

Corbett Centre for Maritime Policy Studies Series

FREEDOM OF THE SEAS AND US FOREIGN POLICY

AN INTELLECTUAL HISTORY

Connor Donahue



Freedom of the Seas and US Foreign Policy

This book critically analyzes US political-military strategy by arguing that freedom of the seas discourse is fundamentally unfit for an era of maritime great power competition.

The work conducts a genealogical intellectual history of freedom of the seas discourse in US foreign policy to show how the concept has evolved over time to facilitate American control over the global ocean space. It concludes that the contemporary discourse works to establish the high seas as an arena free from claims of sovereignty so that the United States, as the presumed unrivaled naval power, can intervene globally on behalf of its national interests. However, since sea control strategies depend on a preponderance of material force, as the United States wanes in relative material capability it becomes less able to support political-military strategies predicated on the assumption of global naval dominance. This book provides a timely commentary on the current geopolitical competition between the United States and China, and critiques the US approach toward China in the maritime domain in order to highlight potential avenues of foreign policy action that may enable the two countries to mitigate the risk of conflict.

This book will be of much interest to students of naval history, maritime security, US foreign policy, and international relations.

Connor Donahue received his PhD from Virginia Polytechnic Institute and State University and his masters from King's College London. He is currently working for the US Department of the Navy.

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An Intellectual History

Connor Donahue

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Contents

<i>Disclaimer</i>	<i>vii</i>
Introduction	1
PART I	
<i>Mare Liberum</i>	19
1 Setting the Stage	21
2 Charting a Course	31
3 The Institutionalization of Freedom of the Seas Discourse	60
4 Doctrinal Change at the Turn of the Century, 1880–1912	79
5 Woodrow Wilson and the First World War	104
PART II	
<i>Mare Imperium</i>	147
6 The Second World War	149
7 The Cold War: Part I	174

vi	<i>Contents</i>	
8	The Cold War: Part II	197
9	Post-Cold War Discourse	224
	Conclusion	237
	<i>Index</i>	244

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Introduction

This book critically analyzes US political-military strategy by arguing that freedom of the seas discourse is fundamentally unfit for an era of maritime great power competition. The work conducts a genealogical intellectual history of freedom of the seas discourse in US foreign policy. By doing so, the book shows that the discourse of freedom of the seas – which undergirds contemporary United States’ maritime political-military strategy – has evolved dramatically.¹ Shifts in global political, economic, and technological dynamics have impelled the United States to negotiate new conceptualizations of the discourse in meaning and practice. In US foreign policy, the concept of freedom of the seas has evolved to facilitate American control over the global ocean space. This work shows that the contemporary discourse of freedom of the seas works to establish the high seas as an arena free from claims of sovereignty so that the United States, as the presumed unrivaled naval power, can intervene globally on behalf of its national interests. However, since sea control strategies depend on a preponderance of material force, as the US wanes in relative material capability, it becomes less able to support political-military strategies predicated on the assumption of global naval dominance.

The book shows that the specific meaning and practice of the concept of freedom of the seas in US foreign policy shifted during the Second World War. Prior to this time, freedom of the seas held to the Grotian concept outlined in the foundational text *Mare Liberum*.² Freedom of the seas carried the meaning of the right of neutral states to continue to trade on the high seas during times of war. The practice of this *Mare Liberum* discourse of freedom of the seas was negotiated between neutral and belligerent maritime states to delineate the specific rights and liabilities each party carried during the duration of the conflict. The discourse arose only when conflict posed a threat to shipping. In times of peace, trade – and therefore freedom of the seas – was considered ubiquitous.

In the face of the unrestricted naval warfare, conventional understandings of neutral trading rights collapsed. In the Second World War, FDR attempted to quarantine the Western Hemisphere against belligerent deprivations of high sea trade with the American Neutrality Zone. The zone was

2 Introduction

primarily established for security purposes, with neutral trade protections assumed to naturally follow. The Neutrality Zone territorialized what was before a universal concept. It ensured the right of neutral states to continue trade within a maritime zone defined and upheld by a coalition of naval strength. By establishing control over the seas of the Western Hemisphere, the neutral countries sought to ensure the freedom of the seas.

After the war, the United States – then the strongest naval power in the history of the world – negotiated a new understanding of freedom of the seas with the international community. The new understanding of freedom of the seas that arose in US foreign policy held firm to the wartime belief that international commercial exchange must be upheld through sea control. The United States, as the world’s preponderant naval power championed a discourse of freedom of the seas that carried the meaning of ensuring the largest possible area of global high seas space where the US Navy could operate. Freedom of the seas as a security discourse took on the role of preempting *de jure* sovereign claims over the world’s high seas so that the United States could use its command of the sea to project power and intervene globally as it saw fit. Through this freedom of the seas discourse, the United States, as the dominant naval power, acted to exercise a global maritime sphere of influence on behalf of the liberal post-war order.

0.1 Command and Control of the Sea

Today, US naval doctrine is predicated on the concepts of command of the sea and sea control. According to a January 4, 2017 statement by Vice Admiral Thomas A. Rowden, Commander of the US Pacific Fleet Naval Surface Force,

Naval thinkers often write of ‘command of the sea,’ which I assert is the general condition of superiority of one naval force over all contenders. Command of the sea can be regional or global, depending on the era under consideration and the nation exercising it, and it exists in peacetime as well as during conflict

‘Sea control,’ on the other hand, denotes a condition that is both temporally and geographically constrained. When a navy has established sea control, it can exercise the full range of operations of which it is capable within and from that area.³

In other words, command of the sea describes a strategic aim and condition, while sea control refers to an operational or tactical situation and goal.⁴

Command of the sea describes a condition of material preponderance where one naval power exercises such a superiority of force that a global or regional sea space is brought into its sphere of influence.⁵ Within this

sphere of influence the preponderant power is able to “exploit more fully other sources of power, including its own economic and military might as well as the economic and military might of its allies” while preventing adversaries from enjoying the same benefits.⁶ Command of the sea does not prevent other actors from using the high sea during times of peace, or even prevent other militaries from using the commons in a manner acceptable to the preponderant naval power.⁷ However, command of the sea does mean that the preponderant power can “credibly threaten to deny” the commanded territory’s use to others, and that the preponderant power has the capability to prevent a foreign naval power from denying it access to the commanded space.⁸

While command of the seas represents a strategic condition of superiority and latent ability to exercise power, sea control represents the actualization of such capability in a given maritime space during wartime.⁹ While strategic theories, and strategic theorists, typically assume an “ideal type” of sea control where authority is definitively established and absolute, in reality sea control is more akin to “a working control.”¹⁰ While this working control may resemble the ideal type and apply to the ocean in general, sea control more realistically applies regionally or locally, and for a finite period of time.¹¹ According to Stansfield Turner, due to modern technology, “It is no longer conceivable, except in the most limited sense, to totally control the seas for one’s own use or to totally deny them to the enemy.”¹² Because of this, contemporary sea control can be said to be obtained when a state has the “ability to use or deny the sea lines of communication” to a degree necessary to achieve its operational objectives.¹³ According to Vice Admiral Thomas A. Rowden, “sea control is a condition that exists when a naval force is capable of mounting the full range of combat operations within acceptable levels of risk given the threat and the desired combat objectives.”¹⁴ Conversely, sea control is absent when an enemy degrades the ability to use or deny areas of sea space to such a degree that operational objectives cannot be accomplished.¹⁵

The contemporary operational objectives for which the United States depends on sea control include protecting domestic “industrial supplies,” securing the ability to “reinforce and resupply military forces overseas,” achieving the ability to provide wartime military and economic supplies to allies, and ensuring safety for naval forces engaged in projecting power ashore.¹⁶ It is for this reason that the June 8, 2018, Department of Defense Joint Maritime Operations publication (JP 3–32) stated, “Sea control is the essence of seapower and is a necessary ingredient in the successful accomplishment of all naval missions.”¹⁷ While it may be the case, as Julian Corbett stated, that it is the normal condition of naval warfare for maritime control to be in dispute, the contemporary US security architecture has been structured in such a way that it depends on ensuring that no hostile sea power is able to prevent the United States from achieving sea control whenever and wherever it deems necessary.¹⁸ However, because not even the United States at the height of

4 Introduction

its unipolar moment possessed the capability to subjugate all areas of the world's oceans wherever it may have deemed necessary, the United States employed freedom of the seas discourse to mitigate obstacles that may prevent it from leveraging strategic maritime superiority to accomplish sea control missions. Contemporary freedom of the seas discourse has taken on the role of preempting *de jure* sovereign claims over the world's high seas so that the United States can project power and intervene globally as it sees fit. By preempting claims of dominion over the world's ocean space, the discourse secures the ability to dominate via *imperium*.

Imperium stands apart from the Seldinian "closed seas" concept of dominion, or *dominium* because unlike the latter, it does not connote sovereignty or ownership.¹⁹ *Imperium*, rather, is the right to command.²⁰ *Imperium* connotes stewardship rather than ownership.²¹ Within the steward's sphere of influence, they have the ability to exert control over the "space being stewarded and over others who might wish to use the stewarded region in a contrary manner."²² According to Philip Steinberg, as steward, the actor exercising *imperium* may "temporarily appropriate, manage, and even transform the stewarded space in order to ensure that it continues to serve specified social ends."²³ Steinberg documents historically how command of the sea provides *imperium* over a high seas sphere of influence. Steinberg provides the example of Great Britain, at its zenith of sea power, exercising control via *imperium* over the world's seas.²⁴ Steinberg states,

Although Britain was the overwhelming sea power for much of the eighteenth and nineteenth centuries, it never sought to claim the world ocean as part of imperial territory. Rather, like Rome before it, Britain claimed the authority to exercise its power as ocean steward ... Britain may have "ruled the waves"- an act of *imperium* – but maps portraying the empire upon which "the sun never set" indicated only land space as the territory over which British *dominium* prevailed.²⁵

In this example, British and Roman command of the seas, as it is defined today, provided the maritime powers a high seas sphere of influence over which it was able to act as exclusive steward. Therefore, command of the seas represents the strategic condition whereby a maritime sphere of influence is established globally or regionally. The preponderant power is the *de facto* steward of its commanded high seas sphere of influence. Sea control represents the actualization, or manifestation, of control via *imperium*. Sea control operations are employed to intervene.

This work will show that when freedom of the seas discourse shifted in US foreign policy, the meaning of freedom of the seas changed to facilitate the naval doctrine of sea control within a newly found high seas sphere of influence. This *Mare Imperium* freedom of the seas discourse is predicated on command of the seas and its requisite material naval preponderance. The *Mare Imperium* discourse works to establish the global high seas as

an arena free from claims of sovereignty so that the United States, as the unrivaled naval power, can intervene globally on behalf of its national interests as it sees fit. In other words, freedom of the seas discourse secures a global high seas sphere of influence upon which, Posen argues, the “military foundation of US political pre-eminence” and “hegemonic foreign policy” depend.²⁶

However, the global political, economic, and technological dynamics have shifted once more. While the United States’ maritime interests may not have changed, the relative capabilities at its disposal and the strategic environment in which it now pursues its interest have changed dramatically. The United States is no longer the world’s sole preponderant naval power. It is no longer able to underwrite a global maritime sphere of influence with the necessary material power. It faces a peer maritime competitor with sea control ambitions of its own. And yet it still ardently clings to a conceptualization of freedom of the seas that was born in an environment where it held uncontested sway. The United States not only refuses to negotiate a new understanding of freedom of the seas in response to changing global dynamics, as it has done throughout the course of its diplomatic history, it refuses to understand that the discourse has shifted at all. Instead, the United States has mythologized the contemporary understanding of freedom of the seas that affords it privileged access in the maritime sphere. The contemporary security discourse of freedom of the seas is treated as “the natural order of things” in political-military strategic publications. It is presented as an ideology intended to be upheld for its own sake, rather than an expedient tool that served to normalize global American military presence during a time of unrivaled naval pre-eminence.

This book intends to demythologize the concept of freedom of the seas in US foreign policy and show that dogmatically pursuing a political-military strategy based on a discourse with outdated precepts creates an escalatory situation and limits the ability to solve the issue diplomatically. If the US discourse of freedom of the seas is intended to uphold a global US maritime sphere of influence, it is fundamentally irreconcilable with an international environment where the PRC seeks to carve a sphere of influence of its own and possesses the military capability to do so. The universality of American freedom of the seas discourse leaves no avenue to explore alternative visions of maritime strategy and drives the naval competition toward conflict instead of compromise.

0.2 Genealogical Methodology

To prosecute this argument, this work will conduct a genealogical analysis of the concept of freedom of the seas in US foreign policy. Genealogy is a method and “historical perspective” that seeks to critique the present and offer a diagnosis.²⁷ Rather than studying history to understand the past, genealogy utilizes history to understand, and re-think, the present.²⁸

6 Introduction

First articulated by Friedrich Nietzsche in his *Untimely Meditations*, genealogy seeks to subvert presentist or teleological historical representations in order to bring the past to bear on the present.²⁹ Michel Foucault reinterpreted, and popularized, Nietzsche's conception of genealogy in his study of discourse.³⁰ Foucault too sought to subvert teleological representations of phenomena in order to bring the past to bear on the present. For Foucault, the purpose of genealogy was to examine and show the continual emergence of "self-evident" phenomena and thus destabilize what was thought to be concrete.³¹ To do this, genealogy writes a critical "history of the present" in order to "trace the forces that gave birth to our contemporary practices and to identify the historical conditions upon which they still depend."³²

Foucault describes this history of the present as an "effective history."³³ "Effective history," Foucault states, "differs from traditional history by being without constants."³⁴ Foucault continues,

History becomes "effective" to the degree that it introduces discontinuity into our very being ... Effective history deprives the self of the reassuring stability of life and nature, and it will not permit itself to be transported by a voiceless obstinacy toward a millennial ending. It will uproot its traditional foundations and relentlessly disrupt its pretended continuity. This is because knowledge is not made for understanding; it is made for cutting.³⁵

Genealogy intends to show that what is presented as stable in the present was produced, and continues to be produced, by a series of "haphazard conflicts."³⁶ It shows that the present is not a manifestation of an inherent *telos*, the work of a guiding destiny, or the product of structural "regulative mechanisms," but that it emerged through the "singular randomness of events."³⁷ In this way, Foucault treats his objects of study as emergent phenomena; assemblages formed through the contingent intermingling of historical accidents.³⁸

For Foucault, genealogy traces the emergence of phenomena through these conditional historical struggles in order to "illuminate the contingency of what we take for granted, to denaturalize what seems immutable, to destabilize seemingly natural categories as constructs ... and to open up new possibilities for the future."³⁹ The genealogist tracks the evolution of the phenomena and records, "its jolts, its surprises, its unsteady victories and unpalpable defeats," in order to show that the present concept, in this case the freedom of the seas, is not natural but rather is fundamentally rooted in historical processes.⁴⁰ In this way, genealogy "undermines the self-evidences of the present" and exposes the gradual, contingent, and powered processes by which contemporary phenomena came into being.⁴¹ By shining a light on the "contingency of the present and the openness of the future," genealogy seeks to expose new avenues of freedom and change in order to intervene in the present.⁴²

By fracturing representations in the present and “dissolving the doxa we unquestioningly dwell in,”⁴³ genealogies present taken for granted concepts, such as freedom of the seas, as “problematic or more dangerous than would otherwise appear.”⁴⁴ While empirically rigorous, the goal of genealogy is not to make a new claim of objective historical truth, or to create a new mere-history. Rather, in conducting an effective history, genealogy undertakes the explicitly political task of intervening in the present.⁴⁵ Genealogy uses knowledge for cutting, and by taking a knife to the roots of the past shows that knowledge, in itself, is perspective.⁴⁶

Foucault’s primary object of study in genealogical analysis was discourse; regimes of knowledge comprised of ideas, concepts, statements and practices that temporarily “fix meaning” about a particular subject and enable actors “to make sense of the world and act within it.”⁴⁷ From the post-structuralist perspective, the world can only be understood through language, as language is necessary to make “our thoughts understandable to others.”⁴⁸ Discourses are thus the continually changing linguistic systems of shared understandings which “orders statements and concepts” and allows them to be used, perpetuated, and contested by actors in the conduct of acting.⁴⁹ As Kevin Dunn and Iver Neumann state,

Because a discourse maintains a degree of regularity in social relations, it produces preconditions for action. It constrains how the stuff that the world consists of is ordered, and so how people categorize and think about the world. It constrains what is thought of at all, what is thought of as possible, and what is thought of as the “natural thing” to do in a given situation. But discourse cannot determine action completely. There will always be more than one possible outcome Thus, we understand a discourse as a system producing a set of statements and practices that, by entering into institutions and appearing like normal, constructs the reality of its subjects and maintains a certain degree of regularity in social situations.⁵⁰

Because discourse produces meaning, it is not necessary to ask what states “really mean” when they speak or to look for an extra-discursive realm where meaning lies behind discourse. This is the reason that Foucault claims “nothing exists outside discourse.”⁵¹

Further, because discourses are necessarily entangled with practices, they are not simply ideational phenomena but have elements of materiality as well.⁵² A key component of this work looks at the material aspects that constitute and shape freedom of the seas discourse, such as naval aggrandizement and force structure. However, these material aspects are not the only, or even primary, component of discourse formation and state behavior.

Discourse analysis, and discourse theory, commonly study the relational “micro-physics” of power at play within discourses and how these regimes of knowledge inscribe subject positions upon actors in society.⁵³ This work,

8 *Introduction*

however, utilizes a “thin” conception of discourse. It uses the notion of discourse to describe the evolving bundle of statements and practices that are able to be used to meaningfully discuss a concept. For example, within the contemporary freedom of the seas discourse, FONOPs can be conceived of as a particular discursive practice. This work sets aside the “thick” conception of discourse that encompasses the notion’s productive power. While employing a “thick” conception of discourse may be a fruitful avenue of future study in relation to freedom of the seas, it falls outside the scope of the work at hand. The author does not believe that Foucault would mind this revision in scope of his genealogical project, as Foucault himself stated that “the only valid tribute to thought ... is precisely to use it, to deform it, to make it groan and protest.”⁵⁴ The “thin” conception of discursive assemblages adds explanatory value by expanding the scope of relevant empirical material and situating this project’s intellectual history firmly within the confines of genealogy rather than straying into the methodological domains of the Cambridge School’s History of Ideas or Koselleck’s Conceptual History.

Needless to say, in employing a genealogical method that rejects the “scientific” writing of history, this work does not pursue a positivist deductive-nomological model of study. Instead, it aims to provide a post-positivist narrative that subverts the homogeneous portrayal of “the historic concept of freedom of the seas”⁵⁵ in contemporary US foreign policy. By demystifying the discourse in US foreign policy, this work aims to expose the implicit hegemony upon which current US political-military strategy depends. By doing so, this book will examine the contemporary relevance freedom of the seas discourse and highlight potential avenues for creativity and change in US strategic policy toward China.

Empirically, this work will draw on primary and secondary sources in the conduct of its genealogical analysis. Primary source archival material will comprise the public and private statements of individuals who “speak for the state” on matters of foreign policy, such as Presidents, Secretaries, Ambassadors, Ministers, “executive agents,” etc. To gather such primary source material, the Foreign Relations of the United States archival series, furnished by the US Office of the Historian, provides an invaluable archive of foreign policy statements and correspondence between US officials and with foreign counterparts. The Foreign Relations series covers a time span beginning in 1861 and ending in 1993. Primary sources prior to 1861 were obtained via the Founders Online archive maintained by the National Archives. Founders Online provides records of correspondence from George Washington, Benjamin Franklin, John Adams, Thomas Jefferson, Alexander Hamilton, and James Madison. While there are limited archival sources available post-1993, this study will utilize public foreign policy and Navy doctrinal statements from relevant public officials. Empirical analysis will start in 1776 with the American Revolution, and then trace the discourse through the diplomatic history of the United States to the present day. Tracing the discourse across the entire span of American history will allow

this study to both destabilize representations that portray the discourse as natural and enduring, as well as expose the historical conditions on which the contemporary discourse still depends in present US strategy.

Because this work conducts a genealogy of American foreign policy discourse, analysis will be restricted to the American archive. This is not to say that the discursive representations of other states are constant or unimportant. However, analysis of the discursive archives of other states, such as Chinese maritime, legal, and strategic thought, fundamentally falls outside the scope of this work. The aim of this book is to radically historicize, and by doing so undermine, the discourse of freedom of the seas that lies at the heart of US political-military strategy. In the conduct of this book, non-US representations of freedom of the seas discourse will only be featured to the extent that they play a part in the “historical accidents”⁵⁶ or the powered contestations of meaning that have shaped how freedom of the seas discourse has been represented in US foreign policy.

The primary methodological challenge that this work will face is the classification of primary source material. The scale and scope of classified material that would be relevant to this genealogical study is a known unknown. Archival research suggests that documentation of the Cold War period is still particularly impacted by classification. For example, a notable amount of sequential primary source material either does not include key documents, or includes material that is partially redacted. The classification of primary source material does hinder the empirical analysis of freedom of the seas discourse, particularly within a time period where the discourse underwent a significant change in meaning within US foreign policy. However, there is still sufficient unclassified, or partially declassified, material available to conclusively document, demonstrate, and understand the substantial change that occurred in the way freedom of the seas discourse was conceptualized. While the gaps in the archive hinders the ability to attribute the discursive shift to any particular actor or group of actors, this does not pose a fatal flaw to the study. Understanding how the discourse shifted is much more important for understanding the contemporary international security implications than why the discourse shifted. While an analysis of why the discourse shifted would serve to further highlight the randomness and contingency of the present, the genealogical analysis preceding the Cold War period provides ample demonstration of this. Showing how the discourse shifted speaks to the problem posed in the present by highlighting the historical conditions on which the contemporary discourse emerged and still depends today.

The remainder of the book will trace the discourse of freedom of the seas in US foreign policy through the empirical primary source archive. The succeeding chapters will show how the discourse of freedom of the seas shifted from a *Mare Liberum* discourse of trade to a *Mare Imperium* discourse of security in US foreign policy. In doing so, this work will conclusively demonstrate that, first, freedom of the seas is not a historic

constant championed over the course of US history, but rather is a recent phenomenon. And second the recent assemblage of freedom of the seas has emerged in US policy to facilitate sea control and establish a global maritime sphere of influence for the United States. Because of these factors, this work concludes that American political-military strategy in the Western Pacific can and should change to reflect the actual conditions of the dispute.

0.3 Outline of the Work

The empirical portion of the work is divided into two sections. While this study traces the singular discourse of freedom of the seas, the sections represent the discourse before and after it underwent a radical shift in meaning from a discourse of trade to a discourse of security. The two sections are respectively categorized as *Mare Liberum* and *Mare Imperium* to represent the change in discursive conceptualization. The first section, Chapter 1 through Chapter 5, will chronicle the trade discourse of freedom of the seas in US foreign policy before it shifted to a security discourse that enables US naval power projection. The trade discourse of freedom of the seas held true the Grotian conceptualization that emphasized the ability of all states to engage in unhindered trade with one another. Specifically, this *Mare Liberum* conceptualization of freedom of the seas centered around the right for neutral and impartial states to continue to trade during times of war.

Chapter 1 presents a brief background on the state of freedom of the seas discourse in Europe pre-American revolution. This starts with a brief overview of Hugo Grotius and John Selden's "book war" over maritime territorialities and its implications for international maritime trade. The chapter then provides an overview of how major European naval powers influenced the notion of freedom of the seas through their assertions of belligerent rights to attack trade, in opposition to the rights of neutral states to continue to trade during times of war.

Chapter 2 begins the genealogy's empirical analysis at the start of US history, the American Revolution. Chapter 2 discusses the disagreements between neutral rights, expressed in terms of freedom of the seas discourse, and unilaterally imposed conceptions of belligerent rights. This chapter will show how the United States strategically championed a liberal conception freedom of the seas in order to establish bilateral treaties with European states, secure support against the British, and to win recognition of sovereign American independence. However, the early United States was quick to forsake the principle of freedom of the seas in pursuit of other foreign policy goals, such as American independence and non-entanglement in European conflicts. Chapter 2 traces the utilization of freedom of the seas discourse through the War of 1812.

Chapter 3 discusses the formal codification of freedom of the seas in international law. Chapter 3 discusses how the United States refused to adhere to this international legal convention – the 1856 Declaration of Paris

Respecting Maritime Law – because it contained a provision which outlawed privateers. During the time period, the United States did not have a large standing Navy and depended on privateers to engage in enemy commerce raiding if the need arose. Rather than join the Declaration of Paris which institutionalized a conceptualization of freedom of the seas based on the neutral rights doctrine of “free ships, free goods,” the United States advocated a more liberal policy that all private property should be immune from seizure on the high seas. This more liberal principle would have abolished all forms of commerce raiding from privateers and ships of war alike. Chapter 3 traces both the American opposition to the 1856 Declaration of Paris, and the reluctant acceptance of its principles during the American Civil War. Chapter 3 documents a time period ranging from the Crimean War through the end of the American Civil War.

Chapter 4 highlights the radical doctrinal and technological change that occurred within the United States Navy at the turn of the 20th century. During this time period, the United States shifted away from a doctrine predicated on coastal defense and commerce raiding, toward a vision of sea power most prominently articulated by Alfred Thayer Mahan. Mahan argued that the United States should develop a large battleship navy with which to control its near seas. This doctrine of sea control was advocated in the US naval establishment by prominent figures such as Secretary of the Navy Benjamin Tracy and later Assistant Secretary of the Navy, and subsequent President of the United States, Theodore Roosevelt. Both of whom knew Mahan personally. Importantly, Chapter 4 shows that following the Spanish-American War, the United States refused to deviate from advocating the principle of freedom of the seas defined as the immunity of all private property on the high seas from seizure. This chapter documents how Alfred Thayer Mahan personally, and repeatedly, tried to get the United States to abandon the principle of freedom of the seas. Mahan argued that it was no longer wise to restrict the ability of the US Navy now that it could be counted among the respectable naval fleets of the world. Chapter 4 shows that although Mahan personally urged President Theodore Roosevelt to abandon the immunity principle, President Roosevelt refused. While freedom of the seas discourse played a less prominent role in the affairs of this time period, this chapter shows how the discourse remained constant in the face of enormous material, technological, and doctrinal change. Because of this, Chapter 4 plays an important role in separating this genealogical discourse analysis from purely material, realist, account of US foreign policy. Chapter 4 covers the time period from 1880 through 1912 in the lead up to the First World War.

Chapter 5 discusses the American freedom of the seas discourse in relation to the First World War. This chapter shows that in the face of a major European conflict, the United States abandoned the immunity principle of freedom of the seas and pragmatically sought an agreement from the belligerents in accordance with the “free ships, free goods” principles of

12 Introduction

neutral trade originally institutionalized in 1856. Chapter 5 shows how the United States pushed back against expansive British blockades utilizing freedom of the seas discourse, and then later used the same discourse to condemn Germany's unrestricted submarine warfare campaign in the Atlantic. Because of this, Chapter 5 shows, it was the violation of the principle of freedom of the seas defined as the right of neutral states to continue to trade during times of war that brought the United States into the First World War. Chapter 5 then details the negotiations leading up to the Treaty of Paris and President Wilson's attempt to shape the post-war world through the League of Nations. Specifically, Chapter 5 documents how President Wilson abandoned explicit codification of freedom of the seas into the Charter of the League of Nations, though it was a primary US foreign policy goal, in order to secure British acquiescence to the League.

The second group of chapters, Chapter 6 through Chapter 9, marks the shift away from the *Mare Liberum* conception of freedom of the seas and highlights the consolidation of the conception of freedom of the seas as a security discourse in US foreign policy designed to support American naval power projection. Rather than the *Mare Liberum* discourse, which aims to protect American trade on the high seas, the *Mare Imperium* freedom of the seas discourse works to ensure an American high seas sphere of influence for national security purposes.

Chapter 6 marks the transition away from the *Mare Liberum* discourse of freedom of the seas, relating to the rights afforded to neutral trade during times of war, and toward the *Mare Imperium* discourse imbued with Mahanian sea control precepts. Chapter 6 details the shift that occurred in the discourse during and as a result of the Second World War. This chapter discusses the American Neutrality Acts which relinquished the neutral trading rights traditionally afforded to the United States under the principle of freedom of the seas. Chapter 6 then details the formation of the American Neutrality Zone. With the American Neutrality Zone, a territorial defense zone was established in order to prevent the war in Europe from spreading to the Western Hemisphere. The zone was primarily established for security purposes, with neutral trade protections assumed to naturally follow. Because of this, freedom of the seas became ensured within a territorially defined area established and maintained by military force. Chapter 6 also shows how impartiality was evacuated from the discourse of freedom of the seas after the fall of France. Freedom of the seas discourse was utilized to ship weapons and materiel, goods that were previously understood to be contraband, to Great Britain and the Allied powers to resist German advances. This chapter will show that, in US foreign policy, freedom of the seas took on the meaning of preventing hostile states from gaining sea control. Freedom of the seas became synonymous with control of the sea by the "free world."

Chapter 7 traces freedom of the seas discourse through the beginning of the Cold War period from the 1950s through the 1960s. During this time period the United States doubled down on the *Mare Imperium* conception of

freedom of the seas discourse. Chapter 7 shows how during the UNCLOS negotiations the United States utilized freedom of the seas discourse to keep states from making expansive sovereign claims over the world's high seas. Freedom of the seas discourse was deployed in the first two law of the seas conventions to ensure the largest area of high seas space so the preponderant US Navy could operate. By ensuring global access for the US navy, freedom of the seas discourse facilitated the American forward defense strategy and sought to prevent the Communist states from controlling the seas. By controlling the sea on behalf of the "free world," the United States argued that it kept the seas free. Chapter 7 shows that, unlike the commercial motivations of *Mare Liberum* discourse, the primary motivation for Cold War era freedom of the seas discourse was motivated almost exclusively by security concerns.

Chapter 8 covers the latter half of the Cold War from the 1970s through to the end of the Cold War. Chapter 8 shows how the United States constructed an Oceans Policy following the failures at the first two UN Conventions on the Law of the Sea and, at the suggestion of the Soviet Union, participated in the Third and what would be final UN Law of the Sea convention in order to prevent unilateral claims of jurisdiction over the global high sea space. During this time period the Carter Administration began conducting what would become known as Freedom of Navigation Operations to contest what the United States perceived to be illegitimate claims of de jure sovereignty over the high seas. This Freedom of Navigation Program was subsequently championed by the Reagan administration.

Chapter 9, the final empirical chapter, documents the contemporary freedom of the seas discourse. Chapter 9 explores how the discourse has been used since the end of the Cold War and details how freedom of the seas discourse remained squarely centered around protecting the navigational abilities of the US Navy. In US foreign policy, freedom of the seas remains an essential component of the United States' ability to project power around the world and intervene in crises wherever they may arise. This chapter shows that the United States holds the position that American forward deployment and power projection capabilities were essential to defend the world's commercial linkages. From the Cold War to the present, the practice of Freedom of Navigation Operations continued and became increasingly oriented toward contesting extraterritorial claims and Anti-Access/Area Denial capabilities.

The concluding chapter succinctly reiterates the main findings of the book. It shows that the discourse of freedom of the seas emerged after the Second World War and is intimately entwined with the United States' material naval preponderance and desire for a global maritime sphere of influence. The conclusion represents the finding that contemporary US freedom of the seas discourse is predicated on Mahanian command and control precepts and discusses the implications for contemporary Sino-American competition.

14 Introduction

Notes

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