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The United States and its diplomatic struggle to abort Britain's conscription in international maritime activities (1790-1815)

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Abstract

This article focuses on examining the effects of Britain's conscription regime on the international maritime activities of the United States. Conscription is a regime imposed by the Royal Navy on many foreign-flagged ships operating on the ocean, including American ships. The existence of this regime in international maritime activities has created a challenge for the United States, a country with ambitions to build fleets to trade with other countries on the ocean. To protect foreign trade activities, national honor, and status, the United States has deployed many different diplomatic methods with the United Kingdom. The United States' diplomatic struggle over the issue of conscription has lasted nearly a quarter of a century since its founding. A series of measures, from economic to military, have been applied and implemented by the administrations of American presidents to force the British authorities to lift the imposition of conscription on American-flagged ships. Based on reference sources and the historical research method combined with the international relations research method, the article analyzes the diplomatic struggle of the United States to abolish Britain's conscription in international maritime activities.

Keywords: Conscription, foreign relations, Great Britain, maritime, the United States.

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1. Introduction

The geographical discoveries from the late 15th to early 16th centuries not only discovered new continents but also opened many sea trade routes connecting continents together. Following that was the establishment and competition of many Western European countries aiming to master international shipping routes. World history has witnessed that England, with its superior naval capabilities, controlled and advanced to hold the position of hegemony on the sea in the 18th - 19th centuries. With that advantage, England set the rules of the game, implemented regulations originating from its own country to impose on international maritime practices. This created chaos, hindering the traffic of ships of many countries that wanted to rise to establish freedom of the sea.

As a newly born subject at the end of the 18th century, the United States wanted to receive respect and equal treatment from European powers in international maritime activities, including England. However, the growth of the United States forced Britain to implement various measures to hinder the commercial activities of American ships on the sea routes. One of the many measures that the London government aimed at was to impose compulsory military service on sailors or crew members serving on ships of American nationality. According to the British authorities, these subjects had deserted and evaded military service from warships belonging to the Royal Fleet, refusing to perform military service for the country. That action threatened the freedom of navigation of American ships, and on the other hand, attacked the maritime foreign trade that the American governments wanted to build. Furthermore, the British authorities wanted to disrupt the political stability of the Federation.

Based on the survival of the nation and the protection of national sovereignty in maritime exchanges with the outside world, the administrations of the US presidents conducted a direct diplomatic struggle with the London government. This struggle lasted for nearly a quarter of a century, mobilizing all the nation's resources from economic to military, from ship owners to politicians, from legislative to executive bodies... The success of this struggle contributed to shaping the foreign policy of the young republic, affirming its independent and autonomous position in the international arena. On the other hand, it contributed to forming the American national identity in foreign relations with the European powers at that time.

In the research process, the following tasks will be solved by considering the following objectives: *Firstly*, research the effects of conscription on U.S. maritime trade issues. *Secondly*, analyze the diplomatic struggle of the United States against Britain in abolishing conscription from 1790 to 1815.

2. Literature Review

Conscription is a special historical phenomenon in the diplomatic relations of the United States in the early days of its founding with the power that dominated it in the past - Great Britain. From the time the United States was newly established to the early 19th century, conscription was one of the issues that emerged in the relationship between the United States and Great Britain. Therefore, it has attracted the research interest of many scholars at different levels. Regarding the research topic of this article, there are the following group of related research works:

First, the group of original documents includes documents related to diplomacy, law, politics of the US and British governments, letters exchanged and articles of some famous politicians in US history (John Jay, Thomas Jefferson). In Blackstone's classic work on English law [1] the diplomatic documents in the foreign policy of the United States [2] the British government's conscription system and the diplomatic moves of the United States in opposing this system were mentioned. In particular, in the letters and public writings of John Jay, the works of Thomas Jefferson (including autobiographies, letters, reports, correspondence, speeches and other works), the issue of conscription became one of the main topics in diplomatic activities between the United States and Britain from 1790 to 1815 [3-8].

Second, the group of research works deals with the issue of British conscription and its impact on the US-UK relationship. In this group, the authors mention the origin of the British Royal conscription policy, the US diplomatic activities to abolish this policy. In which, the peak was the War of 1812 between the two countries of the United States and Britain over the issue of conscription [9-13].

Third, the group of works is directly related to the diplomatic history of the United States from when this country was still a part of the British Empire to modern times. Although these works present US diplomacy in a historical process, the research topic is mentioned quite a lot in the relationship between the United States and Britain. The authors also clarify the British motives and methods of conscription of American ships and the diplomatic struggles of the US governments against the British on this issue [14-19]. In addition, in some documents on US history, the issues of the Royal Navy and the US Navy, the Anglo-American War of 1812, the research problem of the article is also mentioned to a limited extent [20-25].

With the above approach, researchers mainly refer to the formation of the conscription regime and the British government's policy on this issue, the impacts of the conscription issue on the US-UK relationship during the research period. In the above works, the issue of conscription and the diplomatic struggle of the United States to abolish this regime in international maritime trade activities has been mentioned to a certain extent but not comprehensively and systematically. However, relying on the above research works is very important to help us have a basis in handling the research content of this article.

3. Methodology of the Study

The paper aims to study the diplomatic struggle of the United States against Britain over the abolition of conscription in international maritime trade from 1790 to 1815. The paper uses mainly historical and logical research methods to clarify the research objectives. With the two methods mentioned above, the article reconstructs the context, process, results and draws out the nature of the US diplomatic struggle to abolish the conscription in international maritime activities. The study focuses

on essentially secondary evidence and knowledge sources, including analytical publications, scholarly articles, research papers, books, and other related sources, to perform in-depth review, interpretation, and reinterpretation, and to identify and explain the subject matter at hand in this proposed study. The research also contained qualitative and quantitative approaches to analyzing the competition between the United States and Britain in international maritime trade, which involved the abolition of conscription. This analysis also uses some basic elements of the quantitative tool, such as trade data. The study is descriptive-analytical. In addition, to accomplish this objective, the paper uses research methods of international relations to analyze problems of research paper. Specifically, using treaties, declarations, speeches of US Presidents, diplomatic notes from relevant parties presented as original documents and published in published works.

4. Results and Discussion

4.1. Conscription and its Impacts for the United States Maritime Issues

With the concept that foreign trade is the “bloodline” of the national economy¹, the thinking of British leaders is ambitious towards building a powerful and warlike navy. The British Navy aims to dominate the ocean. To turn the idea into reality, in 1650, the London Parliament passed the Convoy Act, which allowed the government to intervene in commercial affairs to ensure the safety of British ships' shipments [27]. In 1651, the Navigation Act required that every ship of any kind must have at least three-quarters of its crew be British [24]. Along with that, the Royal Army stipulates that each small destroyer must have 250 to 350 sailors serving. In the case of large warships, the number is up to 1,000 people [25]. Thus, the human resources serving on British warships are extremely large. Not only that, but the human resources on warships must also meet maritime capabilities, must know how to operate military equipment and have flexible combat skills.

During the 17th and 18th centuries, England frequently fought wars in which the main area of operations took place on the oceans². This forced the British fleets to share their manpower. Some sailors operated warships or directly conducted naval battles with the enemy. Others took on the role of escorting merchant ships. The sailors on deck were exhausted and endured strict and severe discipline at work. They often faced late pay due to the corruption of officers or suffered from jaundice due to long days at sea. Some others died in naval battles. The casualty rate increased. To escape the above tragedy, many sailors deserted their warships. Their destinations were merchant ships owned by other countries that were not under the control of the London government or migrated to the colonies, including North America. Meanwhile, to solve the shortage of manpower serving on the fleets, naval commanders, supported by the British government, on the one hand launched campaigns to hunt down and arrest citizens in the mother country who did not volunteer to join the army³; on the other hand, expand the search and capture of sailors who deserted and fled to foreign merchant ships.

Since gaining independence (1783), with the policy of promoting the development of foreign trade, successive American governments have focused on building a merchant fleet, including attracting human resources from England. Because of the open working mechanism and high salaries, many British sailors deserted the Royal Navy or left their jobs on merchant ships. The Americans themselves also wanted the deserters to join the ships to train sailors of the ship-owning country, minimizing the need to hire sailors from outside. This situation occurred when England was at war with its neighboring country - France (1793). “There was a constant movement of deserters from the navy, and it took away the best human resources from the manpower supplement to maintain the war” [10]. Their destination was American merchant ships.

To stop the “bleeding” of human resources, the British government allowed the Royal Navy to search and search places where British sailors were hiding, even on foreign ships. Carrying out orders from superiors, conscription became a method used to track down and capture deserters, bringing them back to serve in the fleet or being punished by the Royal Navy. In principle, conscription only applied to British citizens, but in practice it also applied to American citizens. This situation was due to the similarities in language and culture between the two countries. This made it difficult for British officers to distinguish. On the other hand, America was an immigrant country, so many British people who came to live and settle before 1783 now became citizens of the young republic serving on American ships. Therefore, confusion between British or American citizens in the pursuit operation will be inevitable, when British generals believe that “once British, always British” [14].

Thus, conscription is a system implemented by the British Royal Navy, which stipulates the method of forcing, even using violence, the citizens of the kingdom who do not voluntarily join the army, serve on British fleets and warships under any conditions of the country; or searching for and capturing British sailors who deserted from warships operating on the ocean to work for foreign ships, forcing them to return to warships owned by the Royal Navy. With the advantage of naval power and modern technology, the British fleet often intercepted, then searched, and finally arrested suspected sailors. Therefore, the number of sailors forced to join the army on American merchant ships was very large. During the period 1796-1812, about 9,991 sailors were captured. In 1812 alone, some 6,257 sailors, mostly Americans, were drafted into the Royal Navy [23]. The loss of many sailors serving on the ship affected the international maritime activities of the United States and could disrupt the stability of the Federation. On the other hand, national pride and national honor were offended for the

¹ One of the typical representatives of British mercantilism, Thoms Mun, argued that: “The great Revenue of the King, The honour of the Kingdom, The Nobel profession of the Merchant, The School of our Arts, The supply of our wants, The employment of our poor, The improvement of our Lands, the Nurcery of our Mariners, The walls of the Kingdoms, The means of our Treasure, The Sinnews of our Wars, the terror of our Enemies” [26].

² From the late 17th to the late 18th century, England participated in four large-scale wars: the Augsburg War (1688-1697), the War of the Spanish Succession (1701-1713), the War of the Austrian Succession (1740-1748), the Seven Years' War (1756-1763), and the American Revolutionary War [14].

³ To achieve their goals, the British naval leadership created conditions for their members to organize armed groups, recruiting vagabonds. Essentially, they were criminal gangs of contemporary society. Each such gang had about 8-12 people led by a naval colonel. “The naval colonels directed the hunting campaigns, searched for suspicious subjects, and carried out the final inspection of the forced manpower before being sent to warships” [10]. According to statistics, an officer in charge of a certain area, often in charge of more than one gang. The main area of operation of the gang is along the rivers, coasts and on the ocean - where merchant ships often anchor and unload goods. The scope spread throughout the British Isles, such as: London, Liverpool, Falmouth. Even Ireland (at that time a dependency of England) became a place for gang forces to frequently visit. The areas of Cork - Kinsale, Waterford, Dublin, Belfast witnessed the forced labor of sailors and civilians.

Americans. Exactly, the United States could not ignore the problem in the process of resolving diplomatic relations with Britain, especially when the United States was no longer under the management mechanism of the British Empire.

4.2. The United States' Diplomatic Struggles to Abort Conscription in International Maritime Operations

4.2.1. The United States' Efforts to Negotiate

The events in France in 1789 made the British authorities worried about the possibility of a confrontation with France soon. To start the war, the British Royal Fleet increased its activities of searching foreign ships on the sea, including American merchant ships. In response to the British actions, US Secretary of State T. Jefferson instructed his minister in France to "immediately protect the sailors against the seizure of their own will by the British, where the sailors would certainly be forced to serve in the war with France and even made prisoners and then perhaps hanged as pirates" [5]. At the same time, T. Jefferson asked Joshua Johnson (the American consular representative in London) to contact the British Foreign Secretary, the Duke of Leeds, to convey the complaint of his counterpart from the other side. Leeds quickly and tactfully replied that "the similarity of character and language between the citizens of the two countries pushed the problem beyond the power of the government to solve" [6]. This view was reinforced by the argument concretized in the first letter of the British minister to the United States - George Hammond, sent to President George Washington with the warning: "The practice in England of capturing sailors in any war is so alarming that it will strike your country more severely than any other nation because of the similarity of language" [4]. To create a legal corridor to protect citizens, on March 26, 1790, the US Congress approved the Naturalization Act with conditions for becoming an American citizen. Accordingly, a foreigner who wants to become a citizen of the Union must have at least 2 years of residence in the host country [28]. This Act does not apply to those who settled in the United States before 1783. This means that any foreigner, including British, who settles here will automatically become a citizen of a country with full legal status according to international practice, if that person continues to live in the United States after the above time.

On January 12, 1792, President G. Washington appointed Thomas Pinckney as the first Minister in London. In a directive to the official diplomatic representative of the United States in August 1792, Secretary of State Thomas Jefferson stated that it was necessary to quickly negotiate with the representative of the host country to achieve preferential trade conditions for American foreign trade. On the other hand, the directive also required Thomas Pinckney to seize the opportunity quickly while Britain was still at peace to move towards a final settlement of the illegal detention of sailors [12]. This view was reported by T. Pinckney in a meeting with the newly appointed Foreign Secretary of the Crown, the Marquis Grenville. Responding to the American request, the British Foreign Secretary suggested that "Americans should carry certificates of nationality to protect themselves from conscription" [11]. In response to that suggestion, T. Jefferson replied: "We categorically refuse that our sailors should always carry their citizenship cards. This is a requirement that has never been submitted to by any nation" [13]. In T. Jefferson's view, "the simple rule that a merchant ship with American nationality will be considered as evidence that the sailors on board also belong to that country" [12]. Responding to T. Jefferson's argument, the British Foreign Secretary explained that, in the case of a sailor with no basis for determining his origin, American ships would become "paradise" for refugees from the Royal Navy [12].

On April 16, 1794, President G. Washington sent John Jay (Chief Justice of the Federal Supreme Court) to replace T. Pinckney, as a special diplomatic representative of the United States to London to "conduct negotiations to resolve the matter in a spirit of respect with England in cases where it is acceptable" [12]. More specifically, J. Jay's mission was to persuade Britain to "release the ships and sailors illegally captured by that nation, and to recognize and respect the neutral privileges of the United States" [22]. On July 23, 1794, J. Jay attempted to pressure Grenville about conscription through the pessimistic public opinion that was prevailing in his country. Finally, the British Foreign Secretary promised John Jay at the negotiating table that new orders would probably be issued with a consistent view to preventing illegal conscription... in accordance with the King's wishes to assure J. Jay that the new orders would be renewed to ensure the desired effect on the American side [3].

The negotiations dragged on, but the key issue had not yet taken a new turn. In such a context, on November 19, 1794, representatives of the United States and Great Britain signed Jay's Treaty, which officially titled "Treaty of Amity Commerce and Navigation, between His Britannic Majesty; and The United States of America" [29]. The content of this treaty did not contain any provisions or language stipulating a commitment to compulsory military service. Because it did not satisfy the original purpose, the news of this treaty spread to the United States, causing outrage among the public, especially the merchants of New England. The treaty also created conflict between factions in the political arena. Negotiator J. Jay was condemned as a "traitor" and his effigy was hanged across the country with the call: "Damn John Jay! Damn everyone who won't damn John Jay!!" [30].

4.2.2. British Conscription and United States Actions

The Anglo-French war in Europe escalated. The increasing intensity led to the expansion of the battlefield to other areas outside Europe, including the West Indies. To serve the war, the warring parties mobilized all available resources from colonies around the world. The British and French colonies were not out of that cycle. Grasping the need to transport human resources and goods from the West Indies to the European market, merchants from many countries participated in the transatlantic shipping route. Due to its proximity to the colonies of the two countries mentioned above, merchant fleets operated by American merchants quickly dominated this trade route. The number of merchant ships increased over time. As a result, the need for human resources to operate the merchant fleets of American merchants increased.

Meanwhile, as a party to the war with France, the British Navy and its merchant fleet faced manpower shortages as many sailors could not stand the working conditions on board. This prompted British sailors to desert. Their escape was to join the American merchant fleets because of better working conditions. In the eastern ports of America, British sailors were

persuaded to desert by American merchants. American merchants used every trick and intrigue to lure British sailors away from their moving merchant ships. As a result, the number of British citizens serving on American merchant ships was large. According to Adam Lymburner, a Canadian merchant, in a letter to his colleagues in the fall of 1793, "half the sailors on American merchant ships are British sailors" [12]. Even British Foreign Secretary Grenville bitterly acknowledged the denial that appeared before his eyes about the reality that "such cases frequently appear... especially where there is money and the intention to deceive" [13]. Perhaps the statements from the British side were somewhat exaggerated, but the phenomenon of British sailors deserting and fleeing to American ships is an undeniable reality.

To prevent this situation, the problem posed required Britain to implement strong measures to avoid the loss of human resources. In the previous period, the conscription was only carried out within the territorial waters of the British Empire. At this time, the scale was expanded, the scope of the incidents often took place on the oceans, that is, in international waters. By instructing the Royal Navy to tighten the Council Order issued on June 8, 1793, the London government allowed the naval force to arrest and search neutral merchant ships of American nationality transporting goods in the Caribbean Sea, moving to the French colonial ports in the region or transporting goods directly to Europe. Because according to the reasoning of the British authorities, France was Britain's opponent in the current war, so any indirect support for the opponent was tantamount to confronting Britain. As a result, British warships appeared in the Atlantic Ocean adjacent to the US territorial waters. The Caribbean Sea became the place where British warships operated with high density. Then, in early April 1795, the London government issued an Order in Council prohibiting foreign ships from entering ports in the British Empire. The Antilles Islands in the Caribbean, where many British dependent islands were located, were also targeted. This caused difficulties for US ships because the islands in this sea were stops on the journey to Europe and vice versa.

Conscription only received more enthusiasm when John Adams's cabinet took office after the election of President in 1796. True to his predecessor's ideals, Secretary of State Timothy Pickering argued: "The simplest rule... is that a merchant ship owned by the United States should be regarded as evidence that its men belong to that nation. But it is of great importance that on the high seas our flag should protect our own men, of whatever nationality, who may man the ship" [11]. According to Timothy Pickering, the act of illegally arresting sailors violated the foreign policy that the United States was pursuing - that of neutrality. Nationalism convinced T. Pickering that the only way to solve the problem was for Britain to accept giving up the act of illegally arresting sailors. This idea was concretized in the note that the US Secretary of State sent to R. King - the US diplomatic representative who had just been sent to England. In London, on August 10, 1796, the US diplomatic representative expressed to the Marquis Grenville his desire for the US to restart discussions related to conscription. The US government considered after reflecting on equality that, "we have the right to travel on the high seas without encountering any hindrance" [13]. This meant that Britain had no right to impede any American ships in any way. The Foreign Secretary immediately replied to R. King that he would discuss this with the head of the Admiralty.

On December 31, 1798, Congressman Harrison Otis reported to the agency the incident of a British warship intercepting the Baltimore warship while it was cruising in Cuban territorial waters, because the British officer suspected that their sailors were hiding on it. The Vice Admiral in command of the British ship asked Captain Phillips to expel from the Baltimore those sailors who did not have certificates of nationality, and hand them over to the British warship. The captain of the Baltimore refused the Vice Admiral, arguing that the ship was flying the flag of the owning country, so all requests from the outside representative would not be met. The incident was reflected by the American consul in Havana - George Morton - in a note sent to the Secretary of State in the form of a letter, asking him to forward it to Congress. Immediately, the House of Representatives asked President J. Adams to send them appropriate information about this case. It should be noted that the subjects of the searches and arrests of suspected sailors occurred even on armed ships flying the American flag. That move, in the view of many politicians in Washington's ruling circles, was an infringement of the nation's supreme sovereignty, a disrespect for the neutrality of a nation at peace between warring parties. Obviously, the Americans based their refusal to acknowledge the forced labor of sailors on their ships on the fact that it was linked to the neutrality of a sovereign nation. On the contrary, the British rejected the American definition of neutrality that the nation was applying in international relations. What the British perceived was that the American shipping industry, hiding under the name of the merchant marine of a nation that was intermediary between the two warring parties, became a refuge for those who escaped from the military service that the British Crown had imposed on its citizens.

In order to maintain the practice that Britain had long followed in its relations with the United States, and to relax the soft approach to searches and patrols on the ocean that the Philadelphia government could accept, in 1800, Robert Liston, the British minister to the United States, proposed that "there shall be no refuge or shelter in the territories or merchant vessels of either of the signatory powers. As for the captains, officers, sailors, soldiers, or other persons who, acting as sailors of vessels of the respected powers, shall desert from the vessels declared... they shall all be delivered up at the request of the commanders of the vessels where the soldiers have illegally fled" [11]. The plan was presented by the British minister to President J. Adams. On February 20, 1800, the chief executive presented the "Liston Plan" to the cabinet. Immediately, lengthy debates among the members of the cabinet reflected the intransigence of the Americans regarding conscription. They condemned the British minister's plan as undermining the status of American sailors serving on ships. Secretary of the Treasury Oliver Wolcott criticized: "Reciprocal concessions in respect of deserters from land or sea operations do not provide an effective means of preventing conscription of American sailors and are therefore unacceptable" [11]. Secretary of the Navy Benjamin Stoddert replied to J. Adams: "Mr. Liston's plan... assures your country everything that can be gained but does not give the United States the security... that their merchant ships will be interrupted on the high seas, in order to extract from their sailors" [11]. Even the new Secretary of State in the Federal government, John Marshall, continued to maintain the traditional position that the agency was pursuing in dealing with the British on conscription. J. Marshall declared: "The conscription of our seamen is an injury to the nobility, which deeply affects the feelings and honor... No right shall be asserted

to take the native inhabitants of America” [11]. The advice of his cabinet members forced President J. Adams to take a firm stance in the diplomatic affair with Britain. According to President J. Adams, conscription was a patently unjust act that could not be tolerated under any conditions. Therefore, Adams refused a formal compromise with Britain through the Liston Plan.

It must be seen that the situation of the US-UK relationship in the late 18th century - early 19th century was influenced by many factors. In Europe, the wars with France and the cost of aid to the allies forced the London government to increase taxes at home. Therefore, it created discontent among the people. They put pressure on the government to reconcile with France. In 1801, Britain began peace negotiations with France. The fighting between Britain and France temporarily subsided. In March 1802, the Treaty of Amiens (March 1802) stipulated a ceasefire between the two sides. This situation led to a decrease in the pressure for manpower to join the naval war. In the United States, the campaigns of the parties in the presidential election campaign attracted the attention of the Union. Therefore, the attention of American politicians on the issue of conscription quickly cooled down compared to before.

4.2.3. The United States Moves: From Economic Pressure to Military Measures

Peace was restored in Europe, but it was only temporary, France still occupied a lot of land, especially Belgium and the Netherlands. The presence of France in these two areas was likened to “a pistol” pointed at the heart of England. Therefore, in May 1803, the resumption of war was inevitable. The hostility between England and France also meant that England reintroduced the policy of compulsory military service. It is worth noting that the resumption of compulsory military service in England took place in the context of a change in the head of the US government. The victory of the Republican Party in the presidential election at the end of 1800 brought Thomas Jefferson to power from March 1801 onwards. As a person pursuing the ideals of freedom and equality, T. Jefferson quickly applied that ideal in implementing foreign affairs. In his view, the high seas were a place of freedom, the ultimate sovereignty of which belonged to every ship that was sailing on the ocean at a particular moment. A merchant ship was a part of the sovereign territory of the possessing nation. Therefore, “an element – (a merchant ship sailing on the ocean – as T. Jefferson called it) which is not naturally under the jurisdiction of any particular nation, it would seem that the particular element, being for a moment possessed by another nation, became the exclusive property of that nation, excluded from encroachment by any other nation” [8]. Therefore, the act of attacking a US merchant ship on the ocean in the form of searching and arresting sailors is synonymous with violating the territory of the host country.

As the head of state, T. Jefferson had full authority to choose the optimal diplomatic solution to protect the country's interests, including war. However, a war to force the London authorities to comply with the will of the Americans could bring the country to the brink of chaos in the United States. War weakened the nation's potential. The President himself grasped the military potential, especially the navy, which was far inferior to the level and scale of the Royal Navy. At this time, Britain possessed over 600 warships, including 120 large warships and 116 small warships; while the US Navy had only 16 warships that could withstand the wind [16]. In his desire to foster friendship with the belligerent nations, the head of the executive branch exercised restraint. T. Jefferson himself had a firm belief in the power of persuasion to achieve the goal of making Great Britain voluntarily abandon her behavior. The desire for peace in resolving the increasingly tense relationship with Great Britain was expressed in a letter to William Short in October 1803. The President wrote: “We have a perfect horror at everything like connecting ourselves with the politics of Europe... To be entangled with them would be a much greater evil than a temporary acquiescence in the false principles which have prevailed. Peace is our most important interest” [7].

On November 22, 1803, the Senate requested the President to report to this body information related to the arrest of American sailors since the resumption of the Anglo-French War. On December 12, 1803, the Senate approved the establishment of a committee to study the need for additional protection for sailors. More than a month later, on January 14, 1804, this body introduced a bill proposing that the United States close all ports nationwide and prohibit the loading or unloading of goods to or from merchant ships of the offending countries. Meanwhile, in London, on April 7, 1804, in direct negotiations with the British Foreign Secretary, the Marquis of Hawkesbury, Minister J. Monroe repeated the words that the head of the Federal agency had sent him in a previous note (January 5, 1804). Accordingly, the United States was in a neutral position, so sailors on ships and maritime trade were not subject to the repression of the British Crown. J. Madison emphasized: “We regard the neutral flag on the seas as a protection for merchant ships. The British asserted the right to pursue and arrest their citizens, and under that cover could not foresee the circumstances under which they might arrest and detain American citizens, citizens or subjects of neutral countries...” [11]. The US Secretary of State warned that Britain had no legal basis to arrest the sailors because “no provision in the treaties asserts or implies any right whatsoever to impose such claims to subject their subjects on board ships of neutral nations...” [11]. Refuting the arguments of his counterpart on the other side, Lord Hawkesbury reasoned: “The wishes suggested by Mr. Madison that the flag of the United States should protect every individual who is traveling on a merchant vessel are too exaggerated to require any serious refutation” [17].

When the diplomatic disputes did not lead to a new turn but instead fell into a stalemate, a new problem arose. When the war between England and France in Europe temporarily ceased, the merchant fleets of American merchants increased the transportation of goods to Europe by many routes under many different forms. American merchant ships were the means of transporting goods directly connecting the colonial ports of France and Spain in the West Indies with the main ports in Europe. This activity of American merchant ships increased when the war in Europe resumed. The traffic of the republican country occupied a dense density on the ocean. Therefore, in the view of the London authorities, the actions of American merchant ships were transporting aid, increasing the military potential of England's opponents, namely France and Spain. This could lead to the risk of England losing the advantage in the war that was happening in Europe. In contrast, the war in Europe turned America into the world's leading neutral carrier [18]. The American shipping activities under the name of neutrality brought prosperity to foreign trade but on the contrary caused anxiety for the British authorities. They suspected

that the growth of American trade was contributed in no small part by sailors who deserted the Royal Fleet. To weaken the enemy's war resources, the London authorities aimed to blockade the foreign trade routes that were supporting France and Spain. More specifically, merchant ships of neutral countries became the target of search and seizure by the British navy.

In May 1805, an American merchant ship named *Essex* traveled from Barcelona (Spain) to Havana, Cuba. On the way, *Essex* stopped at Salem (Massachusetts, USA) before continuing to the final port. As soon as the ship left American waters to head to Havana, a British warship surrounded, intercepted and confiscated all the goods on board along with the sailors. The owner of the *Essex* sued the London authorities with the request to release all the sailors, return the goods and compensate for the damage caused by the temporary confiscation of the goods. The lawsuit was quickly accepted by the British Admiralty Court. Immediately, William Grant - the judge of the court, ruled that the *Essex* was operating illegally according to British maritime regulations. Accordingly, the American merchant ship, while trading between the Spanish and French West Indies with Europe, moved to an intermediate port (Salem) and "neutralized" the goods being transported on it. According to W. Grant's argument, goods transported on interrupted voyages between enemy ports (Spain and France) were subject to duties, and ship owners who transported goods violated the 1756 Act [16]. The British viewed American trade like the *Essex* case as aiding and abetting their enemies. The court ruled that the Americans had no compelling reason to believe that the cargo was neutral. With this reasoning, the case was legitimized by the London authorities as the *Essex* Decision. It paved the way for British naval vessels to seize American merchant ships on a larger scale.

The *Essex* Decision news, along with the seizure of American merchant ships off the coast, provoked protests in the United States. In the Federal Parliament, the two houses debated the choice of trade methods that could put pressure on Britain. The House of Commons passed a resolution calling for a complete ban on the importation into the country of goods originating from Britain and its dependencies, including ceramics and manufactured goods. Meanwhile, the Senate proposed a ban on the importation of items on the selected list. As a result, on April 18, 1806, the legislature approved the Prohibition Act (effective from November 15, 1806, onwards). This act listed a series of goods that the United States could produce or import from other countries but were prohibited from being imported into the Federal territory. The list of items included copper, flax, steel and various types of wool [20].

While the Prohibition Act was awaiting the approval of the head of the executive branch, news of the death of the British Prime Minister - Pitt, a hard-line figure who refused to compromise with the United States on the issue of conscription, caused the measure of commercial pressure to be delayed. The successor of Prime Minister Grenville was formed. In the eyes of the American minister in London - James Monroe, the new cabinet was more friendly and open in diplomatic relations. This was informed by J. Monroe to the T. Jefferson administration. To the head of the White House: "Every information from Mr. Monroe increased the strength of the United States that the new demands of the British to control the trade of the United States with the colonies of the Great Powers in a state of war would be steadily limited, and the humiliation of sailors would cease" [31]. With this awareness, the President decided to send a special diplomatic representative - William Pinckney to London to support J. Monroe in reopening negotiations with Britain. In instructions to his diplomatic representatives in London, T. Jefferson asked W. Pinkney and J. Monroe to sign the treaty only if it contained a clause that Britain agreed to abandon conscription for American ships sailing on the ocean [9].

On September 11, 1806, the negotiations took place. The American diplomatic representatives carried out their superiors' instructions by asking the London authorities to immediately abolish conscription not only on the ocean but also in the ports. In return, the United States pledged to protect the rights of British sailors within its jurisdiction, and to return them to the British authorities when requested. The Americans added that the above actions must be regularly reciprocal. In addition, the American delegation asked the London authorities to abolish the *Essex* Decision, which means recognizing the commercial voyage of a merchant ship with American nationality once it stopped at a neutral country's port. It should be noted that the negotiations took place in the context of the British authorities grasping the information that the US Congress had approved the law prohibiting the importation of goods; on the other hand, British public opinion became angry at the Americans stealing trade and sailors from Britain [14]. They repeatedly pressured the London government not to give in to the conditions of conscription.

As the United States and Britain worked out the question of conscription, it became clear that the effectiveness of the negotiations depended on Britain's involvement in the ongoing Napoleonic Wars in Europe. The war over maritime regulations between Britain and France had affected America's freedom of trade. This situation put neutral merchant ships like the United States in a dilemma, because once they complied with British regulations, they would face resistance from Napoleonic France, and vice versa. While the obstacles caused by the decrees of both belligerents quickly arose, the conscription of sailors became increasingly urgent, because Britain needed additional manpower in the navy to blockade France and her allies on a large scale, across the Atlantic, all the seas surrounding the European continent.

On the other hand, to avoid the risk of a Napoleonic attack at sea, many British warships anchored at ports in the West Indies within American territorial waters. Taking advantage of the geographical location, many British sailors left the army and fled to American ships. In February 1807, on the Virginia coast, the entire crew of a British warship deserted the ship. Among those sailors, four joined the American warship named *Chesapeake* [14]. On June 22, 1807, the *Chesapeake* departed Norfolk (Virginia) for the Mediterranean to suppress piracy and escort merchant ships. When leaving the coast, the *Chesapeake* was intercepted by the warship *Leopard* of the British Royal Navy with the purpose of searching for deserters. Captain *Leopard* ordered the commander of the *Chesapeake* to hand over the deserters but was refused. Immediately, the *Leopard* responded by firing at the *Chesapeake*'s hull, killing 3 people and injuring 18 [14]. Because it was not equipped with modern equipment, the captain of the American warship *Chesapeake* only responded perfunctorily and quickly surrendered. Afterwards, the entire crew of the *Chesapeake* was captured, including four British sailors who deserted. It must be seen that the actions of the *Leopard* captain, although within the scope of his authority, went beyond the limits expected by the London

authorities. Accordingly, the British warship did not have the right to force sailors on a warship of a neutral country but was only allowed to do so on merchant ships. Meanwhile, according to the US side, only 1 of the 4 people captured was a British sailor. The remaining three included 1 Native American and 2 black slaves [15]. The Chesapeake incident was viewed by local public opinion as an act of insulting the American flag and trampling on national honor. Sensing the anger of the people, the British minister in Washington believed that “the Americans would wage war rather than submit to armed fleets raping soldiers on the ocean” [15].

Shortly after the Chesapeake incident, the minister in London, J. Monroe, under the direction of Secretary of State J. Madison, sent a note of protest and opened negotiations on the Chesapeake incident in the following months. The British representative, Foreign Secretary George Canning, admitted that they were completely wrong in the collision between the two warships, announced that the warship *Leopard* would be removed from the Royal Navy and agreed to pay reparations to the United States. However, the British government still did not give up on conscription [15]. In October 1807, the negotiations reached a dead end. In response to the above information, in his Message to Congress at the end of October 1807, President T. Jefferson attacked Britain. The Message stated: “With the other nations of Europe, the interests of the United States are not hindered, and the commercial and friendly relations are maintained normally. However, Great Britain threatens the peace and prosperity of our country. Now America would be wrong to restrain by resistance” [13].

On December 22, 1807, the Embargo Act was passed by the United States Congress. The Act prohibited all domestic merchant ships from trading with foreign countries unless they were granted a special license; prohibited foreign merchant ships from transporting goods out of the United States territory to another place; domestic merchant ships could still continue to circulate and exchange goods between internal ports, but the ship owner had to pay in advance an amount equal to twice the value of the ship and the goods on it as proof that they did not violate the law [21]. The essence of the law was aimed at Britain, because according to the American calculation, if the export of raw materials and food was completely cut off, it would be difficult for Britain to pursue the current war with Napoleon. Due to the difficulty in importing goods, the London government was forced to relax the measures of compulsory military service, further, to force the signing of a treaty with the United States pledging to respect the sailors on American ships. Assessing this issue, historian James A. Field commented that the executive branch used “the greatest of all efforts to capitalize on the value of the American economy and to bend the Europeans by the policy of giving or withholding favor” [19]. However, the US Embargo Act was not effective enough to change the will of the British leadership in abolishing conscription. Facing too much pressure from within the country, on March 1, 1809, President T. Jefferson revoked the law. It must be seen that the bankruptcy of the Embargo Act did not mean that the London government abandoned conscription, on the contrary, it was promoted more, implemented on a larger scale because Britain was struggling with the war situation on the European front. In 1810, the number of sailors working on American merchant ships who were forced to work was 1,047 people. In the first 9 months of 1812, this number was 830 sailors [13].

Under pressure from Congress and the British failure to respect the sovereignty of American ships sailing on the high seas, on June 1, 1812, in a message to the legislature, US President James Madison listed the acts of British sovereignty violations against the United States. The message read: “British cruisers continue to encroach upon the authority of the United States throughout the oceans, arresting sailors and mariners on ships flying the American flag, not treating them as war criminals based on the laws of countries at war with the enemy, but acting in the manner of British privileges... [Therefore], the United States must use force to protect national interests. This is considered a just act before the Supreme Being...” [2].

Convinced by the President's Message, on June 18, 1812, the Federal Congress voted overwhelmingly to approve war with Britain⁴. The Second Anglo-American War broke out and lasted until the end of 1814. The main battlefields were the border between the United States and Canada, the Atlantic Ocean and the Great Lakes. It must be noted that Britain had to deal with the Napoleonic Wars in Europe and fight in the North American battlefield, forcing them to disperse their military forces. This explains why, despite having superior military potential, Britain did not gain the upper hand over the American army in any battle. On the American side, the war with Britain caused domestic production to stagnate and American international trade to be disrupted. The prolonged war made both sides feel tired. Finally, in December 1814, British and American representatives agreed to sign a treaty to end the war in Ghent (Belgium). In the Treaty of Ghent, there was no provision for Britain to voluntarily abolish the conscription of American sailors to serve on Royal Navy warships, nor to renounce the seizure of American merchant ships. Although the renunciation of conscription was not recognized on a legal basis, it must be noted that from the end of 1814 to 1815, the issue of conscription was no longer implemented by the British government in practice. The relationship between the United States and Britain on the issue of conscription was officially closed.

5. Conclusion

1. Since gaining independence, one of the top priorities of the US government has been to promote foreign trade activities with the support of merchant fleets that were developed under the former British Empire. Accordingly, the US merchant fleet has gradually demonstrated its position and strength on the oceans, freely accessing almost all world markets. However, the freedom of the seas of US merchant ships has encountered obstacles from the subject that once dominated the US - Britain. To compete with US commercial ships and at the same time supplement the human resources of sailors serving the armed fleets circulating on the ocean, the London government has implemented many different measures against its ships, including the compulsory military service system.

⁴ In the House of Representatives, the vote was 79 to 49. In the Senate, the vote was 19 to 13.

2. The British implementation of the compulsory military service system hindered the freedom of navigation issue that American ships were trying to establish their position on international commercial shipping routes. Furthermore, it created huge consequences for the process of national reconstruction and unification of the Federation that successive US presidential administrations pursued; on the other hand, it hurt national pride and lowered the country's status in the international arena. To resolve the difficulties in relations with Britain, right from the founding of the nation, the US presidential administrations opened diplomatic struggles with the London government. At first, the US advocated choosing a flexible solution by exchanging diplomatic notes, statements of diplomatic representatives, exchanging letters, and proposed plans related to the British obstacles for US ships. All contained information and views of the US governments on freedom of the seas, and the demand for respect for the sovereignty of ships under national ownership. In response to the reactions from the US, the British government always refused the other side's proposal on the grounds that the conscription on foreign ships was part of the program to protect the overall national strength. To force Britain to respect the issue of freedom on the seas, tougher measures were implemented by the White House and the Federal Congress. From restricting the import of goods to completely banning the import of goods of British origin, the Washington authorities tried. The fate of the economic solution was the same as the previous time. All the solutions of the US government towards Britain failed. The relationship between the US and Britain had no other way but to lead to war to solve the issue of conscription. The war between the two sides lasted from 1812 to 1814.

3. The struggle to abolish the compulsory military service in the United States reflects the reality of the process of shaping a nation, because this is the place where thousands of immigrants from all over the world gather and live. When they set foot on this land, they fought with all their might for the interests of the nation and the country with the goal of making the country strong, standing shoulder to shoulder with other great powers. The lesson of solidarity between communities in the same country is always a topical issue in the process of building and developing the country.

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