

# The 'Ignominious Fall of the European Commonwealth': Gentz, Hauterive, and the Armed Neutrality of 1800

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## Introduction

The status of neutral commerce during times of war was one of the questions addressed by a major Anglo-French debate about the character of the European state system that took place around 1800.<sup>1</sup> These debates took place in anticipation of a general peace settlement, which became particularly acute following Napoleon's success in driving the Habsburgs out of Italy and Russia's growing estrangement from its allies in the Second Coalition against France. In debating the shape of this coming settlement, both sides presented competing accounts of what had happened to the previous European states system, or, in eighteenth-century terms, the European Republic. The question on the surface of this debate was how to assign responsibility for what one of the chief participants, Friedrich von Gentz, later called "the ignominious fall of the European Commonwealth" in the wake of the French Revolution.<sup>2</sup> This was inevitably a rather polemical discussion, but as this article aims to show, underlying it was a clash between important models of the European states system. Moreover, each of these models had a well-developed historiographical dimension. At the core of the contest was the question of how the development of the European states system had been impacted by the rise of

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1 Important discussions of these debates include F.H. Hinsley, *Power and the Pursuit of Peace: Theory and Practice in the History of Relations Between States* (Cambridge: Cambridge University Press, 1963), pp. 186–94; Murray Forsyth, "The Old European States-System: Gentz vs. Hauterive," *The Historical Journal* 23 (1980): pp. 521–38; Emma Rothschild, "Language and Empire, c. 1800," *Historical Research* 78 (May 2005): pp. 208–29; and Marc Belissa, *Repenser l'ordre Européen (1795–1802): De la Société des Rois aux Droits des Nations* (Paris: Kimé, 2006), pp. 162–69.

2 Friedrich von Gentz, *Fragments upon the Balance of Power in Europe* (London: M. Peliter, 1806), p. xx.

commerce. The competing approaches to this question reveal what was at stake in the contemporary reopening of earlier debates about the scope of neutral rights to free trade (a problem dating back to the Seven Years' War), as well as in the rival assessments of a revived League of Armed Neutrality (a mechanism for securing these rights originally ventured during the War of American Independence).

The two main protagonists in the Anglo-French debate of 1800 were Alexandre d'Hauterive (1754–1830) and Friedrich von Gentz (1764–1832). Hauterive was a senior official in Napoleon's foreign ministry, and a close associate of Talleyrand. His colourful diplomatic career had begun in Moldavia and continued after the French Revolution in New York. After losing his position as the French Consul in New York, Hauterive made his living as a farmer until he was rediscovered by Talleyrand, who was also in exile.<sup>3</sup> Both diplomats returned to Paris in 1798, where Hauterive soon ascended to the senior ranks of the French foreign ministry. Hauterive remained a close associate of Talleyrand, and the book he published soon afterwards, *Of the state of France at the end of the year VIII*, was received as an official statement of French foreign policy. Hauterive's chief opponent, Friedrich von Gentz, was a Prussian official who had studied under Kant in Königsberg and had become famous for his 1794 translation of Edmund Burke's *Reflections on the Revolution in France*. Later in his career Gentz moved to Austria, where he served as an important advisor to Count von Metternich and acted as secretary to the Congress of Vienna. In 1800, however, Gentz's contributions to the debate against Hauterive and his allies were financed from London.<sup>4</sup>

The essence of Hauterive's position – echoed and defended by several others, including Tom Paine – was that England had risen to power by creating and exploiting a corrupt system of commercial rivalry which mainly served the monopolistic interests of its ruling elites. A stable and lasting peace was impossible, in this view, unless the English-dominated trading system was defeated and replaced with a new one. Hauterive and his allies claimed that France and the neutral nations shared an interest in purging the influence of war and reason of state from commerce once and for all, by liberating global trade from English hegemony. However, according to Hauterive and his allies, only France had the correct strategy, and the necessary power, to achieve this goal. The English response was to attribute all such calls for a fundamental restructuring of global trade and the European balance of power to continental jealousy of England's maritime and commercial success. In fact, it was primarily this commercial and maritime success which had preserved the rest of Europe from French domination. Gentz and his allies, like Thomas Brooke Clarke (whose contributions to the debate have been underestimated) sought to uphold the view that commercial rivalry, and concomitant limits on free trade, had become

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3 On Hauterive's life see Alexis François Artaud de Montor, *Histoire de la vie et des travaux politiques du comte d'Hauterive, comprenant une partie des actes de la diplomatie française, depuis 1784 jusqu'en 1830*, 2nd ed. (Paris: A. Le Clere, 1839).

4 Forsyth, "The Old European States-System," p. 522.

a necessary and permanent feature of a world of independent states.<sup>5</sup> Neutral complaints about this reality could therefore be attributed to war profiteering, which the French were eager to exploit to their own advantage. For both sides of the debate of 1800, then, the question of neutrality was bound up with rival accounts of the rise of commerce and its effects on the European states system. These assessments of the past development as well as present crisis and future potential of the European states system show how prominent eighteenth-century visions of European and international order continued to be articulated and contested during the Napoleonic age.<sup>6</sup>

## Hauterive and the Disorganization of Europe

Hauterive devoted an important chapter of his book to the issue of neutral rights. He began by comparing neutrality to war. Neutrality was “a misfortune comparatively less” than war, but it was nonetheless a condition “little short of actual war.”<sup>7</sup> Neutral states suffered from wars because wars inevitably damaged global trade. According to Hauterive, the divisive effects of war could not be contained or prevented from infecting the global trading system:

amidst the incessant concussions which war gives to the general organization of the external commerce of every people, no state can be secure from its attacks; there cannot strictly be said to exist any means of separation, any motive of indifference, or principle of impartiality, on the part of neutral nations towards the belligerent powers.<sup>8</sup>

Hauterive’s claim was linked to a prominent eighteenth-century critique of commercial rivalry as a perversion of trade. The starting point was a well-worn contrast between war and trade, or the spirit of conquest and the spirit of commerce. War inevitably divided its participants into winners and losers, whereas commerce entailed at least some measure of cooperation and mutual gain. Commerce therefore encapsulated an element of general utility and social cohesion. Hauterive credited

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5 On Clarke see Forsyth, “The Old European States-System,” p. 523. Clarke was a close associate of the English political economist Josiah Tucker. On Clarke’s contributions to debates about Anglo-Irish union see Istvan Hont, “The ‘Rich Country – Poor Country’ Debate Revisited: The Irish Origins and French Reception of the Hume Paradox,” in *David Hume’s Political Economy*, ed. Carl Wennerlind and Margaret Schabas (London: Routledge, 2008), pp. 243–322.

6 On the significance of the Napoleonic period in the history of the idea of Europe see Stuart Woolf, “The Construction of a European World-View in the Revolutionary-Napoleonic Years,” *Past and Present*, no. 137 (November 1992): pp. 72–101; Martyn P. Thompson, “Ideas of Europe during the French Revolution and Napoleonic Wars,” *Journal of the History of Ideas* 55 (January 1994): pp. 37–58; and, most relevantly for the economic divergence between Britain and the Continent discussed by the protagonists in the debate of 1800, François Crouzet, “Wars, Blockade, and Economic Change in Europe, 1792–1815,” *The Journal of Economic History* 24 (December 1964): pp. 567–88.

7 Alexandre Maurice Blanc de Lanautte Hauterive, *State of the French Republic at the End of the Year VIII*, trans. Lewis Goldsmith (London: J.S. Jordan, 1801), p. 150.

8 Hauterive, *State of the French Republic*, p. 149.

the Archbishop Fénelon, and the “many other celebrated writers” who followed him, with establishing that states could grow more powerful through internal development, through providing expanding markets for each other’s surplus products, rather than trying to conquer each others’ territory.<sup>9</sup> It was now a well-established principle, Hauterive wrote,

that the most solid basis of the riches of one nation, is the riches of all those to whom it is allied by relations of commerce; that commerce is a vast organization which has a general life, and general interests; and that this life and these interests can receive no partial injury without exciting sympathy and pain in the whole aggregate.<sup>10</sup>

Unfortunately, Hauterive continued, Fénelon’s insights had yet to penetrate into the halls of power. States competed to command markets in the same manner that they had previously fought over territory. Instead of serving as the basis for reciprocity, trade had become a theatre of warfare. In other words, as Hume had famously proclaimed, commerce had become a “reason of state,” a new arena for the kind of rivalry between states that Hobbes had described as the state of war.<sup>11</sup>

This critical perspective on competitive commerce provided the conceptual substance behind Hauterive’s polemical account of how the European states system had come apart. It was also how Hauterive framed the issue of neutral rights and neutral claims to free trade. Hauterive’s historical narrative aimed to counter the Burkean charge that France had ignited the wars of the 1790s through its egregious violations of the law of nations. In Hauterive’s history, England had been the first state whose interests came to be bound up entirely with the commercial interests of its traders, and Cromwell the first sovereign who had extended the jealous posture of Hobbesian sovereigns in the state of war to encompass the industry of his subjects. Like the Abbé de Mably and other French writers before him, Hauterive claimed that Cromwell had contrived to convert the rise of commerce into an instrument of English reason of state, and engineered England’s rise to global dominance by seizing the sources of Dutch prosperity:

Cromwell was the real founder of the maritime system, the real author of the naval wars of Europe. He conceived the idea of fixing their industry upon a permanent state of conspiracy and war against the industry of others, of separating for ever their interests from the interests of Europe [...] He proclaimed the *Navigation Act*; by that bold and

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9 Hauterive, *State of the French Republic*, pp. 130–1. On Fénelon’s great importance for eighteenth-century political economy see especially Istvan Hont, “The Luxury Debate in the Early Enlightenment,” in *The Cambridge History of Eighteenth-Century Political Thought*, ed. M. Goldie and R. Wokler (Cambridge: Cambridge University Press, 2006), pp. 379–418.

10 Hauterive, *State of the French Republic*, p. 148.

11 David Hume, “Of Civil Liberty,” in *Essays: Moral, Political, and Literary*, ed. Eugene Miller, rev. ed. (Indianapolis: Liberty Classics, 1987), pp. 88–89. See Istvan Hont, *Jealousy of Trade: International Competition and the Nation-state in Historical Perspective* (Cambridge: Harvard University Press, 2005).

decisive measure placed the commerce of his nation in a position of constant jealousy and enmity with the commerce of all others.<sup>12</sup>

England's jealousy of trade was the chief underlying source of the chaos that had engulfed all of Europe. Hauterive claimed that this aggressive policy had thoroughly corrupted the European states system. England had elevated commercial rivalry, which he called a "false and expensive principle of imitative emulation," to be the guiding principle of its foreign policy. Its constant goal was to maintain and extend its commercial pre-eminence, by whatever means necessary. Instead of trading its own surplus production on the world market, which would benefit humanity and encourage the industry of others, England sought to enrich itself by extending its commerce beyond the limits of its own industry.<sup>13</sup> Hauterive and his allies characterized this as a quest for universal monarchy in the form of commercial monopoly. This was, of course, the same charge that the English themselves had levelled against the Dutch during the Anglo-Dutch wars of the previous century;<sup>14</sup> Hauterive and his allies amplified the complaint by associating England's pursuit of commercial monopoly with English financial power as well. Hauterive claimed that England's "maritime system" could easily bring other states under its sway once they were dependent on English credit; he deemed the political independence of the United States to be meaningless for this reason.<sup>15</sup>

The implication of Hauterive's history was that English jealousy of trade had undermined the old European law of nations and bore ultimate responsibility for the wars of the 1790s. The effect of England's new constellation of trade and war had been to "introduce into the political system of Europe a perpetual principle of disturbance, versatility, and agitation."<sup>16</sup> As European states rushed to keep pace with England, they only found themselves less and less secure. Abuses multiplied, and by the eve of the French Revolution, Hauterive claimed, Europe had already

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12 Hauterive, *State of the French Republic*, p. 19. See Gabriel Bonnot de Mably, *Principes des négociations, pour servir d'introduction au droit public de l'Europe, fondé sur les traités* and *Le droit public de l'Europe, fondé sur les traits*, in *Collection complete des oeuvres de l'Abbé de Mably* (Paris, 1794), vol. 5, pp. 475–6, and vol. 6, pp. 474–5.

13 This common eighteenth-century distinction was expressed particularly clearly in Bernard François Anne Fonvielle, *Situation de la France et de l'Angleterre, à la Fin du 18me Siècle ou Conseils au Gouvernement de France, et Réfutation de l'Essai sur les Finances de la Grande Bretagne, par Frédéric Gentz* (Paris: Libraires et marchands de nouveautés, 1800), pp. 293–4.

14 Hauterive, *State of the French Republic*, p. 130. See Steven Pincus, "The English Debate Over Universal Monarchy," in *A Union for Empire: Political Thought and the British Union of 1707*, ed. John Robertson (Cambridge: Cambridge University Press, 1995), pp. 37–62.

15 Hauterive, *State of the French Republic*, pp. 123–4. Hauterive's book was in part a response to Gentz's earlier efforts to proclaim the superiority of England's financial system over France's. For a summary of this dimension of the debate, see the introduction to Jean-Joseph Sabatier, *Tableaux Comparatifs des Dépenses et des Contributions de la France et de l'Angleterre, Servis de Considérations sur les ressources des deux Etats, et servant en même temps de Réfutation à l'ouvrage de Gentz* (Paris, 1805).

16 Hauterive, *State of the French Republic*, p. 26.

been overcome by what he called a “general disorganization,” a lawless state of war. “It can no longer be dissembled,” he wrote,

that, for a long time past, there existed not in Europe any maxim of government, any federal bond, any fixed principle of feeling and of conduct; that the weak were at the mercy of the strong, that the strong were the puppets of the dexterous [...].<sup>17</sup>

General war had broken out in the 1790s, then, not because France had acted like the rogue state described by theorists of the law of nations, and violated the common norms of European civilization, but because these shared norms had already been undermined. The fundamental cause of the wars, Hauterive claimed, was “the uncertain and insecure position in which all the states of Europe, at the time of the French Revolution, found themselves placed with regard to each another.”<sup>18</sup> This insecurity was in turn a consequence of the vicious commercial rivalry that England had instigated and imposed on the rest of Europe. English jealousy of trade had reduced all of Europe to a war of all against all. The only order left in contemporary Europe was the rule of the stronger, and that was England. Ultimately, Hauterive argued, the real fault lay with those states which still did not perceive that England represented the greatest threat to their security. He found this misperception excusable a century earlier, when all Europe had aligned itself against Louis XIV during the War of the Spanish Succession, but that was no longer the case. “At present,” Hauterive asked,

what illusion could have prevented the states of the continent from seeing that, in destroying, or but merely in weakening, France, the tendency must be blindly to subject all the interests of the political system of Europe to the movements of the maritime system, and the interests of all the maritime states to the almost arbitrary direction of a single power?<sup>19</sup>

Hauterive and the other French writers framed the debate over neutral rights within this pointed application of eighteenth-century critiques of commercial rivalry. Armed neutrality was a reaction to English commercial reason of state. English claims regarding the right to search and seize neutral ships carrying contraband were part of a corrupt English jurisprudence whose purpose was to further England’s pursuit of a global monopoly of commerce. In effect, there were now two “laws of nations” – England’s, and everyone else’s.<sup>20</sup> The “universal maritime law of nations” allowed unlimited free trade to neutrals in time of war. Its purpose was to provide what

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17 Hauterive, *State of the French Republic*, pp. 31–32.

18 Hauterive, *State of the French Republic*, p. 29.

19 Hauterive, *State of the French Republic*, p. 67.

20 Hauterive, *State of the French Republic*, p. 150.



Hauterive called “a quiet asylum” from the ravages of war for “general commerce.” Neutral commerce, Hauterive wrote, would

draw together all the springs of general reproduction, and preserve untouched every element of the grand organization of industry, until the moment when peace should re-establish between every nation the harmony of those commercial relations which ought to bind them together.<sup>21</sup>

English naval supremacy, and neutral complicity in the destruction of the French counterweight to this supremacy, had allowed England to legislate for the world and impose a different law of nations, “the maritime law of England.”<sup>22</sup> Britain’s navigation act was a “law of perpetual war” which had gone unanswered.<sup>23</sup> This law served English commercial interests and was imposed on the rest of Europe by the English admiralty courts. Unlike the true law of nations, the English code placed extensive constraints on neutral commerce, which it justified as the unavoidable effects of war. The English law of nations baldly subordinated the general interests encapsulated in global commerce to the particular interests of one powerful state. The French described this as a revival of old claims about “dominion of the seas”; another prominent French diplomat, Joseph Matthias Gérard de Rayneval, later went to some lengths in order to claim that England’s present efforts to justify its commercial monopoly were part of a national tradition that could be traced back to John Selden’s refutation of Grotius’s *Mare Liberum*.<sup>24</sup>

Once England had taken the route of attacking neutral trade with its enemies, Hauterive charged, neutral states could no longer play the role of providing “a quiet asylum” for free trade. Neutral commerce could no longer serve as a medium for the general utility that bound independent states together into an international society. England’s opponents in war had to retaliate in kind or else allow themselves to be weakened by being completely excluded from global trade to England’s benefit. At the same time, neutral states became accustomed to “consider war as a state which puts them out of society with the belligerent nations, by the arbitrary determination of one of them.”<sup>25</sup> This evaporation of international society and the law of nations which sustained it left everyone in a Hobbesian state of war, where the line between self-protection and wanton aggression became increasingly blurred. England had been so successful in exploiting this situation, and other nations so blind to their interests, that a global English commercial empire was now imminent.

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21 Hauterive, *State of the French Republic*, p. 151.

22 Hauterive, *State of the French Republic*, p. 157.

23 Hauterive, *State of the French Republic*, p. 171.

24 Joseph Matthias Gérard de Rayneval, *De la liberté des mers* (Paris, 1811), vol. 1, pp. vi–x.

25 Hauterive, *State of the French Republic*, pp. 154–5.

## Neutral Commerce and the “Yoke of Humanity”

Hauterive’s analysis of how English jealousy of trade had destroyed the European republic of states was joined to a proposal for how to reconstitute this commonwealth. For Hauterive, France’s recent military successes on the continent had created an opening to rescue Europe from the commercial rivalry begun by England. Then commerce would be able to take up its natural function as the medium of international society. The major obstacle to this correction, of course, was England’s corrupt jurisprudence and the naval and commercial dominance which sustained it. A successful peace settlement, in Hauterive’s view, would replace England’s maritime law with what he called “a code truly maritime, truly commercial, and truly general.”<sup>26</sup> In particular, Hauterive proposed, there would be no more rights of search and seizure, and all restrictions on neutral trade during war would be eliminated, with the exception of domestic and colonial trade. This code would form the basis of what ought to become “the maritime law of nations for the nineteenth century.”<sup>27</sup>

This vision of a new states system paralleled Hauterive’s account of the old European states system before its destruction. Following Mably, Hauterive described the old European states system as the product of the peace negotiations that had culminated in the Treaty of Westphalia. Like Mably, he identified that settlement, and the system of treaties that had been built upon its foundations, as the “public law” (*droit public*) of Europe. This law had reconciled conflicting geopolitical interests by establishing a stable system of permanent alliances that was the original form of the balance of power.<sup>28</sup> Hauterive claimed that a new peace settlement adequate to the nineteenth century would have to create a new version of the Westphalian public law for Europe, guaranteed by French power. But, unlike its predecessor, this new public law would have to take the rise of commerce into account and accommodate itself to the dawn of the commercial age. In short, recreating a new states system could only be done by creating a new trading system.

This was not the most radical version of that argument. Hauterive was writing in the spirit of Thermidor, and took great pains to distance himself from the dream of a republican world order. Hauterive used Mably in order to combine a radical critique of commercial rivalry with a defence of the institutions and political patterns that other critics identified closely with that rivalry. One commentator who picked up on this tendency was John Quincy Adams, who had corresponded with Gentz while stationed as the American envoy in Berlin, and who subsequently reviewed Hauterive’s book for a Federalist journal. Adams observed that France may have declared war in order to overthrow the bloodthirsty dynasties of Europe and

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26 Hauterive, *State of the French Republic*, pp. 158.

27 Hauterive, *State of the French Republic*, pp. 163.

28 Hauterive, *State of the French Republic*, pp. 8–10.



spread liberty to all peoples, but now it claimed to be fighting in order to restore the balance of power.<sup>29</sup> A good example of the more direct republican approach appears in a book by one of Hauterive's compatriots, a minor official from Limoges named François-Xavier Audouin. Audouin assumed the mantle of Sully, Rousseau, and Mirabeau, and condemned the old public right of Europe as the creature of courtly intrigue which was absolutely irrelevant to the conduct of a republic. Why should the old dynastic negotiations between the German Empire and the French monarchy serve as the basis for its diplomacy? Instead, Audouin looked forward to the day when the foreign policy of the French republic would be handled not by wily diplomats but by the ministry of foreign trade. Industry would replace diplomacy as the "public law of Europe." It would take the form of a "universal maritime code," a federation which, "linking peoples through universally recognized principles of commerce, guarantees to all the independence of the seas and the security of commerce."<sup>30</sup>

All these French writers identified the same strategy for ending England's commercial supremacy, eliminating commercial rivalry, and establishing a new states system. France would impose what Hauterive called a "federal" act of navigation. Unlike a system of competing national navigation acts, which reflected national jealousies and hatreds, the fundamental purpose of this federal navigation act was "to produce its own abolition, and that of all acts of the same nature." The "law of perpetual war" inaugurated by Cromwell was to be replaced by a "law of reciprocity." France and its partners would agree to exempt each other from commercial restrictions while collectively imposing them on England in order to thwart its bid for commercial monopoly and force it to join the new trading system. In this way, Hauterive promised, "the ideas of association being blended with those of prohibition, they will produce, by degrees, a general association, and, by a necessary consequence, the abolition of all the prohibitory laws."<sup>31</sup>

The same concept of a federal navigation act appeared in a number of contemporary French works; it also formed the heart of Tom Paine's pamphlet calling for a "Maritime Compact."<sup>32</sup> These proposals were a revival of the strategy that had been described by the elder Marquis de Mirabeau's *L'Ami des Hommes* in the context of the Seven Years War. Mirabeau had warned that Europe would

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29 John Quincy Adams, "Letters on various topics of foreign literature, from an American resident abroad," *The Portfolio* (1801): pp. 202–235 passim. See Alexander von Hase, "John Quincy Adams als Kritiker von Hauterive und Gentz (1801): Ein amerikanischer Beitrag zu einem europäischen Gespräch," *Historische Zeitschrift* 215 (1972): pp. 33–48.

30 François-Xavier Audouin, *Du commerce maritime, de son influence sur la richesse et la force des états, démontrée par l'histoire des nations anciennes et modernes; situation actuelle des puissances de l'Europe, considérées dans leurs rapports avec la France et l'Angleterre; réflexions sur l'armement en course, sa législation et ses avantages* (Paris, 1800), vol. 2, pp. 55–62. On the post-revolutionary question of reviving the art of diplomacy see Belissa, *Repenser l'ordre Européen*, pp. 183–96.

31 Hauterive, *State of the French Republic*, p. 172.

32 Thomas Paine, *Pacte Maritime, adressée aux Nations neutres, par un Neutre* (Paris: Imprimerie-Librairie du Cercle-Social, 1800). An American edition was published in Washington, D.C. in 1801.

descend into a new dark age if the ferocious rivalry among commercial nations for dominion of the seas were not brought to a peaceful resolution.<sup>33</sup> He envisioned France becoming the arbiter of a system of treaties establishing mutual free trade and fraternity among all commercial states. France would vanquish England's Navigation Acts, which he deemed an attack on the law of nations, by fighting a war to establish universal free trade once and for all. In doing so it would be fighting for "the common cause of humanity" and would therefore become "the friend of mankind." The war would end with France "imposing the yoke of humanity" and making "entry into the universal confraternity of trade" the basis of the new treaty system.<sup>34</sup>

In 1800, Hauterive and his allies made a point of emphasizing the congruence between their proposal for a new kind of trading system, and the interests of neutral states. In the wake of Napoleon's victory over Austria, French writers were confident that the "friend of mankind" was in a position to begin laying the foundations of Mirabeau's "confraternity of trade." This victory reflected one important part of the French strategy, which also harkened back to the 1750s. The goal was to transform Prussia and Austria into modern trading states which would be capable of figuring in the global balance of trade. Then, Hauterive explained, "by the advantages of navigation becoming more generally distributed, the interest of commercial independence might be more forcibly and universally felt." Meanwhile, Hauterive emphasized that French policy towards Austria was also geared towards making it into a maritime power: the last peace settlement with Austria, in 1797, had granted Venice to the defeated Austrians for this purpose.<sup>35</sup>

The French writers also claimed that France was uniquely positioned to act in the general interest as the friend of mankind – and therefore in the interest of neutrals as well. The claim was that France's successful recovery from the turmoil of the revolution had positioned it to act in the general interest of humanity. Hauterive attributed this turmoil to the same process that had dissolved the old Westphalian system. "The seeds of political anarchy were generally disseminated in Europe," he wrote, "by the same causes which in France had sown the seeds of social anarchy."<sup>36</sup> Though it was France that had suffered an outbreak of "social anarchy," Hauterive claimed that France, rather than England, was now qualified to resolve the European crisis. The revolution had brought French manners, laws, and

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33 Victor Riqueti, Marquis de Mirabeau, *L'ami des hommes, ou traité de la population*. (Paris: Guillaumin, 1883), p. 498.

34 Mirabeau, *L'ami des hommes*, p. 505.

35 Hauterive, *State of the French Republic*, pp. 116–17. Cf. Audouin, *Du commerce maritime*, pp. 83–84. Of course, Prussia had itself been trying to do this under Frederick the Great, who founded a Prussian east India company in the 1750s which was quickly suppressed by the Dutch and English. See Florian Schui, "Prussia's Trans-Oceanic Moment: The Creation of the Prussian Asiatic Trading Company in 1750," *The Historical Journal* 49 (2006): pp. 143–60.

36 Hauterive, *State of the French Republic*, pp. 32–34. The French Revolution "was the first consequence of a powerful political action, which, during a long period, had directed its force against the general organization of Europe [...] the French revolution has, therefore, rendered to every government the signal service of teaching them that the seeds of political anarchy were generally disseminated in Europe, by the same causes."

political institutions into alignment with the new commercial age. The constitution of the year VIII had finally created the kind of representative institutions that could support a genuine “community of labour.” In contrast, England was tottering on the brink of ruin. The English economy had suffered most from the war, because it was highly dependent on export markets, whereas France was largely self-sufficient. England’s government had managed to carry on a vigorous war effort thanks to its unprecedented borrowing capacity. A coalition of state creditors and merchants had kept the state afloat, even as the economy contracted, the population shrank, and the working class degenerated into an impoverished and barely pacified underclass. But the end of the war would place a great deal of strain on this ruling coalition, and promised a precarious future for the state whose power stemmed from “power of opinion and of public credit” rather than the solid foundation of “progress of industry” and “increase of the national wealth.” In the end, Hauterive concluded, it was France that was now uniquely positioned to take on the task of rebuilding the public law of Europe.

These were the grounds for the French claim to be the friend of mankind, and the French approach to neutral trade reflected this view. As Hauterive put it, France had committed itself to “breaking the yoke which oppresses the general system of navigation and commerce.” But the yoke of English monopoly could only be overthrown if Russia and the neutral powers joined France’s new treaty system and collectively imposed the yoke of humanity on England.<sup>37</sup> Paine’s pamphlet proposing a “Compact Maritime” was one of several French overtures to Russia and the neutrals, which sought to promote the French strategy as a more effective alternative to the Russian idea of reviving the League of Armed Neutrality. Whatever concessions the League of Armed Neutrality had extracted from the English during the War of American Independence, Paine claimed, had been made possible only by the existence of a naval balance of power at the time. The subsequent destruction of the French and Spanish navies had left no such counterweight against England, so a revived League of Armed Neutrality would fail to secure free trade against England’s will. Audouin was similarly dismissive of a revived league. The problem with a League of Armed Neutrality, he lectured, was that it saw itself as acting in the general interest, but was in fact merely a partial, anti-English alliance operating within the existing states system. It would merely count as another interest within the existing system, rather than an alternative to it. Russia could supply a powerful impetus to its proposed “northern confederacy,” but ultimately this kind of alliance would fail to clear the force fields of European power

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<sup>37</sup> Hauterive, *State of the French Republic*, p. 161.

politics. Another League of Armed Neutrality, Audouin concluded, would only lead to a new pair of duelling coalitions.<sup>38</sup>

Hauterive and Paine were both confident that a trade embargo arranged through coordinated navigation acts would succeed in eroding England's naval power. The only missing piece was for Russia and the neutrals likewise to commit themselves to the general interest, and to side with the French in favour of free trade. Then the Russian patron of neutral commerce and the French friend of mankind would come together, Paine proclaimed, and jointly guarantee the liberty of both Europe and America. Hauterive promised the same alliance paired with a portentous threat: if Russia proved unwilling to liberate itself from English commercial domination, Hauterive warned, it would become necessary for France to invade it and divide it into two, as Rome had been divided.<sup>39</sup>

### Gentz and Clarke on Commerce and the Balance of Power

On the issue of neutrality itself, the English response to these French arguments was simply to deny that France and the neutral powers were acting on behalf of any kind of general interest. Neutral states, relative latecomers to the world of commerce, were attempting to abuse the traditional rights of neutrality merely in order to enrich themselves in a time of war. In effect, they were attempting to become parties to the war on both sides, rather than neither, out of pure greed.<sup>40</sup> In the introduction to his 1801 reprint of his 1759 pamphlet on neutrality, Lord Liverpool described Hauterive's book as an attempt to pander to these commercial interests of neutral states. By ruling out the right of belligerent powers to search neutral ships and seize enemy goods, as well as demanding unlimited free trade for neutrals, Hauterive had undertaken a radical revision of the law of nations beyond anything that Vattel and other authorities had ever imagined.<sup>41</sup>

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38 Audouin, *Du commerce maritime*, p. 67. For a similar criticism of armed neutrality see Jean-Baptiste-Claude Delisle de Sales, *De la Paix de l'Europe et de ses Bases* (Paris, 1800), pp. 176–92. On the Russian context for the initiative see Hugh Ragsdale, "A Continental System in 1801: Paul I and Bonaparte," *The Journal of Modern History* 42 (1970): pp. 70–89; and "Russia, Prussia and Europe in the policy of Paul I," *Jahrbücher für Geschichte Osteuropas* 31 (1983): pp. 81–118. On Prussia's vacillation between these French and Russian options see Philip Dwyer, "Prussia and the Armed Neutrality: The Invasion of Hanover in 1801," *International History Review* 15 (1993): pp. 661–87; and, more generally, "The Politics of Prussian Neutrality, 1795–1806," *German History* 12 (1994): pp. 351–74.

39 Hauterive, *State of the French Republic*, pp. 99–100, 104–5. On the original League of Armed Neutrality the best reference remains Isabel De Madariaga, *Britain, Russia, and the Armed Neutrality of 1780: Sir James Harris's Mission to St. Petersburg During the American Revolution* (London: Hollis & Carter, 1962).

40 Introduction to Friedrich von Gentz, *On the State of Europe Before and After the French Revolution Being an Answer to the Work Entitled De L'état De La France À La Fin De L'an VIII*, 5th ed. (London: Printed for J. Hatchard, 1804), pp. xv–xvi.

41 Charles Jenkinson, Earl of Liverpool, *A Discourse on the Conduct of the Government of Great Britain, in respect to Neutral Nations, written in 1758* (London: T. Cadell and W. Davies, 1801), pp. xv–xvi.

Amongst these exchanges was a noteworthy response to the historical and theoretical models of commerce that underpinned Hauterive's book. Gentz and especially Clarke directly addressed Hauterive's historical claim that the rise of commerce had undermined the commonwealth of Europe. Gentz's aim was to show that, "The extension of the commercial and colonial system is by no means incompatible with the principles of the federal constitution of Europe."<sup>42</sup> He stressed the naturalness of commerce and the lack of conflict between commerce and the existing social order.<sup>43</sup> He also rejected Hauterive's characterization of the Westphalian settlement as the founding moment of the entire European states system.<sup>44</sup> Finally, it was not the "maritime system" that had caused the recent upheaval of the commonwealth of Europe and its balance of power, but the French quest for territorial expansion and France's quite old-fashioned pursuit of a universal monarchy.

Clarke's response to Hauterive introduced a much richer historical analysis than Gentz's, by recounting in great detail Adam Smith's history of European commerce from book three of the *Wealth of Nations*. The original Gothic constitution of Europe had been overturned by a commercial revolution, which was unintentionally unleashed by the feudal barons. Their taste for luxury had led them to transfer their wealth to the towns, and therefore to lose their violent and tyrannical grip on society.<sup>45</sup> Commerce was rightly celebrated as the source of modern civil liberties, Clarke concluded, for it had "leveled the proud baron, freed kings from slavery, and people from oppression."<sup>46</sup> He also countered Hauterive's jibes against Prussian and Russian barbarism by repeating Voltaire's celebration of the extension of civilization into the North.<sup>47</sup>

Like Gentz, Clarke claimed that the political interests and financial resources of the modern state were perfectly compatible with commerce. It was merely the "vicious remnants of the feudal system," and their rearguard action against the dawn of the commercial age, that had caused the revolution in France and the "disorganization" of Europe. The absence of such remnants in England, in Clarke's view, explained why England had avoided a comparable upheaval and was so much

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42 Gentz, *On the State of Europe*, p. 60.

43 Gentz, *On the State of Europe*, p. 45.

44 Gentz, *On the State of Europe*, p. 11.

45 Thomas Brooke Clarke, *A survey of the strength and opulence of Great Britain: wherein it is shewn, the progress of its commerce, agriculture, population, &c.* (London: T. Cadell and W. Davies, 1801), pp. 1–8; and Thomas Brooke Clarke, *An Historical and Political View of the Disorganization of Europe Wherein the Laws and Characters of Nations, and the Maritime and Commercial System of Great Britain and Other States, Are Vindicated Against the Imputations and Revolutionary Proposals of M. Talleyrand and M. Hauterive, Secretaries of State to the French Republic* (London: T. Cadell and W. Davies, 1803), pp. 155ff.

46 Clarke, *Survey*, p. 8.

47 Clarke, *Disorganization of Europe*, pp. 9ff.

more distinguished in the arts and sciences.<sup>48</sup> A veteran of the debates about the Anglo-Irish union of 1800, which had centred on the question of whether England's wealth was inevitably doomed to decline, Clarke dismissed French intimations that England's economy and finances were on the brink of collapse. "The principles of the Gothic military system, and those of the commercial system, were at war with each other," Clarke concluded, "whereas the principles of the new military systems and of the commercial system are perfectly in accord."<sup>49</sup>

Clarke was also keen to deny the fundamental French claim that commercial rivalry had poisoned the workings of the balance of power and turned the European commonwealth into a monstrosity. Clarke described England's Navigation Acts as an unremarkable piece of legislation that was fully within the bounds set by the law of nations. He also ventured a more fundamental defence of commercial rivalry as a manageable and even necessary feature of international politics. In order to do so, Clarke leaned particularly heavily on Emer de Vattel's *Law of Nations*.<sup>50</sup> Clarke's defence of the Navigation Acts was a close paraphrase of Vattel's description of the duties of states with respect to commerce.<sup>51</sup>

Vattel had given the self-preservation of states priority over the duty to mutual aid. In particular he allowed states to impose certain kinds of restrictions on trade if they were necessary to maintain the balance of power. Clarke drew on this approach to defend England against Hauterive's condemnation of commercial rivalry. England had done no more than what was necessary in order to maintain its independence, and had not prevented commerce from continuing to play its integrative role. In fact, Clarke argued, what Hauterive called the "maritime system" had accomplished "not the destruction but the preservation of the balance of power." It was really the military exploits of Louis XIV that had threatened to overthrow the commonwealth of Europe; and it was only the British and Dutch, the trading nations, which had saved Europe from universal monarch.<sup>52</sup> The French Revolution had destroyed this community, and as Burke had also argued (initially also drawing on Vattel), this aberration required extraordinary means to be overcome.

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48 Clarke, *Disorganization of Europe*, pp. 166–70.

49 Clarke, *Disorganization of Europe*, pp. 154–55.

50 Clarke's refutation of Hauterive's book opened by citing Vattel's defense of free speech and his copious praise of England.

51 "The laws of nature, and the rights of nations prescribe systems of commerce. The principles of these natural and moral obligations maintain, that men are bound mutually to assist each other. But this general obligation is subservient to a particular obligation of still greater force, which establishes the right of every nation to labour, first for its preservation, next, for its perfection. Hence every state has a right founded upon the laws of nature and of nations to form her system of commerce upon these principles, and to annex to it what conditions she pleases. For, the duty of a nation to itself is paramount to its duty to others." Clarke, *Disorganization of Europe*, p. 60. The passage is a summary of a central theme of Vattel's *Law of Nations*. See I. Nakhimovsky, "Vattel's Theory of the International Order: Commerce and the Balance of Power in the *Law of Nations*," *History of European Ideas* 33 (2007): pp. 157–173.

52 Clarke, *Disorganization of Europe*, pp. 143, 149–50.



Gentz mounted a similar defence of the Navigation Acts that likewise culminated in an apology for commercial rivalry. England had merely exercised “the indisputable right of every nation to promote its domestic industry, by every method which does not actually injure others.”<sup>53</sup> Far from undermining the states system, England’s commercial success had helped uphold it against French aggression. Gentz was a critic of Kant’s theory of perpetual peace, which he viewed as an irresponsible form of moralizing, and he stressed that the gradual reform of states could take place within an occasionally violent and manifestly less-than-ideal states system.<sup>54</sup> Enlightened public opinion would eventually eliminate jealousy of trade from international politics, just as wars of conquest and religion had been earlier. “The governments of Europe were at length sufficiently convinced,” he claimed, “that the internal cultivation of their respective states was a source of riches, power, influence, real glory, and even external splendour, far more productive than all the conquests and aggrandizements that war or negotiation can accomplish.” The idea itself was not a new one, but the great achievement of the eighteenth century was that this idea had begun to enter into practical politics. Governments all reasoned that conquest was “a mistaken policy” and self-destructive, even if the passions of certain princes had not yet entirely been subdued.<sup>55</sup> Gentz was confident that until the disruption of the French Revolution, the same process had been extending to commerce. Europe had been about to witness, in his words,

true principles of commercial policy prevailing over all obstacles, and combating successfully the most deep-rooted prejudices. Men recovered from the rage for monopoly, as from a dream of the infancy of human industry; their former ideas of the importance of exclusive dominion in distant regions, were considerably diminished, and the value of colonial possessions began to be seen in its true point of view. The same rivalry indeed continued in full force between the commercial nations; but it existed in a more reasonable manner, and was no longer excited by vain phantoms, but contended for solid advantages. This evidently led the way to peace among nations; mankind had already passed judgment upon wars of conquest: the moment was not far distant when they would have unanimously acknowledged the folly of commercial wars.<sup>56</sup>

It was really French jealousy that had caused the “ignominious fall of the European Commonwealth.” Gentz concluded by exhorting other continental nations not to imitate this pernicious French example. “An amendment of the interior administration

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53 Gentz, *On the State of Europe*, p. 298.

54 Friedrich von Gentz, “Über den ewigen Frieden,” in *Zum ewigen Frieden: ein philosophischer Entwurf: Texte zur Rezeption, 1796–1800*, ed. Manfred Buhr and Steffen Dietzsch (Leipzig: Reclam, 1984), pp. 250–91.

55 Gentz, *On the state of Europe*, p. 181. The progress of enlightenment in Gentz’s formulation was not limited to governments alone: “A more enlightened, liberal, and benevolent way of thinking, had at the same time spread through the great body of the people in almost every European country. Their eyes were opened to their true interests; not only this or that particular war, but all wars were become in the highest degree unpopular.” Gentz, *On the State of Europe*, p. 182–83.

56 Gentz, *On the State of Europe*, p. 182.

of every state, a wise and liberal legislation, an increased attention to the interests of commerce and industry, and a studious improvement of the true sources of the wealth of nations [...] With such weapons, but with such only, may Europe combat Great Britain!"<sup>57</sup>

## Conclusion

The key feature of the pro-English analysis in 1800 was a reassertion of something like Vattel's vision of the international order as a kind of community bound together by commerce among independent states. In this vision, economic rivalry was a necessary and unavoidable but not necessarily a destabilizing feature of international politics. This position could construe neutral trade as a kind of buffer that allowed commerce to continue knitting together an international community even as wars opened temporary fissures between states. In this view, however, a neutral state's right to free trade remained secondary to other states' needs to preserve their independence. In the event of a conflict between these commitments, restrictions on neutral commerce had to be negotiated. Any neutral claims to the contrary were simply a reflection of commercial self-interest, not the manifestation of general utility. Of course, the French overtures to the neutrals were easily dismissed as an expression of French national interest rather than the general good of humanity: they were merely a ploy to supply France with additional naval power in its effort to destroy the balance of power.

On the other hand, the French assimilated neutral demands for unlimited free trade into their vision of how to transform the international order. For them, the only way to stabilize the European states system was to create a new system of global free trade, through French power if necessary. Neutral trade was the model, in a sense, but it could not really be neutral with respect to the Anglo-French rivalry: neutrals either had to become co-founders of a new treaty system and global economy, or they would become another set of obstacles to its creation. In this view, the systemic crisis precipitated by the French Revolution was not the spectacular revival of French aspirations to overthrow the European balance of power and establish a universal monarchy. On the contrary, this crisis was the ultimate expression of the structural deformities that, as Mably and others had claimed, had allowed England to come to dominate global commerce and finance. Clinging to neutrality in such circumstances was simply a failure to appreciate the means that were necessary to overcome these deformities.

Both the English and the French sides of the debate of 1800 described escalating demands for neutral free trade as symptoms of the disintegration of the former European states system. Where the English tied this disintegration to the failure of the continental powers to accommodate themselves to an ascendant commercial age, the French blamed the maritime powers for pre-empting and

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<sup>57</sup> Gentz, *On the State of Europe*, p. 353.

precluding the development of a healthy global commercial system through the extension of established structures of public law. Where Hauterive and his allies appealed to the legacy of the Archbishop Fénelon and drew on the work of Mirabeau and Mably, Gentz and especially Clarke enlisted Adam Smith and sought to reassert the “Enlightened narrative” of the progressive emergence of a cohesive European states system which had been traced by writers like Voltaire and Vattel.<sup>58</sup> Seen in this light, the debate between Gentz and Hauterive helps reveal important continuities between eighteenth-century thinking about commerce, the European states system, and international law, and visions of Europe and the international order which emerged during the Napoleonic period and beyond.

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58 On “enlightened narrative” see Karen O’Brien, *Narratives of Enlightenment: Cosmopolitan History from Voltaire to Gibbon* (Cambridge: Cambridge University Press, 1997); and J. G. A. Pocock, *Barbarism and Religion, vol. 2: Narratives of Civil Government* (Cambridge: Cambridge University Press, 1999).