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# Free Trade and Sailors? Rights in the War of 1812

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Paul A. Gilje, Professor of United States History at the University of Oklahoma and renowned expert on the history of common people on the waterfront in early America (1), argues in his recently published book on the War of 1812 that the U.S. declared war against Great Britain in 1812 in defense of neutral rights and the safety of American sailors. American foreign trade was threatened by the British orders-in-council, which established a naval blockade of Napoleonic France and its allies in Europe, and the British Rule of 1756, which prohibited Americans from transporting goods from the French West Indies to France and back. Republicans in the United States who championed the principle that ?free ships make free goods? argued instead that the United States should be allowed to take over the carrying trade between France and her colonies after the Royal Navy had swept the French merchant marine from the oceans, and took exception to British blockades, which prevented the United States from selling its goods to most of continental Europe. Impressment ? the forced recruitment of sailors into the service of the Royal Navy ? was the second issue that led the United States and Great Britain down the path of war. Since the Royal Navy depended on a steady supply of able-bodied seamen to keep up naval superiority in the fight against Napoleonic France, the British government considered it vital to impress British sailors who had deserted to enlist in the growing

American merchant marine. British warships therefore frequently stopped American merchant vessels on the high seas to look for British subjects and ? given that it was difficult to distinguish between Americans and Britons ? would occasionally also impress American sailors by mistake.

While discussing Anglo-American disputes over neutral rights and impressment in detail, Gilje?s monograph is more than a recount of diplomatic relations between both English-speaking peoples. The book?s primary purpose is an examination of the larger cultural meaning of the phrase ?free trade and sailors? rights? in the early national period ? a political slogan that captured both the war aims of the Republican elite leadership and the democratic aspirations of the common people and thus gave the war an importance for American history that transcended the immediate issues at hand.(2) ?Free trade? and ?sailors? rights? ?represented important aspects of the Revolutionary heritage from the 18th century and reflected the melding of both high and low cultures in a unique way that rejected the traditional order of the Old World. In short, by joining these two different strains in one phrase Americans demonstrated the success of their revolution?.(3)

The first section explores the various meanings of the term ?free trade? ? which could signify ?the opening of any market, ending colonial restrictions, establishing reciprocal agreements, eliminating tariffs, or protecting neutral commerce? (p. 30) ? and analyzes how the concept encapsulated both the Enlightenment hopes that increasing free commerce between nations would lead to world peace and sailors? hopes that free trade would result in more jobs and higher wages?. Any banner with the words ?free trade? thus rallied those from the top as well as those on the bottom of society? (p. 6). As Americans believed their republic should pursue a new diplomacy following Enlightenment principles, ?free trade? became deeply ?imbedded in American national identity? (p. 44). The second section traces the idea of ?sailors? rights? from the colonial period to the War of 1812. Gilje shows that opposition to British impressment was not only about the protection of American seamen but also an assertion of democratic definitions of citizenship. While sailors had traditionally been regarded as ?a breed apart, with different speech, values, and concerns?, forming a distinctly lower caste than other people in the colonial period (p. 76), because of their contribution to the American Revolution they had become part of the American nation and were considered full citizens in the United States. ?The fact that so many Americans fought on the high seas, and that the British captured many of these men, who then suffered as prisoners of war, furthered the sense that mariners played a special role in the creation of the United States? (p. 85). The claim that sailors were citizens was a powerful indicator of the egalitarianism that the American Revolution stood for, to the point that the sailor had become ?a symbol for the entire nation? (p. 339). The issue of impressment was even mentioned in the Declaration of Independence, Gilje reminds us, such that the continued impressment of Americans into the Royal Navy after American independence was seen as threatening the very success of the American Revolution. The fact that the term ?impressment? originated in the United States in the mid-1790s bears witness to the importance of the issue for Americans in the early republic. Since the issue of impressment was immediately relevant to those of the lower strata of society, it was a significant addition to the problem of neutral rights, which was more important to the top strata of society. ?The idea of sailors? rights spoke directly to the ability of individual seamen to control their own lives and labor. Impressment [?] threatened this right? (p. 69). While ?free trade? was a concern of the Enlightenment philosophers and the Republican leadership, ?sailors? rights? symbolized the democratic ideals of the American Revolution, a message to which the ordinary American could relate. The combination of free trade and sailors? rights thus summarized for the American society at large the meaning of the War of 1812.

The third section discusses the origins of the War of 1812 and identifies the protection of America?s foreign trade and her seamen as the primary causes. Both issues combined to form a persuasive casus belli, with ?patricians? like Thomas Jefferson and James Madison emphasizing the importance of protecting America?s neutral rights, and Republican editors and common folk stressing the ?plebeian? sailors? rights. More important than either expansionist imperatives or the problems with the Native Americans along the frontier, ?as nearly every speech in Congress in 1811 and 1812 made clear, was the problem of commerce and the British practice of impressment? (p. 147). The next section traces the emergence of the phrase ?free trade and sailors? rights? to the white flag which bore these words and which was hoisted on the mast of the

United States frigate Essex when it sailed out of New York harbor on 2 July 1812, under the command of Captain David Porter. The maxim quickly caught the public?s imagination ? not only being used in Republican newspapers and in congressional debates, but also in toasts and songs at Republican meetings and among American sailors, held as prisoners of war in the Dartmoor prison compound in southwestern England ? as ?a source of inspiration? and ?an explanation for the war that reflected national ideals? (p. 215). It was both a rallying cry and an assertion of American identity, as Republicans connected America?s neutral rights to the heritage of the American Revolution, and ? given that America?s invasions into Canada failed miserably whereas the United States staged impressive naval triumphs ? it found more resonance than other slogans such as ?conquer or die?.

The final section explores why the Treaty of Ghent, establishing peace once again, was hailed as a victory by the Madison Administration ? despite the fact that neither neutral trade nor impressment were mentioned in the document. By emphasizing British territorial demands made during the peace negotiations, Republicans turned the war, in terms of public perception, into a defensive one in which national survival was at stake. As the British were obliged to give up their offensive demands, it appeared as though the United States had won the war. Republicans continued ? in vain ? pressing for a general solution to the problem of impressment with Great Britain, even after the European war was over, which had created the need for additional tars in the Royal Navy and thus the problem of impressment in the first place, as Gilje demonstrates. By the 1840s, however, the issue ceased to be of importance and had gradually disappeared from the diplomatic agenda. Like impressment, ?free trade? continued to be of primary concern to Americans after the War of 1812. Since the European war was over, however, it became less associated with neutral rights and more with ideas of reciprocal trade and the abolition of mercantilist trade restrictions prevalent in Europe at the time. In this vein, the United States successfully negotiated a series of trade conventions that reduced tariffs and removed trade barriers. The term ?free trade? would also be used by the emerging Democratic and Whig parties when they argued over tariffs, Gilje explains. By the time of the Civil War, however, the phrase had become hollow and no longer carried much emotional appeal.

Gilje skillfully analyzes Anglo-American diplomacy over impressment and neutral rights. Unlike most other accounts of the War of 1812, he traces the roots of these issues back to the colonial period and also explains how these issues fared in the aftermath of the conflict. The major contribution to scholarship, however, is the reconstruction of the multiple meanings of ?free trade? and the explanation of the significance of impressment for early America?s national identity. After the attainment of independence, American diplomats ? seeking to gain ?free trade? ? sought reciprocal trade agreements with European countries. When France and Great Britain ? America?s most important trading partners ? refused to embrace reciprocity, Americans sought ?free trade? in a different way: by breaking up mercantilist restrictions and opening up markets for American commerce. After the outbreak of war between Great Britain and France, ?free trade? connoted primarily neutral rights. In response to the Embargo of 1807, Federalists used the term ?free trade? to criticize the Republican administration?s restrictions of American trade. After the War of 1812, Americans used the phrase when discussing whether to impose, dismantle, raise, or lower tariffs. The term was such a powerful political catchword as it ?conjured up the heritage of the American Revolution? and was thus intrinsically tied to American national identity (p. 339). Gilje also convincingly demonstrates that sailors became a major symbol for the new nation and that their freedom would thus be a standard against which the independence of the United States could be measured. Their service was not only required for America?s rising prosperity, but they formed the first line of defense of the American nation. The nation was thus to honor and respect the sacrifices they made, such as when they fought against the French in the Quasi War or against Tripoli in the First Barbary War and were taken prisoners by the Tripolitans. ?It is against this image of the sailor-citizen as the purveyor of commerce and protector of the nation, and as a sufferer under Barbary captivity, that we need to examine the issue of renewed impressment by the British in 1803? (p. 174).

Gilje?s argument that the United States went to war in 1812 to fight for America?s neutral rights and the safety of American sailors is, however, not original but rather the standard explanation of the causes of the War of 1812.(4) The eminent historians of the War of 1812 ? Bradford Perkins, Reginald Horsman, Donald

R. Hickey, and J. C. A. Stagg ? have all convincingly shown these maritime issues to have formed the basis of America?s war declaration ? not the desire to annex Canada or the need for a pretext to subdue the Indians in the Northwest.(4) Yet Gilje demonstrates, more clearly than probably anyone before him, that ?free trade? and ?sailors? rights? were closely connected to the ideals and experiences of the American Revolution, and that Republicans therefore regarded their rights being violated as an affront to American nationalism that could not be ignored, lest America?s very experiment in self-government be jeopardized. His verdict that the War of 1812 was not ?meaningless? is thus justified. Gilje?s claim that the War of 1812 was also not ?mistaken? (p. 343) is, however, unfounded, since war would not have been the only way to assert the principles of the American Revolution. The recourse to war in 1812 can, to the contrary, be interpreted as a betrayal of the Enlightenment hope that republics ? unlike monarchies ? would not wage war unless in immediate self-defense.(5)

# Notes

1. His book *Liberty on the Waterfront: Society and Culture of the American Maritime World in the Age of Revolution, 1750-1850* (Philadelphia, PA, 2004) won the Best Book Prize of the Society for Historians of the Early American Republic for 2004.Back to (1)
2. The book is an extension of an article Gilje published in 2010. Paul A. Gilje, ??Free Trade and Sailors? Rights?: the rhetoric of the War of 1812?, *Journal of the Early Republic*, 30, 1 (2010), 1?23. Back to (2)
3. Donald R. Hickey, ?1812: remembering a forgotten war?, *Journal of Military History*, 76, 4 (2012), 969. Jasper M. Trautsch, ?The causes of the War of 1812: 200 years of debate?, *Journal of Military History*, 77, 1 (2013), 277?8.Back to (3)
4. Bradford Perkins, *Prologue to War. England and the United States, 1805-1812* (Berkeley, CA, 1961); Reginald Horsman, *The Causes of the War of 1812* (Philadelphia, PA, 1962). Donald R. Hickey, *The War of 1812. A Forgotten Conflict* (Urbana, IL, 1989). J. C. A. Stagg, *The War of 1812: Conflict for a Continent* (Cambridge, 2012).Back to (4)
5. A minor criticism of the book involves the cover. The author uses the painting ? ?We Owe Allegiance to No Crown? by John Archibald Woodside ? an image which Nicole Eustace also chose for her recent monograph on the War of 1812. Since Gilje neither mentions nor analyzes the picture in the book, a different choice of image could have helped avoid confusion. Nicole Eustace, *1812: War and the Passions of Patriotism* (Philadelphia, PA, 2012).Back to (5)

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