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**Session 4B: Business and political action**

**‘The business of consuls; consuls and businessmen’**

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**1 - Introduction**

The institution of consuls to promote international trade first and foremost developed in maritime trading states and empires. The consular system therefore predates official diplomacy by at least several centuries. The use of consuls was so successful that even non-maritime states later employed consuls. Foreign merchants formed colonies or ‘nations’ and they elected their own consuls that acted as spokesman in contacts with the local authorities. The local authorities endorsed the consuls, because it facilitated the control of groups of resident foreigners. In case of trouble, the consul was held responsible for the conduct his countrymen. The consular system gained in importance with the rise of European nation-states, the western expansion in Asia and Africa after 1800, and the intensifying competition between the industrialising western countries. Julius I. Puente considers consular representation ‘(...) the most potent agency in the commercial and economic interpenetration of nations’.<sup>1</sup> Nevertheless the history of consuls and their contributions to the business community has thus far not attracted much interest from economic historians or business historians.<sup>2</sup> A possible explanation might be the image and reputation of consuls as pictured in novels and movies.<sup>3</sup> This paper will focus on western consuls in the nineteenth century.<sup>4</sup> What services did consuls provide for entrepreneurs operating in foreign countries? What changes took place in the duties and functions of

<sup>1</sup> Julius Irizarry Puente, *The foreign consul: his juridical status in the United States* (Chicago 1926) 1.

<sup>2</sup> Examples of specialized publications are: D.C.M. Platt, *The Cinderella Service. British Consuls since 1825* (London 1971); Charles Stuart Kennedy, *The American Consul: A History of the United States Consular Service, 1776-1914* (New York 1990); Ruth Kark, *American consuls in the Holy Land, 1832-1914* (1994); Leos Müller, *Consuls, Corsairs and Commerce: The Swedish Consular Service and Long-Distance Shipping, 1720-1815* (Uppsala 2002). And more recently Jörg Ulbert et Gérard Le Bouëdec (direction), *La fonction consulaire à l'époque moderne. L’Affirmation d’une institution économique et politique (1500-1700)* (Rennes 2006); Jörg Ulbert, Lukian Prijac (Hg.), *Consuls et services consulaires au XIXème siècle - Die Welt der Konsulate im 19. Jahrhundert - Consulship in the 19th Century* (Hamburg 2009).

<sup>3</sup> In works of fiction and Hollywood movies they are frequently portrayed as drunken, unqualified, disinterested and self-centred persons. See Malcolm Lowry, *Under the Volcano* (1947) and Graham Greene, *The Honorary Consul* (1973). An earlier literary example is Richard Harding Davis, *The Consul* (New York 1911).

<sup>4</sup> Some non-western states appointed consuls in western states. Nadia Erzini, ‘Hal yaslah li-taqansut (Is He Suitable for Consulship?): The Moroccan Consuls in Gibraltar during the Nineteenth Century’, *The Journal of North African Studies*, 12:4 (2007) 517 — 529.

the consuls? During the nineteenth century most consuls worked as businessmen themselves. Why did they combine these two jobs? Did they gain some competitive advantages from being consul and entrepreneur at the same time?

The paper proceeds as follows. The second section analyses the different functions of the consul and the services they provided for entrepreneurs. In the third section we will discuss the history of consuls as an institution in western history in the nineteenth century. The next section looks more exclusively at the work of consuls in non-western countries (the Middle East and East Asia). This is followed by some concluding remarks. The argument presented in this paper is that during the nineteenth century consuls provided many indispensable services to entrepreneurs and their history should be of interest to business historians.<sup>5</sup> Businesspersons are usually seen as highly individualistic, but in reality they depend on the support and labour of many other persons. In foreign countries, entrepreneurs call on the assistance of diplomats and consuls. They operate as mediators between the business environment and the political arena. Enforcing commercial treaties was a major function of consuls, especially in non-western states because these states had different ideas about international relations, including bilateral treaties. They helped spreading western ideas and institutions essential for conducting international business. The consular institution for that reason made an important contribution to the globalisation of business from the nineteenth century.<sup>6</sup>

## 2 – Functions and duties of consuls and their relations with entrepreneurs

A consul is an official representative of the government of one state in the territory of another state. His main task is to assist fellow countrymen, to further the development of trade, and to foster the friendship between states. The establishment of a consular post is done by mutual agreement and when the consul, accredited by his government, is accepted by the other state.<sup>7</sup> In contrast to a consul, an ambassador represents the head of state of his country to the head of state in another country. He is empowered with diplomatic (political) functions. While there is only one ambassador and one embassy in a country, there may be several dozen consuls and consulates.

Why do governments employ consuls besides ambassadors? A critical condition for the development of entrepreneurship is economic security (or trust).<sup>8</sup> Entrepreneurs must have some sense of security that suppliers will deliver the ordered goods, consumers will pay their bills and contracts are enforceable in courts. They need to know that fraud will be punished and the state will protect their property. This need for security is even more important in the case of international business.<sup>9</sup> Foreign states may not subscribe to the same idea of property rights or protection of merchants, clients may have different attitudes when it comes to paying debts, foreigners may ascribe more to personal contacts than formally written contracts.<sup>10</sup> In the Middle Ages natives were usually very suspicious of

<sup>5</sup> In 1981, the journal *Business History* contained several contributions on the value of consular archives for business historians. This initiative has, however, not resulted in a large amount of scientific publications.

<sup>6</sup> Philip Curtin's well-known book on the history of world trade does not even discuss the work of diplomats and consuls. Philip D. Curtin, *Cross-cultural trade in world history* (Cambridge 1984). Neither does Kenneth Pomeranz and Steven Topik, *The world that trade created. Society, culture, and the world economy 1400 to the present* (New York 1999). There are some references to merchants (e.g. William Jardine of Jardine Matheson) becoming consul in William Bernstein, *A splendid exchange. How trade shaped the world* (London 2008).

<sup>7</sup> The Encyclopædia Britannica (11 edition, c. 1910-1922), provides the following definition of a consul that applies to the nineteenth century: '(...) a public officer authorized by the state whose commission he bears to manage the commercial affairs of its subjects in a foreign country, and formally permitted by the government of the country wherein he resides to perform the duties which are specified in his commission, or *lettre de provision*'.

<sup>8</sup> Kennedy, *The American Consul*, 1-2.

<sup>9</sup> Christian Windler, 'Diplomatic History as a Field for Cultural Analysis: Muslim-Christian Relations in Tunis, 1700-1840', *The Historical Journal* 44:1 (March 2001) 79-106.

<sup>10</sup> Avner Greif, 'History lessons. The birth of impersonal exchange: The Community Responsibility System and Impartial Justice', *The Journal of Economic Perspectives* 20: 2 (Spring 2006) 221-236.

foreigners coming to their village or town. Local and state laws habitually banned foreigners from entering certain crafts, the retail trade and inland trade. This forced them to start an international business and it partly explains the prominence of certain minority groups in international business (e.g. Jews and Armenians).<sup>11</sup> Western and non-western states and empires wanting to stimulate international trade had to offer some protection to foreign businessmen. In 1283 the king of England, Edward I (1239-1307), remarked that ‘(...) many merchants [fearing lack of protection] are put off from coming to this land with their merchandise to the detriment of merchants and the whole kingdom’.<sup>12</sup> To remedy this situation, he issued the *Carta Mercatoria* (‘Charter of the merchants’) in 1303 that guaranteed foreign merchants freedom to trade, to lodge where they pleased, promised exemption from tolls and contained rules to handle disputes between British and foreign merchants.<sup>13</sup> He explicitly offered them protection: ‘(...) that all merchants (...) may come safely and securely under our defence and protection in our said realm of England’.<sup>14</sup> To stimulate international business, they received certain privileges including the right to appoint a consul. ‘By the thirteenth century Venice had more than thirty consuls placed abroad in Tunis, Alexandria, Cairo, and Damascus as well as in the major European ports’.<sup>15</sup> North African Muslim traders in Corsica could from 1230 appoint a fellow trader as their consul.<sup>16</sup> These consuls were given the power to settle disputes according to the law of their own ‘nation’ or ‘commune’.<sup>17</sup> This privilege is called extraterritoriality: states voluntarily gave up some of their territorial or personal sovereignty. The custom of extraterritoriality applied to western and non-western merchants. It seems to have been used in many different places and from a very early date.<sup>18</sup> Muslim traders (Persians, Arabs) establishing their business in the Chinese city-port Canton (present Guangzhou) had extraterritoriality from the seventh century.<sup>19</sup>

Entrepreneurs developed other institutions besides appointing consuls and extraterritoriality to mitigate the commercial risks in international business.<sup>20</sup> These include amongst many others: maritime and merchant laws, bills of exchange, insurance schemes, and the use of written contracts. They sometimes included buildings exclusively for groups of foreign merchants. In the Middle East, Muslim merchants used caravanserais: a guesthouse that included storage rooms and facilities for camels.<sup>21</sup> A comparable western example is the *fonduk* (also: *funduq*, *fundicum*, in Italian *fondaci*): a group of buildings where foreign merchants coming from the same commune or city lived, stored their goods and traded.<sup>22</sup> In 1780 the French traders in Tunis still lived and worked in their *funduq* accompanied by

<sup>11</sup> Jean Favier, *Gold & Spices. The Rise of Commerce in the Middle Ages* (New York and London 1998) 111.

<sup>12</sup> Avner Greif, ‘Historical perspectives on the economics of trade. Institutions and International Trade: Lessons from the Commercial Revolution’, *The American Economic Review*, 82:2 (May 1992) 128-133.

<sup>13</sup> Paul R. Teetor, ‘England’s Earliest Treatise on the Law Merchant: The Essay on Lex Mercatoria from The Little Red Book of Bristol (Circa 1280 AD)’, *The American Journal of Legal History* 6:2 (April 1962) 178-210.

<sup>14</sup> Harry Rothwell, *English Historical Documents 1189-1327* (Abingdon 1975) 515.

<sup>15</sup> Kennedy, *The American Consul*, 1; David Abulafia, ‘Pisan Commercial Colonies and Consulates in Twelfth-Century Sicily’, *The English Historical Review* 93:366 (January 1978) 68-81.

<sup>16</sup> Leopold Neumann, *Handbuch des Consulatwesens* (Wien 1854) 23.

<sup>17</sup> Graham Stuart, *American Diplomatic and Consular Practice* (New York 1952) 277-289; Kark, *American consuls in the Holy Land*, 42.

<sup>18</sup> Many examples in Shih Shun Liu, *Extraterritoriality. Its Rise and Its Decline* (New York 1925).

<sup>19</sup> Valery M. Garrett, *Heaven is High, the Emperor is Far Away. Merchants and Mandarins in Old Canton* (New York 2002) 6-9; Joanna Waley-Cohen, *The Sextants of Beijing. Global Currents in Chinese History* (New York 1999) 38.

<sup>20</sup> On institutions and economic performance see: Douglass C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge 1990) and Mancur Olson, *The Rise and Decline of Nations* (London 1982); Colin Hay, ‘Ideas, interests and institutions in the comparative political economy of great transformations’, *Review of International Political Economy*, 11: 1 (2004) 204-226.

<sup>21</sup> Gene W. Heck, *Charlemagne, Muhammad, and the Arab roots of capitalism* (2006).

<sup>22</sup> Donatella Calabi, *The market and the city: square, street and architecture in early modern Europe* (Aldershot 2004) 187-189; Donatella Calabi, *Foreigners and the City: An Historiographical Exploration for the Early Modern Period* (September 14, 2006). *Fondazione Eni Enrico Mattei Working Papers*. Working Paper 15. <http://www.bepress.com/feem/paper15>

a consul.<sup>23</sup> Besides these ‘hard institutions’, entrepreneurs developed customs or ‘soft institutions’ to facilitate international business transactions, such as: political coalitions and localized business languages (e.g. Pidgin in East Asia). Despite these institutions, disputes between merchants were frequent. When operating in foreign countries, entrepreneurs therefore called on the protection of their own state through the involvement of consuls and sometimes ambassadors to resolve these quarrels. By establishing embassies and consulates, governments extended the protection of their nationals beyond their borders in which they formally had no political power.

#### *Consuls and entrepreneurs in three systems of International Relations*

The duties and functions of consuls very much depended on the prevalent type of international relations where they operated. In the nineteenth century consuls and entrepreneurs operated in at least three different systems of international relations: the European (or Western) system, the Islamic system in the Middle East and the Sino-centred system in East-Asia. Table 1 summarizes the main differences of these three systems of international relations.

**Table1: Three different concepts of international relations.**<sup>24</sup>

Europe	Middle East	East Asia
States (nation-states)	Persons and groups; communities	‘Family of states’
Territorial sovereignty of the state	Tribes and clans	
Equality between states (in principle)	Hierarchy between states	Hierarchy between states
Law of Nations (based on state power); Christian countries	Islamic ( <i>Dar al-Islam</i> : ‘believers’)) and non-Islamic ( <i>Dar al-Harb</i> : ‘non-believers’)	Sino-centric: civilized (Chinese), semi-civilized (Korea, Vietnam, Japan) and non-civilized (all western states)
Bilateral and multilateral treaties (‘enforceable contracts’)	Tributary relations; elaborate ceremonies; personal privileges and favours	Tributary relations; elaborate ceremonies
Separation state and religion	State and religion are one	Confucianism

Following the Treaty of Westphalia (1648), the European System of States (also: ‘Society of States’) was fully developed.<sup>25</sup> European states were sovereign within their territory. From this followed the principle of non-interference in matters of other states. All states were nominally equal.<sup>26</sup> They accepted the Law of Nations (or International Law): a set of principles regulating the affairs and conduct of nations and sovereigns in Europe. The Law of Nations is a quasi-universal idea that in reality only applied to civilized states, meaning: the western Christian states.<sup>27</sup> After 1648, the

<sup>23</sup> Christian Windler, ‘Representing State in a Segmentary Society: French Consuls in Tunis from the Ancien Régime to the Revolution’, *The Journal of Modern History* 73 (June 2001) 233-274 (249).

<sup>24</sup> Onuma Yasuaki, ‘When was the Law of International Society Born? An Inquiry of the History of International Law from an Intercivilizational Perspective’, *Journal of the History of International Law*, 2 (2000) 1–66.

<sup>25</sup> Adam Watson, *The Evolution of International Society. A Comparative Historical Analysis*. Reissue with a new introduction by Barry Buzan and Richard Little (London and New York 2009).

<sup>26</sup> In reality of course this was not the case given the economic differences and related military strength. Furthermore, an informal hierarchy existed placing the Holy Roman Emperor at the top, followed by the kings and the representatives of republics. Anderson, *Rise of Modern Diplomacy*, 59.

<sup>27</sup> An Eurocentric perspective presents: Hedley Bull and Adam Watson (eds.), *The Expansion of International Society* (Oxford 1984); Onuma Yasuaki, ‘When was the Law of International Society Born? An Inquiry of the History of International Law from an Intercivilizational Perspective’, *Journal of the History of International Law*, 2 (2000) 1–66. See also R.P. Anand critique, *Journal of the History of International Law* 6 92004) 1–14. Marcel A. Boisard, ‘On the Probable Influence of Islam on Western Public and International Law’, *International Journal of Middle East Studies* 11 :4 (July 1980) 429–450.

diplomatic corps became more important because the Law of Nations stimulated the permanent residence of state-paid ambassadors.<sup>28</sup> Until 1800, however, due to high costs, lack of qualified diplomats and issues requiring diplomacy, ‘(...) the majority of rulers did not maintain permanent embassies in more than a few capitals’.<sup>29</sup> Outside Europe diplomatic representation remained even patchier. At the same time the old custom of extraterritoriality was no longer accepted by European states because it infringed on their territorial sovereignty. Consuls in Europe thus lost most of their civil and criminal jurisdiction.<sup>30</sup> This, however, made their commercial duties more important because ambassadors often had little interest in or knowledge of commercial matters.<sup>31</sup>

Some of the principles of the Law of Nations pointed directly to entrepreneurs and the protection of their merchandise (see rules 3 and 6). By the beginning of the nineteenth century it consisted of the following values:

- 1) No attacks on foreign nations, their citizens, or shipping, without a declaration of war or letters of marque and reprisal;
- 2) Honouring of the flag of truce, peace treaties, and boundary treaties. No entry across national borders without permission of national authorities;
- 3) Protection of wrecked ships, their passengers and crew, and their cargo, from depredation by those who might find them;
- 4) Prosecution of piracy by whoever might be able to capture the pirates, even if those making the capture or their nations had not been victims;
- 5) Care and decent treatment of prisoners of war;
- 6) Protection of foreign embassies, ambassadors, and diplomats, and of foreign ships and their passengers, crew, and cargo while in domestic waters or in port;
- 7) Honouring of extradition treaties for criminals who committed crimes in a nation with whom one has such a treaty who escape to one's territory or are found on the high seas;
- 8) Prohibition of enslavement of foreign nationals and international trading in slaves.

The Congress of Vienna (1815) and the Congress of Aix-la-Chapelle (1818) established new rules for diplomacy in Europe. Following these congresses the diplomatic corps further gained in prestige and power and this naturally affected the development of the consular service. Consuls, however, saw an enlargement of their privileges, including the right to display the national arms, hoist the flag on their residence and wear a costume.<sup>32</sup>

During the nineteenth century, the western states expanded their system of international relations and related ideas to non-western states. To gain access to the markets and the natural resources in the Middle East and East Asia, the western states used various tactics and instruments. The choice was essentially between brute force and diplomacy. By the middle of the nineteenth century most preferred the use of diplomacy. Control of foreign trade (informal rule) now became more important than actually occupying territory (formal rule). Besides new technologies (e.g. steam, telegraph), the main tool used to open Africa, the Middle East and Asia was the negotiation of bilateral ‘treaties of friendship (amity) and commerce’.<sup>33</sup> In the seventeenth century, about 10 such treaties were signed and their number increased to 27 in the eighteenth century. In the nineteenth century the number of treaties

<sup>28</sup> James Joll, ‘The Ideal and the Real: Changing Concepts of the International System, 1815-1982’, *International Affairs*, 58:2 (Spring, 1982) 210-224.

<sup>29</sup> Jeremy Black, *British Diplomats and Diplomacy 1688-1800* (Exeter 2001) 2.

<sup>30</sup> *Capitulations of the Ottoman Empire: Report of Edward A. Van Dyck, Consular Clerk of the United States at Cairo* (Cairo 1881) 36. Van Dyck was the son of an American missionary and served as clerk and vice-consul in Beirut and Cairo between the years 1873-1882.

<sup>31</sup> Kennedy, *The American Consul*, 1-2; Black, *British Diplomats*, 149.

<sup>32</sup> Kark, *American consuls in the Holy Land*, 43.

<sup>33</sup> Daniel Headrick, *Tools of Empire: technology and European imperialism in the nineteenth century* (New York 1981).

rose to 147.<sup>34</sup> These treaties contained articles that opened certain ports and/or cities for international trade, offered security to their nationals through the system of extraterritoriality, and regulated tariffs on goods imported and exported. To supervise and if necessary enforce the implementation of the treaties the western states could appoint ambassadors and consuls.

As a result of the bilateral commercial treaties, the number of consuls steadily increased, particularly after the 1840s. Not only because they were seen as important to foster international trade and to enforce treaty regulations, but also because they were relatively inexpensive (see below).<sup>35</sup> After western governments began to rely more on consuls to stimulate foreign trade, their tasks and obligations multiplied and became more and more regulated. However, given the slow speed of communication and travel and the long distances between the consulates and the governmental seat, consuls operated with a large degree of autonomy. Messages from London, The Hague, Paris or Washington to China or Japan could take as long as four or six months. Before a reply arrived, the situation may already have changed significantly making the new instructions obsolete. Consuls consequently did more than what was officially required of them. The speed of transport and communication improved after the 1860s, with the development of steamships, railways and the telegraph.

The functions and duties of consuls differed according to the prevalent system of international relations, the country of origin and particular circumstances.<sup>36</sup> Most duties and functions are directly or indirectly related to business matters. The following synopsis applies to most countries during the nineteenth century.<sup>37</sup>

a) In relation to their government at home

- Documentation
- Collecting fees
- Providing information and advice

b) In relation to their fellow countrymen

- Protection of the right to trade
- Issuing passports, visa's and other legal documents
- Taking care of the destitute, sick and deceased

c) In relation to the foreign government

- Dealings with local authorities
- Dealings with other consuls from foreign countries
- Quasi-diplomatic functions

a) Functions in relation to their government at home

A time consuming function in relation to their own government was keeping records of all communication to and from their government, recording the arrival and departure of ships and their cargoes, and registering all seamen (shipped, discharged, sick and deceased). The list of items on which consuls were required to report further increased in the course of the nineteenth century. They began to collect information on: exchange rates, local prices of merchandise, labour costs and general

<sup>34</sup> Stuart, *American Diplomacy*, 292.

<sup>35</sup> M.S. Anderson, *The Rise of Modern Diplomacy 1450-1919* (London 1993) 104.

<sup>36</sup> The duties and functions are since 1963 regulated in the Convention on Consular Relations and Optional Protocols (Vienna, 24 April 1963). Renée Jones-Bos and Monique van Daalen, 'Trends and Developments in Consular Services: The Dutch Experience', *The Hague Journal of Diplomacy* 3 (2008) 87-92.

<sup>37</sup> Eldon Griffin, *Clippers and Consuls. American Consular and Commercial Relations with Eastern Asia, 1845-1860* (Wilmington 1938) 59-60; Graham Stuart, *American Diplomatic and Consular Practice* (New York 1952) 302-376; Chester Lloyd Jones, *The Consular Service of the United States. Its History and Activities* (Philadelphia 1906) 36-58.

living conditions. Consuls often included news and gossip on local and national political and diplomatic matters, provided translations of newspaper clips, summaries of travel accounts to remote parts of the country, news of activities of merchants from other western countries, the trading peculiarities of specific ports and cities, obstructions to trade by authorities, foreign business methods, and special events, including wars and skirmishes, the loss of ships and natural disasters.<sup>38</sup> Prejudices certainly played a part in their reports. British consular reports on the United States during the 1850s included many references to the racial discrimination of black slaves in the southern states.<sup>39</sup> An important additional task, especially in the case of French consuls, was to enhance the status and honour of their country. 'Their devotion to their job, their overwhelming loyalty to the Emperor, and their genuine concern for the glory of France were reflected in all their doings'.<sup>40</sup>

An increasingly important part of the consuls' tasks was to gather intelligence on military matters, such as the movement of men-of-war from other countries, particularly during wars.<sup>41</sup> During the Napoleonic Wars in Europe, Thomas Barclay (1753-1830), British 'Consul-general for the Eastern States' in New York, sent home a large number of letters concerning the arrival and departure of French naval ships, including the whereabouts of Jérôme Bonaparte (1784-1860), Napoleon's younger brother, during his short stay in the United States.<sup>42</sup>



< Thomas Barclay, (1753-1830) British consul-general in New York.

Consuls collected fees (usually a percentage or fixed sum) from merchants and shippers and all other fellow countrymen that called on them for their support. In this manner businessmen contributed to the costs of the consular system of their country and this made the consular service relatively cost effective for states. Charging fees for their assistance formed a substantial part of the income of consuls and they thus had an interest in raising them as much as possible. Since certain ports or cities attracted much more trade than others, the income of consuls differed accordingly, making one consular post more attractive than another. How the fees were to be levied (e.g. by tonnage or value of the cargo) was not prescribed by governments and there thus existed many different charges for the same consular service. This state of affairs gave rise to numerous complaints from businessmen. From the second half of the nineteenth century governments began to regulate the fees by establishing uniform charges and consuls were thereafter required to register and report the precise number and amount of fees they collected.

Suggesting new and potentially promising commercial ventures was probably their most important function.<sup>43</sup> Because most consuls and vice-consuls were active or retired businessmen it was not

<sup>38</sup> 'Report from H.B.M. Consul at Batavia, Inclosing Extract Relating to the Volcanic Outbursts in the Sunda Strait, from the Logbook of the Steam-Ship Governor-General Loudon', *Proceedings of the Royal Society of London*, 36 (1883 - 1884) 199-205.

<sup>39</sup> Laura A. White, 'The United States in the 1850's as seen by British Consuls', *The Mississippi Valley Historical Review*, 19:4 (March 1933) 509-536; Laura A. White, 'The South in the 1850's as seen by British Consuls', *The Journal of Southern History*, 1: 1 (February 1935) 29-48.

<sup>40</sup> Raphael Israeli, 'Consul de France in Mid-Nineteenth-Century China', *Modern Asian Studies*, 23:4 (1989) 671-703.

<sup>41</sup> Black, *British Diplomats*, 139-141.

<sup>42</sup> George Lockhart Rives (ed.), *Selections from the correspondence of Thomas Barclay, formerly British consul-general at New York* (New York 1894) 147-148. Jérôme Bonaparte eventually returned to France in 1805.

<sup>43</sup> D. C. M. Platt, 'The Role of the British Consular Service in Overseas Trade, 1825-1914', *The Economic History Review* 15:3 (1963) 494-512.



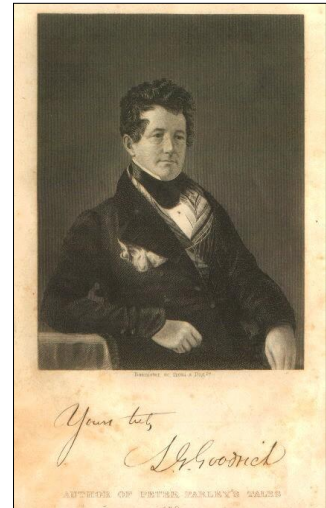
difficult for them to write on matters relevant to other entrepreneurs. Thanks to the American consul in Frankfort, American-made bicycles found a new market in Germany after 1897.<sup>44</sup> They did not succeed in capturing a large share of the Scottish market that was dominated by English manufacturers. In contrast, American producers of harvesters, reapers and mowers were able to conquer the Scottish market by 1898, thanks to the information provided by their consul. He reported that the first American harvesters sent to Scotland failed because ‘(...) they cut on the right side while the Scots wanted one that cut on the left’.<sup>45</sup> The U.S. consuls in Berlin reported that American coopers’ tools did not do well, because German barrels and casks had wholly different forms and shapes.<sup>46</sup>

*Samuel Griswold Goodrich (1793-1860), U.S. consul in Paris in 1851 >*

American businessmen clearly lacked fundamental knowledge on Europe, as did Europeans on America. Samuel Griswold Goodrich (1793-1860), American consul in Paris in 1851, sought to remedy this by publishing *Les Etats-Unis d’Amérique*, because ‘(...) it seems to be the duty of American officials abroad to take advantage of their opportunities to satisfy and gratify this curiosity by furnishing, in a correct and accessible form, the kind of information that is desired’.<sup>47</sup> In this he followed the example set by David Bailie Warden (1778-1845), who incidentally also wrote on the history and development of the consular institution in 1813.<sup>48</sup>

Because many different parts of the world remained unexplored in the nineteenth century, there was a lively interest in the expeditions of the consuls. They presented their reports during meetings of geographical societies and published excerpts in journals.<sup>49</sup> Keith E. Abbott (1814-1873), British consul in Teheran, reported on his travels in Persia (Iran) between 1849 and 1850 with an eye on commercial opportunities. ‘Kum is not at all a commercial or manufacturing town, yet there are about twenty caravanserais generally small ones, three of which are building, whilst two are undergoing repair, which is a proof of the increasing prosperity of the place. China wares of cheap quality and pottery are made at Kum, and its jars for cooling water are much esteemed’.<sup>50</sup> His journey did not remain unnoticed by the natives either. ‘Two men came to me here, saying that, having heard that in my country the services of Persians were in requisition, they were anxious to proceed thither in quest of employment, since there was no good to be done by remaining in Persia. I asked what their acquirements might be, to which they replied that they could ride, fight, and plunder, and they seemed to be disappointed in finding that such accomplishments were not greatly in request in England’.<sup>51</sup>

His colleague, J. Markham at the Treaty Port of Chefoo on the Shantung peninsula in northern China, published his ‘Notes on A Journey through Shantung’ in 1870.<sup>52</sup> He reports on rivers, roads, agriculture, towns and villages, old Buddhist temples, population figures, coal mines, and the state of



<sup>44</sup> Lloyd Jones, *The Consular Service of the United States*, 84.

<sup>45</sup> T.C. Smout, ‘American Consular Reports on Scotland’, *Business History* 23:3 (1981) 304-309.

<sup>46</sup> Kennedy, *The American Consul*, 145.

<sup>47</sup> Merle Curti, ‘The Reputation of America Overseas (1776-1860)’, *American Quarterly*, 1:1 (Spring 1949) 58-82 (69).

<sup>48</sup> D.B. Warden, *On the Origin, Nature, Progress and Influence of Consular Establishments* (Paris 1813).

<sup>49</sup> See for instance Harry Parkes, ‘Geographical Notes on Siam, with a New Map of the Lower Part of the Menam River’, *Journal of the Royal Geographical Society of London*, 26 (1856) 71-78.

<sup>50</sup> Keith Edward Abbott, ‘Geographical Notes, Taken during a Journey in Persia in 1849 and 1850’, *Journal of the Royal Geographical Society of London* 25 (1855) 1-78 (9).

<sup>51</sup> Abbott, ‘Geographical Notes’, 13.

<sup>52</sup> P.D. Coates, *The China Consuls. British Consular Officers 1843-1943* (Oxford and New York 1988) 288-303.



the silk industry. Markham concludes his six week journey stating: 'Never was a country better adapted for railroads than Shantung, and no province in China needs them more. The present high roads would be an admirable guide for a line, for they avoid every natural difficulty and pass through the most populous districts'.<sup>53</sup> In the spring of 1870, Robert Swinhoe (1836-1877), consul at Amoy, went on a mission to explore the Yangtze River further upstream.<sup>54</sup> Two members Chamber of Commerce in Shanghai accompanied him and they were transported by naval steamers of the British navy. They were not always greeted with much respect by the Chinese who were sometimes even hostile. Swinhoe nevertheless continued unabated on his mission until he reached his final destination: 'Chung-king [Chongqing, FDG] was reported to be the great mart of Eastern Szchuen [Sichuan, FDG], and it was highly desirable that we should by personal observation confirm this'. At their destination they made contact with local traders. 'Many of the respectable native merchants, when they heard the object of our mission, called on us, and we busied ourselves nearly the whole time of our stay with collecting information on all matters connected with trade'.<sup>55</sup>

Governments required their consuls to supply regularly reports, at least one full report each year, besides notes on specific matters as instructed. Unsurprisingly the quality of the reports varied and governments increasingly stipulated on which matters the consuls needed to report.<sup>56</sup> These reports were later published in newspapers or special series of governmental papers to inform and stimulate entrepreneurs to start trading with or investing in foreign countries. Collecting all this information obviously required many hours and sometimes costs. How much time and effort consuls spent on collecting information very much depended on their personal motivation. Robert Creighton Murphy (1827- 1888), American consul in Shanghai, went at great lengths to describe the currency situation in this port in 1855. He furthermore reported on the problems of American traders in other Chinese treaty ports, the need for treaty revision, and Chinese attitudes towards western merchants.<sup>57</sup>

#### b) Functions in relation to their fellow countrymen

The second group of functions is predominantly related to matters of trade and traders. Consuls vigorously guarded the right of their fellow countrymen to trade in foreign countries as regulated in bilateral commercial treaties. This right to trade included regulations as to the conditions, such as: the use of bonded warehousing and free ports, measurements, weights and scales, import and export duties, coinage and payments. They sometimes included articles for loss of goods through theft or damage by natural disasters. Treaties furthermore provided for specific sites for foreign merchants, including the right to lease or buy land, build houses and storage facilities and the use of burial grounds.

A 'spirit of free trade' gained momentum in the first decades of the nineteenth century, but from the 1870s protectionist policies become more frequent. This of course increased the pressure of businessman on their consuls to defend their trading rights. The need to protect the right to trade was, however, most evident in non-western states, where authorities frequently simply ignored treaties or provided privileges to their own merchants or those from other countries. To complicate matters, western states pressed non-western states to allow freedom of worship and propagation through missionaries. This remained a contentious issue throughout the nineteenth century. After the Second

<sup>53</sup> J. Markham, 'Notes on a Journey Through Shantung', *Journal of the Royal Geographical Society of London* 40 (1870) 207-228 (228).

<sup>54</sup> Coates, *The China Consuls*, 303-319; Philip B. Hall, 'Robert Swinhoe (1836-1877), FRS, FZS, FRGS: A Victorian Naturalist in Treaty Port China', *The Geographical Journal* 153:1 (March 1987) 37-47.

<sup>55</sup> R. Swinhoe, 'Special Mission up the Yang-tsze-Kiang', *Journal of the Royal Geographical Society of London* 40 (1870) 268-285 (272, 275). In 1891 Chongqing was the first inland Chinese commercial opened for western traders, but it did not attract many businessmen. Coates, *The China Consuls*, 310. See also Platt, *The Cinderella Service*, 203.

<sup>56</sup> Lloyd Jones, *The Consular Service of the United States*, 60-69.

<sup>57</sup> Griffin, *Clippers and Consuls*, 65.

Opium War (1856-1860) in China, western states enforced their rights to the whole of China, but in Japan freedom of worship and propagation remained limited to the Foreign Settlements until their abolishment in 1899. Although extraterritoriality was seen as a serious infringement on the sovereignty of states in Europe, conditions in the Middle East and Asia were such that westerners insisted on extraterritoriality to protect their businessmen. Because of this, consuls had judicial and diplomatic powers in non-western countries. Often, however, consuls had no previous legal training. According to Harry Parkes (1828-1885), then consul in Shanghai, this did not pose a real problem, because settling most business disputes required only common sense.<sup>58</sup>

The consular reports informed businessmen of opportunities in foreign markets and made them receptive to differences in customs, standards (e.g. weights), and preferences in style and culture (e.g. colour, tastes and smells). 'In Columbia there is no sale for quiet patterns, and bright purple is the favourite color, as is the case in Venezuela where fancy prints on a white ground have a vast sale. In Hayti mauve is the popular color; in Singapore fast Turkey red (...)'.<sup>59</sup> There existed of course numerous differences on how trade was actually conducted in the various places. Countries for instance used different methods of packaging and handling merchandise. The Chinese carried cargo attached to each end of a bamboo pole, but in Persia packaging needed to be convenient for transport by camels.

Other duties and functions to fellow countrymen included issuing passports and visas, and all kinds of notary acts: registering marriages (including mixed marriages), births and deaths, and land transactions. Consuls furthermore frequently acted as post office, accepting letters and parcels to be sent home or coming from home to be distributed. Besides these 'normal' activities, they took care of all sorts of troublemakers (e.g. drunks), stranded seamen, bankrupt traders and sick and other destitute countrymen. For serious troublemakers and criminals, they required prisons but most consulates were not equipped with these. They did use handcuffs to detain criminals. In most cases the offenders were simply sent back home, but consuls could hardly prevent them from returning with the next available ship.

### c) Functions in relation to the foreign government

The functions in relation to the foreign government mostly concerned dealings with local authorities and other officials. As mentioned before, political or diplomatic functions of consuls disappeared in Europe but were still prominent in most non-western states. To enforce the articles of the treaties, consuls in non-western states worked closely together with consuls from other countries. This 'group action' was more often than not successful, particularly when backed by military force. Combining forces was, however, not always easy because of the strong competition between the western countries. Much depended on the characters of the foreign consuls. Although the British and French governments urged their consuls and ministers in Japan to work together, actual cooperation proved very difficult because of incompatible characters and interests. The first French consul-general in Japan, Gustave Duchesne, Prince de Bellecourt (1817-1881), had a good working relation with the consuls and diplomats of other countries, including Great Britain (Sir Rutherford Alcock, 1809-1897), the Netherlands (J.K. de Wit), and the United States (Townsend Harris, 1804-1878). His successor Léon Roches (1809-1900), however, could not get along with the British minister Sir Harry Parkes who succeeded Alcock in Japan.<sup>60</sup> The German consuls encountered great difficulties with the British consul F.W. Holmwood in Zanzibar (Africa) because he threatened their commercial interests in the

<sup>58</sup> Platt, *The Cinderella Service*, 191.

<sup>59</sup> Lloyd Jones, *The Consular Service of the United States*, 74.

<sup>60</sup> Meron Medzini, *French Policy in Japan during the closing years of the Tokugawa regime* (Cambridge Mass. 1971); Gordon Daniels, *Sir Harry Parkes. British Representative in Japan 1865-1883* (Richmond 1996).

region. They were happy when London responded to their complaints and removed Holmwood from his post in early 1887.<sup>61</sup> When group action failed, consuls would hand over the matter to their diplomats.<sup>62</sup>

Given the lack of easy communication with the department of foreign affairs at home, consuls communicated frequently with foreign governments on matters of a more or less political nature. Consuls in their reports to the Foreign Secretary made recommendations on political and diplomatic matters, because they were usually much better informed on local conditions. In some instances they even concluded treaties or additional treaties with foreign states, such as Charles William Bradley, American consul in China and Siam (Thailand). The use of diplomatic powers was related to enforcing certain articles in the treaty, but not all consuls possessed diplomatic skills.

This overview of consular functions and duties is far from complete. Given the long list of functions and duties of consuls, we may ask: why did entrepreneurs wanted to become a consul? The compensation was not very high, so the direct benefits were often small. Indirect benefits might be larger, however. Being a consul provided access to information not available to other entrepreneurs, including competitors. This might include government announcements on new laws or regulations in foreign trade or shipping. Consuls in the Middle East and East Asia often had direct access to local and other authorities, because of their quasi-diplomatic functions. In meetings with the authorities they could advance their own business interests. Furthermore, because consuls collected news and information from other entrepreneurs (e.g. in criminal or civil cases) they could profit from this sooner than others. In some cases they also had access to secret information, presented during court cases. This could give them a competitive advantage, but the available sources do not permit definitive conclusions. The merchant-consuls that published their journals or diaries remained rather secretive on their commercial affairs. In 1835, Thomas de Grenier de Fonblanque, British consul in East Prussia, remarked: 'The priority of intelligence which, especially at distant stations, has often been afforded to British consuls is still remembered as a cause of many unfair advantages being gained over other merchants. For example, a war announced with one country, revived intercourse with another; an increase of duty upon a particular kind of merchandize, or a premium on its importation, amounted to a faculty of pre-emption, and enabled the favoured individual to take the largest benefit, and to reject the loss upon the uninformed mass of merchants'.<sup>63</sup>

The main reason for entrepreneurs to accept a position as consul seems to have been the honour and prestige of the function in relation to other entrepreneurs. This too explains why Germans wanted to become British, American or Dutch consul, even if it was only an honorary position. To act as consul was a mark of distinction that benefitted the holder's local standing and perhaps his trade *vis-a-vis* competitors. The office carried with it the right to display the consular shield, to fly the consular flag and to wear a uniform, including a ceremonial sword and cocked hat.<sup>64</sup>

The advantages and privileges associated with a consular position came at a cost. Combining a consulate and business was not easy and in some places even impossible. During the investigations of the British Select Committee on Consular Establishments in 1835, Alexander Ferrier, consul in the port

<sup>61</sup> Emile de Groot, 'Great Britain and Germany in Zanzibar: Consul Holmwood's Papers, 1886-1887', *The Journal of Modern History*, 2:2 (June 1953) 120-138.

<sup>62</sup> Black, *British Diplomats*, 150-153.

<sup>63</sup> House of Lords, Sessional Papers, 1835 (Volume 26), Report from the H.C. Select Committee on Consular establishments; evidence, and appendix, 1-205 (quote 79).

<sup>64</sup> John McDermott, 'The British Foreign Office and Its German Consuls before 1914', *The Journal of Modern History*, 50:1, On Demand Supplement (March 1978) D1012-D1014. On consular privileges: Irvin Stewart, 'Consular Privileges and Immunities under the Treaties of Friendship, Commerce and Consular Rights', *The American Journal of International Law*, 21:2 (April 1927) 257-267.

of Rotterdam for over 21 years, remarked: 'It is desirable that consuls should have a knowledge of trade, but it is impossible for a person who has extensive consular duties to pay sufficient attention both to his public duties as consul, and to his private concerns as merchant. My consular duties are of such extent that they require me to keep two clerks. For the last 10 years I have devoted myself exclusively to the consular service'.<sup>65</sup>



< *The formal dress of William Sydney Thayer (1829-1864), U.S. consul in Egypt (1861-1864)*

Living conditions could be perilous because of xenophobia, wars, bad housing or the climate. Many consuls (not to mention their loved ones) died from tropical diseases and infections (e.g. malaria, typhus, dysentery, or cholera). In 1859, 15 years after the opening of the first Chinese Treaty Ports, 11 of the 25 British consuls and vice-consuls were already dead.<sup>66</sup> According to John King Fairbank '(...) the mortality rate in the first years of the China service was heavy, and discouraging to the survivors'.<sup>67</sup> The American William Sydney Thayer (1829-1864) graduated from Harvard University in 1850 and thereafter worked as a reporter for the *New York Evening Post*. President

Abraham Lincoln (1809-1865) appointed him consul in Alexandria (Egypt) during the American Civil War in March 1861. Egypt was at the time a major supplier of cotton and his post was important for the war effort of the Union. While in Egypt he attracted malaria and his health soon deteriorated until he died in Alexandria on 10 April 1864. Living conditions in western cities weren't much better either. Thomas Barclay, the British consul-general in New York, wrote on 12 September 1805: 'I have in consequence of the yellow fever having extended itself over every part of New York, been obliged to remove with my family to this place [Elizabeth town, New Jersey, FDG] until health is restored to that unfortunate city. During the prevalence of the fever I shall be twice in each week, as near the City as possible to attend to the duties of my office'.<sup>68</sup>

### 3 – The consular system in the West during the nineteenth century

The term 'consul' has a very long history in Europe and consequently the duties and functions have changed considerably.<sup>69</sup> The birth of the modern consular system is, however, often situated in the Italian city-states during the Commercial Revolution (950-1350) when international trade in Eurasia expanded.<sup>70</sup> The practice of merchants appointing consuls spread to other cities in the Mediterranean and by the sixteenth century they could be found all over Europe.<sup>71</sup> From the middle of the seventeenth century, European kings increasingly asserted their right to appoint consuls (and diplomats) and the consular function became more public and national in character and was less directed towards the

<sup>65</sup> House of Lords, Sessional Papers, 1835 (Volume 26), Report from the H.C. Select Committee on Consular establishments; evidence, and appendix, 1-205 (quote 30).

<sup>66</sup> Platt, *The Cinderella Service*, 196.

<sup>67</sup> John King Fairbank, *Trade and Diplomacy on the China Coast. The Opening of the Treaty Ports, 1842-1854* (Stanford 1969) 167-168.

<sup>68</sup> Rives, *Selections from the correspondence of Thomas Barclay*, 225.

<sup>69</sup> For this see Leopold Neumann, *Handbuch des Consulatswesens* (Wien 1854) 1-11.

<sup>70</sup> Violet Barbour, 'Consular Service in the Reign of Charles II', *The American Historical Review*, 33:3 (April 1928) 555; R.S. Lopez, *The Commercial Revolution of the Middle Ages, 950-1350* (Cambridge 1976).

<sup>71</sup> Avner Greif, 'On the Political Foundations of the Late Medieval Commercial Revolution: Genoa during the Twelfth and Thirteenth Centuries', *The Journal of Economic History*, 54:2 (June 1994) 271-287; Abulafia, 'Pisan Commercial Colonies', 68-81.

interests of a small group of merchants from the same city.<sup>72</sup> By the nineteenth century, the consular system was well-established and their number had increased markedly. Between 1740 and 1824, the number of British consuls grew from 15 to 107 (including the United States).<sup>73</sup> The number of Dutch consuls increased from 44 in the period 1600-1650, to 117 in 1750-1795.<sup>74</sup> The policy of European states to stimulate national economic growth and welfare through international trade made the functions of diplomats and consuls more important. In the course of the nineteenth century, the consular system was therefore modernised. Three key issues were the system of appointments, the qualifications and training, and the remuneration. We will look at France, Great Britain, The Netherlands and the United States.<sup>75</sup>

### Appointments

At the beginning of the nineteenth century, consuls were usually appointed by royal commission or the state. While France selected its consuls from a growing corps of well-trained and paid state-officials, the British, Dutch and American consuls were frequently political appointments, known as ‘the spoils system’ or ‘political patronage’.<sup>76</sup> The system of political appointments in these countries did not change much until the early twentieth century. In England there was no political pressure to change the system. The British government had no difficulty finding sufficient applicants for the consular service, because ‘(...) the Victorian ambition for status attached to an official position, and the desperate contemporary pursuit of some respectable occupation for those unfortunate young gentlemen who found themselves unable to join their family businesses or to live of their own estates’.<sup>77</sup> From the 1870s, the appointment of British consuls was based more on merit, than social connections or knowledge of business. By the early twentieth century, the separation of consuls from the business community led to criticism from businesses in England.<sup>78</sup> The consuls were no longer ‘in touch’ with the British entrepreneurs that they were supposed to help. A committee of the Foreign Office suggested several changes that became incorporated in the law of 1903 regulating the British Foreign Office. In 1943 the Foreign Office incorporated the consular service, besides the diplomatic service.

In the Netherlands the government published new consular regulations in 1814.<sup>79</sup> The appointment of consuls was, until 1848, a prerogative of King William I (1772-1843), and thereafter of the government. King William I appointed 148 consuls in Europe, the Ottoman Empire, North-Africa, China (Canton) and North-America, and from the 1820s South-America.<sup>80</sup> At the same time he prevented the establishment of foreign consulates in Dutch colonial possessions (e.g. English and

<sup>72</sup> Barbour, ‘Consular Service’, 553-578.

<sup>73</sup> Theo Barker, ‘Consular Reports of the United Kingdom’, *Business History* 23:3 (1981) 266-279; Kark, *American consuls in the Holy Land*, 44.

<sup>74</sup> R.E. van Ditzhyzen et al (red.), *Tweehonderd jaar Ministerie van Buitenlandse Zaken* (Den Haag 1998) 124; C.A. Tamse, ‘The Netherlands Consular Service and the Dutch Consular Reports of the Nineteenth and Twentieth Centuries’, *Business History* 23:3 (1981) 271-277.

<sup>75</sup> Wilbur J. Carr, ‘The American Consular Service’, *The American Journal of International Law* 1:4 (October 1907) 891-913. In Germany the political fragmentation before 1871 severely delayed the modernisation of the consular system. Dr. Gehling, ‘German Consular Reports’, *Business History* 23:3 (1981) 283-284.

<sup>76</sup> Jack L. Hammersmith, *Spoilsmen in a “Flowery Fairyland”*. *The Development of the U.S. Legation in Japan, 1859-1906* (Kent 1998); Hans Krabbendam, ‘Capital Diplomacy: Consular Activity in Amsterdam and New York, 1800-1940’, in George Harinck and Hans Krabbendam (eds.), *Amsterdam-New York: Transatlantic Relations and Urban Identities since 1653* (Amsterdam 2005) 167-181.

<sup>77</sup> Platt, *The Cinderella Service*, 3.

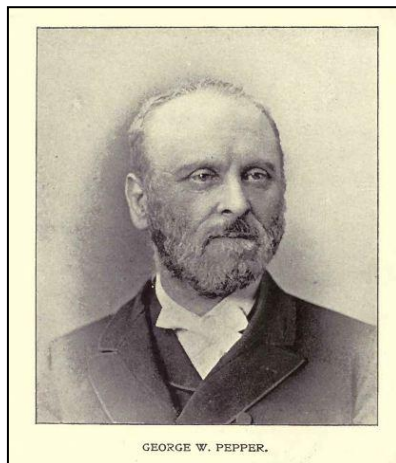
<sup>78</sup> McDermott, ‘The British Foreign Office’, D1001-D1034.

<sup>79</sup> J. Paulus, *Het consulaire recht en de consulaire werkkring* (Den Haag 1890); A.M. Joekes, *Schets van de bevoegdheden der Nederlandsche consuls* (Leiden 1911).

<sup>80</sup> Tamse, ‘The Netherlands Consular Service’, 271-277.

French consuls in the Dutch East Indies).<sup>81</sup> Given the sorrow state of the Dutch economy in the first half of the nineteenth century, the number of consuls was too large but attempts to reduce their number came to nothing because of the successful lobbying of the Chambers of Commerce. After 1900 most Dutch consuls were appointed and paid by the state. An attempt to further modernize the service in 1906 came to nothing because of differences of opinion between the Ministry of Agriculture, Industry and Trade and the Ministry of Foreign Affairs.<sup>82</sup>

In November 1780, William Palfrey (1741-1780), a merchant from Boston, became the first American consul-general, but his ship was lost at sea. The U.S. Congress therefore appointed Thomas Barclay (1728-1793), a Philadelphia merchant.<sup>83</sup> Prior to becoming Secretary of State, Thomas Jefferson (1743-1826) acted as Minister in Paris and was thus familiar with the commercial duties of consuls.<sup>84</sup> 'The requirements of our commerce and shipping made it desirable to increase the number of consuls without waiting for the enactment of laws, and in less than three months after Jefferson became secretary of state eight persons were appointed to consular offices, and by the latter part of August, 1790, sixteen consular officers, six consuls and ten vice consuls had been appointed'.<sup>85</sup> Jefferson not only appointed the first consuls, but also regulated the powers and duties of the consuls in the Law of 1792 that essentially remained in force until 1856. The system of political appointments did not really change in America before 1900.



< George W. Pepper, U.S. consul in Milan (1890)

How the 'spoils system' worked is best illustrated in the case of the George W. Pepper, a former American preacher, captain in the army, and chaplain, who became consul much to his own surprise. While visiting Washington, his daughter suggested seeing James G. Blaine (1830-1893), then U.S. Secretary of State. Pepper writes: 'The room was full of office-seekers, and I was ashamed to find myself there; so I quickly retreated'. The next day, however, he came back and met Mr. Blaine who questioned him. ' "Where do you want to go?" I told him that I did not come as an office-seeker, and if I had, courtesy demanded that I should first see Senator Sherman. "No! no!" he said ; "I know you, the President knows you; so to which country do you prefer to go?" I was taken completely by surprise; but having always had a longing for Italy, I replied that I would like to go there. "Well," he replied, "there are two or three fine appointments open there yet. When are you going to leave the city?" "Tomorrow," I answered. "Wait until next Tuesday. I am going to New York to-morrow to attend the Pan-American banquet. Come back next Tuesday, and I will have your appointment ready." (...) Mr. Blaine suggested Milan as being the best, being the commercial and musical center of Italy; that the district contained the beautiful lakes of Como and Maggiore, where I could spend the summers, going back and forth every morning and evening. I

<sup>81</sup> P.H. van der Kemp, 'De geboorte van ons consulaat te Canton. Uit het verleden van Nederlands handel op China', *De Economist* (1918) 827-847.

<sup>82</sup> Krabbendam, 'Capital Diplomacy', 167-181; Hans Krabbendam, 'Consuls and Citizens: Dutch Diplomatic Representation in American Cities, 1800-1940', in Robert P. Swierenga, Don Sinnema and Hans Krabbendam (eds.), *The Dutch in Urban America* (Holland, MI 2004) 59-75.

<sup>83</sup> Carr, 'The American Consular Service', 892; Priscilla H. Roberts and Richard S. Roberts, *Thomas Barclay (1728-1793): Consul in France, Diplomat in Barbary* (Bethlehem 2008). This Barclay not to be confused with the British consul-general in New York.

<sup>84</sup> Kennedy, *The American Consul*, 19.

<sup>85</sup> Carr, 'The American Consular Service', 894-895.



accepted the offer of Milan, thanking the Secretary most cordially. Soon afterwards the President confirmed the nomination'.<sup>86</sup> Pepper was sent to Milan in Italy in the spring of 1890 as consul and returned four years later.

The 'spoils system' had severe problems, as explained by Ian Tyrrell. 'Among political patronage appointments was that of George Seward, nephew of the Secretary of State to the position of consul in Shanghai in 1862, a post he held from the age of 21 and where he stayed for 15 years while gaining a name for shady commercial dealings. (...) More scandalous was the nephew of the powerful politician Benjamin Butler, George Butler, who in Egypt developed a 'dissolute reputation' for kickbacks and fondness for nubile Egyptian women. The businessmen consuls were often regarded as a rather dissolute lot who had succumbed to the sexual and other moral temptations of their temporary lands of residence'.<sup>87</sup> The modernization of the consular system in the United States progressed very slowly despite several attempts before 1906 (e.g. 1855, 1874, and 1896).<sup>88</sup> American consuls had large diplomatic and judicial powers in the nineteenth century.<sup>89</sup>

### Qualifications and training

Most consuls were or had been merchants with no special training as consul. After 1814 and particularly the 1850s, several European governments (e.g. France and Austria) established schools or developed training programs for future consuls and diplomats. The French were the first to organise schooling and training for their consuls and already before 1800 this created a strong *esprit de corps*. In contrast to the French, British consuls hardly received any training and they seldom spoke the native language. Given the number and diversity of consular posts in the British Empire, the Foreign Office could not develop a training program that would fit every consul. Once arrived at the new post, the new consul could best collect the necessary information from the retiring consul. With the arrival of more state-salaried consuls after 1824, the number of British merchant-consuls gradually declined. Becoming consul offered yet another career opportunity in governmental service. In the Netherlands, the department of Foreign Affairs hardly invested in the training of consuls during the nineteenth century. In most cases, consuls received a printed leaflet with regulations, explaining the duties and privileges. In 1875 the Dutch government introduced a compulsory examination for student-consuls controlled by a state committee. This increased the interest of young Dutch citizens for a career as consul. The Minister of Foreign Affairs in March 1888 strongly believed that consuls should clear the way for Dutch merchants in foreign countries. The Amsterdam Chamber of Commerce, however, felt that entrepreneurs should take the initiative themselves and only contact consuls when in need.<sup>90</sup> The United States did not develop a schooling system until the twentieth century, because most consuls, apart from the political nominations, were active or retired merchants familiar with the local business conditions.

### Remuneration

The final issue concerns the matter of remuneration. Should the state pay them a salary or should they be allowed to trade besides collecting fees for the services? Merchant-consuls were much cheaper but

<sup>86</sup> George W. Pepper, *Under Three Flags; or, the story of my life as preacher, captain in the army, chaplain, consul, with speeches and interviews* (Cincinnati 1899) 140-142; Kennedy, *The American Consul*, 170-171.

<sup>87</sup> Ian Tyrrell, *Transnational Nation. United States History in Global Perspective since 1789* (Basingstoke 2007) 116.

<sup>88</sup> Carr, 'The American Consular Service', 891-913.

<sup>89</sup> Kark, *American consuls in the Holy Land*, 47.

<sup>90</sup> W.H. de Beaufort, 'Twee rapporten over het consulaatwezen', *De Economist* 52 (1904) 5-21; J. Paulus, 'Ons Consulaatwezen en de Consuls', *De Economist* 41 (1888) 621-653; G. Hintzen, 'Onze Consuls in de Tweede Kamer', *De Economist* (1892); M. Mees, 'Debat in the Tweede Kamer der States-Generaal over onze Consuls', *De Economist* (1891) 797-802; W.N. van Hamel, 'Ons Consulaat-wezen', *De Economist* (1876) 1119-1128.

could be seen as competing with other merchants. The 'Ordonnance Colbert' of 1681, regulated the French consular service and placed it under the authority of the navy until the French Foreign Service gained control of the consular service in 1781.<sup>91</sup> A successful attempt at professionalization occurred in France in 1793, followed by the 'General Instruction' in 1814 of the Secretary of Foreign Affairs: Charles Maurice de Talleyrand-Périgord (1754-1838). The French Foreign Office incorporated the existing consular service and consuls thereafter received a salary from the state and could no longer be occupied as entrepreneur.

In 1824 the British government first attempted to form a single civil service to replace the unpaid consuls (the Consular Advances Act). Most of the proposals were, however, reversed in 1829 because of the need to economise on the budget and British consuls in Europe were still allowed to trade.<sup>92</sup> From 1859 consul-generals and consuls were paid by the state and could no longer trade, but exceptions were possible and continued to exist until the reorganisation of the 1920s. Salaries differed according to location and estimated costs of living and by the mid-nineteenth century they had been reduced several times. Most consuls found it hard to live of the salary because they were not prepared to give up their style of living they had previously enjoyed in England. The British consul Ernest Holmes in Shimonoseki explained in 1914 that living conditions were poor and the salary was too low for keeping up a British style of living: 'One cannot live in Japanese style... That is impossible for Europeans'.<sup>93</sup> The consul-general in Algiers explained to the British Foreign Office in 1871 that he could not live of the state salary no matter how much he economised. Consul-general Thomas Barclay in New York wrote in August 1799:

'The expense of living in this City is so enormously extravagant and the number of strangers resorting to it, who naturally expect invitations and attention from His Majesty's Consul so great, that the Salary graciously allowed me by His Majesty will fall infinitely short of my annual expenses when contracted by the strictest Oeconomy. The annual amount may at the utmost pay my house rent in this city. I consider it for the Honor of my Sovereign and the Interest of the Nation, that I should live genteelly and hospitably so as to secure a good understanding with the official Characters of this Government and all respectable strangers who may visit this City, a measure indispensably necessary to promise early information and to facilitate business'.<sup>94</sup>

To supplement their income, British consuls were allowed to work as agent for Lloyds, the British Post Office and the major shipping lines (the Mails).<sup>95</sup> By 1900 there were still many British consuls, not to mention vice-consuls that received a salary and traded on their own account. However, most unpaid consuls in British service in 1900 were foreigners. A problem with using foreigners as consul was of course their loyalty in case of a conflict between for instance Great Britain and France or Germany. The Foreign Office, however, reported in 1903: 'There are numerous places of great commercial importance where British residents are very few, and British commercial interests inconsiderable. In these posts unpaid Consuls, in some cases foreigners, are doing most useful service, and, being almost always themselves businessmen, furnish excellent reports on commercial subjects'.<sup>96</sup>

In the nineteenth century, the Netherlands mostly employed unpaid or honorary consuls that lived of the fees they collected from shipping companies and other businesses. By 1873 the need to reform the consular was evident and on April 1874 a new act regulated the functions and duties of consuls.

<sup>91</sup> A. Broder, 'French Consular Reports', *Business History* 23:3 (1981) 279-283; Anne Mézin, 'La fonction consulaire dans la France d'Ancien Régime: origine, principe, prerogatives', in Jörg Ulbert et Gérard Le Bouëdec (direction), *La fonction consulaire à l'époque moderne. L'affirmation d'une institution économique et politique (1500-1700)* (Rennes 2006) 37-50.

<sup>92</sup> They had to give up certain privileges when trading, including the exemption of taxes.

<sup>93</sup> Platt, *The Cinderella Service*, 221.

<sup>94</sup> Rives, *Selections from the correspondence of Thomas Barclay*, 101.

<sup>95</sup> Platt, *The Cinderella Service*, 39-41.

<sup>96</sup> McDermott, 'The British Foreign Office', D1004.

Besides state-consuls (*consules missi*) that received a salary, there were merchant-consuls (*consules electi*) that received no salary. The state-consuls could not engage in business directly or indirectly, unless allowed to do so by special permission. Many honorary consuls were foreigners or Dutch citizens living abroad and working as an entrepreneur.<sup>97</sup> Their only reward was the esteem associated with the consular title.

Until 1856, American consuls could combine the duties of a consul with other professions, often working as traders, because they received no salary from the state.<sup>98</sup> Thereafter consuls were graded in seven classes. Consuls in the 'B-class' received \$1,500 - \$7,500 per year and were not allowed to continue their business affairs, but could collect fees. Consuls in the 'C-class', receiving only \$500 - \$1,000 per year, were allowed to continue their business as before. The laws of April 1906 and more importantly 1924 (the Rogers Act) changed the American system of consuls, including their remuneration, qualifications and appointment.<sup>99</sup> The 1924 act merged the diplomatic and consular services in one professional Foreign Service.

Despite differences between countries in training, system of appointment and payment and the pace of professionalization of the consular service, it is clear that governments saw consuls as important for stimulating international business and the economy at large. This explains the growth in the number of consuls (see table 2).

**Table 2: Number of consuls in some European countries (1790-1931)<sup>100</sup>**

	Great Britain	United States	Netherlands	France	Prussia
1790	46	10	77	129 (1789)	26-34
1800		52			
1810		60			74 (1806)
1813			148		
1824	107				
1830		141	200 (1830-1848)		
1841		152			
1851		197	196		
1860		282	216		561 (1868)
1887			505		
1890		760			
1900	260 paid; 450 unpaid				
1905			542		
1931	1075	870		851	

The growing importance of consuls is further confirmed by the attention paid to their reports. From the middle of the nineteenth century, governments began to publish the consular reports. The American Congress passed an act in 1842 to use consular reports for the compilation of digests of the commercial

<sup>97</sup> Van Ditzhyzen, *Tweehonderd jaar*, 124.

<sup>98</sup> Kennedy, *The American Consul*, 6.

<sup>99</sup> 'An Act to provide for the Reorganization of the Consular service of the United States', *The American Journal of International Law* 1:3, Supplement: Official Documents (July 1907) 308-313; Kennedy, *The American Consul*, 209-226.

<sup>100</sup> Platt, *The Cinderella Service*, 10, 14, 54-55. For the year 1931: Stuart, *American Diplomatic*, 289; John W. Rooney Jr., *Belgian-American Diplomatic and Consular Relations 1830-1850. A study in American Foreign Policy in mid-nineteenth century* (Louvain 1969) 16, 229. U.S. numbers includes vice-consuls and consular-agents. 1890: Kark, *American consuls in the Holy Land*, 51-53. 1931: Stuart, *American Diplomatic*, 289; Tamse, 'The Netherlands Consular Service', 271-277; Jörg Ulbert, 'Les services consulaires prussiens au XVIIIe siècle', in Jörg Ulbert et Gérard Le Bouëdec (direction), *La fonction consulaire à l'époque moderne. L'affirmation d'une institution économique et politique (1500-1700)* (Rennes 2006) 322-323..

regulations in foreign ports. After 1856, yearly and later monthly reports on Commercial Relations were published by the USA.<sup>101</sup> The Dutch government included the reports in the *Nederlandsche Staatscourant* in an attempt to stimulate foreign trade and investment by Dutch entrepreneurs. Likewise, the British government published the consular reports in the *Parliamentary Papers* from 1854 and in later years issued special reports. France published extracts of the reports from 1829 till in 1839 in the *Extrait d'Avis Divers* and from 1843 till 1917 in the *Annales du Commerce Exterieur*.

#### 4 - The consular system in the Middle East and Asia during the nineteenth century

This section will look at consuls in the Ottoman Empire, with special attention to the Barbary Coast, and Asia (mainly China and Japan). In the nineteenth century, the focus of the major European states shifted towards Africa, the Middle East and Asia because most colonies on the American continent gained their independence. In western colonial history this phase is often called 'new imperialism'.<sup>102</sup> The European states expanded their empires between 1824 and 1870 with about 5 million square miles in Africa (South Africa, Algeria, and Senegal), Asia (Punjab, Cochin-china), Australia and New Zealand. New imperial powers, besides England, France, Spain, Portugal and the Netherlands, included Belgium, Italy and Germany. Before 1914, The United States (Philippines, 1898) and Japan (Ryukyu, Taiwan) joined the group of colonial powers.<sup>103</sup> In the Middle East and East Asia, western states had to deal with a wholly different system of international relations and because of these differences consuls played a much more important role. Their functions and duties not only included commerce, but they had judicial and quasi-diplomatic powers to stimulate commerce.

##### *Western consuls and businessmen in the Ottoman Empire*

Muslim states as a matter of principle did not attach equal status to Christians. To become accepted as equals, they would first have to convert to the Islamic faith. This, however, did not stop European states from wanting to trade with Muslims. Despite strong objections from the Vatican, the Italian city-states already concluded treaties (called: Capitulations) with Islamic empires before 1200.<sup>104</sup> These treaties allowed trade, granted western merchants extraterritorial privileges and provided for the stationing of consuls and thereafter diplomats.<sup>105</sup> According to Philip Marshall Brown, writing in 1914, the Capitulations demonstrate '(...) a more liberal interpretation of the law of nations than has yet been granted in Europe', and should not be seen as a 'bitter humiliation for the Turk'.<sup>106</sup> Jews and Christians (all 'People of the Book' according to Islamic faith) could live freely in their countries, although they had to pay taxes from which Muslims were exempted. Since they were non-Muslims the law (*sharia*) could not equally be applied to them. It was thus best to let them have their own judges and courts, and allow them freedom of worship. The immunities and privileges granted to westerners in the Capitulations were one-sided concessions on the part of the Islamic rulers. In return they asked for no such immunities for their natives residing in western countries.<sup>107</sup>

During most of its long history, the Ottoman Empire (1299-1922) was at war with European states on land and at sea (e.g. Byzantine Empire and thereafter the Habsburg Empire). M. Anderson says that

<sup>101</sup> Lloyd Jones, *The Consular Service of the United States*, 61-70.

<sup>102</sup> Daniel R. Headrick, *Power of People. Technology, Environments, and Western Imperialism 1400 to the Present* (Princeton 2010) 1-2; D.R. Sardesai, *British trade and expansion in Southeast Asia* (New Delhi 1977) 8-15.

<sup>103</sup> David B. Abernethy, *The Dynamics of Global Dominance. European Overseas Empires 1415-1980* (New Haven and London 2000) 81-104; D.R. Sardesai, *British trade and expansion in Southeast Asia* (New Delhi 1977) 8-15.

<sup>104</sup> *Capitulations of the Ottoman Empire*, 12-13. The term Capitulation derives from the Latin *capitula*, which simply refers to the chapters that comprised the text of a treaty.

<sup>105</sup> Kark, *American consuls in the Holy Land*, 41-42.

<sup>106</sup> Philip Marshall Brown, *Foreigners in Turkey. Their Juridical Status* (Princeton 1914) 4.

<sup>107</sup> Brown, *Foreigners in Turkey*, 12.

the Ottoman Empire was ‘(...) a continual menace to all Christendom’.<sup>108</sup> The only European ally in the fifteenth and sixteenth century was France.<sup>109</sup> The treaty between France and the Ottoman Empire signed in 1569, following the Franco-Ottoman alliance of 1536 (‘the Capitulations of the Ottoman Empire’), placed all Christian merchants (‘Franks’) under the protection and jurisdiction of French consuls. In the sixteenth century, other North-European maritime states began venturing into the Mediterranean and to protect their merchants they concluded treaties with the Ottoman Empire. England and the Ottoman Empire in 1579 negotiated a commercial treaty.<sup>110</sup> By 1581 some British merchants trading with Venice secured a patent (monopoly) for trading with the Levant: the Company of Merchants of the Levant (a.k.a. The Levant Company). The company build factories and appointed salaried consuls in Constantinople (Istanbul) and large commercial towns (e.g. Smyrna). The Levant Company still existed in 1803, when the British government ended the monopoly and took over its factories and consuls.<sup>111</sup> In 1612, Ahmed I (1590-1617) granted the Dutch the right to trade under their own flag and to appoint their own ambassador and consuls.<sup>112</sup> Most European states followed the British and Dutch example and concluded treaties with the Ottoman sultans.<sup>113</sup> The treaties contained almost identical provisons, including:

- the permission to reside in Muslim lands;
- to freely navigate the waters and enter the ports to trade;
- freedom of religion;
- freedom to establish any number and type of business;
- freedom of taxes except as agreed upon on goods and merchandise;
- the right to be judged by the ambassadors and consuls of their respective governments in suits between another;
- in disputes between natives and foreigners jurisdiction is reserved to local tribunals but only with their consuls being present.<sup>114</sup>

Only written documents could settle disputes between foreigners and natives. Oral or verbal agreements in matters of business would no longer suffice for cases brought to court. This change in business practices became standard from the mid-seventeenth century in Europe and spread to non-European countries. In international business, written contracts replaced trust in persons.<sup>115</sup> The extraterritoriality for westerners was initially seen as a sign of strength of the Ottoman Empire, but as the empire grew weaker and the western states became stronger it was more and more regarded as a indication of political weakness and moral decay. After the Crimean War (1853-1856), the western states agreed to reform the system of Capitulations but most reforms came to nothing. One reason was the condition of Turkish prisons: ‘(...) almost too horrible for description’.<sup>116</sup> Most western consuls felt

<sup>108</sup> Anderson, *Rise of Modern Diplomacy*, 30.

<sup>109</sup> De Lamar Jensen, ‘The Ottoman Turks in Sixteenth Century French Diplomacy’, *The Sixteenth Century Journal*, 16:4 (Winter 1985) 451-470; Jason Goodwin, *Lords of the Horizons. A history of the Ottoman Empire* (London 1999); Albert Hourani, *A History of the Arab Peoples* (New York 1991). For the early contacts, see Richards Fletcher, *The Cross and the Crescent. Christianity and Islam from Muhammad to the Reformation* (New York 2003) Chapter 4: 100-131.

<sup>110</sup> *Capitulations of the Ottoman Empire*, 15-24.

<sup>111</sup> J. Theodore Bent, ‘The English in the Levant’, *The English Historical Review*, 5:20 (October 1890) 654-664.

<sup>112</sup> A.H. de Goot, *The Ottoman Empire and the Dutch Republic. A History of the Earliest Diplomatic Relations 1610-1630* (Leiden and Istanbul 1978).

<sup>113</sup> Kark, *American consuls in the Holy Land*, 58.

<sup>114</sup> *Capitulations of the Ottoman Empire*, 27-29; Klerman, ‘The emergence of English commercial law’, 638–646.

<sup>115</sup> North, *Process of Economic Change*, 84-85, 119; A. Greif, *Institutions, Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (Cambridge 2006) Chapter 10.

<sup>116</sup> Platt, *The Cinderella Service*, 143.

that the judicial system in Turkey was still ‘barbaric’ and remained in western hands. To handle capital criminal cases, the British established the Supreme Consular Court in Constantinople in 1857.<sup>117</sup>



3. Henry Salt in 1815 by an unknown female artist in Geneva

< Henry Salt (1780-1827), British consul in Cairo 1816

Despite the hardships and discrimination in Muslim states, it was not difficult to find candidates for a consular post. When the acting British consul in Egypt (Colonel Misset) resigned, Henry Salt (1780-1827) immediately asked some of his influential friends, including the famous Sir Joseph Banks (1743-1820), to write Lord Castlereagh (1769-1822) of the Foreign Office in support of his application. Salt had previously been on government expeditions to Abyssinia (Ethiopia) in 1809 and 1810. His appointment followed almost immediately and on 22 August 1815 he left England to embark on a Grand Tour in Europe before taking up his post as consul in Cairo in March 1816.<sup>118</sup> Salt received £1,700 annually initially, but soon discovered that this would hardly cover all his expenses.<sup>119</sup> He got on

very well with Mehmet Ali (1769-1849), the Pasha (governor) of Egypt, ‘(...) a sensible, and, for a Turk, an extraordinary man’.<sup>120</sup> He boasted: ‘The French influence is at a low ebb, and the English proudly predominant; so that I have continual applications from those foreigners who have no Consul of their own, to be permitted to rank themselves under our banners. In fact, the Pasha will scarcely attend to any other remonstrances but those which I present’.<sup>121</sup> The respect in Great Britain for consuls working in the Ottoman Empire was slight. But according to a report of the Foreign Office prepared in 1871 that was unjustified, because ‘(...) no body of men are more usefully employed in securing the extension of commercial enterprise, the welfare of the people among whom they live, and the maintenance of peace’.<sup>122</sup>

### *The special conditions on the Barbary Coast*

Relations between Europe and the North African states differed from those with the Ottoman Empire. By the seventeenth century, the Sublime Porte of the Ottoman Empire had lost control over the regencies of Tunis, Tripoli, Algiers and the independent kingdom of Morocco: al-Maghrib (‘the west’ in Arabic), better known in Europe as the ‘Barbary Coast’.<sup>123</sup> According to Michael B. Oren ‘(...) Barbary was Europe’s nightmare’.<sup>124</sup> Christian Windler comments: ‘Whereas the Ottoman capitulations were expressed until the eighteenth century as unilateral promises of security (*aman*), from the second half of the seventeenth century, in the context of a relationship of military inferiority, the regencies of Algiers, Tunis, and Tripoli concluded with the king of France real treaties, sealed and ratified by the

<sup>117</sup> Platt, *The Cinderella Service*, 149

<sup>118</sup> Deborah Manley and Peta Rée, *Henry Salt: artist, traveller, diplomat, Egyptologist* (London 2001). A Grand Tour included visits to historic and cultural places in continental Europe and was considered obligatory for the British upper class as part of their education and training. Lynne Withey, *Grand Tours and Cook’s Tours. A History of Leisure Travel 1750-1915* (New York 1997).

<sup>119</sup> J.J. Halls, *The Life and Correspondence of Henry Salt, Esq., F.R.S. &c. His Britannic Majesty’s Late Consul-General in Egypt* (London 1834) Volume 1, 403, 404, 409, 416, 453.

<sup>120</sup> Halls, *The Life and Correspondence of Henry Salt*, Volume 1, 469.

<sup>121</sup> Halls, *The Life and Correspondence of Henry Salt*, Volume 1, 469.

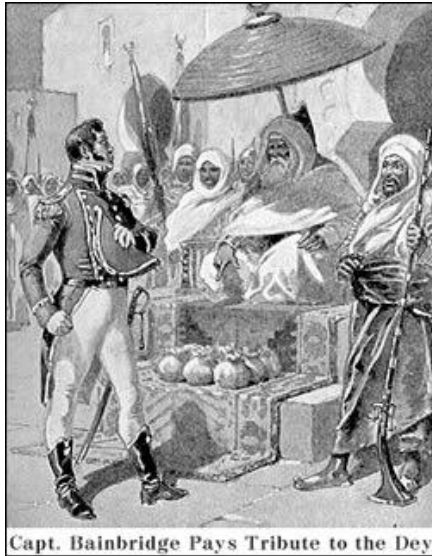
<sup>122</sup> Platt, *The Cinderella Service*, 153.

<sup>123</sup> Daniel Panzac, *Barbary Corsairs. The End of a Legend 1800-1820* (Leiden and Boston 2005).

<sup>124</sup> Michael B. Oren, *Power, Faith, and Fantasy. America in the Middle East, 1776 to the Present* (New York 2007) 18.



two parties'.<sup>125</sup> The treaties were hardly respected and had to be renewed and renegotiated again and again.<sup>126</sup> More importantly, Muslim states enslaved captured westerners thus openly violating the (Christian) idea of the Law of Nations (see above).<sup>127</sup> The European states could not send an ambassador to the Barbary Coast, since these were not-acknowledged rulers. They relied on the diplomatic skills of their consuls: 'Naval officers and consuls played a crucial role in relations with the Barbary states of North Africa'.<sup>128</sup> According to Charles Stuart Kennedy, the suffering endured by the consuls on the Barbary Coast convinced western governments of the need to train future consuls.<sup>129</sup> The position of the consuls on the Barbary Coast was indeed precarious and to compensate for this they



were the first consuls to receive regular payment from their governments.<sup>130</sup> President George Washington (1732-1799) in March 1795 recommended paying a salary '(...) as no one would accept the position otherwise'.<sup>131</sup>

The states on the Barbary Coast main source of income besides trade, was war and tribute. Their pirates ('corsairs') attacked the richly laden North-European vessels entering the Mediterranean through the Strait of Gibraltar. Western states with a strong navy (e.g. France, England and the Netherlands) could choose between diplomacy, paying tribute (and ransom to free enslaved fellow countrymen) or use force. Until about 1830 they tried all options, including paying an annual tribute usually disguised as 'Gifts', 'Douceurs' and 'Geschenken'. Weaker states (e.g. Sweden, Denmark and Austria) had no choice and were forced to pay an annual tribute. Paying tribute spared their merchant vessels from being captured by the corsairs and their crews from enslavement in North Africa.

The western consuls in Tunis performed humiliating ceremonies that demonstrated their submission to Muslim rulers.<sup>132</sup> During an audition with the *Dey*, the local ruler, they presented gifts, performed a ceremony similar like the Chinese *kowtow* and kissed his hand. These gifts were not always appreciated as Henry Stanyford Blanckley, the British consul-general in Algiers from 1806 till 1812, discovered. Shortly after his arrival he presented an expensive watch to the Dey. 'On Mr. B.'s presenting it to the Dey, he drew it from the case, and twisting it between his thumb and finger, eyed it with the most contemptuous expression of countenance, and calling to his head cook (...) gave it to him, saying that he made him a present of it, as it was more fit for *him* than *Himself*. Mr. B. And Capt. Hillyer were much mortified, and join in regretting that these matters were not better understood at home'.<sup>133</sup> The British apparently did not learn quickly. In 1815, the *Dey* received a £1,500 musical

<sup>125</sup> Windler, 'Diplomatic History', 81.

<sup>126</sup> Panzac, *Barbary Corsairs*, The Appendix list all treaties concluded between 1605-1830. 335-338.

<sup>127</sup> Davis estimates the number of white slaves between 1530-1780 at 1 million or possibly 1.25 million. Robert C. Davis, *Christian Slaves, Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast, and Italy, 1500-1800* (Basingstoke 2003). Western states of course did not oppose enslaving others (non-Christians) until the abolishment of the slave trade and slavery in the nineteenth century.

<sup>128</sup> Black, *British Diplomats*, 11.

<sup>129</sup> Kennedy, *The American Consul*, 2, 29-41.

<sup>130</sup> Kennedy, *The American Consul*, 2.

<sup>131</sup> Lloyd Jones, *The Consular Service of the United States*, 5.

<sup>132</sup> Windler, 'Diplomatic History', 91.

<sup>133</sup> Elizabeth Broughton, *Six years residence in Algiers* (London 1839) 12. Extracts from a diary of the wife of consul-general Blanckley.

snuffbox with a clasp garnished with emeralds and brilliants. He was, however, not at all pleased and asked if the English king 'took him for a child to be pleased with the ting ting ting'.<sup>134</sup>

European consuls do not seem to have objected to performing these ceremonies, perhaps because they did not differ that much from existing western diplomatic ceremonies.<sup>135</sup> The Americans, however, were less inclined to do so. After the War of Independence (1776–1783) the United States not only lost access to British markets, but more importantly the protection of the powerful British Royal Navy. This made their merchant shipping vulnerable to attacks by pirates. In 1784 Moroccan corsairs captured the Boston brig *Betsy* and the next year Algerians seized the *Dauphin* (Captain Richard O'Brien, later consul-general on the Barbary Coast) and *Maria*. The crews and passengers were imprisoned and put to work or sold as slaves. One of them was James Leander Cathcart (1767-1843), later U.S. consul in Tripoli.<sup>136</sup> The U.S. Congress was, however, unwilling to assign a sufficient budget for the construction a strong American navy and instead choose to pay an annual tribute. Conditions seemed to improve when in 1786 America and Morocco concluded a 'Treaty of Peace, Friendship and Ship-Signals'. Article 23 allowed for the establishment of a consulate in any seaport (it would become Tangiers). Article 20 states: 'If any of the Citizens of the United States, or any Persons under their Protection, shall have any disputes with each other, the Consul shall decide between the Parties and whenever the Consul shall require any Aid or Assistance from our Government to enforce his decisions it shall be immediately granted to him'.<sup>137</sup> The crew and passengers of the *Betsy* were released after paying \$20,000 and an assortment of gifts to the *Dey*. America concluded treaties in 1795 (Algiers), 1796-1796 (Tripoli) and 1797 (Tunis), again containing tribute payments.<sup>138</sup> The treaties did not end the attacks of corsairs on American ships. Until 1815, the pirates captured about 35 American ships and almost 700 Americans.<sup>139</sup>

Secretary of State Timothy Pickering (1745-1829) appointed William Eaton (1764-1811), a former officer in the American army, as the new American consul in Tunis.<sup>140</sup> Eaton's main task was to renegotiate the treaty. He left in December 1797 on board of the U.S. brig *Sophia* together with several fully laden and armed ships that served as the annual American tribute for Tunis.<sup>141</sup> During his transatlantic crossing James Leander Cathcart accompanied him. In Tunis the two consuls met Richard O'Brien (c. 1758-1824), formerly a prisoner in Algiers and after that American consul-general for the 'Barbary Coast'. Of the three consuls only Eaton had no prior experience in the Middle East and he was shocked by what he saw. On 22 February Eaton, accompanied by Cathcart and O'Brien, met the *Dey* for the first time and this is what Eaton wrote in his journal:

'(...) we were shown to a huge, shaggy beast, sitting on his rump, upon a low bench, covered with a cushion of embroidered velvet, with his hind legs gathered up like a taylor, or a bear. On our approach to him, he reached out his fore paw as if to receive something to eat. Our guide exclaimed, "Kiss the Dey's hand!". The consul-general bowed very elegantly, and kissed it; and we followed his example in succession. (...). Having performed this ceremony, and standing a few moments in silent agony, we had leave to take our shoes and other property, and leave the den,

<sup>134</sup> Goodwin, *Lords of the Horizons*, 126.

<sup>135</sup> Anderson, *Rise of Modern Diplomacy*, 56-66

<sup>136</sup> For eleven years Cathcart lived in slavery in Algiers and eventually succeeded in becoming chief clerk to the *Dey*. He was released in 1796 after the Treaty of Algiers.

<sup>137</sup> [http://avalon.law.yale.edu/18th\\_century/bar1786t.asp#art20](http://avalon.law.yale.edu/18th_century/bar1786t.asp#art20)

<sup>138</sup> Oren, *Power, Faith, and Fantasy*, 37.

<sup>139</sup> Oren, *Power, Faith, and Fantasy*, 75.

<sup>140</sup> Eaton would in 1805 play an important but unrewarding role in the first American war with Muslim countries: the Battle of Derna (April-May 1805) during the Tripolitan War (1801-1805). Richard Zacks, *The Pirate Coast. Thomas Jefferson, the First Marines, and the Secret Mission of 1805* (New York 2005); Oren, *Power, Faith, and Fantasy*, 63-70..

<sup>141</sup> Charles Prentiss (ed.), *Life of Gen. William Eaton principally collected from his correspondence and other manuscripts* (Brookfield 1813) 54.

without any other injury than the humility of being obliged, in this involuntary manner, to violate the second commandment of God, and offend common decency. Can any man believe that this elevated brute has seven kings of Europe, two republics, and a continent, tributary to him, when his whole naval force is not equal to two line of battle ships? It is so!’<sup>142</sup>

While President George Washington and his successor John Adams (1735-1826) opted to pay tribute as the more economically solution, Jefferson more strongly opposed the whole idea, although he seems to have been rather inconsistent in his opinions.<sup>143</sup> ‘By refusing to play the European game of bribery, by standing up to the Barbary powers and removing them from the European arsenal of weapons against the New World, Jefferson would convince Europe that his was a new kind of nation, one that would not follow the corrupt practices of the old world’.<sup>144</sup> His efforts as Secretary of State to convince the U.S. Congress to build a strong navy only met with lukewarm response, although the Constitution of 1789 did allow the U.S. Congress to declare war and maintain a navy.<sup>145</sup> During his office as president from 1801 till 1809, Jefferson was finally able to build a powerful navy and he would use it against the corsairs and rulers of the Barbary Coast. A first war between the Barbary Coast states and the USA began in 1801. Hostilities began when the pasha of Tripoli symbolically cut down the flagpole at the American consulate, because America failed to pay their tribute to Tripoli on time.<sup>146</sup> The Tripolitan War (or The First Barbary War) of 1801–1805, resulted in America’s first military intervention in the Old World. The peace settlement of 1805 freed Americans then in captivity but did nothing to change the tribute relations, not did it stop the piracy.<sup>147</sup>

After the Napoleonic Wars, the North-European states, joined by the United States, increased their efforts to crush the corsairs and enforce the treaties with the Barbary Coast. Christian Windler says: ‘The equality of citizens and states had already become a key issue in diplomacy during the French Revolution, but, from 1815, peace in Europe created better conditions for the Christian consuls to force their own norms on the Maghrebis. At the same time, the United States of America began to affirm their presence and their values on the Mediterranean Christian-Muslim diplomatic stage. In this context, it is significant that in 1817, the United States’ consul, Anderson, even refused to kiss the hand of Mahmud, the reigning bey’.<sup>148</sup> In May and June 1815, President James Madison (1751-1836) ordered the American navy to attack the Barbary States and force them to sign new treaties on American conditions, without the customary tribute and gifts. The Congress of Vienna formally condemned Barbary slavery in 1815 and in late 1816 a joint British-Dutch fleet attacked Algiers, Tunis and Tripoli to force compliance.<sup>149</sup> The treaty of 1830 between France and Tunis ended all humiliating customs for the westerners on the Barbary Coast.<sup>150</sup> The western states extended their powers over other regions of the Middle East after the 1870s. Tunis became a French protectorate in 1882, thanks to the manoeuvrings of the French consul Theodore Rouston.<sup>151</sup> That same year Great Britain effectively took over the government of Egypt.

<sup>142</sup> Prentiss, *Life of Gen. William Eaton*, 59; Michael Kitzen, ‘Money Bags or Cannon Balls: The Origins of the Tripolitan War, 1795-1801’, *Journal of the Early Republic*, 16:4 (Winter 1996) 601-624.

<sup>143</sup> Oren, *Power, Faith, and Fantasy*, 87-88; Lloyd Jones, *The Consular Service of the United States*, 46-48.

<sup>144</sup> Robert J. Allison, *The Crescent Obscured. The United States and the Muslim World 1776-1815* (New York 1995) 26.

<sup>145</sup> Allison, *The Crescent Obscured*, 34; Oren, *Power, Faith, and Fantasy*, 31.

<sup>146</sup> Kennedy, *The American Consul*, 34.

<sup>147</sup> Oren, *Power, Faith, and Fantasy*, 17-98.

<sup>148</sup> Windler, ‘Diplomatic History’, 97.

<sup>149</sup> Panzac, *Barbary Corsairs*, 274-292.

<sup>150</sup> Windler, ‘Diplomatic History’, 97.

<sup>151</sup> Stuart, *American Diplomacy*, 287.

### *Western consuls in East Asia*

In East Asia, the westerners had to confront a Sino-centred system of international relations. This denied equality between states but instead placed China at the top. All other states were considered as inferior by the Chinese, certainly the ‘western barbarians’. These states paid tribute to the Chinese Emperor for allowing them to have ‘factories’ in Canton to trade. The western ideas of the Law of Nations, territorial sovereignty and enforceable treaties were alien to the Chinese.<sup>152</sup> Westerners were, however, very eager to trade with Asian countries, particularly China, but these showed little interest in western products. Until the nineteenth century, European states went to great lengths to gain access to the Chinese market, sending envoys and missions with expensive gifts (tribute) and even performing the *kowtow*. This submissive attitude changed in the first decades of the nineteenth century, as European states no longer accepted their inferior status (see the previous paragraph on the Middle East).<sup>153</sup> The little foreign trade that Asian governments allowed remained highly regulated until the 1840s and 1850s. In 1833, Siam and Great Britain concluded a trading agreement and the same year the United States did the same. France (1858) and the Netherlands (1860) followed some years later. These treaties allowed western merchants to live and trade in certain towns in Siam. Korea, however, remained firmly closed for western trade until the late nineteenth century, while Japan wasn’t opened for westerners until 1859. Even after 1859, trade in Japan remained firmly regulated by the authorities (the Shogun and the *bakufu*), until the end of the feudal regime with the Meiji Restoration of 1868.

### *Western consuls and businessmen in the Chinese Treaty Ports*

After 1759 the Chinese emperor concentrated all foreign trade in the southern port of Canton (‘the Canton System’).<sup>154</sup> Here foreigners resided and traded with Chinese traders (members the Co-Hong guild) during the summer season, but retreated to Macao for the winter months. On western side large European trading companies, such as the British EIC or the Dutch VOC monopolized the trade. Only American traders could operate freely without interference from state monopolies. The monopoly of the large trading companies left little room for private merchants. British traders (‘country trade’) could buy a license but would still feel the restrictions of the EIC. Interestingly becoming a consul offered an escape route. Several British merchants sought appointments as consul for one of the smaller European countries to trade in China.<sup>155</sup> A consular title allowed them to trade under a different flag avoiding the restrictions of the EIC, without the need to buy a license. It gave them direct access to Chinese officials in Canton to petition their case or voice their complaints. Daniel Beale in 1780 became consul for Prussia and he used his appointment to start a lucrative ‘country trade’ between India and China. John Henry Cox (c. 1750-1791) was appointed consul for Sweden, but by that time the EIC was more aware of this escape route. They refused Cox to enter the port of Canton and he next tried raising the Swedish flag, but with no luck either. James Matheson (1796-1878), of Jardine, Matheson and Company, worked and lived in China from 1818 to 1842. During the First Opium War (1839-1842) he became

<sup>152</sup> C. Reus-Smith quoted in Shogo Suzuki, *Civilization and Empire. China and Japan’s Encounter with European International Society* (London and New York 2009) 38. See also Black, *British Diplomats*, 15-18.

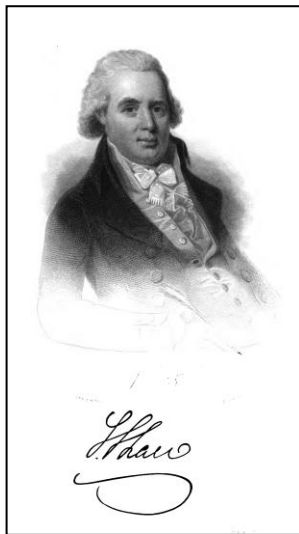
<sup>153</sup> Suzuki, *Civilization and Empire*; Chushichi Tsuzuki, *The Pursuit of Power in Modern Japan 1825-1995* (Oxford 2000); Hidemi Suganami, ‘Japan’s entry into international society’, Hedley Bull and Adam Watson (eds.), *The Expansion of International Society* (Oxford 1984) 186-187.

<sup>154</sup> For a general overview see Geoffrey Jones, *Merchants to Multinationals. British Trading Companies in the Nineteenth and Twentieth Centuries* (Oxford 2000). For Canton see Garrett, *Heaven is High*.

<sup>155</sup> W.E. Cheong, *Mandarins and merchants. Jardine Matheson & Co., a China agency of the early nineteenth century* (London and Malmö 1979) 12.

consul for Denmark and this allowed him to use the neutral Danish flag for his ships.<sup>156</sup> Other countries offered for a price a consular post to traders, including Poland, Genoa, Sicily and Denmark.<sup>157</sup>

The abolishment of the monopolies, (e.g. the EIC in 1833) opened up the China trade to private businesses, but until the Anglo-Chinese Treaty of Nanking (1844) that formally ended the First Opium War, and subsequent treaties by other countries (e.g. Treaty of Wanghia in 1844 between the USA and China), trade remained highly regulated by the Chinese. The treaties opened five Chinese ports for western merchants and the stationing of consuls.<sup>158</sup> The Treaty of Tianjin (1858) not only ended the Second Opium War, but opened additional ports and major cities for western commerce. As a result the number of consuls in China increased.<sup>159</sup> Although the treaties opened Chinese ports for westerners, the Chinese for a long time clung to the centuries old system of international relations based on Chinese superiority. 'The old Chinese methods of conducting foreign relations continued to be used under the thin veneer of treaty formalities, and the consul was often in a position of influence but not of power, uncertain of the facts and unable to control Chinese conduct'.<sup>160</sup> Consuls sometimes asked for naval and military support to enforce treaty regulations, but the military was not always available. 'In the final showdown it was the consul's determination, his reputation for sticking to his guns through thick and thin, that would be most likely to gain his point'.<sup>161</sup> In the Chinese Treaty Ports the westerners enjoyed extraterritoriality that remained in force until 1943!<sup>162</sup> In minor trials British consuls acted as judges, but major criminal cases (e.g. murder) were handled by the Supreme Court at Shanghai established in 1865 or the Hong Kong Supreme Court. Both courts, like the Supreme Consular Court in Constantinople, had professional lawyers and judges.<sup>163</sup>



< Major Samuel Saw, U.S. Consul in Canton (1847)

The Treaty Ports in China and, afterwards, Japan were small pockets of western civilization focused on international trade and the consul was the main figure in these settlements. John King Fairbank says: 'It was this concentration of the treaty port community upon its commercial enterprises that gave such importance to the rules of trade and their consular enforcement'.<sup>164</sup> Looking after their commercial duties was a full time job for the consuls, but they equally had to spend much time looking after sailors, soldiers, merchants and missionaries. Most consuls had little knowledge or prior experience in Asia before their appointments. Only two out of five British consuls in 1844 spoke a little Chinese. This created numerous problems with translations. Only a few British consuls in China would eventually become ambassador. One example is Sir Rutherford Alcock (1809-1897), who '(...) found in the treaty ports a career which exemplified the best of Victorian imperialism. He was a truly philosophic man of action, singularly gifted with a sense of duty and almost religiously devoted to the interests of British trade'.<sup>165</sup> In contrast to the English, the French

<sup>156</sup> Jones, *Merchants to Multinationals*, 32.

<sup>157</sup> Bernstein, *A splendid exchange*, 290-292.

<sup>158</sup> Coates, *The China Consuls*, 180-231.

<sup>159</sup> Coates, *The China Consuls*.

<sup>160</sup> Fairbank, *Trade and Diplomacy*, 173.

<sup>161</sup> Fairbank, *Trade and Diplomacy*, 174-175.

<sup>162</sup> Platt, *The Cinderella Service*, 211-215.

<sup>163</sup> Coates, *The China Consuls*, 53; Platt, *The Cinderella Service*, 190.

<sup>164</sup> Fairbank, *Trade and Diplomacy*, 161.

<sup>165</sup> Fairbank, *Trade and Diplomacy*, 162.

appointed only experienced consuls in China, who had acquired a basic knowledge of Chinese. The French consuls found the few French entrepreneurs reluctant to start new businesses in China, due ‘(...) to their prejudices, misinformation, and ignorance’.<sup>166</sup>

In their dealing with the Chinese authorities the western consuls strongly believed in their superiority and they almost ‘(...) conducted a daily battle against Chinese ways’.<sup>167</sup> The most important instrument to bring civilization to Asia they believed, was commerce or ‘free trade’. The American consul in Shanghai, Edward Cunningham (1823-1889), of the firm Russell & Co, stated: ‘The civilized World, moved by philanthropic feelings, is too apt to consider any attempt to procure further advantages of trade with Eastern nations, though equally advantageous to them as to us, except by simple request, as unmannerly and unchristian. The sentiment is founded on a noble principle, but overlooks the childish character of the people with we have to deal, and whom it may be considered our mission to guide and enlighten’.<sup>168</sup> Businessmen hardly spoke any Chinese and communicated in Pidgin or used compradores (Chinese middlemen). They showed little interests in China or the Chinese culture. Like the consuls, the merchants felt superior to Chinese. Platt comments: ‘The arrogance of the British commercial community in China increased rather than diminished with the passage of years. (...) The traders conducted their business increasingly through Chinese compradores, and made contact with Chinese officialdom only through their consuls’.<sup>169</sup>

After the 1850s, there were many foreigners in the Chinese ports without a consul of their own and British merchants were quite willing to offer their services as consul because they ‘(...) derived from their official status a very pleasant degree of prestige in Chinese eyes’.<sup>170</sup> James Tait (Tait & Co.), a British entrepreneur in the much despised coolie trade, became consul for Spanish merchants in Amoy.<sup>171</sup> In 1851 he was appointed vice-consul for Dutch citizens in Amoy and in 1852 added Portugal to his list. These consulates gave him access to markets in Asia, such as the Portuguese and Dutch colonies. In 1851, Charles William Bradley (partner in Tait & Co.) became consul for America in Amoy. T.C. Beale (Beale, Dent and Company) was consul for Portugal in Shanghai. Another example is John Connolly, also working in the coolie trade, who successfully applied for a French consulate in Amoy in 1849. He failed, however, to get an appointment by Peru. Several British merchants in Canton held consular positions for Belgium, Peru, Spain and Portugal between 1853 and 1855. Before they could become consul, however, they needed permission of the Foreign Office in London, but that seems to have been a formality.

In retrospect we may conclude that in the nineteenth century the Chinese market promised more to westerners than it delivered.<sup>172</sup> The number of merchants in some Chinese Treaty Ports by 1900 was smaller than it had been in 1840s.<sup>173</sup> As a result, consuls in a number of Chinese ports and cities had plenty of time to make excursions and pursue their hobbies, including collecting china ware and plants.

<sup>166</sup> Raphael Israeli, ‘Consul de France in Mid-Nineteenth-Century China’, *Modern Asian Studies*, 23:4 (1989) 671-703; Raphael Israeli, ‘Diplomacy of Contempt: The French Consuls and the Mandarins in Nineteenth-Century China’, *Modern Asian Studies*, 26:2 (May 1992) 363-394.

<sup>167</sup> Fairbank, *Trade and Diplomacy*, 172.

<sup>168</sup> Fairbank, *Trade and Diplomacy*, 173.

<sup>169</sup> Platt, *The Cinderella Service*, 206-207.

<sup>170</sup> Fairbank, *Trade and Diplomacy*, 213.

<sup>171</sup> Coates, *The China Consuls*, 63.

<sup>172</sup> For the ‘Myth of the China Market’, see Paul A. Varg, ‘The Myth of the China Market, 1890-1914’, *The American Historical Review*, 73:3 (February 1968) 742-758; John K. Fairbank, ‘Introduction: Patterns and Problems’, Ernest R. May and John K. Fairbank (eds.), *America’s China Trade in Historical Perspective. The Chinese and American Performance* (Cambridge Mass. 1986) 2 and Yen-P’ing Hao, ‘Chinese Teas to America – A Synopsis’, idem, 31.

<sup>173</sup> Coates, *The China Consuls*, 159.



### *Western consuls and businessmen in Japan*

Although the Chinese regarded the Japanese as one of their vassal states, the Japanese after 1600 refused to acknowledge Chinese superiority. Instead the Japanese developed their Japan-centred System of International Relations, based on the same Confucian principles. The system included the kingdoms of Korea and Ryukyu, and the 'Dutch Barbarians' in Deshima (Nagasaki) as vassals.<sup>174</sup> After 1640, all foreign trade was concentrated in Nagasaki and Japan was effectively closed to western countries except the Netherlands.

Until 1856, there were no western consuls in Japan. The Treaty of Kanagawa between the USA and Japan (1854), included articles for appointing consuls. The first American consul-general arriving in Japan in August 1856 was a former New York merchant in china ware: Townsend Harris.<sup>175</sup> Japan next concluded commercial treaties in 1858 with America, Russia, England, France and the Netherlands (the Ansei Treaties).<sup>176</sup> The treaties were almost similar to the previous treaties with Siam and China. However, in contrast to the Chinese treaties westerners were not allowed to travel freely in Japan until the treaty revision in 1899.<sup>177</sup> They were confined to Foreign Settlements in which they had extraterritoriality.<sup>178</sup> Travel restrictions did not apply to the diplomats and consuls and to test the Japanese and enforce the treaty rights, the envoys made several excursions to the countryside. Within a few months after his arrival as the new consul-general (later Minister Plenipotentiary), Alcock climbed Mount Fuji. A year later he travelled with his Dutch colleague J.K. de Wit from Nagasaki to Edo (after 1868: Tokyo).<sup>179</sup> The 5 Europeans received an escort of 55 Japanese, including samurai. Alcock and De Wit got along very well, but he had more disagreements with his American and French colleagues Harris and De Bellecourt.<sup>180</sup> Of the Japanese Alcock remarked with some insight: 'They are, with all this, among the most ingenious and enterprising of Eastern races in all industrial pursuits; and I firmly believe, if they had fair play, could hold their own against either Birmingham or Manchester, Paris or Lyons, in many of the manufactures for which these centres of trade are noted'.<sup>181</sup>

The opening of this puzzling country created a sensation in the western press and expectations ran high among the merchants. In 1859 Japan opened three ports immediately (Nagasaki, Yokohama and Hakodate), later more ports and cities would open (e.g. Edo, Hyogo, Osaka, Niigata). Western merchants from many different countries settled in the Foreign Settlements in these towns to trade. Some came from the Chinese Treaty Ports (e.g. Jardine, Matheson & Co., Dent & Co.), while others were newly founded companies (e.g. Russell & Co., Walsh, Hall & Co., Ross, Braber & Co). Many of the new companies were small partnerships that lasted only a few years, but some still exist today (e.g.

<sup>174</sup> Shogo Suzuki, *Civilization and Empire. China and Japan's Encounter with European International Society* (London and New York 2009); Chushichi Tsuzuki, *The Pursuit of Power in Modern Japan 1825-1995* (Oxford 2000); Hidemi Suganami, 'Japan's entry into international society', Hedley Bull and Adam Watson (eds.), *The Expansion of International Society* (Oxford 1984) 186-187; Tashiro Kazui and Susan Downing Videen, 'Foreign Relations during the Edo Period: Sakoku Reexamined', *Journal of Japanese Studies*, 8:2 (Summer, 1982) 283-306.

<sup>175</sup> Kennedy, *The American Consul*, 117-126.

<sup>176</sup> M.R. Auslin, *Negotiating with imperialism: the unequal treaties and the culture of Japanese diplomacy* (Cambridge 2004).

<sup>177</sup> Another important difference is the prohibited import and sale of opium in Japan.

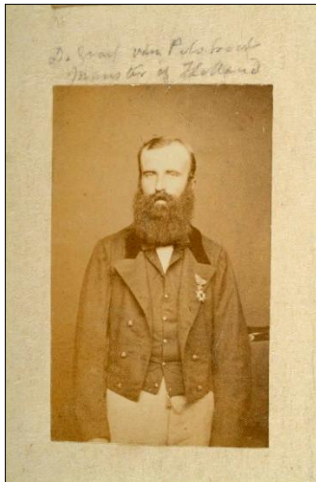
<sup>178</sup> Harold S. Williams, *Tales of the Foreign Settlements in Japan* (Tokyo 1958).

<sup>179</sup> Rutherford Alcock, 'Narrative of a Journey in the Interior of Japan, Ascent of Fusiyama, and Visit to the Hot Sulphur-Baths of Atami, in 1860', *Journal of the Royal Geographical Society of London* 31 (1861) 321-356; Rutherford Alcock, 'Narrative of a Journey Through the Interior of Japan, from Nagasaki to Yeddo, in 1861', *Journal of the Royal Geographical Society of London* 32 (1862) 280-293. In this overland route they followed the Court Journey (*Hofreis*) of the Dutch during the Deshima period (1641-1853).

<sup>180</sup> John McMaster, 'Alcock and Harris. Foreign Diplomacy in Bakumatsu Japan', *Monumenta Nipponica*, 22:3/4 (1967) 305-367 and Daniels, *Sir Harry Parkes*. For the French diplomats see Medzini, *French Policy in Japan*, and Jean-Pierre Lehmann, 'Léon Roches – Diplomat Extraordinary in the Bakumatsu era: An Assessment of His Personality and Policy', *Modern Asian Studies*, 14:2 (1980) 273-307.

<sup>181</sup> Alcock, 'Narrative of a Journey Through the Interior of Japan, from Nagasaki to Yeddo, in 1861', 282.

the British firm Cornes & Company or the German company L. Kniffler & Co., later C. Illies & Co.).<sup>182</sup>



< Dirk de Graeff van Polsbroek (1833-1916), Dutch consul in Yokohama

Dirk de Graeff van Polsbroek (1833-1916) went to the Dutch East Indies in 1853 and entered government service in 1856 as clerk. Within a year he was sent to the Dutch trading post at Deshima (Nagasaki) and helped to negotiate the preliminary Dutch-Japanese treaty in 1856 and the final one in 1858. Shortly before the official opening of Japan (1 July 1859), he quit his job and started a business firm with Carl Julius Textor (1816-?) under the name of Textor & Company.<sup>183</sup> They settled in Yokohama in early July 1859. In his diary, Van Polsbroek admits that within a few months they made such large profits that he could build a home and two warehouses.<sup>184</sup> In June 1859, Van Polsbroek became Dutch vice-consul in Yokohama. Several merchants had already settled in the port prior to its opening. Of the English he writes: 'They were extremely rude and impolite. The English believed that they lived in an uncivilized and conquered country'.<sup>185</sup> He later befriended Townsend Harris, his interpreter of Dutch origin Henry Heusken and other members of the consular and diplomatic community, including Alcock. Van Polsbroek was appointed Dutch consul in 1861 and this apparently ended his association with Textor & Company, although this is not mentioned in his diary. Another Dutch trader-consul was Albert Johannes Bauduin (1829-1890), agent of the Nederlandse Handel-Maatschappij (NHM), by far the largest Dutch trading company in Japan. In 1863 he became consul in Nagasaki until he moved to Hyogo after its opening in 1868. He would stay in Japan until 1872. Bauduin's main task was the financial restructuring of the NHM after the bankruptcy of the Scottish firm Glover & Company.<sup>186</sup>

The sudden increase in foreign trade produced much work for the consuls. The British consul in Yokohama, the busiest Japanese port, registered 15,000 seamen in 1879. In addition he registered British subjects residing in the port: in the same year about 3,000 (including soldiers).<sup>187</sup> One of his duties was collecting commercial information. This information appeared in reports sent home, but excerpts were often published in local news papers. Most merchants found the reports lacking and often published too late. British consuls could not work for specific companies, nor could they advocate particular products. In due course, however, trade promotion gained in importance and they were allowed to point to new possibilities for traders.

Because of extraterritoriality, western consuls in Japan had judicial powers to handle civil and criminal cases. This proved very useful in the first chaotic and dangerous years after the opening when

<sup>182</sup> Par Barr, 'Jardines in Japan', in Maggie Keswick & Clara Weatherall (eds.), *The Thistle and The Jade: A Celebration of 175 Years of Jardine Matheson* (Hong Kong 2008) 173-188.

<sup>183</sup> The German Carl Julius Textor previously worked in the Dutch East Indies (Kina Cultures). Textor & Co. was one of many trading companies (another example is Glover & Co.) that went out of business after the Meiji Restoration of 1868 because they had previously associated themselves with the old regime of the Shogun. H.J. Moeshart, *Arts en koopman in Japan 1859-1874. Een selectie uit de fotoalbums van de gebroeders Bauduin* (Amsterdam 2001) 37.

<sup>184</sup> Herman J. Moeshart (ed.), *Journal van Jonkheer Dirk de Graeff van Polsbroek, 1857-1870. Belevissen van een Nederlands diplomaat in het negentiende eeuwse Japan* (Assen 1987) 53.

<sup>185</sup> Moeshart, *Journal van Jonkheer Dirk de Graeff van Polsbroek*, 54.

<sup>186</sup> The NHM had loaned Glover & Co. about 340,000 Mexican dollars (c. 850,000 guilders). Moeshart, *Arts en koopman in Japan*, 37. After his retirement, Bauduin became consul of Japan in The Hague. Shinya Sugimoto, 'Thomas Glover A British Merchant in Japan, 1861-1870', *Business History* 26:2 (1984) 115-138; Alexander McKay, *Thomas Blake Glover 1838-1911. Scottish Samurai* (Edinburgh 1997).

<sup>187</sup> J.E. Hoare, 'Britain's Japan Consular Service, 1859-1941', in Hugh Cortazzi (ed.), *British Envoys in Japan, 1859-1972* (Folkestone 2004) 265.

anti-western Japanese attacked and murdered many western merchants, soldiers, seamen and sea captains in the Foreign Settlements in Nagasaki, Yokohama and Hakodate. It was in addition necessary for managing the conduct of western merchants. Because of the dangerous conditions they were used to carrying guns and pistols during the day and even at night. 'The trade to Japan in these weapons must have been very great in those days, as everyone wore a pistol whenever he ventured beyond the limits of the foreign settlement, and constantly slept with one under his pillow'.<sup>188</sup> In April 1860 Van Polsbroek acted as judge in a court case between a Dutch merchant and Japanese trader. He seems not to have been pro-Dutch in his judicial functions, which created some tensions with the Dutch entrepreneurs. For repeatedly insulting Japanese authorities he jailed a Dutch merchant for several days.<sup>189</sup> The Dutch consul-general De Wit explained that some of the problems arose from the treaties themselves that went against Japanese customs. In addition he believed that many western merchants were simply adventure-seekers. 'There are some who came to seek a fortune. For these persons it is essential to establish a consular jurisdiction as soon as possible'.<sup>190</sup> In this he was confirmed by the Alcock who once called the British merchants in Japan 'the scum of the earth'.<sup>191</sup> Like the Chinese, the Japanese tried to preserve their culture. The Dutch consul Van Polsbroek noticed in a report for the Foreign Minister: 'On the roads and in the cities of all civilised countries people travel by carriage. I do not understand what the problems are concerning its use and whether Japanese law can prohibit it, since the use of carriages was until now unknown to the Japanese. This method of transport is much easier and quicker than a Japanese palanquin'.<sup>192</sup>

Western merchants and consuls clashed on several occasions. A common problem was violating treaty regulations. The western habit of horse riding in the countryside created numerous problems even after the governor of Nagasaki prohibited it in May 1860. Another western (mainly British) habit, shooting, was much frowned upon by the Japanese and repeatedly outlawed. When the Japanese authorities detained a British merchant (Michael Moss) for shooting aside the Foreign Settlement of Yokohama, his consul was obliged to arrange his release from prison with the help of the French consul. Soon after the Japanese had released him an angry mob of western merchants carrying pistols turned up to demand the same. Van Polsbroek was also present at the scene and arrested several Dutch merchants because one of them had shot a Japanese policeman in the arm. Moss later complained that he was a successful merchant in Japan from 1860 until he was illegally sentenced by his consul-general after being captured and jailed by Japanese officials for shooting near Yokohama in November 1860.<sup>193</sup> In July 1861, the Dutch consul De Wit in Nagasaki fined a fellow countryman for being drunk and molesting a Japanese guard. The merchant protested and claimed innocence, but couldn't actually remember whole the incident. Legal cases were numerous in those early years. The British Yokohama consulate alone handled about two to three hundred cases a year.<sup>194</sup>

The consuls were no saints either. When H.M.S. *Sampson* arrived in Nagasaki on 18 June 1859 carrying Alcock and consul C. Pemberton Hodgson (1821-1865), all seemed well. Hodgson, however, proved unable to perform his tasks because of alcoholism. He was dismissed from his post in Hakodate

<sup>188</sup> Satow, *A Diplomat in Japan*, 47.

<sup>189</sup> Moeshart, *Journal van Jonkheer Dirk de Graeff van Polsbroek*, 16-18.

<sup>190</sup> C.M. Steegers-Groeneveld, 'Culturele en gewelddadige botsingen tussen Japanners en buitenlanders', *Japan en de Lage Landen*, 2:1 (1982) 21-31 (24).

<sup>191</sup> Rutherford Alcock, *The Capital of The Tycoon. A Narrative of a three years' residence in Japan* (London 1863); Christopher Howe, *The origins of Japanese trade supremacy: development and technology in Asia* (London 1996) 78; Hugh Cortazzi (ed.), *British Envoys in Japan, 1859-1972* (Folkestone 2004) 9-39; J.E. Hoare, 'Britain's Japan Consular Service, 1859-1941', in Hugh Cortazzi (ed.), *British Envoys in Japan, 1859-1972* (Folkestone 2004) 260-269.

<sup>192</sup> Steegers-Groeneveld, 'Culturele en gewelddadige botsingen', 21-31 (24); Moeshart, *Journal van Jonkheer Dirk de Graeff van Polsbroek*.

<sup>193</sup> Michael Moss, *Seizure by the Japanese of Mr. Moss and his treatment by the consul-general* (London 1863).

<sup>194</sup> Hoare, 'Britain's Japan Consular Service', 266.

after one year. Captain Francis Howard Vyse (1828-1891), British consul at Yokohama, nicked some skeleton bones of the Ainu for 'scientific purposes' and was duly fired in 1866.<sup>195</sup> The American consul-general Townsend Harris, claimed 'illness' that could last for several days.<sup>196</sup> American merchants disliked Harris because he did little to stimulate trade and protect American interests. In April 1859, shortly before the official opening of the Japanese ports, Harris appointed John G. Walsh of Walsh, Hall & Co. as U.S. consul in Nagasaki. Walsh was allowed to continue trading while he was consul. Walsh' partner Francis Hall (1822-1902) was highly critical of Harris. 'Our American merchants resident at Kanagawa, or rather Yokohama, throw much blame on Minister Harris for lack of proper care of American interests'. He continued '(...) Mr. H. Is not the vigorous actor and sound thinker he may have been before age and infirmities sapped his vigor'.<sup>197</sup> When Harris wanted to spend Christmas Day 1860 with his fellow Americans, they refused to eat dinner with him, because '(...) Mr. Harris has alienated himself from the good will of his countrymen by his official and personal neglect of them'.<sup>198</sup> When Harris finally returned to America in May 1862, he was replaced by Robert H. Pruyn who was soon very active in negotiating business deals with the Japanese government, including the procurement of navy ships that would earn him a handsome profit as well.<sup>199</sup>

Dutch merchants seem to have been equally disappointed in some of their consuls. According to Van Polsbroek, the Dutch merchants disliked consul-general De Wit and repeatedly asked if he could be replaced by a more dynamic person. De Wit left in May 1863 and was replaced by Van Polsbroek.<sup>200</sup> The sea captain C.T. van Assendelft de Coningh (1821-1890), started a trading company early July 1859 in Yokohama which he left in 1867.<sup>201</sup> While in Japan he associated himself with other merchants to establish De Coningh, Carst, Lels & Co. in Yokohama (Carst & Lels was a German company in Nagasaki). His journal is, however, very mysterious about his business dealings and the money he earned exchanging Japanese silver for Chinese gold during the first months after the opening. According to De Coningh, the Dutch consuls (including Van Polsbroek) had enriched themselves during the months before the official opening, thus depriving regular merchants of their profit. De Coningh reported his arrival by Van Polsbroek and remarked that, because Van Polsbroek at that time was also a trader, he might be seen a new unwelcome competitor. He furthermore felt that the inexperience and youthfulness of Van Polsbroek resulted in a loss of prestige and power of the Dutch in Japan.<sup>202</sup>

The Dutch consul in Nagasaki De Wit thought that the British not only believed they were superior to the Japanese, but also acted like that, while the Dutch were more sensitive to Japanese habits thanks to their century's long residence in Deshima. This didn't stop the Japanese from attacking Dutch merchants and sailors. The consulate of Van Polsbroek in Yokohama was searched by Japanese

<sup>195</sup> Hoare, 'Britain's Japan Consular Service', 260-270; C. Pemberton Hodgson, *A residence at Nagasaki and Hakodate in 1859-1860* (London 1861); Ann B. Irish, *Hokkaido: A History of Ethnic Transition and Development on Japan's Northern Island* (Jefferson 2009) 92-93. The Ainu live on Hokkaido (then: Ezo) and are believed to be the oldest inhabitants of Japan.

<sup>196</sup> Carl Crow, *He opened the door of Japan. Townsend Harris and the story of his amazing adventures in establishing American relations with the Far East* (New York/London 1939) 11-17. No references to the 'illness' of Harris is to be found in Harris own journal. See also Henry Heusken, *Japan Journal 1855-1861* (New Brunswick 1964) (translated and edited by Jeanette C. van der Corput and Robert A. Wilson).

<sup>197</sup> F.G. Notehelfer (edited, annotated and abridged), *Japan through American Eyes. The Journal of Francis Hall, 1859-1866* (Boulder 2001) 21.

<sup>198</sup> Notehelfer, *Japan through American Eyes*, 22.

<sup>199</sup> Hammersmith, *Spoilsmen in a "Flowery Fairyland"*.

<sup>200</sup> Moeshart, *Journal van Jonkheer Dirk de Graeff van Polsbroek*, 61. De Wit was never pleased with his appointed as consul-general in Japan (Moeshart, *Journal van Jonkheer Dirk de Graeff van Polsbroek*, 71). Van Polsbroek was appointed Dutch Political Agent in Japan with diplomatic powers.

<sup>201</sup> F. Smit Kleine, 'Levensbericht van C. Th. van Assendelft de Coningh', *Handelingen en mededeelingen van de Maatschappij der Nederlandsche Letterkunde te Leiden, over het jaar 1890-1891* (Leiden 1891) 155-168.

<sup>202</sup> C.T. van Assendelft de Coningh, *Ontmoetingen ter zee en te land* (Haarlem 1879) Volume 2, 45-49.

thieves in October 1860, although it was guarded by Japanese samurai. The murder of Henry Heusken in January 1861, Dutch translator of the American consul-general Harris, the attack on the British Legation in Edo in July 1861, and the murder of the British merchant Charles Lennox Richardson in September 1862, brought the tensions in the Foreign Settlements to a climax. Van Polsbroek wrote: 'The security in Jokko Hama (Yokohama, FDG) still leaves much to be desired'.<sup>203</sup> Life wasn't always that exiting. One year after his arrival Alcock wrote in his diary: 'Dear Life! What could make it so in such an exile as this – in total isolation, under sentence of banishment from all that enters into and constitutes *existence* in a civilized country?'.<sup>204</sup>

A joined action of the western powers resulted in two naval interventions in August 1863 (the bombardment of Kagoshima) and August 1864 (the bombardment of Shimonoseki). Conditions didn't really improve, however, until the Meiji Restoration of 1868. The extraterritoriality of westerners in Japan did not end until the treaty revision of 1898.

## 5 – Closing remarks

The duties and functions of consuls were manifold and they steadily multiplied in the nineteenth century as more and more was required of them by their governments. The most important duties were in relation to his fellow countrymen, mainly the entrepreneurs. The services a consul provided for entrepreneurs may seem small, but they could decide whether an investment would be profitable or not (e.g. the American bicycles and harvesters in Scotland). In non-western countries consuls had judicial and quasi-diplomatic functions, because of the special conditions in these countries. They frequently used these powers to help businessmen by collecting information of business conditions and practices in the various places they were posted.

Western governments certainly acknowledged the importance of consuls in the nineteenth century and their numbers increased. At the same time, governments modernised the consular service. They offered better training, set up schools, and changed the system of appointments and remuneration. Most western states, however, struggled to keep the costs of the consular system as low as possible and this explains why most consuls were allowed to trade. Throughout the nineteenth century, however, there was an ongoing discussion about this doubling of functions. By the twentieth century, most countries employed state-paid consuls besides honorary consuls. The speed and level of modernisation differed in western countries, but the goal was essentially the same: increasing the quality of the consular service to stimulate economic growth through international trade. The final phase in the modernisation process was the incorporation of the consular service in the diplomatic service but, except in France, this had to wait until the first half of the twentieth century.

The opening of new markets in Africa, the Middle East and East Asia in the nineteenth century happened through negotiating commercial treaties, if necessary with the use or threat of military force. Western states had to confront different ideas on international relations in non-western societies, ranging from an Islamic system to a Sino-centric system (and smaller Japan-centric). The social and economic position of consuls and businessmen in these systems therefore differed markedly from what they encountered in the West. Once a treaty was signed, businessmen were allowed to enter non-western countries to trade or make investments. But these states regularly violated treaty regulations and this forced consuls and ambassadors into action. The 'right or freedom to trade' was one of many articles in the commercial treaties, as was the appointment of consuls and an ambassador. It was the consul, however, who most vigorously defended this right to trade for his fellow countrymen. In this he

<sup>203</sup> Steegers-Groeneveld, 'Culturele en gewelddadige botsingen', 26.

<sup>204</sup> Alcock, *The Capital of The Tycoon*, 362 (volume 1).

acted on instructions from his government and with the help of the embassy, but given the slow pace of communication and transport and long distances, he often acted on his own judgement and character.

The literature on the internationalisation of business, particularly multinational or transnational corporations, is already immense and still expanding. There doesn't seem to be much interest, however, in the initial conditions or prerequisites for international business. One factor is getting and maintaining access to markets of sovereign states and in this process international relations and foreign policy are paramount. In this essentially non-economic process diplomats and consuls played a crucial role for businessmen and business historians should for that reason look more 'beyond the firm'.