A Friendly Demonstration of Force:
Pacific Blockade, International Law and State Identity, 1827 to 1921

by

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Abstract

This thesis examines the relationship between state identity and pacific blockade, a nineteenth century custom involving the stopping of traffic to a coast without a declaration of war. Drawing on *via median* constructivism, diplomatic history and international law's histories, it attempts to explain how pacific blockade emerged despite contradicting contemporary international law, what significance it had for blockading states, and how it could disappear without an explicit rejection. The thesis argues that this practice acquires legitimacy for British decision-makers by performing multiple, conflicting identities in the Ottoman Empire and Latin America. It links pacific blockade to cultural and material hierarchies that legitimized ignoring blockaded states' interpretations of events. When the institutional and normative context of the practice changes, the thesis argues that pacific blockade loses its legitimacy to states and international law. Thus it provides an example of an exclusive norm disappearing despite its performance of multiple state identities.

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Chapter One – Introduction

A friendly warlike measure

In January of 1837, thirteen ships from the British Royal Navy ‘amicably’ blockaded the coast of New Granada. The British ambassador to New Granada, a larger version of modern Colombia, ordered the prevention of all traffic coming to or leaving New Granada as a means of compelling the government to release the British pro-consul, who had been convicted of assaulting a local official. Representatives from both states characterized relations as amicable, but blockade historically fell under belligerent actions in international law. When the blockade started on January 20th and continued for twelve days, stopping four vessels, the government of New Granada compared the situation to war and called upon its citizens to resist it. British officials also suggested that the action might fall outside of peaceful interaction, but neither side ever declared war or acknowledged an opposing declaration of war. The government of New Granada claimed that the British were violating the law of nations and bringing hostilities into a previously amicable relationship, but twelve days of blockade only brought a declaration of the New Granada government’s intention to provide financial redress for the pro-consul’s mistreatment, with the blockade later seen as amicable or “pacific” in nature.¹

¹ “Sir John Barrow to The Hon. W. Fox Strangeways,” no. 27, 27 March 1837, *British and Foreign State Papers, 1837-1838*, vol.26 (London: Harrison and Sons, 1855) 248 at 252, “Commodore Peyton to Mr. Turner,” no. 28, 21 January 1837, *British and Foreign State Papers*, 254 at 254, 256, 258, “Mr. Turner to Visc. Palmerston,” no. 19, 10 December 1836, *British and Foreign State Papers*, 190 at 206, 214, “Mr. Turner to Visc. Palmerston,” no.21, 11 December 1837, *British and Foreign State Papers*, 226 at 231-232, “Mr. Turner to Visc. Palmerston,” no. 22, 20 December 1836, *British and Foreign State Papers*, 231 at 236-238, “Sir John Barrow to Mr.Strangeways,” no. 30, 27 March 1837, *British and Foreign State Papers*, 262 at 263, 265.

The strange set of circumstances described above provides only one example of a custom used frequently through the nineteenth century, most often against relatively new Latin American states like New Granada. International law scholars would later call this pacific blockade, which is a now obsolete doctrine that receives minimal attention as part of international law's histories. The doctrine is less central to the field's concerns than topics like the construction of sovereignty or the rules of war. Moreover, almost all instances of pacific blockade involved European states blockading those less powerful, a fact that can make pacific blockade seem like mere coercion. However, this ignores the relationship between actions, norms and identities discussed in more recent international relations theory.² Moreover, representatives of states using blockades without war claimed that such a practice had a basis in customary international law, distinguishing it from simple coercion. Even if these flimsy claims were questionable, it remains problematic to characterize such actions as only coercion wrapped in a legal justification. Pacific blockade falls outside of the conventional focus of international law's histories, but it nonetheless plays a part in nineteenth century international law and its relationship with states' identities.

This thesis attempts to remedy the lack of attention to pacific blockade as a part of international law's histories, diplomatic history, and as a component in the relationship between identities, norms and actions in international relations. By analyzing pacific blockade as a performance of contradictory facets of one state's identities and a means of pursuing associated interests, the thesis aims to do justice to an otherwise neglected

² For examples using these concepts, see Diana Panke and Ulrich Petersohn, 'Why international norms disappear sometimes' (2011) 18:4 *European Journal of International Relations* 719 or John F. Clark, 'A Constructivist Account of the Congo Wars' (2011) 4:3 *African Security* 143.

subject. The following introductory chapter explains how pacific blockade rose and declined towards this goal. First, the chapter explains pacific blockade as a practice and a legal doctrine in more depth. Second, it sets out the theory and concepts used by the rest of the thesis to examine pacific blockade. Third, it establishes the significance of this inquiry to the existing literature on the histories of international law, diplomatic history and international relations. Fourth, the chapter explains the nature of its claims from the perspective of scientific realism. Lastly, this introduction explains how the following chapters will make their claims, connecting the aforementioned theories and concepts to the history of pacific blockade to show the relationship between pacific blockade and the construction of identities. In taking this approach, the thesis attempts to give significance to the origin, use and disappearance of pacific blockade, doing justice to the subject and so contributing to ongoing discussion of international law's histories, identity and nineteenth century diplomacy.

Overview of pacific blockade

The lack of scholarly analysis received by pacific blockade may in part relate to the difficulty with which the history of its use is converted into an overarching account. Although it had relatively clear rules, the doctrine appeared in several unrelated contexts and when it fell into oblivion is difficult to determine. The first example of pacific blockade is typically given as the blockade of Greece by a combined French, British and Russian fleet in 1827, during the Greek War for Independence. Although this intervention came without any reference to pacific blockade, it was later taken as evidence of a custom. A combination of European states used it in Greece again in 1850,

1886 and 1897.³ However, the use of pacific blockade was not restricted to the Ottoman Empire or its former territories. More frequently, Western European states such as Britain and France used pacific blockade against South and Central American states such as the Argentine Confederation, Brazil, Mexico and Nicaragua. The stated grounds for such intervention tended to be the abuse of European subjects, contrasting with the Greek blockades, where the formal grounds for action tended to be the enforcement of an armistice or peace.⁴ Further contrast among instances of pacific blockade comes through its use in colonial encounters in Asia as well as European diplomacy, seeing use in what became French Indo-China as well as Portugal and the Netherlands.⁵ Thus pacific blockade as a practice has a rather inconsistent history. The practice's use does have some common elements insofar as it was almost always used by Western European states against states on the margins or outside of Europe. Part of this thesis addresses the significance of this pattern to the production and reproduction of hierarchies between states in international law. However, the varied contexts of the practice do make it resistant to generalization.

The quiet exit of pacific blockade from practice further compounds the difficulty of discussing its history. While the practice last appeared in the pacific blockade of Venezuela's coast in 1902 over debt and abuses to European subjects, authors writing

³ Albert E. Hogan, *Pacific Blockade* (Oxford, UK: Clarendon Press, 1908) 73-76, 108-114, 126-130. Albert H. Washburn, "The Legality of Pacific Blockade I" (January 1921) 21:1 Columbia Law Review 55 at 61-63; Washburn refers to the 1814 blockade of Norway by Great Britain but acknowledges that only one other source identifies this as a pacific blockade, with Greece being the incident most frequently identified as the first pacific blockade.

⁴ *Ibid*, Hogan, *Pacific Blockade* at 85-94, 117-120. Also in Albert H. Washburn, "The Legality of Pacific Blockade II" (March 1921) 21:3 Columbia Law Review 227 at 225-234, Albert H. Washburn, "The Legality of Pacific Blockade III" (May 1921) 21:5 Columbia Law Review 442 at 442-444, 446-450.

⁵ *Ibid*, Hogan, *Pacific Blockade* at 77-83, 122-126, 137-141, Washburn at "The Legality of Pacific Blockade I" at 66-67.

about it refer to pacific blockade as a valid part of international law into the 1920s.⁶ The doctrine faced criticism in the late nineteenth century from an increasingly ambitious international legal profession, and, while it is not recognized in the present, there is no definitive declaration making pacific blockade illegal. The doctrine of desuetude would support pacific blockade's characterization as no longer an element of international law insofar as desuetude holds that laws not invoked for a considerable period of time lose their validity.⁷ However, none of the authors examined that discuss pacific blockade connect it with this doctrine, itself excluded from the Vienna Convention on the Law of Treaties in its traditional form.⁸ As a result, the already inconsistent history of pacific blockade ends with uncertainty over its legal status.

This is not to say that pacific blockade was an altogether unstable concept. In theory, it had clear rules. Blockading states were required to give notice of the blockade and establish its effectiveness over a fixed area. Thus blockades had to be able to stop ingress and egress to particular coasts or ports, rather than only being blockades on paper. A recognized blockade meant that the vessels of the blockaded state as well as third party ships could be turned back or detained, depending on the circumstances. In principle, that this did not constitute an act of war depended on the lack of effective resistance from the blockaded state.⁹ Thus, while pacific blockade does not occupy a distinct role in the

⁶ *Ibid*, Washburn, "The Legality of Pacific Blockade III" at 453-456; for example, Washburn's account asserts the validity of pacific blockade as part of international law in 1921 while also acknowledging the criticism directed towards pacific blockade's legality.

⁷ Marcelo Kohen, "Desuetude and Obsolescence of Treaties" in Enzo Cannizzaro, ed., *The Law of Treaties Beyond the Vienna Convention* (Oxford, UK: Oxford University Press, 2011) 350 at 353-354; Michael Glennon, "How International Rules Die" (2005) 93 *The Georgetown Law Journal* 939 at 942. It is worth noting that Kohen's discussion of desuetude relates to its exclusion from the Vienna Conventions, but he nonetheless provides an outline of the concept in its traditional form that applied to more than treaties.

⁸ *Ibid*, Kohen, "Desuetude and Obsolescence of Treaties" at 351.

⁹ *Supra* note 3, Hogan, *Pacific Blockade* at 32, 70-71.

history of the nineteenth and early twentieth century, and the meaning of its rules should not be taken as determinate or reflective of real conditions, pacific blockade did nonetheless have a clear place in international law, somewhere between war and peace.

Concepts and focus

To analyze pacific blockade, this thesis relies on the *via median* version of constructivist international relations theory, which provides a framework for explaining the significance of pacific blockade to identities, norms and the legitimacy of actions. *Via median* constructivism focuses on the causal and constitutive explanatory power of culture, defined by Alexander Wendt as socially shared knowledge giving meaning to material structures.¹⁰ This theory raises questions of how states' identities and associated interests explain their behaviour. Some material and rationalist considerations remain in this form of constructivist theory, providing the basis for the theory's label as a middle road between the notions of an accessible real world and an inaccessible world only given meaning by ideas. However, rationalist and material elements have limited explanatory power in this theory, with greater usefulness coming from a focus on subject positions and their organization in a given culture.¹¹

The organization of subject positions provides the logic of a cultural system in Wendt's account and can thus explain much. Subject positions are representations of the Self and the generalized Other as having certain qualities and relationships. States occupy multiple subject positions simultaneously, and each provides expectations

¹⁰Alexander Wendt, *Social Theory of International Politics* (Cambridge, UK: Cambridge University Press, 1999) at 141, 249, 251.

¹¹*Ibid* at 189, 257. The term *via median* comes from Wendt's work and refers to its position between realism and nominalism.

regarding role behaviour and how others perceive it that states internalize to varying degrees. This is to say that states can have multiple identities at the same time without responding to the norms of each to the same extent. However, the fulfillment of role expectations is the only way that they can maintain any identity. Thus identity is a social and relational matter dependent on the fulfillment of cultural norms held by the self and other actors regarding certain roles.¹² These expectations of what interests and actions come from particular identities are the norms of a given culture, and they provide the basic unit of international relations to constructivists, constituting the meaning of actions, as well as identities and interests.¹³ Actions acquire meaning on the basis of norms regarding what particular identities do. International law provides a formal example of these norms, but constructivism sees norms as giving meaning to all of social life, meaning that international law only provides only one type of norm within a larger system. As a result, this thesis adopts a wider focus than conventional legal history reliant on cases, statutes and only occasional references to diaries or archives, as discussed by Jenni Parish.¹⁴ Norms relevant to a constructivist analysis are not limited to those formalized in law, and, in line with this theory, the thesis widens its scope to include contemporary social and political discourse on the states involved in pacific blockades. By considering the significance of varied norms and identities relevant to states involved in pacific blockade, constructivism provides a framework for explaining

¹² *Ibid* at 227-228, 230-231, 257-258, 264.

¹³ *Ibid* at 160, Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," (Autumn 1998) 52:4 *International Organization* 887 at 891-894.

¹⁴ Jenni Parrish, "A Guide to American Legal History Methodology with an Example of Research in Progress" (1994) 86 *Law Library Journal* 105 at 106.

how pacific blockade became a legitimate and appealing option, as well as an option later falling into disuse when norms change.

However, the scope of culture's influence does not altogether eliminate individual intentionality and material considerations in *via median* constructivism. The existence of cultural structures depends on interactions by material, minimally intentional actors in Wendt's account, even if how they interact is almost entirely culturally determined. Norms always involve a behavioural regularity, incorporating verbal actions and non-verbal actions, as well as non-actions.¹⁵

Because of the requirement of behavioural regularity in norms and identity construction, this thesis supplements Wendt's broad theoretical discussion with reference to Judith Butler's notion of performativity. Performativity refers to the ritual repetition of actions related to norms that in turn reproduce those norms with each repetition. This typically applies to gender, where categories of identity such as gender are "effects of language and signification," with the ritual repetition of certain acts making identities within those categories.¹⁶ No performer is 'behind' these acts insofar as the actor is produced by the action, thus requiring constant repetition of actions in line with social norms of an identity to have any identity, something made problematic by the changing of norms with every performance.¹⁷ While this concept often relates to gender, it can be similarly useful as a term for describing the hard work of 'doing' of various identities on

¹⁵ *Supra* note 10 at 162-163, 180-181, Ted Hopf, "The Promise of Constructivism in International Relations Theory," (1998) 23:1 *International Security* 171 at 173, *Supra* note 13, Finnemore and Sikkink, "International Norm Dynamics and Political Change" at 891-894.

¹⁶ Gill Jagger, *Judith Butler: sexual politics, social change and the power of the performative* (New York: Routledge, 2008) at 18, 20-21.

¹⁷ *Ibid* at 22, 27, 121-122, 130, citing Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990) at 139, 141.

the state level, as discussed by Cynthia Weber.¹⁸ Constructivist theory explains state identities through the norms within a given culture, and this thesis uses performativity to look at the mechanics of how pacific blockade creates and maintains identities in relation to those norms, connecting practice with the larger framework of identities and norms that this theory provides.

Informal imperialism is another concept that helps to give significance to pacific blockade as part of a larger normative environment. This concept refers to one state controlling another in any variety of fields without the use of formal means of control such as annexation or conquest, producing hierarchies that seem to exist without any state action. The control referred to as part of informal imperialism is a constantly contested position on a continuum between total foreign determination and total domestic determination, acknowledging the role of domestic cooperation and resistance but nonetheless noting the significance of foreign influence on domestic affairs ranging from economics to culture.¹⁹

Historically, scholars have sometimes limited the concept's application to economic relations, adopting a Eurocentric argument that formal imperialism only applied in circumstances where local governments lacked the ability to support European trade.²⁰ However, informal imperialism retains its usefulness as an analytical tool if it is separated from such assumptions and widened in its scope to recognize resistance,

¹⁸ Cynthia Weber, "Performative States" (1998) 27:77 *Millennium – Journal of International Studies* 77 at 79-80, 90. Butler and Wendt certainly have their differences on issues such as intentionality, but the concept of performativity closely resembles the notion of identities requiring repetition for their existence. Moreover, the state significantly differs from the individual in the sense that it does in fact have people 'behind' it, even if it can only 'be' any identity through acts with specific socially established meanings.

¹⁹ Andrew Thompson, "Afterword: Informal Empire: Past, Present and Future" *Bulletin of Latin American Research*, 27:1 (March 2008) 229 at 231-234.

²⁰ John Gallagher and Ronald Robinson, "The Imperialism of Free Trade" *The Economic History Review* 6:1 (1953) 1 at 1-2, 13.

cooperation and the varied areas in which states can control one another without formal mechanisms. International law plays a role in these processes through its construction of asymmetric, non-reciprocal relationships in capitulations and concessions, as well as its largely one-sided construction by Europeans.²¹ Pacific blockade provides another aspect of international law establishing hierarchies and informal control, and, for that reason, the concept of informal imperialism proves useful in describing the larger implications of the patterns of pacific blockade's use.

Orientation within existing literature

Through the use of via median constructivism and related theoretical tools, the thesis attempts to give attention to a subject largely absent from scholarly literature. Albert H. Washburn and Albert E. Hogan wrote the only two major English-language sources on pacific blockade, and their early twentieth century works only recount instances of pacific blockade's use and describe the overall principles of the doctrine.²² Certainly, this thesis builds on their work, but in doing so, it relates to several far larger fields where it may find greater relevance, including the histories of international law, diplomatic history and international relations theory.

²¹ For example, see Umut Özsü, "Ottoman Empire" in Bardo Fassbender et al. eds., *The Oxford Handbook of the History of International Law* (Oxford: Oxford University Press, 2012) 429 at 433; Bardo Fassbender and Anne Peters, "Introduction: Towards a Global History of International Law" in Bardo Fassbender et al. eds., *The Oxford Handbook of the History of International Law* (Oxford: Oxford University Press, 2012) 1 at 2, 4-6. This is not to deny the relevance of non-European international law systems, but it is to note that attempts to impose European international law elsewhere do provide a kind of informal control over what states do.

²² *Supra* notes 3 and 4. It may be worth noting that Hogan describes three other dedicated sources on pacific blockade in 1908, but these are excluded from this paper due to language limitations; Hogan lists them as *Le Blocus Pacifique* by Barès, *Représailles en temps du paix*; *Blocus Pacifique* by Ducrocq and *Die Hauptperiod der sogenannten Friedenblockaden* by Falcke.

The field perhaps the most closely related to this inquiry is that of the histories of international law. While this field has not paid explicit attention to pacific blockade, characterizing the gunboat diplomacy that pacific blockade legitimated as simply outside of law,²³ the practice's history supplements the field's focus on sovereignty and shows how international law can undermine the hierarchies it creates. Although David Kennedy notes the relative lack of attention to the international law of the nineteenth century,²⁴ the literature on this period tends to focus on its role in formal imperialism. Antony Anghie, Casper Sylvest and others have written on this relationship.²⁵ For example, Anghie emphasizes the repeated construction of a gap between Europeans and Non-Europeans so to maintain the notion of sovereignty while denying protection to non-Europeans.²⁶ This thesis does not disagree with the conclusions of Anghie and others like him regarding the role of international law in formal imperialism. However, it provides another perspective on international law's connection to hierarchies by looking at how pacific blockade and its relationship with identity produces and reproduces such structures, complimenting analysis of other examples of informal imperialism.²⁷

The literature on international law in the nineteenth century shows a range of approaches and distinct areas of focus, such as Koskenniemi's account of the history of

²³ Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International law, 1870-1960* (Cambridge: Cambridge University Press, 2001) at 114.

²⁴ David Kennedy "International Law and the Nineteenth Century: History of an Illusion," (1996) 65 *Nordic Journal of International Law* 385 at 396-397, 414-416.

²⁵ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, UK: Cambridge University Press, 2005), Casper Sylvest, "'Our passion for legality: international law and imperialism in late nineteenth-century Britain'" (2008) 34 *Review of International Studies* 403; also, as an example, Lauren Benton, "From International Law to Imperial Constitutions: The Problem of Quasi-Sovereignty, 1870-1900" (Fall 2008) 26:3 *Law and History Review* 595.

²⁶ *Ibid*, Anghie, *Imperialism, Sovereignty and the Making of International Law* at 5.

²⁷ Supra note 21 refers to examples.

international law's growth as a profession.²⁸ The thesis draws on the significance of some of the changes discussed by Koskenniemi through their role in the decline of pacific blockade. Trends like codification and the development of arbitration mechanisms contribute to pacific blockade's disappearance from doctrine. Thus, the thesis shows the significance of such changes in a particular instance, in addition to examining international law's connection to hierarchies from a different perspective than is typically the case.

However, this thesis also demonstrates the ambivalence of international law in relation to global hierarchies. Changes in international law's structure may do little to hamper the production and maintenance of hierarchies, surviving the movement from self-help and coercion to third-party dispute resolution and soft forms of restraint in the period studied here. However, this thesis shows how changes in international law can nonetheless have effects on the legitimacy of options for states and the particular manner in which they perpetuate hierarchies by noting the role of such changes in the decline of pacific blockade, thus producing an ambivalent account of international law.

In addressing informal imperialism, this thesis contributes to another larger field in re-assessing material from diplomatic history. Although diplomatic histories by authors such as F.R. Bridge, Roger Bullen and A.J.P Taylor follow assumptions of *realpolitik*, presenting norms like international law as expressions of power with little significance,²⁹

²⁸ *Supra* note 23, generally.

²⁹ F.R. Bridge and Roger Bullen, *The Great Powers and the European States System 1814-1914*, 2nd ed. (Harlow, UK: Pearson Education Limited, 2005), A.J.P Taylor, *The Struggle for Mastery in Europe 1818-1919* (Oxford, UK: University of Oxford University Press, 1955). See also Norman Rich, *Great Power Diplomacy, 1814-1914* (New York: McGraw-Hill, 1992). It is worth noting that Rich, Taylor and Bridge and Bullen do not constitute the entirety of diplomatic history. Some other authors do not take the same approach, as exemplified by Paul W. Schroeder's emphasis on changing ideas about international relations

this field addresses incidents in which pacific blockade appears, in contrast to the histories of international law. This thesis supplements these accounts through its focus not only on the protection of British and French merchant safety and privileges in Latin America, but also on the effects of the measures taken to protect these economic arrangements on state identities. This thesis provides a re-reading of well-trod material, emphasizing actions inside and outside of Europe as identity construction against existing norms in place of traditional assumptions of realpolitik focused only on Europe, but nonetheless relying on the same material.

By using constructivist international relations theory to analyze pacific blockade's significance, the thesis also contributes to ongoing discussion in international relations theory. The thesis provides multiple case studies exemplifying the significance of competing identities within a single state in the selection of actions, in line with constructivist theory. Constructivism explains state action through socially constructed norms and identities, and this thesis looks at how such norms and identities relate to a single practice in a context that brings norms indicating for seemingly opposed courses of action. This thesis uses constructivist assumptions while emphasizing the conflict among identities and their norms, as well as each the varying relations between different identities and different domestic audiences. In doing so, it joins Christian Reus-Smit and John F. Clark in reading history from a constructivist perspective, albeit with a focus on the tensions between identities as a means of explaining a particular practice.³⁰

as a result of the Napoleonic Wars. Paul W. Schroeder, *The Transformation of European Politics, 1763-1848* (Oxford, UK: Clarendon Press, 1994).

³⁰ Christian Reus-Smit, "Reading History through Constructivist Eyes" (2008) 37:2 *Millennium – Journal of International Studies* 395, Supra note 2, Clark; ; as another example, see Paul Kowert, "The Construction

The thesis further contributes to constructivist theory by addressing the topic of change in the norms by which states construct their identities, albeit in a different manner than most other accounts. Far more common are accounts interested in the construction of norms, as seen in the work of Wendt as well as Martha Finnemore and Katherine Sikkink, where specific norms replace other specific norms.³¹ In contrast, this account focuses on the disappearance of a norm in the cessation of pacific blockade's consideration as a legitimate option for states, with this norm emerging from practice but remaining a theoretical option even after states stopped using it. Thus it joins Diane Panke and Ulrich Petersohn in turning to the puzzle of how norms cease to exist without having their content changed, while also showing the instability and lack of widespread acceptance of norms like that which held pacific blockade as legitimate.³² The thesis looks at the disappearance of an element of international law, something potentially explained by the legal principle of desuetude but ultimately requiring an examination of why states stop using customs and so make desuetude applicable. By addressing the question of how the practice of pacific blockade as well as the international law doctrine of pacific blockade disappear, the thesis thus adds to the discussion of norm change by looking at the negation of a practice with an unclear relationship with international law and limited use.

of National Identity" in Venduva Kubalkova, Nicolas Onuf and Paul Kowert, eds. *International Relations in a Constructed World* (Armonk, NY: M.E. Sharpe, 1998) 101.

³¹ *Supra* note 10 at 238, note 13, Finnemore and Sikkink "International Norm Dynamics and Political Change" at 895-909.

³² *Supra* note 2, Panke and Petersohn at 720, 722; in touching on the instability and constant contestation of norms, the thesis also relates to the work of Mona Lena Krook and Jacqui True, as an example. Mona Lena Krook and Jacqui True, "Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality" (2010) 18:1 *European Journal of International Relations* 103 at 104.

Approach

In examining the significance of pacific blockade as a practice and a legal doctrine, this thesis adopts the philosophy of scientific realism and certain methods from post-modern history. Scientific realism assumes that while mind-independent reality is never knowable beyond a doubt, claims can be more or less plausible on the basis of limited material considerations.³³ Christian Reus-Smit sees this philosophy as suiting constructivist historical research, and it is also adopted by Wendt.³⁴ For these reasons, this thesis adopts it as well.³⁵

Along with scientific realism, the thesis includes of some methods of post-modern history, using these to overcome the tension between constructivism and historical research. The tension between constructivism and traditional historical research comes from the former's emphasis on the social construction of knowledge and the latter's claims to recovering something close to 'truth' from the past. History as a discipline faces significant challenges from the notion of knowledge as constructed because it breaks with conventional assumptions of rigorous research finding the meaning of past events. If acknowledging the construction of meaning out of ideas in the present, history as a practice becomes almost indistinguishable from fiction-writing.³⁶ While some

³³ Supra note 30, Reus-Smit at 403-405.

³⁴ Supra note 10 at 90, 135-136, 216.

³⁵ It is worth noting that constructivism also has certain tensions with scientific realism insofar as it emphasizes the social construction of knowledge, while scientific realism relies on criteria for distinguishing between claims regarding mind-independent reality, criteria that one could argue are socially constructed themselves. However, this thesis does not address this issue, so it is included here only as a footnote.

³⁶ Hélène Bowen Raddeker, *Sceptical History: Feminist and Postmodern Approaches in Practice* (London: Routledge, 2007) at 25-26, 33. Alun Munslow notes that few modern historians would claim to practice research without the influence of ideas from the present but he nonetheless presents supposedly theory-free reconstructivists and theory-favouring constructivists as sharing a belief in the "recoverability" of the past on empirical terms. See Alun Munslow, *Deconstructing History* (online: Taylor & Francis, 2006) at 21-25, 39-40, online: <http://www.myilibrary.com?ID=47836>.

historians treat this criticism as the abandonment of evidence-based research and so ignore it, those who attempt to absorb this insight into historical practice offer insights that prove applicable to this account.³⁷

Specifically, Hélène Bowen Raddeker argues that self-awareness in practice and the goal of doing justice can allow for historical research sensitive to the role of the social construction of knowledge. By recognizing the instability of identities encountered in historical research and giving a subject a thorough examination on its own terms, historians can continue to examine past events without falling into empiricist traps. Bowen Raddeker recognizes that this is only creating one history among others, but in recognizing the role of the historian and his or her context in the construction of historical knowledge, she sees it as at least possible to do justice to a subject otherwise only used as part of other stories.³⁸ Thus Bowen Raddeker provides a means of making constructivist history relevant despite tensions in the assumptions underlying its claims, and, as a result, this thesis follows her approach to history along with scientific realism. Pacific blockade rarely receives attention on its own, but this thesis attempts to do justice to it as a subject in recognizing it as having distinct nuances and significance for state actors, as well as the victims of its self-denying violence and the larger fields to which it relates.

³⁷ Keith Jenkins, "Introduction" in Keith Jenkins, ed., *The Postmodern History Reader* (New York: Routledge, 1997) 1 at 22-23. Exemplified by Gertrude Himmelfarb, "Telling it as you like it: postmodernist history and the flight from fact" in Keith Jenkins, ed., *The Postmodern History Reader* (New York: Routledge, 1997) 159 at 173.

³⁸ Supra note 36, Bowen Raddeker at 28, 33, 40-42.

Overview of the thesis

In order to do justice to the subject of pacific blockade and so contribute to the fields of the histories of international law, diplomatic history and constructivist international relations theory, the thesis examines the relationship between pacific blockade and identity performances. The following section provides an overview of how the remainder of the thesis will do this. The thesis first focuses on the origin of pacific blockade as the performance of identities in tension, then looks at its role in the material and cultural construction of great powers in Latin America, and lastly analyzes its disappearance from use in relation to changing norms, institutions and structures in international law following the First World War. Having done this, the paper concludes by assessing the significance of pacific blockade to existing accounts of international law's history, diplomatic history and international relations.

However, before exploring how pacific blockade shapes other bodies of literature, the thesis examines the origin of pacific blockade through the lens of *via median* constructivism. Attempting to answer how pacific blockade comes to exist, the next chapter of the thesis examines the British, Russian and French blockade of Greece in 1827 that is generally cited as the first instance of pacific blockade. That the orders given to the blockading fleet were confusing or contradictory is fairly widely noted, but little explanation appears for this confusion. This chapter argues that this unusual situation emerges out of the conflict in identities performed by Great Britain in relation to the Greek revolt. In performing multiple, conflicting norms simultaneously, the British end up giving instructions that at the time ran contrary to international law but later provide the basis for pacific blockade. The Greek War for Independence brought expectations of

civilized Christian and European states intervening against the Ottoman Empire, characterized along Orientalist lines by much of the British public as a heathen horde of Asian barbarians. At the same time, its occurrence in the wake of the Napoleonic Wars and legitimist intervention in Italy and Spain brought expectations of the Concert of Europe acting together to crush revolution and protect established boundaries. Expectations of involving the other powers remained despite British efforts to change the details of how this happened. As a result of these tensions, the combined fleet received seemingly impossible instructions to stop the Egyptian fleet from supplying Egyptian troops in Greece without turning to hostile measures. When this produced actions taken as hostile by Ottoman officials and privately conceded as such in Britain, these were not construed as war because acknowledging otherwise would mean stepping out of the roles whose performance had brought the situation precipitating Britain's involvement in the Greek revolt, with the Ottoman interpretation being ignored. This section thus explains pacific blockade as emerging out of the performance of multiple identities in tension.

The third chapter focuses on the emerging practice that the blockade of Greece was to legitimate, specifically how the doctrine operates in the material and social construction of great power as an identity performed by Britain and France in the Americas. Attempting to answer how pacific blockade has significance when European states use it in the Americas and so explain the most frequent context of its use, this chapter looks at how its invocation performs state identities and larger patterns of imperialism. Where other accounts present the practice of pacific blockade as the legally unregulated expression of power, this chapter argues that both the practice and the legal doctrine of pacific blockade have significance in performing states' identities as great

powers at a time of European tension and domestic anti-imperialism. The practice of pacific blockade by Britain and France in the American context represents performance of a great power identity insofar as it followed expectations of the ability to exert power across great distances and over minor complaints from states constructed as lesser, backwards powers not worth war. However, the invocation of pacific blockade added to this effect through its legal denial of resistance, taking away the ability of states to declare war and thus rendering them different and less competent than the blockading states. This in turn reconciled pacific blockade with identities like that of the free trader whose norms opposed foreign intervention while nonetheless protecting European trade in Latin America. By drawing on a range of cases, this section attempts to explain the significance of this pattern in pacific blockade's use and so answer how pacific blockade goes from being a series of unusual events in the early nineteenth century to an element of law subject to objections by the 1870s.

The fourth chapter of the thesis addresses the disappearance of pacific blockade despite long enduring doctrinal criticism. While facing challenges in the late nineteenth century, Washburn claims that pacific blockade is part of the repertoire of possible actions for states in 1921. However, it is no longer practiced after 1902. This chapter attempts to answer how this occurs, and, to do so, it looks at the change in norms on which pacific blockade draws in its last two cases, in Crete in 1897 and Venezuela in 1902, as well as coinciding changes in international law. The chapter argues that the identities performed by pacific blockade use lose their legitimacy after the First World War, and that institutional changes accompanying the League of Nations' formation leave no space for pacific blockade's continued availability in a changed normative context.

By examining the identities performed in the Venezuelan and Cretan cases, it suggests that the legitimacy of pacific blockade relied on states having identities as great powers and members of the Concert of Europe. These identities and their norms stand in contrast to the expectations of League of Nations arbitration, collaboration and the rejection of outright imperialism in the interwar period. Moreover, the identities legitimizing pacific blockade that persist through this period find means of performance through available mechanisms like arbitration. Thus the chapter argues that while the critics of pacific blockade long asserted its status as an aberration in international law, it was only as a result of changing identities and associated norms, codification and the rise of arbitration that pacific blockade lost its legitimacy for decision-makers. By drawing on the identities performed by pacific blockade in its last invocations, as well as the institutional and normative context of those invocations, the chapter aims to provide some answer for its disappearance beyond assertions of its unlawfulness, a criticism that it long endured.

The fifth and final chapter concludes the thesis by examining the significance of the preceding chapters in regards to the histories of international law, diplomatic history and international relations theory. This chapter addresses the broader question of the significance of pacific blockade's relationship to identity, looking to what this highlights in larger bodies of literature. First, in the case of international relations theory, this chapter argues that the preceding analysis shows the significance of multiple, conflicting identities and their associated norms in determining the action of a single state. However, it also demonstrates the relevance of *realpolitik* which is otherwise in tension with constructivism's emphasis on anarchy as only what ideas make it, showing it as another set of norms in tension with the many others associated with a single state's identities.

Along with presenting realpolitik as just another set of norms, this chapter additionally shows the significance of the normative environment to the fortunes of individual norms always under contestation. Second, in relation to diplomatic history, the chapter argues that the norms and identities it emphasizes also have significance for existing accounts that tend to rely on Eurocentric realpolitik that ignores the significance of culture and non-European events in the construction of European states' identities and how they interact. Third, the chapter argues that pacific blockade shows the ambivalence of international law to hierarchies. The role of international law in the reproduction of hierarchies appears through the relationship between pacific blockade and identity. Pacific blockade helped maintain favourable British and French trade conditions in the Americas, it accompanied an exclusion of other states from the construction of international law, and it constructed states as great powers. However, the fifth chapter also notes the role of international law in undermining pacific blockade through codification and arbitration, leading to an ambivalent account of its relation to hierarchies. Thus, the thesis concludes that pacific blockade has significance for international law's histories, diplomatic history and constructivist international relations theory despite being otherwise forgotten in these bodies of literature.

Chapter Two - Created by contradictions: pacific blockade, the Greek revolt and identities in tension

Introduction

Pacific blockade became an acceptable practice over the course of the nineteenth century, but, when the actions that would later be called pacific blockade first appeared in instructions to naval commanders, they saw this as a conceptual impossibility. Admiral Sir Edward Codrington held this view in 1827, when superiors instructed him to prevent Egyptian ships from leaving the Greek coast without engaging in hostilities. The British, French and Russian governments had sent a combined fleet to Greece to enforce an armistice between Greek rebels and Egyptian allies of the Ottoman Empire, and Codrington had taken command of the group, eager to help the Greeks. In his writings to his wife, Codrington expresses his desire to help the Greeks against the Egyptians and Turks, whom he characterized as deceitful, cowardly and barbaric. However, he also recognizes that any warlike course of action was not acceptable to the state he represented, and wrote for instructions as to “how we [the fleet] are by force to prevent the Turks, if obstinate, from pursuing any line of conduct which we are instructed to oppose, without committing hostility.”¹ Codrington noted that preventing Egyptians ships from supporting troops in Greece was a blockade. As this was by common definition a belligerent action, he interpreted this as falling outside of his instructions to

¹ Jane Barbara (Lady) Bouchier, *Memoir of the Life of Admiral Sir Edward Codrington*, vol. 1 (London: Longman's, Green & Co, 1873) 416-417, cited in Harold William Vazeille Temperley, *The foreign policy of Canning, 1822-1827: England, the Neo-Holy Alliance, and the New World*, 2nd ed. (London: Frank Cass & Co. Ltd, 1966) at 404.

not act in a hostile manner. He wanted to help the Greeks, but Codrington reads his instructions to blockade the Egyptian fleet without hostilities as impossible.²

Codrington's position exemplified that of international law authors from the eighteenth century such as Emmerich de Vattel, as well as the British government's own lawyers. A blockade without war was a clear deviation from belligerent blockade as described in international law at the time of the Greek revolt,³ but both the allied governments and the Ottoman government treated the blockade of Greece as not implying hostilities. The following chapter looks at how this action came about and acquired legitimacy by examining the relationship between the war-less blockade of Greece in 1827 and the identities of the United Kingdom through constructivist international relations theory, using this as a case study in the legitimization of pacific blockade. In the few sources that discuss pacific blockade, the Greek blockade is often given as the first example of its use⁴ and thus its acceptability in this context as a practice has a great deal of significance for the doctrine's emergence. This chapter argues that such acceptability comes in large part from the blockade's ability to perform competing identities of one state in tension over the Greek revolt. While constructivist theory faces

² *Ibid* at 451-452, cited in Temperley at 403-404, 406-407, Douglas Dakin, *The Greek Struggle for Independence 1821-1833* (London: B.T. Batsford Ltd., 1973) at 221-227, 229-230, Stanley Lane-Poole, *Stratford Canning from his memoirs and private and official papers*, vol. 1 (London: Longman's, Green & Co., 1888) at 449. Codrington's superiors offered little in the way of clarification, writing that "the measures to be executed...are not adopted in a hostile spirit...yet the prevention of supplies, as stated in your instructions, is ultimately to be enforced, if necessary...by cannon shot [italics removed]." Temperley at 404.

³ *Principles of the Law of Nations applied to the conduct and affairs of Nations and Sovereigns*, Emmerich de Vattel, Joseph Chitty, trans. (Philadelphia: T&J.W. Johnson, 1852) 339-340. Also mentioned in *Supra* note 2, Dakin at 183.

⁴ For example, see Albert H. Washburn, "The Legality of Pacific Blockade I" (January 1921) 21:1 *Columbia Law Review* 55 at 61. Washburn notes the commonality of the claim that the Greek revolt saw the first pacific blockade.

criticism for assuming a too unified and uncomplicated conception of identity,⁵ it does acknowledge the possibility of identities in tension. In these circumstances, *via median* constructivism holds that states take action in line with the norms of as many roles as possible. This chapter argues that the capacity of a blockade without war to do this in the British context helps to explain the practice's legitimacy, reconciling identities opposing and supporting intervention in Greece.

Britain was certainly not the only state caught between norms legitimizing and opposing intervention in support of the Greek uprising. In Russia, conservatives saw the state as the historical protector of Orthodox Christians in the Ottoman Empire and so supported war, but the Emperors Alexander and Nicholas both resisted intervention as revolutionary. Similarly, in France, the government faced an enormously popular philhellenic movement advocating military intervention on the basis of a shared civilization with the Greeks, but state officials also saw the cause as revolutionary and dangerous to French efforts to acquire influence in the Eastern Mediterranean.⁶ However, the focus of this chapter is only on the British state as it related to conflicting norms regarding the Greek revolt and a blockade without war, recognizing linguistic and space limitations as preventing an analysis of this issue from the perspective of all involved states.

Like Russia and France, Britain faced norms tied to varying identities of the state that counselled for and against intervention in Greece. Demands for action came from

⁵ Maja Zehfuss, "Constructivism and Identity" (2001) 7:3 *European Journal of International Relations* 315 at 333-334, 338, 340.

⁶ Regarding Russia, see Alexander Bitis, *Russia and the Eastern Question: Army, Government and Society, 1815-1833* (Oxford; New York: Oxford University Press for the British Academy, 2006) and Theophilus Christopher Prousis, *Russian Society and the Greek Revolution* (DeKalb, USA: Northern Illinois University Press, 1994). For France, see Vernon John Puryear, *France and the Levant: From the Bourbon Restoration to the Peace of Kutiah* (Ewing, NJ: Archon Books, 1968), generally.

norms of Britain's identities as a Christian state, as well as a civilized European state. These identities required support for the Greeks as fellow Christians and civilized Europeans, but also brought norms of opposition to the Muslim Ottomans, portrayed as an outsider to civilized Europe. However, British decision-makers also associated the state with identities of conservatism and membership in the Concert of Europe, identities that legitimized leaving the Ottoman Empire to deal with the Greek revolt on its own, or at least until the rest of the Concert could agree on a solution. Moreover, the British state's identity as a state brought norms of *realpolitik* emphasizing materialist self-interest that made non-beneficial intervention outside of British interests. Thus the Greek revolt presented the United Kingdom with identity-based reasons for and against intervention.

This chapter contends that pacific blockade acquired legitimacy in these circumstances because of its ability to perform all of these identities, allowing a bit of war without the complications of actual belligerency. Pacific blockade brought active opposition to the Ottoman Empire, positioned as barbarous, aggressive and dangerous to Christianity. Britain could also continue to identify as being opposed to revolution through its only indirect support of the Greeks, and its origin in apparent collaboration with the rest of Europe made it repeat past Concert-member actions as well as those of self-interested states. By focusing on the relationship between the Greek revolt and the state identity of the United Kingdom, this chapter argues that pacific blockade's appeal becomes apparent despite its recognition as outside of international law in 1827, with this providing a foundation for the doctrine's future elaboration.

Overview of the Greek Revolt

The incident that related to the British state's identities in so many ways started in 1821, when anti-Turk violence in Southern Greece coincided with Greek expatriate Alexander Ypsilantes starting a rebellion in the Ottoman Empire's Danubian Principalities.⁷ Russian agents in Greece had promoted Russian intervention on behalf of their co-religionists since the early eighteenth century, but the only international intervention acceptable in 1820s Europe was that restoring the arrangements of the 1814-1815 Congress of Vienna, where Greece was part of the Ottoman Empire.⁸ Expecting Russian intervention and thus potential aggrandizement, Austria's Prince Metternich and Britain's Secretary of State for Foreign Affairs, Viscount Castlereagh, attempted to give the Ottoman Empire time to suppress the Greek revolt on its own through the system of interstate-meetings referred to as the Congress system, used since the Vienna settlement.⁹ However, the conflict endured, and, in 1825, talks between Britain and Russia stopped after British refusal to attend a Congress on Greece in St.Petersburg. Discussion of Greece only resumed after the revelation of an alleged plan by the Ottoman Empire to convert or deport Greece's Christians for replacement with foreign Muslims.¹⁰ With the addition of France in July of 1827, the states signed the Treaty of London, offering mediation between the Greeks and the Ottoman Empire under an armistice, despite near

⁷ William St Clair, *The Greece Might Still be Free: The Philhellenes in the War of Independence* (London; New York; Toronto: Oxford University Press, 1972) at 1-4; *Supra* note 6, Bitis at 102-104.

⁸ *Supra* note 2, Dakin at 26-27; Eric J. Evans, *Britain before the Reform Act: politics and society, 1815-1832*, 2nd ed. (Harlow, New York: Pearson Longman, 2008) at 61-64. It is worth noting that Russia also had grounds for complaint on the basis of previous treaty terms breached by the Ottoman Empire in putting down Ypsilantes' revolt in the Danubian principalities.

⁹ *Ibid*, Dakin at 142.

¹⁰ *Supra* note 1, Temperley at 349, *Supra* note 2, Lane-Poole at 395-396.

total Ottoman victory with Egyptian troops. A secret article of the treaty called for the use of “all means circumstance may suggest to their prudence” to bring an armistice following one side’s acceptance, which the nearly defeated Greek revolutionaries quickly gave.¹¹ Thus in early September, a combined British, French and Russian fleet began to prevent the resupplying of the Peloponnese peninsula (also referred to as the Morea) by Egyptian ships while denying that this broke off friendly relations with the Ottoman Empire and not providing any notification of blockade, as required by custom.¹² On October 20th, the allied fleet engaged Egyptian ships attempting to break through the combined fleet, but no state of war emerged between the allied states and the Ottoman Empire as a direct result of the encounter or the longer-term action.¹³

Christianity, the Greek Revolt, and the obligations of Great Britain

The revolt that caused the allied intervention interacted with a number of British state identities. The proceeding sections examine those norms which favoured intervention on behalf of the Greeks, including identities as Christian, civilized and European, before moving on to identities opposing intervention. These anti-intervention identities include those of conservative states, members of the Concert of Europe, and states among rivals. Norms derived from identities associated with the British state indicated for and against intervention in the Greek revolt, and this chapter argues that the

¹¹ Additional Article, II, “The Treaty of London between Great Britain, France and Russia for the Pacification of Greece.” 6 July 1827. The Modern History Sourcebook: Fordham.edu. Online: <http://www.fordham.edu/halsall/mod/1827gktreaty.asp>.

¹² Albert E. Hogan, *Pacific Blockade* (Oxford: Clarendon Press, 1908) at 74-76.

¹³ *Ibid.*

ability of a blockade without war to act out these norms helps explain its legitimacy despite such a blockade being a deviation from custom.

Most accounts of the Greek revolt pay little attention to how the incident interacts with identities of the British state. Where existing accounts of Britain's relationship with the Greek revolt go beyond discussing what happened, their focus tends to be on Secretary of State for Foreign Affairs George Canning and his attempt to contain Russian expansionism.¹⁴ The identity of the state as Christian plays little role in decisions officials made on its behalf. Despite differences in assessments of Canning's policy, historians of this period share a broad rejection of religion as relevant to British policy towards Greece and the Ottoman Empire during the Greek revolt.

Certainly, Canning did reject the relevance of religion to his decisions in public, explicitly refusing to go to war for religious reasons despite being "plagued" by vague references to the obligations towards fellow Christians in Greece.¹⁵ While religion was a more prominent factor in Russia,¹⁶ calls for action to support fellow Christians did come from within Britain. News from Greece purposely diminished the differences between Eastern and Western Christians while resurrecting a widespread belief in essential conflict between Christianity and Islam, a view that accompanied "an atavistic hatred

¹⁴ See for example *Supra* note 1, Temperley; Alan Cunningham, "The Philhellenes, Canning and Greek Independence" (May, 1978) 14:2 *Middle Eastern Studies* 151; Steven Schwartzberg, "The Lion and the Phoenix – 1: British Policy toward the 'Greek Question,' 1831-1832" (April, 1988) 24:2 *Middle Eastern Studies* 139; Loyal Cowles, "The Failure to Restrain Russia: Canning, Nesselrode, and the Greek Question, 1825-1827" (November, 1990) 12:4 *The International Review* 688. While the title of Cowles' article reflects the significance given to Canning's relationship with Russia, the issue appears in the others as well.

¹⁵ "Letter from 11, November, 1824" in *Some Official Correspondence of George Canning*, vol. 1, Edward J. Stapleton, ed. (London: Longman's, 1888) 203 at 203; "Letter from 4, April, 1826" in *Some Official Correspondence of George Canning*, vol. II., Edward J. Stapleton, ed. (London: Longman's, 1888) 27 at 27; *Supra* note 2, Lane-Poole, 430-431.

¹⁶ *Supra* note 6, Prousis at 3, 26; G.F. Abbott, *Greece and the Great Powers: A Study in Friendship and Hate* (London: Robert Scott, 1916) at 250-251; *Supra* note 6, Bitis at 110.

against Turks [that] virulently demanded their expulsion or extirpation in the name of God.”¹⁷ Calls for religious war appeared in extremist pamphleteering, while religious struggles achieved great popularity in poetry. Britain’s largest pro-Greek organization, the London Greek Committee, made limited religious appeals for private donations, volunteers and government intervention on behalf of the Greeks. Although religious advocates of intervention were not as popular in Britain as they were elsewhere, raising only a fraction of the money and volunteers of continental efforts,¹⁸ Canning certainly had the opportunity to cite religious reasons for intervening in Greece, and his explicit rejection of this opportunity may certainly suggest religion to be irrelevant in his foreign policy decisions.

However, Canning’s rejection of Christianity as a basis for intervening in Greece does not prevent the association of Britain with an identity as a Christian state. Rather, the fact that Canning did go out of his way to reject this points to the expected fulfillment of norms associated with Christian states by the United Kingdom. One might argue that the world’s division between Christian and non-Christian states lost social acceptability by the nineteenth century, having been superseded by racial theories and standards of civilization,¹⁹ but Canning gives special importance to the Christian nature of Greek rebels. He characterizes the Christian nature of subjects victimized in the alleged ‘barbarization’ plan in the Morea as allowing Britain new options, suggesting the

¹⁷ *Supra* note 7, St Clair at 52.

¹⁸ *Ibid* at 53, 55, 59; see also C.M. Woodhouse, *The Philhellenes* (London: Houghton and Stodder, 1969) at 73, 75. Even in regards to philhellenic literature, Britain absorbs less than continental European states such as France during the Greek revolt. See *Supra* note 7, St Clair at 55, note 7.

¹⁹ See for example Edward W. Said, *Orientalism* (New York: Vintage Books, 1978) at 114-115.

relevance of religious association to what the state could do.²⁰ Additionally, Canning's cousin Stratford, ambassador to the Ottoman Sultan, makes repeated references to Christian states and norms of their conduct. He writes of non-intervention as "the shameful spectacle of the three greatest empires in Christendom foiled...by the obstinate fanaticism of one Musulman State," dividing the world by religion and presuming dominance of Christian states.²¹ Stratford Canning refers to other European states as the other Christian powers when dealing with the Sublime Porte, and the Treaty of London uses the same terminology in reference to signing states in declarations to the Ottoman Empire.²² Thus despite public denials, there is evidence to indicate the association of the British state with a Christian identity, the norms of which pointed towards opposition to the Ottoman Empire.²³ In this way, the relationship between British state identity as Christian made open resistance to the Ottoman Empire a legitimate option to decision-makers.

Civilization, Others and the Greek Revolt

The identification of the British state with an identity as a civilized European state also legitimized support for the Greeks and opposition to the Ottoman Empire. By the 1820s, popular accounts in Britain made the modern Greeks into the descendents of the

²⁰ *Supra* note 2, Lane-Poole at 395-396. Schwartzberg argues that this is just an excuse for a Greek nationalist George Canning to intervene, but, even if it is an excuse, the use of the victimization of Christian subjects in that excuse indicates a special role for religion in determining acceptable state action. See *Supra* note 14, Schwartzberg at 160-161.

²¹ *Ibid*, Lane-Poole at 392, quote at 461.

²² *Ibid* at 402-403; "Form of Second Declaration to the Ottoman Porte" in *Papers relative to the affairs of Greece* (London: J. Harrison and Son, 1835) 5 at 5.

²³ St. Clair goes so far as to say that no Christian power could side with the Ottoman Empire in the climate of the mid-1820s, but crusading is not the only option presented as legitimate in this context. *Supra* note 7, St Clair at 225.

mythical Ancient Greeks, who were then peaking in popularity under the influence of romanticism, exemplified by pro-Greek poet George Gordon Byron.²⁴ G.F. Abbott writes that, in 1823, “the cause of Hellas had become the theme of every Western coterie that lay any claim to culture, and for the next few years to decry the Greeks was to write oneself down a barbarian.”²⁵ During the revolution, the pro-Greek literature portrayed the Ancient and modern Greeks in the same terms, something less activist sources did as well to cash in on public interest in the conflict.²⁶ Thus the rebelling Greeks acquired a connection to Ancient Greece, seen at the time as the source for Europe’s civilization, with being European and being civilized all but interchangeable in popular accounts. For example, Percy Bysshe Shelley writes that “We are all Greeks. Our laws, our literature, our religion, our arts have their root in Greece.”²⁷ Similarly, Greece is “the land of the arts and the science, mother of heroes, teacher of the Universe,”²⁸ thus needing defense against “the most weak, contemptible, vice-stained tyrants that ever polluted the earth on which they trod, vilifying and degrading the fairest part of the creation.”²⁹ While it is difficult to disentangle the elements of civilization and European-ness in relation to the Greek revolt, what is at least clear is their presence as identities and their favouring of the Greeks, delegitimizing neutrality and actions that would favour the Ottomans.

²⁴ *Supra* note 16, Abbott at 213-214, 234; *Supra* note 18, Woodhouse at 10, 34-37; Robert Irwin, *Dangerous Knowledge: Orientalism and its Discontents* (Woodstock, New York: Overlook Press, 2006) at 159. Interestingly, read along with broader tropes of orientalism, before the 1820s, accounts of the Greeks greatly resemble those regarding the Orient, their religious affinity being overlooked and any connection with classical knowledge denied.

²⁵ *Supra* note 16, Abbott at 263.

²⁶ *Supra* note 7, St Clair at 14-15, *Supra* note 1, Temperley at 319, *Supra* note 18, Woodhouse at 14.

²⁷ Percy Bysshe Shelley, “Hellas:” cited in *Supra* note 7, St Clair at 54.

²⁸ M. De Pradt, *De la Grèce dans ses Rapports avec l’Europe*: Cited in *Supra* note 7, St Clair at 55; see also 52, 56, *Supra* note 18, Woodhouse at 445-446.

²⁹ Thomas Hughes, *Considerations on the Greek Revolt*: cited in *Supra* note 7, St Clair at 59.

However, it is worth noting that these identities only minimally appear in relation to the British state itself. The theme of Greek regeneration may have reached into government thinking, and Canning's perceived need to dismiss action on behalf of the Ancient Greeks speaks to the identification of the British state as civilized and European in such a way as to be associated with Greece.³⁰ However, the British state had certainly worked against European states in the past. Moreover, the popular philhellenic pamphlets and literature that made claims of connections between the Ancient Greeks, civilization and modern Europe were not necessarily calling on modern states given the role of donations and volunteers in the philhellenic movement.³¹ While the construction of the Greeks as the original European civilization to which modern Europe owed all implicitly called on civilized, European states to support the Greeks, whether or not such support needed to be more than rhetorical is unclear given the absence of precedents of such intervention and the frequent lack of precise demands.

However, where positive references to identities of civilized and European statehood appear in questionable strength in relation to the Greek revolt, the relevance of these identities is more strongly suggested by negative references. Portrayals of the Ottoman Empire as a point of contrast with European civilization better indicate association with these identities and the norms of opposition that they entail, and these appear in both diplomatic and public discussion of the Greek revolt. William St Clair notes that the Greek revolt reinvigorated Orientalist fantasies that had existed for centuries, making the Turks out to be "a cruel, aggressive, barbarian race posing an active

³⁰ *Supra* note 2, Lane-Poole at 395-396, *Supra* note 1, Temperley at 320.

³¹ *Supra* note 7, St Clair at 136-137, 143, as examples of private fundraising and volunteers going to Greece. It is worth noting that this is distinct from references to religious war advocated in relation to an identity as a Christian state, with the idea of war bringing in states.

threat to Western civilization.”³² The Sultan was a stubborn and suspicious despot who ruled his barbarous hordes out of a medieval mindset, per Stratford Canning’s account.³³ Codrington portrayed his opposite, Ibrahim Pasha, as duplicitous and scheming after the fashion of all Turks, without bravery or honour and only understanding force.³⁴ While the characteristic elements of Orientalist fantasy enjoyed a resurgence in popular fiction during the Greek revolt, and philhellenic writing railed against the excessive cruelty of the Turkish barbarian hordes,³⁵ the same ideas about the Orient appear in state-level discussion. This perhaps appears most clearly in Lord Erskine’s urging of intervention in Greece on the basis of the Turks acting beyond the pale of civilization.³⁶ Despite recognition by the Ottoman Reis Effendi³⁷ and Austria’s Metternich³⁸ of the violation in established principle that allowing foreign intervention on the basis of domestic affairs would entail, the Turks appear as fundamentally different and fundamentally worse than Europeans in diplomatic, as well as popular discourse in the period.³⁹

This acquires significance to British state identity insofar as identities such as civilized and European depended on the construction of an opposed Other, and acting against the Ottoman Empire was thus a means of being a civilized, European state. Edward Said notes the significance of the Orient as a means of defining the Occident,

³² *Ibid* at 52; see also *Supra* note 14, Cunningham at 155, where Cunningham characterizes the portrayal of the Turks in Europe as similar to that of the devil in Christianity.

³³ *Supra* note 2 at, Lane-Poole at 341, 346, 399-400, 402.

³⁴ *Supra* note 1, Temperley at 406, *Supra* note 2, Dakin at 228-229.

³⁵ *Supra* note 7, St Clair at 54.

³⁶ *Supra* note 2, Lane-Poole at 346.

³⁷ *Ibid* at 399.

³⁸ *Supra* note 1, Temperley at 361.

³⁹ This is not to suggest that this portrayal only occurs in one manner, or that the Turks were without sympathizers as well. Rather, this is only to assert the commonality of Orientalist conventions within diplomatic discussion of the Greek revolt, with deviation from this undoubtedly occurring but assumptions of European superiority over a barbarous opposite being at least widespread.

with this occurring through the construction of a fundamental, timeless but historically-linked difference between the two, with the Occident positioned as superior.⁴⁰ Similarly, Susanne Zantrop argues that the orientalist “system of truths”⁴¹ described by Said are less about any real Orient than “the Occident’s need to define itself in opposition to an external(ized) other.”⁴² From this perspective, characterizing and, more importantly, treating the Ottoman Empire as barbaric and non-European thus proves integral to the performance of identities of civilized and European by the British state. While references to the British state needing to support the Greeks on the basis of its identity as a civilized and European state may not be frequent, casting the Ottoman Empire in the opposite terms serves the same purpose. Only by maintaining such a difference, by not treating the Ottomans as the same as European states, could the British state be civilized and European, with these identities depending on others and thus legitimizing opposition.

The Revolt as a Revolution

However, the norms of a number of identities associated with the British state conflicted with those favouring the Greeks. The identities of the British state as conservative and a member of the Concert of Europe provided norms against intervention on behalf of the Greeks, and contemporary understandings of how states acted brought norms indicating in a similar direction. Claiming the British state’s identification as a conservative state may seem questionable given public rejections of counter-

⁴⁰ *Supra* note 19 at 1-2, 39-41, 54.

⁴¹ *Ibid* at 204.

⁴² Susanne Zantrop, “Orientalism-Occidentalism” in *Edward Said and the Post-Colonial*, Bill Ashcroft and Hussein Kadhimi, eds. (New York: Nova Science Publishers Inc., 2001) 107 at 107. It is worth noting that religion certainly plays a role in Orientalism, and, in that regard, the identity of Britain as a civilized European state interacts with its identity as a Christian state.

revolutionary intervention as threatening to British liberties, illegitimate in principle and impractical by foreign secretary Canning, as well as his predecessor Castlereagh.⁴³ The British state had not supported continental conservative intervention since 1820 at the latest, Castlereagh having rejected non-recognition of revolutionary states and a right of intervention to restore legitimate government at the Congress of Troppau in that year.⁴⁴ He would also limit a potential right to intervention to nearby states at the Congress of Laibach in 1821, and Canning would work against Russian legitimist intervention in Spain and Greece at the Congress of Verona in 1822.⁴⁵ In parliament, Canning rejected intervening in domestic conflicts, arguing that Britain was content to act as umpires between “the professors of violent and exaggerated doctrines on both sides,” and Steven Schwartzberg argues that Canning pursued a consistent Whig nationalism as foreign minister.⁴⁶

However, state actors express a need to avoid the association of the Greek cause with revolution. This suggests that even if decision-makers for the British state did not completely connect their state with an identity as a conservative state, it was at least subject to the norms of such an identity to a limited extent, delegitimizing pro-revolutionary action. St Clair notes the connection of the Greek revolutionaries with the pursuit of liberty, becoming the fashionable cause for Bonapartists, German nationalists, and British radicals.⁴⁷ The death of revolutionary icon Byron in the Greek revolt and the

⁴³ *Supra* note 8, Evans at 60; Robert Stewart, Viscount Castlereagh, “1820 State paper:” cited in *Supra* note 8, Evans at 111-112.

⁴⁴ *Ibid* at 61.

⁴⁵ *Ibid* at 61, 63-64. Note, this comes in contrast to Temperley’s claims that Canning remained committed to the Vienna settlement. See *Supra* note 1, Temperley at 452-453.

⁴⁶ U.K., H.C., Parliamentary Debates, 2nd ser. vol. 15 at 367 (12 December, 1826), cited in *Supra* note 7, Evans at 113; *Supra* note 14, Schwartzberg at 161-162.

⁴⁷ *Supra* note 7, St Clair at 61-62, 133-134 and 145-147.

plight of those involved in the revolt produced little interest in the established upper class in Britain, per Alan Cunningham, instead attracting mostly members of the radical community and so showing the division of the British public on the Greek revolution.⁴⁸ The London Greek Committee became as much associated with Greece as “the extreme left of the political spectrum,” receiving scorn as another liberal fad for people who only wanted a means of bothering the government, spending as much time discussing utilitarian reforms for a free Greece as supporting the Greek revolution.⁴⁹ Gary J. Bass argues that Tories and government officials were afraid to associate with the London Greek Committee.⁵⁰ Despite allegations of Greek sympathies by Schwartzberg, Canning at least never joined the London Greek Committee, though he did welcome Greek representatives to the group.⁵¹ Furthermore, Cunningham and Loyal Cowles point to inconsistencies in Canning’s friendliness towards the Greeks. They argue that actions favouring Greece only occur at Canning’s personal and political convenience, despite professed sympathies.⁵² Thus, while distinguished from continental conservative states, the British state seems tied to norms according to which associating with reformers and radicals in relation to the Greek revolt is inappropriate, suggesting some degree of identification as a conservative state that could not support a revolution.

⁴⁸ *Supra* note 14, Cunningham at 166.

⁴⁹ *Ibid* at 156; *Supra* note 7, St Clair at 145-146, quote at 145.

⁵⁰ Gary J. Bass, *Freedom’s Battle: the origins of humanitarian intervention* (New York: Alfred A. Knopf, 2008) at 79-80. While Bass is clearly arguing in favour of humanitarian intervention, and, for that reason, his work needs scrutiny, his comments on the limitations of the pro-Greek movement in Britain are at least less contentious than some of his other claims when put in relation to St Clair’s characterization of the London Greek Committee. See *Supra* note 7, St Clair at 146-146.

⁵¹ *Supra* note 2, Dakin at 150.

⁵² *Supra* note 14, Cowles at 694, 719; Cunningham, 169-170. Cowles orients his article in part as a response to Schwartzberg.

The Greek Revolt and the Concert of Europe

The British state's identity as a member of the Concert of Europe further provides norms against intervention in the case of the Greek revolt, though the identification of the British state with this role may again seem strange. The Concert of Europe refers to the system of counter-revolutionary cooperation between Europe's self-described great powers following the Napoleonic wars, with this cooperation mostly coming through near yearly congresses addressing specific problems. Paul W. Schroeder argues that this system involved different rules of international relations than had previously been the case, with great powers moving towards mutually acceptable arrangements in place of prior reliance on balances of power and coercion, in part driven by fear of social revolution accompanying open conflict.⁵³ However, Britain had not been a fully cooperative member of the Concert system since 1820 at the latest. Canning objected as much to proposed intervention in other states' domestic affairs as enlarging Britain's traditionally limited role in continental Europe, and he reduced Britain's presence at congresses before altogether avoiding the 1825 St. Petersburg Congress.⁵⁴ The British public hated congress diplomacy and Canning wrote of his policy being the replacement of Europe with England in his considerations, resenting the perceived efforts of Metternich to make all of Europe the same. Temperley argues that the Concert's defeat

⁵³ Paul W. Schroeder, *The Transformation of European Politics, 1763-1848* (Oxford, UK: Clarendon Press, 1994) at viii-xii, 477, 480-482, 577-580. Regarding fear of social revolution, see E.J. Hobsbawm, *The Age of Revolution* (London: Weidenfeld and Nicolson, 1962) at 99.

⁵⁴ *Supra* note 1, Temperley at 458, *Supra* note 7, Evans at 63, 64; Henry Bathurst, Lord Bathurst, "Letter from Lord Bathurst to Castlereagh, 20 October, 1818": cited in Evans at 111.

provided one of Canning's main principles.⁵⁵ Thus it may seem strange to suggest the identification of the British state with membership in the Concert of Europe.

However, resentment of the Concert system within Britain does not mean the abandonment of membership as an identity, even when this resentment comes from Britain's foreign minister. Canning's effort to get cooperation on Greece demonstrate the continued relevance of Concert norms of coordinated action to state decisions. For example, Cowles points out the willingness of Canning to use the Concert system prior to 1825, cooperating with Metternich to give the Ottomans more time to crush the Greek revolt through the use of the Concert system and later working with Metternich to avoid isolation after being cut-off from Russian diplomats, which he saw as embarrassing.⁵⁶ Russian foreign minister Karl von Nesselrode later used the threat of revealing to the rest of Europe separate British plans with Russia regarding Greece to coerce British agreement. When reaching an Anglo-Russian agreement in 1826, Canning attempted to bring France into the protocol, something the Russian ambassador took as a desire for European cooperation and that Canning assumed would force Austria and Prussia into eventual agreement.⁵⁷ He saw Austria and France as having to act first when dealing with the Near East.⁵⁸ Thus Cunningham argues that Canning in fact operated on existing diplomatic principles, seeking prestige and British dominance in Concert cooperation,

⁵⁵ *Supra* note 1, Temperley at 452-453, *Supra* note 2, Lane-Poole at 343; *Supra* note 6, Bitis at 169-170. While Temperley's claim is highly questionable given more recent assessments by Cowles and Cunningham, this interpretation is part of the orthodox account of Canning's career as foreign minister, making it worth noting here.

⁵⁶ *Supra* note 14, Cowles at 696-698. It is worth noting that Canning also had an intensive personal dislike of Metternich, making his willingness to work with him all the more significant.

⁵⁷ *Ibid* at 707, 713, 715-717; *Supra* note 14, Cunningham at 172.

⁵⁸ *Ibid*, Cunningham at 174-175.

and ultimately following its convention of coordinated action from Europe's great powers.⁵⁹

The significance of Canning's pursuit of agreement despite his isolationist stance and his resentment of other players in international diplomacy comes in its suggestion of the continued relevance of Concert norms of cooperation to his decision-making. At the very least, British state actions under Canning followed Concert conventions of coordination, and he expressed belief that other states would follow such norms in relation to Britain in assuming eventual Austrian and Prussian cooperation. While Eric J. Evans argues the Concert system was not functional by 1825,⁶⁰ continued identification with membership in the Concert and performance of that identity through repetition of past efforts at cooperation show the Concert of Europe's continued relevance for British state decisions, and Concert norms further delegitimized intervention in Greece. These norms opposed British intervention in the Greek revolt for the British state because of the lack of European agreement on the matter. British decision-makers assumed that Russia wanted the use of force for territorial acquisition, while Austrian representatives threatened to recognize a Greek state rather than allow Russian action.⁶¹ The British state continued to identify as a member of the Concert of Europe, but this brought norms of superficially coordinated action to balance Europe's competing interests. As a result, open disagreement among Concert-members over responses to the Greek revolt made intervention in the conflict an illegitimate option for Concert-member Britain.

⁵⁹ *Ibid* at 177; see also *Supra* note 2, Dakin at 152, where Dakin notes Canning having to pay lip service to the Concert of Europe, even if potentially not supporting the system it entailed.

⁶⁰ *Supra* note 8, Evans at 64.

⁶¹ *Supra* note 15, Stapleton, vol. I, "Letter from 17 October, 1824" at 177, "Opinion of the Austrian plenipotentiary presented at St.Petersburg, from 3 April, 1825" at 254-255; *Supra* note 2, Lane-Poole at 204; *Supra* note 6, Bitis at 163.

Anarchy, Risk and the Greek Revolt

Although identification with membership in the Concert of Europe implied certain norms for state behaviour, this identity operates alongside more basic assumptions about the state in relation to the Greek revolt. These demonstrate what Alexander Wendt calls a Lockean culture of anarchy. This set of understandings about states and how they relate include norms of *realpolitik*, emphasizing material self-interest and competition in the international environment. In this culture, states constitute others as rivals, respecting the sovereignty of one another but also retaining a willingness to resort to force in disputes, albeit not in pursuit of the complete destruction of rivals. This potential for the use of force in disputes puts importance on the relative power of states, making competition a norm and the pursuit of international balances of power seem necessary to check other states.⁶²

In the case of the Greek revolt, this culture of anarchy is evident in diplomatic strategizing and serves as an obstacle to intervening insofar as such action could provoke or, worse, benefit other states at an overall cost to Britain, making it an unnecessary risk. As a result, the British state's identity as a state within a particular culture of anarchy further cautioned against intervention in the Greek revolt. Canning writes of his certainty of Russia's willingness to use force in relation to the Greek issue and thus the need to avoid running up against Russian intentions, reflecting the danger to the state seen as

⁶² Alexander Wendt, *Social Theory of International Politics* (Cambridge, UK: Cambridge University Press, 1999) 279-282. It is worth noting that Wendt does not make this out to be historically descriptive or invariant but provides Lockean anarchy as one example of a culture of anarchy, with others that he mentions being war without limits Hobbesian anarchy and cooperative Kantian anarchy.

posed by others in the international environment.⁶³ He feared Ottoman destruction in favour of a larger Russia to the point of expressing willingness to side with the Ottomans so as to avoid the larger threat of the Russian Empire.⁶⁴ Canning frames his potential willingness to join Russia in a Greek intervention as a means of limiting Russian advantage, seeing isolation as dangerous and embarrassing, but he also presumed that any free Greece would be a Russian satellite and thus a danger to Europe's existing balance of power.⁶⁵

Canning shows the construction of other states as rivals in seeing their aggrandizement as dangerous, and he also demonstrates the expectation of Britain's construction as a rival by other states. When he sent a representative to the Russian Emperor Alexander in 1826, Canning's instructions emphasized expressing a lack of territorial interest in Greece.⁶⁶ Canning reflects a similar line of thinking in rejecting Greek representatives who offered submission to the United Kingdom in 1825, again working to avoid the appearance of self-interest.⁶⁷ The British state's representatives expected self-interested action on behalf of other states, with their measures against assumed unofficial French and Russian plans to acquire Greece further showing this, and they seemed to expect the same assumptions to be made about Britain.⁶⁸ Canning stresses the appearance of an absence of friction with the Russian Empire despite serious suspicions, and Stratford Canning reports that Alexander I recognized British suspicions

⁶³ *Supra* note 1, Temperley at 203.

⁶⁴ *Ibid* at 346-347; see also *Supra* note 2, Lane-Poole at 428-429.

⁶⁵ *Supra* note 14, Cowles at 697-698, 706-707; *Supra* note 2, Lane-Poole at 344, 369; *Supra* note 7, St Clair at 134, 145; *Supra* note 6, Bitis at 163. Note, Cowles argues that a recognition of Canning's dangerous and embarrassing position influenced their decision to seek an independent agreement with him regarding Greece.

⁶⁶ *Supra* note 2, Lane-Poole at 353-354.

⁶⁷ *Supra* note 7 at 237.

⁶⁸ *Ibid* at 142, 207, 264, 265-266, 279; *Supra* note 2, Dakin at 158-159, 161.

regarding any mobilization, thus suspecting British motives in turn.⁶⁹ Even after the Treaty of London, Stratford Canning retained his suspicions about the Russian Empire's potential pursuit of Greece.⁷⁰

Thus, intervention in Greece could appear as against the interests of the British state as such, with intervention potentially benefitting or threatening other states and so putting the British state at risk. This results from the framing of the issue in the period's Lockean culture of anarchy among diplomatic decision-makers, the norms of which appear not only in Canning and his cousin's comments in regards to other states, but also through other diplomatic actors in relation to the United Kingdom.

Not everyone agreed that British intervention in Greece diverged from norms of realpolitik. Advocates for intervention in Greece tried to make the case that a free Greece would be beneficial to Britain, though they found it difficult to do so within realpolitik thinking and British foreign relations customs. Politicians and the popular press expressed resistance to intervention in Europe for anything outside of clear British interests during the Congress of Vienna, and Canning continued in this vein, arguing for the maintenance of "Britain's historical avoidance of European entanglement" outside of emergencies, when honour or interests faced peril.⁷¹ Thus, the Lockean culture of anarchy within which Canning operated interacted with particular customs of British foreign relations, further undermining support for Greece given the difficulty of showing a free Greece as beneficial to British power relative to other states. As St Clair notes, the Greek revolt brought numerous claims in Britain of the financial benefits of intervening

⁶⁹ *Supra* note 2, Lane-Poole at 371.

⁷⁰ *Ibid* at 446.

⁷¹ *Supra* note 8, Evans at 58, 63, "Letter from Lord Bathurst to Castlereagh, 20 October, 1818" at 111; *Supra* note 2, Lane-Poole at 343.

in Greece, with Edward Blaquiere claiming that Greece had an economic potential equal to that of all South America.⁷² Blaquiere would also claim that the Greeks and British were natural allies due to national characteristics, both being sober middle-class merchants.⁷³ Blaquiere and others translated these claims into terms that made British-backed Greek independence appealing per the norms of *realpolitik*,⁷⁴ painting Greece as an ally and source of material wealth for Britain to making its liberation beneficial to Britain as a state in constant material competition with rivals. However, Canning rejected Greece's submission as dangerous to British foreign relations. Thus, intervention in Greece became illegitimate within a Lockean culture of anarchy not only because of the risks of provoking or benefitting rivals brought by such actions, but also because of the lack of material benefits offered by Greece to Britain.

non-Blockade and Identities in Tension

While the norms of Christian, European and civilized states legitimized supporting the Greeks as fellow Christians and the source of European civilization, the British state's identification with membership in the Concert of Europe, conservatism and the international framework of a Lockean culture of anarchy delegitimized intervention. As Wendt notes, states can have multiple identities existing in tension with one another. However, this forces the pursuit of an option that appeals to the interests associated with

⁷² Supra note 1, Temperley at 208, Supra note 14, Cunningham at 157-158.

⁷³ Supra note 14, Cunningham at 157-158.

⁷⁴ As an example of others who worked in this manner, the London Greek Committee presented a free Greece as Anglican Christians and utilitarians. Supra note 7, St. Clair at 195-196.

the majority or the most important of these identities.⁷⁵ In the case of the British state's response to the Greek revolt, the option that could appeal to multiple identities fell outside of international law, but in performing identities otherwise in tension over the question of Greece, it had considerable legitimacy.

In existing international law in 1827, blockade was incompatible with non-intervention and peace. As noted earlier, international lawyers recognized the denial of access to a specified region as blockade, with Canning receiving warnings about the potential hostility of the fleet's actions. The allied fleet prevented the Egyptian fleet from reaching the Greek shore or leaving the Greek shore, thus carrying out a blockade according to existing international law and so using a right available only to states at war.⁷⁶ The blockade did not accompany other actions typically involved in belligerency, such as bombardment or the landing of soldiers, but it was nonetheless an illegitimate action for states at peace per international law.

However, viewed another way, the allied fleet's actions were legitimate as part of British state identities as Christian as well as civilized and European. The fleet acted against a Muslim state in a manner previously associated with war and constructed a distinction in principle between the Orient-associated Ottoman Empire and Europe. In regards to Britain's identification as a Christian state, the combined fleet's prevention of Egyptian supplies and troops from reaching Greece resembled the blockades imposed by the United Kingdom during the Napoleonic wars. Without declaring a crusade, the

⁷⁵ Supra note 62 at 230-231. Wendt argues that states facing conflicting courses of action recommended by multiple identities generally resolve these on the basis of relevance and closeness to what he takes as the objective needs for a state as a state, but he also concedes that neither of these resolutions are necessarily how states handle conflicts in identities.

⁷⁶ Supra note 2, Dakin at 183, Supra note 3.

British state acted against the Ottoman Empire as it had previously acted against its opponents at war, quite aside from the victory at the battle of Navarino Bay. The non-blockade produced a great deal of confusion from individuals such as Codrington and the other admirals in the Russian, French and British fleet as a result of its combination of wartime practices with claims of continued friendly relations.⁷⁷ However, Britain could thus ‘do’ war in regards to Greece per the norms of British foreign action and so perform the less specific norms of Christian states opposing Muslim states. Through the action taken by the combined fleet, the British state could also be civilized and European, in contrast to non-European Ottoman barbarians. Through the claims of the non-blockade’s pacific nature, Britain, France and Russia left the Ottoman Empire to declare war in the case of objections, positioning the former states as peaceful and the latter as warlike. Though he did not live to see the end of the intervention, Canning could continue to claim as he did to Stratford Canning in 1824 that “to preserve the peace of the world is the leading object of the policy of England” throughout the blockade despite its violence.⁷⁸ His cousin would also emphasize the pacific nature of British policy when meeting Metternich the same year.⁷⁹

In contrast to the aggressive Oriental state, the British state could constitute itself as civil through the non-blockade, and treating the Ottoman Empire differently than European states in regards to its sovereignty allowed for the constructing of an Other necessary for civilized Europe to exist. The Sublime Porte alleged that Russia, France and Britain violated the law of nations with the combined fleet’s actions, something that

⁷⁷ *Supra* note 2, Dakin at 227, *Supra* note 1, Temperley at 403-404, *Supra* note 2, Lane-Poole at 448.

⁷⁸ *Supra* note 2, Lane-Poole at 343, citing instructions given to Stratford Canning, 8 December 1824.

⁷⁹ *Ibid* at 352-354, citing letter to George Canning, 30 December, 1824.

Britain's own law officers conceded privately. Ottoman officials had a very different interpretation of the non-blockade's meaning in international law than that of their British counterparts.⁸⁰ However, Ottoman complaints did not factor into Britain's construction of the event or its acceptability. The lack of ensuing response may be due to internal problems in the Ottoman Empire occurring alongside the Greek revolt.⁸¹ Nonetheless, this allowed the construction of Ottoman interpretations of events as less significant than those of European states, conforming to Orientalist thinking and so allowing a performance by the British state as a civil, supposedly superior European state.

The combined fleet's actions in Greece also performed identities whose norms indicated against intervention in favour of the Greeks, bringing no explicit support for the Greek revolt, lip-service to concerted European intervention and no risk to a self-interested state among rivals. In regards to the British state's identity as conservative, this could persist through the lack of explicit assistance to the Greek revolutionaries. The blockade of Greece was only the enforcement of an armistice. It so happened that the Greek revolt was all but destroyed at the time of the armistice,⁸² but the Treaty of London bases wider involvement in Greece on preventing further bloodshed and harm to commerce.⁸³ Thus Britain could use the non-blockade in the Greek revolt without endorsing revolution, keeping the British state in accordance with the norms of conservative states.

⁸⁰ *Ibid* at 453-454; *Supra* note 2, Dakin at 183, *Supra* note 7, St Clair at 331.

⁸¹ *Ibid*.

⁸² *Supra* note 2, Lane-Poole at 396. Schwartzberg goes so far as to claim that the armistice's imposition was just an excuse for intervening on behalf of the Greeks, but, at the very least, this intervention was not officially done in their name. *Supra* note 14, Schwartzberg at 160-161.

⁸³ *Supra* note 10. Ambassadors made the same claims to the Sultan. See *Supra* note 21.

Similarly, the not-blockade could also allow for continued identification of the British state as a member of the Concert of Europe insofar as it was an option that did not bring threats of war from the rest of Europe. Representatives of Russia, France and the United Kingdom could agree on the Treaty of London, representing themselves as concerned with Europe generally in the Treaty of London and referring to their advice as that offered by “toutes les Grandes Cours de l’Europe” in their ambassadors’ declarations to the Sublime Porte.⁸⁴ At least one representative of the Greek rebels claimed that the Treaty of London meant Concert of Europe intervention.⁸⁵ While Stratford Canning complained of Austrian and Prussian resistance to the allied powers’ plan, Metternich at least tolerated the combined fleet’s action and Prussia had sought to join the Treaty of London.⁸⁶ Although the Concert of Europe may not have been a functional group in 1827, the idea of Europe’s great powers acting together remained relevant. Douglas Dakin argues that Canning wanted the Concert system to continue, albeit with himself at its head in place of Metternich, and Cunningham and Cowles echo this conclusion.⁸⁷ That the British state could maintain its identity as a member of this dysfunctional group through the non-blockade further speaks to its legitimacy despite its contravention of customary international law.

The willingness of the rest of Europe’s major powers to tolerate the combined fleet’s actions has additional significance insofar as it made intervention tolerable as

⁸⁴ *Ibid*, Supra note 22, Form of Second Declaration to the Ottoman Porte” at 6.

⁸⁵ Supra note 2, Dakin at 201, referring to Ionnas Kapodistrias.

⁸⁶ Supra note 2, Lane-Poole at 446, Supra note 14, Schwartzberg at 170. Canning rebuffed Prussian offers of joining the Russians, British and French due to the Prussian offer claiming that the Treaty of London’s plan seemed little different from the principles of the Holy Alliance, taken as a positive to the Prussians but a negative to Canning, who claimed that the intervention found a distinct basis in Greek requests and its denial of self-interest.

⁸⁷ Supra note 2, Dakin at 181; Supra note 14, Cowles at 711-712, 715, Cunningham at 176-177.

realpolitik, the norms of a state in a historical Lockean culture of anarchy. Where previously intervention in the Greek revolt meant war and so the risk of Europe-wide conflict,⁸⁸ a blockade without declared hostility could at least claim not to threaten Europe's balance of power, risking none of the territorial gains that war could bring and so avoiding resistance from rivals. Canning repeatedly emphasizes the pacific character of the allied fleet's actions, describing it as "peaceful interference recommended by a friendly demonstration of force."⁸⁹ The battle of Navarino Bay was only "inopportune" and "a deplorable event," embarrassing but not taken as indicative of war, despite Ottoman protests and an awareness going into the non-blockade that it could be a hostile action.⁹⁰ As a result, intervention in Greece was no longer contrary to state officials' fears of upsetting rivals with potential territorial aggrandizement,⁹¹ making it much closer to legitimate within a Lockean culture of anarchy and consistent with British traditions of intervention in Europe only out of self-interest. This did not make it beneficial to Britain's relative material power considerations, something that is also relevant within a Lockean culture's understanding of anarchy. However, it did at make intervention pointless, rather than dangerous, and, in doing so, it pushed intervention closer to performing an identity as a state for the public that reacted to this set of norms.

Thus the non-blockade of Greece did not entirely fall outside of the norms of state behaviour, Concert of Europe membership or conservatism just as it followed the norms

⁸⁸ *Supra* note 2, Lane-Poole at 446. Schroeder stresses the extent to which the post-1815 system required respect for others states' rights and movement away from pursuing one's own rights with force so as to avoid a repetition of the Napoleonic conflicts, in addition to presenting the avoidance of any extremes in Russo-British relations as necessary for the system's stability. *Supra* note 53 at 578, 582, 617.

⁸⁹ *Ibid* at 448. See also *Supra* note 1, Temperley at 404.

⁹⁰ *Supra* note 12 at 76, quoting George IV without pinpoint. The Ottoman Reis Effendi would comment that it was like hitting a man while at the same time assuring him of one's friendliness.

⁹¹ *Supra* note 14, Cowles at 715.

of Christian, civilized, European states. It may not have followed the customary international law of 1827, but the combined fleet's action had legitimacy in relation to other identities, allowing it to occur and so provide an instance to which later actions would refer, starting the emergence of pacific blockade as a legitimate practice and thus part of customary international law.

Conclusion

While this chapter has focused on the conflicting norms, identities and interests that made pacific blockade legitimate in the Greek revolt, it is worth noting that these all interact with a specific historical material context. The material resources of Britain, Russia and the Ottoman Empire undoubtedly have importance to the practice becoming possible. However, in the context of the British state, this chapter claims that the conflict between the state's socially constructed identities, norms and interests provide the reasons that pacific blockade could occur in the material circumstances of 1827 despite its contravention of international law. In the Greek revolt, blockade without war performed British identities as Christian, civilized, European and part of the conservative Concert of Europe. Pacific blockade reiterated the norms of Christian states opposing the Ottoman Muslims, as well as the norms of civilized, European states opposing foreign barbarians. It also performed conservatism to the extent that it did not bring official support or war on behalf of the Greek revolt, and it followed Concert of Europe membership practices insofar as it was at least tolerable to the rest of Europe. For the same reasons, pacific blockade reiterated norms of state self-interest among rivals within a Lockean culture of anarchy tinged with a tradition of isolationist British foreign policy.

Despite recognition as potentially constituting hostilities if carried out, the non-blockade of Greece proceeded. The argument of this chapter is that the relationship between this practice and the identities it performed made it legitimate, explaining in part how pacific blockade went from being an aberration in international law to a frequent practice of nineteenth century European states.

Chapter Three - ‘Keeping republics in their place’: pacific blockade in Latin America

Introduction

The previous chapter attempted to explain the origin of pacific blockade as a practice through its relationship with state identities and associated norms in conflict in the context of the Greek revolt. However, this focus on one instance of pacific blockade does not explain the larger patterns in pacific blockade, such as the practice’s use in Latin America throughout the nineteenth century. European states used pacific blockade nine times in Latin America between 1830 and 1870: by France against New Granada in 1834 and by Britain in 1837, by France against Mexico in 1838, by France against Argentina in 1838-1840 and El Salvador in 1842, by Britain against Nicaragua in 1842 and 1844, by Britain and France against Argentina again in 1845-1850, and by Britain against Brazil in 1862-1863.¹ These blockades sometimes only lasted days, as in the twelve day blockade of New Granada in 1837 discussed in the introduction, with local ministers organizing them and leaving little documentation of their efforts.² However, they nonetheless make a pattern in pacific blockade’s use, with Latin America serving as the most frequent venue for pacific blockades in the nineteenth century.

This chapter analyzes the significance of this pattern in how European states instituted pacific blockades against newly independent Latin American states. To do this, it combines the previous chapter’s focus on identity with attention to pacific blockade’s relationship with informal imperialism. The concepts of identity and informal

¹ Albert E. Hogan, *Pacific Blockade* (Oxford: Clarendon Press, 1908) at 82-85, 90-105, 117-120.

² *Ibid* at 84.

imperialism may at first seem problematic, given that informal imperialism typically refers to the controlling of one state by another through unofficial mechanisms like dominance in trade, in contrast to the formal methods of state-backed imperialism.³ If informal imperialism is not the product of state action, it would seem unrelated to state identities. However, the state is not absent from informal imperialism insofar as the forms of control it involves need the backing of the state. Trade treaties and gunboat diplomacy exemplify the involvement of the state in informal imperialism. Trade treaties concluded between European and Latin American states soon after their independence made the economic relationships that undermined Latin American freedom possible by ensuring the favourable trade terms and protection for foreign merchants that later allowed market dominance.⁴ Gunboat diplomacy brought pressure against governments unwilling to obey such agreements or endangering foreign subjects and their property, as in the positioning of a combined British and French fleet off Buenos Aires during those states' negotiations with the Argentine government over its war with Uruguay.⁵ In these ways, the state retained an important role in informal imperialism, and pacific blockade provides another example of such in providing a means of pressuring states.

With the practice of pacific blockade, states also performed an identity as a great power through a demonstration of force against a smaller state positioned as not worth the expense of hostilities. In line with contemporary understandings of the Americas, Latin American states that were portrayed by Europeans as uncivilized and unreliable

³ For example, see John Gallagher and Ronald Robinson, "The Imperialism of Free Trade" *The Economic History Review* 6:1 (1953) 1.

⁴ As an example, see David McLean, *War, Diplomacy and Informal Empire: Britain and the Republics of La Plata 1836-1853* (London; New York: British Academy Press, 1995) at 9. For more, see Note 18, below.

⁵ *Ibid* at 43, for example.

served as points of contrast to the disciplining role of the blockading state. The existence of pacific blockade as a custom also reiterated these ideas insofar as it allowed blockading states to ignore hostile resistance and excluded blockaded states from contributing their interpretation of events to the construction international law. This in turn prevented acknowledged wars that would challenge an identity as a great power through their potential for failure, as well as anti-imperialist, free trader identities for which war was unacceptable. Pacific blockade thus has significance for the identities of both blockading and blockaded states as well informal imperialism, highlighting the limits to the freedoms of Latin American states.

The remainder of this chapter proceeds as follows. First, it connects pacific blockade with the performance of blockading states' identities as great powers in contrast to the lesser powers of Latin America. Second, the chapter identifies pacific blockade as a custom facilitating the denial of a state of war between blockading and blockaded states, then links this to the identities of the states involved in such a blockade. Third, the chapter places pacific blockade within informal imperialism, noting its relevance as part of a larger pattern of foreign control in Latin America. Through its consideration of a range of blockades in Latin America between 1834 and 1863, the chapter aims to set out some of the broader implications of pacific blockade's repeated use in Latin America for state identities and informal empire, giving significance to the most apparent pattern of its use.

Pacific blockade, identity and power

One of the implications of pacific blockade's repeated use in Latin America relates to the practice's performance of an identity as a great power, and its positioning of the blockaded state as insignificant. These processes draw on the circumstances of pacific blockade's use against newly independent states largely unable to defend against a fraction of the blockading states' navy, as well as popular European views of the Americas.

When serving as Secretary of State for Foreign Affairs in Britain, Viscount Palmerston wrote that "demonstrations should be mounted from time to time to keep the newly independent republics in their place,"⁶ and pacific blockade was such a demonstration. In nineteenth century Latin America, pacific blockade allowed states to perform great power status by responding to seemingly minor issues with enough force that blockaded states could generally not stop them, demonstrating power while clearly not exerting the entirety of that strength, given the limited nature of the intervention. For example, Malcolm Deas notes the insignificance of causes for European blockades of New Granada, but he describes the government of New Granada as seeing its position as that of a dwarf opposing a giant "who to exhaust him, ruin him, destroy him, needs to make no effort beyond just lifting his arm threateningly, without even having to let it fall."⁷ While British representatives at Bogota could claim that the country meant nothing to Britain, the slightest threat could have serious consequences for the newly independent state, as demonstrated by the very quick resolution of the pacific blockade of

⁶ Malcolm Deas, "Weapons of the Weak: Colombia and Foreign Powers in the Nineteenth Century" *Bulletin of Latin American Research*, 27:1 (March 2008) 173 at 180.

⁷ *Ibid* at 180, quote at 182.

New Granada upon the introduction of a naval threat in 1837.⁸ Similarly, the Nicaraguan government would pay £14000 in 1842 to get out of the British blockade instituted that year because of damage to British expatriate property, doing this despite ongoing costly unrest in the country.⁹ On the basis of such minor claims, British and French governments could show overwhelming force that fell visibly short of serious measures, such as war, avoiding its rituals and conventions.

When British involvement in Buenos Aires increased beyond pacific blockade in Buenos Aires in the 1840s, state representatives faced criticism for being too forceful for such a minor concern.¹⁰ Not getting their way would be a humiliation, a “fruitless embarrassments” and an “ill-judged and unfortunate interference.”¹¹ Baron Howden refers to the lack of success of the larger British intervention in Argentina as “the abominably undignified position of being exposed to the insolence of a little potentate who wraps himself up in the inviolability of his geographical position.”¹² With the escalation of measures adopted in Argentina, he claims that “Rosas [the Argentine president] has unfortunately been exalted from insignificance to an idea of immense power by the very measures adopted to oblige him to listen to reason.”¹³ In contrast, pacific blockade left blockaded states insignificant, showing little effort on the part of Britain and France to exert immense force over seemingly small disputes. Palmerston

⁸ *Ibid* at 184, *Supra* note 1 at 84.

⁹ *Supra* note 1 at 92-93.

¹⁰ *Supra* note 4, McLean at 80. The British and French blockade of Buenos Aires arose out of the Argentine war with Uruguay, with the British and French fleets at first stopping sea traffic to Buenos Aires but later protecting the last Uruguayan holdout of Montevideo from sea, deploying troops and sending an expedition inland.

¹¹ *Ibid* at 135, 158, citing Palmerston to Normanby (ambassador), 12 July 1848, FO 27/799.

¹² *Ibid* at 188, citing Memorandum by Howden, December 1848, FO 6/141.

¹³ *Ibid* at 188, citing Hood to Bidwell, 21 January 1849, FO 6/146. General Juan Manuel de Rosas was the President of Argentina during the 1845-1850 Anglo-French blockade of Buenos Aires.

characterized French efforts in the Caribbean as reflecting this concern for low-effort displays of power,¹⁴ and his own state consistently employed similar methods in Latin America. Pacific blockade was thus the blockading state performing as a great power by providing a visible exercise of only a portion of a state's power that could bring supposedly insignificant states to heel over disputes involving expatriate citizens and their property, rather than matters of state.

The construction of blockading states as superior to those blockaded in Latin America reiterates broader beliefs about on the Americas and their people. In addition to performing European states' identities as great powers, pacific blockade performed identities as European and civilized through the contrasting of blockading states with the supposedly unstable Americans. European travellers tended to view South America as "backward and neglected," with visitors' writing serving to "bind the Americas to Europe in an essentialized relationship of negativity."¹⁵ The people of Latin America appear as lazy, unclean, filthy and unsophisticated in European accounts, needing taming in the same manner that the whole wild continent of South America did.¹⁶ This builds on the characterization of New World residents since the early modern period as inferior and degenerate.¹⁷ Marcello Carmagnani argues that this perceived inferiority to Europe extended to political considerations of South America throughout the nineteenth century,

¹⁴ *Ibid* at 32.

¹⁵ Mary Louise Pratt, *Imperial Eyes* (Taylor & Francis, 2003), Online: <http://lib.myilibrary.com?ID=35437> at, 141, 152-153.

¹⁶ *Ibid* at 150-151. The religious component of this relationship is also worth noting, with Latin Americans often portrayed as corrupted by Catholicism in non-Catholic European accounts. See *Ibid* at 457-458.

¹⁷ Jeffrey H. Richards, "Barefoot Folks with Tawny Cheeks: Creolism in the Literary Chesapeake, 1680-1750" in Ralph Bauer and Jose Antonio Mazzioti, eds. *Creole subjects in the colonial Americas: empires, texts, identities*. (Williamsburg, VA: University of North Carolina Press, 2009) 135 at 136, 161, Ralph Bauer and Jose Antonio Mazzioti, "Creole Subjects in the Americas" in Ralph Bauer and Jose Antonio Mazzioti, eds. *Creole subjects in the colonial Americas: empires, texts, identities* (Williamsburg, VA: University of North Carolina Press, 2009) 1 at 1, 5-6.

exemplified by the British government's response to declarations of independence with commercial treaties that guaranteed most favoured nation status for British trade and the safety of British property from interference, rather than recognition of statehood. Such treaties existed between Britain, and Argentina, Colombia, Mexico and Brazil, with their effects held by the British government to continue during the breakup of states.¹⁸

Similarly, Ralph Bauer and Jose Antonio Mazzoti note the English perception of Latin Americans as only useful under arbitrary rule,¹⁹ reflecting a belief in different political principles applying across the Atlantic. William Ouseley, one of the British ministers at Buenos Aires during the 1840s, reflects this view, arguing that bringing European political structures to Latin America would only produce violence.²⁰ Another British representative writes of American expansion as at least beneficial in removing former Spanish colonies of their barbaric and debased state,²¹ with Robert Naylor characterizing interactions between the British and Spanish Americans as impatient condescension

¹⁸ Marcello Carmagnani, *The Other West: Latin America from Invasion to Globalization*, Rosanna M. Giammanco Frangia (Berkeley: University of California Press, 2011) at 92, 96; see also Leslie Bethell, "Britain and Latin America in historical perspective" in Victor Bulmer-Thomas, ed., *Britain and Latin America: a changing relationship* (Cambridge; New York: Cambridge University Press, 1989) 1 at 3-4, "Treaty of Amity, Commerce, and Navigation, between His Majesty and The United Provinces of Rio de la Plata, 2 February 1825" in Lewis Herslet, ed., *A Complete Collection of the Treaties and Conventions, and Reciprocal Relations, at Present Subsisting Between Great Britain & Foreign Powers*, vol. iii (London: Henry Butterworth, 1827) 44, "Treaty of Amity, Commerce, and Navigation, between Great Britain and Colombia, 18 April 1825" in *A Complete Collection...* 56-61, "Treaty of Amity, Commerce, and Navigation, between Great Britain and Mexico, 26 December 1826" in *A Complete Collection...* 247-256, "Treaty of Amity, Commerce, and Navigation, between His Majesty and the Emperor of Brazil, 17 August 1827" in Lewis Herslet, ed., *A Complete Collection...*, vol. iv (London: Henry Butterworth, 1835) 38-48. For an example of the effect of a treaty being held to continue even after its breakup, see "British Order in Council, relative to the Duties of Customs payable on the Importation of Sugar from New Granada, 8 April 1846" in Lewis Herslet, ed., *A Complete Collection...*, vol. vii, (London: Henry Butterworth and James Biggs and Sons, 1850) 876 at 878.

¹⁹ *Supra* note 17, Bauer and Mazzoti, 29-31. While Bauer and Mazzoti include English Americans in their discussion, they note that the view of Spanish Americans is uniformly worse, absolutist rule and conflicts with native groups being taken as degrading to their character.

²⁰ *Supra* note 4, McLean at 66.

²¹ Mark J. Van Aken, "British Policy Considerations in Central America before 1850" *The Hispanic American Historical Review* 42:1 (February 1962) 54 at 55-56, citing Chatfield to Lord Palmerston as foreign secretary, no.3 28 January 1847 Public Records Office, Foreign Office series 15, volume 45.

rather than anything approaching those of equals.²² Latin American elites themselves adopted racial theories that positioned them as degenerate, per earlier ideas about the New World.²³ Even British merchants who worked in the Americas faced comments on their “foul and disreputable character” from their own diplomats.²⁴

Thus pacific blockade operated in a context wherein European government officials would not only distinguish their states from lesser powers through pacific blockade, but also distance their states from the negative ideas associated with Latin America, constructing their own identities in contrast to the supposed inferiority elsewhere and reiterating that hierarchy in doing so. Employing pacific blockade and so reiterating distinctions between Latin American states and Britain and France in turn made the blockading state distinct from the other ideas associated with Latin Americans. Pacific blockade was in this regard a performance of Britain and France as supposedly superior states disciplining supposedly unruly, child-like inferiors, reiterating a hierarchy among states without offering any clear means of redress.²⁵

²² *Supra* note 4, McLean at 95, Robert A. Naylor, *Penny Ante Imperialism: The Mosquito Shore and the Bay of Honduras, 1600-1914, A Case Study in British Informal Empire* (London; Toronto: Associated University Presses, 1989) at 222.

²³ Richard Graham, “Introduction” in Richard Graham ed., *The Idea of Race in Latin America, 1870-1940* (Austin, Texas: University of Texas Press, 1990) 1 at 2-3; *Supra* note 17, Bauer and Mazzioti 28, 31-32.

²⁴ *Supra* note 18, Bethell at 4-5, citing Fox to Charles Stuart, private, 25 September 1832. The same author would write that there never was “so vile a community as the English scrapings now settled in South America.” Fox to Charles Stuart, 15 December 1835 in Stuart papers, Arquivo Historico do Itamaraty, Rio de Janeiro.

²⁵ It is worth noting that this situation bears a certain similarity to that encompassed in general terms by Michel Foucault’s notion of discipline, but this chapter does not pursue this aspect of pacific blockade due to its focus on pacific blockade’s relationship with identity.

Pacific blockade, identity and war

Pacific blockade undermined the capacity of Latin American countries to challenge the means of coercion to which they were subject because it was not an act of war, according to the blockading state. This asymmetry reiterated the distinction between Latin American and European states, but the capacity for states to deny that they were engaged in war also reconciled intervention with increasingly powerful anti-imperialist sentiments in Europe and norms of self-interest within a Lockean culture of anarchy. Pacific blockades could conceal conflict under their 'pacific' nature and bring no risks of wider complications or expenses. Thus, blockading states could fulfil norms of great powers disciplining supposedly lesser states without challenging other identities through the pacific nature of their intervention.

European states characterized their blockades as pacific even in cases of active resistance. States employing blockades without declarations of war had previously faced hostile responses, from the Ottoman efforts to escape the blockade of Navarino Bay in 1827 to Portuguese ships and fortresses firing on French vessels during the French blockade in 1831. However, none of the states involved in the blockade acknowledged this as bringing hostilities, such that the French could later claim that their blockades of Mexico that accompanied shore bombardments were like these prior cases in also being pacific.²⁶ Similarly, Argentines actively resisted the Anglo-French blockade, as well as the accompanying British troop deployment and British naval support for Montevidean expeditions, yet Lord Peel could claim to the British Parliament that the blockade was

²⁶ *Supra* note 1 at 76, 77-80, 87. Hogan describes these past blockades and their accompanying violence despite claims by blockading states that they were pacific.

pacific in nature on the basis of other blockades having been pacific.²⁷ The pacific blockade of Brazil allowed the same claims despite the Brazilian navy's efforts to resist.²⁸ In the brief British blockade of the coast of New Granada in 1837 mentioned in the introduction, both British and New Granadan officials characterized bringing ships to an area to prevent ingress and egress as belligerent, though British officials only did so in private.²⁹ New Granada's president issued a decree calling for resistance to the British, comparing their presence to that of the Spanish army that had attempted to retake the newly independent countries of South America after the Napoleonic wars. Its foreign minister advised against bringing hostilities into what was otherwise an amicable relationship, but British diplomats continued to claim an amicable relationship continued through the coercive blockade, disregarding the reaction shown by the New Granadan government.³⁰ Similarly, during the 1838 French blockade of Argentina, the Argentine government issued letters of marque to subjects for the raiding of French shipping despite claims in the French government of no war being declared.³¹

Pacific blockades did not always bring resistance in the Latin American context. Resistance required that newly independent Latin American states could provide the costs of maintaining a navy and tolerate probable loss of such a navy if fielded against a much

²⁷ *Supra* note 4, McLean at 90, citing U.K., H.C., Parliamentary Debates, 3rd ser., vol. 84 at 1432 (23 March, 1846) It is worth noting that this is not to say that anyone took Aberdeen's claim as concluding any debate on the British intervention in Argentina, but the fact that he would make this claim at all is indicative of the custom's emergence.

²⁸ Andrew Graham-Yooll, *Imperial Skirmishes: War and Gunboat Diplomacy in Latin America* (New York: Interlink Books, 2002) at 100.

²⁹ "Mr. Turner to Visc. Palmerston," no. 21, 11 December 1837, *British and Foreign State Papers*, vol. 26 (London: Harrison and Sons, 1855) 226 at 231-232, "Commodore Peyton to Mr. Turner," no. 28, 21 January 1837, *British and Foreign State Papers*, 252 at 25, "Sir John Barrow to The Hon. W. Fox Strangeways," no. 27, 27 March 1837, *British and Foreign State Papers*, 248 at 252.

³⁰ "Sir John Barrow..." at 252, "Mr. Turner to Visc. Palmerston," no. 22, 20 December 1836, *British and Foreign State Papers*, vol. 26 (London: Harrison and Sons, 1855) 231 at 236-238.

³¹ *Supra* note 1 at 90-91.

larger state's fleet. For example, in the blockades of Nicaragua in 1842 and 1844 by Britain over alleged abuses to British subjects and property, Albert E. Hogan reports no evidence of efforts to stop the blockade. However, even where resistance occurred, blockading states did not take this as indicative of hostilities, instead maintaining their position on the blockade's pacific nature. Later authors such as Hogan and Albert Washburn claimed that a blockade's pacificity was a result of the response of the blockaded state,³² but, in this period, blockades in a region perceived as inferior, uncontrolled and violent from which news took months to reach Europe could remain officially pacific regardless of the responses of blockaded states. There was no consensus on the meaning of the blockades, but the European interpretation prevailed.

That France and Britain could blockade Latin American states without threat of war has significance insofar as it denies Latin American states the ability to fulfill one of the most basic rituals of states, that of declaring war and responding to declarations of war. By characterizing blockades as pacific, then willfully or coincidentally ignoring resistance, Britain and France excluded Latin American states from the effective performance of statehood through the ritual of war. Thus the blockaded Latin American state is distinguished again from the fully sovereign European state in line with Carmagnani's characterization of their status through the nineteenth century as between colony and sovereign.³³ Moreover, as in the blockade during the Greek Revolt, the blockading states and the blockaded state show different interpretations of the meaning of these actions in international law but the blockading state does not respond to the

³² *Ibid* at 70, referring also to the Nicaraguan blockades at 92-98; Albert H. Washburn, "The Legality of Pacific Blockade I" (January 1921) 21:1 Columbia Law Review 55.

³³ Supra note 18, Carmagnani at 92.

blockaded state's views, excluding the latter states from the process of interpreting and constructing international law. As a result, even where Latin American states could resist blockades, the contours of the custom of pacific blockade and the geographic complications of its implementation made this irrelevant. In this way, pacific blockade undermined the statehood of new republics and so cast the blockading state as a point of contrast, reiterating the hierarchy constructed between Europe and the Americas in the imagination of European diplomats through law.

The denial of resistance by the emerging custom of pacific blockade has further significance to the identity of blockading states insofar as it prevented involvement in what diplomats saw as unwinnable wars or undesirable wars on Latin American soil. It allowed displays of power necessary to maintain identities as great powers without risk of identity-challenging failure and making such displays acceptable on the basis of other identities' norms. While British and French blockades left newly independent Latin American states with little ability to stop them, decision-makers in Britain in fact saw these states as unconquerable. Deas notes the perception of Colombia as impossible to conquer as a result of its geography,³⁴ but diplomats characterized it as too insignificant to be worth war and its associated costs.³⁵ As a result, British diplomats read the French blockades as just cheap victories and French historians provide a similar account.³⁶ In the blockade of Buenos Aires, Anglo-French forces faced an opponent in Rosas who recognized and relied on the inaccessibility of his country, using this in his negotiations

³⁴ *Supra* note 6 at 184-185.

³⁵ *Ibid.*

³⁶ *Supra* note 4, Mclean at 32; see also J. Lucas Dubreton, *The Restoration and the July Monarchy*, E.F. Buckley trans. (New York: AMS Press Inc., 1967) at 285-286, H.A.C. Collingham with R.S. Alexander, *The July Monarchy: A Political History of France, 1830-1848* (London; New York: Longman, 1988) 186-187.

with European representatives and bringing denials of hostilities by the British recognized by contemporaries as absurd.³⁷ Pacific blockade's undermining of Latin American states' capacity to declare war thus allowed the protection of perceived interests without the risk of obligations and failure undermining the blockading states' great power status. Even where pacific blockades did not immediately bring the desired results, as in the 1844 blockade of Nicaragua,³⁸ they fell outside of the conventions of war and thus did not bring any complications during its use or any consequences of losing.

In addition to its prevention of challenges to an identity as a great power, pacific blockade could reconcile the performance of such an identity with others that might make it illegitimate or undesirable as an option. Foreign intervention was useless spending according to rationalist free trade proponents who were popular with Britain's middle class, making them an increasingly important audience in a democratizing Britain.³⁹ Moreover, George Canning's partial recognition of South American republics through commercial treaties accompanied a longer-term norm of non-intervention and British claims of disinterested diplomacy.⁴⁰ Thus war against the republics of South America had illegitimacy because of a number of norms with relevance for the diverse British public of foreign office workers and private citizens of varying views.

³⁷ *Supra* note 4, McLean at 32, 47-48, 49, 51, 71, 72, 80-81.

³⁸ *Supra* note 1 at 98.

³⁹ Jennifer Pitts, *A Turn to Empire: the rise of imperialism liberalism in Britain and France* (Princeton; Oxford: Princeton University Press, 2005) at 165; Oliver MacDonagh, "The Anti-Imperialism of Free Trade" (1962) 14:3 *The Economic History Review* 489 at 492-494.

⁴⁰ Eric J. Evans, *Britain before the Reform Act: politics and society, 1815-1832*, 2nd ed. (Harlow, New York: Pearson Longman, 2008) at 58, 63, "Letter from Lord Bathurst to Castlereagh, 20 October, 1818" at 111; Stanley Lane-Poole, *Stratford Canning from his memoirs and private and official papers*, vol. 1 (London: Longman's, Green & Co., 1888) at 343; *Supra* note 18, Bethell at 3-4, where Bethell demonstrates the perpetuation of this view in seeing nineteenth century Britain as having no interest in Latin America while also discussing the significant economic role that Britain played in the region.

Norms of self-interest in line with a historical Lockean culture of anarchy discussed in the previous chapter also indicated against intervention in South America. Alexander Wendt describes a Lockean culture of anarchy as a set of understandings wherein states constitute one another as rivals willing to seize advantages wherever possible, even if not posing existential threats. This brings realpolitik logic that made the obligations and costs of intervention dangerous,⁴¹ and the perceived closeness of general war in Europe during the period discussed only worsened the appeal of foreign adventures.⁴² For example, the blockade of Argentina accompanied uncertainty over the marriage of the heir to the throne of Spain, read as potentially changing the balance of power in Europe and provoking threats of hostilities.⁴³ Thus the political and popular norms against empire-building coincided in these cases with norms delegitimizing any intervention that might provide further entanglements to the state and so render it vulnerable to rivals.

However, Latin American pacific blockades not only performed certain identities, but they also permitted the continued association of that state with identities otherwise opposed to intervention. It brought none of the risks to the European balance of power or the capacities of the state that served as major concerns to states among rivals insofar as it occurred outside of Europe and brought no potential acquisition of territory or resources, aside from limited compensation. Thus it could avoid provoking other states and so becoming dangerous. Pacific blockade could also appear ‘right’ for the British public of

⁴¹ Alexander Wendt, *Social Theory of International Politics* (Cambridge, UK: Cambridge University Press, 1999) 279-282.

⁴² *Supra* note 36, Collingham and Alexander at 197; Emile Bourgeois, *History of Modern France, 1815-1913*, vol. I (Cambridge; Cambridge University Press, 1922) at 218, 219, 222.

⁴³ *Ibid*, Collingham and Alexander at 195.

free trade anti-imperialists in limiting expenditure by not involving a declaration of war while protecting British commercial interests and the free trade terms that made merchant success possible.⁴⁴ Similarly, pacific blockade could allow for the continuation of British claims of disinterestedness in Latin America by avoiding the direct recognition of conflict between Britain and Latin American states, despite the violence of the blockade that protected British interests. Where identities as non-imperialists, free traders and states within Lockean anarchy delegitimized the active pursuit of British commercial interests abroad, blockades without war provided a means of maintaining these identities as well as commercial inequality.

Informal Imperialism and Pacific Blockade

The pursuit of British commercial interests that pacific blockade supported gave the emerging custom additional significance, connecting it with larger patterns of domination during the nineteenth century. The concept of informal imperialism provides a means of analyzing this trend. The conventional version of informal imperialism is an odd fit for a discussion of pacific blockade since it emphasizes a lack of state involvement like the raising of blockades in the development of empire. In 'The Imperialism of Free Trade,' John Gallagher and Ronald Robinson explain informal imperialism as the domination of foreign markets by Britain without the incorporation of those markets into the British Empire. They argue that British state officials only used annexations and the formal establishment of colonies where the extension of trade required additional controls on foreign markets to ensure British dominance, with free

⁴⁴ Regarding attitudes of free-traders regarding war, trade and empire, see Supra note 39, McDonough at 492-494.

trade otherwise being sufficient.⁴⁵ Critics of this conceptualization of British history focus on the lack of state involvement in British relations with newly independent or otherwise unconquered foreign markets. Rather than including the state, they emphasize the undesirability of regions to British investors, the international rivalry guiding British foreign policy, or the illegitimacy of state support for informal empire per free trade theory.⁴⁶ Thus, in the conventional version of informal imperialism as a general concept, which is distinct from its origin as discussion of mid-Victorian British policy, one state controls another without official efforts to do so, such as conquest or annexation. For example, Manuel Llorca-Jaña sees British informal empire in Argentina, with this stemming from the dependency of the Argentine treasury for 70 to 80 per cent of its income on trade dominated by British merchants. This controlled Argentine actions by limiting viable options to those that would not interfere with trade despite a lack of a concerted British policy, and, as a result, he sees a strong case for informal empire in Argentina.⁴⁷ Under such a conceptualization of informal empire, pacific blockade has little place, as it is a part of formal state activity.

However, pacific blockade was a means of ensuring conditions necessary for the dominance in trade implied by the concept's conventional definition. The free trade that allowed British dominance in Argentina and elsewhere was not a natural arrangement,⁴⁸

⁴⁵ *Ibid* at 6, 13.

⁴⁶ See D.C.M. Platt, "Further Objections to an 'Imperialism of Free Trade', 1830-1860" *The Economic History Review* 26:1 (1973) 77 at 79, 81-82, 84, 86, D.C.M. Platt, "The Imperialism of Free Trade: Some Reservations" *The Economic History Review* 21:2 (August 1968) 296 at 305-306, *Supra* note 39, MacDonagh at 491-492, 498.

⁴⁷ Manuel Llorca-Jaña, *The British Textile Trade in South America in the Nineteenth Century* (Cambridge; New York: Oxford University Press, 2012) at 7, 47, 272, 288-290. *Supra* note 4 at 9-10, *Supra* note 18, Bethell at 5.

⁴⁸ *Supra* note 18, "Treaty of Amity, Commerce, and Navigation, between His Majesty and The United Provinces of Rio de la Plata.." at 44.

and pacific blockade served as a means of enforcing free trade and related conditions necessary for British mercantile success. As an example, in Argentina, the blockades of 1838-1840 and 1845-1850 could cut off a substantial portion of the state's revenue given Llorca-Jaña's argument. While not all states participated in international trade to the extent that Argentina did, pacific blockade could nonetheless forcefully impose on the freedoms of Latin American states to trade so as to protect European merchants abroad.

A further example of pacific blockade's use in protecting European merchants in Latin America comes in the pacific blockade of New Granada in 1837. This blockade arose out of the alleged mistreatment of a British pro-consul, and the blockades of Nicaragua in 1842 and 1844 both responded to alleged abuses of British lives and property.⁴⁹ The Anglo-French pacific blockade of Buenos Aires from 1845-1850 related in part to demands made from worried merchants at Montevideo, with intervention brought by claims that Montevideo was worth saving from feared Argentine aggression on an economic basis.⁵⁰ These cases demonstrate the capacity of pacific blockade to support the presence and security of property of British merchants, and the French uses of pacific blockade show a similar approach. In the French context, the pacific blockades of Mexican ports as well as El Salvador also stemmed from alleged abuses of French subjects, thus making the blockades part of the protection of French subjects' ability to travel and trade abroad.⁵¹

Pacific blockade's relationship with the identities of blockading and blockaded states also provides a cultural aspect to informal imperialism. Culture tends to have little

⁴⁹ *Supra* note 1 at 93-96, *Supra* note 6 at 182.

⁵⁰ *Supra* note 4, McLean at 47-48, 21-22.

⁵¹ *Supra* note 1 at 85-87, 91-82. It is worth noting that the blockade of El Salvador has a highly questionable basis in fact given the minimal evidence supporting its existence.

role in discussions of informal imperialism, but culture affects the legitimate options for states through the construction of their identities. In this way, pacific blockade has additional significance for informal empire, despite claims of culture's uselessness to the concept. Alan Knight characterizes culture as bringing little "value-added" to considerations of informal empire.⁵² David Rock argues that putting an emphasis on culture invalidates the concept of informal imperialism, as this concept only relies on a distinction between official and unofficial state methods of control, something an emphasis on culture as a form of control makes decidedly less significant.⁵³ Relating culture to informal imperialism can prove even more problematic as a result of the highly questionable cultural basis for Gallagher and Robinson's original version of informal imperialism, where formal empire only appears as the product of government without people of "European stock."⁵⁴

However, more recent authors on informal imperialism recognize the significance of culture, and pacific blockade shows the importance of such considerations in informal empire through its relevance to the options available to blockaded and blockading states.⁵⁵ By denying states the ability to declare war and constructing them as less than equals, pacific blockade forms a part of the limitation of Latin American states' legitimate options. Informal imperialism typically discusses control through economic dependency, but the norms of identities also provide state interests and actions, per

⁵² Alan Knight, "Rethinking British Informal Empire in Latin America (Especially Argentina)" *Bulletin of Latin American Research*, 27:s1 (March 2008) 23 at 44.

⁵³ David Rock, "The British in Argentina: From Informal Empire to Postcolonialism" *Bulletin of Latin American Research*, 27:s1 (March 2008) 49 at 49-52.

⁵⁴ *Supra* note 3, Gallagher and Robinson at 13.

⁵⁵ Andrew Thompson, "Afterword: Informal Empire: Past, Present and Future" *Bulletin of Latin American Research*, 27:s1 (March 2008) 229 at 231-234. Louise Guenther, "The Artful Seduction of Informal Empire" *Bulletin of Latin American Research*, 27:s1 (March 2008) 208 at 227.

constructivist theory.⁵⁶ As a result, Britain and France's construction of Latin American states as less than complete, wild and unreliable through pacific blockade contributed to a reduction of those states' abilities to act, narrowing possibilities and affecting other states' interactions with Latin American states.⁵⁷

Pacific blockade is not the only means by which this construction of hierarchy occurs, as it also draws on other discourses relating to Latin America, as well as the norms of state behaviour established by practice. Ultimately, pacific blockade only plays a part in the construction of the identities of the blockading and blockaded states, just as it only serves as one aspect of the economic side of informal imperialism. Andrew Thompson portrays naval intervention as "a rather blunt instrument" demonstrative of the limits to the potential for foreign infringement on Latin American states' independence,⁵⁸ and Alan Knight argues that the coercion exemplified by naval intervention has only a minor role in the initial establishment of the conditions necessary for informal empire's growth.⁵⁹ The limitations of naval intervention did not escape the notice of contemporary diplomats, who David McLean characterizes as viewing the British navy as "politically unsophisticated" and likely only to cause more problems in foreign relations.⁶⁰ Moreover, recent authors on informal imperialism emphasize the negotiation and resistance of Latin American states, with market dominance and pressure mechanisms like pacific blockade ultimately failing to take agency away from Latin American

⁵⁶ For example, see *Supra* note 41 at 160.

⁵⁷ *Ibid* at 49-50.

⁵⁸ *Supra* note 55 at 233-234.

⁵⁹ *Supra* note 52 at 30.

⁶⁰ *Supra* note 4, McLean at 3.

citizens.⁶¹ However, even as a ‘blunt instrument,’ pacific blockade played a clear role in supporting the safety of British and French subjects abroad, as well as the construction of new Latin American countries within a hierarchy of states. Thus pacific blockade contributes to the severely limited independence of new Latin American states as characterized by informal imperialism, adding to the effects of differential treatment in international law and the unrequested protection of the United States through the Monroe Doctrine.⁶²

Conclusion

This chapter has examined the significance of pacific blockade to the identities of blockading states and informal imperialism in the nineteenth century, but some limitations need to be made on its claims. For instance, pacific blockade is only one component of ‘naval diplomacy’ and so connects with longer-term processes of official interactions between states.⁶³ Additionally, the general nature of this chapter prevents a consideration of details particular to each instance of the practice. While this chapter sets out general trends, each situation interacts with slightly different norms. For example, the attempted British invasion of Argentina in 1806 puts informal imperialism there in a different context than the exceedingly brief pacific blockade of Cartagena by France in 1834.⁶⁴ Thus they involve different norms for the blockading and blockaded states.

⁶¹ Supra note 53 at 54-55, 58, 62-63, Supra note 55, Thompson at 234, Colin M. Lewis, "Britain, the Argentine and Informal Empire, Rethinking the Role of Railway Companies" *Bulletin of Latin American Research*, 27:s1 (March 2008) 99 at 109-110, 114-117, Supra note 6 at 173-174, 184-185.

⁶² Supra note 18, Carmagnani at 92-95, 97.

⁶³ J.J. Widen, "Naval Diplomacy – A Theoretical Approach" (2011) 22 *Diplomacy & Statecraft* 715 at 720.

⁶⁴ Supra note 51 at 37.

However, they do have certain similarities, and this chapter has intended to explain several of these common aspects of pacific blockade in relation to the performance and construction of state identities, as well as informal empire in Latin America. The doctrine allowed for the construction of blockading states as great powers different from the 'backwards' Americans in contemporary imagination. It brought a display of largely unstoppable power over an insignificant issue without the risks of war. However, it also allowed a denial of hostilities. As a result, it performed European states' identities as great powers without the recognized perils of an actual war in the New World or challenges to other identities that opposed foreign intervention, as states could not lose a pacific blockade in the same way that decision-makers assumed that they would lose a Latin American war. Additionally, these performances positioned Latin American states as the different and inferior. British and French diplomats refused to acknowledge their resistance, and excluded Latin American states from participation in the construction of international law. These measures in turn protected economic inequality in Latin American markets and a form of foreign control without official mechanisms. With a broad lens, this chapter has focused on the pattern of interaction between pacific blockade as an emerging element of customary international law, the identities of the states involved in pacific blockades, and nineteenth century informal imperialism. In doing so, it shows the significance of this practice and doctrine otherwise dismissed in related fields of literature.

Chapter Four – The disappearance of pacific blockade

1. Introduction

The frequency of pacific blockade's use through the period discussed in the previous chapter did not go unnoticed by the growing international law profession in Europe. By the end of the nineteenth century, pacific blockade faced substantial criticism from international law scholars. Albert H. Washburn notes the rejection of pacific blockade by members of the Institute of International Law at an 1875 session.¹ He quotes F.H. Geffcken as characterizing pacific blockade in as “an illicit expedient invented by France and Great Britain to injure weaker states without the responsibility of a state of war” in 1885. Similarly, in 1865, Ludwig Gessner called pacific blockade a contradiction in terms and a monstrosity.² Pacific blockade remained an element of international law to some authors like William Hall and Henry Wheaton, but, to most serving in the growing ranks of the “legal conscience [or consciousness] of the civilized world” strongly disagreed.³

The same states that had previously practiced pacific blockade continued to do so into the early twentieth century, and the precise date at which pacific blockades cease to be a viable option for states is unclear. Washburn claims that it is still a valid option for

¹ Albert H. Washburn, “The Legality of Pacific Blockade I” (January 1921) 21:1 Columbia Law Review 55 at 56.

² *Ibid* at 55, citing F.H. Geffcken, no title provided, (1885) 17 Revue de Droit International at 146; Ludwig Gessner, “Peut-il y Avoir Des Blocus Pacifiques” in *Le Droit des Neutres Sur Mer* (no publication information provided) at 215, 217.

³ William Edward Hall, *A Treatise on International Law* (Oxford: Clarendon Press, 1895) at 387-389; Henry Wheaton, *Elements of International Law*, 4th ed., J. Beresford Atlay, ed. (London: Stevens and Sons, 1904) at 415-416; Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International law, 1870-1960* (Cambridge: Cambridge University Press, 2001) at 16, 36-41, with brackets in original.

states in 1921, but the last pacific blockade that he recognized was in 1902.⁴ Pacific blockade survived criticism of its existence in law only to disappear as a practice sometime in the early twentieth century.

This chapter explains how the disappearance of pacific blockade occurs first in practice and later in doctrine. To do so, it argues that the legal, political and institutional circumstances of the last two pacific blockades produced challenges to the identities that had previously legitimated the practice's use. It argues that changes in norms, identities and institutions after the First World War then removed the practice's last sources of acceptability to states. Where pacific blockade previously had legitimacy as a norm of the great powers in the Concert of Europe and civilized European states even in 1902, after the First World War, the development of international institutions and associated cultural changes delegitimized the open performance of these identities, or at least provided other ways to perform them.

The first two sections argue that the last two pacific blockades in Crete in 1897 and Venezuela in 1902 performed some identities of the British state while offering challenges to others, giving pacific blockade limited sources of legitimacy. These blockades involve multiple states, but, due to linguistic limitations, this chapter focuses only on the relationship between British state identity and these blockades. In Crete, Britain became involved to stop Greek Christian support for rebellion on the island. This performed of an identity as a Concert of Europe-member and a civilized power but it also took the state out of its past role as a protector of Christian Europe against supposed Ottoman barbarity, complicating its performance of that identity.

⁴ Albert H. Washburn, "The Legality of Pacific Blockade III" (May 1921) 21:5 Columbia Law Review" 442 at 457.

Later, Britain's involvement in the Venezuelan blockade of 1902 performed great power status and supposed European superiority against a supposedly lesser Latin American state. However, limits to British power appeared in the popular press' attention to the lack of success in Venezuela, a situation in part resulting from the involvement of Germany and the United States in the dispute, factors further undermining Britain's fulfillment of great powers norms of being impossible to resist.

The third section argues that the circumstances described in the preceding two sections interacted with the development of arbitration as a means of dispute resolution in the same period to further weaken pacific blockade's legitimacy. While arbitration mechanisms between Britain and the United States had existed for over a century, by 1902 these had enough acceptability to put the violence of the blockade of Venezuela in contrast, creating a challenge to the British identity as a non-aggressive state.

Arbitration further interacts with changes in norms and identities in the fourth section of this chapter, which argues that the growth of 'new diplomacy' and League of Nations-membership as an identity legitimized arbitration and the League framework as alternatives to pacific blockade even for great powers, whose past unilateral pursuit of claims lost legitimacy. The chapter concludes by arguing that these changes that delegitimized pacific blockade coincide with ongoing efforts by international lawyers to systematize international law and so exclude contradictory elements like pacific blockade. These efforts combine with changes in norms, identities and institutions to bring the eventual disappearance of the doctrine of pacific blockade, as well as the practice.

This is not to exclude material factors such as the accompanying decline in the British economy during this period that removed sources of potential disputes and Britain's ability to respond to disputes. However, the contention of this chapter is that economics are only one contributing factor in pacific blockade's disappearance.

2. Crete, 1897

2.1 Overview of the blockade

The blockade of Crete in 1897 resulted from violence on the island between Muslim and Christian inhabitants, something that had been happening on the island even before the Greek War of Independence in the 1820s and continued into the late nineteenth century. Greek Christians on Crete rebelled against the Ottoman Muslim rulers of island, but the Concert of Europe, composed of Germany, Russia, Austria, France, Britain and Italy, had maintained the Ottoman Empire as a means of preserving existing arrangements in Eastern states, perceived as a potential source of conflict. However, the Kingdom of Greece had strong advocates for the incorporation of Crete on the basis of its Greek population and fears of falling behind Balkan rivals for remaining Ottoman territory, Serbia and Bulgaria, resulting in the support of revolts by the state and private organizations.

When violence on Crete began again in 1896, the Greek government provided supplies, dispatched troops and sent a fleet of torpedo boats for further assistance.⁵

⁵ R.W. Seton-Watson, *Disraeli, Gladstone, and the Eastern Question: a study in diplomacy and party politics* (New York: F. Cass, 1962) at 497; Stephen Duggan, *The Eastern Question: a study in diplomacy* (New York: AMS Press, 1970) at 128, 151; J.A.R. Marriot, *The Eastern Question: an historical study in European diplomacy* (Oxford: Clarendon Press, 1947) at 378; Egerton to the Marquess of Salisbury, 29 January 1897, *British and Foreign State Papers, 1897-1898*, vol. xc, Augustus H. Oakes and Willoughby Maycock, eds., (London: Harrison and Sons, 1901) 1290 at 1290; Mr. Egerton to the Marquess of

Despite popular support for the Greek cause, Britain's Secretary of State for Foreign Affairs, Robert Cecil, the Marquess of Salisbury, agreed to a joint deployment of fleets to Crete by the Concert of Europe to prevent further Greek support for the revolt, with this effort characterized as a blockade of a pacific nature.⁶

Attempting to stop a Greek general from continuing his campaign against the island's Muslim inhabitants, the fleet landed troops, bombarded Greek positions and fired on Greek ships that came too close to the European fleet.⁷ However, none of the Concert states involved declared war, though Austria-Hungary and Germany would later withdraw from the blockade when the other members of the Concert refused to blockade Greece to prevent what became a brief war between Greece and the Ottoman Empire.⁸ Though the blockade did little to stop violence on the island, it did succeed in allowing the Ottoman Empire to retain a claim on the island, albeit with a Greek prince appointed as governor by the Concert.⁹

Salisbury, 29 January 1897, xc, 1290 at 1290-1291; The Marquess of Salisbury to Mr. Egerton, 9 December 1897, xc, 1298 at 1298, M. Skousés to M. Métaxas, 12 February 1897, xc, 1303-1304. Note, to save space, this chapter refers to collections of *British and Foreign State Papers* by volume rather than full title after providing one full reference to volumes it uses. For example, Mr. Egerton to the Marquess of Salisbury, 29 January 1897, xc, 1290 at 1290-1291 refers to volume xc of *British and Foreign State Papers*.

⁶ While diplomatic correspondence rarely mentions the nature of the action involved, Albert Hogan notes the reference to the blockade as neutral in the House of Commons by Arthur Balfour. Marquess of Salisbury to Sir N. O'Connor, 16 March 1897, *British and Foreign State Papers, 1898-1899*, vol. xci (London: Harrison and Sons, 1902) 188 at 189; Albert E. Hogan, *Pacific Blockade* (Oxford, UK: Clarendon Press, 1908) 146.

⁷ *Supra* note 5, Marriot at 380-381.

⁸ *Ibid* at 382.

⁹ *Supra* note 6, Hogan at 145; J.A.S. Grenville, *Lord Salisbury and foreign policy: the close of the nineteenth century* (London: The Athlone Press, 1970) at 93. It is worth noting that the cause of the violence remains unclear, as Greek and pro-Greek sources cite the Ottoman refusal to institute reforms and the aggression of the Muslim population as causes for rebellion, while the Ottoman and pro-Turkish sources claim that the conflict was one of Greek aggression.

2.2 Identities supported by the blockade

The combined blockade of Crete in 1897 drew on a number of identities of the British state, relating to these identities in much the same manner that the first pacific blockade in 1827 did. The blockade reiterated the same views of the Ottoman Empire and the Orient generally as incapable of competent government that appeared in the blockade during the Greek War of Independence, as discussed in the earlier chapter on that subject. The same Orientalist thinking that held the Orient to be a fundamentally different and inferior society helped legitimize the management of the Ottoman Empire throughout the nineteenth century, as exemplified in the treaty of San Stefano and the reforms ordered in Crete in 1895.¹⁰ In these instances, the management of the Ottoman Empire supposedly for its own stability by foreign powers positioned it as inferior and incapable while positioning managing European states like Britain as superior, civilized states knowing best how to prevent the Empire's collapse.

The 1897 blockade of Crete performed this same set of identities insofar as it was foreign management of Ottoman foreign relations by European powers like Britain to whom the Ottoman government needed to explain itself and seek permission to act. For example, the uprising in Crete brings explanations from Ottoman representatives to the British foreign office.¹¹ Even when Greek soldiers started crossing the border between the Ottoman Empire and Greece, the Ottoman ambassador in London, Anthopoulo Pasha,

¹⁰ Edward W. Said, *Orientalism* (New York: Vintage Books, 1978) at 1-2, 39-41, 54. See also *Supra* note 5, Seton-Watson, generally, for discussion of the Treaty of San Stefano as part of an attempt to maintain the Ottoman Empire, *Supra* note 5, Marriot at 378-380, on proposed reforms for Crete.

¹¹ Anthopoulo Pasha to the Marquess of Salisbury, 1 February 1897, *British and Foreign State Papers*, vol.xc, 1291 at 1291-1292.

asked European states what the Sublime Porte should do.¹² The blockade performed the identity of Britain and the other blockading states as civilized and superior to the Ottoman Empire by having them take over Ottoman foreign affairs, being managers over subordinates characterized as fanatics that inevitably provoked the Christian citizens of Crete.¹³

Images of the Ottoman Empire as barbaric from the House of Commons in 1897 are little different from those earlier in the century, with a Mr. Flynn speaking of the secret scheming of the Ottoman government against the Christian governor of Crete that they appointed so as to bring the population to violence.¹⁴ T.P. O'Connor claims that "there was not a Cretan in the island the honour of whose wife or daughter, or the safety of whose life, was protected by any adequate means on the part of the Turkish authorities."¹⁵ To John Dillon, Greece was only resisting "hordes of barbarians," whose opposition pleased "civilized mankind."¹⁶ Thus the Ottoman Empire supposedly needed a civilized state to manage its affairs so as to perpetuate its existence in these accounts. Pacific blockade was a means of doing so because as it allowed Britain to help protect the Ottoman claim on Crete, rather than letting the Sublime Porte do so itself, bringing Britain's performance as a civilized European state.

As with the 1827 blockade of Greece, the 1897 blockade also allowed for the performance of British state identity as a member of the Concert of Europe. The pacific

¹² Sir H. Rumbold to the Marquess of Salisbury, 12 February 1897, *British and Foreign State Papers*, vol. xc, 1302 at 1302-1303, Anthopoulu Pasha to the Foreign Office, 18 April, 1897, *British and Foreign State Papers*, vol.xci, 223 at 223-224.

¹³ The Marquess of Salisbury to Mr. Egerton, 8 February 1897, xc, 1296-1297, The Marquess of Salisbury to Sir F. Lascelles, 18 February 1897, xci at 132-133.

¹⁴ U.K., H.C., *Parliamentary Debates*, 4th ser., vol. 46 at 274 (12 February 1897) (Mr.Flynn).

¹⁵ *Ibid* at 521 (16 February 1897) (T.P. O'Connor).

¹⁶ *Ibid* at 524 (John Dillon).

blockade of Crete reiterated past Concert-member rituals like the collaborative creation of the Treaty of San Stefano oriented towards maintaining the Ottoman Empire, the collapse of which some officials saw as a probable cause of general war in Europe.¹⁷ For example, the British ambassador to St. Petersburg reported that the Russian foreign minister echoed Salisbury's concern that any unrest in Crete was "not without danger to Europe in general,"¹⁸ and the German ambassador to Britain writes that the unanimity of the great powers in regards to the Cretan revolt was the only counterweight to threats to the general peace of Europe.¹⁹ Numerous British politicians would make similar claims.²⁰

Thus Britain could perform the norms of the Concert by cooperating to prevent disaster in Eastern Europe, and the pacific blockade of Crete was a way of doing this given the suspicions of Concert states towards one another. Salisbury emphasized the willingness of Britain to go along with the other states involved in the intervention, even where it might cause problems with the British public.²¹ Along with his counterparts in the other Concert states, Salisbury recognized the mutual suspicion between Concert members, leaving collaboration and territorial stability as the only way of preventing the general outbreak of war.²² Thus, pacific blockade had legitimacy within the norms of the Concert of Europe. Its lack of belligerency denied any possibility of territorial

¹⁷ *Ibid* at 525 (A.J. Balfour); *Supra* note 9, Granville at 33; *Supra* note 5, Seton-Watson, generally. It is worth noting that this Concert of Europe is different from that discussed in the chapter on the Greek War of Independence given its different membership and context but it does involve the same European cooperation.

¹⁸ Sir N. O'Connor to the Marquess of Salisbury, 15 March 1897, xci at 183-184.

¹⁹ M. De Staal to the Marquess of Salisbury, 15 March, 1897, xci at 185.

²⁰ David Steele, *Lord Salisbury: a political biography* (online: Taylor and Francis, 2001) at 324, <http://lib.myilibrary.com?ID=6962>; *Supra* note 13 at 526, 527 (16 February 1897) (A.J. Balfour), 918 (22 February 1897) (Sir John Lubbock).

²¹ For example, see Marquess of Salisbury to Sir E. Monson, 11 March 1897, xci, 178 at 178-179; Marquess of Salisbury to Sir N. O'Connor, 14 February 1897, xc, 1310 at 1310.

²² *Supra* note 20 at 184; Marquess of Salisbury to Sir E. Monson, 8 March 1897, xci, 169 at 169-170.

aggrandizement of blockading powers while nonetheless preventing alterations to the Ottoman Empire, allowing cooperation despite the mutual suspicions of states.

The Concert system faced serious criticism from the British public, with politicians such as Sir William Harcourt claiming it did nothing and a Mr. Labouchere rejecting claims about “this bugbear of a great European war.”²³ However, Salisbury claimed that British popular opinion neglected the dangers of a possible war breaking out in Continental Europe as a result of Greece’s invasion of Crete, calling Crete a sacrifice in the interests of larger populations across the continent.²⁴ The identity of Britain as a member of the Concert of Europe had strength among policy-makers, even if this view was not necessarily shared by the general population. Pacific blockade thus had legitimacy in this context as a means of being a Concert of Europe-member, allowing collaborative action in response to the supposed threat to Europe’s stability by one disobedient state.²⁵

2.3 Challenges offered by the Cretan revolt

While the pacific blockade of Crete performed British state identities as a member of the Concert of Europe and as a civilized Christian state, it also troubled the latter

²³ *Supra* note 14 at 890-892, quote at 891 (22 February 1897) (Mr. Labouchere), 903 (Sir William Harcourt).

²⁴ *Ibid* at 1425 (2 March 1897) (Salisbury).

²⁵ Sir F. Lascelles to the Marquess of Salisbury, 17 February 1897, xci, 128-129; Sir F. Lascelles to the Marquess of Salisbury, 22 February 1897, xci, 137 at 138; Sir H. Rumbold to the Marquess of Salisbury, 1 February 1897, xci, 142-143; Sir H. Rumbold to the Marquess of Salisbury, 17 March 1897, xci, 190 at 190; Sir H. Rumbold to the Marquess of Salisbury, 22 March 1897, xci, 197 at 197; *Supra* note 6, Hogan at 126-130. It is worth noting that the response to the Cretan crisis interacts with Britain’s identity as a great power and a state in a Lockean culture of anarchy insofar as Greece was a state seen as lesser that rejected the authority of supposedly superior states, but the involvement of pride in the conflict is at least apparent in British responses than it is in British ambassadors’ reporting of Austrian and German responses. As a result, the chapter does not linger on this issue, though this evidence suggests that considerations of great power pride may have had relevance in the Cretan blockade to some extent as well.

identity because of its use against a Christian and supposedly civilized state. This made its violence more visible and thus less clearly supportive of civilization or Christianity against the Ottoman Empire per the norms of states identified as such. The trouble that the blockade created for British state identity in turn makes pacific blockade a less appealing means of responding to disputes.

This is not say that blockades against Greece were problematic to everyone involved in the decision-making process for the British state. For example, Salisbury describes the Greeks as “a contemptible race” and Greece as “the blackmailer of Europe,”²⁶ having imperilled European peace and defied international law out of a lack of self-control and patience.²⁷ T.G. Otte notes that foreign office workers saw the Greeks in a negative light for having caused problems in Crete.²⁸ The governments of Russia as well as Germany also blamed the Greek government for its aggression at the expense of European peace.²⁹ Even in the British House of Commons, some questions do appear as to the safety of Muslim subjects on Crete in the face of Greek Christian aggression.³⁰

However, concern over the inappropriateness of Britain going to war against or actively resisting Greece as another Christian and civilized state dominates parliamentary records of discussion on the subject. While the blockade of Greece in 1827 supported the Greeks but also allowed British decision-makers to deny any hostility towards the blockaded state even in the face of Ottoman objections, the blockade of Crete in 1897

²⁶ *Supra* note 19, Steele at 257, 323.

²⁷ *Supra* note 13 at 1425, 1428 (Marquess of Salisbury); Marquess of Salisbury to Mr. Egerton, 5 February 1897, xc, 1293 at 1293.

²⁸ T.G. Otte, *The Foreign Office Mind* (Cambridge; Cambridge University Press, 2011) at 223.

²⁹ Sir F. Lascelles to the Marquess of Salisbury, 15 February 1897, xc, 1314 at 1314; Sir F. Lascelles to the Marquess of Salisbury, 18 February 1897, xci, 130; Mr. Egerton to the Marquess of Salisbury, 24 February 1897, 144 at 144.

³⁰ *Supra* note 13 at 404 (Sir Eashmead-Bartlett).

brought force against the Greeks. This has significance because the Greeks had a much louder voice in British domestic politics than the Ottoman Empire did in 1827, in part related to the changing participants in British politics over the nineteenth century. For example, in the House of Commons, T.P. O'Connor called the Greek intervention in Crete "the very first gleam of real light they had seen [in Crete] for the last six months," revolt being the only way out of the "degrading servitude" of Christians under the Ottoman Empire.³¹ Labouchere refers to the blockade as Britain acting on behalf of "that miserable creature, that foul blot upon civilisation [sic], the Sultan."³² For Harcourt, having Britain associated with the suppression of the Greek revolt is unacceptable as "the first and the leading voice" on the liberties of Greek people.³³ Sir Robert Reid justifies Greek conduct on the grounds that the action was "in support of men of their own race...the most famous race in Europe, who saved civilisation against Oriental attack 2,300 [sic] years ago," with Edward Morton arguing that the British navy's guns should rather turn against "the accursed savages."³⁴ Similarly, member of parliament James Bryce claims that Britain as a free country would not object to the Cretan revolt against the "desolating and blighting rule" of the Ottoman Empire.³⁵ John Morley goes so far as to compare the Greek invasion of Crete with the intervention of the Concert of Europe elsewhere.³⁶ This is to say that the cause of Greece and the Christian rebels on Crete attracted considerable support in Britain.

³¹ *Ibid* at 519, 521 (16 February 1897) (T.P. O'Connor).

³² *Ibid* at 892, 895 (22 February 1897) (Mr. Labouchere).

³³ *Ibid* at 900, 904 (Sir William Harcourt).

³⁴ *Ibid* at 907 (Sir Robert Reid), 922 (Edward Morton).

³⁵ *Ibid* at 1515-1516, quote at 1516 (2 March 1897) (James Bryce).

³⁶ *Ibid* at 1526-1527 (John Morley).

This support for Greece in Britain troubled British state identity as civilized and Christian state because it made the lack of any declared war between Britain and Greece less significant. Morton links British intervention to war despite the absence of any such declaration or acknowledgement of war between Greece and the Concert powers, with Reid and Dillon making the same comparison.³⁷ A. J. Balfour asserted that relations were neutral between Britain and Greece, but Salisbury portrayed any action taken as against Greece as untenable given public opinion in Britain, such that foreign representatives recognized the limitations imposed on Britain's involvement in the response to the Greek invasion.³⁸ Salisbury claimed that public opinion prevented Britain's involvement of any blockade against Greece despite its potential efficacy in stopping a war there,³⁹ speaking to the strength of his perceived identification of Britain with opposition to the Ottoman Empire. Thus opposition to Greece fell outside of the norms of Britain as civilized, Christian state per much of Britain's population, despite the lack technical hostility between the two states.

As a result of the extent to which opposition to the Greeks undermined British state identity as a civilized Christians, pacific blockade lost legitimacy as an option in this situation. Britain had participated in past pacific blockades against Greece. In 1850, Britain briefly blockaded the Greek coast as a result of alleged abuses of citizens and

³⁷ *Ibid* at 895 (22 February 1897) (Dillon), 909 (Sir Robert Reid), 922 (Edward Morton).

³⁸ *Supra* note 6, Hogan at 145, 146; Sir H. Rumbold to the Marquess of Salisbury, 22 March 1897, xci, 197 at 197; Marquess of Salisbury to Sir N. O'Connor, 16 March 1897, xci, 188 at 189; Mr. Gosselin to the Marquess of Salisbury, 26 February 1897, xci, 152 at 153. Salisbury eventually sent out a note to the rest of the Concert governments indicating positions that Britain would and would not take, diverging from diplomatic convention at the time but justifying his action on the basis of public concern over Britain's response to Crete, showing the strength of pro-Greek sentiment in Britain.

³⁹ *Ibid*, Marquess of Salisbury to Sir N.O'Connor at 189.

their property in Greece.⁴⁰ Only twelve years prior to the blockade under consideration, Britain had participated in a Concert pacific blockade of Greece so as to prevent aggression against the Ottoman Empire.⁴¹ However, these blockades have important differences from that of 1897. In the case of the 1850 blockade, this concerned financial claims against Greece. As a result, the blockade did not face questions of its appropriateness as a means of treating fellow civilized Christian states against the allegedly monstrous barbarians of the Ottoman Empire.

The 1885 blockade bears a greater similarity to that of 1897, but, in that case, the Greek government did not resist the blockade, reducing the extent to which the blockade put Greece and Britain in visible conflict. Albert E. Hogan notes that critics of pacific blockade went so far as to deny that the 1885 pacific blockade of Greece was any sort of blockade as a result of the lack of hostility resulting from the measures.⁴² Thus these previous blockades of Greece did not trouble Britain's identity as a civilized Christian state opposed to Muslim barbarity to the extent that the supposedly pacific deployment of the combined fleet against a Greek invasion in 1897 did.

The British opposition to Greece was particularly apparent given the 1897 blockade's accompaniment by measures typically associated with war in the bombardment of Greek soldiers and the positioning of European soldiers at a number of Cretan sites so as to protect the island's Muslim populations. Together, these actions undermined the British state identity as a civilized Christian state by making opposition that had certainly existed in the past far more visible than was previously the case,

⁴⁰ *Supra* note 5, Hogan at 105-114,

⁴¹ *Ibid* at 126-130.

⁴² *Ibid* at 130, note 3.

breaking norms of supposed support for civilized Christians against the Ottoman Empire and so making pacific blockade a less acceptable option.

3. Venezuela, 1902

3.1 Overview of the blockade

Despite the problems for the British state's identities created by the pacific blockade of Crete in 1897, the practice reappears in Venezuela in 1902. As in previous pacific blockades in Latin America, the 1902 blockade arose out of mostly financial disputes between Britain, Venezuela and Germany. In January of 1901, six years after a boundary dispute between Venezuela and Britain over British Guiana's borders, the Venezuelan gunboat *Augusto* seized a British vessel and marooned its crew off Patos Island, near modern Trinidad, then considered part of the British Empire. Similar incidents followed a month later, when a Venezuelan gunboat fired on a British ship and destroyed another near Patos Island before stopping a British merchant on the River Barima. The Venezuelan government's representatives claimed that the vessels were suspected of supplying arms to the opposition in the ongoing civil war in the country and refused to discuss any settlement before the release of a Venezuelan ship called the *Ban Righ* from Trinidad, detained as a rebel.⁴³ This met with little sympathy from British representatives already concerned with Venezuela's longstanding debt to British

⁴³ "Memorandum on existing causes of complaint against Venezuela," no.108, *British and Foreign State Papers, 1901-1902*, vol. xcv, Richard W. Brant and Willoughby Maycock, eds. (London: Harrison and Sons, 1905) 1064 at 1064-1068; "Memorandum respecting the Steam-ship Ban Right or Bolivar," no.84, xcv, 1054 at 1054-1056. The British government also had complaints about the conduct of the Venezuelan Consul at Trinidad but these do not appear to bring further action.

creditors, standing at a total of £394 625 in 1902.⁴⁴ The German government faced a similar situation in Venezuela insofar as an 1896 loan from a German bank had gone into default in 1897, with the principal and interest due by 1902 exceeding £2 000 000.⁴⁵ While it is unclear whether German or British representatives first sought combined action in regards to their claims against Venezuela, by 11 November, 1901, the two had agreed not to make separate peace terms with Venezuela, with Italian representatives seeking inclusion at a later date but taking no part in the measures that followed.⁴⁶

After an ultimatum in early December of 1902, British and German fleets seized Venezuelan naval vessels and instituted a blockade of the Venezuelan coast on the 20th.⁴⁷ British representatives issued no declaration of war despite their fleet's bombardment of a fort near Puerto Cabello and the Venezuelan government's arrest of some 50 German and British subjects.⁴⁸ Venezuelan President Cipriano Castro proclaimed that the British and German action had "profaned the sacred soil of the Fatherland" and breached "the most rudimentary principles of the most cherished rights of nations" without precedent or justification.⁴⁹ In the House of Commons, British members of parliament referred to the

⁴⁴ Marquess of Lansdowne to Sir M. Herbert, 13 January 1903, no.234, *British and Foreign State Papers, 1902-1903*, vol. xcvi, Richard W. Brant and Willoughby Maycock, eds. (London: Harrison and Sons, 1906) 481 at 483-484.

⁴⁵ *Ibid.*

⁴⁶ Nancy Mitchell, "The Height of the German Challenge: the Venezuela Blockade, 1902-1903" (Spring 1996) 20:2 *Diplomatic History* 185 at 189-190.

⁴⁷ Marquess of Lansdowne to Mr. Buchanan, 26 November 1902, no.154, xcv, 1096 at 1096-1097; Admiralty to Foreign Office, 19 December 1902, no.202, xcv, 1126-1127.

⁴⁸ Admiralty to Foreign Office, 10 January 1902, 230, xcvi, 454 at 458, 465-466). Other reports claim that the Venezuelan government detained 200 citizens, but this number does not appear in the admiralty's account of the situation.

⁴⁹ Mr. Haggard to the Marquess of Lansdowne, 12 January 1902, no.232, xcvi, 472 at 472-473.

action as “war-like” and “violent,” with then-Prime Minister Balfour going so far as to say that blockade meant war but never making any declaration in this regard.⁵⁰

Even after agreeing to arbitration in late 1902, the British Secretary of State for Foreign Affairs at the time, Henry Petty-Fitzmaurice, the Marquess of Lansdowne, still demonstrated uncertainty as to what state of relations had existed between Britain and Venezuela. He described it as an “ipso facto a state of war” while not acknowledging treaties between the states as necessarily abrogated by the incident.⁵¹ Thus the blockade was not part of a legally recognized war, despite Balfour’s admission of blockade’s association with war to parliament. State decision-makers apparently attempted to institute a pacific blockade, even if this proved a difficult policy to defend.

3.2 Identities supported by the blockade

The extent to which the pacific blockade of Venezuela could support some identities of the British state provides an explanation of why the government might attempt such a measure. The Venezuelan blockade performed British state identities in much the same way that past pacific blockades of Latin America by European states did, again positioning Britain as a great power dealing with an unruly lesser state in the global periphery. The pacific blockade of Venezuela reiterated the same ideas, positioning Venezuela as weak, child-like and insignificant. When questions about combined British-German intervention in Venezuela came up before parliament, a Mr. Schwann,

⁵⁰ U.K., H.C., *Parliamentary Debates*, 4th ser., vol. 116 at 1247 (15 December 1902) (Mr.Schwann), 1268 (Sir H. Campbell Bannerman), 1490 (Arthur Balfour).

⁵¹ The Marquess of Lansdowne to Sir M. Herbert, 13 January 1903, no.234, xcvi, 481 at 481-483, quote at 481. This blockade meets a great deal of questioning by both Hogan and Washburn on its pacific nature, but it appears here because it seems to have been an attempted pacific blockade, regardless of later concessions of the blockade’s war-like nature.

having stressed the seriousness of the matter, had his claims met with laughter.⁵² Further, Lord Cranborne described the Venezuelan government as “not so highly developed” as that of Britain, which he characterized as acting “in the performance of the necessary police duties of enforcing the laws which have to exist between all the nations of the world.”⁵³ Similarly, the naval commander behind the bombardment of Puerto Cabello justified his conduct on the logic that, “when boys are naughty, they should be spanked.”⁵⁴ In line with the same ideas, Nancy Mitchell characterizes Britain’s foreign office as expecting immediate and complete submission from Castro after a quick and inexpensive show of force, but the Venezuelan government was slow to come to reason, per Lansdowne.⁵⁵

As in the past, pacific blockade was a means by which Britain could treat what Balfour referred to as a “disreputable little republic” as a lesser state, bringing a show of force against “petty and corrupt” states to show the state’s power.⁵⁶ Rather than acknowledging Venezuela as a state capable of declaring war against a great power, it received only a “naval demonstration”⁵⁷ compared by British parliamentarians to police action, a refusal to bow to South America’s “very irritating politicians.”⁵⁸ Objections to the coercive action against Venezuela reiterate this distinction between small and great powers, emphasizing the excessive force that Britain was applying to a state that could

⁵² *Supra* note 50 at 1253-1254 (15 December 1902) (Mr.Schwann).

⁵³ *Ibid* at 1262, 1266 (Lord Cranborne).

⁵⁴ *Supra* note 46 at 196.

⁵⁵ *Ibid* at 198-199; Marquess of Lansdowne to Mr.Buchanan, 11 December 1902, no.182, xcv, 1112 at 1112-1113.

⁵⁶ Jason Tomes, *Balfour and foreign policy: the international thought of a conservative statesman* (Cambridge; New York: Cambridge University Press, 1997) 183, 184, citing Balfour to King, 4 May 1904, PRO CAB 41/29, no.14.

⁵⁷ *Supra* note 50 at 1284 (15 December 1902) (Sir James Fergusson).

⁵⁸ *Ibid* at 1250 (Mr.Schwann), 1258 (Mr.Philipps).

offer no challenge.⁵⁹ Speaking in the House of Commons, an Arthur Lee claimed that “surely this country was big enough and strong enough to enforce them without the assistance of Germany or any other Power,” a view echoed by the conservative newspaper, the Daily Mail.⁶⁰ Thus, despite almost forty years without the use of pacific blockade by a European state against one in Latin America, many of the same ideas about the superiority of European states over ‘unruly’ Latin American states persisted into the Venezuela crisis. These ideas legitimized pacific blockade as a norm of great and civilized powers superior to the supposedly lesser states of Latin America, and they thus provide some indication of why policy-makers would at least attempt to pursue their state’s claims against Venezuela in this manner.

3.3 Challenges offered by the Venezuela crisis

While the blockade of Venezuela in 1902 could repeat past performances of Britain’s identity as a great and civilized power, its performance of a great power identity encountered problems, and, as a result, the practice had less legitimacy in this context. The problems for the construction of Britain as a great power through pacific blockade came in the anti-German popular press’ knowledge of the blockade’s limited effectiveness and potential for producing conflict with the United States, undermining the demonstration of strength that pacific blockade had previously allowed. This is not to say that past pacific blockades had all been successful. Argentina actively resisted British pacific blockades, and the blockade of Nicaragua in 1844 at least brought no

⁵⁹ *Ibid* at 1250 (Mr.Schwann), 1257 (Mr.Philipps).

⁶⁰ *Ibid* at 1287 (Arthur Lee); Supra note 45 at 200-201.

apparent result.⁶¹ However, by 1902, the then politically powerful popular press in Britain had access to this information, with questions coming up in the House of Commons regarding the blockade's progress, undermining the extent to which the blockade could construct Britain as a great power by making the limits to the blockade's effectiveness apparent. Mitchell notes the British press' concern for the possibility of the Venezuelan intervention turning into a bloody, long-term debacle, the blockade having been a "comedy of errors" that showed little sign of impending success.⁶²

In the House of Commons, Philipps raises questions about the intervention's potential for success given the allegedly unconquerable nature of Venezuela's landscape and population, with involvement there thus being a "wild goose expedition."⁶³ The involvement of Germany, Britain's arch-rival in both popular and diplomatic discussion, only brought more attention to the blockade and its limited to ability to bring Castro to submission as quickly as expected, with some accounts blaming the failure on British subordination to Germany.⁶⁴ In contrast, previous blockades had not involved such exposure, with Hogan noting the limited information available on a number of Latin American blockades.⁶⁵ Thus those blockades that met resistance could leave British state identity as a great power unchallenged, something that concern for the ineffective Venezuelan blockade did not allow. As a result, pacific blockade did not allow for the same performance of great power status as it did previously, the invisibility of its

⁶¹ *Supra* note 6, Hogan at 90-91, 98.

⁶² *Supra* note 46 at 197, 199-200.

⁶³ *Supra* note 50 at 1259-1260, quote at 1260 (15 December 1902) (Mr. Philipps).

⁶⁴ *Supra* note 28 at 217, 274, 277, 278; *Supra* note 56 at 132. Even during the Venezuelan blockade, British foreign office workers suspected Germany of trying to sour Anglo-American relations through the incident, becoming irritated over the German navy's actions, though these were no different from those of British vessels, aside from sinking a captured vessel that could not return to port.

⁶⁵ *Supra* note 6, Hogan at 91-92, 98.

questionable effectiveness in Latin America in the past having changed with the development of a popular press interested in Anglo-German relations, exposing the limitations on British power.

The involvement of the United States in the Venezuela crisis further undermined the extent to which pacific blockade could constitute Britain as a great power, forcing consideration of potential reactions and so bringing more limits to its freedom of action. Limits imposed by the perceived need to appease the American government and population brought new challenges to the ability of Britain to perform great power norms of exerting excessive force over minor disputes, as in past blockades. J.A.S. Grenville notes that the United States had been irrelevant to a previous generation of British foreign policy-makers such as the Marquess of Salisbury.⁶⁶ The American demand for arbitration between Britain and Venezuela in 1895 over the disputed boundary between British Guiana and Venezuela shocked foreign policy-makers as well as the British public. David Steele describes then-foreign secretary Salisbury as sacrificing the area claimed by British Guiana to preserve British-American relations and the potential for “the unnatural horror of a civil war” between the two.⁶⁷ The re-assertion of the Monroe Doctrine that would bring United States intervention to prevent European conquest of any part of the Americas imposed new limits on Britain’s freedom of action as a state, limiting the extent to which pacific blockade could be a show of strength. As Mitchell notes, British representatives saw it as necessary to avoid harming relations with the

⁶⁶ *Supra* note 9, Grenville at 55.

⁶⁷ *Ibid*; *Supra* note 20, Steele at 331-332, quote at 331.

United States, forcing the limitation of the blockade to measures that would not offend the American public.⁶⁸

British decision-makers' perceived need to avoid straining relations with the United States connects to what James Tomes calls "the popular cult of full-blooded Anglo-Saxonism" that saw the maintenance of good relations between Britain and the United State as of paramount importance.⁶⁹ The British public and government had supported the United States in the Spanish-American war, and Anglo-Saxonism had only increased in the ensuing years.⁷⁰ Thus members of the House of Commons as well as the popular press raised questions as to the potential for the blockade to harm relations with the United States.⁷¹ As a result of the attention that the British public and British policy-makers gave to the maintenance of friendly relations with the United States, the blockade could not be the show of force that previous pacific blockades had been. Instead, policy-makers and the British public had to consider the limitations to British power, bringing the state outside of the norms of great powers in their Latin American relations, making pacific blockade a less legitimate option.

4. Changing Institutions in International Law

The challenges to British identities during the last two pacific blockades interact with the increasing acceptability of arbitration as a means of dispute resolution during this period to present further complications to the legitimization of this practice.

⁶⁸ *Supra* note 46 at 199.

⁶⁹ *Supra* note 56 at 181. Significantly, this reflects a change in Britain's performance of roles from earlier instances of pacific blockade. Mass politics in a more democratic Britain gave greater importance to the British domestic audience, while past instances had decision-makers able to respond to foreign diplomatic audiences.

⁷⁰ *Ibid*; *Supra* note 28 at 274

⁷¹ *Supra* note 46 at 200-201; *Supra* note 50 at 1251-1252 (Mr. Schwann), 1283-1284 (T.M. Healy).

Arbitration played little role in the Concert of Europe's handling of the Cretan rebellion, and British state officials did not trust arbitration in the early twentieth century, but it did provide a non-violent point of contrast with the Venezuelan blockade. Thus it presented problems for the legitimacy of pacific blockade as the option of a non-aggressive power, the visibility of the violence in the Venezuelan blockade contradicting the disuse of a peaceful alternative by Britain.

4.1 Arbitration in 1902

While arbitration was not a new option in the period of the last two pacific blockades, in the past, it had not been nearly as viable an option prior to the late nineteenth century. Modern arbitration emerged from 1783's Jay Treaty between Britain and the United States. Throughout the next century, it saw increasingly frequent use in relation to both border disputes and claims of damage to subjects' property, benefitting from the growth of international law as a distinct discipline with associated institutions, as well as British anti-slavery commissions.⁷² In the prior British dispute with Venezuela over its boundary with British Guiana in 1895, British representatives had agreed to arbitration at American insistence.⁷³ By 1899, the First Hague Peace Conference established the Permanent Court of Arbitration for settling disputes between states without resort to force, influenced in part by the international sentiment that had also

⁷² Cornelis G. Roelofsen, "International Arbitration and Courts" in Bardo Fassbender et al. eds., *The Oxford Handbook of the History of International Law* (Oxford: Oxford University Press, 2012) 145 at 161-167, referring to both the Jay Treaty and arbitrations ensuing popularization.

⁷³ *Supra* note 20 at 331-332. As previously noted, they did not do so without worries, but the fact that state decision-makers ultimately did contribute to its future acceptability..

brought criticism of pacific blockade as a doctrine.⁷⁴ Britain had not historically settled disputes with Latin American states through arbitration, but, in the years since the last Latin American blockade, arbitration had become a more acceptable option for the British state, as evidenced by parliamentarians urging its use in the dispute with Venezuela. For example, in the House of Commons, Philipps argues that arbitration was more likely to bring satisfactory results in the conflict with Venezuela than a blockade.⁷⁵ Similarly, a Mr. Cremer argues for arbitration as an act of magnanimity, noting that France had already agreed to arbitration as a means of settling outstanding claims against Venezuela.⁷⁶

Arbitration was not universally accepted. Workers at Britain's foreign office distrusted arbitration for its lack of enforcement options.⁷⁷ During the 1895 boundary dispute between British Guiana and Venezuela, Salisbury feared that international arbitration would inevitably go against Britain, whose great power status he assumed would bring resentment from others. Steele characterizes Salisbury as only having agreed to arbitration out of concern for Anglo-American relations, with the value placed on these relations exceeding his fear of non-neutral arbiters.⁷⁸ However, institutional efforts to facilitate arbitration such as the Permanent Court of Arbitration, as well as the increasing use of arbitration both as a practice and as a suggested method for addressing disputes all demonstrate the increasing availability of arbitration for Britain by 1902, even if this was not universally accepted. Where earlier blockades occurred without

⁷⁴ "Convention for the Pacific Settlement of International Disputes." 29 July 1899. The Avalon Project: Yale Law School. Online: http://avalon.law.yale.edu/19th_century/hague01.asp.

⁷⁵ *Supra* note 50 at 1260 (15 December 1902) (Mr. Philipps)

⁷⁶ *Ibid* at 1287 (Mr. Cremer).

⁷⁷ *Supra* note 46 at 197.

⁷⁸ *Supra* note 20 at 332; see also *Supra* note 9, Grenville at 73.

these mechanisms and social context, the Venezuelan blockade stood alongside to these measures.

4.2 Arbitration and the 'honest broker'

This availability of arbitration has significance for Britain's identity as an 'honest broker' through the contrast between the increasing use of arbitration and a questionable pacific blockade, challenging the latter action's legitimacy for a supposedly non-aggressive state. As noted in the previous chapter, British use of pacific blockade in Latin America allowed for its continued performance of norms of non-aggression even when engaging in coercion. Britain could remain the honest broker, interested only in free trade when dealing with Latin American states by denying the existence of a state of war, even where states such as Argentina actively resisted the blockade. Pacific blockade did not generally accompany measures conventionally associated with war such as invasion or bombardment, but, even where it did, pacific blockade allowed for the denial of any belligerency on the part of the British state.⁷⁹ Thus it could remain a non-aggressor resorting to self-help against alleged violators of international law.

However, the pacific blockade of Venezuela in 1902 challenged this identity because non-coercive, seemingly impartial measures of dispute resolution were available. For example, when Schwann chastises the blockade of Venezuela as "using a Nasmyth hammer in order to crack a nut," he constructs Britain as powerful but, while not

⁷⁹ See Andrew Graham-Yooll, *Imperial Skirmishes: War and Gunboat Diplomacy in Latin America* (New York: Interlink Books, 2002) at 100 regarding the pacific blockade of Brazil, David McLean, *War, Diplomacy and Informal Empire: Britain and the Republics of La Plata 1836-1853* (London; New York: British Academy Press, 1995) at 90 regarding the 1840s pacific blockade of Argentina. It is worth noting that the idea of Britain as an honest broker was by no means shared internationally, but this identity did have relevance for a particular British public that advocated free trade and saw imperial ventures as irrational spending.

characterizing the action as war, he also portrays it as unreasonably severe.⁸⁰ Schwann puts the blockade as outside of friendly relations between states, noting the lack of blockades used against European debtor states and arguing that Britain would not be able to bring the same “attack” against all states that owed money.⁸¹ Philipps raises the same issue regarding the necessity of bringing violence against numerous other South American republics if Britain collects debts through blockades.⁸² While these politicians do not characterize the blockade as war, they nonetheless present it as an excessively violent, aggressive action, making it contrast with Britain’s role as a non-aggressor resorting to self-help as a victim of violations of international law. Sir H. Campbell Bannerman criticizes the blockade of Venezuela to settle a trade dispute as “not the tone or spirit in which the affairs of this country are to be successfully conducted.”⁸³

In an attempt to justify the blockade, Balfour claims that Britain had not shown itself “hard or brutal,” and that “there never was a state of war lasting through all these weeks in which there was less suffering, or less damage inflicted.”⁸⁴ This is to say that the blockade of Venezuela was not an aggressive act in Balfour’s public account, even if he would claim that a state of war had to exist in the use of blockade, showing the significance of norms of non-aggression in justifying British conduct. Government critics condemned the excessive violence of the intervention and the popular press expressed a similar outrage at the state being aggressive.⁸⁵ Thus the existence of an

⁸⁰ *Supra* note 50 at 1246, 1250 (15 December 1902) (Mr. Schwann).

⁸¹ *Ibid* at 1250, 1253 (Mr. Schwann).

⁸² *Ibid* at 1255 (Mr. Philipps).

⁸³ *Ibid* at 1268 (Sir H. Campbell Bannerman).

⁸⁴ U.K., H.C., *Parliamentary Debates*, 4th series, vol. 118 at 101-102 (17 February 1903) (Arthur Balfour).

⁸⁵ *Supra* note 46 at 208. It is worth noting that some of these accounts blame Germany for tricking Britain into being aggressive, but what matters in this context is that such accounts criticize the British

acceptable alternative to pacific blockade in arbitration combined with the widely reported violence of the blockade of Venezuela to challenge the legitimacy of this practice to a state identifying as a non-aggressor. Many observers regarded the blockade as a potentially bloody, aggressive action that stood in contrast to peaceable, impartial arbitration. In this way the institutional context of Venezuelan pacific blockade created further problems for Britain's identity as an unaggressive state, making additional limits on its sources of legitimacy in these circumstances.

5. Changes in post-war identities and norms

The previous sections of this chapter argue that while pacific blockade's use in Venezuela in 1902 and Crete in 1897 challenged certain identities of the British state, it nonetheless performed identities as a great power and a member of the Concert of Europe in Crete, as well as a civilized, superior state in Venezuela. Thus pacific blockade is not without legitimacy in relation to the identities associated with the British state in these cases, helping to explain its use in these situations. However, these are the last instances of pacific blockade, suggesting that the practice's legitimacy would face further challenges. The following section attempts to explain these challenges, arguing that the already limited legitimacy of pacific blockade disappears after the First World War as a result of changes in international norms and identities. These combine with institutional changes fostering arbitration, the rejection of open great power status and third-party dispute resolution to make the practice of pacific blockade disappear. Following the First World War, identities as a great power or member of the Concert of Europe no longer

government for being aggressive. In this regard, the incident may presage the later tendency of states to avoid declaring war at all.

had public acceptability, and the new institutional environment offered alternative means of being great powers to decision-makers who retained this view of the state. As a result, the already much-challenged doctrine stops being used by states, despite their past willingness to employ it, even when it was still a questionable element of international law.

5.1 Identities and norms after 1918

It may seem strange to suggest that changes in post-war international norms contributed to genuine changes in state practice given the negative reading that has accompanied the League of Nations since the Second World War.⁸⁶ However, the so-called ‘new diplomacy’ of openness, collaboration and equality among states⁸⁷ had adherents in Britain, and these ideas changed how states could perform a great power identity and replaced the Concert system with the League of Nations. This approach appears in the ideas of Woodrow Wilson and Robert Cecil, with Cecil writing of the need for the abandonment of the pursuit of supremacy for the employment of the public opinion of the world as a means of maintaining peace among equal states.⁸⁸ Ruth Henig notes the blame attributed to ‘old diplomacy’ of great power competition and the preservation of the Ottoman Empire for the outbreak of the First World War in the

⁸⁶ Ruth Henig, “New Diplomacy and Old: a Reassessment of British Conceptions of a League of Nations, 1918-1920” in Michael Dockrill and John Fisher, eds., *The Paris Peace Conference, 1919: peace without victory* (New York: Palgrave, 2001) 157 at 157-158.

⁸⁷ *Ibid* at 159.

⁸⁸ *Ibid*; Peter Raffo, “The League of Nations Philosophy of Robert Cecil” (2008) 20:2 Australian Journal of Politics and History 186 at 191. Note, this Robert Cecil is not Robert Cecil, Marquess of Salisbury, of the Venezuela crisis.

following years.⁸⁹ While the conventional interpretation of ‘new diplomacy’ in the interwar period is that skeptics at the British foreign office helped to make it fail,⁹⁰ multiple figures in British government expressed a belief in these principles, including Conservatives such as David Lloyd-George, George Curzon, Austin Chamberlain and Balfour.⁹¹ For example, Curzon writes that the League of Nations would “put an end to...the old time-honoured evils of the Balance of Power,” emphasizing the importance of moving away from pre-war systems.⁹² Thus Henig argues that the numerous actors in the British state after the First World War attempted to follow ‘new diplomacy,’ with public support overwhelmingly favouring this approach.⁹³ Trade unionists, Labour party supporters and Liberals advocated for participation in the League of Nations as a state among equals, albeit with varying goals in mind.⁹⁴ Peter Raffo notes that twice during the 1920s even Conservative governments had to show a willingness to work with the League of Nations, if only for the sake of public opinion.⁹⁵ Henig writes that Cecil, the most prominent pro-League figure in Britain, “had been more effective in selling the virtues of the new League to the informed British public than to the Cabinet,” such that it enjoyed support from virtually all parties.⁹⁶ Thus the ideals of ‘new diplomacy’ collaboration and equality as well as the League of Nations that supposedly exemplified it both had adherents in Britain.

⁸⁹ *Supra* note 86 at 159. This also appears in Zara Steiner, *The Lights that Failed: European International History 1919-1933* (online: Oxford University Press, 2005), online: <http://lib.myilibrary.com?ID=75928> at 349.

⁹⁰ *Ibid* at 157-158.

⁹¹ *Ibid* at 163.

⁹² *Ibid* at 161-162, quote at 161.

⁹³ *Ibid* at 171.

⁹⁴ *Ibid* at 159-160.

⁹⁵ *Supra* note 88 at 187.

⁹⁶ *Supra* note 86 at 171.

Significantly, the identity of League of Nations member replaces that of membership in the Concert of Europe and alters great power status, affecting two of the last identities legitimizing pacific blockade. This is not to say that the League was altogether different in practice from previous systems of diplomacy.⁹⁷ Even in its time, adherents to ‘new diplomacy’ recognized it as a limited system dependent on the will of great power cooperation, similar to the Concert of Europe.⁹⁸ Zara Steiner thus characterizes the League as an expanded version of the Concert of Europe that still depended on the conduct of a few states and perpetuated colonialism, as evidenced by the Mandates system and its accompanying rationale.⁹⁹

However, League of Nation membership brought different norms than those of the past great powers or members of the Concert of Europe, making the maintenance of the popular League-member identity in tension with great power status or membership in the Concert of Europe. Where great powers and Concert-members could previously cooperatively run the affairs of the world through self-help with limited consultation, pursuing their claims with whatever force they decided necessary in places outside of Concert concern like Latin America, the League required public discussion. Article 11 of the League Covenant made any war or threat thereof a matter of concern for the whole League.¹⁰⁰ Responses to crises included sanctions, moral objections and delays, with military responses contemplated but left under discussion into the 1930s.¹⁰¹ Thus the

⁹⁷ *Ibid* at 161-162; *Supra* note 88 at 195.

⁹⁸ *Ibid* at 161, 166, 171; *Supra* note 89, Steiner at 353, 355.

⁹⁹ *Supra* note 89, Steiner at 353, 361.

¹⁰⁰ *Supra* note 86 at 166; *Supra* note 89, Steiner at 352; “The Covenant of the League of Nations” The Avalon Project: Yale Law School, online: http://avalon.law.yale.edu/20th_century/leagcov.asp at article 11.

¹⁰¹ *Supra* note 89, Steiner at 352; *Supra* note 86 at 191-192.

League established norms of dispute settlement that involved at least a third party, replacing norms of self-help on the terms of the party claiming a grievance.

For example, where the Greek invasion of Crete in 1897 brought pacific blockade by Britain, the Greek invasion of Bulgaria in 1925 resulted in a League of Nations Council demand for the cessation of military action and withdrawal in 60 hours.¹⁰² While the geographical differences in these conflicts require different responses, the two nonetheless also differ in their reliance on public opinion over the deployment of force by a few powerful states. The old great power or Concert-member response of force fell outside of the new norms of membership within the League of Nations. As a result, pacific blockade's sources of legitimacy as an option for states outside of the legal realm disappear beneath the necessity of at least lip-service commitment to the anti-war, anti-clique norms of League of Nations members through the 1920s.

5.2 Institutions after 1918

Along with changes in norms and identity, the post-war environment brought new international institutions that allowed states to perform these new roles. While changes in norms and identities reduced the legitimacy of pacific blockade as an option for states, these once again interacted with institutions in international law, including arbitration, as well as the League of Nations Council. As noted above, the League facilitated discussion through its creation of a Council and terms in its Covenant requiring its use in certain circumstances, providing an alternative to self-help and coercion of pacific blockade. In

¹⁰² Supra note 89, Steiner at 358.

this way, states like Britain could perform changed identities and norms that delegitimized their ‘cowboy’-style pursuit of claims as in the past.

Moreover, the increasing reliability of arbitration made it an appealing option even to states holding onto suppressed identities as great powers, allowing the replacement of pacific blockade as an option. While most of the arbitration in which the League of Nations was involved concerned so-called lesser powers such as Lithuania and Poland, Britain would agree to arbitration with Turkey over possession of Mosul by the late 1920s.¹⁰³ This is significant because the acceptability of arbitration even to states still considering themselves great powers further challenged pacific blockade as a legitimate option for great powers. While the League of Nations and ‘new diplomacy’ reduced the acceptability to British state decision-makers of the performance of identities as a great power or member of a Concert of Europe, the increasing acceptability of arbitration provided a new option for states that maintained a League identity as well as these other roles. Thus arbitration allowed for the continued performance of all of these roles in a manner not dissimilar to how pacific blockade originally obtained legitimacy in 1827, being an option acceptable to multiple state identities. This is to say that Salisbury’s fears about arbitration being disadvantageous to great powers became less prominent in the interwar period, with Balfour claiming to be “a great believer in arbitration” in 1918.¹⁰⁴ Tomes notes that 1920s international idealism included the embracing of compulsory arbitration.¹⁰⁵ Thus the disappearance of pacific blockade in the 1920s

¹⁰³ *Ibid* at 355.

¹⁰⁴ *Supra* note 20 at 332; *Supra* note 56 at 270. This is not to say that Balfour did not retain doubts about arbitration, but Tomes suggests that Balfour at least saw potential in arbitration, significant given Balfour’s conservative background.

¹⁰⁵ *Supra* note 56 at 271.

relates as much to the norms of League of Nations membership and ‘new diplomacy’ as it does to the availability and increasing acceptability of new means of third-party dispute resolution developed in international law.

6. Limitations and Conclusion

6.1 Economics

While the preceding sections have emphasized the significance of changes in culture in causing the disappearance of pacific blockade as a practice, it is important to note the limitations on the significance of these factors in explaining this change in state behaviour. For example, the perceived decline in British economic status during the interwar period constitutes a non-cultural factor on pacific blockade’s use. While the historiography of Britain’s supposed economic decline through the late nineteenth and early twentieth century leaves some question as to whether or not any decline actually occurred, some evidence does exist for flagging industrial output and trade competitiveness. Regardless of later debate by economic historians, politicians and members of the public assumed at the time that the state’s economy was declining.¹⁰⁶ As a result, decision-makers for the British state faced less of a need to protect traders abroad, as had been the case in the nineteenth century, fewer traders having been successful in distant markets. Decision-makers also faced a reduced willingness on the part of their colleagues and the public to pay for military expeditions given the presumed

¹⁰⁶ Ruth Henig, *Versailles and After, 1919-1933* (London; New York: Routledge, 1995) at 70. For the debate on whether or not this actually occurred, see Michael Dintefass, “Converging Accounts, Misleading Metaphors and Persistent Doubts: Reflections on the historiography of Britain’s ‘decline’” in Jean-Pierre Dormois and Michael Dintefass, eds., *The British Industrial Decline* (London; New York; online: Routledge, 2003) 7, generally. For evidence of the debate, see B. Wealford, “Flagging or failing: British economic performance, 1880-1914” in Jean-Pierre Dormois and Michael Dintefass, eds., *The British Industrial Decline* (London; New York; online: Routledge, 2003) 85.

illness in the British economy and increasing demands on the post-war state. While this is not to suggest that the navy became unimportant to British nationalism in the interwar years,¹⁰⁷ the caution brought by financial concerns makes pacific blockade and similar military options less appealing. As Henig notes, British policymakers in the interwar period attempted to preserve an empire perceived as under threat, rather than engaging in action against other states, as in pacific blockade.¹⁰⁸ The perceived decline in British trade thus contributes to pacific blockade's lack of use in the interwar years despite its limited entanglement in the identities previously discussed. Coupled with disputes being landlocked and so preventing the implementation of pacific blockade, as in the case of the Mosul dispute,¹⁰⁹ economics does limit to the role of changes in identities and norms in bringing pacific blockade's disappearance.

6.2 Codification

Just as significantly, changes in international law's structure also interact with the role of identities and norms in the disappearance of pacific blockade, as it is not only the practice but also the doctrine of pacific blockade that disappear. Specifically, codification provides an explanation of how the doctrine of pacific blockade gets out of international law texts once the practice does the same, even if past doctrinal criticism of pacific blockade had been less than successful. Efforts by international lawyers in the late nineteenth century to develop international law into a coherent system of clearly articulated principles and rules had coexisted with pacific blockade. Gessner's criticism

¹⁰⁷ *Supra* note 86 at 163.

¹⁰⁸ *Supra* note 106 at 70.

¹⁰⁹ *Supra* note 89, Steiner at 358.

of pacific blockade referred to in the introduction to this chapter exemplifies this insofar as he sees pacific blockade as problematic for being a contradiction in established rules, specifically the belligerent nature of blockade and the pacific claim of such actions in pacific blockade.¹¹⁰ Pacific blockade had endured legal criticism in the late nineteenth century, and it had seemingly survived.

However, it is important to note that efforts to codify international law into a coherent system continue alongside changes in norms and identities. For example, Herschel Lauterpacht, Nicolas Politis, Georges Scelles and Alexandre Alvarez continued codification efforts into the twentieth century. Koskeniemi describes these as efforts to follow a civil law model for international law, or to at least develop international law as a system of principles that might not anticipate every situation but that lacked contradictions, and, as Gessner argues, pacific blockade provided such a contradiction.¹¹¹ While past criticism of pacific blockade as a doctrine had not met with success, with Britain and France continuing to use pacific blockade, efforts to codify international law continued as the practice lost its legitimacy in relation to these states. Thus as the practice of pacific blockade disappeared, codification efforts could remove it from doctrine. While Albert Washburn argues for the validity of pacific blockade as a legal doctrine in 1921, later authors could ignore or excise pacific blockade with little contradiction by state practice, such that pacific blockade needs an explanation when mentioned in a modern context.¹¹² This in turn has significance for the practice of pacific blockade because, had it remained an element of international law, circumstances might

¹¹⁰ Supra note 2.

¹¹¹ Supra note 3, Koskeniemi at 302-304, 307, 309, 331, 361, 364-365, 367.

¹¹² Supra note 4 at 442.

align to legitimize its use again, notwithstanding the doctrine of desuetude. While one might argue that desuetude applies in relation to pacific blockade, its users had in the past ignored doctrinal criticism. By limiting options for states, codification efforts at least helped to prevent the practice's resurrection through its exclusion from explicitly listed available options for states.

6.3 Conclusion

The significance of economics and codification to pacific blockade's disappearance are not to take away from the importance of changes in identities and norms after the First World War to that process. The blockade of Crete in 1897 shows that pacific blockade even then caused problems for the identity of the British state as a Christian, civilized state by appearing aggressive despite government claims of neutrality in its use against a group whose complaints found an audience in the British public. The blockade remained an option available to the Concert of Europe's members, allowing for the continued management of the Ottoman Empire and so reiterating hierarchies of civilization as well, but it nonetheless faced questions to its acceptability. The blockade of Venezuela in 1902 faced similar problems. It performed the norms of civilized states and great powers in using a show of force without a declaration of war to coerce a supposedly lesser state into a settlement, but the performance of these roles undermined others associated with the British state. British state identity as unaggressive did not permit the violence visible in this blockade through the popular press and the contrast of this measure against arbitration, nor did the norms of the state as a great power include the cautious consideration of other states' responses to the intervention. Pacific blockade

already had limited legitimacy before the First World War, quite aside from questions of its legality. Changes towards a 'new diplomacy' of equal relations among League members delegitimized the significant identities that pacific blockade could support. However, these are nonetheless dependant on institutional changes allowing the performance of new and altered identities such as arbitration and the League framework.

Certainly, material factors limiting the incidents provoking pacific blockade like the decline of British trade do have relevance for its disappearance, as do changes in international law's structure through codification, sealing off its potential re-use once its practice ceases. However, changes in the norms and identities on which pacific blockade relied for legitimacy ultimately provide an explanation as to why the practice that had previously endured these challenges of economics and legal criticism disappeared in the interwar period. While pacific blockade's legality and material potential for implementation could remain unclear into the 1920s, changes to British state identity took away the last of its legitimacy as an option for policy-makers, leaving questions of its legal acceptability unanswered but excluding it from legitimate options for the British state.

Chapter Five - Conclusion: why pacific blockade might be worth remembering

Introduction

The previous three chapters focus on how pacific blockade as a practice and doctrine related to the identity of states involved in specific pacific blockades. In the context of the Greek Revolt, a blockade without war achieved legitimacy by allowing the British state to perform multiple identities of a single state that were otherwise in tension. In Latin American pacific blockades, Britain and France performed great power status through a demonstration of strength that did not risk failure, the elevation of blockaded states to equal status through war or any acknowledgement of divergence from an identity as a non-aggressive state. The previous chapter attributes pacific blockade's decline to changes in identities that pacific previously performed, facilitated by international institutions and accompanying cultural changes after the First World War. In this way, each of the previous three chapters focus on pacific blockade and its significance in the context of particular instances of its use.

As a result of the preceding chapters' focus on specific cases, this final chapter places these findings in relation to the fields of literature from which the thesis draws. Thus this chapter argues that the claims of the previous chapters have significance to constructivist international relations theory, diplomatic history and the histories of international law. It is worth noting that the thesis suggests the importance of a number of other issues, such as the place of law in nineteenth century diplomatic culture, the role of practice in international law's histories and the significance of the seven scattered

pacific blockades not discussed.¹ While the thesis exchanges any handling of these issues for its goal of examining the significance of precise instances of pacific blockade, it does point to their importance as issues also worth investigation. However, the contention of this chapter is these limitations are worthwhile given the significance of pacific blockade's relationship with identity to the fields of constructivist international relations theory, diplomatic history, and the histories of international law

Constructivism, norm change and pacific blockade

The field on which the preceding chapters draw the most to give meaning to the material that they address is constructivist international relations theory. This thesis uses constructivist theory to explain the origin, use and disappearance of pacific blockade from practice. In doing so, it exemplifies the theory's value in explaining the legitimacy of a single option that some states used repeatedly used in their relations with at least two groups of other states through the consideration of competing facets of state identities. It also demonstrates the limited value of static models of norm change within constructivist theory. As the introduction notes, constructivist international relations theory argues that interests and identities are products of shared understandings between states that include various arrangements of subject positions, with this set of understandings referred to as culture. In the constructivist account, socially constructed identities and the norms through which states perform these roles provide the options perceived as legitimate to

¹ In regards to the pacific blockades not discussed, these occurred in Portugal and the Netherlands in the 1830s, modern Vietnam, Thailand and Tanzania in the 1880s and 1890s, as well as Bolivia in 1879, when the Chilean navy used the practice. See Albert E. Hogan, *Pacific Blockade* (Oxford, UK: Clarendon Press, 1908) at 120-126, 130-141. In relation to practice, the thesis responds Anthony Carty's claim regarding the less than ideal focus on doctrine in international law's histories over practice. See Anthony Carty, "Doctrine Versus State Practice" in Bardo Fassbender et al. eds., *The Oxford Handbook of the History of International Law* (Oxford: Oxford University Press, 2012) 972 at 972, 982.

states. This thesis provides an account of this process that emphasizes tensions between identities and diverse publics within a single state in its analysis of Britain's handling of pacific blockade in Greece and Latin America.²

In the case of the first pacific blockade, the practice becomes a legitimate option in the context of the Greek revolt as a result of its ability to perform norms of Christian, civilized European opposition to purported Muslim Ottoman barbarity as well as Concert of Europe conservative cooperation and the caution of a state among rivals. The practice could have different meanings in relation to different domestic publics, aligning with philhellenic sentiment to be civilized European interveners while fulfilling the expectations of conservatives against supporting the Greek revolution. Thus pacific blockade becomes legitimate by reconciling multiple identities, the norms of which pointed in opposite directions.

In the Latin American pacific blockades, Britain and France's use of the custom serves to construct these states as great powers and civilized through the performance of great power norms of unstoppable force and unequal relations while avoiding challenges to other identities, such as that of the honest broker and ally of the liberal Americas. Latin American pacific blockades performed European superiority to some publics and the unaggressive maintenance of free trade to others, again acquiring legitimacy through its ability to reconcile state identities with seemingly opposed norms

The disappearance of pacific blockade from practice shows further relevance of competing socially constructed identities and their norms. Changing circumstances undermine the ability of pacific blockade to perform some identities of the British state in

² Alexander Wendt, *Social Theory of International Politics* (Cambridge, UK: Cambridge University Press, 1999) at 141, 189, 249, 251, 257.

Crete in 1897 and Venezuela in 1902 while continuing to perform others. Post-war changes in identities, norms and institutions provide different legitimate options for responding to disputes but significantly reconcile remaining pre-war identities with the ‘new diplomacy’ norms of League of Nations memberships. Thus the thesis demonstrates the ideas of constructivist theory regarding the selection of action by states on the basis of those actions’ always changing relationship with multiple, competing identities that appeal to different domestic publics. In this regard, the thesis brings in constructivist theory to provide an account of how a specific practice relates to competing, changing identities over time, complementing other constructivist accounts emphasizing the social construction of state identities through actions guided by norms.³

However, the thesis also shows the significance of *realpolitik* as one of set of norms even when using constructivist theory in historical analysis. Constructivism and *realpolitik* can seem in tension given *realpolitik*’s focus on actors’ supposedly inherent identities as materialist, power-maximizing competitors.⁴ Where constructivism emphasizes the social construction of identities, norms and interests, *realpolitik* leaves norms an exceedingly limited role and takes the identities and interests of states as set, focusing instead of material considerations. As a result, a constructivist analysis focused on the construction of identity and the significance of norms stands in tension with the assumptions of *realpolitik*.

³ As examples, see Christian Reus-Smit, “Reading History through Constructivist Eyes” (2008) 37:2 *Millennium – Journal of International Studies* 395; Paul Kowert, “The Construction of National Identity” in Vendula Kubalkova, Nicolas Onuf and Paul Kowert, eds. *International Relations in a Constructed World* (Armonk, NY: M.E. Sharpe, 1998) 101.

⁴ Ted Hopf, “The Promise of Constructivism in International Relations Theory” (Summer 1998) 23:1 *International Security* 171 at 176-177, 179-180; Stefano Guzzini, *Realism in International Relations and International Political Economy: the continuing story of a death foretold* (London; New York: Routledge, 1998) at 129, 134-137.

However, as this thesis helps to demonstrate, *realpolitik* is just another set of norms within a particular culture of international relations, termed by Alexander Wendt a culture of anarchy.⁵ Thus its power calculations remain relevant as an explanatory tool for state action, but they are only one set of norms among others. This thesis demonstrates the limited relevance of *realpolitik* within constructivist analysis through its treatment of *realpolitik* as the norms of statehood as an identity within a Lockean culture of anarchy.⁶ In the Greek blockade of 1827, pacific blockade acquires legitimacy to British decision-makers in part because of its ability to avoid exposing Britain to the risks of a rival's aggrandizement or suspicions in the Greek context, per the norms of states among constant threats in Lockean anarchy. Similarly, Britain and France's use of pacific blockade in Latin America relates to this identity as well insofar as pacific blockade acquires legitimacy as a way of avoiding a war seen by decision-makers as unwinnable given the wild natural state of the Americas. However, in each of these cases, *realpolitik* provides only one set of norms for one identity among numerous others with which it is often in tension, as in Greek revolt and blockades of Latin American states. Thus the preceding chapters show the importance of the logic of *realpolitik* as an explanation for historical state conduct, but only as one contingent set of norms among multiple others.

Although the thesis demonstrates some aspects of constructivist international relations theory in emphasizing the importance of conflicting norms and identities in determining state action, it also highlights problems in the constructivist account of norm change. It does so through its attention to the disappearance of a norm always subject to

⁵ *Supra* note 2 at 268-273.

⁶ *Ibid* at 279-282.

contestation and not widely used. Diana Panke and Ulrich Petersohn note the limited attention that the field has given to the disappearance of norms, focusing instead on large-scale, explicit norm change between static options with stable meanings among all concerned actors.⁷ For example, Martha Finnemore and Kathryn Sikkink's 'life cycle' model of norm change describes norms as created and increasingly accepted before reaching a tipping point, after which the norm sees widespread recognition and eventual internalization by actors.⁸ The disappearance of norms connect with the creation of new norms insofar as one may replace another, as occurs to some extent in the relationship between pacific blockade and arbitration, where institutional changes facilitate changes in identities as well as their performance. However, pacific blockade is not explicitly exchanged for arbitration, and what occurs to it as arbitration becomes an option is not addressed by this model, providing little attention to contestation between norms or the disappearance of actions from the stable of legitimate options for states.

In this regard, pacific blockade provides an example of the instability and contestation of norms as described by critics of the conventional norm change model. For instance, Mona Lena Krook and Jacqui True reject the life-cycle model in favour of explanations that show meanings as always being produced and the existence of norms as by no means dependent on widespread acceptance, emphasizing the constant revision and

⁷ Diana Panke and Ulrich Petersohn, "Why international norms disappear sometimes" (2011) 18:4 *European Journal of International Relations* 719 at 720, 722; also discussed in Kees van Kersbergen and Bertjan Verbeek, "The Politics of International Norms: Subsidiarity and the Imperfect Competence Regime of the European Union" (2007) 13:2 *European Journal of International Relations* 217 at 218-219, 221, Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism" (Spring 2004) 58:2 *International Organization* 239 at 241-242; Mona Lena Krook and Jacqui True, "Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality" (2010) 18:1 *European Journal of International Relations* 103 at 104.

⁸ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," (Autumn 1998) 52:4 *International Organization* 887 at 895-909. Other models of norm change that rely on the same assumptions include spirals and boomerangs, as discussed by Krook and True at 107-109.

linking of norms by the larger normative environment.⁹ Similarly, Jennifer Bailey notes the importance of the relation between a norm's own unstable content and that of the larger system with which its norms interact, something also emphasized by Panke and Petersohn.¹⁰ Kees van Keesbergen and Bertjan Verbeek describe norm adoption as only bringing another stage of constant battle over its precise meaning, something Amitav Acharya highlights as more localization than the incorporation of foreign norms into state practice.¹¹

The preceding chapters support these revisions to the conventional account of norm change through their focus on the relationship between pacific blockade and the other norms of the British state. In line with Panke and Petersohn's focus on the relationship between broader norms and the particular norm under consideration, the thesis explains pacific blockade's emergence as a custom as the product of its compatibility with the identities of Britain. Its meaning is not always shared insofar as Latin American states would call it an act of belligerency during its use in the 1830-1870 period, showing instability in the norm only furthered by its later criticism from international lawyers. However, it had legitimacy in relation to the larger normative framework as described by a number of these critics of the stable model of norm change.¹² While pacific blockade does not meet anything approaching a tipping point in terms of international adoption of the practice, it does relate well to identities of a few European states. Moreover, it has internal characteristics that help it survive as well in its vagueness, matching Panke and

⁹ *Supra* note 7, Krook and True at 104-105, 109-111.

¹⁰ *Supra* note 7, Panke and Petersohn at 723; Jennifer L. Bailey, "Arrested Development: The Fight to End Commercial Whaling as a Case of Failed Norm Change" (2008) 14:2 *European Journal of International Relations* 289 at 290.

¹¹ *Supra* note 7, van Kersbergen and Verbeek at 219; Acharya at 244.

¹² *Ibid*, Krook and True at 104, 107, 110-111; Panke and Petersohn at 723; *Supra* note 10, Bailey 290, 302-303;

Petersohn's comments on the strength of norms through their lack of clarity.¹³ When it does disappear, this account presents this as a result of broader changes in identities, their associated norms and the institutions that support them with no norm clearly replacing pacific blockade. Instead, the preceding chapters focus on the significance of the practice's relationship with other norms and identities to its survival, providing an account of a norm never widely accepted and so demonstrating the instability of norms emphasized by critics of the life-cycle model.

Diplomatic history and identity

By focusing on norms and identities in relation to pacific blockade through the nineteenth and early twentieth centuries, the thesis also brings consideration of the social aspects of international relations to diplomatic history. In doing so, it provides another reading to material typically examined from the perspective of *realpolitik*. While this is more apparent in older works on the period in diplomatic history, even new works share these assumptions. As an example of one such older work, A.J.P. Taylor's *Struggle For Mastery in Europe* presents states as living in a norm-less Hobbesian state of nature, with states competing for material power and norms having at best minor significance. Events outside of Europe are irrelevant, except as they relate to the balance of power.¹⁴ For example, the blockade of Venezuela only has significance in Taylor's account for the problems that it creates for Anglo-German cooperation and the risks that it poses to

¹³ *Ibid*, Panke and Petersohn at 725-725; van Kersbergen and Verbeek at 221-222.

¹⁴ A.J.P. Taylor, *The Struggle for Mastery in Europe, 1848-1918* (Oxford: Clarendon Press, 1957) at xix-xxii.

Anglo-American relations.¹⁵ When disputes arise in Europe, states' responses are purely the product of power calculations, making the Cretan revolt irrelevant to how states interact due to its occurrence in a period of agreement over the fate of the Near East.¹⁶ Taylor uses the logic of realpolitik to explain the behaviour of states through the 1848 to 1918 period, and even a newer work covering the same period presents similar assumptions on the primacy of relative material power considerations in Europe. In F.R. Bridge and Roger Bullen's more recent work, *The Great Powers and the European State System, 1814-1914*, for states like Britain, 'extra-European developments' are of "less than vital importance to their status as great powers," with distinctions between lesser and great powers consistent and clear due to the origin of such identities in economic and military strength.¹⁷ While the authors acknowledge the limited degree of shared culture between diplomats during the nineteenth century, anything less than war is only a result of self-restraint.¹⁸ In their account, the rivalry of powers is the "simple and brutal reality underlying the complex edifice of international relations."¹⁹ Canning's handling of the Greek revolution is the product of strategic considerations per this perspective, with the authors explicitly rejecting philhellenic sentiment as significant for great powers' decisions in this context.²⁰ Bridge and Bullen explain the response of states like Britain to the rebellion in Crete by their fear of having to break up the Ottoman Empire. As with Taylor's account, events outside of Europe have no relevance for great powers except as

¹⁵ *Ibid* at 410.

¹⁶ *Ibid* at 370-372.

¹⁷ F.R. Bridge and Roger Bullen, *The Great Powers and the European State System, 1814-1914*, second ed. (Harlow, UK: Pearson Longman, 2005) at 1-3, 7, 9, 18-19, 251, quote at 251.

¹⁸ *Ibid* at 7, 9, 18-19.

¹⁹ *Ibid* at 7.

²⁰ *Ibid* at 72-78.

they relate to the control of land and resources.²¹ Although Bridge and Bullen's work is far more recent than that of Taylor, they rely on the same assumptions about the primacy of relative power considerations among rivals. Even Paul W. Schroeder presents interstate rivalry as a natural, unavoidable component of international relations despite otherwise emphasizing the significance of changes in ideas about Europe's management after the Napoleonic Wars.²²

This thesis provides another reading of great power relations in the incidents examined through its attention to the construction of great power status through more than the tallying of military and economic strength, according extra-European events a greater importance and noting the significance of social elements of great power interactions. For example, while the thesis argues that Canning's response to the Greek revolt certainly shows considerations relating to material power, it also notes the influence of the norms of other identities associated with the British state, aside from that of a state in Lockean anarchy. Moreover, the thesis treats the culture of Lockean anarchy as itself a set of culturally-produced norms interacting with other norms, such as beliefs in European superiority, presenting anarchy as just one way of thinking about and 'doing' international society. In regards to events outside of Europe, the thesis argues for the significance of Britain and France's responses to these incidents to their own identities as great powers, with these incidents bringing performances of these identities not seen by decision-makers as feasible in Europe. Material power considerations certainly have their relevance for the thesis' discussion of pacific blockade in Latin America. The

²¹ *Ibid* at 253, 261.

²² Paul W. Schroeder, *The Transformation of European Politics, 1763-1848* (Oxford, UK: Clarendon Press, 1994) at 711, as an example.

establishment of informal empire through the maintenance of asymmetrical free trade treaties with Latin American states supported British and French economic strength, giving pacific blockade relevance even in the conventional account. However, the thesis also argues that pacific blockades in Latin America could allow Britain and France to be great powers by performing this identity, acting with overwhelming force against lesser states, unable to stop them. Thus events outside of Europe prove just as important as military strength to how European states relate in this account given their significance to identities and their associated norms. Where Bridge and Bullen claim that the decline of the Ottoman Empire was the only relevant event for European state relations between 1800 and 1850, the preceding chapters show events outside of Europe as making the various identities of European states like Britain and France.²³ The blockades of Crete and Venezuela similarly reflect the significance of non-material factors. Britain's identity as Christian and civilized affected Britain's response to the Cretan revolt and its identity as a non-aggressor and great power made the blockade of Venezuela problematic. The material on which this thesis draws is the same as that of Taylor, Bridge and Bullen, but, in using constructivist theory, it illustrates another side to the great power competition described by these authors, giving additional relevance to non-European events and culture in international diplomacy.²⁴

²³ *Ibid* at 6.

²⁴ In this regard, the thesis adds to the study of the culture of diplomacy also discussed by T.G. Otte. See T.G. *The Foreign Office Mind* (Cambridge; Cambridge University Press, 2011), generally.

Pacific blockade, identity and the histories of international law

The connections between pacific blockade and European states' identities also relate to the histories of international law, highlighting another side of a familiar issue. Pacific blockade provides an example of the involvement of international law in the construction of hierarchy while also illustrating the significance of changes in international law through the late nineteenth and early twentieth centuries. Matthew Craven notes that the association of international law with hierarchy and colonialism is commonplace within the field. However, authors differ on of how, why and when these concepts connect.²⁵ This thesis presents a less commonly studied example of the relationship between international law and global hierarchies in its focus on the informal constitution of hierarchy through pacific blockade. While prominent accounts of international law's involvement in the construction of hierarchies in the nineteenth century focus on the restriction of sovereignty to European states,²⁶ the thesis argues that pacific blockade positions Latin American states and the Ottoman Empire as lesser through its prevention of their fulfillment of the state norm of declaring war. Moreover, its continued use served to silence the interpretations of the blockade by these states and thus undercut their ability to participate in the construction of international law. In this regard, the thesis reiterates the involvement of international law in the construction of international hierarchy as discussed by Craven, but it does so while providing an account

²⁵ Matthew Craven, "Colonialism and Domination" in Bardo Fassbender et al. eds., *The Oxford Handbook of the History of International Law* (Oxford: Oxford University Press, 2012) 862 at 862-863; as an example, while some authors focus on the construction of sovereignty such as Anthony Anghie, others like China Miéville focus on the universality of international law as part of colonialism.

²⁶ For example, see Anthony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, UK: Cambridge University Press, 2005) at 5.

focused on the effects of unequal treatment from the perspective of identity, rather than explicit legal concepts.²⁷

Additionally, the thesis illustrates the involvement of the distinction between laws of war and laws of peace in the maintenance of this hierarchy through its highlighting of the violent and coercive nature of measures falling under international law's rubric of pacific actions. In addition to subordinating states by positioning them as inferior in culture, pacific blockade also brought varying levels of violence against blockaded populations. At the very least, it constituted a violent imposition in the space of other states, but Britain and France could legitimize their actions as not war through pacific blockade. Thus the contrasting of coercive war with unproblematic peace in international law also contributes to the invisibility of the coercion of pacific blockade. In this regard, pacific blockade illustrates the contribution of international law to the construction of hierarchies by force in the nineteenth century through a problem that persists in contemporary accounts. For example, Mary Ellen O'Connell contrasts conduct regulated by law and conduct that is merely force, a distinction echoed by Martti Koskenniemi's discussion of the gunboat diplomacy that pacific blockade exemplifies.²⁸ The thesis repeats a well-trod point on the involvement of international law in hierarchy, but, in

²⁷ It may worth noting that the thesis also provides another iteration of the involvement of the concepts of civilization and the Orient in the construction of Europe as superior and those outside of Europe as inferior, but this is not explored at depth here given that this thesis does not present a particularly different reading of these concepts. See Liliana Obregón, "The Civilized and the Uncivilized" in Bardo Fassbender et al. eds., *The Oxford Handbook of the History of International Law* (Oxford: Oxford University Press, 2012) 916; Susanne Zantrop, "Orientalism-Occidentalism" in *Edward Said and the Post-Colonial*, Bill Ashcroft and Hussein Kadhimi, eds. (New York: Nova Science Publishers Inc., 2001) 107; Edward W. Said, *Orientalism* (New York: Vintage Books, 1978); Ralph Bauer and Jose Antonio Mazzioti, "Creole Subjects in the Americas" in Ralph Bauer and Jose Antonio Mazzioti, eds. *Creole subjects in the colonial Americas: empires, texts, identities* (Williamsburg, VA: University of North Carolina Press, 2009) 1.

²⁸ Mary Ellen O'Connell, "Peace and War" in Bardo Fassbender et al. eds., *The Oxford Handbook of the History of International Law* (Oxford: Oxford University Press, 2012) 272 at 272; Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International law, 1870-1960* (Cambridge: Cambridge University Press, 2001) at 114.

doing so, it presents another manner in which the structure of international law facilitated this hierarchy.

However, the thesis also shows the ambivalence of international law's relationship with hierarchy insofar as changes in the discipline of international law and the development of institutions provide the basis for the thesis' explanation of pacific blockade's disappearance. Pacific blockade performed identities as civilized, great powers and Concert of Europe members, but it loses its appeal to states in part as a result of the institutionalization of arbitration, codification and the League of Nations framework. Despite the involvement of international law in reproducing the identities, norms and the hierarchies that pacific blockade reiterated, international law also contributed to the decline of pacific blockade as a practice and doctrine. As Koskenniemi notes, international lawyers continued to believe similar ideas regarding non-European or American societies in the interwar period, with Zara Steiner characterizing the League of Nations as by no means revolutionary in its treatment of colonies.²⁹ However, while the League of Nations may not have eliminated the civilizing mission, the norms associated with its membership and the accompanying changes in international law as a discipline during its existence contribute to the decline of pacific blockade. As the previous chapter argues, pacific blockade loses its legitimacy to the British state in part as a result of the norms of League of Nations membership and their related institutions. The governments that used it even before the First World War faced criticism as a result of the availability of alternative options challenging Britain's identity as a non-aggressive state. The

²⁹ *Ibid*, Koskenniemi at 174-175; Zara Steiner, *The Lights that Failed: European International History 1919-1933* (online: Oxford University Press, 2005), online: <http://lib.myilibrary.com?ID=75928> at 353, 361.

increasing acceptability of alternatives like arbitration or the use of the League of Nations Council in the interwar period only furthered tension between a supposedly pacific option and one that actually did not involve measures otherwise associated with war. Thus the thesis presents an example of the significance of changes in international institutions in delegitimizing one means of maintaining hierarchy, even if it supports that same hierarchy by a ‘softer,’ more collaborative means. In this regard, it adds to the revisionist account of the League of Nations of Steiner and Ruth Henig that emphasizes the organization’s significance³⁰ by showing its informal influence on state actions.

The thesis also shows the significance of codification as discussed by Koskenniemi as a trend in international law in the early twentieth century in undermining one measure of reproducing hierarchy while maintaining those same ideas. Koskenniemi notes the presumption of European superiority even among critics of colonialism in the peak of the international *conscience* period of international law in the 1860s and 1870s, with these same ideas persisting into the League of Nations era.³¹ However, as mentioned in the previous chapter, international law scholars like Herschel Lauterpacht, Nicolas Politis, Georges Scelles and Alexandre Alvarez pursued international law as a coherent system that left no place for a contradictory, rarely used doctrine such as pacific blockade.³² Pacific blockade emerged prior to the growth of international law as a profession, with its existence at times coming under question but its use as a practice persisting. Its decline perhaps unsurprisingly coincides with attempts to establish a specific, seamless system of

³⁰ *Ibid* at 352; Ruth Henig, “New Diplomacy and Old: a Reassessment of British Conceptions of a League of Nations, 1918-1920” in Michael Dockrill and John Fisher, eds., *The Paris Peace Conference, 1919: peace without victory* (New York: Palgrave, 2001) 157 at 163.

³¹ *Supra* note 27, Koskenniemi at 49, 62-63, 70-71, 103-106, 127, 129-130, 174-175.

³² *Ibid* at 302, 307, 331, 335, 364-365.

impartial rules regarding international conduct, outside of custom and self-help. Thus changes in international law as a discipline contribute to the decline of pacific blockade as a doctrine, even if initial efforts to criticize its legitimacy seemingly failed in the 1880s, the systematization of rules cutting out options for states. The system retains its ability to accommodate hierarchies, but the fate of pacific blockade shows that the move away from self-help on one's own terms to third-party dispute resolution on preset terms is not inconsequential. In this regard, the thesis shows the significance of changes in international law as described by Koskenniemi as well as the effects of the League of Nations in changing the options available and acceptable to states. The preceding chapters demonstrate the involvement of international law in the reproduction of hierarchy in the nineteenth century, but they also shows how the same structures that legitimate the practice and doctrine of pacific blockade ultimately undermine it. As a result, the thesis leaves an ambivalent account of international law's relationship to hierarchies.

Conclusion

While pacific blockade may be all but invisible in modern literature on international relations, diplomatic history and international law's histories, this chapter argues that its use in Latin America and the Eastern Mediterranean nonetheless has significance for each of these fields. The thesis' account of pacific blockade's origin, use and decline in relation to identity illustrates the influence of conflicting identities emphasized in constructivist theory while also showing the problems of presenting those identities' norms as stable. In arguing for the significance of norms and identities, the

thesis also provides a re-reading to nineteenth century diplomatic history that emphasizes the importance of events outside of Europe to the constitution of the European state system and the relevance of culture to international actions. The logic of *realpolitik* has relevance in this account, but it only has relevance as another set of norms in tension among all of the other norms tied to a state's multiple identities. In relation to international law's histories, the construction of great powers through 'extra-European developments' in part provides another example of the construction of hierarchy through international law. Nonetheless, the decline of pacific blockade as a practice also shows the significance of international institutional change and the move towards codification in international law in altering state conduct.

This thesis started with a description of pacific blockade in practice in New Granada in 1837, an event that can appear minor in its brevity and lack of any declaration of war. However, this chapter has argued that the New Granada blockade and the many others that accompanied it illustrate significant elements of other fields. The thesis shows the relationship between competing identities and state action, the factors on European international relations through the nineteenth century, and the involvement of international law in the construction of hierarchy. In doing so, it demonstrates the contemporary relevance to this otherwise forgotten aspect of international law.

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