Social Movements and Global Social Change

*The Rising Tide*

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In 1776, white settlers in thirteen of the British colonies in North America fought to establish an independent state where they could practice constitutional government based on popular sovereignty for "the people," a term they used to describe themselves. Although many "people"—men and women without property, indentured servants, slaves, and Native Americans—also fought for liberty, they did not immediately win their freedom. "The only 'people' who mattered in public affairs [after the revolution] were mainly taxpayers, freeholders, and Christians of a particular Protestant persuasion," George Billias observed. The ruling-class architects of change then invited the citizens of the new state to exercise popular sovereignty through representative institutions. By calling the new state a republic, the architects laid claim to a classical institution from antiquity, which gave their project legitimacy and at the same time introduced a novel form of government that they believed would, in future, replace the dynastic state as the basic political institution of the capitalist interstate system. In short, they championed an institution from the past to shape a new political future.

Why did the architects fight to create constitutional government based on popular sovereignty in an independent republic? They did so to address economic and political problems created by the earlier emergence of a capitalist world-economy and a capitalist interstate system based on dynastic European states.

Capitalists and state officials in Europe discouraged the ascent of capitalists in their colonies, which were tasked with providing resources to European states. The adult male merchants, manufacturers, financiers, and land-
owners who employed workers, servants, and tenants, who possessed slaves, and who kept women and children in the American colonies viewed this as a problem. As a solution, they demanded the creation of an independent state that could provide them with the resources and protection they needed to improve their place within the capitalist world-economy.

Although dynastic states in Europe sometimes provided domestic ruling classes with access to state institutions and parliaments, they prevented their subjects in the colonies from accessing political power in European homelands. As a result, the ruling classes in the American colonies argued that their political status was not commensurate with their economic power and that they were deprived of political rights given to their economic peers in European homelands. Moreover, the rulers of dynastic states could deprive their colonial subjects of their life, liberty, and property without cause. The ruling classes in the American colonies complained that their weak political status made them vulnerable, as subjects, to arbitrary authority, and this made it difficult for them to defend their economic status.

To remedy these problems, the architects wanted to create a state that would contractually guarantee their access to its political institutions (constitutional government), recognize their right as citizens, not subjects, to exercise political power through the state (popular sovereignty), and provide legal mechanisms to arbitrate disputes and prevent authorities from depriving them of their liberty or property without cause or legal recourse (the rule of law). In short, they advanced constitutional government based on popular sovereignty and the rule of law in an independent republic to address the economic and political problems associated with being the colonial subjects of a dynastic state in the capitalist world-economy.

The men who designed constitutional government moved toward these goals in stages. At a series of congresses, conventions, and conclaves, the architects negotiated a series of contractual agreements that created a basic operating system for the new republic—think of the Declaration of Independence as Republic 1.0, the first state constitutions as 2.1, 2.2 . . . 2.13, the Articles of Confederation as 3.0, the Constitution as 4.0, the Federalist Papers as 4.5, and the Bill of Rights and other constitutional amendments as 5.1, 5.2, and so on. By designing a proprietary operating system, they slowly created a sovereign state, provided citizens with secure access to power, and defined their rights in relation to the state and one another.

The architects who designed this new operating system distrusted "faction" and feared the "multitude." They worried that citizens might band together around their own special or separate interests as members of the ruling class, take power, and use the state against other members of the ruling class. They also feared that the masses, the majority of people who were not admitted to these conclaves, might capture the state and use it to deprive the ruling-class minority of its political authority and economic power.

To prevent a "faction" from seizing state power, the architects divided government into separate branches and created firewalls between them so that a faction trying to hack into the system would be able to seize one part without compromising the integrity or security of the whole system.

To prevent the "multitude" from seizing power, the architects divided civil society. They reserved citizenship for a minority (adult, white, Protestant men of property), denied citizenship to the majority of residents, and divided them into denizen and subject populations, each with their own divisions and subdivisions. Moreover, the architects armed this privileged citizenry and gave state militias and nonstate actors the authority to use violence against denizens and subjects, in public and private settings, to protect the state and the citizen minority from the multitude.

As a result, the architects created a civil society in which citizens were invited to exercise popular sovereignty through political parties and social movements. In France, the architects extended this invitation more broadly and encouraged not only citizens but also denizens and subjects to organize social movements to claim "the rights of man."

To appreciate these developments, it is important to describe the economic and political context in which the republics first emerged.

THE RISE OF THE CAPITALIST WORLD-ECONOMY AND THE INTERSTATE SYSTEM

During the long sixteenth century (1450–1650), capitalists and state officials in western Europe created a capitalist world-economy in Europe and the Americas. Capitalists located in western European states organized a global division of labor that allowed them to obtain a disproportionate share of the wealth produced by the slaves, Indians, sharecroppers, yeoman farmers, and wage workers who produced commodities in the near periphery in eastern and southern Europe and in the periphery in the Americas. This structural inequality, which resulted in "the concentration of advantages in one zone of the world-system [the core] and the concentration of negative effects in the
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[periphery]," became a characteristic feature of the capitalist world-economy that subsequently incorporated the rest of the world.\(^5\)

As the gains and losses from this new economic environment became apparent to its participants—wealth and power for some, penury and slavery for most—capitalists struggled to achieve two political goals. First, they fought to capture states that would serve their economic interests. Second, they struggled to prevent capitalists in other states from capturing the emerging world-economy and imposing the rule of a single state over the world-economy, which would have transformed it into a world empire monopolized by a single political entity, like Rome or China.

In the Netherlands and England, aristocrats and merchant capitalists joined forces and collaborated to capture existing dynastic states.\(^6\) They then demanded that states provide them with economic protection and subsidies that would help them compete in the world-economy, raise armies and navies to capture colonies and protect them from economic and political rivals, create efficient bureaucracies that could mobilize public economic resources without imposing burdensome costs on them in the form of either corruption or taxes, provide political mechanisms to settle disputes among different ruling-class factions, which had separate interests, and create a "balance of interests among owner-producers such that a working [coalition] . . . [formed] the stable underpinnings of such a state."\(^7\)

When they captured state power, the new ruling-class coalition did not destroy the dynastic political institutions and state structures of "feudal" states. Instead, they kept dynastic institutions intact and made only minor modifications to political relations. They extended power to people based not only on "privilege" (the aristocracy) but also on "merit" (the bourgeoisie), and they directed states' structures to provide public resources (subsidies, armies, bureaucracies, revenues, parliaments, and courts) to private entities. Essentially, capitalist classes sought state power so that they could obtain public resources—subsidies, armies, bureaucracies, parliaments—that private wealth alone could not provide. Private entrepreneurs used state power to leverage vast amounts of public wealth and power.

They were content to borrow dynastic states because "old" institutions provided political legitimacy to a "new" group of stakeholders (the aristocratic-bourgeois alliance) and because these institutions promoted inequality as a political and economic principle, which helped them rationalize the rule of the few over the many.

The ruling-class coalitions that captured state power in the Netherlands and England persuaded state officials to act more effectively on their behalf than ruling classes in Spain, Portugal, and France. In these latter states, dynastic bankruptcies crippled domestic ruling classes. For example, the Spanish government repudiated its debts in 1557, 1575, 1596, 1607, 1627, and 1647.\(^8\) Bankruptcy ruined capitalist monetary institutions and undermined their ability to finance trade. Eventually, state officials found it impossible to borrow the money they needed to raise armies, fight wars, and protect the economic interests of indigenous ruling classes. Entrepreneurial classes also found it difficult to enlist the state on their behalf because other factions of the ruling class—conservative aristocratic landlords, a Catholic clergy that pushed the Inquisition to the top of the state's political agenda, and "a parasitical court bureaucracy"—demanded that the state serve their parochial interests first.\(^9\) As a result, "Spain did not erect . . . the kind of state machinery which would allow the dominant classes in Spain to profit from the creation of a European world-economy, despite the central geographical position of Spain in the world-economy in the sixteenth century."\(^10\) Because entrepreneurial classes in Spain, Portugal, and France were unable to persuade the state to serve their interests, they were subsequently assigned subordinate economic roles in the world-economy.

As the world-economy expanded, the capitalist classes that shaped economic development struggled to capture states that could serve their economic interests. They also fought to prevent the world-economy from being captured by a single state and transformed into a world empire.

During the long sixteenth century, Spain used bullion from its American colonies to finance its efforts to create an empire that might monopolize the world-economy. But costly military expenses bankrupted Spain in 1557. Dutch armies subsequently defeated Spanish forces in the Netherlands in 1575, and English ships destroyed the Spanish Armada in 1588. By the end of the century, Spanish efforts to monopolize the world-economy collapsed.\(^11\)

In 1648, competing states in Europe agreed to recognize one another as sovereign or independent states in the Peace of Westphalia.\(^12\) This treaty was significant because it created an interstate system that counted multiple dynastic states in Europe as its members. Henceforth, the capitalist world-economy would be controlled by many states, not just one. Although Napoleon, Hitler, and Tōjō subsequently tried to capture the world-economy and
create empires to rule over it, other states successfully combined to defeat them and restore balance to the system.

Since 1648, the constituent members of the interstate system combined in different ways to prevent individual states and factions or groups of states from acquiring too much economic or political power in the system. Political scientists have argued that states combined in different ways to maintain a political balance of power in the world because it ensured that the world-economy was controlled by many states.

Some states—the Netherlands, Great Britain, and the United States—achieved a hegemonic or superpower status in the interstate system. But their dominance was temporary, and they did not attempt to change the multitestate character of the capitalist interstate system or create a global empire.

According to Immanuel Wallerstein, the creation of a capitalist world-economy and a capitalist interstate system composed of multiple dynastic states were the two “central institutional achievements of historical capitalism” in the early modern period. There would soon be a third institutional innovation. The creation in 1776 of constitutional government based on popular sovereignty in a republic was an innovation that eventually transformed the political and social character of capitalist states in the interstate system from one based on dynastic states to one based on nation-state republics.

**DOUBLE TROUBLE: COLONIAL SUBJECTS IN DYNASTIC STATES**

The creation of a capitalist world-economy and a dynastic interstate system were significant economic and political achievements. But they created problems both for ruling classes in dynastic states in Europe and for ruling classes in their overseas colonies.

When ruling classes in Europe captured dynastic states, they kept dynastic legal systems intact. This meant that their rights as subjects of dynastic rulers were based on traditional and customary privileges granted by the king and could be revoked. As a result, ruling-class subjects were vulnerable to arbitrary authority, which might deprive them of their life, liberty, or property. This was a problem for individual subjects of the king, even wealthy ones, both in Europe and in the colonies, because they had no real legal recourse if dynastic rulers took action against them.

Still, while ruling classes were the subjects of kings in Europe, they fought to obtain access to state power though parliaments, which they used to promote their collective and individual interests. But in the colonies, the king's subjects were denied access to the levers of power and representative institutions in dynastic states. Ruling classes in the American colonies of dynastic states were therefore doubly disadvantaged: they were subjects of the king and also subjects of political institutions in dynastic European states.

In the Declaration of Independence, ruling classes in America objected to being both the subjects of the king and the subjects of Parliament. Political philosophers such as Jean-Jacques Rousseau and John Locke suggested a set of solutions to these problems. First, they recommended that elites create a new “social contract” with a made-to-order, not a hand-me-down, state, a “republic” that would serve their particular needs, what they called “the common good of the people.” Second, they argued that political authority be derived from the “popular sovereignty” of the people, which was made up of free citizens, not from the divine right of kings. As Gordon S. Wood observed, the word “subject is derived from the Latin words, sub and jacio, and means one who is under the power of another; but a citizen is a unit of a mass of free people, who, collectively, possess sovereignty.”

Third, Rousseau argued that the people should be given constitutional protection of their rights as citizens of the republic and guaranteed access to state power through representative institutions. “Rousseau identified republican government with the rule of law, under the sovereignty of the people, when they act to serve the common good,” Sellers explained. Essentially, a new relation between the people and the state should be based on a set of constitutional agreements, voluntarily made.

The idea of creating contractual or constitutional government based on popular sovereignty in an independent republic took root first in the colonies of America. It did so in part because settler merchants and planters in the British colonies had come to rely on formal contractual agreements to regulate and define their economic relations. As the geographical space of the world-economy grew, it became increasingly difficult for participants to rely on informal, oral agreements to conduct business. Participants increasingly relied on formal, written, and binding contractual agreements to conduct business and secure their respective rights and property, in good times and in bad. They preferred written contracts that could be tested and enforced by the courts, which provided a mechanism for the resolution of disputes between parties. As Gordon Wood observed, “In the increasingly commercialized eighteenth century, contracts became much more voluntary, explicit, and consensual, much less declaratory of previously existing rights and duties and much more the consequence of conscious acts of will ... contracts came
to be thought of as positive bargains deliberately and freely entered into between two parties who were presumed to be equal but not entirely trustful of one another. Such formal written contracts made sense in the emerging commercial world."20

The growing role of contractual agreements to define economic relations gave rise to the idea that contracts might also be used to define political relations. Moreover, the British decision to charter the new colonies allowed American settlers to draw up constitutions and practice parliamentary politics. This provided the settlers with contractual templates that they subsequently adopted for their own collective use.21

CONSTITUTIONAL GOVERNMENT: A NEW POLITICAL OPERATING SYSTEM

In 1776, an alliance of white settlers, planters, merchants, farmers, and artisans in the American colonies announced their determination to withdraw from the British Empire and establish an independent republic in the thirteen colonies. The coalition that met in Philadelphia included free traders and smugglers who objected to the British navigation acts and the restrictions they imposed on American trade, land grabbers who coveted lands possessed by American Indians and foreign empires outside the colonies and objected to the territorial limits set by the British on the colonies, tax evaders who objected to taxes imposed on them by the British to pay for their collective defense, slaveholders who objected to British efforts to restrict or abolish the slave trade, and settlers who supported increased immigration and the rapid naturalization of new immigrants and objected to British restrictions on both. They wanted a government that would lay claim to lands west and south of the Appalachians, treat with Indians, open trade with other countries, encourage the rapid immigration and naturalization of foreign workers, provide aid to domestic industry, and protect them from predatory dynastic states in Europe, which possessed adjacent lands in North America.22

Although the settlers struck for independence, they might instead have demanded representation in Parliament, like the Irish later achieved, or the creation of an indigenous parliament, where they could practice a limited form of self-government in a wider commonwealth, as English settlers in Canada and Australia later achieved. But they decided not to settle for anything less than independence, and the British government was not yet ready to grant political concessions to colonial subjects.

In the Declaration of Independence, the settlers made two sorts of complaints. First, they argued that the king had denied them access to state power by depriving them of representative institutions in the colonies and in England, for example, by rejecting colonial laws and dissolving colonial legislatures. Second, they argued that the king visited "repeated injuries" on his subjects by quartering troops, imposing taxes, restricting trade, depriving people of their rights without benefit of trial, impressing sailors, and setting "the merciless Indian Savages" on them. In short, they objected both to being subjects of the king and to being the colonial subjects of Parliament. Because the king had broken the implicit social contract that bound him to his colonial subjects—the king "has abdicated Government here, by declaring us out of his protection and waging war against us"—the settlers declared the existing social contract null and void.23 As Richard Brown observed, the king "had broken the contract that made men subjects. They were therefore free to create a new allegiance."24

The architects of the new republic created a new social contract in stages. George Billias has persuasively argued that the "complete expression of American constitutionalism derives not from a single document but rather from a collection of six texts written between 1776 and 1791" that together formed "a kind of 'supertext.'"25 Using a more contemporary vernacular, the architects created different versions of a proprietary "operating system" that was collectively owned by the ruling class, by "the people." The Declaration of Independence (1.0) created an independent republic; the first state constitutions (2.0, 2.1, 2.2 . . . 2.13) provided contractual government with applications specific to each state; the Articles of Confederation (3.0), a clunky attempt at federalism, created a framework that was subsequently reengineered in the Constitution (4.0), which consolidated federal powers and also divided them into separate branches; the Federalist Papers (4.5) provided arguments for adopting the Constitution; and the Bill of Rights (5.1, 5.2, 5.3, etc.) protected individual rights from attack either by "factions" or by the "multitude."26

The architects who designed and introduced the new versions of this operating system hoped to create a new social contract that expressed their "collective will," as Rousseau suggested, and establish a durable "will and testament," a legacy for their heirs. Although contractual government was the product of voluntary agreement by its architects, their heirs and assigns were not given the opportunity to subscribe to the agreement—they could only amend it, and then only on terms provided for in the will.27 As one partici-
pant observed, “Let us remember that we form a government for millions [of people] not yet in existence.”28 In The Rights of Man, Tom Paine objected to the last-will-and-testament character of the new operating system, insisting “that the authority of one generation should not be considered binding on its successors,” but his objection fell on deaf ears.29

The architects labored for fifteen years to construct an effective and durable operating system for constitutional government. The task was difficult because the architects harbored two great fears: they distrusted one another and they feared everyone else. So they took extraordinary measures to design a system of government that would protect themselves from one another, what they called “faction,” and shield themselves from “the multitude,” which they feared might impose a “tyranny of the majority.”

Eventually, they divided government to prevent a faction of their own from seizing power, and they divided civil society to prevent the multitude from imposing their will on the citizen minority.

Against Faction

The architects recognized that the ruling-class citizens of the new republic were a diverse group. They consisted of merchants, planters, farmers, and artisans, each with separate interests. Although they shared a common identity as men of property—the eighteenth-century term used to describe the people who would later be called “capitalists”—and agreed to make common cause, the architects worried that they might easily divide into “factions,” which James Madison warned was a “dangerous vice.”30 Madison described a faction as “a number of citizens . . . who are united and actuated by some common impulse or passion, or of interest, adverse [sic] to the rights of other citizens, or to the permanent and aggregate interests of the community.”31

The architects distrusted one another and “the natural lust of power so inherent in man,” and they worried that their peers might band together around a particular political passion or economic interest, create a faction, and attempt to capture the state and establish a monopoly of political power.32 This mistrust grew out of their experience with the monopolization of religious authority by the Church of England, which prevented not only Catholics and Jews from practicing their faiths but also other Protestant denominations; the monopolization of economic power by the English East India Company and other chartered companies, which monopolized trade with the colonies and restricted the growth of private enterprises in the American colonies; and the monopolization of political power by the ruling classes in England, which excluded men of property in the colonies from representation in Parliament. Like Adam Smith, who opposed monopoly and advocated free trade and competition, the architects of constitutional government in the American colonies were determined to prevent religious, economic, or political factions from monopolizing power.

To prevent factions from monopolizing power, the architects divided government and assigned separate powers to different branches. By dividing government and establishing a system of “checks and balances” on would-be factions, “so that no one or few individuals can subvert the republican purposes for which all governments exist,” they sought to prevent any one faction from monopolizing power.33 James Madison argued that checks and balances “harnessed the ambition of one official to counteract the ambition in another.”34

So they first divided power between the federal government and the states, which were themselves divided into thirteen parts. They then divided power in the federal government (and in the states) into executive, judicial, and legislative branches, which they subdivided again into two parts: House and Senate.35 By dividing power, they created a series of firewalls to prevent the spread of flames ignited by passionate factions. As George Washington explained, there were “combustibles in every State, which a spark might set fire to.”36 As fire marshals, the architects labored to prevent the fires ignited by faction from spreading. They further insulated the branches of government from faction by creating indirect elections for president and for senators and directing that judges be appointed, not elected, to lifetime office.

The architects’ determination to prevent factions from monopolizing power had ironic consequences. By insisting that the state not be permitted to establish one particular Protestant faction or denomination as an official religion, they created a secular state that was indifferent to all religions, a development that has caused consternation among the faithful to this day. They were men of faith who distrusted men of other faiths.

By dividing power in the state, the architects created a government that mirrored the capitalist interstate system, where no one faction or state could monopolize political power and establish an empire over the world-economy. The result in both cases was the creation of a balance-of-power politics.
Against Majority Rule

The architects distrusted one another, but they feared the multitude. They worried that a political, economic, or cultural majority might capture power and use the state to attack the rights and power of the citizen minority. By “minority” they did not mean ethnic minority groups, which is how people use the term today. They used “minority” to describe themselves, the 1 to 10 percent of the population with economic wealth and power. They feared what Madison called “the intemperance of the multitude,” the great majority of people without property. They worried that a majority of debtors might demand easy money or the cancellation of debts, which would ruin the minority who extended credit; that adult white mechanics and soldiers without property might swamp them at the polls; that abolitionists might try to abolish the slave trade and then slavery itself; and that a majority of states in the North might close the Mississippi to navigation by people in the South or prevent slave states from expanding to new territories in the West. Madison worried that the intemperate multitude might “rage for paper money, for the abolition of debts, for an equal division of property or for any other improper and wicked project.” His peer, George Clinton, from New York, warned that “the people when wearied with their distresses, will in a moment of frenzy, be guilty of the most imprudent and desperate measures ... [and] vibrate from one extreme to another. The effects of this disposition are what I wish to guard against.”

For Madison, the problem was that “in a republican government the majority however composed ultimately give the law. Wherever therefore an agreement or common passion unites a majority, what is to restrain them from unjust violations of the rights and interests of the minority, or of individuals[?]” And William Manning argued that the Constitution was “made like a fiddle, with but few strings, but so the ruling Majority could play any tune upon it they please.”

To protect themselves from the multitude, the architects designed constitutional government to prevent capture by a majority that might try to play its own tune. So they divided civil society and restricted the franchise to protect the citizen minority from the noncitizen majority. For good measure, they also armed the citizen minority and authorized them to use force, if necessary, in public and private settings, to defend their authority and preserve the state.

Although many people today think that the architects wrote the Bill of Rights to protect individuals from government, they advanced them to protect the citizen minority from the noncitizen majority. As James Winthrop argued, “the sober and industrious part of the community should be defended from the rapacity and violence of the vicious and the idle. A bill of rights, therefore, ought ... to secure the minority against the usurpation and tyranny of the majority. ... It is therefore as necessary to defend an individual against the majority as against the king in a monarchy.”

To further protect minority from majority, the architects took steps on behalf of the slave-owning minority by counting slave property as three-fifths of a white man to bolster their representation in elections. This gave them disproportionate weight in Congress and in the Electoral College, “with the consequence that most American presidents until the Civil War were southerners and slaveholders.” They adopted rules in Congress that allowed individuals to delay or prevent passage of laws by legislative majorities through the use of the filibuster and imposed “gag rules” so that majorities could not even discuss antislavery petitions submitted to Congress. They decided that supermajorities would be required to adopt important legislation, such as treaties, or to amend the Constitution, which required approval by a two-thirds majority of both houses of Congress and, for good measure, also the approval of legislatures in three-quarters of all the states. “The process of changing the Constitution was so cumbrous and required such broad [majorities] ... that it was substantially inaccessible and extremely difficult to change,” Brown observed. The fact that the US operating system is difficult to amend is one reason why contemporary states have abandoned interest in the US Constitution, which “appears to be losing its appeal as a model for constitutional drafters elsewhere,” according to a new study by David S. Law and Mila Versteeg.

The architects devised a whole series of mechanisms to obstruct the majority in government. Equally important, they divided civil society to keep the multitude at bay.

Although the architects argued that “We, the People” had inalienable rights, they divided “the people” in civil society into three broad groups: citizens, denizens, and subjects.

Citizens could exercise popular sovereignty and enjoy all the rights and duties set out by constitutional government. But the architects counted as citizens only a minority of people in the new republic. They restricted the franchise, defined citizenship narrowly, and reserved for themselves the right to define who might be admitted to this august group of self-selected citizens.
They allowed states to decide who might obtain suffrage and citizenship, a decision that allowed some states to take extremely restrictive views.

At the same time, the architects divided the majority into two broad groups: *denizens*, sometimes called “second-class” citizens, who possessed some of these rights but not all of them; and *subjects*, who were denied all of these rights and who were subject to military, civil, and private authority. They then subdivided these groups and assigned a different social and legal status to different groups. So denizens consisted of men without property or without a Protestant faith, women, children, and immigrants. Subjects consisted of convicts, sailors, slaves, and servants, each with a somewhat different social and legal relation to the state.49 By dividing the majority of people into denizens and subjects and subdividing them again by age, race and/or ethnicity, place of birth, religious affiliation, economic means, and so on, the architects made it extremely difficult for the members of separate and differentiated groups to “obtain the suffrage and then betray the interests of the people,” as Madison put it.50

To protect themselves from “the rapacity and violence of the vicious and the idle” majority, the architects armed the citizen minority and authorized it to use collective and individual force against denizens and subjects in public and private settings. The architects did not insist that the state establish a monopoly of force, which the sociologist Max Weber later argued was a characteristic feature of the modern state. The modern state, according to Weber, was the “human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory” (italics in the original).51 Instead of asking the state to monopolize force, the architects deputized citizens and allowed them to use force to maintain public order and keep denizens and subjects in their place. They could raise mobs against immigrants and malefactors, beat wives, children, and servants, flog convicts, sailors, and slaves, and murder American Indians on their own initiative, without the prior approval of state authorities.52 Because prosecutors, judges, and juries were selected from the citizen minority, they defended the use of violence by nonstate actors and allowed them to inflict grievous harm on denizens and subjects with legal impunity. By allowing the citizen minority to bear arms and deploy violence, the architects created a powerful force of nonstate actors in civil society who took it upon themselves to use physical force in public schools, workshops, and private homes.

Most governments have been reluctant to arm their citizens, for obvious reasons, and have tried to monopolize the legitimate use of physical force, as

Weber suggested. Still, dynastic and republican states permitted nonstate actors to use violence in many public and private settings (schools, jails, the military, homes) until very recently. Weber failed to appreciate the diverse kinds of legitimate force used by nonstate actors and substantially overestimated the state’s ability to monopolize it, even today.

Why did the architects delegate or subcontract the authority to use violence to citizens in the new republic? They did so in part because they did not want the state to have the authority to deploy violence and “quarter troops among us” and in part because they believed that citizens should assume responsibility for disciplining workers and family members and be given a free hand, as it were, to “correct” them. As a result, deputized male citizens embraced this responsibility with enthusiasm and have defended their right to bear arms and use force in public and private settings since the revolution. Recent efforts to promote “concealed carry” and “stand your ground” laws are the contemporary expressions of this tradition.

**THE NEW REPUBLIC AND THEORIES OF THE STATE**

When the architects created constitutional government based on popular sovereignty in a republic, they designed it to be a durable, proprietary operating system for the ruling classes in the United States. In debates about theories of the state, sociologists have argued that the relation between ruling classes and the state can be characterized in different ways. Ralph Miliband argues that the capitalist state was an “instrument” of the ruling class.53 Others, like Nicos Poulantzas, argue that the state was “relatively autonomous” from the ruling class. Fred Block goes further, arguing that “capitalists do not directly control the state, for the state is under the direction of ‘state managers.’”54 Claus Offe suggests that the state was “independent of any systematic capitalist-class control, either direct or structural, but that the state bureaucracy represents capitalists’ interests anyway, because it depends on capital accumulation for its continued existence.”55 And Theda Skocpol goes even further: “No existing neo-Marxist approach affords sufficient weight to state and party organizations as *independent* determinants of political conflicts and outcomes.”56

The perspective here is a little different. Historically, the relation between ruling classes and the state in the republic has been both instrumental and relatively autonomous. In the United States, the ruling classes created constitutional government as a proprietary operating system to guarantee their
access to the state, which provided them with vast public resources that they could not afford or obtain on their own. The result was a very “instrumental” relation between ruling classes and the state. But they worried that a faction might monopolize state power and feared that a majority might seize state power, which would obstruct their access to the state and public resources. So they divided both the state and civil society to prevent the state from being captured and used by a faction or by the majority as their instrument. The result was the creation of a state that was “relatively autonomous” from any particular ruling class faction and from a popular majority. 57

As a result of these two developments—the creation of a proprietary state designed to serve the collective interests of the ruling class and the division of the state to prevent it from being captured by faction or by the multitude—the architects created a state that was simultaneously an “instrument” of the ruling class as a whole, but also “relatively autonomous” from any single faction and the multitude. As Nicos Poulantzas argued, after Marx, the “State can only truly serve the ruling class insofar as it is relatively autonomous from the diverse factions of this class, precisely in order to be able to organize the hegemony of the whole of this class” (italics added). 58

The architects exhibited a high degree of class consciousness when they designed the state, but they created a hands-free operating system that could function without a high degree of collective class consciousness or intervention by their ruling-class successors. In fact, the architects did not trust their successors to exhibit the same kind of camaraderie and collective will that the founders possessed. That is why they designed a system that required their successors only to pursue their separate interests.

Of course, the architects did not always succeed. As Charles Bright observed, “When the Democratic Party collapsed [during and after the Civil War] as a national competitor . . . the Republicans were able to secure unchallenged control over the federal apparatus.” 59 They then used their monopoly as a faction “to execute their partisan program unchecked by other arguments,” passing the Morrill Tariff, the Homestead Act, and the Immigration Act, creating a national banking system and providing federal lands for railroad construction. 60

But by and large, the architects prevented ruling-class factions from monopolizing state power. This would prove more difficult in other republics, where dictatorships established states that were not simply “relatively autonomous” from the ruling classes but often “extremely autonomous” from ruling classes and the masses. In fact, the states that have come closest to

Skocpol’s description of state organizations as “independent” of ruling classes have been dictatorships. Dictatorships often blocked access to the state by other classes so that they could increase their own autonomy. But this was difficult to do, as we shall see.

Nor did the architects always succeed in preventing majorities in the republics from seizing state power. Still, when the masses took power, as nationalist and social movements did in the nineteenth and twentieth centuries, they typically adopted the republic operating system designed by the architects and deployed it, in an “instrumental way,” on behalf of the new ruling class to accumulate capital, provide collective and individual wealth for its members, and promote economic development.

Of course, contemporary sociologists who analyze the state have drawn not only from Karl Marx but also from the theories of Max Weber. Following Weber, they argued that the state could be understood as an ideal type and that each state possessed many of the same universal features. So, for example, Weber argues that one key feature that all modern states possess is their “monopoly on the legitimate use of physical force,” and another characteristic is that the bureaucracy or “state apparatus” is a single-minded and rational organization. 61

Although these assumptions are useful conceptual tools, they do not accurately depict the history of states in the interstate system. If a single state had captured the capitalist world-economy and created a political empire, one might be able to talk about the state as having a single, universal form. Instead, the modern world-system was characterized by a single world-economy with multiple states, which took different forms. For example, states in the core were “strong,” while states in the periphery were “weak.” Moreover, the dynastic states that first emerged differed in important respects from the republics that arose in the Americas. If one starts with a conception of a single, universal state, it is difficult to appreciate the difference between dynastic states and republics or explain how the spread of the republics resulted in the creation of a state that eventually became a kind of universal model or “ideal type,” to use Weber’s language.

Moreover, contrary to what Weber argued, states in the interstate system did not possess a monopoly on the legitimate use of force. Weber did not consider the legitimate use of force by nonstate actors, who deployed violence against intimates and strangers without fear or sanction by the state. If one assumes that the state early on possessed a monopoly of force, one cannot explain how or why some states first subcontracted violence to non-
state actors and then attempted to monopolize it, a process that is still incomplete, even today.

Finally, Weber assumed that state bureaucracies were single-minded and rational organizations. But in the republics, the architects purposely divided government into separate and competing bureaucracies so that they could not act with a single-minded purpose at the behest of a faction or the multitude. Indeed, even in single-party states, where rulers insist that bureaucracies conform to the party line and act with a singular purpose, intramural conflict within and between bureaucracies makes this extremely difficult to achieve. The Chinese Cultural Revolution demonstrated how hard it was for Mao Zedong to persuade the bureaucracy to conform to his edicts.62

Of course, states have tried to organize the kind of single-minded and rational state bureaucracies that Weber described, and states in the core have generally been more successful than states in the periphery. But this has been more difficult to achieve than proponents of Weberian theories of the state concede. Rather than try to see whether states conform to some ideal type, I think it is more useful to examine how social and political relations within and between states have changed during the past two hundred years.

THE CONTAGION OF LIBERTY

By creating constitutional government based on popular sovereignty, the architects invited the citizens of the new republic to participate in self-government. Citizens enthusiastically responded to this invitation, organizing mass political parties, riotous mobs, and social movements to obtain state power, express their views, and demand social change.63 The historian Bernard Bailyn argues that citizens who were invited to participate in self-government became infected by “the contagion of liberty,” while his predecessor, J. Franklin Jameson, observes that “[t]he stream of revolution, once started, could not be confined within narrow banks, but spread broad upon the land.”64

Citizens responded to this invitation by organizing political parties, mobs, and social movements to express their sovereignty.65 As a result, citizens early on created what sociologist Sidney Tarrow calls “a social movement society.”66

This was an important development because, for the first time, the state became something that citizens fought for, both in the sense that they fought to obtain political power in the state and in the sense that they fought on behalf of the state. Although citizens still organized people to participate in demonstrations and violent riots on the streets, they also organized political parties and social movements to make change through state institutions, an opportunity that dynastic states denied their subjects as a matter of principle.

Of course, the architects invited only citizens to exercise their popular sovereignty. Although they encouraged widespread participation in the revolution, they qualified and restricted the exercise of popular sovereignty to the citizen minority after it was won. As the antifederalist Herman Husband noted, “In Every Revolution, the People at large are called upon to assist true liberty,” but when “the foreign oppressor is thrown off, learned and designing men” assume power to the detriment of the “laboring people.”67

The architects defined popular sovereignty in narrow terms and extended their invitation only to the citizen minority, not to the denizen-subject majority. This development gave rise to considerable skepticism among historians about the character and extent of social change in the early republic. Barrington Moore asserts that the American Revolution “did not result in any fundamental changes in the structure of society,” while J. Franklin Jameson argues that it transformed “the relations of social classes to each other, the institution of slavery, the system of landholding, [and] the course of business . . . all in the direction of levelling democracy.”68 Edmund Morgan agrees with Moore that there was “no radical rebuilding of social institutions at this time,” though he thinks it brought “a host of incalculable, accidental, and incidental changes in society.”69 Alfred Young argues that historians in the 1990s worked “to restore rebellion to histories of the American revolution,” stressing the ways various groups “shaped the revolution and were in turn shaped by it,”70 while Gordon S. Wood observes, “If we measure the radicalism by the amount of social change that actually took place—by the transformations in the relations that bond people to each other—then the American Revolution was not conservative at all; on the contrary it was as radical and as revolutionary as any in history.”71

Both sides have merit. The extension of liberty to the citizen minority contributed to meaningful social change, while the exclusion of the denizen and subject majority restricted the scope of social change. Moreover, social change cannot be understood only in terms of its meaning in the United States. It must be seen in a global context. From a global perspective, the social changes produced by the introduction of constitutional government in the United States, which was significantly limited, proved contagious and infected proponents of social change, first in France and then in Haiti. In the
1789 Declaration of the Rights of Man, delegates to the French National Assembly invited citizens to participate in social change and secure their rights. Like their American counterparts, the French delegates first extended the rights of man to male citizens. But they soon divided citizens into “active” and “passive” citizens and assigned “women, children, foreigners, and those others who contribute nothing to sustaining the public establishment” to the latter category. The slaves who were excluded from the active or passive category made up a third category of “subjects.” The delegates subsequently extended “active” citizenship to both women and slaves, though not children. After Napoleon took power, these proclamations were rescinded. In France, as elsewhere, many residents—denizens and subjects—were excluded from participating as citizens either because they were seen as being “dependent on someone else in the exercise of their will, such as minors, women or servants,” or because they could not be trusted to exercise their political rights responsibly and might be given to “mob rule.” Still, the clarion call for “liberty, equality, and fraternity” legitimized the efforts not only of citizens, but also of denizens and subjects, in republics and in dynastic states, to claim these rights for themselves and for others. Although denizens and subjects were not invited to do so, they nonetheless mobilized informal networks and organized social movements and political parties to make social change. From a global perspective, the relatively modest social changes made in the United States contributed to significant change in other countries. Liberty proved a contagion that infected people around the world.

The architects of constitutional government in the United States and France invited the few and then the many to exercise popular sovereignty, seek state power, and redeem the promise implicit in the call for “liberty, equality and fraternity.” People responded to this call and fought to establish independent republics around the world, a development that we examine in the next chapter.