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Idea(s) of Dutch Neutrality in the American Debate on Neutral Rights (1793–1807)

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ABSTRACT

Since the latter part of the seventeenth century trade and war had become increasingly entangled due to the bellicose commercial rivalry of European colonial powers, who emulated one another in a system dominated by 'jealousies of trade'. European economic thinkers therefore felt increasingly compelled to search for means to uncouple trade and war. Propositions for potential solutions to cure these commercial conflicts are to be found throughout the eighteenth century. The strengthening of neutral rights, especially, was regarded as offering a possible remedy. Leading up to the War of American Independence, a debate began in the Dutch Republic on how neutrality could be advantageously defined to promote commerce without becoming involved in wars of 'entangling alliances'. The actors in this debate would produce arguments that were later adopted by members of George Washington's cabinet. Alexander Hamilton was the advocate of 'strict' neutrality, while Thomas Jefferson was in favour of 'active' neutrality. These two concepts of Dutch foreign policy are examined in this research article with special attention given to their influence on the direction of American foreign policy from 1793 to 1807.

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During the roughly forty years span that encompassed the War of the Austrian Succession, the Seven-Years-War and the American Revolutionary War, a debate began about how neutrality could be advantageously defined and how it could open doors to a more permanent peace. This debate, that was held mostly with regard to the Dutch Republic due to that country's difficult situation as carrier of goods for the powers involved in the war, framed future debates on neutrality, especially in the realm of international law. French and British interventions into the debate played a very important role as well, because they further developed what would become the standard positions on the neutral rights of these two belligerents during the French Revolutionary Wars when the United States replaced the Dutch Republic as principal carrier of goods to and from the colonies.

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The aim of this essay is to point out the significance of the Dutch neutrality debate to the American neutrality debate, and to enter into a deeper analysis of the role Dutch neutrality played as a model to the economic and foreign policies of the early American Republic. The importance of the Dutch Republic's political and economic model has been brought to attention by earlier scholars of Dutch-American relations in the eighteenth and nineteenth centuries, including Friedrich Edler and Jan W. Schulte Nordholt.¹ A more detailed examination of European debates on neutrality preceding the American Revolutionary War and its contribution to the discussion on foreign policy in the early American Republic up to the embargo act of 1807, has however been neglected by historians writing on the Neutrality Proclamation of 1793. Notable exceptions include scholars, who attempted a 'realist' approach to early American diplomacy and state-building, including James H. Hutson, William H. Riker, and most recently Daniel Hulsebosch. They have argued that, contrary to the common assumption tied to what is generally termed as 'American exceptionalism', the Founders' goal was not to isolate the United States from the European political system, but to integrate them into that system by means of emulation, in order to achieve international recognition and influence.² I will follow their lead in the first two parts of this essay by connecting eighteenth-century European debates on international law and creditworthiness, and specifically their links with neutral rights, with American history, by looking at the Dutch example. Compared to Britain, France welcomed and encouraged the Dutch neutrality debate. Because of its relative maritime weakness it had much to gain from a blow to Britain's maritime supremacy.³ France's long-term interest, in fact, lay in an overhaul of the eighteenth-century European balance of power system and in the institution of a more stable form of international relations leaning towards a universal society of states. Britain, on the other hand, sought to perfect the established system via the voice of the British admiralty, that imposed new rules to distinguish between 'proper' trade and contraband trade and thereby further dictate the terms of maritime law to the neutral powers. In reaction to these interventions, the Dutch split into two camps: one favouring the French position, and the other in favour of the British position.⁴ A similar split can be observed among the members of George Washington's cabinet following his Neutrality Proclamation of April 22, 1793 when Britain joined the war against Revolutionary France. Treasury secretary Alexander Hamilton, who in his *Pacificus*-pamphlets declared himself the advocate of a 'strict' neutrality towards both belligerents, was in fact very much influenced by the Dutch pro-British position that supported the Orangist regime. Contrary to the assumption that Alexander Hamilton was an active advocate of the principles of the League of Armed Neutrality, as Mark Somos has argued, in the second part of this essay I will demonstrate that Hamilton's project of the assumption of national debt, which bound the United States closer together, did employ different and in the end more effective means to achieve international recognition than focusing on neutral rights.⁵

Secretary of state Thomas Jefferson, on the other hand, declared himself the spokesman of an 'active' form of neutrality, which meant actively claiming neutral rights justified through the subjection of neutral politics to natural jurisprudence. Like the Dutch pro-French voices, he believed in the United States' ability to gain commercial advantages from playing both belligerent powers against each other, which the British used to call 'abusive neutrality' with regard to the Dutch. In the third and final part,

which is followed by the conclusion, special attention will therefore be given to the role the principles of the League of Armed Neutrality, which were actively promoted by French foreign minister Hauterive and Thomas Paine, played for the Jeffersonian administration, especially to Jefferson's secretary of state James Madison, at the beginning of the nineteenth century, in resolving the question whether or not neutral rights should be actively sought for or not.

1. Defining Dutch/American Neutrality

In a report on his conversations with the minister of foreign affairs at the court of Louis XVI, the Comte de Vergennes, Thomas Jefferson writes:

If we can obtain from Gr. Britain reasonable Conditions of Commerce (which in my Idea must forever include an Admission into her Islands) the freest Ground between these two Nations would seem to be the best. But if we can obtain no equal Terms from her, perhaps Congress might think it prudent as Holland has done, to connect us unequivocally with France. Holland has purchased the Protection of France. The Price she says is *Aid in Time of War*. It is interesting for us to purchase a free Commerce with the French Islands. But whether it is best to pay for it by *Aids in War*, or by *Privileges in Commerce*, or not to *purchase it at all*; is the Question⁶.

Apparently, during his stay at the court of Versailles in the 1780s, Jefferson, who had the opportunity to visit the Dutch Republic in order to negotiate a loan to cover the interest payments of the United States' foreign debt and even suggested a transfer of this debt to the Dutch Republic, was looking to the Dutch example for guidance in the United States' commercial dealings with Britain. Unfortunately, his offering of 'privileges in commerce' with the United States was not greeted with much enthusiasm due to the immovability of France's established system of economic monopolies, especially in the tobacco trade. 'Aid in war' on the other hand was an obligation already established in the French-American Treaty of 1778. This treaty, which was based on a model-treaty drawn up by John Adams in 1776 with the Dutch model in mind, was to originally guarantee to the United States the greatest possible level of neutrality in interstate conflicts. Adams wanted it to be a commercial rather than a political treaty. Therefore, he adopted the 'free ships make free goods'-article from the uncommonly liberal, yet unratified French commercial treaty with Britain, that had been concluded after the Peace of Utrecht in 1713.⁷ However, since military assistance was asked from France, the United States had to reciprocate and thereby bound themselves in a 'conditional and defensive alliance', formally guaranteeing to France her possessions in the West Indies, amongst others the sugar-producing, slave-holding colony that was St. Domingue, which would become the important venue of the Haitian Revolution towards the end of the century.⁸ The result was two treaties: one of alliance (political), the other of amity and commerce (commercial), which other nations were invited to join. The model-treaty of amity and commerce, that Adams and Jefferson, in their capacity as ministers plenipotentiary, offered to other nations and successfully concluded with Prussia and Denmark, can be regarded as a forerunner of the French reciprocity policy of 1778, because it aimed at spreading liberal concepts of free commercial exchange among other European countries in rivalry to the British mercantile system.⁹ This was the

first step in an attempt to overhaul the international geopolitical balance by convincing the Dutch of the opportunities (a return to the Golden Age of commerce) that would arise if they were to invest in American rather than British state debts.¹⁰ As can be observed in Jefferson's diplomatic dealings with the French, this tactic was, in the short run, of very limited success.

Not unlike the Americans, with whom they shared the image of a country where emigrants could find a refuge from religious and political persecutions, the eighteenth-century Dutch came to believe that neutrality was their natural state of being because it was favourable to their commercial interests. This position gained steady support from the 1740s onwards and became the dominant view during the Seven Years' War, when they decided to remain neutral regarding the power struggles on the European continent and to act as carrier of goods for the belligerents, profiting from the 'free ships make free goods'-article that had been initially guaranteed to them in the Treaty of Westminster, which had ended the Third Anglo-Dutch War in 1674.¹¹

Following central arguments from Pieter De la Court's major work *Interest of Holland* (1662), in which that author criticised the neglect of trade in the policies of the Dutch *stadhouders* of his time, the Amsterdam lawyer and merchant Albertus Ploos van Amstel sided with those, who had advocated since the Peace of Utrecht a withdrawal from entangling alliances that involved the United Provinces in the costly wars of other European powers.¹² In his pamphlet published during the Seven Years War Van Amstel expressed his opinion that the Dutch, as a neutral power, possessed the right to benefit from the wars of their treaty partners (the British) by taking part in the markets abandoned by them. His argument was largely based on the Prussian international law expert Christian Wolff's idea of a voluntary law of nations, which Van Amstel related to the 'free ships make free goods'-article from the commercial treaty between the Dutch Republic and England from 1674, thereby attributing to that article a status of perfect right in the international society of states. By using Wolff, Van Amstel gave Dutch neutrality a more flexible definition of international law. Wolff's aim was to defy the so-called 'rule of 1756' that declared that neutrals were not allowed to engage in a trade with the enemy during wartime from which they had been excluded in peacetime.¹³ In practice, this referred to the enemy's colonial trade (trade in colonial goods, as well as in enslaved human beings), which during peacetime was typically a monopoly of the colonial power, from which foreigners were barred.¹⁴

Next to Wolff, who was not directly involved in the neutrality debate, there was Emer (ich) de Vattel, the Swiss lawyer whose major work, *The Law of Nations: Or, Principles of the Law of Nature Applied to the Conduct and Affairs of Nations and Sovereigns* (1758), was a legal-political adaptation of Wolff's moral philosophy. The importance of Vattel's treatise to the larger eighteenth-century debate on neutral rights has been demonstrated by several scholars working on eighteenth-century international law.¹⁵ *Law of Nations* was first published in French, the principal language of European diplomacy, in Leiden. Vattel's engagement with Dutch neutrality in his work can be linked to several issues that were important to the American neutrality debate, including his opinion that fulfilling obligations from defensive treaty alliances could be combined with neutrality.¹⁶ Vattel presented the Dutch experience as a case example of a neutral state by outlining how the Dutch Republic could successfully pursue its national interests without having to break its treaty obligations towards Britain or becoming involved in

a war against Britain's enemy, France. He also discussed the relationship between political neutrality and trade, and contributed thereby to the rationalisation of interstate conflict.¹⁷

On the other side of the Dutch debate, however, there was Cornelius Van Bynkershoek, a 'forerunner of legal positivism'. Van Bynkershoek chose to think of property rights as derived from the rather unspecified principle of 'utility' rather than 'necessity'. His approach to the rights of neutrals was therefore not one that put the emphasis on the basic right to 'justice', as his countryman Hugo Grotius had done, but rather on the nature of the goods carried by neutral vessels. He dismissed Grotius' approach to reconcile the different categories of the rights of neutrals with those of the rights of belligerents, but sought to bring the interests of both under the same legal framework. During the Seven Years War Van Bynkershoek's writings provided the British admiralty with guidelines for distinguishing between what could be defined as rightful neutral trade and what could be defined as illegal contraband trade. He thereby contributed to the creation of a new set of rules in which old treaty regulations, like the 'free ships make free goods'-article from the Anglo-Dutch Treaty of Westminster, could be overturned. These new rules included the British 'rule of 1756' and the doctrine of Continuous Voyage, which declared that, regarding the transshipment of goods from a neutral to a belligerent port, the period of neutral possession was to be ignored and the whole transaction to be treated as contraband trade. Through that rule, the British prize courts were enabled to decide between trade 'with' the enemy, which to them was legal, and trade 'for' the enemy, which they regarded as illegal. The nature of trade itself thereby became redefined. But Van Bynkershoek went even further than that. In the political realm, his prescription of 'utility' instead of 'necessity' could be used to define neutrality in a new way, contributing to Vattel's argument of the 'perfection' of a state. Neutrality could thereby be regarded as providing convenient, 'utile' means to preserve the peaceful order of the interstate system.¹⁸ At the heart of Van Bynkershoek's argument lay the claim that the articles of treaties, binding two states in obligation to each other, could not be understood as composing a general law of nations. It could not be more different from Van Amstel's assertion that the 'free ships make free goods'-article should be interpreted as belonging to a 'voluntary' law of nations.¹⁹

Dutch neutrality would be put to the test again during the Fourth Anglo-Dutch war in 1780. By this time, forced by the British admiralty, the Dutch had sought to pursue a middle-way between active neutrality, as it had been defined by Van Amstel and Vattel, and strict neutrality, as defined by Van Bynkershoek. Following France's entrance into the American Revolutionary War, the Dutch found themselves in a position similar to that which they held during the Seven Years' War. The question of whether they should insist on their neutral trading rights, which had been guaranteed to them in the Anglo-Dutch treaty, was put to the test once more. This time the Dutch, as has been pointed out by Jefferson, were forced to align themselves with France in a military alliance.²⁰ However, France being at the brink of bankruptcy by the end of the eighteenth century, the monarchy was unable to successfully intervene in the Batavian Revolution. The Batavian Revolution was in full process when the American constitution was being framed. Those Dutch writers who followed Van Bynkershoek in advocating 'strict' neutrality during the Revolution found themselves unwillingly tied to the pro-British side, while those in favour of a full enjoyment of neutral rights were supported by the

French. Attempts to transcend party struggles in order to secure Dutch national sovereignty were rather tied to the position of not insisting on extensive neutral rights. The French monarchy's failure to support the Dutch Patriot party led to the reestablishment of the *stadhouder*; however, the French public's enthusiasm for the Batavian Revolution would be no small factor in the outbreak of the French Revolution.²¹

When the news arrived in the United States of Revolutionary France's declaration of war against Britain and the Orangist Dutch Republic in the spring of 1793, President George Washington consulted with his cabinet about how to proceed from there. No member was in favour of getting involved in the war due to treaty obligations with France. However, differing approaches to and definitions of neutrality became visible, especially between treasury secretary Alexander Hamilton and secretary of state Thomas Jefferson, who had already shown very different views on the future of the United States' financial policy and the role of the executive power in the newly adopted constitution.²² After their first consultation on April 19, which ended without a definitive decision, George Washington asked the cabinet members to give their opinions in writing. Jefferson presented his on April 28, six days after the publication of the official Neutrality Proclamation, which did not contain the term 'neutrality'. Jefferson would later write to his friend and Congressional ally, James Madison, that 'a manly neutrality, claiming the liberal rights ascribed to that condition by the very powers at war, was the part we should have taken, and would I believe have given satisfaction to our allies. If anything prevents its being a mere English neutrality, it will be that the penchant of the P.[resident] is not that way, and above all, the ardent spirit of our constituents'.²³

Jefferson's idea of 'manly neutrality' did not mean 'sitting still', as in the case of strict neutrality, but he proscribed an active bargaining for neutral rights, which was favourable to France. In his written opinion on the treaties with France, which he gave to Washington, he started by examining the question whether the United States had a right to suspend, or even to renounce the French-American treaty of 1778 'as a necessary act of neutrality', as Hamilton had put it.²⁴ First of all, Jefferson declared his support for the principle contested by Hamilton, that the treaty bound together two nations, instead of their governments. Supporting the concept of popular sovereignty, Jefferson did not regard the treaty, that had been made between the United States and the by now executed Louis XVI, as annulled due to the death of that king. Compared to Hamilton in his pamphlet *Pacificus*, that he wrote and published anonymously, speaking in favour of the Presidential Neutrality Proclamation, Jefferson did not deny that nations had similar moral obligations as individuals who concluded treaties.²⁵

To underline his opinion, Jefferson used citations from Hugo Grotius, Samuel Puffendorf and Christian Wolff to show that the majority of international law experts concurred that 'treaties remain obligatory notwithstanding any change in the form of government, except in the single case where the preservation of that form was the object of the treaty', and he added to them Vattel, who had been quoted by Hamilton to show that the opposite was true.²⁶ Hamilton in fact drew attention to an additional sentence in Vattel, that says if the change of the form of government 'renders the alliance useless, dangerous, or disagreeable to it, it is free to renounce it'.²⁷

In this matter, Hamilton's and Jefferson's opinions went in opposite directions, because the latter welcomed the republican turn of the French Revolution, whereas the

former became increasingly sceptical of the sister republic's excesses, as can be observed in his shorter pamphlet series following *Pacificus*, which he wrote under the pseudonym of *Americanus* at the beginning of 1794. Hamilton's different interpretation of Vattel, whom Jefferson had quoted as sharing the same view on the need to fulfil the obligations of treaties as his predecessors, leads back to Van Bynkershoek's placing of 'utility' before 'necessity' and Vattel's combining the latter principle with the primacy of the self-preservation of states.²⁸

Even though Jefferson recognised and agreed with the ultimate principle of self-preservation outweighing treaty obligations, he insisted that the conduct of the French Republic did not lead to imminent danger of direct involvement in the war for the United States. Comparing Hamilton's alertness with a summoning of the bogeyman 'rawhead and bloody bones', Jefferson asserted that treaties should be observed in order to deny France a just cause for entering into war against her ally. Sister republics fighting each other would be a delight to all crowned despots, he argued. Jefferson was not blind to the fact that article 11 in the treaty of alliance, which guaranteed to France American support in protecting their West Indian possessions, bore the potential to involve the United States in the war. If it came to that, he wrote, the United States should point to their lack of sufficient military force and more rightfully declare their neutrality than if they did it straight away. Another potential cause of problems were the articles 17 and 22 in the treaty of amity and commerce, that assured free access to French privateers and warships taking prizes into American ports, while denying it to her enemies. Jefferson's stance on this was that other nations, including the Dutch Republic and Prussia in her treaties with the United States, and even Britain herself in her commercial treaty with France from 1786 had adopted the same stipulation, thereby accepting this article and giving it a special status.²⁹ His line of argument adopts a similar strategy as Van Amstel, who used Wolff in order to declare the 'free ships make free goods'-article as belonging to the 'general law' of nations. Jefferson, like Van Amstel, regarded this article, that became an important part of Adams' commercial model-treaty of 1776, as belonging to the 'modern' law of nations. He pushed for the term 'modern' to be inserted into the Neutrality Proclamation of April 22, 1793, in order to enable a more advantageous interpretation of neutrality.³⁰ Jefferson altogether refused to accept, however, Hamilton's reluctance to receive the new French minister, Edmond-Charles Genêt. Events following the arrival of this international-law-defying individual would soon tamper his optimism.³¹

2. Alexander Hamilton's American 'Hercules in the Cradle'

By publishing his *Pacificus*-pamphlets, Hamilton, as opposed to Jefferson, sought to rally up public support for Washington's Neutrality Proclamation, which he defended against Congressional critics (including James Madison), who argued that the Executive had no authority to declare peace (or war), but that this was the prerogative of the legislative branch of government. Hamilton answered them in his very first issue of the *Pacificus* that the President, who was charged with executing the laws of the land, as well as with executing the laws of nations, was not declaring but affirming neutrality as the 'present' and natural condition of the United States in the interstate arena. Washington thereby did not take any authority away from the Legislature.³²

Since self-preservation was the first duty of a nation, according to Vattel and other international lawyers, any article in the French-American treaty (like article 11) that could endanger that duty by drawing the United States into a ruinous war, had to be renounced, so Hamilton argued.³³ Guaranteeing French armed ships the right to be received in American ports, for example, would be a violation of the United States' natural neutrality, because it would not be a 'strict', but a partial neutrality in favour of one nation (France). Therefore, in his view, article 17 and 22 in the treaty of amity and commerce had to be equally abandoned.³⁴

One principal fact that gave Hamilton the upper hand in his 1793 pamphlet war with Madison was not only that Hamilton's *Pacificus* did not lose itself in constitutional formalities, as did Madison's *Helvidius*, but that he could claim that France was not fighting a defensive war, because it was her who had declared war against other European states, and thereby she could not legitimately ask for any form of aid from the 'conditional and defensive alliance' with the United States. Hamilton explicitly referred to the two decrees of the French National Convention of November 15 and 19, 1792, which ordered the French army to assist every people of Europe willing to overthrow their monarchies and to treat all those people as enemies, who renounced assistance and preferred to preserve their aristocratic governments. Hamilton concluded from these decrees that France had not only completely ignored the international law of non-interference into the internal government of other states, and thereby scorned the national sovereignty of other people, but that they had practically declared war against all mankind unwilling to share their doctrines. Furthermore, starting with Belgium and the German Rhine Region, the French armies began to incorporate the conquered territories, which was actively violating international law.³⁵ French Minister Genêt's conduct during his eight-months-long ministry seemed to confirm Hamilton's assertions.³⁶

Following Hamilton's successful defense of 'strict' American neutrality in the *Pacificus* pamphlets, his succeeding two *Americanus* pamphlets were dedicated to a sober evaluation of the cause of the French Revolution, that had sparked so much enthusiasm among many Americans, and to a complete renunciation of war as effective means of conducting foreign policy. The second issue of Hamilton's *Americanus* in particular presented the United States at a crossroads between peace, which would secure progress and prosperity, and war, which would inevitably hurt American trade and agriculture. Compared to Jefferson, who, like Van Amstel before him, imagined the United States to be able to 'fatten on the follies' of European belligerents by gaining access to new markets formerly closed to them, Hamilton's assessment was much darker. The image of an 'insulated' American civilisation, on the other hand, which was evoked by Hamilton in the second issue of *Americanus*, found its way into Jefferson's later perspective when the French Republic had succumbed under its wars to a military dictatorship.³⁷

Americanus' aversion to war was driven by Alexander Hamilton's political realism. He thought of the United States as a 'Hercules in the cradle' that needed to be nourished before being able to strike. The United States did not yet possess a sufficient naval force or standing army. Hamilton was eager to build these necessities, but could not get the funds approved.³⁸

Next to commerce as an important instrument of foreign policy, Hamilton committed himself to building a reputation for international creditworthiness for the United States through the assumption of public debt.³⁹ His commitment to this goal branded him as an

admirer of the British system in his own time, but those characterising him as such did not fully comprehend his motivations. For Hamilton, emulation of Britain was not the aim, but the means to a greater aim. This brings us back to the Dutch Republic, more specifically to Isaac de Pinto, a supporter of the Orangist *stadhouder* and prominent proponent of debt finance, who wrote several treatises in French language on issues of finance in the years between the Seven Years War and the American Revolutionary War. Pinto had a keen interest in the British financial system, which he demonstrated in his anonymously published *Essay on the Constitution of England* (1765). The *Essay* presents a revisionist reading of David Hume's *History of England* and of the evolution of political and commercial liberty in eighteenth-century Britain. Unlike Hume, Pinto does not accredit this development to the authors of the *Magna Carta*, but to the Dutch Prince of Orange, the later English king William III, who, according to Pinto, modernised the English constitution by emulating the Dutch, including a new set of 'constituents', merchants and financiers, possessing 'fluid' yet solid property, who would contribute to overcome the fiscal crises and political factions of the Stuart era.⁴⁰ The *Essay's* arguments are further elaborated in Pinto's most important work *Traité de la circulation et du crédit* (1771) in which he gave an account of the interconnectedness of public finance and political stability.⁴¹

Pinto asserted that mercantile interest and profit-seeking were a source of true patriotism, because they provided the most industrious and wealthy class of society with a social honour system and at the same time stabilised interstate relations. He observed similar effects in the system of public debt, which was the foundation of public credit as indicator of the well-being of states. Pinto advocated the benefits of financial markets that contributed to a reformation of international trade by guiding investments based on the comparative commercial advantages of states (natural resources, capacity of economic growth, etc.), rather than their military power, and by unleashing huge potential for wealth creation, thereby overcoming national 'jealousies of trade' through the uniting of all commercial states in the protection of their mutual interests in colonial trade. Former tensions innate in the balance of power and entangling alliance systems would give way to a new system of international trade relations.⁴² Hamilton, who never cited Pinto directly, and seemed to be more infatuated with the writings of the British economist and critic of public debt, Malachy Postlethwayt, shared this perspective.⁴³ In Hamilton's view, the public debt could be an engine of nation-building for the United States, bringing the interests of all states together through the creation of a national bank and finance system. Hamilton's calling the debt 'salutary' was misunderstood by many of his contemporaries, not unlike Pinto, who thought of Hume's suggestions of voluntary bankruptcy as bad political reasoning, because it would mean a relapse into ancient, 'barbaric' times when military aggrandisement instead of commercial growth was the ultimate measuring stick for the success of civilisation. The creation of a working interstate system of 'commercial reciprocity' was the goal that would brand conflict forever as a disadvantage to all states involved. The only precondition to the functioning of this apparatus was the proper regulation of foreign trade relations.⁴⁴

During the renewed debate on Dutch neutrality in the midst of the American Revolutionary War, Pinto published a series of pamphlets under the pseudonym of *Bon Hollandais*, in which he traced the rival positions on the active claiming or passive renouncing of Dutch neutral rights to the strong 'foreign' influence of the British and French. He

judged from this observation that not Dutch interests, but foreign mutual ‘commercial’ jealousies dominated the debate. The Dutch interest had therefore to be examined, which the *Bon Hollandais* undertook to do. In 1779, Pinto came to a similar conclusion to Hamilton, who defended the controversial commercial treaty negotiated by John Jay in 1794, which had excluded the ‘free ships make free goods’-article, in his *Camillus*-pamphlets: Britain was a more stable guarantor of Dutch, resp. American interests than France, because both were dependent on the commerce of the other.⁴⁵ Following this logic, Hamilton’s financial policy of restoring the United States’ public credit was focused on American trade with Europe, especially with Britain, as a means of gaining ‘comparative advantages’ by providing access to the principal source of American tax revenue, which were customs duties.⁴⁶ Similar to the British government, the Washington administration was relying on the active cooperation of the merchant class by nurturing close relations with them.⁴⁷ Those criticising the Jay Treaty, including James Madison, imagined achieving commercial reciprocity with Britain in a different way: turning commercial jealousies against each other by putting tariffs on British imports in an act of ‘commercial discrimination’, counting on the destruction of the mercantilist system by giving it a taste of its own medicine.⁴⁸ This could only be a short-lived experiment, because it did not present an incentive to compromise, but its goal was to ‘coerce’ and thereby to vindicate the promise made by the Declaration of Independence of a truly independent American commercial policy. The potential of this strategy to cause war, as it did between England and France in the previous centuries, would be overlooked. Compared to Hamilton’s adherence to ‘comparative advantages’, Madison, who shared Jefferson’s views on the necessity of pursuing active, ‘abusive’ neutrality, rather believed in the mercantilist concept that ‘the growth of one country’s trade came at the cost of another’s’.⁴⁹

The Jefferson administration pledged to uphold the government’s close relationship with the mercantile class by defending the United States’ neutral carrier trade.⁵⁰ However, with the non-importation and embargo acts of 1806/7, and the consequent freezing of American trade, the most important source of revenue, the customs duties, had to be replaced over time with direct taxes, which burdened Jefferson’s and Madison’s very own class of slave-holding planters. Although Jefferson spoke of appealing to the enlightened interests of belligerent states, his appeal to their sense of ‘justice’ towards neutrals on the basis of Grotian international law principles was without effect due to the unprecedented wartime situation in Europe.⁵¹ Like Madison, he tended to overestimate the position of the American ‘Hercules in the cradle’ in the interstate system, and to underestimate Britain’s willingness to exploit her position of maritime supremacy, that she had wrung away from the Dutch in the preceding century, in order to defeat Napoleon Bonaparte.

3. The Jefferson Administration’s Reaction to Commercial Warfare

By the spring of 1793 the Dutch Republic had ceased to be neutral, and the United States was about to take its place as principal carrier of goods from and to the American colonies during the French Revolutionary and Napoleonic Wars. The Jay Treaty made this development possible by not insisting on extensive neutral rights.⁵² *Camillus* had made it clear, that the United States did not associate with the failed effort of the League of Armed Neutrality, which Hamilton described as having been ‘resisted’ by

the belligerent power (Britain) whose ambitions it aimed to curb.⁵³ Hamilton did not regard the League as a model to be followed, even though he seemed to respect its principles. The League failed exactly because it did not effect an alteration in the law of nations by raising the ‘free ships make free goods’-article to the status of ‘general law’.

The principles of Armed Neutrality promoted extensive rights for neutral shipping in times of war. Denmark and Sweden had joined the League in 1780, followed by the Dutch Republic, who, due to its breaking of treaty obligations with Britain, was dragged into the war against its former ally Britain.⁵⁴ Jefferson seemed to fear a similar fate awaiting the United States in 1793, when strict neutrality was proclaimed. Indeed, after the ratification of the Jay Treaty it came to a quasi-war with France during John Adams’ presidency. Although it did not achieve Britain’s acceptance of its principles of free neutral trade, the first League of Armed Neutrality, which met with positive resonance in the American colonies and was quickly joined by other European powers, left Britain isolated enough to contribute to its defeat in the American Revolutionary War.⁵⁵ After the outbreak of the French Revolutionary War, a renewing of the League was sought by the Northern powers Denmark and Sweden. However, this time its original creator, Russian empress Catherine II. decided to align her country with Britain and ignored the principles she had supported to promote. Hamilton’s negative judgment of the second League in the thirty-first issue of *Camillus* in 1795 was aimed at this recent development. Following Napoleon’s rise to power in 1800, new attempts were made to renew the League once more under the guidance of tsar Paul I of Russia, who was joined by Denmark, Norway, Sweden and Prussia. The assassination of Paul in March 1801, however, led to the third League’s dissolving. His successor Alexander I, who was highly esteemed by then President Jefferson, would not revive it.

Regarding the League of 1800 as maritime arm of France, Britain did not hesitate to attack its members to force them from withdrawing. Without any doubt, French attempts to push for a pan-European backing of the League was one of the causes. Preceding Napoleon’s ascension to power and the assassination of the tsar, French consul of New York Alexandre d’Hauterive published a pamphlet which was calling for a maritime federation under the banner of either France or Russia. *De l’État de la France à la fin de l’an VIII* (1800) outlined the principles of France’s foreign policy with regard to commerce and her maxims for a ‘modern’ code of maritime laws. It argued that strict neutrality was impossible, because of the interconnectedness of global and local commerce. Impartiality could therefore not exist. Since the majority of nations wanted limitless liberty of navigation and commerce for neutrals in times of war, the British code of maritime rules was opposed to the will of the rest of Europe. In Hauterive’s estimation, Britain’s intimidation of neutral powers was going against the true principles of international law, and strict neutrality, which accepted the British code, was not neutral at all. Hauterive concluded that belligerents did not have the right to dictate the law to neutrals, because of the national sovereignty of European states. Contrary to Thomas Hobbes, he declared that war was not the natural condition of man. France, on the other hand, according to Hauterive, respected the national sovereignty of states. If neutrals were suffering from depredations against their commerce, it was because of their adherence to British rules. In order to achieve a change, neutrals must not ‘sit still’, but fight for their rights by boycotting British commerce with a navigation act on their own. Except for the United States at the time of the American Revolutionary

War, he remarked, no nation had yet dared it.⁵⁶ In order to force Britain to adhere to what the majority of states wanted, a ‘federal’ instead of ‘national’ navigation act had to be enacted, so Hauterive’s reasoning, which found its echo with the notorious Thomas Paine, who had survived the French Revolution’s ‘Reign of Terror’, but was associated until the end of his life with political radicalism.

Paine decided to publish a pamphlet, addressed to the American public, that was called *A Dissertation on the Law of Nations* (1801), wherein he made it clear that he did not associate the law of nations with anything written by international lawyers like Grotius, Puffendorf, or Vattel. Instead he would write about ‘general laws of nations’, not to be confounded with the laws of treaties. Paine shared the view of the former French Minister to the United States, Genêt, who declared that the writings of Vattel and others were but ‘opinions’ (Genêt called them ‘aphorisms’), unauthorized to represent any form of binding law. The only code of law that could pretend to call itself ‘general law’ was, in Paine’s opinion, the principles promoted by the League of Armed Neutrality, because they were accepted by the majority of the maritime commercial nations. This reasoning portrays Paine’s dedication to democratic principles according to the rule of the ‘majority’. Not unlike Jefferson, he also referred to the principles outlined by the Armed Neutrality as belonging to a ‘modern’ law of nations and named but one, the principle that ‘neutral ships make neutral property’ as the ruling principle. Basically, this was Paine trying to claim a status as ‘general’ law for the ‘free ships make free goods’-article, as Jefferson and Van Amstel had done by referring to the law of preceding treaties. Paine, however, altogether ignored treaties. He also adopted Hauterive’s condemnation of belligerents dictating the law to neutrals, but asserted that it should be the other way around: neutrals should dictate the law to belligerents, because war was not the natural condition of man. Britain had therefore no right to board and search neutral ships. Instead of an armed convoy, the flag alone should count as guarantee of the ship being neutral and thereby bearing no contraband goods. This condition was characterised by Paine as ‘Unarmed’ Neutrality.⁵⁷ The League of Unarmed Neutrality should be peaceful, a mere commercial association that would target Britain’s most vulnerable point: her public credit. By disrupting her foreign commerce, she would lose her creditworthiness and go bankrupt. All that was needed was a concerted effort among neutral nations to enforce a ‘federal’ embargo, thereby closing her export and import markets. Paine, who was a native of Britain himself, was well acquainted with his countrymen’s infatuation with the power of public credit, described, amongst others, by Pinto and Hamilton. Draining Britain’s resources was much more effective than the means of Armed Neutrality (a powerful navy), Paine claimed. It was a fact, that no other nation could compete with Britain’s navy, but in order to maintain that force, Britain had to have sufficient resources. The Unarmed Neutrality would also give sufficient time to France to rebuilt her navy and to restore the ‘balance of power’ on the seas. A humbled Britain would lose her monopoly of commerce and the doors would be open to establish a more liberal code of maritime laws. Paine suggested to the neutrals to form a ‘compact maritime’ in the form of an association or federation of states for the protection of neutral rights. He outlined ten articles and a plan for the structure of the federation, suggesting to institute a President and a Congress.⁵⁸

Although favourable to the principles outlined in Paine’s proposal, which he described as identical to those of his administration, Jefferson proved to be unwilling to enter into

any form of compact following tsar Paul's assassination.⁵⁹ The failure of the French Revolution, coupled with Haiti's declaring of independence in 1804, seems to have turned him away from his initial position of the enthusiastic internationalist, to embrace *Americanus'* more isolationist approach. On top of that, by the time the Jay Treaty expired between 1803 and 1805, British depredations on American neutral carrier trade, especially through the seizure of sailors from American ships, became too frequent to be ignored. Efforts to renegotiate the Anglo-American commercial treaty by adding a stipulation against these depredations remained unsuccessful.⁶⁰

Prior to the passing of the non-importation act, that preceded the embargo act, in January 1806 Jefferson's secretary of state James Madison anonymously published a pamphlet of uncommon length, bearing the title *An Examination of the British Doctrine, Which Subjects to Capture a Neutral Trade, Not in Time of Peace*. The pamphlet offered a detailed examination of the illegitimacy of the British maritime code, especially of the rule of 1756 and the doctrine of Continuous Voyage, using an analysis of the writings of the most important authorities in international law, references to bilateral commercial treaties from past centuries, and case examples from depredations on other neutral nations.⁶¹

In the pamphlet, Madison put the Grotian principle of 'extreme necessity', which had been replaced by Van Bynkershoek's 'utility', back in the foreground, as the only acceptable legitimation to depredations on neutral rights. From his reading of Vattel, whom Madison analysed at greater length due to his importance in questions of neutrality, he deduced the general maxim that 'impartiality [is] the test of lawfulness in the conduct of neutrals, and the mere pursuit of their own interest, without a design to injure any of the belligerents, the test of impartiality'.

The second and more important part of the *Examination* explores examples of bilateral treaties in the past century. Madison commenced by arguing that treaties 'may be considered as simply repeating or affirming the general law' and most importantly 'as constituting a voluntary or positive law of nations'. Here, Madison referred himself, like Jefferson before him, to Wolff's voluntary law of nations and tried to reenact the Dutch attempt to turn articles from commercial treaties into general laws, underlining that 'the influence of treaties, those at least of peace and commerce, in modifying and defining the rules of public law applicable to periods of war, ought, in preference to the influence of mere practice, to be promoted by all governments which respect justice and humanity, and by all jurists who aspire to the authority of commentators on that subject'. Madison complained that the law of nations as it was known in the past century had been derived from the practices of belligerents, and was therefore more or less biased towards them. Treaties, on the other hand, were formed either in the spirit of peacemaking, or of commercial reciprocity. Reformation of abuses in the law of nations were owed to treaties, so Madison argued, and picked up some examples for more detailed examination. Among them the reader finds the Anglo-Dutch Treaty of Westminster, which Madison called 'a marine treaty of December 1, 1674, with the United Provinces'. He recited the first four articles, including the second, which declared that 'free ships make free goods', adding that the treaty was 'a document so peculiarly important in the present discussion, that its contents will be recited with equal exactness'.

Madison went on to cite the text from the treaty of Triple Alliance, concluded in 1667–68 between England, Sweden, and the Dutch Republic, which consisted of three separate

agreements between these powers, but was short-lived. Yet, Madison gave four reasons for the ongoing importance of that treaty with regard to the present situation of the United States. Firstly, the treaty determined the right of the neutral to trade not only between its own ports and those of the enemy to the belligerent party, without the exception of colonies, but between any other ports, be they neutral or enemy. Secondly, the articles of the two treaties of 1667/8 and 1674 were extended by England to treaties she had concluded with other nations. Thirdly, the article of 'free ships make free goods' was introduced and contributed to the fact that the coastal and colonial trade were now more likely to be acknowledged as neutral trade, even if those markets did not belong to neutrals in times of peace. Lastly, England claimed and enjoyed the benefit of this article herself when at peace, and when at war it was the Dutch, who benefited from it. Madison took up these reasons again at the end of the *Examination*, basing his claim that the British maritime rules were illegitimate on the fact that Britain continued to claim privileges from the Anglo-Dutch treaties, while denying them to other nations.

Madison named a string of other British treaties, that adopted the same principles as the Anglo-Dutch treaties, including the treaty between George III and Alexander I of 1801, which ended the Second League of Armed Neutrality. He gave it a central place in his argument, because the treaty made Britain acknowledge most of the principles of the League (excepting the right to carry enemy goods) with respect to Russia and was extended to Denmark and Sweden. Jefferson, who sought a good relationship with Alexander, hoped that the Russian tsar would intervene with Britain in favour of American neutral rights, and invite the United States to join the treaty as well.⁶² This strategy was without any doubt known to Madison, who, in the *Examination*, argued that the Anglo-Russian treaty could be extended not only to Denmark and Sweden, but to 'all' neutral nations, the United States included. Madison then explained the principles of the first League of Armed Neutrality. Unlike Paine in his *Dissertation* (1801), Madison claimed that the Armed Neutrality did not seek to establish a 'new' law of nations, but to 'assert the law as it already stood', and which even Britain accepted to abide to in their treaty with Russia.

The last part of the *Examination* is dedicated to the effort of showing that the rule of 1756 and the doctrine of Continuous Voyage were illegitimate. Madison arrived at this conclusion by using case examples to outline the history of their establishment, which he described as infused with inconsistencies, and by pointing to their 'novelty', thereby exposing the motivations of the British behind the construction of these two maritime laws, which were fuelled by 'commercial jealousies'. He underlined the role of the Dutch in this process and the depredations on their carrying trade for France to and from the colonies in defiance of the Anglo-Dutch treaties during the Seven Years War. That trade was now in the hands of the United States. Madison's very detailed description of the injuries inflicted on Dutch sailors on the high seas and their attempts to appeal to their treaty stipulations is instructive of the comparison he made with the current situation of the American carrying trade. England's reply to the Dutch remonstrations, he wrote, was that the Dutch trade with the French West Indies was not an issue back in 1674, at the time of the Westminster Treaty. Also, those Dutch vessels engaged in colonial trade for the French were to be considered as French vessels. Madison condemns this birth-moment of the 'spurious' rule of 1756. He presented a

case study in the proceedings of a British prize court against a Dutch ship in 1758, captured on the grounds that it had 'by adoption' been made the property of the enemy, because it had navigated French channels and taken in French cargo. Madison described it as the 'original principle of virtual adoption', which preceded the rule of 1756, as it was employed in the present, and was afterwards changed to be adopted in future cases. This 'variation of principle' was to him a proof of British inconsistency. The British would have described it as a 'flexible rule' following Van Bynkershoek's principle of 'utility'.

Madison observed another inconsistency of British conduct during the American Revolutionary War: the abandonment of the rule of 1756, which would last only temporarily. Because with the outbreak of the French Revolutionary Wars in 1793, the British had decided to revive it. Madison went on to discuss the origins of the doctrine of Continuous, or Single Voyage, which he described as a 'novel' and 'arbitrary' measure of the belligerent to put a check on neutral nations. The development of this measure he attributed to British efforts during the war against Napoleonic France to curb the American re-exportation of goods from the French West Indies via the intermediate station of American ports, which was referred to as 'circuitous trade'. In obstructing re-exportations from the United States, Madison argued, Britain had secured themselves a direct channel to the enemy's colonial trade with the additional advantage of a monopoly on the carrying trade to her own ships.

At the end of his pamphlet, Madison examined means to combat Britain's 'commercial jealousy'. Not unlike Paine, he concluded that Britain's resources were dependent on her external commerce and that, if her own agenda of commercial exclusion, which she employed against neutral powers, was to be turned against herself, the tide would be turned. Here Madison indirectly promoted Jefferson's non-importation act. His core argument in favour of a strategy of 'commercial coercion', however, lay in his commitment to national sovereignty. The fact that captured ships and their crews were brought to trial by British courts of admiralty was defined as 'foreign' attack, not only on rights of property, but on rights of American citizenship. Damaged cargo or trampling on a citizen's rights to remain safe from impressment presented an encroachment on the rights of members of a sovereign nation.⁶³ In the early nineteenth century this idea that connected notions of citizenship to security from impressment became significant to the free Black community in the Northern states, whose leadership was well connected in the maritime trades.⁶⁴

Madison's support of the non-importation act, and later the embargo act, was not shared everywhere. Especially in the Northern States, which were highly dependent on trade with Britain, enthusiasm became increasingly low and violations of the embargo were frequent.⁶⁵ It was impossible to regard the embargo as anything other than a short-lived measure. Jefferson's governorship of Virginia had familiarised him with the difficulties associated with the embargo.⁶⁶ The embargo was hard to enforce and encouraged the practice of smuggling. However, Jefferson was determined to keep it in place as long as possible, and to enforce the non-exportation (at home) with armed forces if necessary. He looked at the embargo as the only means for the United States to oppose themselves 'peacefully' to the British Orders in the Council of 1807 and to Napoleon Bonaparte's Continental System, which forced neutrals to give up their neutral status in order to trade with Europe, thereby contradicting Washington's Neutrality Proclamation of 1793.⁶⁷ By ordering his countrymen, who were engaged in trade, to 'sit still', Jefferson in his role as President, contrary to his earlier preference of 'active' neutrality as

secretary of state, virtually adopted the ‘strict’ neutrality advocated by Hamilton, who had by that time already died in a duel with Aaron Burr.⁶⁸

4. Conclusion

Hamilton’s interpretation of American neutrality left a lasting impact on the incoming Jefferson administration, due to the active role Hamilton attributed to the President in deciding between peace and war. This broad construction of the executive role was initially regarded by many members of the legislature, including Madison, as contradicting the American constitution. However, by emphasising the importance of international law over national law, Hamilton opened up a scope for more political flexibility to Washington (and later on Jefferson) that was necessary in times of ongoing European warfare.

Hamilton’s model for the American Presidency clearly differed from Madison’s. The former adopted the strong executive model of the pro-British Dutch Orangists, who in 1672 supported the later English king William III (the same, who was praised in Isaac de Pinto’s *Essay*) as *stadhouder*. Hamilton’s engagement with the quasi-monarchical model of the *stadhouder* is not accidental, since the Batavian Revolution drew broad international interest and seems to have encouraged engagement with older concepts tied to authoritarian and democratic forms of rule within a mercantile republic.⁶⁹ Through Johan De Witt’s *Political Maxims* (1669) Dutch economist Pieter de la Court’s *Interest of Holland*, which formulated a political agenda aiming at maximising Dutch political and economic autonomy by disempowering William III, became of renewed interest, as can be testified by Jefferson’s and Madison’s apparent engagement with it. French support for the cause of the anti-monarchical Patriot Party led to a wave of republican-minded Dutch exiles entering French territory following the surrender of Amsterdam on 10 October 1787. It was later that month that Hamilton and John Jay published the first two essays in what would become the Federalist Papers (27 October 1787–28 May 1788) in which they argued about the insufficiency of the Articles of Confederation to hold the Union together, and in favour of a strong federal government as a bulwark against foreign influence. The French Revolution’s reinvigoration of the Dutch Patriots’ cause and the declaration of the Batavian Republic in 1795 tied the interests of both countries together, while *stadhouder* William V aligned himself with Britain against Dutch independence. Past as well as present Dutch events, therefore, seem to have had an impact on the Founders’ thinking about international relations, and the dangers that the United States as a young, still undeveloped commercial republic faced within the international arena of late eighteenth-century Europe. Disagreements between Federalists and Republicans on the role of neutral rights to strengthen the United States’ international recognition were framed through Dutch arguments, because both sides apparently acknowledged that these arguments strengthened their respective positions. Contrary to Hamilton’s approach to international law, however, Jefferson’s remained a purely national solution that was doomed to fail. Following Britain’s naval blockade of the French coast and Napoleon’s failed attempt to invade Britain, both turned to a new kind of mercantilist policy, which would seriously effect neutral trade. The Continental system, which was initiated by the decree of Berlin in November 1806, did not aim at halting neutral trade with Britain, but was designed as a non-impotation act to boycott British products on the European continent. Britain’s response was

to double down by prohibiting the French to trade not only with her allies, but also with neutrals. Neutral ships going to Europe had to stop at British ports first to pay tariffs and to be searched there for contraband. Napoleon retaliated against this measure in November 1807 with the first decree of Milan, which declared all neutral ships coming to Europe from British ports as British. The French emperor thereby seems to have adopted the British ‘principle of virtual adoption’, which Madison’s *Examination* described as a forerunner to the rule of 1756. The new British strategy of exploiting neutrals by rechanneling their trade through British ports, was designed by James Stephen, who was a member of Parliament acquainted with William Wilberforce and the so-called Clapham Sect, and the principal architect of the Slave Trade Abolition Act of 1807. His strategy made neutrals, who were inclined to trade with France in their colonial trade, an active instrument of British economic warfare. France’s reaction to the British measure was to penalise neutral trade with Britain that encouraged neutrals to engage in the smuggling of British products to the European Continent through a license given by the British government. France was thereby putting neutral ships on the same level with British ships. The principle employed by Napoleon in the second decree of Milan was however not that of ‘virtual adoption’, but of ‘hostile infection’, a principle employed by the French monarchy since the sixteenth century, yet suspended since the Seven Years War, which extended the status of an enemy’s cargo to the whole ship.⁷⁰

The United States’ embargo act could merely be a defensive measure, compared to the aggressiveness of the Anglo-French mercantilist war policy, and it therefore missed its original target to discriminate, instead of preventing to be discriminated. There was no possibility to coerce these two major belligerent European powers into accepting the American ‘Unarmed Neutrality’, because it was unbacked by coercive power. On the other hand, the futility of the idea to destroy commercial jealousies by having them compete with each other can be seen in the outcome of this strategy as it was used by Napoleonic France and her European allies, which was the severe suffering of their commerce to the brink of bankruptcy, the uninterrupted ongoing and subsequent loss of the war. Next to Britain’s successful defense of her maritime supremacy at Trafalgar, her financial system was more stable than it seemed, despite, or maybe, because of its overblown national debt, just like Isaac de Pinto and Alexander Hamilton had predicted.

Notes

1. Edler, *The Dutch Republic and the American Revolution*. See also Schulte Nordholt, *A Bilateral Bicentennial*.
2. Golove and Hulsebosch, “A Civilized Nation.”
3. Schnakenbourg, From “Hostile Infection” to “Free Ships Make Free Goods.”
4. Stapelbroek, “The Rights of Neutral Trade and its Forgotten History,” 8–9.
5. Somos, “A Price Would be Set Not Only Upon our Friendship, but Upon our Neutrality,” 186.
6. Jefferson, *Papers*, 139–46.
7. Gilbert, *To the Farewell Address*, 50–52.
8. *Ibid.*, 84–85. On the Haitian Revolution’s reception in the early United States, see White, *Encountering Revolution*.
9. Neff, *The Rights and Duties of Neutrals*, 68–71.
10. Hutson, *John Adams and the Diplomacy of the American Revolution*, 111. See also Ryerson, “John Adams, Republican Monarchist,” 82–83.

11. Kossmann, "The Dutch Republic in the Eighteenth Century," 20.
12. Stapelbroek, "The Dutch Debate on Commercial Neutrality (1713–1830)," 115–6.
13. *Ibid.*, 120–1. On Wolff's concept of the voluntary law of nations, see Iurlaro, *The Invention of Custom*, 162–80.
14. Nef, "Britain and the Neutrals in the French Revolutionary Wars," 233.
15. See Onuf and Onuf, *Federal Union, Modern World*, 1–26.
16. Vattel, *Le Droit des Gens ou Principes de la Loi*, 6.
17. Stapelbroek, "The Dutch Debate," 121–2.
18. *Ibid.*, 122–4.
19. This argument was very likely taken from John De Witt's *Political Maxims*, which was a translation of Pieter De la Court's work and available in English translation since 1743. Jefferson possessed a copy. See Riker, *The Development of American Federalism*, 47–48.
20. Stapelbroek, "The Dutch debate," 125–6.
21. *Ibid.*, 130.
22. McNamara, "Hamilton and Jefferson," 187–230.
23. Jefferson, *Papers*, vol. 26, 25–27.
24. Grotius, *De Jure Belli ac Pacis*, 1625, III: 17. See also Jefferson, *Papers*, vol. 25, 608–19.
25. Hamilton, *Papers*, 90–95.
26. He quoted Grotius, *De Jure Belli*, II, 16, 16, Puffendorf, *De Jure Naturae et Gentium*, 1744, VIII, 9, 6; Wolff, *Jus Gentium Methodo Scientifica Pertractum*, 1749, 1146, and Vattel, *Droit des Gens*, II, 197.
27. Vattel, *Droit des Gens*, II, 197.
28. Hamilton, *Papers*, vol. 15, 65–69.
29. Jefferson, *Papers*, vol. 25, 608–19.
30. Jefferson, *Papers*, vol. 27, 598–601. See also Washington, George, *Papers*, vol. 12 of *The Papers of George Washington*, 472–4.
31. Jefferson, *Papers*, vol. 25, 608–19.
32. Hamilton, *Papers*, Vol. 15, 33–43.
33. *Ibid.*, 55–63.
34. *Ibid.*, 82–86.
35. *Ibid.*, 55–63. See also *Archives parlementaires de 1787 à 1860*, t. 53, 472–4.
36. Furstenberg, *When the United States Spoke French*, 45–53.
37. Jefferson, *Papers*, vol. 16, 600–601. See also Hamilton, *Papers*, vol. 16, 12–19.
38. Chernow, *Alexander Hamilton*, 563–8.
39. Hamilton was opposed to the laissez-faire political economy prescribed in Adam Smith's *Wealth of Nations* (1776), because, in his view, as a developing country the young American Republic needed regulations in order to grow its economy. See McCraw, *The Founders and Finance*, 54–55. On the assumption of the public debt, see Somos, "A price would be set not only upon our friendship, but upon our neutrality". 191–2.
40. This process of more or less conscious emulation was, however, set in motion long before the arrival of William and Mary in England in 1688. See Jardine, *Going Dutch*, Chap. 12, 2008.
41. Stapelbroek, "From Jealousy of Trade to the Neutrality of Finance," 95–97.
42. Stapelbroek, "The Dutch debate," 131–6.
43. Richard Salsman indicates that the statesman Hamilton adopted a more "realist" view on debt. See Salsman, *The Political Economy of Public Debt*, 45.
44. Stapelbroek, "From Jealousy of Trade to the Neutrality of Finance," 98–102.
45. Stapelbroek, "The Dutch debate," 131–6.
46. Hont, *Jealousy of Trade*, 69: "Stipulating that even if one nation enjoyed absolute advantage over another, it is still possible to generate reciprocal and mutually profitable trade between them."
47. Edling, *A Revolution in Favor of Government*, 209–10.
48. McCoy, *The Elusive Republic*, 137–46.
49. Crowley, *The Privileges of Independence*, 104.
50. McCoy, *The Elusive Republic*, 213–5.

51. Bell, *The First Total War*, 3–5.
52. Trautsch, *The Genesis of America*, 88.
53. Hamilton, *Papers*, vol. 19, 473–84.
54. Gould. *Among the Powers of the Earth*, 85. See also Van Sas “The Patriot Revolution: New Perspectives,” 97. On the Second League of Armed Neutrality, see De Madariaga, *Britain, Russia and the Armed Neutrality*.
55. Klooster. *Revolutions in the Atlantic World*, 35–38.
56. Hauterive, *De l'État de la France à la fin de l'an VIII*, 1800, 145–71.
57. Paine, *A Dissertation on the Law of Nations*, 12.
58. *Ibid.*, 16–21.
59. Jefferson, *Papers*, vol. 33, 358–9.
60. Cogliano Francis, *Emperor of Liberty*, 214–7.
61. Madison, *Papers*, vol. 11, 36–162.
62. Jefferson, *Papers*.
63. Madison, *Papers*, vol. 11, 36–162.
64. Brown, *Undoing slavery*, 257.
65. Carp, “Jefferson’s Embargo. National Intent and Sectional Effects,” 136–7.
66. Jefferson, *Papers*, vol. 3, 208–9.
67. The embargo act can be regarded as a direct reaction to the national outrage and calls for war following the capture of the American frigate USS *Chesapeake* by the British ship HMS *Leopard* in June 1807. See Cogliano, *Emperor of Liberty*, 227–38.
68. Tucker and Hendrickson. *Empire of Liberty*, 210.
69. Multiple French revolutionary journals, including Camille Desmoulins’ *Les Révolutions de France et de Brabant* (1789–1791) engaged with the Dutch revolutionary development. During his time as Secretary of State Jefferson mentioned a Dutch newspaper among the sources for the most reliable news on European developments.
70. Schnakenbourg, 96. On Stephen’s role in the portrayal of slave trade abolition as part of a series of legislative measures that were driven by mercantilist policy to prevent the “abuse” of the neutral flag, as well as to protect the planters’ interest in the British West Indies, see Richardson, *Principles and Agents*, 241–4.

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