

## Humanitarianism in the age of empire Deutsch-Südwestafrika & L'État Indépendant du Congo

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### *Abstract*

*Humanitarianism has neither a single past nor predetermined future. As the bastard child of the Enlightenment and Christianity, national foreign policies and non-governmental organisations, the early development of humanitarianism is often written entirely within the confines of Europe, with no reference to events in Africa. A familiar cast of heroes crusades against an equally familiar backdrop of horrors, such as Henry Dunant's campaign for the Red Cross Movement beginning in 1863. Simultaneous events, such as European expansion into Africa, fall outside the landscape of this history. The goal of the present article is to show how histories of humanitarianism in the former Congo Free State and German Southwest Africa shed light on the varied influences, priorities, and strategies of selective acts of compassion during the first decade of the twentieth century. What becomes abundantly clear, in turn, is the absence of any single humanitarian consensus at the fin de siècle.*

On June 29, 1916, an Irish rebel saved his last breath to at once condemn good deeds and the sins of empire. Before being hung from the docks, Roger Casement exclaimed: "That blessed word 'Empire' that bears so paradoxical a resemblance to charity! For if charity begins at home, 'Empire' begins in other men's homes, and both may cover a multitude of sins."<sup>1</sup> No good deed, he claimed, could be disentangled from ulterior motives.

Yet this same man had galvanised what became, by some accounts, the first modern human rights movement of the twentieth century and, in its wake, the creation of a formal Belgian colony in Central Africa. In 1904, after publishing a scathing report on business monopolies and their tendency to chop off the limbs, noses, and genitals of Africans in *L'État Indépendant du Congo*, Casement proposed the idea of a Congo Reform Association (C.R.A.) to a budding journalist, E.D. Morel.<sup>2</sup> Over the next decade,

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<sup>1</sup> "Roger Casement's Speech from the Dock," *New Statesman*, March 1, 2010 (full speech available at <http://www.newstatesman.com/2010/03/ireland-law-england-irishmen>); quoted in Robert M. Burroughs, *Travel Writing and Atrocities, Eyewitness Accounts of Colonialism in the Congo, Angola, and Putumayo*, New York, Routledge, 2011: 1.

<sup>2</sup> For detailed histories on the Congo Reform Association, see E.D. Morel, Morel, William Roger Louis, and Jean Stengers, (eds.), *E.D. Morel's History of the Congo Reform Association Movement*, Oxford, Clarendon Press, 1968; Kevin Grant, "Christian Critics of Empire: Missionaries, Lantern Lectures, and the Congo

the two men worked together to 'name and shame' the brutal practices committed in the private African fiefdom of the second King of Belgium, Léopold II. Campaigning against the 'red rubber atrocities', the C.R.A. brought together journalists, missionaries, traders, and colonial officials to demand colonial reform.<sup>3</sup> As a result of their activism, the state of Belgium annexed the Congo as a formal colony in 1908, and the British King, George V, rewarded Casement with a knighthood in 1911 for his investigations.<sup>4</sup> Just five years later, the knight lost his honours – and his life – on two charges: treason against the Crown, after a blighted attempt to achieve Irish independence, and; second, for his sexual predilection for young men, an alleged by-product of his journeys to Africa and South America.<sup>5</sup>

Of particular relevance here is how the life of Roger Casement reveals the oft-neglected connection between charity and imperialism, or critique and colonial reform, at the *fin de siècle*.<sup>6</sup> Precisely because the meanings of 'charity' and 'empire' changed during the Scramble for Africa, the purpose of the present study is to unpack the apparent paradox in Casement's last words, that is, to examine the symbiotic relationship between acts of

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Reform Campaign in Britain," *The Journal of Imperial and Commonwealth History*, 29 (1), 2001: 27-58; Sharon Sliwinski, "The Childhood of Human Rights: The Kodak on the Congo", *Journal of Visual Culture*, 5, 2006: 333-363; W.R. Louis, "The Triumph of the Congo Reform Movement, 1905-1908," in: Jeffrey Butler et al., (eds.), *Boston University papers on Africa African history vol. 2.*, Boston, Boston University Press, 1966.

<sup>3</sup> E.D. Morel invented the phrase 'red rubber' in his book, *Red Rubber: The Story of the Rubber Trade Flourishing on the Congo in the Year of Our Grace 1906*, London, Unwin, 1906. As a challenge to the important role ascribed to Europeans in Morel's (and other's) accounts, see Robert Harms, "The End of Red Rubber: A Reassessment", *The Journal of African History*, 16 (1), 1975: 73-88.

<sup>4</sup> In the popular press, the definitive work is Adam Hochschild, *King Léopold's Ghost, A Story of Greed, Terror, and Heroism in Colonial Africa*, New York, First Mariner Books, 1999. Noteworthy among academic works are Jacques Willequet, "Anglo-German Rivalry in Belgian and Portuguese Africa?" in: Prosser Gifford and William Roger Louis, (eds.), *Britain and Germany in Africa, Imperial Rivalry and Colonial Rule*, New Haven, Yale University Press, 1967: 245-274; Padadideh Ala'i, "Léopold & Morel: A Story of 'Free Trade' and 'Native Rights' in the Congo Free State", *Studies of Transnational Legal Policy*, 37, 2005: 33-46; S.J.S. Cooley, *Britain and the Congo Question, 1885-1913*, London, Longmans, Green, and Co., 1968; and Ruth Slade, *King Léopold's Congo. Aspects of the Development of Race Relations in the Congo Independent State*, New York, Oxford University Press, 1962.

<sup>5</sup> The personal life and 'subaltern politics' of Roger Casement has remained a popular area of study, to the point that his biographies are too numerous to provide a comprehensive bibliography here. See, for instance, Michael Laubscher, *Who is Roger Casement? A New Perspective*, Dublin, History Press Ireland, 2010; Jordan Goodman, *The Devil and Mr. Casement: One Man's Battle for Human Rights in South America's Heart of Darkness*, New York, Farrar, Strauss & Giroux, 2010; Séamas Ó Síocháin, *Roger Casement: Imperialist, Rebel, Revolutionary*, Dublin, Lilliput, 2007; Jeffrey Dudgeon, *Roger Casement: The Black Diaries with a Study of his Background, Sexuality and Irish Political Life*, Belfast, Belfast Press, 2002. Although the life of E.D. Morel has received less academic attention, his personal background is integrated into every history of the Congo Reform Association, in addition to the more personal accounts provided by Jules Marchal, *E.D. Morel contre Léopold II: l'Histoire du Congo, 1900-1910*, Paris, L'Harmattan, 1996; and Catherine Ann Cline, *E.D. Morel, 1873-1924: The Strategies of Protest*, Belfast, Blackstaff, 1980.

<sup>6</sup> See David Bargueño, "Imperial Discontents: A Review Essay", *South African Historical Journal*, (forthcoming).

compassion and the sins of empire during the late nineteenth and early twentieth centuries.<sup>7</sup> An ancillary goal is to explain why certain colonial abuses on the 'dark continent' received international attention, while most met with little more than silence.

Since no era ever occurred in a moral vacuum, and no ethical principle ever proved inviolable in practice, the precise historical question to be asked is *how* – under what political, economic, and ideological conditions – did humanitarianism gain international credibility at the violent dawn of the twentieth century? For such an inquiry, it is useful to draw comparisons between the aforementioned Congo Reform Association and a non-campaign, where no sense of humanitarianism informed, addressed, or changed similar colonial practices to a comparably significant degree.<sup>8</sup> Of all the former colonies and non-campaigns that could be compared to the Congo, the case of German South West Africa assumes the focus here for three reasons. First, the comparative absence of humanitarianism in the founding and administration of the German protectorate stands in stark contrast to the humanitarianism embedded in the founding and campaign against the Congo Free State. Second, the extremity of colonial violence in each context occurred over the same historical period and proved remarkably similar. Third, the same language of humanitarianism once directed against King Léopold has recently been cited by the Herero Reparations Corporation in a legal suit against Germany in American courtrooms.<sup>9</sup> In many of the more contemporary arguments for financial reparations to the Herero, humanitarianism is understood as an established, universal legal code from the early twentieth century onwards. Such a claim invites critical historical analysis.

Rather than understand historical events as separate from humanitarian ethics, or assume that certain sentiments evolved as "causally independent" from earlier actions, an "eventful temporality" here treats humanitarianism by focusing on the cascading

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<sup>7</sup> For an example of the glaring excision of colonialism from humanitarianism, see Dietrich Schindler, "International Humanitarian Law: Its Remarkable Development and its Persistent Violation", *Journal of the History of International Law*, 5, 2003: 165-88. Rare in histories of humanitarianism, Michael N. Barnett, *Empire of Humanity: A History of Humanitarianism*, (Ithaca, Cornell University Press, 2011) discusses missionary humanitarianism under colonialism prior to the Red Cross Movement. For more on the latter, see Caroline Moorehead, *Dunant's Dream: War, Memory, and the History of the Red Cross*, New York, Harper Collins, 1998.

<sup>8</sup> The idea for this methodological approach comes from two political scientists, Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders. Advocacy Networks in International Politics*, Ithaca, Cornell University Press, 1998. See, in particular, the second chapter: "Historical Precursors to Modern Transnational Advocacy Networks."

<sup>9</sup> For the legal arguments on this point, Jeremy Sarkin has contributed the most thorough analysis: Jeremy Sarkin, *Colonial Genocide and Reparations Claims in the 21<sup>st</sup> Century, The Socio-Legal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia, 1904-1908*, Westport, Praeger Security International, 2009. Also see Rachel Anderson, "Redressing Colonial Genocide Under International Law: The Hereros' Cause of Action Against Germany", *California Law Review*, 93, 2005: 1155-1189; Sidney L. Harring, "German Reparations to the Herero Nation: An Assertion of Herero Nationhood in the Path of Namibian Development?", *West Virginia Law Review*, 104, 2001: 393-417; Lynn Berat, "Genocide: The Namibian Case against Germany", *Pace International Law Review*, 5, 1993: 165-210.

power of events.<sup>10</sup> Most historians yawn at this point, as any narrative history relies upon specific, concrete events around which to stage protagonists, arguments, and general themes. After all, squeezing the messiness of the past into causal mechanisms or neat variables is the celebrated *bête noire* of the social sciences, not the humanities. However, as demonstrated by the recurrent focus on the same actors and events connected to Congo Reform Association and, to a lesser degree, German South West Africa, historians also pay too little attention to their own intellectual blinders, thus exchanging dependent and independent variables for an overemphasis on specific protagonists, landmark sites, and watershed moments in colonial traumas.

In order to track a more eventful history, and yet maintain conceptual clarity, the present article artificially separates humanitarianism into three spheres – religious, legal, and secular non-governmental organisations (NGOs). Unlike a straightforward narrative history, the three sections adhere to what may best be described as a ‘mixed’ chronology. Thus, though coterminous, missionaries are introduced long before the Congo Reform Association, the latter of which is examined last as a secular tradition of NGO humanitarianism. At the expense of a clean chronology, these divisions in the history of humanitarianism help to reveal the patterns and breaks, overlapping ideologies and separate goals, of actors with ‘good intentions’. In order to engage with this rich comparative history, some words on terminology and framing are in order.

## Framing the debate

Among the myriad ways to describe acts of compassion – as charity, volunteerism, philanthropy, benevolence, *mission civilisatrice*, or human rights – the broad category of ‘humanitarianism’ risks the least historical anachronism, and thus serves as the conceptual framework to organise and analyse historical events in the present work.<sup>11</sup> At first glance, such a category may seem analytically weak, given the conceptual confusions and pragmatic compromises inherent to humanitarianism, on paper and in practice. To face this challenge, scholars who make similar arguments begin with a

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<sup>10</sup> William H. Sewall, Jr., *Logics of History, Social Theory and Social Transformation*, Chicago, University of Chicago Press, 2005: 100. Demonstrated below are the ways that this organisation pursued an agenda ridden with the British prejudices of the late nineteenth century, how its leaders faced opposition from a wide array of humanitarian actors, and how events from as early as the fifteenth century in the Congo influenced the development of later forms of humanitarianism.

<sup>11</sup> Looming large in such an approach are the risks of projecting contemporary understandings of humanitarianism onto historical practices, which exchanges the messiness of the past for neat caricatures of savages, victims, and saviours. On the flip side of historical anachronism, of course, is the danger of romanticizing humanitarianism as an idea, and, in turn, treating present practices as the descent or corruption of a forgotten utopia. Rose-tinted glasses risk idealizing pre-colonial Congo societies as free from violence and power inequalities, while lionizing the ‘pure’ motives of individual actors involved in the Congo Reform Association and linking the organisation to contemporary human rights campaigns. For more information on human rights as a “saviors, victims, and savages” paradigm, see Makau Mutua, “Savages, Victims, and Saviors: the Metaphor of Human Rights”, *Harvard International Law Journal*, 42, 2001: 201-245.

rough sketch of the idea as a social construct, and then examine its relevance to specific contexts.<sup>12</sup>

In the footsteps of this tradition, this article begins the critical analysis with a working definition to the *Oxford English Dictionary* of the early nineteenth century, when the adjective 'humanitarian' first entered English parlance to describe acts or people "motivated by an altruistic desire to provide life-saving relief" for strangers, generally across racial and national differences.<sup>13</sup> Noteworthy is how, at the time, volunteers and charities treated the neologism with ambivalence, if not outright hostility; the term could be used in derogatory ways, as a synonym for moralizers and meddling busybodies in the affairs of foreign 'others'.<sup>14</sup> Even if they resisted the label, however, missionaries were identified as humanitarians when they provided medicine to distant strangers, sometimes alongside colonial officials, or when they critiqued the 'inhuman' behaviour of foreign traders. The same could be said of some of the most famous explorers of Africa; David Livingstone comes to mind.<sup>15</sup>

But humanitarianism cannot refer to every act meant to alleviate suffering, at least not without stretching the concept beyond its utility. Although no fast and firm rule can ever confine such a contested discourse or practice, scholars have argued that the humanitarianism that emerged in the early twentieth century may be distinguished from earlier acts of compassion in that they became "organized and part of governance, connect[ed] the immanent to the transcendent, and [was] directed at those in other lands."<sup>16</sup> Absent from this characterisation is any mention of the laws of war or

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<sup>12</sup> Two authors adhered to this approach with opposite policy conclusions. David Rieff argues for a humanitarianism focused on alleviating the direst suffering, while Michael Ignatieff argues for a more holistic approach to solving the world's worst problems; see Michael Ignatieff, *Lesser Evil: Political Ethics in an Age of Terror*, Princeton, Princeton University Press, 2004; idem, *Empire Lite: Nation-Building in Bosnia, Kosovo, Afghanistan*, Toronto, Penguin Canada, 2003; idem, *Rights Revolution*, Toronto, House of Anansi Press, 2000; David Rieff, *A Bed for the Night: Humanitarianism in Crisis*, New York: Simon & Schuster, 2002.

<sup>13</sup> To be precise, "the earliest citation in the *Oxford English Dictionary* is from 1819 and expresses displeasure at the neologism. If the word was new in the early nineteenth century, it refers to an orientation with strong Enlightenment roots, but also one inflected by Romanticism [...] This of course mirrors a Christian transnationalism stretching back into the era of the Roman Empire and extending in varying degree through the Middle Ages." (Michael N. Barnett and Thomas G. Weiss, (eds.), *Humanitarianism in Question: Politics, Power, Ethics*, Ithaca, New York, Cornell University Press, 2008: 77).

<sup>14</sup> Those advocating colonial reforms – such as the Aborigine Protection Societies in Australia during the nineteenth century – preferred other epithets. See Claire McLisky, "'Due Observance of Justice, and the Protection of Their Rights': Philanthropy, Humanitarianism, and Moral Purpose in the Aborigines' Protection Society circa 1837 and its Portrayal in Australian Historiography, 1883-2003", *Limina*, 11, 2005: 57-66.

<sup>15</sup> A missionary and explorer, Livingstone made famous the maxim of 'Christianity, Commerce, and Civilization'. His own words echo with a certain humanitarian spirit: "Now I am on the point of starting on another trip into Africa. I feel quite exhilarated; when one travels with the specific object in view of ameliorating the condition of the natives any act becomes ennobled [...] we [...] spread a knowledge of that people by whose agency their land will yet become enlightened and freed from the slave trade" (quoted in Sir Reginald Coupland, *Livingstone's Last Journey*, London, Collins, 1945: 38).

<sup>16</sup> See, for example, Barnett, *Empire*: 21. Another scholar writes, "the shift from charity to philanthropy to humanitarianism means broadening purview and increasing preference for improving the human condition

emergencies, two qualifications that have since been used to distinguish humanitarianism not only from its progenitors, but also from its younger and more popular sibling, human rights.

Several historians have pointed out that differences between these two concepts must be taken seriously, for while human rights relies on legal discourses, with the proverbial 'big picture' goal of eliminating the root causes of suffering, humanitarianism relies upon a discourse of needs, focused on more immediate goals of keeping people alive.<sup>17</sup> Rather than identical twins, then, humanitarianism and human rights may be better understood as 'articulated discourses', or tributaries that share common origins, overlap on occasion, but follow distinct trajectories.<sup>18</sup> Less metaphorically, humanitarianism cannot just be equated with activism against war crimes, advocacy outside spheres of government, or legal rights. Rather, it must at once be understood as a moral language of protest, a philosophical parameter on the meanings of humanity and suffering, and as a political justification for foreign intervention.<sup>19</sup> Rejected here, then, is a 'straw man'

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over meeting immediate needs. The shift in terms implies a change from charity that was almost completely religious in motivation to a humanitarianism that had both religious and secular motives." (Dean Pavlakis, "The Development of British Overseas Humanitarianism and the Congo Reform Campaign", *Journal of Colonialism and Colonial History*, 11 (1), 2010: n.p.)

<sup>17</sup> The literature on the differences between human rights and humanitarianism (and its distinct manifestation in humanitarian law) is too vast to provide a comprehensive bibliography here. That said, historians Jay Winter and Hanne Hagtvedt Vik have helped cast light on the debate by distinguishing two distinct lines of interpretation in a recent paper, "Human Rights in the Twentieth Century: A Functional Interpretation", unpubl. working paper for "Perspectives on Human Rights in the Twentieth Century, A University of Oslo – Yale University Workshop", New Haven, Connecticut, 4 April 2011. They argue that scholars have found human rights everywhere in history, and thus trace the gradual evolution of human rights (together with humanitarianism) from its diverse geographic origins. This could be called a history of acts of compassion, or the intellectual genealogy of equality and universalism. See, for instance, Micheline Ishay, *History of Human Rights: From Ancient Times to the Globalization Era*, Berkeley, University of California Press, 2004; and Paul Lauren, *Evolution of International Human Rights: Visions Seen*, Philadelphia, University of Pennsylvania Press, 2003. More recently, a separate group of scholars contest this view as historical anachronism, and mark a sharper delineation between humanitarianism and human rights by focusing on the invocation of the latter at precise moments in history, often in the mid-1940s or after the 1970s. See the magisterial A.W.B. Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention*, Oxford, Oxford University Press, 2001; and Samuel Moyn, *Last Utopia: Human Rights in History*, Cambridge, Massachusetts, Belknap Press of Harvard University Press, 2010.

<sup>18</sup> Stuart Hall, "Race, Articulation, and Societies Structures in Dominance", in: UNESCO, (ed.), *Sociological Theories: Race and Colonialism*, Paris, UNESCO, 1980: 304-345.

<sup>19</sup> Not unlike humanitarianism, the meanings of humanity, human, and humane behaviour remained in constant flux. In the imperial context, debates over what constituted humanity flourished since the *conquistadores* arrived in the Americas, if not long before under the Roman Empire. Also, during the eighteenth century, 'humane' became separate from 'human', with the latter referring to a sentient being and the former to the best characteristics of humanity (such as cultural achievements). In the nineteenth century, under the aegis of evolutionary theory, critics argued that humanitarians hurt humanity by interfering with processes of natural selection and protecting the weakest humans. On this point, see R.C. Bannister, "'The Survival of the Fittest Is Our Doctrine?': History or Histrionics?", *Journal of the History of Ideas*, 31 (3), 1970: 377-398. For a general discussion, see Craig Calhoun, "The Imperative to Reduce Suffering, Charity, Progress, and Emergencies in the Field of Humanitarian Action", in: Michael Barnett and

argument that defines humanitarianism as a universal legal regime, either good or evil, discourse or practice. Put simply, “one cannot grasp the historical significance of humanitarianism by addressing it as either a myth or a reality.”<sup>20</sup> Rather, well-traversed colonial archives and the rich historical scholarship surveyed below reveals the moral ambiguities inherent to humanitarianism as a real and imagined discourse.

In this regard, it is important to note that few self-proclaimed humanitarians of the period responded to the decimation of the majority of the Herero population, and half of the Nama community or what is now often described as the Herero and Nama genocide.<sup>21</sup> As Adam Hochschild, author of *King Léopold's Ghost*, makes clear, the events in South West Africa “stirred some protests in Germany itself, but internationally it was greeted with silence, even though the Congo Reform campaign was then flying high.”<sup>22</sup> In fact, “Congo reformers paid so little attention that five years later John Holt, the businessman who was one of Morel's two main financial backers, could ask him, ‘Is it true that the Germans butchered the Hereros – men, women, and children? [...] I have never heard of this before.’”<sup>23</sup> The most straightforward lesson is that “the politics of empathy are fickle.”<sup>24</sup> Another lesson – mentioned above as the second justification for the case selection – pertains to the legacies and present-day memories of humanitarianism in former African colonies. While scholars continue to debate the influences of the Congo Reform Association on subsequent human rights campaigns, advocates for the Herero people today have indicted Germany and three German corporations for falling short of the humanitarian principles the C.R.A. once channelled against King Léopold.<sup>25</sup> In cases before American federal courts, the Herero Reparations Corporation has demanded two billion dollars for a genocide committed under the German administration.<sup>26</sup> As demonstrated below, this legal strategy obscures the intertwined histories of humanitarianism and colonialism.

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Thomas G. Weiss, (eds.), *Humanitarianism in Question: Politics, Power, Ethics*, Ithaca, Cornell University Press, 2008: 73-97 (80).

<sup>20</sup> Kevin Grant, *A Civilised Savagery: Britain and the New Slavery in Africa, 1884-1926*, New York, Routledge, 2005: 9.

<sup>21</sup> A debate still rages over the terminology to describe these events between 1904 and 1907 (Herero-German War or Herero Rebellion are also common). Recent works in English include Volker Langbehn and Mohammad Salama, (eds.), *German Colonialism: Race, the Holocaust, and Postwar Germany*, New York, Columbia University Press, 2011; Jeremy Sarkin, *Germany's Genocide of the Herero: Kaiser Wilhelm II, His General, His Settlers, His Soldiers*, Cape Town, UCT Press, 2011; Casper Erichsen and David Olusoga, *Kaiser's Holocaust: Germany's Forgotten Genocide and the Colonial Roots of Nazism*, New York, Faber & Faber, 2010; Jürgen Zimmerer, Joachim Zeller, and Edward Neather, (eds.), *Genocide in German Southwest Africa: The Colonial War (1904-1908) in Namibia and its Aftermath*, Monmouth, Merlin, 2008.

<sup>22</sup> Hochschild, *King Léopold's Ghost*: 282.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> This matter is not further discussed below.

<sup>26</sup> Reparations refer to “the act of repairing a wrong or an injury to a person or nation,” according to Kuaima Riruako, the current Paramount Chief of the Herero. Financial reparations focus on material

The age of empire, in Eric Hobsbawm's turn of phrase, resulted in the similar treatment of indigenous people across Africa, not just in the Congo Free State and German South West Africa.<sup>27</sup> Across the continent, entire villages were wiped out and the land expropriated under the 'protective' gaze of British, French, German, Belgian, and Portuguese colonial administrations. More unique to the two contexts evaluated here – mentioned above as the third justification for the comparison – Congolese men had their hands lopped off, their genitals severed, and their children murdered.<sup>28</sup> Women were kidnapped as ransom and often tortured, raped, and driven into brothels for King Léopold's soldiers and agents. Equally sadistic was the so-called *Vernichtungsbefehl*, which demanded that every Herero man be shot on sight in German South West Africa.<sup>29</sup> Those women and children who escaped from bullets were driven into the Kalahari Desert to die of thirst, bayoneted or clubbed to death with rifle butts, or sent to concentration camps.

To avoid over-generalising the similarities of brutality, however, three critical differences distinguish the cases, namely: motivations, actors, and death rates. During their rebellion against colonial policies in 1904, the Herero and Nama killed one thousand German soldiers and settlers.<sup>30</sup> Ordered by a German general, acting on behalf of an imperial power, the genocide that ensued must be seen as in equal parts an act of

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compensation. For context, see Nsongurua J. Udombana, "Reparations and Africa's Indigenous Peoples", in: Federico Lenzerini, (ed.), *Reparations for Indigenous Peoples, International and Comparative Perspectives*, Oxford, Oxford University Press, 2008: 389-408; and Federico Lenzerini, "Reparations for Indigenous People in International and Comparative Law: An Introduction" in: *ibid.*: 3-26.

<sup>27</sup> Though problematic, the phrase 'Age of Empire' is here used to refer to the twilight of the nineteenth century, and the dawn of the twentieth, thus corresponding to the analysis by Eric John Hobsbawm, *The Age of Empire, 1875-1914*, New York, Vintage Books, 1989. Nevertheless, "What imperialism is or was is not our concern. It is an ambiguous and contentious term, whose meaning at any one time is determined by its etymological history, by the political circumstances in which it is used and to which it is popularly applied, and by the interpretation which those who write about it wish to give it." For this reason, Bernard Porter prefers a much more discursive analysis: "[...] we are not interested in imperialism *per se*, nor even in anti-imperialism: only in what men *understood* by these terms in so far as this affected their response to certain of its specific manifestations." (Bernard Porter, *Critics of Empire: British Radical Attitudes to Colonialism in Africa 1895-1914*, London, Tauris & Co., 2007: 4). The same may be said of this work.

<sup>28</sup> Given the ubiquity of colonial violence, the issue of uniqueness is difficult to prove. As alternative paradigms of imperial genocide, an African historian may focus on the brutal suppression by the British of the Mau-Mau movement in Kenya in 1952-1957, the Italian atrocities in Libya in 1923-33, or the German suppression of the Maji-Maji War from 1905-1907 in contemporary Tanzania, all of which resulted in the deaths of hundreds of thousands of Africans. Of these cases, only the Mau Mau currently have a case for financial reparations pending before a former colonial power, Great Britain.

<sup>29</sup> In the English and German historiography, an ongoing debate focuses on the nature of the order and the violence committed. For the most thorough account, see Jeremy Silvester and Jan-Bart Gewald, *Words Cannot be Found. German Colonial Rule in Namibia. An Annotated Reprint of the 1918 Blue Book*, Boston, Brill, 2003; Reinhard Kössler, "'Sjambok or cane?' Reading the Blue Book", *Journal of Southern African Studies*, 30 (3), 2004: 703-08 questions the degree the testimony represents an authentic African voice.

<sup>30</sup> See Horst Drechsler, *"Let Us Die Fighting." The Struggle of the Herero and Nama Against German Imperialism (1884-1915)*, London, Zed Press, 1980: 144.



revenge, honour, and even self-defence.<sup>31</sup> In comparison, most histories argue that Congolese did not die because of outright insubordination but, rather, because of murder, disease, starvation, and low birth rates, all factors related to the impossibility of fulfilling the rubber quotas demanded by private companies.<sup>32</sup> This points to a key distinction: the primary interests at stake – and the primary actors involved – were business-related, often at the behest of companies that had been conceded lands for exploitation (thus the name, ‘concessionary companies’). This also speaks to a key ideological difference: whereas many Germans viewed South West Africa as a model colony for settlement, to satisfy the need for *Lebensraum*, the Congo assumed no similar role in the metropolitan imagination at its inception. Also, although King Léopold played direct and indirect roles in companies involved in his private fiefdom, no colonial authority ever explicitly issued an ‘extermination order’ in the Congo, nor did a significant number of Belgian settlers die at the hands of Africans. Thus, while many Namibian scholars agree that large number of Herero and Nama perished from what may now be considered a genocide – as much as eighty per cent of the Herero (roughly sixty to eighty thousand people) and half the Nama (roughly ten thousand) – myriad factors contributed to the high mortality rates in the Congo case, which prevent its violence from assuming the label of ‘genocide’ and continue to spur debates over precise death counts.<sup>33</sup> Against critics of this comparative history, who may argue that

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<sup>31</sup> On the multiplicity of motivations, see Jürgen Zimmerer and Joachim Zeller, (eds.), *Genocide in German South-West Africa, The Colonial War (1904-1908) in Namibia and its Aftermath*, Monmouth, Merlin, 2008.

<sup>32</sup> See footnote 4 for sources on the Congo. The atrocities committed under each colonial administration are only briefly described here because they have been documented at great length elsewhere. For Namibia, see Drechsler, *Fighting*. In genocide literature, see idem, “South West Africa 1885-1907”, in: Helmuth Stoecker, (ed.), *German Imperialism in Africa, From the Beginnings until the Second World War*, London, Hurst, 1986: 39-61; Mark Cocker, *Rivers of Blood, Rivers of Gold*, London, Cape, 1998; Isabel V. Hull, “Military Culture and the Production of ‘Final Solutions’ in the Colonies, The Example of Wilhelmian Germany”, in: Robert Gellately and Ben Kiernan, (eds.), *The Specter of Genocide. Mass Murder in Historical Perspective*, Cambridge, Cambridge University Press, 2003: 141-162; idem, “The Military Campaign in German Southwest Africa, 1904 – 1907 and the Genocide of the Herero and Nama”, *Journal of Namibian Studies*, 4, 2008: 7-24.

<sup>33</sup> E.D. Morel, *The Black Man's Burden: The White Man in Africa from the Fifteenth Century to World War I*, London, The National Labour Press, 1920: 109. The debate over mortality rates was reinvigorated by Hochschild, who relied on E.D. Morel's estimate of ten million deaths. Morel wrote that, although “the loss of life can never be known with even approximate exactitude [...] data extending over successive periods, are procurable in respect of a number of regions, and a careful study of these suggests that a figure of ten million victims would be a very conservative estimate” (ibid.). But this cannot all be attributed to murder, or even colonial interventions. Jan Vansina has explained that, “casualties among Africans were high, but even more died later from the combined effects of malnutrition, overwork, and epidemics such as smallpox, measles, dysentery, and above all sleeping sickness” (Jan Vansina, *Paths in the Rainforest: Toward a History of Political Tradition in Equatorial Africa*, Madison, University of Wisconsin Press, 1990: 244). Morel also noted, “the colossal infant mortality induced by the well-nigh inconceivable conditions to which native life was reduced in the Congo, far exceeded the actual massacres as determining factors in the disappearance of these people” (Morel, *Burden*: 125). See also J.L. Vellut, (ed.), *La Memoire du Congo: L'Epoque Coloniale*, Tervuren, Musée Royal de l'Afrique Centrale, 2005; and Michel Dumoulin, *Léopold II : Un Roi Genocidaire?*, Brussels, Académie Royale de Belgique, 2005. The controversy over death counts in Namibia

such differences preclude meaningful comparison, the present study demonstrates that examining the roles of local actors, good intentions, and colonial politics casts light on the selectivity inherent to humanitarian principles and interventions.

The study makes no pretence of providing a comprehensive history of any people, former colonial power, or even the philosophical conception of humanitarianism. Beyond Bible verses and medical aid, humanitarianism often accompanied – and justified – the use of the maxim gun, and responded to the emergent needs for resources and new markets for industrialised European societies.<sup>34</sup> But, again, not all humanitarian causes relied on the same means or served the same ends. While overarching theories are useful in explaining the rise of the humanitarian phenomena, and are integrated below to serve this purpose, they also fall short in explaining the unique targets, protagonists, and long-term legacies of distinct humanitarian campaigns in the African context.<sup>35</sup> Hence, the primary purpose of this analysis is to compare the rhetoric and practices in the Congo and South West Africa, which allows humanitarianism to be treated as an aberration from normal non-responses to violence in Africa.

## Religious humanitarianism

It is impossible to develop a historical genealogy of humanitarianism without evaluating its religious foundations and, for the purposes of the present study, understanding the importance of Christian missions in the Congo and South West Africa. Given the marked growth of missionary societies during the so-called scramble for Africa, the methodological challenge facing scholars is how to discuss the flexible relationships between missionaries, their metropolitan societies, indigenous peoples, traders, and colonial officials not only during the nineteenth and twentieth centuries, but during the early fifteenth and sixteenth centuries as well. In order to disentangle these dynamics, the straightforward, if inherently flawed, method of separating the colonial from the pre-

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is still contested, see Tilman Dederling, “The German-Herero War of 1904: Revisionism of Genocide or Imaginary Historiography?”, *Journal of Southern African Studies*, 19, 1993: 80-88.

<sup>34</sup> Bonny Ibhawoh, *Imperialism and Human Rights: Colonial Discourses of Rights and Liberties in African History*, Albany, State University of New York Press, 2007; idem, “Stronger than the Maxim Gun Law, Human Rights and British Colonial Hegemony in Nigeria”, *Africa: Journal of the International African Institute*, 72 (1), 2002: 55-83.

<sup>35</sup> While the Karl Marx argued that “economists, philanthropists, humanitarians, improvers of the condition of the working class, organisers of charity” all help alleviate social grievances, thus reinforcing the power of bourgeois society, Hannah Arendt later took up Marx’s insight to criticize what she saw as an early humanitarianism that legitimated the bloody terrors of the French Revolution in the 1790s. (Karl Marx, “Conservative, or Bourgeois Socialism”, *The Communist Manifesto: A Road Map to History’s Most Important Political Document*, Chicago, Haymarket Books, 2005: 81; Hannah Arendt, *On Revolution*, New York, Penguin Books, 1994: 70f.). For similar explanations on the emergence of humanitarianism, see Thomas Haskall, “Capitalism and the Origins of Humanitarian Sensibility, Part 1”, *American Historical Review* 90 (2): 1985: 339-61; Samuel Moyn, “Empathy in History, Empathizing with Humanity”, *History and Theory*, 45 (3), 2006: 399-400; Richard Wilson and Richard Brown, “Introduction”, in: Richard Wilson and Richard Brown, (eds.), *Humanitarianism and Suffering: The Mobilization of Empathy*, New York, Cambridge University Press, 2009: 1-9.

colonial periods is employed here; the latter refers to the period prior to official European administration, and assumes the spotlight in the next section. Such a division helps to reveal a shared and longstanding ambivalence of missionaries toward colonialism and European traders and, in turn, how religious discourses and mission-based activities created a particular form of humanitarianism.

A basic premise of the arguments advanced below is that issues of theology and faith deserve to be analysed in context, at least as partial evidence of the 'official' purposes of mission activities, if not with the transparent intent or the final outcomes. Treating missionaries as independent actors, separate from colonial structures, counters those who argue that "the missionary tended to see Christianity and imperialism as complementary, with the latter acting as a vehicle for the spread of the former"<sup>36</sup>, or that "missionaries came to see it [the empire] as a crusading vehicle for collective salvation."<sup>37</sup> By examining the discourses and practices of Protestant and Catholic missionaries in two distinct pre-colonial contexts, this section finds more evidence for what the historians Cain and Hopkins refer to as the "distinction between an imperialism of intent and an imperialism of result"<sup>38</sup>, with missionaries often acting as "frontiersmen of forces they could not control."<sup>39</sup> At the same time, as explained below, the humanitarian incentives of missionaries can never be described as *a priori* 'purely spiritual', or at all static. In fact, abundant evidence supports the Comaroffs' argument that missionaries developed 'meaning systems' with Africans in a 'reciprocal process', which shaped Africans' consciousness as much as it did of clergymen, merchants, and colonial authorities.<sup>40</sup> The goal here is to examine the particular weighting of these interrelationships in distinct geographic, political, and temporal contexts.

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<sup>36</sup> H. Alan C. Cairns, *Prelude to Imperialism, British Reactions to Central African Society, 1840-1890*, London, Routledge & K. Paul, 1965: 243.

<sup>37</sup> P.J. Cain and Anthony G. Hopkins, *British imperialism: Innovation and Expansion, 1688-1914*, New York, Longman, 1993: 35.

<sup>38</sup> Ibid.

<sup>39</sup> Donald C. Gordon, *The Australian Frontier in New Guinea, 1870-1885*, New York, Columbia University Press, 1951: 13; cited in John H. Darch, *Missionary Imperialists? Missionaries, Government, and the Growth of the British Empire in the Tropics, 1860-1885*, Colorado Springs, Paternoster, 2009: 243. Darch further clarifies this point: "[...] a reverse image of Pandora's box is not an unhelpful one in such cases. Missions opened up many primitive communities to the outside world and, having done so, were unable to prevent the outside world from invading and violating such societies. Another paradox was the authority and influence over secular matters which missionaries often acquired was also lost the moment a colonial government was established" (ibid.).

<sup>40</sup> See John and Jean Comaroff, *Of Revelation and Revolution: Christianity, Colonialism, and Consciousness in South Africa*, vol. 1, Chicago, Chicago University Press, 1991; John and Jean Comaroff, *Of Revelation and Revolution: The Dialectics of Modernity on a South African Frontier*, vol. 2, Chicago, Chicago University Press, 1997. Less evidence supports their claim that this flexibility can be interpreted "only as acts of resistance or compliance in a dichotomous world," a critique levelled by Elizabeth Elbourne, *Blood Ground: Colonialism, Missions, and the Contest for Christianity in the Cape Colony and Britain, 1799-1853*, Montreal, McGill-Queen's University Press, 2002: 20.

The “ultimate goal of evangelicalism was to create universal Christian subjects in the eyes of God”, an idea premised on a shared humanity.<sup>41</sup> In a sense, such universalism could be considered a “lowest common denominator”, or a common foundation, for all missionaries, who held divergent opinions on how to treat cultural differences in the pursuit of spiritual conversion. Another point must also be made, given the scholar’s emphasis on the lasting cultural and political influences of missionaries on African societies, that missionaries preached from a position of weakness rather than strength in the pre-colonial period, during which they were far more reliant on local conditions than support from faraway European societies.<sup>42</sup> In the case of South West Africa, the Rhenish Missionary Society (RMS) may have faced little missionary competition and thus boasted a virtual religious monopoly in the region until 1905, but individual missionaries braved the dangers and insecurities of the aptly named *Todesland*, or the ‘land of death’, at their own peril. In areas where four out of nine missionaries died from malaria, to make no mention of the constant political conflict, the religious conviction required to establish “Christ’s Church on earth” and carry the gospel overseas, as demanded by official RMS statutes and John 15:16, helps to make sense of why Germans first joined missionary activities intended to benefit the “unenlightened world”, and then collaborated with potential rivals across national boundaries.<sup>43</sup>

After all, under the strong influences of both German Pietism and English revivalism, the Rhenish Mission Society had been founded and recognised by the King of Prussia in 1828, and the society had sent the first missionaries to work with the London Missionary Society in the Cape Colony in the mid-nineteenth century.<sup>44</sup> Viewed as unique

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<sup>41</sup> Kathleen Wilson, *The Island Race: Englishness, Empire, and Gender in the Eighteenth Century*, London, Routledge, 2003: 81, cited in Andrew N. Porter, *Religion versus empire? British Protestant missionaries and overseas expansion, 1700-1914*, Manchester, Manchester University Press, 2004: 9.

<sup>42</sup> This challenges the idea that missions were “a product of the transformation in the British colonial project, a means of governing colonies whose indigenous inhabitants could no longer be eliminated, enslaved, or removed.” Missions, in this view, were “conceived of [...] as an alternative to the increasing authoritarian forms of rule by which the British state hoped to avoid a repetition of the American Revolution” (Susan Thorne, *Congregational Missions and the Making of an Imperial Culture in Nineteenth Century England*, Stanford, Stanford University Press, 1999: 38, 31). Andrew Porter refutes this argument in *Religion*: 64-90.

<sup>43</sup> The two most thorough works published in English on missionaries in German South West Africa are Nils Ole Oermann, *Mission, Church, and State Relations in South West Africa under German Rule (1884-1915)*, Stuttgart, Steiner, 1999; and G.L. Buys and Shekutaamba V.V. Nambala, *History of the Church in Namibia, 1805-1990*, Windhoek, Gamsberg Macmillan, 2003. Both works mention RMS statutes and this particular verse in the Bible, and they make clear that the Protestant-Catholic divide was much deeper than any national boundaries. See also Michael B. Gross, *The War Against Catholicism, Liberalism and Anti-Catholic Imagination in Nineteenth-Century Germany*, Ann Arbor, University of Michigan Press, 2004.

<sup>44</sup> In Germany, the missionary movement was inspired by German Pietism voiced by Jacob Spener (1635-1705), August Hermann Francke (1663-1727), Nikolaus Ludwig von Zinzendorf (1700-60), and “others who stressed the necessity for conversion. They believed that the experience of conversion would automatically lead to Christian works of charity.” The Rhenish Missionary Society represented the unification of the Elberfeld Missionary Society of 1799, the Barmen Missionary Society of 1818, the Wesel Missionary Society of 1822, and the Cologne Missionary Society of 1822. Long before the colonial movement emerged

from established churches and more well-established missionary societies, this extra-ecclesiastical body targeted 'heathens' rather than European settlers and traders, and acted as a *uniert*, or a unified alliance of Lutheran and Calvinist members with varied theological backgrounds.<sup>45</sup> While some emphasised a Bible-centred approach to the ministry, with spiritual renewal defined by the Reformation, more academic theologians viewed this approach as outdated and emphasised *Kulturprotestantismus*, or cultural Protestantism, which treated Christian theology separate from the Reformation and reflected greater tolerance for local traditions.<sup>46</sup> In spite of the heterogeneity of these theological perspectives, the Rhenish Missionary Society agreed on two key goals at the 1867 Hereroland Missionary Conference, namely: the spreading of the Gospel, first, and the concept of Christian culture, second.<sup>47</sup>

Any influence exerted by missionaries outside the 'purely spiritual' realm fell under the category of 'Christian culture'. The fact that members of the Rhenish Missionary Society had access – no matter how limited – to fire-arms, transport vehicles, the art of writing and reading, advanced forms of architecture, specialised agriculture, and health services meant that 'Christian culture' influenced the 'new paths' of 'heathen cultures' for reasons other than the message of the Gospel. Missionaries, in their turn, cited 'cultural ignorance' and 'spiritual darkness' as explanations for why Africans would turn paradise into a desert without foreign intervention. At the same time, missionaries did not describe indigenous ways of life as 'evil' during the pre-colonial period.<sup>48</sup> As early as 1869, a missionary made this point clear: "However good the intentions of a European power might be, the deterioration of the people's morality will only be accelerated [...] because it is well-known that European non-Christians are far worse than a heathen lack of morality."<sup>49</sup> On the contrary, missionaries often sought to reconcile indigenous cultures with Christianity on the basis that "it is not our task to reform the life of these people according to European patterns, but it must be penetrated and refined by the life

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in Germany (in the 1880s), the first four missionaries were sent to the British Cape Colony in 1829. They ventured northward to Namaland (South West Africa) in 1842. See Oermann, *Missions*: 29; H.S. Kamho, *Twentieth Century Developments in the Rhenish Mission in Namibia and the Origins of the Evangelical Lutheran Church in Namibia/SWA*, M.Litt. thesis, Aberdeen, 1979.

<sup>45</sup> Oermann, *Mission*: 44.

<sup>46</sup> For a thorough discussion on these differences, see Oermann, *Mission*: 40-44. Also see Leif Grane, *Die Kirche im 19. Jahrhundert: Europäische Perspektiven*, Göttingen, Vandenhoeck & Ruprecht, 1987: 257-62.

<sup>47</sup> Lothar Engel, *Die Stellung der Rheinischen Missionsgesellschaft zu den Politischen und Gesellschaftlichen Verhältnissen Südwestafrikas und ihr Beitrag zur dortigen Kirchlichen Entwicklung bis zum Nama-Herero-Aufstand 1904-1907*, Hamburg, Universität, Evang.-Theologische Fakultät, 1972.

<sup>48</sup> That is not to say they did not pass judgment, however. "If the mission endeavours to change adult Namibians from backward, drunken, stealing, promiscuous, lazy, undependable people by preaching, education, conversion, and pastoral care into the opposite, they only serve the future kingdom of heaven" (Buys and Nambala, *History*: 32). As may be revealed here, the primary focus was on the transcendental.

<sup>49</sup> Missionary (Olpp of Gibeon), quoted in *ibid.*: 39.

power of the gospel.”<sup>50</sup> Distinct from European traditions, Christian culture, in other words, served a universal good.

Missionaries thus argued against trade with non-Christian settlers and traders simply because they “were unable to serve as a role model owing to their egotistical economic interests.”<sup>51</sup> Meanwhile, an alliance between ‘kitchen and altar’ would allow missionaries to protect Africans from European settlers hostile both to Africans and ‘Christian culture’, and further, secure the existence of the mission in times of conflict. As a way to create independent, autonomous communities of African Christians, missionaries sponsored unprofitable agricultural programs and horticultural schools, and also established the *Missions-Handelsgesellschaft* as a trade organisation responsible for internal supplies and finances.<sup>52</sup> Their goal of creating a “financially self-sustaining African ‘native church of SWA’” resonated among local people, to the extent that the Rhenish Missionary Society became one of the largest landowners of South West Africa.<sup>53</sup> Although it is clear that “without the pioneer work of the missionaries, the [German] occupation of the land would be an illusion on paper”, conflating the interests of missionaries with those of explorers, settlers, traders, and later colonial administrators overlooks the formers’ distinct approach to African cultures.<sup>54</sup>

Since missionary activities had much deeper roots in Central Africa, grounded in Portuguese Catholicism rather than the Anglo-German Protestantism, several key similarities and differences between forms of religious humanitarianism deserve attention. Evangelical zeal — and a willingness to face martyrdom in the face of overwhelming odds — did not distinguish the missionaries of the fifteenth from those of the nineteenth century, nor did the entangled relationship between faith and culture. Upon their arrival at the mouth of the Congo River in 1482, the first Portuguese explorers explained their Christian faith to the Bakongo people, and several nobles, piqued with curiosity, then joined the explorers on the voyage back to Lisbõa.<sup>55</sup> Treated as honoured guests rather than hostages, these nobles returned to the Congo with glowing reports on Lisbõa to share with their King, who then insisted on his own Christian baptism (and renaming as King João) and the establishment of a Catholic

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<sup>50</sup> Missionary (Hermann) to the Ovambo people, quoted in Buys and Nambala, *History*: 32.

<sup>51</sup> Oermann, *Mission*: 50.

<sup>52</sup> “From the minutes of missionary conferences it appears that [...] the majority of missionaries preferred to think in large concepts. The fact that their agricultural efforts were a costly failure right from the start, which ignored the pastoral character of SWA’s soil, shows that more thought was given to concepts rather than to details [...]. Nevertheless, in the long term [...] the missionaries became more sophisticated in the execution of their projects.” Oermann discusses in-depth the development of mission infrastructures in *Mission*: 49-51.

<sup>53</sup> Ibid.: 50. The unexamined assumption here was that the indigenous church would possess an underlying loyalty to the Luthern mother church and the *Reich*.

<sup>54</sup> The later governor Leutwein made this statement in 1896; quoted in Buys and Nambala, *History*: 59.

<sup>55</sup> Much of this discussion is drawn from Slade, *King*; F. Pigafetta, *A Report of the Kingdom of Congo ... Drawn Out of the Writings and Discourses of the Portuguese*, D. Lopes, Rome, 1591, trans. M. Hutchinson, London, Murray, 1881.

kingdom in the Congo. Long before the Reformation of 1517, the arrival and ministry of the early Portuguese missionaries did not reflect the controversies that later tore Christendom apart, and, in this sense, missionaries spoke with a single voice, not unlike the first missionaries in South West Africa. However, even as Portuguese missionaries introduced forms of literacy, stone-built architecture, and cooking utensils previously unknown in the Congo, the power differential between the two societies did not differ as substantially as their later southern counterparts. That the people were not considered 'savages', in other words, influenced the racial equality and social integration of Christianity in the Congo.<sup>56</sup> Working with missionaries over the sixteenth and seventeenth centuries, the Christian Kings of the Congo banned the worship of idols, renamed the capital São Salvador, encouraged educational exchange programs between Lisbõa and the Congo, and enforced public adherence to the Christian faith.<sup>57</sup>

During the sixteenth century, in turn, many of the Portuguese treated the Congolese with a respect and friendship unparalleled in the nineteenth century. Under the banner of a shared 'Christian culture', Portuguese ambassadors observed the same royal etiquette in the Congo as they did in Europe; the King of Congo treated the King of Portugal as an independent sovereign, and a "muito amado irmão" (much beloved brother); and the Portuguese and Congolese worshipped together in the churches.<sup>58</sup> The picture was not always one of peace and cooperation; one Congolese King complained that some of the Portuguese priests, banned from Portugal for misconduct, served as "unworthy preachers of the Holy Catholic Faith."<sup>59</sup> Further, missionaries did not get along with local merchants; "the larger number of Portuguese traders who kept African women slaves caused great annoyance to the missionaries; when the Africans were reproached for practicing polygamy, they had merely to point to the behaviour of the Portuguese."<sup>60</sup> Nevertheless, from the middle seventeenth century onwards, many of the subsequent

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<sup>56</sup> "It was a primitive civilisation which the Portuguese found in the Congo, but the people were not savages. They used iron arms and tools, and practiced the arts of pottery and weaving. The materials which they wove from raffia were fine enough [...] to be compared by the Portuguese with silks and velvet" (Slade, *King*: 3).

<sup>57</sup> "It had been the King of Congo himself who had earlier forbidden the worship of idols and ordered his people to embrace the Christian faith; thus the missionaries were relying upon the civil power in their attempts to seize and burn all the fetishes and idols which they could find" (Slade, *King*: 7).

<sup>58</sup> Ibid. At the same time, Slade notes that "Often Portuguese priests were unable to speak Kikongo and so lacked real contact with the people, while mulatto priests who knew the local language had been insufficient theological grounding. In any case the missionary force was too small. Christianity never took on African dress because the missionaries, too few in number, were unable to give intensive instruction to the large numbers of converts they baptised" (ibid.: 9).

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.: 12.

Dutch, Italian, and French missionaries emphasised the 'preservation' of Christianity, rather than conversion.<sup>61</sup> Portuguese missionaries had already planted the seeds.

Since many of the sixteenth-century missionaries coexisted with and even perpetuated the slave trade, the Baptist Missionary Society (BMS) and the Livingstone Inland Mission (LIM) arrived in the Congo in the 1870s riding on the humanitarian wave of British abolitionism and with the goal of planting mission stations, healing, and teaching. During the nineteenth century, French and Portuguese Catholic missionaries joined the evangelical effort and, amidst a growing missionary rivalry, the King of the Congo considered it most prudent to plead sickness on Sundays to avoid offending any denomination by choosing mass over sermons, or vice versa.<sup>62</sup> In spite of the theological differences between these missionaries, Catholic and Protestant missionaries alike balanced between outright condemnation of "black pagans" as "lazy, greedy, thieves, liars, and given over to all kinds of vice," and a more "charitable" view of Africans as fellow human beings to be "saved" via foreign intervention.<sup>63</sup> A German zoologist aptly described an English missionary: "He believed himself called to be the apostle of white and black alike, named his poor and helpless coloured fellow-creatures his brothers, and struggled against the arrogance of the white race in favour of the equality of the black."<sup>64</sup>

That said, the helpless 'backwardness' of the Congolese required a revised understanding of human equality. Accordingly, what differed from their earlier Portuguese counterparts, and proved consistent with the views of missionaries in South West Africa, was the depiction of Africans as innocent, but teachable children. Missions sought to save the "children of the Heavenly Father" and, though few idealised the "good savage" of Jean Jacques Rousseau, several also defended Africans against "endless complaints that the natives are difficult to handle and are faithless and wily. But it hardly appears how often the fault of this lies with the whites."<sup>65</sup> Ideas of historical progress, wedded with the concept of universal humanity under Christianity, thus gave birth to missionary critiques against the prevailing generalizations and stereotypes of 'evil heathens'. One missionary explained:

Of course it is true that Negroes do not look ahead: in this they are like all simple people, like all peoples still in an early stage of development. But just because of that one should not deny them the possession of any good qualities, nor deny that the race is perfectible. It is true that the Negro does not think about drawing profit from the richness of his soil, that he is somewhat

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<sup>61</sup> One Capuchin missionary said that many missionaries were needed "to maintain this country in due obedience to the Christian faith" (Jerom Merolla da Sorrento, 'A Voyage to Congo and Several Other Countries,' *A Collection of Voyages and Travels*, 6 vols., London, 1774, I, 560; cited in Slade, *King*: 6).

<sup>62</sup> *Ibid.*: 60.

<sup>63</sup> "Left to himself," one missionary said, "the Negro would never have improved himself; it has taken the direct and commanding action of the European to change him" (quote from *ibid.*: 69).

<sup>64</sup> R. Büttner, *Reisen in Congoland*, Leipzig, 1890: 58, cited in Slade, *King*: 65.

<sup>65</sup> Hermann von Wissmann, *Im Innern Afrikas. Die Erforschung des Kassai während der Jahre 1883, 1884 und 1885*, Leipzig, Brockhaus, 1891: 3, cited in Slade, *King*: 67.



lazy, that he scarcely ever thinks of the morrow, but it was also the same for us, if we will take a look at history. For how long have famines ceased to be prevalent in Europe?<sup>66</sup>

From this stance, shared by many Europeans in both the Congo and Southwest Africa, a complex and often paradoxical relationship evolved between missionaries and the first administrators dispatched to each colony. At the same time that colonial officials defended mission activities during local uprisings, widespread land appropriation and economic exploitation of the indigenous labour force wedged a divide in the European communities, one that challenged the humanitarian ethos of the Christian faith and Christian culture.

## Legal humanitarianism

As much as humanitarianism drew upon religion, it also relied upon the valence of law. Again, the categories of religion and law can overlap; natural law, for instance, requires a Christian God in the picture.<sup>67</sup> At odds with the discrimination woven into colonial and racial hierarchies, the laws at the *fin de siècle* often reflected some of the most basic tenets of humanitarianism – a belief in a common humanity, social progress, and universal ethical principles – that all stemmed from natural law.<sup>68</sup> Natural law also played a significant role in the recognition, establishment, and colonial administrations of the Congo Free State and German South West Africa, as an independent state and protectorate, respectively.

However, legal humanitarianism – an admittedly vague category introduced here to incorporate natural law, as well as its distinct interpretations and humanitarian advocates – turned a blind eye and even defended colonial abuses in each context. On the one hand, this paradox challenges many legal historians, who associate the ‘long nineteenth century’ with the demise of natural law and the rise of positivism (‘man-made law’), where universal principles played second fiddle to national sovereignty.<sup>69</sup> On the

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<sup>66</sup> Albert Thys, *Au Congo et Kasai*, Brussels, Weissenbruch, 1888: 53.

<sup>67</sup> “International law finds its basis in divine and primitive law; it is completely derived from this source. With the help of only this law, I firmly believe that it is not only possible but even easy to regulate all relations that exist or might exist between all the peoples of the universe” (L.B. Hautefeuille, *Des Droits et Devoirs des Nations Neutres en Temps de Guerre Maritime*, 3<sup>rd</sup> edition, Paris, Guillaumin, 1868: x, quoted in Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960*, Cambridge, Cambridge University Press, 2001: 30).

<sup>68</sup> The sixteenth and seventeenth centuries developed an international legal tradition based on the concept of natural law, a set of universal, ‘higher’ principles that sovereigns could identify through the use of reason. ‘Human law’ or legal positivism, by way of contrast, rejected any higher morality. Rather than philosophical investigations into the nature of justice, positivists argued that the rules of international law could be discovered by studying the actual behaviour of states, institutions, and the laws created by states. Just as the consolidation of the German First Reich in 1871 and the modern Belgian nation-state in 1830 affected this understanding of sovereignty, so too did their expansion into Africa introduce new conceptual challenges.

<sup>69</sup> See, for example David Kennedy, “International Law and the Nineteenth Century: History of an Allusion”, *Nordic Journal of International Law*, 65, 1996: 385-426.

other, it supports their claim that an imagined European legal community struggled to reconcile nationalist and universal goals before the World War. In both cases, it is clear that treating humanitarianism as a single, unified phenomenon obscures its dissenting voices, and how lawyers first relied upon – and then ignored or argued against – humanitarian critiques of colonialism.

It is no coincidence that the most striking effort to promote legal humanitarianism in the late nineteenth and early twentieth centuries – that is, the Congo Free State – is here compared to a case – German South West Africa – where similar principles played no significant role. Again, the fact that both cases witnessed widespread colonial abuses, which were then ignored or defended by the international legal community, reveals the importance of disaggregating legal, secular, and religious humanitarianism. To make this point clear, this section begins by briefly setting the international stage with the Berlin Conference, and then focuses on the similarities and differences in the legal traditions and actors involved in each colonial state.

Among the most debated examples of legal humanitarianism, the Berlin West Africa Conference opened on November 15, 1884, and the General Act was signed on February 26, 1885. A watershed moment, the Berlin Conference and the General Act brought all of Africa into the sphere of international law, before which “it was considered a no man’s land where everybody was justified in establishing informal or formal colonial control in so far as the territories in question had not already been appropriated by any of the established colonial powers.”<sup>70</sup> Often cited in humanitarian publications (by organisations such as the Congo Reform Association and the Aborigines Protection Society, described below), Article VI mentioned the welfare of the “natives”, as well as the protection of Christian missionaries and the freedom of worship. In no uncertain terms, the act promised to “watch over the preservation of the native tribes, and to care for the improvement of their moral and material well-being, and to help in suppressing slavery.”<sup>71</sup> However, as Ronald Robinson concludes, “the leading powers who decided the issue were clearly intent on avoiding colonial liabilities, on averting a scramble for the interior, and frustrating the supposed colonial ambitions of their rivals.”<sup>72</sup> Native welfare was of secondary import.

In more political terms, then, the international treaty sought to avoid European commercial rivalries from devolving into costly military struggles. Hence the first five

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<sup>70</sup> “In other words [before the Berlin Conference], most of Africa remained outside the jurisdiction of international law, and was at best only indirectly integrated into the operations of the concert of Europe” (Wolfgang J. Mommsen, “Bismarck, the Concert of Africa, and the Future of West Africa, 1883-1885”, in: Kum’a Ndumbe III, (ed.), *L’Afrique et l’Allemagne de la Colonisation à la Coopération 1884-1886*, Yaoundé, Africavenir, 1986: 16-40 (17). The Berlin Conference codified the emergent international opinion and an international standard whereby the colonizers – at least in theory – judged the legitimacy of their own colonialism, as well as that of their competitors.

<sup>71</sup> Quoted in-full in Sarkin, *Colonial Genocide*: 85.

<sup>72</sup> Ronald Robinson, “The Conference in Berlin and the Future in Africa 1884-1885”, in: Stig Förster, Wolfgang J. Mommsen, and Ronald Robinson, (eds.), *Bismarck, Europe, and Africa, The Berlin Conference 1884-1885 and the Onset of Partition*, London, Oxford University Press, 1988: 1-32 (25).

articles focused on provisions of free trade; the fourth article prohibited import duties and the fifth forbade the granting of commercial monopolies. Clearly premised on the idea of “Christianity, Commerce, and Civilization,” these articles represented a “genuine attempt to internationalize future trade” in Africa, in spite of the absence of enforcement mechanisms.<sup>73</sup> On paper, “free trade was established in the basin and mouths of the Congo and the Niger”; in practice, such internationalisation empowered King Leopold.<sup>74</sup> Even without addressing these inconsistencies, it is clear that European lawyers relied on the Berlin Act to pit a homogenised ‘Europe’ against an equally homogenised ‘other’.<sup>75</sup> To challenge this imagined community, and treat the Conference as but one manifestation of legal humanitarianism, this section disaggregates the *conscience juridique* of Belgian and German actors in the establishment, administration, and defence of colonial abuses.

In a sense, the Independent State of the Congo represents the example *par excellence* of legal humanitarianism. Since its history is familiar, only three key points will be discussed here. First, a humanitarian organisation – not a European power – held sovereign control over the Congo prior to the Berlin Conference. Even before 1884, lawyers of multiple nationalities promoted the *Association Internationale du Congo* (AIC) as a way to “neutralize” the Congo region from power politics, that is, to “protect traders and natives against each other and against pirates and slave traders.”<sup>76</sup> To be sure, the idea of such a “neutral and fair” international organisation had been cultivated with great care by King Léopold over the previous ten years. As early as 1876, Léopold had sought a bite of the ‘magnificent cake’ of Africa by sponsoring scientific, geographic, and philanthropic conferences and organisations, such as the “International Association for the Exploration and Civilization of Africa” and the *Comité des Etudes*.<sup>77</sup> Noteworthy is the private nature of these ventures; “the foundation of the Congo Free State, therefore, owed nothing to public opinion and little, initially, to the Belgian bourgeoisie.”<sup>78</sup> Each officially sought to propagandize the abolition of the Arab slave trade in Central Africa,

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<sup>73</sup> Ibid.: 16.

<sup>74</sup> S.E. Crowe, *The Berlin West African Conference 1884-1885*, New York, Longmans, Green and Co., 1942: 3.

<sup>75</sup> “[...] in fact everyone’s *conscience juridique* supported the colonial policy of his homeland [...]. That international lawyers moved so easily from arguments about the civilizing mission to supporting the controversial policies of their native country should have signaled to them that no single civilization spoke in their voice” (Koskenniemi, *Gentle Civilizer*: 166-68, italics in original).

<sup>76</sup> Ibid.: 122.

<sup>77</sup> Léopold articulated a grand imperial role for Belgium: “Surrounded by the sea, Holland, Prussia, and France, our frontiers can never be extended in Europe [...]. Our neutrality [...] forbids us, outside of our nine provinces, any political activity in Europe. But the sea bathes our coast, the universe lies in front of us, steam and electricity have made distances disappear, all the unappropriated lands on the surface of the globe may become the field of our operations and of our success” (quoted in Lewis H. Gann, *The Rulers of Belgian Africa, 1884-1914*, Princeton, Princeton University Press, 1979: 29.)

<sup>78</sup> Ibid.: 26.

and King Léopold, their most enthusiastic patron, frequently emphasised their humanitarian goals.<sup>79</sup>

As an early example of his success, leading figures in these organisations included aristocrats, geographers, humanitarians, and a number of Léopold's fellow royals from across the continent. Meanwhile, working on behalf of the *Comité*, one of the most famous explorers of Africa, Henry Morgan Stanley, signed more than four hundred treaties ceding land from leaders in Central Africa.<sup>80</sup> After its establishment in 1882, the *Association Internationale du Congo* turned to these African treaties to demonstrate its international legitimacy, as well as its vague relationship to earlier humanitarian organisations founded in Brussels. Just months before the Berlin Conference, the United States became the first 'civilised' power to formally recognize the *AIC* as sovereign over the Congo, thus recognizing King Léopold as both the chair of the organisation and the head of state.<sup>81</sup> European states followed suit by reserving a seat for King Léopold at the Berlin Conference and, eventually, recognizing the flag of the International Association as that of an independent state. To sceptics who questioned whether a private organisation could be granted legal sovereignty, lawyers cited the precedent established by other humanitarian organisations, such the colonization societies that set up Liberia and Maryland, and Britain's chartering of the North Borneo Company.<sup>82</sup> These arguments resonated, to the point that one former critic gushed: "It is without a doubt that thanks to the generosity and the political genius of King Léopold, the Congo State will have a regime in full conformity with the requirements of European culture."<sup>83</sup>

In spite of a handful of colonial lobby groups, no individual ruler or sizeable population advocated legal humanitarianism to promote German colonialism, and, accordingly,

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<sup>79</sup> His grandiloquent speeches evoke humanitarian principles: "The subject which brings us together today is one of the most important facing humanity. To open up to civilisation the only part of the world which has not been discovered, to pierce the shadow which envelope entire peoples [...]. Do I need to remind you that in bringing you all to Brussels, I have not been guided by any egotistic purposes? No, Gentlemen, if Belgium is small, she is happy and satisfied with her lot. I have no ambition other than to serve her well. But I will insist on the pride it brings me to think that a progress essential to our age has begun in Brussels. I hope that in this way Brussels may become the headquarters of a civilising mission" (ibid.: 22).

<sup>80</sup> "Many chiefs had no idea what they were signing. Few had seen the written word before, and they were being asked to mark their X's to documents in a foreign language and in legalese. The idea of a treaty of friendship between two clans or villages was familiar; the idea of signing over one's land to someone on the other side of the world was inconceivable. In return for 'one piece of cloth per month to each of the undersigned chiefs, besides a present of cloth in hand,' they promised to 'freely of their own accord, for themselves, and their heirs and successors for ever to give up to the said Association the sovereignty and all sovereign and governing rights to all their territories [...] and to assist by labor or otherwise, any works, improvements, or expeditions which said Association shall cause at any time to have carried out in any part of these territories'" (Hochschild, *King Leopold's Ghost*: 72).

<sup>81</sup> Cf. U.S. Congress, Senate Committee on Foreign Relations, Session of March 26, 1884, *Report: Occupation of the Congo Country in Africa*, no. 393, 16-37.

<sup>82</sup> Koskenniemi, *Gentle Civiliser*: 122.

<sup>83</sup> F. de Martens, "La Conférence du Congo à Berlin et la Politique Coloniale des États Modernes, *RDI*, XVIII, 1886: 268; quoted in Koskenniemi, *Gentle Civiliser*: 157.

international law did not influence the establishment of South West Africa to any significant degree.<sup>84</sup> Until 1884, Chancellor Otto von Bismarck opposed colonialism, and particularly the French and British forms. Scholars continue to debate whether domestic concerns, such as currying favour with a small but influential group of colonial advocates, or foreign policy, and his *realpolitik* competition with France and Britain, served as key incentives for the *volte-face*.<sup>85</sup> Most do agree, however, that the language of humanitarianism was never invoked as a primary incentive for German expansion on either the national or international stage. Whereas Léopold's humanitarian organisations focused on targeting the Arab slave trade, the 'Iron Chancellor' expressed indifference; he wrote "Slavery had existed from thousands of years and, in many cases, is not as bad as is often thought; it would not have made any difference if it had been allowed to go on for another ten or twenty years."<sup>86</sup> When approached by the German Anti-Slavery Society after Germany's entry into the colonial race, Bismarck not only refused to lend formal state support to the campaign, he also lashed out against 'hypocritical' references to an alleged Christian duty.<sup>87</sup> His priorities in Africa – "my interest is limited to whites, and in particular, to Germans"<sup>88</sup> – reflected those of the strongest advocates for colonialism.

Rather than any humanitarian mission, German expansion was seen as "a perfectly natural drive; just as ownership was a projection of the owner's person in the material world, colonial possession was an aspect of the healthy State's identity and self-respect."<sup>89</sup> Colonial advocates turned to classical theories of imperialism of an older English vintage and, in particular, the policy objective that "flag follows trade."<sup>90</sup> What

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<sup>84</sup> For a more macro-perspective on German humanitarianism, see Nina Berman, *Impossible Missions? German Economic, Military, and Humanitarian Efforts in Africa*, Lincoln, University of Nebraska Press, 2003.

<sup>85</sup> "Scholars have assessed Bismarckian imperialism in many different ways: it has been interpreted as an instrument of foreign diplomacy, as a response to chauvinism and anglophobia, as a form of conspicuous consumption on a national scale, as a means of freezing the existing social order and of cementing an anti-socialist alliance at home. It has also been described as evidence for aiding Germans abroad by active state interference and as a real estate speculation designed to secure a lien on territories whose value, however small, might appreciate in the years to come" (L.H. Gann and Peter Duignan, *The Rulers of German Africa, 1884-1914*, Stanford, Stanford University Press, 1977: 9). Also, see Hans-Ulrich Wehler, *Bismarck und der Imperialismus*, Cologne, Kiepenheuer & Witsch, 1969.

<sup>86</sup> Bismarck, *Werke*, vol. 9: 433, quoted in Klaus J. Bade, "Imperial Germany and West Africa: Colonial Movement, Business Interests, and Bismarck's 'Colonial Policies'", in: Stig Förster, Wolfgang J. Mommsen, and Ronald Robinson, (eds.), *Bismarck, Europe, and Africa, The Berlin Conference 1884-1885 and the Onset of Partition*, London, Oxford University Press, 1988: 121-147 (144).

<sup>87</sup> In response to a note written by Cardinal Lavigerie, the renowned anti-slavery activist, Bismarck wrote: "Deus nobis haec otia non fecit, do *not* answer. There is no need for me to comment." The Latin phrase translates as: "God has given us this tranquility" (quoted in Bade, "Imperial Germany": 144).

<sup>88</sup> Quoted in *ibid*.

<sup>89</sup> Koskenniemi, *Gentle Civilizer*: 109.

<sup>90</sup> "Three main arguments underpinned European justifications for conquering the rest of the world: the superiority of Christianity; the supremacy of European civilisation; and the greater economic efficiency of more 'advanced' peoples in developing the world's resources" (Gregory Claeys, *Imperial Sceptics, British Critics of Empire, 1850-1920*, Cambridge, Cambridge University Press, 2010: 13). "Early on, even fact-finding trips were made to Britain. The state of the recent British colonial movement and the publicity

eventually became German South West Africa was acquired in 1882 by a tobacco merchant from Bremen, Adolf Lüderitz, who had set up shop in Angra Pequena north of the British Cape Colony and to whom Bismarck, irritated by British reluctance to acknowledge the trader's "freedom of action" in the area, granted protection in 1884. Critics of this view may point out that Bismarck declared German South West a 'protectorate' (*Schutzgebiet*), not a colony or sovereign state, thus implying some sense of humanitarian responsibility.<sup>91</sup> As Bismarck makes clear, however, the idea of protection applied more to White traders and missionaries than to the indigenous population, many of whom fell outside of official German jurisdiction. After all, whereas Stanley signed over four hundred treaties in Central Africa, German explorers and traders had failed to secure 'protection treaties' with indigenous leaders in South West Africa, most of whom had either already secured agreements with British traders or simply refused German offers. In fact, Britain and France recognised Germany's protectorate of South West Africa against the outcry of local British traders, in direct defiance of their treaties, thus flying in the face of a well-established tradition of legitimating European occupation.<sup>92</sup>

A second important point pertains to the irrelevance of humanitarian abuse to the European legal communities. Despite the lofty rhetoric, only a handful of Belgian lawyers paid any attention to the Congo after its establishment, and those few who did acknowledge humanitarian criticisms often turned to international law in defence of their

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methods it employed were investigated by, among other things, looking at the Royal Colonial Institute, founded as early as 1868, the year in which Dilke's *Greater Britain* was published" (J. Bade, "Imperial Germany": 124).

<sup>91</sup> In terms of treaties, the British businessman Cecil Rhodes dispatched a colleague, Robert Lewis, to obtain concessions from Africans in South West Africa long before the territory officially fell under German jurisdiction. To the dismay of the German traders, his background as a resident trader to many local chiefs, including Hendrik Witbooi, served in his favour in securing these treaties. Accordingly, when Germany proclaimed the annexation of the colony, Lewis complained that it had not established "effective" control in that no more than five of at least twenty "independent, wealthy, and powerful chiefs" had agreed to German protection. The rest had either rejected German advances or aligned with the British or Trek-Boers. Britain nevertheless supported German annexation. At the same time, by supporting German annexation, the British government in the Cape Colony openly breached treaties made between Afrikaner farmers and indigenous leaders. By standard accounts, then, Germany pursued the acquisition of South West Africa for the sake of its life-energy ("eine berechtigte Äusserung seiner Lebensenergie"), not as a testament to its humanitarian impulse or success at negotiating treaties. See Siba N'Zatioula Grovogui, *Sovereigns, Quasi Sovereigns, and Africans: Race and Self-Determination in International Law*, Minneapolis, University of Minnesota Press, 1996: 90f.

<sup>92</sup> In broad brushstrokes, scholars of international law identify four techniques that Europeans used to measure the legitimacy of colonialism, namely: discovery, conquest, occupation, and cession. Of course, these techniques overlapped and remained a constant source of legal and ethical debates. Among many theoretical dilemmas, philosophers and international lawyers wrestled with how to define effectiveness and *terra nullius*, and limit conceptions of sovereignty to European actors. See Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law*, Cambridge, Cambridge University Press, 2005; U.O. Umozurike, *International Law and Colonialism in Africa*, Enugu, Nwamife Publishers, 1979; and Charles Henry Alexandrowicz, *The European-African Confrontation. A Study in Treaty Making*, Leiden, Sijthoff, 1973.

King.<sup>93</sup> Written by Félicien Cattier, a professor of public law at the University of Brussels, the first general overview of the treatment of the native population at once emphasised that the “general spirit” of the Congo administration sought to protect native rights and leave indigenous institutions in place and, further, had helped cultivate a new work ethic in the “native mentality.”<sup>94</sup> Other lawyers reiterated this argument as reports of colonial abuses proliferated from the 1880s onwards, and particularly after King Léopold declared ‘vacant lands’ the property of the state, thus translating over ninety per cent of the country into his private property.

In fact, it is clear that Belgian lawyers defended King Léopold by weaving together ideas of universal humanity and national sovereignty, the most basic of principles in natural law and positivism, respectively. To counter critical reports from the Congo Reform Association, Ernest Nys, another esteemed professor of legal history at the University of Brussels, claimed that: “The Independent State of the Congo has not neglected any effort, has not spared itself any sacrifice in order to realize the humanitarian wishes of the Conference of Berlin of 1884 and 1885.”<sup>95</sup> Nys then published a series of articles that emphasised three key arguments: first, a long tradition in international law allowed vacant lands to be treated as state property; second, all colonial powers relied upon similar methods of African labour and land appropriation; and third, the Berlin Act did not allow foreign states to meddle in the affairs of another sovereign nation. Together with Baron Edouard Descamps, a Catholic politician and Professor of International Law from Louvain, Nys claimed that “a state uses the territories that constitute its private domain as it wishes; it sells them, it rents them out, it attaches such conditions to the concessions it grants as it sees warranted [...] in none of this does it owe an explanation to other States.”<sup>96</sup> In the wake of the British critiques of the Belgian administration, Descamps published a 600-page account to reiterate this argument, and he further defended Belgian colonialism on the basis that it was “decreed by the double law of conservation and progress that is a proper law of humanity.”<sup>97</sup>

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<sup>93</sup> Koskenniemi, *Gentle Civilizer*: 160. See Roger Antsey, *King Leopold's Legacy, The Congo Under Belgian Rule, 1908-1960*, London, Oxford University Press, 1966: 10, 15; Georges-Henri Dumont, *La Vie Quotidienne en Belgique Sous le Règne de Léopold II: (1865-1909)*, Paris, Hachette, 1974: 300-303; Thomas Pakenham, *The Scramble for Africa, 1876-1912*, New York, Random House, 1991: 644f., 657.

<sup>94</sup> Quoted in Koskenniemi, *Gentle Civilizer*: 159; F. Cattier, “L'Etat Indépendant du Congo et les Indigènes”, *Revue du Droit International*, 28, 1895: 263-281.

<sup>95</sup> “L'Etat indépendant du Congo n'a négligé aucun effort, ne s'est épargné aucun sacrifice pour réaliser les vœux humanitaires de la conférence de Berlin de 1884 et de 1885” (Nys, “L'état indépendant du Congo et le Droit International”, *Revue du Droit International*, 5 (2), 1903: 373, quoted in Koskenniemi, *Gentle Civilizer*: 161).

<sup>96</sup> Nys, “L'état indépendant du Congo et les Dispositions de l'acte Générale,” *Revue du Droit International*, 5, 2 (1903): 328, quoted in Koskenniemi, *Gentle Civilizer*: 161.

<sup>97</sup> Tellingly, he accepted that a certain degree of autocracy was necessary and that the indigenous people would (eventually) receive rights of citizenship. See: Edouard E.F. Descamps, *L'Afrique Nouvelle. Essai sur l'état civilisateur dans les pays neufs et sur la fondation, l'organisation et le gouvernement de l'État indépendant du Congo*, Paris, Hachette, 1903; idem, “Le Différend Anglo-Congolais”, *Revue de Droit International et de Législation Comparée*, 6 (2), 1904: 233-259. “Like many Belgians, Descamps assumed

Meanwhile, German lawyers did not publish on the mass atrocities in South West Africa, and non-lawyers who did connect international law with the Herero War focused on its inapplicability to the protectorate. Not unlike Bismarck's critique of the German Anti-Slavery Society, those few German lawyers who did write on the 'colonial question' dismissed Anglo-French concepts of 'Civilisation' and 'progress' as shallow and commercial.<sup>98</sup> They emphasised, instead, the irreducible conflicts between those of unique *Kultur*, celebrated Germany's late entry into the colonial race as a sign of its healthy nationalism, and capitalised on public scepticism toward international law as 'real law'.<sup>99</sup>

This interpretation of legal humanitarianism within Germany predated the German colonial encounter and the Herero genocide.<sup>100</sup> As early as 1878 and 1879, the Prussian General Julius von Hartmann wrote a series of three influential articles on "Military Necessity and Humanity/Humanitarianism", in which he argued that "strict enforcement of military discipline and efficiency ultimately achieved the most humane results" in warfare.<sup>101</sup> To the chagrin of many non-German legal scholars in Europe, Hartmann criticised the application of higher humanitarian principles, and he praised the notion of *Kriegsraison geht vor Kriegsmanier* ("the necessities of war take precedent over the rules of war") and *Not kennt kein Gebot* ("necessity knows no law").<sup>102</sup> In his footsteps, early legal studies on German colonialism published through the *Archiv des öffentlichen Rechts* paid no attention to humanitarianism and, instead, focused on clarifying the meaning, limits, and concepts of territorial sovereignty (*Gebietshoheit*).<sup>103</sup> While only one study mentioned that indigenous people enjoyed rights "provided by reason and nature," most analysed how the *Schutzgebiet* (protectorate) could be

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that the attacks were based on ulterior motives: the economic interests of Manchester and Liverpool, a wish to direct attention away from Britain's own colonial problems" (Koskenniemi, *Gentle Civilizer*: 163).

<sup>98</sup> The critique was pervasive. At the opening of the 1899 Hague Peace Conference, for example, the emperor appointed two lawyers highly critical of international law. Baron von Stangel had just published a pamphlet ridiculing the idea of perpetual peace, and Philip Zon denied the legitimacy of international law. (George Jellinek, "Zur Eröffnung der Friedenskonferenz", in: *Ausgewählte Schriften und Reden*, vol. II, Berlin, Häring, 1911: 542-543, 547-548; noted in Koskenniemi, *Gentle Civilizer*: 208).

<sup>99</sup> On the distinction between civilization and *Kultur*, see Raymond Geuss, *Morality, Culture, and History: Essays on German Philosophy*, Cambridge, Cambridge University Press, 1999: 33-44; Terry Eagleton, *The Idea of Culture*, Oxford, Blackwell, 2000: 10-14.

<sup>100</sup> "The story of international law in Germany between 1871 and 1933 is a narrative about recurrent attempts to square the circle of statehood and an international legal order by lawyers trained in public law, often philosophically inclined, and coming from the widest range of political conviction. Nowhere was the challenge to international law posed more strongly than in Germany" (Koskenniemi, *Gentle Civilizer*: 181).

<sup>101</sup> Quoted in Geoffrey F.A. Best, *Humanity in Warfare: The Modern History of the International Law of Armed Conflicts*, London, Methuen, 1983: 145.

<sup>102</sup> *Ibid.*: 64.

<sup>103</sup> Koskenniemi, *Gentle Civilizer*: 167.



understood through the lens of the imperial constitution, which created the unified German Empire in 1871.<sup>104</sup>

Relations between Germany and *Stämmen* (non-civilised communities) never possessed an international legal character, a point reflected time and again by German defences of colonial practices.<sup>105</sup> Although the right to quell indigenous rebellions received some attention (positive and negative) in Germany, the commanding general during the war, Lothar von Trotha, challenged dissenting voices by arguing that: “Peaceful natives must be treated humanely at all events. But to adopt the same approach towards rebellious natives is to be inhumane towards our own fellow countrymen.”<sup>106</sup> Thus prioritizing German soldiers over universal humanity, he further challenged international law: “It is obvious that the war in Africa does not adhere to the [first] Geneva Convention [of 1864]. It was painful for me to drive back the women from the waterholes in the Kalahari. But my troops were faced with a catastrophe.”<sup>107</sup> Though von Trotha would later be demoted, an acting governor of the colony, Friedrich von Lindequist, responded to the continued expressions of concern for Africans by asserting that “the interests of the *Reich* and the colony would be best served by rejecting any ‘humanitarian claptrap.’”<sup>108</sup> Some of the most progressive and conservative parliamentarians in the *Reich* supported this argument.<sup>109</sup>

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<sup>104</sup> See, for example: Carl von Stengel, “La Constitution et l’Administration des Colonies Allemandes”, *Revue de droit public et de la Science Politique en France et à l’étranger*, III, 1895: 275-292; Paul Heilborn, *Das Völkerrechtliche Protektorat*, Berlin, Springer, 1891; Karl Heimbürger, *Der Erwerb der Gebietshoheit*, Karlsruhe, Braun, 1888.

<sup>105</sup> Joseph Hornung, “Civilisés et Barbares,” *RDI*, 17, 1885: 1-18, 447-470, 539-560; and *RDI*, 18, 1886: 188-206, 281-298; cited in Koskenniemi, *Gentle Civilizer*: 129. “Of course we are for humanity with respect to human beings of all kinds; but in contradiction to some of the orators preceding me, I would conclude by abjuring the interested authorities: Do not apply too much humanity to bloodthirsty beasts in the form of humans” (Graf Ludwig zu Reventlow, a conservative member of the German *Reich*, quoted in Helmut Walser Smith, “The Talk of Genocide. The Rhetoric of Miscegenation. Notes on Debates in the German Reichstag Concerning South West Africa, 1904-14”, in: Sara Friedrichsmeyer, Sara Lennox, and Susanne Zantop, (eds.), *The imperialist imagination: German colonialism and its legacy*, Ann Arbor, University of Michigan Press, 1998: 107-123 (107).

<sup>106</sup> Helmut Bley, *South West Africa under German Rule, 1894-1914*, Evanston, Northwestern University Press, 1971.

<sup>107</sup> Cited in Sarkin, *Colonial Genocide*: 121. Also see Walter Rahn, *Sanitätsdienst der Schutztruppe für Südwestafrika während der grossen Aufstände 1904-1907 und der Kalahari-Expedition 1908*, Berlin, Traditionsverband, 1997.

<sup>108</sup> Sara Friedrichsmeyer, Sara Lennox, and Susanne Zantop, “Introduction”, in: idem, (eds.), *The imperialist imagination: German colonialism and its legacy*, Ann Arbor, University of Michigan Press, 1998: 1-32 (14); quote from Horst Drechsler, *Südwestafrika unter Deutscher Kolonialherrschaft*, Berlin, Akademie, 1966: 274.

<sup>109</sup> “Within the *Reichstag*, the German parliament elected by universal suffrage, the political parties defended – to the last – the right of German troops to quell what they saw as illegitimate rebellions. [...]. One representative expressed disbelief that [critical] sentiments [of von Trotha] could even be uttered in the German *Reichstag*” (Smith, “The Talk”: 111).

Alone, such sentiment does not prove a German *Sonderweg*, or unique path to European development; in fact, few lawyers anywhere in the world voiced or even supported humanitarian critiques of the Congo or South West Africa.<sup>110</sup> Given the number of lawyers who praised the humanitarian spirit that founded the Congo Free State, it is odd how few later supported the Congo Reform Association, or even commented on evidence of colonial abuses.<sup>111</sup> From 1885 until 1908, French lawyers occasionally commented on negotiations between the King and Belgian government over the process of colonial annexation, but their attention reveals more self-interest than humanitarian critique; the King had earlier promised France the territory if he ever decided to abandon the project. At the same time, these same lawyers stood aloof from the Congo Reform Association, likely because many of the same humanitarian accusations could have been levelled against private companies in the rubber-rich French Congo.<sup>112</sup> Meanwhile, British lawyers interested in African legal issues, such as the British international lawyer John Westlake, never once wrote on colonial abuses in the Independent State, and focused instead on its birth history.<sup>113</sup>

Rather than cite violations of humanitarian principles, then, debates among international lawyers across Europe focused on the formal status of the Independent State as a sovereign state, “whether it owed its sovereignty to the powers that recognised it, and which might be able to ‘derecognize’ it and take its fate into their hands.”<sup>114</sup> Inconclusive debates centred round the question of how the Congo, as a private fiefdom of Léopold, could be reconciled with European mores of territorial sovereignty overseas. Only after Léopold sold the Congo to the state of Belgium for a hefty sum did an American and another French lawyer agree that the Congo State had been “perhaps illegal and certainly contrary to humanity and morality.”<sup>115</sup> However, even when lawyers acknowledged that humanitarian principles had gone awry in the Congo, the solution

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<sup>110</sup> “According to the *Sonderweg* thesis, the failure of liberal democracy to take root in Germany was caused by the lack of a bourgeoisie revolution, as had occurred in England and France; by the survival of the pre-industrial elites who continued to dominate key positions of power; by the friend-foe polarities conjured up by Bismarck to rally in-groups and target ‘enemies of empire’; and by myriad other manipulative strategies to preserve monarchical and executive power” (James Retallack, *Imperial Germany, 1871-1918*, Oxford, Oxford University Press, 2008: 6).

<sup>111</sup> “After 1885, textbooks regularly made a note of the anomalous birth history of the Independent Free State, of the personal union that existed between Belgium and the Congo, and of the neutralization and freedom of navigation regimes that were applicable on paper in its territory. Until 1908, however, they did not normally include any mention of the humanitarian criticisms of the possible violation by the King of the Berlin Act” (Koskenniemi, *Gentle Civilizer*: 159).

<sup>112</sup> Catherine Coquery-Vidrovitch, *Le Congo au Temps des Grands Compagnies Concessionnaires, 1898-1930*, Paris, Mouton, 1972: 494-506.

<sup>113</sup> A complete bibliography of his writings may be found in John Fischer Williams, *Memories of John Westlake*, London, Smith and Elder, 1914: 147-154.

<sup>114</sup> Koskenniemi, *Gentle Civilizer*: 165.

<sup>115</sup> Franz Despagne, *Cours de Droit International Public*, 4<sup>th</sup> edition, Paris, Sirey, 1910: 101; Jesse S. Reeves, “The Origin of the Congo Free State, Considered from the Standpoint of International Law”, *American Journal of International Law*, 3, 1909: 99-118, quoted in Koskenniemi, *Gentle Civilizer*: 164.

focused on more colonial intervention, not less. They agreed that “[i]t was the anomalous character in international law of the State which has made the Congo question so difficult of treatment” and that the problem would be fixed if: “the Congo Free State now passes out of existence and becomes in fact what it should have been long ago, a Belgian colony.”<sup>116</sup> In other words, the failures of the Congo Free State reflected a deviation from the colonial script, and Belgian annexation would bring the Congo under the sign of progress: “as a colony it will become subject to government by discussion. In a country where party strife is active, where liberal ideas find such ready expression, responsible parliamentary government must surely be a guaranty [sic!] that the provision of The Berlin Act will be observed in spirit and in letter.”<sup>117</sup>

As may be obvious by its inclusion as a ‘non-campaign’, what may now be considered genocide in German South West Africa garnered little to no attention from the international legal community. No legal discussion on principles of sovereignty or humanitarianism ever accompanied reports from the Cape Colony, where British officials had long documented the violent suppressions of native uprisings in German South West Africa. Only after South African authorities confiscated the territory in 1915, undertaken with the official understanding “that any territory now occupied must be at the disposal of the Imperial Government for purposes of an ultimate settlement at the conclusion of the War,” did lawyers begin to gather evidence and publish reports on German colonial abuses.<sup>118</sup> Under South African jurisdiction, criminal trials prosecuted German military personnel in 1916, and grisly reports on the Namaqua and Herero rebellions resurfaced in the international press.<sup>119</sup> In turn, a flood of annexationist articles, and pamphlets appealed to legal humanitarianism against Germany; two of the more substantial examples included Evans Lewin, *The Germans and Africa: Their Aims on the Dark Continent and How They Acquired Their African Colonies* (London, 1915) and Albert F. Calvert, *The German African Empire* (London, 1916).<sup>120</sup>

The British government aided private propaganda, especially pieces published by the Anti-Slavery and Aborigines Protection Society, by issuing its first Blue Book on atrocities committed by the Germans in July 1916.<sup>121</sup> British lawyers drew attention to abuses in German South West Africa in much the same way they did in the Congo, that is, by arguing that Germans had deviated from a colonial script accepted at the Berlin

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<sup>116</sup> Jesse S. Reeves, the American international lawyer, made this point in “Origin”: 118. Also, see Paul Errera, “Le Congo Belge”, *Revue de Droit Public et de la Science Politique en France et à l’Etranger*, 28, 1908: 730-753.

<sup>117</sup> Reeves, “Origin”: 118.

<sup>118</sup> Harcourt to Both, August 7, 1914; British Parliamentary Papers, 1914-16, 45, Cd. 7873, *Correspondence on the ... Expedition against German South-West Africa*, 4; also quoted in Maynard W. Swanson, “South West Africa in Trust, 1915-1939”, in: Gifford and Roger, *Britain*: 631-665 (632).

<sup>119</sup> Gaddis Smith, “The British Government and the Disposition of the German Colonies in Africa, 1914-1918”, in: Gifford and Louis, *Britain*: 275-299 (284).

<sup>120</sup> Ibid.

<sup>121</sup> Again, see Silvester and Gewald, *Words*; Kössler, “Sjambok”.

Conference. Challenging the idea of a ‘hollow humanitarianism’, as some newspapers called the Berlin Act, British lawyers invoked the language of legal humanitarianism to argue that “Kaiser’s Germany, more than any other power, had peculiarly offended those accepted international standards laid down at the Berlin Conference.”<sup>122</sup> Accordingly, in discussions over what to do with South West Africa after the World War, General Smuts, a member of the Imperial War Cabinet in London as well as a delegate to the Paris Peace Conference, depended upon these reports to argue against returning South West Africa to Germany, and in suggesting that South Africa could “protect [the territory] against European militarism [...] [and] build up a new peaceful world, not only for themselves, but for the many millions of black folk entrusted to their care.”<sup>123</sup> Although German nationalists protested at what they viewed as *die Kolonialschuldfrage* (slander of colonial guilt), Germany’s colonies passed to the victors under the Covenant of the League of Nations.<sup>124</sup> Much like the Congo, the language of legal humanitarianism served convenient political ends.

## Secular humanitarianism

A secular international humanitarian movement did, however, arise in the Congo, with characteristics that at once inherited and departed from the above traditions. Regardless of whether histories of the era focus on individual protagonists, missionaries, British Foreign Office, or economic forces that helped end King Léopold’s rule of the Congo, several common descriptions of the Congo Reform Association resurface in academic and popular histories. Of particular relevance to any imperial history of humanitarianism, the reform movement is noted for emphasizing the universality of certain rights and the importance of free trade, publishing widely to ‘name and shame’ colonial misrule, and relying on financial support from British merchants, as well as the elite and upper middle class in England. Often mentioned is how the association sought bipartisan support within and outside Great Britain, and how its founders tried to keep a distance from the religious humanitarianism espoused by missionaries. By focusing on each of these common denominators, this section sketches the priorities and strategies of the Congo Reform Association, and then shows how the reform organisation at once inherited and departed from religious and legal paradigms of humanitarianism.

Rather than pure historical anachronism, the ‘rights talk’ used by the organisation and its protagonists helps to explain why historians have since labelled the Congo Reform

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<sup>122</sup> Lewis H. Gann, “The Berlin Conference and the Humanitarian Conscience”, in: Stig Förster, Wolfgang J. Mommsen, and Ronald Robinson, (eds.), *Bismarck, Europe, and Africa, The Berlin Conference 1884-1885 and the Onset of Partition*, London, Oxford University Press, 1988: 321-331 (330).

<sup>123</sup> General Smuts, “Speech to the Royal Geographical Society,” January 28, 1918, reported in *The Times*, 29 January 1918; quoted in Swanson, “South West Africa”: 175.

<sup>124</sup> Gann, “Berlin”: 330.

Association the “first human rights campaign” of the twentieth century.<sup>125</sup> When Roger Casement first proposed the Congo Reform Association to E.D. Morel, a journalist piqued by West African Affairs, he argued that the distinct barbarity of King Léopold’s rule defied universal standards of humanity and, therefore, that the cause in the Congo deserved its own organisation. His sentiments conveyed the urgency of the Congo situation, as well as a racially inclusive understanding of humanity. Just days after first meeting with the starstruck Morel, Casement explained this point in no uncertain terms: “It is this aspect of the Congo question — its abnormal justice and extraordinary invasion, at this stage of civilised life, of fundamental rights, which to my mind calls for the formation of a special body and the formulation of a very special appeal to humanity.”<sup>126</sup> Time and again, Casement and Morel agreed that Africans held “fundamental rights,” sometimes called the “elementary rights of humanity,” to exert control over their bodies, their land, and the produce of their soil.<sup>127</sup> In fact, the basic idea that Africans held individual rights, which had been violated by the despotic rule of the Belgian *Roi-Sovereign*, galvanised the creation of the Congo Reform Association in 1904. Before its formal inauguration, a Preliminary Announcement stated that the priority of the campaign was: “to secure for the natives inhabiting the Congo State territories the just and humane treatment [...] by the restoration through the exercise of a just and humane administration, of their individual freedom, of which individual freedom both men, women, and even children have been deprived.”<sup>128</sup> Noteworthy here is the mention of ‘restoration’, a term that invokes a backwards — rather than forwards — looking solution. To be clear, the ‘just and humane administration’ did not entail any form of self-government for or by Africans, themselves.<sup>129</sup>

In short, the Congo Reform Association advocated indirect rule. Rather than expensive colonial military interventions enforcing ‘civilization’, influential critics — particularly J.A. Hobson — idealised the administrative practices of trading companies prior to the scramble for Africa.<sup>130</sup> This solution to what Hobson considered the ‘New Imperialism’ of direct intervention seemed simple, practical, and ideologically sound. Acknowledging that Africans held individual freedoms required, by extension, a certain degree of respect for their cultural traditions, institutions, and laws, on the understanding that these stemmed from “a strong type of humanity with virtues and vices arranged in his

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<sup>125</sup> On the description of the Congo Reform Association as the “first human rights campaign,” see Georges Nzongola-Ntalaja, *The Congo from Léopold to Kabila: A People’s History*, New York, Zed, 2002. On the idea of “rights talk”, see Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse*, New York, Free Press, 1991.

<sup>126</sup> Casement to Dilke, 1 February 1904, Anti-Slavery Papers, Mss. Brit. Emp. S22, 261, vol. 2, APS. Casement’s quote is cited in a number of works, including Grant, *Civilised Savagery*: 62.

<sup>127</sup> Grant, *Civilised Savagery*: 62.

<sup>128</sup> “Programme of the C.R.A.”, supplement published in the *West African Mail*, May 1904.

<sup>129</sup> Mary Kingsley made this point clear: “The African has done very little to justify his having a voice in affairs, the English trader has done everything” (Mary Kingsley to Holt, 20 May 1899, J.H.P., box 16, file 4; also quoted in Porter, *Critics of Empire*: 244).

<sup>130</sup> J.A. Hobson, *Imperialism: A Study*, London, Allen & Unwin, 1938.

character in a different way to that of the European character.”<sup>131</sup> Some campaigners pursued this line of argument by laying bare the popular myths of African barbarity, such as hand mutilations in the Congo. Against the pervasive idea that lopping off hands “had always been due to the primitive instinct of savages,” Roger Casement conducted and documented a number of personal interviews, among the first foreigners to do such ‘fieldwork’, and then declared that hand mutilations were “not a native custom prior to the coming of the white man; it was not the outcome of the primitive instincts of savages in their fights [...] it was the deliberate act of the soldiers of a European administration.”<sup>132</sup> At the same time, others championed indirect rule based on more of an anthropological science, with a celebration of ‘fetish’, polygamy, and even the nakedness of the stereotypical African.<sup>133</sup> Antagonistic both to the ‘civilizing mission’ and colonial military intervention, staunch imperialists like the anthropologist Mary Kingsley proved particularly influential in promoting African traditions.<sup>134</sup> Besides campaigning against the “windy-headed brag and self-satisfied ignorance” of meddlesome colonial officials, Kingsley argued that missionaries “destroyed the bases of the Africans’ morality and civilisation, took away from them the moral constraints which their own religion imposed without replacing them with anything really deep and permanent, and so rendered them rootless.”<sup>135</sup> Such a critique resonated at the time because so many colonial officials, traders, and missionaries in West Africa despised the troublesome end-result of the ‘civilizing’ process, namely: the “educated native.”<sup>136</sup> By building upon both Casement and Kingsley’s arguments, Morel advocated a “policy of building up native States on indigenous lines; strengthening and consolidating native institutions; and upholding the power of the chiefs.”<sup>137</sup> How to respect indigenous practices remained open to debate, but the emphasis on indirect rule suggests that a degree of cultural relativism infused the reform movement from its conception.

That said, at the core of Africans’ rights claims lay not human dignity, nor some right to life or culture, but individual rights to land and free trade. Above all, Morel and Casement campaigned for “free commerce, based upon a recognition of the native’s right to ownership of all the land and its produce.”<sup>138</sup> Morel explained that: “From this fundamental

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<sup>131</sup> The anthropologist Mary Kingsley, quoted in Porter, *Critics of Empire*: 151.

<sup>132</sup> Morel quoted this in his ten-page account of the hand-cutting practice in *King Léopold’s Rule in Africa* *King Leopold’s rule in Africa*, London, Heinemann, 1904: 110-19; also quoted in Burroughs, *Travel Writing*: 61.

<sup>133</sup> Fetish “merited the most careful study and sympathy. And it compelled the wise administrator to recognise that civilisation was [...] a range of mountains, and that the Negroe should be encouraged to climb his own peak rather than be dragged up that of the white races” (Porter, *Critics of Empire*: 153).

<sup>134</sup> See *ibid.*: 240-254. As Porter notes, her ideas are summarised in J.E. Flint, “Mary Kingsley – A Re-assessment”, *Journal of African History*, 4 (1), 1963: 95-104.

<sup>135</sup> Quoted in Porters, *Critics of Empire*: 241.

<sup>136</sup> *Ibid.*: 242.

<sup>137</sup> Morel to Holt, 9 June 1903, E.D.M.P., G (copy-books), vol. 4c, 72; also quoted in Porter, *Critics of Empire*: 257.

<sup>138</sup> Porter, *Critics of Empire*: 262.

principle which regulates and directs relationships between the white man and black in the African tropics [...] there can be no derogation. To retreat a single inch is to leave the door wide open to the buccaneer, the pirate, and the slaver.”<sup>139</sup> What becomes clear, by turning to their respective biographies, is how Casement’s heritage as an Irishman and Morel’s employment with a Liverpool shipping firm inflected their similar economic interpretation of ‘fundamental rights’. On the one hand, Casement mistrusted the language of ‘landlordism’ and ‘civilization’ after growing up in Ireland under English rule; Casement argued that the Congo situation was “a tyranny beyond conception save only, perhaps, to an Irish mind alive to the horrors once daily enacted in this land.”<sup>140</sup> Meanwhile, Morel had grown suspicious of “the true character of the Congo Free State Govt. & of its proceedings in Africa” while calculating exports-imports as an employee of *Elder Dempster*; he noticed the exorbitant quantities of arms exported to the Congo, the mass import of rubber and ivory to Belgium, and suspected that “the natives were getting nothing or next to nothing in exchange” for their labour.<sup>141</sup> A number of British merchants from Liverpool confirmed his suspicions, and their subsequent support for Morel and the Congo Reform Association developed the so-called “Liverpool School” critique of imperialism.<sup>142</sup> Against monopolies, Morel argued that, “if the right to trade be taken from the natives of tropical Africa [...] the natives are automatically reduced from free economic units to pure and simple slaves.”<sup>143</sup> Never wavering from this principle, he declared on numerous occasions: “The root is in the land.”<sup>144</sup>

To promote these ideas, the Congo Reform Association prioritised publicity through free pamphlets and publications, private meetings, and lantern slide presentations. One year before the official establishment of the organisation, Morel founded a newspaper, *West African Mail*, which he continued to run during the Congo reform movement, even as he

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<sup>139</sup> Morel, *Red Rubber* : 201f.

<sup>140</sup> Casement to Mrs. Green, 24 April 1904, in A.S.G.P., N.L.I., MS 10463. The quote may be found in multiple works: Porter, *Critics of Empire* : 367; Stephen Howe, *Ireland and Empire: Colonial Legacies in Irish History and Culture*, Oxford, Oxford University Press, 2000: 47; and Burroughs, *Travel Writing* : 123. Casement also said this to William Cadbury: “It was only because I was an Irishman that I could understand *fully*, I think, the whole scheme of wrongdoing at work on the Congo.” Casement to Cadbury, 7 July 1905, in Casement Papers, N.L.I., MS 8358, item 1, cited in Porter, *Critics of Empire* : 257 (italics in original).

<sup>141</sup> Quoted in Porter, *Critics of Empire* : 261.

<sup>142</sup> “This ‘Liverpool School’ — all of them were connected some way with a section of the Liverpool merchant community of which Holt was the leader — which gave the resistance to the New Imperialism some concrete meaning [...] [it] attacked [capitalist imperialism] in West and Central Africa — the ‘plantation policy,’ monopoly companies, the exploitation of natural resources for profit, gold-mining, forced labour” (ibid.: 237).

<sup>143</sup> Quoted in ibid.: 262.

<sup>144</sup> By 1912, he had modified his critique of concessionary companies, however. “Even if, ideally, Morel still preferred an Africa independent, developed by peasant proprietors with the kindly help of European instructors, and providing the wants of European industry by means of trade on its own terms with unfettered Liverpool merchants, yet he was willing to recognizing the impracticability of this policy and to accept a second-best: *enlightened* Crown Colony administration and *enlightened* concessionaires” (ibid.: 286f.).

published a number of exposés, newspaper articles, and books on the Congo.<sup>145</sup> Partly as a result of the widespread publicity garnered by these publications, Morel managed to meet with President Theodore Roosevelt to discuss the Congo, and he convinced Samuel Clemens (well-known by his pseudonym, Mark Twain) to write a satire called, *King Léopold's Soliloquy*. Furthermore, Morel spoke to an audience of over 2,000 people at Exeter Hall in 1904, and the next three years witnessed the establishment of two dozen C.R.A. auxiliaries and at least fifty town meetings supportive of the Congo Reform in the United Kingdom.<sup>146</sup> As Kevin Grant emphasizes in *A Civilised Savagery*, droves of missionaries and nonconformist ministers later contributed to this grassroots movement; one prominent Baptist minister, in particular, Guinness, collaborated with Morel with a series of lantern lectures. One of Guinness' more famous lectures, entitled "A Reign of Terror on the Congo," drew thousands of people with the promise of "atrocious photographs" and "horror narratives," which at once highlighted the savagery of colonial officials in the Congo Free State and the importance of evangelical work in "rescuing" Africans.<sup>147</sup> As further discussed below, Morel capitalised on this publicity with reluctance: "the very talk of religion in a matter of this kind sets my teeth on edge."<sup>148</sup> Morel emphasised, "We want to convert not only the religious people, but hard headed men of the world. Now nothing, rightly or wrongly, acts upon such men as a greater deterrent than the feeling that 'religious fervour' or missionary enthusiasm is the controlling motive."<sup>149</sup>

Emphasizing missionary work would, Morel believed, distract from the campaign's primary focus on trade and property rights, and simultaneously risk typecasting the Congo Reform Association. In light of these concerns, Morel went so far as to prevent a missionary organiser from opening a meeting with a prayer because "it would at once give it a religious flavor, which would do it harm."<sup>150</sup> Again, the goal was to build a consensus as large as possible, which would then pressure the British Foreign Office and Parliament to acknowledge and 'do something' to stop suffering in the Congo. These ambitions fell flat, at least at first. Between 1904 and 1905, British merchants who traded with West Africa provided the majority of funding to the organisation, and less than a third of the subscribers to the C.R.A. publications contributed less than one

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<sup>145</sup> During the ten years of the Congo Reform Association, Morel's two most influential publications were *King Léopold's*, and *The Congo Slave State: A Protest against the New African Slavery*, (Liverpool, John Richardson, 1903). He later published *The Black Man's Burden*, and *History of the Congo Reform Movement*. Morel's prolific writing also featured in the *Special Congo Supplement to the West African Mail* and the *Official Organ of the Congo Reform Association*.

<sup>146</sup> Grant, *Civilised Savagery*: 72-75.

<sup>147</sup> *Ibid.*: 64-65.

<sup>148</sup> E.D. Morel to Lady J.A. Chalmers, March 10, 1904, Morel Papers, Copybook, January-May 1904, quoted in Porter, *Critics of Empire*: 257

<sup>149</sup> Morel to Guinness, February 5, 1904; cited in Ruth Slade, *English-speaking Missions in the Congo Independent State: (1878 – 1908)*, Bruxelles, Acad. Royale des Sciences Coloniales, 1959: 280.

<sup>150</sup> Morel to Holt, 3 February 1904; John Holt Papers, Liverpool, Box 18, File 2, cited in Porter, *Critics of Empire*: 269.



pound.<sup>151</sup> In other words, the campaign drew upon a wealthy and middle-class constituency, drawn predominantly from the urban centres of Liverpool and London.<sup>152</sup> Moreover, the association never received any public endorsements from labour leaders, and its list of supporters included only one Catholic and no representatives from the British Missionary Society, the largest British mission society in the Congo. The Foreign Office, in turn, paid little more attention than necessary; Lansdowne later wrote on the Congo: “Ghastly, but I am afraid the Belgians will get hold of the stories as to the way the natives have apparently been treated by men of our race in Australia.”<sup>153</sup>

At the same time, however, Morel did prove successful in crossing party lines with the secular, narrow appeal of the organisation. Before a parliamentary debate, he wrote: “Let us do all we can to do away with the idea that the thing is a party question.” In turn, he won the same number of endorsements from Liberal and Conservative parliamentarians, albeit a small minority from each party, and he recruited a handful of Gladstones, Buxtons, Wilberforces, and Foxes — all powerful names from their association with earlier humanitarian campaigns discussed below.<sup>154</sup> In the religious realm, his affiliation with Guinness helped recruit prominent nonconformist ministers, including four former presidents of the National Council of Evangelical Free Churches, who proved to be of particular importance when nonconformists swept into Parliament after the general election of 1906. In addition to distributing C.R.A. subscription forms to ministers to place upon seats in chapels, Morel unabashedly relied upon the newfound political connections of his religious affiliates. He wrote: “Is there any chance of pushing [Congo Reform] a bit now, through Nonconformist Bodies throughout the country? [...] If Nonconformity is in earnest in this matter, it can MAKE the government take action.”<sup>155</sup> Uncontested is the importance of these nonconformists in helping to fill the coffers of the Congo Reform Association, but scholars still debate their relative importance in sustaining interest in the campaign. No doubt, the ambiguity can be tied to Morel’s own books, in which he “wrote religion out of the history of the Congo reform campaign, representing his own human rights ideology as the mainspring of popular support.”<sup>156</sup>

Focusing on Morel or Casement as the primary wellspring of human rights ideology denies the role of their most influential antecedents. After all, the oldest humanitarian watchdog of the colonies, the Aborigines Protection Society, had voiced many if not all of Morel’s arguments well-before the establishment of the Congo Reform Association in

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<sup>151</sup> Grant, *Civilised Savagery*: 72-75.

<sup>152</sup> Ibid.

<sup>153</sup> Lansdowne minute, 11 March 1905, FO 10/815, quoted in Louis, “Triumph”: 282.

<sup>154</sup> Grant notes that “CRA supporters included six Liberal MPs, six Conservative MPs, and one independent MPs” (Grant, *Civilised Savagery*: 188).

<sup>155</sup> Ibid.

<sup>156</sup> Grant, *Civilised Savagery*: 77; Morel, Louis and Stengers, *Morel’s History*. Popular authors, such as Adam Hochschild, have also made this point: *King Léopold’s Ghost*: 305f.

1904.<sup>157</sup> Since its foundation in 1837, prompted by the extermination of the Tasmanians in Australia, the organisation had brought together a motley crew of advocates for “native rights,” including the “African Civilisation Society” and the “Society for the Extinction of the Slave Trade.”<sup>158</sup> All their interests stemmed from a sense of “imperial destiny”, and reflected the idea that “it was the mission of the Anglo-Saxon race to penetrate into every part of the world, and to help in the great work of civilisation. Wherever its representatives went, the national conscience should go also.”<sup>159</sup> Through this lens, the organisation had protested the ruthlessness involved in the formation of the Congo Free State, when Henry Morgan Stanley plundered African villages and recruited slaves as carriers. The fact that the explorer had recruited Tibbu Tip, a renowned slave trader, as Governor of Stanley Pool, galvanised the Aborigines Protection Society to raise the ‘Congo question’ in the House of Commons, with the goal of holding a new Berlin Conference. Belgium and the Congo government publicly denied all the allegations, but an officer in Stanley’s expedition confirmed the reports, as did missionaries and Stanley’s own sensationalist record of the Emin Pasha Relief Expedition.<sup>160</sup> In the absence of any formal response from the British Foreign Office, the Society continued running news on the Congo via its own newsletter, *The Aborigines Friend*, and the secretary of the Society, Fox Bourne, also published the first book-length analysis on the topic in 1903, provocatively entitled: *Civilisation in Congoland: A Story of International Wrong-Doing*.<sup>161</sup> This publicity emphasised what would become Morel’s agenda: “the native [...] has three fundamental rights: a right to his land, to the free practice of his own customs and the maintenance of his own institutions, and to an equal share in ‘all beneficial arrangements’ introduced into his country by the white man.”<sup>162</sup> With reports borrowed from the *Aborigines’ Friends*, the daily press in France and England continued to publish on brutalities in the Congo, to the point that King

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<sup>157</sup> For more information about the Aborigines’ Protection Society, see Ronald Rainger, “Philanthropy and Science in the 1830’s: The British and Foreign Aborigines’ Protection Society”, *Man*, 15 (4), 1980: 702-717; Charles Swaisland, “The Aborigines Protection Society, 1837-1909”, *Slavery & Abolition*, 21 (2), 2000: 265-280; H.R. Fox Bourne, *Aborigines’ Protection Society, Its Aims and Methods*, London, Aborigines’ Protection Society, 1900; idem, *Aborigines’ Protection Society: Chapters in its History*, London, King, 1899.

<sup>158</sup> Burroughs, *Travel Writing*: 34f.

<sup>159</sup> *The Aborigines Friend* (journal of the A.P.S.), July 1896; see H.R. Fox Bourne, 1869. *The Story of our Colonies: With Sketches of their Present Conditions*, London, Hogg, 1869.

<sup>160</sup> Cooley, Britain : 35. See H.R. Fox Bourne, *The Other Side of the Emin Pasha Relief Expedition*, London, King, 1891. For details of the expedition see Henry Morton Stanley, *In Darkest Africa, Or the Quest, Rescue, and Retreat of Emin Governor of Equatoria*, London, Low, Marston and Co., 1897.

<sup>161</sup> H.R. Fox Bourne, *Civilisation in Congoland: A Story of International Wrong-Doing*, London, King, 1903. Also, “Fox Bourne was steeped in the liberal tradition of rights derived from Locke [...]. As a Victorian liberal, Fox Bourne took the connection that Locke drew between rights and property ownership and then extrapolated this connection into a principle of contemporary liberation and reform, with applications far beyond Locke’s historical perspective” (Grant, *Civilised Savagery*: 33).

<sup>162</sup> Porter, *Critics of Empire*: 51.

Léopold instituted a “Commission for the Protection of the Natives.” The response from the Society, in turn, could not have been more critical, or more ineffective.

Despite the close relationship between the Aborigines Protection Society and the Congo Reform Association, historians tend to frame the Congo Reform Association in relation to anti-slavery and abolition campaigns, which represent the most well-known forms of secular humanitarianism in world history. After all, before the 1770s, the “‘aborigine question’ was ‘apparently never discussed in Parliament’; Englishmen concerned themselves only with trade matters and neglected the interests of their colonial wards.”<sup>163</sup> Slavery may have been denounced as a practice in the territorial domains of England and France before any sustained humanitarian activity, but Wilberforce’s agitation in the nineteenth century has been widely credited as a key influence in the prohibition of the international slave trade.<sup>164</sup> Throughout the ‘long nineteenth century’, slavery remained the primary evil to be combated, which explains why so many later humanitarians in the Congo Reform Association often described the forced labour policies as the ‘new slaveries’ in central Africa. Not unlike the Congo reform movement, anti-slavery campaigns drew upon religious networks and ideas of Christian charity, benevolence and philanthropy, but abolitionism itself falls under the banner of ‘secular humanitarianism’ for its primary focus on reforming labour policy. Rather than other-worldly salvation, in other words, abolitionists focused on improving conditions in the material world. Also similar to histories of the Congo Reform movement, scholars continue to debate whether organisations like the Anti-Slavery Society, and their success in ending the slave trade, resulted from economic or moral pressures. While some authors see abolition as a political manoeuvre, others conclude that slavery was “profitable, efficient, and economically viable in both the U.S. and West Indies when it was destroyed [...]. Its death was an act of ‘econocide,’ a political execution of an immoral system at its peak of economic success, incited by men ablaze with moral fervor.”<sup>165</sup> The most compelling research has shown that no single factor captures the entire story, and that the moral or humanitarian component must be taken as seriously as financial arguments. As demonstrated above, the same must be said of humanitarian sentiments in the early twentieth century.

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<sup>163</sup> Ibid.: 19.

<sup>164</sup> Pennsylvanian Quakers first protested slavery in the late seventeenth century, and British abolitionists began the campaign in 1787. Granville Sharp led the 1772 *Somerset* case that banned slavery in England, while successful slave revolts in the French colonies of Martinique and St. Dominique led to French reform. Napoleon, however, ‘relegalised’ slavery from 1802 until 1815. See Yves Benot and Jennifer Curtiss Gage, “The European Conscience and the Black Slave Trade: An Ambiguous Protest”, *Diogenes*, 93 (97), 1997: 107.

<sup>165</sup> Roger William Fogel, *Without Consent or Contract: The Rise and Fall of American Slavery*, New York, Norton, 1898: 410.

## Concluding remarks: imperial humanitarianism?

Since the fall of the Berlin Wall in 1989, and with it the binaries of the Cold War world, scholars and policy-makers alike have wrestled with how to address the imperfect implementation of the most noble-hearted goals, to the point that several popular and academic authors now argue for treating 'imperial humanitarianism' or 'humanitarian imperialism' as a single analytical category.<sup>166</sup> Such a definition contends that all humanitarian interventions are imperialistic, and that all imperial interventions may be justified by humanitarian discourses. Far from just a historical curiosity, the political purpose of this definition is to "provide a cautionary tale for twenty-first century human rights advocates who might wish to transcend or ignore discomfiting social and political contexts [...] of human rights in the new global era."<sup>167</sup> Contemporary humanitarians, in other words, should note that no altruistic pursuit ever existed in isolation, and that many proved most 'successful' when good intentions embraced power politics.

Abundant historical evidence supports this conclusion, and the present study shares the critique of humanitarianism as a neutral, apolitical, or independent force for 'good'. By incorporating contemporary debates over the Herero genocide in the same discussion as the Congo Reform Association, an underlying goal is to show how 'universal' principles can serve the narrow political purposes of elite actors and dominant powers.

That said, at least two historical problems arise in wedding imperialism with humanitarianism as a single category. First, as a concept meant to link past and present forms of intervention, 'imperial humanitarianism' does not help us track shifts, neglected opportunities, and critical discontinuities in humanitarian discourses and practices. In the case at hand, King Léopold II relied on humanitarian rhetoric to found the Congo Free State; religious, legal, and NGO humanitarian organisations all praised and financially supported his 'civilising mission'. Yet, within a few years, many of these actors condemned his policies as an evil aberration from European colonialism. As this example illustrates, the idea of 'imperial humanitarianism' fails to consider how different humanitarian voices (religious, legal, and NGO) have worked in sync and at cross-purposes, and may as easily undermine as support imperial ventures.

Related to this point, the second problem with 'imperial humanitarianism' is that neither the rhetoric nor practice of humanitarianism applied to every imperial venture.

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<sup>166</sup> The linguist and political commentator, Noam Chomsky, questioned "the responsibility to protect" and the "right to intervention" in "Humanitarian Imperialism: The New Doctrine of Imperial Right," *Monthly Review*, 15 September 2008. See also George F. Will, "The Haze of Humanitarian Imperialism," *Washington Post*, 6 April 2011; Mika Aaltola, *Western Spectacle of Governance and the Emergence of Humanitarian World Politics*, New York, Palgrave MacMillan, 2009; Antonio Donini, "Through a Glass, Darkly: Humanitarianism and Empire", in: Nandini Gunewardena and Mark Schuller, (eds.), *Capitalizing on Catastrophe, Neoliberal Strategies in Disaster Reconstruction*, New York, Altramira Press, 2008: 29-46; Jean Bricmont, *Humanitarian Imperialism: Using Human Rights to Sell War*, New York, Monthly Review Press, 2006; Gil Gott, "Imperial Humanitarianism: History of an Arrested Dialectic", in: Berta Esperanza Hernández-Truyol, (ed.), *Moral Imperialism: A Critical Anthology*, New York, New York University Press, 2002: 19-38.

<sup>167</sup> Gott, "Humanitarianism": 20.

Justifications for Belgian and German forms of colonialism in Africa differed from one another, as well as British and French parallels, and the distinctions must be teased out with a finer-toothed comb than is allowed by 'imperial humanitarianism'. In flattening the historical narrative, the category works best as a blanket generalization and a political stance, both of which fail to consider the historical contingencies and conjunctures that gave birth and then empowered certain colonial abuses and, in their aftermath, distinct humanitarian responses.

Sensitive to historical continuities and disjuncture, the article serves as a corrective to present discussions on the origins and early development of acts of compassion. On the one hand, the exercise further develops the existing debates on humanitarianism, which tend to leap from the anti-slavery and abolitionist movements of the early to mid-nineteenth century, to the development of international governance under the League of Nations or, alternatively, to the human rights regime of the United Nations. On the other hand, what has become clear is the absence of consensus on a single, universal meaning of humanitarianism. Again, in lieu of a pure social or intellectual history of colonial abuses and reactions, the focus here is on the production and contestation of discourses and practices – the humanitarianism directed at colonial Africa. Precisely because such a 'long conversation' is ridden with power inequalities, which structure and delineate real interactions between the 'imperial' *Self* and 'native' *Other*, this discursive analysis can neither reject material practices, nor draw upon any single cannon or type of evidence. Archives of relevant material are deep and wide, and the fields for comparative research are perhaps most fertile in the developing world.

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