CHAPTER 7

From the War of 1812 to the Monroe Doctrine

7.1 The War of 1812: Fighting Over the Law of Nations

When James Madison assumed the presidency in 1809, American foreign policy reverted to a more prudential course. Compared to Jefferson, Madison's ideological outlook on international affairs and the law of nations was much more sober. For one, Madison had toned down expansive definitions of neutral rights, making impressment a negligible issue after 1807. Philosophically speaking, Madison was neither satisfied by a law of nations grounded in balance-of-power principles nor one based on natural law. Neither could supply a justification for “a resort to arms” in his view. As we saw in the previous chapter, Madison sought a new basis for international law based on the perceived virtues of treaty law as a law of peace. In complementary fashion, Madison's foreign policy was guided by a “search for an alternative to war with Britain,” which had been looming for about a decade. However, Madison's aversion to military conflict and the repeal of the Embargo did not prove to be sufficient to avoid renewed strife between Washington and London.

While in Congress, a realization had set in that the restrictions imposed on exports had become unsustainable even in the short run due to serious domestic protest from merchants, the ardor for asserting neutral rights was still very much present. Thus, a new approach was adopted when in the House of Representatives, a bill was enacted in May 1810 to replace the burdensome Non-Intercourse Act. With this new piece of legislation, which came to be known as Macon's Bill no. 2, the export restrictions of the Non-Intercourse Act were repealed to open up trade with all countries, potentially including France and the United Kingdom. However, in regard to these two belligerents, the United States pledged to maintain non-intercourse measures against one power if the other was to lift its restrictions on American commerce.
Shortly thereafter, Napoleon decided to exploit this opportunity to stoke further tensions and possibly war between the United States and Britain by offering to revoke all restrictions against American ships provided that Britain would abolish its decrees aimed at the United States.\textsuperscript{1135} With this objective in mind, president Madison tried throughout 1811 to persuade Britain to repeal its legislation in this regard, but without success. Consequently, Madison saw no other option but to prohibit British trade from reaching American shores.

War only became all but inevitable when in early 1812, a hawkish Congress was elected into office. Many general accounts of the era have it that the war was fought to avenge America's national honor.\textsuperscript{1136} While this is true, the actual reasons behind it were continuing British infringements on American rights—at least in the perception of the Republican party. It needs to be added however that the French had disrespected American rights arguably just as much since Napoleon had come to power, and that Americans had regularly "evaded their own laws and bent the international rules in their favour."\textsuperscript{1137} At one level, it could be said that a realist reading of the causes of the outbreak of the War of 1812 is correct; that is, that in contrast to the 1790s, employing the "tactics of the weak" were no longer considered acceptable for a rising power such as the United States.\textsuperscript{1138} At the same time, however, while one could concede that the Republic was stronger in 1812 than it was in the 1790s, it was far from being on a par with Great Britain—and certainly not at sea. Also, it is difficult to argue that Congress voted for the war for economic or other strategic interests.\textsuperscript{1139} If this were the case, then the Federalists should have been the cheerleaders, since their freedom to trade was at stake. But in fact, it were the Republicans who voted in favor of war, not carrying a single Federalist vote. So just as in the days of Jefferson, the Republicans stood up to fight over a principle that was ostensibly only in the interest of northeastern Federalist

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\item \hyperlink{note:1137}{1137} Paul Schroeder, \textit{The Transformation of European Politics 1763–1848}, p. 439.
\item \hyperlink{note:1138}{1138} Kagan, \textit{Dangerous Nation}, p. 145.
\item \hyperlink{note:1139}{1139} In the literature, there has been a debate on whether territorial expansion into Canada was an actual reason for war, or whether it was just a means for putting Britain under pressure to concede at sea. See discussed in, e.g. Walter Nugent, \textit{Habits of Empire: A History of American Expansion} (New York: Alfred Knopf, 2008), pp. 324–325. Most historians now seem to reject the claim that annexing Canada was a war objective.
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