This chapter offers a brief, simplified account of the idea of immunity through several millennia of the history of diplomacy and of the broader history of intergovernmental relations. The interested reader may wish to explore the subject further in the sources cited and in the list of suggested readings at the end of the book. The books of Garrett Mattingly, R. Numelin, and C.E. Wilson are especially helpful.

Immunity before the Age of Resident Embassies

The Vienna Convention of 1961 begins: "Recalling that peoples of all nations from ancient times have recognized the status of diplomatic agents . . ."

How far back do these "ancient times" extend? Into prehistory and the postglacial age in Europe, say 12,000 to 10,000 B.C.? Perhaps so. Modern scientific studies of prehistoric man, such as Grahame Clark’s *Archaeology and Society*,1 by ingenious reasoning from the settlements, graves, and pictographs of that age, have established that prehistoric men were organized into communities that practised agriculture and the division of labor. They had oral literature and laws, religion and priests, and they traded and made war. Thus they may well have had some sort of relations between different communities, which were probably tribes and larger linguistic groups.

A learned diplomat, Dr Ragnar Numelin, the Minister of Finland in Brussels in 1949, studied the anthropological evidence of existing primitive peoples at this elemental level of social development. He deduced from a host of published evidence that primitive societies develop customary procedures for starting wars, making peace, discussing trade, and sending intercommunity messengers who conduct business and are recognized as entitled to free movement and personal immunity.2


Life in an early society may have been psychologically cramped, routinized, and boring. The arrival of a well-selected messenger with an important agenda to discuss with local leaders may have been an interesting and welcome event. If he proved his peaceful intentions, he could benefit from the generous treatment we know most early societies accorded to a guest. The host tribe would provide food and shelter for the duration of his stay. Numelin noted that "sexual privileges are also included in primitive hospitality." He quotes the anthropologist B. Malinowski, who, in studying the people of the Northwest Melanesian Islands, was told that it had been "considered the duty of a girl from the village to act as the stranger's partner for the night. Hospitality, curiosity and the charm of novelty would make this duty perhaps not very arduous."

With this sort of anthropological data, Sir Harold Nicolson created his charming and partly convincing picture of the first envoys being sent out from a Cromagnon cave by a wise old chief to meet with a hostile neighboring tribe to try to work out a truce or cessation of fighting between them.4 However, such explorations of the probable origins of fundamental institutions, like Rousseau’s "social contract," have a misty, unprovable quality.

When the age of written records begins, we can see the picture of primitive diplomatic institutions in a much clearer light. The records of the early kingdoms of the Middle East and India and China offer glimpses of rudimentary diplomatic activity.

When Egypt was admitted to the League of Nations in 1937, the leader of the Turkish Delegation in his welcoming speech discussed the treaty of peace and alliance and extradition between the Hittite King Hattushilish III and Pharaoh Rameses II about 1271 B.C., of which the text has been found in the Hittite language in Turkey and in hieroglyphics on the walls of an Egyptian temple at Luxor. This treaty is so detailed and important that it must have been negotiated in secret by officials of the two kingdoms.

Even earlier, a recorded event in the history of Egyptian-Hittite relations about 1350 B.C. illustrates the diplomatic activities of the area. Hittite clay tablet archives from their capital at Bogaz-Kueil in modern Turkey contained a sort of aide-mémoire on earlier troubles between the Hittites and Egypt in Syria. They record that an Egyptian queen became widowed. From the context it seems to have been Merit Amun, the royal wife of Tutankhamen. She sent a letter to the Hittite king saying she now had no husband and no sons,

3 Ibid., p. 113.
and if he would send one of his sons to marry her, that son could become Pharaoh of Egypt. The Hittite king was suspicious and sent an envoy to Egypt, who returned and confirmed to the king that the young queen was making a sincere offer. The king allowed the Egyptian queen to select one of his sons, but when this prince was proceeding to Egypt with an escort, he was attacked and killed in Syria by Egyptians. The cuneiform tablet describes the Hittite government’s reaction in terms easily recognized by any diplomat who has read the policy options of a confidential national security crisis study in the 1980s: “The Hittite army marched into Syria, captured the murderers, and led them to the Hittite capital to be tried and condemned in accordance with international law.”

For our purposes here, the significance lies in the picture of the confidential message from the widowed queen to a neighboring head of state, the travel back and forth of the Hittite envoy, with what must have been a written memo of a conversation quoting the queen’s words in such a way as to reveal her mood of desperation and sincerity. The envoy’s account was believed by his government and action taken on his report. One may guess plausibly that he had immunity while on his mission and that he carried some form of sealed, inviolate pouch containing his papers, or rather clay tablets. After the incident, some sort of second millennium B.C. desk officer wrote a background memo and filed it for possible use in case the subject was raised again. That cuneiform record is what was excavated in the ancient capital of the Hittites.

Abba Eban, in *The New Diplomacy*, finds “there is a great deal of political and military diplomacy in the biblical narrative” and that “kings, queens, generals and other dignitaries are portrayed as sending messengers to adversaries in the region, usually with such unwelcome tidings that they would need every ounce of immunity that they could get.” He cites the Assyrian envoy of Sennacherib who met King Hezekiah’s negotiators just outside the walls of Jerusalem about the year 700 B.C. The envoy presented Sennacherib’s warnings and threats against Hezekiah’s alliance with Assyria’s enemy, the “bruised reed” Egypt, so emphatically and loudly in Hebrew that the soldiers on the wall overheard. When Hezekiah’s negotiators begged him to speak in Aramaic, the language of diplomacy, which the soldiers would not understand, the envoy undiplomatically refused and said his master’s message was for those very men, not the negotiators.

A more peaceable style of diplomacy is surely implied in the narrative of the Queen of Sheba’s possibly legendary state visit to Solomon about 940 B.C. So grand a political, cultural, and economic head-of-state visit would undoubtedly have involved envoys to sound out the intentions of the parties in advance and to negotiate the agreed positions with regard to gifts at the end of that summit meeting.

Ancient Greece was a land of small city-states each fiercely attached to its independence and claiming equality with the others. Since these states spoke a common language and respected the same religious and moral values, there was both a need and a means for active diplomacy among them.

In the Homeric age, circa 1000 to 800 B.C., the Greek kings had heralds who served as their accredited messengers. They carried a herald’s staff as symbol of their office, and their persons were inviolate while on such missions. They were personages of high standing who between heraldic duties managed the royal household, kept order at public gatherings, and conducted religious rites. They are mentioned in both the *Iliad* and the *Odyssey*. The office was often hereditary, but the technical qualifications included a good memory and a loud voice (presumably there was some sort of oral entry examination).

The Greek states, mainly democracies in the classic age (750–350 B.C.), were unfortunately all too fond of making war on each other and of forming loose leagues and temporary alliances to help themselves against their enemies. Ambassadors sent by the states to promote these alliances or to make peace were accorded immunity and were even regarded as under the protection of Zeus. Any molesting of them would be a grave offence against the gods and the city that sent them. As privileged guests of the receiving state, they might be introduced to prominent men or the public assembly by the permanently resident *proxenos*, a sort of honorary consul of the sending

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8 2 Kings 18:26–35.


10 1 Kings 10.

state. They would address the receiving state's assembly and answer questions on policy. They were assured of the right to return to their home city in safety and dignity.

Immunity for envoys was only one of many customary rules that together almost constituted a system of international law among the Greek states. Other parts of the system were that wars should be formally declared, that an enemy should be granted a truce to bury his dead, and that no fighting should occur during the seasons set apart for sacred athletic games like those at Olympia.

The Macedonian kings, Philip II and his son Alexander, conquered the Greek states in the fourth century B.C. and set up a brief Greek-Oriental Empire. This soon broke up into large Hellenistic kingdoms, which endured for two or three centuries. They continued to observe much of Greek customary international law, including the inviolability of envoys.

The governments of these Hellenistic states in Anatolia, the Levant, Egypt, and Macedonia were hereditary monarchies. Their dynastic politics involved sending envoys to arrange marriages, discuss boundaries, combine in alliances against other dynasties, or lend ships and crews to each other's naval campaigns. There were questions of hostages held, ransoms paid, and political asylum granted.

Ancient Rome's practice with respect to diplomatic immunity followed the custom of respect for the sacred character of envoys during the early republican era when Rome was a city-state, with neighboring states in the Italian peninsula and Sicily. But the history of even republican Rome was one of increasingly successful military expansion, carried eventually to the limits of the Mediterranean region. As Nicolson noted, "Their methods were those of the legionsary and the road-maker rather than those of the diplomatist." The concepts of immunity and inviolability were known, but they were reserved for the consuls and tribunes during their terms of office, or for the vestal virgins, or the premises of the great state temples, such as Jupiter's on the Capitol.

Institutional diplomacy was barely tolerated under the Roman Empire. As Abba Eban noted:

Courtesy to foreigners was not the distinguishing feature of Imperial Rome. The soul of the diplomatic idea is reciprocity, and this was an unfashionable notion in the domineering environment of Roman politics after victories in war.

12 Nunnenk, p. 299.
13 Ibid, p. 300.
14 Nicolson, Diplomacy, p. 9

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The messengers who came through the frontiers of the empire with requests from other states or peripheral client-kings were required to pass "suspicious scrutiny" and to wait patiently on the convenience of the Senate before entering the city. Foreign ambassadors also endured long waits before addressing the Senate, "even longer to receive the imperial reply," after which they were hastened out of the capital "with all possible dispatch." Roman ambassadors, in keeping with this attitude, kept their visits to other lands short, returning swiftly to their usual occupations after reporting to the Roman Senate.

Emperor Trajan's heroic political image as a second century Roman of ideal qualities was so well accepted that crowds would hail later emperors, often usurpers, with shouts of Melio Traiano! Felicitor Augusto! ("May you be more virtuous than Trajan, more fortunate than Augustus!") Yet Trajan once publicly received a young Parthian prince, Parthamasiris, in camp at Erzurum in Armenia and then arranged to have the prince assassinated on the highway as he was proceeding back to his homeland. Theoretically speaking, one could say that to the Romans privileges and immunities for non-Romans served no functional purpose.

In ancient India, kings and princes sent envoys to one another and had at least tenuous diplomatic relations with the Hellenistic kingdoms formed out of Alexander's brief empire, especially those in Syria and Egypt. Envoys were accorded immunities and personal inviolability. For example, according to the fourth century B.C. Indian classic work on foreign relations, Kautilya's Artha-Sastra: "Messengers are the mouth-pieces of Kings... hence messengers who, in the face of weapons raised against them, have to express their mission as exactly as they are entrusted... do not... deserve death." There was, however, an early Indian tradition that an envoy should use his position to make trouble in the receiving state. Some of the secret actions prescribed for him to undertake would inevitably put him in the persona non grata category if discovered. Thus, he should publicly uphold the claims of his own king at the receiving court, but secretly ascertain the strengths and weaknesses.

16 Ibid.
19 Krishnamurty, p. 49.
of the host government. He should use bribes to get information and to encourage opposition. His tactics might include giving gifts to the favorite maid of the queen and planting astrologers in positions where they could arouse disloyal ambitions among the host king’s high officers.  

During the years of antiquity, the Middle Ages, and the Renaissance in Europe, China was a civilized nation which did not recognize the existence of other civilized nations. It saw no need or even possibility of any equivalent of the idea of diplomatic relations that was emerging elsewhere. Indeed, Professor Immanuel Hsü notes that, under its “Mandate of Heaven,” traditional China’s “highest political idea ... extended to the ordering of the whole known world, East Asia.”

The Chinese, as we know, are not alone in history in believing their own culture to be the only true culture and all other peoples barbarians. The great size and populousness of their country, their isolated geographic situation, and, one must concede, the high quality of their civilization, however, permitted them to avoid considering other states as equals many centuries longer than had pharaonic Egypt or the Roman Empire.

Nevertheless, although the Chinese could not conceive of “foreign relations” or feel any need for intercourse with other peoples, they did, in practice, have relations of sorts outside their own administered territory. They conducted “tributary relations” with such peripheral states as Korea, Annam, Siam, and Burma, and intermittently accommodated invading barbarian tribes. From the sixteenth century onward, there were also trade relations by sea with European countries and overland with Russia.

The Chinese attitude toward envoys of other peoples and something of the sophisticated, haughty picturesqueness of Chinese institutions are suggested by the names they used in conducting external relations. Under the Ming Emperors, there was the “Common Residence for Envoys” and the “Residence for Barbarian Envoys,” both supervised by the “Court of Sacrificial Worship.” The subsequent Ch’ing Dynasty in 1748 reorganized the two, combining them into the “Common Residence for Tributary Envoys,” which was under “a senior secretary of the Board of Rites.”

Hsü notes further that relations with Russia were separate and were grouped “with Mongolian, Tibetan and Muslim affairs” under the “Court of Colonial Affairs.” After 1727, the Russians were even allowed to have a semi-diplomatic mission in Peking, and Russian priests and language students were admitted every ten years by treaty.  

It is not possible to find the Chinese accepting the idea of diplomatic privileges and immunities before the late nineteenth century. In 1860, when they reluctantly conceded the right of foreign legations to be resident in Peking, it was “a totally unprecedented situation ... [in] Chinese external relations, necessitating a complete reexamination of the existing system.”

It is an example of constructive institutional change that 115 years later, in 1975, the People’s Republic of China acceded to the Vienna Convention of 1961, with its modern norms for diplomatic privileges and immunities. This deliberate, fundamental decision is particularly significant in light of the history of China’s external relations in the past century, when “alternate patterns of exaggerated xenophilia and xenophobia” and “ambivalence and tensions” have underlain China’s dealings with the outside world.

Resident Ambassadors: Renaissance Beginnings of Modern Diplomatic Immunity

The modern form of diplomatic immunity could not take shape until the establishment of resident ambassadors. This innovation occurred first in Italy and spread to other European states around the mid-fifteenth century. Resident ambassadors “have been the most characteristic officers of Western diplomacy ever since. They differentiate our system strikingly from any other we know about elsewhere.”  

Mattingly offers a working definition of a resident ambassador as “a regularly accredited envoy with full diplomatic status sent ... to remain at his post until recalled, in general charge of the interests of his principal.” This concept has been further refined by Paolo Selmi, who stipulates another modern requirement: The office “begins to exist when one has the institution of a permanent officium of which the ambassador, provided with a general mandate, is the titular during his assignment; and when the existence of such an officium is not diminished if it should be  

22 Ibid.
23 Ibid.
26 Ibid.
temporarily deprived of a titular, when such a vacancy creates the necessity of nominating a successor—\textsuperscript{25}—the chargé d’affaires ad interim.

For the sake of historical precision, it would be interesting to be able to identify the first ambassador who fitted the job descriptions provided by Mattingly and Selmi, presumably someone in the fifteenth century.\textsuperscript{26} This question will have to be left for the time being to the historians and the Venetians. Some day the almost infinite archival records of Italy may provide an answer. In the meantime, one can discern the main dates in the historical trend leading to the institution of resident ambassadors with diplomatic privileges and immunities.

By 1500 or so, the major European powers were exchanging resident ambassadors between their courts. As Mrs. J.G. Russell notes, “This development, from the use of ‘special’ ambassadors with specific short-term missions, began in Italy and became normal after the peace of Lodi in 1454. It was a way of obtaining and retaining [sic] regular information.”\textsuperscript{29}

After inventing the institution, the Italian states later sent resident ambassadors to other parts of Europe. Milan had one in France, as did Venice from 1478. In the 1490s, Milan had a resident ambassador in Spain, in England, and at the imperial court of the Holy Roman Empire. Spain sent a resident ambassador to Rome in the 1480s and to England by 1495. The Pope sent resident nuncios to Spain, France, England, Venice, and the Holy Roman Emperor by 1505.\textsuperscript{30}

The privileges and immunities of resident ambassadors in the sixteenth and seventeenth centuries were something of a new situation, different from the special ambassadors and heralds of the Middle Ages. One is reminded of some of the problems that have arisen in the post–World War II period due to the proliferation of often inexperienced diplomatic missions. As in our time, the national governments were disposed to be more liberal in their treatment of the foreign diplomats’ inevitable minor offenses than were local citizens and municipal authorities. According to Mattingly, Sovereigns were usually anxious to preserve diplomatic contacts, and consequently tolerant of the incidental frictions which such contacts entailed. At the same time the growing embassy staffs, groups of specially privileged foreigners resident among populations quick to suspect them of misbehavior and evil intentions, multiplied the opportunities for friction. Embassy staffs ranged from grave secretaries and young aristocrats through tough couriers and lackeys. . . . They were not always carefully selected. . . . As such groups began to realize that their immunity from local prosecution could be extended by the insistence of the ambassador . . . it is not surprising that municipal authorities and city mobs responded to their provocations with violence. Embassy servants were attacked in the streets. Embassy precincts were forcibly invaded by local officers. Now and then some ambassador’s residence stood for days what almost amounted to a siege.\textsuperscript{31}

So in the sixteenth and seventeenth centuries, the limits of diplomatic immunity were something to argue and bawl about. The prince of the receiving state had the last word, and he generally paid less attention to “the principles of international law than [to] the truculence of the ambassador involved and the importance of the power he represented.” The situation varied from capital to capital.\textsuperscript{32} One of Mattingly’s observations about this period—“On the whole, no government willingly conceded privileges as extensive as its envoys claimed abroad”—\textsuperscript{33} has a long and continuing validity, although in our time this has been clearer in the case of Communist governments than in the West.

Out of the confusions and uncertainties emerged an idea, articulated by Grotius in 1620, the notion of extraterritoriality. Though now on the whole rejected, this theory was useful in its day, especially, for example, in justifying the famous droit de chapelle by which Protestant or Catholic envoys could hold religious services in their embassies in countries of the contrary faith. “When all Europe had been Catholic, everyone had been able to take communion everywhere. But after Martin Luther, John Calvin, and Henry VIII, the droit de chapelle was needed.” First to grant this privilege were France and England, reluctantly followed a great deal later by Catholic Spain and Italy and Protestant Scandinavia and The Netherlands. In the end, tolerance for “heretical” chapels was gradually conceded. Because of the delicacy of the subject, the toleration was tacit rather than written.\textsuperscript{34}

\textbf{Theories of Diplomatic Immunity}

Since the mid-sixteenth century, there have been three major theories of diplomatic immunity, commonly identified as personal


\textsuperscript{28} An historical note on this question appears at the end of chap. 2.


\textsuperscript{30} Ibid., p. 68.

\textsuperscript{31} Mattingly, \textit{Renaissance Diplomacy}, pp. 278–79.

\textsuperscript{32} Ibid., p. 279.

\textsuperscript{33} Ibid.

\textsuperscript{34} Ibid., pp. 280–81.
representation, extraterritoriality, and functional necessity. Functional necessity fits the conditions of the period since 1945 most effectively and seems to have the most promising future. However, some ideas and terms from the other two theories still have validity and appear in court rulings, international law treatises, and popular discussions of diplomatic immunity. All three theories in varying degree are therefore helpful, as a good theory should be, in providing an intellectual framework for the mass of rules, judgments, incidents, and opinions that are the substance of diplomatic immunity.

We will therefore briefly describe the first two, mentioning the surviving influence of each and its weaknesses for contemporary purposes. We will then discuss the third, functional necessity, in greater detail, and suggest, finally, that even it has a few inadequacies, which await the refinements of future thinkers.

Personal representation. The theory of personal representation has the deepest roots. Long before the term diplomat or diplomatist or even anything resembling a Renaissance ambassador, there were rulers who sent representatives. These representatives were given specially respectful treatment because, in honoring them, one pleased the ruler and avoided offending him. One gave the representative freedom of movement and access to one’s own ruler and respected his person, so that the ruler who sent him would hear about it and be satisfied, whether he was Peter the Great or the tribal chieflain of a neighboring valley. In a world where state power was lodged in individuals and dynasties, this theory was a clear guide to practice. The representative was treated as though the sovereign himself were there, conducting negotiations, giving gifts and promises, making alliances or refusing requests, conducting most of the business of diplomacy at an elemental level.

In our own times, there are lingering traces of the theory in the idea that an ambassador is a personification of the head of the sending state or of that state itself. In Baghdad, this writer was always impressed by the special aura of prestige which Marcel Dupret, the respected Belgian ambassador, could generate by referring to his position as “l’ambassadeur du roi des Belges.” To the sensitive ear, there is a particular fullness and resonance when a French diplomat, in a discussion of the position taken by the Quai d’Orsay on even a technical or commercial issue, uses a phrase such as “du point de vue de la France.”

As a desk officer assisting a new American ambassador preparing for his departure to Libya, this writer felt the force of the idea that nothing could be more worth his time than the arrangements for his predeparture call at the White House. To discuss relations with Libya, even perfunctorily and briefly, face-to-face with President Kennedy in the Oval Office would symbolize with maximum clarity to anyone the ambassador met in Libya that he was entitled to the fullest privileges and immunities of the office of an ambassador.

“Divinity doth hedge a king” and, psychologically, immunity doth hedge an ambassador, and even his (or her) staff of officers, when the ambassador is personally and directly acquainted with the person who directs his government and symbolizes his nation. British ambassadors to major posts are frequently knights, sometimes peers, and it is more than a matter of picturesque history. One knows that Sir James or Sir Ronald is not only accredited like all other ambassadors in the capital, but invested personally with an honor by his sovereign.

The inadequacies of the theory in modern times are said to be that it is less and less appropriate as constitutions of national states increasingly vest sovereignty in the nation instead of a monarch. One of the reasons the U.S. government did not appoint ambassadors until late in the nineteenth century was that it was thought by our public that ambassadors were personal representatives of monarchs.

Another weakness is that the theory would not suffice to cover the privileges and exemptions accorded to the private acts of diplomats, especially those below the rank of chief of mission. Even ambassadors in our time cannot realistically expect to be treated as personifications of kings, presidents, and sovereign states, and how much less are the chances of a vice-consul or assistant administrative officer?

The theory of personal representation, nevertheless, will long survive in fusion with the dominant theory of functional necessity. In 1958, in preparing drafts for the 1961 Convention on Diplomatic Relations, the UN’s International Law Commission reported that, while it was guided by the theory of functional necessity when current practice was unclear, it “was also bearing in mind the representative character of the head of mission and of the mission itself.”

36 ibid., pp. 4-5.
38 Wilson, p. 5, with citation of UN document in footnote 23.
Exterritoriality. The second theory, that of exterritoriality, has had a relatively short run, a mere four centuries, in the long history of political ideas. It held that the offices and homes of diplomats and even their persons were to be treated at all times as though they were on the territory of the sending state and not the receiving one. What could be simpler as an idea to explain diplomatic immunity? On the other hand, what could be more difficult or even silly in practice in modern situations?

The theory of exterritoriality was considered to be a useful principle in the early centuries after the coming of permanent resident missions in the fifteenth century. It was enunciated by early authorities, notably Emmerich de Vattel, who wrote in 1758 that “an ambassador’s house is, at least in all common cases of life, like his person, considered as out of the country.” As late as 1883, in his treatise on international law, James Lorimer stated that “an English ambassador, with his family and his suite, whilst abroad in the public service, is domiciled in England.”

Yet in this century it has been steadily devalued as a guide to courts or even commentators on cases of diplomatic immunity. The term was always a legal fiction and now seems to be used only in a historical sense, going the way of “capitulations,” “mixed tribunals,” and “international enclaves,” such as Tangier or Shanghai. Contemporary treatises on international law generally use such qualifiers as “dangerous fiction,” “palpable fiction,” “little more than a fiction,” “worn-out fiction,” or “picturesque metaphor” when alluding to the theory.

The idea that an embassy is part of the country of the sending state occasionally crops up rhetorically, for emphasis. An instance occurred when U.S. Secretary of State George P. Shultz, at a State Department press conference on 8 April 1987 concerning the security situation at the U.S. embassy in Moscow, said: “[The Soviets] invaded our sovereign territory, and we’re damned upset about it.”

The United States historically has often taken a pragmatic line on such practical forms of exterritoriality as consular courts and international zones. In the nineteenth century, American consuls in the Orient often exercised jurisdiction over Americans where the receiving state was willing to permit the system. French-speaking American judges served on the Mixed Courts in Egypt until, by agreement, those courts ceased to function in 1949. Yet American policy was not to make stubborn objections when national governments abolished such practices, for example, in the territory of the Ottoman Empire and elsewhere. Sometimes the situation was ambiguous or even confused, but when exterritoriality was clearly resisted, the United States accepted its absence.

This happened in U.S. relations with the Sultanate of Oman. The consular agreement of 1833 between the two governments suggested, in the English version, that the American consul would have jurisdiction over cases involving Americans in Oman. The Omani translator, however, apparently altered the Arabic text to give local courts jurisdiction. The difference was not known to the American negotiator, Edmund Roberts, nor was it noted by the Department of State until early in the next century, when the Dutch orientalist, Christiaan Snouck Hurgronje, commissioned by the Department of State to compare the texts of Arabic and Turkish treaties with their English versions, brought this fact to light.

The 1833 agreement was replaced by a modern treaty, negotiated in 1957 and 1958, signed in the latter year, and put into force with an exchange of ratifications in 1959. Only then was the point cleared up. During the negotiations, the U.S. side did not mention exterritoriality, but sought to assure adequate special protection for American businessmen and putative investors in Oman. The Sultan of Oman diligently and successfully resisted the idea.

U.S. diplomat Hermann Eitel, who kindly provided this information concerning Oman, was the officer sent by Secretary of State Christian Herter to exchange ratifications with the Sultan in 1959. He recalls that the Sultan examined with great care “the document that he had signed the previous year in order to check that we had not reinstated some kind of extraterritoriality provision.”

Perhaps the clearest evidence of the vestigial survival of exterritoriality is in occasional incidents of political asylum in embassies. Cardinal Mindszenty was given asylum in the American legation in Budapest, but this was at the time an exceptional case.

The practice of asylum has been especially common in Latin America and continues to be so.

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39 Traditionally "extraterritoriality," but now most commonly in the shorter form used here.
41 In Wilson, p. 6, footnote 34.
42 In ibid.
43 Wilson, pp. 8-9 and 13-14.
46 O'Connell, International Law, p. 734.
47 Wilson, Diplomatic Privileges and Immunities, p. 15.
48 Ibid., p. 15 and footnote 87.
Asylum in an embassy was deduced from the theory of exterritoriality. Now, on the basis of custom and treaties, it endures despite the discarding of its original theoretical basis. The United States, especially since the 1950s, in practice accepts the idea of asylum in its own embassies and consulates when the person seeking asylum is in imminent danger of mob violence or, as in the Minkensky case, claims to be in danger of persecution on political grounds in a Communist country. In earlier decades, the United States attached reservations to two Latin American multilateral conventions on political asylum – in Havana in 1928 and Montevideo in 1933 – stating that the United States did not recognize a right of asylum.

The decline of exterritoriality as a viable theory of diplomatic immunity is further seen, indirectly, in its abandonment by major academic groups seeking to draft codifications of international law. It was also rejected by the UN International Law Commission, which worked out the language eventually adopted in the Vienna Convention of 1961, by far the most important agreement on diplomatic immunity.

Functional necessity. The theory of functional necessity is also rooted in ideas that have been present for many centuries. Yet its broad acceptance in modern times stems from the fact that it is more dynamic and adaptable than the other two.

According to this theory, the rationale for a diplomat's privileges and immunities is that they are necessary to enable him to perform his diplomatic functions. Modern diplomats need to be able to move freely and to be unhampered as they represent their governments, report in confidence, observe actual conditions in the receiving country, negotiate agreements, and so on. Their private actions need to be immune from local jurisdictions and taxation, for they need to be free at all times to perform official duties. In this century, as governments have required their diplomats to take on additional and, in some cases, new tasks, immunity can logically be provided for those functions, too. Thus the theory is adaptable to change and expansion. However, it can also apply to reforms covering needed limitations. It has a built-in safeguard against excessive demands for new privileges and immunities, because its principle is pragmatic. Are expanded or new immunities really necessary? Will they work well in practice? The theory demands that both these questions be answered in the affirmative before an immunity is conceded.

The rudiments of the theory go back at least to the eighteenth century, when the English Lord Chancellor, in Barbott's case in 1737, observed that diplomatic privileges stem from "the necessity of the thing, that nations may have intercourse with one another." His words contain also the idea of mutual interest and hence reciprocity, a further aspect of the theory.

Functional necessity as a theory seems thoroughly to deserve the respect it has gained, but it also has at least a few inadequacies. For example, it does not quite cover the real need for diplomatic immunities to be limited by the interest or even convenience of the society of the receiving country. Even when doing their diplomatic duties, diplomats should not exercise immunity to the point of becoming a nuisance in their neighborhood or an obstacle in urban traffic. They have been accredited to help their work, not licensed to override accepted behavior. They have privileges, but they are foreigners and should act in the spirit of the Arabic proverb "Ya ghareeb, khalileek adeeb" ("'O stranger, be thou courteous').

Even more seriously, a diplomat should function in good faith in the matter of the host nation's security. The theory of immunity as based on functional necessity should at least be qualified to mean that a diplomat's immunity assumes the sending government will not include in the diplomat's duties any threat to the security of the host nation.

Wilson finds the theory also inadequate to explain why diplomatic immunity should be equally accorded to all missions in a given capital. Some are more important, have more urgent business and keep busier schedules than others. These are functional differences. One must presume, however, that the theory is applied equally, regardless of the level of need for immunity on grounds of urgency or importance of functions, because it would not be possible to draw a line between those diplomats whose work requires immunity and those whose work does not.

As an embassy political officer in London in the 1960s, I had the pleasure of calling from time to time on the ambassador of a certain Middle Eastern kingdom. He was not only courteous and charming; he was also obviously not busy. His phone did not ring, the papers on his desk often did not move between my calls, even weeks apart. His outer office was usually quiet and unoccupied. There was obviously no clear functional reason why he would not have had

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49 O'Connell, International Law, pp. 737 (on embassies) and 922 (on consulates).
50 Ibid., p. 735.
51 Wilson, Diplomatic Privileges and Immunities, p. 10.
52 Ibid., p. 19.
53 Ibid., p. 25.
54 Ibid., p. 23.
adequate time to find a legal parking place for his car or even to answer a court summons as a witness, though he, like all of his counterparts, was exempt from such requirements.

Clearly, any failure to grant immunity equally, without regard to the status of a diplomat’s country or the size of his work load, would set a dangerous precedent certain to be challenged. It is the older theory of representation that applies here, not the theory of functionalism.

**A Growing Body of Court Judgments, Laws, and Practices**

The practice of giving immunity to diplomats and to their historical predecessors, the messengers, envoys, and heralds, clearly has a long history, but not so its embodiment in laws. In Britain, there was no legislation on the subject until 1708, when a law was passed in the aftermath of a famous incident. The Russian ambassador of Peter the Great was pulled out of his coach and arrested in the streets of London by bailiffs acting for his creditors. He was released on bail paid by his friends, and Queen Anne ordered the secretary of state to express regret to him. The ambassador was told that all persons who had committed the offense against him would be tried. However, “his excellency Andrew Artemenovitz Matueof [sic] ambassador extraordinary of his Czarish Majesty Emperor of Great Russia and her [Majesty’s] good friend and ally” (so-styled in the language of the preamble to the subsequent Act of Anne) was not in the least mollified and left the country in a huff without presenting his letters of recall. When Peter the Great learned of the incident, he interrupted the British ambassador, Lord Whitworth, in St. Petersburg one day to ask that all the persons be not tried but summarily executed. Ambassador Whitworth was commissioned to convey to the Czar at a public audience Queen Anne’s regret for the insult to his ambassador.

As a further effort to appease the Czar’s anger, a law was enacted, known in history as the Act of Anne, or the Statute of Anne, of 1708. It said that all writs and processes to arrest or imprison ambassadors or their servants were null and void, and anyone who attempted to sue them with such a writ could be tried before a special court of three high judicial officers. This law was later interpreted as declaratory of the common law. It stayed on the books until repealed to make way in 1964 for Britain’s Diplomatic Privileges Act, which put into force in Britain the provisions of the Vienna Convention of 1961. According to D.P. O’Connell, the Act of Anne is still in force in some countries of the Commonwealth.64

Perhaps because of the particular crisis that occasioned it and the haste in which it was enacted, the Act of Anne made no reference to such important subjects as the inviolability of diplomatic premises or pouches. Later judgments have held that it could be taken to bring international law into British law, and it has had that effect. In any case, as O’Connell says, “Whether the Act was declaratory of the common law as it was in 1708, or whether it was subsequently absorbed by a rule of international law which operates as part of the common law, is a matter of no moment save for academic discourse.”65 Certainly, international law in Queen Anne’s reign had accorded immunities to ambassadors and their residences.

The American colonies were presumably guided by the Act of Anne. When in the early years of American independence a case arose involving an assault on a French diplomat, a judge in Philadelphia ruled that it was a crime under international law which “is part of the law of this state.”66 Congress agreed with him when it passed a law in 1790 closely analogous to the Act of Anne, but more comprehensive.67 This law made it an offense to arrest an ambassador or his servants or to seize their goods, and penalized any person who issued or executed an order to do so. This was the basic legislation until 13 December 1972, when the Vienna Convention of 1961, by presidential proclamation, entered into force in the United States.68

The Act of 1790, however, was not explicitly repealed until 1978. The legal situation in the United States with respect to diplomatic immunities was somewhat anomalous during that six-year interval. Following the 1972 presidential proclamation, the Vienna Convention of 1961 became the law of the land without any further implementing legislation (article IV, clause 2 of the U.S. Constitution). As to differences in the scope of immunities between the old statute and the new treaty, the Justice Department’s official view, set forth on 3 May 1973, was that both were “the supreme law of the land”; that “when the two relate to the same subject, an endeavor should be made to give effect to both,” if reasonably pos-

58 Ibid., p. 891.
59 Ibid., p. 893.
60 1 Stat. 117; now 22 U.S. Code 252 and 253.
61 Presidential Proclamation of 24 November 1972, in Dept. of State, United States Treaties and Other International Agreements (T. A. S. ), vol. 23, pp. 3227-28. The Senate resolution advising ratification had been passed on 14 September 1965.
sible; and that "in general, it would be lawful to accord the broader privileges and immunities provided for in the statute," although separate analysis may be required in specific cases.62

The Diplomatic Relations Act of 1978 happily cleared up this state of affairs.63 In section 3, it first repealed the Act of 1790 and then stated that missions of nonconvention countries "shall enjoy the privileges and immunities specified" in the Vienna Convention.

Both the Act of Anne in Britain and the U.S. Act of 1790 had come to be regarded in the mid-twentieth century in those two countries as being far too sweeping in their grants of immunity. The British and American participants in the drafting of the Vienna Conventions fully supported the limitations contained in the conventions, especially on the categories of persons entitled to full immunity. As a lawyer in the State Department Legal Adviser's Office characterized the situation prior to the Vienna Conventions, when the Act of 1790 was the operative U.S. law: "When a diplomat assigned to this country saw his name on the diplomatic list, he could figure he was home free."64

An entertaining and legally accurate fictional narrative which illustrates that remark is Rex Stout's short story "Immune to Murder."65 In it, foreign ambassador Theodore Keleley is discovered by private detective Nero Wolfe to have been the perpetrator of the mysterious murder of David M. Lesson, assistant secretary of state for Keleley's own oil-rich region. Ambassador Keleley's motive is resentment of an earlier affair of Assistant Secretary Lesson with Keleley's glamorous wife Adria. Wolfe, after assembling complex clues and comparing alibis, has all the suspect house guests assemble in one room, with the attorney general of New York and the district attorney of the county as witnesses. Wolfe first insists on having the secretary of state on the phone. He gives the secretary his chain of reasoning pointing to Ambassador Keleley's guilt, then quotes from a pocket notebook the appropriate section on diplomatic immunity from the U.S. Code (the Act of 1790) and the derivatory passage in the penal code of New York State. He concludes, "That last, Mr. Secretary, explains why I insisted on speaking to you. If I had reported to the officers of the law who are here, and if in their zeal for justice they had malreated the ambassador, not only would they have been subject to prosecution under federal

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62 A.W. Rovine, Digest of United States Practice in International Law, 1973, Department of State Publication 8756, July 1974, pp. 143-45
64 Interview with W.M. McQuade, Department of State, on 16 April 1986.

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law, but so would I . . . , and I chose the expedient of reporting directly to you." The ambassador then rises to his feet and says to his wife, "Come, my dear." The two, followed by the ambassador's aide, move toward the door.

The narrator, Wolfe's assistant Archie, describes the workings of diplomatic immunity. "That was a sight I had never expected to see and don't expect to see again. Standing there were an attorney general, a district attorney, a sheriff, and three state troopers in uniform, not to mention a pair of private detectives; and none of them moved a muscle while a murderer calmly walked out of the room, taking with him his wife, who had driven him to murder, and a member of his staff, who had certainly known he was guilty."

Down-to-earth Archie ends the story: The ambassador "left for home the next day, taking his wife, and a month later they shot him, but whether it was for murder or for ruining negotiations I can't say. Diplomatically speaking, I doubt if he cared much."

To return to the Act of Anne, by a curious coincidence it seems that a later eighteenth century czar displayed a degree of toughness and bad temper with another British Ambassador Whitworth. (This incident, however, had no particular impact on diplomatic history and no damaging effect on the ambassador's career, which subsequently included the embassy in Paris and the Lord Lieutenancy of Ireland.) The czar was Paul I, who reigned from 1796 to 1801, a ruler characterized as "tyrannical and mentally unbalanced."66 This Lord Whitworth apparently finished his tour in St. Petersburg in a crisis of diplomatic protocol.

The circumstances of Lord Whitworth's recall had been in the last degree mysterious. Various rumours were current; amongst others, that he had offended the Czar in the following somewhat ludicrous manner: the Czar having forbidden that any empty carriage should pass before a certain part of his palace, Lord Whitworth, uninformed of the regulation, ordered his coach to meet him at a certain point which would entail passing over the forbidden area. The envoy held up the coach; the servants persisted in driving on; they came to blows; and the Czar, when the affair came to his ears, ordered Lord Whitworth's servants to be beaten, the horses to be beaten, and the coach to be beaten too. Lord Whitworth, in a fit of rage and petulance, dismissed his servants, ordered the horses to be shot and the coach broken into pieces and thrown into the Neva.67

It would take a legal historian to trace even in outline the way different states have evolved their domestic legislation on

diplomatic immunity. A general impression may be formed from the published results of the UN International Law Commission’s systematic work in this area. The UN secretary-general in October 1955 sent a circular to governments requesting reports on their laws and regulations on diplomats and consuls. Long, significant passages from their official replies, up to November 1957, were published by the United Nations in 1958 as *Laws and Regulations Regarding Diplomatic and Consular Privileges* (ST/LEG/SER.B/7).

Approximately sixty national replies came in from states ranging from the two superpowers to Luxembourg and the Vatican. Ironically, Iran did not reply in time for the deadline. Its statement would have made interesting reading about twenty years later.

The following sampling from that UN publication treats mainly the reports of the nations’ earliest or most basic legislation, i.e., their nearest equivalent, if any, to the Act of Anne.

For Britain, Australia, and New Zealand, the Act of Anne had indeed been the starting point, and for the United States, the Act of 1790.

For France, a decree of “12 ventôse, an II” (i.e., 1793) protected the persons of foreign envoys and directed that “réclamations” against them should be addressed to the Committee of Public Safety. A subsequent decree of 22 messidor, an XIII, eleven years later, changed the authority from the Committee to the Ministry of Foreign Affairs.

Austria quoted a law from 1762, when the ruler in Vienna was still the Holy Roman Emperor, the symbolic successor of Augustus, Trajan, and Constantine. The Austrians cited a court decree of 23 September 1817, which in turn had stated: “By virtue of the provisions of the Instruction of 31 August 1762 all consuls of foreign Powers, whether they are Austrian or foreign nationals, shall be subject to the jurisdiction and laws of the place in which they are authorized to reside.” (The ghosts of the ancient Caesars would probably have approved.) However, the Austrians also quoted their Imperial Civil Code of 1811, Article 38, that “representatives, public ministers and persons employed by them enjoy the exemptions laid down by international law and in public treaties.”

The Republic of China (Taipei) cited only the Chinese text of a law of 1929 giving customs exemptions to diplomats and consuls.

Israel, still a relatively new state on the modern scene in 1956, submitted an interesting, well-drafted, 14-page essay, in the donnish manner of Abba Eban in an American television interview. It could have been taken as a chapter of a scholarly introduction to the legal system of the country. There was “no comprehensive Israeli legisla-

tion on the topic of diplomatic and consular immunity as a whole,” so questions were “resolved either administratively or by what the courts might decide in a given case to be the applicable rule of international law... Judicial precedents of England... [had] high persuasive authority.” There had been a Transition Law 5709/1949 enabling the president of Israel to receive diplomatic representatives and confirm consuls. One sensed, however, that at this stage there was in practice a certain deliberate tentativeness, an advantageous undidness about the status of diplomats and consuls in the new state. There had been, of course, no diplomats in mandatory Palestine. The consuls who had exequaturs from the British-controlled mandatory government were now “recognized in their status on a de facto basis.” There were a few consuls in Israel whose governments did not recognize the new state. They were being allowed to “carry on their activities without any exequatur” and were normally accorded privileges and immunities, but “it cannot be stated with any certainty that their jurisdictional immunity would be upheld in a case involving a private litigant.”

In Brazil, diplomatic and consular immunities of representatives of the American republics were governed by the provisions of the Havana Conventions of 1928. With other states’ representatives, immunities were on condition of reciprocity.

In the Soviet Union’s reply, the basic law was an order of 14 January 1927 of the Central Executive Committee and the Council of People’s Commissions, which contained a general statement that diplomats “shall enjoy, subject to reciprocity, all the rights and privileges attaching to their status under the rules of international law.” The same principle was said to apply to consuls. Earlier, in 1924, there had been an Order of the Central Executive Committee of the USSR which provided that in criminal cases “the question of the criminal liability of foreign citizens enjoying extraterritoriality shall be resolved through the diplomatic channel.”

Luxembourg’s response to the UN inquiry stated that the only text with regard to the general subject of diplomatic immunity from the local jurisdiction was a French law of March 1804 “which has remained in force in Luxembourg since the annexation of the country by France during the French Revolution.” The forty-word law, almost word-for-word the same as the 12 ventôse law in Paris, was quoted by Luxembourg in full with the comment: “This very vague text permits a rather free jurisprudential interpretation.”

From Nepal came the reply that Nepal “very much regrets to inform” the United Nations that “there is not as yet any publication... on the laws on diplomatic and consular immunities,” but such immunities are “accorded to the Diplomatic Corps” on the basis of
"conventions and general international practice."

Norway cited an ordinance of 8 October 1708, which protected diplomats ("foreign ministers"), their servants, and their goods from seizure for debts. Pakistan had "not yet formulated any rules" but accorded immunities admissible "under international law on a basis of reciprocity."

Cuba, in addition to the usual reference to "the universally accepted principles of international law," cited its "Code of Social Defence (Offences against international peace and international law)." This code provided that an offence against a diplomat was liable "to the penalty applicable to the offence plus one-third to one-half of the penalty." This seems, at least superficially, a milder form of Peter the Great's personal reaction to the assault on his ambassador in 1708.

Finland had no laws concerning diplomatic immunity and in practice observed the general principles of law, international courtesy, and generally accepted usages.

West Germany went back to a law of 1877 organizing the judicial system, in which certain persons "in virtue of generally recognized rules of international law or under a treaty, are exempt from German jurisdiction."

India reported no legislation on diplomatic immunity except Article 86 in the Code of Civil Procedure, which said there could be no suits against or arrests of a head of mission nor of such members of his staff or retinue as the Central Government may by order specify.

Ireland's constitution in Article 29(3) accepts the generally recognized principles of international law as part of the law of Ireland.

From Italy came a response which was minimissimo in extent. Italy had no laws or regulations on diplomatic or consular immunities but accorded them on the basis of "the usual principles which are applied by the different states."

The Vatican replied that the Holy See does not have a consular service itself, that diplomats accredited to it reside normally in Italian territory, and their status is governed by the treaty of 1929 between the Holy See and Italy. The relevant article, 12, gives these diplomats in Italy "the prerogatives and immunities which pertain to diplomatic agents in accordance with international law."

Even these brief selections from the UN's survey indicate that national governments already in 1957 were in general harmony on the principle arising out of their separate national legislative histories and their practical experience with diplomacy. Based on these facts and proceeding by discussion and compromise, there was clearly room for a major step forward toward reaching a worldwide, universal agreement on a text covering diplomatic and consular immunities.

International agreement might not be quite so comprehensive as on the technical topics of postal systems or international electronic and telephone communications. However, all governments (except the Vatican) wanted to have both diplomats and consuls, and they all had a stake in keeping diplomats and consuls secure and effective in their work on behalf of national interests. In 1961–63 the time was ripe.

Regional and Universal Conventions

As we have seen, well into the twentieth century the rules for diplomatic immunity could still only be ascertained by consulting national legislation and cases and the treatises of private authorities on the subject. In the case of consular immunities, one had to consult these same sources and, frequently, the terms of bilateral treaties.

There had long been a dream and increasingly a hope that international law on immunities could be codified, and several draft codes had been sketched by learned writers. Starting in the 1920s, more serious efforts were undertaken. Two of these significantly pointed the way toward what was later achieved in Vienna in 1961 and 1963.

The first was regional in scope: the Havana Convention on Diplomatic Officers, signed in 1928. However, this treaty was put into force only by fourteen Latin American states, and its text acknowledged that it was intended as a provisional instrument until something more complete could be achieved.

A second effort was the Harvard Research Draft Convention on Diplomatic Privileges and Immunities, published in 1932. If Harvard had been a Great Power, or better yet an international organization, instead of only a prestigious university, this might have been an immense step forward. However, though the "document had great persuasive authority . . . it did not lead states to modify the provisions of their domestic law where these diverged."

In 1957, the International Law Commission of the United Nations undertook the herculean task of preparing a draft

70 Satow, 5th ed., p. 108.
Convention on Diplomatic Relations that could make the dream of a universal comprehensive law on the subject almost a reality. The commission worked carefully and, inevitably, slowly. Information and then comments were requested from all governments on an evolving succession of drafts. All members of the United Nations and its Specialized Agencies and the parties to the Statute of the World Court were invited to the final conference in 1961 in Vienna (now symbolically a neutral capital but still the historic site of the great Congress of 1815 and forever haunted by the ghosts of Metternich, Talleyrand, Castlereagh, and Czar Alexander I). The conference bore such good fruit that by 1975, when the People's Republic of China acceded, the adherents included all the important actors on the world stage, and in 1985, numbered 145. Without doubt, "the Vienna Convention constitutes the modern law in regard to the privileges and immunities of diplomats." The Vienna Convention on Consular Relations of 1963 was achieved by following a similar path, although the substantive situation was different in several important respects. The institution of consuls and consulates is considerably older than that of resident ambassadors and permanent diplomatic missions, and there is a large body of customary international law concerning consuls. In modern times it has often been convenient for states to conduct consular relations under bilaterally negotiated consular conventions.

The whole subject of consuls and their role is somehow more precise, down-to-earth, and less conspicuously political than that of diplomats. Much of a consul’s work directly and visibly benefits and protects both individuals and commercial interests – those of the consul’s own nation and of local businessmen and citizens. As one who has worked contentedly as a consul and later as an embassy political officer, the author recalls that this direct, tangible benefiting of individuals is seldom a characteristic of other diplomatic work. The consul gets midnight phone calls because some individual has been hurt or arrested. The political officer is wakened at 2:00 a.m. because someone in the State Department has to brief the assistant secretary in an hour and wants to be able to say "I had the embassy on the phone a few minutes ago and they think . . . ."

The 1963 Consular Convention is longer than the 1961 Diplomatic Convention; it is more precise and closely descriptive and gives its subjects (the consuls and their posts) immunities that are much more limited and much more closely related to their official functions. Nevertheless, it was drafted, negotiated, signed, and generally accepted just as efficiently as the 1961 Convention.

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Historical note on the first ambassador. Nicodemo Tranchedini da Pontremoli, the agent of Francesco Sforza of Milan in Florence for over 17 years (circa 1446-67), began to be considered the first resident ambassador by historians as early as 1894. However, his claim to the honor has been considerably qualified by more recent historians of diplomacy. They note that during his first years in Florence, his future sovereign, Sforza, was only a promising, ambitious condottiere, not yet duke of Milan. "Sweet Nicodemus," as he was known in his day, was sent by Sforza to be "his personal liaison to his old friend Cosimo de' Medici," at the time neither the ruler of Florence nor its foreign minister, but rather its "most influential private citizen." When Sforza became Duke of Milan, in 1450, Nicodemo became "the regularly accredited orator resident of Milan at Florence," a position he held for seventeen years. In Mattingly's view, "It is for length and distinction of his diplomatic career, not its priority, that he deserves to be remembered."

Mattingly did not nominate a particular candidate to replace Nicodemo. Likewise, D.E. Queller's more recent study on early European diplomacy did not accept Nicodemo's claim. Queller explains why he was also unconvinced by a "rather tentatively" nominated "new candidate," Othon de Grandson, Mrs. E.R. Clifford in 1961 had presented the claims of Grandson, "who spent the greater part of ten years in the early fourteenth century at Avignon on the business of the English king." Queller is also not able to accept two other possibilities who have their champions, namely, the Venetian consul in Naples of 1257, whose claims have been pressed by two or three leading modern Venetian historians, including their dean R. Cessi, writing in the *Enciclopedia italiana*. Nor did Queller buy the theory that a holder of the very early office of the *baiuto* of Venice in Constantinople was the first resident ambassador.

71 Ibid.
72 Command paper 9497 of April 1985, p. 6
73 Satow, 5th ed., p. 108
76 Queller, *Office of Ambassador*, p. 79.
Euro-centric diplomacy: Challenging but manageable

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Abstract
Drawing on the work of cultural anthropologists Clifford Geertz and Marshall Sahlins, I suggest a layered conceptualization of diplomacy as consisting of myths, sociabilities and practices which allows us to open the question of diplomacy’s Euro-centrism to empirical scrutiny. As do all known diplomatic systems, European diplomacy has its roots in the social systems of kinship and religion. It is rooted in Christian mythology, and this mythology informs its sociabilities and practices. Three mini-case studies (of diplomatic immunity, permanent representation and the institution of dean of the corps diplomatique) demonstrate that this mythology shines through in present-day diplomacy as well. Since diplomatic practices bear the mark of a European cultural context, it privileges the life chances of those native to that context. In this sense, diplomacy is Euro-centric. I then go on to argue that, empirically, this does not seem to be a particularly pressing problem. The real problem may be external to diplomacy itself, and concern the idea that European diplomacy was uniquely peaceful. As I demonstrate by means of a mini-study of Iroquois diplomacy, this is simply not the case. If the erroneous idea of uniquely peaceful European diplomacy is paired up with a framing of relations between European and non-European polities in terms of peaceful diplomacy, the result may easily be that we occlude other aspects of those relations, such as conquest and colonialization. The Euro-centrism of diplomacy that matters is thus less to do with diplomatic practices than with mnemonic practices about diplomacy.

Keywords
diplomacy, discourse, global institutions, post-colonial theory, self–other

Introduction
There are at least two key reasons to ask whether or not diplomacy is Euro-centric. First, the question is posed in political global debates every day. It is the scholar’s...
task to scrutinize such questions and ask if, and in what senses, it holds true. Second, if diplomacy is Euro-centric, it raises the new question of what effects that has. I begin by discussing how present-day diplomacy rests on a specific myth and is constituted by specific narrative sociabilities and practices. I go on to argue that diplomacy is Euro-centric in the sense that its predominantly European origins still mark a number of its practices. We should not ascribe too much importance to diplomacy’s Christian origins for present-day conditions, however, since the origins of a given practice do not compromise that practice ipso facto. What should worry us is the, often tacit, conflation of two other representations. The first representation is that grounding diplomacy in a myth of peace is uniquely European. As I demonstrate by means of a mini-study of Iroquois diplomacy, this is simply not the case. The second representation is that there is no glitch between myth and practice, so that really existing European diplomacy has indeed been as peaceful as its myths would have it. This is not the case either. All this matters, for when the representation of diplomacy as the peaceful aspect of relations between polities conflates with the representation of European practices as uniquely peaceful, the result is easily that sequences marked primarily by conquest and colonialism come instead to be remembered as sequences marked primarily by diplomacy (Barkawi, 2005; Muppidi, 2004). In sum, the question of diplomacy’s Euro-centrism is not first and foremost pertinent to ongoing practices of diplomacy itself, but rather to mnemonic practices pertaining to the global history of which diplomacy is part.

The question is far from new. In the 1960s, when rapid decolonization increased the number of states, the European bias of diplomacy was the issue of some political and scholarly debate, with scholars like Ali Mazrui (1977) calling for more cultural pluralism, and scholars like Martin Wight (1966) insisting on the moral superiority of ‘Western values’ as a basis for international relations generally and diplomacy specifically. This debate died away as new states proved sticklers for diplomatic etiquette (as newcomers so often do), and the extant practices of diplomacy seemed to prevail. With globalization, and particularly with the growing interest in post-colonial theory, this debate is back on the political and academic agenda.

Drawing on cultural anthropologists Clifford Geertz’s and Marshall Sahlins’s work on myth and narrative sociabilities, respectively, the first part of the article attempts to theorize diplomacy in terms of its historical preconditions for action and the way it operates as a social practice. Part two discusses diplomatic immunity, permanent representation and the institution of dean of the corps diplomatique in the present-day system and demonstrates that Christian myths do indeed colour these sociabilities. I take this to demonstrate that contemporary diplomacy is Euro-centric. I go on to argue that the Euro-centrism of present diplomatic practices is of less consequence than the tendency to argue that European diplomacy is historically uniquely peaceful. The problem of Euro-centrism to diplomacy may be less to do with diplomatic practices as such than for the effects wrought by invoking the idea that European diplomacy was not only uniquely peaceful, but also the main frame for encounters between European and non-European polities. Such a move has the effect of occluding other discourses and practices that were also afoot, including those of conquest and colonialism.

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Three layers of diplomacy: Myth, sociability, practice

In his study of Bali before the Dutch conquest, Geertz highlights the importance of myth to political discourse. Polities are held together by a set of norms and rules about how the world ‘is’, that is, an ontology: ‘The crucial task of legitimation — the reconciliation of this political metaphysic with the existing distribution of power in nineteenth-century Bali — was effected by means of myth; characteristically enough, a colonizing myth’ (Geertz, 1980: 13). In Geertz’s study, the myth in question is that the Balinese polity, Negara, is the successor of the Javanese kingdom Majapahit, which conquered Bali militarily in 1343 and went on to define what Geertz chooses to name a ‘standard of civilization’ (Geertz, 1980). Myths are to Geertz a special kind of idea, with ideas being not ‘unobservable mental stuff’, but rather ‘envehicled meanings, the vehicles being symbols (or in some usages, signs), a symbol being anything that denotes, describes, represents, exemplifies, labels, indicates, evokes, depicts, expresses — anything that somehow or other signifies’ (Geertz, 1980: 135). Myth, then, makes possible more specific claims about the world. Note that myths thus understood are an inevitable social phenomenon, not to be mistaken for the misleading generalities that the term denotes in everyday speech (and, deplorably, also in otherwise valuable scholarly works such as Obeyesekere [1992] and Hobson [2004]).

This insight may be extended to a polity’s view of the world around it as well. We may then ask which myths enable diplomatic discourses. As I have argued elsewhere (Neumann, 2011), all known diplomatic systems rest on metaphors to do with religion and kinship. The value of Geertz’s study to the student of diplomacy does not lie in substance — myths of conquest must necessarily be different from myths of consensus — but in an understanding of the importance of preconfigurations of knowledge to the establishment and perpetuation of regular contacts.

The next step must be to specify what these contacts are. For this, we may turn to Marshall Sahlins’s work on pre-contact political structures in the Pacific and on Captain Cook’s arrival in Hawai’i. To Sahlins, as to Geertz, myth is the precondition for understanding (cf. Sahlins, 1981; Lincoln, 1989; Flood, 2002). Sahlins goes on to suggest that myth is overlaid by what he calls narrative sociability. Each type of situation has a set of categories and relationships that is pertinent to it. Typically, these narratives are more specific than myths. For example, there will exist a narrative about how a representative of another political entity should be heralded, received and treated by the head of a polity (e.g. as a diplomatic envoy). This narrative will have an affinity to myth.

In the case of diplomacy, the key thing is that the affinity to myth will imply that the same type of situation will have different narrative sociabilities within different cultures. For example, in Europe, if a person wholly unknown by appearance and name arrived in a community in the late 18th century, the situation would have a number of narrative sociabilities attached to it. The person could be a pilgrim, a trader, an envoy and so on. There would be sartorial and habitual categories with which to distinguish between these sociabilities. The narrative sociability attached to the envoy would be founded on religious myth, but the chances of the envoy being read as anything other than a human being (say, an angel) would be small (but not non-existent). Compare this to the case of Captain
Cook’s arrival in Hawai’i, where Sahlins’s argument is that the category of *akua* — ‘god’ — was the one that was brought into play simply because the narrative sociability of this specific situation demonstrated an overwhelming fit with the myth upon which the narrative sociability rested. Crucially, Sahlins argues that a society’s identification between narrative sociability and myth is not necessarily self-reflective, and that it certainly was not on the part of the Hawai’ians (Obeyesekere, 1992; Sahlins, 1981, 1995). The implication of this is that the cultural setting of diplomatic encounters is always already not only a situated one, and not only one marked by a lack of cultural information about the other party, but also one that may be marked by a lack of reflectiveness about one’s own party’s preconditions for action.

If myths constitute the basic layer of diplomacy and the second layer may be thought of as narrative sociabilities, then the third and top layer of discourse is practice. Practices give shape to specific diplomatic events. Specific practices include accreditation of foreign diplomats, treaty-making, forms of greetings, dress codes and many more. In contemporary diplomacy, formalization is inextricably linked to law-making. Taken together, myth, narrative sociability and practices may be understood as layered discourse. Political myths found narrative sociabilities. Diplomacy arises out of clashing sociabilities.

**Christendom to Europe: The emergence of European diplomacy**

In his genealogy of Western diplomacy, James Der Derian (1987) discusses the emergence of state-to-state diplomacy in Europe from the 16th century onwards out of the political myth of Christendom, which is that the entire world consists of polities that are united in Christ. Following genealogical tradition, Der Derian underlines the open quality of the myth, and then highlights the role of Augustinian thinking to Western Christian diplomacy. Augustine specified the historical existence of what he called cities (i.e. polities) to stretch from the fall of the angels until Doomsday, and saw the historical task of the city as being the purification of its resident souls. The cities are ideally united, as humanity as such is ideally united in Christ. When united, there is peace and justice all around. It does happen, however, that cities stray from their course. Diplomatic relations are only required when what the myth lays down as the natural state, namely peace, is in jeopardy. Consequently, diplomacy is a necessary but tainted business, since the need for it arises only when humans stray from God. To Augustine, diplomacy’s sociability is suspect, for the very fact that it is needed is a reminder that history may not march on towards the ideal Christian society that Augustine postulates.

Narrative sociabilities of European diplomacy sprang directly from the Christian founding myths. We have a wonderful example from 1182, which is the time when religiously defined Christendom begins to transform into territorially defined Europe:

Vladimir, Prince of Galitch, on being upbraided for not honouring a promise made on the cross of St Stephen, retorted that it had only been a very small cross, to which the complainant’s envoy replied that it was nonetheless miraculous and that the Prince should be fearful for his life. (Hamilton and Langhorne, 1995: 94)
Note that this interaction would have been impossible had there not existed a myth that laid down peaceful relations as the norm and a narrative sociability concerning the drawing up of promises, agreements and treaties, with specific ritual practices (the kissing of the cross was a practice which bound the kisser to the agreement entered into; Vernadsky, 1948: 95) and sanctions (heavenly punishment for breaking promises). Note, furthermore, that the myth and the narrative sociability are doxic and unchallengeable on their merits. In 1152, Vladimir is reduced to quibbling over ritual execution rather than over ritual as such, about adherence to a norm rather than about the norm itself. By the high Middle Ages, the diplomacy of Western Christendom was indeed well established and culturally dense.

In order to get at our main question of the possible Euro-centric nature of present-day global diplomacy, the questions we have to ask next is whether, in what degree and how the founding myth and the narrative sociabilities of the diplomacy of Christendom carried over into European diplomacy. As a preliminary, we note the change in concept — away from the overtly religious Christendom, towards Europe. At first glance, this may look like desacralization. A stronger reading may be, however, that the religious fissures first between the orthodox and the catholic, and then between the Catholics and the Protestants, called for a concept which could be uniting by not referring directly to what was in dispute. ‘Europe’ was such a term. We note that no one spoke up against the use of the new term, that it was tied to the rallying of Christian counter-forces in the first half of the 15th century against the Ottoman onslaught that eventually brought down Constantinople in 1453, and that its first use in a book title was by Enea Piccolomini, who later became Pope Pius II. Conceptually, as well as politically, Europe is the successor of Christendom, and the succession was brought about by a battle between two self-consciously religion-based political entities. Where there is succession, there is usually continuity.

**Christian myths in contemporary diplomacy**

Among the many who have nonetheless chosen to stress the break in diplomatic practices at the time of the Renaissance rather than their continuity is James Der Derian. He highlights how Machiavelli’s reading of the Italian situation ‘exploded the remnants of a mythical Christian unity to open the way for a system of diplomacy based on states’ interests’ (Der Derian, 1987: 102). If Der Derian’s argument is that the tenets of Christianity did not inform policymaking directly, then I concur. We have, for example, a whole plethora of examples of Christian rulers who formed alliances with infidels against other Christian rulers. There are, however, at least three problems with using this fact to argue for the demise of Christian unity. First, the phenomenon is not new; we have examples of alliances that do not follow religious lines from before as well. Second, there will always be glitches between the mythological layer of discourse and less foundational layers. Put differently, no system of cultural meaning wholly determines outcomes. Third, and perhaps most importantly, even if we grant that Machiavelli isolated analytically a new rationality of government (and I think we should), and even if this rationality of government became pervasive among parts of the ruling class, the ensuing specific discourse on politics could still be very uneasily embedded in overall
discourse. This, I think, was the case historically. It follows that Machiavelli’s influence on policymakers, however strong it may have been, does not warrant the exclusion of either myth or religion as factors pertaining to diplomacy.

Contemporaries at the time certainly thought so. The diplomacy of early contemporary Europe was certainly embedded in general Christian discourse, as was the self-presentation of its rulers. As Christian Reus-Smit puts it, the ‘old’ diplomacy of absolutist Europe rested on a moral purpose of heavenly salvation according to Christian teachings. Earthly powers were ordered in a hierarchy of descending closeness to God, with France on top, then other Christian rulers, then non-Christian rulers (that is, barbarians). One may add to this people who were seen to be without rulers altogether, that is, savages. Having broken away from the overlordship of the Church, the emerging states of Europe ‘reimagined’ the world:

the moral purpose of the state was defined as the preservation of a divinely ordained, rigidly hierarchical social order. To fulfil this purpose, monarchs were endowed with supreme authority — their commands were law [and law was first and foremost command rather than an outcome of negotiation, enacted ritual, codification or the like]. Procedural justice was thus defined in strict, authoritative terms. God’s law and natural law were the ultimate arbiters of what constituted justice, and they received worldly expression in the commands of the dynastic monarchs. (Reus-Smit, 1999: 94)

Law became a divinely sanctioned instrument of power, rather than a frame for its circulation. By isomorphism, emerging international law (increasingly understood as ius inter gentes rather than ius gentium) was also rooted in something divine, namely human nature — as natural law. These social conditions, Reus-Smit argues, were specific prerequisites for the emergence of ‘old’ diplomacy. The key point here is that these social conditions were religiously constituted. They maintained a strong if unevenly dispersed presence in European politics. As late as 1815, although Tsar Alexander of Russia did not succeed in making his ‘holy alliance’ the framework for a new European diplomatic order, he still managed to recruit his ‘brothers in Christ’, the Habsburg emperor and the king of Prussia, with a treaty text that bore the explicit religious and kinship markers of the diplomacy of Christendom.

Remnants of Christian myths in three contemporary sociabilities

These hermeneutical and institutional arguments in favour of Christianity’s importance to ‘old’ diplomacy may be further substantiated by focusing on three sociabilities that are part of contemporary diplomatic culture in the strong sense of being intersubjective to world diplomats, and which are ostensibly functional. These three mini-cases concern the immunity of the envoy, the exchange of permanent representatives and the ordering of the corps diplomatique. Historically, the three sociabilities presuppose one another sequentially, in the sense that the first is a precondition for the second to emerge, and the second for the third. To what degree do Christian myths mark these modular and contemporary sociabilities?
Sociability I: Immunity of envoys

In international law, the key code on diplomacy and diplomats is the Vienna Convention on Diplomatic Relations from 1961, the result of legal codification work initiated by the victors of World War II. The immunity of the envoy from the legal system of the host state is its centrepiece (Frey and Frey, 1999). As noted above, within diplomatic systems, the immunity of envoys has traditionally had religious licence. Contemporary diplomacy is no exception. Within Christendom, Hamilton and Langhorne (1995) trace immunity to the late middle ages. Having established the functionality of reciprocity (if I grant immunity to your envoy, then you will grant immunity to mine), they stress the importance of religious sanction. It was God’s will that His children should live in peace with one another and that Christendom as such stood to gain from the existence of envoys between worldly power-holders. These were the specific ideas to which Bertrand du Rosier referred in the first-ever textbook for diplomats from 1436 when he wrote that an ambassador is sacred because he acts for the general welfare (see Mattingly, 1955). This idea found its way into legal Christian discourse, where the ambassador — one’s own as well as that of the enemy — was described as a representative of Christendom in its entirety. Many lawyers held that, for this reason, murdering an envoy was not just a worldly crime, but also sacrilege, and that the murderer ought to have conferred upon him the status of enemy of mankind. Immunity was then extended from safety of life and limb to safety from the laws of the host country and safety of possessions. Anderson (1993: 54) gives some examples:

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[ndrey] A. Matveyev, the Russian minister, was arrested on the complaint of a number of 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.

Note that all the foreign missions in London at the time represented Christian powers. As to relations with non-Christians, within the specifically Christian frame of meaning surrounding the immunity of the envoy, granting the right of worship (droit de chapelle) to those who believed otherwise had the implication of recognizing them as children of God. Crucially, since reciprocity was the key aspect of all European diplomatic sociabilities, as seen from Europe, the granting of a right of worship by non-Christian powers would be read not only functionally, but also as a tacit approval of the idea that we are all children of God. Such a seemingly universalist idea is culturally specific in the highest
degree. It also demonstrates how an idea such as reciprocity, which is often understood to be functional, is actually culturally specific.

Sociability II: Permanent representation

One notes that, by 1708, permanent representation was becoming the rule between the European powers. Matveyev was Russia’s first permanent representative to England, so it was still not firmly established. Standard histories of diplomacy point to the city-states of Renaissance Italy, Machiavelli’s home turf, as the birthplace of permanent representation. In 1455, the Duke of Milan sent Nicodema de Pontremoli to Genoa in order to set up a permanent representation. At about the same time, a Venetian author, Mario Sanuto the younger, used the term ‘ambasciatore’ about an envoy (Numelin, 1954). We may say that we have here the first exchange of resident ambassadors. Nothing has only one beginning, however, and James Der Derian notes that already in 453, Pope Leo the Great and the archbishop of Ravenna exchanged representatives (Der Derian, 1987). We may add that this was only the beginning of what was to become an institutionalized practice. In the first volume of The New Catholic Encyclopedia (1907), we find an article on the ‘Apocrisiarius’, a character that extant scholarship has either written off as irrelevant (Mattingly, 1955: 56) or simply noted (Jönsson and Hall, 2005: 112):

(Gr. apochrisis, an answer; cf. Lat. responsalis, from responsum). This term indicates in general the ecclesiastical envoys of Christian antiquity, whether permanent or sent temporarily on missions to high ecclesiastical authorities or royal courts. In the East the patriarchs had their apocrisiarii at the imperial court, and the metropolitans theirs at the courts of the patriarchs. The popes also frequently deputed clerics of the Roman Church as envoys, either for the adjustment of important questions affecting the Church of Rome, or to settle points of discipline in local dioceses, or to safeguard the interests of the Church in religious controversies. In the letters of St Gregory the Great (590–604) very frequent mention is made of such envoys (responsales). In view of the great importance attaching to the relations between the popes and the imperial court of Constantinople, especially after the fall of the Western Empire (476), and during the great dogmatic controversies in the Greek Church, these papal representatives at Constantinople took on gradually the character of permanent legates and were accounted the most important and responsible among the papal envoys…. From the reign of Charlemagne (d. 814) we find apocrisiarii at the court of the Frankish kings, but they are only royal archchaplains decorated with the title of the ancient papal envoys.

Furthermore, Byzantine envoys, for example those sent to Kiev at the end of the 14th century, were also sometimes called apokrisiarii (Obolensky, 1982 [1970]: 23). We have here a fully fledged case of institutionalized diplomacy, which, as will be seen, included permanent representation. Note, furthermore, the close contacts between Byzantium and the Italian city-states. After all, Byzantine hegemony in the area had only been broken by the Lombards in 751, and Sicily only finally fell to the Arabs in 902. In his study of what we would now call hybridization between Byzantium and what he calls Western cultures, Geanakoplos (1976: 73; cf. Mattingly, 1955) writes that ‘a comparison of Venetian and Byzantine diplomatic practices in the late medieval and Renaissance periods … would
probably reveal no small degree of direct or indirect Byzantine influence’. The existence of the institution of *apocrisiarius* means that we already know enough to conclude that the origins of permanent diplomacy, far from being secular, are actually specifically Christian. One way of understanding permanent diplomacy’s spread from the Italian city-states to become a Europe-wide phenomenon, furthermore, may be to highlight its compensatory nature. The Reformation had certainly weakened the Christian political myth by demonstrating that the split between the Orthodox and Catholic Churches was not a unique case of schism. Schism was an ever-present possibility. Permanent representation may be understood as a new Christian narrative sociability, which arose as a result of the weakening of the founding myth of Christian diplomacy. Such an understanding highlights the continuing importance of Christianity to the spread of the narrative sociability that is permanent representation.

As for permanent representation with non-Christian entities, at the time of the formation of the diplomatic corps there was only one such, namely, the Sublime Porte in Constantinople. In European–Ottoman relations, we also have a nice example of how sociabilities change. As did the Byzantines before them (and as did the Mongols and the Chinese), the Ottomans considered the sending of envoys a mark of submission. Consequently, they followed the Islamic practice vis-a-vis tribute entities called *amān* when establishing peaceful relations not only with Islamic polities like Persia, but also with European states (Ari, 2004). *Amān*, roughly safety or security, meant that you were under somebody’s protection. If the initial contacts went well, the next step for the Porte was to grant an *ahdname*. *Ahdname* (from Ar. *ahd*, ‘treaty’ and Per. *name*, ‘writ’), translated into English as capitulations (from Lat. *capitula*, ‘chapter heading’), were granted to merchants for a year at a time, and gave them the right to trade without having to pay taxes. ‘Such concessions’, Lewis (1988: 84) explains:

> perceived by European trading states as treaties, by the Muslim rulers as edicts, were granted by Muslim sovereigns in North Africa, Egypt, Turkey, Iran and elsewhere. The capitulations, in Ottoman *ahdname*, ‘covenant-letter’, were granted by the sultans as an act of condescension. The rights and privileges accorded to the foreign merchant communities in the Empire were a logical extension of the autonomy of the *dhimmi* [non-Muslim] communities and of the medieval Muslim practice of *amān*.

The difference in perception is due to there being two different sociabilities in play. The Ottomans’ sociability was the granting of a charter to facilitate trade, not one built on recognition of other polities, and certainly not on reciprocity. It was the Ottoman sociability that framed early relations, including the terms on which permanent representations were established. Europeans adapted to this different sociability. When the first permanent representation, the English one, was established in 1535, it was paid for by the Levant Company (Berridge, 2004). As it happened, there was considerable overlap between the two sociabilities, for example, in terms of immunity. In the 1660s, the Sublime Porte issued a *beirat* which, Anderson (1989: 95) tells us, stated that, ‘The consul could not be arrested for interrogation, imprisoned, or dismissed from office; his house could not be searched or sealed up; his clothing, victuals, and other domestic supplies could be imported free of custom; lawsuits in which he was involved had to go
straight to the supreme court.’ There were also crucial differences, however. For example, both amān and ahdname were often rescinded in times of war. This made for complications. In 1780, ambassador Sir Robert Ainslie wrote home to the Foreign Office that, ‘It has been their constant practice, to look upon them [foreign envoys] as hostages, and to make them personally responsible for all events’ (Berridge, 2004: 118). Well over two centuries after the establishment of the English permanent representation, different sociabilities still made for different perceptions. To the Ottomans, when the situation on which amān had been extended changed, it was a logical next step to withdraw amān, and the logical course of action to take against a non-muslim from a belligerent state without amān was incarceration. Ainslie (mis)translates this into an ancient, but since the early 18th century defunct, European (and Byzantine) diplomatic sociability, namely hostage-taking (Neumann, 2006).

At about this time, however, Ottoman diplomatic sociabilities were fading before European ones. The Ottomans sent a permanent ambassador abroad (to England) in 1793, and a Turkish Ministry of Foreign Affairs was established in 1836 (Kürkçüoğlu, 2004). Note, however, that Ottoman sociabilities were productive in the sense that they were crucial to the later development of the consular institution throughout Europe, and then globally (see Leira and Neumann, forthcoming). Yurdusev (2003: 186) argues that ‘the formulating of some of the most essential elements of the contemporary world’s diplomatic system — permanent missions, extraterritoriality, and reciprocity — drew upon the experiences of the directors of Florentine, Genoese, and Venetian settlements in the Ottoman domains’. If we add that the Ottoman practices owed much to Byzantine ones in the first place, it is certainly correct that modern diplomacy is an Ottoman–European hybridization, although, due to the power differentials in the wider setting in which emergent diplomacy was imbricated, the former element certainly registered less than the latter. While the hybridized character of modern diplomacy is accepted across the board among practitioners (for China, see Zhang [forthcoming]; for Russia, see Zorin et al. 1959; and for Vietnam, see Nien [2004: 31 et passim]), there is as yet little scholarship regarding the genealogical details.

Compared to the Ottoman–European case, European–Chinese 19th-century encounters demonstrate similarities where the importance of myths is concerned, and dissimilarities in the outcome of clashes between narrative sociabilities. Both George Macartney, who visited the Chinese Emperor in 1793, and Lord Amherst, who visited in 1816, thought that greeting the Emperor by prostrating yourself (kowtowing) might involve worship, and so abstained from performing it. As seen from the Chinese side, kowtowing need not indicate worship, but given that the Emperor was considered to be the only son of Heaven, it is easy to see how this may not have been clear to the English envoys. What we have here are different religiously informed narrative sociabilities. Indeed, even if Lords Macartney and Amherst had decided to stay, it is highly unlikely that the Chinese would have considered the ensuing exchanges to be anything else than the paying of tribute, for this was the only narrative sociability available for the Emperor’s meetings with representatives of other polities (Suganami, 1984). Note that, whereas the Chinese political myth was similar to that of Byzantium (and indeed Western Christian and Ottoman myths), the narrative sociabilities were different. Whereas the Byzantines could converse freely with envoys from other polities in a number of spaces, formally or
informally, and could draw on a variety of narrative sociabilities, in the Chinese case, there was only one narrative sociability (tribute-paying), and it severely narrowed the field of interaction. Note also that, historically, like most other non-Christian narrative sociabilities, this Chinese diplomatic sociability gave way to European ones. There is nothing to indicate that the permanent ambassador is on the wane (cf. Wolfe, 1998).

**Sociability III: The dean**

My third mini-case is the ordering of the diplomatic corps. The diplomatic corps is the totality of diplomats accredited to a sovereign at any one time considered as a body, for example, all the diplomats accredited to the Court of St James (that is, to London) or all the diplomats in Washington. It has been recognized by international law since the Congress of Vienna (1815), but its history stretches back to the 17th and 18th centuries. Traditionally, the diplomats of the different sovereigns, and particularly the ambassadors, were rivals, and there were few cross-cutting bonds that made for solidarity. It was noted earlier how, in 1708, almost all the heads of missions to London acted in unison on behalf of one of their number. This was a very early example of the kind of group agency for which the concept of *corps diplomatique* emerged in 1737 (in a handbook for diplomats written by Antoine Pecquet; Hamilton and Langhorne, 1995). Again, a functionalist account lies close to hand. In the Middle Ages and in the Renaissance, the material needs of embassies (i.e. an entourage headed by an envoy which came on specific business) were taken care of by the host country. With the event of permanent embassies, this began to change. In 1556, England insisted that permanent ambassadors pay for their own lodgings. A century later, this was becoming common practice. In 1698, Russia and the Habsburgs decided to stop catering for one another’s diplomats and adhere to the new practice as well (Anderson, 1993). The ensuing common materialist interest that foreign diplomats shared in seeing to it that the host country held up their end of the bargain was clearly a factor making for solidarity.

The key factor that hampered collective action by the diplomatic corps remained status. Ambassadors were the personal representatives of their sovereigns to the sovereign of the host country, which meant that it was part of their job description to get as close as possible to the sovereign. At the same time, it was intersubjectively understood that the relative way in which the host country sovereign treated them was directly proportionate to the esteem in which he held his various brother sovereigns. This status-ridden narrative sociability detracted from the social space available for other things at multilateral meetings or series of meetings such as audiences, receptions and formal dinners. Status was also a challenge for practices such as the signing of treaties, because the order of signing often held up the proceedings. Note the cultural specifics of the status rivalry. The arguments made in favour of status elevation included the point at which the polity in question had converted to Christianity and the respective abilities of the sovereigns to cure disease. That power was ubiquitously held to emanate directly from God. The argument was that this made it a good indicator of the respective favour in which the sovereigns stood with God. The assumption was that this should be the key factor in deciding respective status (Anderson, 1993). Note that these are explicitly religious concerns. The struggles over precedence sometimes escalated into skirmishes:
The best and best-known example of this is the battle fought in the streets of London in 1661 between the retinues of the French and Spanish ambassadors, the culmination of two centuries of bitter competition of this kind. The official entry to the English capital of a new Swedish ambassador became the occasion for a struggle over which of the two rivals should give way to the other; in this almost fifty men were killed or wounded. The Spaniards were heavily outnumbered (the French ambassador, d’Estrades, had prepared for a struggle by bringing to London a number of officers from regiments commanded by himself and his son as well as soldiers from the garrison of Gravelines, on the northern coast of France); but they none the less won the immediate contest by cutting the traces of the horses pulling the French ambassador’s coach. (Anderson, 1993: 63)

Louis XIV made this skirmish *casus belli*, and the king of Spain apologized. With a certain solidarity beginning to emerge between foreign diplomats, ordering the fight for status emerged as a question of ordering the institutional set-up of the *corps diplomatique*. The historical answer to this fight was a fixation of rank based not on *who* the ambassador represented, but on *when* he had arrived at court. Seemingly, religious arguments such as the date of conversion or the ability to cure scrofula lost out to a purely functional ordering principle. Note, however, that religion is still there. For example, when the Princess of Brazil (i.e. the Portuguese equivalent of the Princess of Wales) married in 1760, the master of ceremony, Margrave de Pombal, simply informed the guests that the Papal nuncio and the envoy of the Holy Roman Emperor would be given precedence, while the rest would be ranked on the basis of when they were accredited (Anderson, 1993). One reading of this would be that the diplomatic corps still had a Christian skyhook. It was still a hierarchy of descending closeness to God, but it had become a somewhat truncated hierarchy. Note that, to this day, in most Latin American states and also in a state like Germany, this ordering of the diplomatic corps still holds sway (Rana, 2007: 129). Whereas in most states the ambassador who has manned the post for the longest time automatically becomes *doyen* or dean of the *corps diplomatique*, in these states it is always the Papal nuncio who fills this role. However long an ambassador representing a non-Christian state may have served, a Christian will still outrank him or her.

To sum up so far, my first and uncontroversial claim is that pre-World War I diplomacy was very much a European affair. In 1914, most relations between European and non-European polities were not heavily institutionalized, and those that were (with Siam, for example, and Japan) were historically fresh. *Pace* Sahlins, the meeting of narrative sociabilities seems to be crucial to the actual interaction that makes up the initial meetings between polities. Regardless of whether the interlocutors understand themselves as being specialists in myth (missionaries whose main attention is on cosmology) or norm entrepreneurs (traders whose main attention is on material reciprocity), initial interaction takes the form of negotiation of narrative sociabilities. With some notable exceptions, European narrative sociabilities have been the basis for these meetings. Ottoman diplomacy shaped contemporary diplomacy, but it did so to a lesser degree than did European diplomacy. We may conclude that European diplomacy forms the basis of global diplomacy. My second and more controversial claim is that the diplomatic culture that emerged must be said to be specifically Christian. Third, since Christian myths contributed to shaping sociabilities and practices that are now taken to be doxic, today’s diplomatic culture still bears the patchy marks of its Christian origins. The answer to the question of whether contemporary diplomacy is Euro-centric must therefore be a clear ‘yes’.
Euro-centrism’s relevance

In political discourse, it is often enough to name a phenomenon in order to prove its relevance. The naming itself, for example of something as Euro-centric or someone as a terrorist, sets in train a whole range of effects. Not so in academic discourse, we are told. Relevance has to be ascertained, not simply assumed. So our next questions will have to be: if present-day diplomacy is Euro-centric, why and how should we care? I will conclude the analysis by availing myself of the suggested conceptualization of diplomacy in order to attack these questions on the three levels of myth, sociability and practice.

First, the level of myth. I will argue that having myths is inevitable, but that the myths themselves are transformable. If any political phenomenon must be anchored in myth, this myth must inevitably begin as a culturally specific phenomenon. From this beginning, however, it may transform and outgrow its specific origin.

Let me begin with historical inevitability. If any political culture needs anchoring myths to exist, then it follows that diplomatic culture, as a historical phenomenon, must necessarily be anchored in myths that are historically specific. Furthermore, in light of the fact that all key diplomatic systems known are anchored in myths of kinship and religion, the importance of the historical anchoring of contemporary diplomacy in Christian myths loses some of its fizz. If it had not been a Christian variety on the theme that we are all God’s children that had informed global diplomacy, it would in all probability have been some other variant on the same theme. As sociologists of religion are quick to point out, however, there is no inherent link between myth and practice. On the contrary, one of the preconditions for a myth to establish itself as anchoring of discourse may be that there is a certain leeway in the way the myth may be interpreted, so that a plethora of groups may adhere to the same myth, without actually agreeing on its exact meaning (Leach, 1954). Any founding myth enables and constrains, and if all likely candidates turn on kinship and religion, there is no inherent reason to think that one particular myth of kinship and religion would enable and constrain more or less than any other. The action lies elsewhere. As Foucault (1997: 147-148) once remarked, the important question ‘isn’t whether a culture without restraint is possible or even desirable, but whether the system or constraints in which society functions leaves individuals the liberty to transform the system’. In our terms, as long as myths do not rule out any groups ipso facto (and the founding myth of Christian diplomacy does not, since any group is a potential candidate for conversion), they simply make possible the restraints that are inevitable to social life. In our case, one should therefore look for social variation at the levels of sociabilities and practices, and not at the level of myth.12

The Christian diplomatic myth is not uniquely peaceful:An Iroquois example

A corollary of the view that diplomatic myths invite peaceful sociabilities and practices by functional necessity is that, contrary to doxic presentations, there is nothing historically unique about the peacefulness of the European diplomatic myth. Since this point is so often taken for granted, it calls not only for logical, but also for empirical, backing. One way to provide that is by discussing a myth underpinning another diplomatic tradition than the European one.
Among the 15th- to 19th-century Haudenosaunee (People of the Long-House), better known as the Iroquois Confederacy or League, we find a highly ritualized diplomacy rooted in myth and centred on a particular narrative sociability, namely meetings at the wood’s edge and, subsequently, in conference, focusing on a particular form of messaging involving a particular kind of beaded belt called wampum (Jennings, 1985). It is the myth, with its stress on peace, that is of principal interest here.

The myth that grounds Iroquois diplomacy — among the Six Nations of the Confederacy as well as between those nations and other nations — specifically concerns the founding of the Iroquois Confederacy and its external relations. The reading that follows is based on a version given in Onondaga-Iroquois by chief and Fire-keeper Skama-wa’iti in 1888 and published in the fifth volume of American Anthropologist (Hewitt, 1892). The story takes place ‘in the times of our forefathers’. It falls in three parts (Fenton, 1985: 15), where the first describes a series of heroic actions, the second concerns the lessons that the hero (or heroes) deduces from those actions and puts before his people ‘for all time’, and the third concerns the administrative ordering of the Confederacy.

Part one begins with a statement to the effect that the chiefs of the nations of Natural Man tried to transact business by the council-fire but failed, due to the nefarious work of Tho-do-da’-ho’. Hewitt (1892: 140) writes about his use of the term ‘Natural Man’ as being ‘the literal translation of the present Iroquois name for “Indian” — On-kwe-hofi-we’.

The principal hero of the story is De-ka-na-wi-da, with his younger brother Hai-yo-hwat-ha or Hiawatha being the main sidekick (in other versions, this relationship is reversed). De-ka-na-wi-da decided to seek out Tho-do-da’-ho’. After a false start, he established rapport with the other chiefs. They assembled 13 strings of wampum to aid them in their work, and De-ka-na-wi-da, saying they should ‘express gratitude’, sang. He stated that ‘this shall be observed as a custom for all times. They shall sing the Six Songs as occasion requires’ (Hewitt, 1892: 135). De-ka-na-wi-da appointed two spies, who, covering parts of their journey in the shape of crows, succeeded in their mission (and forged an alliance in the process). They described Tho-do-da’-ho’ as ‘not human; he is daimonic and superhuman’. De-ka-na-wi-da replied that:

We must go to the place where Tho-do-da’-ho’ abides. It is our duty to endeavour to reconstruct his mind, so that he shall again have the mind of a human being. If we can accomplish this great work we shall be fortunate, and we shall reap fruitful benefits from it. In this enterprise we must use the ‘thirteen matters’ [i.e. wampum belts]…. When we have reached our destination, the habitation of Tho-do-da’-ho’, we shall make a fire for him ‘at the wood’s edge’. We will speak to him and we shall hail him by congratulatory words. We will also tell him that we have a matter in which he is concerned; but this latter shall come to pass in the ‘Principal Place’.

(Hewitt, 1892: 137)

De-ka-na-wi-da then sent a messenger to notify ‘the resident councillors of their arrival’. He returned, reporting that the resident councillors:

‘ordered me their cane to come here; they have kindled their fire at the edge of the woods, and there we will meet, beside the thorny underbrush.’ The resident chiefs went to the place where the fire had been kindled, and there they met the visiting chiefs. (Hewitt, 1892: 137)
After ‘preliminary business’, the visiting chiefs sang the Six Songs. Tho-do-da’-ho’ heard the singing, began to change and was greatly pleased. De-ka-na-wi-da then proceeded to change his hands from being like ‘the feet of a turtle’, his feet from being ‘like those of a bear’, his hair from being like ‘wreathing and hissing serpents’, to becoming ‘natural’, using wampum. Only his penis, which was curled around his body, did not yield. Three times De-ka-na-wi-da cut it off to ‘its natural length’ — ‘six thumb widths’ — but each time it regenerated: ‘Then the chiefs said “Although this will not submit, yet it will not now have the potency to kill persons; hence, leave it; it will make no more trouble.” Thus they made and changed Tho-do-da’-ho’ into a natural man.’ This statement brings part one of the myth to a close. Note that Tho-do-da’-ho’s becoming a ‘natural man’ involves getting his ‘natural’ body shape back, as well as restoring his ‘reason and anthropic feeling’ (Hewitt, 1892: 138–140).

The focus of part one is the interaction between De-ka-na-wi-da and Tho-do-da’-ho’, but a number of statements make it eminently clear that what is at stake are relations between two collectives. Tho-do-da’-ho’ is but the pars pro toto for a collective that is alienated from and in conflict with De-ka-na-wi-da’s, and it is explicitly the latter’s collective (and not only De-ka-na-wi-da himself) that initiates and conducts mediation. Note how the stress put on false starts, the need to deal with third parties and so on highlights the durative aspect of mediation. Note also the key sub-theme of how De-ka-na-wi-da has to insist on the humanity of the other in the face of claims by other members of his collective to the effect that the other is non-human; a precondition of mediation is the recognition by the collective of the other as human. This recognition explicitly and, I would argue, in some degree necessarily takes the form of using one’s own collective as a yardstick for what is normal and reasonable.

In the second part of the myth, De-ka-na-wi-da lays down the mediation with Tho-do-da’-ho’s collective as exemplary for all future mediation with other collectives:

We must now work for the good of the Commonwealth and its laws as our second great object. … We are bound also to carry this Law around and show it to all the nations, and we shall name it the Great Law — the Great Law of Equity; for all the nations without exception, hate us of the ‘Extended-House’. Besides, it is a fact that battle-axes are crossed and men are slaughtering one another; so now we must put this evil from the earth. We must cast it deep down into the earth. (Hewitt, 1892: 140–141)

The myth then elaborates these two themes concurrently; how the Iroquois nations ‘have but one head, one tongue, and but one blood in our bodies’, and how ‘All the nations will look upon the Law, and all Natural Mankind will like it and desire it …. A council-fire in behalf of this Law shall be kindled for all nations.’ Examples are given of nations that have accepted the law (for example, the Hurons), and who have lit new fires to enlighten even more far-flung nations (for example, ‘the Seven Nations living toward the sunrise’). The myth does, however, take note of the possibility of rejection: ‘And when this matter will extend itself in all directions, there may be some who will not be willing to receive it, but we shall not be reprehensible.’ However, if some of these go on the attack, ‘something occult and supernatural will happen to him’ (Hewitt, 1892: 141–143). Part three of the myth specifies the duties and privileges of the different Iroquois nations, by gens, on a kinship basis.
Matthew Dennis (1993; cf. Crawford, 1994: 368–369) highlights how 17th-century Iroquois drew on metaphors of kinship when they approached European polities. Jennings (1984: 8) makes the point that the Iroquois tended to talk about their tributaries as ‘brethren, cousins, or nephews’. In other words, everyone was addressed on a kinship basis. First-hand sources give numerous examples. For example, at a conference between the English and the Iroquois in August 1700, Bellomont, the governor of New York, was addressed by Aqueendera, the Iroquois spokesman, in the following manner: ‘Wee desire that our Brother Corlaer the Earl of Bellomont [aka Richard Coote] would write to the Great King of England, that he limitts and bounds maybe establish’d between Us and the French of Canada to prevent all disputes and controversies, that each may know their bounds when wee are upon our own land and when wee are upon our French King’s land’ (quoted in Brandão and Starna, 1996: 220).

The similarities between the European Christian diplomatic myth and the Iroquois one are striking. What matters to us here, however, is simply that they both stress peace. I take this to demonstrate that there is nothing uniquely peaceful about the European diplomatic myth. It follows that arguing to the contrary would be a case of unwarranted Euro-centrism.

Myth and practice

At this point, the objection may be raised that the Iroquois frequently engaged in warfare, and that warlike interaction with other polities stands in stark opposition to the peaceful quality of the diplomatic myth. The opposition is certainly there. Since myths are polyvalent, they may be read in many different ways and ground a number of different practices. Note, for example, how, on the strength of the very myth just analysed, a relationship between the Iroquois and another polity may be classified as belonging not under the Great Law, but outside of it, making it privy not to diplomatic practices, but to others such as warfare. A peaceful myth, however universalistic, may lend itself to non-peaceful interpretations. The main point here is a corollary, namely, that this duality also goes for the European case. Historically, European diplomacy also has its violent corollaries. For example, threatening, often by invoking military capabilities, is a practice inherent to all known diplomatic systems. In Greek diplomacy, regularly invoked as grounding the Christian European one, it was absolutely central. ‘Greek diplomats talked like any other Greeks…. [Threats were commonplace.] A Greek speaker wishing to utter a threat did not trouble to disguise it by nicely graded conversational phrases, and the recipient did not go into an emotional tailspin but weighed the matter on its merits’ (Grant, 1965: 262–263). Another example is the diplomatic practice of presenting the counterpart with a fait accompli, which is often brought about by military means. Practices of diplomacy and war are heavily imbricated in one another. There is also an overlap in sociabilities. In the Middle Ages, European diplomats did part of their negotiation on blood-drenched battlefields, whence they had been transported by soldiers (Mattingly, 1955). The genealogy of European diplomacy demonstrates its imbrication in an overall discourse on how to deal with other polities where peaceful proceedings are but one alternative to violent ones. In this, European tradition is similar to all other known diplomatic traditions. When
Ho Chi Minh (quoted in Nien, 2004: 52) evokes Sun Tzu to argue how to win ‘in military operation, the best is by stratagem, second by diplomacy, and third by armed force’, he furnishes an example of this (and also of privileging peaceful means over violent ones). European diplomacy seems to be neither more nor less peaceful than other diplomatic traditions in this regard.

To sum up, it is hardly surprising that we may easily identify a glitch between diplomatic myth and diplomatic practices, and there are good functional reasons why diplomacy and war share practices and sociabilities. Since, empirically, we are dealing with features of all known diplomatic systems here, there is no Euro-centrism ipso facto.

The problem arises once the two facts just established — that European diplomacy has no particular claim to being uniquely peaceful either by dint of its founding myths or by dint of the pervasive effects on the social of its peaceful practices — are not given their due when European diplomacy is discussed as a general social phenomenon. This happens on a regular basis. To take a key example, consider the definition of diplomacy given in the standard handbook (six editions since 1919):

Diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to their relations with vassal states; or, more still briefly, the conduct of business between states by peaceful means. (Satow, 1979 [1917]: 3, point 1.1)

This definition is Euro-centric in the sense that it defines diplomacy as a phenomenon that exists ‘between the governments of independent states’. The terms used, ‘government’, ‘state’, even ‘independent state’, leave no doubt that we are talking about a specific historical phenomenon here, namely modern diplomacy, which, while hybridized, is basically a European phenomenon. We need look no further than to etymology (diplomacy is Greek for double-folding; Constantinou, 1996) or to the Iroquois experience to see that there is no reason to define diplomacy as a European phenomenon only.

A second problem with this definition flows from the first. Although basically European, modern diplomacy is a hybridized phenomenon. Satow’s definition occludes how, on the level of myth, kinship and religion play a role in all diplomatic systems, and how, on the level of practices, they may intertwine empirically. Where sociabilities are concerned, there are also formal similarities. Gift exchange, however asymmetrical, is a sociability that is common to all known diplomatic systems, and the sharing of food (a specific gift, as it were) is a sign of status acknowledgement in all systems. All this speaks in favour of a less culture-specific definition of diplomacy than Satow’s, say, as communication and managing of relations between polities.

Perhaps most importantly, the commonplace foregrounding of tact is problematic not because it is inaccurate, but inasmuch as it occludes the violence, degradation and humiliation that also accompanied European diplomacy. The effect is for European diplomacy to emerge as a uniquely peaceful practice. As demonstrated, this is doubly wrong, for it occludes how all known diplomatic traditions are peaceful by dint of their myths, and also that diplomacy is necessarily imbricated in wider relations that are not only peaceful, but also violent.
Conclusion

Contemporary diplomacy is a culturally biased game, and the bias is Western. Diplomacy rests on myths that have their origins outside of diplomacy itself. Its emergence is inevitably steeped in power and, perhaps less inevitably, in violence. It also seems clear, however, that this power has been productive. The sociabilities and practices of European diplomacy have spread to third parties, and third parties use them for their own interaction. Despite its specifically Christian and European roots, contemporary diplomacy has, in other words, proven itself as a global institution. Furthermore, if contemporary diplomacy has proven able to adapt to such challenges as revolutions and decolonization (see e.g. Armstrong, 1999), at present I see no social forces that are likely to make for anything else than incremental change in sociabilities and practices.

Such changes have been rapid since their onset some 150 years ago. As late as in the 1830s, there was a major scandal between two non-European powers when the US, in an attempt to demonstrate to their Ottoman counterpart the high value of the gifts that they bore them, left the price tags on (Yilmaz, 2008: 30). What we see here is that the sociability of gift exchange is shared, but that the practices involved are not. It was only in 1856 that Turkey was accepted by European powers as an ostensibly fully competent diplomatic partner. When Japanese diplomats appeared in the United States in the 1890s, there was a clash over sartorial practices. Note, however, that self-reflectiveness about the specificity of one’s own practices has increased dramatically since then. Self-reflectiveness in dealing with the other may ease interaction and make clashes of practices more manageable. Indeed, clashes on the level of practices are fairly everyday in diplomacy, and they are to a certain degree inevitable. Given that it is mostly European practices that have been copied, and given that this makes it easier to partake of these practices for Europeans than for others, it could be argued that there is a certain Euro-centrism at the level of diplomatic practices. We certainly have reason here to be aware of how diplomatic practices disadvantage certain groups of individuals and certain individuals. This, however, has proved itself to be a manageable challenge.

The most pressing Euro-centric challenge regarding diplomacy lies, I have argued, not with diplomacy’s own myths, sociabilities or practices. It is rather a meta-challenge which concerns how, quite without warrant, diplomacy is regularly defined as historically uniquely European, and uniquely peaceful at that. Historically, diplomacy has been one discourse among many that frame relations between polities, relations that were also marked by violent and degrading discourses. Using diplomacy, traditionally understood, as a privileged frame for remembering and understanding these relations at large may easily make these relations appear retrospectively to have been more asymmetrical and more peaceful than they would appear through other frames. In the extent that such a privileging of diplomacy paints European agency in a better light than alternative ways of representing it, such a privileging of diplomacy is Euro-centric.

I conclude that the Euro-centrism of diplomacy is not to do with the history of the Christian myth that historically grounded diplomacy and only to a minor degree with diplomatic practices as such. The major challenge is external to diplomatic discourse itself, and concerns the relative importance of diplomacy for how world history is recounted and remembered. It turns on the epistemological question of how and when
diplomacy is evoked as a general frame for understanding emergent ties between European and non-European polities. The major Euro-centric practice surrounding diplomacy is a mnemonic one.

Notes

1 Previous versions of this article were presented to the PRIO Cyprus Centre’s conference on ‘Paths to Sustainable Diplomacy’, Nicosia, 11–12 December 2007, at the Chinese Institute of International Study, Beijing, 7–8 April 2008, and to Seminars at Koc University, Istanbul, 29 April and London University, SOAS, 13 May 2008. Thanks to the audiences, and particularly to Costas Constantinou, James Der Derian, Ulrik Pram Gad, Martin Hall, Stephen Hopwood, Fuat Kayman, Mark Laffey, Bahar Rumelili and Ole Jacob Sending. And many thanks to my reviewers, who changed my mind about the topic.

2 Euro-centrism is a slippery term. Since it is one of the points of the article to disentangle the different meanings and importance of that term, it would make little sense to begin by defining it as a rigorously analytical term. Suffice it to say that narratives, about diplomacy and about other historical phenomena, may be said to be Euro-centric when predicated on ‘the notion that the West properly deserves to occupy the centre stage of progressive world history, both past and present’ (Hobson, 2004: 2). A discourse such as diplomacy may be said to be Euro-centric when it privileges the life chances of European participants, who master a culturally specific repertoire of practices, to the detriment of others.

3 ‘Old’ as compared to the ‘new’ diplomacy emerging in the wake of World War I; compared to renaissance diplomacy, it would of course be ‘new’. ‘Old diplomacy’ is, however, the established term for the period covering roughly the ‘French system’ of diplomacy of Europe’s ancien régime (17th and 18th centuries) and the diplomacy of the ‘Concert’ (cf. Holbraad, 1970).

4 Voegelin (1986 [1938]: 77–78; cf. Schmitt, 1985 [1922]) has generalized that ‘The political community is always arranged in relationship to man’s experience of the world and God, be it that the political sphere assumes in the hierarchy of Being a lower degree of divine order, be it that it is itself deified. The language of politics, too, is always infused with the fervor of religiosity, becoming hereby the symbol, in a precise sense, of the penetration of secular experience by the transcendental divine.’ Be that as it may, in the case of the history of diplomacy, Voegelin’s thesis holds.

5 Other origins should also be inspected. For example, Cuttino (1971: 141) warns against assuming ‘that the English ambassador, at least, suddenly sprang full-grown from the brain of necessity in the fifteenth century: the roots of the office are much deeper. Although their names were often unknown, there were semi-permanent English representatives at the courts both of France and Rome from a very early period. The presence of those in France probably dates from the beginning of the litigation following the treaty of Paris of 1259.’ Unfortunately, Cuttino gives no sources for this claim.

6 Available at: http://www.newadvent.org/cathen/01600a.htm

7 Since the Porte was considered Muhammad’s successor and God’s ‘Shadow’ on Earth, the ruler of Austria was only acknowledged by the Porte as an emperor in 1606, and the Russian tsar in 1740 (Ari, 2004). Note the similarities between the founding myths of the Byzantine and the Ottoman empires.

8 Ahd and āmān are sometimes used interchangeably; compare how, in English, a treaty will ‘cover’ a case and how a person covering another vis-a-vis the law in today’s Russia is called a krysha, that is, a roof or shelter (physical cover).
Further work is needed on the degree to which the European sociability of reciprocity, which was not matched by Ottoman imperial thinking, also put Ottoman diplomacy at a disadvantage vis-a-vis new parties. I thank Bahar Rumelili for discussions of this point. For discussions of hybridization and post-colonialism, see Said (1993) and Bhabha (1994). The precondition for this literature is Nietzsche’s insight that nothing has only one origin.

Note that non-practitioners of diplomacy are very often sceptical of this kind of hybridization, making for interesting tensions between a given state’s foreign and domestic policies.

One particularly important practice in this regard is the degree to which diplomacy is actively inclusive; see Constantinou (2006) for a splendid historical discussion.

Eric Wolf (1982: 67) held that the Iroquois were a creation of Europeans, that they were really nothing more than a multi-ethnic trading company. In an overview of the lingering importance of migration to our understanding of cultural change, David Anthony (2006: 54–55, n. 3) turns the tables on Wolf by accusing him of Euro-centrism. To Anthony, Wolf’s stated problem — that there were a number of adopted, non-Iroquois (Delaware, Ninticoke, Mohegan, etc.) in their midst, is only a problem for a biologically oriented European mind. However, ‘if biology is independent of language, then the simple movement of bodies into Iroquoia should not affect how we think about Iroquoian culture — what matters is how the immigrants acted. If they adopted Iroquoian language and culture and lived in Iroquoian houses and behaved according to Iroquoian rules, an Iroquoian identity was maintained. Wolf’s proposal that the Iroquoian tribal identity was a fiction created by French and English colonials can be defended only if you believe that biology equals culture … the five ‘nations’ or tribes of the pre-European Northern Iroquois can be traced back archaeologically in their traditional five tribal territories to at least as early as AD 1300, more than 275 years before European contact. One could argue, in fact, that the five prehistoric “nations” of the Northern Iroquois were older than most European nations at the time of contact, about 1575. This just doubles the irony in the idea that the European nations “created” the Iroquois in their own European image.’

My reading is based on the referenced secondary literature. Due to my inadequate knowledge of the cultural setting, I may have lost points that are key in the cultural setting. Inadequate information on and understanding of indigenous terms may also have caused misunderstandings.

Indeed, in some versions the wizard is A-ta-tar’-ho, the Onondaga chief, and his transformation is given as the reason why the Onondaga are the Fire-keepers of the Council. See http://www.indigenouspeople.net/hiawatha.htm

The stress on bodily normality and the equation of bodily abnormality with the animal-like invites a psychoanalytical reading, as does the equation of what could be called Tho-do-da’-ho’s animus dominandi with the potency (from Lat. potestas, which is also the etymological root of power) of his phallus.

Hewitt translated this in 1888, so gens would be a corporate lineage in which decision-making was confined within a group tracing common ancestry through either the male or (as in this case) the female line. Lewellen (1992: 10) holds this to be Morgan’s discovery, but Morgan simply perpetuates the standard use of the term in international law in the Middle Ages and into the 17th century, when this branch of law was known as ius gentium, later ius inter gentes. Gentium is the genitive plural of Lat. gens, ‘people’.
18 So-called gunboat diplomacy is an example of this. The so-called dash to Pristina airport by 175 Russian peacekeepers during the night of 11 June 1999 is another (Pouliot, 2010). For a discussion of the concept of *fait accompli*, see Constantinou (1996).

19 As a result of signalling, Japanese diplomats have been working in European attire ever since (Suganami, 1984). Here we have an instructive example of power-laden change in a practice.

References


Leira H and Neumann IB (forthcoming) The effects of the principle of sovereignty on the consular institution, ms.


**Biographical note**

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