

The Treaty of Ghent: Opening the Way to Lasting Peace

By Wesley Turner



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A treaty ending a war—a peace treaty—usually contains terms to prevent future outbreaks between the signatories. In that respect, most peace treaties over the past 200 years turned out to be failures. Yet there is one outstanding success: the Treaty of Ghent—officially the Treaty of Peace and Amity between His Britannic Majesty and the United States of America—which brought to a close the War of 1812.

For purposes of comparison, consider the Congress of Vienna, 1814-15, where five leading powers sought to return governments and society to the conditions before the French Revolution. By 1871 little remained of the Vienna settlement. Most of its territorial changes in Germany and Italy had been undone while in France the monarchy had been replaced first by a republic, next by a Napoleonic “Empire,” and finally by a republic. The new German Empire now dominated continental Europe.

Another comparison is with the Paris Peace Conference of 1919-20, dominated by the United States, Great Britain and France.¹ The Conference eventually produced five treaties that proposed changes to boundaries even more extensive than those of the Vienna settlement, the most important and most

controversial being the Treaty of Versailles with Germany, which sought to make it impossible for Germany to ever again dominate Europe militarily. The most contentious part of the treaty, Article 231, required that Germany accept the responsibility for all loss and damage of the war caused by the aggression of Germany and her allies. Germans saw this as putting all the blame on them for the war. The “war guilt” clause remained a source of long-lasting, deep resentment in Germany along with the crushing burden of huge reparations.²

By 1938, when Germany annexed Austria, the restrictions of the Treaty of Versailles were essentially negated.

A major aim of President Woodrow Wilson in the Paris Peace Conference was to create a League of Nations—a world body to solve problems without war.³ The Conference also undertook to satisfy the demands for recognition of small nationalities. By 1921, Europe saw seven new independent states (Czechoslovakia, Estonia, Finland, Latvia, Lithuania, Poland, and Yugoslavia), but the existence of national minorities in most of these countries provided gunpowder for future explosions. Yugoslavia

lasted 72 years before fragmenting into several separate republics. Czechoslovakia was dismembered in 1938 and was made a German “protectorate” the following year. The German invasion of Poland in September 1939 ended that nation’s independence and Russia, besides taking its share, also invaded the Baltic states, converting them into Soviet republics in 1940, and attacked Finland. The enfeebled League of Nations ceased to have any meaning, and in 1946 it abolished itself. The peace settlement of 1919 thus vanished in the Armageddon of World War II.

Let us now see the contrast with the Treaty of Ghent.

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First, the men chosen to negotiate and the negotiations themselves affected the kind of treaty reached. The American delegation included two with diplomatic experience, John Quincy Adams of Massachusetts and Jonathan Russell of Rhode Island, and three prominent politicians, James A. Bayard, Senator from Delaware, Henry Clay, Speaker of the House of Representatives, and Albert Gallatin, Secretary of the Treasury. The British negotiators—Admiral James Gambier, RN, William Adams, lawyer to the Admiralty and Henry Goulburn, MP—were men of little prominence and without diplomatic experience. The real decisions for the British were taken in London by the British Prime Minister, Lord Liverpool, and the Foreign Secretary, Lord Castlereagh. The talks took place in Ghent from

August to 24 December 1814 while some of the fiercest fighting of the War of 1812 was occurring on land and sea. President James Madison was under tremendous pressure to end the war because his government was bankrupt and Britain was sending more troops to Canada.⁴

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Each side made initial demands. The British wanted a native buffer state between the Ohio River and the upper Great Lakes, no American warships on the Great Lakes or forts along the U.S. border, and boundary changes between Maine and New Brunswick and west of Lake Superior. The Americans asked Britain to surrender Canada but soon dropped that demand and, instead, argued about U.S. rights to fisheries off Newfoundland and British access to shipping on the Mississippi River.

The Americans absolutely refused to give up any U.S. territory and made it clear that they would not accept native nations or tribes as equals. They left no doubt that if the British persisted in that demand, the United States would break off talks and continue the war. The Americans further argued that a treaty in which they surrendered territory would provide cause for

future wars to recover that territory.

Each side slowly and reluctantly modified its demands, but there remained many differences. Consequently, in November the Americans proposed *status quo ante bellum* (the way things stood before the war) and the British government accepted.

On 14 December, the Americans suggested that remaining differences all be settled after the war ended; that is, they would not be decided in the treaty. Over the next few days, both sides moved closer to agreement. At 3:00 p.m. on the 23rd, it was decided that each commission was to make three copies, to be signed next day. On Saturday afternoon, 24 December, the American commissioners arrived at the British residence; from 4:00 until 6:00 p.m. both sides pored over the treaty, making only changes to wording. Then they signed, and the Americans returned to their quarters. While exchanging copies, Admiral Gambier, leader of the British delegation, said he hoped the peace would be permanent. The American leader, John Quincy Adams, replied, “I hoped it would be the last treaty of peace between Great Britain and the United States” (Carroll 30; Engelman 285-6, 303-11). It has been.

* * *

This short treaty of eleven Articles said nothing about causes of the war (impressments and neutral rights), blame for the war, or about indemnities—i.e., matters often found in peace treaties.

Apparently indecisive and almost meaningless, it nonetheless did end a war and created a means that would, it was hoped, keep peace between a great power and an ambitious, expansive new nation. While one of the world's shortest and oddest treaties, its concept of leaving all the big problems to be solved sometime later, somehow, proved to be amazingly successful.

It is worth recalling that during this time, the United States was an ambitious, aggressively expansionist young nation. Americans had no qualms about taking over territories of other people because many believed that it was the destiny of the United States to dominate North America. They might achieve this through warfare or by other means, e.g. purchase or annexation.⁵ An early example is Florida, where American military invasion combined with Spain's weakness forced it to surrender the colony in the Transcontinental Treaty of 1819. Similarly, American settlers began moving to the Mexican province of Texas in the 1820s and in 1836 declared independence. It was annexed by the United States in 1845. Mexico had no strong friend or ally among other nations and soon, alone, faced a war with its powerful neighbour.

In contrast, British North America, including the Canadas, was defended by the world's strongest naval power, which was also gaining dominance industrially and financially. Both the United States and Great Britain realized that war in North America between them would be unwinnable because

it would be prolonged, exhausting, and extremely costly with heavy casualties. Leaders of both nations soon found it was both possible and beneficial to make agreements on specific issues that might have led to war, thus forestalling conflicts that caused wars elsewhere.

Both the United States and Great Britain realized that war in North America between them would be unwinnable.

First was the 1817 Rush-Bagot Agreement.⁶ It limited armed vessels on the Great Lakes and Lake Champlain. This convention, still in effect, meant no need for large numbers of border fortifications. In 1818, a boundary commission agreed on the 49th parallel as the boundary from the Lake of the Woods to the Rockies, and on joint occupation west of the Rockies. Four years later, the boundary along the St. Lawrence River and through the Great Lakes was agreed upon.

An agreement allowing American access to Newfoundland fisheries was reached in 1818, but disputes remained and later almost

led to armed conflict. The issue was finally settled only in 1910 by the Hague Tribunal.

Disagreement continued over the New Brunswick-Maine boundary; after a clash in 1839 between rival lumbermen (the 'Aroostook War'), Britain and the U.S. negotiated the Webster-Ashburton Treaty. It decided on that boundary as well as the line from Lake Superior to Lake of the Woods.⁷

Joint British-American occupation of the Oregon territory became an American election issue in 1844, James Polk's campaign claiming the whole territory up to the Russian boundary with the slogan "Fifty-four Forty or Fight"—which could mean war with Britain—and at same time calling for the "re-annexation of Texas"—which would mean war with Mexico. What Polk really aimed at was to gain Mexican territory, particularly California. Thus, he accepted the British proposal to extend the 49th parallel to the Pacific Ocean, and the result was the 1846 Oregon Treaty. Uncertainty remained about the boundary around the San Juan Islands in Puget Sound and, therefore, about their ownership. An incident in 1859 (called the "Pig War") resulted in joint occupation by British and American troops until the boundary was decided by arbitration in 1872.

A series of crises in the 1860s arising out of the American Civil War, almost brought war between Britain and the U. S.⁸ These tensions and fears gave considerable impetus for Canadian

Confederation. Canada in the 1860s had developed as an ambitious and expanding nation that the United States had to accept in part because Canada was still protected by Britain and, as well, because it offered no threat to the Republic. The United States made claims for damages arising out of the war, and there were other issues—fisheries, the boundary around San Juan Islands, trade, and navigation of adjoining waterways—that needed to be settled. The U.S. proposed arbitration of these issues, resulting in a Joint High Commission that negotiated the Treaty of Washington in 1871. Canada's Prime Minister, John A. Macdonald, was on the Commission, and the treaty was ratified by the Canadian Parliament. In effect, the United States accepted the separate existence to the north of another nation on the continent (Preston, 38-40, 46-53, 55-59, 84; Morton, 257; Ferrell, 319-27; Creighton, 78-102, 125-29, 480).

The vagueness of the Alaska panhandle boundary provided the next serious crisis. After the 1896 gold discovery in the Yukon Territory, Canada asked for a port of entry on the Lynn Canal. The United States refused and, instead, proposed to Britain a commission of six, three from each side, to decide on the boundary by majority vote. This was agreed in 1903 although President Theodore Roosevelt made it clear if the United States did not get what he wanted, he would settle the boundary by armed force. The two Canadians on the Commission voted for Canada's case but the English member, Lord Alverstone, voted with the Americans. Americans regarded

the decision as a victory; Canadians felt let down. They believed the British government had given in to American threats and the result was much anti-American feeling as well as belief that Canada should have more control over its foreign relations.

* * *

Why did the Treaty of Ghent have those consequences—no war between its signatories?

Probably the first factor was the simplicity of this treaty. It did not define boundaries or mention transfers of territories; it said nothing about blame for the war or indemnities or reparations. It provided the means to settle disputes peacefully rather than by resort to the traditional method of warfare. This meant that later, crucial negotiations could occur when the passions of war had cooled and armies and navies had been or were being reduced, making the resumption of fighting difficult. Looking back at 1812-1814, both sides could realize that the costs and uncertainties of war would be much greater than the benefits of reaching negotiated agreements.

The character and experiences of the negotiators contributed to the realism of the treaty, for the American ones were well acquainted with the strains of the war on their nation's financial and economic resources and its political stability. Liverpool and Castlereagh were equally aware of the strains on Britain of twenty-plus years of warfare. It was of first

importance to end the war even if the agreement—*status quo ante bellum*—was less than satisfactory. At least it was achievable.

American historian Bradford Perkins gives credit to Foreign Secretary Castlereagh for turning British policy towards the United States in a new direction. He spoke for moderation in Ghent negotiations and “After the war he labored [...] to smooth relations. [...] [He] adopted his policy as a matter of realism rather than sympathy [with the United States]”.⁹ Castlereagh approved of the Rush-Bagot agreement, the 1818 Convention on fisheries, and the decision on the Canadian-United States boundary; he also refused to support Spain in its dispute with the United States over Florida.

Over the century following, both sides gained experience in settling problems by negotiation and found it satisfactory, if not perfect, and certainly better than resorting to warfare.

Historian Margaret MacMillan points out that when it comes to a decision about going to war or not, “There are always choices” (*The War*, 645). With this realization, leaders in the United States and Britain took the sensible choice of avoiding fighting.

This consideration underlay the Rush-Bagot agreement, and the agreement's success in demilitarizing the Canada-United States border showed what negotiations could achieve. Furthermore, boundary settlements

in 1818 and 1822 helped prevent disputes that might have led to armed clashes along the most heavily settled sections of that border. Canada and the United States have repeatedly shown their flexibility in adapting the Rush-Bagot agreement to changing conditions. For example, in 2004 the U.S. Coast Guard decided to arm its cutters on Lakes Erie and Huron with machine guns, a decision based on increasing numbers of smuggling operations as well as the growing terrorist threat signaled by the 11 September 2001 attacks. The Canadian government decided that the armament did not violate the treaty as the weapons were to be used for law enforcement, not for military purposes. This kind of international trust is not something easily or quickly achieved between neighbouring nations.

A second major factor in the treaty's success was the fact it was negotiated—unlike so many other treaties that are dictated by the winner(s) to the loser(s).

In three years of warfare, American armies had been unable to conquer the accessible and vulnerable colony of Upper Canada where many residents wanted to avoid taking sides or even to support a transfer to American control. The British, despite the power and mobility of their navy, did not have control of all the inland lakes and had been unable to penetrate deeply into United States territory. The Republic, even with the fall of its capital (captured and occupied by the British in August of 1814), was too decentralized to be conquered (Herman, 438-9,

518; Hickey, *Don't Give Up the Ship!*, 305-08). Neither side gained a clear-cut victory, but both could draw satisfaction from the course of the war. Britain, secure in its undoubted status as a great power and as Europe's saviour from Napoleon, could make a generous peace with the United States because there would be no loss of territory, no abandonment of its wartime policy of naval blockade, nor was honour diminished by agreeing to the *status quo ante bellum*. The Americans, buoyed by the British failure to take Baltimore and their devastating defeat at New Orleans, could point to their own successes.

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Underlying these factors was the reality that government leaders in both Britain and the United States had to justify to elected legislatures all the burdens of undertaking war as well as its continuance. Most members of the House of Commons and of Congress were never convinced of the necessity or wisdom of approving the enormous expenditures and huge losses that war between their two nations would have entailed.

In effect, this Treaty has remained valid for 200 years—a remarkable record.

Let me end with the words of a Canadian historian, Francis Carroll, from his lucid account of boundary settlements: “The Canadian-American boundary [...] has held and it remains a tribute to all who had a part in the quest for it. [...] The search for the boundary ended with gradual acceptance of the reality that peace and harmony with one's neighbours were worth more than miles of wilderness” (306). It certainly helps if you have a powerful ally on your side.

NOTES

¹ The first session took place on 18 January 1919 and the final one on 21 January 1920. Thomson, 575-83. Palmer & Colton, 694-703. MacMillan, *Paris 1919*, xxvii-xxix, 55-58, 63.

² MacMillan, *Paris 1919*, 480, 162, 180-93, 466-67. Thomson, 566-67. A Reparations Committee in 1921 set the amount of reparations at 132 billion gold marks, a figure far beyond Germany's ability to pay. Payments were made, perhaps £1.1 billion or \$4.5 billion, “in the whole period between 1918 and 1932” after which they stopped. Similar clauses were included in the treaties with Austria and Hungary,

³ MacMillan, *Paris 1919*, 85-88, see also viii-ix, 21, 94-97. Wilson's Fourteen Points are found on pp.495-96.

⁴ For details see Perkins, 7-29, and Hickey, *Don't Give Up the Ship!*, 372, n.11.

⁵ Purchase: Louisiana 1803, Gadsden territory from Mexico in 1853, Alaska 1867, Danish West Indies 1917. Annexation: Midway Island 1867, islands in Samoa group 1890, and Hawaiian Islands 1898. The concept of American domination of North America would later be called “Manifest Destiny,” a term apparently coined in 1845 by the New York editor, John L. O'Sullivan (Ferrell 196).

⁶ Sir Charles Bagot was British minister to

the United States and Richard Rush was Acting Secretary of State.

⁷ The treaty is named for Britain's special envoy, Alexander Baring (Lord Ashburton), and the U.S. Secretary of State of the time, Daniel Webster.

⁸ Ferrell, 278-83; Morison, 633-34, 665-66; Bourne, 218-32, 269-70, 290-91. The greatest concern was attacks on Canada by the Fenian Brotherhood, with the most serious raid occurring on 1 and 2 June 1866 when almost 1,000 men crossed the Niagara River and fought a battle at Ridgeway. The Fenians then retired to Buffalo, where they were taken into custody for breaking U. S. Neutrality Laws.

⁹ Perkins, 304. See also Bourne, 62-63, and Herman, 414-18.

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