SPLENDID ENCOUNTERS

The Thought and Conduct of Diplomacy

DOROTHY V. JONES

The University of Chicago Library
SPLENDID ENCOUNTERS
SPLENDID ENCOUNTERS

The Thought and Conduct of Diplomacy

DOROTHY V. JONES

The University of Chicago Library
1984
TABLE OF CONTENTS

Foreword vii
Introduction ix

PART I
PAGEANTRY AND PRACTICE

CHAPTER PAGE
PART I. Introduction .............................................. 3
1. Iconography of Power ........................................ 5
2. The Roman Heritage: Triumphal Processions .............. 10
3. Two Seventeenth Century Triumphal Processions ....... 13
4. Rituals of Honor ............................................. 17
5. Marriages of Advantage ...................................... 24
6. A Marriage Celebration and Contract ..................... 29
7. Cultural Competitions ...................................... 31
8. Cultural Transformations ................................... 36
9. Ambassadorial Functions ................................... 42
10. The Place of Secrecy ....................................... 47
11. Counsels of Perfection .................................... 52
12. Privileges and Immunities ................................ 57

PART II
IDEAS AND INCIDENTS

PART II. Introduction ............................................. 65
13. The Legal Heritage: Natural Order ....................... 67
14. The Legal Heritage: Ancient Codes ....................... 70
15. The Legal Heritage: Treaties and Conventions ........ 76
<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Dominion of the Sea</td>
<td>81</td>
</tr>
<tr>
<td>17. Ways of War</td>
<td>85</td>
</tr>
<tr>
<td>18. A Question of Neutrality</td>
<td>90</td>
</tr>
<tr>
<td>19. Grounds for Intervention</td>
<td>95</td>
</tr>
<tr>
<td>20. Structures for Peace</td>
<td>99</td>
</tr>
<tr>
<td>21. A Public Role</td>
<td>104</td>
</tr>
<tr>
<td>22. A Citizen Initiative</td>
<td>108</td>
</tr>
</tbody>
</table>

Conclusion 112  
Bibliography 116  
Index 127  
Acknowledgments 131

**FOREWORD**

Diplomacy was chosen as the theme for this exhibition not to celebrate any particular event or anniversary but to indicate the variety and the complexity of the resources with which a great research library can reveal an aspect of human behavior. Diplomacy is one of those pervasive and inescapable activities which permeates the University Library's holdings, expandable into countless events and interpretations. To see it merely as a subject is a mistake.

In the hands of Dorothy Jones, diplomacy has become an exercise of the imagination and of organization. She has had to delve into the Library's collections, many of them familiar only to specialists, and select and shape her choices for inclusion with acuity and a continuing sense of the whole. While this process is true for all exhibitions, the possibilities here have been of an extraordinary magnitude. Even so, one of the main limitations of the exhibition is the Library itself, which, vast as it may seem, inevitably contains imperfections in its coverage.

As she has shaped her presentation by exploring the book and manuscript collections, Dorothy Jones has also acknowledged the continuing debt we have to all those who have helped create the University's collections—benefactors, faculty, booksellers, librarians—all of whom have had a hand in the presence of particular books and manuscripts. In this respect, the very existence of the Library's collections is not unlike diplomacy itself where it is often easy to take much for granted or be beguiled by the singular event.

In seeking to give both clarity and wholeness to this exhibition, advice was sought from many sources who held the key to various bodies of material but none was more important than Jeffrey Alt, exhibitions coordinator for the University Library. He not only helped articulate the text, he gave physical form to both the exhibition and the catalogue you are about to read.

---

Robert Rosenthal  
Curator  
Special Collections

March, 1984
INTRODUCTION

Diplomacy is both the management of international relations and the body of thought about that activity. The exhibit and the catalogue reflect this dual character. They begin with a look at the public and ceremonial practices of diplomacy, move through the inner workings of the profession, and conclude with a sustained look at diplomacy’s theoretical underpinnings.

Part I, “Pageantry and Practice,” explores the managerial aspects of diplomacy. These range from the colorful to the routine, the symbolic to the ordinary, and each makes a contribution to the ongoing conduct of relations between nations. Part II, “Ideas and Incidents,” examines diplomacy’s rich intellectual heritage in the context of actual international conditions. Out of these many engagements, ceremonial and intellectual, come the varied diplomatic encounters that are the focus of this exhibition.

There has been no attempt to present a comprehensive history of diplomatic institutions, to analyze diplomacy’s relation to the present international states system, or to cover all types of negotiations. What is of interest here is a cluster of conditions and ideas and the interplay between them that have given diplomacy its distinctive style. That same interplay between condition and thought continues to shape diplomacy today.

The exhibition itself has been shaped by an interplay between themes and materials. The richness of particular collections of rare books and manuscripts in the University of Chicago Library invited exploration of themes appropriate to those collections. Other themes were necessarily omitted, but this limitation was, in practice, a strength. Since one goal of the exhibition is illumination of the subject, research could be directed to those collections where light could best be found.

Materials in the exhibit reflect the lack of a well-organized, cooperatively-thought-about body of literature that can be labeled “diplomacy.” History does not cover the ground, nor does international relations, economics, law, politics, philosophy, or culture, yet all are involved. To do justice to this broad scope, a wide net has been cast. Within the bounds set by the basic themes of the exhibit, everything brought in by the cast of the net, whether obviously diplomatic or not,
has been considered for its usefulness in the discussion. Using this standard of selection, the works of Thomas Hobbes have as much part in diplomacy as a treatise by Hugo Grotius, Augustine's writings rank in usefulness with Jean Dumont's collections of treaties, and the illustrations for a children's book can shed as much light as an emblem book on the complex symbolism of diplomatic encounters.

There is another reason for this variety. As usually presented, diplomatic literature is heavy with references to works such as Le guide diplomatique, by Charles de Martens, which is to say, writings for a limited purpose. Martens's Guide, like many early works with some form of diplomatique in their titles, was intended as a manual or handbook for those with careers in diplomacy. This was already an old tradition when Martens wrote in 1832, and the tradition continues to this day with such books as Sir Ernest Satow's A Guide to Diplomatic Practice, first published in 1917 and updated many times. Some early examples of the genre have been included in this exhibition, but by themselves they tell little about diplomacy. The importance of Martens or Satow or earlier writers on diplomatic protocol does not begin to emerge until they are placed within a larger context.

It is the purpose of this exhibition to supply that context. Diplomacy is not cut off from the highest intellectual traditions. On the contrary, the conventions, the ceremonies, the protocol that are associated with diplomacy, incorporate and express centuries of thought about behavior in a world where interests overlap and states collide.

A NOTE TO THE READER

Illustrations in the catalogue are identified by shortened titles only. For fuller citations as well as information about the collections in which the items can be found, see the bibliography immediately following the catalogue text.
PART

I

INTRODUCTION

Traditionally the practice of diplomacy has included an element of the theatrical. That element dominates the frontispiece for this catalogue. The very setting of the illustration is a stage on which draped figures of classical imagery present a diplomatic tableau. In the center, two kings conclude a treaty of peace and alliance. They are flanked by their ministers of state and their counselors. Each is also accompanied by his herald who bears a caduceus, the symbol of Mercury, the god of diplomacy. In front is the enemy that diplomacy binds and renders powerless: Ambition, Discord (with a Gorgon’s serpent locks), Fraud (with her mask of deceit), Impiety, and War are all chained together at the feet of the peace-making monarchs. The fruits of diplomacy, Peace and Justice, embrace in loving triumph on a pedestal behind the kings.

In this drama the artist-engraver Bernard Picart expressed the hopes that have long been associated with diplomacy. Picart used the classical imagery natural to the eighteenth century, but the hopes he expressed are not time-bound or limited to a particular set of artistic conventions. Inherent in the public conduct of diplomacy is the importance of ceremony and the mounting of symbol-laden tableaus. Whether on a clay tablet, in an eighteenth century engraving, or in a twentieth century news photo, depictions of diplomatic ceremonies have striking similarities because the ceremonies are shaped by similar and timeless needs.

The section that follows, “Pageantry and Practice,” explores the complex use of symbols and ceremonies as avenues of diplomatic communications, and looks as well at some less public activities and modes of diplomatic conduct.
CHAPTER 1

ICONOGRAPHY OF POWER

The splendor of the Prince is the greatness of the State.

Cardinal Richelieu's maxim captures the spirit of many diplomatic encounters in which princes and states compete in ceremony and display. This perennial feature of relations between states was given expression by Renaissance writers and craftsmen who took the Ancient World as a treasure store of symbols to form into an exuberant iconography of princely power.

The splendor of this Renaissance tradition has been caught by the French artist Maurice Leloir in his illustrations for Le roy soleil (1931), the life of Louis XIV that was written for children by Gustave Toudouze. The very title of the work is an indication of Louis's identification of himself with the sun, an ancient symbol in which light, power, and glory are combined. Further, the simplified format of a tale for children is well suited to convey the message of most diplomatic displays. Stripped to its essentials, the message is one of power. The French monarch knew how to convey the message, both in reality and in appearance.

By Louis's reign in the late seventeenth century, the use of emblems, coats-of-arms, and other types of personal devices in public display was a well-developed art, and a subject that scholars had articulated into systems and broken down into categories. The philosophy underlying this scholarly effort was summed up by Henry Estienne in his The Art of Making Devices (1648):

"A Device ought to be almost like Poesie, or rather as a thing nobly vulgar, in such sort that it may be understood without difficulty and with delight. . . ." Estienne made explicit the kind of symbolism that was intended: "The formall cause, which gives it life, is the resemblance or comparison. . . ."

A tool of diplomacy so apt and convenient as the emblem was not likely to be ignored by rulers who were concerned with asserting their presence and power at home and abroad. With persistence and imagination they exploited the connotations of comparison. Louis XIV was like the sun, and the state processions of Charles V were like the triumphal entries granted to victorious Roman generals on their return to Rome, and the empire itself was symbolized by the pillars of Hercules, once symbols of the boundaries of the known world.

There were no apparent limits on
the imagery available to those who set out to shape vivid and comprehensible symbols of power. Andrea Alciati's Emblemata, first published in 1531, was even then adding to and popularizing a long tradition of thought on the vocabulary and significance of emblems. The many editions and translations of Piero Valeriano's Hieroglyphica, sive de sacris Aegyptiorum, first published in 1556, and Cesare Ripa's Iconologia (1593) attest to the widespread and long-continued pull of emblems as a means of expressing the intangible qualities of rulership as well as the tangible resources of the state.

From this rich store came obelisks and hieroglyphs; columns, pediments, arches, laurel wreaths, and triumph cars; Virtues, Graces, Vices, Arts, and Nature in its various forms; and an abundance of gods and goddesses of various persuasions. With so much to cover, it took Claude Menestrier two volumes to set out La philosophie des images.
(1682-83). From that he moved on to his masterwork, *Histoire du roy Louis le Grand* (1693), an entire volume on Louis XIV that drew on the profusion of symbols that had become associated with the Sun King's name and person. Based on *Medailles, Emblemes, Devises, Jettons, Inscriptions, Armoires, et autres Monuments Publics*, the book is a summation of two centuries of effort to associate princely might with ancient virtue.

At the same time the book is virtually an inventory of the iconography of power, as in the plate, "Le roy governant ses etats par luy memse," where numerous personal devices jostle each other about a column that is topped by a bust of Louis. Not even a sun resplendent, a laurel wreath, a crown, and two angels with trumpets weigh Louis down. He looks out of the plate with the confidence and pride of a member of the Soviet Politburo watching the annual display of armaments on parade—a contemporary diplomatic statement that is filled with contemporary manifestations of the ancient iconography of power.
CHAPTER 2
THE ROMAN HERITAGE:
TRIUMPHAL PROCESSIONS

"The grandeur that was Rome," which fired the imagination of the West for centuries, also left its mark on diplomacy in the ceremonial procession that became a standard feature of the diplomatic repertoire. Often an extravagant allegorical assertion of princely might, the entry procession deliberately evoked the days of Rome's glory when triumphal entries into the city of Rome were granted as a special honor to victorious Roman generals. The public ceremony served then and continues to serve a specific purpose. It calls attention to a diplomatic position or outcome in a memorable fashion for the benefit of the people whose lives it affects.

The passionate interest in matters antique that was so characteristic of the Renaissance stimulated a whole literature of descriptive works about Rome, including pattern-books for triumphs like that of Onofrio Panvinio, Veterum Rom. amplissimique triumphi, first published in Antwerp in 1560 and shown here in a 1596 edition. The elements of the triumph are carefully depicted, as in plate 2 in which lectors, magistrates, senators, and trumpeters parade across the page, although not in the strict order usually followed in the Roman entries. The intention was to make available the basic components of ancient pageantry for the needs and imagination of Renaissance statesmen and nobility.

The antique vignettes that were the favorite subjects of Panvinio and other engravers of the Renaissance were given wide circulation in the late sixteenth century through inclusion in sets of prints that became popular among visitors to the city of Rome. Originally made up of views of the contemporary city, the sets came to include all aspects of ancient Roman life as well. Named the Speculum Romanae magnificentiae after a famous collection issued by the Roman publisher Antonio Lafreri in 1596, the prints became a means of spreading information about antiquity as visitors took home these mementoes of their visit to Rome. The University of Chicago's Speculum Romanae includes a set of prints based directly on Panvinio's book of the Roman triumph. The triumphal parade of the spoils of war, in the prints based on Panvinio's plates 4 and 9, shows the grandeur that inspired later diplomatic productions.

The imagery of the Roman triumphs was only a starting place, however. By the seventeenth century, ceremonial processions had available an even larger symbolic repertoire, much of which was incorporated into diplomatic entries. There were historical, religious, and moral triumphs, all inspired by those of Rome, but going far beyond into
elaborate arabesques of fancy. Of the moral triumphs, none had been more influential in Renaissance thought and, hence, in the symbolism of diplomacy, than Francesco Petrarch’s Triumphi (ca. 1474). The triumph of love, shown here in a finely-printed reproduction of a rare fifteenth century Florentine engraving, was only the first triumph in Petrarch’s intensely moralistic vision in which chastity triumphed over love, death over chastity, fame over death, time over fame, and eternity over time. So, too, by extension, the ruler was to triumph, not alone through military might, but through embodied virtues that ascended in a hierarchy of ever-increasing value to the eternal.

By the seventeenth century the allegorical bent of the ancient Roman triumphs had been reinforced and expanded through the influence of such literary works as Francesco Colonna’s Hypnerotomachia Poliphili (1499) in which four allegorical processions parade through Poliphile’s dream and, subsequently, through the Renaissance imagina- tion. Through this and other works, diplomacy was provided with a kind of universal vocabulary of imagery out of which allegories could be constructed to make political statements as well as to decorate the routes of diplomatic processions.

When William III of England returned to the Netherlands in 1691, Dutch officials could think of no
more fitting public gesture than a triumphal entry into The Hague, complete with appropriate allegorical figures. Peace, War, Justice, Tyranny, and Felicity adorned the triumphal arches that had been raised for William's procession through the city, and these figures, in turn, were set among Greek and Roman gods. All along the route, allegory and mythology were called upon to proclaim William's glory and to wish him good fortune. As one arch was described by an admiring observer: "In that part of the Arch which faceth the end of the Town, upon a very high Pedestal, set above all, on both sides of the round pieces that cover the Work, is erected a Neptune, lying down with his Trident in his Hand, with this Motto underneath: 'Triumphet in Undis, Let him Triumph upon the Seas.' And on the other side of the same arch: 'Attingat Solium Jovis, Let him reach to Jupiter's throne.'"

Then, lest the English who had accompanied William on his return to the country of his birth should miss the points that were being expressed through symbolism, the Dutch sponsors of the triumph put their messages clearly in Latin. The inscriptions on the same arch read: "To the Pious, Happy, Renowned William the Third, the Triumphant Father of his Country, Governor, Stadtholder, and Restorer of the United Netherlands. England's Liberator, Scotland's Preserver, Ireland's Pacifcator, now returned." And again: "After great things done at home and abroad, as having made a strict League with the Princess, the Revenger of his Subjects' wrongs, and Defender of the oppressed."

The pageantry was entirely political, and the messages were diplomatic. The whole tangled history of the succession to the English throne, the revolt of the Dutch United Provinces against Spanish rule in the Netherlands, and the Grand Alliance of England, Holland, and the League of Augsburg against an expansionist France under Louis XIV could be read in the arches, banners, and illuminations that signalled William III's triumphal entry into The Hague. And just as William had accepted the offer of the English throne for primarily diplomatic reasons, so his return to Holland and his triumphal entry were primarily diplomatic. The acceptance had enabled William to bring England into the coalition against Louis XIV. The return to Holland enabled William to take command of the faltering forces of the coalition on the Continent and, at the same time, to encourage the faltering spirits of his English subjects and allies. The entry into The Hague was designed to impress the English. That it did so may be seen in the descriptions that have been quoted from an English pamphlet published in London in 1691, *A Description of the Most Glorious and Most Magnificent Arches Erected at The Hague for the Reception of William III, King of Great Britain*. A translation of a Dutch publication, the pamphlet offered English readers a glimpse of the diplomacy of their new king by in-
cluding “all the MOTTO’s and Latin INSCRIPTIONS that were Written upon every one of the said ARCHES.”

Grand as was William III’s entry into The Hague in 1691, it pales beside the entry of the Cardinal Infante, Don Fernando, into Antwerp in 1635. Fresh from a victory over Protestant forces at Nördlingen, the brother of Spain’s Philip IV rode into Antwerp to assume his new duties as governor-general of the Spanish Netherlands. In the diplomacy of the times, however, the Infante’s entry was far more than a simple assumption of executive office. A heavy weight of bloody history rode with him in the procession, unseen, but affecting all aspects of the entry, including the reaction of spectators along the way. Not only was Don Fernando asserting Catholicism against the Protestant rebels of the Dutch republic, he also was asserting Spain’s determination to retain its hold upon the southern provinces of the Netherlands, and to bring the northern United Provinces back into the Spanish and Catholic fold, by force if necessary.

In a city where many people had recently been working for some peaceful accommodation with their Dutch relatives to the north, Don Fernando’s entry was a proclamation of the diplomacy of the mailed fist. Backed by victorious Spanish and Austrian troops, the Infante’s position in regard to Antwerp was unassailable, and the city hastened to do him honor. Antwerp had had more than a hundred years of experience in the business of triumphal entries, having staged them for several of their Spanish rulers from Charles V on down. In 1599 the city fathers had welcomed the Infanta Isabella and her husband, Albert, in a triumph that was still remembered in 1635 and may have served as a model for that of Ferdinand. Further continuity was brought by Peter Paul Rubens who designed the arches and paintings that spanned the streets through which Ferdinand rode. Otto van Veen, the artist with whom Rubens had apprenticed, had designed the 1599 entry for Isabella and Albert, and Rubens may have helped him.

As a further gesture to their new Spanish ruler, the city fathers commissioned the publication of a record of Ferdinand’s entry. With Latin text by Rubens’s friend, Casper Gevaerts, and engravings of the artist’s designs by Theodore van Thuilen, his longtime assistant, the elephant folio Pompæ introitus honoris serenissima principis Ferdinandi Austriaci (1641) bears witness to the splendor of public diplomatic ceremony.

Questions of honor have always loomed large in diplomacy for reasons that were neatly summed up by Sir Edward Coke in the sixteenth century: “Honor Legati honor mitentis est,” the honor of an ambassador is the honor of him who sent him. Whether the ambassador is sent by a single ruler or by the people as a whole, the result for diplomacy is the same. Questions of precedence, apparel, forms of address, and the shape of a conference table must be dealt with first. Other matters can then follow. In the special world of national pride, matters of appearance are matters of substance, and that fact has given to diplomacy its distinctive and ritualistic style.

This intimate relationship between appearances and honor poses the greatest difficulty when sovereign rulers meet in what are now called summit conferences. One solution to the problem is absolute equality of treatment as shown here.
Pageantry and Practice

in the illustration by Albert Robida in the French children’s book, François Ier (1909), by Gustave Tou- douze. Mounted in equal splendor, attended by equal retinues, Francis I of France and Henry VIII of England move toward their historic sixteenth century meeting on the Field of Cloth of Gold. At this summit of France and England, and participated in a ritual of amity on the neutral ground that had been created by the ceremony of the occasion. The intended message of friendship, if not the underlying tension, was con- veyed in Holinshed’s The Laste Vol- ume of the Chronicles of England, Scotlande, and Irelande, a colorful

Rituals of Honor

masques and tournaments and confidential negotiations there was such a competitive display of jewels and collars and chains of gold, of velvet, satin, and cloth of gold and silver, that the English chronicler, Rafael Holinshed, told his readers some twenty-seven years later, “a wonder it was to behold.”

And a wonder it was indeed as the sovereigns and their attendant lords and ladies stepped cautiously around the explosive issues that divided compilation of fact and fancy that was given fame by Shakespeare’s reliance on it in his histories. “The two kings meeting in the field,” wrote Holinshed in his best court-reporter style, “eather saluted other in most loving wyse, first on horse- back, and after alighting on footo eftsones embraced with courteous wordes, to the great rejoicing of the beholders, and after they had thus saluted eche other, they went bothe together into a riche tente of clothe

of golde, there set up for the pur- pose, in the whiche they passed the time in pleasant talkle, banquet- ing, and loyving devices till it drewe towardre the Evening, and then departed for that nyght, the one to Guines and the other to Arde.”

What Holinshed did not say was that the departure of the English suite to Guines and the French suite to Arders was in itself a careful con- trivance to satisfy the demands of national honor. Long and delicate negotiations had ruled out Calais (England’s first choice) as a place of meeting, as well as Boulogne, the first choice of the French. The English had then advanced the fact of Henry’s leaving his own realm as a point entitling them to set the place of meeting in Guines, England’s Continental domain. While ack- nowledging that Henry was incurring greater risks than Francis, the French balked at holding the talks in the actual village of Guines with a fortified English castle overlook- ing the scene, but did not insist on holding them in the nearby French village of Ardres with its own French castle. Instead, they suggested the open countryside between the two villages, a site with no obvious af- filiation to either Crown, although technically within the English do- main. Honor being satisfied by this compromise, the meeting could take place.

Regarding the hazards of summit diplomacy, the diplomat, Abraham de Wicquefort, made an observation in 1679 that has been echoed by professional diplomats ever since:

“Sovereigns cannot meet without the risk of prejudice to themselves or to their affairs. Hence the need for am- bassadors.” But when ambassadors embody in themselves the honor of the sovereign or the sovereign state, the problem is not solved, it is only diffused among the whole di- Plomatic corps, to be coped with there by officers of protocol such as John Finett, Master of Ceremonies at the courts of James I (1603-25) and Charles I (1625-49) of England.

Finett’s posthumous Finetti phi- laxenas (1656), “Touching the Re- ception, and Precedence, the Treat- ment and Audience, the Puntilios and Contests of Forren Ambassa- dors in England,” is filled with accounts of the turbulences and touch- iness of the bearers of honor. These include, “Questions betwixt the Imperiall and Venetian Ambassadors, concerning Titles and Visits, the like with the French,” and (a frequent entry) “A Clash betwixt the Spanish and French Ambassadors.” Some of the incidents could be kept within bounds by a strictly equal distribution of privileges and marks of distinc- tion, but the question of prece- dence did not lend itself to such a solution. There, someone had to go first.

When the honor of a sovereign or a sovereign state was involved, it mattered very much who went first. As the French ambassador an- nounced to Finett in 1613, “he would not wrong the Master he repre- sented to march in the second place.” To avoid open conflicts, rules had to be devised, and they had to
be based on some commonly accepted standard. Attempts to provide rules for answering questions of place and precedence were made by men such as the historian and jurist John Selden who devoted their learning to studies of the subject. Selden's *Titles of Honor*, first published in 1614, became a standard reference work because of the thoroughness of his investigation of such matters as the antiquity of rank and its fine distinctions. In fact, antiquity came to be one standard for the question of precedence in diplomacy. The older the ruler's claim to sovereignty, the greater the pride of place claimed by his representatives at other courts.

In 1664 James Howell, England's first Historiographer Royal, set forth the claim for the English crown in his *A Discourse Concerning the Precedency of Kings*. Howell was properly apprehensive about his "ticklish and tremendous Task." To write about kings, he said, was as "walking upon the Rigd of a high House," especially when the subject was royal precedence. However, he was emboldened by the fact that Britain had been from earliest times a "Royal Isle," with the Roman rule a mere interregnum. "Now from that time to this, the king of Britain had and hath as Souveraign and incontrollable a sway as any." This sovereign sway was not confined to the islands alone but "as most Civilians hold, it extends as far as the shoares of his Transmarin Neighbors, and as far North as the Artic Circle."

Despite this sweeping claim for the English crown, as to both sovereignty and antiquity, the problem of precedence was not solved since similar claims were made for most of the other crowned heads of Europe. These, in turn, had to be set against the competing claims of the Emperor and the Pope. Not until the Congress of Vienna in 1815 was the question resolved, and then only by a modification of the antiquity argument. The *Reglement sur le Rang entre les Agens Diplomatique*, signed by the major European powers, divided diplomatic representatives into three classes and established precedence by class and by the date of the presentation of credentials. This arrangement, which allowed diplomatic rituals of honor to proceed without unseemly conflicts, was continued in the 1961 Vienna Con-
vention on Diplomatic Relations, and is in effect today.

An inquiry into the rituals of honor cannot close without considering the matter of appropriate dress. There have been two basic schools of thought on the kind of dress that is appropriate to the high task of bearing the national honor among strangers. Through much of history the Splendor School has predominated. It was felt that to represent the sovereign or the sovereign state, ordinary dress would hardly do. To proclaim this highest estate, there must be capes, medals, ribbons, gold braid, epaulets, swords—in a word, Splendor. The opposite view was advanced by the Americans during and after their War of Independence. Since the people as a whole were the ultimate source of sovereignty, so the argument went, it was only fitting that their representatives should show that fact by plain and common dress. This was also, and not incidentally, a sure way to stand out in the midst of splendor, as Benjamin Franklin discovered when he wore plain brown homespun while urging the American cause at the French court.

These two schools of thought are represented here by the Chinese diplomat Vi Kuyin Koo, known in the West as V. K. Wellington Koo, and by the figure of Uncle Sam. When this photograph was taken, about 1916, Koo was serving as Chinese minister to the United States. The splendor through which Koo asserted the pride and honor of his nation through years of crisis is in contrast to the plainly clad figure of Uncle Sam in Clyde J. Newman's illustration. The wood engraving appeared in J. E. Conner's Uncle Sam Abroad, a didactic book published in 1900 to explain the consular and diplomatic service of the United States to its own citizens. By 1900 there were a few second thoughts about the Benjamin Franklin tradition of plain clothes for United States representatives abroad, for, as Conner explained, "at an evening reception in some brilliant foreign capital you will see the diplomatic corps of other nations appropriately distinguished, while the American diplomat appears in the costume worn by the servants and waiters, that is, plain evening dress."

To the Gibsonesque women in Newman's drawing, this appears to be no very great disadvantage in this particular ritual, but Conner's comment is a reminder that conceptions of national honor and what is due to that honor are woven into diplomacy at every level, from the momentous to the trivial.
CHAPTER 5
MARRIAGES OF ADVANTAGE

The diplomatic uses of marriage grew out of a world of numerous small competing sovereignties. In such a context a ruler's marriage proposal was by no means a simple quest for a mate. It was a search for friends and for political allies. The romantic ideals that underlie modern conceptions of marriage were simply not germane. Negotiations for royal marriages dealt far more with military fortifications, troops, lands, religious rights, payments of debts, and questions of succession than they did with wedding arrangements. Marriage alliances were frequently made the occasion for elaborate public celebrations but they were also exercises in wishful thinking. As Richelieu remarked with sardonic double meaning, marriage alliances rarely produced the fruit that was expected of them, but they remained a necessary tool of diplomacy.

A sixteenth century marriage of major diplomatic significance is celebrated in the long epic poem, Theuerdanck. One of the last of the German epics of chivalry, the poem recounts the adventures of the knight Theuerdanck on his journey to claim a bride. Some indication of the perils of the way and of the determination that overcame them can be guessed from the full title of the work, Die Ehr und maßliche Thaten, Geschichten und Gefahrlichkeiten des streitbaren Ritters, und edlen Helden Theuerdanck, The Honor and Many Deeds, Tales, and Perils of the Valiant Knight and Noble Hero Theuerdanck. When the poem was first published in an elaborate folio edition in 1517, it was embellished with 118 large woodcuts by Hans Schaufelein which portrayed the knightly hero's many triumphs. Fresh blocks based on those of Schaufelein were cut for this simpler, smaller edition of 1553, in which the text, too, was simplified from court German to the vernacular. In the woodcut shown here, Theuerdanck has at last won through all dangers and is received by Queen Ehrreich, his intended.

This allegorical adventure was based on the journey Maximilian I, Holy Roman Emperor from 1493 to 1519, had made in 1477 from Austria to Burgundy to claim Mary of Burgundy for his bride. It was by no means certain that the young Maximilian would be able to travel safely to Burgundy or that, once there, he would be able to make good his claim to Mary and to the power and wealth of the duchy of Burgundy. There were obstacles on every hand, all of which Maximilian eventually overcame. So strong were the conventions of chivalry, however, and so powerful their appeal to someone of Maximilian's temperament, that he turned naturally to them when he composed Theuerdanck to celebrate and commemorate his marriage to Mary.

The real-life journey that was the inspiration for the poem had the happy ending of an allegory. The marriage of Maximilian and Mary, although short-lived (Mary died in 1482) was an unusually happy one. But the purposes of such marriages were diplomatic; personal happiness was entirely by the way. When Maximilian made his journey to Burgundy he was relatively untired in diplomacy, and no one knew if he was going to be hunter or hunted in that shark-infested sea. Following the death of Mary's father, Charles, early in 1477 the hunters had begun to circle, and Burgundy was the prey.
For Burgundians, then, it was a matter for public rejoicing when Maximilian arrived safely on the scene and showed that he was willing to do battle with the encircling foes, not the least of whom was Louis XI of France.

The power to rule in the sixteenth and seventeenth centuries was seldom held solely in the person of a sovereign but was dispersed among various groups with financial, hereditary, elective, military, and religious claims. The necessity to accumulate power by creating alliances among these groups helps explain the emphasis placed on advantageous marriages, as when Barbara Sophia of Brandenburg married John Frederick of Württemburg in 1609.

The marriage was an alliance of two strongly Protestant houses and this, in turn, was part of a prolonged, continent-wide struggle in which Spanish, Dutch, Flemish, French, English, German, and Italian forces savaged each other under the banners of Protestantism and the Counter-Reformation. For the people of Stuttgart, the marriage meant not only continued protection for Protestant worship but the possibility of an heir who would ensure continuity of rule in Württemburg and serve as protection against seizure by neighboring princes. This was cause for celebration, exemplified here by Balthazar Küchler in his copperplate etchings for a fete book commemorating the marriage of Barbara Sophia and John Frederick, *Repraesentatio der fürstlichen Auffzug und Ritterpiel (1611).* Based on the drawings of Georg Donauer, the etchings are themselves a celebration of a time when politics, power, and religion were dressed out as an allegory of love, as in the plate shown here where the royal couple appear as Venus and Mars.

Negotiations for marriages of advantage were begun and broken off
frequently in that world of constantly shifting alliances. Before
Charles V was twenty years old, he had been engaged ten times. His son
Philip II was married four times, each time for some political advan-
tage. In all this, the women had even less say than the men. At the rule-
ership level, female relatives were a diplomatic asset to be utilized in
ways best calculated to strengthen power and succession.

This fact was perfectly apparent to Elizabeth I of England, who was
determined that no one was going to use her but herself. Elizabeth went
her unmarried way, adroitly making herself the best weapon in her dip-
lomatic as well as her domestic arsenal. The Compleat Ambassador
records the marriage negotiations conducted on her behalf in the early
1570s by Sir Francis Walsingham, the English minister to France. Cop-
ies of the documents were found in the papers of Dudley Digges, a dip-
ломat in the reign of Elizabeth’s suc-
cessor, James I, and were published in 1655.

As usual, the negotiations had nothing to do with personal feelings,
and everything to do with diplomacy. In the endless circle of conflicts
that revolved around Protestantism and the Dutch revolt against
Spain, Elizabeth let it be known that she might consider the marriage al-
liance that had been hinted at by France. “My very good Lord,” wrote
Walsingham to the Earl of Leicester, one of Elizabeth’s advisers and
widely rumored to be her favorite, “the Protestants here do so earnest-
tle desire this match; and on the other side, the Papists do so ear-
nestly seek to impeach the same, as it maketh me the more earnest in
furthering the same.”

But Elizabeth used the French marriage negotiations only for the
safety of England. In her hands, the dynastic principle became, not the
basis for alliance, but rather a means to secure England’s freedom of ma-
neuver in Europe’s stormy political seas.

An essential element in the diplomatic uses of marriage is the wed-
ding celebration itself. The scale and sumptuousness of the public dis-
plays were often designed to call at-
tention to the successful alliance of
states through the marriage cere-
mony and to the commitments on
both sides to maintain the union—at least on the international level.

When Louise Elizabeth, daughter of Louis XV, and Don Philippe, son
of Philip V, married in 1739, the cele-
bractions included a choral cantata,
a masked ball, a state dinner, a fire-
works display, and a nautical fête on
the Seine. The magnificence of the
public displays can be seen in this
engraving of the nautical fête by
Blondel in Description des fêtes
données par la ville de Paris pub-
lished in 1740. It was a calculated
magnificence, for the French needed
to impress everyone with the seri-
ousness of their commitment to this marriage alliance. Only fourteen years earlier they had broken off a Spanish-French engagement for some transient raison d'état.

It was, of course, reason of state that decreed that Louise Elizabeth be sent down to Spain. Pressed by the Spanish, who wanted to make sure of this marriage, Louis XV finally agreed since, as he said, Madame was twelve years old and of an age when she could have her own establishment. After the festivities in Paris, and a betrothal by proxy, Louise Elizabeth was sent under escort to the Spanish border where a Spanish deputation waited to receive her.

Neutral ground for the meeting was created by the erection of a temporary building across the boundary line between Spain and France. The carefully monitored exchange, which points to the importance of the contractual aspects of diplomacy, took place within this ceremonial sanctuary. Louise Elizabeth was handed over to the Spanish, who signed a receipt for her delivery. The agreed-upon dowry was offered for inspection. It was appraised, accepted, and signed for. Then the Spanish gave some gifts to the French, and the first part of the diplomatic contract was complete. The daughter of France went on into Spain to become Don Philippe's wife in a move designed to strengthen France's position amidst her jostling neighbors.

Part of the cultural trappings that Europeans took with them as they explored and colonized new worlds was their own iconography of power with its evocations of their past and hopes for their future. Having set this down in the midst of societies with completely different heritages and aspirations, they unintentionally began a contest of cultures in which all parties sought political power through symbolic expression, while also seeking power through less peaceful means. The close relationship between the two pursuits can be seen in the meetings between
Europeans and inhabitants of the New World in which negotiations took a non-European form. This was most likely to happen in periods of European weakness or rivalry as in the late seventeenth century in northeastern North America. There the Iroquois made their own negotiating ceremonies the diplomatic standard for the area and their own League the pivot of the European-Indian alliance system called the Covenant Chain.

This engraving by Theodore de Bry for his Brevis narratio (1591) portrays one such contest of cultures in southeastern North America. Based on a painting by Jacques Le Moyne, who witnessed the scene, the illustration demonstrates the flattering view that Europeans had of themselves as they negotiated with people of different cultures. Allowance must be made for some ethnological inaccuracies, which are more the result of the artistic conventions of “exotic” portraiture than of an inability to observe. When that is done, there remains a solid core of cultural elements in confrontation, one of the characteristics of European diplomatic encounters abroad.

“The Natives of Florida Worship the Column Erected by the Commander on His First Voyage,” reads the caption under the picture, and with that, the cultural issue is joined. From a European point of view, the column served as a proclamation of the French claim to Florida, a claim that had been made by Jean Ribault in 1562 on behalf of Charles IX of France. To make such a claim impressive and official, what better way than a column, with its evocation of the power of imperial Rome and the arms of France?

However, the Timucuans, whose baskets of food are in the foreground, were well aware of the weak position of the French in Florida. The attitude of the Timucuan leader, Athore, whose arm rests casually on the shoulders of René de Laudonnière, the leader of the French reinforcements, does not suggest worship. It suggests a man in full command of the tableau that has been arranged around the column that the French so obviously value. The tableau can be seen as a gracious gesture of Indian welcome, complete with flower garlands, and, more importantly, as a calculated bid for the French goods that the Timucuans wanted. Offerings were made quid pro quo, and the French would be expected to respond generously to this cultural power play on the part of the Timucuans.

More than cultural confrontations awaited Europeans in the New World. There were diplomatic complications as well. The many unpeopled areas, which seemed to Europeans to be so many unused spaces inviting settlement, were in reality possessions tightly held in a web of Indian usage and ownership rights, social obligations, and conflicting claims. Europeans who built their forts or settlements on supposedly empty lands quickly discovered that the act of settling involved them in the conflicts and diplomacy of their
neighbors. For their part, the Indians immediately used Europeans and European weapons to advance their own causes and make good their own claims.

In the northeastern and central portions of what became the United States there were two major Indian diplomatic systems with two different methods of negotiation. A glimpse of the two is afforded in the illustration shown here from the first edition of Père Joseph François Lafitau’s work on American Indians published in 1724. A learned and ardent Jesuit, Lafitau was from 1712 to 1717 stationed at Sault St. Louis, a mission on the south bank of the St. Lawrence River opposite Montreal. There he studied the Indians whose souls he had come to the New World to save. *Moeurs des sauvages Ameriquains* was the result, one that is not only a valuable resource on Indian social and religious practices, but an early study in comparative cultures. Lafitau’s reflections shifted easily from the banks of the St. Lawrence to the Tiber and to the Aegean for comparisons with ancient Rome and Greece. The Indians’ calumet, or pipe of peace, he compared with the caduceus carried in early times by ambassadors or heralds as a sign that they were on a mission of peace.

Lafitau correctly distinguished between the diplomacy of the Mississippi basin, which centered on the calumet, and that of the Northeast where the wampum belt served purposes of peace, negotiation, and ratification. In initial encounters between Europeans and Indians these systems offered ways for the Europeans to approach the Indians. French traders used the calumet to extend their lines of trade, and the English used covenant belts to solidify alliances with the Iroquois. The latter, through skillful use of resources and strategic position, as shown on the endpaper map of the collection of treaties, *Indian Trea-
sies Printed by Benjamin Franklin*, gained enough power to put their stamp on negotiations throughout the Northeast. Parts of their requicken
ing ceremony became the standard opening procedure at diplomatic councils, so that each negotiation was an implicit acknowledging of Iroquois power and prestige.

In these cultural and diplomatic confrontations, one of the best weapons in the hands of the Iroquois was their own high view of themselves and their importance. It was a view they impressed upon Cadwallader Colden, an eighteenth century philosopher-scientist and official of the province of New York. Colden’s *History of the Five Indian Nations* was one of the first histories of the Iroquois League. It is filled with diplomatic documents that show the Iroquois making use of both Europeans and Indians in pursuit of their goals. In one council at Philadelphia in July, 1742, Canasatego, an Onondaga leader, ordered some Delawares to vacate land sold to Pennsylvania. Assertion of authority over the Delawares was part of a long-term effort on the part of the Iroquois to control the area on their southern flank through the placement of buffer groups, including the Delaware, and through good relations with the colonial authority of Pennsylvania.

This treaty of July 1742 was included in a work printed privately in 1917 for the Lenox Club of New York, *A Bibliography of the English Colonial Treaties with the American Indians* by Henry F. DePuy. The fifty-four treaties summarized in DePuy’s bibliography are impression evidence of the uses of diplomacy in European expansion, and the bibliography is incomplete. It only scratches the surface. What emerges from a study of these documents is the fact that the Indians were as adept as the Europeans at making cultural assertions, and then transforming these into political realities.

---

**THE TREATY**

**Held with the**

**INDIANS**

**OF THE**

**SIX NATIONS**

**AT**

Philadelphia, in July 1742.

To which is Prefixed

An Account of the First Diplomacy of the SIX
NATIONS, their polite Traditions, Descriptions, and Allegories.

LONDON:

Reprinted and sold by T. New, &c. at New-
London House, at the Sign of the Counter.

[Price Six-Pence.]
CHAPTER 8
CULTURAL TRANSFORMATIONS

Company was one of a number of contestants in the highly competitive arena that had been created by the decline of effective Mughal power. In the warfare that was a frequent accompaniment of the ensuing competition in diplomacy and trade, the British emerged victorious. By 1761 they had installed friendly rulers in two key southern states, and asserted their dominance in Bengal. It was this latter step that involved the Company and eventually the British government in the direct rule of Indian people.

As European powers began to expand and consolidate their colonies, European power and culture often were linked in diplomatic ceremonies designed both to awe and to attract the native inhabitants. Nowhere was this diplomacy of coercion and co-optation more dramatic than in India where a long tradition of elaborate court rituals provided a medium for the expression of English purposes. In this kind of drama the British excelled, not least because of an utter belief in the rightness of their script. Beginning in a small way in the seventeenth century with the English East India Company, the British presence in India had by the mid-nineteenth century grown to imperial dimensions. By the close of the nineteenth century, many Englishmen had convinced themselves that the whole imperial venture, Indian cultural forms and all, was nothing less than England’s special burden and privilege.

The role in India of the English East India Company was at once diplomatic, military, and commercial, and it assumed functions that in Europe were gradually being reserved to the sovereign nation-state. It sent and received diplomatic envoys, negotiated and signed treaties, waged wars, exacted reparations and, after the middle of the eighteenth century, collected taxes and administered the law.

Early in the eighteenth century the English lived in tight little groups in Bombay, Madras, and Calcutta. They had their own English clubs and their own specifically English activities. So far as possible they recreated the England that they remembered, and maintained it like an island in the midst of an India that was the source of both their wealth and their fear. The Bengal Kalender and Register published in Calcutta in 1791 is a case in point. Containing an almanac complete with phases of the moon, holidays, and movable feasts, the volume also had “Full and Accurate Lists of the Honorable East India Company’s Servants on the Bengal Establishment,” the disposition and make-up of the Army and of the various courts, lists of police commissioners and merchants, the insurance companies and the Masonic lodges. Here was an English hamlet in Bengal.

Just how isolated the British remained for many years can be seen in one of the satires on service in the East India Company, Tom Raw, the Griffin: A Burlesque Poem in Twelve Cantos. From mishap to mishap young Tom parades his naiveté and insularity: “mounts an elephant for the first time,” “mistakes a French milliner for a Hindu goddess,” and “rejects the embraces of the Nabob of Bengal.”

When the British did become a little more au fait regarding India, the results were pure theater. A kind of diplomacy emerged in which Indian culture was bent to the service of British power, and indigenous Indian forms were filled with the wine
of new meaning. Official diplomacy turned theatrical producer and took British India and the princely states as a vast stage on which to mount the drama of British power. So the Imperial Durbar of 1877 used the forms of a *darbar*, a traditional Indian court ritual of reception and renewal of fealty, to proclaim Queen Victoria as Empress of India. 

*Durbars* were held in Madras, Calcutta, and Bombay, but it was in

Delhi that the British outdid themselves in diplomatic drama. As the correspondent for *The Illustrated London News* described the scene:

The Governors, the Lieutenant-Governors, the State officials, and sixty-three ruling chiefs, attended by their suites and standard-bearers, with magnificent memorial banners, were grouped in a semicircle in front of the throne. Behind them the vast amphitheatre was filled with the foreign Embassies, and the native nobility and gentry who had received invitations; and further in the rear was the vast concourse of spectators who had assembled to witness the ceremony. ... The Viceroy arrived at the Camp at about half-past twelve and at once ascended the throne. His Excellence's arrival was heralded by flourishes of trumpets and by a fanfare from the massed bands of the various regiments present. ... Major Barnes, the chief herald, then read the Proclamation. ... The Proclamation was followed by a salute of 101 salvos of artillery of six guns each, and a *feu de joie* from the troops, the bands playing the National Anthem.

From the perspective of empire, however, it was not enough to play “God Save the Queen” for the assembled crowds. What was needed was for the Indians to have the national anthem in a form that would speak to and draw on the rich cultural traditions of the sub-continent and at the same time reinforce allegiance to Great Britain. In the early 1880s the London National Anthem Society set out to fill this need. They enlisted the aid of Sourindro Mohun Tagore of Calcutta, an authority on Indian music, who translated the words of “God Save the Queen” into Sanskrit and Bengali, and then undertook to set these Indian-language verses to music based on traditional Indian melodies.

In his introduction to *The National Anthem*, published in Cal-
cutta in 1882, Tagore pointed out that the difficulties of translation from English into Sanskrit or Bengali, great as they were, were small beside the difficulty of transcribing Indian music. However, he did what he could, choosing music that could be played on the piano as well as on the Indian sitar. He also provided the London committee with twelve different melodies from which they could choose, including this Rāgini Misra-Drogi, based on the Indian musical style, Nāgarakīrtana—an intensely religious style often sung by crowds in street processions, and eminently suitable to this particular bit of cultural co-optation.

From the first, the size and strangeness of the land had both attracted and repelled the English. They rummaged through Indian culture for their own uses, including that of diplomacy, but they kept their emotional distance lest they be overpowered. They could never be sure that the cooperation they seemed to secure was genuine, or, if genuine, that it would last. Beyond the graspable forms of culture was still the mystery and the threat of strangeness.

Rudyard Kipling caught that aspect of English rule as perfectly as he caught its arrogance. In the plate shown here, the artist’s personification of the city of Calcutta—in Bengal where the British-Indian empire began—states the dilemma that the English found as they tried to use as well as rule the strange prize that diplomacy and force had won. Calcutta speaks:

Me the Sea-Captain loved, the River built,
Wealth sought and Kings adventured life to hold.
Hail, England! I am Asia—Power on silt,
Death in my hands, but Gold!
The special task of an emissary consists of striking a balance between public assertions of honor and the private exigencies of the intended meeting. The former often results in splendid ceremonial events, the latter in the quiet functions of conveying messages, conducting negotiations, and gathering information. Modern communications have altered the role of the ambassador as an independent decision maker, but have not changed the double necessity of publicly representing the national honor, and privately gathering and transmitting accurate information.

The members of the embassy from Duke Frederick of Schleswig-Holstein to the Tsar of Russia were careful to array themselves in their finest when they were summoned to an audience with the Tsar in August 1634 and to make full display of the gifts they had brought. A chrysophrase cross encased in gold, a black stallion and a dapple-grey gelding, and a chiming clock shaped like a mountain were an important part of the embassy’s declaration of Duke Frederick’s power and wealth, and, by implication, of the desirability of granting the Duke’s wishes.

What Frederick wanted was the right of transit over Russian territory for trade with the East. The embassy that marched solemnly toward an audience with Tsar Mikhail Fedorovich had its eye on Persian silks that could be transported across Russian territory to Schleswig-Holstein’s Baltic ports for sale and distribution to the rest of Europe.

Marching in the procession was Adam Olearius, man of letters and science attached to Frederick’s court, whose title as secretary to the embassy does not begin to convey the scope and depth of the observations he made while with the embassy in Russia. His Neue orientalische Reise beschreibung spoke so directly to the growing hunger of Western Europeans for accurate and detailed knowledge about the lands to the east, that Olearius spent much of his time until his death in 1671 arranging for other editions of his work. To this philosopher, geographer, and astronomer we owe a description of Russia under the first of the Romanovs that shows the Imperial Government’s early and tentative contacts with the world outside its own immediate concerns.

In Peking in 1656 the honor of the Ch’ing authorities was set against the honor of the Dutch when an embassy from the Dutch East India Company arrived seeking trading privileges in southern Chinese ports. The authorities in Peking were engaged in a punishing civil war in the south, and the Dutch were just holding their own in a war with the Portuguese, but the meeting was conducted with as much dignity and formality as if all were well in their respective worlds. The general air of purposeful pomp maintained by both the Dutch and the Chinese shows clearly in an illustration from the 1668 edition of Johan Nieuhof’s account of the embassy, Legatio Batavica.

Throughout much of the early modern period the imagined riches of the China trade drew to the Heavenly Kingdom numbers of visitors seeking lucrative trade agreements. By the middle of the seventeenth century the Russian government was seeking both to open trade with China and to control it through government monopolies. A diplomatic mission to approach the Chinese on this point set out from Moscow in March 1692 and arrived in Peking in November 1693.

What is particularly interesting is the way that the Russian government signaled to Chinese officials that this mission, which had originally been a private commercial venture, was now a diplomatic embassy. Official interpreters, medical
Pageantry and Practice

officers, and a military escort were provided to Isbrants Ides, the merchant who had first proposed the journey as a trading expedition. Ides was given credentials to present at Peking, and these credentials were the sign of the official status and legitimacy of the embassy. Without them Ides had no standing in the land. With them, he had a privileged position and access to Chinese officials at the highest level.

In his account of the embassy, first published in English in 1706, as *Three Years Travels from Moscow Over-land to China*, Ides indicates the importance that was attached to the papers he bore: “On the 12th of November the Viceroy sent some Mandarinys to give me notice to appear with their Czarish Majesties Credentials next Morning in the Castle. . . . At eight in the Morning three principal Mandarinys came to advise me that it was then a proper time to wait on the Emperor: . . . They brought with them 50 Horses for my Retinue. According to the European mode I advanced with their Czarish Majesties Credentials, and was attended by my Retinue in good order towards the Court.”

By about 1500 throughout much of Europe, gathering information and transmitting it to the sending power was a chief function of most embassies, as it is today. Efficient organization of this ambassadorial function was one of the achievements of the Venetian Republic, whose leaders early emphasized the necessity of keeping careful records. One way that Venetian authorities assured an abundance of information from the embassies they dispatched throughout Italy and the rest of Europe was to require from the returning ambassador a special

Ambassadorial Functions

*THE THREE YEARS LAND TRAVELS OF HIS Excellency EYSBRANT IDES FROM MOSCO TO CHINA TO WHICH IS ADDED A NEW DESCRIPTION OF THAT VASt EMPIRE WRITTEN BY A NATIVE*
Navagero discussed including, in particular, the life and character of Paolo 4 (Paul IV), the great reforming pope, and of his ministers and advisors.

Another ambassador, Hugo Grotius, the Dutch jurist and writer, represented Swedish interests in Paris. In the protracted theological-political quarrels that wracked the Netherlands in the early seventeenth century, Grotius was on the losing side, and in 1619 he entered prison under a life sentence. Escaping in 1621 with the help of his wife, Grotius made his way to Paris where he was free but unemployed. It was under these circumstances that he took service as a diplomat for Sweden, and for twenty years his reports and correspondence detailed the diplomatic and military shifts of the Thirty Years War that was convulsing most of Europe.

Dryly, without adornment of any kind, Grotius put down the facts that he had gathered, as in a letter of 29 June 1641, to Joachim de Wicquefort, agent for the German state of Hesse-Cassel. On the day that Grotius wrote, a decisive battle was being fought in lower Saxony in which the Protestant forces under a Swedish leader were victorious. It was the beginning of the end of Europe’s long religious bloodletting, but in June 1641 Grotius was still in the midst of the uncertainties of an ongoing war. Carefully he performed his ambassadorial function and set down what he had been able to learn of the movements of the various armies and their leaders.

Diplomacy’s goals cannot always be pursued along plain paths and beaten ways. The collection of information promptly generates measures for the protection of information. Hence, intelligence operations and all their ramifications. The secrecy and the covert activities are as old as diplomacy itself. As Francesco Guicciardini pointed out some four hundred years ago when reflecting on his varied experiences in the diplomatic service of Florence and the Papacy, “he that weareth his heart in his forehead” is not the man to send on a diplomatic mission, “for upon the Theater of publicke employment either in peace or war, the actors must of necessity wearre vizards, and change them in every Scene.” Guicciardini points to a gulf at the heart of diplomacy; the primary loyalties of the participants are in permanent opposition. When even friends keep a cautious eye on each other’s diplomatic activities, the stage is set for spies, and lies, and secret messages.

Nowhere was the need for covert activities more evident than in sixteenth century Italy. Parochial interests reigned supreme, and there was incessant conflict. From the invasion of the French in 1494 to the Treaty of Cateau-Cambresis in 1559, Swiss, French, German, and Spanish armies bloodied the Italian states in the service of whatever ruler would outfit and pay them. The diplomacy of the period accurately reflected a world in which everyone was trying to climb the slippery pole of eminence and to shove his neighbors down. Friends were a temporary convenience, interests were fundamentally opposed, and suspicion was a permanent state of mind—with good reason. Even this routine report from a Venetian diplomat in Rome in 1552 was put mostly in code before being sent.

The report deals briefly with insular military affairs, mentions the movement of the Turkish fleet, and then drops into a code made up of numbers and dots. The frequent repetition of a dotted zero and the appearance at regular intervals of a slash through the zero suggests that the code was a simple one and that the information was not considered highly secret. Regularity offers a skilled cryptanalyst an immediate clue, and it is likely that the code here was meant chiefly to conceal the information from the casual spying of servants and couriers.

At the time this dispatch was written, much more complicated codes
were available, for example in Trihemius's *Polygraphiae libri sex*, the first printed work on cryptography, shown here in the first edition of 1518. Widely circulated and reprinted many times, the *Polygraphiae* described a method for enciphering messages that had many advantages over other systems. It was simple, flexible, and relatively secure. The method was the invention of a Benedictine abbot, Johannes Trihemius, whose fondness for exploring obscure corners of learning led him at length to a study of cryptography. The square table of letters known as a tableau was one result of Trihemius's study.

As Trihemius laid out his tableau, which he entitled "Recta transpositionis tabula," it was the simplest form of cipher array for letter by letter substitution that at the same time allowed for numerous changes of pattern within a single message. The word "treaty," for example, could have as many different ciphers as there are letters in the word. Using one possible pattern the first letter is enciphered according to the first line of cipher alphabet, the second letter according to the second line, and so on, with the result that "treaty" becomes "uthedw." In this system the first line in the tableau is the fixed alphabet, and for each
letter in this line there are twenty-four substitutions (twenty-four being the number of characters in the Latin alphabet).

Trithemius's invention was quickly adopted and widely used in diplomacy and in war. One of the most popular variations, known as the Vigenère table, was in use as late as the 1860s when the Confederates used it during the American Civil War. The name comes from that of Blaise de Vigenère, who did not invent the table but included it with others in his *Traité des chiffres*, shown here in the first edition published in Paris in 1586. Vigenère had served as a diplomat in Rome where experience in ciphers and codes went back more than three hundred years. When he came to write his book, he drew on extensive reading and on conversations with the experts in the Curia to produce an authoritative account of cryptography. It was at the same time a highly individual account, filled with his own serious contributions and adorned with conceits and fancies. In the conceit shown here, the message to be sent is to be hidden in the field of stars.

When the new American nation sent diplomatic representatives to France in 1797, care was taken to provide them with means for secret communication of their messages. Although French aid had been instrumental in the American victory in the War of Independence, many difficulties had arisen between the two nations, especially since the French Revolution, and the American ministers could not count on a friendly reception. Skepticism about how the French might receive the ministers is expressed in a letter of 1 June 1797 from U.S. Senator William Blount. As things turned out, the American ministers were not well received by the French Directory or by Foreign Minister Talleyrand. Surrounded by strangers in pursuit of different goals, the Americans were not sure who could be trusted. They were also put on guard by their own strong sense of superiority to the customs and corruption of the Old World. Hence their lavish use of code, more in volume than any other American diplomats until late in the nineteenth century. Events confirmed their suspicions.

They were approached by Jean Conrad Hottinguer ("M. X." in the dispatches), an unofficial agent for the French government, who suggested to them that their mission for the United States would go forward much better if $250,000 were distributed through Hottinguer to Talleyrand, the Directory, and certain French officials. Softening their outrage and their reply in the hope of keeping open the possibility of direct negotiations, the American ministers tried to turn the conversation. They did not succeed: "M. X. again returned to the subject of money: Said he, 'gentlemen, you do not speak to the point; it is money: it is expected that you will offer money.' We said that we had spoken to that point very explicitly: we had given an answer. 'No, said he, you have not: what is your answer? We replied: it is no; no; not a sixpence.' He again called our attention to the dangers which threatened our country, and asked, if it would not be prudent, though we might not make a loan to the nation, to interest an influential friend in our favor. He said he ought to consider what men we had to treat with; that they disapproved the justice of our..."
CHAPTER

11

COUNCELS OF PERFECTION

The advice that has been offered to diplomats is almost overwhelming, both in volume and in contradictions. Diplomats are to be paragons of virtue and rise above common foibles, even the foibles of the states that send them. Or: diplomats are simply to be servants of the state. Or: diplomats are to serve some greater good, such as the Christian commonwealth, or the cause of peace. Conversely, diplomats may legitimately deceive since they are dealing with potential enemies. The one island of agreement in this flood of advice is that the special circumstances of negotiation demand special behavior.

One of the best known of the books of advice was written by a young Spanish nobleman, Juan de Vera, and published in Seville in 1620. De Vera's work, which he titled El Embajador, became the standard for several generations of writers and practitioners in diplomacy. Under the title of "The Perfect Ambassador" it went into many editions and translations. The Italian translation, pictured here, was published in 1644 in Venice where it was assured of an interested audience. Not only did De Vera treat a subject of longstanding interest in Venice, he treated it in a fashion that recommended it to people who prided themselves on their literary taste and knowledge. They would surely see the parallels between De Vera's work and that of Torquato Tasso whose Il messaggiere had been published in Venice in 1582. Tasso's book was cast in the form of a dialogue between himself and a spirit in which they sought to discover the essence of ideal diplomacy.

De Vera, too, chose the dialogue as his literary form, but his dialogue, while as graceful, learned, and allusive as Tasso's, has a wholly different tone. De Vera was not after essences. The conversation that he wrote for "Jules" and "Louis" was created as a vehicle to convey information. The voluble "Louis" talks about the conduct of embassies, the privileges of an ambassador, diplomatic forms and procedures, and the qualities needed for success in diplomacy. It was this latter emphasis that led others to give this work the title of "the perfect ambassador."

The qualities that De Vera emphasized were those of the court, where ideals of chivalry and good breeding held high place. De Vera's ambassador was to be a well-bred gentleman. In this he departed...
somewhat from an earlier tradition that centered on the academy and lauded scholarly ideals. That tradition is represented by Frederici de Marselaer’s *Legatus, libri duo* (1644), first published in 1618. Although writing at about the same time as De Vera, Marselaer is very much of an older school. With his emphasis on classical virtues, such as eloquence, he creates as an ambassadorial ideal the humanist scholar. It was an ideal that included action as well as study and contemplation.

Both De Vera and Marselaer depart from a still earlier tradition in which the qualities emphasized were those suitable for a servant of God. In that formulation, the ambassador, while engaged in specific practical negotiations, was yet a kind of advance rider for the Kingdom, and his efforts were, above all else, to go toward the building of the earthly City of God. What is missing in Marselaer’s and De Vera’s portraits of the perfect ambassador is any strong sense of the larger good for which these high ambassadorial qualities were to be exercised. If not an earthly City of God, what then?

By the end of the seventeenth century, the answer to that question was being developed. Abrahàm de Wicquefort put it fairly: “Rulers have business with each other just as other people do, but they cannot conduct this business in person without possible detriment to themselves or to their affairs. Hence the need for Ministers of an ambassadorial nature to serve and represent them.”

On this simple foundation Wicquefort built his impressively detailed *Ambassadeur et ses fonctions*, published in 1679 and found in the third edition of 1690. Wicquefort spoke with scorn of those books—“entire volumes”—that had been devoted to “the idea of the perfect Ambassador.” He promised to provide information that was based on actual diplomatic usages, especially contemporary usages. This he did in a style that was studiedly plain: “In the year 1544, Charles, Duke of Savoy, sent his ambassador to the Diet of Spire.” And so on, for page after page.

The perfect ambassador that emerges from this mass of specific examples is distinct from the Servant of God, the Humanist Scholar, and the Well-Bred Gentleman, although traces of those still linger. In Wicquefort’s pages can be seen the beginning of that twentieth century figure, the Managerial Expert. The troublesome question about the ends of diplomacy had been disposed of with Wicquefort’s few words about rulers and their business with each other. Wicquefort’s concern was not with “What for?” It was with “How?” From there it is plain sailing to François de Callières and his emphasis on professionalism.

For thirty years Callières had served France and the interests of Louis XIV on various diplomatic missions. His long experience convinced him of the need for careful selection of diplomats and for specialized training. In his *De la manière de négocier avec les souverains* (1716), he argues for the institution of a corps of professionals who make a career of diplomacy, rather than a reliance on nobility appointed for particular missions. As diplomats worked for and attained professional status, they naturally admired that seasoned professional Callières, who asserted the supreme importance of the career diplomat in the fortunes of a state.

Since the time of the ancient
Greeks, the god Hermes has been associated with diplomacy as a protector and as a symbol. Hermes has come down to us in his Roman embodiment as Mercury: a fleet-footed messenger and herald of Olympus, wings on cap and heels, bearing a caduceus or herald's staff. He was a favorite subject for artists such as Jacques Louis David, as shown here in a reproduction of David's "Triomph de Mercure." The drawing portrays the most attractive and heroic characteristics of the patron of diplomacy. There was, however, a less attractive side to this dashing god, and it is that side that is portrayed by W. Wendell Blancke of the U.S. Foreign Service, in his takeoff on diplomacy entitled, "The Doggerel Dip." While Mercury was still in the cradle he made away with fifty oxen that belonged to his half-brother Apollo, a feat that gave him the somewhat mixed reputation that has clung to him to this day. It is a reputation that has clung to diplomacy as well. Despite the attractive qualities of the art, there is still a tendency for people to look quickly to their own possessions, lest they be stolen by the smiling diplomat.

The god of thieves and diplomats is Mercury the Herm. With the laurels of Olympos and the winds of a breeze. His foot lay in the cradle, when a babe should be near mother. Our god-boy slipped his loins and stole the cattle of his brother. The heralds of antiquity, endowed by Herm their mentor With recall as good as total and the dehors of Sestos Pursued the twofold goal of early diplomatic missions: Vie: get the party line down cold;outed the opposition.

CHAPTER 12
PRIVILEGES AND IMMUNITIES

The diplomat is by definition an outsider whose purpose is to support the interests of other outsiders and to advance their cause. Suspicion about the diplomatic role is thus built-in, and special arrangements have always been necessary to assure the diplomat's safety. From the διπλόμα (diploma) or folded letter of the ancient Greeks, from which diplomacy takes its name, to the formal credentials and diplomatic immunities of today, the diplomat is hedged about with marks of a distinctive status. In a world where foreignness is sufficient reason for exclusion, only the grant of special privilege makes it possible to receive and negotiate with one who is pre-eminently a stranger. Similarly, only special immunities allow a diplomat un molested residence on foreign soil and effective functioning even under a hostile regime.

In the ancient world and for much of the medieval period, there were no resident ambassadors. Diplomacy was conducted by special missions such as this one pictured by the artist, Jacques Louis David, in a reproduction of his "Députation a l'antique." Members of the mission were empowered to conduct specific and limited tasks on behalf of those who had sent them, but their first task was to negotiate a safe reception.

To meet the recurring need for secure passage, a system gradually developed in which rulers made special grants allowing foreigners to conduct business or travel through their territories. Like the special diplomatic missions, these grants were specific and limited in scope. When, for example, Edward I of England was called in to mediate the various European conflicts that broke out following the Sicilian revolt of 1282, he was not free to travel where he would. Despite his position as senior statesman of Europe, he had to secure safe conduits for himself and his party, such as this one issued by Philip IV of France in May 1288. The copy shown is from Thomas Rymer's Foedera, an early eighteenth century compilation that is one of the major printed sources for early English documents.

In the safe conduct, Philip calls on those in his realm to protect and facilitate the English king and his party throughout the kingdom of France. The safe conduct, which was issued at Pentecost in 1288, was good until Easter of the following year. Presumably, by that time, Edward would either have negotiated the general peace he had come for, or
would need to justify anew his presence on French soil.

Increasing frequency of contact between sovereign groups affected diplomacy in two ways. Resident ambassadors became the norm rather than the exception, and specialization became general. A tendency toward specialization can be seen quite early, perhaps as early as the fifth century B.C. The Greek institution of a resident *proxenos* in various cities to represent the interests of other city states can be seen as a kind of consular representation, although the *proxenoi* were not limited to commercial matters. Increasingly, however, routine commercial relations came to be handled by consuls, diplomatic specialists who could devote full time to them.

By the eighteenth century, this specialization was taken for granted. When the new United States wanted to establish formal relations with France, their first and urgent concern was for a commercial treaty. That entailed the establishment of consular offices and the extension of consular privileges, a task to which the Continental Congress turned on 7 June 1779, as noted in the *Journals of Congress* (1779). Special recognition and arrangements at the highest level continued to be necessary, even for consuls, as in an 1864 recognition of Eli B. Budd as the New York consul of Costa Rica. Despite the relatively low diplomatic rank of the consular corps, the recognition was signed by President Abraham Lincoln. It declares Consul Budd “free to exercise and enjoy such functions, powers and privileges as are allowed to the Consuls of the most favored Nations in the United States.”

Safe conduct and consular privileges rest on the concept of diplomatic immunity, that is, protection from the legal codes of a nation to which an emissary has been accredited. As one eighteenth century authority put it, “Among all writers in the field of public law it is agreed that ambassadors, if they act in accordance with their instructions, even if their actions are wrong, cannot be arrested or punished.” The ramifications of this have been explored and codified in the 1961 Vienna Convention on Diplomatic Relations in which it is stated, “A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State.” and, with cer-

**Literna Regis Franciae de salvo conditu pro Rege Angliae.**

A.D. 1288.

Pilopus, Dei gratia Francicv Rex

anacis & fulclebas suis universis,

ad quos praebet literas perseverint, salutem & dilectionem.

Notum facimus quod nos egregium

Principem, carissimum confuguineum & fulclem nostrum, Edwardum, Dei

gratia, illustrem Regem Angliae, Do-

minum Hibertus, & Dacem Aquitaniae,

qui ad has partes Regni nostri, ut inful-

nul nos videantur, ad requisitionem

nostram venit, & ad diversa Regni no-

stri loca & transferre proponevit, in no-

stro conditu incepimus cursum, moran-

do, ac indo, ad qualcumque partes vo-

turem, credendo,

Unde vobis omnibus & singulis man-

damus quattuor ipsum, cum Comitibus A.D. 1288.

fius, per Regnum nostrum & potentissi-

mum nostrum salvo & licenti cordis,

& conducii facatis, ad salutem &

liberationem ipsius & suis Coniviae efi-

cassicar iterentiones, & operi ferri, &

ex parte ipsius super hoc fueris requi-

sit.

Præfationibus utique ad Sautum Pat-

cha Domini, proximo futurum, quod

erit anno ejusdem millefimo decemsi-

mo octogimo nono, suo robore dura-

turis.

Aethon Aurel in Vigilia Pastoralis

anno Domini millefimo dicitero decemi-

mo octogimo octavo.
tain exceptions, "He shall also enjoy immunity from its civil and administrative jurisdiction. . . ."

Robert Cotton, the seventeenth century antiquary, drew upon this concept in his "A Relation of the Proceedings against Ambassadors Who have Miscarried Themselves."

A RELATION OF THE PROCEEDINGS AGAINST AMBASSADORS WHO have miscarried themselves, &c.

Writing at a time of great tension between England and Spain, Cotton addressed the problem of the Spanish ambassador who was accused of sowing dissension between the King and Parliament. Such behavior would, said Cotton, be treason in an English subject. Since the ambassador was a Spanish subject he should be confined to his house and denied access to the English, lest treason be imparted. The next step would be to: "... send withal a Letter, with all speed, of complaint against him to the King of Spaine."

The same point was made by the Dutch jurist, Cornelius van Bynkershoek, in 1721 in a work that quickly attained the status of a classic for its thorough and lucid approach to the concept of diplomatic immunity. Bynkershoek's work, De foro legatorum, is shown here in the French translation made by his close friend, Jean Barbeyrac, Traité du juge competent des ambassadeurs (1723). Bynkershoek pointed out what Cotton had left implicit: it was not that ambassadors were free to commit crimes. It was that punishment was the prerogative of the ambassador's own ruler or state. If the question of punishment were left up to the receiving state, harassment would be sure to follow, and diplomacy would suffer.

Byikershoek summed up the argument: "If you should say that the immunities of ambassadors . . . [are] determined solely by the degree to which the ambassadors are defended by the power of those by whom they have been sent; you are saying something which all but overthrows the whole law of nations. . . . The reasoning of all time and the practice of all nations have established the immunity of ambassadors from reprisals. . . ."
PART II

IDEAS AND INCIDENTS
PART II
INTRODUCTION

Behind the pageantry of diplomacy lie the ideas on which practice is based. In the engraving used as the frontispiece for this catalogue, Bernard Picart conveys this interrelationship of thought and conduct, the focus of the second part of the exhibition, "Ideas and Incidents." The tableau reflects a tradition of thought about the sources of rules for behavior, symbolized by the classical virtues that flank the center tableau.

Wisdom declaims, Constancy stands firm, and Political Philosophy wears a double face. The Bacchan figure of *Jus Naturae* introduces the idea of natural law, a persistent theme in diplomatic thought. Its complementary theme, the law of nations, sits brooding opposite, an aged monarch with his hand firmly grasping the stone tablet, *Jus Gentium*. Overhead is the all-seeing eye of Providence which, for generations of thinkers, was the source of justice and guarantor of peace, a role that was later assigned to public opinion.

There is a sense in which diplomacy is the meeting place where different cultures and national histories confront each other. From these confrontations have come inward-turning works of examination that seek to understand and then explain the presuppositions on which action is based. This line of intellectual inquiry runs directly from the bargaining table to works of speculative thought and back again. The questions that have been raised range widely, from conceptions of the laws of nature and their impact on ideas of social order to conflicting perspectives on concepts fundamental to relations between sovereign states: neutrality, intervention, war.

The second part of the exhibition examines these elements of diplomacy, and then looks at a few incidents when the ideas underlying diplomacy were worked out in actual practice.
CHAPTER 13

THE LEGAL HERITAGE:

NATURAL ORDER

Many thinkers grounded their conceptions of what constituted proper international behavior in “natural law.” If rules were to be kept flexible and yet not become expedient, a fixed underlying principle was required. The idea of “Nature” supplied this need. Nature was a constant that underlay superficial change. It had universal validity. Therefore, the behavior of states was not divorced from Nature but was part of it. As the Spanish jurist, Francisco de Vitoria, put the case in 1539: the law of nations was itself “derived from natural law.” The difficulties lay, of course, in defining natural law.

In the middle of the seventeenth century, Thomas Hobbes dismissed two thousand years of thought on natural law with the biting observation that the state of Nature, far from being a harmonious condition was, instead, the war of every man against every man. As for the relationship of Nature to the rules of international behavior: “The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law: where no Law, no Injustice.”

Hobbes embodied his ideas in his work Leviathan, shown here in the first edition of 1651. The famous frontispiece, with its figure of a monarch composed of a myriad of human beings, illustrates Hobbes’s purpose. He was interested in the relationship of the ruler to the ruled, in spiritual as well as earthly matters, or, as he put it in his subtitle, *The Matter, Forme, and Power of a Commonwealth Ecclesiastical and Civil*. Hobbes was deeply shaken by the horrors of the English Civil War, and the consequences of the breakdown of public order. This gave his writings an intensity that has made him an intellectual force in thought about the management of international affairs even though that was not his major concern.

For Hobbes, the law of nations was nothing more than the law of self-interest, and that expression was in turn nothing more than the law of Nature—using the term as a synonym for a state of war. This bleak, pared-down version of natural law is in contrast to the full-scale treatment of the subject by Samuel Pufendorf, diplomat, and holder of the chair of the Law of Nature and of Nations at Heidelberg. Instead of dismissing diplomacy’s heritage of thought about natural law, Pufen-
practice might well vary from one sovereign to another. Immunity had
to be based on the more constant
law of Nature.

Changing attitudes toward this
whole subject can be seen in two
eighteenth century works. Institu-
tions du droit de la nature et des gens
(1772) by Christian Wolff, and Le
droit des gens ou principes de la loi
naturelle (1777) by Emmerich de
Vattel. Wolff's grand philosophic
practice first appeared in Latin in
1750, at a time when the use of Latin
for scholarly works had a slightly
musty and Old School flavor. This
flavor pervades the work as well, al-
though Wolff thought of it as a major
advance, particularly his method-
ology, which he characterized as
"scientific."

Vattel's work was ostensibly a
paraphrase of Wolff and an attempt,
as he said, to present a kind of hand-
book of the law of nations that would
serve as a guide to statesmen. In
this he succeeded so well that for a
century and a half after the first
publication in 1758, his work was the
outstanding authority on the
subject in English-speaking nations.
The philosophy of Wolff, Vattel's
starting point, was swallowed up in
Vattel's own thought, although he did
retain Wolff's orientation toward
science. "The law of nations is a
particular science," Vattel says con-
fidently. He then defines that "sci-
ence"'s" rapport to the law of
Nature in such situations as to
dissolve Nature's universality
altogether.

By the time Georg Friederich von

Martens wrote of the law of nations,
his mention of the law of Nature was
the merest lip service. His work,
Précis du droit des gens moderne de
l'Europe... which appeared in
1789, is found in the English
translation, Summary of the Law of
Nations founded on the Treaties and
Customs of the Modern Nations of
Europe (1795). The title is an
accurate expression of Martens' at-
titude, which he stated clearly in his
introduction: "It is hardly possible
that the simple law of nature should be
sufficient, even between individu-
als, and still less between nations,
when they come to frequent and
carry on commerce with each other."
Martens went on to ask: "What is
the basis of the positive Law of na-
tions?" He answered himself: "It is,
then, the aggregate of the rights and
obligations established among the
nations... which form the general
positive law of nations." In this
definition, which is the kind that has
prevailed to this day, the primacy of
the laws of Nature plays no part.
CHAPTER 14
THE LEGAL HERITAGE:
ANCIENT CODES

Rules for conduct among sovereign states are part of a vital tradition with sources in a variety of early judicial codes and commentaries. From these have come what is now called international law. Earlier writers did not know the term. They spoke of lex aeterna, the eternal or divine law, and of jus naturae and jus gentium, the law of Nature and of nations. Frequently they mixed all three. They wanted to do more than simply discover or create a body of rules that would govern relations between states. They wanted to ground the rules on principles so widely acknowledged that the rules would have the force of universal truths. This quest for universals is one of the most striking features in the early history of international law. Hesiod set the tone in the eighth century B.C.:

For laws were giv’n to man by highest Jove.
The beasts, forsooth, the fish, the birds that soar
Feed on each other, ignorant of right:
On us, however, justice—best of gifts—
Hath been conferred. . . .

Among the sources for international law are civil, canon, and customary legal thought and practices. Civil law is represented here by a fragment of the Institutes, part of the Corpus juris civile, the compilation of Roman law authorized in the sixth century by the Emperor Justinian. The manuscript leaf shown dates from the fourteenth century, and contains the initial paragraphs of the proemium, or preface to the Institutes. These are set within a border of commentaries on the text. As part of the Corpus, the text of the Institutes was copied hundreds of times to fill the needs of societies that, even in the fourteenth century, were deeply influenced by Roman law. But the influence of the Corpus juris civile went far beyond the life and limits of Justinian’s Eastern Empire, and became far more general than the specifics of Roman law with which it dealt. In international law it helped set the direction for future discussions of the sources of law, a direction indicated by Title II of Book I of the Institutes: “Of the Law of Nature, the Law of Nations, and the Civil Law.”

Nearly six hundred years after the compilation and rationalization of Roman law under Justinian, another work appeared that attempted the same task for the canon law of the Roman Catholic Church. The can-
LIBRO DEL CONSOLATO DE' MARINARI.
Nel quale si comprendono tutti gli statuti, & ordini disposti da gli antichi per ogni caso di Mercantia, ò di Navigare, cosi a beneficio de' Marinari, come de' Mercanti, & Patron de' Nauilij.
Con l'aggiunta delle ordinationi sopra l'Armate di Mare, sicurtà, entrate, & uscite.

DINVOVO RISTAMPATO, ET con ogni diligentia corretto.

IN VENETIA,
Per Andrea Rauenoldo.

M D L XVII.

Consolato de' marinari, 1567.

onist, Gratian, issued his work early in the twelfth century under the title of Concordia discordantium canonum, Harmonization of Conflicting Canons, but it has come to be known simply as Gratian's Decretum. This manuscript fragment of the Decretum dates from the twelfth century.
and, as in the Justinian manuscript, the main text is surrounded by commentaries.

Although Gratian himself probably did not include any references to the *Corpus juris civilis*, his interests were in many respects similar. Like the compilers of the *Corpus*, he included a section on the sources of law, a subject intimately connected with the authority that law can claim.

In writing the *Decretum*, Gratian used the expression “law of nations” to mean the customary usage of nations. Like civil law and canon law, customary law is an important source for what has become international law. One of the most famous early compilations of customary law is the work known as the Consulate of the Sea. The edition shown, *Libro del consolato de' marinari*, was published in 1567 in Venice. Several codifications of customary maritime and commercial law had preceded the Consulate of the Sea, but by the mid-fifteenth century the Consulate was accepted as standard. “The Beneficial Customs of the Sea,” reads one of the subject headings, and another, “Ordinances Relating to all Armed Ships Engaging in Privateering and Armed Naval Expeditions.”

The writings of Bartolus of Sassoferrato demonstrate the working out of another tendency in international law, that of inventing new sources of law to suit particular circumstances. Bartolus, a doctor of law and professor at the University of Perugia in the mid-fourteenth century, is best known for his commentaries on Roman law. For three centuries after his death, his works were printed as the authoritative source on the principles of Roman law, and, by extension, the application of that law to instances undreamed of in the Roman empire.

What was an apparently dry task of adaptation led Bartolus onto wholly new ground. This can be seen in his *Tractatus repraesolitium*, included here in a 1530 edition of his work, *Bartoli de Saxoferato in tres libros codicis*. In this discussion of the law of reprisals, Bartolus had to struggle with the gap between the unitary theory of Empire and the pluralistic reality of competing Italian states. To close the gap he was forced to postulate what were, in effect, new rules of international behavior, and to provide new theoretical justification for the rules. His work is a notable example of how succeeding generations adapted the ancient heritage of international law to validate their solutions to the recurring problems that divide sovereign states.
CHAPTER 15
THE LEGAL HERITAGE:
TREATIES AND CONVENTIONS

The validation of rules for international behavior moved gradually from a reliance on philosophical speculations and adaptations of ancient legal codes to the citation of treaties among sovereign states. This shift became noticeable by the late seventeenth century when the increasing availability of published collections of treaties provided precedents for codified rules of behavior. Nowhere in Europe were treaties made public on a systematic basis before then, although portions of individual treaties were often published. With the increasing need for public support of government policies, came increasing pressure for treaty publication. Enterprise printers discovered that there was a profit to be made in satisfying this demand. By the end of the seventeenth century, the great treaty compilations were under way and the groundwork was laid for an international law based on usage.

Full disclosure of treaty agreements had to await a change in attitude on the part of rulers. During the formation of the European states system, treaties were looked on as agreements between rulers, not between peoples or states. As such, they were one of those "mysteries of state" that were the business only of people with governmental responsibilities. Matters of peace and war, trade, and dynastic marriage were given public exposure. Subsidies, contingent alliances and war aims, and preliminary territorial bargains were usually kept secret.

This attitude towards publicity can be seen in the Articles of Peace, Entercourse, and Commerce published in London in 1630. The treaty ended a five-year war between England and Spain, and marked the official resumption of trade between the two countries. So that English merchants might know the conditions of trade that had been agreed on,
Charles I ordered publication of the treaty. Omitted from the published version was, as the preface put it, "what is privately agreed concerning Forreigne parts."

In England a decisive change in attitude toward the ruler’s affairs came during the mid-seventeenth century. The debates and disturbances of the English Civil War focused public attention on the ruler’s prerogatives, but there was more to the change than that. As the Royalists and the Parliamentarians competed for public support, they made the people the final judge of public affairs.

The provisions of various treaties of peace, commerce, and alliance entered into by England in 1667 and 1668 were matters for widespread public debate, a state of affairs peculiar to post-Civil War England. Further evidence of public concern and involvement is the ready market that developed for publications such as the one illustrated here: All the Letters, Memorials, and Considerations concerning the Offered Alliance of the Kings of England and France to the High and Mighty Lords the States of the United Netherlands. This was published in 1680. An earlier date is almost inconceivable.

On the Continent, too, the seventeenth century marked the transition from occasional treaty publication to the issuance of comprehensive collections of treaties. France was one of the first to authorize occasional publication, and it was a French collection that set the pattern for many later works.

The volume shown here, Recueil des traités de paix . . . faits par les rois de France, is from the six-volume work that appeared in 1693. The set was compiled and published by Frédéric Léonard, printer to the French king, whose own experience is a sketch of treaty publishing history.

Léonard began in 1668 with a copy of the Treaty of Aix-la-Chapelle. Public demand for that was so strong that he began to expand the size and scope of his treaty publications. Finally he published this six-volume work that covered all the treaties France had signed from 1435 to 1690. The work was a commercial success, a fact that did much to encourage other collections and to establish treaties as a regular feature of commercial publishing. Léonard’s collection was also one of the first of the state treaty collections.

The same year that Léonard’s work appeared, royal authorization was extended to Thomas Rymer, the English Historiographer Royal, "to transcribe and publish all the league, treaties, alliances, capitulations, and confederacies which have at any time been made between the crown of England, and any other kingdoms, princes, and states, as a work highly conducing to our service and the honour of this our realm." Work immediately began on the first state treaty collection to be published under official auspices and at public expense.

The seventeen volumes of Rymer’s Foedera, conventiones, litterae . . . began to appear in 1707. Public demand was so great that the first edition was quickly exhausted, and a second edition was authorized. The volume shown is from the twenty-volume second edition, published from 1726 to 1735, after Rymer’s death. While Rymer was at work on the first edition, he maintained a correspondence with Gottfried Wilhelm Leibniz, and frankly acknowledged that he was using Leibniz’s 1693 collection of diplomatic documents, Codex juris gentium diplomaticus, as a model for his Foedera.

Rymer took his instructions with such a literal fidelity that his volumes contain not only copies of diplomatic texts, but also facsimiles of some of the documents of "leagues, treaties, alliances," etc., that England had entered into. The document shown here in Rymer’s facsimile, reflects the failure of a Castilian effort under Alfonso X to reclaim Gascony for Castile. The document, dated 1 November 1254, is a conveyance of the rights that Castile still retained in Gascony to Edward, the oldest son of Henry III of England.

The period of the second edition of Rymer’s Foedera also saw the publication of Jean Dumont’s Corps universel diplomatique du droit des gens (1762-1763). The title of the work expressed the belief that had sustained Dumont in his endeavor to collect and publish all the European treaties from the time of Charlemagne. The treaties of peace, alliance, truces, commerce, etc., that
he had collected contributed to expansion of the droit des gens, the law of nations.
From the time of Dumont to the treaty series published by the League of Nations and the United Nations, the compilation and publication of treaties has continued. Treaties remain today the primary source of precedents for international law.

CHAPTER 16
DOMINION OF THE SEA

In the early 1600s, controversies over the use and freedom of the sea broke into open and repeated conflicts among the Dutch, the Spanish, the Portuguese, and the English. Conflicts over the sea were nothing new, nor were assertions of exclusive rights and power. For centuries the Venetians had been proclaiming their dominion over the Adriatic through the symbolic "marriage" of their Doge with the sea. What was new in the seventeenth century was the scale of the conflicts. Instead of being confined to the Mediterranean, they were worldwide, and they generated a body of writing that contained imperishable statements about the nature of the sea, its uses, and the ownership of its resources.

The great controversies and the writings on the question of dominion of the sea did not issue from the studies of scholars who were detached from the conflicts of their age. Rather, they were the work of men who involved themselves deeply, sometimes at personal risk, in public affairs. Before Hugo Grotius was an ambassador in Paris, he was a practicing lawyer and the official historiographer of the Dutch United Provinces. While thus publicly engaged, he wrote the work that included his passionate defense of the freedom of the sea. When this defense was published as Mare liberum in 1609, five years after it was written, Grotius was Advocat Fiscal for the high court of three Dutch provinces, and a rising government official.

The arguments in Mare liberum draw as much strength from Grotius's public involvement as from his scholarly training. He was a frank spokesman for the Dutch position in their bloody conflict with the Portuguese over trade and navigation rights in the East Indies. The fervor of a patriot gives life to the numerous references to classical authorities that support his three-part case: 1) The Dutch should have freedom to sail and trade in the East Indies; 2) neither the Portuguese nor anyone else has or can have a monopoly of such rights; 3) the sea is the common property of all, and the private property of none.

The edition of Mare liberum illustrated here was published in 1633 by the Elzevirs, Dutch publishers who became known for the high quality of their work as both scholars and printers. The occasion was—once again—a conflict over the dominion of the sea. In 1604, when the
work was written; in 1609, when it was first published; in 1614, when it was translated into Dutch; and in 1633, when this edition appeared, the United Provinces were involved in violent controversies with several different nations on the questions that Grotius had argued with such intensity. To help support the Dutch position in 1633, the Elzevirs included other writings on the freedom of the sea in the work that they entitled, *Hugo Grotijs de mari libero et P. Merula de maribus*.

In these matters, the English were consistent opponents of the Dutch, particularly after the accession of James I to the throne in 1603. Under James and under his successor Charles I, the English made sweeping claims of maritime dominion with the right to exclude foreigners from the fishing grounds in “British” waters. The best known statement of the British position is by John Selden. His work on the closure of the sea, *Mare clausum*, was published in 1635 under the semi-official sponsorship of the Crown.

Selden was one of the few in the early seventeenth century whose learning was a match for that of Grotius. Selden delves quite as deeply as the Dutch jurist does, and quotes quite as freely in order to prove the opposite argument, namely that the sea can be subject to the dominion of one ruler or state, with proprietary rights to its resources.

Selden’s work, which had appeared in Latin, was translated into English and published in 1652 under the title, *Of the Dominions or Ownership of the Sea*. The translation was done by Marchamont Nedham, English journalist and anti-Royalist.

Nedham brought Selden up to date by dedicating the translation “To The Supreme Authorite of the Nation, the Parliament of the Common-wealth of England.” He also gave the work a popular touch with a prefatory poem in which Neptune, the god of the sea, addresses England:

Of Thee (great State!) the God of Waves
In equal wrongs, assistance crave’s,
defend thy self and mee:
For if o’re Seas there bee no sway,
My Godhead clean is tane away,
the Scepter pluckt from thee.
Such as o’re Seas all soveraigne oppose
Though seeming friends, to both are truly foes.

The controversy continued after the restoration of Stuart rule in England, as can be seen in Robert Covidtung’s *His Majesties Propriety, and Dominion on the British Seas Asserted* (1665). By then another war with the Dutch had broken out. Codrington, known chiefly for his literary works and translations, takes up the task of affirming the English position that the sea is not common to all, most especially not the sea off the coasts of England, Scotland, and Ireland where the Dutch were still asserting their right to take fish. In particular, Codrington wanted to expose the “Hypocrisie” of the Dutch. Although traditionally the champions of the freedom of the sea, the Dutch had consistently denied to the English freedom of trade in the East Indies.

The whole question of dominion of the seas remained open for discussion and conflict. The Dutch jurist, Cornelius van Bynkershoek,
In Western thought there have been two basic approaches to the question of war. The idea of the just war, which stems from the Romans, was brought into the Christian tradition in the fifth century by St. Augustine. So vital a part of that tradition does it remain that it forms the basis of the U.S. Catholic bishops’ 1983 pastoral letter on the use of nuclear weapons. The other approach to the question of war is that of reason of state. A line of thought as old as war itself, *ragione di stato* was enduringly propounded in the sixteenth century by Machiavelli, and has been effectively practiced ever since. From that line of thought comes Lenin’s grim evaluation of diplomacy as the conduct of war by other means.

Few have confronted the contradictory nature of arguments for and against war more frankly than Augustine, bishop of Hippo from 395 A.D. until his death in 430. Augustine knew the face of war. His bishopric in Roman Africa was filled with refugees from the Germanic invasions of Italy, and Hippo itself was under siege at the time of his death. War was an inevitable subject when Augustine set out to portray the “two cities” of humanity in his *De civitate*
Dei. The earthly city, unlike the heavenly one, was disfigured on every hand by the ravages of war that were—literally—too terrible for words; “I am utterly unable to describe them as they are, and as they ought to be described; and even if I should try to begin, where could I end?”

Yet, said Augustine, there were times when wars had to be fought. There were just wars against unjust aggressors. Typically, Augustine did not spend much time on the point, which he took for granted. He moved quickly to the state of mind of the good ruler who would have to wage the just war, and admonished him to grieve at the terrible necessity, for “injustice ought to be a source of grief to any good man, because it is human injustice.”

This argument for a tough mind balanced by a tender heart had a wide appeal. Augustine’s influence on this point extended far outside the church of which he was a bishop, and the spread of printing after the mid-fifteenth century gave added impetus to his influence. One well-known edition of De civitate Dei was printed at a Benedictine abbey near Rome in 1470.

No one treated the subject of war in such meticulous and learned detail as Hugo Grotius whose study of diplomacy brought him to a consideration of conflicts between states. When Grotius wrote in 1625, much of Europe was ravaged by the Thirty Years War: “I saw prevailing throughout the Christian world a license in making war, of which even barbarous nations would have been ashamed,” Grotius wrote in the prolegomena to the work that brought him immediate renown.

In De jure belli ac pacis, which is shown here in the first Dutch edition of 1631, Grotius profoundly explored the literature on war. Having established standards for evaluating whether a war was just or unjust, he moved on to a subject of equal interest to him, the conduct of war. For, as he said in his prolegomena, “when arms were once taken up, all reverence for divine and human law was thrown away, just as if men were thenceforth authorized to commit all crimes without restraint.” It is here in what he called the temperamenta, or constraints on the conduct of even a just war, that Grotius made an original and lasting contribution to the subject.

For Niccolo Machiavelli, however, war was not an occasion to express grief or to formulate rules of conduct. War was simply a tool of the state, the most important tool at the state’s command: “A prince should therefore have no other aim, or thought, nor take up any other thing for his study, but war and its organization and discipline.” Writing a little more than a hundred years earlier than Grotius, Machiavelli—like Augustine and Grotius in their times—wrote amidst violence and bloodshed. His perspective was that of a tactician and an adviser to the rulers of Italy’s city states. He wrote especially for Florence, his native city, but the general terms in which he cast II prencipe make it clear that he thought that universal truths could be drawn from Italy’s specific case. This edition, printed in Venice in 1552, contains four other works by Machiavelli that were included in most early editions as an aid to understanding The Prince.

A figure who has come to symbolize the reason of state argument for war is Armand Jean du Plessis, duke of Richelieu, and Cardinal of the Roman Catholic Church. Early in life, Richelieu set his sights on high office. In a sixteen-year climb he made his way from Bishop of Luçon, an obscure and poor little benefice, to Cardinal of the Church and confidant of royalty. Two years later, in 1624, he became Prime Minister of France.

Richelieu’s readiness to bend his intellect and principles to the ends of the state has been beautifully summarized by the artist, Maurice Lemoir, in his cover illustration for the children’s book, Richelieu, by Théodore Cahu (1904). Once he attained an office of political power, Richelieu turned his formidable skills to the service of his particular
"prince," Louis XIII, and the strengthening of the French state. In this campaign, war played an important part. As the armor in the illustration suggests, Richelieu himself took a direct role in the fighting after he led France into the Thirty Years War (in 1635).

There is scarcely a better example of war being used as a tool of state. Richelieu, although a Cardinal of the Church, enlisted France in the Protestant cause. Religion counted for little when Richelieu saw an opportunity to weaken the Hapsburgs in Spain and Austria, and thus reduce the threat to France. His own words in his political testament are a commentary on his actions, and on the reason of state approach to war: "In matters of state it is necessary to profit from everything possible; whatever is useful is never to be despised."
A QUESTION OF NEUTRALITY

How should a neutral behave in time of war? Disagreement over this issue erupted between Great Britain and the United States during the American Civil War and prompted a heated exchange of diplomatic protests and rejoinders. War between the two powers seemed certain unless a definition of neutrality could be agreed on. The whole complicated issue was one that Grotius had dealt with some two hundred years earlier in his work on the laws of war and peace. In a chapter titled, "On Those Who Are of Neither Side in War," Grotius addressed the subject of neutrality with his customary grace and abundance of citations from classical authorities. One quotation seemed especially apropos for the questions raised by the American Civil War. Quoting from the first book of the Gothic War by Procopius, Grotius noted: "He is counted in the ranks of the enemy who supplies a hostile army with what is directly useful for war."

A Union view of the controversy can be seen in the lithograph, "Caving In, or a Rebel 'Deeply Humiliated,'" issued by Currier and Ives toward the end of the Civil War. While boxers Abraham Lincoln and Jefferson Davis exchange blows, the personified European powers look on and exchange comments. Despite the broad treatment by the artist, Ben Day, there is a certain sophistication in his presentation of the neutrality of the European powers. Neutrality had many shades of meaning that usually differed from one power to another, and differed again from the views of the belligerents. The apprehension expressed by England's John Bull is a reflection of the rancorous disagreement over neutral behavior that marked the relations between Great Britain and the United States throughout the war and for many years thereafter.

The disagreement began shortly after the firing on Fort Sumter in April 1861 and then mounted as fresh incidents exacerbated differences. By the late summer of 1862, disagreement had reached a critical stage. The Confederate cruiser, the Alabama, which had been built and launched in a British port, was by then well into its career of destruction. Ostensibly a dispatch boat contracted for by a private individual, the vessel had not been armed when it left Liverpool. It had been built to take arms, however, as United States officials pointed out when urging recognition was the fondest hope of those who in May 1862 had founded the weekly journal The Index. In the words of its subtitle, the journal was "devoted to the exposition of the mutual interests, political and commercial, of Great Britain and the Confederate States of America."

This devotion included recording the exploits of the Alabama (twenty-two captures in a two-month cruise), as in the 15 January 1863 issue bound into the volume shown here. The Index became an influential

Lithograph, "Caving In," by Ben Day, no date.
A Question of Neutrality

England. Of special urgency was the attempt to uncover a clear and direct connection between the Confederacy and the vessels that were being built in various British shipyards. Such evidence would force British authorities to act, and prevent the launching of another Alabama against Union shipping.

Early in 1863 Charles Francis Adams, United States Minister to England, thought that he had such evidence in intercepted correspondence that, as he noted with diplomatic care, emanated “from persons well known to be high officers of the so-called authorities now stationed in Richmond in the insurgent portion of the United States.” Adams sent copies of the correspondence to John Russell, British Secretary of State for Foreign Affairs. The icy correctness of Russell’s reply to Adams, in a copy of the correspondence laid before Parliament at the Queen’s command, gives no hint of the pressures that were gradually forcing the British to revise their view of the behavior proper to a neutral.

The controversy between the United States and England was a matter of wide public interest and involvement on both sides of the Atlantic. An influential series of letters in the London Times was written by a noted authority on international law, Sir William Harcourt. Writing under the name “Historicus,” Harcourt sharpened his attack on the Union position with references to American practices in the past, as in the letter, “American Neutrality,” reprinted from the Times of 22 December 1864.

Six years after the close of the Civil War, the governments of Great Britain and the United States finally came to an agreement on the issue of neutral behavior. The Treaty of Washington, signed in May 1871 by representatives of both powers, contained a quiet acknowledgment by Great Britain that official British behavior might have been otherwise: “Her Britannic Majesty has authorized Her High Commissioners and Plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty’s Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports and for the depredations committed by those vessels.”

This being said, the way was clear...
And whereas, after the escape of that vessel, the measures taken for its pursuit and arrest were so imperfect as to lead to no result, and therefore cannot be considered sufficient to release Great Britain from the responsibility already incurred;

And whereas, in despite of the violations of the neutrality of Great Britain committed by the "290," this same vessel, later known as the confederate cruiser Alabama, was on several occasions freely admitted into the ports of colonies of Great Britain, instead of being proceeded against as it ought to have been in any and every port within British jurisdiction in which it might have been found;

And whereas the government of Her Britannic Majesty cannot justify itself for a failure in due diligence on the plea of insufficiency of the legal means of action which it possessed:

Four of the arbitrators, for the reasons above assigned, and the fifth for reasons separately assigned by him,

Are of opinion—

That Great Britain has in this case failed, by omission, to fulfill the duties prescribed in the first and the third of the rules established by the VIth article of the treaty of Washington,

for the settlement of U.S. claims for damages. The award of $15.5 million made to the United States by the tribunal of arbitration put a definite price on the violation of neutrality that had been involved in British construction of ships for the Confederacy. As stated in Rules of the Court of Commissioners of Alabama Claims (1874), Great Britain's argument that it only allowed the vessel to be built, but was not responsible for its uses "cannot be admissible as a ground for the absolution of the offender [Great Britain]." In the long history of theorizing and argument about the question of neutrality, the documents in the settlement of the Alabama claims remain models of clarity and of forthright discussion of the issues of neutrality.

CHAPTER 19

GROUNDS FOR INTERVENTION

When is intervention justifiable? For European diplomats in the period following the Napoleonic Wars of the early nineteenth century, this was a major issue to be resolved. One focus of their concern was the status of the Christian subjects of the Ottoman Turks. Another was the treatment of Eastern European Jews. There were appropriate arguments to guide the diplomats. Vattel, in his *Law of Nations* (1758), had made it a duty of states to help oppressed peoples whose rulers broke the fundamental laws of society. But the difficulties in this quickly became obvious. Russian intervention on behalf of Eastern Christians led to fears of Russian expansion and eventually to war. As for the Eastern Jews, who was responsible for them and to what extent? Did persecution and civil disabilities justify intervention? When the Great Powers answered "yes" on behalf of Romanian Jews, they found that they were unprepared for the long-term implications of diplomatic intervention.

The status of Eastern Christians was part of a set of complex problems usually lumped together under the heading of "The Eastern Question." Just how important the ques-

begun the war, and Russian assertions of protectorship for the Christians in those provinces delayed early attempts to end it. Nor did the question disappear when the fighting stopped, as demonstrated by a memorandum printed in a British Blue Book in June 1860, *Memorandum by the Russian Government on the Condition of the Christian Population of Bulgaria, Bosnia, and the Herzegovina*.

In the mid-1860s there was new fuel for the debate on intervention. A diplomatic congress in Paris in 1858 had put Rumania under the protection and oversight of the European powers, although Turkey was allowed to retain formal suzerainty. European leaders thus felt that they had certain responsibilities when in the 1860s there was a series of outbreaks, both popular and official, against the Jews in Rumania. An incident at Galatz in 1867 in which Jews were killed while being shunted between Turkish and Rumanian authorities, focused public attention on the problem. For the next twelve years, pressures were brought to bear on the Rumanian government to improve the status of Jews in Rumania. European leaders made personal appeals. European consuls who were resident in Rumania issued joint public protests. There was also an outpouring of pamphlets on the subject, such as this French translation of British Parliamentary proceedings, *Discussion sur l'état des Juifs en Roumanie* (1867).

The Anglo-Jewish Association published a general account of the situation, *The Jews in Roumania* (ca. 1872). In the opening pages of the pamphlet, Jacob Waley, president of the Association, put the matter squarely in the hands of the diplomats: "It will be for the readers of the annexed pages to consider what fresh resources are open, if the friendly remonstrances of the British Government are unavailing, or if the Roumanian Government are unwilling or unable to uphold the supremacy of the Law. The open and public expression whether in the House of Commons or by meetings of the citizens of London and other great towns... might well invite and herald some stronger proceedings on the part of the Treaty Powers towards a State which by abnegating its public duties would irresistibly compel the curtailment of its independent action."

The abuses continued, and in 1878
at the Congress of Berlin the powers of Europe did indeed act to curtail Rumania’s independent action. Recognition of Rumanian independence was made conditional on the grant of civil rights to Jews in Rumania. Specifically, the powers required Rumania to remove from her constitution an article that restricted to Christians the right of Rumanian citizenship.

The stipulation prompted another round of pamphleteering. In France, with such pamphlets as La question juive dans les chambres Roumaines (1879); in Italy, with Marco Canini’s La verità sulla questione degli’Israeliti in Rumania (1879); and in Rumania itself with J. B. Brociner’s Die Judenfrage in Rumänien und ihre Lösung gemäss den internationalen Verträgen (1879), writers kept the issue before the public eye.

A change in the Rumanian constitution, which made it barely possible for Jews on an individual basis to become Rumanian citizens, was accepted by the Great Powers on the Rumanian government’s assurance of good intentions and a liberal interpretation. As evidence, the government could point to the recent naturalization en bloc of 888 Jewish soldiers who had served in Rumania’s war of independence against Turkey, an action that is discussed by M. Herzel in his Die Emancipation der Juden in Rumänien (1880). In February 1880, France, Germany, and Great Britain extended full recognition to Rumania as an independent state.

With this action, the Great Powers lost what leverage they had on the Rumanians. When the Rumanian government severely restricted Jewish access to citizenship, excluded Jews from certain occupations and from the public schools, and began a program of expulsions, there was little the Great Powers could do short of military intervention. That was exactly the course urged by the author of China auf der Balkanhalbinsel (1901) whose argument was that if the European nations could send a joint expeditionary force into China during the Boxer War to rescue besieged European diplomats, they could certainly send a force into Rumania to rescue the Jews and secure compliance with international law.

But there was no military intervention, and the effects of the diplomatic intervention of 1878 gradually dissipated as Great Power diplomacy turned to other matters.

A French foreign minister in 1928 defined the problem that has faced every generation of peacemakers: “Peace is proclaimed. That is well; that is much; but it still remains necessary to organize it.” To organize the international system in the interests of peace has been the ideal of theorists and practicing diplomats for generations. Many looked back to the Amphictyonic Leagues of the ancient Greeks for their models, or to the various leagues of Christian princes in temporary alliance against the Turks. Whatever the particular form of organization, the goal is the same. Emmeric Cruce found the words to express it in the plan that he offered in 1623: “... never was a council so august, nor assembly so honorable, as that of which we speak, which would be composed of ambassadors of all the monarchs and sovereign republics, who will be trustees and hostages of public peace.”

The most influential of the plans to organize peace appeared in 1638 in the memoirs of Maximilien de Béthune, the Duke of Sully, finance minister under the French king, Henry IV. Sully presented the design in comments that were scattered here and there throughout his memoirs. In the mid-eighteenth century, l’abbé de L’Écluse des Loges brought out an edition that became more widely used and famous than the original. In his Mémoires de Maxamilien de Béthune, duc de Sully (1745), the abbé collected all the comments Sully had made about the Great Design and presented them as a systematic whole.

The Great Design, as presented by Sully in the seventeenth century, would have solved the problem of war in Europe by removing the reasons for rivalry. The states of Europe, which were to number fifteen, were to be equal in territory and power. There were also provisions for a general council of Europe to sit in continuous session and handle difficulties and conflicts. It was here in the council that delegates would function as—to use Cruce’s words—“trustees and hostages of public peace.”

Peace was an important theme in the Great Design, but it was the raison d’être of a work that appeared just as the last of the wars of Louis XIV were ending. The diplomatic experience of the author of the work, Charles-Érène Castel, abbé de Saint-Pierre, had convinced him of
the need for a better system of organization if Europe were ever to be free of war. Saint-Pierre's *A Project for SETTLING an Everlasting Peace in Europe* was the result. Issued first in French as a sketch of a plan in 1712, the work was expanded into the better known French edition of 1713, and immediately translated into English in this edition of 1714. Saint-Pierre had originally included all the kingdoms of the world in his plan, but was persuaded by a friend that this would make his ideas seem too fanciful and remote. Above all, Saint-Pierre—like most of his successors—wanted his plan to be taken seriously by diplomats and political leaders. He limited his proposed union to Europe, where it was to consist of the eighteen principal Christian sovereignties.

The plans of Sully and Saint-Pierre laid out the basic forms of organization that appeared again and again in the "great designs" of later years. A French émigré, François Etienne Auguste, the count of Paoli-Chagny, offered in 1818 a *Projet d'une organization politique pour l'Europe*. While differing from its predecessors in many details, the plan still depended on a federation of Europe to preserve the peace—in this case a triple federation, one of primary rank and two secondary. By 1840 when William Ladd's essay was published in *Prize Essays on a Congress of Nations*, Europe was no longer a sufficient base from which to organize peace. Instead, as Ladd put it, the Congress of Nations would consist of ambassadors from "the most civilized, enlightened, and Christian nations." These would meet together to form a "league and covenant" that their relations in the future would be governed by the laws passed by the Congress of Nations.

Most theorists agreed that a congress of nations, in one form or another, was the best way to organize peace in the world. After World War I and again after World War II the theory was put to the test of practice. But the theorists were not satisfied. Both the League of Nations and the United Nations were far short of the kind of organization that many had envisioned. Late in 1945 a group began meeting at the University of Chicago to explore possible new approaches to world organization.

The group came to be known as The Committee to Frame a World Constitution, a name that defined both their role and their aim. Members included Robert M. Hutchins, Chancellor of the University; Wilber G. Katz, Dean of the Law School; and Mortimer J. Adler, G. A. Borgese, Robert Redfield, and Rexford Guy Tugwell, members of the faculty.

While they were engaged in exploration and study, the group met in informal and private sessions. Word about the group had gotten out, however, and generated a certain amount of hostility and curiosity, as well as an inquiry from W. V. Morgenstern in the University's own public relations department. Writing to Chancellor Hutchins, Morgenstern said that he had heard that
"you had decided to appoint a committee to draft the constitution of a world organization. . . . For my guidance: Are you planning to organize a commission?" Hutchins replied, in a handwritten note on Morgenstern's letter, "Yes."

In October 1947, 350 copies of a preliminary draft of a world constitution were circulated privately "to a restricted number of leaders and experts" for comment. A few other changes were made, in response to the leaders' and experts' comments, and the world constitution was ready for public distribution in Common Cause, the monthly report of the Committee to Frame a World Constitution.

The Chicago Tribune had deflected attention away from the final product by alarming the public at the time of private circulation. "World State's Super-Secret Con-

stitution!" blared a headline on a front page story of 17 November 1947. The Tribune's "scoop" was promptly reported in the Chicago Maroon, the University's student newspaper: "Trib Bares Hutchins 'Plot.'" The document, when it actually appeared in the March 1948 issue of Common Cause, must have been something of a letdown. Local discussion tended to center on the reaction of the Tribune as much as on the document itself.

Part of the problem lay in the presentation. With a Foreword to the Reader, a preamble in free verse, and a concordance of quotations regarding the spiritual kinship of humanity, as well as a lengthy survey report and three appendixes, the world constitution tended to get lost in the supporting documentation. No one, however, could doubt the seriousness of the framers of the constitution who offered the document, in the words of Hutchins and Borges, "as a proposal to history." As such, it took its place in a long line of proposals that tried to shape the future by providing an organizational structure for peace.
Chapter 21
A PUBLIC ROLE

The period following the First World War saw an unprecedented popular involvement in the pursuit of peace. Throughout the 1920s, a multitude of organizations dispatched speakers and pamphlets around the world to spread their vision of peace among nations. Political leaders and professional diplomats remained aloof from this activity and skeptical of the vision, which they regarded as alarmingly simplistic. Then the Foreign Minister of France made a public appeal to the peace enthusiasts of the United States. What he had in mind were the security interests of France. What he got was a snowballing popular movement that culminated in 1928 in a general treaty for the renunciation of war.

A number of varied and imaginative methods were used to bring the United States to a renunciation of war after World War I. One group launched a seven years' campaign to end war. Another worked for the adoption of a peace stamp, and still another for a peace flag to be flown at every school. The international peace flag, shown here in a postcard copy, was made up of all the national flags of the world, placed on a white background because white was the color of the flag of truce. The idea behind the peace flag was explained by Alice Park of Palo Alto who published this card to promote the flag as the symbol of the world movement for peace: "National flags divide nations from each other. Each one by itself sets up an arbitrary barrier from people. The international flag unites the symbols of all nations, and stands for union and brotherhood, the ideal of the future."

A more direct approach was taken by supporters of the drive to outlaw war. Sparked by Chicago lawyer Salmon O. Levinson, proponents of the outlawry idea worked hard to influence public leaders. They gained an early important convert in Senator William E. Borah of Idaho. In February 1923, Senator Borah introduced in the United States Senate Resolution 441 to outlaw war, codify international law, and create a world court with affirmative jurisdiction.

Then, early in 1927 French Foreign Minister Aristide Briand, in an open letter to the American public, called for an agreement between France and the United States that would, as Briand echoed Levinson, "outlaw war." Briand was an experienced diplomat with many successes to his credit, but he was soon out of his depth. He had wanted an agreement that would strengthen the French system of alliances and defense. Instead, he found himself caught up in the rush of public activity and feeling that in the 1920s centered on peace. It was not long before U.S. Secretary of State Frank B. Kellogg was caught up, too.

The outcome of this interplay between the professionals and the public was the 1928 Pact of Paris, sometimes called the Kellogg-Briand Pact. In it sixty nations renounced war as an instrument of national policy. Church bells rang. Fireworks illumined the skies. All over the United States, posters of red, white, and blue, titled in large letters, "General Pact for the Renunciation of War," went up on post office walls. This poster from Levinson's file shows the two articles that were spread before the American public as the substance of the treaty.

The National Council for the Prevention of War, which published the poster, got official permission to display it in post offices around the country. This mix of private initiative and official acquiescence was typical of the whole movement that led to the 1928 Pact of Paris. Typical, too, was the simplification of issues into the two short treaty articles. Experts on international law, however, agreed that the treaty was hedged about with important reservations.

The diplomatic routines of ratification and adherence followed, as documented in a State Department publication from Levinson's papers, Notes Exchanged between the United States and Other Powers (1928), and a departmental memorandum of 25 June 1929, "Treaty for the Renunciation of War: Status in respect of ratification and adherence." As the treaty wound its way through various stages of approval, there were ceremonies to mark the several occasions. In July 1929 came the most
important ceremony of all, the proclamation that all conditions had been fulfilled and that the treaty was in force. By this special invitation of Secretary of State Henry L. Stimson, Salmon O. Levinson was invited to attend the ceremony. When the pact was proclaimed by President Herbert Hoover, Levinson—founder of the movement to outlaw war—was present.

Proclamation of the treaty had launched it into a perilous world of contending national states and a faltering international economy. Levinson continued his campaign on behalf of the principles expressed in the treaty, which he feared would be forgotten. He was often successful in obtaining the ear of leaders. He was less successful in getting adoption of his ideas. A 1930 letter from President Hoover, in response to one from Levinson, expresses sympathy for Levinson's ideas but observes that the times were not right for the World Peace Day proclamation that Levinson advocated. Hoover wrote, "I do not believe that in a time of great national depression I should direct anything in the nature of a World Holiday."

For a long time Levinson did not give up, but continued to call the principles of the 1928 Peace Pact to the attention of the State Depart-

ment. He wrote in 1935 during the international crisis that preceded the Italian invasion of Ethiopia and received a reply from James Clement Dunn, chief of the Division of Western European Affairs: "You may rest assured that this Government will continue to base its policy squarely upon the principles declared in the Pact of Paris and to reaffirm its hope that other nations will be guided by their commitments as signatories to it."

As tensions and wars increased around the world, Levinson followed events with unflaging interest but not with unflaging hopes. The day after Hitler's troops marched into Austria in 1938, Levinson wrote to Secretary of State Cordell Hull and commented on this flagrant breach of the Peace Pact. His words reveal an understanding of international affairs that was notably absent from his 1920s campaign to outlaw war: "Thus under the sacred name of peace the anarchy of unrestricted right of occupation and conquest on innocent nations is substituted for all the laws and treaties of civilization."

Levinson added that formal recognition of Germany's aggression would establish an intolerable precedent. But recognition was soon forthcoming from a frightened and demoralized international community. The 1928 Peace Pact of Paris was dead. From the first, the Pact had been, as one commentator had acutely observed, not a backbone but a wishbone of peace.
CHAPTER 22
A CITIZEN INITIATIVE

Appeals to the public are nothing new in international affairs where there is a long tradition of public interest and debate. Even Richelieu, whose arrogance was matched only by his power, tried to create a body of informed citizenry through his petits écrits, his leaflets on diplomatic affairs. The list of those since who have “gone public” with diplomacy is a rich and varied one. Louis XIV, Daniel Defoe, Jonathan Swift, Woodrow Wilson, and Henry Kissinger, to name a scattered and disparate few, all took diplomatic matters to the public where, inevitably, they became matters of debate. It was natural, then, after World War II, that scientists would turn to the public when they wanted to influence the management of international affairs. Many scientists felt that only the public would be able to demand and sustain the new diplomatic approaches that were necessary in the new world that had been created by the atomic bomb.

The awesome power that stimulated the scientists’ concern is suggested here by two plain mimeographed pamphlets, The Atomic Bombings of Hiroshima and Nagasaki, and Photographs of the Atomic Bombings of Hiroshima and Nagasaki. These official reports of the Manhattan Project Atomic Bomb Investigating Group contain some of the first indications of just how successful had been the effort to create a bomb by splitting the atom.

The Group’s charge was to survey the damage caused by the two atomic bombs dropped on Hiroshima and Nagasaki. The scientists tried to carry out their tasks with professional objectivity. But emotion broke through their dispassionate account of the destruction of the two cities. In Hiroshima, where more than 66,000 people were killed and more than 67% of the city’s structures destroyed or severely damaged, the scientists were moved to unusual comment: “A desert of clear-swept, charred remains, with only a few strong building frames left standing was a terrifying sight.”

Against this background, scientists in the United States began to seek the ear of the public. Many of the scientists had been involved in the development of the atom bomb, but the most famous of the scientists in the public campaign had had no direct involvement. Albert Einstein’s name was inextricably linked with the bomb, however, for two reasons. He had provided the theoretical foundations for the work on nuclear fission, and he had been instrumental in the decision of U.S. officials to pursue research toward weapons development.

The memorandum shown here reflects the concern that dominated the last ten years of Einstein’s life. A private man, he reluctantly involved himself in the public debate over control of atomic energy and choices of diplomatic initiatives. His own preference was clear. He wanted the Great Powers to establish an effective world government. But he worked toward more limited

“...south of X [the center of the atomic detonation] in Hiroshima,” from Photographs of the Atomic Bombings, 1945.

The devastated area south of X in Hiroshima. The collapsed Hiroshima Gas Company buildings may be seen at the left of the picture. The Electric Company building, 6½ miles from X, may be seen in the background.
goals with other scientists, particularly those on the Emergency Committee of Atomic Scientists, which he chaired.

Because of his international stature, Einstein was the Committee’s best fund raiser. At a meeting in the spring of 1947, Einstein drafted this memorandum for possible fund-raising purposes. It was translated by Leo Szilard, a Hungarian-born physicist who was active both in the development of the bomb and in the public campaigns that followed. The broad view that Einstein took of the public debate over atomic energy is clear from this memorandum. Nothing less than “the radical solution of the problem of peace on an international basis” was Einstein’s goal. The only possible way to achieve that was for “an enlightened electorate” to support the initiatives of responsible leaders.

For Einstein, public debate in the post-atomic age had to be concerned with ultimate matters of peace or extinction. The destructive power that had been revealed in 1945 at Hiroshima and Nagasaki had, in Einstein’s view, made diplomacy the business of all people. His outlook was somber, but not pessimistic: “… we are convinced that solutions of these problems can be found if the people approach these problems with the proper attitude and therefore attack them in the proper spirit.” That spirit, Einstein believed, could be sensitized and enlarged through public debate on the grand issues of diplomacy.
CONCLUSION

What are the conditions with which diplomatic thought must grapple? Necessity. Diadaim. Suspicion. An armed and watchful waiting. All of these elements have been worked into this etching by Picasso, one of six which he made for a publication of Aristophanes' Lysistrata. It shows the meeting of the Athenian and Spartan ambassadors to work out a treaty of peace. The meeting exemplifies a whole diplomatic process.

Foremost is the spur of necessity—only through a treaty of peace can the men end the sexual boycott imposed by the Greek women under the leadership of Lysistrata. Then there is mutual disdain—Sparta looks down upon Athens and Athens looks down upon the world. There is also mutual suspicion. Hence the presence of armed men to oversee the negotiation and monitor compliance. Aristophanes' Lysistrata, first performed in Athens in 411 B.C., is still an accurate expression of the imperatives and emotional cross-currents that accompany diplomats to the conference tables and color the outcome of negotiations.

What the diplomats at the conference tables are seeking to control is the unbridled assertion of national
ego, exemplified here in an issue of *Blackhawk*. In stark contrast to the measured process of diplomacy captured by Picasso, the reckless quality of national adventurism animates this comic book melodrama. Blackhawk, the leader of the voyagers from Earth, pleads their case in a Venetian court where they have been charged with trespass. But Zixtra, the Venetian judge, will hear none of Blackhawk’s defense and sentences the earthlings to life imprisonment. The highly simplified and dramatized presentation of the comic book suggests the character of a world of unrestrained sovereignty, where each group attempts to define for itself its territory and jurisdiction.

The problems of unilateral assertions and the limitations of bilateral diplomacy have been considered by many, but by none more deeply than Immanuel Kant. His book on perpetual peace, *Zum ewigen Frieden*, first appeared in 1795 and was immediately translated into French and English. It is shown here in the enlarged German edition published in Königsberg in 1796.

Two features of Kant’s reflections deserve particular mention. The first is his reliance on multilateral agreements, the most common form of diplomatic agreement today. The second is the form of the discussion as a model treaty, the *Pactum foedus pacificum*, The Treaty of Pacific Union.

What distinguishes Kant’s proposals from those of other philosopher-diplomats is his insistence that peace could be secured through multilateral arrangements of nations just as they are. No change of character would be required. Arrangements would simply need to be made in such a way that one selfish propensity would be balanced by another: “Consequently the result for reason is as if both selfish forces were nonexistent.” This serene optimism rooted in realism has given Kant a special place in diplomatic thought, and provided a goal for multilateral diplomacy.

Whatever form diplomacy takes, however, it remains the one means for resolving national differences. The outcome can be, as Ambrose Bierce remarked about alliances, a union of thieves whose hands are so deeply in each other’s pockets that they cannot engage in separate plunder. Or diplomacy can be what the historian, Herbert Butterfield, thought it was: “a victory of the human intelligence in its perennial conflict with force and chance.”
BIBLIOGRAPHY

Unless otherwise noted, the items listed below, including books, pamphlets, manuscripts, photographs, engravings, and posters, may be found in the Department of Special Collections, the University of Chicago Library. They appear in the order in which they are discussed in the text.

Asterisks designate items shown in the exhibition, daggers indicate those illustrated in the catalogue. Two daggers mean two illustrations from the same source. Citations which are not accompanied by these symbols represent works for further reading or works mentioned in the text but which are not illustrated and do not appear in the exhibition.

INTRODUCTION


CHAPTER 1. ICONOGRAPHY OF POWER


CHAPTER 2. THE ROMAN HERITAGE: TRIUMPHAL PROCESIONS

Onofrio Panvinio. Veterum Rom. ornatissimi amplissimique thriumphi. Antwerp: Cornelij de Judeis, 1596. First published as De triumpho commenterii (Amsterdam: 1560).††


CHAPTER 3. TWO SEVENTEENTH CENTURY TRIUMPHAL PROCESIONS

Francesco Colonna. Hypnerotomachia Poliphili ubi humana omnia non nisi somnium esse docet. First published Venice, 1499.

A Description of the Most Glorious and Most Magnificent Arches Erected at the Hague for the Reception of William III, King of Great Britain. London: F. S., 1691.†


CHAPTER 4. RITUALS OF HONOR


James Howell. Προεδρικα-βασιλικη: A Discourse Concerning the Precedency of Kings. London: Sam. Speed, 1664.†

V. K. Wellington Koo, Minister from China to the United States. Ca. 1916. Archival Photofiles.†


CHAPTER 5. MARRIAGES OF ADVANTAGE


Balthazar Küchler. *Repræsentatio der fürstlichen Auffzug und Ritterspiel, Schwabeisch Gnuend.* [1611]. The Helen and Ruth Regenstein Collection of Rare Books.†


CHAPTER 6. A MARRIAGE CELEBRATION AND CONTRACT


CHAPTER 7. CULTURAL COMPETITIONS


CHAPTER 8. CULTURAL TRANSFORMATIONS

Treaties and Grants from the Country Powers to the East-India Company . . . from the Year 1756 to 1772. [N.p.]: 1774.†

The Bengal Kalander & Registrar for the Year One Thousand Seven Hundred & Ninety-One. Calcutta: Mirror Press, 1791.†

[Charles D'Oyly.] *Tom Ram, the Griffin: A Burlesque Poem in Twelve Cantos.* London: R. Ackermann, 1828. The Helen and Ruth Regenstein Collection of Rare Books.†

Sourindo Mohun Tagore. The “National Anthem” translated into Sanskrit and Bengali Verse and Set to Twelve Varieties of Indian Melody. Calcutta: Sourindo Mohun Tagore, 1882.†


CHAPTER 9. AMBASSADORIAL FUNCTIONS

Adam Olearius. *Offt begehrte Beschreibung der neuen orientalischen Reise.* Schleswig: Jacob zur Glocken, 1647. Gift of O. E. Taylor.†


Hugo Grotius, Paris, to Joachim de Wicquefort, Amsterdam, 29 June 1641. ALS. The Miscellaneous Manuscripts Collection.*
CHAPTER 10. THE PLACE OF SECRECY
Cardinal del Monte, Rome, to unknown correspondent, Venice, 22 August 1552. The Rome Collection of Manuscripts.†
William Blount, Philadelphia, to John Sevier, Knoxville, 1 June 1797. ALS. The Miscellaneous Manuscripts Collection.*
United States Department of State. Instructions to the Envoys Extraordinary and Ministers Plenipotentiary from the United States of America to the French Republic, their Letters of Credence and Full Powers, and the Dispatches Received from them Relative to their Mission. Philadelphia: W. Ross, [1798]. The Durrett Collection.†

CHAPTER 11. COUNSELS OF PERFECTION
Juan de Vera. Il perfetto ambasciatore. Venice: Guisto Woffeldick, 1649. Translated into Italian by Mutio Ziccata from De Vera, El Embajador (Seville: 1620).†
Frederici de Marselaer. Legatus, libri duo. Amsterdam: Iodocum Lansonium, 1644. First published as Knoweles sine legationum insignis (Antwerp: 1618).*

CHAPTER 12. PRIVILEGES AND IMMUNITIES

Bibliography for pages 57–70
Cornelius van Bynkershoek. Traité du juge competent des ambassadeurs. The Hague: Thomas Johnson, 1723. Translated by Jean Barbevray from Bynkershoek, De foro legatorum (Leyden: 1721).‡

CHAPTER 13. THE LEGAL HERITAGE: NATURAL ORDER

CHAPTER 14. THE LEGAL HERITAGE: ANCIENT CODES
Leaf from: Justinian. Institutiones. [Bolognese ?]: ca. 14th century. Wandel Collection of Medieval and Renaissance Manuscript Fragments.†
Bibliography for pages 74–82

Libro del consolato de' marinari. Venice: Andrea Ravenoldo, 1567.††
Bartolus. Bartoli de Saxoferrato in tres libros codicis. Lyon: S. Gryphij, 1530.††

CHAPTER 15. THE LEGAL HERITAGE: TREATIES AND CONVENTIONS

All the Letters, Memorials, and Considerations concerning the Offered Alliance of the Kings of England and France to the High and Mighty Lords the States of the United Netherlands. London: Robert Harford, 1680.††
Frédéric Léonard. Recueil des traitres de paix, de trêve, de neutralité . . . fait par les rois de France avec tous les princes, et potentats de l'Europe. Paris: Frédéric Léonard, 1693. 6 vols.*

CHAPTER 16. DOMINION OF THE SEA

[Hugo Grotius.] Hugo Grotius de mari libero et P. Merula de maribus. Leyden: Elzevir, 1633. First published as Mare liberum sive de jure quod Batavis competit ad Indicana commercia dissertatio (Leyden: 1609.) Bound with Paulus Merula, Dissertatio de maribus; Marcus Zuerius Bokhorn, Apologia pro navigationibus Hollandorum adversus Pontum Heuterum (Pontus Heuter); and Tractatus pacis mutui commercii . . . 1495. The Durrett Collection.††
John Selden. Mare clausum, seu de dominio maris, libri duo. London: Richard Meighen, 1635.*

Bibliography for pages 83–94

Robert Codrington. His Majesties Propriety, and Dominion on the British Seas Asserted. London: Andrew Kembe, 1665.*

CHAPTER 17. WAYS OF WAR

[Niccolo Machiavelli.] Il principe di Niccolò Machiavelli. Venice: [Comino da Trino?], 1552. First published Rome, 1532. Bound with Machiavelli’s La vita di Castruccio; Il modo, che tenne il duca Valentino per amazzere Vittellozo Vitelli; and I ritratti delle cose della Francia, dell’Alamagna.††

CHAPTER 18. A QUESTION OF NEUTRALITY

“Caving In, or a Rebel ‘Deeply Humiliated.’” Lithograph by Ben Day. New York: Currier and Ives, n.d. The William E. Barton Collection of Lincolniana.††
The Index. “A Weekly journal of politics, literature and news devoted to the exposition of the mutual interests, political and the Confederate States of America.” 1 May 1862 - 12 August 1865.††
CHAPTER 19. GROUNDS FOR INTERVENTION

The Earl of Clarendon, British Foreign Secretary, confidential memorandum to Sidney Herbert, British secretary of war, 23 March 1854. AD.*

Eastern Papers, Part VI (a): Correspondence Respecting the Rights and Privileges of the Latin and Greek Churches in Turkey. (18 December 1854 - 17 February 1855.) London: Foreign Office, 21 Feb., 1855.††


CHAPTER 20. STRUCTURES FOR PEACE


François Etienne Auguste, comte de Paoli-Chagny. Projet d'une organization politique pour l'Europe. Hambourg: [Perthes & Besser], 1818.*


BIBLIOGRAPHY FOR PAGES 95–101

Preliminary Draft of a World Constitution, submitted for comment to a restricted number of leaders and experts. Chicago: Committee to Frame a World Constitution, 1947. The Robert M. Hutchins Papers.††

"Trib Bares Hutchins 'Plot.' ” The University of Chicago Maroon, 18 November 1947. The Robert M. Hutchins Papers.††


CHAPTER 21. A PUBLIC ROLE

"A Peace Flag for Every School." Postcard from a campaign for adoption of an international peace flag. The Salmon O. Levinson Papers.††

"Resolution to create and adopt a code of international law of peace and an international court to make it effective." U.S. Senate Resolution 441, 67th Congress, 4th Session, 13 February 1923. The Salmon O. Levinson Papers.*

"General Pact for the Renunciation of War." Poster of National Council for Prevention of War. The Salmon O. Levinson Papers.††


Henry L. Stimson to Salmon O. Levinson, 17 July 1929. Telegram. The Salmon O. Levinson Papers.††

Herbert Hoover to Salmon O. Levinson, 26 August 1930. TLS. The Salmon O. Levinson Papers.*

James C. Dunn to Salmon O. Levinson, 19 September 1935. TLS. The Salmon O. Levinson Papers.*

Salmon O. Levinson to Cordell Hull, 13 March 1938. TL. The Salmon O. Levinson Papers.*

CHAPTER 22. A CITIZEN INITIATIVE

INDEX

A
Adams, Charles Francis, 93
Alberth, archduke (ruled of The Netherlands), 16.
Aciati, Andrea, 7, 116.
Alfonso X (king of Castile), 79.
Aristophanes, 112–113, 126.
Athore, 32.
Augustine, Saint, ix, 85–86, 123.

B
Barbara Sophia of Brandenburg, 26.
Barbeyrac, Jean, 60, 68, 121.
Bartolus of Sassoferrato, 74, 122.
Bierce, Ambrose, 114.
Blancê, W. Wendell, 56, 120.
Blondel, Jacques François, 29, 118.
Blount, William, 50, 120.
Borah, William E., 105.
Briand, Aristide, 105.
Brodiner, J. B., 98, 124.
Bry, Theodore de, 32, 118.
Budd, Eli B., 59, 121.
Butterfield, Herbert, 114.
Byknershoeck, Cornelius van, 60, 83–84, 121, 123.

C
Cahu, Théodore, 88, 123.
Callières, François de, 55, 120.
Canasatego, 35.
Canini, Marco, 98, 124.
Charlemagne, 59.

D
David, Jacques Louis, 55–58, 120.
Davis, Israel, 124.
Davis, Jefferson, 90.
Day, Ben, 90, 123.
DeFeo, Daniel, 108.
DePuy, Henry F., 35, 119.
De Vera, Juan, 52–54, 120.
Digges, Dudley, 28, 118.
Donauer, Georg, 26.
D'Oyly, Charles, 119.
Dudley, Thomas H., 92.
Dumont, Jean, ix, 79–80, 122.
Dunn, James Clement, 107, 125.

E
L'Ecluse des Loges, l'abbé de, 99.
Index

Edward I (king of England), 57–58.
Edward (son of Henry III, king of England), 79.
Einstein, Albert, 109–110, 126.
Elizabeth I (queen of England), 28.
Elzevir family (publishers), 81–82.
Estienne, Henry, 5, 116.

F
Don Fernando, cardinal infante (governor of The Netherlands), 16.
Francis I (king of France), 18–19.
Franklin, Benjamin, 23, 35, 118.
Frederich, duke of Schleswig-Holstein, 42–43.
Finett, John, 19, 118.

G
Galardi, F., 120.
Gaetans, Casper, 16, 117.
Gratian, 70–74, 121.
Grotius, Hugo, ix, 46, 81–82, 86, 90, 119, 122, 123.
Guicciardini, Francesco, 47.

H
Harcourt, Sir William, 93, 123.
Herbert, Sidney, 96, 124.
Henry III (king of England), 79.
Henry IV (king of France), 99.
Henry VIII (king of England), 18–19.
Hermet, See Mercury.
Hersfeld, M., 98, 124.
Hesiod, 70.
Historicus. See Harcourt, Sir William.
Hitler, Adolph, 107.
Hobbes, Thomas, ix, 67, 121.
Holinshead, Rafael, 18–19, 117.
Hoover, Herbert, 106, 125.
Hottinguer, Jean Conrad, 51.
Howell, James, 20, 118.
Hull, Cordell, 107, 125.

I
Ides, Isbraants, 43–44, 119.
Isabella, infanta, archduchess (ruler of The Netherlands), 16.

J
James I (king of England), 19, 28, 82.
John Frederick of Württemberg, 26.
Justian, 70, 121.

K
Kant, Immanuel, 114, 126.
Kellogg, Frank B., 105.
Kipling, Rudyard, 41, 119.
Kissinger, Henry, 106.
Koo, V. K. Wellington, 23, 118.
Küchler, Balthazar, 26, 118.

L
Ladonnière, René de, 32.
Laffita, Père Joseph François, 34, 118.
Laffredi, Antonio, 11, 117, 122, 123.
Leibniz, Gottfried Wilhelm, 79, 122.
Leicester, first earl of, 28.
Lefor, Maurice, 5, 88, 116, 123.
La Moyn, Jacques, 32, 118.
Lenin, Nikolai, 85.
Léonard, Frédéric, 78–79, 122.
 Levinson, Salmon O., 105–107, 125.
Lincoln, Abraham, 59, 90, 121.
Louis XI (king of France), 26.
Louis XIII (king of France), 88.
Louis XIV (king of France), 5–8, 14, 55, 99, 108.
Louis XV (king of France), 29–30.
Louise Elizabeth (daughter of Louis XV, king of France), 29–30.

M
Machiavelli, Niccolò, 85, 86–87, 123.

N
Navagero, Bernardo, 46, 119.
Nedham, Marchamont, 82–83, 122.
Newman, Clyde J., 23, 118.
Nicolson, Harold, 116.
Nieuhof, Johan, 43, 119.

O
Olearius, Adam, 43, 119.

P
Panvinio, Onofrio, 11, 117.
Paoli-Chagny, François Etienne Auguste, count of, 101, 124.
Park, Alice, 105.
Paul IV, 46.
Petarich, Francesco, 12, 117.
Philip II (king of Spain), 28.
Philip IV (king of Spain), 16.
Philip IV (king of France), 57–58.
Philip V (king of Spain), 29.
Don Philippe (son of Philip V, king of Spain), 29–30.
Picart, Bernard, 3, 65.
Picasso, Pablo, 112, 126.
Polonus, S. Jericho, 124.
Procopius, 90.
Pufendorf, Samuel, 67–68, 121.

R
Redfield, Robert, 101.
Ribault, Jean, 32.
Ripa, Cesare, 7, 117.
Robida, Albert, 18, 117.
Robinson, W. Heath, 119.
Rousset, Jean, de Missey, 116.
Rubens, Peter Paul, 16, 117.
Russell, John, 93.
Rymer, Thomas, 57, 79, 121, 122.

S
Saint-Pierre, Charles-Irénée Castel, the abbe de, 99–101, 124.
Satow, Sir Ernest, ix, 116.
Schaufelein, Hans, 25, 118.
Seviére, John, 120.
Shah Alum II (Mughal emperor), 37.
Sinclair, Arthur, 123.
Stimson, Henry L., 106, 125.
Swift, Jonathan, 108.
Sziklai, Leo, 110, 126.

T
Tagore, Sourindro Mohun, 39–40, 119.
Talleyrand, Charles Maurice de, 51.
Tasso, Torquato, 52, 120.
Thulden, Theodore van, 16, 117.
Tindal, Matthew, 68–69, 121.
Toudouze, Gustave, 5, 18, 116, 117.
Trithemien, Johannes, 47–50, 120.
Tugwell, Rexford G., 101.

U
Uncle Sam, 23.
ACKNOWLEDGMENTS

The cooperative nature of scholarly work is exemplified by this exhibit and catalogue. The network of support and involvement extends outward from the University of Chicago Library to the members of the Library Society and on throughout the University itself. Without this support, the exhibit and the catalogue would still just be ideas awaiting realization.

There are some individuals for special thanks: Charles Lipson of the University of Chicago Department of Political Science, and Michael T. Ryan, Chief of Special Collections, Stanford University Libraries, for comments that stimulated a clarification of ideas; Robert R. Jones, editor and editorial director with Technical Publishing Company, Barrington, Illinois, for suggestions that sharpened the presentation of thought; Cynthia Susmilch of the University of Chicago Printing Department for a catalogue design that contributes to understanding as well as to aesthetic satisfaction; and Joseph Denov for painstaking and sensitive photography. Elizabeth Rosenblatt put much care into the preparation of the text for typesetting, and saved it from being bound by the apparent limitations of the computer.

Finally, a word about the contribution of the exhibitions coordinator. Jeffrey Abt's commitment to this project, and the sustained application of his high intellectual and artistic talents to its success, have made him truly a collaborator. There is no way that I can repay this gift of self so freely given. All I can do is make public acknowledgment. Anyone who cares about ideas, myself not least, has reason to be grateful for his efforts.

DVJ