

Barbary Coast in the expansion of international society: Piracy, privateering, and corsairing as primary institutions

Alejandro Colás*

Reader, International Relations, Birkbeck College

Abstract

From the ‘long’ sixteenth century the Ottoman regencies of North Africa operated as major centres of piracy and privateering across the Mediterranean Sea. Though deemed by emerging European powers to be an expression of the ‘barbarian’ status of Muslim and Ottoman rulers and peoples, piracy, and corsairing in fact played a major role in the development of the ‘primary’ or ‘master’ institutions of international society such as sovereignty, war, or international law. Far from representing a ‘barbarian’ challenge to the European ‘standard of civilization’, piracy and privateering in the modern Mediterranean acted as contradictory vehicles in the affirmation of that very standard.

This article explores how Barbary piracy, privateering, and corsairing acted as ‘derivative’ primary institutions of international society. Drawing on recent ‘revisionist’ accounts of the expansion of international society, it argues that piracy and corsairing simultaneously contributed to the construction of law and sovereignty across the Mediterranean littoral whilst also prompting successive wars and treaties aimed at outlawing such practices. The cumulative effect of these complex historical experiences indicates that primary institutions of international society owe much more to ‘barbarism’ and ‘illegality’, an indeed to international stratification uneven development, than is commonly acknowledged.

Keywords

Piracy; Privateering; International Society; Primary Institutions; Standard of Civilisation; Mediterranean

Introduction

Can pirates and privateers be considered as agents of international society? If so, how and why were piracy and privateering effectively abolished by the end of the nineteenth century? And what might all this tell us about the ‘primary’ or ‘master’ institutions of international society? I suggest that addressing these questions historically offers contemporary students of International Relations some intriguing new perspectives on the expansion of international society, the place of the ‘standard of civilisation’ in this process, and the role of non-state actors in its unfolding. In the original or ‘classic’ English School accounts of the expansion of international society, norms, values, and institutions that underwrite systems of states are mediated chiefly through sovereign states, whilst other ‘private’, non-state social actors are relegated to a background or secondary role in the expansion of

*Correspondence to: Alejandro Colás, Politics Department, Birkbeck College, Malet Street, London, WC1E 7HX. Author’s email: A.Colas@bbk.ac.uk

international society. Moreover, as Edward Keene has argued, the English School's historical narrative of this process pays scant attention to the binary evolution of international society along two axes: one for the 'civilised' states of the West, the other for the 'barbarian' polities of the rest.¹

In the past few years, a sequence of revisionist studies on the expansion of international society and its master institutions has delivered a theoretically richer, more conceptually nuanced and historically sophisticated rendition of the phenomenon. They have thereby placed greater emphasis on the creative tensions between diversity and stratification in the dynamics of the system of states, as well as the plurality and hierarchy among the agents of 'actually-existing' international society.² I propose in this article to make a further contribution to this emergent line of research by underlining the protagonism of otherwise marginalised private, non-state, and 'barbarian' actors like pirates and corsairs in the construction of international society, as well as emphasising the geographically uneven and conceptually contested nature of its global reproduction. Focusing on the western and central Mediterranean experience from the 'long' sixteenth through to the end of the nineteenth century, I posit a dialectical relationship between barbarism and civilisation; between depredation at sea and inter-state formation on land, which reinforced and sometimes forged primary institutions such as sovereignty, diplomacy, territoriality, and balance of power in Europe and North Africa. In this account, the Mediterranean campaigns to eradicate piracy (depredation at sea) and privateering (state-licensed depredation at sea) contributed to the codification of the nineteenth-century standard of civilisation, but they did so through master institutions of international society that were themselves built on the 'derivative' institutions associated precisely to piracy and privateering.

Thus, we witness in this part of the world from the sixteenth to the nineteenth centuries a transformation both *of* and *in* primary institutions of international society as the shift from mercantilist to properly capitalist forms of accumulation delivered changes in the dominant sovereign and legal forms, from dynastic empires to territorial states, and from natural to positivist public international law, respectively. In IR-theoretical terms, master and derivative institutions are here co-constituted, rather than distinguished by constitutive vs regulatory logics.³ These changes, moreover, are fundamentally driven by historical transformations in the mode of social reproduction from mercantilist empires (which principally accumulate profit through the control of lucrative maritime trade routes) to capitalist states (where wealth is generated chiefly through value-creation in the exploitation of labour, land, and resources), rather than merely through inter-subjective discursive practices or normative standards.

The first section of the article looks at the inter-relationship between the primary institutions of international society and early-modern phenomena such as piracy and privateering. It addresses some of the theoretical and historiographical dimensions of the mainstream English School approach

¹ Edward Keene, 'A case study of the construction of international hierarchy: British treaty-making against the slave trade in the early nineteenth century', *International Organization*, 61:2 (2007), pp. 311–39.

² See, *inter alia*, Turan Kayaoğlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire and China* (Cambridge: Cambridge University Press, 2015); Andrew Phillips and J. C. Sharman, *International Order in Diversity: War, Trade and Rule in the Indian Ocean* (Cambridge: Cambridge University Press, 2015); Shogo Suzuki, *Civilization and Empire: China and Japan's Encounter with European International Society* (Abingdon, UK: Routledge, 2009); Ayşe Zarakol, *After Defeat: How the East Learned to Live With the West* (Cambridge: Cambridge University Press, 2011).

³ For recent conceptual discussion of such distinctions see Killian Spandler, 'The political international society: Change in primary and secondary institutions', *Review of International Studies*, 41:4 (2015), pp. 601–22. Though curiously, Spandler doesn't address the distinction between 'master' and 'derivative' primary institutions.

to the expansion of international society, and suggests – in line with the recent revisionist accounts just mentioned – that the latter be reconsidered as a highly uneven, protracted, and conflictual phenomenon which in turn requires us to rethink international society as a hierarchical and power-driven domain of global interaction. The second, more narrative section, offers an overview of the connections between war, law, sovereignty, and trade in the construction of a standard of civilisation across the western and central Mediterranean. A focus on piracy, privateering, and corsairing – all expressions of seaborne ‘private violence’ – will be used to illustrate how apparently illicit practices often reinforced the law of and intercourse between nations in the early-modern Mediterranean. Though subject to linguistic, regional, and indeed political elasticity, piracy can broadly be defined as the *illegal* predation at sea; privateering as a wartime form of maritime predation *authorised* by sovereigns through so-called ‘letters of marque’; and corsairing (from the Latin for a competitive or hostile ‘excursion’, ‘race’, or ‘journey’) as a peculiarly Mediterranean manifestation of privateering, insofar as it was in part fuelled by religious antagonism between Christians and Muslims. The final section of the article considers some of the broader implications of this local case-study in the critical understanding of the expansion of international society, and the function of derivative institutions in that process.

The English School and ‘private violence’

One of the most contentious aspects of the English School’s approach to IR is its narrow conception of ‘society’.⁴ In the classic rendition offered in foundational texts by Martin Wight, Hedley Bull, or Adam Watson, ‘international society’ refers to no more than the rule-governed intercourse between states.⁵ Even the more capacious, solidarist understanding of the term places most of the emphasis on the potential of states to share a common set of assumptions about the law and a capacity to enforce it.⁶ Social forces beyond the law or outside state control appear to be absent in such conceptions of international society.

Barry Buzan has over the past decade made a valuable attempt at prising open what he labels the classic English School interpretations in order to develop a ‘social structural’, rather than a purely normative account of international society, thereby capturing more of the contradictory and conflictive properties of international society as it expanded unevenly across the globe.⁷ Buzan distinguishes between two types of primary institutions: *master* primary institutions such as sovereignty or diplomacy and *derivative* primary institutions – ranging from boundaries to markets; human rights to alliances – which are generated by, or issue from the former. His aim is to ‘nest’ certain international institutions within a hierarchical taxonomy that does not simply reproduce the

⁴ For a theoretical critique see Alejandro Colás, *International Civil Society: Social Movements in World Politics* (Cambridge: Polity Press, 2002), ch. 4.

⁵ Hedley Bull, *The Anarchical Society* (Basingstoke: Macmillan, 1995); Herbert Butterfield and Martin Wight (eds), *Diplomatic Investigations* (London: Allen & Unwin, 1966); Martin Wight, *Power Politics* (London: Leicester University Press, 1995); Hedley Bull and Adam Watson (eds), *The Expansion of International Society* (Oxford: Oxford University Press, 1984); Adam Watson, *The Evolution of International Society* (London: Routledge, 1992).

⁶ See Hedley Bull, *Justice in International Relations: The Hagey Lectures* (Waterloo, Ontario: University of Waterloo Press, 1984) and also Tim Dunne, ‘International society: Theoretical promises fulfilled’, *Cooperation and Conflict*, 39:1 (1995), pp. 125–54.

⁷ See Barry Buzan, *From International to World Society?: English School Theory and the Social Structure of Globalisation* (Cambridge: Cambridge University Press, 2004) and also a more recent summary in Barry Buzan, *An Introduction to the English School of International Relations* (Cambridge: Polity Press, 2014).

distinction between constitutive (fundamental) and regulatory (procedural) rule-making, but does incorporate the rich array of (often antagonistic) institutions that give shape to international society.

Such a move is welcome because it shifts attention from an elitist, state-centric understanding of international society, whilst also underlining the conflicting and contested hierarchies that reproduce this sphere. It has, moreover, been accompanied – wittingly or otherwise – by a number of incisive historical studies that revise the more conventional story of the expansion of international society as a fairly smooth and untroubled ‘entry’ into the club of civilised nations through the front door of international conferences and multilateral treaties. Much of this new work instead points to a more reluctant, fraught and subordinated access through the tradesmen’s entrances (so to speak) of international society, involving unequal treaties, gunboat diplomacy, and pragmatic adaptability to local norms. Thus, nominally independent polities of the modern Age of Empire such as the Ottoman Empire, China, or Japan figure prominently in Ayşe Zarakol’s argument regarding the internalisation of stigmas related to ‘backwardness’ and ‘barbarism’ by leaders and peoples of those countries as a part of their accession to international society. Turan Kayaoğlu and Shogo Suzuki for their part emphasise in their respective studies on law and civilisation the enduring hierarchy of extraterritorial courts or outright colonial imperialism that accompanied the expansion of international society.⁸ Similarly, Andrew Phillips and Jason Sharman’s rich historical account of the Indian Ocean international system points to a much more diverse, heteronomous, and ‘localised’ regional order emerging in that part of the world as a result of multiple, often asymmetric but also congruent interactions among distinct political communities.⁹

I want to suggest now that, under this revised and more analytical conception of international society, it is perfectly possible – and as we shall later see, desirable – to add piracy, corsairing, and privateering to Buzan’s list of derivative master institutions. Doing so arguably offers a more accurate picture of the expansion of international society, whilst also injecting Buzan’s taxonomy with greater historical dynamism – as Buzan himself admits: ‘Although durable, primary institutions are neither permanent nor fixed. They will typically undergo a historical pattern of rise, evolution and decline that is long by the standards of a human lifetime ...’¹⁰

‘Extraterritorial’ or ‘private’ violence’ – however paradoxically – offers some good illustrations of transformations both within and between master institutions. In her seminal book on the subject, Janice E. Thomson asks the question: ‘What explains the elimination of nonstate violence from global politics?’¹¹ The response is a predictably complex one, but it is premised on the assumption that by the close of the nineteenth century, most sovereign states had successfully established a legitimate monopoly over the means of violence both within and across their territorial boundaries.¹² On the specific issue of practices like piracy or privateering Thomson concludes: ‘Violence, which for three or four centuries an international market commodity, was by 1900 taken off the market.’¹³

Thomson’s account of early-modern state-building and extraterritorial violence rightly underscores the symbiotic relationship between sovereignty and private violence in the construction of modern

⁸ Zarakol, *After Defeat*; Kayaoğlu, *Legal Imperialism*; Suzuki, *Civilization and Empire*.

⁹ Phillips and Sharman, *International Order in Diversity*.

¹⁰ Barry Buzan, *From International to World Society?*, pp. 181–2, emphasis in the original.

¹¹ Janice Thomson, *Mercenaries, Pirates, and Sovereigns* (Princeton, NJ: Princeton University Press, 1994), p. 3.

¹² *Ibid.*, p. 19.

¹³ *Ibid.*

state sovereignty. She argues that, although the public authority of the territorial state had by the end of the nineteenth century subordinated the private market in violence (including piracy and privateering), this was largely an unintended consequence of strategic interaction among states, rather than a direct result of territorial monopolisation of violence. Bryan Mabee and I recently articulated an immanent critique of Thomson's theory by emphasising the political-economic and sociological dimensions of this shift, over the legal-bureaucratic ones.¹⁴ Yet we agree with Thomson that the interesting feature of state-building and extraterritorial violence is the dialectical relationship between these two processes – the fact that maritime depredation was instrumental in the development of sovereign territoriality and *vice versa*.¹⁵ Such an analysis challenges the still-dominant understanding of the expansion of international society in several ways.

Firstly, focusing on early-modern pirates and privateers drives home the point that an understanding of international society cannot and should not be limited to phenomena born solely from intercourse between states. The norms, values, and institutions of any given international society emerge from an interaction between various socio-political and economic forces within and beyond state authority, even if they are derivative and thereby reinforce master institutions like sovereignty, war, and law. In the early-modern Mediterranean, corsairs, merchants, slaves, and privateers contributed as much (if not more) to the reproduction of international society as did statesmen, diplomats, and naval commanders. Moreover, the connections between state and non-state, or public and private actors were not merely circumstantial – the simple outcome of contingent and temporary arrangements in the conduct of this or the other military-diplomatic campaign. The interaction between public authority and private agents (including slaves) was a systematic feature of international society right up to the late nineteenth century, forging many of the norms, values, and institutions which are today associated to that category. An approach that encompasses these 'social structural' features of international society – linking them, as in the case of piracy and corsairing to the prevailing mercantilist mode of social reproduction – thus challenges both the descriptive and explanatory claims of the classical English School. It brings into the picture social agents which are otherwise ignored by the mainstream English School, and gives them a critical role in explaining how primary institutions of early-modern international society first surfaced and later developed. This is an argument that chimes with Phillips and Sharman's recent work on the Indian Ocean, where they too focus on 'hybrid actors' in that region like the Dutch and English East India Companies, which were neither fully private nor public; solely commercial or political, but rather combined profit-through-trade with state power and authority in archetypal mercantilist fashion.¹⁶

Following on from this more substantial, sociological understanding of international society is the emphasis on 'barbarism' acting as a dialectical twin to the 'standard of civilisation'. The term 'Barbary Coast' was coined in explicit reference to the Greco-Roman notion of 'barbarians' as peoples beyond the pale of civilisation – falling outside of the *oikumene* of intelligible communication. As such,

¹⁴ Alejandro Colás and Bryan Mabee (eds), *Mercenaries, Pirates, Bandits, and Empires: Private Violence in Historical Context* (London: Hurst, 2011).

¹⁵ A similar argument, albeit delivered in much greater detail and with an emphasis on land-based military operations, is made for early-modern Europe in David Parrott's *The Business of War: Military Enterprise and Military Revolution in Early Modern Europe* (Cambridge: Cambridge University Press, 2012).

¹⁶ Phillips and Sharman, *International Order in Diversity*. See also Alejandro Colás, *Empire* (Cambridge: Polity Press, 2008). In a recent contribution to the long-standing debates on the nature of the early-modern Dutch Republic, Pepijn Brandon uses the suggestive label of 'Federal-Brokerage State' to describe a polity organised around public-private partnerships between various religious, regional, commercial, and aristocratic corporations. Pepijn Brandon, *War, Capital, and the Dutch State (1588–1795)* (Leiden: Brill, 2015).

North African corsairs were doubly barbarous by virtue of being Muslim and because, as pirates, they were common enemies of humankind (*hostes humani generis*). In the standard account of the expansion of international society, these ‘barbarian’ features were by the turn of the twentieth century either excised from North African societies, or – as in the case of Muslim beliefs and customs – adjusted to the international norm through the latter’s adherence to a standard of civilisation. Barbary states were incorporated into the family of civilised nations – albeit through the forcible mechanism of colonial occupation and annexation – while piracy and privateering were abolished through the enforcement of international law. The close interconnection between these two processes appears, on the surface, to reinforce the idea that the expansion of international society accompanied the spread of civilisation. Yet as we’ll see below, this is a partial, rather Whiggish rendition of the story. In fact, the Barbary states and their marauding agents were instrumental in producing some of the primary institutions of Mediterranean international society from the sixteenth century onwards. As such, ‘barbarism’ must be given its due weight in the development of ‘civilisation’. Once again, this is an insight drawn from the experience of Mediterranean piracy and corsairing which has wider resonance with the current reinterpretation of the standard of civilisation as a nineteenth-century category that has deeper historical antecedents and which, crucially, *stratified* as much as it *expanded* the notion of international society.¹⁷

A final challenge to the mainstream formulations of international society, stemming from a focus on private violence, concerns the universalisation of international society. Primary institutions of international society were recognisable in the course of the ‘long’ sixteenth century across different polities of the Mediterranean coast. But these were geographically very unevenly developed. This was partly due to the very ‘barbarous’ nature of the political communities involved which, as was just suggested, placed them in an incommensurate relation to Christian powers – in Sharman and Phillips’s terms, there existed a diversity of polities which nonetheless found congruence in certain practices such as piracy and corsairing. The other major reason was simply that until well into the first quarter of the twentieth century, the expansion of international society was conducted along ambiguous lines representing what Lauren Benton has called a ‘legal pluralism’:

Outside Europe, there was abundant law ‘beyond the line’ of both European and non-European origins, while the extension of European legal practices followed spatial patterns of conquest and settlement, travelling along corridors of imperial control, encircling imperial enclaves, and composing these elements into new regional agglomerations. Inter-imperial rivalries encompassed a global politics in which the legal strategies of other polities mattered and in which patterns of legal interaction were shaped by both the policies of states and the strategies of a wide variety of legal agents, including pirates.¹⁸

In other words, the master institutions of international society were not applied uniformly across the globe – their universal properties were expressed in a diversity of particular locations. A cursory overview of the way in which piracy and privateering in the early-modern western and central Mediterranean shaped these master institutions underlines the three main shortcomings in orthodox

¹⁷ These arguments have been forcefully put by Brett Bowden, ‘The colonial origins of international law: European expansion and the classical standard of civilization’, *Journal of the History of International Law/Revue d’histoire du droit international*, 7:1 (2005), pp. 1–24 and Edward Keene, ‘The standard of “civilization”, the expansion thesis and the 19th-century international social space’, *Millennium: Journal of International Studies*, 42:3 (2014), pp. 651–73.

¹⁸ Lauren Benton, *Law and Colonial Culture: Legal Regimes in World History, 1400–1900* (Cambridge: Cambridge University Press, 2002), p. 724. See also Lauren Benton, ‘Legal spaces of empire: Piracy and the origins of ocean regionalism’, *Comparative Studies in Society and History*, 47:4 (2005), pp. 700–24.

accounts of the expansion of international society discussed above: the stunted conception of 'society'; the one-sided understanding of the civilisation/barbarism dialectic; and the homogenising geography of international society. Moreover, it illustrates the explanatory and descriptive benefits of thinking about international society as a diverse, stratified and uneven order, along the lines suggested by recent revisionist accounts of this concept and its accompanying categories.

The expansion of international society in the Mare Nostrum

The early-modern western Mediterranean offers a useful explanatory locus when considering the expansion of international society and the attendant formation of primary institutions because it was home to several historical dynamics central to this process. Diachronically, the 'long' sixteenth century witnessed the 'medieval-to-modern' shift in both Spanish and Ottoman polities. At the end of the fourteenth century were three relatively small crusading kingdoms and principalities of the Iberian and Anatolian interior (Castile, Aragon, and the House Osman, respectively), which had by the close of the sixteenth century established themselves as the principal empires on either end of the Mediterranean sea. In the process, Habsburgs and Ottomans reproduced some of the synchronic features of modern international relations: great power rivalry, diplomatic institutions, international treaties, and the development of alliances. Accompanying these complex interactions were two phenomena (piracy and corsairing), which I argue were central to the development of master institutions of international society in that region. For the purposes of exposition, it may be useful to organise the discussion around three such institutions where 'private violence' was instrumental to the expansion of international society: war, diplomacy, and law.

Until the first half of the sixteenth century, wars waged by Spaniards and Ottomans were principally aimed at extending their respective frontiers. By the middle of that century, both empires had achieved their furthest geographical reach (in the Iberian case, expanding to the Americas and beyond) and the imperial frontiers, in the old continent at least, began to harden into sovereign borders. The tactical advance through raiding and conquest slowly gave way by the middle of the sixteenth century to a more strategic defence of imperial outposts and military-commercial chokepoints. While the 'fall' of Constantinople in 1453 and Granada in 1492 signalled the consolidation of the House of Osman and the Catholic Monarchs respectively as the ruling dynasties of two emerging sovereign territorial states, the Ottoman conquest of Cyprus in 1570 and the Battle of Lepanto the following year marked the high-point of Ottoman and Hapsburg naval rivalry in the Mediterranean.¹⁹ During the century in between, and for some years after that, the *Mare Nostrum* acted as the 'forgotten' Ibero-African frontier, overshadowed by the better-known geopolitical transformation in the Americas and inland Europe. 'Over the course of the sixteenth century', Andrew Hess notes in his influential study on the Ibero-Ottoman confrontation in the Mediterranean, 'imperial administrations and border societies clashed and together defined the space of two increasingly different civilizations, so that the wide belt of cultural pluralism of the late fifteenth century, the zone including both Hispano-Muslim and the Christian-Muslim military border in North Africa, shrank to a thin line.'²⁰

One need not buy into Hess's 'clash of civilizations' *avant la lettre* to recognise this as a useful framework in understanding the inter-imperial rivalry of the sixteenth-century Mediterranean.

¹⁹ The historical account that follows is strongly influenced by Fernand Braudel's magisterial *The Mediterranean and the Mediterranean World in the Age of Philip II* (London, New York, Sydney, Toronto: BCA, 1992).

²⁰ Andrew Hess, *The Forgotten Frontier: A History of the Sixteenth-Century Ibero-African Frontier* (Chicago, IL: University Of Chicago Press, 1978), p. 10.

As the Spanish re-affirmed their domain over Sicily, Naples and Sardinia, and the Ottomans subjected the Venetians in the Adriatic and conquered Mamluk Egypt, the central Mediterranean – defined by the Malta-Tripoli-Tunis triangle – became the focal point of hegemonic struggle for southern Europe’s inner sea.²¹ Much of this rivalry was indeed dictated by an ideological antagonism between the Holy Roman Emperor Charles V and Süleyman the Magnificent’s Muslim Empire, as Hess suggests. But control over the lucrative commercial routes linking Europe to the Levant and Asia, as well as the military-diplomatic struggle over the allegiance of the various Italian polities combined to make the *Mare Nostrum* a privileged theatre of early-modern international relations. Among the key protagonists in the unfolding of this drama were the pirates and privateers of Barbary Coast, and indeed their Christian counterparts on the northern littorals.

Michel Fontenay once helpfully made the threefold distinction between: (a) privateering (*la guerre de course*) as a ‘mode of warfare where a state licences private contractors to profit from maritime war, according to the law of peoples’; (b) piracy (*la piraterie*) as ‘maritime banditry without law or master, universally condemned by law and ethics’; and (c) corsairing (*le ‘corso’*) as a ‘specifically Mediterranean form of sea-borne violence practised by Christians and Muslims ... which became the preferred activity, under the pretext of “holy war”, of “corsairing republics” like those of Malta or the Barbary regencies, during the first two centuries of the modern era’.²² For our purposes, privateering and corsairing in the Mediterranean can be conflated – especially since, contrary to both Hess and Fontenay, the lines between Christian and Muslim, ‘European’ and ‘Turk’ were not so rigidly adhered to on the ground (and at sea).²³ As Braudel noted, the word ‘piracy’ was largely absent in the Arabo-Latinate languages of the Mediterranean until the beginning of the seventeenth century, when it began to displace *le ‘corso’*, ‘because Spain now wished to stigmatise as dishonourable all robbery on the inland sea, recognizing that the privateering of the old days had degenerated into ... underhand and disguised war waged by all the Christian powers against her trade, dominion and wealth’.²⁴ What is of interest here is how a body of multinational ‘private’ agents commissioned, recognised and rewarded by ‘public’ state authority, directed the critical naval campaigns of the Mediterranean.

Most emblematic among these private men-of-war were the famed Barbarossa Brothers, Aruj and Hizir (later named Khayraldin). Born in Mitylene, in the Aegean island of Lesbos, from the union of an Albanian convert and a local Christian mother, the Barabarossas (thus named after their scarlet beards) sought their fortune off the North African coasts, initially using the Tunisian island of Djerba as their corsairing base during the 1510s. By the end of that decade, the Barbarossas had acquired a formidable reputation as sea-predators under the patronage of Ottoman notables and, after successfully taking various Spanish garrisons (*presidios*) along the North African coast, Khayraldin was

²¹ David Abulafia, *The Great Sea: A Human History of the Mediterranean* (Oxford: Oxford University Press, 2011). See also I. A. A. Thompson, *War and Government in Hapsburg Spain, 1560–1620* (London: Athlone Press, 1976), p. 46.

²² Michel Fontenay, ‘La place de la course dans l’économie portuaire: l’exemple de Malte et des ports barbaresques’, *Annales: Économies, Sociétés, Civilisations*, 43:6 (1988), pp. 1321–47 (p. 1323).

²³ As documented in Giancarlo Casale’s detailed archival research, the Ottoman fleet (both in the Mediterranean and beyond, in the Indian Ocean) was manned by a motley crew of multi-ethnic imperial subjects, Christian renegades and slaves, as well as some Christian and Jewish converts from various shores of the eastern Mediterranean. See Giancarlo Casale, ‘The ethnic composition of Ottoman ship crews and the “Rumi Challenge” to Portuguese identity’, *Medieval Encounters*, 13:1 (2007), pp. 122–44 and also Giancarlo Casale, *The Ottoman Age of Exploration* (Oxford University Press, 2010).

²⁴ Braudel, *The Mediterranean and the Mediterranean World*, p. 623.

in 1519 appointed symbolic governor (*beylerbey*) of Algiers.²⁵ During the next two decades, and following the death of his brother Aruj, Khayraldin Barbarossa conducted several naval campaigns in the central and western Mediterranean on behalf of Sultan Süleyman, principally against their immediate Hapsburg rivals. In 1534, Khayraldin was appointed grand admiral (*kapudan paşa*) of the Ottoman fleet, the very same year he evicted the Spaniards from Tunis, thus placing a second of the three central Mediterranean outposts under the Sultan's suzerainty.

The power relationship between the Sublime Porte and the Barbary states was emphatically indirect and devolved. Despite the nominal presence of a janissary officer on all Ottoman vessels, the command and direction of raids across the Mediterranean lay in the hands of the corsair captain (*raïs*). Thus, as we shall see further below, the Barbary states acquired their own peculiar governance structures, marked by what appeared to be a productive tension between the commercial and geostrategic interests of their Ottoman patrons and the more local reliance on depredation at sea and tributary extraction of wealth at home.²⁶ In any event, as the Muslim corsairs extended their influence and power westwards, closer to Spanish shores and outposts, it was almost inevitable that Charles V would seek to check the Ottoman advance.

It is indicative of the prevailing mercantilism that the Holy Roman Emperor engaged the services of Admiral Andrea Doria, scion of a Genoese *condottiere* family (and latterly employed by the Habsburg's chief European rival, Francis I of France) to reverse the Ottoman challenge at sea. As was to remain customary for much of the sixteenth century, imperial authority contracted private fire-and-man-power at market rates.²⁷ True, Andrea Doria was named Spain's Captain General of the (Mediterranean) Sea (as later was his nephew Gian Andrea). But it is clear from the contracts analysed by John Francis Guilmartin that this was almost entirely a commercial transaction between client and contractor: 'As a general rule', Guilmartin observes of this period, 'only a minority of the galleys in Spanish service had their payrolls made directly by a royal paymaster. Most of them were commanded by private owners, both Spanish and Italian, who had placed themselves and their galleys under contract to the crown, just as the Genoese condottieri habitually did. Command relationships, of course, were quite different in Ottoman and Venetian service; but the main point – that military decisions were habitually influenced by non-military factors even at the tactical level – still holds.'²⁸ This view is reinforced by I. A. A. Thompson's rigorous and detailed account of Habsburg military administration, where he also concludes that 'Under Charles V the permanent military establishment had been run to a very large extent by indirect administrative methods.

²⁵ Peter Fisher, *Barbary Legend: War, Trade, and Piracy in North Africa, 1415–1830* (Oxford: Clarendon Press, 1957); Jan Heers, *The Barbary Corsairs: Warfare in the Mediterranean, 1480–1580* (London: Greenhills Books, 2003); Emet Safa Gürkan, 'The centre and the frontier: Ottoman cooperation with the North African corsairs in the sixteenth century', *Turkish Historical Review*, 1:2 (2010), pp. 125–63; Andrew Williams, 'The Habsburg-Ottoman rivalry', in Metin Kunt and Christopher Woodhead (eds), *Suleyman the Magnificent and His Age: The Ottoman Empire in the Early Modern World* (London: Longman Pearson Williams, 1995).

²⁶ Taoufik Bachrouh, *Formation sociale barbaresque et pouvoir à Tunis au XVII^e siècle* (Tunis: Publications de l'Université de Tunis, 1977).

²⁷ A compelling account of the thick and complex commercial-military-political networks across the early-modern Mediterranean Sea is offered in Noel Malcolm's 'micro-history' of three transnational entrepreneurial dynasties: the Brunis, Brutis, and Pamaliotis. Noel Malcolm, *Agents of Empire: Knights, Corsairs, Jesuits and Spies in the Sixteenth-Century Mediterranean World* (London: Allen Lane, 2015). See also Parrott, *The Business of War*.

²⁸ John Francis Guilmartin, *Gunpowder and Galleys: Changing Technology and Mediterranean Warfare at Sea in the Sixteenth Century* (Annapolis, MD: US Naval Institute Press, 1974), p. 34.

The galleys were maintained throughout the reign by contract. The north African fortresses were virtually the hereditary possessions of the great noble families that held them as part fief, part royal office, part business enterprise.²⁹ In line with his wider project of state centralisation, Phillip II reversed such outsourcing, bringing most of the military provisioning and administration under royal supervision and control. But this was to be a short interlude of monopoly in the means of violence – in Thompson’s own words, ‘[b]y the reign of Philip IV the methods of direct administration and control established in the earlier years of Philip II had been largely replaced by alternative and devolved and indirect forms.’³⁰

The tidy symmetry between the Ottoman and Habsburg use of private contractors in Mediterranean naval warfare is not coincidental. It exemplifies the dominant mercantilist and tributary conceptions of wealth and power in that region, where trade and commerce were considered as a zero-sum game and military-diplomatic force served to plunder enemies and extract wealth from subaltern peoples and polities. It also reflects the prevailing organisation of state power as domain of patronage, where public authority exists precisely to farm out privilege, contract exclusive services, and license private violence. With specific reference to Mediterranean warfare, we have seen how corsairing in particular was almost indistinguishable from state sovereignty in the conduct of naval campaigns. Corsairs and privateers were protagonists in all the major sea battles of the early-modern Mediterranean from Algiers to Lepanto, and they formed the socioeconomic and political backbone of many of the Barbary states that proved so central to the Habsburg-Ottoman rivalry over the *Mare Nostrum*. Pirates and privateers were, in short, key agents in turning war into one of the master institutions of Mediterranean international society during the ‘long’ sixteenth century.

Hedley Bull acknowledged that institutions of international society like diplomacy did not ‘[n]ecessarily imply an organisation or administrative machinery, but rather a set of habits and practices shaped towards the realisation of common goals. These institutions do not deprive states of their central role ... They are rather an expression of an element of collaboration among states ...’³¹ The uneasy tension between early-modern statecraft and the ‘habits and practices’ associated to corsairing and piracy can be readily identified in the development of a modern Mediterranean international society. Once again, however counter intuitively, practices such as ransoming co-existed with institutions of consular representation and inter-state treaties in the reproduction of modern diplomacy across the Mediterranean, thus representing a sort of congruence across the various regional shores.

Consider for instance the case of Miguel de Cervantes Saavedra, author of *Don Quijote*. In 1570, Cervantes enlisted in the Habsburg offensive against ‘The Turk’ and for the following five years participated in various military campaigns, including the 1571 Battle of Lepanto. On returning to Spain from Naples in 1575 his ship was attacked by North African corsairs off the Costa Brava in northeast Catalonia, and together with other crew – including his brother Rodrigo – Cervantes was taken to Algiers, where he was sold as a slave to one of the thousands of Christian renegades that had taken up a new life on the Barbary Coast.³² Cervantes remained there in captivity for another five years, during which time his family in Spain pursued various channels to secure his release.

²⁹ Thompson, *War and Government in Hapsburg Spain*, p. 5.

³⁰ *Ibid.*, p. 7.

³¹ Bull, *The Anarchical Society*, p. 74.

³² Jean Canavaggio, *Cervantes* (New York: W. W. Norton & Company, 1992); Ellen G. Friedman, *Spanish Captives in North Africa in the Early Modern Age* (Madison, WI: University of Wisconsin Press, 1983); Peter Gosse, *The History of Piracy* (London: Dover Publishers, 2007 [orig. pub. 1932]).

They initially sought support from the Castilian and Royal Councils, but to no avail. Eventually, through some subterfuge, Cervantes' mother was able to obtain a loan to pay part of the ransom from the Crusading Council, claiming she was a widower. Several private intermediaries – a Valencian merchant and a former captive from Mallorca – were contracted to broker a deal with Cervantes' captors, but these fell through. In the end it was two Trinitarian friars, Juan Gil and Antón de la Bella, who in September 1580 brokered Cervantes' freedom in exchange for some 300 ducats.³³

This extremely condensed version of Cervantes' Algerian ordeal found echo in thousands of similar experiences, to the extent that there emerged during that period a whole subgenre of 'captivity narratives' recounting the travails of Christian hostages in Barbary Coast.³⁴ But it is the common – if often unofficial – institutions underwriting this trans-Mediterranean traffic in captives that most interests us here. Be it in Habsburg Spain, the Italian states or indeed Stuart England, the state, church, and market all played a key role in reproducing the economy of capture and ransom that was so central to Mediterranean international society. In his detailed account of Italian slave and captive redemption efforts, Robert C. Davis notes the way in which two of the main redemptive religious orders, the French Order of the Most Holy Trinity (or Trinitarians) and the Aragonese Our Lady of Mercy (Mercedarians) served as templates for subsequent redemptive confraternities which – sponsored by Spanish crown, the papal states and the major Italian republics – mushroomed across the Mediterranean seaboard during the sixteenth century.³⁵ As the Protestant powers and traders of northern Europe deepened their presence in the Mediterranean during the seventeenth century, they too were forced to develop bodies and networks equipped to negotiate the release of their captured subjects. In the British Isles, the Church of England launched successive campaigns in 1579, 1624, 1647, as well as a further five after 1660 'towards the relief of captives taken by the Turks and Moors of Barbary'.³⁶ 'The device used for these early disaster appeals', Linda Colley informs us, 'was the Charity Brief, a royal warrant authorising collections for a specified charitable object in every place of worship', which in the course of late seventeenth century managed to build up significant redemptive funds.³⁷

If private charitable contributions offered the main revenue-stream, by the mid-1600s piracy and in particular Mediterranean corsairing also drew the attention of the 'Long Parliament'. A parliamentary committee was established in 1641 and after the requisite to-ing and fro-ing the 'Act for the Relief of the Captives taken by Turkish and Moorish and other Pirates' became law in 1642. The legislation levied a 1 per cent tax on all goods entering and leaving the country, which eventually raised revenue of £70,000, although only £11,100 of this was subsequently destined to the ransoming of Barbary captives.³⁸ With these funds, parliament would often assign envoys, such as one Edmund Cason from Old Fish Street by London Bridge, to '[b]e sent as agent to Argier [*sic*], with the ship and goods prepared, for the redemption of the captives in Argier and Tunis, and renewing the ancient peace with them'.³⁹ The details of Cason's mission need not detain us here, although as it happens he seems to have

³³ Canavaggio, *Cervantes*, pp. 94–108.

³⁴ Linda Colley, *Captives: Britain, Empire, and the World, 1600–1850* (London: Anchor Press, 2002); Adrian Tinniswood, *Pirates Of Barbary: Corsairs, Conquests and Captivity in the 17th-Century Mediterranean* (London: Riverhead, 2011).

³⁵ Robert C. Davis, *Christian Slaves, Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast and Italy, 1500–1800* (London: Palgrave, 2005).

³⁶ Colley, *Captives*, p. 76.

³⁷ *Ibid.*, p. 77.

³⁸ Tinniswood, *Pirates Of Barbary*, p. 195.

³⁹ *Ibid.*, p. 196.

accomplished both the tasks entrusted upon him. What is worthy of mention is how many of the *dramatis personae* and institutional bodies involved in the redemption of Barbary captives – from the peripatetic negotiators and politicised merchants through to the charitable entities and dedicated crown institutions, as well as the North African potentates and corsairs themselves – were familiar to different parts of the Mediterranean basin and beyond, across the whole of the ‘long’ sixteenth century. Despite challenging the state/non-state or public/private divide, these transnational agents formed an integral part of diplomatic transactions at the time – they did, in peculiar ways ‘express an element of collaboration among states’ as Hedley Bull would have it, which should be considered part of international society’s master institutions.

From the beginning of the eighteenth century, the derivative institution of Mediterranean corsairing came increasingly into conflict with the master institution of international law. The ‘rise, evolution and decline’ of international institutions that Buzan refers to in his discussion of primary institutions can also be applied to the derivative master institutions of corsairing and piracy. Indeed we can posit a change in the master institution of public international law as privateering became more clearly distinguished from piracy in the course of the eighteenth century, and as privateering was formally outlawed in the mid-nineteenth century. Rather than representing a linear story involving the suppression of criminal activity through the force of law, this protracted and uneven shift in the international law of the Mediterranean sea should be interpreted as a much more conflictive and contingent outcome of antagonisms, negotiations, and compromises among social agents – both within and beyond the control of the state.

The multiple forms and diverse agents of sovereign authority operating within the Mediterranean from the eighteenth century onwards, coupled with ambiguous role of privateering in the unfolding of great power rivalry in the region, makes outlining the disappearance of seaborne private violence in this region a complex endeavour. In the first place, making peace or alliances with the Sublime Porte (as France did for example) did not necessarily mean ending wars with the Ottoman North African regencies. The latter were too diplomatically autonomous and politically fragmented to guarantee the permanent cessation of sea-borne hostilities. Despite (or perhaps because of) this and the rhetorical denunciation of Barbary states as ‘piratical’, by the eighteenth century all European powers (plus the US) had entered into diplomatic relations and signed bilateral agreements on corsairing with the Ottoman regencies, thus effectively recognising them as sovereign states.⁴⁰

The problem was that none of these states involved (either European or North Africa) had the wherewithal or often the willingness to guarantee such agreements. *Pacta* were not always *sunt servanda*. The finely poised balance of power between the officially appointed Ottoman *pasha*, the elected representative (*dey*) of the perennially insubordinate *janissary* corps and the unofficial corsair syndicates (*taifat al-raïs*) had made the enforcement of pacts unpredictable during the seventeenth century.⁴¹ Adrian Tinniswood’s assessment of Tunis could easily apply to the other regencies at the time: ‘Tunisian corsairs remained an important economic force in the community – the state received a 10 per cent of their prizes, the janissaries still accompanied them on raids, everyone who could

⁴⁰ Robert Mantran, ‘L’Evolution des relations entre la Tunisie et l’empire Ottoman du XVIe au XIXe siècle’, *Cahiers de Tunisie*, 26–7 (1959), pp. 319–33; Thomas Panzac, *The Barbary Corsairs: The End of a Legend, 1800–1820* (Leiden: E. J. Brill, 2002); Alfred P. Rubin, *The Law of Piracy* (Hawaii: University of Hawaii Press, 2006); Thomson, *Mercenaries, Pirates, and Sovereigns*.

⁴¹ Peter Earle, *Corsairs of Malta and Barbary* (Annapolis, MD: US Naval Institute, 1970); Panzac, *The Barbary Corsairs*.

afford to still invested in their ventures – but they were expected to conform to government policy and to prey only those nations with whom Tunis had not concluded a treaty.⁴²

If the amorphous nature of the Barbary states and their relative autonomy from the Sublime Porte made the fledgling international agreements quite tenuous, just as disruptive was the privateering activity of the Christian powers. This tended to happen for two reasons. First, because as a form of legalised plunder between warring states, privateering continued to play a major role in the geo-political and mercantile rivalry between Spain and France and, by the eighteenth century, between the latter and two emerging powers with a strong Mediterranean presence: England and the United Provinces.⁴³ Secondly, Christian corsairing survived in the Mediterranean into the late eighteenth century because the Roman Catholic Knights of St John and St Stephen (Maltese and Tuscan privateers respectively) regularly ignored their French and papal patrons instructions to restrict reprisals to enemy vessels, or to respect any agreements with Maghrebi states. Corsairing had always been premised on making profit out of war on the high seas, and so long as there was armed conflict in the Mediterranean, corsairing would continue as a way of life (and death) in the *Mare Nostrum*.

Three separate but interconnected processes began to dissemble that mercantilist logic and replace it with that of ‘free’ trade. One of these involved the gradual regulation of privateering and the integration of their services ‘in-house’ by the state. In Spain alone, the 1621 general Ordinance for Privateering (*Ordenanza General del Corso*) was amended eight times until its disappearance at the start of the twentieth century, indicating zealotry on the part of public authority to rein in autonomous privateers.⁴⁴ In France and England too, the tensions between emerging national navies and the historical reliance on private men-of-warships was being resolved in favour of the former. As naval officers sought to protect their careers and concentrate power in the burgeoning military bureaucracy, privateers and privateering became increasingly marginal to international relations.

Accompanying the ‘internal’ dynamics of state monopoly over violence were the ‘external’ factors relating to greater density of international agreements on corsairing. ‘The steady extensions of treaties of immunity to almost all the main European maritime states’ Alan G. Jamieson writes of the eighteenth century Mediterranean, ‘naturally reduced the number of potential targets. However, regular tribute payments in cash or goods from lesser maritime states seemed increasingly preferable to the lottery which corsairing had become.’⁴⁵ Exchange of goods, cash, or captives was complemented by the development of a system of ‘Mediterranean passes’, which allowed for the both the safe conduct of foreign vessels in sovereign waters and the right to inspect ships on the high seas.⁴⁶

As we have already seen, the widening and deepening of international agreements on sea predation across the Mediterranean had, by the end of the eighteenth century, made this practice less common. But many of these agreements were extracted through gunboat diplomacy, which secured capitulations or collective ransoms through the use of force, or threat thereof.⁴⁷ A final, and decisive reason

⁴² Tinniswood, *Pirates Of Barbary*, p. 196.

⁴³ Panzac, *The Barbary Corsairs*; Thomson, *Mercenaries, Pirates, and Sovereigns*.

⁴⁴ G. López Nadal, ‘Mediterranean privateering between the treaties of Utrecht and Paris, 1715–1856: First reflections’, in David J. Starkey et al. (eds), *Pirates and Privateers: New Perspectives on the War on Trade in the Eighteenth and Nineteenth Centuries* (Exeter: Exeter University Press, 1997).

⁴⁵ Alan G. Jamieson, *Lords of the Sea: A History of the Barbary Corsairs* (London: Reaktion Books, 2012), p. 178.

⁴⁶ Fisher, *Pirates Of Barbary*, p. 326.

⁴⁷ Thomson, *Mercenaries, Pirates, and Sovereigns*, p. 111.

for the marginalisation of corsairing in the Mediterranean was simply the imposition of colonial rule and the accompanying integration of Barbary states into the global circuits of ‘free’ trade. The French invasion of Algiers in 1830 and its annexation by Paris in 1848, together with ‘Atlanticisation’ of the Mediterranean through the British Navy’s dominance of the Inner Sea made it increasingly attractive – some would argue, inevitable – for the Barbary states to turn to commerce rather than plunder as a source of wealth. Thus, with British maritime hegemony firmly anchored in the region after the Battle of Trafalgar, it was unsurprising that privateering suffered a natural death, formally codified in the 1856 Declaration of Paris which committed its first seven signatories (France, Britain, Russia, Prussia, Austria, Sardinia-Piedmont, and Turkey) to abolishing privateering and permitting the transport of ‘Enemy Goods’ by ‘Neutral Flags’. Two years later, all but four of the forty-six states invited to do so had acceded to the Treaty – the US never did so.⁴⁸

As Jan Martin Lemnitzer’s painstaking study of the 1856 agreement suggests, the Paris Declaration was the outcome of complex international diplomatic negotiations and domestic party-political rivalry which essentially pitted the Royal Navy’s historical privilege to search and seize enemy property carried on neutral vessels against the demand by competing maritime powers like France and Russia that the ‘free ships, free goods’ principle should prevail.⁴⁹ The apparent concession by Britain in acceding to this latter principle and with it, the abolition of privateering, generated much interpretive and political controversy at the time and since then, with some ascribing a combination of stupidity, cynicism and miscalculation to Britain’s decision, whilst others emphasising more structural causes such as the technological and ideological transformations accompanying the advent of steamships and the rise of ‘free trade’ ideology.⁵⁰ Lemnitzer seems to opt for a ‘global commons’ explanation where the Paris Declaration functioned as one of the first instances of a multilateralised international law in action: one that, in this case, provided a set of ‘House Rules’ guiding the conduct of maritime affairs among the members of international society. To that extent, it clearly supports the idea that an emerging body of positivist public international law, in turn reflecting a new consensus on the norms guiding international maritime trade and naval conflict, was responsible for the abolition of privateering. Yet even a critic of more economic accounts for the end of privateering like Lemnitzer acknowledges the underlying power capitalist globalisation had in this process during the late nineteenth-century *belle époque*: ‘The generation running politics now [in the 1850s] had vivid memories of the dislocation brought by unrestrained economic warfare in the Napoleonic Wars, when Britain controlled the waves and Napoleon tried to quarantine an entire continent. It understood what repeating this from of great power warfare would mean in a globalising world, and that the network of trade had to be protected from the impact of minor or even major wars.’⁵¹ It is therefore perfectly reasonable to conclude that the 1856 Paris Declaration reflects on an international legal plane the shift after the Napoleonic wars from a world dominated by the mercantilist generation of wealth through plunder and predation, to the capitalist circulation of value through trade in industrial goods.⁵²

⁴⁸ *Ibid.*, p. 73.

⁴⁹ Jan Martin Lemnitzer, *Power, Law and the End of Privateering* (Houndmills and New York: Palgrave Macmillan, 2014).

⁵⁰ See *ibid* and for the peculiar American case also Nicholas Parillo, ‘The de-privatization of American warfare: How the U.S. government used, regulated and ultimately abandoned privateering in the nineteenth century’, *Yale Journal of Law & The Humanities*, 19:1 (2007), pp. 1–95.

⁵¹ Lemnitzer, *Power, Law and the End of Privateering*, p. 9.

⁵² For a similar interpretation of the 1856 Paris Declaration see Pat O’Malley, ‘The discipline of violence: State, capital and the regulation of warfare’, *Sociology*, 22:2 (1988), pp. 253–70.

Conclusions: Unevenness and universality in the standard of civilisation

This historical survey of war, diplomacy, and law in the modern Mediterranean will hopefully have offered a picture – however sketchy – of the role of corsairing in the evolution of international society. More specifically, it points to ways in which piracy and privateering should be seen as derivative institutions of international society. But what is the consequence of such an addition to Barry Buzan’s list of master institutions? Does this focus on the micro-practice of international society contribute toward the wider conceptualisation of International Relations? I answer the latter question affirmatively in this concluding section, suggesting – in response to the first query – that including Mediterranean corsairing as a primary institution of international society changes our perception of the standard of civilisation, the geographical universalisation of this standard, and its normative significance today.

In his classic treatment of the subject, Gerrit Gong identified five criteria in meeting the late nineteenth-century ‘standard of civilization’: the state’s guarantee of basic rights; the existence of an ‘organized political bureaucracy’ within the state; the adherence to international law; the maintenance of permanent diplomatic channels; and the outlawing of ‘barbaric’ practices such as suttee, polygamy, and slavery.⁵³ In Gong’s own account, and that of his English School colleague Thomas Naff, the Ottoman Empire’s formal admission into international society can be dated to the Paris Treaty of 1856 which, as we have just seen, had as an addendum the declaration abolishing privateering.⁵⁴ On a purely formal, legalistic reading it therefore makes sense to associate the suppression of Mediterranean corsairing to Ottoman accession to the family of civilised nations.

Yet, as we have also seen – and as in fairness, both Naff and Gong recognise in different ways – the Sublime Porte had since the sixteenth century, and with greater intensity during the eighteenth century, been involved in reciprocal agreements, permanent diplomatic relations and attempts at state-building in ways that seem to describe the process of adopting a ‘standard of civilization’. Gong finds such retrospective attributions of a late nineteenth-century standard to be anachronistic, although he does allow room for a more ‘conceptual’ understanding of the category – one that takes it as a subjective, implicit set of ‘unspoken assumptions’.⁵⁵ In this more elastic approach, it could be argued that the Sublime Porte and its European counterparts were engaged in forging a ‘standard of civilization’ long before 1856. Naff similarly sets off from the premise that ‘Two equally formidable bulwarks of religious ideology and culture ... separated the European and Ottoman worlds’ only to immediately acknowledge that ‘[t]he simple formality [the 1856 Treaty] codified a century and a half of precedent, embedded in an ever longer process and complicated by variant rationales for the organization of human society’.⁵⁶ Thus, notwithstanding the patent religious-ideological underpinning of the Habsburg-Ottoman rivalry, Naff seems to allow for an interpretation that sees the international system of the early-modern Mediterranean adopting the collaborative elements of an international society.

If this interpretation carries any purchase, then several relevant conceptual conclusions follow. One, that the nineteenth-century standard of civilisation had a much more uneven and protracted

⁵³ Gerritt Gong, *The Standard of ‘Civilization’ in International Society* (London: Macmillan, 1984), pp. 14–15.

⁵⁴ Thomas Naff, ‘The Ottoman Empire’, in Hedley Bull and Adam Watson (eds), *The Expansion of International Society* (Oxford: Clarendon Press, 1984).

⁵⁵ Gong, *The Standard of ‘Civilization’ in International Society*, p. 21

⁵⁶ Naff, ‘The Ottoman Empire’, p. 143.

historical gestation than Gong's narrow delimitation allows for. In this regard, the arguments made here coincide with those of Brent Bowden or Antony Anghie when they associate the expansion of international society – with its attendant standard of civilisation and body of international law – to a longer experience of modern European colonialism.⁵⁷ As Bowden rightly suggests, '[d]espite the absence of a recognized system of sovereign states and the concepts of civilization prior to this [Westphalian] era, that is not to say that something similar to Gong's "confrontation of civilizations" had not long been taking place between various peoples, faiths, and or cultures of the world.'⁵⁸ Second, far from representing a static, irreconcilable, and inescapable 'clash of civilizations', Ottoman-European relations across the modern period were characterised by cooperation in some areas as much as conflict in others.⁵⁹ The contrast between 'civilized' and 'barbarian', whilst very much part of the discourse and geopolitics of the time, was nonetheless far more fluid and ill-defined than a simple Christian-Muslim dichotomy permits. This is not just to acknowledge the inter-subjective role of 'The Other' in European self-definition⁶⁰ but perhaps more fundamentally, to insist that these categories were constantly subverted by concrete social practices like corsairing, and were often subject to the vagaries of particular political and socioeconomic interests.⁶¹ Finally, and following on from this, insofar as practices like piracy and corsairing were deemed to be 'barbarian', they played, as we saw above, a signal role in the construction of a standard of civilisation. Barry Buzan's 'social structural' account of international society in this instance allows a more dynamic and dialectical understanding of the notion – one that sees 'barbarian', 'extra-territorial', or 'para-legal' processes such as piracy and corsairing as being latent within master institutions like sovereignty or international law.

Once we make space for the 'barbarian' in the narrative of how the standard of civilisation accompanied the expansion of international society, a further, more historical-geographical contribution to modern International Relations emerges: the legal pluralism that followed the process of universalisation. As was mentioned in the introductory section of this article, piracy and privateering contributed to the uneven spread of legal norms and regimes across the globe – vessels, crews, and colonial ports did not always adhere to the law of specific jurisdictions but rather negotiated, combined or simply ignored varying sources of municipal and international law in the treatment of merchants, condemnation of prizes, or the repression of pirates.⁶² Instead, the various 'corridors of imperial control' in Benton's apt phrase, acted as conduits for a plurality of 'legal spaces'. Although Benton's focus is on the Atlantic and Indian Oceans, there are parallels here with the Mediterranean Sea where, as we have seen, the corsair ports of Algiers, Valletta, Tunis, Livorno, Mahon, or Tripoli developed their own distinctive, often unpredictable regulatory practices and legal regimes. In a further comparison, this experience serves as an instance of what Phillips and Sharman have called a 'heterogeneous international system': an international society where a diversity of public and private agents, an 'institutional congruence' across (in this case) the Mediterranean

⁵⁷ Brett Bowden, *The Empire of Civilization: The Evolution of an Imperial Idea* (Chicago, IL: University of Chicago Press, 2009) and Antony J. Anghie, 'The evolution of international law: Colonial and post-colonial realities', *Third World Quarterly*, 27:5 (2006), pp. 739–85.

⁵⁸ Bowden, *The Empire of Civilization*, p. 105.

⁵⁹ Suraiya Faruqi, *The Ottoman Empire and the World Around It* (London: I. B. Tauris, 2006). See also Christine Isom-Verhaaren, *Allies With the Infidel: The Ottoman and French Alliance in the Sixteenth Century* (London and New York: I. B. Tauris, 2013).

⁶⁰ Iver B. Neumann and Jennifer M. Welsh, 'The Other in European self-definition: an addendum to the literature on international society', *Review of International Studies*, 17:4 (1991), pp. 327–48.

⁶¹ Isom-Verhaaren, *Allies With the Infidel*.

⁶² Benton, 'Legal spaces of empire'.

littoral, and a persistence of political heteronomy within imperial hierarchy reproduced ‘order in diversity’.⁶³

Drawing from these two otherwise different perspectives, I conclude that Mediterranean corsairing acted as lightning rod for the process of ‘civilising’ the recalcitrant Barbary states. With Benton, I emphasise the geographically uneven extension of this process; from Phillips and Sharman, I take the hierarchical yet diverse dimensions of its unfolding. Thus, a picture emerges where, by the mid-nineteenth century, some of the master institutions of international society were crystallised in that region through a conflictive and protracted combination of gunboat diplomacy, legal agreements, and outright colonisation – aimed in large measure at eradicating practices such as privateering and corsairing, which a few decades earlier were still the mainstay of politics across the Mediterranean basin. Far from representing a geographically uniform, historically cumulative process where only convergence and homogeneity lead to order, the expansion of international society in the Mediterranean proved – as in other parts of the world – to be a contradictory, drawn-out process, involving heteronomous actors which was radically transformed with one big rupture in the expressions of primary institution following the end of the Napoleonic wars.

This structural change in essence involved the development of Britain as a properly capitalist empire in its ‘second’, post-Napoleonic incarnation. As British maritime hegemony extended across the globe in the course of the nineteenth century – with the Mediterranean as an ‘Anglo-Saxon lake’ – the early-modern master institutions of sovereignty, international law, balance of power, and trade adopted a markedly different character. Crudely put, composite empires were replaced by territorial states; natural law hardened into positive public international law; the continental balance of power shifted to off-shore balancing; and ‘free’ trade usurped mercantilism. Corsairing played a bit-part in this transformation, acting as a ‘derivative’ institution which, through its very negation had by the nineteenth century engendered a new standard of civilisation that guided the expansion of international society into the twentieth century. For the better part of that century, depredation at sea remained an extremely unusual and localised occurrence, and through various postwar international conventions, culminated in Article 101 of the 1982 UN Convention on the Sea (UNCLOS), piracy was codified as a universal crime.

Since the end of the Cold War, however, piracy has resurfaced as a serious security challenge, particularly in the Indian Ocean and the Gulf of Aden. While the crime of piracy long predates the universalisation of international society, it is telling that the resources employed to suppress piracy draw from this ‘new’ standard of civilisation: one that underlines the humanitarian ‘responsibility to protect’ distant victims of state collapse with reference to international institutions such as the UN Security Council, NATO, UNCLOS, and the African or European Union. In December 2008, a European Naval Force in Somalia was mandated by the UN Security Council to protect vessels delivering World Food Programme aid to internally displaced people in Somalia, as well as seaborne provisions for the African Union Mission in Somalia, thereby inaugurating an unexpected new phase in the history of modern anti-piracy campaigns.⁶⁴ We have here therefore, in the microcosm of contemporary counter-piracy, a good illustration of the paradoxical and contradictory universalisation of international society, as the very institutions deployed in suppressing piracy

⁶³ Phillips and Sharman, *International Order in Diversity*.

⁶⁴ Christian Kaunert and Kamil Zwolski, ‘Somalia versus Captain “Hook”’: Assessing the EU’s security actorness in countering piracy off the Horn of Africa’, *Cambridge Review of International Affairs*, 27:3 (2014), pp. 593–612.

today – public international law, territorial sovereignty, international organisations – emerged from a recent past where piracy in the form of privateering was licensed by states and regulated by international agreements.

Thinking of piracy, privateering, and corsairing as derivative institutions of international society thus strengthens the recent revisionist understanding of the expansion of international society as a stratified, uneven, and conflictive historical process, with its own distinctive conceptual nuances and contradictions – some of which have been explored here through the lens of ‘private violence’. These observations may additionally give ‘classic’ notions of international society pause for both normative claims about the virtues of ‘solidarism’ and historical assertions about the ‘evolution’ of international society. On both counts, I have suggested in this article, the primary institutions of international society carry with them a legacy that is much less pristine and progressive. This is not tantamount to denouncing such institutions as being inherently illegitimate or oppressive, but rather to render them – in a ‘social-structural’ fashion – much more contradictory and ambivalent.

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Biographical information

Alejandro Colás is Reader in International Relations in the Department of Politics, Birkbeck College, University of London, where he directs the Master’s in International Security and Global Governance.