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## An Oppressive Power From the Beginning

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**E** LIGA GOULD HAS WRITTEN AN INTRIGUING NEW HISTORY OF THE diplomatic engagement of the United States in the long period spanning the Seven Years' War to the Monroe Doctrine. It is different from most such histories of foreign policy in registering the perspective of various excluded groups—French Acadians who were expelled from their homeland in 1761 by Great Britain; loyalists consigned to exile by the American Revolution; the Native American nations and British hangers-on who contested possession of the Ohio Valley and the southern borderlands from the Peace of 1763 to Jackson's War on the Seminoles in 1818; pirates and brigands from the Caribbean to Algiers; and African-Americans who sought liberation during the wars of 1776 and 1812. These groups were not only important in their own right but often presented delicate problems for American and European diplomats and soldiers; retelling their story allows Gould to bring to the traditional narrative an exciting new “outside in” perspective, focused on the Union's relations with its neighbors. It is more a venture in Atlantic than national history, but valuable withal as a species of what the author terms “entangled history.”

The overall thesis is a troubling one: Gould's central idea is that the pursuit of liberty and independence for white Americans was a simultaneous claim of dominion over others.[1] The overriding pursuit of American statesmen—to ensure that the United States took an independent position among the powers of the earth, making it a “treaty-worthy” member of

the society of nations—was centrally allied with securing the loss of freedom for Indians and slaves: “by creating a treaty-worthy nation for themselves, Americans helped create the condition of statelessness for others.” [2] By 1817, “the United States enjoyed all the rights of a treaty-worthy nation, and those rights worked almost entirely to the advantage of the Union’s slaveholding citizens.” [3]

A preoccupation of the work is how various marginal or excluded groups fared within the terms set by the law of nations, which established the overall normative framework within which opposing claims were made. The Revolution was not just the modern era’s first great act of liberation, Gould writes, but was “also a crucial moment in the globalization of what was, at base, the public law of Europe.” [4] Whether the law of nations exercised real restraints upon its subjects, or was a mere cover for self-interest, is a question that hovers over the book. Much material is suggestive of the more critical perspective of the law of nations that was embraced by Montesquieu, Rousseau, and Kant. Grotius, the celebrated father of the law of nations, set out in *The Rights of War and Peace* to “impose the yoke of legality upon masterless Leviathans” but, as Mark Hulliung explains, “by the end he has studded his performance with so many rationalizations and apologetics that Leviathan can find excuses for the worst of crimes.” [5] “The authors of our public law, guided by ancient histories,” lamented Montesquieu, “have adopted tyrannical and arbitrary principles.”

Gould sometimes gives voice to a similar dissatisfaction, but he also records the more favorable judgments made upon the law of nations as a restraint upon European soldiers and statesmen. In the conception of Emer de Vattel and his popular synthesis of *The Law of Nations*, Europe was a “republic,” a law bound community of nations united by common interests and shared commitments to order and liberty. On the one hand, Gould explains, “the law of nations was shorthand for the system that Europe’s rulers used to manage relations with each other; on the other, it denoted a cosmopolitan world bound together by ties of commerce and sentiment.” [6] It managed, in short, to combine brutality and benevolence in about equal proportion, retaining customs from antiquity that gave absolute rights in the conqueror while encouraging restraint in the conduct of war and prioritizing the pursuit of a stable peace with other powers. [7]

American leaders wanted to join this society of nations, to be “among the powers of the earth.” Gould insists that this drive to become a part of Europe’s treaty bound republic is of greater importance than either republicanism or liberalism, though it seems awkward to place these mutually supporting objectives in competition. At a minimum, to be accepted as an independent state, in control of its own destiny, was a necessary means to realize republican and liberal objectives, but it was also an end in itself: the freedom from external domination signified by national independence, for themselves and others, was one of the things Americans meant by liberty. John Adams caught the spirit of the enterprise in his 1783 recollection of the great points on which American congressmen agreed in 1776:

that we should calculate all our measures and foreign negotiations in such a manner, as to avoid a too great dependence upon any one power of Europe—to avoid all obligations and

temptations to take any part in future European wars; that the business of America with Europe was commerce, not politics or war; and, above all, that it never could be our interest to ruin Great Britain, or injure or weaken her any further than should be necessary to support our independence, and our alliances, and that, as soon as Great Britain should be brought to a temper to acknowledge our sovereignty and our alliances, and consent that we should maintain the one, and fulfil the others, it would be our interest and duty to be her friends, as well as the friends of all the other powers of Europe, and enemies to none.

That passage nicely captures the sense in which 1776 constitutes a joining of the society of nations and a bid to stay apart from its clutches. It also serves to qualify Gould's theme that Americans were "entangled in deep and profound ways with the history of Europe." That entanglement certainly existed, but so did the desire to carve out an independent role and to lessen dependence on what Alexander Hamilton called "the combinations, right or wrong, of foreign policy."

American leaders always recognized the authority of the law of nations, but so did their British adversaries, and much of the book consists of disputations between Americans and Englishmen over the failure of the other to live up to the obligations which were imposed by this law or which were required by the liberty and civilization both sides espoused. Gould investigates a large number of such claims: the treatment of prisoners and spies during the revolutionary war, the use of Indians in war all along the borderlands, from Britain in the northwest to Spain in the southeast, the captivity narratives engendered by Barbary pirates.

The law of slavery is given special attention in the book, with a long chapter on its status before the Revolution. A subsequent chapter ("A Slaveholding Republic") details the complicated array of issues in which slavery was implicated thereafter, including the status of slaves who fled to British lines during the war and the growing international consensus against the slave trade. But progress toward ending the slave trade, in which most southerners concurred, did not, Gould emphasizes, entail movement toward abolition. Southern slaveholders, noted one English abolitionist, "smile contemptuously at the idea of negro emancipation, and with the State Constitution in one hand, and the cow-skin in the other, exhibit to the world such a spectacle, as every real friend to liberty must from his soul abominate."

Gould is generally quite even handed in exploring these claims and counter claims. He credits the pacific disposition underlying Britain's post 1783 policy, and shows the emergence in official circles of an enlarged view that took account of the interests of all the subjects of the British empire, including native tribes. He also stresses that pacific claims animated imperial policy in the decade preceding the Revolution, "even as the full extent of Britain's folly in America became apparent." The decade after the end of the Seven Years' War in 1763 constituted the formative period of a broad range of humanitarian movements that would gain in strength over the coming decades. Britain, of course, was at the forefront of antislavery, and its more enlightened outlook is contrasted favorably with that of slaveholding America in a succession of episodes from the Revolution onwards. The refusal of Guy Carleton in 1783 to

return Black Loyalists who had fled to Britain's lines, though inconsistent with the stipulations of the peace treaty, "heralded a new government-level commitment to emancipation." [8]

Britain's Indian policy also displayed greater solicitude towards the interests of Indians than did the outlook of white settlers, though Britain was always willing to abandon its Indian allies in a pinch, as it did in 1782 and 1814. Despite this dubious record, Indians generally had a much higher opinion of the British than the Americans: a métis Creek recalled in the 1840s that the old men among the Creeks "expatiate on the candid, honest, and liberal disinterestedness of the British as friends to the Indians . . . [and] remark with wrath the contrast between the latter and the Americans." [9]

Gould's book has been read as an attack on the idea of American exceptionalism. Instead of a new post imperial era where the rights of man are recognized, as Peter Onuf has summarized this view, "the new federal republic perpetuated the old empire, both in the political and legal autonomy settler societies enjoyed and in their expropriation of natives' land and exploitation of enslaved labor." [10] While that theme is certainly present, Gould does not generally write in the debunking mode but as a historian offering multivalent perspectives. He also gives on occasion more hopeful portraits of American policymakers, offering modest plaudits to the virtuoso Federalist diplomatic triumph of 1794-95, which brought successive treaty settlements with Britain and Spain. "If you have desired to live in peace and plenty, while the rest of the world has been ravaged and desolated," wrote William Cobbett in defense of Washington and the Federalists, "to accuse the President now, is to resemble the crew of ungrateful buccaneers, who, having safely arrived in port, cut the throat of their pilot."

*Among the Powers of the Earth* is a welcome addition to what the author styles as the internationalist or unionist interpretation of the revolution, of which my own scholarly work forms a part. Gould is at pains to say that nothing in his interpretation is inconsistent with the view which sees the Constitution as a peace pact, but his main emphasis is how it worked to the detriment of excluded groups. The book is notable for its exceptional use of little known sources, introducing a whole new cast of characters to the historical narrative and making, for this reason alone, a brilliant contribution. That choice of lens, however, comes at a price, making his story less "how Americans experienced and understood the revolution" and more "how the nations and peoples with whom they were most closely connected experienced and understood it." [11] The latter is an extremely good thing to know, but it not the same as what one gets from an "inside out" perspective.

There remains the troubling thesis that liberty for some meant subjugation for others. The fact is so, as southern slaveholders did indeed secure protection for their property in the name of liberty and independence. The American Revolution ironically served to give slavery a new lease on life, by registering protections for it in the American Constitution and the law of nations. (Even Mansfield's famous decision in *Somerset*, Gould notes, had that effect.) We are not to infer thereby, however, that the philosophy of liberty is impaired by these associations. On the contrary, one is impressed with how frequently contemporaries, in sniffing out the hypocrisy of their adversaries, advanced liberty as a criterion for the critique of obnoxious

practices in both Britain and America, and this countervailing criticism back and forth across the Atlantic was, I would venture, a vital element in humanity's progress in the nineteenth century.

In a work generally judicious, Gould errs in concluding that the rights to which the United States laid claim as a treaty worthy nation "worked almost entirely to the advantage of the Union's slaveholding citizens." By 1817, slaveholders were a distinct minority in the nation; the protections given to slavery by the Constitution had been given reluctantly in the north, in the name of peace, but every true whig knew that slavery was a fraud on the liberty for which America stood. The American Revolution gives slavery a new lease of life in the short term, but in the long term dooms it as sure as can be.

**David C. Hendrickson has a collection of founding documents at [The American Experiment: Documents on the Foundations of American Constitutionalism and Diplomacy](#).**

[1] p. 4. All page number citations, unless otherwise indicated, are to *Among the Powers of the Earth*.

[2] p. 12

[3] p. 177.

[4] p. 7

[5] Mark Hulliung, *Montesquieu and the Old Regime* (Berkeley, University of California Press, 1976), p. 176. The misrepresentation of Grotius in historic memory is also a theme of Richard Tuck in his introduction to the Liberty Fund edition of Grotius's *Rights of War and Peace*.

[6] p. 24

[7] Another recent work that takes the law of nations as its departure is the brilliant study of John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012).

[8] p. 153

[9] p. 184.

[10] See Peter S. Onuf, "Introduction," in [H-Diplo Roundtable Review: Eliga H. Gould, \*Among the Powers of the Earth\*](#), April 1, 2013.

[11] See Gould's commentary in the H-Diplo symposium.

David Hendrickson is the author of *Union, Nation, or Empire: The American Debate over International Relations, 1789-1941* (University Press of Kansas, 2009), and *Peace Pact: The Lost World of the American Founding* (Kansas, 2003).

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