VICTORIAN VISIONS OF GLOBAL ORDER
Empire and International Relations in Nineteenth-Century Political Thought

EDITED BY
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CHAPTER 6

The crisis of liberal imperialism

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I. INTRODUCTION

Recent studies of nineteenth-century political thought have focused on the salient relationship between liberalism and empire in this period. Scholars have sought to understand how liberalism, ostensibly grounded in universal and democratic principles, generated, at the same time, political and ethical justifications of imperial rule. In exploring this paradox, studies of ‘liberal imperialism’ have investigated tensions in liberalism that could justify a variety of forms of political exclusion. However, this exclusive focus on justifications of empire has tended to elide the ways in which liberalism and its relationship to empire underwent fundamental transformations throughout the nineteenth century. This chapter focuses precisely on one such transformative moment in imperial ideology, namely the crisis of liberal imperialism during the latter half of the nineteenth century.

In the closing decades of the nineteenth century – at the height of imperial power – moral and political justifications of empire, paradoxically, receded from the forefront of debates about the nature and purpose of imperial rule. Just as British expansion assumed its greatest geographic reach, an ethically orientated political theory of imperial legitimacy, exemplified in the liberal model of imperialism that had dominated British imperial discourse since the early nineteenth century, retreated in significance. Ethical justifications of empire were displaced as new sociological understandings of colonial societies began to function as de facto explanations for imperial rule.

Since the origins of empire in India in the eighteenth century, leading British political thinkers had struggled not only to make sense of what they considered to be the ‘strange’ and ‘anomalous’ character of British rule in India, but also to construct a politically legitimate and morally justifiable framework for imperial governance. For British India was considered to be
an unprecedented and contradictory political formation; in Henry Maine’s words, it was a ‘most extraordinary experiment’ involving ‘the virtually despotic government of a dependency by a free people’. Thus models of imperial government were forged that could both stem the flow of the potentially corrupting influences of despotism on domestic political institutions as well as offer a form of rule that was, in principle, beneficial for the subject people. And while there were great debates on which models best fulfilled these goals, in the writings of Edmund Burke, James Mill, and John Stuart Mill, there existed a common attempt to frame these debates in ethical terms, specifically in terms of a higher moral standard of duty and responsibility concomitant with the status of the ruling power as a free, civilised people.

The liberal model of imperialism, which tied together a theory of imperial legitimacy with a project of improvement and civilisation, represented the most prominent and fully articulated ethical justification of empire in the nineteenth century. Liberal imperialism came to embody a coherent ideology marked by an intersecting set of justifications and governing practices centred upon the duty of liberal reform as the purpose of imperial rule. In the latter half of the nineteenth century, however, this coherence broke down. In this period, the central tenets of liberal imperialism were challenged as different forms of rebellion, resistance, and instability in the colonies instigated a more general crisis over the nature and purpose of imperial rule. In retreating from the commitment to the so-called civilising mission of liberal imperialism, a new emphasis on the potentially insurmountable differences between peoples came to the fore. In addition, the crisis of liberal imperialism precipitated, more generally, the waning of ethical justifications of empire. As modes of justification became more tentative in terms of their moral and political aspirations, late imperial strategies of rule were presented less in ideological than pragmatic terms, as practical responses to and accommodations to the nature of ‘native society’. Under this cover, social, cultural, and racial theories entered through the back door, to explain and legitimate the existence of empire; they functioned less as justifications than as alibis for the fait accompli of empire.

II. THE MORALITY OF EMPIRE

... at first English power came among them unaccompanied by English morality. There was an interval between the time at which they became our subjects, and the time at which we began to reflect that we were bound to discharge towards them the duties of rulers. (T. B. Macaulay)
Framing the debate on empire in moral terms was a central objective of Edmund Burke’s attempted impeachment of Warren Hastings (the first Governor-General of India) in the founding political drama of British India. Alongside Burke’s charges of violations against ‘the eternal laws of justice’ – in the form of treaty violations, despotic government, and acts of corruption committed by Hastings – was a pressing concern to articulate ‘some method of governing India well, which will not of necessity become the means of governing Great Britain ill’. Burke’s linking of the question of legitimacy to the securing of sound, lawful institutions set the stage for the succeeding generation of more radical reformist arguments – such as those put forward by James Mill and Charles Grant – that likewise rested the moral basis of empire on the possibility of good government. However, the definition of good government varied dramatically between Burke and the liberal reformers to come.

For Burke, to govern India well required, firstly, some kind of constitutional reform, that is, the creation of institutional checks to reign in what he saw as the arbitrary and ‘peculating despotism’ of Hastings’s rule. Burke’s institutional solution was Fox’s East India Bill, which attempted to subject the East India Company more tightly to Parliamentary authority and oversight and thus render it accountable. Accountability for Burke was the very essence of government understood as a trust. But a true trust, from which all political power and authority ultimately stemmed, must be oriented towards the welfare of those over whom power is exercised. For Burke, if India could be so governed, Company rule would command legitimacy based upon the implicit consent of the people governed. In an early speech on India, Burke elaborated the connection between trust and consent via the question of the law, in particular on which principles – English or Indian – law and legal reform should be based. Burke’s answer was unequivocal: ‘Men must be governed by those laws which they love. Where thirty millions are to be governed by a few thousand men, the government must be established by consent, and must be congenial to the feelings and habits of the people.’ The respect for the customs and habits of the people, moreover, was linked to a normative principle in which the ‘empire of opinion’ and prejudice were not only the grounds of everyday morality but also, for Burke, the key source of happiness. It was due to this moral conception of the sources of obligation and action, and not just as a matter of stability (as later nineteenth-century imperial policymakers would stress) that Burke argued,

... that we, if we must govern such a Country, must govern them upon their own principles and maxims and not upon ours, that we must not think to force them to
our narrow ideas, but extend ours to take in theirs; because to say that that people
shall change their maxims, lives, and opinions, is what cannot be.9

The heated debates of the Hastings’s trial tends to elide the more
fundamental consensus between Burke and Hastings (and more generally
among late-eighteenth-century ideologies of rule), which took as its pre-
mise the creation of an imperial regime that was fundamentally consistent
with the ‘ancient constitution’ of India, however differently they may have
construed it to be. Burke articulated a reverential image of the ancient laws,
customs, and institutions of India and, in doing so, hoped to evoke a
humility and respect that would deter the instinct toward premature and
prejudicial conclusions.10

It was precisely this reverence for Indian antiquity that James Mill and
Charles Grant would target in their influential characterisations of Indian
society and history. As Francis Hutchins notes, these writers sought to
undermine the dominant eighteenth-century view of India as a highly
developed civilisation (as depicted in the work of Sir William Jones and
the Scottish philosophical historian William Robertson) and replace it with
an account that portrayed Indian society as exhibiting and promoting the
most extreme forms of moral degradation. For both, tarnishing the pre-
vailing assessments of India was, paradoxically, the necessary ground upon
which to formulate a more expansive and elaborate notion of a ‘just rule’.11

Mill’s monumental *The History of British India* (1817) was a full-scale
assault upon every claim made on behalf of the achievements of Indian
arts, science, philosophy, and government.12 Mill’s *History* was fundamen-
tally different in that it was a critical history, that is, ‘a judging history’, the
principal task of which was to accurately ascertain India’s position in ‘a
scale of civilization’.13 For Mill, this re-evaluation was not merely a sci-
tific endeavour, it was essential for determining the structure and purpose
of imperial rule,

No scheme of government can happily conduce to the end of government, unless
it is adapted to the state of the people for whose use it is intended . . . If the
mistake in regard to Hindu society, committed by the British nation, and the
British government, be very great, if they have conceived the Hindus to be a
people of high civilization, while they in reality made but a few of the earliest steps
in the progress to civilization, it is impossible that in many of the measures
pursued for the government of that people, the mark aimed at should not have
been wrong.14

Here Mill clearly articulates the ways in which theories of native society
and societal development intersected with and directly shaped ideologies of
colonial governance. In this sense, Mill’s break with the Orientalist image of Indian civilisation was also a break with the ‘Orientalist’ philosophy of rule, that is, one that was premised upon insinuating itself into existing practices of rule.

Barbarism in India, while certainly the deep-seated cause of centuries of stagnation, was not, however, conceived of as a permanent or natural condition. Rather, for Mill, the indolent, mendacious, and superstitious character of the natives was the long-term product of political despotism and a religious tyranny perpetuated by a conspiratorial class of priests (the Brahmins). As a product of circumstance and social conditioning, the moral character of the natives was, in principle, amenable to transformation, specifically through the agency of law and government. In this sense, Mill’s obsessive critique of William Jones’s account of the glories of Indian civilisation was meant precisely to integrate Indian history into a universal account of the progress of society. In doing so, Mill presented the grounds for why India could be deemed capable of improvement as well as a rationale for why Britain, as an advanced civilisation, had the necessary knowledge and the moral duty to attempt to promote reform.

Charles Grant’s *Observations on the State of Society Among the Asiatic Subjects of Great Britain* (1792) likewise grounded the project of reform upon the rejection of Orientalist and Enlightenment histories of India. For Grant, it was the atheistic and anti-clerical passion of the philosophical historians, such as Voltaire and Robertson, that sustained their mistaken exaltations of so-called Indian civilisation. In Grant’s work, the source of corruption, and thus the proposed terrain of reform, was religion. The central bulwark against continuing moral degradation was education, particularly English education, as the means for the improvement of moral character. For Grant, rather than reconciling government to the nature and traditions of Indian society, as was the central ideology of the Burke–Hastings era, the foundations of British rule was to be a policy of assimilation, where Indian society would be actively reshaped along the lines of British society.

Grant’s and Mill’s criticisms of the sympathetic tendencies of Orientalist scholarship transformed the framework of debates on what constituted a just and morally defensible basis for rule. For both, the Orientalists had become enthralled by the follies and superstition of Brahminical science and religion, and thus rescinded the moral obligation to create a form of government that would work towards the improvement of the subject race. In justifying the imperial project in terms of
future improvement, rather than in terms of its historical origins, Mill and Grant rendered the foundations of empire ethical in a specific sense. This argument for the morality and justness of empire was premised upon a simultaneous disavowal of conquest and force as legitimate sources of imperial authority. The link between the morality of empire and the critique of conquest was elaborated in their portrayals of early Company rule that was consistently decried as resting upon a nexus of criminal acts. And even more straightforwardly, Grant pleaded for a new moral framework for imperial rule precisely as a way to compensate for the past misdeeds and the burden of imperial rule; the fulfilment of the British debt owed to the inhabitants of India would be made through the radical reform of native society. This was a moral duty, not only in terms of a duty inherent in power to care for and promote the ‘civil and social happiness’ of subjects, but also to rectify and absolve oneself of the crimes of conquest.

Thus, for these early reformers ‘good government’ was necessary to overcome the precarious and illegitimate beginnings of empire in India. Moreover, in defining ‘good government’ as the creation of a form of rule that would work towards the improvement of the subject race, Grant and Mill thereby intertwined the moral defence of empire with a platform of liberal reform. For J. R. Seeley, the combined platform of reform (liberal, utilitarian, and evangelical) ushered in the liberal era, in which, at last, Britain had boldly assumed its civilisational role. The period of liberal ascendance is usually associated with the tenures of Lords Bentinck and Dalhousie in the 1830s and 1840s, respectively. The liberal regime was the most transparently interventionist in its ideals and practices; it was in this period, more than any other, that India became the testing ground for various reformist political, educational, and social experiments. Moreover, in terms of aspirations the liberal age was the first in which eventual self-government by Indians was first contemplated. For the moral justification of rule was premised precisely on the grounds that once Britain had completed its educative role its paternalist duty would be over. And any argument for the continuation of rule merely for the benefit of English prestige, wealth, or honour would be unjustifiable.

But in tying together the ethical justification of empire with the project of liberal reform, the liberal agenda became susceptible to a variety of critiques that highlighted the theoretical and practical obstacles to improvement. If the modernising transformation of native peoples is held suspect, as was increasingly the case in the late nineteenth century, empire quickly lost its most salient ethical justification.
III. JOHN STUART MILL AND THE CRISIS OF LIBERAL IMPERIALISM

The main inheritor of the ethical framework of liberal imperialism and its idiom of improvement was John Stuart Mill. While Mill’s formulation is perhaps the most well-known liberal justification of empire, it is also one whose political efficacy came to be questioned in the wake of a series of imperial crises. Moreover, some of the resources for questioning the viability of the liberal model of improvement could be harnessed from tensions internal to Mill’s theoretical framework. In this regard, Mill stands as a crucial transitional figure in the transformation of imperial ideology.

In the introduction to *On Liberty* (1859), Mill writes, ‘[d]espotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end.’ Like the early reformers, Mill emphasises future improvement as both the goal of empire and the ethical foundation of imperial rule. The central pivot of Mill’s defence of imperial despotism, however, is structured most insistently by the temporal contrast between the civilised and the barbarian. This distinction is the key conceptual vehicle for justifying the initial exclusion of barbarous peoples from the benefits of liberty and self-government and from an equal status in the community of nations. As Mill writes in the introduction to *On Liberty*, the doctrine of liberty,

... is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children ... Those who are still in a state to require being taken care of by others ... For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its nonage.

Here, Mill’s analogy between the immaturity of children and the immaturity of barbarous societies is not only sustained by this historical contrast, but also reveals and exploits a characteristic vulnerability of liberal theories of consent. Uday Mehta has elucidated this dilemma in terms of a disjuncture or gap between the foundations and actualisation of liberal universalism. For Mehta, universalism in liberalism is derived from a minimalist philosophical anthropology, that is, from a minimum set of characteristics and capacities taken to be common to all humans. According to Mehta, in the liberal tradition from Hobbes and Locke, and including Mill, these common, universal, characteristics are construed as natural freedom, moral equality, and the inbuilt capacity to reason. The political actualisation of these universalist premises – for example to be included in the political constituency of the Lockean social contract or to be capable of permanent improvement in the Millian sense – is nevertheless mediated by the real capacity of the potential
citizen to properly exercise reason. This capacity, what Mill calls intellectual maturity, turns out to be empirically conditioned, and thus not-quite or not-yet universal. In this sense, the paradox of the child born free but not-yet-able to practise liberty is thus particularly revealing of how ‘behind the universal capacities ascribed [by liberalism] to all human beings exist a thicker set of social credentials that constitute the real bases of political inclusion’. Mill projects the paradox of the child onto a scale of civilisation, and in so doing expands and heightens, in cultural and historical terms, the requirements for political inclusion.

In this way Mill ties the exercise of liberty and representative government to civilisational development, and thus the possibility of political liberty is circumscribed by the imperatives of culture and history. In limiting the applicability of liberalism in this manner, Mill’s ethical justification of empire itself allowed these other empirical, cultural arguments to bear the burden of legitimation. And in doing so it exposed a deep tension between the theoretical commitment to liberal reform and improvement and the practical impediments for the realisation of progressive transformation. Moreover, in insisting on an exceedingly sharp contrast between civilisation and barbarism, the possible transition from one state to the other, in Mill’s work, was projected long enough into the future that, if not in principle impossible, in practical terms seemed so. This sharp and almost insurmountable contrast was grounded in a philosophy of history that emphasised the slow and precarious development of civilisation.

In an early essay entitled ‘Civilization’ (1836) Mill outlined what he considered the fundamental feature of civilised life, namely the power of co-operation. For Mill, what makes the life of the savage materially poor and fragile is his inability to compromise, to sacrifice ‘some portion of individual will, for a common purpose’. This is one reason why barbarous societies fall outside the community of nations and norms of international law. As Mill writes,

... the rules of ordinary international morality imply reciprocity. But barbarians will not reciprocate. They cannot be depended on for observing any rules. Their minds are not capable of so great an effort, nor their will sufficiently under the influence of distant motives.

Thus a savage or barbarous society, unable to either suppress immediate instincts or conceptualise long-term interests, is thus fundamentally incapable of the organisation and discipline necessary for the development of the division of labour, of commerce and manufacture, and military achievement – in short, civilisation. If discipline, or ‘perfect co-operation’, is the central attribute of civilised society, it is also something that can only be learnt incrementally
through practice and ‘the whole course of advancing civilization is a series of such training’. The purpose of this centuries-long process of training is to render discipline an unconscious habit. More importantly, Mill characterises the process of civilisation – this training that is the condition of possibility for liberty – not only in terms of an incremental process of learning but also one that is collective in nature. This emphasis on the group as the bearer of culture and cultural advancement reveals further strains in the edifice of liberal imperialism.

The more radical, transformative ambition of the project of liberal reform seemingly stalls in the face of a conception of culture which stresses the long process of cultural and historical learning. In other words, in Mill’s work, the basic commitment to an idea of human nature as malleable and infinitely perfectible loses its purchase when linked to a philosophy of history and a theory of character formation that at the same time emphasises the precarious and incremental development of progressive societies in human history. Critics would emphasise the latter aspect over the former, concluding either that models of perfectibility needed to be abandoned or that moral reform required a great deal more coercion than liberals could countenance. These criticisms revealingly came to fore in the most prominent public debates on empire in the late nineteenth century.

In key imperial scandals of the period, for example the response to the Indian Mutiny or Rebellion of 1857, the Governor Eyre controversy of 1865, and the Ilbert Bill crises of 1883, advocates of liberal imperialism found themselves consistently on the losing side of the argument. Here, I begin with the Eyre controversy, not least because John Stuart Mill himself played a prominent role in this public debate.

The public controversy began in 1865 upon news from Jamaica of a ‘rebellion’ in Morant Bay and its suppression by the then Governor of Jamaica, Edward John Eyre. As reports of the extent and brutal nature of the rebellion’s suppression came to light, Mill (now the Liberal MP for Westminster) became the Jamaica committee’s chair and leading spokesman. The committee was formed initially to lobby the government for an official inquiry, and then (when it was clear that the government would do no more than dismiss Eyre from his post) to bring criminal charges against Eyre and his deputies. If Eyre’s actions were excused as the regrettable but understandable excesses of power endemic to the colonial situation (which was the basic gist of the Royal Inquiry into his actions), the liberal imperialist model of benevolent despotism that Mill thought was genuinely possible would be radically undermined. This possibility no doubt fuelled Mill’s vehement commitment to Eyre’s prosecution, which after three years
came to nothing. Indeed it could be argued that the vocal public campaign proved to be, in important respects, counter-productive.

For the long campaign to publicise Eyre’s abuses galvanised an even stronger opposition to the civilising ideals of liberal imperialism. The widespread opposition to the prosecution of Eyre was, to say the least, multifaceted. Prominent members of the Jamaica committee included Charles Darwin, Herbert Spencer, T. H. Huxley, Charles Lyell, and T. H. Green. On the other side, vocal supporters of Eyre included Thomas Carlyle, John Ruskin, Alfred Tennyson, Charles Dickens, and Matthew Arnold. The Eyre controversy coincided with the public agitation and debate about the Reform Bill, and fear of unrest in the empire was necessarily intertwined with anxieties about the growth of popular government and mass democracy. In this sense, the sharp polarisation between the supporters and critics of Eyre intersected with and intimated the growing divide between the proponents and critics of democracy.

Moreover, the failure of Mill and the Jamaica committee to procure a criminal trial of Eyre portended an important ideological shift in the ways in which empire would be justified and colonised peoples would be governed. For the public support for Eyre revealed an increasingly unsympathetic view of subject peoples, in this case towards the ex-slave population of Jamaica. The Morant Bay rebellion, coming on the heels of the Indian Mutiny/Rebellion of 1857, signalled for many an ingratitude on the part of Jamaicans and Indians for the emancipatory and civilising character of colonial rule. The fact of rebellion itself also seemed to call into question the practicality of an agenda of liberal reform in the colonies. The improvement of native customs and morals seemed not only to be limited in effect, but also potentially dangerous for the stability of empire. Thus the reactions to the events of Morant Bay, like responses to the Indian Rebellion, heralded a deepening sense of racial and cultural difference between rulers and ruled, on the one hand, and a distancing from the universalist and assimilationist ideals of liberal imperialism, on the other.

IV. IMPERIAL AUTHORITARIANISM AT HOME AND ABROAD: JAMES FITZJAMES STEPHEN AND THE ILBERT BILL CRISIS

Like the public debates unleashed by the Governor Eyre controversy, the Ilbert Bill crisis of 1883 also exemplified central paradoxes in liberal justifications of empire. But while the Eyre controversy was instigated by the dramatic display of colonial violence that at times shaped the tenor of the
debate, the Ilbert Bill crisis was provoked by a relatively minor piece of colonial legislation. Less determined by questions of order, the debate about the Ilbert Bill was framed more explicitly by rival philosophies of imperial rule. In this sense, the challenge to the ideals of liberal imperialism that was intimated in the Eyre controversy became more openly proclaimed in the defeat of the Ilbert Bill.

In 1883, Courtney Ilbert, as Law Member of the Viceroy’s Council, introduced a seemingly innocuous amendment to the Indian Criminal Procedure Code, extending the right to try cases involving Europeans to certain classes of native magistrates in rural districts. But in attempting to remove this minor ‘anomaly’ to procedural universality, Ilbert unknowingly instigated widespread protest among the non-official British population in India and, thus, propelled the Government of India into a general crisis. In the face of widespread opposition, the Bill in its original form could not pass the Legislative Council and instead a watered-down version was finally passed after two years of intense criticism.

As criticism of the Bill mounted in both Britain and India, it became increasingly clear that what was at stake was less the privileged status of British Indians *per se* than the very philosophy of British rule in India. The ‘great question’, according to Lord Ripon, the Liberal Viceroy under whose watch the Bill was introduced, was not about the particular provisions supported by the Bill,

... but the principles upon which India is to be governed. Is she to be ruled for the benefit of the Indian people of all races, classes, and creeds, or in the sole interest of a small body of Europeans? Is it England’s duty to try to elevate the Indian people, to raise them socially, to train them politically, to promote their progress in material prosperity, in education, and in morality; or is it to be the be all and end all of her rule to maintain a precarious power over ... ‘a subject race with a profound hatred of their subjugators’?

Ripon thus articulated and defended the basic premises of liberal justifications of empire, one in which the purpose of imperial government must be for the moral education and betterment of the subject people, rather than for the benefit of the home country or some faction therein. In practical terms, the aim of the government of India would be the timely introduction of and expansion of liberal principles in the central institutions of education, law, and government. The vehement contestation of the principle of legal equality that was at stake in the Ilbert Bill thus struck the very core of the transformative and educative project of liberal imperialism.

The most eminent spokesman for the opposition was James Fitzjames Stephen, who had also briefly served as Law Member of the Viceroy’s
Council under Lord Mayo. Stephen not only opposed the adoption of a similar bill under his tenure but, in the midst of the current crisis, published a provocative letter in *The Times* warning that the passage of such a bill would undermine the very ‘foundations’ of British rule. As Stephen wrote,

\[\ldots\] it has been observed that if the Government of India have decided on removing all anomalies from India, they ought to remove themselves and their countrymen\ldots It is essentially an absolute government, founded, not on consent, but on conquest\ldots It represents a belligerent civilization, and no anomaly can be so striking and so dangerous as its administration by men who, being at the head of a Government founded on conquest, implying at every point the superiority of the conquering race, of their ideas, their institutions, their opinions and their principles, and having no justification for its existence except that superiority, shrink from the open, uncompromising, straightforward assertion of it, seek to apologize for their own position, and refuse, from whatever cause, to uphold and support it.\(^{35}\)

The corollary to the unabashed assertion of superiority, for Stephen, was unapologetic authoritarian rule in the colonies.

Despite the brashness of his rhetoric, Stephen was not simply a jingoistic defender of empire. Rather the argument for absolute rule as a form of legitimate and good government was premised on a theoretical account of the necessity of coercion as a mechanism for the improvement of native society. The most important mechanism, in this regard, was the implementation of a sound system of laws based upon English principles that would induce peace and security and thereby effect a change in moral and religious practices. Without law and order, which was for Stephen Britain’s great export, India would dissolve into the chaos and anarchy in which it was found. Coercion was a necessity for Britain’s ‘great and characteristic task is that of imposing on India ways of life and modes of thought which the population regards, to say the least, without sympathy.’\(^{37}\) ‘This minimal commitment to substitute English civilisation for Indian barbarism, however, was not conceived of as a moral duty, less still as a kind of atonement or apology for the sins of conquest. Rather, it was a sign of and the means by which to express England’s virtue, honour, and superiority. As such, for Stephen, it was in principle a permanent and not temporary enterprise (as the liberal imperialist camp proposed) and ought to be justified as such. Stephen straightforwardly criticised the view of empire as resting upon ‘a moral duty on the part of the English nation to try to educate the natives in such a way as to lead them to set up a democratic form government administered by representative institutions.’\(^{38}\) Not only was self-government unfit for India, for Stephen it was a qualified benefit for England as well.
In this sense, for Stephen, the principles of imperial government may indeed be equally well suited for a rapidly democratising Britain. As one of Mill’s best-known contemporary critics, Stephen exemplified the ways in which the critique of liberal imperialism coalesced with a more general critique of the popular and democratic variants of liberal thought. According to Stephen, it was his ‘Indian experience’ that confirmed his belief in the dangers of ‘sentimental’ liberalism of the Millian kind for both England and the empire.\(^{39}\) In *Liberty, Equality, Fraternity* (1874), Stephen famously argued that Mill’s proposition that self-protection could be the only grounds for coercion was unsustainable and illustrative of a deeper set of commitments which he found to be both philosophically untenable and practically objectionable. For Stephen, Mill’s attempt to delineate a sphere of free action revealed Mill’s illegitimate prioritising of the principle of liberty over that of utility. Moreover, for Stephen, what Mill claimed to be the practical effects of liberty in history – that is, the expansion of freedom of speech and discussion and the concomitant shift from compulsion to persuasion as the vehicle of moral improvement – was a misreading of the actual source of moral progress, namely the historical effects of moral and legal coercion. For Stephen, man was not by nature a progressive being, but one who was at heart selfish and unruly and therefore needed to be continuously compelled to live peaceably and morally in society. The benevolent despotism of imperial rule, for Stephen, proved emphatically that liberty was not a necessity for the purpose of good government. Thus, Mill’s tenuous distinction between civilised and barbarous societies could be reversed: what was deemed appropriate for barbarians was equally suitable for civilised society (or at least certain classes therein).\(^{40}\)

### V. Empire, Nation, Conquest: Revising the Languages of Justification

The project of liberal imperialism tied together its moral justification with a consistent set of ideologies of rule, most notably in outlining a platform of reform based on the transformative goals of the civilising mission. With the crisis of this overarching vision, both aspects would be subject to critique and revision. And while late imperial ideologies and discourses of justification were grounded in a common, conservative opposition to the liberal project, they did not necessarily evolve into a comprehensive alternative imperial vision. Rather what emerged were a series of distinct modes of justification and strategies of rule that were only loosely and obliquely tied to one another. In this section I will focus on the former and
outline the different ways in which the moral vision of liberal imperialism as a discourse of legitimisation was criticised, transformed, and revised in the late nineteenth century.

In one of Stephen’s last works, *The Story of Nuncomar and the Impeachment of Sir Elijah Impey* (1885), he revisited the original ‘crimes’ of British India and the impeachment trial of Warren Hastings. Ever since Burke’s famous prosecution of Hastings at the end of the eighteenth century, the question of the legitimacy of British rule in India was intimately tied to one’s position *vis-à-vis* this originary moment. For liberals like James Mill and Macaulay the disavowal of conquest and the critique of early Company rule was the necessary first step in arguing for a new, firmer and more moral basis for imperial rule. Thus for Stephen the return to the trial was a way to sever the link between the morality of empire and the critique of conquest. Indeed, in rehabilitating the notorious figure of Impey, Stephen tried instead to argue that the so-called ‘crimes’ of conquest were exaggerated, if not entirely fabricated. In this way, conquest, now devoid of its associations with criminality, could emerge as legitimate on its own terms.

Stephen’s revisionist history of the Hastings era, with its audacious defence of the legitimacy of conquest and force, struck at the heart of an earlier liberal consensus. Stephen’s reformulation, however, was avowedly critical of liberal imperialism and thus represents the reversal of its tenets in the starkest of terms. Liberals themselves responded more ambivalently, and this is nowhere more evident than in relation to the theme of conquest. In Seeley’s *The Expansion of England* (1883), the fact of conquest is consistently raised only to be disavowed as a proper characterisation of either the mode by which England acquired its Indian empire or as a justification of its present status as a dependency. Moreover, what is significant in Seeley’s attempt to cleanse empire of its unsavoury associations with conquest is that it is also severed from any distinct moral project or aim. These two aspects, I would argue, are not unrelated. For what lent the liberal project its peculiar ethical weight was precisely its ability to frame and judge the history of empire in moral terms.

In Seeley’s account, ‘conquest’ itself was declared a misnomer in terms of a description of the acquisition of the Indian empire. English rule was the natural fulfilment of a purely internal tendency of Indian political history. The eighteenth-century machinations of rival Indian principalities in alliance with competing European powers in the subcontinent, were, for Seeley, a time when ‘the distinction of national and foreign seems to be lost’. And thus, ‘India can hardly be said to have been conquered at all by
foreigners; she has rather conquered herself." If there was no conquest, there was nothing the British needed to atone for. Indeed, for Seeley, since British rule itself brought stability and government, it was always already a notable advance upon the anarchy in which India found herself. Moreover, in suggestively arguing that terms such as ‘national’ and ‘foreign’ had no meaning in the context of eighteenth-century India, Seeley was in fact putting forward a far bolder claim, namely, that in India there was and is no sense of nationality. For Seeley conquest could only be conceived of as a political affront if the subjected population formed a recognisable community. For ‘It is upon the assumption of such a homogeneous community that all our ideas of patriotism and public virtue depend.’

The use of the discourse of nationality as a justification of imperial rule became more insistent in the late nineteenth century, even as the discourse around the so-called civilising mission waned. While, for Mill, the claim that barbarians were not true nations was certainly meant to legitimate imperial subjection (and perhaps even outright conquest), it was subordinated to the purpose of civilising. The primary reason for withholding the status of nationhood from barbarous societies was that for these societies ‘Nationality and independence are either a certain evil, or at best a questionable good.’ In this sense, for Mill, nationality is conceptualised more in normative rather than sociological terms, as an equivalent for self-government and thus subject to the same moral and civilisational requirements.

Later liberal theorists of empire, on the other hand, tended to mobilise and prioritise the sociological analyses of nationality, severed from any strict or elaborate scale of civilisation, as the linchpin to justify imperial rule. For Seeley, here giving voice to a commonplace among imperial observers of the time, India lacked uniting forces; there was no community of race or religion out of which a feeling or belief in nationality could develop. As Seeley writes, ‘[I]t appears then that India is not a political name, but only a geographical expression like Europe or Africa.’ But if India were to ever show signs of a love of independence, of acting in concert as ‘the expression of a universal feeling of nationality, at that moment all hope is at an end, as all desire ought to be at an end, of preserving our Empire’. If the hallmark of liberal imperialism was the implicit belief in the temporary nature of British rule in India, liberals like Seeley transferred the criteria of future self-government from the strict model of improvement or assimilation to English manners and customs to the question of nationality. The fact that India was not yet a nation, however, was the
descriptive, sociological basis upon which the continuity of imperial rule rested. For what was implicit in the denial of nationality was a belief in the natural tendency of Indian society to devolve into anarchy and/or communal divisions. In this sense British rule was justified less in ambitious moral and political terms than as the lesser evil compared to leaving India to disintegrate on her own. Tied less to the specific project of transforming Indian society, the prioritising of the sociological account of the logic of Indian society portrayed Britain’s continued presence as primarily stemming from a practical necessity.

VI. REVERSING THE CIVILISING MISSION: MAINE AND THE LESSONS OF 1857

The thinker or scholar who approaches it [India] in a serious spirit finds it pregnant with difficult questions, not to be disentangled without prodigious pains, not to be solved indeed unless the observer goes through a process at all times most distasteful to an Englishman, and (I will not say) reverses his accustomed political maxims, but revises them, and admits that they may be qualified under the influence of circumstance and time. (Henry Maine)

The crisis of liberal imperialism generated not only new justifications of empire but also new and distinct strategies of rule and governing practices, specifically premised upon the critique of previous liberal ideologies of rule. Historically, one of the key events that precipitated this shift was the so-called Indian Mutiny of 1857. In response to the rebellion, the Crown assumed direct responsibility over the Company’s former Indian territories, and in its first official act explicitly put forth a doctrine of non-intervention as the directive principle of British rule. Propositions about non-interference after 1857 were necessarily imbued with reflections upon the causes of the 1857 Rebellion as well as implicit critiques of previous strategies of governance that were seen to have precipitated revolt. Victoria’s Proclamation emphasised the religious aspects of revolt, an account with which Henry Maine notably concurred.

According to Maine, the mutiny was a shock to the English mind, not only because of the unprecedented speed and scale of the mutiny’s expansion into insurrection but also because it seemingly sprang from such inscrutable sentiments. Crucially, Maine declared this blindness to the strength and persistence of religious sentiments as arising from ‘defect of knowledge or imagination which hides these truths from the English mind’. This lacuna, however deep, could be overcome through the acquisition of better and more appropriate knowledge of native practices.
and beliefs. It is in this sense that ascertaining the roots of the 1857 Rebellion was not,

...a merely historical interest. It is a question of the gravest practical importance for the rulers of India how far the condition of religious and social sentiment revealed by the Mutiny survives in any strength... It is manifest that, if the belief in caste continues unimpaired or but slightly decayed, some paths of legislation and of executive action are seriously unsafe: it may be possible to follow them, but it is imperative to walk warily.\

Thus, for Maine, fundamental questions about the character and strength of native beliefs were necessarily linked to pragmatic solutions in relation to the exigencies of colonial governance. Moreover, in framing the cause of the revolt as epistemic, Maine (like many contemporary viewers) very much tied future remedies to expanding apparatuses for knowledge gathering and dissemination. In his appeal for greater and more accurate knowledge, Maine also critically redefined the parameters of what constituted appropriate knowledge of India.

Through his methodological innovations in relation to the study of Indian society, Maine initiated an important reconceptualisation of native society, one that, in the context of imperial policy, provoked a profound change in attitudes regarding the scientific and practical basis of liberal ideologies of rule. For Maine, previous accounts of Indian society suffered from a number of drawbacks. Substantively, as most colonial officers and European observers were based in the Presidency towns along the coasts, which had long histories of contact with the outside world, they were apt to view the urbanised (and more secularised) natives they encountered as representative of all of India. This led them to overestimate the possibility of reforming native belief along Western lines and thus underestimate the rigidity of native habits. A similarly mistaken view of Indian society, for Maine, was also inherent in utilitarianism, which had had an enormous impact in shaping the liberal agenda of colonial reform.

In *Ancient Law* (1861) and *Village Communities in the East and West* (1876), Maine famously criticised the abstract methods of utilitarianism, arguing that analytical conceptions of law and political economy were inapplicable to primitive or ancient societies, of which India was the prime example. Indeed, for Maine, India was ‘the great repository of verifiable phenomena of ancient usage and ancient juridical thought’ and its study would shed light on the historical and evolutionary development of law and society. Moreover, India and England shared an Indo-European heritage and thus a common institutional history. But while this filiation grounded India’s epistemological centrality for the comparative
study of institutions, it also construed India as representing the ‘living past’ of Europe. The study of contemporary Indian social and political institutions would cast light upon the history of Aryan societies and peoples precisely because Indian society was assumed to have stagnated, arresting the development of institutions at an early stage, and, thus, preserving their ancient character. Thus alongside the claim to a deep affinity, Maine also asserted the radical difference between Indian and English institutions.

With the assertion of difference, however, also came a stress on understanding the unique logic of primitive society. Maine’s historicism was accompanied by an anthropological sense that viewed native society as functional wholes, ordered by the dictates of primitive custom. Yet, despite the internal coherence of native institutions, this structural integrity was construed as fragile and increasingly threatened under modern conditions. This double-edged vision lent Maine’s conception of native society a central ambiguity that would become utilised in important ways in the context of late imperial ideologies of rule.

In Maine’s work, this view of native society was most prominent in his suggestive rendering of the self-sufficient village-community, which Maine took to be the dominant social form of India. The vitality of the Indian village-community, however, was quickly dissolving under the impact of colonial rule. Moreover, in practical terms, the rapidity of the process of disintegration, for Maine, engendered grave consequences for the stability of imperial rule.

Maine’s reconstitution of the appropriate bases of colonial knowledge and his reconceptualisation of Indian society served as an enormous fillip to the growth of ‘official anthropology’ and its influence in crafting colonial policy. Indeed it directly spurred, in some quarters, a wholesale rejection of the liberal agenda of reform in favour of policies that sought the rehabilitation and protection of native customs and institutions. For some, protecting native ‘traditions’ was a normative priority and, for them, Maine’s evocative account of native society, where primitive custom rationally ordered social, political, and economic life, was particularly appealing. Others argued for a policy of protection and/or rehabilitation as a safeguard against instability, unrest, and rebellion. Indeed in prioritising the maintenance of order, liberal models of education, economy, and politics would all be limited because they were now considered to inherently bear disintegrative effects on native/traditional society. Unlike liberal ruling strategies that construed ‘traditional’ social structures, customs, and identities, such as those relating to caste and religion, as impediments to the project of improvement and thus good and moral governance, the new ideologies of rule stressed the need for reconciliation with native
institutions and structures of authority. In practical terms this entailed a more conciliatory relation to the princely states, now seen both as bulwarks against radicalism and as authorities which commanded ‘natural’ obedience.60 There was also a notable shift away from the institution of the principles of laissez-faire and private property rights for the sake of protecting the ‘traditional’ foundations of agrarian society, such as caste and the village-community.61

The lessons of 1857 prioritised a practical and strategic concern for questions of law and order over issues of imperial legitimacy and moral purpose. The non-interference principle, in this sense, expressed both the difficulty of reforming the native and the indeed the political danger that attempts at transformation could entail. But in construing the rebellion as an example of the failure of liberal reform to either transform native habits and customs or lend security to the imperial enterprise, reflections on 1857 also spurred ethnographic and sociological investigations into the nature of native society – accounts that would mirror and account for the newly understood rigidity of native customs and traditions.

Thus, in contrast to liberal theories of imperial legitimacy, these anthropological and sociological understandings functioned more as alibis, rather than as ethical justifications, for imperial rule. Rather than as a willed and purposive moral project, empire was instead deemed a practical necessity arising from the nature of colonised societies themselves (either for curtailing the tendency of native societies towards disintegration and/or as merely an epiphenomenal construct ‘indirectly’ ruling through pre-existing native institutions and structures of authority). In this way, alibis served to defer and displace the source of imperial legitimacy, authority, and power, elsewhere – in this case from metropole to colony – and thus also made possible the deferral and disavowal of a deep sense of moral and political responsibility for the fact of imperial rule.

NOTES

1. See especially Uday Singh Mehta, Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought (Chicago, 1999); and Jennifer Pitts, A Turn to Empire: The Rise of Imperial Liberalism in Britain and France (Princeton, 2005).

2. In this chapter, I use the terms ‘empire’ and ‘imperial’ to refer specifically to British rule over dependent territories and non-settler, indigenous populations (with India as the primary example). Throughout the nineteenth century, the distinction between (settler) colonies and dependencies in the British empire became sharper and their institutional development followed quite different
political trajectories. In this sense, the crisis of liberal imperialism is born of practical and theoretical dilemmas that emerge in relation to ruling alien subjects. On the need to distinguish between different facets of the empire, see Duncan Bell ‘Empire and International Relations in Victorian Political Thought,’ *Historical Journal*, 49 (2006), 281–98.


5. For recent interpretations of Burke on India, see especially Frederick G. Whelan, *Edmund Burke and India: Political Morality and Empire* (Pittsburgh, 1996); Mehta, *Liberalism and Empire*; Sunil Agnani, ‘Enlightenment Universalism and Colonial Knowledge: Denis Diderot and Edmund Burke, 1770–1800,’ Ph.D. dissertation (Columbia University, 2003); and Pitts, *A Turn to Empire*, ch. 3.


15. Charles Grant, *Observations on the State of Society Among the Asiatic Subjects of Great Britain, Particularly with Respect of Morals; and the Means of Improving It* [written in 1792]. This was first published as an appendix to the ‘Report from the Select Committee of the House of Commons on the Affairs of the East India Company,’ 16 August 1832, *Parliamentary Papers*, Vol. 8 (1831–32).


20. Stokes, *The English Utilitarians and India*, p. xii, and Sandra Den Otter’s contribution to this volume.
22. For discussions of Mill’s writings on India, see Lynn Zastoupil, *John Stuart Mill and India* (Stanford, 1994) and Martin I. Moir, Douglas M. Peers, and Lynn Zastoupil (eds.), *J. S. Mill’s Encounter with India* (Toronto, 1999), especially the contributions by Moir and Robin Moore. See also Pitts, *A Turn to Empire*, ch. 5; Mehta, *Liberalism and Empire*; and Pratap Bhanu Mehta, ‘Liberalism, Nation and Empire: The Case of J. S. Mill,’ paper presented at the Annual Meeting of the American Political Science Association, 1996.
30. Mill, ‘Civilization.’ Also see Mehta’s argument regarding Mill’s normative understanding of the collective character of people in Mehta, ‘Liberalism, Nation, and Empire.’
33. When it was clear that the Bill in its original form would not pass, a compromise version was adopted in 1884. This Bill allowed European settlers in the rural districts to appeal for jury trials (comprised of Europeans) to compensate for their acceptance of the jurisdiction of native judges.
35. Here I would note that the argument I am making is not meant to imply that there were no defenders of the civilising mission in late nineteenth-century Britain. Rather I want to emphasise that their ability to shape imperial policy declined in the face of growing opposition.


40. Here are two characteristic passages that turn on the inversion of Mill’s distinction between barbarism and civilisation: ‘You admit that children and human beings in “backward states of society” may be coerced for their own good . . . Why then may not educated men coerce the ignorant? What is there in the character of a very commonplace ignorant peasant or petty shopkeeper in these days which makes him a less fit subject for coercion on Mr. Mill’s principle than the Hindoo nobles and princes who were coerced by Akbar?’ And again, ‘[I]t seems to me quite impossible to stop short of this principle if compulsion in the case of children and “backward” races is admitted to be justifiable; for, after all, maturity and civilization are matters of degree.’ Stephen, *Liberty, Equality, Fraternity*, pp. 68–9.


44. Seeley, like earlier liberals, was critical of the lawlessness and violence that accompanied the acquisition of empire in India, but he was also convinced that British rule was a better alternative to leaving India to either disintegrate of her own accord or be acquired by more despotic imperial powers (such as the French). This ambivalence is echoed in Seeley’s qualified endorsement of a civilising mission in India. While Seeley is clear that the introduction of English education and science in India would be beneficial in the long run, the primary reason for the British staying in India had less to do with this goal than with a duty to stay and stem the supposedly natural tide towards anarchy. For discussions of Seeley on the duty of empire, see Duncan Bell, ‘Unity and Difference: J. R. Seeley and the Political Theology of International Relations,’ *Review of International Studies*, 31 (2005), pp. 559–79, and his *The Idea of Greater Britain: Empire and the Future of World Order, 1860–1900* (Princeton, 2007).


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50. Maine, Village Communities, p. 206.
51. ‘We declare it to be our royal will and pleasure that none be in anywise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge to enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.’ The transfer of India from Company to Crown authority took place on August 2, 1858. The Queen’s Proclamation was delivered on November 1, 1858. Excerpts of the speech are taken from C. H. Philips, H. L. Singh, and B. N. Pandey (eds.), The Evolution of India and Pakistan, 1858 to 1947: Select Documents (Oxford, 1962), p. 11.
56. Maine, Village Communities, p. 22.
57. Maine, Village Communities, pp. 24–62.