

CHAPTER I

ORIGINS OF ORGANIZED DIPLOMACY

Since 1918 public opinion in democratic countries has become increasingly interested in foreign affairs—Their understanding of the problem has however been diminished owing to a confusion between “foreign policy” and “negotiation”—This confusion arises from the indiscriminate use of the word “diplomacy” as a term signifying many different things—The meaning of “diplomacy” as employed in this study—Origins of diplomatic practice—Prehistorical origins and taboos—The herald and his patron Hermes—The transition from the herald-diplomatist to the advocate-diplomatist—The Congress of Sparta in 432 B.C. as an illustration of diplomacy as organized by the Greek City States—The Romans and the conception of *ius naturale*—Byzantine diplomacy—The more scientific aspects of diplomacy as implied by the word “diploma” and its associations—The emergence in Italy of the art and profession of diplomacy—The transition between temporary and permanent embassies brings with it a change from the “orator” type of diplomatist to the “trained-observer” type—The confusion in diplomatic practice which existed before the nineteenth century—The regulations laid down by the Congresses of Vienna and Aix-la-Chapelle as the foundation of professional diplomacy—The practice of diplomacy is thereby consolidated and confirmed

It will be useful, from the outset, to define what this book is about.

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Before the war of 1914-18 the ordinary elector in Great Britain, in the Dominions and in the United States took but a spasmodic interest in international relations. There were periods, of course, when foreign policy became the subject of party, and even of platform, controversy. Yet for the most part the public were uninterested either in the principles of foreign policy or in the methods and agencies by and through which that policy was executed. There was the assumption that the foundations of foreign policy were based upon changeless national and imperial necessities and that, as such, they stood outside the arena of party conflict. There was a feeling that foreign affairs were a specialized and esoteric study, the secrets of which lay beyond the scope of the ordinary layman's experience or judgment. And there was thus a tendency to leave the conduct of foreign policy to the Cabinet and its attendant experts and to trust them to maintain national "rights and interests" by such methods, and by such combinations, as might appear to them at the time to be feasible and expedient.

Implicit in this state of public indifference was the confidence that successive Governments would do their utmost to preserve the greatest of all national interests, namely peace. And if a situation arose in which the vital liberties, rights, possessions or interests of the country were menaced by any threat of external force, the majority of

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the country would support the Government in its determination to resist that menace by the use of military and naval power.

The war of 1914-18 did much to change this negative or acquiescent attitude. On the one hand it was realized that a country might be committed (without its full knowledge, deliberation and approval) to policies involving definite pledges to foreign Powers. And that if a major crisis arose, the people might be faced overnight by the alternative of having either to repudiate promises which had been made in their name, or else to plunge into hostilities. On the other hand it was known that modern warfare is not confined in its effects to those professional soldiers and sailors who of their own free will have selected the profession of arms; but that it entails upon every individual citizen anxious ordeals, heavy anxieties and appalling dangers.

It was the realization of these two facts which, after the War, encouraged the ordinary elector in democratic countries to adopt towards international problems an attitude of less easy-going acquiescence, of better informed criticism, and of more continuous alertness. This was a valuable development. Yet in approaching this new, this intricate and this perplexing study, the mind of the general public became confused. Their alertness took the form of anxiety; their criticism manifested itself all too

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often in shapes of exaggerated suspicion ; and their attention became strained.

One of the main causes of this anxious bewilderment was the mistake made by the public in confusing *policy* with *negotiation* and in calling the two branches of their subject by the same ill-favoured name of "Diplomacy." They failed to distinguish between what might be called the "legislative" aspect of the problem and what might be called its "executive" aspect. For whereas "foreign policy" in democratic countries should be a matter for the Cabinet to decide with the approval of the elected representatives of the people ; the execution of that policy, whether we call it "diplomacy" or "negotiation," should generally be left to professionals of experience and discretion.

This distinction is in fact vital to any sound democratic control of foreign policy. In domestic affairs, in which the public have the accumulated experience of many generations, the distinction causes no difficulty. A budget or an education bill is framed by the responsible Minister in consultation with his departmental experts ; it is then discussed by the Cabinet as a whole and submitted to Parliament for deliberation and decision ; and thereafter it is handed over to the executive for execution. Public interest is rightly focused upon the early deliberative stages during

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which the "policy" is being framed and decided; the subsequent "executive stage," during which it is being carried out, affects them less immediately. In foreign affairs, however, the electorate have not as yet acquired the habit of making this convenient distinction; and their failure to acquire this habit is largely due to the continuous misuse of this word "diplomacy" as implying both the framing of foreign policy and its execution.

It is thus essential, at the outset of this study, to define what the word "diplomacy" really means and in what sense, or senses, it will be used in the pages that follow.

II

In current language this word "diplomacy" is carelessly taken to denote several quite different things. At one moment it is employed as a synonym for "foreign policy," as when we say "British diplomacy in the Near East has been lacking in vigour." At another moment it signifies "negotiation," as when we say "the problem is one which might well be solved by diplomacy." More specifically, the word denotes the processes and machinery by which such negotiation is carried out. A fourth meaning is that of a branch of the Foreign Service, as when one says "my nephew is working for diplomacy." And a fifth interpretation which this unfortunate word is made to carry is that of

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an abstract quality or gift, which, in its best sense, implies skill in the conduct of international negotiation; and, in its worst sense, implies the more guileful aspects of tact.

These five interpretations are, in English-speaking countries, used indiscriminately, with the result that there are few branches of politics which have been exposed to such confusion of thought. If, for instance, the word "army" were used to mean the exercise of power, the art of strategy, the science of tactics, the profession of a soldier and the combative instincts of man—we should expect public discussion on military matters to lead to much misunderstanding.

The purpose of this monograph is to describe, in simple but precise forms, what diplomacy is and what it is not. In the first two chapters a short sketch will be given of the origins and evolution of diplomatic practice and theory. The purpose of this historical review will be to show that diplomacy is neither the invention nor the pastime of some particular political system, but is an essential element in any reasonable relation between man and man and between nation and nation. An examination will follow of recent modifications in diplomatic methods, with special reference to the problems of "open" and "secret" diplomacy and to the difficulty of combining efficient diplomacy with democratic control. Other sections will

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deal with the actual functioning of modern diplomacy, with the relation between diplomacy and commerce, with the organization and administration of the Foreign Service, with diplomacy by Conference and with the League of Nations as an instrument of negotiation. At the end a reasoned catalogue will be given of current diplomatic phrases such as may assist the student in understanding the technical language (it is something more than mere jargon) which diplomacy has evolved.

Yet before embarking upon so wide a field of examination, it is, as has been said, necessary to define in what sense, or senses, the word "diplomacy" will be used in this study. I propose to employ the definition given by the Oxford English Dictionary. It is as follows :

"Diplomacy is the management of international relations by negotiation ; the method by which these relations are adjusted and managed by ambassadors and envoys ; the business or art of the diplomatist."

By taking this precise, although wide, definition as my terms of reference I hope to avoid straying, on the one hand into the sands of foreign policy, and on the other into the marshes of international law. I shall discuss the several policies or systems of the different nations only in so far as they affect

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the methods by which, and the standards according to which, such policies are carried out. I shall mention international law only in so far as it advances diplomatic theory or affects the privileges, immunities, and actions of diplomatic envoys. And I shall thus hope to be able to concentrate upon the "executive" rather than upon the "legislative" aspects of the problem.

III

It is first necessary to consider how and why diplomatic practice arose in human society.

I am conscious that the expression "diplomatic practice" may in itself give rise to that ambiguity which I have just deplored. By some it may be interpreted as signifying those habits of conducting international business which, after centuries of experience, diplomatists have found to be the most efficient : by others it may be taken as denoting those principles of negotiation which are common to all international intercourse and as such independent of transitory changes in systems of government or in foreign policy.

It will be well, therefore, to keep these two shades of interpretation distinct from each other. In the present chapter I shall examine by what stages men came to invent and develop the actual machinery of a professional diplomatic service. In my next chapter I shall examine how the general

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conception and rules of the art of negotiation emerged as something essentially different from (although always supplementary and even subservient to) state-craft on the one hand and politics upon the other. I shall therefore begin with the origins and evolution of the diplomatic service.

Diplomacy, in the sense of the ordered conduct of relations between one group of human beings and another group alien to themselves, is far older than history. The theorists of the sixteenth century contended that the first diplomatists were angels, in that they served as "angeloi" or messengers between heaven and earth. This is not a view which would be held by modern historians.

Even in pre-history there must have come moments when one group of savages wished to negotiate with another group of savages, if only for the purpose of indicating that they had had enough of the day's battle and would like a pause in which to collect their wounded and to bury their dead. From the very first, even to our Cromagnon or Neanderthal ancestors, it must have become apparent that such negotiations would be severely hampered if the emissary from one side were killed and eaten by the other side before he had had time to deliver his message. The practice must therefore have become established even in the remotest times that it would be better to grant to such negotiators certain privileges and

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immunities which were denied to warriors. The persons of such envoys or messengers, if properly accredited, must from the first have been regarded as in some way "sacrosanct"; and from this practice derive those special immunities and privileges enjoyed by diplomatists to-day.

It must be remembered that in primitive society all foreigners were regarded as both dangerous and impure. When Justin II sent ambassadors to negotiate with the Seljuk Turks they were first subjected to purification for the purpose of exorcising all harmful influence. The tribal wizards danced round them in a frenzy of ecstasy burning incense, beating tambourines and endeavouring by all known magic to mitigate the dangers of infection. Envoys to the Tartar Khans were also obliged to pass through fire before they could be allowed into the presence, and even the gifts which they had brought with them were similarly sterilized. So late as the fifteenth century the Republic of Venice threatened with banishment, or even death, those Venetians who held intercourse with any member of a foreign legation. Even to-day some relics of this taboo can be detected in Moscow and in Teheran. In London, and other more advanced capitals, the process of purification to which foreign ambassadors are subjected is more gradual and less overt.

In antiquity, this taboo against foreigners and

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especially against foreign envoys was widespread and potent. In order to mitigate its severity the practice arose of assigning diplomatic privileges to a special functionary, namely the tribal, or city, herald. These heralds were invested with semi-religious authority and placed under the special tutelage of the God Hermes. The choice of this deity had an unfortunate effect upon the subsequent repute of the Diplomatic Service.

The God Hermes, it will be remembered, symbolized for the ancients the qualities of charm, trickery and cunning. On the very day of his birth he stole fifty head of cattle from his brother Apollo, and then (having hidden the cows in a cave) returned to sleep peacefully in his cradle. This resourcefulness on his part was warmly applauded by Zeus who thereafter employed Hermes upon the most delicate diplomatic missions, including the murder of Argos. By the Greeks Hermes was regarded as the kindly but unscrupulous patron of travellers, merchants and thieves. It was he who endowed Pandora, the first woman, with the gift of flattery and deception. It was from him that the heralds derived the strength of their voice and the retentiveness of their memory. He came to be regarded as the intermediary between the upper and the lower worlds ; yet although he was widely popular, he was not deeply respected. Later diplomatists have often regretted that someone less

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brilliant but more reliable was not chosen as their tutelar deity.

IV

When we pass from the mythological to the historical, we find ourselves upon surer and more reputable ground. The heralds of the Homeric period were not only the accredited agents of negotiation, but were also charged with the functions of managing the royal household, keeping order at assemblies and conducting certain religious rites. As Greek civilization developed, and as relations between the several city states became at once closer and more competitive, it was found that the art of negotiation entailed qualities of a higher level than those possessed by the town-crier. The profession of herald often ran in families, and the main qualification for an efficient herald was that he should possess a retentive memory and a very loud voice. With the increasing complexity of the commercial and political relations between the several city states it became necessary to raise the standard of this rudimentary diplomatic service.

The Greek city states from the sixth century onwards adopted the practice of choosing as their Ambassadors the finest orators, the most plausible forensic advocates, that the community could produce. The task of these envoys was to plead

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the cause of their city before the popular assemblies of foreign leagues or cities. They were not expected to acquire information regarding the countries which they visited or to write any reports on their return; all that was expected of them was that they should make a magnificent speech.

Readers of Thucydides will recall how magnificent, and how long, such speeches were. They will also have observed that in the course of the fifth century B.C. these special missions between the Greek city states had become so frequent that something approaching our own system of regular diplomatic intercourse had been achieved.

Thucydides, in the opening chapters of his history, gives us a full and instructive account of the nature and procedure of a Greek diplomatic conference. He describes how the Spartans summoned a conference of their allies for the purpose of deciding whether Athens had in fact violated her treaties and whether she should be punished by war. This conference took place at Sparta in 432 B.C. Thucydides' record provides us with much valuable information regarding Greek diplomatic practice.

In the first place, there was the question of procedure. The delegations from Megara and Corinth made long speeches to the Lacedaemonian Assembly in which they outlined their case against Athens. They were then asked to withdraw and

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the Assembly debated what action should be taken. A motion in favour of war was put to the vote and was carried, first by acclamation and then by a numerical count.

The second point which emerges from Thucydides' record is that an Athenian delegation happened to be present in Sparta at the time. This delegation had not been invited to the Conference, which was composed solely of members of the Peloponnesian League. They were there "on some other business," probably in connection with some trade treaty. Yet they were not only allowed to attend the discussions of their impending enemies but were also permitted to intervene in the debate. And even when the League had voted for war against Athens, this Athenian trade-delegation were allowed to remain on in Sparta until their own special business had been despatched. This shows that the general diplomatic practice of the city states was unexpectedly advanced.

Thucydides' record of the Sparta Conference indicates that by the fifth century the Greeks had elaborated some system of constant diplomatic relations; that members of diplomatic missions were accorded certain immunities and great consideration; and that it had come to be recognized that the relations between states could not be managed or adjusted merely by ruse and violence, and that there was some implicit "law"

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which was above immediate national interests or momentary expediency.

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These traditions and these precepts were handed down from the Greeks to the Romans. The latter were not gifted with any special aptitude for the art of negotiation and during the many centuries of their supremacy their methods were those of the legionary and the road-maker rather than those of the diplomatist. At the worst, they were ruthless in their objectives and brutal in their methods. At the best, they evolved the principle of crushing their more obstinate opponents and sparing the submissive. The Roman contribution to diplomacy is to be sought for, not in the area of negotiation, but in the area of international law.

It would be far beyond the scope of this monograph to enter into a discussion of the difference between *ius civile* (the law as it applied as between Roman citizens) and *ius gentium* (the law as it applied between citizens and foreigners) and *ius naturale* (the law that is common to all mankind). The Roman doctrine of the validity of contracts naturally entailed a firm belief in the sanctity of treaties, and the popularity of the Regulus legend (the story of the man who sacrificed his life rather than break his pledge to the Carthaginians) shows that this conception was deeply rooted in the

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Roman conscience. The vague idea of a *ius naturale* did, moreover, imply a conception of certain principles of what we should now call international conduct. It suggested a fundamental idea of "right" applicable to all races and in all circumstances. It laid stress upon the duty of faithfulness to engagements. And it taught that the interpretation of treaties must be based, not upon the mere letter of the bond, but upon considerations of equity and reason.

Valuable, and indeed vital, as these contributions were, they were contributions rather to the theory of diplomacy than to its practice. The Roman system did, as will be seen later, create the profession of trained archivists, who were specialists in diplomatic precedents and procedure. Yet once they achieved supremacy, their relations with other countries were conducted from the colonial and administrative point of view, rather than from the diplomatic point of view. They did little, in fact, to create an expert body of trained negotiators.

It was during the later stages of the Roman Empire that the necessity for the art of negotiation, or of diplomacy proper, made itself felt. The Byzantine Emperors exercised this art with consummate ingenuity. They devised three main methods. The first was to weaken the barbarians by fomenting rivalry between them. The second was to purchase the friendship of frontier tribes

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and peoples by subsidies and flattery. And the third method was to convert the heathen to the Christian faith. It was by the concurrent employment of these three methods that Justinian was able to extend his influence over the Sudan, Arabia and Abyssinia and to keep at bay the tribes of the Black Sea and the Caucasus. Similar methods were adopted at a later stage of Byzantine history when the menace came from the Bulgarians, the Magyars and the Russians.

The constant efforts of the later Emperors to supplement their waning physical strength by diplomatic arrangements, and the particular methods which they adopted, introduced a new element into the practice of diplomacy. The method of playing off neighbouring despots one against the other rendered it essential that the Government at Constantinople should be fully informed of the ambitions, weaknesses and resources of those with whom they hoped to deal. It thus arose that the envoys of the Byzantine Emperors were instructed, not merely to represent the interests of the Empire at the courts of these barbaric despots, but also to furnish full reports as to the internal situation in foreign countries and the relation of those countries towards each other. For such purposes, qualities other than those of the herald or the orator were needed. What was required were men of trained powers of observation, long experi-

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ence and sound judgment. It was in this manner that the type or character of the professional diplomatist gradually evolved. Even as the orator type replaced the primitive herald type, so also did the orator give way to the trained observer.

VI

This evolution was a slow process. It was not until the fifteenth century, when the Italian States began to appoint permanent Ambassadors, that diplomacy as a profession can be said to have been generally recognized. And even then it was not till after 1815 that the status and rules of this profession were established by international agreement.

Meanwhile, however—and concurrently with this evolution from the herald to the orator and the orator to the professional diplomatist—a further factor had gradually emerged. This factor was connected in a curious way with the origin of the word “diplomacy” itself.

That word is derived from the Greek verb “diploun” meaning “to fold.” In the days of the Roman Empire all passports, passes along imperial roads and way-bills were stamped on double metal plates, folded and sewn together in a particular manner. These metal passes were called “diplomas.” At a later date this word “diploma” was extended to cover other and less metallic official documents, especially those conferring

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privileges or embodying arrangements with foreign communities or tribes. As these treaties accumulated, the imperial archives became encumbered with innumerable little documents folded and endorsed in a particular manner. It was found necessary to employ trained clerks to index, decipher and preserve these documents. Hence the profession of archivist arose, and with it the science of palæography—the science, that is, of verifying and deciphering ancient documents. These two occupations were, until late in the seventeenth century, called “*res diplomatica*” or “diplomatic business,” namely the business of dealing with archives or diplomas.

We do not always realize the importance acquired during the Middle Ages by the collection and the orderly arrangement of archives. It is no exaggeration to say that it was in the Papal and other chanceries, under the direction and authority of successive “masters of the rolls,” that the usages of diplomacy as a science based upon precedent and experience first came to be established. The Carolingian chancery was elaborately organized with a full clerical staff and was placed under the charge of an official known as the “chancellor.” This title (which in later Austrian and German history became of such resounding importance) derives from the name of “*cancellarius*” applied in Roman times to the man who was door-keeper

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at the Law Courts. Yet, in Carolingian times, no royal edict was regarded as legal unless it bore the counter-signature of the chancellor or keeper of the royal archives. It was this system which William the Conqueror established in England.

It should be remembered that the use of the terms "diplomacy" or "diplomatic" as applying, not to the study of archives, but to the conduct or management of international relations is comparatively recent. In England, it was not employed in this sense until 1796, when it was so used by Edmund Burke. And it was, as I have said above, only after the Congress of Vienna in 1815 that the diplomatic service was recognized as a profession distinct from that of the statesman or politician, or that it acquired, in definite form, its own rules, conventions and prescriptions.

The expression "diplomacy" was thus for many years associated in men's minds with the preservation of archives, the analysis of past treaties and the study of the history of international negotiations. This scientific, this scholarly, element is still vital to the functioning of any efficient Foreign-Service. The British Foreign Office, for instance, possesses in its Treaty Department a body of specialists upon diplomatic procedure, in its Library a highly competent staff of experts in precedent, and in its Legal Advisers a group of technicians steeped in the niceties of treaty-drafting and inter-

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national law. Without such a staff of historical and legal experts precedents would be overlooked and inaccuracies might be committed. It is thus important to emphasize what might be called the scholarly or technical origins of diplomatic practice.

The herald conception of the diplomatist waned with the realization that what was needed was something more than a stentorian voice; the orator conception waned when it was realized that it was not sufficient to send a gifted advocate but that the services of a trained observer of foreign conditions were essential to the correct estimation of policy. Yet, in spite of the Byzantine experiment, it was only gradually that the diplomatist, the legate or the "orator" (as he was for long called) came to be permanent features in international relations.

In the dark ages, and especially in feudal Europe, there was little opportunity for any orderly or established system of international contacts. Modern diplomacy as we understand it (meaning by that not only the art of negotiation but the technicians by whom that art is practised) arose during the thirteenth and fourteenth centuries in Italy. It may have been regrettable that Italy should have become the mother of organized or professional diplomacy; but it was also inevitable. The Italian city states stood outside the main feudal system; they were interconnected by countless common interests as well as sundered by

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ferocious rivalries; they were constantly engaged in a competition for power and preoccupied by those combinations and alliances which might render that power predominant. It was thus in Italy during the thirteenth and fourteenth centuries that the diplomatist-statesman arose.

Florence could boast of such Ambassadors as Dante, Petrarch and Boccaccio or, at a later stage, of Machiavelli and Guicciardini. It is none the less difficult to define with exactitude when and where the vital step was taken between the temporary mission and the permanent Embassy or Legation. Scholars have identified the first experiment in permanent representation with the legatine system of the Holy See. No convincing proof can be adduced for such an origin. The first recorded permanent mission is that established at Genoa in 1455 by Francesco Sforza, Duke of Milan. Five years later the Duke of Savoy sent Eusebio Margaria, archdeacon of Vercelli, to be his permanent representative in Rome. In 1496 Venice appointed two merchants then resident in London as "*sub-ambasciatori*" on the ground that "the way to the British Isles is very long and very dangerous." And a few years later permanent Embassies of the Italian States were established in London, Paris and at the Court of Charles V. Other powers imitated this example. In 1519 Sir Thomas Boleyn and Dr. West were sent to Paris as permanent

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British Ambassadors. And eventually Francis I of France devised something like a permanent diplomatic machinery.

Three centuries elapsed, however, before any diplomatic hierarchy was definitely established or recognized. In the Middle Ages diplomatic representatives were called by all manner of different names—legates, orators, nuncios, commisars, procurators, agents or ambassadors. Gradually two distinct classes came to be recognized. There was the ambassador who then, as now, was in theory the personal representative of the head of his own state. This representative quality led to endless complications. He was supposed to represent in his own person the status and dignity of his sovereign. This entailed an acute pre-occupation with precedence and many unseemly wrangles, pushings and proddings in royal ante-rooms. Even to-day the representatives of certain minor powers are acutely sensitive to the place which they are accorded at social functions and are apt, in extreme cases of displacement (such as frequently occur in London), to feel affronted. Yet the wretched Ambassadors of the sixteenth and seventeenth centuries were not merely supposed to engage in physical combat for the maintenance of their own precedence. They were expected to indicate by the lavishness of their display the magnitude and power of their own sovereigns, and

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since the said sovereigns generally omitted to pay them any salary, they fell frequently into debt. Moreover, the conception of royal or vicarious dignity precluded them from entering into contact with any persons other than those of royal or semi-royal blood. Their sources of information and their opportunities for intercourse were thus circumscribed. It was found more effective, and far cheaper, not to maintain full-fledged Ambassadors in foreign capitals but to rely upon the services of semi-official agents. These people were often untruthful and corrupt. The importance and influence which they acquired in the diplomatic services of every country did not redound to the credit of the calling as a whole.

The statesmen who attended the Congress of Vienna in 1815 realized that the opportunity should be taken to put an end to this ill-balanced and undignified system. The *Règlement* of March 19, 1815, and the subsequent regulations of the Congress of Aix-la-Chapelle, finally established the diplomatic services and representation of the Powers upon an agreed basis. Four categories or representatives were defined, namely (1) ambassadors, papal legates and papal nuncios. (2) Envoys extraordinary and Ministers plenipotentiary. (3) Ministers resident. (4) Chargé d'Affaires. More importantly, precedence in each category was to be assessed, not upon the highly controversial basis

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of the relative status and importance of the Ambassador's own sovereign, but upon the more demonstrable fact of the priority of his own appointment. Under this system the senior Ambassador, or in other words the Ambassador who had been longest at the post, became the *doyen* or dean of the diplomatic body. The other Ambassadors took their precedence below him in their correct chronological order. By this means all acute wrangles about precedence were avoided.

By 1815 therefore the Diplomatic Services of the nations had been recognized as a distinct branch of the public service in each country. A definite profession had been established, possessing its own hierarchy and rules, and destined, as will be seen later, to evolve its own freemasonry and conventions. In subsequent chapters the actual functioning of this machinery will be described. The present chapter is intended only to suggest the slow processes by which this machinery was evolved. In the next chapter an endeavour will be made to indicate the development of diplomatic theory as an adjunct to diplomatic practice.