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The Revolution and the Birth of American International Relations

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The Declaration of Independence is not long. At just over 1,300 words, the United States' first and most iconic founding document easily fits on a single page. That may be why it is the only document Americans can reliably quote by heart. Yet this familiarity obscures as much as it reveals. The Declaration's best-known phrase—"We hold these truths to be self-evident, that all men are created equal"—appears in the second paragraph, not the first. Even more surprising for many readers is how much space Thomas Jefferson, who wrote the first draft, devoted to the constitutional and legal violations that made George III "unfit to be the ruler of a free people." Those grievances, however, hold the key to the words that Americans in 1776 found hardest to accept and whose larger message can still be difficult to hear. After itemizing the king's 27 abuses and accusing the British people of being equally "deaf to the voice of justice and of consanguinity," the signers pledged to hold the British monarch and his subjects as they did the rest of mankind: "Enemies in War, in Peace Friends."

There was—and is—no question about Congress's commitment to the first part of that chiasmus. In the official copy that John Dunlap printed in his Philadelphia shop on the evening of July 4, the Declaration's grievances occupy the middle 37 lines, or slightly more than half the broadsheet's 66. Some of the king's transgressions resonate today—"imposing Taxes on us without our Consent," for example. Others require explanation. To Americans at the time, all suggested that George III and his subjects had become avowed enemies and could be treated as such. During

the lead-up to Congress's momentous vote, one of the main reasons for declaring independence was to make that war easier to prosecute. Not only were Britain's European rivals more likely to form alliances with a union of independent states than with colonies rebelling against their king, but a war for independence meant fighting for "a single simple line," as Thomas Paine argued in *Common Sense*. A civil war for reconciliation with Britain's treacherous government, by contrast, was "*a matter exceedingly perplexed and complicated.*" (Emphasis in original.) It was clear which struggle Americans stood a better chance of winning.¹

Yet the promise in the couplet's second half also mattered. According to the law of nations, which the Declaration's preamble called the "Laws of Nature and of Nature's God," peace and friendship, not enmity and war, were the ordinary conditions in relations between civilized states. To be accepted as one of the powers of the earth, the former colonies needed to show they had the capacity—as the final paragraph states—"to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do." Although defeating Britain was the first and most important of those tasks, the only victory that France and Europe's other great powers were likely to support was one that resulted in peace. And making peace with Britain's tyrannical king and the people who served and supported him, as Paine cautioned, would not be easy.

That, however, was Congress's promise. As spelled out in the 1783 peace treaty with Britain and, four years later, in the Constitution, that pledge would require concessions at least as difficult to accept as the war that Americans so boldly embraced. Its legacy remains a challenge to this day.

Peace and Aggression

Despite the obstacles to making peace with Britain, Congress insisted that Americans were a peaceful people. During the summer of 1775, in a proclamation that Jefferson helped write for George Washington to publish

once he took command of the army outside Boston, Congress depicted the resort to arms as a move that Americans took reluctantly. Until Parliament claimed new powers with the Sugar and Stamp Acts of 1764 and 1765, relations with the mother country had been “peaceable and respectful.” For the past decade, Americans had “*reasoned [and] remonstrated with Parliament in the most mild and decent Language.*”² (Emphasis in original.)

Americans’ boycott of British goods meant even their resistance to the harsh Coercive Acts (1774) and support for the people of Massachusetts were nonviolent. But instead of being treated with moderation, they were subjected to “an unprovoked Assault” on April 19 by General Thomas Gage’s soldiers, who murdered eight of their fellow subjects on Lexington Common before marching “in warlike array” on Concord. Although the redcoats were repulsed at the North Bridge, the first colonists to respond in kind were “country people suddenly assembled to repel this cruel aggression.” Only when confronted with demands for their “unconditional submission” did Americans choose resistance by force. Even then, their goal was reconciliation and reunion.³

The peace that Americans imagined, however, depended on Britain’s willingness to make some unconditional submissions of its own. As signaled in a series of letters between 1774 and 1776 to the inhabitants of Quebec, one of Congress’s principal war aims was to absorb Canada, Nova Scotia, and the rest of British North America and, in so doing, purge the entire continent of Britain’s hostile presence. In making the case for adding Canada to the Union, Congress appealed to a “common liberty” that it claimed Americans shared with the province’s 90,000 French habitants.⁴ But all three letters warned Canadians that the alternative to joining their southern neighbors was war. “You are a small people, compared to those who with open arms invite you into a fellowship,” wrote the authors of the first letter. Which, they asked, was better: “to have all the rest of North-America your unalterable friends, or your inveterate enemies”?⁵

During the fall of 1775, Continental soldiers under Major Generals Richard Montgomery and Benedict Arnold made good on that threat with a

two-pronged invasion of the former French colony, capturing Montreal and besieging Quebec City. The campaign turned Montgomery, who lost his life in a New Year's Eve assault on Quebec, into the Revolutionary War's first American national hero and made a lasting impression on the thinking about the Union.⁶ In the Articles of Confederation, Congress named Canada as the one British province that could join without the states' prior approval. Canada also appeared along with Britain's other colonies as a prospective state in the Model Treaty, drafted to guide negotiations with France. It remained an invasion target for the rest of the war.⁷

Closely related to these continental ambitions were Congress's unilateral plans for the 150,000 native inhabitants of Indian country. In a series of talks during the summer and fall of 1775, Congress warned the king's Indigenous allies not to become involved in the war with Britain. "This is a family quarrel," Congress's commissioners told the Six Nations of the Haudenosaunee (Iroquois Confederacy) at Onondaga, New York. "You Indians are not concerned in it."⁸

Ultimately, however, the Native Americans faced the same dilemma as the Canadians. In an early draft of the Articles of Confederation, Benjamin Franklin suggested bringing the Six Nations into the Union in a "perpetual Alliance." Another possibility was to make them a state with the right to send representatives to Congress. That was what federal commissioners promised the Delaware Nation in the 1778 Treaty of Fort Pitt.⁹ But most Indigenous leaders, who doubted that good would come from either offer, preferred the devil they knew and sided with Britain. Patriots responded by subjecting Native Americans to the same "undistinguished destruction of all ages, sexes and conditions" that the Declaration accused "merciless Indian Savages" of practicing on them. By the war's end, the Haudenosaunees' ancestral homeland in the Mohawk Valley was a desolate landscape of charred farms and villages. Its former inhabitants were either fighting for the king or huddled in refugee camps under the watchful eye of the British garrison at Fort Niagara.¹⁰

Overall, the largest and most influential group that Congress expected to submit was the Loyalists. Although Patriots hoped (or said they hoped)

that gentler means would suffice, the Declaration turned the half million or so Americans who remained loyal to George III—roughly 20 percent of the colonies’ prewar white population—into traitors, rebels, and disturbers of the peace.¹¹ In *The American Crisis*, written while he was retreating with Washington’s army across New Jersey in December 1776, Paine placed much of the blame for General William Howe’s success on the Tories, as the Loyalists were called. “And what is a Tory?” he asked. The question practically answered itself. “Every Tory,” Paine said, “is a coward” whose treachery threatened the new Union’s existence. Until recently, revolutionary leaders had been “tender in raising the cry against these men, and used numberless arguments to show them their danger, but it will not do to sacrifice a world either to their folly or their baseness. The period is now arrived,” he warned, “in which either they or we must change our sentiments, or one or both must fall.”¹²

Such words made the king’s adherents legitimate targets for what historian Lisa Ford calls “a peaceable riot” by Patriot crowds in Boston and for the likes of Colonel Charles Lynch of Virginia, whose flogging of suspected Tories is often mentioned as the origin of “lynching” and “lynch law” in the South.¹³ States also enforced conformity by statute. Americans who refused to submit to the new state governments were barred from holding office. They were jailed or banished, had their property confiscated, lost the right to practice their profession or craft, and—in extreme cases—were sentenced to death.¹⁴

By threatening their neighbors and silencing their critics, Congress and the states opened themselves to allegations that they were the ones levying war without just cause, not the king’s subjects.¹⁵ In *An Answer to the Declaration of the American Congress*, commissioned by Lord North’s ministry during the fall of 1776, the English attorney and pamphleteer John Lind mounted a line-by-line rebuttal of Jefferson’s grievances. Starting with the sugar and stamp taxes, there was nothing oppressive or unconstitutional (or new), Lind said, about any of the powers that Britain’s king and Parliament stood accused of abusing. If anyone was guilty of unprovoked aggression, it was Congress. In a “Short Review” appended at the back, Lind’s

friend Jeremy Bentham broadened the pamphlet's critique to include what Bentham decried as the Declaration's hostility to all government. As the rebellious colonists would soon discover, "*there is no peace with them, but the peace of the King; no war with them, but that war, which offended justice wages against criminals.*" (Emphasis in original.) In early November, British officials sent 500 copies of the tract to New York, where they hoped it would open Americans' eyes to the error of their ways.¹⁶

For eight long years, from "the shot heard round the world"¹⁷ at Concord's North Bridge to Congress's cessation of hostilities on April 18, 1783, the back-and-forth over which side really wanted peace and which was using it as a pretext featured prominently in what military historian John Shy called the struggle for the "hearts and minds" of the American people. As suggested by Shy's reference to the Vietnam War, the war on America's Eastern Seaboard and in the Union's most densely populated areas was not one conflict but two.¹⁸

In the first, the regular war that pitted the Continental Army against British, German, and Irish soldiers, Britain enjoyed substantial advantages, especially before France and Spain entered on America's side. But the war was also an insurgency waged by local militias and armed partisans against civilians. Although the British made effective use of Loyalist paramilitaries in areas they controlled, the advantage in that war lay almost entirely with Congress's supporters. Unless they lived in occupied New York or another British stronghold, Americans with doubts about independence faced a stark choice: Either keep their heads down and their mouths shut or leave. In most places—including where Loyalists were a substantial but cowed minority—peace meant whatever Congress and the new state governments said.

Broken Promises

Such tactics were brutally effective, contributing to General Charles Cornwallis's surrender at Yorktown on October 19, 1781; Lord North's

resignation the following spring; and the decision several months later to open peace talks in Paris. British leaders took each of these steps reluctantly, and no one more so than George III. With the king's blessing, Lord Shelburne, whose government negotiated the preliminary articles of peace, spent the summer of 1782 trying to persuade Franklin and his fellow commissioners to accept Britain's acknowledgment of Congress's legislative independence while keeping the former colonies nominally subject to the Crown.¹⁹

When the provisional treaty with its "unconditional" recognition of the United States reached London, the king was devastated. During his speech to Parliament on December 5, those present noted that when the unhappy monarch came to the words "offer to declare them," he paused. Whether he was "embarrassed," wrote New England merchant Elkanah Watson (who sat next to Admiral Richard Howe during the oration), unable to see his text because of "the darkness of the room, or affected by a very *natural emotion*" was impossible to say. (Emphasis in original.) Whatever the reason, the king stopped, collected himself, and resumed. He had offered, he said in a strained voice, to declare the colonies "*free and independent States.*" (Emphasis in original.) The speech ended with an appeal to the Almighty that Americans might avoid the calamities that invariably attended the destruction of monarchical power.²⁰

Although the king was forced to yield on American sovereignty, the Treaty of Paris was hardly the unconditional peace that Congress had imagined in 1776. Instead, it came with conditions, all based on the premise that Congress had the power to do the "Acts and Things" that, in the Declaration's words, "Independent States may of right do." Article I recognized the former colonies as "free, sovereign and independent States." The other nine treated the United States as a power in its own right—an empire of liberty, as Americans had begun describing the Union, where responsibility for declaring war and making peace, taking and controlling territory, and ensuring that the treaty was enforced belonged to Congress.²¹ Significantly, in the second article, which placed the new nation's western border on the Mississippi River, the cession was to the Union as

a whole, with nary a mention of Virginia or the other states with claims to that territory.

The vastness of the domain, obtained despite lack of agreement over whether the title should be vested in Congress, the states, or—as Britain, France, and Spain all urged during the Paris talks—the Indigenous nations to whom the land belonged, was breathtaking. Was the Union a marriage of convenience between 13 self-governing states or a unitary power like the British Empire? The treaty didn’t say. Congress, however, was the signatory. The only way for Americans to satisfy their obligations to other governments (and, ultimately, to themselves) was for the states in the first article to accept Congress’s authority in the other nine.

But would, or could, Congress meet Britain’s conditions for peace? To judge from the response to the treaty’s protections for “real British subjects” and Loyalists, the answer was no. The clearest safeguards appeared in Article IV, which pledged that British creditors, including Loyalists, would “meet with no lawful impediment” to the collection of approximately £5 million in American debts contracted before the war, and Article VI, which barred actions against the Loyalists once hostilities had ceased. In Article V, by contrast, the peacemakers conceded the limits on Congress’s authority by requiring only that it “earnestly recommend” the states to compensate Loyalists for losses they had sustained.²²

Having endured tarring and feathering, imprisonment, and the loss of their homes and property, the king’s adherents responded by leaving in droves. In many places, Patriots took the preliminary treaty’s arrival in Philadelphia on March, 12, 1783, as a chance for new acts of retribution. By late November, when the last British transports left New York, some 60,000 refugees had decamped to Florida, the Bahamas, Jamaica, Canada, and—above all—Nova Scotia. Not until the 20th-century partitions of Ireland, India, and Palestine would the British Empire experience a comparable out-migration. Instead of the pan-North American league of friendship that Congress had imagined in 1776, Americans faced a hostile future on a divided continent.²³

In Britain, where the Loyalists enjoyed sympathy and support, and ultimately in Parliament, the scale of this diaspora proved two things.

First, Shelburne's concessions to the Americans were much too generous, and second, Congress was incapable of fulfilling its side of the bargain. Emboldened by this double betrayal, the successor ministry of Lord North and Charles James Fox, followed in early 1784 by the younger William Pitt, proceeded to renege on Britain's treaty obligations. During the spring of 1783, manipulating ambiguities in the armistice signed at Versailles by Britain, France, Spain, and the United States, Admiral Robert Digby, commander of the king's sea forces at New York, struck the first blow. He authorized British cruisers to continue taking "rebel" prizes for a full month after Congress suspended maritime hostilities on March 3.²⁴

Meanwhile, Digby's counterpart on land, General Sir Guy Carleton, allowed nearly 3,000 African Americans to depart for Nova Scotia, despite language in Article VII requiring the British to evacuate without "carrying away any negroes or other property of the American inhabitants."²⁵ Although as many as 10 percent were enslaved servants of white Loyalists, most were former bondsmen and women who had self-emancipated by joining the British army in the Carolinas, Georgia, and Virginia. One, a soldier named Harry Washington, had labored before the war as a hostler at Mount Vernon. According to Carleton's secretary, Maurice Morgann, Harry Washington's former master cursed with the "ferocity of a captain of banditti" when he learned what the British intended, but George Washington and Congress could do little.²⁶

Along the border with Canada, from the mouth of Lake Champlain to the northern entrances to Lakes Huron and Michigan, Britain committed a second violation of Article VII by refusing to withdraw "with all convenient speed"²⁷ from Detroit, Niagara, and seven other strongholds. All were now in American territory and well-placed to help the king's Native American allies foil plans by Congress and eastern speculators to confiscate Indian land and turn it into real estate for American settlers.²⁸ According to Lord Sydney, who issued the order to retain the forts on April 8, 1784, a day before the king ratified the peace treaty, the occupation would continue until American obligations to British creditors and the Loyalists were fulfilled.²⁹

In Virginia, whose citizens owed more than £2 million—nearly half the American total—the debtors included both wealthy planters like Jefferson, who were able and mostly willing to pay, and struggling farmers, who were not. Making the grievances of the latter its own, the planter-dominated legislature retaliated in time-honored populist fashion by prohibiting British creditors from suing in state courts until the forts were in American hands. The assembly also made debt recovery contingent on compensation for enslavers whose black “property” had left with Carleton.³⁰ Neither eventuality seemed likely.

For ordinary Americans—most of whom did not own slaves or have claims in Indian country but who were all, to varying degrees, participants in the Union’s export-dependent economy—Britain’s final broken promise was the most devastating. During the summer and fall of 1782, Shelburne considered allowing American citizens to resume trading with Britain and its remaining colonies as if they were still British subjects. With the prime minister’s support, Richard Oswald, the British peace commissioner, included a pledge in the preliminary articles that the final treaty would “Secure . . . perpetual Peace and Harmony” with a provision for full commercial reciprocity.³¹

For Shelburne’s British critics, the most vocal of whom were Loyalists in exile (like Franklin’s estranged son, New Jersey Governor William Franklin), granting the former rebels free access to British ports was one concession too many. On July 2, 1783, the Privy Council closed the West Indies to ships from the United States. At a stroke, Americans lost their most important prewar source of hard currency. Although precise measures are difficult, per capita income in parts of the Union plunged by as much as 50 percent—a contraction comparable to the Great Depression.³² In the eastern seaports, the downturn forced many merchants into bankruptcy, but the wealthy and well-connected were not the only victims. Worcester County, Massachusetts, recorded 2,000 suits for debt in 1784, an astonishing number for a jurisdiction with a total population of 50,000. On the coast, where New England’s shipyards had accounted for one-third of Britain’s merchant marine before the war, the shipbuilding industry all but collapsed.³³

Enforcing the Peace

Britain's refusal to fulfill its peace commitments until Americans fulfilled theirs placed Congress in a difficult position. One way to make the treaty's promised benefits a reality was to retaliate forcefully and unilaterally against Britain's subjects and supporters in North America. That was what Congress attempted to do with the Treaty of Fort Stanwix, which federal commissioners concluded in 1784 with the Haudenosaunee Confederacy near the headwaters of the Mohawk River. Mindful of the British garrisons at nearby Oswego and Niagara and of the assistance that the Six Nations were continuing to receive from British Indian agents in Canada, the Union's negotiators insisted that the Haudenosaunees accept they were a conquered people. It was an absurd claim, disregarding both well-established norms of Indian diplomacy and the reversals that Indigenous leaders such as Mohawk War Chief Joseph Brant had inflicted on state and Continental forces during the war.³⁴

Claiming native land by right of conquest also greatly exaggerated Congress's ability to impose its will once the war was over.³⁵ By the time the Northwest Ordinance was enacted in the summer of 1787, Congress had abandoned conquest theory, pledging not to take Indians' land "without their consent." Although the ordinance included an ominous and revealing exception for land seized during "just and lawful wars," negotiation would once again be the way to make peace in Indian country—albeit on terms that invariably favored the Union and with promises that were often broken.³⁶

Despite widespread support for retaliatory measures, Congress faced similar obstacles in its efforts to force Britain to lift restrictions on American ships and goods. Because it lacked the authority under the Articles of Confederation to tax or regulate commerce, the most Congress and Secretary of Foreign Affairs John Jay could do was encourage states to take the lead. In New England and the mid-Atlantic, one unintended consequence was a growing demand for protective tariffs to shield nascent industries from foreign, usually British, competition.³⁷ In terms of pressuring Britain to change its trade laws, however, the policy failed. Although most states

complied, the result was a patchwork of laws and regulations that British merchants and shipowners proved adept at avoiding, often with help from American associates.

For “nationalists”—as supporters of a stronger Union in Congress and the press were known—the need for a unified strategy against Britain became one of the principal arguments for constitutional reform.³⁸ Among the earliest and most forceful advocates was Paine. “While we have no national system of commerce,” Paine warned readers of his final essay in *The American Crisis* (1783), the former colonies would remain subject to Britain’s “laws and proclamations.” When the states acted as one, the American Union was formidable; “separated, she [was] a medley of individual nothings.”³⁹

Congress did make some headway in persuading the states to protect the rights of British creditors and repeal anti-Tory laws. The first victory occurred in New York, where a brewery leased by the British army to Joshua Waddington and Evelyn Pierrepont burned to the ground on November 25, 1783, days before the city’s evacuation. Ordinarily, the rules of war forgave wartime injuries by occupying armies. Under New York’s anti-Tory Trespass Act, however, residents who left “by reason of the invasion of the enemy” could bring actions for punitive damages against anyone who occupied, injured, or destroyed their property in their absence.⁴⁰ Because Britain’s occupation was illegal, the law barred defenses based on military orders.

In early 1784, Elizabeth Rutgers, the brewery’s widowed owner, sued the two British merchants for £8,000. Appearing for the defense, Alexander Hamilton argued that the Trespass Act violated the law of nations, the peace treaty with Britain, and Congress’s authority under the Articles of Confederation. The war’s “justness or injustice,” Hamilton said, was irrelevant. Although the judge declined to overturn the law, he ruled that repealing the law of nations “could not have been” the legislature’s intention. Because Waddington and Pierrepont initially held the brewery from Britain’s civilian commissary, they were liable for damages between 1778 and 1780, but once the army assumed the license, their liability ceased.

The jury awarded Rutgers less than a tenth of what she had sought.⁴¹

Meanwhile, with the notable exception of Virginia, the states gradually repealed laws that interfered with the collection of British debts. In Massachusetts, the legislature suspended interest accrued during the war on prewar loans in 1784, but the law recognized that “real British subjects” and “absentees” (i.e., Loyalists) in Article VI were entitled to the principal. It also made clear that, should Congress determine that the obligation to pay included wartime interest, the states’ courts would honor its decision.⁴² In western Massachusetts, the state’s attentiveness to creditor rights, domestic as well as foreign, contributed to the regional tax revolt known as Shays’s Rebellion.

Because merchants in Boston and the eastern ports were creditors themselves, they were eager to reestablish trade with Britain. They supported forcing debtors to pay what they owed.⁴³ Among the beneficiaries was Mary Hayley (sister of English Patriot John Wilkes and widow of London oil merchant George Hayley), who spent eight years in Boston collecting nearly £100,000 that merchants and shopkeepers in New England and Pennsylvania owed her late husband. According to a list compiled by a group of London merchants, the estate’s outstanding balance had fallen to £79,599 by 1791. Hayley’s absence from subsequent creditor lists suggests that she succeeded in settling the rest.⁴⁴

Yet even in states where creditor rights appeared secure, courts were slow to enforce the peace, and the justice they dispensed was often incomplete. During Shays’s Rebellion, insurgents in Exeter, New Hampshire, surrounded the statehouse where the assembly was sitting and demanded that it repudiate the obligation in Article IV to repay British debts.⁴⁵ Speaking of the prevalence of such attitudes, the author of a Scottish summary of American law warned that plaintiffs “may be considered fortunate in obtaining judgment at the end of three years.” And that was only if they had “the good luck to get over the frowns of the Bench, and the unpopularity which is sure to be stamped upon [their] character.” The tract closed with a letter from President of the Confederation Congress Arthur St. Clair, written during the spring of 1787, calling on the states

to repeal all remaining laws in conflict with the treaty. The request was partly a question of national honor. Should the Union continue to default on its treaty obligations, however, the standoff could become the difference between war and peace. “Contracting nations cannot, like individuals, avail themselves of Courts of Justice,” St. Clair warned, “yet an appeal to Heaven and to arms, is always in their power, and often in their inclination.” Unless they were prepared for renewed hostilities, state governments had no choice but to enforce the peace.⁴⁶

A Treaty-Worthy Government

By the time St. Clair penned his letter, most states had selected delegates for the federal convention that gathered in Philadelphia on May 25, 1787. In the revealing words of David Hendrickson, the Constitution that resulted was a “peace pact” designed to preserve harmonious relations between the Union’s 13 members. But the new coalition was also a “solid coercive union,” as Hamilton had described his ideal federation in 1780, which Federalists hoped would do a better job of maintaining peace with other governments.⁴⁷ Under the Articles of Confederation, Congress envisioned the United States as a continental “league of friendship”⁴⁸—one that Americans expected someday to include Canada and the rest of British North America.

Neither Canada nor any of Britain’s other colonies appeared in the new Constitution, however, nor did the words “friend” or “friendship.” Although Congress could still admit new states, the “more perfect Union” in the charter’s preamble was no longer an alliance between sovereign states, each with its own people and populist interests.⁴⁹ It became a unitary empire bounded by the Treaty of Paris’s limits—a union with “one people,” in the words of the Declaration’s first paragraph, and with many of the coercive powers that had once belonged to the British king and Parliament. True to Hamilton’s vision, Americans were now subject to congressional taxation, they had to accept treaties and treaty-sanctioned

borders as the “Law of the Land,” and they could be compelled in federal courts to honor their foreign obligations.⁵⁰

The result was a “treaty-worthy” government finally capable of fulfilling its international obligations, including, as promised in the Declaration, to Britain.⁵¹ To be sure, neither Hamilton nor anyone else predicted that the “candid world” to which Congress addressed the Declaration was about to change, practically beyond recognition, amid the cataclysm of the French Revolution. In the controversial Anglo-American Treaty of Amity, Commerce, and Navigation, which Jay negotiated in London during the fall of 1794, the United States achieved many, though by no means all, of the Treaty of Paris’s unrealized objectives. The most important were a timeline for handing over the western posts, a joint commission to settle the remaining American debts to British creditors, and another commission to clarify the Canadian border.⁵² But because Britain was at war with France, peace with the Union’s oldest enemy proved impossible without upsetting relations with its oldest ally.

Between 1798 and 1800, the Adams administration found itself in an undeclared naval war with the French Republic, the so-called Franco-American Quasi-War. That was followed during the Jefferson and Madison administrations by renewed conflict with Britain. In 1812, differences between the two culminated in a second Anglo-American war. Lasting peace would remain a distant hope for America until it returned to Europe in 1815.⁵³

One consequence of the wars triggered by the French Revolution was a powerful animus against what Washington in his Farewell Address (1796) called “permanent alliances,” especially in Europe.⁵⁴ That did not mean, however, that Americans were able (or willing) to escape foreign entanglements in the form of maritime trade; transatlantic investment in their canals, railroads, and factories; and immigration. In 1807, acting in concert with Britain, Congress made forced migration from Africa illegal. But migrants from Ireland, southern and eastern Europe, and Asia would flock in growing numbers to the United States’ shores, turning the republic of the farmers into an industrial superpower. The United States was also unable to avoid the obligations that peace and friendship with other

governments, especially Britain, placed on its banks, corporations, and courts.⁵⁵ During the century between Waterloo and Sarajevo, Americans had no need for formal engagements comparable to the Franco-American alliance of 1778 or the British entente that followed the Jay Treaty, but that was largely because Europe was at peace.

The collapse of that global order in 1914 and again in 1940 drew the United States inexorably back into Europe's military and diplomatic vortex. Historians sometimes describe NATO's creation in 1949 as a second "American revolution." Although the phrase captures the significance of abandoning the "tradition of non-entanglement" that Washington championed in his Farewell Address, the peace and security that NATO has ensured since its creation is just as clearly a fulfillment of the Declaration's promise to draw a sharp line between how Americans treat their enemies in war and their friends in peace.⁵⁶

So, too, however, is the populist unilateralism that has been an equally powerful impulse in American international relations. During the French Revolutionary Wars, Americans' continental ambitions of 1776, which Hamilton and the Federalists thought the Constitution had laid to rest, reappeared on a grander and far more disruptive scale than even Franklin, the most expansionist of the founders, could have imagined.⁵⁷ In an 1803 agreement, the legality of which is still questioned by constitutional historians, Jefferson doubled the Union's size by purchasing the former Spanish territory of Louisiana from Napoleon Bonaparte.⁵⁸ A decade later, the War of 1812 produced several more attempts by the Madison administration on Canada. James Monroe, the third member of the Virginia dynasty, annexed Spanish Florida between 1819 and 1821 and extended the border with Spain's dominion of Mexico to the Pacific.

In Florida, the key actor was Andrew Jackson, whose unauthorized invasion acted as an accelerant on the founders' unilateralist and expansionist fantasies, helping forge a "Jacksonian tradition" that has been part of American war and diplomacy ever since.⁵⁹ The Tennessee caudillo's chief enabler during the Florida crisis was Secretary of State John Quincy Adams. The last two presidents to serve in the Revolutionary War—Adams

as a diplomat in Europe and Jackson in a unit of South Carolina partisans—shared the founding generation’s commitment to making peace by dominating and, where possible, absorbing the Union’s neighbors.⁶⁰

Peace, of course, was not the outcome of acquiring either Louisiana or Florida. Although the Florida purchase closed a loophole in the illegal slave trade, the First Seminole War set the stage for a second and equally brutal war in the 1830s against the native people who composed most of the former Spanish colony’s population. Meanwhile, in what Jefferson famously likened to the ringing of “a fire bell in the night,” Louisiana threatened the founders’ sordid compromise over how far slavery, which the Northwest Ordinance had banned above the Ohio River, should be allowed to expand.⁶¹ Resolved in 1820 by the Missouri Compromise, the question returned more virulently (and violently), as Jefferson feared, with the admission of Texas in 1845 and the conquest of Upper California and the rest of Mexico’s northern half.

Instead of bringing peace, James Polk’s “wicked war,” as Amy Greenberg has called it,⁶² led inexorably to the Civil War—and, eventually, to the Union’s “second founding” and Reconstruction. The century closed with an invitation from Rudyard Kipling, poet laureate of the British Empire, for the former British colonies to “take up the White Man’s burden” in the Pacific.⁶³ The McKinley administration accepted, producing an overseas empire that, by the time of William McKinley’s death, included Alaska, Hawaii, and a second batch of Spanish colonies, stretching from Puerto Rico to the Philippines. Without that empire, it is not possible to imagine the global war that Americans waged between 1941 and 1945, nor the regional conflicts that followed in Korea, Vietnam, Afghanistan, and Iraq.

Navigating War and Peace

If the postwar alliance system and the United States’ continental and transpacific expansion were (and are) both consistent, albeit in different ways, with the language in the Declaration, the document’s most

enduring international legacy is surely its ringing endorsement of government based on “the consent of the governed.” No one grasped the imperative to align the Union’s foreign relations with its citizens’ needs and wishes more clearly than Washington did. In a revealing 1790 letter to English historian Catharine Macaulay, written near the end of his first year in office, the president reflected on what he termed “the last great experiment, for promoting human happiness, by reasonable compact.” For the experiment to succeed, the new polity was necessarily “a government of accommodation as well as a government of Laws.” Realist that he was, Washington did not deny there would be times that required force at home and abroad, but he saw an equally compelling need for accommodation and compromise. “Much was to be done by *prudence*, much by *conciliation*, much by *firmness*,” he told his friend. (Emphasis in original.) In a union founded on the sovereignty of the people, the only way to get anything done was to govern using all three approaches.⁶⁴

Washington’s dedication to finding common ground with all Americans, whether they agreed with him or not, is worth remembering. But so, too, is Bentham’s warning about the Declaration’s hostility to all governments, including the one the founders created. When he wrote Macaulay, Washington had recently returned from a monthlong tour of New England. Venturing as far as Portsmouth, New Hampshire, he was pleased to see outbound ships laden with grain from a “remarkably good” harvest and the growth of manufacturing. People everywhere seemed “uncommonly well pleased with their situation and prospects.” Washington knew, however, that the Union’s fortunes could easily change, with the developing revolution in France being a particular worry. Although the Marquis de Lafayette’s involvement was cause for hope, Washington’s “greatest fear” was that France’s reformers would not be “sufficiently cool and moderate.”⁶⁵ By inflaming opinions on both sides of the aisle, crises in Europe and elsewhere, the president scarcely needed to say, could upset the delicate balance upon which the Union’s domestic peace depended.

As Washington articulated most fully in his Farewell Address, the connection between foreign policy and domestic politics would complicate

the rest of that president's time in office and bedevil his successors. The 1798 Alien Enemies Act, adopted amid Federalists' overwrought fears of foreign subversion during the Quasi-War with France, has recently reappeared as a threat to the rule of law and the Constitution. When it was enacted, the Adams administration's Democratic-Republican opponents denounced the law in nearly identical terms to those employed by its critics in our time. There are questions as to whether even Adams supported it. Given his druthers, wrote Stanley Elkins and Eric McKittrick, the second president's "sense of his own position as Chief Magistrate disposed him to prefer consent to coercion," which the first president had preferred too.⁶⁶

And that, in the end, is a warning against placing too much stock in what the Declaration of Independence has to say about war, peace, and America's relations with other nations. Although the founders showed themselves willing and able to make the compromises that peace with Britain required, the clearest evidence for that willingness is in the Treaty of Paris and the Constitution, not the Declaration. Of the Declaration's 1,000-plus words, the vast majority are about the justness of the war that George III and his British subjects forced Americans to embrace. Simply put, the Declaration is a call to arms. Given the gravity of the Union's military situation in 1776, that was as it should have been. But the Declaration was (and is) less useful as a roadmap for peace and friendship. Not only does it say nothing about the concessions that ending the Revolutionary War with anything other than unconditional victory was bound to entail, but the 27 charges against the British king and his subjects were hard to square with the peace that Congress proclaimed as its goal.

As the Union's early history shows, the founding generation found the tension between war and peace—between knowing when to stand up and fight and when to sit down and negotiate—difficult, though not impossible, to resolve. In our current neo-Jacksonian moment and in years to come, surely the only way to manage that tension is by showing the same wisdom and foresight.

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