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“Laws of the Profit”: Language, Religion, and Money in the Founding Fathers’ Diplomacy with a Muslim Kingdom

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Introduction

Linguistic differences initially hindered the United States when negotiating one of its first treaties with a major Islamic power, the kingdom of Tripoli. Of this first diplomatic encounter with Tripoli's ambassador Abd al-Rahman, John Adams confided to his Secretary of Foreign Affairs John Jay that the meeting was conducted in "a strange mixture of Italian, lingua Franca, broken French, and worse English."¹ Adams, then U.S. minister to London, expressed a similar sentiment to Thomas Jefferson, then minister to Paris. "His Excellency speaks scarcely a word of any European language, except Italian and Lingua Franca, in which you know I have small pretensions."²

Words and their eighteenth-century meanings also continue to hinder contemporary understanding of this diplomatic interaction. Although the treaty was designed to resolve a financial conflict between the United States and Tripoli over the latter's state-sponsored corsairs, some historians have characterized it as the first American response to "terrorism" and have blamed religious differences between the two powers for delaying the signing of the treaty. Such imprecise language not only obscures what was actually at stake in one of America's first interactions with a Muslim power; it also gives the modern reader the false impression that U.S. interaction with the Muslim world has been troubled by terrorism and bedeviled by religion from the beginning—inflammatory claims in a post-9/11 world.

Religious differences between the United States and Tripoli, while significant, were not what kept the two negotiating partners apart. Linguistic barriers, although substantial, were equally surmountable. (Adams confided to Jefferson that he "was surprized [*sic*] to find that with a pittance of Italian and a few French words which he understands, we could so well understand each other."³) What divided the United States and Tripoli was an economic disagreement over commercial access to Mediterranean ports. It took two decades of diplomacy and war to bring the two sides together on the issue. The first diplomatic encounter between Adams and Tripoli's ambassador Abd al-Rahman in London began almost accidentally. The American admitted that he was "sometime in doubt, whether any notice should be taken of the Tripoline Ambassador [Abdurrahman]."⁴ This is the only mention of the ambassador's name in the entire American correspondence, which more fully rendered would be Sidi Hajji Abd al-Rahman Adja, indicating first in Arabic his elevated status as a *sayyid*, or descendant of the Prophet; secondly, as a person who'd performed the *hajj*, the pilgrimage to Mecca; and lastly, as an Adja, an indication of his Turkish ethnicity and official title as a general officer, probably an *agha*.⁵

What changed Adams's mind about meeting the North African? He learned that Abd al-Rahman had "made enquiries" about him and "expressed

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1. For a more in-depth version of this eighteenth-century diplomatic issue, see Denise A. Spellberg, *Thomas Jefferson's Qur'an: Islam and the Founders* (New York: Alfred A. Knopf, 2013), chapters 4 and 6. "John Adams to Secretary Jay," 17 February 1786, in John Adams, *The Works of John Adams, Second President of the United States*, ed. Charles Francis Adams, 10 vols. (Boston: Little and Brown Company, 1850-1856), 8:373. Throughout the Founders' correspondence, I have regularized capitalization.
 2. "Adams to Jefferson," 17 February 1786, in *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John Adams*, ed. Lester J. Cappon, 2 vols. (Chapel Hill, NC: University of North Carolina Press, 1959), 1:121.
 3. Ibid.
 4. "Adams to Jefferson," 17 February 1786, *Adams-Jefferson Letters*, 1:121. Kevin J. Hayes describes this interview in detail, see *The Road to Monticello: The Life and Mind of Thomas Jefferson* (New York: Oxford University Press, 2006), 309-17. For a darker, less complete version of this meeting, see Michael B. Oren, *Power, Faith, and Fantasy: America in the Middle East, 1776 to Present* (New York: W.W. Norton, 2007), 26.
 5. Indeed it would appear that this parenthetical mention of the name of the ambassador from Tripoli was inserted by the editor, not in John Adams's original correspondence. The full title for the ambassador is taken from Richard B. Parker, *Uncle Sam in Barbary: A Diplomatic History* (Gainesville, FL: University Press of Florida, 2004), 41.

a surprise that when other foreign ministers had visited him, the American had not."⁶ Confirming the Tripolitan ambassador was "a universal and perpetual ambassador" prompted Adams to leave his card at the North African emissary's house in London.⁷ Surprised to learn that Abd al-Rahman was at home, Adams was invited in immediately and stumbled into his first direct negotiation with an Islamic kingdom.

This initial contact Adams recorded in letters to John Jay, the secretary of foreign affairs, and Jefferson. Adams explained why his official government communiqué to Jay would be edited: "It would scarcely be reconcilable to the dignity of Congress to read a detail of the ceremonies which attended the conference." Adams concluded that he thought such a thorough account "more proper" as an "amusement . . . at the New York theatre."⁸ The following details about the meeting found in his letter to Jefferson are thus not in Adams's official missive to Jay.

Ushered to a great chair before a roaring fire at Tripoli's London embassy, the American diplomat and the ambassador both smoked pipes "more than two yards in length," with Adams meriting the longest-stemmed one, which he described as "fit for a walking cane."⁹ Tripoli's ambassador remarked that his native tobacco was "too strong," and diplomatically ventured, "Your American tobacco is better."¹⁰ Adams admitted in his letter to Jefferson that "it was long" since he'd smoked a pipe, but he matched his host "whiff for whiff" rather than resort to the "unpardonable" and be assumed "wanting in politeness in so ceremonious an interview."¹¹

Coffee was then served. Adams wrote Jefferson that he "alternately sipped at his coffee and whiffed his tobacco."¹² This caused one of the Tripolitan ambassador's servants to exclaim to the American, "Monsieur, votes [*sic*] etes un Turk," or "Mr., you are a Turk!"¹³ This praise might have alarmed Adams, who probably knew that the word "Turk" in European mouths, especially British and American ones, had a colorful history as a pejorative term for a person "cruel, rigorous, or tyrannical," capable of barbaric behavior.¹⁴ American revolutionaries, who had absorbed Whig contents of popular pamphlets such as *Cato's Letters*, also learned to equate the Turkish sultans of the Ottoman Empire and the ethnic Turkish ruler of Algiers, Tunis, and Tripoli with the incarnations of despotism, the very antithesis of uniquely British (and later, American) liberties.¹⁵ In this case, "Turk," as a disparaging term in Western usage, had been inverted by Adams's Islamic hosts. This was an era when Americans inherited problematic terms for all those who inhabited the Islamic world, including North Africa, wherein contemporary Morocco, Algeria, Tunisia, and Libya were usually referred to collectively as "the Barbary States." The origin of the term "Barbary" may be found in classical Greek, linked to the word "barbarian," which was, in turn, inherited by the Romans.¹⁶ They applied this designation to the inhabitants of North Africa whose languages they could not understand. In Arabic, the verb *barbara*, still refers to babbled speech, from which the implication of "barbarian" is then attached to the noun *al-barbar*, or the Berbers, indigenous tribal peoples speaking varied indigenous forms of a Hamitic language.¹⁷

6. "Adams to Jefferson," 17 February 1786, *Adams-Jefferson Letters*, 1:121.

7. Ibid.

8. "Adams to Secretary Jay," 17 February 1786, *Works of John Adams*, 8:372.

9. Ibid.

10. Ibid.

11. Ibid.

12. Ibid.

13. Ibid.

14. C.A. Patrides, "'The Bloody and Cruell Turke': The Background of a Renaissance Commonplace," *Studies in the Renaissance* 10 (1963): 126-135; Kevin M. McCarthy, "The Derisive Use of Turk and Turkey," *American Speech* 45:1-2 (1970): 157-159.

15. This point is made by Bernard Bailyn, *Ideological Origins of the American Revolution: Enlarged Edition* (Cambridge, MA: Belknap Press of Harvard University Press, 1992 [1967]), 63-4, n. 8 and Robert J. Allison, *The Crescent Obscured: The United States and the Muslim World, 1776-1815* (Chicago: University of Chicago Press, 2000), 47, 52-3.

16. "Barbary," *Oxford English Dictionary*, 13 vols. (Oxford: Clarendon Press, 1970), 1: 665.

17. Hans Wehr, *A Dictionary of Modern Written Arabic*, H.J. Milton Cowan ed., 4th ed. (Urbana, IL: Spoken Language Services, 1994), 62.

Americans also inherited sixteenth-century English words that incorrectly identified a Muslim, a term never used in the eighteenth century, as a “Mahometan,” a designation that wrongly implied that believers worship “Mahomet,” or Muhammad the Prophet, rather than God.¹⁸ Similar terms appearing in eighteenth-century American treaties include variations of this word as an adjective as well as “Mussulmen,” a form still used in French.

18. “Mahometan,” *Oxford English Dictionary*, 6:38.

The Economics of North African Maritime Aggression

After the ceremonial tobacco and coffee, negotiations began. Abd al-Rahman asked many questions about North America and its climate, but then added: "Tripoli is at war with it." To which Adams replied, "Sorry to hear that."¹⁹ The American asserted that he had "not heard of any war with Tripoli" and "America had done no injury to Tripoli . . . or committed any hostility against her, that I had heard of."²⁰ The truth of this the Muslim diplomat admitted. Abd al-Rahman quickly explained to Adams what was required for peace. He exhorted:

. . . there must be a treaty of peace. There could be no peace without a treaty. The Turks and Affricans [*sic*] were sovereigns [*sic*] of the Mediterranean, and there could be no navigation there nor peace without treaties of peace. America must treat with Tripoli as France and England did, and other powers. America must treat with Tripoli and then with Constantinople and then with Algiers and Morocco.²¹

This was the view from Tripoli: the Mediterranean was theirs; to transverse it required a diplomatic negotiation for peace, which, in turn, could only be obtained after an agreed-upon financial payment. Such arrangements had been dictated by Tripoli and other North African powers to weaker European nations since the late sixteenth century. For the ambassador from Tripoli, his entreaty represented standard business practice.

For Americans, the North African status quo of armed aggression began to apply to them directly with independence from Britain in 1783. Without British naval protection, the United States became

the newest and one of the weakest nations to ply the waters of the eastern Atlantic and the Mediterranean, with all commercial vessels at risk of seizure and their sailors of captivity. "Piracy," Europeans and Americans termed a practice more properly descriptive of corsairs, who were organized by their governments into guilds, was the economic mainstay of Tripoli. There, as in Algiers, Tunis, and Morocco, the practice, ironically, had begun as a reaction by Muslims to the invasion by Spain of North African coastal cities, an extension of the *Reconquista* which had driven out the last Islamic dynasty from Granada in 1492. The formal expulsion of *Moriscos*, forcibly Christianized Spanish Muslims, who fled Spain finally between 1609 and 1614, followed a pattern of forced baptism begun a century earlier.

With the backing of Ferdinand and Isabella, Archbishop Jiménez de Cisneros established numerous *presidios*, or fortified outposts along the North African coast. The Spanish seized Oran in 1509 and Tripoli in 1510. They held the former post until 1791. Although they could not retain the latter, the Spanish continued to bombard various North African ports.²² In the Spanish seizure of Oran in contemporary Algeria, four thousand Muslims were killed, and double that number were seized as slaves.²³ Fifteen thousand Muslims were enslaved with the fall of Tripoli.²⁴ All of them were sold, without much hope of redemption, in European slave markets or used as galley slaves. As Nabil Matar documented, "That the Barbary corsairs captured thousands of Europeans is not in question; but then, the Europeans captured and enslaved more."²⁵ European and later American captivity

19. "Adams to Jefferson," 17 February 1786, *Adams-Jefferson Letters*, 1:122.

20. *Ibid.*

21. *Ibid.*

22. Louis B. Wright and Julia H. Macleod, *The First Americans in North Africa: William Eaton's Struggle for a Vigorous Policy against the Barbary Pirates, 1799-1805* (Princeton: Princeton University Press, 1945), 14-15.

23. Nabil Matar, *Britain and Barbary: 1589-1689* (Gainesville, FL: University of Florida Press, 2005), 113.

24. *Ibid.*

25. *Ibid.*

tales preserve the harrowing Christian aspect of this experience but equivalent records for Muslims are almost non-existent.

King Ferdinand of Spain's imposition of a "50 percent surtax on Algiers's woolen imports," intended to fund Spain's incursions onto the southern Mediterranean littoral, also helped undermine local North African economies, which has been based on agriculture and commerce, as well as the export of "black slaves, Barbary horses, salted fish, leather hides, salt, wax, grain, olive oil, and dates."²⁶ Tripoli, along with Tunis, Algiers, and Morocco initially turned to "piracy" as a response to the same activity by Christians and in the hopes of recouping economic losses engendered by Spanish policies that undermined local economic exports.²⁷ As Frank Lambert notes, European military aggression "transformed" North African powers "from commercial to pirate states."²⁸

Nor was state-sponsored corsairing or privateering a purely Islamic pursuit. European Christians practiced very similar government-sponsored tactics from the sixteenth through the eighteenth centuries, enslaving Muslim captives and their ships for profit. Religious not racial or ethnic identity defined this form of captivity, with Muslim corsairs functioning much like European privateers, who sailed the same waters intent on seizing ships, goods, and crews as prizes to be sold for profit, with a hefty percentage turned over to their respective governments.²⁹ (Indeed, we see the term "pirates" but also the mention of "privateers" and the "lawfulness of such prizes" in a U.S. treaty with France

from 1778.)³⁰ It should be noted that the English leveled the charge of "piracy" as an insult *primarily* against "the buccaneers of the Caribbean" and all Muslims, a distinction that has been blurred in many histories.³¹ Unlike pirates, who remained "outlaws at home and abroad," corsairs, whether Christian or Muslim, "were instruments of state," who "operated with explicit authorization to pursue and seize enemies of the state, but only those enemies."³² By negotiating with North African sponsors of corsairs, the nascent United States was *not* negotiating with pirates, but rather state-sponsored actors, which necessitated diplomatic exchanges to secure treaties of peace.

Although American captives in North Africa would define themselves as "slaves," the same word often used by their captors, there were important Islamic distinctions. Muslims theoretically defined *asr* (captivity) and *ubudiyya* (slavery) differently.³³ These differences originated in the Qur'an, but were often lost on captive Americans.³⁴ Muslims and Christians both practiced race-based slavery against black West and sub-Saharan Africans. The critical distinction was that slaves lost their freedom for life, a type of slavery licit in Islam as it was in Judaism and Christianity.

In contrast, Christians captured by Muslim corsairs were not considered as perpetual slaves but as captives, people "taken in military or naval encounters between armies or privateers" who might be exchanged for ransom.³⁵ Freedom could be restored, if ransom could be paid by the countrymen or the nation of the captives. However, American and Eu-

26. Quoted in Frank Lambert, *The Barbary Wars: American Independence in the Atlantic World* (New York: Hill and Wang, 2005), 31.

27. Ibid.

28. Ibid., 30.

29. Robert C. Davis, *Holy War and Human Bondage: Tales of Christian-Muslim Slavery in the Early Modern Mediterranean* (Santa Barbara, CA: Praeger, 2009), vii.

30. "Treaty with France: February 6, 1778," in Hunter Miller, ed., *Treaties and Other International Acts of the United States of America*, 8 vols. (Washington, DC: United States Government Printing Office, 1931), 2:16-17.

31. Adrian Tinniswood, *Pirates of Barbary: Corsairs, Conquests, and Captivity in the Seventeenth-Century Mediterranean* (New York: Riverhead Books, 2010), 30.

32. This excellent definition of corsairs is provided by Priscilla H. Roberts and Richard S. Roberts, *Thomas Barclay (1728-1793), Consul in France, Diplomat in Barbary* (Bethlehem, PA: Lehigh University Press, 2008), quoted on 150.

33. Davis, *Holy War*, 89.

34. Allison, *Crescent Obscured*, 125. For Qur'anic verses about captives as differentiated from slaves, see Jonathan E. Brockopp, "Captives," *Encyclopaedia of the Qur'an*, ed. Jane D. McAuliffe, 6 vols. (Leiden: E.J. Brill, 2001), 1: 289-90 and Jonathan Brockopp, "Slaves," *Encyclopaedia of the Qur'an*, 5: 56-60.

35. Quoted in Matar, *Britain and Barbary*, 114-15.

ropean captives languished under harsh conditions, forced into hard labor, suffering plague outbreaks and, sometimes, death. As they understood it, Americans endured slavery, a practice they allowed at home, although they maintained their freedom of worship in North Africa. Tired of waiting for fiscal redemption, a handful of Americans "turned Turk," or converted to Islam to obtain their freedom, a practice more frequently embraced since the sixteenth-century by European captives.³⁶

However, in comparative count, Americans also captured and enslaved more African Muslims than the number of Americans Muslim corsairs seized: tens of thousands of the former versus (at top count) seven hundred of the latter.³⁷ The presence of Muslims among the slaves resident in the antebellum United States went largely unnoticed by Americans; there is no evidence that either Adams or Jefferson in working to free white Americans from North African captivity ever recognized this tragic irony.³⁸ Despite long periods of languishing in captivity and bouts of illness, it is estimated that about 90 percent of those Americans seized by North African corsairs eventually would be ransomed and returned to their native land.³⁹ While negotiating in London with the ambassador in Tripoli in 1786, John Adams knew, as Thomas Jefferson did, that the problem of North Africans seizing American ships and captives was not a theoretical aspect of diplomacy; rather, it was a pressing problem. In October 1784, two years before their meeting in London, the American merchant ship *Betsey* was seized by Moroccan corsairs

at the request of Sultan Muhammad ibn Abd Allah (r. 1757-90).⁴⁰ Although Morocco became the first nation to acknowledge the fledgling United States in 1778, the sultan was angered by the lack of response to his overtures for a peace treaty.⁴¹ But, by 1785, the Moroccan sultan, as a gesture of goodwill, freed his American prisoners, leading to the earliest U.S. treaty with a North African kingdom in 1787.⁴² However, between 1784 and 1815, thirty-six merchant ships and crews would be seized by North Africans, most by Algiers, the greatest of the corsair powers.⁴³

At the time Adams began negotiations with Abd al-Rahman in 1786, Tripoli had not seized any American ships, but by 1785 Algiers had captured two American merchant vessels and held twenty-one sailors prisoner.⁴⁴ Without British naval protection, which had begun to dominate North African fleets by 1750, or the funds to pay for treaties of peace that would allow safe passage, American commercial ships were newly vulnerable in the eastern Atlantic and the Mediterranean.

Why, then, did American merchants continue to traverse these dangerous waters when British protection ceased? As secretary of state in 1790, Thomas Jefferson wrongly claimed they did not – then offered a purely fiscal explanation for why they should, citing pre-Revolutionary War statistics: "about one-sixth of the wheat and flour exported from the United States and about one-fourth" of all "dried and pickled fish, and some rice, found their best markets in Mediterranean ports."⁴⁵

36. Ray W. Irwin, *Diplomatic Relations of the United States with the Barbary Powers, 1776-1816* (New York: Russell and Russell, 1931), 134.

37. Irwin, *Diplomatic Relations*, 204. See Michael A. Gomez, *Black Crescent: The Experience and Legacy of African Muslims in the Americas* (New York: Cambridge University Press, 2005), 166.

38. For more on the irony that Jefferson would go to war to "protect whites from enslavement, while retaining his own black slaves," see Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson*. 2nd ed. (Armonk, NY: M.E. Sharpe, 2001), 16.

39. Gary Edward Wilson, "American Prisoners in Barbary Nations," (PhD diss., North Texas State University, 1979), 321; Irwin, *Diplomatic Relations*, 204.

40. Phillip Chiviges Naylor, *A History of North Africa: From Antiquity to Present* (Austin, TX: University of Texas Press, 2009), 131.

41. Allison, *Crescent Obscured*, 4-8.

42. Julian P. Boyd, et. al. ed., *The Papers of Thomas Jefferson*, 40 vols. (Princeton: Princeton University Press, 1950-), 8:418, 10:436. Hereafter, cited as *Papers of Thomas Jefferson*.

43. Wilson, "Prisoners," 314.

44. Wilson, "Prisoners," 320. Wilson's is the most thorough and accurate attempt to account for American captives.

45. Thomas Jefferson, "Report of the Secretary of State to the Congress of the United States: Mediterranean Trade," December 28, 1790, in *Naval Documents Related to the United States Wars with the Barbary Powers: Naval Operations Including Diplomatic Background from 1785 through 1801*, 3 vols. (Washington, DC: United States Government Printing Office, 1939), 1:22. On 1:23, Jefferson stated that this commerce had not "been resumed."

American commerce he estimated involved “eighty to one hundred ships annually . . . navigated by about twelve hundred seamen.”⁴⁶ As Joel Barlow, an American diplomat posted to Algiers and Tripoli, informed James Madison a decade *after* Adams’s first diplomatic contact with Abd al-Rahman: “The Mediterranean is full of American ships.” Barlow added: “They would sail into the mouth of hell, if the Devil was to turn Catholic, so as to make it a good market for codfish.”⁴⁷

Thus, when Abd al-Rahman appeared eager to propose the terms of a treaty, and asked Adams to “come tomorrow or next day, or any other day and bring an interpreter,” the American hoped that an agreement might be reached to forestall additional American commercial losses and captivities.⁴⁸ The North African emissary wanted to know how long it would take Congress to “answer” his terms.⁴⁹ Adams was invited to return the next day but he demurred, convinced that Abd al-Rahman’s fiscal demands would be “higher I fear than we can venture.”⁵⁰ His hunch would prove portentous.

Abd al-Rahman sent his personal interpreter to initiate a second meeting with Adams on February 26, 1786. He reasoned that the Tripolitan envoy preferred his own interpreter over one that the British Court would have provided because “he was sorry to see that this nation was not so steady in its friendship with America as the French,” a quite astute observation.⁵¹ Adams initially described the translator to his secretary of foreign affairs as one “Dr. Benamor, an English Jew most probably, who has formerly resided in Barbary and speaks the Arabic language, as well as the Italian and Lingua Franca.”⁵² At the second meeting, Adams deemed

Benamor “a decent man, and very ready in the English as well as Arabic and Italian.”⁵³

Jews had been a significant minority population in North Africa since before Roman times, but their numbers there increased after their expulsion from Spain in 1492 and Portugal five years later.⁵⁴ As People of the Book, Jews had a history in Islamic lands of rising to positions of trust in medical, commercial, and diplomatic spheres since medieval times. Eventually, the Jewish banking house of the brothers Bacri proved essential in brokering U.S. treaties and ransoming captives in Algiers.⁵⁵

As Adams explained two days later to Secretary Jay, “it is the custom of the all the ambassadors of Barbary to be much connected with the Jews, to whom they are commonly recommended.”⁵⁶ However, he also expressed new reservations about the “interested motives” of “the Jews,” noting that “their interference cannot be avoided,” and concluding: “Benamor soon betrayed proofs enough that he had no aversion to the ambassador’s obtaining large terms” for the treaty.⁵⁷ Yet why would a Jewish interpreter in Muslim employ do otherwise than accurately present Tripoli’s demands? The American retained grave reservations about both the Jewish translator and the Muslim ambassador, but he could provide no alternative linguistic intermediary of his own for subsequent meetings.

When Abd al-Rahman explained to Adams that “the whole pleasure of his life” was “to do good,” he tempered his altruism with a vision of the brutal fate that awaited American merchants without a treaty: “A war between Christian and Christian was mild, and prisoners, on either side, were treated

46. Jefferson, “Mediterranean Trade,” 1:23.

47. Quoted in Peter P. Hill, *Joel Barlow: American Diplomat and Nation Builder* (Washington, DC: Potomac Books, 2012), 64.

48. “Adams to Jefferson,” 17 February 1786, *Adams-Jefferson Letters*, 1:122.

49. *Ibid.*

50. *Ibid.*

51. “John Adams to Secretary Jay,” 20 February, 1786, *Works*, 8:374.

52. *Ibid.*, 8:373.

53. “John Adams to Secretary Jay,” 22 February, 1786, *Works*, 8:377.

54. See Harvey E. Goldberg, *Jewish Life in Muslim Libya* (Chicago: University of Chicago Press, 1990).

55. Richard Buel, Jr., *Joel Barlow: American Citizen in a Revolutionary World* (Baltimore: Johns Hopkins University Press, 2010), 201-10.

56. “Adams to Secretary Jay,” 22 February 1786, *Works*, 8:377.

57. *Ibid.*

with humanity; but a war between Turk and Christian was horrible, and prisoners were sold into slavery.”⁵⁸ Impressed by the ambassador’s goodwill, Adams’s opinion of the Muslim ambassador remained cautiously optimistic:

This man is either a consummate politician in art and address, or he is a benevolent and wise man. Time will discover whether he disguises an interested character, or is indeed the philosopher he pretends to be. If the latter, Providence seems to have opened to us an opportunity of conducting this thorny business to a happy conclusion.⁵⁹

After a third meeting, Adams believed that treaty-making with Tripoli and other North African powers would be advantageous to the foreign policy and prestige of his young country:

If a perpetual peace were made with these states, the character of the United States would instantly rise all over the world. Our commerce, navigation, and fisheries would extend into the Mediterranean to Spain and Portugal, France and England. The additional profits would richly repay the interest, and our credit would be adequate to all our wants.⁶⁰

When Jefferson arrived in London in March 1786, he and Adams met the ambassador from Tripoli once again. The fourth meeting would be hampered by the financial straits of the United States, which remained unable to raise money at the federal level without a Constitution. There could be no peace without a substantial payment, as Abd al-Rahman explained. He demanded 12,500 guineas for one year’s treaty, plus his own 10 percent commission, or 30,000 guineas for a “perpetual peace,” with the addition of £3,000 for his cut.⁶¹ In present day terms, the so-called perpetual peace would cost about 2.6 million dollars.⁶²

Knowing they could not raise these funds, Adams and Jefferson reminded Abd al-Rahman that they considered their nation *already* at peace with Tripoli: “We took the liberty to make some inquiries concerning the grounds of their pretensions to make war upon nations who had done them no injury, and observed that we considered all mankind as our friends who had done us no wrong, nor had given us any provocation.”⁶³ The American attempt to declare peace unilaterally foundered.

58. Adams, *Works*, 8:374.

59. *Ibid.*, 8:376.

60. *Ibid.*, 8:377.

61. “American Commissioners to John Jay,” 28 March 1786, *Papers of Thomas Jefferson*, 9:358.

62. The exchange rates for the present are provided by Parker, *Uncle Sam in Barbary*, 42.

63. *Papers of Thomas Jefferson*, 9:538.

Religion, Diplomacy, and War

Instead Abd al-Rahman offered a religious rationale for Tripoli's bellicosity, arguing that the kingdom's naval aggression:

. . . was founded on the laws of the prophet, that it was written in their Koran, that all nations who should not acknowledge their authority were sinners, that it was their right and duty to make war upon them wherever they could be found, and to make slaves of all they could take as prisoners, and that every Musselman who should be slain in battle was sure to go to Paradise.⁶⁴

The ambassador's assertions that Muslim nations could war with non-Muslim nations because they did not recognize Muslim political authority reflects early modern legal precedents for war. Moreover, his invocation of Qur'anic precedents were accurate, including those supporting pre-emptive conflict against People of the Book, meaning Christians and Jews (Qur'an 9:29), the taking of captives in war (Qur'an 47:4), and the rewards of paradise promised slain Muslim warriors (Qur'an 2:154).

But Abd al-Rahman failed to tell Adams and Jefferson that even the Qur'an's most bellicose injunctions included key qualifications for limiting and ending conflict. These precedents emphasized establishing terms of peace with an enemy, if they were to submit and request a treaty. This was precisely what the Americans had hoped to do, but it was not in the ambassador's diplomatic or personal fiscal interest to cite very different Qur'anic verses intended to curtail military conflict: "Fight in the way of God against those who fight against you, but begin not hostilities. Lo! God loveth not aggressors!" (Qur'an

2:190).⁶⁵ Nor did Abd al-Rahman mention verses that emphasize accepting the surrender of one's enemies and making peace: "But if they desist, then lo! God is forgiving, merciful!" (Qur'an 2: 192). Another verse states: "And if they incline to peace, incline thou also unto it, and trust in Allah" (Qur'an 8:61). It would not have been helpful for him to emphasize that Muslims are to abide by the terms of their treaties: "Fulfill the covenant of Allah when ye have covenanted, and break not your oaths after the assertion of them, and after ye have made Allah surety over you!" (Qur'an 16:91). The Tripolitan ambassador's offer of a "perpetual peace" had no legal precedent in Islamic history, where Sunni jurists admitted that treaties might endure from two years to a decade only.⁶⁶ But for Tripoli and other North African powers, it was the perpetual option that guaranteed them up front the most lucrative income, a standard part of their business plan. However, the yearly renewal of tributes over time would also serve the same profitable ends.

It is therefore not surprising that Abd al-Rahman also failed to refer to verses of the Qur'an that enjoined Muslims to feed prisoners (Qur'an 76:8), nor did he mention that the sacred text condemns as liars, hypocrites, and unbelievers those who make war for profit (Qur'an 48:15). These religious precedents would not yield the outcome he intended from these negotiations. Indeed, his religious knowledge seems somewhat limited, as when immediately after the Qur'an he invoked the support of Satan to explain the dominance of Tripoli's naval depredations. According to the report of Adams and Jefferson, "verily he [the ambassador] believed the Devil assisted his countrymen, for they were almost always successful."⁶⁷

64. Ibid.

65. All Qur'an quotations are from the Muhammad M. Pickthall translation *The Meaning of the Glorious Qur'an: Text and Explanatory Translation* (New York: Muslim World League, 1977).

66. Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins University Press, 1955), 217-18.

67. *Papers of Thomas Jefferson*, 9:358.

In the Qur'an, the role of the Devil, *al-shaytan*, is that of a beguiler who leads men and women to reject God's commands, beginning with the expulsion of Adam and Eve from paradise. The ambassador wanted the Americans to know that they would always be defeated in a naval conflict, but the addition of the satanic explanation for Tripoli's success was, in strictly theological terms, dubious at best.

It is curious that twenty-first century American historians and others commenting on this meeting never mention the Tripolitan ambassador's Islamically untenable explanation for military success but only express visceral horror at the mention of a Qur'anic justification: "Even today, especially today, the ambassador's words have a chilling effect," asserted the historian Kevin J. Hayes in 2004 – and again in 2008.⁶⁸

Although the letter describing this meeting appears in the Jefferson papers, it is clear that Adams wrote up the details, based on the first line of the text: "Soon after the arrival of Mr. J. in London, we had a conference with the Ambassador of Tripoli."⁶⁹ But in Thomas Jefferson's handwritten copy of the report there is an interesting, possibly telling, orthographical error. The Virginian originally wrote "laws of the profit," which is corrected in the official printed version as, "laws of the prophet."⁷⁰ This was perhaps a not uncommon play on words, cutting to the fiscal heart of the diplomatic dilemma.

Two months later in a letter from Captain Richard O'Brien, an American captive in Algiers, Jefferson would learn of a similar formulation: "money is the God of Algiers & Mahomet their prophet," a variation on the Islamic creedal statement: "There is no god but God and Muhammad is His Prophet."⁷¹ Ultimately, Jefferson's orthographical lapse may

also speak to his view of a foreign policy response to North African powers, which differed starkly from that of Adams.

As early as 1784, two years before his meeting with Abd al-Rahman, Jefferson had written to James Monroe in favor of military action against North African corsairs rather than tribute or payment for treaties:

Surely our people will not give this. Would it not be better to offer them an equal treaty. If they refuse, why not go to war with them? Spain, Portugal, Naples and Venice are now at war with them. Every part of the Mediterranean therefore would offer us friendly ports. We ought to begin a naval power, if we mean to carry on our own commerce? Can we begin it on a more honourable [*sic*] occasion or with a weaker foe?⁷²

In 1790, as secretary of state under the new Constitution, Jefferson explained North African depredations to Congress as geographically determined by the narrow straits of Gibraltar to "tempt their cupidity to seek our vessels particularly."⁷³ Four years after his meeting with Abd al-Rahman, he did not attribute the problem of piracy to religion. This view is more generally confirmed by the historian Frank Lambert, who asserts: "Evidence abounds that neither the pirates nor the Americans considered religion central to their conflict."⁷⁴

The immediate response by Adams and Jefferson to Abd al-Rahman's Qur'anic and final satanic explanation of his navy's aggression rested not on theology. In their reports, they conclude with words coolly focused on their immediate financial dilemma: "We took time to consider and promised an answer, but we can give no other, than that the

68. Kevin J. Hayes, "How Thomas Jefferson Read the Qur'an," *Early American Literature* 39, no. 2 (2004): 257. He repeats the same words in his book, *The Road to Monticello*, 316.

69. *Papers of Thomas Jefferson*, 9:357.

70. *Ibid.* 8:359, n. 1.

71. "Richard O'Brien to Thomas Jefferson," 8 June 1786, *Naval Documents*, 1:3.

72. *Papers of Thomas Jefferson*, 7:511.

73. Jefferson, "Mediterranean Trade, 1790," 1:23.

74. Quoted in Lambert, *Barbary Wars*, 8.

demands exceed our expectations, and that Congress, so much that we can proceed no further without fresh instructions.”⁷⁵

Although Jefferson refused to define religion as the root of the conflict with Tripoli, he may have checked Qur’anic references to war in his own copy of the sacred text. He’d purchased a Qur’an in 1765, eleven years before writing the Declaration of Independence, but it presumably remained in Virginia while he was in Europe.⁷⁶ His initials, whenever inscribed, are affixed to the bottom of a page of the first volume that describes God who “preferred those who fight for the faith” (Qur’an 4:95).⁷⁷ Of course, he may have done this later, before his undeclared war with Tripoli, beginning in 1801, or at any other time. What remains are his initials “T” and “I,” the latter an eighteenth-century convention for the “J” in Jefferson. These are the only two marks he inscribed in the sacred text.

Ultimately, Jefferson would explain his policy difference to Adams, but he never confided his secret July 1786 plan to create a multi-national naval patrol to suppress corsairing in the Mediterranean. He did argue that war rather than diplomatic agreements would be more economically and politically effective. Jefferson introduced his military option to an Italian diplomat from Naples and instructed his friend, the French General Lafayette to send a version of the plan to President George Washington.⁷⁸ At home, the venture met without success.

75. *Papers of Thomas Jefferson*, 9: 358.

76. George Sale, trans., *The Koran, commonly called the Alcoran of Mohammed, Translated into English from the Original Arabic*, 2 vols (London: L. Hawes, W. Clarke, R. Collins, and T. Wilcox, 1764), Rare Book and Special Collections Division, Library of Congress.

77. *Ibid.*, 1:113.

78. *Adams-Jefferson Letters*, 1:143; Irwin, *Diplomatic Relations*, 48.

The First American Treaty with Tripoli

It would take eleven more years, based on the Constitution's now steady federal tax stream, for the United States to successfully establish a first treaty with Tripoli. The cost was \$53,000.⁷⁹ On June 10, 1797, President John Adams fulfilled his long-held ambitions by signing the agreement. He left no public comment on the treaty, nor did Jefferson as his vice president. There is no debate preserved regarding the treaty's ratification. The final vote on June 7, 1797 was 23 out of 35 in the U.S. Senate, but no votes against were registered.⁸⁰

Article 11 of the treaty unequivocally asserted that America's government was neither officially Christian, nor inherently anti-Islamic:

As the government of the United States of America is not in any sense founded on the Christian Religion, - as it has in itself no character of enmity against the laws, religion or tranquility of Musselmen, - and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption in the harmony existing between the two countries.⁸¹

The assertion that the country had "no character of enmity against" Muslims or their beliefs seemed a marked departure from prevailing anti-Islamic American views, including those of Adams and Jefferson.⁸² Nevertheless, Article 11 attempted to excise officially any religious basis

for conflict between the U.S. and Tripoli. To do this, both Christianity and Islam were dismissed overtly as grounds for war. Article 11 marks a shift in U.S. policy, a strategic move to distinguish the United States as distinct from the European Christian nations so long embroiled in religiously-defined warfare with North African Islamic powers. The Tripoli treaty stands in stark opposition to one that Adams and Jefferson had earlier negotiated and signed with Morocco in 1787. That document defines people throughout by religion as either "Moors or Christians" and countries as either "Moorish or Christian Powers."⁸³ Clearly, Adams thought re-inscribing such divisions unhelpful and possibly detrimental to diplomatic relations with Tripoli, and Jefferson would later affirm this decision in his own treaty with the kingdom.

The Moroccan and Tripoli treaties are the only ones made with North African powers that focus on religious difference – or its absence. In contrast, U.S. treaties with European powers during this period never focus on Christian identity, whether shared or distinct, but instead infrequently guarantee "liberty of conscience" as with the Netherlands (1782) and Sweden (1783).⁸⁴ Adams - and Jefferson - appreciated that their country potentially stood more to gain as the weaker party in negotiations with Tripoli, if they represented themselves as distinctly different from European nations that defined themselves as exclusively Christian and, based on that definition, had prosecuted war against North African Muslims.

79. Parker, *Uncle Sam in Barbary*, xiv.

80. *U.S. Senate Executive Journal - Wednesday, June 7, 1797, 5th Congress, 1st session. Journal of the executive proceedings of the Senate of the United States of America, 1789-1805.*

81. "Tripoli, November 4, 1796, and January 3, 1797," in Miller, *Treaties*, 2:365 (English), 2:360 (presumed Arabic equivalent).

82. These negative views of Islam predominate in extant historiography, see Spellberg, *Thomas Jefferson's Qur'an*, 13-49, 97-106, 230-33. For these views as the only extant perspectives, see Allison, *Crescent Obscured*; Timothy Marr, *The Cultural Roots of American Islamicism* (New York: Cambridge University Press, 2006), and Thomas S. Kidd, *American Christians and Islam: Evangelical Culture and Muslims from the Colonial Period to the Age of Terrorism* (Princeton: Princeton University Press, 2009).

83. "Morocco, June 28 and July 15, 1786," in Miller, *Treaties*, 2:216, 2:218.

84. "The Netherlands: October 8, 1782," and "Sweden, April 3, 1783," in Miller, *Treaties*, 2:63, 2:126-7.

At home, Americans read the entire treaty, including Article 11, on the front page of newspapers throughout the nation.⁸⁵ The papers published the treaty without critical editorials, with one exception. William Cobbett, editor of the *Porcupine Gazette* of Philadelphia, objected to the treaty's religious implications, writing on June 23, 1797:

The eleventh article of this treaty certainly wants some explanation. That "the government of the United States is in no sense founded on the Christian religion," is a declaration that one might have expected from Soliman Kaya, Hassan Bashaw, or the sansculotte Joel Barlow, but it sounds rather oddly from the President and Senate. If it will admit to satisfactory explanation, it ought to receive it; for it certainly looks a little like trampling on the cross.⁸⁶

The Federalist Cobbett faced a political complication in his critique. He could not object to the article concerning Christian religion, which he misquotes, without criticizing the Federalist president and the senators who ratified it. The article appeared to him to undermine what he presumed to be the Christian character of his nation. And so Cobbett deflected the blame. Rather than attack President Adams, he surmised that the fault lay with Tripoli's *bey*, or ruler, Hassan Bashaw, and Soliman Kaya Galil, general of the troops, who had signed and embossed their seals on the treaty. Most important, he blamed the American diplomat Joel Barlow, the man to whom the article is most often attributed.⁸⁷

Stationed in Algiers, Barlow became the diplomat responsible for Tripoli and Tunis in 1796-97.⁸⁸ Article 11 was indeed consistent with Barlow's views on government and religion. Appointed

U.S. consul to Algiers in February 1796, he certified in the English version of the treaty: "The foregoing is a true copy of the receipt given by Jussuf Bashaw - Bey of Tripoli."⁸⁹ A 1778 graduate of Yale and a chaplain in the Revolutionary War, Barlow's view of religion changed as a result of travel to France, where he met Jefferson and Thomas Paine. Like them, he supported the French Revolution.⁹⁰

Barlow offered his view of religion and government five years before his diplomatic mission to Tripoli in his *Advice to the Privileged Orders in the Several States of Europe*. In this work, he condemns the violence perpetrated by the "persecution of the Christian church," writing that "any mode of worship declared to be national" was antithetical to religious "liberty," a standard Deist claim.⁹¹ He concludes with a declaration about Christianity and the U.S. government that strongly suggests his influence on the Tripoli treaty's Article 11:

In the United States of America there is no church, and this is one of the principle [*sic*] circumstances which distinguish that government from all others that ever existed; it ensures the un-embarrassed exercise of religion, the continuation of public instruction in the science of liberty and happiness, and promises a representative government.⁹²

By this, he meant that the government of the United States had not declared the Christian faith as its established religion. This view supported the free exercise of religion by the then Protestant majority. The definition of the United States as "not in any sense founded on the Christian religion" was already implicitly enshrined in the Constitution's

85. Newspapers that published the entire treaty include: *The Philadelphia Gazette*, 17 June 1797; *American Mercury* (Hartford, CT), 26 June 1797; *Boston Gazette*, 26 June 1797; *Newport Mercury* (Newport, RI), 27 June 1797; *Courier of New Hampshire* (Concord, NH), 25 July 1797.

86. William Cobbett, *Porcupine Gazette*, June 23, 1797, also noted by Frank Lambert, *The Founding Fathers and the Place of Religion in America* (Princeton: Princeton University Press, 2003), 238-241.

87. Morton Borden has identified Barlow in *Jews, Turks, and Infidels* (Chapel Hill, NC: University of North Carolina Press, 1984), 77-8.

88. Buel, *Joel Barlow*, 206.

89. "Tripoli: November 4, 1796, and January 3, 1797," in Miller, *Treaties*, 2:367.

90. Arthur L. Ford, *Joel Barlow* (New York: Twayne Publishers, 1971), 18-19, 27.

91. Joel Barlow, *Advice to the Privileged Orders in the Several States of Europe*, Part I. (London: Childs and Swaine, 1792), 39, 53.

92. *Ibid*, 53.

First Amendment.⁹³ Although Barlow is credited with the authorship of Article 11, this type of language about both Christianity - and Islam - had other, earlier American proponents. This helps explain why a passage that today would cause public paroxysms in some quarters provoked no uproar in the eighteenth century.

For example, we see in 1803 that James Madison as secretary of state, in the midst of President Jefferson's undeclared war against Tripoli, urged the U.S. consul in Algiers to press the notion that his country was not exclusively Christian:

P.S. The universal toleration in matters of religion in most of our States, and the entire want of a power respecting them in the general government, has as we understand induced Barbary powers, to view us more favorably than other Christian nations, who are exclusively so, and with who these powers consider themselves in perpetual hostility, suspended only at times, by temporary truces. It is recommended to you to avail us of this fact & opinion, as it can be used to lessen the unequal condition of the intercourse between us.⁹⁴

But Madison was not merely being an opportunistic diplomat, his point in 1803 being entirely consistent with his earlier attempts to end the establishment of Christianity in Virginia in 1785.

Madison cleared the ground in Virginia for Jefferson's Bill for Establishing Religious Freedom, made law in 1786 with his own *Memorial and Remonstrance against Religious Assessments* promulgated the year before. In its third article Madison rejected any established form of Christianity:

Who does not see that the same authority which can establish Christianity, in exclusion

of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects?⁹⁵

In the ninth article of his *Memorial* he argues for universal religious equality in opposition to Virginia's assessment of taxes for the support of his state's established Anglican Protestant clergy and churches:

Because the proposed establishment is a departure from the generous policy, which, offering an asylum to the persecuted and oppressed of every nation and religion, promised a luster to our country; and an accession to the number of its citizens. What a melancholy mark is the bill of sudden degeneracy? Instead of holding for an asylum to the persecuted, it is itself a signal of persecution.⁹⁶

Here Madison demonstrates his appreciation of how antithetical any established faith, including Christianity, was to his conception of the nation. But he was not alone in holding such beliefs.

In support of Madison's *Memorial* in 1785, a group of Protestant petitioners from Chesterfield County, Virginia, argued forcefully for a religiously plural society. In their petition they included both Jews and Muslims: "Let Jews, Mehomitans, and Christians of every denomination enjoy religious liberty," and "thrust them not out by establishing the Christian religion lest thereby they become enemics [*sic*] and weaken this infant state."⁹⁷ These same petitioners reminded the Virginia House of Delegates that "it is mens [*sic*] labour [*sic*] in our manufacturies, their services by sea and land that aggrandize our country and not their creed."⁹⁸ This notion of civic contributions as paramount, separate from religious identity, allows for the creation of a non-Christian state, to which even Jews and

93. Lambert, *Founding Fathers*, 240.

94. "To Tobias Lear, appointed U.S. Consul General, Algiers, from Secretary of State, July 14, 1803," in *Naval Documents*, 2:485.

95. James Madison, "A Memorial and Remonstrance against Religious Assessments," in *The Sacred Rights of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding*, ed. Daniel L. Dreisbach and Mark David Hall (Indianapolis, IN: Liberty Fund, 2009), 311.

96. *Ibid.*, 312.

97. "Chesterfield Assembly Petition, Virginia, November 14, 1785," *Religious Petitions Virginia*, Library of Congress, <<http://memory.loc.gov/ndlpcoop/relpet.215>>.

98. *Ibid.*

Muslims might belong. This ideal of universal religious inclusion, although supported by an American minority including Jefferson and Madison, also had deep roots in some forms of dissenting Protestantism. Barlow stressed the non-Christian nature of his government in North African negotiations, including “the absence of a cross in the American flag, the fact that the United States had very few Roman Catholics, and the nation’s commitment to a religious toleration that extended to Muslims.”⁹⁹

Ironically, Barlow attested to the accuracy of the 1797 Tripoli treaty’s text, but because neither he nor any of his colleagues could read Arabic, he had to rely on European diplomats to vet the bilingual portion of the agreement.¹⁰⁰ Thus he remained ignorant of the fact that his English Article 11 *never existed in the Arabic version*. The absence of the Arabic equivalent would not become known to Americans until 1930, when Dutch Orientalist Dr. C. Snouk Hurgronje was hired by the State Department to check the translation of this and other early treaties with North African powers. Hurgronje asserted definitively: “The eleventh article of the Barlow translation has no equivalent whatever in Arabic. The Arabic text opposite the article is a letter from Hassan Pasha of Algiers to Yusuf Pasha of Tripoli.”¹⁰¹ Algiers, the more dominant power, often intervened in Tripoli’s treaty-making. The Dutch scholar continues: “Three fourths of the letter consists of an introduction, drawn up by a stupid secretary who just knew a certain number of bombastic words and expressions.”¹⁰²

After examining the Arabic of the faux Article 11, it is also clear that Tripoli’s diplomats and bureaucratic functionaries faced the problem of rendering in their native tongue an equivalent for the United States as a new political entity. Nowhere do the

words “United States” appear in the Arabic. Instead, a version of “America” appears first in this vexed paragraph as *nas al-mirkan* for “the people of America,” or “American people,” who are described as visiting Tripoli “so that nobody molests them and no injury befalls them.”¹⁰³ The country is later defined as *bilad al-mirkan*, “the country of America,” a place where “people from Tripoli” might visit.¹⁰⁴ There is no mention of religion.

Religion as a causative factor never figured explicitly in Jefferson’s earliest diplomatic dealings with Tripoli, but, in his own treaty with the kingdom in 1806, he both omitted and repeated key language about the issue. Excised was the earlier reference to Christianity in Adams’s Article 11: “the government of the United States of America is not in any sense founded on the Christian religion.” It is strange that Jefferson deleted this phrase, because he had supported this very principle since 1776. It is possible that assaults against his presidential candidacy in 1800 that castigated him as an atheist, infidel – and Muslim – caused him to avoid further public conflict over the issue of Christianity and the state.¹⁰⁵

Instead, Jefferson’s Article 14 retained positive language about Islam and Muslims found in the first Tripoli treaty. But in the wake of his undeclared war with Tripoli, Jefferson’s agreement also had to defend his military action as a response to a declaration of war and as a precedent for freedom of international navigation. Article 14 begins:

As the Government of the United States of America, has in itself no character of enmity against the Laws, Religion or Tranquility of Musselmen, and as the said States never have entered into any voluntary war or act of hostil-

99. Quoted in Buel, *Barlow*, 208.

100. Even James Cathcart, a prisoner in Algiers for 11 years before taking up his post as consul at Tripoli “did not read Arabic, although he seems to have been familiar with Turkish and Italian,” see “Tripoli: November 4, 1796 and January 3, 1797,” in Miller, *Treaties*, 2:381, quote on 2:382.

101. *Ibid.*, 2:371.

102. *Ibid.*

103. “Tripoli, November 4, 1796 and January 3, 1797,” in Miller, *Treaties*, 2:360 (Arabic).

104. My thanks to Dr. Abraham Marcus for helping me clarify the Arabic calligraphy and for first commenting on these variations.

105. Charles O. Lerche, Jr., “Jefferson and the Election of 1800: A Case Study in the Political Smear,” *William and Mary Quarterly*, 3rd ser., 5:4 (1948): 467–491; John Ferling, *Adams vs. Jefferson: The Tumultuous Election of 1800* (New York: Oxford University Press, 2012), 154.

ity against any Mahometan Nation, except in defence [*sic*] of their just rights to freely navigate the High Seas: It is declared by the contracting parties that no pretext arising from Religious Opinions, shall ever produce an interruption of the Harmony existing between the two Nations.¹⁰⁶

The second Tripoli treaty was as widely published as the first had been and as little debated. It was ratified by the Senate by a vote of 21 to 8.¹⁰⁷ Perhaps most important, this article is rendered accurately in both English and Arabic versions. Key terms in Arabic exist for law, *shar'* along with a direct reference to a lack of "enmity," or *'adawa*, against Islam, not Muslims.¹⁰⁸

There was no outcry about Article 14's positive language concerning Islam and Muslims in the eighteenth century, and no historian has remarked upon it since. However, though Jefferson held negative views about the Islamic faith, as he did all organized religion, including Christianity and Judaism, he had studied aspects of English legal thought since his days as a student of law that had included Muslims and endorsed their rights.

Around 1765, the year in which he bought his Qur'an, Jefferson copied a British legal ruling that declared as "groundless" the ideas that "Turks and infidels" were perpetual enemies. The ruling instead stated: "nor is there a particular Enmity between them and us."¹⁰⁹ The word "enmity" here is critical, featured later in both Tripoli treaties with the U.S. While perhaps not traceable as a direct antecedent of such language, it does suggest that Jefferson appreciated peaceful precedents for the treatment of Muslims in British common law that obviated differences in faith. In 1776, Jefferson copied the Eng-

lish philosopher John Locke's pivotal views about Muslims and Jews: "[He] says: 'neither Pagan nor Mahometan nor Jew ought to be excluded from the civil rights of the Commonwealth because of his religion.'"¹¹⁰ In 1821, Jefferson still maintained that Muslims were ideally included in the scope of his Bill for Establishing Religious freedom of 1786. He affirmed this in his autobiography, enfolded "within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo and the infidel of every denomination."¹¹¹ Jefferson insisted that Muslims belonged within the sphere of potential U.S. citizenship long after his negotiations with Abd al-Rahman and the prosecution of a war against Tripoli. Clearly, he could distinguish between the faith and its adherents, a perspective he employed in his 1806 treaty.

While Jefferson's positive language about Islam and Muslims has been ignored by almost all later historians, Adams's first Tripoli treaty's reference to Christianity has had a longer life in American political and diplomatic history. Shortly after the Dutch scholar revealed that there was no Arabic equivalent for Article 11, Evangelical Christian activists in 1932 proclaimed in their newspaper headline of *The Christian Statesman*: "Tripoli Treaty Fraud Uncovered."¹¹² Those Protestants wishing to affirm the essential Christian nature of the country, however, never challenged the fact that their president and the U.S. Senate had ratified the English version of the treaty.

The historian Morton Borden first noted that this part of the first treaty with Tripoli had "been cited hundreds of times in numerous court cases and in political debates whenever the issue of church-state relations arose."¹¹³ Article 11 also served as part of the unsuccessful defense of America's first Jewish

106. "Tripoli, June 4, 1805," (ratified 1806) in Miller, *Treaties*, 2:532.

107. Ibid.

108. My thanks to Dr. Linda Boxberger for helping to untangle the original Arabic calligraphy.

109. William Salkeld, *Report of Cases Adjudg'd in the Court of Queen's Bench* (London: R. Nutt and R. Goslin, 1717), 1:46. Found in Thomas Jefferson's notes in *The Commonplace Book of Thomas Jefferson: A Repertory of His Ideas on Government*, ed. Gilbert Chinard (Baltimore: Johns Hopkins University Press, 1926), 26.

110. *Papers of Thomas Jefferson*, 1:548.

111. Thomas Jefferson, "Autobiography," in *The Life and Selected Writings of Thomas Jefferson*, ed. Adrienne Koch and William Peden (New York: Modern Library, 1998), 46.

112. Quoted in Borden, *Jews, Turks, and Infidels*, 72.

113. Ibid., 76.

diplomat, Mordecai M. Noah. He was appointed U.S. consul to Tunis but was “terminated on the grounds of religion.”¹¹⁴ In 1815, Noah cited Article 11 of the first Tripoli treaty, arguing “that the religion of a citizen is not a legitimate object of official notice from the government.”¹¹⁵ He may have known Article 11 well because his political mentor was none other than Joel Barlow.¹¹⁶ Although Noah argued that his Judaism had neither been known in Tunis, nor cause for the ruler’s displeasure, he was not reinstated, despite also making the valid argument that Jews at the time served the ruler of Algiers as consuls in France, as well as commercial agents for the Ottoman sultan.¹¹⁷

Article 11 also did significant diplomatic service in 1899, when another Jewish American diplomat had it translated into Turkish and presented to the Ottoman sultan “in order to save American lives in the Philippines.”¹¹⁸ Why? Because Muslims there recognized the sultan as their spiritual leader. The Ottoman ruler’s face reportedly “lighted up” when he read the treaty’s provision in support of Islam, which he then telegraphed to Filipino Muslims who, ultimately, did not join in a local insurrection against the United States.¹¹⁹

More recently, President Obama’s speechwriters made use of Article 11’s references to Muslims in his landmark Cairo University speech of 2009. Here we see founding diplomatic history purveyed for the first time as proof of a positive American precedent for the country’s “New Beginning” with the Islamic world.¹²⁰ Having refused to speak about Islam or visit mosques or American Muslim associations throughout his first presidential campaign of 2008, the president invoked Islam abroad: “I know that Islam has always been a part of America’s story.”¹²¹ He went on to accurately identify Morocco as the

first nation to recognize the United States, but then his speechwriters provided a problematic version of the first Tripoli treaty ratified under President John Adams in 1797, not 1796:

In signing the Treaty of Tripoli in 1796, our own second president John Adams wrote: “The United States has in itself no character of enmity against the laws, religion, or tranquility of Muslims.”¹²²

Of course, Adams had written no such thing; he had only ratified the sentence, which in its twenty-first century incarnation rendered the original noxious “Musselmen” more respectfully as Muslims. There was no mention in Arabic-speaking Cairo of the absence of an Arabic equivalent for these lofty American pronouncements about Islam and Muslims. Nor was there any reference to Jefferson’s recapitulation of these ideas. The immediate interests of diplomacy, not historical precision, dictated the application of this historical precedent.

114. Ibid., 79.

115. Quoted in Ibid. For more on Noah, see Isaac Goldberg, *Major Noah: American-Jewish Pioneer* (New York: Knopf, 1937), 111-120.

116. Goldberg, *Noah*, 114.

117. Ibid., 116.

118. Borden, *Jews, Turks, and Infidels*, 78.

119. Ibid.

120. Barack H. Obama, “On a New Beginning,” Cairo speech, June 4, 2009, University of Cairo, <<http://www.whitehouse.gov/blog/NewBeginning/transcripts>> (Accessed April 20, 2013).

121. Ibid.

122. Ibid.

Terrorism and the Tripoli Treaty

The study of American diplomatic engagement with eighteenth-century North Africa has blossomed in twenty-first century historiography, together with a startling surge of interest in American captivity narratives. In these works, some have equated the so-called Barbary States not just with piracy rather than corsairs, but with "terrorism." Surely, this interpretive shift is no accident in light of the events of 9/11, but how does this terminology help us to better understand U.S.-North African diplomacy in context? I suggest that these assertions lead us to appreciate more about the historical perspectives of the present than the past.

The historian Kevin J. Hayes declares Tripoli's naval assaults as "an early example of state-sponsored terrorism directed against American civilian targets."¹²³ Linda Colley in her *Captives: Britain, Empire and the World, 1600-1850* insists: "To most Britons, it is clear, Barbary corsairing and captive-taking were simply monstrous acts, a sort of terrorism."¹²⁴ But what sort? Imprecision in the invocation of "terrorism" is certainly provocative here and potentially misleading. Although admitting that "privateers" of European extraction captured more Britons than those of North Africa, she insists that "Barbary corsairs provoked an altogether different level of anxiety."¹²⁵ So, presumably, Muslim captive-takers were more terrifying to European Christians.

Indeed, the word "terrorism," drawn from the Latin *terrere* "to cause to tremble" is at the core of the term's root definition, which as an act consonant with violent political consequences first arose in historical descrip-

tions of the French Revolution's "Reign of Terror," c. 1793-94.¹²⁶ But, Colley wishes the implication of terrified affect to begin not in the eighteenth century, but the seventeenth. Later, she argues that "other analogies" exist between "Barbary corsairs" and "Western perceptions of terrorism today."¹²⁷ She points to one: namely, that these North African corsairs represented a "diffuse" power against which "substantial naval and military force for a time won only temporary advantage."¹²⁸ But Barbary corsairs had organized government sponsorship behind them, and were not so "diffuse" in nature that they could not provide diplomats to negotiate frequent ransoms and treaties.

Clearly provoked by Colley's reference to terrorism, Nabil Matar, a scholar of pre-modern English interactions with the Islamic world, responded directly to her in his 2005 publication, *Britain and Barbary*, wherein he wrote: "Islamic piracy, enslavement of Europeans and violence against Christians were not sui generis nor were they symptoms of Muslim or native aggression and terrorism."¹²⁹ To invoke European precedents for the same behavior, he cites Janice Thomson, who in 1994 had described Walter Raleigh's activities as "state-sponsored terrorism."¹³⁰ Matar suggests that Colley's analysis, her empathy only for the ordeal of English captives, is warped by her exclusive "use of European records of captivity," which "also ignore the records from the Islamic or North African side."¹³¹ He enjoins Colley to consider "Muslim suffering" at European hands as a viable historical factor, despite the limited availability of Islamic captivity accounts, which he attributes to "the absence of print."¹³² In

123. Hayes, "How Thomas Jefferson Read the Qur'an," 257.

124. Linda Colley, *Captives: Britain, Empire and the World, 1600-1850* (London: Jonathan Cape, 2002), 46.

125. Ibid.

126. Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Terrorism* (Berkeley, CA: University of California Press, 2000), 5.

127. Colley, *Captives*, 50.

128. Ibid., 51.

129. Matar, *Britain and Barbary*, 112.

130. Ibid., 207, n. 7; Janice Thomson, *Mercenaries, Pirates and Sovereigns* (Princeton: Princeton University Press, 1994), 23.

131. Matar, *Britain and Barbary*, 112.

132. Ibid.

Matar's analysis, if the English were victims of corsair "terror," so too were Muslims; the phenomenon was hardly unique to the Islamic world in the pre-modern era.

But what is "terrorism?" Neither Colley nor Matar define the term. *The Oxford English Dictionary* has a seemingly pre-9/11 definition of the word, involving no religious dimension of any kind, meaning "the unofficial or unauthorized use of violence and intimidation in pursuit of political ends," citing clandestine, non-government groups, which may echo Colley's odd, "diffuse" notion of North African actors involved in perpetrating the term. A secondary meaning is "the instilling of fear or terror" by "intimidation, coercion, or bullying."¹³³ This latter definition would seem to better fit corsairs as state-sponsored extortionists, but then European privateers could also be so indicted. The American Civil Liberties Union provides a helpful corollary in defining "domestic terrorists" as those who "affect the conduct of a government by mass destruction, assassination, or kidnapping."¹³⁴ The seizure of captives overseas fits this kidnapping character, as does the presumed coercion and extortion attendant on the process.

In 2003, Joseph Whelan insisted terrorism was the basis for the first U.S. military action against Tripoli. He thus titled his book: *Jefferson's War: America's First War on Terror, 1801-1805*. Of course, Jefferson never defined either his diplomatic or military actions against Tripoli in these terms. (A supporter of the French Revolution, he would have been unwilling to use even the phrase "the Terror," as a pejorative description of that uprising.) Whelan equates Barbary corsairs with "state-sponsored terrorism."¹³⁵ Elsewhere they are defined by him as part of a "jihad protection racket."¹³⁶ He concludes:

Yet it was terrorism nonetheless, prosecuted cynically in the name of Islamic "jihad," al-Qa-

eda's pretext for hijacking jetliners and crashing them into highly visible symbols of U.S. power. America's response of 1801 was the same as today . . . [and here he quotes Jefferson] 'to repel force by force.'¹³⁷

In eliding al-Qa'ida's attack with Jefferson's military response to Barbary corsairs, Whelan creates an unbroken arc of religiously-inspired enemies, all driven, he presumes, by the same Islamic ideology to perpetrate "terrorism" against Americans. Whelan offers no sense of the continuity of the early American diplomatic response, based on centuries-old European problems and protocols in North African negotiations. He also implicitly defines Jefferson and his American diplomatic predecessors as negotiating with "terrorists" repeatedly. Even after Jefferson's so-called "War on Terror," the United States paid \$60,000 for the 1806 treaty with Tripoli and the ransom of 300 American naval prisoners.¹³⁸ The second treaty thus cost \$7,000 more than the first, before which there was no U.S. military action.

Whelan's collapse of the twenty-first century into the eighteenth leaves readers with the impression that Islam was the only faith whose adherents perpetrated violence in the name of religion, a massive untruth. Readers not versed in eighteenth-century economic and diplomatic complexities and contexts are likely to simply agree with this over-simplified, religiously reductive twenty-first century abuse of the past.

The late diplomat Richard B. Parker provides a rebuttal to Whelan and Colley, which is worth consideration. A former U.S. ambassador to Algeria and Morocco, with fluency in Arabic, he offers an evaluation of this problem in his book, entitled *Uncle Sam in Barbary: A Diplomatic History* (2004). (Parker's expertise in Arabic represents

133. "Terrorism," Oxford English Dictionary online, 2002.

<<http://www.oed.com.ezproxy.lib.utexas.edu/view/Entry/199608?redirectedFrom=terrorism#eid>>.

134. "How the USA PATRIOT Act Redefines "Domestic Terrorism," American Civil Liberties Union,

<<http://www.aclu.org/national-security/how-usa-patriot-act-redefines-domestic-terrorism>> (Accessed April 12, 2013).

135. Joseph Whelan, *Jefferson's War: America's First War on Terror, 1801-1805* (New York: Carroll and Graf, 2003), 3.

136. Ibid., 31.

137. Ibid., xxii.

138. Parker, *Uncle Sam in Barbary*, xiv-xv.

a marked change from its eighteenth-century absence as a diplomatic language.) He begins: "Basing a response to today's terrorism on an imagined response to the Barbary corsairs two centuries ago does not make a great deal of sense."¹³⁹ He then explains why:

In the first place, the corsairs were not terrorists as we understand the term today. They were not involved in random killings for political ends. They were interested in booty and ransom money, and there was nothing clandestine about their activities. Their business-like approach stands in stark contrast to the fanaticism of al-Qa'ida . . . They were operating openly under instructions of recognized governments and following a set of rules that European powers, and eventually the United States, honored.¹⁴⁰

Parker further contradicts Whelan's thesis when he concludes: "It was diplomacy, not force, that eventually resolved our major crises with the Barbary states."¹⁴¹ The former ambassador excises religion as a rationale for conflict, then and now.

139. *Ibid.*, xiv.

140. *Ibid.*

141. *Ibid.*, xv.

Conclusion

Although Parker, and ultimately Jefferson, were right to argue religion was not at the root of the conflict, it is worth remembering that John Adams believed it was. But unlike Jefferson, he also assumed that payment for treaties would end the conflict, while Jefferson early on considered naval force a more effective solution to the problem. After a fifth meeting with Tripoli's ambassador in London, and still without a treaty, Adams's view of religious difference in the conflict appears more pronounced than that of Jefferson, with the former complaining to the latter: "The policy of Christendom has made cowards of all their sailors before the standard of Mahomet."¹⁴² Yet despite Adams's belief in Tripoli's religious motive for attacks on American ships, he refused to go to war with the kingdom and instead, as president, concluded his nation's first treaty with the Muslim power. As for Jefferson, who waged a war against Tripoli, he ultimately signed a second treaty with that kingdom. Neither language nor religion proved insurmountable barriers to securing a peace that assuaged the economic interests of both the Muslim kingdom of Tripoli and the new, secular United States.

142. "Adams to Jefferson," 3 July 1786, *Adams-Jefferson Letters*, 1:139.

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