
American identity and neutral rights from independence to the War of 1812

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The rights of neutrality will only be respected when they are defended by an adequate power. A nation, despicable by its weakness, forfeits even the privilege of being neutral. Under a vigorous national government, the natural strength and resources of the country, directed to a common interest, would baffle all the combinations of European jealousy to restrain our growth.

—Alexander Hamilton

In recent international relations theory debates, constructivists have argued that explanations based primarily on interests and the material distribution of power cannot fully account for important international phenomena and that analysis of the social construction of state identities ought to precede, and may even explain, the genesis of state interests.¹ This claim has proved difficult to operationalize empirically, though some persuasive results are now emerging.² This article analyzes the relationship between state identity and state interest in the development of American neutral rights policy from U.S. independence to the War of 1812.

Early U.S. interpretations of neutrality, and especially of maritime neutrality (the rights to engage in neutral shipping during wartime), deviated significantly from interpretations by the dominant European powers, especially Britain. The U.S. position on neutral rights and duties strongly influenced the evolution of a neutral rights regime.³ Such influence began in the weakness of early statehood. Some may conclude that neutrality was a means to isolation, but such a conclusion fails to take into account the history of the struggle for maritime rights; in the eighteenth century, neutrality had to be asserted and at times, defended. Early American neutrality is not

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1. Wendt 1992. Also see Kratochwil 1989; and Onuf 1989.
2. See Klotz 1995; Barnett 1995; and Sikkink 1993.
3. See Coogan 1981; Jessup and Deák 1935; Thomas 1931; and Fenwick 1913.

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explicable in terms of an isolationist strategy. A coherent explanation of early U.S. neutral rights policy requires an understanding of the eighteenth-century maritime regime and of the principles by which U.S. leaders conceived of American identity. These identity principles were not the epiphenomenal byproduct of more “basic” material and strategic interests, but interacted with those interests to shape the identity to which the United States aspired.

The question to be answered is, why did a weak and divided state, stubbornly and with relative consistency but with entirely inadequate material resources for the task, cling to a policy that was opposed and consistently challenged by far stronger powers? The reason lies in a principled conception of identity: if leaders adopt principles that simultaneously constitute a specific international role for the state, and if those principles command domestic legitimacy, then we can expect diverse interests to converge on such principles and thus generate foreign policy continuity. State identity shapes state interests, which in turn shape policy over time. State identity is not fully determined by geostrategic position, territory, or population; the interplay of material interests and political discourse generates collective identity, articulated in terms of constitutive principles and role conceptions. I use the terms “role” and “identity” interchangeably, insofar as roles can be seen as corollaries of broader or vaguer identity conceptions. In particular, I argue that early U.S. interpretations of neutrality were grounded in more general conceptions of, and discourse about the nature of, American republicanism.⁴

Political leaders use role and identity conceptions that are themselves articulated through ideas and principles, to form an idea of their state as a unit; we cannot understand state identity without learning something about the political, philosophical, and legal discourses that give it meaning.⁵ Identity principles shape policy by drawing together and shaping diverse private interests into a national interest. Further, collective identity is Janus-faced: U.S. neutrality had to be understood and recognized as such by the European powers in order to have any meaning (the outward-facing aspect of a neutral role); and leaders had to muster domestic support for a neutral role (the inward-facing aspect). A legitimating discourse—drawing on international and domestic law, philosophy, political economy, and republican thought—fused these two aspects into a coherent whole.

Identity thought of in this way is constitutive rather than instrumental and principled rather than purely material. The U.S. polity had to be conceived of as a whole before it could be used as a venue for the pursuit of various interests or aims.⁶ The process by which American identity was conceptualized—and its underlying ideas—was as critical to the constitution of state identity as the existence of the territory and the people, since the same territory and people could have continued to exist as a colony or perhaps become a very different type of state.⁷

4. On American republicanism, see Wood 1987; Pocock 1975 and 1985; and Ross 1979.

5. For a strong argument in this vein, see Wood 1979.

6. Anderson 1983.

7. See Wood 1987 and 1979.

Collective identity formation and assessment of state interests often are disputed processes. The relationship between identity and interest is dialectical in that both identities and interests may be reconstituted in the political process; and it is through the political process that roles and policies are adopted and challenged. Characterizing the relationship in a reductive or linear fashion—either claiming that interests fully determine principles of identity or, conversely, that principles of identity fully determine interests—short-circuits our ability to generate compelling explanations for foreign policy patterns.

Despite the dialectical nature of the process, constructivists treat identity as the stronger determinant by virtue of its analytical priority: we cannot speak of state interest without conceiving, at least implicitly, of a state identity.⁸ In contrast, when liberal institutionalist or neorealist scholars deploy the concept of interest as an explanatory device, they leave the question of identity unexamined. Either the state is thought to be understandable in terms of the interests and interactions of the individuals and groups within it, or the structure of the international system is so constraining as to leave only one form of identity as a viable option. Liberal thinkers have adopted the former approach, and realists have adopted the latter.⁹ Realists assume that because of the structural condition of anarchy, power seeking (or security seeking) is the only relevant international role for the state.¹⁰ Neither liberal nor realist thinkers consider identity: what really matters to either are the interests that animate the actors, whether those interests are internally (privately) or structurally determined.

This article attempts to show how even a research question that seems to have plausible interest-based explanations might better be addressed by treating principled identity as the primary explanatory variable. My account of principled identity does not exclude material interests or power aspirations. Rather than directly competing with interest-based explanations, I offer a more comprehensive and synthetic explanation of early U.S. neutrality policy than other explanations can offer alone. Further, I argue that neorealist and liberal institutionalist theories would predict different paths for U.S. policy than the path that actually was taken. Indeed these counterfactuals cast doubt on the explanatory powers of both realism and liberal institutionalism with regard to the case under study: early U.S. maritime neutrality.

U.S. neutrality: overview and hypotheses

In its early statehood, the United States consistently pushed neutrality law in a more liberal direction, seeking to extend neutral rights and obligations and correspond-

8. See Wendt 1992 and 1994.

9. Not all liberals can be characterized in this way, but on liberalism in international relations theory, see Moravcsik 1992. Also see Keohane 1990; and Doyle 1986.

10. Waltz 1979.

ingly to limit the scope of belligerent rights, especially at sea. These efforts took place in a maritime context that rendered the assertion of rights for nonbelligerents with small navies exceedingly tenuous. Though the maritime legal regime had evolved stable rules for protecting some neutral commerce, belligerents tended to assert broad rights—that is, warring states routinely searched neutral ships bound for enemy territory (including colonies) to ensure that such ships were not carrying contraband of war; the definitions of contraband could be quite elastic. Strong legal precedents legitimated such actions, and big naval powers such as Britain attended assiduously to the legal as well as the material side of this issue.¹¹ To challenge such practices and safely continue its trade with warring states, or to take over a lucrative colonial carrying trade when the mother country was at war and could not continue such trade, a neutral state needed either strong bilateral treaties with the relevant belligerents or a strong navy—or, better yet, both.¹²

Even when the United States had neither, it consistently pushed for “liberal neutrality,” by which it meant broader (more liberal) rights for neutrals and narrower rights for belligerents. In fact, at a time when the polity was deeply divided on many crucial issues and when different administrations—Federalist and Republican—steered different courses on key issues, support for American neutral rights appears as one of the few consistent foreign policy threads. This commitment to liberal neutrality was sustained against the opposition of great powers supporting narrower interpretations of neutral rights and even during the course of all-encompassing European wars that made any sort of neutrality extremely difficult to sustain.

Neorealist and realist explanations

How would a neorealist explain the early U.S. commitment to neutrality? Though Kenneth Waltz’s work purports to explain overall systemic patterns of interaction rather than foreign policy, we can derive two hypotheses regarding foreign policy from his *Theory of International Politics*: first, states in an anarchy will balance against potential threats;¹³ and, second, if a state is weak, it may seek isolation. This latter hypothesis follows from Waltz’s views on socialization. George Washington’s desire for nonentanglement could be an expression of Waltz’s maxim that under-socialized leaders who fail to conform may “hope to survive, only if they rule countries little affected by the competition of states.”¹⁴

The strongest argument in support of the first hypothesis is that the United States advocated liberal neutral rights principles in an effort to balance against Britain. Such a balancing effort would have to be conceived of in commercial rather than military terms. The United States never built a navy even remotely capable of balancing

11. See Piggot and Omond 1919; and Jessup and Deák 1935.

12. Jessup and Deák 1935. For further discussion and sources, see the discussion of maritime rights below.

13. Waltz 1979, 121.

14. *Ibid.*, 128.

against Britain (or against France, for that matter) in the period studied. Further, in terms of traditional balancing, U.S. policy appears erratic: in 1794, it aligned itself with Britain, failing to balance against the dominant naval power; and in the War of 1812, it utterly failed to align with Britain to balance against French hegemony.¹⁵ Still, if states balance commercially as well as militarily, perhaps support of liberal neutral rights was a mode of balancing against Britain—an effort at breaking the ongoing commercial grip that seemed to dampen the achievement of formal independence.

Though it captures an important thread in U.S. policy, the commercial balancing thesis does not explain American commitment to liberal neutral rights. U.S. elites advocating commercial retaliation against the British navigation laws and other strictures against neutral commerce envisioned the United States as an enemy of British mercantilism, not necessarily of Britain itself. Commercial retaliation was a means to an end. Their supposed contribution to the liberalization of world trade legitimated restrictive U.S. policies.¹⁶ Though it had its advocates, a form of mercantilism specifically targeting Britain could not muster sustained domestic support—especially during Alexander Hamilton’s term at the Department of Treasury but even during Thomas Jefferson’s presidency. Instead, supporters of neutral rights linked them to the broader principles of liberalism. Mercantilist policies deployed in the defense of such rights generally attempted to target all violators, not just Britain.¹⁷ If liberal neutrality was the end and commercial balancing the means to that end, then commercial balancing does not explain the commitment to neutrality. Rather, the commitment to neutrality in a mercantilist world legitimates and explains the need for commercial balancing. The first neorealist hypothesis thus inverts the means–ends calculations of American policymakers.

The second hypothesis is even less convincing, since the U.S. commitment to neutrality was not a means to isolation. If the United States really had wanted to stay out of European affairs, it should have pursued a policy of agrarian, isolationist self-sufficiency, avoiding not only war but also trade with Europe. This was certainly an option, given the geographic location and natural resources of the United States, but it was not the choice made by American leaders. Even a modified isolationism with very limited foreign trade might have sufficed to avoid European entanglements, but leaders did not take this path either. Instead, the United States chose to engage aggressively in foreign trade. With trade came political involvement, for this was a mercantilist world. Pursuing neutrality meant staying out of European wars, but it also meant engagement and confrontation with the Europeans in other arenas. Insofar as the United States was seeking to further the rights of neutrals to engage in the carrying trade while other parties were at war, and insofar as the United States was struggling against restrictive British navigation laws (and eventually also against

15. See Combs 1970; and Tucker and Hendrickson 1990.

16. See McCoy 1980; and Nelson 1987.

17. Setser 1937, chaps. 3–5.

Napoleon's Continental System), it fell into armed conflict with some of the most powerful states in Europe. Supporting neutral rights thus drew the United States further into, rather than isolating it from, European politics.

Liberal institutionalist explanations

A liberal institutionalism attentive to the role of ideas in foreign policymaking may also generate compelling explanations for early American advocacy of liberal neutrality.¹⁸ Of the many versions of liberalism, the more rationalist forms of liberal institutionalism, which hold interests constant, yield two liberal neutrality hypotheses: first, if an international regime supports commercial interests, then policymakers will participate in that regime (in the absence, presumably, of overriding security considerations). Here domestic commercial interests are seen as the dominant causal factor propelling adherence to the norms of liberal neutrality. Second, if certain ideas are deeply institutionalized, then they may affect state policies by influencing strategic calculations and elite views of how interests might be met.¹⁹ Along these lines we could say that maritime law embodied institutionalized ideas shaping U.S. strategic calculations and subsequent neutrality policy.

A liberal interpretation of neutral rights law (asserting broad rights for neutrals and narrow rights for belligerents—if widely accepted—would favor the commercial expansion of the United States. I do not challenge the claim that a more liberal neutral rights regime would be commercially beneficial. Does this mean, however, that commercial preferences explain American neutral rights policy? This view leaves several problems unaddressed. First, commercial preferences did not translate unproblematically into state preferences. The Founders were ambivalent and conflicted about the role of commerce in the American polity.²⁰ The groups with direct interests in extending neutral shipping had strong but not unlimited influence on the government.²¹ Thus, their interests alone cannot explain U.S. policy, particularly since powerful republican agrarians such as Albert Gallatin and his cohorts frequently argued against the extension of the U.S. maritime carrying trade (the trade that stood to gain the most if neutral rights were upheld), fearing, in classical republican style, the corrupting effects of excessive trade in what they assumed were “luxury” goods.²²

Further, the constitution of a neutral role for the United States posed difficult and costly problems in the war-prone context of late eighteenth- and early nineteenth-century Europe, and those problems needed to be addressed by a broader constituency than could be mustered by commercial shippers alone. To render the commercial interests hypothesis more complete, we must explain how the national

18. See Goldstein and Keohane 1993; and Goldstein 1993.

19. See Goldstein and Keohane 1993, 21–24; and Goldstein, chap. 1. Also see Hall 1993.

20. See Pocock 1975, chap. 15; and McCoy 1980.

21. Nelson 1987, 93ff.

22. Ibid. Also see McCoy 1980; and Fitzsimons 1995.

interest was constituted in a decentralized polity. By focusing on principled identity, I move toward this end.

Merchants with interests in overseas trade naturally pressured the U.S. government to protect and expand such trade, but the U.S. ability to further merchant interests required it to develop an authoritative negotiating stance in relation to European trading partners. How could a weak state assert its alleged right to increased foreign trade in the court of a more powerful mercantilist state? Commercial interests may explain the need for an authoritative bargaining stance but cannot explain the political mechanisms by which this stance was developed.²³ Further, if the commercial advantages of openness and liberal neutral rights were so obvious, and if commercial interests determined political outcomes, we should expect more states to have been liberal.²⁴ Clearly, states were at this time conceiving of their interests in ways that did not place either economic openness or belligerent restraint regarding neutral carrying trade at the top of the list of priorities. Even where it was a priority, as in Dutch diplomacy or in the sporadic Anglo-French commercial negotiations prior to the French Revolution, the ensuing wars put such considerations on hold.²⁵ Although philosophers, such as Baron de Montesquieu, David Hume, and Adam Smith, and a few enlightened statesmen may have advocated the benefits of openness, such ideas were hardly the favored idiom of European policymakers, especially where trade during wartime was concerned.²⁶

Contrary to the hopes of early U.S. leaders, the prospect of gaining access to American trade did not bring Europeans to the view that U.S. commerce should be allowed to flow freely and even expand uninhibited by European wars. Neither was the United States prepared consistently to assert its neutral shipping rights by force. Hence, what were the other options?

The second liberal hypothesis regarding institutional shaping of strategies may be relevant here: the United States could have used the international maritime rights regime to pursue and legitimate its commercial aspirations in Europe; international law was a possible resource for establishing an authoritative bargaining position. Though perhaps true, the theory does not explain why policymakers chose liberal neutral rights norms when both significant security considerations and international institutional factors mitigated against such a choice. Since I have discussed the security problem above in terms of realist theory, I focus here on the latter point. The law was not an unproblematic resource and was not widely interpreted according to U.S. wishes. Maritime law in the eighteenth century was in flux. At best, the institutional structure was unstable; at worst, the British view of broad belligerent rights and narrow neutral rights prevailed. Thus the maritime regime provided a very weak and ambiguous institutional framework on which to base American strategy.

23. Setser 1937.

24. I am indebted to Alex Wendt for this point.

25. Black 1994, chap. 3.

26. Hirschman 1977.

Far more salient international institutional factors putting pressure on U.S. interests were the European regime of colonial trade and the widespread doctrine and institutionalized practice of European mercantilism. The pursuit of commercial interests in a mercantilist world was largely a political and strategic problem, despite the liberal internationalist aspirations of the Founders.²⁷ A liberal interpretation of maritime rights, unsupported by adequate naval power, could not alone give the United States leverage to improve its economic bargaining position. From this second liberal hypothesis, one would be tempted to conclude that the United States acted irrationally by allowing its strategy to be shaped by a weak, liberal neutral rights regime while failing to back up that commitment with adequate naval force. Further, a liberal institutionalist would be hard-pressed to explain why pure mercantilism—fortified by an American Navigation Act and a strong navy—failed to carry the day, as opposed to the modified mercantilism with strong liberal overtones and justifications that eventually did win out.

The correct observation that a liberal ideology, and the interpretations of maritime law such ideology would promote, furthered commercial interests is not an explanation of why such an ideology was sustained. Considered as an explanation, it accords with a rationalist form of liberalism that would see the relevant actors as utility maximizers whose interests remain constant regardless of institutional contexts. International institutions would be incorporated into the actors' conceptions of the "price" of a given policy; in a mercantilist world the price of engaging in commerce includes such considerations as establishing reciprocity through treaties and ensuring the security of ships during wartime.²⁸ Promoting liberal neutral rights laws would be a way of decreasing the costs of commerce; international institutions would either be altering the price of the "commodity"—trade—or else the "income" of the trading state by giving it more institutional resources to deploy in its commercial pursuits. But as already discussed, the United States faced high costs in trying to expand its trade in a mercantilist world—costs that could have been more efficiently offset by the income of a strong navy than by assertions of contested legal rights.

Robert Keohane has argued that some forms of liberalism acknowledge that international institutions reshape state interests and not just strategies.²⁹ Keohane's argument is based on the contemporary world, where international institutions serve to coordinate open economies. Can we apply it to a mercantilist world? Insofar as mercantilism comprised the dominant set of international rules governing foreign trade in the late eighteenth and early nineteenth centuries, a liberal institutionalist explanation for American policy in this period would have to focus on the impact of mercantilist institutions in shaping state interests. This would lead to explanations very much like the above-mentioned commercial balancing explanation generated from neorealism.

27. See Gilbert 1961, chap. 3; and Fitzsimons 1995.

28. For the economic argument, see Stigler and Becker 1977.

29. Keohane 1990, 181–83.

Why, then, did the United States remain both relatively liberal and relatively unarmed in its approach to maritime neutral rights? Why, in rationalist terms, did U.S. leaders fail to respond fully to the price of trade in that era, choosing instead to follow liberal internationalist aspirations within the incentive structure of a mercantilist world?

Constructivist explanation

The logic of my argument rests on a principled, rather than materialist, conception of identity, grounded in the idea of constitutive or enabling rules.³⁰ This conception has three dimensions. First, identity is constituted in terms of principles that define a state's role in the international system. Second, such principles must bridge domestic rifts, allowing for the convergence of diverse material and ideal interests into a national interest. The basic hypothesis that follows from these two points is: if leaders are able to articulate a collective (state) role in terms of principles that meet these criteria, then policy continuity will result. A principled account of state identity thus explains how a coherent state interest is shaped from diverse domestic interests, which then accounts for policy continuity.

Third, identity is not static. Collective identity formation is a political process fueled by a legitimating discourse in which role and identity principles can be contested. The process includes assessing whether specific roles further material or power interests. Specific identity-conceptions may be challenged or reconceptualized. The United States, for example, abandoned its neutrality in World War I.³¹ This is the reason I argue that the relationship between interests, on the one hand, and ideas about role and identity, on the other, is dialectical; collective identities might change (though indeed this is quite difficult) if politically empowered people perceive them to be ineffectual in furthering their interests.³² Nevertheless, collective identity conceptions cannot be reduced to or explained by interests alone. Conflicting policy imperatives can emerge from a realism that prioritizes an interest in power versus a liberalism that prioritizes commercial interests. Without denying that both interests were present and important, I aim to show that neither is by itself determinative.

In the case of early U.S. neutrality, both commercial interests and power considerations often counseled against the sort of policy the United States adopted, that is, liberal neutral rights claims unaccompanied by sufficient naval power. Despite these considerations and with certain exceptions (see below) the United States generally stuck by this policy. Over time, a domestic constituency came to identify adherence to liberal neutrality—or “free ships, free goods”—with the national interest, despite the policy's risks and structural disincentives. This evidence suggests that rather than reducing identity to interest or vice versa, we might better theorize about the interplay between the two.

30. See Kratochwil 1989, 26 and chap. 5; Hart 1961, 28; Onuf 1989, 51–52 and 86; and Wendt 1992.

31. Bukovansky 1996.

32. For an argument that ideology shapes policy, but is nevertheless instrumental, see Snyder 1991.

In another constructivist work, Audie Klotz has focused on how norms reconstitute state interests independent of material considerations.³³ Despite the apparent pitting of norms against material factors, both her empirical account of the domestic politics of that reconstitution and the work I present here indicate that norms (or in my case, identity principles) interact with both material and “ideal” interests in complex ways (The Weberian idea of “elective affinity” may also capture this interaction).³⁴ I argue that constitutive identity principles were causally significant not because they “trumped” interests but because they channeled and shaped divergent interests into a collective or national interest.

Not all principles pertain to identity, obviously, and not all constitutive rules define identity: some simply define a practice (though one could argue that in defining a practice one also defines the agents who engage in it).³⁵ Nevertheless, across categories, we should examine the interaction among rules, norms, and principles, on the one hand, and interests, on the other, rather than attempt to assess their relative independent causal weights. Some scholars advocate the latter course in an attempt to force constructivists to “prove” the importance of norms independently of all other—especially material—considerations, but in so doing they misconstrue constructivist arguments. In fact constructivists are trying to argue that we cannot understand material resources apart from the ideas that identify them as such.³⁶

The assertion that identity conceptions may be useful for explaining policy choices in some empirical cases is far more limited and specific than the general constructivist position that interests and power cannot even be understood apart from the shared understandings constituting any social system.³⁷ This article limits itself to defending the former position, despite the compelling nature of the latter.

In applying constructivist logic to the case under study, I argue that we can understand liberal neutrality as a role grounded in a broader set of principles that shaped U.S. identity in the arena of European politics. The characteristics that lead me to define the principles as constitutive are the evocation of a vision of the country’s nature and role in the world and the generation of a set of expectations about how this role was to be enacted. The ideological contours of American identity were generated out of European and particularly English legal and philosophical discourses. Scholars such as J.G.A. Pocock, Gordon Wood, and Bernard Bailyn have shown that Americans were “moved by the dialectical conflict between virtue and commerce,” where virtue represented (roughly) the classical Machiavellian form of republicanism and commerce, the dynamism of modernity.³⁸ This dynamism threatened to corrupt classical republican virtues, but thinkers such as Smith recently

33. Klotz 1995.

34. Weber 1946, 62–63. Also see Spruyt 1994.

35. On constitutive rules, see Kratochwil 1989, 40; compare with Onuf 1989, 86.

36. See Wendt forthcoming; Onuf 1989; and Kratochwil 1989.

37. For a similar argument by an intellectual historian, see Wood 1979.

38. For a review of this literature, see Ross 1979.

had suggested that commerce could perhaps impart a new form of virtue that was both progressive and productive of the public good.³⁹ Still, in light of the discursive foundations of American statecraft, the attitude toward commerce was initially ambiguous, and much of early American statecraft was about attempting to resolve the dialectic between virtue and commerce both conceptually and practically.

Although constitution of identity drew on a European-wide rather than purely endogenous stock of ideas, Americans attempted to distinguish U.S. state practice from European state practice. David Fitzsimons notes that “the past generation of scholarship on the Revolution and the early Republic demonstrates that Americans perceived fundamental differences between their republican, liberal, and religious ideas and the traditional ideas of European statesmen.”⁴⁰ One of the means by which this difference could be achieved, it was thought, was “nonentanglement.” Nonentanglement did not mean simple isolation, since commercial connections were acceptable and for some, desirable. An oft-quoted line from Washington’s Farewell Address declares that, “The Great rule of conduct for us, in regard to foreign Nations is in extending our commercial relations to have with them as little *political* connection as possible.”⁴¹

In terms of policy feasibility, however, the quoted passage also embodies a contradiction. It was impossible, at the time, to extend commercial relations without engaging in “political connection”; again, this was a mercantilist world. Seen in the light of political discourse, maritime rights issues become more than a trivial corollary to broader philosophical debates on the nature of republicanism. In practical terms, maritime policy became the very medium through which the United States pursued its aspiration to be both commercial and “disentangled.” Such an aspiration made sense in the logic of enlightenment discourse; Montesquieu, for example, states that “peace is the natural effect of trade.”⁴² Freer commerce might thus eventually eliminate the need for political alliances. Structural incentives in the international system, however, mitigated against the rapid achievement of the liberal internationalist vision. The fact that the United States clung to liberal neutrality with relative consistency, despite the practical difficulties raised by such policy, suggests that the weight of constitutive identity principles was decisive in determining the policy.

Also important to examine is how constitutive principles mesh with domestic politics.⁴³ The principles of liberal neutrality helped bridge the domestic divide between Jeffersonian agrarians committed to westward expansion and varying degrees of isolation, and Hamiltonians who focused on Atlantic trade and commercial growth, committed to emulating Britain’s economic success. This division was

39. For a sensitive historical treatment of these issues, see McCoy 1980.

40. Fitzsimons 1995, 575. Also see Gilbert 1961; Wood 1969; and Bailyn 1967.

41. The address can be found in the appendix to Gilbert 1961; the quotation is drawn from page 145; emphasis original.

42. Montesquieu [1748] 1949, 316.

43. On ideas and domestic politics, see Risse-Kappen 1994; Klotz 1995; and Snyder 1991.

rooted in two very different views of what a republican political economy should look like.⁴⁴ Not all U.S. republicans saw aggressive commerce as the proper course, and further, commercial interests themselves were diverse and sometimes at odds with one another. The constitutive dimensions of liberal neutrality facilitated the resolution of the Jeffersonian versus Hamiltonian cleavage. This does not mean that the cleavage disappeared, but rather that the country was able to adopt and pursue a reasonably coherent foreign policy with relative consistency over time, despite domestic divisions.

The status of neutral rights in the eighteenth century

The primary focus of the policy of liberal neutrality was on furthering the rights of neutral states to carry on seaborne commerce with each other and with belligerents during wartime. By the eighteenth century, no state could sustain claims to sovereignty over important overseas trade routes; consequently, states had to develop some common understandings about the rules of the game on the high seas. Precisely because of the unsustainability of sovereignty claims, any such understandings also were subject to contention. While neutrality issues included questions such as a prince's right to raise troops on the territory of a neutral and the status of overland trade with belligerents, maritime issues were central.⁴⁵ In the eighteenth century, the solidifying norms of territorial sovereignty were applied more easily to land than to the high seas.⁴⁶ Much of the modern European neutral rights drama was, therefore, played out on the oceans.

In an age of seaborne trade and warring states, an attack on the enemy's trade served to weaken its war effort. As Philip Jessup and Francis Deák point out, war could be used "to destroy the trade of a commercial rival and to build up one's own commerce on the ruins of another's." However, the commercial weapon could backfire if it drew neutrals into war: "Cautious statesmanship dictated concessions to those nations whose abstention from the conflict might be the decisive factor in victory."⁴⁷ European laws of neutrality evolved, first, from the various conflicts and reciprocal concessions, codified in treaties, between belligerents and neutrals over the course of centuries of warfare and, second, from the broader justifications provided by authoritative writers on the law of nations.

The emergence of mercantilist doctrines and practices helped shape legal developments: trade was a recognized ingredient of state power; colonial markets were exclusively for the "mother" country; harassing the commerce of rivals was a way of sapping their power; and gaining access to markets previously closed was a supremely political objective that could even be pursued by military means. In addition to the objective dangers posed by the medium, then, the merchants that plied

44. See McCoy, 1980; and Nelson, 1987.

45. On the question of raising troops on neutral territory, see Jessup and Deák 1935, 27.

46. See the treatment in Thomson 1994.

47. Jessup and Deák 1935, xi.

the seas were subject to predation by navies or privateers commissioned by foreign rulers. Maritime law sought to control and regulate—rather than eliminate—these predations.

The earliest systematic statement of neutral maritime rights is the *Consolato del mare*, first published in full in 1494 as a statement of Mediterranean sea law.⁴⁸ As Jessup notes, the development of such law is bound up with the expansion of commerce and the growing demands on rulers to protect such commerce.⁴⁹ The ubiquity of privateers and armed merchantmen, the latter often supported by highly autonomous commercial companies (such as the English and Dutch East India companies) who commanded their own forces to protect their lucrative trade, slowly gave way to consolidated sovereign navies.⁵⁰

The gradual extension of state control over naval forces tended to facilitate more orderly procedures and greater attention to the rules of international maritime law.⁵¹ Britain did not want its admirals behaving like pirates if such behavior would lead to unnecessary and costly wars. The advent and consolidation of power politics as a game played among sovereign states with monopolies on armed force thus began to tame behavior on the high seas (relative to what had come before, at any rate) and thus contributed to the more orderly and rule-constrained structure of conflict.

From the seventeenth century onward, states generally understood that neutral states had the right to trade with one another and even with belligerents during wartime, providing the goods being traded with belligerents were noncontraband. At the same time, states understood that warring countries had the right to prey on one another's trade.⁵² Further, when a colonial power went to war, its own colonial trade became subject to predation by its enemies. Neutrals might want to cut in on such trade and carry goods between the mother country and its colonies under neutral flags (a key issue for the United States in the West Indies), but to do so risked challenging the long-standing British position that trade forbidden to foreigners in times of peace (i.e., colonial trade) could not be opened to them in times of war.⁵³

Belligerents seeking to protect their trade from the predations of their enemies learned to exploit neutral rights by transferring their trade goods to neutral countries' ships while they were at war. Navies and commissioned privateers then became preoccupied with determining which trade was truly neutral as states attempted to choke off enemy trade or at least prevent the shipment of war materials (contraband) to the enemy via neutral ships. British Admiralty courts, for example, were packed with cases sorting out legitimate from illegitimate captures of neutral and enemy vessels by the British navy or privateers; they decided these cases on the basis of British interpretations of European maritime law. The general principles codified in the *Consolato*; the writings of authorities such as Gentilis, Grotius, Vattel, and

48. *Ibid.*, 11.

49. *Ibid.*, 11–12.

50. For an analysis of this process, see Thomson 1994.

51. Jessup and Deák 1935, 16.

52. *Ibid.*, 124. Also see Fenwick 1913, 4–14.

53. Briggs 1926.

Pufendorf; and appeals to common understandings of “the law of nature and of nations” formed the basis of such law. These principled outlines were supplemented by treaties, which came to form the more positivist (in the legal sense of the term) basis for decisions regarding maritime rights.

On the points of contention, positional lines were drawn between belligerents, who tended to favor narrow interpretations of neutral rights, and nonbelligerents, who tended to favor liberal interpretations. Obviously, states might shift position depending on their status in a given war. Large naval powers tended to favor narrower interpretations of neutral rights, while small naval powers favored liberal interpretations. But throughout the seventeenth, eighteenth, and early nineteenth centuries, the only way of ensuring that one state could count on another’s liberal interpretation of neutral rights (i.e., free ships, free goods, with narrow definition of contraband) was by treaty.

The fact that a state’s position regarding the law might shift with its interest does not imply that maritime law was irrelevant. Rather, the law was a structural resource upon which states could draw in various ways, depending not only on their interests but also, as will be shown, on their conceptions of identity and legitimacy. The law also helped shape state interests, since at the very least it helped constitute strategic calculations as to what to expect from other states—enemy and neutral. Knowing what position the British navy was going to take toward French colonial trade during a conflict, and knowing that perhaps Russia would support liberal principles to contest this, could be a significant factor in the strategic calculations of other powers. The law was a contested subject, and states had real stakes in furthering their particular interpretations of it.

American identity and neutral rights

Neutral rights and American independence

From its inception, the United States took its cue from the Dutch (early supporters of liberal neutrality) and staked its identity upon the contested liberal interpretation of neutral rights. Many thought seaborne trade would be crucial to the health of the American economy, despite Jefferson’s wish for “an ocean of fire” to separate America from the world.⁵⁴ Even some isolationist agrarians favored selling agricultural surplus abroad.⁵⁵ The strategic and legal issues governing who and what could traverse Atlantic and Caribbean waters in relative safety were thus critically important. The Atlantic was not a simple buffer separating America from Europe; it could be a source of vulnerability as well as security. The crux of this vulnerability was the desire to trade with a mercantilist world. In this world, the French navy was a force to be reckoned with, and Britain dominated the seas.

As Drew McCoy has pointed out, the U.S. experiment in republicanism entailed formulating a conception of political economy distinct from British mercantilism.⁵⁶

54. Jefferson is quoted in Hutson 1977, 48.

55. McCoy 1980, chap. 3.

56. *Ibid.*, 49.

Gilbert has masterfully outlined the Founders' adherence to a cosmopolitan, liberal internationalist vision, though writers noting the mercantilist strands in early U.S. foreign economic policy have challenged his view.⁵⁷ Even so, the United States undeniably aspired and attempted to establish relations with European nations on a commercial rather than a traditional alliance basis, and sought to divorce commerce from the mercantilist political ties that bound it. The struggle to do so was highly constrained by the mercantilism of the great powers.

Recognition of and adherence to liberal interpretations of neutral rights was essential if the American vision of nonentanglement and treaties based on commercial reciprocity (rather than alliance obligation) were to be made realities. How could U.S. relations with Europe be based on peaceful commerce if merchant ships could be legitimately preyed upon by belligerent powers in Europe's all-too-frequent wars? To address this problem, the United States sometimes pursued the goal of liberal neutrality indirectly by mercantilist means. Protection and extension of "free trade" required political leverage.⁵⁸ American leaders worked to secure bilateral trade treaties with individual European powers, and in those treaties they consistently pushed for liberal interpretations of neutral shipping rights. These attempts were part of an effort to generate and sustain legal precedents that would constitute a favorable environment for the development of a republican political economy. The United States was willing to use mercantilist means to gain the requisite political leverage.

The story begins prior to independence, when embargo was one of the main weapons deployed by Britain to check the colonial rebellion, while evasion of British prohibitions on trade with American ports became a way for neutral merchants to grasp at the enormous profits that can come from high-risk ventures. British naval pressure was countered by the French navy.⁵⁹ Support of neutral trade with the rebelling colonies presented states who felt Britain had gained far too much in the Peace of Paris (1763) with an opportunity to support the French cause without becoming overtly involved in the American war. This was a crucial function of the League of Armed Neutrality of 1780, in which Russia aligned with the northern neutrals (the United Provinces, Denmark, and Sweden) in trying to evade privateers and British prohibitions through the use of armed convoys. Russia sought to gain stature in European politics by mediating the Anglo-French conflict.⁶⁰ France, as a great power with a strong navy, had traditionally supported belligerent over neutral rights. However, French leaders perceived the advantage that a more liberal position could bring in the War of American Independence, and in the 1778 treaties with the United States expressed the free ships, free goods principle.⁶¹

The support of neutral rights at this juncture coincided with strategic imperatives dictated by the distribution of capability; Britain's domination of the seas had to be counteracted if U.S. independence was to be secured. One way to interpret this is to say that supporters of the League of Armed Neutrality and of the free ships, free

57. See Hutson 1977; and Stinchcombe 1977. For a defense of Gilbert, see Fitzsimons 1995.

58. See Peterson 1965; and Setser 1937, chaps. 2–5.

59. Dull 1976.

60. De Madariaga 1962.

61. *Ibid.*, 1962, 58.

goods principle were sustaining innovations in international law in pursuit of their interest in balancing Britain. But ambiguities in and disputes about the law also constituted a strategic opportunity in themselves. From this perspective, international legal regimes partly constituted strategic interests rather than simply being reflections of them. Disputes about the law gave the armed neutrals an opportunity to engage in balancing behavior.

Once the interests of the major powers changed, the new threads in maritime law represented by the armed neutralities did not simply disappear.⁶² Although both France and Russia abandoned liberal neutrality principles during the French Revolution and the Napoleonic Wars, the notion of liberal neutrality lived on. This was partly due to the fact that policies grounded in legal principle contribute to the accretion of legal precedent but not wholly so. The question of how a weak United States could continue to support liberal neutrality with any success in the face of great power abandonment remains. The answer lies in the U.S. conceptions of identity and legitimacy, which I submit were deeply bound up with the constitutive principles of neutrality.

The Continental Congress's plan of 1776, designed to serve as a model for all future treaties, set forth as a primary objective the observance and codification of liberal neutral rights principles, including free ships, free goods; a narrow definition of contraband; and an assertion of the rights of neutrals to carry on trade with unblockaded ports even if that trade had been closed to them prior to the onset of a war.⁶³ Support for liberal neutral rights principles was an integral aspect of the Founders' vision of America as a free and expansionary republic, unencumbered by military alliances and aloof from the machinations of European power politics. The Model Treaty formed the framework for subsequent bilateral treaties with France (1778), the Netherlands (1782), Sweden (1783), and Prussia (1785). Samuel Bemis has characterized the 1785 treaty as "the most 'advanced' treaty of the century—indeed, of any century so far as the enlargement of neutral rights was concerned."⁶⁴ But this "advanced" commitment to liberal neutrality was severely tested during the French Revolution and the Napoleonic Wars.

U.S. neutrality during the European wars

Britain's entry into the wars of the French Revolution constituted the first of a series of extreme tests of the U.S. commitment to neutrality, because it widened the war to encompass the oceans, with direct consequences for U.S. commerce and shipping.⁶⁵ British entry also tested the Franco-American treaties of 1778 and served as an indicator of division between U.S. elites—who roughly divided themselves into Jeffersonian and Hamiltonian camps—as to the appropriate contours of U.S. foreign policy. Public opinion rallied to the French cause; France had helped the

62. See Scott 1918; and Piggott 1919.

63. See Leopold 1962, 30–31; and Stinchcombe 1977.

64. Bemis 1949, 43.

65. See Bemis 1962, chap. 7; and Combs 1970, part 3.

United States gain independence and was now transforming itself into a “sister republic.” For some, a neutral position represented an abrogation of republican principles.⁶⁶

Despite public opinion, both Hamilton and Jefferson anticipated severe problems should France invoke its alliance with the United States in full, particularly with regard to the American guarantee to protect the French West Indies against attack. Given its nonexistent navy and barely existent army, the United States was hardly prepared to fulfill its treaty obligations. Nor, for the same reasons, was it prepared to suffer the consequences if either of the belligerents found it to be too favorable to the enemy side, for this too could draw the United States into the war.

At this point, the newly independent state was in a weak position, in danger of having the dominant forces in international politics foist a role and identity on it. Would the United States become a French ally, which in this period could easily mean becoming a French dependency, or, in contrast, would Hamilton’s fiscal plans and their attendant foreign policies facilitate further dependence on Britain?⁶⁷ The United States was attempting to carve out a role for itself in world politics based on its own definitions and interpretations of what constituted legitimate international political behavior; this was a difficult task for a weak state experiencing deep divisions on how to interpret the national interest. Such domestic divisions were to some degree alleviated by the development of a principled neutral identity, resulting in a foreign policy legitimated in terms acceptable to both Jeffersonians and Hamiltonians.

Both Hamilton and Jefferson supported neutrality, but each supported it for different reasons and with different strategies; each strategy implicitly favored a different side in the war.⁶⁸ To Hamilton, neutrality would ideally mean abrogation of the French alliance; to justify his position he tried to argue that the revolutionary French government was not the same party that had negotiated the treaty. When Washington would not agree to abrogation, Hamilton advocated refusing aid to France, and by doing so implicitly favored Britain. To Jefferson, neutrality also meant avoiding entry into the war and even avoiding fulfillment of the obligation to the French West Indies (which the French ambassador Genêt had promised not to invoke in any case). Even further, Jefferson sought to extract concessions for U.S. neutrality from both belligerents, though he clearly believed that the concessions ought to and would come from Britain, which he thought to be in a position of exploitable dependency on U.S. trade.⁶⁹ Jefferson’s “Report on Manufactures” had outlined in great detail the British discriminations against U.S. trade, and he initially—in hindsight naively—believed that such discrimination could be reversed by retaliation in kind.⁷⁰

Differing estimates of American power relative to Britain and France and different conceptions of the source of American power (as well as different conceptions of

66. Banning 1978, 212.

67. See Ferguson 1961, chaps. 13–15; McCoy 1980, chaps. 6–7; and Nelson 1987, chaps. 3–5.

68. See Gilbert 1961; Stourzh 1970; Combs 1970; Lang, 1985; and Banning 1978.

69. Combs 1970, 110.

70. See *ibid.*; and Peterson 1965.

executive authority), underpinned the alternative views on neutrality.⁷¹ Jefferson's confidence in the weapon of commerce contrasted with Hamilton's perception of U.S. weakness. Faith in using U.S. trade as a weapon to manipulate European powers rested on inflated assumptions about the importance of such trade to the Europeans, and especially to the British. Hamilton favored naval buildup as a response to British predations on American shipping but wanted to retain the lucrative trade with Britain, while Jefferson preferred commercial weapons such as embargo. Even so, Jefferson could justify embargo only by arguing that it would ultimately free up neutral shipping and trade in general—that is, that mercantilist measures were a means to an end, and that end was a more liberal trading order between the United States and Europe. He was not seeking simply to punish Britain but to redirect U.S. commerce to France and other European nations.⁷²

A strong and liberal position on neutrality was in line with a traditional view of the distribution of power as advocated by Hamilton, and also with Jeffersonian optimism about American commercial strength vis-à-vis Britain. Adherence to liberal neutrality principles gained legitimacy among U.S. elites, drawing support from both sides of a fundamental division in American politics.

Washington's Neutrality Proclamation sought to limit U.S. commitments to France without violating the letter of the treaty. Washington wrote that his principles were "to adhere strictly to treaties, according to the plain construction and obvious meaning of them, and, regarding these, to act impartially towards all Nations at war."⁷³ However, Genêt's unorthodox attempts to rally Americans to the French cause (which backfired, weakening Jeffersonian support of France), Britain's use of sea power to stifle French trade, and France's eventual retaliation by predation all combined to bring severe pressure to bear on Washington's impartial course. In hindsight, it seems a foregone conclusion that attempting to sustain a neutral policy would draw the United States to the brink of war—the only question was, with which great power? As it turned out, the war scare emerged first with regard to Britain, but it was soon followed by an undeclared war with France.

Both conflicts were rooted in the treatment of U.S. shipping by the belligerents. American national interest and national honor had become deeply bound up with the treatment of U.S. merchant ships on the high seas. Concern with honor is linked to identity insofar as points of honor turn on a state's (or individual's) status in relation to others. That American honor became wrapped up with treatment of American merchant ships on the high seas indicates a growing identification of commercial interests with the national interest, and this identification was legitimized in terms of American interpretations of maritime law.

This was a risky identification in the context of the European wars, but with high risks came the possibility of high profits, so the identification made sense for

71. On the different estimates of U.S. power, see Combs 1970, 110. On the issue of executive authority, see Banning 1978, 215–17; and Thomas 1931, chap. 1.

72. See Peterson 1965; and Thomas 1931.

73. George Washington, letter to Governor Lee of Maryland, 13 October 1793, as quoted in Combs 1970, 113.

commercial shippers, at least. One might question, however, why other Americans, those not engaged in carrying trade, were willing to make such an identification: why should the nation as a whole risk war in the interests of the carrying trade? The initial answer is that, indeed, at first it was not willing to do so. When defense of neutral rights brought the United States face to face with the threat of war against a far more powerful opponent, the Washington administration sought to evade war by means of negotiation. In the process, the United States in the Jay Treaty (1794) conceded its position on neutral rights, which had been part of the impetus for the crisis in the first place.

The Jay Treaty

The Jay Treaty poses a challenge to my thesis insofar as it begs the question of U.S. commitment to neutral rights.⁷⁴ Perceiving its relative weakness, the administration was bent on avoiding war with Britain, and in negotiation John Jay agreed to accept the narrower British interpretation for the duration of the European war. Further, the Jay Treaty illustrates that commercial interests alone could not determine policy, since conceding the free ships, free goods principle, even for a limited duration, would presumably hurt commerce. In that sense the treaty supports my critique of the rationalist liberal hypothesis, but a simple realist interpretation might be more parsimonious overall.

Assessment of U.S. naval capability relative to Britain was not the only factor at work in the politics of the treaty; commercial interests and questions of honor—formulated in terms of adherence to principle—were salient even though they lost out at the end of the day. If we ignore those issues, we can interpret the Jay Treaty as a reasonable concession to the prevailing distribution of sea power. Such a realist analysis may apply to this particular fragment of the picture but cannot account for what came before or after. A realist would treat the righteous indignation and political conflict that followed the Jay Treaty, and still infects some accounts, as anomalous and unimportant. Yet the public outrage over the treaty, especially over the concession of the free ships, free goods principle, illustrates how deeply the neutrality issue was bound up with U.S. interests and identity. The treaty concessions, moreover, failed to set the pattern for the future; the United States later renewed its support of liberal neutral rights despite the lapse. Even though commercial shipping eventually did become more closely identified with American interests, this identification was neither a foregone conclusion nor does the outcome itself explain the mechanisms by which it occurred.

British predations on U.S. neutral shipping were the immediate impetus for Jay's mission, though another significant factor was the agitation over an incendiary address by Lord Dorchester to the Indian nations of Canada.⁷⁵ U.S. shipping had

74. For arguments that the United States could have bargained better, see Bemis 1962; and DeConde 1978. For other accounts, see, for example, Combs 1970; and Ritcheson 1969.

75. Combs 1970, 121.

been vastly increased by the French revolutionary wars, since the belligerents could no longer safely engage in the carrying trade. In particular, the Americans almost completely took over the carrying trade between the French West Indies and the French mainland, which the British considered illegal.⁷⁶ While the British initially had been lax in enforcing their interpretation, causing a relatively sanguine attitude among U.S. shippers, British naval legislation in the form of Orders in Council eventually kicked in to check the West Indies carrying trade.⁷⁷ Tensions rose to crisis levels when the British navy began seizing U.S. ships in the West Indies before the U.S. government had received news of the Orders instructing British ships to do so.⁷⁸ If the Americans had received word of the Orders in time, the several hundred ships that were then at sea, engaged in trade they still thought legal and relatively safe, could have been warned. Instead they ended up in British prize courts. Even though the British eventually eased back on the Orders, the damage had been done.

In time, French predations also became intolerable, but the initially helpless state of the French navy after the revolution postponed the issue. With their superior navy, the British initially appeared as the worst violators of liberal neutral rights and the gravest danger to American commerce. These issues, combined with the aggravation that came with continued British occupation of the Northwest posts, brought the United States and Britain to the brink of war in 1794. It seemed, at least to the most rational minds in Washington's administration, that the United States was in no position to challenge Britain directly. Hamilton and some Federalists viewed the crisis as an opportunity to build up military and naval strength while maintaining a conciliatory attitude toward Britain; they also continued to argue that the United States was not strong enough to challenge Britain commercially.⁷⁹ The Jeffersonians favored commercial measures such as embargo, nonintercourse, or an American navigation act modeled on Britain's own discriminatory policies.⁸⁰ The Jay mission represented a victory of Hamilton's views.

In return for a treaty that avoided war with Britain and finally set a date for the long-promised British evacuation of the Northwest posts, Jay conceded the cherished free ships, free goods principle. This infuriated contemporary critics. The Jay Treaty explicitly accepts the principles of the *Consolato del mare* long held by Britain to be constitutive of maritime law, and includes naval stores and in some instances provisions in a very broad illiberal definition of contraband. Further, the treaty explicitly recognized the Rule of 1756, whereby neutral ships were prohibited from engaging in the colonial trade of a belligerent if such trade had not been open to them in times of peace—a direct blow to the American infiltration of the French West Indian trade. Jay's treaty also granted Britain most-favored-nation treatment, thus precluding discriminatory commercial legislation. Further, the United States gave assurances that its ports would not be used as bases of operations for French

76. For detailed discussion, see Briggs 1926.

77. See Combs 1970, 120–21; and Briggs 1926.

78. See Bemis 1962, 192; and Miller 1960, 141.

79. See Bemis 1962, 192–94; and Combs 1970, chap. 8.

80. *Ibid.*

privateers and that the sale of prizes in U.S. ports would be prohibited. The treaty did not mention the poisonous issue of impressment.⁸¹

In the eyes of most Americans these were enormous concessions, even if the neutral rights concessions were supposed to be effective only for the duration of the war.⁸² Even so, the relinquishment of the free ships, free goods principle represented a loss of both profits and honor. The Senate ratified the treaty by a bare two-thirds majority. The administration, realizing the delicacy of the situation, attempted to keep the terms of the treaty secret until ratification was complete (they were leaked). Public outcry was such that “John Jay wryly observed that he could have found his way across the country by the light of his burning effigies in which he was represented selling his country for British gold.”⁸³ Hamilton lamely defended the treaty by arguing that “‘it is folly in a young and weak country’ to try and remake the law of nations.”⁸⁴ Many merchants deserted Hamilton and the Federalists after the Jay Treaty was ratified. As historian John Nelson puts it: “Upon the bitter disappointment and frustration at Hamilton’s foreign policy was built the Republican party.”⁸⁵

The sacrifice of legitimate principle meant more than a sacrifice of commercial interests. It also dealt a blow to America’s claim to identify itself as a neutral nation according to its own interpretations of neutral rights and appeared to threaten the Founders’ vision of the longer-term prospects of liberal neutrality.⁸⁶ To believe in those longer-term prospects and to attempt to put them into practice meant commitment to principle. In 1794 that commitment, however, appeared to necessitate military action in the face of insurmountable odds; the United States backed down.

Commercial shippers had much at stake in the Jay negotiations, and their outcry—even when couched in terms of lost American honor—was mostly over lost profits. But oceangoing merchants were not the only parties outraged by the treaty. A number of Anti-Federalists, isolationists, and agrarians felt that growth in the U.S. carrying trade represented an overextension, that it was a deeply corrupting influence on the polity, and that it was not worth protecting, let alone going to war for.⁸⁷ But they, too, saw a loss of honor in the Jay Treaty—particularly in its conciliatory attitude toward Britain—and in that the treaty represented a solidification of the Hamiltonian “system” of political economy, a corrupt deviation from agrarian republicanism.⁸⁸

The domestic division over the Jay Treaty and the fact that the United States resumed its support of liberal neutrality even after the treaty was signed—indeed going to war with Britain in 1812 over neutral rights—cast doubt on the usefulness of

81. Miller 1960, 166.

82. Bemis 1962, 266.

83. Miller 1960, 168.

84. Rosen 1981, 195.

85. Nelson 1987, 94.

86. On U.S. ability to define itself as a neutral state, see Ranft 1979.

87. McCoy 1980, 175.

88. McCoy 1980, 146, 164, and 172.

realism for detecting the general pattern of U.S. foreign policy regarding maritime rights. Even though realism can explain this particular event, its explanatory power weakens over the medium term. In addition, the treaty indicates that commercial interests did not, at this point, monolithically dominate policymaking.

Looking at the neutral rights pattern over time rather than in isolated instances, it is difficult to argue that either commercial interests or strategic calculations fully explain U.S. adherence. Neutrality principles were bound up with a number of complex and disparate interests; a legitimating discourse tenuously bound them together and constituted an ideal vision of American identity and aspirations for the future, even as real concessions were being made in the present. Honor, principle, and ideology were salient in that they represented visions of what the United States could become, not what it was at the time. If it could stay out of European wars, the United States could peacefully exploit its vast territory and resources, eventually attaining the status of a major power—but a new sort of major power, a liberal rather than a mercantilist power, distinct from its European predecessors.

This vast potential was not lost on the Founders; even if they could not agree on the specifics of the republican vision, they could agree that both neutrality and liberalism were somehow a part of it.⁸⁹ The United States thus faced a continuing struggle between the vision of unity and greatness, on the one hand, and the immediate reality of division and weakness, on the other. The Jay Treaty crippled the American interpretation of neutrality and the policy commitment to upholding that interpretation but did not kill them; the United States was soon embroiled in yet another conflict over neutral shipping.

The Quasi-War

While the confrontation with Britain over the treatment of neutrals resulted in initial accommodation, the confrontation with France that soon followed led to an undeclared war on the high seas known as the Quasi-War. The French Directory treated the ratification of the Jay Treaty as a blatant violation of the 1778 treaties of alliance and commerce with France. While France had supported the free ships, free goods principle at the outset of the wars, the ratification of the Jay Treaty led them to withdraw that support and harass U.S. shipping.

The Adams administration attempted to resolve the crisis through negotiation, leading to the infamous XYZ affair. Once again, the country's honor was at stake as, in the public's view, European diplomats attempted to corrupt virtuous American envoys by attempting to elicit bribes in exchange for the favor of negotiation.⁹⁰ The fact that negotiations were broken off when the dispatches were made public (the requested bribe was normal policy, and the American envoys knew it) illustrates, first, the salience of the idea of honor to the American public at the time and, second, the linkage between American honor and the treatment of American merchants on

89. See Stourzh 1969; Gilbert 1961; and Thomas 1931, 16–17.

90. Miller 1960, 210–11.

the high seas. The XYZ affair also illustrates the willingness of political factions to manipulate such sentiment for political leverage.⁹¹ In any case, merchants' interests were not well-served by this linkage and manipulation, since the breakdown of negotiations further imperiled their trade. Linking material interest to principle may in fact backfire against that interest—again challenging the centrality of material interest as an explanatory device. Following the negotiation breakdown, the French increased predation on U.S. Atlantic trade, especially by means of privateers who operated out of the French West Indies and swarmed along the U.S. coastline.⁹²

While Congress ordered a tripling of the regular army in July 1798 and suspended the 1778 treaties of alliance and commerce—as well as all commercial exchange—with France, the United States stopped short of declaring war. Opposition was strong, and John Adams could not mobilize public opinion sufficiently for war.⁹³ Nevertheless, the crisis impelled a naval buildup (and the establishment of a separate Department of the Navy).⁹⁴ Over the course of the next several years, the United States—mostly via commissioned privateers and armed merchantmen—and France became fully engaged in an undeclared war at sea. By 1799, this war moved from American coastal waters, which had been cleared of French privateers, to the West Indies. The move was due not only to the activities U.S. privateers and armed merchant fleets (which did manage to clear the coastal waters) but more importantly to the course of the European war. The British blockaded French ports and kept Atlantic sea lanes open to friendly, and what they considered legal, neutral trade.⁹⁵ The historian Clark Reynolds goes so far as to claim that in fact Britain and the United States “fought a mutual war against France in 1798–1800 in the midst of an otherwise stormy Anglo-American diplomatic period.”⁹⁶ Whether one agrees or disagrees with this analysis, British naval power undeniably was responsible for easing the pressure on the United States.

The Quasi-War appeared to further the cause of neutral rights via armed struggle against a major violator of such rights, and indeed American shipping was made a bit safer once the French privateers were wiped out. Nevertheless, such safety was largely dependent on British domination of the seas; the American navy could not protect U.S. shipping without British cooperation. Additionally, the British continued to support narrow interpretations of neutrality law and to enact and justify what the United States considered to be predatory tactics against U.S. merchants. Hence the security of U.S. shipping still did not rest on the actions of the U.S. government; authoritative exercise of what were perceived as U.S. rights (that is, neutral rights) remained an elusive goal.

While it helped prevent the escalation of the Quasi-War, British domination of the seas once again became a problem for the United States as the British tightened their

91. See Nelson 1987, 108–10; and Miller 1960, 211.

92. See Miller 1960, 213; and Tucker 1993.

93. Miller 1960, 213–14.

94. *Ibid.*, 216–17.

95. Tucker 1993, 6.

96. Reynolds 1989, 113.

economic warfare against France in the face of Napoleon's attempts to construct a full continental embargo against British goods (the Continental System). The immediate sources of the next crisis were the British Orders in Council of 1807, which enacted drastic measures against neutral trade, and France's retaliatory Berlin and Milan decrees.

Jefferson's administration responded first with an embargo, which Drew McCoy writes "prohibited American vessels from sailing to foreign ports and foreign vessels from taking on any cargo in the United States."⁹⁷ Though it did not prohibit imports, this act presumably retaliated against both belligerents. However, given continued British domination of U.S. trade and Jefferson's proclivities, the embargo was primarily directed against Britain. The results were disastrous for the U.S. economy.⁹⁸ Replacement of the embargo by the Nonimportation Law (which forbade trade with Britain and France only, opening it to others) and other related measures also failed to gain concessions, while at the same time severely curtailing the profits that had been raked in by U.S. merchants engaging in foreign trade.⁹⁹ Many still believed—most importantly Secretary of State Madison—that Britain was the greatest violator of neutral rights and that commercial retaliation should be directed against that country.¹⁰⁰ The failure of the Nonimportation Law convinced Madison that the United States would need to take more serious measures against British predations.

Here we should reconsider the neorealist commercial balancing explanation. The policies deployed by the Jefferson administration in an attempt to break Britain's commercial grip indeed were based on a mercantilist conception of trade as a weapon of political power. Although at least some intended to aim the economic weapons such as embargo against Britain, these weapons were not and could not be so directed.¹⁰¹ The desire to support the rights of neutrals to engage in commerce during wartime—that is, to support the principle of liberal neutrality—regardless of the main violator formed both the impetus and the legitimating rationale for nonimportation and related policies. On the latter point there was continued disagreement between pro-British Federalists and pro-French Republicans, but on the former point there was general agreement.

Even if they had wanted the United States to be a mercantilist state after the British model (and they most certainly did not), Jefferson, Madison, and Gallatin would never have been able to legitimate mercantilist policies on that basis. Their authority and identity lay in the promise to combat, not emulate, British mercantilism.¹⁰² The Jeffersonians came to power in the so-called revolution of 1800 partly by virtue of their attack on Hamilton's economic programs, which engendered deep suspicions precisely because of his emulation of Britain.¹⁰³ It would be tenuous to conclude that neutral rights principles were furthered by Jefferson's embargo, but the embargo

97. McCoy 1980, 216.

98. See Bauer 1988, 63–65; Nelson 1987, 136; Perkins 1993, 130.

99. Nelson 1987, 136ff.

100. Stagg 1983, 22.

101. On the use of commercial weapons, see McCoy 1980, chap. 8; and Stagg 1983.

102. See McCoy 1980, chap. 8; Nelson 1987, chaps. 9 and 10; and Banning 1978, chap. 10.

103. Nelson 1987, 27.

could not have been initiated, or supported domestically, without both the purpose and the legitimating balm of America's dedication to liberal neutral rights principles.

The relationship between liberal ideology and mercantilist practice in early U.S. foreign policy is complex. Furthering neutral rights was one of the main policy dimensions of the underlying desire to achieve a liberal international trading order, to divorce commerce from politics, and to pursue nonentanglement; this strand of thinking dates back even further than U.S. independence.¹⁰⁴ Over time, however, the United States adopted mercantilist measures in order to meet those characteristically immodest goals. Which, then, was the more durable and effective principle: liberalism or mercantilism?

I argue that liberal neutrality principles—and neither mercantilism nor liberalism per se—became constitutive of the country's foreign policy role because the idea of neutrality resolved cleavages in the broader discourse on republican political economy in a way that neither of the other doctrines could. Mercantilism was too closely tied to a corrupt Europe, and pure liberalism did not stand a chance in that day and age. Liberal neutrality principles became bound up with both the goal of retaining American status or "honor" in relation to Europe and with furthering U.S. commercial interests. Perhaps inevitably, resistance to British mercantilism led to the development of U.S. mercantilism, but advocates of neutral rights principles could interpret them as favorable to either ideological or policy strand—mercantilist or liberal, Federalist or Republican. Liberal neutrality transcended (or, more cynically, papered over) the contradictions between liberal internationalist ideology and the mercantilist strains in Republican foreign policy.

The more interesting question is not why the United States attempted to balance against Britain but why it sustained its commitment to neutrality despite the failure to balance Britain effectively.

Neutrality without a navy?

If the commercial weapon could not secure protection for U.S. shipping, the logical conclusion would be to build a strong navy to meet these goals. Federalists, who usually could be counted on to keep the interests of merchant capitalists in mind (Jay Treaty excepted), pressed for just such buildup. The fact that they failed may indicate that commercial shippers could not directly translate their interests and preferences into state action. As Spencer Tucker puts it, the period being examined here is "the one brief chapter in the history of the United States Navy, when seagoing warships were largely ignored in favor of a force of approximately 170 small gunboats designed for defense only."¹⁰⁵ By this he means coastal defense, not defense of trade on the high seas.

This lack of naval buildup is largely due to the Republican administrations that took power in 1800. But even when the Federalists were in power they failed to gain

104. Gilbert 1961.

105. Tucker 1993, xi.

sufficient support to enact the buildup they desired, let alone anything that would challenge British naval power. Algerian pirates were the main naval target in the late 1780s and early 1790s. The naval bill of 1794, calling for the construction of six frigates, had to include a sop to those opposed to a standing navy, which, in an amendment, provided that in case of peace with Algiers “no further proceeding be had under this act.”¹⁰⁶ The Quasi-War did spur the growth of a U.S. Navy, at a time when the Federalists held not only the presidency but also majorities in both houses of Congress.¹⁰⁷ Even so, the Republicans continued to vociferously protest the buildup. According to Tucker, they “succeeded in gutting the Federalist naval program.”¹⁰⁸ Thus, while the Federalists managed a small and fairly efficient buildup during the Quasi-War, it was hardly enough to protect U.S. shipping on its own. After the election of 1800, Jefferson and the Republicans ensured that any further naval buildup would primarily be for defense of the coastline.¹⁰⁹ This did not mean that the administration was uninterested in protecting American trade but rather reflected its faith in the commercial weapon. As Tucker notes, the “use of the embargo as an economic weapon was the logical corollary to the lack of a seagoing navy.”¹¹⁰

At a deeper level, the unwillingness to build a large navy might be understood in terms of American republicanism. Navies may not have posed precisely the same danger to liberty as standing armies, but the Republican suspicion of any form of military buildup was salient, and the Navy issue did beg the question of what sort of economy was appropriate to a republic: one focused on trade and commercial growth or on some form of agrarian semi-isolation? The latter would require far less naval protection than the former—a significant consideration—and impelled the Republican challenge to the Federalist naval buildup. Further, the liberal internationalist ideas underpinning the Model Treaty of 1776—which assumed that commercial intercourse between nations would obviate the need for political alliances and military activity—still had a strong influence on U.S. political thinking and weighed against the contradictory notion that commerce should be supported by violent means.¹¹¹ By 1812, however, the United States had decided to go to war against the very country it had tried to balance by commercial means.

The War of 1812

In the American declaration of war on Great Britain, as described by Richard Leopold, “British infractions of neutral rights comprised four of the six grievances listed in Madison’s message to Congress on June 1.”¹¹² And yet, the Treaty of Ghent (which ended the war) made no mention whatever of any of the neutral rights issues

106. The amendment is quoted in Tucker 1993, 4.

107. See *ibid.*, 5; and Weigley 1973, chap. 3.

108. Tucker 1993, 6.

109. See *ibid.*, chap. 2; and Weigley 1973, chap. 3.

110. Tucker 1993, 18.

111. On liberal internationalism, see Gilbert 1961, chaps. 3–4.

112. Leopold 1962, 34.

in which the conflict was rooted.¹¹³ The “second war of independence” appears to support the neorealist idea that the United States was trying to balance against Britain. Liberal institutionalist explanations might also apply here. I argue that both sorts of explanations provide fragments of the picture but cannot explain the relative continuity of American neutrality policy over time and in the face of insurmountable odds.

To treat U.S. interests as exogenously given, and to argue that international principles and law were merely used instrumentally to pursue those given interests, would be missing the point. Certainly, without the legal precedents neither the principles through which to articulate American neutrality nor the point of law on which to clash with Britain would exist, as the liberal institutionalist approach might suggest. But the rational institutionalist point of view suggests an alternative way to strategically pursue U.S. interests that also involved the strategic deployment of European “institutions” and ideas: why not become wholeheartedly mercantilist like other Europeans, and protect U.S. commerce with a strong navy? Here the neorealist and liberal institutionalist explanations seem to converge on the most rational policy choice: commercial balancing and mercantilism are, after all, the same thing. But that so-called rational course was not taken.

Instead, the United States continued in the policy it had—sporadically but with relative consistency over time—pursued from the first. The Anglo-American conflict illustrates the fact that U.S. interests continued to be articulated in terms of broader international issues of neutrality and maritime rights law, and that the United States was still grounding its international authority and identity in those principles, as well as legitimating its policy at home by reference to those principles. The course of the war also demonstrates, however, that the country was too weak to win outright maritime rights concessions from Britain by military means.

The core issues in the 1812 dispute did in fact center on neutral shipping rights, and commercial interests were critically important. U.S. merchants had eagerly exploited the opportunities for neutral trade opened up by the European war; they were angry when those opportunities were stymied. The British Navigation Laws, which had closed off trade previously open to the United States as a colony and attempted to treat the United States like any foreign country, closed off the British West Indies to U.S. ships. Further, the “Rule of 1756” closed the French West Indian trade. All these positions were strengthened by the wartime measures undertaken to combat Napoleon. British predations on the seas were further exacerbated by Napoleon’s retaliation in kind, and the impressment issue became serious as the war progressed and the Royal Navy began to experience serious manpower shortages.

To combat British predations, James Madison inherited Jefferson’s preference for commercial retaliation.¹¹⁴ The principles underlying the effort to gain concessions from Britain by deploying commerce as a weapon are traceable to the birth of the

113. For a summary of the Ghent Treaty terms, see DeConde 1978, 104–5. Also see Stagg 1983, epilogue.

114. See *ibid.*; and McCoy 1980, chap. 9.

republic, and especially to the constitutional reforms of the 1780s.¹¹⁵ One of the central arguments for the Constitution was that it could allow for a coherent commercial policy, which could then be used to not only expand American trade but to break down barriers in Europe, including but not limited to British barriers.¹¹⁶ Yet by the early 1800s, it had become clear to Madison that despite stronger centralization, these commercial measures had remained ineffective.¹¹⁷

Given all this, the U.S. invasion of Canada in defense of its shipping interests is puzzling.¹¹⁸ J.C.A. Stagg's explanation of the rationale is that trade with and through Canada, and particularly Canadian ability to supply West Indian raw materials needs, rendered ineffective many of the U.S. attempts to cut off American trade with the British; this justified the Madisonian strategy.¹¹⁹ The perceived security threat posed by British intrigue with Indian tribes served to reinforce this rationale. Despite the rationale, commercial shipping was not the only issue at stake.¹²⁰

Initially the Canadian invasion did not seem like a bad strategy, as long as Britain was encumbered by the European war. Even so, opinion in the United States was divided. Opposition to the war came not only from Federalists but from within the increasingly divided Republicans. The refusal of the New England states to cooperate with the administration was only the most glaring manifestation of the deep divisions the war uncovered.¹²¹ The conduct of the war did not inspire confidence, and the toll taken on commerce weakened the rationale that maritime rights were being defended. As Senator Obadiah German of New York asserted in arguing against the war: "how lamentable it is that a war, which has for its avowed object the protection of commercial rights, should be commenced at a time and in a manner which will prove more destructive to commerce itself than all the plunderings and burnings of both France and England."¹²²

Once it became clear not only that Napoleon was losing the European war but also that his defeat would be decisive, the war in North America shifted from an offensive war designed to meet maritime rights objectives, to a defensive war for survival.¹²³ The French defeat made it possible for Britain to focus its attention on the United States. As the Americans began to become aware of this potential—especially as news of Napoleon's disastrous Russian campaign reached the United States in 1812, they began to worry. By 1813, the realization that French power no longer checked Britain instigated great sobriety—if not panic—in the administration.¹²⁴ The British in fact tightened their blockade of the Atlantic coast; their invasion of the capital and burning of the White House heightened the panic. However, the British exercised

115. Stagg 1983, preface.

116. See *ibid.*; and Marks 1973.

117. Stagg 1983, 4.

118. *Ibid.*, 5.

119. *Ibid.*, chap. 1.

120. *Ibid.*, chaps. 4 and 8.

121. For a highly detailed treatment of the domestic political issues, see *ibid.*

122. Address to 12th U.S. Congress, 1st sess., June 1812, as quoted in Graebner 1964, 120.

123. Stagg 1983, 503.

124. For a more sympathetic account of Madison, see McCoy 1989, prologue and chap. 1.

restraint; weary from the Napoleonic confrontation, they were less interested in attempting recolonization than in ending the war.

On the one hand, the power imbalance explains why the United States failed to get any concessions on neutral rights in the Ghent treaty. British restraint, on the other hand, allowed the U.S. administration to present the peace terms favorably, especially since Andrew Jackson managed to repulse the British invasion of New Orleans in one of the last battles of the war.¹²⁵ The United States did not treat the war as a defeat, despite failing to meet its objectives.

The War of 1812 brings into clear focus the meaning of liberal neutrality for the United States: it continued to represent an element—albeit strained—of domestic political consensus on foreign policy in a deeply divided polity; it allowed for a reconciliation of liberal ideology with mercantilist practice and of commercial interests in freer trade with the need for international political leverage to attain such trade. Finally, support of liberal neutrality was a way of claiming authority—of struggling for honor and status in European politics—with less than decisive military strength. The incidents recounted above indicate that liberal neutrality represented, in general outline, what America wished to become in the world; it constituted identity as aspiration. At the same time, the 1812 war made clear that liberal neutrality was still little more than aspiration. And yet, the early republic sustained these aspirations, and these aspirations in turn consistently sustained the republic's sense of identity and honor, shaped its interests, and framed its foreign policy.

The United States sought to become a strong, expansionary, and at least to some degree commercial republic, disentangled from European diplomacy and war (and concomitant European interference) as much as possible, but strong enough to ensure that its growth and expansion would not be stifled by either European wars or British navigation laws. The war also made clear that the material and organizational ability of the United States to directly pursue its aspirations against the wishes of a powerful opponent was depressingly limited, and further, that its independence and isolation from the course of European affairs was in many ways an illusion. In particular, the United States was still strategically incapable of extricating itself from British domination of the seas. While such domination could be seen as an asset, in terms of providing “free security,” it was also consistently perceived as a liability.¹²⁶ The neutral rights struggle focuses our attention on the latter dimension.

American material and organizational weaknesses made the status of international law regarding maritime rights all that much more important for pursuing an independent and legitimate foreign policy. That law, and the liberal interpretations of it that in the past had been supported by European powers traditionally advocating neutral rights, continued to be one of the few resources that the young republic could consistently draw on to support its claims, even when the European neutrals had lost their ability to join it in such support and advocacy. If neither commercial retaliation nor military measures could achieve American objectives, then at least

125. See DeConde 1978, chap. 5.; and Stagg 1983, chap. 8.

126. The term “free security” is from C. Vann Woodward, cited in Reynolds 1989, 112.

adherence to principles and law could legitimate these objectives. Madison's diplomacy attempted, but failed, to draw traditional supporters of neutral rights—especially Russia—to the American side, and thus the United States appeared in this period to be a weak and lonely advocate of liberal neutrality.¹²⁷

The domestic consensus as to the means by which the general vision of neutrality was to be pursued was severely strained by now, if not irreparably damaged. Nevertheless, the principle retained its hold on U.S. identity and interest even as the means by which it was pursued proved ineffectual. This was not permanent; over time the United States reconstituted its international role according to different principles and considerations. But for the period studied here and arguably up until World War I, the principles of liberal neutrality had decisive impact on American foreign policy.¹²⁸

Conclusion

Legitimated in terms of republican political and economic discourse, international legal principles of liberal neutrality helped constitute American national identity vis-à-vis Europe; this facilitated an amalgamation of a variety of interests into a national interest in extending, and a sense of honor regarding, maritime neutral rights, producing a foreign policy with relative continuity over time. I have described some of the international and domestic institutions and processes that shaped early U.S. neutral identity and have argued that this principled identity explains the formation of a consistent national interest in extending maritime commerce, and thus of early American neutrality policy.

The dogged realist might insist that, in the long run, U.S. neutrality aspirations and commitments were all about power; they were after all fueled by a vision of future U.S. strength. But does this view include not only existing power distributions but also power aspirations? Since aspirations unsupported by material power are little more than ideals, including them in an explanatory scheme is more constructivist than realist. Indeed, the work of a classical realist such as E. H. Carr may have more in common with constructivism than with the strictly materialist neorealism of Waltz. How could Carr honestly mourn the power of idealism without acknowledging it? “The new political order which they [founders of the League of Nations] propounded was as different from anything around them as gold from lead. It was the product not of analysis, but of aspiration.”¹²⁹ The same could be said of the policies studied here: they were more the product of aspiration than analysis of material conditions and material interests. The challenge for social scientists is to explain how ideas come to have such power. I have attempted to take a step in that direction by showing how ideas—as principled identity conceptions—were in fact crucial to the development of U.S. neutrality policy.

127. Stagg 1983, 299–303.

128. See Coogan 1981; and Bukovansky 1996.

129. Carr [c1939] 1964, 6.

There is no doubt that the power distributions actually existing in the period studied all weighed against U.S. commitment to neutral rights: this commitment pitted the United States against far stronger opponents, to whom it lost ground. Alternatively, the United States could have pursued a more isolationist form of agrarian self-sufficiency; it could have chosen to severely limit its foreign trade. Instead, it sustained its commitment both to liberal neutrality and to furthering neutral trade, despite inadequate power. In the long run, these principles and policies enhanced U.S. power and furthered U.S. interests. But enhanced power at time *B* does not thereby explain the principles and the policies they engendered at time *A* when the power distributions were different. Rather, while enhanced power at time *B* might represent the outcome of principles and policies at time *A* (though this would have to be demonstrated more systematically), it certainly cannot be the cause of such principles and policies.

A liberal institutionalist might argue that after all is said and done, American commercial interests were served by its neutrality policy; why then do we need an identity explanation? But a number of disparate interests, based on divergent views of political economy and of republicanism, jostled for recognition and realization in the developing U.S. state.¹³⁰ Depending on whether we look at southern planters, mid-Atlantic shipbuilders, or New York merchants using British vessels to carry on their European trade, or whether we look at Hamiltonian or Jeffersonian policy, the measures advocated and the interests involved were quite different and often contradictory.¹³¹ Even so, all these disparate strands came together on the principle, though not on the reasons for and means of attaining neutrality.

We cannot fully understand the constitutive implications and the causal power of liberal neutrality if we simply treat neutrality as a long-term strategy for the pursuit of American interests—be they commercial interests or simply an interest in independence from Britain.¹³² Whether these interests could be met by the policy the United States actually pursued was far from clear at the time. Interests probably would have been better served by an overtly mercantilist stance supported by a strong navy. Whether the American interpretation of neutrality law would ever be accepted by the major powers was likewise unclear. (In time it was accepted, but that is another story.) Eventually and as a gross generalization, overlooking the realities and struggles over the maritime rights regime, we can say that freedom of the seas served American commercial expansion. But just as a neorealist account should not explain the means to power by referring to the outcome, a liberal institutionalist account should not claim that interests served at time *B* explain the institutional solutions advocated at time *A*, especially when more rational and compelling alternatives were available at time *A*.

Both neorealism and liberal institutionalism provide important pieces to the solution of the puzzle of early American neutrality. U.S. leaders were compelled to

130. See McCoy 1980; and Nelson 1987.

131. Nelson 1987, chap. 1.

132. See the introduction to Goldstein and Keohane 1993.

bow to—and at times even embrace—mercantilist doctrine in recognition of the fact that commerce was still in many ways a zero-sum game. Commercial balancing did occur. But such “balancing” could not be supported domestically without extensive liberal legitimation. Alternatively, a more liberal neutral shipping regime would serve commercial interests. Such interests would in turn need an authoritative state to shield them. We are left oscillating between realist and liberal explanations because neither provides a complete picture—just as, perhaps not incidentally, some American leaders themselves seemed more “realist” while others were more “liberal.” Early U.S. maritime policy, however, followed a more coherent pattern than that visible through realist and liberal lenses alone. To bring this pattern into focus we need to recognize the role that ideas and discourse played in constituting conceptions of U.S. identity and statehood.

The constructivist explanation adds to our understanding by focusing on the constitutive aspects of the legitimating discourse and analyzing how those aspects interact with the more obvious, interested struggles for wealth and power.¹³³ If it had not sustained its costly commitment to liberal neutrality, the United States might have evolved into a different sort of entity. For a weak state seeking isolation from the vagaries of power politics, a realist might have predicted a policy of agrarian, isolationist self-sufficiency. For a state seeking to pursue exogenously given interest by means of international institutions, a liberal institutionalist might have predicted the evolution of a more strongly mercantilist entity. Neither result occurred. What did occur is better explained by a constructivist account of how collective identity shapes interests and policy.

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133. For a similar approach to a different case, see Klotz 1995.

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