War without War: The Battle of Navarino, the Ottoman Empire, and the Pacific Blockade

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1 Introduction

Even as events in Libya in 2011 and Syria in 2013 have revived debates about the legality and wisdom of humanitarian intervention, those debates have taken a historical turn. While some have looked to early modern Europe, Davide Rodogno and Gary Bass have turned their attention to European actions in the nineteenth-century Ottoman Empire.1 These debates revolve

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around the motivations and justifications of European actions: could (and did) humanitarian concern for civilian populations motivate the use of force against another state? Or were geopolitical concerns paramount? And were the Ottomans, as a Muslim empire, even seen as a legitimate sovereign state protected by international law?

In the context of these debates, the 1827 battle of Navarino – in which a Franco-Russo-British fleet destroyed the Ottoman Empire’s navy and paved the way for Greek independence – has often been seen as an early ‘humanitarian intervention’. On the other hand, recent studies by Rodogno and John Bew have carefully explored Navarino’s motivations, justifications, and implications, showing that they were far from fully humanitarian at first, but that the action was seen differently in later decades. International law often figures in these discussions, but we are still missing a detailed analysis of how the diplomats themselves thought about, described, and justified their own actions in legal terms. Drawing on Ottoman and British archival sources, this article undertakes such an examination – but this is not a story of humanitarianism, or of its absence. The article finds that during the 1820s, European and Ottoman diplomats’ legal debates did not revolve around the two topics most discussed in the existing literature: whether humanitarianism could justify force, or whether the Ottomans’ religion diminished their legal protection.

The most hotly contested legal question at the time was, rather, whether the allies and Ottomans were at war – a point not explored in the existing literature. War was a legally recognised way to settle disputes, and the states involved had many disputes to settle. What generated specifically legal (as opposed to political) debates at the time was not so much that the allies imposed a naval blockade and then fought the battle of Navarino in 1827, but that they did this while denying that they were at war. The Ottomans challenged

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3 See Rodogno, *Against Massacre* 2012 (n. 1), 63–90; and Bew, ‘Umpire’ 2011 (n. 1).
4 For simplicity, and because France, Britain, and Russia acted together in 1827, I use the term ‘Europe’ as a convenient shorthand for all three. This is not intended as a holistic judgment that the Russian Empire always had more in common with France or Britain than it did with the Ottomans.
5 Rodogno, *Against Massacre* 2012 (n. 1), 5, 20–22, 88, takes the difference between war and intervention as a given, and limits his analysis to the latter. Neff, *War* 2005 (n. 2), 225, notes that ‘humanitarian interventions’ were not ‘wars’ as a matter of doctrine, but does not discuss this difference, or contests over it, with reference to the 1820s. Bass occasionally refers to Navarino as a potential ‘war’, but he treats the difference between war and intervention as a factual, rather than legal, matter.