LETTERS BY HISTORICUS,

ON SOME QUESTIONS

OF

INTERNATIONAL LAW.

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'So many encroachments have recently been made on the ancient course and maxims of the law of nations, that the primary object of importance now is to reinspire a deference to solemn precedents and established rules.'

FRANCIS HORNER.

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A LETTER

ON THE PERILS OF INTERVENTION

NEUTRALITY OR INTERVENTION?

SIR,—The doctrine which I have ventured to lay down on the subject of Recognition being substantially unimpeached, I shall not trouble you at any further length on a point which may be taken to be too clear to admit of dispute.

I therefore dismiss the topic of Recognition, and propose to offer a few remarks on the far more debateable head of Intervention. Here we must leave the firm and beaten path which law has defined and practice consolidated, to explore the fluctuating and trackless depths of policy. In such a case the conscience of those who wield the might becomes the only rule of right. I do not intend to disparage Intervention. It is a high and summary procedure which may sometimes snatch a remedy beyond the reach of law. Nevertheless, it must be admitted that in the case of Intervention, as in that of Revolution, its essence is illegality, and its justification is its success. Of all things, at once the most unjustifiable and the most impolitic is an unsuccessful Intervention.

Now, Intervention may be of various kinds and of different degrees. As a famous physician said of scarlet fever, it may be anything, from a fleabite to the plague. And it is by no means impossible that it may begin with one and end with the other. There are many persons with whom the milder or fleabite form seems to be highly popular. Remonstrance, advice, moral force, and mediation, are phrases which pass glibly current, and are assumed to be at once innocuous and efficacious. Yet it is not to be wondered at if those on whom devolves the responsibility of action should pause to consider whether, in fact, they are likely in the result to prove to be either. The Emperor of the French has within the last few days propounded a scheme of Intervention to the English Government, of which

the best that can be said is that it is an intervention which does not propose to intervene. This project contemplates nothing more than that the American belligerents should be requested to conclude an armistice for six months and to suspend the blockade. The proposition is accompanied by no ulterior provisions in case this singular offer should be declined. Canute on this occasion seems to be no wiser than his courtiers. In what chapter of ancient or of modern history has the Emperor learnt that the waters of strife, surging with the tides of passion, are wont to subside at the invitation of Monarchs, however powerful? Or is it the success which has attended the counsels he has tendered at Rome which inspires him with such confidence in the prevalence of moral force and European remonstrance at Washington? I have read, indeed, in *Virgil* of the wrath of belligerent bees being composed *pulveris exigui jactu;* but in the more prosaic pages of the *Annual Register* it may be remarked that the powder employed in the pacification of nations has generally smacked most consumedly of saltpetre. The only precedent in which, as far as I am aware, an intervention of this complimentary kind has been successfully attempted is that recorded in the *Critic*, where the gentlemen who are at a deadlock are charged in the Queen's name to drop their swords and daggers—*which they accordingly do.* But, as the ingenious author in the same piece remarks, 'when they do agree on the stage, their unanimity is wonderful.' Unhappily, on the theatre of the world the players are by no means so mindful of their cues or so obedient to the prompter.

No, sir, this is mere child's play. Intervention 'should be made of sterner stuff than this.' The only object and justification of intervention is peace. To interpose without the means or the intention to carry into effect a permanent pacification is not to intervene, but to intermeddle. I do not say that intervention may not be justifiable or even politic, but that it may be either it must be efficacious. An inconclusive interference is at once impertinent and mischievous.

There are many persons who talk of intervention as if it were a light and easy affair. They picture to themselves a smart despatch garnished with plenty of fine sentiments, backed by a few good signatures, and they suppose the trick is done.

But in this matter it were well to take counsel of experience—the Instructress of nations. The records of history will teach us that interventions have not been accomplished with Foreign-office rose-water alone. I pointed out in my former letter that the instances of Belgium and Greece, which had been alleged as precedents for recognition, were in fact cases of intervention. Thereupon the undaunted advocates of the South—equal to either fortune—reply, 'Well, if we cannot recognise, let us intervene, after the fashion of Belgium and of Greece.' Now, I vehemently suspect that those persons who are so urgent for action in this matter are as little acquainted with the history of the policy as they are with the principles of law involved in the transactions on which they are so ready to rely. I know there are persons who think that if France, England, and Russia could only make up their minds to do what is very safely, though somewhat indefinitely, called 'something,' the whole affair would be settled 'out of hand,' peace would be declared at once, the ports would be opened, Lancashire would get its cotton, and America would settle down at once into a condition of happy and contented insignificance. Statesmen, however, who, like the Prime Minister of England, have themselves had the conduct of real intervention, may be excused for not indulging themselves in this sort of Paradise of fools.

Let me recall to your recollection the outlines of the history of that Belgian Intervention which we are invited to reproduce. In the first place, the intervention originated at the express instance of the former Sovereign of the insurgent provinces. This is a circumstance very well worthy of remark. Wheaton, in his *History of International Law*, uses these significant expressions:—

> Jurisdiction over the controversy between the two States was assumed in the first instance by the Conference in consequence of the application of the King of the Netherlands to the British Government, requesting that the five great European Powers might appoint Plenipotentiaries to assemble in Congress for the purpose of effecting a conciliatory mediation between the two great divisions of the kingdom.

I am not aware that a similar communication from the Cabinet of Washington has yet reached the Foreign-office. When it does so, the cases will be more nearly parallel. In the case of

Belgium, the Conference commenced its operations by the Protocol of December, 1830. The necessity of a definite basis of negotiation was at once apparent. The ancient limits of Holland in 1790 supplied an obvious and intelligible boundary. In this case, the great Powers did not invite — they insisted upon an armistice; and the belligerents yielded to that which they knew would be enforced. The Protocol of January, 1831, fixed the limits of the contending States. The five Powers, in the commencement of the negotiation, were completely at one; but what was the result? Did peace immediately ensue, or did the combatants submit to the award? Quite the contrary. The King of Holland refused to agree, because he thought he lost too much. The Belgian Assembly was equally recalcitrant, because it considered it had got too little. Thereupon the great Powers began to quarrel among themselves. England and France supported the Belgian pretensions, and threw overboard the original agreement as to the duchy of Luxemburg. Prussia and Russia sustained the King of Holland in insisting upon the first understanding. In this state of things, the Prince of Orange, in the face of the whole five Powers sitting in conference, within a few days' march of the French army, and a few hours' sail of the British fleet, denounced the armistice, marched into Belgium, and gave the newly-created King, whom the intervening Powers had just set upon his throne, a very sound thrashing. The English and French, of course, were obliged to come to the rescue, the one by land, the other by sea, and the Dutch army was forced to withdraw. It will be remarked, therefore, that a great European intervention, whatever else it may effect, does not, — even in dealing with such a war of pigmies and of cranes as that between Holland and Belgium, and which, compared to the colossal contest in America, was but a petty brawl, — necessarily or immediately produce peace. The result of the first nine months of intervention proved to be that both the original combatants were again at war, and that two of the intervening Powers were in arms in support of one of the belligerents. But this was by no means the end of the affair. In October and November, 1831, the intervening Powers again tried their hands at a settlement, which proclaimed itself to be 'final and

irrevocable.' It is hardly necessary to remark that this 'final' settlement brought nothing to an end, and the 'irrevocable' determination was ultimately revoked. The Belgians refused to acquiesce in the decision as to the Luxemburg territory, and the Dutch were equally obstinate in their persistence not to relinquish their rights. So matters went on till October, 1832, when two of the intervening Powers—England and France—entered into a second convention to compel by force the evacuation of the citadel of Antwerp. Accordingly, a French army marched into Belgium, and an English fleet entered the Scheldt. Russia and the German Powers vehemently dissented from the policy of England and France, and held the most menacing language towards their partners in the mediation. It is notorious that the Western Powers were at this moment on the very brink of war with the German Confederation. Thus, then, the second complete year of mediation disclosed the unsatisfactory spectacle of intense hostility between the intervening Powers and actual war carried on by two of the mediators against one of the subjects of mediation. It was not till May, 1833, or two years and a half from its commencement, that the Belgian intervention arrived at a satisfactory and peaceful conclusion.

Does, then, the example of Greece encourage the hopes of a speedier or more satisfactory end? The Greek insurrection began in 1821. The insurgents requested in vain the interposition of the Congress of Verona. The intervention may be said practically to have commenced with the Protocol of 1826, between England and Russia. By the treaty of 1827, France acceded to the arrangement. Here, again, the armistice was not suggested but imposed. It should be observed, that in both these documents it was thought necessary to define a distinct basis of action. The *suzeraineté* of the Porte was to be reserved while the practical independence of the Greeks was to be secured. Did the Sultan, however, after six years of savage and doubtful contest with his rebellious subjects, peacefully accept the fiat of the three great Powers? Did he submit to the moral force of their representations, or succumb to the overwhelming superiority of their resources? Not a bit of it. The overtures of the great Powers were rejected with indignation and disdain.

Within a few weeks from the signature of the treaty, the 'moral' force of Europe brought about the 'untoward event' of Navarino. Did even this terrible catastrophe precipitate a solution? So far from it that, after the lapse of a year, it became necessary, in 1828, to send a French army of occupation, under Marshal Maison, to expel the Turks from Greece. All this time one of the great mediating Powers was carrying on separate hostilities on its own account with Turkey. And so profound was the distrust, and so adverse the interests of England and Russia with reference to the principal subject of the mediation, that during the Russian advance on Constantinople, the Cabinets of London and Vienna entered into a secret treaty for the defence of Turkey, and just before the treaty of Adrianople, the English admiral was actually under orders to attack the Russian fleet in the Levant.* Such was the state of things, as between the mediating Powers themselves and those on whom their good offices were pressed, at the end of the third year of intervention. From 1828 to 1833, the patriots whose independence and happiness the interposition of Europe had secured, were principally employed in cutting each other's throats. For five years a military occupation by one of the mediators proved indispensable, and, by way of interlude, the Greeks took to murdering their French protectors at Argos. '*Dulces reminiscitur Argos.*' In 1833, seven years after its commencement, the Greek intervention may be said to have been closed by the arrival of Otho *le desiré*. '*Tantæ molis erat.*' Through such dangers and by so much toil was built up that rotten edifice which has just tottered to its fall.

I might indefinitely prolong the record of intervention. I might remind you of that more recent negotiation at Vienna, which commenced with remonstrances at St. Petersburg, but whose ultimate story is recorded in the frequent hillocks which stud the heights of Sebastopol. Did Russia yield her lust of vengeance, or her passion for dominion, to the solicitation of collective Europe? Or do we dream that Presidents are more amenable to the voice of reason than Emperors?

Intervention may be wise, may be right,—nay, sometimes may even be necessary. But let us not deceive ourselves;

* Vide 'Alison's History.'

intervention never has been, never will be, never can be short, simple, or peaceable. Conducted under the most favourable circumstances, we have seen that it almost inevitably before its solution results in war. Let those who are simple enough to place reliance on the cogency of moral pressure remember that the petty strength of Holland defied the five great Powers of Europe—that the decrepit Government of Turkey resisted the collective dictation of Russia, England, and France. If the history of the past will not satisfy them of this, let them look at the experience of our own day. Let them mark the Pope as he lies in the hollow of Napoleon's hand, bearding him to his face. I do not say that England, Russia, and France might not impose their will upon the American belligerents; I do not argue the question whether it is right that they should do so. But this I venture to affirm, that they never will and never can accomplish it except by recourse to arms; it may be by making war upon the North, it may be by making war upon the South, or, what is still more probable, it may be by making war upon both in turns. A Northern Navarino may be redressed by a Southern Antwerp. But it will not be a question of a Dutch garrison or an Ottoman fleet. We shall have to deal with two military nations, disciplined by recent practice of war, and whose forces are counted by hundreds of thousands of men.

This, however, is by no means the full extent of the mischief. The case I have supposed assumes the existence of a basis of action, in which the mediating Powers constantly concur. Can such a basis be constructed, or, if it could, what prospect is there of its being sustained? In the case of Belgium and Greece, the first step was to define the principles of action, and the leading features of reconstruction. Is such a course possible here? I have asked the question before, but I have found no answer to it—What is to be the basis of intervention? In the case of Belgium the basis was the boundary of 1790; in that of Greece the *suzeraineté* of the Porte. But what is to be the basis of the mediation between the North and the South? Where is a boundary-line to be drawn which one side may be reasonably asked to concede, and the other to accept? I believe the definition of such a line of demarcation in the present state of the contest to be wholly impossible. But, assume the

boundary to be settled and accepted, would peace be re-established, or could it for a moment be maintained while such questions as those of slavery, the right to the Territories, the partition of the debt, and the navigation of the rivers, remained open? If we are to intervene it is in order to establish peace. But we cannot establish peace except by settling all the bellicose questions between the parties; for otherwise they will infallibly recur to arms in order to resolve them. The notion of an armistice which should terminate, leaving undecided the question which is designated in America by the phrase of the 'irrepressible conflict,' is childish in the extreme. It would be simply giving breath to the feeblest party in order to refresh him for another round.

The historical examples to which I have referred read us, moreover, another lesson which it were well not to disregard. The great Powers who have undertaken to make peace between others have seldom failed before they have done to quarrel among themselves. We have seen that, in the Belgian Intervention, England and France were on the eve of a breach with Russia and Germany. In the course of the Greek Intervention, open hostilities between Russia and England were hardly averted. Even assuming that the Powers could agree on a basis of action in the American affair, how long is it probable that they would adhere to it? Has England no interests in Canada, France no views in Mexico which might lead to a divergence on various points in the negotiation? What security is there that, as in the case of Belgium and Greece, dissentient sections of the mediating Powers should not end by ranging themselves in hostile camps side by side with the original belligerents: and that thus, in an ill-judged attempt to quench the American strife, we should in the result endanger the peace of Europe?

These perils which I have pointed out are common to all interventions, even where nothing is involved but ordinary political interests. I have said that intervention, if it is to be justifiable or valuable, must embrace and exhaust all the subjects of controversy between the parties; otherwise it must fail of its chief end, which is peace. Can there be peace in America while the question of slavery, and all that hangs upon

it, remains undecided? This terrible and insoluble question presents difficulties which no intervention has ever yet had to encounter. Yet to intervene and leave this question open is to do nothing, or worse than nothing. It is to sanction what we do not reprobate, and to perpetuate what we do not abolish. From the moment that we undertake the settlement of American affairs, we shall become the moral accomplices of the state of things which our mediation will establish and confirm. Is there any man so sanguine as to hope that the end of this business is to be the extinction of slavery? But, if not, are we to become the virtual guarantors for its security? To my mind, in the one word 'slavery' is comprehended a perpetual bar to the notion of English mediation as between the North and the South; a bar to amicable mediation, because it would be futile; to forcible intervention, because it would be immoral. Shallow and inexperienced observers may suppose that English opinion has undergone a revolution on the subject of slavery. It is true that the English public has been revolted by the insincerity and hypocrisy of Northern politicians on this question.* We have seen through the cant by which political capital has been manufactured out of a great cause; but, on the true merits of the question itself, I believe the convictions of the English people to be wholly unchanged. It is my firm persuasion that there is no sentiment more deeply rooted in the conscience of the nation than the abhorrence of the principles and practice of that which is called in the South 'the peculiar institution,' but which in England we know by the more straightforward name of 'negro slavery.' If we refuse to become the dupes of Northern insincerity, we are equally determined not to make ourselves the abettors of Southern iniquity. A joint mediation, involving the settlement of this question, would practically place our honour in

* The writer of these pages will yield to no man in his detestation of slavery and all that belongs to it. But it is idle to expect that the followers of Wilberforce should hail with acclamations the policy of President Lincoln, who proclaims emancipation as an act of *military* confiscation, and offers the boon of slavery as the appropriate reward of political loyalty. The institution of slavery has been and is the *cause* of the war, but emancipation is not and never has been the *object* of the war.

the hands of our copartners in the intervention. We might find ourselves placed in a position in which it would be equally difficult to advance with credit or retire with safety. Yet any administration, which should compromise the character of England in a cause for which she has encountered so many sacrifices, would make a fatal and inexcusable mistake.

I am not insensible to the respectable sentiments of humanity which are invoked to support the case for intervention; but I also know that, of all things, the most cruel is a mistaken and useless interference. Recognition and intervention are recommended in turn, as the certain methods of giving us what we most desire—viz., peace and cotton. But will they give us either? I confess, on this point, I have been a good deal edified by an article in a paper called the *Index*, which is supposed to be the London organ of Southern politicians. I there find an elaborate demonstration (intended, of course, to reassure the Liverpool speculators), that recognition will, probably, not produce immediate peace, and certainly will not give us cheap cotton. The following sentences sufficiently show the scope of the argument:—

> We do not agree with those who say that Recognition will be forthwith followed by peace, but we are quite sure that Recognition, even if it should suddenly put an end to the hostilities, will not diminish the value of the present or then stocks of cotton. So far from peace bringing down the price of cotton, it is highly probable that after a temporary fluctuation holders may realize higher prices from the unusual demands.

If recognition, then, upon the showing of the Southerners themselves, is not likely to give us peace, and even peace is not to give us cheap cotton, why should we commit ourselves either to recognition or to intervention?

I have endeavoured, I fear at intolerable length, to draw your readers' attention to the general dangers of intervention in all cases, and to the special difficulties of this particular instance. I say nothing of the great and formidable power of both belligerents, whom we might have to coerce in turn. I say nothing of the distance of England, and the proximity of Canada to the seat of the war. I rest upon grounds which are far broader, and, I confess, seem to me unanswerable. I will assume both belligerent powers reduced to submission to-morrow, and Europe at

liberty to mould their destinies at her pleasure. I say that the great Powers could not agree for a day, still less remain in accord for a month, as to the principles of reconstruction. To settle a definite basis of common action is impossible; to plunge into intervention without such a basis would be insane. Mr. Canning insisted upon the peculiar dangers of a 'war of opinion,' but a contest which involves questions of conscience is still more hopelessly insoluble. One might have thought that the experience of the Papal intervention should have deterred continental politicians from further involving themselves in similar problems. As long as we persist in our attitude of neutrality we are safe —all beyond is dangerous and unsound. The perils and the difficulties are certain; the advantages distant and most problematical. Happily, the destinies of this country are at this moment in the hands of men who, for experience in the conduct of affairs, have not their equals in the councils of Europe. They cannot be supposed to be indifferent to the catastrophe of America or the sufferings of Europe. But we are in a situation in which a single mistake may be fraught with consequences wholly irreparable. We are asked to go we know not whither, in order to do we know not what.

Dii meliora piis erroremque hostibus illum!