

**Empire of the People: The Ideology of Democratic Empire in the  
Antebellum United States**

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## **Abstract**

Settler colonialism played a constitutive role in the construction of democratic culture in the antebellum United States. This dissertation argues that democratic values of popular sovereignty and social equality acquired their conceptual coherence and institutional realization through settler conquest and indigenous dispossession. Out of this dynamic emerged an “ideology of democratic empire,” a distinct ideological formation in which the active agent of expansion is not colonial administration or the imperial state but the people in their sovereign capacity for self-government. In this mode of empire, settler conquest acted as a form of foundational violence that enabled the construction of a new democratic society through the elimination of indigenous sovereignty. I trace the ideological development of democratic empire in three phases. First, federalist discourses in the revolutionary period provided a new world conception of empire that privileged the equality of quasi-sovereign settler communities over notions of empire organized around the governance of colonial dependencies. Second, social equality in the Jacksonian period developed in relation to settler expansion, which guarded against the resurgence of feudal land title in the New World and ensured the priority of popular sovereignty over aristocratic systems of rule. The last phase unearths counter-narratives of democratic empire to reveal how colonial subjects challenged settler-colonial rule by reconfiguring antebellum notions of popular sovereignty. Through a conceptual-historical reconstruction of the relationship between settler expansion and American democracy, my project provides the basis for a decolonial theory of democracy that de-normalizes settler experiences as the unsurpassable horizon of democratic politics.

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## Introduction

### The Ideology of Democratic Empire

“We seek not the empire of the sword – not the empire of the Inquisition – not the empire of despotism; but the empire of the people – the empire of the rights of man.” Daniel Ullmann, *The Course of Empire* (1856)

“What is a new state formed in the Western deserts of America, if it be not a new colony?” Edward Gibbon Wakefield, *England and America* (1833)

An increasingly pervasive assumption in contemporary American political culture is that democracy and empire are mutually exclusive currents of political thought and institutional development. Indeed, this entrenched assumption crucially inflects official state ideology in contemporary politics. In an attempt to restore a benign image to U.S. foreign policy, President Obama confidently announced in his famed “Cairo Speech” that “America is not the crude stereotype of a self-interested empire. The United States has been one of the greatest sources of progress that the world has ever known. We were born out of revolution against an empire.” If official U.S. ideology asserts that America is not an empire precisely because it is a democracy, new left revisionists emerging out of opposition to U.S. intervention in Vietnam and Korea asserted precisely the reverse. For William Appleman Williams, one of the preeminent scholars of American empire, the tragedy of American history is that imperial policies of expansion and conquest have undercut the promise of American liberty. Although “empire as a way of life” constitutes a durable facet of the American political tradition, it represents a separate stream of political development from the emergence and formation of American democracy.<sup>1</sup>

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<sup>1</sup> Williams, *Empire as Way of Life* (Oxford University Press, 1980); and *The Tragedy of American Diplomacy* (Norton, 1988). The revisionist consensus established by Williams persists among those who seek to condemn U.S. imperial policy on the liberal left today. Especially see Chalmers Johnson, *Nemesis: The Last Days of the American Republic* (MacMillan, 2007).

This dissertation challenges this assumption by demonstrating that democracy and empire are mutually constitutive in the historical construction of antebellum political culture. Focusing on how dominant conceptions of popular sovereignty developed in relation to the politics of settler expansion, I provide a conceptual and historical reconstruction of the imperial foundations of modern American democracy. An analysis of the relationship between settler-colonial expansion and democratic conceptions of popular sovereignty is ripe for further examination. In spite of the continued efforts of scholars to place colonial expansion at the center of modern political thought, few have fully explored the relationship between popular sovereignty and settler colonialism. In fact, democratic theorists continue to insist that popular sovereignty is inherently antithetical to colonial expansion. Affirming that America is indeed an empire, Philip Green and Drucilla Cornell contest that because empire inevitably “subordinates the people to the nation,” there “is no such thing as democratic empire.” As the nation assumes the form of an “imperium spread over thousands of square miles,” they maintain that “the principle of popular sovereignty must be abandoned in practice.”<sup>2</sup> Practices and values of democratic citizenship, owing their vitality to localized frameworks of popular sovereignty, are incompatible with imperial frameworks of territorial expansion. By divorcing popular sovereignty from the specific cultural norms that lend it intelligibility, imperial frameworks of rule evacuate the “sovereign people” of any coherent identity.

Such assertions depend upon an objectivist framework of democratic theory. In this historical understanding, we step into the horizon of the past with objective, preconceived

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<sup>2</sup> “Rethinking Democratic Theory” *Journal of Social Philosophy*, 36, 4 (Winter 2005), p. 528.

notions of what democracy is or should be and then evaluate the institutions and practices of the past according to our contemporary understandings.<sup>3</sup> In contrast to objectivist frameworks, this project shows that popular sovereignty and settler colonialism were intricately connected in antebellum American thought and culture. Democratic values of political liberty and self-rule developed within the discursive horizon and material conditions of settler expansion even as those values directly engendered expansionary tendencies. While there is no necessary link between democracy and empire, this is also to say that there is no necessary contradiction that we can posit in advance of our understanding of their historical development. Rather, the process of imperial expansion was constitutive of the very meaning of democracy as it circulated within the political culture of the antebellum U.S.

### **Democracy, Empire, and Popular Sovereignty**

Despite the fact that modern democratic thought is co-existent with and deeply implicated in empire from its inception, the writing of imperial and colonial histories of modern democracy has only just begun. Perhaps one of the most enduring conceptual frameworks in these efforts has been that of liberal imperialism.<sup>4</sup> Although historians are

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<sup>3</sup> I adopt and adapt this critique of objectivist frameworks of democratic theory from Russell Hanson, *The Democratic Imagination in America* (Princeton University Press, 1985), p. 3.

<sup>4</sup> On the relationship between liberalism and empire, see Uday Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (University of Chicago, 1999); Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton University Press, 2005); Domenico Losurdo, *Liberalism: A Counter-History* (Verso, 2011); Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton University Press, 2010); Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford University Press, 1999); James Tully, *Public Philosophy in a New Key: Imperialism and Civic Freedom* (Cambridge University Press, 2009); David Armitage, "John Locke, Carolina, and the Two Treatises of Government," *Political Theory*, 32, 5 (Oct. 2004), pp. 602-627; and Barbara Arneil, *John Locke and America: The Defense of English Colonialism* (Oxford University Press, 1996). On the relationship between republicanism and empire: Edward Andrews, *Imperial Republics: Revolution, War, and*

increasingly uncovering its complex and contested legacy, the basic idea of liberal imperialism is a defense of European expansion on the basis of the unfitness of non-European subjects for liberal government. Its claim to embrace a “universal constituency” notwithstanding, liberalism has employed a variety of exclusion clauses to justify the continued exploitation of colonial subjects and intervention in non-European societies. By privileging certain anthropological capacities rooted in Enlightenment political culture, liberal imperialism exempts colonized societies from the promise of liberal ideals. As a result, colonized societies are relegated to what Chakrabarty calls the “waiting room of history” where they are subjected to regimes of enlightened despotism before they can suitably rule themselves according to liberal principles.<sup>5</sup>

While scholars of imperial history and modern political thought have analyzed the ideologies of liberal imperialism at the heart of the British and French empires, much less attention has been given to how ideologies and practices of settler expansion have figured into the formation of American democratic ideals. Despite a growing literature exploring how key concepts of European political thought were articulated in response to the politics of imperial expansion, the role of empire in American thought is severely understudied.<sup>6</sup> Rooted in a new current of scholarship, this dissertation examines the ideological and cultural development of American democracy in the context of *settler colonialism*, a distinct form of colonialism aimed at the appropriation of indigenous land

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*Territorial Expansion from the English Civil War to the French Revolution* (University of Toronto Press, 2010); Joshua Simon, “Simón Bolívar’s Republican Imperialism: Another Ideology of American Revolution,” *History of Political Thought*, 33, 2 (Summer 2012), pp. 281-304.

<sup>5</sup> Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton University Press, 2009), p. 8. Mehta, *Liberalism and Empire*, p. 46.

<sup>6</sup> Jennifer Pitts, “Political Theory of Empire and Imperialism,” *Annual Review of Political Science*, 13 (2010), p. 217.

rather than the exploitation of indigenous labor. Specifically, it foregrounds the process by which democratic conceptions of popular sovereignty and social equality were conceptually forged in relation to settler ideologies that sanctioned imperial expansion on a continental and global scale. In emphasizing how the politics of settler expansion have shaped ideals of popular sovereignty, I develop the concept of *democratic empire* as a distinct ideological formation from liberal imperialism.

In spite of their historical and theoretical sophistication, discussions of liberal imperialism largely fail to capture the distinct imperial and colonial dynamics of the antebellum U.S. for two primary reasons. First, they tend to collapse democratic ideologies into liberal ideologies, thereby disavowing the distinctive role of popular sovereignty in the former. Second, they center on the strategies of exclusion that liberal imperialists employed to justify the exploitation and extraction of indigenous labor and resources rather than the expropriation of indigenous land characteristic of settler colonial forms of expansion. While the present section will focus on the first limitation, the next section will focus on the second. In both cases, I seek to illustrate how we misunderstand American ideologies and practices of empire and colonization if we map onto American development a set of concepts and categories that were developed in different geographic and historical contexts. The ideology of democratic empire, therefore, provides a more appropriate interpretive framework for analyzing the relationship between democracy and empire in settler colonial contexts.

As historians of political ideology have long noted, liberalism and democracy have become only contingently conjoined in modern politics. Because democracy has

historically been seen as a potential threat to individual liberty, popular sovereignty has occupied an uneasy position in liberal discourse. “[T]he concept of popular sovereignty is doubly objectionable [to liberalism] because it implies the existence of a recognizable entity which can be called ‘the people.’ This offends against the liberal doctrine that society is made up of discrete individuals, or at the most, groups all with their particular and distinct wills and interests.”<sup>7</sup> Furthermore, liberalism has a notoriously thin conception of citizenship that privileges the negative rights of freedom from government interference over the positive rights of political participation and collective self-rule. Yet as this dissertation argues, it is precisely the intricate link between principles of popular sovereignty and democratic citizenship on the one hand and practices of settler expansion on the other that defines the ideology of democratic empire. Thus, a focus on the entwinement of liberalism and empire alone cannot explain the discursive structures of justification that reconciled democratic values with processes of settler expansion.<sup>8</sup>

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<sup>7</sup> Anthony Arblaster, *The Rise and Decline of Western Liberalism* (Basil Blackwell, 1984), pp. 76-77. Norbert Bobbio, *Liberalism and Democracy* (Verso, 2005).

<sup>8</sup> In analyzing the ideology of democratic empire over that of liberal imperialism, my point is not suggest that liberal ideas played no part in the formation of democratic empire. Rather, it is to suggest that liberal ideas do not exhaust the ways democracy and empire were articulated together in the American political imagination. In this manner, my account significantly differs from previous critiques of the relationship between settler colonialism and American liberal ideology that focus on how narratives of self-reliant individualism masked the colonial violence of indigenous conquest and imperial expansion. While my account draws on this line of analysis, it also moves beyond an exclusive focus on liberal individualism by attending to the role of settler expansion in setting the boundaries of popular sovereignty and political community. My wager is that settler colonialism is constitutive of American democratic culture beyond merely the acquisitive and appropriative ethos of liberal individualism explored by Louis Hartz. Instead of an exclusive emphasis on liberal ideology, I use the term “American democracy” to encompass liberal, republican, and colonial ideologies. For critiques of the relationship between settler expansion and liberal individualism, see Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860* (University of Oklahoma Press, 1973); Michael Rogin, *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian* (Vintage, 1976); Kevin Bruyneel, “The American Liberal Colonial Tradition,” *Settler Colonial Studies*, 3, 3-4 (2013), pp. 311-321.

The key differences between the two ideological formations can be further understood by considering the case of John Stuart Mill. Often taken as the representative figure of liberal imperialism, Mill famously wrote, “Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved.”<sup>9</sup> In his effort to discern the proper scope of individual liberty, Mill provided a powerful justification of British colonial rule. While the imperial metropolis was to be governed in accordance with liberal principles of representative government, Mill condemned colonial subjects in India to the arbitrary rule of British administrators. Yet in spite of his positive views about the democratization of British society, Mill insulated the rule of the British colonies in India from popular control. Indeed, he was irate when Parliament abolished the East India Company after the Sepoy Rebellion of 1857 and imposed direct rule on the colonies. For Mill, colonial expansion was the domain of intellectual elites who possessed the special talents for leading colonial subjects down the path of civilization. Precisely because of rather than in spite of its liberal elements, Mill’s was a decidedly anti-democratic imperialism, thus excluding popular sovereignty from having any role in carrying out British imperial ambitions.<sup>10</sup>

Such a position might seem irrelevant in the larger scheme of things, but it is precisely in opposition to this aspect of liberal imperialism that we can best understand the ideology of democratic empire. Lacking a robust conception of popular sovereignty,

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<sup>9</sup> Mill, “On Liberty,” *On Liberty and Other Essays* (Oxford University Press, 1991), pp. 14-15.

<sup>10</sup> Mill, “Considerations on Representative Government,” *On Liberty and Other Essays*, pp. 264-265, 454.

an emphasis on liberal discourses alone cannot explain how U.S. expansionists constructed a popular constituency that demanded territorial expansion and then enlisted that constituency in the process of empire-building. Although liberal imperialism justifies colonial rule through the positive benefits that it confers to the colonized, it makes no pretense to democratic rule in the acquisition of new territory. In the ideology of democratic empire, conversely, democratic self-rule is not simply the *end* of imperial expansion, but is also its primary *means*. Rather than a centralized state or colonial administration, democratic empire casts “the people” in their sovereign capacity for self-government as the primary agent of colonial expansion. My central argument, then, is that settler-colonial discourses constructed the “sovereign people” as an imperial constituency who demanded territorial expansion as a necessary correlate of democratic equality and self-rule. As a result, American democracy was framed within a geographic and historical imaginary in which the vitality of democratic society rested on settler expansion and indigenous dispossession.

Among most imperial historians, democratic empire refers to “empires where all classes in the home territories share in the project of rule.”<sup>11</sup> The idea has perhaps been most forcefully advanced by the early twentieth century sociologist Franklin Giddings, who wrote, “The world has been accustomed to think of democracy and empire as antagonistic phenomena. It has assumed that democracy could be established only on the ruins of empire, and that the establishment of empire necessarily meant the overthrow of

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<sup>11</sup> Charles Maier, *Among Empires: American Ascendancy and its Predecessors* (Harvard University Press, 2009), p. 21. For this definition at work, also see Herfried Münkler, *Empires: The Logic of World Domination from Ancient Rome to the United States* (Polity Press, 2007), pp. 154-161.

liberty by a triumphant reign of absolutism.” Yet, Giddings argues that the modern era is “witnessing the simultaneous development of both democracy and empire,” resulting in the formation of a “democratic empire.” Throughout the nineteenth century, Giddings observed, the two most powerful nations on earth – Britain and the U.S. – became more democratic in their internal organization while expanding their boundaries through the acquisition of new territorial possessions. The basic principle of democratic empire is that as a nation establishes itself as “the nucleus of an empire” it can successively annex new territories and continue to be democratic. By reconciling colonial expansion with egalitarian principles, democratic empires govern acquired territories democratically while maintaining a strong imperial government.<sup>12</sup>

Although this basic understanding captures many key features, it tends to understand the impulse for democratic expansion within a theoretical framework of democratic responsiveness in which democratic empires expand because they are beholden to the demands of “the people” for land, liberty, and equality. That is, colonial expansion occurs because democratic-imperial states are responsive to the desires of popular constituencies for more territory. What I contest in this notion of democratic empire is its static understanding of “the people” as a bounded entity. Democratic theorists have recently argued that the idea of the people that underwrites modern theories of popular sovereignty is not an objective referent, an aggregation of individuals, or a culturally and territorially bounded entity but is rather a political process in its own right that involves a

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<sup>12</sup> Giddings, *Democracy and Empire* (MacMillan, 1900), pp. 3, 11. See Sandra Gustafson on Giddings, “Histories of Democracy and Empire,” *American Quarterly*, 59, 1 (March 2007), pp. 116-117.

dialectical interaction between citizens and institutions.<sup>13</sup> If so, then frameworks of democratic responsiveness fail to capture how the very process of settler expansion was involved in the construction of democratic citizens and democratic publics.

Understood in these terms, it is possible to see political enactments of “the people” as co-articulated with imperial ideology and institutional processes of expansion. If ideals of popular sovereignty are constructed through historical processes, then it should be clear that in the context of the antebellum U.S. the politics of settler expansion comprised a constitutive context that gives form to those very ideals. As a result, notions of democratic empire which view settler expansion as the product of popular demands for land, liberty, and equality are limited because they view the people as a bounded entity whose political claims and demands get translated into state policy. If democratic theories that see the people as constructed through historical processes are correct, then frameworks of democratic responsiveness necessarily fail to capture the dynamic relationship between settler expansion and popular sovereignty.

If we focus more directly on the concept of popular sovereignty, it becomes clear that democratic and liberal discourses stand in distinct positions in relation to empire. Whereas liberalism is about defining the scope and limits of political power, democracy has more to do with establishing the location of the sovereign in society.<sup>14</sup> Empire poses a set of problems to liberalism concerning the encroachment of power beyond its proper

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<sup>13</sup> Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Duke University Press, 2009). Paulina Ochoa Espejo, *The Time of Popular Sovereignty: Process and the Democratic State* (Penn State University Press, 2011). Lisa Disch, “Democratic Representation and the Constituency Paradox,” *Perspectives on Politics*, 10, 3 (Sept. 2012), pp. 599-616.

<sup>14</sup> Russell Hanson, *The Democratic Imagination in America*, p. 13.

constitutional limits as well as the violation of its universal assumptions. In dealing with these problems, liberal imperialists relied on strategies of exclusion that rationalized the imposition of colonial rule on colonized subjects in excess of the proper constitutional limits of sovereign power. However, empire poses a distinct set of problems to democratic discourse. Historically, democratic discourses have been less inclined to embrace a “universal constituency,” opting instead to locate popular self-rule in the distinct practices, identities, and cultures of local communities. The problem of empire from the perspective of democracy, then, is that expansion risks hollowing out the institutions and cultures of self-rule, diffusing the concentration of popular sovereignty in local constituencies across the vast spaces of territorial empire.

In the process of constructing the sovereign people as an imperial constituency, ideologies of democratic empire embraced the “constituent power” of the people as the authorizing force of territorial expansion. If constituted power refers to institutionalized political power ensconced in settled constitutional forms and delegated powers such as elected assemblies, judicial bodies, or executive offices, constituent power is the power to begin, end, or modify those institutionally delegated powers. More saliently for our purposes, constituent power entails the sovereign power of the people to constitute a new social and political order. As the source of political legitimacy in modernity, constituent power is necessarily superior to constituted power.<sup>15</sup> Read against the backdrop of the

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<sup>15</sup> The literature on constituent power is becoming increasingly large. My definition here draws on Edmund Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (Norton, 1989), p. 81. The best works on the topic remain Andreas Kalyvas, “Popular Sovereignty, Democracy, and the Constituent Power,” *Constellations*, 12, 2 (June 2005), pp. 223-244; and Antonio Negri, *Insurgencies: Constituent Power and the Modern State* (University of Minnesota Press, 1999).

American and French revolutions, constituent power is “co-original and coeval” with “the birth of the modern doctrine of popular sovereignty,” in which democracy comes to describe both processes of “popular foundings” and “collective acts of self-legislation.”<sup>16</sup>

In terms of this conceptual distinction, it is evident that frameworks of liberal imperialism (lacking a robust concept of popular sovereignty) and democratic responsiveness (viewing popular constituencies as stable and objective entities) both fail to capture how the constituent power of the people becomes the foundation of imperial authority. If claims to represent the people or speak on the people’s behalf in fact constitute “the people” as a popular constituency, as Jason Frank has shown, then efforts to enlist the people in the process of empire-building constituted the American people as an imperial constituency. That is, attempts to justify democratic expansion by invoking the demands of popular movements for land and liberty do not reflect some pre-determined constituency but rather shape the cultural boundaries of popular sovereignty as such. In this regard, the very definition of popular sovereignty, insofar political liberty requires a social and economic basis in the egalitarian distribution of land, comes to rest on processes of land appropriation.

The problem for democratic empire, then, is how do popular constituencies become imperial constituencies? Following James Tully, we might differently ask the question: in what sense does the constituent power of popular sovereignty become an imperial power? Constituent power, far from a neutral category of political experience, is an essential component of imperial authority in many modern democracies. In the modern

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<sup>16</sup> Andreas Kalyvas, “Constituent Power,” *Political Concepts: A Critical Lexicon*, Issue 3.1 (Winter 2013). Available at: <http://www.politicalconcepts.org/constituentpower/>.

international order, Tully notes, the “norm of democratization” has served to “legitimate the coercive imposition” of Western forms of politics, economy, and society on the non-West. This “imperial right” manifests itself in different ways whether we are talking about free trade imperialism and neocolonialism, which subjects colonized societies to economic dominance rather than formal political control or the indirect rule of exploitation colonies through colonial administration. In the context of settler societies such as Canada, Australia, New Zealand, and the U.S., imperial right has been vitally linked to democratic authority. With these forms of “replication imperialism,” the norms and institutions of modern democracy were built upon the eradication of indigenous cultural forms, which was achieved through indigenous dispossession.<sup>17</sup>

In its focus on constituent power and the construction of political constituencies, *Empire of the People* builds on though differs from Aziz Rana’s *Two Faces of American Freedom*. Rana’s contribution is an elaboration of the notion of “settler freedom” that captures the complex relationship between republican liberty and colonial exclusion in American constitutional development. Rana argues that the early American experience with settler colonialism established patterns of constitutional development such that the pursuit of republican freedom necessitated greater external exclusion of colonized subjects.<sup>18</sup> If Rana gives emphasis to constituted power, the narrative offered here

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<sup>17</sup> Tully, “The Imperialism of Modern Constitutional Democracy,” *The Paradox of Constitutionalism: Constituent Power and Constitutional Form*, edited by Loughlin and Walker (Oxford University Press, 2007), pp. 328-329.

<sup>18</sup> Aziz Rana, *Two Faces of American Freedom* (Harvard University Press, 2011). For other works that focus on the relationship between democracy and empire at the level of constitutional development, see Gustafson, “Histories of Democracy and Empire;” Daniel Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830* (University of North Carolina Press, 2005); Paul Frymer, “Building an American Empire: Territorial Expansion in the Antebellum Era,”

emphasizes the forms of authority that settlers have harnessed in claiming their powers to erect a new, democratic order on top of expropriated land. Rana focuses on how populist and republican legal principles issued in the legal exclusion of indigenous peoples from the principles of liberty and equality embedded in the constituted order, while largely neglecting to note that the creation of democratic society is itself an act of conquest.

My focus, therefore, is less on the legal hierarchies and constitutional structures that define American settler colonialism than on the social norms and habits of citizens that mark the boundaries of popular sovereignty. That is, I am concerned not just with normative commitments embedded in constitutional law, but also with the social norms and narratives that define “the people” as an imperial constituency. In making this distinction, I draw on the work of Sheldon Wolin, who notes that there are two dominant understandings of democracy in American thought: as a constitutional form and as a political culture. To understand democracy as a constitutional form is to view politics in terms of the construction of political institutions and the development of constitutional principles, while to speak of it as a political culture is to talk of politics in terms of norms, habits, customs, and symbols that animate the shared ethos of a political community. If the former locates the nation in the institutions that organize political community, the

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*UC Irvine Law Review*, 1:913 (Fall 2011); and Craig Yirush, *Settlers, Liberty, and Empire: The Roots of Early American Political Theory, 1675-1775* (Cambridge University Press, 2011). A growing body of work has also put emphasis on the role of empire in the development of the American state, putting particular focus on the growth bureaucratic capacities. See Stefan Heumann, “The Tutelary Empire: State- and Nation-Building in the 19<sup>th</sup> Century United States,” PhD Dissertation (2009), University of Pennsylvania; and Stephen Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century* (Cambridge University Press, 2010). Thus, while scholars have generally focused on the role of empire in constitutional development and processes of state-building, what is needed is an exploration of how democracy and empire were reconciled in American political culture.

latter finds the nation in its national character and cultural ethos.<sup>19</sup> The construction of a democratic community entails the founding act of setting up the political institutions that bind a collectivity as well as the ongoing cultivation of social practices and shared customs that make those institutions and membership in them meaningful. As Tocqueville famously noted, America is democratic less because of its formal constitution than because of the social conditions of citizens, which provides the firmer foundation for its constitutional form.

In reference to this distinction, it becomes clear that Rana's account of how settler ideologies "fused ethnic nationalism... and republicanism to combine freedom as self-rule with a commitment to territorial empire" resides solely at the level of constitutional development.<sup>20</sup> By placing democracy at a socio-cultural level – in what Tocqueville called the "democratic social state" – rather than solely at a constitutional level, I argue that we are in a better position to understand how deeply structures of settler colonialism have pervaded the very conceptual definition and social basis of modern American democracy. The relationship between settler expansion and American democracy rests at a deeper level than legally codified forms of exclusion. Settler colonialism produces the norms that define the identity of the sovereign people as such, and it acts as a "force that unifies, limits, and stabilizes the people within the metropole by employing violent forms of exclusion."<sup>21</sup> In spite of his assertion that settler colonialism establishes the political institutions and constitutional norms of popular self-rule, Rana fails to provide an account

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<sup>19</sup> See Wolin's essay "Tending and Intending a Constitution," in *The Presence of the Past; and Tocqueville Between Two Worlds* (Princeton University Press, 2001); esp. Chapters IX & X.

<sup>20</sup> Rana, *Two Faces of American Freedom*, p. 7.

<sup>21</sup> Neve Gordon, "Democracy and Colonialism," *Theory and Event*, 13, 2 (2010).

of how popular sovereignty has been conceptually defined through logics of settler colonialism.<sup>22</sup> By attending to the informal social basis of American democracy this dissertation better accounts for the ways in which settler expansion has constituted the identity of the sovereign people as an imperial constituency.

To further understand this, let us recall that in focusing on the location of the sovereign in society my objective is to trace how the politics of settler colonialism constructed popular constituencies as imperial constituencies, imposing boundaries around popular sovereignty in accordance with the dynamics of settler expansion. I invoke the phrase “location of the sovereign” here in two primary senses. First, it involves the question of the social location of sovereignty in the one, the few, or the many. In their attempts to assert the sovereignty of the people over monarchical and aristocratic forms of rule, American democrats saw settler expansion as a vital means of preventing the resurgence of Old World hierarchies in the New World. If what Tocqueville called the “democratic social state” meant a form of society defined by the absence of feudal hierarchies, widespread property ownership enabled by indigenous dispossession defined the very meaning of modern American democracy.

Second, it involves questions concerning the boundaries and geographic location of popular sovereignty. While we typically think of popular sovereignty as particular to a bounded territorial space, ideologists of democratic empire thought of popular sovereignty in much more expansive terms. During the revolutionary period, popular

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<sup>22</sup> Ultimately, Rana argues that American republicanism “politically entailed” settler colonialism, ignoring the fundamental role of settler expansion in conceptually defining popular sovereignty. As the coda will explain in more detail, this limitation of his account derives from several methodological shortcomings that obscure the constitutive exclusions and foundational violence of democratic empire.

sovereignty was thought to be specific to particular settler communities, embodied in colonial and state legislatures. As the new republic expanded its borders across the trans-Appalachian frontier, however, settlers began to rethink the norms of democratic citizenship. In this new understanding of citizenship, settlers understood popular sovereignty as inhering not in a specific colony or territory, but in a body of people who have removed themselves from the settled societies of the eastern seaboard to establish new communities in the western territories. In bearing their sovereignty across space through westward migration, settlers saw popular sovereignty as a trans-territorial feature of a broader national community, which inhered not in specific territories but in the continent as a whole. The national sovereignty of the people, therefore, was forged through processes of settler expansion. In conceiving of the location of popular sovereignty in this way, democratic expansionists came to rely on strategies of exclusion that defined the boundaries of popular sovereignty through the disavowal and elimination of indigenous sovereignty as having any legitimate claim to New World territory.

### **Settler Colonial Strategies of Exclusion**

Beyond the focus on popular sovereignty, the distinction between liberal imperialism and democratic empire can also be understood by paying attention to the distinct colonial formations that both ideologies seek to justify. Mill himself distinguished between two different types of colonies in the British Empire. While some colonies “are composed of people of similar civilization to the ruling country; capable of, and ripe for, representative government” (e.g. settler colonies in Canada and Australia), others “are still at a great

distance from that state” (e.g. India).<sup>23</sup> Mill is making here what is now a widely recognized distinction between “settler colonies” and “occupation” or “exploitation colonies.”<sup>24</sup> If exploitation colonies rely on either the extraction of valuable resources or the exploitation of indigenous labor, settler colonies are characterized by the expropriation of indigenous land.<sup>25</sup> Concomitant with the “mass transfer” of European populations across space, settler colonialism is marked by the “demographic takeover” of

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<sup>23</sup> Mill, “Representative Government,” *On Liberty and Other Essays*, p. 445. For a further exploration of this in Mill’s writings, see Duncan Bell, “John Stuart Mill on Colonies,” *Political Theory*, 38, 1 (Feb. 2010), pp. 34-64. The distinction between these two types of colonies was a persistent feature of nineteenth-century British discourse on imperialism and colonialism. See Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860-1900* (Princeton University Press, 2009); and Tadhg Foley, “An Unknown and Feeble Body: How Settler Colonialism was Theorized in the Nineteenth Century,” *Studies in Settler Colonialism: Politics, Identity, and Culture*, edited by Bateman and Pilkington (Palgrave-MacMillan, 2011).

<sup>24</sup> The distinction between these two types of colonies first emerged in the work of D.K. Fieldhouse, *The Colonial Empires: A Comparative Study from the Eighteenth Century* (Weidenfeld and Nicholson, 1966). Within the category of settler colonies, Fieldhouse made three further sub-divisions: “pure settlements” (the large-scale elimination of the indigenous population), “mixed settlements” (inter-racial mixing between settlers and the indigenous population), and “plantation colonies” (reliance on imported, coerced labor). Whereas Fieldhouse’s categories were largely based on empirical observations of demographic patterns, George Fredrickson has further updated this classificatory scheme as a set of ideal types highlighting distinct relations of colonial domination. For both, “occupation colonies” are marked the governance of indigenous populations by a small group of colonial administrators, whereas settlement colonies are marked by the reproduction of European society in a new geographic space; “Colonialism and Racism: The United States and South Africa in Comparative Perspective,” *The Arrogance of Race: Historical Perspectives on Slavery, Racism, and Social Inequality* (Wesleyan University Press, 1989).

<sup>25</sup> Although still relatively small, the theoretical and empirical literature on settler colonialism is growing. Patrick Wolfe established this basic framework in *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (Continuum, 1999). For other key works, see Caroline Elkins and Susan Pedersen, *Settler Colonialism in the Twentieth Century* (Routledge, 2005); Daiva Stasiulis and Nira Yuval-Davis, *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity, and Class* (Sage, 1995); Lynette Russell, *Colonial Frontiers: Indigenous-European Encounters in Settler Societies* (Manchester University Press, 2001). Andrea Smith, “Queer Theory and Native Studies: The Heteronormativity of Settler Colonialism,” *GLQ*, 16, 1-2 (2010), pp. 41-68; Mark Rifkin, *Manifesting America: The Imperial Construction of U.S. National Space* (Oxford University Press, 2009); Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (University of Minnesota Press, 2007). Along with Bruyneel, Lorenzo Veracini has done the most to reconceptualize settler colonialism in the categories of political theory; *Settler Colonialism: A Theoretical Overview* (Palgrave-MacMillan, 2010).

indigenous land.<sup>26</sup> In settler regimes, colonialism is woven into the very fabric of a society's culture and politics. Rather than a singular event, colonialism is the condition of political life in settler societies, structuring its basic institutions and value systems.

In the first and most basic instance, settler colonialism entails the outward migration of settlers from a metropolitan center to establish colonial outposts on the periphery of empire. Settler regimes expand through the replication of metropolitan cultures and institutions in new territory. Settlers seek to make that space familiar by importing their own customs and social relations. Although they are replications of metropolitan societies, settler colonies necessarily exist as distinct and separate communities. Settler colonialism thus proceeds through the removal of a fragment of the metropolitan population who abandon the old order so as to constitute a new and separate political society, giving rise to “founding cultures” and “new world imaginaries” that both continue and break with metropolitan cultures.<sup>27</sup>

In creating new societies in a new political space, settler colonists always have to deal with pre-existing orders and identities that occupy and inhabit that space. In grappling with this problem, settlers rely on conquest as the primary means of land appropriation. In the most simplistic sense conquest is the coercive acquisition of territory. According to the right of conquest embedded in seventeenth and eighteenth century international law, superior military strength confers a just title to rule over newly acquired territories

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<sup>26</sup> Ian Tyrrell, “Beyond the View from Euro-America: Environment, Settler Societies, and the Internationalization of American History,” *Rethinking American History in a Global Age*, edited by Thomas Bender (University of California Press, 2002), p. 170. James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo World, 1783-1939* (Oxford University Press, 2011).

<sup>27</sup> Gerard Bouchard, *The Making of the Nations and Cultures of the New World* (McGill-Queen's Press, 2008), p. 14. Louis Hartz, *The Founding of New Societies* (Houghton Mifflin, 1969).

and subjects gained through force and violence.<sup>28</sup> At a more complex level, however, conquest is the “paradigmatic form of founding violence.” It enacts the erasure and elimination of a prior political order so as to make way for the constitution of a new regime. As a form of foundational violence, conquest institutes a “political and legal caesura” that ruptures and “interrupts political continuity,” creating an empty space in which to impose a new political order.<sup>29</sup>

Conquest is thus integral to settler colonialism. Distinct from the exploitation colonialism of the nineteenth-century French and British empires in which the relationship between colony and metropole was signified by the exploitation of indigenous labor, settler colonialism entails the elimination of the native and the expropriation of indigenous land. Also distinct from mass migrations in which migrants return to the home country, settlers come to stay. As such, “invasion is a structure and not an event.” Settler colonialism names more than an event or process concerning the creation of a new society; it denotes the structure of a society founded on conquest and the elimination of native modes of life.<sup>30</sup> Settlers are, in the words of Lorenzo Veracini, “founders of political orders who carry their sovereignty with them.”<sup>31</sup> In settler regimes, colonial expansion operates through the constituent power of settlers to establish their sovereignty on top of an expropriated land base. As a form of constituent power, settler

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<sup>28</sup> Sharon Korman, *The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice* (Oxford University Press, 1996), pp. 8-10.

<sup>29</sup> Yves Winter, “Conquest,” *Political Concepts: A Critical Lexicon*, Vol. I (Dec. 2011). Available at: [http://www.politicalconcepts.org/2011/conq\\_term\\_empire\\_uest](http://www.politicalconcepts.org/2011/conq_term_empire_uest).

<sup>30</sup> Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology*, pp. 1-2.

<sup>31</sup> Lorenzo Veracini, *Settler Colonialism*, p. 3.

colonialism entails the foundational violence of conquest in which the elimination of old cultures and identities enables the consolidation of a new political order.

It is clear here that liberal imperialism and democratic empire rely on distinct strategies of exclusion. If liberal-imperial strategies of exclusion focus on justifying the continued exploitation of indigenous labor and the rule of colonial administration, the strategies of exclusion in democratic empire are oriented toward rationalizing indigenous dispossession and land appropriation.<sup>32</sup> In its focus on land appropriation, settler strategies of exclusion revolve around what Patrick Wolfe calls the “logic of native elimination” in which a “new colonial society” is erected “upon an expropriated land base.”<sup>33</sup> Although they greatly vary, ideological rationalizations of such processes center on strategies of colonial disavowal, which involve attempts to disavow an indigenous presence by casting the land as “empty” or uncultivated, what in legal discourse is known as *terra nullius* (land belonging to no one). Other means of colonial disavowal involve narratives of the “vanishing Indian” in which settlers justified territorial expropriation by casting indigenous communities as retrograde and decaying societies, thereby loosening their sovereign claims over the land.<sup>34</sup> Fundamentally premised on the Lockean notions that indigenous communities lack advanced means of agricultural improvement and political modes of organization characteristic of modern European sovereignty, all such

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<sup>32</sup> Mehta, in *Liberalism and Empire*, highlights two strategies of exclusion in liberal imperial ideologies. *Civilizational infantilism* portrays the anthropological capacities of colonial subjects as infantile and immature. *Inscrutability* involves a refusal to engage India in its own political, cultural, and social context.

<sup>33</sup> Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research*, 8 4 (2006), p. 388.

<sup>34</sup> Carole Pateman, “The Settler Contract,” *Contract and Domination*, with Charles Mills (Polity Press, 2007). Jean O’Brien, *Dispossession by Degrees: Indian Land and Identity in Natick, Massachusetts, 1650-1790* (University of Nebraska Press, 2003).

strategies rest on the assertion of European superiority over the social forms of indigenous communities, and they all encourage the disappearance of indigenous societies to make way for a newer and more advanced form of society.<sup>35</sup>

Although “native elimination” is a harsh term that evokes images of physical genocide, indigenous dispossession need not necessarily proceed through physical extermination. Often times, mechanisms of forced removal and assimilation offer more ideologically consistent modes of native elimination. In a certain sense, indigenous assimilation was opposed to racially-exclusivist thinking because it acknowledged the mental and physical capacities of Indians to enter into and acculturate themselves to white civilization. Nevertheless, the basic idea of assimilation was that native modes of life were inferior to European forms of social and political organization. Assimilation thus appeared to white settlers as a means of offering the “gift” of civilization to Indians rather than a form of elimination. In any case, the intended and practical effect of assimilationist policies was the extirpation of indigenous land claims. In the case of native peoples, “democracy’s intolerance of difference has operated through inclusion as much as through exclusion. Some differences are absorbed rather than excluded.”<sup>36</sup>

Aside from the distinction between liberal-imperial and democratic-imperial strategies of exclusion, the dynamics of indigenous dispossession and the distinct modes of racialization they produce can be further understood in contrast to the forms of racial

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<sup>35</sup> My concern here with tracking racial ideologies focuses less on anthropological representations of the indigenous other than it does on spatial representations of American geography that empty the land of an indigenous presence. For a thorough account how anthropological and biological representations and other modes of racialist thinking sustained westward expansion, see Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Harvard University Press, 1981).

<sup>36</sup> Patrick Wolfe, “Race and the Trace of History,” *Studies in Settler Colonialism*, p. 275. Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism* (Cambridge University Press, 2004), p. 15.

slavery that also defined the antebellum period.<sup>37</sup> Although both highlight the way American settlers have constructed what scholars have variously called a “white republic,”<sup>38</sup> “*herrenvolk* democracy,”<sup>39</sup> or “racial polity,”<sup>40</sup> chattel slavery and indigenous dispossession represent distinct structures of colonial domination that rely on different practices of racialization. Perhaps the most salient example of this is how miscegenation laws operate differently for bodies that have been racialized through regimes of chattel slavery and those bodies racialized as indigenous through land expropriation. Regarding indigenous peoples, miscegenation laws allowed inter-racial mixing in order to encourage adaptation to white culture. No amount of assimilation, conversely, could remove the brand that slavery stamped on black skin. The distinction between these modes of racialization rests on a difference in the modes of colonial exploitation at work: with indigenous peoples, the relation of exploitation is focused on land appropriation; with racial slavery it is the extraction of value from labor.<sup>41</sup>

Historically, therefore, miscegenation laws have worked to assimilate indigenous peoples into white citizenship. Granting citizenship to natives (i.e. inclusion) is itself a form of colonization. This basic idea also finds expression in Tocqueville’s famous chapter on three races in *Democracy in America*. Tocqueville notes that while Indians could become white if they wanted to, no amount of acculturation would curtail the tide

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<sup>37</sup> It is important to iterate here that the distinctions I draw between indigenous dispossession and racial slavery do not necessarily map onto the distinction between liberal imperialism and democratic empire.

<sup>38</sup> Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth-Century America* (Verso, 2003).

<sup>39</sup> Joel Olson, *The Abolition of White Democracy* (University of Minnesota Press, 2004).

<sup>40</sup> Charles Mills, *The Racial Contract* (Cornell University Press, 1997).

<sup>41</sup> Patrick Wolfe, “Land, Labor, and Difference: Elementary Structures of Race,” *American Historical Review*, 106, 3 (June, 2001), pp. 866-905. Also see J. Kehaulani Kauanui, *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity* (Duke University Press, 2008).

of white prejudice against blacks. Tocqueville's observation points to the different regimes of exploitation. Whites, Tocqueville suggests, would accept Indians into their cultures because they want their land, not their labor. As long as indigenous individuals adopted institutions of private property and practices of liberal citizenship, settlers could appropriate indigenous land through legal means. By eliminating indigenous customs and culture, settlers understood that they could also eliminate indigenous land claims. Because racial slavery was focused on extracting value from labor, it sought the reproduction of the labor power of the slave as a form of capital investment.

### **Defining Democratic Empire**

One of the primary reasons that we fail to understand the imperial and colonial dynamics of the antebellum U.S. is that dominant conceptions of empire fail to capture the historical and conceptual specificity of settler colonial empires. Michael Doyle, for instance, defines empire as “a relationship, formal or informal, in which one state controls the effective political sovereignty of another political society. It can be achieved by force, by political collaboration, by economic, social, or cultural dependence.”<sup>42</sup> However elegant this formulation may be, it risks obscuring the distinctiveness of empires that expand through settler colonialism. Rather than the direct or indirect control of the political sovereignty of another society, what is at stake in settler forms of expansion is the elimination and disavowal of indigenous sovereignty.

Understood in these terms, the ideology of democratic empire is closer to what scholars have called a “settler empire,” which expands through the colonial replication of

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<sup>42</sup> Doyle, *Empires* (Cornell University Press, 1986), p. 45.

republican polities in distant territories and not the construction colonial dependencies. In settler empires, the spatial movement of migrants entails the displacement and replacement of indigenous sovereignties with settler sovereignty.<sup>43</sup> Whereas colonial empires expand through the direct control of the internal sovereignty of foreign dependencies, settler-colonial empires expand through the construction of “isopolitical” relations between settler communities that are equal and quasi-sovereign in their political status yet united in a broader federal union or commonwealth. In this mode of imperial organization, citizens of one polity retain their civic status in transferring to another polity or in constructing new civil societies on expropriated land.<sup>44</sup>

As a broad justification of settler-colonial expansion, there are four primary features of the ideology of democratic empire. First and most significantly, it contained conceptions of popular sovereignty and political liberty that privileged the active participation in and control of citizens over public affairs. In the most basic sense, democratic conceptions of popular sovereignty were affixed to frameworks of settler expansion by emphasizing the necessity of landed property for the cultivation of the norms, customs, and values of democratic citizenship. In a more complex sense, however, the ideology of democratic empire embraced the sovereign capacity of settler communities for popular self-rule as the primary engine of territorial expansion. In this imperial imagination, the popular sovereignty of settler communities was not conceived as being exclusive to a particular land or territory, but rather as a collective set of

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<sup>43</sup> Rana, *Two Faces of American Freedom*. Bell, *The Idea of “Greater Britain.”* Jack Greene, *Exclusionary Empire: English Liberty Overseas, 1600-1900* (Cambridge University Press, 2010).

<sup>44</sup> Veracini, *Settler Colonialism*, pp. 61-74.

capacities and rights that communities carried with them in migrating to distant territories. That is, sovereignty inheres in settler communities who undertake the labor and risk of expanding and migrating and not the geographic location of the settler community. In this broader ideological vision, settlers employed federalist discourses to articulate a new world conception of empire that expands through the power of settlers to constitute new political communities and then integrate into a territorial state.

Second, ideals of social equality, understood as a form of civic and economic egalitarianism divorced from the privileges of inherited social rank, stood at the center of the ideology of democratic empire. Insofar as popular sovereignty rested upon the broad diffusion of power throughout society, social equality buttressed democratic forms of popular self-rule by ensuring that citizens have an equal share of power over public affairs. Social equality did not entail a levelling economic equality of result, but rather the absence of aristocratic privilege and social values of deference and hierarchy. As with ideals of popular sovereignty, landed property was the basis of egalitarian society. In the context of an expanding political economy, democratic expansionists saw land appropriation as a means of guaranteeing social equality among citizens and thwarting the concentration of landed capital in the hands of the economic and political elite. Significantly colored by the “safety valve” theory of democratic expansion, the social basis of democratic order rested on landed expansion so as ensure the equal civic status of citizens.

Third, democratic empire was marked by an advanced commercial ideology that privileged the right of settlers to remove and migrate independent of centralized state

power. Clearly influencing British colonists, Blackstone famously defined personal liberty as the “power of locomotion, of changing situation, or removing one’s person to whatsoever place one’s own inclination may direct.”<sup>45</sup> In practical terms, this focus on migration and movement translated into a powerful commercial ideology that facilitated the mass transfer of metropolitan culture and capital across the trans-Appalachian west. While these conceptions of commercial liberty were certainly defined in opposition to protectionist policies of state control, they also embraced an egalitarian component in opposing the concentration of wealth and landed capital that hindered the spread of “democratic capitalism.”<sup>46</sup> The impulse for capitalist expansion in American democracy derived not just from economic interests but also from political-ideological dynamics that saw the spread of commercial markets as a means of ensuring democratic stability. What distinguished U.S. settler expansion from other forms of European expansion was how profits derived from colonial production were channeled into the creation of a new society and not back to the mother country.<sup>47</sup>

Fourth, the ideology of democratic empire fostered conceptions of time and space that provided a powerful ideological impulse for settler expansion. Democratic discourse in the antebellum U.S. upheld notions of historical progress and democratic providence that cast democracy as the highest stage of modern civilization. Spatially, these notions of civilizational progress translated into a normative commitment to territorial expansion as

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<sup>45</sup> Sir William Blackstone, *Commentaries on the Laws of England, Vol. I* (J.B. Lippincott Co., 1893 [1765]), p. 134.

<sup>46</sup> Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (Oxford University Press, 1992).

<sup>47</sup> Eduardo Galeano notes that while Latin American colonial economies were predominantly extractive, designed to funnel profits back to European economic centers, North American colonial economies were focused on developing and colonizing the continent; *The Open Veins of Latin America: Five Centuries of the Pillage of a Continent* (Monthly Review Press, 1973), pp. 146-147.

a means of ensuring democratic stability. Distinct from its ancient connotations of turbulence, democratic society acquired social and institutional stability from settler expansion, which propelled its historical progression from one stage to another. Politically speaking, these spatio-temporal assumptions produced hierarchical effects that divided the time and space of modernity into savage and civilized. Political orders are both spatial orders and temporal orders. Settler societies are ordered through a normative division of space that differentiates between societies that are organized according to modern democratic principles and those that aren't. Whether it is the removal of the indigene from civilized spaces or the transformation of the savage wilderness into civilized societies, American democracy encourages the normative division of space.<sup>48</sup> Settler societies are also ordered through temporal divisions in which both citizen and indigene are *tensed*. If the settler-citizen occupies the future tense of modernity and progress, the indigene stands for the past tense of savagery and nature. U.S. democratic identity thus coheres around a set of hierarchical and normative orderings that divide settler-citizens and indigenes along different temporal frames, each entailing a different "narrative tense of social belonging."<sup>49</sup>

### **Ideological History**

By tracing development of the ideology of democratic empire, this dissertation offers not an intellectual history of empire and colonization but rather an ideological history. In the fashion of Cambridge School techniques of discourse analysis developed by

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<sup>48</sup> Mills, *The Racial Contract*, pp. 41-42.

<sup>49</sup> Elizabeth Povinelli, "The Governance of the Prior," *Interventions: International Journal of Postcolonial Studies*, 13, 1, p. 83.

Quentin Skinner, the intellectual history of political discourse puts primary focus on the linguistic regularities and shared vocabularies that provide the context for the emergence of political values and ideas. The meaning of a text or idea is not uncovered through a close reading aimed at retrieving moral axioms about human nature or universal truths about political order but requires situating a text in its historical context. Drawing on speech act theory, such interpretive techniques emphasize the public legibility of political argument. Because political discourses are united by broader regularities in the vocabularies political actors use to influence politics, intellectual historians can uncover the intention of an author by examining the linguistic contexts that govern the formation of political arguments. Through contextualization, intellectual historians can illuminate the linguistic conventions that help us understand what an author or speaker was doing with a particular language.<sup>50</sup>

Although my approach to ideological history adopts many of these interpretive techniques, it also moves beyond these approaches to emphasize the sociological and material contexts of political ideology. Instead of focusing solely on discursive and linguistic contexts, Ellen Meiksins Wood argues for attention to the “deep structural contexts and long-term social transformations” that shape political thought and culture.<sup>51</sup> In its exclusive focus on political languages peculiar to a specific historical moment, Skinnerian approaches risk detaching consideration of the social conditions and economic processes from the discursive structures and linguistic contexts that shape political

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<sup>50</sup> Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *Visions of Politics, Vol. I* (Cambridge University Press, 2002).

<sup>51</sup> Wood, *Liberty and Property: A History of Western Political Thought from the Renaissance to the Enlightenment* (Verso, 2012), p. 30.

debate. This in turn restricts the range of historical contexts that account for the historical specificity of a given political discourse. Attention to how political values develop in relation to large-scale historical and social processes widens the range of contextual factors relevant to the formation of political ideologies.

A broader sense of what counts as relevant historical context is necessary if we are to pay attention to how material processes of settler colonization shaped the foundation of democratic society in the United States. Building on Wood's insights here, I argue that a more synthetic understanding of imperial ideology requires attention to the material and institutional processes of colonization that shaped the conceptual development of democratic values, as well as the ideologies and discourses of colonization that lend justification to those institutional and social processes. The two should not be broken down into a dichotomous binary like base and superstructure but should be seen as two moments of an integrated totality. To have a truly dynamic understanding of politics and culture, political development must be understood as "a continuous interaction between ideology and the material forces of history."<sup>52</sup> Without attention to how both aspects mediate each other in a dialectical fashion, we fail to account for the full range of historical contexts that govern the development of ideological constructs.

Within this contextual understanding of ideological history, the concept of ideology operates on two levels of analysis. At the simpler and programmatic level, ideological history involves tracing the conceptual lineages and discursive effects of "legitimizing constructs" that rationalize power relations and the construction of colonial hierarchies.

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<sup>52</sup> Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1890* (University of Oklahoma Press, 1985), p. 21.

In this sense, ideology is not simply a dogma or doctrine, but rather “the system of beliefs, values, fears, prejudices, reflexes, and commitments – in sum, the social consciousness – of a social group, be it a class, a party, or a section.”<sup>53</sup> Ideologies thus provide for the cohesion of groups in consolidating social power and governing authority. With this understanding in mind, this dissertation focuses on tracing the ideological development of democratic empire as a distinct mode of thought and culture, which in turn provided the discursive structures of justification within which settlers rationalized colonial expansion. Rather than incidental features of empire, these discourses and ideologies are constitutive of the very process of settler expansion.

At a deeper and constitutive level, ideologies are not simply instrumental constructs used to justify power and domination but actually structure consciousness and group identity.<sup>54</sup> In focusing on the role of ideology in constituting popular constituencies as imperial constituencies, this dissertation thus places emphasis on what Priscilla Wald calls “official stories,” authorizing narratives that emerge out of nationalist and popular movements and in turn “constitute Americans.” Such narratives – what Rogers Smith calls “stories of peoplehood” – provide the means by which individuals identify with the community they live in.<sup>55</sup> But such narratives are neither static nor monolithic because they change in relation to shifting material conditions and must therefore be refashioned

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<sup>53</sup> Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (Oxford University Press, 1971), p. 5. Saxton, *The Rise and Fall of the White Republic*, p. 142. On the implications of this for political theory, see Richard Ashcraft, “Political Theory and the Problem of Ideology,” *Journal of Politics*, 42, 3 (Aug. 1980), pp. 687-705.

<sup>54</sup> Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination* (Harvard University Press, 1992), p. 19.

<sup>55</sup> Wald, *Constituting Americans: Cultural Anxiety and Narrative Form* (Duke University Press, 1995), p. 2. Rogers Smith, *Stories of Peoplehood: The Politics and Morals of Political Membership* (Cambridge University Press, 2003).

and retold. Rather than isolated currents of political thought, settler colonial narratives were central to the ongoing re-definition of democratic identity and culture.

If ideologies refer to the beliefs and ideas that allow particular classes, groups, or parties to justify domination over other groups, then it is necessary to understand the specific class dynamics behind the ideology of democratic empire. In one of its original formulations, Karl Marx famously characterized the concept of ideology thusly: “The ideas of the ruling class are in every epoch the ruling ideas, i.e. the class which is the ruling material force of society, is at the same time its ruling intellectual force.” For Marx, “ruling ideas” both reflect “dominant material relationships” and rationalize exploitative relations of power and domination. Ideas and ideologies not only emerge out of concrete historical contexts, they also have discursive effects that provide justification for continued regimes of exploitation.<sup>56</sup>

While the capitalist classes of Europe dominated the working classes through the development of liberal-democratic ideals of bourgeois freedom, North America posed to Marx slightly different dynamics of ideological development. In more places than one, Marx claimed that the most highly developed state in the modern world was the United States. It was in America, Marx observed, that the modern state had most successfully combined commitments to social equality and political democracy with capitalist expansion in a single institutional framework.<sup>57</sup> Unburdened by rigid social hierarchies, political institutions in the U.S. embraced popular sovereignty, extensive suffrage, and social equality in a way that served rather than threatened capitalist expansion. Perhaps

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<sup>56</sup> “The German Ideology,” *The Marx-Engels Reader*, 2<sup>nd</sup> Edition, edited by Tucker (Norton, 1989), p. 172.

<sup>57</sup> “The German Ideology” (p. 187) and “On the Jewish Question” (p. 30), in *The Marx-Engels Reader*.

the primary reason for this was the role of expropriated land in grounding bourgeois democracy. Although classes certainly existed in the U.S., “they have not become fixed, but continually change and interchange their elements in constant flux.” For Marx, modern means of production have developed in America without the sharpening of rigid class distinctions. The reason, he speculated, was that the “stagnant surplus population” which typically drives down wages and fans the flames of class conflict has been siphoned off to the west through the promise of landed independence. Colonization thus prevented the formation of a fixed class structure. Instead of clashing with the “means of production,” the masses comprised a “youthful movement” aimed at making a “new world” in the west.<sup>58</sup> By suppressing class conflict through colonization, the sovereign people became an intelligible entity of political rule.

This dissertation thus explores how a sort of democratic-colonial ideology emerged from this process. The expropriation of indigenous land offered settlers a means of escape from the accumulation of misery plaguing the European working classes. This form of democratic expansion produced a distinctive political culture of empire and a powerful justification of indigenous dispossession. In antebellum America, liberal-democratic ideology was not the mode of thought of the industrial-capitalist elite. It was the product of a cross-class coalition with roots in mass society and the agrarian west, dominated by settlers who posed their own social conceptions as a form of national ideology. If we focus on the expropriation of land rather than the exploitation of labor,

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<sup>58</sup> Marx, “The Eighteenth Brumaire of Louis Bonaparte,” *The Marx-Engels Reader*, p. 602.

then the ideological apparatus of democratic empire centers not on the reproduction of exploitative labor relations but on justifying continued regimes of land appropriation.

Due to the relevance of its material and institutional contexts, the ideological development of democratic empire also closely aligns with partisan dynamics. Drawing on British ideological precedents and colonial discourse, the Federalist coalition during the constitutional period first articulated an imperial identity for the new nation.

Although Federalist thought largely rejected the language of democracy as a suitable expression of imperial ambitions, the Republican coalition under Jefferson and then the Democratic coalition under Jackson articulated democracy and empire together in a single national ideology. As the Democratic Party splintered into pro- and anti-slavery factions after the close of the Mexican War in 1848, the Free Soil Party and eventually the Republican Party connected the project of democratic expansion to an anti-slavery and free labor agenda. By grounding their claims to rule in settler political culture, these partisan regimes offered compelling visions of national identity rooted in the ideology of democratic empire. Partisan conflicts in these episodes of political development did not just reflect underlying ideological conflicts but also significantly structured them. Since ideologies always exist in concrete institutional contexts, the shifting dynamics of partisan coalitions play a significant role in shaping American ideological history.

### **Empire and Exceptionalism**

The failure on the part of scholars to fully address the historical and conceptual specificity of American ideologies of empire tends to reinforce narratives of American exceptionalism. For Donald Pease, American exceptionalism is woven into the fabric of

U.S. imperial ideology such that the two are largely indistinguishable. In order to situate the study of American political culture in a global rather than national context, Pease proposes what he calls the “comparative analysis of imperial state exceptionalisms” to uncover how politics and culture coalesce into larger imperial ideologies without reinforcing the sense of American development as an “exception” to the norm of European imperial state development.<sup>59</sup> Edward Said accurately captured the impetus behind such comparative analysis: “Every single empire in its official discourse has said that it is not like all the others, that its circumstances are special, that it has a mission to enlighten, civilize, bring order and democracy, and that it uses force only as a last resort.” That is, every imperial state formation propagates a vision of itself as exceptional. Said both refutes the notion of American exceptionalism and highlights that “discourses of exceptionalism are part of the discursive apparatus of empires themselves.”<sup>60</sup>

Exceptionalist discourses occupy a central position in the ideology of democratic empire. As demonstrated throughout this dissertation, the ideology of democratic empire hinges on a norm/exception structure of justification that operates on two levels of analysis.<sup>61</sup> On one level, the ideology of democratic empire portrays U.S. territorial and economic expansion as a benevolent and consensual process that occurs through the spread of American culture and commerce. Coercive and violent processes of war and conquest are then cast as exceptions to the general rule of democratic empire. On another

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<sup>59</sup> Pease, “American Studies After American Exceptionalism? Toward a Comparative Analysis of Imperial State Exceptionalisms,” *Globalizing American Studies* (Chicago, IL: University of Chicago Press, 2010).

<sup>60</sup> Said, *Orientalism* (Random House, 1979), p. xxi.

<sup>61</sup> Cf. Partha Chatterjee, *Lineages of Political Society: Studies in Postcolonial Democracy* (Columbia University Press, 2011), pp. 8-11.

level, the ideology of democratic empire juxtaposes a democratic imperial imaginary to a despotic imaginary characteristic of the Russian, British, French, and Spanish empires also vying for control of the Americas. Because the United States expands through culture and commerce rather than war and conquest, it is considered to be an exception to the norm of European imperial development and thus exempt from the laws of history that dictate the decline of all earthly empires.

In this view, the democratic principles that govern the internal organization of the political community represent the core meaning of the American political tradition, while the exclusions and hierarchies imposed on colonized subjects represent aberrations to dominant currents of political culture. To complicate this understanding, I employ what Said calls a “contrapuntal reading” to highlight how the exceptions of democratic empire constitute its norm.<sup>62</sup> Such a mode of analysis involves juxtaposing the democratic principles of liberty and equality animating the self-rule of the American republic to the practices of empire-building and settler expansion that engendered hierarchies of indigenous dispossession. The purpose of contrapuntal analysis is to illustrate how democratic ideals and values were locked in a mutually constitutive relationship with discourses and practices of settler conquest. By juxtaposing the internal principles of democratic self-rule that govern the domestic politics of the nation with the external spaces of the colonial frontier, contrapuntal analysis captures democratic empire in the process of its political, social, and ideological formation.

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<sup>62</sup> Edward Said, *Culture and Imperialism* (Knopf, 1993).

Although I focus on the ideological development of democratic empire in the U.S. context, I have no intention of presenting the American experience with empire as unique or exceptional. One can find parallels with this ideological configuration by putting democratic empire in a transnational and comparative perspective. Perhaps the most obvious point of comparison is the British Empire of the nineteenth century, not in the exploitation colonies of Africa and Southeast Asia but in the settler colonies of Canada, Australia, South Africa, and New Zealand. The experiences of the British Empire after the rebellions of Lower and Upper Canada, partially in an attempt to thwart a repetition of the American rebellion, led British colonial architects to integrate democratic principles and imperial frameworks of rule in the Durham Report of 1838. The outcome significantly mirrored the American framework of combining territorial expansion with democratic self-rule in settler colonies.<sup>63</sup>

Beyond Anglo-settler-states, one sees profound similarities in the role of frontier discourse in the formation of liberal-democratic ideology in South America. In his classic work of Latin American literature, *Facundo*, Domingo Faustino Sarmiento illustrated how the division between civilization and savagery boldly colored the hue of Argentine federalism in the nineteenth century. The ideology of the frontier exemplified in Frederick Jackson Turner's "frontier thesis" had wide resonance throughout the

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<sup>63</sup> One would not be far-fetched to say that the organization of the British Commonwealth – what Duncan Bell has called “the idea of Greater Britain” – is a distinctive version of democratic empire; Bell, *The Idea of Greater Britain*, ch. 9. John Manning Ward, *Colonial Self-Government: The British Experience, 1759-1856* (University of Toronto Press, 1976). To clarify, my claim here is that although the British occupation of India and other exploitation colonies follows the logic of liberal imperialism, British presence in settler colonies such as Canada and Australia closely adheres to the logic of democratic empire. The distinction between democratic and liberal empire, therefore, should be taken not as a rigid classificatory schematic, but rather as a distinction between different modes of colonization within a single imperial formation.

Americas, North and South.<sup>64</sup> In contrast to the American experience, frontier expansion in Russia led not to an economic system based on free labor or a robust democratic ideology but instead to the consolidation of a feudal empire.<sup>65</sup> My broader comparative gesture here is to suggest that the ideology of democratic empire is most likely to be prevalent in settler polities wherein self-constituted republics on a local scale expand by self-replicating across space. Nevertheless, settler ideologies of democratic empire are not exclusive to Anglo-settler states, and settler empires do not always rely on democratic ideals for their justification.

The similarities in these colonial ideologies stem from networks of “overlapping territories” and “intertwined histories” generated by global processes of expansion, commerce, and conquest.<sup>66</sup> As European empires fought over and traversed the globe, they spread their distinctive political cultures on a planetary scale. I must leave it up to other scholars to assess these comparisons and determine whether these other settler societies warrant the label “democratic empire,” but by reading the American experience against these other historical instances in a transnational context we greatly enhance our ability to pinpoint the historical specificity of the distinct ideological formation I seek to explore. Furthermore, as I will document extensively, there was a comparative

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<sup>64</sup> Sarmiento, *Facundo: Civilization and Barbarism* (University of California Press, 2003). Turner, *The Frontier in American History* (Holt and Co., 1920). John Weaver notes that of all the South American republics, Argentina most approximated the political and economic conditions as well as the regimes of land-appropriation prevalent in the Anglo-settler colonies; *The Great Land Rush and the Making of the Modern World, 1650-1900* (McGill-Queen’s Press, 2003), pp. 13-17. A recent group of scholars has similarly explored how narratives of the frontier throughout the Western hemisphere provided powerful ideological frameworks for justifying colonial expansion; Maybury-Lewis et al., *Manifest Destinies and Indigenous Peoples* (Harvard University Press, 2009).

<sup>65</sup> Peter Kolchin, *Unfree Labor: American Slavery and Russian Serfdom* (Harvard University Press, 2009).

<sup>66</sup> Said, *Culture and Imperialism*, p. 3.

dimension built into U.S. imperial ideology. The presence of other empires in the political space of the New World forced democratic expansionists to tacitly compare U.S. imperial power with that of other imperial states that shared the same expansionist ambitions and posed challenges to U.S. claims for territorial sovereignty. Colonial development and its supporting ideologies are never insular processes, but develop in relation to each other.

### **Chapter Outline**

The argument in this dissertation proceeds through three primary phases. The first phase charts the ideological origins of democratic empire in the colonial and founding periods of American history. Chapter one focuses on debates about the proper balance between colonial authority and imperial sovereignty during the Imperial Crisis. It further establishes that the conflict between colonial settlers and metropolitan authorities was largely a debate over the proper terms and conditions of imperial organization. Understood in this way, the American Revolution was in key respects an attempt by settlers to lift barriers that metropolitan authorities imposed on westward expansion. The fundamental point that settlers made in these arguments was that barriers to settler expansion subjected the colonies to the metropolitan center in a way that cast them as colonial dependencies. In response, settlers articulated an alternative vision of imperial expansion in which the constituent parts of empire were equal rather than dependent entities. The chapter goes on to argue that the Northwest Ordinance of 1787 institutionalized a new world conception of empire that privileged the equality of quasi-sovereign settler communities over notions of empire organized around the governance of

colonial dependencies. In spite of the central principles of equality at the center of this new notion of empire, the Ordinance encouraged the further dispossession of indigenous communities as a necessary feature of republican expansionism.

Continuing this line of analysis, the second chapter examines the relationship between democracy and empire in the constitutional debates. Although federalists during the constitutional period fused popular sovereignty and imperial sovereignty in a single institutional framework, democratic principles occupied an ambiguous role in this new vision of empire. For many Federalists during the constitutional debates, democracy represented the primacy of settler sovereignty over the authority of the imperial state, and thus posed serious obstacles to federalist visions of a stable though expansive republic. Exemplified in ongoing frontier conflicts, the primacy of settler sovereignty at the local level over national authority was ultimately antithetical to federalist visions of empire. As Jack Greene has noted, the Revolution continued rather than resolved the conflict between metropolitan authorities and provincial sovereignties in the new republic.<sup>67</sup> For this reason, the constitutional conflict between settlers and federalist elites mirrored the conflict between settlers and metropolitan authorities during the Imperial Crisis. Within the terms of this ideological conflict, the seeds of democratic empire were planted in the early years of the republic as Democratic-Republican societies along the frontier and Jeffersonian republicans began to fuse democratic visions of popular self-rule with national visions of settler expansion.

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<sup>67</sup> Greene, *Peripheries and Center: Constitutional Development in the Extended Polities of the British Empire and the United States, 1607-1788* (University of Georgia Press, 1986).

The dissertation then proceeds in the second phase to examine the ideological development of democratic empire from the Jacksonian period through the end of the Civil War. Focusing on the works of Alexis de Tocqueville, Ralph Waldo Emerson, John O’Sullivan, William Seward, and Walt Whitman, the three chapters of this section examine how emergent notions of democratic identity emerged in relation to imperial processes of war, conquest, and indigenous dispossession. The guiding thread across these chapters is a social and cultural conception of democracy – what Tocqueville called “the democratic social state.” All of these writers embraced a theory of political development that understood democracy not just as a form of constitutional government but more saliently as a form of culture and society that privileged popular sovereignty and social equality over feudal social arrangements. In this socio-cultural concept of democracy, settler expansion guarded against the resurgence of feudal land title in the New World by ensuring the primacy of civic equality in the context of an expanding and industrializing political economy. Regimes of settler colonialism and indigenous dispossession constituted the very foundation of American democracy by shaping the values, habits, and customs that defined the boundaries of popular sovereignty.

Chapter three traces how new conceptions of democracy expressed in Tocqueville’s *Democracy in America* acquired their conceptual coherence in relation to the politics of settler expansion and land appropriation. For Tocqueville, American democracy was defined by the double absence of feudal social arrangements and indigenous sovereignties. Insofar as American democracy conceptually emerged in reference to processes of native elimination, settler colonialism provided the very foundation of

democratic society. Chapter four expands this analysis to the writings of Emerson and O'Sullivan against the backdrop of the U.S. conquest of Mexico. While O'Sullivan presented a relatively conventional socio-economic argument in favor of imperial expansion, in which the acquisition of new land ensured the landed independence of democratic-settlers, Emerson recast this argument in the terms of transcendental and romantic philosophy. For both writers, the possible re-colonization of Texas and Oregon by Britain threatened to reinstate feudal land title, violating democratic principles of social equality and popular sovereignty. Chapter five examines similar themes in the politics of Seward, Whitman, and the free soil movement of the 1850s and 1860s. In the free soil politics of the period, the expansion of slavery represented a feudal threat to democratic equality. In response, free-soil democrats rearticulated democratic empire as a form of free labor empire that privileged egalitarian expansion over the oligarchic empire of slavery. In doing so, they also provided a powerful ideological justification of native elimination based on the construction of civilizational hierarchies.

While the previous two sections focus on official narratives and legitimizing constructs of settler expansion, the last section emphasizes the counter-narratives told by colonial subjects of democratic empire. Although the link between democratic conceptions of popular sovereignty and settler expansion were deep, colonized subjects of democratic empire spun counter-narratives of settler expansion which provided a broad ideological critique of democratic empire. The closing chapter examines the thought and politics of the Pequot Indian William Apess, who highlighted the prospects of de-constituting democratic empire, in effect challenging the boundaries and meaning

of hegemonic conceptions of democracy and popular sovereignty. In this way, he offered a compelling counter-history of democratic empire, illuminating the political possibilities that exist within the horizon of its rule. Instead of rejecting democracy and the American Enlightenment it sprang from as imperial conceit, he appropriated and revised antebellum notions of democracy and put them in service of forceful critique of settler expansion.

Apess's counter-narrative offered an ideological critique of narratives of democratic empire that obscure the foundational violence and constitutive exclusions that form the basis of U.S. political order. Through an imaginative appropriation of the basic terms and concepts of American democratic thought, however, he enlisted modern democracy in the struggle against settler colonial empire and in doing so transformed it into something that exceeds its original meaning. Apess's essential contribution to the tradition of anti-imperial democracy was to affix an element of cultural autonomy to prevailing frameworks of popular self-rule, thereby overcoming the homogenizing and assimilationist impulse of the American democratic tradition. Much more than a call for the recognition of cultural rights, Apess's assertion of cultural autonomy and political sovereignty meant undermining the sovereignty of the liberal-democratic state, exposing the foundational violence of modern American democracy in persistent regimes of settler colonization that are ideologically obscured in triumphal narratives of democratic expansion. By highlighting the foundational violence of democratic empire, Apess shows how the political foundations of American democracy rest on constitutive exclusions and forms of conquest that prevent the liberal-democratic state from ever claiming full legitimacy, sovereignty, and authority.

## Chapter One

### Infant Empire: The Ideological Origins of Democratic Empire

“To secure a conquest, it was always necessary to plant a colony, and territories, thus occupied and settled, were rightly considered, as mere extensions, or processes of empire.” Samuel Johnson, *Taxation No Tyranny*.

In conventional historical narratives, the birth of the United States represented an anti-imperial revolution. Reflecting such assumptions, one prominent historian has recently argued that the founding generation drew from the Roman experience to demonstrate the “incompatibility of republican order with imperial politics” and that the “establishment of the empire and the demise of the republic went hand in hand.”<sup>1</sup> Scholars largely agree that while France built an overseas empire on the basis of republican principles, American colonists cast their new republic as an “anti-imperial power.”<sup>2</sup> In this conventional view, the experiences of American colonists during and after the Seven Years’ War led them to take an “anti-imperial stance” that encouraged “active popular resistance” against the authority of the British Empire. Colonial leaders combined an abiding concern for individual liberty with a fear of public authority into a coherent anti-imperial and republican ideology that laid the foundation for the emergence of a radical, democratic culture in the nineteenth-century.<sup>3</sup>

Against this narrative, this chapter demonstrates that the republican foundation of the United States was by no means anti-imperial. Far from rejecting the legitimacy of empire

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<sup>1</sup> Herfried Munkler, *Empires*, pp. 154-155.

<sup>2</sup> Honohan and Jennings, “Introduction,” *Republicanism in Theory and Practice* (Routledge, 2005), p. 9.

<sup>3</sup> Alan Rogers, *Empire and Liberty: American Resistance to British Authority, 1755-1763* (University of California Press, 1974), pp. ix, 133. Gordon Wood, *The Radicalism of the American Revolution* (Random House, 1993).

as such, the revolutionaries and constitutional architects of the early republic planted the seeds of an independent empire that extended the dominion of Anglo colonists. Rather than setting limits to the expansion of U.S. sovereignty, the Revolution catalyzed the development of territorial and economic expansion by wresting control of western lands from metropolitan authorities and placing them under the power of an imperial state whose authority derived from popular sovereignty. Empire is not an aberration of an otherwise stable polity, but is internal to the historical construction of the American republic. Republican ideals and institutions developed alongside processes of territorial and economic expansion. Moreover, republican institutions were founded on the constitutive exclusions of slaves and indigenous polities from American citizenship, even as republican ideology authorized the racial violence of the colonial frontier.

In recent years, settler colonialism has emerged as a powerful interpretive framework for exploring the colonial and imperial dimensions of political and cultural development in Anglo-settler societies. What Veracini calls the “settler colonial situation” provides for a compelling interpretation of the American founding that illuminates how American revolutionaries affixed ideals and institutions of popular sovereignty to frameworks of imperial expansion.<sup>4</sup> For Veracini, settler colonialism is best understood in terms of a triangular framework that links the imperial metropolis, the settler colony, and indigenous communities. Each of these poles is best defined relationally. The relation between settler colony and imperial metropolis is characterized by the massive

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<sup>4</sup> Lorenzo Veracini, *Settler Colonialism*, pp. 1-16. Veracini also notes that the settler colonial situation is marked by a host of “exogenous others” such as indentured servants, slave populations, immigrant populations, and competing imperial powers.

population transfer of settlers from one territory to another. Settler communities are engaged in a process of importing metropolitan culture and customs to a distant territory and then implanting their sovereignty, culture, and jurisdiction in a new political space. At the same time, metropolitan authorities attempt to retain political and economic control over the colony, often by containing further expansion and regulating commerce in the colonies. The empire-colony relation is potentially marked by a relation of colonial dependence wherein metropolitan authorities curtail the rights and liberties of colonists in order to maintain imperial power. Such dynamics often instill in colonists the desire for separation, revolution, and independence.

The indigenous-settler relation, conversely, is marked by a cycle of colonial violence and indigenous resistance. Settlers seek to dispossess indigenous peoples of their native land through processes of purchase, labor, or conquest. One of the most effective means of asserting settler land rights was disavowing an indigenous presence in the New World. By holding land to be uninhabited or uncultivated or by deeming indigenous modes of political organization to be illegitimate, settlers employed a diverse array of colonial strategies of disavowal all aimed at displacing indigenous sovereignties. At the same time, the cycle of colonial violence and indigenous resistance spurred instability along the frontier, prompting metropolitan or national authorities to either contain settler expansion or facilitate a more orderly process of expansion that curtailed frontier violence. In order to retain their authority over settler colonies, imperial authorities engage in war, treaties, and negotiations with indigenous communities in order to secure territory for settlers while offsetting the potential for indigenous resistance.

While exploitation colonialism seeks the extraction of value produced by indigenous labor, settler colonialism focuses on the expropriation of land previously occupied by indigenous peoples and their extermination or incorporation into a new political order. In this way, settler conquest entails a form of foundational violence in which the construction of a new political order flowers on the decimation of prior identities, orders, and cultures. Settler colonialism is thus marked by the logic of native elimination, which manifests itself in the form of various colonial technologies aimed at appropriating land and extinguishing native title. On the one hand, settler colonialism might proceed through military conquest and outright physical extermination. But on the other hand, it might also proceed through attempts to assimilate and incorporate natives into the structures of modern American citizenship. Yet far from being diametrically opposed, these two technologies of elimination often proceeded alongside each other, both enacting the foundational violence of American democracy.

The triangular framework of settler colonialism highlights the doubly colonial aspect of early American political development.<sup>5</sup> On the one hand, settler colonialism in the

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<sup>5</sup> Although there is an emerging literature on the role of empire in early American political and cultural development, my account differs from previous scholarship by emphasizing the triangular framework of settler colonialism. For instance, Rana characterizes the role of empire in early American development in terms of a “constitutional politics of duality” in which free and independent citizenship for white settlers was articulated in relation to exclusive hierarchies imposed on subject populations; *Two Faces of American Freedom*, pp. 104-105. My interpretation also follows that of Craig Yirush, who outlines how colonial elites articulated “settler visions of empire” through the constitutional framework of the English common law. Nevertheless, where Yirush ends with the beginning of the American Revolution, my account here extends beyond the Revolution; *Settlers, Liberty, and Empire*, p. 19. Other important works include Karl Friedrich-Walling, *Republican Empire: Alexander Hamilton on War and Free Government* (University Press of Kansas, 1999); Mark Egnal, *Mighty Empire: The Origins of the American Revolution* (Cornell University Press, 1988); Francis Jennings, *The Creation of America: Through Revolution to Empire* (Cambridge University Press, 2000); Fred Anderson and Andrew Cayton, *The Dominion of War: Empire and Liberty in North America, 1500-2000* (Penguin, 2005); Robert Kagan, *Dangerous Nation: America's Foreign Policy from Its Earliest Days to the Dawn of the Twentieth Century* (Alfred A. Knopf, 2006).

British colonies and the early republic involved efforts to create an expansive empire without subjecting settlers to colonial dependence and the arbitrary power of metropolitan authorities. The architects of the U.S. constitutional state struggled to create an expansive imperial republic without reinstating hierarchical forms of rule that stripped settlers of their rights and sovereign capacity for self-rule. On the other hand, the early U.S. republic was colonial in the sense that settlers and imperial authorities alike sought to eradicate the land claims of the continent's prior inhabitants. Although early efforts at empire-building attempted to transfer the ownership of land from Indians to white settlers through legal frameworks of purchase and treaty, U.S.-Indian relations were indelibly marked by the logic of native elimination. In the development of the democratic-republican empire, local institutions of settler sovereignty and self-rule were closely linked to frameworks of indigenous dispossession and land appropriation.

The story of early American political development can largely be understood as a process by which a white settler colony became an expansive democratic empire. The experience with settler colonialism had a profound impact on the development of the American political tradition, specifically regarding the link between popular sovereignty and settler expansion. This chapter sets the stage for this argument by making three central claims. First, I argue that one of the driving factors of the American Revolution was the desire of settlers to abolish constraints on territorial and economic expansion. During the Revolution, dominant conceptions of liberty and equality in an extended polity were intricately linked to struggles to realize imperial visions in the western territories. Exemplified in Thomas Paine's call for independence and the location of

*imperium* in “the people” rather than the monarchy, Americans reconciled empire with popular sovereignty through frameworks of settler colonialism.

Second, I account for how American colonists developed a distinctive conception of empire that served as a productive force in the development of early American political culture. This conception of empire had two central facets. One central ideal was a conception of republican liberty in which expansion was undertaken in pursuit of the common good rather than for private profits. Ideologies of market liberalism held that barriers to territorial expansion constituted unjustified restraints on economic freedom. The account offered here stands in contrast to the ongoing debates between “neo-republican”<sup>6</sup> and “neo-Lockean”<sup>7</sup> interpretations of the American Revolution. My wager is that American imperial ideology during the founding era is best understood not through attention to *either* republican *or* liberal traditions alone, but rather through their complex interaction. I thus challenge both neo-republican and neo-Lockean interpretations for largely ignoring the conceptual role of empire in the formation of the early republic. In many respects, the imperial dynamics of republican conceptions of liberty, equality, and popular sovereignty were rooted in the context of settler colonialism and an expanding political economy of agrarian capitalism in which independent farmers acquired social equality and economic prosperity on par with landed elites by selling surplus agricultural

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<sup>6</sup> J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton University Press, 1975), ch. XV; Gordon Wood, *The Creation of the American Republic, 1776-1787* (University of North Carolina Press, 1969); and Michael Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Harvard University Press, 1996).

<sup>7</sup> Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination*. Isaac Kramnick, *Republicanism and Bourgeois Radicalism: Political Ideology in Late-Eighteenth Century England and America* (Cornell University Press, 1990). John Diggins, *The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism* (Basic Books, 1984).

commodities in international and domestic markets. Viewed in these terms, ideologies of commercial liberalism and agrarian republicanism were equally indispensable to American visions of empire.<sup>8</sup>

Finally, I account for how the Northwest Ordinance of 1787 institutionalized a form of empire without colonial dependence. In their attempts to break free from the authority of the imperial metropolis, American settlers developed imperial self-conceptions that privileged localized self-rule and equality between the constituent units of empire as the hallmark of a new kind of democratic-republican empire. In this conception of empire, federalism emerged as a way of reconciling imperial frameworks of expansion with democratic-republican ideals of self-rule at the local level. By privileging the equality among states in relation to the national government, federalism also provided a means of reconciling conflicts between the imperial authority of the metropolis and the settler sovereignty of colonies and territories. Furthermore, the framework of federal imperialism outlined a process of expansion in which the sovereign capacity of settlers to found self-governing republics in the wilderness constituted the primary force of expansion. Rather than an alternative to empire, federalism combined imperial sovereignty with popular sovereignty in a single framework of territorial expansion.

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<sup>8</sup> I am certainly not alone in emphasizing the co-existence of liberal and republican traditions in American thought. On this point, I am indebted to a small group of scholars who have rejected the strict division between liberalism and republicanism and instead accounted for how the two underwrite each other. It should be noted, however, that none of these scholars have adequately located the concept of empire in the nexus between the two. Jeffrey Isaac, "Republicanism vs. Liberalism: A Reconsideration," *History of Political Thought*, Vol. IX, No. 2 (Summer, 1988), pp. 349-374. Mortimer Sellers, *The Sacred Fire of Liberty: Republicanism, Liberalism, and the Law* (NYU Press, 1998). Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns* (Cambridge University Press, 2008). Robert Shalhope, "Republicanism, Liberalism, and Democracy: Political Culture in the Early Republic," *The Republican Synthesis Revisited*, edited by Klein (American Antiquarian Society, 1992).

## Colonial Conceptions of Empire in British North America

In the midst of escalating global conflict over control of North America in the 1750s, British colonists began to confront questions about imperial organization that addressed the balance between the provincial sovereignty of settler colonists and the imperial sovereignty of metropolitan authorities. In these debates, settlers began to see the American colonies not simply as dependent appendages of the British Empire, but as a source of imperial power in their own right. One sees this colonial mindset forcefully at work in Benjamin Franklin's *Observations Concerning the Increase of Mankind* (1751), which articulated a vision of an expanding agrarian republic based on a simple empirical observation that proved to be strikingly accurate: the population of colonial America would continue to double every twenty years, ushering in a future in which "the greatest Number of Englishmen will be on this Side the Water." The central implication was that the abundance of open land led to the drastic increase of population in North America as well as to vast economic growth through the expansion of British markets. In Franklin's view, this would lead to a great "Accession of Power" to the British Empire. Such assertions significantly challenged dominant conceptions of empire wherein the colonial periphery served the core both politically and economically. Franklin reversed this formula and asserted that further colonization of the New World would make America and Britain equal partners in establishing global empire.<sup>9</sup>

Underlying Franklin's argument was the idea that the expansion of colonial dominion ensured political stability and the durability of settler institutions. John Adams made the

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<sup>9</sup> Franklin, "Observations Concerning the Increase of Mankind," in *Autobiography and Other Writings* (Cambridge University Press, 2004), edited by Houston, p. 220.

point explicit in his well-known interpretation of Harrington's *Oceana*. The only viable means of preserving "the balance of power on the side of equal liberty and public virtue" was to divide the land into small quantities so that the multitude may be in possession of landed estates. In doing so, the multitude will be brought into the balance of power and will be more likely to partake in the "care of the liberty, virtue, and interest" of the republic.<sup>10</sup> For Adams, the viability of a mixed republic rested on landed independence so as to keep a landless class of dependents from forming, who may seek to transform the structures of the prevailing order. Political stability and the security of individual liberty implied territorial expansion so as to make sure there was, in Franklin's words, "Room enough" for the easy subsistence of the agrarian citizenry. Franklin praised the statesman that "acquires new Territory, if he finds it vacant, or removes Natives to give his own People Room."<sup>11</sup> In Franklin's vision, the widespread distribution of cheap land prevented social instability and political discontent in the metropolis, which in turn depended upon native elimination and the disavowal of indigenous sovereignty.

Central for our purposes here is to understand that both Franklin and Adams affixed republican principles to commercial notions that embraced economic growth as an engine of continental expansion. A well-known feature of the neo-republican synthesis, most clearly expounded by Pocock, is that republican writers pitted their ideas of virtue against the twin systems of commerce and empire, which were thought to necessarily lead to corruption. In this view, republican thinkers privileged agrarian forms of economy because the independent subsistence drawn from agriculture buttressed the cultivation of

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<sup>10</sup> Adams to Sullivan, *Works of John Adams* (Little, Brown, & Co., 1850), Vol. IX, pp. 376-377.

<sup>11</sup> Franklin, "Observations," pp. 218, 220.

civic virtue. Corruption stems from the dependence of citizens on the will of others, and modes of economy premised on commercial exchange that facilitate this dependence are at the forefront of civic decay.<sup>12</sup> The continental expansion of commercial trade, however, was not necessarily antithetical to this agrarian vision. For Franklin, it was beneficial that “a considerable commerce may... subsist between us and our future... inland settlements,” even though “[m]anufactures are founded in poverty.”<sup>13</sup> While he found wage labor to be in violation of republican liberty, he did not think the same of commercial regimes of trade in which farmers sold their surplus crops to draw profit.

By the Seven Years’ War, due to the role of the colonies in the ascendance of British commerce, colonists began to see themselves not simply as equal partners in the imperial enterprise, but as the very foundation of British power. Franklin wrote in 1760, “I have long been of opinion that the foundations of future grandeur and stability of the British Empire lie in America.”<sup>14</sup> John Adams gave further voice to this sentiment. When empires decline, Adams held, “the empire of the world” transfers to another location further west. Based on Franklin’s calculations about its expanding population, Adams speculated that North America would become the last “great seat of empire.” But if the seat of empire was in the process of translation, then the current seat of empire was in decline. North America would not only step in to take its place, it would altogether

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<sup>12</sup> Pocock, *The Machiavellian Moment*, ch. XV.

<sup>13</sup> Franklin, *The Interest of Great Britain Considered, with Regard to her Colonies and the Acquisitions of Canada and Guadaloupe* (Philadelphia: William Bradford, 1760), pp. 15, 27.

<sup>14</sup> Franklin to Kames; January 3, 1760; *The Works of Benjamin Franklin, Vol. III* (GP Putnam’s Sons, 1904), p. 248.

suspend the historical succession of empires, inaugurating what Bishop Berkeley considered the fifth and closing act of the great human drama.<sup>15</sup>

These assertions about the rise of American global power drew on a medieval, historical trope inflected with a modern twist. The doctrine of *translatio imperii* held that the center of power and culture in the world was continually travelling westward. As one empire fell, the seat of global rule transferred to another state further west, a dominant power that carried history along the path of progress. Originating in the Orient and progressing through Greek, Roman, and European civilizations, the transfer of imperial rule would find its final resting place in Pacific Rim of the Americas, returning the seat of empire to its ancient origins and bringing the entire globe within its domain. In the modern political imagination, America was a space removed from the laws of history – the “land of the future,” as Hegel called it – a space unaffected by the past sedimentations of ancient empires. North America was the frontier of modernity, the site of a future political form that would transcend the depredations of the past.<sup>16</sup> The poet Joel Barlow gave voice to this view on the eve of the Constitutional Convention, imagining a world anxiously awaiting a new global order: “Till that new empire, rising in the west / Shall

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<sup>15</sup> “The Education of Mr. Adams” (1755), *Works of John Adams, Vol. I*, p. 23. See the final stanza of a poem in Berkeley’s collection, “Verses on the Prospect of Planting Arts and Learning in America,” *The Works of George Berkeley, Vol. II* (Boston: John Exshaw, 1784): “Westward the course of empire takes its way / The four first acts already past / A fifth shall close the drama with the day / Time’s noblest offspring is the last” (p. 444).

<sup>16</sup> G.W.F. Hegel, *The Philosophy of History* (Colonial Press, 1899 [1837]), p. 86. Anders Stephanson, *Manifest Destiny: American Expansionism and the Empire of Right* (Hill and Wang, 1995), p. 18.

sheathe the sword, the liberal main ascend / And, join'd... the scale of power suspend / Bid arts arise, and vengeful factions cease / And commerce lead to universal peace.”<sup>17</sup>

Standing in the way of Franklin’s vision of imperial republicanism were the French and Indians who thwarted the expansion of settlers. To secure his imperial vision, he tried to enact his ideas into law and policy in the Albany Plan of 1754, which sought to concentrate power in a colonial agency tasked with securing new lands and protecting settlers. The Plan stated that a “union of the colonies is absolutely necessary” for the “mutual defense and security” of colonial liberty. Securing liberty meant eliminating the obstacles to settler expansion that were stalling the economic progress afforded by the abundance of land. Significantly presaging the federal structure of the U.S. Constitution, the Plan called for Parliament to establish “one general government” under which each colony may be subsumed while still maintaining the liberties guaranteed by its present constitution. The plan was ultimately rejected by the Albany Congress, but it was one of the first sustained discussions of colonial unity in the colonies and it reflected the salience of colonial ideas about the rise of American power in the global order.<sup>18</sup>

The failure of the Albany plan proves how difficult it was to cultivate unity among the colonies. While Franklin and others continually sought to argue for the centrality of colonial unity, a powerful discourse circulating among imperial administrators also began to argue for the strict separation of the colonies and increased centralization in colonial

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<sup>17</sup> Barlow, *Vision of Columbus* (London: J. Stockdale, 1787), p. 169. Also see Jedediah Morse’s *The American Geography*, 2<sup>nd</sup> edition (London: J. Stockdale, 1792): “Besides, it is well known that empire has been traveling from east to west. Probably her last and broadest seat will be America” (p. 469).

<sup>18</sup> “Reasons and Motives for the Albany Plan of Union,” in Franklin’s *Autobiography and Other Writings*, pp. 238-241. Lafeber, *The American Age: United States Foreign Policy at Home and Abroad* (Norton, 1989), p. 14.

governance. Foremost among these administrators was Thomas Pownall, the governor of the Massachusetts Bay Colony during the Seven Years' War. Pownall's conception of a "civil empire" reinforced the image of Britain as an enlightened force for progress in the world. In the modern era, Pownall held that extensive trade relations and relations of equality exhibited in the settlement of the Americas were in ascendance over ancient empires in which "the power of the sword was the predominant spirit of the world." New forms of power arising from these global relations would replace relations of war, coercion, and force as the primary means of expansion: "the spirit of commerce will become that predominant power."<sup>19</sup> This change in the meaning of empire enabled the emergence of new imperial visions in which the brutalities of empire – conquest and domination – could be avoided and replaced with freedom, equality, and consent.

But Pownall was not hopelessly optimistic about modern progress. In the wake of the Treaty of Paris (1763), he observed a "new crisis forming" in imperial governance. His basic concern was with the question of how to uphold relations of free commerce without diminishing British imperial power. Contrasted with Franklin's vision of continental expansion, Pownall articulated a relatively conventional view of empire based on the core-periphery model in which profits and people circulated back and forth between metropolis and colony. What Pownall added to this model, however, is the stipulation that while profits were to flow back to the center, the interests and rights of colonists must be affirmed. To preempt colonial revolt, Pownall advised that the colonies should

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<sup>19</sup> Pownall, *The Administration of the Colonies*, 3<sup>rd</sup> edition (London: J. Dodsley, 1766), p. 3-10.

be considered not as “mere appendages of the realm” but as equal though dependent partners in the “commercial dominion of Great Britain.”<sup>20</sup>

The organizing concept at the center of Pownall’s program was unity. He contrasted a sense of imperial unity in which the different parts of the empire were united under the metropolitan government to colonial unity solely among the colonists, which he thought would inflame resistance in the American colonies. To adjudicate competing claims for legislative authority between the colonial assemblies and Parliament, Pownall called for a “Line of Demarcation” that separated the spheres of internal and external authority. His originality here was in establishing a middle ground between Tory proponents of undivided sovereignty such as William Blackstone and colonists like Franklin who argued for a form of divided sovereignty stemming from multiple sources of imperial authority. While the colonies were to retain sovereign authority with respect to internal matters, the metropolitan government had absolute sovereignty over all external matters of the empire such as war, treaties, and commerce.<sup>21</sup> Commerce was doubly important not simply because it bound the colonies to the metropolis, but also because it kept them “disconnected and independent of each other.” If the colonies were united only by commerce, which always flowed through the “common center” of the Empire, they were left with “no other principle of intercommunication” than that mediated by Britain.<sup>22</sup>

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<sup>20</sup> Pownall, *Administration of the Colonies*, pp. 27-28, 202.

<sup>21</sup> Greene, *Peripheries and Center*, p. 131. Blackstone asserted the supremacy of Parliament: “there is and must be a supreme, irresistible, absolute, uncontrollable authority, in which... the rights of sovereignty reside;” *Commentaries on the Laws of England, Vol. I* (J.B. Lippincott Co., 1893), p. 48.

<sup>22</sup> Pownall, *Administration of the Colonies*, p. 36.

If Pownall's model of empire relied on the dependence of the colonies on the metropolitan center, Franklin's model reflected a federalist conception of empire in which the constituent units of empire are not subordinated to a metropolitan center. One also sees this notion of empire at work in the writings of Steven Hopkins, Governor of the Rhode Island colony. Hopkins agreed with Pownall that the external rule of the empire superseded the internal rule of the colonies in matters of its proper domain. But he disagreed on what the proper balance of this power should be. For Hopkins, the "supreme and overruling authority" of Parliament does not trump colonial rights and sovereignty, which must be equal to those of metropolitan citizens. An "imperial state" such as Great Britain "consists of many separate governments each of which hath peculiar privileges," in which no superior part is entitled to make laws for lesser parts without their consent. Hopkins' imperial vision dispersed power among multiple centers, which maintained the proper balance between imperial authority and colonial liberty.<sup>23</sup> In this view, the federalist principle provided a means of constituting an empire that reconciled the rights of the colonial assemblies with the power and strength of an imperial state.<sup>24</sup>

Pownall's fears and reservations about imperial administration were directly prompted by the dilemmas of colonial rule arising from British victory in the War. Pownall held settler expansion and self-government to be the "indefeasible and

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<sup>23</sup> Hopkins, "Rights of Colonies," *Pamphlets of the American Revolution, 1750-1776*, edited by Bernard Bailyn (Belknap Press, 1965), pp. 510-512, 519. Sheldon Wolin, *Presence of the Past*, pp. 129-130.

<sup>24</sup> Max Savelle has noted that many colonial writers during the Imperial Crisis expressed a form of "imperial federalism" that integrated the political autonomy and internal sovereignty of the colonies into an imperial state by placing the colonies on a plane of equality with metropolitan legislatures; *Empires to Nations: Expansion in America, 1713-1824* (University of Minnesota Press, 1974), p. 28.

unalterable right” of the colonists.<sup>25</sup> After the War, however, Britain began to significantly curtail the right of expansion and consequently the right of self-government with the Royal Proclamation of 1763, which instituted by royal prerogative an imaginary line running down the Appalachians beyond which it was illegal to settle or speculate in lands.<sup>26</sup> In spite of the rise of ideas about free commerce, the Proclamation operated on mercantilist logics of containment motivated by several concerns such as the desire of imperial administrators to retain exclusive control of western trade routes and the imperatives of re-imposing order on the frontier after the war. Due to mounting indigenous resistance led by an Ottawa leader named Pontiac in 1763, limiting western lands to the near-exclusive use of indigenous tribes and tightly regulated trade was a more feasible policy than outright expansion, which faced forceful native resistance.<sup>27</sup>

British policy violated settler conceptions of liberty in several ways. By reserving western lands for indigenous tribes, the line effectively wrote indigenous land rights into law by executive fiat, rejecting the primary ideological basis of settler conquest. Because colonists perceived Indians as mostly wandering tribes, the Proclamation squandered the virgin land of the New World and defied the Lockean “common sense” that upheld the natural right of Anglo-colonists to add their labor to uncultivated “waste land.” The policy also clashed with settler notions of freedom of exchange and social equality. The mercantilist control of western trade routes required heavily garrisoned forts along the

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<sup>25</sup> Pownall, *Administration of the Colonies*, pp. 30-33, 54-55

<sup>26</sup> “The Proclamation of 1763,” *Documents of American History*, Vol. I (F.S. Crofts, 1946), pp. 47-50.

<sup>27</sup> Robert Williams, *The American Indian in Western Legal Thought: The Discourse of Conquest* (Oxford University Press, 1990), p. 234. Fred Anderson, *The Crucible of War: The Seven Years' War and the Fate of Empire in British North America* (Random House, 2007), pp. 535, 545. Gary Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (Penguin, 2006), pp. 67-70.

frontier. To fund colonial defense, British officials implemented a stamp tax that required all colonists to fund colonial security.<sup>28</sup> The policy maddened colonists whose notions of liberty upheld the dream of property holding and the escape from feudal society. In their own minds, they were being forced to pay for the restriction of their own freedom without their consent, and absent cheap land their own confinement to a lower social rank. Modern liberty in the American context thus had an expansionist tendency that embraced the spatial mobility of settlers as a necessary correlate of social mobility.

Colonial opposition to British containment was marked by the simultaneity of liberal and republican conceptions of liberty. The liberal facet of colonial opposition comes into direct view in consideration of the Quebec Act of 1774, one of the British policies that colonists referred to as the “Intolerable Acts,” which put further limits on settler expansion by incorporating the territory north of the Ohio River as part of the Quebec Province. The Act not only further thwarted the viability of settler land claims it also instituted a government ruled entirely by royal prerogative and the laws of Catholic religion. Doubly violating the deep links colonists drew between empire and liberty, in the eyes of English colonials the Act aligned the ethos of Catholic absolutism with discretionary limits on territorial and commercial expansion.<sup>29</sup>

In response, the First Continental Congress passed the “Declaration of Rights and Grievances” condemning the act. The Declaration evinced an abiding concern for the active and positive liberty of popular self-rule, the “right of the people to participate in their legislative council.” Participation was closely linked to a “right of representation”

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<sup>28</sup> Robert Williams, *The American Indian in Western Legal Thought*, pp. 238-241, 248-249.

<sup>29</sup> Hartz, *The Founding of New Societies*, p. 221-222.

in colonial assemblies that had full sovereignty over all matters of “internal polity.” In arguing that Britain was “restrained to the regulation of our external commerce,” the Declaration implied that issues of expansion and commerce within North America were matters of internal government and could not be regulated without consent of the governed. The Quebec Act thus violated the republican liberty of free and active citizenship and reinforced the artificial restraints imposed on the liberal freedom of commercial exchange and spatial mobility set in place by the Proclamation.<sup>30</sup>

At the center of these debates about the relationship between imperial sovereignty (*imperium*) and colonial liberty (*libertas*) was the question of “how a colony is constituted,” as one Tory loyalist put it.<sup>31</sup> That is, how a colony is peopled, planted, and maintained matters for understanding the balance between metropolitan authority and colonial rights. In engaging these questions, settlers connected their arguments for colonial self-rule to frameworks of settler colonialism through two key arguments. First, in transplanting themselves from England to America, they argued that they carried their rights and sovereignty with them. Central here was the idea of the common law, which settlers used to justify their claims that migration had not undermined their inherent rights as Englishmen. Settlers viewed English rights as derivative of England’s ancient constitution and a birthright that they were entitled to regardless of their place of residency. Second, colonists articulated a “labor theory of empire,” in which the energy

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<sup>30</sup> “Declaration of Rights and Grievances” (Oct. 14, 1774), *Journals of the Continental Congress, Vol. I* (Washington, DC: Government Printing Office, 1904), pp. 67-69, 72.

<sup>31</sup> Samuel Johnson, “Taxation No Tyranny,” *Political Writings* (Liberty Fund, 2000), p. 419.

expended in settling America guaranteed not just a right to property but also political rights on par with those subjects who remained in England.<sup>32</sup>

Perhaps the most forceful of these arguments came from Richard Bland, a member of the Virginia House of Burgess and delegate to the First Continental Congress. Against visions of empire united by the royal prerogative, Bland developed a federal vision of empire that reserved for the colonies a zone of internal autonomy not subject to royal prerogative. For Bland, this internal autonomy of the colonies stemmed from the fact that the inherent rights of colonists could not be abrogated or alienated merely by crossing the Atlantic.<sup>33</sup> Moreover, in the debate about the proper balance between “internal polity” and “external polity,” Bland argued that internal principles of government must be consistent with external practices of empire-building, ruling out the method of conquest as a just means of constituting colonies. He then employed this idea in a sustained defense of colonial rights against the royal prerogative.<sup>34</sup>

Bland elaborated his argument through a critique of Sir Edward Coke’s opinion in *Calvin’s Case* (1608), which asserted the royal prerogative in territories acquired by the conquest of infidels. Coke’s justification of the right of conquest drew a distinction between aliens and subject born people, the latter of which were entitled to the rights guaranteed under the English constitution. Within the category of “alien born,” Coke then distinguished between “friendly aliens” and “alien enemies.” He deemed that all non-Christian “infidels,” lacking the “law of God and nature,” are “perpetual enemies”

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<sup>32</sup> Alison LaCroix, “The Labor Theory of Empire,” *Common-Place*, 12 (April 2012), 3. Available at: <http://www.common-place.org/vol-12/no-03/reviews/lacroix.shtml>.

<sup>33</sup> Yirush, *Settlers, Liberty, and Empire*, pp. 174-175.

<sup>34</sup> Bland, “The Colonel Dismounted,” *Pamphlets of the American Revolution, Vol. I*, p. 320.

with whom there can be no peace. As a consequence, all territories acquired through infidel conquest are necessarily subject to the king's prerogative. Coke's judgment entailed that the very act of conquest eliminated the legal primacy of native laws and customs, giving the king free range to alter the laws of the conquered territory. As a result, both colonists and natives were equally subject to the king's arbitrary power.<sup>35</sup>

Due to the migration of Englishmen across the Atlantic, Bland contested that the colonies were founded on the rights and liberties of the English constitution, and that any colony so founded is inconsistent with the right of conquest. In making this claim, Bland demolished the defense of the royal prerogative by Tory jurists like Blackstone, Coke, and Bacon. Just as Coke likened "savage aborigines" to English settlers, Bland ingeniously asserted indigenous rights in service of a defense of colonial liberties. Francis Bacon agreed with Coke that "A country gained by conquest hath no right to be governed by English laws," barring the colonies from rights of self-government by virtue of the conquest of Indians. But Bland flipped this assertion on its head by positing that since Virginia has historically been governed by a royal charter consistent with the principles of the English constitution, the colonies cannot have been objects of conquest. Obscuring the colonial violence inherent in English settlement, Bland buttressed this contention with the observation that natives "were never fully conquered" but instead occupied their land according to terms set by treaties of mutual consent. By virtue of

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<sup>35</sup> *Calvin's Case*, 77 Eng. Rep. 397-398. Williams, *The American Indian in Western Legal Thought*, p. 200. Rana, *Two Faces*, p. 40. Blackstone agreed that in being acquired by the "right of conquest," the colonies were "distinct, though dependent, dominions" that were not subject to rights and liberties of the constitution; *Commentaries*, p. 107. For an excellent discussion of *Calvin's Case* and its implications for English imperial rule see Daniel Hulsebosch, "The Ancient Constitution and the Expanding Empire: Sir Edward Coke's British Jurisprudence," *Law and History Review*, 21, 3 (2003), pp. 439-482.

peaceful settlement, Indians “now possess their native laws and customs” with the same right as they did prior to colonization.<sup>36</sup> If native tribes were not conquered nations, the defense of the royal prerogative offered by Coke, Bacon, and Blackstone was void.<sup>37</sup>

Thomas Jefferson significantly expanded on Bland’s defense of colonial liberty in *A Summary View of the Rights of British America* (1774), which argued that the imposition of Norman feudal law in England and America had corrupted the Anglo-Saxon rights and liberties enshrined in the English constitution. In Jefferson’s view, feudal property law was virtually unknown in the early Saxon settlement of England: “Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, disencumbered with any superior.” Under the Norman Conquest, William the Conqueror and the Norman lawyers imposed feudal land tenure on England by articulating a right of conquest which subjected all land to the absolute dominion of the Crown.<sup>38</sup>

Through an imaginative historical revision, Jefferson placed the mythology of the Norman Yoke in service of colonists’ claims for political rights against royal prerogative.<sup>39</sup> The Anglo colonists were much like the Saxons, Jefferson wrote, who “left their native wilds in Northern Europe” to settle England under the auspices of the “universal law” of liberty. He posited that American territory is subject to the customary laws of the Anglo-Saxons instituted before the Norman Conquest rather than feudal

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<sup>36</sup> “The Colonel Dismounted,” pp. 319-320. Anthony Pagden, *Lords of all the World: Ideologies of Empire in Spain, Britain, and France c. 1500 – c. 1800* (Yale University Press, 1995), p. 77, 87.

<sup>37</sup> None of this entails that Bland meant to set limits to settler expansion. His renunciation of conquest as a title to rule only implied that external practices of expansion must follow a just policy that reflected the principles of consent animating the internal government of the colonies.

<sup>38</sup> Jefferson thought Bland’s argument were the most logical defense of colonial liberties at the time; August 15, 1815; *Works, Vol. XI*, p. 413. Jefferson, “Summary View,” *Works, Vol. II*, p. 84.

<sup>39</sup> Williams, *American Indian*, pp. 268-269.

law.<sup>40</sup> Jefferson's indication of the error in the nature of British land holdings and the King's failure to correct this error clearly echoed Franklin's *Observations*. The imposition of feudal land title in the colonies thwarted the settlement of new land and therefore checked the growth of the colonial population and economy.<sup>41</sup> Jefferson thus asserted the primacy of individual property rights and free commercial exchange in opposition to the Crown's dominion as essential to the growth of the colonial economy.

Perhaps more than Bland, Jefferson formulated a labor theory of empire as a means of opposing the royal prerogative alongside the assertion that English settlers retained their rights and sovereignty in settling the New World. According to Jefferson, "America was conquered, and her settlements made, and firmly established, at the expense of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual; for themselves they fought, for themselves they conquered, and for themselves alone they have right to hold."<sup>42</sup> Like Lockean views of property, Jefferson also defended colonial property rights against feudal land title by highlighting the work and risk that settlers undertook to colonize new land.

As shown by these political tracts, British colonists claimed the rights of self-government not in opposition to empire, but rather *as* citizens of the British Empire. The

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<sup>40</sup> Jefferson, "Summary View," *Works, Vol. II*, p. 64. Also see Jefferson's views on economic growth and the right of free commerce in his drafts to the "Declaration for the Causes and Necessity of Taking Up Arms;" *Works, Vol. II*.

<sup>41</sup> *Ibid.*, p. 85. Generally see Joyce Appleby, "The Social Origins of American Revolutionary Ideology," *The Journal of American History*, 64, 4 (March, 1978), pp. 935-958. Such an interpretation reinforces Wallerstein's view that the Imperial Crisis was largely the product of settler attempts to prevent the imposition of political-economic dependency status on the North American colonies; *The Modern World-System III* (Academic Press, 1989), ch. 4.

<sup>42</sup> Jefferson, "Summary View," *Works, Vol. II*, p. 64.

Imperial Crisis was in a basic sense, then, a disagreement over the “terms of empire.”<sup>43</sup> Consistent with federal visions of empire, the basis of the colonial challenge to British rule was that the colonies of the empire should have an equal part in parliamentary rule. Rejecting their status as dependent subjects, colonists claimed the rights of republican liberty and self-rule as imperial citizens. As such, they did not reject the legitimacy of empire as a political form, but rather saw it as consistent with prevailing notions of commercial society, republican liberty, and popular consent. Read in this light, the Revolution did not simply break the cords that bound colony to metropolis, leading to a new kind of anti-imperial republic. It represented the birth of what Washington called an “infant empire” that would step onto the world stage to challenge its parentage for the seat of global rule.<sup>44</sup> This new conception of empire acutely manifested itself in Thomas Paine’s *Common Sense*, which envisioned a new republic that expanded its power on the sole basis of popular sovereignty independent of monarchical authority.

Paine saw the formation of a “continental union” founded solely on republican authority as a cause of world-historical importance. Like the British Empire before it, the rising American empire presented itself as a driving force of the global diffusion of liberty and equality. As the seat of global empire was transferring to America, Paine thought that Britain was declining into despotism, instability, and corruption. Rather than an enlightened empire, the British Empire was, like Rome, crumbling into the ruins of an *ancien régime* soon to be swept away by the winds of progress. Unlike the Roman

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<sup>43</sup> Kagan, *Dangerous Nation*, p. 32.

<sup>44</sup> Washington, *A Collection* (Liberty Fund, 1988), p. 326.

Empire, which was founded on “plunder and rapine,” Paine asserted that America “needs never be ashamed to tell her birth, nor relate the stages by which she rose to empire.”<sup>45</sup>

The primary institutional form of the new imperial republic, for many in Paine’s intellectual circle, was federal in nature and operated over a great extent of territory through the representative principle. Richard Price, the dissident British thinker and champion of the Revolution, gave substance to his younger mentee’s vision of an expansionist republic by drawing a distinction between an “empire of freemen” and an “empire of slaves.” An “empire of freemen,” for Price, was a collection of states “united by compacts, or alliances, or subjection to a Great Council, representing the whole.” An “empire of slaves,” in contrast, is a confederation in which “one of the states is free, but governs by its will all the other states.” Like Paine, Price postulated that the spatial extension of republican principles would integrate “the scattered force and abilities of a whole continent” into a common power. However, if the British Empire’s decline into despotism stemmed from its attempt to rule an extensive territory by imposing the status of dependency on its colonies, the American empire instituted equality among the constituent parts of the empire.<sup>46</sup>

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<sup>45</sup> Paine, “The Crisis, XIII” (1778), in *The Writings of Thomas Paine, Vol. I* (G.P. Putnam’s Sons, 1906), edited by Conway, p. 371. Paine also chastised Britain who betrayed its progressive promise and inflicted so much suffering on the world; “The Crisis, II” (1778), *Writings, Vol. I*, p. 188. He was especially critical of British conduct in India, which he thought was “not so properly a conquest as an extermination of mankind,” (p. 248). For Paine’s views more generally on empire see Eric Foner, *Tom Paine and Revolutionary America* (Oxford University Press, 1976).

<sup>46</sup> Price, “Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America” (1778), *Political Writings* (New York: Cambridge University Press, 1991), pp. 25, 34-35. While Paine did not have this refined of a view of federalist government, the thought of his mentor, Price, clearly influenced his later writings on the subject such as *Rights of Man*.

If the terms of empire were truly the pivot on which the drama of the Imperial Crisis turned, then it is essential to locate Paine's call for independence in that context. By severing the bonds between Crown and subject, Paine's call for independence entailed that the people rather than the monarch be the sole wielder of imperial power. Prior to the Revolution, the territorial logic of *imperium* was closely tied to an *imperator* – a prince, monarch, or emperor who wielded territorial sovereignty. For Paine, however, imperial sovereignty inhered not in the monarchical state but was invested solely in popular sovereignty. As Paine was keen to point out, the authority of the people was the “original fountain of power” of any government. Alexander Hamilton nicely distilled Paine's imperial vision: “The fabric of the American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE.” In this framework, settlers themselves – organized under the tutelage of a federal-imperial state – rather than the Crown became the primary agents of territorial expansion.<sup>47</sup> By transferring *imperium* from the monarchy to the people, Paine's call for independence aligned imperial sovereignty with popular sovereignty, both of which were grounded in the consent of settler society.

### **The Federal State as Imperial State**

In certain variants of eighteenth century republicanism, liberty and empire could coexist, if at all, only uneasily. Edward Gibbon, for example, attributed one of the primary causes of Roman decline to the avarice of the nobles and the relentless pursuit of private gain through conquest and expansion. As private interest predominated over civic

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<sup>47</sup> See Paine, “The Crisis, VII” (1778), in *Writings*, Vol. I, p. 286. Hamilton, *Federalist* #22, p. 184.

virtue, “public freedom” was lost in proportion to the “extent of conquest.”<sup>48</sup> One of Paine’s main contributions to republican ideology was to reverse this supposition by conceiving of empire not in terms of corruption and the private pursuit of wealth and glory but as an essential feature of a stable republic. In this conception of imperial sovereignty, the territory of empire was the dominion of the governed rather than the exclusive domain of the monarch or aristocracy. True to the spirit of the commonwealth vision it spawned from, Paine’s republicanism promoted territorial and economic expansion in pursuit of the public good.

With the end of the war in sight and British hold weakening over western territory, the thorny question arose of whether Virginia’s title to the Ohio River Valley granted by its royal charter should be respected or if the land should be brought under the authority of the Continental Congress. Paine’s pamphlet, *Public Good: An Examination into the Claims of Virginia to the Vacant Western Territory* (1780), sought to answer this question by arguing that the subjection western territory to the authority of the confederation government was necessary for the common economic prosperity of the new nation. Directly referring to his position in *Common Sense*, Paine stated that the Northwest Territory should be a “national fund for the benefit of all” rather than a source of private profits. At once upholding popular rights to the land and erasing indigenous sovereignty, the “vacant western territory of America” was the “common right of all.” Paine was hard pressed to illuminate the precise nature of this “common right” and defend it against the partial claims of the land companies. In doing so, he held that all rights to territory by

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<sup>48</sup> Gibbon, *The History of the Decline and Fall of the Roman Empire, Vol. I* (Dublin: William Hallhead, 1776), p. 13.

“conquest, power, or violence” are “founded in wrong.”<sup>49</sup> The idea that America lacked an indigenous presence crucially supported Paine’s claim that the right of the people to the land was founded in justice. In this manner, the territorial claims of the common people to western territory were premised on the disavowal of indigenous land rights.

Paine’s arguments drew the ire of James Madison and Thomas Jefferson, who sought to retain the title of the Virginia-based Ohio Company. He also faced public humiliation when it was revealed that he owned three hundred shares in the Indiana Company, a competing land speculation corporation. “By locating sovereignty in the federal government, directly representing the people, Paine ensured that the Congress, and not Virginia or any other state, had jurisdiction over the western lands, thereby vindicating the claim of the Indiana Company.” In other words, if the Revolution initiated the transfer of imperial sovereignty from the Crown to “the people” (institutionalized in the national Congress), then it also entails the transfer of territorial sovereignty and thus absolute title to western land to “the people” as well. In spite of the clear self-interest at work, Paine’s views on the Northwest Territory laid the ideological foundation of the U.S. expansionism.<sup>50</sup> Less than ten years later, Madison reversed his position and stated that the west was a “national stock” of wealth that was essential to the economic prosperity, national security, and public welfare of the new nation.<sup>51</sup>

One of the first steps in casting the western territories as part of a national domain occurred in 1784 when Congress accepted Virginia’s cession of the Northwest Territory.

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<sup>49</sup> Paine, “The Public Good,” *Writings, Vol. II*, pp. 34-35, 61.

<sup>50</sup> Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge University Press, 1995), p. 92. John Keane, *Tom Paine: A Political Life* (Grove Press, 2003), pp. 220-221.

<sup>51</sup> Madison, “Federalist #38,” in *The Federalist Papers* (Penguin, 1987), p. 253.

At this point, Jefferson also reversed his original criticism of Paine and crafted the first of a series of land ordinances that provided the U.S. government with a framework of imperial government capable of pursuing an expansionist project. Jefferson's first land ordinance outlined the process by which the territories of the northwest should become self-governing, republican states. When their population reached 20,000, territories obtained the right to petition Congress to establish permanent constitutions and become part of the Union. In the ordinance, Jefferson established an integral institutional and ideological feature of the early American republic. Drawing on colonial conceptions of empire, Jefferson held that new states should not be subordinated to despotic rule from an imperial center as dependent parts of empire, but should enter the union on an "equal footing" with the original states.<sup>52</sup> That Jefferson considered the land ordinances a program of colonization is evident enough in his assertion that "[o]ur confederacy must be viewed as the nest, from which all America, North and South, is to be peopled."<sup>53</sup> Fixing his gaze on both the colonization of the Mississippi valley and South America, Jefferson envisioned the land ordinances as means of transplanting republican communities to distant territories. By granting rights and liberties to new states commensurate with existing states, the risk of separation and independence and thus imperial disintegration would be minimized.

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<sup>52</sup> "Ordinance for the Government of the Western Territory" (April 23, 1784), *The Documentary History of the Ratification of the Constitution, Vol. I* (State Historical Society of Wisconsin, 1976), edited by Jensen, p. 152. Similarly, a crucial part of Paine's argument for bringing western land title under the Confederation government was that settlers, as mere extensions of Virginia, would feel as though they were "aliens to the commonwealth" and thus dependent colonial entities lacking in national representation; Paine, "Public Good," *Writings, Vol. II*, p. 59.

<sup>53</sup> Jefferson to Archibald Stuart (Jan. 25, 1786), *Works, Vol. V*, p. 75.

In June of 1787 Congress passed the Northwest Ordinance, which replaced though retained the spirit of Jefferson's previous ordinance. More than any other law of the time, the Northwest Ordinance laid the basic framework of American empire in the nineteenth century. By integrating new states into the union on an "equal footing," the Ordinance institutionalized a framework of imperial federalism that rejected the model of the British Empire and instead incorporated new territories into federal sovereignty as free and equal states rather than as dependent entities.<sup>54</sup> The Ordinance "established an empire capable of indefinite expansion because it was conceived as a league of self-governing republics, immune to the possibility of despotic rule from the center because... it was ultimately a voluntary association"<sup>55</sup> The relations binding the constituent units of empire were not mediated by the circulation of commerce through the metropolis, but were characterized by decentralized networks of market relations. Republican conceptions of liberty dictated that territorial expansion should serve the common good and not the interests of a ruling elite or a powerful imperial center.

In key respects, settler colonialism was implicit in the institutional framework of the Ordinance. What fundamentally characterizes settler colonialism is how the constituent power of settlers to establish law and sovereignty becomes the organizing feature of colonial expansion. Article V of the Ordinance expressly captures this feature of settler colonialism in giving the settlers of the Northwest Territory the "liberty to form a permanent constitution and State government." More significantly, the Ordinance

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<sup>54</sup> "Ordinance for the Government of the Territory of the United States Northwest of the River Ohio" (July 13, 1787), *Documentary History, Vol. I*, pp. 168-174. Jack Greene, "The Imperial Roots of American Federalism," *This Constitution*, 6 (1985), pp. 4-11.

<sup>55</sup> Anderson and Clayton, *The Dominion of War*, p. 191.

mandated that these new self-constituted communities be organized as “republican” states, codifying a direct relationship between colonization and self-government in the law. As such, the Ordinance provided a framework for the colonial replication of republican polities. The Ordinance, however, does not allow settler communities to remain separate and independent from the federal government. Rather, it provides for the incorporation of settler colonies into a larger territorial empire on terms of consent and equality with other states. By unilaterally imposing the “principles of civil and religious liberty” on the organization of settler colonies, the Ordinance sought to preempt the threat of separation and independence. The Ordinance thus wrote the sovereignty of settler communities into the law by allowing for the transfer of the metropolitan status of colonists from the Eastern seaboard to the trans-Appalachian west. In doing so, it enabled settlers who emigrated to retain their standing in the civic community.<sup>56</sup>

Reflecting back on the tumult of the 1770’s, James Madison explicitly articulated the federal conception of empire as the driving force of independence: “The fundamental principle of the Revolution was that the Colonies were coordinate members with each other and with Great Britain, of an empire united by a common executive sovereign, but not united by any common legislative sovereign.”<sup>57</sup> While the Constitution significantly diverted from such a formula in having both a common legislative and executive sovereign, what is important is the way equality among the “coordinate members” of an extended polity is taken as a defining feature of a new vision of empire. The language of

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<sup>56</sup> James Belich, *Replenishing the Earth*, pp. 167-168.

<sup>57</sup> Madison continues: “The denial of these principles by Great Britain, and the assertion of them by America, produced the revolution;” *Writings*, Vol. VI, p. 373.

empire here significantly reflects that of federalism. In both, the vigor of a powerful executive capable of directing territorial and economic expansion co-exists alongside principles of popular sovereignty, equality, and liberty at the state and local level. Insofar as the constituent units of empire were co-equal and held checks over the executive sovereign, Madison heralded a new conception of empire that rejected relations of colonial dependence as the organizing feature of an extended polity. Rather than an “alternative to empire,”<sup>58</sup> American federalism represented a way of organizing and constituting a settler-colonial empire on the basis of popular sovereignty.

The equality among states in this federal conception of empire mirrored the equality among citizens. With this conception of “federal liberty,” the process by which individuals relinquish some of their “natural liberty” before government in order to ensure just and equal protection by the laws parallels the process by which states resign some of their internal sovereignty for the sake of the common defense of individual liberty. Just as each individual citizen is granted juridical equality and the equal rights of citizenship, each state is given federal equality before the national government.<sup>59</sup> Both of these notions, however, were based on forms of exclusion and hierarchy that provided the material basis of the imperial republic: the expropriation of indigenous land and the expansion of slave labor.

Upon a cursory glance, the legacy of the Ordinance with regard to slavery appears unambiguous. The sixth and last article of the law explicitly prohibited involuntary servitude in the Northwest Territory. But as legal historian Paul Finkelman has argued,

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<sup>58</sup> William Riker, *The Development of American Federalism* (Kluwer, 1987), p. 131.

<sup>59</sup> See James Wilson’s speech (Nov. 24, 1787), in *Documentary History, Vol. II*, pp. 346-347.

the law was inherently ambivalent regarding slavery. While it formally prohibited slavery in the new territories, it actually strengthened its presence in the nation. In addition to providing for the return of fugitive slaves to their owners, the Ordinance tacitly carved out the territories south of the Ohio River for the expansion of slave labor.<sup>60</sup> Even under the Continental Congress slavery was a vexed issue for the new republic. In 1784 Congress was one vote away from passing a version of the original land ordinance, written and introduced by Jefferson, which prohibited slavery in all territories of the trans-Appalachian west after the year 1800.<sup>61</sup>

In this political context, the prohibition of slave labor in the Northwest Territory signaled that slavery south of the Ohio River was permissible. One year after President Washington signed the law into effect under the authority of the new constitution, Congress passed the Southwest Ordinance in 1790, which organized the territories south of the Ohio River under the same framework as the 1787 law, only lacking the prohibition of slavery.<sup>62</sup> Far from being an abolitionist document, the Ordinance implicitly allowed the expansion of slavery within certain limits. Perhaps more than the Constitution itself, the Northwest Ordinance generated the central contradiction between an empire of slavery and an empire of liberty at the center of nineteenth century political culture. In order to uphold its promises of federal and juridical equality, the Ordinance

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<sup>60</sup> "Northwest Ordinance," *Documentary History, Vol. I*, p. 174. Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (M.E. Sharpe, 2001), pp. 37-38.

<sup>61</sup> David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (Oxford University Press, 2006), p. 154. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Indiana University Press, 1987), p. 110. Jefferson's draft of the ordinance is in *Works, Vol. IV*, p. 253.

<sup>62</sup> Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (Cambridge University Press, 2010), p. 516.

institutionalized two different processes of expansion in a single national framework: the expansion of free territories and of plantation society.

Like the issue of slavery, the position of Indian tribes in the framework of federal empire was also fraught with ambiguity. Taken at face-value, the Ordinance appears to extend the principles of federal equality to the state governments as well as to the Indian tribes occupying the western territories. Affirming the views of Jefferson and Bland, the law stipulated that Indian lands shall not be taken “without their consent” and that their “property, rights and liberty” shall not be infringed upon except in cases of just war.<sup>63</sup> Reflecting a democratic imperial imaginary, expansionists held that, to maintain its legitimacy, the external policies of expansion must reflect the principles of consent. To achieve this end, Henry Knox, Secretary of War under President Washington, sought to formulate a “liberal system of justice” regarding Indian tribes.<sup>64</sup>

In response to the mounting disorder of the frontier – a Hobbesian state of nature in which the greed and avarice of white settlers ruled the day – Knox articulated two different courses of action in an effort to instill law and order: a policy of conquest, which involved the extermination of hostile tribes by physical force; and a policy of purchase and treaty that upheld the consent of Indians in new territorial acquisitions. Knox was experienced in Indian affairs and recognized the difficulties of executing military action in the west. In place of military power, he sought the protection of Indians from white settlers by designating the federal government as the sole authority in

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<sup>63</sup> Northwest Ordinance, *Documentary History*, Vol. I, p. 173.

<sup>64</sup> Knox, “Report on the Northwestern Indians” (June 15, 1789), *American State Papers: Documents, Legislative and Executive, of the Congress of the United States*, Vol. IV, edited by Lowrie and Clarke (Washington, D.C.: Gales and Seaton, 1832), p. 14.

the negotiation of treaties and purchases of land. In a 1789 report to Congress, he clearly echoed the Ordinance, “The Indians being the prior occupants possess the right of the soil. It cannot be taken from them unless by their free consent.” He thus eschewed the Lockean principle that uncultivated land constitutes a violation of natural law and warrants colonial settlement. Instead, he asserted the rights of Indians to their lands and viewed policies of consent as consistent with the “laws of nature.”<sup>65</sup>

Echoing Bland’s stipulation that imperial policies must be consistent with internal principles of self-rule, Knox similarly asserted the rights of Indians as a correlate of American liberty. Knox clearly understood what was at stake in founding the nation on conquest, and his Indian policy took was premised on notions of U.S. empire as a civilizing force that eschewed conquest for the sake of expansion through commerce and consent in an effort to put the new nation on a solid base of legitimacy and forestall corruption and decline. Rejecting the “language of superiority and command,” Knox held that it was “politic and just to treat the Indians more on a footing of equality” and to “convince them of the justice and humanity was well as the power of the United States.”<sup>66</sup> He advised Congress that a policy aimed at influencing the tribes through the “benefits of civilized life” will “reflect permanent honor on the national character,” which will add to the legitimacy of American claims on western territory against the Spanish and British empires. Citing its brutalities in Mexico and Peru, Knox warned that

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<sup>65</sup> Knox, “Report” (June 15, 1789), *American State Papers, Vol. IV*, pp. 13-14. Francis Paul Prucha, *The Great Father: the United States Government and the American Indians* (University of Nebraska Press, 1984), p. 31.

<sup>66</sup> Knox, “Report on Indian Affairs” (August 1787), *Journals of the Continental Congress, Vol. 33*, pp. 479-480. Kagan, *Dangerous Nation*, p. 88.

a policy of conquest would put the U.S. on the same level as Spain, ultimately leading to its decline. If a peaceful policy of assimilation was not adopted, a “black cloud of injustice and inhumanity will impend over our national character.”<sup>67</sup> Dispossession by conquest, Knox feared, would call into question the enlightened foundations of the new republic and subvert its status as a rising world power.

Nevertheless, embedded in this ostensibly liberal mode of empire was program of assimilation and deculturation. By giving up their land through peaceful means, indigenous peoples would be more disposed to acculturate to the expanding settler culture through the adoption of private property and republican citizenship. Knox and Washington thought the tribes would relinquish their sovereignty to the federal government in exchange for the “gift” of modern civilization. Both men rooted their views on Indian affairs in the idea that the new American republic was the herald of modern civilization, and that the incorporation of the Indians into Anglo-American civilization was part of the progressive movement of modernity. This mode of assimilation engendered profound degrees of violence and was grounded in a firm belief in the superiority of American culture. It is thus a mistake to assume that the benevolent policy of expansion was motivated by a belief in the equality of indigenous cultures. The stance Knox and Washington took toward Indians embraced the destruction of their customary modes of polity and property so as to transfer indigenous land to U.S. rule.<sup>68</sup>

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<sup>67</sup> Knox, *American State Papers, Vol. IV*, pp. 257, 543-544. Horsman, *Race and Manifest Destiny*, pp. 106-107.

<sup>68</sup> On these points I am deeply indebted to Dorothy Jone’s classification of Knox’s system of treaty and purchase as a “license for empire;” *License for Empire: Colonialism by Treaty in Early America* (University of Chicago Press, 1982). Stuart Banner’s *How the Indians Lost their Land: Law and Power on*

In spite of the supposition of indigenous-settler equality at the center of the Northwest Ordinance, the logic of native elimination crucially defined the framework of federalist expansion. Clearly evidenced in one of Washington's personal letters toward the close of the war with Britain, Knox's liberal system of justice forcefully enacted the erasure of indigenous cultures and land claims. Washington writes, "policy and economy point very strongly to the expediency of being upon good terms with the Indians, and the propriety of purchasing their Lands in preference to attempting to drive them by force of arms out of their Country; which as we have already experienced is like driving the Wild Beasts of the Forest which will return as soon as the pursuit is at an end and fall perhaps on those that are left there; when the gradual extension of our Settlements will as certainly cause the Savage as the Wolf to retire; both being beasts of prey tho' they differ in shape."<sup>69</sup> In addition to relying on de-humanizing tropes, Washington's letter here illustrates how the principles of purchase, treaty, and consent in early U.S. Indian policy were explicitly focused on eliminating the indigenous presence in the Northwest Territory.

At the same time that Knox and Washington's liberal system of justice sought to build a model of U.S.-indigenous relations that was premised on consent, contractual thinking retroactively authorized the prior modes of conquest that went into constructing the present configuration of power in North America. The disavowal of conquest as a constitutive force in the making of the early American republic is forcefully evidenced in Washington's call for moderation and diplomacy in dealing with indigenous tribes. In his

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*the Frontier* (Harvard University Press, 2007) has also been instructive, as has Eric Foner's critical review, "Purchase and/or Conquest," *London Review of Books*, 28, 3 (February 9, 2006), pp. 17-18.

<sup>69</sup> Washington, Letter to James Duane (Sept. 7, 1783), *A Collection*, pp. 265-266.

attempt to make consent the overriding principle of U.S.-indigenous relations, he asked Indians to “draw a veil over what is past.”<sup>70</sup> As if to provide ammunition for contemporary criticisms of contractual thinking, Washington illustrated that the consensual principles at work in the treaty and purchase system in fact prevented Indians from making claims on U.S. sovereignty on the basis of past injustices. That is, the objective of the liberal system of justice was to close off the possibility of indigenous contestation of settler land claims by erasing the coercive realities of conquest.

### **Conclusion**

In ideology if not in practice, early U.S. expansionists rejected conquest as a legitimate basis for a new political order. Because they symbolically embodied the violence and instability of the frontier, settlers occupied an ambiguous role in federalist ideology. Insofar as figures like Knox and Washington saw settler sovereignty as a source of conquest and violence, the democratic sovereignty of settlers was largely antithetical to federalist visions of empire. This anxiety about the role of conquest in the founding of a new order stemmed from classical republican concerns about stability, corruption, and historical decline. In light of this anxiety, U.S. imperial ideology gave primacy to means of territorial acquisition like purchase and treaty that reflected the prevailing ideology of consent and commerce. In order to affirm the image of an enlightened empire in opposition to the Spanish and British empires, U.S. expansionists rebuked coercive means of land appropriation through conquest.

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<sup>70</sup> Washington, Letter to James Duane, *A Collection*, p. 261.

The Northwest Ordinance provided a useful framework for the expansion of the federal-imperial state by encouraging settlers to move west and establish new political orders in an ordered and regulated fashion. One of the effects of the Northwest Ordinance was to defuse settler demands for independence and separation from the Confederation government by granting settlers rights and liberties equal with eastern states. The possibility of settler independence was forcefully posed to Federalists not only by the settler revolts and frontier conflicts such as Shay's rebellion, but also in the movement of settler communities to found new, independent states on the frontier. For instance, when settlers seceded from North Carolina to form the State of Franklin in 1788, they immediately engaged in diplomatic negotiations with Spanish officials concerning a possible alliance, threatening the imperial sovereignty of the federal state over western territory.<sup>71</sup> "[I]f Jefferson's plan for the West was indeed a pre-emptive move designed to defuse the issue of settler independence, his articulation explicitly recognized that the settlers carried a foundational sovereign entitlement."<sup>72</sup> Just as the Constitution was a means of containing democratic excess in the state legislatures, the Northwest Ordinance offered a cure for the democratic excess of localized, settler sovereignty on the frontier.<sup>73</sup> Indeed, the two together sought to institutionalize and regulate settler colonization, instituting a powerful formula for an expanding empire. The Northwest Ordinance offered a new world conception of empire in which new territories

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<sup>71</sup> J.M. Opal, "General Jackson's Passports: Natural Rights and Sovereign Citizens in the Political Thought of Andrew Jackson, 1780s -1820s," *Studies in American Political Development*, 27, 1 (Oct. 2013), p. 71.

<sup>72</sup> Veracini, *Settler Colonialism*, p. 65.

<sup>73</sup> Gordon Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford University Press, 2009), pp. 121-122.

would be governed not as colonial dependencies but as free and equal states. The “principle of federative replication” institutionalized in the Northwest Ordinance provided a mode of expansion that occurs through the re-production of democratic-republican polities across space.<sup>74</sup>

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<sup>74</sup> Anders Stephanson, “An American Story? Second Thoughts on Manifest Destiny,” *Manifest Destinies and Indigenous Peoples*, p. 31.

## Chapter Two

### Democracy, Empire, and the American Founding

“Moreover, there have been states so constituted that the necessity for conquests entered into their very constitution, and that, to maintain themselves, they were forced to expand endlessly.” Jean-Jacques Rousseau, *The Social Contract*; Bk. II, Ch. IX.

Although it has faced intense criticism, the “neo-republican synthesis” remains an influential interpretive framework of the American founding.<sup>1</sup> A central assumption of neo-republican thought is that the American republic rests on anti-imperial foundations. For instance, in *Origins of Totalitarianism*, Hannah Arendt posited that because republican government is founded on the doctrine of “genuine consent” its authority cannot be “stretched indefinitely” without negating the principles of its foundation. While Arendt limits her assertions to European political development, they have undoubtedly colored her reflections on the American founding. For Arendt, the genius of the “revolutionary tradition” in the U.S. was in founding a permanent political order based on popular sovereignty, which provided legal stability in the absence of traditional forms of authority. Extending republican rule beyond its limits, however, spurs an “inner contradiction between the nation’s body politic and conquest” by eroding the permanence and durability of political institutions that, left unto themselves, “develop stabilizing forces which stand in the way of constant transformation and expansion.”<sup>2</sup>

Arendt’s skepticism concerning the compatibility of empire and republic echoes J.G.A. Pocock’s notion of the “Machiavellian moment,” in which the modern world of

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<sup>1</sup> Robert Shalhope, “Toward a Republican Synthesis: The Emergence of an Understanding of Republicanism in American Historiography,” *William and Mary Quarterly*, 29, 1 (Jan., 1972), pp. 49-80.

<sup>2</sup> *Origins of Totalitarianism* (Harcourt Publishing, 1976), pp. 126, 128, & 137-138.

commerce, conquest, and empire posed a set of unique dilemmas to the republican project of establishing a durable political order. As a response to the condition of temporal finitude, classical republicans envisioned a citizenry characterized by landed independence and civic virtue as the surest means of guaranteeing political stability. Because empire engendered corruption – the obverse of virtue and independence – it was thought to be antithetical to republican citizenship and stability.

Operating within this logic, Arendt emphasizes that one of the reasons the American founders rejected the principles of democracy was because the direct “rule of the people” could not provide for the stability and durability of republican and representative institutions. In Arendt’s mind, democracies rise and fall, and the genius of the founders – who were driven by the desire to create an “Eternal City on earth” – was that they were able to reconcile factional strife by constructing “lasting institution[s]” based on republican principles.<sup>3</sup> Implicit in Arendt’s affirmation of neo-republican accounts of the American Revolution is the idea that the founding generation privileged republican over democratic idioms of politics because the latter were inadequate to the temporal imperatives of governing an extended republic.

If Arendt emphasizes the impracticality of democracy for republican rule from the temporal perspective of institutional durability, Gordon Wood notes that the American founders positioned the language of “republic” over “democracy” because the latter was inadequate to the spatial imperatives of governing an extended polity. In this perspective, American constitutionalists opted for federal and representative principles that ensured

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<sup>3</sup> Arendt, *On Revolution* (Penguin, 2006), pp. 217-218.

citizens could remain free without popular participation or the direct exercise of power at the national level.<sup>4</sup> Governing through representative rather than participatory institutions at the national level would facilitate the effective administration of popular government over a vast territory.

Against the backdrop of these conventional accounts, this chapter draws on the framework of settler colonialism to recast the relationship between democracy and empire in the constitutional debates of the American founding. By the time of the Constitutional Convention, it was clear that Federalist visions of empire necessitated the consolidation of state power in order to provide for the defense of individual liberty, maintain national security and domestic stability, promote economic growth, and direct territorial expansion. Indeed, as Gareth Stedman Jones has argued, “The [U.S.] was... already structurally an imperialist state at the moment of its foundation.”<sup>5</sup> Nevertheless, the question of empire was the source of much contention during the constitutional debates between Federalists and Anti-Federalists.

During the first years of the republic, democratic notions of popular sovereignty cultivated in settler communities lead to intense frontier rebellions that posed a threat to national stability. In response, Federalists argued for a consolidated imperial state that would guarantee not only political and economic stability but also continued wealth and prosperity through territorial and economic expansion. Far from the direct agents of

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<sup>4</sup> Wood, *The Creation of the American Republic*, p. 222. For a similar perspective, see J.G.A. Pocock’s “States, Republics, and Empires: The American Founding in Early Modern Perspective,” *Conceptual Change and the Constitution* (University Press of Kansas, 1988), edited by Ball and Pocock.

<sup>5</sup> “The Specificity of U.S. Imperialism,” *New Left Review*, 1/60, March-April 1970, p. 65. Williams also argues that the “Constitution was grounded in an imperial logic;” *Empire as a Way of Life*, p. 46.

empire, “citizen-settlers” posed serious obstacles to the realization of Federalist visions of empire in the west. “Years of experience had shown [that settlers] could be fiercely independent, intent on defending their economic interests and their notions of local identity, often in direct defiance of external authority.”<sup>6</sup> Because they associated democracy with provincial conceptions of popular sovereignty embodied in settler institutions, Federalists opted for republican principles in constructing the U.S. imperial state. In other words, Federalists privileged republican over democratic idioms of power because the latter were inconsistent with ingrained conceptions of empire.

Conversely, Anti-Federalists drew on democratic notions of popular sovereignty in order to privilege the local authority of the state and local assemblies against the encroaching power of the national state. For Anti-Federalists, democratic self-rule was necessarily incompatible with the consolidated national powers required for realizing Federalist visions of empire. Although Anti-Federalists were not necessarily opposed to settler expansion, they were skeptical that it could proceed through a unified, national framework without sacrificing public liberty and popular sovereignty. Thus, like the debates between imperial officials and settlers during the Imperial Crisis, the constitutional debates can also be understood as an ideological conflict over the terms of empire. At the time of the founding, democracy and empire were considered antithetical by Federalists and Anti-Federalists alike.

Upon Jefferson’s election to the Presidency in 1800, however, democratic ideas assumed a central role in imperial ideology. The chapter then narrates the process by

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<sup>6</sup> Gregory Nobles, *American Frontiers: Cultural Encounters and Continental Conquest* (MacMillan, 1998), pp. 102-103.

which Jefferson fused democracy with imperial rule, best exemplified by the phrase “empire of liberty,” which envisioned a process of expansion through the democratic force of popular sovereignty rather than the power of a consolidated state.

In elaborating this narrative, this chapter makes three theoretical points. First, it seeks to further lay the foundation for the ensuing analysis by conceptually mapping the relationship between democracy and empire in early American political culture. For many involved in the constitutional debates and beyond, democracy represented the primacy of settler sovereignty, which threatened the stability and durability of republican order, thus undercutting rather than reinforcing imperial sovereignty. In the constitutional debates, democracy was considered incompatible with empire largely because it was seen as incommensurate with a strong and centralized state that Federalists deemed necessary to direct and promote territorial and economic expansion. Insofar as political stability and economic prosperity rested on imperial expansion, democracy ran counter to the project of building a stable though expansive republic.

Second, to the extent that democracy emerged as a salient feature of U.S. political culture after the 1800 election, it emerged from within the discursive horizon and material conditions of settler expansion. For many constitutionalists, settlers were at once the bane and the bedrock of the federal republic. It was Jefferson (along with the Democratic-Republican societies) that first linked settler visions of democratic participation with imperial visions of economic and territorial expansion. As democracy became a more prominent feature of American identity, settlers became the vanguard of American expansion, which further obscured the role of state power. As a result,

Americans located popular sovereignty less in the power of the state than in the democratic spirit of the people. At the same time, popular sovereignty and imperial sovereignty became closely aligned, with the *demos* rather than the state acting as the primary agent of expansion. In the process, the very meaning of democracy underwent a dramatic transformation. No longer constricted to the time and space of the Greek polis, democracy became expansive and progressive in its spatial and temporal connotations.

Third, this chapter highlights the central role of conquest in the construction of American political culture. In spite of their ideological attempts to cast the federal republic as a new form of empire that expanded through commerce and culture rather than force and coercion, conquest and constitutionalism were locked in a dialectical relationship. I define conquest as a form of foundational violence in which the obliteration of old cultures, customs, and identities makes way for the consolidation of a new political order. Indeed, conquest is a necessary element of settler colonialism in the American grain. In this modality of empire, the foundation of a new political order necessitates the eradication of an old order that precedes it. What stands out in need of historical interpretation is an account of how democratic notions of popular sovereignty acquired their meaning in relation to processes of settler colonialism, conquest, and native elimination.

### **Democracy and Empire in Constitutional Debates**

If there is a single document that lays out the institutional architecture of U.S. imperialism, it was the Northwest Ordinance as much as the Constitution itself. The Northwest Ordinance was one of the few laws of the Confederation government retained

by the 1787 settlement, and it established the institutional logic by which the Constitution itself would become a powerful instrument of empire in the modern world. One of the most pervasive assumptions uniting the participants in the Constitutional Convention was that the expansionist framework set out by the land ordinances would be retained in the new government.<sup>7</sup> Thus, when James Madison and John Dickinson praised the virtues of the “extended republic” and the “extensive republican empire,” respectively, or when Luther Martin spoke disparagingly of an “extensive federal empire,” they did not simply mean a polity encapsulating the vast territory of the original thirteen colonies.<sup>8</sup> They meant a large republic that would continue to expand over distant territories and incorporate more states into its framework of federal sovereignty.

Indeed, the language of empire permeated the constitutional debates of the 1780s. In his journals of the federal convention, Madison approvingly recorded the common sentiment that the men present had convened for the purposes of “laying the foundation for a great empire.”<sup>9</sup> Hamilton similarly opened the first of the *Federalist Papers* by observing that the new union concerned the “fate of an empire in many respects the most interesting in the world.” According to Hamilton, there were three ways of constituting a

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<sup>7</sup> For Rufus King the idea of “equal footing” was a “fundamental article of compact.” Madison agreed, “If the *Western States* hereafter arising should be admitted into the Union, they ought to be considered as equals;” *Records of the Federal Convention, Vol. I*, edited by Farrand (Yale University Press, 1911), pp. 373, 541.

<sup>8</sup> Martin, “Genuine Information,” *Records of the Federal Convention, Vol. III*, p. 183. Madison, *Federalist #14* and *#51*, pp. 144, 322. Dickinson went on to articulate a corollary assumption widely held by Federalists that the “number of states in America will increase;” “Letters of Fabius on the Federal Constitution” (1788), *Pamphlets on the Constitution of the United States* (B. Franklin, 1888), edited by Ford, p. 204. Arthur Schlesinger Jr. argues that the term “empire” in early American thought meant only sovereignty or rule and was lacking in expansionist connotations; *Cycles of American History* (Houghton Mifflin, 1998), pp. 137-138. For a thorough refutation of this position see William Appleman Williams, “The Age of Mercantilism: An Interpretation of the American Political Economy, 1763-1828,” *The William and Mary Quarterly*, 15, 4 (Oct. 1958), pp. 425-426.

<sup>9</sup> Madison, *Records of the Federal Convention, Vol. II*, p. 452.

republic: chance, conquest, and consent and reason. He thought the U.S. was of this third type, perhaps the first in the world. As is clear with Hamilton's conception of constitution, the Federalists sought an empire without conquest, a new form of "empire" in which "power is lodged in the mass of the people." To many, such a conception of empire represented a method of short-circuiting instabilities and paradoxes generated by a state and society founded on force and conquest.<sup>10</sup>

The centrality of empire to the constitutional debates forces us to dramatically reconceive the whole debate about the viability of small versus large republics. What was at stake in these debates was not simply the static size of the republic. It was more significantly about the question of whether the principles of political liberty and popular sovereignty on the one hand and notions of imperial sovereignty on the other could be combined into a single constitutional framework. It is only with this in mind that we can accurately understand the debates between Federalists and Anti-Federalists and the place of democracy in this ideological conflict.

While the state constitutions of 1776 were largely based on democratic principles, the end of the war led to a series of disturbances on the frontier when cash-strapped state governments imposed new taxes and commercial restrictions to pay for debt incurred under the war. Shay's Rebellion, the most significant of these episodes, shook western Massachusetts from 1786 to 1787. But the Articles of Confederation provided no concerted federal response to the debtors' rebellion. Lacking both the military power to quell the rebellion and the fiscal power to redress the rebels' grievances, Massachusetts

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<sup>10</sup> Hamilton, *Federalist #1*, p. 87. Webster, "An Examination into the Leading Principles of the Federal Constitution," *Pamphlets on the Constitution of the United States*, pp. 29, 58.

was left to deal. The frontier rebellion led many delegates to the Constitutional Convention to espouse openly anti-democratic views. For Edmund Randolph, the primary danger to the stability of the new union was the “democratic parts of our constitutions.” A common assumption among those who favored an energetic state was that republican liberty was incompatible with democracy. Madison, for example, held that a “republican system” was the only remedy to the “inconveniences of democracy.”<sup>11</sup>

Shay’s rebellion and the individual state constitutions represented to Federalists an alternative tradition that counteracted republican ideology. Upon witnessing the frontier violence of the rebellion, Knox wrote that the “creed” animating the rebels held western land to be the “common property of all” rather than the domain of the federal state.<sup>12</sup> In their empire-building efforts, the Federalists had to balance competing conceptions of equality: a democratic conception motivated by the “leveling spirit” and that threatened the primacy of individual property rights; and a republican conception that respected differences in property but nevertheless promoted widespread property ownership as the best assurance of political stability and economic progress. In reaction to the democratic conception of equality, Madison put republican principles in service of the containment of democratic power in an effort to uphold revolutionary visions of empire. His vision of constitutionalism was one which had the “stability and energy of a government, capable of protecting the rights of property against the spirit of democracy.”<sup>13</sup>

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<sup>11</sup> *Records of the Federal Convention, Vol. I*, p. 26, 48, 135-136, 289. M.N. Sellers, *American Republicanism: Roman Ideology in the United States Constitution* (NYU Press, 1994), p. 58.

<sup>12</sup> *Documentary History of the Ratification of the Constitution, Vol. XIII*, p. 93.

<sup>13</sup> Madison and Gerry referred to the “leveling spirit” in *Records of the Federal Convention, Vol. I*, pp. 48, 423. Madison to Jared Sparks (April 8, 1831), *Records, Vol. III*, p. 499.

The distinction between democratic and republican equality was underlined by a larger distinction between two conceptions of popular sovereignty, those that focused on popular authorization suitable to representative government and those that entailed the direct and popular rule of the masses. In the former, the state draws its legitimacy and authority from the masses regardless of whether they exercise power, while the latter means that “the people” have a meaningful part in the exercise of political power. The distinction saliently captures the fundamental difference between the language of “democratic republic” (popular rule) and “representative” or “federal” republic (popular authorization) in the constitutional debates.<sup>14</sup>

Consider Benjamin Rush’s well-known speech on the American Revolution delivered in Philadelphia. The occasion of Rush’s speech was of course the perceived deficiencies of the Articles of Confederation and their replacement by a new constitution proposed by the Annapolis Convention in 1786. Drawing on the arguments that would dominate Federalist calls for a strong, constitutional state, Rush named the primary defects of the present constitution as a deficiency of coercive and fiscal power. In calling for what would have been recognized as a “fiscal-military state” not too different from that of the British Empire, Rush had to convince his fellow citizens that a consolidated state was consistent with political liberty and at the same time address growing fears about the dominant power of the state legislatures.<sup>15</sup> To address both sides, he drew a distinction between two forms of popular sovereignty. While common sense held that “the

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<sup>14</sup> Margaret Canovan, *The People* (Polity, 2005).

<sup>15</sup> On the “fiscal-military state,” see Edling, *A Revolution in Favor of Government*; and John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783* (Harvard University Press, 1990)

sovereign and all other power is seated *in* the people,” Rush argued that this should be revised to say that “all the power is derived *from* the people.” For Rush, the people only exercise power through elections, after which it leaves their hands and becomes the “property of their rulers.”<sup>16</sup> In Rush’s view, the state gained its legitimacy through the consent of the governed, but was at the same time insulated from popular control.

Like Rush, Publius held that the streams of authority that provided the foundation of the imperial state are to flow *from* the people, even if they do not directly exercise power. Publius was here reacting to rising fears about the legislative despotism exercised in the state and local assemblies. For Madison, the democratic power of the legislature is of an “encroaching nature” and is “everywhere extending the sphere of its activity and drawing all power into its impetuous vortex.” The “principle of representation” provided a vital means to ensure stability and order. The real distinction between the constitutions of the ancient republics and that of the American republic, Madison posited, “lies in the total exclusion of the people in their collective capacity” from having any share political power. But by including the representatives of the people, the imperial state retained its legitimacy in the consent of the governed. Organized in such a manner, Hamilton held that “civil power” would be able to encapsulate an extensive sphere of authority and then “reproduce itself in every part of a great empire.”<sup>17</sup>

Federalist elites thus relied on the fiction of the people in order to ground the authority of the imperial state in the consent of the governed. In accordance with the

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<sup>16</sup> Rush, “Address to the People of the United States” (Jan. 1787), *Documentary History of the Ratification of the Constitution*, Vol. XIII, pp. 46-47.

<sup>17</sup> Madison, *Federalist* #48 and #63, pp. 309, 372-373. Hamilton, *Federalist* #13, p. 139.

republican ideal of mixed government, democracy, inasmuch as it had any role in the federal republic, was one organizing principle among others. The purpose of a mixed republic was to secure the advantages of monarchy, aristocracy, and democracy, while rejecting their disadvantages. Proponents of the constitutional plan for a strong, centralized state equipped with expansive fiscal and military powers were fond of citing Montesquieu's dictum that a "federal republic" is the form of government best suited to securing "all the internal advantages" of a democracy (i.e. liberty) "at the same time that it maintained the external dignity and force of a monarchy."<sup>18</sup> This entailed that the internal principles of individual liberty and could be combined into a constitutional framework that institutionalized a strong, consolidated state. The democratic element was necessary in the constitutional schematic of the mixed republic so as to provide a legitimate foundation for state power.<sup>19</sup> But it is important to remember that the Federalists largely rejected democracy as a form of popular self-rule, which they associated with its disadvantages.

The conventional interpretation offered by neo-republican theorists is that Publius and others rejected "pure democracy" because it was impractical for any large state and because the rule of the *demos* could not provide for the institutional durability that the Founders sought. In this view, the founding generation privileged republican over democratic principles because the latter were inadequate to the temporal and spatial

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<sup>18</sup> James Wilson; in *Records of the Federal Convention*, Vol. III, p. 139. The original Montesquieu quote is in *Spirit of the Laws* (Cambridge University Press, 1989), p. 131. Madison quoted Montesquieu almost word for word in his essay for the *National Gazette* entitled "Government" (1791), *Writings*, Vol. VI, p. 82. Benjamin Rush used similar phrasing in his "Harrington" essays, *Documentary History of the Ratification of the Constitution*, Vol. XIII, p. 118. Hamilton cites Montesquieu on this point in *Federalist* #9, p. 120.

<sup>19</sup> James Wilson, *Documentary History of the Ratification of the Constitution*, Vol. II, p. 349.

imperatives of governing an extended republic. For instance, John Adams wrote, “In a large society, inhabiting an extensive country, it is impossible that the whole should assemble to make laws.” Madison similarly feared the “confusion of a multitude” and instability that arises from institutions of popular self-rule.<sup>20</sup> For both, democracy was understood in archaic terms: it was the time and space of the unruly Greek mob. It was an ancient political form relegated to small political units such as colonies, townships, and city-states, and was thus unsuited to new forms of imperial rule envisioned by the founding generation. Ancient democracies, for Madison, were “spectacles of turbulence and contention” incompatible with “personal security or the rights of property.”<sup>21</sup>

But if we take seriously the notion that empire was of paramount concern in early American thought, the issue of democracy gets cast in a slightly different manner not entirely captured by the problem of its impracticability. In a real sense, democracy and empire were contradictory forms of rule for many of the founders. This was not, however, because empire negated democratic principles. Rather, it was because democratic self-rule was not consonant with empire. In addition to the operative principle of representation in Madison’s system, the other great difference between democracy and republic was the “greater sphere of country over which the latter may be extended.” That Madison meant by this an expanding republic is evident in his early advocacy of gaining control of the Louisiana Territory from Spain. In 1784 he asserted that the “free expansion of our people” and the “settlement of the Western country”

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<sup>20</sup> Wood, *The Creation of the American Republic*, p. 222; Hannah Arendt, *On Revolution*, pp. 217-218. Adams, “Thoughts on Government” (1776), *The Political Writings of John Adams* (Hackett, 2003), p. 86. Madison, *Federalist #10*, p. 127.

<sup>21</sup> Madison, *Federalist #10*, p. 126.

depended on the “free use of the Mississippi.”<sup>22</sup> Madison aspired to a stable though expansive polity that promoted economic growth and the protection of private property rights as necessary for a republican political economy based on individual liberty and social equality. Democracy ran counter to these principles insofar as it was aligned with a form of despotism animated by the leveling spirit of radical equality, leading to disorder and a weak state incapable of directing economic and territorial expansion, subverting America’s position as a “flourishing empire.”<sup>23</sup>

Against Arendt’s notion that political stability and empire were antithetical imperatives, Madison believed that the durability of republican order depended upon territorial expansion. To mitigate the instability brought about by democratic politics, Madison’s imperialism combined the classic republican concern for civic virtue with principles of commercial liberalism. To accommodate an expanding population and stall the corruption that attends the rise of industry, which further inflames the leveling spirit of democratic equality, Madison viewed territorial expansion as a vital concomitant of a stable republican order. Lacking the basic means of subsistence, republic citizens quickly lose sight of the public good and civic virtue, and instead pursue their own their private

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<sup>22</sup> Madison, *Federalist #10*, p. 126; and letter to Jefferson (Aug. 20, 1784), *Works, Vol. II*, p. 72. It is well-known that Madison’s formulations in *Federalist #10* were immensely influenced by David Hume’s “Idea of a Perfect Commonwealth” (1754). Hume constructed a republican model of government based on the federal and representative principles. David Armitage rightly notes the expansionism of Hume’s commonwealth. Hume “proposed an imaginary model of government to combine the stability of the classical republic for preservation with the expansiveness of the modern territorial state.” It should also be noted that Hume thought that an expansive republic would mitigate the disadvantages associated with democracy. Iterating themes first delineated by Harrington, Hume wrote that a stable republic depended on there being “compass and room enough to refine the democracy” through the representative system. In the context of a growing population and political economy, it is clear enough that Hume’s republic harbored expansionist tendencies. Armitage, “Empire and Liberty: A Republican Dilemma,” *Republicanism: A Shared European Heritage, Vol. II*, edited by Van Gelderen and Skinner (Cambridge University Press, 2002), p. 45. Hume, *Political Essays* (Cambridge University Press, 1994), p. 232.

<sup>23</sup> Madison, *The Federalist Papers*, Federalist #14, p. 144.

interests. If a republican constitution rested on the social base of an agrarian citizenry, then the goal of widespread property ownership necessitated expansion in order to maintain the property rights of the landed gentry in the east and deliver on promises of social equality. Like Jefferson, Madison realized that the benefits of territorial expansion would accrue only if settlers were linked into larger commercial networks, which allowed yeomen to draw profit from trade in surplus agricultural commodities.<sup>24</sup>

Madison's imperial vision received additional support in arguments for a "federal republic" based on the representative principle. Such a republic would acquire an "expanding quality" that was ideally suited to the unique geographic conditions of North America: the lack of any immediate territorial threats, an abundance of land and natural resources, and a network of navigable waterways capable of facilitating trade in agricultural goods.<sup>25</sup> All of these conditions provided the material basis for the equality of citizens free of aristocratic distinction. Such views significantly presaged central democratic themes concerning the social basis of popular rule later enumerated by Tocqueville. Federalist defenses of the Constitution envisioned a "vast extent of unpeopled territory" and "uncultivated lands" which "opens to the frugal and industrious a sure road to competency and independence." In such a view, the disavowal of indigenous sovereignty marks the "equality of condition which so eminently

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<sup>24</sup> Madison to Jefferson (Aug. 20, 1784), *Writings*, Vol. II, pp. 72-73. Drew McCoy, *Elusive Republic: Political Economy in Jeffersonian America* (University of North Carolina Press, 1980), pp. 121-122.

<sup>25</sup> See James Wilson's speech to the Pennsylvania ratifying convention, *Documentary History of the Ratification of the Constitution*, Vol. II, p. 342; also see the same speech in *Records of the Federal Convention*, Vol. III, p. 140.

distinguishes us.”<sup>26</sup> Resting upon ideological frameworks of native elimination and indigenous disavowal, social equality and freedom from aristocratic hierarchy also depended upon an abundance of land, which ensured a sense of independence among the citizenry and an egalitarian distribution of power. Federalists held that “A general and tolerably equal distribution of landed property is the whole basis of national freedom.” Through the diffusion of property ownership, the inequalities generated by modern commerce would be mitigated, instilling “virtue” and “patriotism” in the “very soul of the republic.”<sup>27</sup> In the context of an expanding political economy, agrarian independence required territorial and commercial expansion.

The benefits of these social conditions, however, were not immediately exploitable. They required an imperial state capable of governing an extended territory and exerting military force to secure and expand borders. As a model for this imperial state, Publius drew on the Whig tradition of commercial statism associated with the development of the British fiscal-military state to argue for the necessity of an energetic constitution.<sup>28</sup> Like the Bank of the United States, the chartering of the Bank of England after the 1688 settlement granted the Crown-in-Parliament a credit mechanism in order to pursue its economic and military interests, namely, the defense of British commerce in international trade routes. Hamilton was clear that one of the primary duties of government – the prosecution of “Indian expeditions” – also depended upon a centralized bank to provide loans for military projects and expansion. Madison also held that the fiscal and military

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<sup>26</sup> Charles Pinckney, *Records of the Federal Convention, Vol. I*, p. 400.

<sup>27</sup> Webster, “An Examination into the Leading Principles of the Federal Constitution,” pp. 58-59.

<sup>28</sup> Steven Pincus, *1688: The First Modern Revolution* (Yale University Press, 2009), ch. 12.

powers of the modern state were inextricably linked. The “power of levying and borrowing money,” Madison insisted, was the “sinew of... national defense.”<sup>29</sup>

Madison’s vision of political order embraced a centralized power capable of vigorously pursuing new land for a political economy that combined republican liberty with the commercial relations of market society. Without the economic opportunity enabled by diffused property ownership, society would degenerate into anarchy, undercutting the ideal of a durable though expansive republic.

In contrast to the Federalist program, the Anti-Federalists argued against the consolidation of state power, territorial expansion, and the containment of popular rule. Their political vision, which was underwritten by the fear of an expansive and centralized state, upheld equality in property as the social basis of a confederation of small, democratic republics united in pursuit of the common defense of liberty. The first thing to note about the Anti-Federalist objection to the Federalist program was that almost all of the major opponents of the Constitution assumed that imperial expansion could not effectively promote the public good. For instance, many held that “by reason of the extensive territory of the United States” and the “dispersed situation of its inhabitants,” the federal constitution would be unable to control and counteract the interests of a select faction of men who “possess all the powers of government.” No government can pursue the public good over such a vast and expanding extent of territory without privileging the rights and interests of a select class. It was precisely this idea that Madison responded to

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<sup>29</sup> Hamilton, “Constitutionality of the Bank of the United States,” *Works of Alexander Hamilton, vol. VIII* (G.P. Putnam’s Sons, 1904), p. 478. Madison, *Federalist #41*, p. 271.

in *Federalist #10* when he argued that the extension of territory would mitigate rather than exacerbate the evils of faction.<sup>30</sup>

This skepticism concerning the consistency of empire and the public good largely derived from the lessons of Montesquieu. The central pillars of this view rested on two key notions: that civil liberty could only exist in a small territory and that despotic government was necessary to maintain order in a large territory. Anti-Federalists thus charged their opponents with creating a despotic, imperial government that would subvert the liberty of its citizens. While they agreed with Montesquieu that political liberty consists in a sense of security that all citizens are entitled to, they disagreed that the defense of liberty should be invested solely in a consolidated power with control over a standing army.<sup>31</sup> Such a framework engendered an expansionist tendency for war and conquest that eroded the foundations of public liberty. Upholding the viability of small republics, Brutus wrote, “History furnishes no example of a free republic, anything like the extent of the United States. The Grecian republics were of small extent; so also was that of the Romans. Both of these, it is true, extended their conquests of large territories of country, and the consequence was that their governments were changed from free governments, to those of the most tyrannical that ever existed in the world.”<sup>32</sup> Like his

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<sup>30</sup> Yates and Lansing, “Reasons of Dissent,” *Complete Anti-Federalist, Vol. II*, edited by Herbert Storing (University of Chicago Press, 1981), p. 17. For similar views, see Cato, “Letter #3,” p. 110; the Federal Farmer, “Letter #1,” p. 230; both in *Complete Anti-Federalist, Vol. II*.

<sup>31</sup> Montesquieu, *Spirit of the Laws*, pp. 124-126, 131-133, 157. Cato, “Letter #3,” *Complete Anti-Federalist, Vol. II*, pp. 110-111. Also see the Anti-Federalist dissent at the Pennsylvania ratifying convention, *Documentary History of the Ratification of the Constitution, Vol. XV*, pp. 21, 33. Luther Martin, “Genuine Information,” *Records of the Federal Convention, Vol. III*, p. 209. Edling, *Revolution in Favor of Government*, pp. 105-106.

<sup>32</sup> *The Complete Anti-Federalist, Vol. II*, p. 368.

Federalist counterparts, Brutus rejected conquest as a legitimate foundation of political society, and he aligned the rule of democratic principles with small republics.

For these and many other reasons, several Anti-Federalists explicitly argued that the Constitution was founded on anti-democratic principles. Departing from the Federalist language of a “federal republic,” Anti-Federalists fused democratic and republican idioms of power in their defense of popular self-rule: “In democratic republics the people collectively are considered as the sovereign – all legislative, judicial, and executive power is inherent in and derived from them.”<sup>33</sup> Contrary to Rush, such a view held that in a democracy power must be invested *in* and directly exercised by the masses. A republic encapsulating an extensive space, however, cannot be governed on “democratic principles.” Any plan other than one of small republics retaining full internal sovereignty but united in foreign concerns would devolve into despotism, with the individual states being “melted down into one empire.”<sup>34</sup> In the Anti-Federalist objection, the Constitution instituted a “consolidated empire” that displaced the democratic sovereignty embodied in the state and local assemblies.<sup>35</sup>

In spite of their opposition to empire, Anti-Federalists were not opposed to expansion *per se*. They took it for granted that their agrarian-republican vision would require the acquisition of new territory as the population grew. While they also looked forward to the expansion of the American people across the continent, they largely held that newly founded states could not be adequately governed as anything other than independent

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<sup>33</sup> Cato, “Letter #2;” *Complete Anti-Federalist, Vol. II*, pp. 107.

<sup>34</sup> Centinel, “Letter #1;” *Complete Anti-Federalist, Vol. II*, pp. 139.

<sup>35</sup> See the Anti-Federalist dissent at the Pennsylvania ratifying convention; *Documentary History of the Ratification of the Constitution, Vol. XV*, p. 21.

entities in a loose confederation.<sup>36</sup> As such, expansion directed by a centralized state was inconsistent with democratic principles. “The Anti-Federalists... believed that only small communities organized as self-governing polities would uphold a genuine form of (settler) popular sovereignty.”<sup>37</sup> In contrast to Federalist visions of expansion, Anti-Federalists generally held to a de-centralized mode of settler expansion marked by the founding of loosely connected communities in the wilderness.

A key component of the Anti-Federalist defense of small republics concerned the habits, customs, and values – i.e. the political culture – necessary for the government of a free and democratic republic. On this point, the Anti-Federalists drew inspiration from Montesquieu, who asserted that in extensive republics, “the common good is sacrificed to a thousand views,” eroding the civic intimacy necessary for democratic self-rule.<sup>38</sup> Imperial republics simply could not produce and sustain the kind of citizens suitable for republican self-government. By extending political space across the vast expanse of a territorial empire, the Anti-Federalists feared that the free manners and customs that sustained political liberty would be destroyed. A national constitution would impose a national culture in North America that would eviscerate local political cultures of their substance, eroding the basis for democratic self-rule.

Since part of the constitutional project entailed establishing a new political culture, it often clashed with the robust, democratic forms of civic life that preceded the

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<sup>36</sup> Jonathan Marshall, “Empire or Liberty: The Antifederalists and Foreign Policy, 1787-1788,” *The Journal of Libertarian Studies*, IV, 3 (Summer, 1980), pp. 249, 252.

<sup>37</sup> Veracini, *Settler Colonialism*, p. 62.

<sup>38</sup> Montesquieu, *Spirit of the Laws*, p. 124. For examples of Anti-Federalists citing Montesquieu on this point, see Cato in “Letter #1” and Brutus in “Essay #1,” *Complete Anti-Federalist, Vol. II*, pp. 110, 368.

Convention. These “political life-forms,” as Wolin calls them, were in key ways extra-constitutional, residing in the political cultures and self-governing communities surrounding the state and local governments as well as the voluntary associations which Tocqueville contrasted with the abstract thinking of constitutionalism.<sup>39</sup> To assert its plenary authority over the totality of political life, the Constitution sought to incorporate these forms of civic identification into its framework. But the rise of new settler collectives on the frontier threatened to undermine the federal state’s imperial sovereignty. Squatters clamoring for land had their own ideas about rights and liberties that involved the unbridled right to expansion. Reflecting common notions of *terra nullius*, which disavowed indigenous dominion and sovereignty over western territory, one squatter spokesman confidently proclaimed that “all mankind... have an undoubted right to pass into every vacant country, and there to form their constitution” independent of Congressional authority.<sup>40</sup> In a similar manner, the right to remove oneself from one’s country of birth and settle new communities in the western territories was a central element of democratic republicanism. Two state constitutions – Pennsylvania and Vermont – upheld the “natural inherent right” of settlers to emigrate and establish new communities in “vacant countries.”<sup>41</sup> In spite of claims about western land being “vacant” and “unpeopled,” settlers and political officials alike were fully aware that indigenous communities claimed sovereignty over such land. Assertions of vacant land, therefore, did not reflect genuine ignorance about an indigenous presence in the New

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<sup>39</sup> Wolin, *The Presence of the Past*, p. 190.

<sup>40</sup> Wood, *Empire for Liberty*, p. 120.

<sup>41</sup> Opal, “General Jackson’s Passports,” p. 72.

World but were rather ideological assertions aimed at obscuring the colonial violence inherent in settler land claims by disavowing indigenous sovereignties.

A common point against Jefferson's Louisiana Purchase hinged on the fear that the alienation involved in the imposition of great distances between west and east will result in settlers forming political identifications with other imperial states or forming independent republics.<sup>42</sup> Others controverted this argument by asserting that there is very little substance to this risk so long as western settlements are governed within the same federal and egalitarian framework as the eastern states. For instance, the geographer Jedidiah Morse wrote, "The emigrants will be made up of citizens of the United States. They will carry along with them their manners and customs, their habits of government, religion and education."<sup>43</sup> As Morse made clear, expansion would undermine its own foundations without a political and cultural framework capable of containing the power and force of localized, settler sovereignty.

Similar to Shay's Rebellion, the tenuousness of imperial rule on the frontier acutely manifested itself in the Whiskey Rebellion, which was partially driven by the emergent democratic culture arising out of the democratic-republican societies of the early 1790s.

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<sup>42</sup> This point was also made in Senate debates on the Louisiana Purchase; "Objection to the Louisiana Purchase," *Issues of Westward Expansion* (Greenwood Press, 2002), edited by Michael Roth, p. 25.

<sup>43</sup> Morse, *The American Geography*, p. 468. This fear derived from assumptions about regional divisions in the expanding political economy. At the Convention, Gouverneur Morris expressed anxiety that opposition to wresting control of the Mississippi River from Spain would drive the "Western people into the arms of Great Britain;" *Records of the Federal Convention, Vol. II*, p. 442. In a letter to Lafayette (March 20, 1785), Madison similarly asked whether the settlements beginning to take place on the Mississippi River will "be so many distinct societies, or only an expansion of the same society;" *Writings, Vol. II*, p. 120. In addition to political control over the economy of the region, Madison also asserted that the threat of disunion would be attenuated because the frontier societies were bound to the nation through the common bonds of national culture and their economic interests; letter to Livingston (March 2, 1803), *Writings, Vol. VII*, p. 13.

Just as the American Revolution can be understood a settler rebellion against the imperial metropolis of Britain, both the Shaysites and the Whiskey rebels represented a vigorous form of localized settler sovereignty that stood in opposition to the federal authority of national elites. The significance of the democratic societies was in taking the Anti-Federalist emphasis on democratic self-rule and active citizenship and attaching it to settler visions of territorial expansion. While the Democratic Society of Philadelphia was the largest in the country, the frontier societies of Washington County, PA and Lexington, KY are the most interesting for our purposes. Washington County, in fact, heard the first shots of the Whiskey Rebellion, the insurrection that broke out in western Pennsylvania after Congress implemented an excise on whiskey and distilled spirits in 1791 to help fund the federal government's debt from the War and build its credit. Many of those affected by the excise were landless persons and smallholders who were stricken with poverty on the frontier, and lacking propertied independence, they epitomized the democratic threat to the stability of republican order.<sup>44</sup>

For the Washington County Society, the west was a source of economic opportunity and a way out of poverty. Joined by a chorus of citizens from the Lexington Democratic Society, they pleaded with the federal government to expand settlements to the Mississippi River and wrest control of its navigation from Spain. For members of both societies, the free navigation of the Mississippi and the right of "colonizing this distant and dangerous desert" was a "natural right" inseparable from the cause they had fought

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<sup>44</sup> Patrick Griffin, *American Leviathan: Empire, Nation, and Revolutionary Frontier* (MacMillan, 2008), p. 224-226.

for in the Revolution.<sup>45</sup> It is not far from there to argue that a violation of this right constitutes a just reason for insurrection, posing the acute problem of settler revolt and the threat of the separation and independence of settler collectives. In this mode of reasoning, the individual right to the commerce and prosperity of western lands was closely connected to the collective right of settler communities to govern themselves. Much like the colonial settlers for whom British containment policy violated both individual and republican liberty, the frontier societies asserted the right of settler expansion as a vital element of popular self-rule.

In making such arguments, the frontier societies affixed the freedom of commercial exchange to republican visions of propertied independence and active, participatory citizenship. Similar to the imperial visions of Paine, Madison, and Jefferson, commerce facilitated the peaceful intercourse of republics throughout the world. The western country's "unparalleled fertility" and "navigable streams" was evidence of a providential plan "to unite by this *exchange of their surplus*, various Nations and connect the ends of the Earth, in the bands of commerce and mutual good office." Federalist economic policy at the time, predominantly crafted by Hamilton, did not necessarily reject the imperative of gaining control of the Mississippi, but was more concerned with fostering industry and overseas trade relations with Britain.<sup>46</sup> Democratic-republicans like

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<sup>45</sup> Washington County Democratic Society, "Remonstrance to the President and Congress on Opening Navigation of the Mississippi River," *The Democratic-Republican Societies, 1790-1800: A Documentary Sourcebook of Constitutions, Declarations, Addresses, Resolutions, and Toasts* (Greenwood Press, 1976), edited by Foner, p. 127.

<sup>46</sup> Italics mine. Democratic Society of the County of Washington, "Remonstrance to the President and Congress on Opening Navigation of the Mississippi River" (March 24, 1794); and Democratic Society of Lexington, "Resolutions Adopted on Free Navigation of the Mississippi" (Nov. 11, 1793) and "Address

Jefferson more resolutely pursued the expansion of commerce and the establishment of a political and economic foothold in the region. Both of the frontier societies repeatedly faulted the Federalists for their diplomatic failure to secure the river from Spain, who barred Americans seeking the export of agricultural commodities from access to the Port of New Orleans.<sup>47</sup> In order to make the federal government more responsive to their demands for land, free trade, and economic opportunity, the societies sought the cultivation of democratic capacities and exercise of popular power.

While their rhetoric undoubtedly shaped the actions of the Whiskey rebels, none of the societies condoned their actions. Nevertheless, several Federalists faulted them for the rebellion. President Washington charged the “self-created societies” – meaning extra-constitutional and therefore seditious – with responsibility for the insurrection. Regardless of the fairness of these allegations, the democratic societies represented the first stage of a veritable shift in the discourse of modern democracy. Insofar as the societies emerged from civil society, they signified a democratic culture taking root on the frontier that exceeded the constitutional framework of the federal republic. Jason Frank astutely observes that the societies sought to create a “cultural environment that would produce very different kinds of politics and citizens.”<sup>48</sup> By developing new customs, values, and habits, they cultivated new practices of active citizenship that

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and Remonstrance to the Inhabitants of the United States West of the Allegheny and Appalachian Mountains” (Dec. 13, 1793); in *The Democratic-Republican Societies, 1790-1800*, pp. 127, 361, 364.

<sup>47</sup> In a paper on diplomatic relations with Spain, Jefferson agreed that the free use of the river was a natural right (Mar. 18, 1792); *Works, Vol. VI*, p. 425. Also see Madison’s letters to Marquis de Lafayette (Mar. 20, 1785) and Jefferson (Aug. 20, 1784); *Writings, Vol. II*. Hamilton similarly held that control over the trade and navigation of the Mississippi was “essential to the unity of the Empire;” *Works of Alexander Hamilton, Vol. IV*, p. 334.

<sup>48</sup> Washington, Sixth Annual Message; *A Collection*, p. 492. Foner, Preface, *The Democratic-Republican Societies*, p. xi. Jason Frank, *Constituent Moments*, p. 144.

conflicted with the passive conceptions of citizenship offered by Federalists. The fusion of popular self-rule and active citizenship with visions of settler expansion inaugurated a new vision of empire in the early republic. Drawing on the tradition of democratic-republicanism, settlers along the trans-Appalachian borderlands posed a “new ideology, and a new organizing principle, of empire.” In this imperial vision, the Revolution set in motion a “powerful new engine of imperial expansion: the liberty of its people, freed to act outside older constraints of public authority.”<sup>49</sup>

### **Empire of Liberty: Jefferson and the Foundations of Democratic Empire**

“We should have such an empire for liberty as... never surveyed since the creation; and I am persuaded no constitution was ever before so well calculated as ours for extensive empire and self-government;”  
Jefferson to Madison, April 1809.

Jefferson envisioned an “empire of liberty” that expanded through the de-centralized power of settler sovereignty free from the dictates of an absolutist state.<sup>50</sup> This notion of empire rhetorically established distance between his democratic expansionism driven by the power of the people and Hamilton’s federalist imperialism in which expansion was directed by a centralized state rather than by the force of the people. Although both Federalists and Republicans desired full control over the port city of New Orleans and the Louisiana Territory, the former pursued this goal through a process of military conquest while the latter favored mechanisms of treaty and purchase consistent with the democratic imperial imaginary of consent and commerce. Further posing an antagonism between U.S. imperialism and the despotic empires of Europe, the phrase also carried

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<sup>49</sup> Eric Hinderaker, *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673-1800* (Cambridge University Press, 1999), pp. xiii-xiv, 186.

<sup>50</sup> Jefferson first referred to an “empire of liberty” in 1780; *Works, Vol. III*, p. 103.

connotations of liberating the western territories from the yoke of Spanish, British, and French rule. Reflecting the imperial imaginary embedded in the Northwest Ordinance, the democratic element of the empire of liberty arose from the fact that westward expansion would result in the democratic autonomy of new states instead of their subjection to a colonial administration or centralized government.<sup>51</sup>

Against the British Empire, Jefferson privileged continental over maritime conceptions of empire because he thought the preponderance of naval power made a state prone to aggressive war and conquest, which conflicted with his vision of America as a peaceful empire of liberty. But in spite of this, it would be a mistake to assume that Jefferson entirely rejected the legitimacy of global empire in favor of a more limited continental and isolationist power. He emphatically wrote to Robert Livingston, the U.S. minister to France, of the necessity of gaining control of the Louisiana Territory, “There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our produce must pass to market.”<sup>52</sup> Jefferson was not opposed to global trade and commerce, for he saw it as a vital feature of a healthy republican economy.

In spite of its commercial and consensual connotations, racial violence and military conquest were at the center of Jefferson’s vision of an “empire of liberty,” a point captured by looking to the obstacles that indigenous communities and the British Empire posed to democratic expansion during the War of 1812. Beyond a persistent military

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<sup>51</sup> Donald Pease, “American Studies after American Exceptionalism,” p. 64. Peter Onuf, *Jefferson’s Empire: The Language of American Nationhood* (University Press of Virginia, 2000).

<sup>52</sup> Jefferson to Livingston (April 18, 1802); *Works*, Vol. IX, p. 364.

presence on the frontier, British officials angered democratic expansionists by supplying Indian attacks on settlers along the frontier. The limits Britain imposed on settler expansion compounded conflicts over international trade. “American farmers were commercial farmers, ambitious for foreign markets, and for them to reach those markets, ocean commerce had to be unimpeded.” The British thus limited both the acquisition of western lands and access to global markets that allowed small farmers to draw profit from those lands.<sup>53</sup> The War of 1812 was an imperial war driven by the republican ideals and economic interests of western politicians and their constituencies’ desires for cheap land.

Beyond striking the British presence from the frontier, the 1812 War also afforded the opportunity to eradicate the barriers Indian tribes posed to settler expansion. In its official ideology, U.S. expansion proceeded by means of assimilation, purchase, and mutual consent first enacted by Knox and Washington. Jefferson’s ideas about assimilation were prefigured by the factory system first inaugurated by Washington in 1795, a system of “trading houses” designed to facilitate commercial relations among Indians and settlers. Driven by a philanthropic spirit, the factory system also facilitated the inculcation of Indians into the arts of Western civilization, specifically, agricultural commerce. Jefferson continued this policy upon inauguration, and he pioneered new mechanisms of assimilation focused on convincing Indian tribes to adopt private property institutions and agrarian social forms in the hopes that they would sell tribal land holdings to the government. Imposing an agricultural lifestyle on Indians would further force them into commercial dependence on trade with white Americans, allowing the sale

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<sup>53</sup> Thomas Bender, *A Nation Among Nations: America’s Place in World History* (Hill and Wang, 2006), pp. 103, 111.

of land to appear as a choice even if it was compelled by “market forces” and economic necessity.<sup>54</sup> His policy of expansion by purchase was designed to facilitate the process of deculturation by bringing Indians within the domain of Anglo social relations.

Jefferson’s Indian policy relied less on genuine consent, however, than it did on a fiction of consent, and it was backed by a profound degree of coercion and violence. It was predicated on a process of spatial colonization that normatively condoned the spread of democratic cultural forms and republican civilization across the western frontier. And it directly implied temporal colonization, shown in Jefferson’s remark that the assimilation of the Indians engendered the “termination of their history.”<sup>55</sup> The extermination of indigenous cultures was closely tied to his notion of agrarian citizens as the “chosen people of God” and the progressive assumptions it implies. The future was democratic, and Indians with archaic customs had no place in that future unless they assimilated to the democratic way of life and subjected themselves to the force of republican government. In a letter to Colonel Benjamin Hawkins, the Creek agent of the federal government, Jefferson wrote that the incorporation of the Indian tribes into U.S. citizenship was the “natural progress of things.”<sup>56</sup> Those who resisted the spread of republican society and its assimilative force were thus resisting the laws of history.

Accordingly, the only option in dealing with Indian tribes who posed obstacles to the progressive march of American democracy was extermination. In 1807, when President

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<sup>54</sup> Francis Paul Prucha, *The Great Father*, pp. 35-39, 48. See Jefferson’s letter to Governor William Harrison (Feb. 27, 1803); *Political Writings*, pp. 523-527. Michael Rogin, *Fathers and Children*. Jefferson, “First Inaugural Address,” *Works*, Vol. IX, p. 326.

<sup>55</sup> Jefferson to Harrison (Feb. 27, 1803); *Political Writings*, p. 525.

<sup>56</sup> Jefferson, *Notes on the State of Virginia*; in *Works*, Vol. IV, p. 85. Jefferson to Hawkins (Feb. 18, 1803); *Works*, Vol. IX, p. 447.

Jefferson learned that some tribes were preparing war against the federal government, he called for the wholesale genocide of those tribes, affirming that “if ever we are constrained to lift the hatchet against any tribe, we will never lay it down till that tribe is exterminated... we shall destroy all of them.” With the Creek Nation mounting a sustained opposition to American expansion, Jefferson similarly comforted himself in the fact that “barbarities justified extermination.”<sup>57</sup> Not too dissimilar from Pontiac’s War, the Creek Wars were subsumed into the 1812 War when the Shawnee leader Tecumseh united the two tribes to resist assimilation and settler encroachment. Like Pontiac, Tecumseh was motivated by the teachings of his half-brother, Tenskwatawa, who initiated a “recivilization movement” calling for the revitalization of traditional Shawnee and Creek culture in opposition to the spread of white civilization.<sup>58</sup> But to Jefferson, Indian resistance was merely a barrier standing in the way of civilization and progress.

The policy of purchase thus ran into a set of obstacles that undermined its ideological consistency when Indians refused to sell their land and integrate into the expanding American order. The imperial ideology articulated by Jefferson turned on the assumption that Indians wanted to sell their lands to the federal government and desired their acculturation to national citizenship so as to enjoy the benefits of republican civilization. There is thus a form of cultural superiority that undergirds the legal supposition of equality and consent enacted by federal Indian policy. Indian resistance and refusal to

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<sup>57</sup> Jefferson to Secretary of War Dearborn (Aug. 28, 1807); *Works*, Vol. X, p. 488. Robert Miller, *Native America, Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny* (Greenwood Publishing, 2006), pp. 92-93.

<sup>58</sup> George Herring, *From Colony to Superpower: U.S. Foreign Relations Since 1776* (Oxford University Press, 2008), pp. 123-124.

sell lands represented to Jeffersonian democrats a challenge to this notion superiority and as a result to the progress of modern democracy.

We miss something crucial about the burgeoning discourse of American democracy if we chalk these comments up to the individual views of an overzealous politician. The dual policy of assimilation-extinction directly stemmed from Jefferson's progressive view of history that by the Jacksonian era shaded into the discourses of "democratic providence" and "manifest destiny." Moreover, it was compatible with his republican views and desire for an expanding, homogenous society. The mode of conquest embedded in Jefferson's Indian policy, in both its civilizing and violent forms, represents a clear instance of foundational violence, which involves the decimation of pre-existing identities and modes of culture in order to make way for the constitution of a new political order.<sup>59</sup> Jeffersonian democracy not only rested on forms of conquest aimed at the eradication of indigenous modes of political life, its embrace of a providential discourse directly authorized the foundational violence enacted by Revolution. Indian resistance, however, exposed the limitations of U.S. imperial ideology by calling into question liberal narratives of expansion.

It is in this context that we must reconsider the radical aspects of Jeffersonian democracy. It is no secret that Jefferson was obsessed with the coming of a new, modern political order, and that his penchant for radicalism and revolution stemmed from his disdain of aristocratic society. In his well-known argument that no generation has the right to bind future generations to their laws and constitution, Jefferson famously

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<sup>59</sup> Cocks, "Foundational Violence and the Politics of Erasure," *Radical Philosophy Review*, 15, 1 (2012), pp. 103-126.

declared, “The dead have no rights. They are nothing and nothing cannot own something.”<sup>60</sup> Richard Drinnon has shown that Jefferson’s assertions here, read contrapuntally, apply to white aristocrats and their social systems of privilege as well as to the native civilizations of the ancient American past.<sup>61</sup> For Jefferson, Indians who sought to retain their customary modes of politics clung to the dead weight of tradition. Native polities constituted vanishing civilizations, and so their customs and traditions inherited through time ran counter to the historical progression of American democracy. The resurgence of ancient tradition meant the return of ancestral privilege that Jefferson deemed antithetical to democratic equality. Maintaining a free and equal United States thus entailed the assimilation-extermination of Indian tribes seeking the regeneration of their customary forms of politics.

We also see evidence for this interpretation in the President’s inaugural addresses, often taken jointly as a classical statement of democratic-republican principles. In his first inaugural address, Jefferson expounded a classic vision of American empire: “A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry... advancing rapidly to destinies beyond the reach of the mortal eye.” Reflecting a progressive understanding of history, Jefferson viewed the United States as the forefront of the democratic movement, and a central feature of this movement was the eradication of religious intolerance. By his second inaugural address Jefferson turned the principle of tolerance into a justification of Indian extermination.

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<sup>60</sup> Jefferson to Kercheval (July 12, 1816); *Works*, Vol. XII, p. 13.

<sup>61</sup> Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (University of Oklahoma Press, 1997), pp. 92-94.

While the majority of native peoples were rightly convinced of the superiority of white civilization, there still existed the “action and counteraction of good sense and of bigotry” among some “anti-philosophers who find an interest in keeping things in their present state.”<sup>62</sup> Jefferson was clear that Indians who insist on retaining their traditional cultural forms and identities are enemies of progress, and therefore intolerants deserving of eradication. To legitimize conquest, he constructed Indian resistance as the exception to the rule of commercial expansion and the civilizing force of republican society.

In the midst of the “Revolution of 1800,” which saw the democratic-republican coalition of Jefferson assume the seat of government, Federalists retained the assumption that democracy and empire were incompatible. For instance, on the eve of his death Alexander Hamilton wrote, “[T]he dismemberment of our empire will be a clear sacrifice of great positive advantages without any counter-balancing good, administering no relief to our real disease, which is democracy.”<sup>63</sup> In this view, the emergence of a new, democratic creed in American society threatened to undermine the power of the rising American empire. Hamilton’s fear was that democracy’s emergence as the prevailing principle of government would lead to instability, undermining federalist visions of empire and national unity. Jefferson, on the other hand, began to incorporate democratic values squarely within his vision of an empire of liberty. The active self-rule of the *demos*, in this vision, constituted the basis of American imperial power.

Perhaps more than any thinker of the time, Jefferson played a pivotal role in integrating settler ideologies into national frameworks of settler-colonial expansion. In

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<sup>62</sup> Jefferson, First Inaugural; *Works*, Vol. IX, p. 194. Second Inaugural; *Works*, Vol. X, p. 133.

<sup>63</sup> Hamilton to Theodore Sedgwick; July 10, 1804; *Works of Alexander Hamilton*, Vol. X, p. 458.

an essay envisioning the prospective course of settler expansion across the continent, Jefferson invited a “philosophic observer [to] commence a journey from the savages of the Rocky Mountains” toward the eastern seaboard. In this journey, our philosopher would observe the earliest stage of civilization, composed of savage Indians living in a lawless state of nature. Next, he would find Indians on the “frontiers in the pastoral state, raising domestic animals to supply the defects of hunting.” Then he would witness “our own semi-barbarous citizens, the pioneers of the advance of civilization,” blazing the path of progress westward from the most developed state of “our seaport towns.”

Jefferson’s account of historical development here transformed the stadial view of history marked by the cyclical rise and decline of empires into a linear model of progress. In this view, the course of settler expansion maps onto the “progress of society from its rudest state to that it has now attained.” As the primary agents of expansion, imperial authority rested in the settlers that blazed the path of civilization. In the face of this relentless expansion, barbarism and savagery have retreated before the “march of civilization.”<sup>64</sup>

Through the simultaneous processes of territorial expansion and civilizational progress, settlers become more refined in their manners as the process proceeds, and thus more directly integrated into the republican order. Benjamin Rush directly expressed this idea in reviewing “three different species of settlers,” which also represent “regular stages” in the “progress from savage to civilized life.” In the first stage, the settler is nearly identical to the savage Indian in his customs, habits, and manners. And like the Indian, the settler “revolts against the operation of the law.” Although these manners

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<sup>64</sup> Jefferson to William Ludlow (Sept. 6, 1824), *Political Writings*, pp. 590-591.

become more diluted in the second stage, the chief preoccupation of the second species of settler is improving the land to draw profit. Like the first species of settler, the second is also “indisposed to support civil government.” It is only in the third stage of settlement (when agricultural modes of production gain precedence over hunting and land speculation) that “republican virtue” comes to define the citizenry. Like Paine’s vision of expansion for the public good, the third species of settler transforms the process of territorial expansion from one driven solely by private or class-based interests to one that embraces a civic component.<sup>65</sup>

Consistent with this vision of settler expansion, Jefferson developed an image of empire that operates through the “democratization of the total institutional framework of the Union, and the dispersion of political power downward from the federal government to the self-governing community of the ward and the township.”<sup>66</sup> After his presidency, he wrote extensively on the centrality of retaining and augmenting the role of local sovereignty in the federal system. He proposed a plan that would further divide the counties of each state into “wards of five or six miles square,” each with their own local institutions of self-rule. Wards, or townships as they were called in New England, were the “vital principle” of democratic rule and provided for the “perfect exercise of self-government.” By promising democratic participation at the local level in a federal

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<sup>65</sup> Rush, “An Account of the Progress of Population, Agriculture, Manners, and Government, in Pennsylvania,” *Essays, Literary, Moral and Philosophical* (Philadelphia, PA: T. and W. Bradford, 1806), pp. 213-225.

<sup>66</sup> Arieli, *Individualism and Nationalism in American Ideology*, p. 166.

system of government, Jefferson hoped that his system of “ward republics” would be the “key-stone of the arch of our government.”<sup>67</sup>

### **Conclusion**

While Jefferson never overtly articulated ward republics as a program of colonization, his work on the land ordinances of the Revolutionary period suggests that the union of settler sovereignty and popular sovereignty in a federal system provided for a democratic model of imperial expansion. Viewed in this context, the ward and the township were settler-colonial institutions of self-rule that rested on the displacement of indigenous communities. We thus see with Jefferson and the Democratic-Republican societies the early seeds of democratic empire, of a vision of empire that spreads through the active power of the *demos*.

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<sup>67</sup> Jefferson to John Adams (Oct. 28, 1813), *Works, Vol. XI*, pp. 346, 348. Jefferson to Samuel Kercheval (July 12, 1816), *Works, Vol. XII*, p. 9.

## Chapter Three

### **The Tocquevillian Moment: Settler Expansion and the Democratic Social State**

“In the United States, it is not only legislation that is democratic; nature itself works for the people... Everything about the Americans is extraordinary, their social state as well as their laws; but what is more extraordinary still is the soil that supports them.” Tocqueville, *Democracy in America*.

The period between 1800 and 1828 witnessed a profound transformation in the discourse of modern democracy. During the Revolutionary era, the U.S. constitution was overlaid on top of a political culture of deference and social hierarchy. While there were islands of democratic culture in the Anti-Federalists and Democratic-Republican Societies, democratic idioms of power occupied an ambiguous place in the emergent national culture dominated by Federalist ideology. Jefferson’s election of 1800 in many ways catalyzed the development of democratic culture and played a direct role in conjoining democratic values with imperial ideology. In these developments, democracy signaled less a constitutional form of government than it did a form of culture and society. Indeed, Jefferson’s assertion that the election of 1800 “was as real a revolution in the principles of our government as that of 1776 was in its form” suggests that a polity can undergo radical transformation without a formal change in its constitution.<sup>1</sup> The source of this change is to be understood not as a revision of the constitutional form of the republic but rather as a shift in the political culture and social condition of Americans.

Anyone familiar with antebellum politics will readily note that this basic division profoundly colored Alexis de Tocqueville’s reflections in *Democracy in America*. Indeed, he explicitly distinguished a democratic form of government from a democratic

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<sup>1</sup> Jefferson to Spencer Roane (Sept. 6, 1819), *Works*, Vol. XII, p. 136.

condition of society.<sup>2</sup> The unprecedented degree of social equality in America – the leveling of social rank that Tocqueville associated with the absence of a landed aristocracy – is a function of the social condition of Americans rather than an effect of government. Insofar as U.S. political institutions embraced the principle of popular sovereignty and the democratization of political power, as J.S. Mill would put it, “changes in political institutions are the effects of previous changes in the condition of society.”<sup>3</sup> To register this profound shift in American society, Tocqueville used the language of the “democratic social state” as a way of foregrounding the social relations, cultural mores, and geographic conditions that define American democracy.

For Tocqueville, the origins of democracy in America are naturally rooted in the geographic conditions of the New World. In this regard, Tocqueville naturalizes democracy as an essential feature of American society, placing it outside of the dynamics of historical development. But rather than a natural or essential feature of U.S. political identity, the emergence of democracy in antebellum political culture was a profoundly contingent development that rested on a variety of factors. Michael Schudson, for instance, argues that the early nineteenth century witnessed a “democratic transition in political life.” The egalitarian gains of the Revolution notwithstanding, the Constitution “had not altered assumptions of deference and social hierarchy” that defined eighteenth century American political culture. The early nineteenth century gave rise to a “new egalitarian ethos [that] provided a framework for American politics so much more

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<sup>2</sup> Tocqueville, *Democracy in America* (University of Chicago Press, 2000), p. 12.

<sup>3</sup> Mill, “Essay on Government,” *Collected Works of John Stuart Mill, Vol. XVIII* (University of Toronto Press, 1977), p. 151.

democratic than that of the Federalist era.”<sup>4</sup> More than a change in constitutional form, the democratic transition was a change in society, culture, and collective identity.

Political theorists, historians, and historical sociologists have all accounted for this shift in the meaning of democratic discourse in the antebellum period by emphasizing a variety of factors, most saliently the expansion of suffrage and the rise of mass parties. By placing almost exclusive focus on these factors, however, these accounts overlook the central role of settler expansion in shaping democratic thought and culture. Simultaneous with the ascendance of democratic idioms of power in U.S. political discourse was the vast expansion of market society and the American state westward, which also entailed the imposition of colonial hierarchies on indigenous polities, conquered African slaves, and Mexican farmers. What stands out in need of systematic explanation in the democratic transition of antebellum political culture is how conceptions of social equality, political liberty, and popular sovereignty were calibrated to the historical and spatial dynamics of settler expansionism. In understanding this process, it will become clear that the structures and hierarchies of settler expansion were not conjoined with democracy in a fortuitous association, but grounded its very conceptual meaning.

If settler colonial regimes are fundamentally characterized by the logic of native elimination, then processes of indigenous dispossession and land appropriation have had a formative impact on the construction of what Tocqueville called the democratic social

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<sup>4</sup> Schudson, *The Good Citizen: A History of American Civic Life* (Kessler, 1998), p. 91, 94. Robert Wiebe also speaks of a “transition from republic to democracy” that occurred in the early nineteenth century; *Self-Rule: A Cultural History of American Democracy* (University of Chicago Press, 2006), p. 39. Regina Ann Markell Morantz also notes that the shift from republican to democratic idioms of power in the nineteenth century attended profound changes in the meaning of popular sovereignty. It was only in the 1820s that the concept of democracy began to acquire wide-spread legitimacy in political discourse; *“Democracy” and “Republic” in American Ideology, 1787-1840*, PhD Dissertation (Columbia University, 1975).

state. For Tocqueville, modern American democracy is defined by the collapse of social hierarchies that grounded feudal authority in European society. In the colonization of the Americas, the feudal order defined by rigid hierarchies of social rank and inherited status gave way to a social order grounded in radical principles of social and economic equality. As the crumbling ruins of feudal society were swept away by the winds of the democratic revolution, principles of popular sovereignty came to stand in for aristocratic systems of rule. The settlers of the New World created a new egalitarian social order on a territorial ground marked by the absence of feudalism. Yet what is unspoken in Tocqueville's account though tacitly thematized is that the democratic social state rests upon settler colonialism. American democracy was defined by a double absence – the absence of feudalism and the absence of indigenous sovereignties. This double absence is pivotal in the making of U.S. democratic culture insofar as it removes that which is vitally present from critical scrutiny: the foundation of American democracy in settler conquest. In this regard, the absence of feudalism in *Democracy* ideologically obscures the constitutive role of settler conquest in the creation of democratic society.

This chapter develops the framework of the “Tocquevillean moment” to understand the relationship between democracy and settler colonialism at three levels of analysis: the historical, the conceptual, and the ideological. At the historical level, I refer to the Tocquevillean moment as what Schudson and others have called the democratic transition in American political life.<sup>5</sup> At the conceptual and more significant level, it

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<sup>5</sup> I take the language of the Tocquevillean moment from James Simeone, who writes, “The liberal tradition... places the highest priority on protecting individuals, and liberals tend to fear the unified power of the state and society. For this reason, the Tocquevillean moment, when the authority of society gains an

provides a way of understanding how settler expansion and land appropriation have vitally shaped the conceptual meaning of modern American democracy. If Pocock's theory of the "Machiavellian moment" posits that imperial expansion threatened institutional stability of republics, the "Tocquevillean moment" holds that territorial expansion provided the vital conditions for the development of democratic equality, popular self-rule, and national stability. In other words, settler colonization not only provides the material and symbolic foundation for the emergence of modern democracy.<sup>6</sup> It also sustains the democratization of power in American society by maintaining an egalitarian socio-political order based on popular self-rule through continued territorial expansion. Simply put, it captures the dynamic by which settler expansion has constituted and continues to structure the democratic social state. Put together, the conceptual and historical levels of the framework illuminate how the central values of American democratic culture developed in relation to settler expansion.<sup>7</sup>

At the ideological level, the Tocquevillean moment treats the distinction between state and civil society in Jacksonian America as an ideological rationalization of how the democratic social state is produced through settler conquest. It is only by obscuring the

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advantage over the authority of the state, has always been celebrated by liberals;" *Democracy and Slavery in Frontier Illinois* (Northern Illinois University Press, 2000).

<sup>6</sup> The "Machiavellian moment," for Pocock, names a persistent problem in political thought throughout the modern period stemming from the establishment of the Florentine republics to the constitutions of the French and American republics. It is "the moment in conceptual time in which the republic was seen as confronting its own temporal finitude, as attempting to remain morally and politically stable in a stream of irrational events conceived as eventually destructive of all systems of secular stability." In Pocock's framework, imperial expansion threatens the stability of republics; *The Machiavellian Moment*, p. viii.

<sup>7</sup> In placing Tocqueville at the center of these dynamics, my goal is not to suggest that Tocqueville himself promoted American expansion or was a democratic expansionist, but rather that he distilled the general interpretive economy – the categories, concepts, tropes, and narratives – by which expansionists articulated democracy and empire together in a single ideological formation. For a nuanced account of Tocqueville's own views on settler colonial expansion, see Pitts, *A Turn to Empire*.

contingent origins of American democracy in state projects of colonial conquest that democracy appears as a natural byproduct of New World geography. In its ideological self-conception, democratic empire expands through the migratory force of the *demos* who seek freedom and equality through landed property ownership. Because the state is absent, according to the ideology of democratic empire, territorial expansion is not only consonant with modern notions of political liberty and social equality but is in fact driven by the force of their appeal. Imperial expansion therefore appears not as the product of an imperial state bent on expanding its boundaries but as the result of the demands of citizens for land, liberty, and equality. In this way, the *demos* rather than the state became the primary agent of territorial expansion. By constructing a mythology of a stateless civil society as the primary force of imperial expansion, ideologists of democratic empire in effect concealed the central role of war, conquest, and state coercion in shaping antebellum democracy.

My point here is not to say that colonial violence only resided in state policy and not in the initiative of individuals acting in civil society. Foregrounding the role of the state in driving settler expansion, however, does more to expose the contingent origins of American democracy in settler colonialism. If state policies of military conquest and land appropriation produced the democratic social state, then it becomes impossible to claim, along with Tocqueville, that democracy naturally inheres in the geographic and cultural conditions of the New World. By diverting attention to the role of politically organized colonial violence in securing the material conditions of democratic rule, we see that the constitution of democratic society in the U.S. is itself a form of conquest.

## **Settler Colonialism and the Democratic Social State**

To the extent that both involve the constituent power of the governed to constitute a new society, American democracy and settler colonialism are closely aligned. In explaining the distinctive character of American democracy, Tocqueville began his account with the colonial settlements of New England. What made English colonial society unique stemmed from the system of colonial organization by which settlements were founded. While imperial authorities elsewhere in Europe “subjected... the New World” to rules legislated in the metropolis, the English system of colonization gave “emigrants the right to form themselves into a political society under the patronage of the mother country, and to govern themselves in everything that was not contrary to its laws.”<sup>8</sup> The English colonial system was thus marked by the authority it granted settlers to organize and constitute themselves as a self-governing society. As a result, “The new settlers did not derive their incorporation from the seat of empire, although they did not deny its supremacy; they constituted a society of their own accord.” As a form of constituent power involving the authority to constitute a new social order, settler sovereignty is also a form of foundational violence that enacts the eradication of prior identities to make way for the new democratic order.

In spite of his sympathetic lament about the conquest of Native Americans, the disavowal of indigenous sovereignty and the logic of native elimination fundamentally grounds Tocqueville’s account of the foundation of democratic society. As a descriptive matter, he notes that European settlers generally thought that “the lands of the New

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<sup>8</sup> Tocqueville, *Democracy in America*, pp. 36-37.

World belonged to the European nation that had first discovered them.”<sup>9</sup> Yet on a conceptual level, the doctrines of discovery and *terra nullius* play a pivotal role in Tocqueville’s account. While both doctrines have a complex and convoluted legal history in Western political thought, they both claim that European states were justified in making sovereign claims to New World without native consent because indigenous peoples lacked political institutions analogous to modern European sovereignty. As a result, indigenous communities lacked legitimate claims to property and territorial sovereignty in America. While the doctrine of discovery was more concerned with justifying territorial sovereignty in relation to competing European powers, it combined with the doctrine of *terra nullius* to rationalize the expropriation of indigenous land. The doctrine of *terra nullius* held that the territories of the New World were empty and uncultivated wilderness without property or government. As such, they were not political societies but were literally states of nature. Settlers planted themselves in lands designated *terra nullius*, replacing states of nature with civil societies through the creation of new governing institutions that by definition excluded natives.<sup>10</sup>

The doctrine of *terra nullius* significantly shaped Tocqueville’s understanding of New World geography and its effect on the democratic social state. One of the defining features of the democratic social state was the distinctive geographic conditions that provided the material basis for a stable and self-governing democratic society. A brief overview of Tocqueville’s New World geography illustrates how the American landscape

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<sup>9</sup> Tocqueville, *Democracy in America*, p. 36.

<sup>10</sup> See Carole Pateman, “The Settler Contract,” *Contract and Domination*. Also see Robert Miller et. al, *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford University Press, 2010).

was emptied of an indigenous presence. Outlining the “external configuration of North America” in the first chapter of *Democracy*, Tocqueville’s landscape portrait of North America is littered with the “traces of an unknown people.”<sup>11</sup> Observing the pyramidal mounds of the Mississippi valley, Tocqueville entertains the notion that at one point America may have been occupied by large, flourishing societies. Yet in their present state indigenous Americans comprise a “few small tribes” in an “immense wilderness,” and they “cannot give any information about the history of that unknown people.” One can only conclude, then, that indigenous societies in North America represent declining and vanishing civilizations: “A strange thing! There are peoples who have so completely disappeared from the earth that the very memory of the name has been effaced; their languages are lost, their glory has vanished like a sound without an echo.”<sup>12</sup>

Because they constitute a declining civilization, Tocqueville considered indigenous peoples to be occupants of a savage and degraded social condition. He reiterated Lockean theories about the inability of indigenous peoples to properly cultivate the land, further reinforcing the disavowal of indigenous land claims: “The Indians occupied it, but they did not possess it. It is by agriculture that man appropriates the soil, and the first inhabitants of North America lived from products of the hunt.”<sup>13</sup> But perhaps the defining feature of the Indian was that “he had grown up in the savage independence of his nature.” The fierce independence of the Indian prevented him from occupying a social state characterized by common habits and moral bonds that united individuals in a

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<sup>11</sup> Tocqueville, *Democracy in America*, p. 19.

<sup>12</sup> Tocqueville, *Democracy in America*, pp. 25-26.

<sup>13</sup> Tocqueville, *Democracy in America*, pp. 26-27.

larger community, which established the authority of liberal property arrangements. In this way, Tocqueville's version of *terra nullius* operates less through the disavowal of indigenous forms of political organization than the disavowal of indigenous social forms. In other words, Indians lack legitimate title to the land not because they lack a state but because they lack a civil society. Absent legitimate forms of social organization, North America at the time of colonization was the "still-empty cradle of a great nation." On top of this land, "civilized men were to try to build a society on new foundations."<sup>14</sup>

It is much too simple to suggest that Tocqueville here simply ignored or was unaware of an indigenous presence in America. Evidenced by the chapters on the "external configuration" of North America and the three races, it is clear that he undertook painstaking efforts to understand the place of indigenous societies in the American democratic order, all in spite of his repeated assertions that Indians were a vanishing race that had no place in the New World. His own intentions notwithstanding, Tocqueville's conceptual framework erases the indigenous presence and ideologically obscures the modes of native elimination that provide the foundation for the democratic social state. Yet it is much more than a simple misrepresentation. Insofar as it produces salient social meaning for settlers, it is a "performative representation"<sup>15</sup> that constitutively enacts the erasure of indigenous cultures as a precondition for the establishment of democratic equality. His attempt to root democratic society in the geographic conditions of the New World thus works to conceal the contingent origins of modern democracy in settler conquest, making democracy appear as a natural byproduct of New World geography

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<sup>14</sup> Tocqueville, *Democracy in America*, pp. 24-27.

<sup>15</sup> Wolfe, *Settler Colonialism and the Transformation of Anthropology*, p. 165.

rather than as a hierarchical process of empire and expansion.

In his account of “the principle causes tending to maintain a democratic republic in the United States,” Tocqueville affords special importance to the material and geographic conditions that define the democratic social state. In doing so, he draws a crucial comparison between the Spanish colonization of South America and the Anglo colonization of North America. In the former, Spanish conquistadors found concentrated civilizations that, in spite of being “less enlightened,” had “already appropriated the soil by cultivating it.” Thus, to “found their new states, they had to destroy or enslave many populations.” If violence and coercion played a central role in the founding of South American states, the social state of North American settlers allowed them to pursue a course of expansion that was without conquest. Composed of “wandering tribes,” North America was “properly speaking, an empty continent, a wilderness land, that awaited inhabitants.”<sup>16</sup> With minimal effort and violence, by merely nudging indigenous peoples off the map, Anglo-settlers could take swift control of the continent.

The geographic conditions that make the sovereignty of the people possible thus imply the disavowal of an indigenous presence. The importance of geography in explaining the character and stability of American democracy is so pronounced that Tocqueville considers a democratic-republic to be the “natural state of the Americans.” He further writes, “In the United States, it is not only legislation that is democratic; nature itself works for the people.” Due to the material abundance of land, the perceived absence of native inhabitants, and the virtual lack of immediate territorial threats, the

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<sup>16</sup> Tocqueville, *Democracy in America*, pp. 264, 267.

“boundless continent” of North America has allowed Americans to “remain free and equal.”<sup>17</sup> Political liberty and social equality have a material basis in the geographic conditions of democratic society, granting a degree of stability to democratic institutions that keeps them from degenerating into anarchy.

The geographic conditions of North America work to directly shape the formation of democratic society. The state of “material well-being” and economic prosperity of Americans exerts a profound influence on the actions, opinions, and habits of citizens. In giving a “certain direction to the public spirit,” the “equality of conditions” has unleashed the “surge of the spirit of enterprise,” which has in turn driven Americans to the “frontiers of the Union.”<sup>18</sup> Material conditions also intersected with property law to establish the general condition of equality characteristic of the democratic social state.<sup>19</sup> Such a social condition consists of two features: institutionalized forms of civic equality that enable social mobility and abolish inherited structures of privilege; and the historical absence of a landed aristocracy that perpetuates this privilege through the inheritance of landed property. Material conditions such as the abundance of readily exploitable land allowed for property law to be made in a manner such that land was distributed relatively equally, at least to the extent that it impeded the formation of a landed aristocracy. Tocqueville’s conception of social equality meant not that Americans were without

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<sup>17</sup> Tocqueville, *Democracy*, pp. 267, 379. Distinct from revolutionary discourse, Tocqueville uses the terms democracy and republic interchangeably. In parts of the text he shifts back and forth between the language of the “republican social state” and the “democratic social state” (e.g. p. 267).

<sup>18</sup> Tocqueville, *Democracy*, pp. 3, 43, 159.

<sup>19</sup> Key reforms in property law first established as custom in the American colonies in the eighteenth century and then established as law in the majority of states following the Revolution involved the abolition of primogeniture (laws restricting the inheritance of estates to the eldest son) and entail (laws prohibiting the division of titled estates).

economic inequality, but that the distinct configuration of law, culture, and geography prevented the formation of an aristocratic ruling class that guards its social privilege through the generational transmission of landed wealth.

Echoing Turner's frontier thesis, Tocqueville intimates that frontier conditions catalyzed the spread of egalitarian principles across North America that had already been set in motion by legal reforms in property law concerning the distribution of landed property. Although such laws and customs first established the equality of conditions in the eighteenth century, Tocqueville notes that settler expansion resulted in the egalitarian movement becoming "more rapid as time advanced." Tocqueville saw in the rapid colonization of the west "democracy reaching its furthest limit," allowing settlers to further escape the aristocratic hierarchies that accrue from "the influence of great names and great wealth."<sup>20</sup>

Out of this fusion of geographic conditions and property law emerges the defining feature of the democratic social state: the democratic culture of citizens. Two central values in democratic culture coalesce together to produce a social condition and ultimately a political system premised on the principle of popular sovereignty. First, conceptions of social equality in which the economic pursuit of wealth is divorced from social hierarchies of aristocratic privilege fundamentally defined the egalitarian principles at the heart of democratic culture. As in classical republican themes, Tocqueville's notion of the democratic social state signaled that "only relative equality of condition could promise the necessary foundation for an informed and active citizenry that would

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<sup>20</sup> Tocqueville, *Democracy*, p. 50.

not permit its government either to exploit or dominate one part of the society or to become its instrument.”<sup>21</sup> Equality in civic status and social rank were necessary barriers to the resurgence of the feudal system and aristocratic rule in America.

Like Jefferson, Tocqueville believed that democratic stability required a form of equality in which each citizen had a sufficient amount of property to guarantee their own subsistence. In conjunction with reforms in estate law, the reservoir of frontier land ensured that each citizen would have sufficient property in spite of the distribution of wealth in the metropolitan east. To deliver on its promises of social equality, democratic ideals of equal citizenship required reservoirs of cheap land. In the context of an emergent market economy that required continuous growth and development, territorial and economic expansion was a vital correlate of social equality. In addition to ensuring social equality, the material expansiveness of democracy stabilized private property institutions by casting the West as a “safety valve” that diffused class conflict and ensured social stability through the promise of economic opportunity. The promise of American democracy was the promise of social mobility, personal independence, and ultimately the power that came from individual ownership of landed property.<sup>22</sup> When equal access to land is no longer possible, the promise of democracy vanishes.

Second, just as social equality rested on economic dynamics that provided opportunity and shared prosperity, Tocqueville’s conception of political liberty also found its material basis in the geographic conditions of North America. At the center of

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<sup>21</sup> Horwitz, “Republicanism and Liberalism in American Constitutional Thought,” *William and Mary Law Review*, 29, 1 (1987), p. 72.

<sup>22</sup> Eric Foner, *The Story of American Freedom* (Norton, 1998), pp. 20-21, 50-51.

dominant narratives of U.S. democratic development was an idea about the wide scale availability of cheap land independent of any consolidated form of oligarchic power or territorial threats from indigenous people and rival imperial powers. In the republican tradition, political freedom depended upon the individual ownership of property, which ensured one's independence from the will another. As democratic ideology in the late eighteenth and early nineteenth-centuries began to diffuse sovereignty throughout society in individuals, citizenship was seen to require the material resources of landed property to exercise political freedom. To be in a position to rule, the democratic citizen also required the independence that came with landed property as a means of cultivating the values, practices, and habits necessary for the effective exercise of political power.

For Tocqueville, social equality enabled by widespread property ownership ensured political stability and public order in democratic societies. As a means of preventing forms of poverty and pauperism that cultivate a spirit of dependence and servility, “widespread diffusion of property ownership among citizens” establishes the basis of an egalitarian community. Whether it is dependence on the government for public relief or on a landed aristocracy, personal dependence must be minimized if political liberty is to be maintained. The personal independence granted by the diffusion of property and territorial expansion gives citizens a “stake in the social order” and provides the “material basis of citizenship.” As with the republican conceptions of liberty, participation in public life required a set of habits and attitudes that derive from landed independence.<sup>23</sup>

Democratic citizenship thus aligns with imperial citizenship not just in an interpretive

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<sup>23</sup> Chad Goldberg, “Social Citizenship and a Reconstructed Tocqueville,” *American Sociological Review*, 66, 2 (April 2001), p. 294.

sense but also in a material sense. If the ideals of landed independence at the heart of democratic citizenship were attained through processes of settler expansion, then in a certain sense democracy's material reality resides in a settler-colonial-social formation.

Like Aristotle, Tocqueville divided society into three classes: the rich, poor, and the middle class. In an ideal social state, both the poor and rich should be few and impotent while the middle classes who stand between these two extremes should “possess sufficient property to desire the maintenance of order.” To ensure such a state of affairs and mitigate the political instability, Tocqueville believed that measures must be taken to ensure that the people acquire “share of property” that enables the spirit of liberty to take root.<sup>24</sup> Organized in such a way, the democratic social state guarantees a “political form that equally favors the development and prosperity of all the classes of which society is composed.”<sup>25</sup> Although reforms in property law helped in this regard, Tocqueville surely understood that granting the poor a stake in society required the settlement of western lands. The trope of the frontier symbolized not only the expectation of social mobility and economic advancement but also the promise of free and equal self-rule. Settler expansion thus maintains a bourgeois class order that places sovereignty in civil society rather in the aristocracy of the rich or the socialism of the poor.

The two central values of U.S. democratic culture during the Jacksonian period – social equality and political liberty – combined to create a distinctively democratic

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<sup>24</sup> Tocqueville quoted in Goldberg, “Social Citizenship and Reconstructed Tocqueville,” p. 294. Tocqueville, *Democracy*, p. 201, 607. On Tocqueville's place in the republican tradition with regard to the relationship between property and liberty, see Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge University Press, 2006), pp. 239-244.

<sup>25</sup> Tocqueville, *Democracy*, p. 223.

conception of popular sovereignty in U.S. political culture. Tocqueville writes, “In nations where the dogma of the sovereignty of the people reigns, each individual forms an equal portion of the sovereign and participates equally in the government of the state.”<sup>26</sup> What sustains participatory equality is less the institutional structure of the state than the values of individual citizens in civil society, which themselves are created and maintained through processes of settler colonization. Sovereignty then inheres not in the imperial state but in civil society. In transferring the sovereignty of the monarch to the sovereignty of the people, democratic-republican discourses located *imperium* in the power of the *demos*, in the power and capacities of sovereign individuals in civil society acting together as a “social force” to expand their sovereignty and dominion westward.<sup>27</sup>

Tocqueville clearly recognized an expansionist capacity in the American people, and in doing so he imbued democratic notions of popular sovereignty with an imperial dimension. The assertion of the sovereignty of society over the sovereignty of the state actuated by democratic discourse profoundly shaped the imperial imaginaries that legitimized expansion and conquest. Indeed, Tocqueville argued that the equality of conditions characterizing the democratic social state run directly counter to the “spirit of conquest” and “warlike passions.” Because the democratic social state diffuses property ownership, democratic citizens will be more “friendly to peace” so as to preserve political stability and their own material interests.<sup>28</sup> In making these claims, Tocqueville

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<sup>26</sup> Tocqueville, *Democracy*, p. 61.

<sup>27</sup> Tocqueville, *Democracy*, p. 90.

<sup>28</sup> Tocqueville, *Democracy*, p. 617.

constructed an imperial identity for the American people wherein expansion occurs through the soft power of law, culture, and commerce instead of war and conquest.

In constructing such an imperial identity, Tocqueville compared American processes of expansion with the Russian and Spanish empires, both of which were vying for imperial control of North America. He closed *Democracy in America* with a discussion of American expansion across the western frontier and into the Pacific. While the U.S. already occupies a vast degree of territory, he notes that however “extensive these limits are, one would be wrong to believe that the Anglo-American race will always be contained within them.” It is impossible to “stop the surge of the English race in the New World.” Despite the powerful presence of a Comanche Empire that destabilized Spanish rule in the Southwest, enabling Anglo-settlers to gain a foothold in Texas, Tocqueville claimed, “Beyond the frontiers of the Union toward Mexico extend vast provinces that still lack inhabitants. The men of the United States... will appropriate the soil, they will establish a society on it, and when the legitimate proprietor finally presents himself, he will find the desert fertilized and foreigners sitting tranquilly on his inheritance.”<sup>29</sup> What is important in this portrait is that settlers are appropriating land from the Spanish and Russian empires, and not from indigenous communities already inhabiting that territory. Anglo settlers in Texas acquire territory not through dispossession but by cultivating the empty land and planting their culture and society in the soil.

Such a characterization of American expansion acquired its conceptual coherence through an opposition to the Russian empire of Tsar Nicholas I. While both empires

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<sup>29</sup> Tocqueville, *Democracy*, p. 392. Pekka Hämäläinen, *Comanche Empire* (Yale University Press, 2009).

were “advancing toward the same goal,” Tocqueville insisted that they have different principles of expansion. If American expansion represented the triumph over “wilderness and barbarism,” Russian expansion opposed the advance of “civilization.” Tocqueville further writes, if “the conquests of the American are made with the plowshare of the laborer, those of the Russian with the sword of the soldier. To attain his goal, the first relies on personal interest and allows the force and the reason of individuals to act, without directing them. The second in a way that concentrates all the power of society in one man. The one has freedom for his principal means of action; the other servitude.” He thus portrayed U.S. expansion as a process executed through the enterprise of independent farmers operating under a form of enlightened self-interest, which then coalesced into a broader social force. By casting agrarian citizens as the driving force of expansion rather than military conquest, Tocqueville constructed an image of a democratic empire driven by the modern movement of the *demos* and their universal demand for equality.<sup>30</sup>

One gets a further sense of this image of empire in the work of another French visitor to the U.S., the engineer Michel Chevalier. Like other European visitors to America such as Frances Trollope, Chevalier was struck by the peculiar conception of democratic sovereignty dominant in American political culture. Accounting for how the “principle of the sovereignty of the people” became predominant over aristocratic principles,

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<sup>30</sup> At the time of Tocqueville’s writing, Russia under Nicholas I had possession of Alaska as well as other islands in the Pacific Northwest, and they had just recently rescinded claims to the Oregon Territory in 1824. Tocqueville, *Democracy*, pp. 395-396. For a comparison of American and Russian expansion, see Burbank and Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton University Press, 2011).

Chevalier observed that democracy established its empire not by “plundering its neighbors [and] pillaging provinces... but by the sweat of its brow, by its own resolute industry.” By placing sovereignty in the people and expanding their dominion in accordance with this principle, Americans rejected “military power founded on conquest” as a legitimate basis of democratic order.<sup>31</sup>

For Chevalier as for Tocqueville, American liberty is also marked by an individualist ethos in which settlers cherish the freedom to move people, capital, and culture across territory unhampered by “excessive centralization.” Chevalier writes, “But American liberty is not a mystical, undefined liberty; it is a practical liberty, in harmony with the peculiar genius of the people and its peculiar destiny; it is a liberty of action and motion, of which the American avails himself to spread himself over the vast territory that Providence has given him.”<sup>32</sup> Two things are striking about this formulation. First, Chevalier illustrates how modern American liberty has an expansionist tendency that treats social mobility and equality as a function of the spatial mobility of settlers. Second, the meaning of American liberty conceptually coheres in direct relation to the migration of settlers across the continent, who retain their rights and sovereignty as they establish new communities on expropriated land.

### **American Primitive Accumulation**

If, in the prevailing national ideology, the U.S. was founded on rational principles of popular consent and not conquest, incipient notions of democratic identity required the

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<sup>31</sup> Michel Chevalier, *Society, Manners, and Politics in the United States* (Weeks, Jordan, and Co., 1839), pp. 407, 437.

<sup>32</sup> Chevalier, *Society, Manners, and Politics in the United States*, p. 230.

rationalization of the coercive realities of settler expansion. One of the primary means by which settler expansion acquired legitimacy was to obscure the primary role of state power in empire-building and instead locate imperial sovereignty in “the people.” Democratic ideologies sustained American expansion by reconciling the violence of the market revolution with incipient notions of national identity. The ideological dimension of “the Tocquevillean moment,” in which the authority of civil society supersedes the authority of the state, conceals the centrality of the coercive power of the state in the process of settler expansion. The shift in American political culture to locate both popular sovereignty and imperial sovereignty not in the authority of the imperial state but in the popular habits and customs of civil society thus had an ideological effect that masked the role of settler conquest in producing the democratic social state.

The idea of a weak American state occupies a central place in scholarly interpretations of Jacksonian politics. In exceptionalist narratives of U.S. democratic development, the absence of a centralized state has served as one of the primary factors explaining the distinctiveness of U.S. conceptions of democracy. For example, Skowronek has noted that the “exceptional character of the early American state” resides in its lack of administrative capacity to effectively rule and establish political authority in the western territories. These characterizations and the tensions they generated were acutely exemplified in the writings of influential foreign observers of the American political scene such as Hegel, Tocqueville, and Marx.<sup>33</sup>

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<sup>33</sup> Although my account departs from Skowronek’s portrait of American statelessness in the antebellum era, the following discussion draws heavily from his book, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge University Press, 1982), pp. 5-8.

For Hegel, America lacked even the semblance of statehood characteristic of European modernity. In Europe the modern state exists to mediate class conflict in civil society. The market economy (i.e. civil society as distinct from the state) necessarily produced class contradiction through the vast accumulation of both wealth and poverty. In mediating these opposing forces, the modern state gives civil society an ethical form through the realization of universal freedom and the cultivation of public attachment that allows individuals to locate their particular interests in the general interest of society. Put differently, the market economy that results from the formal differentiation of politics and civil society is a fragmenting force, which produces social divisions impeding political unity that only a centralized state can ensure. The development of the modern state, therefore, arises in response to the social conflicts generated in the market economy characterized by the generalization of exchange relations.<sup>34</sup>

In America, Hegel observed a different path of political development in which the alleviation of social conflict in civil society ends not in a fully ripened administrative state but rather in a stateless civil society. Hegel saw American democracy as distinctively shaped by the condition of democratic equality, which impeded the formation of a centralized state. He noted that “a real State... [will] arise only after a distinction of classes has arisen when wealth and poverty become extreme.” While this condition accurately characterizes European development, America is “hitherto exempt from this pressure, for it has the outlet of colonization constantly and widely open, and

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<sup>34</sup> Hegel, *Elements of the Philosophy of Right* (Cambridge University Press, 1991). Hegel defines civil society as “the field of conflict in which the private interest of each individual comes up against that of everyone else,” p. 329.

multitudes are continually streaming into the plains of the Mississippi.” If vast economic inequality spurred the development of the modern European state, the promise of social equality through settler colonization ensured the virtual absence of the American state.<sup>35</sup>

In a similar way, Tocqueville also distinguished the U.S. by the absence of an administrative state. While the U.S. had a form of “governmental centralization,” it lacked the bureaucratic capacity necessary to execute military conquest and direct economic expansion across the west. Whereas governmental centralization consisted in the federal execution of the national interest, primarily in the domain of foreign policy, administrative centralization entailed overseeing domestic affairs at the state and local level. The effects of administrative decentralization acutely manifested themselves in the process of settler expansion: the lack of a directing power forces the individual to rely on their own initiative in colonizing the west. The lack of an administrative state led to the cultivation of the “spirit of liberty” that enabled citizens to align the common interest with their individual liberty: “The inhabitant applies himself to each of the interests of his country as to his very own.” In this, “the action of individual forces is joined to the action of social forces,” which further drove the “triumphant march of civilization across the wilderness.” Individual action thus becomes social action.<sup>36</sup> Like Hegel, Tocqueville thought that one of the distinctive factors shaping American national character was the abundance of natural resources and the lack of any rival imperial powers with which to compete for scarce resources. Due to the absence of immediate territorial threats and

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<sup>35</sup> Presaging Turner’s lament over the “closing of the frontier,” Hegel speculated that the U.S. would develop a modern state only when its “immeasurable space” was closed off; Hegel, *The Philosophy of History*, pp. 85-86.

<sup>36</sup> Tocqueville, *Democracy in America*, pp. 90, 268.

barriers to the expansion of market society, he observed that Americans lacked a centralized or consolidated state that directed settler expansion.

If Hegel and Tocqueville imagined America as a stateless civil society, Marx had a more realistic and critically informative view of the American state and its relationship to civil society. He held that the U.S. was “the most perfect example of the modern state” because it had successfully combined political democracy in the form of a free constitution with the emancipation of the private sphere of civil society from the power of the absolutist state. In his early writings on democracy, undoubtedly inspired by his reflections on Jacksonian politics, Marx asserted that America’s republican institutions were the “mere state form” of society, with the real “content of the state” lying outside of its political constitution.<sup>37</sup> Read against Marx’s insights here, Tocqueville and Hegel offer less an empirical account of U.S. (non)state development than an ideological narrative that conceals the contingent origins of American democracy in settler conquest.

For Marx, modern political discourses that celebrated the transfer of sovereignty from government to civil society ideologically concealed how state power operated for the interests of a particular social group (in this case, settlers). Indeed, social scientists have tacitly drawn on Marx’s insights to challenge the myth of the “weak American state.” Young and Meiser have shown how American racial order in the antebellum U.S. rested on the creation of a “dual American state: a contract state, premised on the rule of law, that promoted the growth of a prosperous... democratic society of Anglo-Americans, and

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<sup>37</sup> Marx, “The German Ideology,” *Marx-Engels Reader, 2<sup>nd</sup> Edition*, p. 187.. Marx, “Contribution to a Critique of Hegel’s *Philosophy of Right*,” *Marx-Engels Reader, 2<sup>nd</sup> Edition*, p. 22. Skowronek, *Building a New American State*, p. 7.

a predatory state that financed white liberal society through its ruthless exploitation of Indian lands and African American labor.”<sup>38</sup> If the contract state was characterized by a severely curtailed form of power premised on popular consent and limited to the enforcement of contracts among white citizens, the predatory state was a coercive form of power aimed at the expropriation of Indian land and slave labor.

The contract state and predatory state were closely connected. The demand for more land by settlers and Southern demands for the expansion of slavery coincided with the democratization of popular suffrage. As the political system democratized, the pressure for Western land from Northern settlers and Southern slave owners increased. Animated by the dual emergence of new conceptions of social equality and political liberty unmoored from aristocratic hierarchies, the coercive violence of the imperial state granted these ideals a solid material basis through the expropriation of slave labor and Indian land. Together, these two dynamics were among the primary factors driving American economic development, ensuring material prosperity for North and South alike. “Put simply,” Young and Meiser write, “the Anglo-American state successfully redistributed wealth from Native Americans and African Americans to white males and their families.”<sup>39</sup> The enslavement of blacks and the dispossession of Indians thus co-existed with economic prosperity, the development of institutions and ideals of popular self-rule, and the enhanced security of individual liberty and property rights for white citizens, further forestalling class conflict in the increasingly industrialized east.

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<sup>38</sup> Novak, “The Myth of the ‘Weak’ American State,” *American Historical Review*, 113, 3 (2008), pp. 752-772. Young and Meiser, “Race and the Dual State in the Early American Republic,” *Race and American Political Development*, edited by Lowndes, Novkov, and Warren (Routledge, 2008)p. 32.

<sup>39</sup> Young and Meiser, “Race and the Dual State,” p. 31.

Insofar as it was a clear reaction to the “social question” (which concerned general question of equality between social classes), settler colonization was a form of social policy *avant la lettre*. The U.S. developed a vast administrative apparatus and set of public policies designed to transfer indigenous land to white ownership. Such policies were often underwritten by implicit assumptions about the social basis of democracy. In the American democratic tradition of the nineteenth century, political liberty required social equality so as to provide a buffer against the resurgence of aristocratic privilege and feudal social relations. Drawing from republican arguments about the necessity of property ownership for civic virtue, democratic ideology upheld propertied independence as a prerequisite for a stable political order based on popular self-rule. In the context of vast economic and population growth, such democratic discourses necessitated territorial and economic expansion to deliver on their promises of equality and liberty. The promise of widespread property ownership, in this theory, thwarted class conflict in the east by siphoning off settlers to the west. Social policies designed at solidifying white ownership of the land can thus be seen as a form of welfare state policy. Put differently, the aim of the predatory state of the antebellum period was to redistribute wealth and resources from blacks and Indians to white settlers.

While they do not explicitly state the problem in this language, Young and Meiser suggest that the coercive power of the predatory state played a large part in the “primitive accumulation” igniting the market revolution. Marx described “primitive accumulation” thusly: “The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and

looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signaled the rosy dawn of the era of capitalist production. These idyllic proceedings are the chief momenta of primitive accumulation.”<sup>40</sup> The process of land and labor expropriation thus characterized is “primitive” in two primary senses. In the first and most basic sense, it constitutes the original form of capital accumulation that spurred the development of modern capitalism through the colonial violence of slavery, coerced labor, and indigenous dispossession.

In the second sense, this original form of capital accumulation is primitive to the extent that it did not fall within the classical model of capitalist social relations in which the two moments of exploitation – the expropriation of surplus land and labor and the coercive power that enforces this process – are formally distinct. If the modern market economy is defined by the functional differentiation of state and civil society, primitive accumulation combines economic power with political domination in a single moment of expropriation. In American capitalism, likewise, the coercive power of the state spurred the “market revolution,” which established enduring patterns of national economic development.<sup>41</sup> Marx states that the various methods of primitive accumulation depend on the “brute force” of the “colonial system.” He further writes, “But, they all employ the power of the State, the concentrated and organized force of society, to hasten... the

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<sup>40</sup> Marx, *Capital, Vol. I* (Penguin, 1976), p. 915.

<sup>41</sup> Scholars define the “market revolution” as the transformation of the U.S. economy from subsistence farming to agrarian capitalism. As technological advances in transportation and communication (e.g. canals, telegraphs, and railroads) united farmers via expanded commercial networks the “market became the cohesive force in society;” Ronald Takaki, *Iron Cages: Race and Culture in Nineteenth Century America* (New York: Alfred A. Knopf, 1979), pp. 75-76.

process of transformation of the feudal mode of production into the capitalist mode.”<sup>42</sup> In America, the transition to agrarian capitalism entailed not the forceful decimation of the feudal system but the coercive dispossession of indigenous societies.

### **Democracy’s Savage**

One clearly sees the ideological dimension of the Tocquevillean moment at work in the Indian Removal Act of 1830. In his influential book, *Fathers and Children*, Michael Rogin argued that the politics of Indian removal provided the interpretive foundation of American national identity. The dichotomy of savagery and civilization offered a vital interpretive trope in the construction of American democratic values. President Jackson noted in his first annual message, “Our conduct toward these people is deeply interesting to our national character.” Jackson saw in the removal of the Southern Indian polities an unparalleled example of civilization over-coming savagery.<sup>43</sup> By conjoining Jackson’s psychology to the nation’s ideology, Rogin highlighted how Jackson’s imperialistic urges to assert superiority over Indians paralleled attempts by national policy-makers to hypostasize “the bounded ego” of the American citizen.<sup>44</sup> Although Rogin does not thematize the issue in this way, what I add to his account is attention to how Jackson justified Indian removal on the basis of what I have called the Tocquevillean moment, the predominance of the authority of civil society over that of the state.

Passed by Congress in 1830, the Indian Removal Act authorized the President to “provide for an exchange of lands with the Indians residing in any of the states or

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<sup>42</sup> Marx, *Capital*, pp. 915-916.

<sup>43</sup> Quoted in Rogin, *Fathers and Children*, p. 3.

<sup>44</sup> Rogin, *Fathers and Children*, p. xxi.

territories, and for their removal west of the river Mississippi” to land administered by the federal government as Indian territory.<sup>45</sup> As a means of reconciling territorial disputes between Indian nations and Southern states, the Act sought to eliminate indigenous territorial claims. To justify removal, Jackson harnessed the mythology of the weak state. He pronounced, “The arm of the government is not sufficiently strong to preserve [the Indians] from destruction.” Indian removal was justified, for Jackson, because the federal government was powerless to stop settler expansion.<sup>46</sup>

Although the Congress authorized the President to carry out removal, the implementation of the policy required additional negotiation with the affected nations. Indian removal was also backed by treaties carried out by the federal government. Diplomatic negotiations such as those institutionalized in the Treaty of Dancing Rabbit Creek (1830) essentially gave the Choctaw an ultimatum: Indians could take individual ownership over separate parcels of land, at which point each person was free to sell their plot and remove westward or settle the land and remain under state laws. Adopting liberal practices of private property and commercial agriculture through the settlement of individual plots of land was the only means by which Indians could remain east of the river.<sup>47</sup> Insofar as indigenous cultures are materially bound to the land, the eradication of their land claims necessarily implied the extinction of indigenous cultural forms.

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<sup>45</sup> Indian Removal Act, *Major Problems in American Foreign Relations, Volume I*, edited by Merrill and Paterson (Wadsworth, 2010), p. 178.

<sup>46</sup> Rogin, *Fathers and Children*, pp. 217-218.

<sup>47</sup> Rogin, *Fathers and Children*, pp. 227-228. The Treaty of Dancing Rabbit Creek states, “Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so... and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land;” *Indian Affairs: Laws and Treaties, Vol. II*, edited by Kappler (Washington, DC: Government Printing Office, 1904), p. 313.

Jackson articulated the primary ideological justification behind the removal treaties in the language of democratic consent: “This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws... Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.”<sup>48</sup> For Jackson, Indians may enter into American citizenship as a matter of democratic consent, even if this choice was compelled by market forces and coercion in civil society. In one regard, Jackson justified Indian removal by constructing the paternalist authority of the contractual state as a benevolent power whose objective was to protect Indians from the predations of white settlers. But he also saw settlers as bearers of civilization who would welcome Indians once they adopted Anglo cultural norms. In either case, the movement of the masses clamoring for land and freedom resided beyond political control, freeing the federal government from responsibility for injustice committed against Indians.

The whole ideological edifice of Jackson’s justification of Indian removal turned on the distinction between state and civil society. To uphold democratic visions of a new American empire, concealing state coercion was essential. In nineteenth century thought, the state, which was the source of coercion and political domination, stood in contrast to civil society, which if left alone was orderly and harmonious. Thus, a stateless society was an integral feature of the ideology of democratic empire. To construct such a

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<sup>48</sup> Jackson, First Annual Message to Congress; December 8, 1829.

narrative, ideologists of American empire construed the people acting in civil society rather than the state as the active agent of expansion.

In hegemonic narratives of Jacksonian democracy, “coercion emanated only from the government and not from the economy or the society.” Nevertheless, there is a peculiar form of force and coercion in civil society that forces Indians to sell their land and remove west through market mechanisms and local sovereignty. In outlining such a form of “democratic control” in opposition to “totalitarian coercion,” Rogin writes, “The principle was to structure the environment so that the dice were loaded strongly in favor of a single alternative and then to give the target of social planning the onus of the choice. If Indians were coerced by their situation to choose to sell their land, they were not coerced at all.”<sup>49</sup> In the ideology of democratic empire, the force that compels Indians to enter into market transactions occurs through the internalization of market liberalism and derives its authority from civil society rather than the federal state.

Such an ideological schematic went a long way in reconciling the coercive reality of westward expansion with idealistic self-conceptions of American democratic identity. Although he was mildly critical of Indian removal, Tocqueville clearly reflected this reconciliation in his comparison of North American colonization with Spanish colonialism. While the Spanish “pillaged the New World... without discrimination and without pity,” the “conduct of the Americans of the United States toward the natives, on the contrary, breathes the purest love of forms of legality.” Rather than expropriating land directly by force and conquest, Americans “do not permit themselves to occupy their

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<sup>49</sup> Rogin, “Liberal Society and the Indian Question,” *Ronald Reagan, the Movie: And Other Episodes in American Political Demonology* (University of California Press, 1988), p. 164.

lands without have duly acquired them by means of a contract.” If the Spanish have committed the most “monstrous deeds” in settling the New World, Anglo-Americans have achieved the same results “without spilling blood” and “without violating... the laws of humanity.” In spite of the clear dispossession at work in Indian removal, Tocqueville saw the contractual mechanisms driving American expansion as consistent with the spread of civilization across the western frontier.<sup>50</sup>

Underpinning Jackson’s removal policy was the binary of civilization/savagery. Jackson proclaimed that removal will “place a dense and civilized population in large tracts of country now occupied by a few savage hunters.” Instead of inflicting violence on Indians, removal will free them from “immediate contact with settlements of whites,” enabling them to “pursue happiness... under their own rude institutions.” Criticizing opponents of removal, Jackson asserted that “true philanthropy reconciles the mind” to the fact that progress requires removal. As “waves of population and civilization are rolling to the westward,” it would violate the laws of humanity to keep the continent in “the condition in which it was found by our forefathers,” in an undeveloped, savage state.<sup>51</sup> Insofar as citizens acting freely in civil society drove the civilizing process, democratic ideals of political liberty and social equality came to represent a higher stage of civilization. Nevertheless, the savagery of Indian tribes prevented them from entering into the course of civilization. In a speech aimed at persuading the Cherokee to remove west in 1835, Jackson proclaimed, “Circumstances that cannot be controlled and which are beyond the reach of human laws render it impossible that you can flourish in the

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<sup>50</sup> Tocqueville, *Democracy*, p. 325.

<sup>51</sup> Jackson, Second Annual Message to Congress; Dec. 6, 1830.

midst of a civilized community.”<sup>52</sup> Jackson thus resigned himself to a position of powerlessness in the face of the inevitable surge of democracy and civilization westward.

The ascendance of democracy as a form of civilization necessitated the displacement of savagery. In modernist conceptions of time, human societies are arrayed along a linear process of historical development stretching from savagery to civilization. As civilized society advances westward, savagery must inevitably retreat: “The law of nature and of progress requires that those unsuited for civilization either give way to those who bear the germs of progress or be destroyed.” In this theory of history marked by the steady modernization of American civilization, each stage of historical development witnessed the dominance of a single class/race, which is supplanted by the hegemony of another class as a new stage of development arises. Just as Indians gave way to the trappers who gave way to the yeoman farmers as the dominant class of the West, the primacy of agriculture was giving way to the primacy of industry.<sup>53</sup>

The distinction between savagery and civilization, then, was built into the conceptual architecture of modern American democracy. The actual practice of Indian removal and the colonial discourses used to justify it fundamentally shaped the spatio-temporal dimensions of democracy, transforming it from an archaic political form to a modern political culture. In the inaugural issue of the *United States Magazine and Democratic Review*, the unofficial political and cultural journal of the Democratic Party, John O’Sullivan expressed the new spatio-temporal dimensions of modern democracy in terms

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<sup>52</sup> Quoted in Francis Paul Prucha, *The Great Father*, p. 86.

<sup>53</sup> Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (University of Oklahoma Press, 1992), p. 48. Also see Rogin, *Fathers and Children*, p. 6.

that would become Manifest Destiny. For O’Sullivan, the “principle of democratic republicanism” entails an “abiding confidence in the virtue, intelligence, and full capacity for self-government of the great mass of our people.” Like Tocqueville, O’Sullivan held that democratic rule depended on broader cultural values such as the “voluntary principle” of democratic consent and the “pervading spirit of democratic equality” that abolishes social rank as the basis of political power.

Distinct from prevailing conceptions of democracy during the Revolutionary period, O’Sullivan saw the democratic principle in terms of a modern imaginary that was progressive and expansive in its spatial and temporal form. O’Sullivan proclaimed that the “democratic principle” was “borne onward by an unseen hand of Providence,” which was leading “our race toward the high destinies” of human progress.<sup>54</sup> Under the guidance of divine Providence, the “great nation of futurity” occupied a “magnificent domain of space and time.” Recalling radically democratic conceptions of popular sovereignty, O’Sullivan held that the modern principles of “individual equality and political liberty” were produced through the “onward march of the multitude... through the present and the future.”<sup>55</sup> What O’Sullivan’s conjunction of messianic history and laissez-faire view of government suggests is that democracy is a stage of civil society marked by the virtual absence of a state. The highest stage of civilization, in other words, was marked not by the development of the modern state but by the precedence of civil society over the authority of the state.

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<sup>54</sup> O’Sullivan, “The Democratic Principle – and the Importance of its Assertion, and Application to our Political System and Literature,” *The Democratic Review*, Vol. I, No. 1 (Oct-Dec, 1837), p. 9.

<sup>55</sup> O’Sullivan, “The Great Nation of Futurity,” *Democratic Review*, 6 (Nov. 1839), pp. 427, 429.

O’Sullivan’s notion that democracy represents a stage of civilization exemplified a broader trend in antebellum political culture. George Bancroft, a Democratic historian with close ties to Jackson and O’Sullivan, also saw democracy as a stage of civilization. Drawing on Hegelian conceptions of history, the premise of Bancroft’s epic *History of the United States* was that “at any point in time there is a civilization or nation that is commissioned by the movement of history to bring into being the next chapter in the development of the spirit.”<sup>56</sup> One of the distinctive features of Bancroft’s history was to make the democratic masses in America rather than states or heroic men the primary agent of historical progress. In constructing a democratic conception of history, Bancroft cast the ascendance of the principle of popular sovereignty in terms civilizational progress: “the measure of the progress of civilization is the progress of the people.” In art, politics, and economics alike, “every great reform... has sprung from the power of the people.” In this way, the “conceded axiom” of the “sovereignty of the people” is not simply a new political principle. It is also a force of progress that will extend beyond its American origins to embrace “all the civilized nations of the earth.”<sup>57</sup>

Bancroft’s conception of the *demos* as the force of history had an explicit imperial dimension. Casting the American Revolution as divinely ordained, Bancroft asserted that the “indestructible elements of freedom in the colonies asked room for expansion and growth.” Unable to fully exploit the providential bounty of the New World under the rule

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<sup>56</sup> James Ceaser, “The Origins and Character of American Exceptionalism,” *American Political Thought*, 1 (Spring 2012), p. 17. On Bancroft, also see Ceaser’s *Nature and History in American Political Development* (Harvard University Press, 2009), pp. 40–42.

<sup>57</sup> Bancroft, “The Office of the People in Art, Government, and Religion,” *Literary and Historical Miscellanies* (Harper and Brothers, 1855), pp. 420, 427. Bancroft, *History of the United States, Vol. I* (Little, Brown, and Co., 1866), p. 1.

of a declining empire, Americans sought to lay “the foundation of so noble an empire” that would develop the continent and take its place among the supreme powers of the world.<sup>58</sup> Bancroft’s history showed how American power arose not from the authority of the state but from the commitment of citizens to democratic virtue. Westward expansion, for Bancroft, was nothing more than the workings out of the historical laws of modern progress.<sup>59</sup> The progress of democracy, however, required the triumph of civilization over savagery. Bancroft wrote that the Indian, “equaling the white man in the sagacity of the senses,” is “inferior in reason and the moral qualities,” a quality that extends from individuals to the political organization of the race. In this manner, the superiority of democratic society stood in explicit contrast to the inferiority of indigenous forms of social and political organization.<sup>60</sup>

The conception of history at work in these democratic discourses turned on the notion of *translatio imperii* that stood at the center of the imperial republicanism of the Revolutionary era (see chapter one). According to Anders Stephanson, *translatio imperii* expressed the idea “that civilization was always carried forward by a single dominant power or people and that historical succession was a matter of westward movement.”<sup>61</sup> The historical development of civilization has a spatial direction: human progress moves westward. In order to extend themselves in time, empires expand in space.

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<sup>58</sup> Bancroft, *History*, Vol. VII, pp. 21, 23.

<sup>59</sup> Joyce Appleby, Lynn Hunt, and Margaret Jacob, *Telling the Truth About History* (Norton, 1995), p. 113.

<sup>60</sup> Quoted in Pearce, *Savagism and Civilization: A Study of the Indian and the American Mind* (Johns Hopkins University Press, 1967), p. 162. Bancroft, *History*, Vol. III, p. 302.

<sup>61</sup> Stephanson, *Manifest Destiny*, p. 18. Tuveson similarly defines *translatio imperii* as the idea that “that in any given period one nation or people will exercise the imperium of civilization, culturally and politically. . . . After some centuries, ‘empire’ will move to another state;” *Redeemer Nation: The Idea of America’s Millennial Role* (University of Chicago Press, 1968), p. 95.

Central to the idea of *translatio imperii* was the affirmation of the U.S. as playing pivotal role in the course of human history. According to this idea, the seat and power of civilization was continually moving westward, from the Orient to Greece and Rome to Britain and now, at the height of the modern world, to the Americas. North America was the frontier of the world-historical process, which found its consummation in a new order of the ages when the civilizing process of history had traversed the entire globe, bringing the entire planet into the domain of its rule. In other words, the expansion of the United States to the Pacific would result in the “end of history” because North America was considered the space of the final phase of history before modernity engulfed the globe. As U.S. expansion stretched to the Pacific, the seat of empire approached the ancient origins of civilization. Because this process was ordained by God and nature, the U.S. was the vanguard of universal peace and modern commerce. Along with this unique role was the sense that democratic empire did not follow the same historical laws as previous empires, both ancient and modern, wherein the flow of historical time was marked by the cycle of rise and decline. Democratic empire was, in this sense, an eternal empire.

The *translatio* concept partakes in an exceptionalist discourse that “placed the new nation outside of time, and so exempted the United States from the cycle of rise and decline, or foundation and decay.” Combined with the “providential bounty” of western land that made boundless expansion seem inevitable, democratic empire “provided a spatial solution to the problem of republican temporality” by suspending time and forestalling the threat of decline and social decay.<sup>62</sup> The Tocquevillean moment thus

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<sup>62</sup> Hanson, *The Democratic Imagination in America*, pp. 124-125.

promised institutional stability and temporal duration by suspending history through a democratically organized mode of expansion. It was the expansion of American democracy through space that compelled its progression from one stage of civilization to another. The triumph of American democracy promised to end the cycle of republican temporality marked by the continual rise and decline of earthly empires.

The doctrine of *translatio imperii* signified a limitless form of expansion that required the historical movement of Western civilization to return to Asia, encapsulating the whole globe. In this historical understanding, “the progressive westward movement of civilization” culminated in the triumph of civilization over savagery and the ascendance of a universal form of empire. Progress thus implied the conquest of empire over indigenous nations and rival imperial powers. In classical republican models of temporality, societies pass through several stages of growth: in the earliest stages societies are primitive; in the middle stages societies are agricultural and pastoral; and in the later stages societies become luxurious and corrupt. Exceptionalist discourses of *translatio imperii* in essence conjoined stadial history to modernist conceptions of linear time as a means of breaking the imperial cycle of rise and decline. Through settler expansion, American democrats could forestall the inevitable decline into social decay, corruption, and class conflict.<sup>63</sup>

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<sup>63</sup> Miller, *Empire of the Eye: Landscape Representation and American Cultural Politics, 1825-1875* (Cornell University Press, 1993), pp. 143-144. G. Edward White, *The Marshall Court and Cultural Change, 1815-1835* (Oxford University Press, 1991), pp. 50-52, 69. The *translatio* concept builds off of Adam Ferguson’s *Essay on the History of Civil Society* (Cambridge University Press, 1995 [1767]), in which he offers a stadial view of history characterized by the cyclical temporality of rise and decline. Ferguson used the language of civic virtue to critique the rise of commercial society. Although commercial society was dominant in the eighteenth century and represented a force of modern progress, Ferguson held that the unchecked assertion of self-interest over civic virtue would eventually result in corruption and

Like O'Sullivan and Bancroft, Tocqueville also held democracy to be the final stage of civilization in the drama of human history. Although he wrote to a predominantly French audience, Tocqueville's book offered a romantic portrait of democracy to American citizens that reinforced their own idealistic self-conceptions about the superiority of American civilization. Tocqueville's contention that modernity was tending toward democracy and that the "equality of conditions" was a "providential fact" thus partakes in the same discourse that Bancroft, O'Sullivan, and Jackson all used to justify democratic expansion. The degree to which he replaces the "divine right of kings" with the "divine right of the people" and locates a religious element in the movement of democratic equality significantly presaged if not prefigured the discourse of Manifest Destiny. Tocqueville wrote, "In this gradual and continuous advance of the European race toward the Rocky Mountains, there is something providential; it's like a flood of men ceaselessly swelling, drawn on each day by the hand of God."<sup>64</sup> In placing a divine power to expand across the American landscape in the sovereignty of the people, Tocqueville provided an image of expansion that is without conquest.

What is at stake here is less Tocqueville's normative judgment about the superiority of Euro-American civilization than his descriptive judgment about the relentless advance of democratic civilization through space and time. The expansion of American democracy meant the inevitable retreat of savagery. Tocqueville writes, "I believe that

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social decay. As one nation sinks into decline, the laws of history dictate that another nation will rise to claim the mantle of imperial sovereignty over the world (p. 198).

<sup>64</sup> Quoted in Damrosch, *Tocqueville's Discovery of America* (MacMillan, 2010), p. 139. Isaac Kramnick, Introduction to *Democracy in America and Two Essays on America* (Penguin, 2003), p. xxvi. Charles Beard, *The American Spirit: A Study of the Idea of Civilization in the United States* (MacMillan, 1942), pp. 158-161.

the Indian race of North America is condemned to perish, and I cannot prevent myself from thinking that on the day that the Europeans will have settled on the coast of the Pacific Ocean, it will have ceased to exist.” Tocqueville posed two possibilities to indigenous communities for salvation: “war or civilization; in other words, they had to destroy the Europeans or become their equals.”<sup>65</sup> Paradoxically, however, equality here does not entail that indigenous peoples retain their cultural autonomy, but that they succumb to the civilizing tendencies of American democracy. That is, the spread of egalitarian norms operated in democratic society as a form of native elimination. In a sort of perverse logic, the process of civilization becomes one of extermination.

The binary of savagery and civilization is inscribed into the operative terms of modern American democracy as registered in the Tocquevillean imagination. Democracy constituted a civilized form of society insofar as the concept of liberty at its center was hemmed in by the moral boundaries of Christian religion and the enlightened self-interest of market liberalism. The moderate *ethos* of democratic liberty allowed Americans to simultaneously embrace the individual freedom of commercial liberalism and the republican liberty of civic humanism. Democracy worked for Tocqueville because Americans neither inherited nor constructed walls between their private lives and public authority. Inhabiting an extreme form of liberty that lacked the moderation of Protestant religious norms and the *ethos* of market liberalism, Indians were cast outside the pale of civilized society and thus democratic community.

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<sup>65</sup> Tocqueville, *Democracy*, pp. 312-313. While Tocqueville lamented this fact, calling it a “great evil” even if “irremediable,” he failed to give it sustained moral condemnation. William Connolly notes that Tocqueville explored the issue of Indian dispossession in the “slippery language of regret without moral indictment;” *Ethos of Pluralization*, p. 171. Also see Pitts, *A Turn to Empire*, pp. 196-203.

## Conclusion

What is most significant in Tocqueville's characterization of democratic equality as a "providential fact" is that his thinking reflected a broader discursive shift from republican models of history characterized by the cycle of imperial rise and decline to a modernist conception of time in which history represents the progressive surge of liberty and equality toward a final stage. Although this conception of time and space was already present in the republican discourse of the founding era, Tocqueville's contribution to American ideology was to integrate democratic self-conceptions into this broader system of national signification. Dominant understandings of democracy as they emerged in the modern political imagination were thus indelibly shaped by the politics and discourse of settler-colonial empire. In the American version of *translatio imperii*, history was not simply transformed from a cyclical to a linear process, but a linear process that was progressively tending toward a final end. The temporality of the American democratic ethos represented an escape from historical time that ensured institutional stability in the face of modernist forces that threatened to tear the fabric of social order. As such, obstacles to expansion posed by Mexico and Indian polities were seen as existential threats to the health and vitality of American democracy.

The so-called "march of equality," as Francis Fukuyama puts it, operates through settler colonization. Driven by modern ideals of equality and self-rule, Tocqueville thought American settlers were destined to establish dominion over North America and commercial supremacy in the Pacific: "At a period which may be said to be near – for we are speaking of the life of a nation – the Anglo-Americans alone will cover the

immense space contained between the polar regions and the tropics, extending from the coasts of the Atlantic to those of the Pacific Ocean.”<sup>66</sup> The march here operates in both a metaphorical and literal sense: as the steady progression of democratic equality, signaling the rise of modernity; and as the steady march of settlers across the western landscape, which offered citizens the promise of social mobility and economic independence through the acquisition of private property.

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<sup>66</sup> Fukuyama, “The March of Equality,” *Journal of Democracy*, 11, 1 (Jan. 2000), pp. 11-17. Tocqueville, *Democracy*, p. 120.

## Chapter Four

### The Imperial Self: Individualism, Equality, and Manifest Destiny

“The American people are, then, now advancing, victoriously to plant democratic empire co-equal with the area of the continent.” William Gilpin, *Mission of the North American People* (1873)

“The warlike proceedings of the Americans in Mexico were purely exceptional, having been carried on principally by volunteers, under the influence of the migratory propensity which prompts individual Americans to possess themselves of unoccupied land.” John Stuart Mill, *Considerations on Representative Government* (1861)

As we saw in the last chapter, the construction of Jacksonian democratic culture relied on the colonial binary of savagery and civilization that underpinned institutions of Indian removal. Yet the pervasiveness of this binary extended even to critics of removal policy. In a letter to President Martin Van Buren, Ralph Waldo Emerson provided a critique of Indian removal then being imposed on the Cherokees in 1837. Beneath Emerson’s critique of removal, however, was a subtle assumption about the superiority of Anglo civilization: “In common with the great body of the American people, we have witnessed with sympathy the painful labors of these red men to redeem their own race from the doom of eternal inferiority, and to borrow and domesticate in the tribe the arts and customs of the Caucasian race.”<sup>1</sup> For Emerson, Indian removal constituted an injustice because the Cherokee had already begun to enter into American civilization.<sup>2</sup> In the shadow of an expanding empire, Emerson posed two choices to Indians: either be civilized by the Anglo-Americans or be destroyed by them. Rather than opening up the space for the recognition of radical difference, the choice between the two affirmed the

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<sup>1</sup> Emerson, “Letter to Martin Van Buren” (April 23, 1838), *The Complete Works of Ralph Waldo Emerson, Vol. XI* (Cambridge University Press, 1904), p. 90.

<sup>2</sup> Throughout the early nineteenth century Cherokee political development was guided by assimilationist chiefs that encouraged the adoption of western style agriculture, Christianity, and democratic institutions. By 1827 the Cherokee had even adopted a written constitution modeled on U.S. constitutional principles.

cultural superiority of American civilization and the justice of democracy's inexorable expansion. In spite of his criticism of removal policy, Emerson forced Indians into a "modernizing pattern" that mimicked the development of white settlers, partaking in the same assimilationist program of removal policy that sought the cultural elimination of indigenous polities.<sup>3</sup>

While scholars tend to celebrate Emerson's criticism of Indian removal as a counterpoint to the coercion of American empire, this perspective ignores the cultural hierarchies embedded in his criticism of federal Indian policy. The impulse to celebrate his denunciation of Indian removal exemplifies what Jean Paul Sartre calls a form of "colonial mystification" that underwrites imperial order. At the center of this mystification is a distinction between good colonizers and bad colonizers, to which Sartre responds that there are only colonizers.<sup>4</sup> Viewed as a political system, settler colonialism, even in its civilizing modalities, constitutes a hierarchical form of imperial order. Emerson's discourse on Indian removal thus exemplifies a point succinctly made by Charles Mills: "[O]pposition to the ill treatment of indigenes is not the same thing as opposition to European expansionism. One can sincerely condemn cruelty to those viewed as less than equal while continuing to think of them as less than equal."<sup>5</sup>

As scholars of American literature and political thought have long established, the American political tradition constructs a "boundary condition" around reformist modes of politics that restrict the enactment of their emancipatory and inclusive visions. Following

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<sup>3</sup> Rogin, "Liberal Society," *Ronald Reagan, the Movie*, p. 153.

<sup>4</sup> Sartre, "Colonialism is a System," *Colonialism and Neocolonialism* (Routledge, 2006).

<sup>5</sup> Mills, *Blackness Visible: Essays on Philosophy and Race* (Cornell University Press, 1998), p. 130.

this perspective, I argue that it is precisely in his idealistic vision of settler expansion that Emerson reinforces the ideology of democratic empire.<sup>6</sup> While he was mildly critical of U.S. expansionism, his idealistic faith that the antebellum order was built on the anti-statist foundations of commercial liberalism kept him from understanding how settler-colonial violence formed the very ideological and material basis of American democracy.

By placing Emerson's thought in the broader context of U.S. expansion, it becomes apparent that the central categories of Emersonian democracy were not only shaped in reference to the politics of settler colonialism but also significantly reinforced the ideological structure of democratic empire. Emerson's democratic thought served an ideological function that legitimated the modes of cultural conquest enacted by the expansion of U.S. sovereignty and the market economy westward. Moreover, like Tocqueville's conception of civil society, implicit in Emerson's view of U.S. democratic culture was a contrast between American civilization on the one hand and the savagery and barbarism of Indians and Mexicans on the other. To understand these ideological dynamics, I use the concept of the "imperial self" to capture how the cultural ethos of individualism and radical conceptions of democratic equality circulating in the political culture of the 1840s not only invited a politics of settler expansion but were themselves constructed in through the prism of imperial ideology.

The idea of the "imperial self" first emerged when literary critics following the Vietnam War criticized Emerson as standing for the "embodiment of the irresponsible

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<sup>6</sup> David Greenstone, "Political Culture and American Political Development: Liberty, Union, and Liberal Bipolarity," *Studies in American Political Development*, 1 (Spring, 1986), pp. 1-49. Sacvan Bercovitch, *The Rites of Assent: Transformations in the Symbolic Construction of America* (Routledge, 1993).

frontier mentality.”<sup>7</sup> For literary critics like Quentin Anderson, Emerson’s replacement of communal life with an emphasis on atomistic individualism obviated the possibility of a critically engaged and socially conscious politics. The prevalence of the “imperial self” in the nineteenth century initiated a “flight from culture, from the institutions and emotional dispositions of associated life.” Emerson’s atomistic individualism drove territorial expansion by allowing citizens to flee politics and retreat into an irresponsible ethos of material acquisition.<sup>8</sup> My aim in drawing on the “imperial self” is not to resurrect these criticisms of Emerson’s atomistic individualism. Rather, I follow contemporary scholars in viewing Emerson’s thought as signified by a notion of democratic individuality that locates the individual in the political community. Emerson was deeply engaged in the project of constructing an American democratic identity that would bind citizens together in a single community. Even in its embrace of democratic community, however, Emersonian democracy was founded on a politics of settler colonialism that drove the spatial extension American power.

While I want to retain the “imperial self” as a way of characterizing U.S. democratic culture, I reject readings of the idea as a retreat from politics and culture. I conceptualize the imperial self not as an attempt to flee the political but as a cultural complement of the institutional architecture of the U.S. imperial state gearing up for expansionary conquest in the 1840s. I thus employ the term not in Anderson’s sense to name the process by which the atomistic individual flees society, but rather as a means of characterizing the

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<sup>7</sup> Alan Levine and Daniel Malachuk, “Introduction,” *A Political Companion to Ralph Waldo Emerson*, edited by Levine and Malachuk (University Press of Kentucky, 2011), p. 19.

<sup>8</sup> Anderson, *The Imperial Self: An Essay in American Literary and Cultural History* (Alfred A. Knopf, 1971), p. 3.

process by which the powers of the self-reliant individual to settle vacant land come to stand in for the sovereignty of the imperial state.<sup>9</sup> Emerson's individualist cultivated his sense of self through the process of colonizing the west, an inherently political process that involved the construction of settler-colonial hierarchies. The idea of the imperial self explicitly located imperial sovereignty in the sovereignty of the individual, ideologically masking the role of conquest in shaping antebellum democracy.

This chapter illustrates how democratic theories of popular sovereignty in the era of Manifest Destiny were constitutively shaped by the process of settler expansion and the conquest of Mexico. To explore this dynamic, I turn the writings of John O'Sullivan to provide the ideological contours of Manifest Destiny and how it reinforced the ideology of democratic empire. I then examine Emerson's conceptions of individualism and equality in relation to the discursive contexts of Manifest Destiny and the economic and political contexts of settler colonialism. To further outline the ideology of democratic empire, I juxtapose O'Sullivan and Emerson conceptions of democratic empire to Whig ideology. My objective is less to present an original argument about Emerson and O'Sullivan's thought than it is to show how the broader political culture they represented developed in relation to processes of settler expansion and conquest.

### **Young America and Manifest Destiny**

To understand how Emerson's conceptions of individualism and democratic equality both reflected and reinforced the burgeoning discourse of Manifest Destiny, it is

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<sup>9</sup> My use of the term "imperial self" is thus much closer to the literary critic Wai-chee Dimock's notion of a "province of selfhood akin to a national polity," establishing a mutuality between self and empire; *Empire for Liberty: Melville and the Poetics of Individualism* (Princeton University Press, 1991), p. 8.

necessary to first understand the broader political and cultural context of the 1840s United States. Although the Jacksonian period saw a flurry of mass movements taking root in American civil society, the period is perhaps best defined by the political and cultural movement called “Young America.” As a broad current of political and cultural discourse, Young America represented a democratic awakening in the American political imagination to the possibilities of popular self-rule. In an effort to actualize democratic ideals, Young America advocated for free trade, expanded political participation, universal suffrage, limited government, economic development, land reform, and territorial expansion. What uniquely characterized Young America, however, was its fusion of politics and culture in service of national development.

At the center of this broad movement was the journalist, John O’Sullivan, who in 1845 coined the term “manifest destiny.” After some help from Jackson and Van Buren in recovering a family fortune, O’Sullivan started the *United States Magazine and Democratic Review* in 1837 to give the Democratic Party a cultural base in mass society. In an attempt to politically recover from crippling economic depression, President Van Buren sought a broad base of popular support, which the journal aimed to provide. In spite of the persistent illusion of formal independence from the Democratic Party, Van Buren helped O’Sullivan’s vision of a democratic journal of thought and culture come to fruition and ensured its continued success by promoting it among the Democratic Party ranks. Having shared O’Sullivan’s vision for a literary and political journal promoting democratic principles, Andrew Jackson himself was among the first subscribers. Through his position in networks of political and cultural elites in New York and

Washington, O'Sullivan's journal published leading voices of the antebellum period such as Walt Whitman, Orestes Brownson, George Bancroft, and Ralph Waldo Emerson.<sup>10</sup>

On the literary side of Young America, radical ideals of popular self-rule and the formation of a national literature represented two sides of democratic nationalism. First coined by author and frequent contributor to the *Democratic Review*, Cornelius Matthews, Young America symbolized the ideals of popular democracy along with a conception of national literature in which "the people" were at once subject, author, and audience.<sup>11</sup> For Mathews, the formation of a democratic literature signified not only national glory, but also provided vital support for popular rule by instilling democratic values and habits in the citizenry. In a similar vein, the literary editor of the *Democratic Review*, Evert Duyckinck, held that a national literature would both reflect and inform the political institutions of the nation. Paraphrasing the French intellectual Germaine De Stael, he wrote that "the form of government, the laws, the private manners and pursuits, and the religion of a people, are reflected by... their literature; and... these circumstances, in their turn, re-act upon the form of the government."<sup>12</sup>

Beyond its literary dimensions, Young America also had a political component in a group of Democrats who promoted the market revolution, economic expansion, and radical land reform.<sup>13</sup> As a correlate of its literary dimension, George Henry Evans, a

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<sup>10</sup> Edward Widmer, *Young America: The Flowering of Democracy in New York City* (Oxford University Press, 1999), pp. 28-29. Robert Sampson, *John O'Sullivan and His Times* (Kent State University Press, 2003), pp. 15-17. Stephanson, *Manifest Destiny*, p. 39.

<sup>11</sup> Cheryl Bohde, "Young America," *American History Through Literature, 1820-1870, Vol. III* (Thomson Gale, 2006), pp. 1265-1269.

<sup>12</sup> Duyckinck, "Nationality in Literature," *Democratic Review*, Vol. XX (March, 1847), pp. 267, 272.

<sup>13</sup> Yonatan Eyal, *The Young American Movement and the Transformation of the Democratic Party, 1828-1861* (Cambridge University Press, 2007), p. 2.

radical reformer and leader of the workingmen's movements that took root in New York and Philadelphia during the 1830s, created a journal of radical workerism that also went by the name "Young America." As the founder of the National Reform Association (NRA), a civic organization that actively lobbied Congress for land reform, Evans published a tract, "Vote Yourself a Farm," which was originally distributed as a handbill for the NRA. The central principle of the tract was that social equality, and hence political democracy and equal citizenship, required the cheap availability of public land in order to ensure the economic independence necessary for popular self-rule and the cultivation of civic virtue. More than a means of eliminating economic inequality, Evans saw land reform as a way of transforming society through the diffusion of wealth and the democratization of power. Key to such a program was the acquisition and reservation of western land for settlement by independent farmers.<sup>14</sup>

While the idea of Young America represented a distinct current of thought and culture, it was also part and parcel of a broader trans-Atlantic movement of republican-nationalism. In Europe, self-consciously national movements first emerged in the form of "youth movements" that were modeled on Giuseppe Mazzini's cry for Italian unification under the banner of "Young Italy." Mazzini hoped that the cultivation of a national consciousness replete with a national literature would free Italy from foreign

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<sup>14</sup> Evans, "Vote Yourself a Farm" (1846), *The Radical Reader: A Documentary History of the American Radical Tradition*, edited by McCarthy and McMillan (New Press, 2011), p. 228. Mark Lause, *Young America: Land, Labor, and Republican Community* (University of Illinois Press, 2005), p. 61. The idea that land should be made available to anyone willing to expend the labor and resources to improve was later incorporated into the platforms of the Free Soil and Republican Parties. As we will further see in the next chapter, Evans' crucial work in favor of land reform in the 1840s eventually led to the passage of the 1862 Homestead Act, which signaled the triumph of democratic expansionism over the oligarchic interests of Southern slaveholders.

control and instill national unity. In response, similarly inspired movements took the form of Young Germany, Young France, and Young Ireland.<sup>15</sup> Whereas these European movements were revolutionary in their commitment to the overthrow of monarchical rule, the American counterpart was more moderate in its defense of democratic principles in opposition to aristocratic currents in American politics and imperial geo-politics. In both cases, the trope of youthfulness captured an optimistic faith in new beginnings generated by political and economic modernization, which promised to break the bonds of ancient fetters and replace them with democratic institutions.

Settler expansion stood at the center of Young America and was a key component of its optimistic faith in modern democracy. The progressive ethos of Young America directly engendered an imperial ideology that promoted territorial and economic expansion. For the Young Americans, Priscilla Wald notes, “the essence – and the destiny – of the nation is expansion. And an expanding nation implies the triumph of the democratic principles.”<sup>16</sup> Empire and democracy were firmly linked in the discourse of Young America. One editor of the *Democratic Review* wrote that the term “Young America” was a symbol of “sympathy for the liberals of Europe, the expansion of the American Republic southward and westward, and the grasping of the magnificent purse of the commerce of the Pacific.”<sup>17</sup>

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<sup>15</sup> Hobsbawm, *The Age of Revolutions, 1789-1848* (New American Library, 1962), pp. 163-165. Rogin, *Subversive Genealogy: The Politics and Art of Herman Melville* (Alfred A. Knopf, 1983), p. 71.

<sup>16</sup> *Constituting Americans: Cultural Anxiety and Narrative Form* (Duke University Press, 1995), p. 116.

<sup>17</sup> George Sanders quoted in Rogin, *Subversive Genealogy*, p. 73. This isn't to say that every writer associated with Young America necessarily endorsed the ideology of democratic empire. For instance, Melville's *Moby-Dick* is often read as an outright critique of American empire and the racist and imperialist discourse of Young America. In his famous essay, “Civil Disobedience,” Thoreau also provided a robust defense of democratic ideals that stood in opposition to U.S. expansionism.

Although little appreciated as a political thinker, John O’Sullivan distilled many key aspects of the ideology of democratic empire throughout the late 1830s and 1840s in a series of editorials for the *Democratic Review*. In his introductory editorial for the inaugural issue, O’Sullivan established democracy as the central interpretive trope of American national identity by showing the importance of the “democratic principle” to “our political system and literature.” On a simplistic level, democratic liberty for O’Sullivan consisted in the individual freedom of what he called the “voluntary principle,” which encapsulated skepticism of concentrated power and a focus on individual consent. But O’Sullivan’s voluntary principle was much more than merely an anti-statist argument for a laissez-faire economic order. He remained committed to a participatory system which affirmed the “full capacity for self-government [in] the great mass of our people” and the “republican principle of the supremacy of the will of the majority.”<sup>18</sup> O’Sullivan was less concerned with curtailing the size of the federal government than he was with ensuring that the objective of federal policy remained the pursuit of *res publica* rather than the elite interests of the few. In this liberal-republican schematic, the *raison d’etat* of the federal state was the protection of individual freedom as well as the guarantee of equality in social rank through the redistribution of land to the masses not from the white economic elite but from Indians and Mexicans.

In justifying settler expansion, O’Sullivan drew on a civilizational discourse that divided North American political space into savage and civilized. His concept of civilization entailed a progressive notion of time in which history tended toward a

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<sup>18</sup> O’Sullivan, “The Democratic Principle,” *Democratic Review*, p. 7.

singular point of convergence – “the ultimate perfection of man.” In this fashion, the “course of civilization is the progress of man from a state of savage individualism to that of an individualism more elevated, moral, and refined.” If “savage individualism,” exemplified by indigenous peoples, represented individual freedom from tyranny, it was also an anti-communal liberty in which respect for individual property rights was not sacred. Beyond the “savage individualism” of the Americas, O’Sullivan constructed the democratic principle in opposition to the feudal stage of history in which the “spirit of exclusive rank or class” prevailed. Thus, when he claims that American land “separated from the influences of ancient arrangement” ensured the “free spirit of the new-born democracy,” he tacitly juxtaposes civilized democracy to feudal Europe, Mexican barbarism, and indigenous savagery.<sup>19</sup>

While the push toward the Mexican War was clearly geared toward the expropriation of Mexican and indigenous land, it also had a significant anti-aristocratic element that was directed against the re-colonization of North America by Britain. As early as 1844, President James K. Polk had declared that Britain was a “foreign power” that was violating the Monroe Doctrine by attempting to establish colonial settlement in Texas.<sup>20</sup> Without having fully established a claim to both Texas and the Oregon territory, democratic expansionists feared that a British presence in the Southwest and Northwest would provide a foothold for the return of feudalism in America. British principles of feudal and aristocratic rule served as a constitutive though negative reference point for

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<sup>19</sup> O’Sullivan, “The Course of Civilization,” *Democratic Review*, pp. 209-211.

<sup>20</sup> Sohui Lee, “Manifest Empire: Anglo-American Rivalry and the Shaping of U.S. Manifest Destiny,” *Romantic Border Crossings*, edited by Cass and Peer (Ashgate, 2008), p. 183.

the democratic imperial imaginary. If the British Empire expanded to establish inequality and servitude, the American democratic empire embraced a civic dimension in expanding to establish the political and economic independence of citizens.

O'Sullivan fully developed these themes in an editorial on what he called one of the great "problems of the age" – i.e. property. In contrasting an American empire based on social equality and self-rule to the British Empire, O'Sullivan mocked and satirized a "civilized nation" who "cannot afford bread and meat to the men who produce these." The source of this embarrassment was the fact that although Britain possessed a vast extent of "colonies and dependencies," British officials restricted the democratic part of the population to the home territory for the sake of providing a steady stream of industrial labor.<sup>21</sup> Whereas the U.S. acquired territories in an effort promote social equality through widespread property ownership, Britain restricted its people from establishing settlements and acquiring property in the colonies.

The consequence was that British society was buckling under the duress of its industrial contradictions, in which the suppression of industrial wages fanned the flames of festering class conflict. In contrast, American political development was spared such a fate. O'Sullivan located such a possibility in the "safety-valve of the public lands... the free woods and rich lands of the far West." Through settler colonization, the nation could economically develop while still ensuring the propertied independence of the vast majority of citizens and consequently the very principles of popular sovereignty and majority rule. To this end, O'Sullivan championed a series of policies of *preemption*

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<sup>21</sup> O'Sullivan, "One of the Problems of the Age," *Democratic Review*, vol. XIV (Feb. 1844), p. 160.

passed through Congress, which granted settlers the right to occupy land that has not been settled and then purchase that land at a low price when it went on the market. Such a policy, in O’Sullivan’s eyes, would keep the nation from descending into chaos and anarchy in light of industrialization in the East.<sup>22</sup>

In the ideology of democratic empire, regimes of land-appropriation provided a barrier against feudalism in the Americas and ensured the viability of the democratic social state. In America, empire became the single most vital bulwark of democracy’s eclipse by the creation of a trans-Atlantic aristocracy brought about by the potential resurgence of British rule in Mexico. In the conflict between democratic and aristocratic forms of expansion, O’Sullivan introduced the concept of Manifest Destiny into American political discourse.<sup>23</sup> In response to British designs for the acquisition of Texas as a colonial dependency and its refusal to relinquish claims to the Oregon territory, the notion of Manifest Destiny established the superiority of democratic institutions in opposition to the feudal aristocracy of Britain. If Britain sought to subject Texas to the status of a colonial dependency, the democratic connotations of Manifest Destiny signaled a conception of empire in which the acquisition of new territories were integrated into the federal union on equal terms with existing states. In accordance with

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<sup>22</sup> O’Sullivan, “One of the Problems of the Age,” *Democratic Review*, p. 167. On these points, also see Thomas Hietala, *Manifest Design: American Exceptionalism and Empire* (Cornell University Press, 2003), ch. 4. The basic idea of the “safety valve” theory of continental expansion was that stability and public order depend on relative degrees of social equality enabled by widespread property ownership. The theory held that granting settlers free or cheap land in the West would relieve social conflicts generated by industrialization and suppressed wages in the East.

<sup>23</sup> On the origins of Manifest Destiny in the writings of O’Sullivan, see Julius Pratt, “The Origins of Manifest Destiny,” *American Historical Review*, 32, 4 (July 1927), pp. 795-798.

the idea of federalist imperialism laid out in the Northwest Ordinance, democratic empire expanded according to principles of federal equality and federalist replication.

After the U.S. annexed Texas in 1845, O'Sullivan introduced the language of Manifest Destiny as a means of asserting American territorial claims in North America against the British Empire. In reaction to both Whigs and British diplomats who sought to check American expansion, O'Sullivan railed against those who remained intent on "limiting our greatness and checking the fulfillment of our manifest destiny to overspread the continent allotted by Providence for the free development of our multiplying millions."<sup>24</sup> In an editorial for the *New York Morning News*, O'Sullivan similarly asserted that America's "True Title" to Oregon derived from the superiority of its democratic way of life. The claim to Oregon, O'Sullivan pronounced, "is by the right of our manifest destiny to overspread and to possess the whole of the continent which Providence has given for the development of the great experiment of liberty and federative self-government entrusted to us." Although O'Sullivan was unaware that his term would coalesce into a powerful political symbol, it became a potent expression of America's "providentially or historically sanctioned right to continental expansion."<sup>25</sup>

Manifest Destiny, however, was not simply a clever ideological ploy used to extinguish the territorial claims of Britain, Mexico, and indigenous polities. Rather, it represented a whole new way of interpreting the time and space of democracy.<sup>26</sup> It thus shaped the very conceptual logic of the democratic imagination by casting democracy not

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<sup>24</sup> O'Sullivan, "Annexation," *Democratic Review*, Vol. XVII (July-Aug. 1845), p. 5.

<sup>25</sup> Stephanson, *Manifest Destiny*, p. xii.

<sup>26</sup> Stephanson, *Manifest Destiny*, p. 5.

as a political form confined to the restricted space of the *polis* and the ancient temporality of cyclical instability but as a form of culture that was progressive and expansive in its scope and duration. Portraying democracy as the highest stage of modernity, O'Sullivan proclaimed that "our country is destined to be the great nation of futurity" because "the principle upon which a nation is organized fixes its destiny."<sup>27</sup> Such changes in dominant conceptions of time as a progressive process of universal history served radical purposes by challenging the authority and legitimacy of feudal order. By casting the history of the American nation in terms of a *telos* of expanding democratic equality, a nation whose destiny represented the highest stage of historical development, imperial democrats demonstrated the frailty of feudal hierarchies.

Although less directly concerned with questions of space than political time, the parallels between the language of "futurity" and Manifest Destiny suggests that the institutional durability of democratic-republics in time depends upon expansion in space. The progressive extension of democracy into the future was a function of empire. If the "Machiavellian moment" represented the problem of institutional and political duration in response to the temporal finitude of all republics, the discourse of Manifest Destiny reversed its polarity by seeing empire not as the limit but as the precondition of democratic-republican politics (i.e. the Tocquevillean moment). As such, Manifest Destiny enacts the "spatialization of time:" time is subordinated to space, or rather derived from space such that progress implies expansion and the division of political space according to imperial hierarchies of race and nation. The spatio-temporal

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<sup>27</sup> O'Sullivan, "The Great Nation of Futurity," pp. 426-427.

dimensions of American democracy and its constitutive ideals of individualism and equality are thus simultaneously hierarchical and expansionary: hierarchical because individualist society is a higher stage of development, and expansionary because this hierarchy authorizes native elimination and settler conquest.<sup>28</sup>

Although Manifest Destiny is most significantly associated with the dynamics of continental expansion, the impulses driving settler colonization encapsulated a much wider spatial scope that embraced commercial expansion into the Pacific. In response to the recession caused by the Panic of 1837, democratic expansionists sought the acquisition of new territory in order to expand foreign markets and diffuse domestic economic distress. In order to provide for domestic political stability, democratic politicians sought to transform the United States into the world's preeminent economic power. Part of this entailed control of overseas export markets in an effort to deal with commodity surpluses and economic depression in the domestic economy. Even as he was gearing up for continental conquest, President Polk saw the expansion of overseas trade as a vital means of promoting equality at home and relieving economic burdens on the agrarian class: "The home market alone is inadequate to enable them to dispose of the immense surplus of food and other articles which they are capable of producing."<sup>29</sup> Developing the West was necessary not only to provide agrarian farmers with propertied independence, but also to open up export markets in the Pacific, which were equally necessary to the commercial-agrarian ideal. By giving independent farmers the

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<sup>28</sup> Dimock, *Empire for Liberty*, pp. 102-103.

<sup>29</sup> Polk quoted in Hietala, *Manifest Design*, p. 72.

opportunity to sell their surpluses on global markets, the free flow of capital prevented the resurgence of aristocratic interests and feudal hierarchies.

For O’Sullivan, supremacy over international trade went hand-in-hand with the project of settler colonization. Championing both preemption policies that granted settlers cheap land and policies of free trade that opened Asian markets to American exports, O’Sullivan asserted “the general policy of the democracy is to favor the settlement of the land, spread the bounds of the future empire, and to favor, by freedom of intercourse and external commerce, the welfare of the settler.” As such, settler colonization encapsulated a commercial dimension in the promotion of free trade in the Pacific, which was then incorporated into the agrarian-republican ideal. By conquering the continent, the “laborious cultivators of the soil [will] have the road to market opened before them.” In the same breath, O’Sullivan rejoiced that such developments will guide the irresistible “progress of liberal principles throughout the world.”<sup>30</sup>

### **Conquest and Consent in Mexico**

In spite of confident rhetoric about the divinely sanctioned right of Americans to conquer Mexico, the centrality of war and conquest to the settler colonial project generated profound anxieties in the democratic-imperial imaginary, forcing democratic expansionists to reconcile their egalitarian and democratic ideals with the exigencies of colonial conquest. When President Polk and his cabinet began pushing for war with Mexico, they agreed with the democratic press that the war should not be fought for conquest and that Mexico should not be dismembered or absorbed into the union without

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<sup>30</sup> O’Sullivan, “Legislative Embodiment of Public Opinion,” *Democratic Review*, Vol. XIX (Aug. 1846), pp. 86-89.

the consent of Mexicans. That is, the United States could fight to annex Texas, a democratic people who sought to enter the union of their own accord, but they could not annex Mexico against the will of the Mexican people. The coercive annexation of a conquered territory represented a threat to the very foundations of American freedom. Since Texas entered the Union through the consent of the state legislature, the Texas annexation exemplified “the American method of expansion,” which was consistent with federal conceptions of empire institutionalized in the Northwest Ordinance.<sup>31</sup>

In spite of the processes of conquest forcefully at work, Polk insisted that settler expansion was a democratic process: “Foreign powers should therefore look on the annexation of Texas to the United States not as the conquest of a nation seeking to extend her dominions by arms and violence, but as the peaceful acquisition of territory once her own, by adding another member to our confederation, with the consent of that member.” In accordance with the “great principle of our federative union,” he claimed that the annexation of Texas was a “bloodless achievement.”<sup>32</sup> Peaceful acquisition involved not the coercive annexation of territory, as in the British method of expansion, but the “consensual agreement of both participants (colonizer and colonized) to join the union.” In this regard, the American method of expansion was consistent with the ethical and moral principles that defined the essence of American democracy.<sup>33</sup>

Yet Polk’s confidence did not allay the concerns of democratic expansionists who, as the War became imminent, began to confront the question of what to do with potentially

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<sup>31</sup> Frederick Merk, *Manifest Destiny and Mission in American History* (Harvard University Press, 1963), pp. 107-108.

<sup>32</sup> Polk, Inaugural Address (March 4, 1845). Polk, First Annual Message (Dec. 2, 1845).

<sup>33</sup> Lee, “Manifest Empire,” p. 187.

conquered territories. O’Sullivan himself expressed ambivalence about whether Mexico could be incorporated into the union in a manner consistent with “our national honor.” One immediate option would be to incorporate Mexican states into the union on equal terms in accordance with the federative principle of the Northwest Ordinance, which granted equality to the constituent units of empire. Yet such a position required that Mexicans already exhibit the requisite capacities for democratic government. Presaging Social Darwinist arguments about the fitness of racialized subjects for democratic self-rule, O’Sullivan held that Mexicans were unaccustomed to the habits of democracy. Yet conquest and outright legal exclusion (e.g. in the form of colonial dependencies) was not the solution because it would contradict American national character: “Democracies must make their conquests by moral agencies. If these are not sufficient, the conquest is robbery.” In allowing the “missionaries of our political science” to spread to “every quarter of the globe,” Mexicans would be led into the domain of American civilization.<sup>34</sup> O’Sullivan’s notion of moral conquest without coercion saw the assimilation of Mexicans into American citizenship as the moral elevation of conquered subjects.

In the discourse of moral conquest, the racial rhetoric used to justify the assimilation of Mexicans bore striking similarity to the rhetoric used to justify Indian civilization and removal.<sup>35</sup> Reflecting common sentiment of the time, O’Sullivan drew an explicit equivalence between Indians and Mexicans in their inability to establish democratic

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<sup>34</sup> O’Sullivan, “Territorial Aggrandizement,” *Democratic Review*, Vol. XVII (Oct. 1845), pp. 243, 245-246.

<sup>35</sup> Quoted in Kagan, *Dangerous Nation*, p. 132. An article from the *New York Evening Post* (Dec. 24, 1847), expressed a similar notion in proclaiming, “The Mexicans are Indians – Aboriginal Indians... They do not possess the elements of an independent national existence... The Mexicans are Aboriginal Indians, and they must share the destiny of their race;” quoted in Merk, *Manifest Destiny*, p. 158.

government and rationally cultivate the land. He admonished that the “Mexican race” must “amalgamate and be lost, in the superior vigor of the Anglo-Saxon race,” meeting the same fate as the Indians. Since Mexicans lacked the individualist capacities for free trade and democratic government, the “great problem” following the war was to “inoculate Mexico with the commercial spirit.” The method of inoculation involved the unrestrained spread of American settlers westward: “A strong infusion of the American race would impart energy and industry gradually to the indolent Mexicans.”<sup>36</sup> The racial dimensions of imperialist ideology thus led to the assimilation of Mexicans into the norms of democratic citizenship, which itself constituted a form of native elimination.

This racial discourse was institutionalized in the Treaty of Guadalupe Hidalgo, which ended the Mexican-American War in 1848. Article V of the Treaty fixed the boundary between the Mexican and American Republics at the Gulf of Mexico, which extended to the mouth of the Rio Grande River. But more than this, the Treaty governed the process by which Mexicans would be incorporated into American citizenship. Much like the Indian treaties, Article VIII granted conquered Mexicans an ultimatum: either they could retain their property and “continue where they now reside,” or they could relinquish their land claims and “retain the title and rights of Mexican citizens.” In other words, Mexicans could choose either American or Mexican citizenship. Article IX of the Treaty reinforced this provision: “The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic... shall be incorporated into the Union of the United States and be admitted... to the enjoyment of all the rights of

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<sup>36</sup> “Occupation of Mexico” (Nov. 1847), in Graebner’s *Manifest Destiny* (Bobbs-Merrill, 1968), pp. 202-203, 205.

citizens of the United States.”<sup>37</sup> As David Kazanjian has aptly put it, “[I]n promising to recognize Mexicans annexed by the United States as fellow citizens equal on the national stage, [Article IX] offers them a formal and abstract equality whose universality is conditioned upon assimilation to white nationality.”<sup>38</sup> Although it concluded a prolonged process of military conquest, the Treaty reinforced consensual narratives of democratic empire by granting Mexicans equal citizenship.

In spite of formal equality, however, incorporated Mexicans were met with rampant discrimination and land appropriation in their new position as U.S. citizens. As Kazanjian has deftly shown, the legacy of discrimination following the Treaty did not represent a “broken promise” but rather the fulfillment of its assimilative objectives. If Article IX promised Mexicans the “enjoyment” of formal equality, this grant of citizenship also implied the negation of the “character of citizens of the Mexican Republic” and full assimilation into the norms of American democracy. Moreover, in imposing a division between Mexican and American nationalities, the Treaty deliberately cast the relationship between the two in hierarchical terms. As a result, it instituted a hierarchical regime of international relations that to this day underwrites the neocolonial order of the Western hemisphere. Much more than a border war, the Mexican War thus entailed the hemispheric transformation of the transnational American order.<sup>39</sup>

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<sup>37</sup> Treaty of Guadalupe Hidalgo, *Foreigners in Their Native Land: Historical Roots of the Mexican Americans*, edited by Weber (University of New Mexico Press, 2003), pp. 163-164.

<sup>38</sup> Kazanjian, *The Colonizing Trick: National Culture and Imperial Citizenship in Early America* (University of Minnesota Press, 2003), p. 177.

<sup>39</sup> Kazanjian, *The Colonizing Trick*, p. 12.

The erasure of Mexican norms of property and citizenship is further evidenced in the U.S. Senate's extrication of Article X from the final version of the Treaty. Article X held that "All grants of land made by the Mexican government or by the competent authorities, in territories previously appertaining to Mexico, and remaining of the future within the limits of the United States, shall be respected as valid, to the same extent that the same grants would be valid, if said territories had remained within the limits of Mexico."<sup>40</sup> Together with Articles VIII and IX, the deletion of Article X enacted the imposition of imperial citizenship on Mexicans by preventing previous practices of land tenure (which often involved communal land holdings) from having any authority in the newly annexed territories, giving individualized settler land claims legal priority over communal Mexican claims. Like the treaties authorized by the Indian Removal Act, the Treaty of Guadalupe Hidalgo commits a form of foundational violence that grounded settler sovereignty on expropriated land by replacing prior political identities with Anglo-democratic culture. By also granting Mexicans an ostensible choice to enter into American citizenship, the fiction of consent at work in the Treaty operates to augment the assimilative power of American society.

### **Emerson, Individualism, and Equality**

Although O'Sullivan is often interpreted merely as an aggressive expansionist that is largely anomalous to broader currents of antebellum democratic thought, his own thinking and that of the Young America movement in general exhibits profound parallels with the thought of Ralph Waldo Emerson. Perhaps more than O'Sullivan himself,

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<sup>40</sup> The Treaty of Guadalupe Hidalgo, *Foreigners in their Native Land*, p. 165.

Emerson illustrates the close connection between democracy and ideologies of settler expansion. Indeed, a review of Emerson's essays in the *Democratic Review* pronounced, "No man is better adapted than Emerson to comprehend the spirit of the age and to interpret its mission."<sup>41</sup> What is at stake here is not Emerson's own political position on the Mexican War.<sup>42</sup> Rather, two other central claims are in play. First, in elaborating his notions of individualism and democratic equality, Emerson drew on the public hermeneutic of Manifest Destiny that in turn reinforced the ideology of democratic empire. Second, an engagement with his political writings reveals how the values individualism and democratic equality acquired their meaning in relation to processes of settler conquest and the statist imposition of colonial hierarchies.

To grasp these points, it is first necessary to dispel a few simplistic interpretations of Emerson's thought. For many scholars, Emerson represents the paragon of the atomistic and self-interested liberal individual who flees society, culture, and politics.<sup>43</sup> Recent accounts have instead emphasized that Emerson's thought is defined by notions of democratic individuality that emphasize an ethics of citizenship rather than atomistic

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<sup>41</sup> "Emerson's Essays," *Democratic Review*, Vol. XVI (June 1845), p. 591.

<sup>42</sup> Emerson provided what can only be termed an anemic criticism of the Mexican War. Although he expressed anxiety about the War in his own personal journals, he never publicly condemned the war. For instance, speaking to an audience of no one, Emerson wrote in his journals that we must "resist the annexation tooth and nail;" *Journals of Ralph Waldo Emerson, Vol. VI* (Boston, MA: Houghton Mifflin, 1909), p. 495. Due to the inevitably spread of slavery that attended the annexation of Texas, Emerson also lamented that "The United States will conquer Mexico, but it will be as the man swallows the arsenic, which brings him down in turn. Mexico will poison us;" *Journals, Vol. VII*, p. 206. Yet in making these statements in his journals, Emerson failed to give these views any coherent public articulation. Thus, if we focus on how public discourse constructed the American people as an imperial constituency, Emerson's personal criticism of the war cannot figure into the equation.

<sup>43</sup> John Patrick Diggins, *The Lost Soul of American Politics*. Also see Anderson, *The Imperial Self*.

individualism.<sup>44</sup> Emerson's liberalism is less possessive and self-interested than it is virtuous and responsible, stretching back to a political tradition established by the Scottish Enlightenment.<sup>45</sup> Nevertheless, this blend of liberalism and republicanism into a broader democratic ideology is conceptually linked to and itself engenders the construction of settler hierarchies based on civilizational categories. Thus, my point is not simply to highlight how an amoral and atomistic individualism authorized an acquisitive commercial ethos that in turn drove settler expansion; it is to emphasize how the moral bonds that tie individuals together in a democratic community themselves cohere around regimes of land appropriation and ideologies of settler expansion.

These dynamics are best illustrated in Emerson's 1844 speech, "The Young American." Delivered before a Boston audience, Emerson articulated the foundational values of the political movement that bore the namesake of his speech. Separated by a generation from the founders of the American republic, Emerson sought to instill in the American public a commitment to the renewal and regeneration of democratic principles. As a means of continuing and strengthening the spirit of 1776, Emerson sought not only independence from the political institutions of Europe, but also a cultural declaration of independence from European traditions. In pursuit of both collective and individual

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<sup>44</sup> See George Kateb, *The Inner Ocean: Individualism and Democratic Culture* (Cornell University Press, 1992); Len Gougeon, *Virtue's Hero: Emerson, Antislavery, and Reform* (University of Georgia Press, 1990); Jack Turner, *Awakening to Race: Individualism and Social Consciousness in America* (University of Chicago Press, 2012); Alex Zakaras, *Individuality and Mass Democracy: Mill, Emerson, and the Burdens of Citizenship* (Oxford University Press, 2009); Neal Dolan, *Emerson's Liberalism* (University of Wisconsin Press, 2009).

<sup>45</sup> On the "virtues of liberalism," see Kloppenborg, *The Virtues of Liberalism* (Oxford University Press, 1998); Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Clarendon Press, 1990); Peter Berkowitz, *Virtue and the Making of Modern Liberalism* (Princeton University Press, 2000).

autonomy from feudal authority, Emerson emphasized the vast economic development of the North American continent, which he thought provided the foundation for both political self-rule and the intellectual autonomy of the American mind.

In exploring the ideologies of settler expansion at work here, it is important to put Emerson's speech in the context of what James Belich calls the "settler revolution" – the *longue durée* transformations that led to the global ascendance of Anglo-settlers from the eighteenth to twentieth centuries.<sup>46</sup> During this time period, the efforts of Anglo-settlers to create new societies based on English values and institutions in the colonial periphery of the British Empire led to social changes that constituted nothing short of a revolution in the global political and economic order. By transferring metropolitan social structures to distant lands, settlers constructed new societies based on modern political ideals, which entailed the elimination of old political forms and the ascendance of Anglo-inflected social systems. To the extent that Emerson praised the North American version of this broader dynamic, "The Young American" represents a particular instantiation of a more general process of Anglo-settler-colonization sweeping not just the U.S. but also the colonial hinterlands of Australia, South Africa, Canada, and New Zealand.

In affirming the political and cultural significance of North American colonization, Emerson attached particular importance to the economic transformations associated with the expansion of market society. Based on the supposition of the natural equality of men in morality and intellect, Emerson proposed that "every American should be educated

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<sup>46</sup> Belich, *Replenishing the Earth*.

with a view to the values of land.”<sup>47</sup> In one regard, Emerson here clearly meant the economic value of the land in its provision of individual wealth and national prosperity. But the “values of land” operate in both a moral-cultural and political sense as well. Politically, Emerson is clear that open land and boundless opportunity ensures social equality among citizens and freedom from feudal authority. Based on republican ideals of landed independence, the settlement and economic development of the land would ensure that democratic institutions prevail over feudal land title. On the cultural side, the land instills in citizens a respect for individual property and thus a notion of moral restraint that curtails the destructive and appropriative impulses of atomistic individualism. The public morality and civic virtue necessary for political life directly derives from the experience of cultivating the land.

The cultivation of the land itself shapes American national character, granting citizens the habits and manners that sustain the life of the democratic community. In spite of his skepticism of base materialism, Emerson saw capitalist exchange as central to the regenerative potential of American democracy. Clearly reflecting the discourse of Manifest Destiny and processes of commercial expansion, Emerson wrote, “The American people are fast opening their own destiny. The material basis is of such extent that no folly of man can quite subvert it. Add, that this energetic race derive an unprecedented material power from the new arts, from... the railroad, steamship, steam-ferry, steam-mill.” Settler expansion provided more than simply material benefits; it provided the “material basis” for a higher moral purpose. Emerson proclaims, “[W]e are

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<sup>47</sup> Emerson, “The Young American,” *Complete Works of Ralph Waldo Emerson, Vol. I* (Houghton Mifflin, 1904), p. 365.

persuaded that moral and material values are always commensurate. Every material organization exists to a moral end, which makes the reasons of its existence.”<sup>48</sup> The ultimate end of expansion was not simply economic development, but also the moral development of the American citizenry. Far from antithetical principles, commercial wealth and public morality were not only compatible but were mutually necessary.

Commercial expansion directly led to the democratization of power and destruction of feudal land title. Whereas the economic organization of land in Europe adheres to an “aristocratic structure,” American land is democratically organized. In spite of the role of slavery and conquest in American economic and political development, Emerson maintains that the historian of the future “will see that trade was the principle of Liberty; that trade planted America and destroyed Feudalism... and it will abolish slavery.”<sup>49</sup> Commercial expansion and the settlement of American land thus prevented the resurgence of feudal institutions. It is in this way that Emerson speaks of the “anti-feudal power of Commerce.” Rather than the land of aristocrats and monarchs, American land is the “land of the laborer, of the democrat.”<sup>50</sup>

In Emerson’s thought, the boundlessness of the modern mind was importantly connected to and drew its energy from the boundlessness of the land. If feudal society was characterized by the confinement of individuals to their inherited social rank, which at the same time suppressed the powers of the individual imagination, the material boundlessness of North American land led to a democratization of both intellectual

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<sup>48</sup> Emerson, *Complete Works, Vol. XI*, pp. 383, 386.

<sup>49</sup> Emerson, “The Young American,” pp. 368, 378.

<sup>50</sup> Emerson, “The Young American,” pp. 370-371.

creativity and political power. Perhaps more than any factor, it was the appropriation and development of the land that encouraged the cultural and moral autonomy of democratic individuals, which in turn prevented the resurgence of Old World political traditions from taking root in America. As Emerson writes, “The land is the appointed remedy for whatever is false and fantastic in our culture. The land, with its tranquilizing, sanative influences, is to... bring us into just relations with men and things.” Insofar as the colonization of the land instills a new “habit of living” in citizens, it also morally purifies them so as to make them suitable for community life.<sup>51</sup>

Emerson’s individualism, therefore, did not simply entail the atomization of citizens and their separation from civic life. Rather, it was fundamentally predicated on a form of intellectual and moral equality that much like the safety valve theory of democratic expansion coheres around regimes of settler colonization and commercial expansion. The doctrine of democratic individuality, Emerson wrote, affirms that “there is imparted to every man the Divine light of reason, sufficient not only to plant corn and grind wheat, but also to illuminate all his life, his social, political, religious actions... Democracy, Freedom, has its root in the sacred truth that every man hath in him the divine Reason... That is the equality and the only equality of all men.”<sup>52</sup> For Emerson, the appropriation and enclosure of land lays the basis not only for democratic practices but also for moral equality. Reason allows men the economic independence to “plant corn and grind wheat” as well as political and moral autonomy from the will of others. It is through the colonization of the land that individuals become free and equal citizens.

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<sup>51</sup> Emerson, “The Young American,” pp. 365-366.

<sup>52</sup> Emerson, *Journals, Vol. III*, pp. 389-390.

The moral virtue of citizens, insofar as it is cultivated through the acquisition of private property, depends upon settler colonialism. By grounding material and spiritual independence in the value of individual labor, the cultivation of the soul is one in the same process as the cultivation of the land. More precisely, individuals develop a sense of morality and community through the colonization of the land. The individual becomes a virtuous citizen by engaging in the process of colonization. Emerson writes, “Any relation to the land, the habit of tilling it, or mining it... generates a feeling of patriotism.”<sup>53</sup> The moral and cultural bonds that tie together self-reliant individuals thus psychologically emerge in relation to regimes of land-appropriation.

In the context of an expanding political economy, social equality and individual autonomy necessitate territorial expansion to provide the material basis for democratic self-rule. Read in this context, Emerson gave the safety valve theory of democratic expansion a romantic twist by envisioning the cultivation of nature and settler expansion as a source of democratic virtue. Extending the old discourses of “western planting” set in motion by figures like Richard Hakluyt, Emerson envisioned the process of western settlement as a process of colonization, of transforming the fierce wilderness into a civilized society. By encouraging “active young men” to “withdraw from cities and cultivate the soil,” the colonization and “conquering of the soil” produces a democratic order marked by political as well as intellectual and moral equality.<sup>54</sup> The land, for Emerson, is the sole source of democratic virtue and moral equality, which is achieved only by ensuring that there is enough for everybody through expansion.

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<sup>53</sup> Emerson, “The Young American,” p. 369.

<sup>54</sup> Emerson, “The Young American,” pp. 365-366.

While Emerson did not seem to explicitly endorse the radical-workerist wing of the Democratic Party and its land reform program, his conceptions of a radical form of spiritual and cultural equality clearly resonated with democratic expansionism. At once drawing on Tocquevillean and Emersonian language, George Henry Evans pronounced that radical workerism represents a “revolution in embryo” whose aim is the creation of “that equality of condition which can only arise from a substantial equality of property and an equal cultivation of the intellectual and physical capacities of men.”<sup>55</sup> Just as equality in moral capacities paralleled equality in property, so too did the spiritual independence of the soul rely upon economic independence. The intellectual and moral equality of men in nature, for both Emerson and Evans, must mirror a relative degree of equality in property, both of which sustain democratic self-rule in opposition to the feudal hierarchies. For Emerson as for Evans, the necessity of landed property to the cultivation of democratic virtue dovetails with the commercial ethos of liberal individualism.

Emerson saw settler expansion as a democratic process that would be sustained through the soft power of culture and commerce. The moral ethos derived from the cultivation and colonization of free soil ensures that democratic expansion will be a liberal process that proceeds through the spread of culture and commerce rather than war and conquest. For Emerson, “cheap land” and the “arts of agriculture” invite a “pacific disposition of the people.” Yet despite his emphasis on the moral dimensions of democratic expansion, it is clear that Emerson’s conception of democracy was closely connected to the construction of imperial hierarchies based on ascriptive categories of

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<sup>55</sup> Evans, “Of the Origin and Progress of the Working Men’s Party in New York,” *The Radical*, II, 1 (Jan. 1842), p. 2.

race and nation. Freed from its ancient confines in England, Emerson wrote that the “imperial Saxon race” will continue to acquire a “hundred Mexicos.” Upon witnessing the prodigious expansion of American settlers, Emerson confidently pronounced that the “first and worst races are dead” and the “second and imperfect races are dying out, or remain for the maturing of the higher.”<sup>56</sup>

While these assertions appear to be aggressive proclamations not too distant from the more abrasive ideologies of *herrenvolk democracy*, Emerson pursued native elimination and the cultural conquest of Mexicans not through physical extermination but through assimilation. He praised the ability of expanding commercial networks to tie together “various threads of national descent” in “one web” through an “hourly assimilation.”<sup>57</sup> This process of cultural absorption was closely tied to processes of land appropriation. Emerson pronounced, “The Anglo-American is a pushing, versatile, victorious race... it has wonderful powers of absorption and appropriating.”<sup>58</sup> The connection between assimilation and land appropriation becomes especially acute when we consider Emerson’s claim that the American settlers have “reached into the Indian tribes of North America, and carri[e]d the better politics of Democracy among the red men.”<sup>59</sup> Democracy, for Emerson, enacts both the spatial and temporal colonization of indigenous Americans and Mexicans, subsuming their political and cultural identities into the progressive surge of the Anglo-American race across the continent.

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<sup>56</sup> Emerson, “Fate,” *Complete Works, Vol. VI*, pp. 32,35-36.

<sup>57</sup> Emerson, “The Young American,” p. 364.

<sup>58</sup> Emerson, “The Anglo-American,” *Later Lectures, Vol. I* (University of Georgia Press, 2001), p. 294. For similar themes, see Emerson’s speech, “The Genius and National Character of the Anglo-Saxon Race,” *Later Lectures*.

<sup>59</sup> Emerson, “Spirit of the Times,” *Later Lectures, Vol. I*, p. 107.

The political ethos of self-reliance and democratic equality, therefore, is comprehensible only in relation to the regimes of land appropriation and settler colonization exemplified by the Treaty of Guadalupe Hidalgo and Indian removal. Although Emerson never outright promoted either policy, the forms of expropriation and cultural assimilation at work in these institutions of settler conquest grounded his attempts to root American cultural identity in the land. In emphasizing how democratic individualism existed alongside Emerson's Anglo-Saxonism, the point is not to suggest that one necessarily contradicted the other. Rather, it is that his portrayal of the civilizational demise of Mexican and indigenous cultures represents a normative position concerning the superiority of American democracy. Cultural independence involved not simply autonomy from the cultural influence of foreign agents, but also the right to impose one's way of life on peoples deemed inferior, so long as this was done through liberal regimes of power and not conquest and coercion.

Emerson also justified colonization by minimizing the role of the imperial state in settler conquest. Much like O'Sullivan, he ideologically obscured the coercive and hierarchical implications of democratic empire by imagining colonization as a process of commercial and cultural expansion that occurs through the initiative of individuals acting together in civil society rather than a centralized state. In *Politics*, Emerson wrote that "the state must follow and not lead the character and progress of the citizen." The key to the progress of American civilization, for Emerson, lay in the moral and creative force of its individual citizens. Although Emerson's *Politics* disavows the role of the state in public life, we should not conclude with Diggins that this entails a refutation of the very

premise of civic republicanism.<sup>60</sup> Rather, what we see here is a democratic community without a state. Insofar as the moral ethos acquired through settler colonization reaches its apex with the territorial control of North America, the state withers away when democratic virtue is achieved among the citizenry. Democratic virtue, then, comes to govern relations among individuals in the absence of a state.

It is precisely in his disavowal of the state as having any part in colonization that Emerson is able to also disavow the role of settler conquest in shaping the cultural dimensions of American democracy. As a means of ideologically obscuring the contingent origins of modern democracy in land appropriation and dispossession, Emerson constructed the individual as the primary agent of empire rather than the centralized power of the imperial state. Quite similar to Tocqueville and Hegel's reflections on the American state, Emerson thought that once man had reached a state of transcendence through the colonization of nature, the state would wither away, allowing democratic individuality to reach its highest potential. In a sense, American individualism was characterized by a form of statelessness even as it was the state itself that established the conditions of possibility for individual liberty to take hold.

### **Democracy and Empire in Whig Political Culture**

Although scholars often advise against reducing Emerson's democratic thought to the partisan politics of the Jacksonian era, we can understand the ideological formation of democratic empire at work in O'Sullivan, Emerson, and the Young Americans by juxtaposing it to the conceptual relationship between democracy and empire in Whig

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<sup>60</sup> Emerson, "Politics," *Essays: First and Second Series* (Vintage Books, 1990), p. 329. Diggins, *The Lost Soul of American Politics*, pp. 203-204.

political culture. Emerson's commitment to the futurity American democracy represented a clear departure from Whig conceptions of empire. In drawing a distinction between the Party of Hope and the Party of Memory, Emerson posited that while the Democratic Party (Hope) represented a commitment to progress, innovation, and reform, the Whigs (Memory) remained a party of conservatism and tradition. In his 1841 speech, "The Conservative," Emerson resolutely condemned Whigs for their lack of a commitment to "self-help, renovation, and virtue." He further criticized the conservative Whig Party for undermining the democratic ethos of futurity at the center of the Young America movement: "Its social and political action has no better aim [than] to sink the glory of a new and more excellent creation [in] the memory of the past." For Emerson, a commitment to the possibilities and promise of the American future requires a disavowal of the past, which was marked by processes of dispossession and conquest.

Yet while Emerson might criticize the Whigs for failing to realize the moral and reformist potential in westward expansion, the Whigs did not reject empire and expansion as such. Rather, they proposed a different conception of empire that emphasized internal economic development over territorial expansion. Moreover, Whigs proposed a vision of the U.S. as a model republic that would shape world order through moral influence rather than an aggressive democratic empire. In this ideological schematic, republican values would be upheld solely through the economic development of the west and projects of national improvement rather than through the safety valve theory of democratic expansion that imagined the west as a sort of American *lebensraum*. At stake for the

Whigs was less the acquisition of new territory than the spread of American markets and the solidification of commercial networks of capitalist exchange.

Although Whigs clearly criticized the Mexican War, none employed democratic principles in this effort. Rather, Whigs “repudiated the assertion that expansive republics made possible and secured equality and free government.” Like Madison’s argument for extending the sphere of government, democratic expansionists adhered to the idea that liberty and expansion mutually sustained each other. But where Madison (at least in the *Federalist Papers*) was hostile to the principles of equality and democracy, democratic expansionists found both ideals to be dependent on territorial expansion.<sup>61</sup> Whigs, conversely, blamed expansion on democratic excess, which they thought would lead to the decline of the republic and subvert America’s moral status as a model republic in the world. For instance, Whig leader Joshua Giddings attributed the war to the “democratic doctrine,” which prioritized the “arbitrary will of an irresponsible majority” over the more moderate principles of balanced government. For Giddings, democratic principles drove Americans to wage a war against an “unoffending people for the purpose of conquest.”<sup>62</sup> The error of democratic principle, in this line of thinking, was to conflate the will of the people with the will of the government, which must be based on constitutional and moral principles rather than popular pressure for land and wealth.

In a widely read pamphlet entitled *Peace with Mexico* (1847), the Whig politician Albert Gallatin also posited that war and conquest eroded the moral fabric of republican

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<sup>61</sup> Michael Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (University of North Carolina Press, 1997), pp. 5, 20.

<sup>62</sup> Giddings, “My Country, Right or Wrong” (May 1846), *Great Debates in American History: Foreign Relations, Vol. II, Part I*, edited by Marion Miller (New York: Current Literature, 1913), pp. 354, 356.

rule. Drawing upon the old discourse of classical republicanism, Gallatin argued that the democratic promotion of the war led to the centralization of executive power and political corruption. He called upon his republican faith to assert that the greatest threat to republican order arose from within the republic itself, from the democratic ideals of radical social equality and popular sovereignty. The American people, Gallatin wrote, were blinded to the moral purpose of the American republic by the “romantic” pursuit of national honor and the appropriative ethos that sought the acquisition of new territory. Implicit in his criticism of the appropriative tendencies of the democratic creed was the position that an exaggerated commitment to the equality of conditions and landed independence turns American citizens into “vulgar conquerors.” Gallatin believed that an excessive commitment the ideals of radical social equality and popular self-rule at the center of American democracy engendered war and conquest.<sup>63</sup>

Instead of “democracy,” most Whigs preferred the language of “republic” to characterize the national government, which retained much of its classical emphasis on the virtuous rule of an elect body of governors and ideals of balanced government that insulated national power from popular control.<sup>64</sup> Embedded in this distinction was a difference concerning the spatio-temporal dimensions of the American republic.

Whereas Democrats held that expansion in space provided institutional durability in time, Whigs invoked classical republicanism to criticize empire as a source of decline. As such, they remained within a classical model of republican temporality marked by the cyclical rise and decline of republics and empires. As one historian has put it, “The rise

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<sup>63</sup> Gallatin, *Peace with Mexico* (New York: Bartlett and Welford, 1847), pp. 11-12.

<sup>64</sup> George McKenna, *The Puritan Origins of American Patriotism* (Yale University Press, 2007), p. 108.

of romantic democracy, with its expanded suffrage and mass politics, threatened to submerge the more restricted and stable pattern of republican behavior in a tyrannical public opinion” that drove the national government to war and conquest. In the minds of many Whigs, the popular passions unleashed by the rise of the common man as the locus of political rule threatened to destabilize the republic. Whigs remained committed to ideals of divided government as a means of hedging in the expansionist tendencies of democracy. For Democrats, conversely, the transition from “classical republicanism to romantic democracy” was a continuation of the American Revolution, with the Mexican conquest representing an extension of processes set in motion by the Constitution.<sup>65</sup>

### **Conclusion**

Just as the Whigs were sharpening their differences with the Democrats with regard to imperial ideology, traditional party distinctions began to fracture along the fault lines of empire exposed by the Mexican War. Beyond the question of what to do with conquered Mexican subjects, the conclusion of the War also challenged the imperial visions of Young America by bringing the question of slavery to the fore. From the very beginning, the new democratic conceptions that emerged in the Jacksonian era were inextricably bound to the expansion of slave power. Indeed, the unification of the Democracy depended on keeping the divisive issue of slavery off the national agenda in accordance with the spirit of the Missouri Compromise (1820), which regulated the expansion of slavery in the western territories by establishing the 36<sup>th</sup> parallel as the

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<sup>65</sup> Robert Johannsen, *To the Halls of Montezumas: The Mexican War in the American Imagination* (Oxford University Press, 1985), p. 282. Daniel Walker Howe, *The Political Culture of the American Whigs* (University of Chicago Press, 1979), pp. 76-77.

dividing line between free and slave territories. For those who subscribed to the racist ideologies of the slave system, the expansion of slavery posed no significant problem. But to those who attached their democratic visions to values of reformism and free soil, the expansion of democracy was of ambiguous value. As democracy expanded across the continent and progressed into the future, slavery expanded with it, and the despotic imperial imaginary resiliently attached itself to the democratic imperial imaginary at the center of the Young American ideology.

Although Manifest Destiny represented a form of democratic nationalism in which the nation would be united around the simultaneous pursuit of democracy and expansion, the conclusion of the Mexican War exposed the contradictions of race and class at the center of the ideology of democratic empire. Just as Europe was crashing under the duress of its own class contradictions with the Revolutions of 1848, democratic expansionists in the U.S. held to the vision of a democratic empire. For Emerson and O'Sullivan, the U.S. would escape the contradictions plaguing France and other European states through the relief provided by the safety valve of western land. Nevertheless, the dream of a unified vision of democratic expansion would soon be challenged by the slavery question. Eric Lott has aptly put the point: "Manifest Destiny... was egalitarian ideology gone west... [H]owever, this 'beautiful' evasion of both wage labor in the North and slavery in the South, a political solution to conflicts in civil society, only served to open those conflicts all the more, for it posed in ever starker form the question of whether the new territories would be slave or free. In a telling irony, the myth of potentially endless frontier expansion actually exposed rather than disguised patterns of

class conflict and racial oppression which American democracy was supposed to have done away with.”<sup>66</sup>

As the next chapter will show, America’s own version of 1848 represented not so much a sharpening of sectional conflict at the heart of the nation as it did the division of the ideology of democratic empire into two competing imperial imaginaries: an empire of free soil and free labor and an empire of slavery and domination. The American 1848 signified the fracturing of Manifest Destiny into two competing ideologies of empire. With the dissolution of the Democracy, the free-soil democrats were in many ways the inheritors of the ideology of democratic empire.

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<sup>66</sup> Lott, *Love and Theft: Blackface Minstrelsy and the American Working Class* (Oxford University Press, 1993), pp. 105-106.

## Chapter Five

### **Race of the Conquering March: Democracy, Civilization, and Slavery**

“It is according to the interest of ‘the Few’ that colonies should be cultivated. This, if it is true, accounts for the attachment to colonies, which most of the countries, that is, of the governments of modern Europe, have displayed.” James Mill, “Colony,” *Encyclopedia Britannica* (1825)

The close of the Mexican War signaled a crucial shift in the ideology of democratic empire and the dynamics of settler expansion. The hallmark of the Jacksonian coalition that dominated antebellum politics was an agreement to keep slavery off the national agenda so as to maintain a cross-class democratic movement consisting of Southern planters, industrial working-men, urban artisans, and independent farmers. This arrangement was given institutional legitimacy in the Missouri Compromise of 1820, which regulated the expansion of slavery in the western territories by establishing the 36<sup>th</sup> parallel as the dividing line between free and slave territories. The political stability provided by the Compromise was significantly jeopardized with the onset of the War as the Democratic coalition splintered around the slavery question. In 1846, Representative David Wilmot introduced his famous Wilmot Proviso into Congress, which mandated that if the U.S. invaded Mexico, any newly acquired territories would be free rather than slave states. Wilmot drew on the legacy of the Northwest Ordinance for a framework of settler expansion that privileged principles of free soil over the extension of slavery.

Although the Wilmot Proviso was defeated in the House of Representatives, it reopened national debate about the relationship between slavery and territorial expansion by questioning the basis of the Missouri Compromise. Disaffected with the previous partisan arrangements in which Whigs and Democrats refused to address the slavery

question, a faction of anti-slavery Democrats (called the Barnburners) from New York joined radical abolitionists and anti-slavery Whigs to form the Free Soil Party in 1848. As I will argue at length in this chapter, the emergence of the Free Soil Party (which eventually morphed into the Republican Party) represented a reconfigured form of settler-colonial ideology in the antebellum era, which placed ideals of free labor and free soil at the center of national visions of democratic empire.

Walt Whitman, early on in his journalistic writings, established this new conception of free-soil empire. Whitman had long been both an opponent of slavery and a proponent of settler expansion, and he explicitly aligned the two in his writings for the *Brooklyn Daily Eagle* touting the virtues of the war with Mexico. As one of the first periodicals to actively support the Wilmot Proviso, Whitman's *Eagle* contested that the extension of slavery in the territories violated American founding principles and further stretched the chasm between the ideal and the real in American politics. In an 1846 editorial, Whitman condemned slavery as a "disgrace and blot on the character of our Republic, and on our boasted humanity!"<sup>1</sup> At the same time Whitman trumpeted the conquest of Mexico and further expansion into the West as the triumph of democratic principles.

What made Whitman so central to the ideology of democratic empire was how he attached radical-democratic principles of popular sovereignty to a broader framework of settler expansion. In line with the safety-valve theory of democratic expansion, his notion of democracy was characterized by a spatial imaginary in which the underpopulated and "uncultivated acres of land" in the West provided an outlet of colonization

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<sup>1</sup> Betsy Erkkila, *Whitman the Political Poet* (Cambridge University Press, 1989), p. 45. Whitman, *The Gathering of the Forces, Vol. I* (G.P. Putnam's Sons, 1920), p. 187.

for the over-populated spaces of the “crowded East.” Similar to the relationship between the democratic social state and settler expansion, Whitman’s democracy required the transfer of settler populations to western territory.<sup>2</sup> In providing the material basis for the rule of the people, Whitman praised “The boundless democratic free West!” The “cheapness of land” in the West erases hierarchy and inequality, producing a social condition that frees citizens from “conventionalism” and “common want.” Consonant with Emerson’s romantic reconstruction of the safety-valve theory of democratic expansion, Whitman contested that the experience of settling the West produced creative intelligence and a “Democratic vitality” that made the common man suitable for self-rule.<sup>3</sup> For Whitman, the individual labors of colonizing the land would lead to an elevation of mind that prepared men for the intellectual rigors of democracy.

In this chapter, my objective is to trace the development of this incipient vision of free-soil empire that pervaded the political culture of the antebellum period. In both his early journalistic writings and his later poetry and prose, Whitman attached the ideology of democratic empire to free-soil principles. Scholars often advise against reducing Whitman’s aesthetics and poetics to his politics, yet this position ignores the profound continuities between the two.<sup>4</sup> Although he is not a systematic political philosopher, there are consistent and durable principles at work in his poetic-political thought that derive from wide variety of sources such as his reading of Hegel, his involvement in

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<sup>2</sup> Whitman, *The Gathering of the Forces*, Vol. I, pp. 17-18.

<sup>3</sup> Whitman, *The Gathering of the Forces*, Vol. I, pp. 25-26.

<sup>4</sup> Frank, *Constituent Moments*, ch. 6. Alan Trachtenberg, “Whitman’s Visionary Politics,” *Mickle Street Review*, 10 (1988), pp. 15-31.

partisan newspapers in the 1850s, and especially his affiliation with the Free Soil Party.<sup>5</sup>

My goal is less to provide new insights about Whitman's political thought than it is to use it as a means of outlining the ideological contours of American democratic culture and its complex relationship with settler expansion.

As this chapter will argue at length, free-soil democrats envisioned American democracy as a form of civilizational empire driven by the conviction that "God has specifically chosen the nation to work out a higher type of civilization than any other State has yet attained."<sup>6</sup> Civilizational empire begins with a set of specific cultural values particular to a certain geographic location and by imputing a sense of superiority onto those values extrapolates them to a broader sphere and makes them representative of a universal notion of humanity. The notion of a civilizational empire entails not simply a set of values that are universal, but a "set of Western values, ideals, and institutions that are being inculcated across the globe to slowly but surely realize a degree of political, social, legal, economic, and cultural homogeneity."<sup>7</sup> This conception of civilizational empire in the U.S. conceptually emerged through processes of settler expansion, and more precisely through imperial conflict between two competing visions of empire.

In constructing a civilizational empire, free-soil democrats opposed democracy not only to the degraded social forms of Mexicans and Indians but also to the oligarchic and backward elements of Southern slave society. The Wilmot Proviso shifted the primary cleavage of imperial conflict in American ideology from inter-imperial conflict between

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<sup>5</sup> Charles Molesworth, "Whitman's Political Vision," *Raritan*, 12, 1 (Summer 1992), 98-113.

<sup>6</sup> Viscount James Bryce, *American Commonwealth, Vol. II* (MacMillan, 1917), p. 353.

<sup>7</sup> Brett Bowden, *The Empire of Civilization: The Evolution of an Imperial Idea* (University of Chicago Press, 2009), p. 224.

the United States and Russia, Britain, and Spain to intra-imperial conflict between the North and South. In this reconfigured ideological conflict, the South provided the “negative reference point” against which free-soil democrats defined American imperial identity.<sup>8</sup> In fashioning democracy as a mode of civilizational empire, free-soil expansionists articulated democratic ideals through discourses and practices of settler colonialism that promoted a form of territorial expansion based on the agrarian political economy of free labor over the slave economy of the South.

To understand these shifts in the ideology of democratic chapter, this chapter draws on the framework of the “American 1848” in which the democratic dream of a unified nation committed to a common colonial project fractured along the fault lines of slavery. The idea of the American 1848 comes from David Potter’s *The Impending Crisis*, where he argues that U.S. victory in the Mexican War was a primary cause of the Civil War. Although victory over Mexico and the conquest of the West and the Southwest “sealed the triumph of national expansion... it had also triggered the release of forces of sectional dissension.”<sup>9</sup> Michael Rogin drew on Potter’s historical periodization to draw a contrast between the European 1848, in which the liberal dream of a national state premised on individual liberty and equal rights “foundered on the social question,” and the American

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<sup>8</sup> Susan Grant, *North Over South: Northern Nationalism and American Identity in the Antebellum Era* (University Press of Kansas, 2000), p. 35. James Cobb, *Away Down South: A History of Southern Identity* (Oxford University Press, 2005), p. 3. David Jansson also argues that American national identity was constructed by assigning negative traits to the “imagined space” of the South; “Internal Orientalism in America: W.J. Cash’s *The Mind of the South* and the Spatial Construction of American National Identity,” *Political Geography*, 22 (2003), pp. 293-316.

<sup>9</sup> Potter, *The Impending Crisis, 1848-1861* (Harper and Row, 1977), pp. 16-17.

1848, in which the democratic ideal of a national republic was jeopardized by political conflict over the slavery question.<sup>10</sup>

However, while both Rogin and Potter treat the contradictions animating American society during the American 1848 as a form of “sectional dissension,” I propose to examine those contradictions as a form of imperial conflict generated by two competing ways of organizing and expanding democratic empire: a slave empire conjoined with a racially exclusive *herrenvolk* democracy and an empire of free soil, free labor, and free trade. Just as the European 1848 signified the constitutive divisions and contradictions at the center of European civil society, the American 1848 highlighted the central contradictions that slavery and empire posed to the viability of American democracy. That is, if class conflict in Europe was the primary expression of the contradictions inherent in modern civil society, in the U.S. it was imperial and racial conflict generated by the politics of slavery’s expansion.

### **Slavery and the Empire of Free Soil**

With the close of the Mexican War in 1848 and the slavery question back on the national agenda, Whitman joined disaffected Democrats, Whigs, and abolitionists in forming the Free Soil Party in Buffalo, New York, nominating Martin Van Buren as their presidential candidate under the slogan of “Free Soil, Free Speech, Free Labor, and Free Men.” The ideals of Free Soil Party revolved around two central principles. First, the primary mode of labor in the western territories would be independent agriculture rather than slave or wage labor. Second, free labor based on widespread property ownership

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<sup>10</sup> Rogin, *Subversive Genealogy*, p. 20.

entailed the free acquisition of land by settlers. The platform of the Free Soil Party proclaimed, “Not more slave states and no more slave territory. Let the soil of our extensive domain be kept free for the hardy pioneers of our land and the oppressed and banished of other lands seeking homes of comfort and fields of enterprise in the new world.” In promotion of this vision, the Party called for land to be issued by means of a “free grant to actual settlers” for the purposes “making settlements in the wilderness,” which would ensure the rule of “the people under the banner of free democracy.”<sup>11</sup>

In this democratic vision, settler expansion ensured the equality of citizens and sustained institutions of popular self-rule. The expansion of slavery represented to the Free Soil Party the triumph of feudal society and aristocratic principles over the principle of popular sovereignty. The language of empire underpinned free-soil fears of slavery’s expansion. In their opposition to the resurgence of feudal society, free-soil democrats juxtaposed an “empire of freedom” to an “empire of slavery.” One Ohio politician claimed, “The slave drivers seek to make our country a great slave empire: to make slave breeding, slave selling, slave labor, slave extension, slave policy, and slave dominion, FOREVER THE CONTROLLING ELEMENTS OF OUR GOVERNMENT.” Attendees at the Free Soil convention in Buffalo similarly held that the eclipse of free-soil ideals by the empire of slavery would replace a “government by the people” with a “government by an oligarchy.”<sup>12</sup>

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<sup>11</sup> “Free Soil Party Platform” (1848), *National Party Platforms, 1840-1972*, edited by Johnson and Porter (University of Illinois Press, 1973), pp. 13-14.

<sup>12</sup> Both passages are quoted in James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford University Press, 1988), p. 160.

To free soil democrats, feudal rule threatened to undermine democratic institutions and turn the nation into an oligarchy ruled by the economic elite. In this manner, the ideological conflict between these two conceptions of empire was a battle between the “Democratic principle” and the “aristocratic element of slave labor society.”<sup>13</sup> The opposition of free-soil democrats to slavery’s expansion was rooted in the Enlightenment notion that an empire of conquest and despotism was the result of unchecked oligarchic elements in society. To Northerners, the South was a feudal society, and the aggressive expansion of the slavery stemmed from the oligarchic basis of the South. Drawing on Enlightenment thinkers like Condorcet, free-soil democrats viewed imperial conquest as an ineluctable feature of slave society. In their thirst for glory and wealth, Condorcet argued that oligarchic societies inevitably lead to war and conquest. In the absence of a feudal order, the leveling of social rank in America eroded the basis of aristocratic values such as chivalry, wealth, and military virtue.<sup>14</sup> The empire of slavery violated democratic convictions that expansion should be pursued for the public good rather than the aggrandizement of the wealth and glory of the economic elite.

In their efforts to contain the expansion of slavery, free-soil democrats adopted categories derived from justifications of Indian removal and the Mexican conquest to similarly sanction the expansion of the Northern free labor ideal: civilization and progress. As the Free Soil Party morphed into the Republican Party in 1854, Republican leader Carl Schurz vividly geo-graphed the superiority of northern civilization: “Cast

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<sup>13</sup> Morrison, *Slavery and the American West*, pp. 166, 171.

<sup>14</sup> Guillaume Ansart, Introduction to *Condorcet: Writings on the United States* (Pennsylvania State University Press, 2012), pp. 6-7.

your eyes over that great beehive called the free States. See by the railroad and telegraph wire every village, almost every backwoods cottage, drawn within the immediate reach of civilization.”<sup>15</sup> To free soil democrats, civilization encouraged not only regimes of free labor, but also the extension of commercial networks that spanned the continent. A society based on free labor and free soil was superior to slave society because it made more productive use of the nation’s resources. Free-soil democrats generally feared that allowing slavery in the territories would impede the transfer of free laborers from the eastern states. Rooted in Lockean notions of labor, such a view held that the civilizational progress was incompatible with slave labor because slaveholders could not make adequate improvements of uncultivated land. Slaves and slaveholders alike, Tocqueville noted, lacked the “spirit of enterprise” that attended modern commerce and thus lacked incentives to improve the land.<sup>16</sup>

Several historians of Southern society have noted that one of the primary factors in the expansion of slavery was the need for more land as well as a desire to extend the reach of the peculiar institution. The emphasis on cotton mono-cropping and the general failure to diversify the Southern economy led slaveholders to seek more fertile land due to soil erosion and other forms of environmental degradation.<sup>17</sup> One prominent Republican thus asserted that “an inferior civilization must give room to that which is superior,” signaling that the battle against the slaveholding oligarchy was a territorial

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<sup>15</sup> Foner, *Free Soil, Free Labor, Free Men*, quoted on pp. 30-31.

<sup>16</sup> Morrison, *Slavery in the American West*, pp. 110-111. Foner, *Free Soil, Free Labor, Free Men*, pp. 45-46. Tocqueville, *Democracy in America*, pp. 31, 154, 333.

<sup>17</sup> Eugene Genovese, *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South* (Wesleyan University Press, 1989), p. 245.

battle that could be won through a systematic program of settler colonization involving the expansion of free labor and agrarian capitalism.<sup>18</sup>

Commensurate with what I have called the “Tocquevillean moment,” in which settler expansion establishes the foundation of American democracy, free-soil democrats pursued a program of settler colonization in an attempt to extend the durability of democratic institutions. If slavery was institutionalized in the West, it would prevent free settlement and erode the free labor ideal, leading to the stagnation and decline of American democracy. The expansion of free settlers provided the key to social mobility and democratic equality in the North, which sustained visions of economic development and civilizational progress. But when free-soil democrats “turned their gaze southward, they encountered a society that seemed to violate all the cherished values of the free labor ideology, and seemed to pose a threat to the very survival of... their free-labor civilization.”<sup>19</sup> Southern society, with its structural adherence to fixed hierarchy, appeared in free soil ideology as a stagnant and feudal society.

The political economy of democratic empire, however, cannot be understood without attention to the cultural construction of free-soil ideals. Several scholars have demonstrated how free-soil democrats and labor republicans constructed the meaning of the free labor ideal in opposition to the unfree labor of chattel slavery and the inefficiency of Mexican labor.<sup>20</sup> Yet the language of empire and conquest also significantly shaped dominant conceptions of free labor in antebellum democratic culture. The primary

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<sup>18</sup> George Weston quoted in Foner, *Free Soil, Free Labor, Free Men*, p. 53.

<sup>19</sup> Foner, *Free Soil, Free Labor, Free Men*, pp. 38-40, 45-46.

<sup>20</sup> David Roediger, *Wages of Whiteness: Race and the Making of the American Working Class* (Verso, 1999), p. 44.

categories that Jacksonian democrats employed in the conquest of Indians and Mexicans – progress and civilization – also anchored free-soil ideology. The idea of a free soil empire carried within it an “ideology of civilization” that divided the world into civilized and savage, progressive and backward.<sup>21</sup> Yet the ideology of civilization extended not only to the conquest of Indians and Mexicans, but also to Southern slave society.

Nowhere is the ideology of civilization more evident than in Emerson’s cry for Northern victory in the Civil War. In his 1862 essay, “American Civilization,” Emerson laid out a stadial view of history, the starting point of which is the “rudest state in which man is found.” In Emerson’s view, each nation has its own distinct civilization, and consequently its own distinct path of progress. Yet what distinguishes American civilization is not its similarity to other nations at similar stages of development, but rather its opposition to the lack of progress in indigenous and African communities: “In the brutes is none; and in mankind, the savage tribes do not advance. The Indians of this country have not learned the white man’s work; and in Africa, the Negro of today is the Negro of Herodotus.” As a consequence, it is inevitable that backward societies of Africans and Indians will be overpowered by the superiority of Anglo-American culture and subjected to the logic of native elimination.

The objective of Emerson’s essay, however, was not to justify the conquest of indigenous peoples. It was, rather, to justify the potential military triumph of Northern civilization over the South. For Emerson, the problem of the Civil War is a problem of

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<sup>21</sup> Frank Ninkovich, “Theodore Roosevelt: Civilization as Ideology,” *Diplomatic History*, 10, 3 (July 1986), pp. 221-245. Also see Wendy Brown’s notion of a “civilizational discourse,” *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton University Press, 2006).

civilizational progress: “We have attempted to hold together two states of civilization: a higher state, where labor and the tenure of land and the right of suffrage are democratical; and a lower state, in which the old military tenure of prisoners or slavers, and of power and land in a few hands, makes an oligarchy.” Like Tocqueville, Emerson drew on the language of the democratic social state, at the center of which are arrangements of free labor and free land tenure, to uphold the superiority of Northern civilization over the feudal social state of the South. Emerson laments, “Why cannot the best civilization be extended over the whole country, since the disorder of the less civilized portion menaces the existence of the country?”<sup>22</sup> If free-soil ideology was built upon notions of civilizational progress, then its expansionist vision associated the barbarism of Southern slavery with indigenous savagery, further authorizing the conquest of both as the a necessary byproduct of democratic development.

Beyond cultural discourses, the free-soil vision of democratic empire was institutionalized in land reform policy throughout the 1840s and 1850s, culminating in the Homestead Act of 1862. Free-soil ideology, in key respects, has its roots in Jeffersonian democracy. In spite of the institution of slavery at the center of antebellum democratic ideology, the Jeffersonian idea that free land should be cheaply granted to settlers in order to populate the West and augment the power of the agrarian yeomanry gained momentum among Northern abolitionists and proponents of free-soil principles. When attached to Northern political visions, the Jeffersonian ideal of securing democracy through settler expansion took an anti-slavery cast. In their opposition to the expansion

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<sup>22</sup> Emerson, “American Civilization,” *Complete Works*, Vol. XI, p. 299.

of slavery, free soil democrats saw no reason why wealthy Southerners should be able to consolidate their land holdings by expanding slavery westward.<sup>23</sup>

From the Northwest Ordinance of 1787 until the late 1830s, federal land policy revolved around the Public Land Survey System, in which the federal government surveyed and sold land to the highest bidder so as to increase government revenue. Although the survey system was designed to facilitate an orderly process of colonization and settlement, settlers and squatters often moved quicker than the federal government. By improving plots of land before the government could assess the price, squatters challenged the authority of the federal government over the distribution of western land. Throughout the early nineteenth century, squatters asserted their rights to settle “vacant” land independent of federal authority. Based on the Lockean ideal that the labor expended cultivating land provides legitimate title to property, settlers often claimed property rights to land by virtue of the very fact of settlement.

By the 1830s settler ideology clashed with federal authority as the survey system became the subject of intense political scrutiny. In opposition to the federal policy of selling land at the highest price possible, settlers argued that successful colonization required the distribution of “free grant of lands.” Having been the system under which the original colonies were settled, they held that the act of conquering new territory and “driving out the savage beasts and still more savage men” provided the basis for free entitlement to land. In this vision of colonization, the labor of settling free land is itself a

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<sup>23</sup> Robin Blackburn, *American Crucible: Slavery, Emancipation, and Human Rights* (Verso, 2013), p. 399.

form of conquest aimed at extinguishing indigenous sovereignty and land title, thereby establishing the legitimate property title of settlers.<sup>24</sup>

The survey system also violated democratic conceptions of equality because “the wealth of a country is drained off to be expended elsewhere.” In other words, the survey system privileged the wealthy elite in the race for land acquisition, further solidifying entrenched political and economic inequalities. As a result colonial expansion becomes an instrument of oligarchic power rather than a device for spreading popular liberty and social equality. In such a program of territorial expansion, the free territories of the west come to stand in relation to the federal government and the wealthier states of the East as colonial dependencies in which the “fruits of our labor are drawn from us to enrich other and more favored sections of the union.” Rather than free and equal constituents of empire, new states and territories become dependent entities, both economically and politically.<sup>25</sup> Clearly indebted to Paine’s model of democratic expansion, democratic settlers in the Jacksonian era held that settler expansion should serve the public good.

Throughout the 1840s and 1850s, land reform legislation initiated a shift in federal land policy from the survey system to a homesteading system. The first step in federal land reform came with Preemption Act of 1841, which gave squatters the right of purchasing land at a minimum price if they settled the land before the government was able to survey it. The Preemption Act, which also drove settler expansion during the era of Manifest Destiny, became the primary vehicle by which settlers colonized the west in

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<sup>24</sup> Senator Robert Hayne, *The Webster-Hayne Debate on the Nature of the Union: Selected Documents*, edited by Belz (Liberty Fund, 2000), pp. 6, 309.

<sup>25</sup> Hayne, *The Webster-Hayne Debate on the Nature of the Union*, p. 8.

an effort to challenge the expansion of slavery.<sup>26</sup> By the 1850s the policy of preemption strengthened the land reform movement, which began to agitate for more drastic measures in providing cheap land for free settlement. Although Southern planters had once stood beside Western farmers in opposing Northern industrial interests, by the 1850s they came to see the independent farmer as a threat to their economic and political system. Indeed, plantation interests in the Senate throughout the 1850s persistently opposed the formation of a homestead bill that would grant cheap land to independent settlers on the basis of the labor they expended cultivating the land.<sup>27</sup>

The Lockean principles of homesteading acquired institutional force with the Homestead Bill of 1862, a policy driven by the efforts of Northern Republicans and free-soil democrats to reserve the western territories for free labor. The Homestead Bill directly drew on the safety-valve theory of democratic expansion, in which reservoirs of cheap land in the West would attract unemployed laborers from the East. According to this theory, surplus labor in industrial society suppressed the wages of mechanics and artisans and thus threatened to stoke the flames of class conflict and metropolitan instability. The principles underpinning the homestead system were premised on Lockean notions of natural right wherein the only valid title to property is the expenditure of physical labor to cultivate and improve the land. Upon this basis, the homestead principle also undermined the ideological foundation of Southern expansion by suggesting that productive labor conferred just title to property, barring inefficient regimes of slave labor from having any place in free-soil expansion. In their opposition

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<sup>26</sup> Hietala, *Manifest Design*, p. 115.

<sup>27</sup> Barrington Moore, *Social Origins of Dictatorship and Democracy* (Beacon Press, 1966), p. 129

to slavery, free-soil democrats envisioned the free settlement of the West as a barrier to the expansion of slavery.<sup>28</sup> Settler expansion mitigated the contradictions of modern class conflict by promising the industrial working classes relief from poverty and unemployment through landed independence. Settler colonialism is thus a political-economic system by which modern society spatially displaces its contradictions to an alternative geographic space in order to prevent the dissolution of social order.

While free soil ideology offered a vision of democratic empire that put the independent settler at the center of its expansionist program, pro-slavery theorists had their own vision that differently reconciled democracy and empire around the logic of domination. The language of conquest and empire played a significant role in national debates about slavery ever since the Missouri Compromise. Although the Compromise is often remembered as an amenable agreement for both sides, many pro-slavery theorists vociferously denounced the law. For instance, John Taylor of Caroline drew on the principle of new state equality to challenge Congressional restrictions on the expansion of slavery. Imposing conditions on the settlement of new territories placed Congress in the position of “feudal chiefs” who pursued conquest for their own sake. Taylor maintained that in a federal republic founded on popular sovereignty, “conquests are made for the community” and not for the interests of the few.<sup>29</sup> To deny the right of settlers to bring their chattel with them was to deny the right to property, turning new territories into colonial dependencies rather than equal constituents of empire.

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<sup>28</sup> Henry Nash Smith, *Virgin Land: the American West as Symbol and Myth* (Harvard University Press, 1950), ch. 20. Foner, *Free Soil, Free Labor, Free Men*, pp. 27-28.

<sup>29</sup> Taylor, *Constructions Construed, and Constitutions Vindicated* (Shepherd and Pollard, 1820), p. 306.

Taylor's argument, however, was predicated on the idea that slavery was a regional rather than national institution. By denying the right to expand the institution of slavery, Congress was essentially privileging the regional interests of the North over the South, thereby violating liberal property rights and principles of federalism. But by the 1850s, pro-slavery theorists went on the offensive in casting slavery not as a local or even national institution but more precisely as a global imperial power. Although scholars have long examined the centrality of the politics of territorial expansion to the antebellum period, it is only until recently that they have begun to place slavery in the broader context of global capitalism. The historian Walter Johnson has illustrated the "global reach of the cotton economy – in which millions of pounds and billions of dollars were annually traded, in which credit chased cotton from the metropolitan banks of Europe to every plantation outpost of the Mississippi valley and then back again."<sup>30</sup> Any attempt to understand slavery in the antebellum period takes us beyond national frameworks of sectional conflict by forcing us to comprehend slavery as a global institution.

The global dimension of the slavery directly figured into the ideologies of Southern political culture in profound ways. By the late 1840s, due to the Wilmot Proviso, Southern thinking had undergone a significant shift from an apology to an embrace of imperialism. As Southerners became convinced of the necessity of slavery for economic progress and prosperity, they became less inclined to permit the territorial exclusion of slavery and instead embraced an "imperious desire to spread it westward to the Pacific." While Virginian slaveholders like Jefferson and John Taylor expressed a lukewarm

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<sup>30</sup> Johnson, *River of Dark Dreams* (Harvard University Press, 2013), p. 12. Also see Steven Hahn, *The Political Worlds of Slavery and Freedom* (Harvard University Press, 2009).

commitment to the peculiar institution, the imperialist tradition was more aggressive in defending the expansion of slavery.<sup>31</sup> In place of the agrarian republic of Jefferson, the imperialist tradition sought the resurrection of a Greek conception of democracy, in which slavery and domination were seen as direct extensions of democratic self-rule. In the Southern tradition, liberty was a function of power: the more power one possessed the more liberty to which one was entitled. Southern imperialism thus implied not the spread of democratic equality but rather the spread of hierarchy and domination.

This Old South vision of democracy was indebted to ancient Greece in its embrace of the idea that democratic equality for whites depended on slave labor. In this vision of “*herrenvolk* (master-race) democracy,” individual liberty entailed the natural right of superior races to enslave those of inferior racial stock. The notion of *herrenvolk* democracy at the center of the Southern tradition upheld a conception of freedom in which power was an entitlement to liberty such that liberty depended on the degree of power one held over others.<sup>32</sup> In the pro-slavery interpretation, popular sovereignty and democratic self-rule implied the right to dominate others, to establish institutions not just of self-government but also institutions of slavery. The right to govern oneself was thus intricately bound to the right to enslave others.

This ancient conception of democracy is best exemplified in the famous 1858 speech by the U.S. Senator of South Carolina, James Hammond. Declaring that “Cotton is King,” Hammond articulated the Greek conception of democracy in which freedom for

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<sup>31</sup> Vernon Parrington, *The Romantic Revolution in America, 1800-1860* (University of Oklahoma Press, 1987), pp. 61, 67.

<sup>32</sup> See Joel Olson, *The Abolition of White Democracy*.

the white community depended on the enslavement of inferior races. “In all social systems,” Hammond asserted, “there must be a class to do the menial duties, to perform the drudgery of life.” The enslavement of one class by another was necessary for the progress of civilization. To condemn all citizens to the “drudgery of life” would be to subject the intellect of the white race, preventing them from guiding the progressive development of society. Because human freedom depended on enslavement, slavery constituted the “very mud-sill of society and of political government.”<sup>33</sup>

Hammond’s speech represented a significant shift in pro-slavery theory. Throughout the 1850s, Democrats largely adhered to Stephen Douglas’s principle of “squatter sovereignty,” wherein the legitimacy of slavery in the territories was determined by the popular will of the settlers themselves. In arguing against such a principle, Hammond held that no political force, not even settler sovereignty itself, could limit the expansion of slavery, signaling the rise of slavery not just as a national but as a global institution. Due to the expansion of slavery and the increasingly central place of cotton commodities in the global economy, Hammond asserted that the South will be “an empire that shall rule the world.”<sup>34</sup> Given Hammond’s emphasis on the broader hemispheric expansion of slavery, it is evident that his vision of Southern power challenged democratic visions of a free-soil empire. Ever since John Calhoun enlisted the principle of nullification in service of the pro-slavery cause in the 1830s, Americans had seen slavery as a regional rather than a national institution. But Hammond’s speech highlighted a lurking anxiety

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<sup>33</sup> Hammond, “Cotton is King,” *Selections from the Letters and Speeches of the Honorable James H. Hammond of South Carolina* (New York: John F. Trow & Co., 1866), pp. 317-318.

<sup>34</sup> Hammond, “Cotton is King,” p. 311-312.

among North abolitionists: in becoming a global, imperial power the South would pose obstacles to the expansion of free soil and free labor.

Hammond's imperial vision of Southern society acquired legal force in Chief Justice Roger Taney's majority opinion, *Dred Scott v. Sanford*, which argued that the Constitution gave Congress the exclusive right to establish the rules of naturalization and the standards of citizenship. As is well-known, the decision effectively ruled that Congress lacked any power whatsoever to restrict the expansion of slavery in the territories, and consequently that the free-soil ideal whereby slaves might become citizens upon entering into free territory was unconstitutional. Yet one often unexplored implication of Taney's decision was that it offered a competing conception of imperial identity that cohered around the empire of slavery. Refuting Douglas's doctrine of "squatter sovereignty," wherein the authority of slavery in territories gained from colonial conquest was contingent on local practices of self-government, Taney held that wherever Congressional authority held, slavery was legal. He thus rejected Douglas's notion of squatter sovereignty and instead held that the sovereignty of the people implied the sovereignty of master over slave in any current or future territory under the sway of the American flag. As such, colonial expansion necessarily entailed the extension of slavery.

Although Taney's judgment that black slaves could never become free citizens is fairly straightforward, more perplexing is his position that indigenous peoples were able to become American citizens. This is more puzzling considering Taney's earlier decision in *U.S. v. Rogers*, which held that Indians and whites were members of irreconcilably opposed cultural groups. In this decision, Taney held that a white man adopted by an

Indian tribe was always a U.S. citizen because only those “who by the usages and customs of the Indians are regarded as belonging to their race.” If white men could not become Indians, then Indians could not become white men.<sup>35</sup>

By *Dred Scott*, however, Taney shifted his views on indigenous peoples, arguing that unlike the black population, the “Indian race” was fit for American citizenship: “[I]f an individual should leave his nation or tribe and take up his abode among the white population, he would be entitled to all the rights and privileges which would belong to an emigrant from any other foreign people.”<sup>36</sup> The shift in Taney’s views on the assimilation of Indians into U.S. citizenship makes perfect sense in consideration of the newly founded imperial visions of pro-slavery theorists. In a context in which the continued vitality of slavery depended on the acquisition of new territory, assimilating Indians into white citizenship was a means of extinguishing native land title. In the face of a greater need for the appropriation of new land by the slaveholding empire, Taney held that assimilation was a more effective means of indigenous dispossession.

### **William Seward and the Empire of Free Trade**

Although the project of settler expansion at the center of free-soil ideology directed its focus on continental conquest, the imperial framework of free-soil democracy encapsulated a much broader geographic scale. The imperial gaze of the free-soil democrats almost always pierced beyond the continental boundaries of North America, fixating on commercial supremacy in the Pacific. No one so perfectly condensed this dimension of Northern imperial desire and its democratic moorings than William Henry

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<sup>35</sup> *United States v. Rogers* (1846), 45 U.S. 573. Tomlins, *Freedom Bound*, 529-530.

<sup>36</sup> *Scott v. Sandford* (1856), 60 U.S. 403-404.

Seward, a vocal opponent of the slaveholding empire who was also one of the early architects of America's free trade empire. While Seward was not a particularly original political thinker, his writings significantly synthesized existing currents of American thought and culture.<sup>37</sup> Specifically, he synthesized free labor and free soil visions of empire with a global vision of American commercial hegemony. Furthermore, Seward's enlistment of civilizational discourses of progress and modernity had a profound influence on Walt Whitman's democratic imagination.

Although originally an anti-slavery Whig, Seward had long expressed much more democratic leanings than his more conservative counter-parts. Where Whigs typically condemned the Mexican War from a conservative standpoint as a war of democratic excess, Seward agreed with radical democrats in viewing it as a vital stage in the inexorable path of democratic modernity. In 1850 Seward celebrated the Treaty of Guadalupe Hidalgo for allowing the settlement of the Pacific coast and establishing the germ of global empire that would soon spread over the world: "If, then, the American people shall remain an undivided nation, the ripening civilization of the West, after a separation growing wider and wider for four thousand years will in its circuit of the world, meet again, and mingle with the declining civilization of the East on our own free soil, and a new and more perfect civilization will arise to bless the earth, under the sway of our own cherished and beneficent democratic institutions."<sup>38</sup> Seward was drawing here on the discourses of universal history and *translatio imperii*, in which civilization

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<sup>37</sup> On this point I draw on Ernst Paolinio, *The Foundations of American Empire: William Henry Seward and U.S. Foreign Policy* (Cornell University Press, 1973).

<sup>38</sup> Seward, "Freedom in the New Territories" (1850), *Works of William Seward, Vol. I* (Houghton Mifflin Co., 1884), p. 58.

relentlessly progresses westward, extending from its ancient origins in Asia to its final resting place in the Americas. He imagined the extension of American commerce into the Pacific as the triumph of a universal form of democratic civilization on the world stage. Slavery represented to Seward less a wedge of sectional conflict than the central institution in a competing way of imagining empire and organizing universal civilization.

The idea of democracy occupied a central place in Seward's imperial imaginary. Resonating with the free-soil vision of empire, he proclaimed that the "center of political power must rest... in the agricultural interests and the masses, who will occupy the interior of the continent."<sup>39</sup> The democratic masses flooding the west constituted the primary source of imperial power. Yet Seward's promotion of settler expansion across the continent existed alongside commercial expansion into the Pacific. The political economy of settler colonialism in the antebellum period is best viewed as a form of agrarian capitalism. Settlers colonize new land not simply to acquire landed independence, but also to enhance their own economic opportunity by producing agricultural commodities to sell on global markets. Such an imperial vision embraced the expansion of free trade into the Pacific as a central aspect of individual independence and popular self-rule. Seward admonished settlers that their attempts to extend their "power to the Pacific Ocean and grasp the great commerce of the east" were vital to "maintaining the democratic system of government."<sup>40</sup> Although free-soil ideology largely rejected wage labor as a form of economic dependence, it embraced the opportunity for independent farmers to sell surplus commodities on global markets.

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<sup>39</sup> Seward, "Freedom in the New Territories," p. 57.

<sup>40</sup> Seward, "Democracy the Chief Element of Government," *Works, Vol. IV*, p. 320.

Seward's imperial vision positioned settlers as the driving force of imperial expansion. Settlers expanded the scope and authority of modern democracy by colonizing the west and founding new states: "The native colonist no sooner reaches a new and distant home, whether in a cleft of the Rocky mountains or on the seashore, than he proceeds to found a state, in which his natural and inalienable rights shall be secure." This conception of settler expansion directly drew on the Northwest Ordinance, which offered a new imperial vision that institutionalized the equality of the constituent parts of empire, preventing the formation of colonial dependencies.<sup>41</sup> Consonant with the ideology of democratic empire, settler expansion proceeded through the replication of colonial polities in a "vacant" wilderness. In founding new polities along the frontier, settlers retained their status as free and equal members of a civic community.

The extension of slavery posed a clear threat to Seward's vision of settler expansion. By consolidating landholdings in a slaveholding oligarchy, the empire of slavery represented the resurgence of feudalism in the New World and thus violated national ideals of social equality. The expansion of slavery, Seward feared, would introduce an "aristocratic element" into government based on two principles: "the privileged own the lands" and the "laborer works on compulsion." These two principles, which together comprise a feudal social state, combine to institute an oligarchic government based on the rule of the few. In contrast, free government depended on a democratic social state marked by free soil and free labor.<sup>42</sup>

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<sup>41</sup> Seward, "The Physical, Moral, and Intellectual Development of the American People," *Works, Vol. IV*, pp. 168-169.

<sup>42</sup> Seward, "Democracy the Chief Element of Government" (1860), *Works, Vol. IV*, p. 321.

Much of Seward's criticism of slavery cohered around a civilizational discourse that divided political space into barbarism and civilization. He insisted that the democratic creed embraced a singular idea: "That civilization is to be maintained and carried on upon this continent by federal states, based upon the principles of free soil, free labor, free speech, equal rights, and universal suffrage."<sup>43</sup> The expansion of slavery meant the decline of democratic society. In making this claim, however, Seward had to explain why slavery was so entrenched in the Americas. If the New World represented the pinnacle of democratic society, then slavery's persistence provided counter-evidence to this thesis. Seward explained slavery's persistence in terms of two competing modes of civilizational empire. Slavery and the slave trade were "altogether foreign from the habits of the races which colonized these States, and established civilization here [North America]." Drawing on the Black Legend of Spanish cruelties, Seward held that slavery was "introduced on this continent as an engine of conquest, and for the establishment of monarchical power, by the... Spaniards." By exonerating free settlers from complicity in slavery's expansion, settler colonization appeared in national discourse as a force of civilizational progress. In addition, Seward's comparative theory of empire authorized the construction of an imperial geo-political order that subjected Latin America, with its "poverty, imbecility, and anarchy," to the civilizing power of the U.S.<sup>44</sup>

### **Colonialism and Cultural Democracy**

Although Seward was a better speech writer than a poet, he tried his hand at offering a poetic vision of democratic empire: "Our nation with United interests blest, / Not now

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<sup>43</sup> Seward, "The National Idea," *Works, Vol. IV*, p. 348.

<sup>44</sup> Seward, "The Irrepressible Conflict" (1858) *Works, Vol. IV*, p. 290.

content to poise, shall sway the rest; / Abroad our Empire shall no limits know / But like the sea in boundless circles flow.”<sup>45</sup> While Seward was no poet, American culture had its own national bard that turned his imperial vision in a poetic vision. Whitman was also influenced by Seward’s own political thinking, especially his notion of settler expansion as a force of civilizational progress. In an 1855 letter requesting a collection of Seward’s papers (ostensibly used in *Eighteenth Presidency!*), Whitman wrote, “I too have at heart Freedom, and the amelioration of the people,” signaling that Whitman also believed in a “higher law” that demanded that the new territories be free territories.<sup>46</sup>

My aim in juxtaposing Whitman’s poetic vision to free-soil ideology is not to reduce his poetics to his politics. It is to illuminate how his poetic-political vision constructed the “American people” as an imperial constituency who demanded land, free commerce, and settler expansion as necessary for the realization of modern democratic ideals. Poetics and imperial politics, for Whitman, were closely connected. In accordance with his conviction that a self-consciously democratic culture provides the firmer foundations for American democracy, he gave poetic substance to free-soil visions of democratic empire. In turn, narratives of settler expansion also influenced Whitman’s poetry at the level of his belief in the formative influence of language and culture on the development of modern democracy.<sup>47</sup> Whitman’s poetry and prose, therefore, both reflect and reinforce the ideology of democratic empire.

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<sup>45</sup> Quoted in Immerman, *Empire for Liberty: A History of American Imperialism from Benjamin Franklin to Paul Wolfowitz* (Princeton University Press, 2012), p. 121.

<sup>46</sup> Quoted in Erkkila, *Whitman the Political Poet*, p. 129.

<sup>47</sup> On these points, I have drawn on Molesworth, “Whitman’s Political Vision.”

Whitman's political tract, *The Eighteenth Presidency!* (1855), readily illustrates the role that free-soil ideology played in his cultural conception of democracy. The objective of the tract was to incite the American people into mass electoral action against the pro-slavery Democratic Party.<sup>48</sup> Yet although Whitman's views were closely aligned with the Republican and Free Soil parties, *The Eighteenth Presidency!* was more than a piece of campaign literature. In speaking not to sectional interests or partisan factions but rather the American people as a whole, Whitman held that the question of slavery in the territories was much larger than partisan politics, for it cut to the very heart of American democratic identity. The relationship between democracy and settler expansion provided the animating thread of *The Eighteenth-Presidency*. Whitman framed his discussion in terms of the location of the sovereign, posing the question, "First, Who are the Nation?" Whitman writes, "Before the American era, the programme of the classes of a nation read thus, first the king, second the noblemen and gentry, third the great mass of mechanics, farmers, men following the water, and all laboring persons." The modern era inaugurated a new epoch in which the "theory of government" positioned the power of the third class above the first two.<sup>49</sup> Estimating that around six million workingmen made up the nation and only 350,000 slaveholders, Whitman grouped the latter class among "noblemen and gentry." If the slaveholding class comprised the oligarchic element of society, the workers, farmers, and sailors made up the democratic element.

The question of land in the western territories, then, was a question of which class would constitute the primary force of colonization. In answering this question, Whitman

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<sup>48</sup> Erkkila, *Whitman the Political Poet*, p. 130.

<sup>49</sup> Whitman, "The Eighteenth Presidency," *Poetry and Prose* (Penguin, 1982), p. 1331.

cheered the “national tendency toward populating the territories full of free work-people,” which was the program of colonization most consistent with the promulgations of “the fathers.” The project of settling the west with the free population was “vital to the life and thrift of the masses of the citizens.” To allow the expansion of slavery would be to put democratic society “violently... back under the feet of slavery.”<sup>50</sup> By further consolidating landholdings in the hands of the slaveholding oligarchy, the democratic masses would be kept from forming state governments based on egalitarian principles. If slavery was not prohibited from the American territories, “there will steadily wheel into this Union... slave state after slave state, the entire surface of the land owned by great proprietors, in plantations of thousands of acres, showing no more sight for free races of farmers and work-people than there is now in any European despotism or aristocracy.”<sup>51</sup> As a result, American politics would be characterized by institutionalized hierarchy and the master-slave relationship rather than social equality. Throughout his poetry and prose, feudalism served as the constitutive outside against which Whitman defined democracy and American identity. If democracy was the cultural form of the future, feudalism represented a decaying form of civilization associated with the Old World.<sup>52</sup> Whitman viewed feudalism not only as a form of politics, but also as an economic system in which the mass of laborers was exploited for the benefit of the ruling aristocracy. His fear of feudalism fueled his opposition to the expansion of slavery, which he thought would subject the mass of free laborers in the west to economic dependence.

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<sup>50</sup> Whitman, “The Eighteenth Presidency,” p. 1334.

<sup>51</sup> Whitman, “The Eighteenth Presidency,” p. 1340.

<sup>52</sup> Phyllis McBride, “Feudalism,” *Walt Whitman: An Encyclopedia*, edited by LeMaster and Kummings (Garland Publishing, 1998), p. 223.

Whitman closed his essay by drawing on one of the main poetic tropes that would come to shape his poetry throughout his career: the idea of the poet as the representative voice of the nation. In the closing sections of the essay, he imagines himself as the representative poet of the masses: “Circulate and reprint this voice of mine for the workingmen’s sake.” The expansion of the democratic masses portends for Whitman a new order of the ages in which the disintegration of Old World hierarchies culminates in a new vision of humanity. At the center of this was the democratic-settler as representative man: “Never was the representative man more energetic... He urges on the myriads before him, he crowds them aside, his daring step approaches the arctic and Antarctic poles, he colonizes the shores of the Pacific, the Asiatic Indias, the birthplace of languages of and of races, the archipelagoes, Australia.” In doing so, he “re-states history” and “enlarges morality,” and he further establishes the moral universality of the modern democracy, which acquires its force and moral valence from global processes of colonization.<sup>53</sup> Personified by Whitman himself, the democratic-settler occupies a central place in this global vision of settler-colonial empire.

Whitman’s personification of the settler-citizen as the force of democratic expansion also shaped his poetry. In “Starting from Paumanok,” which references the Algonquian name for Long Island (where Whitman was born), Whitman personifies the nation’s expansionist drive across the continent in his own autobiography. In doing so, he imagines himself as a pioneer ushering in the democratic promise of the “New World.”<sup>54</sup> Similarly, in his paean to settler expansion “Pioneers! O Pioneers!” Whitman includes

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<sup>53</sup> Whitman, “The Eighteenth Presidency,” pp. 1347-1348.

<sup>54</sup> Whitman, “Starting from Paumanok,” *Poetry and Prose*, p. 176.

himself among the rank of settlers and free laborers seeking a new world of equality and fraternity in the West: “All the past we leave behind, / We debouch upon a new mightier world, varied world, / Fresh and strong the world we seize, world of labor and the march.”<sup>55</sup> The logic of settler colonialism is forcefully expressed in the idea that settlers come to a New World in order to free themselves from the hierarchies of the Old World. Yet settler colonialism entails much more than merely the escape from European hierarchies. If settler colonialism is marked by the transposition of mass populations into new spaces, then the symbol of the “New World” entails the displacement of indigenous peoples. Whitman’s poetic vision of modern democracy partakes in the colonial legacy of discovery and conquest. He envisions “successions of men, Americanos,” flooding into “vast trackless spaces” of the west: “Americanos! Conquerors! Marches humanitarian! / Foremost! Century marches! Libertad! Masses!”<sup>56</sup>

In this new world conception of democratic empire, the disavowal of indigeneity is the condition of possibility for modern American democracy. By the close of the poem, Whitman pauses to consider the fate of the “red aborigines” that previously occupied the New World: “Leaving natural breaths, sounds of rain and winds, calls as of birds and animals in the woods, syllabled to us for names, / Okonee, Koosa, Ottawa, Monongahela, Sauk, Natches, Chattahoochee, Kaqueta, Oronoco, Wabash, Miami, Chippewa, Oshkosh, Walla-Walla, / Leaving such to the States they melt, they depart, charging the water and the land with names.”<sup>57</sup> A characteristic feature of Whitman’s poetry was the use of

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<sup>55</sup> Whitman, “Pioneers! O Pioneers!,” *Poetry and Prose*, p. 372.

<sup>56</sup> Whitman, “Starting from Paumanok,” p. 177.

<sup>57</sup> Whitman, “Starting from Paumanok,” p. 186.

indigenous names to construct a new American vernacular that was distinct from British English.<sup>58</sup> Although he sought the preservation of indigenous languages in the landscape and lamented the abuse of indigenous peoples, he also subscribed to notions of social evolution that condemned indigenous communities to inevitable extinction.<sup>59</sup>

In this manner, the eradication of old orders in the Americas (lamentable as it may be) paved the way for a new, democratic order. Whitman integrated indigenous names into American democratic identity at the level of language, yet his American landscape is evacuated of indigenous cultures and sovereignties. Alongside his praise of equality among white settlers, Whitman celebrated settler expansion as a hierarchical process by which civilization overcomes savagery: “A new race dominating previous ones and grander far, with new contests, new politics, new literatures and religions, new inventions and arts.”<sup>60</sup> The democratic promise of the New World thus involves freedom from feudal hierarchies as well as the eradication of the old indigenous orders that previously dominated the American landscape. As a result, Whitman’s democratic imaginary is indistinguishable from the settler imaginary. Both cohere around the mass expansion of settler populations to distant and underpopulated spaces that were considered void of indigenous inhabitants. The assimilation of indigenous language into democratic culture, therefore, is thoroughly consonant with the logic of native elimination.

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<sup>58</sup> In his essay, “The Spanish Element in our Nationality,” Whitman posited that indigenous and Spanish names would provide the essential parts of the “composite American identity of the future.” While indigenous languages will leave an imprint on American identity, Whitman asserted that indigenous communities “must gradually dwindle as time rolls on, and in a few generation more leave only a reminiscence, a blank;” *Poetry and Prose*, p. 1171.

<sup>59</sup> Ed Folsom, *Walt Whitman’s Native Representations* (Cambridge University Press, 1994), p. 57. Also see David Reynolds, *Walt Whitman: A Cultural Biography* (Alfred A. Knopf, 1995), pp. 471-472.

<sup>60</sup> Whitman, “Starting from Paumanok,” p. 187.

What struck Whitman about the United States was that the nation spoke itself into existence in a singular act of poetic self-creation. Nevertheless, the auto-poetic constitution of American democracy hinges on the eradication of those cultures that came before it. In its appropriation of indigenous languages, Whitman's democratic poetry exemplifies the "typical settler narrative." Settler narratives rely on two complementary forces: the "effacement of the indigene" proceeds alongside the "concomitant indigenization of the settler."<sup>61</sup> By integrating indigenous languages into his poetry, Whitman distinguishes U.S. democratic culture from the language, culture, and poetics of the European homelands from which settlers emigrated. At the same time, the formation of an American democratic culture also implied that indigenous cultures vanish before the superior vigor of Anglo settlers. Whitman's democratic poetry, which gave a poetic voice to the democratic identity of settlers, arose out of a ground constituted by conquest even as it incorporated indigenous elements.

Nowhere was Whitman's imperial vision more forcefully evidenced than in his poem, "Salut Au Monde" (1860), where he envisioned himself as the embodiment of a new cosmopolitan order marked by the global interconnection of diverse races and cultures. Throughout the poem, Whitman constructs an inclusive vision of global civic order, expounding lists upon lists of disparate geographic spaces and the diverse cultures that occupy them. The lists and litanies of the poem endorse a vision of global order without international hierarchy. Lists allow Whitman to impose order on the disparate elements of world history and global society without constructing hierarchies. Indeed, Whitman

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<sup>61</sup> Anna Johnston and Alan Lawson, "Settler Colonies," *A Companion to Postcolonial Studies*, edited by Schwarz and Ray (Wiley and Sons, 2008), p. 369.

consciously included the entirety of the world into this global civic vision: “I see ranks, colors, barbarisms, civilizations, I go among them, I mix indiscriminately.”<sup>62</sup>

But when Whitman comes to describing the indigenous peoples of Africa, Australia, and America, he suspends his inclusive and egalitarian vision and slides into the language of civilizational hierarchy by constructing an alternative list that is outside of his internationalist vision: “You Hottentot with clicking palate! You wooly-hair’d hordes!... / You human forms with the fathomless ever-impressive countenance of brutes!... / You Austral negro, naked, red, sooty, with protrusive lip, groveling, seeking your food... / You roamer of Amazonia! You Patagonian!... / I do not say one word against you, away back there where you stand, / (You will come forward in due time to my side.)”<sup>63</sup> To justify the spread of modern civilization, Whitman imagines indigenous peoples as inhabiting a lower stage of development, who will eventually be assimilated into the structures of democratic modernity. Insofar as natives cease to be natives, assimilation and acculturation operate as modes of native elimination that clear the way for the construction of a new democratic order.

Although Whitman subscribed to the Hegelian view of universal history in which civilization moves westward, the expansion of slavery complicated the directionality of settler expansion. In “Facing West from California’s Shores,” Whitman imagines

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<sup>62</sup> Whitman, “Salut Au Monde!,” *Poetry and Prose*, p. 294. For the literary critic Walter Grunzweig, “Salut” elaborated an “internationalist discourse... which hailed the emergence of a global culture, the birth of all humanity as a single organized entity.” Although Grunzweig is cognizant of the colonial and imperial dimensions of Whitman’s writings, he constructs a division between his journalism and his poetry, in which the former succumbs to colonial dynamics and the latter expounds an egalitarian and internationalist vision. Such a view, however, ignores how poetic tropes of settler colonialism shaped his basic belief in the democratizing power of language and culture; “Imperialism,” *A Companion to Walt Whitman*, edited by Kummings (Blackwell Publishing, 2006), p. 152.

<sup>63</sup> Whitman, “Salut Au Monde,” p. 296.

himself standing on the shores of the Pacific, witnessing the triumph of democratic modernity as civilization completes its global circuit and finds its final resting place in the ancient lands of Asia. Yet Whitman experienced the triumph of modernity less as a victory than as a form of loss, for he remains “seeking what is yet unfound.” His ambivalence about seeing the circle of world history complete itself was driven by an anxiety about the potential triumph of slavery.<sup>64</sup> In another tribute to the global reach of modernity, Whitman ended not with the spread of democracy into the Pacific, but with a vision of American settlers marching back toward the Atlantic from their settlements in California: “They shall now also march obediently eastward for your sake Libertad.”<sup>65</sup> With the onset of the Civil War in 1861, he celebrated the agents of empire returning east in order to reclaim American power from the slaveholding oligarchy. By the close of the Civil War, he further celebrated Union soldiers as brothers in arms, who after having found economic opportunity in the west descended back upon the eastern war theater to assert the empire of democracy over slavery.<sup>66</sup>

As the principles of democratic expansion triumphed over the expansion of slavery with the end of the Civil War, Whitman articulated a colonial vision of American democracy. In “Years of the Modern” (1865), we get a glimpse of how coloniality defined democratic modernity. Praising the pioneers that have pushed back savagery and guarded against the resurgence of feudal land title, Whitman proclaims, “I see men marching and countermarching by swift millions / I see the frontiers and boundaries of

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<sup>64</sup> Whitman, “Facing West from California’s Shores,” *Poetry and Prose*, p. 266. Cf. Erkkila, *Whitman the Political Poet*, p. 178.

<sup>65</sup> Whitman, “A Broadway Pageant,” p. 387.

<sup>66</sup> Whitman, “Eighteen Sixty-One” (1865), *Poetry and Prose*, pp. 418-419.

the old aristocracies broken.”<sup>67</sup> In addition to shaping the moral character and political identity of settler-citizens, the widespread diffusion of property in mass society sustains democratic society against the anti-modern forces of feudal society and indigenous sovereignty. Like Tocqueville, Whitman envisioned modern democracy as a process of colonization by defining it in terms of the double absence of feudal social structures and indigenous sovereignties. In his praise of the common man, Whitman imagines the settler as the primary force driving the spread of modern democracy: “His daring foot is on land and sea everywhere—he colonizes the Pacific, the archipelagoes.” Having declared its victory over feudalism in the South, American democracy continued its relentless march over the indigenous peoples of the Pacific.

### **Colonial Vistas**

By the time of Reconstruction, Whitman turned more forcefully to prose writing and came to synthesize his poetic vision of democratic expansion into a political theory of American democracy. Outlined in his essay, *Democratic Vistas* (1871), Whitman’s democratic theory flowed directly out of his poetic reflections on the relationship between democracy and settler expansion. Although colonial and imperial themes are more subtle in *Democratic Vistas* than in his earlier poetry, reading his theory of democracy as a byproduct of his earlier poetry illustrates that settler expansion still grounds his moral vision of democratic community.

In offering a democratic theory, Whitman located democracy less in its constitutional form than in the social relations and cultural bonds that united citizens. “Democracy was

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<sup>67</sup> Whitman, “Years of the Modern,” *Poetry and Prose*, pp. 597-598.

not to be a constitutional device for the better government of given nations, not merely a movement for the material improvement of the poorer classes. It was to be a social and a moral democracy and to involve an actual equality among all men.”<sup>68</sup> Like Tocqueville and Emerson, Whitman invested his hope in the social condition of democracy rather than in its political form. For Whitman, “democratic literature” and “democratic sociology” are closely connected, both of which constitute of the “chief influence in modern civilization.”<sup>69</sup> Literature has an expressly sociological role in shaping the cultural values and moral bonds that tie citizens together in a broader community. Democracy is not simply a set of political institutions that ensure general suffrage. It provides a “literature underlying life... handling the elements and forces with competent power, teaching and training men.” In conceiving of democracy in this way, Whitman offers a novel form of democratic theory. His answer to the “great question of democracy” is not “the result of studying up in political economy, but of the ordinary sense, observing, wandering among men, these States, these stirring years of war and peace.”<sup>70</sup> Whitman’s theory of democracy stems directly out of the human experiences of settler expansion that provide the content for his poetic vision of democracy.

Whitman considers democratic literature to be a form of democratic theory in its own right because he thought that literature will provide the primary justification for American democracy. He justified American democracy not through a set of abstract principles but through an account of the moral and spiritual benefits that democracy

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<sup>68</sup> Santayana, *Interpretations of Poetry and Religion* (Harper and Row, 1957), p. 182.

<sup>69</sup> See Whitman’s 1888 Preface to “Democratic Vistas,” *Poetry and Prose*, 1038, 1219.

<sup>70</sup> Whitman, “Democratic Vistas,” p. 954.

offers. Democratic culture gives a “moral identity” to the political community as defined by its “Constitutions, legislative and judicial ties.”<sup>71</sup> After the Civil War, Whitman continued to wrestle with the question of the relation between the one and the many in modern democracy. To this end, he sought to reconcile democratic individuality with “democratic nationality.”<sup>72</sup> In offering a solution to this problem, the binding force of democratic culture operates on two levels: it binds individuals to the community by offering a cohesive sense of national identity; and it binds the separate states into a larger federal union, what Whitman called a “compact imperial ensemble.”<sup>73</sup>

On the first level, individuals must experience a sense of moral autonomy but at the same time experience themselves as members of a political community. For Whitman, individualism and political democracy must be made commensurate by developing the political personality of citizens. To discern the shape of this political personality, Whitman called for a “democratic ethnology of the future,” the aim of which was to discover a new political species. He argued that “to practically enter into politics is an important part of American personalism,” suggesting that political participation is a vital element of the new democratic character.<sup>74</sup> Yet Whitman’s ethnology was indistinguishable from democratic literature because its objective was not to discover this new political specimen as an empirical fact, but to create and constitute a new form of democratic subjectivity through poetic regimes of representation.

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<sup>71</sup> Whitman, “Democratic Vistas,” *Poetry and Prose*, p. 959.

<sup>72</sup> Ed Folsom, “Democracy,” *Walt Whitman: An Encyclopedia*, p. 173. Whitman, 1872 Preface to “Democratic Vistas,” *Poetry and Prose*, pp. 1028-1029.

<sup>73</sup> Whitman, “Nationality – (And Yet),” *Poetry and Prose*, p. 1074.

<sup>74</sup> Whitman, “Democratic Vistas,” pp. 987, 989.

On the second level, Whitman offered his notion of federalism not as an alternative to empire, but rather as an alternative understanding of democratic empire that would transcend “history’s hitherto empires or feudalities.” The “moral and spiritual idea” at the center of American democracy is vital to “carrying out the republican principle to develop itself in the New World.” Like the individual, each state is afforded a relative degree of autonomy from the federal government within its own sphere. Federalism thus requires that popular sovereignty be institutionalized in both federal and state governments. Whitman considers this to be the “original dual theory and foundation of the United States.”<sup>75</sup> Federalism, however, provided more than an institutional theory of government that balanced state and federal authority. It provided a moral vision that united separate communities into a larger imperial union.

Based on this theory of moral democracy, Whitman offered a theory of democratic development that divided American history into three stages. The first involved establishing the “political foundation” of American democracy by inscribing the rights and liberties of the “immense masses of people” in the Constitution, Declaration of Independence, and the state governments. This first stage was primarily a form of political development in which electoral institutions of universal suffrage granted the will of the people legislative force. The second stage was a form of economic development that established prosperity and opportunity for the masses through the expansion of commerce. Although Whitman thought both of these stages were essential, they were insufficient to produce a higher stage of moral democracy. Mere political institutions

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<sup>75</sup> Whitman, “Nationality,” pp. 1074-1075.

served as an insufficient adhesive for the democratic community. Without a moral identity, the nation would remain a fragile confederation of states and individuals each pursuing their own economic interests, causing the republic to degenerate into base materialism. The third stage was thus a form of social and cultural development that would establish a “sublime and serious Religious Democracy.”<sup>76</sup>

Whitman’s moral theory of democratic development is commensurate with and indeed depends upon settler colonialism. As Benjamin Barber puts it, modern democracy was “able to root itself in firm soil only because of the deracination of those who came before.”<sup>77</sup> Like Marx, Whitman believed that the construction of a new, modern order on top of the decimation of the old involves the obliteration of feudal hierarchies that restrict the development of regimes of free labor. In the context of American democracy, this fear of feudalism involved restricting the spread of slavery. But underneath the destruction of feudal hierarchies lies the deracination of indigenous sovereignties that previously occupied the New World. Whitman contends that “democracy can never prove itself beyond cavil, until it founds and luxuriantly grows its own forms of art, poems, schools, theology, displacing all that exists, or that has been produced anywhere in the past.”<sup>78</sup> American democracy rests upon the deracination of indigeneity not simply for the material benefits of open land, but more precisely for the sake of the geographical conditions that provide soil for the growth of moral democracy. Directly rooted in the settler ideals of the free-soil movement, Whitman demanded that a “programme of

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<sup>76</sup> Whitman, “Democratic Vistas,” pp. 1000-1001.

<sup>77</sup> Barber, “Whitman’s Song of Democracy,” *Walt Whitman, Where the Future Becomes Present*, edited by Blake and Robertson (University of Iowa Press, 2008), p. 100.

<sup>78</sup> Whitman, “Democratic Vistas,” pp. 955-956.

culture” be formed “with an eye to the practical life, the west, the working-men, the facts of farms and jack-planes and engineers.”<sup>79</sup>

Although not pre-determined, Whitman’s conception of history was a teleological one. His democratic theory was not a simple justification of the present state of affairs, for he thought that without the third stage of moral and cultural development American democracy would remain mired in the second, materialistic stage of development. The cultivation of a democratic literature and a new democratic personality, Whitman held, would lead to a “spiritualization” of politics that will “offset... our materialistic and vulgar American democracy.” The futurity of the democratic personality, however, rests upon the continued process of settler expansion. Recapitulating the discourse of Manifest Destiny, Whitman pronounced that the “Almighty had spread before this nation charts of imperial destinies.”<sup>80</sup> Yet the teleology linking settler expansion to the formation of moral democracy was not automatic. Whitman called upon the democratic masses to march upon the West and the Pacific so as to make moral democracy a reality.

Although taking root in the New World, Whitman insisted that modern democracy remains “unperform’d.” In spite of largely succumbing to the ideological impulses of Manifest Destiny, Whitman departed from this broad ideological formation in one key respect: he saw the future as marked by contingency, not locked-in to a deterministic process guided by Providence. While it might stand to reason that this distances him

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<sup>79</sup> Whitman, “Democratic Vistas,” p. 986.

<sup>80</sup> A few pages before, Whitman outlined the geographic contours of his imperial vision: “Long ere the second centennial arrives, there will be some forty to fifty great States, among them Canada and Cuba. When the present century closes, our population will be sixty or seventy millions. The Pacific will be ours, and the Atlantic mainly ours. There will be daily electric communication with every part of the globe. What an age! What a land!;” “Democratic Vistas,” pp. 1005-1006, 1014.

from the idea of Manifest Destiny, Whitman still remains confined within the ideology of democratic empire. Although he anxiously pronounced that “No one knows what will happen next,” he prophetically performed the future of democratic modernity by intoning the “irresistible power” of democracy. In proclaiming that modern democracy remains “unperform’d,” Whitman was calling on settlers to instantiate a new democratic order. His claims about the unwritten history of American democracy and the unperformed nature of the democratic epic might be read as performative speech acts that constitutes settler communities as democratic communities. Although the future was yet to be written, Whitman interpellated settler constituencies as democratic constituencies, calling on the settler masses to theatrically perform the future of American democracy.

### **Conclusion**

As this chapter has shown, the politics of settler expansion profoundly shaped democratic culture in the antebellum period. Indeed, the task of Reconstruction itself was significantly colored by the language of empire. Although Whitman and free-soil democrats continued to think of democratic-settlers as the driving force of American empire, the realities of economic and political consolidation after the War posed a significant challenge to the ideology of democratic empire. The Vice President of the Confederacy, Alexander Stephens, denounced “Imperialism in this Country” as a force of centralization and despotism that would abolish the “principle of the sovereign right of local self-government.” Stephens portrayed the new national powers of the Union that

emerged after the Civil War not as a source of progress but as the “inevitable despotism of a Consolidated Centralized Empire,” which would lead to tyranny.<sup>81</sup>

In response, Republican politicians who inherited the free-soil ideal defended state consolidation as necessary for the realization of human rights. The Radical Republican Charles Sumner argued that a unified nation requires the centralization of authority to protect “all the rights of citizenship.” In discerning the meaning of the term “nation,” Sumner asserted that Americans are “one people” who have reached an “advanced stage of political development” in which political and civil rights are secured by a “common power.” In asserting that the centralization and consolidation of political authority differs from “our Indians” who lack anything resembling political society, he constructed American national identity through the civilizational categories of settler colonialism.<sup>82</sup> The centralized power of the new American nation-state represented to Sumner the “highest civilization.” As if to directly respond to Stephens, Sumner proclaimed, “Call it imperialism, if you please; it is simply the imperialism of the Declaration of Independence, with all its promises fulfilled.”<sup>83</sup>

In Sumner’s remarks here, we see the origins of the “imperialism of human rights” that authorizes American imperialism into the twentieth and twenty first centuries.<sup>84</sup> While Sumner does not explicitly authorize the imposition of American culture on distant populations, his understanding of the Declaration as an instrument of imperialism accords

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<sup>81</sup> Quoted in Edmund Wilson, *Patriotic Gore* (Northeastern University Press, 1962), pp. 424-425.

<sup>82</sup> Charles Sumner, *Are We a Nation?* (New York Young Men’s Republican Union, 1867), pp. 3-4.

<sup>83</sup> Sumner, *Are We a Nation?*, p. 34. Also see David Hendrickson, *Union, Nation, or Empire: The American Debate Over International Relations* (University Press of Kansas, 2009), p. 238.

<sup>84</sup> Eric Hobsbawm, *On Empire: America, War, and Global Supremacy* (Random House, 2008).

with the civilizing mission of progressive imperialism and contemporary assemblages of humanitarian warfare. As these closing remarks should suggest, the notion that Americans developed an imperial self-consciousness only with the conquest of Cuba and the Philippines in the 1890s is an artifact of historical narratives that ignore how settler expansion acquired conceptual and philosophical coherence through discourses of empire. Accounts that construct a division between overseas and continental expansion not only ignore how both were rooted in dynamics of settler colonialism. They also obscure the profound historical continuities between the colonial frontiers of the antebellum period and the early twentieth century as well as those continuities that link the nineteenth century with the continued processes of indigenous dispossession.

## Chapter Six

### William Apess and the Paradox of Settler Sovereignty

“What, then, shall we do? Shall we cease crying and say it is all wrong, or shall we bury the hatchet and those unjust laws and Plymouth Rock together and become friends?” William Apess, *Eulogy on King Philip*

Processes of settler expansion have played a constitutive role in shaping antebellum democratic culture. In a material sense, the democratic foundations of America have their source in regimes of native elimination – removal, conquest, and assimilation – that clear the ground for the development of a new type of egalitarian society based on principles of popular sovereignty. Because the egalitarian distribution of land prevents the return of feudal hierarchy, enabling the sovereign people to rule in their equal civic status, institutions of popular sovereignty came to rely on settler expansion. In a discursive sense, narratives of democratic identity cohered around the disavowal of indigenous sovereignty in North America, resting as they do on tropes of *terra nullius* and the vanishing Indian that serve to loosen the hold and legitimacy of indigenous land claims. The disavowal and elimination of indigenous sovereignty thus stands at the center of hegemonic founding narratives of American democracy.

Nevertheless, colonial subjects of democratic empire have continually enlisted democratic values and principles of popular sovereignty in their struggles against settler colonialism. Attending to these discursive modes of appropriation and revision takes us far beyond founding narratives to what we might call counter-narratives of democratic empire. Turning to the political writings of William Apess, this chapter examines counter-narratives of American democracy that confront the ideology of

democratic empire by exposing the entwinement of egalitarian and democratic principles with the constitutive exclusions of settler-colonial conquest. Apess foregrounds how, rather than separate and antithetical traditions, democracy and empire have been articulated together in American history, refusing interpretations that view American democracy as containing an inherent and progressive tendency for emancipation and equality. In crafting a counter-narrative that tells the story of American democracy not from the perspective of settlers but from that of colonized and conquered subjects, Apess engages in an ideological critique of democratic empire that exposes the paradox of settler sovereignty, the fact that popular sovereignty for settlers depends upon settler conquest. Apess thus locates the problem of settler colonialism as central rather than ancillary to the development of modern democratic thought, illuminating how settler expansion established the political foundation of modern American democracy.

A Pequot Indian by birth, Apess became a vocal and influential proponent of indigenous rights in New England and national politics through his involvement in a small but significant conflict between the Massachusetts government and a community of Wampanoag Indians on a Cape Cod town called Mashpee. As an itinerant preacher in the late 1820s, Apess heard of increasingly strained relations between settlers and Indians and went to Cape Cod to offer his services. He came to Mashpee in May of 1833 and found a struggling town, one of the sole remaining Wampanoag settlements that had survived after the Puritans went on a wave of mutilation during King Phillip's War in 1676. The plantation was settled in 1667 on land provided by the Reverend Richard

Bourne. In accordance with the Crown charter and Bourne's will, Mashpee was organized as a self-governing community.<sup>1</sup>

In 1788 the Massachusetts government fully rescinded these rights and implemented a law appointing three white guardians to manage the town. Mashpee was rich with resources, with over eight thousand acres of pitch pine and two thousand acres of oak and another two thousand acres of cleared and arable land for agriculture. The 1788 law granted the guardians the authority to lease land to whites, the revenue of which was put at the sole discretion of the guardians. The guardianship system was premised on the common law principle that orphans or other physical or mental dependents with property claims should have a court appointed guardian to administer their affairs and prepare for the future. In spite of its paternalistic motives, the law authorized the direct expropriation of Indian land. Operating under the Lockean assumption that uncultivated land could justifiably be expropriated under natural law, the General Court of Massachusetts authorized guardians to dispose of Indian surpluses in wood and land to white farmers and ranchers, a practice that continued into the 1830s.<sup>2</sup>

When Apess arrived in Mashpee, he attended a religious service held by a white man named Phineas Fish, who was one of three state-appointed guardians of Mashpee. He was astounded to find Fish preaching to an exclusively white congregation. When Apess asked Fish where all the Indians were, he replied that they preferred to worship with an

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<sup>1</sup> Donald Nielsen "The Mashpee Indian Revolt of 1833," *New England Quarterly*, 58, 3 (Sept. 1985), pp. 400-420.

<sup>2</sup> Campisi, *The Mashpee Indians* (Syracuse University Press, 1990), pp. 82-91. Daniel Mandell, *Behind the Frontier: Indians in Eighteenth-Century Eastern Massachusetts* (University of Nebraska Press, 1996), pp. 144-157.

Indian preacher named Blind Joe Amos. When Apess expressed his desire to hold a meeting among the Mashpee, Fish warned him not to speak of oppression, which would only hasten their discontent. “They thought themselves oppressed,” Fish observed, “but such was not the case. They had already quite liberty enough.” Distraught at Fish’s arrogance, Apess delivered a lecture to the meeting based on his “sketch of the history of the Indians of New England” (a text which provided the basis for his *Eulogy on King Philip*), which he recalled was met with shouts of “Truth, truth!” After listening to their stories, Apess assisted the Mashpee in writing a list of their grievances and presenting them to the Massachusetts Governor. The outcome was the “Indian Declaration of Independence,” a series of resolutions declaring Mashpee political autonomy and nullifying the Massachusetts laws establishing the guardianship system.<sup>3</sup>

All of this came to a head when the Mashpee resolutions went into effect on July 1, 1833. A few days later two white brothers named Sampson defied the resolutions by taking wood away from the plantation. Catching the men in the act, Apess calmly explained the intentions of the tribe and the preceding resolutions declaring the plantation exclusive property of the Mashpee. After the men refused to desist from loading their carts, Apess insisted that the Mashpee were intent on carrying their resolutions into effect, at which point a group of Indians arrived and began to unload the carts and return the wood. Although the brothers left without any violence, Apess was later arrested on charges of inciting a riot.<sup>4</sup>

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<sup>3</sup> Apess, “Indian Nullification,” *On Our Own Ground: The Complete Writings of William Apess, a Pequot*, ed. Barry O’Connell (University of Massachusetts Press, 1992), pp. 169-173, 175-179.

<sup>4</sup> *Ibid.*, pp. 180-184.

After he was released from jail in early August, the Mashpee continued their struggle. To further the cause, Apess and Blind Joe Amos mounted a publicity campaign and gained significant allies such as Benjamin Hallett, a prominent Massachusetts lawyer and editor of the *Boston Advocate*, and William Lloyd Garrison, whose newspaper the *Liberator* endorsed the Mashpee struggle.<sup>5</sup> Such high profile allies set off a storm of commentary in the political press debating the Mashpee incident in particular and the Indian question in general. Partially in an attempt to clear his name of any wrongdoing and partially to further the cause of Indian rights, Apess composed a collection of documentary evidence surrounding the Mashpee incident interspersed with his own commentary titled *Indian Nullification of the Unconstitutional Laws of Massachusetts Relative to the Marshpee Tribe; or, The Pretended Riot Explained*.<sup>6</sup>

Immediately evident from the title of Apess's work, questions of constitutional authority loomed large in his political thought and rhetoric. But how should we make sense of Apess's activation of constitutional discourse in his defense of Mashpee rights? Prevailing accounts posit that he articulated a hybridized Indian-American identity in order to demand inclusion into the U.S. constitutional order. The most vocal proponent of this interpretation, David Carlson, argues that Apess forged a discourse of "Indian liberalism" that revolves around liberal conceptions of the self and contractual freedom in American political and legal discourse. For Carlson, the rhetorical effect of Apess's

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<sup>5</sup> Robin Berson, *Marching to a Different Drummer* (Greenwood Publishing, 1994), p. 6.

<sup>6</sup> Following others, I read Apess as the author of *Indian Nullification*. Although it is largely a documentary collection of the events surrounding the Mashpee revolt, Maureen Konkle shows that Apess asserted authorial control over the text even if he didn't write every document; *Writing Indian Nations: Native Intellectuals and the Politics of Historiography, 1827-1863* (University of North Carolina Press, 2004).

work was to implore white settlers to affirm the rights of indigenous peoples as liberal subjects.<sup>7</sup>

This simplistic reading, however, is underpinned by the assumption that liberal legal discourse was adequate to the task of articulating the wrongs imposed upon Indians. Liberal discourse, however, is unable to capture the settler-colonial foundations of American democracy because it lacks the concept of “conquest” in its discursive register. As Michel Foucault has explained, the notion of the contract in liberal political thought operates to obscure how processes of conquest figure into the formation of modern sovereignty. Absent a concept of conquest to express indigenous societies as conquered nations, liberal legal discourse casts Indians as paternalistic wards of the state unable to make legal and political claims on their own.<sup>8</sup> The language of liberal democracy is thus unable to express the American founding as an instance of settler conquest. To navigate this predicament, Apess developed “Indian nullification” as a political-rhetorical form that Jacques Ranciere calls *dissensus*, a disruption in the hegemonic ordering of who counts as a legitimate political subject that occurs when excluded subjects speak in a

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<sup>7</sup> Carlson, *Sovereign Selves: American Indian Autobiography and the Law* (University of Illinois Press, 2006), p. 106. Michael Shapiro reinforces this interpretation when he states that Apess “urges white Americans to apply their principles equally to Indians;” *Deforming American Political Thought* (University Press of Kentucky, 2006), p. 7. Patricia Bizzell, “(Native) American Jeremiad: The ‘Mixedblood’ Rhetoric of William Apess,” in *American Indian Rhetorics of Survivance: Word Medicine, Word Magic* (University of Pittsburgh Press, 2006), pp. 37-38. Renée Bergland echoes Bizzell in writing, “Apess’s rhetorical strategy was to adopt the language and ideals of the United States, and to demand that those ideals be achieved; *The National Uncanny: Indian Ghosts and American Subjects* (University Press of New England, 2000), p. 113.

<sup>8</sup> Foucault, *Security, Territory, and Population* (Picador, 2009). In making this point, I have drawn on Robert Nichols, “Of First and Last Men: Contract and Colonial Historicity in Foucault,” *The Ends of History: Questioning the Stakes of Historical Reason*, edited by Swiffen and Nichols (Routledge, 2013). Foucault’s assertions about the discourses of conquest equally apply to the U.S. context. Drawing on the authority of *Johnson v. M’Intosh* (1823), Chief Justice Roger Taney wrote in *Martin v. Waddell’s Lessee*, “The English possessions in America were not claimed by right of conquest, but by right of discovery;” 41 U.S. 367 (1842).

language they are not entitled to use.<sup>9</sup> In his appropriation of democratic-republican discourse, Apess seeks to represent that which is unrepresentable, that which doesn't register as politically intelligible on the grid of liberal-republican democratic discourse.

If one of the primary problems of modern democracy concerns the issue of how to lay a solid basis for an enduring political regime based on the principles of self-rule, then Apess explicitly addressed the question of political foundations. Through his rhetorical deployment of "Indian nullification," Apess confronts what political theorists have identified as the fundamental paradox of law and sovereignty in modern democracies: the fact that any constitutional order rests on forms of exclusion that are beyond the realm of legal legitimacy. Because attempts to draw the boundaries of popular sovereignty can never be accomplished by democratic means, law and sovereignty always rest on some form of violence and exclusion. Indeed, Apess's rhetoric suggests an acute sense that settler colonialism and imperial conquest form the material and symbolic ground of modern democracy.<sup>10</sup> As in any democratic state, the settler state requires, in Mouffe's words, "drawing a frontier between 'us' and 'them,' those who belong to the *demos* and those who are outside it." In the case of liberal settler states, however, the fundamental divide grounding sovereignty and law is the binary schematic of settler-indigene. To the

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<sup>9</sup> Ranciere, "Ten Theses on Politics," *Theory and Event*, 5, 3 (2001). Ranciere also notes that dissensus is not a clash between different interests, which assumes pre-constituted identities existing prior to social conflict, but rather constitutes political subjectivities as such through political contestation.

<sup>10</sup> My ideas here are deeply indebted to Barry O'Connell's rich introduction to *On Our Own Ground: The Complete Writings of William Apess, a Pequot* (University of Massachusetts Press, 1992), especially when he asserts that Apess likely understood that there was no paradox in the exclusion of the slaves and Indians from republican principles (p. lxxiii). Andy Doolen's essay, "William Apess and the Nullification of Empire," also provided crucial inspiration; *Fugitive Empire: Locating Early American Imperialism* (University of Minnesota Press, 2005).

extent that settler sovereignty and popular sovereignty are the same, the conquest and exclusion of indigenous peoples is the condition of possibility for democratic self-rule.<sup>11</sup>

To represent this fundamental division that anchors the authority of American democracy, Apess employed the concept of nullification less as a feature of institutional design than as a discursive mode of representation that exposes democracy's constitutive exclusions, the way in which liberty and equality rest upon settler conquest for their conceptual coherence. In doing so, he calls the authority of the constitution into question by bringing its colonial tendencies into critical focus. Indeed, Apess is acutely aware of how American democracy is deeply bound to and depends upon settler colonialism. Nevertheless, rather than reject democracy as a mode of colonial imposition, Apess employed the basic terms of democratic discourse to articulate claims for the political and cultural autonomy of indigenous communities. In this manner, Apess re-signifies the meaning of nullification circulating in antebellum constitutional discourse in a way that exceeds the initial contexts to which it was originally intended to correspond. As a result, nullification becomes an indigenous concept that marks the limits of settler authority and asserts the political and cultural autonomy of Indian communities.

### **Constituting Settler Democracy**

To properly understand Apess's concept of Indian nullification, it is essential to locate it in the context of what I call "the paradox of settler sovereignty." In order to

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<sup>11</sup> Mouffe, *The Democratic Paradox* (Verso, 2009), p. 4. While Mouffe employs the frontier more as a symbolic delineation of the boundaries of the democratic community, our focus on settler colonialism requires us to see it as a material space of colonization wherein the settler-indigene divide is constructed. As Elkins and Pedersen put it, a settler state is one which continues to "structure power along a settler-indigene divide;" Introduction to *Settler Colonialism in the Twentieth Century*, p. 4.

provide the contours of this paradox, we can read Daniel Webster's "Plymouth Oration" and Alexis de Tocqueville's *Democracy in America* for the dynamic interplay between democratic equality and settler sovereignty.<sup>12</sup> Both writers understand how the process of constitution-making entails not only the founding act of setting up the formal political institutions that bind a community (i.e. the capital "C" Constitution) but also requires the ongoing cultivation of habits and norms that make those institutions and membership in them meaningful. Furthermore, they both reveal how the underlying values of democratic culture that sustain popular sovereignty are predicated on settler conquest.

Settler conquest is best understood as a form of foundational violence that seeks the elimination and erasure of indigenous orders so as to clear the ground for the constitution of a new democratic society. It institutes a rupture in political time, creating a disjuncture between the eradication of the old order and the constitution of the new. If settlers in the North American context are marked by their status as founders of new political societies who retain their civic standing and sovereignty in migrating to and expropriating distant land, then the foundational violence of native elimination is a defining characteristic of settler sovereignty. But more than a one-time event, the foundational violence of the settler colony continues to structure the settler state along the lines of a settler-indigene divide. By engaging the paradox of settler sovereignty, Apess employs the concept of Indian nullification to call attention to how the constituent sovereignty of settlers operates as a form of native elimination.

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<sup>12</sup>Although they were unaware of the other's existence, Apess and Tocqueville find common ground in their intimate familiarity with Webster's oratory.

Settler conquest thus constitutes what the *foundational wrong* or *constitutive exclusion* of American democracy. As a constitutive exclusion that provides the condition of possibility for democratic sovereignty, settler conquest paradoxically unsettles the democratic foundations of the settler state. Any polity founded on conquest, always risks subverting its own foundations because without ideologically masking its origins in conquest, it sanctions rebellion and sedition as a means of political change. In this way, the “paradox of conquest” closely mirrors the “paradox of sovereignty,” both of which combine to form what I call “the paradox of settler sovereignty.”<sup>13</sup> Rather than a condition to overcome, we should read the paradox of settler sovereignty as a productive feature of modern politics. It institutes a temporal rupture in political order that exposes the contingency of state legitimacy and political authority, opening up the space for an antagonistic politics of conflict and contestation. As we will see, the concept of Indian nullification exposes how American democracy is never able to claim full sovereignty and legitimacy, and more precisely, how the sovereignty of the settler state is always incomplete, resting on what Ranciere would call “the absence of a foundation.”<sup>14</sup> Apess used the concept of Indian nullification to create an antagonistic space of contestation in which indigenous claims for political and cultural autonomy might be articulated.

Daniel Webster’s “Plymouth Oration” significantly illustrates how American democracy was founded on and perpetuates settler conquest, further illuminating the paradox of settler sovereignty. The occasion of Webster’s speech, delivered at Plymouth in December 1820, was to memorialize the Puritan foundations of the American republic.

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<sup>13</sup> On the “paradox of conquest,” see Winter, “Conquest.”

<sup>14</sup> Ranciere, *Hatred of Democracy* (Verso, 2006), p. 49.

A generation apart from the founders of the American republic, Webster intended his oration as both a commemoration of their achievements and as an account of the deep roots of their beliefs and principles in the American landscape. Webster's choice of Plymouth Rock on the 200<sup>th</sup> anniversary of the founding of the Plymouth colony was not merely incidental to the praise showered upon the founding generation. Plymouth Rock was more than a set of local attachments of interest only to the people of New England. Rather, it represented a founding moment of the U.S. constitutional order.<sup>15</sup> Webster traced a linear path from Plymouth Rock to the American Revolution and Constitution. The "original character" of the colonies left an indelible impact on subsequent U.S. constitutional development. Exemplifying the solid foundation of American democracy, Webster's glorification of the settlement of New England casts a founding narrative that inadvertently articulates a settler colonial identity for the young republic.

Integrated into Webster's narrative of settler colonization is an implicit comparative dimension that juxtaposes North American settlement to other projects of colonization. What made the North American colonies truly unique was that the primary aim of settlement was the constitution of a new political order and the creation of a new society and a new political order. In Webster's assessment of the Greek and Roman examples of colonization "the owners of the soil and of the capital seldom consider themselves at home in the colony... Nobody comes but to return." In the British colonies of North America, however, profits obtained from commercial ventures did not flow entirely back to the metropolis but were invested in the development of a new society. As a result, the

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<sup>15</sup> Webster, "First Settlement of New England," in *The Works of Daniel Webster, Vol. I* (Boston, MA: Little & Brown, 1851), p. 7

“spirit of permanent improvement” prevailing in New England solidified an attachment to place and location that in turn fueled a drive for separation and independence.<sup>16</sup>

Another distinguishing feature of North American colonization is the specific form of government that settlers carried with them. Even before they had reached the shores of North America, English settlers had already developed an elaborate system of self-government based on models of congregational governance. Webster writes, “At the moment of their landing, therefore, they possessed institutions of government... framed by consent, founded on choice and preference.”<sup>17</sup> But Webster is clear that what makes American democracy unique extends beyond its constitutional form. “A republican form of government,” Webster claimed, rests on more than “political constitutions.” The firmer foundation of a free state resides in those laws that regulate the inheritance and transmission of property, which through the abolition of primogeniture prevents the formation of a landed aristocracy. Presaging by a decade what Tocqueville called the “equality of conditions,” Webster appreciated that the form of government constructed in New England was enabled by a “condition of comparative equality in regard to wealth.” Coupled with the plentitude of fertile soil “unreclaimed from barbarism” and open to anyone willing to cultivate it, the equality of conditions provides the foundation of democratic government by guarding against the resurgence of feudal land title.<sup>18</sup>

In this understanding of American democracy, the expropriation of indigenous land is a precondition of democratic equality among white settlers. Expropriated land constitutes

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<sup>16</sup> Webster, “First Settlement,” pp. 20-21.

<sup>17</sup> *Ibid.*, p. 22.

<sup>18</sup> *Ibid.*, p. 35.

the literal and figurative ground of the U.S. Constitution, establishing the material and symbolic foundation of American democracy. In another well-known speech at Bunker Hill, Webster pronounced, “The principle of free government adheres to the American soil. It is bedded in it, immovable as its mountains.”<sup>19</sup> Webster’s conceptions of self-rule and democratic equality thus come to rely on a certain conceptualization of land and territoriality that disavows an indigenous presence in North America. Native elimination operates in Webster’s speech not as the overt presence of violence and conquest but as the absence of indigenous cultures and sovereignties. Webster clearly echoes the discourse of *terra nullius*, which cast the Americas prior to colonization as empty waste land awaiting European discovery. Despite the fact that Puritan society was defined by continuous Indian wars in the seventeenth century, Webster purifies the American founding by disavowing the colonial violence at its core.<sup>20</sup> The erasure of indigenous sovereignty in North America conceptually grounds the positive valence of American democracy by suppressing the modes of conquest, war, and exclusion that established the condition of democratic equality for white settlers.

Similar to Webster, Tocqueville also imagines the foundations of Puritan political culture symbolized by Plymouth Rock as the deeper foundation of American democracy. For Tocqueville, we can speak of the constitution and founding of American democracy at two levels: at the level of constitutional form and at the level of political culture. To emphasize the latter is to recognize that democracy best represents a new kind of society

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<sup>19</sup> Webster, “The Bunker Hill Monument,” *Works of Daniel Webster, Vol. I*, p. 77.

<sup>20</sup> On the productive role of Indian wars in the construction of Puritan society and American political identity, see Jill Lepore’s *The Name of War: King Philip’s War and the Origins of American Identity* (Alfred A. Knopf, 1998).

rather than, exclusively, a form of government. More precisely, American democracy is best captured by paying attention not simply to the institutions that organize political life, but also the sociological dynamics that establish the basic values, habits, and mores of democratic citizens. Tocqueville offered an “original sociological approach, which stressed the influence of the social order on the functioning of political institutions.” In this framework, the social condition of a democratic regime lays the basis for political institutions of modern democracy premised on the principle of the sovereignty of the people.<sup>21</sup> Political democracy and popular sovereignty are only possible insofar as they rest on a deeper social condition defined by geographic conditions of bountiful land, legal regimes of land distribution that prevent the concentration of landed wealth, and cultural norms of citizenship that privilege social and civic equality over cultural values of deference and fixed social hierarchy. Understood as a dual-layered conception of democracy, the democratic social state and its cultural grammar of citizenship provide what literary critic Kenneth Burke calls the “Constitution-beneath-the-Constitution.”<sup>22</sup>

For both Tocqueville and Webster, the social condition symbolized by Plymouth Rock provided a wider and more solid basis for American democracy. From the moment that Europeans arrived on the shores of the New World, Tocqueville asserts, the characteristics of national identity were already significantly fixed in place. The English colonies, consequently, were, as a matter derivative of their principle origins, “destined to offer the development of freedom, not the aristocratic freedom of their mother country,

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<sup>21</sup> Aurelian Craiutu, “Tocqueville and the Political Thought of the French Doctrinaires,” *History of Political Thought*, XX, 3 (Autumn 1999), pp. 484-485.

<sup>22</sup> Burke, *The Grammar of Motives* (Prentice-Hall, 1945).

but the bourgeois and democratic freedom of which the history of the world had still not offered a complete model.” This development of freedom was almost sown into the seeds of its very origin, for Tocqueville expresses that the principles of freedom and equality informing the New England township were almost providentially destined to “penetrate the entire confederation,” now exerting influence beyond their original limits, over the entirety of America.<sup>23</sup> Principles that originated in the early Puritan settlements of New England eventually spread to the neighboring states and established their predominance as the prevailing features of the Union.

In his attempt to explain the unique character of American democracy, Tocqueville afforded special explanatory power to geographic conditions. Outlining the chief causes tending to maintain the stability of the American democratic republic, he posited that English settlers “brought equality of conditions... onto the soil they inhabited, from which the democratic republic would one day issue as from its natural source.” Americans have not only inherited the democratic social state from their Puritan fathers, but also from nature and God, who together “left them a boundless continent” and “accorded them the means to remain equal and free for a long time.” As a sort of divine inheritance, the most extraordinary thing about the social condition of Americans is “the soil that supports them.” As this portrait of democracy makes clear, the social state in America, chiefly defined by the unique configuration of land and geography, is naturally democratic. Yet when it comes to accounting for the prior inhabitants of North America, Tocqueville notes that settlers largely find themselves in “an empty continent, a

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<sup>23</sup> Tocqueville, *Democracy in America*, pp. 28-32.

wilderness land, that awaited inhabitants.”<sup>24</sup> Reinforcing the notion that Anglo settlers were chosen by God to inhabit the continent, Tocqueville erases the presence of indigenous societies in North America and in turn obscures the forms of colonial violence that have fundamentally produced the democratic social state.

As Tocqueville makes clear, democratic self-rule gained its energy from the virtue, customs, and habits of free citizens, which were cultivated on top of a land base marked by the absence of indigenous societies. This colonial disavowal, however, is not simply a misleading oversight. It is, rather, a productive absence that *grounds* the very conceptual meaning of modern American democracy and popular sovereignty. By casting the land and the social condition that arises out of it as an object acquired through inheritance rather than conquest, Tocqueville and Webster mask the role of settler colonialism in constituting the democratic social state. Further portraying the sovereignty of the people as a natural byproduct of geographic conditions, they make the boundaries of popular sovereignty appear as pre-political and thus outside of the realm of political contestation, reinforcing structures of settler authority.

### **Nullification in American Constitutionalism**

The concept of nullification entered directly into U.S. constitutional discourse with the Virginia and Kentucky Resolutions of 1798, which James Madison and Thomas Jefferson, respectively, drafted in response to the Alien and Sedition Acts. While Madison’s notion of interposition only granted states the authority of constitutional interpretation and the right to make their complaints heard, Jefferson’s theory of

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<sup>24</sup> Tocqueville, *Democracy in America*, p. 267.

nullification went a step further by declaring the Alien and Sedition Acts “void and of no force,” signaling that states had the right to prevent the enforcement of the law within their jurisdiction when federal government exercised power outside of its proper limits.<sup>25</sup>

While it is unnecessary to rehash the debates about the constitutional legitimacy of nullification, there are three dimensions of the concept that Apess directly engaged. First, who is the foundation of constitutional authority? Nullificationists broadly held to a compact theory of government that viewed the separate and independent states as the basis of constitutional authority. Operating under the assumption that the Constitution should be interpreted as a compact among separate political communities rather than a contract among free and equal individuals, the Virginia and Kentucky Resolutions allowed state legislatures to challenge the authority of the federal government to enforce the Alien and Seditions Acts. During political debate over the legitimacy of a tariff imposed on British imports in 1828 (which in turn threatened the economic viability of Southern society), then Vice President John Calhoun asserted the right of states to declare federal laws that overstep their proper boundaries to be unconstitutional and to prevent the enforcement of those laws. Because states form the basis of the federal government’s authority, they have the right to impede “unconstitutional oppression.”<sup>26</sup>

Conversely, nationalists like President Andrew Jackson and Senator Daniel Webster (the same one) adhered to a contract theory of government that located constitutional legitimacy in the protection of individual rights. In opposition to Calhoun, Senator

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<sup>25</sup> Jefferson, “Draft of the Kentucky Resolutions,” in *Liberty and Order: The First American Party Struggle* (Liberty Fund Press, 2004), ed. Banning, pp. 234-235.

<sup>26</sup> Calhoun, “Exposition and Protest,” *Union and Liberty: The Political Philosophy of John C. Calhoun* (Liberty Fund Press, 1993), p. 350.

Webster asserted that the Constitution is not a compact or a treaty among separate sovereigns leading to a loose confederation but is the result of a contract establishing the basis of civil law for the new nation.<sup>27</sup> In his Proclamation declaring the illegality of nullification, Jackson elaborated a similar theory in maintaining that the Constitution forms a government based on the consent of “all the people” and not a loose confederation of distinct and independent political communities formed by a “compact between the States.”<sup>28</sup> Apess draws out of the compact theory of government a defense of indigenous communities in order to oppose the “settler contract,” not of independent state authorities.<sup>29</sup>

Second, what is the proper relationship between minority and majority rights? While Webster and Jackson steadfastly held to principles of majority rule, Jefferson and Calhoun posed nullification as a means of protecting minority rights from majority tyranny. Presaging his theory of the “concurrent majority” later developed in *The Disquisition on Government*, Calhoun asserted in the tariff debates that the Constitution must provide a check to “prevent the major from oppressing the minor interests of society.”<sup>30</sup> As a veto reserved to minority interests, nullification was a negative power that granted states the authority to contain the encroaching power of the majority.

The nullification crisis prompted by South Carolina’s opposition to federal tariffs consisted of an ideological conflict over the legacy of republican ideology and its central

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<sup>27</sup> Webster, Speech on the Force Bill, *Works of Daniel Webster*, Vol. 3, p. 453.

<sup>28</sup> President Jackson’s Proclamation Regarding Nullification; Dec. 10, 1832. Available at the Yale Avalon Project: [http://avalon.law.yale.edu/19th\\_century/jack01.asp](http://avalon.law.yale.edu/19th_century/jack01.asp).

<sup>29</sup> Carole Pateman, “The Settler Contract,” *Contract and Domination*.

<sup>30</sup> Calhoun, “Exposition and Protest,” p. 340.

concept of popular sovereignty. While the nullificationists saw the doctrine as a means of protecting minority rights against an overbearing majority tyranny, Jackson believed it led to the fragmentation of popular sovereignty and consequently corruption and faction.<sup>31</sup> Webster also charged proponents of nullification with violating the “first great principle of all republican liberty; that is, that the majority must govern.” Webster said that in “matters of common concern, the judgment of a majority must stand as the judgment of the whole.”<sup>32</sup> If Calhoun rejected the idea that “the entire sovereignty of this country belongs to the American people,” Webster claimed that majority rule was the only legitimate expression of sovereignty.<sup>33</sup> Although Jackson was firmly committed to states-rights in opposition to Webster’s more loose construction of federal authority, they both agreed that the Constitution formed a liberal contract among free and equal individuals and not a compact among states, and consequently that nullification violated the basic notion of democratic sovereignty grounded in the rule of the majority.<sup>34</sup>

Third, who has the right to invoke the powers of nullification? Jefferson and Calhoun were clear that you must be part of the original compact that establishes constitutional authority to claim the powers of nullification. For Jefferson and Calhoun, the federal government derived its authority from a compact among the individual states. As a result, “every State has a natural right in cases not within the compact, (*casus non*

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<sup>31</sup> Richard Latner, “The Nullification Crisis and Republican Subversion,” *The Journal of Southern History*, 43, 1 (Feb., 1977), p. 30. Also see David Ericson, “The Nullification Crisis, American Republicanism, and the Force Bill Debate,” *Journal of Southern History*, 61, 2 (May, 1995), pp. 249-270.

<sup>32</sup> Webster, “Speech on the Force Bill,” p. 486.

<sup>33</sup> Calhoun, “Speech on the Force Bill,” p. 431.

<sup>34</sup> See Richard Ellis, *The Union at Risk: Jacksonian Democracy, States’ Rights, and the Nullification Crisis* (Oxford University Press, 1987).

*foederis*), to nullify of their own authority all assumptions of power by others within their limits.”<sup>35</sup> The right of nullification was lawfully exercised by any party to the compact.

Indian nullification thus stands in a peculiar relation to the doctrine elaborated by Jefferson and Calhoun. Distinct from the equal states that constituted the federal compact, indigenous communities were never independent agents in the creation of the federal state. Insofar as Indians were wards of the state and lacked standing to sue in court, as Marshall’s decision in *Cherokee Nation v. Georgia* (1831) made clear, they did not count as legal and political subjects and thus had no right to claim rights. If Indians were fundamentally excluded from the federal compact on the basis of their status as wards of the state, then they had no right to claim the rights of nullification.

### **Indian Nullification**

Keeping partially within the compact theory of government, Apess employed the concept of Indian nullification to challenge the contract theory of government. In direct contravention of the contract theories espoused by Jackson and Webster, Apess drew on the theory of nullification to assert that the liberal contract was in fact a “settler contract” premised on the erasure of indigenous sovereignty and to interpose indigenous authority into the hegemonic space of constitutional discourse. According to Indian nullification, the basic constituent of government is not the abstract, unencumbered individual but rather independent political communities with their own distinct forms of indigenous culture and property that have been disavowed by hegemonic discourses of democracy. In highlighting this disavowal, Indian nullification not only calls into question the

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<sup>35</sup> Jefferson, “Draft of the Kentucky Resolutions,” pp. 234-235.

legitimacy of settler democracy, it also asserts the cultural autonomy of indigenous communities whose distinct social systems have been subject to the logic of elimination.

Although Apess's collection of documents and commentary pertaining to the Mashpee revolt of 1833, *Indian Nullification*, is widely read and discussed by critics, few have fully appreciated the conceptual significance of his notion of Indian nullification and its place in U.S. democratic discourse. As a counterpoint to the colonial tendencies of American democracy, Apess adopted the tradition of Jeffersonian republicanism in upholding the legitimacy of nullification. The concept of Indian nullification employed by Apess, however, is not a constitutional doctrine that establishes rules and procedures of institutional order (as in Calhoun and Jefferson). It is rather, a narrative mode of representing the constitutive exclusions of American democracy that has both a negative and productive function. The concept of Indian nullification allows Apess to stage a performative contradiction that at once exposes the complicities of democracy in settler colonialism and calls for the reconstitution of the North American political order.

At first glance, it appears that Apess draws on the language of the Declaration of Independence and Constitution to call on white settlers to extend their founding ideals of juridical equality before the law and individual rights free from arbitrary power to Indians. The Indian Declaration states, "*Resolved*, That we, as a tribe, will rule ourselves, and have the right to do so; for all men are born free and equal, says the Constitution of the country."<sup>36</sup> The Mashpee resolutions might therefore read as an attempt to expose the hypocrisy of white settlers and encourage them to live up to the true meaning of their

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<sup>36</sup> "Indian Nullification," in *On Our Own Ground*, p. 175.

professed ideals. As the resolution suggests, the Mashpee harness the authority of the Constitution in order to express their claims for the protection of their property rights and rights of self-government. In an open letter opposing Apess's imprisonment, legal counsel for the Mashpee Benjamin Hallett expressed the legitimacy of indigenous land claims in the liberal language of contractual freedom. "In fact the Marshpee Indians," Hallett wrote, "to whom our laws have denied all rights of property, have a higher title to their lands than the whites have, for our forefathers claimed the soil of this State by the *consent of the Indians*, whose title they thus admitted was better than their own."<sup>37</sup>

But one gets an immediate sense that much more is at work in *Indian Nullification* when the Mashpee announced that in nullifying the authority of the guardians they have "acted in accordance with the spirit of the Constitution, unless that instrument be a device of utter deception." Such an assertion suggests that it was not only the Massachusetts laws but also the Constitution itself that "was founded on wrong and misconception."<sup>38</sup> At the same time, the Mashpee continually insisted that the guardianship laws were unconstitutional. Apess directly drew on the discourse of American independence to assert that "we Mashpees account all who opposed our freedom, as Tories, hostile to the Constitution and the liberties of the country."<sup>39</sup> The "unless" of the proclamation, however, stages a contradiction by asserting that the Constitution is at once a source of liberty and equality affirming indigenous autonomy and a device of conquest and colonization designed to dispossess Indians of their customary lands.

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<sup>37</sup> *Ibid.*, p. 167. Italics in text.

<sup>38</sup> *Ibid.*, pp. 179-180.

<sup>39</sup> *Ibid.*, p. 204.

In something of a paradoxical twist, Apess bases his rights claims on the authority of a constitution which he himself exposes as lacking authority. The effect of this is to ideologically unveil the modes of settler conquest and native elimination that form the basis of American democracy. Although Apess harnesses the authority of the Constitution and Declaration in his argument for indigenous autonomy, he clearly understands that both documents rest on a conception of citizenship that fundamentally excludes indigenous practices of property. Immediately preceding Apess's arrest, a lawyer for Massachusetts requested a local judge "to explain to the Indians the laws... and the consequences of violating them." Significantly paralleling ongoing debates about the validity of nullification in the U.S. Congress, the judge explained to Apess that "merely declaring a law to be oppressive could not abrogate it" and that a surer remedy would be to act as "good citizens" and wait for the Legislature to implement suitable relief. Apess interjected into his report of the proceedings the assertion that the category of citizenship did not adequately apply to the people of Mashpee: "Surely it was either insult or wrong to call the Mashpees citizens, for such they never were, from the Declaration of Independence up to the session of the Legislature in 1834."<sup>40</sup>

According to the Declaration and the Constitution, settlers are citizens because they possess what Indians lack: the capacities for rational self-government and legal institutions of private property, both of which define legal personhood. Insofar as U.S. citizenship is legally "defined through the natural right to own property" and rests on the self-ownership of the possessive individual, Indians negatively define settler citizenship

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<sup>40</sup> *Ibid.*, p. 183.

by representing the negation of the proprietary self in the absence of dominant conceptions of private property.<sup>41</sup> To the extent that American democracy depends on the propertied independence of citizens, the enclosure of land in private property mirrors the enclosure of settler sovereignty. In highlighting the constitutive exclusions of settler democracy, Indian nullification operates less an institutional feature of constitutional design than as a discursive mode of representation that captures the foundational division of the settler polity, the structuring of citizenship along a settler-indigene divide.

While the debate between nullificationists and nationalists revolved around the proper balance between majority rule and minority rights, Indian nullification fundamentally unsettles this distinction. Indian nullification cannot be taken as an assertion of minority rights because the debates between minority and majority rest on the exclusion of Indians from counting as part of either faction. Giving a different cast to Tocqueville's thesis about the "tyranny of the majority," Apress shows how the rights of both majority and minority rest on the dispossession of indigenous peoples. Indian nullification, therefore, is not a discourse asserting the validity of minority rights but rather asserts that even the rights of the minority of white settlers depend for their coherence on the structures of settler colonialism. As such, Indian nullification must be understood not as an assertion of minority rights but as the "staging of a nonexistent right."<sup>42</sup>

Moreover, it is important to highlight the very different conceptions of property rights at work in the two notions of nullification. While Jefferson's theory of nullification was

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<sup>41</sup> Priscilla Wald, "Terms of Assimilation: Legislating Subjectivity in the Emerging Nation," *boundary 2*, 19, 3 (Autumn, 1992), p. 86.

<sup>42</sup> Ranciere, *Disagreement: Politics and Philosophy* (University of Minnesota Press, 1999) p. 25.

tied to a liberal understanding of individual rights, Apess directly challenged the hegemony of liberal property rights as the basis of an egalitarian constitutional order. For Jeffersonian republicans, the violation of individual rights of free speech and due process committed by the Alien and Sedition Acts reflected a violation of property rights. As Madison put it, “[A]s a man is said to have a right to his property, he may be equally said to have a property in his rights.”<sup>43</sup> Ostensibly reflecting this understanding of property rights, Apess condemned white settlers for dispossessing “the red men of the woods” of their land and violating their “inherent rights.”<sup>44</sup>

Apess and the Mashpee, however, mean by “inherent rights” something very different than individual property rights, a point adequately grasped by considering the complex practices of property at work throughout Mashpee’s history, which were composed of a hybrid mix of proprietary rights operating in the English plantation system and aboriginal customary law. In 1685 the Plymouth Court stipulated that Mashpee land could not be purchased or taken by English settlers without Indian consent.<sup>45</sup> By 1723 the Mashpee developed their own practices of property rights and instituted a proprietary system whereby the tribe owned the land and was allocated to individual families. While children could inherit land, it reverted back to tribal control in the absence of an heir. “Tribal membership assured the individual the right to land, and, conversely, having a right to land identified an individual as a member of the group.” A standard practice among many Algonquian nations, aboriginal customary law had long provided for the

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<sup>43</sup> Madison, “Property,” *The Writings of James Madison, Vol. VI* (G.P. Putnam’s Sons, 1900), p. 101.

<sup>44</sup> Apess, “A Son of the Forest,” *On our Own Ground*, p. 4.

<sup>45</sup> Peters, *The Wampanoags of Mashpee* (Indian Spiritual and Cultural Training Center, 1987), p. 20.

allocation of “parcels of land for agricultural use by members of the extended family.”<sup>46</sup>

Nevertheless, in these proprietary arrangements, land was exclusive to the tribe.

It is in this context that the meaning of the second resolution to the Indian Declaration of Independence must be understood. The Mashpee Indians resolved, “That we will not permit any white man to come upon our plantation, to cut or carry off wood or hay, or any other article, without our permission.”<sup>47</sup> The Mashpee Declaration tied the rights of self-government to the exclusion of liberal property rights from the Mashpee plantation. These hybrid proprietary arrangements were central to the very meaning of independence as articulated by the Mashpee. In December 1833, Apess issued “An Indian’s Appeal to the White Men of Massachusetts,” which proclaimed that just as the Cherokee should be an “independent people” the Mashpee should also have the same rights of self-rule. What this independence implied was that both the Mashpee and Cherokee had the right to hold property in common, which tied indigenous property to indigenous culture, thereby excluding white settlers from having any effective claim over “virgin land.” Indeed, Apess contends that the land Fish sold to whites “belongs in common to the Marshpee Indians.”<sup>48</sup> Rejecting the focus of liberal-democratic discourse on the nexus between citizenship and private property, Apess leveraged constitutional rhetoric to defend customary-hybrid forms of property ownership.

By calling attention to the foundational division of American democracy (i.e. the settler-indigene divide), nullification produces the “Indian” as a political subject. This

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<sup>46</sup> Campisi, *The Mashpee Indians*, p. 82.

<sup>47</sup> “Indian Nullification,” p. 175.

<sup>48</sup> *Ibid.*, p. 264.

political subject directly challenged the liberal paternalism of President Jackson and the Massachusetts liberals, both of whom believed that Mashpee and Cherokee alike cannot govern themselves because of their arrested capacities for rational improvement. For Apress, the paternalist laws of Massachusetts mirrored the federal laws of Indian removal, which operated according to the settler logic of native elimination: “The laws were calculated to drive the tribes from their possessions and annihilate them as a people.”<sup>49</sup> The assertion of indigenous sovereignty first requires the nullification of those laws of paternalism and elimination that deem indigenous forms of polity and property incompatible with the democratic-settler state. Indian nullification thus becomes not a principle of constitutional design asserting minority rights over the majority of the tyranny, but a means of contesting the wardship status imposed on Indians.

In Ranciere’s terms, Indian nullification reconfigures civic space by introducing the Indian as political subject into a political order whose authority fundamentally rests on the exclusion of that subject. The “partition of the perceptible,” for Ranciere, is a distinct configuration of political order and an ordering of subjects that determines what is able to be represented. All political orders are governed by regimes of representation: certain bodies are rendered visible and legible and consequently able to speak and enunciate political claims as legitimate subjects. The primary “visual regime of colonization” in settler polities configures the land as *terra nullius*, and Indians as vanishing people soon to be swept away by the winds of modern progress. Tocqueville, for example dedicated a separate chapter to the condition of slaves and Indians on the premise that they were both

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<sup>49</sup> “Indian Nullification,” p. 212-214.

unrepresentable within the terms of democratic discourse. Reflecting the historical trope of the “vanishing Indian,” and further enacting the invisibility of Indians within the representational regime of liberal democracy, Tocqueville felt that “The Indian races are melting in the presence of European civilization like snow in the rays of the sun.”<sup>50</sup>

Beyond the historical tropes of *terra nullius* and “the vanishing Indian,” the imputation of wardship status onto Mashpee and Cherokee also configured the partition of the perceptible by preventing both communities from registering as legal and political subjects able to enunciate political claims. As a result, liberal paternalism politically neutralizes indigenous communities by rendering them as administrative populations subject to state protection rather than political entities that relate to the settler state in terms of the friend-enemy distinction.<sup>51</sup>

One sees this configuration of settler society and the distribution of bodies that can be seen and heard play out when the liberal-minded editors of the *Boston Advocate* published a sympathetic plea of support for the Mashpee struggle. The short article suggested that the Mashpee have been wronged by the white settlers and encouraged whites to act with justice toward the Indians. Nevertheless, the letter assuaged white concerns that the Indians were inclined toward violence and radicalism by accusing the Mashpee of misrepresenting many of their grievances: “Undoubtedly some of their supposed grievances are imaginary and much exaggerated, but others are real, and tend

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<sup>50</sup> Terry Smith, “Visual Regimes of Colonization: Aboriginal Seeing and European Vision in Australia,” *The Visual Culture Reader* (Psychology Press, 2002), edited by Nicholas Mirzoeff. Tocqueville, *Journey to America* (New Haven, CT: Yale University Press, 1960), p. 123.

<sup>51</sup> Fred Lee, “The Racial Constitution of the Public: Four Exercises in Historicizing the American Polity,” PhD Dissertation (2010), University of California, Los Angeles, ch. 3.

greatly to depress them.” The article then exhorted the Mashpee to refrain from violence and place their hopes for redress fully in the state legislature. To give their audience a flavor of Indian grievances, the *Advocate* published two anonymous letters from the Mashpee Indians, likely drafted by Apess himself.

As if to respond to Gayatri Spivak’s famous question – “can the subaltern speak?” – the anonymous authors of the two letters stated that “Mashpee Indians speak for themselves.” But the wrong they seek to voice is an impossible enunciation that cannot be heard within the hegemonic language of liberal-democratic discourse except as a radical mode of *dissensus*. In response to the accusations of exaggerated grievances, the authors assert, “It is impossible to give the details of the wrongs imposed upon the Indians.”<sup>52</sup> The letters thus depict the aporetic nature of articulating the constitutive exclusions of settler democracy within the linguistic terms of the colonizing discourse. The impossibility of representing the Mashpee grievances in the language of liberal democracy points to the inadequacy of linguistic categories grounded in constitutional discourse to represent the foundational wrong of the settler polity. But rather than remain within the space of paradox and agree with Spivak that the representation of colonized subjects only reinforces the power of the settler state, the Mashpee appropriated the language of the colonizer and articulated their rights claims in a language they were not entitled to use. The effect was to stage a polemical form of *dissensus* that leads to a clash between competing logics of equality and inequality, instituting a rupture in the democratic order that stems from the introduction of new political subjects into the

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<sup>52</sup> “Indian Nullification,” *On Our Own Ground*, pp. 197-198.

partition of the perceptible. What Ranciere calls “dissensual subjectification” thus reveals the constitutive divisions that form the basis of political society.<sup>53</sup>

### **Burying the Hatchet and Plymouth Rock**

Although Apess’s *Indian Nullification* and his *Eulogy on King Philip* are structured by different literary conventions and are driven by different political intentions, they both share a similar set of questions concerning the foundations of the settler state. Returning to the theme of the relation between Puritan settlers and Indians, Apess further elaborated his primary contention put forth in *Indian Nullification* that the Constitution was founded on the mutually reinforcing relationship between liberty and equality for white settlers on the one hand and fraud and colonial violence for Indians on the other. If we understand Puritan political culture and the equality of conditions prevailing in colonial New England as the Constitution-beneath-the-Constitution, then Apess’s *Eulogy* can be read as a further elaboration of Indian nullification insofar as it continues to reveal the dynamic interplay between settler colonialism and American democracy.

Apess’s *Eulogy on King Philip* was first delivered in Boston on January 8, 1836. On one level, the immediate concern of the speech was a commemoration of King Philip’s War and a tribute to the Wampanoag sachem, Metacomet, or King Philip, who led an alliance of Algonquian tribes against the Puritan settlers in 1676. In an attempt to revitalize King Philip’s legacy and importance for contemporary Indian struggles, Apess drew a direct comparison between Metacomet and General Washington as two great defenders of civil and political rights for whites and Indians alike. In this regard, Apess’s

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<sup>53</sup> “Ten Theses on Politics,” *Theory and Event*.

*Eulogy* directly undermined dominant representations of Metacomet as a ruthless and savage warrior by portraying him as an “able defender of his rights.”<sup>54</sup> On a broader level, Apess deconstructed Anglo-centric histories of the United States by counter-posing indigenous narratives of settler conquest to Puritan founding narratives.

To accomplish both of these tasks, Apess engaged a master-narrative of American civic identity that has long served as a powerful discourse authorizing the elimination of the native: the myth of the savage war. The savage war myth, a powerful and persistent trope in American literature, holds that history unfolds as a clash between civilization and savagery, a dichotomy that is given a moral valence with civilization positioned as the triumphant force. If civilized people rule over each other in a “civil government,” uncivilized people occupy an anarchical state of nature lacking the rule of law. Further underwriting this dichotomy was a distinction between “savage war” and “civilized war.” While the latter was rational, honorable, and subject to the dictates of natural law and just war theory, the former was characterized by irrationality and the ferocity of unrestrained violence. Savage wars were irrational because they exceeded the moral boundaries of just conduct and were undertaken for the sake of uncontrollable passions such as revenge or the fulfillment of sadistic desires. Savage wars were wars of extermination because civilization can only triumph if the savage races are thoroughly eliminated.<sup>55</sup>

Instead of assuming that “savage war” is a natural category grounded in the conflict between savagery and civilization, Apess asserted that the state of war between settlers

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<sup>54</sup> “Eulogy on King Philip,” *On Our Own Ground*, p. 288.

<sup>55</sup> Francis Jennings, *The Invasion of America* (Norton, 1976), pp. 127, 146. Richard Slotkin, *The Fatal Environment*, p. 53.

and Indians was itself produced by the foundations of Puritan society. As with *Indian Nullification*, his primary aim in the *Eulogy* was to represent the foundational division of American democracy (i.e. the settler-indigene divide, which in this case is represented by the distinction between civilized and savage war). Toward this end, he begins the *Eulogy* by rejecting the assumption that settler and Indian modes of warfare can be adequately captured through the distinction between civilized and uncivilized, insisting that “we cannot but see that one mode of warfare is as just as the other.” Portraying it as a just war, Apess contests that King Philip’s prosecution of the war was “no savage war of surprise... but one sorely provoked by the Pilgrims themselves.”<sup>56</sup>

Apess’s de-naturalization of the savage war myth allows him to cast King Philip as a defender of civil and political rights on par with founding figures like General Washington. Indians must fight not because of their savage nature nor because they reject the basis of rights but because they cannot “look a white man in the face and ask him for them.”<sup>57</sup> But we must ask what kind of rights he was defending? Again, we find that liberal property rights enshrined in the Constitution fail to fully capture Apess’s meaning. The violation of rights addressed by King Philip deal less with infringements on individual rights of property and conscience than with deeper questions that touch on the foundational violence of the settler polity. King Philip fought not so that Indians could mimic white settlers in their forms of polity and property, but against the obliteration of indigenous legal and social customs, against the “injuries upon injuries, and the most daring robberies and barbarous deeds of death that were ever committed by

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<sup>56</sup> “Eulogy,” *On Our Own Ground*, pp. 278, 296.

<sup>57</sup> *Ibid.*, p. 288.

the American pilgrims.”<sup>58</sup> In a speech calling the Wampanoags to arms in defense of their rights, King Philip thoroughly recounts the wrongs committed against them: “all our ancient customs are disregarded; the treaties made by our fathers and us are broken... Brothers, these people from the unknown world will cut down our groves, spoil our hunting and planting grounds, and drive us and our children from the graves of our fathers.” Apess sees in Philip a defender of neither the abstract rights of the liberal subject nor of the republican rights of the active citizen, but of the customary rights of a nation subject to settler invasion.

Furthering this theme, Apess begins his conclusion to the oration by lamenting the loss of these rights: “Our groves and hunting grounds are gone, our dead are dug up, our council fires are put out, and a foundation was laid in the first Legislature to enslave our people, taking from them all rights.” By connecting his criticism of the savage war myth with the “foundation” that destroyed indigenous rights, Apess contests that the Puritan foundations of American democracy instituted a state of war between settlers and Indians. Where Tocqueville sees the liberal “spirit of enterprise” derived from an acquisitive commercial ethos, Apess highlights the “spirit of avarice and the usurpation of power” on the part of white settlers as the primary forces driving frontier settlement and incessant warfare plaguing the North American landscape. Damning the “foundation which destroyed our common fathers in their struggle together,” he exposed the spirit of conquest as a foundational aspect of American political culture and constitutional law.<sup>59</sup>

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<sup>58</sup> *Ibid.*, p. 278.

<sup>59</sup> *Ibid.*, p. 308. Tocqueville, *Democracy in America*, p. 154.

By disrupting the distinction between savage and civilized war, proving King Philip to be a defender of his inherent rights, the *Eulogy* destabilizes exceptionalist narratives of American development that cast settler expansionism as a historical process sanctioned by divine providence. As Barry O’Connell puts it, to include Indians within this providential narrative “would undermine the construction of the particular ideological history that has shaped ‘America’ as a virgin land settled by God’s chosen people... in the name of freedom and opportunity.”<sup>60</sup> In this way, the *Eulogy* serves as a counter-narrative of settler conquest that includes indigenous peoples within a political narrative whose coherence fundamentally rests on the disavowal and elimination of indigenous cultures. The effect of drawing a parallel between General Washington and King Philip is not to illustrate how American founding ideals might be fulfilled but rather that the inclusion of indigenous perspectives into founding narratives must entail a radical transformation of American political order. For Apess, true justice for Indians requires not that we live up to the political ideals expressed in the nation’s founding documents, as if to fulfill and redeem the promise of their original meaning, but that we transform them into something they are not and have never quite been.

## **Conclusion**

Read in this light, Apess’s version of the Puritan founding narrative sharply contrasts with Webster’s Plymouth Rock oration. In disavowing an indigenous presence in North America, Webster retains a sense of settler colonial identity as derived from pure and progressive origins untouched by the founding violence of settler colonialism. While

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<sup>60</sup> O’Connell, Introduction to *On Our Own Ground*, p. xvii.

Apess asks us to bury Plymouth Rock because fidelity to it perpetuates a state of war between settlers and Indians (signified by the hatchet that Apess also wants to bury), Webster insulates the cultural foundations of constitutional democracy from complicity in settler conquest. Moreover, while Webster and Tocqueville imagine the Puritan foundations of the U.S. as instituting a democratic social state, Apess asserts that those foundations have enacted a process of native elimination that vitally sustains the equality of conditions among white settlers. Such a counter-narrative highlights the *double narratology* of settler conquest – the split between the founding narratives of settler authority and indigenous counter-narratives that reveals the constitutive exclusions and foundational violence of American democracy.<sup>61</sup>

To the extent that it renders the double narratology of settler conquest intelligible, Indian nullification operates as a mode of narrative representation that exposes the political, social, and ethical roots of American democracy (represented in the symbol of Plymouth Rock) in settler colonialism. Nevertheless, we should read Apess's deployment of Indian nullification not within the teleological terms of American democracy, marked by the progressive extension of equal rights to previously marginalized groups, but as an attempt to represent that which is unrepresentable in the terms of republican and liberal discourses of democracy, those constitutive exclusions that have provided the foundation for American democracy yet have been systematically disavowed by liberal and republican democratic discourse. Because they are about providing a public justification for the American settler state, liberal and republican

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<sup>61</sup> On the double narratology of conquest, see Yves Winter, "Conquest;" and Ranajit Guha, "A Conquest Foretold," *Social Text*, 54 (Spring 1998), pp. 85-89.

democracy are unable to represent the founding of American society as an instance of settler conquest. Yet in appropriating and revising the categories of American democratic theory, Apess's counter-narrative exposes popular sovereignty as settler sovereignty. He thus developed the concept of Indian nullification not to challenge *particular* unjust laws, but to nullify, in *general*, the injustice embedded in the settler colonial foundations of modern American democracy.

## Coda

### Unsettling Democracy

In the wake of the 2003 U.S. invasion of Iraq, the language of empire assumed a central position in public discourse, revolving around conflict over its conceptual and historical relationship to democracy. While George W. Bush justified the invasion of Iraq as a form of “democratic imperialism,”<sup>1</sup> one of the most influential anti-war writers, Chalmers Johnson, sought to re-narrate the relationship between democracy and empire. Johnson argued that throughout the twentieth-century imperial power has continually eroded the basis of democratic-republican institutions. For Johnson, the freedom and equality of domestic, democratic government is in tension with the realities of an American empire based on conquest and tyranny: “The American attempt to combine domestic democracy with such tyrannical control over foreigners is hopelessly contradictory and hypocritical. A country can be democratic or it can be imperialistic, but it cannot be both.” With the expansive power of the contemporary imperial presidency, Johnson warned, America risks losing its cherished democratic tradition to an imperial state. He further contested that the Founders tried to forestall the consolidation of imperial power by constructing republican institutions after the Roman model.<sup>2</sup> The emergence of an American empire is thus an affront to America’s republican origins, spelling the decline of its democratic heritage.

The problem with such a perspective is that appeals to founding principles and traditions, in opposition to what many see as the contradictory impulses of imperialism

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<sup>1</sup> Omar Encarnación, “The Follies of Democratic Imperialism,” *World Policy Journal*, 22, 1 (Spring 2005).

<sup>2</sup> *Dismantling the Empire* (MacMillan, 2010), pp. 33-34; *Nemesis*, pp. 88-89.

and neocolonialism, ultimately ignore that the American democratic tradition was itself constructed through settler colonization. If we take seriously the history of the U.S. as a democratic empire, which expands through the popular sovereignty of settlers to establish self-governing communities on top of expropriated land, then an appeal to the democratic and republican foundations of America risks recapitulating rather than critically confronting the contemporary dynamics of U.S. imperialism because it ignores the deep links between popular sovereignty and settler expansion. Attempts to reclaim and redeem some pure, anti-colonial conception of American democracy is hopelessly idealistic, for it overlooks that settler colonialism has always been a defining feature of the American democratic tradition.

Yet the place of settler colonialism in the American political tradition is becoming an increasingly contentious issue among scholars of U.S. political thought and culture. Samuel Huntington has led the charge in reclaiming American national identity as a settler democracy, which he defines in terms of the American Creed, a relatively fixed and stable cluster of beliefs, customs, and habits that give substance to American citizenship. The targets of his scorn are the new Hispanic immigrants whom, he believes, have failed to assimilate into the core American culture. Insistent on maintaining dual citizenship and hybrid identities, Hispanic immigrants have largely retained their traditional cultural values rooted in Hispanic culture and Catholic religion at the expense of forming deep attachments to American national identity characterized by the Protestant work ethic, individualism, the rule of law, egalitarianism, and popular sovereignty. Operating under the assumption that a stable democracy requires a common

set of cultural values, Huntington draws on Tocquevillean insights to call for a more restrictive immigration policy. Reversing the polarity of settler narratives of colonial invasion, he contests that restrictive immigration is necessary in order to protect settler democracy from *la reconquista* of the U.S. by the Hispanic hordes outside the gates.<sup>3</sup>

In this effort, Huntington engages a dominant trope of American national identity, the idea of a “nation of immigrants.” He does not deny that immigration was crucial in defining American identity, but he asserts that it is a “partial truth” that obscures a more important aspect: the fact that the American founders were not immigrants but rather Anglo-Protestant settlers. If immigrants leave an existing society to join a new one (thereby accepting an obligation to adopt the new norms and culture), settlers leave an existing society, often as a community rather than as individuals or families, in order to create a new political society, carrying their metropolitan culture and values with them and then implanting those values in a distant territory. While settlers constitute a new political order in their sovereign capacity as both founders and migrants, immigrants join an existing society rather than create a new one. Insofar as settlers are founders with distinct social values rooted in Anglo-Protestant culture, the process of settlement and founding are synonymous. Huntington asserts that the American Creed was “the product of the distinct Anglo-Protestant culture of the founding settlers,” highlighting how settler colonization established durable cultural patterns that provided the basis of American

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<sup>3</sup> Huntington, *Who Are We? The Challenges to America's National Identity* (Simon & Schuster, 2004), p. 246.

democracy.<sup>4</sup> Thus, to protect America from the barbarian hordes is to protect the sanctity of the founding of settler democracy.

Huntington offers his narrative of settler democracy not only as a defense of restrictive and exclusive immigration policy, but also as an implicit justification of indigenous dispossession and settler conquest. He writes, “The seventeenth- and eighteenth-century settlers came to America because it was a *tabula rasa*. Apart from Indian tribes, which could be killed off or pushed westward, no society was there; and they came in order to create societies that embodied and would reinforce the culture and values they brought with them from their origin country.”<sup>5</sup> Clearly evidenced in the Lockean assumptions concerning North American land as *tabula rasa*, such an assertion self-consciously recapitulates the narrative tropes and legal doctrines of *terra nullius* and the vanishing Indian. In Huntington’s view, indigenous tribes were so sparse and weak that they did not constitute recognizable societies with legitimate claims over land that settlers appropriated. By presenting North America as empty land, he obscures the constitutive role of native elimination in the founding of settler democracy.

In opposition to Huntington’s enlistment of America’s settler colonial legacy in a continued defense of nativist and exclusivist conceptions of democracy, Aziz Rana and Rogers Smith have sought recently to reclaim the settler tradition in the hopes of creating a more inclusive and egalitarian project of popular self-rule that sheds its attachments to

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<sup>4</sup> Huntington, *Who Are We?*, pp. xv, 38-46.

<sup>5</sup> Huntington, *Who Are We?*, pp. 40-41. Huntington goes on to say, “In its origin and its continuing core, America is thus a colonial society, in the strict and original sense of the word ‘colony,’ that is, a settlement created by people who leave a mother country and travel elsewhere to establish a new society on distant turf.” The definition of “colony” here only focuses on the transfer of culture and people between metropolis and settler colony, and thus erases the often violent colonial relationship between indigenous peoples and settlers characteristic of the triangular framework of settler colonialism.

ascriptive traditions and practices. In this effort, both Rana and Smith offer what I call a *political theory of postcolonial settlerism* wherein the pioneer ideals of settler democracy are separated from their larger tensions with exclusive standards of citizenship. Although I will spell out what it means more extensively in the remainder of this coda, the political theory of postcolonial settlerism is fundamentally concerned with asking what values, principles, and institutions should animate democratic life in a post-settler-colonial condition. Just as political theorists of postcolonial society are concerned with developing democratic frameworks of inclusion to overcome past legacies of colonialism, the political theory of postcolonial settlerism focuses on elaborating constitutional frameworks of rule designed to challenge the hierarchies and exclusions derived from settler colonial legacies. In dealing with these questions, the political theory of postcolonial settlerism ultimately seeks to revise settler traditions of democratic thought so as to disconnect them from their exclusivist and hierarchical impulses.

The limitations of the political theory of postcolonial settlerism employed by Smith and Rana derive from broader methodological limitations that keep them from seeing the deep, conceptual links between democratic conceptions of popular sovereignty and continued processes of settler expansion and indigenous dispossession. The link between democracy and settler colonialism exists in (for Smith) identity narratives employed by political coalitions to make their governing visions legitimate and tenable or (for Rana) the political requirements of a constitutional project committed to the realization of republican liberty in a settler society. In both cases this connection is a product of historical not conceptual development. Yet by basing their critique on a separation of

historical and conceptual development, Rana and Smith ultimately reinstate settler structures of authority by drawing on the settler tradition itself to challenge settler hierarchies. The result is that they normalize settler traditions of thought and culture as the uncontested and necessary ground of modern democratic politics.

Ultimately, I want to suggest that the political theory of postcolonial settlerism normalizes the political experiences of American settlers with popular sovereignty and social equality as the unsurpassable horizon of democratic self-rule. In this regard, they both engage in an attempt to redeem the settler tradition of American democracy from the exclusivist traditions of conquest and dispossession, ignoring how land appropriation and settler expansion provide the very foundation for democratic values in the U.S. As long as settler experiences define the meaning of modern democracy, settler societies will fail to overcome their legacies of conquest and dispossession.

After the publication of *Civic Ideals* (1997), Smith has become increasingly concerned with crafting what he calls “ethically constitutive stories of peoplehood.” Holding that political identity is socially and politically constructed, Smith searches for ethical and moral standards by which political leaders might construct “political communities in morally defensible forms.” Beyond political power and economic stories of peoplehood that emphasize either shared collective power and personal security or material benefits (respectively) for members of a political community, ethically constitutive stories offer normative visions of community as “somehow intrinsic to who

its members really are, because of traits that are imbued with ethical significance.”<sup>6</sup>

Ethically constitutive stories are important for Smith because the production of narratives of peoplehood serve to create stable structures of power that allow leaders to achieve certain ends in morally defensible ways. For Smith, ethical narratives of peoplehood give political community moral significance while shedding ascriptive and dominant racial visions that serve to justify the power of some groups over others.

Searching for an ethically constitutive story of peoplehood, Smith settles on the idea of Americans as a “pioneering people.”<sup>7</sup> He directs his conception of a pioneering people against conservative critics such as Huntington who ground U.S. identity in a mythic past that defines the political community in terms of an essential set of characteristics derived from the founding tradition. In disavowing the constructed character of American identity, such narratives authorize unjust forms of exclusion and deflect the possibility of “critically reflective attachment.”<sup>8</sup> This backward looking, conservative view that seeks the preservation of founding ideals is not only unwarranted but is deeply paradoxical because it ignores a primary trait of the founding generation: their pioneering character. Americans were pioneers in law, commercial institutions, religious toleration and separation of church and state, individual rights and community rights, and liberties of speech and press. In doing so they gave concreteness to the philosophical assertions of universality in the American Enlightenment.

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<sup>6</sup> Smith, *Stories of Peoplehood*, pp. 56-57, 64-65, 101-102. Smith continues to claim that political and economic stories are limited in offering normative visions of community because they are incapable of defining political identity in morally satisfying ways.

<sup>7</sup> As should be evident by now, I take the identity categories of “pioneer” and “settler” as synonymous.

<sup>8</sup> Smith, *Stories of Peoplehood*, p. 193.

Smith acknowledges that Americans were pioneers in both a positive and negative sense: they pioneered new systems of collective emancipation such as democratic government, rule of law, and separation of powers; but they also pioneered new technologies of domination such as the reservation, restrictive immigration, segregation, chattel slavery, and legal protections of employers over the rights of wage laborers. Smith writes, “They were pioneers, of course, in establishing settlements on lands not previously occupied by Europeans. But they were also pioneers in a whole range of other ways. They did not simply establish systems of republican self-governance; they pioneered new ones... The pioneers usually displaced the tribes through unjust means and they sometimes verged on committing genocide; and US policy toward aboriginal Americans has been a fluctuating mix of just and repressive measures ever since.” Although not all modes of pioneering are commendable, Smith contends that this is nevertheless how Americans should read their political identity: as pioneers in new political experiments rather than as “pious preservers of past achievements.”<sup>9</sup>

But the question arises, what is the relationship between Smith’s two senses of Americans as a “pioneering people?” Based on his prior work on the “multiple traditions thesis,” Smith would likely separate these two senses of pioneering peoplehood into two analytically and logically separate political traditions: a liberal-republican democratic tradition and an exclusivist, hierarchical, and ascriptive tradition that embraces settler

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<sup>9</sup> Smith, *Stories of Peoplehood*, pp. 197-198. Here we see that Smith relies on and re-instates the basic terms of settler peoplehood. He ignores that the very attempt to cast American ideals of popular sovereignty as an altogether new form of self-government enacts a fundamental disavowal of the prior political orders that came before the United States. As long as the novelty of the American experience is taken as the hallmark of modern democracy, we are left ill-equipped to critically confront the foundational violence of settler democracy.

conquest and dispossession. Several scholars have criticized Smith for overlooking the deep links between racially exclusionary practices/ideologies and liberal-republican democracy. By attributing inegalitarian practices only to ideologies of ascriptive nationalism rather than liberal-republican democracy, he makes the boundary between settler expansion and democracy so rigid so as to preclude any consideration of their mutual constitution. In doing so, he insulates democracy from having any role in the production of racial exclusion, conquest, or indigenous dispossession.<sup>10</sup>

Smith has addressed this criticism by claiming that he does indeed view the relationship between settler exclusion and American democracy as symbiotic, but he clarifies that his understanding of symbiosis differs from those who adhere to the thesis of “strongly reinforcing partnerships” (between modes of racial domination such as settler expansion and liberal-republican democracy). Those who view racial exclusion and democracy in terms of their mutual constitution argue that both acquire their energy and conceptual coherence from each other. That is, they are mutually beneficial and in that sense reinforce each other. Such a view implies that liberal-republican democracy would collapse without settler expansion. Smith, however, takes a weaker view of symbiosis, opting to see it in terms of a “commensalist” relationship in which “one organism benefits and the other is neither much helped nor harmed.”<sup>11</sup> In reference to the two traditions of pioneering peoplehood, therefore, Smith would assert that although

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<sup>10</sup> See Marc Stears, “The Liberal Tradition and the Politics of Exclusion,” *Annual Review of Political Science*, Vol. 10, 2007, 85-101; and Ira Katznelson’s review of *Civic Ideals* in *Political Theory*, 27, 4 (August 1999), p. 569. Bonnie Honig, *Democracy and the Foreigner* (Princeton University Press, 2003), pp. 11-12.

<sup>11</sup> Smith, “Understanding the Symbiosis of American Rights and American Racism,” *The American Liberal Tradition Reconsidered*, ed. Hulliung (University Press of Kansas, 2010), p. 59.

settler colonialism might have gained ideological justification from democratic values, the latter were largely unaffected by their association with the former.

As I have shown, however, this view overlooks how settler expansion undergirds the conceptual meaning and institutional development of American democracy. In his understanding of symbiosis, Smith might grant that democratic narratives and ideologies have been appropriated to justify and strengthen projects of settler expansion, but he would seem to deny that this relationship has any bearing on the conceptual meaning or political realization of democratic values. In other words, he would certainly resist the idea that democracy has in some sense necessitated settler expansion or that settler colonialism has provided the condition of possibility for American democracy. For Smith, such a claim would require that we demonstrate that political actors *must* argue for settler expansion in order to argue for democracy, that the connection is so tight that you could not have one without the other. Smith is asking us here to engage in counterfactuals. He suggests that political actors could have argued for democracy without settler colonialism, inviting us to imagine such a scenario. The reality is, however, that in their historical actuality, principles of social equality and popular sovereignty did rely on settler colonialism. If we accept Smith's invitation to imagine otherwise, we would be speaking at such a highly abstract level, entirely divorced from concrete historical contexts, so as to render any insight we might draw from such a thought experiment either meaningless or banal.

What is at stake here is the relationship between political development and conceptual development. Smith's standard of evidence is only viable if we imagine the two as

separate currents of historical temporality, as analytically distinct layers of development. For instance, criticizing Michael Rogin's assertion that "Jackson's negative, laissez-faire, paternal state made the logical marriage of paternal authority to liberal egalitarianism," Smith argues that the "recurring admixture" of democratic ideals and ascriptive inegalitarianism does not imply logical compatibility.<sup>12</sup> Smith can only sustain this criticism, however, by separating American development into different streams that, although congeal together, are not determinative of each other in any sense. Each ideological tradition is understood as having its own internal, coherent principles that are "inconsistent with each other as a matter of formal logic."<sup>13</sup> Yet historical context is not merely an ancillary component of conceptual logics, but is in fact constitutive of them. That is, historical logic and conceptual logic are two sides of the same coin. The logical relationship between democracy and settler colonialism, therefore, does not necessarily inhere in either concept as a matter of abstract doctrine but is articulated through processes of historical development. "Just as little as a simple fact can be thought without a concept, because to think it always already means to conceptualize it," Theodor Adorno writes, "it is equally impossible to think the purest concept without reference to the factual."<sup>14</sup> It is only by treating liberal-democracy as having a formal logic detached from its historical context that Smith is able to posit a formal lack of identity between democracy and settler colonialism as a matter of internal and logical coherence.

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<sup>12</sup> Smith, "Beyond Tocqueville, Myrdal and Hartz: The Multiple Traditions in America," *American Political Science Review*, 87, 3 (Sept. 1993), p. 556. Smith's criticism is of Rogin's *Fathers and Children*. See also Smith's *Civic Ideals: Conflicting Visions of Citizenship in US History* (Yale University Press, 1999), p. 199.

<sup>13</sup> See Smith's exchange with Jacqueline Stevens, "Beyond Tocqueville, Please!," *American Political Science Review*, 89, 4, (Dec. 1995), p. 991.

<sup>14</sup> "The Essay as Form," *The Adorno Reader* (Blackwell Publishing, 2000), p. 98.

Viewed through the development of their conceptual-historical logics rather than abstract philosophical logics, settler colonialism and American democracy exhibit a closer and more complex relationship than Smith's commensalist view allows.

Throughout the nineteenth century, America became more democratic and egalitarian (at least for white settlers) precisely because of rather than in spite of settler expansion and the continued conquest of foreign populations. At the same time, these processes of conquest and dispossession gained energy and ideological legitimacy from democratic doctrines of popular sovereignty that cast popular self-rule as the primary engine of settler expansion. Moreover, by treating North America as empty land occupied by vanishing Indians, democratic narratives of settler identity provided ideological cover for the real material processes of conquest at work in the construction of an egalitarian and democratic social order. Smith's two senses of pioneering peoplehood and settler democracy are indeed mutually constitutive, resulting in a durable ideological formation.

Although Aziz Rana has better accounted for the deep links between settler colonialism and American democracy, his attempt to reclaim what he considers to be the egalitarian and emancipatory trajectories of settler democracy ultimately re-inscribes the political theory of post-colonial settlerism. In an attempt to overcome Smith's limitations, Rana accounts for the ways in which settler conceptions of democracy and republican liberty "politically necessitate" settler colonialism. He thus criticizes Smith, as I have, for treating the two traditions of pioneering peoplehood as analytically and conceptually discrete, foregoing consideration of how "democratic ideals themselves

gained strength and meaning through frameworks of exclusion.”<sup>15</sup> Similar to the account offered here, Rana unearths the constitutive role of settler-colonial hierarchies in shaping American traditions of populism and republican liberty. In this alone, Rana significantly distances himself from Smith’s account.

Yet the gap between their two conceptions of settler democracy is much narrower than we might think. In his account of the relationship between settler expansion and liberal-republican democracy, Rana argues that although the latter politically entailed the former as a means of realizing dominant racial visions and exclusive projects of political peoplehood, the relationship between the two is by no means conceptual. He explicitly rejects the idea that the link between settler colonialism and democratic republicanism is philosophically or conceptually essential because such a view “too quickly rejects the emancipatory features of the republican tradition.”<sup>16</sup> Similar to Smith, he seeks the redemption of settler conceptions of democracy by delivering on the true promise of American liberty. In this regard, he refuses to shed the assumptions of American exceptionalism, and he admits as much: “the real exceptionalism of the American project” lies in the efforts of some American settlers to “strip republican ideals of their oppressive roots to make free citizenship broadly accessible to all.”<sup>17</sup> Rana, like Smith, rejects that the link between settler colonialism and democracy exists at a conceptual level by failing to understand that historical context is constitutive of conceptual logic.

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<sup>15</sup> Rana, *Two Faces of American Freedom*, p. 7.

<sup>16</sup> Rana, *Two Faces of American Freedom*, p. 353, n. 27.

<sup>17</sup> Rana, *Two Faces of American Freedom*, p. 14.

This presents methodological problems at two levels. First, the narrative structure of Rana's account is at odds with his assertion that settler colonialism is constitutive of American democracy. To set up his historical narrative, he contends that settler democracy "entailed imperial frameworks, which over time undermined the very promise of this ideal."<sup>18</sup> If settler forms of expansion and hierarchy do not logically flow from settler ideals at a conceptual-historical level, then the problem seems to be in their fortuitous and contingent association in the process of historical development. In this regard, Rana relies on an Aristotelian framework in which settler democracy has a pure form at the conceptual level but then becomes perverted, acquiring expansionist and exclusionary tendencies in its historical development. The argument that exclusion and settler ideals are linked solely at the historical rather than conceptual level relies on the assumption that such ideals are somehow pure in their conceptual origins but become perverted in the historical process. But if American democracy's settler-colonial entailments come only from its contingent association in historical development, then Rana offers an argument that is little different from Smith's. Both follow a narrative structure of redemption in which the emancipatory promise of settler democracy can be disconnected from its expansionist and exclusionary connotations.

Second, Rana's own normative commitments are also at odds with his constitutive view. When he comes to the normative component of his argument, he is ultimately left arguing, quite simply, that settler conceptions of democracy need not be rejected but rather affixed to more inclusive and universal legal frameworks. Rana's primary

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<sup>18</sup> Rana, *Two Faces of American Freedom*, p. 3.

normative question is, “What constitutional structures should govern a postsettler society and what account of freedom could justify these structures and ground a new ethical basis for citizenship?”<sup>19</sup> But the question of course arises, from what wellspring should we draw up these conceptual, political, and theoretical resources to challenge the exclusive and hierarchical tendencies of settler colonialism? Turning to the writings of Thomas Paine, Orestes Brownson, and Randolph Bourne, Rana calls on the settler tradition of democracy itself to challenge settler colonial hierarchies. But in exclusively drawing on settler traditions of thought and culture to reconfigure colonial hierarchies, he normalizes the power, presence, and subjectivity of settler colonials.

Part of the problem here stems from Rana’s exclusive attention to the constitutional development of settler democracy. Amending a socio-cultural perspective to the constitutional entwinement of democracy and empire reveals the project of conjoining frameworks of inclusion and universalism with settler principles to be extremely limited as an effort to overcome U.S. Empire. Rana ignores how settlerness inheres in the norms, habits, and customs of American citizenship, which were not only cultivated on top of an expropriated land base but were also shaped and given political and cultural meaning through settler expansion. It is precisely by ignoring these dynamics and then calling on settler-democratic norms to combat the very colonial hierarchies it has produced that Rana (and Smith) *norm*-alize settler experiences. The consequence of settler normalization is the disavowal of how subjects and victims of American colonialism have articulated their own modes of democratic self-rule that, while vitally draw on American

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<sup>19</sup> Rana, *Two Faces of American Freedom*, p. 236.

democratic ideals, appropriate and revise the terms of modern democratic theory in a way that extends beyond their original meaning.

Detaching democracy from settler-colonial empire requires more than simply attaching more inclusionary frameworks of constitutional law to democratic institutions. It suggests that we must re-think the very democratic values that give rise to those institutions in way that sheds its ideological entwinements in settler colonialism. As Mahmood Mamdani has put it, “Engaging with the native question would require questioning the ethics and the politics of the very constitution of the United States of America. It would require rethinking and reconsidering the very political project called the USA.”<sup>20</sup> A genuine engagement with the history of settler expansion requires us to rethink the very ethical and political basis of American democracy.

Stemming from these limitations, the political theory of postcolonial settlerism fails to engage the complex dynamics of decolonization in settler societies. In their attempts to formulate a political theory suitable for a “postsettler society,” both Smith and Rana misunderstand that there is no such thing as “postsettler colonialism.” Because they are constituted by invasions that become a structural condition, settler societies are marked by a certain resilience that troubles the very idea of a postcolonial order. There is a necessary difference between narratives of decolonization in settler-colonial and exploitation-colonial contexts. While exploitation-colonial stories follow the narrative structure of the *Odyssey*, marked by an outward projection of people and power and then

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<sup>20</sup> Mamdani, “Settler Colonialism: Then and Now,” Tenth Edward Said Memorial Lecture, Princeton University; December 6, 2012. Available at: <http://misr.mak.ac.ug/news/settler-colonialism-then-and-now-text-prof-mamdani-lecture-10th-annual-edward-said-memorial>.

a contraction or return to the metropolis, settler colonial narratives are structured according the *Aeneid* in which the colonizer follows a linear path with the aim of leaving an old society to establish the new.<sup>21</sup> Insofar as they are circular, Third World narratives of decolonization imply the restoration of native sovereignty over and against the sovereignty of the colonizer. While decolonization is typically understood as a transition from dependent colonies to sovereign nation-states, the politics of indigenous nations struggling for de-colonization in the Fourth World reveals that “sovereignty was and is negotiated within a polity, rather than between polities.”<sup>22</sup> Elaborating theories of decolonization in settler societies thus presents a set of conceptual difficulties that cannot be subsumed into frameworks of decolonizing movements where settler structures were not as pervasive, troubling the notion of a political theory for “postsettler society.”

If we truly wish to decolonize modern democracy, then we should start by rejecting attempts to redeem settler democracy and start conceiving of alternative traditions of political thought and culture that have fallen by the wayside of democratic empire. Scholars of American political thought would do well to turn to indigenous, Mexican, Caribbean, *métis*, and Asian Pacific perspectives that are not exhausted by the values and categories of the U.S. political tradition. To unsettle democracy would be to recognize democratic self-rule and popular sovereignty not simply as a set of principles or as a form of government, but as a material set of practices that refuse containment by the geo-political, cultural, and institutional borders of the settler state. Such an orientation would allow us to recognize the diverse array of democratic practices and experiences that

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<sup>21</sup> Veracini, *Settler Colonialism*, pp. 96-97.

<sup>22</sup> Veracini, *Settler Colonialism*, p. 105.

exceed and in some cases critically confront settler conceptions of self-rule. Engaging such perspectives would force us to look beyond settler experiences as the “horizon of the taken-for-granted” in defining modern American democracy, which normalizes ruling ideas as the uncontested ground of political life.<sup>23</sup> Such a project would call for the ethical and political reformulation of the democratic tradition, leading to a decolonial politics that would undermine the foundations of settler democracy.

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<sup>23</sup> Stuart Hall, “The Toad in the Garden: Thatcherism Among the Theorists,” *Marxism and the Interpretation of Culture*, eds. Nelson and Grossberg (University of Illinois Press, 1988), p. 44.

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