European Legal Doctrines on Intervention and the Status of the Ottoman Empire within the ‘Family of Nations’ Throughout the Nineteenth Century

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1 Introduction

This article examines the status of the Ottoman Empire in the ‘Family of Nations’ throughout the nineteenth century. I tackle this broad question through the prism of legal doctrines on intervention in the internal affairs of the Ottoman Empire as put forward by European scholars, for I believe that they reveal something about European conceptions of the ‘Family of Nations’ and of international law. Western international lawyers paid particular attention to and constructed a jurisprudence around allegedly urgent cases, during which violent counterinsurgency campaigns undertaken by Ottoman authorities led to disturbances or massacres. In turn, these led to collective and military interventions in the Ottoman Empire by European powers. The jurisprudence of legal scholars often concerned intervention on the part of European powers – in Greece (1827–1833), Lebanon (1880–1861), Crete (1866–1867 and in the late 1890s), and Macedonia (1905–1908). Their doctrines also encompassed famous cases of non-intervention, such as the ‘Bulgarian horrors’ of the mid-1870s and the massacre of the Ottoman Armenians in the 1890s and 1900s. These interventions would subsequently be labelled interventions d’humanité, or ‘humanitarian interventions’. In the elegant formulation of Eliana Augusti,
they were not ‘[u]n intervento legittimato dall’eccezione, ma un’eccezione geografica che legittimava qualsiasi forma d’intervento’.1

After the mid-nineteenth century, European legal scholars viewed interventions as exceptions – legal, legitimate, and morally justified, or illegal but fundamentally legitimate – to the principle of non-intervention in the internal affairs of sovereign states. These scholars questioned the Ottoman Empire’s sovereignty, frequently arguing for a general exception to the principle of non-intervention in case of humanitarian crisis. This article demonstrates that most such scholars leaned toward an exception to the rule of non-intervention, based upon the supposedly insufficient degree of civilisation of Ottoman authorities and peoples. This was especially the case after 1878.

The idea of a double standard that European jurists put forward when attempting to justify exceptional intervention on the basis of the ‘standard of civilisation’ is not new. Historians and legal scholars have clearly demonstrated that the nineteenth-century international system, dominated by European ‘great’ powers, established a discriminatory hierarchy between European and non-European states premised upon the principle of the alleged superiority of European civilisation.2 My own contribution focuses upon the role played by European international lawyers in the shaping of a certain vision of the ‘Family of Nations’ through the deployment of powerful descriptive-evaluative concepts, which, in turn, supported policy techniques and significant political and military decisions.3

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3 I have discussed this in greater detail elsewhere. See Davide Rodogno, Against Massacre: Humanitarian Interventions in the Ottoman Empire (1815–1914) – The Emergence of a European Concept and International Practice (Princeton: Princeton University Press 2012).