

Changes to the Early US Regime and Race

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Race and American Political Development Scholarship

The whites... have absolute control of the government and we intend, at any hazard, to retain it. We deny... that all men are created equal, it is not true now and was not true when Jefferson wrote it. – Benjamin Tillman, 1890 (Simkins 1926, 137)

I cannot deny any human being, the humblest, any right of equality. He must be equal with me before the law, or the promises of the *Declaration of Independence* are not yet fulfilled.... My desire, the darling desire, if I may so, of my soul, at this moment, is to close forever this great question, so that... hereafter in all our legislation there shall be no such words as ‘black’ or ‘white,’ but that we shall speak only of citizens and of men. – Charles Sumner, 1871, 1874 (Storey 1900, 403, 427)

Because the people of the United States sent both a Charles Sumner and a Benjamin “Pitchfork Ben” Tillman to the US Senate, it is not surprising that scholars considering race have sharply differed in their assessments. They may be divided into three groups; ‘Liberal America’ scholars, ‘Illiberal America’ scholars and ‘Ambiguous America’ scholars.

The Liberal America scholars, while conceding the historical evidence of racial inequality, conclude that due to America’s fundamental commitment to the principles of liberty and equality, the nation has followed an ascending path towards greater racial equality (Myrdal 1944; Gleason 1982, esp. 63; Lipset 1997, esp. 128; Sniderman and Carmines 1997, esp. 146). The Illiberal America scholars take weight of the volume of historical evidence of racial inequality, and conclude that America is a fundamentally racist nation (Rogin 1987, 1998; Bell 1987, 1992; Feagin 2001; Hacker 2003; Olson 2004). The Ambiguous America scholars conclude that America has been a mélange of illiberal and liberal racial commitments, privileging neither as decisively dominant (Smith 1993; Foner 1994; Gerstle 1994; Horton 2005; Skowronek 2006).

The position of the Liberal America group presupposes that race has distracted American political development, but has never knocked America off the path towards greater racial equality. That is, historical

racial inequality is unfortunate but exceptional to the predominant influence of liberty and equality. This position risks underestimating the scale of widespread racial injustice in the United States, which begs the question: If America's commitment to liberty and equality has been fundamental, how can they explain the scope and depth of racial injustice in the historical record? Furthermore, 'race' as a way of classifying Americans in meaningful ways is undeniably still with us, which begs a second question: Why, after two hundred and thirty-four years since the nation was dedicated to colorblind liberty and equality, did we not long ago leave behind our discussions about 'race,' i.e., morally neutral physiognomy, in connection to society and politics? In sum, the Liberal America argument tends to diminish the evidence and consequences of racial formation and racial inequality.

The Illiberal America group risks underestimating the record of racial liberalization in America. However, as race scholarship has fanned across the disciplines of mainstream academia, an ever-increasing number of studies uncover race as a factor where we did not know it existed before. Consequently, some scholars of American political development have called for moving race to the center of all scholarly inquiry (King and Smith 2005; Lowndes, Novkov and Warren 2008).

The Liberal America and Illiberal America scholars might be compared with the popularly imagined zoologists who each define the whole elephant by the different part of the elephant they are accurately studying. While Charles Sumner defines America for the Liberal America group, Pitchfork Ben Tillman defines America for the Illiberal America group. Race scholars who do this make themselves vulnerable to over-generalizing, building theory about America upon mounds of evidence buttressing their theory, and force-fitting all other evidence to the contrary, into conformity with theory.

The Ambiguous America group tends to keep their minds open to the view that both Charles Sumners and Pitchfork Ben Tillmans played a significant role in making America. Rogers Smith argues that illiberal and liberal interacting traditions "have collectively comprised American political culture, without any constituting it as a whole" (Smith 1993, 550). Gary Gerstle agrees with "whiteness scholars" that racial nationalism (ethno-racial membership determining citizenship) shaped America, but declines to see "race at the root of every expression of American nationalism," since civic nationalism (colorblind equality and liberty) also shaped America (Gerstle 2002, 12-13).

Then how do we explain the co-existence of inherently hostile opposites, antiracism and racism, the liberal and illiberal? To paraphrase Samuel Huntington, Who are we? The now clearer visibility of both liberal and illiberal institutions and principles to political scientists causes Smith to contend, "that we need to understand American political ideologies and American political development through a different analytical frame than the transition from European feudalism to modern liberalism that [Louis] Hartz offered" (Smith 1999, 235).

In answering Smith's call for a different 'analytical frame' to study American political development and race, I propose regime analysis. Traditional regime analysis has fallen into disuse among American political development scholars, though some have brought back the old term 'regime' but not its old substance (Orren

and Skowronek 1998-1999; Plotke 1996). They have not considered the originator of regime analysis, Aristotle, or the subsequent long line of political scientists for whom political regimes were central to their studies of politics. This disuse may be explained by the fact that APD scholars mostly carry out Woodrow Wilson's exhortation to study the administration of government and leave off studying 'constitution' – Wilson's equivalent word for political regime (Wilson 2005, 231ff). Yet, earlier, pre-Progressive Era Americans always discussed American politics within the analytical framework of political regimes. Arguably, it was the only analytical framework Americans knew when discussing politics. And so it is not surprising if, in eschewing traditional regime analysis, political scientists have not yet answered questions of significance to American political development, in the light of new research and new empirical evidence.

Basic analysis of the early American political regime does yield better answers to questions concerning race in American political development. I will draw my general regime concepts from Aristotle's *Politics*. By political regime I mean the whole political community whose character type is determined by the actual, not nominal, sovereign rulers, supported by a principle that justifies its rule and gives coherence to its political institutions. The sovereign rulers are also the regime.

Regimes, in modern social science-speak, are primary independent variables; the dependent variable is human life. Actual political regimes, as opposed to the conceptual models they approximate, are not unalloyed. In political life most all regimes possess new or inherited elements consistent with the character of a different regime form. These elements can become insurgent. Neither are actual regimes static. Regimes can become more uniform; that is, they can more closely approximate their model type; alternatively they can become more like a different regime through quiet or violent revolution. To analyze the early American political regime means to look for the actual sovereign ruler and the character of its political institutions, across time, and to follow the implications to political life, in this case, to race.

In abridged form, my argument is that the natural rights republican political regime founded in 1776 attempted to stamp out race as a way of differentiating citizens; that the southern oligarchic political regime formally founded in 1861, but insurgent long before then, attempted to differentiate ruled subjects according to race; and that the interpenetration of these regimes nationalized race as a means of differentiating citizenship. My argument will show that the concept of race derived its longevity and strength from this inter-regime struggle. The general scholarly assumption my argument challenges, is that the United States of America has always been one political regime, or one whole political community, with slight exception made for 1861-1865. Rather, I argue that for a long period in the nineteenth century, two distinct and inherently hostile political regimes struggled against each other for dominance. This thesis, I aver, is key to understanding race in America, and probably to other aspects of American political development.

The Steady March of 1776

Given that slavery existed past the American Founding and did spread, it is not surprising that scholars look for causes of racial injustice in the American Founding itself. If the generally prevailing scholarly assumption

is true, that American political society has always been constituted by one political regime, then it makes sense to search for responsibility within that regime, especially at its origin. In recent decades scholars across fields and disciplines have increasingly attributed the cause of racial formation and racism to the American Founding (Fields 1990; Rogin 1996; Finkelman 1996; Jennings 2000; Nelson 1998, ch I).

Hence, Edmund Morgan explains the “central paradox of American history” – the simultaneous rise of liberty and slavery through the Founding Era, by concluding that American liberty depended upon slavery (Morgan 1972). Barbara Fields claims that the principles of the American Founding indirectly created racism, which provided a reason to except African slaves from the natural equality claims of the *Declaration of Independence* (Fields 1990, 114).

Michael Rogin gets right to the heart of the matter, claiming that the author of the *Declaration* was not hypocritical for drafting the second paragraph, highlighting “all men are created equal,” while abstaining from abolishing black slavery or freeing the slaves on his own estate. Rather, Rogin argues that the natural rights principles “*spawned* Indian dispossession and chattel slavery... conjoining slavery to natural right” (Rogin 1996, 14, my emphasis).

Scholars who consider the apparent contradiction between black slavery and the *Declaration*’s natural rights claims often conclude that “all men are created equal” was intended to mean “all *white* men” (Wood 1994, 707; Nelson 1998, 53; Kuklick 2000, xiii; Lei and Grant 2001, 206). And a bevy of constitutional scholars have recently argued that the Constitution of 1787 was proslavery by design (Kolchin 1993; Oakes 1996; Finkelman 1996, 1999; Graber 2006; Waldstreicher 2009).

The problem for these scholars is that one will look hard and in vain to find any American Founder who agrees with their judgment of what their generation did and believed. No founder claimed that putative racial inferiority excepted enslaved black Americans from the natural equality claims of the *Declaration* or that “all men” meant “all white men.” No founder claimed that one race’s liberty depended upon another race’s slavery. No framer of the Constitution of 1787 characterized their work’s purpose, in any respect, for perpetuating, guaranteeing or extending slavery. In fact, on all these points, the collected statements of the founders on slavery, natural rights and the Constitution profess views opposite of the views critical scholars impute to them (West 1997, ch. I; Kull, 1992).

The American Founders’ Natural Rights Republicanism

The American Founders broke from a monarchy and attempted to reshape the monarchy’s colonial elements into a new political regime, a natural rights republic (Zuckert 1996). The founders’ natural rights philosophy and their republican philosophy were indivisible. The founders’ conception of republicanism in terms of natural rights is the basis for why they thought they had improved the science of government.

This regime idea meant self-government, justified and limited by natural rights. When Madison defined republican government as “a government which derives all its powers directly or indirectly from the great body of the people” and not from “a favored class of it,” he emphasized the distinction because the equal natural rights of all people morally requires the derivation of powers from “the great body of the people” and not from “a favored class of it” (Hamilton, Madison and Jay 2003, 237). But, the natural rights of the people also limit the use of those powers. In his first inaugural, Jefferson emphasized this point, that for majority will “to be rightful,” it “must be reasonable; that the minority possess their equal rights... and to violate would be oppression (Jefferson 1984, 492). The same natural rights that confer lawfulness upon the will of the majority also protect the minority.

As the founders conceived it, republican government rested upon the moral foundation of natural rights, as captured by the *Declaration*. Hence, Madison could say that no other form of government “would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution” than a “strictly republican” government (Hamilton, Madison and Jay 2003, 236).

The writings and speeches of the founding generation amply confirm Jefferson’s claim that the *Declaration* expressed nothing that Americans in his generation would find new or strange, but rather was an “expression of the American mind” (Jefferson 1984, 1501). John Adams wrote that, “through life” he had “asserted the moral equality of all mankind” (Adams 2000, 379). Alexander Hamilton wrote in 1775, “The sacred rights of mankind... are written, as with a sun beam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power...” (Hamilton 1850, 80).

The *Declaration* was, in the shared opinion of its author, Jefferson, and framer James Madison, the new nation’s “fundamental act of union,” and primary among the “best guides” to the “distinctive principles” of the Constitution of 1787, the new political regime’s blueprint for government (Jefferson 479). Between the *Declaration*, stating the principles of government, and the Constitution, presenting the plan for government, it is easy to see that the sovereign rulers of this republic were meant to be, as Madison said, “the great body of the people.” Were all the people actually sovereign?

Today, we measure sovereignty by the extent of suffrage (Keyssar 2000, xvi), but the founders’ test for measuring the actual sovereignty of a republican people is by measuring the actual proportionality between the whole people and government. Adams explains, “The perfection of the portrait consists in its likeness” (Adams 2000, 109); “It should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them” (484).

The electors who choose the officers of government should be a qualified number – the most wise and good from among the many (484). But since nature diffuses unequal talent equally throughout humanity, the most wise and good may be found in every part of political society. Suffrage qualifications are the devices by

which these electors may be drawn out of every part of society, insuring that provision is made for the prudent administration of government (147, 372-373; cf. Eidelberg 1976, 73-105).

A modest property requirement might effectively sift for an adequate level of talent requisite for suffrage, but that depended upon social conditions. If social conditions were such that talent combined with industry could acquire modest property, then the requirement might produce prudent republican government without compromising proportionality. However, if social conditions were such that talent could never meet the property requirement, then the effect of the property requirement in that state would be different. It might lodge control of the government in the hands of the wealthy few, an oligarchy.

These wise and good drawn out of the people comprise the “natural aristocracy..., the greatest blessing of society, if it be judiciously managed in the constitution” (Adams 2000, 147). Adams does not mean aristocracy in the ordinary sense – that class distinguished by “artificial inequalities of condition, such as hereditary dignities, titles, magistracies, or legal distinctions” (142). This is “artificial aristocracy,” as found in Europe, and rules not with respect to wisdom and goodness but because of their artificial distinctions. Because American governments respected both natural equality (rights) and natural inequality (talent), Adams remarked, that they “have exhibited, perhaps, the first example of governments erected on the simple principles of nature” (Adams 2000, 117). In order to provide for the natural aristocracy, a government must yet partake of an admixture of democracy. Adams writes, “There can be no free government without a democratical branch in the constitution” (115), because, “Where annual elections end, there slavery begins” (487, 493).

In determining where to set the suffrage bar, the founding generation had to consider both insuring proportionality between the whole people and government and the prudent administration of government. Excessively expanded suffrage might more efficiently produce proportionality, but ignore the requisites of prudent government. Excessively constricted suffrage might risk proportionality, and therefore violate the natural right of the people to submit to government only by their consent. The devil was in the details. Any specific suffrage qualification, however meritorious the principle behind it, could seem arbitrary. The principle that an elector must have a mature mind is more plausibly defensible than an age limitation set at 21 rather than 22 or 20. This problem contributed to the acrimonious character of the suffrage debates in the Revolutionary Era.

Despite the acrimony, in 1778 Adams could boast, “Our people are undoubtedly sovereign,” because the American governments were “the most adequate, proportional, and equitable representations of the people, that are known in the world” (130). One year later, Adams drafted the new state constitution for Massachusetts that made provision for the prudent administration of government: a property requirement for suffrage (Adams 2000, 498-499; Keyssar 2000, 331). Adams abstained from including a suffrage requirement with regard to complexion, proving that in his view, nature diffuses talent similarly among all, and that natural aristocrats could be and should be drawn from the whole people.

Natural Rights Republicanism and Slavery

From the monarchy the natural rights republic inherited the institutions of African slavery and the slave trade, and inherited the monarchic elements attached to these institutions. All American Founders who ever offered a judgment on slavery denounced it in the strongest terms. Words are nice, but what did they *do* about it? In private life, many inherited, bought and sold slaves; in public life, they attacked slavery, looking to its end, and attempted to protect the equal citizenship of the emancipated. Rather than release the slaves on their estates into a slaveholding world, the slaveholding American Founders attempted to create a more perfect republican world, rid of slaveholding both on their own estates and on all estates in the American republic. Contradictory though the term may appear, the term slaveholding abolitionists aptly applies to them, and reflects the contradictory monarchic and republican worlds they bridged.

Upon declaring independence in 1776, they chose neither to announce “all white men are created equal,” nor “all men are created equal excepting slaves” in the *Declaration*. Well aware of enslaved blacks among them, they announced “all men,” and meant “all men.” Alexander Hamilton reflected the sentiments of his generation about black slaves when he told the New York state ratification convention, “They are men, though degraded to the condition of slavery—They are persons known to the municipal laws of the states which they inhabit, as well as to the laws of nature” (New York 1905, 26). The founders acted on those sentiments.

Slavery and the slave trade were legal in every colony when the signers affixed their names to the *Declaration*. From that moment forward, the natural rights republic began to remove these institutions that were anomalous to its character. In sum, the founding generation accomplished the national ban on the slave trade; they partially accomplished the prohibition of slavery, abolishing it in seven states (Vermont, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and Connecticut) and banning it from six future states (Maine, Ohio, Indiana, Michigan, Wisconsin, Minnesota). By 1810, almost one hundred thousand free black Americans were residing in the Upper South slave states of Virginia, Maryland and Delaware, as a result of private manumissions. They constituted nearly 60 percent of the free black population in America (DuBois 1904, 224-247; Anderson and Lobb 1921, 9; Berlin 1976, 8; Fogel 1989, 206; Thomas 1997, 482; Kennedy 2003, 250).

If scholars choose to disbelieve that the founders attacked slavery for moral reasons, they may also consider political reasons. Slavery was not only morally inconsistent with the principles and life of a natural rights republic, it was also a threat to its maintenance. Virginia slave-owner Patrick Henry wrote that slavery was “destructive to liberty” (Bancroft 1916, 412). George Mason, another Virginia slave-owner, warned that slavery habituated Americans “to trample upon the rights of human nature,” and that this could corrupt the character of their posterity (413). The continuance of slavery would weaken future generations’ attachment to republican liberty. The founders knew that to securely establish a natural rights republic, they had to deal death blows to this powerful element inherited from the prior regime, or else risk the ultimate extinction of republicanism for some other political system consonant with slavery.

Natural Rights Republicanism and Citizenship

Proportionality between government and the whole people tested the actual sovereignty of the whole people, which natural right required, based upon the equal natural rights of persons. Yet, if right were scrupulously observed and exact proportionality established by law without regard to the character of the people, a people sovereign by right and in fact, could lose their actual sovereignty, probably to a portion of their political society.

Madison explained how this might happen to a republican people, beginning with the observation that, “Although all men are born free, and all nations might be so, yet too true it is, that slavery has been the general lot of the human race.” Why? Because at times the people have been “[i]gnorant—they have been cheated; asleep—they have been surprized; divided—the yoke has been forced upon them.” If a people are sovereign they can lose their sovereignty if their general character lacks republican quality. They can be ignorant of their natural rights and so not protect them. They can be asleep to monarchical or aristocratic schemes to deceive the people into giving up their sovereignty. They can be divided between those enlightened and awake to serious threats against the republican regime itself versus those ignorant and asleep to such threats. What can a republican people guard against this usurpation of their right? They “ought to be enlightened [not ignorant], to be awakened [not asleep], to be united [not divided], that after establishing a government they should watch over it, as well as obey it” (Madison 1906, 120). This is especially necessary when establishing new republican governments. In order to firmly secure their new republican governments into the future, the founding generation had to simultaneously strive for greater proportionality between the government and the people to satisfy claims of right, and to protect and develop the republican character of the whole people, which thereby would safely admit greater proportionality.

Jacqueline Stevens argues that according to a long line of political theorists democracies’ inherent tendency is to be exclusionary (Stevens 1995, 989). She implies that this tendency encompasses a tendency to exclude persons by race. The first problem with this is that racial exclusions conflict with natural rights claims of American republicanism. No division within the human family can be denied the right to be governed only with consent. On the other hand, classes of people could be unprepared for self-government, especially classes of people who had been ruled by anti-republican forms of government, or had no experience living in freedom. It is easy to demonstrate the plausibility of this position, divorced from race. Today, ties of close kinship bind together the North and South Korean people, but few would reasonably argue that the North Korean people would be as prepared to maintain a free political system like that of South Korea as the South Korean people are, immediately after the removal of the communist dictatorship in the North.

If such classes were added in large numbers to a republican people, the augmented whole people might become less republican in character. In defense of its character, which is essential to preserving its sovereignty, a republican people might, therefore, resist super-adding concentrated masses of people unprepared to exercising self-government, to its numbers of co-sovereign individuals.

Also, it is theoretically understandable and important to understand why the prospect of adding a concentrated mass of un-republican people to an already existing republican people will excite the latter's fury. The best way to explain this fury's source is to draw a parallel between the conduct of republics to the general conduct of monarchies. Monarchs are the sovereign rulers of monarchies. And monarchs have historically dealt severely with threats to their thrones. The severity of their reprisals against these threats arises from their jealous regard for their sovereignty. The whole people are sovereign in republics. We should also expect severe reprisals from a republican people when a threat to their sovereignty arises.

The difference between sovereignty in a monarchy and a republic, as understood and framed by the Americans, is that sovereignty is divided equally among the republican people according to natural right, whereas the sovereignty in a monarchy can never be divided against itself. To preserve republican government, each member of the multitude within whom sovereignty is divided, must be like the other in one essential particular – the capacity and readiness to discharge the duties of citizenship, which describes quality of character. There is no other similitude among the citizens that is pre-requisite to maintaining republican government. All other likenesses among the multitude are incidental attributes and not essential attributes.

The magnitude of fury with which a republican people might resist augmenting its rolls, depends in large part upon their *perception* of the character and numbers of people proposed to be added. The larger the classes of un-republican people in proportion to the whole people, the larger the threat to the sovereignty of the people, and the greater their passion will be raised against admitting the un-ready classes. It should never be surprising if a republican people reacts to proposals to annex such classes of people to itself, with equal jealousy and mortal passion as monarchs have historically excluded and executed those who posed a threat to its sovereignty. All types of sovereign rulers, whether consisting of one, few or many, protect the stability of their rule.

Therefore, Stevens is correct to impute the exclusionary tendencies of democracies to American republicanism, but that tendency operates in a different sense than she implies. The tendency inherent to the principles of American republicanism is the preservation of republicanism, and is not preservation of its incidental attributes, among which is the complexion of citizens. A republican people might very well exclude classes of persons not deemed prepared for self-government, as a means to preserve republicanism. At this kind of republican "exclusivity" the founding generation certainly did aim. Their conduct aligned with republican theory.

The United States Naturalization Acts of 1790, 1795, and 1798 did limit naturalization to free white persons, and it is difficult to find anyone giving an explanation for the insertion "white" in the record of Congressional debates. Why, then, did they agree to insert "white" in "free white persons" as a condition of naturalization? A better explanation than racial allegiance is offered by Thomas West, that they assumed the habits inculcated by Western Civilization prepared 'white' Europeans better for American citizenship (West 1997, xiv). The debates from December 1794 to January 1795 in the United States House of Representatives, leading to the Naturalization Act of 1795, support West's view. Nobody assigns higher or lower capacities for citizenship to race. Nobody expresses a need to preserve 'whiteness'. The entire debate turned on how to test for character

compatible with republicanism, and what culturally defined classes of people exhibited that character or what cultural classes did not.

One member proposed that immigrants swear attachment “to a Republican Form of Government.” Others worried that immigrants would assume a European meaning and not the improved American meaning of “republican.” Many agreed that immigrants should renounce hereditary titles if they held them in their native countries. One representative argued that on the same reasoning, the laws should prohibit Catholics from entering because they had been habituated to obey an aristocracy of priests. Madison agreed that immigrants should renounce hereditary titles, but disagreed with blocking Catholics on the ground that, “In their religion there was nothing inconsistent with the purest republicanism.... They had, many of them, proved good citizens during the Revolution.” Another proposed to add the words, “And also, in case any such alien shall hold any person in slavery, he shall renounce it, and declare that he holds all men free and equal.” Notably in the subsequent floor fight, none of the southern representatives defended either the goodness of slavery or the compatibility of slavery and republicanism, though one did assert that some slaveholders possessed a republican spirit. Madison, one slaveholder with a republican spirit, conceded that, “The operation of reducing the number of slaves was going on as quickly as possible,” and that he was inclined to vote for the proposal to exclude immigrants bringing slaves. Another representative avowed he would vote against the proposal, though he owned slaves and detested it. Slavery, he said, “was reducing as fast as could prudently be done.” In the course of the lengthy debate, only one representative suggested limiting immigration on the basis of origin. The place of origin he proscribed was *Europe* – the probable origin of all the members of the House. These people “coming from a quarter of the world so full of disorder and corruption,... might contaminate the purity and simplicity of the American character.” He preferred admitting none to admitting that corruption into America (*Annals of Congress*, 3 Cong 2, 1021-23, 1026-1057).

A letter from John W. Gurley, the attorney general of the Orleans Territory in 1804 offers further proof that republican character and not kindred race or origin interested the founding generation in adding new citizens from outside its borders, despite inserting “white” in the naturalization acts. Congress had recently organized the Orleans Territory from lands gained by the Louisiana Purchase. Most existing American citizens in the states shared closer kindred ties with the French inhabitants of the Orleans Territory than with their fellow black American citizens in the states. This kindred relation did not stop Gurley from writing a devastating assessment of their readiness for republican self-government, on which account he urged against admitting them as citizens. The French inhabitants were “ignorant of ye first principles of republicanism... They may love liberty and those who think may be pleased with ye idea of a free Constitution. But they know not yet in what these consist...” (The Territorial Papers 1940, 264).

The founders’ natural rights doctrine could justify a ‘character line,’ but could not justify a color line in differentiating the privileges of citizenship any more than it could justify slavery. Whereas Keyssar claims that during the early republic black Americans “were widely believed to be inferior and lacking in potential republican virtues” (Keyssar 55), he does not specify whether they were regarded so due to their prior enslavement or due to a belief in their natural incapacity. This is a critical difference. Once admit natural incapacity, and the entire natural rights doctrine underpinning the founders’ republicanism is overthrown. All men cannot be equally endowed with the right to be ruled only by consent if they are unequally equipped by nature for self-government. This repudiation of natural equality not only justifies restricting suffrage by race;

it also justifies slavery.

But when the founding generation doubted black Americans readiness for republican citizenship, they blamed the condition of slavery, not the natural constitution of free or emancipated blacks. Winthrop Jordan, points out, that during the 1770's "outright denial of Negro mental inferiority had become common" (Jordan 1974, 117). In response to Jefferson's equivocations regarding blacks' natural capacity, published in the *Notes on the State of Virginia*, public critics re-asserted their natural capacity for self-government. To Gilbert Imlay it was "'certain' that blacks and whites 'are essentially the same in shape and intellect.' Jefferson's whole case for mental inferiority... was absurd because it rested on comparison between slaves and free men" (175). Similarly, in 1789 the Pennsylvania Abolition Society denied blacks' natural incapacity and declared that "the chains which bound the slave's body 'do also fetter his intellectual faculties'." In his 1791 letter to Benjamin Banneker, Jefferson agreed with his critics and accepted Banneker's achievements as proofs of black Americans' natural capacities (177).

If the founding generation did generally agree that all members of the human family shared an equal natural capacity for self-government, the problem remained that slavery had chained the slaves' intellectual faculties. Despite this, the founding generation mostly forswore limiting suffrage by color.

According to Paul Goodman, the generation of the revolutionary era did not impose a color line on suffrage because they were "unprepared... for black citizenship" and then attributes "a wave of exclusions" to "a wave of black voting" (Goodman 2000, 7). Goodman assumes racism on the part of the founding generation and attributes their colorblind voting laws to inadequately preparing color barriers, which a wave of black voting spurred them to correct. The record cannot sustain this explanation. The founding generation didn't omit the word "white" in suffrage laws because they forgot to do so, and they did not quickly insert a color line in voting laws after first experiencing free blacks at the ballot box. They expected free blacks would vote and they mostly held out against inserting a color line in suffrage qualifications for decades.

Jefferson bears witness to the point that the founding generation intended, not only to abolish slavery consistent with "the rights of human nature" but to also impose no color line dividing citizenship. In his 1774 public appeal to the British King, written on behalf of Americans, he asserted the colonists aim to abolish slavery, and said, "*But previous to the enfranchisement of the slaves...* it is necessary to exclude all further importations from Africa" (Jefferson 1984, 115-116).

Jefferson equated the "enfranchisement of the slaves" with the "abolition of domestic slavery," which necessitated the prohibition of slave importation. They partially accomplished the enfranchisement. In 1778, Congress debated the fourth article of the proposed Articles of Confederation, entitling "the free inhabitants of each of these States... to all privileges and immunities of free citizens in the several States." The South Carolina delegation moved to insert the word "white" so that the term would read "the free *white* inhabitants of each of these States." Eight of eleven state delegations present voted no, refusing to admit color as a test of citizenship. In 1779 John Adams drafted Massachusetts constitution that omitted a suffrage limitation with

regard to color (curiously Keyssar asserts that Adams and the founders opposed black suffrage; Keyssar 2000, 13). In 1788, the year of the Constitution's ratification, ten of the thirteen states did not limit the vote by color. Until 1812 not one of ten federal laws establishing government in the territories restricted suffrage based on color. By 1817 the color limitation began to spread, but eight of seventeen states remained open to free black suffrage, including the slave state of North Carolina. The 1796 constitution of the slave state of Tennessee remained open to free black suffrage as late as 1834, when the suffrage was qualified. (Garfield 1882, 88-89; Keyssar 2000, 328-329, 337-339; Smith 1997, 97, 104-106).

To a significant degree, color did not limit suffrage during the forty years after the American Founding. By then, many Americans who were adults in 1776 or 1788 would have been middle-aged or in their dotage. Goodman's theory cannot explain why the founding generation did not foreclose political rights to color better than the theory that they were, in large part, acting to align the institutions inherited by the new regime into consistency with the new regime's principles.

How did Revolutionary America stand with respect to race? In 1782 Hector St. John Crevecoeur described Americans as a new race:

What then is the American, this new man? He is either an European, or the descendant of an European, hence that strange mixture of blood, which you will find in no other country. I could point out to you a family whose grandfather was an Englishman, whose wife was Dutch, whose son married a French woman, and whose present four sons have now four wives of different nations. *He* is an American, who leaving behind him all his ancient prejudices and manners, receives new ones from the new mode of life he has embraced, the new government he obeys, and the new rank he holds.... Here individuals of all nations are melted into a new race of men.... (Crevecoeur 1904, 54-55)

To race scholar Winthrop Jordan, "the idea that the 'American' was a 'new man' by reason of physical amalgamation was the exceptional opinion of a romantic French immigrant," and because the American is a European presumably meant, "the Negro was not an American" (Jordan 1974, 133). For more recent race scholars Crevecoeur's passage marks the historical moment when America invented 'whiteness.' To Valerie Babb, Crevecoeur describes how the imagined white race was constructed into a concrete racial reality out of the "European patchwork quilt." An iron racial rule divided white and non-white: "From the 1700s on, whiteness is the key to the maintenance of American nation-state identity" (Babb 1998, 37). This is a now a typical reading of Crevecoeur.

These interpretations read a racial ideology of a later time into the words of the Revolutionary Era. Crevecoeur is describing the achievement of *de-racialization* in the formation of a republican people indifferent to race. On the basis of its natural equality foundation, the republic was amalgamating these many European races into one paradoxical race – a race that was in the process of negating the old conception of race. An American is "an European, or the descendant of an European" but European or "white" is not a defining or aspirational attribute. It is an incidental attribute. The American bears no allegiance to his nation

of origin, his old race, so he marries without regard to the national origin of his spouse. This “mixture of blood” is not aspirational but “strange” from the perspective of “ancient prejudices” left behind in Europe. It is not physical amalgamation or European descent that unifies and identifies the new race, but the attachment to a “new mode of life,” a “new government” enthroning the sovereignty of the people, and to a place of equal rank for everyone within the sovereign people, regardless of old racial allegiances. That attachment to race-less natural rights republicanism is the essential attribute to Americans. Since that attachment is the essential attribute and European (or “whiteness”) is an incidental, strange attribute, the principles defining the new nation open the new, paradoxical race to others whose origin may not be from Europe. Crèvecoeur did leave out non-Europeans in his description, but by his understanding, the principles animating the work of the nation, the de-racializing process of the regime, was opening its national doors to the world.

From the moment of its founding in 1776, the United States was taking significant, progressive steps towards realizing the regime model of a natural rights republic. The nation was reshaping its institutions in conformity with its first principles. Scholars who look into the character of this political regime for the origins of racism, are looking in the wrong place.

The Origin and Rise of Southern Oligarchy

The Antagonism Between Slavery and American Republicanism

The march of 1776 did not succeed in reshaping all the elements of the rump monarchic political order in America, into a pure natural rights republic. In attempting to do more, the new republic met opposition that arose from within its national limits. These conflicts reveal that slavery and American republicanism were mutually antagonistic.

Jefferson’s reported draft of the *Declaration* blamed slavery on the British monarchy, and applied the natural rights claims of American republicanism to his condemnation of the slave trade royal policy. The British king had

waged cruel war against human nature itself, violating it’s most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery....
(Continental Congress 1906, 498).

This passage implied a republican perspective on slavery that the eighteenth century audience would better understand than we might. Prior to independence, Virginia legislators like Jefferson, had fought to ban the slave trade, but always collided with the royal veto. The monarchy knew that freemen could prosperously cultivate American plantations, and feared that they would tend to become independent of Britain in their

policy and in consequence of the political character they would acquire without the strong presence of slavery. For that reason the monarchy preferred to fasten African slavery upon the colonies, since imported slaves would not (or could not) “profess republicanism.” Slavery’s firmer establishment would assist the organic manufacture of kingly government rising from colonial soil. Consequently, those colonial governments could be expected to bear stronger natural affinity for, and stronger dependence upon the British crown. The collision between Virginia legislators and the British king over the slave trade was an early collision between the monarchic institution of slavery and developing American republicanism. Slavery’s monarchic effect and character contributed to the revulsion the republican Jefferson bore to it. The slave trade proscription in the *Declaration* was therefore, a pro-republican, anti-monarchic position. (Jefferson 1984, 18, 22; Bancroft 1846, 415-416)

Had Jefferson’s language stood, the *Declaration* might have warranted a more aggressive antislavery policy. But South Carolina and its neighbor Georgia demanded its deletion. Unique among the thirteen colonies, South Carolina began its existence with plantations almost solely employing slaves, and did develop unusually close ties with Britain and the crown, as royal slave trade policy so aimed. Almost half of all slaves arriving in North America from 1700 until independence arrived in Charleston, South Carolina. Though the royal governing board had banned slavery in colonial Georgia, with the immigration of slaveholders from South Carolina, Georgians pressured the royal board to allow the importation of slaves, which was granted. Jefferson noted that up to the moment of independence, South Carolina and Georgia “had never attempted to restrain the importation of slaves..., and on the contrary still wished to continue it” (18). The South Carolina-Georgia objection to Jefferson’s slave trade proscription checked a possible reversal of those states’ tendency to develop their political societies closer to monarchism (Friend’s Intelligencer 1854,140; Reese 1963, 47-51; Wood 1974; Wood 1984; Rogers and Taylor 1994, 38; Weir 1997, 173; 1999, 396; Edelson 2006, 4).

In 1784 Jefferson reported to the Articles of Confederation Congress, a land ordinance providing for the government of all western territories ceded or *to be* ceded. This ordinance required that “their respective governments shall be in republican forms and shall admit no person to be a citizen, who holds any hereditary title,” and that after 1800 “there shall be neither slavery nor involuntary servitude” in any of states formed out of those territories. The text of this ordinance separates republican forms of government from hereditary titles and slavery, suggesting that the separation designates the incompatibility of republicanism and slavery, on the one hand, and the compatibility between hereditary titles and slavery, on the other. In banning slavery from every state that entered the union formed from all western territories after 1784, the ordinance appeared to ban the monarchic principle. Due to the peculiar requirements of the Articles of Confederation, the antislavery provision fell, even though six versus three states. By this momentous event, the republic nearly missed forever constraining slavery to only those states where it already existed (Greeley 1867, 39; United States Senate 56 Cong 1, 334-335; Jefferson 1904, 329-330).

As president of the Pennsylvania Society for the Abolition of Slavery, Benjamin Franklin petitioned the House of Representatives in 1790 to “loosen the bands of slavery” and to “devise means for removing this inconsistency from the character of the American people.” The petition refers to the natural equality basis of “the American creed” and of the Constitution, which vests powers in the Congress for “‘promoting the welfare and securing the blessings of liberty’... without distinctions of color....” On that natural equality basis, the petition avowed that slaves “*were unlawfully held in bondage.*” The resulting debate proved that

with regard to the representatives from Georgia and South Carolina, slavery was not inconsistent with their character, which was of another, anti-republican kind. James Jackson from Georgia said that nothing but “civil war” could make them part with their slaves, and that slavery was “*the basis for the feudal system.*” Siding with Jackson, William Smith from South Carolina said that the slaves “were acquired under a *former Government*” (the monarchy) and that his state would never have agreed to join the union had the Constitution prohibited slavery. He explained that his state had joined the union “from political, not from moral motives,” suggesting that they had joined for political advantage, and not due to concurrence in the moral principles upon which the new union had been founded. By the testimony of Jackson and Smith, the political character of South Carolina and Georgia appeared to be closer to the monarchy their states had broken from, and less republican, according to the standards of leading founders. Tellingly, only the delegations from Georgia and South Carolina voted unanimously against committing the memorial to committee for further consideration. Yet those states had only 29,000 and 107,000 slaves, respectively, out of a national slave population of 692,000, according to the 1790 census. But the delegation from Virginia, which had a 1790 slave population of 292,000, almost half the slaves in the nation, voted 8-2 in favor of considering the national abolition of slavery. This difference in positions between the more slave-laden Virginia and the less slave-laden South Carolina and Georgia suggests that some other motive besides economic interest in numbers of slaves impelled them to defend the institution. Based on their representatives’ remarks, the motive appeared to be grounded in the character of their respective political societies (*Debates of Congress*, 1 Cong 2, 1239, 1242-1244, 1246-1247).

In 1798 Congress discussed the organization of the Mississippi Territory. Massachusetts Representative George Thatcher arose to propose an amendment “touching on the rights of man,” which was a slavery prohibition. South Carolina Representative Robert Harper opposed the amendment, claiming that this violated slaveholders’ right to their property. Thatcher said he “considered the existence of slavery in the United States as the greatest of evils, *an evil in direct hostility to the principles of our Government,*” and that no man “can have a right in anything which goes to the destruction of our Government, viz: that he can have a right in a wrong” (*Annals of Congress*, 5 Cong 2, 1306, 1308, 1310, emphasis added). Our government, Thatcher continued, “originated from, and was founded on the rights of man,” and there was no propriety in establishing new governments in the territories “in which slavery is not only tolerated, but sanctioned by law” (1311). By allowing the slaveholding states’ conventional right to hold a slave in the territories, slavery would undermine the regime principle – the natural rights of man – upon which their republican national government was founded.

In 1803 South Carolina became the only state to authorize the importation of slaves, when it passed a law resuming the commerce. This immediately precipitated a move in the United States Congress to censure South Carolina or impose tax on importation. In the ensuing debate, Pennsylvania Representative John Lucas pointed to the anti-republican effects of slavery. Wherever it existed, slavery results in the degradation of free labor, with the result that the poor white man’s “relative importance in society will be as nothing.” The increase of slaves in South Carolina would “virtually amount to the same thing as if the importation of slaves were admitted into every State in the Union; for once introduced into one State, and they will soon find their way into the others where slavery is allowed” (*Annals of Congress*, 8 Cong 1, 1010). To protect the establishment of natural rights republicanism, the tax would check the numerical increase of slavery.

Throughout the congressional debates over slavery until the Missouri controversy in 1819-1820, no South Carolina or Georgia congressman ever directly rejected natural rights doctrine. Representatives from other slave states, most notably Virginia, positively concurred with natural rights doctrine and its condemnation of slavery. Yet their opposition to the measures of the government to more closely approximate the form of a natural rights republic invites inquiry into the nature of their political societies, from which this opposition sprang.

The Tendency of Slave Society Towards Political Oligarchy

The American Founders were well aware of the anti-republican character of political societies that admitted slavery.

In 1776 John Adams wrote his wife, that in the southern colonies, “gentlemen of free spirits and liberal minds... are very few” (Adams and Adams 1876, 135.) In the same year, he complained to General Gates, “[A]ll our misfortunes arise from a single source, *the reluctance of the southern colonies to republican government.*” The formation of new state and national government independent of Britain “*can be done only on popular principles and axioms, which are so abhorrent to the inclinations of the barons of the south*” (Adams and Adams 1856, 207, emphasis added).

In 1856 Adams’s grandson, Charles Francis wrote that a permanent, “strong landed aristocracy” ruled Virginia at the time of the Revolution. Single families owned enormous land-tracts and the bulk of slaves, while the common people owned little land. The rich class controlled the “executive council, the judicial officers down to those of the county courts, and even the representatives to the popular branch of the legislature.” They were a ruling aristocracy of wealth and not talent or merit (205-206).

Jefferson himself confirms this critical assessment of Virginia’s state government in his *Notes on the State of Virginia*. His first criticism is that the suffrage is limited to freeholders, which would meet the proportionality test of sovereignty had property ownership not been so concentrated in few hands as it was. But since Virginia was not Massachusetts, Adams’s property qualification for suffrage would not sift for the natural aristocracy, but rather give disproportional weight in government to an artificial aristocracy – those who possessed slave-cultivated land. Jefferson’s second criticism is malapportionment of the state legislative districts. Jefferson notes that some areas of the state are vastly more overrepresented than other areas of the state. Only the presence of slaves in the overrepresented areas explains this disproportion. According to the national Constitution, slaves would count as 3/5 for the purposes of allotting representation to the United States House of Representatives; but in states where slavery prevailed in more concentrated numbers, and spread unevenly over the state, the votes of non-slaveholding areas of the state counted for even less. Jefferson’s fourth criticism is that “All the powers of government, legislative, executive, and judiciary, result to the legislative body.” But the land and slave-owning electors controlled the legislative body due to the freeholding requirement and malapportionment of the legislature. Since that legislative body controlled the government, the land and slave-owners of Virginia controlled the Virginia government. (Jefferson 1984,

243ff)

To John Adams, republican government should strive to be a perfect likeness of the whole sovereign people in miniature, adorned by the addition of natural aristocrats culled from every portion of the whole people. Jefferson's portrait of Virginia government is not a miniature of the whole people, but a distended portrait. Due to the different conditions in the slave state, its constitution excluded the many – no matter how talented and industrious – from participation in government. Virginia failed Adams's test for popular sovereignty. Its government was not proportional to the whole sovereign people. Virginia was an oligarchy, not a republic.

A methodological lesson ought to be drawn from the contrast between Massachusetts and Virginia. A written constitution – a blueprint for government – does not alone determine the actual system of government of the political society. Conditions or circumstances combined with that blueprint determined the character of the actual system of government, or political regime. If this lesson is not applied to the study of political systems, scholars can easily mislead themselves to the wrong conclusions. Throughout the antebellum period, the republican spirit radiated from the written state constitutions of slave states and free states alike. All used similar language, concepts and institutional designs. But similar written constitutions combined with slave society and free society produced different results. Adams's Massachusetts constitution placed over Massachusetts would produce republicanism; his Massachusetts constitution placed over Virginia would produce oligarchy.

That reason best explains why Jefferson and his southern Democratic-Republican friends favored a more democratic republicanism than Adams and his Federalist friends did, and why the conservative southern aristocracy sided with the Federalists. Though Adams and Jefferson, who both served on the committee that reported the *Declaration* to the Continental Congress, grounded their statesmanship in natural rights republican principles, conditions in the slaveholding South warranted more democratic institutions than New England required, to secure the ends of those principles. Zuckert argues that over time Jefferson became more convinced that true republicanism had to be more democratic in character, that he grew to believe in democratic republicanism per se, requiring the elimination of property qualifications for suffrage and greater dependence of all officers of government on frequent, direct election by the people (Zuckert 1996, 227-239). Just as likely, and probably more likely, Jefferson grew to favor a more democratic republicanism because these democratic reforms provided the only means of reshaping the nominally republican but actually oligarchic slave state governments into actual republican governments. What Jefferson tried to do in Virginia, any other prudent natural rights republican statesman, Adams included, might also have attempted, if confronted by the circumstances of his slave state society.

Jefferson's contemporary, Fisher Ames gives credence to the view that the few southern "gentlemen of free spirits and liberal minds" turned to democratic institutions to remedy the oligarchic constitution of their political societies, and make them republican. Southern government, Ames said in 1805, was aristocratic or oligarchic in form. Some of the aristocracy touted democratic principles and reforms and allied themselves with the disenfranchised people – "This is the republicanism of the aristocracy of the southern nabobs" (Ames 1854, I, 62). These aristocrats, whom Adams called "free spirits and liberal minds" but whom Ames calls

“Jacobins,” arrayed themselves against their fellow aristocrats in a struggle over the future form of the slave state’s government, just as French aristocrats, sympathetic with the revolutionaries, allied themselves with the people, against their own class (Ames 1854, II, 353-354, 362-363, 371-373).

The “Jacobins” of Virginia were nevertheless instrumental in persuading Revolutionary Era southern statesmen to bring their states into national union. Jefferson and the “Jacobin” aristocrats in the South politically struggled to gain the support of the conservative aristocrats for the campaign to declare independence and form republican governments. They solicited the help of Adams because he was well acquainted with republicanism from both theoretical study and practice in New England. With Adams’s help the Jacobins rallied the South. Adams’s chronicler adds, that after independence, “in the three southernmost States of New England only, was the whole community so inoculated with republican principles as to make the transition from the colonial to an independent state simple and easy (Adams and Adams 1856, 206, 441). Whereas a faction of leading Virginians possessed the spirit of republicanism, New England possessed the spirit as well as the durable form of republicanism, which the liberal minded Virginians sought to emulate.

On the surface, James Madison seems to dispute the view that the slave holding state governments were oligarchies, but underneath his writing, he confirms that view. Defending the proposed Constitution’s Article IV, section 4, guaranteeing a republican form of government to every state, Madison *publicly* acknowledged, in Federalist #43, that all of the states were republican in character (Hamilton, Madison and Jay 2003, 271-272). But Madison wrote a strikingly contradictory *private* note entitled, “The Influence of Domestic Slavery on Government,” discovered after his death:

In proportion as slavery prevails in a State, the Government, however democratic in name, must be aristocratic in fact. The power lies in the hands of property, not of numbers. All the ancient popular governments, were for this reason aristocracies. The majorities were slaves.... *The Southern States of America, are on the same principle aristocracies.* In Virginia the aristocratic character is increased by the rule of suffrage, which requiring a freehold in land excludes nearly half the free inhabitants, and must exclude a greater proportion, as the population increases. At present the slaves and nonfreeholders amount to nearly $\frac{3}{4}$ of the State. The Power is therefore in about $\frac{1}{4}$. The slavery of the Southern States, throws the power much more into the hands of property than in the northern States. (Hunt 1902, 75)

Madison’s biographer comments, “how clearly he understood the incompatibility of slavery with democracy.” Madison recognized how republican government in form became aristocratic government in fact, as an inevitable result of slavery.

Why did Madison acknowledge the republican character of all the states *in public*, but acknowledge the necessary aristocratic character of the slave states *in private*? The answer can only be, prudence. Enticing the aristocratic slave states into a republican-dedicated national union with republican states, would reform the political character of the slave states. In Federalist #43, he cautiously quotes someone else who gives his

intention a different voice. Montesquieu lauded a “confederate republic” because “‘*Should abuses creep into one part, they are reformed by those that remain sound*’” (Hamilton, Madison and Jay 2003, 274).

The guaranty clause in article IV, section 4 armed the national government with the authority to draw strength from the more republican states, to correct the abuses of the less republican states. That is, the national government could bring together New England, the common people of the slaveholding states and the leading liberal minded southern statesmen into a formidable power against the slave state oligarchs. Given the division among southern statesmen and the anti-republican tendencies of their slave state governments, Madison must have seen this provision as a means to insure that these states developed towards the model of natural rights republicanism. Since he clearly saw slavery as inducing political change away from republicanism, Article IV, section 4 was an antislavery provision in the Constitution.

The founding generation did succeed at unifying the American states under one national government formally organized as a republic. But the regime character of the states varied consistently with geography, north to south. Natural rights republicanism was strongest in New England. In Virginia, the government was oligarchic in form, though in national councils, Virginia’s leading statesmen worked to further the ends of republicanism. South Carolina and Georgia statesmen opposed and killed key measures that would have further smoothed out national institutions in closer conformity with the American model of republican government.

Southern Oligarchy on the March

The conflict between the slave and free sections over national policy, from the Missouri crisis through Civil War and Reconstruction, ought to be considered an inter-regime conflict. The sectional conflicts revealed profoundly different regime characteristics, North and South. Inter-regime conflict strained the union between the respective sections of states and the sectional wings of the national parties. No scholar of whom I am aware characterizes these sectional clashes in that way.

The congressional debates during the Missouri crisis demonstrated that in the slaveholding South, the oligarchs had gained the upper hand over republican statesmen in the mold of Jefferson, Madison and Mason, further indicating that oligarchical government was consolidating, and overcoming republicanism in that section. The Missouri debates outlined the fundamental regime differences.

Free state congressmen opposed the admission of Missouri with a slave state constitution because Article IV, section 4 of the United States Constitution required that states be republican in form, and slavery was “a departure from republican principles.” Slavery violated the natural rights claims in the *Declaration*, and American republicanism drew its definition from that *Declaration*, “admitted in all parts of the union” as authoritative (Benton 1858, 339; *Annals of Congress*, 16 Cong 1, 121). Slavery was not only anti-republican

because it violated the natural rights of the slave, but also because wherever slavery existed, laboring whites did not participate in self-government. Slaveholders controlled government in the slave states, and those states sent only slaveholders to national office. (*Annals of Congress*, 15 Cong 2, 1176-1177). Wherever it existed, therefore, slavery eroded the republican liberty of the many, white as well as black, and planted and nurtured the seeds of oligarchic government. More slave states admitted into the union undermined republicanism in the nation. By the right of self-preservation, free state people had the right to oppose slavery's extension. (*Annals of Congress*, 16 Cong 1, 1375-1378)

Slave state congressmen responded by asserting that the constitutional convention of 1787 did not explicitly define what a republican form of government was. By exploiting an omitted definition in the text of the Constitution, and ignoring the founders' writings on republicanism, they moved to redefine "republican" away from the founders' conception of it, shearing American republicanism off its natural rights foundation. They repaired to ancient models, citing the slaveholding practices of the putatively republican Sparta, Athens and Rome, which the founders had criticized as flawed or false republics. The slave state congressmen concluded that slavery and republicanism were compatible. This redefined republicanism conformed to their system of political life and government and protected them from the menacing authority of Article IV, section 4 of the Constitution, guaranteeing a "republican form of government" to every state in the union (*Annals of Congress*, 16 Cong 1, 409-411; 16 Cong 2, 57).

After the Missouri crisis, slave state statesmen and presses increasingly expressed new, corresponding ideas that flatly contradicted the founding generation's natural rights republicanism. They simultaneously embraced the repudiation of the *Declaration*, the proslavery argument and the denial of natural equality. These sentiments are widely known to scholarship today (Jenkins 1935).

What scholarship has not done, to the best of my knowledge, is to place these sentiments squarely in the context of the oligarchic political regime developing in the antebellum slave states. The repudiation of natural equality justified both slavery and rule by the few. These assertions presaged the rise of new first principles of government hostile to the American Founding, hostile to republican government in the free states and favorable to their revolutionary regime.

The revolutionary oligarchs and their coadjutors often openly expressed their political character. In 1835 South Carolina Governor George McDuffie addressed the state legislature on the main topic of slavery. After dilating at length on the natural inferiority of blacks and their happiness in slavery, he claimed that, "the institution of domestic slavery supercedes the necessity of an order of nobility, and all the other appendages of a hereditary system of government" (Hart 1903, 247-248).

That is, slavery achieved a result that the Constitution's Article I, section 10, sought to suppress: "No Title of Nobility shall be granted by the United States." Slavery raised up a ruling, privileged few, absent formal hereditary titles. Madison had written that the Constitution's "absolute prohibition of titles of nobility... [and] express guaranty of the republican form" to each of the states had proven the republican character of

American government” (Hamilton, Madison and Jay 2003, 238-239). Yet, McDuffie went on to say that, “Domestic slavery, therefore, instead of being a political evil, is the corner stone of our *republican* edifice” (Hart 1903, 248, emphasis added). Clearly, McDuffie’s definition of “republican” was at variance with that of Madison and antebellum free state statesmen.

From the Missouri crisis to secession in 1860-1861, each side of the regime divide was competing for the soul of the national government. The conflict over the territories was a marquee front in the inter-regime conflict. Everywhere slavery was planted, a new oligarchic class would rise and bond with the existing inter-state oligarchic class; everywhere slavery was prohibited, a republican regime would rise and bond with the existing inter-state republican regimes. For years congressmen on both sides often expressed their respective claims on the territories in terms of their sections’ self-preservation, that is, the preservation of their respective section’s different political way of life (*Congressional Globe* 30 Cong 2, 421; 30 Cong 2, Appendix, 176; 31 Cong 1, 371; Representatives of Ohio 1854, 342; 33 Cong 1, Appendix, 463; 34 Cong 3, Appendix, 91). Would natural rights republicanism roll back the oligarchy or would the oligarchy defeat republicanism?

When this national struggle was approaching its apogee, Michigan Whigs and Democrats decided to “lay aside... party preferences,” and to form a new party that would take up “[n]o more important movement touching the policy of the country... since the famed *Declaration of 1776*” (Jackson (MI) Citizen, July 26, 1854, 3). In one of its resolves, the new party proclaimed that it was “batling for the first principles of republican government... against the schemes of aristocracy the most revolting and oppressive with which the earth was ever cursed,” and that they would take the name “REPUBLICANS,” a name antithetical to aristocracy and consonant with the American Founding (Stocking 1904, 48, emphasis in original).

Members of the first state Republican Party laid aside prior party principles in favor of *national* principles, the founding principles of natural rights republicanism, to combat the aristocracy (or oligarchy). The first Republican Party national platform in 1856 conjoined natural rights and republicanism. They avowed the principles of the *Declaration* “with our Republican fathers” in its first resolution, and declared those principles “essential to the preservation of our Republican institutions...” (Frederick 1896, 28). Refusing to remain in a union whose new president was pledged to these principles, eleven of fifteen slave states seceded.

In Savannah, Georgia in 1861, new Confederate Vice President Alexander Stephens admitted that the Revolutionary Era’s “prevailing ideas” (which happened to be affirmed by the new Republican party) “were fundamentally wrong.... Our new Government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man” (Stephens 1862, 45). The Republican party were defending the founders’ regime. The Confederacy had moved beyond them.

Leading northerners and southerners agreed on the nature of the inter-regime conflict that became inter-regime war. Leonidas Spratt, editor of the *Charleston Mercury* contrasted the North and South as “two forms of society” naturally at enmity. In each’s “political structure” they embraced opposition principles – “that

equality is the right of man; the other that it is the right of equals only.” One is a “democracy;” the other is an “aristocracy.... [T]he natural expansion of the one must be inconsistent with the existence of the other” (Spratt 1861, 803).

Republican Senator Charles Drake gave a similar account as Spratt. Northern and southern forms of government represented “two distinct, and in some respects, uncongenial developments”; one democratic, the other aristocratic. As they developed, “[e]ach obeyed the law of its own condition. The absence of Slavery and the universality of free labor in the North stimulated a democratic outgrowth; while the opposite order in the South fostered a social aristocracy, which, by a resistless tendency, became also political. The whole history of the country since it achieved Independence has proved this” (Drake 1864, 104.).

The conduct of poor whites during the war offers evidence that they were a ruled class. Poor white pockets within the South resisted the Confederacy and their insurrectionary, oligarchical state governments (Foner 2002, 11-18). During the war both southern whites fled the oligarchy to fight for the Union Army against their rulers. Union regiments were formed with white soldiers drawn from every Confederate state except South Carolina. In contrast, no state in the union supplied one regiment of soldiers to fight for the Confederacy, aside from the divided border states (Publication M594 1964; Pamphlet Describing M861 1973).

After the war, the Republican-dominated United States Congress issued its first report on reconstruction, which summarized antebellum history: “Slavery, by building up a ruling and dominant class, had produced a spirit of oligarchy adverse to republican institutions, which finally inaugurated civil war.” The first step the insurrectionary states would have to take before rejoining the Union, “would necessarily be the establishment of a republican form of government by the people.” That is, reconstruction of the union had to follow regime change (*Report of the Joint Committee on Reconstruction* 1866, xiii, xiv).

The Political Regimes and Race

The enslaved condition of black Americans primarily caused the rise of an insurgent political regime hostile to the regime of 1776 and caused the subsequent inter-regime struggle between natural rights republicanism and southern oligarchy, to which the fate of all Americans was bound. Neither regime completely eliminated all traces of the other. In that struggle republican liberty for white Americans was reestablished, an ambiguous citizenship for black Americans was affirmed, and doctrinaire racism with respect to all non-whites received durable strength.

Black Equality and Inequality within the Natural Rights Republic

During the Revolutionary Era the status of black Americans geographically varied in correspondence with the relative establishment of republican government and sentiment.

Free black Americans were mostly equal before the law in the original northern states that abolished slavery (Finkelman 1986). The major studies on northern racism present the bulk of evidence of racial discrimination after the 1830s (Litwack 1971; Woodward 2002).

In the states of the Upper South that did not abolish slavery but encouraged manumissions, the case was different for free blacks. In 1796 St. George Tucker addressed the prejudice experienced by the emancipated in Virginia, the state where slaves were most numerous but abolitionist sentiment was strong:

In England, the presenting the villein with free arms [weapons], seems to have been the symbol of his restoration to all the rights which a feudatory was entitled to. With us [in Virginia], we have seen that emancipation does not confer the rights of citizenship on the person emancipated; on the contrary, both he and his posterity, of the same complexion with himself, must always labour under many civil incapacities. (Tucker 1803, 68)

What Americans of the Revolutionary Era knew, was that most Americans with black complexion were enslaved and all slaves had black complexion. The fusion of slavery with an incidental, heritable, and noticeable attribute was a problem. The freed English villein did not differ from the feudal lord in heritable appearance; whereas the freed American slave and most freeborn citizens did differ. For that matter, an American indentured servant of European origins did not differ in heritable appearance from Americans who were not indentured servants but of European origins. This prevented civil and social incapacities from following indentured servants and villeins and their posterity. Most likely, the blood of the great and the low flowed in the veins of all white citizens of the republic, because no heritable attributes marked out the station of their ancestors. But because American slaves were so marked out, the stigma of slavery could follow free black Americans, long after the stigma of villeinage and of indentured servitude was forgotten. For this reason, even if the nation had abolished slavery everywhere in 1776 and southern oligarchy had not risen in power, the natural rights republic would probably have experienced some measure of difficulty in overcoming discrimination against the emancipated and their posterity in social relations within the whole people.

Due to the fusion of complexion and slavery, unless a state completely abolished slavery, free black Americans would be recognized by all as kindred of the enslaved within that state. White citizens could suppose that the manumission of some might assist those still enslaved to revolt, a prospect the white citizens feared (Aptheker 1993, 18-52). This supplied either further inducements to abolish slavery more quickly, or alternatively, to passing laws peculiar to free blacks. Some states abolished slavery. In 1806 Virginia required free blacks to leave the state within twelve months of manumission (Jordan 1974, 136-137). This amounted to telling the emancipated to take their natural rights and go.

In the high-density slave states, the founders' concern for maintaining the republican character of the citizenry weighed against immediate abolition. The Virginia founders were convinced that freedmen could not easily adopt the habits of republican citizenship (West 1997, 25-26). Assuming that premise and their standard of justice, their decision to avoid immediate abolition on these grounds seems politic on the surface though unjust. Whereas in states less dense with slaves, the whole people could more easily assimilate the habits of the emancipated conducive to republican citizenship, or at least tolerate the character deficits of the first generation of the emancipated; the immediate injection of a proportionately large class of persons unprepared for republican citizenship into the whole people, threatened to undermine the developing republican character of the whole. Emancipation threatened to destroy the republican experiment in such a state. However, the patriotism and conduct of emancipated slaves during the Civil War era, in studies like W.E.B. Dubois's *Black Reconstruction*, seriously question, if not refute the founders' premise (Dubois 1998). Nevertheless, believing their premise, the founders in the high-density slave states balked at immediate abolition. Jefferson expressed his generation's dilemma, writing, "We have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other" (Jefferson 1984, 1434). Justice dictated that slaves be emancipated and enjoy their natural rights recognized by civil law; self-preservation dictated preventing slave rebellion and preserving the people's republican character.

Though inclinations to abolish slavery and enfranchise freedmen were strong, Virginia remained in stalemate against itself. While Virginia remained stalemated, a new breed of statesmen that abhorred abolition and disdained the founders' natural rights republicanism began to rise.

The natural headquarters of this new breed was farthest south in Georgia and South Carolina, where no antislavery movement ever gathered momentum, and a proslavery policy always prevailed. The brutality of their slave codes, paucity of free blacks and generalized contempt for blacks' natural rights in law and in social relations fit with the lack of any serious political considerations on how to emancipate and enfranchise blacks, and how to equalize the fellowship of all white and black citizens. Inequality seemed in perfect accord with, and not disruptive to the aims of political life. (Jordan 1974, 136; Wood, 1984; Klein 1990, 172-176; Finkelman 1993, 2096-2099; Weir 1997, 173-204).

Black Equality and Inequality in the Dividing Nation

The rise of the slave state oligarchy shifted Revolutionary Era sentiments and laws towards blacks everywhere. The influence of the inter-state political regime in the slave states penetrated into the original northern states that had abolished slavery and into the new free states in the northwest at their origins.

Because the oligarchy did not need equal citizens with whom to share sovereign rule, but rather wanted pliable subjects to be ruled as befitting the nature of the regime, it makes sense that many people all over America were tempted to question the natural equality of blacks, who were naturally marked out, and predominantly were a despotically ruled class. Since the oligarchy did in fact hold an expanding number of persons in this class, their successful exercise of despotic power over that class could appear to prove their

novel declamations of natural inequality and their ruling class's superiority, which justified their rule.

If convinced of the premise of a class of persons' natural inferiority, a republican people could be predicted to reject that class's full, equal membership in the fellowship of citizens, for the reason of their unsuitability for self-government. From the republican people's perspective, that class's elevation to full citizenship risked undermining the whole people's republican character, and with that, threatened to undermine the citizenry's republican way of government and life. The republican citizenry would view any such attempt to elevate that class to, or maintain that class in citizenship as an attack on what they held most dear, and precipitate furious counterattacks. In this way, the oligarchy corrupted and weakened the natural rights sentiments and institutions of the nation.

The first significant signs of moral decline in the old North, where slavery had been abolished and black Americans had enjoyed a large share of equality, appeared around the time of the Missouri crisis, when the oligarchy first began to express its proslavery ideology in national councils. In 1818 Connecticut's constitution took away blacks' right to vote (Keyssar 2000, 337). In constitutional convention in 1821, New York considered the same. Delegate John Ross agreed that "all men are free and equal," but argued that suffrage should be extended "to white men only." Blacks could not exercise "that privilege with any sort of discretion, prudence, or independence. They have no just conceptions of civil liberty." Because of this, the safety and security of the state (the preservation of republican government) compelled them to restrict black suffrage (New York 1821, 180-181)

Ross was not clear about the source of his doubts in black citizenship. Peter Jay, son of antislavery founder John Jay, wondered if Ross had meant, "that people of colour are incapable of exercising the right of suffrage," that is, that they were inferior to whites by nature. Jay acknowledged, "that some philosophers" had believed this, "but this idea has been so completely refuted, and is now so universally exploded," that he did not think it necessary to refute it. If "in general the people of colour" were then "inferior to the whites in knowledge and in industry," the cause of this was slavery, not their natural constitution. "But will you punish the children for your own crimes; for the injuries which you have inflicted upon their parents?" Jay was a conservative, defending the principles of American republicanism against incipient racism. He added that blacks were elevating themselves, and that within their schools could be "discovered a thirst for instruction, and a progress in learning, seldom to be seen in the other schools of the state" (183-184). The convention resolved to allow free blacks to vote if they met a property requirement that whites did not have to meet (Keyssar 2000, 339).

Ross's position, confirmed by the New York convention, was contradictory, affirming blacks' natural equality but denying their natural capacity to exercise their rights responsibly in republican citizenship. This contradictory stance signified a movement away from the founders and towards the natural inequality ideology of the oligarchy. The founding generation had doubted and worried about the preparedness of ex-slaves for republican citizenship, but in the North, they had nevertheless risked their doubts and did not impose a color line on suffrage. Ross was transferring those doubts from ex-slaves to all free blacks, whether or not they had lived as slaves. The oligarchy's natural inequality claims were attaching to the stigma of

slavery in the North.

As the antebellum southern oligarchy consolidated, gained political strength, spread slavery, and continued to articulate its ideology, the free states' disposition towards blacks' legal and social status traveled a schizophrenic path, as documented by Litwack's *North of Slavery*. The free states were caught in a tension between the natural rights doctrine of the American Founding, the foundation of their republicanism, and the strengthening conviction that they ignored the possible truth of the proslavery argument at the peril of their republican institutions. Even if the assumption of equal natural capacity prevailed, assimilating the emancipated and the posterity of slaves into full and equal citizenship was a difficult enough task. Increasing doubts concerning black Americans' natural capacity and natural equality greatly complicated that task and resulted in increased discrimination towards free blacks, regardless of their individual condition or character.

The Indiana constitutional convention of 1850 put this free state division on the question of blacks' natural equality on display. Though the convention excoriated slavery and expressed pity for slaves, they considered barring the ingress of free blacks into the state, prohibiting black suffrage and prohibiting blacks from purchasing real estate. Alexander Stevenson claimed that as blacks differed by an "unmistakable inferiority, both as to physical and mental qualities," it would be "highly impolitic for a refined and superior class" to keep them in their midst. If the state encouraged their presence and confirmed their full civil and political equality, they would abuse the rights of citizenship and the republican character of Indianans would deteriorate. In objection, David Kilgore conceded that all agreed blacks were an inferior class, but opposed "the intimation that the negro race is inferior by nature. Give them the proper training, and, my word for it, they will exhibit as much talent and enterprise as any class of beings upon God's footstool." Schuyler Colfax blamed blacks' social and intellectual inferiority not on their nature, but on the "lust and avarice of the white race," which had debased them. He implored the convention to do "equal and exact justice, regardless of creed, race or color," and exhorted them not to "step beyond the Declaration of Independence and declare its sublime truths a living lie." In showing that they were on the precipice of rejecting those truths by their actions, Colfax had placed his finger on the serpent that had crept into free state society from the oligarchy and was corrupting their republicanism. The claims of natural inequality and natural equality conflicted among themselves. But belief in natural inequality combined with the fear of compromising their republican character was strong. The argument that the self-preservation of Indianans' republican way of life depended upon these measures towards free blacks won the debate. The people of Indiana ratified the 1850 constitution excluding free blacks from immigrating (Indiana 1850, 247-249, 252, 455-458, 565-566, 569, 588, 642; Berwanger 1967, 43).

While the free states divided and vacillated on the question of blacks' natural capacity and natural equality, which influenced the legal and social status of blacks, both free states' proponents and opponents of free blacks' equal citizenship could agree on opposition to slavery. Both could oppose it because slavery's political effect was to destroy republicanism for all in its domain and to raise up oligarchic rule, and all its attendant evils, wherever it was planted. Opposition to slavery could unite those appalled by, indifferent to and approving of the violation of black Americans' natural rights. The defense of at least white Americans' republican liberty was their common denominator.

Southern Oligarchy and Poor Whites' Hatred of Blacks

John Adams provides a clue to understanding the origin of the hatred poor whites felt for blacks in the slaveholding South. Reflecting on his life in republican Massachusetts, in 1795 Adams wrote, "I never knew a jury, by a verdict, to determine a negro to be a slave." Yet, had Massachusetts gentlemen "been permitted by law to hold slaves, the common white people would have put the negroes to death, and their masters too, perhaps." On the one hand, the republican citizens were disposed to affirm blacks' natural rights; on the other, they would have savagely murdered black slaves, who were clearly blameless, and probably their masters, too, if the government had permitted slavery. Adams explains that the real cause of slavery's demise in Massachusetts was "the multiplication of labouring white people, who would no longer suffer the rich to employ these sable rivals so much to their injury" (Adams 1878, 401-402).

Among the common people with a republican spirit the presence of slavery did more than destroy their subsistence. It wrecked the foundation of popular sovereignty, supported an oligarchic ruling class on its ruins, and transformed the common people from an equal, self-governing people into a ruled people, stripping them of their republican liberty. In the oligarch-ruled slave states, the common people who meant to be free, viewed slavery, slaves and their ruling masters, as coordinate parts of the machinery that humiliatingly crushed them. They could see the subordination of blacks up close, and could believe in the natural inferiority claims of the oligarchy by observing the coordination of that machinery. In their fury, arising from the oligarchy's oppression, they did not separate slavery from the slave, nor the slave from color. Their intense rage against oligarchic rule fell upon black Americans, enslaved or free.

Poor southern whites despised the affectionate relations between the superior master and inferior slave. *DeBow's Review* exemplified the planter's perspective: "One of the charms of plantation life consists in the pleasant intercourse between master and slave; characterized, as it generally is, by kindness of feeling on both sides" (*DeBow's Review*, 1858, 293). One who vented poor whites' contempt for those affectionate relations, was Francis Blair on the floor of the United States House of Representatives in 1858. Blair represented a low-slaveholding district in Missouri, a border slave state. Claiming to speak on behalf of all southern poor whites who lacked a political voice, Blair claimed, that allowing slavery in the territories would wrest the lands "from the freemen to whom they belong, to be given up to slaveholders and their slaves, in order to strengthen the oligarchy which rests upon this servile institution."

Then, quoting Senator Henry Hammond's recently prior speech, that demeaned southern poor whites and called the laboring class of the North, "mudsills." Blair railed, "It is very clear that the Senator from South Carolina does not prefer the citizens of the Republic to his slaves." He called Hammond "the mouthpiece of the privileged classes—the Cicero of this new oligarchy, and not a tribune of the people." Hammond wanted the common citizens to be "deprived of the right of elective franchise, as his negro slaves are.... He denounces the... whole class of manual laborers and operatives, as slaves." Free white laborers in the South, Blair said, had "infinitely more interest" in "putting a stop to this extension of slavery into the Territories," because in the South, they had "been shut out from all ownership in the soil, and driven out of all employment in the States where slavery now exists" (*Congressional Globe*, 35 Cong 1, 1281-1284).

Very clearly, Blair would sweep America clean of both slaves and masters. Like Blair, Tennessee Senator Andrew Johnson came from a border slave state, and also presumed to speak for the crushed poor whites in the South. He, too, railed against the “pampered, bloated, corrupted aristocracy.” Prohibiting slavery in the territories permitted the poor white to leave his dependent condition in the slave-holding states and finally build a free, middle-class existence (*Congressional Globe*, 35 Cong 1, 2268-71). Later as president, Johnson vetoed the Reconstruction enactments confirming the equality of freedmen. Johnson explained his antislavery and anti-black positions to White House visitor Frederick Douglass. He said he opposed slavery both in principle, and because it enabled “those who controlled it to constitute an aristocracy, enabling the few to derive great profits and rule the many with an iron rod.” Poor whites, he said, opposed masters *and slaves*. “These two had combined to keep the poor whites ‘in slavery’ and deny them an equal chance.” Moreover, “the poor white had always been a part of the government,” though cheated of his right by the aristocracy. The government derived from whites. In other words, the proper issue of the Civil War was to destroy slavery in order to destroy the aristocracy, and to restore white popular sovereignty (Bowen 1989, 4).

A political refugee from North Carolina, Hinton Helper in *The Impending Crisis in the South* also railed against the “villainous oligarchy,” the “treacherous, slave-driving legislators,” on behalf of the oppressed multitudes of the South. Slavery was the means of establishing an oligarchy of slaveholders that controlled the slave state governments and kept down the poor whites. He urged slavery’s complete abolition on that account. He contended that, “[T]he free States are the only members of this confederacy that have established republican forms of government based upon the theories of Washington, Jefferson, Madison, Henry, and other eminent statesmen of Virginia” (Helper 1860, 33, 42, 95, 152-153). But Helper also disliked blacks and other non-whites. In a biographical essay on Helper, George Frederickson puzzles over the apparent contradiction between Helper’s antislavery position and his documented inveterate racism (Frederickson 1988, 33, 36-38). But regime theory can explain the consistency of Helper’s positions. Slaves and masters were the means of the poor whites’ oppression and he hated both slavishness and domination. Helper was voicing the furious wounded pride of a yeoman yearning to be an enfranchised, self-governing republican citizen.

Poor whites’ rejection of blacks as a barrier to their dream of realizing their republican liberty can explain the spontaneous, grass-roots explosions of violence all over the South as soon as the Reconstruction enactments required that the insurrectionary states respect black equality. The affection of masters for their slaves could persist after slavery’s abolition, as long as the ex-slaves did not expect terms of equality. Neither paternalistic masters nor jealous poor whites could easily embrace equality with a people apparently born to serve. Worse, this class could be physiognomically distinguished and for that, easily targeted, marginalized and segregated. In contrast, to the extent that Reconstruction destroyed oligarchical rule, its legacies of rich whites’ domination and of poor white vassalage could die more easily, since the members of those classes of persons could not be physiognomically distinguished. The posterity of vassal whites and ruling whites could more easily unite and turn their attentions on preventing the perceived naturally inferior class from realizing political or social equality. Through Reconstruction, the victorious republican regime of the free states was able to partially transform the insurgent regime. An oligarchy of few whites over many whites and blacks in the slaveholding South tilted towards white republicanism.

Beyond Reconstruction

To a less degree American republicanism outside the South had also gradually converted into white republicanism. Though the founders' natural rights doctrine did not die, it had become contested. Certainly, the teaching of the *Declaration* had widely lost its effect on whites in their social and political relations with non-whites outside the law. Once doubts were admitted about the natural equality of the millions who had been enslaved, questions could be raised concerning where all the races of the world stood with respect to each other. Scientific racism and the hardening of Americans' racialized views of all people logically followed.

Both the explanation of racism as a product of the oligarchic regime of the South, and a manifestation of that racism itself, is present in the reflections of Theodore Roosevelt on democracy and race, in 1894, on the eve of the century of the "color line," as Dubois accurately predicted:

From the United States and Australia the Chinaman is kept out because the democracy, with much clearness of vision, has seen that his presence is ruinous to the white race.... Had these regions been under aristocratic governments, Chinese immigration would have been encouraged precisely as the slave-trade is encouraged of necessity by any slave-holding oligarchy, and the result would in a few generations have been even more fatal to the white race; but the democracy, with the clear instinct of race selfishness, saw the race foe, and kept out the dangerous alien. The presence of the negro in our Southern States is a legacy from the time when we were ruled by a trans-oceanic aristocracy. The whole civilization of the future owes a debt of gratitude greater than can be expressed in words to that democratic policy which has kept the temperate zones of the new and the newest worlds a heritage for the white people. (Roosevelt 1894, 366)

Roosevelt understood that aristocracies and oligarchies did not want citizens who believed they were equal to the ruling few in aristocratic or oligarchic jurisdictions. They wanted pliable subjects. But he ascribed the character of citizen or subject to ethnic classes' differentiable natural constitution. To Roosevelt's views the interpretation erroneously applied to Hector St. John Crèvecoeur by our contemporary race scholars certainly does apply. The protection of American republicanism depended upon maintaining racial purity. For Theodore Roosevelt and many other Americans, American republicanism and 'whiteness' were fused.

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