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Consular Antecedents

The origin of consuls predates that of permanent ambassadors by almost two millennia. The first ambassadors set up residence in foreign countries during the late Middle Ages. An establishment closely approximating a consular service had been created in Egypt in the sixth century B.C. during the reign of the pharaoh Amasis, who, wishing to encourage trade with the Greeks, set aside Naucratis, a city in the Nile Delta, where they could live under their own governors.¹ Those governors had many of the characteristics of modern consuls in that their principal functions were to encourage trade, act as magistrates for their citizens living in Egypt, serve as intermediaries with the Egyptian authorities, and report back to their city-states on political and economic conditions in Egypt. Naucratis was not a Greek colony but existed at the sufferance of the Egyptian Pharaoh, who delegated certain powers to the Greek governors in the manner that countries today will allow foreign consuls to perform certain legal functions for their own citizens.

Having foreign officials in a sovereign country exercising certain authority over their own citizens has a logic that was evident centuries before the exchange of resident ambassadors. The Pharaoh gave the Greeks a place where they were both isolated and protected. Removing them from too much contact with Egyptians also spared the Pharaoh's officials from having to deal with disputatious foreign traders and kept the foreigners from corrupting his subjects.

The Greek city-state system, and later that of the Romans, had their versions of consuls. But, with the collapse of the Roman Empire and the advent of the Dark Ages, it was not until the eleventh and twelfth centuries that the trading states of Europe began to

reassemble their systems of laws, codes, and commercial practices. Gradually merchants in northern Europe (especially members of the Hanseatic League) and the Mediterranean were enabled to enjoy a certain security in knowing that their goods and agents were not completely at the mercy of capricious local magistrates. With the codification of mercantile practices, consuls began to reappear to help merchants of their cities or states on foreign shores. By the thirteenth century Venice had more than thirty consuls placed abroad in Tunis, Alexandria, Cairo, and Damascus, as well as in all of the major European ports.²

As commerce grew, countries and city-states began to send their ambassadors to reside at courts of foreign rulers, rather than to perform a specific mission and then return. These resident ambassadors took away some work consuls had performed, especially in dealing with major problems affecting large numbers of their subjects, but few ambassadors had the interest, experience, or authority to deal with commercial matters, or intercede for merchants or sailors in trouble. Courts and ports were two different worlds, and it took different types of men to deal with each. Even today, although there are attempts to meld professional diplomats with consuls, individual differences in personality and outlook sharply affect preferences for one or the other field of work.

By the eighteenth century the consular network of the major trading nations was well established; consuls in the ports and commercial cities of Europe were gaining respect for their abilities in seeing that the wheels of commerce turning at a proper rate. Some countries appointed their own merchants as consuls, permitting them to continue in private trade while looking after their countries' interests and collecting fees for their services. Others appointed foreigners as consuls; attracting men who found it worthwhile to represent a foreign power, either because of the honor or because occupying a quasi-legal position gave them certain trade advantages. A few countries, notably France, the dominant European power, had established a professional consular service.

While consuls in European cities enjoyed prestige and often monetary advantages, their colleagues along the north coast of Africa were in a perpetually precarious position. By the seventeenth century the Ottoman Empire had lost much of its control over its supposedly subject states of Tunis, Tripoli, Algiers, and Morocco. The rule of the Sublime Porte was nominal, but because the Barbary States acknowledged the sovereignty of the Ottoman sultan, other

nations wishing to deal with them could not send ambassadors since they could go only to the court of an acknowledged ruler. The consul's position was well suited for this type of situation. A consul could act almost as an ambassador without upsetting the dignity of the sultan in Constantinople. Another reason to put consuls on those inhospitable shores was that they were expendable. In diplomatic usage, endangering or taking the life of an ambassador could be a mortal insult, since the ambassador was the personal representative of the sending ruler. A consul was no more or less than a governmental official; if something happened to him, it might be a matter of concern or even outrage, but not a matter of war.

The European consuls to the Barbary states played a key role in helping clients caught in impossible circumstances. The states of Algiers, Morocco, Tunis, and Tripoli survived by means of war and tribute. Each state had a small navy and vessels fitted out as privateers. These ships preyed on the merchant ships of one or more of the European countries that did not pay tribute to the Barbary rulers.

The consuls helped negotiate and pay the tribute, and arranged for the ransom of their countrymen who had been captured and enslaved during times of war. The consuls might continue their appointed work even while their country was at war with the Barbary states³, or they might be thrown in jail.⁴ None of these Barbary states were as powerful as Spain, France, England, or a combination of the Italian trading states, such as Venice and Genoa, but they were not put out of business until the nineteenth century. "Beggars your neighbor" was considered a smart policy.

By the mid-eighteenth century the European consular corps in the Barbary states had become quite professional. Most members were paid salaries by their governments and were experienced in dealing with the autocratic rulers in the face of great hazards, such as being tied to cannons and blown apart if capricious demands of the rulers were not met.⁵ Although it was not unknown for a French consul to urge the corsairs to attack English ships and for the English consul to reciprocate, there was a genuine esprit de corps in the consular ranks. At one point, when France and England were at war, both consuls in a Barbary state joined with other members of the corps to protest when one of their number was badly treated.⁶

The long travail of the European consuls on the Barbary Coast was perhaps salutary to the profession at large. The need to have competent men posted to such a difficult area brought

the importance of selection of consuls home to their respective governments. This was a lesson the United States learned slowly; it would take over a hundred years for it to sink in.

By the time of the American Revolution, the French had a highly organized consular service. Elaborate rules were drawn up by Louis XIV's officials: requiring a consul to be over thirty years old, to have served over three years as a vice consul, and to have proved himself worthy of further advancement.⁷ The consul received a salary and could not engage in trade. More authority was given to French consuls over their king's subjects abroad than was given by the British to their English counterparts. A British consul in Algiers once complained to London that an English merchant was hurting his country's interests, but he could do nothing. . Had that merchant been French, his consul could have sent him packing back to France.⁸

British consuls were selected from merchants, naval or military officers, or other men of responsibility and experience.⁹ They were given a salary while serving abroad. The consul's authority resembled that of a chamber of commerce in that he "has the power to call a general meeting of British merchants and factors for the discussion of commercial affairs; and for the purpose of levying sums on trading ships, for the relief of shipwrecked mariners and charitable purposes. All matters are decided by the majority at such meetings."¹⁰

The British consuls' duties were spelled out in a series of instructions. The king's consul was to learn the local language; acquaint himself with the laws, ordinances, and customs of the area; and maintain the dignity of his office. He was to protect British subjects, seeking redress for injuries or insults they might suffer and acting as their advocate should they injure or insult a native. British subjects charged with crimes committed at sea were to be transported to Great Britain for trial. The consul was to relieve distressed British mariners and send penniless subjects home on British ships. He was also to see that British ships paid their bills before leaving port, claim and recover what he could from the wrecks of British ships, arbitrate trade disputes between British merchants and ship captains, and put disorderly seamen and captains into prison. Further, he was to complain against any oppressive regulations, arbitrary actions, or infractions of treaties in relation to the commerce of his country, and he was to transmit periodic reports on trade. Finally, in a Catholic country, he was to defend Protestants in the

free exercise of their faith.¹¹ With the exceptions of putting seamen and their captains in a consular jail and protecting the Protestant faith in Catholic countries, these instructions given out in the time of George I (1714–27) cover the major responsibilities of the modern consuls of most countries today, including those of the United States.

Until the colonial Americans severed their ties to Great Britain in 1776, American merchants and seamen benefited from the British consular system, which looked after the interests of all British subjects. By 1776 any country with major shipping interests and markets abroad recognized the need to have a consular service and the value of having one that recruited and kept men who were knowledgeable in trade and in dealing with foreign governments.