

UiO : **Det juridiske fakultet**

Debating the Treaty of Stockholm, 3d March 1813

A study of Parliament, Policy and International Law

Kandidatnummer: 213

Leveringsfrist: 03.06.13

Antall ord:40 000



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1 Introduction

1.1 Theme and objective

The practice of international law during the decades from the French Revolution in 1789 was to a large extent connected with the Revolutionary and Napoleonic wars. The wars influenced alliances, questions of sovereignty, right of neutrality, the law of the sea and many aspects of an economical character. All of these were political issues of the highest relevance as well, and it is this point of intersection between international politics and international law I have chosen to study through the Treaty of Stockholm of 3 March 1813, and its reception in the British parliament. The Treaty of Stockholm was formed between Britain and Sweden as part of a project to create an alliance in Europe strong enough to defeat Napoleonic France. Britain wished to secure the co-operation of Sweden against Napoleon, and Sweden needed funds to support an army, as well as seeking support for their long time goal of a union with Norway.

During the Napoleonic wars, Britain contributed in many ways to oppose the French expansion around the world, especially in Europe but perhaps most importantly, she contributed extraordinary amounts of money to her allies, commonly referred to as subsidies. The Stockholm Treaty is such a treaty of subsidy between Britain and Sweden. As the British parliament had to sanction any treaty promising British funds to another state, this practice serves as a perfect example to investigate the connections between politics and international legal issues around 1800. In addition to subsidies, the Stockholm Treaty concern several issues, including the union of Norway and Sweden, the cession of a colony in the West Indies, British access to Swedish ports and Swedish co-operation against Napoleonic France, all of which touches upon interesting legal issues.

My project is to investigate these issues both legally and through the political debate in the British parliament. The goal is to shed some light on to what extent international law was recognized and utilized by some of the most influential politicians of this period, and

whether they tried to influence the content of international law in accordance with their own political goals.

1.2 Sources and structure

My two primary sources for this paper have been the Stockholm Treaty and the Parliamentary Debates from the House of Commons on June 13th and the House of Lords on June 18th 1813. I have kept my presentation of the legal issues arising from the Treaty close to the order in which they appear in the Treaty. Some interjections do occur, but only if I have found it to be in close connection with the themes already being discussed. I have chosen to discuss each topic from the relevant perspectives coherently, so there will be an interwoven construction of legal interpretation, historical context and parliamentary response on each issue. This also means that the parliamentary representatives featured in these debates will be quoted and referenced in relation to each issue, and not necessarily in the order in which they spoke. As I have chosen to study the Treaty in relation to the British Parliament, and from the point of view of the British government, the paper has a strong British connection, and is at times seen from the point of view of those opposing Napoleon, something that will naturally shine through in the text. I have tried to keep such sentiments to a minimum; however, to a certain extent they are necessary to understand the tone and emotions in Parliament and of the public opinion the government was supposed to represent.

As the period of the Napoleonic wars produced an abundance of treaties, it is at some point in this discussion of the Stockholm Treaty relevant to also study some preceding treaties. Some preceding treaties are directly relevant and will be more precisely referenced and discussed. The most relevant; the Treaty of St. Petersburg 5 April 1812 is also part of the appendix, which of course also includes the Stockholm Treaty, as well as a list of the most featured persons of the study.

In the first part of the paper; chapters 2 through 4, I give a general presentation of the course of the Napoleonic wars and the political ties between the most central states in Europe during the wars. I have used the Stockholm Treaty as my starting point also in this

relation, working mainly with the events directly relevant as background for the Treaty. To a degree I have also found it useful to present internal aspects of society and politics in some states to understand the context in which the Stockholm Treaty was concluded. Especially is this the case with Britain where the political tradition is important for understanding the factions arguing different opinions on the Treaty. Some of the elements of the Treaty refer to areas of government that were important in internal politics as well as internationally. On these areas it is relevant to understand the general circumstances also on an internal level; for example financial policy and commerce. Because it has been necessary to present these developments and events rather briefly, I have chosen to retrieve my information from encyclopaedic types of literature, rather than from detailed accounts of particular issues. I focus on presenting the outlines of these subjects, but there are also notes to more detailed works.

Chapters 5-9 contain the presentation of the Treaty and the parliamentary debates. As mentioned above, I have used the outline of the Stockholm Treaty as the template for this presentation. This is convenient to be able to interpret the stipulations of the Treaty, taking into account the order in which the parties chose to iterate the different issues. The division of the text into chapters is not meant as a deviation from the structure of the Treaty, but only as a tool to make the text as easy to grasp as possible. The stipulations and any questions arising from them will be interpreted to establish the actual content of the Treaty, as well as discussed from the point of view of the British Parliament. In connection with the parliamentary debates we will see the political repercussions of the Treaty as well as a legal discourse on international law. Here we can study the close connection between political and legal argumentation which is an important aspect of my project. In the last chapter I will give an analysis of the different methods of argumentation; how legal arguments are used to enforce political standpoints and how political agendas are connected to international law in order to enhance their legitimacy.

Further in this introduction I will in short terms present some of the more important issues relevant to the Treaty of Stockholm and the connection to historical events, as well as some

of the persons most featured in this presentation. We will broach several quite different subjects in this introduction, and we will come back to important details at a later stage.

1.3 “International law”

As mentioned above, the underlying theme of this paper is the intersection between international law and politics. International law in the early 19th century included not only rules and principles for states interacting with each other on legal issues, but also elements of state practice much closer to what we today would call politics. What I mean when I use politics as something supplementary to the wide interpretation of international law is expressions of the interest and goals of a state. Usually, when states interact, it is with the object of accomplishing their own policies and to do so they need rules and common practice that fall under the wide term of international law. I wish to study how international law is used to accomplish the goals and objects of states, and how the goals influence the use and formation of international law.

In the last part of the 18th century the code of rules existing between sovereign states is most often referred to as the “Law of Nations”. Significant thinkers such as Cornelius van Bynkershoek (1673-1743)¹ Emer de Vattel (1714-1767)², Martin Hübner (1723-1795)³ and Georg Friedrich von Martens (1756-1821)⁴, had all made some of their most influential contributions to the development of principles of conduct between states during the last few decades before the French revolution. As the work by Vattel; *the Law of Nations*, was written on the basis of diplomatic experience and with the diplomats of Europe in mind; meaning that the subject and practices of international law is presented structurally, I have mainly chosen to rely on it for my references on general international law.

¹ Quaestiones Juris Publici(1737)

² The Law of Nations (Droit des gens)(1758)

³ De la saisie des bâtiment neutres, ou du droit qu’ont les nations belligérantes d’arrêter les navires des peuples amis(1759)

⁴ Recueil des traites(1761 f.)

In the preface of his “The Law of Nations” Vattel states that both the “*generality of writers, and even celebrated authors, almost exclusively confine the Law of Nations to certain maxims and customs which have been adopted by different nations*”. However, Vattel considers this too narrow a definition, as it only includes those rights and duties which arise from treaties. His “Law of Nations” also includes what he calls the natural law of nations, which is the science of applying the law of nature to the “*affairs and conduct of nations or sovereigns*”⁵. It is this wider definition of the Law of Nations I use throughout my paper. I have for the most part utilized the term “international law”, but have intended no difference in content from Vattel’s definition of the Law of Nations. If another meaning is intended, this will be explicitly mentioned.

The role of international law in the late 18th century was evolving and changing on many central legal areas, such as maritime law, trade and neutrality. There had been several major wars, including the war of the Austrian succession (1740–48), the Seven Years War (1754–1763) and the American Independence War (1775–1783) which had made the issue of international law relevant to an extent it had never been before. The period of the Revolutionary and Napoleonic wars, from 1793 to 1815, is crammed with examples of states and sovereigns navigating this new landscape of international law and doctrines. Sovereigns were constantly forming treaties of trade, alliance, finance, policy and much more. Already in this introduction we will therefore take a look at the practice of treaty interpretation, as described by Vattel.

1.4 Interpretation of treaties

On the issue of interpretation of treaties Vattel has written a quite extensive chapter.⁶ The general maxims as formulated by Vattel throughout the chapter are not far from contemporary practice i.e. what is established as the rules for interpretation in the Vienna Convention

⁵ Vattel(2008) p.5

⁶ Vattel(2008), Book II, chapter XVII, p.407-448

on the law of Treaties 23 May 1969, part III, section 3. Vattel constructs five general maxims, and under the fifth a set of rules for interpretation. The first general maxim is that “*it is not allowable to interpret what has no need of interpretation.*” The only reason for searching for other conjectures than what is naturally to be understood from something which is clearly and precisely worded would be to elude the real meaning, and this would mean that no formulation would ever be good enough to avoid interpretation. The second general maxim is that any vagueness should be held against him who should have explained himself, and the third that the parties have “*no right to interpret the treaty to their own fancy*”. These rules are useful on their own; it should be held against him who had the greatest reason for specifying what the true content of a stipulation was if it was unclear and if one could interpret the treaty however one would like, it would be impossible to know what one has really agreed to. The two maxims are also practical when used in connection, as one cannot interpret a treaty into meaning what one meant at the time of the conclusion, if this is not the natural meaning of the stipulation.

The fourth general maxim is that what is declared, we should consider being true. If we could not trust that what is expressed is the truth, there would be no point in entering into engagements.⁷ The fifth general maxim is probably the most interesting, but also the one that includes the most. It states that every interpretation should be performed according to a fixed set of rules. Many of these rules are also important today, such as that we are to consider what the parties probably meant at the time of the conclusion, that we should explain the words by their common usage, that we should consider the intention of the parties and that we should try to avoid absurdities etc.⁸ In my studies of the Stockholm Treaty I use these rules to establish the content of the stipulations, though to avoid making the presentation too schematic, I do not explicitly go through them point by point. I will instead practice the maxims and rules of interpretation in my discussions on each issue. Article 1 of the

⁷ Vattel(2008) p.408-409

⁸ For the detailed presentation of the rules of interpretation, see Vattel(2008) p.411 ff.

Treaty is for instance very clear on Carl Johan being in command of the joint forces to be deployed on the Continent, and there is no need for interpretation. The historic events and foreign policies have also been important for applying the rule of considering what the parties probably meant.

1.5 Studying the Treaty of Stockholm and its context

From around 1810-11, Britain was putting all her diplomatic, military and not the least financial efforts towards the defeat of Napoleon. To effectuate his demise she needed the alliance of the other great powers of Europe, such as Russia, Prussia and Austria. However, apart from the wish to limit the power of France, the interests of the different states varied greatly, and previous disagreements and broken alliances meant there were many obstacles to overcome. It is in this geo-political landscape the conclusion of the Treaty of Stockholm of 3 March 1813 was made. The understanding of the constantly and rapidly changing geo-political situation in Europe during the Napoleonic war is vital to be able to understand and interpret both the contents of the Treaty of Stockholm and the reactions to it in the British Parliament. The political relationships between the states at the time are very closely linked to the treaties and legal obligations undertaken in the period, and we will need to consider both in order to understand either.

The Stockholm Treaty is a treaty between Great Britain and Sweden, and was called a *Treaty of Concert and Subsidy*. In short, the Treaty secured Swedish military co-operation against Napoleon on the continent, in return for British subsidies and the promise of British support for the union of Norway and Sweden. There are also stipulations regarding the cession of Guadeloupe in the West Indies from Britain to Sweden, the right of entrepôt for the British in certain Swedish ports and the union of Swedish and British interests against their common enemies. In the following sections I will give a brief introduction to the circumstances of Europe leading up to the Treaty.

1.6 The situation in the North

Russia played an important role in the Napoleonic Wars, especially as the major power of the North. The Russian Empire was an autocracy, headed by the tsar whose power was ab-

solute, and there was no parliament or any critical press to speak of. The tsar was the final judge of all policies, and one of his most important tasks was to defend the Russian borders from foreign attack. The vast size of the territory was one of the reasons for the concentration of power. The tsar depended on total obedience to himself, the support of the Church and a disciplined army to keep the empire together and any intruders away from the empire's borders. This form of total control could best be achieved by implementing a certain level of fear among both the population and the government advisors. However, the Russians were not estranged to assassinations and plots, and it was therefore at the same time important for the tsar to maintain good relationships with the high-ranking officials and their supporters.⁹

In Sweden the period of the Napoleonic Wars was also a time for internal disruption and reform. Gustavus IV(1778-1837, king from 1792) was overthrown in a state coup in 1809, and since the new King, Charles XIII was weak and without heirs, it was crucial to elect a new Crown Prince to lead Sweden back to a place among the central powers in Europe. The first successor elected, the Danish Prince Christian August (1768-1810)¹⁰, who was stationed in Norway because of a British blockade, was part of a plan to unite the two Scandinavian countries, but the Prince died shortly after his arrival in Sweden and the search had to start anew. Jean Baptiste Bernadotte; a French marshal of Napoleon and Prince of Ponte Corvo(1763-1844) was elected in August 1810, and came to Sweden as Crown Prince Carl Johan.¹¹

⁹ Chapman(2001) p.1-2

¹⁰ Prince of Slesvig-Holsten-Sønderborg-Augustenburg

¹¹ I have chosen to address Bernadotte as Carl Johan, although some English writers use the name Charles John.

Denmark and Norway were united as one state from 1661. When I throughout the paper refer only to Denmark, it is the whole-state of Denmark-Norway I have in mind.¹² I sometimes refer to Norway as a state in itself, for instance when discussing the plans for a union with Sweden, and unless something else is specified, I am then talking about the geographical area of Norway, it is not meant to imply Norway was its own sovereign state such as Sweden and Denmark-Norway. Denmark, or the Kingdom of Denmark-Norway, reached from the North Cape to the Elbe, and included Norway, Denmark, Iceland, The Faroe Islands, Greenland, Slesvig and Holstein. In the “succession celebration act” of 1661 representatives of the people had given all power to the King and his decedents, making the state a monarchical autocracy. Norway had a rich and varied economy based on agriculture, timber, fish, iron and copper, but the political power and elite; members of the cabinet, high-ranking functionaries and such were almost exclusively recruited among Danes, Germans and foreigners.¹³ Although the kingdom was an absolute monarchy, there was some dialog with the population; some even talk of a state governed by public opinion, but this might be going too far as there certainly were limits to what the government would listen to.¹⁴ Denmark-Norway was geographically important to both Sweden and Britain, as commerce in the Baltic Sea was thriving, for Britain it was practically essential to their naval stores. Also for Sweden, sharing both land and maritime borders with Denmark-Norway, the status of the relationship was of great consequence to her own safety and connection with Europe.

1.7 An introduction to British politics

As I will be discussing the content of the Stockholm Treaty for the most part through the British parliamentary debates, it is important to give a short introduction to the different factions in British policy during this period and how this affected British foreign policy. In chapter 4 I will present some broad strokes of British politics. There I have only addressed

¹² Note that the two were divided in the sense that the King had two Crowns and was king of Denmark as well as King of Norway.

¹³ Dyrvik(1996) p.12-13

¹⁴ Dyrvik(1996) p.23

those issues with direct links to the Treaty. In this introduction I will give a short presentation of the persons from the British parliament that were most central in the events that will be presented below and in later chapters. Throughout the presentation I will refer to persons by their full name and titles only the first time they appear. After this I will only use the name under which they were commonly referred i.e. Castlereagh or Pitt.

William Pitt the Younger (1759-1806) became the youngest Prime Minister in Britain, at the age of 24, at the end of 1783. At this point he did not have the support of the majority in Parliament, but he had the full confidence of the King George 3, and widespread support around the country. During the first few months in office he lost several votes of no confidence, but Pitt refused to resign. In March 1784, the King then dissolved Parliament and after the general election in April, the Pittites gained a clear majority. Pitt's only real rival for the post of Prime Minister at this time was Charles James Fox (1749-1806), who the King personally loathed, much because of his support for the American patriots. This effectively meant that the King would not dismiss Pitt as easily as he had some of the previous first ministers, giving Pitt a greater degree of independence from the monarch.¹⁵ Pitt was a dominant figure in British politics and government as Prime Minister through the Revolutionary war and into the Napoleonic wars. One of his perhaps most important efforts was that of introducing the income tax (in effect from 1799). This invention helped facilitate the huge expenses of the British state to help fund both their and their allies' efforts against France. We study the system of the income tax further in relation to article 3 of the Stockholm Treaty. Pitt's political legacy also influenced his successors, including the Prime Minister at the time of the conclusion of the Stockholm Treaty; Lord Liverpool.

Robert Banks Jenkinson (1770-1828), the 2nd Earl of Liverpool, and Robert Stewart (1769-1822), Viscount Castlereagh¹⁶ are the two most featured members of the British govern-

¹⁵ Lyon(2003) p.304-305

¹⁶ This was his courtesy title, he was the Second Marquess of Londonderry

ment at the time of the Stockholm Treaty. Liverpool, the Prime Minister, sat in the House of Lords, while Foreign Secretary Castlereagh was seated in the Commons and was the Leader of the House. We will come back to the background and experiences of these important ministers when we investigate the political backdrop for the Treaty. As they were both experienced and skilled men, they held government offices also before the Liverpool administration, and we will meet them in our account of the course of the war as well. I will try to be specific as to their roles and position at the time they are mentioned. To avoid any confusion, the appendix includes a list showing the posts of the most featured persons.

Members of the opposition at the time of the Stockholm Treaty debates included persons highly involved in British politics throughout the Napoleonic wars as well. Most prominent in the debates are George Ponsonby (1755-1817), Earl Charles Grey (1764-1845) and George Canning (1770-1827), Ponsonby, who had actually taken Lord Grey's seat in the Commons when he was called to the upper House, acted as leader of the opposition in the Commons from 1808 until his death.¹⁷ Both Grey and Canning are central figures on the political scene during the Napoleonic wars as we will see in the presentation of the course of the war later on.

1.8 Continental events and course of the war

In January 1813 Castlereagh wrote to William Schaw Cathcart, 1st Earl Cathcart (1755-1843), the British envoy in Russia and told him to "*pursue whatever scheme of policy can most immediately combine the greatest number of powers and the greatest military force against France, as to produce the utmost effect against her, before she can recruit her armies and recover her ascendancy*".¹⁸ This is a good representation of the situation and political climate in Britain at the time. It was the foremost goal of the British government to unite the different European states against France and Napoleon, who had been constantly

¹⁷ Dictionary of National Biography vol. XLVI(1896) p.83

¹⁸ Bew(2011) p.315, ref British Diplomacy 1813-1815: Select Documents DeAlin with the Reconstruction of Europe, G.Bell and Sons ltd. London 1921

expanding his power in Continental Europe and threatening the safety of Britain for close to two decades. Here we will take a brief look at the events leading up to the Stockholm Treaty, some of them we will also come back to with more details later.

The Russian empress; Catherine the Great (1729-1796) detested the ideas behind the French Revolution, but managed to avoid the fight against France in the beginning of the wars, leaving it to Prussia and Austria to do the fighting. Russia first joined the war under Tsar Paul I (1754-1801) in 1799, when they joined the Second Coalition with Britain, Austria and Turkey. This coalition fell apart soon after, and Paul reached an agreement with Napoleon in October 1801, becoming more hostile towards Britain by among other things reviving the League of Armed Neutrality.¹⁹ Tsar Alexander, who took over after his father was assassinated²⁰, managed to smooth over the relationship with Britain just as the British were sailing up the Baltic Sea to destroy the Armed Neutrality League, while the amicable relationship to Napoleon was quickly becoming strained as the French occupation of several states in Germany could threaten the safety of Russian trade in the Baltic Sea.²¹

The Peace of Amiens signed between France and Britain in March 1802 was short lived. War re-started in May 1803 and the next years was in many ways a constant war of life and death between Britain as the greatest maritime power, and Napoleon, who had crowned himself Emperor in 1804, the Continental master.²² The Russian tsar refused to recognise Napoleon as Emperor²³ and throughout 1804 and into 1805 British-Russian relations grew stronger and formed the foundation for the Third Coalition.²⁴ The Third Coalition was characterized by British success on the sea, and French success on land. Nelson defeated

¹⁹ Chapman(2001) p.10

²⁰ A conspiracy Alexander himself was a part of, although he was promised his father would not be hurt

²¹ Chapman(2001) p.19

²² Dyrvik(1996) p.88

²³ As did Austria, Sweden and Turkey, see Seton-Watson(1967) p.56

²⁴ Chapman(2001) p.19

almost the entire French-Spanish fleet at Trafalgar in October 1805, but at the same time Napoleon defeated Austria at the Battle of Ulm, and in December he overtook a combined Austrian-Russian force at Austerlitz. These losses made the Third Coalition fall apart, and both Austria and Prussia agreed to Peace with Napoleon. Russia held out longer than her continental allies, but after two major battles at Eylau and Friedland in February and June 1807, Russian forces were forced to retreat to the east and Alexander and Napoleon negotiated the Peace at Tilsit in July 1807.²⁵ After Trafalgar a British blockade kept the remains of the Spanish and French fleets from appearing on open seas right up until 1814. To counteract the effects of this blockade Napoleon effectuated several decrees resulting in what is known as the Continental System.²⁶

In the Peace at Tilsit, Napoleon agreed to let Russia have her way with taking over Finland, and Russia undertook to join the Continental System and help France put pressure on the neutral states to force them to close their ports to all commerce with Britain. The only neutrals left in Europe at this point were Sweden, Denmark-Norway and Portugal. However, neutrality was now quickly becoming impossible. Denmark had been very persistent not to involve herself in any conflicts since 1801, but now both parties to the war were making their move to get Denmark on their side, or at least keep her from joining the enemy. On the same day, August 6th 1807 the French Foreign Secretary in Paris presented the Danish envoy with their ultimatum; join the Continental System or face war, while the British envoy at the Danish court in Kiel told Crown Prince Fredrik either to join in an alliance with Britain or there would be war between the two countries.²⁷

²⁵ Chapman(2001) p.20-22

²⁶ Under the Continental System the Britain was blockaded and British goods in Europe was seized and confiscated in an attempt to break Britain through its trade. However, Britain responded with her own blockade, and the Continental System was so inefficient that British goods were smuggled onto the Continent on a large scale. However, the two blockades created huge problems for the neutrals, such as Denmark-Norway and the United States. www.snl.no:fastlandssperringen

²⁷ Dyrvik(1996) p.88 and the same in Glenthøj(2012) p.76-77

The British would under no circumstances risk that the Danish fleet could end up under the control of Napoleon, as the trade in the Baltic Sea was the cornerstone in financing both the British but also the allies' war efforts. Canning, who was Foreign Secretary at this point had gotten word about the negotiations at Tilsit, and acted fast.²⁸ On July 13th 1807 the cabinet decided to send a strong fleet to Denmark, which reached The Sound on August 3rd and was joined by a supplementary corps from Rügen on the 16th. The Danish Crown Prince had refused the British ultimatum, and Copenhagen became victim of the first modern terror bombardment (*Dyrvik/Feldbæk*) of a European big city. The Danes surrendered, and the entire fleet and all its supplies was handed over and sailed to Britain.²⁹

In 1809 one of the most central figures in European politics during the last part and aftermath of the Napoleonic wars took office as Foreign Minister in Austria. Count Metternich (1773-1859)³⁰ had previously served as both a minister to Dresden and an ambassador to Napoleon's court.³¹ Metternich came from the Rhineland, from an area expropriated during the French Revolution. He was anti-French on the basis that it represented an overwhelming power that threatened the old order, but he did not see Napoleon as necessarily an enemy; if only his ambitions could be curbed, he could actually serve as a defence against new revolutions since he had restored order to France. Metternich's philosophy was that Austria had acted too rash in previous wars, and carried to heavy losses. Instead, he thought, Austria should not place herself in open opposition to France, but wait until a favourable bid was proposed to her that could secure her great power.³² As we will see later, this is very close to what actually became Austrian policy during the final stages of the war.

²⁸ With the qualified support of Castlereagh, see Derry(1976) p.117

²⁹ Dyrvik(1996) p.88-89

³⁰ Klemens Wenzel Nepomuk Lothar, Fürst von Metternich-Winneburg zu Beilstein(1773-1859)

³¹ Kann(1974) p.211

³² Kann(1974) p.224-225

The Russian Campaign³³ was a central event, both in the Napoleonic wars, but also specifically in relation to the Stockholm Treaty. In June 1812 610 000 French soldiers marched into Russia. Between 50 and 60 000 thousand of them fell at Borodino on September 7th, but even more devastating to the French was the retreat; of the huge army that started the campaign only about 5000 returned home. This great defeat became a signal for the rest of Europe to rise against France. The French were being driven further and further north in Spain, Prussia broke their alliance with the emperor, and Austria, being a tad more careful, declared themselves neutral.³⁴

Carl Johan turned to Russia for support for his plans concerning a Swedish union with Norway after Napoleon had dismissed his approaches for a co-operation in 1811. Russia, on their part, welcomed the Swedish plans, as she thought it possible to use Sweden as a middleman to secure British help and support for Russia, without Russian commitments to Britain. Russia needed peace and financial aid, but wanted to avoid negotiations directly with Britain, and an alliance with Sweden was a way to reach her indirectly.³⁵ Sweden and Russia signed the Treaty of St. Petersburg on the 5th of April 1812, in which they agreed that Denmark would have to release Norway, either as a result of diplomatic pressure or by a joint military attack from Sweden and Russia on Zealand. After the conquering of Norway, the combined forces would be transferred onto the Continent and fight against Napoleon. Sweden and Russia also agreed on the Convention of Vilno on June 15 1802 and the Treaty of Åbo of August 18th 1812. They both make small amendments to the Treaty of St. Petersburg, and in Åbo the Russian contribution to the joint forces that would insure the union of Norway and Sweden was nearly doubled. However, as most of these changes related to plans meant to be effectuated during 1812, they are not directly relevant for the contents of the Stockholm Treaty, and I refer for the most part to the Treaty of St. Petersburg as the relevant agreement between Sweden and Russia in my study of the Stockholm

³³ For more on the Russian campaign, see Chapman(2001) p.29-32

³⁴ Norges Historie; bind 9(1978) p.225-227

³⁵ Schroeder(1996) p.430-431

treaty. The representatives in Parliament only refer to the Treaty of St. Petersburg, and it is unclear whether they were familiar with the two additional agreements by name and nature as the government had only re-iterated the main content of the St. Petersburg Treaty. We will come back to the relationship between the treaties in connection with article 2 of the Stockholm Treaty.

The plans to attain Norway during the summer or autumn of 1812 fell through after Napoleon's defeat in Russia, as the urgency to show support for Sweden left the Tsar together with the French army. Carl Johan did however not lose sight of his goal, and started preparations for a new alliance with Britain. Although the two had formally been at war since the summer of 1810, there had never been any reality to it, and Sweden had to large extents facilitated British smuggling and access to Continental trade in spite of the Continental blockade.³⁶

1.9 Outline for the rest of the presentation

The next three chapters will be a presentation of the historical event that helped form the backdrop for the Stockholm Treaty. First we will focus on the Swedish background, including the preceding relationship with Britain, and the former plans for a union with Norway, which are both central for the formation of the Stockholm Treaty. Chapter 3 is an outline of the Napoleonic wars, with aspects of British foreign policies where this sheds some light on elements of the Treaty. To conclude the historical section of the presentation we will look at internal political aspects in Britain, relevant to understanding some of the factions and policies represented in Parliament when discussing the Stockholm Treaty.

From chapter 5 we will start going in depth of the stipulations in the Stockholm treaty and the parliamentary debates about it. Although presented by theme, the following chapters follow the template of the Treaty, addressing the subjects in the order in which they arise.

³⁶ Norges Historie; bind 9(1978) p.226

In the final chapter I will present my own reflections on the Treaty, its place in politics and international law and its function in the landscape it was formed.

2 Swedish background

2.1 British-Swedish relations during the Napoleonic wars

Although many of the European states played an important part and influenced the issues of the Stockholm Treaty in different ways, only Sweden and Britain were parties to it. It is therefore interesting to study briefly the historic relations between these two states, beginning in the wake of the League of Armed Neutrality of 1801.

Towards 1802 the relationship between Sweden and Russia had grown quite hostile and Sweden had concerns about the relationship with France under Napoleon as well, as he seemed more than keen on territorial expansion and possibly a much closer relationship with Russia. Sweden realized the need to mend her diplomatic fences with Britain, but the demands on both sides were significant. Sweden wanted full compensation for seized convoys, and Britain wanted lower taxes on British textile exports. The negotiations were at a standstill until war between Britain and France broke out again in 1803 and it became essential for Britain not to make an enemy of Sweden; the two countries signed a commercial convention in London on 25 July 1803.³⁷ As we will see when we look closer at the question of entrepôt in the Stockholm Treaty, access to Swedish ports was important to British commerce, especially while the Continental System was still in effect.

The lack of subsidies and military support had contributed to the worsening of the British-Swedish relationship. Most of the Swedish ministers were against the war itself, and against depending on Britain. British diplomats on their part, were tired of the Swedish King's preoccupation with the security of Swedish Pomerania; a small Swedish province in

³⁷ Based on key points in Jorgensen(2004) p.11-14

the north of Germany³⁸, and his constant demand for subsidies for a relatively small army without much offensive strength. As we can see, the question of subsidies that we will discuss in relation to article 3 of the Stockholm Treaty was familiar territory for negotiations between the two states.

Although there was a certain lack of trust on both sides of the alliance between Britain and Sweden, Gustavus was considered a loyal ally, and Canning, Foreign Secretary from 1807, was forced to change his reluctant policy towards Sweden. He sent a new envoy to Stockholm in December 1807; Edward Thornton, who quickly realized that the Swedish belief that Russia would not invade Sweden, was completely unfounded after the Tilsit Treaty of 7 July 1807³⁹. Almost immediately after his arrival in Sweden Thornton set out to investigate whether Sweden could resist a Russian invasion. He understood that Sweden would need all the British help she could get, and a new subsidy treaty was signed the 21st of February 1808. On the 3rd of March came the first unconfirmed messages that the Russian had crossed the Kymmene River into Finland.⁴⁰

When Russia decided to invade Finland in 1808 she advanced quickly, and had conquered most of southern Finland before winter came again. The Swedish government had left the defence of Finland entirely up to its own forces, which only consisted of 22,000 men, while the Russian reserve was practically unlimited. The Finnish army did however perform very well in some instances, but some misleading information of the situation, and some very strange decision-making from the commanders resulted in the failure to protect Finland from Russian occupation, and a final Treaty of Fredrikshamn 17 September 1809 conclud-

³⁸ Sweden had gained effective control of Pomerania in 1630, but lost most of the possession in different treaties in the 17th century. She had had control over the small remaining part since 1720. Wikipedia: Swedish Pomerania

³⁹ We will come back to the content of the Peace at Tilsit below

⁴⁰ Jorgensen(2004) p.123-125

ed the war, with Sweden ceding all of Finland and the Åland Islands to Russia.⁴¹ The invasion and loss of Finland is one of the most important contributing factors to Sweden setting its heart on attaining Norway, and are therefore most relevant for our understanding of the Stockholm Treaty.

When Gustavus got news about the invasion of Finland and that Denmark, under pressure from Napoleon, had declared war against Sweden in March 1808 he realized enemies surrounded him. He decided it was time to realize his long-time dream of uniting Sweden and Norway, which to a certain extent could explain the lack of support for the defence of Finland. Even though the plans against Norway originally depended on British support, Gustavus was impatient, and not wanting to risk losing the element of surprise, pressured his commanding officer to begin the operation anyway. The commander, Gustaf Mauritz Armfelt (1757-1814), won the first battle of Lier, but the campaign failed when the northern flank of his army was led straight into a Norwegian trap⁴² in late April 1808⁴³.

Castlereagh, Secretary of War from 1807-1809, met with Swedish representatives before the operation in Norway, and was not as convinced as the Swedish king that taking control of Norway would be an easy task. The British refused to send troops for any such offensive operation, and Canning made it quite clear to the Swedish envoy that a British army in Sweden would be limited to defensive operations, and anything else had to go through London.⁴⁴ When Castlereagh sent General Sir John Moore (1761–1809) away on the “Northern Expedition” in 1808 it was with clear orders to *“avoid any offensive operations that could jeopardize the security of his army and he was not to undertake, with or without*

⁴¹ For more details about the course of the invasion of Finland, see Jutikkala(1979) p.153 f, and Horbnorg p.178 f and a summary in Barton(1925) p.12

⁴² See more in the execution of this trap in Norges Historie; bind 9(1978) p. 166 following

⁴³ Jorgensen(2004) p.132-133 For more on the Battle of Lier, see Angell(1995) p.85-97, other Battles of the campaign are also described throughout his book, as well as in Vullum(1914) chapter IV

⁴⁴ Jorgensen(2004) p.134-136

*Swedish assistance, any invasion of Norway or Zealand*⁴⁵. As we can see, although Britain had expressed support for a union of Sweden and Norway, they were apprehensive of participating in an actual military operation, not unlike the attitude they presented towards the Treaty of St. Petersburg before signing the Stockholm Treaty.

Because Sweden was Britain's only official ally left on the Continent, it would be a humiliating diplomatic step for the British to withdraw their forces from Sweden without even attempting to assist the Swedish. Moore therefore travelled from Gothenburg to Stockholm to negotiate with the King, but the whole resulted in a complete fiasco were eventually Moore was held in house arrest as the King refused him to leave until he could get dispatches directly from London. Moore had to escape and managed to stop by Gothenburg to take his forces immediately back to Britain. Thornton, who had been on Moore's side during the discussions with Gustavus, was now thoroughly unpopular with the King, but even this crisis did not lead to a break in the diplomatic relationship between the two countries, as many had feared.⁴⁶

After the failure of Moore and his Northern expedition in the late spring of 1808, Britain now faced a choice between Sweden and Spain. Even though they were still allies, Sweden suspected Britain had provoked a crisis to justify leaving Sweden to her fate. Britain's faith in the Swedish military abilities and politics certainly had diminished, and Canning was quite excited at the prospect of a new bridgehead in Spain from which they could fight Napoleon. Britain, by a series of very clever operations, helped the Spanish evacuate an army of 11.000 men from Denmark, where they had been placed by Napoleon to construct the main parts of a Danish-French force ready to invade Scania.⁴⁷ This joined force was actually under the command of Bernadotte, who would later become the successor to the Swedish

⁴⁵ Jorgensen(2004) p.136

⁴⁶ Summary constructed from Jorgensen(2004) p.142-145

⁴⁷ See more; Jorgensen(2004) chapter 7, section 6.

crown.⁴⁸ Even though the British also sent naval forces to help secure the Swedish coast from any Danish, French or Russian attack, it became clear that Britain had given up on Sweden in favour of the Spanish war, and the Anglo-Swedish alliance started to fall apart.⁴⁹

Another blow to the Anglo-Swedish relationship was count Georg Adlersparre's (1760-1835) uprising and coup in 1809. Gustavus was arrested, and Duke Charles took over as regent as Charles XIII, although Adlersparre continued to exert considerable influence on Swedish policy. He now started planning for a realization of the old plans of a union with Norway.⁵⁰ Canning was at this point still distancing himself from Sweden, and the British government was very reluctant to be the first government in Europe to recognize Charles XIII, but Canning did promise British fleet support should the Swedes take the offensive towards Russia. However, the Portland administration in Britain was falling apart under massive pressure from both the opposition and the public about the military failures piling up on the continent, and the expenses this was causing and the ministry was forced to resign.⁵¹

As can be expected, Britain was not pleased when Sweden chose a French marshal; Bernadotte, as their new Crown Prince. The fear was that Sweden would become as much of a French vessel state as the Netherlands and others. There were no official diplomatic links between Britain and Sweden at this point because of the pressure France and Russia had been putting on the neutrals to declare war on Britain and accept the Continental System, but both were now so economically dependent on the other, that communications continued

⁴⁸ See also Dyrvik(1996) p.92

⁴⁹Emsley(1979) p.133-134 and Jorgensen(2004) p.145-152

⁵⁰ For further discription of Adlersparre's plans, see Norges Historie; bind 9(1978) p.184 f. More information about the execution of the coup can be found in Isaksson(2009) chapter 2. In chapter 3 there are also more details on the life and Background of Adlersparre.

⁵¹ Jorgensen(2004) p.174-175

unofficially, and they ran a complex, but important, smuggling operation circumventing Napoleon's Continental System.⁵²

While Sweden was officially at war with Britain from November 1810, Carl Johan had negotiated with Russia about a new alliance. The Treaty of St. Petersburg, signed in April 1812 was a secret treaty, but according to the Parliamentary debates, the content of the Treaty was communicated to the British government already in July 1812. This was because both Sweden and Russia wanted Britain to accede to the treaty, and help guarantee the fulfilment of its stipulations. According to Castlereagh, Britain replied to this request that; *"they could see nothing that merited reproach in the conduct of the governments of Russia and Sweden. That they were justified by the necessity of the case that they would act with them, and give what assistance they could to the parties"*⁵³. Britain did not become a party to the treaty, founding the decision on there not being any real advantage to the common cause by such an accession. When things changed and negotiations yet again were opened between England and Sweden in 1813, the question of accession to the St. Petersburg Treaty rose again, and as we shall see, this time with a different result.

2.2 Internal developments in Sweden

To be able to understand the priorities and agendas of the parties, it is relevant to briefly study the internal tendencies and developments of the states from a more national perspective. In this part we will take a look at the tradition for wishing a Swedish union with Norway, as well as Sweden's dealings with the other powers of Europe.

The tone between Sweden and France during Carl Johan's first years as Crown Prince from 1810 was not at its best. Carl Johan considered Napoleon's claim for a Swedish war with Britain not only proof of the French lack of consideration for Sweden, but also a sign of hostility against himself. At the same time there was a growing dismay from Napoleon that

⁵² See more, Jorgensen(2004) p.184 and Alin(1899) p.7-9,65-67 and 94-95

⁵³ Hansard(1813) p.769

Sweden was not willing to participate more actively against Britain. After getting confirmation that Russia would not oppose his policies regarding Norway, Carl Johan suggested to the French minister in Stockholm that if Denmark was forced to cede Norway to Sweden in exchange for certain provinces in the north of Germany, Sweden would supply an army of 50 000 men, and later another 10 000, to be Napoleons disposal. The French, who was closely connected with Denmark, dismissed the suggestions without much interest.⁵⁴ In the debates about the Stockholm Treaty in the British Parliament in 1813, Holland, speaking in opposition to the government, stated that “*the real cause of complaint on the part of Sweden against France was, that the latter refused to concur in its designs upon Norway*”⁵⁵ As the threat from Russia became more apparent however, Napoleon put forth a much more agreeable tone, though without managing to get an agreement in place. The Swedish demand of Norway and other subsidies could not be matched by what France was prepared to offer; the possible re-attainment of Finland. When the Russian threat against France diminished towards the summer of 1811, the relationship between Sweden and France worsened again.⁵⁶

2.2.1 Swedish policies concerning Norway - historically

As mentioned, the Swedish wish for a union with Norway was one of the main components relevant for the conclusion of both the St. Petersburg and the Stockholm treaties. The thought of conquering or uniting Sweden with Norway was not a new vision in Swedish policy, but the issue became even more relevant towards the end of the 18th century. The rise of Russia as one of the world’s great powers meant that a Swedish expansion to the east seemed practically impossible, and the threat of losing Finland was becoming more real and imminent.

⁵⁴ Alin(1899) p.81 f.

⁵⁵ Hansard(1813)p.738

⁵⁶ Weibull(1957) p.63-64 and Alin(1899) p.96-102. For a more extensive account of Sweden and Napoleon before the successor election, see also Kuylenstierna(1914) p.144 f.

The plans concerning Norway solidified just after the turn of the 19th century. By befriending Prussia and France in 1801, King Gustavus hoped to attain their support for a union of the Scandinavian Peninsula. The diplomatic efforts were at the same time complemented by preparations for a direct attack on Norway and substantial efforts to influence public opinion and agitate complaints against the Danish government. However, neither Prussia nor France supported the plan, and it was first after Denmark joined Napoleon in 1807, and Denmark and Russia declared war against Sweden in 1808 that the plans could be restored. Gustavus then hoped for British military support, but when he did not get it to the extent he had hoped, the plans were yet again put on hold, though certainly not forgotten.⁵⁷

The timing appeared better after the coup in Sweden in 1809. As Denmark had joined the Continental System after the British bombardment of Copenhagen in 1807, Danish-Norwegian foreign trade had been almost completely cut off and subject to a British blockade. This blockade struck Norway much harder than Denmark, as Norway was completely dependent on import of many necessities.⁵⁸ In addition, both 1807 and 1808 were terrible years for crops, which led to a severe shortage of grain, and hunger among the people. During the blockade, a government commission was established in Norway, as the contact with the central government in Copenhagen also was cut off.⁵⁹ The Commission was meant to be an emergency institution, and was not a breach with the idea of a centralized government.⁶⁰ Its main task was to insure Norway's supply of grain, but it also made initiatives about foreign policies towards the King.⁶¹ The Swedish saw the commission and its effects, though not dramatic, as an advantage to their plans of a union.

⁵⁷ Weibull(1957) p.5-6

⁵⁸ See more Norges Historie; bind 9(1978) p.178-179

⁵⁹ Weibull(1957) p.7-8 and Langslet(1998) p.66-76. The Commission had four members; the Danish Prince Christian August, town governor Gebhard Moltke (1764–1851), superior court chief justice Enevold de Falsen (1755-1808), and country governor Marcus Gjõe Rosenkrantz (1762- 1838)

⁶⁰ Norges Historie; bind 9(1978) p.157-158

⁶¹ See more in Dyrvik(1996) p.92-93

The Danish Prince Christian August sat in charge of this commission, and governed Norway rather independently of Copenhagen during these years. He led the Norwegian forces in the war against Sweden in 1808-09, and driven the Swedish army out of the country, but when the Danish king ordered him to advance further into Sweden, he refused, claiming that the Norwegian forces were too small and underequipped. He also listened to the Swedish coup-makers in 1809 that convinced him that it would be unwise to take advantage of the neighbour's vulnerability, which they greatly appreciated.⁶² Christian August was very popular in Norway; much because of his sincerity and commitment to the job he had been given and his kind manners and conduct.⁶³ For this reason, when Sweden was to choose their new crown prince, Christian August was the perfect choice, hoping that the Norwegian people would follow him and unite themselves willingly with Sweden.⁶⁴ However well the situation in the North and the motivation of the Swedish government suited the goal of a union, it was not completed. In the spring of 1810 it became increasingly apparent that one had not gotten any closer to securing a union, and in addition, Christian August died suddenly at the end of May, leaving Sweden yet again in need of a successor to the throne.⁶⁵

The British government was also well aware that the thought of a union had been something latent for the different Swedish rulers for a long time, and Britain had expressed their vivid sympathies for the cause during the summer of 1809⁶⁶ and tried to afford some naval support⁶⁷ for defensive purposes during the invasion of Finland when Gustavus wished to

⁶² Langslet(1998) p.62

⁶³ Dansk biografisk Lexikon III. Bind(1889) p.537-538

⁶⁴ Weibull(1957) p.8-9 and the same in Alin(1899) p.2-3, Glenthøj(2012) p.80 and Norges Historie; bind 9(1978) p.157

⁶⁵ Weibull(1957) p.13,

⁶⁶ Alin(1899) p.4

⁶⁷ This was the purpose of Moore's Northern expedition which we briefly discussed above.

effectuate an attack on Norway. Liverpool explained these historic plans to the House of Lords in 1813:

“The idea of annexing Norway to Sweden was not a new idea, as their lordships must be aware. Sweden had lost Finland, owing to her refusal to accede to the Treaty of Tilsit, by which that country was embarked in a war with both Russia and France. Their lordships knew that an expedition had sailed from this country, under the late sir John Moore, to co-operate with Sweden in the conquest of Norway, as a compensation for the loss of Finland.”⁶⁸

Liverpool considered Britain good and well released of this former engagement due to the revolution and nominal war with Britain that Sweden had been through,

“but as Sweden had co-operated so powerfully with England, and evinced such a determination to support its independence, it had a strong claim upon the liberality of this country to promote its objects in any legitimate contest.”⁶⁹

These accounts were all made under the assumption that Britain was at war with Denmark, and therefore in her right to help secure the cession of Norway, which we will come back in chapter 6.⁷⁰

2.2.2 Policies under Carl Johan

Many of the key ministers in Sweden saw the opportunity in again choosing a successor to the Swedish throne in 1809-10 to secure Sweden’s relationship and alliance with France. In military circles certain groups lobbied for such an alliance, and one of Napoleon’s marshals on the throne. The Prince of Ponte Corvo; Jean Baptiste Bernadotte was suggested, and quickly earned the support of many factions in Stockholm, but the King greatly opposed a French marshal as his successor, and most of the ministers were sceptics as well.⁷¹

⁶⁸ Hansard(1813) p.721-722

⁶⁹ Hansard(1813)p.722

⁷⁰ Hansard(1813) p.721

⁷¹ Weibull(1957) p.22-23

The minister for foreign affairs, Lawrence von Engeström (1751–1826), managed to persuade the political opposition, and by their help the King to choose Bernadotte, based on quite unconfirmed promises of economic support of 8 million francs from France that would appease the ramifications a contingent war with Britain could cause, and help Sweden out of an acute financial crisis.⁷² It was also considered important that Napoleon himself supposedly wanted Bernadotte on the throne⁷³, and that Sweden would finally get someone with proper military skills and experience.⁷⁴ Jean Baptiste Bernadotte was elected successor to the throne of Sweden by the Swedish parliament on August 21st 1810, and took the name Carl Johan.⁷⁵ Carl Johan stepped up as a leader in all matters of foreign policy, military strategies, warfare and even financial areas, from the moment he came to Sweden, and he did it with authority, sincerity and energy.⁷⁶

Even in the days before his official election, Bernadotte was informed of the certain hopes and plans concerning Norway that was linked to the election of a successor. A substantial part of Carl Johan's activities and initiatives during the years to come were part of a plan to acquire Norway.⁷⁷ By doing so, he believed he would secure his position in the North, before intervening in the war on the Continent. The plan was to create alliances with some of the greater powers in Europe and through military action against Denmark, force her to give up Norway. Carl Johan addressed the issue shortly after arriving in Sweden in the fall of 1810. Napoleon was at this point at the height of his power, and it was only natural for Carl Johan to first turn to the emperor for support for his Norwegian plans. However, Na-

⁷² See also Norges Historie; bind 9(1978) p.220 following

⁷³ According to Langslet(1998), it was not Napoleon pushing for the election of Bernadotte, but factions in Sweden wishing to avoid a union with Denmark. See Langslet(1998) p.64

⁷⁴ Weibull(1957) p.28-29

⁷⁵ Weibull(1957) p.35. For more about the successor election see Alin(1899) chapter 2.

⁷⁶ Kuylenstierna(1914) p.227

⁷⁷ See Alin(1899) p.80-81 and Langslet(1998) p.67.

oleon was not interested, and Carl Johan was blatantly dismissed.⁷⁸ To the surprise, and possible dismay of Engeström, the cabinet and the other French-oriented groups in Sweden, Carl Johan did not continue to look to Napoleon for support, but wanted to investigate the possibility of a voluntary union between Norway and Sweden, and the support of Britain. Carl Johan displayed a clear idea, and plan of action to accomplish the union without bloodshed at all.⁷⁹

Carl Johan sent his representative to Gothenburg already in December 1810 to make contact with the British emissary, who could assure that the British government would be inclined to help secure Norway's union with Sweden. At the same time the county magistrate of Gothenburg made contact with the inhabitants at the Norwegian border, among other things to influence the people against Denmark.⁸⁰ The union of the two countries would create a great peninsular nation that, with the alliance of Britain, could withstand any attempt on its safety from the continent. If the Norwegians would unite willingly, Carl Johan made promises of a constitution of their own which would be consistent with the Norwegian laws and customs.⁸¹ As long as Norway maintained their own defence of the borders, they would not even have to pay large amounts, if any, for the support of the King. Carl Johan was adamant that the union should be peaceful, and that any Danish officials would be free to return to Denmark unharmed.⁸² Carl Johan continued to rely on Adlersparre and his propaganda pamphlets and other writings throughout the winter of 1811. However, all

⁷⁸ Norges Historie; bind 9(1978) p.224-225, Schroeder(1996) p.430

⁷⁹ Weibull(1957) p.42-44, Langslet(1998) p.65 and Kuylenstierna(1914) p.229-230

⁸⁰ See more on Adlersparre's plans and activities in Ottosen(2013) from p.111

⁸¹ The promises of an own Norwegian constitution was made from Carl Johan to Adlersparre via a French merchant in Gothenburg named A.R. Lorent in „Précis d'une conversation 30 Novembre 1810", Weibull(1957) p.45 note 6.

⁸² Weibull(1957) p.44-45.

the activities of both Adlersparre and von Platen⁸³ (who also had gotten important tasks in the operation), was conducted with the upmost secrecy and carefulness, and in the spring Carl Johan's interest seemed to diminish. In the fall the activities was rekindled, and trusted men were sent to Norway to investigate the size of the military forces, and the general atmosphere and feelings towards both Denmark and Sweden.⁸⁴

2.2.3 Swedish relations with the Great European powers

At the time of the Peace at Tilsit in 1807, Sweden was still an ally of Napoleon. However, the French emperor had no apprehensions to agree with Russia to threaten Sweden with war if she did not close her ports to the British, and declare her war.⁸⁵ In 1808, when Russia marched into Finland, and as soon as he heard the news, Napoleon prepared a French-Danish force in Denmark, ready to cross the sound to Scania to meet up with the Russian troops and force the English forces present in Sweden to abandon the area. Napoleon was willing to leave the fate of Sweden entirely up to Russia, ordering his foreign minister in January 1809 to "*let Russia do with Sweden as she pleases. [...] I will approve all that Russia does*" Even so, Sweden still turned to France for protection and advice during the process of establishing a new government after the revolution in 1809⁸⁶.

After Napoleon told Sweden to adhere to Russian demands for peace on her terms after the invasion of Finland, Sweden realised that she would need to succumb to the Continental System and close her ports to all British vessels and goods to avoid total destruction.⁸⁷ In

⁸³ Count Baltzar Bogislaus von Platen (1766-1829), Admiral and member of the Swedish government from 1809.

⁸⁴ Weibull(1957) p. 49-50

⁸⁵ Alin(1899) p.1

⁸⁶ More on the Swedish revolution and coup, see Alin(1899) p.2-3, Jorgensen(2004) chapter 8, section 4 and 5 and Isaksson(2009) chapter 2

⁸⁷ Alin(1899) p 6

November 1809 Napoleon had grown tired of Sweden's continued trade with Britain, and proposed an ultimatum, in which the Swedish government had to choose between a war with France and her continental allies, or against Britain. The Swedish state secretary, presenting the dilemma to the King, feared that a war with Russia and Denmark could mean the end of Sweden as a sovereign state. This he thought weighed heavier than the burden of the financial consequences that would arise from a war with Britain. The King agreed in the end, and Sweden declared war against Britain on November 17th 1810. However, in Gothenburg count Rosen had addressed the British agent present there and explained that Sweden had been forced into declaring war, and conveyed the Swedish wish that that the state of war between the two would remain on paper, and as none of the parties instigated any hostilities, so it did.⁸⁸

Apart from his activities towards Norway, Carl Johan's most pressing business when it came to foreign policy was to analyse and close in on the relationship towards Russia. Tsar Alexander, who was preparing for a possible breach of the alliance with France, welcomed this attempt to secure connections between the two neighbours. An amicable relationship to Sweden would also mean that Russia had one less thing to worry about, namely the fear of Sweden wanting Finland back.⁸⁹ Towards the end of 1810 and the beginning of 1811, the relationship between Russia and France was certainly deteriorating, and on the 10th of January 1811 the Russian emperor produced stipulations relieving the terms for trade with neutral goods, while at the same time establishing an import ban on French goods.⁹⁰

While his cabinet of ministers late in February 1812 decided on a policy of neutrality, Carl Johan had already sent Carl Löwenhielm (1772-1891) to St. Petersburg to negotiate an alliance with Russia. In the negotiations with Russia, it was important to Sweden that the at-

⁸⁸ Based on Alin(1899) p.70-78 and Norges Historie; bind 9(1978) p.226. For more detail see Alin(1899) chapter 3 in its entirety.

⁸⁹ Weibull(1957) p.51-52 and Alin(1899) p.82 and following

⁹⁰ Alin(1899) p.93 see more about the break between France and Russia in Schroeder(1996) p.419 f.

tainment of Norway was to be a condition for Swedish military participation on the Continent, and not a reward. Russia was very positive to this initiative, and the Treaty of St. Petersburg was signed on the 5th of April 1812.⁹¹

Carl Johan simultaneously re-established contact and negotiations with Britain, although they formally were still at war. Carl Johan ordered the Swedish diplomatic representative in London to negotiate, not only for peace with Britain, but an alliance. Again, the goal was to get support for the Norwegian question. It is not unreasonable to think this offensive in part was prompted by the reports Carl Johan was getting on the general atmosphere in Norway towards Sweden. It became clear to him that the Norwegians were very oriented towards Britain and more than eager to re-establish their trade and shipping connections with Britain. A voluntary union from the side of Norway therefore seemed unlikely without British support.⁹² This also shows us that it was no coincidence that Sweden became sort of a middle-man between Russia and Britain in the forming of the sixth coalition against Napoleon that started with the St. Petersburg Treaty of 1812.

In the debate in 1813 Harrowby wished to assure the members of the House of Lords that the British ministers had cause to justify the accession, apparently by showing that at the time of the conclusion, the best policy for Sweden would have been to remain neutral. This was based on the wars that Sweden had already endured and the consequences of this; “*reduced in territory, impaired in resources and diminished in population*”. From what we have seen it is incontestable that Sweden certainly had lost both territory and population when Russia had conquered and taken control of Finland, and that the economy was struggling. To sum up; “*He contended that it was the interest of Sweden to have kept free altogether of the contest, dismembered as she had been in a former war, and that neutrality*

⁹¹ Weibull(1957) p.61-62

⁹² Weibull(1957) p.62

was her obvious policy.”⁹³ Although Harrowby never completes his reasoning around this subject, I think it is fair to assume that he wanted the Lords of the House to understand that it was necessary, and therefore justified, for Britain to accede to the Treaty, as Sweden would otherwise not get involved in the fight against Napoleon.

Harrowby also commented on a critique made by Holland that the union of Norway and Sweden, placed beside Russia, would eventually lead Sweden to ally, and possibly become rather dependent, on France.⁹⁴ Harrowby however, felt that if anything, the union would naturally draw Sweden even closer in the alliance with Britain, though neither of them elaborated on their reasoning for these statements.⁹⁵ The probable reasoning is that a united state of Sweden and Norway would need security from the Russian empire in the east. While Holland believed it natural for Sweden to seek support from France against Russia, then Harrowby figured it would be just as natural for Sweden to move closer to Britain, possibly because of the substantial trade with Scandinavia.

3 Outline of the Napoleonic wars

In this section I will give an account of the key events during the course of the Napoleonic wars, influencing and influenced by the politics of the greater European powers and forming the foundation for the Stockholm Treaty. I keep my focus on the period after the turn of the 19th century, as the events of the war become more relevant closer to 1812-13.

In peacetime the British had a policy of keeping the nation’s armed forces to a minimum, which meant that the British army in 1792 consisted of less than 45,000 men. The Navy had 115 ships, almost forty more than both the combined navy of France and Spain. However, there were only 16,000 men serving and only twelve of the ships were in commission. Still, the navy was in better shape than the army, and would handle a transition into a state

⁹³ Hansard(1813) p.734

⁹⁴ Hansard(1813) p.732

⁹⁵ Hansard(1813) p.735

of war more smoothly.⁹⁶ It took only a few weeks of mobilization for the navy to have fifty-four battleships in commission and another thirty-nine ready,⁹⁷ and as we shall see, it was at sea Britain performed its most significant military contributions.

3.1 From the bombardment of Copenhagen to the peace at Tilsit

Denmark and Sweden had throughout the 1790s been under substantial pressure from the Great powers - Russia, Prussia and Britain - to join the allies and help starve revolutionary France by blockading her trade at sea. However, the two Nordic states managed to withstand the pressure, and maintained their defensive neutrality policy up towards 1800 when forces within the Danish military demanded a more offensive approach. In late July 1800 four British frigates forced a visitation and seizure of a convoy on the south coast of Norway and as a response the Russian tsar, by request of the Danish Crown Prince invited the states of the Baltic Sea to re-establish the League of Armed Neutrality. Denmark accepted the invitation in December making Britain send a strong fleet towards Copenhagen in March 1801; which attacked the Danish defence lines on April 2nd.⁹⁸ In the middle of the negotiations between Britain and Denmark after the battle outside Copenhagen there was news from Russia that Tsar Paul had been murdered⁹⁹. Russia took on a more amicable tone towards Britain when Alexander took over new tsar, and as Britain had virtually destroyed the Danish fleet in the attack, the Armed Neutrality League dissolved.¹⁰⁰ The question of blockade and the Continental System and the rights of neutrals was an issue for all the involved parties of the wars right up until the Treaty of Stockholm and through the duration of the wars.

⁹⁶ Emsley(1979) p.11-12

⁹⁷ Emsley(1979) p.33

⁹⁸ Feldbæk(1998) p.209-210

⁹⁹ Feldbæk(1998) p.214

¹⁰⁰ Emsley(1979) p.91

The first years of the 1800s brought peace to Europe for a short while. Russia and France made peace by the Treaty of Paris on October 8th 1801, where they agreed to co-operate on the fate of several European powers¹⁰¹. Britain and France signed the Peace of Amiens on March 27th 1802, but war restarted in 1803. During this period, there was friction between Britain and Russia on several issues. Russia opposed the lack of reference to the Russian status in Malta¹⁰² in the Peace of Amiens, and the British disliked the Russian involvement in negotiating peace between France and Turkey. The issue of Malta was one of the main reasons for the restart of war in 1803, and Russia considered Britain mostly to blame for this. In addition, new hostilities led to new incidents between British privateers and vessels trading with Russia.¹⁰³ This forms some of the background for the apprehension in Britain and Russia about making an alliance between themselves directly, and why it was so convenient to use Sweden as a middle-man. In 1802 Alexander made an official visit to the king and queen of Prussia. He went out of his way to express his friendship for King Frederick William and the two got along extraordinary well. They established a genuine personal bond that continued to link Prussia to Russia in a special way, even during the following years when the formal relationship between the states was strained.¹⁰⁴

In 1803 William Pitt the Younger was back in office, and realizing Britain could never win the war against France without allies on the Continent, he started rebuilding the relationship towards Russia¹⁰⁵. The Russian idea was to “*outbid the French in appealing to the principles of liberty and the welfare of humanity*”. Reforms were to be instituted after states such as Sardinia, Holland and Switzerland had been liberated, and when peace was established there should be a new league that would ensure a “*new code of the law of na-*

¹⁰¹ For more details see Seton-Watson(1967) p.84

¹⁰² Russia had declined a British suggestion to send a garrison to Malta, but the Tsar undertook the role of protector of the Order of Malta.

¹⁰³ Seton-Watson(1967) p.85

¹⁰⁴ Seton-Watson(1967) p.84

¹⁰⁵ Emsley(1979) p.122, Hinde(1981) p.196

tions”¹⁰⁶. Pitt was positive to these idealistic aims, but refused other more specific demands such as modifications of British maritime law and that Britain should give up Malta.¹⁰⁷ Even so, the two parties signed a limited defensive treaty in the spring of 1804 thus initiating the Third Coalition, and a treaty of alliance concerning some more practical issues was concluded in St. Petersburg on 11 April 1805. The third coalition was joined by Sweden¹⁰⁸ in December 1804 and Austria in August 1805¹⁰⁹.

Britain acted as the bank for her allies, and in July 1804, Pitt offered the potential allies 5,000,000 pounds to share, half of which was earmarked for Austria who would most likely carry the heaviest burden of the war.¹¹⁰ In the St. Petersburg Treaty of 11th of April 1805 Russia undertook to supply at least 400,000 men, and Britain promised a subsidy of £1,250,000 per year for every 100,000 men.¹¹¹ As we can see, the Treaty of Stockholm was not untypical for alliances with Britain, as she would often offer financial support to those willing to make military sacrifices against France. Castlereagh, as Secretary of War and Colonies, was the man Pitt chose to oversee the bold plans that were laid when the Third Coalitions were to launch their attack against France in 1805-1806. Castlereagh was optimistic in his task, as he believed Prussia would join the allies and intervene on their side in the war. However, Prussia acted indecisively and it did not help the case of the allies that Gustavus kept fuelling an on-going conflict with Prussia by insisting on a Prussian guarantee that they would not invade Swedish Pomerania when, and if the Swedish king was to advance westward with the Northern Army now stationed in Pomerania. In the end, even

¹⁰⁶ From the instructions of the Russian envoy to London of 11 September 1804, see Seton-Watson(1967) p.86

¹⁰⁷ Seton-Watson(1967) p.86-87

¹⁰⁸ Sweden had broken diplomatic ties with France after the murder of the duke d’Enghien, which Gustavus felt had exposed Napoleon as willing and capable of any heinous acts, also against rightful rules and old regimes.

¹⁰⁹ Emsley(1979) p.122

¹¹⁰ Jorgensen(2004) p.24

¹¹¹ Seton-Watson(1967) p.87

Castlereagh lost hope of help from Prussia, and brought his troops home to Britain.¹¹² Admiral Nelson's great victory against the French and Spanish fleet at Trafalgar was the highlight of this coalition, but within two months an Austrian army had to surrender to Napoleon at Ulm, and the coalition shattered when Napoleon defeated the combined armies of Russia and Austria at Austerlitz.¹¹³

After Pitt died in 1806, Lord Grenville (1759-1834) formed a new government that included representatives from almost all groupings and was known as the "Ministry of all the Talents" or just the "Talents". This administration was not particularly successful in their attempt to negotiate peace with the French and Napoleon managed to entangle Britain in a war with Prussia, so that the latter would be isolated before he destroyed the Prussian army in one short campaign. The Talents also managed to alienate their last Continental ally, Russia, by refusing to attract the French forces attention with a raid of the French and Dutch coastal lines, and denying Russia the use of British credit for a loan.¹¹⁴ The Russians were not content with the size of British subsidies in proportion to the military sacrifices made by Russia, and considered it inappropriate that Britain seemed more preoccupied with commercial interest than the fact that Russian soldiers were dying on the battlefield. The tsar decided he did not need to waste his energy on an ally from which he received so little in return, and as things were going badly in his war against Napoleon he decided to ask for peace with France.¹¹⁵

Even though Canning tried to repair the damage that the former government had caused to the relationship with British allies when he took over as Foreign Secretary in 1807, he could not keep up with the progress of the war. After a major military setback on the battlefield, Russia was willing to abandon the British and instead sign a peace treaty with France;

¹¹² Jorgensen(2004) p.49

¹¹³ Emsley(1979) p.122

¹¹⁴ Emsley(1979) p.126, and a short account of the events in Derry(1976), p.114

¹¹⁵ Seton-Watson(1967) p.95

the Peace of Tilsit¹¹⁶ was signed in July 1807. One thing it was easy for Russia and France to agree on at Tilsit was Sweden. Napoleon was hostile towards Sweden at this point because Gustavus refused to join the Continental System, and Russia wished to attain Finland for herself. Both of these considerations are important foundations for the Stockholm Treaty, as Sweden would have to look for compensation for Finland, and Russia would later realise she could not thrive under the Continental System. Sweden and the other neutrals were though only smaller pieces in the greater intentions of the Tilsit peace; the defeat of Britain. Both France and Russia was at this point opposing the position of the British in Europe, which was an important reason for the two to come together as allies in this Treaty. Although the British regretted the news from Tilsit, Canning admitted that Britain had not done enough to help Russia, and could therefore not condemn her for choosing peace with France.¹¹⁷

3.2 Turbulence in the North

Although Britain attained a great prize from the bombardment of Copenhagen in 1807, the attack was just as much directed at Russia. Canning wanted to send the message that what happened there, could just as easily happen in St. Petersburg. Not everyone was impressed by the operation however. The opposition in the Commons in 1813 reminded the House that not only had Britain made herself look just as ruthless as France, but a former neutral was now sure to be a loyal ally of Napoleon instead. It was not considered a good plan from the Swedish point of view either, one of Britain's last allies on the Continent. Although the relationship between Sweden and Denmark might not have been the best, Sweden now had a real enemy right on their doorstep instead of a neutral, as well as a very tense relationship with her neighbour in the east, Russia.¹¹⁸ The bombardment naturally led Denmark to join the French-Russian front against the British, but Sweden remained a British ally. It is at this point Napoleon urges Russia to go to war against Sweden in order to

¹¹⁶ See more on the specifics of the Peace at Tilsit in Seton-Watson(1967) p.95-96, and Jutikkala(1979) p.153

¹¹⁷ Seton-Watson(1967) p.113

¹¹⁸ Jorgensen(2004) p.101

conquer Finland, which we will see becomes an important reason for Sweden gathering support for a union with Norway.¹¹⁹

Russia did very well out of its alliance with Napoleon at this point. The Baltic League of Armed Neutrality was again operational from 1809-1809 and Finland and Aaland was acquired from Sweden through the invasion of Finland in 1808 concluded by the Treaty of Fredrikshamn in September 1809,¹²⁰ both with French support. At the beginning of February 1808, Napoleon wrote to his ambassador in St. Petersburg stating that;

“As for Sweden, I would like to see the emperor Alexander attain it, including Stockholm. One should even obligate him to do so, to leave Denmark its fleet and colonies. Never again will Russia get such an opportunity to place Petersburg in the centre and dispose of this geographical enemy”¹²¹

It was only two weeks after this letter that the Russian armies crossed the border into Finland. Russia was also contesting the Turkish possession of Moldavia and Wallachia. For this last aim, Russia tried to form a new alliance with Britain and Spain in 1811, but the Perceval administration refused, and Russia was invaded by Napoleon with the Great Russian Campaign of 1812.¹²²

3.3 Financial warfare

Towards the end of 1807, France and Britain both tried to use financial means to establish supremacy over the other. Napoleon had with the Berlin decree 1806 declared Britain in a state of blockade, seeking to keep all British goods out of French and all other Continental ports, as well as intimidating neutrals by threatening to seize all ships trading with Britain. Britain retaliated with Orders of Council of November 1807 declaring that every harbour that excluded British ships would be blockaded, and neutral ships

¹¹⁹ Seton-Watson(1967) p.114

¹²⁰ Mori(2000) p.210

¹²¹ Alin(1899) p.2, quote from a letter 2. February 1808, note 1

¹²² Mori(2000) p.210

could only trade with France or French allies if they first paid a duty in a British port. The French then proclaimed with the Milan-decree that they would consider all neutral ships at British ports or under British search liable to capture and confiscation.¹²³

In 1808 British exports and grain import dropped dramatically, and there was some real distress in the country.¹²⁴ Russia did not come out of her acceptance of the Continental System to well either. Up to the point of the Peace at Tilsit where Alexander agreed to the system, Russia had exported large amounts of naval supplies to Britain, and in return imported substantial amount of textiles, especially cotton. The total Russian import/export decreased by two thirds during 1807-1808 and from 1805 to 1808 government revenue fell from 9.1 to 2.9 million silver roubles, influencing all parts of the population. The Tsar was worried about the situation, and effectively took Russia out of the Continental System in December 1810.¹²⁵ The French were suffering as well, and the economic war this time ended in sort of a draw when ports started opening up, either by tacit consent or through smuggling.¹²⁶

Napoleon tried a new blockade in 1810, and this time he was more firmly in control of the Baltic, and had also occupied Spain. What these measures did more than anything was infuriate the neutrals, and more than anyone the United States. However, the US did in fact suffer more from the British blockade, because the British had the ships to enforce her demands of searching ships to check for contraband. In addition, the British forced a number of American citizens into the British navy while they were looking for deserters on American ships.¹²⁷ The United States then invoked their own trade embargo hoping it would lead to the belligerents taking a more reasonable attitude towards the

¹²³ Emsley(1979) p.131

¹²⁴ See more details in Webb(1980) p.148

¹²⁵ Chapman(2001) p.26 and Glenthøj(2012) p.75

¹²⁶ Webb(1980) p.148

¹²⁷ Webb(1980) p.147-148

neutrals.¹²⁸ The French needed American ships to bring vital supplies, and offered to repeal her decrees if Britain withdrew her orders of council. Britain withdrew the orders, but too late to avoid a war with the US, which was declared in June 1812.¹²⁹ However, British efforts had to be focused on the home front, and in Europe, which could explain why she performed so poorly in this war.¹³⁰ British access to ports on the Continent was vital for the economy at home, which affected the possibility of funding the war, and as we shall see the right of *entrepôt* in Swedish ports, and questions about British commerce in the West Indies arise from the Stockholm Treaty.

3.4 Swedish relations

“The French Party” in Sweden, led by minister for foreign affairs, Engeström, had a political victory with the election of Bernadotte in 1810, and the alliance with France was thought to be inevitable, but the ultimatum from Napoleon to declare war against Britain, had been received with huge disappointment in the cabinet, and the atmosphere between the two countries chilled during 1811. In January of 1812, French troops took control over Swedish Pomerania. This caused outrage in Sweden, and certainly helped push Sweden into an alliance with Britain and Russia against France. In February, the Swedish government, while starting to consider it both safer and more likely to succeed to attain Norway than trying to get Finland back, decided on a policy of neutrality. This meant stepping out of the alliance with France, and at the same time ending the war with Britain.¹³¹ ¹³² As mentioned above, the British government acknowledged the reason behind Sweden choosing neutrality, which was an element of consideration when the Stockholm Treaty was to be negotiated as Britain found it reasonable Sweden should be compensated for stepping back out into hostilities.

¹²⁸ Emsley(1979) p.131

¹²⁹ See more: [Wikipedia.org: War of 1812](https://en.wikipedia.org/wiki/War_of_1812)

¹³⁰ Webb(1980) p.148

¹³¹ The Anglo-Swedish war ended with the Treaty of Örebro 18 July 1812.

¹³² Weibull(1957) p.59-60

France changed their attitude towards Sweden again in the spring of 1812. Napoleon had not changed his mind about Sweden attaining Norway from Denmark, and made it clear he never would. He would consider it an attack on France if Sweden were to use military force against Norway, but France was willing to insure that Sweden would get Finland back, in exchange for an alliance with France, against Russia and Britain. When Napoleon got no further response to the proposal, he also offered to Carl Johan large areas of Northern Germany and substantial subsidies. Carl Johan however was firmly set on his demands; the issue of Norway was not debatable, and because of this the negotiations between the two came to a halt.¹³³

It was of great importance to the British whether Napoleon was successful in his attempts to re-establish an alliance with Sweden. The British government was very satisfied with Sweden refusing the offers from France¹³⁴, and this clear Swedish attitude was also important to build up the British trust in Sweden as an ally. As we will see later on, Sweden was complimented in the parliamentary debates for taking what the British considered the right stand as early as she did, especially compared to Denmark who was trying remain in the good graces of both Britain and France as long as it was unclear what the outcome of the war would be. This of course also made it clear to the British how important it was for Sweden to get control over Norway. Sweden would not commit to any alliance for anything less than support for an annexation and union with Norway.

3.5 The Great Russian Campaign of 1812 and the rise of a new Coalition

Russia prepared for an upcoming restart of the war with France by securing her borders as much as she could, in the north through the St. Petersburg Treaty with Sweden, and in the south against Turkey through the Treaty of Bucharest. Strangely enough, and very

¹³³ Weibull(1957) p 63

¹³⁴ Hansard(1813) p.720

relevant to our discussion of the relationship between the Stockholm and the St. Petersburg treaties, there was no formal agreements made between Britain and Russia during this period. This is interesting because it means that Sweden was the formal link between the two great powers under the Coalition, and this could shed some light on Britain's willingness to enter into the commitments of the Stockholm Treaty, as she would not need to negotiate directly with Russia. From a Russian point of view, it is of course possible that negotiations with Britain was not a priority because it was obvious she would continue its war against France regardless of any new alliance.

In the summer of 1812, France attacked Russia with one of the largest armies ever seen, leaving Russia completely unable to send forces to support Sweden in an operation against Norway. It is unclear how much the parties knew, or suspected at this point about the likelihood of the arrival of Russian forces to aid in Sweden's plans for Denmark and Norway. What is clear is that during the fall of 1812, Carl Johan realized there was not enough available support for a military operation in Norway.¹³⁵

The Russian winter closed in fast on the French forces, making the retreat from Russia most devastating for the French army. Castlereagh recognized the opportunities within Napoleons defeat in Russia, but he also understood the anxieties that made Austria and Prussia hold back, as they had suffered a great deal and been defeated too often to make any rash decisions.¹³⁶ Buckingham for the opposition expressed his regret during the debates of the Stockholm Treaty that the Government had not taken advantage of the aftermath of Napoleon's defeat in Russia to unite all of Northern Europe against him¹³⁷. This chance was given up, when Denmark, even when she tried to re-establish peaceful relations with Britain, had been turned away and pushed back into the hold of France; *"The opportunity of saving Europe had passed by, and we had established the principle*

¹³⁵ Weibull(1957) p.74-75

¹³⁶ Derry(1990) p.165

¹³⁷ Hansard(1813) p.734

*of dismembering one power to bribe another.”*¹³⁸ Buckingham’s complaint was that instead of creating an alliance with all the northern states, Britain acceded to the terms of the St. Petersburg Treaty that would surely alienate Denmark as a potential ally, as the plans to unite Norway with Sweden would mean depriving Denmark of part of her territory. Norway was the bribe to gain the co-operation of Sweden on the continent, and for this purpose Britain had chosen to help facilitate the partition of Danish territory.

4 British politics during the Napoleonic wars

To understand the relevance of the parliamentary debates and the influence on legal questions of an international character, as well as the political legacy that the British government of 1813 was working under, we will in this chapter give a presentation of the major issues in politics and changes in administration in Britain during the Revolutionary and Napoleonic wars. Being very selective, I have only focused on what was relevant of economy and foreign policies as to the conclusion of treaties in general and those of subsidies and alliances in particular.

4.1 Party constructions

Towards the end of the 18th century there were no distinct, structured parties in Parliament. Each elector voted for individuals, and in parliament these representatives grouped together to form governments based on opportunities, interests, financial reward, ambition and other varieties of motives.¹³⁹ However, a member of Parliament usually had an idea of whether he supported the ministry in administration at any point, and although factions could change from issue to issue, there were at most times a rather clear opposition separate from those supporting the government. The use of the terms Tory and Whig developed in this period as a convenient way of distinguishing between respectively the supporters of the Pittite tradition and the followers of Grey and Grenville. The Tory term had originally been associated with ideas such as divine right of Kings and passive obedience to a strong

¹³⁸ Hansard(1813) p.735

¹³⁹ Emsley(1979) p.8

Crown as a counterbalance to parliament, but these associations were now disappearing as the term was now being used more as a distinguishing tool from the Whigs.¹⁴⁰

Although Fox¹⁴¹, who as we mentioned earlier had been Pitt's biggest opponent, and his followers had claimed to be the true representatives of the Whig tradition, they certainly did not have monopoly on Whig thinking of constitutionalism and opposition to absolute power for the King. Both many of the basic ideas of Pitt, and the assumptions of those who believed they were defending the constitution from Jacobinism were in reality actually Whig ideas. Pitt was deemed a Tory because the Foxites asserted they were Whigs, and Tory was thought to be whatever was opposite to what was Whig. However, there was no clear ideology at this time. Many conservatives felt that Fox had strayed from Whig principles, but the ideological debate was more a discussion over how various schools of Whig and Whig tradition was to be applied politically.¹⁴²

4.2 The role of the British Parliament in assessing the Treaty of Stockholm

The British form of government had been stable for a century, as a monarchy, but unlike most monarchies of the Continent, the British was not an absolute one. The King appointed his ministers, but these depended on a parliamentary majority to govern. The British parliament was divided into two chambers; the House of Lords consisting of the bishops and peers of the realm, and the House of Commons which consisted of 558 elected members from around the country.¹⁴³

¹⁴⁰ Derry(1990) p.153

¹⁴¹ Leader of the Whig faction in Parliament referred to as Foxites, see among others Webb(1980) p.83, Mori(2000) p.1,5.

¹⁴² Derry(1990) p.160-161

¹⁴³ Emsley(1979) p.7

Canning began his speech to the House of Commons during the debates about the Treaty in 1813 with a reminder of what felt the role of Parliament was meant to be when a treaty like the one in question was laid before them:

“The House was to consider whether the interests and honour of the country had been sufficiently guarded in those documents which were before them, which had been embodied in a treaty that was now before all the powers of Europe, and which must go forth to the world unaccompanied by the explanations of the noble lord.”

The point here, which is very relevant, is that the Treaty was the legal document that would go out in the world presenting the agreement made between Britain and Sweden. Anyone wishing to establish its content would have to rely on the Treaty itself as his main source. The parliamentary debates, although public, held not the same legal status, and were not as available to the diplomats of Europe, so it was important that the words of the Treaty represented the actual will of Britain as a party to it. Here we can also see the link to the rules for interpretation formulated by Vattel, that is was the responsibility of the parties that the treaties formed were as clear as possible. Whether Castlereagh and his fellow ministers were able to explain, and perhaps to some extent diminish the indignation of some of the gentlemen of Parliament, was not relevant if the Treaty itself was of such character that it deserved the condemnation of the House.¹⁴⁴ According to Canning it was necessary that the Treaty itself was honourable, it was not sufficient that the Ministers were possibly capable of defending it. Here we can see that although the debates were important for the politicians in Britain, both for discussing policy and law, they also acknowledged that representatives of other states would have to make their own interpretation of the Treaty, and so the key point for understand the content of the Treaty was the stipulations themselves.

Grey, as a member of the opposition during the debate about the Stockholm Treaty, called for the Treaty of St. Petersburg to be laid before parliament. He felt it was an important part

¹⁴⁴ Hansard(1813)p.775

of the role of the British parliament to check any obligations undertaken by the Government. Legally there were no rules stating that all treaties should be presented to parliament, and this would be impossible as the use of secret treaties, or at least secret articles to treaties, was quite common. Anything presented in parliament would be common knowledge, and the press often referred from the debates. However, all treaties promising British funds to another state had to be approved by the parliamentary Committee of Supply such as the Treaty of Stockholm. The Treaty referred to the stipulations already in force between Sweden and Russia, and Grey therefore felt that it was as much as part of the treaty in question and should be presented to the parliament. He worried that

“foreign governments should be taught that parliament would not call for engagements to which the British government acceded, it being so well known that the forms and practice of our constitution required treaties in which subsidiary engagements were entered into to be ratified by the sanction of parliament.”¹⁴⁵

As the British constitution is not a written document, but a collection of rules and practices Grey’s reference could appear a bit vague. However, the precedence of parliament sanction of questions of a monetary nature seems to have been well established on a constitutional level. The worry was that it would be easier for other governments to succeed in negotiating questionable terms with the British government if it was known that the parliament would not to ask to see the agreement. Grey did not continue to insist upon this subject, but only because he found it unlikely that there could have been any misleading from the ministers, because they had already “*rendered their treaty utterly indefensible. They could not possibly have made their case worse[...]*”¹⁴⁶. This was based on the account of the content of the Treaty of St. Petersburg that the ministers had given the House. Grey’s reasoning was that if they had tried to conceal anything from the House, then the Treaty would have been presented in a much more favourable light.

¹⁴⁵ Hansard(1813) p.715

¹⁴⁶ Hansard(1813) p.715

4.3 British administrations during the Revolutionary and Napoleonic wars

Many of the central events of the wars are referred to in connection with the administration in office in Britain at that time. I will therefore give a short overview of the order of the different administrations, and the main circumstances leading to changes in leadership.

William Pitt the Younger had been the Kings' principal minister since 1783 and had managed to restore some financial stability to Britain after the critical state she was in following the American war of Independence.¹⁴⁷ In the beginning, the news of the French Revolution were welcomed by most in Britain but this quickly changed with the radicalization and the few demands that had surfaced in Britain for reforms were now considered dangerous ideas that could lead to the same anarchy that they perceived had been established in France.¹⁴⁸ When the war with Revolutionary France broke out in 1793, both Pitt, and Home Secretary Henry Dundas (1742-1811) believed that she would be defeated quickly. They thought that the financial weakness and internal chaos would not stand a chance with the powerful forces of Europe against her. Based on this expectation, the strategy was to subsidize major land forces of other European armies, while the British fleets swept the seas for French merchants and seized French colonies. The war did not follow this expected pattern and although the more than 800,000 pounds Britain spent on subsidies in 1793 spiked to 2,500,000 in 1794, a decisive French defeat was not accomplished.¹⁴⁹

At the beginning of the war, it is hard to say what the general opinion was on the war. There was no mass media to give an accurate reflection of the people's opinion, or to influence it for that matter. The news of executions in Paris and mass killings in several other French cities did however lead to serious apprehension, especially in coastal areas where an invasion was more probable than elsewhere.¹⁵⁰ There was a corn shortage from around

¹⁴⁷ Emsley(1979) p.8, Lyon(2003) p.305

¹⁴⁸ Emsley(1979) p.13, Lyon(2003) p.307-308

¹⁴⁹ Emsley(1979) p.22

¹⁵⁰ Emsley(1979) p.26

1795¹⁵¹ and as the harvests of 1799 and 1800 again were deficient, additional pressure followed on the government to make peace with France.¹⁵² The issue that would bring Pitt down was the question of Catholic Emancipation as the King would not violate his oath to defend the Anglican Church, and Pitt resigned in March 1801.¹⁵³

Pitt was replaced as Prime minister by Henry Addington (1757-1844), the Speaker of the House of Commons. Addington did not belong to any particular group or “party”, but had a small group of followers. However, he was able to attract wide support among the independent country gentlemen¹⁵⁴ for his policy to return to peace at any price and the abolition of the income tax that Pitt had introduced during the 1790’s. The Peace of Amiens negotiated with France in 1802 was short lived, and when war broke out again in May 1803 Addington was rather quickly overcome by the military situation, and gave way to another Pitt-administration in May 1804.¹⁵⁵ When Pitt returned he had originally planned to form a government with the unlikely friends of Fox and Grenville. The King however refused to have Fox as a minister, leaving the new government in a much weaker position.¹⁵⁶ Despite some liabilities in Parliament, Pitt managed to form a third Coalition with Russia and Austria in 1805. Admiral Nelson chased the French fleet across the Atlantic and back, finally defeating it at Trafalgar, but Russia and Austria were crushed by Napoleon at Ulm and Austerlitz in October and December, and the coalition fell apart.¹⁵⁷ The strain of leading

¹⁵¹ Webb(1980) p.140 and Emsley(1979) p.48

¹⁵² Emsley(1979) p.85-86

¹⁵³ Webb(1980) p.142-143

¹⁵⁴ These were county representatives (local land owners without peerages) who often took pride in being independent squires without titles. They often acted in opposition to the government as they did not depend on gaining government favor through their votes. Wikipedia.org: Unreformed House of Commons

¹⁵⁵ Webb(1980) p.143-144

¹⁵⁶ Emsley(1979) p.115

¹⁵⁷ Webb(1980) p.144

such a weak administration took a severe toll on Pitt's health, and he died in January 1806 after the Third Coalition had fallen apart. His ministry did not survive him.¹⁵⁸

The policy of the new radical government that took office after Pitt died and his government fell apart was "Britain first", but even though it was named the "Ministry of All the Talents" it did not manage to turn things around for Britain, and their year in office was characterized by disappointment and setbacks.¹⁵⁹ There was a rather long line of military unwise decisions made during the Talents' ministry, including a naval expedition to the Dardanelles, a pointless expedition with a small force to Egypt¹⁶⁰ and efforts for expanding British influence in South America, by taking control over Buenos Aires.¹⁶¹ Because Britain had squandered their resources, both military and financial, in South America instead of helping in the efforts against Napoleon, they had completely lost their standing in the coalition.

The Talents did not fall on the account of their foreign policies however, but on the question of Catholic relief in which they did not manage to secure the support of the King and the government resigned in March 1807¹⁶². The deaths of both Pitt and Fox in 1806 created the notion of the end of an era as the two had dominated British politics for twenty years, and there were no apparent personalities in the parliament that would be able to hold a Cabinet together.¹⁶³ The Duke of Portland led the ministry that replaced the "Talents". His ministers had united in their determination to continue the war, and included both Castlereagh as Secretary for War and Colonies, and Canning as Foreign Secretary. The spring of 1809 was a time of setbacks for the allies, as Austrian forces were beaten at Wagram, a

¹⁵⁸ Emsley(1979) p.115

¹⁵⁹ Jorgensen(2004) p.54

¹⁶⁰ Emsley(1979) p.126

¹⁶¹ See more on these expeditions in Jorgensen(2004) p.79-81

¹⁶² Derry(1976) p.113

¹⁶³ Emsley(1979) p.129

British expedition on its way to Antwerp failed as half the men went down with sickness and the forces in Spain had to retreat into Portugal. At the same time, at home, Canning was scheming to have Castlereagh removed and for himself to take over as Prime Minister, leading to the two fighting a most scandalous duel. The duel left Canning wounded in the thigh, but more importantly led to the ministry breaking up completely in September 1809.¹⁶⁴

When Portland resigned, it was left to his Chancellor Perceval to form a new government. He attempted to form a coalition; some described it as Perceval going out “into the highways and hedges to find ministers” but he was unsuccessful, and his government came out composing largely of the same persons as the Portland administration, but without the strength of Canning and Castlereagh. There was little confidence in this government, but surprisingly, this was the beginning of the government that would experience the defeat of Napoleon and govern the country for more than a decade.¹⁶⁵ In the first few years, this government probably stayed in office more than anything because there was no viable alternative. When the King finally lost his mind completely and regency under the Prince of Wales was established early in 1811, it was expected that the Whigs, who were friends of the Prince would replace Perceval’s government. However, the Prince favoured the existing government’s pursuit of the war, a pursuit he knew the Whigs were against.

Castlereagh re-joined the ministry as Foreign Secretary, strengthening the government and Perceval’s standing further in 1812, but within the next two months, Perceval was shot in the lobby of the Commons, creating another ministerial crisis. Liverpool took over, after five other representatives were asked¹⁶⁶ but the majority in the commons doubted the administration without Perceval. The majority formed an address to the Prince Regent urging him to form a more efficient administration, and so Liverpool and his colleagues resigned.

¹⁶⁴ Emsley(1979) p.133-134

¹⁶⁵ Emsley(1979) p.147

¹⁶⁶ Gash(1984) p.100

¹⁶⁷ For two and a half weeks after Liverpool's resignation the different factions discussed possible plans for coalitions, but again the attempts failed, and in June Liverpool and his ministers resumed their posts, now with a much greater parliamentary backing as they had proven to be the only ones prepared to prioritize national interest above special projects of their own interest. National priority number one was the defeat of Napoleon, everything else was of secondary interest.¹⁶⁸

4.4 Liverpool and Castlereagh

When we will study the legal questions of the Stockholm Treaty through the debates in the British parliament it is important to have a general understanding of the background and the qualities of the most central figures. The Treaty had been made and was defended by the government, for the most part by Liverpool and Castlereagh in their respective houses. We will take a brief look on the background of these two central ministers, while some short, relevant facts about the other members of the government and the opposition can be found in the appendix.

Before becoming Prime minister in 1812, Liverpool had served as secretary of all three state offices; Foreign Office, War Office and Home Office. Liverpool, while visiting Paris as a young man to see the great city and perfect his French, was in the crowd of Parisians watching the storming of the Bastille in 1789 and the violence and destruction he witnessed gave him a certain dislike for revolutions, which many thought stayed with him all through his political career.¹⁶⁹

Liverpool was a great speaker and his maiden speech in Parliament, was reported by the *Annual Register* to have excited "*uncommon attention and admiration*".¹⁷⁰ In most matters

¹⁶⁷ Emsley(1979) p.148

¹⁶⁸ Emsley(1979) p.149

¹⁶⁹ Gash(1984) p.16

¹⁷⁰ Gash(1984) p.21 and 101

concerning the institutions of government Liverpool was a conservative. In commercial and economic affairs he was open to, and sympathetic towards, new ideas but there is no reason to think there was a huge ideological foundation in him in these matters. He would adapt ideas from any source if they could benefit the country without jeopardizing traditional institutions and liberties. Liverpool disliked politicians that placed devotion to a particular dogma, issue or faction before service to the crown. In his opinion, every decent politician had a duty to prioritise the good of the nation above personal preferences.¹⁷¹

When it came to Liverpool's relation to Parliament, he realized the limits he was working within. He had to work hard to strengthen the parliamentary support for his ministry, and was always looking to win the confidence of new groups in the House of Commons. A great advantage was that he did not hold grudges so that when the political climate changed he could overlook old disagreements to achieve co-operation in the present.¹⁷² Liverpool even attempted to bring Canning back into the ministry in the summer of 1813, but could not manage to find a place for him.¹⁷³ It is interesting that Canning and Liverpool were actually on very good terms considering the tone Canning uses in the debates about the Treaty. This is a reminder that a good deal of the presentation in parliament is showmanship expected of a man formally in opposition.

In 1793, just one month after France had produced the decree for the *levée en masse* Castlereagh wrote: "*The tranquility of Europe is at stake, and we content with an opponent whose strength we have no means of measuring. It is the first time that all the population and all the wealth of a great kingdom has been concentrated in the field: what may be the result is beyond my perception.*"¹⁷⁴ What this shows is that even as a young man, Castlereagh had a mind for assessing major politically and strategically complicated situations. This was writ-

¹⁷¹ Derry(1990) p.154

¹⁷² Derry(1990) p.153

¹⁷³ Gash(1984) p.106

¹⁷⁴ Emsley(1979) p.22

ten at a time when the Prime Minister and the ones closest to him still believed the war with France would be a short and completely successful one.

Castlereagh was never known for being a great speaker, but he was still considered a very efficient parliamentary combatant. Wellington once said that Castlereagh could do anything but make a speech in the House of Commons, but this assessment was probably quite unfair. However, Castlereagh's real gift as leader of the Commons was his tact and understanding in dealing with backbenchers. He was a master in the art of negotiation, both in the Commons and on a diplomatic level,¹⁷⁵ which indicates he was highly respected for his knowledge and experience.¹⁷⁶ When Liverpool was offered the ministry after the death of Perceval in 1812 he offered Castlereagh the post of secretary of the Foreign Office, and he was also made leader of the Commons.¹⁷⁷ Although he was a bit of a controversial figure, especially as an Irishman and because of the duel with Canning, he had always performed his posts in an exemplary manner. He had the skills to not only see the broad issues of current policies, but also the tenacity to handle minute details in his work, while handling an immense workload.¹⁷⁸

As we will see in the following chapters about the Treaty, all the shifts in structures in Europe during the Revolutionary and Napoleonic wars form the foundation for the stipulations of the Stockholm Treaty. The Continental System was a significant thorn in the side for both British and Swedish commerce, the loss of Finland made the plans for a Swedish union with Norway all the more relevant and Denmark's strong affiliation with France made her an enemy of all the other powers of the North. How this all manifests into the agreement between Sweden and Britain is the object of the following part of the presentation.

¹⁷⁵ Derry(1990) p.159

¹⁷⁶ Derry(1976), p.3

¹⁷⁷ Bew(2011) p.305

¹⁷⁸ Derry(1990) p.159

5 The role of treaties according to international law

The first theme that arises in dealing with the Treaty is the role of treaties in international law. As explained in the introduction, the central text for the following analysis is Emer de Vattel's Law of Nations.

Vattel considers it a "*settled point in natural law*" and therefore also applicable under the Law of Nations, that he who makes a promise to another creates a real right for that other, and so to breach a promise is a violation of his right and an act of injustice. Vattel further states that:

"The tranquillity, the happiness, the security of the human race, wholly depend on justice, - on the obligation of paying a regard to the rights of others. [...] There would no longer be any security, no longer any commerce between mankind, if they did not think themselves obliged to keep faith with each other, and to perform their promises. This obligation is then as necessary, as it is natural and indubitable, between nations that live together in a state of nature and acknowledged no superior on earth, to maintain order and peace in their society."¹⁷⁹

We can see that even though international law as a concept was in its earliest days during this period, Vattel knew from practice as a jurist and diplomat the importance of treaties as an instrument of rights and duties, as well as necessity of parties upholding their promises.

A public treaty to bind the state must be contracted by the sovereign, sometimes with the advisory opinion of a senate.¹⁸⁰ Vattel acknowledges that treaties were the only means by which sovereigns could determine important affairs;

"Between bodies politic,- between sovereigns who acknowledge no superior on earth, - treaties are the only means of adjusting their various pretentions, - of es-

¹⁷⁹ Vattel(2008) p.342

¹⁸⁰ Vattel(2008) p.338-339

tablishing fixed rules of conduct, - of ascertaining what they are entitled to expect, and what they have to depend on. But treaties are no better than empty words, if nations do not consider them as respectable engagements, - as rules which are to be inviolably observed by sovereigns, and held sacred throughout the whole earth.”¹⁸¹

There is no reason to doubt that treaties were an instrument which the writers and thinkers on international law considered of great importance and that it was through treaties one could create rules for the states to follow in order to uphold justice and peace between nations. As for the interpretation of treaties, I refer to what is said in point 1.4 in the introduction.

5.1 Plenipotentiaries

Public treaties could be made by sovereigns who contracted in the name of the state or someone who had a right to contract treaties, either by concession from the sovereign or by the fundamental laws of the state. However, it is, and was, common that sovereigns treated with each other through agents given sufficient powers for the purpose. The rules applying for such agents were natural law concerning commission, determining he must not deviate from his instructions: as long as he kept within the extent of his powers, he would bind his constituent, in this case the sovereign and the state. However, the sovereigns normally reserved for themselves the power of ratification. For instance, the debates about the Stockholm Treaty are part of the procedure of British ratification of the Treaty. This means that the engagements entered into by the plenipotentiaries would not become valid until sanctioned by the sovereign. Still, Vattel says that, before a sovereign could justly refuse to ratify a treaty, he would have to allege strong reasons, and especially prove that his agents had exceeded their instructions.¹⁸² Because it would take strong reason for a sovereign to refuse to ratify a treaty concluded by his plenipotentiaries, it was crucial that the instructions were formulated as precisely and detailed as possible, so that there would be less

¹⁸¹ Vattel(2008) p.387

¹⁸² Vattel(2008) p.338-340

room for the agent to misinterpret his mission. It was not raised as an issue in the debates about the Stockholm Treaty whether the plenipotentiaries could have exceeded their instructions.

When any sovereign wished to have a treaty negotiated with another power, it could make a huge difference in the outcome, which persons he chose as his agents. In the case of the Stockholm Treaty acting on behalf for Sweden was foreign secretary Lars Count d'Engeström(1751-1826) and one of the most experienced diplomat and statesmen Gustavus Baron de Wetterstedt (1776-1837). For Britain the plenipotentiaries were Alexander Hope(1769-1837); an army officer that had been in Sweden since January 1813 to assess the Swedish troops, as well as Sir Edward Thornton (1766 –1852) who had been the British envoy to Sweden several times since 1808. Both of the British agents knew Swedish politics and needs very well and were in that manner well equipped to negotiate the Treaty.

5.2 The Treaty of Stockholm in context

Before going into the details of the treaty, the Prime Minister, Liverpool speaking to the House of Lords formulated the political landscape in which the Treaty was formed like this;

“Let any one consider what a storm was hanging over the Russian dominions. Great as had been the exertions of France in her attacks on Austria, and Prussia, and other states, they were as nothing when compared with her exertions for the invasion of Russia. A force of little less, if at all less, than five hundred thousand men, with 60,000 cavalry, formed a combination greater than ever had been brought to bear against any particular country. [...] But while this storm was hanging over the Russian dominions, there were two things necessary to give Russia any chance of ultimate success: - First, peace with Turkey; - Second, the co-operation of Sweden. [...] it was the interest of France by every means in her

power, to secure the alliance and co-operation of Sweden in her attack upon Russia.”¹⁸³

On the first point Castlereagh had helped alienate the Turks from France and drawn them closer to a peace treaty with Russia by sending them the secret articles of the Treaty of Tilsit where Napoleon had offered Russia a part in the partitioning of Turkey.¹⁸⁴ Further, the British diplomat Stratford Canning (1786-1880) made an exceptional effort to mediate between Russia and the Turks in Constantinople in 1812. Acting without many useful instructions from London, and just as the Austrian Ambassador was announcing the French-Austrian commitment to the security of the Ottoman Empire, Stratford Canning managed to convey the urgency of committing to peace with the Turks to St. Petersburg. His letters took effect just in time¹⁸⁵, and at the Treaty of Bucharest between Russia and the Ottoman Empire was signed on May 28 1812.¹⁸⁶

Buckingham, of the opposition however, described the situation of Europe when the Treaty was formed like this;

“For the first time Buonaparté had been beaten and discomfited upon European ground. He had roused the energies of a great country; he had driven it to desperation; the winter suddenly closed in upon him, and Europe beheld the destruction of the mightiest army that perhaps was ever assembled. Their leader was defeated; the basis of his power was shaken, and his downfall was contemplated as an event which it was probable was not far distant.”¹⁸⁷

As we can see, the Buckingham’s account, compared to that of Liverpool above, was very different. Liverpool describes a Russia under great threat from the armies of

¹⁸³ Hansard(1813)p.720

¹⁸⁴ Bew(2011) p.312

¹⁸⁵ As news about the French invasion of Russia could be the opportunity the Sultan had been waiting for to take the offensive against Russia

¹⁸⁶ For more on the actions of Stratford Canning, see Webster(1931) p.86-88

¹⁸⁷ Hansard(1813)p.736

France, while Buckingham describes a defeated France with her armies destroyed and the power of Napoleon shaken for the first time. However, none of them are wrong, they only focus on different events, and different intervals of what had happened on the Continent in the period leading up to the Treaty. It was important for the government to emphasize the necessity of the Treaty to support Russia and strengthen the alliance against Napoleon, and Liverpool therefore focuses on France posing a huge threat to even the security of one of Europe's greatest power. By building the massive army and attacking Russia, France had showed no one in Europe were safe from her ambitions, and therefore it was so important for Britain to do everything possible to unite the states of Europe against her, including attaining the support of Sweden. The opposition tried to impose the sentiment that after the French retreat from Russia, she was so reduced in power and resources that one had had the time to construct an alliance including both Denmark and Sweden instead of irrevocably alienating Denmark through insuring that Norway would be taken from her.

6 Link to treaties between Sweden and Russia

The first article of the treaty addresses the most important issue for the British when it came to military strategy. Sweden agrees to employ at least thirty thousand men "*in a direct operation upon the Continent*". The troops would act against what was now referred to as the "*common enemies of the two high contracting parties*". Sweden had, through the St. Petersburg Treaty and now through the renewal of the alliance with Britain, formally chosen a side in the on-going war, and had become a part of the alliance against France and Napoleon. France could have avoided Sweden joining forces with Britain, but after the occupation of Swedish Pomerania in January 1812 and the refusal to support Sweden against Denmark on the issue of Norway she had made it close to impossible to maintain a fruitful relationship with Sweden.

6.1 Introduction to the Treaty of St. Petersburg

The Stockholm Treaty does not contain explicit specifications as to the task of these troops, other than that they should act in concert with the Russian troops that Carl Johan con-

trolled; “according to stipulations [...] already existing between the Courts of Stockholm and St. Petersburg” The main Treaty between Sweden and Russia is the Treaty of St. Petersburg of 5 April 1812. This treaty contains stipulations about the joint forces that were to insure a Swedish union with Norway. As some of the plans laid in this treaty became impossible to effectuate as planned, mostly due to the French invasion of Russia, two more agreements were made in the summer of 1812. First the additional convention of Vilno on 15 June, and second the Treaty of Åbo of August 18. As pointed out in the introduction, the fact is that the plans laid by Sweden and Russia could not be effectuated in 1812, making these less relevant to our study of the Stockholm Treaty. The Treaty of Stockholm and the one of St. Petersburg are closely linked, both legally and politically. In this section we will take a look at the relevant articles of the St. Petersburg Treaty, and try to show how the two are connected.

The Treaty of St. Petersburg was concluded as a secret treaty, in part because the public opinion in Sweden did not approve of a close relationship with Russia after the invasion of Finland¹⁸⁸. Even so, its content was communicated to the British government in July of 1812, in hopes of Britain giving their support to the plans that Sweden and Russia had laid, by becoming a party to the Treaty. Since it was a secret Treaty, the British government did not present it to Parliament, as this would make the contents public knowledge. Britain declined an accession to the St. Petersburg Treaty in 1812, saying their accession would not make a difference to the common cause, and therefore there was no reason for Britain to undertake any of the obligations in the Treaty. Even though the Treaty of Stockholm was considered an accession at least to parts of the St. Petersburg Treaty, the latter was still not laid before parliament. The government chose to only reiterate the main contents of the Treaty, which left the opposition suspicious of what was really agreed upon. Grey stated that: “*The fact was, that if there was any reason for concealment, it was, because disclosure would show that a robbery was to have been committed on one power, which was to*

¹⁸⁸ Roginsky(2012) p.61

be compensated for by a further robbery of others."¹⁸⁹ What Grey implied here is that the government used their obligation towards Russia and Sweden as parties to the secret St. Petersburg Treaty as an excuse not to present the entire Treaty to the parliament. Grey suspected that the Treaty of St. Petersburg would reveal exactly how the parties planned to part Norway from Denmark as compensation for Sweden losing Finland to Russia.

Further, Grey emphasized "*It was the duty of government to shew the precise nature and extent of the engagements by which they had pledged the honour and character of the British nation.*" Consequently Grey considered it more important that Parliament was informed of the full extent of any obligations undertaken by the government in a treaty, than upholding the secrecy of a secret treaty.

In his famous pamphlet "Perpetual peace" (1795), Immanuel Kant (1724-1804) opposed the use of secret articles that could serve as new causes for war in an agreement for peace. Such reservations eliminate the actual peace, and instead constitute a state of cease fire.¹⁹⁰ In Kant's opinion the use of secret Treaties could not be in accordance with international law as it was incompatible with the goal of peace. In practice though, secret treaties were more than common, also during the Napoleonic wars as secrecy also could protect one party against formal retaliations from a third one being affected by the treaty. In the Tilsit treaty Russia's secret obligations to cede to the continental blockade was for instance a protection against the British.

Even though the opposition spoke very persistently on the secrecy matter, the St. Petersburg Treaty was not presented to parliament in its entirety. Thus, we will keep this in mind

¹⁸⁹ Hansard(1813) p.717

¹⁹⁰ Kant(2002) p.15-16

when reading the reactions from the political opposition, and remember that they had not seen the actual wording of that treaty.¹⁹¹

According to Holland, Russia had come away with all the advantages from signing the St. Petersburg Treaty: “*Russia, by an act of robbery and plunder, had wrested from its ally a part of his dominion; and instead of restoring, agreed with this ally to rob a third party.*”¹⁹² Restoring Finland to Sweden instead of taking Norway from Denmark does seem like the more obvious solution to retain Sweden as an ally. However, with the ambitions of Carl Johan, it is not at all certain that Sweden would have accepted such a deal even if it had been offered. Carl Johan actually wrote to Crown Princess Desirée that he was not working to recapture Finland, which he was convinced of, should it happen, would only lead to bloody feuds with Russia every decade and eventually be lost to Sweden anyway.¹⁹³

In the first article of the Treaty of St. Petersburg the two parties assert their common interest in securing the possession and safety of the lands, states and provinces they possess, at the time and, to us more relevant, in the future. It is of course adjacent to think that such a formulation was prompted by the plan to unite Norway with Sweden. To establish the contents of article I of the Stockholm Treaty our main focus when it comes to the Treaty of St. Petersburg will be article four to six, and eight, which concern the plans for the united forces. Since the reference in the Stockholm Treaty only refers to the St. Petersburg Treaty in relation to the armed forces, these are the only articles relevant for our interpretation.

Article four of the St. Petersburg Treaty introduces the plans of Sweden and Russia by reiterating the foundation for considering France their common enemy. By occupying Swedish Pomerania and moving their troops in such a manner it had to disturb the peaceful relationship with Russia, France had already shown moves of aggression towards the contracting

¹⁹¹ Hansard(1813) p.717

¹⁹² Hansard(1813) p.728

¹⁹³ Weibull(1957) p.64 and Norges Historie; bind 9(1978) p.222-223

parties. With this in mind, Sweden and Russia engaged in securing each other mutual aid, and in an obligatory manner create a diversion to disturb the activities of the French Army. Sweden engaged to deploy 25,000 or 30,000 men to this mission, while Russia would supply 15-20,000. There does not seem to be any good reason or meaning behind this difference in formulating the size of the forces here. This mentioned distraction would consist of forces being deployed in an operation at strategic places on the coast of Germany. In the Treaty of Åbo, Russia engages to expand the Russian forces to 35,000 men, 25,000 of which would be deployed in September.¹⁹⁴

According to article five of the Treaty of St. Petersburg,

“As the King of Sweden cannot make this diversion in favour of the common cause, consistently with the security of his dominions, so long as he can regard the kingdom of Norway as an enemy, his majesty the emperor of Russia engages, either by negotiation, or by military co-operation, to unite the kingdom of Norway to Sweden”¹⁹⁵

Russia also promises to guarantee the peaceful continued possession of Norway by Sweden¹⁹⁶. This last part, as we will see more of later, was a hot topic during the parliamentary debates. Such a practically perpetual guarantee for the safety of a certain territory was, according to the opposition, way beyond what anyone could have the power to guarantee. It is quite interesting how such a guarantee relates to international law, what it actually means, and how its compliance could be assessed by the parties.

Article eight of the St. Petersburg treaty mostly concerns issues that have already been stipulated, and is more a confirmation that Russia will assist and support Sweden, also if it becomes necessary to use military force to acquire Norway. This repetition of statements is connected to article seven, which concerns the approach the parties would take towards

¹⁹⁴ Treaty of Åbo art.1. These troops were not sent.

¹⁹⁵ Oversettelse; Nora Naguib Leerberg

¹⁹⁶ St. Petersburg Treaty, article V, last sentence.

Denmark, and how they would treat Denmark depending on her position towards the new alliance against France. Some amendments to this article is made in the Convention of Vilno, but I will not go into the specifics here as they are not central to my theme. We will take a closer look at the position of Denmark later.

6.2 Why Norway, and not Finland?

Holland raises a quite interesting point as alternatives go, in the debate in the House of Lords.

“It might be observed, that these troops who could conquer Norway, could defend Sweden against it, yet these troops were to be employed against Norway, with all the troops Sweden could command, while the greatest expedition ever assembled marched against Moscow.”¹⁹⁷

What we must assume Holland is arguing here is that the joint forces of Sweden and Russia would have been more than able to defend Sweden against any injuries from Norway, and that there was no reason for the aggressive approach of attacking Norway. Although this is probably correct, my understanding is that Holland here has lost sight of the next step of the plan. If the joint forces only were to defend the borders of Sweden against Norway, they would never be free to join Russia in creating the distraction on the Continent, as the threat from Norway would return to Sweden as soon as these troops were to leave.

Ponsonby from the opposition, in his speech to the House of Commons commented in a rather dramatic way on this fifth article:

“ Here is a stipulation, not to procure for Sweden any territory to which she has a just claim – not to procure for Sweden any security which she might demand against the forces of Denmark – not to procure for Sweden the possession of forts or fortresses – not to procure for her what is called military possession of Norway,

¹⁹⁷ Hansard(1813) p.729

to prevent any attack for Denmark in that quarter – No, this stipulation is to procure either by negotiation or force, the perpetual cession of Norway itself. [...] Sir, if the ministers of this country absolutely wanted to establish the system of France throughout Europe – that system so often and so justly reprobated – they could not have adopted a proceeding better calculated to produce that effect, than by advising the crown and the parliament to sanction this convention.”¹⁹⁸

The quote shows us that the opposition was not estranged to the idea that there could have been valid legal reasons for Sweden to acquire territory in the vicinity of her borders, but that was not what had been proclaimed in the Treaty. Sweden had no just claim on Norway, it would be no help for the protection against Denmark and no military advantages had been presented as an objective and goal for the acquisition. The sole purpose was that Sweden wished to have the perpetual control of Norway. That the stipulations in the Treaty of St. Petersburg on how the joined forces were to act, let Britain become involved in activities that many considered just as unfounded and illegal as those of Napoleon, who they had opposed for such a long time did not go down particularly well with the opposition.

6.3 Changing the priorities

It was an important point for the British, that the order, in which the different parts of the plan were to be effectuated, was changed. In the view of the British, it could not stand that the acquisition of Norway was to come *before* the direct operation in Germany. When describing the events leading up to the negotiations with Sweden, Liverpool said “*our principle of proceeding had been, that the condition of the treaty must depend on the operation being first made on the continent by Sweden.*”¹⁹⁹ We will come back to how the parties solved these interests when we examine article 3 of the Stockholm Treaty more closely. It was mentioned during the debates, in rather ironic wording, how

¹⁹⁸ Hansard(1813) p.750

¹⁹⁹ Hansard(1813) p.723

Sweden first could not co-operate on the continent for fear of Norway, and then suddenly they could.²⁰⁰

Article 6 of the St. Petersburg treaty also concerns Norway and its role in the plan against France. As the diversion in Germany at this time was conditional on the success of procuring Norway for Sweden, the Russian Emperor would put all the forces agreed upon earlier at the full disposal of Sweden, and under the direct order of the Swedish Crown Prince, Carl Johan. The Russian troops were by this made available for deployment also in effectuating the union with Norway.

Holland of the opposition in the House of Lords was not convinced this was the best way to exploit these military resources:

“To hear the noble lord, one would think that the treaty was ‘*functus officio*²⁰¹,’ but it should be remembered that though it undertook to furnish 25 or 30,000 men for a co-operation in Germany, it was not till 15,000 men of Russia should march against Norway, and at the time when the greatest armament ever known was marching into the heart of Russia, these men were to be detached to conquer Norway, though without such aggression they could have defended Sweden against any injuries from that quarter. It might be observed, that these troops were to be employed against Norway, with all the troops Sweden could command, while the greatest expedition ever assembled marched against Moscow. It might be said, it was not their business to canvass an engagement between two foreign nations; but when we were referred to this, to justify those excessive engagements into which

²⁰⁰ Parliamentary debates p.777

²⁰¹ “*Having fulfilled the function, discharged the office, or accomplished the purpose, and therefore of no further force or authority. Applied to an officer whose term has expired, and who has consequently no further official authority; and also to an instrument, power, agency, etc. which has fulfilled the purpose of its creation, and is therefore of no further virtue or effect.*” Black’s Law dictionary online: *functus officio*.

we had entered, they should be considered with reference to their principles and policy.”²⁰²

What we can take from this is that the aggressiveness of the offensive plans concerning Norway, stipulated in the Treaty of St. Petersburg, created certain apprehensions among the British politicians. It was not in accordance with the principles and policies of Britain to support an act of aggression against a country that had made no hostile acts against them, when the same forces just as well could take a defensive position to secure the safety of the allied state.

6.4 The role of Carl Johan

The role that the Treaty of St. Petersburg gave to the Swedish Crown Prince, Carl Johan was very important and quite a formidable one. Buckingham was not convinced that it was a good idea for the allies to give “*our confidence to one who had proved himself a Frenchman in every sense of the word, and who had shewed in every transaction, that while he professed himself attached to Swedish interest, he sought the gratification of his own peculiar wishes, and his own selfish motives*”²⁰³ Although this statement to a large extent represented some common and strong British prejudices against anything remotely connected to Napoleon, it cannot be completely disregarded as unfounded. It is quite certain that the greater policies of Europe, and the final outcome of the great war, was of less immediate concern to Carl Johan, than achieving his own goals, such as securing the union of Norway and Sweden, and through this be in control of the Scandinavian peninsula, and all its resources and advantages. Castlereagh, the foreign secretary, would however not accept such an attack on the character of the Swedish Crown Prince, and made a strong defensive speech on behalf of him in the Commons.²⁰⁴

²⁰² Hansard(1813) p.729

²⁰³ Hansard(1813) p.736

²⁰⁴ Hansard(1813) p.773

6.5 The performance of the troops during the spring of 1813

The content of article 1 of the Stockholm Treaty is subsequently a confirmation of elements from the Treaty of St. Petersburg. The Swedish forces, which in the Treaty of St. Petersburg was set to consist of 25,000 or 30,000 men, was in the Stockholm Treaty adjusted to not less than 30,000. These troops would act in concert with the Russian soldiers who, according to the St. Petersburg Treaty would be put at the full disposal of Carl Johan. There is nothing in this article to clearly suggest that the plan of first securing Norway, then turning to create a diversion on the continent had changed. In accordance with the St. Petersburg treaty Carl Johan was free to lead the troops in whatever missions and operations he considered beneficial to the common cause.

As the Treaty was presented so late to Parliament, not until after the Whitsun break, on June 11th, there were some questions as to the actual performance of the Treaty so far. Liverpool addresses these issues in his speech in the House of Lords. According to the Prime Minister, *“there had never been an instance of more complete and zealous exertions than had been shewn by Sweden. Troops were immediately in preparation to sail.”*²⁰⁵ However, the transports did not reach their place of destination until five weeks after they should have been there due to contrary winds. This was the only reason for the delay; the Swedish troops were ready to embark directly.

The general reference to the St. Petersburg treaty will also be relevant when assessing the relationship between the two treaties, and how they are formally connected. We will come back to this under article 2.

6.6 Different uses of the term “accession”

Legally, the questions arising from the British accession are perhaps the most challenging. In this section I will analyse the real content of this so-called accession, the justification for

²⁰⁵ Hansard(1813) p.724

it, as well as its consequences, both legally and politically. This is closely connected to what we have seen above about the St. Petersburg Treaty.

Let us first discuss the term of accession. In common legal use today an accession involves a country agreeing to a Treaty, and by this becoming a party to it.²⁰⁶ This would apply both in a normal Treaty between two states, as well as when three or more parties agree on the same treaty. There is nothing preventing more than two states agreeing on the same engagements, as long as they can all fulfil their commitment towards each of the other contracting parties.²⁰⁷ This kind of accession happened with Britain and Sweden in the Stockholm Treaty, and between Russian and Sweden in the Treaty of St. Petersburg. What complicates the issue is the use of the term by Britain in relation to the St. Petersburg Treaty.

When the Russians felt the need to make a statement in Germany to insure that France would not attack immediately after their retreat, the British government, as described by Castlereagh; *“proposed to the Swedish government to effect this, and offered in that case not only to accede to the treaty in the qualified manner in which she had done, but to become a party to it, and to assist Sweden with a subsidy.”* The accession in a qualified manner here referred to was no formal accession, but a political insurance from the British government given sometime during the months after the signing of the St. Petersburg Treaty, where Sweden and Russia were assured that Britain did not find any fault in the Treaty of St. Petersburg, and that they would act with Sweden and Russia and give what assistance they could.²⁰⁸ What we see here is that Castlereagh uses the term accession also when he is talking about statements made in a political or diplomatic setting. He calls the assurances that Britain gave to Sweden and Russia after the conclusion of the St. Petersburg Treaty an accession in a qualified manner. What we see is that there was an application of the word accession also in a non-legal respect. The term accession in a legal context, normally al-

²⁰⁶ Oxford Dictionary of Law(2009); -accession

²⁰⁷ See Vattel(2008) p.344 § 166

²⁰⁸ Hansard(1813) p.767

cludes to that of a general accession, under which an accession to a treaty normally means becoming a formal party to it.²⁰⁹

Article 2 of the Stockholm Treaty concerns the formal accession by Britain to the;

“[...]conventions already existing between those two powers, insomuch that His Britannic Majesty will not only not oppose any obstacle to the annexation and union in perpetuity of the Kingdom of Norway as an integral part, to the Kingdom of Sweden, but also will assist the views of His Majesty the King of Sweden, to that effect, either by his naval co-operation in concert with the Swedish or Russian forces.[...]”²¹⁰

As mentioned earlier, the Treaty of St. Petersburg had been communicated to the British government in July of 1812, with a calling upon Britain to accede to the terms of the Treaty and help see through the plans that Sweden and Russia had constructed between them. It is unclear if the British received the Convention of Vilno at the same time and later the Treaty of Åbo, as the ministers, as well as the opposition talk of the treaty between Sweden and Russia as a singular. However, this is not important for our interpretation of the Stockholm Treaty. In the summer of 1812 the British government did not consider it wise and necessary to accede, as it would not contribute in any substantial way to the common cause. According to Castlereagh, there would have been no accession in 1813 either had not the war exploded in the North in 1812.²¹¹ In 1813 the circumstances were different;

“If the English government had done other than assent to the treaty concluded between Russia and Sweden, it would have shook the alliance of the North, and a relaxation in their efforts would have taken place, instead of the most united exertions ever made in the history of war.”²¹²

²⁰⁹ Oxford Dictionary of Law(2009); accession

²¹⁰ Stockholm treaty article II

²¹¹ Hansard(1813) p.767

²¹² Hansard(1813) p.768

Castlereagh considered the British accession to the Stockholm Treaty essential to the success of the allies' operation.

We can read from the wording of the Treaty that we are not dealing with a general accession to the Treaty of St. Petersburg, only to a specific element. There is no indication, neither in the Stockholm Treaty itself nor in the debates, that Britain considered themselves as party to the St. Petersburg Treaty. Britain only agree to help making the union between Norway and Sweden a reality, and this too is promised only on certain conditions. It is the word "insomuch" that is crucial in this interpretation. The first part of the sentence appears as a general accession, but it is restricted by the word "insomuch" which leads to the real content of the British engagement only concerning the Swedish union with Norway.

Apart from the explicit promise of military support to secure Norway, there appears to be little difference between the political assurance from 1812, and the accession as it is formulated in article II of the Stockholm Treaty. The accession in the Treaty is also limited in that it only contains the promise that Britain would not oppose the annexation and union, and she would even help secure it, either by her good offices, or if necessary, by military support. One could question whether any actual difference was intended by the use of both annexation and union, and whether this is important for the content of the article. The two words have quite similar meanings, as they both refer to the union of two states or territories, but at least in common usage there is a more peaceful undertone to a union, while an annexation is often achieved by conquest or occupation.²¹³ As we have seen Britain wished that the union of Norway and Sweden could happen peacefully, but they were prepared to support also a military operation to conquer Norway. It is my assessment that the intended meaning of the stipulation is that Britain would not oppose the union of the two countries no matter how it had to be effectuated.

²¹³ Oxford Dictionary of Law(2009); annexation

Holland wondered if the Stockholm Treaty was not an autonomous document, where the rights and duties were valid notwithstanding the fulfilment of the St. Petersburg Treaty:

“Now if the Crown Prince performed his part of the agreement, but Russia did not send the stipulated force to join him, would he not in that case be fully entitled to every thing we had engaged to do for him, even although he had not struck a single stroke against the enemy? If the treaty was tripartite, then the failure of one of the parties exonerated the other two; but in this treaty with Sweden, if Russia did not give the force that she engaged to give, was not the Crown prince still entitled to all the benefits of his engagements with this country.”²¹⁴

This is a very interesting point because it concerns the relationship between connected legal documents. As we have seen, Britain does not accede to the St. Petersburg Treaty in a way that makes her a party to it in its entirety. The construction seems to be that the Stockholm Treaty includes the contents of the relevant articles of the St. Petersburg Treaty concerning the use of the united armies, but Britain is only legally bound by the Treaty of Stockholm. What this means is that the assessment of Holland above, has to be quite accurate. As long as Sweden performs her duties under the Stockholm Treaty, even if she was not joined by the Russian forces promised in the Treaty of St. Petersburg, then Britain could not justly refuse fulfilling her part of the Stockholm Treaty, as Sweden would have done all in her power to complete her engagements to Britain.

6.7 The justification of the accession

One of the major legal questions arising from the Stockholm Treaty and the debates is whether the British accession to the stipulations between Sweden and Russia concerning Norway, and therefore the Stockholm Treaty, was justified; that is in accordance with international law. If the accession was unlawful, it would have to be considered how to deal with the Treaty, the Royal sanction and the fulfilment of the terms. This leads to questions

²¹⁴ Hansard(1813) p.731

of whether the entire Treaty would have to be declared unlawful and therefore void, or if only those parts not in accordance with international law would be affected.

6.7.1 Denmark at war?

In the debates in the House of Lords concerning the Treaty, Liverpool gave an account of the considerations necessary to form a conclusion on whether the accession was just or not. According to him, the assessment was threefold: “*1st, Were Russia and Sweden justified in entering into these engagements? 2d, Whether Great Britain was, or was not, justified in acceding to that treaty? 3d, Whether it was wise and politic in Great Britain to accede to it?*”²¹⁵ Here, we shall take a look at the Prime Minister’s account on the first two points as they are the general legal questions arising from this article, we will study the argument for the justification of the accession related to the arguments of a state of war with Denmark and we will consider the different possible scenarios in which the accession could be justified or not

Liverpool presented the government’s point of view like this:

“ First then, he contended, that Russia and Sweden were justified in entering into these engagements. It was an important fact, which the noble lord, in speaking on this subject the other night kept entirely out of view, that Denmark formed a part of the confederacy against Russia. Denmark engaged at the time of the French preparations, to assist the object of Buonaparté, by occupying the north of Germany with her troops: and this was as complete a co-operation with France, as if the Danish troops had marched with Buonaparté to Smolensko and Moscow. The countries which Denmark had agreed to occupy, were, some of them, at least, in alliance with Russia, especially the duchy of Oldenburg, which had been partly the origin of the last dispute between Russia and France. In the present state of Europe, if a nation set up its weakness as a plea for protection, it ought to set up that

²¹⁵ Hansard(1813) p.721

plea against the enemy, as well as against you. But Denmark had thought it for her interest to adhere to France and co-operating in the objects of that power.”²¹⁶

As we can see, there is no complete reasoning presented on the question of whether the treaty of St. Petersburg was justified in itself. The arguments on the status of the relationship between Denmark and Russia might have been valid enough, but it does not explain why Sweden also was in their right to enter into such commitments. Possibly, the underlying conclusion one could draw is that if Russia was at war with Denmark, then Sweden, by entering into an alliance with Russia, undertook the same position as Russia, and was then equally justified.

Grey stated that Denmark was at war with neither Russia nor Sweden when they entered into the Treaty of St. Petersburg. According to him, Carl Johan had not put forth any complaint against Denmark, except the old French argument of moral and physical connection that the members of the British parliament had so fiercely opposed before.²¹⁷ According to the Harrowby, it was cause enough for Russia that Denmark was co-operating with France against her.²¹⁸

When it comes to the second part of the consideration of the justice of the accession Grey, as mentioned above, contended that Denmark was not at war with neither Russia nor Sweden when the treaty of St. Petersburg was concluded, and so he considered the Treaty unjustifiable and therefore the most derogatory to the British honour ever to be submitted by a minister.²¹⁹ Castlereagh however, contended in the House of Commons, that Russia certainly had cause of war with Denmark. Denmark had agreed to help France destroy Russia by deploying her troops to the Baltic shores and occupying the duchy of Oldenburg, which

²¹⁶ Hansard(1813) p.721

²¹⁷ Hansard(1813) p.738-739

²¹⁸ Hansard(1813) p.734

²¹⁹ Hansard(1813) p.738

he described as “*almost Russian*”.²²⁰ These actions gave Russia a just cause of war with Denmark, according to Castlereagh. What we can note in this discussion is that the two representatives are actually talking about two different questions; the first whether Denmark and Russia were actually at war, and the second whether there was a just cause of war.

Naturally there can be just causes for war without actual war. It is the prerogative of any sovereign state to choose whether he should go to war or not, and if she concludes there is a just cause for war, she must then consider if a war be in the best interest of the state. Just because a war would be lawful does not mean it has to be undertaken, as the suffering and cost of a war should make any state apprehensive about going to war.²²¹ From this it follows that there can also be a state of war based on just causes. This is what Vattel calls a just war. There can also be war without just cause, and this would constitute an unjust war.²²² Neither of the two arguments above suggests that there was a state of war, and this is a question of actual events and acts of hostility.

The government, in justifying the accession to the St. Petersburg Treaty, was not so concerned with who Denmark was at war with in 1812, but more whether Britain *at this point was at war with Denmark*. Liverpool was clear on this state of war actually existing, although trying to avoid a debate about its foundation:

“[...] were we not at war with Denmark? He had no objection to discuss the origin of that war over again at a proper opportunity; but at all events we were actually at war. Danish seamen manned the French ships; their ports were hostile to us; their privateers covered the seas in that quarter, annoying our trade by every means in their power.”²²³

²²⁰ Hansard(1813) p.760

²²¹ Vattel(2008) p.484-485

²²² Vattel(2008) p.484 §27

²²³ Hansard(1813) p.721

This last part does not correspond well with Grey's assertion that Denmark already early in February had given every opportunity for British commerce and closed their ports to French privateers.²²⁴ According to Liverpool Britain had a right to conquer any place belonging to the enemy.²²⁵ Harrowby complemented this statement, in saying that "*if then we had such a right to do it ourselves, what precluded us from aiding and assisting another power to do it?*"²²⁶ Also Bathurst justified a contingent attack upon Norway with the fact that he considered Britain to be at war with Denmark. "*without moral reproach*", he said, Britain could have attacked Norway, Danish possessions in the West Indies or the island of Heligoland, the point being that while at war, this was their right. An attack in concert with one or more allies must therefore be "*equally justifiable*"²²⁷.

Just as Liverpool, as quoted above, had uttered most certainly that Britain was at war with Denmark, Holland asked "*were they at war with Denmark?*" and continued his critique of this assumption of war, so vaguely explained; "*If there was a cause of war with Denmark, let war be openly declared; it was base to carry on a covert war*"²²⁸ Here the representatives are only arguing whether there was an actual state of war. We have heard little about the causes relevant for deciding whether the war was just, presuming there actually was a state of war between Britain and Denmark. We can also see here that a declaration of war was still very important should a war be acknowledged as just and proper by the people's representatives. Vattel also writes that a declaration of war is a necessity for a just war. Even if the state has justificatory reasons and motives for war; "*as it is possible that the present fear of our arms may make an impression on the mind of our adversary, and induce*

²²⁴ Hansard(1813) p.716

²²⁵ Hansard(1813) p.721

²²⁶ Hansard(1813) p.735

²²⁷ Hansard(1813) p.741.

²²⁸ Hansard(1813) p.728

him to do us justice,” and the state therefore owes it to humanity to present to the enemy a declaration of war.²²⁹

Ponsonby further references “*any writers of public law*” when it comes to the only legitimate object of war; which is the attainment of peace. This can be either through a proper satisfaction of a complaint, or the desire for security against any feared sudden acts of hostility.²³⁰ This summation corresponds well with the definition Vattel uses for a just cause of war:

“The right of employing force, or making war, belongs to nations no farther than is necessary for their own defence and for the maintenance of their rights. [...] Further, she has a right to prevent the intended injury, when she sees herself threatened with it.”²³¹

No country would admit to being at war for the sole purpose of the extinction of the other nation. So even if Britain was at war with Denmark, it was in fear of France seizing the Danish naval power and turning it against Britain, and such Britain was compelled by a sense of self-defence. This gave no justification for joining a treaty in which Denmark was to be deprived of parts of her territory.²³²

Several interesting legal questions arise from these discussions. Let us first address the proposition that Britain and Denmark were at war with each other. If then the cause of the war was just, for instance based on the points raised by Liverpool above, then there is little to discuss. If Britain was conducting a just war against Denmark, then the accession to the stipulations to partition Denmark, the forming of an alliance against the enemy must also be lawful. However, what if there was a state of war, but there were no just causes, so that the war was unlawful? Could the faith that the war was a just one, save the character of the

²²⁹ Vattel(2008) p.501

²³⁰ Hansard(1813) p.754

²³¹ Vattel(2008) p.483

²³² Hansard(1813) p.754-755

accession? Presuming that the faith was sincere, and not mere pretexts, Vattel answers this in the affirmative; “*The rights founded on a state of war [...], do not, externally and between mankind, depend on the justice of the cause, but on the legality of the means themselves*”²³³ and certainly the state cannot be held accountable for the injustice.²³⁴ If however the government was well aware of the injustice of the war, then the state of war itself cannot redeem the acts of the war, as it would be contrary to all reason that a second injustice should redeem the first. According to Vattel, a Treaty concluded for such an unjust purpose is “*absolutely null and void*”²³⁵, in other words, if there were no just causes for the accession, then the Stockholm Treaty had to be deemed void as no one has a right to act contrary to international law.

Another relevant question of our case is if there was a just cause for war, but no actual state of war; are actions of war then justifiable. We have to accept the assumption that the partition of Denmark and Norway would not be permissible in an ordinary state of peace. States are not to interfere in the internal affairs of other sovereign states.²³⁶ Does this then change if there is a just cause for war? This can hardly be the case. If a state is at peace, she must then abide by the rules and principles of international law as it applies in times of peace, and actions only allowable in war cannot become justifiable by the simple presence of just causer for war. What possibly can happen is that the actions of war, performed on the foundation of a just cause, can in fact effectuate a state of war. Although we have seen Vattel underline the necessity of declaration of war, it was not unheard of that war commenced without a declaration, without there being any doubt as to the reality of the war.²³⁷ If then Britain had a just cause for war with Denmark, then the accession itself could trigger an actual state of war, under which it would be permissible.

²³³ Vattel(2008) p.591

²³⁴ Vattel(2008) p.490

²³⁵ Vattel(2008) p.341

²³⁶ See Vattel(2008) p.289, §54

²³⁷ For example, there was no declaration of war from France to Russia before the invasion in 1812.

The final question in this respect is whether the accession could be justified based on that there existed a just cause of war between Denmark and one or both of the other parties; Russia and Sweden. According to Vattel, a nation is allowed to assist another nation engaged in a just war and thus becoming an enemy of their enemy.²³⁸ By this reasoning one can become involved in a just war based on the causes of another state; an ally. This cannot however give a state the right to trigger a war based on the other states' just causes. It has to be the decision of the state whose cause is relevant to consider whether it is in her interest to start the war. For Britain to be justified in basing the accession on the causes of Sweden or Russia it would therefore be more crucial that there actually was a state of war.

Harrowby, speaking for the government, addressed this last question of consideration from the reverse perspective. Notwithstanding the possible constructions we have just discussed, there had been some debate as to the cause Sweden had for destroying the union of Denmark and Norway. Harrowby, still contending that Britain had a good cause for war with Denmark asked if "*were we to abstain from uniting with a another power who had not equal cause of quarrel, but who was willing to assist us in weakening our avowed enemy? He would be a bold man who would say that we ought to do so*"²³⁹ It can be drawn from this statement, that as long as Britain had all her relations in order and she in fact had reason for war with Denmark, then it was not her responsibility to make sure that all the other states of the alliance was equally in accordance with international law, but what we have just discussed suggests that Sweden would become justified by joining an already just British cause. We see here that while the opposition wished to make Britain out to be some sort of international watchdog, the government more concerned themselves with the actual actions and policies of Britain, and what would be in the best interest of the nation.

²³⁸ Vattel(2008) p.513 and 522. More details about the different degrees of support can be studied in Vattel(2008), book III chapter VII

²³⁹ Hansard(1813) p.735

6.7.2 The need for necessity and the principle of self-preservation

Holland, who spoke after Liverpool in the debate, agreed with him that Russia was justified in signing the Treaty of St. Petersburg; “*Russia had last year found it necessary to sign a treaty in which, for self-preservation, she was obliged to depart from the principles of justice; and for self-preservation such a departure was justifiable.*”²⁴⁰ The statement seems almost as a direct reiteration of what is written by Vattel; “*Since then a nation is obliged to preserve itself, it has a right to every thing necessary for its preservation*”²⁴¹. In Holland’s opinion, the Treaty of St. Petersburg was not objectively in accordance with the principles of justice and international law, but this deviation was permissible for the parties to it, as the agreement was necessary to secure the safety of the state. This means that Holland appears to consider the St. Petersburg Treaty unlawful but still justifiable. Another thing this tells us, is that there is a certain hierarchy among the principles of international law, and the one at the top is the principle of self-preservation. Actions that would otherwise be unlawful are allowed if they are necessary for the safety and preservation of the state.

Holland reminded the House that what was relevant when assessing any obligation undertaken was the circumstances and the information available to the parties at the exact time the treaty was signed. Obviously, the state of Europe was different a year after the conclusion of the St. Petersburg treaty, when Britain became “*an accessory after the fact*” as Holland called it. This meant that it had to be an entirely new and independent assessment of the legality of the accession that Britain performed in 1813, than if she had acceded at the time of the conclusion of the St. Petersburg Treaty in 1812. For Britain, a nation not in any danger that would be appeased by the accession to this Treaty, the ratification would be detrimental to the honour of the nation and to international law.²⁴² As we have seen above, Holland thought that the St. Petersburg Treaty deviated from the principles of international

²⁴⁰ Hansard(1813) p.728

²⁴¹ Vattel(2008) p.88

²⁴² Hansard(1813) p.728

law, and only became justifiable under the principle of self-preservation. For Britain however, there was no threat to the safety of the state, and the British accession could therefore not be permissible. It is quite interesting, to see how a treaty could be considered justifiable in one setting or in relating to one nation, while absolutely outside of justice in another.

Grey stated that “*he would not consent to purchase any advantages at the expence of justice*”.²⁴³ We will see that some of the opposition stated they were not even convinced that there had been attained any advantages for Britain from this Treaty. From this statement it appears that Grey would not accept any deviation from justice, no matter how great the advantage to Britain was. At the same time, Holland; also from the opposition, condoned the deviation from international law he felt it was when Russia agreed to the stipulations concerning Norway in the St. Petersburg Treaty, because it was necessary for the preservation of the Russian state. It could be drawn from this that a breach of international law could be in accordance with justice, if only it was necessary enough, or in other words, if the advantage was great enough.

Grey was not as concerned as some of his colleagues as to whether there had been a cause of war with Denmark or not, because either way he could not find it lawful for Britain to assist in the partition of Denmark-Norway;

“Whatever the original cause of war with Denmark might have been, it was impossible to justify it, except on the plea of necessity, and by the law of nations, when that ceased to operate, ample reparation should be made for the injuries inflicted.”²⁴⁴

Only if it was considered absolutely necessary could the partition of Denmark and Norway be justified, and even then it should be the priority of the states to make right the wrong that had occurred once peace was re-established. What I understand to be the

²⁴³ Hansard(1813) p.738

²⁴⁴ Hansard(1813) p.738

underlying assumption for his reasoning is that according to the law of nations, reparations should preferably involve restoration to the way things were before, not just any kind of substitute decided on by the initial offenders.

According to Grey, the government had made it sound as though Denmark “*had been uniformly hostile to this country, and that her weakness was no excuse.*” He agreed that if it was the case that a weak power, such as Denmark, was made an instrument of the real enemy, then Britain was entitled to neutralize her means of injury. However, Denmark had at the point of the signing of the Stockholm Treaty shown signs of wanting peace with Britain; “*the overwhelming influence of France was withdrawn; Denmark sent her minister to make peace with this country; She sent her troops to defend Hamburg*”²⁴⁵. What we must assume the Grey was implying was that when Denmark at this point had shown herself amiable towards Britain and the allied parties, there was no longer any foundation for the offensive actions being planned against her.

What we have seen in this chapter is how many of the questions arising from the Stockholm Treaty are general questions of interpretation of international law. What constitutes a just war, what rights arise from having just causes for war and what constitutes and actual war are all issues still being discussed in international forums. The question of accession becomes a question of terminology, where the term appears to have been used more frequently and in different relations than what we are accustomed to today. There is little doubt that the Stockholm Treaty is an independent legal document, although some of the content has to be established based on the content of the Treaties between Sweden and Russia.

²⁴⁵ Hansard(1813) p.739-740

7 British consideration for Denmark-Norway

7.1 The correspondence between Denmark and Britain

The relationship with Denmark was a great concern in the debates, especially for the opposition, when they were to assess the lawfulness of the Stockholm Treaty, and not least in considering whether the Treaty was wise or not. It is important to keep these two considerations apart, as many of the arguments, especially those of the opposition, relate to the latter; whether the accession was wise and politic. Grey felt it “*of great importance*” that *the correspondence between Britain and Denmark was produced and laid before the Parliament.*²⁴⁶ If he supposed that the war with Denmark originally was a just one, Grey found it important for the Parliament to know whether there had been any Danish proposal for peace, as it “*was the practice of most nations, but more particularly of this, when a negotiation for a cessation of war had been broken off, that the causes of the rupture should be publicly and distinctly stated*”²⁴⁷. Also Grenville felt it more than reasonable that the acts of the government when it came to the correspondence with Denmark were properly documented and explained. “*He appealed to the memory of the oldest peer, whether he recollected an instance where the grounds of a fruitless negotiation had not been laid before the country.*”²⁴⁸

The consideration of the Stockholm Treaty could of course also depend to a certain extent on what had been communicated between the two countries, since it would be more in contrast with British interests and honour if Denmark originally had peaceful objectives in mind in their correspondence with Britain and Britain had turned them down even if Denmark had offered what Britain thought themselves entitled to. Because Britain not only had continued hostilities after an offer of peace, but also entered into a treaty for what Grey called “*the spoliation of the dominions of Denmark*”, he said it was

²⁴⁶ Hansard(1813) p.715

²⁴⁷ Hansard(1813) p.715-716

²⁴⁸ Hansard(1813) p.719

“doubly necessary, that it should now be proved that Denmark had refused that justice which Great Britain had a right to demand. Ministers must state their reasons for rejecting the propositions made to them, because it was not sufficient to assert that the treaty with Sweden was signed before any offer had been made by Denmark ”²⁴⁹

It appears Grey found it so critical the alienation of Denmark that he did not think it convincing enough an explanation even if the Treaty had been signed before the peaceful proposals came from Copenhagen, but that it should be proved that Denmark had explicitly turned down British demands.

Grey was not convinced that the signing of the Stockholm Treaty on the 3rd of March actually did precede at least all peaceable proposals from Denmark. Danish ports had been closed to French privateers while every opportunity was given to British commerce already the 10th or 12th of February. An official agent, soon succeeded by Bernstorff the Danish foreign secretary also arrived in Britain. Grey stated that:

“Thus it appeared, that long before the treaty was concluded Denmark had not only proposed pacific arrangements, but had done certain incontrovertible overt acts to prove incontestably her friendly disposition towards this country.”²⁵⁰

Thus, the opposition was concerned that Denmark had been pushed away before it had been necessary. In spite of what was said later about how the Stockholm Treaty had eliminated all hope of making an alliance with Denmark, it was important that the government could prove that the Danish proposal for peace had been rejected on just causes. Especially was this important here, as the Treaty the House was to sanction would probably lead to the invasion Danish dominions, despite that the Danes “*had so recently shewn a disposition to restore tranquillity, and to join the allies against the common enemy*”²⁵¹

²⁴⁹ Hansard(1813) p.716

²⁵⁰ Hansard(1813) p.716

²⁵¹ Hansard(1813) p.716

In Copenhagen there actually were strong forces that wished Denmark would break out of the alliance with France. Foreign Secretary Niels Rosenkrantz(1757-1825) and Prince Fredrik of Hessen, deputy Lord Lieutenant in Norway at the time, both urged the King to negotiate a peace with Britain. The same did Crown Prince Christian Fredrik, and under the new pressure, the King caved. The Danish admiral Steen Andersen Bille(1751-1833) was ordered to negotiate a limited peace of trade and on January 30th 1813 all French privateers were excluded from Danish ports and from February 11th all privateering was banned in Denmark. However Bille was too late, and before he reached the British government, the Stockholm Treaty had already been signed.²⁵²

Liverpool did not put much emphasis on the efforts made from Denmark at this time. He told the House that no formal offer had been made from Denmark until the last day of February. He admitted that the Danish ambassador in St. Petersburg previous to this had “*shewn some disposition towards a friendly junction*”, but when Sweden tried to follow up on these, they had simply been disavowed by the Danish government in Copenhagen.

“It was only after the almost complete destruction of the French army, that public overtures were made by Denmark; in the then doubtful state of Europe, she might wish to keep well with both powers, and to chime in with those who might be strongest.”²⁵³

In the view of Liverpool it was therefore a much safer policy to keep the friendship with Sweden who he said had been nothing but supportive of the common cause. It would not be sensible to simply throw an ally like Sweden aside at the smallest hint of co-operation from Denmark who had acted so equivocal.

An interesting question is whether it could make a difference to the validity of the accession and the Treaty itself if Denmark had actually proposed peace prior to the conclusion of

²⁵² Norges Historie; bind 9(1978) p.228

²⁵³ Hansard(1813) p.724

the Treaty. The basic condition for claiming absolution from a commitment based on subsequently failed contractual assumptions is that the assumption was a decisive factor in the disposition. The statements of Liverpool referenced directly above suggest this was not the case here. Sweden had shown a much more decisive attitude against France than Denmark had done, and Sweden had been very adamant that the question of Norway was not negotiable. It would have been quite apparent to the ministers concluding the Stockholm Treaty and those back in London that Denmark would not join an alliance determined to dismember her territories, meaning that Britain regardless of whether there was any Danish approaches for peace would have had to make a choice between Sweden and Denmark, and based on the statements of Liverpool would have chosen Sweden.

The relationship with Denmark was a central issue with the opposition, some claiming, among other things, that the friendship of Sweden was completely neutralized by the offending of Denmark. Grey made the argument that even though he acknowledged the value of a powerful Swedish diversion in Pomerania, it was useless if one did not first secure the co-operation of Denmark; “*The hostility of Denmark completely neutralized the efforts of Sweden*”.²⁵⁴ What has not been spoken of much, but that certainly is a very important point is that there was a situation of either-or here. Bathurst addresses the issue briefly; “*If they [Britain] had guaranteed the dominions of Denmark, this country might have been ere now in a state of war with Russia and Sweden*”²⁵⁵. The Treaty of St. Petersburg was certainly still in full effect between Sweden and Russia, and it is not impossible that if Britain had chose to connect themselves with Denmark and decline the alliance of the North, they would in fact find themselves at war with Sweden and Russia, as Britain could then be called upon to defend the dominion they had now agreed to help transfer.

²⁵⁴ Hansard(1813) p.740

²⁵⁵ Hansard(1813) p.741

Bathurst did not seem to put too much weight on the negotiations with Denmark, as he questioned the actual sincerity of the Danes:

“The whole time the negotiations between this country and Denmark was carrying on, the fact was known to France, who notwithstanding continued to stile Denmark its good and faithful ally, and to keep its minster resident at Copenhagen. This may be considered with reference to the sincerity and objects of the courts of Denmark in the transaction; whose real design, however, in his opinion, seemed to be to keep well at the same time with both France and England.”²⁵⁶

There does not seem to be any accusations in this assessment, more an account of the factual conditions as they were, as he said that in situations like this, a little falsehood towards at least one of the parties must be expected. There is a large degree of practicality in these statements, and an acceptance of how the politics of diplomacy took place, perhaps expressed more openly than what we see in the rest of the debates.

Liverpool was quite adamant in his speech to the House of Lords that there was not any reason to question whether Denmark was given enough of a chance to join the allies before the Treaty of Stockholm was signed. While Sweden used all means available to resist France, Denmark was actively co-operating with France²⁵⁷. Russia even sounded Denmark while Napoleon was marching on Smolensko, but she answered “*she was determined to stand or fall with France*”²⁵⁸

7.2 Actual options for Denmark

The topic now is whether Denmark was actually given any real options, or a real choice on the matter of parting with Norway. It is stated in the Treaty that Britain only agreed to par-

²⁵⁶ Hansard(1813) p.742

²⁵⁷ When the Treaty of St. Petersburg was concluded in the spring of 1812, Denmark re-enforced her ties to France in a new alliance treaty. See Norges Historie; bind 9(1978) p.227

²⁵⁸ Hansard(1813) p.724

take in the operation concerning Norway after Denmark had explicitly refused to join the alliance of the North. Ponsonby of the House of Commons felt it necessary to address several elements of the second article in his speech to the House. According to him there was “*something extremely curious, and particularly worthy of the attention of the House*”.²⁵⁹ This something concerns the wording that could lead one to believe that it was Denmark’s free choice whether they wished to cede Norway to Sweden or not. However, Ponsonby claimed that “*the exact reverse of any such option is the truth; for, by the stipulations existing between Russia and Sweden, Norway must be given up – there is nothing optional left.*”²⁶⁰ Holland raised the very same point in the House of Lords; “*He wished to know whether any propositions were ever made by us to Denmark, by which any option was left to her of ceding Norway or not?*”²⁶¹ From what we have seen of the treaties, the choice given to Denmark was not to cede Norway or not, but if she would do it somewhat voluntarily and be compensated, or if she would oppose the cession and have it taken from her by force.

This discussion relates to the part of article II that states that there shall be no use of force for procuring Norway, unless the King of Denmark first refuses to join the alliance of the North in coherence with the stipulations of the St. Petersburg Treaty. As we have seen from these stipulations, there was no alternative to the union of Norway and Sweden. As Ponsonby states: “*all the option left to the King of Denmark, is, to receive the compensation marked out by Russia and Sweden.*”²⁶² The Treaty leaves no doubt Ponsonby was correct in his observations. According to the stipulations of the St. Petersburg treaty, Norway would be ceded to Sweden, either by an agreement with Denmark, or through the military operation by the Swedish and Russian forces, and by the Stockholm Treaty the support of the British navy could also be induced should Denmark refuse to join the alliance.

²⁵⁹ Hansard(1813) p.752-753

²⁶⁰ Hansard(1813) p.753

²⁶¹ Hansard(1813) p.731

²⁶² Hansard(1813) p.753

Grey, who began his speech by warning he might repeat much of what Holland had already expressed, pointed out that “*there was no concession on the part of Denmark which could have avoided that spoliation*”. The spoliation mentioned was naturally that of parting Norway from Denmark, who Grey called a “*friendly and unoffending power*”²⁶³. Grey also addressed the paradox in the fact that the partition and cession of Norway would be effectuated whether Denmark chose to co-operate with the allies or not; “*Instead of any rational inducement being held out to Denmark to join the allies, she was told, that she must pay, as the premium of our friendship, the very price which would be exacted from her as the punishment of hostility*”²⁶⁴ This is perhaps the most important issue in the whole debate about the relationship to Denmark. The government had tried to convey an impression that Denmark had been approached to create a peaceful alliance, but that she had refused this on any terms, and was determined to stand by France. There surely were negotiations with Denmark, but the fact of the matter is that Britain, in the Stockholm Treaty, had agreed to ensure the cession of Norway to Sweden, not dependent on the attitude and position of Denmark, as long as Denmark was approached with the proposition to make the cession peacefully.

Holland was not impressed with the way the government had related to Denmark, and pointed out that the arguments presented to prove the Danish friendship with France, did not correspond with how she was to be compensated for the contingent loss of Norway:

“It was remarkable what a convenient indemnity had been given to Denmark. It had been said, that she was ever necessarily dependent on France, because she was contingent to the north of Germany, which (it was assumed) must always be subject to France. Yet to Germany she was to go to be indemnified for the loss of

²⁶³ Hansard(1813) p.738

²⁶⁴ Hansard(1813) p.739

Norway. Such were the absurdities which a man was forced into when he once departed from the straight road.”²⁶⁵

Although this seems reasonable, we must not lose sight of the actual situation. France was mostly in control of northern Germany, so to be safe Denmark would need to stay connected to her. Should the allies beat the French, and the territories need to be reassigned, Denmark could get new dominions in Germany instead of Norway, even if she would then be on the losing side, which we know is quite close to what happened.

Harrowby emphasized that as Russia had cause of war with Denmark she could have commenced hostilities without any delay. However, Russia offered Denmark equivalents for the loss of Norway, and it was Russia herself as well as Sweden that would provide these other territories in restoration for losing Norway.²⁶⁶ This was meant to appease the notion that the allies had not given Denmark any chance of avoiding military sanctions, but it probably did more to underline the fact that there were no options given to Denmark as for parting with Norway.

7.3 The reparations for Norway

Another question in relation to Denmark is that of reparations for losing Norway to Sweden. In the Treaty of St. Petersburg it was stipulated that if Denmark willingly let go of Norway, she would receive territorial compensation in northern Germany. However, it was unclear which territories were in question, and how this would be effectuated. Grey, when motioning the government to present to Parliament the British correspondence with Denmark around the time of the signing of the Stockholm Treaty, suspected that it would reveal that Denmark was promised compensation for the territories she lost by the cession of other territories. *“The fact was, that if there was any reason for concealment, it was, because disclosure would show that a robbery was to have been committed on one power, which*

²⁶⁵ Hansard(1813) p.729

²⁶⁶ Hansard(1813) p.734

*was to be compensated for by a further robbery of others.*²⁶⁷ We see here how the arguments are presented almost exactly in the same way as when we are talking about “robbing” Denmark as compensation for Sweden losing Finland to Russia. This could create a long line of unlawful dispositions, unless one could manage to comprise a respectable equivalent to Denmark without infringing on the territorial rights of another state.

It was also important for the peace of mind of the states and cities bordering Denmark, that the ministers be clear on what the compensation would consist of. Finally, and perhaps most importantly, when it came to reasons for supplying parliament with the correspondence with Denmark, Grey posed that “*it was the duty of government to shew the precise nature and extent of the engagements by which they had pledged the honour and character of the British nation*”.²⁶⁸ Although this correspondence might not immediately appear directly relevant to the interpretation and understanding of the Stockholm Treaty, it does play to the conditions the Treaty was signed under, on the part of Britain. It is also interesting how the arguments concerning these correspondence documents are the same as the arguments to get the government to also produce the Treaty of St. Petersburg. It tells us something about how the representatives viewed the role of the Parliament. They could not perform their duties, controlling and reviewing the government without the same amount of information.

Harrowby did not consider it correct that the parties involved in the debated treaties would need to violate the territorial rights of others to make good on their offer to Denmark concerning reparations for losing Norway. As he stated, Sweden and Russia had both offered parts of their own dominion, Sweden was willing to part with Swedish Pomerania, and Russia what she would have the power to bestow. Thus, there “*was no reason to doubt, in the event of the allied powers having been successful, that indemnities might have been*

²⁶⁷ Hansard(1813) p.717

²⁶⁸ Hansard(1813) p.717

found without violating any other territory."²⁶⁹ What is also worth taking notice of in this statement, is that also the Harrowby seem to have been very attentive to the fact that it was not within the power of the contracting states to make promises about the fate of territories not under their own secure possession. Harrowby understood and apparently also agreed that it would be an infringement on the territorial sovereignty of another state if the compensation for Norway in Germany was not taken from the dominions of Sweden and Russia. However, it is also relevant to keep in mind that an allied military operation in Germany was being planned simultaneously here, and that it is understandable if the parties based these plans of transferring territories in Germany to Denmark on the expectation that the allied forced would conquer some additional territories that could be ceded among the parties after the war, and then also to Denmark.

Grey tried to engage the members of the House by making up an example for comparison in which Britain would take the place of Denmark. "*Suppose that Russia and Sweden had demanded from our sovereign the surrender of Hanover(...)*". It is worth mentioning that this really was an example construed to engage the earl's opponents, as he himself thought Britain would be much better off without Hanover attached to it.²⁷⁰ "*(...) but a sense of the honour of the crown would have induced him rather to risk war, than to accede to such a proposal*"²⁷¹. Even though he politically would have found this an advantageous proposal and perhaps even wished for it, this would have been irrelevant as long as it went against the honour and justice of the state.

Grey praised the "*glorious exertions she[Russia] had made in defence of her own independence*", and he certainly agreed that it was in the interest of Britain to maintain close

²⁶⁹ Hansard(1813) p.734

²⁷⁰ Based on the descriptions in the parliamentary debates on this matter. Karlijn van Blom(2013): there was a general feeling among the parliamentary members that the Kingdom of Hanover was connected to the King personally, and not a matter of the state.

²⁷¹ Hansard(1813) p.739

connections with Russia, but “*the more strongly did he regret that that connection should have been sullied by engagements which bound us to assist in robbing an independent power*”²⁷² As we can see, there seem to be no disagreement that it was good policy for Britain to make an ally of Russia, but problem was the role that was given to Denmark in this endeavour. Holland does admit that Sweden had some justifiable views in the conquest of Norway, without going too much into details about the legality of such a conquest, but his issue is with the part the British government had taken it upon themselves to play:

“How we could reconcile the spoliation and dismemberment, settled and adjusted by the treaty, with our own policy with respect to the continent, as set forth in our declarations against the territorial violations and unprincipled infringements and partitions of France.”²⁷³

Though he said he would leave it to the noble earl to decide, it is clear that he felt the partition of Norway and Denmark not at all in coherence with the nation’s policy.

7.4 Views on Norway

Most of the British apprehension against joining the Treaty of St. Petersburg in 1812 was that the plans for Norway were too similar to the practice of Napoleon towards smaller states that the British had always opposed. The Swedes tried to appease the British in October 1812 by sending an assurance that Norway would be a “confederate state” and even hinted of the possibility of a constitution.²⁷⁴ Even so, Britain wished to attempt to effectuate the union peacefully, but when this proved impossible the Stockholm Treaty was concluded on the 3rd of March 1813. What was actually agreed upon in the Treaty concerning the character of the union between Norway and Sweden is not clear. The English translation talks of the union with Norway as an “*integral part*” of the Kingdom of Sweden. This appears very much in conformity with the original text which

²⁷² Hansard(1813) p.737-738

²⁷³ Hansard(1813) p.731

²⁷⁴ Aubert(1897) p.71

says “*partie intégrante*”. This contrary to the promises made from Sweden to Britain in 1812, and the British apprehensions towards the treatment of Norway. However, in the Swedish translation it says that Norway was to be included in the Kingdom of Sweden as an independent part. Aubert suggests that a reason for this obvious inconsistency in the texts could be that the Swedes wish to sooth any Norwegian who might become acquainted with the Treaty.²⁷⁵ There is elements of the succeeding event that support this suggestion. Article 4 of the Treaty of Kiel was amended, at the initiative of Carl Johan, to specify that Norway would be a “separate realm in union with Sweden”²⁷⁶

The last part of the article 2 of the Stockholm Treaty states that Norway’s union with Sweden should “(...)take place with every possible regard and consideration for the happiness and liberty of the people of Norway”. This stipulation was by Grey simply considered to be a most hypocritical provision. After all, if the people of Norway should uphold their allegiance to the Danish King and resist the separation from Denmark and their new forced union with Sweden, the British government had promised to “*carry fire and sword into the peaceful homes of a people really attached to this country, and to visit them with all the miseries of war, because their sovereign refused to barter them like cattle*”²⁷⁷. Little is said from the government representatives about the content of this last provision in the article, but it carries the mark of mostly being the politically correct way of softening or hiding the reality of what was actually agreed upon. There are though some indications that the stipulation was not considered a mere formality. In a pamphlet called “Conversation between a Swedish and a Norwegian Patriot”²⁷⁸ it said that because of “his relations with foreign powers”, Carl Johan had to await an initiative from the Norwegians themselves for a union between Sweden and Norway. This shows perhaps that Carl Johan was prepared to honour the promise to consider the happiness

²⁷⁵ Aubert(1897) p.72, note 1

²⁷⁶ ”un Royaume, et réuni à celle [sic] de la Suède”, Barton(1925) p.14

²⁷⁷ Hansard(1813) p.739

²⁷⁸ «Samtal emellan en Svensk och Norsk Patriot»

and liberty of the Norwegians, and that a Swedish military enforcement of the union was considered politically unwise, if not impossible.²⁷⁹

Liverpool stated that it was in the interest of Britain that Norway was as independent of France as possible.²⁸⁰ He also thought that if Denmark was to keep her German dominions, she would be dependent on France. It had been Danish policy to cling to these dominions, and by this logic “*while Norway was in the power of Denmark, it was likely to be under the control of France*”²⁸¹ In addition to Liverpool defending the legality of the British accession to the St. Petersburg Treaty he also defended it as good policy, as the policy and interests of Britain was of the greatest concern to the Parliament: “*there was no object, except the independence of the peninsula, so important to Great Britain as that Norway should belong to a power, able and willing to preserve its independence against France.*” This was of course based mostly on the fact that Norway was a maritime country, where Britain did a great deal of commerce, procuring much of its naval stores.²⁸² This was not in itself enough to justify depriving Denmark of part of her territory, but if it was justifiable, it was also desirable.

However much Holland opposed the Treaty itself, he admired what the Russians had accomplished to secure her independence.

“Whilst he felt it his duty to speak thus of this most disgraceful treaty, he should do wrong, were he to pass over without his warmest expression of applause and admiration, the spirit, the vigour, and the magnanimity displayed by Russia in support of her independence, and in assertion of her natural rights. The great principles upon which she had acted, was that which called forth her noblest energies,

²⁷⁹ Weibull(1957) p.125

²⁸⁰ Hansard(1813) p.722

²⁸¹ Hansard(1813) p.723

²⁸² Hansard(1813) p.722

and ought, indeed, to excite the noblest energies of all countries against the lawless invasion of despotism, and insatiable ambition”

Russia had exerted great vigour to secure herself from injury and threats, even applying the right of self-preservation as we have seen earlier. The only problem with this admiration was, that:

“if that principle, great and stimulating as it was, went for any thing in the estimation of their lordships, it surely ought to possess all its value and all its weight, no less with regard to the people of Norway, than to the people or Russia.”²⁸³

The idea here is that Britain needed to show the same level of support for Norway as she had for Russia. Here Holland makes no note of the fact that Norway is not a sovereign state, but the argument applies just the same when we presume he is referring to Denmark-Norway. While comparing Norway and Russia, and questioning how Britain could support the one and neglect the right of the other, Holland states that the Treaty would extinguish “*the native independence of Norway*” and “*her people conveyed against her will to the rule and obedience of another sovereign.*”²⁸⁴ How he figures that there would be less exercise of what little independence one could attribute to Norway at this point if she was transferred to Sweden, Holland does not elaborate on. As there was propaganda pamphlets circulation also in London in the style of those in Norway trying to influence the Norwegians to warm up to Swedish rule, there is reason to believe the representatives could have had an impression of the mood and wishes of the Norwegian population.²⁸⁵

After Liverpool had assured the House that Britain was in fact at war with Denmark, he had no trouble justifying the British attitude towards the cession of Norway: “*Was there any one who could say, that great Britain was not as much justified in conquering Norway, as*

²⁸³ Hansard(1813) p.730

²⁸⁴ Hansard(1813) p.730

²⁸⁵ Ref. Ruth Hemstad (2013). For more on what circulated of information on the situation in Norway in Britain; see Ruth Hemstad(2012)

in conquering any place belonging to the enemy in the West Indies, or any where else.”²⁸⁶

The conclusion of Liverpool here is that when they were at war with Denmark they have the right to do everything in their power to weaken the enemy. This meant she could conquer any part of Danish territory, including Norway. It is interesting the use of the word conquering in this relation, as one hoped that it would not come to a military operation in Norway. Actually, it had been discussed to attack Zealand instead, to force Denmark to give up Norway. An actual conquering of Norway was probably one of the least likely outcomes of a contingent operation in the North. The main point of the quote though, I believe is to underline that while at war with Denmark, there was nothing stopping Britain from doing what she could to defeat her, whether that be in Denmark, Norway or the West Indies.

The accession to the treaty of St. Petersburg left a certain ambiguity for the parliament to address. In the St. Petersburg Treaty, the parties agree to insure the union of Norway and Sweden, but also to guarantee the security of the possession. Whether Britain acceded also to this part of the Treaty is not clear from article II of the Stockholm Treaty. Canning stated in the House of Commons that even a state of war with Denmark gave Britain no power to guarantee the permanent possession of Norway. Nor could Britain give any guarantees for the future of Guadeloupe.²⁸⁷ Castlereagh assured the House that there was no doubt “in the mind of the Swedish government, as the question of guarantee or not guarantee had been fully discussed in the negotiation, and this government had expressly refused to guarantee”, even though the Russians had made such a guarantee.²⁸⁸

²⁸⁶ Hansard(1813) p.721

²⁸⁷ Hansard(1813) p.775-776

²⁸⁸ Hansard(1813) p.779

7.5 Comparisons to Napoleon

As mentioned first in the last point, Holland not only compares the policy the Treaty of Stockholm represents to the policies of Napoleon, but he claims that the British government, in signing this treaty, had gone even further than Napoleon.

“now the weapons of Buonaparté had been want of principle, though in the exercise of that weapon he had never neglected the interests of France: but the noble earl and his colleagues had outdone their prototype, and in their gratuitous love for that want of principles, they had contrived to shock, to disgust, and to render abhorrent every man in the kingdom, and that without securing on single advantage to their country”²⁸⁹

As it was not bad enough that the British government had sunk to Napoleon’s level of oppression and abuse, but they had not even managed to attain any advantages in return. Knowing the level of hatred that existed in Britain of Napoleon, this comparison, suggesting that Britain had now surpassed Napoleon himself in promoting unjust policies, would have been extremely harsh.

Buckingham, speaking after Harrowby, accused him of having “*cordially adopted that very system which, only a few years since, he so loudly condemned, and vehemently stigmatised as the system on Buonaparté*”²⁹⁰ Most of the descriptions made of Napoleon in parliament were very derogatory, and certainly did not leave the impression he was a man to be negotiated with. Grey, however, stretched as far as suggesting that when the situation was such as it was after Napoleon had retreated from Russia, it would have been possible to come to some terms agreeable, even beneficial, to all parties and peace obtained for Europe. The earl called it the “*imbecility of ministers*”, that this had not been done, and this chance of peace had been wasted.²⁹¹

²⁸⁹ Hansard(1813) p.733

²⁹⁰ Hansard(1813) p.735

²⁹¹ Hansard(1813) p.740

Both the representatives of the government and of the opposition seem to agree that morality and policy were intertwined and could not be separated. Bathurst said he “*granted that if our acquiescence in the treaty was morally wrong, it could not be truly politic*”.²⁹² It is an interesting question how the terms just, unjust, unfair and legal fit in her as well. The debate supports a theory that something illegal or unjust could not be politic either, but that something was legal or justifiable was not in itself enough to make it politic.

However much the British representatives loathed Napoleon, they could not overlook how impressing it was how quickly he managed to rebuild his military strength to almost the same strength as before the invasion of Russia. Objectively, this was some of the most impressive manoeuvre in modern military history. As Grey explained it:

“The retreat from Moscow had annihilated the mightiest army which France had ever sent forth; her palaces had been filled with lamentations, and her land covered with mourning: yet such were the resources of that man’s mind – such the power of the country over which he rules, that he absolutely re-created his army; and by two great battles, rendered his supremacy in Germany more complete than ever.”²⁹³

The British certainly had reason to fear that Napoleon could not be beaten, and even though they would put all their force into defeating him, it was a remarkable achievement he had completed that year, and it seems the gentlemen of Parliament acknowledged this as well, although not so explicitly.

²⁹² Hansard(1813) p.741

²⁹³ Hansard(1813) p.740

8 Financial and commercial issues

8.1 Subsidies

When British diplomats were finally granted admission back onto the European scene in 1813, they were more than prepared to fund the entire war effort against Napoleon. Russia and Prussia were both offered £2 million, and funds were promised to Austria as soon as she declared war on France. During the course of 1813 to 1815 £26.25 million in total was divided up and handed out to the allies.²⁹⁴ In this section we will have to discover both national and international aspects of financial politics. We have previously looked at the British tax-system helping fund the enormous sums contributed to the allied states of Europe, and here we will look at the practice under international law for funding allies and the actual agreements made in the Stockholm Treaty, articles III and IV.

When discussing different kinds of alliances, Vattel among other things divide relations between states into two groups. The first is complete alliances, where the parties agree to a union of interests; this he calls a warlike association. In this relation the states all become principles in the war, and they have the same friends and enemies. The other group is called auxiliaries. This is where a sovereign without taking part in the war, sends to another succours such as troops, ships or money. When the succour consists of money it is called a subsidy.²⁹⁵ Though the Stockholm Treaty is a treaty of subsidy, it is clear that it also establishes a complete alliance, or a warlike association between Britain and Sweden. As we will see later, in article VII, the two sovereigns promise not to separate their mutual interests, and they are allies against thee common enemy; France. However, there is good reason to assess the connection between Britain and Russia differently. At least through treaty, there was no complete alliance between them, but Britain did supply Russia with funds to continue the war, making them what Vattel calls auxiliaries. Russia was also to supply

²⁹⁴ Mori(2000) p.211

²⁹⁵ Vattel(2008) p.512-513

Sweden with auxiliary troops through the Treaty of St. Petersburg, but they also united their military goals giving the alliance more features of being a complete alliance. Again it becomes clear that Sweden worked as a link between Britain and Russia. As Sweden was allied with both, the three parties could work together in a coalition without Britain and Russia having to negotiate terms of a complete alliance between themselves.

Article 3 of the Stockholm Treaty concerns the matter of the British subsidies to Sweden. The sum agreed upon was one million pounds, which would be received monthly. Each payment would not exceed two hundred thousand pounds. The subsidies were meant to help the service of the campaign “*as well as for the equipment, the transport and maintenance of his troops*”²⁹⁶. The troops were of course the Swedish troops that had been promised for the campaign against Napoleon in article I. It is worth mentioning that the element of subsidies is the reason why the treaty had to be laid before parliament, as the Committee of Supply had to approve any treaty promising subsidies from Britain.

8.1.1 Changing the priorities

More importantly, however, the funds were given “*in order to put His Swedish Majesty in a state to begin without loss of time, and as soon as the season shall permit, the said operations*”²⁹⁷. This is perhaps the most important element in the Stockholm Treaty, at least for the progression of the war, as it changes the order of the events that had been agreed upon in the Treaty of St. Petersburg. Bathurst tried to outline what a tragic situation it would become if Britain would have withheld its acquiescence in the Treaty:

“The Crown Prince might then have demanded the 35,000 men from Russia, and with all the forces of Sweden in addition, have attacked Norway. That force was now otherwise employed: and without such a diversion the allies may have been driven from the Oder to the Vistula”²⁹⁸

²⁹⁶ Stockholm Treaty article III

²⁹⁷ Stockholm Treaty article III

²⁹⁸ Hansard(1813) p.741

The British considered it imperative that the joint forces of Sweden and Russia were immediately free to contribute on the continent without starting another offensive front towards Norway.

In the Treaty of St. Petersburg and in their negotiations with Britain, the Swedish had been very clear on their incapability to participate in any military operations on the Continent, until it had secured its western border by acquiring Norway for a union of the Scandinavian Peninsula. For the British however, it was paramount that the common operation took priority before such an acquisition. Ponsonby, in the House of Commons, formulates the reason for this, and how they came to accomplish it, rather accurately:

“It was not, however, suited to the views of this country, that Sweden should employ her own forces, and those of Russia, in conquering Norway, before the general interests of the allies were consulted; because the blindest and most inexperienced statesman must see, that if those troops were to be employed in Norway, against the Danes, we should only have bought, at a very great expence, a diversion against ourselves, in favour of France. [...] In short, we buy off and do away the stipulation which existed between Sweden and Russia, by which the former power was permitted to conquer Norway, before she joined the common cause, and we induce her not to employ her forces for the subjugation of Norway, but to assist with her arms the operations in Germany.”²⁹⁹

Ponsonby broaches a very central point when it comes to the priorities in this point, namely that if Sweden was to use the common forces in Norway first, it would mean tanking much needed troops away from the front lines against Napoleon, and thus possibly making the situation more difficult for the allies later on. It is this switch of priorities that the British in reality pay for in this Treaty.

²⁹⁹ Hansard(1813) p.749-750

The fact that Sweden changed her mind, and agreed to let the Continental operation take precedence became a subject of discussion in the parliamentary debates, and especially the trustworthiness of the Swedish, when their priorities could be so easily bought. Canning mentions this in his speech in the Commons.³⁰⁰ Also Holland questions how Carl Johan could assess the danger from Norway so differently when signing the Stockholm Treaty from when the Treaty of St. Petersburg was concluded:

“The Prince Royal of Sweden had said, that Norway was to him a necessary accession, and that he could undertake no operation on the continent as long as he was liable to have Denmark for an enemy. [...] Norway and Denmark it is true, have become his enemy; but then he has got Guadaloupe and a million a year, and all danger for Norway at once vanishes.”³⁰¹

In a quite ironic tone he here questions if Guadaloupe and the million pounds could protect Sweden completely from any Norwegian incursions. There appears to be a rather obvious apprehension about the seriousness of the Swedes in this regard. Of course, the fact that Britain was able to persuade Sweden to dispatch their forces onto the continent before securing their eastern border towards Norway could make it seem as though the fear of any attack from the Norwegian quarter was greatly exaggerated, but one must keep in mind that Sweden did not only get a colony and the million pounds, but also the promise of British military support should the pressure towards Denmark be in vain and Norway would have to be taken by force. Although Sweden had already secured the military support of Russia, the naval strength of Britain would be of great importance should military force become necessary.

Castlereagh reminded the House of Commons that at the time when the Treaty of St.Petersburg was concluded, Sweden had every reason to require security on the side of

³⁰⁰ Hansard(1813) p.777

³⁰¹ Hansard(1813) p.728-729

Norway before sending any of her forces to Germany.³⁰² When it came to the negotiations with Britain the year after, however, Sweden had relaxed the “*great stumbling block*” of the negotiations; the cession of Norway as a preliminary absolute and not contingent. Sweden also alluded she might even be content with the “*bishoprick of Drontheim*” if the power of France was diminished.³⁰³

8.1.2 The British financial policies

Holland was the only one to raise the million pounds as an issue in itself in the House of Lords. He did not protest fiercely to the subsidy itself, but more to the fact that Liverpool did not find this worth mentioning when presenting the content of the Treaty to the House: “*The noble lord dealt out millions liberally, and might have thought this circumstance not worthy notice.*”³⁰⁴

To understand the debate, or lack of such, of these subsidies, we shall take a brief look at the British economy throughout the Napoleonic Wars and the tradition of subsidizing their allies. In 1783 the national debt in Britain consisted of 243 million pounds in government loan stock, 273 million in total. Britain offered funds to their allies already from the outbreak of the war in 1793. Among those who received subsidies throughout the war were Hanover, Prussia, Austria, Russia and Sweden, but Britain handed out subsidies to every European power except Turkey. The total was close to 50,000,000 pounds, of which more than half was paid during the last four years of the war. By the end of the war, in 1816, the national debt had risen to 816 million, over 250 per cent of the national income.³⁰⁵ Total-

³⁰² Hansard(1813) p.765

³⁰³ Hansard(1813) p.770-771

³⁰⁴ Hansard(1813) p.727

³⁰⁵ Duryea(2010) p.3-12

ly, over £ 1500 million was raised to cover the expenses of the war, both in loans and taxes.
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Pitt attempted to reduce the debt from 1786 by a sinking fund³⁰⁷, as well as replacing custom duties with excise duties on goods such as imported wine, tobacco and spirits. Pitt ran an efficient campaign against corruption and financial inefficiency within the bureaucracy, not only to show the responsibility of the authorities, but also to make financial arguments for a political reform less significant.³⁰⁸ This resulted among other thing in the India Act 1784, centralizing the British rule in India and established a Board of Control to oversee the activities of the East India Company.³⁰⁹

The strategy of the sinking fund was unsuccessful, as payments were made into to fund independently of other relevant circumstances, such as whether there was a budgetary surplus, or even war.³¹⁰ The continued increase in costs resulting from the outbreak of the war meant the government had to increase their efforts to raise money. In his budget for 1795 Pitt introduced a range of new taxes on goods such as tea, wine, spirits, insurance and hair powder. He also proposed a new loan of £18 million.³¹¹

There were complaints in Parliament about the expenses of the war and the increase of national debt already in 1795. These complaints did not only address the big subsidies to other powers that at this point had achieved practically nothing, but more to the direct cost of the war. To make matters worse, the harvest of 1795 was terrible, which meant the prices increased, and there was even tendencies of riots, involving member of the troops quartered

³⁰⁶ Emsley(1979) p.170

³⁰⁷ See further explanation; Duryea(2010) p.4

³⁰⁸ Daunton(1995) p.517, Lyon(2003) p.306

³⁰⁹ Encyclopædia Britannica; Government of India Acts

³¹⁰ Daunton(1995) p.518

³¹¹ Emsley(1979) p.50

at home that had to provide for themselves on weekly pay. In 1796 new items were added to the list of levied goods, including tobacco, sugar and salt, but the most significant tax of 1796 was the new one directed at property owners.³¹²

After the crisis of 1797, Pitt realized he probably would not be able to reduce the national debt as long as the war went on, but he made it his aim that it would not increase. His means to accomplish this were to reduce borrowing, holding interest rates down, and increasing taxes.³¹³ Vattel also considered it just and necessary to raise the income of the state so that any standing army could be paid;

“But when a choice is made, and standing armies are kept on foot, the state is bound to pay them, as no individual is under an obligation to perform more than his quota of the public service; and if the ordinary revenues are not sufficient for the purpose, the deficiency must be provided for by taxation.”

He said it was nothing but reasonable that the part of the population that did not serve in the army should help pay for their defenders.³¹⁴

8.1.2.1 “The tax that beat Napoleon”³¹⁵

Through the Aid and Contribution Act of 1798, in force from 1799 there was another tax invention; the income tax. Pitt emphasized that despite six years of war, the economy was prospering. Pitt’s goal each year was to raise sufficient money to keep up with the expenses of that year. It was a simple system grouping together those earning less than £60, those between £60 and £200 and those making more than £200 a year. Those in the first group were exempt, those in the latter subject to paying two shilling on the pound, and those in between had a graduated scale.³¹⁶ Even when the income tax was established, Pitt consid-

³¹² Emsley(1979) p.41-42

³¹³ Daunton(1995) p.518

³¹⁴ Vattel(2008) p.476

³¹⁵ Emsley(1979) p.106

³¹⁶ Emsley(1979) p.78

ered it a temporary measure, and still intended to preserve the sinking fund, so that when the war ended, it could address the debt that had existed before 1798.³¹⁷

The tax was repealed immediately after the Treaty of Amiens in 1802³¹⁸ but returned when the new outbreak put its strain on the British economy in June 1803. This time Addington had refined the system and the rates were only half of what had been required under Pitt. There was no longer a general return on income, but five categories of property declared separately; land and buildings, produce of the land, interest of government funds, profits from trade and commerce etc., and finally income from offices, pensions etc. There was also the invention of deductions in tax, and all of these inventions probably meant a lot for the new system succeeding. In both 1803 and 1804 the taxes raised more than their estimates. Pitt, who initially opposed the new innovations, was convinced by the success and stuck to the main elements of the system when he returned to office.³¹⁹

Although the invention of the income tax was important and certainly made sizeable contribution to the British economy, it only raised about 9 per cent of the total amount that was raised by the British government during the war.³²⁰ Even so, the revenue from taxes which had been stable throughout the first half of the eighteenth century rapidly increased in the second part, over tripling from 1740 to 1803-1802.³²¹

There is no doubt that the burden of tax weighed heavier on the common Brit than on the Frenchman, in 1780, before most of the taxes were raised, the British paid 2.7 times more per capita than the French. However, it was how it affected the political and social relationship that made it possible for Britain to avoid the collapse of the political system that hap-

³¹⁷ Daunton(1995) p.518

³¹⁸ Emsley(1979) p.93

³¹⁹ Emsley(1979) p.106

³²⁰ Emsley(1979) p.170

³²¹ Daunton(1995) p.522

pened in France. There were no exemptions, local unpaid collectors from the same class that was liable, and the acceptance of some under-assessment, which all contributed to the success of the British taxation system.³²²

8.1.3 Economic relations to Sweden

Though the Swedish King had a minister corps full of Francophiles, the diplomatic relationship with Britain had improved throughout 1804. However, the Swedish economical demands for subsidies, which were unreasonably high, were a constant source of frustration for the British. Pitt's standard rate was 12 pounds 10 shilling per soldier per year. The Swedish demands, however, was 75 pounds.³²³ This hazardous demand stemmed mostly from Gustavus' ministers exploiting his ignorance on financial matters, convincing him this was the real costs of the troops, to sabotage an Anglo-Swedish alliance. Only when the British envoy took it upon himself to negotiate directly with the King instead of any of his ministers or advisors, did an agreement come together, and Gustavus managed to get the British to pay almost two times their standard rate for the Swedish soldiers.³²⁴

Grey mentioned that Sweden had gotten even more money from Britain than those promised in the Treaty. "*She had also upwards of 300,000l. plundered from the merchants of this country*"³²⁵. This assertion was quickly addressed by Bathurst, as more of a coincidence than any financial cunningness from the Swedish, although the Swedes had had a tradition for squeezing as much money from the British as they possibly could in similar situations:

“With respect to the ships which were detained by Sweden, and not liberated until fines were imposed, as mentioned by the noble lord, the fact was, that a number of

³²² Daunton(1995) p.528

³²³ Jorgensen(2004) p.33

³²⁴ Jorgensen(2004) p.39

³²⁵ Hansard(1813) p.738

British ships were driven into Carlsham and other of the Swedish ports: the countries were then at peace, but before the vessels could sail they became hostile, and their detention was the consequence. This country had acted so in similar circumstances.”³²⁶

From this point of view, Sweden could almost not be blamed for the profit they might have had from detaining British ships during their period of hostility. There was no reason to expect anything else, and Britain had acted in the same manner themselves and that Sweden had done so could hardly be held against them when the two countries later had reconciled.

As we have mentioned, it was an important point for the British that Sweden should deploy their troops onto the Continent as quickly as possible. The Swedish, their economy strained to its limits, was totally dependent on the British subsidies, and in a show of good faith, the parties agreed on an advance for the launch of the campaign and the first march of the troops. Castlereagh told parliament that so far as the stipulation to bring Swedish troops to the Continent was worth anything, it was unreasonable that they should remain inactive for a lack of means, and as we have mentioned above, British support was indeed very necessary to avoid this. The advance given was equal to one month’s worth of subsidies, namely 200,000 pounds.³²⁷

The amount that the parties agreed upon would be deducted from the million pounds stipulated in article III. This advance was for the “mise en champagne” and the first march of the troops. As mentioned Sweden had very little funds to operate a big military force, and needed all the immediate help they could get. The payment of the rest of the subsidies would not begin until the day of the landing on the Continent of the Swedish troops.

³²⁶ Hansard(1813) p.741

³²⁷ Hansard(1813) p.763

8.2 Guadeloupe

Another desire of the Swedes in the negotiations with Britain was to attain a colony in the West Indies. Britain, having seized several islands in the Caribbean from France and Napoleon, agrees in article V to cede to the King of Sweden and his successors, all and any rights she had over the island of Guadeloupe. As we will see, there were strategic plans from the British side as well in placing a West Indian colony on Swedish hands. Some practical legal questions also arise when a Scandinavian country were to officiate control over a very different society.

8.2.1 Ceding only what they had

As we can see from the wording in the article: “[.] to His Swedish Majesty all the rights of His Britannic Majesty over that island, in so far as His said majesty actually possesses the same”³²⁸ the British were very careful to emphasize that they were not ceding anything more than the legal position they had themselves. Even so, there was a certain debate in the Parliament over whether the cession was in accordance with international law. Ponsonby argues, basing his reasoning on the law of nations, that Britain actually was not entitled to cede the island to Sweden:

“ I believe, Sir, it is declared, by all writers on the law of nations, that where a state possesses itself of that which belonged to another country, and the war still continued – where on state acquired and one state lost – it is generally held that the acquiring state cannot be considered in full and lawful possession of the territory, so as to have a right of transfer, until a treaty has taken place, and that it is ceded by the party to whom it originally belonged. But we, in the very same war in which Guadeloupe was captured, without, I may undertake to say, any negotiation having been entered into for that purpose, are called upon to give up all his Majesty’s rights in that island, as far as they can be ceded, to Sweden.”³²⁹

³²⁸ Stockholm treaty, article V

³²⁹ Hansard(1813) p.750

Although Ponsonby does not name the writers of international law he is referring to, it is not unlikely Vattel is among them. This is confirmed by Canning, who references “*Vattel and the other writers*”³³⁰ on the same issue. Vattel has formulated something rather similar to the quote of Ponsonby above;

“Immovable possessions, lands, towns, provinces, &c. become the property of the enemy who makes himself master of them: but it is only by the treaty of peace, or the entire submission and extinction of the state to which those towns and provinces belonged, that the acquisition is completed, and the property becomes stable and perfect. Thus a third party cannot safely purchase a conquered town or province,[...]for, while the war continues, - while the sovereign has till hope of recovering his possessions by arms, - is a neutral prince to come and deprive him of the opportunity by purchasing that town or province from the conqueror.”³³¹

Although Vattel’s arguments would imply that the British acquisition of Guadaloupe would not be completed until a peace treaty with France was concluded, he further states this means Sweden could not safely purchase, or in this case just attain, the island. The key word here is; safely. It was specifically said in the Treaty, that Sweden would only get the rights to Guadaloupe so far as Britain possessed it. Should France try to regain control, Sweden would have to defend her right the same way Britain would have had to.

The ministers and representatives supporting the government did not address this question in particular. Castlereagh commented only briefly on Guadaloupe in his speech, not referring to the debate in the House of Lords about the cession itself. His comment concerned that Britain did not bind themselves to securing Guadaloupe for Sweden forever, or in this case at the return of peace. According to Castlereagh Britain could, and would not contrib-

³³⁰ Hansard(1813) p.778

³³¹ Vattel(2008) p.596

ute with other than her good offices with France when it came to the security of Guadalupe at the end of the war.

8.2.2 Advantages of ceding Guadalupe

According to Liverpool, the idea of transferring an island in the West Indies to Sweden was not something new, “*and there never was a case when it was more material, and less detrimental to this country, to make such cession, than on the present occasion.*”³³² As we can read from Holland’s speech to the House of Lords, one of the reasons for ceding Guadalupe to Sweden was to help “*engage Sweden and the other European powers in the general interests of the commercial world*”³³³. It is fair to suppose that Britain found it in her interest that more countries should be represented with colonies in farther areas, as this would lead to more traffic and commerce across the seas where Britain dominated.

8.2.3 Specifics of the cession

The transfer of Guadalupe was to take place during the month of August or three months after the Swedes had landed their troops on the Continent. It does not say so explicitly in the Treaty, but it is fair to assume that the transfer was conditional on the landing of the troops, and that any delay in the troops onto the Continent could also delay the transfer of the island.

The detailing around the cession of Guadalupe is not stipulated in its entirety in the main articles of the Stockholm Treaty. A separate article was written, and made an annex to the treaty. The separate article was also signed the same day, and by the same persons as the main treaty, and it is stated in the article that it should have the same force and effects as if it had been inserted word for word in the Treaty itself. The article consist of seven points, each a commitment from the King of Sweden.

³³² Hansard(1813) p.725

³³³ Hansard(1813) p.731

8.2.4 Legal position of Sweden

The first commitment the Swedish King undertakes is to faithfully observe the Capitulation Act of Guadaloupe from 1810, so that all the rights, prerogatives and so forth of the inhabitants were kept and maintained. This was necessary for Sweden to take the place of Britain in relation to the island. It also underlines that Britain only gave up their own position, not creating a new rights for Sweden that Britain did not have, that could otherwise arise from what we know as good faith. From what is written here, and in the main article V Sweden could have no doubts as to its position as sovereign.

The second point aims to secure the complete co-operation of the two parties to insure a smooth transition of the island. To make sure that Sweden could take over the position of Britain as mentioned in the first point, she would also undertake every engagement necessary and execute every task in conformity with the capitulation, also before the cession were completed.

The security and rights of the population of Guadaloupe is given quite a lot of attention in this separate article. In our third point, the King of Sweden promises that the inhabitants of Guadaloupe should possess the same protection and advantages as the other Swedish subjects, and that everything there should be in conformity with the laws and stipulations existing in Sweden itself. However, what the Swedish had learned in St. Bartholomew in 1785, where Swedish law were said to apply, was that the conditions and societies in the Colonies did not fit well with Scandinavian legislation. In 1787, there had therefore instead been made a police ordinance which was practically a copy of French slave laws, commonly known as the “Code Noir”. Even the British, when they gained control over previously French colonies declared that the French slave laws from 1734 would continue to apply also under British rule. There is good reason to assume that since Sweden had already adopted much of the French rules in other colonies, and those rules already would have applied in Guadeloupe under British rule, the laws based on the Code Noir remained applicable also after the cession to Sweden. Sweden only kept Guadaloupe for just over a year, before it was returned to France as part of the Treaty of Paris of 14 May 1814. In August

that year, the British agreed to compensate Sweden for the cession back to France, and a settlement of 24 million Francs was reached. Part of the money was used to pay of debts from the war, but there was also established the Guadeloupe Fund which paid out an annual sum to the House of Bernadotte until 1983.³³⁴

8.2.5 Slave trade

The fourth point concerns one of the major international questions of the time. It was a major issue for the British government during this period to promote, and hopefully affect, the end of the slave trade. It is important to notice that we are here only talking about the abolition of the slave trade. The end of slavery is a very different question, which we will not enter into any further here. Liverpool stated; *“On the subject of the slave trade, it had always been deemed important to obtain the concurrence of other nations in its abolition, and this had been provided for by the present treaty.”*³³⁵ In this point the Swedish King therefore commits himself to prohibit the introduction of African slaves, both to Guadeloupe, and other possessions in the West Indies. Swedish subjects were also to be prohibited from participating in the slave trade. It does seem like the Swedish delegation wanted to insure it did not look like these policies only came from the British side, and so it is also stated in the fourth point that the Swedish Majesty was more than willing to make these commitments, as he had never authorized the slave trade in the first place. This however was not true. The Swedish West India Company (“Svenska Västindiska Kompaniet”) had been founded in 1785, for the most part to take part in the slave trade from Africa to the West Indies. The Company had a royal charter from the King, and King Gustavus was the largest owner with 10 per cent. Although the Company dissolved in 1805, trade with the colonies continued. There is no doubt that at least Wetterstedt was very aware of this enterprise when the Stockholm Treaty was concluded, and so excuse of ignorance could be made.³³⁶

³³⁴ Ref. Conversation with Fredrik Thomasson, University of Uppsala, May 16th 2013

³³⁵ Hansard(1813) p.726

³³⁶ Fredrik Thomasson(2013)

8.2.6 Privateering

The fifth point was also a very relevant and contemporary issue. The Swedish King agreed to exclude all armed vessels and privateers belonging to states at war with Britain, from the ports and harbours of Guadeloupe. This concerned the on-going war, but also in future wars were Britain was engaged. As long as Sweden kept its neutrality, the harbours were to be closed for privateers from any of the belligerent states, also Britain.

8.2.7 Future relationship with Britain

The sixth point addresses the future of the island, as the Swedish King engages not to alienate Guadeloupe without the consent of His Britannic Majesty. Such a position has no legal basis in the British position in relation to Guadeloupe, and it is therefore reasonable to view this as more of a courtesy to the British, and a safeguard for Britain to avoid Sweden handing the island over to another competing naval power.

Lastly, in the seventh point is an assurance that the British subjects present on the island should have every protection, whether they chose to remain or leave the colony. The same went for their property. As Britain and Sweden were allies and on friendly terms I see no reason for expecting there to be any discrimination or harassment of the British citizens on the island, but the formality of the stipulation still formalizes the relationship even more.

8.3 The right of entrepôt

Article 6 of the Stockholm Treaty is meant to even out what the parties promise to each other. In this article the Swedish King grants the right of entrepôt for British subject in the ports of Gothenburg and Carlsham, as well as Stralsund, whenever this last one were to become Swedish again. As mentioned earlier, Napoleon had occupied Swedish Pomerania, and Stralsund was therefore under French control. The right of entrepôt meant that British

subject could trade in the ports mentioned without paying the duties and toll normally required.³³⁷ The right was given for all types of commodities and merchandise, from both Britain herself and her colonies, as long as they came to the ports on British or Swedish vessels.

The right of entrepôt was given for a period of twenty years from the ratification of the Stockholm Treaty. Holland found this remarkable, that *“though we gave Guadaloupe in perpetuity, though we stipulated not to make peace except on the above conditions in perpetuity, yet the entrepôt was given us only for 20 years.”*³³⁸

Although the right of entrepôt could mean that the merchandise could be traded entirely without toll, the Treaty establishes a small duty for these transactions. All commodities, no matter whether they originally were legal and subject to toll in Sweden or their introduction were prohibited would pay one per cent ad valorem, both on entry and on discharge from the port. Finally the article states that for all other particulars relating to this object that were not regulated by the Treaty, the general rules and regulations in Sweden were to be conformed to; Sweden always treating British subjects in the most favourable fashion.

The article starts with the phrase *“as a reciprocal consequence of what has been stipulated”*. Several members of parliament were not so impressed however, and uttered their discontent with the real value of this right. Holland questioned the fairness in Guadaloupe being transferred in perpetuity, while the right of entrepôt was only for twenty years.³³⁹ Ponsonby, in his speech in the House of Commons, was not either particularly impressed by what Sweden would put forth.³⁴⁰

³³⁷ Wikipedia.org: Entrepôt:

³³⁸ Hansard(1813) p.727

³³⁹ Hansard(1813) p.727

³⁴⁰ Hansard(1813) p.757

Ponsonby discusses the right of entrepôt and its real value. According to him the right must be considered differently if it would come into effect in time of peace than if the war would continue. If the war would end immediately, what kind of advantage would the British have from this right? With a general peace in place, there would be nothing standing in the way of British merchants sending their goods directly to the ports were they wished to perform the transactions and establish entrepôts. There would be no reason for them to go through the Swedes, as there would be no use for their neutrality. If the war continued and France were to succeed in establishing the Continental System throughout the Continent, then this right of entrepôt would not be enough to force British goods through onto the continent, and so the rights of entrepôt would not be able to enhance the British commerce in times of war either. According to Ponsonby then, the right of entrepôt given by Sweden: *“in time of peace it is useless, in time of war it is unprofitable, - so that we have given up this million of money, and the island of Guadaloupe, for that which is worth nothing”*³⁴¹ Liverpool, in the House of Lords, referred to the entrepôt as an *“effectual reversing of the continental system”*, and asked if it was not *“in itself a counterbalance, to be purchased at almost any price?”*³⁴²

We do have to keep in mind the situation where these speeches are presented. The alternatives presented by Ponsonby are after all not exhaustive as for the possible futures of Europe. We can of course speculate as to the motives and thoughts of the negotiating parties of the Treaty, but there would be little value in such speculations. The purpose of the debates for the opposition was to question the actions and policies of the government, and certain accounts of the themes would be quite one-sided and a bit exaggerated. However, the possible outcomes of the war that Ponsonby suggested, were not totally unlikely, and as it turned out, peace was only a year or so away. It was certainly true that it was very important for the British trade to keep access to the Continent through the Swedish ports, but

³⁴¹ Hansard(1813) p. 757

³⁴² Hansard(1813) p.725

as the opposition pointed out, the value of the article in the Stockholm Treaty was rather limited, as the possibility for British trade depended much more on other aspects of the situation in Europe at the time.

9 A union of interests and the formalities of the Treaty

9.1 Union of interests

Article 7 appears to be a formal affirmation of the alliance, not only for the things already laid out in the Treaty, but for other common interests as well. The parties “*promise not to separate their mutual interests, and particularly those of Sweden which are referred to in the present Treaty, in any negotiation whatever with their common enemies.*”³⁴³ From this wording it again looks as though Sweden got the better deal. The wording emphasizes the interests of Sweden referred to in the Treaty, but this could also have been done to clarify that the interests of Sweden referred to in the Treaty now also were the interests of Britain. The most obvious understanding, however, is that the Swedish interests mentioned in the Treaty were to be more important in negotiations with common enemies than other common interests the parties might have had.

Holland stated his understanding of this article when summing up the contents of the Treaty: “*We engaged also never to make peace with the common enemy without reference to these stipulations in the treaty; that is, we were never to make peace unless Sweden voluntarily gave up her claims, or was put in possession of Norway.*”³⁴⁴ When put like this the article suddenly appears rather unreasonable. Still, the summation seems accurate enough, and it is clear that the engagements made by Britain in this article could be very important when peace were to be discussed. It would without a doubt be a great advantage for Sweden to have Britain backing up her interests when peace was negotiated.

³⁴³ Stockholm Treaty article VII

³⁴⁴ Hansard(1813) p.727

We must keep in mind that this stipulation weighed just as heavy on Sweden as it did Britain. Although the Swedish interests referred to in the Treaty are highlighted, the article stipulates that the parties “*reciprocally promise not to separate their mutual interests.*” This means that Sweden would also have to consider British interest when negotiating with the common enemies, which in a political climate where it was important for Sweden to manoeuvre as cautiously and wisely as possible, would not necessarily be an easy task.

9.2 Formalities

The final article of the Treaty, concerns the formalities of ratification and signing. The Treaty was to be ratified in Stockholm within four weeks and sooner if possible. The signatories then affirmed their signatures underneath and the date of the third of March 1813. All treaties that included subsidiary engagements needed the sanction of parliament to be ratified.³⁴⁵The Treaty of Stockholm was not presented to Parliament until June 11th, which is of course way later than the four weeks agreed upon in this article.

10 Final observations

10.1 Content of the Stockholm Treaty

After working with each of the stipulations of the Stockholm Treaty my general impression is that of a precisely and well written legal document. Although an understanding of the contemporary circumstances helps us to understand the full extent and purpose of the agreement, the Treaty is a good example of how the diplomats managed to negotiate precise stipulations without much need for interpretation. This does not mean that it has not been interesting and useful to study the details of the stipulations and their reception, as examples of the interplay of politics and international law.

³⁴⁵ Hansard(1813) p.715

The agreement in article 1 was one of the most essential from the British standpoint; obliging Sweden to employ a sizable force of at least 30,000 men against Napoleon, which would be joined by a Russian force already promised in the treaties of St. Petersburg and Åbo and act under Carl Johan's command. Article 2, concerning the Swedish plans for a union with Norway has clearly been the article most in need of clarification and interpretation. The question of accession and the legal connections between the Stockholm Treaty and the Treaty of St. Petersburg has been most interesting. As I have concluded above, it is my assessment that Britain makes no formal accession to the treaties between Sweden and Russia, but with a reference to those treaties undertakes to not oppose, and if necessary assist to accomplish a Swedish union with Norway.

As it originally was a goal of Britain's to make as broad an alliance against France, she showed more consideration for the fate of Denmark in 1813 than can be said for Sweden and Russia in 1812. In article 2, Britain makes it a prerequisite for any action against Norway that Denmark had refused joining the alliance peacefully, and that the union had to be effectuated with as much regard for the Norwegians as possible. Another condition for the British support for a Swedish-Norwegian union was that such an operation would not take priority before the joint operation on the Continent against Napoleon. In article 3 Britain therefore grant Sweden a generous subsidy of 1 million pounds so she would be able to equip and employ her army to join the Russian forces without delay. To effectuate these preparations even further, the parties agree in article 4 on an advance, later set to consist of one month's payment of £200,000

Articles 5 and 6 of the Stockholm Treaty are of a more commercial nature, where the West Indian colony of Guadeloupe is ceded from Britain to Sweden, and Britain is given the right of entrepôt on certain condition to three British ports. Especially the cession of Guadeloupe has raised some interesting legal question, and as we have seen from the aftermath where the island was finally returned to France and Britain paid a large compensation to Sweden, the arrangements made to avoid breaching international law on the subject where

not a complete success. These arrangements were specified in the separate article which also addressed contemporary political issues such as the slave trade.

Article 7 could at first glance appear somewhat superfluous, but as we have seen, the stipulation could in fact be very central when the negotiations for peace would come. It was most advantageous for Sweden to have British support for her interest in the negotiations with the other greater powers of Europe. The confidence in having established secure support for the Swedish union of Norway should peace come before this could be effectuated was a rather impressive achievement.

The central elements of the content of the Stockholm Treaty, and the issues that I have focused the most on are the connection and relationship to the treaties between Sweden and Russia, the territorial situation in the North, including Denmark-Norway, and the financial aspects of subsidies and commerce. I have found that the Treaty connects many elements important in the Napoleonic war, and that it had relevance also outside the parties to it, especially as the closest thing to a formality of an alliance between Britain and Russia under the sixth coalition.

Several of the dissenting voices in Parliaments criticized the Treaty for giving up too much to Sweden and not gaining enough advantages for Britain. Without admitting to this in so many words, Liverpool drew some connections from the role Britain had in the current situation in Europe while debating the Treaty;

“It was the duty of this country, who was more safe than other powers, to set the example of generosity; and not to treat in the same manner those who submitted to the enemy and those who resisted. Those who resisted must be paid by those in whose cause they act.”³⁴⁶

³⁴⁶ Hansard(1813) p.726

It is my opinion that the British government was well aware that the Stockholm Treaty was not an equal one, even though they spoke warmly of the advantages of attracting Swedish commerce to the West Indies, and how important British access to Swedish ports were for the nation's trade, but that they considered it so essential to include Sweden in the alliance against Napoleon instead of as an enemy, that it was a burden they were more than willing to bear. According to Vattel, nations have an obligation to preserve equality in their treaties. When it is possible, the parties were required under the law of nature to afford each other equal advantages. Even so, also Vattel acknowledges that there could be particular circumstances that could render a treaty more equal than it might first appear.³⁴⁷ It could therefore be quite justifiable to enter into a treaty bestowing more on the counterpart than oneself gained, if goals such as an alliance could more easily be reached.

10.2 Thoughts on the Treaty's reception in the British Parliament

I have found it very rewarding to work with the British parliamentary debates and the discussion on the Stockholm Treaty as the mix of political and legal discourse has been very interesting. To generalize the debates somewhat simply, one could say that while the representatives speaking in support of the government focused on the necessity and thought that the legitimacy of the Treaty, the opposition focused on the morality and character of the Treaty in relation to British politics and appearance towards other nations.

The representatives in Parliament also seem to have been aware of this different ways to argue a case. The Earl of Clancarty (1767 –1837), speaking in support of the government, stated that “*in all the House had heard from its opponents, he had witnessed much severity of language, but no argument*”³⁴⁸ Clancarty comments that while the opposition argued fiercely against the Treaty, there was no real contents to the argument. I am not to say Clancarty only meant there were no *legal* arguments to be found in the arguments of the opposition, but as “severity of language” certainly could be relevant enough in a purely

³⁴⁷ Vattel(2008) p.347

³⁴⁸ Hansard(1813) p.737

political discourse, it is not unlikely it was the legal content he was thinking about either. Bathurst made the same observation as Clancarty, and stated that the member of the opposition spoke with “*great ingenuity and eloquence*”³⁴⁹, but that there was little actual merit of content in what was presented. There was a lot of talk of dishonour, impolicy and other derogatory descriptions, but nothing that would merit any changes in the government’s course of action. A good example of this kind of arguments can be found in the speeches of Grey who described the Stockholm Treaty as “*more derogatory to the honour of the crown, and degrading to the character of the country, than any ever yet submitted by any minister to parliament.*”³⁵⁰ This comment is perhaps the most descriptive of the style of argumentation used by the opposing side of parliament, but many more, perhaps more subtle, can be found.

The representatives for the government spent more time on addressing central legal questions of international law at the time; such as just causes for war, what is lawful under the status of war, and the principle of necessity. These are questions that it was most relevant for me to consider during my study of the content of the Treaty, and it was very interesting to be able to supplement these studies with the arguments of the government itself. In the presentation I have focused more on what would be in accordance with international law given certain factual circumstances than who was right in their assumptions. I have found it a doubtful case to assess whether Britain was in fact at war with Denmark when the Stockholm Treaty was concluded. There were reports of Danish interference with the British trade, but Danish diplomats had also been given orders to negotiate for peace with Britain. I do find it plausible that the news about peaceful offerings from Denmark did not reach London in time to make the Treaty of Stockholm unlawful. Whether Britain and Denmark were actually at war before the Treaty it is hard to decide, but in my opinion they certainly were after it was signed. The Danish alliance with France had made her an enemy to Brit-

³⁴⁹ Hansard(1813) p.741

³⁵⁰ Hansard(1813) p.738

ain, and Britain had the right to consider it in her best interest to weaken this enemy through the Treaty with Sweden, even if it meant constituting an actual state of war.

In any case, the Treaty of Stockholm was sanctioned by the British parliament, and since Sweden had done all she could to fulfil her part in the period from the conclusion of the Treaty till the issue came up in parliament in June, it would have been very awkward had the motion to advise the Prince Regent to take measures to disengage him from the stipulations of the Stockholm Treaty received a majority. The government had a solid majority in the Houses, and so there was not much anticipation as to whether such an address would succeed, and so the debates could seem a mere formality. However, the debates were a public forum, eligible to present dissenting view on matters of all policy and to shed light on issues like the ones arising from the Treaty.

10.3 The interplay of international law and politics

I have found in my study of the parliamentary debates and the Stockholm Treaty that international law was an important source, not just in legal discourse, but also on the political arena. Treaties were recognized by politicians as important legal documents creating rights and duties for the sovereign and state, including a responsibility to only enter into treaties that were formed on a lawful foundation and to comply with the rules for concluding and ratifying treaties. The representatives were aware of some principles being of a higher authority than others, such as the principles of necessity. A breach of other rules of international law could be justified if it was necessary for the security and preservation of the state.

As I said in the introduction to this presentation, it was one of my objects to study the connection between a legal discourse of an international character and the arguments of a more pure political nature. Although I have said above that the arguments of the opposition was characterized by questions of morality and honour, more than of legality and justifiability, it does not mean that the opposition did not use legal sources to underline their opinions as well. Both sides referenced both principles of international law in general and writers such

as Vattel. It is clear that many of the representatives were experienced in the field of discussing international law, and also had opinions on what it should include.

What we have seen is that the representatives instead of discussing one question under international law in order to form a conclusion adjusted the question under a rule they believed to support their case. One example is where the opposition argued that there was not a *state of war*, the government representatives instead answered by discussing if there was a *just cause* for war. However, there are also examples of the factions discussing a question under the same principles i.e. the question of the legality of ceding Guadeloupe over which Britain had not gained official control through a peace treaty.

It is clear that international law and principles were an important part of the parliamentary debates about treaties. The representatives appear well versed in the works of the greater scholars, and refer to literature and practice on the same scale as internal customs and rules, even when discussing internal policy. The representatives stay close to the literature when referencing principles, almost to the level of quotation, and it is much more common to twist the presentation of the facts in the wanted direction than trying to interpret the rules to suit the situation. This means that there are not many examples of the representatives trying to influence the content of international law to support political goals. It was much more important that the policy being defended would hold up under international law, as something that was unlawful under international law was also impolitic. The factions in Parliament certainly represented different interests and therefore focused on different questions in relation to the Treaty, but from both sides the arguments were taken from international law to support their policy more than arguments of policy was used to influence the content of international law.

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TREATY
OF
CONCERT AND SUBSIDY
BETWEEN
HIS BRITANNIC MAJESTY
AND
THE KING OF SWEDEN ;

Signed at Stockholm the 3d of March 1813.

Published by Authority.



LONDON:
PRINTED BY R. G. CLARKE, CANNON ROW.

1813.

T R E A T Y.

In the Name of the Most Holy and Undivided Trinity.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden, equally animated with the desire of drawing closer the ties of friendship and good intelligence which so happily subsist between them, and penetrated with the urgent necessity of establishing with each other a close concert for the maintenance of the independence of the North, and in order to accelerate the so much wished for epocha of a general Peace, have agreed to provide for this twofold object by the present Treaty. For this purpose they have chosen for their Plenipotentiaries, namely, His Royal Highness the Prince Regent, in the name and on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland, the Honourable Alexander Hope, Major-General of His Majesty's Armies; and Edward Thornton, Esquire, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden; and His Majesty the King of Sweden, Lawrence Count d'Engeström, one of the Lords of the Kingdom of Sweden, Minister of State and for Foreign Affairs, Chancellor of the University of Lund, Knight Commander of the King's Orders, Knight of the Royal Order of Charles XIII. Great Eagle of the Legion of Honour of France; and Gustavus Baron de Wetterstedt, Chancellor of the Court, Commander of the Order of the Polar Star, one of the Eighteen of the Swedish Academy; who after having exchanged their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

His Majesty the King of Sweden engages to employ a corps of not less than thirty thousand men, in a direct operation upon the Continent

ment against the common enemies of the two high contracting parties. This army shall act in concert with the Russian troops placed under the command of His Royal Highness the Prince Royal of Sweden, according to stipulations to this effect already existing between the Courts of Stockholm and St. Petersburg.

ARTICLE II.

The said Courts having communicated to His Britannic Majesty the engagements subsisting between them, and having formally demanded His said Majesty's accession thereto, and His Majesty the King of Sweden having, by the stipulations contained in the preceding article, given a proof of the desire which animates him to contribute also on his part to the success of the common cause; His Britannic Majesty being desirous in return to give an immediate and unequivocal proof of his resolution to join his interests to those of Sweden and Russia, promises and engages by the present Treaty to accede to the conventions already existing between those two powers, insomuch that His Britannic Majesty will not only not oppose any obstacle to the annexation and union in perpetuity of the Kingdom of Norway as an integral part, to the Kingdom of Sweden, but also will assist the views of His Majesty the King of Sweden to that effect, either by his good offices, or by employing, if it should be necessary, his naval co-operation in concert with the Swedish or Russian forces. It is nevertheless to be understood, that recourse shall not be had to force for effecting the union of Norway to Sweden, unless His Majesty the King of Denmark shall have previously refused to join the alliance of the North, upon the conditions stipulated in the engagements subsisting between the Courts of Stockholm and St. Petersburg; and His Majesty the King of Sweden engages, that this union shall take place with every possible regard and consideration for the happiness and liberty of the people of Norway.

ARTICLE III.

In order to give more effect to the engagements contracted by His Majesty the King of Sweden in the first article of the present Treaty, which

which have for object direct operations against the common enemies of the two powers, and in order to put His Swedish Majesty in a state to begin without loss of time, and as soon as the season shall permit, the said operations, His Britannic Majesty engages to furnish to His Majesty the King of Sweden, (independently of other succours which general circumstances may place at his disposal) for the service of the campaign of the present year, as well as for the equipment, the transport and maintenance of his troops, the sum of one million sterling, payable at London monthly, to the agent who shall be authorised by His Swedish Majesty to receive the same, in such manner as not to exceed the payment of two hundred thousand pounds sterling each month, until the whole shall be paid.

ARTICLE IV.

It is agreed between the two High Contracting Parties, that an advance, of which the amount and the time of payment shall be determined between them, and which is to be deducted from the million before stipulated, shall be made to His Majesty the King of Sweden for the "mise en campagne," and for the first march of the troops; the remainder of the before-mentioned succours are to commence from the day of the landing of the Swedish army, as it is stipulated by the two High Contracting Parties in the first article of the present Treaty.

ARTICLE V.

The two High Contracting Parties being desirous of giving a solid and lasting guarantee to their relations, as well political as commercial, His Britannic Majesty, animated with a desire to give to his ally evident proofs of his sincere friendship, consents to cede to His Majesty the King of Sweden, and to his successors to the Crown of Sweden in the order of succession established by His said Majesty, and the States-General of his kingdom, under date the twenty-sixth of September 1810, the possession of Guadaloupe in the West Indies, and to transfer to His Swedish Majesty all the rights of His Britannic Majesty over that island, in so far as His said Majesty actually possesses the same. This colony shall be given up to the Commissioners of His Majesty the King of Sweden in the course of the month of August of the present year, or three months after the landing of the Swedish troops on the Continent; the whole to take place according to the conditions

conditions agreed upon between the two High Contracting Parties, in the separate article annexed to the present Treaty.

ARTICLE VI.

As a reciprocal consequence of what has been stipulated in the preceding article, His Majesty the King of Sweden engages to grant, for the space of twenty years, to take date from the exchange of the ratifications of the present Treaty, to the subjects of His Britannic Majesty, the right of entrepôt in the ports of Gottenburgh, Carlshamn, and Stralsund; (whenever this last-mentioned place shall return under the Swedish dominion) for all commodities, productions, or merchandise, whether of Great Britain or of her colonies, laden on board British or Swedish vessels. The said commodities or merchandise, whether they be of such kind as may be introduced and subject to duty in Sweden, or whether their introduction be prohibited, shall pay without distinction, as duty of entrepôt, one per cent. ad valorem, upon entry, and the same upon discharge. As to every other particular relating to this object, the general regulations existing in Sweden shall be conformed to; treating always the subjects of His Britannic Majesty upon the footing of the most favoured nations.

ARTICLE VII.

From the day of the signature of the present Treaty, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden, reciprocally promise not to separate their mutual interests, and particularly those of Sweden which are referred to in the present Treaty, in any negotiation whatever with their common enemies.

ARTICLE VIII.

The ratifications of the present Treaty shall be exchanged at Stockholm within four weeks, or sooner if possible.

In faith of which, we the undersigned, in virtue of our full powers, have signed the present Treaty, and have affixed thereto the seals of our arms.

Done at Stockholm, the third March in the year of our Lord one thousand eight hundred and thirteen.

ALEXANDER HOPE.

(L. S.)

EDWARD THORNTON.

(L. S.)

LE COMTE D'ENGESTROM.

(L. S.)

G. BARON DE WETTERSTEDT.

(L. S.)

SEPARATE ARTICLE.

As a consequence of the cession made by His Britannic Majesty, in the fifth article of the Treaty signed this day, of the island of Guadeloupe, His Majesty the King of Sweden engages ;

1. Faithfully to fulfill and observe the stipulations of the capitulation of the said island, under date the 5th of February 1810, so that all the privileges, rights, benefices, and prerogatives, confirmed by that Act to the inhabitants of the colony, shall be preserved and maintained.

2. To take for this purpose, previous to the cession before-mentioned, every engagement which may be judged necessary with His Britannic Majesty, and to execute all acts conformable thereto.

3. To grant to the inhabitants of Guadeloupe the same protection, and the same advantages which the other subjects of His Majesty the King of Sweden enjoy, conformably always to the laws and stipulations actually existing in Sweden.

4. To forbid and prohibit, at the period of the cession, the introduction of slaves from Africa into the said island, and the other possessions in the West Indies of His Swedish Majesty, and not to permit Swedish subjects to engage in the slave trade ; an engagement which His Swedish Majesty is the more willing to contract, as this traffic has never been authorised by him.

5. To exclude during the continuance of the present war, all armed vessels and privateers belonging to states at war with Great Britain, from the ports and harbours of Guadeloupe ; and not to permit in any future wars in which Great Britain may be engaged and Sweden remain neutral, the entrance into the ports of the said colony of the privateers belonging to any of the belligerent states.

6. Not to alienate the said island without the consent of His Britannic Majesty ; and

7. To grant every protection and security to British subjects and to their property, whether they may choose to quit the colony, or to remain there.

This

This separate article shall have the same force and effect, as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified at the same time.

In faith of which, we the undersigned, in virtue of our full powers, have signed the present separate article, and have affixed thereto the seals of our arms.

Done at Stockholm, the third March, in the year of our Lord one thousand eight hundred and thirteen.

ALEXANDER HOPE.

(L. S.)

LE COMTE D'ENGESTROM.

(L. S.)

EDWARD THORNTON.

(L. S.)

G. BARON DE WETTERSTEDT.

(L. S.)

Traité d'alliance entre la Suède et la Russie le 24 mars/5 avril 1812.

Au nom de la très Sainte et Indivisible Trinité!

Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies, également animées du désir de resserrer les liens d'amitié et de bonne intelligence qui subsistent si herusement entre Elles et pénétrées de la nécessité urgente d'établir entre Elles un Concert intime pour le maintien de la sûreté de Leurs Etats respectifs et de l'indépendance du Nord, que menacent également les vuës ambitieuses et envahissantes de la France, sont convenuës de remplir ce double but par le présent Traité d'Alliance offensive et défensive. A cet effet Elles ont choisi pour Leurs Plénipotentiaires savoir :

Sa Majesté le Roi de Suède : Monsieur le Comte Charles de Löwenhielm, Son Aide de Camp général, Chambellan actuel, Colonel du Regiment de Westgötha Dahl Infanterie et Chevalier de l'Ordre de l'Epée.

Et Sa Majesté l'Empereur de toutes les Russies : Monsieur le Comte Nicolas de Romanzoff, Son Chancelier de l'Empire, President de Son Conseil suprême, Senateur, Chambellan actuel, et Chevalier des Ordres de St André, de St Alexandre Newsky, de St Wladimir de la première classe et de St Anne, Grand Aigle de la Legion d'honneur et Chevalier de l'Aigle Noir de Prusse et de l'Union de Hollande; lesquels après avoir échangé leurs pleinspouvoirs, trouvés en bonne et duë forme, sont convenus des Articles suivans :

Article I.

Le but principal que Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies Se proposent en formant cette Alliance, étant de S'assurer réciproquement

une possession tranquille et sûre de Leurs Etats respectifs, en les défendant à forces réunies contre les efforts d'un Ennemi commun, Leurs dites Majestés Se garantissent de la manière la plus solennelle et la plus obligatoire que faire se puisse, tous Leurs Pays, Etats et Provinces en Europe, tels que Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies les possèdent actuellement ou les posséderont par suite de Stipulations contenuës dans le présent Traité.

Article II.

Les Deux Hautes Parties Contractantes S'engagent à n'avoir dorénavant qu'un commun intérêt, à Se prêter assistance en toute chose et à regarder les nouveaux Ennemis que chacune d'Elles pourra avoir en haine des ce Traité d'Alliance, comme devenu par le fait l'Ennemi de l'autre Puissance.

Article III.

Pour donner un plus grand développement à la confiance qui règne entre Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies, Elles entretiendront ensemble la correspondance la plus intime, en S'avertissant promptement et fidèlement des dommages, préjudices, dangers ou troubles extérieurs, dont les Etats de l'une ou de l'autre des Deux Hautes Parties Contractantes pourroient être menacés et employeront à tems les mèsures les plus efficaces pour en prévenir, empêcher ou reparer les suites.

Article IV.

L'Empereur des Français S'étant par l'occupation de la Pomeranie Suédoise déjà mis en état d'hostilité vis-à-vis le Royaume de Suède et par le mouvement des Ses Armées menaçant également de porter atteinte à la tranquillité de l'Empire de Russie, Les Hautes Parties Contractantes Se promettent secours mutuel, S'engageant de la manière la plus obligatoire, à faire ensemble une diversion, qui trouble les opérations de l'Armée Française et celle de Ses Alliés en portant un Corps combiné composé de Vingt Cing ou Trente Mille Suédois et de Quinze à Vingt Mille Russes, de différentes Armes, sur tel point des Côtes de l'Allemagne qui sera alors jugé convenable pour combattre avec succès les Armées Françaises et celles de Ses Alliés.

Article V.

Comme il serait impossible à Sa Majesté le Roi de Suède de faire cette diversion en faveur de la cause générale, tant qu'Elle conserverait à dos, bordant une si grande étendue de Ses frontières, la Norvège comme ennemie; que d'ailleurs la position géographique de celle-ci semble indiquer que la Nature elle même l'a destinée à faire un jour partie intégrante du Royaume de Suède, Sa Majesté l'Empereur de toutes les Russies promet et S'engage de procurer, soit par voye de Négociation, ou par une coopération militaire, la Norvège à la Suède et de Lui en garantir la paisible possession et à ne pas poser les Armes, que cette acquisition ne soit faite.

Article VI.

Les Deux Hautes Parties Contractantes quoiqu'Elles considèrent l'acquisition de la Norvège comme absolument liée avec l'engagement réciproque qu'Elles ont pris de faire ensemble et avec des Troupes réunies une descente en Allemagne, sont convenuës entr'Elles que cette acquisition précédera dans l'ordre des opérations militaires la diversion arrêtée par l'Article IV du présent Traité et sur la foi duquel la reunion de la Norvège au Royaume de Suède est promise et stipulée; Sa Majesté l'Empereur de

toutes les Russies remettant à cet effet le Corps de Ses Troupes spécifié dans l'Article IV du présent Traité à la pleine disposition de la Suède et sous les ordres immédiats de Son Altesse Royale le Prince Royal de Suède, pour être employé à effectuer la réunion de la Norvège à la Suède.

Article VII.

Les Deux Hautes Parties Contractantes, dans la sagesse de Leurs vuës et très éloignées du dessein de Se faire un Ennemi de Sa Majesté le Roi de Dannemarc, proposeront à ce Souverain, d'un commun accord et par une négociation commune, d'accéder à cette Alliance et de Se joindre à Elles pour consolider la tranquillité du Nord et soustraire Ses propres Etats au danger, dont les vuës connus de l'Empereur des Français sur le Holstein les menacent; et à cette fin Elles feront offre à Sa Majesté Danoise de ne point poser les Armes qu'Elles ne Lui aient procuré un dédommagement complet de la Norvège, par l'acquisition d'un Etat plus à Sa bienséance, puisqu'il pourrait être contigu à ceux que Sa dite Majesté possède en Allemagne; mais à cette condition, que Sa Majesté Danoise cède dès aprésent et à toute perpétuité pour Elle, Ses Héritiers et Ses Successeurs au Trône de Dannemarc, le Royaume de Norvège à Sa Majesté le Roi de Suède. Les Deux Hautes Parties contractantes considérant la nécessité de soutenir par les Armes les Propositions qu'Elles sont convenuës par le présent Article de faire à Sa Majesté le Roi de Dannemarc, S'engagent à n'ouvrir ces Négociations, que lorsque Leurs forces reunies seront prêtes à commencer les opérations convenuës. Dans le cas où Sa Majesté Danoise refusât cette offre et préférât de rester dans l'Alliance de l'Empereur des Français, les Hautes Parties Contractantes considéreront alors le Dannemarc comme Leur ennemi commun et agiront en conséquence.

Article VIII.

Si Sa Majesté le Roi de Suède n'aura d'autres moyens d'acquérir la Norvège que par la voye des Armes, et Se décidera pour y parvenir, à faire une descente en Sélande, Sa Majesté l'Empereur de toutes les Russies promet et S'engage à coopérer militairement avec Sa Majesté le Roi de Suède, et mettra à cette fin sous les ordres de Son Altesse Royale le Prince Royal de Suède, et à Sa disposition, le nombre de Troupes stipulé dans l'Article IV du présent Traité, qui règle le contingent réciproque de l'Armée destinée à faire une diversion en Allemagne.

L'engagement qui vient d'être pris, d'une coopération réciproque de forces en Sélande, n'exclut point aucune autre entreprise ou coopération militaire, que les Hautes Parties Contractantes jugeront être également avantageuses pour le bien de la cause commune et à fin de hâter la réunion de la Norvège au Royaume de Suède, et dont au milieu de la marche des évènements Sa Majesté le Roi de Suède et Sa Majesté Impériale de toutes les Russies jugeront à propos de statuer et convenir entr'Elles.

Article IX.

Les Troupes que Sa Majesté l'Empereur de toutes les Russies S'est engagée par les Articles IV et VIII du présent Traité à joindre aux Troupes de Sa Majesté le Roi de Suède, pour l'accomplissement des vuës générales et particulières des Deux Hautes Parties Contractantes énoncées dans le dit Traité, seront prêtes à être mises en activité à compter du 13 Mai N.St/1 Mai V.St., de la présente Année, pour se rendre sur tel point qui sera fixé par Son Altesse Royale le Prince Royal de Suède, en Sa qualité de Commandant suprême de l'Armée combinée Suédoise et Russe, aussitôt que Son Altesse Royale jugera convenable de commencer les Opérations.

Article X.

Lorsque Sa Majesté le Roi de Suède aura requis les Troupes que Sa Majesté l'Empereur de toutes les Russies S'est engagée à Lui fournir par les Articles IV et VIII du présent Traité, ces Troupes continueront à être soldées par Sa Majesté Impériale mais Sa Majesté le Roi de Suède, comme Puissance réquérante, leur procurera et fournira les rations ordinaires, les fourages et les quartiers nécessaires, sur le même pied sur lequel elles sont traitées par leur propre Maître, à dater du jour où ces Troupes seront débarquées en Suède. Comme Sa Majesté l'Empereur de toutes les Russies n'a point pour le moment à Sa disposition la quantité suffisante de bâtimens de transport dont Elle aura besoin pour le nombre de Troupes ci-dessus mentionné, Sa Majesté le Roi de Suède s'engage à y suppléer et à Lui fournir la totalité de ceux qui Lui manqueront.

Article XI.

Comme les Troupes de Sa Majesté l'Empereur de toutes les Russies mises sous les ordres de Son Altesse Royale le Prince Royal de Suède, partageront également avec les Troupes de Sa Majesté le Roi de Suède, la gloire et les dangers des entreprises communes, elles jouiront pendant le séjour qu'elles feront en pays ennemi, des mêmes avantages quant à leur entretien aux dépens de ce même pays.

Article XII.

Sa Majesté l'Empereur de toutes les Russies promet à Sa Majesté le Roi de Suède d'assister l'expédition convenüe par le présent Traité pour la réunion de la Norvège à la Suède, non seulement par la coopération de Ses Troupes, telle qu'elle a été stipulée plus haut, mais aussi par un certain nombre de Vaisseaux ou Batimens de guerre, montés, équipés et ravitaillés pour quatre mois, lesquels quatre Mois se compteront du moment de la sortie des Vaisseaux et Frégattes ou Batimens auxiliaires des Ports et Rades de l'Empire de Sa Majesté Impériale. Si le succès des opérations commencées, ou d'autres circonstances exigent que Sa Majesté le Roi de Suède les retienne plus longtems, il Lui sera libre de le faire, mais Elle sera dès lors chargée de les entretenir à ses fraix et de fournir à leurs équipages la Même quantité de provisions, que leur propre Souverain leur fournit en Campagne, et Sa Majesté Impériale ne sera alors engagée qu'à payer la solde des officiers et de l'équipage des Vaisseaux et Frégattes ou Batimens.

Article XIII.

Les Deux Hautes Parties Contractantes S'engagent de part et d'autre à tenir Leurs Troupes respectives ci-dessus stipulées, au complet pendant le cours de la guerre et à fournir en tout à leur entretien.

Article XIV.

Dans le cas de la Coopération en Sélande, comme dans celui de la diversion qui se doit opérer sur les côtes de l'Allemagne, Sa Majesté l'Empereur de toutes les Russies place avec toute confiance les Troupes qu'Il a promis de fournir à ces Expéditions, sous les ordres immédiats de Son Altesse Royale le Prince Royal de Suède. Son Altesse Royale reglera les opérations de ces Troupes de la même manière et avec la même autorité que Son Altesse Royale dirigera les Troupes Suédoises. Dans le cas où Son Altesse Royale ordonnera la formation de quelques Corps composés de détachemens pris dans les deux Armées Suédoise et Russe, le commandement de ce Corps détaché sera dévolu à l'Officier dont le grade sera supérieur.

Article XV.

Comme il a été expressément statué dans ce Traité, que l'obligation de la part de Sa Majesté le Roi de Suède d'agir avec Ses Troupes en Allemagne pour le succès de la cause commune, ne commencera qu'après que la Norvège aura été effectivement dévolue à la Suède, soit par une cession volontaire de Sa Majesté le Roi de Dannemarck, soit à la suite des événemens militaires; Sa Majesté le Roi de Suède, tout en S'engageant en ce cas et après que ce but aura été atteint, de la manière la plus formelle et la plus solennelle, à porter d'abord Son Armée vers l'Allemagne d'après le plan de campagne qui sera arrêté à cet effet, Se reserve cependant de faire cesser Sa coopération aussitôt que les Troupes Russes seroient rappelées de l'Armée Suédoise ou qu'elles seroient séparées du Commandement suprême de Son Altesse Royale le Prince Royal de Suède.

Article XVI.

Sa Majesté le Roi de Suède S'engage à offrir à la sublime Porte Ottomane Ses bons offices pour accélérer la conclusion de la Paix entre la Russie et la Turquie et Sa dite Majesté ordonnera en conséquence à Sa Mission à Constantinople d'y travailler avec toute l'efficacité qui devient le resultat de l'union intime qui subsiste entre la Suède et la Russie.

Article XVII.

Cette Alliance durera pendant l'espace de Huit Ans et les Hautes Parties Contractantes Se réservent de S'expliquer et de S'entendre sur la prolongation Six Mois, au plus tard, avant l'expiration de ce terme.

Article XVIII.

A dater du jour de la signature du présent Traité, Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies Se promettent réciproquement de ne point separer Leurs intérêts mutuels dans aucune Négociation quelconque avec Leurs Ennemis communs, et les hostilités une fois commencées Leurs dites Majestés S'engagent de la manière la plus positive et la plus formelle, à ne point poser les Armes ni traiter d'accommodement avec le Gouvernement Francais, que d'après un commun accord.

Article XIX.

Le présent Traité d'Alliance offensive et défensive sera tenu secret, et Son effet commencera à dater du jour ou les Deux Hautes Parties Contractantes, ou l'une d'Elles, auront donné déclaration de guerre contre la France ou Ses Alliés, ou que les hostilités auront été commencées de part ou d'autre.

Article XX.

Les Ratifications du présent Traité d'Alliance offensive et défensive seront échangées à Stockholm dans Quatre Semaines ou plutôt si faire se peut.

En foi de quoi Nous Soussignés, en vertu de Nos Pleins-pouvoirs, avons signé le présent Traité d'Alliance offensive et défensive et y avons apposé le cachet de Nos Armés, Fait à St Pétersbourg le 5 Avril/24 Mars, l'An de Grâce Mil Huit Cent Douze.

Le Comte Charles de Löwenhielm Le Comte Nicolas de Romanzoff

Article séparé.

Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies sont convenus par cet Article séparé, d'annuler dans toutes ses stipulations l'Article III du Traité de Paix de Fredricshamn.

Cet Article séparé aura la même force et valeur, que s'il était inséré mot à mot dans le Traité d'Alliance offensive et défensive signé aujourd'hui et sera ratifié en même tems. En foi de quoi Nous Soussignés, en vertu de Nos Pleinspouvoirs, avons signé le présent Article Séparé et y avons apposé le cachet de Nos Armes. Fait à St Pétersbourg le 5 Avril/24 Mars L'An de grace Mil huit Cent douze.

Le Comte Charles de Löwenhielm Le Comte Nicolas de Romanzoff.

Article séparé.

Le cas de la guerre échéant Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies inviteront d'un commun accord Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande à accéder comme partie intégrante à ce Traité d'Alliance offensive et défensive et à en garantir les différentes stipulations.

Cet Article séparé aura la même force et valeur, que s'il était inséré mot à mot dans le Traité d'Alliance offensive et défensive signé aujourd'hui et sera ratifié en même tems. En foi de quoi Nous Soussignés, en vertu de Nos Pleinspouvoirs, avons signé le présent Article Séparé et y avons apposé le cachet de Nos Armes. Fait à St Pétersbourg le 5 Avril/14 Mars, l'An de Grace Mil huit Cent douze.

Le Comte Charles de Löwenhielm Le Comte Nicolas de Romanzoff

Article séparé

Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies S'engagent par cet Article séparé, à prolonger la durée du Traité d'Amitié, de Commerce et de Navigation conclu entre Leurs dites Majestés à Saint Pétersbourg le 13/1 Mars 1801, ainsi que celle des Stipulations contenues dans l'article XVII du Traité de Paix signé à Fredricshamn le 17/5 Septembre 1809, jusqu'à la fin de l'Année Mil huit Cent Quinze.

Cet Article séparé aura la même force et valeur que s'il était inséré mot à mot dans le Traité d'Alliance offensive et défensive signé aujourd'hui et sera ratifié en même tems. En foi de quoi Nous Soussignés, en vertu de Nos Pleinspouvoirs, avons signé le présent Article Séparé et y avons apposé le cachet de Nos Armes. Fait à Saint Pétersbourg le 5 Avril/24 Mars, l'An de Grace Mil huit Cent douze.

Le Comte Charles de Löwenhielm Le Comte Nicolas de Romanzoff

Article séparé.

Il sera libre à Sa Majesté le Roi de Suède de faire acheter annuellement cinquante Mille Tschert verts de bled dans les ports du Golfe de Finlande et de la Mer Baltique appartenans à Sa Majesté l'Empereur de toutes les Russies et de les transporter librement en Suède, sans qu'on en paye aucun droit ni charge; moyennant que l'on prouve que l'achat en aura été fait pour compte de Sa Majesté le Roi de Suède, ou en vertu de Son Autorisation.

Sont exceptées les années steriles où l'exportation du bled aura été frappée d'une prohibition générale; mais les quantités arriérées par suite d'une telle mesure, pourront être compensées lorsqu'elle cessera.

Cet Article séparé aura la même force et valeur que s'il était inséré mot à mot dans le Traité d'Alliance offensive et défensive signé aujourd'hui et sera ratifié en même tems. En foi de quoi, Nous Soussignés, en vertu de Nos Pleinspouvoirs, avons signé le présent article séparé, et y avons apposé le cachet de Nos Armes. Fait à St Pétersbourg le 5 Avril/24 Mars, l'An de Grace Mil huit Cent douze.

Le Comte Charles de Löwenhielm Le Comte Nicolas de Romanzoff

Traktater, Ryssland 47 A—E. RA.

Gallery of Persons

Alexander, Tsar: Alexander I of Russia (1777–1825). Emperor of Russia 1801-1825

Buckingham: Richard Temple-Nugent-Brydges-Chandos-Grenville, 1st Duke of Buckingham and Chandos (1776–1839), known as The Marquess of Buckingham from 1813 to 1822. Lord Lieutenant of Buckinghamshire 1813-1839. Vice-president of the Board of Trade and Paymaster of the forces 1806-1807. Nephew of Lord Grenville.

Canning: George Canning (1770–1827). Secretary for foreign affairs 1807-1809. Treasurer of the Navy 1804-1806. Paymaster of the forces 1800-1801. Under-Secretary for Foreign Affairs 1795-1799.

Carl Johan: Karl XIV Johan, born Jean Baptiste Bernadotte, (1763-1844) King of Sweden and Norway 1818-1844, named Karl III Johan in the Norwegian line of kings.. Elected successor to the Swedish throne 21th of August 1810, former Marshal under Napoleon.

Castlereagh: Robert Stewart, 2nd Marquess of Londonderry, Viscount Castlereagh(1769-1822). Secretary for Foreign Affairs 1812-1822. Leader of the House of Commons 1812-1823. Secretary for War and Colonies 1807-1809 and 1805-1806.

Engeström: Lars Count d'Engeström(1751-1826). Minister for Foreign Affairs 1809-1824. Chancellor President 1809. Swedish envoy to London 1793-1795. Royal Chancellor and in charge of the Kingdom's general affairs 1792-1793.

Fox: Charles James Fox (1749–1806). Secretary for Foreign Affairs February-September 1806, April-December 1783 and March-July 1782. Arch-rival of William Pitt the Younger.

Grenville: William Wyndham Grenville, 1st Baron Grenville (1759–1834). Prime Minister 1806-1807. Foreign Secretary 1791-1801. Leader of the House of Lords 1790-1801.Home Secretary 1789-1791.Paymaster of the Forces 1784-1789.Cousin of William Pitt the Younger

Grey: Charles Grey, 2nd Earl Grey (1764 –1845). Secretary for Foreign Affairs 1806-1807. Leader of the Whigs from 1806.

Gustavus: Gustav IV Adolf (1778 –1837). King of Sweden 1792-1809.

Harrowby: Dudley Ryder, 1st Earl of Harrowby(1762-1847). Lord President of the Council 1812-1827. Minister without Portfolio 1809-1812. Secretary for Foreign Affairs 1804-1805.

Holland: Henry Richard Vassall-Fox, 3rd Baron Holland (1773–1840), Lord Privy Seal 1806-1807. Nephew of Charles James Fox

Hope: Alexander Hope (1769-1837). Governor of the Royal military college from 1811. Military agent to Sweden January 1813.

Liverpool: Robert Banks Jenkinson, 2nd Earl of Liverpool (1770–1828). Prime Minister 1812-1827. Secretary for War and the Colonies 1809-12. Home Secretary 1804-06 and 1807-09. Foreign Secretary 1801-04. Master of the Mint 1799-1801.

Metternich: Prince Klemens Wenzel von Metternich (1773-1859). German politician and statesman. Foreign minister of the Austrian Empire 1809-1848.

Napoleon: Napoléon Bonaparte (1769-1821). French revolutionary and politician. Staged a coup in 1799, and declared himself First Consul. Crowned himself emperor of France May 18th 1804. Forced to abdicate April 6th 1814.

Ponsonby: George Ponsonby (1755–1817). Opposition Leader in the House of Commons 1808-1817. Lord Chancellor of Ireland 1806-1807.

Thornton: Edward Thornton (1776-1852). British envoy to Sweden 1808, 1811 and 1812-1813.

Wetterstedt: Gustavus Baron de Wetterstedt (1776-1837). Born in Finland. Cabinet Secretary, Cabinet for Foreign Correspondence from 1805. State secretary and Royal Chancellor 1809

Whitbread: Samuel Whitbread (1758–1815) Member of Parliament for Bedford from 1790.