

Spring 2018

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Recommended Citation

Ron, Ariel and Rao, Gautham, "Introduction: Taking Stock of the State in Nineteenth-Century America" (2018). *History Faculty Publications*. 25.
https://scholar.smu.edu/hum_sci_history_research/25

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INTRODUCTION: TAKING STOCK OF THE STATE IN NINETEENTH-CENTURY AMERICA

Ariel Ron and Gautham Rao

Journal of the Early Republic

Spring 2018

(accepted version)

Alexis de Tocqueville once wrote that the United States had mere “government centralization” of external relations without the “administrative centralization” of internal functions that was the hallmark of the great European states.¹ Some decades later, Max Weber formulated a theory of the modern state as defined by its monopoly on the legitimate means of violence. Weber postulated that the United States had only entered into this phase of statecraft with the advent of “Civil Service Reform.” Until the end of the nineteenth-century, then, Americans seemed to have a minimalist state characterized by the associationalism that Tocqueville admired and the laggard institutions that Weber smartly observed.²

For many decades, scholars of American history accepted this portrait of a scrawny American state that accomplished little and operated far from everyday life. In place of the state, they perceived a party system that mediated between citizen-voters and policy outcomes. During the 1990s, however, that view came under increasing strain as new work on voter disaffection, women’s public advocacy, and the nitty-gritty details of specific policy domains moved far beyond political parties. Then, in 2004, Richard R. John surveyed the field and bid “Farewell to the ‘Party Period’” altogether. Although John was not quite ready to synthesize the new work, he made it clear that “political economy” and “institutions” were its watchwords. More fundamentally, he suggested that society ought not to be considered ontologically prior to the polity. He thus questioned a

basic article of faith running through a great deal of twentieth-century historical scholarship.³

Four years later, William J. Novak was ready to name the historiographical shift. In “The Myth of the ‘Weak’ American State,” he boldly argued for retelling the grand sweep of American political history through the category of the state. Generations of historians invested in “an exceptional national historical trajectory . . . rooted in negative liberty, voluntarism, self-interested liberalism, and a self-regulating market,” had emphasized the truncated “role of the state in America’s social, and economic progress.”⁴ Yet, for Novak, recent studies in the histories of law, labor, regulation, fiscal policy and beyond had clearly established the “conscious and continuous construction of new forms of state power throughout American history.” Coming to terms with the reality of a powerful American state today meant recognizing that it had always been there in one form or another.⁵

Of particular importance to Novak’s revisionist thesis was the history of early American governmental culture and institutions from the colonial era to the Civil War. Novak quite rightly highlighted the work of John on central governmental institutions, Richard White on federal Indian policy, Jerry Mashaw on administrative law, and Hendrik Hartog and Allan Steinberg on municipal governance.⁶ There is a lot more where this came from. Works by scholars from different disciplines, spanning the bailiwicks of commerce, slavery, geography, borderlands, warfare, taxation, culture, and yet other fields seem to point toward a new consensus that the nineteenth-century American state was powerful—indeed, almost ubiquitous. Above all, this new generation of scholarship prioritizes the power of laws and administrative action, giving the lie to an exceptionalist

narrative in which Americans built a country without much in the way of governing authority.

And yet, the very success of this new scholarship raises questions. In emphasizing the nineteenth-century American state's multiple, surprising, and even clandestine mechanisms of power, have scholars cast the net too widely? Novak's categories of analysis illustrate the problem: authority distributed across a vast expanse of thousands of public agencies; a rule of law that hinges on "many legalities," as Bruce H. Mann and Chris Tomlins put it some years ago; the intermingling of public and private power to such an extent as to make the two inextricable.⁷ Novak's keen eye for identifying the state-at-work cannot be denied. Yet at what point does this state—diffuse, indistinct, and embedded—risk coming to appear as a formless apparition that is necessarily found in every corner of society and economy. The boundaries and pathways of governance may then become increasingly difficult to identify.⁸ Indeed, we might find ourselves enmeshed in an endless succession of concrete cases with diminishing ability to see the forest for the trees.

If the *forms* of governance pose one challenge to this new literature, *chronology* poses another. Once upon a time, historians neatly divided the political history of nineteenth-century America into an early "party period" and a turn-of-the-century "Progressive era." However, as scholars uncover networks upon networks of lawyers, reformers, associations, and governmental agencies at work regulating social and economic life long before any Progressive movement, and as others see the later persistence of party-based power, the traditional chronology is no longer tenable. What

then is the alternative? With continuity in vogue and traditional periodization thoroughly undermined, a clear sense of what *did* change and *when* has become elusive.

These developments suggest that now is an opportune moment to take stock of the state in nineteenth-century America. The symposium that led to this forum sought to bring together historians, legal scholars, and social scientists to consider the state of the field.⁹ The interdisciplinary nature of the symposium reflected the inherently interdisciplinary terrain of the history of the state. This is a field shot through with methodological pluralism. Scholars with different backgrounds, drawing upon different frameworks, and utilizing different analytic categories routinely engage with one another. Although social scientists' commitment to normativity can pose obstacles to mutual understanding with historians committed to taking the past on its own terms, the symposium honed in on a few themes and questions that seem to be animating a field of growing diversity and sophistication.

Several of these themes are represented in this forum by three short case studies, each of which gestures toward a larger project that will more fully address the questions raised here. First, as seen perhaps most prominently in Hannah Farber's essay, what do we really mean when we invoke the term, "state"? Farber is chiefly interested in analyzing the relationship between the investor class and state-making in the early 1800s. Men such as Jacob Barker speculated on opportunities created by government policies such as the declaration of the War of 1812. But they did so as profiteers *and* patriots, underwriting the state's most important operations. Were these men, then, truly distinct from the state? And did anything really change when peace returned? In showing that Barker's governmental entanglements continued during peacetime commerce, Farber

identifies a realm of power that links the history of the state closely to the history of capitalism without privileging one over the other.

A second key inquiry has to do with the central but understudied presence of the political economy of slavery in the history of the early American state. Ryan Quintana seeks to fill this lacuna by considering the hoary relationship between enslaved persons and state power in antebellum South Carolina. By turning to the lived experiences of black Carolinians themselves, Quintana argues that enslaved labor was a structural feature of South Carolinian state governance. Just as individual slaveholders enjoyed the flexibility to deploy unfree labor as they saw fit, so did the state government benefit likewise. In this sense, South Carolina gave new meaning to the term, “command economy.” Yet the instruments of state power also had minds of their own. Enslaved persons built social networks to meet their own needs and expectations while also seeking to appropriate state resources for their own ends.

Rachel St. John, meanwhile, seeks to fundamentally reinterpret one of the sacred cows of American political historiography: governmentality in the American West. In her reassessment, the undeniable *presence* of government institutions did not necessarily translate into *strength*. Instead, St. John argues that federal power was often exercised through semi-autonomous brokers that maintained divergent daily legalities and significantly blunted Washington’s stated objectives. The West, she concludes, reveals a state that was active but ineffective. St. John goes further by proposing that we measure the strength of the nineteenth-century American state against its own self-claimed capacities rather than against contemporary European examples or transhistorical ideal-types such as the monopoly of legitimate violence. This raises the intriguing possibility

that we do not really know what the U.S. state claimed on its own behalf in the nineteenth century, nor who exactly could have made such claims, anyway.

Farber, Quintana, and St. John offer us glimpses into the ways that historians are deploying and rethinking the category of the state through new research. But it is also important to zoom out in order to get a sense of what all of this work adds up to. The forum therefore concludes with two broad, reflective essays by authors of foundational, even canonical works in this field. Political scientist Stephen Skowronek, whose 1982 monograph *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, launched the interdisciplinary scholarly movement known as American Political Development, critically reflects on the statist turn in American historiography. Skowronek applauds the depth with which the new literature identifies how his own concept of a state of “courts and parties” was only the “first rudimentary cut into a much deeper set of issues.” Yet as scholars continued to wade into those issues, Skowronek argues, they risk mistaking major ruptures in governmental power for mere pragmatic shifts of direction. Skowronek insists that the U.S. state today differs from its earlier incarnation and that the accretion of reforms, compromises and innovations over the intervening span have had consequences. Likewise, in identifying a multiplicity of venues in which the early state operated, Skowronek worries that we may lose the ability to characterize the major phases of American governance. He concludes by calling for closer attention to the processes (and ironies) of state *development*.

Richard R. John concludes the forum by reflecting on the emergence of the state in late-twentieth century historiography before analyzing main themes in the latest studies of American governance, especially at the federal level. In so doing, John argues

that the new historiography has diverged sharply from previously accepted tenets of nineteenth-century American history: it was the Federalists and others, but not Jeffersonian republicans, who were the chief architects of the early American state; governmental institutions, not political ideologies or social shifts, were key “agents of change”; the early republic was a distinct epoch of statebuilding and not a postcolonial coda to a long colonial heritage.

Together, these essays suggest that we may be at a new turning point in the historiography of the state. Thanks to the work of Skowronek and others working in the APD idiom, we have a much enriched vocabulary for analyzing and describing governing institutions and their development. Thanks to Novak and John, we have come to recognize such institutions as actors in their own right, rather than only as mirrors of social and cultural changes. Yet, as the three case studies in this issue demonstrate, scholars are already moving past these hard-won insights, extending the range of inquiry and rethinking received conclusions.

¹ Sheldon Wolin, *Tocqueville between Two Worlds: The Making of a Political and Theoretical Life* (Princeton: Princeton University Press, 2001), 261.

² Max Weber, “Politics as a Vocation,” in *From Max Weber*, ed. Hans H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 77-128.

³ Richard L. McCormick, “The Party Period and Public Policy: An Exploratory Hypothesis,” *The Journal of American History* 66, no. 2 (1979): 279–98, doi:10.2307/1900877; Ronald P. Formisano, “The ‘Party Period’ Revisited,” *The Journal of American History* 86, no. 1 (June 1, 1999): 93–120, doi:10.2307/2567408; Richard R. John, “Farewell to the ‘Party Period’: Political Economy in Nineteenth-Century America,” *Journal of Policy History* 16 (April 2004): 117–25. Meanwhile political scientists, whose studies of electoral cycles had shaped much of the “New Political History” at the core of the party

period synthesis, shifted ground to institutions and began developing a rich vocabulary for explaining state development.

⁴ William J. Novak, "The Myth of the Weak American State," *American Historical Review* (June, 2008), 755-6.

⁵ Novak, 760.

⁶ Novak, 758, 768, 769.

⁷ Novak, 768-771. Christopher L. Tomlins and Bruce H. Mann, ed., *The Many Legalities of Early America* (Chapel Hill: University of North Carolina Press, 2001), esp. 1-23.

⁸ Novak has acknowledged this difficulty in Novak, James T. Sparrow, and Stephen W. Sawyer, "Introduction," in *The Boundaries of the State in U.S. History*, ed. William J. Novak, James T. Sparrow, and Stephen W. Sawyer (Chicago: University of Chicago Press, 2012), 1-16.

⁹ Taking Stock of the State in Nineteenth Century America, Center for Representative Institutions, Yale University, New Haven, Connecticut, April 16-17, 2016.