Judges, merchants and envoys; The growth and development of the consular institution.

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Panel FB44: The Emergence of International Order, 1495 – 1713 (I): Actors, Identities and Institutions (Friday 1030-1215).

Draft, 13.000 words

Abstract

Consular services predate modern diplomacy by several centuries. There have been far more consuls than diplomats, they have covered far more cities than the diplomats and in the hustle and bustle of everyday life they have been far more important than the diplomats in making the less spectacular parts of international society function. Still, they have received only scant attention from historians of inter-state relations. In this article we discuss the emergence of the consular institution in the Mediterranean in the years after the crusades and its development into a more modern recognisable form around the North Sea in the 17th and 18th centuries. Particular empirical emphasis is given to the changing roles and practices of consuls. Through a case study of the foreign consuls to Norway from around 1660 and onwards, we highlight the political functions of consuls that have been sent to areas that lack external sovereignty as well as the shift in the consular institute from being primarily a means of ordering a foreign merchant community to being a practice circumscribed by state sovereignty. A history of consular establishments is a necessary part of a comprehensive history of diplomacy, as well as an apt practice through which to trace the rise of state sovereignty.
Introduction

For centuries, consuls have been at the short end of the diplomatic stick. Although etymologically descendent from the highest offices of the Roman (and later the first French) Republics, in modern times consuls have tended to be the poor siblings of ambassadors and ministers. They have largely dealt with judicial and economical matters, but in the case of lacking or inadequate diplomatic representation they have also reported to their “home” states about political affairs. This function has been of particular importance in countries and territories that lack external sovereignty. Consuls have, furthermore, performed a host of tasks that transcend diplomacy, and as consular institutions were established well before diplomatic services, the history of consular institutions can not be reduced to the history of diplomacy. It is of particular theoretical interest that the multi-faceted, ever-changing and multiple functions of consuls, incorporating at various times extra-territorial jurisdiction, political intrigue in autonomous provinces and support services for privateering, serve to undermine the once prevalent perception of a distinct separation between domestic and foreign policy, stemming from the peace treaties of Westphalia.

It is telling, but not surprising, that consuls are largely omitted from the national histories of foreign affairs. If the consuls are mentioned at all, attention is paid to the national consuls overseas, not to the foreign consuls residing on the polity’s own soil. Previous research has to a large extent focused on the consular service of one particular country, separately, as part of larger studies, or at most comparatively discussing two countries. Researchers have focused on the consular services of specific states in specific areas, some with special attention to one state, others comparing different home-states. Studies availing themselves of the first set of approaches tend to pay special attention to driving forces; how mercantilist states created consular services in particular with the intention of boosting long-distance trade. These approaches focus on how the consuls and the host societies interacted, and what effects the consuls had on the countries where they lived. We are also interested in why the consuls arrived when they did, but we are more interested in what they actually did after they arrived. We are, furthermore, curious about the importance of the consuls in a macro-perspective; what their labour can tell us about state-building, the development of the state-system and the different forms of diplomacy. The goal of this paper is thus both to systematise and theorise existing knowledge and to present new findings about the roles of consuls in Northern Europe from

around 1660. We start off by discussing the development of the consular institution, which is followed by a detailed reading of the foreign consuls in Norway and a theoretical discussion about the roles of the consuls in the creation of the modern state system.

The establishment and growth of consular institutions

The designation “consul” has been used for disparate functions. Chronological conceptual clarification is needed. On the one hand, Platt recounts how the British Consuls as late as at the time of Canning’s reforms in 1825 were “a group of individual state servants overseas, whose only common denominator was the name of consul”. On the other hand, people carrying out the functions that we discuss in this article have been known by a number of other titles. They are, however, united by two factors. In one way or another they are all representing the interests of persons foreign to their polity of residence or of the polity from which they hail, and their functions are in some way related to commerce. It should, however, be stressed that the consular services and the specific consular functions of the early third millennium are a far cry from their predecessors. The elusiveness of a definition is only compounded by the relative modernity of organised services and functions. Many states did not establish centralised consular services until the 19th or even 20th century, while the consuls until then were self-governed or subordinate to trading companies, chambers of commerce etc. Adding to the confusion, the consuls were usually not geographically or hierarchically organised, implying that the titles seem arbitrary, or even contradictory, to modern eyes.

Methodological problems add to the conceptual ones. Where the history of diplomacy can be traced without too much trouble in government archives and acts of state, the consular institute has a winding and often confusing history, and the modern institution grew out of several distinct traditions. Judicial, mercantile, political and representative needs and functions have had varied importance at different times and in different places. We focus on the developments relating to European states as senders or hosts, not because there are no other precedents of consul-like offices, but because these predecessors seem to have had little influence on the consular

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7 Platt 1971, p.13
8 Including, but not confined to: consul, consul general, vice-consul, consular agent, consular mandatory, correspondent and trade commissioner. The most important formal distinction lies in that consuls and consuls general had to (and still have to) be accepted by the host state, they need an exequatur. All the other titles could and can still be bestowed by states or their official representatives to anyone whom they might choose. Conceptual historians emphasise the importance of distinguishing between different specific titles, but tend to study clusters of closely related concepts, such as we do here. See e.g. Reinhart Koselleck: *Critique and Crisis. Enlightenment and the Pathogenesis of Modern Society*, Oxford 1988.
9 This attempt at demarcation should not be read as a structural-functionalist argument to the effect that the existence of consuls or consul-like offices follows from the structure of the international system and international commerce.
10 As we shall soon see, it is symptomatic that the first theoretical discussions about consular activities can be found at the intersection of international law and diplomatic manuals, during the late 17th and early 18th century. Writers like Wicquefort, Bynkershoek, Wolff, Vattel and Martens all touched upon the roles and positions of consuls, but there was little agreement among them and their statements were only partly grounded in empirical research. Historical accounts of the growth of consular services and the formal roles and functions of consuls started appearing approximately a century later, e.g. F. Borel: *De l’Origine et des fonctions des consul*, St. Petersbourg 1807, D. B. Warden: *On the Origin, Nature, Progress and Influence of Consular Establishments*, Paris 1813.
11 We know, for instance, of the office of wakil al-tujjar among Egyptian trading communities in the Indian Ocean in the first centuries of the second millennium, and the office of shabandar in Malacca in the 14th and 15th centuries. The latter were representatives of the merchant communities, but we do not know exactly whether they were hand-picked as middle-men by the sultan or elected by the merchant communities themselves; Philip D. Curtin: *Cross-
institution as it developed and spread across the globe in the second millennium, and because the source-material is scarce. This exploratory piece alone demanded consultation of widely disparate extant literatures as well as exploration of six different national archives.

Among the non-continuous and most likely non-reflexive precedents of the consular institutions that have been developed over the last millennium, the one ancient institution we do know fairly well, is the proxenia of the Greek city-states, dating back at least to the 6th century BCE:

The Greeks knew three kinds of representative: the angelos or presbys, the keryx and the proxenos. The first two, meaning messenger and elder respectively, were envoys used for brief and highly specific missions; the second was a herald, having special rights of personal safety; and the third was resident and informal, perhaps akin to a consul, though so different as to make any detailed comparison impossible. The institution of proxenia marked an extension of the guest-friendships (xenia) of individuals to communities or their representatives. The proxenos was a citizen of the host state who was most often appointed by the state that he represented, but he could also (at least in the case of Sparta) be appointed by the host state, and to the extent that the title was hereditary, he was often trained from childhood. The title gave honour and prestige, and often also privileges like immunity in war and peace. The evolution of the institution was a result of growing trade and a lack of laws and treaties governing trade between citizens of different political entities. With the lack of legal framework for non-citizens, the proxenos would act as legal representative of the foreigners that he represented, and he could also act as a commercial agent. The proxenos also acted as host when citizens of the state that he represented were visiting, and the institution was probably the closest thing to a permanent diplomatic representation in ancient Greece. As the proxenos held prestige both in his home-state and in the state that he represented, he would be generally acceptable as arbiter and ad-hoc envoy. The proxenos was also important in providing all sorts of intelligence. In origin, status and not least in functions, the proxenia foreshadowed the consular networks that developed in Europe two thousand years later.

12 Keith Hamilton & Richard Langhorne: The Practice of Diplomacy: Its Evolution, Theory and Administration, London 1995, p. 9, jf. Shih Shun Liu: Extraterritoriality: Its Rise and Its Decline, New York 1925, p. 24. Martin Wight makes an attempt at connecting the proxenos with academics and others who have had an affinity for external groups over the last centuries: “The modern system [of states] is weak in giving expression to the sympathy if individuals to foreign peoples, exemplified by the concern of many Victorian Englishmen for United Italy, of R.W. Seton-Watson for the central European and the Balkan nations, of C.A. Macartney for Hungary, of T.E. Lawrence the Arabs, of Denis Brogan (honorary citizen of la Roche Blanche, Puy de Dôme) for France as well as the United States. Such sympathies in the modern world are eccentric, slightly suspect, and mainly confined to scholars. It was precisely these sympathies that the Hellenic system of proxeny institutionalized.” Martin Wight (ed. Hedley Bull): Systems of States, Leicester 1977, p. 56
The title *consul* is of course a Latin one, and it was first used in Rome, where the two elected heads of state during the republic were known as consuls. During the empire, the title survived, even if its importance was greatly diminished. This archaic meaning, where the title of consul represents a member of the executive political body, is also known from medieval Europe, where the members of city councils could be known as *consules*. It is worth noting that the Romans, as their rule expanded, also established a special office for settling judicial cases where non-citizens were involved. The office of *praetor peregrinus* was established in the middle of the 3rd century BCE, and he was in charge of settling cases between citizens and peregrines, and between peregrines. The distinction that was made between different kinds of foreigners and the fact that the peregrines were allowed to live (and be judged) according to their own customs, is often seen as a precursor to later instances of extraterritorial jurisdiction associated with consuls.

The first mercantile incarnation of the consul title stems from the Western Mediterranean in the first centuries of the last millennium. The consulates were originally tribunals in port cities, consisting of local or foreign merchants as well as local authorities, who adjudicated disputes over maritime trade, between different merchants, between merchants and authorities or between merchants and their employees. At approximately the same time, we find the first references to the *consulat de la mer*, a collection of norms and rules regulating maritime trade; a codified law of the seas, stemming from the growing trade with the Eastern Mediterranean. This trade was closely connected to the crusades, and led to a gradual change in the role of the consul. Rather than having a general judicial competence for solving mercantile disputes, the consul became responsible for the merchants that originated in their own political entity. Here we have an important historical break that invests in consuls a key quality that remains with them to the present day. Between 1160 and 1230, the Italian port cities (Pisa, Genoa, Venice) made treaties with the Byzantine Empire and the Moslem rulers of the Eastern Mediterranean that allowed the city states to establish compatriots with commercial jurisdiction over own citizens in central ports. A treaty from the latter year, between Frederic II, Holy Roman emperor and king of Sicily and the “Saracen prince” Abbuisc is notable due to the fact that it allowed for a Moslem consul at Corsica. Such treaties involving resident consuls predate similar diplomatic treaties by

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20 Liu 1925, p. 25-27. The peregrines originally were the citizens of states with friendly ties to Rome. As the empire grew, the group expanded to include inhabitants of the empire that were not Roman citizens or Latini – thus encompassing most inhabitants of most Roman provinces. The distinction lost meaning with the granting of citizenship to all provinces by Antoninus Caracalla in 212.
21 Borel holds that the first such consulates could be found in Messina from 1128, in Genova from 1250 and thereafter in Valencia, Majorca, Venice and Barcelona over the next century; Borel 1807, p. 4. Stanley Jados generally finds that the office of *consul of the sea* was well established in most centres of trade around the Mediterranean at the end of the 14th century; Stanley S. Jados: *Consulate of the Sea and Related Documents*, Mobile 1975. Available at [http://libro.uca.edu/consulate/consulate.htm.xiii], accessed 2/9 2005.
22 Ibid p. v-xvi.
23 Ibid. p. 13-14.
24 Most likely Abu Zakariya Yahya, founder of the Hafsid dynasty in North Africa.
25 Ibid. p. 16-17. This one treaty might have been a reflection of the relative enlightenment of the *stupor mundi*, his interest in Islam and the presence of Moslems in his lands, but it was nonetheless only the first of several cross-religious treaties ensuring resident consuls and extraterritorial jurisdiction.
three centuries. Nonetheless, they are regularly omitted in histories of diplomacy.\textsuperscript{26} Treaties with reciprocal consular representation as well as full or partial extraterritorial jurisdiction over own compatriots were made regularly between Christian and Moslem political entities well into the 19th century.\textsuperscript{27} The European consuls of the Eastern Mediterranean were gradually granted both criminal and civil jurisdiction over their compatriots.\textsuperscript{28} The traditional reading of this development, as well as the very establishment of consuls in the Near East, is one that stresses how the Europeans were able to secure special rights, presumably through power or prestige or a combination of the two. Such a reading is inexorably Eurocentric. Internal jurisdiction was granted to groups of foreign merchants in Asia at least from the 8\textsuperscript{th} century and onwards,\textsuperscript{29} and the internal jurisdiction granted to the consuls could, at least from the outset, be understood in the context of the millet-system that organised religious minorities in the Ottoman Empire, rather than as a special privilege.\textsuperscript{30} The European merchants were at the fringes of the Eurasian trade system, and had no choice but to enter it on the terms of the Arabs. To the Ottoman state the early consuls were useful in keeping the peace and settle disputes inside the trading communities, but they had no rights against the state and the European merchants had to pay exorbitant taxes simply to be allowed to continue trading.\textsuperscript{31}

What nevertheless developed with the establishment of permanent consuls with a special allegiance was a division between consuls to foreign ports, who protected and judged over their compatriots, and consuls of the sea, who dealt with maritime judicial conflicts. This division of labour gradually fed back into the Western Mediterranean, where the consuls came to be representatives of the merchants in a specific port, usually elected by the merchants. As a lot of the merchants thus elected were foreigners, they would often represent their own compatriots in the event of conflicts with the local authorities.\textsuperscript{32} The first English consuls under that name were

\textsuperscript{27} Liu 1925, p. 31-32, 34, 39-42. Herodotus points to what has been interpreted as precedents for such extraterritorial practices when he notes that Phoenician merchants from Tyre had some sort of extraterritorial rights in Egypt as early as the 13\textsuperscript{th} century BCE. Based on more convincing evidence, he also holds that Greek merchants were accorded the same kind of privileges during the 6\textsuperscript{th} century BCE; Herodotus: \textit{History}, book II, ch. 112, 178. It is worth repeating that the idea of “extraterritoriality” made little sense until the early modern age, as there existed no concept of territorial sovereignty, cf. Liu 1925, p. 32.
\textsuperscript{28} Over the centuries, the consuls in the Ottoman Empire gained wide-ranging judicial rights over own compatriots, and they became independent of local authorities; Müller 2004, p. 77.
\textsuperscript{29} Steensgaard 1967, p. 17. Unfortunately, the character of such jurisdiction remains unclear. In China, Muslim traders were allowed to conduct commercial and communal affairs through their own institutions in the 8\textsuperscript{th} century, and the trading emporia of the Indian Ocean offered at least political neutrality to foreign merchants; Chaudhuri 1985, p. 51, 224.
\textsuperscript{30} Steensgaard 1967, p. 16-19. Extraterritorial consular rights, including judicial authority over compatriots, would later also be established in China (1843-1943) and Japan (1858-1899). In some cities in China, the consuls also acquired special areas, set off for their compatriots (and possibly also other foreigners), where no locals could settle and where the law of the home country applied; Coates 1988, p. 115. Apart from the regular functions, consuls in such areas could also be detectives, judges, jailers, civil administrators, contractors and negotiators; Brooks 2000, p. 12.
\textsuperscript{32} There are also examples of local rulers appointing consuls for a nation, disregarding the wishes of the merchants, so as to be able to deal with the merchants as a collective; Violet Barbour: “Consular Service in the Reign of Charles II”, \textit{American Historical Review}. 33, 1928, 553-578, here from p. 556.
of this type, and were appointed in Mediterranean ports at the end of the fifteenth century. These consuls were seldom in touch with England, and more often than not they were not appointed by the king, but were elected and, probably more importantly, reimbursed, by the local merchants. As a consequence of this, the consuls did not protect general English interests. An overall trend of the period is nevertheless that external judicial responsibility in relation to the host state was added to the internal jurisdiction that the consuls enjoyed over their compatriots.

In Northern Europe, jurisdiction over foreigners by other foreigners was established through institutions like that of the alderman of the Hanseatic League. The merchants of the Hanseatic cities in Germany established major offices (Kontor), communities of merchants, at major trading ports in Northern Europe; Novgorod, Bruges, Bergen and London (the Steelyard) and as a network of merchants from different cities, they needed some sort of formalised leadership. At their office in Bergen, they had “their own executive, consisting of a council of 18 and two aldermen, who were responsible to the headquarters in Lübeck”. The activities of these aldermen illustrate how tasks that would later be defined as consular were being carried out around the North Sea before consuls were appointed. Along the same lines, Henry IV, in 1404, gave the English merchants in Prussia, Denmark, Norway, Sweden and Germany the right to freely and without danger assemble and meete together as often and whensoever they please in some convienent and honest place where they shall thinke good, and that they may choose among themselves certaine sufficient and fit persons for their gouernours in those parts at their good liking.

These gubernatores mercatorum were given “speciall power and authoritie to rule and gouerne all and singular the English Marchants” that resided in or visited the ports where the governors lived, powers that included the right to judge in quarrels between the merchants, the role of arbiter between the English merchants and local merchants and authorities and the right to create and uphold statues for the communities of merchants.

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33 Platt 1971, p. 5. Most Northern-European states had their first consuls in the Mediterranean. The first Swedish consuls were e.g. appointed to Lisbon and Cadiz, but not until the 17th century; Müller 2004, p. 40. Even if there were no English consuls until the fifteenth century, as early as 1303, Edward I in his famed Carta Mercatoria declared that in trials concerning foreign merchants, where the death penalty was not called for, “one halfe of the Iurie be of the sayd marchants, and the other halfe of good and lawfull men of the place” Quoted in Richard Hakluyt & Edmund Goldsmid (red.): The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation. volume 1, p. 121. Edinburgh 1885-90. Available from http://onlinebooks.library.upenn.edu/webbin/metabook?id=hakluyt, Accessed 2/9 2005. Foreign merchants were thus accorded substantial extraterritorial protection. This declaration was first and foremost instigated by the activities of the Hanseatic League, cf. below.

34 Platt 1971, p. 6.n

35 In the Lexicon Mittelalter, alderman and consul are e.g. cross-referenced; http://netzwerk.wisis.de/lexikon/18.htm. Accessed 17/2 2005. Cf. Borel 1807, p. 20, who argues that the Hanseatic League managed without consuls for the very reason that the aldermen carried out many of the same functions.


37 Hakluyt & Goldsmid 1985-90, volume 1, p. 137-141. The same right was granted to merchants in the Hanseatic towns and the Netherlands around the same time. We have not been able to verify whether English merchants actually elected any governors.
With the rise of the fiscal-military states in Europe and the formation of the system of sovereigns, domestic judicial procedures were increasingly codified. Centralisation of power in the hands of the monarchs meant that the practice of merchants electing their own consuls was brought to an end. The consul’s role as servant of the state became ever more accentuated. Increasingly through the 16th and 17th centuries, consuls were appointed by the state (or the king). Thereby, the home-states confirmed their responsibility for, and control over, compatriots in foreign ports. The appointed consuls could, like previously, be chosen among the merchants at the port. Alternatively, they were sent from the home state. Thus, as the rule of law was expanded to include consuls in foreign ports, a distinction was established between what anachronistically could be called “career” consuls, who are citizens of the state that they represent, and dispatched from the home state, and honorary consuls, who can in principle be citizens of any state, but that in practice tend to be citizens of the host state.

Stronger state control was not solely related to the increasing control over the state’s own citizens, but also closely connected to the need for better political intelligence. As interaction and conflict between the centralising states of the 16th and 17th centuries increased, the need for all sorts of political, military and economic intelligence grew, and such needs added to the economically driven growth of consular services. It was thus common for states to have regular “correspondents” in different cities of importance, who would communicate directly with the state or, alternatively, with the closest diplomatic representative of the state. As consulates were established, correspondents were often made consuls, with a confluence of political, economic and representative functions. Such corresponding consuls could be found in cities that were not capitals, in states where the home state had no diplomatic representation (like Sweden in the US) and finally in territories that were not formally sovereign (like Norway).

The consular institution spread to Western and Northern Europe gradually at first, then more rapidly with the increase in long-distance and bulk trading in the 16th and 17th centuries. New

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38 During the 17th century, the British consuls were e.g. increasingly brought under government control, with clearer responsibilities for the general interest of the state, and concurrent expectations about political intelligence; Platt 1971, p. 7. Stricter state control also implied more room for patronage, where the title of consul might follow from political ties rather than mercantile experience; Barbour 1928; Platt 1971, p. 9; Coates 1988. The most blatant examples could be found in the French service, with absentee-consuls in France skimming the surplus of far-away consulates; Barbour 1928, s. 562; Steensgaard 1967. State interest was often restricted to the act of patronage, in 1809 Foreign Office bureaucrats complained that many consuls were “like lost sheep in the Wilderness”, and according to the merchants did more harm than good; quoted in Platt 1971, p. 11.

39 In England, such an expansion of the field of work took place during the civil wars; Barbour 1928, s. 556; D. B. Horn: The British Diplomatic Service 1689-1789, Oxford 1961, s. 237-38.

40 Müller & Ojala 2001, p. 27. Cf. Müller’s description of the forerunners of the Swedish consuls in the 1620s and 30s as “correspondence agents”, Jespersen & Feldbæk’s description of the Danish-Norwegian correspondents and the first foreign consuls to Norway, as described below; Müller 2004, p. 37; Jespersen & Feldbæk 2002, p. 92. When the US established a consular service towards the end of the 18th century, one of the tasks of the consuls was to report on political and military developments; Richard Hume Werking: The Master Architects: Building the United States Foreign Service, 1890-1913, Lexington, KY 1977, p. 2.


42 The Danish-dominated conglomerate state (including Norway, Iceland, the Faeroe Islands, Greenland and colonial outposts in the Caribbean, India and Western Africa) e.g. had only a royal agent in Amsterdam and consuls in Amsterdam, Nantes and Lisbon as late as 1688. During the next eight years, commissioners were created in Dunkirk, Dover and Portsmouth, and consuls in Malaga, Alicante, Cadiz and San Lucar, Genova and London; Jespersen & Feldbæk 2002, p. 165.
markets were opened for more countries and the mercantilist states were increasingly willing to support the trade of its own citizens. In Sweden, there was e.g. established a division between consular and diplomatic functions during the latter half of the 17th century, largely as a result of the establishment of the chamber of commerce in 1651. The Swedish consular service was governed by the chamber until 1906. Even though the consular and diplomatic functions were formally separated, there was no corresponding separation in representation. Titles and functions would remain intermingled until the end of the Great Northern War (1721).

As the consul’s judicial functions declined in importance during the 17th and 18th centuries, one was in principle left with consuls that were supposed to take care of the commercial interests of the home state and its merchants. In some cases, this development led to a change in titles, as consuls became known as agents of trade. The distinction mainly seems to have been one of status, since consuls had to be recognised by the host state through an exequatur, while agents needed no such recognition. The most notable exception to the rule can be found in the Barbary States of North Africa, where the consuls were considered to be more similar to diplomats than regular consuls, but where the representatives could not be given the title of envoy or ambassador since the States were formally vassals of the Ottoman Empire. In Denmark, these consular posts were distinct from other consular posts in their remuneration, in the recruitment to the posts and in the existence of a separate government structure that organised them. The diplomatic character is obvious in one episode from 1808. The Danish consul to Alger had the bad luck to have to inform the Dey that he would not receive any gifts from Denmark that year, due to the ongoing war. The consul was promptly chained and sentenced to slave labour, but the following day the other European consuls made a joint demarche to the Dey and had the consul released. Such action is perfectly parallel to what could be found in regular diplomatic corps.

Consular representation in a subordinate political entity - the case of Norway

In order to demonstrate how the shift in the consul institute played itself out in detail, we now turn to a case study of the Norwegian polity. We have stressed how the institutionalisation of the consul institute began in the Mediterranean. There are two reasons why we have not picked a case from area. The first reason is negative; we do not have the linguistic and cultural competence needed to work in Ottoman and Venetian archives, where most of the relevant material is to be found. The other reason is positive; around the Mediterranean, there were more types of polities whose relations were marked by more complicated patterns of power relations. After all, in the Eastern and Southern Mediterranean, sovereignty did not arrive until after the Second World War. This complexity makes for a huge challenge, so is unfit for an exploratory

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43 In Denmark, the parallel structure lasted until 1848; Müller & Ojala 2001, p. 40-41.
44 Müller 2004, p. 39-40. Horn notes that there likewise was considerable overlap between diplomats and consuls in the English Foreign Service during the same period; Horn 1961, s. 241-243.
45 The etymology of the term exequatur accentuates the rise of the centralised state, for where in the Middle Ages, it had referred to the fealty between lord and bondsman, it was now used to refer to the document that invested the consul with state powers – a direct parallel to the agreement of the diplomat.
46 Platt 1971, p. 10, n 2.
48 Ibid. p. 488.
49 See Anderson 1993, p. 54.
piece like this one. Since the rise of the consul institute is tied to the sea, however, this leaves only one area from which to choose a case, namely the North Sea. Here, state centralisation took place earlier and was more synchronous than what was the case around the Mediterranean. This makes for a more easily researchable environment. Of the North Sea riparian polities, we chose Norway for a negative reason; due to previous work, we have the in-depth cultural competence that facilitates localisation and utilisation of sources. Furthermore, with its three principal port towns, the size and character of the polity and of the source material was researchable. Most importantly, however, as a recognisable part of the Danish composite state and as a polity of trading and strategic influence throughout the relevant period (from the late Middle Ages to the end of the Napoleonic Wars), Norway had the distinction of being a playground for emerging powers while it remained suzerain. This meant that the foreign diplomats were placed outside of its borders (in the state capital of Copenhagen). As we shall see, this meant that the political reasoning of foreign states for sending (or not sending) consuls emerges more clearly, as does the political aspects of the consul’s work.

In the case of Norway, the key link between the Mediaeval organisation of trading communities and the organisation of consuls that marked the emerging sovereign system is the one used by the Hanseatic League. As noted above, the Hanseatic League had a Kontor manned by aldermen in Bergen, but the German influence in Norway declined in the 16th century. One would expect that leading foreign merchants played informal roles in the internal jurisdiction of the merchant communities, but when the first consuls to Norwegian cities were appointed, the internal judicial functions of the consuls were negligible. Of far more importance was aiding compatriots in need and providing political and other forms of intelligence.

Some of the earlier examples may have carried out such functions without the title of consul, as might have been the case for the first “consul” mentioned in the sources. Andrew Davidson Christie emigrated to Bergen from Scotland, and was awarded the right to trade (by being made a borger) in 1654. Sometime after that, he started looking after the interests of English ship-owners when English-owned prizes were brought to Bergen, and also reported to London on political issues. Christie soon had fellow consuls, and warfare was what caused the growth in their number. The Danish-led conglomerate state of which Norway was a part was a key naval state during the war of the Grand Alliance (1688–97), when its neutrality made it a key provider of raw materials as well as an important trading state and a crucial harbour for privateers. It should thus come as no surprise that we also find English consuls in Christiania.

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50 W. H. Christie: Genealogiske Optegnelser om Slægten Christie i Norge 1650-1890 og med den forbundne Slægter, Bergen 1909, p. 3. His life can be traced in the church records and tax records available at http://digitalarkivet.uib.no. When we refer to church records, tax records or census data, they are all gathered from this online database.

51 Helga Christie: Slekten Christie i Norge. Supplement til W. H. Christies genealogiske optegnelser om slægten Christie i Norge 1650-1890, Oslo 1964, p. 7. Barbour describes how the English consular service grew rapidly in the years after 1664, and explains the growth by the threats against English sea-borne trade that followed from the wars against the Netherlands and French privateering, a rapidly growing English trade and the ability of the consuls to gather political and economic intelligence at negligible cost for the Treasury; Barbour 1928, p. 578.

52 Also known as the Nine Years war, the war of the Augsburg League and, in North-America, King William’s war.

53 Throughout the 17th and 18th centuries, wars implied expansion of consular services. Neutral states gained opportunities for trade, and as trade expanded into new areas, consuls followed. Cf. the expansion of the Danish consular service described in note 37 above. States at war on the other hand expanded their consular services in neutral states, so as to be able to bolster trade and protect ships and men.

54 The city today known as Oslo.
and Trondheim during the 1680s. As the commercial centre of Norway, Bergen nonetheless had most consular activity. Christie’s son inherited his position, and corresponded regularly with the British ambassador to Copenhagen. His functions were political as well as commercial, and included the search of luggage of travellers between Scotland and Sweden, as well as being the representative of his compatriots in Bergen. As has been the case elsewhere, consular representation depended on personal ties and personal initiative. When Christie died in 1719 without leaving any adult sons, the British consulate in Bergen intermittently disappeared. To the extent that the British crown at this time had some sort of control over its consuls, as discussed above, an additional explanation of the disappearance could be that Britain was not engaged in warfare at the time being, thus there was no pressing need for consular presence. The short-lived consulate in Christiania in 1686-88 was not perpetuated.

Other states were nevertheless already represented. The Dutch Republic had an interest in Norway as a provider of wood and sailors that dated back to the Thirty Years’ War. At the time, around 25 % of the sailors in the Dutch merchant and regular navy were Norwegians, recruited at least to some extent through Dutch merchants, the same people who were usually made consuls. With the war of the Grand Alliance, on top of a trade-war with Denmark in 1687-88, the Dutch, in the form of their permanent representative in Copenhagen, Robert Goes, decided to formalise their presence in Bergen. The first consul was appointed in 1693, the Dutch merchant Tewis Dominicus, who represented the Dutch East India Company, and had been a correspondent of Goes since the war broke out. Dominicus and his successor were Dutch merchants, but in 1720, the Dutch merchants trading with Bergen suggested a Dane as consul. The Danish king was hesitant, but finally accepted what was increasingly becoming the norm; namely that the representatives of foreign states used its own citizens as consuls. Warfare led to more shipwrecks, more ship and sailors astray and more privateering and prize-courts. New wars thus led to new consuls. At the outbreak of the fourth Anglo-Dutch war in 1780, Dutch vice-consuls were appointed in several Norwegian coastal towns. As was often the case, a few of them survived even after the war, further increasing the number of foreign representatives.

The war of the Grand Alliance also brought increased French interest, particularly after the naval loss at the Battle of Barfleur/La Hougue in 1692 made France dependent on privateers. The first consular agent in Bergen, Denis Bossinot, was a French-born merchant, who turned out to be

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55 Dagny Jørgensen: Danmark-Norge mellom stormaktene 1688-1697. Dansk-norsk sjøfart og utenrikspolitikk under den pfalziske arvefølgekrig, Oslo 1976, p. 198, 209, 295. It should be noted that they were both appointed before hostilities broke out, so we must assume that commercial considerations mattered as well as intelligence gathering, and that their appointment might have been merchant-driven rather than state initiated. The consul to Christiania, Daniel Buts, seems to have been the first consul to Norway that received some form of exequatur, in 1686.


57 The younger Christie did not refer to himself as “consul”, but Horn refers to consular reports from Norway dated 1718, when Christie would have been the only possible consul. Thus the title seems to have been more important in distinguishing status than functions; D. B. Horn: “The board of trade and Consular reports, 1696-1782”, English Historical Review, 54, 1939, s. 476-80.


60 Jørgensen 1976, p. 198.
more interested in protecting his own privateering interests than French affairs of state.\textsuperscript{61} He was soon joined by French representatives in Christiansand, at the southern tip of Norway, but none of these representatives continued in an official function after hostilities ended.\textsuperscript{62} The next large-scale war, the War of the Spanish succession (1701-14) brought renewed French consular presence. Sometime between his arrival in Bergen around the turn of the century, and his first preserved consular report dated 1716,\textsuperscript{63} Jacques Buteaud, was made French consul to Bergen.\textsuperscript{64} This appointment not only fits with the general trend of expanding consular services in times of war, but also with the competitive logic of the state-system that dictated where a state should be represented. At the outbreak of hostilities, the Netherlands had, as noted above, been permanently represented in Bergen for a decade.

Buteaud and the later French consuls of the 18\textsuperscript{th} century were all appointed as consuls of the French nation in Bergen (or Trondheim or some other city), not as representatives of the king. The concept of nationhood that underlay such an appointment is closer to the “nations” of European universities, where a “nation” was the collective of students from one particular province, than our modern concept that conflates nation and people.\textsuperscript{65} The French “nation” in Bergen consisted of the French merchants residing in the city. Nevertheless, as soon as problems arose, the consuls were eager to point out that they were appointed by the king, and that they thus were his representatives. Such practices illuminate the historical break alluded to above, where the consul institute transformed from designating the first merchant among equals in a foreign port to designating the representative of the sovereign in the same port.\textsuperscript{66}

And problems did arise. Buteaud’s nephew, Jean Etienne Dechezaulx, who inherited the consular title in 1748 and set up his own trade, soon ran into trouble.\textsuperscript{67} In 1755 leading personalities in Bergen complained to the king that Dechezaulx had revoked his status as borger, that he refused to pay taxes and that he intended to continue trading without the rights conferred to the borger. The background story was that Dechezaulx was broke, and in the spring of 1756 he wrote to the king and pleaded for protection. Even though the king promised that Dechezaulx would be given respite to set his house in order and would be able to continue as consul, calamities arose. In a


\textsuperscript{63} Centre Historique d’Archives Nationaux (CHAN), AE B207, correspondance consulaire, Bergen. 1716-1792, volume I.

\textsuperscript{64} The sources are imprecise, but we do know that Butaud, a protestant, left France sometime after the revocation of the Edict of Nantes in 1685; Charliat 1928, p. 11. He was made a “borger” of Bergen in 1709, and in his consular report from 1716 refers to his vice-consuls in other cities. Upon his death, in 1748, his nephew commented that Buteaud had been in the service of the French king since 1703: “ce bon veillard, qui depuis 1703 avait eu l’honneur d’être au service du Roy”.

\textsuperscript{65} Liah Greenfeld: Nationalism. Five Roads to Modernity, Cambridge, MA 1992, p. 4. The usage of “nation” to designate all merchants in one city originating in one city or state is also known from the Levant in the 16\textsuperscript{th} century; Steensgaard 1967, p. 14-15.

\textsuperscript{66} As note above, this transformation started in the 17\textsuperscript{th} century, when the states increased control, and when merchants sought the protection of the king when trading companies and guilds lost the ability to protect the individual merchant; Barbour 1928, p. 555.

\textsuperscript{67} Danish National Archives (RK), TKUA, Diverse Sager, Realia Akter vedr. fremmede konsuler i Danmark og Norge 1747-1768, 3-019.
Memoire dated October 1756, the French ambassador to the king wrote about “the insults and outrages that had been carried out in Bergen against Mr. Dechezaulx, the French consul, his beholdings and the consular papers, showing contempt for the law, well known regulations and the law of peoples”.

Dechezaulx’s furniture had been auctioned off to cover outstanding debts, and in an undated Memoire the issues are dealt with in detail, and described as “l’injustice” and “scandale”. Dechezaulx was nevertheless able to continue as consul, and in 1760 he married the daughter of one of the leading men of the city. In the same way as the Dutch, the French also established subordinate consulates in other coastal towns in the second half of the 18th century, most notably in Trondheim, Christiansand and Christiania, and judging by their names, the consuls were either permanently settled French merchants or their descendants.

New warfare brought new consuls. The British-born Alexander Wallace, had become a borger in Bergen in 1737, and a few years into the War of the Austrian Succession (1740-48), he made his presence known. In the summer of 1744, he reported to the British envoy to Copenhagen, Walter Titley, that he had ensured the liberation of a crew of British sailors by interacting with the French Consul. The official record tells of how two British ships had been brought as prizes to Bergen, and how:

On his arrival the 14th instant July a Merchant and Trader for the British nation, Mr Alexander Wallace applyd him self to the Consul [Buteaud] & solicited for the liberating of the said Twelve Prisonners of War, in order to their being sent home on Condition that he the said Alexander Wallace, who was personally present, should be obliged, as he hereby becomes obliged, to procure effectually and without any delay, the liberty of a like number and quality of French Prisonners in England in exchange for these Twelve Prisonners the necessary Pasports for their Security.

Wallace seems to have been keenly aware of his own possibilities in the current economic and political situation. The very next day, he wrote to Ttitley as follows:

Sir, […] as the Warr now broke out between Great Brittain and France requires if thought necessary more than ever a Consul for the British Nation over this Country (the French and Dutch having theirs here already) in order to the regulating what may happen with regard to the bringing up of Captures and many other affairs that will easlie occur to your Honour, and as its so [...] great a distance from your Honour for one [...] application, you will see the necessity thereof that the British ought to have one of their own Nation that would with freedom and integrity [...] them. If I should be so fortunate as to be thought worthy of that Honour, it would lay an eternal obligation on me and my family.

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69 Dechezaulx remained consul until his death in 1799, and was followed in quick succession by his two sons, even though they were known in the French system as “commissaries” rather than consuls, since the consular title was reserved for the three formal French heads of state (with Napoleon as first consul) 1799-1804.
70 RK, TKUA, Almindelig del, Diverse Sager, Realia Akter vdr. fremmede konsuler i Danmark og Norge 1747-1768, 3-019.
71 National Archives (NA), London, SP 75/87.
Wallace was made consul in the autumn of 1744, and cemented the “eternal obligation” by baptising a son born in 1745 Walter Titly Wallace. Even disregarding the previous British consular presence in Bergen, this was an early appointment. At the time the only other British consuls in Northern Europe were in Ostende, Elsinore and St. Petersburg. Wallace combined commercial and political reporting, detailing the movements of French ships and warning against the possibility that “rebels & Jacobite agents” might use the Norwegian coast as a base for strikes against Scotland. In this case, the consul was conducting diplomatic tasks.

Wallace had experiences that were similar to Dechezaulx’s. The British envoy wrote a memorandum in November 1766 about “l’insulte” and “l’injure” that Wallace had suffered by being forced to pay taxes, in breach of the law of nations. The envoy demanded that the minister of foreign affairs should investigate, and make sure that “les privilèges & les prérogatives” that were attached to the consular dignity were respected. The clincher would seem to be his observation that the French consul was relieved of paying such taxes. Apart from the issue at hand, it is worth noting that Wallace was consistently noted as being the King’s consul, not the consul of the British nation.

Wallace remained in service until his death in 1788, and was even made consul general. True to form, he was followed by his son, who was in turn followed by Alexander Grieg, who had been working as a subordinate officer at the consulate for 25 years, in 1797. The title then remained with the Grieg family for several generations.

In 1782, perhaps as a consequence of the ongoing (fourth) Anglo-Dutch war, John Mitchell was made British consul to Christiania. He seems to have been the first consul specifically sent from the home country that stayed for any significant amount of time. After 16 years of regular but unspectacular reporting, he happily left Christiania and became British consul in Hamburg:

I neither am, nor ever was, concerned in any kind of Commerce to tie me to one sovereign [sic] Country more than another; and Norway is not a country wherein a Person would wish to live and die, if they had easie [?] choice.

As we have seen, up to this point, the pattern had been for merchants to serve as consuls, and these consuls had tended to marry locally and become naturalised, spawning sons that succeeded them as consuls. These consuls would be citizens of the country in which they worked, and

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72 The son died shortly thereafter, and Wallace found other names for his later sons.
73 Platt 1971, p. 10. It is noteworthy that all the lists of English and British consular posts in the 17th and 18th centuries omit Bergen; Barbour 1928, p. 578, n.91; Horn 1961, p. 254-255; Platt 1971, p. 10.
74 As one recalls, 1745-46 were the years of the final Jacobite rebellion in Britain, where promised French support did not materialise. Wallace’s reports were thus potentially of high political importance. With the loss of Bonnie Prince Charlie at Culloden on the 16th of April 1746, the Jacobite threat against the British throne subsided.
75 RK, TKUA, Almindelig del, Diverse Sager, Realia Akter vdr. fremmede konsuler i Danmark og Norge 1747-1768, 3-019.
76 Even so, he was also engaged in trade, being the main importer of potatoes from Britain to Norway; Ludvig Daae: Af Geheimeraad Johan v. Bülows Papirer, Christiania 1864, p. 122.
78 NA, FO 22/33 Mitchell to Grenville 13. november 1798.
would be tied to the state that they represented by their family history. The fact that Mitchell was not permanently settled in Norway indicates an increasing professional consular corps, which might explain Mitchell’s boredom with everything Norwegian. As soon as he was settled in Hamburg, he posted detailed and inspired analyses of the international political scene to the Foreign Office, of a type completely missing from his correspondence from Christiania.

The 1780s also saw British consuls established in smaller Norwegian port towns, but since there are no records of their activities in the British archives, we must assume that they were subordinate to the consuls at Bergen and Christiania, and reported to them.

The most explicitly political consul to Norway was the Swedish consul general Martineau, who was dispatched to Christiania in 1787, with orders to explore and possibly exploit the rumours of growing Norwegian dissatisfaction with the central authorities in Copenhagen. Although he did report on commercial issues, the bulk of his reports dealt with the political situation, and Martineau self-consciously described himself as a “diplomatic bastard”. The character of Martineau’s position was well known in Christiania, and later historians have described his consulate as a veritable “spy-central”. He was followed by undercover government officials when he travelled around the countryside. The acceptance of the political undertakings seems to have varied according to the relations between Sweden and the Danish composite state. When relations were good, Martineau was accepted in high society and could go about his work unhampered. In periods with higher tensions and fear of Swedish aggression, he was virtually ostracised and even threatened with expulsion. As such, the Dano-Norwegian government’s relations with Martineau mirror regular diplomatic practice. With the assassination of the Swedish king in 1792, which coincided with Martineau’s death, the embryonic consular corps was halved, and when Mitchell left in 1798 it was dissolved altogether, not to be reconstituted until the end of the Napoleonic wars, when Norway’s political situation had been dramatically changed.

That the first instances of consular representation in Norway could be found in Bergen in last decades of the 17th century fits well with developments in the rest of Northern Europe. From the middle of the 18th century, we find vital but small consular corps in several Norwegian towns. Starting in the 1730s, and increasingly thereafter, the consular titles could be found in the hands of the wealthiest and most prominent merchant families. The titles were more often than not hereditary, and if there were no sons, or if they declined, the title would usually pass on to subordinate consular officers. In the smaller towns, with few suitable persons from which to choose, it was not uncommon for one and the same merchant to be the consul of two or more states. In the second half of the 18th century, the main consuls of the leading nations were made consuls general, following what seems to be a competitive balancing logic. Apart from the particular cases of Mitchell and Martineau, the permanent and regular consuls were local

80 Nielsen 1877, p. 121.
82 Daae 1864, p. 39.
83 In addition to the representatives of England, the Netherlands, France and Sweden, there were Prussian, Russian and American consuls in Norway, dating back to the last decades of the 18th and the first decade of the 19th century.
residents, and it is telling that the only “career” consuls were the ones dispatched to the political centre in Christiania during the tumultuous end of the 18th century. When regular diplomatic representation was not a possibility, consuls were given what have traditionally been diplomatic functions, in the form of reporting, but during wars also the handling of privateering and prizes. As noted, war was also the most important catalyst for establishing new consulates.

Where warfare motivated the states, status seems to have been the driving force for the consuls. Among the first generation of consuls, several were elected after having been approached by their countrymen. They must have been some sort of *primi inter pares* in their own communities, as was usual in earlier periods and as the references to the “nations” in the towns suggest. It is also worth noting that in the public records (censuses, church records, tax lists etc.) a large majority of the consuls gave ‘consul’ as their occupation, ahead of both merchant and, more noteworthy, burgher. Gradually, as the consuls became naturalised Norwegians, the title changed from being a status-marker within a group of compatriots abroad to being a status-marker in the host society. A consular title could also be helpful in avoiding other claims. Traditionally, a consul did not have to serve as an elected deputy, a right of omission that the consuls guarded jealously, but that was abolished in the 1820s. Furthermore, there were economic motives. Status led to privileges, like reduced taxation, and a consular title also made importing and exporting to and from the state one represented a lot easier, as the title was seen to signal trustworthiness.

As the two complaints from Bergen in the 1750s and 1760s illustrate, a consular title on the other hand need not signal trustworthiness in the host society, as consular privileges were seen to interfere with fair trading. There was a continuous tug-of-war going on about the international status of consuls, where both the French and British envoys in Copenhagen emphasised that there were certain privileges and rights attached to the consular dignity, and they both appealed to the law of nations in their critique of the officials of Bergen. Nevertheless, there were no commonly accepted rules detailing the role of consuls in the current international law. As late as in 1596, a French consul was executed in Alexandria, while dressed in his consular uniform. This dovetails nicely with the situation in which diplomats found themselves, for as Anderson notes, the position of diplomats was not entirely clear either:

The immunity of diplomats from civil proceedings was also being more and more clearly asserted. This was a process which extended over a long period, and in the seventeenth century the extent of their privileges in this respect was still far from clear. In 1666 the Portuguese minister-resident in the Dutch republic had his household goods seized for debt; and when, two years later, he attempted to leave for Portugal his creditors secured a court order for his arrest. The most important and spectacular case, however, came in London when, in September 1708, A.A. Matveyev, the Russian minister, was arrested on the complaint of a number of

86 Steensgaard 1967, p. 18. During the reign of Charles II in England (1660-85), the British consul to the Canary Islands was driven from the islands, the consuls to Madeira and Cadiz were jailed and the consul to Alger was killed; 1928, p. 571. When the entire French nation in Aleppo, including the consul, was incarcerated in 1623, this was nevertheless a result of the French envoy to Istanbul trying to recoup expenses he had had on their behalf: Steensgaard 1967, p. 39-40.
tradesmen to whom he owed money. He spent only a few hours in prison; but when he was released the heads of all the foreign missions in London (except that of Sweden, which was then at war with Russia) accompanied him to his house in a demonstration of solidarity and next morning visited him to promise their support. The following year saw the passing by [the English] Parliament of legislation protecting foreign diplomats against criminal and civic proceedings.  

As late as in the 18th century, diplomats could nevertheless be charged with more serious crimes, and diplomatic immunity was not finally codified in international law until the Congress of Vienna in 1815. In the middle of these processes of expansion and codification of immunity-laws, the consuls in Bergen wanted the protection of the same international law. Such attempts at gaining privileges were met by controlling moves by the state. A royal decree from 1771 stated that:

> Every foreign Agent or Consul sent to His Majesty’s realms and lands shall, in accordance with the custom which has always been observed both here and abroad, be immune, as regards his own person while carrying on his consular business, from Norwegian jurisdiction, and shall enjoy all the advantages, privileges and exemptions attaching to this office; nevertheless, if he possesses a house or other property in Norway, he shall in every case be under a duty to bear and be responsible for the charges attaching thereto, and if he engages in trade or business, he shall be subject in respect thereof to the Constitution and the laws of the country on the same footing as His Majesty’s own subjects, and hence also the local authority of the place where he is resident.

Extraterritoriality was thus restricted, covering only the consul in his official capacity. The tensions between consular privileges and trading rights also seem to have subsided as the consuls became naturalised Norwegians.

In 1814, Norway was split off from the Danish-led conglomerate state, and joined with Sweden as a separate state in a loose personal union under a common King. An indigenous constitution and local institutions (like a parliament and a bureaucracy) ensured wide-ranging internal sovereignty. There could still be no diplomats accredited to Norway, but its newfound status as a state made it a lot easier and more attractive to have consuls in the country. As trade started to blossom again after decades of warfare and the states reorganised their consular services to fit with increases in trade, the number of consuls in Norwegian coastal towns grew rapidly.

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87 Anderson 1993, p. 54.
88 The current Vienna convention on diplomatic rights is from 1961. It provides immunity for diplomats, e.g. from criminal proceedings in the host state. Typically enough, a Vienna convention on consular rights was created afterwards, in 1963, on the pattern of the diplomatic convention. It provides consuls and their archives with a more limited immunity.
89 Norwegian National Archives (RA), UD 14.1/9, box 549.
90 Increased lust for consular titles in Norway also seems to have spurred the growth. The prestige attached to the title continued to grow, even as more people gained it and became consuls for European states of various stature. Thus, the wars of national unification must have dealt a severe blow to the markers of social status in Norwegian towns. Bergen was still the city with most consuls, but the career consuls, growing in number from two to six during the 19th century, were invariably located in Christiania.
Consuls could also continue to play the role of diplomats. John Rice Crowe settled as merchant and entrepreneur in Northern Norway around 1820, and was soon made British consul. Around the middle of the 1830s, he started sending dispatches to London where he described the potential Russian threat to the area, thus creating a wide-spread and lasting fear of Russian intentions in parts of Norwegian, Swedish and other public opinions. Crowe continued reporting along the same lines when he moved to Christiania as Consul General in 1844, a post he held until 1875. During the Crimean war, he managed to persuade his superiors that the treat from the east was imminent, which again led to the November-treaty of 1855, where Great Britain and France promised to protect Sweden-Norway against Russian attack. Crowe was also crucial in securing British funding and expertise for the first Norwegian railroad. Since the November-treaty implied a major reorientation in foreign policy, and the building of railroads was a central government project during this era, it is easy to conclude with Platt that the consulate in Christiania belonged to a group of consulates that were “diplomatic missions under a different name”.

When Norway gained full external sovereignty in 1905, the need for political consuls diminished, and even if some of them have been (and still are) the sole representatives of their countries in Norway, they have made little waves as anything other than trade representatives and issuers of visas. The one exception to this rule can be found during the Second World War, when Norwegian territory was once again subject to external (German) sovereignty. The foreign diplomats were soon expelled, but a consular corps consisting of career consuls from Axis and neutral states remained in Oslo throughout the war, maintaining social interaction with the Quisling regime. The Swedish consulate was of particular importance, and was an important node in communication-chains between Norwegian authorities in exile and Norwegians in Norway. During the war-years, the consuls, as in the earlier period of semi-sovereignty, took care of what could be carried out of diplomatic functions.

Applying an international economic perspective, the emergence and growth of consular institutions in Norway can be seen as an effect of growing exports and imports to and from Norway. Combining political and economic factors, it should also be noted that convoys of ships engaged in long-distance trading in wartime more often than not chose to stop in Norwegian towns when entering and exiting the Atlantic, preferring the rather longer route through Norwegian waters to the privateer-infested passage through the English Channel. This in itself created a demand for consuls. Moreover, such practices also brought increased privateering to Norwegian waters, and with it a need for consuls that could support (or as indicated control) privateers and seamen captured on prizes.

Seen from the state system, the consuls to Norway before 1905 are first and foremost of interest as the representatives of the European Great Powers in Norway. They reported to their home governments and until 1814 also to their ambassadors in Copenhagen. As the sole representatives of foreign powers, they also embodied the competitive self-help nature of the state system; where one state employed a consul, others would follow, and where one consul did this, that or the

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94 Platt 1971, p. 131.
other, others will follow. Several of the consuls did also play political roles, reporting on political affairs, interacting with Norwegian officials and elites and the consuls of other countries. To a large extent, these practices could be classified as diplomatic.

Such a perspective is, however, too narrow. Reading the long and diverse history of consular institutions in Norway in the light of the much shorter and straightforward history of diplomatic practice in Norway is putting the cart before the horse. The economic perspective is also too constricting, for as we have seen, consuls have also fulfilled a host of other tasks. Approaching the consuls in a wider perspective, the vital social functions that they handle emerge more clearly.

As was generally the case in Northern Europe from the 17th century onwards, the consuls to Norway never had extraterritorial jurisdiction over their compatriots, and even their own extraterritorial rights were a matter for discussion. Until the middle of the 18th century we nevertheless see remnants of the function previously carried out by the aldermen; the consuls were *præm ier inter pares* for their “nation”, i.e. the collective of compatriots in a city. The consular dignity, which depends on royal recognition, was part of what made the consuls first among equals. That the consuls were the representatives of the king also became important in times of war, when the consuls became important in dealing with citizens of hostile third countries. From the middle of the 17th century, the fact that the consuls were the representatives of the king became more important, not in relation to compatriots or citizens of third countries, but in dealings with the Norwegian authorities. With the growth of nationalism and the growing reach of the state, the ‘nations’ of merchants became less important, as did the task of keeping order among them. The consuls shifted their focus to visiting compatriots. The relation between consuls and compatriots moved from being permanent to being periodic. This change also made possible a change in personnel. Where foreign merchants dominated well into the 18th century, from that point onwards they were replaced by Norwegian citizens or career consuls. In the former cases, the political functions disappeared; in the latter cases it was strengthened. From the middle of the 18th century, the consular title increasingly became a marker of social status in Norwegian society. Such a function did not disappear with the growing numbers of consuls or with the arrival of diplomats to Norway in 1905. To some extent it survives to the present day.

**Conclusion**

The interweaving of consular and diplomatic services was a consequence of the emergence of European centralising states that wanted to control transborder flows in which their citizens were involved. The consular institutions that originally developed outside of state control were not brought under some sort of control until the 17th and 18th centuries. The state were aware of the existence of the fact that some of their citizens served as consuls abroad, and appropriated them in an even higher degree, until the institution of consul became professionalized as part of the state apparatus. Standardisation of the consular services began in earnest only in the 19th century, and consular services were generally not merged with the rest of the Foreign Service until the 20th century. And even after being appropriated by the emerging states, the consular institutions retained several of its peculiarities. As noted, consular extraterritorial jurisdiction over compatriots could still be found in Europe well into the 19th century, and consuls have both before and after carried out political and diplomatic tasks in areas that do not have external sovereignty. To the extent that states accept that foreign citizens are not
subject to the national courts, and that political functions can be carried out in formally 
subordinate entities, they also accept limitations to their external sovereignty. Thus, the practices 
of the consuls add to the challenges raised against any notion of an abrupt establishment of 
external sovereignty, and thus the state system. The extensive privateering that took place 
between the mid-16th century and the mid-19th century also proved a continued challenge to 
sovereignty, and consular presence in Norway from the late 17th century and up until the 
Napoleonic wars can to some extent be seen as attempts by the states to retain or even regain 
some control over such activities. The development of consular institutions must be said to be 
constitutive of the emergence of the system of sovereign states and the societal aspects of world 
politics. Previous scholarship has tended to downplay this fact.

We want to conclude this article with an attempt at conceptualisation in the tradition of the 
English School of International Relation. In Hedley Bull’s discussion of factors that underpin 
order in the international society, diplomacy is given ample treatment. Diplomacy is seen to 
“presuppose the existence of an international system”. Consuls are, on the hand, dismissed as a 
sub-group of diplomats, and soon forgotten. In light of our discussion, this dismissal is 
unwarranted. It is probably Bull’s eurocentrism that makes him privilege the modern institution 
of diplomacy, which he treats as specifically European, over the institution of the consul, which 
seems to have a number of disparate origins. One way around this problem is to complement a 
cultural focus with a focus on functions. Where diplomacy emerges as an institution of the 
European states system, so as a fruit of shared culture, the consul institute has a number of 
different functional origins, some of which undoubtedly still await researchers.

If we approach the growth of the consul institute in terms of functions, we may follow economic 
historians and give the following account: as economic interaction between different groups of 
people or discreet units reach a certain level, there will tend to form overseas trade communities 
(or diasporas). Some of these are resident, other permanently on the move. If there is no 
overarching authority covering the area of trade, the growth of these communities will usually 
lead to the emergence of some form of leader in the group, as a result of demands in the group or 
in the host society. The functions of such leaders can vary greatly, spanning the whole gamut of 
economical, organisational, political, religious and diplomatic tasks, and the leaders might come 
into office by inheritance, election by peers, election by home authorities where such exist or by 
being hand-picked by the host authorities. Once such institutions are established, the interaction 
that enable them in the first place make their spread and adaptation possible. What emerges from 
such an account is how consul-like institutions are not logically dependent on the existence of 
sovereign states or an international state-system, but that they are a result in the first instance of 
economic activities. Thus, the history of consular institutions narrowly conceived should be read

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95 Stephen Krasner: “Westphalia and All That”, in Judith Goldstein & Robert Keohane (ed.): Ideas and Foreign 
151; Andreas Osiander: The states system of Europe, 1640-1990: peacemaking and the conditions of international 
stability, Oxford 1994; Andreas Osiander: “Sovereignty, International Relations and the Westphalian Myth”, 
separately from the history of diplomacy.\textsuperscript{99} Whereas diplomats mediate estrangement between different cultures,\textsuperscript{100} and diplomacy can be seen as a third culture facilitating the mediation, consuls have not traditionally formed a distinct culture.\textsuperscript{101} Consuls have historically been either bicultural, as with the case of merchants that settled permanently in foreign countries or career consuls that spent their entire career in one post, or monocultural with special knowledge of a different culture, as when local merchants became consuls for foreign states with which they traded extensively. What they mediate is usually physical distance and practical complications.

Our inspiration in coupling cultural factors with functional ones is the important 1993 article by Barry Buzan that re-launched the English School. Buzan argued that an international society could form along two different lines, one on the basis of a shared culture, and the other on the basis of functional integration.\textsuperscript{102} The development of \textit{proxenia} in ancient Greece could well be seen as consul-like institutions being established within an already existing common culture, thus signifying the emergence of an international society. The rest of the early history suggests that consular institutions were rather part of the functional pressures that in their turn necessitated an international society. Medieval Mediterranean and Indian Ocean trade threw together people from vastly diverging cultures, and the earliest consuls were decidedly not situated in a culture common to their own. As the institution spread in the 16\textsuperscript{th} and later centuries, it reached areas with more of a common culture, but as Buzan’s comment about the functional necessity of copying successful practices suggests, the common culture was not a prerequisite for the continued expansion of consular institutions. This became clear once again when consular institutions spread outside of Europe. Unlike diplomacy, which presupposes an international system and that only flourishes in an international society, consular institutions can best be conceptualised as one of the functional push-factors that has helped create international societies.

The background history and functions of consuls suggest that they are less vulnerable to changes in conceptions of sovereignty and also to reductions of estrangement than the diplomats that they have been grouped with over the last centuries. When economic, legal and political patterns change, consular institutions change with them. For suggestive if inconclusive evidence, we return to our case study A hundred years ago, most consuls in Norway were merchants. Today, by contrast, they divide relatively evenly among merchants, lawyers and ship-owners. This change can be read as an indication of the growing importance of law in post-modern society, but also of the maturity of the global economy. Earlier one needed consuls that knew how to move goods physically from one place to another, whereas the current economy primarily needs people who know the legalities of transfer. The change also reflects changing patterns of interaction, where there is less trade in detail and more tourists to cater to and visas to be written.\textsuperscript{103}

\textsuperscript{99} The exception to this rule concerns the career consuls of modern foreign services, who are usually diplomats who happen to spend time at a consular post.
\textsuperscript{100} Der Derian 1987.
\textsuperscript{101} Note that linguistic practice props up this point: while diplomats conduct diplomacy, perhaps even diplomatically, there are simply no such nouns or adverbs corresponding to consuls.
\textsuperscript{103} It could be read as symptomatic that whereas, in 2003, the consulate general in Hamburg, one of the oldest in the Norwegian consular service, was reduced to an honorary consulate, a new consulate general, with career representatives, was established in Phuket in the aftermath of the Tsunami of 2004.
Consul may yet have their historical revenge on diplomats. Whereas the history of consular institutions should be read separately from the history of diplomacy, any comprehensive history of diplomacy must, as we have detailed, incorporate elements of the history of consular institutions. Consuls or consul-like persons have conducted and will continue to conduct diplomatic tasks, in times of crisis and war, and in non-sovereign territories. The consular institution predates the sovereign state, and it has covered a host of different tasks. Whereas diplomats are currently worrying about their role in a post-sovereign world, the consuls can rest assured that in a world where people feel belonging to different political entities, there will always be a need for people that can manage the practical tasks that emerge along the borderlines.