

THE TRANSFORMATION OF INTERNATIONAL LAW AND NORWEGIAN SOVEREIGNTY IN 1814

INTRODUCTION

The years up to and including 1815 saw the establishment of many of the essential features of modern Scandinavia, including the region's outer borders and new internal constitutional arrangements. These developments occurred within an international legal order that was going through a period of significant change. The Napoleonic Wars that followed the American Revolution of 1776 and the French Revolution of 1789 were partly the result of – and themselves resulted in – major transformations in public international law, which were partly summed up at the Congress of Vienna in 1815. The principles then established are still to some extent applicable today. The era from the 1770s to 1815 represents one of the most important periods of change in the history of international law.

International literature on the history of public international law has traditionally distinguished between what is known as the French Age, which lasted from 1648 (the Peace of Westphalia) to 1815, and the ensuing English Age (1815 to 1919). This distinction is made, for example, by Wilhelm G Grewe in his standard work *The Epochs of International Law* (most recent edition Grewe 2000). The Napoleonic Wars concluded the French Age, while the start of the English Age was marked by the Congress of Vienna. Even though one may discuss the name of these two epochs, the importance of the change is beyond doubt.

The following events occurred just before the transition between these two epochs in international law: the end of Danish rule in Norway; Norway's declaration of independence at the Constitutional Convention at Eidsvoll in the spring of 1814; Norway's entry into a union with Sweden with the election of the Swedish king as king of Norway; and the adoption of the Act of Union (a bilateral treaty) in July/August 1815. A series of other treaties was entered into during the same period: the Swedish king's treaties concerning Norway with the various victorious great powers; the king of Denmark-Norway's treaties with Napoleon; the Treaty of Kiel between the kings of Sweden and Denmark-Norway concerning Norway (January 1814); the Convention of Moss between the Norwegian regent Christian Frederik and the Swedish king; and the just mentioned Act of Union that was entered into by the Swedish and Norwegian parliaments.

This project aims to examine, from the perspective of public international law, the historical process relating to Norway's transition from being one element of the Danish-Norwegian “whole state” to union with Sweden. This is a new area of study. Although several of the documents mentioned above have been subjected to exhaustive examination in studies of Norwegian history, little attention has been paid to their international context, and none at all from the perspective of international law. At the same time, it is clear that precisely these agreements – or treaties – between the great powers and Sweden and Denmark played roles that were sometimes decisive for the eventual outcome in terms of state building.

The project will require a study of developments in international law in general during this period of change. These developments are “among the most neglected” (Randall Lesaffer) by researchers into the history of international law. The reason for this neglect must be the complexity of the actions and motivations of the various States, of States' entry into treaties and of the conflicting views expressed in international legal literature about these legal

relations. It is difficult to obtain a satisfactory grasp of these developments. A study of the period from both a Norwegian and Scandinavian perspective accordingly will provide us with a more solid basis for understanding the development of both Norway and Scandinavia. At the same time, such a study will contribute to a new understanding of the over-arching European and international contexts during a key phase of conflict.

APPROACH

The main questions addressed in this project fall into three categories: those concerning sovereignty; those concerning the international system of States and the ties between them; and those concerning the international exercise of power, ranging from various forms of warfare to States' interventions in the affairs of, and application of pressure on, other States.

In general, the questions concerning sovereignty may be said to relate to the problem of defining the *subjects* of international law, while questions concerning relations between States relate in particular to the formalised and, to varying degrees, permanent *agreed relationships* established between those subjects in the forms of alliances, unions and various types of subordinating relationships. The questions about the exercise of power concern international *actions* directed towards other States. An additional consideration when discussing this period is that the concept of the State was not yet clearly established. In the following project description, however, we refer pragmatically, albeit anachronistically, to the concept.

These three categories of questions also relate to three types of question that are of central concern in modern international law: questions about the “subjects” of international law; questions about how international relations may be regulated by means of treaties and the organisation of the international community of States; and questions about the permissibility of various actions under international law. During the period to be studied, views on all these issues changed. Understanding these changes will help us analyse and explain the transformations of international law. Accordingly our project will ask: what may be said to be the changing content of international law during our period; what is the background to this content; and how may international law help explain the historic events linked to Norway's transition from one element of the “whole state” of Denmark-Norway, the short period of full independence in 1814 and the ensuing membership of the Union between Sweden and Norway?

Sovereignty

The transformation of the concept of sovereignty is central to this period, during which the move away from princely sovereignty toward popular sovereignty was followed by a number of setbacks, in particular after 1815. The debate about what was the source of State power was answered referring to either the people or the prince. And in this context, how should we define the concept of the State? Do princes, or perhaps the people, enter into treaties on behalf of the State or of themselves? As these examples indicate, the question of sovereignty involves both internal and external considerations. The former concern the internal separation of powers within a State, while the latter concern the State's conduct internationally.

During 1814 in Norway, views as to the nature of the concept of (internal) sovereignty found concrete expression in, among other things, the debate over whether Prince Christian Frederik had a hereditary right to claim the throne, as the prince himself seems to have believed until the first meeting at Eidsvoll in February 1814, or whether he had to seek

election by way of popular vote. Similar legal problems arose in relation to the election of the Swedish king to the Norwegian throne in the autumn of 1814.

Princely sovereignty was a characteristic feature of both international and national law in the period up to 1815. This concept of sovereignty was, however, challenged by ideas about popular sovereignty arising out of ideas and practices linked to the American and French revolutions. In the period following 1814, popular sovereignty gradually became an established principle, underlying, among other things, the growth of nation states. The traditional view of the period immediately following 1814 in Europe has been as a period of setbacks for popular sovereignty, partly because of the establishment in September 1815 of the Holy Alliance between Russia, Austria and Prussia. But as Richard Evans (Evans 2009) has indicated, there was no all-embracing return to princely sovereignty and dynastic principles. Instead, the princes, from their newly consolidated positions, proceeded to legitimise themselves as representing, or expressing the will of, the people. These issues were also debated in contemporaneous theoretical texts. In this way the revolutionary era wrought a permanent transformation in the understanding of the fundamental elements of international law, even though popular sovereignty – in the form of a requirement that the people themselves should also participate in the exercise of the powers of the State – suffered significant setbacks for a period.

The question concerning the nature of the subjects of international law goes directly to the issue of external sovereignty and the transition from princely to popular sovereignty. Where princely sovereignty exists in its purest form, it is the prince himself that personally enters into international agreements (treaties). Such a prince's lands and possessions are virtually his personal property (Halvorsen 2008). Conceptions of private law characterise this way of thinking; succession is regulated by hereditary issues – there is no need to look further than the Wars of Succession that characterised the 18th century: the War of the Spanish Succession 1701-14, the War of the Polish Succession 1733-35 and the War of the Austrian Succession 1740-48.

Where there is purely popular sovereignty, the “people”, who will ultimately be transformed into the State, will be the “subject” under international law. The concept of the State blurs the concept of sovereignty because the State may be understood both as the prince's “property” and as way of organising “the people”. In all cases a State must have external representation. For all monarchies such representation will derive from royal authority, but from the 19th century onwards, such royal authority represents the people, not the monarch himself. A notable expression of popular sovereignty can be seen in the Act of Union of 1815 between Norway and Sweden, which was entered into between “the Kingdom of Norway's Parliament (*Storting*)” and “the Kingdom of Sweden's Estates (*Ständer*)”. This is a rare example of peoples' representative bodies (parliaments) acting as representatives of their respective States to the outside world.

Relations with the outside world were of central importance to Norway throughout 1814. A striking feature of the Constitutional Assembly at Eidsvoll in 1814 was that the assembly resolved of its own accord that it would not adopt positions on or consider issues relating to foreign policy. Such issues were to be reserved for the regent, Christian Frederik. When the resolution was put to the vote on 19 April 1814, there were 55 votes in favour and 55 against. The president of the assembly used his casting vote to support the Independence Party's view that the assembly should not consider matters relating to foreign policy. As an example of the orientation of this debate as far as international law was concerned, we may quote from Severin Løvenskiold's speech in support of the importance of discussing foreign policy at Eidsvoll:

“States’ mutual relations are the state of nature’s. Their law is the that of the stronger since they are not governed by higher authority. Their existence, the maintenance of their inhabitants' organisation and happiness thus depends as much on their relations with foreign States as on their own forces. [...] Since France's great Emperor and countless millions fell before more powerful allies, so should all the more attention be paid to these matters during a small State's establishment and organisation” (original Norwegian in: Fure 1989 p. 72).

From this quotation we can see that Løvenskiold was adopting a classical realistic (Hobbesian) position as to the nature of the international community and also how the significance of alliances between States was understood at the that time. Regarding participation by the people, or parliament, in foreign policy, Løvenskiold also remarked that “the British Parliament's debates to a large extent concern the kingdom's position in the outside world”.

During the period after 1814, Norway was a State where internal sovereignty rested more with parliament than with the king. The reason for this must have been that the king's authority did not express the will of the Norwegian nation in the same way as the same king was considered to express the will of the Swedish nation, or as his equivalent monarchs were considered to express the will of the people of Denmark and France respectively.

The State system and ties between States

The modern State system, dominated by nation states, is a product of the 19th and 20th centuries. During the period of our study, however, the concept of the State had not yet been formulated in a modern sense and covered a variety of very different forms of organisation. There were, moreover, many different types of ties between States.

Firstly we wish to study, from a contemporaneous European perspective, the different types of ties that existed between States in Scandinavia before and during 1814-1815. Initially we will examine the following relationships: Denmark-Norway, Sweden-Norway, Denmark-Iceland, Sweden-Finland and Russia-Finland. The analysis will compare these relationships with the various types of subordinating structures established among neighbouring States during the expansion of the Napoleonic Empire, and the traditional and changing relationships between States in what later in the 19th century was to become unified Germany. This analysis will shed new light on concepts such as the “whole state” and unions of various types and would also contribute to clarifying the relationship between Norway and Sweden during the period starting in 1814. The leaders of the proposed project have previously studied this Union, Mestad and Michalsen (2005), although with less focus on the establishment of the Union and more on events during the Union and on its dissolution. The same book also undertook a special comparative study that examined the Union of Sweden and Norway in comparison with the European Union (EU) (2005: 455 *et seq.*).

Secondly we will study alliances as a particular type of tie between states. As part of their war against Napoleon's France, the other great powers formed an alliance. One consequence of this was a desire to draw Sweden into the war on the allies' side. As a result treaties were entered into that came to be used in support of Sweden's “Policy of 1812”, the aim of which was to acquire Norway as compensation for the loss of Finland to Russia in 1809. This aspect of the alliance against Napoleon may be studied both for its significance for Sweden, Denmark and Norway, as well as to contribute to improving our general understanding of treaties of alliance.

Another consequence of the policy of alliances was the blockade of Continental Europe, which at times was imposed very severely by Britain and which affected, among other things, shipping to and from Norway. This issue is more naturally addressed, however, in the context of questions concerning the international exercise of State power.

The international exercise of state power: war, privateering and intervention

During this period, war was considered a legal means under international law, although there were various competing theories regarding both the justifications for, and possible limitations on, warfare. The doctrine of the just war – namely war conducted in retaliation for the violation of a prince's rights – had existed since the Middle Ages. There were various competing theories, including Hobbes-inspired theories that war was the state of nature's legal self-expression, and contractual theories that held that anyone who accepted a declaration of war simultaneously entered into an implicit agreement that both sides were now entitled to use all means at their disposal. These different theories could also be applied in combination. One example of a situation where war as a theoretical concept was decisive for deciding a legal question may be seen in an English admiralty court judgment in a prize case dating from 1813. Sweden had declared war on the United Kingdom, although the United Kingdom had not declared war in response. The situation was determined nonetheless to constitute a state of war, with the result that the vessel was accepted as being a lawful prize (Neff 2005: 146-147).

For the Scandinavian countries, neutrality rules had been extremely important for maintaining shipping operations while Britain and various other countries were at war from the American War of Independence onwards. Unlike the general international legal rules concerning war, which were discussed pretty much continually without the achievement of any general agreement, the neutrality rules were new rules developed from the mid-18th century onwards, deriving in particular from proposals put forward by the Danish lawyer Martin Hübner in 1759 (Neff 2005: 154). Closely associated with these rules were the rules regulating privateering and prize-taking when parties were at war.

For Norway and the other Scandinavian countries, the alternating positions between neutrality in wars between other States and prize-taking when the country itself was at war was of material significance. Our hypothesis is that these shipping-related rules, which became established in international law, were the factor that had the greatest effect on Norway's economic development. Shipping fortunes were based on both neutrality and privateering. The "father of the constitution" himself, Christian Magnus Falsen, was involved in privateering (Tønnessen 1955).

Apart from Tønnessen's valuable book dating from 1955, this area has been little studied and developments in the international legal order have not previously been considered as being closely related to the events leading up to 1814.

We will also need to address questions regarding the application by States of pressure through milder forms of intervention. This discussion will provide, among other things, context for studying the great powers' delegations to Norway in the summer of 1814.

MATERIALS

To establish a good basis for considering the questions raised above, the study of three types of materials will be of particular relevance: academic texts on international law, State practice and certain aspects of constitutional law, and treaties and diplomatic practice.

(1) Firstly we will need to study contemporaneous texts dealing with international law. Authors will include major theoreticians on this area of the law who continued to be of crucial influence in the period around 1800. In particular these are likely to include Hugo Grotius (1583-1645 – “the father of international law”), Emer de Vattel (1714-1767) and G. F. von Martens (1756-1821). All these authors were significant, both in their own time and long after, as writers on international law in general. Another very significant figure was Immanuel Kant (1724-1804), whose treatises on natural law were viewed at the dawn of the 19th century as a key new interpretation of law and society. Works by these authors are discussed in all general studies of the history of international law. Our intention, however, is to read these works specifically in the light of the innovative thinking that was emerging in the period leading up to 1815.

Our study of international legal literature will also include some home-grown authors, perhaps in particular the Kantian writings of J. F. V. Schlegel (1765-1836) – an author overlooked by later historians, but of central importance to the history of ideas underlying the Eidsvoll constitution – and Christian Krohg, who began writing “Norwegian-Danish” international law in 1803. Both these writers have been neglected by researchers until relatively recently. Schlegel has been discussed previously by Professors Mestad and Michalsen in Michalsen (2008). Professor Ditlev Tamm in (Norwegian) *Historisk Tidsskrift* described it as “something of a scoop that the book establishes precisely how much there really was to that period's Danish legal education” (Tamm 2009).

Schlegel dealt with international law as part of his two-volume work on natural law, which ran to two editions and was regarded as a central text at the time. He also published works in London on the neutrality rules and the law in relation to privateering. Krohg, (1777-1828), who after 1814 was to come to prominence as a Norwegian politician and civil servant, published a book on international law in 1803, which concentrated mainly on neutrality rules and shipping-related considerations. This focus is completely understandable taking into account Danish and Norwegian perspectives. Was a Danish-Norwegian ship entitled not to become embroiled in the American War of Independence and the Napoleonic Wars, but nonetheless to carry goods to and from the warring parties? In later research, Krohg's book has for all practical purposes been ignored. We have already mentioned a third home-grown and somewhat earlier author worthy of investigation, namely Martin Hübner (1723-1795), who wrote about the history of natural law and, in particular, about neutrality rules and the law in relation to privateering. Hübner's writings, which were published in both French and Latin, have been discussed to some extent in international studies of the history of international law.

As will be apparent from the authors mentioned above, our study of international law will also involve a study of contemporaneous thinking on natural law.

The final body of texts to be studied will include contemporaneous “popular” pamphlets discussing topics relating to both national and international law. Here in particular we expect to find expressions of the conflicting views held at the time. These texts have never been studied previously.

(2) Secondly it will be necessary to study State practice and constitutional rules, as well as proposals for rules relevant to international questions, particularly those concerning foreign representation, the role of parliaments in the negotiation of treaties and issues relating to war and other types of intervention. This research will include the Scandinavian States and the most important European powers, especially France during the revolutionary period, Britain, Austria and Russia.

(3) Thirdly we will need to study diplomatic practice and treaties that were entered into and broken. In particular we will examine the treaties relevant to the co-ordination by Sweden, Russia, Britain and Prussia of their approach to the situation of Norway. Questions relating to content include, for example, Britain's obligation to provide subsidies that would partly finance Karl Johan's Swedish army and, in relation to all these powers, the extent to which they committed themselves to allow Norway to be handed over to the Swedish king. From a formal point of view we will examine on whose behalf these treaties were entered into – that of the king himself, the State or other similar entities.

As far as other practice is concerned, a study will be required of diplomatic interventions by the great powers in Norway during the summer of 1814 whereby these powers sought both to fulfil their obligations, but also to show a certain degree of flexibility.

Only by combining a study of international legal literature and of practice, both within the countries concerned and externally, will it be possible to form a comprehensive picture of the legal situation. Many histories of international law are confined to a study of the literature, sometimes combined with the study of certain treaties or declarations. We believe that focusing our study on Scandinavia and Norway will enable us to make use of a more comprehensive range of materials, while also enabling us to carry out a thorough analysis within the available time. The comprehensive nature of our analysis will also make it of particular importance as a contribution to general international research into the history of international law.

In addition to these three types of materials, the project will be required to consider general historical developments during the period. Here we will mainly build on other historical studies that will provide context for our project.

METHODOLOGY

In the study of the history of international law, methodology represents a central and challenging issue. Professor Dag Michalsen has published a book on the reading of historical legal texts (Michalsen 2006). Methodology has also been a recurring topic in the recently established *Journal of the History of International Law* (1999-). Our approach is that the international law of earlier periods must be understood as relatively autonomous normative orders that should be studied in the context of analyses of changing historical power structures. These normative orders must be constructed on the basis of both texts and practice, as indicated above. In addition, sources must be interpreted historically, on the basis of how they would have been read at the time.

For our purposes, we will need to take a comparative approach to the questions under consideration. This approach will consider both developments within Scandinavia and also the great powers' views of the legal issues involved and parallels in other less powerful countries. For this reason among others we have established links with researchers at the Max-Planck-Institut für Europäische Rechtsgeschichte in Frankfurt. The Law, Society and Historical Change research group at the law faculty of the University of Oslo has already received a letter of intent from Professors Michael Stolleis and Milos Vec in Frankfurt regarding co-operation on the theme of this project. This co-operation will form our most central contact with the international research milieu, but we must also endeavour to work with colleagues in Norway and elsewhere in Scandinavia, as well as English and French researchers. These researchers may be involved in studying areas such as law, history, the history of ideas or political science.

A leading international researcher into the relationship between historical and current international law and between international law and politics is the Finnish professor Martti Koskenniemi. We have collaborated with Professor Koskenniemi in the past, and are to some extent continuing to do so, and wish him to be associated with this project. Professor Koskenniemi's main area of study is international law from the mid-19th century to the present, but his methodological approach involves working methods that may also be applied to the somewhat earlier period of our project (Koskenniemi 2001 and 2005).

SCHOLARLY SIGNIFICANCE, PUBLICATIONS ETC.

The project will provide a basis for a better understanding of the historical and legal process that, among other things, led to the establishment of Norway as we know it today. This will provide us with a vital key for undertaking an overarching interpretation of the events of 1814, as will be required in connection with the 200th anniversary of the Norwegian constitution. Independently of these considerations, the project will contribute to studies of the history of international law.

In Norwegian history, two main models are applied to explain the events of 1814: firstly that of Jens Arup Seip, which may be characterised by the phrase "freedom as a gift", and secondly, a nationalist interpretation that refers to the emergence of a Norwegian identity in the period preceding 1814. Of the two, Seip's model has a more pronounced international perspective. Our hypothesis is that a study of questions relating to international law and the ties between States may contribute to an improved understanding, namely that, while both models point to important features, both require an additional nuanced understanding of the international situation and of how this was either understood or misunderstood by the Norwegians involved at the time. It is surely clear that Christian Frederik and his circle seized an opportunity in the winter of 1814 that did not represent a "gift", but rather an opportunity to act within the overall frames of international law. Two examples may demonstrate this to some extent: firstly, once the Treaty of Kiel in January 1814 forced King Frederik VI of Denmark to give up Norway, this treaty-initiated act triggered additional action on the part of Norway, and the chain of events was then underway; secondly, later that year during the short Norwegian independence, a new series of interactions started during the summer, with international diplomatic initiatives in relation to Christian Frederik and the Norwegian cabinet.

Also, there is a further contemporary dimension to our project that is currently particularly relevant. Some of the most burning questions of our time in the areas of constitutional law and political science concern the interaction between international processes and obligations, State intervention and national space for manoeuvre and developments. By studying the period around 1814 from this type of perspective, we will be able to give the modern debate on legalisation, globalisation, pre-emptive warfare and intervention a weightier historical dimension that has been lacking previously.

Internationally, the history of international law is in itself a relatively new field of study. The first specialist periodical was established in 1999. By studying actual examples of the use of international law instruments in a Nordic region, our project will contribute to extending this international field of study. This is also one of the few historical periods during which Norway and Scandinavia played any notable role in the development of international law.

The strong increase in interest in the history of international law during the past two decades is, of course, related to the fact that international relations and international systems of governance have again become far more important in the age of globalisation. An important consequence of this trend is that Europe's leading legal history research institute, the Max-

Planck-Institut für Europäische Rechtsgeschichte in Frankfurt, has initiated the project *Das Völkerrecht und sein Wissenschaft, 1789-1914*.

There has, however, been little research into the period around 1800. As Randall Lessaffer claims, “if the history of international law has – until the “boom” of the last two decades – been one of the least developed fields of legal history, the Revolutionary and, even more, the Napoleonic Ages, are among the most neglected of periods”(Jacobs et al. 2008). As far as the situation in Scandinavia is concerned, virtually no research has been carried out into this area in recent times. From a Norwegian perspective, the standard text was published over a century ago, namely L.M.B. Aubert's *Norges folkeretslige stilling [Norway's position in international law]* (Aubert 1897). This is an important source text, but bears clear signs of having been intended as a contribution to the debates preceding the dissolution of the Union with Sweden in 1905, see Michalsen (2002).

Of *historical* research making use of international material, two books are particularly worthy of mention: the leading study by Jörgen Weibull, *Carl Johan och Norge 1810-1814 [Carl Johan and Norway 1810-1814]* (Weibull 1957) and Bo Stråth's major book on the Union between Sweden and Norway *Union och demokrati. De förenade rikena Sverige och Norge 1814-1905 [Union and democracy. The united kingdoms of Sweden and Norway 1814-1905]* (Stråth 2005). Stråth highlights and utilises precisely the connection between the international situation and the development of the Union. However these leading texts once again do not specifically address questions concerning international law and the international legal order. The same applies to the standard work *Norsk utenrikspolitikks historie [A history of Norwegian foreign policy]* vol. 1 (Bjørge et al. 1995).

While our project is running, we would envisage holding two international conferences: one focusing mainly on international law and one focusing in particular on the position of Norway and Scandinavia within the international legal order. Collections of articles from each conference would be published in English, with publication scheduled for no later than spring 2014 in order to form part of the international background to the 200th anniversary of the Norwegian constitution. We are also considering summarising our findings in a book aimed more at the general reader to be published in Norwegian. This would also need to be ready for publication in 2014. In addition, separate articles would be published by researchers working on the project, as well as masters' dissertations by postgraduate students attached to the project.

LINKS WITH EARLIER AND ONGOING RESEARCH

We view this project as an ambitious development of the project leaders' earlier and ongoing research into topics relating to the history of constitutional and international law. A related project *Rett, nasjon, union. Den svensk-norske unionens rettslige historie 1814-1905, [Law, nation, union. A legal history of the Union of Sweden and Norway 1814-1905]* that was started in 2002 and resulted in a series of dissertations and a book of the same title that was published on schedule 100 years after the dissolution of the Union in 2005 (Mestad/Michalsen 2005). Researchers from Germany, Sweden and Finland participated in the project, in addition to researchers from the University of Bergen and one researcher who is now at the University of Stavanger. The researchers included legal historians, historians and lawyers.

Following the Union project, we have initiated, in collaboration with Professor Jørn Øyrehagen Sunde of the law faculty in Bergen, *Det forfatnings- og folkerettshistoriske prosjekt 1814-2014 [The constitutional and international law project 1814-2014]*. This project involves a collaboration between the three faculties of law in Norway, with Tromsø having become involved through Dag Michalsen's Professor II position there. The first publication to

result from this project was *Forfatningsteori møter 1814 [Constitutional theory meets 1814]* Dag Michalsen (ed.) (2008), with contributions by Professors Michalsen, Mestad and Øyrehagen Sunde, as well as articles by two other researchers from Oslo and one from Bergen. This cooperative project is intended to run until 2014, and will complement the project that is the subject of this application.

In 2009 we also published a book on Anton Martin Schweigaard. Although the topic of the book relates only tangentially to this project, it does illustrate our cross-disciplinary approach and involved the participation of one researcher into the history of ideas and two economists, in addition to historians and lawyers (Mestad 2009).

Among our ongoing projects, we should otherwise mention that Dag Michalsen has just agreed to participate in the Helsinki based project *Between Restoration and Revolution, National Constitutions and Global Law: an Alternative View on the European Century 1815-1914* (conducted by Bo Stråth and Martti Koskeniemi). This project is funded by the European Research Council. This project will run from spring 2010 until 2013 and has a significant element of interaction/overlap with our project, since its starting point is 1815 – the point at which our period of study ends.

THE IMPORTANCE OF WORKING AT THE CENTRE FOR ADVANCED STUDY (CAS)

The added scholarly value that we would be able to achieve by spending time working at the CAS would result from the concentration this would enable us to bring to bear on themes that are now emerging as of key importance internationally, in particular given the approach of the 200th anniversary of the Congress of Vienna. Norway now has the opportunity to become one of the key centres for research in this area.

Our project is comparative and cross-disciplinary in its approach and the materials to be studied are complex. In our view, it is essential for the participating researchers, from both Norway and abroad, to be based in the same location for extended periods in order effectively to exchange and utilise their materials and different perspectives. If the project were to be undertaken as more traditionally structured legal historical research project, with each researcher working with his/her own sources, the process would not only take too long, but would also be less fruitful. It is important for individual researchers to receive input from others during the research process. This is particularly important for cross-disciplinary research.

We should also mention two factors that we anticipate will make our project particularly attractive for foreign researchers: firstly, Norway's special situation towards the end of the Napoleonic Wars; and secondly, the fact that Norway has preserved its constitution from 1814 until the present day.

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