# Diplomacy and State in Early Modern Times

## *Diplomacia e Estado na primeira modernidade*

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Abstract

During the transition period towards the Modern Times, the relationship between the evolving pre-modern States started to expand. Sporadic and specific diplomatic representations became permanent and general. Italy, during the Renaissance, gave important incentives towards the development of modern diplomacy, later followed by other important monarchies and dynasties. Each State and their diplomats pursued a specific position within the system of European States, which was in formation at the time. The Congress of Westphalia contributed a lot to the establishment and adjustment of the fragile system of European States, based on the principles of equity and sovereignty, but also on difference and hierarchy. Grounded upon a current and specific bibliography, this article investigates the formation period of modern diplomacy in the context of the transformations of the Early Modern Times.

Keywords: Modern diplomacy; International relations; (Pre-) Modern State; Congress of Westphalia.

Resumo

Na virada para os Tempos Modernos, os contatos entre os Estados pré-modernos nascentes começaram a aumentar. Representações diplomáticas esporádicas e específicas tornaram-se permanentes e gerais. A Itália renascentista deu impulsos importantes ao desenvolvimento da diplomacia moderna na prática, logo seguida pelas grandes monarquias ou dinastias. Cada um dos Estados e seus diplomatas procurou seu posicionamento específico no sistema dos Estados europeus que estava em processo de consolidação. O Congresso de Vestfália contribuiu muito para estabelecer e ajustar esse sistema frágil de Estados europeus, embasado nos princípios de igualdade e soberania, mas também de diferença e hierarquia. Com base numa bibliografia específica e atual, este artigo investiga o período da formação da diplomacia moderna no contexto das transformações da primeira modernidade.

Palavras-chave: Diplomacia moderna; Relações internacionais; Estado (pré-) moderno; Congresso de Vestfália.

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## Introduction

The Modern State, rational and institutionalized, is defined by three elements, following Georg Jellinek (1851-1912): by a territory demarcated by more or less clearly defined borders, by a certain population inhabiting the area, and a sovereign power of the State exercised within this territory (Jellinek, 1905). Based on the outcomes of the American Revolution (1776) – and the French Revolution (1789), in particular –, rooted in the ideas of nationalism and liberalism, in cooperation with the bourgeois society and the capitalist economy, the modern National State evolved to its complete and final form only in the 19th century. This perception of State became (1) central object of discussions and theoretical reflections, realized by intellectuals of different areas – for instance Georg Wilhelm Friedrich Hegel (1770-1831), Alexis de Tocqueville (1805-1859), John Stuart Mill (1806-1873), Karl Marx (1818-1883), and Friedrich Engels (1820-1895) – and (2) the model and prototype of historical investigations, conducted in the 19th and 20th century by historians of the historicism. This line of investigation was explored mainly by Prussians that had strong influence on the historiography from that time, i.e. Leopold von Ranke (1795-1886), Johann Gustav Droysen (1808-1884), or Friedrich Meinecke (1862-1954). Max Weber (1864-1920) was another intellectual dedicated to the questions of the State and power, who described the modern, rational and bureaucratic State with lucidity and exactitude, thereby determining the representations and ideas of generations of scholars in Human and Social sciences that worked on the topic.

The character of this modern State, which emerged especially in the 19th century, is very distinct from the State of the modern times that developed between the 15th and 18th century. This forming phase of the Modernity was characterized, according to Max Weber, by fundamental processes of rationalization, bureaucratization, institutionalization, professionalization, and disenchantment of the Western world (Schluchter, 2013). These transformational processes manifested themselves in almost all areas of the human life—including the State and diplomacy affairs. The formation processes were ongoing without predefined or prefigured outcomes: nor the distribution of the power between the monarch/prince and the influential elites, who competed for the leadership of the State, nor the exclusive competency of representing the interests of the State abroad were ultimately determined. The powers of the State were not yet monopolized and organized in a uniform, centralized and hierarchical way – essential characteristics of the modern State, as indicated by

many historical textbooks, without differentiating the diverse phases of Modernity (Marques et al., 2017, pp. 54-55).

The Early Modern History – *Frühe Neuzeit*, in German, or the *Histoire Moderne*, in French – was different from both the medieval and the contemporary State. The modern period presented itself as a veritable laboratory of modernisation and transformation. While the medieval State exercised its power over persons or groups of persons – even if feudal rights had already begun to territorialise, gradually becoming territorial boundaries (Brunner, 1984, pp. 385-394) – the classical modern State was defined, as mentioned, by three constitutive elements: (1) territory, (2) people, and (3) sovereign power. To distinguish this State in transition from the other two types, we propose the term "(pre-)modern State."

The pre-modern State was not as organised and hierarchical, institutionalised and centralised, nor as sovereign, absolute and powerful, as suggested by the traditional model of the complete and finished modern State. In the foreign policy area, competences were also not exactly defined, nor reserved exclusively for the monarch/prince and the state. The representation of the state in international relations was not restricted to the sovereign government at that time, when different political actors (monarch, prince/corporations, parliaments, elites) still competed for power in the State. The crowned holders of executive power were not the only ones in the pre-modern State who defined or intended to define foreign policy and organise it.

There were legitimate competitors to exercise this right, such as (1) the imperial corporations, which established an alliance with France against the Emperor Charles V (1551/1552) – or claimed, during the Thirty Years' War and in the negotiations for the Peace of Westphalia, the full right to act without any limits on the international stage –, or (2) the territorial corporations, as in the case of the Bohemian corporations, which established, at the beginning of the Thirty Years' War (1618), political and military alliances with the corporations of the neighbouring States of Moravia, Silesia and Austria, directed against the Habsburg dynasty, or (3) the parliament of England at various moments in medieval and modern history, especially in the events of the Glorious Revolution (1688/1689). In pre-modern States, even commercial companies sometimes exercised foreign policy competences. Examples can be cited: (1) the Welser trading company, located in the Imperial City of Augsburg, which was active in Venezuela in the first half of the 16th century, or (2) the Dutch East and West India Companies in the 17th century, trading companies equipped with state rights.

It was only after the Peace Treaties of Westphalia that State sovereignty has been strengthened and became an important element in pre-modern and modern State formation. On behalf of the respective sovereigns, whether monarchic or republican, a governmental council or a minister or secretary of State organised and directed exclusively the foreign policy of a State. Alongside the other ministries responsible for financial, military, legal, and later economic (commercial) matters, competence for foreign policy was granted to an increasingly qualified, specialised and professionalised sector. This developed prototype of the modern bureaucratic state is very distinct from the historical manifestations of the pre-modern State between the 15th and 18th centuries.

As for the structures relating to foreign policy, the government of the pre-modern State had neither a central bureaucratic-administrative apparatus nor a competent diplomatic corps abroad, whose gradual formation is at the heart of this article. In the specific example of modern diplomacy (Anderson, 2013), one can see, as in a mirror, all the general trends of that epoch: different processes of rationalization, institutionalization and professionalization that resulted, especially from the reorganization of European politics by the Peace Treaties of Westphalia in 1648, in the strengthening of the Executive Power and the growth of the (pre-)modern State.

Aware of all the criticism to traditional concepts of historiography considered antiquated and Eurocentric (Ballestrin, 2013; Santos; Meneses, 2009), but also being convinced of the need to maintain their pragmatic use, this article intends to outline, generally, the history of modern diplomacy from the late Middle Ages to the end of the Thirty Years' War (1648) – a period in which the structuring foundations of the modern world to the present day were laid. Drawing on current and specialised historiography, we describe the course of modern diplomacy, highlighting the varied starting points, general trends, and significant events.

Modern diplomacy was an integral part of the set of other profound transformations, which contributed to the new, increasingly efficient, and rational configuration of the State: the process of confessionalisation in religion, the transfer of responsibilities for education (schools and universities) and assistance to the poor from the church to the emerging States, the new active and interventionist policy of the State in the economy (mercantilism), etc.

## The beginnings of modern diplomacy

Already in Classical Antiquity (Dignas; Winter, 2007) and the Middle Ages (Lima, 2015), there were relations between different peoples or tribes, empires or states, usually through legations or special diplomatic missions organised to resolve specific issues. However, modern and regular diplomacy, increasingly exercised by qualified professionals and carried out between states in the process of formation, is a distinct phenomenon:

> [...] an invention of European Modern Times. It [modern diplomacy] was a consequence of the formation of pre-modern States and, therefore, of the coexistence of particular states, each of them demanding equal rights, which had to enter into relationship with each other. Due to this need, diplomacy was born, first the pre-modern, then the modern, as permanent diplomatic representation of a State in all other States considered important by it (Schilling, 2007, p. 120).

The significant features of modern diplomacy (Jucker; Kintzinger; Schwinges, 2011) are, according to Heinz Schilling, permanence and ubiquity of diplomatic representations, codes of behaviour, models, and procedures of acting formalised as a body of qualified and educated diplomats (Schilling, 2007, p. 120ff.).

In the Middle Ages (Jaspert; Kolditz, 2014), diplomatic legations were mostly specific legations entrusted with a certain task or for a certain period, especially to contact sovereigns outside Western Christendom. The emperor Charlemagne (768-814) sent, for example, two legations to the Abbasid caliph Harun al-Rashid (763-1809), in Baghdad, intending to give protection to Christians in Islamic countries (Bieberstein, 1993, p. 165). More than 400 years later, Frederick II (1194-1250), king of Sicily and emperor, entered into direct negotiations with Sultan al-Malik al-Kamil Naser ad-Din Abu al Ma'ali Muhammad (1180-1238) and managed, despite adverse circumstances, to establish the Jaffa Peace Accord (1229), which guaranteed Christians the possession of Jerusalem and some other places (Mamoun, 2008).

In the 15th and 16th centuries, legations became more frequent in external relations between Christian powers (Zey, 2008). The Republic of Venice (Gleason, 1993) and the curia of the papacy (Koller; 2012) expended great efforts in this direction. Then, great European powers, namely Spain and France, established permanent legations at the courts, either with their allies or their enemies (Cardim, 2004).

## Renaissance Italy

Renaissance Italy was the most developed region in Europe from an economic and political perspective and was the place in which several innovations manifested themselves most notably – in politics and economics, but also in education, culture, science, technology and diplomacy (Azzolini; Lazzarini, 2017). Located in the Mediterranean—which was, since antiquity, a revolving platform of ideas, people and goods, between Europe, Africa and Asia, between the West and the East –, the Apennine Peninsula was predestined as a link between cultural and state borders (Cardim, 2004).

In Italy, in the second half of the 15th century – between the Peace of Lodi (1454) and the French invasion of the Kingdom of Naples in 1494 –, a balance was established between the city-states and the States (dukedom of Milan, the republics of Florence and Venice; Papal States and the Kingdom of Naples), which ensured a very favourable and fertile climate for modernising and innovative transformations (Frigo, 2000). From there came strong impulses to the formation of the pre-modern State and pre-modern capitalism, to philosophical and intellectual reflection, to the broadening of the scientific and geographical horizon of the world. For all that, Italy, as the most advanced region at the turn of the Middle Ages to Modern Times, became the target of the covetousness of other States, such as France in 1494. This upset the balance in Italy and started a hectic process of restructuring the State system, which in turn intensified the process of institutional pre-modern State formation.

While this equilibrium was very fragile, the less powerful members, such as Venice, needed information about the intentions of rival city-states in order to protect themselves and take precautions in advance (Bueno; Freire; Oliveira, 2017, p. 628). In addition, the Republic of San Marcos had political and especially commercial relations with other European states and also with Constantinople, Moscow and Persia. Venetian diplomacy presented, still in the Middle Ages, elements of institutionalisation. Envoys had to deliver, within a period of 14 days, a report to the State Archive, which keeps these relations from 1530 onwards almost without gaps (Münkler; Münkler, 2005, p. 72). These reports (*relazioni*) informed the Venetian government about the monarchs and governments of the States visited, their internal and foreign politics, their plans and projects and their problems and impediments. Based on this valuable information, Venetian diplomacy was one of the most advanced in the 16th and 17th centuries, as shown by Alvise Contarini's (1597-1653) perfor-

mance as one of the two mediators at the Peace Congress of Westphalia (Wilson, 2017, pp. 777-859).

The regular collection of data and information, the observation of everything important and interesting that happened in the host country, and the rapid and secure transmission of this data became the main activities of modern diplomats (Kohler, 2008, p. 34). For security reasons, information was either encrypted or simultaneously sent through different routes (Mulsow; Rous, 2015). Following the example of the Venetian Republic, other governments began to collect data in their archives, record them and make them available to the responsible leaders (Reinhard, 2002, p. 373).

The papal curia, as the central organ of the Catholic Church that intended to act at the global level, was another starting point that greatly contributed to the institutionalization of modern diplomacy (Fletcher, 2015; Carletti, 2010, p. 38ff.). The pope, representing "one body and two souls" (Prodi, 1982) as Vicar of Christ and head of the Catholic church, demanded, on the one hand, control of the whole world and acted, on the other hand, as a territorial and secular prince, defending the specific interests of the pontifical States (Cardim, 2004). Alongside the papacy, especially the representatives of the House of Austria, defended ideas of a universal monarchy or hegemony: the emperor Charles V, in the first half of the 16th century, and his son Philip II, Spanish king, in the second half of the 16th century (Cardim, 2004).

The Holy See had accumulated, from medieval times, much experience in the area of international relations. From the second half of the 15th century, the curia began to send permanent legates, called nuncios (Cardim, 2004), to other European States: around 1450 to Spain, in 1500 to Venice, in 1514 to the Holy Roman-Germanic Empire, and until 1523 also to France and Portugal (Kohler, 2008, p. 31ff.). This system of nunciatures was extended and perfected by Pope Gregory XIII (1502-1585, pope from 1572 to 1585), encompassing all Catholic Europe (Koller; 2012). At the same time, the bureaucratic organisation of foreign policy was reformed and professionalised. While norms were established regarding the qualification, formation, competence and performance of the nuncios, the papal secretary of State, responsible for the external policy of the curia, truly became the central, competent, and efficient ministry that coordinated—from 1644 onwards under the exclusive direction of a cardinal—all the external activities of the papacy (Schilling, 2007, p. 124ff.).

## Permanent diplomatic representations

Alongside the papal curia and Venice, the Spanish crowns of Castile and Aragon stood out in the international relations at the turn of the Middle Ages to Modern Times. In the foreign policy of the Catholic kings, notably Ferdinand II of Aragon (1452-1516), there were strong interests in Italy (Dandelet; Marino, 2007), which opposed those of France. Spain began sending emissaries to various European States in the last quarter of the 15th century, who established permanent residences in these places. Therefore, Spanish permanent envoys acted: from 1475 in Rome, from 1487 in London, from 1494 in Venice, from 1495 in Portugal, from 1499 in France and from 1513 in Genoa. In this sense, the entire diplomatic corps of the Catholic kings "was marked by the territorial diversity, by the 'multinationality'; this lasted also at the time of Ferdinand's successor, Charles V (1500-1558), who united the Spanish diplomatic corps with the imperial diplomatic corps, which came from the Netherlands and the Holy Roman-Germanic Empire" (Kohler, 2008, p. 34; Ochoa Brun, 1991). Charles V's grandfather, Emperor Maximilian I of Habsburg (1459-1519) (Metzig, 2016) and the dukes of Burgundy used permanent envoys, as early as the 15th century, while most other European States followed this strategy later. France (Autrand; Allain, 2007) had, in 1515, only one diplomat of this kind; in 1547, when the French king Francis I died, there were ten of them. By the beginning of the 17th century, a consolidated system of permanent diplomats was established in Central and Western Europe (Reinhard, 2002, p. 372).

Alongside the permanent diplomatic representations, the specific and extraordinary legations did not lose their importance (Hollegger, 2007), especially in the Roman-Germanic Empire, whose diplomacy was, in comparison with Spain or France, less developed and professionalized. The emperor's emissaries, for example, did not always have the required proficiency of languages, notably classical Latin, and the necessary rhetorical skills. Emperor Frederick III (1415-1493), married to the Portuguese princess Leonor (1434-1467), sent a total of 250 special missions to other States (Heinemeyer, 2016).

The great expansion of the Habsburg dynasty increased the need for communication within the House of Austria. Starting from the territories of origin, i.e. the Austrian hereditary territories (*österreichische Erblande*), expanded in 1493 by the county of Tyrol, the Habsburg dynasty (Mainka, 2019) managed to incorporate, mainly through intermarriages, a number of other territories into its domain: the Netherlands (1477), the Spanish kingdoms of Castile and

Aragon, with possessions in Italy and in the New World (1516), and the kingdoms of Hungary and Bohemia (1526), finally dominating an extensive space in Europe, from East to West and South, in the Americas, and in Asia (Lynch, 1994). To ensure communication between the centres of power in Europe, the Habsburgs started the post office, under the family of Thurn and Taxis, which received the monopoly of transporting imperial messages and letters in the Holy Roman Empire, the Netherlands, and the Spanish kingdoms (Behringer, 1990). The profile of the diplomats who acted in the service of the Habsburg dynasty from Maximilian I onwards was international (Metzig, 2016). In the diplomacy of the emperors, in the first half of the 16th century, the aristocrat Sigismund von Herberstein (1486-1566) stood out, to whom 69 diplomatic missions were entrusted, among them, 30 to Hungary, 13 to Poland and two – the most famous – to the Grand Priory of Moscow, in 1517 and 1526 (Kohler, 2008, p. 36s.).

Commercial agents and/or private persons who had assumed specific missions at the service of the State in the early days of diplomacy gradually became permanent envoys and residents in the host countries (Hollegger, 2007). Specific regulations for diplomatic services and their financing emerged in Venice and Spain. The ecclesiastics who had often participated in traditional legations were replaced, in modern diplomacy, by aristocrats (Cardim, 2004) trained in court schools or knights' academies, instructed in courtly behaviour, with good knowledge of Latin and other foreign languages, and committed to the ideas of humanism, especially rhetoric. They formed – like the officers – a transnational, interrelated social group in the modern era (Schilling, 2007, p. 121ff.).

"A permanent representative could be called *Orator, Procurator, Commissarius, Secretarius, Nuntius, Deputatus, Legatus, Consiliarius, Ambassador* or combine several names" (Reinhard, 2002, p. 372). The new diplomats found themselves in a complicated situation: they were considered by their hosts possible spies, and by the sovereigns themselves possible traitors (Münkler; Münkler, 2005, p. 72ff.). The situation of diplomats remained precarious and dangerous. Due to the lack of diplomatic forms and practices accepted and shared by all States, envoys were threatened with expulsion, persecution or even death (Kohler, 2008, p. 40). Despite the idea of diplomats' immunity (Reinhard, 2002, p. 374), developed by Hugo Grotius in his masterpiece entitled *De jure belli ac pacis libri tres*, of 1625 (Grotius, 2012), the envoys' security remained unstable until the 18th century, especially in States such as the Ottoman Empire and Russia (Schilling, 2007, p. 135).

With the consolidation of modern diplomacy, the number of manuals on

how the ideal envoy and representative should behave grew, especially in the early 17th century (Reinhard, 2002, p. 372ff.). Despite this, the situation of diplomats remained insecure and precarious. For a long time, there were no widely recognised norms or fixed and regular remunerations—and the expenses of a diplomat were enormous, as he had to represent, according to the ceremonial rules of that time, the power and prestige of his sovereign and State through his lifestyle and public behaviour (Schilling, 2007, pp. 131-134). Papal nuncios were the first to receive fixed salaries, at the end of the 16th century; however, these were not always paid on a regular basis; most diplomats were forced into debt – in the expectation of receiving, at least at their farewell, a precious gift from their host (Reinhard, 2002, p. 374).

In the system of the emerging States, it was of utmost importance to defend one's social position in the competition between the States or even manage to climb up the hierarchy. For these reasons, the rivalry between Spanish and French diplomats was very fierce. The title, required or granted by a sovereign in the treatment, implied rights of precedence, privileges, and its recognition, or not. The Prince-elector of Bavaria, Maximilian I (1573-1651), determined his diplomats at the Peace Congress of Westphalia to insist on the title of excellence, an order that caused some delay in the negotiations in Münster and Osnabrück: as the Bavarian diplomats had not been granted this title beforehand, they were not allowed to go to meetings or gatherings (Greindl, 2014). The issue of titles also complicated the relationship between the emperor and the French king: the emperor Ferdinand III (1608-1657) refused, still in the mid of the 17th century, to grant the Sun King of France, Louis XIV (1638-1715), the title of *majesté royale* (Reinhard, 2002, p. 373).

## Intensification of diplomatic contacts

Despite the intensification of modern diplomacy, followed by an increased number of bilateral and multilateral treaties, there was no pacification of Italy or a general consolidation of international relations within the nascent system of European States. In the period of confessionalisation, when State bodies began to grow by drawing on their churches, the foreign policy of pre-modern confessional States was, from the mid of the 16th century onwards, generally oriented on the boundaries of religion, whether Catholic or Protestant. While the Papacy strictly followed this guideline, which greatly limited the actions of its diplomat Fabio Chigi (1599-1667) at the Peace Congress of Westphalia, secular States made exceptions in the case of political or commercial needs, such

as the Republic of Venice, which had diplomats residing in England and the Netherlands. This flexibility made it easier for the Venetian diplomats at the Congress of Westphalia to negotiate with representatives of all religious sides.

The clash of antagonistic political interests and religious oppositions, which resulted in the Thirty Years' War, contributed, somewhat paradoxically, to expand the system of the new diplomacy. "Diplomacy owed its birth to a consolidation of the instability of State relations existing only in Europe" (Reinhard, 2002, p. 377). Regular international relations became indispensable in times of crisis. "The confessional era therefore brought a permanent expansion and progressive consolidation of the European system of legations" (Schilling, 2007, p. 127). While in Western and Central Europe the most important States managed to establish permanent diplomatic relations from the first decades of the 17th century, the states in the peripheries of Europe followed this course only in the second half of the 17th century.

Diplomatic contacts with powers outside Europe also intensified, especially with the Ottoman Empire, which had defeated the Byzantine Empire. From the end of the 15th century, European States, especially the Italian commercial republics, sent legations to Constantinople—specific, sporadic, and generally informal legations. In the context of the struggles between Charles V and Francis I, France established the first official alliances (1536 and 1543) with Sultan Suleiman (1494-1566) of the Ottoman Empire, directed against Emperor Charles V, which drew, in a negative way, the attention of the European public (Greengrass, 2018, p. 328; Mainka, 2003, p. 207). These alliances became political scandals, as France thereby departed from the traditional solidarity of Christian States towards infidels, and were strongly criticised by the Habsburgs, who in turn began, in the context of the disputes in Hungary, to tighten their relations with the Turks (Ziegler, 2004).

The number of diplomatic representations of European States in Constantinople increased significantly at the turn of the 16th to the 17th century. Diplomatic legations were also sent to Morocco. The network of permanent diplomatic relations grew larger and larger, regardless of the existing religious and cultural boundaries. With this, diplomats who practiced a religion different from that prevailing in the host country gradually received the right to hold private religious services on the premises of their residence, as for example the English representatives in Spain from 1604 onwards (Schilling, 2007, p. 135ff.). Problems were also frequent when subjects of the host State attended these services (Reinhard, 2002, p. 374).

While the central offices of the Venetian Republic and the papal curia

were the first to undergo a modernizing and innovative bureaucratic reform, the secular states of Europe took longer (Bély, 2008; Rodriguez, 2001). Even if France had managed to establish – despite the dynastic crisis that affected the country –, in the second half of the 16th century, the widest network of diplomatic legations in Europe, a reorganization of the central office of France's foreign policy was lacking. These institutional reforms were later initiated by Cardinal Richelieu (1585-1642) and resulted, from 1626 onwards, in a central body, which coordinated the country's foreign policy almost like a Ministry of Foreign Affairs (Moita, 2006).

In the 16th century in Europe, the Hispanic monarchy represented the strongest power, exercising remarkable influence in political, religious, and diplomatic issues (Cardim, 2004). In the early 17th century, France began to increase its power and assumed the political and diplomatic hegemony in Europe, as manifested clearly in the Peace Congress of Westphalia, and even more in the subsequent period. From this, "[...] France became exemplary and paradigmatic for the diplomacy of European States – as to institutions and personnel in the same way as to law, ceremonial and, not lastly, as to language and terminology" (Schilling, 2007, p. 131). The French language became, from the time of Louis XIV until the 20th century, the general language of diplomacy.

## The Peace Congress of Westphalia: the laboratory of modern diplomacy

The formation of the pre-modern State from the turn of the Middle Ages to Modern Times was accompanied, among many other developments, by the formation of modern diplomacy, without the existence of a general pattern, an exemplary model, or clearly defined destinations. The implementation of new diplomatic institutions, with permanent diplomats living in host countries, took place virtually without detailed plan or instruction. The Protestant reforms had broken the unity of Western Christendom and had notably shaken the reputation and power of the two universal powers, the papacy and the empire. The advances of the Muslim Ottoman Empire threatened Christian Europe, which had just reconquered the last Arab territories on the Iberian Peninsula. Also, European expansion overseas confronted the states of the Old World with unknown native peoples and civilisations. As long as religious and cultural boundaries hampered and even made peaceful international relations impossible, it was necessary to find new means and instruments of communi-

cation between European States and the rest of the world, independent of religions and cultures.

Starting from ancient and medieval reflections on the *ius naturae* and *ius gentium*, modern political theory was more intensely concerned with these complex problems at the beginning of Modern Times, as demonstrated by the authors of late Spanish Scholasticism, especially the School of Salamanca, Francisco de Vitoria (1483-1546) and Francisco Suarez (1548-1617) (Vitoria, 1995/1997). Continuing their ideas, the Dutch Hugo Grotius highlighted, in 1625, in his most famous work entitled *De jure belli ac pacis libri tres* (Grotius, 2012), the law as the firm and general basis of peaceful international relations, that is, secular and neutral international law above religions and different cultures (Liziero, 2015).

Neither the practice of modern diplomacy, nor the theory of modern international law were finished and concluded when peace negotiations began in the two neighbouring cities of Münster and Osnabrück, to end the struggles of the Thirty Years' War (Wilson, 2017; Brandão, 2012) and the Eighty Years' War (Trillo; Echevarria Bacigalupe, 2008) between the Spanish Crown and the Seven United Provinces of the Netherlands. The Peace Congress of Westphalia became, therefore, an experimental opportunity to bring together the various isolated starting points in diplomatic relations, energize the development processes in modern diplomacy, try out various models of diplomatic behaviour, and, finally, establish new practical and theoretical devices in international relations.

The Peace Congress of Westphalia was the first great political-diplomatic congress of European dimensions, which brought together envoys and representatives of almost all the pre-modern States in formation, either as combatants of the struggles or as observers and interested parties. Missing only: the Ottoman Empire, which was part of the European system of States at that historical moment as a rival and an enemy; Russia, which would open a window on Europe only under Tsar Peter the Great (1672-1725); and England, shaken by the Civil War. As a result, the Congress of Westphalia became one of the largest, most complicated, and longest in history, with no similar models before it.

The great councils of the Catholic Church of the past (May, 2016, p. 75-79) – of Constance (1414-1418), Basel (1431-1449), and Trent (1545-1563) – can be cited as examples, but they were, despite their political impacts, mainly meetings of Catholic leaders (Cardim, 2004). Moreover, there is another difference: the meeting of the councils used to be plenary, while the diplomats in

Münster and Osnabrück never met in a plenary session. Other possible models of orientation for diplomatic practice at the Congress of Westphalia were the pope's court, connected with most Christian States, and the imperial diet or assembly (Mainka, 2019), which brought together a multitude of German, Italian, French, Czech, Danish, and Flemish-speaking corporations, or previous peace negotiations, as Niels May (2016, p. 76-99) highlights. We can recall the peace negotiations to end the fights between the Spanish and French Crowns at Cateau-Cambresis (1559) (Elliott, 2015) and at Vervins (1598), or those at Stettin (1570), which ended the conflicts between Sweden and Denmark, the rivals for power in the Baltic Sea (Greengrass, 2018, p. 610).

Due to its extraordinary size, its European dimension and its importance, the Congress of Westphalia became in turn the exemplary model in modern and contemporary history for resolving complex, multilateral war conflicts peacefully and establishing new political foundations that could guarantee order and security – at least for a certain time.

In the international environment of the Peace Congress of Westphalia, modern diplomacy underwent a process of concentration, consolidation, and maturation. Diplomatic practice underwent a standardisation of the procedures, forms and ways of establishing contact and relations between distinct States and their representatives. The Congress of Westphalia became a veritable laboratory of modern diplomacy.

From the turn to Modern Times onward, as we saw earlier, the number of diplomatic legations increased considerably, and so did their quality: sporadic and specific missions became permanent and general missions. Each of the resident diplomats representing their State and sovereign needed to seek their position in the social hierarchy of the host State's court, appropriate to the dignity and power of their State. In the specialized literature of the 17th century, the competences of each position (ambassador, resident or plenipotentiary) were discussed, and it was questioned whether the ambassador fully represented the dignity of his sovereign, without reaching, however, unanimous opinions, accepted by all. Besides the dignity of the sovereign represented, the quality of the diplomat in the social hierarchy of the nobility or the church was also relevant (May, 2016, pp. 53-73, 121-144).

This process of negotiation and differentiation (Cardim, 2004) was in full course in the first half of the 17th century and resulted, consequently, in a competition—sometimes violent—with the representatives of the other States. A fixed and finished system of European States did not yet exist. Only after the Congress of Westphalia, when the position achieved in the social hierarchy of

the States became more important, there was a certain consolidation (Bély; Richefort, 2000). A coherent system of States and relations between them was established, assigning a specific place to each one of them – a consistent, but not immutable system, consolidated for now, but always fragile (Duchhardt, 1998).

These ceremonial conflicts for precedence – fundamental conflicts inherent to the statist society of the modern era – characterised the Congress of Westphalia from the very beginning. While the emperor's diplomats claimed for a representative precedence for themselves, the French diplomats argued for their equivalence, rejecting any precedence of the emperor, or at least attempting to relativise or minimise it (May, 2016, pp. 115-121). When, in the opening solemnities, the French refused to go behind the imperial representatives, a Solomonic solution was creatively found: both groups should go side by side in two rows; the emperor's representatives on the right side and the French king's representatives on the left side, giving both the possibility to claim the victory of the dispute for themselves. This procedure was also applied on other occasions during the congress in order to resolve the clash of opposing interests: the right side was considered the more valuable position, so the emperor was able to secure his superiority and precedence at least symbolically; on the other hand, France celebrated the equalisation with the emperor. The relationship between hierarchy and equality of the European sovereign States at the Congress of Westphalia was complex, sometimes equivocal and contradictory (Cardim, 2004).

Another example: the traditional disputes between French and Spanish diplomats over precedence greatly hampered the progress of negotiations in Münster and Osnabrück. These controversies dated back to the 16th century. At that time, Charles I, King of Aragon and Castile since 1516, had taken over the regency from his mother Joan (1479-155), who was unable to govern, and was also elected Emperor of the Holy Roman-Germanic Empire under the name Charles V in 1519, thus combining in himself two dignities. In view of these circumstances, representatives of France agreed to accept the Spanish Crown's right to precedence in the ceremonial. After Charles resigned – in 1555, in secret, and publicly in 1558 – as emperor and king, the French Crown again began to contest Spanish precedence. At the Congress of Westphalia, the two delegations, each one of them prepared for the conflict by their instructions, arranged alternate meetings in their lodgings; the place of beginning was determined by lot, which created no ceremonial precedence, guaranteeing a formal equality between the two crowns (May, 2016, pp. 94-110).

A relevant factor in the competition between pre-modern States, devel-

oped at the Congress of Westphalia by the mutual recognition on the diplomatic stage, was the figure of the diplomat, conditioned by their specific category, by their quality of nobility and by the sovereign and State they represented. Despite the existing conventional forms and traditions of protocol, the huge number of diplomats gathered at the congress made it necessary to adjust and adapt the known models (Wilson, 2017, p. 778); a dynamic of its own was therefore developed.

Instead of the medieval hierarchy, at first sight, new, simpler forms of mutual dealings were employed. Monarchs were granted the title of *majesty*, and envoys of princes or prince-electors, the title of *excellence* and the right to have a carriage with three pairs or six horses. On the other hand, in the practice of the congress, a (re)organisation of international diplomatic relations took place. The diplomats gathered at the congress developed a lengthy process of negotiation in which each of the envoys justified their specific right to honour by different cases of precedence, at a system that included all actors involved, but did not leave entirely the principles of a hierarchy (May, 2016, p. 89).

## Final considerations

The transformation processes that occurred from the late Middle Ages onwards, which were manifested in various areas of human life, also affected States, international relations, and modern diplomacy.

States began to expand their functions, concentrate competences in their respective governments, strengthen sovereign powers, establish an administrative and bureaucratic system, and rationalise procedures. In the relations between States and peoples, we can verify similar transformations, resulting in a stabilization and consolidation of the State system – despite all the bellicosity of the modern era (Asbach; Schröder, 2010). Sporadic contacts between civilisations, cultures, and States, which had existed before, began to increase, becoming more frequent and regular. Diplomats of the 17th century needed other qualifications than those of the 15th and 16th centuries: (at least basic) knowledge of domestic and foreign policy of one's own State and the host State, skills in ceremonial and representation, language proficiency and experiences in the conduct at courts and court societies. In other words, a future diplomat needed a good training or qualification, either in academies or universities, or in a deep and comprehensive professionalisation. The various transformations resulted in a new political-diplomatic pattern in the mid-17th century.

The Congress of Westphalia is considered a transition point in the con-

figuration of pre-modern States, international relations and diplomacy, in which new foundations of reference were formed regarding the organisation of the State, the (re-)structuring of international relations and the practice of diplomacy. Indeed, the Peace of Westphalia, considered a fundamental law of Europe (*ius publicum europaeum*), became a benchmark for the future, corroborated, literally, in several peace treaties agreed in the times after 1648: at Nijmegen (1678/1679), at Risvique (1697) or at Utrecht, Baden and Rastatt (1712-1714). The year 1648 became a decisive milestone in modern history.

The process of differentiation, which had been underway since the 15th century, intensified at the Congress of Westphalia, causing clashes, conflicts, and diplomatic crises. In order to resolve disputes and rivalries over precedence and ceremonial, various creative solutions were tried out with varying degrees of success in Münster and Osnabrück. From there, a system was developed, in which each state found its specific position in the nascent system of European States. A new level was reached regarding the pre-modern State and the diplomatic relations between them.

The question of the legal and formal qualities that an official diplomat in peace negotiations needed was not yet settled. The differences between France and Spain on this issue greatly delayed the negotiations and damaged the political relations between the two crowns, preventing even a peace agreement between them (May, 2016, p. 94-110; Rohrschneider, 2007). The struggles between the two European powers continued, until the Peace of the Pyrenees (1659) ended the war for hegemony.

The figure of the "*ambassadeur extraordinaire et plénipotenciaire*" (ambassador extraordinary and plenipotentiary), who combined the functions of (1) representing the dignity of the sovereign (*dignitas*) and (2) assuming the full powers of the absent sovereign (*potestas*), was another outcome of the Peace of Westphalia negotiations (May, 2016, p. 121). Moreover, the entire diplomatic cadre underwent a formation process during the Congress of Westphalia. With this, the rights and privileges of the principal and secondary envoys, as well as the residents, who belonged to the second category, were more clearly defined throughout the process. As an example, one can cite the case of the delegations of the prince-electors: their diplomats were admitted to the congress as apparently equal actors of international law, but whose legal position actually oscillated between full sovereignty and feudal vassalage. Unlike the delegations of the monarchic and republican Sates, their subordinate envoys were not equated, regarding the diplomatic ceremonial, with the

principal envoys—an incidental but obvious way of maintaining a ceremonial distinction in the hierarchy of sovereign States and diplomacy.

In Münster and Osnabrück, a refined and varied system of symbols, signs and codes was developed on different or parallel levels, not always recognised by all participants. This system aimed to reconcile the traditional hierarchy between States with the claim of a certain equality on the diplomatic stage – defended, perseveringly and obstinately, by the representatives of smaller States and republics, i.e. the "precarious actors" (May, 2016, pp. 173-212). They intended – sometimes with the argument of sovereignty, sometimes not – to equal powerful monarchies. The Republic of Venice and the Republic of the Seven United Provinces of the Netherlands succeeded, while the (German) prince-electors failed in this attempt.

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