'about 40 per cent of the rural population fell victim to the war and epidemics. In the cities, the losses may be estimated at only about 33 per cent'.[416] Due in no small part to the historian's Nazi background, his estimate has been vociferously challenged. 'Nevertheless, it has been and probably will continue to be for some time the most complete and accurate picture of the demographic impact of the war that we possess.'[417] There exists a substantial variation across different areas, of course, but Theibault estimates that around 30 per cent of the population lived in areas which experienced demographic losses of between 30 -50 per cent and more than 10 per cent lived in the hardest hit areas which saw a loss greater than 50 per cent.[418] It is these indications which suggest that the population loss of the Thirty Years War was *far* greater than in either of the world wars.[419] All in all, 'The Thirty Years War seems to have been the longest-lasting and geographically most widespread demographic crisis in Europe after the Black Death.'[420]

[414] Wedgwood, *The Thirty Years War*, 510.
[415] Wilson, *Europe's Tragedy*, 4.
[416] Cited in John Theibault, 'The Demography of the Thirty Years War Re-Revisited: Günther Franz and His Critics', *German History* 15, no. 1 (January 1997): 4.
[417] Theibault, 19.
[418] Theibault, '"The Demography of the Thirty Years War Re-revisited: Günther Franz and his Critics"', *German history*, 15:1 (1997), p. 21.
[419] Parker, *Global Crisis*, 249.
[420] Theibault, 'The Demography of the Thirty Years War Re-Revisited', 2.

*

'In the year of our Lord 1618, a great comet appeared during the autumn month of November. To see this was terrible and amazing, and moved me such that I began to write for I thought that it would signify and usher in something great.'[421] So the shoe maker Hans Heberle began his epic *Zeytregister* charting life in Ulm between 1618 and 1672. This was a generalised feeling, 'The blazing Starre, gave them the alarme', to Germany and Bohemia that 'the people of both [were to be] oppressed, and warre rage, beyond all precedent of former ages', confirms an English account.[422] The 'Germany' celestially notified about the devastating conflict to come was the Holy Roman Empire of the German Nation. The diminished central European rump of Charlemagne's medieval continuation of the Roman Empire, which had originally covered not only 'Germany' but most of continental Europe, it is a notoriously difficult polity to describe, characterised by complex and overlapping layers of feudal authority and local prerogatives. It was, indeed, an 'ill-defined and complex political entity'.[423] Below the office of Emperor, an elected position in the hands of the Habsburgs since the middle of the fifteenth century, and still the most prestigious title in Europe, were seven Electors. Fixed since the Golden Bull of 1356, three spiritual electors: the archbishops of Mainz, Cologne, and Trier, sat alongside the four temporal prince-electors: the King of Bohemia (also the Habsburg emperor), the Count Palatine, Duke of Saxony, and Margrave of Brandenburg. Beneath the immensely powerful electors, imperial princes governed territories ('estates') spanning from Bavaria, which had the wealth and influence to rival many independent kingdoms, right down to a proliferation of tiny entities no bigger than villages and populated by a few hundred people.

[421] Tryntje Helfferich, *The Thirty Years War: A Documentary History* (Indianapolis: Hackett, 2009), 303.
[422] Philip Vincent, *The Lamentations of Germany* (London: Iohn Rothwell, 1638), 5.
[423] Georges Pagès, *The Thirty Years War, 1618-1648*, trans. John Hooper and David Maland (London: A. and C. Black, 1970), 25.

The once very negative view of the empire as a dysfunctional and retarded nation state has been tempered to the point that it is sometimes compared to the transnational European Union.[424,425] Constitutional arrangements were made to 'rationalise' the structure somewhat. In the early sixteenth century, the estates of the empire were organised into regional associations called Imperial Circles (or *Kreis*) onto which a significant amount of tax, administration, and defence responsibilities were devolved.[426] It is a shame, one could argue, that the European Union has not as of yet adopted this aspect of the old empire. But still Pufendorf felt driven to call this conglomeration a 'sort of uncoordinated body politic which might well be compared to a monster.'[427] And the sad fact is that the constitutional mechanisms propping up this monster proved unequal to the pressures rising from the Reformation and the broader international climate of an 'Iron Century' embedded within the increasingly desperate conditions of the Little Ice Age. These could not, in the end, be resolved peacefully.

An important part of that constitutional apparatus, specifically intended to resolve the religious tensions in the Empire, was the Peace of Augsburg, signed in 1555 to conclude hostilities between the Protestant princes and the last great universal Emperor, Charles V. The famous formulation *cuius region, eius religio*, granted rulers the right to convert their territories and compel dissidents to leave. An 'Ecclesiastical Reservation' decreed that no more ecclesiastical territories could be secularised, and in the Imperial Cities the balance of possessions between the faiths was not to be disturbed. There were several very serious problems. The first was the exclusion of the Calvinists. Although the Palatine Elector converted from

[424] Will Hutton, 'Germany: A Beacon and a Force for Good in Europe', *The Guardian*, 11 January 2015, sec. Opinion.
[425] Whaley, *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia*, 7.
[426] 'As they evolved over time, these Kreise exercised executive and integrative functions that were crucial to the Reich. They organized military contingents and saw to it that the *Matrikel* taxes raised by their members flowed to the emperor. They were charged with the implementation of imperial decrees and with maintaining peace within the region, either by mediating in disputes or by direct military intervention. Later, they came to be responsible for roads, prisons, and workhouses, for combating beggars and robber bands, and for maintaining the purity of the coinage.' Whaley, 35.
[427] Cited in Pagès, *The Thirty Years War, 1618-1648*, 28.

Lutheranism the following day, no Calvinist interests were represented in Augsburg, and article 17 expressly stated: 'All others, however, who are not adherents of either of the aforementioned religions are not included in this peace, but shall be altogether excluded from it.'[428] Second, the Ecclesiastical Reservation was always opposed by the Lutheran estates, who added a protest next to their signatures and refused to recognise its binding force.[429] The clause for mutual respect of property between the faiths appeared conciliatory and reasonable, but in the last years of the war the emperor had forced the cities to surrender church property to the Catholics even when they were in a tiny minority. The clause froze this state of affairs, creating a 'gross injustice' and 'frequent cause of disagreement and conflict'.[430]

The Augsburg settlement quickly began to fray at the seams, and by the turn of the century the imperial justice system was no longer up to the task of enforcing it. 'Of the empire's two supreme courts, one, the Imperial Chamber Court, had ceased to function under the stresses of the Reformation; and the other, the Aulic Council, was entirely under the control of the emperor.'[431] Nor could the antagonistic parties function together in parliament: 'The Reichstag, too, was so divided that there was no longer any point in convening it'.[432] Armed factions emerged in the empire, the 'Evangelical Union' forming in 1608 and the 'Catholic League' in 1609. Crises such as the disputed succession of the strategically important Duchy of Jülich-Cleves were no longer amenable to imperial authority. The Aulic council was disregarded as a mechanism for adjudicating the succession and the Union and League both intervened in the limited conflict there. Only the death of the French king prevented the explosion of a full-blown war in the empire on this

[428] GHDI, 'The Religious Peace of Augsburg, 25 September 1555' (German Historical Institute), accessed 16 June 2018, http://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=5366.
[429] Pagès, *The Thirty Years War, 1618-1648*, 38.
[430] Pagès, 39.
[431] Helfferich, *The Thirty Years War*, xvi.
[432] Whaley, *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia*.

occasion.[433] When, several years later, general fighting did erupt, it came from a parochial rebellion which it was no longer possible to contain.

The conflict can be simplified through division into four phases. The Palatine phase (1618-1623) was a civil war in the empire which followed the Bohemian revolt and the Elector Palatine's fateful decision to accept the crown; the Danish phase (1623-1629) beginning with Denmark's disastrous intervention, continued to be in essence a German civil war (the King of Denmark was also Duke of Holstein, an imperial estate), it ended with the Edict of Restitution, the punitive Habsburg measure which itself annulled hopes of peace for another generation; the Swedish phase followed (1630-1635), Gustavus Adolphus 'the Great', becoming a legendary folk hero for the Protestant cause and, by dying on the field of battle, injecting a final hint of idealism into the war. This phase ended with the Peace of Prague; the final phase, the Long War (1635-1648), was essentially a drawn out and depressing contest for European hegemony between the Austrian and Spanish Habsburgs and the French Bourbons waged over an exhausted central Europe.

Beginning in Bohemia, the rebels who indignantly tossed two regents and a servant from a high window in the name of ancient and hard won privileges could have no inkling of the storm they were unleashing. Europe, not to mention their own country, was to be devastated. Within ten years the vengeful Habsburg tyranny would have utterly, totally, and completely crushed the 'Bohemian liberties'. The so-called 'Letter of Majesty' which granted toleration to Protestants was literally torn up. The established traditions it contained would be trodden under foot. Catholicism brutally and irreversibly imposed upon the country of Jan Hus, Protestantism was virtually eradicated,[434] via an enormous programme of property confiscation

[433] Daniel H. Nexon, *The Struggle for Power in Early Modern Europe: Religious Conflict, Dynastic Empires, and International Change*, Princeton Studies in International History and Politics (Princeton: Princeton University Press, 2009), 267.

[434] Protestants were forbidden to hold either funerals or baptisms in accordance with their faith and legally excluded from all kinds of public office. Pagès, *The Thirty Years War, 1618-1648*, 75.

and re-distribution the deep and meaningful connection of the indigenous nobility and gentry to the land was severed in favour of giant aristocratic land holders who owed their position entirely to the Habsburg dynasty.[435] To take a significant example, the mercenary commander Wallenstein would create for himself a proto-state which enabled him to wage quasi-independent war for so many years by purchasing, at a steal, at least one quarter of land in Bohemia![436] The immature and frivolous pair of youths elected by the rebels to replace the deposed Habsburg king in the heady days following the defenestration, would soon be politically crushed to the extent that the short-lived King Frederick could not even pay his bill for milk in Dutch exile.[437] Dying in his mid-30s, he was a defeated and worn-out man.[438] What is perhaps worst of all, the once irrepressible populace of Prague would come to celebrate the abolition of their traditionally elective monarchy. With Protestants intimidated into outward conformity or expelled, the innkeepers and other tradesman dazzled by the profits to be made from the huge throngs brought into the city to mark the occasion, many others simply drunk on the free wine pumped through the fountains, they cheered as the Archduke Ferdinand was crowned the first hereditary monarch of Bohemia.[439]

To step back a decade, the famous Defenestration of Prague on the 23 May 1618, had been building up for a long time. Many of the pressures in Bohemia were readily recognisable from those elsewhere in the empire. The Bohemian crown, like the imperial title, was an elective monarchy. And after the Emperor

[435] 'Wealth, which had been widely distributed among an industrious peasantry and an active urban population, had become, through political persecution and the disastrous effects of the inflation, concentrated in a few unscrupulous hands… [Ferdinand had] destroyed the restless and critical merchant classes and removed the bulwark between the ruler and the people. One of the most progressive and commercialised countries in Europe had slipped back two centuries in little more than two years… The leading Protestant aristocracy were replaced by men… whose right to the land depended on the support of the government.' Wedgwood, *The Thirty Years War*, 169–70.

[436] '[By 1623, Wallenstein] controlled a quarter of the land in Bohemia, was overlord of more than three hundred vassals and held in his hand more power than any of the rebel parties who had once dethroned Ferdinand.' Wedgwood, 172.

[437] Wedgwood, 223.

[438] Wedgwood, 332.

[439] 'The bitter sense of wrong was drowned in the temporary prosperity of the overfilled town, where the innkeepers were making their fortunes and everyone who wished could get drunk for nothing.' Wedgwood, 225.

Matthias persuaded the reluctant Bohemian estates to recognise the Archduke Ferdinand as his successor, a man notorious for the brutal re-Catholicisation of his Austrian territory, he removed the imperial court from Prague. A Council of Regents appointed in his place contained a number of Catholic zealots explicitly hostile to the Letter of Majesty granted in 1609. This had provided for religious freedom in the kingdom, established a unified Bohemian church administration, given control of Prague University to the Protestants, appointed 24 Defenders to represent their interests, and allowed them to keep their churches and build new ones on crown lands. The depth of ill feeling and mistrust between the confessions that developed is evident from the *Apology* published by the rebels two days after the Defenestration:

> Using the Jesuits and other tools of theirs, [these enemies] once again began to issue a variety of abuse, slander, and denunciations against Protestants, giving people to understand, both in public writings and by word of mouth, that we were heretics, with whom (according to their teaching) one was not bound to keep any faith, either promised or proscribed, no matter its importance. They also dishonoured us with all kinds of ignominious names and demonstrated great contempt for our teachings and the Protestant religion, and in their libellous publications also proclaimed that Protestants and all of those who were not Roman Catholic had rejected a life of honour.[440]

According to the rebels, the provisions of the Letter were widely flouted. Protestants were being excluded from public office, one church constructed with the financial support of Protestant electors and nobles from across the empire had been demolished, and the building of one in the small town of Braunau prohibited. This was the immediate trigger for the revolt. A delegation sent by the villagers to plead their case for the construction of the church was arrested and locked in Prague castle. In response, the Defenders called an assembly of Protestant notables (the mechanism laid out in the Letter) to discuss the matter but were

[440] The Apology is reproduced in Helfferich, *The Thirty Years War*.

unconstitutionally ordered to disperse. Instead, they burst in upon a meeting of the Regents and threw two of them out of the window. Miraculously both survived, but ultimately, the Protestant cause in Bohemia did not.

There ensued a long back and forth, with only relatively modest military operations on behalf of both the emperor-king and the rebels. Then when Matthias died in March 1619, it presented an opportunity. Ferdinand, his designated successor, headed to Frankfurt for the imperial election. In accordance with tradition the city was sealed for the deliberations whilst he was duly sworn in. Meanwhile, unbeknownst to the electors in Frankfurt, the rebels had deposed him in Bohemia and offered the crown to the Elector Palatine, the frivolous Frederick V, who accepted it against the advice of his father-in-law the English king James I. The Saxon elector, the most powerful Protestant prince, had more sagely rejected overtures. In the confusion of events, the Palatine delegation in Frankfurt, at the very moment their ruler was deposing Ferdinand in Bohemia, had voted for his imperial assentation. Ferdinand by all accounts was a statesman with an extremely strong sense of carrying through a divine mission.[441] To compromise with rebels, and heretics at that, was not for him. Instead he enlisted the assistance of the Catholic League armies under Maximillian I, Duke of Bavaria, to reconquer Bohemia. This might not have been the disaster on a historical scale which it became had he not promised to repay Maximillian by transferring the electoral title after Frederick's defeat.

The army sent to Bohemia, commanded by Tilly, a man to become notorious for the worst mass atrocity of the war, was not suited to compromise. Accompanied by a large number of Jesuit clergy, the twelve largest cannons were named for the apostles, Tilly himself was so devout a counter-reformationist and maintained such strict Catholic orthodoxy in his ranks that he was known as the 'monk in armour'.[442]

[441] 'The Roman Church, which dictated Ferdinand II's decisions, would not allow him to restore peace to the Empire.' Pagès, *The Thirty Years War, 1618-1648*, 79.
[442] Wedgwood, *The Thirty Years War*, 121.

Frederick's forces were crushed in the Battle of White Mountain, just outside Prague in November 1620. His territories inside Germany, too, were occupied. The Palatinate was separated in two parts. The Upper Palatinate bordered Bavaria and Bohemia and the Rhineland Palatinate, or Lower Palatinate, occupied a crucial position besides the United Provinces which had been in revolt from Spain for decades. The twelve-year truce between Spain and the Provinces was ending in 1621 and the Spanish Habsburg's took the opportunity to support the Austrian branch of the family by occupying the Lower Palatinate, the perfect staging post for the revival of the war. Maximillian snatched the Upper Palatinate contiguous with his Bavarian lands.

Frederick was put under the imperial ban in 1623 and his electoral title was transferred to Bavaria. Ferdinand revoked the Letter of Majesty and successfully re-Catholicised the kingdom of Bohemia. This 'game of thrones' had a profound effect on the history of Europe. As a rough analogy, the transfer of an electoral title had comparably grave and unpredictable consequences for seventeenth-century international security that today we might imagine to follow from the forcible transfer of a permanent seat on the UN Security Council. An earth-shatteringly defiant display of imperial power by the Habsburgs, it provided the impetus for the continuation and the spread of the fighting. Already Bohemia was suffering terribly. Hyperinflation was caused by the devaluation of coinage and in many places the population resorted to a barter economy.[443] Bohemia had been so wealthy in 1618 that it had provided more than half the imperial revenue on its own,[444] by the 1630s a Swedish general, trampling over the land for the umpteenth time, observed how 'between Prague and Vienna all is razed to the ground and hardly a living soul [is] to be seen in the land'.[445]

[443] Helfferich, *The Thirty Years War*, 58.
[444] Wedgwood, *The Thirty Years War*, 70.
[445] Wedgwood, 444.

Denmark was outraged by this attack on 'German Liberties'. Christian IV, also the Duke of Holstein and therefore a prince of the empire, took a large army into the Lower Saxon Circle which he presumed to lead. This extension of the conflict was most notable for facilitating the rise of Wallenstein. A Bohemian noble of extraordinary wealth, he snapped up a huge number of confiscated estates in his homeland at bargain prices. Already having loaned the emperor large sums to continue the war, Ferdinand granted him permission to raise an army under his own command, intended as a counter-weight to the Catholic League army which was controlled by Bavaria. Wallenstein became enormously powerful. His mercenary army was personally loyal to him and his state-within-a-state in Bohemia was constructed with ruthless efficiency. 'Wallenstein, first perhaps among European rulers, had conceived of a state organised exclusively for war.'[446] In the name of the emperor he defeated the Danish armies and imposed the punitive Treaty of Lübeck on the Danish king, which reduced Denmark to a minor European power and handed leadership of the Protestant cause to Sweden.[447] Ferdinand II appeared completely victorious. He resolved to settle the problems of the empire on the strength of Wallenstein and the Bavarian armies. He passed a devastating decree.

> All the ambiguities of the settlement of 1555 were resolved and the Reichskammergericht [Imperial Chamber Court] was instructed to adopt the imperial (i.e. Catholic) interpretation of the law. Imperial commissars were to oversee the return of all ecclesiastical property alienated by the Protestants since 1552. The rights of those who professed the Augsburg Confession were confirmed, but Calvinists and other sects were

[446] Wedgwood, 316.

[447] Jorgen Hein, 'The "Danish War" and Denmark's Further Role in the Conflict', in *1648: War and Peace in Europe*, ed. Klaus Bussmann and Heinz Schilling, vol. I: politics, religion, law and society (Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998), 103.

> explicitly excluded from the religious peace. Anyone who obstructed the implementation of the edict was threatened with 'Acht und Aberacht' ('ban and double ban').[448]

This 'Edict of Restitution' was enormous. It proposed a massive transfer of land which would cause unprecedented disruption and displacement of populations. The Pope hailed it in ecstatic terms in a letter to the emperor: 'Our soul has been filled with a marvellous joy by the recent Edict of Your Majesty… Thus heresy will have learned that the gates of hell do not prevail against the church which legions of angels and the arms of powerful Austria so defend'.[449] Enforcement of the Edict combined with the large number of troops under arms, 'required the extension of the billeting system across much of the Empire, replacing indirect maintenance through taxation with direct occupation'.[450] Innocuous enough sounding, 'billeting' of troops meant plague, torture, rape, murder, extortion, and arson for the people subjected to it.

The following phase, for one historian, was the harbinger of total war in Europe.[451] Undoubtedly, from the Swedish landing in 1630 until the Peace of Prague in 1635 the war entered uncharted depths of brutality. Led by Gustavus Adolphus, the great king lauded by Schiller as a tragic hero bearing the mantle of 'the only *just* conqueror the world has produced',[452] the threat from this small, frozen, and impoverished kingdom in the north was at first taken lightly. The successful emperor felt secure enough to yield to pressure from allied princes who were wary of the general's growing power to sack Wallenstein. In retaliation, he closed his lands to supplies from the army and virtually starved it. This left the door open for the Swedish army to advance as far as Munich, relying on the king's innovative military tactics and the

[448] Whaley, *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia*, 590.
[449] Cited in Marc R. Forster, 'The Edict of Restitution (1629) and the Failure of the Catholic Restoration', in *The Ashgate Research Companion to the Thirty Years' War*, ed. Olaf Asbach and Peter Schröder (Farnham: Ashgate, 2014), 208.
[450] Wilson, *Europe's Tragedy*, 536.
[451] Geoffrey Parker and Simon Adams, eds., *The Thirty Years' War* (London: Routledge, 1993).
[452] Friedrich Schiller, *The History of the Thirty Years' War in Germany*, trans. A.J.W. Morrison (New York: A. L. Burt, 1900), 183.

relative discipline and national coherence of his army. Ultimately Gustavus is remembered as a benevolent historical figure, but Sweden was poor as a church mouse and he brought with him into Germany only enough money to pay his soldiers for a single week. The Swedish army copied Wallenstein's system of exactions and demanded huge sums from 'allies' and enemies alike.[453] The infamous 'Swedish punch' was introduced into the war, whereby, burning oil or liquid manure (animal or human) was poured into a victim's stomach through a tube forced down his throat.[454] And worse still came from the 'imperial' side during this phase: the 'Rape of Magdeburg' by the Bavarian army under Tilly, the most notorious of massacres. 'Here commenced a scene of horrors for which history has no language, poetry no pencil. Neither innocent childhood, nor helpless old age; neither youth, sex, rank, nor beauty could disarm the fury of the conquerors.'[455] Believing that Swedish troops were on their way to relieve the siege, the burghers of Magdeburg had refused to surrender, forcing the army to capture the city in battle. As was the custom, this led to the town's 'legitimate' sack. But even by the low standards of the time it was particularly brutal and shocking. An inhabitant put the fury of the attackers down to hatred of Protestants and the fact that the defenders had used 'crossbar shot' in the defence (bullets with iron spikes in the middle).[456] A survivor reported how, 'Many thousands of innocent men, women, and children were, with horrid, fearful screams of pain and alarm, miserably murdered and wretchedly executed in manifold ways, so that no words can sufficiently describe it, nor tears bemoan it'.[457] At some point a fire broke out, and within a few hours the largely timber-framed city was burnt down, killing thousands. For up to a year after, the small number of remaining residents found piles of bodies 'five, six, eight, ten, or more at a time – in ruined cellars where

[453] Wilson, *Europe's Tragedy*, 344.
[454] Though named 'Swedish punch', and associated with them, it was not invented by the Swedish soldiers and had been a feature of previous wars. Hans Medick and Benjamin Marschke, *Experiencing the Thirty Years War: A Brief History with Documents*, The Bedford Series in History and Culture (Boston: Bedford/ St. Martins, 2013), 69.
[455] Schiller, *The History of the Thirty Years' War in Germany*, 158.
[456] Helfferich, *The Thirty Years War*, 108.
[457] Helfferich, 109.

they had suffocated and died'.[458] Of the thirty thousand inhabitants, about five thousand survived. Many of these were women, large numbers of whom were raped and kidnapped. General Tilly, a pious Catholic, tried to resolve the situation by having the rapists marry their victims when possible. Soldiers turned a profit by selling the captured women back to their families. When they were unable to afford the price, the women were taken along with the army in an effective state of sexual slavery.[459] There were so many charred corpses that it took 14 days for the trains of wagons to transport them all to the river Elbe to be dumped in.[460] Whilst there was certainly a propaganda element to the atrocity stories, even Catholic sources, including monks, confirmed the basic truth of these accounts.[461] 'Magdeburg's suffering admitted of no reaction but silence.'[462]

Gustavus had grand ambitions to reorganise the empire and reunite the Calvinists and Lutherans; it is even probable he sought to be elected emperor. Ultimately though he was killed at the Battle of Lützen in 1632. In the meantime, Ferdinand had been forced to desperately back track and plead with Wallenstein to return to the field. After forcing the Holy Roman Emperor as close to begging as was humanly possible, Wallenstein raised another enormous army and challenged Gustavus. Following the death of the king, the imperials began to regain their position. After engaging in intrigues, fearing that he was going to defect and bring his army with him, the emperor decided to assassinate Wallenstein and replace him with the future Ferdinand III. The man who had arguably been the most powerful person in Europe for a brief period was murdered in bed by English mercenaries who had first lured his few remaining loyal officers to a bloody banquet where they were stabbed and shot to death. Gustavus too could not escape the sad fate of the war, when Swedish soldiers found him on the field at Lützen his body had been stripped completely

[458] Helfferich, 111.
[459] Wedgwood, *The Thirty Years War*, 290.
[460] Wedgwood, 289.
[461] Wilson, *Europe's Tragedy*, 336.
[462] Günter Grass, *The meeting at Telgte*, trans. Ralph Manheim (London: Secker & Warburg, 1981), 39.

naked and he lay under a pile of corpses. Yet still the killing goes on. The Swedish army, bereft of its great general, was destroyed at the Battle of Nördlingen, and once more 'the victory of the emperor and his allies now seemed almost assured'.[463]

Terrified by the prospect of Habsburg victory, the French finally intervened with men and money enough to keep the war alive for more than another decade. They provided huge subsidies to the Swedish government to allow them to rebuild an army and stay in the war. The emperor, meanwhile, leveraged his dominant position and the overwhelming desire for an end to the fighting by signing the Peace of Prague with the Elector of Saxony. John George and the majority of his fellow Protestant princes abandoned the Swedes and came over to the imperial side. The bitter pill was sweetened by the suspension of the Edict of Restitution for forty years and the establishment of a 'normative year' of 1627, which would be the 'status quo' year in terms of possessions and secularisations. An obvious bribe to Saxony, who were in a good position in 1627, it was not so beneficial to the other Protestants. The agreement in Prague was supposed to unite the German estates together to expel the foreign armies. It failed. Now an indisputably 'international' conflict was fought across Germany between the Bourbons and the Habsburgs for domination of Europe.

In this phase of the conflict, long after any dregs of idealism had been washed down the drain with Gustavus Adolphus's lifeblood, 'battles are no longer heroic contests, but bloodbaths needlessly prolonging Germany's agony.'[464] And with so many opportunities for peace squandered by the greed of the Habsburg dynasty, it becomes extremely difficult to extract any semblance of meaning from the continued fighting. Generals had largely lost control of their forces, many troops drifted from company to company, regiment to regiment, and even army to army, based on the availability of plunder, often times not even aware of

[463] Helfferich, *The Thirty Years War*, 77.
[464] Wilson, 'The Causes of the Thirty Years War 1618–48', 556.

whose side they were nominally representing. The Swedish general Torstensson, to be able to keep anything like a coherent army in the field no longer offered wages to his troops. They were recruited explicitly on the basis of plunder.[465] The Swedes, once so noble, determined, and disciplined, led by the acclaimed 'Protestant Messiah',[466] a 'selfless and heroic victim',[467] had become like the rest: a rag tag and glorified bunch of bandits.[468] Truth be told, even the 'glory' of Gustavus' illustrious military victories was illusory.[469]

Gradually the weakness of the Habsburg position became apparent. For Wedgwood it was ultimately the 'collapse of Spain' which finally gave way to the gruelling process of making a lasting armistice. Portugal and Catalonia revolted against the Habsburgs, the Catalans defiantly naming the French king their new duke. The Dutch had essentially won their freedom, though the Spanish still failed to recognise it, but the 'Spanish road' across Europe which allowed them to send troops to keep the hopeless fight going was blocked and following a naval battle in English waters the Dutch controlled the sea lanes too. The Army of Flanders, which contained the notorious veterans of the Spanish forces, was annihilated at the Battle of Rocroi. Maximillian was bludgeoned by French armies into periodic truces, and the Austrian Habsburgs were essentially left alone. A series of failed peace attempts from the mid-1630s eventually managed to produce serious talks in Westphalia from 1644. All the while the war continued. By the end the nominally Swedish army was besieging Prague itself. On 24 October 1648, with the Peace of Westphalia, it was all over. But life had become extraordinarily cheap. Plague destroyed whole villages and the populations of

[465] Wedgwood, *The Thirty Years War*, 447.
[466] Wedgwood, 253. And indeed, 'The Protestants [had] welcomed [Gustavus] as a messenger from heaven'. Pagès, *The Thirty Years War, 1618-1648*, 132.
[467] John Roger Paas, 'The Changing Image of Gustavus Adolphus on German Broadsheets, 1630-3', *Journal of the Warburg and Courtauld Institutes* 59 (1996): 205.
[468] And now only containing a very small proportion of actual 'Swedes'.
[469] 'The victories and conquests won by Gustavus Adolphus… had no lasting effect; they merely constituted a dazzling episode in the story of the Thirty Years War.' Pagès, *The Thirty Years War, 1618-1648*, 147.

entire refugee camps.[470] Conditions of existence became so desperate that in certain places people were driven to cannibalism.[471] Soldiers were sometimes made so callous that they stripped their own wounded comrades and '[threw] them out, naked, to die in the streets.'[472] This was the noble Thirty Years War.

1648

The peace conference which settled the war lasted for over 5 years, and the resulting treaties were signed by 109 parties. 'Compared in importance to the charter of the United Nations',[473] the Peace of Westphalia inaugurated a system of collective security whilst going someway to creating 'modern Europe… in all its essential characteristics.'[474] Most of all, it resolved the majority of important political controversies of its time and settled the 'Disorders of a long and cruel War'.[475]

> [It] created, first, a new system of international affairs… Not only was there an effort, for the first time, to resolve at one go multiple disputes throughout Europe; there was also, in the map making and boundary drawing that was a prerequisite to the treaties, a new conception of territorial identity, the definition of the polity, and the nature of the relationship among states.[476]

Yet it is easy to disparage the participants at the conference in the two demilitarised Westphalian towns of Osnabrück and Münster. For all the terrible, enormous suffering, the delegates were more than happy to

[470] Wedgwood, *The Thirty Years War*, 255.
[471] Medick and Marschke, *Experiencing the Thirty Years War*, 122–24.
[472] Wedgwood, *The Thirty Years War*, 330.
[473] Croxton, *Westphalia*, 3. Or in the less happy view of nineteenth and twentieth century Prussian-German nationalists, the Treaty of Versailles. Axel Gotthard, 'The Settlement of 1648 for the German Empire', in *The Ashgate Research Companion to the Thirty Years' War*, ed. Olaf Asbach and Peter Schröder (Farnham: Ashgate, 2014), 298.
[474] Pagès, *The Thirty Years War, 1618-1648*, 251.
[475] Preamble to the Treaty of Münster.
[476] Theodore K. Rabb, 'Introduction: The Persistence of the "Crisis"', *Journal of Interdisciplinary History* 40, no. 2 (Autumn 2009): 148.

drag their feet in the hope of some marginal advantage on the battlefield. Tears enough had not yet been wrung from the people. And the arrogance of some defies belief. Johan Oxenstierna, to pick on the Swedish chancellor's 'rather stupid' son, had a fanfare announced across Osnabrück when getting up, going to bed, and whenever he ate.[477] The constant, perpetual, squabbling over rank and 'precedence' are perhaps a part and parcel of the times, but nevertheless the long six months spent deciding how to sit and in what order to enter rooms,[478] all whilst the bludgeoning went on unhindered, before they even think about talking of peace, deserves the judgement of posterity.

As discussed in an earlier chapter, what exactly the peace treaties 'did' exactly has been the subject of much debate. The 'Westphalian moment' is widely understood to have initiated the sovereign state system which continues to form the basic organising principle of world order. 'The Treaty of Westphalia separated international from domestic politics. States, built on national and cultural units, were deemed sovereign within their borders; international politics was confined to their interaction across established boundaries.'[479] And it has been shown how an alleged 'institutionalised indifference' towards atrocity crimes (anachronistically speaking) was inaugurated from this new state of affairs, as the territories of the Holy Roman Empire morphed into 'strong, consolidated, royalty-based states… states legally equal to each other, not subject to the imposition of supranational authority, and, above all, not intervening in each other's internal affairs'. As Gareth Evans, the chief architect of the Responsibility to Protect understands it, after Westphalia:

> Sovereignty — the possession by a country of the recognized trappings of independent statehood — meant immunity from outside scrutiny or sanction: what happened within a state's borders and its territorial possessions, however grotesque and morally indefensible,

[477] Wedgwood, *The Thirty Years War*, 477.
[478] Wedgwood, 475.
[479] Henry Kissinger, 'Syrian Intervention Risks Upsetting Global Order', *Washington Post*, 1 June 2012.

> was nobody else's business. In the history of ideas, there have been few that have prevailed to more destructive effect.[480]

Such is the 'conventional story of state sovereignty'. And in this view, the Empire was reduced to a hollow shell.

> The German lands were ravaged and exhausted; German society was shattered and German culture all but extinguished. Amidst the ruins, the German princes allegedly established absolutist states untrammelled by any moderating authority. The Peace of Westphalia, which concluded the hostilities in 1648, was viewed as the Magna Carta of particularism. It enshrined the absolute rights of the princes and codified the impotence of both the emperor and the German people.[481]

The reports of its death were greatly exaggerated by nineteenth century historians. 'The Holy Roman Empire did *not* cease to exist in 1648… no one supposed that sovereignty resided with the individual estates.'[482] And, for more than two centuries after 1648, the dominant understanding of the peace was its role in bringing a settlement to the religious question.[483] And to contemporaries, it was of course understood not as fundamentally reinventing the political universe, but as delivering peace, or more specifically, as argued here, in resolving the existential crisis; celebrations of which continued until 1660.[484] And Schiller, even in the late-eighteenth century, describes it as a 'blessing from heaven'.[485] The text of the treaties was an 'international best-seller, running to at least thirty editions within a year'.[486]

---

[480] Evans, *The Responsibility to Protect*, 2008, 15–16.
[481] Whaley, *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia*, 3.
[482] Derek Croxton, 'The Peace of Westphalia of 1648 and the Origins of Sovereignty', *The International History Review* 21, no. 3 (September 1999): 574.
[483] Croxton, *Westphalia*, 351.
[484] Whaley, *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia*, 631.
[485] Schiller, *The History of the Thirty Years' War in Germany*, 325.
[486] Wilson, *Europe's Tragedy*, 4.

Such a problematic understanding of the peace leads quite naturally to a view that (particularly in light of R2P) we now inhabit, or are moving inexorably towards the 'post-Westphalian state',[487] even a 'post-Westphalian moral agenda'.[488] For better or for worse, the idea of sovereign accountability becomes an innovation. Kissinger, that titan of the realist tradition, makes the connection explicit; for him the peace brought to an end the 'seventeenth-century version of regime change', his interpretation of the Thirty Years War.[489] The Myth of 1648 and its enduring pressure on the shape of the normative landscape of international politics is precisely the target of this thesis.

The Peace can, in fact, be viewed as settling three interrelated 'questions'. The most longstanding was the religious issue. Calvinism was finally recognised, and Protestants and Catholics accepted each other. The normative year of 1627, fixed in the Edict of Restitution, was moved to the mutually acceptable date of 1 January 1624. This decided the confessional balance, but most importantly the right of rulers to determine the faith of their subjects was abolished. This is widely seen as establishing differentiated spheres of politics and religion. 'An international politics morally autonomous from the realm of religion did not become firmly established until the Peace of Westphalia (1648), ending the Thirty Years' War.'[490] Not only was the Pope dissatisfied. Both in the empire and in Sweden, clergy had to be prohibited from publicly condemning the peace.[491]

[487] Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era*, Reprinted (Cambridge: Polity Press, 2004).
[488] David Chandler, *Constructing Global Civil Society: Morality and Power in International Relations*, paperback ed. (Basingstoke: Palgrave Macmillan, 2005), 19.
[489] Kissinger, 'Syrian Intervention Risks Upsetting Global Order'.
[490] John Gerard Ruggie, 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organization* 47, no. 1 (Winter 1993): 163.
[491] Wedgwood, *The Thirty Years War*, 526.

This connected to the issue of the imperial constitution. The Golden Bull of 1356, the empire's fundamental law, was revised by confirming the Bavarian electorate and establishing a new one for the Palatine's heirs. These heirs were restored in the Lower Palatinate and Bavaria kept the Upper Palatinate. It was highly symbolic in putting an end to the conflicts that had raged since the Bohemian revolt of 1618. The problems that had clogged and ultimately rendered imperial institutions useless in the years before the war were resolved by adopting what Brendan Simms has described as 'a sophisticated form of Early Modern consociationalism'.[492] Any problems which impinged on the confessional divide had to be resolved through consensus rather than majority in the Diet. The principle of consultation was underlined for the imperial estates. Confirmed in their right to make treaties with foreign powers, so long as these were not against the Emperor or the empire, they further asserted 'the right of Suffrage in all Deliberations touching the Affairs of the Empire'.[493] The Diet to be called following the ratification of the peace was to regularise the constraints on imperial power customarily granted by new emperors in an oath upon election.

The international dimension can be seen as resolving the problem of Habsburg aspirations for universal monarchy. Most important in the 'territorial satisfaction' of the victorious powers was that France gained Alsace whilst Sweden received a portion of the Pomeranian Baltic coast. Both countries would from then on be in a position to check any future aggression, and both were likewise named as guarantors of the peace and the liberties of the Imperial estates. This legal political framework can be seen as establishing an imperfect system of collective European security. 'The Westphalian settlement expressly related the imperial constitution to international peace in an attempt to secure lasting tranquillity by containing the Empire as a passive, non-aligned, factor in future relations.'[494] The peace expressed an emerging sense of

[492] Simms and Trim, 'Towards a History of Humanitarian Intervention', 92.
[493] Article 65 of the Treaty of Münster.
[494] Wilson, 'The Causes of the Thirty Years War 1618–48', 586.

legitimacy as a governing principle of international relations.[495] This was a system which now included these imperial estates, though they did remain 'subject' to the empire. In fact, Westphalia integrated a right of intervention and juridical oversight as a basic principle of this new order. Not only did the French and Swedish guarantee its provisions, but the imperial judicial tribunals possessed broad powers to enforce the rights of subjects within the territories of the Empire. Territorial sovereignty was thus 'invented' not to enable imperial princes to exercise absolutist regimes, but rather to defend the 'German liberties' of the populations against abuse by the emperor, seen within the terms of the imperial constitution and a wider European network of guarantees. Princes were now 'sovereign', but in a limited and conditional sense.

*

This chapter has presented the objective material and constitutional conditions at a manageable level of historical abstraction. Over the next two, this will be developed by a case for the Thirty Years War as constituting a period of specifically existential crisis. Drawing to a significant degree on the apparatus of historical crisis in José Ortega y Gasset, the reality of existential crisis, it will be shown, consists of two primary features. Both are implicated fundamentally in the conceptual nexus of dignity. Viewed sequentially, the first is dislocation. The condition of life as it is presented during the Thirty Years War is one in which it was not possible to locate oneself in a coherent future-oriented narrative. Removed from the process of historical time, horizons of experience and expectation ceased to be meaningful. Consequentially, it was a period gripped by the inability to decipher a cogent universe within which to discover and interpret oneself, the 'I'. In other words, 'crisis man has been left without a world, handed over to the chaos of pure circumstance, in a lamentable state of disorientation'.[496] Related, the second feature of existential crisis is dehumanisation. 'An excess of sudden dread, a period of many changes,

[495] Clark, *Legitimacy in International Society*, 69.
[496] Ortega y Gasset, *Man and Crisis*, 88.

plunges man back into nature, makes him an animal, that is, a barbarian.'[497] The peculiarity of human existence, the extraction from 'outside', the non-natural aspect of the human condition appears diminished. Gassetian 'crisis-man' is compelled into pure environment. To be as concrete as possible, the environmental pressures which have been amply demonstrated did more than simply 'coarsen' social and political life. Human life was temporarily, and in a significant sense, emptied of genuine meaning. The legitimacy, the dignity, of social and political status came into question as social order pulled apart at the seams, and it threatened to descend into the base and animalistic 'state of nature', of mutual hostility between aimless and disconnected people. Concerned intimately with the period's dislocation from historical time, life was trapped inside the *Augenblick*, in a perpetual now, and the sense of subjectivity itself came under threat.

It is the interrelated historical confluence of these two features which culminated in the particular existential crisis. It can be summarised as the extreme strain placed on the multi-faceted expression and experience of dignified life. It is important to recognise that existential crisis was not a condition which arose directly – unmediated – out from the empirical, objective conditions of social existence. This is interpretive. And it is crucial also for the following analysis to appreciate how its manifestation is closely interwoven with its very negation. That is to say that the threatened submergence of dignity can only be read out of its reassertion. As the chaos, incomprehensibility, and transitoriness appeared to overwhelm those experiencing the war and all of its traumas, as life 'centred within oneself' became more and more distant,[498] dignity reasserted itself and presented a ballast for an existentially threatened personhood. Mediated to a significant degree through neo-Stoicism, as will be seen across the following analysis, a return inwards was strongly urged, a path home desperately sought out, in the artistic and literary cannon of the

[497] Ortega y Gasset, 95–96.

[498] 'To be centred within oneself is the opposite of living harried and confused–leaving to things in our environment the right to decide our actions, to push us mechanically from one thing to another, to carry us along without rule or order.' Ortega y Gasset, 91.

time. Dignity was a fortress, and as some of its walls crumbled new defences were quickly erected over the rubble, made in fact from the very same bricks. These processes of destruction and resurrection occurred simultaneously. Cast onto the 'outside', the non-authenticity of the discredited social world was asserted, it becomes a place where nothing need be taken fully to heart. Famously, it is a stage, but it is also the only stage we have. The transitoriness of earthly life, accentuated by the superficial 'vanities' and excesses of temporal existence, is juxtaposed with the re-emphasis on an ascetic abrogation of social disorder. Fortune is the overriding and vengeful master who makes a slave of the powerless individual, but the virtues of 'constancy' and self-knowledge move life into conformity with Divine Providence (or can as at least be interpreted through the stars[499]).

Ultimately the Thirty Years War tipped the condition of life into a state of existential crisis; a dignified life slipped from the grasp, a life in full, a life self-authored and firmly planted that is. But even within this condition, dignity persisted. The emphasis shifted. Both individually and communally, refreshed resources for a return into what Pico might have called 'the higher natures' struggled against the tide. In this milieu the Peace of Westphalia emerged as the constitutional settlement to the unmanageable crisis that had exploded in the hands of those bearing power. Internal 'order', legitimacy, coherence, and autonomy, dignity and reassertion of dignified life bounded the settlement, fertilized the soil from which it sprang. It meant the containment of arbitrariness, the domestication of violence, and the partitioning of the environment. Nothing could be further from the sanctioned tyranny which generations of International Relations theorists, political scientists, and statesmen have imagined. As is abundantly clear even in establishing, arguably, the 'international' as we understand it, and imposing a system of collective security at this level, it was from within the experience of existential crisis and partially in answer to the questions

[499] Wallenstein had a famously firm belief in astrology, basing significant decisions on the advice of his personal astrologer as Ferdinand II did on his Jesuit confessor.

this posed that Westphalia was born. Such is the basic proposition which will be illustrated over the following two chapters.

IV: The Westphalian Mentalities

In the end Harsdörffer took to hoping that Gelnhausen would come to him, so they might weep together – about their wretched lot, about the wheel of fortune, about the delusion beneath the glitter, about the wretchedness of the world.

-Günter Grass[500]

I simply felt disposed to tell the truth with a laugh.

-Hans Jakob Christoffel von Grimmelshausen[501]

[500] Grass, *The meeting at Telgte*, 112–13.

[501] Kenneth Negus, *Grimmelshausen* (New York: Twayne Publishers, 1974), 41.

Existential Crisis

This chapter and the next depict how some of the most highly representative cultural artefacts of the Thirty Years War betray an experiential, psychological, dimension of the General Crisis. This chapter shows how the Westphalian *Lebenswelt* was an existential crisis; the following then underlines the analytical import of this insight for interpreting the meaning of the Westphalian treaties. In sum, my contribution shows that peace was fundamentally bound within a conceptual frame whose central problematic was the resolution of a universal crisis of dignity, within which the crisis of authority was but a part. It is the crisis of authority which the standard account implicitly says was resolved in 1648 by the creation of untrammelled internal authority within newly minted sovereign states across most of Europe. The broader interpretation offered here provides a corrective to this foundational logic of International Relations.

Such profound trauma as endured across central Europe in the second quarter of the seventeenth century was given its special, existential form, through coexistence of two processes: dislocation and dehumanisation. This section will outline these two poles, before fleshing out the argument through readings of critical cultural artefacts from the Westphalian *Lebenswelt*. Two crucial observations should be made right off the bat. Firstly, the existential crisis being illuminated here fundamentally implicates the conceptual nexus of dignity, as discussed in chapter 2. Secondly, and of the most critical importance to the present argument about the limits of meaning implied by Westphalian sovereignty, the existential crisis did not bring about a passive surrender. Nor did it inspire a desire in the Holy Roman Empire or its wider European neighbourhood for an absolutely unrestrained Leviathan to impose an arbitrary order on the chaos. As will be seen, this delegation of agency would contradict the actual motivation for seeking re-establishment of peace and order. What is seen instead is that the nature and the persistence of existential crisis occurs alongside a revolt against it. Dignity, its notions and conceptualisations, inspires the broadly

Christianised neo-Stoic virtues which ground the social critique and the unsystematised ideas about order which are generated in the contemporary culture. The Westphalian mentalities were fundamentality framed by this reaction against an existential crisis which had so deeply threatened the concept of human dignity in its multi-faceted forms.

Dislocation and dehumanisation are symbiotic processes. To reduce what is meant to a single sentence, might be to say that choice became no longer purposeful or meaningful. Human agency was rendered irrelevant, entirely superseded by Fortuna. In this way the distinction between virtue and vice became a question of consciously re-establishing a space for the exercise of a dignified life, against the option of wallowing in the present condition. Grimmelshausen's character Simplicius Simplicissimus, standing at the representative apex of the mountain, displays this well over the course of his eventful life:

> So now, dear Reader, you have heard in what peril to life and limb I was, but as concerns the peril to my soul, it should be known that with a musket upon my shoulder I was the sort of wild man who does not trouble himself about God or His word. No wickedness was too great for me. All the mercy and beneficence I had ever received from God was, of course, forgotten, and I also heeded nothing in this world or the next, but instead lived, like a beast in the field, from one moment to the next.[502]

As discussed in chapter 2, dignity implies a process. Central to the dignified qualities of the human experience is location within a partially self-authored and coherent narrative. Life at the junction of 'experience' and 'expectation'. Dislocation stands for the threat to this. In short, it no longer makes sense to talk about the future in terms of expectations and the evidence of past experience is disconnected from the here and now. This directly introduces the other pole of existential crisis: dehumanisation. Locked

[502] Emphasis added. H.J.C von Grimmelshausen, *Simplicius Simplicissimus*, ed. Lynne Tatlock, trans. John C Osborne (Knoxville: Newfound Press, University of Tennessee Libraries, 2008), 620.

inside the *Augenblick*, wedded irrevocably to the moment – a moment governed by Fortuna, who becomes an increasingly hostile overlord – a critical aspect of the distinctively human experience is challenged. As Grimmelshausen recognised, this renders humanity a pure subject.

Ortega y Gasset neatly sums up the conditions which constitute 'historical crisis' as a mode of historical change:

> An historical crisis is a world change which differs from the normal change as follows: the normal change is that the profile of the world which is valid for one generation is succeeded by another and slightly different profile... Well, then, an historical crisis occurs when the world… the system of convictions belonging to a previous generation, gives way to a vital state in which man remains without these convictions, and therefore without a world. Man returns to a state of not knowing what to do, for the reason that he returns to a state of actually not knowing what to think about the world. Therefore the change swells to a crisis and takes on the character of a catastrophe. The world change consists of the fact that the world in which man was living has collapsed.[503]

This illustrates well the base conditions within which the existential crisis occurred. As he further argues, 'Man cannot take a single step without anticipating more or less clearly his entire future'.[504] That is at least true for a life in full, a dignified life. So, this dislocation from historical time, a psychological quarantining of the moment from horizons of experience and expectation, driven by the environmental pressures of constant peril to life, displacement, disease, and hunger, a belief that human choice no longer matters, connects to the utter collapse of social legitimacy. The person is cast into the 'outside', thus, to return to Pico,[505] 'If you see a man given over to his belly and crawling upon the ground, it is a bush not a man that

[503] Ortega y Gasset, *Man and Crisis*, 85–86.
[504] Ortega y Gasset, 23.
[505] See Chapter 2.

you see'.[506] The human world is reduced to pure environment, the space between rational animal and simple animal is closed, and even when closed only slightly, this is the most frightening, the most devastating of occurrences. Dehumanisation, on the one hand, refers to this 'living like a beast in the field, from one moment to the next', and also, on the other, to this broad legitimacy crisis. Going beyond a well-justified cynicism towards power, it penetrates right through society, all the way down.

For sure, it was well noted how the world is a stage. Upon this, each person is cast by powers beyond themselves into a certain position. This holds true even in ideal earthly conditions.[507] Yet, it is important to remember that whilst this may be a stage, it is still the only outlet we human beings have to express the virtues and the mode of Christian conduct connected to the eternal 'true' spiritual reality. But within the existential crisis that was the *Lebenswelt* of the Thirty Years War, these roles are emptied of such purpose by the pressures of external conditions. Under these pressures, and in concert with the feeling of profound dislocation, the social universe loses the substantive quality of purpose. Only a very thin veneer is left behind.[508] The splintering of the Imperial constitution mirrors this at the utmost 'elite' level. Even the Electors appeared as if they were simply out for what they could grab with the might of armed force.[509] The proper dignified nature of the human experience, the widely accepted benchmark for the actor's performance, was one turned towards the furtherance of society. This of course was virtually indistinguishable from the maintenance of religious norms. It is not a mere failure to live up to utopian demands for perfect sociality amongst people that we are talking about. The epoch was not so naïve. In

[506] Pico della Mirandola, *On the Dignity of Man*, 6.

[507] The Switzerland of popular German imagination during the Thirty Years War comes to mind as such a place.

[508] This was extremely bitterly felt, and is a truth which arguably provides the condition for the profound brilliance of the seminal artistic production of the period, from which every succeeding century has profited. (A claim borne out by the long afterlife of Grimmelshausen as an inspiration for German and world literature, an afterlife which perseveres to this day, and the continued reverence of Callot as the progenitor of a graphic and heartfelt 'antiwar' artistic genre which found its apotheosis with Picasso.)

[509] Bavaria and Saxony probably being the worst offenders.

fact, explicit rejection of 'utopian' visions will be encountered, particularly in Grimmelshausen. Rather, a fundamental dehumanising of society, a society in fundamental collapse, congruent with the temporal dislocation, produces a climate within which all faith is lost in social order *per se*. Although, and this is crucial, a shadow of purpose remains. A prime example can be gauged in the satire Grimmelshausen places in Simplicius' mouth when describing worldly social conditions to the underwater king of the sylphs.[510] Characteristically of a young Simplicius, he 'fell to telling such a pack of lies' and it is worth citing them at length:

> If I am to commence with the highest estate, then I should by rights begin with the clergy… They uprightly scorn sloth and shun sensual pleasure; in their profession they are filled with the desire to labour; they are patient of disdain, impatient of worldly honour, poor in earthly goods and wealth, rich in conscience, humble when praised for their merits, and proud when they confront vice. And just as they endeavour to serve God alone and to bring others into the Kingdom of God, more by their own example than by words, so also the mighty rulers and supervisors in the secular realm are intent upon sweet *Justitiam* alone, which they most fairly, without regard to person, dispense and bestow from the bench of justice to everyone, rich and poor alike… Merchants engage in trade not because of greed or for the sake of profit, but so that they may provide their fellowmen with the wares which they bring from distant lands to this end. Innkeepers do not keep their hostelries in order to become rich, but so that the hungry, the thirsty, and the traveller may find refreshment in them, and so that they may provide accommodations, as a work of charity, to those who are tired and fatigued. And the *medicus* seeks not his own profit, but the health of his patient, which is the goal of the apothecary too. Artisans know nothing of cheats, deceits,

[510] An episode to be explored further in the next chapter.

and lies, but rather make every effort to supply their customers as best they can with lasting and honest work. Tailors blanch at the thought of stealing, and weavers remain so impoverished as a consequence of their honesty that they have scarce a pot to piss in or a window to throw it out of. Usury is unknown, and the well-to-do, out of Christian charity and quite unbidden, come to the aid of the poor; and when a poor man cannot pay without noticeable harm and diminution to his subsistence, the rich man voluntarily forgives him his debt. One detects no pride, for everyone knows and keeps in mind the fact that he is mortal. One sees no envy, for each knows and acknowledges his fellow man as one who is made in God's image. No one grows angry at another, because they know that Christ suffered and died for the sake of all mankind. One never hears of any unchasteness or inordinate carnal lusts; rather, whatever of the like transpires is done because of the desire and love of begetting children. One finds no sots or drunkards; rather, when one man drinks to another's health they are both content with no more drink than it takes to achieve the tipsiness which befits a good Christian. There is no sloth about attending church service, for everyone exhibits true zeal and eagerness by attempting to honestly serve God before all others, and for just that reason are there now such burdensome wars on earth, because each side believes that the other is not serving God properly. There are no misers, only folk who are frugal; no spendthrifts, only generous souls; no raiders who rob and ruin people, only soldiers who are protecting their fatherland; no wanton lazy beggars, only folks who scorn riches and love voluntary poverty; no hoarders of wine and corn, only cautious men who amass superfluous stores of wine and grain for use by the people in a possible future emergency.[511]

[511] Grimmelshausen, *Simplicissimus*, 817–19.

The conceptual dimension of dignity as a status is slipping away. The special value of the human as elevated above the 'mindless beast' is endangered by the corrosion of social life; social order as such is delegitimised by the descent into chaos, a general phenomenon.

The cultural record poses the question of the nature of this crisis, and its resolution, more or less explicitly. The Thirty Years War produced new and startling forms of artistic representation; depictions of a world lost at sea. My central proposition is that they also informed its resolution. 'The creation of an order, however illusory, out of chaos, has always been one of the functions of art and never more so than in the seventeenth century.'[512] This 'century of violence and mass death', fated to suffer 'the rule of violence', and a 'new level of social instability',[513] sunk to unprecedented depths, whilst rising to new heights creatively. In this environment, 'Man returns to a state of not knowing what to do, for the reason that he returns to a state of actually not knowing what to think about the world'.[514] Disoriented, rebounding from one thing to the next, 'crisis man' is engulfed by perpetual confusion; the system of beliefs, the very understanding of how to be has collapsed, and as such 'life as crisis' reduces human existence almost into a shadow of itself, and a 'terrible situation', 'a vita minima,' is created.[515] 'He feels himself lost, at loose ends, without orientation. He moves from here to there without order or arrangement; he tries this side and then the other, but without complete convictions; he pretends to himself that he is convinced of this or that'.[516] The human object is tossed around, is exposed. 'Existing within this historical situation, one does not really know what each man is because… he is not really anything with any decisiveness; he is one thing today and

[512] Leonard Forster, *The Temper of Seventeenth Century German Literature: An Inaugural Lecture Delivered at University College, London, 7 February, 1951* (London: Published for the College by H.K. Lewis, 1952), 21–22.
[513] Hartmut Lehmann, 'The Fourteenth, the Seventeenth, and the Twentieth Centuries as Centuries of Violence and Mass Death', in *Power, Violence and Mass Death in Pre-Modern and Modern Times*, ed. Joseph Canning, Hartmut Lehmann, and J. M. Winter (Aldershot: Ashgate, 2004).
[514] Ortega y Gasset, *Man and Crisis*, 86.
[515] Ortega y Gasset, 87.
[516] Ortega y Gasset, 86.

another tomorrow.'[517] Simplicius, Grimmelshausen's message-in-a-bottle, demonstrates the cogency of Ortega y Gasset's description. Wearied and disillusioned, a young man hopelessly stranded in the vagaries of his world, he considers a retreat from the whole sorry business. 'You fool! What do other people mean to you? Become a Capuchin monk! You are surfeited of women anyway.' But he thinks twice. Because, he tells himself, 'you will not be the same man tomorrow that you are today'.[518]

The rest of this chapter will examine key artefacts from the canonical output of the Thirty Years War to elaborate on the specific nature of the problem and the implications of life under existential crisis. Primary exhibits are the literary works of Grimmelshausen, the lyric poetry of Andreas Gryphius, and famous etching series from Jacques Callot (The Miseries of War) and Hans Ulrich Franck (Scenes of Military Life). Described oftentimes as a 'baroque duality', a characteristic feature of the seventeenth-century worldview was an interaction between two planes of reality: the temporal and the transcendent.[519] Of importance here is how art represented, and attempted to cope with, the encountered environment and its implications for virtue. The next section will argue that the result was a stretching of the division between these two planes, and a corresponding tension characteristic of the profound temporal dislocation from historical time. In short, the temporal world was delegitimised. Aside from its relevance to the argument at hand, such was a feature of seventeenth-century central European art which makes it so compelling an evocation of the human condition. The following section addresses the widespread idea of vanitas. The perceived spiritual, social, and communal collapse in legitimacy lent itself to an intensified outcry against the transient and vacuous nature of all its affairs; the paradigmatic example flowing from Andreas Gryphius' inkwell. The

[517] Ortega y Gasset, 87.
[518] Grimmelshausen, *Simplicissimus*, 843.
[519] According to García Sánchez, this duality emerges from an encounter between 'an emerging rationalist spirit and an irrational, phantasmagoric space which is fed by a deep magical-religious stratum.' Cited in David R. Castillo, *Baroque Horrors: Roots of the Fantastic in the Age of Curiosities* (Ann Arbor: University of Michigan Press, 2010), 29.

final section of this chapter encounters the period's overriding preoccupation with Fortuna. Reflective of this imperilled human agency, Fortuna is an increasingly vindictive force. Standing for the hub of vice, overcoming it becomes the chief virtue. How this power is to be dealt with provides the strongest basis for understanding how human dignity informed the wider ordering projects of the 1640s.

In the Midst of this Laughter, Amidst this Misery

The violent, chaotic, clash between soldier and peasant is the defining image of the Thirty Years War. Giving rise to a programmatic representative genre, it goes a long way towards encapsulating the central psychological process that generated this existential crisis. On the one hand these images are a 'realistic' representation of the widespread cruelty and atrocities which marked the conflict, albeit as compendium. It is this element which habitually strikes the modern viewer, living post-twentieth-century horrors, as an early form of protest or anti-war imagery. But they are likewise representative of the broader social collapse experienced by the German people. Under the strain of a profound barbarisation, the duality inherent in the baroque worldview pulls apart. Within this dual existence located between the temporal and the eternal, it has been observed before, the temporal is basically unsteady.[520] Under the social collapse graphically depicted in the artistic production of the time, congruent with a general beastialisation, this unsteadiness dramatically intensified: to the point where it placed the fundamental sense of space, the world as created phenomenon,[521] in crisis. It becomes merely a theatre of vice, the objective of virtue simply to surmount it. As the non-authenticity of the discredited temporal-social world is asserted, it becomes a place where

[520] During the baroque, 'the *Schein*, or apparent reality, of an often highly attractive world was… very often seen as being in itself unstable and untrustworthy, relatively transitory and vain when placed alongside the *Sein*, or universal reality'. Alan Menhennet, *Grimmelshausen the Storyteller: A Study of the 'Simplician' Novels*, Studies in German Literature, Linguistics and Culture (Columbia: Camden House, 1997), 28.

[521] 'This architectural design which thought lays over our surroundings, interpreting them, we call *world*, or *universe*. This is not given to us, nor is it simply there; it is created by our convictions.' Ortega y Gasset, *Man and Crisis*, 24.

nothing need be taken fully to heart. In this vein, the bitterness and misery of the times is expressed alongside a theatrical and macabrely comic rejection of its validity. 'On sorrow floats laughter', according to a later German artist.[522]

In an imaginary art gallery spanning the Middle Ages until the late-eighteenth century, 'the section on the "atrocities of war" is almost exclusively equipped with pieces pertaining to the Thirty Years War'.[523] Prime exhibits are certainly coming from Grimmelshausen and Callot. Lifting the lid on the cruelties of the age was definitely on the agenda of both. And within their respective oeuvres, it is the graphic depictions of brutality committed by soldiers which exemplifies this dominant reading.[524] On this score, Callot has even been likened to a nascent photojournalist.[525] As will be seen further in the next chapter, when attention turns to the life experience of these artists, the Lorrainer Callot certainly had intimate knowledge of the worst of the Thirty Years War. 'Contemporary accounts based on eye-witness reports claim that Lorraine was reduced to an almost animal life characterised by robbery, murder, and even cannibalism.'[526] Any number of Callot's prints or Grimmelshausen's scenes of butchery could substantiate these claims, but it is by a side by side reading of programmatic scenes which occur early in the

---

[522] Günter Grass, *Dog Years*, trans. Ralph Manheim (London: Minerva, 1997).

[523] Bernd Roeck, 'The Atrocities of War in Early Modern Art', in *Power, Violence and Mass Death in Pre-Modern and Modern Times*, ed. Joseph Canning, Hartmut Lehmann, and Jay Winter (Aldershot: Ashgate, 2004), 134.

[524] On Callot: 'Callot's *Miseries of War*… [is a link] in a chain. [It] belongs to one of the greatest traditions of European war art, that of realism and protest'. Antony Griffiths, John Willett, and Francois Wilson-Bareau, eds., *Disasters of War: Callot, Goya, Dix* (Manchester: National Touring Exhibitions, 1998); the prominent English critic Herbert Read describes the Miseries as, 'one of the greatest indictments of man's inhumanity to man', Herbert Read, 'Art and War', in *A Coat of Many Colours : Occasional Essays*, ed. Herbert Read (London: George Routledge & Sons, 1945); whilst Susan Sontag sees in it the beginning of a 'practice of representing atrocious suffering as something to be deplored, and, if possible, stopped'. Susan Sontag, *Regarding the Pain of Others*, 1st ed (New York: Farrar, Straus and Giroux, 2003), 38. Literary historian Steven Moore draws similar conclusions on the Simplicissimus, reading it as the first 'anti-war novel'. Steven Moore, *The Novel: An Alternative History, 1600-1800* (New York: Bloomsbury Academic, 2013), 61.

[525] Brendan Simms, Michael Axworthy, and Patrick Milton, 'Ending the New Thirty Years War', *New Statesman*, 26 January 2016.

[526] Jacques Callot, *Callot's Etchings: 338 Prints*, ed. Daniel Howard (New York: Dover Publications, 1974), x.

Simplicissimus and the Miseries – the wanton and utterly destructive raid by troops on an isolated farmhouse – that open a window on how they represent the broader collapse of the social world, and rejection of the dehumanising temporal dimension of baroque experience. Both graphically depict some of the most extreme and gratuitous violence that was characteristic of the Thirty Years War. The representative nature of these shocking scenes exemplifies the violation of taboos,[527] whilst the observer is shunted out of place. They portray in vivid, blinding, colours the experience of dehumanisation extending on to the world at large, symbiotic with its theatrical and comic rejection.

Figure 3

Figure 3 is the fifth etching in Callot's 1633 famous series of 18 images, the Miseries of War. The French inscription to 'Plundering a Large Farmhouse' reads: 'Here are the fine exploits of these inhuman hearts. They ravage everywhere. Nothing escapes their hands. One invents tortures to gain gold, another

[527] Markus Meumann, 'The Experience of Violence and the Expectation of the End of the World in 17th-Century Europe', in *Power, Violence and Mass Death in Pre-Modern and Modern Times*, ed. Joseph Canning, Hartmut Lehmann, and Jay Winter (Aldershot: Ashgate, 2004).

encourages his accomplices to perform a thousand heinous crimes, and all with one accord viciously commit theft, kidnapping, murder and rape'. The scene, overflowing with rapacious violence, exudes the terror of the Thirty Years War encountered in the previous chapter. Twenty-five soldiers are in view. Teeming with dense movement, the curtain is raised on a quite theatrical diorama. The dynamic interplay of shadow and light frames the man tied upside down over a fire as a centrepiece.[528] As if it could be overlooked, Callot highlights this torment with a frame-within-a-frame, bordered on the left by the pike of a soldier probing for hidden treasure, and to the right by another looter snatching booty from a ladder. As her burning husband is hacked at by the sword of a nearby trooper, the lady of the household is forced on to the marital bed by two others; pleading with both her rapists and the heavens, her clothing is torn open exposing her breasts. This is truly a horrific *mise en scène*. As the stench of burning flesh washes over rapist, victim, killer, and thief alike, the viewer is pulled from one moment to the next. There is no looking away; the wearied eye finds no safe haven.

Certainly, this is no endorsement of war. The original etching, at 83x187 millimetres,[529] demanded a close viewing making it a physically intimate experience. Inevitably, it was just as shocking to contemporaries as to later generations of critics.[530] Just like another highly emotive treatment of the same topic. Grimmelshausen flings open a window onto the universe below, a world in turmoil, to show the destruction of his protagonist's family farm.[531] A harrowing picture is drawn for posterity. Simplicius

[528] Hornstein notes eye-witness examples of this form of torture and murder. Katie Hornstein, 'Just Violence?: Jacques Callot's Grandes Misères et Malheurs de La Guerre', *University of Michigan Museums of Art and Archaeology Bulletin* XVI (2006): 37.
[529] Callot, *Callot's Etchings*, xxxiv.
[530] 'For Callot's contemporaries the work was charged with significance, intimately related to a history that was still unfolding.' Marie Richard, 'Jacques Callot (1592–1635), Les Misères et Les Malheurs de La Guerre (1633): A Work and Its Context', in *1648: War and Peace in Europe*, ed. Klaus Bussmann and Heinz Schilling, vol. II: art and culture (Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998), 520.
[531] Grimmelshausen, *Simplicissimus*, 22–26.

Simplicissimus, in the state of perfect tabula rasa, gawps at the iron creatures galloping towards his farmstead, whilst the great author explains why he must recount what is shortly to unfold:

> I did not intend to take you, peace-loving Reader, along with these troopers to my Pa's house and home, because rather bad things will happen there, the course of my history nevertheless requires that I leave to esteemed posterity the story of what atrocities were now and again perpetrated during this German war of ours.

Atrocities indeed there were. Its compendium function,[532] that of a representative wall of horrors well known to seventeenth-century Germans, is made clear by unpacking it alongside Callot's etching. The reader of both is faced with recognisable images of the hostile interaction between soldier and peasantry, (even the most gruesome) details of which are validated by eyewitness testimony. Wedgwood's discussion of the 'civil war' between soldier and peasant grimly reinforces this:

> In the Mark of Brandenburg they carried off respectable burghers as hostages, dragged them for miles along the rough roads bound to their horses' tails and tied them like dogs under tables and benches for the night. The virulent hatred between soldiers and civilians, rising almost to a frenzy, increased the horrors of war. Civil war between the peasants and the troops raged in Ditmarschen with daily killings, burnings, raiding of camps and answering attacks on villages… It was sport to shoot the prisoners tied in long rows one behind the other, and lay wagers on the number that one charge of shot would penetrate.[533]

The motifs which emerge from this comparison, for sure, however, go beyond their grounding in realism.

Identifiable elements include looting, torture, sexual assault and rape, and murder. Overlaying all of these are drunkenness, as an emphasis is placed on general disorder, and a wanton aimlessness. As the

[532] Menhennet, *Grimmelshausen the Storyteller*, 49.
[533] Wedgwood, *The Thirty Years War*, 257.

troopers enter Simplicius' home they first set to slaughtering and roasting the animals, 'so that it looked as if a merry banquet were going to be held there'. The troopers turn the place upside down, destroying and ransacking so thoroughly that 'not even the privy was spared, for they searched it as if the Golden Fleece of Colchis were concealed in it'. Mirroring Callot's foreground, clothes, metal, and anything movable is stolen, whilst everything else is broken up and burnt. The mattresses are ripped to shreds, the windows and stove smashed out, and the metal houseware beaten flat. Whilst Callot's troops slaughter the animals on a table top, a comrade empties the cupboard underneath, and yet more of them greedily sift through a chest off to the right hand side. To the left of these (literal) butchers, a maid fleeing from the picture with a small child is caught by the hair. Inches from the spot on the floor where she is soon to be sexually assaulted, a soldier is killing another in a fight over some spoils. On the far right of Callot's foreground, through an open door beyond the looters, we see another soldier forcing himself upon a maid. Such recurs in Grimmelshausen's account: 'Our maid was manhandled in the stable in such wise that she could scarce stand up and walk out of it, which is certainly a shame to report!' Simplicius watches whilst a farmhand is served the 'Swedish punch' – hot oil or liquid excrement (human or animal) is forced down the victim's throat – this among other tortures described by the boy. 'Then they set to unscrewing the flints from their pistols and to screwing in their place the peasants' thumbs, and to torturing the poor rascals, just as if they were witches headed for the stake.' Callot condemns the peasantry to a similar fate, a man forced onto his knees by his tormenters whilst his wife desperately tries to buy them off with a bag of coins.

The dehumanisation of all concerned, the common fate of tormentor and tormented alike as inhabitants of a collapsed social world, is underlined by Grimmelshausen. The soldiers emptied the feathers from the mattress and stuffed them with looted goods 'as if they would then be better to sleep upon'; they pointlessly smashed in the stove and windows, 'just as if they were proclaiming an everlasting summer'; and broke up the chairs and benches to burn 'even though many cords of dry firewood were stacked in the yard.' Callot

scholarship has appreciated this. 'Although the poem [comprised of the inscriptions which accompany the Miseries] describes – without reserve – the acts of cruelty and the pains of destiny, it refrains at all times from condemning warfare as such.'[534] The nature of the baroque worldview is important in this respect. 'No other era was as keenly aware of the fragility of earthly bonds [as the baroque]'.[535] At this moment, 'Worldly joys and sensuality, religious spirituality and stringent asceticism… all went hand in hand'.[536] The world-spanning phenomenon of the baroque as seventeenth-century 'cultural complex', defined by the 'fusion of opposites', and the tense coexistence of 'religiosity and sensualism, mysticism and eroticism, earthly value and spiritual aspirations',[537] pulled apart under the temporal disintegration of the Thirty Years War.

Ortega y Gasset crisply displays the centrality of a construction of social worlds to the articulation of human experience:

> This is not a matter of man's living and then, if it falls out that way, if he feels some special curiosity, of busying himself in formulating ideas about the things around him. No; to live is to find oneself forced to interpret life. Always, irresistibly, moment by moment we find ourselves with definite and fundamental convictions about what things are and what we ourselves are in the midst of them; this articulation of final convictions is what moulds our chaotic surroundings into the unity of a world or a universe.[538]

During the Thirty Years War, it is this world itself which becomes 'invalid' as a location of legitimate experience. This is essentially what Callot and Grimmelshausen are wrestling with. Callot

[534] Richard, 'Jacques Callot (1592–1635), Les Misères et Les Malheurs de La Guerre (1633): A Work and Its Context', 520.
[535] Bauer, Prater, and Walther, *Baroque*, 8.
[536] Bauer, Prater, and Walther, 7.
[537] Eduardo F. Coutinho, 'Introduction', in *Brazilian Literature as World Literature*, ed. Eduardo F. Coutinho (London: Bloomsbury Academic, 2018), 3.
[538] Ortega y Gasset, *Man and Crisis*, 24.

contemporaneously, Grimmelshausen nearly two decades later when he finally came to translate his experience into literature. The horrendous torment of the victims is never to be passed over. Neither Grimmelshausen nor Callot ever do. In fact, the baroque interaction between horror and fatalism, bordering on a glib, dark humour, enriches this aspect. The carnival spilling over from Callot's plate and the excess of movement itself points up the images' theatricality. His figures assume grandiose, imploring, bodily positions. Unlike many of the Miseries plates, which will be discussed below, there is no knowing observer peering out at us from the foreground, saying to the centuries to come, 'you see. This is what I had to live through. This is what I had to do'. For all its realism, on a closer inspection, this portrait exceeds life. And in the Simplicissimus, the boy watches a particularly eccentric form of interrogation as his Dad is tied up by soldiers so the nanny goat can lick his exposed feet. 'That looked like such fun to me that I, either to keep him company or because I knew no better, could not but laugh most heartily along with him.' Yet, and separated by only a few lines, darkness draws in. 'The troopers did not let me watch how they dealt with [the women]… one heard some of them scream pitiably inside the house, and I judge indeed that my Ma and Ursula fared no better than the others'. Returning to the long, baroque, sentence which introduces Grimmelshausen's chapter – only partially quoted above – following his apology to the reader, Simplicius offers another motive for setting down such things. To 'demonstrate by my own example that all such evils often must have been ordained by the goodness of the Almighty for our own good'. For, without the intervention of the murderous cavalrymen, who would have told him 'that there is a God in heaven'? At this point of his story's narration, the older Simplicius, recounting these events of his childhood many years later, and having left the world once again, still revels in the absurdity of this place; one to be laughed as much as wept over.[539]

[539] Indeed, that it was imminently to end: 'There is much evidence to suggest that, at the time, the Thirty Years War, with all its epidemics and famines, was widely regarded as a form of just retribution or even quite simply as heralding the Day of Judgement.' Martin Knauer, 'War as Memento Mori: The Function and Significance of the

A related aspect of this psychological universe is observed in the following section, the notion of vanity. Andreas Gryphius, the master diagnostician of the baroque, rails in his poetry against a powerful reaction to the existential crisis and the dehumanisation of a collapsed social world. That is the deep-seated materialism upon which many of his contemporaries fell back. It is to this we now turn.

But Wicked Vanities

Having described Andreas Gryphius as the master diagnostician of the baroque, it is fitting to pause and expand on that theme for a moment. 'Irregularly shaped; whimsical, grotesque, odd',[540] the OED certainly captures well the sense of the baroque as general cultural experience within which Westphalia was concocted. Pagès observes how even the clauses of the treaties themselves are relatively unsystematised and chaotically thrown together.[541] 'Baroque was a European way of feeling and thinking, of experiencing the world and man.'[542] Developed from its initial designation of a distinctly ornate and excessive artistic style, which 'found its fulfilment in the castle and the [Italian] opera',[543] a 'style of lush, bizarre, and grotesque forms,[544] baroque as the prevalent state of mind during the Thirty Years War stands testament to the historical crisis: 'What was unique in baroque conflictuality lay less in tension between one historical subject and another than in the presence of apparently incompatible or obviously contradictory attitudes existing within one and the same historical subject.'[545] Gryphius' outcry against the vanity of worldly life bears this out. Exemplifying what we saw in the previous section, it introduces the dislocation from historical time,

Series of Engravings in the Thirty Years' War', in *1648: War and Peace in Europe*, ed. Klaus Bussmann and Heinz Schilling, vol. II: art and culture (Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998), 509.

[540] 'Baroque, Adj. and N.', *OED Online* (Oxford University Press, 2018).

[541] Pagès, *The Thirty Years War, 1618-1648*.

[542] Carl J. Friedrich, *The Age of the Baroque, 1610-1660* (New York: Harper & Row, 1962), 43.

[543] Friedrich, 40.

[544] Miroslav John Hanak, 'The Emergence of Baroque Mentality and Its Cultural Impact on Western Europe after 1550', *The Journal of Aesthetics and Art Criticism* 28, no. 3 (1970): 315.

[545] Rosario Villari, *Baroque Personae* (Chicago: Chicago University Press, 1995), 3.

from the bulwarks of experience and expectation within which dignity as process of lived experience happens. The individual is cast into the moment, a moment, or world, which is simultaneously crumbling. Reduced, this life diminished approximates the experience of the 'brute beasts of burden'. 'Irregularly shaped; whimsical, grotesque, odd' indeed. Gryphius, along with the artist Hans Ulrich Franck, not only decries this state of affairs but emphasises the misplaced faith in 'shadow, dust, and wind', in the sparkling of glitter balls, which accompanied it; a vacuous response to the existential crisis. Such is a picture of the human swimming against the tide, a drowning subject which truly believes it is waving. Going beyond an exaggerated *Momento Mori* an unflinching awareness of death; rather, for our purposes, the key theme to be extracted from Gryphius' talismanic poetry is a condemnation of the nonawareness of life. Ignorance of being human.

Encountered with paradigmatic force in Gryphius' tone, fleeting and vacuous, the ultimate emptiness of earthly existence, life in the here and now, was a theme that reverberated strongly with this baroque experience. An 'icon of his age', Gryphius is little known outside of his homeland today.[546] Nonetheless, still he is regarded as 'the greatest poet as well as the greatest dramatist of the seventeenth century in Germany'.[547] In his capacity as a poet he captures absolutely his time's 'strong sense of the transitoriness of all earthly things'.[548] The despondency of the Westphalian *Lebenswelt*, as an outgrowth of the sociological conditions of the time, the soil of modern state sovereignty, permeates his profound writings. The recurring contrast within the individual experience as located between the two temporal realms is succinctly described by Forster, again using the metaphor of the stage:

[546] Blake Lee Spahr, *Andreas Gryphius: A Modern Perspective*, Studies in German Literature, Linguistics, and Culture (Columbia: Camden House, 1993), ix.
[547] Spahr, ix.
[548] Forster, *The Temper of Seventeenth Century German Literature*, 6.

> The theatre of the world is the scene of man's actions, the life of man is a fable that is played there. The play on the stage bears the same relation to everyday life outside the theatre as that life bears to eternal life. It is short, and crammed with incident; and it is an illusion, of no ultimate validity, in which effect is all important. The actor plays the part assigned to him, moved by forces outside his control.[549]

A preoccupation with the Augenblick,[550] the solitary moment, the ephemeral instance of human experience, is central to the poetry of Andreas Gryphius. First composed in the mid-1630s, the following example does a better job of articulating this than a pile of second-hand words.

All is Vanity[551]

You will see wherever you look only vanity on this earth.
What one man builds today, another tears down tomorrow;
Where now cities stand, a meadow will be,
Upon which a shepherd's child will play with the herds.

What now blooms in magnificence, will soon be tread asunder;
What today pounds with defiance, tomorrow is ash and bone;
There is nothing which is eternal, neither ore nor marble.
Now fortune smiles upon us, but soon troubles will thunder.

[549] Forster, 18.
[550] Literally, the blink of the eye.
[551] *Es ist alles eitel*, translation by Scott Horton.

The fame of great deeds must pass like a dream.

Why should the game of time, the simple human, persist?

Oh, what is all of this that we hold to be exquisite,

But wicked vanities, as shadow, dust and wind

But a meadow flower which one can find no more!

Yet not a single man wants to contemplate what is eternal.

Within this poem, one of his century's most profound statements, we find the individual locked inside a momentary existence. Described by Gryphius, the world of the Thirty Years War becomes a place in which the identity of the subject is disintegrating. The human is chained to the stage. 'The individual remains isolated from moment to moment.'[552] Precisely the condition of beastliness which we saw in the earlier chapter on dignity; a fatal aspect of this dislocation is that there is no room or distance for internal life, life outside of time and movement. 'It was their burden [the people of seventeenth-century Europe]… to inhabit a reality imbued with permanent restlessness, where people were in constant motion.'[553] As the baroque duality stretches apart, the temporal world emptied of meaning, only vanity remains for those fully immersed in such a distorted, grotesque, social world, 'all of this that we hold to be exquisite'. This reflects 'the essence of the baroque in Middle European literature'.[554] And in contemplating this verse, 'one of the most effective outcries of its time',[555] in the fullness of its sharp, jolting, glare, the viewer is reminded of a brutal counterpart in the climactic image of Franck's *Scenes of War*, 'the Horseman's End' (figure 4).

[552] Forster, *The Temper of Seventeenth Century German Literature*, 16–17.
[553] Brook, *Vermeer's Hat*, 23.
[554] Scott Horton, 'Gryphius, or the Transitory Nature of Humanity', *The Stream - Harper's Magazine Blog* (blog), 11 August 2007, https://harpers.org/blog/2007/08/gryphius-or-the-transitory-nature-of-humanity/.
[555] Spahr, *Andreas Gryphius*, 30.

Figure 4

Unsurprisingly, Gryphius is often read as a melancholy, despairing poet. The colour that pours out of his lines (in a particular mood, we could say, that 'blooms with defiance' in his verse) can too easily be blotted out by the thick, black ink dripping across it. A darkness in accord with Franck's hopeless portrait. The image of a cavalry trooper's corpse, propped up by the decaying remains of his starved horse, amid scattered piles of bones and withered branches, leaves no space for misinterpretation. The representative function of this image is likewise clear. The body is in varying states of decay, its skeletal head is propped

up on an intact arm and decomposing flesh still clings to its leg. In the barren background, either side of a mountain range, stands a single church and a watchtower. This is one fingerprint of the Christian vision of the eternal; faintly visible on the horizon. But the triumph of the crows feasting on the rotten flesh, creatures representing the inevitable march of a cosmological Time, trampling the glory that humans achieve in the *Augenblick*, this porous vessel of our experience, is another. They gloat over the formally proud and triumphant warrior, the corpse standing for the vanity of a blind humanity.

In this way, the world of the Thirty Years War as described by Gryphius becomes a place in which the identity of the subject is under siege. In a moment of existential crisis, a central aspect of human dignity which we wish to explore in this context finds itself threatened. The expression of human freedom inherent in the person's extraction from natural, or merely impersonal, forces is no longer permitted:

> A person, like a chameleon, is forced to assume the colours of his surroundings, is compelled to 'fit in' with the scene on which he appears. That is, he must assume a role congruent to his surroundings. This adaptability of his presence gives rise to the question whether the individual is functioning on the level of his role or whether his actions are indicative of his true self.[556]

In short, choice is meaningless. Virtue stands for surmounting the false allure of an empty, hollow theatre made of soil and bone. For Ortega y Gasset, this is akin to living a 'false life'.[557] It is an alienation of the person which denies the uniquely human privilege of self-formulation, something that was deeply problematic for baroque man. In a different tenor, Grimmelshausen dwells on this theme extensively; especially during the opening book of the Simplicissimus, laughing at the transparent veneer of a collapsed social world. The series of masks assumed and discarded by Simplicius as he swaggers across the stage are

[556] Blake Lee Spahr, 'Gryphius and the Crisis of Identity', *German Life and Letters* 22, no. 4 (July 1969): 358.
[557] Ortega y Gasset, *Man and Crisis*, 93.

a clear endorsement of Gryphius' and Franck's tutting condemnation of the fleeting vanity of temporal fortune. The particularities of his time enabled Grimmelshasuen and Gryphius to portray the old problem in a striking and new fashion.[558] Gryphius decries a delusion of substance. Like the sturdy city walls, soon to be no more than a meadow, a mistaken surrender to this 'state of otherness';[559] one detached from the defining experience of humanity, the self-creation recognised by Cicero or Pico della Mirandola. This is representative of the baroque, but equally so is his equivocation. He never denies the pomp and circumstance of the world; his vibrant language revels in it, even as he cautions against buying its false promise.

As the baroque duality pulls apart, the temporal world becomes a tragic comedy opera, whose traumas are not to be taken fully to heart. Vain illusion bounces from the props littered across the stage; wielded by players too often driven to throw themselves fully into the role, with no thought for transcendent virtue. Such a circumstance was railed against in the starkest terms by Andreas Gryphius, who himself endured more than enough of both the tragedy and the elusive joys offered under the lights. Encountering Fortuna in the final section of this chapter the central place of this concept in the mentalities of the Thirty Years War is shown. As a malicious force, it rounds out the full nature of the psychological dislocation that was a general phenomenon in central Europe spanning the Westphalian moment. The deeply ingrained threat to dignity, and the dignitarian reactions this inspired all pivot around this fascinating concept.

Envious Fortuna

> Alas, how quickly things change for the worse! A month ago I was a fellow who moved princes to admiration, delighted the ladies, and seemed to the folk one of nature's

[558] 'No poet previous to Grimmelshausen has presented the problematic of man's existence in such strikingly new perspective.' G.R. Dimler, 'Simplicius Simplicissimus and Oskar Matzerath as Alienated Heroes: Comparison and Contrast', *Amsterdamer Beitraege Zur Neueren Germanistik*, 1975, 122.,

[559] Ortega y Gasset, *Man and Crisis*, 91.

> masterpieces, aye, an angel; but now I was so vile that the dogs did not hesitate to piss on me.
>
> -H.J.C von Grimmelshausen[560]

Renowned baroque scholar, Leonard Forster, places Fortuna on the highest pedestal. 'In the seventeenth century fortune was a power to be reckoned with. Indeed, one might almost say that most of seventeenth century literature consists in the record of attempts to come to terms with her in one way or another.'[561] Gryphius, 'the greatest religious poet', was especially wary of this force.[562] It is a leading figure in the cast of abstract elements which determined a person's *fatum*. Certainly, this is no small thing in a world cast to the wolves of war by the Great Comet of 1618, as seen in chapter 3. Again, the characteristic baroque individual is portrayed as none other than the Gassetian man in crisis. The one who '[lives] harried and confused… [pushed] mechanically from one thing to another, [who is carried along] without rule or order'.[563] This person must leave 'to things in our environment the right to decide [its] actions'.[564] This is the dislocated individual. Fortuna, an increasingly hostile force, as well as an increasingly potent one, stands here for both the person's removal from the moorings of historical time and the coeval reduction of space within which to articulate a distinct self. Perhaps, of all the pessimistic emblems in the Westphalian *Lebenswelt*, Fortuna is the most alarming signifier of diminished human dignity; of the closing gap between humanity and the kingdom of the animals. If, as contended here, a purpose firmly expressed (one might almost say the purpose) of the Thirty Years War's cultural production was to locate resources to surmount the dehumanising condition of existential crisis, manifested in exclamations against vanitas, and a significant component of virtue was providing an escape ladder, then Fortuna is best seen accentuating this difficulty by kicking the ladder out from under the baroque person. 'She' is determined to topple even the

[560] Grimmelshausen, *Simplicissimus*, 600–601.
[561] Forster, *The Temper of Seventeenth Century German Literature*, 5.
[562] Forster, 28.
[563] Ortega y Gasset, *Man and Crisis*, 91.
[564] Ortega y Gasset, 91.

most determined climber. Characteristic of the neo-Stoicism which will be seen as mediating the response to crisis in the following chapter, agency as articulation of a coherent self was disallowed. The ever-present shadow of Fortuna on the baroque mind is strikingly observable across the Simplicissimus. It will be shown through a coherent view of the novel's narrative structure how Fortuna operates throughout the fabric of the great work. The problematic of the novel, in this way, is the problem of the age. The challenge of existential crisis.

The Simplicius Simplicissimus is a complicated and extravagant novel. Characteristically baroque, 'that style which deliberately exhausts (or tries to exhaust) all its possibilities and which borders on its own parody',[565] it embraces the spectrum of not only seventeenth-century life, but the human situation in general. Thomas Mann's famous tribute is worth reciting in full (fittingly published (for more reasons than one) in the introduction to a Swedish translation of 1944):

> It is the rarest kind of monument to life and literature, for it has survived almost three centuries and will survive many more. It is a story of the most basic kind of grandeur, gaudy, wild, raw, amusing, rollicking, and ragged, boiling with life, on intimate terms with death and devil, but in the end, contrite and fully tired of a world wasting itself in blood, pillage and lust, but immortal in the miserable splendour of its sins.[566]

Now, the overall structure of the novel is open to debate, as one might expect. Spread over five books, a sixth the 'Continuato' is sometimes deemed as integral to the whole, but here only the central five are considered. Where to start? The narrative is recounted over two interacting layers; the older narrative voice

[565] Jorge Luis Borges, *A Universal History of Infamy*, trans. Norman Thomas Di Giovanni (London: Penguin Books, 1975), 11.
[566] H.J.C von Grimmelshausen, *The Adventures of Simplicius Simplicissimus*, trans. J. A. Underwood (London: Penguin, 2018).

which has since emerged from the Thirty Years War, corresponding with the Grimmelshausen hunched over a writing table in his dimly lit inn during the 1660s, and the younger Simplicius as protagonist. Part of the novel's literary dynamism stems from this interplay. Of central importance are two aspects of the book's fabric. The following chapter addresses what Grimmelshausen has to say about the reassertion of dignity in his time, provisionally detangled from that here is how his writing – so broad ranging and unvarnished – displays the characteristic of existential crisis that partially submerged it. Weaved through the novel as a whole is a drawn out encounter with Fortuna. Opening with Simplicius as a young child experiencing a spiritually, materially, and intellectually impoverished rural upbringing in the Spessart Forest with his Dad and Mum, this life is abruptly terminated by the visiting soldiers. Finding himself in the wild, a central character emerges in a forest hermit. Providing Simplicius with a rigorously Christian education, he lingers after his appropriately Stoical death as a permanent antidote to vice throughout the novel. Simplicius' later series of falls are always 'despite' his being raised by the Hermit. Through the first three-or-so books, Grimmelshausen robustly satires the earthly conditions encountered by the naïve child. Simplicius, armed with the three precepts of virtue left him by the Hermit: to strive for self-knowledge, 'shun bad company', and to remain constant, points up at every occasion the discrepancy of these principles with his lived experience outside the forest.

The stages in Simplicius' life over these first books, which is a life decreasingly within his grasp as it slips further into the realm of Fortuna, follow a steady socialisation away from the virtues commended to him by the Hermit, despite his conscious knowledge of this fact. During this period Simplicius comes into his own as a popular hero in the Bakhtinian sense, innocently 'invert[ing] hierarchies and [showing] that the emperor has no clothes'.[567] But he is increasingly alienated from his original, and most stable self, the heroic

[567] Anne Leblans, 'Grimmelshausen and the Carnivalesque: The Polarization of Courtly and Popular Carnival in Der Abenteuerliche Simplicissimus', *MLN* 105, no. 3 (1990): 496.

bearer of Christian virtue in the neo-Stoic sense, and likewise from the world he is plunged deeper and deeper into. He initially becomes a fool, as the governor of Hanau punishes his innocent tendency to pry into the practices of a society so far removed from his idealised understanding. From an increasingly privileged position in Hanau as a prize jester, he is dragged into a state of virtual slavery by Croatian cavalry who – mimicking the author's real experience – kidnap him while ice skating outside the city walls. Beaten, fed meagre scraps and compelled to serve the Croatian commander in a most menial and demeaning role: 'I was obliged… to learn that a single hour of misfortune can deprive a person of all his prosperity'.[568] Taken on 'foraging' missions, he is again exposed to extreme violence as the troops rape, torture and murder any unfortunates who fall into their hands. Escaping into the forest once again, with his captors preoccupied with tormenting their victims, Simplicius experiences another sharp turn of the wheel. Forced to break into isolated rural dwellings to scavenge food, he witnesses a meeting of witches and is magically transported to their cavern outside Magdeburg. Growing up in a house adjacent to a witches' prison, Grimmelshausen's introduction of this scene in swift succession to an episode reminiscent of a traumatic childhood experience is not surprising. This is one of several fantastic elements of the novel. Sandwiched between two realistic experiences (as the servant of the Croats and then with the army), it enriches the thematic presence of Fortune and its mocking snub to the substance of the 'earthly'. The narrator immediately finds his younger self in another realist setting. This time, he is present – as Grimmelshausen might have been – at the second siege of Magdeburg. Whilst the action occurs during that second siege of 1636, the location of Magdeburg is a conscious choice by Grimmelshausen which would have conjured images in the early-modern reader of the notorious massacre there five years previously.[569]

[568] Grimmelshausen, *Simplicissimus*, 253.

[569] R.E. Schade, 'A War Story of Deceit, Gambling, and Sex: Simplicissimus at the Siege of Magdeburg (1636)', *Germanisch-Romanische Monatsschrift* 53 (January 2003): 135.

His dawning physical beauty becomes readily apparent in his time at the army camp when he finally manages to remove his fool's garment (a calf's costume), exchanging it for women's clothing. 'But envious Fortuna was unwilling to let me slip out of my fool's costume so easily.'[570] Taken on as a maid by a captain's wife, Simplicius is aggressively sexually pursued by the captain, his wife and their manservant. Eventually the captain arbitrarily condemns Simplicius to the usual punishment for 'immoral' women in the army, when he turns the boy 'over to the rabble'. 'They rushed into the bushes with me, all the better to sate their bestial lusts, which is the practice of these children of the devil when a woman is handed over to them.'[571] Simplicius narrowly escapes gang rape, and during the melee his biological sex is discovered. This abhorrent practice in the armies of the time led its victims to a most horrendous death.[572] In the fabric of the novel, such sudden changes flit between the fantastic and the realistic, between Grimmelshausen's sober, brutalist, description of suffering in various forms and his instinctive light-heartedness; Fortune playing the determining role. The gradual descent of Simplicius' moral condition is hastened as he becomes truly integrated into the world of the Thirty Years War, his detached, satirising position is abandoned piece-by-piece. These satirical episodes expose a world so patently subject to Fortune, and the foolishness of those who invest their hopes and joys in it.

Developing a taste for martial life and becoming a roving freebooter, Der Jäger von Soest (The Huntsman from Soest), Simplicius rises to the pinnacle of glory. Famous and wealthy, Grimmelshausen revels in his womanising and adventures. 'Him whom Fortuna desires to plunge into the depths she first raises up to the heights, even though the good Lord warn each and every man of his fall.'[573] Not for the

[570] Grimmelshausen, *Simplicissimus*, 252.
[571] Grimmelshausen, 310.
[572] Even Courage is uncharacteristically wary of taking a lover due to this practice: 'I could not make up my mind to become his mistress, because every day with the army I saw so many whores turned over to the rabble.' Grimmelshausen, *The Rungate Courage*, 40.
[573] Grimmelshausen, *Simplicissimus*, 486.

first time, he is compelled to change sides. Captured and held by the Swedes in Lippstadt, his good looks and musical talents lead him into the life of the lothario. With a half dozen lovers, Simplicius barely escapes his life of luxury and swiftly acquires a young wife when caught in the bed of a lieutenant-colonel's daughter. The pastor is hurried in to perform the matrimonial ceremony, man and wife still reclining under the officer's loaded pistol; son-in-law and weeping daughter are then angrily turned out into the street. The commandant of Lippstadt promises Simplicius command of a company, inducement sufficient for the rascal to discard his oath to the Emperor, and, with his father-in-law reconciled to the (almost literal) shotgun marriage, his future looks bright. Endeavouring to go and fetch a horde of looted wealth stashed away with a merchant in Cologne, the perilous journey crashes. Unable to access his wealth, Simplicius is forced to lodge in hungry squalor with a terrible miser. Of course, not being one to suffer such ill-treatment for long, he plays pranks at his landlord's expense for which he is repaid at a very healthy rate of interest.

Tricked into going to Paris, here he is stranded and penniless. The following 'Beau Aleman' episode is central to Fortune's prominent narrative role and its deeper thematic presence. From the sensual life of luxury in Lippstadt, to scraping along with maggoty bread in Cologne, he sharply arrives in Paris. In this sojourn, French court culture presents an amoral political society. Pretensions of social hierarchy are once again destabilised, as the decadent and sinful bodily performances of the noblesse are found to be pathological. Taken in by a doctor, a Monsieur Canard, and after presenting himself as an orphaned nobleman fallen upon hard times, his physical beauty and talent with the lute earn him a stage role in front of the King. Whilst his half-naked, pouting, performances win the hearts of Parisian society, the consequences are catastrophic. His moral nadir – working as a prostitute and flaunting his wanton flesh – is the highpoint of his worldly career in which he laps up fame and admiration. Morally and physically corrupted by the experience of compelled prostitution, by powerful women aroused by his stage performances, Grimmleshausen plagues his picaro with syphilis and disfigurement. The illness leaves him

ugly and pot-marked, his hair replaced with hard hog-like bristles, his voice ruined. Dressed in rags, and with nothing else to his name, he attempts to drag himself home. Turning itinerant huckster, hawking useless potions to gullible peasants, he reaches Germany and the Bavarian garrison town of Phillipsburg where he is pressed into service as a musketeer. A grim account of life in garrison is narrated; Simplicius nearly starves to death and suffers severe doses of corporal punishment. The obvious moral allegorisation in his suffering and physical disfiguration is deeply implicated by the constraints that Fortuna places on his freedom of action. Through Grimmelshausen, the existential crisis of the Thirty Years War is starkly laid out.

*

When we speak about human experience, we refer to the endeavour to become oneself. Neither the world this unavoidable effort occurs in, nor the self-conscious individual within it, are given. Dignity, as made clear in chapter 2, is both pre-condition and outcome. As a process to be enabled, this chapter has shown how the existential crisis, manifesting in dislocation and dehumanisation, diminished dignity during the Thirty Years War:

> "Tell me to what you pay attention and I will tell you who you are"… Man's situation permits him to be more or less inattentive to what is going on outside in the landscape, in the world of things, and at times to turn the focus of his attention inward and direct it toward himself. This capacity, which seems so simple, is what makes man as such possible. Thanks to it, he can turn his back on the outside, which is the landscape, get out of it, and go inside himself. The animal is always outside; the animal is perpetually the other – he is landscape.[574]

[574] Ortega y Gasset, *Man and Crisis*, 94–95.

Kateb's expression of the partial non-naturalness of man resonates with Ortega y Gasset's depiction. ('Every species is by definition unique, but only the human species achieves a partial break with nature; that is the reason that I call the human species the highest of all').[575] The crisis fermenting the eventual Westphalian order, within which the human subject was effectively cast outside, was an attack on the fundamental sense of being human itself. 'Through the loss of our dignity we are deprived of something without which life no longer seems worth living'.[576] To amend this, the sentence should end 'human life no longer seems possible'. And this was certainly on the cards. 'The reversal with the most severe consequences [in Grimmelshausen] is the change from man to beast, from soldier to bandit… [Which] destroys what distinguishes man from other living creatures: his likeness to God. Man degenerates to a hybrid, half/man half animal.'[577] But it was more than simple brutality that achieved this. It was the reduction of space for dignity to fully enact itself in human life. The next chapter explores the critical response to the challenge of submerged dignity; a response which fundamentally colours the boundaries of meaning for 1648, and that disallows the distorted reading which continues to 'order the thinking' of international politics in theory and practice.

[575] Kateb, *Human Dignity*, x.
[576] Peter Bieri, *Human Dignity: A Way of Living*, trans. Diana Siclovan (Malden: Polity Press, 2017), 3.
[577] Walter Ernst Schäfer, 'The Thirty Years' War in Moscherosch's "A Soldier's Life" and the Simplician Tales of Grimmelshausen', in *1648: War and Peace in Europe*, ed. Klaus Bussmann and Heinz Schilling, vol. II: art and culture (Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998), 340.

V: Imagining Order

Entire, more than entire have we been devastated!
The maddened clarion, the bold invaders' horde,
The mortar, thunder-voiced, the blood-anointed sword
Have all mens' sweat and work and stone annihilated.
The towers stand in flames, the church is violated,
The strong are massacred, a ruin of our council board,
Our maidens raped, and where my eyes have scarce explored
Fire, pestilence, and death my heart have dominated.
Here through the moat and town runs always new-let blood,
And for three-times-six years our very rivers flood
With corpses chocked has pressed ahead in tedious measure;
I shall not speak of that which is still worse than death,
And crueller than the plague and torch and hunger's breath:
From many has been forced even the spirit's treasure.

-Andreas Gryphius
Tears of the Fatherland, Anno: 1636

Life of the Artists

> Time and again Queen Germania saw her palaces and churches, decorated with splendid painting, go up in flames and her eyes were so darkened with smoke and weeping that she no longer had the desire or the strength to pay heed to this art that now seemed to want only to enter into a long and eternal night and there to sleep. And so such things fell into oblivion, and those that made art their profession fell into poverty and contempt: so they put away their pallets and took up the spear or the beggar's staff instead of the paintbrush.
>
> -Joachim von Sandrart[578]

The artistic rallying cry of the Thirty Years War was for dignified patterns of existence, against the condition of existential crisis, mediated through the key virtue of constancy and the popular lexicon of a Christianised neo-Stoicism. But as this chapter will show, such was not merely a personal matter. The idea of constancy, and the associations it introduced, is crucial to interpreting the loose, unsystematised, appeal for renewed social order. The conceptual framework guiding these representations of order, justice, and social renewal was based upon dignity. Whilst no specific conception of order and 'responsibilities' is collectively set out (such being the task of the political and legal theorists on the one hand and the negotiators in Münster and Osnabrück on the other), a determinate end state, a boundary within which the peace was desirable is clearly visible. Driven fundamentally by the wish to re-establish conditions within which dignity can be exercised, this means a recognition of order and its restrictions which enable articulation of a distinctively self-authored course of life and mutable patterns of reciprocity. This, the broad colour of seventeenth-century social mentalities, determined the direction and the character of the Westphalian peace, and remains the lens through which its meaning should be gauged. Contrary to the anachronistic caricature of this Westphalian *Lebenswelt* foundational to international political thought, such an insight bears on the justificatory slope which posits a deep sovereignty-intervention problematic. It

[578] Cited in Andreas Tacke, 'Mars, the Enemy of Art: Sandrart's Teutsche Acadamie and the Impact of War on Art and Music', in *1648: War and Peace in Europe*, ed. Klaus Bussmann and Heinz Schilling, vol. II: art and culture (Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998), 245.

undercuts this strong proto-'realist' logic positing non-intervention as the essence of a Westphalian sovereignty which reacted against the Thirty Years War by embedding normatively impregnable spheres of authority. Humanitarian intervention as conceptualised in the present thesis, rather than a radical and dangerous innovation, then, coheres with the purpose or deep meaning of an 'original' European state sovereignty idea.

To pause a moment, overviewing the life experiences of the central artists of the moment – Grimmelshausen, Callot, and Gryphius – reinforces this picture of the currents gushing beneath their work. In particular, the disruptions of time and space entwining turbulent lives with profound creative productivity.

Hans Jakob Christoffel von Grimmelshausen undertook the most important German literary endeavour of the period. *Simplicius Simplicissimus* shows the complex and multi-faceted experience of existential crisis during the Thirty Years War in all its dimensions. The most celebrated German writer of his century,[579] his Picaro sighs knowingly at the disintegrating world around him. Every one of its cruelties are confronted by his mocking smile, and Simplicius' unbroken gaze lets us shy away from no scene of despair, just as no human folly or conceit eludes it. Life is painted in the fullest spectrum of its colours and textures whilst the salty-sweet tears his century wept in vain are mopped up with the thick crusts of laughter. This confrontation with the pulsing vibrancy of life explains his enduring attraction. Grimmelshausen left a portrait of existence that reaches beyond its age, one whose unvarnished truth-telling spills over the brim of its baroque gilding. Through its realist, its satirical, its absurd, and its fantastical strands, Grimmelshausen's storytelling constitutes a deep engagement with the challenges faced in Münster and

[579] Ever since Goethe discovered him, 'every author writing in German who is to be taken seriously has paid homage'. Dieter Breuer, 'In Grimmelshausen's Tracks: The Literary and Cultural Legacy', in *A Companion to the Works of Grimmelshausen*, ed. Karl F. Otto Jr. (Columbia: Camden House, 2010), 253.

Osnabrück and provides a piercing insight into how contemporary mentalities framed the problem of their epoch.

His 'Simplician cycle' of novels includes several further works. Two subsequent instalments develop characters whose paths crossed with Simplicius in his original telling. *The Rungate Courage* (1670) recounts the unrepentant history of a gender-defying prostitute, soldier, thief, and gypsy; a seven-time widowed Bohemian, christened Libushka, but forever saddled with the moniker 'Courage'.[580] Courage has become even more famous as the lead character in Brecht's trenchant anti-war adaption of 1939, *Mother Courage and Her Children*, widely regarded as one of the greatest works ever written for the stage. Following shortly after, *Springinsfeld* is the sorry rumination of a washed-up old soldier. A crippled beggar, he features in the *Simplicissimus* as a tricky comrade of Simplicius, his cunning honed, as we learn in Courage's biography, when he was her cuckolded common law husband.[581] A two-part finale *The Wondrous Bird's Nest* (1672 and 1675) failed to leave a comparable mark on world literature.

In the immediate decades following the Thirty Years War, Grimmelshausen's works were not taken seriously. Brother of the famous satirist Johann Michael Moscherosch dismissed him as 'no more than a little village magistrate', whilst Leibnitz saw only books 'made to provoke laughter'.[582] Displaying the remarkable capacity for peoples to turn their faces away from the tragedies of the direct past, preferring oblivion, late-century mentalities had shifted somewhat. '[They] were no longer afraid of the world or disillusioned by it… The actual readership received the author's works as entertainment, ignoring the spiritual message.'[583] Diminished from view during the Enlightened eighteenth century, until the

[580] A crude seventeenth-century term for the female genitalia.
[581] H.J.C von Grimmelshausen, *The Singular Life Story of Heedless Hopalong*, trans. Robert L Hiller and John C Osborne (Detroit: Wayne State University Press, 1981).
[582] Menhennet, *Grimmelshausen the Storyteller*, 15.
[583] Susan C. Anderson, *Grass and Grimmelshausen: Günter Grass's 'Das Treffen in Telgte' and Rezeptionstheorie* (Columbia: Camden House, 1987), 62.

Romantics revived him at the turn of the nineteenth, Grimmelshausen has been a staple of the German cannon ever since. And befitting any German cultural motif, his work has inevitably experienced politicisation in recent centuries. Appropriated first by the Prussian state during Bismark's anti-Catholic *Kulturkampf*, he then became 'prophet of the Third Reich' under National Socialism (largely due to the Jupiter episode). Following Year Zero, the incomparable prose of Günter Grass established Grimmelshausen as the contemporary of yet another generation. A mid-twentieth-century readership that had just lived the horrors of the Second World War, another iron century belittled by mass killing, drew particular affinity with the man they came to know as Stoffel.[584] Grass' identification with Grimmelshausen goes beyond Simplicius' influence on *The Tin Drum*, or his *Meeting at Telgte* which portrays Simplicius as an interlocutor at a fictional meeting of literary luminaries (including Gryphius) convened in 1647 to compose a poets' peace petition. For Grass, a teenaged SS trooper whose mother was raped by Soviet soldiers,[585] Grimmelshausen, the cavalryman and Regimental Secretary who wrote the spirit of his age, would have been a natural muse. The 'horizon of expectations'[586] inhabited by Grass draws a multi-dimensional richness out of Grimmelshausen comparable only to a direct reading, perhaps reflecting a standpoint in another time of historical crisis. And still the twenty-first century finds Grimmelshausen alive and well in the English speaking world. Lauded by poets in the literary pantheons,[587] his 'Holy Fool' treading the boards in avant-garde operetta,[588] fresh translations of the *Simplicissimus* continue to proliferate for a curious general readership.[589]

[584] The character representing Grimmelshausen was known in *The meeting at Telgte* as Stoffel or Gelnhausen. A play on Grimmelshausen's third given name and birthplace, Gelnhausen in Hessen.
[585] Günter Grass, *Peeling the Onion*, trans. Michael Henry Heim (London: Vintage, 2008).
[586] Anderson, *Grass and Grimmelshausen*, 12.
[587] Jeremy Adler, 'Time to Rob the Dead', *London Review of Books*, 16 March 2017.
[588] 'Opera Today: Simplicius Simplicissimus', 19 November 2016, http://www.operatoday.com/content/2016/11/simplicius_simp.php.
[589] Grimmelshausen, *The Adventures of Simplicius Simplicissimus*.

Grimmelshausen, like his enduring protagonist, was born in 1621/22. His father died when he was a child, and like all three of his main characters – Libushka, Springinsfeld and Simplicius – was raised an orphan after his mother abandoned him to remarry. Raised by his grandfather in Gelnhausen, Melchior Christoph was a baker living adjacent to a prison yard for witches.[590] Thus Grimmelshausen's formative years were spent in the shadow of this place: early modernity's most sinister and harrowing of institutions. Grimmelshausen later resuscitated the noble 'von' which Melchior had dropped, a vague noble origin also found in his primary characters. Born to Protestants, he ended up among the Catholics, like Simplicius eventually becoming one, and he was kidnapped at least twice. He apparently witnessed the Battle of Wittstock as a child, a battle he later described in such blood-curdling detail, before serving as a cavalryman and then Regimental Secretary in the Bavarian army. Here he developed and applied his talent for writing, before his discharge in 1649. Grimmelshausen's life did not acquire particular stability after the peace. He served a few nobles as secretary, ran an inn called the Silver Star, and eventually became mayor of the small town of Renchen. Along the way he fathered ten children, only six surviving to adulthood.[591] His literary output was crammed into a furious few years, probably because of financial struggles, but if he developed any illusions of solid ground sprouting along with his grey hairs then he was swiftly disabused. A new war between France and the Holy Roman Emperor spoiled his later years. Renchen was quartered by troops and forced to pay military contributions, which Grimmelshausen as mayor was required to collect,[592] whilst also serving in the militia. Dead by his mid-fifties, breathing his last on August 17, 1676, with a musket still slung over his shoulder, he never escaped the turmoil of his age. His Simplicius is propelled through a fundamentally uncertain life. As soldier, musician, court favourite, prostitute, thief, galley slave and even

[590] Negus, *Grimmelshausen*, 18–19.
[591] Negus, 27.
[592] Negus, 33–35.

murdering highwayman. The spirit of his times is announced, an epoch seeming to blow in the wind; whether or not the reader wishes to hear it.

The picture continues when we look at Jacques Callot, the great artist in the medium of etching. His masterpiece '*Les Grandes Misères de la guerre*', *The Great Miseries of War*, is a series of 18 etchings from a total of more than 1400 produced throughout his career.[593] 'Since the seventeenth century scholars have attempted with mixed results to pin down an overarching meaning for the Miseries.'[594] Commonly seen as the first great 'anti-war' piece,[595] he was certainly familiar with its desolation:

> As he did his research and studied the terrible phenomenon of war at first hand in Lorraine, the Lowlands, and elsewhere, the whole frightful institution was fermenting in his mind. Out of this deep and shattering experience came one of the first and clearest indictments of war as the most pointless and destructive of all human activities.[596]

Although a profound 'victim-victimiser' ambiguity in the series' depiction of military-civilian interaction has often been drawn out, confusing the 'anti-war' picture. Viewed as an expression of a world in existential crisis – populated by the individual lost both in time and space[597] – the nature of this 'ambiguity' becomes clearer and the work takes on a different perspective. Callot's series is an appeal for a 'just peace', a reinstatement of order and conditions that respect and regenerate the dignity which has been trampled underfoot by war, one that permits the restoration of the person to its status as a full agent. Callot is not arguing against war per se, otherwise he would not have granted such nobility to his depiction of soldiers

[593] Griffiths, Willett, and Wilson-Bareau, *Disasters of War*, 17–18.
[594] Hornstein, 'Just Violence', 30.
[595] Griffiths, Willett, and Wilson-Bareau, *Disasters of War*.
[596] Callot, *Callot's Etchings*, xxii.
[597] 'Son! Nothing in this world is unimportant. Yet first and foremost, most significant [in] all our life's affairs is place and time.' Friedrich Schiller, 'Wallenstein', in *The Robbers & Wallenstein*, by Friedrich Schiller, trans. F.J. Lamport (London: Penguin, 1979), 241.

and produced his own *Soldatenbüchlein* around the same time (the *Military Exercises*).[598] And it is not to be forgotten too, how some of his greatest works explicitly glorify bloody military actions (respectively, the successful French and Spanish sieges of La Rochelle and Breda[599]). Rather he is channelling a disgust with the modalities of *this* war; and precisely against the underlying sense of existential crisis which was associated with it. This call for a just peace is reinforced by the actual textual conditions set out in the treaties, discussed above (in chapter 3). That is the establishment of an order of conditional sovereignty assured by both the internal guarantees (the mutual guarantees of the emperor and the imperial estates) and external guarantors (France and Sweden), which limited sovereign authority and externalised important areas of individual freedom, i.e. the confessional issue, by allowing subjects a bounded freedom of conscience within the accepted catalogue of Christian denominations.[600]

The series traces the career of the Thirty Years War soldier, calling Springinsfeld's career to mind. Only two of the 18 plates present a narrowly and easily recognisable 'militarism'; the first shows the recruitment of troops, the second packs them off into battle. Following these, the next five plates catalogue the ravages wrought upon the population by out of control soldiers. An inn is ransacked; a farmhouse and its occupants subjected to horrific abuse (as we have seen); a convent is burned to the ground, its contents looted, the

[598] The series of war engravings, as a genre, during the Thirty Years War could be divided into *capriccio* and *Soldatenbüchlein* (literally, a 'soldiers' booklet'). Essentially, the *Soldatenbüchlein* was a medium for imparting practical instruction in military training. 'Primarily a practical instrument', it was a 'call to arms', which encouraged the soldier to greater professional competence rather than persuaded him to lay down his arms in the name of peace. Knauer, 'War as Memento Mori: The Function and Significance of the Series of Engravings in the Thirty Years' War'.

[599] Callot, *Callot's Etchings*.

[600] Treaty of Osnabrück: Article xxxiv: 'It has been agreed that the subjects of Catholic Estates adhering to the Augsburg Confession and vice versa, the subjects of Estates in the Augsburg Confession adhering to the Catholic faith… as well as those who subsequent to the conclusion of this Peace shall adopt a confession of faith different from that of their territorial lord, shall be tolerated with clemency and not hindered by their territorial overlord to practice their observance privately, within their homes, and in the perfect freedom of conscience, without any interference or impairment, to participate in public religious services in their neighborhood wherever and as often as they wish.'

nuns '[carried] off to be violated'; a village is plundered; a coach party ambushed and butchered. (Travel was notoriously dangerous during the Thirty Years War. When not going in for this kind of thing himself, Simplicius was stripped, robbed and beaten several times by bandits on the road. Eyewitness testimony tends to pass over this quickly, indicating that it was so common as not to be especially memorable). Six images of the renegades' dividends follow these chaotic pictures. 'Discovery of the Criminal Soldiers' – the bandits are captured hiding in some shrubland – is followed by graphic portrayals of corporal and capital punishment. The verse accompanying plate 10 'The Strappado' (figure 5), relates how 'It is not without cause that great captains have well-advisedly invented these punishments for idlers, blasphemers, traitors to duty, quarrellers and liars, whose actions, blinded by vice, make those of others lax and lawless'. As the image testifies, this gruesome punishment, which involved a bound prisoner being repeatedly dropped from a great height, certainly took some real creativity on the part of one such 'great captain' or other. Other miscreants are subsequently hung, shot by firing squad, burned at the stake, or broken on the wheel. Callot's scenes of punishment typically isolate the miscreant. The condemned men are surrounded by ordered regiments, usually on a town square or market place, with the burgers' residences and churches tall in the backdrop. Observers gaze out at the viewer (figure 6) or direct him to watch what is happening (figure 7). The final scenes show crippled soldiers begging for alms outside a hospital, mimicking Springinsfeld's fate, 'dying by the roadside', and falling victim to the brutal revenge of the peasantry, whose conflict with the roving armies was so profoundly symbolic of the nature of the times.[601]

[601] 'Let my wretched life be a warning to you; To whom this tale is told: If you go a-soldiering when you're young, You'll go begging when you're old.' Grimmelshausen, *The Singular Life Story of Heedless Hopalong*.

Figure 5

Figure 6

Figure 7

In his final plate, the just ruler rewards the honourable and dutiful.

> [Callot] entertained his audience as nobody else did or could in his age, pushing excitement to its extreme limit… he delivered a fatal judgement on the world as a meaningless place of mechanical vengeance, an eternal spectre of cruelty, vanity, and vengeance, which is moved by a foolish, stupid, and inferior non-sense… He executed all this with technical perfection… forcing the spectators to take the images presented seriously, by provoking repulsion, attraction, and reflection at the same time.[602]

Born in Nancy, in the duchy of Lorraine, an estate of the Empire, in privileged circumstances, sent to learn the artists' trade from masters in Rome and Florence,[603] he could not escape the ravages of war any more than the orphan Grimmelshausen. Following the French invasion of 1633, half a dozen armies marched over Lorraine and it lost over 50 per cent of its population.[604] 'Within a few years, Lorraine passed from being one of the wealthiest areas of Europe to being a land of starvation and famine.'[605] Callot's experience

[602] Ágnes Horváth, *Modernism and Charisma* (Houndmills: Palgrave Macmillan, 2013), 96–97.
[603] After running away to Rome on his own steam twice as a child. Callot, *Callot's Etchings*.
[604] Callot, x.
[605] Griffiths, Willett, and Wilson-Bareau, *Disasters of War*, 17–18.

subtly echoes these disturbances. Experiences which themselves would have provided excellent material for a moralising baroque tale on the insecurity of worldly acclaim. Lauded by the rich and powerful, he was enticed back to Lorraine from his studio in Italy by the duke's extravagant promises of patronage, promises of which came nothing. The huge quantity of his production can be explained by the need to provide a crust for his family.[606] And when war arrived Callot was as exposed as everybody else; his last years passed miserably in a place where life 'was reduced almost to an animal [one]… characterised by robbery, murder, and even cannibalism'.[607] Disease, that ever present camp follower, spared none, and Callot died young (probably of the plague) in 1635.[608] Lorraine's geopolitical situation was seen as intractable, and the issues which caused the fighting over it were shelved in Westphalia, its political instability persisting for most of the remainder of the century, with its rulers exiled to the imperial court until 1697.[609]

The tone of this picture washed over the canvas by Andreas Gryphius is the bleakest of all. This poetry, of a genius whose blazing beacons were lit for the distress of his age, is unfairly neglected in English. Likewise, it is deeply rooted in the lived experiences of dislocation and dehumanisation. Lauded as the finest lyric poet of his time, the verse to his *Die Hölle*, Hell, blurts out a surreal and horrific vision:

Alas! And Misery!

Murder! Outcry! Lament! Fear! Cross! Torment! Worms! Pains.

Tar! Torture! Henchman! Flame! Stench! Spirits! Cold! Hesitation!

Alas, pass away![610]

606 Griffiths, Willett, and Wilson-Bareau, 12.
607 Callot, *Callot's Etchings*, x.
608 Griffiths, Willett, and Wilson-Bareau, *Disasters of War*, 18.
609 Whaley, *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia*, 628.
610 Translation by Peter Hess. Peter Hess, 'Poetry in Germany 1450 -1700', in *Early Modern German Literature 1350-1700*, ed. Max Reinhart (Columbia: Camden House, 2007), 428.

Born in Glogau in Galicia, a classic site of internecine struggle, two years before the outbreak of the Bohemian revolt, his early life was marked by movement and loss. The city was wracked with religious divisions. His father, the archdeacon, died of a stroke when Gryphius was an infant, on 5 January 1621, the day after the retreating Calvinist army passed through and ransacked the Lutheran church. Later, during the harsh re-Catholicisation, the city was constantly quartered and pestered by soldiers until the final forced conversion of six thousand Protestants and expulsion of the rest. His mother had re-married and died, leaving him an orphan at eleven, and, as a boy under fifteen, he was forced to remain in Glogau, at least until he handed over the bulk of his inheritance and could join his stepfather. Following both of his parents, another important figure came into his life, only to quickly die – his stepfather's new wife – a girl only four years older than Andreas. Returning once more to Glogau, the city was destroyed by fire and then decimated by plague, forcing him once again onto the move. Within these experiences becoming 'the most renowned, and representative, German poet of the seventeenth century',[611] much of his most important output was penned during this time of serial trauma.

A nobleman, Georg Schönborn, appointed him tutor to his sons in Fraustadt and granted him the title Master of Philosophy, and he soon fell in love with his patron's daughter, Elisabeth. In the usual pattern, Schönborn died in his arms. On his heels again, he ended up in Leiden University teaching a diverse range of subjects including astronomy, geography, trigonometry and metaphysics. Towards the end of the war, he finally returned to his home country after nine years' absence only to discover that Elisabeth had married another man. Achieving literary fame, (and somewhat ironically) he was assigned the moniker of 'the Immortal' within the literary societies that were so central to seventeenth-century Germanic cultural life. His sonnets reflect a concern with worldly disintegration entirely in keeping with the theme of existential

[611] Hess, 426.

dislocation. Encapsulating the baroque, he combines 'hope with fear; knowledge with doubt; science with piety or even superstition; a cautious delight in the here-and-now with the guilty assurance that only the then-and-there of eternity should be determinative'.[612] A year after the peace, he settled down back in Glogau in an important local juristic position, rejecting a professorship in mathematics at Frankfurt an der Oder. Of the seven children produced by his marriage, only two survived. His son became an important poet in his own right, but his daughter suffered a terrible affliction and stopped growing from the age of five. Struck deaf and dumb, a few years later a broken leg also rendered her permanently lame. Andreas Gryphius certainly experienced the raw suffering of his time, just as he wrote it so radiantly, so mournfully.[613]

Constancy

> When forced, as it seems, by thine environment to be utterly disquieted, return with all speed into thy self, staying in discord no longer than thou must. By constant recurrence to the harmony, thou wilt gain more command over it.
>
> -Marcus Aurelius[614]

The existential crisis was a problem of how to be. For the seventeenth-century middle-European *Lebenswelt*, a profoundly troubled question. Virtue turned increasingly towards surmounting a deeply discredited world, significantly through a widespread embrace of the neo-Stoic ethic developed during the sixteenth century. This was a broad and deep embrace, and 'the Neostoic philosophy… became common property in the baroque period and formed the basis of its culture'.[615] Of this, the central – defining – notion was constancy; mastery of the passions through adjustment of the individual's perceptions to align

[612] Spahr, *Andreas Gryphius*, 2.
[613] These biographical details are drawn largely from Spahr's overview. Spahr, 1–18.
[614] Marcus Aurelius, *Meditations of Marcus Aurelius*, trans. Charles Reginald Haines (Cambridge, MA.: Harvard University Press, 1930), 133.
[615] Gerhard Oestreich, *Neostoicism and the Early Modern State*, ed. Brigitta Oestreich and Helmut G. Koenigsberger (Cambridge: Cambridge University Press, 2008), 14.

with the (Christian) demands of the transcendental reality. Hence, one should develop an internal fortitude to endure life as crisis; a certain resilience could be gained against the tumults 'outside'; a bulwark against the raging storms; firm footing amid the quicksand of worldly vanity. Amply demonstrable, neo-Stoicism permeated the seventeenth-century worldview. Speaking to personal experience, it transcended denominational divides:

> As a practical guide to the art of living, Neostoicism gained a direct hold over the individual, and as a philosophical attitude it worked alongside Calvinism and Jesuitism, the most powerful religious forces of the day, to influence the most varied aspects of life – literature and law, education and society, the economy and the military. Stoicism was an international spiritual and intellectual movement which was able to cross the boundaries of the conflicting confessions and so create a neutral base.[616]

Implicated in a process of 'social discipline', an ordering of society from top to bottom with an ambition of scale and depth 'unprecedented in European history',[617] for Taylor, the chief effect lies in introducing the modern individual into the world.

> My thesis is that the effect of the Christian, or Christian-Stoic, attempt to remake society in bringing about the modern 'individual in the world' was… pervasive, and multiracked. It helped to nudge first the moral, then the social imagery in the direction of modern individualism... But this was a Christianized Stoicism, and a modern one, in that it gave a crucial place to a willed remaking of human society.[618]

Within such a self-consciously fragile existence, neo-Stoicism, in its Christianised, trans-denominational, form, inculcates the common ethical currency of a world mired in existential crisis.

[616] Oestreich, 8.
[617] Charles Taylor, *A Secular Age* (Cambridge, MA.: Belknap Press of Harvard University Press, 2007), 119–20.
[618] Taylor, 155–56.

Yet, as we saw in the previous chapter, there was no promise of *escape* from the world as such; baroque person saw this neither as possible nor ultimately desirable. Rather, we find here a way of orientating oneself within the world. Thus, the Westphalian moment was significantly conditioned by an attempt to overcome existential threats to human subjectivity; and within this programme human dignity was a moral counterpart to the emergence of an order of conditional state sovereignty and its constitutional boundaries. Chapter 2 depicted a catalogue of dimensions through which the richness and complexity of the dignity concept can be gauged. Expressive of the particularly 'human', dignity implies a pattern of being that respects and constitutes the human as an undetermined entity. Order in this Westphalian context, of course, meant social discipline. The Weberian domestication of violence and its extensive elimination, as well as the dispersion through society of norms of civility,[619] are endeavours reproduced at the international level by the Peace of Westphalia; but, critically, this was an attempt to re-establish space for dignified existence. Gryphius' famous poem *Human Misery*, a brilliant baroque accounting of the human situation, shows the scale of the challenge.

What indeed are men! A dwelling place for grim pains,

A ball of false fortune, a will-o'-the-wisp of their times,

A stage of bitter fear, set with sharp pain,

A quickly melting snow and burnt-out candles.

These lives flee from us like gossip and gestures,

Which before us have removed the gown of a weak body

[619] Taylor, 119–20.

Have been enrolled in the book of the dead, of the

Great Mortality, and to us are now vanishing memories.

Like a vain dream which easily passes from our attention

And closes up, like a current which no power can resist,

Thus must our name, praise, honour and fame also disappear.

What now draws breath must also escape with the air,

What will follow us will trail after us into the grave.

What am I saying? We are transitory, like smoke before a strong wind. [620]

Gryphius' anthropology in many ways provides a good foundation for the neo-Stoic view. As he locates it, the true identity of the individual is contained within the inner being, this being party to, though distinct from, the trials and tribulations associated with the body.

> We may derive the essential characterizing words for this inner being: *Herz*, *Seele*, *Geist*. These are the elements which make up the individuality, the determinative essence of the baroque identity. This is more than a Pauline separation into flesh and the spirit, for the incorporate parts share human emotions, triumph, suffer, and die to this life. On the other hand, the body is that which plays its part in life, the shrine, the encasement of the inner being, its prison in Stoic terms.[621]

[620] *Menschliches Elende*, translation by Scott Horton. 'Two Poems by Andreas Gryphius | Harper's Magazine', accessed 31 July 2017, https://harpers.org/blog/2007/08/two-poems-by-andreas-gryphius/.
[621] Spahr, 'Gryphius and the Crisis of Identity', 360.

Within existential crisis, human dignity turns to order so as to preserve the human as subject – capable of dignified existence. Albeit with the spiritual end of redemption in view. The concluding lines of *Tears of the Fatherland, Anno: 1636*, epitomise this.

> I shall not speak of that which is still worse than death,
> And crueller than the plague and torch and hunger's breath:
> From many has been forced even the spirit's treasure.

Dignity as experience is exercising the human identity; the assertion of our selves. This is a Christian avocation of the non-natural, the pervasive signifier of human dignity as a particular status which constitutes a life self-consciously lived, lived, that is, within historical times, to recall Koselleck once more.

Dignity as lived experience is clearly embodied in the neo-Stoic ethic. Remembering Pico della Mirandola's evocative claim, 'If you see a man given over to his belly and crawling upon the ground, it is a bush not a man that you see',[622] the Westphalian conundrum can be seen in terms of implications for human dignity. Because Gryphius does see a man 'crawling upon the ground'. Indeed Franck's brutal visions depict an almost literal animalisation of the human subject during the Thirty Years War (figure 8). Estranged from the conditions which facilitate humanity's 'SENSE of the worth and excellence of his nature,'[623] Gryphius' diagnosis of a reduced personhood goes far beyond ruminating over the sufferings this 'weak gown of a body' is compelled to endure. Described as reflecting a 'crisis of consciousness',[624] the vanitas artistic genre comes from a place in which a crucial aspect of human dignity did seem to be gone

[622] Pico della Mirandola, *On the Dignity of Man*, 6.
[623] Emphasis in original. Henry Home, *Elements of Criticism*, 246.
[624] Görel Cavalli-Björkmann, 'The Vanitas Sill-Life: A Phenomenon of the Crisis of Conscience', in *1648: War and Peace in Europe*, ed. Klaus Bussmann and Heinz Schilling, vol. II: art and culture (Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998).

with the wind. Existential crisis subdues the distinctively 'human' or non-natural element of personhood which was synonymous with 'man made in God's image'. 'The soldier who has degenerated into an animal destroys what distinguishes man from other living creatures: the image of God (*imago dei*). Man deteriorates to a hybrid, half man/half animal.'[625] Commonplace virtue adjusted to this state of affairs. Hence, neo-Stoicism harnesses onto the plea for renewed order *within which to assert dignity as lived experience*, a space which enables a modicum of narrative coherence in the course of one's life and imparts genuine meaning onto one's choices. Peter Bieri's description of 'dignity as a way of living' illustrates the deep connection with the neo-Stoic assertion of constancy as central virtue.

> Sacrificing the fulfilment of one's own wishes for the benefit of others: only beings with an inner distance to themselves, who can evaluate and control their actions are capable of it. These skills are the defining features of subjects. They make us into beings who are not just powerlessly drifting about, simply following the dictates of their desire. They make us into beings who have mastery over themselves and are not slaves to their passions; beings, therefore, who can determine by themselves which desires they allow to translate into action.[626]

Neo-Stoics would echo Pico's conciliatory plea. Even the Gryphian person, dislocated and degraded, estranged from its identity, its *Geist*, can reclaim dignity, 'Thou canst again grow upward from thy soul's reason into the higher natures'.[627] This bears crucially upon the dimensions of dignity that were outlined above. Constancy, as a kind of inner distance, reflects a kind of attitude to oneself – and to others – that elaborates the special intrinsic value of humanity in a cosmological sense.

[625] Schäfer, 'The Thirty Years' War in Moscherosch's "A Soldier's Life" and the Simplician Tales of Grimmelshausen', 340.
[626] Bieri, *Human Dignity*, 156.
[627] Pico della Mirandola, *On the Dignity of Man*, 5.

Figure 8

Justus Lipsius, 'founding father' of neo-Stoicism,[628] summed up constancy as, 'A right and immovable strength of the mind, neither lifted up nor pressed down with external or casual accidents'.[629] Living through the turmoil of his own century's religious wars, Lipsius drew on his study of the ancients, and Seneca in particular, to chart a path towards liberation; freedom.

[628] Jan Papy, 'Justus Lipsius', ed. Edward N. Zalta, *The Stanford Encyclopedia of Philosophy* (Metaphysics Research Lab, Stanford University, 2011), https://plato.stanford.edu/archives/fall2011/entries/justus-lipsius/.
[629] Lipsius, *On Constancy*, 37.

> Have you not seen in the arms and targets of some men of our time that lofty poetry "neither with hope, nor with fear"? It will agree to you. You will be king indeed, free indeed, only subject to God, enfranchised from the servile yoke of fortune and affections… So you will pass through the confused tumults of this world and not be infected with any briny saltiness of this sea of sorrows. Are you likely to be cast down? Constancy will lift you up. Do you stagger in doubtfulness? She holds you fast. Are you in danger of fire or water? She will comfort you and bring you back from the pit's brink. Only take yourself a good courage, steer your ship into this port, where there is security and quietness, a refuge and sanctuary against all turmoils and troubles… Let showers, thunder, lightning, and tempests fall round about you, you will cry boldly with loud voice, "I lie at rest amid the waves".[630]

Epictetus could barely have spoken more boldly himself. Lipsius' most widely read tract, *De constantia* (On constancy), represents the most important and developed attempt to reconcile Roman Stoicism with Christian sensitivities. Whilst a long tradition of attempts dates back to the Latin Church Fathers, including an inauthentic correspondence between Seneca and St. Paul,[631] it was Lipsius' reconstruction of Seneca and the Roman ideal which firmly established these in the modern world. And indeed, flowing from Lipsius' pen, 'A new spirit arose, a new code of behaviour based on an ancient pattern',[632] a pattern profoundly consequential for, 'scholarship, poetry and art up to the Enlightenment'.[633]

Immediately upon its publication in 1583, *De constantia* found a remarkably receptive international audience. 'It was printed forty-four times in the original Latin, fifteen times in French translation, and it

[630] Lipsius, 14.
[631] Lipsius, 2.
[632] Oestreich, *Neostoicism and the Early Modern State*, 5.
[633] Papy, 'Justus Lipsius'.

was also translated into Dutch, English, German, Spanish, Italian, and Polish.'[634] Centred on a long dialogue between a fictionalised version of the young Lipsius and his older friend Langius (Charles de Langhe, Canon of Liège[635]) he bemoans the 'public evils' plaguing his home country. During the ensuing discourse, Langius 'opened [his] eyes by driving away the clouds of some vulgar opinions'.[636] The 'disengaged self-discipline'[637] which he prescribes constitutes a particular way of viewing the world. The passions are mastered by attaining a right and true judgement on the nature and worth of perceived phenomena, the result is a liberty attainable by making oneself subservient only to God. Oestreich describes it as providing, 'Resistance against the external ills of the world'.[638] The Lipsian triad of *constantia*, *patientia*, *firmita*s, offer internal protection from suffering, disorder, and the manifold threats of an unmanageable external environment. Foucault argues that '[t]he sixteenth-century return to Stoicism revolves around this re-actualization of the problem of how to govern oneself'.[639] Within the existential crisis raging beneath the Thirty Years War, this problem became acute.

Lipsius introduces the central contrast: that between Reason and Opinion. Opinion leads one into inconstancy.

> Today it desires a thing, tomorrow it defies the same. It commends this, it condemns that. It has no respect for sound judgement, but to please the body and content the senses. And as the eye that beholds a thing through water or through a mist mistakes it, so does the mind which discerns by the clouds of opinions.[640]

[634] Oestreich, *Neostoicism and the Early Modern State*, 13.
[635] Lipsius, *On Constancy*, 6.
[636] Lipsius, 31.
[637] Taylor, *A Secular Age*, 249.
[638] Oestreich, *Neostoicism and the Early Modern State*, 13.
[639] Cited in Christopher Brooke, *Philosophic Pride: Stoicism and Political Thought from Lipsius to Rousseau* (Princeton: Princeton University Press, 2012), 34.
[640] Lipsius, *On Constancy*, 40.

To properly govern oneself, one must turn away in the direction of Reason. In contrast to the false perception to be gained through Opinion, which is of the body, which is swayed by the 'vain dream' of 'praise, honour, and fame', Reason – fully associated with God – speaks through the non-corporeal faculty.

> Reason tells us to hang on to what is unchanging. To quote Lipsius' predecessor and compatriot [Erasmus], who was one of the foundational influences of sixteenth-century humanism, "Transfer your love to something permanent, something celestial, something incorruptible, and you will love more coolly this transitory and fleeting form of the body". By cleaving to what is permanent, we will attain constancy.[641]

This is not to turn away from the earth. Lipsius demands a firm, dispassionate engagement with the suffering and disorder of the 'public evils' so perturbing his contemporaries. The supposed resignation of the ancient Stoic tradition is done away with,[642] and the new, modern, Lipsian neo-Stoic is expected to get her hands dirty. Wailing and regretting the fate that befalls us is foolishness; the mysteries of God hide the ultimate reason for suffering and misfortune. It is not for us to reason why – but to play our hand as Divinity deals it – and Lipsius in fact spends the majority of the *De constantia's* second part arguing for the benefits of public evils, so the patient mind accepts them as a feature in the Providential challenge of existence.

> We are responsible for our world. Reason should galvanize will, and will impose discipline, which will arm us for the struggle with evil and disorder. The firmness or perseverance

[641] Taylor, *A Secular Age*, 115–16.

[642] Although, whether the ancient Stoics did advocate such a disengagement is highly questionable. 'Detachment from externals should not be confused with withdrawal from the world… [ancient] Stoicism calls for involvement in public life, not retreat from it.' Ward Farnsworth, *The Practicing Stoic: A Philosophical User's Manual* (Boston: David R. Godine, 2018), 38.

> doesn't just denote the strength passively to bear suffering; but it means the power to engage unrelentingly in the good fight.[643]

Patience and 'lowliness of mind' encourage a 'voluntary sufferance without grudging of all things whatsoever can happen to or in a man'.[644]

Just as we are enjoined to engage with worldly troubles – albeit whilst retaining a steady inner distance – so Lipsius highlights the pointlessness of fleeing. In the fictional dialogue of *De constantia*, Langius chastises the young man for vainly believing he can leave his troubles behind him by relocating. As all troubles stem from a fallacious perspective on the world, led astray by Opinion, derived from the base elements of a person's nature, flight can never win the day:

> It is the mind that is wounded, and all this external imbecility, despair and languishing, spring from this fountain, that the mind is thus prostrated and cast down. The principle and sovereign part has let the sceptre fall and has become so vile and abject that it willingly serves its own servants. Tell me, what good can any place or travel work in this case? Except happily there be some region in the world which can temper fear, bridle hope, and draw out these evil dregs of vice, which we have sucked from our infancy. But none such is there, no not in the fortunate islands. Or if there be, show it to us, and we will all hasten there in troupes.[645]

Development of the *true* self, of the identity, through calmness and patient endurance, active but dispassionate engagement, this is the neo-Stoic ideal. 'One must be a different person, not in a different place. Everybody carries the war with him, carries it within him.'[646] Such are the contours of what constancy

[643] Taylor, *A Secular Age*, 116.
[644] Lipsius, *On Constancy*, 37.
[645] Lipsius, 34.
[646] Oestreich, *Neostoicism and the Early Modern State*, 18.

means in the neo-Stoic vocabulary. As this was to become something like a common cultural currency in the baroque, the peculiar nature of life within existential crisis afforded it a new pressing and frightful character during the Thirty Years War. The particular artistic engagement with this notion, a central problematic for Grimmelshausen, as it was for the seventeenth century in broad, sheds light on how the conceptual meshing of dignity, as outlined in chapter 2 above, shaped the Westphalian moment.

'So I became aware betimes that there is nothing more constant in the world than Inconstancy.'[647] Constancy is a central thematic running through the *Simplicissimus* and the 'Simplician cycle'. Constancy, is associated with virtue, is the application of human reason, of the distinctly human non-natural part of the person; inconstancy, associated with vice, is the submission to Fortuna: a misguided response to the existential crisis, and both symptom and cause of degraded humanity. Having left Simplicius in the previous chapter tramping along the mud roads back to Germany, physically, materially, and spiritually destroyed by his bracing encounter with absolutist French court culture, his experiences in roughly the second half of the narration hinge upon a complex personal and social engagement with this notion. Fortuna's rapid spins of the wheel continue. This is the thematic milieu within which his broad-brush depictions of order occur. The narrative facilitates a view of how the neo-Stoic interpretation of a *personal* experience deeply implicated by existential crisis generates expectations and boundaries of meaning for social renewal. For the great ordering project transforming the mid-seventeenth-century European world was fundamentally embedded in contemporary understandings of virtue; it is invested in the Telos of self-articulation contained within the concept of dignity.

Simplicius is pressed into service as a musketeer in garrison, where he is plagued by cold, lice, and hunger; a soldier's rations barely enough to survive on. Culminating at the siege of Breisach, a grim period from

[647] Grimmelshausen, *Simplicissimus*, 421.

which multiple reports of cannibalism survive.[648] Simplicius encounters his arch-nemesis, Olivier, a crucially important character, with whom he half-heartedly leads the life of a bandit along with the 'arch-murderer'. Inheriting a huge sum upon the criminal's timely death at the hands of soldiers sent to arrest him, Simplicius reunites too with Herzbruder, the virtuous counter-part to Olivier, who loses his testicles in battle and dies after being poisoned by jealous rivals. Inconstancy wrecks his 'home' life, his wife in Lippstadt has died in the long years he was away, he is cuckolded by a second wife who dies of alcoholism, and has a bitterly remembered romantic encounter with Courage. He discovers that the Hermit and a beautiful noblewoman were his mother and father; not the ignorant peasants who raised him. And the novel culminates in an abbreviated 'round-the-world' trip, taking him through the Baltic to Moscow, where he experiences the Tsar's absolutist tyranny, before being kidnapped by Tatar raiders, is presented as a gift to the King of Korea, and then sent through Japan to Macao where he is again taken, this time by Islamic pirates. Sold in Alexandria and made a galley slave for the Ottomans, he is rescued by the Venetian navy and at length makes his way home to the Black Forest. Following his travels, a thorough introspective accounting reveals:

> I am poor in worldly goods; my heart is burdened down with care; I am too lazy, slothful, and spoiled to do anything worthwhile; and, what is worst of all, my conscience is heavy laden with anxiety and sorrow, and I myself am overwhelmed and wretchedly defiled with sins! My body is weary; my mind is confused; my conscience is lost; the best years of my youth are wasted; precious time has been lost; there is nothing which gives me joy; and, most important, I am at war with myself.[649]

[648] Peter H. Wilson, ed., *The Thirty Years War: A Sourcebook* (Basingstoke: Palgrave Macmillan, 2010), 270.
[649] Grimmelshausen, *Simplicissimus*, 842.

The narrative closes with Simplicius retreating into the forest to once again live the life of a Christian hermit. After long years travailing the seventeenth-century's burgeoning global networks, he had 'brought home nothing special but a beard which had grown since I was away from home'.[650]

At odds with the neo-Stoic injunction to active engagement, his solution of retreat into the forest is, of course, a symbolic turning away from the world; existential crisis not being conducive to the commands of self-mastery. But, this retreat could never be permanent. Simplicius' life course presents for the reader an open-ended and ultimately futile attempt to overcome the chaos of the mid-seventeenth century. Herzbruder and Olivier dictate the landscape of this second half; producing a set-piece encounter between the 'Machiavellian' and the 'Christian'. The morality struggle waged inside the rogue comes to life through this narrative opposition, actors whispering in his ear as euphemistic devils and angels. Both characters frequently recurring at important moments, Grimmelshausen's imaginings of order are comprised within the lynchpins represented in these characters. To very briefly summarise, Olivier is a ne'er-do-well murderer and bandit, whose life story is one of unrepentant criminality and moral decay. After fitting the virtuous Herzbruder up for theft in order to steal his position in the camp outside Magdeburg he first reappears in Westphalia impersonating Simplicius during his spell as the dashing Jäger von Soest.[651] This rival 'Jäger von Werl' perpetrates murder, robbery, and rape in Simplicius' name until being seen off in cowardly fashion. Then, during the second half of the fourth book, Olivier crops up as a murdering bandit made impenetrable to musket shot through witchcraft. He recounts his life story, in which he confesses to every crime under the sun more-or-less before compelling Simplicius to help him rob a coach, and only with great difficulty is he able to prevent Olivier murdering even the women and children onboard. Criticising this conduct, Simplicius is told that he obviously, 'has not read his Machiavelli', and that 'robbing

[650] Grimmelshausen, 863.
[651] The Huntsman from Soest.

others is the most noble *exercitium* a man can have in this world!' The Machiavellian ethic here, at the individual level, means indulging in the life of Fortune; an artificial attempt to impose one's self on the chaotic course of events. Grimmelshausen shows that, far from Olivier's self-image as a 'master of himself', a man 'treating Fortune roughly',[652] somebody determining his own course across time, he is in fact lost in its currents. Providence will be what it will be. As a representative continuation of the hermit, Herzbruder shows Simplicius the virtuous life, reaffirmed as being one which is fundamentally turned inwards. To patiently live in accordance with the Divine will, inside the world, is the authentic life, the life which truly elaborates the human function. Machiavelli, or rather Oliver's Machiavellianism, is a superficial and misleading route out of the crisis. Dignity as lived experience adheres in the process of an authentic, difficult, self-mastery, because, lest we forget, 'must our name, praise, honour and fame also disappear'. Herzbruder's many traumas and sufferings, his early and miserable death, bear this out.

The crux of Grimmleshausen's neo-Stoic infused encounter with the world, bearing a really interesting alignment with Callot's *Miseries*, is its 'political' aspects. Grimmelshausen, like Callot, understands the purpose of order to be a just common space within which virtue – primarily interpreted as constancy and related processes of self-knowledge – are extrapolated into the communal level. Arguing for the return of space for reasonable articulation of self-authored lives and a coherent social nexus between these lives, human dignity permeates the construction of order in this corpus of mid-seventeenth century artistic production. The exercise of human particularity, as they understood it, depends not only upon order in the sense of regulated interaction, but in bounded freedoms to articulate the specific – distinguishing – 'human' qualities. To live subject to *arbitrary* authority, akin to life as a slave, would be to remain within the stark

[652] 'Because Fortune is a woman, and if you want to control her, it is necessary to treat her roughly'. Niccolò Machiavelli, *The Prince*, ed. Quentin Skinner and Russell Price (Cambridge: Cambridge University Press, 1988), 87.

realm of diminished existence. 'Peace' would not be an attractive development in the crude naïve absolutist sense. The temptation provided by the caricature of Olivier's embrace of Fortuna, especially when juxtaposed with the hardships and the comparable suffering endured by Herzbruder, is only shown up by acknowledgment of a basic human Telos which is essentially open-ended and implies a difficult but valuable self-ownership compatible with moral virtue. How this injunction towards a Christian, individual, *Ruhe* was interwoven with communal imaginings of a renewed post-war (post-crisis) order is discussed in the following section.

Order & Utopia

'But I can throw whom I will into prison. — As you can a stone. — But I can have beaten to death with a club whom I will. — As you can an ass. — That is not governing men.'[653] This ancient Stoic's words might certainly have been addressed by the sensitive artists of the Thirty Years War to any number of princes. Indeed, under their breath so to speak, they pretty much were. The idea, so deeply entrenched, that Westphalia was a peace made with no regard whatever for 'humanity', that the concern was simply to establish peace (almost any peace) by ensconcing all-powerful rulers within defined boundaries, ignores the obvious fact of restrictions imposed on diplomatists and governments by the prevalent currents of virtue and morality. It supposes a stagnant, hypothetical, world of cardboard men. In short, any familiarity with the mentalities of the period underlines how truly fanciful such a notion is. Not just a blatant historical teleology, it is laughable. Added to the other three – the political/legal philosophical, the textual, and the historical state practice – this fourth nail should finally seal the coffin of the Westphalian Myth. Understanding the experiential nature of the crisis gripping early seventeenth-century Europe, and gaining

[653] Epictetus, *The Discourses as Reported by Arrian, the Manual and Fragments. 2: Discourses, Books III and IV. Fragments, Encheiridion*, trans. William Abbot Oldfather, The Loeb Classical Library 218 (Cambridge, MA.: Harvard University Press, 1928), 59.

some insight as to how this was engaged makes clear one thing: that 'dignity' did not suddenly spring into action on the world stage in 1945. This bare fact attacks the basic current presumptions around how humanitarian intervention is normatively envisioned to fit into the international system.

Neo-Stoicism comes to the fore as commonplace virtue in the Westphalian *Lebenswelt*, as response to the diminished process of dignity characteristic of the existential crisis. The cultural production of the period indicates, too, how this underpinned, or framed, the demands for order. Indeed, it shows *why* 'order' was desirable at all. A 'political neo-Stoic' notion of organised discipline was important in the development of absolutism during the later seventeenth century; not least via Hobbes' reading of Lipsius.[654] But the artists of the Thirty Years War did something else with this powerful intellectual, spiritual, current. Importantly, of course, they were not articulating a fully-fledged political philosophy. Nevertheless, an outline of order is clearly discernible from Callot, Grimmelshausen, and also Franck, which, when taken together, amounts to a rejection of naïve absolutism; one that emphasises the moral inflection provided by human dignity. Within a morality of individual self-becoming, the lived experience of dignity can be understood in terms of balance or equilibrium. Constancy, as we have encountered it, was a central conduit for this during the Westphalian epoch:

> Since we are instantiations of the form of a human being, leading the good life brings us into true with the bent of our natures; and so we escape division, inner tumult, and enjoy harmony; we are no longer riven by opposing forces, and so we are capable of constancy. We are no longer pining after what doesn't suit us, and so have realised self-sufficiency.[655]

[654] 'Hobbes acknowledges the influence of Lipsius on his reading of history.' J.H. Burns, 'The Idea of Absolutism', in *Absolutism in Seventeenth-Century Europe*, ed. John Miller (London: Macmillan, 1990), 37; & Brooke, *Philosophic Pride*, xiv.

[655] Taylor, *A Secular Age*, 132.

War, death, violence, per se, were not categories of ultimate truth. As shown in the preceding chapter. 'War, like death, remained something beyond the scope of human ken. What was important was not so much death itself as the manner of dying.'[656] And so in peace: it is not important so much in itself, but as the manner of existence it accommodated. It was inconceivable that contemporaries celebrated so heartily an understanding of the Peace of Westphalia which institutionalised indifference to mass slaughter and severe tyranny.

Neo-Stoicism, and the ethic of constancy and inner detachment, were not simply a personal enterprise. As is widely acknowledged, they were deeply implicated in an ordering of society. The qualifications posed to ideal virtue and sociability, recognition that society is not heavily populated with replicas of Grimmelshausen's Hermit or Epictetain 'wise men', introduces the question. Such is perfectly illustrated through a number of utopian and dystopian anecdotes cutting across the *Simplicissimus*. Wrestling with existential crisis, man-as-beast, they follow from the near-apocalyptic collapse in social legitimacy which greeted the young Grimmelshausen and that he has Simplicius announce whilst a court fool with his uncle in Hanau. The boy-fool 'Tells the truth with a laugh':

> I had already seen with my own eyes that some human beings are more swinish than pigs, more ferocious than lions, more ruttish than billy goats, more envious than dogs, more unruly than horses, more uncouth than jackasses, more drunken than cattle, more cunning than foxes, more rapacious than wolves, more buffoonish than monkeys, and more poisonous than snakes and toads — human beings, all of whom ate human food, and yet differed only in their outer form from beasts, and for sure were by far not as innocent as a calf.[657]

[656] Knauer, 'War as Memento Mori: The Function and Significance of the Series of Engravings in the Thirty Years' War', 509.
[657] Grimmelshausen, *Simplicissimus*, 216–17.

The degree to which existential crisis had brought about this reduction in personhood, had dampened the flames of human dignity, and delegitimised social order, demanded a systemic, 'political' response. The prince – the embodiment of order – carried a heavy burden, an unenviable one in fact (as sharply pointed out to the governor of Hanau by a boy Simplicius hiding the spark of his intellect behind a fools' costume), which was to guide the polis towards equilibrium. It is a framework for the elaboration of human rationality, the 'non-natural' dimension of this historical being which channelled the process of human dignity into commonplace virtue.

First, and speaking straight to the deformed historical imaginings about Westphalia forming a base assumption of the IR literature, is the Jupiter episode. Simplicius, as the Jäger von Soest, is lying in wait to ambush a merchants' convoy when the 'god' Jupiter staggers into his life. One of the most widely interpreted elements of the Simplician corpus, this encounter with a flea-ridden, dishevelled, mad-man revolves around the latter's programme to re-unite the warring Christian confessions and end the Thirty Years War by diktat. Simplicius barely contains his mocking laughter whilst Jupiter promises that, although the conduct of humankind really deserves to be punished by a great flood, he instead will 'rouse from his sleep a German hero' to conquer the entire world single-handed, bringing universal peace whilst reuniting the Christian churches. On the side, as it were, he will also build a giant new city in the centre of the German lands, 'whose walls will be comparable to the Tyrolean Alps, and whose moats will be comparable in width to the sea between Spain and Africa', and within which 'all the rare things in the entire world will be collected'.[658] During the early-nineteenth century rediscovery of the *Simplicissimus*, this episode was construed, ironically enough, to represent Napoleon, whom – given the unfortunate non-Germanness of the 'World Spirit on Horseback' – was demoted from 'German Hero' to simple 'Hero'.[659] The Romantic

[658] Grimmelshausen, 404–5.

[659] Breuer, 'In Grimmelshausen's Tracks: The Literary and Cultural Legacy', 241.

poets, who at this time lauded Grimmelshausen as an icon of the early-modern German culture they hoped would stimulate the national consciousness, saw Jupiter as a key figure.[660] The nationalistic reading of Grimmelshausen which continued through the First World War, and emphasised Jupiter's call for unity and strength,[661] naturally enough, was developed by National Socialism, who established a 'Grimmelshausen Runde', 'bringing together literary scholars and National Socialist luminaries'.[662]

The problem is, Grimmelshausen casts Jupiter as a complete lunatic; his visions of a German hero who will enforce a perpetual peace over German-speaking Europe are comical ravings. 'I thought to myself that perhaps the fellow might not be the fool he was pretending to be, but instead, as I had done in Hanau, was making a fool of others so as all the better to escape us.'[663] This hero shall do no less than:

> Conquer the entire world and strike down all who are godless, without any further aid from a single human being who might assist him as a soldier. He will require no assistance. Every large city will tremble in his presence; every fortress, otherwise invincible, he will have under his command in a quarter-hour; finally, he will command the greatest rulers of the world, and he will institute a government over sea and earth so laudable that both gods and men shall take pleasure in it.[664]

As he goes through Germany, its cities toppling one-by-one, he will introduce self-governance, taking a pair of 'wise men' with him from each. Often seen as advocating a parliamentary monarchy,[665] he promises:

[660] Breuer, 240.
[661] Christoph E. Schweitzer, 'Problems in the Editions of Grimmelshausen's Works', in *A Companion to the Works of Grimmelshausen*, ed. Karl F. Otto Jr. (Columbia: Camden House, 2010), 33.
[662] Breuer, 'In Grimmelshausen's Tracks: The Literary and Cultural Legacy', 257.
[663] Grimmelshausen, *Simplicissimus*, 410.
[664] Grimmelshausen, 401.
[665] Christoph E. Schweitzer, 'Grimmelshausen and the Picaresque Novel', in *A Companion to the Works of Grimmelshausen*, ed. Karl F. Otto Jr. (Columbia: Camden House, 2010), 158.

> To unite the cities with one another in perpetuity, abolish bonded servitude, along with all tolls, taxes, excises, rents, payments in kind, and duties, thus initiating changes so that people will no longer know the meaning of the words 'compulsory service,' 'mandatory guard duty,' 'tribute,' 'cash donation,' 'war,' and other tribulations.[666]

The content of Jupiter's programme is not merely 'utopian' and unfeasible. Quite the opposite in fact. All too feasible, it is an alluring mirage which lets in a tyrannical dystopia. Simplicius is quick to deride these visions. 'I soon discerned that instead of a monarch I had captured a madman who had addled his wits by studying too much and immersing himself too deeply into poetry.'[667] And he further entertains himself and his comrades by baiting his captive and mocking the gods of antiquity:

> You yourself, they say, are a crablouse-ridden, adulterous whoremonger; what right have you to punish the world for such vices? Vulcan, they say, is a timid cuckold who let Mars put horns onto him without taking any particularly noteworthy revenge; so what manner of weapons can that limping simpleton forge? Venus, they say, is herself the most detested slut in the world, because of her lewdness; so what manner of fame and fortune can she bestow upon someone else?[668]

The humiliation of Jupiter is complete when he removes his trousers to publicly crush the lice in his crotch.

Within the Jupiter episode, Grimmelshausen derides the arbitrary imposition of order. The point is that 'absolutism' in this sense, misses the equilibrium of dignity as lived experience. George Kateb indicated in this direction:

> Lodged in the idea of human dignity is the belief that the individual's status can sometimes be attacked — injured and insulted — painlessly, without suffering. People can be

[666] Grimmelshausen, *Simplicissimus*, 403.
[667] Grimmelshausen, 397.
[668] Grimmelshausen, 410.

> manipulated, controlled, or conditioned softly and subtly, or even invisibly, and not feel that they have been degraded or even wronged, that they have been existentially harmed. They may even find pleasure or numerous benefits in their situation, and feel grateful to those who rule them paternalistically or in such a narrowly regimented way as to withhold from them the contrasts and range of experience needed to create awareness of their dignity. It would take an outsider or an alienated subject to find their horizon arbitrarily closed in. To use a discredited term, people may live in false consciousness, and do so comfortably.[669]

Here we see the assertion of the intrinsic value of the human as a subject – one crucially located in historical times – possessed of a basic urge to freedom, to choice. It is the attitude that we saw in chapter 2.

Simplicius' later encounter with Muscovite society, during the closing stages of the novel, reinforces this. Here, everything belongs to the Tsar, including human lives. The loss of freedom experienced by Simplicius within his service is a velvet-padded form of the more blunt-edged slavery he later endures when captured by Islamic pirates and sold into the Ottoman navy. It occurs during the latter end of the war, when Simplicius is shaken from his farmhouse retirement by the false promises of a Swedish colonel. Accompanying him to Moscow, after being led up the garden path by false promises of a generous commission, and enrolling in the Tsar's service, Simplicius finds himself in a precarious situation when pressured to convert to the Russian church with veiled threats. Refused permission to leave the country, an effective prisoner in a gilded cage, Grimmelshausen paints Simplicius' muscovite experience as more-or-less a straightforward dismissal of absolutism. It compounds the rejection of Jupiter's visions. In this condition, the identity of the individual, as we saw it portrayed through Gryphius, and dignity as the freedom to possess oneself, a notion so intricately tied in with the neo-Stoic ethic, is clearly threatened by

[669] Kateb, *Human Dignity*, 19–20.

arbitrary order of whatever hue. Simplicius' predicament in Moscow offers a stark warning. 'I could well see how things stood with the splendid Russian clothes which the colonel was wearing, because they were all borrowed goods which, like everything else in all of Russia, were the property of the Tsar, and no one else.'[670]

This picture is further filled in by a reading alongside Callot's representation of order, whilst Franck's are likewise illustrative. So often compared to Callot's work, Hans Ulrich Franck's images are darker. They are dirty, untidy, like the war they portray, and although superficially they cover much of the same material – the experience of soldiers and peasants – there is no neat narrative progression in Franck's work. He tells no story. This is underlined by the very unusual absence of accompanying verse. Perhaps, and a rebuke to a thesis such as this, in reality there are no words. Franck's portrait is an explosion of rage. Rage far more visceral than even Callot's. The mood of the series is dream-like unreality. It presents isolated images of disorder and a chaotic, arbitrary, disintegration. There never seems any identifiable moorings within these pictures. Stuttering outpourings, they emphasise the inability within this crisis to construe a coherent narrative. Callot on the other hand, emphasises the redeeming characteristics of virtue in ensuring a harmonious ideal order. The first and last display 'controlled order in the absence of suffering' which sandwich the harsh encounter with the Thirty Years War. An ordered assembly of the army is the subject of the first (figure 9), the final plate then finding 'an example of a grateful leader who punishes evil and rewards the good, [which] should prick soldiers with the goad of honour, since all their happiness depends on virtue and they ordinarily receive from vice, shame, scorn and the extreme penalty' according to the caption (figure 10). The point is this was not arbitrary. Unlike the tyrannical impositions of order toyed with by Grimmelshausen, this develops from and, it is near synonymous with, the virtues that existential crisis has thrust to the fore.

[670] Grimmelshausen, *Simplicissimus*, 859.

Franck's agitated pictures defy meaning. They depict depressing motifs and experiences of suffering during the war that have already been seen. Figure 11 shows peasants being slaughtered in the middle of the night as their village is burnt to the ground; in figure 12 women are being murdered and taken away to be raped, one over the body of her dead father and under the horrified eyes of her mother. The guttural snapshot of cruelty in figure 13 betrays the situation mercilessly. The peasant, the representative of 'society', of the productive, is bound in slavery, driven along as an object. Reduced to a beast of burden under the lash of tyranny and desolation, the soldier stands for the Iron Century. The background is fallow, to the front stands a dead tree, withered and cut down, behind the slave, under the direction of Mars, the cattle, emaciated and few, are driven off. 'Grimmelshausen regarded the battlefield as a symbol of the antithesis of all systems of order which enable human beings to carry on a regulated coexistence.'[671] Here too, the soldier is cast as an absence of coherence, of order mired in the moment. Such is a place of arbitrary and inconstant events. The outcry is for space for patterns of dignified life. Those able to redeem the inherent value of the temporal world, in which Christian inflected neo-Stoic virtue, dignity as lived expression of divine human appointment, is enacted.

[671] Schäfer, 'The Thirty Years' War in Moscherosch's "A Soldier's Life" and the Simplician Tales of Grimmelshausen', 340.

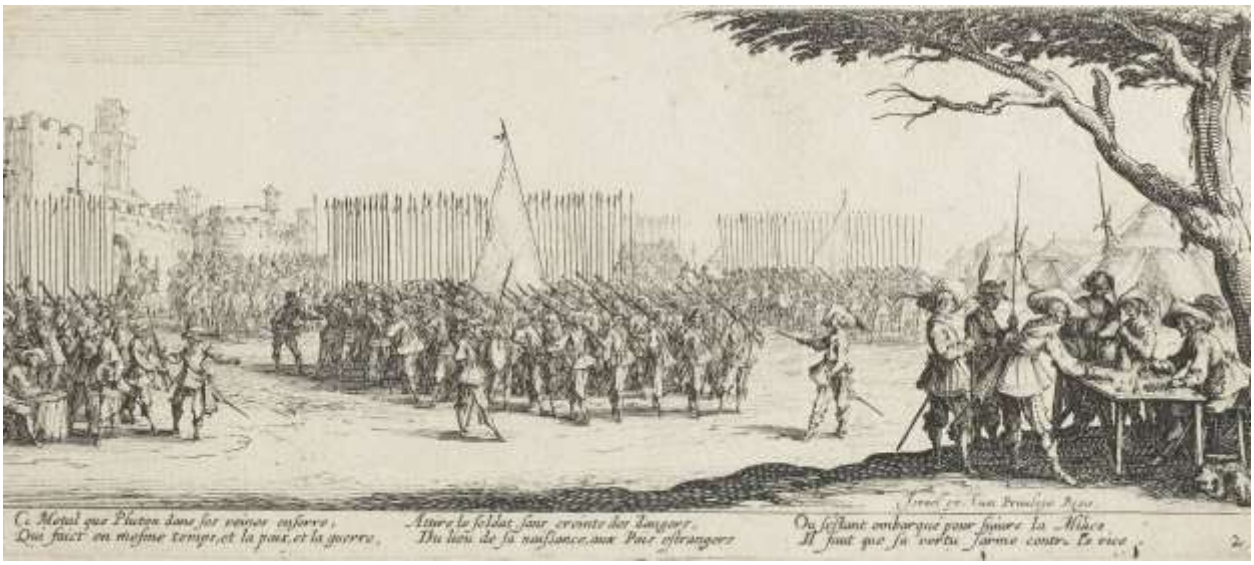

Figure 9

Figure 10

Figure 11

Figure 12

Figure 13

Michel de Montaigne, a contemporary admirer of Lipsius, was somewhat sceptical of the neo-Stoic ideal. 'Nothing is harder for me than to believe in men's consistency, nothing easier than to believe in their inconsistency.'[672] Just as Grimmelshausen glances despairingly at the prospect of tyranny, even when it glitters and sparkles, so too does he regard vain idealism. Take the brief interlude describing the Anabaptist communities in Hungary, for instance. Having somehow come to knowledge of this minority community,

[672] Michel de Montaigne, *The Complete Essays of Montaigne*, trans. Donald Murdoch Frame (Stanford: Stanford University Press, 1965), 239.

Grimmelshausen paints an idealised portrait of rustic simplicity matched by Christian communalism. According to him, this utopic state was 'more angelic than human'. Apparently peaceful and harmonious, spoiled only by their status as heretics, people address one another as 'brother and sister', and work diligently 'under the guidance of an understanding supervisor'; indeed,

> There was no anger there, no passion, no vengefulness, no envy, no enmity, no desire for worldly goods, no pride, no remorse! *In summa*, there was throughout a lovely harmonium, which seemed to be attuned to nothing but increasing the human race and the kingdom of God in every honourable way.[673]

Contemplating the possibility of such a society on earth, in the here and now, his Dad's peasant wisdom tells him bluntly that, 'I would probably never bring such a group of people together'.[674] Within the space of a few pages, he has enjoyed this ideal and dismissed it. Because like Montaigne, Grimmelshausen lived through too much to approach the neo-Stoic ideal with much innocence. ('So I became aware betimes that there is nothing more constant in the world than Inconstancy.'[675]) The point was that order was required in the space of human affairs. Especially given the communal implications of human dignity. After all, the third precept left him by the Hermit was 'reject bad company', and Simplicius was reminded that, 'If you put a drop of malmsey wine into a vessel full of vinegar, it will instantly turn to vinegar, but if you pour that much vinegar into malmsey, it will disappear in the wine.'[676] Society matters for the exercise of *even personal* virtues. Dignity, then, even in the sense that it reflects the open-ended human Telos within a process of lived experience, intrudes on the neo-Stoic ordering process as an enabling function of human subjectivity.

[673] Grimmelshausen, *Simplicissimus*, 842.
[674] Grimmelshausen, 843.
[675] Grimmelshausen, 421.
[676] Grimmelshausen, 54.

The Mumelssee episode, a fantastic encounter with a race of sea creatures living in the centre of the earth, tells a similar story. Immortal, feeling no pain and experiencing no tyranny, these creatures in one sense are perfectly free:

> Compared to the freedom which he claimed to possess, the freedom of the very greatest monarch was to be accounted as nothing at all, indeed, not so much as a shadow, for they could not be killed, either by us or by other creatures, or be compelled to do what they did not desire to do, much less be taken captive, because they could go through fire, water, air, and earth without effort or fatigue (of which they knew nothing).[677]

But importantly, these creatures are fully mortal; their souls dying along with their bodies when the time comes, as 'a light is extinguished when its time to burn is over'. The eternal problem of the human condition is obliquely dredged up here. For, in a telling exchange, the prince-ambassador of these magical sylphs rejects the idea that it is they who enjoy the greater freedom. Christian redemption sets humanity a step above the purely material sylph, who, though highly 'rational', are in a particular sense entirely natural beings. It is the burden of humanity to choose. The burden and the glory, if you will.

> I said: "Well, what does that profit those who are damned?" He answered me with a question of his own: "What can God in His goodness do if one of you forgets himself, becomes like the other creatures of the world, gives free rein to his carnal desires, and thereby makes himself no more than a mindless beast of the field — indeed, makes himself, by his disobedience towards God, more like the infernal spirits than the blessed ones?"[678]

The particularity of humanity, the exercise of dignity as a lived experience, adheres in an elevation from the binding determinism of all other creatures.

[677] Grimmelshausen, 806.
[678] Grimmelshausen, 806–7.

Dignity, that complex, elusive, netting; that which weaves ever new constellations from the effervescent material of humanity's potentiality. From this exploration of the Thirty Years War, by sneaking up on Westphalia from below, its ubiquity in the *Lebenswelt* of the period is clear. Dignity as lived experience, a loose, indefinite, pattern of being embedded in the undetermined nature of the human as subject, as the only subject, was generative of the desire for order, for a response to the existential crisis which diminished it. War and peace were not direct experiences, standing alone and speaking for themselves. Both could be integrated into the accepted interpretive paradigm within which the world was contained; most clearly war could be seen as divine justice. Crucially though, existential crisis and imperilled dignity could not be integrated into this frame. A legitimate, realistic, solutions to the problem of their century had to account for this reality. Order had no choice but to accommodate dignity, to enable any possibility for putting one foot in front of the other. Tyranny, a naïve absolutism accompanied by 'institutionalised indifference', was not a card to be played. The personal virtue of constancy, part-and-parcel of a prominent neo-Stoic ethic, was an appeal for an equilibrium within which stable social conditions could permit the exercise of virtue amongst a weak and vulnerable 'really-existing' human kind. Grimmelshausen and Callot speak from within this moral nexus when they outline their visions of a renewed order.

VI: Justifying (Unilateral) Humanitarian Intervention

If a prince practises tyranny against a people, a neighbouring prince should be no less zealous in rendering assistance to it, than he would be to the prince if the people engaged in sedition. Indeed, he ought to be more ready to do so in so far as it is more wretched for many to suffer than one… A prince who idly observes the wicked acts of a tyrant and the slaughter of innocents, which he can prevent… is more guilty than the tyrant.

-*Vindiciae, contra tyrannos*, or, a defence of liberty against tyrants, 1579[679]

So the whole credibility of the principle on which we have stood our ground and fought in this region for years and years now – that here just like in America, just like in Great Britain, people who come from different racial and ethnic and religious backgrounds can live together and work together and do better together if they simply respect each other's God-given dignity – and we don't want our children to grow up in a 21st century world where innocent civilians can be hauled off to the slaughter, where children can die en masse, where young boys of military age can be burned alive, where young girls can be raped en masse just to intimidate their families – we don't want our kids to grow up in a world like that.

-President Clinton,
Address to KFOR troops at Skopje, Macedonia, June 22, 1999[680]

[679] Hubert Languet and George Garnett, *Vindiciae Contra Tyrannos, or, Concerning the Legitimate Power of a Prince over the People, and of the People over a Prince* (Cambridge: Cambridge University Press, 1994), 183–84.
[680] Bill Clinton, "Remarks by the President to KFOR Troops in Macedonia", *Website of the White House: Office of the Press Secretary*, 22 June 1999.

Humanitarian Intervention: A Longue Durée

Westphalia instituted a fundamental revolution in world politics. This claim is a foundational assumption of informed, professional theorising about international relations. It is repeated in introductory text books and by practitioners alike[681,682,683,684,685,686]:

> [The participants at Westphalia were able to] transform the practical means of ending a particular war into general concepts of world order… The inherent equality of sovereign states, regardless of their power or domestic system, was instituted… The Peace of Westphalia was a turning point in the history of nations because the elements it set in place were as uncomplicated as they were sweeping. The state, not the empire, dynasty, or religious confession, was affirmed as the building block of European order. The concept of state sovereignty was established.[687]

[681] 'The true beginning of the modern state system in Europe was the Peace of Westphalia (1648).' Paul Wilkinson, *International Relations: A Very Short Introduction*, Very Short Introductions 164 (Oxford: Oxford University Press, 2007).

[682] Robert H. Jackson and Georg Sørensen, *Introduction to International Relations: Theories and Approaches*, Sixth Edition (Oxford: Oxford University Press, 2015), 16–18.

[683] '[Westphalia] established the legal basis of modern statehood, and by implication the fundamental rules or constitution of modern world politics… in the course of the subsequent four centuries it has formed the normative structure or constitution of the modern world order.' John Baylis, Steve Smith, and Patricia Owens, eds., *The Globalization of World Politics: An Introduction to International Relations*, Seventh edition (Oxford: Oxford University Press, 2014), 24.

[684] 'Ever since the 1648 Treaty of Westphalia, states have tried to preserve the right to perform within their territories in any way the government chooses. That norm is the basis for all other legal rules; the key concepts in international law all speak to the rules by which sovereign states say they wish to abide.' Shannon Lindsey Blanton and Charles W. Kegley, *World Politics: Trend and Transformation* (Boston: Cengage Learning, 2017).

[685] 'The 1648 Treaty of Westphalia established the basic rules that have defined the international system ever since – the sovereignty and territorial integrity of states as equal and independent members of an international system.' Joshua S. Goldstein and Jon C. Pevehouse, *International Relations*, Tenth edition, 2013-2014 update (Boston: Pearson, 2014), 61.

[686] David P. Forsythe, *Human Rights in International Relations*, 3rd ed (Cambridge: Cambridge University Press, 2012), 21.

[687] Henry Kissinger, *World Order* (New York: Penguin Press, 2014), 26.

'Sovereign authority' is summed up as 'the right to rule over a delimited territory and the population residing within it'.[688] The Myth of Westphalia, as has been amply shown, imagines such a right to have been effectively unrestrained. An idea central to the intervention problematic, it is one so deeply ingrained in the thought patterns of policy makers that, as seen in chapter 1, even the ICISS commissioners were unable to overcome it. Menon sums up its enduring relevance for critics of humanitarian intervention:

> Armed intervention, is by its nature the most intrusive and controversial item in the humanitarian toolkit. It violates sovereignty as commonly understood since the modern state emerged from the 1648 Peace of Westphalia, ending Europe's Thirty Years War. After millions died as a result of kings battling to – among other aims – protect persecuted coreligionists abroad, Europe's rulers decided, in theory anyway, to leave one another alone, regardless of what was happening within their respective domains.[689]

The opening chapter of this thesis clarified the problem of humanitarian intervention. It showed that ideal-type humanitarian intervention is distinguished from two related and easily confused mechanisms, liberal intervention and Responsibility to Protect, primarily through humanitarian criteria incumbent upon interveners and Security Council authorisation. These cut to the heart of the basic sovereignty problem, which can be simply formulated:

> Is it legitimate to interfere from outside in the internal affairs of a sovereign state to prevent mass atrocities and to stop crimes against humanity? The debate revolves around the central problem of how to reconcile the humanitarian imperative with the idea of the inviolability of national sovereignty rights.[690]

[688] Ayoob, 'Humanitarian Intervention and State Sovereignty', 82.
[689] Menon, *The Conceit of Humanitarian Intervention*, 20.
[690] Fabian Klose, ed., *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present*, Human Rights in History (Cambridge: Cambridge University Press, 2016), 1–2.

This question, again, takes the mythical view of 1648 as its pushing off point. Put succinctly, when talking about mass atrocities no reconciliation is needed. The treaties of Westphalia, foundation of the 'normative structure or constitution of the modern world order',[691] were no less than a charter for intervention. Wilful misunderstanding of what happened in Osnabrück and Münster aside, the implicit meaning of the peace could not possibly have been the restoration (or inauguration) of the princes' authority heedless of dignity and contemporary ideas of virtue. As far as they are derived from Westphalia, the general assumption on which international relations rests, and probably until the mid to late twentieth century, national sovereignty rights were not divorced from the 'humanitarian imperative'.

Over the previous historical chapters I have maintained that the myth is ignorant of the basic condition to which the peace of Westphalia was a response; that this view is in fact incompatible with contemporary mentalities. A closer look shows that dignity wedded order and peace to space for self-articulation. This chapter then goes on to survey two complementary critiques of the myth. First, the growing body of literature showing a historical practice of humanitarian intervention spanning from at least the late sixteenth century, and second the political and legal theories of sovereign responsibility which cut across the Westphalian moment; the fairly straightforward question about the texts themselves, i.e. do they give explicit sanction to the idea of 'institutionalised indifference' having already been dispensed with. Taken together these critiques of the myth reset the normative clock.

To refresh the mind, the (admittedly cumbersome) definition of humanitarian intervention defended in this thesis is: 'the timely and decisive utilisation, either threatened or applied, of proportional and cross-border military force with human protection intent; humanitarian interveners comply, as far as is feasible, with principles of impartiality and neutrality amongst parties within the target state and take extreme precautions against collateral damage; action is a last reasonable response to ongoing or imminent genocide,

[691] Baylis, Smith, and Owens, *The Globalization of World Politics*, 23.

war crimes, ethnic cleansing, and crimes against humanity, occurring when the government of the target state is manifestly failing to exercise its Responsibility to Protect, and without meaningful consent or Security Council approval.' A doctrine cleaving closely to this definition will be validated in bypassing the Security Council. International ethics rightfully integrates a strong regard to the value of sovereignty for political legitimacy, self-determination, and justice.[692] However, critics have misunderstood the historical story of sovereignty; much to the detriment of people across the developing world whose supposed interests they often purport to defend. Shifting this understanding actually serves to invert their interpretation: if successful European state building was not the product of unconstrained internal authority, and if the R2P doctrine is mistaken in taking 'sovereignty as responsibility' to be an innovation, not as baseline starting point from 1648 onwards, then the burden of argumentation is shifted. Why should humanitarian intervention, as here conceived, depend upon even a hypothetically well-functioning Security Council? Surely, a sovereign state – conceived in a-temporal terms – possesses a right to benefit from intervention when the most extraordinary crimes are occurring, one moreover going deeper than the structures of a globally unrepresentative body, which anyway is supposedly committed to upholding the 'purposes' of the United Nations.

Humanitarian intervention, it is increasingly recognised, is not a product of the 1990s. A growing body of literature is painting the longer-term picture. Although the most substantial work so far has focused on the nineteenth century,[693] this pre-dates 1648 and carries on undimmed by the supposed doctrine of

[692] Lawson and Shilliam, 'Beyond Hypocrisy?', 663–64.

[693] Nineteenth century humanitarian interventions are considered to include the sixty year campaign of the Royal Navy to force abolition of the West African slave trade; those in response to mass atrocities by the Ottoman Empire in Greece, Syria, Lebanon, Crete, and Macedonia; the protection of Jewish minorities in Romania and Morocco; and the American-Spanish 1898 conflict over the latter's remaining colonies in and around the Americas. Davide Rodogno, *Against Massacre: Humanitarian Interventions in the Ottoman Empire, 1815-1914: The Emergence of a European Concept and International Practice*, Human Rights and Crimes against Humanity (Princeton: Princeton

absolute non-intervention. For example, when Elizabeth I decided to involve her kingdom in the French religious wars, she did so with a clear intention to redress wrongs perpetrated against the minority Huguenots. In many regards, the scenario confronting the English court for several decades from the 1560s is recognisable today, with its messy interweaving of morals and interests. Likewise with her numerous interventions in the Netherlands. These interventions responded to severe oppression, including sustained mass murders, and although there was a clear confessional bent to these actions, it was far from exclusive.[694] Indeed, confessionalism was an important consideration in terms of what we might today describe as a state's condition of ontological security,[695] and it cannot easily be disentangled by posterity from the 'national interest'.[696] Lord Burghley, Elizabeth's chief advisor, wrote, 'Now when the general design is to exterminate all nations dissenting with them in religion... what will become of us, when the like professors with us shall be destroyed in Flanders and France?'[697] Thus humanitarian intervention can trace something like its 'roots' back to the sixteenth century. The Elizabethan interventions represent a state practice which reinforces a norm of intervention in the early modern period. The *Vindiciae Contra Tyrannos* (the VCT), 'a defence of liberty against tyrants', written by French Huguenots in 1579, for instance, is typical of a number of works which argue not just for a 'right' of intervention, but an obligation on sovereigns to

University Press, 2012).; Gary Jonathan Bass, *Freedom's Battle: The Origins of Humanitarian Intervention* (New York: Vintage, 2009).; Klose, *The Emergence of Humanitarian Intervention*.

[694] Trim, "'If a Prince Use Tyrannie towards His People": Interventions on Behalf of Foreign Populations in Early-Modern Europe', 42–53.

[695] 'In addition to physical security, states also seek ontological security, or security of the self. Ontological security is achieved by routinizing relationships with significant others, and actors therefore become attached to those relationships' Jennifer Mitzen, 'Ontological Security in World Politics: State Identity and the Security Dilemma', *European Journal of International Relations* 12, no. 3 (September 2006): 341.

[696] 'There was a widespread fear in Elizabethan England… that the destruction of Protestantism in France and the Netherlands would leave Elizabeth 'bereft of allies' and presage an attack on England.' Trim, ""If a Prince Use Tyrannie towards His People": Interventions on Behalf of Foreign Populations in Early-Modern Europe", 41–42.

[697] Cited in Michael Doyle, 'J.S. Mill on Nonintervention and Intervention', in *Just and Unjust Military Intervention: European Thinkers from Vitoria to Mill*, ed. Jennifer M. Welsh and Stefano Recchia (Cambridge: Cambridge University Press, 2015), 274.

obstruct the exercise of tyranny. 'Tyrants, both of souls and of bodies, both of the church and of commonwealth or kingdom, can be constrained, driven out, and punished through the people,'[698] and 'he who does not defend, or fails to stand up against injuries, if he can, is as much at fault as if he deserted his parents, or his friends, or his country.'[699] Neither did the VCT conceptualise this as a radical innovation. 'The Romans, Alexander the Great, and many others frequently extended their frontiers on the pretext of repressing tyrants. Not long ago we saw Henri II, king of France, waging war on Charles V under the pretence of delivering and defending the princes of the Empire, and Protestant ones at that.'[700]

The situation appeared similar a mere seven years after the Westphalian settlement. England again intervened, this time in the Duchy of Savoy, as a response to the dreadful persecution of Protestants. This tiny minority was forcibly expelled from their homes, murdered, raped, and their children forcibly adopted by Catholic families during the 'Bloody Easter'. Reports of the Piedmontese killings generated an outcry in London, and a public appeal for financial aid for the victims generated a huge sum, £38,000.[701,702] The great poet John Milton was moved by the victims' plight to compose a sonnet.

Who were thy sheep and in their ancient fold,

Slain by the bloody Piedmontese that rolled,

Mother with infant down the rocks.

David Trim sees in Cromwell's multi-track approach, which incorporated diplomatic pressure (through leveraging of France) and financial assistance, alongside the dispatch of an imposing navy, a precursor to subsequent humanitarian interventions such as the 1999 NATO war in Kosovo. It also mirrored the

[698] Languet and Garnett, *Vindiciae Contra Tyrannos, or, Concerning the Legitimate Power of a Prince over the People, and of the People over a Prince*, 173.
[699] Languet and Garnett, 181.
[700] Languet and Garnett, 173.
[701] Trim, '"If a Prince Use Tyrannie towards His People": Interventions on Behalf of Foreign Populations in Early-Modern Europe', 61.
[702] Almost £10,000,000 in 2017 money, according to the Bank of England historical inflation calculator.

ambiguities of later endeavours; not least in that Cromwell's regime had itself perpetrated ethnic cleansing and terrible brutalities in Ireland a few years previously.[703]

Humanitarian intervention across the *longue durée* throws up recurrent problems. Questions of selectivity, self-interest, and hypocrisy, are evident in the early modern interventions as much as the nineteenth-century ones: when intervention appears primarily to have targeted the Ottoman Empire, whilst the European great powers were also committing atrocities in their colonial empires. Heart-wrenching cases, too, sometimes fell on deaf ears in earlier centuries. Bulgaria, if this not be too crude a comparison, could be the nineteenth-century Bosnia or Rwanda. Thus, on this score, the idea that intervention is a dangerous new innovation seems misplaced. Nevertheless critics persist in inverting the historical story:

> Human rights groups, international lawyers, public intellectuals, journalists, and academics in Western democracies have been the true agents of change. By dint of expertise, political access, media clout, and money, they have promoted the idea that the balance between the rights of states and the rights of individuals must change, that states must be made accountable for massive violations of human rights, and that international organizations and states should intervene to hold them accountable and thus save lives.[704]

Of course, 'Humanitarian intervention has almost always been perceived as breaking the "conventional pattern of international relations".'[705] As will be set out in more detail below, by its very nature it is implicated in the toing-and-froing of 'politics', international and domestic. From these it can never be fully extracted. But to approach humanitarian intervention as a well-established institution of international politics, a norm and practice predating even 1648, let alone 1989 or 1945, shifts the emphasis of the

[703] Trim, '"If a Prince Use Tyrannie towards His People": Interventions on Behalf of Foreign Populations in Early-Modern Europe', 61.
[704] Menon, *The Conceit of Humanitarian Intervention*, 27.
[705] Simms and Trim, 'Towards a History of Humanitarian Intervention', 5.

argument. Arguments in favour of a historically innovative non-intervention, within the context of the discrete 'humanitarian' interventionism defined here, must stand without the backing of now discredited notions about the purpose and origins of state sovereignty developing from 1648. The next section overviews the 'top down' contribution of political and legal theorists which explicitly set out the shifting norms of sovereign responsibility over a similarly broad time frame.

Westphalia Revisited

In a pair of muddy little towns in the Westphalian countryside, several centuries ago, order was slowly whittled from the all-engulfing maelstrom of an unprecedented war. Hundreds of ambassadors were crammed into this narrow strip of de-militarised territory, along with thousands of retainers, clerks, minor nobles, spies, lawyers, prostitutes, merchants, rogues, and soldiers, all-in-all for well over five years. Preoccupied with the everyday things in life, mired in the filth and stench of overcrowded provincial streets which gave rather a fright to the better-heeled cosmopolitans, brawling drunkenly amongst themselves and against locals, all whilst tied up in a system of precedent mind boggling in its complexity, the delegates eventually came up with something to which everybody could append their signature. Improbable as it seems, this structure of a new 'international' politics continues to form the basis of our contemporary global system. A system in so many ways unrecognisable from the world of this European peace. Still, '[ordering] the minds of scholars' who talk about international relations,[706] it remains foundational: 'In IR the end of

[706] 'The Westphalia concept has come to circumscribe a language and a conceptual landscape for the investigation of international politics and therefore, in a sense, to order the minds of scholars.' Sebastian Schmidt, 'To Order the Minds of Scholars: The Discourse of the Peace of Westphalia in International Relations Literature', *International Studies Quarterly* 55, no. 3 (2011).

the Thirty Years' War is regarded as the beginning of the international system with which the discipline has traditionally dealt'.[707]

This Westphalian sovereignty is supposed to possess an essence centred around the dual pillars of equality of sovereign states and absolute territorial inviolability which, for all intents and purposes, is largely static: and constructivist scholarship can accept the profundity of a Westphalian moment as heartily as their realist colleagues. 'In the history of sovereignty one can skip three hundred years without omitting noteworthy change.'[708] Without denying that Westphalia was indeed quite as consequential as claimed, this mythical aspect of 1648 has become severely detrimental for purposes of 'saving strangers' from the jack boot and the machete:

> Insofar as decision-makers are aware that the concept of sovereignty informs and pervades every aspect of international affairs, any desire to intervene on behalf of internal popular uprisings must climb the conceptual hill of justification, made needlessly steeper by reference to an inaccurate account of the historical origins – and hence legitimacy – of the international state system.[709]

At important junctures in the recent history of world politics, this misunderstanding of the historical story of sovereignty's 'meaning' has proved important. For instance, 'The failure of the United Nations system to include legal, military or other coercive capabilities to prevent… atrocities was an indirect result of the myth of Westphalia'.[710] It is my contention, too, that the wholesale acceptance of the strongest

[707] Andreas Osiander, 'Sovereignty, International Relations, and the Westphalian Myth', *International Organization* 55, no. 2 (April 2001): 251.
[708] Daniel Philpott, 'On the Cusp of Sovereignty: Lessons from the Sixteenth Century', in *Sovereignty at the Crossroads?: Morality and International Politics in the Post-Cold War Era*, ed. Luis E. Lugo (London: Rowman & Littlefield, 1996), 43.
[709] Carley, 'Limping Toward Elysium: Impediments Created by the Myth of Westphalia on Humanitarian Intervention in the International Legal System', 1782.
[710] Carley, 1773.

'Westphalian' normativity by the framers of R2P weakened the potential for the doctrine to surmount the Security Council hurdle and to deal with the problem as it set out to do. As the pushing off point of their consultations, it is significant.

It has been seen elsewhere in this thesis that the texts of the treaties themselves only go so far in establishing the myth of Westphalia. 'The actual treaties do not corroborate any of the claims [made for the myth]: the settlement to which they refer is a figment of the imagination.'[711] Osiander may exaggerate somewhat, but his basic point holds. The order crystallised through the treaties, a nascent international society, was characterised as much as anything by the system of guarantees which sought to defend the rights of religious minorities, and, indeed, the 'fundamental laws' across borders. '[A]ll Partys in this Transaction shall be oblig'd to defend and protect all and every Article of this Peace against any one, without distinction of Religion':[712]

> The peace of Westphalia could not be seen as a treaty between sovereign states that implicitly endorses the concept of exclusive spheres of authority. It was founded on precisely the opposite notion: France and Sweden maintained to the end that they fought not against the Empire, but only against the Emperor in his capacity as ruler of hereditary lands in Central Europe. Rather than fighting against the Empire, France claimed to be fighting for it by defending the German estates from an assault on their constitutionally defined privileges and immunities. France interpreted the war as an attempt to resist the Habsburgs' unlawful absolutism... Implicit in the explanation is the claim that one state may legitimately intervene in the affairs of another to defend the other's fundamental laws. This conception of international law grants subjects and intermediate bodies an

[711] Osiander, 'Sovereignty, International Relations, and the Westphalian Myth', 261.
[712] Avalon Project at Yale Law School, 'Treaty of Westphalia: Peace Treaty between the Holy Roman Emperor and the King of France and Their Respective Allies (Münster)' (Lillian Goldman Law Library, 2008). Article CXXIII.

> international status. Far from restricting sovereignty to a few independent states, therefore, the peace of Westphalia entrenched its extension to political units clearly not sovereign in the sense of being independent, but subject to a higher authority.[713]

The historical state practice of intervention seems only to reinforce Croxton's claim. Authoritative early-modern legal and political theory likewise discredits the idea of unrestricted authority over utterly exclusive territorial spheres. Even German historian Leo Gross, one of the twentieth-century's chief academic proponents of the myth, concedes that the true import of Westphalia lay primarily in the 'general political ideas, the triumph of which they apparently consecrated in the minds of man'.[714]

From Jean Bodin onwards, sovereign authority was a 'general political idea' qualified by notions of responsibility:

> The contemporary idea that sovereign states are responsible to their populations and to the international community does not break with a centuries-old tradition of unaltered and untrammelled sovereign rights. The boundaries of legitimate sovereign action have always been contested. The idea that states have a responsibility to protect the rights of individuals has been an enduring feature of the discussion of legitimate sovereignty since it first emerged in early modern Europe.[715]

Practices of non-respect for the sanctity of Westphalian sovereignty have long been acknowledged. But for most, this amounts to something like 'organised hypocrisy'.[716] The Westphalian idea is so powerful that commentators even assume demonstrable evidence of its falsity is mere inconsistency. It is still generally accepted that, whilst frequently violated, a simple principle has always stood: 'the essence of sovereignty is

[713] Croxton, 'The Peace of Westphalia of 1648 and the Origins of Sovereignty', 582–83.
[714] Gross, 'The Peace of Westphalia, 1648-1948', 28.
[715] Luke Glanville, 'The Antecedents of "Sovereignty as Responsibility"', *European Journal of International Relations* 17, no. 2 (June 2011): 250.
[716] Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).

the absence of responsibility'. [717] But, in early modern Europe, 'Neither theorists of the law of nature and nations nor sovereign rulers in their relations with each other conceived of sovereignty in terms of an unconditional right to freedom from external interference.'[718] Directly contradictory to a 'conventional story' which 'reduces the development of the external dimension of sovereignty to a mythical tale of the establishment of a timeless and indefeasible sovereign right of non-intervention at the Peace of Westphalia'.[719] Authoritative sources of political and legal theory contradict this idea. It was a 'right to wage (just) war, including war to rescue the oppressed and to punish tyranny',[720] that served as the corollary to the internal dimension of sovereignty.[721] This is an important development in the history of the State, not least because the idea of non-intervention evolved in tension with this right.

The pinnacle of a divinely mandated absolutist state was itself articulated to incorporate certain sanctions which could be carried out by the monarch's peers, if not his subjects:

> While theorists of absolutism tended to emphasize that sovereign rulers could not be legitimately resisted by their own people, these rulers were held to be accountable to God and also to other sovereigns for the treatment of their people; tyrants would be judged by God for their actions and… could be rightfully punished by neighbouring princes. Sovereigns were not answerable *to* the people, but they were certainly understood to be responsible *for* the people.[722]

[717] Luke Glanville, 'The Myth of "Traditional" Sovereignty', *International Studies Quarterly* 57, no. 1 (March 2013): 85

[718] Glanville, *Sovereignty and the Responsibility to Protect*, 43–44.

[719] Glanville, 43.

[720] Glanville, 44.

[721] The discussion of 'top-down' qualifications to the myth in this section significantly follows Glanville.

[722] Glanville, *Sovereignty and the Responsibility to Protect*, 32.

Such was even acknowledged by the 'Sun King' and his theoreticians. Louis XIV's court theologian, Jacques-Bénigne Bossuet, of all people, distinguished between absolutism and tyranny. 'Bossuet also combined traditional arguments for absolute sovereignty with newer Hobbesian arguments about the duty to protect the security of the people.'[723] So, whilst Louis, 'denied that he was accountable *to* the people, he accepted that he was responsible *for* the people'.[724]

Jean Bodin, too, a 'founding father' of modern sovereignty, whilst setting the ground for absolutism, did not grant permission to terrorise the populace:

> Bodin's doctrine of absolute sovereignty… was no defence of tyranny. Sovereign rule was absolute in the sense that it was supreme and irresistible within a territory and independent of other sovereigns, but absolute authority did not equate to arbitrary authority. It entailed both rights and responsibilities.[725]

The new sixteenth-century sovereign was expected to abide by constitutional norms, and should the bounds of his divine authority be egregiously abused, then Bodin 'granted princes a right to intervene'.[726] More controversially,[727] Glanville shows how even Hobbe's Leviathan devised in the shadow of the Thirty Years War and English Civil War is restrained by externally enforceable responsibilities:

> The rights of the Hobbesian sovereign are expansive: he can commit no injustice, cannot be punished, and cannot forfeit his right to the people; he chooses what doctrines are fit to

[723] Glanville, 39.
[724] Glanville, 40.
[725] Glanville, 'The Antecedents of "Sovereignty as Responsibility"', 238.
[726] Glanville, *Sovereignty and the Responsibility to Protect*, 36.
[727] 'Glanville is confused about Hobbes, extending the slim reservation he left for individuals to run before the sovereign when pursued, into the far broader claim that "the authority of the sovereign is lost if he is unable to fulfil his end of protecting the safety of the people".' Glanville does not claim that subjects have the right to resist – to do more than flee – but that the sovereign is accountable to god, and through him, to his fellow sovereigns. Samuel Moyn, 'Review of: Luke Glanville, Sovereignty and the Responsibility to Protect: A New History', *Law and History Review* 33, no. 1 (February 2015): 269.

> be taught to his subjects; he has the right to make war and peace, the right to reward, and the right to punish… However, Hobbes permitted a crucial exception in insisting that the right of individuals to personal safety could not be legitimately contracted away… For Hobbes, the right of individuals to safety remains inalienable and unchanging as they move from the state of nature to civil society, since this right of natural law remains an abiding principle… it is the end for which the sovereign is trusted with authority.[728]

Early international law, too, says similar things. Whilst the absolute supremacy of the sovereign meant that subjects had no right to resist tyrannical violations of the law of nature, Grotius insisted, 'we should not yet be able to conclude from thence, that others might not do it for them'. Indeed, the right to wage such war was a necessary attribute of sovereignty in an international condition of nature.[729] Pufendorf offered a seemingly more restrained interpretation of the 'natural right of punishment'. Echoing contemporary critiques of humanitarian intervention, he writes how, 'We are not imagine that every Man, even they that live in the *Liberty of Nature*, hath a right to correct and punish with War any Person that hath done another an injury… Not to say what dangerous Abuses this Liberty might be perverted to'. Glanville, however, points out that 'on the matter of taking up arms in defence of innocents, [he nevertheless] referred his readers to the opinion of Grotius and indicated that a sovereign could defend the subjects of another'.[730]

The doctrine of non-intervention was only clearly developed by Vattel during the mid-eighteenth century. Indeed, some theorists, responding to critiques of the Westphlian myth, fall back on the phrase 'Westphalian/Vattelian sovereignty'. Vattel's formulation of states which are, 'recognized, free of external

[728] Glanville, *Sovereignty and the Responsibility to Protect*, 42.
[729] Glanville, 46.
[730] Glanville, 47.

authority and [which] exercise control over their own territory',[731] however, is not all it seems. Because, even Vattel 'held this right to be conditional on the protection of subjects from oppression.'[732] The Dutch theorist included explicit caveats against abuses of the sovereign authority he did so much to ennoble: 'As to those monsters who, under the title of sovereigns, render themselves the scourges and horror of the human race, they are savage beasts, whom every brave man may justly exterminate from the face of the earth'. [733] As this short overview makes clear, the absolute state and early modern sovereignty was not intended as a shield for tyranny, quite the opposite. Over the course of the twentieth century, particularly under the dual pressures of the Cold War and the wave of decolonisation, absolute non-intervention came to assume its central place in international theory. The 'Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty',[734] proclaimed by the UN General Assembly in December 1965 is quite explicit. Not 'for any reason whatever' is interference in the internal affairs of a sovereign state permitted. And human dignity was the basis for such an assertion. If 'indifference' ever was 'institutionalised', it was then. 'Though the word is older, of course, the concept of sovereignty itself was honed and given its present key role (both interpretive and normative) by the great nineteenth and twentieth century international lawyers.'[735] And the erroneous location of the idea's historical legacy is not a trivial matter. Early modern political and legal theory did not recognise sovereignty as providing a shield behind which to commit mass atrocities.

[731] Stephen D. Krasner, 'The Durability of Organised Hypocrisy', in *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*, ed. Hent Kalmo and Quentin Skinner (Cambridge: Cambridge University Press, 2010), 101.
[732] Glanville, *Sovereignty and the Responsibility to Protect*, 33.
[733] Emer de Vattel, *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, with Three Early Essays on the Origin and Nature of Natural Law and on Luxury*, ed. Béla Kapossy and Richard Whitmore (Indianapolis: Liberty Fund, 2008), 291.
[734] United Nations General Assembly, 'Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty', 21 December 1965.
[735] Osiander, 'Sovereignty, International Relations, and the Westphalian Myth', 281.

The mid-twentieth century development of absolute non-intervention did not happen without good reason, although the unforeseen consequences have been costly. Intervention in the second half of the twentieth century was viewed sceptically by 'Third World' countries, to say the least. The fictive account of the origins of modern world order, even when qualified as Westphalian/Vattelian, however, is a powerful source of misunderstanding. Some scholars of international politics see the myth as so deeply ingrained, and so damaging, that the better option is to abandon all talk of Westphalia at all.

> This discourse of the Westphalia concept touches on so many aspects of contemporary IR scholarship that it might be difficult to think about the international system in today's terms without sooner or later confronting it… [therefore] the discipline [should] abandon the use of the Westphalia concept as an analytic construct.[736]

Whether this is even possible, or would anyway serve the purposes of the human race better than an adjusted, historically informed view of Westphalia is very questionable. After all, 'the reality of Westphalia is both more interesting and potentially more useful… than this oft-quoted Westphalia myth.' And, as the ambitious endeavours to draw inspiration from its irenic qualities for contemporary conflict resolution show, the *true* 'Westphalia has something to tell us'.[737]

It is highly significant that the Myth of Westphalia is inferred indirectly from the textual provisions of the treaties made in Osnabrück and Münster. This is accepted. Indeed Leo Gross bases his claims (claims instrumental in embedding the myth as a central proposition of Anglo-American IR and political-historical scholarship) on the 'general political ideas', around 1648.[738] The myth, in fact, is founded upon an

[736] Schmidt, 'To Order the Minds of Scholars: The Discourse of the Peace of Westphalia in International Relations Literature', 602.
[737] Milton, Axworthy, and Simms, *Towards a Westphalia for the Middle East*, ix–x.
[738] Gross, 'The Peace of Westphalia, 1648-1948', 28.

anachronistic implicit understanding of this *Lebenswelt*. As a recent historian of the Peace writes, 'no one can claim to understand the Peace of Westphalia who has not studied the values and modes of thought of the seventeenth century'.[739] A strong proto-'realist' logic, within which non-intervention serves the purpose of establishing durable peace through a balance of powers, is taken for granted:

> To prevent a repetition of this carnage [the devastations of the Thirty Years War], the Treaty of Westphalia separated international from domestic politics. States, built on national and cultural units, were deemed sovereign within their borders; international politics was confined to their interaction across established boundaries. For the founders, the new concepts of national interest and balance of power amounted to a limitation, not an expansion, of the role of force; it substituted the preservation of equilibrium for the forced conversion of populations.[740]

And Kissinger's views are especially indicative as a barometer of thought that cuts across the scholar-practitioner divide in international politics. Philpott's constructivist interpretation of Westphalia approaches up the same path. He recognises that Westphalia reflected an exercise in international constitution building, within which the normative structure of the international defines domestic constitutional frames. 'It is the international constitution which defines the very meaning of internal and external realms.'[741] However this was still concerned with excluding any interference 'from without',[742] as a response to the negative effects of anarchy experienced in the Thirty Years War. Both views disregard a crucial dimension. Nuanced already through explorations of the state practice of intervention (practices which straddled 1648 and continued unchecked in subsequent centuries) and the formal qualifications to

[739] Croxton, *Westphalia*, 6.
[740] Kissinger, 'Syrian Intervention Risks Upsetting Global Order'.
[741] Daniel Philpott, 'Westphalia, Authority, and International Society', *Political Studies* 47, no. 3 (August 1999): 567.
[742] Philpott, 568.

'absolute' sovereignty posed by political and legal theorists, the mentalities of the Westphalian epoch, as we have approached them, further qualify the base assumption. Because the central proposition of this thesis is that by looking at the seminal artistic production of the period we find a deep concern with human dignity, especially as a process of lived experience.

Having argued that Westphalia is best seen as a response to a crisis in human dignity, an existential crisis, the meaning of the Peace was an *indirect* reply to the war. This, the existential crisis – a crisis of human dignity – is the social-psychological nexus within which the contemporary international system was somehow inaugurated. This view of the *Lebenswelt* comes up against the assumed frame from within which the myth has been drawn. In showing this, continuities with twentieth and twenty-first century order, explicitly founded on a notion of dignity, are made clear. Seen within this light, the sovereignty-intervention dichotomy at the heart of the humanitarian intervention problem largely evaporates.

The persistence of dignity inspired the desire for order and the re-establishment of peace. Dignity, as seen in chapter 2, is a multi-dimensional concept. A concept which escapes any kind of exhaustive classification. In brief, it encapsulates what is particular about the human experience, what makes its place distinctive in the Great Chain of Being. For Kateb, 'every species is by definition unique, but only the human species achieves a partial break with nature; that is the reason that I call the human species the highest of all'.[743] This particular status leads quickly to a distinctive pattern of existing, a way of orienting oneself, of being in the world. The contours of dignity – the catalogue of unique traits which elevate us from the animal kingdom – shape our experience as a narrative enterprise. Partially self-authored, human existence in full is an endeavour to enact the 'rational' non-natural elements of our being. Koselleck's description of the field of historical time underscores the dynamic nature of this:

[743] Kateb, *Human Dignity*, x.

> Historical times can be identified if we direct our view to where time itself occurs or is subjectively enacted in humans as historical beings: in the relationship between past and future, which always constitutes an elusive present. The compulsion to coordinate past and future so as to be able to live at all is inherent in any human being. Put more concretely, on the one hand, every human being and every human community has a space of experience out of which one acts, in which past things are present or can be remembered, and, on the other, one always acts with reference to specific horizons of expectation.[744]

The human, then, is a historical being. It is this lived experience of the human enterprise, dignity as a diachronic process, which was threatened during the Thirty Years War. A period of existential crisis, the ability to 'coordinate past and future' came under heavy strain. As chapter 4 outlines, human subjectivity itself was challenged. Part-and-parcel of this was a total collapse in social legitimacy across the board. The distinctively human was consciously felt to be collapsing into the 'lower' natures. Pico della Mirandola, the Renaissance philosopher, observed the deleterious effects of such an occurrence. 'Or what greater disgrace could there be for a human being… [than] he should fall to the unlovely and irrational likeness of the brute beasts of burden.'[745] Alienated, this condition is stark. 'If you see a man given over to his belly and crawling upon the ground, it is a bush not a man that you see'.[746]

The artist production of the Thirty Years War worries ceaselessly about the distinguishing qualities of human dignity; virtue becoming entwined in the process of exerting them. This was a process symbiotic with their threatened diminution. To recount, exemplars are found as thematic preoccupation throughout Grimmelshausen's work. As a young boy newly plunged into the world, his social critique associates the

[744] Koselleck, *The Practice of Conceptual History*, 111.
[745] Lebech and McEvoy, 'De Dignitate Conditionis Humanae: Translation, Commentary, and Reception History of the Dicta Albini (Ps.-Alcuin) and the Dicta Candidi', 25.
[746] Pico della Mirandola, *On the Dignity of Man*, 6.

ubiquity of vice with collapsed human dignity. 'I had already seen with my own eyes that some human beings… differed only in their outer form from beasts.'[747] During the Mummelsee episode, Grimmelshausen has the mythical sylph prince relate an anthropological disquisition whose conclusion is that, in a Christianised spiritual sense, the special place of humanity is based upon an ability to rise above the temporal world. I.e. to dissociate itself from a full immersion in the natural. And implicated in Grimmelshausen's clearly didactic monologue, a point made explicitly in fact, is that possession of 'rational faculties' alone is not enough. By failure to exercise virtue – interpreted in light of Grimmelshausen's neo-Stoic precepts – man 'becomes a brute beast', bringing back in the *imago dei* problematic seen in chapter 2. After all, 'a man who lives carefree from one day to the next [outside of historical time] is almost like a beast of the field'.[748] Franck's startling depictions of the human form approaching the mould of this 'beast of the field' are equally as telling. The broken and burdened down peasant in figure 13 above, the naked or semi-clothed victims of soldierly rage fleeing for their lives (for instance figure 11, above) are usually accompanied by imagery of collapsing society in the back ground – i.e. burning villages and crumbled churches, castles, and fortresses: in short, the ruins of civilisation. This is the vein in which we should read Gryphius, who crowns his picture of terrible wartime destruction with the loss of the 'spirit's treasure'. Remembering that such is 'crueller than the plague and torch and hunger's breath'.

This directly opposes the implicit basis of the myth and a foundational assumption of the international. The idea that Westphalia reacted to the occurrence of a terrible war with the prime objective of putting an end to this is understandable but reflects just a part of the picture. Rather, and given that the war *as of itself* was not directly problematic we find order serving another purpose. Order as is elaborated by the artistic production of the Thirty Years War means respecting dignity. This nexus of transhistorical dimensions

[747] Grimmelshausen, *Simplicissimus*, 216–17.
[748] Grimmelshausen, 459.

which we have seen making up the concept both divulges and constitutes the inherent qualities of humanity. Order was to re-establish space of legitimate social interaction, permitting the process of making choices that matter, consequential choice. War, death, violence, per se, were not categories of ultimate truth; as shown in the preceding chapter. 'War, like death, remained something beyond the scope of human ken. What was important was not so much death itself as the manner of dying.'[749] And so in peace: it is not important so much in itself, but as the manner of existence it accommodated. As an appeal for a 'just peace', Callot's series urges a reinstatement of order and social conditions that allow for regeneration of the dignity which has been thrown into a state of crisis by the conditions of *this* war.

A well ingrained narrative, the myth is arguably the most potent and enduring of those hinging on the origins of the modern state.

> International relations scholars have interpreted the Treaty of Westphalia as a ratchet point in history – a moment when the structure of society changed in such a fundamental way that there was no going back. As the story goes, before Westphalia, Europe was a complicated, overlapping network of multiple political authorities, none of which had a monopoly on political power. After Westphalia, states in Europe were autonomous sovereignty entities with exclusive control over their territories, and a right to not have interference in their domestic affairs by foreign powers.[750]

Based on a crude Hobbesian realist logic, the hypostasised Westphalia is a peace made regardless of human autonomy, except of course that of the higher estates. The notion of all-powerful rulers entrenched behind theoretically and normatively impenetrable borders ignores the predominant ideas of virtue and the

[749] Knauer, 'War as Memento Mori: The Function and Significance of the Series of Engravings in the Thirty Years' War', 509.

[750] Jonathan Havercroft, 'Was Westphalia "All That"? Hobbes, Bellarmine, and the Norm of Non-Intervention', *Global Constitutionalism* 1, no. 1 (March 2012): 121.

mentalities of the period. To restate Carley's argument, this mistaken view of the Westphalian *Lebenswelt*, and its neglect of the persistence of human dignity is important:

> Insofar as decision-makers are aware that the concept of sovereignty informs and pervades every aspect of international affairs, any desire to intervene on behalf of internal popular uprisings must climb the conceptual hill of justification, made needlessly steeper by reference to an inaccurate account of the historical origins – and hence legitimacy – of the international state system.[751]

It has been instrumental in obstructing establishment of a reliable system of humanitarian intervention, Carley again: 'The failure of the United Nations system to include legal, military or other coercive capabilities to prevent… atrocities was an indirect result of the myth of Westphalia'.[752]

However, by offering a more nuanced understanding of the purposes and meanings of Westphalia this thesis contributes to ongoing scholarly efforts to provide IR with a better 'origins' story. In doing so, the fundamental difficulty inherent in the strong intervention-sovereignty dichotomy is perspectivised. Nascent international society, for which the Peace represents a long step in coming into being, was characterised by provisions for protecting a bounded spiritual freedom of conscience. This much is well demonstrated by the revisionist literature heavily cited throughout this thesis. To ensure the redemption of 'fundamental laws' across borders the treaties integrated a right of intervention and juridical oversight as a basic principle of renewed order. Westphalian order, in its proper form, must be understood through its implications in enabling processes of human dignity; a viewpoint emphasising continuities with post-1945 processes of order-building. Rebalancing the justificatory slope, the legacy of a perspectivised Westphalia does not present theorists or practitioners with a strong sovereignty-intervention dichotomy.

[751] Carley, 'Limping Toward Elysium: Impediments Created by the Myth of Westphalia on Humanitarian Intervention in the International Legal System', 1782.
[752] Carley, 1773.

Against indifference

Crystallised in the Westphalian peace is an order of conditional sovereignty. The history of intervention, the explicit constraints placed on tyranny by legal and political theorists, not to mention the provisions of the texts themselves, do not support the basic assumption of absolute non-intervention as an 'original' characteristic of state sovereignty. Sovereignty as an immovable 'no-trespassing' sign, is a recent and historically contingent innovation.[753] Developing across the second half of the twentieth century, such an idea could not be further removed from the meaning of Westphalia for contemporaries of the seventeenth century. The historical exploration in the previous chapters shows that order was a response not to conflict per se, or narrowly for its own sake, but rather to the existential crisis which was an outgrowth of the Thirty Years War. Order was a vehicle for restabilising space for the articulation of a dignified existence. The new order was a society of states each located within a defined space and governed through simplified hierarchical structures:

> The peace of Westphalia substituted the idea of a system of independent states, a sort of international society, for the idea of a united Christendom. The peace did not openly express this idea but it did contain the idea of a society which took no account of the methods of government of its component states, whether they were monarchies, principalities, or republics.[754]

This was a slow process, for sure, of which Westphalia represents but a portion, albeit a very significant one. And certainly the Empire's death tolls were not heard in Osnabrück and Münster:

> The estates continued after 1648, however, to think of themselves as a single body: they recognized the Emperor as their actual or nominal overlord, sent representatives to the

[753] 'The acceptance of the strong sovereigntist wording during the drafting of the UN Charter was challenged on "human rights" grounds by Norway, for instance, amongst others.' Carley, 1769.
[754] Pagès, *The Thirty Years War, 1618-1648*, 250.

> Diet, paid common taxes, and even raised a joint army. If they often functioned as independent units after 1648, they were never sovereign in practice; and less so according to the legal language used in the treaties of peace. Even as it became more and more difficult, if not impossible, to view the Holy Roman Empire as a monarchy under the sovereignty of the Emperor, no one supposed that sovereignty resided with the individual estates.[755]

The mythical vision of 1648, in sum, should no longer make the 'conceptual hill of justification' that much stepper than it need be when mass atrocities are taking place and humanitarian intervention is the last appropriate response.

This idea of several centuries worth of limitless authority, the much ballyhooed 'institutionalised indifference' imagined by the ICISS, exacerbates a construed tension between sovereignty and humanitarian intervention. This indeed remains amongst the most widely handed-down stories of IR mythology.[756] 'Armed intervention, is by its nature the most intrusive and controversial item in the humanitarian toolkit. It violates sovereignty as commonly understood since the modern state emerged from the 1648 Peace of Westphalia.'[757] This matters because the dominant narrative of sovereignty presents an obstacle to forming workable and more reliable norms of intervention against mass atrocities. The fact is that Westphalia represents a far greater continuation with the contemporary bases of international order than is commonly recognised. Humanitarian intervention has a long history which connects the sixteenth century to the twenty-first. And it is supported by a long history of supportive theoretical arguments, largely rooted in

[755] Croxton, 'The Peace of Westphalia of 1648 and the Origins of Sovereignty', 574.

[756] 'The lamentable situation emerges wherein because the mainstream of the discipline has failed to enter into any kind of dialogue with these revisionist works so the myths of yesteryear are perpetuated in the minds of generations of students as they in turn embark upon their journeys into the world of IR.' Benjamin de Carvalho, Halvard Leira, and John M. Hobson, 'The Big Bangs of IR: The Myths That Your Teachers Still Tell You about 1648 and 1919', *Millennium* 39, no. 3 (May 2011): 736.

[757] Menon, *The Conceit of Humanitarian Intervention*, 20.

natural law.[758] The Thirty Years War was indeed a watershed. Such an experience of trauma and suffering would be hard-pressed not to leave a trace in the mud. Human dignity as a pervasive complex of ideas and notions was threaded through the seventeenth-century *Lebenswelt*. Neither the letter of Westphalia nor the motivating essence of the age was supposed to enshrine tyrants with a licence to carry on unchecked.

Dignity is the basic concept which underlies the contemporary constitutional order. And as was recorded in the second chapter, its violation explains the particular wrong of mass atrocities. Their standing as the crime of crimes is rooted in this fact. It is important therefore how dignity as a way of grounding oneself, essential to the exercise of self-becoming which sits at the heart of the human endeavour, cast its powerful spell over everyday mentalities in the Westphalian age. Informing the response to the existential crisis and the reimagining of order around 1648, the continuities with the post-1945 Euro-American world order is striking. Humanitarian intervention is always a break with the usual pattern of international relations,[759] no doubt about that. But Westphalian sovereignty, however, is not fundamentally non-interventionist. The long-established misreading of this crucial moment in the development of modern international society is at odds with the enduring and extra-historical persistence of dignity. The post-1945 anti-colonial invention of absolute non-intervention has to be placed within this deeply inscribed condition of the human consciousness. A non-interventionist innovation, therefore, seeks to remould the moral basis of international society. It forces critics to generate an explanation why a consistent doctrine and practice of humanitarian intervention (as rendered here) would be more detrimental to international order than the

[758] 'There is, however, a much older tradition in which the use of force is justified not solely by self-defence but also by the moral imperative to punish wrongs and protect the innocent. This tradition exists in some tension with modern international law and especially with the UN Charter. It holds that armed intervention is morally justified when people are violently mistreated by their rulers, and is reflected in the widely-held opinion that states, acting unilaterally or collectively, are justified in enforcing respect for human rights.' Terry Nardin, 'The Moral Basis of Humanitarian Intervention', *Ethics & International Affairs* 16, no. 1 (March 2002): 51.

[759] Simms and Trim, 'Towards a History of Humanitarian Intervention'.

use of force in the absence of a Security Council mandate.[760] Arguments based on the utility of an imagined norm of absolute non-intervention, such as those that construe it to be a facilitating factor in European state building processes, must be set aside.[761]

[760] Even Recchia's strong consequentialist defence of the Security Council's authorising function concedes that unauthorised intervention *could* be legitimate, however, he places the likelihood of such an occurrence in the relam of ideal theory. '*If* an unbiased, well-informed, militarily capable, and strongly motivated state were willing to intervene to stop large-scale human suffering in a situation clearly involving genocide, war crimes, or crimes against humanity and, *ex hypothesi*, no appropriate multilateral body were willing to authorise the intervention, then we should most likely welcome a unilateral intervention by that state. But under the non-ideal circumstances of the world as it currently exists, the odds of such a combination of factors occurring are rather low.' Recchia, 'Authorising Humanitarian Intervention', 71.

[761] 'It would appear that the likely targets of humanitarian intervention in the future would be new and weak states struggling to establish themselves as full-fledged members of the international system. It would be unrealistic to assume that they will be able to do so without the exercise of some violence… Those familiar with the history of Europe (or, indeed the United States) will immediately recognise such violence as belonging to the same category of state making wars that Western and Central Europe experienced from the sixteenth to the nineteenth centuries… Using such outbursts of violent conflict as justification for humanitarian intervention not merely defies the historical trajectory of state making but is likely to have major negative impact on the endeavour to impose and maintain domestic order.' Ayoob, 'Humanitarian Intervention and State Sovereignty', 93–94.

Conclusion

If Rwanda's experience could be said to carry any lessons for the world, it was that endangered peoples who depend on the international community for physical protection stand defenceless. On the morning of [Secretary of State Madeleine] Albright's visit to Rwanda in December [of 1997, 3 and half years after the 'end' of the genocide], Hutu Power terrorists, shouting "Kill the cockroaches", had hacked, bludgeoned, and shot to death more than three hundred Tutsis… Against such a backdrop, Clinton's pledge to "work as partners with Rwanda to end this violence" sounded deliberately vague.[762]

[762] Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families*, 351.

The Myth of 1648 is a problem. 'Some myths die hard, and the notion that the Peace of Westphalia, which ended the Thirty Years' War in 1648, established a system of full sovereignty for the princes of the Holy Roman Empire and the European powers is a tenacious one.'[763] Non-interventionist critics defend it as a bulwark of 'common sense'.

> Now, and it's one of the most interesting things in the world that this is so, in the more thoughtful regions of the Left, there's a contrasting love for war and bombing, the Chicago School, as one might teasingly call it, of people who are inspired by the speech delivered by Anthony Blair in Chicago in April 1999. This was the one which justified dumping the 350 years of wisdom since the Peace of Westphalia had accepted that you didn't interfere in foreign countries because you didn't like the way they were governed This conclusion had been reached after the Thirty Years War had shown what happened when you *did* interfere on such grounds. Much of the continent looked like a Hieronymus Bosch depiction of Hell.[764]

Realists insist that the world would be a better place if the mythical precepts of Westphalian sovereignty were adhered to:

> The United States would get out of the business of trying to spread democracy (whether by force or through less coercive means) and would instead adopt a "live and let live" approach toward governments that are different from its own. No more regime change, no "Responsibility to Protect," and no more trying to tell the world that it has to become like America in order to earn our respect.

[763] Michael Axworthy and Patrick Milton, 'The Myth of Westphalia', *Foreign Affairs*, 22 December 2016.
[764] Peter Hitchins, 'Why Do Sixties Peaceniks Turn into 21st Century Warmongers?', *Daily Mail*, 5 September 2013.

This because, 'Westphalian sovereignty takes the sanctity of existing borders seriously'.[765] It is curious that even knowledgeable scholars do not believe there is a long-established 'live and let die' attitude to victims of atrocity in most Western corridors of power. But the myth, of course, does not extend only to critics of the supposed 'reinvention' of sovereign authority. It is a ubiquitous foundational assumption cutting across the theory and practice of international political thought. Opponents of impunity, too, see themselves up against centuries of established tradition. '[The Genocide Convention] is a radical notion, fundamentally at odds, as so much of the internationalist experiment has proven to be, with the principle of sovereignty.'[766] The acceptance of the mythical view of original state sovereignty fashioned in Westphalia during the development of R2P has been repeatedly demonstrated above. Many of those describable as 'internationalists' are self-consciously attempting to remould 'a world trapped in the zero-sum calculus of the Westphalian state'.[767] 'Westphalia' here being short-hand for nefarious and 'anti-democratic' power politics.[768] It is well observed how, 'this Westphalian narrative distorts the emergence of the modern international system and leads to misdiagnoses of major problems of contemporary international relations.'[769] Humanitarian intervention being an important one.

A more hopeful narrative emerging around the Westphalian treaties sees their novel structure and outcome as an irenic example to contemporary policy makers: 'the spirit of "Westphalia" is, in fact, a precious well of visions and experiences in terms of conflict resolution, the use of diplomatic tools, and the

[765] Stephen M. Walt, 'Could There Be a Peace of Trumphalia?', *Foreign Policy* (blog), 14 November 2016.
[766] Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families*, 169.
[767] 'Between the Borders', *The Economist*, 16 June 2016.
[768] 'Governments around the world have begun to assert control, seeking to carve up the global Internet, manage it within national borders, and impose Westphalian sovereignty on the wild World Wide Web.' Katherine Maher, 'The New Westphalian Web', *Foreign Policy* (blog), 25 February 2013.
[769] Turan Kayaoglu, 'Westphalian Eurocentrism in International Relations Theory', *International Studies Review* 12, no. 2 (2010): 193.

balancing of great-power interests'.[770] But despite this, and the depth of scholarship challenging the myth from historical, textual, and political-legal theoretic avenues, its caricature persist as a powerful force in the popular imagination:

> That a political scientist – even one who writes a major work on the Thirty Years War – would repeat the received wisdom about the "Westphalian system" is not really surprising, given the extent to which that myth has long been ingrained, particularly in the disciplines of political science, including international relations, but also in international law and the history of international law, and to a lesser extent in the discipline of history… [It] has spread so widely in the popular consciousness that it has (bizarrely) even been repeated by the celebrity Katy Perry, a popular singer-songwriter, who recently lambasted the Peace of Westphalia on Twitter as the source of all evil, and in particular the evils of European colonialism.[771]

The myth bears heavily on humanitarian intervention. Implicated in the steep normative, justificatory, slope which cross-border military intervention to end atrocities must surmount, it is highly productive of the strong sovereignty-intervention dichotomy presumed across the board. This thesis has attempted to show that, by returning to the 'spirit' of Westphalia, through exploration of the *Lebenswelt*, the social-psychological nexus of which it is a product, a different story emerges.

And it is without a doubt this 'spirit of Westphalia' which is at stake. Because we have seen how even the foundational twentieth-century proponents of the myth turn to the 'general political ideas' 1648 current

[770] 'Reinventing 'Westphalia'. Historical Lessons for a Future Peace in the Middle East' (Körber-Stiftung, 15 December 2017), 5.

[771] Milton, Axworthy, and Simms, *Towards a Westphalia for the Middle East*, 12.

at the time, finding little to support their claim in the texts of the treaties themselves.[772,773] So within this *Lebenswelt* we find a deep concern with human dignity, especially as a process of lived experience. It becomes apparent that Westphalia was not a direct response to war per se. Rather, contemporaries were confronted with an existential crisis, out from which processes of order-building served as an escape route. This existential crisis was a crisis of how to be, *it was a crisis of dignity*. Dignity, of course is a difficult concept. It is a concept which cannot be neatly 'defined' and instead can only be interpreted. Referring to another difficult concept, László Földényi writes how, 'words give little away because they contain too much. Whatever we say, whatever we speak about, our words are not just about what we wish to communicate. Deep within them lurks another, unspoken world that also sustains those words'.[774] So far as dignity is concerned, conceived as a basic concept, this formulation can be squared seven-fold. In the second chapter of this thesis I extrapolated four conceptual dimensions: dignity as value, status, behaviour, and attitude. They come together and seep into one another, producing a pattern of which announces the distinctively human. And it was this pattern that was threatened by the existential crisis of the mid-seventeenth century. Dual processes of 'dislocation' and 'dehumanisation' describe the collapsed world which disconnected contemporaries from the 'experiences and expectations' of past and future. Life became bestialised as it was lived from moment-to-moment, and human agency blew away with the musket smoke. Coupled with this, social legitimacy, an expectation of some kind of regularised predictable interaction between subjects, was diminished to the point of caricature. The Thirty Years War was truly terrible, but not for the reasons that standard IR theorising imagines.

[772] Gross, 'The Peace of Westphalia, 1648-1948', 28.

[773] This is not, of course, to claim that the myth originated in twentieth-century scholarship. Only that Gross significantly popularised it. As Michael Axworthy writes, 'to explore the origin of the myth would be a historiographical exercise in itself, but it would seem to date to the period when nation-states became the model in Europe, in the nineteenth century.' Milton, Axworthy, and Simms, *Towards a Westphalia for the Middle East*, ix.

[774] László F. Földényi, *Melancholy* (New Haven: Yale University Press, 2016), 3.

It was against this background that the meaning, the implicit truth, of Westphalia must be viewed. Order was to re-establish space for dignified existence. It was to enable human agency. The idea of 'institutionalised indifference' to mass atrocities, Westphalia as the 'root of all evil' is incompatible with the nuanced view to which this argument contributes. Pausing at this point, it is apt to revisit the definition of humanitarian intervention defended in this thesis:

> Humanitarian intervention is the timely and decisive utilisation, either threatened or applied, of proportional and cross-border military force with human protection intent; humanitarian interveners comply, as far as is feasible, with principles of impartiality and neutrality amongst parties within the target state and take extreme precautions against collateral damage; action is a last reasonable response to ongoing or imminent genocide, war crimes, ethnic cleansing, and crimes against humanity, occurring when the government of the target state is manifestly failing to exercise its Responsibility to Protect, and without meaningful consent or Security Council approval.

My contention is that this idea of humanitarian intervention, severed from the liberal interventionism with which it is so often confused, is fundamentally compatible with the a Westphalian order viewed rightly. Seen within this light, the sovereignty-intervention dichotomy beneath the humanitarian intervention problem largely evaporates.

There are further problems, for sure. Not least related to what we call 'political will', but I don't believe, and I don't think history proves, that these are intractable. Above, we saw a depressing sketch of the Rwandan genocide. I said it was the 'touchstone of inaction'. But it should also be remembered that in the long fallout which afflicted central Africa (and still afflicts it), Rwandans recognised their predicament. Relying on the 'international community' was not only hopeless but dangerous. For example, humanitarian

agencies pumped millions and millions of dollars into 'refugee camps' which were essentially headquarters of the Hutu Power movement which wanted to continue the work of annihilating Tutsis and Hutu 'collaborators'; a job left unfinished in 1994. Thousands of genuine refugees were held hostage and killed when they sought to return home. *Génocidaire* armies in the sprawling camps over the border in Zaire carried on a campaign of annihilation in North Kivu. When they turned to the Tutsi population in South Kivu, known as the Banyamulenge, however, the new post-genocidal Rwandan government did not make the mistake of waiting on Bill Clinton to follow up on his rhetoric. Instead they launched the First Congo War. South Kivu was cleared and Mobutu, president of Zaire and architype of the post-colonial African dictator, overthrown. This is an extraordinarily complex event, with a long and winding history still unfolding in tragedy and bloodshed. African great wars can be no more simply boiled down to a handy anecdote than European ones. The point I am seeking to make, however, is that humanitarian intervention need not be interpreted as either Western prerogative or Western privilege. The challenge of establishing this fact in the popular consciousness as deeply as the Myth of 1648 has managed to root itself is a great one. With the myth finally dispensed with, as a normative hindrance to humanitarian intervention, to globalise the practice as a fundamental corollary of the order of sovereign states might hold out hope that 'never again' can become reality rather than trite political slogan. Because this thesis has argued for an understanding of humanitarian intervention which shows it to be not only compatible with the rules-based international order, but integral to its foundational logic. Dignity, as it forms something like a persistent transnational social consciousness, was a condition of the emergence of the Westphalian order. When this is recognised, respect towards victims of mass atrocity is restored to its proper historical place.

Bibliography

Adler, Jeremy. 'Time to Rob the Dead'. *London Review of Books*, 16 March 2017.

African Union. 'Launch of the African Union Campaign to Restore the Dignity of Women and to Ensure Accountability in South Sudan'. www.au.int, 13 October 2016.

Anderson, Susan C. *Grass and Grimmelshausen: Günter Grass's 'Das Treffen in Telgte' and Rezeptionstheorie*. Columbia: Camden House, 1987.

Annan, Kofi. 'Annual Report of the Secretary-General to the General Assembly'. United Nations General Assembly, 20 September 1999.

———. *Interventions: A Life in War and Peace*. London: Penguin, 2013.

Atwell, William S. 'Some Observations on the "Seventeenth-Century Crisis" in China and Japan'. *The Journal of Asian Studies* 45, no. 2 (February 1986).

Avalon Project at Yale Law School. 'Treaty of Westphalia: Peace Treaty between the Holy Roman Emperor and the King of France and Their Respective Allies (Münster)'. Lillian Goldman Law Library, 2008.

Axworthy, Michael, and Patrick Milton. 'The Myth of Westphalia'. *Foreign Affairs*, 22 December 2016.

Ayoob, M. 'Humanitarian Intervention and State Sovereignty'. *The International Journal of Human Rights* 6, no. 1 (March 2002).

'Baroque, Adj. and N.' *OED Online*. Oxford University Press, 2018.

Bartelson, Jens. 'The Concept of Sovereignty Revisited'. *European Journal of International Law* 17, no. 2 (2006).

Bass, Gary Jonathan. *Freedom's Battle: The Origins of Humanitarian Intervention*. New York: Vintage, 2009.

Bauer, Hermann, Andreas Prater, and Ingo F Walther. *Baroque*. Köln: Taschen, 2016.

Baylis, John, Steve Smith, and Patricia Owens, eds. *The Globalization of World Politics: An Introduction to International Relations*. Seventh edition. Oxford: Oxford University Press, 2014.

Beachler, Donald W. 'Arguing about Cambodia: Genocide and Political Interest'. *Holocaust and Genocide Studies* 23, no. 2 (October 2009).

Beaulac, Stephane. 'The Westphalian Model in Defining International Law: Challenging the Myth'. *Australian Journal of Legal History* 8 (2004).

Beiser, Frederick C. *Schiller as Philosopher: A Re-Examination*. Oxford: Clarendon Press, 2005.

Beitz, Charles R. *Political Theory and International Relations*. Princeton: Princeton University Press, 1999.

Bellamy, Alex, and Tim Dunne, eds. *The Oxford Handbook of the Responsibility to Protect*. Oxford Handbooks. Oxford: Oxford University Press, 2016.

Bellamy, Alex J. 'Humanitarian Intervention and the Three Traditions'. *Global Society* 17, no. 1 (January 2003).

———. 'Motives, Outcomes, Intent and the Legitimacy of Humanitarian Intervention'. *Journal of Military Ethics* 3, no. 3 (November 2004).

———. *The Responsibility to Protect: A Defence*. Oxford: Oxford University Press, 2015.

———. 'The Responsibility to Protect and the Problem of Military Intervention'. *International Affairs* 84, no. 4 (July 2008).

Benedict, Philip. 'Introduction'. In *Early Modern Europe: From Crisis to Stability*, by Philip Benedict and Myron P. Gutmann. Newark: University of Delaware Press, 2005.

Bennet, James. 'Clinton in Africa: The Overview; Clinton Declares U.S., with World, Failed Rwandans'. *The New York Times*, 26 March 1998.

Berghs, Maria. *War and Embodied Memory: Becoming Disabled in Sierra Leone*. Farnham: Ashgate, 2012.

'Between the Borders'. *The Economist*, 16 June 2016.

Bieri, Peter. *Human Dignity: A Way of Living*. Translated by Diana Siclovan. Malden: Polity Press, 2017.

Blair, David. 'Sierra Leone Makes Blair "Chief of Peace"'. *The Telegraph*, 31 May 2007.

Blanton, Shannon Lindsey, and Charles W. Kegley. *World Politics: Trend and Transformation*. Boston: Cengage Learning, 2017.

Booth, Ken. 'Foreword'. *International Politics* 53, no. 1 (January 2016).

Borges, Jorge Luis. *A Universal History of Infamy*. Translated by Norman Thomas Di Giovanni. London: Penguin Books, 1975.

Breuer, Dieter. 'In Grimmelshausen's Tracks: The Literary and Cultural Legacy'. In *A Companion to the Works of Grimmelshausen*, edited by Karl F. Otto Jr. Columbia: Camden House, 2010.

Brook, Timothy. *Vermeer's Hat: The Seventeenth Century and the Dawn of the Global World*. New York: Bloomsbury Press, 2010.

Brooke, Christopher. *Philosophic Pride: Stoicism and Political Thought from Lipsius to Rousseau*. Princeton: Princeton University Press, 2012.

Brownlie, Ian. *International Law and the Use of Force by States*. Oxford: Clarendon Press, 1981.

———. 'Thoughts on the Kind Hearted Gunman'. In *Humanitarian Intervention and the United Nations*, edited by Richard B. Lillich. Charlottesville: University Press of Virginia, 1973.

Buchanan, Allen. 'From Nuremburg to Kosovo: The Morality of Illegal International Legal Reform'. *Ethics* 111, no. 4 (2001).

———. 'The Internal Legitimacy of Humanitarian Intervention'. *Journal of Political Philosophy* 7, no. 1 (March 1999).

Büntgen, Ulf, and Lena Hellmann. 'The Little Ice Age in Scientific Perspective: Cold Spells and Caveats'. *Journal of Interdisciplinary History,* 44, no. 3 (Winter 2014).

Burns, J.H. 'The Idea of Absolutism'. In *Absolutism in Seventeenth-Century Europe*, edited by John Miller. London: Macmillan, 1990.

Buzan, Barry. *From International to World Society? English School Theory and the Social Structure of Globalisation*. Cambridge: Cambridge University Press, 2004.

Caldwell, Malcolm. 'Revolutionary Violence in a People's War'. *Social Scientist* 3, no. 12 (July 1975).

Callot, Jacques. *Callot's Etchings: 338 Prints*. Edited by Daniel Howard. New York: Dover Publications, 1974.

Cancik, Hubert. '"Dignity of Man" and "Persona" in Stoic Anthropology: Some Remarks on Cicero, De Officiis I 105 -107'. In *The Concept of Human Dignity in Human Rights Discourse*, edited by David Kretzmer and Eckart Klein. The Hague: Kluwer Law International, 2002.

Caney, Simon. *Justice beyond Borders: A Global Political Theory*. Oxford: Oxford University Press, 2005.

Carley, Stephen. 'Limping Toward Elysium: Impediments Created by the Myth of Westphalia on Humanitarian Intervention in the International Legal System'. *Connecticut Law Review* 41, no. 5 (2009).

Carvalho, Benjamin de, Halvard Leira, and John M. Hobson. 'The Big Bangs of IR: The Myths That Your Teachers Still Tell You about 1648 and 1919'. *Millennium* 39, no. 3 (May 2011).

Castillo, David R. *Baroque Horrors: Roots of the Fantastic in the Age of Curiosities*. Ann Arbor: University of Michigan Press, 2010.

Cavalli-Björkmann, Görel. 'The Vanitas Sill-Life: A Phenomenon of the Crisis of Conscience'. In *1648: War and Peace in Europe*, edited by Klaus Bussmann and Heinz Schilling, Vol. II: art and culture. Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998.

Chandler, David. *Constructing Global Civil Society: Morality and Power in International Relations*. Paperback ed. Basingstoke: Palgrave Macmillan, 2005.

———. *From Kosovo to Kabul and beyond: Human Rights and International Intervention*. London: Pluto Press, 2006.

Charny, Israel W., ed. *Encyclopedia of Genocide*. Vol. 1. Santa Barbara: Institute on the Holocaust and Genocide, 1999.

'Charter of the United Nations'. United Nations, 24 October 1945.

Chaucer, Geoffrey. *A Treatise on the Astrolabe: Addressed to His Son Lowys by Geoffrey Chaucer. A.D. 1391*. London: Published for the Early English Text Society, by N. Trübner & Co, 1872.

Chesterman, Simon. *Just War or Just Peace? Humanitarian Intervention and International Law*. Oxford: Oxford University Press, 2002.

———. 'Violence in the Name of Human Rights'. In *The Cambridge Companion to Human Rights Law*, edited by Costas Douzinas and Conor Gearty. Cambridge: Cambridge University Press, 2012.

Chesterman, Simon, and Michael Byers. 'Changing the Rules about Rules?: Unilateral Humanitarian Intervention and the Future of International Law'. In *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, edited by J.L. Holzgrefe and Robert O. Keohane. Cambridge: Cambridge University Press, 2003.

Chomsky, Noam. *A New Generation Draws the Line: 'Humanitarian' Intervention and the Standards of the West*. London: Pluto, 2012.

———. *The New Military Humanism: Lessons from Kosovo*. London: Pluto Press, 1999.

Cicero. *De Inventione*. Translated by H.M. Hubbell. Loeb Classical Library. Cambridge, MA.: Harvard University Press, 1949.

———. *De Officiis*. Translated by Walter Miller. Loeb Classical Library. Cambridge, MA.: Harvard University Press, 1913.

Clark, Ian. *Legitimacy in International Society*. Oxford: Oxford University Press, 2005.

Clark, Sir George. *The Seventeenth Century*. New York: Oxford University Press, 1961.

Clinton, Bill. *My Life*. New York: Knopf, 2004.

———. 'Remarks by the President to KFOR Troops in Macedonia'. Website of the White House: Office of the Press Secretary, 22 June 1999.

Coady, C.A.J., Ned Dobos, and Sagar Sanyal, eds. *Challenges for Humanitarian Intervention: Ethical Demand and Political Reality*. New York: Oxford University Press, 2018.

Cohen, Andrew Jay. 'On the Trail of Genocide'. *The New York Times*, 7 September 1994.

Copenhaver, Brian. 'Giovanni Pico Della Mirandola'. In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Fall 2016., 2016. http://plato.stanford.edu/archives/fall2016/entries/pico-della-mirandola/.

Copenhaver, Brian, and Remy Debes. 'Dignity, Vile Bodies, and Nakedness'. In *Dignity: A History*. New York: Oxford University Press, 2017.

Coutinho, Eduardo F. 'Introduction'. In *Brazilian Literature as World Literature*, edited by Eduardo F. Coutinho. London: Bloomsbury Academic, 2018.

Crawford, James, and Ian Brownlie. *Brownlie's Principles of Public International Law*. Eighth edition. Oxford: Oxford University Press, 2012.

Criddle, Evan J., and Evan Fox-Decent. *Fiduciaries of Humanity: How International Law Constitutes Authority*. Oxford: Oxford University Press, 2016.

Crossley, Noëlle. 'A Model Case of R2P Prevention? Mediation in the Aftermath of Kenya's 2007 Presidential Elections'. *Global Responsibility to Protect* 5, no. 2 (2013).

Croxton, Derek. 'The Peace of Westphalia of 1648 and the Origins of Sovereignty'. *The International History Review* 21, no. 3 (September 1999).

———. *Westphalia: The Last Christian Peace*. New York: Palgrave Macmillan, 2013.

Curran, Jane V., and Christophe Fricker. 'Introduction'. In *Schiller's 'On Grace and Dignity' in Its Cultural Context: Essays and a New Translation*, by Friedrich Schiller, edited by Jane V. Curran and Christophe Fricker. Woodbridge: Camden House, 2005.

Daddow, Oliver, and Pauline Schnapper. 'Liberal Intervention in the Foreign Policy Thinking of Tony Blair and David Cameron'. *Cambridge Review of International Affairs* 26, no. 2 (June 2013).

Dales, Richad C. 'A Medieval View of Human Dignity'. *Journal of the History of Ideas* 38, no. 4 (October 1977).

Dan-Cohen, Meir. 'Introduction: Dignity and Its (Dis)Content'. In *Dignity, Rank, and Rights*, by Jeremy Waldron. Oxford: Oxford University Press, 2012.

De Waal, Alex. 'Darfur and the Failure of the Responsibility to Protect'. *International Affairs* 83, no. 6 (November 2007).

———. '"My Fears, Alas, Were Not Unfounded": Africa's Responses to the Libya Conflict'. In *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention*, edited by Aidan Hehir and Robert Murray. New York: Palgrave Macmillan, 2013.

Debes, Remy. 'Introduction'. In *Dignity: A History*, edited by Remy Debes. Oxford: Oxford University Press, 2017.

Denov, Myriam S. *Child Soldiers: Sierra Leone's Revolutionary United Front*. Cambridge: Cambridge University Press, 2010.

Des Forges, Alison Liebhafsky. *'Leave None to Tell the Story': Genocide in Rwanda*. New York: Human Rights Watch: International Federation of Human Rights, 1999.

'Dignity, N.' *Oxford English Dictionary Online*. Oxford University Press, 2018.

Dimler, G.R. 'Simplicius Simplicissimus and Oskar Matzerath as Alienated Heroes: Comparison and Contrast'. *Amsterdamer Beitraege Zur Neueren Germanistik*, 1975.

Dobos, Ned. 'Justifying Humanitarian Intervention to the People Who Pay for It'. *Praxis* 1, no. 1 (2008).

Donnelly, Jack. 'Human Rights, Humanitarian Crisis, and Humanitarian Intervention'. *International Journal* 48, no. 4 (Autumn 1993).

Doyle, Michael. 'J.S. Mill on Nonintervention and Intervention'. In *Just and Unjust Military Intervention: European Thinkers from Vitoria to Mill*, edited by Jennifer M. Welsh and Stefano Recchia. Cambridge: Cambridge University Press, 2015.

Duke, Simon. 'The State and Human Rights: Sovereignty Versus Humanitarian Intervention'. *International Relations* 12, no. 2 (1994).

Düwell, Marcus. 'Human Dignity: Concepts, Discussions, Philosophical Perspectives'. In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth. Cambridge: Cambridge University Press, 2014.

Düwell, Marcus, Jens Braarvig, Roger Brownsword, and Dietmar Mieth. 'Why a Handbook on Human Dignity?' In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth. Cambridge: Cambridge University Press, 2014.

ECNH. 'Dignity of Living Beings', 2008. http://www.ekah.admin.ch/en/topics/dignity-of-living-beings/.

Elliott, J.H. 'The General Crisis in Retrospect: A Debate without End'. In *Early Modern Europe: From Crisis to Stability*, edited by Philip Benedict and Myron P. Gutmann. Newark: University of Delaware Press, 2005.

Epictetus. *The Discourses as Reported by Arrian, the Manual and Fragments. 2: Discourses, Books III and IV. Fragments, Encheiridion*. Translated by William Abbot Oldfather. The Loeb Classical Library 218. Cambridge, MA.: Harvard University Press, 1928.

European Union. 'Charter of Fundamental Rights of the European Union', 2 October 2000.

Evans, Gareth. 'The Responsibility to Protect: An Idea Whose Time Has Come … and Gone?' *International Relations* 22, no. 3 (September 2008).

———. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Washington, D.C: Brookings Institution Press, 2008.

———. 'UN Missed the Chance of a Lifetime'. *The Globe and Mail*, 11 October 2005.

Fabre, Cecile. *Cosmopolitan War*. Oxford: Oxford University Press, 2012.

Fahim, Kareem. 'Libya's Reported Rapes Unsettle and Divide'. *The New York Times*, 19 June 2011, sec. Africa.

Farmer, Stephen Alan. *Syncretism in the West: Pico's 900 Theses (1486): The Evolution of Traditional Religious and Philosophical Systems*. Tempe: Medieval & Renaissance Texts & Studies, 1998.

Farnsworth, Ward. *The Practicing Stoic: A Philosophical User's Manual*. Boston: David R. Godine, 2018.

Fiott, Daniel. 'Realist Thought and Humanitarian Intervention'. *The International History Review* 35, no. 4 (August 2013).

'Foday Sankoh: The Cruel Rebel'. *BBC News*, 30 July 2003.

Földényi, László F. *Melancholy*. New Haven: Yale University Press, 2016.

Forster, Leonard. *The Temper of Seventeenth Century German Literature: An Inaugural Lecture Delivered at University College, London, 7 February, 1951*. London: Published for the College by H.K. Lewis, 1952.

Forster, Marc R. 'The Edict of Restitution (1629) and the Failure of the Catholic Restoration'. In *The Ashgate Research Companion to the Thirty Years' War*, edited by Olaf Asbach and Peter Schröder. Farnham: Ashgate, 2014.

Forsythe, David P. *Human Rights in International Relations*. 3rd ed. Cambridge: Cambridge University Press, 2012.

Friedrich, Carl J. *The Age of the Baroque, 1610-1660*. New York: Harper & Row, 1962.

'Gaddafi Forces Attacking Benghazi'. *BBC News*, 19 March 2011, sec. Africa.

Gberie, Lansana. *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone*. London: Hurst & Company, 2005.

'Geographic Database (CGEO) | Cambodian Genocide Studies Program'. Yale University Genocide Studies Program. Accessed 19 August 2018. https://gsp.yale.edu/case-studies/cambodian-genocide-program/cambodian-genocide-databases-cgdb/geographic-database-cgeo.

GHDI. 'The Religious Peace of Augsburg, 25 September 1555'. German Historical Institute. Accessed 16 June 2018. http://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=5366.

Glanville, Luke. *Sovereignty and the Responsibility to Protect: A New History*. Chicago: The University of Chicago Press, 2014.

———. 'The Antecedents of "Sovereignty as Responsibility"'. *European Journal of International Relations* 17, no. 2 (June 2011).

———. 'The Myth of "Traditional" Sovereignty'. *International Studies Quarterly* 57, no. 1 (March 2013).

Glover, Jonathan. *Humanity: A Moral History of the Twentieth Century*. New Haven: Yale University Press, 2001.

Goldhagen, Daniel Jonah. *Worse than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity*. London: Abacus, 2012.

Goldstein, Joshua S., and Jon C. Pevehouse. *International Relations*. Tenth edition, 2013-2014 update. Boston: Pearson, 2014.

Goodman, Ryan. 'Humanitarian Intervention and Pretexts for War'. *American Journal of International Law* 100, no. 1 (January 2006).

Gotthard, Axel. 'The Settlement of 1648 for the German Empire'. In *The Ashgate Research Companion to the Thirty Years' War*, edited by Olaf Asbach and Peter Schröder. Farnham: Ashgate, 2014.

Gourevitch, Philip. *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda*. London: Picador, 2000.

Grass, Günter. *Dog Years*. Translated by Ralph Manheim. London: Minerva, 1997.

———. *Peeling the Onion*. Translated by Michael Henry Heim. London: Vintage, 2008.

———. *The meeting at Telgte*. Translated by Ralph Manheim. London: Secker & Warburg, 1981.

Griffiths, Antony, John Willett, and Francois Wilson-Bareau, eds. *Disasters of War: Callot, Goya, Dix*. Manchester: National Touring Exhibitions, 1998.

Grimmelshausen, H.J.C von. *Simplicius Simplicissimus*. Edited by Lynne Tatlock. Translated by John C Osborne. Knoxville: Newfound Press, University of Tennessee Libraries, 2008.

———. *The Adventures of Simplicius Simplicissimus*. Translated by J. A. Underwood. London: Penguin, 2018.

———. *The Rungate Courage*. Translated by John C Osborne. Lincoln: University of Nebraska Press, 1965.

———. *The Singular Life Story of Heedless Hopalong*. Translated by Robert L Hiller and John C Osborne. Detroit: Wayne State University Press, 1981.

Gross, Leo. 'The Peace of Westphalia, 1648-1948'. *The American Journal of International Law* 42, no. 1 (1948).

Hanak, Miroslav John. 'The Emergence of Baroque Mentality and Its Cultural Impact on Western Europe after 1550'. *The Journal of Aesthetics and Art Criticism* 28, no. 3 (1970).

Hatzfeld, Jean. *Machete Season: The Killers in Rwanda Speak; a Report*. New York: Picador, 2005.

Havercroft, Jonathan. 'Was Westphalia "All That"? Hobbes, Bellarmine, and the Norm of Non-Intervention'. *Global Constitutionalism* 1, no. 1 (March 2012).

Hehir, Aidan. *Humanitarian Intervention after Kosovo: Iraq, Darfur and the Record of Global Civil Society*. Basingstoke: Palgrave Macmillan, 2008.

———. 'The Responsibility to Protect in International Political Discourse: Encouraging Statement of Intent or Illusory Platitudes?' *The International Journal of Human Rights* 15, no. 8 (December 2011).

Hein, Jorgen. 'The "Danish War" and Denmark's Further Role in the Conflict'. In *1648: War and Peace in Europe*, edited by Klaus Bussmann and Heinz Schilling, Vol. I: politics, religion, law and society. Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998.

Helfferich, Tryntje. *The Thirty Years War: A Documentary History*. Indianapolis: Hackett, 2009.

Helm, Bennett W. *Communities of Respect: Grounding Responsibility, Authority, and Dignity*. Oxford: Oxford University Press, 2017.

Henry Home, Lord Kames. *Elements of Criticism*. Edited by Peter Jones. Indianapolis: Liberty Fund, 2005.

Hess, Peter. 'Poetry in Germany 1450 -1700'. In *Early Modern German Literature 1350-1700*, edited by Max Reinhart. Columbia: Camden House, 2007.

Hill, Thomas. 'In Defence of Human Dignity: Comments on Rosen and Kant'. In *Understanding Human Dignity*, edited by Christopher McCrudden. Oxford: Published for the British Academy by Oxford University Press, 2013.

Hitchins, Peter. 'Why Do Sixties Peaceniks Turn into 21st Century Warmongers?' *Daily Mail*, 5 September 2013.

Hobsbawm, E.J. 'The General Crisis of the European Economy in the 17th Century'. *Past & Present* 5 (May 1954).

Holzgrefe, J.L. 'The Humanitarian Intervention Debate'. In *Humanitarian Intervention: Ethical, Legal & Political Dilemmas*, edited by J.L. Holzgrefe and Robert O. Keohane. Cambridge: Cambridge University Press, 2003.

Hooker, Richard. *Of the Lawes of Ecclesiasticall Politie: The Fift Booke*. London: I. Windet, 1597.

Hopgood, Stephen. 'The Last Rites for Humanitarian Intervention'. *Global Responsibility to Protect* 6, no. 2 (June 2014).

Hornstein, Katie. 'Just Violence?: Jacques Callot's Grandes Misères et Malheurs de La Guerre'. *University of Michigan Museums of Art and Archaeology Bulletin* XVI (2006).

Horton, Scott. 'Gryphius, or the Transitory Nature of Humanity'. *The Stream - Harper's Magazine Blog* (blog), 11 August 2007. https://harpers.org/blog/2007/08/gryphius-or-the-transitory-nature-of-humanity/.

Horváth, Ágnes. *Modernism and Charisma*. Houndmills: Palgrave Macmillan, 2013.

Hutton, Will. 'Germany: A Beacon and a Force for Good in Europe'. *The Guardian*, 11 January 2015, sec. Opinion.

ICISS. 'The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty'. Ottawa, December 2001.

Ignatieff, Michael. *Whose Universal Values?: The Crisis in Human Rights*. Amsterdam: Praemium Erasmianum Foundation, 1999.

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.

'Interview with Kofi Annan'. *BBC Newsnight*. London, 20 January 2016.

Jackson, Robert H., and Georg Sørensen. *Introduction to International Relations: Theories and Approaches*. Sixth Edition. Oxford: Oxford University Press, 2015.

Judt, Tony. *Postwar: A History of Europe since 1945*. London: Vintage, 2010.

Justin, Tito. 'South Sudan: AU Official Calls for Accountability in Sexual Violence'. *Voice of America (Washington, DC)*, 9 December 2016. http://allafrica.com/stories/201612090812.html.

Kaitesi, Usta. *Genocidal Gender and Sexual Violence: The Legacy of the ICTR, Rwanda's Ordinary Courts and Gacaca Courts*. Cambridge: Intersentia, 2014.

Kampfner, John. *Blair's Wars*. London: Simon & Schuster, 2004.

Kant, Immanuel. *Groundwork for the Metaphysics of Morals*. Translated by Allen W. Wood. London: Yale University Press, 2002.

Kateb, George. *Human Dignity*. Cambridge, MA.: The Belknap Press of Harvard University Press, 2014.

Kayaoglu, Turan. 'Westphalian Eurocentrism in International Relations Theory'. *International Studies Review* 12, no. 2 (2010): 193–217.

Keatinge, Tom. 'This Time, Sanctions on Russia Are Having the Desired Effect'. *Financial Times*, 13 April 2018.

Kelly, Morgan, and Cormac Ó Gráda. 'The Waning of the Little Ice Age: Climate Change in Early Modern Europe'. *Journal of Interdisciplinary History* 44, no. 3 (Winter 2014).

Kiernan, Ben. *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79*. New Haven: Yale University Press, 2008.

Kissinger, Henry. 'Syrian Intervention Risks Upsetting Global Order'. *Washington Post*, 1 June 2012.

———. *World Order*. New York: Penguin Press, 2014.

Klose, Fabian, ed. *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present*. Human Rights in History. Cambridge: Cambridge University Press, 2016.

Knauer, Martin. 'War as Memento Mori: The Function and Significance of the Series of Engravings in the Thirty Years' War'. In *1648: War and Peace in Europe*, edited by Klaus Bussmann and Heinz Schilling, Vol. II: art and culture. Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998.

Koechlin, Florianne. 'The Dignity of Plants'. *Plant Signaling & Behavior* 4, no. 1 (January 2009).

Körber-Stiftung. '163rd Bergedorf Round Table: "A Westphalia for the Middle East?"', 11 November 2016.

Koselleck, Reinhart. 'Introduction to the Geschichtliche Grundbegriffe'. In *Global Conceptual History: A Reader*, edited by Margrit Pernau and Dominic Sachsenmaier, translated by Michaela Richter. London: Bloomsbury Academic, 2016.

———. *The Practice of Conceptual History: Timing History, Spacing Concepts*. Translated by Todd Samuel Presner. Cultural Memory in the Present. Stanford: Stanford University Press, 2002.

Krasner, Stephen D. 'Rethinking the Sovereign State Model'. *Review of International Studies* 27, no. 5 (2001).

———. *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press, 1999.

———. 'The Durability of Organised Hypocrisy'. In *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*, edited by Hent Kalmo and Quentin Skinner. Cambridge: Cambridge University Press, 2010.

Krasznahorkai, László. *Seiobo There Below*. Translated by Ottilie Mulzet. London: Tuskar Rock, 2016.

Kritsiotis, Dino. 'The Legal Travails of Kind-Hearted Gunmen'. *The Modern Law Review* 62, no. 6 (November 1999).

Kuperman, Alan J. 'Suicidal Rebellions and the Moral Hazard of Humanitarian Intervention'. *Ethnopolitics* 4, no. 2 (June 2005).

———. 'The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans'. *International Studies Quarterly* 52, no. 1 (March 2008).

Kuperman, Alan J., and Timothy W. Crawford. *Gambling on Humanitarian Intervention: Moral Hazard, Rebellion and Civil War*. London: Routledge, 2006.

Languet, Hubert, and George Garnett. *Vindiciae Contra Tyrannos, or, Concerning the Legitimate Power of a Prince over the People, and of the People over a Prince*. Cambridge: Cambridge University Press, 1994.

Lanz, David. 'Why Darfur? The Responsibility to Protect as a Rallying Cry for Transnational Advocacy Groups'. *Global Responsibility to Protect* 3, no. 2 (2011).

Lawson, George, and Robbie Shilliam. 'Beyond Hypocrisy? Debating the "Fact" and "Value" of Sovereignty in Contemporary World Politics'. *International Politics* 46, no. 6 (November 2009).

Lebech, Mette, and James McEvoy. 'De Dignitate Conditionis Humanae: Translation, Commentary, and Reception History of the Dicta Albini (Ps.-Alcuin) and the Dicta Candidi'. *Viator* 40, no. 2 (2009).

Leblans, Anne. 'Grimmelshausen and the Carnivalesque: The Polarization of Courtly and Popular Carnival in Der Abenteuerliche Simplicissimus'. *MLN* 105, no. 3 (1990).

Lehmann, Hartmut. 'The Fourteenth, the Seventeenth, and the Twentieth Centuries as Centuries of Violence and Mass Death'. In *Power, Violence and Mass Death in Pre-Modern and Modern Times*, edited by Joseph Canning, Hartmut Lehmann, and J. M. Winter. Aldershot: Ashgate, 2004.

———. 'Under the Spell of Mars: Power, Violence, and Mass Death in Seventeenth-Century Europe'. In *Power, Violence and Mass Death in Pre-Modern and Modern Times*, edited by Joseph Canning, Hartmut Lehmann, and J. M. Winter. Aldershot: Ashgate, 2004.

Leveringhaus, Alex. 'Liberal Interventionism, Humanitarian Ethics, and the Responsibility to Protect'. *Global Responsibility to Protect* 6, no. 2 (June 2014).

Linklater, Andrew. *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era*. Reprinted. Cambridge: Polity Press, 2004.

Lipsius, Justus. *On Constancy*. Edited by John Sellars. Translated by John Stradling. Exeter: Bristol Phoenix Press, 2006.

Machiavelli, Niccolò. *The Prince*. Edited by Quentin Skinner and Russell Price. Cambridge: Cambridge University Press, 1988.

Macklin, Ruth. 'Dignity Is a Useless Concept'. *BMJ* 327, no. 7429 (2003).

Macleod, Christopher. 'Towards a Philosophical Account of Crimes against Humanity'. *European Journal of International Law* 21, no. 2 (May 2010).

Maguire, Peter. *Facing Death in Cambodia*. New York: Columbia University Press, 2005.

Maher, Katherine. 'The New Westphalian Web'. *Foreign Policy* (blog), 25 February 2013.

Manetti, Giannozzo. *On Human Worth and Excellence*. Translated by Brian P. Copenhaver. I Tatti Renaissance Library 85. Cambridge, Mass.: Harvard University Press, 2018.

Marcus Aurelius. *Meditations of Marcus Aurelius*. Translated by Charles Reginald Haines. Cambridge, MA.: Harvard University Press, 1930.

Maren, Michael. 'Outmanned, Outgunned in Sierra Leone'. *The New York Times*, 9 May 2000.

Mason, Andrew, and Nicholas J. Wheeler. 'Realist Objections to Humanitarian Intervention'. In *The Ethical Dimensions of Global Change*, edited by Barry Holden. Basingstoke: Macmillan, 1996.

May, Larry. *Genocide: A Normative Account*. Cambridge: Cambridge University Press, 2010.

Mazlish, Bruce. 'Crimes and Sovereignty'. *New Global Studies* 6, no. 1 (2012).

McMahan, Jeff. 'Humanitarian Intervention, Consent, and Proportionality'. In *Ethics and Humanity: Themes from the Philosophy of Jonathan Glover*, edited by N. Ann Davis, Richard Keshen, and Jeff McMahan. Oxford: Oxford University Press, 2010.

———. *Killing in War*. Oxford: Clarendon Press, 2010.

Medick, Hans, and Benjamin Marschke. *Experiencing the Thirty Years War: A Brief History with Documents*. The Bedford Series in History and Culture. Boston: Bedford/ St. Martins, 2013.

Menhennet, Alan. *Grimmelshausen the Storyteller: A Study of the 'Simplician' Novels*. Studies in German Literature, Linguistics and Culture. Columbia: Camden House, 1997.

Menon, Rajan. *The Conceit of Humanitarian Intervention*. New York: Oxford University Press, 2016.

Meumann, Markus. 'The Experience of Violence and the Expectation of the End of the World in 17th-Century Europe'. In *Power, Violence and Mass Death in Pre-Modern and Modern Times*, edited by Joseph Canning, Hartmut Lehmann, and Jay Winter. Aldershot: Ashgate, 2004.

Mill, John Stuart. *The Collected Works of John Stuart Mill*. Edited by J.M. Robson. Vol. X: Essays on Ethics, Religion, and Society. Toronto: University of Toronto Press, 1969.

Milton, Patrick, Michael Axworthy, and Brendan Simms. *Towards a Westphalia for the Middle East*. London: Hurst & Company, 2018.

Mitton, Kieran. *Rebels in a Rotten State: Understanding Atrocity in the Sierra Leone Civil War*. Oxford: Oxford University Press, 2016.

Mitzen, Jennifer. 'Ontological Security in World Politics: State Identity and the Security Dilemma'. *European Journal of International Relations* 12, no. 3 (September 2006).

Mo, Yan. *Big Breasts and Wide Hips*. Translated by Howard Goldblatt. London: Methuen, 2005.

Moland, Lydia L. 'Friedrich Schiller'. In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Summer 2017. Metaphysics Research Lab, Stanford University, 2017.

Montaigne, Michel de. *The Complete Essays of Montaigne*. Translated by Donald Murdoch Frame. Stanford: Stanford University Press, 1965.

Moore, Steven. *The Novel: An Alternative History, 1600-1800*. New York: Bloomsbury Academic, 2013.

Morgenthau, Hans Joachim. *Politics among Nations: The Struggle for Power and Peace*. Edited by Kenneth W. Thompson. 6. ed. New York: McGraw-Hill, 1985.

Moyn, Samuel. 'Review of: Luke Glanville, Sovereignty and the Responsibility to Protect: A New History'. *Law and History Review* 33, no. 1 (February 2015).

———. *The Last Utopia: Human Rights in History*. London: Belknap Press of Harvard University Press, 2010.

Muders, Sebastian. *Human Dignity and Assisted Death*. Oxford: Oxford University Press, 2017.

Müller, Jan-Werner. 'On Conceptual History'. In *Rethinking Modern European Intellectual History*, edited by Darrin M. McMahon and Samuel Moyn. New York: Oxford University Press, 2014.

Nardin, Terry. 'The Moral Basis of Humanitarian Intervention'. *Ethics & International Affairs* 16, no. 1 (March 2002).

Negus, Kenneth. *Grimmelshausen*. New York: Twayne Publishers, 1974.

Neuhäuser, Christian, and Ralf Stoecker. 'Human Dignity as Universal Nobility'. In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth. Cambridge: Cambridge University Press, 2014.

Newman, Edward. 'R2P: Implications for World Order'. *Global Responsibility to Protect* 5, no. 3 (2013).

Nexon, Daniel H. *The Struggle for Power in Early Modern Europe: Religious Conflict, Dynastic Empires, and International Change*. Princeton Studies in International History and Politics. Princeton: Princeton University Press, 2009.

Nietzsche, Friedrich. *On the Genealogy of Morals*. London: Penguin, 2013.

Oestreich, Gerhard. *Neostoicism and the Early Modern State*. Edited by Brigitta Oestreich and Helmut G. Koenigsberger. Cambridge: Cambridge University Press, 2008.

O'Meara, Chris. 'Should International Law Recognize a Right of Humanitarian Intervention?' *International & Comparative Law Quarterly* 66, no. 2 (April 2017).

'Opera Today: Simplicius Simplicissimus', 19 November 2016. http://www.operatoday.com/content/2016/11/simplicius_simp.php.

Organization of African Unity. 'Charter of the Organization of African Unity', 13 September 1963.

Organization of American States. 'Charter of the Organization of American States', 30 April 1948.

Ortega y Gasset, José. *Man and Crisis*. Translated by Mildred Adams. New York: W.W. Norton, 1958.

Osiander, Andreas. *Before the State: Systemic Political Change in the West from the Greeks to the French Revolution*. Oxford: Oxford University Press, 2009.

———. 'Sovereignty, International Relations, and the Westphalian Myth'. *International Organization* 55, no. 2 (April 2001).

Paas, John Roger. 'The Changing Image of Gustavus Adolphus on German Broadsheets, 1630-3'. *Journal of the Warburg and Courtauld Institutes* 59 (1996).

Pagès, Georges. *The Thirty Years War, 1618-1648*. Translated by John Hooper and David Maland. London: A. and C. Black, 1970.

Panh, Rithy. *The Missing Picture*. Les Acacias, 2014.

Pape, Robert A. 'When Duty Calls: A Pragmatic Standard of Humanitarian Intervention'. *International Security* 37, no. 1 (July 2012).

Papy, Jan. 'Justus Lipsius'. Edited by Edward N. Zalta. *The Stanford Encyclopedia of Philosophy*. Metaphysics Research Lab, Stanford University, 2011. https://plato.stanford.edu/archives/fall2011/entries/justus-lipsius/.

Parker, Geoffrey. *Global Crisis: War, Climate Change and Catastrophe in the Seventeenth Century*. New Haven: Yale University Press, 2014.

Parker, Geoffrey, and Simon Adams, eds. *The Thirty Years' War*. London: Routledge, 1993.

Parliamentary Council. 'Basic Law for the Federal Republic of Germany', 23 May 1949.

Pattison, James. *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* Oxford: Oxford University Press, 2010.

Philpott, Daniel. 'On the Cusp of Sovereignty: Lessons from the Sixteenth Century'. In *Sovereignty at the Crossroads?: Morality and International Politics in the Post-Cold War Era*, edited by Luis E. Lugo. London: Rowman & Littlefield, 1996.

———. *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations*. Princeton: Princeton University Press, 2001.

———. 'Westphalia, Authority, and International Society'. *Political Studies* 47, no. 3 (August 1999).

Pico della Mirandola, Giovanni. *On the Dignity of Man*. Translated by Charles Glenn Wallis. Cambridge: Hackett Publishing Company, 1998.

Pinker, Steven. 'The Stupidity of Dignity'. *The New Republic*, 28 May 2008.

Ponchaud, François. *Cambodia: Year Zero*. New York: Henry Holt & Co, 1978.

Power, Samantha. *'A Problem from Hell': America and the Age of Genocide*. London: Harper Perennial, 2007.

Quinton-Brown, Patrick. 'Mapping Dissent: The Responsibility to Protect and Its State Critics'. *Global Responsibility to Protect* 5, no. 3 (2013).

Rabb, Theodore K. 'Introduction: The Persistence of the "Crisis"'. *Journal of Interdisciplinary History* 40, no. 2 (Autumn 2009).

Rae, Scott. 'The Language of Human Dignity in the Abortion Debate'. In *Human Dignity in Bioethics: From Worldviews to the Public Square*, edited by Stephen Dilley and Nathan J. Palpant. New York: Routledge, 2013.

Read, Herbert. 'Art and War'. In *A Coat of Many Colours : Occasional Essays*, edited by Herbert Read. London: George Routledge & Sons, 1945.

Recchia, Stefano. 'Authorising Humanitarian Intervention: A Five-Point Defence of Existing Multilateral Procedures'. *Review of International Studies* 43, no. 1 (January 2017).

Reid, Anthony. 'The Seventeenth-Century Crisis in Southeast Asia'. *Modern Asian Studies* 24, no. 4 (October 1990).

'Reinventing 'Westphalia'. Historical Lessons for a Future Peace in the Middle East'. Körber-Stiftung, 15 December 2017.

Renton, Alex. 'Sierra Leone: One Place Where Tony Blair Remains an Unquestioned Hero'. *The Observer*, 18 April 2010.

Richard, Marie. 'Jacques Callot (1592–1635), Les Misères et Les Malheurs de La Guerre (1633): A Work and Its Context'. In *1648: War and Peace in Europe*, edited by Klaus Bussmann and Heinz Schilling, Vol. II: art and culture. Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998.

Roberts, Adam. 'Humanitarian War: Military Intervention and Human Rights'. *International Affairs* 69, no. 3 (1993).

Robertson, Geoffrey. *Crimes against Humanity the Struggle for Global Justice*. London: Penguin Books, 2013.

Rodogno, Davide. *Against Massacre: Humanitarian Interventions in the Ottoman Empire, 1815-1914: The Emergence of a European Concept and International Practice*. Human Rights and Crimes against Humanity. Princeton: Princeton University Press, 2012.

Roeck, Bernd. 'The Atrocities of War in Early Modern Art'. In *Power, Violence and Mass Death in Pre-Modern and Modern Times*, edited by Joseph Canning, Hartmut Lehmann, and Jay Winter. Aldershot: Ashgate, 2004.

Rosen, Michael. *Dignity: Its History and Meaning*. London: Harvard University Press, 2012.

Roth, Ken. 'War in Iraq: Not a Humanitarian Intervention'. *Human Rights Watch* (blog), 25 January 2004.

Ruggie, John Gerard. 'Territoriality and Beyond: Problematizing Modernity in International Relations'. *International Organization* 47, no. 1 (Winter 1993).

Russell, Alec. 'Kofi Annan, UN Leader in Difficult Times, 1938-2018'. *Financial Times*, 19 August 2018.

'S-21 Victims'. The Killing Fields Museum of Cambodia. Accessed 19 August 2018. http://www.killingfieldsmuseum.com/s21-victims.html.

Sazak, Selim Can. 'No Westphalia for the Middle East'. *Foreign Affairs*, October 2016.

Schade, R.E. 'A War Story of Deceit, Gambling, and Sex: Simplicissimus at the Siege of Magdeburg (1636)'. *Germanisch-Romanische Monatsschrift* 53 (January 2003).

Schäfer, Walter Ernst. 'The Thirty Years' War in Moscherosch's "A Soldier's Life" and the Simplician Tales of Grimmelshausen'. In *1648: War and Peace in Europe*, edited by Klaus Bussmann and Heinz Schilling, Vol. II: art and culture. Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998.

Schiller, Friedrich. 'On Grace and Dignity'. In *Schiller's 'On Grace and Dignity' in Its Cultural Context: Essays and a New Translation*, by Friedrich Schiller, edited by Jane V. Curran and Christophe Fricker, translated by Jane V. Curran. Woodbridge: Camden House, 2005.

———. *The History of the Thirty Years' War in Germany*. Translated by A.J.W. Morrison. New York: A. L. Burt, 1900.

———. 'Wallenstein'. In *The Robbers & Wallenstein*, by Friedrich Schiller, translated by F.J. Lamport. London: Penguin, 1979.

Schinkel, Anders. 'Imagination as a Category of History: An Essay Concerning Koselleck's Concepts of Erfahrungsraum and Erwartungshorizont'. *History and Theory* 44, no. 1 (2005).

Schmidt, Sebastian. 'To Order the Minds of Scholars: The Discourse of the Peace of Westphalia in International Relations Literature'. *International Studies Quarterly* 55, no. 3 (2011).

Schweitzer, Christoph E. 'Grimmelshausen and the Picaresque Novel'. In *A Companion to the Works of Grimmelshausen*, edited by Karl F. Otto Jr. Columbia: Camden House, 2010.

———. 'Problems in the Editions of Grimmelshausen's Works'. In *A Companion to the Works of Grimmelshausen*, edited by Karl F. Otto Jr. Columbia: Camden House, 2010.

Seybolt, Taylor B. 'The Use of Force'. In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex J. Bellamy and Timothy Dunne. Oxford: Oxford University Press, 2016.

Sharma, Serena K. 'Kenya'. In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex J. Bellamy and Timothy Dunne. Oxford: Oxford University Press, 2016.

Sharma, Serena K., and Jennifer M. Welsh, eds. *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*. Oxford: Oxford University Press, 2015.

'Shocking War Crimes in Sierra Leone'. Human Rights Watch, 24 June 1999.

Shugarman, David P. 'Chomsky's Rejection of Humanitarian Intervention'. *York University Centre for Practical Ethics, Working Paper of the Canadian Political Science Association*, 2006.

Simma, Bruno. 'NATO, the UN and the Use of Force: Legal Aspects'. *European Journal of International Law* 10, no. 1 (January 1999).

Simms, Brendan. 'Europe's Shifting Balance of Power'. In *The Oxford Handbook of Early Modern European History, 1350-1750: Volume 2. Cultures & Power*, by H. M. Scott. Oxford: Oxford University Press, 2015.

Simms, Brendan, Michael Axworthy, and Patrick Milton. 'Ending the New Thirty Years War'. *New Statesman*, 26 January 2016.

Simms, Brendan, and David J. B. Trim. 'Towards a History of Humanitarian Intervention'. In *Humanitarian Intervention: A History*, edited by Brendan Simms and David J. B. Trim. Cambridge: Cambridge University Press, 2013.

Solana, Javier. 'Speech by the Secretary General at the Symposium on the Political Relevance of the 1648 Peace of Westphalia, Münster, Thursday, 12th November 1998'. www.nato.int. Accessed 9 March 2018. https://www.nato.int/docu/speech/1998/s981112a.htm.

Sontag, Susan. *Regarding the Pain of Others*. 1st ed. New York: Farrar, Straus and Giroux, 2003.

Spahr, Blake Lee. *Andreas Gryphius: A Modern Perspective*. Studies in German Literature, Linguistics, and Culture. Columbia: Camden House, 1993.

———. 'Gryphius and the Crisis of Identity'. *German Life and Letters* 22, no. 4 (July 1969).

'Status, n. and Adj.' *Oxford English Dictionary Online*. Oxford University Press, 2018.

Stromseth, Jane. 'Rethinking Humanitarian Intervention: The Case for Incremental Change'. In *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, edited by J.L. Holzgrefe and Robert O. Keohane. Cambridge: Cambridge University Press, 2003.

Tacke, Andreas. 'Mars, the Enemy of Art: Sandrart's Teutsche Acadamie and the Impact of War on Art and Music'. In *1648: War and Peace in Europe*, edited by Klaus Bussmann and Heinz Schilling, Vol. II: art and culture. Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte Münster, 1998.

Taylor, Charles. *A Secular Age*. Cambridge, MA.: Belknap Press of Harvard University Press, 2007.

Teschke, Benno. *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations*. London: Verso, 2003.

Tesón, Fernando R. 'Eight Principles for Humanitarian Intervention'. *Journal of Military Ethics* 5, no. 2 (June 2006).

———. 'Ending Tyranny in Iraq'. *Ethics & International Affairs* 19, no. 2 (September 2005).

———. *Humanitarian Intervention: An Inquiry into Law and Morality*. Irvington-On-Hudson: Transnational, 1997.

Tesón, Fernando, and Bas van der Vossen. *Debating Humanitarian Intervention: Should We Try to Save Strangers?* Oxford: Oxford University Press, 2018.

Thakur, Ramesh. 'Humanitarian Intervention and Responsibility to Protect'. In *The Oxford Handbook on the United Nations*, edited by Sam Daws and Thomas G. Weiss. Oxford: Oxford University Press, 2016.

'The Darkest Corner of Africa'. *The Economist*, 7 January 1999.

Theibault, John. 'The Demography of the Thirty Years War Re-Revisited: Günther Franz and His Critics'. *German History* 15, no. 1 (January 1997).

Trevor-Roper, Hugh. 'The General Crisis of the 17th Century'. *Past & Present* 16 (November 1959).

Trim, David J. B. '"If a Prince Use Tyrannie towards His People": Interventions on Behalf of Foreign Populations in Early-Modern Europe'. In *Humanitarian Intervention: A History*, edited by Brendan Simms and David J. B. Trim. Cambridge: Cambridge University Press, 2013.

'Two Poems by Andreas Gryphius | Harper's Magazine'. Accessed 31 July 2017. https://harpers.org/blog/2007/08/two-poems-by-andreas-gryphius/.

Ucko, David H. 'Can Limited Intervention Work? Lessons from Britain's Success Story in Sierra Leone'. *Journal of Strategic Studies* 39, no. 6 (September 2016).

UN General Assembly. 'Universal Declaration of Human Rights', 10 December 1948.

UNHCR CoI. 'Report of the Commission of Inquiry on HR in the Democratic People's Republic of Korea'. United Nations Human Rights Council, 7 February 2014.

United Nations General Assembly. 'Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty', 21 December 1965.

———. 'International Covenant on Civil and Political Rights', 16 December 1966.

———. 'International Covenant on Economic, Social and Cultural Rights', 16 December 1966.

United Nations Human Rights Council. 'A/HRC/37/CRP.3, "I Lost My Dignity": Sexual and Gender-Based Violence in the Syrian Arab Republic Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic', 8 March 2018.

United Nations Joint Office of the Special Advisor on the Prevention of Genocide & Special Advisor on the Responsibility to Protect. 'Framework of Analysis for Atrocity Crimes: A Tool for Prevention'. New York: United Nations, 2014.

United Nations Security Council Resolution 1973, Pub. L. No. Res 1973 (2011).

Valadier, Paul. 'Jacques Maritain's Personalist Conception of Human Dignity'. In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth. Cambridge: Cambridge University Press, 2014.

'Value, N.' *Oxford English Dictionary Online*. Oxford University Press, 2018.

Vattel, Emer de. *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, with Three Early Essays on the Origin and Nature of Natural Law and on Luxury*. Edited by Béla Kapossy and Richard Whitmore. Indianapolis: Liberty Fund, 2008.

Villari, Rosario. *Baroque Personae*. Chicago: Chicago University Press, 1995.

Vincent, Philip. *The Lamentations of Germany*. London: Iohn Rothwell, 1638.

Vincent, R. J. *Human Rights and International Relations*. Cambridge: Cambridge University Press, 2009.

Waldron, Jeremy. *Dignity, Rank, and Rights*. New York: Oxford University Press, 2012.

———. *One Another's Equals: The Basis of Human Equality*. Cambridge, MA.: The Belknap Press of Harvard University Press, 2017.

Waller, James. *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*. Oxford: Oxford University Press, 2002.

Walt, Stephen M. 'Could There Be a Peace of Trumphalia?' *Foreign Policy* (blog), 14 November 2016.

Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. 4th ed. New York: Basic Books, 2006.

Wedgwood, C. V. *The Thirty Years War*. Jonathan Cape Paperback ; JCP12. London: J. Cape, 1964.

Weiss, Thomas G. *Humanitarian Intervention: Ideas in Action*. War and Conflict in the Modern World. Cambridge, MA.: Polity Press, 2007.

———. 'The Turbulent 1990s: R2P Precedents and Prospects'. In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex J. Bellamy and Timothy Dunne. Oxford: Oxford University Press, 2016.

Welsh, Jennifer M. 'A Normative Case for Pluralism: Reassessing Vincent's Views on Humanitarian Intervention'. *International Affairs* 87, no. 5 (September 2011).

———. 'Introduction'. In *Humanitarian Intervention and International Relations*, edited by Jennifer M. Welsh. Oxford: Oxford University Press, 2006.

Western, Jon, and Joshua S. Goldstein. 'Humanitarian Intervention Comes of Age: Lessons From Somalia to Libya'. *Foreign Affairs* 90, no. 6 (2011).

Whaley, Joachim. *Germany and the Holy Roman Empire: Volume I: Maximilian I to the Peace of Westphalia*. Oxford: Oxford University Press, 2011.

Wheeler, Nicholas J. *Saving Strangers: Humanitarian Intervention in International Society*. Oxford: Oxford University Press, 2010.

White, Sam. 'The Real Little Ice Age'. *Journal of Interdisciplinary History* 44, no. 3 (Winter 2014).

Wilkinson, Paul. *International Relations: A Very Short Introduction*. Very Short Introductions 164. Oxford: Oxford University Press, 2007.

Wilson, Peter H. *Europe's Tragedy: A History of the Thirty Years War*. London: Allen Lane, 2009.

———. 'The Causes of the Thirty Years War 1618–48'. *The English Historical Review* CXXIII, no. 502 (June 2008).

———, ed. *The Thirty Years War: A Sourcebook*. Basingstoke: Palgrave Macmillan, 2010.

Woods, Larry J., and Timothy R. Reese. 'Military Interventions in Sierra Leone: Lessons from a Failed State'. Fort Leavenworth: U.S. Department of Defence: Defence Technical Information Centre, January 2008.

Zolo, Danilo. 'Humanitarian Militarism?' In *The Philosophy of International Law*, edited by John Tasioulas and Samantha Besson. Oxford: Oxford University Press, 2010.