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Abstract

This research focuses on the forms of exclusion that democratizing processes have historically facilitated. The dynamics of democratization often lead political coalitions to change electoral rules to simultaneously extend and constrict the right to vote across different categories of persons, as well as to reinforce existing exclusions. This pattern occurred in all the 'exemplary models' of early democratization, and yet the historical narratives relied on by the comparative democratization literature neglect its exclusionary dimension, and thereby misinform comparative theory building. The dissertation

empirically documents the "dark side of democratization" in the three paradigmatic cases of the United States, the United Kingdom, and France, and develops and tests a theory explaining cross-national and cross-time variation. At key moments in a country's development, political entrepreneurs advance ideas of community belonging for the purpose of securing a governing coalition. When successful the ideas of political community are embedded in new institutions and in public opinion, shaping the expectations of political agents across the political spectrum and resulting in higher costs of coalition-building and political mobilization across categories of people. The exclusions were thereby made resilient to subsequent democratizing processes. The dissertation advances research the role of ideas in social science by focusing on the micro-foundations of democratic exclusion. The model predicts various of political behavior that are integrally important to democratization, and is tested against debates, voting behavior, and correspondence in and outside of parliaments, legislatures, and constitutional conventions. The data draws on archival field work research, multiple datasets of legislator behavior, constituency demographics, and institutional change. These allow for the identification of stable patterns as well as change across time, and supplement a process tracing research design.

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DEMOCRATIC EXCLUSION.
THE RIGHT TO VOTE IN THE UNITED STATES, UNITED KINGDOM, AND
FRANCE

David Alexander Bateman

A DISSERTATION

in

Political Science

Presented to the Faculties of the University of Pennsylvania

in

Partial Fulfillment of the Requirements for the

Degree of Doctor of Philosophy

2013

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David Alexander Bateman

For Mary Flanagan

Robert, Kate, Christopher, Justin, Mary Alma, and Martina

Acknowledgements

A refrain I have heard often since coming to the United States to begin graduate school is that a Ph.D. is a waste, a foolish investment of time and effort in pursuit of a disappearing career. At conferences and on campus, I would frequently hear graduate students bemoan the fact that they had chosen this path, rather than going off to make some “real money.” I naively believed this meant a yearly salary of forty-thousand dollars, and luridly imagined the elite networks that would enable them to obtain such a lucrative opportunity. I have since learned that ‘real’ has a rather surreal quality at privileged American institutions. So perhaps it is with that baseline in mind that one should evaluate my claim that the years I spent in graduate school have been the richest in my life. I have been fortunate to a degree unmerited by talent, effort, or personal virtue. And, as tends to be the case with fortune, my own rests entirely on the efforts and support of others. I have incurred many debts to institutions and persons, and it is a great pleasure to have the opportunity to acknowledge them here. As tends to be the case with the fortunate, I am certain that I will overlook many people and organizations whose support has been essential to the completion of this project. I apologize for the oversights.

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ABSTRACT

DEMOCRATIC EXCLUSION. THE RIGHT TO VOTE IN THE UNITED STATES, UNITED KINGDOM, AND FRANCE

David Alexander Bateman

Brendan O'Leary

This research focuses on the forms of exclusion that democratizing processes have historically facilitated. The dynamics of democratization often lead political coalitions to change electoral rules to simultaneously extend and constrict the right to vote across different categories of persons, as well as to reinforce existing exclusions. This pattern occurred in all the 'exemplary models' of early democratization, and yet the historical narratives relied on by the comparative democratization literature neglect its exclusionary dimension, and thereby misinform comparative theory building. The dissertation empirically documents the "dark side of democratization" in the three paradigmatic cases of the United States, the United Kingdom, and France, and develops and tests a theory explaining cross-national and cross-time variation. At key moments in a country's development, political entrepreneurs advance ideas of community belonging for the purpose of securing a governing coalition. When successful the ideas of political community are embedded in new institutions and in public opinion, shaping the expectations of political agents across the political spectrum and resulting in higher costs of coalition-building and political mobilization across categories of people. The exclusions were thereby made resilient to subsequent democratizing processes. Rather than reject alternative accounts of democratization, the dissertation demonstrates that the ideational construction of a political community is of prior causal importance to well-studied processes associated with democratization, and that the ideological context of 'peoplehood' needs to be taken into account in theoretical models and empirical narratives. The dissertation advances research the role of ideas in social science by focusing on the micro-foundations of democratic exclusion. The model predicts various of political behavior that are integrally important to democratization, and is tested against debates, voting behavior, and correspondence in and outside of parliaments, legislatures, and constitutional conventions. The data draws on archival field work research and multiple datasets of legislator behavior, constituency demographics, and institutional change. These allow for the identification of stable patterns as well as change across time, and supplement a process tracing research design.

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Chapter 1

Democratic Exclusion and Progressive History

“Liberal democracy is a great philosophy of inclusion. It is rule of the people, by the people, and for the people, and today the ‘people’ is taken to mean everybody, without the unspoken restrictions that formerly excluded peasants, women, or slaves. . . . Yet there is also something in the dynamic of democracy that pushes toward exclusion”

—Charles Taylor (1998, 143)

Introduction

In a speech before the NAACP, United States Attorney General Eric Holder claimed “the arc of American history has always moved toward expanding the electorate.”¹ This claim relies on a generous definition of “arc.” Given the various constrictions of the right to vote—applied to blacks, women, aliens, the working class, natural born citizens—and the constant churn at the margins of inclusion, the trajectory of the right to vote in the United States is hardly analogous to a smooth, monotonic curve. Holder and his audience are not ignorant of America’s tortured history regarding the right to vote. Rather, his framing should be seen as part of a political project, one that places previous exclusions from the suffrage in an historical narrative that can constitute a sense of shared and valued peoplehood with clear political implications. This “arc” toward expanding the electorate, Holder continued, “is what has made this nation exceptional.”

Holder’s invocation of a teleological narrative of American history—in which exclusions reflect temporary deviations from the core of American peoplehood and purpose, and whose overcoming constitutes the essence of America as providential, excep-

¹“Attorney General Eric Holder Speaks at the NAACP Annual Convention,” Houston Texas, July 10, 2012. <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-120710.html>

tional, and intrinsically valuable—reflects an effort to build and maintain support for the protection of voting rights. As such Holder might be excused his historical inexactitudes. The responsibility of scholarship is different. Nonetheless, scholarly understandings of democratization—in the United States as elsewhere—continue to be structured by a narrative of a gradual and largely unidirectional process of an expanding right to vote. This presumption is not only problematic history, but leaves us ill-equipped to explain the enduring capacity of democratic states to maintain exclusionary regimes. The belief that the logic of democracy is to converge on a homogenous and equal suffrage arrangement for the entire adult population is an old one. It continues to underlie theories of democratization and suffrage expansion advanced by prominent scholars in political science and economics. At the core of these accounts is the claim that once representative institutions are established a country's subsequent trajectory will reflect the logic of a democratic development path. Unless the country is knocked off this path—through conquest or defeat in war—remaining exclusions will be overcome. While some accounts do not completely efface disenfranchising reversals or long-term exclusions, these are treated as temporary or “incomplete transitions,” implying the logic of enfranchisement will eventually encompass the excluded categories of persons (North, Wallis, and Weingast 2009, 120). This project takes aim at this contention by focusing on the exclusions that accompany democracy and whose resilience to an enfranchising democratization reflects neither “incomplete transitions” nor exceptional deviations but important and common phenomena requiring explanation.

While the triumphalist narrative has long dominated accounts of democratization, it has never been without criticism. One recent contribution to this revisionist project is Richard Valelly's *The Two Reconstructions* (2004). Valelly's thesis is that “No major social group in Western history, other than African Americans, ever entered the electorate of an established democracy and then was extruded by nominally democratic means such as constitutional conventions and ballot referenda, forcing that social group to start all over again” (2004, 1). This, then, is the inverse of Attorney General Holder's contention: the United States is exceptional not in the progressive expansion of the electorate, but rather in its constriction.

This claim is likewise mistaken. Neither the post-bellum exclusion of blacks nor the United States is unique in this regard. The disenfranchisements of the French electoral law of 1850 were comparable in magnitude to the disenfranchisements of blacks in the southern United States, reducing the total male electorate by 30% and by as much as 80%

in the more industrialized cities of the North (Huard 1991, 54-57). The Roman Catholic Relief Act (1829) in the United Kingdom gave Catholics the right to sit in Parliament but was paired with a bill disenfranchising the primarily Catholic rural electorate of Ireland. In Italy, revisions of the electoral registers in the late nineteenth century disfranchised nearly a third of the electorate in a purge that was targeted at the urban working classes (Bartolini 2007, 221). In South Africa, the racially neutral Cape Qualified Franchise was gradually amended to fully disenfranchise black (1959) and coloured voters (1968) in Cape Province from elections to the House of Assembly. In the years following independence, Latin American countries imposed income, tax, and literacy requirements that were considerably more exclusionary than existed before (Przeworski 2010, 50). The excluded in each of these cases constituted “major social groups,” and each of these exclusions were the product of representative legislative assemblies.²

These disfranchisements were proportionally large relative to the electorate. When we expand our scope to include smaller disfranchisements, we find numerous others. Certain categories of indigenous peoples in Canada were enfranchised by the Conservative government of 1885 and then disenfranchised by the Liberal government in 1898. While the 1839 constitution of the Commonwealth of Liberia had secured the vote to every male citizen, the 1847 constitution restricted the right to vote to property owning male citizens. Both the citizen and the property qualification worked to exclude the indigenous population, who were denied citizenship until 1904 and the suffrage until 1946. Denmark introduced higher property qualifications in the Landsting, the upper chamber, in 1866 (Bartolini 2000, 221). And as demonstrated by a notable scholar of democratization, “of the nineteen countries in which the first qualifications gave the right to vote to all independent men, suffrage was subsequently restricted in sixteen” (Przeworski 2010, 50).

Even in the United States the removal of voting rights from African Americans after Reconstruction was not the only instance where existing voters were disenfranchised. Most states removed free blacks from the electorate in the antebellum period, despite their earlier enfranchisement. Several states enfranchised and then disfranchised aliens

²Valelly notes that “disfranchisements certainly took place in other nations, for example, in France, which experienced several during the nineteenth century,” but insists that “such events occurred when the type of regime changed, not under formally democratic conditions” (2004, 2). This is inaccurate in the case of France, where disenfranchisement of the working classes occurred under formally democratic conditions, before the coup of 1851. In fact, it was the coup that *restored* formal voting rights to the mass of the male population. His claim that “in Europe, Latin America, and elsewhere, liberal democracies never sponsored disenfranchisement” is likewise incorrect.

who had declared their intention to naturalize. Residency requirements, which in the U.S. as elsewhere have always been understood as targeting “the floating portion of the proletariat,” have fluctuated considerably, as political coalitions sought to enlarge and constrict the electorate and alter the capacity of the working class to participate.³ And while the twentieth century enfranchisement of women has been relatively uncontested, women in both New Jersey (1776-1807) and Utah Territory (1870-1887) were enfranchised and then disfranchised. These exclusions were not the product of regime change, but were accomplished through the democratic process itself.

The narrative of progressive enfranchisement, however, is not without empirical support. There are compelling reasons to believe that there is an enfranchising logic to democratic institutions, that each expansion of the electorate reduces the cost of a further expansion, and that competitive political parties have an incentive to extend voting rights as they maneuver for electoral victory. But the occurrence of disfranchisement and durable exclusions suggests that this logic does not operate equally across categories of persons, regimes, and time. Understanding this variation is crucial to understanding democratization.

This project takes aim at both the narrative of progressive enfranchisement as well as an exceptionalism that sees the American deviation from this pattern as *sui generis*. But the purpose is not simply to debunk Whig historiography of progressive liberty. Rather, the purpose is to explore a central tension identified by numerous scholars between the inclusive and exclusive faces of democracy. Charles Taylor, for instance, has remarked that “liberal democracy is a great philosophy of inclusion,” where the people rule and where ‘the people’ “is taken to mean everybody.” But Taylor is concerned that “there is also something in the dynamic of democracy that pushes toward exclusion” (1998, 143). For Taylor and other scholars, democracy has a greater requirement for cohesion and trust than authoritarian regimes, which in turn makes a common identity much more important in democracies than elsewhere (1998, 143; Miller 1995, 96; Kook 2002; see Tebble 2006). Their claim is not the truism that all states must exclude, that no state can treat every person as “an equally entitled citizen” (Schmitt 1988, 12). Rather, it is a claim that democracies in particular have an internal logic compelling them to emphasize much more strongly some collective and homogenous identity, such as nationality, ethnicity, religion, or secularism. But if there is an exclusionary impulse in democracies, this varies considerably across countries and across the categories of

³Jean Jaurès, leader of the French Socialist Party, in “Vues politiques,” *Revue de Paris*, April 1st 1898, 580.

persons. Rather than locating democratic exclusions in a functional requirement of a democratic state, I seek to explain the variation in the form and extent of democratic exclusion, both within and across different countries.

This project advances two overarching claims. From these claims follow two main contributions to the existing literature, the first empirical and the other theoretical. The first claim is that sustained exclusions from political rights and disenfranchising reversals are neither exceptional nor temporary phenomena in states with democratic institutions. Accordingly, a central empirical contribution is to document the extent and form of these exclusions in three of the paradigmatic cases of democratization: the United States, the United Kingdom, and France. The second claim of this project is that the politics of rights are structured by ideas of community belonging. That is, the construction of a vision of political community is of prior or coincident causal importance to processes of elite competition, mass-elite conflict, war-making or structural factors normally emphasized in the literature on democratization. These processes are structured by ideological delineations of membership and status, creating different opportunities and costs for political action and coalition building for differently situated classes of persons. The result is that the various processes associated with democratization have a greater effect for those who can effectively claim membership within the community than for those who cannot. For those ideologically placed outside of the community, the ‘democratizing’ processes might have a smaller effect, and in some cases might even have the opposite sign, making disfranchisement more likely.

* * *

The chapter is organized into two main sections, the first delineating the scope of the project and defining the key concepts, and the second detailing the degree to which the literature on democratization has neglected, both empirically and theoretically, disfranchisements and exclusions. I define and operationalize ‘democratic exclusion,’ and justify my decision to focus primarily on exclusions from the right to vote. I also outline a normative claim about how democratic institutions *should* be organized. I do this for two reasons. For one, it allows the reader to know my biases, an important piece of information that ought to be disclosed. But also, as I make clear below, the ideal of democracy in which I believe has always been a political loser. And the question of why it has been such a consistent loser provides an entry into understanding why some democracies exclude more broadly and more forcefully than others. Starting from this basis, I examine the literature on democratization’s cursory treatment of exclusions

and the resulting limits of theorizing in this field, and conclude with an overview of the subsequent chapters.

Democratic Exclusion

The claim that sustained exclusions and disfranchisements are not temporary or exceptional phenomena in democratic states requires a definition of democracy that does not make sustained exclusion an oxymoron and a definition of exclusion that does not make this claim a truism. A workable definition of democracy need not perfectly capture a normative ideal, but it should clearly identify stable features of political life that exclude regimes most observers would not qualify as democratic. It should also allow us to avoid the mistake of some who have argued for a “dark side to democracy” while including within their definition states that few observers would qualify as democratic (Mann 2005).

Teri Caraway has noted that before Robert Dahl’s seminal work, *Polyarchy* (1971), much of the literature on democratization had defined democracy as “the government [being] held accountable to its citizens, whoever they may be” (2004, 444). This was in large part the result of Joseph Schumpeter’s influential definition of democracy as “that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote” (Schumpeter 2006, 269). Schumpeter was explicit in arguing that exclusions did not render a regime non-democratic, noting that “there have been nations that practiced discrimination. . . and nevertheless displayed most of those characteristics which are usually associated with democracy” (2006, 244). Exclusions based on “personal unfitness” did not invalidate a regime’s democratic credentials, even when ‘unfitness’ was based on property, racial, sexual, religious, or other criteria

“For fitness is a matter of opinion and of degree. Its presence must be established by some set of rules. *Without absurdity or insincerity* it is possible to hold that fitness is measured by one’s ability to support oneself. In a commonwealth of strong religious conviction it may be held—again without any absurdity or insincerity—that dissent disqualifies or, in an anti-feminist commonwealth, sex. A race-conscious nation may associate fitness with racial considerations. . . . [G]iven appropriate views on those and similar subjects, disqualifications on grounds of economic status, religion and sex will enter into the same class with disqualifications which we all of us consider compatible with democracy. We may disapprove of them to be sure. But if we do

so we should in good logic disapprove of the theories about the importance of property, religion, sex, race and so on, rather than call such societies undemocratic” (2006, 244).

The precise nature of the exclusion mattered little for Schumpeter, and the defining trait of democracy was not the definition of the people—as we must “leave it to every *populus* to define himself” (2006, 244)—than that office was allocated by competitive elections.

This project is concerned with the exclusions that have accompanied democratization. And from this perspective, there is good reason to prefer Schumpeter’s narrow definition, rather than those that set a threshold between non-democracies and democracies depending on the proportion of the population included. For one, Schumpeter’s emphasis on a particular political process—competitive and binding elections—underlies much of the literature’s narrative of progressive enfranchisement (North, Wallis, and Weingast 2009, 215-16). Dahl, for instance, argued that the most successful path toward polyarchy saw “liberalization precede[] inclusiveness” and that inclusiveness without contestation was less threatening to elites than contestation without inclusion (Dahl 1971, 34, 39).⁴ As much as Dahl stressed inclusion, he nonetheless suggested that public contestation was the more important dimension. The claim that democracies exclude need not be oxymoronic nor a truism, although at the extremes it can be both: a state excluding all but a tiny oligarchy can hardly be characterized as a democracy, regardless of the arrangements for decision making among this oligarchy, and even a state in which every resident person has the right to vote excludes at a minimum those not resident. A Schumpeterian definition of democracy allows us to consider democratic exclusion as a coherent and intelligible category, and treat the degree of inclusion as the variable to be explained.

We are now able to define democratic exclusion: the exclusion of categories of persons from the electorate in regimes where the allocation of office is determined by means of a competitive struggle for the votes of a variably enfranchised population. This is not the only form that exclusion in democratic regimes can take, nor is it always the most important. Accordingly, a brief discussion of why this project focuses on disfranchisement and how this relates to other forms of exclusion is in order. One of the central means by which democratic states exclude is through the institution of citizenship, which is inherently a mechanism of “social closure” almost always entailing a denial of some rights

⁴Dahl was even willing to suggest that the United States should be considered a “near” rather than a “full” polyarchy, suggesting as a “not entirely unreasonable” definition of polyarchy “requiring a degree of inclusiveness greater than that met by the United States” (1971, 29).

to political participation (Brubaker 1992; Parkin 1979). Even among putative citizens, however, states have always imposed civil disabilities and institutional discriminations between classes based on their race, religion, indigenous status, gender and other criteria. Democratic exclusion could be understood in this broader sense, in which categories of persons are excluded from the full gamut of rights and privileges that are available in a given democratic country. Furthermore, there are “also subtler and more ambivalent ways” by which democratic states can exclude, including the symbolic construction of national identities that exclude some segment of the citizenry and the “style” and “tone” of political discourse (Taylor 1998, 145-46).

Why then focus on the right to vote? I suggest two main reasons: it is uniquely important as a means of securing some form of political power, leverage, or influence; and in part because of its importance, it remains one of the rights most clearly delineated by citizenship. Institutional discriminations and disabilities are not derivative of electoral disfranchisement, but they are closely imbricated. Civil and social rights do not derive naturally from the right to vote, but the vote has been centrally important in securing these.⁵ The disfranchised, accordingly, can be said to be especially vulnerable to the denial of rights and discriminatory policies.

At a conceptual level, however, exclusions from the right to vote also merit attention because of their centrality to our understandings of citizenship. By examining exclusions from the suffrage, we are better able to understand the integrative and exclusionary faces of citizenship. Citizenship is a formal legal status that structures the relationship an individual will have with their ‘own’ and with foreign states, and that establishes a contextually specific set of rights and responsibilities between the state and the citizen (Bendix 1996, 89; Tilly 1995, 8). Despite T.H. Marshall’s well-known sequence of rights moving from the civil to the political and finally to the social, it was political rights that were initially central to citizenship (1950). The defining aspect of citizenship in Roman law was the right of political participation, namely the right to vote (*jus suffragiorum*) and the right to hold office (*jus honorum*).⁶ While civil rights have been crucial elements of citizenship, historically these rights were extended more broadly than those of political

⁵This is the sole function of the vote in William Riker’s *Liberalism against Populism* (1982), as well as his earlier *Democracy in the United States* (1953), and is a central function of the vote in Dahl’s *Polyarchy* (1971, 93-94).

⁶Even in England, from which Marshall was generalizing, political rights were broadly held until 1430, when Parliamentary concern that “elections had been crowded by many persons of low estate, and that confusion had thereby resulted” led to the implementation of the first non-resident householder qualification: the “ancient franchise” of the 40 shilling freeholders (Seymour 1915, 11).

participation, the possession of which indicated full citizenship.⁷

To a considerable extent, this remains the case. Even those who are skeptical of the continued importance of national citizenship acknowledge that “for full participation in political activity, formal citizenship is crucial” (Soysal 1994, 127). And although aliens have increasingly been extended the right to vote in local elections, the legal status of citizenship remains the primary means by which belonging is indicated and political rights are allocated (Bosniak 2008, 2, 15). The contemporary association of political rights with citizenship, however, threatens to obscure or provide a language in which ongoing exclusions can be legitimated. Exclusions of long-resident persons are now justified not on the grounds of education, property, or some discriminatory metric for assessing fitness, but because they are non-citizens; and we run the risk of treating the exclusions of non-citizens as an obvious and unproblematic. And when a politically or normatively problematic disfranchisement is recognized, the suggested solution is often citizenship, as was the case with the long-resident Turkish population in Germany.

For a variety of reasons, however, it might be both more practical and normatively desirable to provide the right to vote divorced from citizenship. The formal status of citizenship does not and has never overlapped perfectly with understandings as to the boundaries of belonging (Ngai 2004, 8). In addition to the legal status there is a “cultural construction” of citizenship concerning “who qualify and who do not qualify to become members of the community in the eyes of those who consider themselves to be the majority or the hegemonic element of that community” (Gülalp 2006, 3). In some places, historical and political processes have led to a relatively tight fit between political community and citizenship, and in others a much looser fit, with broad segments of the population being formally citizens but outside of the idealized political community. Sometimes citizenship itself can be a potential barrier to democracy, as it is now a universal condition for full rights of democratic participation; and in other contexts, the ‘extension’ of citizenship to a population would itself be an act of oppression. Accordingly, we want to separate the question of democratic exclusion from that of access to citizenship.

The same is true of the construction of exclusionary national myths and symbols. These understandings of political community are of central importance, but they should not be conflated with the specific institutional barriers to political participation. I argue

⁷For instance, the innovation in Roman law of a category of *civitas sine suffragio* allowed for the extension of the status of citizen and many of the rights embedded in that status while the rights of voting in the Roman assemblies were restricted (Sherwin-White 1980, 38-58).

that it is precisely because national myths shape political dynamics that we need to distinguish these from the legal qualifications on voting rights. By treating democratic exclusion as disfranchisement from the right to vote, rather than lumping various forms of exclusion together, we are better able to explore the interactions between institutional and symbolic—but not therefore inconsequential—exclusions.

Democratic Exclusion and an Inclusive Ideal of Democracy

All democratic states exclude. Despite Schumpeter's relativism, some of these exclusions are morally wrong and others morally suspect. Many are widely recognized as such precisely because they are felt to violate democratic principles. That Schumpeter provides a useful definition for identifying a centrally important dynamic in democratic regimes—political contestation for public office—does not mean his is a normatively adequate vision. But it is worth considering what I believe to be a more compelling vision of democracy inclusivity, one whose consistent failure might provide a starting point for understanding democracy's exclusions.

Take for instance a longstanding claim in democratic theory, that all authority should derive from the consent of the governed. This is not usually taken to mean a radically libertarian position that laws are not binding unless each individual has consented to each law or agreed to each delegation of authority. Rather, it is usually taken to mean that all who are subject to the laws and authority of a state should have the capacity to organize and participate in the changing of these laws and in the replacement of those who wield public authority. They do not need to agree with or support all the laws or any given authority. But there needs to be open, procedurally predictable, and equitable institutions that enable any individual who disagrees with a law or disapproves of an official to organize in pursuit of a collective decision of non-consent, one that should be binding. Institutional arrangements that impede or render inequitable this capacity, including but not limited to franchise qualification, are suspect from the perspective of democratic legitimacy. This definition of consent excludes the very young, although it almost certainly includes teenagers and even younger children. But the very young are 'governed' and we should not pretend that their exclusion is conformable to a democratic ideal. It is a violation premised upon a temporary inability, not itself the product of social or political process, to organize politically.

As for who constitute the governed, that depends on the claimed scope of the state. The domain of democracy is that of authoritative organizations that have the ability to

impose sanctions, the most consequential of which is the state. Given that the organizing principle of the modern state is territorial—sovereignty over persons and things within a delineated area—the identification of the ‘governed’ is also, primarily, a question of whether a person is within a given territory. While states do project their authority over certain persons beyond their claimed territory—the requirement that citizens traveling under a state’s passport obey the laws of their home state as well as the laws of the state in which they are present—the effectiveness of this is contingent upon the ability to ‘get’ you territorially: either by arresting you upon your return or by coordinating with other states to arrest you abroad.

Robert Dahl succinctly articulated the scope of the electorate, which he equated with the citizenry, in such a minimally exclusive regime: “the citizen body in a democratically governed state must include all persons subject to the laws of that state except transients and persons proved to be incapable of caring for themselves” (Dahl 1971, 122).⁸ It should be stressed that this is a minimal condition; that is, from a normative stance states must include at least all of those actually subject to the laws for any considerable period, but it is not necessarily true that any extension of the right to vote beyond this is unjustifiable. Countries that are large exporters of labor might appropriately extend the right to vote to those who reside outside the country. That this generates the possibility of manipulation—the instrumental extension of the vote to a diaspora that is not directly subject to the laws of the state but that might nonetheless have strong preferences, possibly against those of a majority of the resident population—might be grounds for suspicion. But this is true of all voting arrangements, and the fact that a given arrangement might have been a manipulation of the electoral law to secure party advantage does not necessarily make it illegitimate.

It is certainly thinkable and not obviously impractical to have a near perfect corre-

⁸This is similar to the “polities of presence” ideal argued for by Jamin B. Raskin: “communities governed by all adults living within them” (Raskin 1992, 1392). Rainer Bauböck objects that such a territorial conception of political community “is not plausible in a world where large numbers of people move across international borders and settle abroad. It would imply that emigrants should automatically lose their citizenship of origin once they have become permanent residents abroad, and that immigrants should automatically acquire the citizenship of their country of residence without being asked for their consent” (Bauböck 2007, 2419). The problem with this argument is that Bauböck unreflectively re-affirms not just the centrality of voting to citizenship, but the centrality of citizenship to voting. A territorial rooted conception of the right to vote need not include every citizen nor need it include only citizens. Citizens who have settled permanently abroad need not lose their citizenship status even if they lose their right to vote in elections of their state of origin, nor should resident aliens—who should enjoy the right to vote on the basis of being subject to the laws of the state—be forced to take citizenship without their consent.

spondence between the near-adult governed and the enfranchised. As a practical matter, the state could impose some limitations based on a short residence period, or restrict the right to vote of those whose extensive stay abroad has limited the capacity of the state to govern them. Nonetheless, such a minimally exclusive state, following from the logic of the normative standard outlined above, is certainly thinkable, in the sense that the institutional arrangements required to realize it are not inherently contradictory. This vision of a minimally exclusive state, however, has never been realized for any length of time. To understand why democratic states exclude, and to understand why the lines of disfranchisement are drawn where they are, the reasons why a vision of a near-wholly inclusive democratic state has almost never had any broad political support needs to be considered. These reasons suggest a preliminary answer to our question of who is excluded and who is not.

Community and Exclusion

While ‘consent of the governed’ has long been part of the rhetorical repertoire of democrats and democratizers, it has never been the sole or even the most important claim. Rather, it has always been understood as qualified in some way, and some convergence of interests and attachment to a community has nearly always been seen as a politically necessary—and normatively desirable—restriction of the consent of the governed. Kant for instance, claimed “the only qualification for being a citizen is being fit to vote,” but limited this fitness by presupposing it could only exist with “the independence of someone who, as one of the people, wants to be not just a part of the commonwealth but also a member of it.”⁹ Montesquieu noted that in “‘Athens a stranger who intermeddled in the assemblies of the people was punished with death’ . . . because such a man usurped the rights of sovereignty,” which were necessarily tied to a ‘people.’¹⁰ As one critic of democracy argued, “these rights of man are, in part, *political* rights, rights which can only be exercised in community with others. Their content is *participation* in the *community*, and specifically in the *political* community, in the *life of the state*” (Marx 2008, 43).¹¹

⁹Section 46, *Metaphysics of Morals, Doctrine of Right* (Kant 1996, 91).

¹⁰*Spirit of the laws, Book II (Of Laws Directly Derived from the Nature of Government), Section 2* (1949, 9)

¹¹Albert Venn Dicey similarly suggested that a federal state required the existence of “a body of countries . . . so closely connected by locality, by history, by race, or the like, as to be capable of bearing, in the eyes of their inhabitants, an impress of common nationality” (Dicey 1915, 137). While he was speaking of a federal state, rather than a democratic one, the need for “an impress of common nationality” is

Community, however, is a concept with exclusionary tendencies, suggesting a relation between persons that is more than the mere coincidence of “living in the same place.”¹² That is, it suggests a meaningful political identity that binds some people together. While it is not necessary as a matter of definition that democracies be constructed around a *Staatsvolk* community—a people around which a state is organized (O’Leary 2001)—it is often argued as an empirical and theoretical matter that a common identity is a requirement for a democratic regime. Most scholars of democratization, however, treat a common identity as a prerequisite of democracy, rather than as a potential product of democracy. So Charles Taylor treats popular sovereignty as the “basic mode of legitimation of democratic states,” and argues that “for the people to be sovereign, it needs to form an entity and have a personality,” in short, a common identity (Taylor 1998, 143). Dankwart A. Rustow claimed that there was only one necessary precondition for democratic governance, that “the vast majority of citizens... have no doubt or mental reservations as to which political community they belong” (Rustow 1970, 350). Echoing Rustow, Anthony Marx argues that “national unity is a precondition to democracy, for it establishes the boundaries of the community to which citizenship and rights are then accorded, without which democracy is impossible” (2003, 31; Bosniak 2008, 97). Starting from this premise, many scholars of democratization see it as a relatively benign (and often static) factor, and neglect that “the practice of ensuring the ‘belonging’ and ‘unity’ of the nation’s members simultaneously and inevitably signals the existence of a sharp divide between insiders and outsiders to the nation” (Bosniak 2008, 98).¹³ The emphasis on national unity as a prerequisite conceals the ways in which nationality was itself constructed through both democratization and exclusion, and encourages an ahistorical treatment of exclusions as separate from a country’s experience with democratization. Democratization in some countries created inclusive nations; in others, it created or reinforced highly exclusive nations. In both cases, the resulting political community was

required as a belief among the people, suggesting this is especially needed where this population is given influence over political decision-making.

¹²Even the moderate definition of nation offered by Leopold Bloom—“the same people living in the same place... or other places”—suggests a commonality that is not achieved by being of a different people living in the same place (Joyce 1922, ep.12, 1419-31).

¹³Seen in this light, the “muscular liberalism” espoused by British P.M. David Cameron, is itself imbued with ethnic and nationally specific resonances, and its insistence on a single mode of citizenship intentionally excludes not only other modes of citizenship but subtly reaffirms the ethnic and national demarcation of peoplehood that it claims to disavow. See Cameron’s speech in Munich on February 5th, 2011. <https://www.gov.uk/government/speeches/pms-speech-at-munich-security-conference>, accessed May 5th, 2013.

less a static ‘given’ than a contested and relatively malleable product.

Moreover, many of the assumptions of the importance of shared identity to democratic governance rely on functionalist arguments founded on empirically uncertain claims about the ‘needs’ of a democratic state for an exceptionally strong form of collective identity. Charles Taylor, for instance, has argued that democratic exclusion is “a by-product of the need, in self-governing societies, of a high degree of cohesion,” which can only be achieved through the creation of a “people with a strong collective identity” (Taylor 1998, 143-44). Expanding on this logic, Rebecca Kook has argued that “democratic regimes always exclude groups or individuals...[in order to] to maintain the exclusivity necessary for the identity to function as an efficient mechanism of cooperation” (Kook 2003, 34). These accounts argue democracies generate exclusionary identities because democracies need such identities to function. The political construction of exclusionary identities, then, is simply an appropriate form of statesmanship, an effort by state elite to secure the “high degree of cohesion” that democracies are supposed to require. For one, it is not entirely clear whether, as an empirical matter, democracies do require an inordinate level of trust (Mueller 1996: 117-181; Uslander 1999, 140-144).

Certainly there are democracies that function, however imperfect state services might be, in low-trust environments. But it is also unclear why we would expect political leaders to formulate policies geared toward ensuring “efficient mechanisms of cooperation”—given that these mechanisms might easily be turned against them—or for achieving the optimally efficient democratic government. As with Kook, I argue that political elite are especially important in constructing exclusionary identities, and that they are motivated by what they consider to be statesmanship. But rather than assume political leaders build exclusionary identities for the purposes of a functioning democracy, as Kook does, I argue they do so for the purpose of reconciling core constituencies in order to build broad support for a governing coalition. Exclusions *might* be necessary for the high degree of political cohesion democracies *might* require. But for this to translate into political outcomes, it needs to be embedded in the understandings of political leaders. And this takes us away from the functionalist proposition that democracy requires exclusion, to the political question of what motivates any given exclusion.

This is why I characterize the minimally exclusive state as a political loser. Insofar as democratic states exclude beyond the minimum outlined above, it is a function of politics rather than of theoretical necessity or functional convenience. In practice, it is

almost always the case that debates over the franchise refer back to membership in either an already existing community or a community understood to be in the process of being created. If persons engaged in political contestation find that they get more traction by drawing on resonant understandings of community, then there is the potential that this very resonance will impose greater burdens on those seeking political rights for those placed outside this imagined community. Insofar as this is the case, there is a constant potential for the institutional arrangements of the franchise to fall short—and in many contexts, fall well short—of implicit democratic ideals.

* * *

This project shares a family resemblance to claims about the “dark side of democracy” and works that have emphasized the exclusionary potential of democratic regimes. In its various forms, this literature argues that “the institutions of citizenship, democracy, and welfare are tied to ethnic and national forms of exclusion” (Mann 2005, 3; Wimmer 2002). Some scholars have sought to explain ethnic expulsions and genocides as resulting from dynamics inherent to democracy, namely the tendency to define the *demos*—the people that are sovereign—in terms of the *ethnos* (Mann 2005, 3). While the claims about democracy’s murderous propensities have been incisively critiqued, Mann rightfully identifies the problematic equation between the ‘people’ who should govern and a more exclusively defined political community as a central tension to democracy (see Laitin 2006).

But this equation is neither inevitable nor everywhere the same. Anthony Marx has called attention to the need to reconfigure “the image of the nation-state as an inclusive ‘imagined community’” to take into account the possibility of a “distinctive and divisive route to nation-state building” (1998, 25). And Marx and others have argued that even the most seemingly benign forms of civic, as opposed to ethnic, nationalism, obscure the degree to which they are reliant on a “strong sense of separate peoplehood” (Brubaker 1999, 61). But rather than posit a simple equation between the *demos* and the *ethnos* as a recurring tension in of democracy, Marx emphasizes the political exigencies that lead political leaders to construct exclusionary ideas and institutions of peoplehood, and describes the process of a “state-imposed exclusion of a specified internal group, used to reinforce the allegiance and unity of a core constituency,” which he suggests might be part of a “more pervasive pattern” (1998, 25). The project advanced here takes seriously Anthony Marx’s claim that democratic “nation-states have often been based on such exclusion, not only according to race, but also ethnicity, class, and other cleavages,” and

that scholarship accordingly needs to explore the “more widespread historical pattern of nation-state building through exclusion” (1998, 25).

There are at least two different perspectives that can be taken on democratic exclusion. The first places the emphasis on the state, and moves from the observation that states exclude, that democracies are a particular form of state, and that consequently democratic exclusion is an instance of the broader category of state exclusion. The second suggests that there is a sort of double movement in democracies, that “[t]here is a drive in modern democracy toward inclusion. . . [and] alongside this, there is a standing temptation to exclude” (Taylor 1998, 146). In this meaning, the “democratic” is not simply a sub-category, but a marker that this is a process more or less unique to democratic societies.

We should not exaggerate the distinction. Nonetheless, they suggest different lines of research. The first begins with the establishment of political order and then moves to the question of exclusion. Only as a subsidiary does it address the question of whether and how specifically democratic regime types alter this dynamic. The second begins with democratic regime types, and asks what exigencies specific to these might generate exclusionary impulses. The advantage of the first is that we do not begin from the premise that it must be something specific to democracies that generates exclusion, a premise that often leads theorists of democratic exclusion to assume *a priori* that it is the specific need of democratic societies for a high degree of trust that generates exclusionary politics. The advantage of the second is that there are processes that are relatively unique to democratic regimes and that by treating all exclusions as resulting from state exigencies we fail to address the particular circumstances of democratic exclusion. I try to draw on the advantages of both perspectives. Exclusion does not result from abstract state or abstract democratic exigencies alone; these are always mediated through political contestation, which can, in the end, determine the outcome.

Democratic Exclusion and Democratization

Much of the literature on democratization argues that once representative institutions have been established and consolidated, the subsequent history of the country will reflect a democratic development path, in which a political logic of enfranchisement works to gradually expand the size of the electorate until it is “approximately equal to the total population of (adult) citizens” (Bueno de Mesquita et al. 2005, 49). This leaves exclusion as a residual: the disfranchised are those to whom the logic of enfranchisement has not

yet arrived. This has generated an oversight of the importance of exclusions, impairing political science theory-building and testing.

The Logic of Progressive Enfranchisement

The vision of a democratic development path characterized by a logic of progressive enfranchisement is an old one. For Tocqueville, the “gradual development of the principle of democracy is. . . , a Providential fact,” driven by the general and persistent bias of social developments toward a diffusion of wealth and an equalization of social relations.

“When a nation begins to modify the elective qualification, it may easily be foreseen that, sooner or later, that qualification will be entirely abolished. There is no more invariable rule in the history of society: the further electoral rights are extended, the greater is the need of extending them; for after each concession the strength of the democracy increases, and its demands increase with its strength. The ambition of those who are below the appointed rate is irritated in exact proportion to the great number of those who are above it. The exception at last becomes the rule, concession follows concession, and no stop can be made short of universal suffrage” (1863, 71).

John Adams wrote that “it is dangerous to open So fruitfull a Source of Controversy and Altercation, as would be opened by attempting to alter the Qualifications of Voters.” The reason was the same as Tocqueville’s, that “There will be no End of it. New Claims will arise. Women will demand a Vote. Lads from 12 to 21 will think their Rights not enough attended to, and every Man, who has not a Farthing, will demand an equal Voice with any other in all Acts of State.”¹⁴ The French philosopher of the Third Republic, Alfred Fouillée, claimed that “universal suffrage is the inevitable form of democracy, and democracy is the inevitable form of modern societies” (1884, 103). What unites these thinkers is the belief that there was embedded in representative institutions a logic of progressive enfranchisement that would eventually result in democratic and near-universal suffrage.

While Tocqueville expressed this logic in terms of pressure from below—from the “irritated” located just below the threshold—others located the logic of enfranchisement in the competition between organized political factions. E.E. Schattschneider insisted that “in the search for new segments of the populace that might be exploited profitably, the parties have kept the movement to liberalize the franchise well ahead of the demand” (1948, 48, 1960, 98-99). This line of theorizing argues that the establishment

¹⁴The Founders Constitution (Kurland and Lerner 1987 vol.1, chapt.13, doc.10).

of elected representative institutions generates a logic of progressive enfranchisement through electoral competition. In order to secure office, even non-democrats often find it in their interest to expand the electorate. Barrington Moore's highly influential account of the origins of democracy and dictatorship likewise shares a presumption of progressive enfranchisement. Once the conflict between the peasantry and the landed nobility had been neutralized in England, the United States, and France, the countries' developmental paths brought them gradually toward democracy. In the United Kingdom, the principle of "parliamentary democracy" is said to have "triumphed" in the seventeenth century with the Glorious Revolution, a political settlement whose constitutive feature was the exclusion and repression of Catholics (Moore 1966, 20). The problem of "incorporate[ing] the industrial worker into the democratic consensus" arose later, but for Moore it was a rather unproblematic articulation of what the Civil War and Glorious Revolution had already achieved (1966, 39). France's "final political outcome," for Moore, was democracy, but again this was the result of a developmental path secured by the Revolution (1966, 41). And the United States' path toward democracy was confirmed with the Civil War—a capitalist revolution that created the conditions for the politics that would eventually enfranchise African Americans in the 1960s.¹⁵

This narrative of progressive enfranchisement continues to structure theorizing about democratization, with contemporary theorists implicitly or explicitly arguing for the existence of a democratic development path, one that is rooted in economic factor endowments, in initial institutional arrangements, in the strategic incentives operatives on elites confronted with a threat from below, or in having crossed a certain threshold of economic development (Engerman and Sokoloff 2005; North, Wallis, and Weingast 2009; Acemoglu and Robinson 2000, 2006; Bueno de Mesquita et al. 2005). While some of these scholars do provide an account of disfranchisements and enduring exclusions, they all treat the extension of the suffrage as the working through of an underlying logic rooted in the particular factors—structural or institutional—that place a country on a virtuous democratic path. Daron Acemoglu and James Robinson falsely claim that "the United States experienced a gradual movement toward democracy with no reverses" (2006, xi). The United States, Britain, and France post-1877 are treated as exemplars of a political development path "that leads from nondemocracy gradually but

¹⁵The enfranchisement of African Americans is by no means confirmed in Moore's account, and he does recognize the importance of contemporary politics to whether the United States becomes a full democracy (1966, 155). But the treatment is largely of a development that will happen, sooner or later, and contemporary politics will only determine the timing.

inexorably to democracy” (2006, 1). Douglass North, John J. Wallis, and Barry Weingast argue the progression of democracy in “open access social orders” is one in which the “incorporation of citizens encompasses different groups at different times” (2009, 118), but is nonetheless characterized by a progressive expansion of the suffrage to “ever-larger sets of groups” (2009, 144). With more restraint, Bruce Bueno de Mesquita and co-authors note that “politics appears to be evolving so that the selectorate, roughly the citizenry, gradually expands to take in more and more members, thereby reducing the size of the disenfranchised group” (2005, xi, 40, 403).

The Neglect of Exclusion and its Theoretical Importance

Accounts that focus on democratic developmental paths treat exclusion as a residual and implicitly or explicitly prioritize the male working class, most often of the *Staatsvolk* segment of the population. Because exclusion is residual, it does not require explanation. And because debates over democratization have in many ways been over the incorporation of the industrial and rural working classes, the exclusions that are treated as residual are primarily the disfranchisement of women, ethnic, racial, and religious minorities. When these do receive attention from this line of scholarship, they are explained in two somewhat divergent ways. Either the specific exclusion is constitutive of working class disfranchisement, and thus of little additional theoretical relevance, or it is the product of un-theorized ideological commitments on the part of relevant political agents to racial, religious, ethnic, or male supremacy, commitments that are invoked ad-hoc and which are tangential to the primary theory.

This neglect of exclusion and the corresponding prioritization of male working class enfranchisement impair our theory-building in multiple ways. While this literature rejects ideational accounts, its participants nonetheless rely on un-theorized ideological commitments to explain disfranchisements. Because they neglect often sizeable exclusions, they do not satisfactorily relate their operationalized standard of democracy to broader comparative questions about the relation between democratic institutions and outcomes of interest. And because they neglect exclusions that cut across class lines and are based on other social and political categories, they fail to fully explore the patterns of political coalition-building underlying democratization, examining primarily the activities of the working class. Below I document some of the neglect of exclusion in this literature and demonstrate how this impairs our understandings of democratization.

Stanley Engerman and Kenneth Sokoloff’s (2005) updating of Tocqueville’s and Fred-

erick Jackson Turner's (1920) arguments about the unique structural conditions prevailing in certain regions of the New World is a clear instance of a democratic developmental path: abundance of land and shortage of labor in leads eventually to democratic outcomes. They recognize, however, that the factors encouraging the extension of the suffrage did not operate equally across categories of persons. The constraining factor on the frontier's democratizing logic, however, is an ideological one, namely the commitment of white men to racial and gender supremacy. While white males may have come to believe that "differentiation on the basis of wealth was unfair, unreasonable, or inconsistent with basic rights... [they] remained comfortable supporting the exclusion of groups that were, *in their view, obviously distinctive and unsuitable for participating in community decisions*: blacks, women, children, Native Americans, the mentally incompetent, those with criminal records, and those (immigrants as well as native born) who had not long been resident in the county or state" (2005, 903 emphasis added). The democratizing logic was channeled by existing beliefs about membership in a political community, suggesting that we need to look at the content of these beliefs in order to understand patterns of exclusion and inclusion. Engerman and Sokoloff leave unexplained why ideological commitments to white male supremacy were sufficient to impede democratization, but earlier beliefs in the appropriateness of wealth differentiation were not.

The same pattern of ad-hoc reliance on ideological commitments can be found in the work of Acemoglu and Robinson. Consider their treatment of two types of disfranchisement that have characterized representative regimes, gender and racial exclusions. They begin by defining full democracy as "universal adult suffrage." Immediately after, however, they discuss a few examples of its achievement, except they are now discussing "universal adult male suffrage" (2006, 17).¹⁶ They concede that "we have less to say on the extension of the suffrage to women," but while they insist on the limited importance of identities and the irrelevance of ideology, their explanation for their exclusion of women's suffrage is premised upon the ideological commitment to patriarchy during the periods under analysis: "In almost all European countries, voting rights were first given to adult men and subsequently extended to women. *This reflected the then-accepted gender roles*" (2006, 18).¹⁷ Moreover, they argue that women's suffrage is not a comparative case

¹⁶"We begin by simply considering a move from nondemocracy to full democracy (universal adult suffrage)... [I]n Argentina, universal male suffrage was introduced by the constitution of 1853... In the case of Britain, the reforms of 1867 greatly extended voting rights, but universal male suffrage was not conceded until 1919" (2006, 17).

¹⁷The achievement of women's suffrage is phrased in passive terms, the product of women becoming

of democratization, and thus does outside the scope of their argument, because it was not accompanied by a revolutionary threat. Given that they argue that democratization is the result of such a threat, they are in effect arguing that women's suffrage is not a relevant case because it does not support their theory.

Their treatment of racial exclusions is similarly parenthetical. While they do discuss the potential relevance of what they term "alternative political identities," they are explicit in noting that whatever relevance these might have they does not alter their basic story. Rather, they deal with racial disfranchisements by reducing these to labor and class: while "there have also been racial restrictions on voting... the racial groups disenfranchised have always been poor" (2006, 119). Acemoglu and Robinson thereby exempt themselves from having to explain why the racially exclusionary states in the pre-15th Amendment U.S. disqualified all blacks and not just poor blacks; or why southern states in the early twentieth century disfranchised almost all blacks, disproportionately poor to be sure and kept that way by disfranchisement, while often including measures to ensure that large numbers of poor whites were enfranchised (Naidu 2012).¹⁸

This same pattern of side-stepping gender and reducing race to class can be found in Dietrich Rueschemeyer, Evelyn Huber Stephens, and John Stephens' *Capitalist Development and Democracy*. Rueschemeyer et al. define democracy as requiring "regular, free and fair elections of representatives with universal adult suffrage" (1992, 43). Nonetheless, they explicitly exclude women's suffrage on the grounds that it was "far less important" than the achievement of working class enfranchisement, which they buttress by a further claim that women's suffrage did not result in mass violence nor generate efforts for their re-exclusion (1992, 48). As with Acemoglu and Robinson, they have defined as unimportant those cases of democratization that run clearly counter to their argument

laborers and the consequent breakdown in established gender norms: "when the roles began to change, as women entered the workforce, women also obtained voting rights. It is likely, therefore, that the mechanisms that we propose better describe the creation of male suffrage than the extension of voting rights to women" (2006, 18). Still, there is nothing theoretically distinct about women's exclusion: it is reflective of their exclusion from the labor market and so is reducible to the exclusion of the working classes.

¹⁸While "grandfather clauses" are the most egregious and most discussed form by which this was achieved, they were overturned in *Guinn v. United States* (238 U.S. 347 [1915]). The most important means of enfranchising working class whites was through local discretion. Various forms of grandfather clauses were imposed in Alabama (1901), Georgia (1907), Louisiana (1898), North Carolina (1900), Oklahoma (1910), Virginia (1902), as well as in Maryland at the municipal level through the Annapolis Ordinance. Oklahoma immediately after the decision in *Guinn* changed its registration laws to permanently disfranchise those who were qualified to vote in 1916 but who had failed to register between April 30 and May 11, 1916, excepting those who had voted in 1914. Other states with grandfather clauses did similarly. This was struck down in *Lane v. Wilson* (307 U.S. 268 [1939]).

(Paxton 2000, 107 fn.13).¹⁹

As with Acemoglu and Robinson, their explanation of racial disfranchisement relies on the reduction of race to class, in that racial categories are relevant only insofar as they reinforce class cleavages (1992, 49). This maneuver enables them to sidestep the tighter fit between race and disfranchisement than class and disfranchisement and obscures the variation in politics around the right to vote. Before the 15th Amendment in the United States, race was a constitutionally legitimate basis for exclusion. After the Amendment, efforts to exclude African Americans necessarily proceeded by targeting the working classes in the southern cities, towns, and countryside. The point is not that the former or the latter pattern of disfranchisement is primary or more closely reflective of the fundamental concerns motivating exclusion. Rather, it is that the political opportunities for coalition building are radically different, leading to distinct patterns of enfranchisement and disfranchisement. So the ability to extend the vote to working class whites and deny it to blacks on the basis of their race may have resulted in greater influence for the white laborers, mechanics, and farmers against the propertied classes in the antebellum period. The passage of the 15th Amendment, perversely, weakened the relative influence of the white laboring classes and necessitated a broad, cross-racial coalition that was difficult to achieve and sustain precisely because of resonant ideological commitments to white supremacy (Woodward 1955).

Mainstream scholarship on democratization has not been entirely blind to the disfranchisements that have accompanied it, but attention has been residual and the explanations tend to invoke ideological commitments the causal functioning of which is left un-theorized. An additional problem with this inattention is that it potentially biases analyses of the causes and consequences of democracy. Pamela Paxton (2000) has argued that attention to disfranchisement is necessary in order to accurately code whether a country is democratic or not. Take for example the Polity IV dataset, one of the central indices of democratic development in use in comparative politics and public policy analysis. Polity IV codes the United States as a fully institutionalized democracy (the highest coding) from 1845 onward, excepting a twenty-year period between 1850 and 1870 when it was coded as either an 8 or a 9. As a measure of comparison, France has been coded

¹⁹Their central claim is that the role of the working class has to be prioritized in accounts of democratization, and that this class won enfranchisement for themselves and others through organization and threats. By excluding from their analyses of democratization efforts to extend the suffrage along non-class lines, and justifying this exclusion by (mistakenly) claiming that these efforts did not involve violence or threats of disruption, they limit their cases to those that most closely confirm their argument.

an 8 or a 9 since 1969, despite the United States' disfranchisement of women, blacks, and considerable segments of the white male working class for the bulk of this period.²⁰

Paxton surveys influential works on democratization and notes that their measurement decisions about which countries are democratic do not correspond with their theoretical or operational definitions.²¹ As Paxton highlights, Rueschemeyer and co-authors code Switzerland as a democracy from 1848 and the United States as a democracy from 1965: "This difference in coding means that Rueschemeyer et al. are willing to deny the U.S. full democracy on the basis of the disenfranchisement of a very small percentage of the American population, while they accept the exclusion of 50 percent of Switzerland's population for 123 years" (Paxton 2000, 102). This decision only makes sense given that Rueschemeyer and co-authors have already decided to exclude cases that do not fit their argument.

Is this consequential for statistical analyses that rely on these codings? Ultimately that depends on the specific research question and what particular feature of "democracy" is hypothesized to be relevant. Analyses of the relationship between democracy and economic development might theorize that respect for private property is the core contribution of the former to the latter. In this case, the extent of the franchise might matter somewhat less than an independent judiciary or a responsible legislature. Alternatively, others might theorize this association is a function of democratic states being relatively more likely to engage in programmatic rather than clientelistic politics. In this case the exclusiveness of the franchise might be of central importance. The point is not that the association of male *Staatsvolk* citizen enfranchisement with democracy neces-

²⁰"Democracy is conceived as three essential, interdependent elements. One is the presence of institutions and procedures through which citizens can express effective preferences about alternative policies and leaders. Second is the existence of institutionalized constraints on the exercise of power by the executive. Third is the guarantee of civil liberties to all citizens in their daily lives and in acts of political participation. Other aspects of plural democracy, such as the rule of law, systems of checks and balances, freedom of the press, and so on are means to, or specific manifestations of, these general principles" (Marshall, Jaggers, and Gurr 2011, 14).

²¹So Samuel Huntington defines societies with male-only electorates as undemocratic, but operationalizes democracies as requiring "50 percent of adult males [to be] eligible to vote" (Paxton 2000, 95). Edward Muller likewise defines democracy as requiring institutions that provide "all citizens with... the opportunity to participate in the governing process, as manifested by universal adult suffrage" (Muller 1988, 65; Paxton 2000, 94). But his operationalization is that "at least approximately a majority of the adult population has the right to vote" (1988, 54). There is no magical value to "50%" or "a majority" other than that it is more than some other amount. This is obviously very useful for comparisons and decision making, but it is less useful for classification. It seems unlikely that a country with 48% adult enfranchisement would be excluded from their analyses, and more likely that "50%" was chosen as an artful way to side-step women's suffrage.

sarily undermines the confidence in macro analyses of democracy and its correlates. Nor is the solution necessarily to code the United States as democratic from 1965 onwards *and* Switzerland as democratic from 1971. Rather, it is to more clearly articulate exactly what dimensions of democracy are theoretically or normatively relevant for the analysis.

The most important problem, however, is that the neglect of sustained exclusion obscures patterns of coalition building that are central to understanding the genesis and the contours of a given suffrage change. Teri Caraway has noted that the political decision to include a category of persons entails a simultaneous choice to not include another (2004). This was not usually an oversight. The exact terms of the voting qualifications were frequently heatedly debated precisely because some desired to maintain or construct a category of exclusion whose validity or desirability others denied. Moreover, it has often been the case that an inclusive choice has been coupled with the articulation of a new category of exclusion, thereby disfranchising existing voters. The neglect of disfranchisement not only obscures the mutual implication of inclusion and exclusion. It also limits our ability to understand the politics and coalitions that underlay the formulation of the electoral qualifications.

Consider Ruth Berins Collier's *Paths Toward Democracy* (1999). Berins Collier treats the question of "the extent of inclusion or enfranchisement required" to code a country as democratic as "a particularly thorny issue": "On one level, of course, one would like to say that nothing short of universal suffrage can pass as democratic, but this criterion would exclude virtually the entire experience of Europe in the nineteenth century, the locus classicus of debates on the working class and democracy" (1999, 26). She argues, however, that "if the analyst is willing to stop short of women's suffrage, only a few cases are problematic" (1999, 27). In a footnote she accurately remarks that an "unrestricted suffrage, of course, does not exist, insofar as, at a minimum, citizenship and age qualifications exist everywhere, and other 'minor' qualifications are typically ignored by analysts" (1999, 27, fn.15), but does not expand upon this.²²

Berins Collier emphasizes the fact that political calculations regarding the suffrage were not always straightforward and obvious, but reflected the specific assessments classes had of their strength and interests. Yet by limiting her analysis to voting rights for the bulk of the male working class, she fails to fully explore the diverse forms of

²²Berins Collier poses two questions for coding a country as democratic: "does the extent of enfranchisement reach at least most of the working class (a central question for the present inquiry), and what percentage of the potential electorate remain excluded?" (1999, 27). Note the equation of the working class and the male working class.

inclusionary and exclusionary coalitions underlying democratization. Consider, for instance, the case of Ireland and the United States. In the former, the extension of political rights to Catholics was paired with the disfranchisement of poor farmers, largely Irish Catholic. In the latter, the enfranchisement of the white working class was associated with the disfranchisement of free blacks. The disenfranchisement of free blacks, however, was a core objective of the coalitions seeking the removal of property qualifications. By contrast, the disenfranchisement of the Irish small farmers was a compromise measure intended to assuage the Anglo-Irish landlords. Only by paying attention to how enfranchisement and exclusion are implicated, in particular historical and national contexts, can we understand the strategic decisions made by the relevant political actors.

Conclusion

Democratic exclusion is an important and under-studied phenomenon. It has been closely implicated in democratization processes historically, with the expansion of the vote being paired with simultaneous contraction. In contrast to the claim made by Taylor in the epigram that opened this chapter, these were not unspoken restrictions. They were codified into law, and they were defended by reference to understandings of an ideal community or the proper basis for political inclusion. Attention to democratic exclusion unsettles standard narratives of progressive enfranchisement, narratives that continue to structure theorizing of democratization. Instead of a broad trajectory toward inclusion, the history of the suffrage reveals numerous reversals and disfranchising trends.

The literature on democratization fails to integrate democratic exclusion into its theorizing. Insofar as it is explained, it is primarily by reliance on ad-hoc reference to ideological commitments. This project aims to integrate an analysis of these ideological commitments into our understanding of democratizing and exclusionary processes. Ideas of political belonging are both the product of politics as well as a crucial set of parameters structuring democratizing processes. The contours of peoplehood are never uncontested. These are politically projected communities, and as such there will always be political entrepreneurs whose projects require—or at least would be facilitated by—a reconfiguration of public belonging. And while these entrepreneurs are perhaps most likely to succeed in reconfiguring the projected community during periods in which the authority of the state is contested and unsettled, gradual reconfigurations of political peoplehood are possible.

I continue the discussion of democratic exclusion in Chapter 2, where I outline a

theory of how ideas—in this case, understandings of political belonging—both structure and are the product of political contestation. I then turn to the individual case studies. These are structured into three chapters each, beginning with an overview of the patterns of exclusion, in which the basic argument of the case is introduced. This is followed by two chapters that examine the role of ideas of political community during critical shifts in governing authority and during the subsequent long-run periods of political order, respectively. Chapters 3 through 5 look at the trajectories and politics of democratic exclusion in the antebellum United States; Chapters 6 through 8 in nineteenth century United Kingdom; and Chapters 9 through 12 in Third Republic France. I conclude by considering the continuing relevance of ideas of community in determining the allocation of political rights.

Chapter 2

Explaining Democratic Exclusion

“On the one hand, while the political process itself is . . . characterized by indeterminacy, at the same time it demands determinacy from those involved in it—determinacy of objectives, of alignment, of identity, of loyalty. So the political process opens up new spaces and new configurations, often rapidly and unexpectedly; and then confronts its participants with the pressing need to renegotiate their positions vis-à-vis these new configurations.”—Dror Warhman (1995, 10)

Introduction

Democratization and exclusion can happen during periods of extraordinary politics, in which there is a heightened capacity for well-situated activists to reconstitute governing authority. But they can also happen during periods of ‘normal’ politics, in which the basic contours of political order are neither the subject of serious contestation nor particularly vulnerable to being recast. The expansion of the franchise in the UK in 1867-68 and in 1884; the exclusion of African Americans during the antebellum period and the simultaneous removal of property qualifications for white men; the expansion of political rights to women in American states before WWI, all occurred within a context of politics as usual. They were the product of legislative negotiations, electoral appeals, and political calculations. Ideas—and especially ideas of political community—shape outcomes of democracy and exclusion in both cases. The purpose of this chapter is to provide a theoretical framework for understanding why democracy can be—but is not always—associated with disfranchisement, why some exclusions are highly resilient to democratization while others are not. In short, I will outline a framework for understanding the patterns of institutional change and political behavior that I will document and explain in the remainder of this project.

I begin by revisiting the central claim advanced in the last chapter, that broadly resonant ideas of peoplehood structure the political processes associated with democratization, resulting in resilient forms of exclusion and sometimes the disfranchisement of certain classes. I juxtapose the claim that ideas structure politics against the argument that the ideas of democracy or of a particular political community are the motivating cause of inclusion and exclusion. I am sympathetic to the latter argument, but it is not the argument I am advancing in this project. Rather than seeing ideas of membership *propelling* democratization, we should see these as *structuring* the political processes that determine institutional changes. Agents draw on and reconfigure ideas of political community in order to constitute and articulate their interests and objectives. These ideas can facilitate collective action, and insofar as they become embedded in the expectations of political operatives, they can condition behavior, encouraging an investment in certain political projects rather than others. I sketch out the general sequence of a critical juncture followed by a relatively stable political order, and specify my prediction for how ideas will structure political outcomes in both periods. I conclude by specifying a research strategy that will allow me to test whether the expected patterns can be observed, one that treats both institutional changes and accompanying patterns of political behavior as the outcomes of interest.

Ideas as Structure

Changes to the right to vote are the product of political contestation and calculation of advantage.²³ The dynamics of these political processes, however, are structured by commonly held ideas about who is, and who is not, a member of the political community. This argument does not deny instrumentalism or conflict. It is nonetheless an ideational claim and largely disavowed or ignored in the literature on democratization.

The Epiphenomenal Claim

Nobody denies that principled and reasoned arguments are ubiquitous in fights over democratization and exclusion. But there is, in political science, a general presumption that these ideas did not determine outcomes, but simply provided a rhetorical screen to what was really going on, namely the advancement or defense of material interests.

²³I include here both successful revolutions and the bargaining model of revolutionary threats under the term political contestation.

The ‘mass’ was not convinced to demand their rights, nor were the ‘elite’ convinced to concede them, by following the reasoning of a universalist logic embedded in democratic theory (Rueschemeyer et al. 1992, 46).²⁴

Even if one does not believe the adoption of democratic or anti-democratic ideas to be mere rhetorical cover, this does not mean that ideas were causally important. Changes to the law arise because of some underlying factors or processes that make decision makers more likely to support a given change: electoral competition, the threat of a revolutionary expropriation, the danger of progressive taxation, the need to secure loyalty and mobilization during wartime, an increasingly egalitarian social structure decreasing the possible costs of democracy to the elite, to name a few processes prominent in the democratization literature. Either because of motivated reasoning or because some underlying social process changes perceptions, the ideas that support the independently incentivized change will be more likely to resonate with the interested parties.²⁵ And so the undeniable spread of the different strands of democratic theory—in rhetoric, in print, and in other media—at best reflects the same underlying factors or political processes that *actually* cause democratization; ideas, in this reading, are merely epiphenomenal.

The democratization literature does not consider the ideas of political community to be particularly important. On occasion, however, ‘culture’ is given a role in accounts of democratization, and especially of democratic consolidation. Barry Weingast, for instance, has argued that “cultural values” can crystalize around an elite pact, such as a constitution or bill of rights. If the terms embedded in the elite pact relative to the constraints on governments forged are broadly disseminated into ‘culture,’ then the citizenry will have a “focal point” to assist in the collective action necessary to resist government overreach (Weingast 1997). I am sympathetic to this argument, although it is largely an exception in the democratization literature and is concerned with consolidating restrictions on government rather than allocating political rights.

But Weingast does not offer an account of how the terms of the pact become embedded in cultural values. Nor does he grapple with the complications posed by the

²⁴Rueschemeyer, Stephens, and Stephens do not dismiss ideas entirely, and insofar as they recognize their relevance, they see these as a potential constraint on certain forms of suffrage change. So, for instance, they note that the “triumph” of the “democratic ideal. . . has made it more difficult to limit the suffrage openly by class, race, or gender,” and while they argue this limitation is effectively a rhetorical one, unlikely to ultimately influence developments, they do suggest that it has an effect. The problem, however, is that this remains un-theorized in their account.

²⁵And, in what Alexander Keyssar (2000) has called the endgame dynamic, once a change appears likely, the anticipated re-composition of the electorate makes political elites even more likely to embrace rhetoric that aligns with this change, leading to the greater production of such discourse.

fact that the cultural values need not be indissolubly tied to the interests that were important for the pact itself. For instance, in one of Weingast's formulation the elite pact was concerned with the protection of slavery (Mittal and Weingast 2011). If a cultural commitment to states' rights was meant to provide a focal point around the terms of this pact, then would it still serve the same function in facilitating collective action if it was applied to an issue not related to slavery, or even opposed to slavery? If anybody can invoke states' rights, including those opposed to slavery, then what good is it as a focal point for coordinating the defense of slavery? Why not just say 'our material interest in slavery is threatened'? I will consider the questions of dissemination and the fact that ideas can be adopted beyond the domain in which they were most immediately tied to political institutions and interests below. For the moment, however, it is enough to point out some of the difficulties in integrating ideas into political analyses in such a way that the content of the ideas themselves matter.

If political processes have an independent effect on both the production of discourse and the likelihood that political operatives support institutional change, then why should we prioritize the discourse in our theoretical model?²⁶ The empirical problem is a difficulty that confronts almost all ideational accounts, namely that of specifying an empirical test given the likelihood of a high degree of correlation between material and political interests with ideational discourse. If the ideas and interests are implicated, how can we identify the independent effect of each? If they are both important, and their effect is in the same direction, why should we not rely exclusively on the interest account?²⁷ The standard methodological suggestion is to highlight instances in which the material interest and ideological position diverge: if an agents' material interest suggests one course of action, and instead they take that which their ideology recommends, then

²⁶The production of discourse is one of the most straightforward means of assessing the dissemination and prevalence of an idea.

²⁷The bias in political science is toward interest and institutional based accounts. For example, evidence of party leaders calculating the relative benefits of different franchise changes would be taken as relatively persuasive evidence that a franchise change was motivated by political interest, while speeches by the same leaders invoking first principles or moral obligation would be given considerably less weight as evidence. Instead, it is more likely to be dismissed as theater, necessitated by powerful norms against "naked appeals to interest or prejudice" but nonetheless an effort to disguise the underlying motivation (Elster 1998, 104). This is not inappropriate skepticism, and certainly the claim that interests motivate action to a greater extent than principled commitments, and that the latter are subject to motivated reasoning while the former might have more stability, has evidence to support it. But the resulting bias in political science's priors—the weight it assigns to new information based on its assessment of previous information—does often amount to an ontological claim that interests are primary, which is, of course, the claim that ideational arguments are often attempting to question.

we can be reasonably confident that the ideologies were causally important.²⁸ Such instances are important, and in the case studies to follow I will highlight a number of such occasions; but there is good theoretical reason that we not rely upon them too heavily.

Unit Heterogeneity

The theoretical argument of this project is that that the processes of democratization and exclusion are structured by ideas of political community. This argument requires a framework that can identify the causal effect of ideas, and predict where and when they should be of importance, and suggest a strategy for disentangling and in some sense measuring this effect.

What does it mean to say that “politics is structured” by ideas of political community? Insofar as it relates to voting rights, it means that depending on how a category of persons is situated relative to the ideas of political community, the various processes associated with suffrage extensions will operate with different effects. This builds on a growing recognition in political science that the assumption of unit homogeneity does not always hold, and that failure to account for the specific ways in which a causal process unfolds across cases and in different contexts might lead to faulty inferences (Falleti and Lynch 2009; Capoccia and Ziblatt 2010). For a given relationship between X and Y , the size and even the direction of the coefficient $\hat{\beta}$ might change depending on whether the category of persons under consideration is considered as part of the community or alien to it. For instance, renting a small tenement for the cost of \$3,200 a year might be sufficient evidence for elites that a given category of persons would not threaten their privileges; a freehold property valued at \$160,000 a year might be required of another category of persons.²⁹ Political competition might lead to the enfranchisement of one

²⁸Of course it is possible that one’s ideology led them to believe their material interest would be best served by a particular course of action, which was against their principled commitments, and that this belief was entirely mistaken. Were the agent to follow their ideological beliefs about material interest against their ideological commitments about principled behavior, this would be a confirmatory case for the proposition that human behavior is motivated by material interest but perhaps a more compelling confirmation that ideas are causally important in social science.

²⁹The example comes from the case of New York State in 1821. The \$96 is the approximate value, in current dollars, of the state’s tenement franchise, while the \$160,000 is the approximate value of the property required of African American men to gain the franchise. For both estimates I used the income index of the per-capita GDP. Other examples would include Earl Grey’s proposed franchise qualifications in New Zealand that would have extended the right to vote to all persons with a relatively modest property requirement. But this was supplemented by an English literacy test to ensure that the Maori would have a much greater difficulty—over and above the restrictions implicit in a property qualification

class, but the disfranchisement of another.

In short, there is unit heterogeneity across different categories of persons. How do ideas create heterogeneity across “units”? I argue that ideas of political community generate expectations among political operatives that violating the strictures of an ideal of peoplehood will entail negative consequences, in terms of party advancement, electoral prospects, or their ability to build broader coalitions in support of some desired project. Material incentives are important, but these reinforce the ideas of political community as much as the other way around, if not more so.

Theoretical Framework

Ideas structure political processes by constituting the interests and institutions that directly condition political behavior. Political coalitions that reconfigure governing authority during critical periods in a country’s political development advance particular ideas of membership in a political community. The purpose of these ideas is to align the interests of the coalition members and give the population a compelling reason to give allegiance. They also offer prescriptions for discursive and legislative behavior, and insofar as the coalition is successful, the prescribed behavior can be incentivized in an increasing set of situations. As a result, the ideas become embedded in expectations, as well as formally institutionalized in law, and accordingly generate the behavioral patterns they prescribe. The causal importance of ideas in politics lies in their role in constituting interests and constituting institutions, and thereby embedding certain understandings, beliefs, and prescriptive schemas into the rules of the game, the object of the game, and the strategies by which the game is played.

Constituting Interests

Ideas constitute interests insofar as they enable the relevant agents to determine what these might be and provide a prescriptive schema for how to achieve realize them. To

that required individual property ownership—in accessing the franchise. And supplementing this was a certificate system, by which the governor could allow certain Maori who other met the property qualification to vote regardless of whether they were literate in English. The concern was not that they would “swamp” the settlers, as the system was proposed to be limited to areas where Maori were very few in numbers. And given the requirement of individual property ownership, it would only have concerned a very small number of Maori already integrated into settler society. Rather, it was premised on the belief that more was required of the Maori to demonstrate their soundness for political rights than English settlers.

say you have an interest in something suggests a series of related meanings: that a given situation or arrangement will have an impact on you if changed, as you have a stake or involvement in it; and that this impact will be sufficiently consequential to engage your attention and possibly your action. A more specific use of the term builds from these meanings: an organized group that has a common concern and has engaged in collective action around this particular end. To say the working class “had a strong interest in effecting its political inclusion” is to say that gaining the right to vote would impact this class in a positive way, that this impact was sufficiently large to engage its attention and action, and that in some sense it constituted itself as a group for this purpose (Rueschemeyer et al. 1992, 8).

Ideas constitute interests in each of these three meanings, by determining the nature of one’s interest, by prescribing strategies for pursuing it, and by enabling collective action for this purpose. As has long been recognized, for interests to be causally important in accounts of political behavior they almost always need to be perceived, a process that is necessarily mediated through analytical categories and that is usually constructed within discursive communities. The working class may or may not believe they have an interest in securing their own enfranchisement; they might be right or wrong, but there is likely to be little sustained support for agitating for the right to vote unless they believe it to be worthwhile. Ideas constitute interests by shaping agents’ understandings of them, by providing a framework by which the effects of possible changes can be predicted and assessed relative to the agents’ own sense of well-being.

Once an interest is constituted, a strategy needs to be formulated for its achievement. Stable institutional arrangements facilitate this process considerably, but they are not always sufficient. Should reformers seek to work entirely within the system, or should they supplement this with extra-institutional action, possibly including violence? This might encourage concession, but it might just as easily provoke a backlash. If the understandings of politics in a given setting see extra-institutional politics as an important and legitimate means of claims-making, engaging in these might be an effective means of calling attention to an issue and even generating popular sympathy. If the political culture of the time and place see all forms of popular politics, such as the ‘monster meetings’ of the 19th century, as preludes to revolution, the result might be very different.³⁰

³⁰As will be emphasized in the discussion of the English Reform Act of 1832 (Chapter 7), similarly situated elites who differed in their understanding of the relationship between agitation and statesmanship reacted very differently to the outbreak of violence. Those who believed that agitation an important indicator of popular support became more likely to support reform, while those who believed agitation

A prescriptive schema that identifies, or claims to identify, the best means of pursuing a desired outcome, is essential to political action. So is coalition building, and insofar as ideas shape our perception of interests they can facilitate collective action by helping to align potentially divergent interests. There is no intrinsic need for coalitions to be stable or long-lasting formations across multiple issues, but there are some obvious advantages to not having to rebuild a political coalition for new issue.³¹ But whatever the reason for building a more enduring coalition, the challenge for their architects is to persuade the different factions involved that there is some long-run alignment between their interests.

This is frequently accomplished through the articulation of a set of principles that in their exposition seem to suggest policy implications that will advance, or at least not undermine, the agendas of the respective coalition partners. As we shall see in Chapter 7, the language of liberal opposition to monopoly was interpreted to mean support for free trade; for Church reform; for the civil and political rights of non-Anglicans; for an extension of the right to vote to the working class, to natives, to freed slaves, to women; and even support for land reform in Ireland. The repeatedly invoked phrase ‘the cause of civil and religious liberty’ meant different things to different factions of a Liberal coalition; but the underlying idea helped make varied, and potentially divergent, policies seem to have a deeper affinity and therefore to be aligned in the long-run.

The principles articulated to facilitate coalition building and maintenance do not need to be limited so as to include only a minimal winning coalition (cf. Riker 1962). Coalition builders might aim for a coalition large enough to be pivotal, but not so large as to compromise core constituency interests. In such a situation, the ideational rationale for the coalition need not have broad appeal and might be little more than a concise articulation of the interests of the few groups in the coalition. Alternatively, if they are aiming to be a governing coalition, and especially if they are aiming to reconstruct the bases of political authority, they would likely articulate principles that will have broad

to be a revolutionary threat became more adamantly opposed to any reform. The decision of whether to democratize or repress was not simply a calculation of cost, but was mediated through understandings as to the meaning of the events.

³¹Various institutional settings—including legislatures—incentivize the formation of more durable coalitions. These can provide order to the sequence in which issues are considered, thereby limiting issue cycling and biasing preferences in a desired direction. Durable coalitions also have the ability to not only pass or block legislation but also to oversee its implementation. If implementation is lacking, or policy drift necessitates further action to maintain a status quo, durable coalitions remain available for action without having to reconstitute the original alliance. The prospect of a durable coalition, then, is one way to signal a commitment to the interested coalitional components that a given policy will not be abandoned post-passage.

appeal. This is in large part because they want a broader base of support for their governing authority than a bare majority.³² But it might also reflect the fact that larger-than-minimal majorities creates the possibility of reconstructing the policy positions of their opponents, so that even in the event of a defeat their core interests might be protected.³³

Constituting Institutions

Ideas not only constitute interests; they constitute the institutions within which interests have a stable and identifiable meaning. They do so by informing the purposive design of formal institutional arrangements, thereby creating the context in which certain behavior is incentivized; and by establishing norms that can function as informal institutional arrangements. Analyses of institutions are often divided between those who define these as “stable, valued, recurring patterns of behavior” and those who consider them to be “rules of the game” that constrain behavior and generate recurring and stable patterns (Huntington 2006 [1968], 12; North 1990). The distinction is of theoretical consequence, with the first tending to explain behavior as the result of individual agent’s expectations of other agents’ behavior—which when in equilibrium results in stable, ‘institutionalized’ patterns (Greif and Kingston 2011—and the second tending to explain behavior as the result of rules that allow for the narrowing of information and a consequently greater ability to decide on a course of action (North 1990). Usually accompanying the ‘institutions-as-rules’ perspective is an emphasis on third party enforcement, which is not considered to be necessary in a model of institutions as an equilibrium resulting from the interaction of expectations.³⁴

These approaches are not incompatible, however, and the decision of which conceptualization to rely upon should reflect the particular problem at hand. An institution is a rule or stricture—either formally established or more colloquially recognized—that has, for whatever reason, become manifested in a stable pattern of behavior. An increase in behavioral predictability is, therefore, a key metric of what is meant by the term ‘institu-

³²That is, they want to be able to reduce the costs of securing compliance from a much larger group than the minimal number required to win.

³³If, for example, a party wins several successive elections with 70% of the popular vote and this consistently translates into a supermajority-proof legislature, it is likely that their opponents will adopt at least some of the policies that they believe underlie this popularity.

³⁴That is, the institutions-as-equilibria perspective tends to focus on institutions that are self-enforcing, in which conformity with the institutionalized behavior occurs because it is in every agent’s self-interest, given their expectations of other agent’s behavior.

tionalization.’ The possibility remains open that this behavior is an emergent equilibrium resulting from agents’ expectations of others’ behavior, but this is one possible mechanism rather than the definition of an institution itself.³⁵ A self-enforcing institution is one in which an agent’s best response conforms to the institutional rule, but additionally some institutions are enforced because of the expectation—and often enough, the actual imposition—of some exogenously imposed cost.³⁶ As the likelihood and severity of external enforcement increases, so does the probability that the desired behavior will be ‘self-enforced,’ i.e., that external enforcement will not actually be required.

Under conditions of institutional stability, the role of ideas in determining interests and strategies might be relatively limited (Blyth 2002). Institutions limit, but do not extinguish, the independent role of ideas precisely because they narrow the possible range of interests and strategies by creating conditions of stable behavior. In these contexts, the calculation of advantage is relatively straightforward, as the costs of violating the institution’s strictures are known and the response of other agents is relatively predictable. The institutions are themselves, however, partly the product of purposive design; insofar as this is the case they are likely to reflect the designers’ beliefs as to what behavior was desired as well as their theories about how to incentivize it. Under conditions of institutional stability the role of ideas might be diminished precisely because other ideas are already embedded in the institutional design. Ideas, in short, define the “motives that persist within institutions” (Skowronek 1995, 94).

But ideas constitute institutions in another way as well: they can be institutionalized in the sense of prescribing behavior that becomes manifested in stable and predictable patterns. Ideas can function as institutions—informal ones, in Douglass North’s well-

³⁵Greif and Kingston’s definition of institutions, I suggest, builds the theory of institutional compliance into the definition itself (2011; Greif 2006). An institution, for them, is a stable pattern of behavior that results from the aggregate expectations of the agents within the relevant situation. Any stable pattern that results from another mechanism, then, is by definition not an institution. The mere existence of a rule does not mean that it effectively conditions behavior, and therefore does not meet our definition of an institution. Greif and Kingston rightly point out that we want to make the question why some rules are “rules-in-use” while others remain “rules-in-form” (Ostrom 2005) answerable within rather than outside our analytical framework. But this is done through a theory of institutions, rather than a definition of institutions. A theory of institutions specifies why some rules are ‘institutionalized’ and others are not, but does not logically equate the definition of institutions with a causal claim about what makes some rules institutions and others not.

³⁶To describe a situation in which a political operative conforms to the strictures of a given narrative of political community because they expect to be expelled from the party if they do not self-enforcing is to stretch the term beyond a useful meaning. But the distinction is always ambiguous, and a political operative acting in conformity to these strictures because they believe it will help them advance within the party might very appropriately be considered self-enforcing.

known distinction (1990)—insofar as there is an expectation that behavior in accordance with an idea’s prescriptions is in some sense beneficial. If an idea is believed to be popular with some relevant constituency—an electorate, party leaders, influential newspaper owners, the members of important interest groups—than the accompanying expectation of the benefits and costs associated with conformity or deviation from the idea will encourage, but not mandate, conformity to its prescriptions. The institution might be enforced exogenously—electoral defeat or being expelled from the political party—but the greater likelihood and severity of this will encourage conformity without relying primarily on enforcement.

Critical Junctures and Political Order

The last component of our theoretical framework is an account of how ideas relate to both the critical junctures and stable political orders within which democratization and exclusion occur. As Giovanni Capoccia and Daniel Keleman note, critical junctures are often considered essential to historical institutionalist arguments, and yet most theorizing has focused on the post-juncture period in which a new political order is consolidated and reproduced (2007, 343). As a result we have a proliferation of ‘path dependency’ arguments, in which the institutional arrangements that emerge from a critical juncture “can be almost impossible to reverse” absent the punctuation of a critical juncture (Pierson 2000, 251; Collier and Collier 1991, 27).³⁷ But the questions of whether there is anything unique to the critical period itself and how it relates to the antecedent and subsequent periods are often left unaddressed.

Following Capoccia and Kelemen, critical junctures are treated here as “relatively short periods of time during which there is a substantially heightened probability that agents’ choices will affect the outcome of interest” (2007, 348). The occurrence of a critical juncture does not need to be unanticipated or unpredictable (cf. Mahoney 2000, 527). Nor need it be attributable to an “exogenous shock,” although we should also not presume that all critical junctures were determined by endogenous change (Pierson 2000, 266). Rather, they are periods in which the question of who will govern, and through what institutional arrangements they will govern, are not only undecided but contingent to a much greater degree than otherwise on the specific choices made by

³⁷As has been remarked by various scholars, the emphasis on stability is a feature of institutional analyses more broadly, a feature shared by works advocating a greater emphasis on the role of ideas (Greif and Laitin 2004; Mahoney and Thelen 2009; Lieberman 2002, 698).

well-situated agents at critical moments.³⁸ Their cause and their consequences are left out of the definition.

Not all developmental junctures—in which a particular path is taken rather than some possible alternatives—are critical junctures. Some ‘junctures’ might be important because they place a country on a different developmental path, for some relevant dimension, than had heretofore been the case. And yet there might not have been anything distinctive about the politics of this juncture that requires independent explanation. This can even be the case in instances of what Orren and Skowronek define as “political development,” namely “durable shif[s] in governing authority,” in which the institutional arrangements of the state are reconfigured in such a way that there is a “new distribution of authority among persons or organizations within the polity at large” (Orren and Skowronek 2004, 123).

I distinguish, then, between critical junctures and shifts in governing authority. The latter are necessarily identified post-hoc, as a new political order takes shape and can be contrasted with the antecedent order. The former, however, can often be identified by contemporaries and the participants themselves, who recognize that the predictable constraints and opportunities that characterized the antecedent period are no longer so important. Critical junctures are usually, but not always, shifts in governing authority (Capoccia and Kelemen 2007, 348). The American Revolution was a critical juncture; the election of Thomas Jefferson brought with it a shift in governing authority. The importance of shifts in governing authority that fall short of being critical junctures should not be underestimated. But the politics of these occasions might not merit separate explanation from those of the broader political order in which they occurred, depending on the question under consideration.³⁹

What is the role of ideas in each period? Ideas constitute interests, by providing a prescriptive schema for political behavior and facilitating collective action. They

³⁸I emphasize critical agents rather than the “powerful political actors” specified by Capoccia and Kelemen (2007, 343) because a potential feature of critical junctures is that the question of who is and is not a powerful political actor is not as clearly determined as before. Certainly, the former “powerful political actors” are likely to be important, but the rapidity with which new, formerly irrelevant, agents become centrally important is one of the characteristic, but not defining, features of critical junctures. Neither Alexandre Ledru-Rollin nor Louis Blanc were unknown in 1848, but their prominence during the Revolution was in large part a function of their being well-situated to take advantage of the fall of the monarchy.

³⁹That is to say that just because a policy is passed during periods of ‘normal’ politics that it does not invite more detailed explanation than a general theory of policymaking that is formulated with an entire political order in mind.

constitute interests both during and outside of critical junctures, but the decline in institutional determinacy means that this particular causal role of ideas is likely to be more important during the critical juncture. That is, we should expect ideas to be especially important during critical junctures in identifying political and material interests, in prescribing strategies for their realization, and in aligning the interests of a potential governing coalition. Ideas also constitute institutions, both through institutional design and through their being embedded in the expectations of political operatives. These roles likewise occur inside and outside of critical junctures. But ideas-as-institutions are especially important in constituting a particular political order, and so we should expect this role to be most important in conditioning the behavior of political operatives during the periods of ‘normal’ politics.

The distinction between the critical juncture and a stable political order should not be exaggerated. ‘Normal’ politics does not cease during a critical juncture, nor is agency irrelevant during periods of stability. Some coalitions are hastily cobbled together during critical junctures, but more commonly they were formerly minority parties that had been slowly built up during a period of political stability. The ideas of the antecedent period often constrain the options of agents trying to dislodge this order, as they are faced with the dilemma of trying to build political support while not violating the ideological premises of a regime they oppose.⁴⁰ Accordingly, these agents often accommodate themselves to the ideological strictures of characteristic of a particular period, while attempting to reformulate these in a way that works to their advantage. When a critical juncture occurs, for whatever reason, they will not be able to entirely abandon the commitments reflected in their ideological accommodations. The result is that even when there is a critical juncture, the formative ideologies of the new order often draw on and replicate the ideologies of the old.

What, then, is the relationship between political order and critical junctures? Critical junctures provide the opportunity to recast governing institutions according to particular ideas, which in turn are reflective of the ideologies and interests of a successful coalition. Both directly and indirectly, a successful coalition coming out of a critical juncture will be well placed to encourage the broad dissemination of ideas constitutive of this coalition. In doing so, as discussed above, the coalition might be able to reconstruct the policy

⁴⁰There are multiple strategies that can be pursued by oppositional parties, including accommodation and outright rejection. The latter might enable a party to enter a critical juncture without ties to what may now be considered an illegitimate regime. But critical junctures do not always occur, in which case accommodative engagement might appear to be the more effective option.

positions of their opponents and more firmly entrench their commitments by making threats to these commitments politically unpopular. The ideas are deeply implicated in the new political order, and so we need to understand not only why they condition political behavior—discussed above—but how they come to be relevant outside the initial domain in which they were formulated. How do ideas that were initially deployed for the purpose of building a political coalition become “public philosophies,” broadly adhered to understandings as to the purpose of government, the strictures of which electors will demand some level of adherence (Mehta 2011)?

Scholars agree that ideas are not chained to a particular context: they can be learned, embraced (strategically or genuinely), and their behavioral prescriptions emulated across different situations and for different purposes. But they worry that this makes them “free-floating bits of knowledge and conjecture, detached from considerations of structure and power” (Lieberman 2002, 700). As Karen Orren phrased it in an article highly critical of ideational research, “how loosely attached can ideas be to institutional developments and remain politically viable” (Orren 1995, 98)? As ideas travel, do they carry with them their political viability, or is this necessarily tied to the particular domain in which their implication with institutions was most important? To answer this question, it is useful to think in terms of the situations in which institutions and ideas will be self-enforcing and resonant. The self-enforceability of an institution is dependent upon the context—the parameter set—in which the behavior takes place. In some contexts the gains that accompany an institutions’ constraints might be worth conforming to the behavioral prescription, and in others they might not be. A given ideology might resonate or be useful to its adherents in some context—for understanding the world or for advancing politically—while in others it might fall on deaf ears.

In Avner Greif and David Laitin’s account of endogenous institutional change, the context in which an institution exists is, over the long-run, altered by the processes generated by the institution itself (2004). Endogenous institutional change occurs when the consequences of a given institution change the context in which this institution operates: an institution is self-reinforcing if the outcomes generated by the institution—economic growth induced by secured property rights, for instance—change the context—the value of the parameters—so that the institution is self-enforcing in an increasing number of situations. It is self-undermining if the outcomes or processes generated by the institution result in the institution being self-enforcing in a smaller number of situations.⁴¹ It

⁴¹Following the work of Karen Orren and Stephen Skowronek, some scholars have explained changes in

is less that the operation of the institution itself changes than that the range in which the institution operates either increases or decrease: a broadening or narrowing of the institution's applicability.

This account of endogenous change allows us to understand the stability of ideas and their capacity to condition behavior independently of other interests. Insofar as certain ideas resonate in a given situation, and insofar as the adoption of these ideas in this situation further increases the number of situations in which it is resonant, then the specific ideas will have value beyond the area of their initial formulation. The more broadly the idea is adopted—a function of the number of situations in which it resonates—the more its strictures impinge on agents' behavior. The behavioral prescriptions of the idea—the ideas-as-institution—can be incentivized in different situations, making them transportable, imitable, and yet constitutive of interests and institutions and not something that exists apart from these.

Consider for instance the adoption of republican discourse in revolutionary and post-revolution America. The idea of republicanism was self-reinforcing, being adopted in an increasing number of situations because it resonated with Americans and enabled them to make sense of their experience and facilitated the achievement of particular political ends.⁴² But from a very early point, republican discourse was applied to the situation of being held in slavery. The adoption of the ideas embedded in republican discourse was strongly incentivized in yet another situation, one in which few expected it to occur.⁴³ Its adoption in this particular situation, however, threatened existing

political orders as a result of the “intercurrence” of different ideological and institutional orders (1994, 2004; Skowronek 1995; Lieberman 2002). In this account the behavior of individuals is simultaneously conditioned by multiple institutions, not all of them complementary. Paradoxically, this model of institutional change is premised upon their stability, upon the intercurrence of overlapping, but individually stable, institutions that incentivize contradictory forms of behavior. When institutional signals are aligned—and the incentivized behavior is the same or complementary—then we can expect considerable institutional stability. When they are misaligned, the resulting “friction”—the uncertainty of agents as to which incentives they should follow—creates a situation for entrepreneurs to reformulate the understandings of interest and to offer new institutions that might bring the different incentives into alignment. I do not deny that intercurrence might be an important aspect in explaining institutional change in many situations. It is less useful, however, in explaining the dissemination of institutions and ideologies across society—that is, it is less useful in explaining an institution's breadth across multiple domains.

⁴²As we shall see in Chapter 4, republican ideology quickly served to legitimate the revolutionary and post-revolutionary claims making of groups that had been more excluded than before.

⁴³An alternative way to describe this is in terms of what Jon Elster has called the “imperfection constraint” (1998, 104). When elaborating a principled reasoning in pursuit of a given interest, the principle will rarely be so narrow as to support only that interest and no others. As a result, ideas developed and deployed in one domain are available for use in other domains and by other actors. Insofar as there is

material and ideological investments, and political leaders sought to reconfigure the content of republicanism to limit its application on racial lines. In part because this new formulation preserved key aspects of the status quo while accommodating the now deeply held commitment to republican equality, white republicanism became self-reinforcing as well and its rhetorical and policy prescriptions were adopted in situations such as fights over slavery, over black suffrage, in labor conflict, and in efforts to secure the integration of newly arrived immigrants.

This framework also, then, allows us to identify an important role for agency. The formulation and reformulation of ideas, including the articulation and dissemination of the language of the ‘white male republic,’ are political projects. It is certainly not unconstrained agency, and political entrepreneurs operating in situations in which certain ideas have been widely adopted will likely need to accommodate their behavior in such a way as to not incur the cost of perceived violations. Those whose interests or principled commitments are not reflected in the dominant ideas can aim to displace these ideas, but their ability to do so will be constrained by the need to build support against a resonant ideal.

But because there can be more or fewer situations in which an idea is resonant, there is always space for the formulation and dissemination of counter ideas. We are rarely in the world of an ideological hegemony of “untouchable assumptions” where questioning and contesting the dominant narratives will not find some receptive audience (Mehta 2011). Each generation of antebellum Americans saw men and women who rejected the accommodation between republicanism and slavery: some opposed this in language that reflected, and in many ways reaffirmed the principles of the white male republic, but others instead articulated a narrative of political community that drew on and claimed a legacy with the early republican egalitarianism. And if over time there is a declining number of situations in which the dominant ideas resonate, entrepreneurs advancing counter or alternative projects might find traction. They might even be able to provoke a crisis and take advantage of a critical juncture.

As has been implicit in the discussion so far, governing institutions and political parties are especially relevant to the argument advanced here. Ideas are of central importance in building political coalitions, and the organizational infrastructure established to sustain these coalitions will likely reflect these ideological commitments, for instance

any “consistency constraint,” in which political operatives are relatively tethered to the principles they have articulated earlier (1998, 104), this creates the possibility of tension between those who originally formulated the principle and those who are now deploying it in other areas.

by constructing recruitment networks in which creative and articulate defenders of these commitments can be identified and promoted.

And the purpose of most political parties is to win office. To a greater extent than any other institution in society, governing institutions are able to “change the rules of the game.” They are accordingly an especially important means by which the ideas of political community can be encouraged across new situations. When a party is dominant for an extended period of time it has a heightened ability to reconstruct the preferences of the electorate and the opposition. Success encourages emulation, precisely because the challengers come to expect that certain positions that break with the dominant party’s public philosophy will carry electoral costs.

This, then, is the basic framework that I employ throughout this project. In order to build stable coalitions capable of governing, political entrepreneurs fashion new understandings of political community.⁴⁴ During critical junctures, some parties will be uniquely well-situated to recast the ideologies and institutions of political order. If successful, their narrative of political community might be adopted in a greater set of situations, consolidating the regime while ensuring that a greater portion of pivotal agents’ behavior will be conditioned by the expectation of a cost to violating this narrative’s strictures. So long as the ideas and institutions of political community structure political behavior in a greater set of situations than other counter-arrangements, the general trend in policy changes should reflect the particular strictures of the dominant narrative. That is, there will be a bias toward changes that reinforce these ideas of political membership.

Explaining Democratic Exclusion

The last section outlined a framework for understanding how ideas constitute interests and institutions and how these relate to political order and critical junctures. This section employs this framework to explain democratic exclusion—the disfranchisement or sustained exclusion of categories of persons alongside democratizing processes; and to explain why changes in enfranchisement and disfranchisement tend toward a systematic bias over distinct periods. I begin by briefly discussing what is unique about ideas of political community that make them essential in structuring democratization and exclusion. I then sketch out the basic argument and sequence that will be applied in

⁴⁴These are rarely entirely novel, but rather always weave together different strands of extant narratives in the country’s own tradition, as well as borrowing from successful parties in other countries that the entrepreneur might seek to emulate.

each of the three case studies.

Ideas of Political Community

Democratization is structured by dominant ideas of political community or peoplehood, the belief that a certain category of persons are tied together by something—be it descent, choice, providential fate or contingent history—in such a way that their association is experienced by its participants as meaningful and political (Smith 2003).⁴⁵ The beliefs about a particular political people, like Renan’s ‘nation,’ contain prescriptions for a shared “program to realize” in the present and future. This is not accidental. Rather it reflects the fact that a political people is an ongoing ideological project—never under the control of any one group and never articulated *ex nihilo*—whose proponents “aim to construct communities that are also enduring structures of political power” (Smith 2003, 41).

Projects of political community, the construction of narratives, stories, and the assertion of constitutive principles, are instrumental. The “stories” are crafted—out of an existing pool of culturally resonant resources—by aspiring rulers aiming to secure the support of a constituency and stitch together a coalition capable of governing. Some might be content to govern from within existing institutional arrangements while others’ ambitions might lead them to displace these and construct new ones. Regardless, the ideas of political community are meant to constitute the interests of potential constituents and coalition partners by identifying what should be valued and associating this with the continued rule of the particular coalition.

Perhaps most importantly for our purposes, ideas of political community are inherently exclusionary. However broad a particular understanding of peoplehood might be, however large the pale of inclusion intended and porous the boundaries, all people-building coalitions will require some form of exclusion and some form of border main-

⁴⁵John Lie defines modern peoplehood as “an inclusionary and involuntary group identity with a putatively shared history and distinct way of life. It is inclusionary because everyone in the group, regardless of status, gender, or moral worth, belongs” (Lie 2004, 1). Burke would have disagreed: “I have often endeavored to compute and to class those who, in any political view, are to be called the people.... In England and Scotland, I compute that those of adult age, not declining in life, of tolerable leisure for such discussions, and of some means of information more or less and who are above menial dependence, (or what virtually is such) may amount to about four hundred thousand” (Burke 1881, 284). Bagehot’s position on the inclusionary nature of peoplehood was slightly more ambiguous: “The working classes contribute almost nothing to our corporate public opinion, and therefore, the fact of their want of influence in Parliament does not impair the coincidence of Parliament with public opinion. They are left out in the representation, and also in the thing represented” (Bagehot 1866, 276).

tenance (Smith 2003, 56). So long as democracy is bounded by ideas of belonging—what constitutes a political people, and who is included accordingly—the prospects for democracy in this sense will be bounded as well.

Democratic Exclusion

Democratization is structured by political orders of peoplehood insofar as enfranchisement or disfranchisement of a category of persons is (1) seen as violating the strictures of the ideal of peoplehood, and (2) this violation carries costs even for those who might, from the perspective of simple estimates of electoral gain, be best situated to benefit. These costs make it more difficult for the disfranchised to find allies among the enfranchised, who might lose political support for making common cause with persons outside the “projected” community.

Certain categories of persons are systematically excluded from otherwise representative regimes because the institutional and coalitional arrangements that structure politics in a given place and time reflect and reinforce particular understandings of community—the ideational organizing of a particular set of persons into a ‘people’ and the proper forms in which this people should be governed. The specifics of who is disfranchised are determined in large part by the political ideas of membership, which are reflective of the contingent political exigencies that shaped the formative coalition-building.

But the initial interests alone do not explain the extent of disfranchisement or its endurance. Rather, the ideas that were articulated at the outset have constituted new interests—or reconfigured understandings of prior interests—and have informed the design of new institutions. Accordingly, they have an impact beyond the original material interests for which they may have been designed. In the United Kingdom, ‘no Popery’ remained a more resonant cry in England and Scotland than the material interests at stake would suggest.⁴⁶ By the end of the antebellum period in the United States, considerably more people believed they had a stake in white supremacy than southern slaveholders: even in areas where there were very few African Americans, there was broad support for black exclusion. Even when not concerned directly with free black

⁴⁶In Ireland there was a strong material interest for Protestants, landlords and otherwise, in maintaining the Protestant Constitution. English landlords with property in Ireland likewise had a strong material interests, as did the Church of England. All of these sought to encourage an ideological commitment among English and Scots who were not directly implicated in maintaining the settlement of Ireland. And ‘no Popery’ by all accounts had broad public support outside of Catholic Ireland, precisely because it had been encouraged and understood to refer to a broader set of interests than the specific material interests of landlords or the Church.

suffrage, many Americans had come to associate this with abolitionism and thus with disunion, an ideological association that invoked profound material and psychological interests.

What makes ideas of peoplehood distinctive and more relevant for our analysis? For one, the ideas of peoplehood are especially relevant for the design of the institutions of citizenship, ranging from the demarcation of citizen as a legal relationship between an individual and a state through to the demarcation of citizen as one with full rights in a community. That is they are more likely to impinge on the organization of political authority, including rules of citizenship, suffrage, and representative institutions, and so are especially relevant for analyzing the effect of ideas on enfranchisement and disfranchisement from the right to vote. Additionally, they are likely to be crafted with a broader appeal and resonance in mind than what might be necessary to achieve a minimum winning coalition. And perhaps most importantly, ideas of political community must necessarily draw some boundary of exclusion. And the history of democratization, from the French Republic's denial of citizenship to the privileged orders, to the aggressive ideology of *laïcité* in countries such as Turkey and France, suggests that the boundary is often drawn within already existing communities—an ideological partition—rather than circumscribing these by including all resident within a territory or with longstanding ties to a territorial community.

Sequence

Ideas matter in distinctive ways across different stages in a historical sequence. I do not want to suggest that this sequence will everywhere be the same; nonetheless, I believe certain features will be generalizable, largely because it rests on an iterative succession between stable political orders and shifts in governing authority—sometimes amounting to critical junctures.

It makes sense to begin with the shift in governing authority, although analyses will need to look backward beyond this for the purpose of establishing a baseline and for understanding what caused the shift. As discussed above, shifts in governing authority refer to those periods in which the developmental trajectory of a country, along some relevant dimension, was durably altered. These may or may not amount to critical junctures—relatively brief periods in which highly consequential political outcomes are especially sensitive to agency and idiosyncratic choices. But the more they approximate critical junctures, the less important are the antecedent ideas and institutions in conditioning

political behavior and determining policy outcomes, and the greater the role of contingency and individual idiosyncrasy. During these periods either newly constituted or pre-existing coalitions compete to gain control over governing institutions, recognizing that in doing so they will be uniquely situated to recast the institutional and ideological bases of governing authority. These coalitions advance new or importantly reconfigured understandings of political peoplehood for the purpose of reconciling their divergent factions, and the importance of these narratives in constituting the coalition's interests, strategies, and sense of purpose are especially important. As Stephen Hanson has shown in the case of the French critical juncture of 1870-1877, the greater the investment in ideological purpose, the more a party was able to coordinate its adherents, giving the most ideologically developed coalitions—the Legitimists and the Republicans—an outsized influence in shaping events (2010).⁴⁷

The next stage is the period in which the specific ideas of peoplehood are consolidated, both behaviorally—in discourse and position taking—as well as through formal institutional design. The critical juncture sees a marked diminution in the predictability of others' behavior—reflecting a abruptly declining importance of existing institutional arrangements and therefore a greater difficulty in generating stable expectations of others' preferences and strategies. The consolidation period sees is the gradual working out of new expectations about behavior as the new institutional environment is explored and understood.

The third stage is the period of reinforcement, in which the ideas of peoplehood advanced by the coalition are relatively dominant and politics and policy largely reflects the constraints that they impose. This is not a static period, as there are likely to be processes of self-reinforcement and self-undermining occurring alongside each other. It is nonetheless more predictable in the bias of policy changes and the likely coalitions that form around the right to vote than during the critical juncture. As this period draws to a close, the processes of self-undermining become more prominent, and the cycle begins anew.

⁴⁷Seven years might be stretching the concept of a critical juncture too far. It is more accurate to say that (1) the remarkable slowness of the National Assembly in writing a constitution (which they never fully accomplished) made the entire period something of an exceptional outlier in how long a critical juncture might be, and (2) there was a succession of critical junctures between 1870 and 1877, from the Government of National Defense to the *Seize Mai* Crisis.

Research Design

The theoretical framework developed above identifying a causal importance to ideas of political community implies that we need to be looking at the relationship between political behavior and the content of these ideas. It is not enough to simply integrate the ideas as a focal point facilitating collective action, but rather we must map out the arguments and implications of these ideas and assess whether political operatives were attentive to perceived violations of their strictures.

Political Representation and Legislative Behavior

The framework suggests not only the importance of analyzing the content of ideas of political community, but also suggests a research strategy for assessing their causal relevance. The following analyses focus on parties-in-legislatures and especially legislators' discursive rationales and voting behavior. This approach stems from the growing recognition that the literature on democratization has largely neglected empirical engagement with the micro-foundations of behavior. As a result, the literature has generated robust correlational analyses with little confidence in the causal processes assumed to generate the relation (Capoccia and Ziblatt 2010). The theory developed here connects the behavior of legislators and political leaders to patterns of institutional change. But there is another important reason to focus primarily on legislative behavior, rather than the behind-the-scenes activity that characterize many accounts of democracy and exclusion. In addition to their obvious importance in drafting and approving laws, legislative assemblies have provided a platform for legislators to communicate with national and constituency audiences as well as a venue for coalition building and maintenance, a clearinghouse for the varied and changing concerns to which party leaders must be responsive in order to maintain the active support of their members.

Vivien Schmidt distinguishes between coordinative and communicative discourses, the first occurring primarily among “individuals and groups at the center of policy construction who are involved in the creation, elaboration, and justification of policy and programmatic ideas,” and the second occurring in the “political sphere... [among] the individuals and groups involved in the presentation, deliberation, and legitimation of political ideas to the general public” (Schmidt 2008, 310). The distinction is useful insofar as it highlights the variation in discourse—in the mode of argument, in the

tone of discussion, in the appropriate vernaculars—across different discursive settings.⁴⁸ The difference, however, is not necessarily in the discursive style but in the visibility of the discussion and in the assumptions about the participants. Coordinative discourse, in Schmidt’s telling, takes place among a small number of actors sharing (relatively) common assumptions and technical expertise, and it takes place in private or in relatively closed contexts. Communicative discourse takes place in public, and occurs between actors who are unable to assume a shared technical language or theoretical assumptions. It might be the simple communication of policy to a passive audience, but it might also entail a rejection of this policy and an insistence on modifications and the incorporation of other concerns.

Representative institutions can, but do not always, integrate these two discourses. It has become customary to treat all legislative rhetoric as position-taking, as signaling solicitude to some constituency. And this is certainly one of its central functions. But it has also been a site for debate, although this has varied considerably across time and institutions. Legislators’ posture that they are speaking to their assembled colleagues has often been genuine. In his study of the Scots Reform Act of 1832, for instance, Gordon Pentland notes that reformers emphasized different claims in the House of Commons than in the ‘Fox dinners,’ local gatherings of Whigs that provided one of the main organizational venues in the period before the organization of a more coherent party structure. In the ‘dinners’ they were addressing like-minded fellow partisans, while in parliament they “had to answer strong and coherent anti-reform arguments and, as such, developed strategies with which to counter these positions” (Pentland 2008, 22). Parliamentary debate was not always intended to persuade opponents, but to reassure cautious supporters that they would be able to have strong responses to criticisms that they would face from opponents in their districts. And as such the legislative assembly was an important site for policy coordination among partisans—especially before the organization of effective caucus or party apparatuses.

But this was coordinative discourse that would often be reprinted in newspapers, in pamphlets, and in the case of especially good speeches in the French Third Republic, could be ordered printed and posted in every city hall in the country. If the discourse vio-

⁴⁸A given epistemic community—such as experts on health policy—will have its norms of communication and persuasion, which they are likely to recognize as operative only within a limited range of settings. Insofar as political operatives—or the policy experts acting as political operatives—pick up these ideas, they are likely to reformulate them to conform to styles of argument and persuasion that have broader appeal.

lates the strictures of resonant narratives of political community, or any other popularly resonant ideology, then the legislator will possibly be called to account by their constituents. But if the discourse deviates too markedly from other coordinative discourse that takes privately, then wavering partisans might worry that they will lack a response suitable for public consumption in the event that their opponents criticize them for their policy.

While the theory is concerned with identifying the role of ideas, the discussion above has been concerned with discourse. The reason for this is in part methodological: the degree to which a belief is held is only inferable from repeated observations of actions and the relevant agent's explanation for their actions, and even this does not allow us to confidently infer that the belief was sincere but rather that the performance of the belief's implications and the invocation of it were consistent. Observed behavior—and especially discourse, the communicated arguments and explanation of beliefs—are all we have access to, and even this is subject to manipulation.⁴⁹

The theory outlined above does not work primarily through sincere beliefs. Rather, it works through the ability to persuade possible coalition members that there is an alignment of interests and through the expectation of costs and benefits being attached to public behavior. The theory of ideas' causal importance is based on processes that are, if not always public, at least always social. The reliance on discourse and behavior, then, is suited to the theoretical framework.

But there are additional advantages to emphasizing discourse. For one, the language of discourse highlights the degree to which the 'ideas' of political community are not a perfectly stable and well-understood set of talking points drafted by a small number of people. Rather, the ideas are themselves constituted in discursive networks, with particular ideas gaining prominence—and thus leading to a greater production of discourse—insofar as the participants in these networks found them compelling, useful, clever. And these participants then repeat and reformulate the ideas themselves. That is, the advantage of 'discourse' over 'ideas' is not simply the possibility of capturing the processes in some observable and quantifiable capacity, but in underscoring the degree to which the action of discussing or articulating an idea works to constitute the idea itself. What is important is not "simply that which was thought or said per se, 'but all the discursive rules and categories that were a priori, assumed as a constituent part of

⁴⁹A note passed from one minister to another in a Cabinet meeting might appear to be a more genuine reflection of their beliefs than a public statement, but in reality we cannot know this unless we know why they passed the note. Private correspondence is not necessarily more truthful than public rhetoric.

discourse and therefore of knowledge” (Hook 2001, 522; citing Young 1981). The context of discourse shapes the ideas that are formulated.

That said, it is important to insist that this is a theory of ideas’ causal relevance, which while implicated in the relevance of discourse is not reducible to this. Ideas were communicated in different formulations across different discursive settings, and it was through communication, arguments, debate, that these ideas were formulated and modified. But what was being communicated was relatively stable across discursive contexts. As we shall see in the UK case study, the terms of the Liberal vision of progressive Britain were forged in private communication, in books, and—perhaps especially—in public meetings and dinners, where ideological principles were expressed in the form of easily repeated toasts that helped constitute a party identity. But while the expression of these principles—in their tone and style of reasoning—varied across discursive and institutional contexts, the principles and their implications remained remarkably consistent.⁵⁰ The discursive process shaped and reshaped these ideas, but they nonetheless were intelligible and relatively stable ideas that were being communicated.

The theory predicts certain behavioral patterns, especially in the discourse of activists and party leaders, with different patterns expected to predominate—but not to the exclusion of the other—during and outside of critical junctures:

1. Party leaders and activists will seek to encourage understandings of political community that they believe will reconcile potentially divergent factions and support their claim to govern. The ideas of political belonging were initially developed for coalitional purposes, and they especially important in the interests of divergent factions. We should accordingly see in the period antecedent to a critical juncture, as well as during the juncture itself, an effort by political entrepreneurs to ensure coalitional stability by formulating ideas meant to reconcile their interests and strategies.
2. Both during and after the critical juncture, support or opposition to franchise changes will be framed in terms of the narrative of political community strongly associated with a given political coalition. During periods of political stability, the ideas serve as benchmarks against which the behavior of coalition members can

⁵⁰The one major exception was Ireland, where private and public discourse (among Liberals) varied considerably. In private they often called for the country to be treated as a Crown Colony, ruled as a temporary dictatorship until the people had become fit for Liberal citizenship. In public they adamantly rejected such discourse, and claimed that it was characteristic of the Conservatives. In policy, they split the difference, combining coercion with reform measures, the former of which found broad support in parliament while the latter were supported by the majority of the Liberal party, which was not always sufficient for passage through the Commons and Lords.

be assessed. And so we should expect that legislator behavior will reflect an effort to signal their continued adherence, or to question the adherence of others, to the understandings of political belonging around which the coalition has organized.

3. Legislators will reveal in their rhetoric a belief that there are costs associated with violating the strictures of the ideal of peoplehood. Legislators and party operatives will reveal trepidation in taking positions that are understood to be violations of the strictures of the given idea of peoplehood. Such a violation might be supporting the enfranchisement of a class against the dominant ideas of belonging, or it might be supporting the disfranchisement of a class that is considered to be within the pale of political community. This trepidation can be evaluated by noting behavioral patterns: disclaiming questionable affinities or antagonisms, seeking to avoid having their positions attributed to them, and in general seeking to downplay the significance of positions that seemingly violate the ideas' strictures. The opposite is also true, and we can infer that a position is seen as costly through the actions of rivals in publicizing the deviant behavior. Additionally, organizations and constituencies who have invested in a given narrative of political community will have a stake in opposing deviations from these as potentially undermining their own position.⁵¹
4. Finally, strategies to alter the political order need to be both accommodative of the existing political order as well as seek to transform it. Those seeking the enfranchisement of a class seen as outside the political people will attempt to reinterpret the existing order of peoplehood in an effort to assert that they are not violating the strictures of peoplehood properly understood. One possible consequence of this is that such transformative efforts might achieve medium-term success but longer term stymying of their objectives, as their accommodative accepting of an the exclusionary political order makes it difficult to fully secure its transformation. Alternatively, a coalition might reject the resonant beliefs in political community altogether. In doing so, they are likely to gain in ideological consistency and a motivated sense of purpose, but lose popular appeal or political resonance. This strategy, however, can quickly pay dividends if the party is well-placed to take advantage of the highly fluid dynamics within a critical juncture.

More generally, I need to show two patterns in each case: that political entrepreneurs

⁵¹Ideas of political belonging are probably not necessary to explain the opposition of Southern planters to black suffrage or Ulster settlers' opposition to the enfranchisement of Irish Catholics. But they do help explain why there was considerable hostility to these enfranchisements well beyond the situations in which there was an obvious material interest. The hostility was in part based in the fact that other groups had invested in the particular ideas of peoplehood, so even though their interests were not obviously at stake from enfranchisement, they believed they were. This, for instance, helps explain why so many northern whites so far removed from slavery or from any likelihood of a large free or freed black community were so adamantly opposed to black suffrage: they believed it meant the break-up of a Union in which their material and psychological well-being was deeply invested.

sought to secure governing authority and build coalitions by advancing new or reconfigured understandings of peoplehood, and that concern with violating the strictures of these ideas conditioned behavior in ways that resulted in the patterns of democratic exclusion discussed in the introductory chapter.

The model of ideas' causal importance outlined above suggests that the effect of these ideas will vary depending on the degree to which they are constitutive of institutional arrangements and understandings of political interest. This in turn will depend on the degree to which the party system is capable of coordinate its membership around their constitutive understandings: the more a party can impose disciplinary punishments for violating the strictures of this party's narrative of political purpose, the more we should expect legislators to conform. But it will also depend on the degree to which the representational system is organized to generate costs and benefits to political actors who violate or affirm the constitutive ideas. Where a legislature meets in private—or where there are no published accounts of their speeches—they are likely to be less responsive to public opinion.⁵² These sources of potential variation in the effect of ideas of political community will be discussed in the framework chapter preceding each case study.

The focus on legislative behavior and party coordination is in contrast to most works in democratization, which tend to focus on the interplay between organized social movements and the calculations of party and state leadership or on macro-level statistical analyses. This is frequently an appropriate research strategy. But we should also be attentive to the degree to which democratization can occur as the result of 'normal' politics, which in turn means we cannot simply ignore political institutions, such as legislative assemblies. As the exponent of 'high politics,' Maurice Cowling noted that in

⁵²Isaac Butt, an early leader of the Home Rule party, noted the importance of publicity on member behavior and representation in 1877. He was calling for an official journal of Parliamentary proceedings, rather than the unofficial Hansard: "There was a time when it was a breach of privilege to report the proceedings of this House. All that is changed now, and this House was forced, many years ago, by the gradual progress of public opinion to submit to unauthorized reports of its proceedings being given to the public. . . . [E]very Member who now speaks to this House is no longer speaking as the Member of a private assembly irresponsible to public opinion, but that for his speech and even for his acts he is responsible to his constituents, and that the public have a right to be informed as to the nature of those speeches and of those acts. . . . But, still, I think it is an unfortunate thing that our debates should lose their control over public opinion. . . . I am sure, for myself, that I should be glad if what I say on many occasions were not reported, or, at any rate, that it were put into better shape by the reporters; but, still, I think my constituents have a right to know what is the exact position which I take in this House. They have a right to know if I talk good English, or if I am in the habit of disgracing them by idle Amendments." "I am afraid," he concluded, "that our debates in general, instead of guiding public opinion, are but the register of public opinion formed outside." Butt, House of Commons, *Hansard*, 3rd Series, vol.233, cc.1629-31.

passing the 1867 Reform Act Parliament “was not *afraid* of public agitation: nor was its action *determined* by it. . . . It is in Parliament, and in light of Parliament’s view of public feeling, that the centre of explanation will be found” (Cowling 1967, 2-3). Legislative behavior constitutes the “micro-foundations” of democratization, and its centrality to the theory advanced here invites us to move beyond macro-analyses of democratization or historical analyses of “transitions.” Instead, we combine attention to the macro-level patterns with historical analyses of the actions and motivations of political agents during critical junctures and across relatively discrete periods.

Historical Approach

This project contributes to the “historical turn” in democratization studies by re-examining the processes of democratization in the paradigmatic cases of the United States, the United Kingdom, and France. The historical turn entails a closer analysis of the different episodes in a country’s development during which “democratic institutions were created or substantially reshaped” (Capoccia and Ziblatt 2010, 934). The purpose of this re-examination of the historical development of democracy is that it “allows us to highlight key empirical regularities that would otherwise be simply overlooked”—in this case the patterns of exclusion and disfranchisement that have accompanied democratizing processes (Capoccia and Ziblatt 2010, 934). Much of the literature on democratization is divided into works looking at transition and those that focus on “the ‘grand sweep’ of . . . democratic development and its retrospectively identified ‘trajectories,’” (Capoccia and Ziblatt 2010, 934).

By contrast, my approach aims to integrate a focus on the historical episodes—some of which constituted critical junctures, but many which did not—in which the right to vote was debated and institutionally altered with an explanation of the trajectories that seem to characterize distinct periods. The methods employed in this project draw heavily on those developed in historical institutionalism and in analyses of legislative behavior. Each case is divided into two chapters, the first tracing the process of coalition building and the instrumental articulation of ideas for this purpose and the second looking at how these ideas conditioned the behavior of political agents and parties in legislative assemblies. The first chapter accordingly adopts the methods of historical institutionalism—notably drawing on archival research to trace the relevant processes, while the second adopts methods more familiar to analyses of legislative dynamics, including ideal point estimation and discourse analysis.

Comparative Case Selection

The objectives of this project are to demonstrate the importance of democratic exclusion, to highlight the ways its oversight impedes theorization, and to offer a theoretical framework that allows us to incorporate the insights of extant theories while attending to the exclusions and disfranchisements that have often accompanied democratization. For this reason, the selection of cases was geared toward revision and re-interpretation. The United States, the United Kingdom, and France were chosen in part because, since at least Barrington Moore, they have been the paradigmatic cases of democratization for scholars. And long before that, people around the world looked to these cases as exemplary and worthy of emulation. While these may not be “typical” cases in the sense of being the most representative of the diversity of “paths toward democracy,” they are nonetheless “typical” insofar as they closely approximate the conditions many of the dominant theories of democratization suggest are crucial (Gerring 2008, 91-97).

This is not coincidental. The narratives of democratization for each country have been highly influential in theory building, and so it should be no surprise that these theories find support in these cases. By revisiting these histories, I aim to persuade the reader that democratic exclusion was an important phenomenon in the paradigmatic cases and that theories formulated in large part to explain these cases require re-formulation. An important way in which the neglect of democratic exclusion limits theorization is by encouraging the analyst to treat different classes of persons as comparable “units,” with the processes associated with democratization having a similar effect across these units. The first part of the argument advanced in this chapter is that categories of persons are differentially situated and that there is accordingly “unit heterogeneity.”

There is a problem with using the language of unit heterogeneity, however. We are methodologically accustomed to seek comparisons of like with like, and so when confronted by heterogeneity we seek to limit the analysis to those sub-clusters of cases that are appropriately comparable. In the case of democratization, at least, this is mistaken. The reason is that by trying to limit the focus to those cases that are alike—working class enfranchisement, women’s enfranchisement, the extension of the vote to ethnic, religious, or racial subordinated populations—we obscure the interrelationship and even identity between the processes associated with each. We cannot understand the enfranchisement of the white working class in the United States without an examination of why it was so often paired with black disfranchisement; or the trajectories of enfranchisements and disfranchisements in 19th century United Kingdom without examining why these issues

were first separated out across the nations before being treated altogether; or the debates over the “re-organization” and “extensions of universal suffrage” in the French Third Republic without examining the patterns of coalition building across the issue areas of women’s suffrage, military suffrage, proportional representation, or Algerian suffrage.

Accordingly, the proper approach is not to compare the politics of the right to vote for one category across different countries, or even across different categories within one country. Rather, it is to focus on the relational dimension: how the politics of the right to vote played out differently across categories, how these intersected, and the ideological and institutional context that structured these politics.

This is the overarching theoretical ambition of the project: to suggest to the reader that not only is democratic exclusion an important phenomenon, but that in order to explain it we need to look at the specific ideological and political context in which democratizing processes are operating. The comparison, then, is not simply between different countries, but between different ideological contexts. The purpose of focusing on this context is to identify common mechanisms by which ideas structure politics. I am not arguing that if elites adhere to republican ideals the franchise will expand. Rather, I am arguing that the specific content of the ideas held by pivotal actors will condition their behavior in ways that alter the ability of the disfranchised to secure their inclusion, that incentivize “strange bedfellow” coalitions of enfranchisers and disfranchisers, and that make actors more likely to support the exclusion of some rather than others.

But there is another reason to select these cases beyond their influence on theory. Barrington Moore’s claim that democratization was only of theoretical interest in those countries of geopolitical importance is wrong. But these cases were influential elsewhere. The processes of democratization in the United States informed democrats—and authoritarians—elsewhere. The particular understandings of political rights that were characteristic of the Liberal vision of progressive Britain, and of the French Third Republic, were disseminated throughout their empire, with lasting effect on institutional design (Blais, Massicotte, and Yoshinaka 2001). While we should not expect that the ideological commitments were continued after colonial rule, or even that they were ever transplanted to the colonies without considerable reinterpretation, by exploring the formulation and operation of these ideologies in the US, the UK, and in France, we might be able to better understand patterns within the countries that emerged from imperialism after WWII.

Conclusion

Political entrepreneurs who seek to build a governing coalition offer narratives of political belonging, with the intent of aligning the potentially divergent interests of their coalition members. These ideas are necessarily exclusionary to some degree, in that they outline the proper basis for membership and thus the proper basis for exclusion from the community. As these are embedded in expectations, they function as a constraint on certain forms of political behavior. The result is a political order of peoplehood, the context for calculations by political operatives as to whether the costs of violating the ideas' strictures outweigh the benefits. These ideas are not 'natural' or 'organic' manifestations of underlying structural realities. They are the product of specific political choices made at critical moments. Nor are these ideas uncontested or hegemonic. Political entrepreneurs sought to advance projects within their parameters, but when this impeded their success they would advance new ideas of belonging that were more amenable to their aims. Even then, however, these entrepreneurs would be constrained by the anticipated costs of violating the strictures, and for the most part sought to reconfigure extent ideas rather than articulate entirely new understandings of belonging.

The implications of this theory are that we need to pay attention to the specific content of ideas of political belonging: the genealogy of these ideas, their variations, their political deployment, their resonance, and how they condition behavior. This is true both for historical and post hoc explanations. But it is also true as a matter of contemporary analysis and prediction. Ideas—like institutions—are the product of politics. They are mutable and can be reformulated in ways that are responsive to changes in how persons perceive their advantage. Understanding the “battle of ideas” is an important dimension to predicting future political and institutional developments.

Chapter 3

Democratization in America

“The principles of Jefferson are the definitions and axioms of free society. And yet they are denied and evaded... insidiously argue[d] that they apply only to ‘superior races.’”—Abraham Lincoln, 1859⁵³

Introduction

American understandings of the country’s democratization have long been structured by a teleological narrative in which the suffrage is gradually extended to include an increasingly large proportion of the population.⁵⁴ Religious distinctions were supposedly removed during the Revolution and early Republic. The antebellum era saw the removal of most class-based distinctions such as property or taxpaying qualifications. The wake of the Civil War brought the enfranchisement of African Americans, itself the culmination of a progressive succession of amendments to the Constitution: the 13th prohibiting slavery and emancipating the remaining slaves, the 14th extending civil rights to the freed, ultimately concluding in the 15th amendment’s extension of equal political rights. When this achievement was secured, more or less, there followed a successful struggle for women’s suffrage, culminating in the 19th amendment. And finally, at the end of a long but steady road, the 26th amendment extended the right to vote to those between the ages of 18 and 21.

There are countless examples of this narrative. An introductory textbook on American government in 1922 considered the period 1815 to the Civil War a “general triumph

⁵³“Letter to Henry L. Pierce, & others,” Springfield, Il. April 6th, 1859.

⁵⁴Christopher Malone argues that until the appearance of recent revisionist scholarship, “a consensus had more or less formed around the history of the right to vote in the United States,” which sees a gradual extension to different categories of the population (Malone 2008, 4).

of democratic principles” as “property qualifications were relaxed and finally abandoned, tax-paying requirements were given up in all but a few states, religious tests were entirely abolished, and in many states the suffrage was extended to aliens immediately upon declaration of intention to be naturalized.” And the process continued after the Civil War, when “the suffrage has been broadened mainly by the enfranchisement of negroes, including the freedmen, and by the conferring of the ballot upon women.” The authors noted that the spirit, if not the letter, of the 15th amendment’s enfranchisement of blacks was violated in the South. But “the initial mistake was made when the freedmen were enfranchised *en masse* sixty years ago” (Ogg and Ray 1922, 199-206). Admittedly not uninterrupted progress, but the major interruption was the premature *enfranchisement* of blacks. A school textbook on *The Teaching of Citizenship in Our American Democracy*, treated the history of changes to the suffrage as “a definite current in the *steady* rush of political events. The elimination of property qualifications for the voter, Negro *suffrage*, woman *suffrage*, and use of initiative, referendum, and recall are the best known examples of this trend” (Saint Louis Dept. of Instruction 1942, 39). Or, as a contributor to the Encyclopedia Americana put it in 1905, “when Topsy said of herself, ‘I ’spects I growed,” she announced without knowing it the law of existence of universal suffrage in America” (Hale 1905).⁵⁵

Perhaps it is unnecessary to belabor the obvious: the narrative of straightforward progressive enfranchisement is false, concealing much that requires explanation and systematically obscuring the exclusionary implications of political processes central to democratization. African Americans were forcibly ejected from the franchise in the decades after Reconstruction; but African Americans had also been purged from the electorate during the Jacksonian age of democracy. Aliens who had once had the vote were disfranchised in the early 20th century. On only two occasions were women voters removed from the electorate—in New Jersey in 1807 and Utah Territory in 1887—but their exclusion was successfully resisted against organized demands for enfranchisement for almost 70 years. Native Americans, enfranchised with the extension of citizenship in 1924, were effectively denied the vote until the 1970s in many western states (McCool, Olson, and J. L. Robinson 2007). Mormons were disfranchised on religious grounds in

⁵⁵The reference is to Topsy, the “savage” child slave in Uncle Tom’s Cabin. The contributor was Edward Everett Hale, author of ‘The Man Without a Country’ and a liberal chaplain. The line used by Hale in the Encyclopedia comes from Eliza Cook’s antislavery poem, ‘Little Topsy’s Song’: “Topsy never was born, never had a moder, spects I growed a n— brat, just like any oder. . . . This is Topsy’s savage song—Topsy cute and clever—Hurrah then for the White Man’s right, ‘Slavery for ever!’”

some western territories in the late 19th century. And “Orientals” were excluded from the franchise in a few western states, despite the 15th amendment’s ban on explicit racial discrimination. Even the 26th amendment was passed only after provisions in the renewed Voting Rights Act requiring the registration of 18 to 21 year olds was overturned by the Supreme Court.⁵⁶ And few of the triumphalist accounts of democratic progress in the United States acknowledge that prior to the renewal of federal attention to voting rights in the mid-twentieth century even white male citizens would often have less likelihood of being able to cast a ballot in their state than they did in 1840. Since the bitterly disputed 2000 election and the wave of voter identification laws passed after 2002, many scholars and political activists have concluded that the massive scale of criminal disfranchisement and discriminatory effect of identification laws threaten to roll back the real advances made since the 1950s.

But perhaps it is worth belaboring the point. Even if, after a few generations of revisionist scholarship, these exclusionary and disfranchising patterns are less surprising to academic audiences, the narrative of progressive enfranchisement continues to structure much theorizing of democratization in America. For example, Daron Acemoglu and James Robinson claim that “the United States experienced a gradual movement toward democracy with no reverses” (2006, xi). They are certainly aware of the major disfranchisements in American history, but this rarely informs the theoretical analysis.

And there is good reason that these disfranchisements and exclusions should inform our theorizing. Not only are extrusions from the electorate by otherwise liberal democracies theoretically puzzling in a literature in which suffrage expansions are generally taken to be ‘locked-in’ absent regime change; but the particular coalitional patterns underlying American suffrage trajectories suggest a much more complicated narrative than the elite and mass conflict or party competition accounts offer. Take, for example, the disfranchisement of African American voters—free blacks in the North and South—during the Jacksonian expansion of democracy. The political operatives demanding black disfranchisement, or continued exclusion, were often those most active in trying to expand the vote to white men. The Democratic coalition was the party supportive of the removal of property qualifications but viciously opposed to black voting rights. Importantly, this pattern was much less prominent in the early republic; it would be less prominent as well in the post-Reconstruction, as especially the post-WWII republic. Racial exclusion is not intrinsic to American democracy; rather the association between the two is the

⁵⁶Oregon v. Mitchell, 400 U.S. 112 (1970)

product of particular institutional and ideological contexts, and it has varied as these contexts have changed.

Abraham Lincoln famously insisted on “all honor to Jefferson,” for placing the self-evident truth that all men are created equal in the Declaration of Independence. Lincoln’s invocation of Jefferson was part of a political project, to legitimate the new Republican Party as the *principled* if not lineal political descendants of the Jeffersonian coalition.⁵⁷ My argument is somewhat different. Some, but certainly not all, *of the honor and the blame* lies with Jefferson, or rather, with the political coalition that was built around him. The election of Jefferson to the presidency in the “revolution of 1800” was of central importance in encouraging a democratizing developmental path in the antebellum United States. And fittingly, given that his election was facilitated by the over-representation of slaveholders, few events were as crucial to the definition of the antebellum United States as a republic for the white man.

The United States case study focuses on the antebellum period, during which racial exclusion was closely aligned with democratizing politics. I argue that this association was the result of the ideological and partisan context of the period, one that was dominated by a narrative of political community that had its origins in the effort to build and sustain the Jeffersonian coalition. The purpose of this chapter is to document the disfranchisements and exclusions that accompanied American democratization, and to outline the institutional and partisan context that encouraged the antebellum era’s conjoining of democratizing and exclusionary politics. The purpose of the subsequent chapter will be to demonstrate the origin of the ‘white male republic’ in the Jeffersonian Democratic-Republican coalition. The purpose of the final American chapter will be to demonstrate how this narrative of peoplehood became embedded in the expectations and ultimately conditioned the behavior of political operatives, through its centrality to the Democratic Party and its broad resonance among the electorate.

The chapter proceeds as follows: I begin by distinguishing my argument relative to two alternatives, both of which have considerable merit but which fail to capture important patterns in American democratization and exclusion. I then turn to an empirical overview of the trajectories of franchise change in the United States, paying close at-

⁵⁷Lincoln recognizes the Republican Party to be “supposed to descend politically from the party opposed to Jefferson,” but notes that “the two [parties] have changed hands as to the principle upon which they were originally supposed to be divided.” That principle was the appropriate balance between the rights of the person and the rights of property: “The democracy of to-day hold the *liberty* of one man to be absolutely nothing, when in conflict with another man’s right of *property*. Republicans, on the contrary, are for both the *man* and the *dollar*; but in cases of conflict, the man *before* the dollar.”

tention to the relationship between enfranchisement with disfranchisement. This is the empirical core of this chapter, and outlines the patterns to be explained in Chapters 4 and 5. I conclude by outlining the institutional and partisan context of the antebellum United States. The election of Jefferson in 1800 was a critical juncture, and the subsequent decades saw the emergence of the Democratic-Republicans as the ascendant party in the country. The ideological context that the Jeffersonians helped create set the basic parameters of democratization in the U.S., generating the patterns of democratic reform alongside racial disfranchisements.

Settler Colonialism and Jacksonian Democracy

It is worth distinguishing my argument as it relates to two alternatives: one that focuses on underlying and relatively stable structural conditions, the other that locates the origins of the ‘white male republic’ at a later date in the antebellum period. The first implies that the responsibility I attribute to the Jeffersonians is unnecessary: no one was directly responsible, and both democracy and racial exclusion were intrinsic to the conditions under which America was established. The second accepts the importance of political contingency but argues that it was the later Jacksonian Democratic coalition that is to blame. There is considerable truth to both of these arguments, but they fail to account for important patterns of variation and continuity. I consider each in turn.

One alternative to an emphasis on the Jeffersonian coalition is that it was all but preordained that the pairing of democracy and exclusion would be a central feature of American political culture. Aziz Rana, for instance, presents a compelling case that American culture emerged from the particular conditions of settler colonialism (2010). In this culture, liberty and equality had meaning primarily through their relation to the subjugation of others. As this was a broadly shared political culture that pre-dated the Revolution, the particular struggle between Federalism and Jeffersonian Republicanism is less important in explaining subsequent democratic and exclusionary developments. Rana does not deny political contingency, stressing that at various times Americans have re-imagined the understandings of liberty and equality to divorce these from imperial and exclusionary commitments (2010, 14). But the agency invoked by Rana tends toward egalitarianism, as efforts to overcome exclusions that *are* presented as primarily the unfolding of a logic deeply embedded in American culture.⁵⁸

⁵⁸For Rana, American culture had at its core an internal tension between the simultaneous vision of an

The conditions of a frontier settler society are important, and they need to be integrated into any overarching account of democracy and exclusion in the United States. But we cannot leave it at that: these conditions were channeled through institutions whose arrangement was the product of political contingency and human agency. As has long been recognized by economists, frontier conditions, and especially the abundance of ‘open’ land, are likely to lead to either the small-scale, dispersed farming settlements that are conducive to democracy, *or* the large-scale, concentrated agriculture largely reliant on coerced labor that are not (Domar 1970; Engerman and Sokoloff 2005, 916; Turner 1920; Dahl 1971).⁵⁹ The structural opportunities of the New World provided for a range of possible outcomes, and both diffuse ownership of property and a coercive labor regime reliant on African slavery developed in America.

Slavery and the process of land expropriation encouraged ideologies and institutions of exclusion and domination, and the gradual shift in the coercive labor strategy toward the use of enslaved Africans was accompanied by conscious efforts at establishing and policing boundaries between the settlers and the slaves (Morgan 1975, 316–337).⁶⁰ And an abundance of land to be expropriated did provide for the more egalitarian social conditions that early theorists emphasized to be the foundation of American democracy. But there is little reason to think that the specific terms of the antebellum ‘white male republic’—that only white men were capable of self-government, that the United States was providentially set aside for the white man, and that free blacks could not legitimately claim membership within its political community—was the optimal, let alone the most likely, institutional and ideological arrangement that could have accommodated these

“unchecked imperial right” of expansion and domination with that of an internal state authority “constrained by a vision of freedom as self-rule” (2010, 105). This was an “inescapable duality, present before independence” and the “structure for an independent settler empire and—eventually—a straightjacket” for more egalitarian visions of republican liberty (2010, 105). And so when confronted by economic security and threats to settler authority structures, white male Americans defended their status by consolidating the exclusion and domination of women, blacks, and indigenous peoples (2010, 162–72).

⁵⁹The “abundance of natural resources,” however, was not an unmediated fact of American settlement. It reflected political decisions and the ability of the colonial state to police the settlers. The Royal Proclamation of 1763 was the most ambitious and well-known effort to restrict the “abundance” of land. The result was that prior to 1790, New England and other colonies were characterized less by an abundance of land than by a growing scarcity, with an increasing population of landless agricultural and urban workers the result (Lockridge 1968).

⁶⁰This is also a central feature of settler rule more broadly. The Statutes of Kilkenny are an excellent example of border maintenance. Passed in 1366, they punished English settlers for the use of Irish customs or for not speaking English. See also Ronald Weitzer (1990) and Pierre Van den Berghe (1967, 1969). A situation approximating this existed in some of the American states, although the subjugated population included both the natives and African slaves.

incentives. Treating the institutional arrangements of the antebellum period as the product of overwhelming structural incentives ignores the fact that there were alternatives, that these alternatives were recognized by contemporaries, and that these alternatives often only narrowly lost out.

Consider the disfranchisement of free blacks in the northern United States. Most political science accounts of democratization in America stress the pattern of regional segmentation. Rueschemeyer, Stephens, and Stephens, for instance, argue that a full democracy had been established in the North and West of the United States by the Jacksonian period, while the South remained a constitutional oligarchy or a restricted democracy into the 1960s (1992, 122; see also Gibson 2013, 35–72). But throughout the antebellum period, the northern and western states moved to disfranchise black voters, despite very small numbers of free blacks within many of these states.⁶¹ There was no obvious structural requirement that free blacks be excluded. Nor was there an overwhelming cultural consensus against free black voting, as in almost every instance the disfranchisement of blacks was a bitterly contested issue.⁶²

So why did black disfranchisement become so thoroughly nationalized? The answer lies in considerable part in the United States Constitution. The Constitution's arrangement of representation aimed for a rough sectional balance in the House, Senate, and Electoral College, and had been consciously designed to ensure that governing institutions would be responsive to interests North and South by incentivizing the formation by political entrepreneurs of a cross-sectional coalition. This was most enduringly achieved by the Jeffersonian Democratic-Republicans, who were able to unite southern slaveholders with small farmers and urban laboring classes in the North. As we shall see in Chapters 4 and 5, what southerners wanted was increasingly not only a commitment to protecting slavery but what they came to see as a necessary corollary—white supremacy.

⁶¹Rueschemeyer, Stephens, and Stephens recognize that free blacks were excluded from the electorate in most north and western states, but note that “given the relatively small black population of the North at this time, the political system of this section of the country and its social base can be characterized as an agrarian democracy” (1992, 125). They do not offer an explanation as to why blacks were excluded in the north.

⁶²Even in the South there was no intrinsic *need* for free black disfranchisement. While it was the southern colonies which pioneered explicit racial disfranchisements during the early 18th century, by 1799 free blacks were allowed to vote in Maryland, North Carolina, Kentucky, and in Tennessee; they would have the right to vote in the Orleans territory until 1811. They would continue to have the right to vote in North Carolina and Tennessee until the 1830s, and the right of free black men to vote was passionately defended in both states. As late as 1845, a respected delegate to the Louisiana constitutional convention proposed a limited measure of enfranchisement for free blacks, arguing that it would give the free black community an investment in defending slavery.

And the Jeffersonian party would actively coordinate its members around this standard, and institutionalize at the federal and territorial level.

But the question remains: given these powerful incentives, was the Jeffersonian coalition all that important? Would not some other coalition have come to the same basic conclusion, that there was more to be gained by a cross-sectional coalition with slaveholders than in defending the voting rights of free black? Two counterfactual alternatives suggest that the ultimate emergence of the 'white male republic' in the antebellum period was not inevitable: a 'Jeffersonian' coalition in which northern Democratic-Republicans played a more central role, and a Federalist coalition that maintained its early capacity to bridge the sectional divide. The Jeffersonian Democratic-Republican party was dominated by Virginians, but it was not exclusively a Virginia or southern party nor was this dominance inevitable. And northern Democratic-Republicans were often openly hostile to slavery, and willing to defend black voting rights in their states and in the new American territories. Northern Jeffersonians were not initially committed to the vision of a white male republic. Had they been more influential within their own party in the early Republic, it is conceivable that black voting rights might have been spared.

Northern Federalists were also opposed to the white male republic, especially after the collapse of support for their party in the South. Federalists in New York in 1821 provided a sustained and vigorous defense of black voting rights alongside their opposition to the removal of property qualifications. Federalists in Congress took increasingly anti-slavery stances after 1800. But the Federalists' emergence as a party hostile to slavery was in part contingent on the collapse of southern Federalism. Had they sustained their cross-sectional coalition they likely would have tempered their positions, and we should not assume that a nationally viable Federalism would have been the 1821 New York Federalists writ large. But both northern and southern Federalists were more likely to oppose to the removal of property and taxpaying qualification. And if the locus of Democratic-Republicanism was in Virginia, it is likely that the locus of a viable antebellum Federalist Party would have been in Massachusetts or New York. It is certainly conceivable that had they not been defeated in the early 19th century that they would have sustained a national coalition that was less-egalitarian in relation to class, but more egalitarian in regards to race.

Ultimately the prospects for equal black citizenship were not very good in the antebellum era; the prospects for white male democracy were much better. This was a consequence of structural conditions—diffused property ownership combined with racialized

slavery—but also of the incentives for bisectional coalition-building embedded in the Constitution. Nonetheless, neither the disfranchisement of free blacks nor the considerable expansion of the electorates to propertyless white men were preordained, but were the product of particular political coalitions that were able to win power and restructure governing institutions.

But placing the blame on Jefferson and his party also means that I am locating the origins of the ‘white male republic’ as an understanding of American political community at an earlier date than its full rhetorical development during the Jacksonian period. Alexander Saxton, for instance, argues that a belief in racial and class hierarchy underpinned the Jeffersonian Republican ‘thesis,’ that the Whig Party represented a dominant established order, and that the Jacksonian Democracy was a “revolt from outside,” one that articulated a new understanding of egalitarianism premised upon whiteness and employed to justify “the problematic empathy developing between urban egalitarians and planter oligarchs in the South” (1990, 24, 127). In Saxton’s telling, the Jeffersonian Republicans and the subsequent Whig Party, while certainly capable of tactical applications of “hard” racism, were better characterized by a “soft” or paternalistic racism.⁶³ But beginning in the 1830s, northern class-egalitarians became dependent upon the Democratic Party for their political influence, and perceived “the main danger to their expectations. . . not from traditional Whig projects like internal improvements and protective tariffs, but from anti-slavery agitation emanating in part (but by no means entirely) from whiggish sources” (1990, 151). To maintain their own party’s unity, Democratic ideological entrepreneurs fastened on the idea of the white republic. In what Saxton treats as “an official statement of the northern Democratic position on slavery and anti-slavery,” James K. Paulding’s (1836) *Slavery in the United States*—published to aid the Van Buren presidential campaign—asserted that “‘The government of the United States, its institutions and its privileges. . . belong of right wholly and exclusively to white men. . .’”. Tapping the subtreasury of American racism, Paulding had put together formulations appropriate to a particular constituency [of urban workers, especially Irish Catholics]. Other Democratic politicians did likewise” (1990, 151-52).⁶⁴

I agree with Saxton to a considerable extent, notably with his treatment of ideolo-

⁶³Saxton argued that these two sides of racism were mutually reinforcing, as they were both equally part of a unified premise underlying all racial doctrine in the United States (1990, 149-50).

⁶⁴Paulding had integrated into his account of the white male republic an attack on the British as having instituted slavery in the Americas, and argued that the Irish lived under a more galling slavery and oppression than slaves in America.

gies of white egalitarianism and racial supremacy being strategically reformulated from a broader and older set of racial ideologies and tactically deployed in order to assist in building cross-sectional coalitions. But while I concur with his treatment of the coalitional tensions of the Jacksonian Democracy, and the efforts of partisan ideologists to reconcile these tension, this was by no means a tension unique or novel to the Jacksonian Democratic party. Perhaps the strongest evidence in favor of a later origin date for the white male republic is that while the claim that the United States was established as a republic for the white man, with black citizenship rights an illegitimate and unintended development, is loudly and repeatedly exclaimed by the 1830s and afterward, it is less common as an explicit rhetorical invocation in the early decades of the 19th century. Pdraig Riley, for instance, notes that “to interpret the Jeffersonian coalition as held together by a psychic and political investment in whiteness invites anachronism,” and argues that “in the Jeffersonian period, racial formation was simply at a premature stage” (2007, 23).

That ideologies of racial difference and inequality were less developed at the turn of the century than they were by 1860 is certainly true. But if the rhetorical invocation of the white male republic was most pronounced in the decades after Andrew Jackson’s presidency, the political dilemma had been a central feature of the Jeffersonian coalition in the early 1800s: “being a Jeffersonian paid obvious dividends in the early republic, and many northern Democratic-Republicans benefited, or hoped to benefit, from political patronage,” but the success of the Democratic-Republicans “depended heavily on substantial northern commitment to a party and an ideology that protected slavery, when it did not defend it outright” (Riley 2007, 18-20).

The Jacksonian Democratic Party was not identical to the Jeffersonian Democratic-Republicans. But in the components of the coalition, the tensions that this generated, and the mechanisms for reconciling these, the Jacksonian party shared considerable continuities with the Jeffersonian. Rather than seeing the later flowery development of ‘white male republic’ as a unique creation of the Democratic Party, we should see this as an aggressive articulation of ideologies developed by Jeffersonian activists seeking to “come to terms with the contradictory political reality of their time” (Riley 2007, 35).

This solution was never stable, and it always treated with ambiguity the question of slavery: as shown by various factions of the Free Soil party, the white man’s republic could be turned against slavery. But in its essence, the idea of the ‘white male republic’ as advanced by the Jeffersonians and aggressively defended by the Jacksonians held that

the Union enabled republican government and democracy, and that the incorporation of blacks as citizens, whatever “nice metaphysical subtleties [sic] or abstract dogmas of fanaticism” might suggest, could not be practically realized (Paulding 1836, 8).

Trajectories of the Franchise in the United States, 1776-1945

I begin by examining the pre-Revolution franchise in the American colonies. While all colonies had some form of property qualification, the impact of these was in general less exclusionary than the pre-1832 franchise in the United Kingdom. Nonetheless, the enfranchisement rate was likely declining, most institutional changes were in the direction of a higher franchise, and there was no democratizing dynamic. I then trace out the enfranchising and disfranchising trends in the United States. The Revolution marks a radical change, after which the proportion of states with property or taxpaying qualifications declines until the Civil War. As the Jeffersonian Democratic-Republican Party came to power in state legislatures—or organized new states or territories in Congress—most property and taxpaying qualifications were repealed. But alongside this democratizing process is another, with which it is deeply implicated: the antebellum disfranchisement of black voters through explicit racial criteria.

The Colonial Franchise

The primary institutional means by which the suffrage was restricted during the colonial period was through gender, property, racial, subjecthood, and religious qualifications. As in the pre-1832 Great Britain, the exclusion of women from the franchise was not always explicit.⁶⁵ Only three colonies explicitly restricted on the basis of race prior to the Revolution, all of them in the South, but slaves and indentured servants were everywhere excluded. And while many colonies did exclude Catholics and/or non-Christians from office-holding and suffrage, the exclusion of Protestants from a non-established church had largely ceased by the time of the Revolution.

For free adult males property ownership was the primary basis of exclusion. Table 3.1 lists the main qualifications for the franchise in the thirteen American colonies. The top

⁶⁵In some Massachusetts towns and New York counties propertied widows did legally vote (Keyssar 2001, 5), as did propertied independent women in English vestry elections. But in general they were excluded from the franchise, especially for colony wide elections, regardless of whether there was an explicit gender qualification.

two panels lists the qualifications for the five colonies that required ownership of freehold property of a sufficient value or acreage; the bottom panel lists the seven colonies allowing some form of personal property ownership as an alternative to freehold real estate. Rhode Island and Connecticut additionally required that the voters be ‘freemen’: full members of the corporation or town, for which the qualifications were “maturity in years, quiet and peaceable behavior, a civil conversation, and forty shillings freehold” (Ratcliffe 2013, 226).⁶⁶

The colonies varied in their admission of immigrants to the franchise. All colonies enfranchised natural born subjects of the British monarch, and some, such as Georgia, enfranchised non-naturalized immigrants.⁶⁷ Even where there was not explicit subjecthood requirement, the English common law held that non-naturalized aliens could not vote (McKinley 1905, 475). The individual colonies did develop their own naturalization laws, but these did not extend beyond their borders; if one was naturalized a British subject in Virginia, they would still be an alien in New Jersey (Carpenter 1904, 297). Delaware was unique in that, while it required a voter to be either natural born or naturalized, this naturalization could have taken place in England, Delaware, or in Pennsylvania.

⁶⁶Joel Cohen has suggested that this be considered akin to a registration requirement and that those who were eligible but did not take the oath were effectively opting out rather than disfranchised (Cohen 1970, 5; cited in Ratcliffe 2013, 226). The same can be said of most poll taxes. In reality, this is a form of disfranchisement achieved by raising the cost of voting, a cost that is understood to impinge more on the laboring classes of the community. The freemanship was also an alternative qualification for the franchise in New York City and Albany, although it was not a requirement in either.

⁶⁷Georgia had an explicit enfranchisement of aliens possessed of 50 acres (Hoyt 1952, 250, fn. 9).

Table 3.1: Suffrage Restrictions at the End of the Colonial Period

State	Real Estate	Alternative	Religion/Moral	Race	Subjecthood & Residence
	<i>Acres</i>				
Georgia	Freehold 50 acres	—	—	Every free white man and no other	6 month residence in colony
North Carolina	Freehold 50 acres	—	Belief in a Christian God (Office)	Restriction to ‘whites’ added in 1715, dropped in 1793	Natural-born or naturalized in colony or England, resident 6mths.
Virginia	Freehold 50 acres if vacant; 25 acres with house and plantation; 12sq ft. town lot and house.	—	Catholics excluded	No free negro, mulatto, or Indian whatsoever (1723)	—
	<i>Value</i>				
New Hampshire	Worth £50	—	“not vicious in life”	—	Natural-born or naturalized in colony or England
New York	Freehold £40	—	Catholics and Non-Christians excluded	—	3 month county residence
Rhode Island	Freehold £40 or yields 40s annual income	—	Catholics and Non-Christians excluded	—	—
	<i>Real Estate with Alternative</i>				
Connecticut	Yields 40s annual income	£40 personal estate	“peaceable and honest conversation”	—	—

Continued on next page

		<i>Continued from previous page</i>	
Delaware	Freehold 50 acres (12 cleared)	Worth £40 'lawful money'	— Natural-born or naturalized in DE, PA, Eng., resident 6mths.
Maryland	Freehold 50 acres	Visible personal estate £40 sterling	Catholics excluded
Massachusetts	Yields 40s. annual income	Estate worth £40 sterling	Catholics excluded 24 yrs. of age for "non-vicious" non-churchmen
Pennsylvania	Freehold 50 acres	Worth £50 lawful money, clear estate	Belief in a Christian God (Office)
New Jersey	Freehold 100 acres	Personal estate in money, goods, chattel of £50 sterling	Catholics excluded (Office)
South Carolina	Freehold 100 acres on which taxes are paid; town house on lot worth £60 on which taxes paid	Paid tax of 10s. proclamation money	Every white man, and no other (1716)
Adapted from Porter (1971, 12). Sources: McKinley (1905), Keyssar (2001, 306-07), Williamson (1960), Beeman (2005, 293-94), Bishop (1893), and Porter (1971).			

The exclusion of free blacks was pioneered in Virginia, South Carolina, and Georgia in the 18th century, coinciding with a harshening of the colonial slave codes (Wiecek 1977). North Carolina was the first to exclude free blacks from the suffrage in 1715, but the province dropped the exclusion in 1734 (McKinley 1905, 92). In 1716 South Carolina inserted the word ‘white’ into its suffrage provisions, and Virginia followed shortly thereafter in 1723 in response to an attempted insurrection (McKinley 1905, 151, 36). Virginia had in 1705 excluded blacks and Indians from holding any civil, military, or ecclesiastical office, an act that also prohibited white former convicts from holding office (Higginbotham and Bosworth 1991, 25; McKinley 1905, 36).⁶⁸ Georgia excluded free blacks from the franchise in 1761, shortly after the colony’s trustees acquiesced to the introduction of slavery (McKinley 1905, 474).⁶⁹ Free blacks were not excluded from the franchise in Maryland, Delaware, or in North Carolina (from 1734), and they were never legally excluded from any of the northern colonies during the colonial period, including those such as New Jersey and New York where slavery was an important part of the economy.

There is a considerable volume of literature on the extent of the franchise in the colonial era. Historians in the first half of the 20th century, characterizing American development in terms of a long-run pattern of class conflict, argued that the colonial elite disfranchised the bulk of the adult male population (Becker 1920, 35–36; Schlesinger 1922, 74). This perspective was contested in the post-WWII period by claims that colonial American society was “middle-class” in its distribution of wealth, and that the institutions the progressives had highlighted as exclusionary, the suffrage in particular, were considerably less so in their application. In the mid-1950s, Robert E. Brown and B. Katherine Brown published a series of works, drawing on probate records and tax lists, contesting the “widely accepted view that the society which produced the American Revolution was undemocratic” (Brown 1952, 291). Richard P. McCormick (1953),

⁶⁸While this change was accepted by the governor, the English attorney of the Board of Trade questioned its merits: “I cannot see why one freeman should be used worse than another, merely on account of his complexion. . . . It cannot be right to strip all persons of a black complexion for those rights which are so justly valuable to any freeman” (McKinley 1905, 37).

⁶⁹The colony as initially established had banned the importation of slaves, a ban which the trustees sought to enforce for several decades. Importation continued, however, and popular demand for slaves eventually led to a change in policy (Wax 1984). As noted by Keyssar “Georgia’s 1777 constitution explicitly limited the franchise to whites, but the constitutions of 1789 and 1798 did not. All secondary sources agree that blacks could not vote, but a very extensive research effort has not turned up a clear legal basis for that exclusion—although there are indications that only whites could become state citizens,” which was a requirement from 1789 onward (Keyssar 2001, 319, fn.5).

Charles S. Sydnor (1952), Milton Klein (1959) and others followed, claiming the property restrictions during the colonial period were marginal in their impact, excluding at most 10-15% of free white males from the suffrage. The general consensus of this literature was that almost all of the male population was eligible to vote, even if most of them did not actually exercise this right (Pole 1962).⁷⁰

More recent estimates put the enfranchisement rate somewhere in between the levels of 85-90% free adult male enfranchisement claimed by Robert Brown and the 30-50% claimed by the Progressive historians. While Charles Sydnor claimed that fewer than 50% of free adult males could vote in colonial Virginia, more recent estimates place this at around two-thirds (Kolp 1998, 38-49). This would place Virginia roughly in line with the estimates by Robert Dinkin, who suggested an enfranchisement rate generally in the range of 50-75% across the colonies (1977, 28-49), and with Alexander Keyssar's figure of 60% overall colonial adult white male enfranchisement (2001, 7). These numbers are largely endorsed by the most recent overview of the suffrage and enfranchisement rates in the late colonial period and early Republic (Ratcliffe 2013, 221-22).

Estimating the size of the colonial electorate is a notoriously difficult enterprise, and the data sources that have survived vary considerably in their representativeness and quality.⁷¹ Contemporaries disagreed on the exclusiveness of the franchise, with Thomas Jefferson claiming "the majority of the men in [Virginia], who pay and fight for its support, are unrepresented in the legislature" (1787, 192) and the colonial Governor that "most of the people" did have the right to vote (Dinkin 1977, 40-41). A rough estimate, however, can be generated by aggregating across the range of secondary sources. This provides an aggregated estimate for the proportion of eligible adult white men in each colony, which, while imperfect, provides a frame of reference.⁷²

In general, the frontier colonies of Georgia, South Carolina, and New Hampshire saw

⁷⁰The literature's tallying of enfranchisement rates are always limited to free, or more often to white, adult men.

⁷¹Probate records are likely to bias the estimates upwards, as wills were left disproportionately by wealthier men (Cary 1963, 259). It is often not clear whether the tax lists are in sterling or in lawful money: "if we assume that the list is in lawful money, we find that only 53 adult men [in a sampled town] had estates of at least £53.40, and were qualified voters. . . . If the list is in sterling, 75 men had estates of £40 and 84 men would have been unable to meet the property qualifications" (Cary 1963, 261). As noted by Dinkin, "the relative scarcity of tax lists and census reports in certain colonies makes any definitive statement impossible" (Dinkin 1977, 40).

⁷²Estimates were included only if they were based on empirical assessments, such as those that relied on colonial property and landholding patterns. This excludes much of the earlier literature that argued that the suffrage was significantly restricted, likely leading to upwardly biased results and inflated projections of the eligible population.

the greatest proportion of adult white men included in the franchise. Maryland had the lowest rate of enfranchisement, followed by New York.⁷³ Overall, these estimates suggest that the proportion who could vote in legislative elections during the colonial period was between half- and three-quarters of free adult males.⁷⁴

This understates the extent of disfranchisement in a number of ways. Most obviously, it takes as the denominator free white adult men. Using these enfranchisement estimates and the 1790 census' population figures, we are able to get a rough approximation of how the American colonies compared when we consider different population bases, such as all adult males, all free males, and the total population.⁷⁵ Figure 3.1 compares the rates of enfranchisement according to different denominators. As would be expected, the main basis for divergence in enfranchisement rates across denominators is the presence of slavery and whether women are included. Table 3.2 lists the same information using free white adult men, the total free population, and the total population as the denominators.

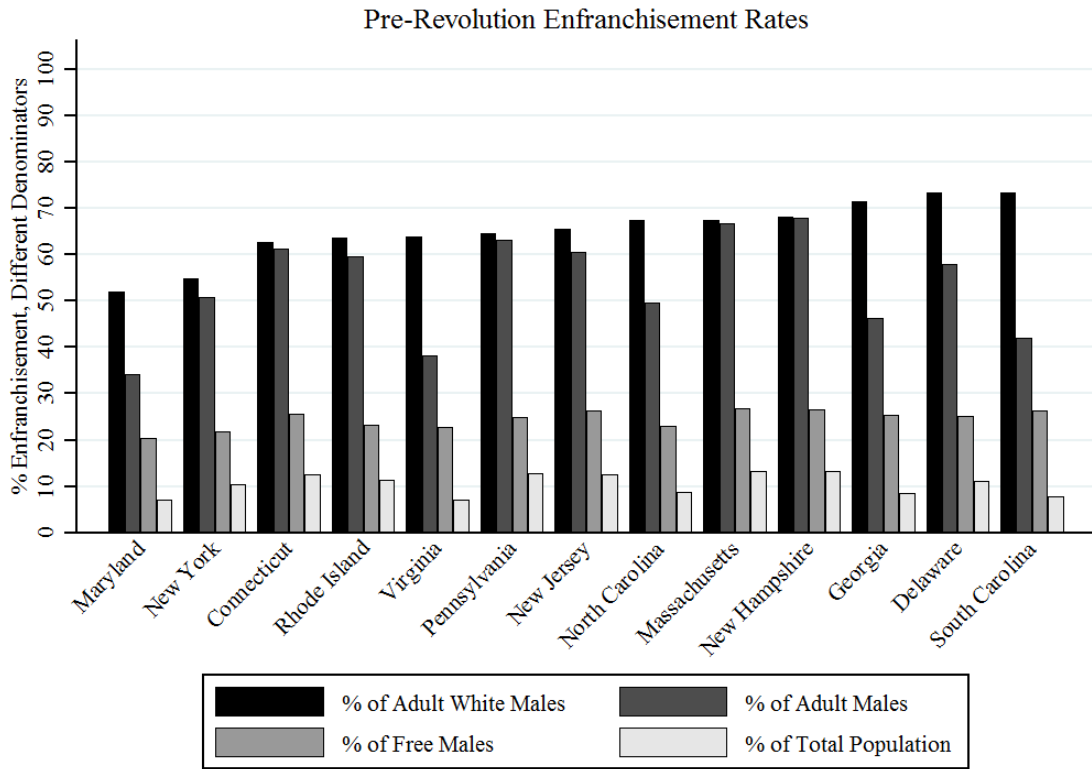
A total enfranchisement rate, for all persons in the colonies other than Indians not taxed, would be approximately 9.7%. This compares favorably with the contemporary

⁷³Dinkins notes that relative to New York City, which had a freemanship requirement that was relatively easy to attain, "the degree of eligibility was much smaller in the outlying regions where large landholdings and tenantry flourished" (Dinkins 1977, p.44). Suffolk County had only 24.4 percent enfranchisement, while Dutchess County had 23.9 percent in 1740. Less than 22 percent of men in Westchester were likely able to meet the qualifications.

⁷⁴The most recent analysis of the franchise suggests that between 60-90% of the adult white male population could vote, with an overall rate of 80% across the country. This finding, however, is almost exclusively reliant on Dinkin's estimates—especially at the higher end—while acknowledging but seemingly rejecting the findings of others (2013, 230). The analysis presented here includes each of Dinkin's reported enfranchisement rates, as well as those from Brown (1952, 1955, 1964), Kolp (1998), Sydnor (1952), and Williamson (1960).

⁷⁵The census of 1790 differentiated between whites under and over the age of 16. Neither free blacks nor slaves were differentiated on the basis of age. To estimate the number of white persons over the age of 21, I relied on the numbers provided in *A Century of Population Growth*, published by the U.S. Census Office (1909, 103). The number of white persons between the ages of 16 and 21 was estimated at 372,560, or about one quarter the size of the white population under 16. An estimate of the 16-21 white population was generated for each state, and this was subtracted from the number of white persons aged 16 and above. Similar calculations were performed to estimate the proportion of the free black and enslaved population that was male and above 21. For this I used the 1820 Census, which did differentiate the black population according to age. For each state, I used the point estimate of the adult white male enfranchisement rate to estimate the number of electors, given the estimate of white males aged 21 and above. This provided the numerator for the different estimates of enfranchisement rates across different population bases. The same analysis was done using a number of different assumptions, and the results were generally consistent. While the ultimate estimates of enfranchisement rates across different population bases are certainly imprecise, they are primarily determined not by assumptions about the age structure of the different population categories, but by the initial estimate of the enfranchisement rate among adult white men. The reported figures are the reasonable implication of the bulk of the secondary literature on enfranchisement rates among white men.

Figure 3.1: Enfranchisement Rates using Different Denominators, Pre-Revolution



enfranchisement rate in England, which was in the range of 4% and would not reach comparable levels until the Second Reform Act of 1867. The English enfranchisement rate, however, was depressed considerably by the small electorates of the counties, and the enfranchisement rate across the American colonies is similar to the medium and large English borough constituencies. But in neither case had democracy arrived, even among the restricted category of adult white men.

There are a few important points worth noting: the trend over the course of the 18th century had largely been toward raising the qualification, either to restrict the electorate or to prevent unintended extensions; these qualifications were not always impediments to voting, as there was a considerable amount of ambiguity and contestation over who exactly had the right to vote; and an extensive electorate did not in fact mean broad participation in politics. Most accounts note that in many of the colonies the rate of landownership was falling and the number of people with personal property below the

Table 3.2: Estimated Enfranchisement Rates, Colonial America

Colony	% Adult White Male Electors	% Free Population Electors	% Total Population Electors
Maryland	51.9%	10.4%	7.1%
Virginia	63.8%	11.6%	7.1%
South Carolina	73.4%	13.7%	7.8%
Georgia	71.4%	13.0%	8.4%
North Carolina	67.4%	11.8%	8.8%
New York	54.8%	11.2%	10.5%
Delaware	73.3%	12.9%	11.0%
Rhode Island	63.6%	11.5%	11.3%
Connecticut	62.8%	12.7%	12.5%
New Jersey	65.5%	13.4%	12.6%
Pennsylvania	64.6%	12.8%	12.7%
Massachusetts	67.5%	13.2%	13.2%
New Hampshire	68.2%	13.3%	13.3%
United State	63.8%	11.8%	9.7%

Source: Author's calculations.

franchise qualifications was increasing (Dinkin 1977, 46; Kulikoff 2000, 132-33; Lockridge 1968).⁷⁶

But the declining proportion of enfranchised white adult men at the end of the colonial period reflected not only growing inequality and decline of landholding, but deliberate policy choices made throughout the 17th and early 18th centuries to restrict the franchise. Of the twenty-three changes to the property qualifications in the colonies between 1700 and 1776, fourteen of these were aimed at restricting the suffrage while only nine were aimed at its expansion. Even if we exclude Rhode Island, where many of the restrictive changes to the suffrage were designed to accommodate the suffrage qualifications to the rapidly devaluation in the colonial currency, we still see ten restrictive changes versus eight expansive ones. The trend toward restricting the franchise began in the 17th century, and occurred in both the northern and southern colonies (McKinley 1905, 27-28, 31, 77, 161-62, 379).⁷⁷ And in 1767, the British government issued instruc-

⁷⁶Dinkin notes that “many regions, especially parts of Maryland and New England, saw the number of property holders, thus voters, declining toward the end of the period” (Dinkin 1977, 46), while Allan Kulikoff notes that “the land supply in coastal Maryland, Virginia, and North Carolina fell more rapidly than plantation size” resulting in rising prices and decreasing landownership, “exacerbated in Virginia by the amount of land (as much as half in older counties) rich men entailed (a legal form that required all land be given to one son, in perpetuity), thus keeping it off land markets” (Kulikoff 2000, 132-33).

⁷⁷Commenting on the 17th century Plymouth Colony, George Langdon remarked that “the trend seems to

tions to royal governors prohibiting them from “chang[ing] the qualification of electors” or changing the number of representatives in the assembly.⁷⁸ Despite a relatively favorable social structure, *democratization* was not an important political dynamic in the colonial period.

And even among those who could vote, very few did. As noted by Richard Beeman, “the fact of widespread nonparticipation in the political process in eighteenth-century America. . . remains the greatest unresolved mystery” of the colonial period (2005, 335). And non-participation worked to reinforce patterns of colonial office-holding in which the “overwhelming majority of the representatives belong[ed] to that ten per cent” who have property valued above £2000 (Main 1966, 393). Colonial America was not as much an aristocracy as many of its elite would have liked; but nor was it the middle-class democracy that some historians have insisted upon.

Religious, Property, and Taxpaying Qualifications for the Franchise

This is where the franchise stood at the time of the Revolution: a fairly broad franchise relative to England, but certainly not democratic, and an ongoing effort by the colonial elite to guard against any further expansion of the electorate. The Revolution was a watershed. The story of progressive enfranchisement usually begins with the removal of religious qualifications. Figure 3.2 tracks the proportion of states excluding adherents of various religions from voting and office-holding. The excluded were most often Catholics; but Jews were also frequent targets of exclusion, and Massachusetts required that non-Congregationalists be “non-vicious in life.” To some extent, Figure 3.2 understates the extent of religious disfranchisement in the American colonies, as even where Catholics were not barred from the franchise explicitly they were often barred on account of prohibitions on Catholic naturalization. Nonetheless, all explicit religious qualifications for the franchise had been removed before 1800, although the Federal government imposed what amounted to a religious qualification in the Utah Territory in 1887, and several territories and the state of Idaho had provisions excluding not only the practitioners of polygamy but those who were married in a Mormon temple or who preached or believed in “celestial marriage.”⁷⁹ Religious qualifications for office-holding

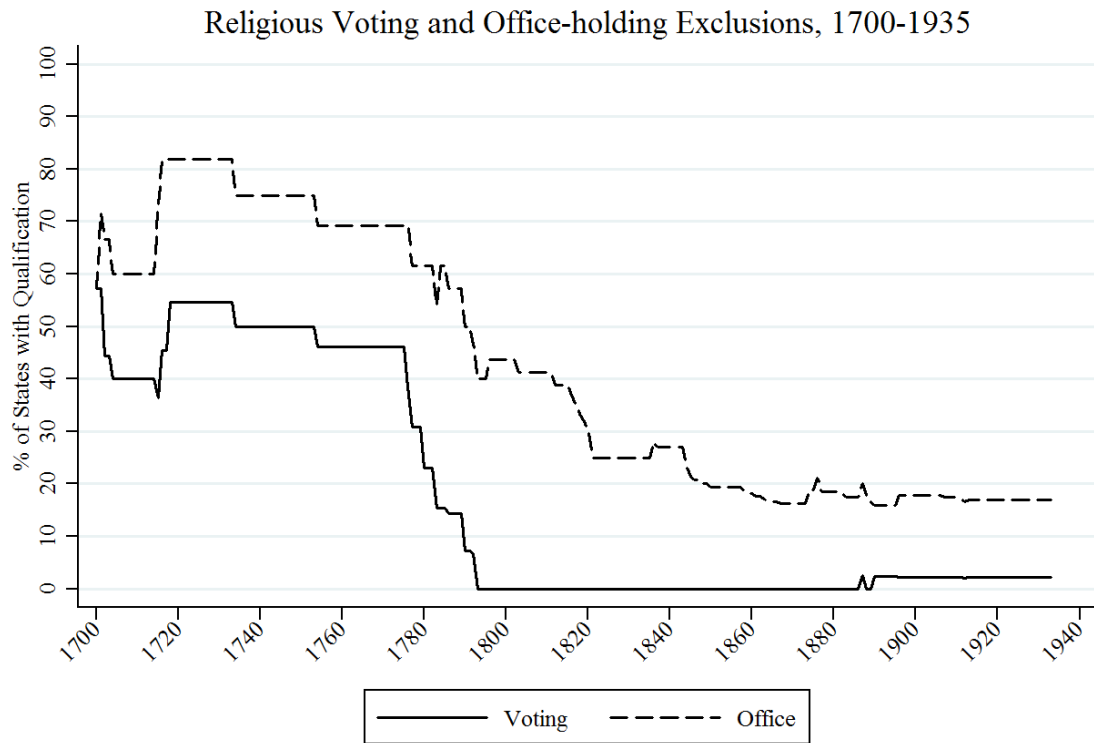
have been away from, rather than towards, political democracy” (Langdon 1963, 513).

⁷⁸Cited in Williamson (1960, 89).

⁷⁹While this was often portrayed as an effort to disfranchise those advocating criminal behavior—namely polygamy—it extended beyond practitioners and advocates to include any member in an organization that advocated polygamy. As Fred Dubois, the Idaho territorial representative to Congress, told a Senate

were more resilient, and many states today continue to have such provisions in their constitutions, although these were rendered inoperative by the U.S. Supreme Court in *Torcaso v. Watkins* (367 U.S. 488 [1961]).

Figure 3.2: Religious Qualifications for the Franchise, 1700-1935



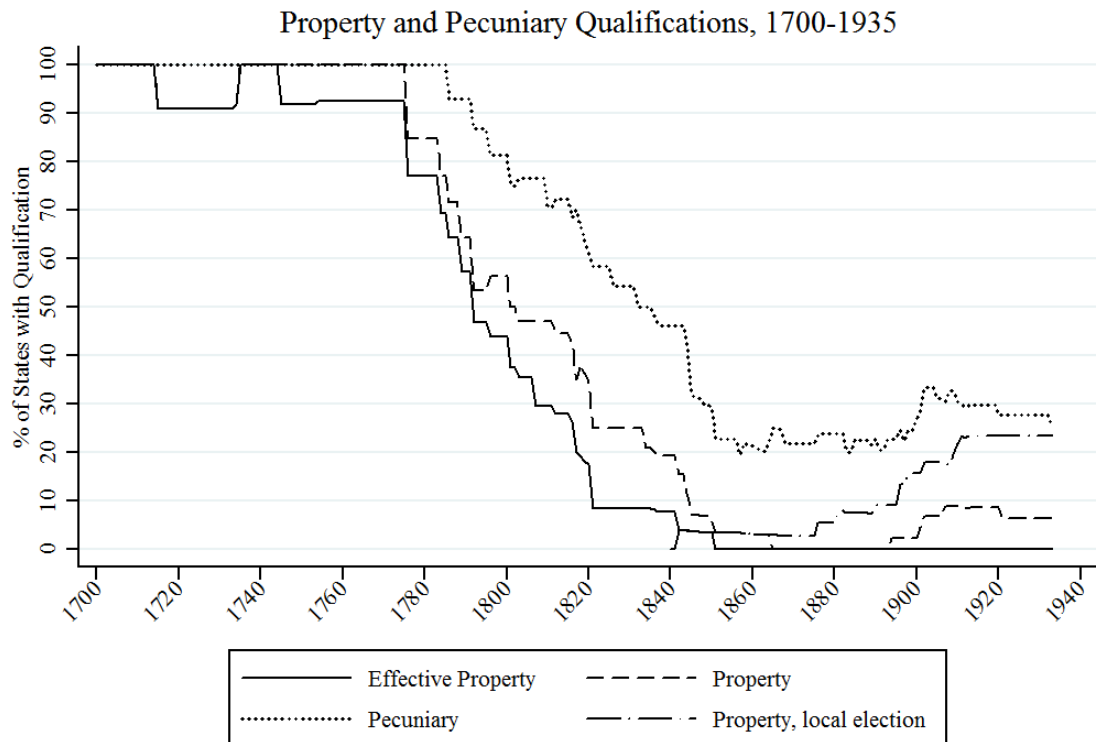
Source: Author's calculations

Figure 3.3 illustrates one of the central trajectories of democracy in America, the removal of pecuniary and property qualifications for the franchise. The figure plots the proportion of states that require either a property or the payment of a tax in order to vote. There is an additional category of ‘effective property’ qualification, which reflects the fact that some states had residence, or later literacy alternatives to property ownership. Also included is an indicator for whether the state constitution included a property qualification at the municipal level or for local bond elections. The basic trajectory is

Committee considering the disfranchising clause in 1890, “there is no desire on my part to deny the fact that this law was intended to disfranchise the Mormons, that is the plain intention of the law” (Groberg 1976, 405; see also Wells 1955). Only one House member cast a vote against the new constitution, while 67 abstained, mostly southern Democrats.

of an extended period of stability until the Revolution, when states quickly began to liberalize the qualifications for the franchise. Expansions of the franchise continued until the Civil War, when the pattern of progressive enfranchisement stalled and then was reversed. Much of this was the result of the re-imposition of white supremacy in the South; but not all, and both the property qualifications for local elections as well as the pecuniary qualifications for state and Federal elections extended beyond the South.

Figure 3.3: Property Qualifications for the Franchise, 1700-1935



Source: Author's calculations

The property and taxpaying qualifications did have an important impact on the size of the electorate, and through this, on politics. In 1957 J.R. Pole argued the property and taxpaying qualifications of the early republic “did little to prevent the exercise of the suffrage franchise by almost any member of the adult male population,” a position recently endorsed by Donald Ratcliffe (1957, 561; Ratcliffe 2013, 242). This is a considerable overstatement, and property and taxpaying qualifications *were* disfranchising.

One way to show this is to look at the state censuses conducted in New York, which

included a tally of the number of voters enfranchised under different qualifications. Table 3.3 lists the percentage of adult free men enfranchised under the £100, £20, tenement, and freemen voter qualifications from 1790-1821.⁸⁰ After the franchise qualifications were lowered in 1777, between 70-80% of the adult male population could vote. After the franchise was again changed in 1821, removing the property qualifications for all but free blacks and establishing a set of taxpayer, militia, and highway labor qualifications, approximately 90% of the free adult male population was enfranchised. In 1821, 19.2% of the adult male population qualified under the new taxpaying qualifications; most of these would have been otherwise excluded.⁸¹

Table 3.3: New York State Census, % of Free Adult Males Enfranchised

Year	£100 Electors	£20 Electors	Tenement Electors	Taxpaying Electors	Freemen Electors	Total Electors
1790	26.4%	31.9%	19.9%	—	0.19%	78.4%
1795	39.2%	5.3%	24.4%	—	0.26%	69.1%
1801	42.0%	4.3%	23.0%	—	0.05%	69.3%
1807	43.1%	3.6%	26.8%	—	0.05%	73.5%
1814	39.9%	2.5%	31.2%	—	0.01%	72.3%
1821	34.0%	3.0%	31.4%	19.2%	0.00%	87.5%
1825	—	—	—	—	—	85.9%
1835	—	—	—	—	—	94.7%
1845	—	—	—	—	—	90.7%

Source: New York State Censuses, 1807, 1814, 1821, 1855. See also McCormick (1959, 405).

New York's census is rare for its early tallying of voters. But there are other methods of assessing the exclusionary impact of property and taxpaying qualifications. Both New York and North Carolina required different qualifications across different offices, while holding the elections simultaneously. Accordingly, we can examine the drop-off in votes cast for an office with a more liberal to one with a more restrictive qualification. This allows us to assess the proportion of electors disfranchised by the higher qualification.⁸²

⁸⁰The freemanship qualified persons for the franchise only in New York and Albany

⁸¹Ratcliffe suggests that the subsequent removal in 1826 of the contributory qualifications and the establishment of a residence franchise for adult white male citizens was associated with only a 1% increase in the electorate (2013, 245). As we see from table 3.3 the removal of the taxpaying qualification was associated with an increase from 85.9% to 94.7% adult male enfranchisement, although the 10 year interval between censuses obscures the degree to which this was an immediate or gradual change.

⁸²This analysis was performed by McCormick to assess whether there was a class structure to antebellum politics. His finding was that there was little partisan difference between fully and only partially included electors. I have replicated and extended McCormick's analysis, drawing on Philip Lampi's *New Nation*

In North Carolina, Senators were elected under a more restrictive franchise than members of the House of Commons; after 1835, Governors were elected under the same more liberal franchise provisions of the House. Table 3.4 shows the average number of votes cast per county in Senate, gubernatorial, and House races, including only those races from each that were contested. The right-most column shows the percentage decline in the number of votes cast, as a proportion of the total number of votes cast for the more popularly elected office. There was a persistent and growing drop-off in votes cast, at simultaneous and contested elections, suggesting that between 30% to 50% of the otherwise qualified were excluded by the higher franchise required of Senate elections.

Table 3.4: Drop off in Voting in North Carolina Elections

Period or Year	# of Counties included	Average Votes Cast Per County (Senate)	Average Votes Cast Per County (House; Gov.)	Drop off as % of House or Governor
1790-1810	46	661	974	31.0%
1810-1830	131	704	1034	30.4%
1835-1836	26	713	1272	44.0%
1840	46	679	1249	45.6%
1844	22	691	1431	51.7%
1856	46	657	1368	52.0%

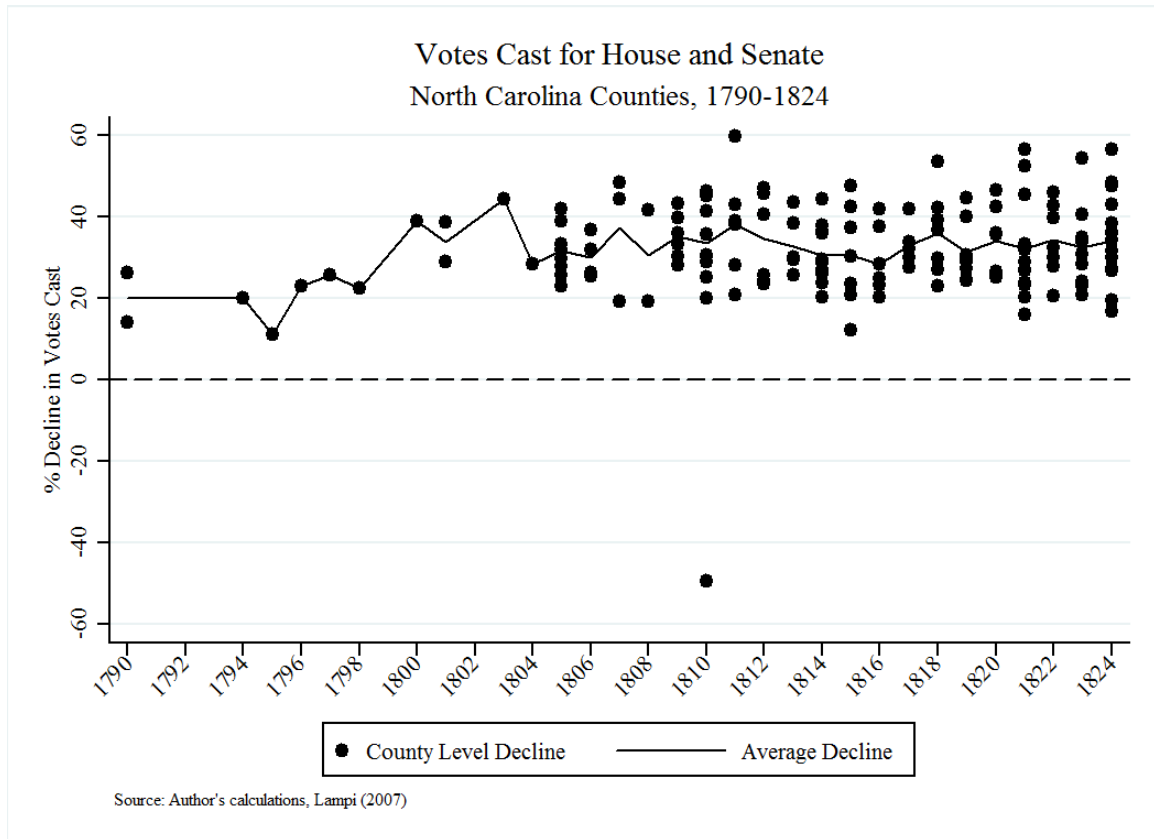
Source: pre-1830 Lampi (2007); post-1830 McCormick (1959, Table I).

Figure 3.4 graphs the same information for the pre-1830 period, but including the percent decline for each county for which we have data. This allows for a quick assessment of the county variation. There is a clear and consistent difference between the number of votes cast for House and Governor races relative to those cast for the Senate, with the electorate declining 30% to 50% as the franchise changed from a tax-paying to a freehold property qualification. While there was an occasional election that saw a higher number of votes cast for the Senate relative to the House, the pattern is remarkably consistent in favor of the interpretation that the property qualifications were disfranchising.

McCormick, finding a very high level of participation in gubernatorial races, argues that the taxpaying qualification was not a serious limitation on the franchise, although he notes that this was largely the result of the state imposing a poll tax on every male

Votes series (American Antiquarian Society 2007). I accordingly have both a larger pool of elections from which to draw, and a different time period for North Carolina.

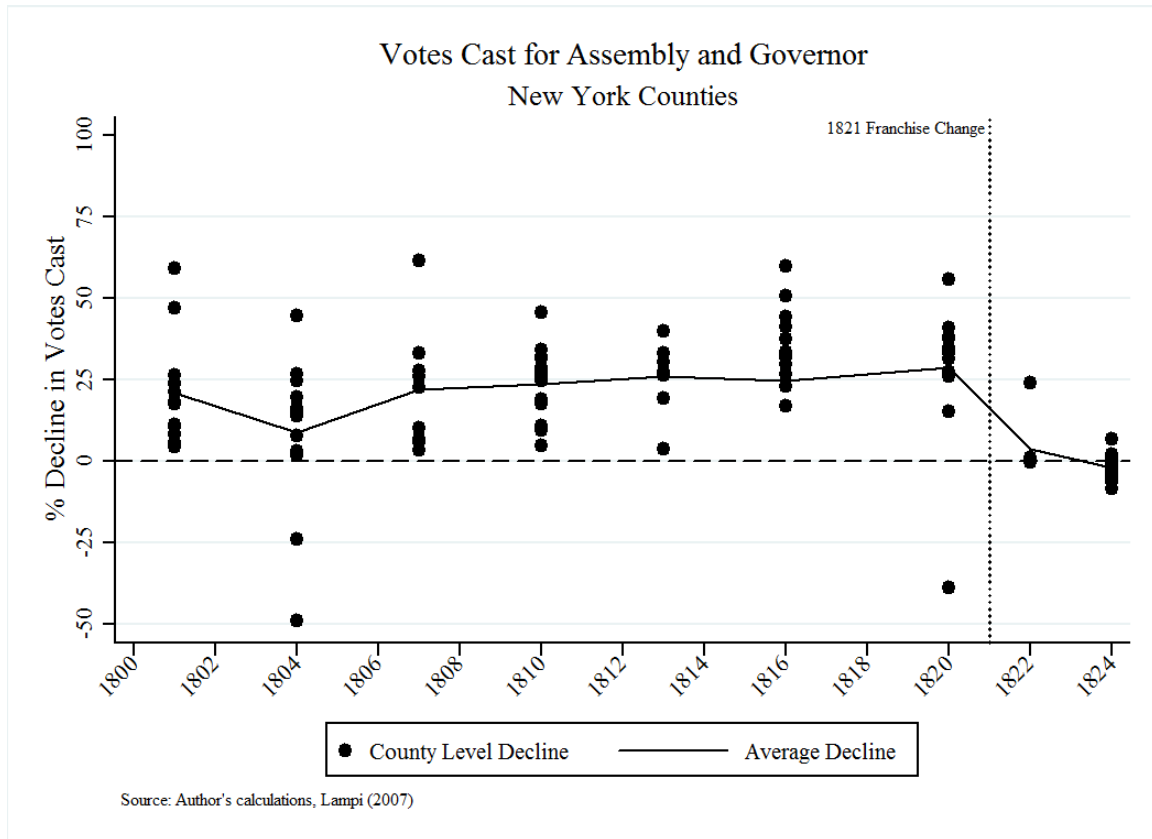
Figure 3.4: County Level Drop Off in North Carolina Elections, 1790-1824



between the ages of 21 and 45. But the property qualification *was* restrictive. Different franchise qualifications were also used in elections for Assembly and Governor in New York State until 1821. Property qualifications were required to vote for either office, but a more onerous one was needed to vote for Governor. Figure 3.5 shows the same information as presented for North Carolina, but also includes data after franchises were standardized. Again, in elections to Governor there were consistently fewer votes cast than in the simultaneous elections to the Assembly. This difference disappeared, however, after 1821, first in the Lieutenant-Governor's race in 1822 and then more clearly in the 1824 gubernatorial race.

We can also check to see whether this pattern holds more broadly. While we are unable to compare simultaneous elections of the same electorate across different franchises, as we did in North Carolina and New York, we can compare turnout to congressional elections between states with and without property and taxpaying qualifications. The ef-

Figure 3.5: County Level Drop Off in New York Elections, 1790-1824

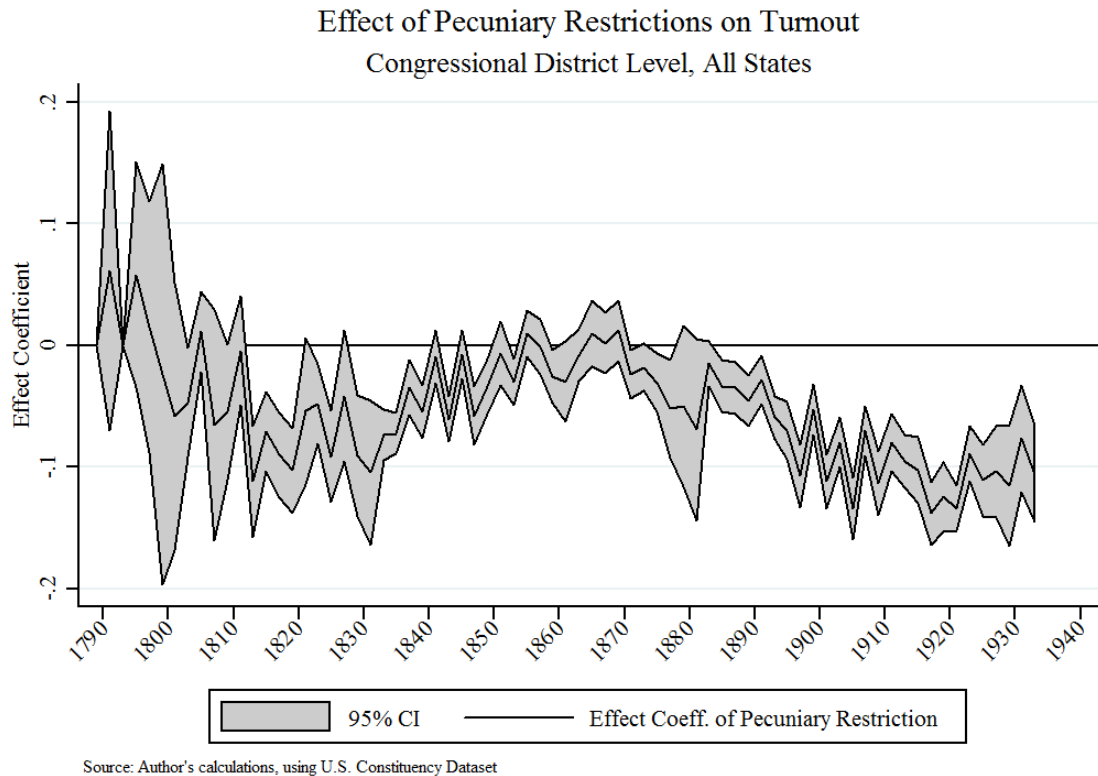


fect of such qualifications likely changed over time; they may have impinged only slightly on participation during the colonial period, when turnout was consistently far below eligibility, but may have become important obstacles to participation as mass politics began to develop in the 19th century. Figure 3.6 reports the effect of a pecuniary—property or taxpaying—qualification as it varied across time. A standard OLS regression was run for every year in the dataset, with an estimated effect coefficient and 95% confidence interval reported for each.⁸³ The further the line is below zero, the more the pecuniary qualification is estimated to have reduced turnout. The considerable variation in the ini-

⁸³A fixed year and state effects time series regression was also run, helping to control for the possibility that the reduced turnout in high-qualification states was the result of some unobserved factor, such as a generally less democratic or less competitive political culture that might explain both the lower rates of turnout and the persistence of property and taxpaying qualifications. The fixed-effect model controls for this by assuming that there are fixed aspects of a state's political culture that impact turnout regardless of the franchise. The results of this analysis, not included, largely replicate the information displayed in Figure 3.6. The coefficient is reported, rather than the marginal effect, to control for the fact that congressional district sizes increased considerably over this period.

tial years reflects in part the limited number of observations and possibly overall lower levels of voter turnout.

Figure 3.6: Effect of pecuniary restriction on turnout in U.S. Congressional race, 1790-1932



If property or taxpaying qualifications did disfranchise some non-trivial portion of the population, we would expect to see reduced turnout for congressional elections. And indeed this is what we see. While far from definitive, the evidence that property and taxpaying qualifications did reduce political participation is compelling. In the antebellum period, this translates into an average reduction of approximately 600 voters in the mean congressional district, or approximately 4% of the adult male population. To be clear, this is the estimated reduction in turnout and not the estimated level of disfranchisement. Nonetheless, we should not exaggerate the impact of property and taxpaying qualifications. At no point in the post-Revolutionary period did they disfranchise the majority of free adult men, and taxpaying qualifications especially had only a slight impact on the electorate. Their removal did have a modest but significant impact

on turnout in state and federal elections, and so it remains appropriate to consider the antebellum period a democratizing one for white men. The same cannot be said of other categories of persons in the American population.

Gender and Racial Qualifications for the Franchise

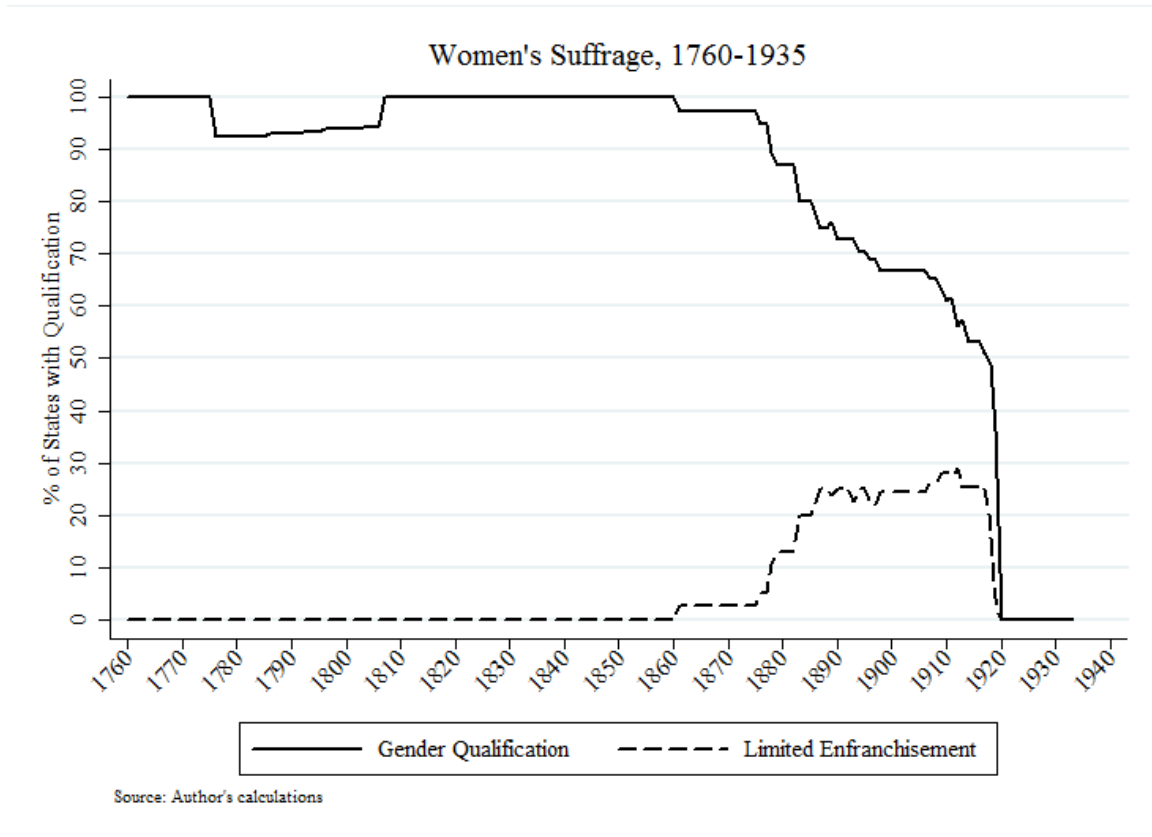
By far the most important axes along which Americans have been excluded from the electorate, apart from age, are race and gender. Figure 3.7 tracks the proportion of states with an explicit or customary gender qualification. Also included is the percentage of states and territories that enabled some women to vote for some offices, but did not have a general enfranchisement of women. New Jersey was the only state to enfranchise women in the antebellum period, and while this was ostensibly on the same terms as for men, most adult women were excluded through coverture, the legal doctrine that women ceased to be independent persons upon marriage. Female enfranchisement was ended in 1807 and the first American jurisdiction to re-establish it was the Wyoming territorial legislature in 1869. After this, a number of territories and western states extended the franchise to women, although the U.S. Congress intervened to overturn the enfranchisement of women in Utah territory in 1887.

If women's disfranchisement was the longest and most extensive form of exclusion in American history, the disfranchisement of African Americans has been the most turbulent and bitterly contested. Figure 3.8 tracks the proportion of states with a racial qualification for the franchise. Every state but Maine, Massachusetts, New Hampshire, and Vermont had either a blanket disfranchisement or discriminatory higher qualification for free black voters at some point prior to the Civil War. And while racial disqualifications were pioneered in the South and adopted by a number of state legislatures and conventions, the major contributor to their spread was the Federal government: after 1805, almost every franchise provision passed by Congress for new territories or enabling a constitutional convention included a racial qualification.

The impact of these qualifications was of great importance to free black communities, North and South. Figure 3.9 shows the likely percentage of free blacks in the United States who were entitled to vote. After 1865, the figure is of the entire black population. The proportion of free blacks who were enfranchised declined steadily over the course of the antebellum period.⁸⁴ While between 5% and 10% of free blacks (all ages, male and

⁸⁴The figures are calculated by excluding all enslaved blacks, by excluding all free blacks living in a state with a racial qualification for the franchise, by reducing the number of black voters whenever

Figure 3.7: Gender Qualifications for the Franchise, 1760-1935



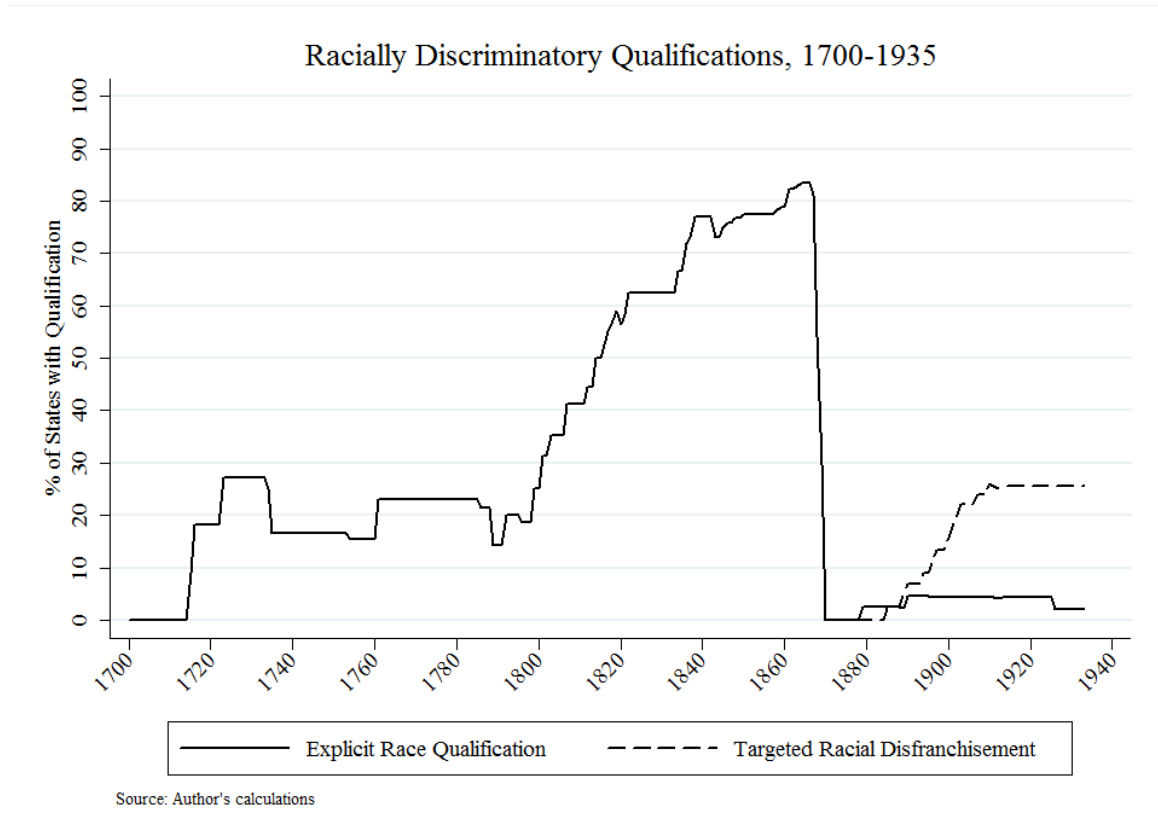
female) were entitled to vote in the early Republic, much fewer likely availed themselves of this right, a consequence in part of local discriminatory practices.⁸⁵

After passage of the 15th Amendment, explicit racial qualifications were no longer constitutional, although that did not stop California from including a prohibition on non-

there is a taxpaying or property qualification, and by reducing, but not elimination, the number of black voters wherever there was a post-Reconstruction arrangement of white supremacy. The reduction from property qualifications is based on estimates of the number of free blacks excluded by New York's post-1821 property qualification of \$250 as a proportion of whites who had been excluded by a similar qualification pre-1821. The specific \$250 (£100) qualification disfranchised about 40% of the adult white male population, but excluded around 90% of the free black adult male population. The number of free black voters and non-voters was included in the 1835 and 1845 New York State censuses: only 1.3% and 2.3% of free blacks could vote in each census, respectively, about 5% and 8% of the free black adult male population. This is the high end of property qualifications, and so it is assumed that a property qualification excluded 70% of the otherwise enfranchised population and tax payment about 35%.

⁸⁵For instance, while free blacks were entitled to vote in Pennsylvania, most accounts suggest that they were effectively denied this right in Philadelphia, but not in other counties.

Figure 3.8: Racial Qualifications for the Franchise, 1700-1935

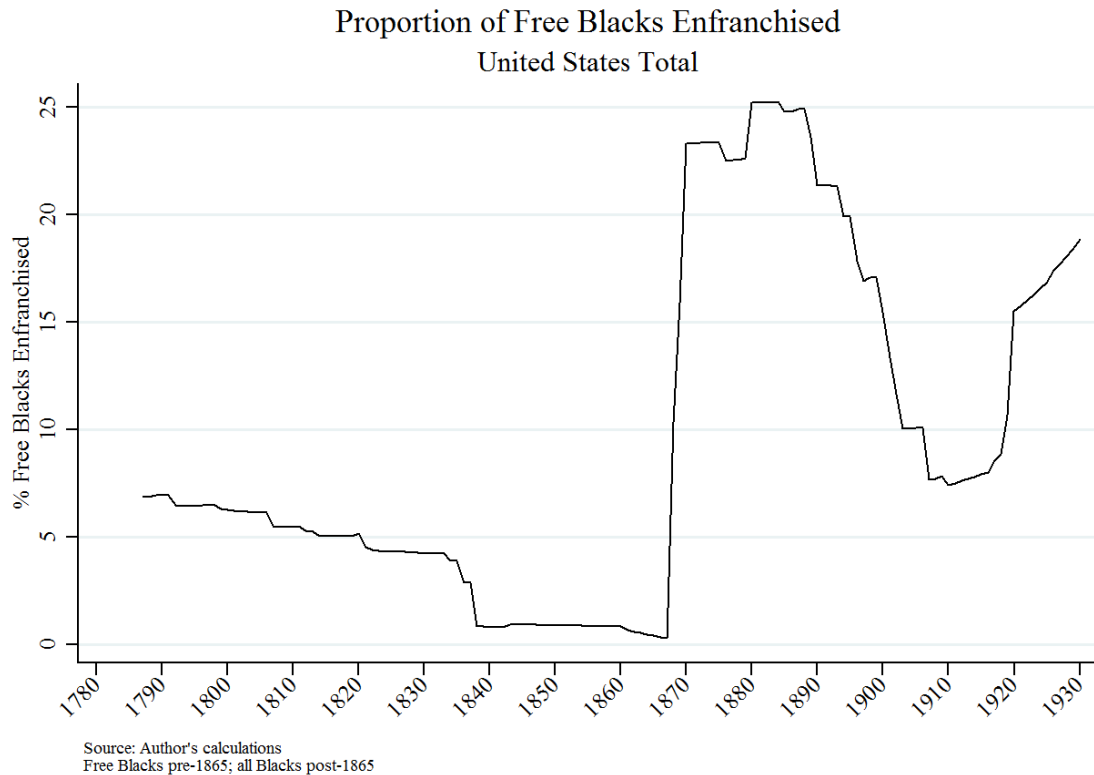


American born Chinese persons from voting in 1879, or Idaho doing the same in 1890.⁸⁶ But beginning in the 1880s, southern states began to circumvent the 15th Amendment and federal voting rights laws through aggressive use of property, taxpaying, literacy, and residence requirements, alongside the use of private and public intimidation and violence. This reduced the proportion of free blacks—now calculated as the entirety of the African American population—to the rate of enfranchisement seen in the early Republic.

There is another way to look at this which points to the remarkable transformation in the American electorate that occurred with passage of the 15th Amendment and with

⁸⁶In both cases they were enabled to do so by limiting the disfranchisement to Chinese and “persons of Mongolian descent” not born in the United States. As Chinese were ineligible for naturalization, these provisions reinforced a citizenship qualification. Possible reasons for what might otherwise be redundant provisions are that they provided some protection against Chinese voting if Congress allowed for their naturalization, that they allowed the state to change their franchise laws to allow declarant alien voting, and to provide a strong signal, in addition to an array of civil disabilities, that Chinese were unwelcome.

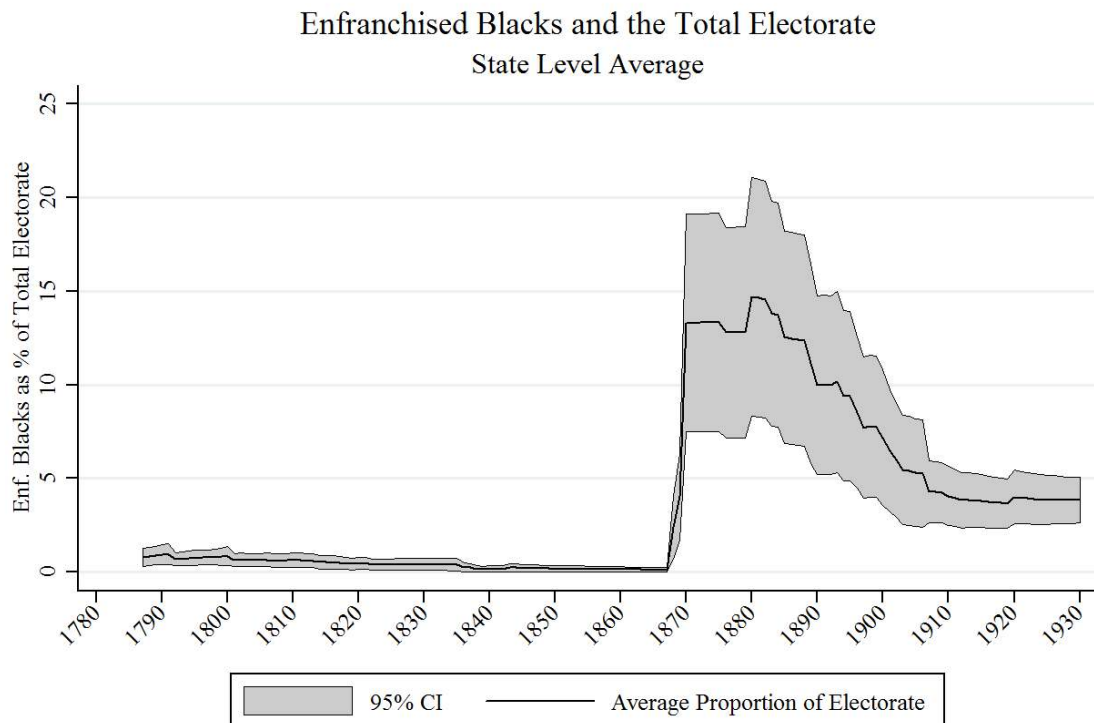
Figure 3.9: Enfranchisement Rate among Free Blacks, 1790-1935



its eventual defeat. Figure 3.10 tracks the state average of the proportion of the total electorate that was black. These are unweighted state level averages, treating states with very few blacks and states with majority black populations equally: when the analysis looks only at southern states, the Reconstruction-era range is around 30-50%.

It is worth highlighting the degree to which the late 19th and early to mid-20th century exclusion of African Americans differed both from the previous and contemporaneous disfranchisements of white Americans. While black disfranchisement was ostensibly achieved through mechanisms that had earlier disfranchised white men, and through literacy and taxpaying qualifications that were used throughout the northern states in the late 19th and 20th centuries, the impact of these mechanisms declined enormously outside of the South. Figure 3.11 shows the post-1880 impact of pecuniary restrictions on turnout, showing the average decline in electoral turnout across all states. The impact dwarfs the estimates for the antebellum period shown in figure 3.6, and the remarkably

Figure 3.10: Black Voters as % of State Total, State-level Averages



Source: Author's calculations
Free Blacks pre-1865; all Blacks post-1865

low levels of turnout led to a number of southern congressmen being dubbed the “one percenters” for having been returned to office with only 1% of the population in their districts voting in their favor (Brewer 1944, 272). Figure 3.12 shows the same information, but looks only at the impact on turnout from pecuniary qualifications in the northern and western states. Pecuniary qualifications in the post-Civil War North had a greater impact than they had in the antebellum period, but they were of declining importance in politics with only Pennsylvania, Rhode Island, and New Hampshire having taxpaying qualifications after 1910.

Figure 3.11: Disfranchising Impact of Pecuniary Restrictions, 1875-1935

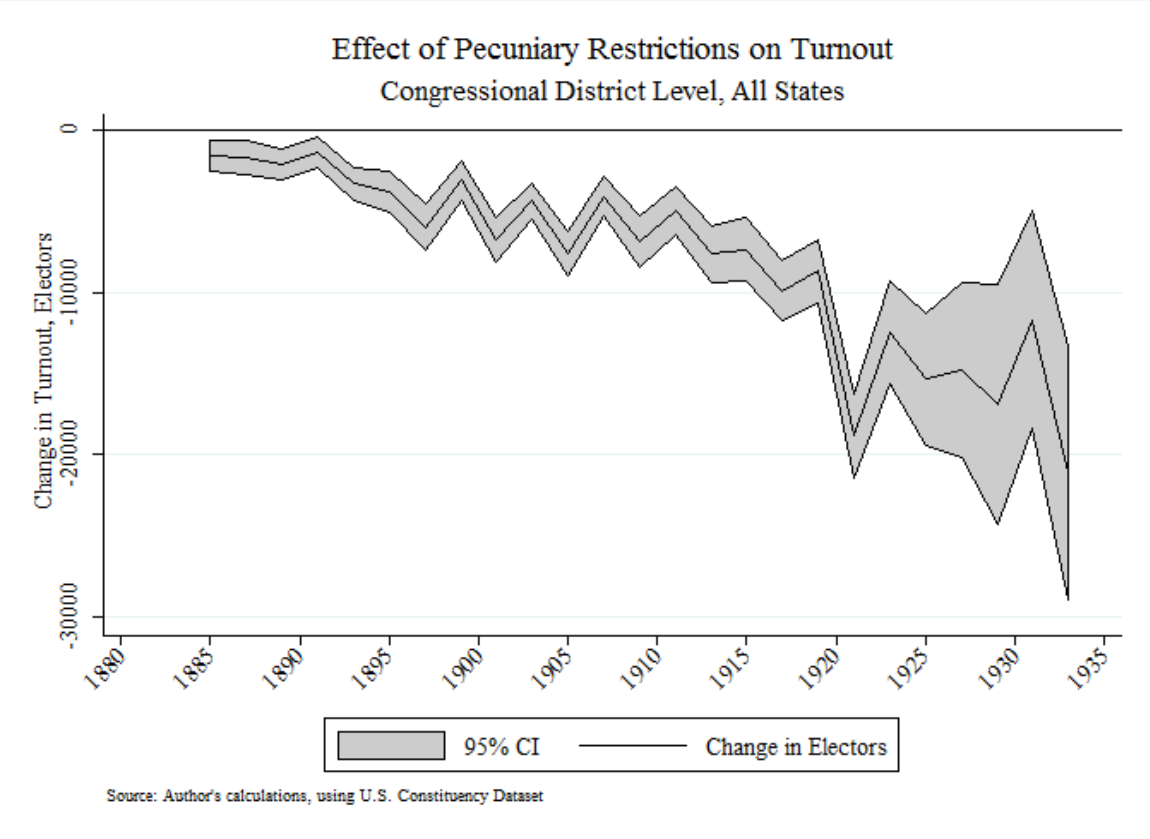
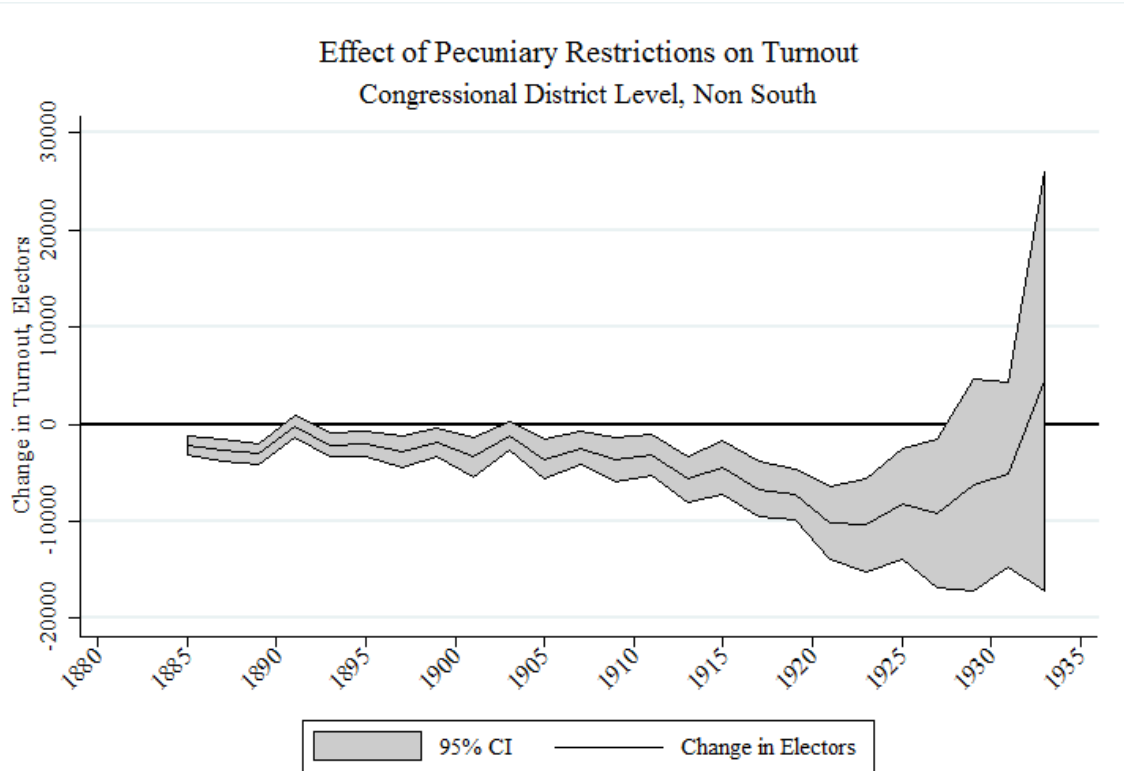


Figure 3.12: Disfranchising Impact of Pecuniary Restrictions outside the South, 1875-1935

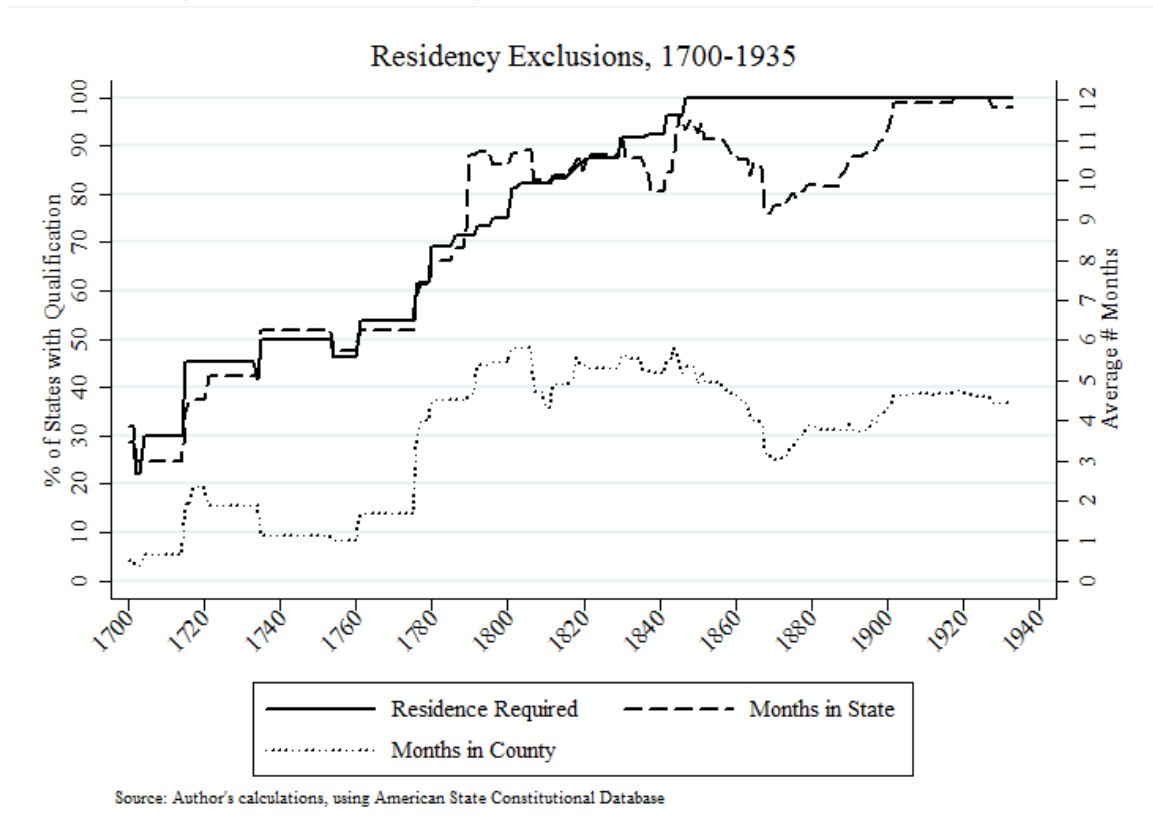


Source: Author's calculations, using U.S. Constituency Dataset

Other Qualifications for the Franchise

Although pecuniary qualifications became less important as a means of restricting the non-southern electorate, these were not the only means by which the franchise was restricted along lines of economic class. The most important non-pecuniary qualification was the residency requirement, which generally converged on 1 year in state and 6 months in the county or district where the vote was to be cast. These were understood as limiting the vote from “the vicious vagrant, the wandering Arabs, the Tartar hordes” (Agg 1837, v.1 487), and the in-state length reached 2 years in post-Reconstruction Alabama, Louisiana, Mississippi, North Carolina, and South Carolina, as well as in Rhode Island (1888-1895), Kentucky (1792-1890), and Pennsylvania (1790-1836).

Figure 3.13: Residence Qualifications for the Franchise, 1700-1935



Other restrictions on working class participation were the literacy and pauper qualifications. Robert Steinfeld (1989) has highlighted the growing importance in the ante-bellum period of pauper exclusions, and has argued that these reveal a changing basis

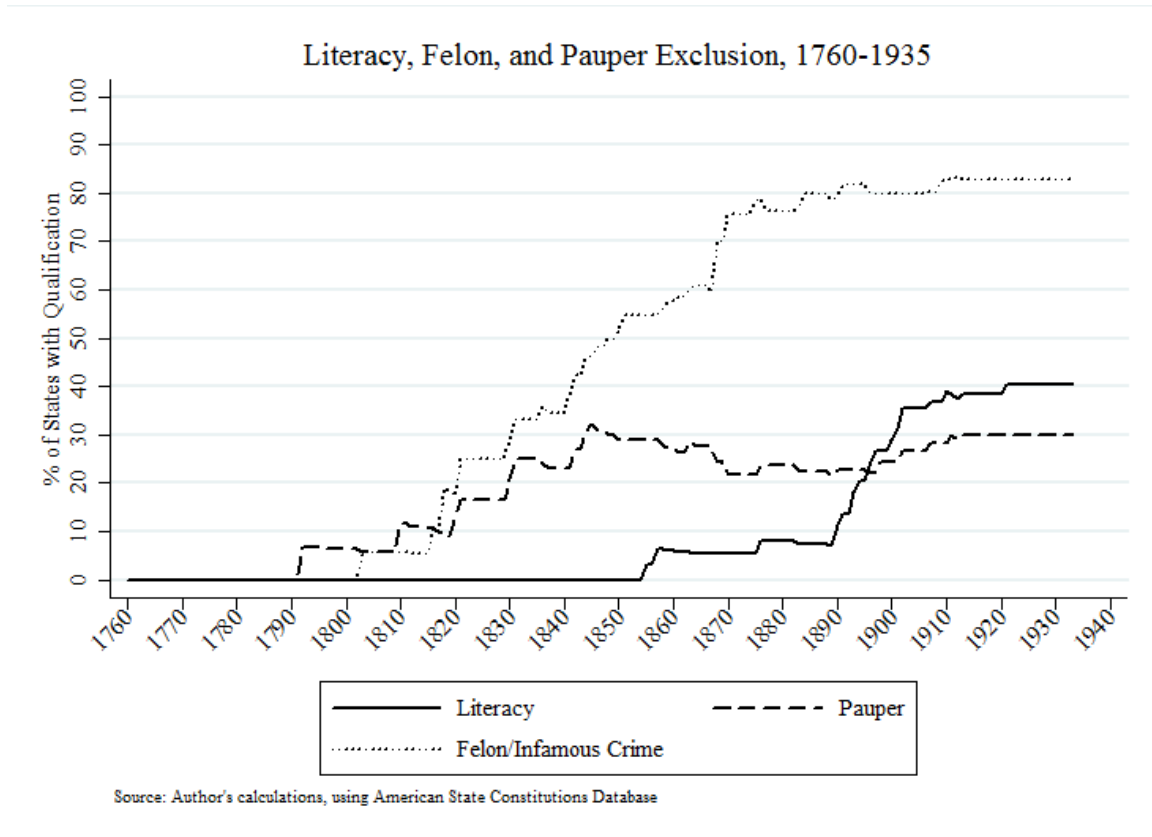
for full membership in the community. Literacy tests were initially used in New England in order to disfranchise segments of both the naturalized and native-born laboring classes. By the 20th century, they had been adopted in approximately 35% of states, including California, Connecticut, Maine, Massachusetts, New Hampshire, New York, Oregon, Washington, and Wyoming.⁸⁷ By contrast, other states including Colorado, Illinois, Kentucky, and New York between 1896 and 1921 mandated assistance to illiterates in voting.

Literacy tests were intentionally designed to restrict the suffrage along lines of ethnicity, race, and class.⁸⁸ And they had this effect. Of the 1,980,611 voting age illiterate males and females counted by the 1920 census and living in states requiring literacy tests, only 23.6% were native born whites, compared to 57.5% African Americans, and 17% foreign born whites. This was approximately 22% of the voting age population in these states, and 6% of the voting age population of the entire U.S. And as recent scholarship has emphasized, most also excluded persons who had been convicted of a variety of crimes. These were especially severe in the South, where they included a much broader category of crimes than elsewhere and tended to be permanent disqualifications (Behrens, Uggen, and Manza 2003).

⁸⁷This figure does not include those states such as North Dakota and Florida that allowed the legislature to require a literacy test, or that directed the legislature to impose one, if this was not actually done.

⁸⁸The literacy test of Connecticut was amended in 1896 to require that the elector read the state constitution in English, and most stipulated that English-language literacy was required.

Figure 3.14: Literacy, Felon, and Pauper Exclusions, 1760-1935



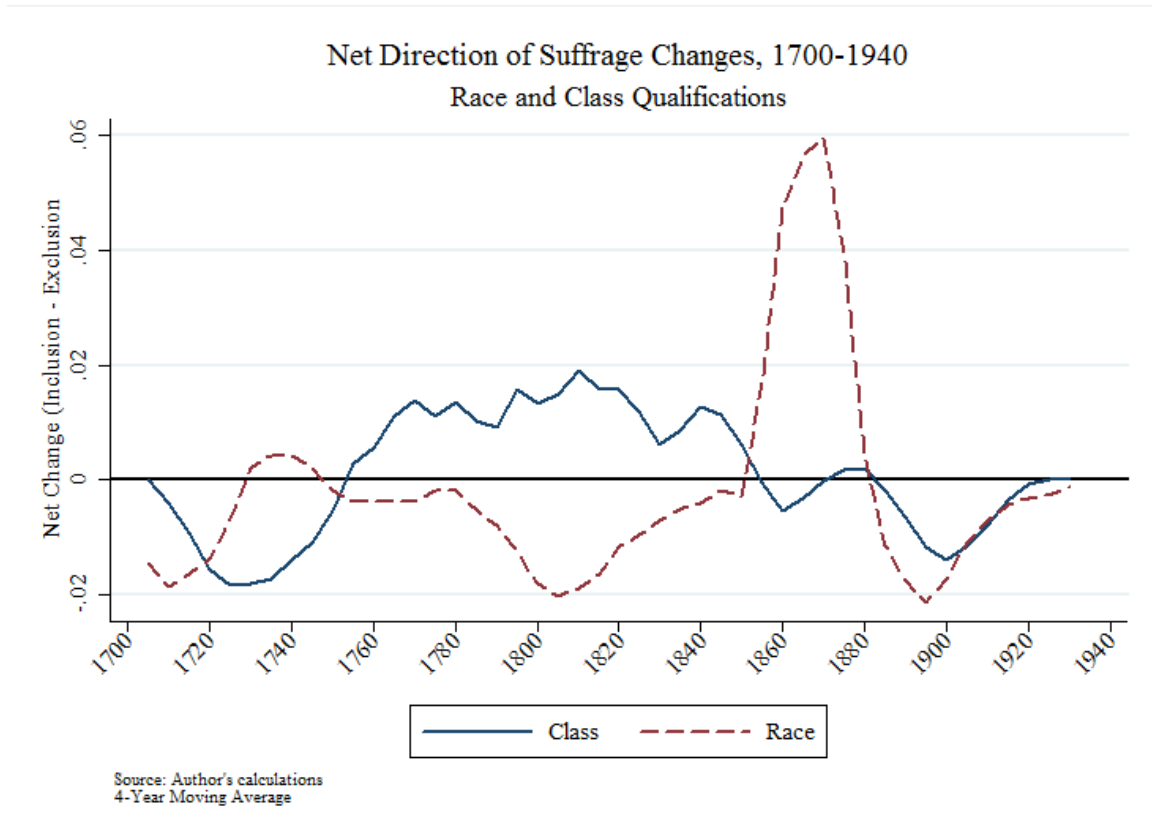
Relationship of the Different Trajectories

When we look at these paths in tandem an additional feature becomes evident. Figure 3.15 provides the 4-year moving average of the net change in suffrage qualifications along class and racial lines. Each change to the suffrage is coded as either an inclusionary or exclusionary change on a class or racial dimension. The net change for a given year is found by subtracting the number of states that impose exclusionary restrictions from the number of states that open the suffrage in a more inclusive direction.⁸⁹ What we see is that the trajectories of suffrage along race and class dimensions were first inversely related, before becoming aligned after the Civil War.⁹⁰

The strong association between class enfranchisement and black disfranchisement

⁸⁹These changes include changes to the property threshold, changes to the types of tax that are counted for purposes of enfranchisement, the removal or imposition of pecuniary qualifications, the imposition of requirements that black men show a certificate of freedom before voting, and the imposition and

Figure 3.15: Racial Qualifications for the Franchise, 1760-1935



in the antebellum period has long been recognized by historians (Litwack 1961, 74-76).⁹¹ But it is rarely the subject of theoretical consideration, and insofar as it is discussed

abolition of categorical racial exclusion, amongst others.

⁹⁰As much as was possible, the post-1870 changes were separated out on the grounds of whether they were primarily targeting the working classes as a class or as a race. So whenever there were significant provisions in southern white supremacy suffrage clauses that were intended to and in practice known to achieve black disfranchisement while maintaining most working class whites in the electorate, that is coded as a racial exclusion and not a class exclusion. When these provisions were absent, and the resulting disfranchisement fell on both whites and blacks, it was coded as both a racial and class exclusion. And where a restriction on class lines occurred outside of the South and is not understood by historians to have been a proxy for racial disfranchisement, it is coded as a class exclusion and not a race exclusion. While there is some overlap in the coding post-1870, the same pattern of a contraction on the class dimension holds outside the South as well, suggesting that this was not solely a proxy for racial disfranchisement.

⁹¹Leon Litwack argued that “Negroes did not share in the expansion of political democracy in the first half of the nineteenth century; indeed, such expansion frequently came at the expense of their rights and privileges. . . . In several states the adoption of white manhood suffrage led directly to the political disfranchisement of the Negro” (1961, 74-76).

the explanations tend to emphasize economic competition between free blacks and the urban white working class and the partisan interests of the Democratic Party (Malone 2008). This does not explain why support for black disfranchisement was high in both urban and rural regions, or why it had broad support even where there were very few African Americans—free or enslaved—to be either an economic competitor or an electoral threat.

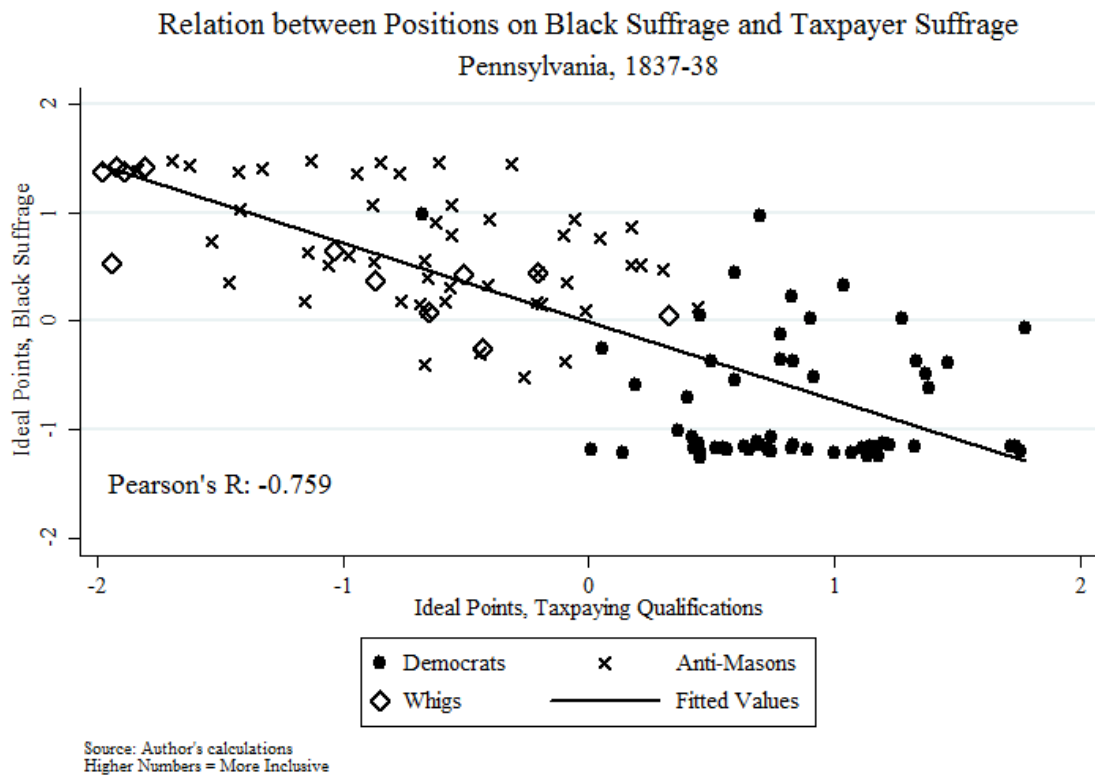
The coincidence of black disfranchisement and the removal of property qualifications was not accidental, but reflected the underlying coalitions that pushed the different measures through state constitutional conventions. Figure 3.16 shows the correlation between the estimated ideal points of delegates to the Pennsylvania constitutional convention in 1837-38 on the issues of black suffrage and the removal of a taxpaying qualification. The higher the ideal point, the more inclusive the delegate's position. Democrats were strongly in favor of black disfranchisement and more likely to support the removal of the taxpaying qualification, although only the former was successfully passed by the convention. The opposite was the case for the Whigs and Anti-Masons. By the 1820s this pattern was present in state conventions across the country, regardless of whether there was a free black population large enough to incentivize their disfranchisement for reasons of electoral competition.

Importantly, this pattern of inverse positions on voting rights for free blacks and laboring class whites emerged gradually over the course of the antebellum period. Figure 3.17 shows the relation between positions on black suffrage and non-suffrage issues in the Ohio constitutional convention of 1802.⁹² While Federalists in Ohio were more likely to support than oppose black suffrage, the Jeffersonians were deeply divided on the issue. And the correlation between support for black suffrage and support for removing the taxpayer qualification was a positive and statistically significant 0.629 (Pearson's R). While black suffrage would eventually come to be closely related to partisan affiliation and by preferences on other issues, this pattern was less present in the early Republic.

These figures allow us to identify and characterize distinct developmental paths for different periods of American history. In the early Republic, the positions of political operatives for suffrage changes on racial and class lines were poorly correlated. By the 1820s, however, they had become strongly and negative correlated, consistent across almost all states. This pattern would again be reversed after 1870, when the 15th Amendment ensured that most racially motivated exclusions would be framed in class terms

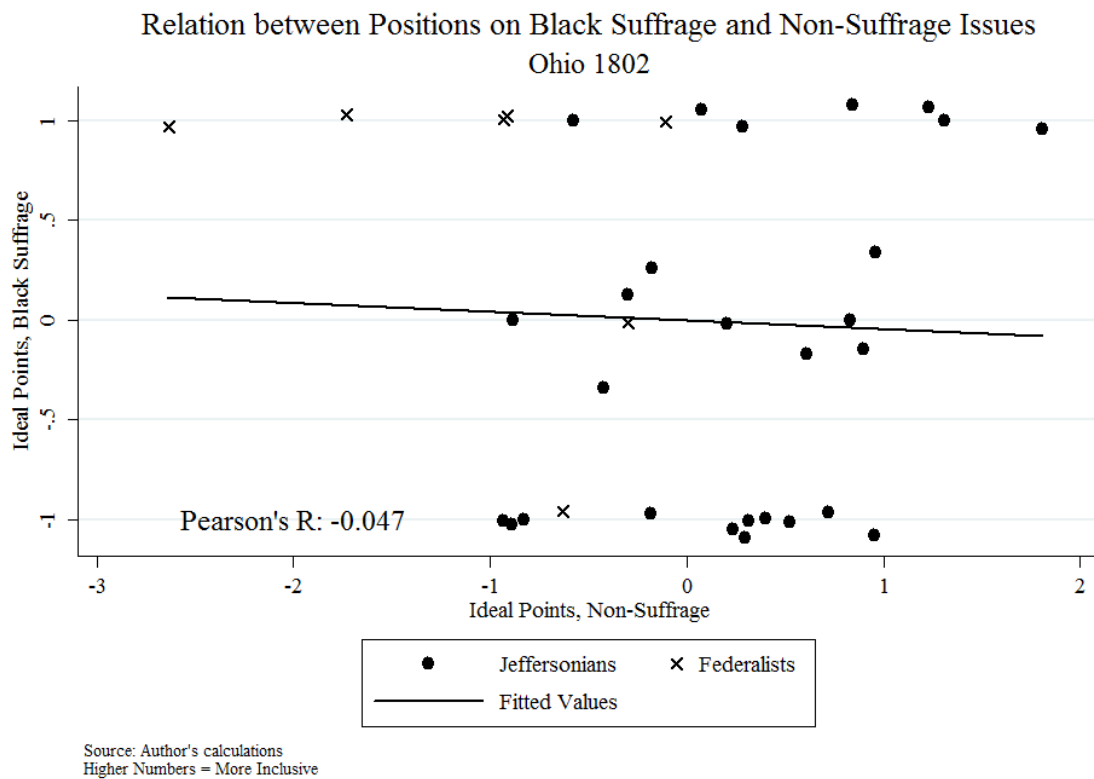
⁹²There were insufficient votes on the taxpaying qualification to estimate ideal points.

Figure 3.16: Scatterplot of Delegate Ideal Points on Black Disfranchisement and Tax Qualification, PA 1837-38



and would excluded a considerable number of working class whites. The focus of this project will be on the period from the early years of the 19th century through to the Civil War, when the advance of democracy and the disfranchisement of blacks were most closely related.

Figure 3.17: Scatterplot of Delegate Ideal Points on Black Disfranchisement and Other Issues, OH 1802



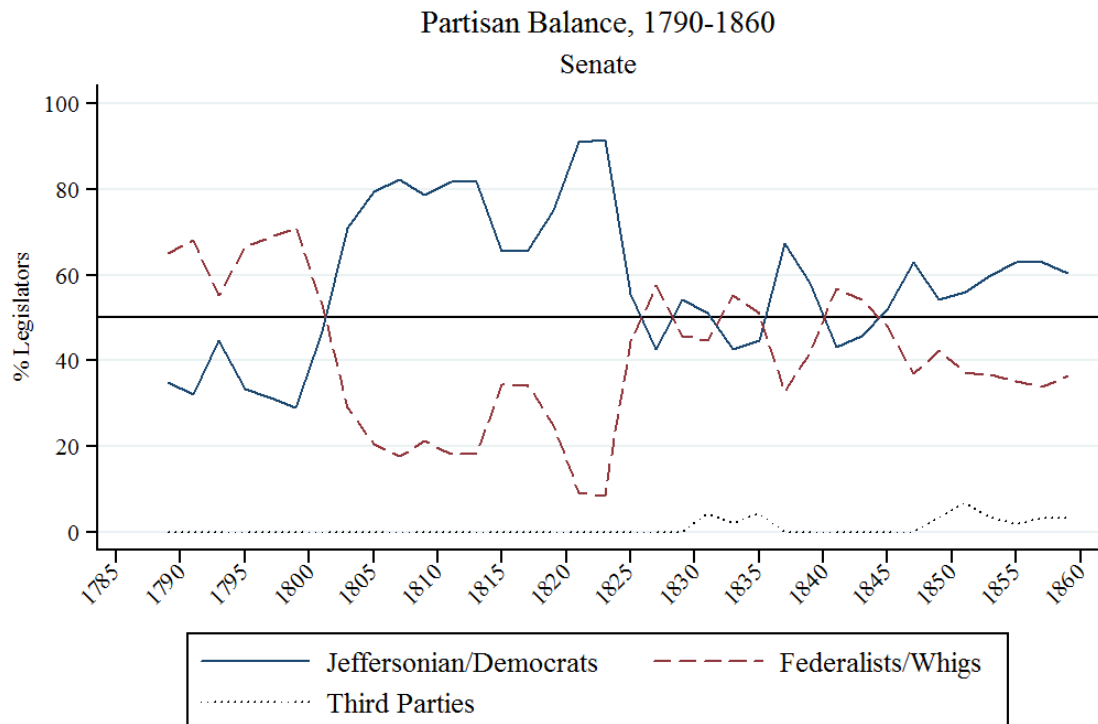
Institutional and Partisan Context

Partisan Dominance and Competition

The politics and ideologies of the antebellum period developed within a particular institutional and partisan context, one whose overriding purpose was to maintain a bisectonal coalition and thereby secure the Union. Among the most important institutional factors shaping antebellum politics were the representational rules for national office established by the Constitution. These strongly incentivized the formation of bisectonal coalitions, which in turn required parties be able to coordinate their members and campaign expenditures. And the most successful of these was the Jeffersonian Democratic-Republican Party, organized in the 1790s and effectively clearing the field of contenders by the 1820s. Figures 3.18 and 3.19 show the proportion of seats held in Congress by

the Democratic-Republicans, and then Democratic party, during the antebellum period. The jump in the 'Federalist/Whig' share in the late 1820s reflects the return to party coherence as the Democratic-Republican party fragmented into Democrats and Whigs.

Figure 3.18: Partisan Balance, Senate 1790-1860

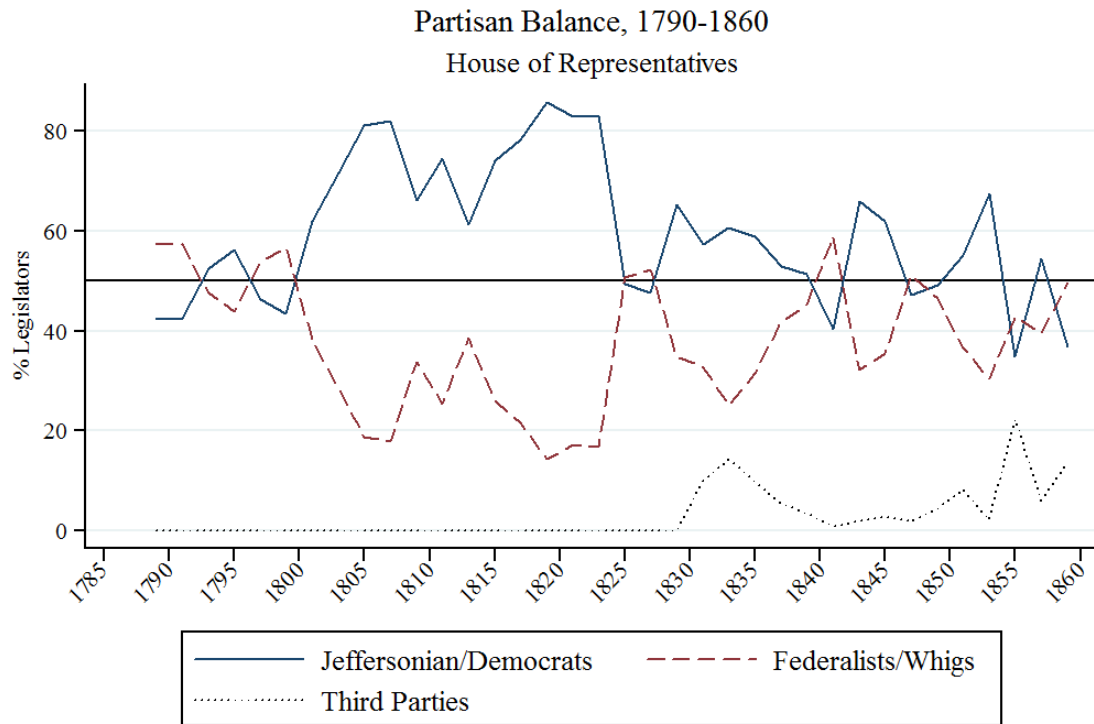


Source: Author's calculations
ICPSR (1997)

Democratic-Republican dominance extended to the states (Figure 3.20). Even the re-emergence of a coherent and stable two-party system in the 1830s only underscores the importance of the Jeffersonian coalition: while Democrats and even many Whigs treated the Whig Party as the inheritor of the Federalists, it was at least as much a descendant of the Jeffersonians.

It was the Democratic-Republican party that set the terms for the two most important series of changes to the right to vote in the antebellum period, the removal of property and taxpaying qualifications and the addition of racial exclusion. Of eleven of the state legislatures or constitutional convention in which constrictions on the franchise on racial grounds were passed and for which the composition of the relevant chamber is known,

Figure 3.19: Partisan Balance, House 1790-1860

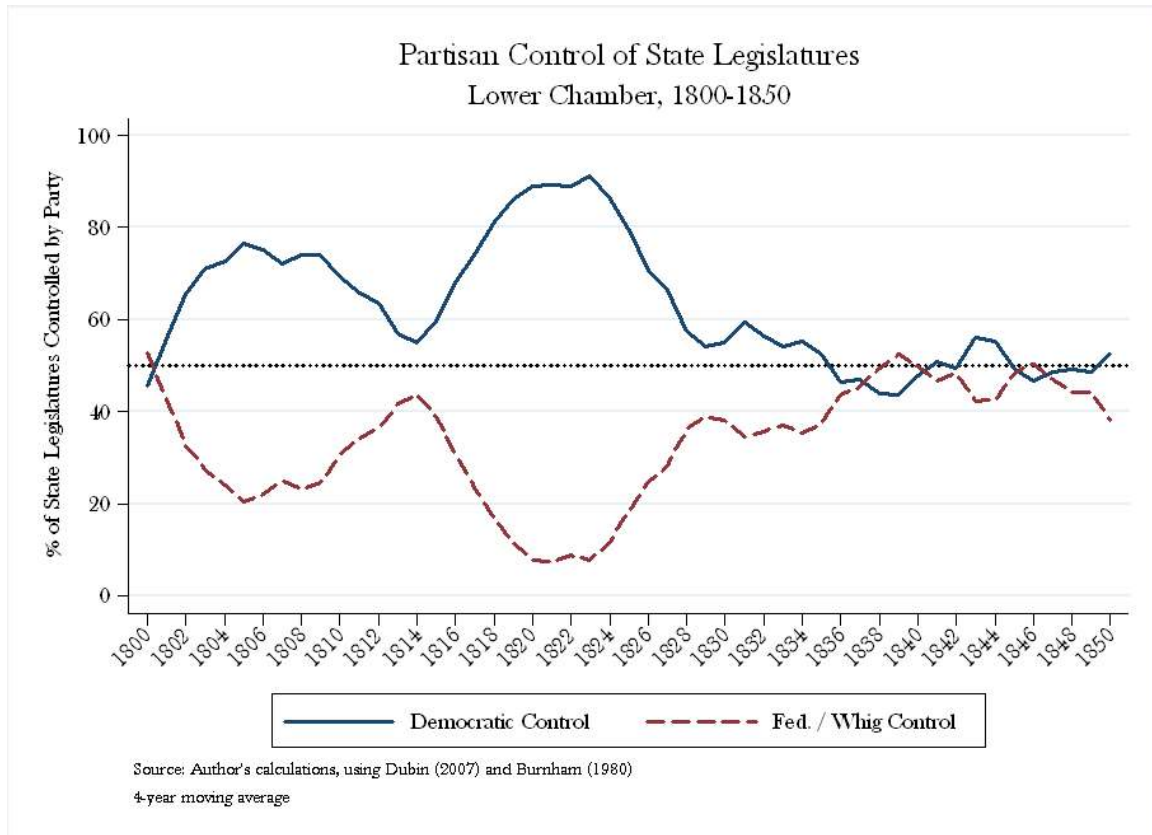


Source: Author's calculations
ICPSR (1997)

all were organized by Democratic-Republicans or Democrats except Connecticut in 1814. Similarly, of the twelve cases of class enfranchisement for which partisan composition is known, all but two were organized by the Democratic-Republican or Democratic Party (Burnham 1980; Dubin 2007).⁹³

⁹³One of the exceptions was Rhode Island in 1842, which was governed by the Whig Law and Order party but which expanded the franchise only under severe pressure.

Figure 3.20: Party Control of State Legislatures, 1800-1850



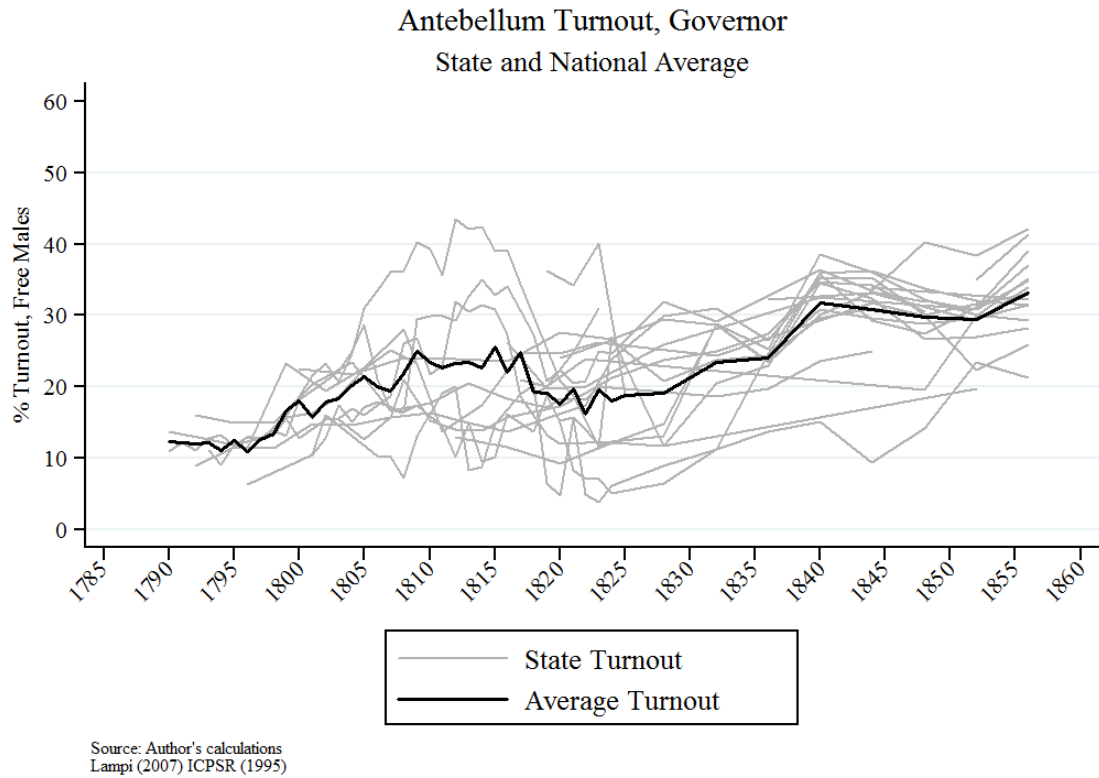
Democratic Political Culture and State Conventions

The antebellum period had very high levels of political participation, supported by partisan organizations concentrated on coordinating around winning national office (Aldrich 1995; Burnham 1986). What has only more recently come to be appreciated, however, was that the high rates of turnout in the era of Jacksonian democracy was a return and elaboration on trends that had begun under Jefferson (Ratcliffe 2013; Lampi 2007). The first decade of the new republic saw a rapidly changing political culture, with an increased number of newspapers, and these being substantially more likely to publish election returns, and a significant increase in turnout relative to the often moribund elections of the colonial or immediate post-Revolutionary period: “Nationwide, the trends show that the revolution in voting was as much a legacy of Jefferson’s election (and its attendant state-level conflicts) as a cause of it” (Pasley 2002, 127, 129).

Figures 3.21 and 3.22 show the antebellum turnout rate for gubernatorial and pres-

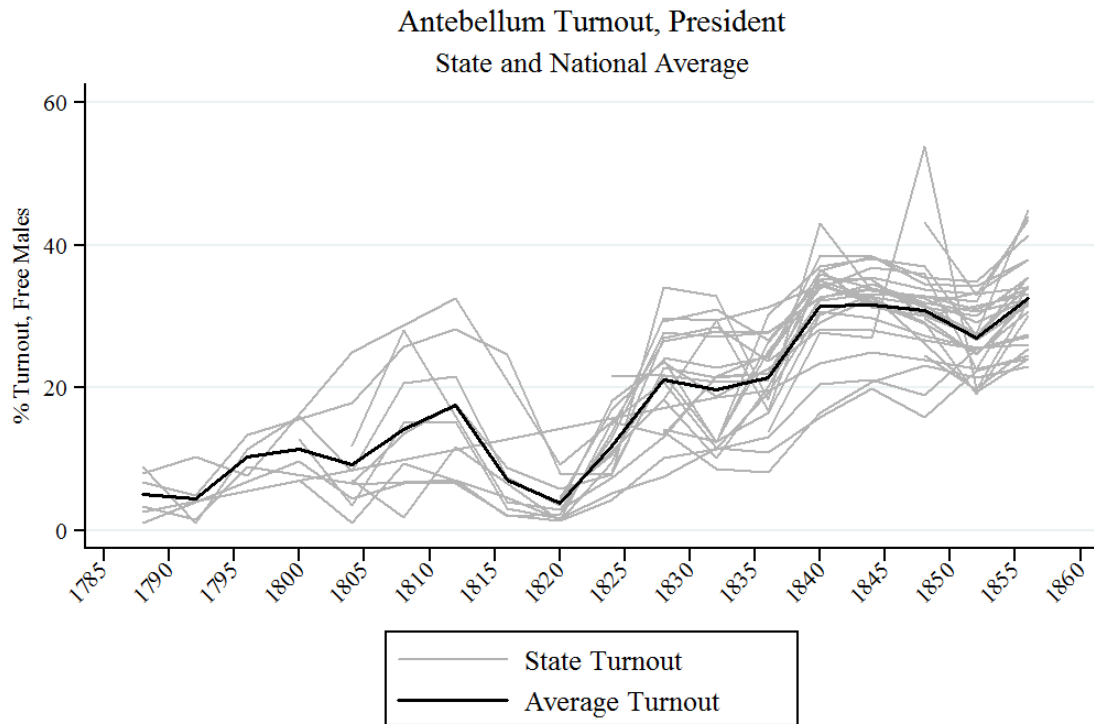
idential elections, both of which were increasingly chosen by direct state-wide elections (Ratcliffe 2013, 241, fn.45). After 1800, American politics at both the national and state level was “overwhelmingly and increasingly driven by popular voting, as even bastions of oligarchy. . . and formerly independent institutions such as the judiciary and municipal government fell to the majority principle” (Pasley 2002, 124; Boydston 2002, 241).

Figure 3.21: Antebellum Turnout, Governor 1790-1860



And a core part of this increased political activity was the regular re-writing and amending of state constitutions. This is especially important for our purposes, because it was in constitutional conventions that debates over the franchise were most likely to result in institutional changes. Figure 3.23 shows the percentage of states that tried to amend or draft a new constitution during the antebellum period. The dashed line shows the percentage that attempted change via amendment, the dotted line the percentage that attempted change via a constitution convention, including conventions that proposed amendments, and the solid line a moving average of all attempts at constitutional change.

Figure 3.22: Antebellum Turnout, President 1790-1860

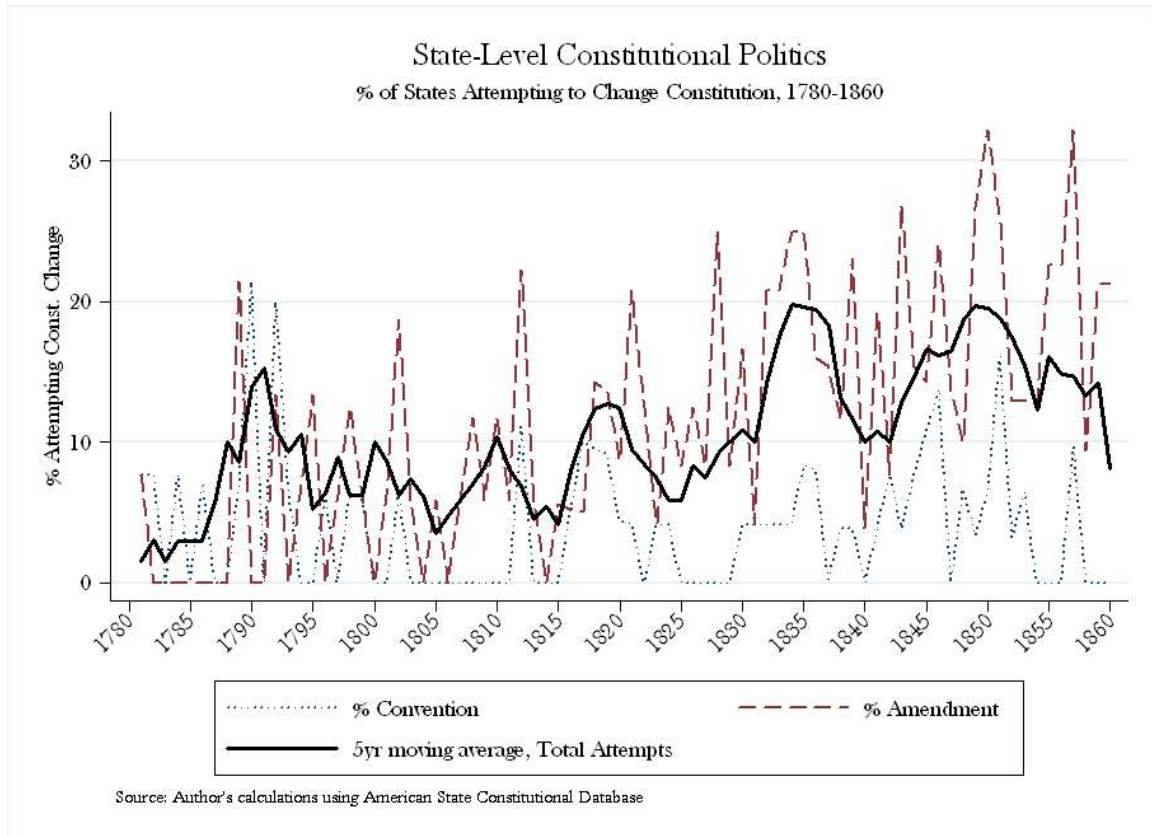


Source: Author's calculations
Lampert (2007) ICPSR (1995)

Within any given 5-year period between 5% and 20% of states had sustained movements to rewrite or alter their constitutions.

The conventions themselves were important periods of political activity, often lasting for months and in the case of Pennsylvania almost a year. They were among the most important sites for the construction of political order, a fact which has been recognized in much recent scholarship. Laura Scalia, for instance, examines patterns of antebellum state constitution-making to argue that while national level discourse can be best characterized as prioritizing liberal rights and economic freedoms... at the state level there remained a much more robust commitment to a Jeffersonian understanding of popular sovereignty, in which participation in political life is “an integral component of their commitment to rights” (Scalia 1999, xvii). In a similar vein, Emily Zackin has found that state constitutions and the political debate that surrounds their drafting, have maintained a robust tradition of positive liberty, in contrast to the negative liberty that

Figure 3.23: State Constitutional Politics, 1780-1860



is usually claimed to be the core of the American constitutional tradition (Zackin 2013).

The conventions are unique in the context of this project's three case studies, and given the mechanisms outlined in Chapter 2 by which ideas of political community become embedded in agents' expectations, a key question is whether these conventions were sites of important partisan activity. Laura Scalia argues that, at least so far as it concerned questions over the suffrage, partisan position was less important than ideological commitments. Scalia downplays the importance of political party and rarely provides party labels, a conscious decision on her part which she claims is "perfectly consistent with convention practices" (Scalia 1999, 20).

"State records generally ignored most participant characteristics, listing only names and regional affiliation. . . . [W]hen delegates disagreed with their colleagues regarding how to interpret specific constitutional principles or general American values, they did not group themselves with others of similar

stature or merely accord with their fellow partisans.... For the most part, members interacted as peers who had joined together to debate the merits of electoral reform. They echoed the views of those on the same side of the electoral divide, not of those sharing stature of party affinities” (Scalia 1999, 20).

Scalia’s characterization of member behavior and state records is correct. Her claim that delegates did not group themselves into partisan factions, however, is more accurate for some conventions and times than others. I gathered roll call votes for every antebellum state constitutional convention that result in a published journal, either on the franchise alone or across all issues. Where there were a sufficient number of votes, ideal point estimates were generated. Partisan information, Scalia correctly notes, was not officially recorded. But this information often does exist, as local newspapers closely watched the electoral returns and categorized delegates into partisan camps. Where newspaper records were unavailable, there were also historical monographs, local histories, and biographical data available for those delegates who would enter Congress.⁹⁴

And contrary to Scalia’s claim, delegates clearly grouped themselves into party blocs and this was almost everywhere the most important factor shaping positions on the suffrage. These blocs were not perfectly coherent, but in no case was there a non-statistically significant relationship between party identification and delegate ideal point. There was not always a strong relationship between party and positions on black suffrage, but there was everywhere and at all periods a strong relationship between party and positions on taxpaying or property qualification. Certainly there were individual exceptions, but the basis structure of conflict in the conventions and voting on the suffrage tended to be closely related to party affiliation. Delegates voted with their party, and they very often invoked party principles and labels in debates. They were very often elected officials in the state legislature—sometimes sitting in the convention as a function of their elected office. There were no re-election campaigns to the convention, but there were electoral campaigns on the horizon, sometimes for the very offices established by

⁹⁴I was not able to get information about partisan affiliation for all delegates and conventions, and there are almost certainly some coding errors. Nonetheless, where possible I consider the partisan affiliation of the delegate in order to get a better sense of the role of party in structuring preferences on the suffrage. As a general rule, I used partisan identifications that came from a contemporary time period. For instance, a delegate who could be identified as a National Republican or a supporter of Adams in the late 1820s would not have been automatically coded as a Whig in the late 1830s, even though this is a likely trajectory of such a delegate’s political affiliation. So while it considerably increases the amount of missing data for party affiliation, I have attempted to eschew inferences based on different time periods. The one exception are party labels for the 1785 New York State legislature, when such labels would have been anachronistic.

the new constitution. And as early as 1802 there was sustained coordination between members of national and local coalitions in the constitutional conventions.

Conclusion

The ‘white male republic’ came into being sometime in the early 19th century; it was attacked during the Civil War and Reconstruction, its explicit invocation in law made constitutionally problematic by the 13th, 14th, and 15th Amendments. In 1896, John Goadby Gregory, the associate editor of ‘The Evening Wisconsin,’ wrote a short history of the black suffrage in Wisconsin. Goadby was clearly proud that Wisconsin had been the second state to re-enfranchise black men, and the first to do so by referendum, but he ended on a note of despair for the current state of opinion in the country.⁹⁵ “The day has gone by,” he wrote, “when suffrage was glowingly regarded as an end. . . . There are among us intelligent people who grumble at the results—or what they conceive to be the results—of universal manhood suffrage in the United States. Did our fathers blunder when by extending the franchise they sought to expand the limits of human freedom?” He, however, insisted that he would not succumb to the changing tide: “It is a fact, I take it, that the liberal suffrage provisions of our law are a noble monument to a glorious faith in the approximate perfectibility of humanity” (1896).

A decade later, something like the ‘white male republic’ had been established: African Americans in the South were nearly entirely disfranchised, immigration laws were being re-written to allow a narrower field of persons, defined by race, into the country; and once-radical Republicans were apologizing for having tried the experiment of genuine democracy. But because of persistent legacies of the radical period after 1865, this would be its own different political order: blacks could vote in northern states, and the literacy and taxpaying qualifications that came in vogue were targeted not only against blacks in the south, but against a broad array of persons considered unfit for participation in political rights.

This chapter has introduced the basic argument of the US case study, has situated it relative to alternatives, and has documented the patterns of disfranchisements and exclusions that accompanied American democracy. It has also outlined the basic institutional and partisan context in which democratization and exclusion were generated in the an-

⁹⁵While the referendum was won by the supporters of black suffrage, turnout did not meet the required level and so the vote was invalidated. A decade later, a Wisconsin court overturned this invalidation.

tebellum period, stressing the importance of the Jeffersonian Democratic-Republicans and their efforts to capitalize on the possibilities implicit in the Constitution.

The next chapter will look at the period from the Revolution to the Missouri Crisis, emphasizing how egalitarian ideas that gained resonance in the critical juncture of 1776 and after threatened the understandings and institutions of American political community. To hold together a bisectonal coalition, Democratic-Republicans paired the rhetorical and institutional advance of democracy with a persistent political support for slavery. The narrative of political community that they elaborated would become embedded in the institutions and expectations of antebellum American politics.

Chapter 4

Democratic Republicanism and Slavery

“The Indians are driven into the society of savage beasts, and we glory in the equal rights of men, provided that we white men can enjoy the whole of them.”—Abraham Bishop, 1791.⁹⁶

“What is the man in his country who is neither a slave nor an alien? In mine he is a citizen.”—Morrill, Democratic-Republican Senator from New Hampshire, 1820⁹⁷

Introduction

In November of 1820, Nathan Sanford, the Democratic-Republican Senator for New York, communicated to his congressional colleagues the resolutions passed by the New York State Legislature: the state’s Senators were instructed and its Representatives requested to “use their utmost exertions to prevent the acceptance and confirmation of any . . . constitution” that would deny to the citizens of existing states the privileges and immunities of the new state.⁹⁸ At issue in what became known as the Second Missouri Crisis was a clause in the proposed Missouri constitution that barred the entrance of free blacks into the new state, and the debate turned on the question of whether free blacks were citizens of the United States.⁹⁹ The Second Crisis was ultimately resolved by an ambiguous compromise, in which Missouri had to assent by a “solemn act” to not pass any law that would deny any citizen the enjoyment of any privilege or immunities

⁹⁶“Rights of Black Men,” reprinted in Matthewson (1982).

⁹⁷Morrill, December 11th, 1820, 16th Congress, 2nd Session, c.112

⁹⁸Sanford, *Annals of Congress*, Senate, November 23rd, 1820, 16th Congress, 2nd Session, c.23.

⁹⁹Smith, *Annals of Congress*, Senate, December 8th, 1820, 16th Congress, 2nd Session, cc.51-77.

to which they were entitled under the U.S. Constitution.¹⁰⁰

Ten months later, during the New York State constitutional convention, Federalist Peter Jay objected to an effort to disfranchise free black voters by invoking the Privileges and Immunities clause. “No longer ago than last November,” he reminded the delegates, “the legislature of this state almost unanimously resolved” to oppose any constitution that denied to any citizens the privileges and immunities of the new state. “Now, sir, is not the right of suffrage a privileged? And can you deny it to a citizen of Pennsylvania who comes here and complies with your laws, merely because he is not six feet high, or he is of a dark complexion?” New York State, he argued, “has taken high ground against slavery, and all its degrading consequences and accompaniments. There are gentlemen on this floor, who, to their immortal honour, have defended the cause of this oppressed people in congress, and I trust you will not desert now them.”¹⁰¹ The Convention ultimately decided, against sustained opposition from Federalists and a faction of former Democratic-Republicans, to exclude all but a tiny prosperous minority of free male African Americans. “The truth is,” claimed John Ross, a Democratic-Republican from Genesee County, “this exclusion invades no inherent rights, nor has it any connection at all with the question of slavery.”¹⁰²

Alongside this decision the convention voted to remove the property qualifications for white men, with some of the most vocal advocates of black disfranchisement being the most committed proponents of removing property qualifications from white men. And from 1821 until the Civil War, the behavior of political operatives in Congress and in state constitutional conventions displayed a stable pattern of correlated support for class enfranchisement and racial disfranchisement. As Leon Litwack recognized in 1961, free blacks in the antebellum United States “did not share in the expansion of political democracy...; indeed, such expansion frequently came at the expense of their rights and privileges” (Litwack 1961, 74-76).

This is the pattern of democratization and exclusion that I set out to explain in this case study. I argue that this was not the inevitable product of structural conditions, or American political culture, or of the particular institutions of the U.S. Constitution, although each of these is implicated in the explanation. Rather, the exclusionary pattern

¹⁰⁰The solemn act was described by Stephen Douglas as “the richest specimen of irony and sarcasm that has ever been incorporated into a public act.” He made these remarks in a speech affirming that the compromise “destroy[ed] the principle of equality which should exist, and by the Constitution does not exist, between all the States of this Union” (Flint 1860, 117).

¹⁰¹Jay, Reports of the Proceedings and Debates of the Convention (1821, 184).

¹⁰²Ross, Reports of the Proceedings and Debates of the Convention (1821, 181).

of American democratization was the product of strategic decisions by the Jeffersonian coalition as they sought to capture the possible gains implicit in the new constitutional order. As with the French and UK cases, the American case study hinges on a critical juncture, namely the American Revolution and the corresponding reformulation of political community. But following the Revolution were two additional important shifts in governing authority, both of which were important in structuring the subsequent political order: the drafting and ratification of the U.S. Constitution and the election of Thomas Jefferson in 1800. The Revolution unsettled existing interpretations of political community, while helping to consolidate new ones with a revolutionary potential of their own; the Constitution created a self-reinforcing institutional context in which there were significant gains to political entrepreneurs capable of building a bisectional coalition; and the election of Jefferson helped ensure that the new Republic would develop along lines that reflected more the preferences and priorities of one coalition than another.

The Jeffersonian Democratic-Republicans built a coalition capable of winning national office by uniting a strident, but beleaguered, northern democratic movement with southern slaveholders. The coalition was always factious, and the party initially lacked strong means of disciplining its members at the state or national level. But the political prospects of northern democrats were increasingly bound up with the national coalition. The party's ability to win national office helped sustain an infrastructure of northern officeholders and newspapers, and positions taken at the national level changed the political environment in which local politicians operated. In building this coalition, the Jeffersonians found it necessary to articulate an understanding of American identity, one that would reinforce already existing beliefs about the racial boundaries of political community while limiting the terms of republican equality to white men.

I begin by detailing the understandings of political community as they existed before the Revolution. I emphasize the ways in which formerly excluded groups began to press for their own freedom and political inclusion during and after the Revolution, reformulating the meaning of American political community and republican citizenship. I then discuss the struggle to establish a new political order, and the efforts by the Jeffersonian Democratic-Republicans, responding to incentives embedded in the Constitution, to build a bisectional coalition and tying the fate of the democratic movement in the north to the slaveholders of the south. In order to reconcile this coalition, Democratic-Republicans began emphasizing a belief—already extant—that only white men could be equal under a republican form of government. The result, which emerged gradually over

the course of the first two decades of the 19th century, was the ‘white male republic’ and the particularly American form of democratic exclusion.

Political Community in Colonial America

Understandings of American political community were profoundly transformed during the Revolution, a point often understated by scholars stressing a democratic or exclusionary consistency across the divide of 1776. Colonial understandings reflected English ideological heritages, modified by transplantation to a settler colony and by the implications of a distinctly ‘New World’ form of chattel slavery. While there was a greater degree of social and political equality among settlers than existed in England, American understandings of political community similarly undergirded expectations that governing would be an intra-elite affair and that insofar as the lower orders could engage politically their posture would be one of deference.

American understandings of political community emphasized the importance of dependency as determining the scope of inclusion into the body politic: the dependent or dominated, including property-less men, wage laborers, women, and slaves, lacked the capacity for independent political judgment. During the English Civil War and Commonwealth, political thinkers and activists had emphasized property, necessary for independent judgment and the actual basis of political power, as the appropriate basis upon which a political community should be founded. This was not a novel conception, but in turning to classical writers English thinkers were able to fashion an understanding of political community that could both defend parliamentary authority against the King as well as to head off demands of the more radical factions of the New Model Army (Skinner 2002).

Algernon Sidney, for instance, emphasized “the difference between *Civis* and *Servus*,” arguing that this distinction “is irreconcilable; and no man, whilst he is a Servant, can be a Member of the Commonwealth; for he that is not in his own power, cannot have a part in the Government of others” (Sidney 1704, 69). James Harrington divided the people into “Freeman or Citizens, and Servants,” with the “nature of Servitude” being self-evidently “inconsistent with Freedom, or participation of Government in a Commonwealth.” Freemen were supposedly “men of property, or Persons that are able to live of themselves,” excluding those who did not own property or who were subject to the master-servant law that governed wage laborers (Cress 1984, 25; Reeve 1816,

339). This understanding of the boundaries of political community was reiterated in the writings of William Blackstone and Montesquieu, the two most influential political thinkers in the colonies: “the true reason of requiring any qualification with regard to property in voters is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own” (Blackstone 1771, 171).¹⁰³ This was a near consensus view among colonial American elites (Williamson 1953).¹⁰⁴

As we shall see in the discussion of the United Kingdom, the English emphasis on independence was hardly adhered to in practice in Great Britain or Ireland. Freemanship in the boroughs was extended less on the basis of property ownership or an independent standing in the community than on the exigencies of winning local political contests. The economic position of freeholders was hardly such as to guarantee their independence, and ‘freeholds’ were legally interpreted to include various forms of leaseholds, with tenants subject to various forms of intimidation by the landlords. As an ideological matter, ‘independence’ was desirable. But so too was an appropriate influence from one’s social superiors, and what was stressed was not so much an abstract independence but rather the source of potential influence.

But if the ideological significance of independence was toned down in Great Britain, it was if anything exaggerated in America (Rana 2010, 50). The structural conditions discussed in Chapter 3 enabled the possibility of a broadly based freeholder society and as well as more coercive and domineering legal arrangements than existed in England, and the demarcation of the independent from the dependent was in many ways starker in the colonies than it was in England. The expropriation of the indigenous population provided an opportunity for broad based land ownership and the creation of non-laboring class, if coercive labor discipline and mobility restrictions could be imposed. And the American legislative assemblies obliged, demarcating a category of persons on the basis of origin and descent as property whose mobility and interaction with other classes were restricted (Goodell 1968; Greene 1942, 129; Sirmans 1962).¹⁰⁵

¹⁰³Lutz finds these four figures to be the most cited thinkers from 1760-1805, with Montesquieu the most cited at 8.3% of the 3,154 citations in his database (Lutz 1984, 194). Blackstone is similarly highly ranked, at 7.9% of citations, and Locke and David Hume considerably less at 2.9% and 2.7% respectively.

¹⁰⁴A good example of this would be James Wilson’s reliance on Blackstone in his “Considerations on the Nature and Extent of the Legislative Authority of the British Parliament,” written in 1768, arguing that “dependence is very little else, but an obligation to conform to the will or law of that superior person or state, upon which the inferior depends” (Wilson 1804, 237).

¹⁰⁵Americans in the early Republic insisted that it had been the British who introduced slavery to the colonies. But in all of the colonies the development of slavery depended less on existing English institutions than on legislative action by local assemblies to codify and regulate the status of unfree

The slave codes and other statutes often did not distinguish between free and enslaved blacks; and where they did, both legislation and social practice sustained a “system of racial etiquette, with a detailed catalogue of penalties for both blacks and whites who transgressed it” (Wiecek 1977, 265). In many of the colonies, free blacks were prohibited from testifying against whites in court, and were usually barred from serving on juries or in the militias, unless there was a significant security threat (Greene 1942; Hening 1823, 127; Quarles 1959, 643). In the Carolinas and Virginia, free blacks were at various points required to leave the province (Jordan 1969, 123-24). The combined effect of the slave codes and their assimilation of subordination to race was to establish near-absolute domination as the extreme end of non-independence in the American colonies, and to associate this status with racial difference as the demarcation of an increasingly rigid community boundary.

The exclusion of blacks from the political community was assumed by most Americans. However, when outlining political principles, as often occurred in the run-up to the Revolution, there was occasionally an acknowledgment of the possibility of black civil and political rights. In 1764 James Otis defended the rights of the British colonies by differentiating the West Indian islands from the northern colonies, which were “well settled, not as the common people of *England* foolishly imagine, with a compound mongrel mixture of *English, Indian* and *Negro*, but with freeborn *British white subjects*, whose loyalty has never yet been suspected” (1764 36-7). Still, Otis, denounced slavery and argued that “the Colonists are by the law of nature free born, as indeed all men are, white or black,” and that as British subjects, they were all, “black and white, born here. . . entitled to all the essential civil rights of such” (1764, 43, 56). This was a manifest truth of the British constitution, the common law, the provincial charters, and of natural right.

In short, the development of a form of slavery allocated by origin and descent ensured that the costs of sustaining a non-laboring class were not imposed on European settlers. The conditions of American settlement enabled greater independence in the economic and legal relations among non-enslaved settlers, although not so much as to justify Rana’s claim that they enjoyed “egalitarian internal relationship” (2010, 48).¹⁰⁶ And as a result, arguments for political rights based on economic and legal independence were attractive to a broader segment of colonists than they were among the English, as they

laborers (Fede 1984; Greene 1942, 125; Jordan 1969, 67).

¹⁰⁶Forms of legal and economic dependence continued among European settlers, as underscored by the continuing fights over tenancy in New York; by the still-important, albeit declining, institution of indentured servitude; and by the legal arrangements governing apprenticeships and wage labor.

had the potential to enfranchise a larger portion of the population.¹⁰⁷

While the meaning of dependency was starkly defined, it was not the only basis for exclusion. Allegiance and communion were also of considerable importance, similarly drawing on English heritage but modified in the colonial context. As will be discussed in Chapter 7, the dominant conception of political community in pre-1829 Great Britain and Ireland was what contemporaries called the Protestant Constitution: only Protestantism was compatible with liberty, and the purpose of the constitutional monarchy was to maintain, through the Established Churches, the Protestant character of the country. The glory of Britain was that she enjoyed “the best *civil* constitution... [and] the best *religious* establishment in the world” (Morgan 1766, 30).

But for colonial Americans, it was the fact that Britain had transplanted and defended Protestantism that was the country’s greatest accomplishment:

“Heaven has yet glorious purposes to serve thro’ *America*. Civil liberty, the Protestant Religion, the principles of Toleration... [were under Great Britain’s] auspices... transplanted into *America*; where they have got firm root, and are flourishing into immense growth and will bring such an accretion of strength to the general cause of Liberty and Protestantism, that we trust no power on earth shall ever be able to prevail against their united strength” (Smith 1766, 11).

The Protestant Constitution in England imposed a variety of civil disabilities on non-Anglicans. Similar exclusions were justified in the American context, but these varied across colonies and were modified to reflect the different sectarian communities. For instance, in his *A Discourse about Civil Government in a New Plantation Whose Design is Religion*, John Cotton, the most influential New England theologian, argued “that form of government [in which] the power of civil administration is denied unto unbelievers and [is] committed to the saints is the best form of government in a Christian Commonwealth” (1663). Cotton was advocating the exclusion of non-Congregationalists, including members of the Church of England. But the conditions of American settlement tended to de-emphasize the distinctions between Protestants and reinforce the exclusion of Catholics. Not only were many of the American colonists drawn from Protestant and non-conforming sects, but the major geopolitical rivals to colonial expansion were the

¹⁰⁷The importance of settler colonialism was not exclusive to the American colonies. The English traditions themselves had been shaped concurrently with an aggressive effort to settle Ireland, by displacing or subordinating the native population, and the English political traditions discussed above were formulated with conditions in both England and in the settler colony of Ireland in mind.

Catholic powers of France and Spain. As in Great Britain and Ireland, the Catholic presence was anxiously attended to by Protestants who believed that liberty was always threatened by Papal absolutism: “the government of the Spanish and French settlements is in every respect despotic” (Otis 1764, 41). They not only lacked independence, always subject to the influence of the clergy, but their allegiance could never be trusted, as they always owed a concurrent allegiance to the Pope (Rana 2010, 58-61). In Great Britain and Ireland, Dissenters were seen as the unwitting enablers of Catholic absolutism by calling the Church Establishment into question. By contrast, the greater role of Dissenters in American political life, and the fact that some colonies had non-conforming church establishments or no establishment, helped consolidate a greater emphasis on Protestantism rather than Anglicanism. Several states excluded Catholics from the franchise or from office-holding, including Maryland which had initially been established as a Catholic colony. The naturalization procedures established by the British parliament excluded Catholics as did the colonial naturalization procedures, although there are indications that it continued after 1688 in some colonies (Hoyt 1952, 257, fn.27).

The Revolution in American Political Community

These understandings of political community would be unsettled by the Revolution, as assertions of natural right and contribution were made by groups whose experience and interests differed considerably from the old elite, but whose active support was needed to win the war. Farmers and property-less laborers organized in revolutionary committees and militias, which would provide an organizational base to press for the expansion of the suffrage. Black slaves would flee in massive numbers, thousands enlisting in the revolutionary and British forces, promised freedom in exchange for service. The emphasis on ‘independence’ was not displaced entirely, but it became less important relative to claims of contribution. And ‘independence’ was subtly reinterpreted by many—by no means all—who now insisted that the form of independent judgment required of a republican regime was to be found especially in the poor laboring classes.

In both the war itself and the political crisis which preceded it, the political elite—both Tory and Whig—sought to secure the support of the disfranchised classes. In Georgia, Loyalists extended the suffrage to owners of town lots equal in value to a 50 acre freehold.¹⁰⁸ The South Carolina Provincial Congress moved to provide representation

¹⁰⁸The Governor rejected the proposed changes on the grounds that royal instructions in 1767 had pro-

to the back country, long a source of conflict. This action was motivated by the desire to secure the inhabitants loyalty, to “the better to unite them with the lower country” and provide a means by “which their constituents might be better informed about the nature of the dispute with Great Britain and America” (Douglass 1955, 37). In most areas of the country, however, there was substantial support for independence amongst the disfranchised, and it was those who were pushing for independence that were most likely to extend suffrage (Douglass 1955, 36-7; Williamson 1960, 89).

Pre-emptive efforts to secure loyalty were important in some places, but their aggregate impact was small relative to the changes achieved by the mobilization of excluded groups in political and military organizations. The committees that would emerge during the crisis were often composed of “citizens noted for both economic prominence and... ideological zeal” (Ryerson 1974, 568). As the crisis progressed, however, they tended to expand in size and become more diverse in their composition, as “new men, more radical and more organized than their predecessors” began to take on a more prominent role, notably in organizing the militia for political action (Olton 1975, 74; Douglass 1955, 38). The Wilmington Committee of Safety, for instance, “owed its initial existence to the freeholders who chose the members and who presumably held them accountable for their decisions.” But faced with the task of organizing broad support for various economic and military measures, the Committee soon ordered new elections and expanded the franchise to “all the inhabitants qualified to vote for members of the Assembly” so that “the people may have an opportunity of confirming or annulling their former choice” (Breen 2010, 189). In Philadelphia, the German associations “called for all taxable to have the right to vote” and allied themselves with the Presbyterian Irish and Philadelphia artisans in committees designed to enforce the non-importation agreements (Bradburn 2009, 32).

The militias were especially important in mobilizing support for suffrage reform: it was the “militia experience which mobilized, politicized, and disciplined the lower classes” and the elected leaders of the militias consistently pressed for an expansion of political rights (Rosswurm 1979, 110; Williamson 1960, 108; Douglass 1955, 49-50). When the Maryland provincial convention decided to support independence, under popular

hibited the assent of the governors to any bill that sought to change the qualifications for suffrage (Williamson 1960, 89). The efforts of Loyalists to secure the loyalty of the population in the run-up to the war were important, but their immediate impact in the structuring of colonial suffrage laws was in part impeded by the fact that the royal instructions to the colonial governors in 1767 had prohibited the assent of the governors to any bill that sought to change the qualifications for suffrage (Williamson 1960, 89).

pressure, it called a constitutional convention on the basis of the existing property qualifications. Members of the militia, of which the “whole company was not worth 40 pound sterling,” protested and insisted that “that every taxable bearing arms, had an undoubted right to vote for representatives at this time of public calamity.” When local judges insisted that the suffrage qualifications be adhered to, some of the militia leaders were heard to say that the men should lay down their arms; the judges of Prince George County were simply replaced by the community with new judges who disregarded the suffrage qualifications (Douglass 1955, 49-50; Williamson 1960, 108).

Militias often pressed symbolically important egalitarian claims, such as rejecting distinct uniforms for officers in place of hunting shirts that would “level all distinctions” (Rosswurm 1979, 112). Especially common were proposals to allow for the election of officers by the militiamen themselves. In those colonies where this prevailed, the militias became especially radical in their demands. For instance, the Committee of Privates in Pennsylvania was organized in order to coordinate the activities of the militia associators, and generally sought to represent a constituency amongst the poor and disfranchised. The Committee of Privates provided the leadership for the militias, who in turn were “the united power defending the extremely democratic constitution framed by Pennsylvania” (Link 1942, 26; Rosswurm 1979, 149, 162-63). The growing radicalism of the militias and committees caused considerable anxiety among the colonial elite. Fear of an internal revolution “made Robert R. Livingston hesitate long on the brink of independence,” while his mother prayed for “Peace and Independence and deliverance from the persecutions of the Lower Class who I foresee will be as despotic as any Prince (if not more so) in Europe.” There were increasingly demands for confiscating Loyalist property, and many believed this would soon be extended to the “tenanted estates” (Lynd 1961, 331). As the crisis deepened, the mobilization of “ordinary people in small farm communities” gave political voice to segments of the population that had largely been shut out from political participation (Breen 2010, 52). The politically activated communities began to articulate new bases for political rights that would become increasingly important in the antebellum period. In demanding an expansion of the suffrage, the “associators had moved far beyond the traditional Whig position on the suffrage” and were seeking to break the link between property and participation in political governance (Rosswurm 1979, 211). The militias of Philadelphia were the most-effectively organized for political action, but in Massachusetts and other colonies the Revolution saw a push for suffrage expansion that was premised on understandings of citizenship that emphasized contri-

butions, especially in war, over property: “shall these poor polls who have gone for us into the greatest perils and undergone infinite fatigues in the present war... shall they now be treated by us like villains” (Keyssar 2001, 12)?

The Revolution did not witness a wholesale dismantling of property qualifications for voting. Nonetheless, there were a number of important changes to the suffrage, most of them instituted as states wrote their new republican constitutions. Georgia changed its suffrage qualifications in 1777 from white males owning fifty acres of land in their own right to all male white inhabitants possessed of £10 and liable to pay tax in the state, or any mechanic resident six months in the state. New Hampshire moved from a real estate to a poll tax in 1784, North Carolina kept the old requirement of 50 acres freehold for the Senate, but enfranchised all freemen who had paid taxes and been resident one year. New Jersey, Maryland, South Carolina also reduced the franchise during the Revolution, although Massachusetts responded to increased demands for enfranchisement by raising the property qualifications.

The most important changes came in Vermont and Pennsylvania, where the militias and radical factions were able to either seize control of the state or found a new state themselves (Wood 1998, 85). Vermont, established by the Green Mountain Boys militia in the 1770s, provided that “all freemen, having a sufficient evident common Interest with, and Attachment to the Community,” resident one year and of “a quiet and peaceable Behaviour” were entitled to vote and be elected to any office. In Pennsylvania, the militias seized control over the state-level Conference of Committees and organized elections to a constitutional convention with a reduced franchise. The convention, presided over by Benjamin Franklin, was largely organized by Pennsylvania’s radical faction, and the resulting constitution established a unicameral legislature elected by “every Freeman” resident one year and having paid public—state, county, municipal—taxes, with voting by ballot and the right of citizens to reject legislation before it went into effect. The Pennsylvania constitution was highly influential, and would influence the radical factions in Vermont and Georgia, the other colonies where the Revolution “was accompanied by an internal revolution comparable to that of Pennsylvania” (Douglass 1955, 340; Williams 1988). The lower classes in Georgia—in the words of Governor Wright, “a parcel of the lowest people, chiefly carpenters, shoemakers, blacksmiths”—were the core of the radical movement, and upon seizing control of the Congress they extended the vote to all taxpayers and reapportioned the representation (Douglass 1955, 344).

The Pennsylvania constitution survived until 1790, when it was replaced by a consti-

tution providing for a bicameral legislature with no opportunity for citizen disapproval of legislation. The Pennsylvania constitution did not re-impose a property qualification, but it did raise the residency period from one year to two and limit the qualifying taxes to those imposed by the state or county, which now had to be assessed at least six months before. Despite its short life, however, the Pennsylvania constitution of 1776 considerably influenced the politics of the period, feeding elite fears of leveling that would become part of the broader effort to curtail some of the democratic ‘excesses’ of the Revolutionary period.

Before the Revolution, the most common justification for political rights was one’s legal and economic independence. This had never been the only justification, however. Since at least the Putney Debates in the English Civil War, there had been counter traditions emphasizing the importance of contributions or having a material stake in the community as the appropriate basis for political rights (Russell-Smith 1914, 24). The language of contribution stressed military service, but it also emphasized contributions through the payment of taxes, which of course had been a central theme during the pre-war crisis. In the Virginia Declaration of Rights and the American Declaration of Independence, the claim of no taxation without representation would be extended to require the consent of the governed to authorize government authority.¹⁰⁹ These had largely meant that government must be founded on popular representation, without any specific claim as to who should be enfranchised. Groups organized during the Revolution, however, insisted on a more expansive interpretation of the principle. The language of contribution, which itself was not new but had risen considerably in prominence, would be picked up by Thomas Jefferson in *Notes on the State of Virginia*, who denounced the fact the electors’ list did not include “the half of those on the roll of the militia, or of the tax-gatherers” (1787, 192).

These claims were now being articulated by formerly excluded groups—and political operatives seeking to represent these groups. These understanding were not starkly opposed to those of colonial elites supportive of independence, but reflected an appro-

¹⁰⁹During the antebellum period the Virginia declaration would be invoked to emphasize the equal interest of the poor and the rich in society. Moreover, it was tied to a standard of ‘consent of the governed’ that had potentially much more radically inclusive implications. “That elections of members to serve as representatives of the people, in assembly ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assembled for the public good.” Section 6, Virginia Declaration of Rights.

priation of elite rhetoric to press for a broader inclusion than the revolutionary elite were prepared to offer. The radicals during and after the Revolution would also appropriate and transform the language of independence, suggesting it had a new meaning in a republican context. Only the laboring classes could be trusted to maintain the egalitarian commitments central to a republic: “great and over-grown rich Men will be improper to be trusted, they will be too apt to be framing Distinctions in Society, because they will reap the Benefits of all such Distinctions. . . . Let no man represent you. . . who would be disposed to form any Rank above that of Freeman” (Williams 1989, 553).

The free laboring classes organized for Revolution and pressed for democratization of the political institutions. Many of these efforts were successful, but even where the success was considerably more limited, the militias and committees of safety functioned as crucibles in which understandings of citizenship were reshaped (Breen 2010, 12). The institutional changes brought about by the insurgents extended well beyond the suffrage, ending old manorial laws and usages, the payment of quitrents to the King and provincial proprietors, and entail and primogeniture (Jameson 1926).¹¹⁰ They unsettled expectations of lower class deference that the previous understandings of political community had undergirded—the laboring classes had overthrown the colonial government of Pennsylvania and established a radically democratic constitution, they exploited wartime emergencies to press for their political inclusion in most of the colonies, and they were increasingly asserting claims to political power.

While the free laboring classes were demanding political inclusion, slaves were seizing their freedom. Securing the quiescence of the slave population was deemed crucial to the war effort, and was often accomplished by removing slaves away from the coast and the frontlines of the war. The war and breakdown in local authority structures, provided the context for “the largest slave uprising” in pre-Civil War American history, with tens of thousands of slaves fleeing behind British lines or beyond the areas of settlement (Nash 1990, 57).¹¹¹ While this uprising was concentrated in the southern colonies, it occurred wherever there were slaves and a sufficient degree of fighting or breakdown of local authority structures (Gronowicz 1998, 16-17).

¹¹⁰See the introduction by Frederick Tolles (1968, xii).

¹¹¹There is considerable variation in the estimates of the number and proportion of slaves that were able to successfully flee. Conservative estimates suggest that 5,000 slaves from Virginia and Maryland reached British lines, did as many as 13,000 slaves from South Carolina. Jefferson himself claimed much higher numbers, writing that 30,000 slaves were able to escape in 1778 alone. The conservative estimate is that 5% of southern slaves were able to escape, while others have argued that the proportion is closer 20% of the total population (Dillon 1990; Kulikoff 1986, 144; Nash 1986).

As the war progressed, however, quiescence was not enough. In 1775 the Royal Governor of Virginia, Lord Dunmore, organized an insurgent campaign and called on slaves to join his forces in exchange for their freedom (Klinkner and Smith 1999, 18). Colonial leaders were initially more hesitant in recruiting slaves into the ranks of the Continental Army, but by 1779 the Continental Congress explicitly recommended the enlistment of slaves (Gronowicz 1998, 16-17). By war's end, between 5,000 and 8,000 blacks soldiers had served in the revolutionary army, with additional numbers serving in the British army and serving in non-military laboring roles, many of which provided access to occupational roles that were normally foreclosed to slaves (Klinkner and Smith 1999, 19).

The Revolution's immediate contributions to checking slavery were in the opportunity it provided for slaves to escape, in the freedom granted to those who served in the military, and in the disruption of those economic sectors that sustained slavery outside the South (Melish 2000, 56-7). The post-war years saw some additional, albeit limited, progress. In the South, some religious groups had small amounts of success in encouraging individual manumissions of slaves, although little headway was made in promoting a general emancipation policy (Wolf 2006; but see Nash 1990). In the North, however, the end of the war saw considerable changes to the institution of slavery, ultimately resulting in immediate or gradual emancipation. Even gradual emancipation, however delayed, effectively stopped the progress of what was up until then a growing institution in northern states, effectively leading to its extinction in every state but New York and New Jersey by 1820.¹¹²

Along with the flight of thousands of slaves, the practice of granting freedom to soldiers contributed to a growing free black population, especially in the cities of the Middle Atlantic. And as with the white laboring classes, free blacks and slaves appropriated the language of the revolutionaries to assert their own claims to freedom and equality (Reed 1994). In 1773 a groups of slaves petitioned the Massachusetts legislature to abolish slavery, framing their request in terms of the colonists' desire for liberty (Zilmersmit 1967, 616-17). The former slave Caesar Sarter asked the readers of his "Essay on Slavery," who were suffering "great anxiety and distress. . . on account of the infringement not only of your Charter rights; but of the natural rights and privileges of freeborn men," to "per-

¹¹²In most northern states, the number of slaves continued to increase until it became clear that an emancipation bill would pass in the near future. The slave population of Massachusetts was already rapidly falling in Massachusetts by the time of emancipation in 1783. In only began to decline modestly in New York after the initial defeat of a gradual emancipation bill in the 1780s.

mit a poor, though freeborn, African. . . to tell you. . . from experience, that as Slavery is the greatest, and consequently most to be dreaded, of all temporal calamities: So its opposite, Liberty, is the greatest temporal good, with which you can be blest!”¹¹³

Sarter was invoking the stark juxtaposition between freedom and slavery that underlined American conceptions of political community, both in the run up to the Revolution and afterwards. But he was invoking the colonists’ own narrative of political history and their interpretation of their current struggle, and insisting upon a broader application of the principle.¹¹⁴ Benjamin Banneker would similarly invoke the Declaration of Independence in a letter to Thomas Jefferson, asking him to

“recall to your mind that time, in which the arms and tyranny of the British crown were exerted, with every powerful effort, in order to reduce you to a state of servitude. . . . [Y]our abhorrence thereof was so excited, that you publicly held forth this true and invaluable doctrine, which is worthy to be recorded and remembered in all succeeding ages : ‘We hold these truths to be self-evident, that all men are created equal.’” (Newkirk 2009, 93).

The rhetoric of natural rights was increasingly resonant during the Revolution, as it had provided a coherent justification for the settlers’ revolt, and African Americans “not only employed the ideas of the Revolution but also its very language” (Berlin 1998, 232). This was a strategic invocation, and was often paired with religious language, a technique employed by white abolitionists as well, in recognition of Christianity’s broad resonance and ambivalence toward ideologies of inherent racial difference. But by employing the language of the Revolution, free and enslaved blacks were transforming it, by extending it beyond the domain for which it had been initially developed. “The spirit of liberty,” noted Thomas Hutchinson, “spread where it was not intended” (Fischer 2005, 24).

The inclusive and emancipatory potential of republican rhetoric was suggested by the opposition to the 1778 draft constitution of Massachusetts, which would have paired emancipation with the disfranchisement of “negroes, Indians, and mulattoes.” Bradburn notes that “numerous towns protested this limitation on citizenship, considering it a direct violation of the principles of natural equality,” and the disfranchisement was dropped from the 1780 constitution (2009, 245). In New York in 1785, a gradual eman-

¹¹³“Essay on Slavery,” Newburyport, Mass., *The Essex Journal and Merrimack Packet*, August 17, 1774

¹¹⁴He referenced the colonists’ political history as having fled from tyranny: “Your fore fathers, as I have been often informed, left their native country, together with many dear friends, and came into this country, then a howling wilderness inhabited, only, by savages, rather choosing, under the protection of their God, to risk their lives, among those merciless wretches, than submit to tyranny at home.”

cipation bill was similarly saddled with a disfranchising provision. Here, however, a sustained commitment to black exclusion helped defeat the bill. The Senate twice refused to pass a bill with black disfranchisement, and the Assembly, by a vote of 27-18, twice refused to pass a bill without it. When the Senate finally conceded, the Council of Revision—composed of the Governor and the state Chancellor—rejected the bill precisely because it violated republican commitments:

“[T]he bill having in other instances placed the children that shall be born of slaves in the ranks of citizens. . . , they are as such entitled to all the privileges of citizens, nor can they be deprived of these essential rights without shocking those principles of equal liberty which every page in that Constitution labors to enforce. [The Bill] holds up a doctrine which is repugnant to the principles on which the United States justify their separation from Great Britain. . . [and creates] an order of citizens who are to have no legislative or representative share in the government.”¹¹⁵

In the 1778 debates over the Articles of Confederation, a South Carolina delegate moved to amend the privileges and immunities article, by adding the word ‘white’ to ‘free inhabitants of each of these States.’ The amendment received the support of only two states, one state was divided, and eight voted against. As a result, the Articles implicitly suggested the rights of citizenship for free blacks (Bradburn 2009, 246).

The experience of the Revolution helped cohere a new sense of a republican political community, in which sovereignty rested with the people. What popular sovereignty meant, however, remained contested. The increasing number of free blacks undermined an earlier association between blackness and slavery, and the post-Revolutionary generation would be engaged in recurring political controversies over the status of free blacks. The Revolution saw democratic assertions from unanticipated quarters, from classes who had not been integrated into political institutions until they took the opportunity provided by military mobilization. Accordingly, there could be no simple transfer of sovereignty—a new political order had to be established.

¹¹⁵Cited in Street (1859, 268).

Establishing a Republican Political Order

The Constitution and Political Order

The Revolution had forged a republican consensus. Many of those opposed to republicanism left, heading to Canada, where they would be equally unhappy, or to Britain. Those who remained withdrew from active political life. But while there was broad agreement that the new country should be a republic there was considerably less agreement as to the form and character of this republicanism. Newly organized groups were making demands, aspiring to political power, and articulating understandings of republicanism that were increasingly ‘democratic.’ This activity was seen by many as threatening the republican project, and political leaders sought to channel or even reverse trends toward democracy.

The drafting of the U.S. Constitution was deeply informed by these concerns. Ultimately, however, the institutions that it established were perhaps less important for their insulation of government from popular politics than in their extension of popular politics to the national level. By empowering the federal government, the Constitution invited political entrepreneurs to compete for national office. And by carefully limiting these powers, the government was enabled to build a commercial empire without threatening local investments, notably in human captives. But most importantly, the arrangement of representative institutions ensured that winning national office would require building a bisectional coalition. Political ambition would be realized by constructing national organizations that could selectively pressure its members and organize compromises to ensure, if not necessarily the letter, the spirit of the constitutional arrangement. Responsibility for holding the Union together, in short, was extended from the domain of constitutional text to the domain of political parties. This is the second of the shifts in governing authority: the establishment of a new political order that quickly became self-reinforcing as political entrepreneurs sought to realize the gains implicit in building a bisectional political coalition.

The plight of debtors and the local challenges they mounted against state governments had aggravated a concern that the Articles of Confederation were insufficient in providing order and stability. The lack of a central power to regulate and expand commerce, and to suppress populist action against creditors, was going to hurt the international financial position of the United States. It might even result in its squandering the opportunity to conquer a continent. The politics of exclusion had been undermined, with

previously excluded segments of the population organizing politically to press demands specific to their self-defined interests (Countryman 1981, 293). The ‘mob’ actions—what Benjamin Rush referred to as the “peculiar species of extempore conduct” that were a legacy of the Revolution—were seen by many as vindicating republican worries of the lower orders being under the domination of their patrons, and anti-Federalist rioters were described as “needy and starving adventurers, whose precarious freedom depends on the nod of their numerous creditors” (Frank 2009, 45; 2010, 94).

There was little suggestion that the commitment to popular sovereignty forged during the Revolutionary crisis should be abandoned. But there was a growing concern that the exercise of this sovereignty needed to be channeled into institutional arrangements that could secure political order. The vaunted claim to represent the people by local insurrections and public demonstrations simply asserted a truncated crowd for popular sovereignty, an arrogant presumption that many rejected: “By ‘The People’ is meant THE WHOLE PEOPLE. . . it is the *res publica* or common-weal, which no man, or no body of men, except such as be constitutionally appointed. . . can have a right exclusively to consult, act upon, or direct.”¹¹⁶ Popular sovereignty, accordingly, had to be confined to the moment of election; furthermore, it should be tempered through indirectly elected institutions—possibly with higher property and age requirements—in order to discern the signal of the ‘people’ from the noise of elections.

During the Philadelphia convention, the question of a national freehold suffrage qualification was raised, with those in favor arguing that the restriction to freeholders was “a necessary defence against the dangerous influence of those multitudes without property & without principle with which our Country like all others, will in time abound” (Hunt 1900, 118). Gouverneur Morris worried that a non-freehold qualification would lead to the establishment of an aristocracy, as those without property lacked a will of their own. Most of the delegates, however, rejected the idea of a national freehold restriction on the grounds that the proper extent of the suffrage should be “that every man having evidence of attachment to & permanent common interest with the Society ought to share in all its rights & privileges.” Benjamin Franklin argued that the exclusion of the common man from the suffrage enabled legislatures to subject him to “peculiar labors and hardships,” thereby undermining the attachment of the people to the state, while Rutledge of South Carolina believed that a freehold qualification “would create division among the people & make enemies of all those who should be excluded” (Hunt

¹¹⁶“The People,” *Columbia Centinel* (Boston), 24 March 1794. Cited in Frank (2010, 138).

1900, 118, 127).

Ultimately the Constitution would not greatly limit popular politics. The states remained the locus of political activity, although there was now a competing source of authority. The suffrage qualifications were left to the states, with a requirement that these be based on the qualifications to the larger chamber. Given the trends since the Revolution toward more inclusionary suffrage qualifications, this cannot be coded as a restrictive measure. The electoral college certainly could have been a genuinely exclusive institution, as we shall see when we consider the French case. But again, the question of whether electors would be named by the legislature or popularly elected was left to the states to decide.¹¹⁷

The key reason for the Constitution's medium-term success was that it provided political operatives with an ongoing incentive to seek national office, and thereby to participate in the construction and maintenance of bisectonal coalitions that could manage the expansion of the republic and the creation of a commercial market without threatening slavery. By the election of 1796, the electoral college was divided 73-66 in favor of states north of the Mason-Dixon line, but it was widely believed that this balance would shift in favor of the South (Graber 2006). Moreover, the Constitution's three-fifths clause increased Southern representation in the House of Representative, from 38 percent under the Articles of Confederation to 47 percent in the 1800 elections. The Senate was likewise divided relatively evenly across sectional lines, with 16 Senators chosen from the South and 18 chosen from the North. This sectional balance was consciously designed to ensure that the institutions of national governance would be responsive to interests North and South.¹¹⁸ This arrangement of the institutions of representation generated an incentive to political entrepreneurs to build a cross-sectional coalition, first achieved by the Federalists and subsequently—and more enduringly—by the Jeffersonian Republicans.

¹¹⁷And in any case, no individual state would have nearly enough electors to ensure that the voting at this level was in any way an independent decision: second or third stage electorates in France typically had 50,000 electors, whereas the election of 1792 had only 132 electors, with Virginia having the largest number of electors at 21. This made monitoring the electors votes considerably easier, and ultimately ensured that they would be active partisan pledged to a candidate.

¹¹⁸In the constitutional convention, Madison opposed the representation by States in the Senate because of the supposed "perpetuity it would give to the preponderance of the Northn, agst. the Southn," and opposed allowing the Senate to select Federal Justices as this would "throw the appointments entirely into the hands of ye Nthern States." Hugh Williamson of North Carolina insisted upon the electoral college against a popular vote because "slaves will have no suffrage" and therefore Southerners would be outvoted (Graber 2006, 103).

American Citizenship and the Building of a National Coalition

The coalitions that would eventually coalesce in the Democratic-Republican and Federalist parties were constructed over the course of the 1790s, as political entrepreneurs sought to bring different local, sectoral, and sectional interests into a winning coalition. Different understandings of American political community—defined now in terms of republican citizenship—were central to this process of coalition building. Increased geopolitical tensions, the radical turn of the French Revolution, the suppression of liberties in Great Britain, the defeat of an insurrection in Ireland, and the uprising in St. Domingo provided the backdrop for heightened anxieties across America. Federalists increasingly appealed to some constituencies by invoking the threat of slave rebellions and the implications of renewed immigration on American culture and the republican experiment. Their opponents, increasingly organized into what they called ‘the republican party,’ appealed to others by suggesting the Federalists were motivated by a desire to restore a monarchy. These appeals, and the understandings of political community that they implied, reflected both sincere anxieties and an attempt to build local and national coalitions capable of winning office.

In December of 1787, a Federalist celebration of Pennsylvania’s recent ratification of the U.S. Constitution degenerated into a riot between the Constitution’s supporters and opponents. Shortly after, a Federalist under the name ‘Old Man’ wrote that the rioters were men who “have come to this country within these two years—men perfectly unknown, and whose characters were too obscure to attract the notice of the inhabitants of this place” (Frank 2010, 94). In 1783, Federalist preacher William Linn wrote that “infidelity and dangerous ideas, will have a more rapid growth in this country than [before the Revolution]. . . . They will be imported from abroad, with other things injurious to our interest and happiness” (Linn 1796, 188; Anderson 1977, 388). Immigrant societies, representing particular national constituencies, had long been a feature of the colonial landscape, largely organized around mutual assistance and charity. In the post-Revolutionary period, however, these organizations became increasingly political and partisan in their activities (Bradburn 2009, 212). The first of what would come to be known as the Democratic-Republican societies was organized in Philadelphia as the German Republican Society (Link 1942, 6). The Hibernian Society split from the more apolitical Society of the Friendly Sons of St. Patrick’s, celebrating the French Republic, the Volunteers in Ireland, and the rights of man (Bradburn 2009, 209).

Federalists saw in the increased political activism both a threat to the ostensible

homogeneity of the nation—John Jay’s “one united people...descended from the same ancestors, speaking the same language, professing the same religion” (Ball 2003, 6)—and a threat to the republican experiment itself. Fights over the Naturalization Acts were in many ways concerned with securing the republican character of new citizens, with anti-administration representatives requiring applicants have two witnesses attesting to their attachment “to a Republican form of government.”¹¹⁹ Federalist representatives opposed this, arguing “the word Republican implied so much, that nobody could tell where to limit it.... Many call themselves Republican, who, by this word, mean, pulling down every establishment: they were mere Anarchists.”¹²⁰

The Democratic-Republican societies in particular provoked Federalist anxieties. The societies embraced the Fourth of July as an opportunity to assert equality and the rights of man as the critical legacies of the Revolution. They were closely associated with the local militias, and they were seen with trepidation as potentially recreating the Revolutionary committees that had asserted an extra-legal governing authority.¹²¹ The societies created a space for the re-articulation and dissemination of political currents that had emerged during the Revolution, insisting on a more democratic basis for citizenship. For the most part, the understandings articulated within the societies were radical, egalitarian, and emancipatory relative to contemporary discourse. The societies not only rejected understandings of citizenship that rooted this in property, but like some of the radicals of the Revolution inverted the moral hierarchy to insist that, in a republic, “it must be the mechanics and farmers, or the poorer class of people (as they are generally called) that must support the freedom of America” (Link 1942, 94).

They societies were part of a broader trend, predating but spurred on by the Revolution, of self-organization by laboring classes, with leadership drawn from their own ranks and formulating their own understanding of their interests (Simon Middleton 2006; Olton 1975; Rock 1979). In the early 1790s, writers to *Greenleaf’s New York Journal and Pa-*

¹¹⁹ *Annals of Congress*, House of Representatives, 3rd Congress, 2nd Session, p.1021

¹²⁰ *Annals of Congress*, House of Representatives, 3rd Congress, 2nd Session, p.1022. Giles would likewise propose the requirement that any applicant renounce any titles of nobility, saying that “if we did anything to prevent an improper mixture of foreigners with Americans, this measure seemed... one that might be useful,” to which Dexter responded by say that “an alien might as well be obliged to make a renunciation of his connexions with the Jacobin club. The one was fully as abhorrent to the Constitution as the other.” *Annals of Congress*, House of Representatives, 3rd Congress, 2nd Session, p.1030, 1031

¹²¹ This was considered a foundational right for many, one that had been fought for and often won in the Revolutionary struggles. For instance, “the Franklin Society of Pendleton, South Carolina, defended the democratic character of the citizen army [and] resolved: ‘That it is the inherent right of every free man to vote and elect the officers who are to command them in a military character,’” and claiming that opposition to such this was a measure of treasonous feudalism (Link 1942, 181-82).

triotic Register warned that “those who assume the airs of ‘the well born’ should be made to know that the mechanics. . . have equal rights with the merchants and that they are as important a set of men as any in the community... Who will deny that a republican government is founded on democratic principles?... That the manufacturing interest, from its nature is, and ever will remain of the democratic denomination, none can deny.”¹²² The labor organizations and Democratic-Republican societies were distinct, but during the 1790s they increasingly participated in a shared discourse of stressing democracy, the cause of republicanism, and the rights of man.

Together, these different associations threatened to broaden the scope of citizenship even further than had been achieved during the Revolution. Of the society constitutions that have survived, almost all declared that “all men are naturally free, and possess equal rights” and emphasized the Declaration of Independence; many forcefully called for the abolition of slavery (Schoenbachler 1998, 251). One Democratic-Republican and labor organization, the Society of Master Sailmakers in New York, was known for being “ultra-democratic,” toasting the “Fourth of July, a free press, freedom for African slaves, and. . . ‘the societies of America as nurseries of Republicanism”” (Link 1942, 95-96). William Duane, the Democratic-Republican editor of the Philadelphia *Aurora*, and an outspoken supporter of Jefferson, attacked Washington for still being “possessed of FIVE HUNDRED of the HUMAN SPECIES IN SLAVERY” even “twenty years after the establishment of the Republic.”¹²³ After the Haitian Revolution commenced, the Connecticut Democratic-Republican Abraham Bishop wrote “The Rights of Black Men,” in which he implored his fellow Americans to show that “we have no been hypocrites in the cause of freedom, that we dare, upon all occasions, to testify our respect for the rights of man, our humanity for the oppressed. . . . My assertion, that they are entitled to freedom, is founded on the American Declaration of Independence:— Upon the language of our petitions to the English court, at the commencement of the late war: . . . Upon Paine’s *Common Sense*:—Upon the articles of our liberating societies.”¹²⁴ Bishop, whose appointment by Jefferson to the position of Collector of Customs in 1803 scandalized New Haven, was at the extreme end of democratic sentiment regarding Haiti (Dexter 1905, 196; Riley 2007, 77-88; Matthewson 1982, 148). But in his antislavery he was far from unique amongst early Democratic-Republicans (Riley 2007).

¹²²“A Friend to Equal Rights,” *New York Journal*, March 30, 1791. “Leonidas,” *New York Journal*, February 22, 1792 (Young 1964, 252; Schoenbachler 1998, 250).

¹²³Cited in Wilentz (2006, 62).

¹²⁴“Rights of Black Men,” republished in Matthewson (1982, 153).

The attacks on slavery did not necessarily mean that Americans organized in the democratic-republican societies were committed to full citizenship for free blacks. Most probably were not, although the lack of an explicit position suggests that they had not given it much thought. Many of the political operatives aligned with the societies were willing, however, to defend black voting rights, as we discuss below. Nonetheless, while there were numerous prominent abolitionists within the ranks of the northern societies, “antislavery views were decidedly inconspicuous among Democratic-Republican planters and farmers in Virginia and states southward,” and a few argued that slavery was a healthy reminder for free men to strive to preserve their rights and liberties, “that they might keep above the servant level” (Wilentz 2006, 62; Link 1942, 97). But the societies also needed to insulate themselves from the Federalist charge that through the constant invocation of the rights of man they were fomenting insurrection.

Slave revolts increased considerably during the 1790s, and the Federalists sought to impugn the societies and strengthen their position in the south by emphasizing that “democracy and insurrection were blood brothers” (Carroll 2004, 41-45; Link 1942, 184). Federalists, and southerners in general, worried that slaves were learning that “equality is the natural condition of man,” an argument “highly detrimental to the welfare and policy of [slave] state[s].” (Link 1942, 185-86). When a petition from free blacks—organized by Absalom Jones—complaining of the Fugitive Slave Act was presented before Congress, it provided an occasion for Federalists to attack the spread of radical rhetoric. “Already,” warned John Rutledge, a Federalist congressman from South Carolina, “had too much of this new-fangled French philosophy of liberty and equality found its way and was too apparent among these *gentlemen* in the Southern States.”¹²⁵ A Democratic-Republican representative, John Smilie, was surprised at Rutledge’s position, and remarked that “he must consider [the free black petitioners] as a part of the human species, equally capable of suffering and enjoying with others, and equally objects of attention, and therefore they had a claim to be heard.” Still, Smilie expressed “a contrary impulse” against speaking on the matter, “from motives of prudence.” Federalist Harrison Gray Otis of Massachusetts believed the measure to be “dangerous”, as it would “teach them the art of assembling together, debating, and the like, and would soon, if encouraged, extend from one end of the Union to the other.” Robert Harper, another South Carolina Federalist, asked the House whether “a temper of revolt was not more perceptible in that quarter?”

¹²⁵It is unclear whether Rutledge recognized a distinction between free blacks and slaves, as he mocked their contention that they “are sent to the Southern States. Who can prevent that? Persons possessing slaves have a right to send them there if they choose.”

It was, he insisted, and it was the fault of abolitionists.¹²⁶

It was taken as a given by Federalists that the Democratic-Republican language of natural rights, was encouraging slaves to insurrection. A northern Federalist paper, cheering on the revolution in St. Domingo, assumed that the American government would not be “backward in acknowledging [its] independence,” but suggested it “might be worth while. . . to bestow some consideration on the question [of] how far the attention bestowed on these people, might embolden the black citizens of our southern states to attempt erecting a democratical republic, after the moddle [sic] of Mr. Jefferson, and other friends to the rights of Negro Men.”¹²⁷ In 1800 South Carolinian Federalist Henry William de Saussure, warned his fellow citizens against electing Jefferson because “he is a *philosophe* in the modern French sense of that word,” and thus “entertains opinions unfriendly to the property, which forms the efficient labor of a great part of the southern states.” For Saussure, Jefferson’s writings indicated that he “wishes the 500,000 blacks in America should be emancipated—he wishes their condition, both of body and mind *raised*,” an outcome that would certainly lead to the civil war of St. Domingo (1800, 15-16). The revelation that Gabriel’s plot, an intended slave revolt that caused panic north and south, intended to spare Frenchmen, Quakers, and Methodists was only taken as confirmation of the dangerous impact of radical rhetoric (Aptheker 1937, 521).

Federalist anxieties over political radicalism ultimately culminated in the Alien and Sedition Acts. The Naturalization Act of 1798 extended the length of residence required to become a citizen from five to fourteen years, with South Carolina Federalist Robert Harper declaring that it was “high time we should recover from the mistake which this country fell into when it first began to form its constitutions, of admitting foreigners to citizenship.”¹²⁸ The two Alien Acts enabled the president to deport aliens who were considered dangerous to the peace and safety of the United States or who were citizens of a country at war with the United States. The Sedition Act was directed at the Re-

¹²⁶ *Annals of Congress*, House of Representatives, 6th Congress, 1st Session, January 2nd, 1800, cc.229-232. Another Federalist, George Thatcher of Massachusetts, asked whether it was “policy not to legislate about 700,000 enemies, in the very body of the United States? While they were slaves they were enemies.” But while calling slavery “a cancer of immense magnitude,” he also worried that the “Eastern states were now suffering the streams which issued from this great and dangerous fountain,” a view shared by John Brown (F) of Rhode Island: “he was in hopes that every member belonging to the Northern States would have seen by this time the impropriety of encouraging slaves to come from the Southern States to reside as vagabonds and thieves among them.” Harper’s concern was with the abolitionists.

¹²⁷ “St. Domingo; Great Britain,” *Russell’s Gazette*. Commercial and Political, Boston, December 12th, 1798, 5(28):2

¹²⁸ *Annals of Congress*, House of Representative, 5th Congress, 2nd Session, p.1567.

publican press, and criminalized “false, scandalous, and malicious” writings against the government. The combined purpose of the acts was to secure what Federalists believed to be the necessary basis for republicanism: a strong government, drawing its support from a broadly homogenous and middle class people.¹²⁹

It was on these matters especially that Republican and Federalist understandings of citizenship differed, and they provoked intense opposition among the political activists associated with the Jeffersonian Republican party, networks which included the Democratic-Republican societies, immigrant groups, and old anti-federalists. And it was on these matters that the election of 1800 was largely fought. The election of Jefferson created the opportunity for a durable shift in governing authority; federal institutions were only slowly being established, and the relationship between the federal government and the states remained undefined. The Federalists had been constructing their state; the election of Jefferson and a Democratic-Republican House and Senate gave them the opportunity to reconfigure these and establish new ones on their own design. They would subsequently hold both chambers and the presidency, until the disappearance of the Federalists and the fragmenting of the party in the 1820s. This uninterrupted ascendancy at a formative period ensured that the party would have a greater opportunity for establishing the basic parameters of the American state than perhaps any other governing regime. But the election itself was not a critical juncture, and it very much reflected ‘normal’ politics operating within the parameters of the U.S. Constitution. The central question was which of the two coalitions would be able to win a sufficient amount of support outside of their respective sections.

The Jefferson victory was premised on Republican efforts throughout the 1790s in organizing an opposition to the Federalist administrations. They had very early on secured the support of most of the South, the protection of whose “interest” Jefferson himself had described as his “sole object” (Sharp 1986).¹³⁰ To win New York and Pennsylvania, they

¹²⁹Federalists countered Republican mobilization with mass participation in events meant to support the existing order: women celebrating Independence Day toasted “The constituted authorities—may they be revered in place of equality.” In order to displace the centrality of the Fourth of July, Washington proposed a national day of Thanksgiving on February 19th as a means to restore religion “to an important role in Federalist politics” (Waldstreicher 1998, 110). Rhetoric and symbolic efforts were a central part of the Federalist’s attempts to consolidate the political order on their terms. Federalists constructed political personae as “Fathers of the People,” supervising and advancing the interests of their communities, in marked contrast to the “friends to the people” adopted by Republicans, social equals who would refuse all superior privilege for an elite (Taylor 1998, 227).

¹³⁰Subsequent to writing the letter of April 27th, 1795, in which he describe the protection of the “southern interest” as his sole object, either Jefferson or one of his contemporaries cross out the word ‘southern’ and replaced it with ‘republican’ (Sharp 1986).

needed to appeal to the networks of labor associations, namely the urban mechanics that had been strongly Federalist in 1789, and the small farmers who had been the core of the militias, anti-federalism, and Democratic-Republican societies (Wilentz 1984, 38-39; Baumann 1982, 4; Young 1964, 259). The Jeffersonians drew on the rhetoric developed in the networks of societies and labor associations, and they disseminated this through a growing network of newspapers. These were crucial to their victory, both in national and local elections (Pasley 2002, 138). But so too was a coordinated

The victory in the New York state elections depended heavily on the support from laboring class wards, and the Democratic-Republicans had been careful to direct their appeals to artisans and mechanics and to the growing population of immigrants, a formerly Federalist constituency (Carter II 1970; Wilentz 2006, 87).¹³¹ But the Federalists were performing well in the other Middle Atlantic states, and the Republicans had failed to make a breakthrough in New England. The possibility that the Pennsylvania legislature would be deadlocked placed South Carolina at the center of the electoral struggle. But Democratic-Republican support in the state faltered after the discovery of Gabriel's conspiracy, an extensive plot for a slave insurrection, and James Monroe had to reassure the state's political leadership that white men had not been engaged in the plot, remarks that "calmed but could not completely quell suspicions that the Republican appeal to equality was too dangerous in a slave society" (Wilentz 2006, 92).¹³²

The eight electoral college votes of South Carolina tipped the election to the Democratic-Republicans, although a tie between Jefferson and his running mate Aaron Burr provided an opportunity for intrigue and created considerable uncertainty for several months. Baptist preacher John Leland of Cheshire, Massachusetts, described the election at a Fourth of July parade as being "as radical in its tendency, as that which took place in 1776" (Greene 1845, 263, 255). In later years, conservatives would see the election as a transformative moment, establishing a government that may have been "republican in form, but democratic in fact" where "the rising element of democracy has been con-

¹³¹Republicans organized the 'Society for the Assistance of Persons Emigrating from Foreign Countries.' Their newspapers, like the Democratic-Republican toasts before them, often carried news of the struggles for liberty of the Irish, Scots and French, and they highlighted the efforts by Republican legislators in opposing the Acts (Young 1964, 264). Republican organizations among the new immigrants included the United Irishmen of New York, the Hibernian Provident Society, the Hibernian Militia Volunteers, the Caledonian Society, and a number of others (Young 1964, 269; Carter II 1970, 333-34).

¹³²Monroe, then governor of Virginia, was lying: two French émigrés had been involved, a fact which Monroe knew and suppressed. Had this been revealed, it would have only encouraged further Federalist attacks that the "seducing theories about equality" were at fault (Wilentz 2006, 89). Monroe to John Draton, October 21st 1800 (Hamilton 1900, 217).

stantly increasing in power and efficiency” (Peterson 1960, 89). In 1804, Jefferson won the electoral votes of every state save Delaware and Connecticut.¹³³ The elections of 1800 and 1804 were not won on the basis of the ‘white male republic’ as an understanding of political community invoked during the campaign or within the party networks. Rather, the republican idea that held the coalition together stressed opposition to a federal state that was too willing to ‘consolidate’ power and too willing to abuse it. But the result was an increasingly stable political alliance, with an increasing investment by activists and organizations in the success of the Democratic-Republican party. New York saw the development of “a clear mechanics interest... in league with [Democratic-Republican] politicians” (Wilentz 1984, 71). In Philadelphia, William Duane constructed an Irish political machine, in coalition with the Germans statewide; across the country, the Hibernian Society provided an organizational apparatus for “connect[ing] the poor immigrant Irish and the radical Irish émigrés to the local and national Republican elite” (Bradburn 2009, 226, 232). But the Jeffersonian coalition “was still commanded by Virginia gentry slaveholders” (Wilentz 2006, 97-98). Despite connecting “the fate of American equality to the political well-being of the middling classes,” the northern Democratic-Republicans were “partners in an increasingly Negrophobic national political coalition” (Wilentz 1984, 74). The coalition’s success and its underlying tensions would provide the context in which an ideology of white republicanism would be increasingly useful and resonant.

Toward the White Republic

Edmund Morgan helped draw the attention of scholars to a persistent strand in American political thought: that republican equality necessitated the subordination of others. For Morgan, racialized slavery provided a structural and ideological solution to a long-standing problem in republican philosophy, namely the possibility of a dependent pauper class subverting republican institutions. Slavery created an opportunity for whites to be relatively equal and independent, thus entitled to entry into republican citizenship. “The most ardent American republicans,” argued Morgan, “were Virginians, and their ardor was not unrelated to their power over the men and women they held in bondage... Virginians could outdo English republicans as well as New England ones, partly because they had solved the problem [of the poor]: they had achieved a society in which the most

¹³³John Quincy Adams would refer to it as the completion of a revolution in Massachusetts’ politics (Wilentz 2006, 116).

of the poor were enslaved” (Morgan 1975, 381).

But America was not Virginia writ large.¹³⁴ After the Revolution the language of republican citizenship—North and South—was much more democratic than it had been. Activists were now increasingly insisting upon inclusion as a right stemming from membership in the community, from contributions in taxes or military (or militia) service rather than a privilege that could only be safely given to the economically independent.¹³⁵ The language of independence persisted, but it was increasingly displaced by other, potentially more inclusive understandings. And many political activists were beginning to see in these understandings emancipatory and more radically egalitarian implications.

But how far in the direction of equality were they willing to go? Douglas Bradburn has argued that by “Jefferson’s second term as president, political equality for blacks in the United States was psychologically impossible for the vast majority of whites to imagine, [and] politically impossible in a federal system that insisted upon local control over the municipal arrangements of the citizenry” (Bradburn 2009, 271). This overstates the case. Throughout the early Republic there were Americans, including political activists and many politically important figures, who could imagine the extension of these claims to include African Americans, and who could thus conceive of black citizenship.¹³⁶ And it was the federal government, under Democratic-Republican control, that more than any other institution determined that free blacks were to be denied political equality.

¹³⁴Nor, for that matter, did Virginia accomplish democracy for white men. The state continued to have the most onerous property qualifications in the United States until the 1850s.

¹³⁵In Jefferson’s 1776 draft for a Virginia constitution, he proposed a property requirement of half a quarter-acre freehold land (Jefferson 1893, 14). In the coming years he would increasingly embrace contributory understandings of citizenship. In his draft Virginia constitution of 1783, he offered two alternatives to property: residence of one year in the county, or enrollment in the militia. In 1814, Jefferson praised the provision in the new Spanish constitution requiring a literacy test (Foley 1900, 841). But this is also a break from the requirement of being an independent property owner.

¹³⁶Among the more radical was Abraham Bishop’s “The Rights of Black Men,” published in 1791. More common was the paternalism expressed by Benjamin Franklin’s 1789 “Plan for Improving the Condition of Free Blacks,” which emphasized the importance of education and assistance in procuring employment (Franklin 1809, 248). It was nonetheless premised upon the belief that free blacks could and should be made ready for citizenship. When a “democratic” candidate Elisha Gordon for the Pennsylvania legislature expressed concern with free blacks having the franchise, he was mocked by the Philadelphia Federalist newspaper ‘The Tickler,’ and called an “idiot” for thinking this to be a problem. “The French Tory Ticket,” in *The Tickler*. Philadelphia, October 5th, 1808, 1(34): 2

Democratic-Republicans and Black Suffrage

In New York in 1785 a proposed gradual emancipation bill failed to pass the state legislature, despite broad support across the different factions of New York politics.¹³⁷ The bill would have disfranchised freed blacks, and this would be the main point of disagreement between the Assembly, the Senate, and the Council of Revision. The bill passed the Assembly and was sent to the Senate, which rejected three provisions denying free blacks' right to give testimony, imposing penalties for intermarriage, and disfranchising freed blacks. The Assembly would eventually concede on the issue of black testimony and the prohibition of inter-racial marriage, but by votes of 27-18 and 27-15 voted to maintain the disfranchisement clause. The Senate conceded and the bill was sent to the Council of Revision. The Council, composed of future Democratic-Republicans George Clinton and Robert Livingston rejected the bill on the grounds that it discriminated against free blacks, and the Assembly failed to muster the two-thirds majority required to override the veto.

Opposition to the possibility of civil, political, and social rights for free blacks undermined the prospects for emancipation. But on none of the questions of the rights of free or freed blacks was there a consensus. An analysis of voting patterns in the Assembly shows that, despite the lack of a stable party organization, a considerable degree of partisan coherence had already emerged, with future Democratic-Republicans being more likely to vote with each other than with future Federalists, and vice-versa. But Democratic-Republicans were not more likely to support disfranchisement than future Federalists. Rather, there was broad, albeit insufficient, support across the ideological spectrum for receding from black disfranchisement. And insofar as there was a concentration of support, it was among future Democratic-Republicans rather than among Federalists.¹³⁸ While the Assembly did insist on black disfranchisement, there was a

¹³⁷Any party labels applied to 1780s New York politics are anachronistic; but they helpfully capture some of the factional organization of the New York State legislature prior to the ratification debates. More importantly, despite some sorting, there was a great degree of continuity between Antifederalists and future Democratic-Republicans

¹³⁸Information on all the legislators is not available. However, ideal points were estimated for all members. The correlation between the second vote to allow black suffrage and ideal point location is positive 0.332, significant at the 0.05 level. This suggests that regardless of one's own future partisan identification, the more one voted with the future Democratic-Republicans the more likely they were to support black suffrage. Another factor that seems to have been important was the percentage of the population held in slavery, which ranged from 32.6% in Kings County to 0.33% in Washington County (state average of 6.23%). The representatives of the slaveholding counties were strongly opposed to this bill, having voted to not begin debate, and were *more likely* to be vote against to black suffrage. This suggests that few of the pro-black suffrage votes were insincere, as it was understood that the most likely way to have

sizeable and persistent minority, composed primarily of future Democratic-Republicans, who were at least willing to accept black suffrage in order to secure an emancipation bill.¹³⁹ And when gradual emancipation eventually passed in 1799, “no attempt was made by any of the lawmakers to hedge emancipation with political or social restrictions” (McManus 1966, 175).

There was also persistent minority support for retaining limited voting rights for blacks in Maryland, largely cutting across party lines.¹⁴⁰ In 1800 an extension of the suffrage to property-less white males was proposed in the House of Delegates. When a delegate moved to strike the word “white,” a quarter of the legislature voted to do so, with 32% of voting Democratic-Republicans supporting an equal franchise to 16% of Federalists.¹⁴¹ Again, we see bipartisan support with Democratic-Republicans more likely to support an equal franchise. The proposal to drop the word ‘white’ was defeated 49-16, strong evidence that the prospect of black citizenship was unappealing in a slave state whose free black population, as a proportion of the total, was the second highest in the country. The Senate included a taxpaying provision that the House rejected, and the bill was defeated. The suffrage bill was central to the campaign of 1801, and after a strong Democratic-Republican victory, it was passed in both chambers with a black disfranchisement provision.

Paul Finkelman and others have argued that the Federalists were consistently more egalitarian than Democratic-Republicans on issues of black citizenship, noting for instance that in 1808 “New York Republicans attacked Federalists with a campaign song

the bill rejected by the Council of Revision or Senate was to disfranchise blacks.

¹³⁹This includes Republicans William Goforth, Aaron Burr, Matthew Adgate, John Smith, Edward Savage, Ebenezer Purdy and others were willing to accept black suffrage in order to secure an abolition bill. (Kaminski et al. 2008, 151, 1637) Goforth’s son, William Goforth Jr., was a zealous Democratic-Republican who moved to Ohio in 1799. He would be elected to the Ohio constitutional convention in 1802 and would support black civil and political rights. He would subsequently move to Lafourche Parish in Orleans Territory, where he would be elected as a delegate to that territory’s constitutional convention (Milligan 2003, 64).

¹⁴⁰Maryland legislators had already disfranchised blacks freed after a certain date (Bogen 1990, 386). Free blacks were still allowed to vote, but newly *freed* blacks and their descendants would be denied the suffrage. In 1797 Federalist Michael Taney introduced a bill in the House of Delegates to remove the property qualifications for voting, but would have also liberalized the franchise for free blacks, securing the vote to “all free born men above the age of twenty-one years”, thereby limiting the disfranchisement of blacks to those born in slavery after 1783. The immediate consequences of this bill would have been small, but over the long run they would have secured the right to vote to an increasing free black population.

¹⁴¹*Votes and Proceedings of the House of Delegates* (1800, 51)

that included the verse, ‘Federalists with blacks unite’” (Finkelman 1998, 148; Malone 2008). Federalists did attack northern Democratic-Republicans for their alliance with southern slavery; but they were also more than willing to engage in race-baiting of their own (Gellman 2006, 148). After 1800 it became a standard complaint of Federalists that the Jefferson and other Democratic-Republicans won only because of ‘Negro Votes,’ the language intentionally invoking the possibility of blacks voting to deny the legitimacy of the 3/5 clause.¹⁴² “To such a low pitch of degradation have the democrats of New-Hampshire fallen,” remarked on paper, “that at their late St. Jefferson’s festival, they toasted ‘Negro Voters.’ A toast very fit and proper for such an occasion.”¹⁴³ The Revolution had not led to a wholesale reconceptualization of the place of blacks in American political and social life, and both Democratic-Republicans and Federalists invoked presumptions of racial difference and blacks’ inappropriateness for political inclusion.

The claim of greater Federalist egalitarianism is, however, broadly true but only with important caveats: it was reflective of the Democratic-Republican Party’s national leadership to a greater extent than of its operatives in northern states; it became more the case with local political operatives over time; and the Federalists’ were able to engage in somewhat more egalitarian discourse as their national coalition collapsed, taking advantage of and contributing to a growing stigma to slavery in the north to attack the administration. In the early Republic, there was very little association between support for black disfranchisement and party identification; and insofar as there was an association, the Democratic-Republicans tended to be more supportive of free black voting rights. By 1820, however, there was a clear, strong, and persistent association between being a Democratic-Republican and opposing black suffrage, and between black disfranchisement and support for the enfranchisement of white men without tax or property qualifications.

Slavery and the Suffrage in the Democratic-Republican Party

The emergence of such a pattern was not a straightforward product of the structure of the American economy or of political culture. Rather, it was the product of the national Democratic-Republican coalition, which took increasingly strong stances in de-

¹⁴²“Political,” in *Balance and Columbian Repository*, July 17th, 1804, 3(29): 229. “Political. More of Negro Votes,” *Columbian Centinel & Massachusetts Federalist*, July 4th, 1804, 41(37): 2. The claim was sometimes, but much less frequently, framed in terms of ‘slaves votes,’ either by replacing ‘negro’ with ‘slave’ or by claiming Adams had won majority of ‘freemen’ votes.

¹⁴³“Editor’s Closet: Bribery” in *Balance and Columbian Repository* April 2nd, 1805 4(14): 107.

fense of slavery, creating dilemmas for northern political operatives (Riley 2007, 27); which manipulated the context of territorial government in favor of an extended suffrage for white men and the disfranchisement of blacks; and which gradually developed and disseminated an explicit vision of America as a space reserved for, and its republican government limited, to the white race.

As in New York and Maryland, the voting patterns of delegates to Ohio's territorial convention are suggestive of a persistent, minority, and bipartisan willingness to take positions in favor of black citizenship. But Ohio also reveals a pattern of Democratic-Republican efforts to coordinate its members around a white male standard, undertaken by the national party or by factions actively supported by the national party. After the suffrage committee of the Ohio convention reported a clause that limited the vote to "white male inhabitants," delegates moved to strike the word 'white.' This was defeated 14-19, with 35% of Democratic-Republicans and 71% of Federalists in favor. Supporters then sought to remove one of the main objections to black suffrage—that the suggestion of racial equality would encourage escaped blacks to come into the state.¹⁴⁴ An amendment retaining the suffrage for those blacks currently residing within Ohio passed 19-15.

All five delegates who opposed striking the word 'white' but supported existing black voting rights, were Democratic-Republicans. Three of these continued to support limited black voting rights in the next roll call, which would have secured the right of suffrage to the male descendants of blacks currently in Ohio. This was defeated 16-17. Even very limited voting rights for blacks, however, would shortly after be overturned. Democratic-Republicans James Grubb, Darlinton, and John Smith would switch from supporting to opposing limited suffrage—with the Democratic-Republican president of the convention, Edward Tiffin, breaking a tie in favor of exclusion.¹⁴⁵ A sizeable component of the Democratic-Republicans opposed black disfranchisement, and over 50% of Democratic-Republicans supported some form of black suffrage. The convention voted more on

¹⁴⁴The biographer of Edward Tiffin, who cast the deciding vote against resident suffrage, gives the reason for his vote "that the immediate neighborhood of two slave-holding States made it impolitic to offer such an inducement for the influx of an undesirable class to the new State" (cited in Terzian 2004, 49). This is not a fully coherent explanation, as the whole point of the provision was that it would only secure the suffrage to blacks resident in Ohio at the time of the convention. This could be faulty recollection on the part of Tiffin, faulty inference on the part of the biographer, or, alternatively, a suggestion that the mere hint of black political participation would make Ohio a magnet state for blacks.

¹⁴⁵Additionally, eight Democratic-Republicans (30%) and no Federalists supported removing the taxpaying qualification, and twenty-one (78%) supported treating service on the highways as a tax for electoral purposes.

black civil and political rights than any other issue, again underscoring the degree to which there were persistent efforts to secure some form of black citizenship.

The primary basis of the division among Republicans on black suffrage was regional.¹⁴⁶ The center of Republican organization in the territory was in the Virginia Military District (VMD), a district set aside by Virginia for land grants for revolutionary war service.¹⁴⁷ Ross County, in the VMD, was home to the dominant party faction, the Chillicothe Junta, led by Edward Tiffin, Thomas Worthington, Nathaniel Massie, and nicknamed the “Virginia party” for their origins and strong ties to the southern leadership of the Democratic-Republicans.¹⁴⁸ All but three of the ten delegates from the VMD voted at every turn to reject black political or civil rights; the Junta consistently opposed black citizenship rights. By contrast, Hamilton county Republicans were largely pro-black civil and political rights: they split 6-4 in favor of striking ‘white,’ 9-1 in favor of black resident suffrage, 8-2 in favor of black legacy voting, and 7-3 against restricting black civil rights.

Hamilton county Democratic-Republican committees had “recommended that voters elect delegates who were willing to grant suffrage to every male inhabitant of Ohio, including blacks” (Middleton 2005, 28).¹⁴⁹ There had been a heated campaign for the convention, with opposition to slavery and support for black civil and political rights interwoven in candidates’ and committees’ rhetoric. Slavery was denounced in terms of natural and political rights, as against “republican sentiment.”¹⁵⁰ And the recollection of delegates suggests that they saw the issue of rights for blacks as intrinsically linked to slavery.¹⁵¹

¹⁴⁶The small Federalist contingent was primarily from Washington County and centered on Marietta County, whose constituencies were primarily settlers from New England and Quakers from North Carolina who had left the state due to their opposition to slavery (Brown 1982, 262).

¹⁴⁷This included Ross, Clermont, Adams, and Fairfield counties.

¹⁴⁸See Thurston (1972, 29). The junta also had support of Samuel Huntington, who had been a Federalist in Connecticut, but began to identify as a Democratic-Republican in the 1790s. He became a political leader in Trumbull County, covering the Western Reserve and largely Federalist in persuasion. After being associated with the Federalist governor, he surprised Federalists by voting with the Republicans in the convention—possibly a result of being promised a judgeship by the Republicans (Milligan 2003, 252).

¹⁴⁹Even some Ross County Democratic-Republicans, however, placed a high priority on black civil rights, with a Republican committee insisting the “Constitution... set the natural rights of the meanest African and the most abject beggar, upon an equal footing with those citizens of the greatest wealth and equipage” (Middleton 2005, 29).

¹⁵⁰*Scioto Gazette*, September 11, 1802. Cited in Thurston (1972, 24, fn.21).

¹⁵¹See Ephraim Cutler’s conflation of black citizenship and slavery in Thurston (1972, 29; Terzian 2004, 80, fn.49).

Four Republican delegates changed their vote and provided the necessary margin for total black exclusion from the suffrage. Most historians of the convention conclude that the switch in voting was the result of pressure from the Junta, which had developed an aggressive system of party control.¹⁵² As one historian put it, “there must have been some vigorous work done” after the resident-black suffrage amendment passed (Massie 1896, 86). In 1803 two Democratic-Republicans who had supported black suffrage were rejected by Democratic-Republican activists in elections to the State Senate. A member of the Chillicothe Junta wrote that their loss was due to having “lost much credit” due to their “negro votes.”¹⁵³

The debates in Ohio did not simply reflect local preferences. The political dynamics were structured in part by a Democratic-Republican controlled Congress, which had redrawn the territorial boundaries and established voting qualifications for the convention to the advantage of the Chillicothe faction. The Junta and national Democratic-Republicans were in a sustained dialogue over organizing the party and the territory (Terzian 2004, 41, 43). After the elections to the convention, a local leader reported to Jefferson that “the republican ticket has succeed [sic] beyond my most sanguine expectations” (Terzian 2004, 43). The convention’s proceedings were followed with interest in the capital, and Worthington reported to other Junta members that he was optimistic about the prospects of congressional passage: “Our friends appear highly pleased with the proceedings in our quarter & so far appear heartily disposed to render every attention to our affairs Our friends here are generally well pleased with our constitution.”¹⁵⁴

The possibility that Congress might find a constitution repugnant if it denied blacks civil rights or excluded them from the territory entirely was an ongoing worry among territorial delegates to constitutional conventions, and for a period a potential brake on more drastic exclusion. In this case, the silence from Washington over the exclusion of free blacks from the franchise can be understood as encouraging further “testing [of] the

¹⁵²Worthington was especially noted for developing a “degree of party discipline far more thoroughgoing than anything later conceived by Martin Van Buren” (Ratcliffe 2005, 37). One analysis of the committee structure in the convention demonstrates “what an iron grip [the Chillicotheans] had upon” the convention (Massie 1896, 88).

¹⁵³Cited in Thurston (1972, 24 fn.21). The election of Darlington, who had taken a less pro-black suffrage position, was close and ultimately contested. The initial returns were reported as 309-302, but the Senate would subsequently resolve that the initial winner Beasley should vacate the seat for Darlington. *Journal of the Senate of the state of Ohio* (1803, 19).

¹⁵⁴Worthington to Nathaniel Massie, December 25, 1802 (Massie 1896, 220). Nathaniel Macon of North Carolina and a key figure among Democratic-Republicans in Congress offered Worthington advice on the proper arrangement of a republican constitution (Smith 1882, 591).

attitude of the federal government regarding territorial legislation against free Negroes” (Berwanger 1967, 22). The territory of Indiana denied free blacks the right to testify in court in cases involving a white person in 1803, excluded them from the militia in 1807, and passed three bills between 1813 and 1815 bills providing for the absolute exclusion of blacks from the territory. These restrictions did not provoke federal scrutiny.

Congress and the national Democratic-Republican coalition were actively choosing between competing preferences, and they structured enabling acts and territorial legislation to favor one coalition and vision of citizenship over another. Had they signaled opposition to black disfranchisement or other discriminatory acts, it is likely that many territories would not have pursued these. Instead, Congress did the opposite, and ultimately would do more to disfranchise free blacks in the United States than any other institution of American government.¹⁵⁵

But the southern-controlled congressional leadership of the Democratic-Republican party also pushed for changes that linked black disfranchisement with an extension of the vote to white males, by removing property and tax qualifications, and with the introduction of slavery into the northern territories. In 1803 a petition from Indiana requesting the introduction of slavery and a franchise extension was considered, but rejected by a sectional and partisan balanced committee (Dunn 1894, 21, 24).¹⁵⁶ The requests were considered again in the subsequent three Congresses, with all the committee members being Democratic-Republicans and coming primarily from slaveholding states. In 1804 the committee recommended the introduction of slaves, born within the United States, who would be emancipated after a given age. They joined to this a recommendation to extend the right to vote, stressing the “the vital principle of a free Government. . . , that taxation and representation should go together.” For the first time in the American territories, the committee suggested limiting the suffrage to “every white free man” who met the requirements.¹⁵⁷

¹⁵⁵By 1860, 14 of the 27 states that disfranchised free blacks had the initial disfranchisement imposed by Congress. This does not include California or Texas, states that entered into the Union without having been a territory. All of the territories that were organized in 1860 had black disfranchisement provision, established by Congress. And the national Democratic party leadership in Congress had played an active role in the disfranchisement of Pennsylvania blacks in 1837-38 (Wood 2011).

¹⁵⁶John Randolph reported back a series of resolutions that held it inexpedient to introduce slavery as well as inexpedient to alter the existing suffrage qualifications. The reason provided for the latter decision was that “in a country abounding in new and unsettled lands, it is presumed that every individual may become proprietor of the soil.” Report No. 76, March 2, 1803, *American State Papers, Public Lands*, Vol.1, p.146.

¹⁵⁷Report No. 173, February 17, 1804. *American State Papers, Miscellaneous*, Vol.1, p.387.

This did not advance in the House, and again in the 9th Congress the requests were considered by a committee composed exclusively of Democratic-Republican (Dunn 1894, 34).¹⁵⁸ Reflecting the changing language of citizenship, a new Indiana petition requested a franchise extension and denounced the existing property qualification as an “invidious” distinction, unjust and “in no instance a test of merit or virtue” (Dunn 1894, 35). The select committee agreed, and again recommended the extension of the suffrage to “every white freeman” and the introduction of slavery. They went further in two directions, however: the committee rejected a taxpaying qualification and dropped the gradual emancipation provision proposed in the previous Congress.¹⁵⁹

The territorial franchise would ultimately be changed in 1808, in both Indiana and Mississippi. In order for them to advance in the House, however, the franchise had to be separated from the introduction of slavery.¹⁶⁰ Ultimately, the committee reported a bill extending the suffrage to “every free white male person . . . having been a citizen of the United States” resident one year and having paid a county or territorial tax, and while the House supported this on multiple votes—with Democratic-Republicans arguing that “the House should pass no law permitting the contraction of the principle of universal suffrage”—opposition from the Senate led to a more limited extension for both territories.¹⁶¹

Throughout the first decade of the 19th century, then, there was an active effort by the Democratic-Republican party leadership to support a franchise extension, defended in the newly dominant language of contribution and personal merit. But this was repeatedly and intentionally linked to the disfranchisement of blacks and the introduction of slavery into the Northwest. This linkage was strongly encouraged by the joining of separate letters and memorials on slavery and the suffrage, and by the persistent pattern of over-

¹⁵⁸There was greater sectional balance, however, James Garnett (D-R, VA), John Hamilton (D-R, PA), Jeremiah Morrow (D-R, OH), O’Brien Smith (D-R, SC), Matthew Walton (D-R, KY), and Philip Van Cortlandt (D-R, NY). Hamilton, however, was from Washington county in Pennsylvania, a southwestern county that had long been claimed by Virginia, had a high percentage of southern-born inhabitants, and where “as late as 1799 residents . . . were attempting to claim as slaves blacks who had gained their freedom under the state’s gradual emancipation act of 1780” (Finkelman 1996, 216 n.27). Finkelman notes that the “proslavery bias of the committee is suggested by the fact that the report ignored a petition from settlers opposed to slavery in Dearborn County, Indiana” (1996, 216 n.28).

¹⁵⁹Report No.203, February 14, 1806, *American State Papers, Miscellaneous*, Vol.1, p.450.

¹⁶⁰The 8th Congress had also considered a memorial from the Mississippi legislature complaining about the 50-acre property qualification. The select committee recommended removing the property qualification altogether, a more liberal stance than had been requested by the legislature. *Annals of Congress*, 8th Congress, 2nd Session, 1012.

¹⁶¹*Annals*, 10th Congress, 1st Session, p.1359, January 1808.

representing southern Democratic-Republicans on the committees.

The Indiana and Mississippi suffrage acts of 1808 were the first instances of federal legislation that imposed a racial qualification for the right to vote. While the changes to the property qualification were extensively debated, we have no such evidence of opposition to the racial restriction. The same cannot be said for the Louisiana Enabling Act in the following Congress. The enabling act, which set the terms for the territory to elect a constitutional convention, was referred to a bipartisan committee who reported an amendment stating that only “white male citizens” should have the right to form a new state. At issue was the presence of a large free black population in the Orleans territory, one that had enjoyed considerable rights under the French and Spanish governments and which conceivably was covered by the Treaty of Paris’ stipulation that “the people of Orleans Territory. . . , shall be incorporated in the Union of the United States and admitted. . . , to the enjoyment of all the rights, advantages, and immunities of citizens.”¹⁶²

If there was any dissension on the committee, it was not revealed in the vote on the Senate floor, where all the committee members and 19 other Senators supported adding the word “white.” Eight Democratic-Republican Senators, five northern and three southern, voted against this provision, while all voting Federalists supported the racial qualification, including the five New England Senators.¹⁶³ The bill was then sent to the House, where the question of black voting was considered for the first time. Representatives were hesitant to involve the Federal government in questions of black citizenship. Pennsylvania Democratic-Republican John Smilie, for instance, noted that “so delicate was the Convention which framed the [United States] Constitution, on this point, that it had used only the word ‘persons’” and suggested that “the amendment could answer no good purpose, and an agreement to it would not be very honorable to the House.”¹⁶⁴

The House rejected the amendment, 49-60. The majority of Democratic-Republicans voted against a racial qualification, 50-26 (66%), while the majority of Federalists voted in favor, 23-10 (70%). There was a clear sectional dimension to the vote, with only two of the thirty-five Democratic-Republican representatives from outside the South voting to exclude free blacks. Half of northern, and all southern Federalists, supported the

¹⁶²The words are those of Rhea (R TN), who argued that the efforts to exclude Orleans Territory on the basis of its French population were in violation of the Treaty, and thus in violation of the supreme law of the land. *Annals*, 11th Congress, 3rd Session, 498.

¹⁶³*Annals*, 11th Congress, 3rd Session, 98, 107.

¹⁶⁴Smilie, *Annals*, 11th Congress, 3rd Session, 937.

disfranchisement. Moreover, a large minority of southern Democratic-Republicans voted in support of black suffrage, 17-24 (41%). There was broad northern and considerable southern support for black voting rights among Democratic-Republicans. This would quickly change.

With the rejection of the 'white' amendment, the bill was returned to the Senate. A southern Democratic-Republican, Charles Tait, proposed the Senate recede from the amendment. This time there was more support for an equal franchise, although the vote to recede was defeated 11-19. All of the six switchers, who prioritized statehood over disfranchisement, were Democratic-Republicans.¹⁶⁵ However, when the bill was returned to the House all but two of the southern Democratic-Republicans who had supported black suffrage changed their vote. And of the 33 northern Democratic-Republicans who had supported black voting rights, only 19 (47.5% of the northern total) did so on the second vote. Eight northern Federalists who had initially supported exclusion switched their vote to opposing a racial qualification, so that 90% of northern Federalists now opposed disfranchisement. If we define a party vote as one in which more than 50% of one party opposes more than 50% of the other, then both roll calls were party votes. However, where the first vote was a party vote with Democratic-Republicans supporting an equal franchise qualification and Federalists supporting black exclusion, the opposite was the case for the second. Republicans North and South aligned their votes behind a white supremacist standard, while northern Federalists were willing on the second vote to abandon their coalition partners in the south and oppose black exclusion.

The Jeffersonian administration and congressional leadership sought to expand slavery in the territories; imposed a crippling and explicitly racially motivated embargo against Haiti, instituted black disfranchisement; imposed an embargo of American shipping that was seen as more accommodating to the economy of the South than the North, and that crippled one of the few industrial sectors in which free blacks had a foothold; and relied on the inflated representation of slaves for its political ascendancy.¹⁶⁶ Jefferson's successor would fight a war cheered on by much of the south and absolutely opposed to the economic and security interests of the north. All of these factors helped change the context in which northern Democratic-Republicans operated.

¹⁶⁵ *Annals*, 11th Congress, 3rd Session, 151.

¹⁶⁶ On Haiti, see Finkelman (1998, 150).

For one, the tendency of free black voters to support Federalists became much stronger and consistent.¹⁶⁷ In the first decade of the 19th century Democratic-Republicans actively competed for free black support. The Republican press actively courted blacks for their votes in 1807, and carried the proceedings of meetings of black Republicans, who insisted that “Republican principles are favorable to the equal rights of mankind, and to the preservation of Life, Liberty, and Property” (Polgar 2011, 7). New Jersey Republicans likewise courted the votes of free blacks, following their passage of the Act for the Gradual Abolition of Slavery with “a campaign designed to capture the black vote” (Klinghoffer and Elkins 1992, 186).¹⁶⁸

But the policies of the national administration and party strongly discouraged free blacks from supporting Democratic-Republicans, and they gradually became a nearly unanimous Federalist constituency. As a result, the Democratic-Republicans in the state began to have an incentive to disfranchise free black voters through voter identification laws. In 1811, the state Democratic-Republicans proposed a bill that would extend the franchise on class grounds, while requiring black voters to obtain certificates proving that they were free men.¹⁶⁹ The votes in the state legislature were on straight party lines, with all Federalists opposing the voter ID and all Democratic-Republicans in favor. The bill was rejected by the Council of Revision, composed of Democratic-Republicans and Federalists, because the bill imposed onerous requirements solely on the basis of race (Street 1859, 362-364). Democratic-Republicans tried again in 1814 and 1815 to pass a free black voter identification law, the latter year’s effort limited to New York City. Again, voting patterns were on nearly perfect party line. In 1815 the bill was passed over the Council’s veto (Polgar 2011, 11).

The partisan context created by national Democratic-Republicans’ defense of slavery created a local incentive for black disfranchisement. In addition, at both the na-

¹⁶⁷The tendency of free blacks to vote Federalist is explained by Christopher Malone as the result of having been raised in, and often still working in, Federalist homes (2008). Polgar suggests that, in the case of New York, the tendency “can be traced to the founding of the New York Manumission Society in 1785,” one of several “genteel” and predominantly Federalist societies that may have been more likely to see black citizenship as acceptable within a traditional patron-client and hierarchical framework (Polgar 2011, 3).

¹⁶⁸In 1807 liberal Republicans in a debate with moderates who desired the maintenance of property qualifications insisted that “‘a widow’s mite is property’ as was the life and liberty of any ‘black, white, red or yellow’ individual of ‘exotic or domestic birth’” and that each was “a member of the community, and has an undoubted right to vote for public office” (Klinghoffer and Elkins 1992, 187).

¹⁶⁹The 2nd section of the 1811 would have applied to the 7th section of an 1801 act for regulating elections, treating highway labor as payment of a tax for the requirements (additional to property) for being an elector for the Assembly.

tional and local level there was an increasingly sophisticated system of party discipline and party patronage, the latter being especially important for northern Democratic-Republicans (Cunningham 1963; Riley 2007, 18). As a result, party leaders were increasingly able to ensure that “anti-Negro prejudice... became a test of party regularity” for the Democratic-Republican Party, in New York and elsewhere (McManus 1966, 187). But previous disfranchisement efforts had faltered on the claim that republicanism did not allow for invidious distinctions between free men. And Federalists were increasingly attacking the Democratic-Republicans as the party of slavery, a largely unpopular position in the northern early Republic. What was needed was a discursive framework that could enable political operatives to rebut the charges of republicanism hypocrisy and to justify their support of seemingly pro-slavery measures.

Imagining the White Male Republic

In 1792, James Madison published “A Candid State of Parties,” in which he matter-of-factly stated that “the republican party... conscious that the mass of people in every part of the union, in every state, and of every occupation must at bottom be with them, both in interest and sentiment, will naturally find their account in burying all antecedent questions, in banishing every other distinction than that between enemies and friends to republic government, and in promoting a general harmony among the latter, wherever residing or however employed” (Ketcham 2006, 227). The central division within “the republican party” was over slavery, but the party was controlled and largely supported by southerners deeply invested in human bondage. “Slaveholders made their political claims through the Jeffersonian Republican party, not against it,” and as a result the national party repeatedly required its members to take positions in favor of slavery, which increasingly included a denial of black citizenship (Riley 2007, 31). There was some “burying” of antecedent questions, but this was demanded of and performed more by northern Democratic-Republicans.

From the early emergence of a national coalition, Democratic-Republican operatives in the north had been subject to attacks by Federalists for their reliance on a coalition with slaveholders. As the English Radical William Cobbett, writing as a Federalist pamphleteer in Philadelphia, remarked, “American Union presents, at this moment, a spectacle that startles the eye of reason. We see a kind of political land-mark, on one side of which, Order walks hand in hand with the most perfect liberty; and, on the other,

Anarchy revels, surrounded with its den of slaves” (Cobbett 1795, 44).¹⁷⁰ Federalists had never developed the ideological unity of the Democratic-Republicans, and so had always been less constrained by the need to maintain what was a looser national coalition. As this coalition broke down, Federalists were freed from any consideration of bisectional unity to temper their attacks on Democratic-Republicans for their hypocritical alliance with slavery.

Evangelical preacher, Federalist, and president of Rutgers University William Linn took direct aim at Jefferson’s racial thought, invoking broadly shared Christian and evangelical doctrines to cast Jefferson’s writing as heretical and “directly opposite to divine revelation.” “Every doubt” as to Jefferson’s deism would be removed, argued Linn, “when we consider what he asserts more plainly respecting the negroes.” Linn examined Jefferson’s arguments in *Notes* and highlights as particularly egregious the denial “that their inferiority is the effect merely of their condition of life.” This alone would be a serious Christian heresy. But Jefferson compounds his heresy by “betray[ing], like a true infidel, an inconsistency with himself. Having laboured to point out physical and moral differences between the Whites and the Blacks, he advances it at last ‘as a suspicion only’ Would a man who believes in a divine revelation even hint a suspicion of this kind?” Linn admitted, “in justice to Mr. Jefferson” that he had advocated for the emancipation of slaves. But he incisively and correctly noted that Jefferson had “raised one of the greatest obstacles [to emancipation], by denying them to be the same species as whites” (Linn 1800, 11-14).

‘Christianus’ mixed both a religious and secular appeal to “Friends and Methodists” to vote against Jefferson. Attacking the Republican James Sloan—a Quaker by birth who later would break with the Republicans over the dominance of the southerners—‘Christianus’ reminded his readers that in “the ancient dominion” of the “mild and amiable democrat [Jefferson]” there were between 300,000 and 400,000 “miserable negro slaves.” An even greater indictment was that Jefferson suggested “the idea of their being a race of beings inferior to the whites.” This was offensive to Christianity, which professed that all persons were “of the same flesh and blood.” But it was deeply hypocritical as well, an offense against the claimed republicanism of Virginia and the Jeffersonian

¹⁷⁰He then quoted from a republican newspaper and its series of toasts: “1. The Democratic Societies throughout the world—may they ever be the watchful guardians of Liberty. 2. Citizen *Maddison* [sic] and the *Republican party* in Congress. 3. Citizen Genet [the French Ambassador]. . . . 11. The courageous and virtuous mountain, may it crush the moderates, the traitors, the *federalists* and all aristocrats, *under what ever denomination* they may be disguised. . . . 14. Henry Grattan, and the Opposition of Ireland. . . . 16. Liberty, Equality, and Fraternity—may they pervade the Universe”

party: slaves were “held in a more wretched state of bondage, by their *republican task-masters*, than ever the children of Israel were, by the hosts of Pharaoh [sic]. . . . [T]hat these things, in a land where the inhabitants *profess* such superior regard to liberty, equality and the rights of man, exhibit a MONSTROUS SPECTACLE: This is the ‘powerful state’ in the union. . . remarked for an inflexible adherence to the *genuine principles of our independence*, the declaration of which commences with asserting it to be self-evident that ‘all men are created equal’” (Christianus 1801, 16).

A ‘Citizen of New England’ attacked “Citizen James Monroe,” as “born and educated in that *favorite* spot of Freedom and Jacobinism, in which the shades of Liberty and Slavery are as nicely interwoven as the colours of its inhabitants” (1797, 59). The ‘Citizen’ then related the various Federalist critiques of the Democratic-Republicans to the “propitious circumstance” by which the Virginians had “the uncommon means of realizing and relishing the *blessings* of True Liberty, by observing the *curses* of Slavery, and by *exercising* the severe power of unlimited despotism” (1797, 59).¹⁷¹ An appeal to New York electors from the Federal Young Men of the City of Albany in 1809 insisted on the republican credentials of the New England Federalists—“*who* were the men that first set kings, lords, and commons at defiance?... *who* fought the battles of Lexington and Bunker Hill?”—and attacked the hypocrisy of “drivers of negro slaves” for claiming to be “the exclusive republicans of the day.” It was the “democracy” of the Jeffersonians that was at fault, and the author claimed republicanism for the Federalists: “compare, fellow citizens, all that you *dreaded* from federalism, with the sufferings you have *experienced* from democracy” (Boyd 1809, 1, 6).

Given these circumstances, many northern Democratic-Republicans were drawn to arguments that stressed the importance of the Union above all, that while slavery might be distasteful the true injustice would be the abandonment of the national project. And so they sought to associate overt criticism of slavery as hostile to the union, by calling attention, for instance, to Federalist placards calling for the separation of the northern states, “the Potomac the boundary—the Negro States by themselves” (Niles 1809, 50).¹⁷²

¹⁷¹“To this cause, I presume, we may attribute that *burning* zeal, which has distinguished the character of yourself and the *Virginia* delegation, and which has kept Congress in a perpetual irritation. . . . The same hatred of restraint and love of Liberty unqualified, has no doubt occasioned your antipathy to the Federal Government, and rendered the *compulsory* means of enforcing the payment of *bonds* so peculiarly obnoxious to you. Hence also arose your sudden and violent admiration of the happy freedom and equality of the modern French, so nearly approaching that unshackled state of nature which your negroes formerly enjoyed and which they, no doubt, have feelingly described to you” (1797, 59).

¹⁷²These appeared in Philadelphia in 1809, and Hezekiah Niles insisted that they were part of a broader Federalist plot to reject the Union on the grounds of slavery.

Democratic-Republican members of Congress repeatedly stressed the delicacy of any discussion involving slavery or free blacks, deflecting the need to take a potentially unpopular position at the same time as they asserted the primacy of the Union.¹⁷³

But they also began emphasizing and developing arguments that distinct races could not peacefully and equally live under the same government or in the same community, that blacks were not fit for republican government, and that they did not and must not form part of the political community. Slavery might be an evil, but Democratic-Republicans increasingly argued that the consequences of blacks continuing to reside in a ‘white’ community after emancipation would be horrific: “the naturalization of the blacks, in unavoidably connected with the degradation of the whites. . . . [T]he blacks [would] confederate[] for the purpose of vindicating their political and natural rights, and when that was accomplished of subjugating the whites” (Branagan 1805, 125).

Democratic-Republicans drew explicitly on the writings of Jefferson, who in Notes on the State of Virginia had proposed emancipation and colonization (Branagan 1805, 120; Tucker 1796, 77). Jefferson asked “why not retain and incorporate the blacks into the state, and thus save the expense of supplying, by importation of white settlers, the vacancies they will leave” (Jefferson 1787, 265). His answer would be among the most influential passages in American history,

“Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race.”

But to these objections, Jefferson added others. The distinction of color, he believed, would persist as whites would not associate with a people they found repulsive. Moreover, blacks were not the equal of whites, in memory, reason, or imagination. As a result, “when freed, [the slave] is to be removed beyond the reach of mixture” (Jefferson 1787, 265-271).¹⁷⁴

¹⁷³Smilie, *Annals of Congress*, House of Representatives, 11th Congress, 3rd Session, c.937; Smilie, *Annals of Congress*, House of Representatives, 6th Congress, 1st Session, January 2nd, 1800, cc.229-232

¹⁷⁴Jefferson had given thought to removal as well. In his work with the committee to revise the laws of Virginia, Jefferson drafted a bill abolishing the slave trade which worked out the implications of free blacks: “Sect. II. Negroes and mulattoes. . . [who do not] *depart the commonwealth within one year thereafter they shall be out of the protection of the laws.* Sect. III. Those which shall come into this commonwealth of their own accord *shall be out of the protection of the laws.* . . . Sect. IV. . . . *And if such*

Ferdinando Fairfax, a Virginia planter, published a plan for the abolition of slavery in 1790, one that would be gradual, compensated, and voluntary (on the part of the slaveholder). A crucial problem, however, was what to do with the freed blacks: “it is equally agreed that if emancipated, it would never do to allow them *all* the privileges of citizens,” and so Fairfax supported the removal of blacks to Africa (Bradburn 2009, 258). The reason for not including free blacks as citizens was not their natural inferiority, but the claim that white prejudice would be an insurmountable barrier to their inclusion. St. George Tucker would likewise suggest that free blacks needed to leave but believed this could be achieved voluntarily if they were denied the rights of citizenship. And Tucker, like Fairfax, argued that the reason why blacks could not be included was the prejudices of white society: “whoever proposes any plan for the abolition of slavery, will find that he must either encounter, or accommodate himself to prejudice” (Bradburn 2009, 259; Tucker 1796). It was the “habitual arrogance and assumption of superiority, among the whites” that made equality impossible (Tucker 1796, 77).

It was in this context that ‘diffusion’ and colonization could be presented as means of reconciling slavery and republicanism. ‘Diffusion’ was the argument that the only way slavery could be abolished was by expanding its coverage over the continent and thereby ensuring that blacks would everywhere be a small community, one that could be freed and controlled with ease. The idea of diffusing the slave population was a favorite of Jefferson’s and the Virginia leadership of the Democratic-Republicans had signaled their responsiveness to it (Onuf 2001, 186). It was well-summarized by one of the Indiana petitions requesting the introduction of slavery:

“The slaves that are possessed south of the Potomac render the future peace and tranquility of [the South] highly problematic. Their numbers are too great to effect either an immediate or a gradual simultaneous emancipation. They. . . wish that the invidious distinction between freemen and slaves was obliterated from the United States. But however repugnant it may be to their feelings, or to the principles of a republican form of Government, it was entailed upon them by those over whose conduct they had no control. . . . They do not conceive that the greatest influx of emigrants would increase the number of blacks to such a degree as to render them in the least dangerous to

slave, so emancipated, shall not within one year thereafter, depart the commonwealth, he shall be out of the protection of the laws. . . . Sect. V. If any white woman shall have a child by a negro or mulatto, she and her child shall depart the commonwealth within one year thereafter. *If they shall fail so to do, the woman shall be out of the protection of the laws”* (Jefferson 1893, 201-202). In short, if free blacks—or white women who had a mixed-race child—did not leave the state they were liable for re-enslavement.

the future interests of the Territory and with submission they would suggest that dispersing them through the Western Territories is the only means by which a gradual emancipation can ever be effected” (Dunn 1894, 34).

Diffusion provided a rationale for extending slavery while at the same time encouraging a belief that the American continent was providentially reserved for the white race (Binns 1854, 75).

Sharing the same underlying premises with ‘diffusion,’ but with different policy conclusions, was the argument for colonization.¹⁷⁵ Thomas Branagan, a passionate opponent of slavery and committed Jeffersonian, proposed emancipation and colonization “in the recently purchased territories of Louisiana, paralleling Jefferson’s ‘civilization’ program to use the Louisiana territory for Native Americans” as well as Jefferson’s belief in the importance of diffusion (Malone 2008, 89). What made abolition impossible, in the short-term, was the danger posed by the possibility of free blacks living within a white society. Colonization was required because “it is better for the blacks themselves to be accommodated domestically, and settled politically independent by themselves, than associate with the whites with whom they can never enjoy reciprocal rights, and political privileges” (Branagan 1805, 36).

The danger was in part because of jealousies and racial difference would lead to divided communities. But the danger was also that they would have to be citizens. “The history of parties,” wrote John Taylor, “in its utmost malignancy is but a feint mirror for reflecting the consequences of a white and a black party. . . . No doubt can exist of the consequences of placing two nations of distinct colours and features on the same theatre, to contend, not about signs and sounds, but for wealth and power” (Taylor 1813, 127). Here the problem was not simply the threat of racial conflict—although Taylor did believe it would end in the extermination of one or the other—but that blacks were “incapable of liberty” (1813, 128). The “early impressions of obedience and submission, which slaves have received among us. . . [contribute] to unfit [the slaves] for freedom” (Tucker 1796, 77).

All of these arguments reconciled republican principles with slavery, by casting its continuation and even its expansion in expedient terms: securing the Union was paramount, immediate emancipation would be disastrous for all, while expansion and diffusion might hasten slavery’s end. But they also circumscribed the feasible boundaries of political community, underscoring and reinforcing existing assumptions that blacks

¹⁷⁵Colonization suggested gradual emancipation, with the freed slaves being sent abroad. Diffusion implied the further extension of slavery, with emancipation to occur only in the distant future.

were not part of this community while limiting the egalitarian possibilities of democratic republicanism: whether because of prejudice, racial distinctions, or racial inferiority black Americans could not be incorporated into a republican community. “Nothing,” wrote Jefferson in the year after the Missouri Crisis, “is more certainly written in the book of fate that these people are to be free. Nor is it less certain that the two races, equally free, cannot live in the same government” (Randall 1994, 303).

In 1800, a congressman from Georgia considered with disgust the suggestion by Absalom Jones that “those people (the slaves) ought to be represented ‘with *us* and the rest of the citizens of the United States.’”¹⁷⁶

“They speak of the Federal compact, in which they consider those people as interested in common with others, under these words: ‘we, the people of the United States of America,’ &c. I would ask gentlemen whether, with all their philanthropy, they would wish to see those people sitting by their sides deliberating in the councils of the nation? He presumed not.”¹⁷⁷

The explicit claim that free blacks were not included in ‘we the people’ was developed in response to insistent demands that they were. In 1820, during the Missouri Crisis, the newly admitted Senator from the state of Maine argued that American citizenship meant “hav[ing] an agency in the formation or administration of the laws.” The “perpetual exclusion from this deprives [the free black] of the essential attributes of a citizen.” And he reminded his colleagues that the act establishing a territorial legislature and enabling Missouri to organize a constitutional convention had stated that “free blacks can neither elect nor be elected.”¹⁷⁸ It was Congress that had disfranchised free blacks, and it was Congress that had accordingly denied the possibility of their being part of the political community.

Conclusion

In an otherwise excellent account of the ‘denization’ of free blacks, Douglas Bradburn suggests that Maryland simply “clarified its regulations” against free black suffrage in 1809, implying consensus support for disfranchisement; that New Jersey “closed the

¹⁷⁶Jones, *Annals of Congress*, House of Representatives, 6th Congress, 1st Session, January 2nd, 1800, c.235. The emphasis is in the original.

¹⁷⁷Jones, *Annals of Congress*, House of Representatives, 6th Congress, 1st Session, January 2nd, 1800, c.235.

¹⁷⁸Holmes, *Annals of Congress*, Senate, December 9th, 1820, 16th Congress, 2nd Session, c.87.

gaping loopholes in its original constitution that permitted blacks, aliens, and women to vote”; and that North Carolina “corrected the ‘oversight’ in its constitution of 1835” (Bradburn 2009, 264). As we saw, there was a decent minority in favor of black suffrage in Maryland, a state which had earlier limited and then liberalized black voting rights (Bogen 1990). The New Jersey inclusion of women and free blacks was not a “loophole,” but had been consistently re-affirmed by the state legislature since 1776 (Klinghoffer and Elkins 1992).¹⁷⁹ While some delegates in North Carolina certainly insisted that free black voting was an “oversight,” the disfranchisement amendment was heatedly and lengthily debated, and alternatives allowing for some free blacks to vote were defeated by votes of 62-65, 59-63, and 55-64.¹⁸⁰ In 1834, Tennessee disfranchised free blacks, but only after a sustained effort to maintain their voting rights failed 32-23 (Laughlin and Henderson 1834). These were not mere corrections of oversight: they were a sustained fight over principle in the heart of slavery’s empire.

It was never impossible, in the early Republic, to imagine more inclusive forms of citizenship, and many were willing to take public positions in favor of black political and civil rights. But the odds were never particularly good either. The revolutionary critical juncture had seen the rapid dissemination of ideologies of natural rights, democratic republicanism, and equality, but they did not entirely displace earlier commitments to propertied independence and communities defined in racial and religious terms. But in the subsequent several decades equality-inspired activists had much greater success in undermining and gaining ascendance over property and religious exclusions than over racial, let alone gendered, exclusions. Different activists, equally inspired by the revolutionary principles, found themselves in opposing camps, in near-total disagreement about what the implications of American equality and republicanism.

The growing importance of this narrative, especially after 1820, encouraged its adoption by political operatives and interest groups, who saw in it a means to appeal to the dominant political party of the period for professional advance or political support. As it was adopted in an increasing number of situations, the language of a re-

¹⁷⁹There is little evidence on the initial passage of the women’s suffrage provision, and it is possible that the initial measure was unintended. But subsequent legislation ratified this, rather than doing as was done in England, for example, and clarifying the qualifications in the direction of male suffrage.

¹⁸⁰The measures were to allow free blacks to vote for the House of Commons, but not the Senate, if they owned a freehold; to vote for the Senate and House if they owned 50 acres in fee, worth \$100; and to vote for the Senate and House if they owned real or personal property worth \$500 and had not been convicted of an infamous offense. Journal of the Convention to amend the Constitution (1835, 22, 73-75).

public founded for white men became a central narrative of American understandings of political community. This was not exclusively the responsibility of the Jeffersonian Democratic-Republican party. But the party's architects, in seeking to capture the potential gains embedded in the Constitution, emphasized certain policies over others, and ultimately established the institutional space and coalitional basis in which the conjoining of American democracy and exclusion made sense. The institutions and ideology of the white male republic would structure democratizing processes in America until the Civil War, and beyond.

Chapter 5

The White Male Republic, 1800-1860

“It is necessary to a proper understanding of this subject to enquire, first, who are the people, that according to correct republican principles should have a voice and express their wishes, in the selection of representatives. The people, strictly speaking, are all the white men, women and children, who are to be affected by the laws.”

—G. Mayo, Delegate to Louisiana State Constitutional Convention, 1845.

Introduction

The antebellum United States saw considerable activity in the fashioning and re-fashioning of state constitutions. Reform movements would animate the politics of nearly every state, with emerging political parties redrawing the rules of representation, suffrage, and the organization of government in order to achieve electoral advantage and secure desired policy. This chapter analyzes convention debates over the suffrage to demonstrate how these reflected Jeffersonian ideas of political belonging and how these understandings were embedded in coalitional and institutional arrangements that gave them political weight. The core argument is that the Jeffersonian understanding of American identity—best encapsulated by the repeatedly invoked phrase of the ‘white male republic’—structured the behavior of these political operative, providing them with a framework for assessing policy toward different population categories. The result was a distinctive pattern of institutional change that paired the extension of the franchise along class lines with its simultaneous restriction along racial lines.

The Jeffersonian Republicans, and after them the Democratic Party, articulated a coherent narrative about belonging and the basis of citizenship, one that they would

increasingly seek to embed in the institutions of state and national citizenship. The behavior of political operatives—including legislators and delegates to constitutional conventions—was shaped by their expectation that they would be penalized or rewarded for taking positions that clashed or resonated with what they believed to be the popularly held principles of republicanism, the ideal boundaries of the people, and commitments to racial and gender hierarchies. The idea of the ‘white male republic’ was considered to be central to the revolutionary settlement, a settlement that established the conditions for stable political order and economic development. Constituencies ranging from Irish dockworkers to southern planters were organized in defense of this settlement, and the ideas of peoplehood served as a focal point in which the violation of its key principles signaled a possible willingness to unsettle the political order.

The debates, both in convention and in the campaigns that preceded them, took place within a shared framework of meaning. The conventions were what Jon Elster has called a “deliberative setting,” in which the outcomes can be shaped independently of the motives of the participants because of the institutional structure of the setting itself (Elster 1998). The ‘white male republic’ established a set of normative principles that delegates were hesitant to contest. Accordingly, delegates understood that the republican principles they all claimed to share were embedded in a community circumscribed by citizenship and race. The expectations of convention delegates about the popular resonance of ideological commitments to the ‘white male republic’ imposed costs to those who sought to defend the suffrage rights of free blacks, as well as opportunities to those who sought their exclusion. The same was true for those who would defend the exclusion of the white laboring classes.

Those delegates who found it in their personal or party interest to support black disfranchisement alongside laboring class enfranchisement could counter the charge of hypocrisy and deploy republican principles in regard to white men, while denying their applicability to black men. The former were included within the pale of the community while the latter were without. By contrast, those defending black suffrage were forced to answer to the charge that they sought to enfranchise a population outside the community, or that they were supporting measures that would undermine the Union and the civic status of laboring whites. The delegates were attentive to the fact that their positions were being recorded and would be examined by a broader audience of political activists. This made them responsive to expectations of public opinion and the preferences of coalitional allies, creating a mechanism by which these norms were enforced through

delegate concerns of the electoral or career consequences.

This chapter looks at how the ideas embedded in the ‘white male republic’ structured the debates in conventions: how they informed the public positions of the delegates, how they affected the electoral calculus of the parties, and how the parties incentivized the further deployment of these ideas in order to reconcile coalitional tensions. The factors that motivated suffrage change were not entirely ideational. Rather, these principles structured the preferences and positions of political agents, ultimately making support for some changes more difficult politically than others; became embedded in institutional and organizational arrangements that generated their own constituency of stakeholders; and provided a useful language for political operatives to signal threats to a coalition or constituency interest.

I begin with a discussion of ‘white male republic,’ the constitutive idea of political belonging around which the Jeffersonian Republicans converged and which they successfully disseminated throughout this period. This section explores how delegates understood, invoked, and responded to the racial and republican components of Jeffersonian citizenship. The racial construction of American citizenship imposed rhetorical obstacles to delegates seeking to achieve black suffrage, while at the same time gave leverage to delegates seeking to expand the enfranchised proportion of the white male population. This helps explain the central pattern of antebellum democratization, the conjoined processes of white inclusion and black exclusion. I follow the discussion of the racial boundary and hierarchy of citizenship by looking at the core republican commitments of the ‘white male republic,’ and show that each of these was embedded in an idea of community in which the languages of race and equality made the exclusion of free white men a rhetorically more difficult position to maintain than the exclusion of free blacks.

After discussing the ‘white male republic’ and its opportunities and obstacles for rights claiming, I turn to a discussion of some of the mechanisms by which the delegates’ positions were structured. Most important of these was public opinion and the electoral connection, which provided all but the most insulated delegates with an incentive to be seen as not questioning the core principles of American citizenship. Additionally, the ideas expressed in the convention could be used instrumentally to signal to partisan allies and other political agents. I first discuss the behavior of delegates and then the function and calculation of parties, before concluding with a discussion of the importance of the national parties themselves as organizations held together by the white male citizen

republic as well as institutional spaces incentivizing its defense in policy.

The ‘White Male Republic’ and Convention Debates

This section looks at how the Jeffersonian ideas of belonging and republican citizenship structured the debates in convention. I first discuss the racial dimensions of the Jeffersonian understanding of American identity, which read blacks as outside the community—and so far as they were present—subordinate to whites. I then discuss the republican standards of consent and contribution that were used to legitimize suffrage changes, showing how these were understood to be embedded in the community of equal citizens. This made these standards more readily available to advocates for white enfranchisement than for alien or black enfranchisement. These standards did not mandate inclusion, but advocates for expanding suffrage on class lines could draw on the range of republican standards. Black men and aliens, and their advocates in convention, drew upon these standards, but to less success. Advocates for black suffrage had to contend with the charge that blacks were outside the community, and failing that, with a popularly resonant claim that the enfranchisement of blacks would be a downward leveling of the civic status of whites. Advocates of alien suffrage did not, for their part, seek the enfranchisement of all aliens, but limited their claims to declarant aliens, those who had already declared their intention to become citizens. In doing so, these delegates sought to place the declarant alien within the pale of citizens, thereby gaining access to the range of republican standards.

Racial Citizenship and White Supremacy

The racial dimension of the Jeffersonian ideal of American citizenship had two aspects: it fixed a racial demarcation as the boundary of citizenship; and it ascribed a hierarchy of civic and social status onto the population. The United States in this ideal was to be a white man’s republic, in which the presence of non-whites was seen as anomalous or undesirable and in which those “non-whites” that were present were socially and politically subordinate. The tension between white supremacy, republican equality, and popular sovereignty was widely recognized. The ideal of the ‘white republic’ was motivated by an attempt to reconcile this tension, and was often paired with anti-slavery: “we might hope that our country would see the day, when slavery on her soil would be extinct—her whole population white people, and this same government still enduring the glory of the

world, and the fountain of infinite happiness.”¹⁸¹

Few, however, believed that in the near future there was much likelihood of achieving their ideal of a racially homogenous national space.¹⁸² More importantly, most southerners opposed the idea of a “white” space, and the consequences this would have on their society. The growing recognition that blacks, slave and free, would not be removed to any significant degree was politically consequential. The continued and future presence of blacks made some delegates unwilling to deny them political rights, as this would violate republican principles of consent of the governed. Delegates could denounce slavery, regret the presence of blacks, and yet still feel constrained by what they saw as a legitimate claim of free blacks to participate on the basis of their sustained presence. Merrill of Pennsylvania, for instance, would support limited voting rights for black males, but insisted that “he had no prejudice in their favor” and was only willing to grant voting rights because of what “republican principles teach us” and because “they are here, and this question must be settled in some way.”¹⁸³ And proponents of excluding free blacks entirely from a state’s territory likewise justified this on the basis of republican principles. A delegate in the Indiana convention of 1851 took for granted that blacks could not obtain political rights, and therefore desired their total exclusion in order to preserve republican principles: “They can never obtain political rights here. They can never obtain social rights here. And for these reasons, I think, we ought not to have them amongst us. We ought not to have in our midst a race, daily increasing, who must of necessity remain disfranchised ; a class of people to be taxed without being represented; on whom burdens are imposed, and who have no voice in deciding what these burdens shall be.”¹⁸⁴

Some delegates would respond by appealing to the political nature of suffrage and argue that expedience justified the exclusions of a number of different subcategories, including minors, women, criminals. More commonly, however, delegates would read free blacks out of the community entirely and justifying disfranchisement because they

¹⁸¹Woodward, *Proceedings and debates of the convention of the commonwealth of Pennsylvania*, vol.9 (1838, 24)

¹⁸²Alternatively, the space onto which the ideal of a racially homogeneous polity was projected could be limited to the state rather than the country, a tactic that allowed for the sidestepping of the question of slavery within the nation: “Ohio was a state for white men. The negroes were intruders among us.” Loudon, *Report of the debates and proceedings of the Convention for the revision of the constitution of the state of Ohio, 1850-51*, vol.2 (1851, 553).

¹⁸³Merrill wanted blacks to be subject to naturalization procedures of residence, an oath of attachment, and the oaths of two citizens to confirm this attachment. Merrill, in *Proceedings... Pennsylvania*, vol.10 (1838, 4-7).

¹⁸⁴Owen, *Report of the debates and proceedings of the convention for the revision of the constitution of the state of Indiana, 1850*, vol.1 (1851, 231).

were not part of the people in whom sovereignty was vested. In contrast to a racially homogeneous space, a racially homogeneous republic, in which citizenship was limited to whites, could be achieved by institutionally placing blacks outside of the rights of republican citizenship: “this is a nation of white people—its offices, honors, dignities and privileges, are alone open to, and to be enjoyed by, white people.”¹⁸⁵

The importance of denying blacks the status of citizens stemmed from the rhetorical advantages of acknowledging a shared citizenship. The presence of blacks and their being subject to the laws meant that their exclusion violated the principle of the consent of the governed, unless they could be reconfigured as aliens—not really part of the governed, but sojourners. While some delegates sought to limit the strength of the argument over the consent of the governed by exempting blacks from taxation, or disingenuously claiming that they were exempt (rather than excluded) from militia duty, most stressed the importance of being embedded in a community. As citizenship came to be the central marker of belonging, they denied the possibility that citizenship extended beyond the white race.

In the states considering exclusion, however, there was often little constitutional basis for the claim that they were not citizens.¹⁸⁶ Defenders of black suffrage could point to examples such as General Jackson’s invocation to Louisiana free blacks to join their “fellow citizens” during the War of 1812,¹⁸⁷ to the wording of the United States constitution,¹⁸⁸ and to the practical recognition of the rights of citizenship by the state and federal government during the previous decades: “it seems that some gentlemen entertain doubts whether any of our people of colour are in a legal sense citizens, but those doubts were in his opinion unfounded. - We are precluded from denying their citizenship, by our uniform recognition for more than forty years.”¹⁸⁹

¹⁸⁵Bryan, *Proceedings and debates of the Convention of North Carolina Called to Amend the Constitution of the State* (1836, 67).

¹⁸⁶A county court in Pennsylvania had ruled in 1835 that “we know of no such expression in the constitution or laws of the United States, nor in the constitution or laws of the state of Pennsylvania, which can legally be construed to prohibit free negroes and mulattoes, who are otherwise qualified, from exercising the rights of an elector.” *Hobbs et al. v. Fogg*, 6 Watts 554 [1837] (cited in Malone 2008, 91).

¹⁸⁷Darlington cited Jackson’s 1814 address: “when on the banks of the Mobile, I called you to take up arms, inviting you to partake the perils and glory of your white fellow citizens, I expected much from you; for I was not ignorant that you possessed qualities most formidable to an invading army.” *Proceedings... Pennsylvania*, vol.10 (1838, 49).

¹⁸⁸The federal constitution established representation on the basis of “free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons.”

¹⁸⁹Van Vechten, *Reports of the proceedings and debates of the convention of 1821 assembled for the purpose of amending the constitution of the state of New York* (1821, 193). Future vice-presidential candidate Earle argued that administrative and rhetorical practice of the federal government and other states supported

The rhetorical invocation of white supremacy and the racial hierarchy was in part a response to delegates who effectively insisted upon black citizenship. Delegates were especially sensitive to the question of black office holding, with opponents of black suffrage taking as self-evident a shared opposition to this. They would ask, and would rarely get a response, how “it was possible to prevent the blacks being voted for, if they were permitted to vote.”¹⁹⁰ Opponents would attempt to carry forward the logic of the expressed republican commitments of the supporters of black suffrage to a conclusion that few of the delegates were willing to accept, thereby demonstrating that these commitments could only be secured within a racially demarcated polity:

“carry out the principle [of no distinction on color]; if they should be entitled to vote, place them in your jury box, elect them as members of your Legislature, and to any and all of the offices established by your laws; . . . [T]here would be true republicanism in witnessing upon the bench of your *Supreme Court* the *presiding Judge*; the offspring of *Africa’s shores*, sitting in *brotherly* and *religious companionship* with his *white brethren*, deciding upon your *rights*, your *properties*, and *your lives*. If you will not consent to carry out the principle, but assert that it is impolitic to touch it, you cannot really be their advocates.”¹⁹¹

Rhetorically, white supremacy served as a backstop for white citizenship, a relationship succinctly expressed by Carson, of North Carolina: “they are not citizens; and if they were, from their separate cast, they could not be respected as such.”¹⁹²

As the antebellum period progressed, something resembling a sociological theory of rights was articulated in which political and social equality were mutually implicated. This theory deployed the fact of white supremacy’s popular resonance—“whether it spring from the virtues or vices of our nature”—in order to claim that the “negro” was not internal to the community, and that the denial of political rights was not a denial of republican principles.¹⁹³ The social devaluation of the “negro,” which predated the Revolution, was conceptually linked to their political status. Delegates would frequently

the claim that blacks were understood as citizens: “he held in his hand a passport to travel in Europe, granted by Mr. Forsyth, the secretary of state at Washington, to Peter Williams, a coloured preacher of New York city, describing him as a citizen of the United states. He also held in his hand a letter written by De Witt Clinton, while governor of New York, demanding that a black man who was then imprisoned in the District of Columbia, should be liberated, as being a free citizen of the state of New York.” *Proceedings. . . Pennsylvania*, vol.10 (1838, 35).

¹⁹⁰Shellito, *Proceedings. . . Pennsylvania*, vol.10 (1838, 114).

¹⁹¹McCahen *Proceedings. . . Pennsylvania*, vol.3 (1837, 88).

¹⁹²Carson, *Proceedings. . . North Carolina* (1836, 356).

¹⁹³Woodward, *Proceedings. . . Pennsylvania*, vol.10 (1838, 23).

highlight the other side to Tocqueville's claim that "to conceive of men remaining forever unequal upon a single point, yet equal on all others, is impossible; they must come in the end to be equal upon all" (1863, 67). While Tocqueville presented the causal relation as moving from social equality to political equality, delegates to constitutional conventions suggested that the causal arrow might also point the other way: "You must, if you recognize them as citizens, place them on an equality with all other citizens, in social as well as political relations."¹⁹⁴

The reasoning that underlay the association between social and political equality was that it was unwise to admit a class of persons into full citizenship who were not fully entitled to be an equal member of a community. To do so was seen as dangerous and inexpedient, dangerous because the social subordination of blacks would make them hostile to the institutions of white society, and inexpedient because they were cut off from the social intercourse through which common interests were forged and discovered. Hopkinson of Pennsylvania noted that he would "at once consent to remove the political" barrier to full citizenship if social equality was granted and blacks were welcomed into white society. This was a rhetorical strategy, of course, for he knew few if any in the convention supported the extension of social equality to blacks. He continued, arguing that "to take away the latter [political exclusion] and leave the former [social exclusion] in full force, would be to bring an irritated and bitter enemy into the body politic, who could never be reconciled by a vote for the insult to his feelings and pride, in his exclusion from your society."¹⁹⁵ Delegate Woodward offered a nuanced view of the processes by which a community was constituted, one worth quoting in full.

"Now, sir, I submit to the gentlemen, whether these political rights, of which we are speaking, do not depend, for their preservation and right exercise, on social intercourse and equality. Not that every man, must associate with every man in the community, but I hold there must be that free and unrestrained interchange of sentiments on public questions, which can only attend a state of general equality, if we would properly prepare the mass of men to exercise political suffrage. Every man, from the highest to the lowest, has his sphere and his appropriate circle of friends, and in his daily intercourse with them, both in the business and the pleasures of life, opinions become formed and matured, which when all men come out on terms of exact equality to vote, manifest themselves and influence whatever decisions is to be made by the popular voice. And these separate circles or little

¹⁹⁴Konigmacher, *Proceedings... Pennsylvania*, vol.10 (1838, 132).

¹⁹⁵Hopkinson, *Proceedings... Pennsylvania* vol.10 (1838, 95).

societies which wealth or adventitious circumstances, and not our political institutions, have made distinct, have connecting links that extend the opinions thus formed by the contact of minds, from and to the extremities of the body politic, and keep up a sympathy between the whole and all its parts; and here is the foundation of the system of universal suffrage. For suffrage is only the expression of the opinions which are perpetually maturing under the influence of social intercourse and equality.”¹⁹⁶

This argument, which appeared in various forms across the antebellum period, placed black exclusion squarely within the republican tradition of insisting upon community attachment and common interest. It was not a naked appeal to prejudice, or even a trope of regret that black enfranchisement was right but that popular prejudice made it inexpedient. Rather, it was a claim that republicanism embedded the right of suffrage in an actually existing community, and that the exclusion of blacks from this meant that there was no republican obligation to extend political rights. The “negro” might be present, he might even be a legal citizen, but he was not part of the community.

Importantly, this same understanding of the community legitimated white manhood suffrage: the different classes are joined by “connecting links that extend the opinions...and keep up a sympathy between the whole and all its parts; and here is the foundation of the system of universal suffrage.” This was enabled because there was recognition of a social equality among white men, which had been secured during and after the Revolutionary unsettling of deference and consolidated in the language and symbolism of the democratic-republicans and other societies allied with the Jeffersonians. Brown in Pennsylvania would insist that the laboring man had a deep interest in the welfare of the commonwealth, because it was through republican governance that his equality was assured: “Is it nothing to him that he stands among men a man, equal to the highest and wealthiest?”¹⁹⁷ Others would deploy the Jeffersonian rhetoric of equal rights and equal privileges, which Jefferson had triumphantly claimed at the end of his life as being, along with the happiness of the individual, “now acknowledged to be the only legitimate objects of government” (Foley 1900, 308). Dearborn of Massachusetts would claim that “In the United States there is but one class of people. They are all freemen and have equal rights.”¹⁹⁸

¹⁹⁶Woodward, *Proceedings... Pennsylvania*, vol.10 (1838, 22). This discourse also suggested the inclusion of white foreigners, as will be discussed below.

¹⁹⁷Brown *Proceedings... Pennsylvania*, vol.2 (1837, 490).

¹⁹⁸Dearborn, *Journal of debates and proceedings in the Convention of delegates, chosen to revise the constitution of Massachusetts, 1820* (1853, 257).

But the availability of this language of equal rights, which would become a constitutive motto of the Jacksonian Democrats, was limited to citizens. This returned the question again to the appropriate boundaries of political community. A delegate in Louisiana argued that the principle of “equal privileges and equal rights in the exercise of the inestimable privilege of suffrage” required that “we should first establish in the constitution what is essential to entitle one to become a citizen.”¹⁹⁹ As discussed above, most delegates in the antebellum period denied the citizenship of blacks. Sawyer in Ohio would refuse to support black suffrage “so long as I remember that we citizens are white men and that we have acquired this country (whether by fair, or foul means) and it belongs to us,” while at the same time insisting he adhered to the “motto of ‘equal rights to all exclusive privileges to none,’” a position he reconciled by advocating for colonization.²⁰⁰

Advocates for black suffrage would denounce the racial bounding of equal rights rhetoric: “it is all a mockery for you to boast of ‘equal rights and equal privileges’ and deny the exercise of elective franchise to them, while you extend it to those who come to this from a foreign country.”²⁰¹ But their unwillingness to defend social equality undermined their claim to the political equality advanced by Jeffersonian republicanism. Blacks were widely seen as the race “the farthest removed from us in sympathy and relationship of all into which the human family was divided,” and this ostensible lack of a sympathy was used rhetorically to place them outside of the scope of Jeffersonian equal rights.²⁰²

“When the franchise was given to all white citizens, they gave it to a class of men who were reached by the same common sympathies, who felt the same general influences, who participated in the same private, public, and political relations, and who had all the same general object. . . . [F]or that reasons they could permit aliens to become naturalized and electors. Why? Because when they become citizens their interests were the same in all the relations of life. The great error to the preventing foreigners to become voters was that it preserved amongst them a distinctive character, and so long as that was the case they stood towards us in a false relation. . . . He was, therefore, in favor of giving the utmost liberty to foreigners, that we might act with common sympathies, for a common end and object—but was this so with regard to

¹⁹⁹Ratliff, *Proceedings and debates of the Convention of Louisiana* (1846, 40).

²⁰⁰Sawyer, *Report. . . Ohio*, vol.2 (1851, 553).

²⁰¹Bruce, *Report. . . New York* (1846, 1016).

²⁰²Kennedy, *Debates and proceedings in the New-York state convention for the revision of the Constitution* (1846, 783).

the colored man? Unfortunately, it was not. He must always be governed by his social and not his political condition.”²⁰³

The racial ordering functioned to raise the costs for delegates of supporting the inclusion of blacks into the suffrage. Because so many of them were unwilling to question the exclusion of free blacks from social equality, their exposition of republican principles was unconvincing, unable to overcome the rejoinder that the terms of the ‘white male republic’ insisted upon an egalitarian republicanism only for those within a racially demarcated community. Advocates questioned the racial demarcation, and accordingly brought into question their commitment to the ‘white male republic’ and the constitutional settlement secured by the Jeffersonians. As we will see, this led to a pattern of disclaiming any intent to do just that.

The racial ordering, however, also provided space for laboring whites and immigrants to insist upon inclusion. Few of the delegates expressly based a claim to expanded suffrage for the laboring classes on the grounds of their white skin alone. Whiteness did not purchase equality. Instead, delegates made other claims to full citizenship, although these were often implicitly or explicitly circumscribed by race. For instance, Cummin in Pennsylvania argued that “that every white man that lived in Pennsylvania, who loved his country, and was willing to turn out and hazard his life in defence of its rights, had, or ought to have, the right to vote.”²⁰⁴ That is, he argued that the one should be enfranchised based upon his contribution while attempting to limit the legitimacy of this claim on racial and gender grounds. Republican equality was premised on other considerations than mere whiteness; being white was necessary, but insufficient.

Nonetheless, the racial ordering did give laboring whites and immigrants rhetorical leverage to insist upon their right to vote. On the one hand, delegates argued that the exclusion of whites from the suffrage lowered them to the level of free blacks, or even to slaves. In doing so, they were able to appeal to popularly resonant commitments of republican equality, whose substantive content was structured by reference to a white supremacist ordering. Thompson in Virginia argued for the expansion of the right to vote beyond the freeholding class, attacking those delegates who denied that non-freeholders had been injured by exclusion from the right: “because the non-freeholders have not been hung up without a Judge or Jury—because they have been allowed their civil rights, the gentlemen say they have not been injured. *Free negroes are allowed all their civil rights; the*

²⁰³Stow, *Report. . . New York* (1846, 1032).

²⁰⁴Cummin, *Proceedings. . . Pennsylvania*, vol.3 (1837, 168).

*non-freeholders no more.*²⁰⁵ By denying the right to vote to non-freeholders, Virginia was degrading these to the same social status as free blacks, both of whom enjoyed civil rights and not political rights.²⁰⁶ On the other hand, delegates drew upon the racially bounded understanding of community to suggest that the opponents of expanding suffrage on class lines were preferential to black men. M'Cahen of Pennsylvania charged a delegate with abandoning his race and giving preference to the "negro": "it is not to be forgotten that, on one occasion in this body, the gentleman was anxious to disfranchise a large class of the white population of this state; not of the coloured population, sir, but of the white population—his own peculiar race."²⁰⁷

Consent, Contribution, and Equality

For the most part, however, advocates for expanding suffrage on class lines claimed the right to vote based on their understanding of republican principles of contribution and consent of the governed. Both of these, however, were premised upon an understanding of belonging that most delegates recognized as bound by the institution of citizenship and the category of race.

Consent and Community

A natural right to consent to the laws to which one is subject offers perhaps the widest scope for suffrage expansion. There were delegates who claimed the right to vote for the disfranchised on the fact that they were governed, a claim prior to any contribution and vested in their status as free men with natural rights: "we claim the right of suffrage as freemen—we claim the right to choose our rulers—we will afterwards contribute."²⁰⁸ However, the universal potential of this claim was highlighted by delegates supporting a more restrictive suffrage, who argued that it would mandate the enfranchisement of all persons. These delegates traced out the logic of the claim to a position that few of the delegates were willing to support, as it would violate commitments to allegiance, white supremacy, and patriarchy. Arguing against abolishing the freehold qualification, Leigh

²⁰⁵Emphasis added. Thompson, *Proceedings and debates of the Virginia State Convention of 1829-1830* (1830, 418).

²⁰⁶This was likely a rhetorical ploy, as Thompson would be aware that free blacks did not enjoy full civil rights in Virginia. But the decision to use this language suggests its broader resonance.

²⁰⁷M'Cahen, *Proceedings. . . Pennsylvania*, vol.11 (1838, 53).

²⁰⁸Woodward, *Proceedings. . . Pennsylvania*, vol.3 (1837, 118). See also Mayo, *Proceedings. . . Louisiana* (1846, 98); Wilson, *Proceedings. . . Virginia* (1830, 351); Leigh, *Proceedings. . . Virginia* (1830, 398-99).

of Virginia declared that “I am incapable of conceiving any natural right. . . which is not common to every human being. . . . It is manifest, these rights belong not only to every man who pays public taxes and bears arms, but also to every woman and child in the community.”²⁰⁹ The implication was that the right to vote was not a natural right, with the reference to women and children a frequent tactic emphasizing what for the delegates was the evident absurdity of the position. Others would point to the exclusion of aliens, of free blacks, of slaves, of criminals, as revealing the political rather than natural nature of the right.

Precisely because of its potential universality, consent of the governed was understood in practice as a principle limited by community membership, with most delegates agreeing that the right to vote “attached to the individual upon his becoming a member of the community.”²¹⁰ The Virginia Declaration of Rights from 1776 provides a good example how the principle of consent of the governed was embedded within an understanding of community membership. Article 6 of the declaration reads “all men, having sufficient evidence of permanent common interest with, and attachment to, the community have the right of suffrage and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.” The principle of consent is here limited to men with common interest and attachment to the community, who alone are considered full members.

The language of common interest and attachment would recur throughout the conventions, and raised the question of what constituted evidence of ones interest and attachment. Here advocates of more restrictive qualifications along class lines or less restrictive qualifications on racial grounds were at a rhetorical disadvantage. The Jeffersonian tradition of praising the laboring classes and the small farmer meant that delegates in favor of restrictive suffrage were hesitant to deny their membership in the community, while their advocates in convention had the resonant languages of contribution and equality upon which to draw. But while white men were for the most part read into the community as full members, they could be read out based upon their behavior, social standing, their residence, or the character of their putative class. Property was one possible form of evidence of stake in society, and in New York and Virginia in the 1820s this was deployed to argue that only the freeholder was bound to the soil in

²⁰⁹Leigh, *Proceedings. . . Virginia* (1830, 399).

²¹⁰Cleavinger *Proceedings. . . Pennsylvania*, vol.2 (1837, 525).

such a way that gave them sufficient stake in society to be trusted with its governance: “to [the freehold farmer] belongs not only all the real property of the Commonwealth, but almost all of the personal property also, . . . they are the class . . . who hold the greatest stake in society; who are the only persons who have any stake that may not be withdrawn at pleasure. . . who therefore have, and actually take, the deepest interest in the public welfare.”²¹¹

Delegates in favor of expanding suffrage on class lines, however, had a powerful retort, namely that the poor man had an equal interest in life and liberty and these were conditioned upon the institutions of the state and its well-being:

“has the poor man no interest? Are his personal rights and safety nothing? Is the sacred right of conscience nothing? Is it nothing to him that he stands among men a man, equal to the highest and wealthiest? . . . Has he no attachments to his home, though it may be another’s? . . . Government to the poor man is his all! . . . All history proves that the poor man feels as great an interest in the Government of his choice as the rich—nay, if he might make a comparison he would say a greater.”²¹²

Others would argue that even where attachment or common interest was lacking, enfranchisement would help to ensure that this attachment was generated: “One gentleman (Mr. Quincy) had looked forward to our becoming a great manufacturing people. God forbid. If it should happen, however, it was not to be expected, that this modicum of property required would exclude the laborers in manufactories from voting. It was better to let them vote—they would otherwise become the Lazzaroni of the country.”²¹³ Advocates for suffrage reform argued that the laboring classes, blacks, and aliens would share attachment and common interest once they were enfranchised. In the South this often meant that laboring class whites would become committed to the defense of slavery.

“There is one other argument which ought to have some influence on this question [suffrage]. It is one of delicacy. . . . We find that all the slave-holding

²¹¹Leigh, *Proceedings*. . . *Virginia* (1830, 399).

²¹²Brown, *Proceedings*. . . *Pennsylvania*, vol.2 (1837, 490); Blake in Massachusetts would insist that life and liberty were “as dear to a poor man as to a rich man” and that “every subject therefore, involving only life or liberty, could be acted upon, with as good authority, by the poor as by the rich.” He was willing to leave the Senate as the guardian of property, “the rich man’s citadel,” but he insisted that the poor should have an equal stake in the assembly precisely because his life and liberty were invested in the government. Blake, *Journal*. . . *Massachusetts, 1820* (1853, 249).

²¹³Austin, *Journal*. . . *Massachusetts, 1820* (1853, 253). The lazzaroni were the poorest class in late 18th century Naples. They were seen as easily organized by demagogues, but perhaps more crucially, were fiercely royalist in their political inclination. Their devotion to the House of Bourbon ensured that French-established republican governments in Naples had little popular support. Their invocation in the American context usually presents them as a threat to republicanism.

States South of us, deemed it of the utmost importance to make all the free white men as free and independent, as Government could make them: and why? Sir, it is known that all the slave-holding States are fast approaching a crisis truly alarming: a time when freemen will be needed—when every man must be at his post. . . . Is it not wise now, to call together at least every free white human being, and unite them in the same common interest and Government? Surely it is.”²¹⁴

Even when the issue of free black suffrage was raised in the South some delegates put it in terms of securing their attachment to the state, and thereby securing slavery.²¹⁵ Others argued in favor of enfranchising aliens, as this would make them “feel and know that they had a permanent interest to sustain—and the welfare of the country to subserve.”²¹⁶

The delegates were debating membership in a community, whether it should rest on property, on residence, or on an equal interest in the protection of life and liberty. The important point, however, is that once this attachment and belonging were recognized, the grounds for exclusion from the suffrage were considerably weakened by republican commitments to equality and consent. For blacks, the categorical exclusion of the ‘white male republic’ dominated delegate understandings and imposed additional costs on their advocates than were imposed on disfranchised white men. A delegate to the North Carolina convention of 1835 asked “if there is any solid ground for the belief that a free mulatto can have any permanent interest with an attachment to this country?”²¹⁷ A delegate in Wisconsin in 1846 would reference this claim that free blacks could not have a shared interest in white society, and would juxtapose his position on black suffrage with alien suffrage: “I am in favor of withholding the elective franchise from the colored man for the same reason that I would confer it upon the foreign population,” because the foreign population had a capacity to be accepted as part of the community that the racial ordering of citizenship denied to blacks.²¹⁸

²¹⁴Morgan, *Proceedings . . . Virginia* (1830, 382).

²¹⁵In 1791 the authorities in St. Domingo “put the free colored men on the same footing with the whites, and it produced the happiest effects in attaching them to their interests. But some years afterwards, the French Government again deprived them of their privileges, which had the effect of throwing them into the ranks of the slaves, and of course, they felt a common interest with them, and the consequence was the dreadful catastrophe which afterwards took place.” Holmes *Proceedings . . . North Carolina* (1836, 354).

²¹⁶Fox, *Journal of the Convention to form a constitution for the state of Wisconsin, Begun and Held at Madison, on the Fifteenth Day of December, 1847* (1848, 153).

²¹⁷McQueen, *Proceedings . . . North Carolina* (1836, 78).

²¹⁸Clark, *The Convention of 1846* (Quaife 1919, 278).

Contribution to a Community

The republican emphasis on the principle of contribution, which Jefferson had been advocating in the late 18th century and which was deeply embedded in the Jeffersonian understandings of American citizenship, was an especially important argument in the conventions. It had the potential to be a limiting principle, and by the 1830s advocates of maintaining a taxpaying qualification were deploying Jeffersonian republican language to this effect: “the doctrine of taxation and representation was a republican doctrine. The people were sovereign, but no man ought to exercise any right in a community he did not assist to maintain. Every citizen, however, who contributed to the support of the community, ought to be entitled to vote.”²¹⁹

The Jeffersonian language of contribution, however, was especially powerful in supporting expansions of the suffrage. Not only did the language of equality and class virtue that had been so strong in the democratic-republican societies have broad resonance, calling into question the distinction between the contributor and non-contributor, but the institutional arrangement of the militia likewise gave powerful rhetorical tools for the securing of suffrage for the laboring classes. The language of class virtue and equality before the law, key features of Jeffersonian understandings of citizenship, were deployed to insist upon a leveling of contribution. Democrat and future vice-presidential candidate for the Liberty Party Thomas Earle would assert that the “poor laboring man” contributed more to the community than the rich: “He works upon your highways, pays a tax on nearly all he wears, on nearly all he eats, and on nearly all that his family wears, and his tax is infinitely greater than that of the wealthy man. He is, too, a producer in the community and both the wealthy and his country are reaping an advantage from his labor.”²²⁰

The language of class virtue would also be deployed to insist upon the community membership and contribution to society of the laboring classes. Cramer of New York would assert that “more integrity and more patriotism are generally found in the labouring class of the community than in the higher orders,”²²¹ while Van Buren would

²¹⁹Porter, *Proceedings... Pennsylvania*, vol.3 (1837, 125); Edwards argued in New York in 1821 that while he “disclaimed any sentiments in favour of artificial distinctions in society,” thereby answering to the charge of establishing un-republican inequalities, “he did believe, that there were many who were not qualified to exercise this right. In his view, taxation and representation should go hand in hand.” Edwards, *Reports... New York* (1821, 281).

²²⁰He would further proclaim that “My democracy is that which was advocated by Jefferson, my religion that of the New Testament.” Earle, *Proceedings... Pennsylvania*, vol.2 (1837, 555).

²²¹Cramer, *Reports... New York* (1821, 239).

describe “this class of men, composed of mechanics, professional men, and small landholders” as “constituting the bone, pith, and muscle of the population of the state.”²²² The valorization of the laboring classes was very much part of the Jeffersonian language of republican citizenship, and enabled a rhetorical leveling of contribution away from taxation and services and to the broader sphere of participation in the market and labor force.

A legacy of the Revolution was the development of a largely democratic militia. It was democratic in that it was broadly constituted—every able-bodied free white male between the ages of 18 and 45 being required to participate, or purchase their exemption—and in that many of the militias were democratically structured, with each level choosing its immediate officers. The broad basis upon which the militias were founded meant that this language, and especially the resonant language of sacrifice and service, was available not just to secure particularistic benefits for specific individuals but to secure rights for an entire class of persons.²²³ Because every able-bodied free white male citizen was liable to do militia service, after a very limited period of residence, delegates in favor of broader suffrage provisions were able to argue that this entire class of persons should be enfranchised.

The claim of militia service as entailing a right to suffrage drew upon the language of equality and working class virtue that had been so important in the early period of the Jeffersonian regime, and it likewise entailed a veiled threat that were they excluded from the right of suffrage their “ardor would be chilled.”²²⁴ As a claim to equal standing within the community, militia service was especially important. Fuller in Pennsylvania argued that “the poor man alone was called to do military duty in time of war, while the rich man provided a substitute, instead of going in person.”²²⁵ Memorialists to the Virginia convention of 1829 argued that the claim that non-freeholders were “too ignorant and vicious” to enjoy the right of suffrage was not believed by the freeholders themselves: “why, else, are arms placed in the hands of a body of disaffected citizens, so ignorant, so depraved, and so numerous? In the hour of danger, they have drawn no invidious distinctions between the sons of Virginia.”²²⁶ In New York in 1821, delegates opposing

²²²Van Buren *Reports... New York* (1821, 257).

²²³A number of states sought to tie the suffrage to militia service, in the form of a particular benefit to those who served for a given period of time. More commonly, however, the invocation of militia service and sacrifice was used to apply to the class of white men more broadly.

²²⁴Richardson *Journal... Massachusetts* (1820, 253).

²²⁵Fuller *Proceedings... Pennsylvania*, vol.2 (1837, 537).

²²⁶Proceedings ... Virginia (1830, 27).

property qualifications for the Senate insisted that it was the poor and laboring classes who bore the burdens of war most heavily, who contributed and sacrificed the most for the country, and who should accordingly be recognized as equals with the propertied and well-off: “how was the late war sustained. Who filled the ranks of your armies?”²²⁷ The claim of militia service was perhaps most resonant in regards to war, but even the burden of regular musters and preparation was considered to be akin to a tax and an important form of contribution to the community: “Young men of twenty one years old were subject to a poll tax and to the obligation of performing military duty, which is a heavy tax.”²²⁸

Legitimations founded on militia service, however, could also be deployed to justify exclusions. The barring of blacks and aliens from the militias gave delegates who desired their exclusion an argument that resonated with Jeffersonian republicanism’s contributory frame. This was most expressly put forward by Erastus Root in the New York convention of 1821, who argued that the republican principles of contribution are embedded in an understanding of the community as constituted by those who have an interest in it and who owe it allegiance. Root articulated the principles of contribution as demarcating the political family—“the social compact”—in which popular sovereignty should be vested:

“In my judgment, every one who is taken into the bosom of that family [the social compact], and made to contribute, either in property or personal service, to the benefit of that family, should have a voice in managing its concerns. It cannot be denied that the preservation of property is a much less consideration, than that of a security in our liberty and independence. Every member of this political family who is worth to be one of its members, will prize much higher the freedom of the country, than the preservation of property.”²²⁹

This understanding of the community provided him with the rationale for extending the suffrage to the laboring classes, especially in the countryside, as well as legitimating the exclusion of aliens and blacks: “in case of an invasion or insurrection, neither the alien nor black man is bound to defend your country. They are not called on, because it is supposed there is no reliance to be placed in them, they might desert the standard and

²²⁷Tompkins *Reports*. . . *New York* (1821, 235). “[T]hese are the men who constitute your defence in war. . . Men, who in defence of their liberties, and to protect the property of this country, have hazarded their lives.” Cramer *Reports*. . . *New York* (1821, 239).

²²⁸Foster *Journal*. . . *Massachusetts* (1820, 412).

²²⁹Root, *Reports*. . . *New York* (1821, 185)

join your enemy—they have not an anchorage in your country which the government is willing to trust.”²³⁰ Upon the initial failure of the New York convention to include the word ‘white’ in the suffrage qualifications, he proposed an amendment that would have excluded any person who “if an able bodied man, and within the proper age prescribed by the laws of the United States” was not “liable to the performance of militia duty.” This achieved the exclusion of aliens and blacks on a non-categorical basis. Root, however much he may have been driven by racial animus, was at least consistent. He was willing to allow their inclusion should Congress determine them liable for militia duty, and indicated that he would also be willing to exclude white men who did not perform militia service or were not liable for reasons of residence.²³¹

It is important to distinguish between the militia and the regular army. Service in the first was invoked to include free white men, as a class, while excluding aliens and blacks. It was seen, because of its democratic, egalitarian, and contributory character, as a firm republican basis for inclusion within the suffrage, as a marker of attachment and contribution to the community. The regular army, by contrast, was seen in a different light. This is at least partly evidenced by the pattern of suffrage qualifications relating to each. At least 4 states had an explicit militia suffrage provision, in which those who did service or were liable to do service in the militia were extended the right to vote.²³² By contrast, a number of states had provisions that excluded non-officers serving in the regular army or navy of the United States from voting, or from acquiring residence as a function of being stationed in the state.²³³

²³⁰Root, *Reports... New York* (1821, 185). Allegiance, along with contribution, was of central importance to Root. “An alien is sometimes permitted by a particular law to hold property; and if he is an able bodied man, he is required to fight in defence of this country, yet he is not allowed to vote. The reasons are, that notwithstanding he may live among us and enjoy the benefit of our freedom, he may have a partiality for some foreign country; therefore, he is not to partake fully of our privileges till after a certain probationary season.”

²³¹Root, *Reports... New York* (1821, 202).

²³²Connecticut from 1817 to 1844 had such a provision, as did Florida from 1838 to 1846, Mississippi from 1817 to 1831, and New York from 1821 to 1825.

²³³Alabama had an exclusion on soldier voting from 1819, when it was admitted as a state, through until 1868, when the Reconstruction constitution allowed soldiers to vote provided they would otherwise have been state residents. Arkansas followed the same trajectory, as did Indiana, although the latter did not alter the provisions of the constitution after the Civil War. Louisiana and Missouri likewise barred United States soldiers, seamen, and marines from voting, the former from 1845, the latter beginning in 1820. South Carolina, Texas, and Virginia barred United States soldiers from voting beginning in 1810, 1845, and 1830 respectively. California (1849), Delaware (1831), Florida (1838), Illinois (1848), Iowa (1846), Maine (1819), Michigan (1835), Minnesota (1858), New Jersey (1844), New York (1846), Ohio (1851), Rhode Island (1842), and Wisconsin (1848) had constitutional provisions which stated that United States soldiers did not gain residency from a posting in the state, as did a number of the territories in the

Debates in Louisiana in 1845 provide indications of the reasoning that underlay the exclusion of soldiers. A resolution barring from the suffrage to “persons of unsound mind, paupers, non-commissioned officers, soldiers, marines in the service of the United States, and all persons convicted of any crimes deemed at law to be felony” was offered by delegate Voorhies, who claimed that soldiers and sailors in service of the United States “could not be considered permanent citizens, and as having any real interest in the affairs of the State.”²³⁴ When another delegate protested that this might bar native-born Louisianans from the suffrage, Voorhies replied by invoking the claim that the soldier was under the command of others: “for a native of Louisiana enrolling as a soldier, and subject to be sent from one part of the country to the other, and to be under the orders of his officers, ought just as much to loose [sic] the privilege of suffrage as any other citizen.”²³⁵

A heated debate erupted when Mr. Taylor of Assumption parish argued that the principle outlined by Voorhies would embrace commissioned officers as well: “the principle was the same, and should be applied equally. It may be said that a soldier is subject to the orders of his officers, and is dependent upon their will; that he has contracted for his services. But the same thing may be said of the officer. He, too, is subject to the orders of his superior officer. There should be no discrimination between the officer and the soldier, for the principle of excluding one applies equally to the exclusion of the other.”²³⁶ Delegates who defended the inclusion of the officer rather than the soldier pointed to their being “among the most gallant portion of our countrymen,” “distinguished commander[s]...and others who were fast ascending the ladder of fame.”²³⁷ They said that it would be an “invidious distinction” to exclude officers who were, even when originating from other states, “essentially, in every respect, citizens of the State” and “much identified in its prosperity and the prosperity of our common country.”²³⁸

organic laws drafted by Congress. One obvious pattern of these provisions is their sectional character: with the exception of Indiana, all of the states with blanket exclusions on soldier voting were slave states. Those that allowed voting by those in service to the United States if the person in question would otherwise be a state resident were more evenly distributed, although they tended to be on the frontier, states bordering Canada, or on the Atlantic seaboard, suggesting a possible correspondence with garrisons or with increased military activity, such as the increased role of the army in the Seminole Wars in Florida.

²³⁴Voorhies, *Proceedings... Louisiana* (1846, 852).

²³⁵Voorhies, *Proceedings... Louisiana* (1846, 853).

²³⁶Taylor, *Proceedings... Louisiana* (1846, 853).

²³⁷Chinn, *Proceedings... Louisiana* (1846, 854); Conrad, *Proceedings... Louisiana* (1846, 855).

²³⁸Guion, *Proceedings... Louisiana* (1846, 854); Conrad, *Proceedings... Louisiana* (1846, 855); Chinn, *Proceedings... Louisiana* (1846, 854).

This last part is crucial. It was not only the class bias of the delegates in favor of the officer, but the belief that this class was embedded in the community that merited their inclusion. And it was upon this basis as well, more so than that of dependency, that led Taylor to claim that officers as well as soldiers should be excluded: “it is not on the ground of dependence that I think the exclusion should rest. It should be placed on the broad ground, that persons in the militia service of the United States neither have, nor can have a proper civil residence.”²³⁹

The army, in contrast to the militia, was potentially neither part of the ‘people’—being composed of people who were not embedded in the community—nor was it sufficiently republican and democratic in organization. Accordingly, the argument of sacrifice and contribution was potentially less effective for persons serving in the army or navy rather than the militia.²⁴⁰

The republican principle of consent of the governed, while holding a potential universalism premised on being subject to the laws of a jurisdiction, was restricted to membership within a community. It did not apply in its practical deployment to those who did not owe allegiance or were not recognized as full members. The Jeffersonian language of contribution, and especially military service, initially offered a powerful rhetoric in support of inclusion. It too, however, was embedded in an understanding of community that was racially restricted. The Jeffersonian ideal of citizenship’s emphasis on contribution and popular sovereignty did not mandate inclusion—and in fact gave powerful rhetorical tools to those interested in maintaining an exclusionary suffrage qualification. Nonetheless, on balance it provided those seeking an expansion of the suffrage greater rhetorical leverage. But the degree to which it did was structured by the ideas of political belonging. While the principles of consent of the governed and contribution were not necessarily predicated on the exclusion of ascriptively or institutionally defined categories of persons—blacks or aliens—they were embedded in an understanding of community and belonging in which citizenship and race were especially resonant, thereby giving delegates the tools to rhetorically position certain groups as outside the community.

This is not to say that all political agents shared these views, or that their implications and boundaries were uncontested. Rather, it is to say that delegates recognized,

²³⁹Taylor, *Proceedings... Louisiana* (1846, 854).

²⁴⁰After service or the conclusion of a war, this changed considerably, and delegates would argue that sacrifice and service in the military during wartime demonstrated allegiance and merited inclusion.

deployed, and in the process, reconstructed a language that was broadly resonant and that appealed to an understanding of the proper basis for full inclusion within the rights of citizenship. This understanding structured the debates in the conventions as well as in broader political mobilizations, distributing the opportunities and constraints implicit within it differentially across population categories. To be clear, I am not suggesting that the dynamics inside the conventions were of sole or primary importance. In some cases delegates had considerable leeway in determining what the qualifications would be, while in others they represented a well-organized movement that had secured pledges on the issue of the suffrage, backed up by the organizational apparatus of the parties. In these cases, convention dynamics likely only mattered on the margins.²⁴¹ However, the dynamics identified in the conventions played out on the campaign trail as well. Parties would be attacked for their positions on the suffrage, and votes taken in conventions would be referenced for decades after. The rhetorical constraints of debate did matter, but just as importantly, the ideas of the Jeffersonian citizenship structured politics in considerable part because they had become embedded in the expectations and calculations of organized political coalitions.

Public Opinion, Signaling, and Parties

The most important aspect of the political context in which these debates took place was that of elections, in which political coalitions sought to mobilize support among a broadly enfranchised adult male electorate. Delegates were variously sensitive to constituent sentiment and public opinion, and sought to respond to their expectations about these as well as rhetorically marshal them in support of desired policies. Public opinion helped lock-in most of the enfranchisements of the antebellum period, with parties unwilling to risk alienating sizeable portions of the electorate by advocating their exclusion. Despite this project's emphasis on long-term exclusions from the right to vote, these factors were important in expanding the suffrage in the antebellum period. And despite

²⁴¹One such instance was New York in 1821, where it was had seemed that there was a majority in favor of some form of exclusion but where the progress of the debate led to its rejection, and ultimately a compromise position in which the commitment to no taxation without representation—which had been the animating principle of the Bucktails in demanding a convention—was adhered to by only enfranchising blacks with property worth more than \$250 and exempting those with less from taxation. In only a few of the conventions was the strength of one coalition so considerable that the ultimate result was not in doubt, and so convention dynamics did have an important role in shaping the ultimate result.

the focus on the ideational component of belonging—the ideological demarcation of a white republican people—the practical considerations of political agents competing for power were always in play. We should not, however, think of these as exclusive phenomena, that an ideas-focused account must stand in stark contrast and opposition to a party-based account. Nor should we rely on an analytical identification strategy in which the presence of one implies the other was not operative or important. Rather, we need to assess the degree to which the political coalitions and the expectations and calculations of political activists were key mechanisms by which the ideas of American political identity structured politics.

I look first at how delegates' understandings of the popular resonance of the ideas of political community structured their behavior, and how they used the ideas of Jeffersonian citizenship to signal commitments and threats to important constituencies. I then extend this analysis to the level of the political party, showing that parties coordinated the positions of their members with a concern toward the popular resonance of the 'white male republic' and with an eye to easing tensions with their coalitions. I additionally focus on how the party served as an institutional space incentivizing the defense of these ideas, thereby generating a positive feedback that helped embed the 'white male republic' in the political calculations of agents amid increasing sectional and class discord.

Delegate Behavior: The Electoral Connection and Signaling

Almost all of the delegates were elected; most were political activists; many were elected in closely fought campaigns, in which they were obliged to take positions, sign pledges, and hear the preferences of their constituents. In every convention, most delegates were concerned with not taking positions too far removed from the preferences of their constituents. Additionally, they consciously recognized their positions—and the constitutions they were drafting—as signals for political agents. Some delegates sought to mobilize popular opposition to black suffrage, for instance, by insisting that it would degrade white labor. They used the issue of black suffrage to signal a threat to their own constituency's interests, a claim that only made sense within the white male republic's demarcation of class equality within a racially bounded community. This is less a matter of the 'wages of whiteness,' although certainly a psychological wage was of some importance (Roediger 1991). While it was logically possible that racial political equality would not mean the undermining or degradation of white labor, anti-black suffrage delegates

sought to frame the motivations of pro-black suffrage delegates as being motivated by a desire to subordinate white labor. This signaled a willingness to question the Jeffersonian settlement, a settlement that had established the broad terms for the continuation of the Union and the incorporation of the white working classes. The white working classes had a stake in the success of this settlement, and they were being reminded of this in no uncertain terms by the delegates in convention.

The most important signal, however, was over slavery. In various conventions, none more so than Pennsylvania's in 1838, the need to assuage southern fears of northern abolitionist tendencies was an important motivation in barring blacks from the franchise. At the same time, abolitionist and anti-slavery delegates embraced the cause of black suffrage in order to signal a broader opposition to the demands of the South. Disfranchised groups often need enfranchised allies to press their cause and to place their disfranchisement on the political agenda. The abolitionist and anti-slavery movements would provide allies to the free black communities in pressing for inclusion within the suffrage. Both of the major political parties, albeit the Democrats more than the Whigs, would react to these demands by attempting to defend black exclusion while not being seen as overly sympathetic to an increasingly disliked southern slaveholding class.

Public Opinion

Public opinion or constituent instructions were frequently raised in discussions on suffrage, for blacks, aliens, and in debates over property and taxpaying qualifications. These references sought to justify a given policy position by alluding to the importance and tendency of public opinion, or by explaining that they had been instructed by their constituents to take said position. Loudon in 1851 Ohio insisted that "there is a feeling... in the section of the country I come from, upon that one particular subject... that outweighs perhaps, all other feelings.... A majority of the people of the county I represent, without regard... [to party] believe... that this should be a State for the white man, and the white man only."²⁴² Shellito in Pennsylvania announced that "he had received some instructions [from his constituents]," whose substance was "against allowing the blacks to vote."²⁴³ Ratliff in Louisiana argued that "the property qualification was odious with the people, and had been disregarded," and that he himself opposed this qualification "because such is the declared wish of the people."²⁴⁴

²⁴²Loudon, *Report... Ohio*, vol.1 (1851, 28).

²⁴³Shellito, *Proceedings... Pennsylvania*, vol.10 (1838, 113).

²⁴⁴Ratliff, *Proceedings... Louisiana* (1846, 59, 99).

Delegates drew upon public opinion to buttress their positions and, if they believed their positions might be unpopular, sought to explain their motivations to their constituents. Marigny in Louisiana offered a very limited black suffrage amendment in the convention, which he withdrew after a few days. His explanation is telling in its suggestion of the importance of public opinion in structuring the positions that delegates were willing to take, and in the lengths to which they would go to ensure that their motivations were not misconstrued when they were found to be against popular opinion:

“a few days ago I laid upon the desk a section to be inserted under the head of general provisions. The object of the section was to empower the legislature to extend the right of citizenship to persons of colored origin, whenever required by the public interest. *But public opinion being against the measure, and many of the members of the Convention who seemed to approve of it, having since expressed themselves against it, I am now satisfied that it would be rejected.* I believe it is my duty to withdraw it. *I trust that the members of the Convention of the State at large will do me the justice to believe that my motives were pure.*”²⁴⁵

The importance of public opinion in structuring delegates’ behavior can be seen in the strategies of disclaiming engaged in by delegates. Delegates were frequently concerned with assuring their constituents that they did not have affection or sympathy for blacks, that they were not aristocratic in tendency, or that they did not harbor any ill will or prejudice toward immigrants. Some delegates were careful to disclaim hostility against blacks, although disclaiming sympathy was more common. A considerable number of delegates who supported black suffrage rights would disclaim support for abolitionism, just as those who opposed black suffrage would disclaim support for slavery.

Delegates opposed to removing property or pecuniary qualifications sought to ensure that in supporting these they were not in favor of aristocratic governance or in denying the virtue of the laboring classes. Barbour in Virginia insisted that his position on property qualifications for the suffrage was not aristocratic: “I am told to insist upon connecting the Right of Suffrage, with an interest in the soil, is aristocracy; rank aristocracy. Sir, this is a grave charge, and I shall certainly be the last to advocate any measure, against which such a charge will justly lie.”²⁴⁶ Barnett in Ohio sought to correct a belief

²⁴⁵Marigny, *Proceedings... Louisiana* (1846, 831). Emphasis added. I suggest that it is also telling that it was the Democratic president pro tempore and Creole nobleman Bernard de Marigny who offered the resolution. Marigny had been an important figure throughout Louisiana’s antebellum history, and had served in the 1812 convention as well. Few others would have been able to offer the amendment, and Marigny’s language is couched in hesitation.

²⁴⁶Barbour, *Proceedings... Virginia* (1830, 436).

that, he worried, “had gone abroad about the State, and among his constituents,” that he was in favor of a property qualification: “It had been said that he had been in favor of a property qualification. . . . There was no such thing.”²⁴⁷

In the early part of the antebellum period, delegates would disclaim support for universal suffrage, which continued to suffer in some quarters from its association with the ‘excesses’ of French republicanism: “he was not the advocate of universal suffrage. That doctrine could not be sustained on any principle.”²⁴⁸ Subsequently, as the valence of the term ‘universal suffrage’ became more positive, supporters of black and female suffrage sought to expand its meaning to encompass these categories. Delegates who supported universal suffrage as white manhood suffrage sought to assure the convention that they did not embrace the new meaning. In Indiana a delegate debating a resolution that called for universal suffrage, stated that “According to our general understanding of the right of universal suffrage, I have no objection to the adoption of the resolution; but if it be the intention of the mover of the resolution to extend the right of suffrage to females and negroes I am against it. ‘All free white male citizens over the age of twenty one years’— I understand this language to be the measure of universal suffrage: that there shall be no property qualifications, no religious tests.”²⁴⁹

These strategies of disclaiming—of explaining a delegate’s motivation so as to avoid being liable to the charge of violating understandings of white male citizenship—were especially common in debates over black suffrage. Delegates were concerned with being seen as sympathetic, or unnecessarily hostile, toward black men. Platt in New York defended his position in favor of black suffrage by noting that “I am not disposed, sir, to turn knight errant in favour of the men of colour.”²⁵⁰ Merrill, who supported a limited enfranchisement of black Pennsylvanians, disclaimed sympathy as well as the question of abolitionism: “he had no prejudice in their favor.”²⁵¹ Biddle, in the same convention, defended his support for black suffrage by saying that while he was willing to admit them, they were “not a desirable species of the population” and he “should not prefer them as a matter of choice.”²⁵²

I suggest that the pattern of disclaiming is revealing as to delegates reading of public sentiment on these issues. They sought to disclaim sympathy for blacks, support for abo-

²⁴⁷Barnett, *Report. . . Ohio*, vol.2 (1851, 638).

²⁴⁸Blake, *Journal. . . Massachusetts* (1820, 411).

²⁴⁹Kelso, *Report. . . Indiana* (1850, 172).

²⁵⁰Platt, *Reports. . . New York* (1821, 374).

²⁵¹Merrill, *Proceedings. . . Pennsylvania*, vol.10 (1838, 5).

²⁵²Biddle, *Proceedings. . . Pennsylvania*, vol.9 (1838, 332).

lition, or support for black suffrage. By contrast, they sought to disclaim hostility toward the laboring classes, support for aristocracy, or the charge of aristocratic upbringing. The contrast is especially vivid with regard to immigrants and blacks. While many delegates did seek to disclaim hostility toward blacks, suggesting that they took their positions not from prejudice but from concerns for public policy, and regretted the conditions that made black exclusion exigent, most disclaimed sympathy or affection. By contrast, while some delegates—and many in the associated nativist movements—attacked immigrants as a class, it was primarily those who supported differential treatment of native and naturalized citizens or opposed alien suffrage who disclaimed hostility or prejudice.

Many delegates in favor of restricted rights on aliens or naturalized citizens denied any common feeling or association with the different nativist parties. A delegate opposing an alien suffrage provision in the Wisconsin convention of 1846 denied any association with the Native American party, saying that “he had no feelings in common with that party.”²⁵³ A delegate in Louisiana supporting a provision that would restrict access to the governorship to native-born citizens argued that an opposing delegate “is mistaken, greatly in error, if he supposes that the section under consideration was ever conceived or thought of, under what he pleases to term the doctrine of ‘nativism.’”²⁵⁴ Others wanted to make it clear that the positions they were taking were not motivated by antipathy, lest they generate opposition to future campaigns among immigrant populations. Woodward in Pennsylvania wanted it to be “understood that I cherish no prejudice against foreigners, I entertain no feeling of unkindness towards them, from whatever part of the world they may come, nor would I do any thing which should have a tendency to proscribe them from coming,” while Grymes in Louisiana insisted that “it must not be conceived. . . that I am the enemy, or would, if I could, prevent our shores from being the asylum of all those that choose to seek them.”²⁵⁵

The different tendencies of disclaiming for black and immigrant suffrage suggests that delegates who favored the former and those who opposed the latter were more likely to be on the defensive, along with those who did not wish a further expansion of the suffrage on class lines, rhetorically positioning themselves so as to not violate popular standards or offend enfranchised communities. This did not necessarily mean that they always lost, but rather that delegates were aware of and sensitive to public opinion on these issues, and that the desire to avoid violating the resonant ideals of the

²⁵³Bevans, *Convention of 1846* (Quaife 1919, 219).

²⁵⁴Benjamin, *Proceedings. . . Louisiana* (1846, 220).

²⁵⁵Woodward, *Proceedings. . . Pennsylvania*, vol.5 (1837, 446); Grymes, *Proceedings. . . Louisiana* (1846, 105).

‘white male republic’ was a motivating factor in position taking. Strategies of disclaiming reveal a concern among delegates with ensuring that their motivations and preferences be known to their constituents.²⁵⁶

Delegate disclaiming and their broader attention to public opinion was motivated by a concern that altering the terms of citizenship would hurt them electorally, reflecting a belief on their part that the public was committed to this ideal. The tallies on black suffrage referenda in the late antebellum period (Table 5.1) strongly suggest that they were correct in this assessment. And while the low turnout in these votes relative to turnout in comparison elections suggests that black suffrage was not an issue that motivated the majority of the electorate, delegates did believe popular preferences on this matter were quite intense. McQueen of North Carolina argued that the “current of public sentiment sets strongly against their exercise of this right,”²⁵⁷ while others warned of riots and bloodshed—of whites attacking black men who attempted to vote: “in the city of New York, negroes would never be permitted to come up to the ballot boxes, or if they did come, it would only to be bought and sold like cattle in the market. Riots and violence would be the order of the day.”²⁵⁸

Delegates drew on what they claimed was a strong antipathy against blacks in order to buttress their opposition to black voting rights. They were of course political agents in a party system that actively made sympathy with blacks a campaign issue, and which saw the local leaders of the Jeffersonian and Democratic coalitions encouraging violence against blacks, and so their invocation of public hostility has a measure of chutzpah. But the public disturbances that did occur on this issue, especially on the issue of abolitionism, and the frequent deployment of race-baiting in political campaigns suggest that commitments to white supremacy had a strong resonance with a constituency that had intense preferences on this issue.

²⁵⁶Williams in New York spoke to the worry of delegates in being seen as opposing the preferences of their constituents when he stated “we have been told. . . that gentlemen have pledged themselves on this question; and that they cannot and dare not vote against universal suffrage.” Williams, *Reports. . . New York* (1821, 252).

²⁵⁷McQueen, *Proceedings. . . North Carolina* (1836, 77).

²⁵⁸Perkins, *Report. . . New York* (1846, 1043). Hopkinson in Pennsylvania reminded the convention that “attempts have been made in some counties to bring these people to the polls, and unpleasant excitements have attended them.” Hopkinson, *Proceedings. . . Pennsylvania*, vol.10 (1838, 96).

Table 5.1: Referenda Results for Different Suffrage Qualifications

State (Year)	Issue	For (%)	Against (%)	Comparison Election	Turnout (% of Comp.)
Massachusetts (1820)	Taxpaying Qualification	18,702 (64.8%)	10,150 (35.2%)	53,762	28,852 (53.7%)
New York (1846)	Black Suffrage	49,651 (25.2%)	147,282 (74.8%)	472,090	196,933 (41.7%)
Wisconsin (1846)	Black Suffrage	7,664 (33.1%)	15,505 (66.9%)	34,350	23,169 (67.5%)
Connecticut (1847)	Black Suffrage	4,769 (21.5%)	17,453 (78.5%)	64,182	22,222 (34.6%)
Wisconsin (1849)	Black Suffrage	5,265 (56.4%)	4,075 (43.6%)	30,000	9,340 (31.1%)
Michigan (1850)	Black Suffrage	12,840 (28.6%)	32,026 (71.4%)	45,602	44,866 (98.4%)
Connecticut (1855)	Literacy Test	17,275 (58.0%)	12,518 (42.0%)	64,534	29,793 (46.2%)
Massachusetts (1857)	Literacy Test	23,833 (63.4%)	13,746 (36.6%)	130,582	37,579 (28.8%)
Wisconsin (1857)	Black Suffrage	24,000 (40.0%)	36,000 (60.0%)	89,000	60,000 (67.4%)
Iowa (1857)	Black Suffrage	8,479 (14.7%)	49,267 (85.3%)	79,497	57,746 (72.6%)

Sources: Benson and Silbey (1984), Dykstra (2005), Finkleman (2006, 191), Field (1982), Haynes (1898), Hartwell (1910), Renda (2002), *Journal... Wisconsin* (1849, 19), Whig Almanac and United States Register, multiple years.

Comparison elections: MA 1820, gubernatorial election; NY 1846, gubernatorial election of 1844; WI 1846, vote on constitution; CT 1847, presidential election of 1844; WI 1849, gubernatorial election; MI 1850, vote on constitution; CT 1855, gubernatorial election of 1857; MA 1857, gubernatorial election; WI 1857, gubernatorial election; IA 1857, vote on constitution.

Signaling and the ‘white male republic’: Working Class Whites

Explaining the popular resonance of the ‘white male republic’ is an important theme in studies of American political development and historiography. There has been a considerable literature highlighting and seeking to explain the intensity of white supremacy commitments and heightened conflict on racial lines among the working class, with a variety of accounts advancing some form of ‘wages of whiteness’ claim, that the white working class opposed black rights and embraced white supremacy as a compensation for their own declining status (Roediger 1991).²⁵⁹ But in focusing their attention on the violence and intensity of white supremacy among the white working classes, these works often obscure the wide class distribution of these commitments. When Frederick Douglass walked arm-in-arm with two white women down Broadway, he recorded disgust among both the “refined” and the “vulgar.” When delegates asked whether anyone was willing to invite the ‘negro’ to their table, very few responded in the affirmative: “when we saw ladies of the highest respectability met in grave assembly, and passing resolutions in favor of what they called their coloured brothers and sisters, while, at the same time they would not associate, or intermarry with them, how could we believe that they were in earnest when they talked as they did?”²⁶⁰ While economic and other factors certainly exacerbated tensions between laboring class blacks and whites, this conflict was premised upon an understanding of belonging that constructed race and citizenship as the fundamental axes of membership in the community and that sustained a set of in-group/out-group categories that was premised upon a racial demarcation between the black and the white.

These understandings of belonging were associated with a set of institutional arrangements in which laboring, middle, and upper class whites had an important stake, none more important than the Union itself. The idea of the ‘white male republic’ had political force because a considerable portion of the population, and a variety of organized constituencies, believed that disrupting the ‘white male republic’ would undermine a political settlement that had provided the context for the preservation and expansion of the Union and the relatively stable incorporation of the laboring classes and immigrants into political life. This is evident in the efforts of delegates to oppose black suffrage by

²⁵⁹This is not a reading unique to the historiography, but was also suggested by contemporaries: Darlington in Pennsylvania noted that “the only pre-eminence between [the white laboring classes] and the blacks, was their colour. Take away that pre-eminence, and they possess no advantage over them, and have nothing to say.” Darlington, *Proceedings... Pennsylvania*, vol.10 (1838, 90).

²⁶⁰Martin, *Proceedings... Pennsylvania*, vol.9 (1838, 322).

signaling to interested constituencies the supposed second-order effects of black enfranchisement on the civic status of working class whites and on the stability of the Union itself.

Delegates opposed to black suffrage, especially Democrats between the 1830s and 1850s, would argue that the inclusion of blacks into the suffrage would degrade the status of white laboring classes. Although the economic position of the laboring classes had become in many ways more tenuous, as they had become more dependent on wage labor in an increasingly national market, they had been actively incorporated into political life, primarily through the Democratic Party. Property qualifications for suffrage and office-holding had been removed, as had taxpaying qualifications in a number of states. And, importantly, their civic status as “virtuous mechanics,” embodying the principles of republican independence, continued to resonate, despite the increase in labor mobility and the changing composition of the laboring classes. In popular press and in political campaigns, the laboring classes were encouraged to compare their situation under American republicanism to that which they would suffer under European aristocracy, and there was an ongoing effort to ensure that the laboring classes believed that their civic status and economic welfare was secured through the institutions of American citizenship. By opposing black suffrage on the grounds that it would degrade the status of white labor, delegates were signaling a threat to the understandings of American identity upon which the civic status of white male workers was premised.

Racial equality, delegates claimed, threatened to undermine the arrangement of citizenship that had secured to the white male worker a measure of class equality. Russell of New York hoped, in 1846, that “there was no class of men, in this body, or in the state, who advocated negro suffrage, for the intended object of degrading our white laboring classes to the same servile condition of that class in other countries.”²⁶¹ Delegates in Pennsylvania were especially likely to present black suffrage as the degradation of the white laboring classes. Opponents of black suffrage argued that by disfranchising blacks the state “will not then be the receptacle of fugitive slaves, or runaway negroes from slave holding states, as she is now. . . to much and increasing disadvantage to the honest and industrious mechanics and working classes of our society.”²⁶² Brown in Pennsylvania asked whether any man would “place the poorest white man, who goes to the polls with the highest, and deposits his vote as fearlessly, on the same footing with the negro?”²⁶³

²⁶¹Russell, *Report. . . New York* (1846, 1019).

²⁶²Martin, *Proceedings. . . Pennsylvania*, vol.9 (1838, 322).

²⁶³Brown, *Proceedings. . . Pennsylvania*, vol.9 (1838. 389).

M'Dowell attacked universal suffrage—as equal rights for blacks—on the grounds that it would mean that “every negro in the State, worthy and worthless—degraded and debased, as nine tenths of them are, will rush to the polls... The chimney sweep and the boot black will eat the fruits of liberty with the virtuous mechanic, laboring man, farmer, and merchant—the master and the man contend for victory at the same poll.”²⁶⁴ Brown of Ohio “considered that extending the right of suffrage to our coloured population would... have a tendency to degrade labor.”²⁶⁵ Shellito in Pennsylvania suggested that enfranchisement was motivated by a desire to see a racial leveling: “if gentlemen were desirous to see the negroes on a level with whites, give these negroes the right of suffrage, and your sons and your daughters will, by and by, become waiters and cooks for them. Yes! For these black gentry—that will be the result of it.”²⁶⁶ Stow in New York pointed out that black suffrage would suggest black equality with the white working class: “who was to be affected by [black suffrage]? Men of high condition? The men of wealth, who were removed far from ordinary connection with labor, would feel it very little. It would extend mainly to those who labor day by day; it would reach that class of citizens and draw them down to give a doubtful elevation to another class.”²⁶⁷

As discussed above, antebellum political agents had developed a theory of rights that saw political and social equality as necessarily linked. Whereas Tocqueville saw the direction going from social equality to political equality, political agents in the antebellum period stressed the reverse. By successfully linking these spheres, delegates were able to signal to the population that their social status, in addition to their economic well-being, would be unsettled by the recognition of black citizenship rights, even if this might be called for by their republican principles. I suggest that this is how the frequent invocation of black suffrage degrading white labor, with the latter frequently (although not always) framed to include immigrants, should be interpreted. These were not simply expressions of political theory or the assessments of delegates about the potential consequences of enfranchisement: these were efforts by delegates to rhetorically construct these consequences and signal them to a broader constituency of the attentive white working class and its organized activists, thereby mobilizing these in support of a measure that the Democratic party found beneficial for electoral and coalitional reasons.

²⁶⁴M'Dowell, *Proceedings... Pennsylvania*, vol.2 (1837, 541).

²⁶⁵Brown, *Report... Ohio*, vol.1 (1851, 58)

²⁶⁶Shellito, *Proceedings... Pennsylvania*, vol.9 (1838, 114).

²⁶⁷Stow, *Report... New York* (1846, 1033).

Signaling and the ‘white male republic’: Slavery and National Unity

The other area in which delegates sought to use the ideas of the ‘white male republic’ as a signal was over the issue of slavery and national unity. Interestingly, this concern with slavery and national unity cut in both directions. While most delegates who invoked concerns with national unity and slavery argued against black suffrage, a number sought to signal through their support for black voting their opposition to slavery and to southern demands. This reflected the fact that in “many of the key sectional struggles . . . the question of free blacks, not of slaves, proved to be the principal battleground” (Forbes 2007, 112). Jay, in the New York convention of 1821, praised the state legislature and the state’s congressional delegation for their actions in the Missouri crisis, and explicitly noted that the exclusion of blacks would be a signal to the South that their demands would be respected: “This state, Mr. Chairman, has taken high ground against slavery, and all its degrading consequences and accompaniments. . . . Adopt the amendment now proposed [to insert the word ‘white’], and you will hear a shout of triumph and a hiss of scorn from the southern party of the union, which I confess will mortify me—I shall shrink at the sound, because I fear it will be deserved.”²⁶⁸ Of the several votes on holding a referendum on black suffrage that were held in the Connecticut legislature between 1838 and 1869, only those held in 1846 and 1847 received a majority of both major parties, and both times the issue of slavery motivated member positions. In 1846 “the unorthodox manner in which Texas was admitted into the Union,” had “spurred charges that slaveholders dominated the Democratic party,” while in 1847 “the major parties were trying to outdo each other in proclaiming themselves the true opponents of the expansion of slavery” (Renda 2002, 249).

The growing conflict over slavery both fed and was provoked by the rise of third parties, who sought to tie the cause of black political rights to opposition to slavery and southern expansion. For the most part, however, the antebellum period was characterized by successful exclusion of blacks, as northern political leaders sought to signal a commitment to white supremacy to their sectional allies. Both New York and Rhode Island would disfranchise black men in the wake of the Missouri crisis, as northern Republican leaders sought to secure their national political coalition while at the same time highly sensitive to northern opinion in defense of restricting slavery. Martin Van Buren’s opposition to manhood suffrage—opposing both a residential qualification and black suffrage—and his efforts to centralize appointments of justices of the peace and ensure

²⁶⁸Jay, *Reports*. . . *New York* (1821, 184).

legislative selection of presidential electors (rather than popular election) have been presented as an effort to “deliberately... restrict New Yorkers’ suffrage in order to ease the way for a political strategy that employed as its cornerstone an unpopular coalition with overtly sectional elements of the South” (Forbes 2007, 138).²⁶⁹

The Jeffersonian construction of the ‘negro’ as outside the American community became an increasingly important part of the coalitional strategy as conflict over slavery increased. Even in the South the issue of black suffrage and slavery were intimately entwined. The Tennessee and North Carolina conventions of 1834 and 1835 saw a considerable number of delegates defend black suffrage (the vote to include the word ‘white’ succeeded in Tennessee by a vote of 33 to 23), and by far the most important determinant of a delegate’s vote was the proportion of the population held in slavery in the delegate’s county, with the vote cutting across party lines. In the northern conventions opposition to black suffrage was seen by delegates as a way of signaling to the South that they would defend the existing constitutional order; they would personally be opposed to slavery, and possibly even oppose its extension, but through their support of exclusionary laws they would signal their opposition to abolitionism and their commitment to the ‘white male republic’. In no convention was this more important than in Pennsylvania’s convention of 1837-38, at the height of the Gag Rule controversy. As noted by Nicholas Wood, who convincingly argues that slavery and national unity concerns were the primary motivation for black disfranchisement in this convention, “the issue of black suffrage and abolitionism became inseparable” (Wood 2011, 75). Many delegates believed that southerners would view support for black suffrage by the convention as “a sanction given to the anti-American doctrines of the abolitionists,” with their votes “carried to Congress to show how nearly this state was divided on the subject of abolition.”²⁷⁰

Wood argues that the changed position of Democrats between June 1837, when the convention rejected black disfranchisement, and January 1838, when it supported it, reflects the fact that “delegates on both sides of the issue increasingly focused on the connection between black suffrage in Pennsylvania and concurrent debates on abolitionism in the United States Congress” and that “it appears that the controversy in Congress, in

²⁶⁹Forbes presents this as Van Buren’s effort to resolve what would be his “perennial problem,” namely “the impossibility of winning the complete trust of his wary southern allies without fatally distancing himself from his northern base. Against this difficulty, party regularity offered the only defense” (Forbes, 2007, 138).

²⁷⁰Sturdevant, *Proceedings... Pennsylvania*, vol.9 (1838, 238); Shellito, *Proceedings... Pennsylvania*, vol.10 (1838, 109). Cited in Wood (2011, 76, fn.1). Wood also notes that the Virginia Free Press of Charlestown applauded the decision of the convention to disfranchise black men, Jan 25, 1838.

which northern Democrats were pressured to ally with southern slaveholders, also tipped the balance against black suffrage within Pennsylvania” (Wood 2011, 84). Meredith argued that the constitution mandated a measure of black disfranchisement as a corollary to its protection of slavery: “[W]e are under a most solemn compact not to interfere in the domestic affairs of the people of the south—not to take any measure to release the blacks from bondage. As long as the constitution of the United States remained in force, we were bound rather to guard the rights of the south, than to do any thing to impair them.”²⁷¹ Brown was especially explicit in equating black suffrage with disunion, trusting that delegates would oppose the former “if the right of the negroes to vote was to be put in the scale against the union of these states,”²⁷² and arguing that pro-suffrage delegates “would have us put ourselves in an attitude of defiance to the southern states, instead of doing all that lay in our power to quiet the apprehensions and alarm which the mad schemes and conduct of northern abolitionists had created among them! . . . By arraying one state against the other, the abolitionists might succeed in accomplishing their atrocious ends, and at the same time, the dissolution of the Union.”²⁷³ While debates over slavery and national unity were especially prominent in Pennsylvania’s convention, they were likewise expressed in conventions in Indiana, Ohio, New York, and Wisconsin. Cornell in New York in 1846 “believed it would be against the manifest spirit of the Federal Constitution, to privilege the negro with any direct voice in our political affairs, and that it would be dangerous to our welfare, and to the union of the States.”²⁷⁴

Advocates of black suffrage recognized the efforts by the opposition to both smear them as uninterested in the fate of the Union and to signal a commitment to the South: they sought to disclaim charges of the first and to highlight the willingness of anti-suffrage delegates to engage in the latter. Andrews in Ohio noted that “there is a sensitiveness in this quarter upon every question that relates to the people of color of which I had heretofore no conception. Every movement and even every throb of sympathy in their behalf seems to be regarded as a direct or indirect attack upon the cherished institutions of the South, and as indicating disaffection to the Union.”²⁷⁵ Reigart in Pennsylvania

²⁷¹Meredith, *Proceedings. . . Pennsylvania*, vol.9 (1838, 353).

²⁷²Cited in Wood (2011, 99).

²⁷³Brown, *Proceedings. . . Pennsylvania*, vol.9 (1838, 392); During this period, United States Senator James Buchanan—Democrat, future president, and a key figure in toning down Calhoun’s resolutions on slavery and ensuring their passage—worked to ensure that the state legislature did not condemn the Gag Rule. See Wood (2011).

²⁷⁴Cornell, *Report. . . New York* (1846, 1047).

²⁷⁵Andrews, *Report. . . Ohio*, vol.2 (1851, 637).

echoed Jay's concerns in 1821, noting that "the vote we are about to give, will excite great surprise every where. In the south, it will be celebrated almost with bonfires, illumination, feasting, and every demonstration of joy. In it they will see the triumph of southern principles in good old staid Pennsylvania; and we shall be obliged to witness the galling spectacle of the triumph of the dark spirit of slavery in our native state."²⁷⁶ Other delegates sought to disclaim any attachment to abolitionism, arguing instead that the exclusion of blacks from the suffrage represented a violation of republicanism that would be "the very foundation upon which the abolition party would be raised and other parties distracted."²⁷⁷

Regarding Pennsylvania, Wood argues that appeals to ideologies of racial inferiority "were among the weaker in the repertoire of pro-disfranchisement delegates, indicating that racial ideologies remained inchoate and in flux during this period" and that appeals to national unity were considerably more effective (Wood 2011, 98). There is much truth to this. What is equally important to note is that the race-based arguments that were offered stressed the dangers of amalgamation—the term used by the considerable majority of anti-black suffrage petitions—and thereby highlighted the violation of popular Jeffersonian understandings of belonging. At the same time, the strong inverse association between preferences on black suffrage and white suffrage, in this convention and elsewhere, should not be excluded from the analysis. It was in Pennsylvania more than elsewhere that the argument that black suffrage degraded white labor was offered most consistently, with delegates arguing that black suffrage equaled amalgamation which in turn necessitated social equality and economic competition. Both the national unity claim and the amalgamation claim, then, suggested that black suffrage was in itself, or by association with abolitionism, a violation of the constitutional settlement that had secured the incorporation of laboring whites into American politics and the stability of the Union. The invocation of these ideas was a signal to southerners, to party leaders, and to organized constituencies of the working classes that their respective interests were being defended.²⁷⁸

²⁷⁶Reigart, *Proceedings... Pennsylvania*, vol.9 (1838, 377).

²⁷⁷Chase, *Convention of 1846* (Quaife 1919, 214).

²⁷⁸These were also signals to organized constituencies of immigrants and ethnic societies that they would be defended if these maintained their opposition to black suffrage: "I do not indeed know what the situation of the country would be at the present time, if it had been for the presence of foreigners... It would have been a difficult matter to settle between the whites and the blacks, as to who should have the mastering in our political institutions; and no many can tell what the result might have been." Magee, *Proceedings... Pennsylvania*, vol.5 (1838, 444).

Party Calculus: Partisan Competition and Coalition Maintenance

Ideas of the ‘white male republic’ shaped parties’ electoral calculus and motivated their readiness to take certain position on inclusion and exclusion in at least two ways. First, the belief that it had broad popular resonance made Democrats more likely to campaign against black suffrage than a simple attention to electoral benefits would predict, and at the same time made Whigs more hesitant to support black suffrage, despite recognizing that they would be the primary beneficiaries from doing so. At the same time, it made them more likely to be divided over the question of alien voting. This in turn likely enhanced the resonance of the Jeffersonian understanding of belonging, as voters took their cues from the parties.

Second, they provided a language through which the parties could actively seek to preserve their national coalitions. This is one of the primary ways by which ideas matter in politics: the idea of the ‘white male republic’ had helped to consolidate the Jeffersonian coalition, and the creation of a broad national party provided the institutional arena in which articulate expressions of this idea and defenses of it in policy were incentivized in the form of party influence, prestige, and patronage. Parties sought to enforce allegiance among their members behind differing conceptions of American citizenship, and the height of the second party system saw two national parties attempting to reconcile their coalitions through allegiance—in policy and rhetoric—to the ‘white male republic’, providing considerable organizational muscle to the ideas of belonging that had been worked out in the first decades of the 19th century.

The logic of enfranchisement resulting from partisan competition, as sketched out in earlier chapters and prominent in the literature, is that political parties will seek to alter suffrage qualifications in order to maximize their own share of the vote. There are likely limits on the ability to disfranchise previously excluded votes, most versions of this model implicitly assume, and so parties seek to expand the franchise along certain dimensions that are seen as disproportionately favorable to them. A problem with these models that is rarely specified, is that it can often be the case that the benefits of given suffrage change are themselves uncertain. While uncertainty has been invoked to explain why certain parties have pursued suffrage expansions that are subsequently revealed to be opposed to their electoral interests, it has been less discussed with regard to the possible trade-off of lost support among one population category that might result from enfranchising another. In short, the beliefs held by political agents about popular commitments to the ‘white male republic’—in its white supremacist and white

exclusionary dimensions—generated expectations about the potential costs of different positions on black enfranchisement that informed their political calculus.

The incentives of the Democratic Party—as with the Jeffersonian Republicans before them—were especially aligned with the ideas of the ‘white male republic’. Democrats were unlikely to receive much support amongst free blacks, in part because they were seen as the more southern oriented of the two parties and in part because the greater strength of the Whigs in cultural regions and classes where vitriolic defenses of white supremacy were less common made them a softer and quieter party when it came to race hatred. Their defense of the ‘white male republic’, then, was more impassioned and it is difficult to separately identify the role of the expectations of popular attitudes and beliefs and the purely partisan interests. However, even where there were very limited gains to be made by excluding black voters—such as in 1802 Ohio, where there were fewer than 500 blacks in the territory and the main debate in the convention was over whether currently resident black men would have the vote—the Jeffersonian Republicans and later the Democrats were much more likely to support black exclusion.

With the Whigs, however, the misalignment of their partisan interest in enfranchising black men with their expectation that being seen as violating the ‘white male republic’ would hurt them electorally among white men led to considerable vacillation on this issue. In New York City in the 1840s, Whigs were reluctant to follow the advice of Horace Greeley, who was working to include an equal manhood suffrage plank in the party platform for the 1845 elections. The same hesitation on the issue and refusal to endorse black suffrage occurred in numerous conventions across the state, especially those where the Liberty Party had not made significant inroads. The Whig party had good reason for its trepidation on this issue, and even Greeley conceded that “Whigs lost several delegates because of the Nigger yell” (Field 1982, 50).

The Whig Party in Rhode Island, which during the Dorr War would be largely encompassed in the Law and Order Party, originally sought to secure opposition to Dorr’s constitution by highlighting the fact that blacks had voted in the referendum supporting it. That is, they sought to highlight the violation of white citizenship in order to garner national and state sympathy for their continued support of the old charter and its property qualification. Only as the Dorr party moved to exclude blacks, and as black residents were mobilized for public security and defense of the established order, did the Law and Order party change position and support black inclusion in the franchise (Malone 2008, 129-138). This vacillation extended to the Republican Party after its formation

in 1854, although there were important constitutive elements of the Republican coalition committed to black suffrage. The Republicans in the Iowa convention of 1857 “used the referendum issue only to determine the political solidarity of the Republican delegation,” and party leaders insisted that they were not interested in securing the right to vote for black men (Berwanger 1967, 41). In the Wisconsin referendum of 1857, the party refused to “support the issue in order to secure the governorship,” and it was hinted that “Republicans would have publicly opposed equal suffrage except for the insistence” of the “old abolition guard.” Democrats recognized the underlying logic of the situation when they charged that “a Republican dare not endorse it [black suffrage], or a Republican candidate go before the people upon it,” and Republican editors were largely silent on the issue during the campaign (Berwanger 1967, 43).

The calculations of the Whigs occasionally led them to support black suffrage, especially as they were pressured by the rise of third parties such as the Liberty Party, the Anti-Masons, the Free-Soil Party, and the American Party, which either were opposed to slavery, lacked a significant southern wing, or where the coalition between different state parties and sectional wings of the party was especially weak. The Democratic Party as well was at first uncertain about the threat posed by the rise of these third parties, and both parties subsequently had an interest in sidestepping certain issues by passing them to the electorate.²⁷⁹ The results of referenda in the 1840s-50s, however, seemed to strengthen the Democrats’ resolve on the issue of black suffrage.

Party calculations were premised upon their reading of the public commitment to white supremacy and the white man’s republic. Whigs believed, correctly in many cases, that they would lose significant support among white men if they were seen as violating this dimension of citizenship. This was an instrumental calculation, but it was one premised upon their belief that the idea of the white republic resonated so strongly with the enfranchised population that they would lose constituencies that would have otherwise supported them.

While the parties crafted policy on the suffrage in part based upon their reading of public beliefs on the matter of black citizenship and equality, they also provided an institutional arena in which taking positions against black suffrage was strongly incentivized. This is another instance, however, in which the ideas of the Jeffersonian understanding of belonging and citizenship were institutionalized. These understandings had been

²⁷⁹As noted by Field in discussing the New York convention of 1846, “both parties seemed troubled by their lack of unity on black suffrage and, as a precaution, agreed by bipartisan vote at the convention’s close to submit the property qualification directly to the state’s voters in a referendum” (Field, 1982, 57).

crafted to hold together a national coalition, and the exigency of doing so only became more pronounced as the antebellum period progressed and the issue of slavery became an increasing source of sectional contention and division. The Democratic Party became even more committed to the ideal of the 'white male republic' as an understanding of American republicanism and belonging that could function as an ideological glue that could hold together their coalition. Accordingly, party agents who were able to effectively deploy this language to popular resonance and cross-sectional appeal were rewarded by increased prestige and importance within the party. By contrast, those members of the party who actively questioned the 'white male republic', or even worse, opposed slavery and supported a policy of federal opposition to its expansion, had limited avenues for advancement within the party, and in some cases were effectively excommunicated. This was the fate of Thomas Earle and Thomas Morris in the 1840s, and a similar fate had greeted members of the Jeffersonian coalition in the first decades of the 19th century who had supported black suffrage rights.²⁸⁰

The dynamic in the Whig Party was somewhat different. The party tended to draw much of its support from cultural areas where Jeffersonian republicanism had had less penetration, such as among the New England upper and middle classes. It likewise saw itself as a consciously conservative party that took Washington as their political model, while at the same time attempting to mimic and outdo the Democrats in their adherence to the symbols of American democracy.²⁸¹ As the more conservative party, they were more likely to support taxpaying qualifications or extended residency requirements. While both the Democrats and the Whigs had supported the old Rhode Island charter and its property qualifications, the Whigs maintained this support even after the rise in popularity of Dorr's Suffrage Party attracted Democratic support in the state and at the national level. Their cross-sectional coalition was always more tenuous than it was for the Democrats. While some northern Democrats had even come out in defense of slavery—as a positive role for civilizing the African—very few northern Whigs were willing to do so, and they were very attentive to the necessity of reconciling the abolitionist leanings of many of its northern followers with the commitment to slavery of its southern supporters. The 1852 platform, for instance, resolved that

²⁸⁰There is good reason to believe that the changed votes of Republican delegates to the Ohio constitutional convention of 1802 on the issue of black suffrage were at least partly the result of party pressure from the Republicans. See Thurston (1972, 24, fn.21).

²⁸¹Whig party platforms, "Whig Party Platform of 1852," Peters and Woolley, <http://www.presidency.ucsb.edu/ws/?pid=25856>.

“the series of acts of the Thirty-first Congress,—the act known as the Fugitive Slave Law, included—are received and acquiesced in by the Whig Party of the United States as a settlement in principle and substance, of the dangerous and exciting question which they embrace; . . . and we deprecate all further agitation of the question thus settled, as dangerous to our peace; and will discountenance all efforts to continue or renew such agitation whenever, wherever, or however the attempt may be made; and we will maintain this system as essential to *the nationality of the Whig party and of the Union.*”²⁸²

Just as the party acquiesced in the settlement of 1850, they had effectively acquiesced at the national level in the Jeffersonian settlement of a ‘white male republic’. Countervailing interests in the northern states, where they would have benefited from black suffrage, meant that the party was more appropriately seen as acquiescing to the ‘white male republic’ than in having an embedded interest in promoting and strengthening this political order. Nonetheless, until their ultimate demise in the early 1850s, when exigencies of national and party unity pressed, they supported not only the protection of slavery but “all its degrading consequences and accompaniments,” black disfranchisement included. Because they were sensitive to these national considerations, northern Whigs were often unable to advance an effective critique of the ‘white male republic’, which only further embedded this understanding in political calculations and popular opinion. As a result, they were largely ambivalent about supporting black suffrage in conventions.

In Pennsylvania on the first vote to insert the word ‘white,’ 1 Whig out of 14 voted to do so, as did 42 of 67 Democrats and 5 of 52 Anti-Masons. By the second vote to do so, in January 1838, 6 Whigs supported disfranchisement, as did 57 Democrats and 15 Anti-Masons: “Although Whigs did not embrace black disfranchisement with the unanimity of the Democrats, they increasingly sided with them on this issue. . . [and] Whig converts to the disfranchisement cause used similar rhetoric to the Democrats, identifying black suffrage as a necessary sacrifice to promote harmony between the North and South” (Wood 2011, 96). In Ohio in 1851, only two Whigs out of 40 supported striking the word ‘white’ from the electoral qualifications. No Democrat supported it while 10 of the 11 Free Soilers did. In Wisconsin in 1846, only 6 of 16 Whigs voted for black suffrage, as did 9 of 101 Democrats; 9 Whigs voted for a referendum on black suffrage, as did 49 Democrats. In Tennessee and North Carolina, party lines were largely irrelevant to the vote on black suffrage. While the Democrats are clearly more committed to racial exclusion than

²⁸²Emphasis added. Whig party platforms, “Whig Party Platform of 1852,” Peters and Woolley, <http://www.presidency.ucsb.edu/ws/?pid=25856>.

Whigs, and more committed to white and immigrant enfranchisement, the Whigs were not a party in which black suffrage enjoyed overwhelming strong support.

The behavior of the political parties—whose calculations of how to expand their share of the vote was one of the crucial factors driving suffrage changes—was, like the behavior of individual delegates, shaped by their understanding of the popular resonance of the ‘white male republic’. They were never passive readers of public sentiment, however, and they sought to emphasize different elements of the Jeffersonian ideals of American citizenship as it suited their electoral and policy objectives. Democrats highlighted the racial dimension, while Whigs would often increasingly highlight the contributory dimension of Jeffersonian republicanism. The third parties, unconcerned for the most part with securing a national coalition, increasingly highlighted the egalitarian language of the Declaration of Independence, or the importance of developing an attachment among new citizens for the institutions of American republicanism. Nonetheless, the different parties were operating within an electoral environment in which the image of Jefferson and the parameters of the Jeffersonian understandings of republicanism and belonging were believed to be highly resonant, and this structured their behavior accordingly.

But perhaps the most important way in which the ideas and institutions of the Jeffersonian ideals of American citizenship structured party behavior was its legacy of a national party system. Both the Democrats and the Whigs emerged from a Jeffersonian Republican party that had effectively secured a national coalition based on a commitment to the ‘white male republic’ alongside more contested understandings of the proper relation between the states and federal government and the proper structuring of the nation’s political economy. The latter two provided the main lines of demarcation between the Whigs and Democrats, and while these overlapped somewhat with differing commitments to the white male republic, the broad consensus in its favor worked to secure this further as a political order. The party networks themselves incentivized, to differing degrees, member support for this ideal of citizenship. This was another way in which the understandings of belonging were institutionalized, part of a political order that structured political processes in such a way that made position taking in favor of class enfranchisement relatively easier politically than positions in support of black enfranchisement, that made disfranchisement of naturalized citizens more difficult and that in certain states lowered the costs to supporting alien enfranchisement sufficiently to achieve this objective.

Conclusion

The ideas of belonging that were at the core of the Jeffersonian ideal of citizenship imposed rhetorical barriers to members in advocating for black suffrage or the restriction of suffrage along class lines. While these were important in structuring the debates in the convention, they were also supported more broadly by different configurations of party and sectional interests: the ideas of Jeffersonian citizenship served as focal signals for political agents, who could use these to identify threats to their interests or opportunities for advancement based upon the rationales provided by delegates. While not necessarily connected with the issue of slavery, free black suffrage in northern states became a focal point for southern concerns with northern sympathy for abolitionism and anti-slavery. Advancement within the political parties, and especially the Democratic Party, was selected in part based on those delegates who were able to build cross-sectional appeal. Positions against or for black suffrage in the state conventions, then, were motivated in part by delegates' efforts to send signals to party and sectional agents. At the same time, delegates forced to respond to charges that they were calling into question core components of antebellum American identity sought to disclaim any intention of doing this, so as to avoid electoral consequences from a population for whom the principles and contours of Jeffersonian citizenship were highly resonant.

These political dynamics were structured by the parameters of Jeffersonian understandings of belonging. Its broad popular resonance meant that delegates concerned with constituent opinion were cautious about violating its terms. As outlined in the previous chapter, this understanding of citizenship and national identity had been constructed so as to maintain a national coalition, and accordingly the articulation of its core ideas and their defense in policy could function as a signal to coalitional allies. This provided an organizational imperative for the promotion of suffrage policies that were aligned with the Jeffersonian standard, one to which both of the national parties—albeit the Democrats more so than the Whigs—were sensitive.

The overall effect of this was to distribute the costs and opportunities available to political agents for their position on the suffrage for different categories of persons. Over the long-run, this established a dynamic highly favorable to the enfranchisement of white males, to naturalized male citizens, and even—although to a lesser extent—to white male aliens who had declared their intention to become citizens, but one that at the same time increased the likelihood of black disfranchisement. That these went together, resulting in the simultaneous inclusion of the white laboring classes and the

exclusion of free blacks was a function of these simultaneous incentives that were both constitutive of and central to the advance of the Democratic Party.

By the end of the antebellum period, however, a new, anti-slavery coalition was emerging, drawing on the various strands of abolitionism, anti-Catholicism, and northern anti-Democratic politics. In its initial years, it would work to broaden its appeal beyond the anti-slavery and abolitionist movements, in part by committing itself to the standards of the 'white male republic', but repudiating slavery as a constitutive element to this citizenship ideal. As the course of the war progressed, however, and as the imperatives of establishing a new political order and secure their national coalition became clear, those factions of the Republican coalition that had been supporting black suffrage since the 1840s came to the fore, and the party organization would in turn become an institutional space incentivizing the defense of equal rights for blacks.

Chapter 6

Democratization in the United Kingdom, 1829-1948

“The progress of democracy, though not constant, is certain.”
—John Acton, 1880²⁸³

Introduction

As I argued in Chapter 1, standard political science accounts of democratization continue to reflect the core arguments of a progressive narrative of history, one that in the United Kingdom is aptly named the ‘Whiggish’ interpretation (Butterfield 1931).²⁸⁴ While scholars of democratization reject its presumed teleology—by stressing political contingency, institutional incentives, and structural conflict—they nonetheless frequently accept and reconstitute the ‘Whiggish’ interpretation in their empirical narratives of the right to vote. This is especially so in the case of the United Kingdom.

The ‘Whig’ form of historical interpretation, characterized by its narrative of a gradual but certain expansion of liberty and political rights, has significantly informed British historiography and popular understandings (Hall and McClelland 2010, 4). This influ-

²⁸³ *Letters of Lord Acton to Mary Gladstone* (Acton 1904, 44).

²⁸⁴ Herbert Butterfield should be credited with the earliest exploration of the whiggish interpretation of history and the identification of its progressive assumptions. Before Butterfield, the terms “Whig history,” “whiggish history,” or “whiggish interpretation” largely referred to the sympathies of the historian regarding the central conflicts of the 17th and early 18th centuries, and their claimed descendants in the Liberal and Conservative parties of the 19th century (Butterfield 1931, 1944). Butterfield’s later *The Englishman and his History* (1944) was itself something of an embrace of a Whig narrative, and is explicitly directed at Britain’s war-effort: the 1944 edition was published as part of the “Current Problems” series of Ernest Barker; the preface to the 1970 edition offered praise to “Liberal, Conservative, and Labour, schooled in the English practice” for embracing the whiggish attitude toward historical change, progressive, moderate adaptation—“taking care of the continuities”—and rejecting radical revolution (1944 [1970], 101).

ence is evident in the political science literature on British democratization. The work of earlier scholars of democratization was deeply imbued with this narrative:

“The orderly extension of the suffrage in Britain in the nineteenth century presented a striking contrast to the revolutionary movements on the continent. . . . [T]he great reform acts of 1832, 1867, and 1884-1885 seemed to prove a democratic theory of progress. . . . The British genius for peaceful popular reform seemed to demonstrate a particular and significant ability on the part of the aristocracy, the middle classes and the people in harmonizing the institutions of an ancient kingdom with the advanced political ideas of the age” (Herrick 1948, 174).

While the ‘Whiggish’ narrative stressed the absence of revolution, it did not claim an absence of violence or revolutionary threat. In fact, Whig histories emphasized reform as statesmanship in response to popular demands arising from society’s moral and intellectual development. Progress was the accommodation of enlightened government to the demands of reason and the popular mood (Trevelyan 1922, 347).

Most accounts of democratization in the UK hew closely to the Whig narrative of ‘British exceptionalism,’ in which an ‘orderly’ process of progressive enfranchisement is enabled by institutions able to accommodate popular pressure. For Acemoglu and Robinson, Britain is the “best example of. . . a path of political development” that “leads from nondemocracy gradually but inexorably to democracy” and where “once created, democracy is never threatened, and it endures and consolidates” (2006, 1). The “origins of democracy in Britain” are found in the “the creation of regular Parliaments that were a forum for the aristocracy to negotiate taxes and discuss policies with the king,” an institutional arrangement advanced by the Glorious Revolution of 1688. Ultimately, “the first important move toward democracy in Britain was the First Reform Act of 1832,” which began a series of progressive extensions of the franchise (2006, 2). Rueschemeyer, Stephens, and Stephens characterize “English democratization” as the “classic (though not typical). . . slow expansion of democratic rights from the aristocracy to gentry to bourgeoisie, to petty bourgeoisie and upper working-class, to all male adults, and then to the whole population” (1992, 62).²⁸⁵ Douglass North, John J. Wallis, and Barry Weingast

²⁸⁵There is an elision in much of this literature between democratization in England, in Britain, and in the UK. Most accounts use the terms interchangeably, but focus exclusively on England without consideration of different cross-national patterns or how the implications of legislating for multiple countries might have impacted the democratizing process. I look at the patterns in the UK as a whole. I refer to the individual countries by name, or refer to Great Britain to distinguish Scotland, England, and Wales from Ireland.

argue that the institutions established by the 1832 Reform Act generated a logic of progressive enfranchisement that ultimately would result in universal suffrage. The focus on gradualism and on an intra-elite accommodation that make subsequent progress easier is very much in line with the Whig narrative, in which the Reform Act of 1832 “made later extensions of citizenship to a much wider group easier” (2009, 219). For Toke Aidt and Raphaël Franck the 1832 “Great Reform Act was the pivotal event that got the snowball rolling” (2012, 2).²⁸⁶

Part of the reason this narrative continues to structure our understanding of democratization in the UK is that it is not without empirical support: democratization from 1832 onwards did proceed through the cumulative passage of legislation, each iteration of which enfranchised a greater net proportion of the population of the UK; and the 1832 Reform Act did make later extensions politically easier. The Whig interpretation of history, however, has limited our understanding and theorizing of democratization in the UK, in at least two ways: (1) its narrative of progressive, gradual enfranchisement and democratization has obscured the disfranchisements and exclusions that have both accompanied and often enabled this progression; and (2) its focus on England, sometimes extended in name (but rarely in analysis) to Great Britain or the UK, has limited our ability to analyze the relationship between enfranchisement and disfranchisement across the four constitutive nations as well as across the empire more broadly. This case study reconsiders democratization in the UK from the perspective of democratic exclusion, while treating the government and parliament not only as the executive and legislature for England but for the entire UK and the empire. The objective is to outline and explain an alternative story to the standard narrative of progressive enfranchisement in the UK.

This narrative has also been a central feature in British national identity. The historian Herbert Butterfield identified and critiqued the Whig “attitude to the historical process, a way of co-operating with the forces of history, an alliance with Providence” but also noted that during the 19th century it “became the common heritage of Englishmen” ([1944] 1970, vii). To a considerable extent, this understanding of national identity remains resonant and continues to be propounded. In February 2007, a few months before becoming Prime Minister, Chancellor Gordon Brown spoke at a seminar on Britishness

²⁸⁶The “rolling snowball” was the process of progressive enfranchisement, defined by jumping from the ‘beginning’ in 1832 to the ‘end’ in 1928: “Less than 100 years later, in 1928, all men and women aged 21 and above could vote. In the intervening years, the franchise had gradually been extended by the Second Reform Act of 1867, the Third Reform Act of 1884, and the Fourth Reform Act of 1918” (Aidt and Franck 2012, 2).

held at the Commonwealth Club in London, and invoked the “golden thread which runs through British history,”

“from that long-ago day in Runnymede in 1215 when arbitrary power was fully challenged with the Magna Carta, on to the first bill of rights in 1689 where Britain became the first country where parliament asserted power over the king, to the democratic reform acts - throughout the individual standing firm against tyranny and then - an even more generous, expansive view of liberty - the idea of all government accountable to the people, evolving into the exciting idea of empowering citizens to control their own lives.”²⁸⁷

Brown sought to weave together an interpretation of an exceptional British history characterized by the progressive unfolding of liberty but rooted in ancient institutions. ‘Britain’ was not a political entity at the time of the Magna Carta, let alone the Glorious Revolution. But Brown was speaking not as an historian but as a political leader, and the speech’s theme was a story of peoplehood that could accommodate both the resurgent nationalisms of the constitutive nations and the influx of immigrants.

He was not the first to fashion a historical interpretation of British national identity designed to meet contemporary political circumstances. Thomas Macaulay was one of the most important exponents of the Whig historical narrative, his *History of England* elaborating a vision of British peoplehood that was characterized by its progressive expansion of civil and religious liberty. He was the “chief agent of [the] transformation” of the Whig view of history into the English view of peoplehood (Burrow 1981, 92). He was described by Lord Acton as “key to half the prejudices of our age” (1904, 285). But the *History* was only the most successful instance of a narrative of political community and purpose that the Whigs and Liberals had been advancing since the 1820s in a conscious effort to legitimate their opposition to the existing constitutional arrangement and to build and consolidate a coalition of liberal Anglicans, Dissenters, Radicals, and Irish Catholics. It was this broader vision of progressive Britain that would provide an organizing framework for the debates over reform and democracy in this period, and the Liberal narrative’s “celebration of reform as a national tradition, made British politics peculiarly vulnerable to reforming movements” (Saunders 2011, 8). As actual history, the Whig interpretation is a very poor guide to identifying the empirical patterns to be explained. Rather, the Whig interpretation should be considered as part of the explanation. It was the ideological and discursive context in which the political activists operated, and

²⁸⁷This speech is referenced in Catherine Hall and Keith McClelland (2010, 4).

is crucial to explaining both the enfranchisements that the narrative highlights as well as of the disfranchisements and exclusions that it obscures.

* * *

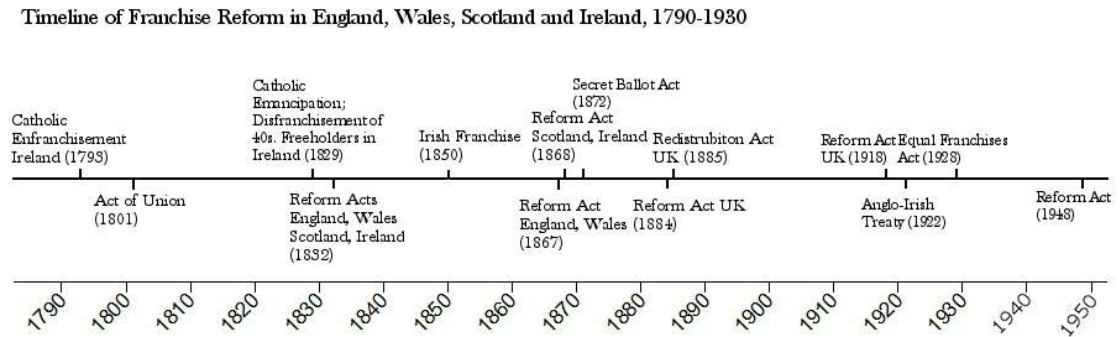
This chapter proceeds as follows: I begin by detailing the moments and ultimate trajectories of franchise change in the UK, paying close attention to the exclusions that are usually obscured by the focus on English development. This is the empirical core of this chapter, and outlines the patterns to be explained in Chapters 7 and 8. I identify historical cut-points, namely 1828-32 and 1884-86, which while by no means perfect provide a coherent and meaningful periodization for the analysis (Hewitt 2006). I then turn to a discussion of the institutional and partisan context of the Victorian era. The period 1828-32 was a critical juncture, and the subsequent decades saw the development of durable party organizations in Parliament, in the constituencies, and in party sentiment among the population. This was the institutional context in which the understandings of peoplehood become embedded in the expectations and behavior of elected representatives. It was the institutional and ideological context that established the parameters of democratization in the UK, and which in turn generated the patterns of progressive enfranchisement alongside new disfranchisements and exclusions that this chapter will highlight.

Franchise Variation and Reform in the United Kingdom

Standard accounts of democratization in the UK focus on the succession of Reform Acts: 1832, 1867, 1884, 1918, 1928, and 1948 (Figure 6.1). These are far from being considered equal in importance. A historian of the Third Reform Act [1884] has remarked that this bill “has never been thought a dramatic episode in itself, nor is it now seen as dramatic in the development of representative government” (Jones 1972, 10). The 1918 Act is frequently presented as an afterthought, necessary to begin the process of enfranchising women, but otherwise not a consequential bill. The 1928 and 1948 Acts are often not included at all in the narrative progression. The first equalized the franchise across gender, while the second abolished plural franchises for the universities and business owners. An additional set of acts in 1949 established a single franchise for municipal and parliamentary elections, but did not alter the municipal franchises in Northern Ireland. Accordingly, plural municipal elections as well as a more extensive residence requirement was maintained for Northern Ireland local elections, which became one of the major

grievances of the Civil Rights movement in the 1960s.²⁸⁸ Moreover, the analyses tend to look only at the passage of the reform acts of England and Wales. In reality, a series of separate reforms radically changed the franchise in Scotland and Ireland, a misleading oversight on the part of many historians and political scientists (Hoppen 1985, 202). The net result of the 19th century reforms was an increased electorate. In many

Figure 6.1: Timeline of Franchise Reform in England, Wales, Scotland, and Ireland 1790-1950



constituencies, however, the effect was to reduce the electorate or substantially alter its composition, enfranchising some while disfranchising others. And across the different nations, Scotland and Ireland saw distinct patterns and tended to have more onerous requirements until 1884. The contours and politics over reform cannot be understood in isolation from the national question and a limited focus on England obscures the exclusions and disfranchisements that accompanied the extension of the franchise.

While the standard narrative of democratization in the UK begins in 1832, it was preceded by the enfranchisement of Irish Catholics in 1793, for elections to the Irish Parliament, and the subsequent disfranchisement of Irish small freeholders in 1829 for elections to the Union Parliament.²⁸⁹ This section identifies patterns of exclusion and disfranchisement largely obscured by the familiar narrative. I begin with an overview of the franchise as it stood at the end of the period of the Protestant Constitution, immediately before Catholic Emancipation and the Reform Acts of 1832. I then discuss the most important changes and their consequences over the course of the 19th and

²⁸⁸The Ireland Act of 1949 was careful to maintain voting rights for Irish citizens living in the UK, despite the exit of the Republic of Ireland from the Commonwealth in 1948 at a juncture when the UK still insisted that republics could not be part of the Commonwealth—a position reversed after India’s independence.

²⁸⁹Catholics in Great Britain were not enfranchised until the Catholic Emancipation Act of 1829.

early 20th centuries, highlighting the simultaneous occurrence of disfranchisements and exclusions alongside significant expansions of the electorate.

The most important axis of categorization for the franchise in the 19th century UK was the national dimension, followed by the distinction between county and borough constituencies. In England and Ireland, each county had two MPs; in Wales each county had one MP; and in Scotland, twenty-seven counties had one MP while six smaller counties were combined into three pairs of two counties, each electing one MP but only on alternating elections. The borough constituencies were specific towns, cities—and occasional uninhabited hill or hamlet—that were given the right to return MPs. These were, in theory, supposed to provide a representation of commercial and urban interests, although in reality many had been created to secure political majorities. Almost all of the English and Irish boroughs returned two MPs, while the Welsh and Scots boroughs (or burghs, in Scotland) returned one MP. Only Edinburgh in Scotland had a distinct burgh representation, and the other 14 burgh constituencies were composed of groups of usually five burghs, often having little relation to each other.

The most important exclusions were based on the amount and type or tenure of property, according to particularly defined classes in the boroughs, and before 1829, by religion. English Catholics were barred from sitting in the English Parliament in 1692, and were stripped of the vote in 1696; Irish Catholics were disenfranchised in 1728.²⁹⁰ Catholics in Ireland were re-enfranchised in 1793, although they could not sit in Parliament or hold most state offices until Emancipation in 1829, which also enfranchised Catholics in Great Britain. In the English and Welsh counties the right to vote was extended to male subjects of the King, not subject to any legal incapacity, who held freehold land of a yearly value of 40 shillings (£2).²⁹¹ This franchise dated to 1430, when a concern that “elections had been crowded by persons of low estate, and that confusion had thereby resulted” led to the establishment of a property qualification (Seymour 1915, 11). In pre-reform Scotland, the county franchise was confined to those who held property directly from the King, and which had been rated at 40s. and on the land register

²⁹⁰The date of Irish Catholic disfranchisement is somewhat ambiguous, although most sources agree that *de jure* it was accomplished by 1728. Voting continued illicitly, especially in closely contested elections, through the first half of the 18th century. See J.G. Simms (1960). For the history of the Irish Penal Laws, see Maureen Wall (1976).

²⁹¹The development before 1832 was for a liberal interpretation of what constituted a freehold. While an explanatory act of Parliament had restricted the suffrage to lands of freehold tenure, in practice the county franchise was considerably wider, including annuities and rent charges arising from freehold land and with some ecclesiastical offices conferring a county franchise (Seymour 1915, 11).

prior to September 16th 1681 (Carmont 1947, 180). The Irish counties had until 1829 a 40s. freehold qualification as well as £20 and £50 freehold franchises. After the 1829 disfranchisement, the lowest county qualification was set at a £10 freehold. Prior to 1829, the Irish county franchise was only marginally more restrictive than England and Wales in its level of inclusion on the eve of disfranchisement.

Figure 6.2 shows a box plot of the enfranchisement rate in English, Welsh, Scots, and Irish counties before 1829.²⁹² The box covers 75% of the observations, the ‘whiskers’ cover all but the outliers, and the outliers are individually marked. The line through the central box is the median. The outliers are labeled, and their total electorate is included.²⁹³ The cross-national pattern is clearly evident, with Scotland deprived entirely of a representative system and with no county in any of the nations exceeding 10% enfranchisement. Even the counties where there was relatively higher enfranchisement, however, might be under the control of a local landlord, family, or families. Leaseholders whose tenure was for life or a series of lives were treated as freeholders, in contrast to leaseholders for a series of years.²⁹⁴ Dependent upon the goodwill of their landlords, tenants usually deferred to their wishes. Many counties were arranged so that the two seats (in England and Ireland) were divided between elite families. The result was a low rate of electoral contests, with many counties going uncontested for decades.

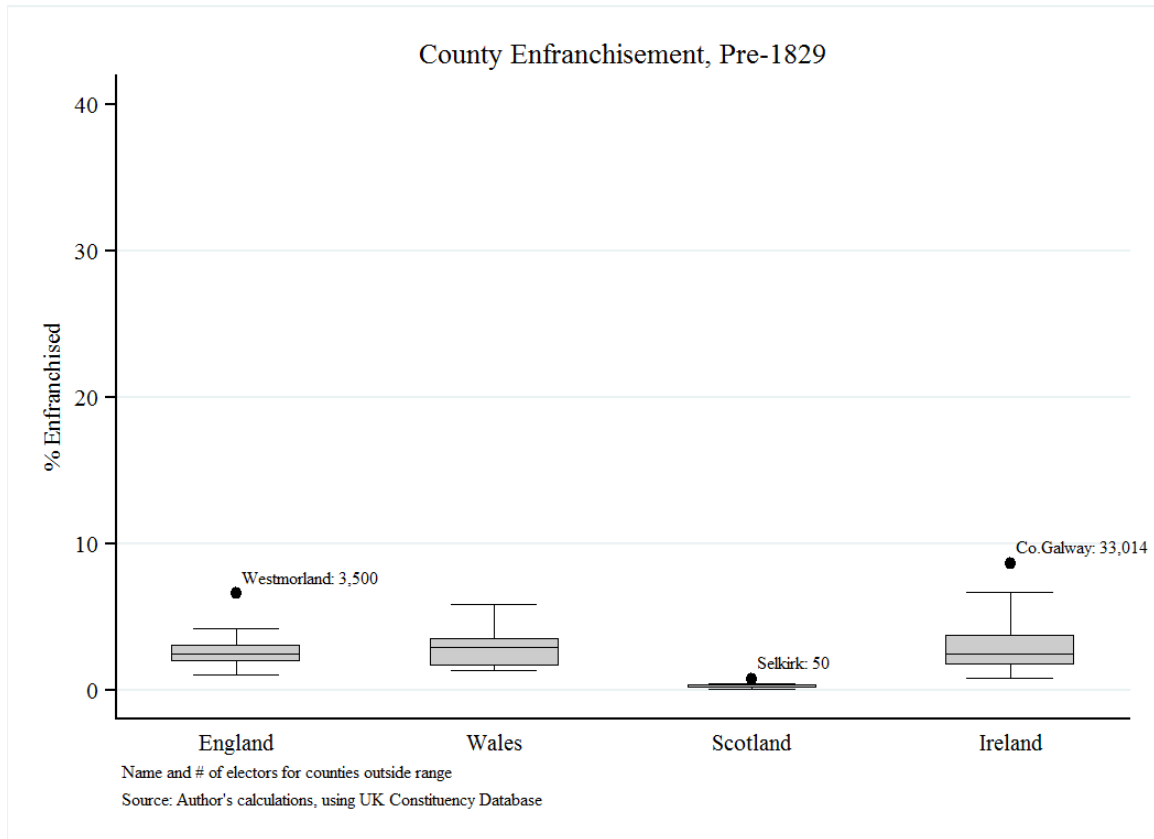
The pre-reform borough franchise was considerably more complicated, but the variation resulted in electorates that ranged from the genuinely popular—with some “elec-

²⁹²The estimated electorates in the counties and boroughs for the pre-reform period were taken from the various volumes of the House of Commons series, especially Namier and Brooks (1985), Thorne (1986), and Fisher (2009). The size of the pre-reform electorate in the boroughs and the counties is a matter of dispute (Beales 1992; O’Gorman 1993). Pre-1832, the enfranchisement numbers reflect scholarly estimates of the total number of electors per constituency. Post-1832, the enfranchisement numbers are of registered voters. This underestimates the proportion of the population that conceivably could have registered. The registration procedures, however, constituted a cost similar to the payment of a poll tax, and were similarly exclusionary. I report the proportion of the total population, thereby avoiding making assumptions about the age and gender structure of the individual boroughs and counties. The disadvantage, of course, is that this can lead to changes in the enfranchisement rate that have nothing to do with changes in the number of people who have the right to vote. War and famine can potentially increase the enfranchisement rate, while increased birthrates might decrease it. The principal advantage, however, is that the larger denominator leads to a greater stability in the numbers over time.

²⁹³The y-axis has been set from 0 to 40%, for the purpose of making a straightforward comparison with the borough enfranchisement rates. The tally of 33,014 electors in Co. Galway is almost certainly inflated, but all the same was likely the Irish county with the highest enfranchisement rate.

²⁹⁴A leasehold for 999 years, not uncommon, was therefore not treated as a freehold; while a leasehold for the life of one person was so treated. During the period of Catholic disfranchisement in Ireland, the effect of including leaseholders and excluding Catholics from the vote was to encourage landlords to lease to Protestants rather than Catholics, where the option was available (Simms 1960, 37).

Figure 6.2: Variation in County Enfranchisement rates, pre-1829



torate[s]...approaching universal suffrage” (O’Gorman 1989, 181)—to the rotten boroughs of Old Sarum (with 13 voters and 12 residents, none of them the same) or the closed corporations of Belfast (13 voters and 37,277 residents) and Edinburgh (33 voters and 111,235 residents). A plurality of English, Welsh, and Irish boroughs were freeman boroughs, where those admitted into the freemanship were entitled to vote. There was considerable variation, but “in many of the larger freeman boroughs around 25% of adult males had the vote,” while the medium-sized freeman boroughs saw between a quarter and a third of adult males having the franchise (O’Gorman 1989, 180).²⁹⁵ Assessing the

²⁹⁵O’Gorman lists Coventry, Chester, Nottingham, Norwich, and Leicester as freeman boroughs where approximately 25% of adult males had the vote. My own counts—less in-depth than O’Gorman’s—finds these boroughs to have had 11%, 7%, 10%, 7%, and 4% enfranchisement rates for the entire community. Were we to restrict this to only adult males, assuming men were half the population and the under-21 were a third, we find that they had approximately 33%, 21%, 30%, 21%, and 12% respectively. While these numbers are only suggestive, given the assumptions of the gender and age demographics, the only one significantly different from O’Gorman’s is that of Leicester.

representativeness of the freeman boroughs is complicated by the fact that residency was not always required. Additionally, in many instances the parliamentary borough was geographically smaller than the actual community it supposedly represented.²⁹⁶ These are not necessarily compounding problems, however, as many of the non-resident voters were from the community outside the restricted borough boundaries (O’Gorman 1989, 192). While these factors overstate the electorate in some of the freeman boroughs, they do not undermine the core claim that the larger constituencies often had relatively high levels of enfranchisement. In Ireland, the freeman boroughs were Anglican bastions (Thorne 1986, 103).²⁹⁷

The scot-and-lot boroughs extended the franchise to householders who had paid a local tax and been resident for six months, while the potwalloper borough extended the vote to resident inhabitants who had not been a charge on the poor rate and whose household included “a fireplace at which he could cook” (Porritt and Porritt 1903, 31). In the potwalloper boroughs, “universal male suffrage had all but arrived” (O’Gorman 1989, 181). The scot-and-lot boroughs had relatively high enfranchisement rates, but many of these were small electorates and were correspondingly susceptible to corruption. The reason for this was two-fold. In small constituencies, it was easier for the electoral agent of a patron to check to make sure the bribed or intimidated had voted as they were required. And, smaller constituencies meant fewer people to bribe and intimidate, so that corruption was affordable. However, in the larger scot-and-lot boroughs, such as Westminster and Southwark, there was a lively and relatively independent political life (Thorne 1986, 30).

The corporation boroughs vested the franchise in the burgesses of the corporation, effectively the municipal council and mayor. These self-perpetuating oligarchies were most important in Scotland, where only about 1,280 persons across all the Scots burghs had the right to vote (Thorne 1986, 77). The burgage borough extended the franchise to the owner or tenant of specific properties in which the franchise had been vested when the borough was enfranchised. At Droitwich electors were those “seised in fee of a small quantity of salt water arising out of a pit” while at Richmond they were the

²⁹⁶See Parliamentary Representation. *Parliamentary Papers* (92) XXXVI.31 (1831-32). The return provided the population of the parish, of the parliamentary borough, and the electors in the borough for the 120 boroughs considered for disfranchisement or reduced seats. While some boroughs and parishes were co-extensive, a considerable number of these were not. East Grinstead (borough) was listed as having a population of 1,007 persons in 1831, while East Grinstead (parish) was given a population of 3,364.

²⁹⁷The Test Act, excluding non-Anglican Protestants from municipal corporations, was repealed in Ireland in 1780. Nonetheless, local discrimination retained control over the corporations in Anglican hands.

owners of pigeon lofts (Cannon 1973, 29; Porritt and Porritt 1903, 36). These had the great advantage that they were often insignificant plots of land or property rather than primary residences or active farms; ownership of these could accordingly be quickly transferred as the election approached. Additionally, the owner of the burgage plot could transfer the accompanying right to vote to a nominee. Patrons would purchase as many of the burgage plots as needed, and effectively nominate the MP.

The result of this variation in electoral qualifications was a corresponding variation in the enfranchisement rates. Figure 6.3 shows the same information as was shown in the case of the counties.²⁹⁸ The cross-national pattern is evident, as is the greater variation and higher rate of enfranchisement in the boroughs relative to the counties. Scotland was deprived of a representative system, while Ireland had a lower rate of enfranchisement than England and Wales.²⁹⁹

The unreformed electorates in the open boroughs, moreover, included electors across most of the social classes. Vernon argues that in Boston and Lewes retailers, craftsmen, and unskilled laborers “accounted for 80 per cent or more” of the electorate (Vernon 1993, 34); O’Gorman that “the unreformed electorate. . . reached quite far down the social scale, beneath the artisanate and into the labouring classes to an extent that the Great Reform Act could not emulate” (O’Gorman 1989, 216). In some of the Irish boroughs, such as Carrickfergus, Cork City, and Dublin, the unreformed electorate included considerable members of the laboring classes, albeit disproportionately and even exclusively Protestant.³⁰⁰

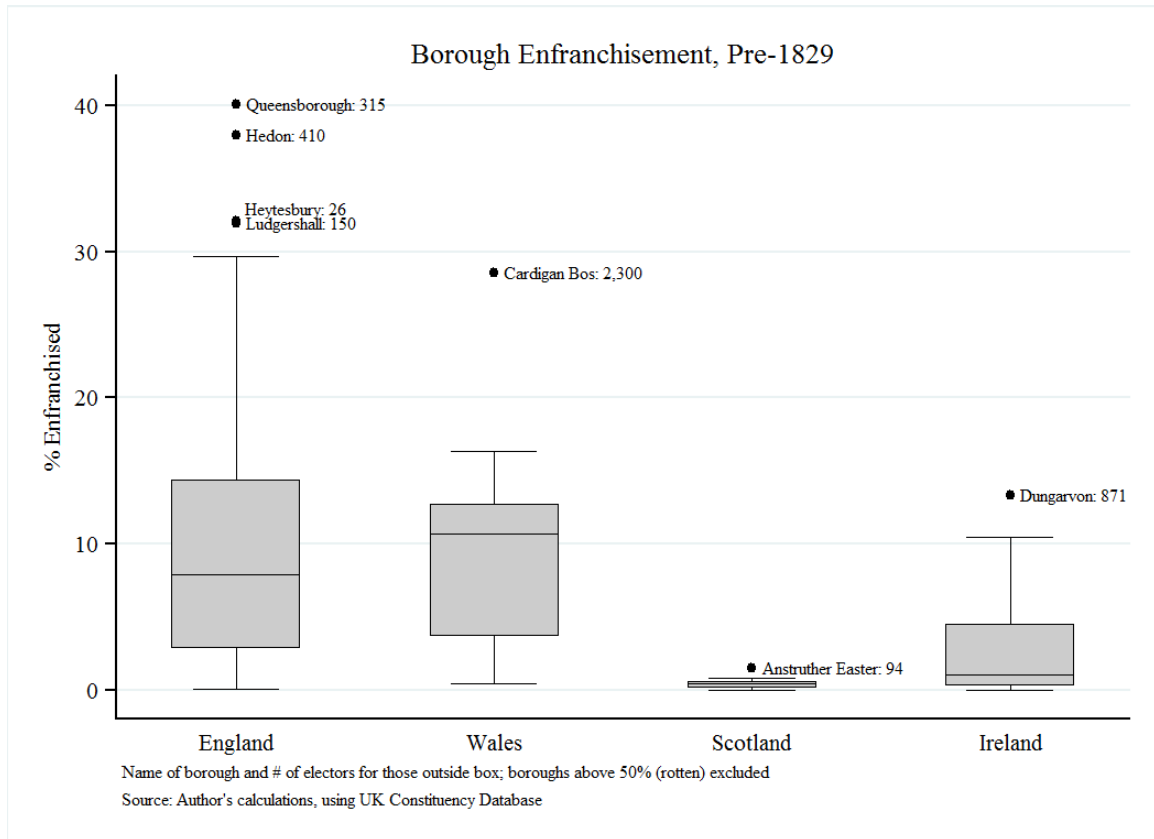
A core critique of the pre-reform electoral system was that the boroughs were a source of political corruption. This was achieved through the smaller electorates in the boroughs, which enabled patrons—individual families as well as the Treasury department—to buy the votes of the freemen, to purchase the burgage plots in which the franchise was vested, and to create freemen as well as fictitious voters in a contested election. But

²⁹⁸Those few boroughs that saw rates of enfranchisement above 50% have been excluded, on the grounds that these were tiny electorates with a considerable number of non-resident electors.

²⁹⁹The labels show the range in size of the electorate among the high enfranchisement outliers. While the extreme outliers are likely to have miniscule electorates, there is no general tendency for the high enfranchisement boroughs to have tiny or very small electorates. Although there are a large number of small boroughs, there are also a considerable number of others such as Preston, Lancaster, Beverley, Newark, and Lichfield with relatively large electorates despite being respectable sized towns and cities.

³⁰⁰Voters, (Ireland.) Returns of the number of persons entitled to vote at the election of members for cities and boroughs in Ireland. *Parliamentary Papers*, (522) XXXI.321 (522) (1830) The freeman electorate in 1830 Dublin was approximately 2,700 persons and the total borough electorate was approximately 3,400.

Figure 6.3: Variation in Borough Enfranchisement rates, pre-1829



while patrons could expect, on most occasions, to receive the majority of votes, they needed to cultivate support through community service. And as many patrons would be forced to recognize, “the opinions and feelings of the voters had, in the last analysis, to be consulted,” especially on “particular, long-term issues, such as the war in America, Catholic emancipation, slavery, the Corn Laws, and parliamentary reform” (O’Gorman 1989, 53). The influence of dominant families in the counties likewise rested on a combination of economic dependence, goodwill through paternalistic service, and respect for the broad contours of constituent sentiment. But the size of the counties made them more unwieldy. It was widely believed that contested elections would lead to a fracturing of “the connection between the gentry and their dependents” (O’Gorman 1989, 60).

But it was on the boroughs that the political stability of the post-1688 constitutional order rested. These were defended as an institutional space for the cultivation of political leaders and a mechanism to ensure the government could maintain a majority in the

Commons. They were the institutional underpinnings of the Protestant Constitution, and the corruption in many of these was central to the durability of the post-1688 settlement.³⁰¹

* * *

This was the electoral system on the eve of Catholic Emancipation and Reform. These acts, passed respectively in 1829 and 1832, established a new institutional arrangement, but one that disenfranchised a large number of existing voters and built in new exclusions. The 1829 Disfranchisement Act excluded almost all of the modest and poor farmers in Ireland. The Reform Acts of 1832 and the Irish Franchise Act of 1850 dramatically altered the size and composition of the electorate, increasing it on balance, but disenfranchising considerable numbers of electors from the laboring classes. The Reform Acts of 1832 and 1868 in Scotland and Ireland enlarged the electorate, but the extensions of the franchise there were much less liberal than in England and Wales. The Reform Act of 1832 enshrined in law for the first time the disenfranchisement of women, only a year after women's right to vote in parish elections had been statutorily confirmed. These exclusionary and disenfranchising patterns are not incidental to the trend of progressive enfranchisement. They were crucially implicated in the extensions of the franchise emphasized in the familiar narratives, but they are largely obscured in the political science explanation of these narratives.

Disfranchisement of the 40 Shilling Freeholders, Ireland 1829

When Catholic Emancipation was passed in 1829 it was paired with the Irish Disfranchisement Act, meant to provide “security” for the Protestant population and established Church. The Act removed the franchise from the 40s. freeholders in the counties and established a new qualification of £10 freehold. This was coupled with an oath that the

³⁰¹The exception to the Protestant dominance of the boroughs during the fight over the deposition of James II. Tyrconnell and James II altered the electorates in the corporations, “employing all the niceties of a confused law to quash [the corporations]” to remove control of these from Protestant burgesses and place it in the hands of Catholics (Davis 1893, 29). The Catholic Lord Lieutenant, Richard Talbot—the Earl of Tyrconnell—ordered that Catholics be admitted to the corporations, thereby establishing a more loyal electorate. The largely Catholic parliament that was returned quickly overturned the Cromwellian land settlements of 1652 and 1662, returning land to the descendants of the owners before the 1641 Irish Rebellion. It also established civic and political equality and a bill of attainder against thousands of Williamites (Davis 1893). This exception supports the claim that the function of the boroughs was effectively to secure the Protestant Ascendancy, because when James II sought to overturn this ascendancy to secure the support of Irish Catholics it was against the boroughs and their miniscule Protestant electorates that he moved.

tenant could afford “as an additional Rent, fairly and without Collusion, the annual sum of Ten Pounds, over and above all Rent to which I am liable.” The interpretation of this varied, but where applied had the effect of establishing a £20 freehold franchise.³⁰² The impact of this act on the Irish electorate was massive, reducing the county electorate from approximately 216,791 to 39,772 (Farrell 2009).³⁰³ The disfranchisement was not restricted to Catholic freeholders, but the British government was anxious to ensure security against the election of radical Irish Catholic MPs. Not only would the vast majority of Catholics be excluded, but the overall electorate would be drawn from a higher class. As the Ulster Protestant journal *The Northern Whig* noted, the vote had been “transferred from the serfs of the great landed proprietors to the merchants and traders of Belfast.” The ultimate effect of disfranchisement was a massive constriction of the electorate, which would now be both more Protestant and more “respectable.”³⁰⁴

The 1832 Reform Acts, England and Wales, Scotland, and Ireland

The goal of a more respectable electorate figured prominently in the debates over the 1832 Reform Acts as well. The impact of 1832 has been heavily debated by historians. O’Gorman has argued the English reform increased the electorate from 3.2% of the population to 4.7%, important but “scarcely the stuff of which political revolutions are made” (O’Gorman 1989, 179, 182).³⁰⁵ Others have argued that it was less the size of the increase than its impact on political behavior: the Reform Act of 1832, it is argued, “fundamentally altered England’s political landscape by politicizing the electorate to a

³⁰²Farrell cites Thomas Spring Rice’s intervention in the House when debating the Disfranchisement Act: “As he stated to the House, in determining whether an elector was qualified ‘first, we have to establish the existence of £10 profit in the hands of the lessee, and then you call on the freeholder to prove that a responsible and solvent tenant could afford to pay £10 a year over and above that ... You are not here contemplating a £10 freehold—you go infinitely beyond it, quite as far as some honourable gentlemen are desirous of going.’ As he implied, this was practically the equivalent of establishing a £20 qualification on the basis of the old ‘beneficial interest’ interpretation. The introduction of the much tighter ‘solvent tenant’ test, which was strictly applied by assistant barristers in Irish counties, had the effect of lowering the size of the electorate more than would otherwise have been the case” (Farrell 2009).

³⁰³These estimates are similar to those provided by Hoppen, of 216,000 to 37,000 (1984, 1). The county by county tally provides a number of 231,843 in 1829 and 39,762 in 1831, but because of the vagaries of the Irish registration system this is likely inflated. In 1832, Nicholas Leader would suggest in the House of Commons that the decline was to 26,000, but Peter Jupp argues that the post-disfranchisement county electorate was approximately 37,000, from which Hoppen’s figure derives (1973, 153).

³⁰⁴*Northern Whig*, 23 April 1829 (Kingon 2007, 11).

³⁰⁵The estimates I have generated and use throughout this work are similar to O’Gorman’s, 3.06% to 4.63% in England and 3.37% to 4.55% in Wales.

degree and on a scale hitherto unimaginable” (Phillips 2005, 139; Beales 1992; Phillips and Wetherell 1995; Salmon 2003). The Scots reform quite clearly had a massive impact on the electorate, but even here historians often stress an essential continuity in political behavior (Ferguson 1966; but see Pentland 2008).³⁰⁶ The Irish Reform Act did not undo the 1829 disfranchisement, but by opening the boroughs likely contributed to the success of candidates pledged to support repeal of the Union in the 1832 elections (McElroy 2007).

These views are not necessarily incompatible: the unreformed system was not the moribund system it is often caricatured as and the 1832 Acts did indeed establish a new institutional arrangement that over time radically altered the politics of the UK. What is without doubt, however, is that the 1832 Reform Acts led to a significant but modest net increase in the size of the electorate, and that in each country it was paired with the disfranchisement of existing voters. This disfranchisement was both immediate, for non-resident freemen and those electors in boroughs that lost the right to return an MP, as well as gradual, resulting from provisions that significantly curtailed the creation of voters in the pre-reform franchise classes. The result was that while the counties and many boroughs saw a considerable increase in the enfranchisement rate, a number of boroughs saw a decline, either immediately or over time. Just as important, the class composition of the electorate changed considerably.

The England and Wales Reform Act of 1832 created four new franchise classes in the counties in addition to the old 40s. freehold class. The clause which most increased the electorate was a franchise for tenants-at-will whose annual rent was £50, passed against the wishes of the government by an alliance of the Tory party with Whigs from agricultural districts.³⁰⁷ A standard borough franchise was established, enfranchising the owner or tenant occupier of built property assessed for rating at £10 per year. The existing borough franchises—the ‘ancient right’ voters—were not disfranchised immediately, with the exception of the non-resident freemen. No new scot-and-lot, freehold, burgage, or potwalloper electors would be enfranchised, and existing voters retained their franchise while they lived within seven miles of the borough where their right originated. Since

³⁰⁶Ferguson does note that “a case... can be made for the assertion that the Scottish Reform Act, like the Irish, was more revolutionary than its English counterpart” (Ferguson 1966, 106). Nonetheless, his stress is on the continuity in political behavior (namely corruption).

³⁰⁷In 23 counties the ‘Chandos’ electors constituted over a third of the electorate (Hoppen 1985, 205) and were 20% of the aggregate county electorate (Seymour 1915, 79). The copyholder and leaseholder franchises, the classes introduced by the Whigs, constituted together only 10% of the county electorate. See *Parliamentary Papers*, LVII.121, (3736) (1866).

no new non-freemen electors were to be enfranchised under these classes, they would gradually diminish as a proportion of the electorate. New resident freemen would still have the right to vote. In the extinguished boroughs, the old electors lost the right to vote unless they could meet the county qualifications, more difficult for town residents.

In both the boroughs and counties a registration system was established, intentionally designed to impose burdensome obstacles; this system “greatly increased the scope of disfranchisement” (Salmon 2003, 59).³⁰⁸ Anyone could object to an elector’s registration, and party managers did just this in an effort to keep their opponents’ supporters off the register. In Warwickshire, “the Liberals objected to every single farmer, or tenant-at-will, on the county registers. In Middlesex the Tories went one better and objected to every single elector who had earlier voted for the Liberals, about half the entire constituency” (Salmon 2003, 56).

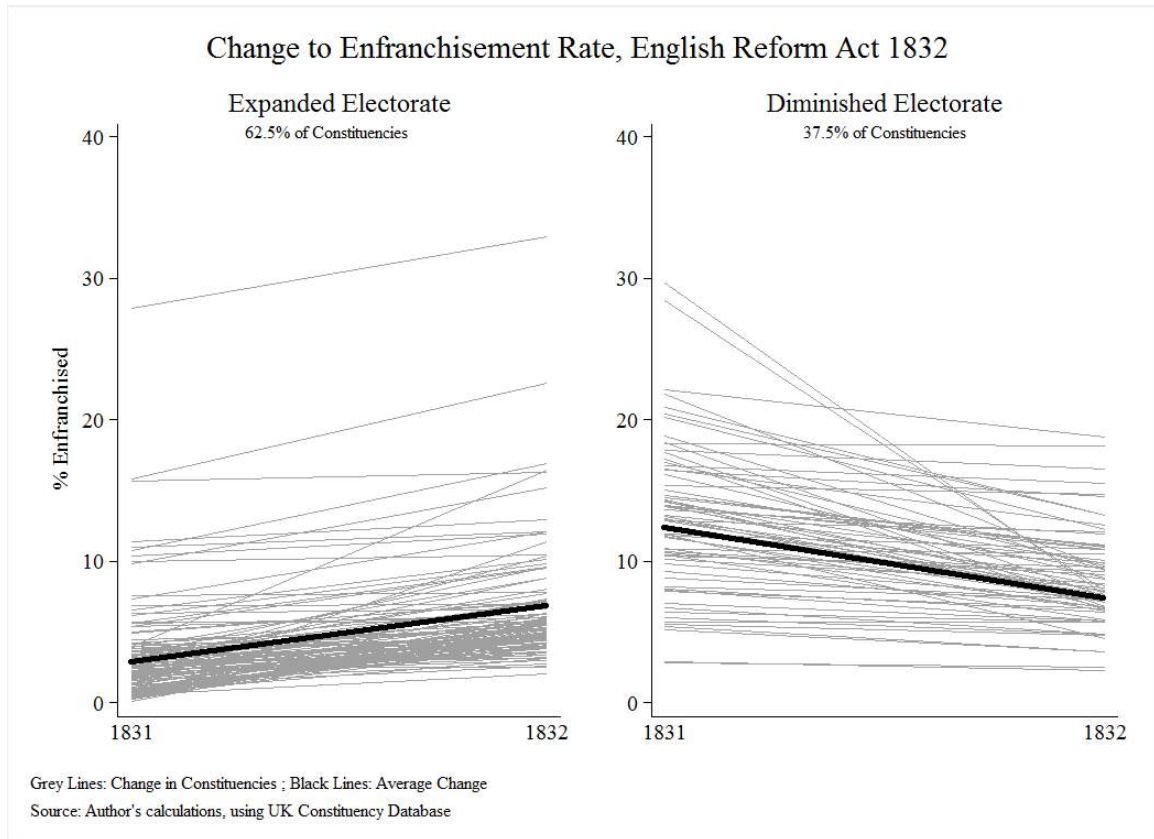
An additional limitation on the franchise in the boroughs was the exclusion of compounding rate payers. These were householders who did not pay the rates directly, as a result of an arrangement between parish officers and landlords. The parish would offer the landlord a reduced rate and the landlord would collect the full amount from the tenants, taking the remainder as profit. But the result was that only the landlord’s name was on the rate books, which was necessary for the £10 occupier franchise and made necessary for the old franchise classes as well (Seymour 1915, 150).³⁰⁹

The combination of the taxation requirement on ‘ancient right’ and new franchise voters, the registration fee and its procedural obstacles, the exclusion of the compounding rate payers, and the objection system greatly limited the effect of the new franchise classes and even disfranchised large numbers of former electors. As ‘ancient right’ voters died or moved they were not replaced: “at the 1832 election at Boston, of the 1,257 electors that could be accounted for a remarkable 374 (29.8 per cent) still qualified as freemen. By 1866 that number had decreased significantly to 148, 13.5 per cent of the electorate” (Vernon 1993, 38). In the English borough of Honiton, there were 455 registered electors in 1837, 372 of whom were potwallopers. By 1865, only 53 potwallopers remained and the electorate had declined to 279 (Jenkins 2009). Figure 6.4 shows an estimate of the change in the enfranchisement rate of non-rotten borough English con-

³⁰⁸While some of the boroughs—and all the scot-and-lot- boroughs—had required payment of taxes, these now needed to be paid by July 20th of each year or else they would be struck off the lists. No longer could a voter fall behind and then settle at election time (Salmon 2003, 59). Many borough franchises had not required payment of taxes, and so this constituted a new disfranchisement.

³⁰⁹An act in 1850 facilitated the ability of compound rate-payers to have their name added to the registry, but it remained a cumbersome process and few took advantage of it.

Figure 6.4: The Reform Act's Change to Electorate Size in England



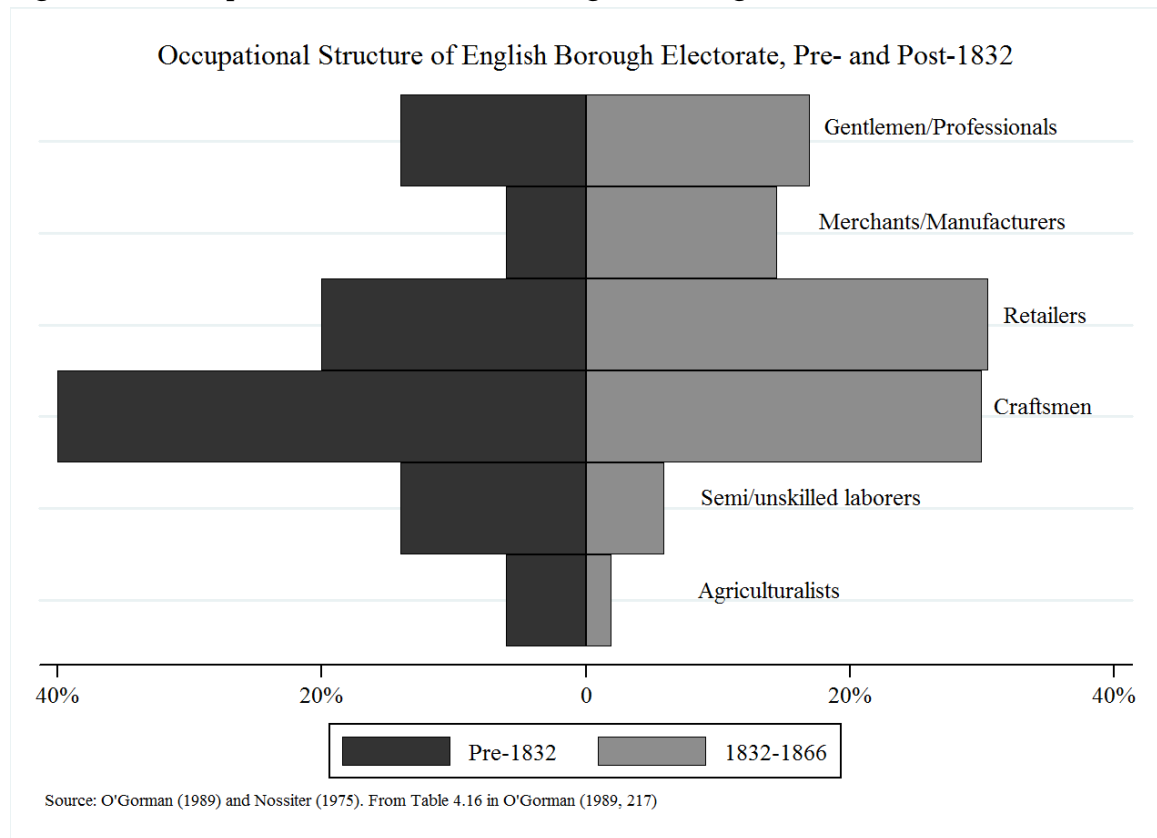
stituencies. The panel on the left shows the change in those constituencies that saw an increased electorate; the panel on the right shows the change in those constituencies that saw a decreased electorate. The grey lines are the individual constituencies; the black line is the average change. The disfranchisements were concentrated in the boroughs, and the enfranchisement rate in the non-rotten boroughs that existed pre- and post-1832 declined from 9.4% to 8.0%, a reduction that would be compounded over time as the ‘ancient right’ voters died or moved away.

The act also changed the class composition of the borough electorate. Figure 6.5 reproduces estimates of the occupational structure in English two-member boroughs for the pre-1832 period compiled by O’Gorman (1989, 217) and the post-1832 period compiled by T.J. Nossiter (1975, 166).³¹⁰ The occupational categories are arrayed in de-

³¹⁰Table 4.16 in O’Gorman (1989, 217). Data for 1832-66 are from T.J. Nossiter, *Influence, Opinion and Political Idioms in Reformed England: Case Studies from the North-east* (1975), 166. Data for pre-1832 is from O’Gorman, tables 4.12-4.14. The comparison is O’Gorman’s. Nossiter includes an additional

scending order, from the elite to laboring classes.³¹¹ The pattern is clear: semi- and unskilled labor and craftsmen lost ground to retailers, merchants, manufacturers, gentlemen, and professionals. For O’Gorman, “there seems no escape from the conclusion that the 1832 Reform Act diminished the penetration of the electorate down the social scale” (1989, 217). The acts operated to different effect across the different nations. Scot-

Figure 6.5: Occupational Structure of the English Borough Electorate, Pre- and Post-1832



land and Ireland each had separate and more conservative reforms. The Scots reform unambiguously increased the electorate. Five new classes were added to the county franchise, including an at-will-tenant class, roughly in line with the new county franchises in

category of “Drink” (9%), which I have allocated between the Merchants/Manufacturers and the Retailers. These were largely publicans, which O’Gorman has classified as Retailers, and Brewers, which O’Gorman has classified as Manufacturers, as well as other categories of merchants. Nossiter also includes a category of “Other” (6%), which O’Gorman treats as comparable to the Semi/Unskilled Laborers.

³¹¹Agriculturalists—small farmers—are placed at the low end of the boroughs’ social structure, although their position in the counties and in many boroughs was likely above that of the semi- and unskilled laborers.

England and Wales. However, there was no alteration of the old 40s. franchise to bring it in line with the much more liberal English qualification. Accordingly, the resulting rate of enfranchisement remained considerably lower in Scotland. The Scots burgh reforms likewise established a new franchise class of owner or tenant occupier that was effectively the same as England and Wales. But again, there was no compensation for the lack of an electorate in the freemen, householders, or scot-and-lot payers.

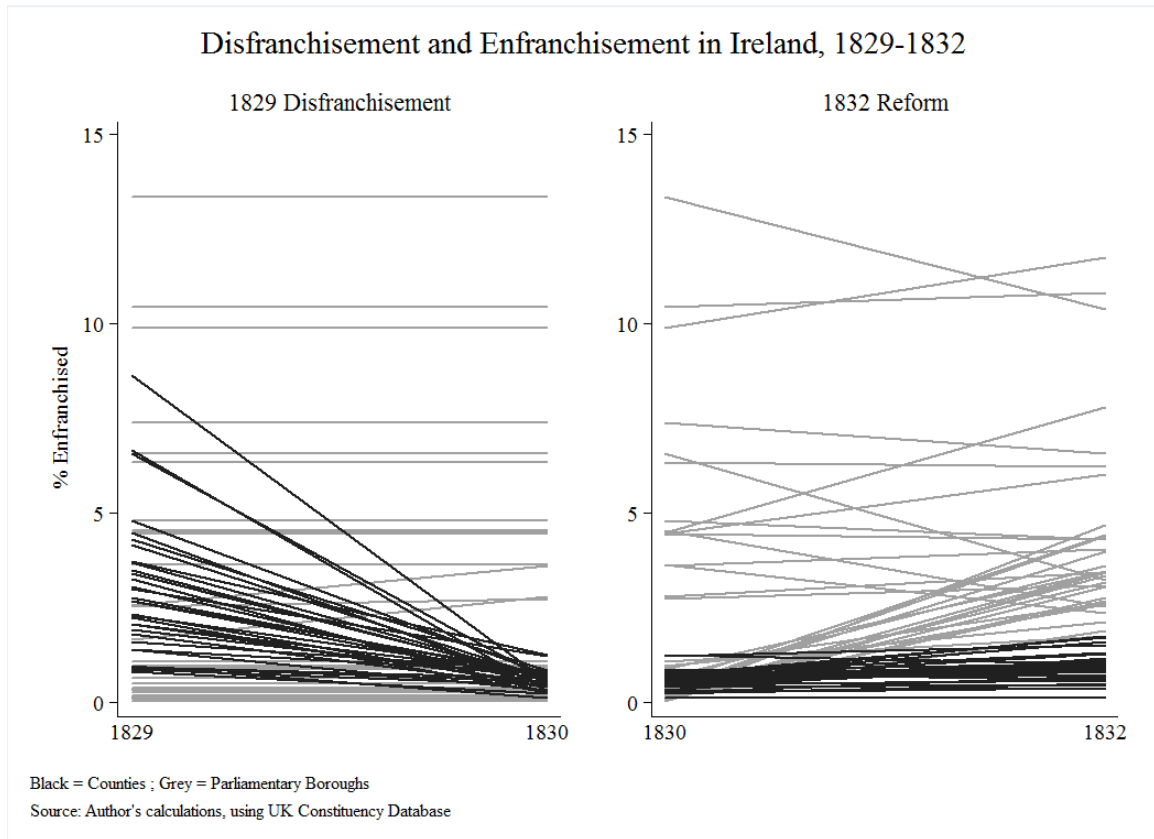
The Irish Reform Act established a number of new county franchise classes, but there was no equivalent to the tenants-at-will franchise. And like the Scots reform, there was no redress of the previous exclusions. The new franchises were roughly equivalent in the types of tenure required, but did not take into account much lower land values in Ireland. This ensured the increase in the county electorate was considerably smaller than it had been in Great Britain. Like in England and Wales, a new borough franchise of £10 occupiers was established throughout Ireland. Against the wishes of the government, the freeman franchise was continued on roughly equivalent terms as the English freemen, the result of an alliance of the Irish nationalist Daniel O’Connell with the Tories.³¹² In the ‘county-boroughs’ where the 40s. freehold franchise had not been abolished it was now curtailed and targeted for gradual elimination.

The Irish Reform Act of 1832 did not undo the 1829 disfranchisement. Figure 6.6 provides some perspective on the changes to the Irish electorate between 1829 and 1832. Each panel shows the change in the enfranchisement rate for the different Irish constituencies, with the counties in black and the boroughs in grey. The left panel shows the change from 1829 to 1831, showing the impact of the Disfranchisement Act. The right panel shows the changes from 1831 to 1832, showing the impact of the Reform Act. The Reform Act had little impact in the counties, where the vast majority of the Irish Catholic population lived. It did, however, open up the closed corporate and small enfranchisement boroughs. These were now at the level of enfranchisement of the more open boroughs, although some of these saw declines in their enfranchisement rates as non-resident freemen were excluded and the registration system imposed.

Across the U.K. the 1832 disfranchisement of the old borough electorate was accom-

³¹²As will be discussed in Chapter 7, Daniel O’Connell fought to keep the freeman voters, despite the fact that they had tended to be overwhelmingly Tory. The Tories, understandably, also sought to ensure the maintenance of this franchise. There were two likely motivations for O’Connell: he believed that expected changes to the Irish municipal corporations would allow for the creation of more Catholic freemen, and his position on the Irish Reform Act was to demand equality—on all terms—with the English Act. As the English freemanship had been retained, he insisted that the Irish be retained as well.

Figure 6.6: Disfranchisement and Enfranchisement in Irish Counties and Boroughs, 1829-1832



panied by a more subtle exclusion. In both counties and boroughs the qualification that the voter be ‘male’ was made explicit for the first time in British history, and so the act not only changed the actual composition of the electorate but the “political citizen was formally named as masculine” (Hall 2000a, 107). Some aristocratic women had, and would continue, to exercise political power as patrons of boroughs, or through an interest or influence over tenants in counties. And by custom women had not been electors for Parliament, so this did not remove the right to vote from those who might have previously been included. But it was an important signal that women’s electoral capacity was to be limited to the “private” sphere of the parish vestry, while the public functions of the vestry were in turn reduced by the Municipal Corporations Act.³¹³

³¹³Since the 1739 case of *Olive v. Ingram*, the right of women as ratepayers to vote in parish elections and to be elected to the office of sexton—responsible for maintaining the cemetery and church—had been explicitly confirmed in English law (H. L. Smith 1998). See also Burn, Chitty, and Chitty (1837, 633).

Representation of the People (Ireland) Act, 1850

The next major reform came in 1850 and was exclusively concerned with Ireland.³¹⁴ There were two central motivations: ensuring a more ‘respectable’ electorate through a tightening of the registration and valuation system, and expanding the electorate after its near-disappearance during the Famine. Like the 1832 reforms the act was intended to both enfranchise and disfranchise. The Irish franchise and registration system had been an issue of controversy throughout the 1840s, but proposals went nowhere until the crisis of the Famine. The scale of death and flight meant that “voters simply melted away,” with the overall county electorate declining from 60,597 in 1832 to a registered total of 27,180 in 1849 (Hoppen 1984, 17). But the registration system in Ireland counted the number of outstanding certificates, good for 8 year periods, and so did not fully capture the departures and deaths of those who had certificates that had not yet expired. Hoppen estimates the county electorate in 1849 at somewhere between 15,000 and 18,000.

In the counties, the 1850 Act decreased the freehold qualification and established an occupier franchise, for resident males paying rates and occupying, rather than owning or leasing, property valued at £12. The borough occupier franchise was likewise reduced. The registration system was totally overhauled, and all of the property assessments were to be established on the basis of the new poor law valuations. The impact on the county electorate was considerable, increasing between 360% and 650%, depending on whether one uses the nominal electorate or the ‘effective’ post-Famine electorate estimated by Hoppen (1984, 17).³¹⁵ The boroughs, however, did not see much of a gain and the

Suffragists would point to this case and a few others as part of their legal and discursive strategy in the late 19th century. See for instance Charlotte Carmichael Stopes’ *British Freewomen* (1894). For an overview of the case and its implications for women’s citizenship in 18th and 19th century Britain, see (H.L. Smith 1998).

³¹⁴The Act was accompanied by the Parliamentary Elections (Ireland) Act, 1850, which aimed to shorten the duration of elections and provide additional polling places. The Representation of the People Act is occasionally listed as the Registration Act, 1850 in recognition of the importance of rationalizing the registration system. See Cleary (1886, 135).

³¹⁵Hoppen gives a total county electorate of 135,245 in 1850. The numbers I have given are for 1852-53, allowing for the changes to the registration system to take effect. I take this from *Electors. Abstract return of the number of electors on the register of 1852-53, in each county, city, and borough in Ireland, distinguishing their qualifications, Parliamentary Papers, LXXXIII.413 (957) (1852-53)*. There is a discrepancy of 500 electors between the figures I report and the ones listed in the parliamentary report, which I believe to be the product of an addition error in the report. The Famine-era estimates of the electorate should be treated with even more caution than the pre-1840s estimates. In both cases the reason for caution is the certificate registration system, in which the dead and departed might still be listed as registered electors for having failed to turn in their certificates. Given the massive dislocations of the 1840-1850 period in Ireland, this problem is exacerbated, creating a ‘nominal’ and ‘effective’ electorates of widely varying size. For instance, Rallings and Thrasher gave an estimated Irish

changed valuation and registration system were almost certainly disfranchising in these constituencies. The borough electorate before the Act was somewhere between 30,000 and 40,000.³¹⁶ Hoppen's estimate for the post-1850 borough electorate is 28,301, and the official returns for 1852-53 count 29,634.³¹⁷ Regardless of what estimate is used for the pre-1850 electorate, the result is the same: a decline, either considerable or slight, in the size of the borough electorate. Figure 6.7 shows the change in the enfranchisement rate from the 1850 Franchise Act.³¹⁸ The black lines are the change in the counties; the grey lines the change in the parliamentary boroughs. The pattern is clear. The counties saw a significant increase in their electorates, while the boroughs (with some exceptions) saw an important decline. But the dual objectives of the Act had been achieved, an expansion of the county electorate and the establishment of both the borough and county franchises on a basis that would ensure a respectable electorate with an upwardly-skewed class composition, "effectively exclude[ing] many of the poor and marginal who had found it possible to get the vote before 1850" (Hoppen 1984, 18). The net result of the act was

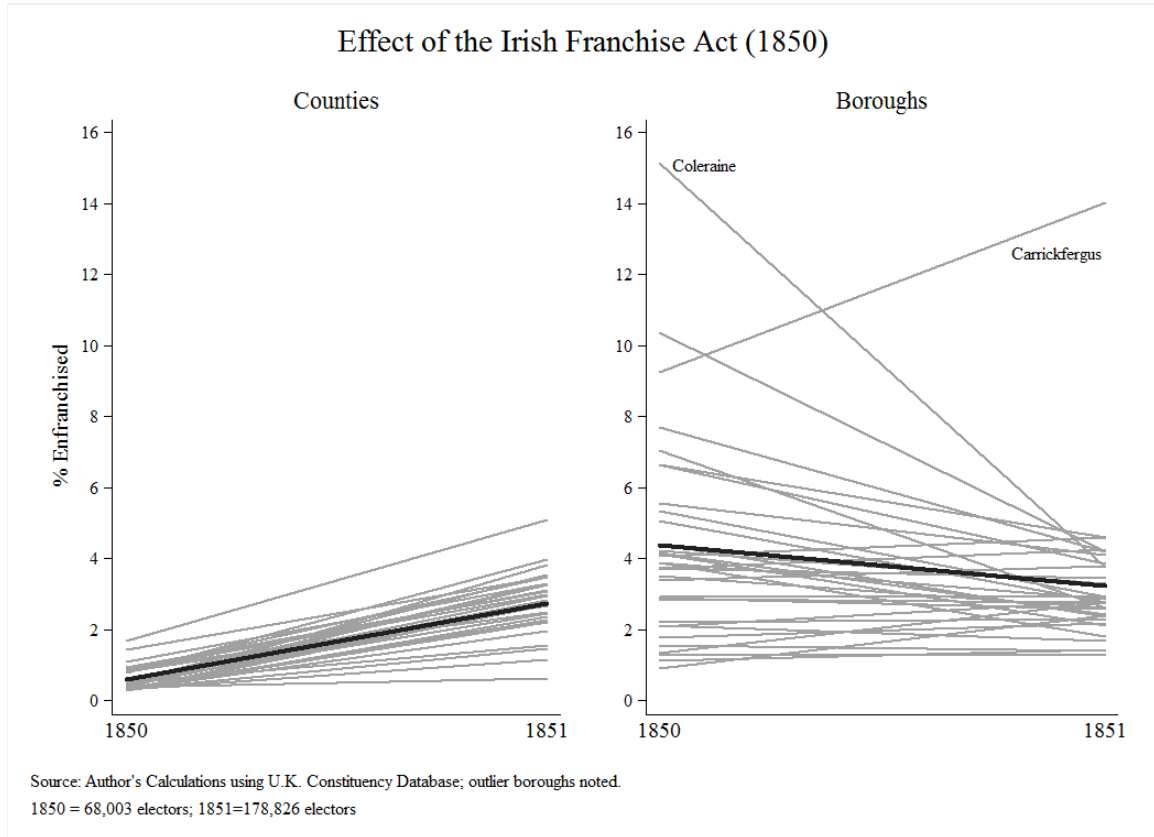
electorate of 124,825 in 1847, while contemporary parliamentary papers placed it at 78,433 in 1848-49 and 72,066 in 1849-50 (2007; see also Craig 1968). Hoppen gives an estimate of 45,000 in 1849-50 (1984, 17). The 'real' number is likely in between that provided by Hoppen and by the contemporary accounts, although I suspect Hoppen's is a closer approximation. See Parliamentary electors. Abstract of return of the number of parliamentary electors in Great Britain and Ireland, according to the registrations of 1848 and 1849, and 1849 and 1850. *Parliamentary Papers*, (345) XLVI.199 (1850). See also Return of Registered Parliamentary Electors in the Counties and Boroughs in Ireland in 1829, 1830, 1833, 1837, 1841, 1845, & 1850. M.S. Clarendon Dep. Irish Box 25, Sir Thom. Redington 1850-51 (Bundle 33).

³¹⁶Hoppen gives the number of electors in the boroughs before the Act as 29,471, roughly what it was in 1832 (1984, 17, fn2). Using the registrations of 1849-50, there were 40,234 electors in the boroughs. This is almost certainly too high. Nonetheless, examining the sources referenced by Hoppen suggests that the 29,400 borough electors he reports is too low, especially given the fact that leasing was less important in these constituencies and these had been more stable in population size during the Famine, with some even growing. Hoppen notes that the "best estimates that can be made suggest that between 1832 and 1850, at a time when the population as a whole was increasing, the electorate was declining, slowly at first and then more quickly" but that "the boroughs held their numbers more successfully" (1984, 6). He notes elsewhere that during the Famine "the boroughs held steady, partly because few were in the areas of greatest deprivation" (1977, 754). Parliamentary electors. Abstract of return of the number of parliamentary electors in Great Britain and Ireland, according to the registrations of 1848 and 1849, and 1849 and 1850. *Parliamentary Papers*, (345) XLVI.199 (1850). A tally of effective, rather than nominal, voters in 6 Irish boroughs was given by John Reynolds, MP for Dublin. He gives these as 27,335, only 1,000 fewer than using the figures for the 1849-50 registration. Hansard, House of Commons, March 1, 1850, cc.286.

³¹⁷Abstract return of the number of electors on the register of 1852-53, in each county, city, and borough in Ireland, distinguishing their qualifications, *Parliamentary Papers*, (957) LXXXIII.413 (1853).

³¹⁸I have used my estimates rather than Hoppen's for this analysis. The direction of change would be the same in both cases, although the borough decline would be less steep using Hoppen's figures. The increase in the county electorate is likely under-stated here, as reliable county-by-county estimates of mid-Famine electorate do not exist; the decline in the borough, by contrast, might be somewhat overstated, although Hoppen's estimate of 4% is a likely low end of the possible range.

Figure 6.7: Effect of the Irish Franchise Act (1850), Counties and Boroughs



an important increase in the size of the aggregate Irish electorate. But this increase masked the removal of many of the poorer borough residents and laboring classes from the electorate.

The Second Reform Acts, 1867-68

The English Reform Act of 1867 is frequently treated as marking the arrival of democracy in the UK (Himmelfarb 1966, 97; Park 1921, 7; Saunders 2011, 1). When considered in isolation, the enfranchising character of the English Reform Act of 1867 is indeed remarkable. In England the borough electorate was more than doubled, while the county electorate was increased by nearly 50%. In the counties the copy- and leaseholder franchises were reduced and an occupancy franchise similar to that established in Ireland in 1850 was introduced. But the reform was really aimed at the boroughs, and here almost all male rate-paying householders, regardless of the assessed or rental value of

the home, were enfranchised. In addition, a lodger franchise for those whose rent was £10 was included, although this was not a major source of enfranchisement.³¹⁹ While there were considerable numbers of adult men who were excluded by the act's provisions, and all adult women given the Commons' rejection of women's suffrage, the scope of enfranchisement is impressive.

When we consider the accompanying acts for Ireland and Scotland, however, another dimension is visible. In both countries the resulting electorate was considerably smaller as a proportion of the population, and the reform had very little effect in Ireland. Just as the English counties received less liberal treatment than the boroughs, Scotland and Ireland received less liberal treatment than England and Wales. The Scots Reform Act, passed in 1868, established a new county occupier franchise, but set this at a higher threshold than the English and Welsh qualification. The effect was to exclude approximately 12,500 male occupiers who would have been enfranchised had the English qualification been used, about 16% of the new county electorate.³²⁰ The increase in the Scots county electorate was small, and the enfranchisement rate was still below that of England and Wales after the 1832 Reforms. The new burgh qualifications were largely in line with England and Wales, but as with 1832 there was no compensation for the continued presence of 30,000 'ancient right' voters in England.³²¹

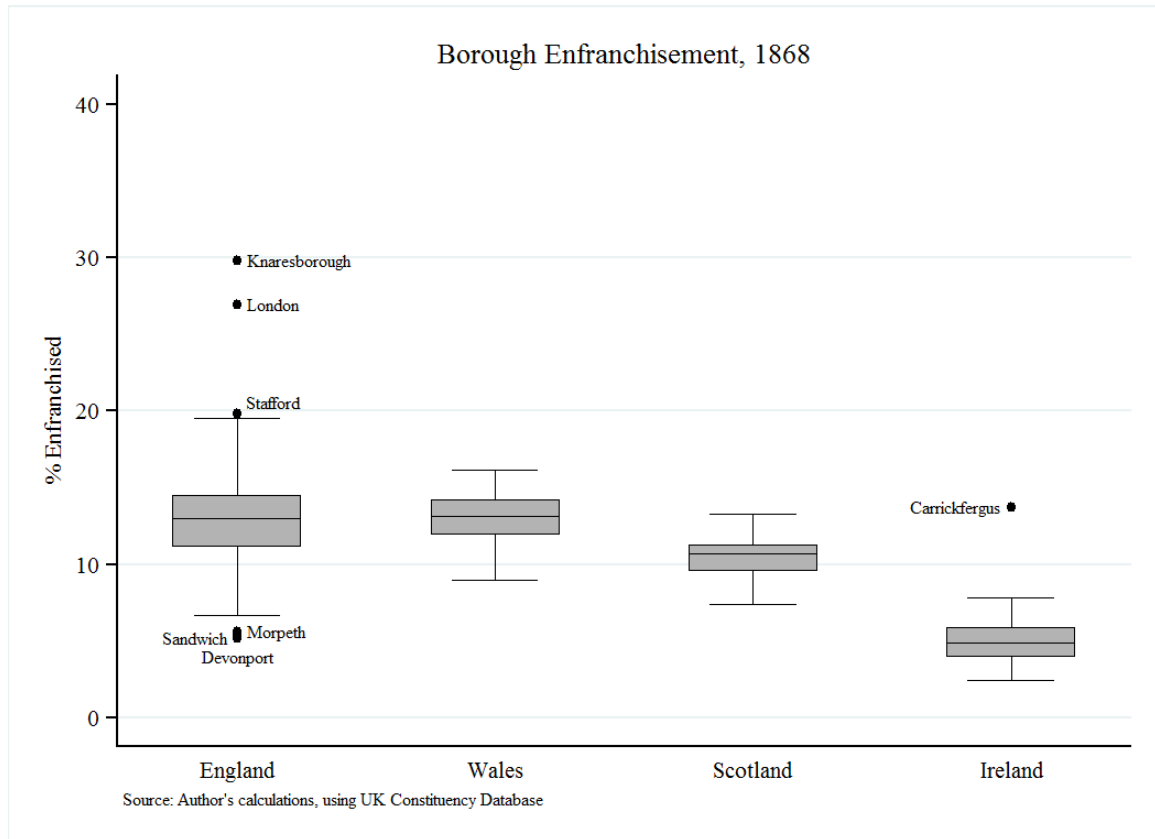
It was Ireland, however, that was most obviously marked for disparate treatment. The county franchise was left untouched, as the 1867 England and Wales bill had brought this into rough alignment with that of the 1850 Irish reform. That these masked considerably different property valuations—with similar land in England worth more than that in Ireland—and that this did not compensate for the greater enfranchisement in England

³¹⁹By 1885 only 56,961 of England's borough electorate of 1,772,479 (3%) was qualified under this franchise. This did vary, although the proportion enfranchised by the lodger qualification was always quite low. Two notable exceptions are Westminster, where 23% (4,307) of the electors were qualified under the lodger franchise, and Marylebone, where 11% (4,016) were so qualified. See Return for each Parliamentary City, Town and Borough in England, Wales, Scotland and Ireland of Population and Number of Electors on Registry, 1866, 1869 and 1873, *Parliamentary Papers*, LIII.43 (1874).

³²⁰See Electoral returns (Scotland). Electoral returns. Burghs and counties, Scotland, 1865-66, *Parliamentary Papers* LVII.805, (3651) (1866), Return 5. A £14 is not used in this return, but rather a £10 to £12 and a £12 to £15 are reported. I estimate that half of the 7,733 male occupiers between £12 and £15 would have been under £14, a conservative approximation. I added to this the 7,850 male occupiers between £10 and £12.

³²¹The lodger qualification had unexciting results enfranchising only 1,959 in the burghs by 1885. Francis Barrymore Smith reported in 1866 that the Scots reform bill "contained the same qualifications as the English Bill, with the exception that it had no lodger franchise" as lodgers were legally tenants and thus had qualified since 1832 (1966, 226). The Representation of the People (Scotland) Act, 1868, however, does indeed include a clause enfranchising lodgers. 31 & 32 Vict. c. 48, §4.

Figure 6.8: Borough Enfranchisement Rates, Four Nations 1868

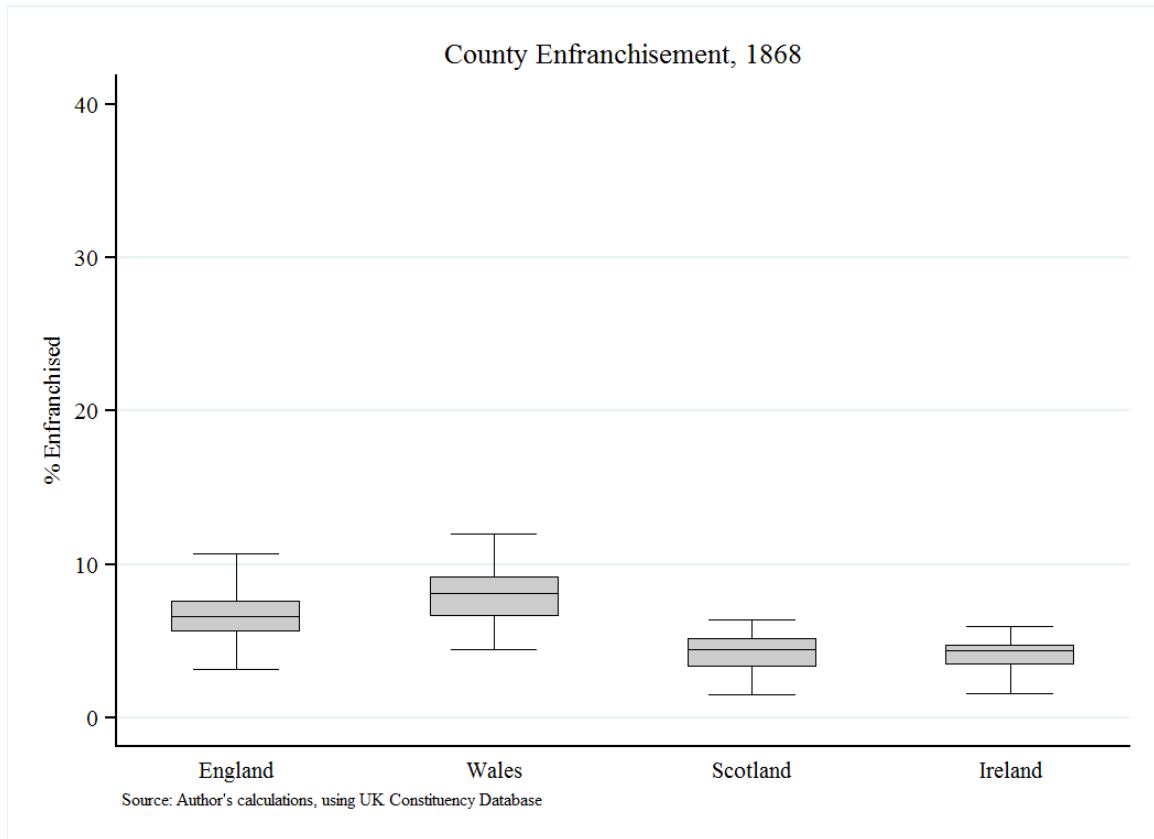


through the 40s. freeholder and leaseholder franchises did not much matter.³²² But the householder franchise adopted for England, Wales, and Scotland was too far a leap. Disraeli insisted he would not extend the franchise in Ireland “in the midst of the outbreak of Fenianism”—the Fenian Brotherhood had organized a failed uprising in 1867, and there was fear of an insurrection by Irish in English cities (Hall 2000b, 204-220)—and a Conservative Irish delegation had “demanded that the Irish Bill be dropped as a condition of their supporting the English and Scottish Bills” (Smith 1966, 225).³²³

³²²Members in support of a more liberal franchise extension in Ireland noted that the £12 county franchise would be equivalent to a £30 threshold in England (Park 1921, 260).

³²³Despite the attention paid by Acemoglu and Robinson to the 1867 Hyde Park riots as “the most immediate catalyst” (2000, 1183) for the 1867 Reform Act, there was no serious threat of revolution, the next year when the government decided to not risk confrontation by dispersing another crowd in the park, the “main effect of the humiliation of the following May was to place a premium on resisting further concessions” (Saunders 2011, 15). There was, however, a failed effort at revolution in Ireland, successfully repressed, and a genuine belief that Fenian insurrections might occur in English cities. The result was to make a further extension of the franchise in Ireland even less likely.

Figure 6.9: County Enfranchisement Rates, Four Nations 1868



Rather than extend the franchise to all male occupiers who paid rates, the franchise was extended to rate-paying male occupiers of property valued at £4, as well as to lodgers on the same terms as in Great Britain.

The overall result of the 1867-68 acts was that the franchise had been extended to much of the working classes of the English, Welsh, and Scots boroughs. The Irish Catholic laboring classes, by contrast, remained outside the “pale of the constitution.” Figure 6.8 shows a box graph of the enfranchisement rate for boroughs in each of the countries; Figure 6.9 shows the same for the counties. The borough electorate of Scotland lags behind England and Wales, but Ireland is a clear outlier with only Carrickfergus, with its traditionally broad based and Protestant electorate, reaching the median of English enfranchisement.

In each of the countries the enfranchisement rate was higher in the boroughs than in the counties, but again Scotland and Ireland are considerably less enfranchised than

England and Wales. This was the result of intentionally more restrictive franchises as well as a legacy, consciously maintained, of the earlier disfranchisements and exclusions.

The Reform Act of 1884 and Redistribution Act 1885

If the Reform Acts of 1867-68 are often presented as marking the arrival of democracy, the Reform Act of 1884 is often presented as its consolidation (Blewett 1965, 27; Matthew, McKibbin, and Kay 1976, 724). The 1884 Reform Act extended a common franchise qualification not only across the boroughs and counties but also across the different countries of the U.K. The “union of the kingdoms was, indeed, the very foundation of the bill,” but the inclusion of Ireland was, for Liberals and Conservatives alike, a source of considerable anxiety and opposition (Jones 1972, 4). But while the 1884 reform massively increased the electorate, it did not inaugurate manhood suffrage. Furthermore, it was paired with changes to the electoral system, notably the introduction to England, Wales, and Ireland of gerrymandered Single Member Plurality districts that were intended to undermine the new power of the working classes in the counties (Ahmed 2010, 2013).

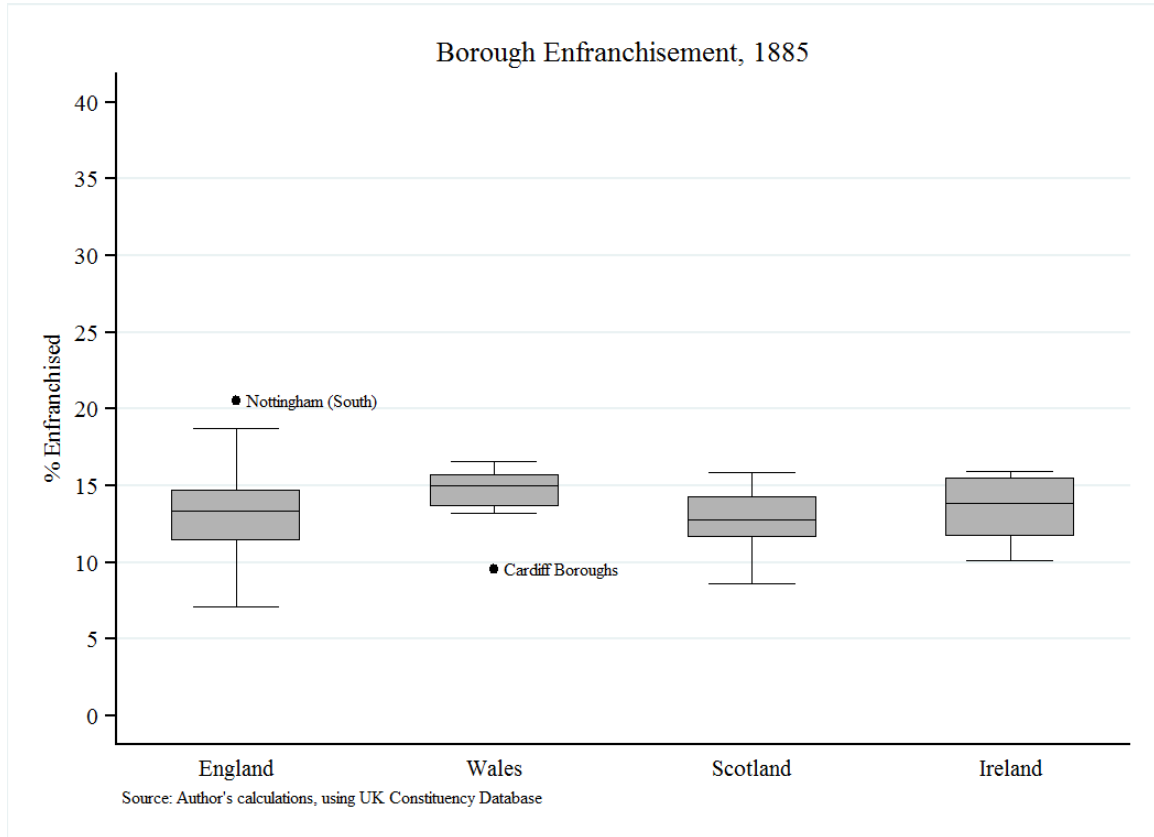
If the 1867-68 reform acts created a mass constituency in the boroughs of Great Britain, the 1884 Representation of the People Act (and the equally important 1885 Redistribution Act) did the same for the counties of Great Britain and the boroughs and counties of Ireland.³²⁴ The Cabinet had information, which they sought to conceal, that the expansion of the electorate in Ireland would be huge: the figures on the anticipated Irish county electorate were too “awful. . . for poor Hartington [the foremost Liberal critic of the bill] to swallow—700,000 county householders” in Ireland (cited in Jones 1972, 42).³²⁵ The effect was nearly as dramatic in the Irish boroughs, nearly doubling the electorate. In total, the enfranchised population of Ireland increased by 226% compared with increases of 65%, 75%, and 73% for England, Wales, and Scotland respectively.

Perhaps most importantly, the establishment of a common franchise at such a liberal rate brought with it a common enfranchisement rate across the countries for the bor-

³²⁴See Electors (Counties and Boroughs), *Parliamentary Papers*, (44 Sess.2) LII.569 (1886) and Parliamentary Constituencies (number of electors), *Parliamentary Papers*, (II) LXII.213 (1884).

³²⁵While this was an over-estimation, the 1885 registration gave a total of 619,000 county electors, up from 177,000 before the act. All but 2% of these were householders or £10 occupiers. A return from 1884 showing the number of county lands, tenements or hereditaments rated at various valuations showed 741,775 rated under £12, the occupancy threshold since 1850. There were 720,217 inhabited houses rated below this value in the counties, with 435,179 rated below £1. In the boroughs there were 38,022 lands, tenements or hereditaments rates below £4, the borough qualification since 1868. And 53,582 inhabited houses rate below this amount. See County and borough franchise (Ireland), *Parliamentary Papers*, (164) LXII.221 (1884).

Figure 6.10: Borough Enfranchisement Rates, Four Nations 1885



oughs and counties (Figure 6.10 and Figure 6.11). From 1884, changes to the franchise qualifications would no longer be discriminatorily applied across the different nations. The result was a convergence in the degree of enfranchisement. But the Redistribution Act also ensured that the occupation of the voters would be taken into account in drawing the new district boundaries, to ensure that suburban and middle class voters were not overwhelmed by the working class electorate. Suburbs of parliamentary boroughs were hived off and included in the county districts, with the net result being that many of the county constituencies were wealthier, composed more of householders than lodgers, and with more settled residence. The enfranchisement rate in 'county' districts after 1885 was higher than in 'borough' districts, across all countries, despite the fact that both sets of districts shared common qualifications.

Figure 6.11: County Enfranchisement Rates, Four Nations 1885



The Reform Act of 1918

By 1911, approximately 17.5% of the population had the right to vote, 30% of the adult population and 63% of the adult male population (Blewett 1965, 31).³²⁶ The classes that were excluded by the 1884 Reform include paupers, live-in servants, most of the military, sons living with parents, those who had changed residence within a year, and women.³²⁷ The qualification of 12 month residence for the household franchise was especially important in excluding workers (Blewett 1965, 37, 32).³²⁸ The 1918 Reform

³²⁶The estimates of the size of the electorate are somewhat exaggerated by the existence of plural votes—likely in the area of 500,000 by 1911, or 6.3% of the electorate. Blewett therefore estimates the proportion of adult men enfranchised to be 59%, and attributes this to the specific classes of persons excluded, the disabilities imposed by the registration system, and the capricious workings of this system.

³²⁷See Blewett (1965), Matthew et al. (1976) and Tanner (1990).

³²⁸The same was the case if the elector changed from a householder qualification to a lodger qualification: while 12 months was required for both, the qualification attached to 12 months of residence as a lodger or occupancy as a householder.

Act repealed all existing franchise qualifications and in their place established a 6-months residence and a business qualification, enfranchising actual occupiers of land or premises valued at £10 and occupied for the purpose of business, trade, or profession for six months. Residence was extended to include the contiguous parliamentary boroughs or counties, and the county of London treated as a single borough.

The most radical change, however, was the limited enfranchisement of women. Women were enfranchised if they were 30 years of age, not subject to any legal incapacity, and were entitled to be registered as a local government elector or married to a man so registered. The municipal franchise had been initially granted in 1894. Given that husband and wife could not qualify on the basis of the same property, and that it was more likely that the husband would be listed as the tenant/owner for purposes of the local government franchise, women were highly dependent upon their marital status. This limited the extent and effect of women's enfranchisement, "keeping the women electors in the minority" and ensuring that "servants, maids, daughters living at home, and other women in similar position in the family" were not enfranchised, the vote being extended only to the "head woman of the household" (Morris 1921, 146).³²⁹

In England, the Act resulted in an enfranchisement rate increasing from 18.8% in 1912 to 47.2% in 1922.³³⁰ Looking only at male electors, the enfranchisement rate increased from 18.8% to 27.2% of the population, highlighting the limits of the 1884 Act. In Wales, the increase was from 19.3% to 45.5% (27.1% for men); in Scotland, from 16.8% to 46.5% (27.5% for men).³³¹ The enfranchisement rates in Ireland are more difficult to calculate, given fatalities during WWI, the outbreak of the War of Independence in 1919, and the lack of a census in 1921. Using the 1911 census, a far from perfect measure, the Irish enfranchisement rate increased from 16.2% to 43.7% (28% for men) in 1918.³³² Women

³²⁹Conservative Unionist MP Basil Edward Peto sought to remove the marriage qualification, enfranchising only those women who held the occupancy in their own right and those who qualified under a business qualification. He estimated that this would have enfranchised one million women, as opposed to the 5 to six million the government intended to enfranchise (Morris 1921, 146).

³³⁰Parliamentary and local government electors (United Kingdom), *Parliamentary Papers*, (138) XIX.925 (1918). I use the 1922 registration data so as to use the 1921 rather than the 1911 census figures. The war had not only seen approximately 2% of the population killed, but there was an enormous amount of movement to the cities from the countryside.

³³¹There was a worry that the enfranchisement of women in Scotland would be more liberal than it was in England, the result of a more liberal municipal franchise. The solution was an amendment so that women could vote in local elections based on the Scots municipal qualifications, but could vote in parliamentary elections only on conditions as in England. Women constituted 40.8% of the new Scots electorate, compared with 42.5% of the English electorate.

³³²The population of Ireland was continuing the decline that had begun during the Famine. While the population of the 26 non-Northern Ireland counties was 3,140,000 in 1911, it was 2,970,000 in the first

were a smaller proportion of the new electorate in Ireland than elsewhere.

Equal Franchise Act, 1928

The Representation of the People (Equal Franchise) Act, 1928, did not alter the franchise qualifications for men but equalized the qualifications across gender. It was nonetheless a massive increase in the electorate, from 48.7% to 63.5% enfranchisement in England, 48.8% to 61.4% in Wales, and 46.8% to 60.7% in Scotland. Ireland had left the Union, but the Northern Irish electorate increased from 48.4% to 60.6%.

Legal incapacity

In all of the Reform Acts, the vote was limited to those who were of full age (21) and not under any legal incapacity. The legal incapacities included various offices, such as returning officers, whose neutrality was considered crucial to the machinery of election; offices considered part of the executive or judicial branches; peers with representation in the House of Lords; aliens; idiots and lunatics; convicted felons; persons employed by candidates at elections; those convicted of bribery or corruption of parliamentary or municipal elections; and from 1832 in the boroughs and 1867 in the counties those in receipt of parochial relief for a period of 12 months period. To this list of ‘incapables’ was added in 1918 the category of conscientious objectors, who were disfranchised during the war and for five years thereafter.³³³ There were additional statuses between subjecthood and alienage, however, and ‘certificated’ aliens could vote unless the certificate in question explicitly denied this right, as could denizens. The naturalized could vote, but could not serve in Parliament, in Privy Council or have any office or place of trust until 1870 (see Wilkinson 1868, 2-20).³³⁴

Perspectives on Democratization

Before 1884, England and Wales consistently had more liberal franchise qualifications than Scotland and Ireland. After 1793, Irish representation was similar to that of England: some genuinely open boroughs, disproportionately but not exclusively Protestant,

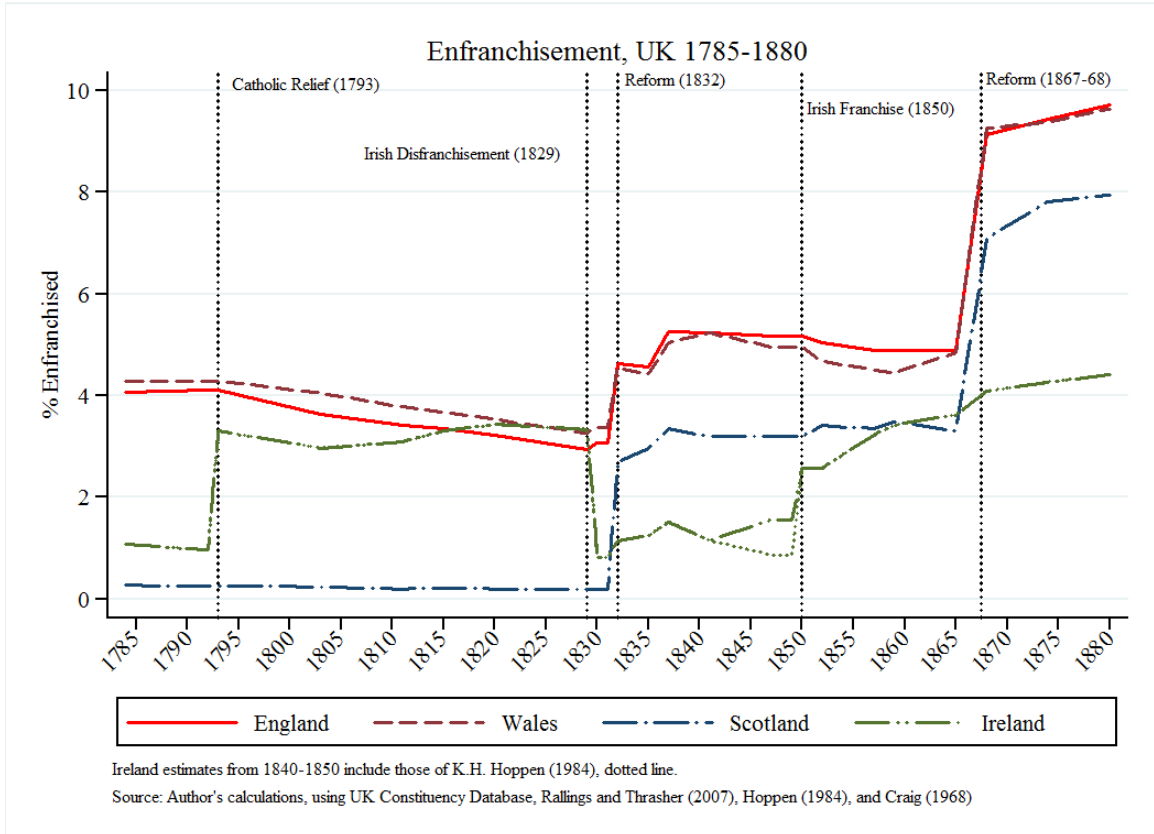
census of the Irish Free State in 1926. This would understate the enfranchisement rate in 1918.

³³³8. Geo. V. c.64. §9(2). See Hugh Fraser (1918, 4-6).

³³⁴The status of aliens was somewhat unclear. The legal incapacity that had traditionally barred them from the vote was the inability to hold freehold property, but this did not apply in the boroughs where the franchise was vested in the householders. See Anstey (1867, 104-120).

alongside counties where the influence of the landlords over the tenants was not absolute or un-negotiated, but was certainly predominant.³³⁵ The disfranchisement of 1829 would not be undone for twenty years and the legacy of a smaller number of narrower franchise classes meant that both Scotland and Ireland remained comparatively under-representated.

Figure 6.12: Proportion of Population Enfranchised, UK 1785-1880

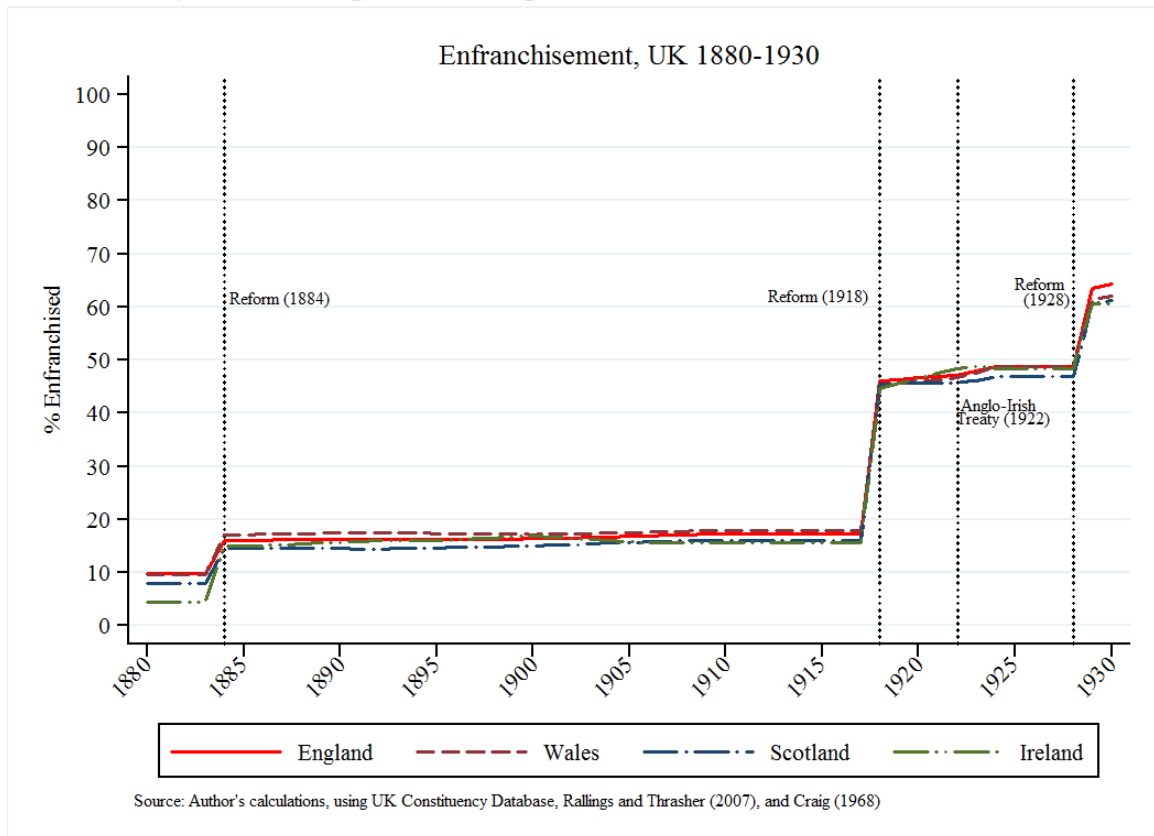


Each of the major episodes of franchise extension from 1829 to 1884 was accompanied by either a disfranchisement of previously enfranchised electors or a franchise arrangement that was exclusionary across nations. The cumulative effect of these reforms is shown in Figure 6.12, which plots the aggregate enfranchisement rate—the total

³³⁵By the early 1820s, for instance, the bulk of the county MPs from Ireland were in favor of Catholic Emancipation. The landlords did ‘deliver’ votes, and they did so with a considerable, but not total, disregard for the preferences of their tenants. As in England, maintaining ‘harmonious’ relations was a constant concern, and encouraged a pre-election settlement among elites so as to avoid the county being contested.

number of electors divided by the national population—from 1785 to 1880. The comparative exclusion of Scotland and Ireland is easily visible. Figure 6.13 extends this series beyond 1884. The closeness with which the national enfranchisement rates tracked each other after 1884 is indicative of the degree to which the exclusion of Scotland and Ireland was a function of institutional arrangements. Once the franchises were harmonized, the enfranchisement rates converge.

Figure 6.13: Proportion of Population Enfranchised, UK 1880-1930



Aggregate increases in the electorate, however, can mask disfranchising trends. Figure 14 shows the distribution of constituencies according to their enfranchisement rates. Additionally, the proportion of constituencies with more than 10% and 25% of the population having the right to vote is noted. Looking at the UK as a whole, the Reform Acts of 1832 increased the number of constituencies with rates between 5-10%, but this was accompanied by the disfranchisement of the more popular constituencies. This process continued as ancient right voters died or moved, and with the economic recession of the

1840s. By 1851, only 3.5% of constituencies had more than 10% enfranchisement, down from 25.9% in 1829.³³⁶ The Reform Acts of 1867-68 returned much of the constituency diversity and representative districts to Parliament, while the Reform Act of 1884 ensured that very few constituencies had less than 10% of the population enfranchised. The

Figure 6.14: Distribution of Parliamentary Constituencies by Extent of Representation, United Kingdom

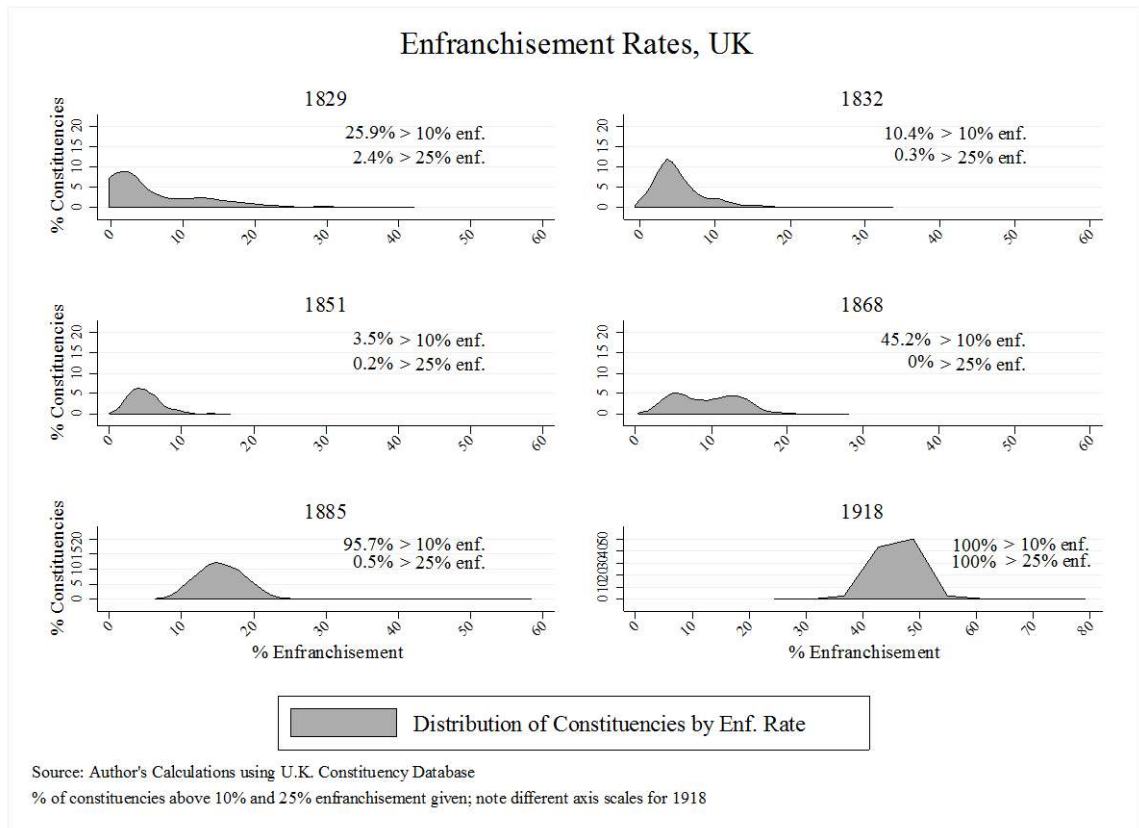


figure ends shortly after the partial enfranchisement of women and the inauguration of residence suffrage in 1918, when all constituencies had more than 25% and many have more than 40% enfranchisement rates. It should be noted, however, that the aggregate changes at the UK level are largely driven by changes in England, and to a lesser extent, Wales. After the 1868 Reform in Scotland, there were only 25.9% of constituencies with

³³⁶The disfranchisement of the Irish 40s. freeholders decreased the representativeness of the Irish delegation considerably. I did not include the pre-1829 distribution for space reasons and because the basic image and proportions above 10% and 25% would have remained the same, as the disfranchisement largely reduced counties with 4% enfranchisement to 1% or lower.

more than 10% enfranchisement—the same proportion England had before the 1832 Reform Act. In Ireland, there was only 1 constituency with more than 10%—the borough of Carrickfergus, which had maintained a relatively high level of enfranchisement since before the Act of Union.

How should this accounting modify our perspective on democratization in the UK? First, it becomes harder to maintain the Whig emphasis on a trajectory of progress. Between 1828 and 1884, there were disfranchisements in the Irish counties, disfranchisements in the English, Welsh, and Irish boroughs, and the exclusion of county and borough residents in Ireland and Scotland relative to England and Wales. The aggregate national trends were, outside of Ireland, in the direction of an expanded electorate. The constituency and class level trends, however, showed considerably more variation. Accounts of democratization in the UK need to accommodate the fact that franchise extensions were motivated not only by an effort to increase the size of the electorate, but to simultaneously exclude some of the poorer classes—to construct a new “‘rational and respectable’ male subject” (Vernon 1996, 10-11).

Second, it should be clear that the national dimension cannot be ignored to the degree that it has been. It needs to be integrated into analyses to understand the dynamics of democratization and exclusion in the 19th century UK. The question of whether reforms would be undertaken across the different nations was in the foreground of every debate over the franchise, greatly influencing the considerations of legislators and ministers. This dynamic varied over the course of the 19th century, but at each moment when the reform of the franchise was considered, the implications of doing so for the different national arrangements were considered by legislators and at each moment they substantially altered the final package of reforms.

But the national dimension impacted the politics of democratization more subtly as well. Take, for instance, the argument of Lizzeri and Persico that the electorate was increased in order to dis-incentivize investment in ‘corruption.’ Before 1832, corruption worked as a buttress to the Protestant Constitution, both in Britain and in Ireland, and it was the fears about the consequences to this constitutional order that prompted the hostility toward Reform and the demand for Irish disfranchisement. A dislike of ‘corruption’ could not be separated from considerations of nationality and the sectarian character of the British State.

Figure 6.12 through Figure 6.14 provide the periodization that will structure the chapters to follow. The period from the Act of Union (1801) to the repeal of the Test and

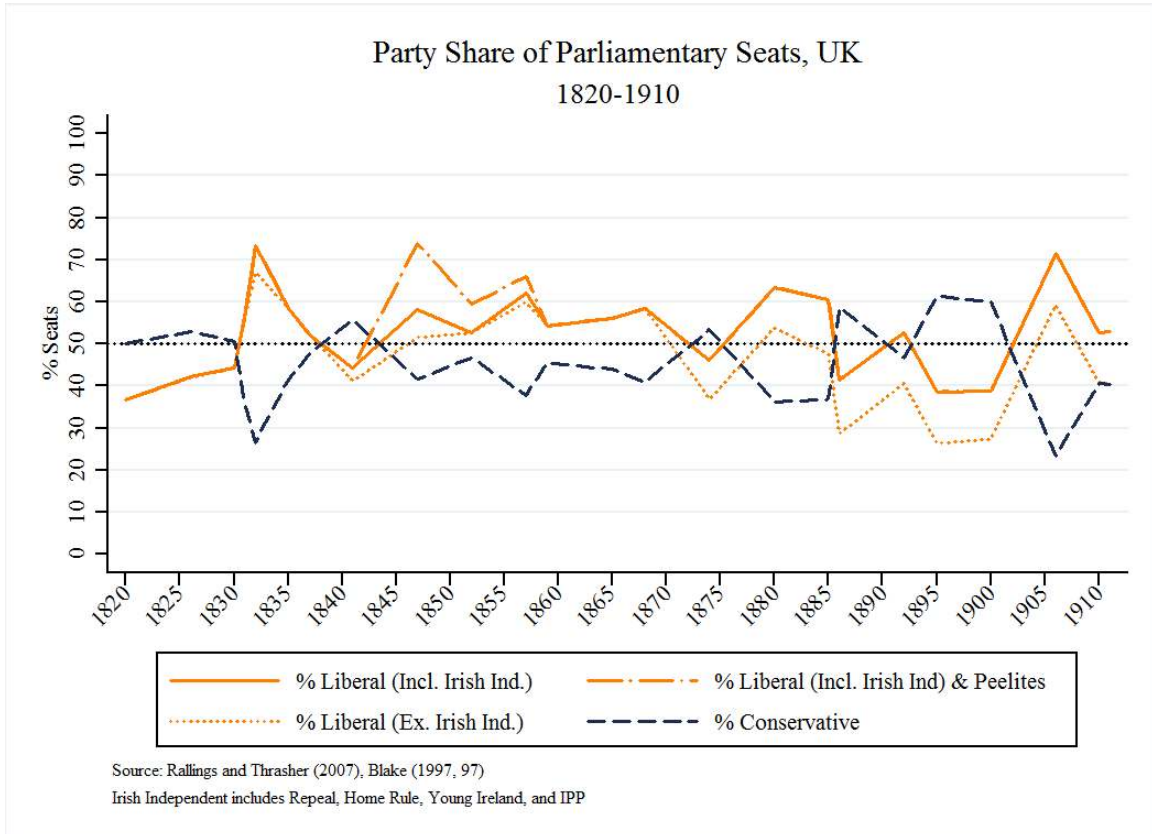
Corporation Acts (1828), Catholic Emancipation (1829), and the Reform Acts (1832) saw the dismantling of some of the core institutional features of the Protestant Constitution established in 1688. The years 1828-1832 saw the establishment of a new constitutional order, one that was both the product of and would eventually undergird the ascendancy of a new coalition of religious dissenters, radicals, Whigs, and Irish Liberals. The new constitutional order would largely continue after 1884, but the partisan configuration that it sustained would be dramatically reconfigured. The Irish Parliamentary Party would now have considerable leverage, returning more than 70% of the Irish parliamentary delegation in every year before 1918. And the Liberal Party would be irrevocably fractured over the issue of Irish Home Rule. In the interim, debates over democracy, representation, and the franchise were deeply informed and structured by narratives about national identity and purpose that had been articulated and disseminated after 1832. These narratives drew on longstanding traditions of English exceptionalism, and their resonance was not the result of a top-down imposition. But they were purposefully reconfigured and tied to the project of consolidating an unstable Liberal coalition. The commitment of the nascent party organization to these narratives, and its growing popular resonance, structured the behavior of MPs, both Liberal and Conservative.

Institutional and Partisan Context

The Tory Party governed at Westminster from 1783 until 1831, interrupted only briefly by coalition governments in 1807 and 1827 in which Whigs were included but not dominant. Whig or Liberal governments were in charge from 1830-1886 for a total of 39 years (70%) and won a majority of the seats in all elections but two, 1841 and 1874 (Jenkins 1994, ix). If anything, the long-stretch of Liberal government might understate the degree to which this period was one of Liberal ascendancy. The Conservative victory in 1841 is usually credited to the policy of Peel in accepting the new constitutional order, “a final and irrevocable settlement of a great constitutional question.” And while the parties were associated with broad public philosophies, they would at times both seek to position themselves as the ablest representatives of liberalism. Conservative leaders including Peel and Disraeli sought to break the “old Whig monopoly of Liberalism,” and to position themselves as the party best suited for carrying through liberal policies (St John 2005, 56; Roach 1957, 325). As William Gladstone, an ultra Tory in the 1830s turned champion of Irish Church disestablishment and Irish Home Rule, claimed in 1884, liberalism, both

the party and the ideology, had been “the solid permanent conviction of the nation” from the 1832 Reform Act onward (Morley 1903, 128).

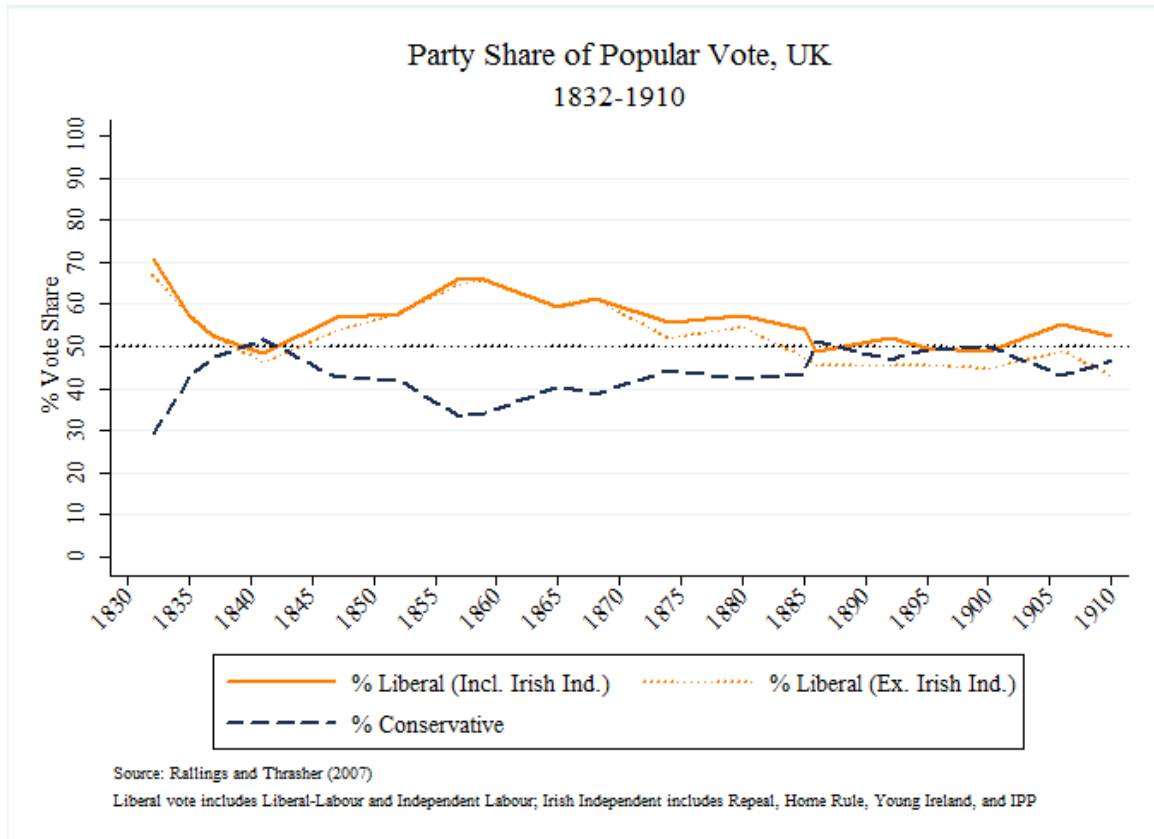
Figure 6.15: Party Share of Parliamentary Seats, 1820-1910



There was a clear popular preference for the Liberal Party in the reformed electorate, as can be seen in Figure 6.16. This shows the two major parties share of the popular vote from 1832, when official records were implemented, to the election of 1910. The non-Tory/Conservative Irish delegates are included with the Liberals, although I have indicated by the dotted line the Liberal vote share absent the Irish independents and nationalists. Until the party split on the issue of Home Rule for Ireland, and undermined by the change to Single Member Plurality districts, the Liberals won a clear majority of the popular vote in every election but one, even in the heavy defeat of 1874.

However, while the Liberals were able to form ministries for the majority of the period after 1832, they were never in a position of absolute dominance in the House of Commons and their support was always limited in the House of Lords. Figure 6.15

Figure 6.16: Party Share of Popular Vote, 1832-1910



shows the party share of parliamentary seats, between Liberals and Conservatives. I have separated out the Peelites—former Conservatives who left the party over the repeal of the corn laws and over a grant to a Catholic seminary—between 1846 and 1859, after which they were solidly in a Liberal coalition.³³⁷ I have also separated out the Irish independents and nationalists.

There are some problems with the periodization of Liberal ascendancy that I have sketched out here. For one, the Liberal Party was a party in formation and far from being the coherent and permanent organizations we associate with modern political parties. It was always a much more uneasy and tenuous coalition. Nevertheless, it makes sense to speak of this period as one of Liberal Ascendancy, and the early lack of coherence and

³³⁷The nature of the Rallings and Thrasher (2007) data makes it impossible to separate out Peelites from the Conservatives in the share of the popular vote. Given that the Peelites were increasingly aligned with the Liberals, this understates the Liberal vote share in Figure 6.16. I was able to separate out the Peelites in Figure 6.15 using the information in Blake (1997).

strong organization should not be measured against our later intuitions of parliamentary systems generating highly centralized parties (Gash 1981, 161; Jenkins 1994, 24; Parry 1996, 128).³³⁸ It was in this period that party loyalty began to develop in the electorate, that parties began to exercise greater control over their membership in Parliament, and that new party organizations in the constituencies could bring pressure on their MPs, in turn increasing their sensitivity to public opinion and constituent preferences (Cox 1987, 4).

Parties and Public Opinion: the constrained independence of MPs

In Chapter 2 I outlined a model of how ideas conditioned political behavior, one that focused on the extent to which the strictures of a given idea become embedded in the expectations of political operatives. Crucial to this process are mechanisms by which non-conformity or violations of policy and behavioral prescriptions could be punished. Two of the most important of these mechanisms are party organizations, which have varying capacity to ‘whip’ members and enforce discipline, and the electoral institutions, which ensure varying degrees of representative sensitivity to electorate preferences. These institutional parameters establish the relatively stable context in which certain patterns of political behavior were incentivized and became regular features of Victorian political life.

The most important institutional parameters of Victorian politics were the new organizations in the constituencies, the steadily growing partisanship in the electorate, and the new party organizations centered in sites such as the Reform Club. All of these encouraged a greater sensitivity of elected officials to their constituents or their party leaders. O’Connell’s Catholic Association and the collection of the Catholic rent in Ireland, and its imitators in the Political Unions supporting reform, had shown that mass organization was possible and could greatly influence government. The election of 1831 had shown that radical swings in the composition of the Commons could be achieved, and both conservatives and liberals recognized the need to organize in the constituencies rather than rely solely on the vagaries of local patronage. The parties in the constituencies were less formal organizations than loose networks of like-minded individuals, but the new registration and objection system encouraged both local organization and some

³³⁸An alternative view is that “the origin of the Liberal Party is usually found in the famous meeting held in Willis’s rooms on 6 June 1859 when the Whig, Peelite and Radical leaders in Parliament, drawn together by common sympathy with Italy, agreed to combine together to expel the minority Conservative Government of Derby and Disraeli” (Adelman 1997, 3).

measure of centralization. This was gradually taken on by single-issue organizations, and subsequently by the parties themselves. The long-run effect was the “modernization” of the British electoral system: the development of an electorate with clear and stable partisan loyalties, permanent institutional parties competing around registration and voting, through a mixture of coordinated organization and local and national appeals, and the eventual emergence of clear programmatic political platforms that would be the basis for legislative action by the parliamentary party.

The fight leading to and the eventual passage of Emancipation and Reform “unleashed a wave of political modernization that the Whig Party eagerly harnessed and the Tory Party grudgingly, but no less effectively embraced” (Phillips and Wetherell 1995, 412). Coinciding with the mobilization of the electorate around reform in 1831, the proportion of voters who split their two votes between candidates of opposing parties dropped dramatically (Cox 1987, 92; Phillips and Wetherell 1995, 424). And after 1832, the propensity of voters to display partisan loyalty in successive elections (voting for the same party, even if not for the same candidate) likewise increased (Phillips and Wetherell 1995, 432). British electors were decreasingly characterized by localism and patronage relationships and more by an attachment to national parties articulating programmatic policies rooted in clearly articulated principles.

This political modernization was in part the consequence of the new forms of constituency organizing that the Reform Act induced. The annual process of registration and revision established by the Act encouraged the parties to establish constituency groups, although these lacked central coordination and anything resembling a modern policy apparatus. The brief Conservative government of Robert Peel in 1834-35 encouraged the formation of “hundreds of Conservative associations... established right across the country” to register their supporters and object to their opponents (Salmon 2003, 56). The Reform Association in London, in turn, took a central role in organizing Liberal associations across the country, “with a view of objecting to the claims of such as are not likely to vote in the Liberal interest” (Salmon 2003, 56).

It should be underlined, however, that the means by which these associations pursued their objective were, like the reform act itself, both enfranchising and disfranchising.

“Agents of the [Anti-Corn Law] League were sent out to every county of doubtful political colour. They made inquiries, frequently from door to door, as to the political opinions of persons upon the register; the information thus gained was transmitted to the central office at Manchester... The solicitors of the League... objected to every Conservative whenever oppor-

tunity offered.” (Seymour 1915, 135-36).³³⁹

In the constituencies, political modernization was achieved by partisan organizations securing the right to vote for many while simultaneously imposing additional costs and denying the vote altogether from thousands of a different political persuasion.

Alongside this growing development of partisanship and party organization in the electorate, the post-1832 period saw the gradual emergence of clear party formations and organization in Parliament. With the increase in the size of the electorate, there was an increased need for MPs to engage in non-patronage politics. In smaller constituencies, it was less costly to bribe and intimidate electors, and easier to track voting behavior. The result was a larger incentive to secure re-election through individual level clientelistic politics or bribery as compared to larger constituency, where it was harder to organize bribery or intimidation and much more costly to do so. As the corruption option became closed off to a larger number of MPs, the incentive to engage in programmatic politics and clear position-taking on issues of importance to their constituents increased (Cox and Ingram 1992; Lizzeri and Persico 2004).

³³⁹These committees also served as a potential check against the disfranchisement of their supporters, finding party supporters whose “qualifications were loosely described and who might stand in need of legal assistance in the support of their claims” (Seymour 1915, 136).

Table 6.1: Median Electorate Size, Counties and Boroughs of Four Nations

Year	England		Wales		Scotland		Ireland	
	Boroughs	Counties	Boroughs	Counties	Burghs	Counties	Boroughs	Counties
1829	399	2,492	752	1,754	88	101	521	3622
1830	—	—	—	—	—	—	560	621
1832	761	2,416	815	1,694	1,181	1,100	603	946
1851	1,115	3,341	839	2,408	1,617	1,683	591	2,332
1868	3,579	4,254	3,222	3,938	4,802	2,377	910	2,772
1885	7,828	10,076	6,210	9,186	7,513	8,340	6,602	7,451

Source: Author's calculations, using UK Constituency Dataset

The creation of a mass electorate across the boroughs and counties of the UK is shown in Table 6.1, which shows the median electorate size for each nation's delegation to parliament. The smaller the electorate, the more likely that patrons and landlords could bribe or intimidate the electors, especially in the pre-1872 period when not only was the vote public but was published in local poll books. Before the 1884-85 acts, there were a large number of electorates that numbered in the hundreds. But there was also an important number from medium and large constituencies, whose MPs could not bribe or secure support through individualized patronage but had to take into account the political preferences of their constituents (Schonhardt-Bailey 2003).

The legislative behavior of individual MPs, including the ability to buck the party leadership, was relatively comparable with that seen in the 19th United States. Measures of party cohesion during the period under analysis, for instance, were comparable to those found in American legislatures (Cox 1987; Lowell 1902), while party organization in and outside of Parliament lagged behind that in the United States. Just as important, Cox finds that "the early Victorian polity was more American than its twentieth-century successor" in the relationship between MPs and constituents: "pressures from constituents were a significant consideration in the roll-call voting decisions of MPs seeking re-election, and were an important cause of dissent from the party line" (Cox 1986, 215).

The general picture, then, is one of MPs balancing the competing demands of constituency and party opinion, with a gradual trend toward greater dependency on the latter. During the period with which we are concerned, both public opinion and parties were becoming more important as mechanisms of pressure on individual MPs. The position-taking of MPs—in debates, in voting in Parliament, in questions posed to ministers, in the introduction of private members' bills—was conditioned by the parameters of public opinion and party discipline, and understanding their behavior requires an attention to how they navigated their own preferences through the context of political and partisan exigencies. These processes would continue after 1884, as the forms of parliamentary unity with which we are familiar today came into existence. But after 1886 the underlying partisan arrangement would be dramatically re-arranged, as the Liberal Party split into Home Rulers and Unionists, the latter allying themselves with the Conservatives.

Conclusion

This chapter has introduced the basic argument of the UK case study and has empirically documented the disfranchisements and exclusions that characterized the British path toward democracy. It has also outlined the basic institutional context in which the processes of democratization operated during the 19th century. This was characterized by an ascendant Liberal coalition in which political operatives' behavior was conditioned both by the demands of their parties and the preferences of their constituents.

The next chapter will look at the coalitional dynamics that underlay the passage of repeal, relief, and reform in the years 1828-1832. Reformers were able to hold together a diverse coalition by articulating an account of British history, identity, and purpose that stressed the causes of religious and civil liberty achieved through gradual reform of governing institutions. What would become the familiar Whig narrative of history, and would become a constitutive account of British political community, was formulated in a specific political context and for a specific political purpose. And the vision of peoplehood that the reformers elaborated, including the strategic accommodations and compromises they were forced to make to this vision, would be embedded in the institutions and organizations of the Victorian era, conditioning the behavior of political operatives.

Chapter 7

The Fall of the Protestant Constitution, 1828-32

“It is of the very essence of the truth of God to make distinctions. God put a difference between the fruits of Eden: Satan said there was none. Liberalism is the very principle of Satan in action at the present day”
—‘A Tory of the Old School’³⁴⁰

Introduction

In his 1962 novel *A Murder of Quality*, John le Carré has a character reflect on the conversion of his son-in-law to the Church of England: “Where I come from in the North, we don’t do that. Chapel was something we’d stood up for and won. Almost like the Vote.”³⁴¹ The character’s pairing of dissenting Protestantism and the right to vote reflects a central but often overlooked feature of British democratization: the extension of the vote was part of a sustained effort to redefine the sectarian character of the British state and people, one whose central achievements were the repeal in 1828 of the Test and Corporation Acts, which excluded Dissenters from various public offices, and the 1829 Catholic Relief (Emancipation) Act, which allowed Catholics to hold public offices and sit in Parliament.

In 1828, a self-described ‘Tory of the Old School’ warned that both the cause of repeal and relief sprung from “the same root of infidelity”—that “there is no difference, and that there ought to be none made, ‘between him that feareth God, and him that feareth him not.’” Liberalism was, for this writer, the rejection of all distinctions. It was “the very principle of Satan in action at the present day.” The core claim of liberalism, formulated

³⁴⁰ *A Letter to the King against the Repeal of the Test Act* (1828, 28). The pamphlet was anonymous, but Henry Drummond is known as the author.

³⁴¹ Le Carré (2002, 78)

by Dissenters and Catholics in their pursuit of repeal and relief, had allegedly led even despotic “papists” to embrace “the absurd sentiment, that the people are the source of legitimate power” (1828, 28-29). For this author, and for many of his contemporaries, electoral reform could not be separated from repeal and relief.

The preceding chapter charted the enfranchisements, disfranchisements and exclusions in the United Kingdom during the 19th and early 20th centuries. The next chapter will look at the content of the Liberal vision of progressive Britain and detail how this narrative conditioned political behavior, ultimately shaping the trajectory of British democratization. This narrative continues to structure our understanding of democratization, suggesting a uniquely British democratizing path of gradual and progressive enfranchisement. But the Whig/Liberal understanding of history has obscured a central fact of the revolution of 1828-32: both Emancipation and the Reform Act had among their central purposes the disfranchisement of voters and the demarcation of a desired ‘people’ through new exclusions.

This chapter looks at the context and process by which a story of the character and purpose of political community was crafted and employed in the struggle to dislodge the Protestant Constitution. The period 1828 to 1832 was a critical juncture in the development of the United Kingdom, and the ideas of political community articulated by reformers were a necessary, albeit insufficient, condition for its occurrence. To hold together a reforming coalition, political operatives articulated narratives of community that allowed them to see not just a common interest but a common principle and moral imperative in the political projects desired by their different constituencies. These ideas included a new delineation of the boundary and interpretation of the purpose of political community. The people were the middle classes, without sectarian distinction. They had a providential purpose, the cause of civil and religious liberty, all over the world. This cause was the purpose of British constitutionalism. But it could only be brought about by the expedient reform of governing institutions to the changing circumstances of history. This legitimated Whig governance, for they saw themselves (and believed others saw them) as uniquely capable of the statesmanship progressive reform required.

* * *

The stories of Catholic Emancipation and the Reform Act have been told many times.³⁴² I am less concerned with the many turns in the drama than in highlighting how

³⁴²The Reform Act in particular has been amply covered by historians, with the most recent being Edward Pearce’s *Reform!: The Fight for the 1832 Reform Act* (2010), Eric J.J. Evans’ *The Great Reform Act of 1832* (1994), and Kenneth Morgan’s *The Great Reform Act of 1832* (2001). There are fewer recent comprehensive

narratives of political community were used to reconcile diverging interests and sustain a transformative coalition; how the political dynamics made disfranchisement a central feature of the institutional transformation; and how these exclusions were justified by the articulation of a new basis for inclusion into the British people. I begin by introducing the Protestant Constitution, a frequently invoked idea of the purpose and principles of the British constitution and people. While elaborated by Whigs in the 18th century, it gained renewed importance under the nascent ‘Tory’ party during the years of crisis between 1776 and 1819. I then trace the process by which it was overturned. I look first at the construction of a loose reform coalition, emphasizing the role of ideas of political belonging in reconciling potentially divergent interests across constituencies. I then look at the political crisis that led to repeal (1828), emancipation (1829), and reform (1832). I highlight how these ideas helped sustain a reforming coalition, despite expectations to the contrary, and how the commitments and compromises of this coalition were reflected in a new definition of the ‘people.’

The Protestant Constitution

Anti-Catholicism and Toleration in British Constitutionalism

The dominant understanding of political community in 18th and early 19th century Britain was what contemporaries called the ‘Protestant Constitution’: the people and Crown of Britain were Protestant and the constitutional arrangement of a sovereign King in Parliament existed for the purpose of maintaining their Protestant character and Established Churches. The centerpiece of this narrative was the ‘Glorious Revolution’ of 1688, which consolidated national identity and settled the “long, painful struggle” with intolerant and despotic Popery (Best 1958, 109).³⁴³

The Revolution is usually placed in a framework of securing of civil liberties, the rule of law, and the establishment of property. For contemporaries, however, the distinction between religious and secular liberties was less rigid. The Declaration of Right and the Bill of Rights—core documents of the Revolution—asserted the supremacy of Parlia-

accounts of Catholics emancipation. See Wendy Hinde’s *Catholic Emancipation: A Shake to Men’s Minds* (1992) and O’Ferrall’s *Catholic Emancipation: Daniel O’Connell and the Birth of Irish Democracy, 1820-1830* (1985). I rely particularly on the narratives of O’Ferrall and Edward Pearce.

³⁴³Linda Colley argues that a ‘British’ identity, one that incorporated English, Welsh, Scots, and the Protestant Irish, had been forged through a constant juxtaposition against Catholicism, especially the Catholic powers of Spain and France (2005).

ment by denying the Crown's "pretended power" to suspend the laws.³⁴⁴ This assertion was provoked by James II setting aside the penal laws against Catholics and Dissenters, which threatened English liberties by raising the specter of Catholic governance and threatened English property by calling into question the Established Church and the property settlement of Ireland.³⁴⁵ Limiting the power of the Crown was intended to secure the Protestant character of the State and people, which in turn secured liberty, law, and property, all threatened by Popery, and created the conditions for English prosperity.³⁴⁶ "England was now Protestant, and with that Protestantism began her prosperity. And what a prosperity!"³⁴⁷

In the eyes of its exponents, religious toleration was considered a central feature of the Protestant Constitution and British peoplehood (Best 1958, 111). But it was the centrality of toleration that mandated the exclusion of Catholics, as Catholics were deemed incapable of toleration. Horace Walpole, for instance, wrote in 1784 that "I have ever been averse to toleration of an intolerant religion."³⁴⁸ In the 1820s the poet Robert Southey was "for abolishing [the Test Act] with regard to every other sect—Jews and all—but not to the Catholics. They *will not tolerate*" (Southey 1855, 217). The great majority of contemporaries would have agreed with the juxtaposition of British toleration against Catholic intolerance.

³⁴⁴The basic constitutional documents include the Coronation Oath Act, the Toleration Act, the Bill of Rights, the Act of Settlement (1701), the Act of Union (1707) with Scotland, which secured Parliament's control over the succession, and the Act of Union (1800), which united the Churches of Ireland and England and pledged the King and Parliament to the defense of their establishment and property. These were buttressed by the penal laws against Catholics.

³⁴⁵The property settlements that James II was perceived to threaten were the confiscations of the monasteries and the Church of England's claim to the property of the former Catholic Church, as well as the large-scale confiscations in Ireland, starting at the end of the Nine Years war (1594-1603) and concluding after the Williamite settlement. The 'patriot parliament' convened in Ireland in defense of James II in 1689 passed a law that would have overturned the Cromwellian settlement. The penal laws, it should be noted, "went further than merely protecting the estates of the Protestants; they aimed at breaking up those holdings which had, despite the seventeenth century confiscations, remained in Catholic hands. The property of any Catholic was to be divided by gavelkind on his death among his sons and Catholics were not allowed to purchase the freehold of land in their own name or in the name of others nor to take a lease exceeding thirty-one years, and even then the rent was to be at least two-thirds of the full yearly value of the land. The result of this policy was to make the landlord class almost exclusively Protestant and the tenant class almost exclusively Catholic" (O'Neill 1955, 325).

³⁴⁶The right of the Hanoverians to govern would be defended against Jacobites on this basis. As a pamphlet at the time of the 1745 Jacobite uprising put it, the Hanoverian Kings had "a Right to the Crown of England by blood. 2dly, By the Protestant constitution of England. 3dly, By the general and free Consent of the People. 4thly and lastly, By the wonderful Interposal of divine Providence." *The Case of the Revolution Truly Stated* (Anonymous 1746, 26).

³⁴⁷*British Magazine*, March 1832. Cited in Best (1958, 111).

³⁴⁸Walpole to Horace Mann, Berkeley Square, November 8, 1784 (Walpole 1844, 197).

“I should justly render suspect my pretension to the character of a Briton and a Protestant, if I wished to have confided to them a *legislative authority* which their principles would oblige them to use for the suppression of *heresy*, that is in their language *Protestantism*.”³⁴⁹

Catholicism’s ostensible intolerance extended to the lay Catholic, supposedly under the authority of the priest. Henry Addington (Lord Sidmouth) opposed emancipation because Catholics were “not masters of their own consciences, their own opinions, and their own conduct” (Pellew 1847, 495). An 1827 pamphlet, *The Admission of the Catholics into the Legislature, Inconsistent with Constitutional Principles and of Advantage to None but the Priesthood*, argued that there was something “peculiar in the principles of [Catholicism]” that placed “the principal influence into the hands of the clergy,” who would oppose “every government. . . unfavourable to it” (1827, 7–8).

Catholics were also incapable of allegiance, both because there was a line of Pretenders to whom they supposedly clung and because their primary allegiance was always to the Pope (Ó Ciardha 2004). Lord Molesworth, an important 18th century advocate of toleration, had argued that the Whig principles upon which the Revolution had been settled were “not circumscribed and confined to any one or two of the *religions* now professed in the world, but diffuses itself among all.” Catholics, however, were dangerous not because of they were of a different religion, but “because popery sets up a *foreign jurisdiction paramount to our laws*. So that a *real* Papist can neither be a *governor* of a Protestant *country*, nor a true *subject*” (1721).

Dissenting Protestants, who did not adhere to the Church of England, could be afforded a greater toleration, but certainly not equality with Anglicans. They too were dangerous to the State and constitutional settlement, as their principles were “merely to pull down, an Ecclesiastical establishment.” While not considered incapable of toleration and not owing allegiance to a foreign power, Dissenters were believed likely to support disestablishment, which would be ruinous as well as open the door to Papist despotism. As a result, “the members of the *established* church alone can be cordial friends to the *entire* constitution of this realm, *with perfect consistency of principle*” (Woodward 1787, 14–15).³⁵⁰

The Test and Corporation Acts—a successful defense of which was mounted in the late 1780s—and the unreformed electoral system provided an institutional foundation

³⁴⁹ Adam Clark to Sidmouth, circa March–April 1821 (Pellew 1847, 349).

³⁵⁰ For a more extensive discussion of Woodward, see Hill (1989). While concerned with the Protestant Ascendancy in Ireland, Woodward’s pamphlet was quickly reprinted in London, with a preface insisting that the problem was the same across both kingdoms.

for the limitation of Dissenting electoral power. Not including Scots Presbyterians, the Established Church of Scotland, approximately 107 of 6,148 MPs between 1715 and 1820 were Dissenters from the Church of England. This was much smaller than their relative population size, which was growing rapidly by the end of the 18th and early 19th centuries.³⁵¹ The exclusion of Dissenters from local offices and their exclusion from proportionate influence in Parliament through the unreformed electoral system, especially the closed boroughs (Bradley 2002, 98), were central to the defense of the Protestant Constitution.³⁵² Parliamentary reform, then, was a major threat to Anglican hegemony. Both Catholics and Dissenters had been extended as much tolerance as was safe.

J.C.D. Clark has argued that “despite its internal differences, Anglicanism, not Protestantism, should be our key term” (Clark 2000b, 274). There is considerable truth to this; but the term ‘Protestant’ brought with it a useful ambiguity, at times covering over one of the central cleavages across the United Kingdom. What the Protestant Constitution signified was not a unanimity or equality within Protestantism, but rather that the core of the British constitution was an established church, Episcopalian in England and Ireland and Presbyterian in Scotland, with toleration for Dissenters and Catholics. But tolerance did not mean equality, and as much as the ‘Protestantism’ of the constitution worked to facilitate a broader identity across Dissenters, Anglicans, and the different nationalities (Colley 2005), it was always subject to an anxiety that there would emerge a coalition of the excluded, a fear realized to some extent in the rebellion of the United Irishmen of 1798. Catholics and “Dissenters, of all classes, and particularly the Unitarians, [were] odious to the people” (Kendall 1826, 514). Anti-Catholicism and aggressive Anglicanism were not mere prejudice and were anything but tangential: they were embedded in a narrative of English history and defined the state and the constitution’s purpose.

The Years of Crisis

This vision of political community would be reaffirmed during the years of crisis that lasted from 1775-1819. Both the American and French Revolutions initially encouraged reforming currents of opinion, and there was some reason to believe the British State

³⁵¹Religious affiliation was first examined in the 1851 census. One estimate of the size of the Dissenting denomination in England put it at 19.2% in 1801, versus 80.8% for the Church of England. This was an estimate of attendance, not affiliation or upbringing, and only includes Anglicans and “British” denominations—i.e., Protestants in churches whose origins were in Britain. In 1851, the same estimate was 48% Dissenting and 52% Church of England. See *Voluntaryism in England and Wales* (1854, 50).

³⁵²Annually passed Indemnity Acts allowed for Dissenters to hold local office, but few availed themselves of this opportunity, in part because of the temporary and uncertain nature of the tenure.

was receptive to moderate reforms. The rising ministerial star, William Pitt, presented a measure of parliamentary reform in 1782; it was defeated, but he became Prime Minister the following year. He quickly began pressing the Irish government to reform that country's parliament. Pitt hoped a modest reform might satisfy Protestant reformers and rally them to the defense of the Protestant Constitution. He suggested the Lord Lieutenant adopt a "*prudent and temperate reform of Parliament*, which may... unite the Protestant interest in *excluding the Catholics from any share in the representation* or the government of the country."³⁵³ By Pitt's reasoning, "the Protestant reformers are alarmed at the pretensions of the Catholics, and for that very reason would stop very short of the extreme speculative notions of universal suffrage."³⁵⁴ The context for Pitt's efforts was the recently concluded American War, which had underscored the importance of Irish Catholic recruits as well as the republican sympathies of Presbyterians.

The American War was not primarily a conflict with a Catholic power, although the Québec Act's toleration of Catholicism was a major irritant for the colonists. And indeed, there were moves toward increased toleration for Catholics, notably (and causing the most violent backlash in England and Scotland) the Catholic Relief Act of 1778, motivated by the growing reliance on Irish Catholics in the army.³⁵⁵ It was not the anti-Catholicism of the constitution that was brought to the fore during the American War, but rather its 'Anglicanism.' Support for the Americans broke largely along sectional lines within Protestantism, with Anglicans much more supportive of coercive measures and Dissenters much more likely to be sympathetic to the colonists (Conway 2000 140-41). The Dissenters were seen as associated with radicalism, while the Anglican clergy "were clearly the most consistently pro-government body in the nation" (Bradley 1989, 363). The American Revolution led to a resurgent commitment to the Protestant Constitution as it became an occasion for a vigorous defense of the Anglican Establishment (Clark 1985, 230). There could be no concession on parliamentary reform or the Test Laws, the defense of which from 1787-1790 helped consolidate a new 'Tory' party around Pitt.³⁵⁶

³⁵³Pitt to Rutland, Oct. 7, 1784, in Rutland (1890, 43-44).

³⁵⁴Pitt to Rutland, Oct. 7, 1784, in Rutland (1890, 46).

³⁵⁵This Act legalized Catholic priests, Catholic schools (under heavy restrictions), and secured some property rights to Catholics, while removing from Protestants the right to take the estates of any Catholic kin. In 1779 the Lord Lieutenant of Ireland was informed by George Germain that there was "no means of augmenting the army so Effectively as from Ireland." Germain to Buckinghamshire, April 17th, 1779. Cited in Conway (2000, 251).

³⁵⁶This was less the case in Ireland, where the need to maintain the loyalty of the dissenting communities, organized in the Volunteer militia movement, led to the repeal of the Test Act in Ireland in 1780.

The French Revolution likewise did not initially encourage a projection of a Protestant identity against a Catholic ‘other’ (Clark 2000b, 262). If anything, it created the possibility for further including Catholics within the pale of toleration, as it enabled a trope of Great Britain as a religious state in opposition to an avowedly anti-clerical regime while simultaneously generating sympathy for an assaulted Catholic Church. The image of a religious state, tolerating nonconformity but rooted in the rituals of the Church of England, was a useful point of contrast with the secularism of republicanism, and French anti-clericalism was a core part of government propaganda (Hole 1991). The Anglican Church entered into a “combine against the devil” with Catholic refugees arriving from the Continent, and loyalist pamphleteers praised the French Catholic Church as a bulwark of social stability and political order (Mori 2003, 45; Rice 1981).³⁵⁷ As remarked by E.P. Thompson, there was a “drastic redirection of hatred; the Pope was displaced from the seat of commination and in his place was elevated Tom Paine” (E. P. Thompson 1963, 391; Haydon 1993, 264).

Much of this redirection was targeted against Dissenters. Edmund Burke denounced the “rising race of Dissenters” whose comparison of “the church of Rome to the whore of Babylon, the kirk of Scotland to a kept mistress, and the church of England to something between a prostitute and a modest woman” suggested radical doctrines that would destroy the Established Church.³⁵⁸ The Church of England was a bulwark against “radical dissent” (Rice 1981, 276). The effect of juxtaposing a religious State to the ‘Rational’ state of revolutionary France, along with the expected need for Irish manpower and quiescence, initially helped further increase the scope of toleration allowed Catholics. In 1791 a Catholic Relief bill was passed that allowed Catholics in Great Britain to practice law, to hear mass, to live in London, and various measures related to inheritance.³⁵⁹ The British ministry began to pressure the Irish government to enfranchise Catholic voters. Opposition to enfranchisement was organized by the Corporation of Dublin, which issued an address to “the Protestants of the land,” reminding them that “the Great Ruler of all things decided in favor of our ancestors [one hundred years prior], he gave them

³⁵⁷Rice reports an estimate from Donald Greer that there were 10,000 French cleric refugees in British territory (Rice 1981, 271; Greer 1953, 94).

³⁵⁸Burke, House of Common, March 2nd, 1790, *Parliamentary Debates*, vol.27 (1790, 182).

³⁵⁹They were also relieved of the requirement to register their estates. The endowment of schools and colleges remained illegal, and non-prosecution for hearing mass, which had largely ceased by this period, was contingent upon an oath to support the Protestant succession established in 1701. Various restrictions and regulations were imposed on Catholic assemblies, and all who officiated at these had to be registered with the Clerk of the Peace.

victory, and Ireland became a Protestant nation—The Roman Catholics should rest content, with. . . security for their persons, and property, & toleration for their religion.”³⁶⁰

The British ministry, however, was greatly concerned with the possibility of a French invasion of Ireland, by the need for Irish enlistment, and by the threat of unity between the Presbyterian radicals in Ulster and Catholics. They informed the Irish government that Catholics, if peaceable and loyal, should obtain “participation, on the same terms with Protestants, in the elective franchise and the formation of juries.” Lacking support for continued exclusion, the Irish government conceded and pushed through the Irish Parliament an enfranchising bill, albeit one that maintained the exclusion of Catholics from holding offices such as MP.³⁶¹

Ministerial reaction was soon underway, including both a rejection of constitutional changes—exemplified by Pitt’s changed position on reform, which he now denounced as an “opening for those principles which aim at nothing less than a total annihilation of the constitution”—as well as a reassertion of the sectarian character of the state.³⁶² Loyalist publications sought to undermine support for even moderate parliamentary reform. In the highly popular *Englishman’s Political Catechism*, the author rejected reform outright:

“Q. But do you not think the manner of representation of the People in Parliament ought to be altered?

A. No.

Q. Why?

A. Because I consider it to be the foundation, the step, on which those enemies of the community want to mount, who, instead of the present form

³⁶⁰National Archives, Public Record Office. HO 42/216/ff.4.

³⁶¹Dundas to Westmorland, Dec. 17, 1792. Cited in Lecky (Lecky 1891, 556). The British Secretary for Ireland wrote to the Lord Lieutenant that “Under the present circumstances of this country and of Europe, it is particularly desirable, if it be possible, to avoid any occasion which might lead those who are in general attached to order and regular government to join themselves with persons of opposite principles. It seems, there, to be of the utmost consequence not to lose the assistance of the Catholics in support of the established Constitution.” A number of MPs continued to oppose enfranchisement or supported a higher property threshold for Catholics. Outside parliament there was at least one person advocating a literacy requirement, one that had an additional exclusion of Irish who had been less integrated into English society: “that no Catholic should be permitted to vote unless he could read the Lord’s Prayer in English” (Porritt and Porritt 1903, 282). This provision was directed against those who might be literate, but in Irish rather than English.

³⁶²William Pitt in the House of Commons, May 26th, 1797, (Pitt 1817a, 300). His denunciation of reform in 1797 was virtually the same as that in 1793, and was based on the claim that those seeking to advance reform now, in contrast to his earlier support, were seeking to import French principles in order to undermine the British constitution. In the debates in the House of Commons on May 3rd, 1793, he had urged the MPs to “abide by your constitution,” an appeal that contributed to the defeat of reform by 282-41 (Pitt 1817b, 448).

of government, wish to have us under the dominion of the mob.”³⁶³

The anti-ministerial party around Charles James Fox, claiming the mantle of Whigs, was under considerable pressure to disclaim support for radicalism, to denounce universal suffrage, and to reaffirm their support for the constitution and the principles of 1688 (Smith 2005, 82). In 1797, Charles Grey (future PM) asked to bring in a reform bill. His request was defeated 256-91, prompting most of the supporters of Fox to “secede” from Parliament—to stay away from Parliament and remain inactive in political life (Turner 1999, 71).

This reaction was not solely a top-down repression by the state or the aristocracy. While it did entail repressive legislation and public and private coercion, it was also a “war of ideas” aimed at securing cross-class loyalty to the ‘Protestant’ Constitution and the Hanoverian order (O’Gorman 2007, 235). But this “war of ideas” was in considerable part aimed at shaping popular perception of material interest. The Chairman of the Canterbury Association, for instance, insisted that “everything that is now published on this subject [anti-radicalism] ought to be adapted to the capacity and pockets of that class of person whom it is most essentially necessary to inform,” namely the small property-owning and laboring classes (O’Gorman 2007, 235). The ideas of the Protestant Constitution were not separate from the material and political interests, but rather informed how these interests were understood and recognized.

Elites within and without the state were not only closing ranks in opposition to reform, but against changes to the sectarian definition of the State. The widespread organization of loyalist associations reasserted a vision of political community that was essentially a “statement of commitment to the principal features of the old Hanoverian order” and the Glorious Revolution (Mori 2000, 81, 2003; O’Gorman 2007). This assertion of loyalty to the constitution of 1688 was what Clark has described as the “strange rebirth of Anglican hegemony” (Clark 2000a, 300). It was in defense of the Protestant Constitution that Pitt opposed the repeal of the Test Acts in the late 1780s, as it implied Dissenters “who might conscientiously think it their duty to subvert the establishment” and “Papists, who acknowledge the supremacy of a foreign ecclesiastical Prince” were to be extended equality with Churchmen: “the indispensable necessity of a certain permanent church establishment for the good of the State, required that toleration should not be extended to an equality.”³⁶⁴ Edmund Burke, who also opposed repeal of the Test Acts

³⁶³Anonymous (1797)

³⁶⁴Pitt, House of Common, March 2nd, 1790, *Parliamentary Debates*, vol.27 (1790, 156).

in Parliament, wrote that “the majority of the people of England. . . consider [the Church Establishment] as the foundation of their whole constitution. . . Church and State are ideas inseparable in their minds, and scarcely is the one ever mentioned without mentioning the other.”³⁶⁵ These were not new sentiments, but they were being expressed with a fierceness that had not been seen in decades and in popularly organized clubs that were largely a novelty.

In 1798 there was a rebellion in Ireland, one that in some areas saw coordinated organizing among dissenting Protestants and Catholics and that was accompanied by a French invasion.³⁶⁶ The rebellion provided an opportunity to highlight the danger posed by Dissenters and Catholics. Before and during the rebellion the British and Irish governments were concerned with the advance of radicalism among Presbyterians: “[T]he leveling system, under the mask of reform, is spreading furiously. . . . The source of all the mischief is the town of Belfast.”³⁶⁷ Especially worrisome was the prospect that the United Irishmen would unite Presbyterian and Catholic, which for a brief period seemed likely (Curtin 1985).³⁶⁸ An animating principle of British rule over Ireland was to make sure this did not occur, and they worked to ensure that Catholics believed the insurgents to be Orangemen and Protestants that they were Catholic.³⁶⁹

Most Tories blamed the rebellion on a “Jacobinical conspiracy, . . . pursuing its object with Popish instruments.”³⁷⁰ Richard Musgrave’s *Memoirs of the Different Rebellions in Ireland* (1802), which alongside Burke’s *Reflections* “most defined the nineteenth-century British Right” (Sack 1993, 96), reversed the primacy—the unchanging Papist, organized in the Catholic Committee, were the real force behind the rebellion and had relied on deluded Dissenting radicals (Smyth 1998). Regardless of which was *most* responsible,

³⁶⁵Burke, *Reflections on the Revolution in France* (1839, 123). Burke developed the basic lines of this argument in his opposition to repeal of the Test Act. March 2nd, 1790. *Parliamentary Debates*, vol.27.

³⁶⁶An invasion had been attempted in 1796, but had been withdrawn before landing.

³⁶⁷Hobart to Nepean, Dec. 29, 1792. Cited in Lecky (1891, 557).

³⁶⁸A member of the Society of United Irishmen, James Hope of Antrim, recollected in the 1840s that Presbyterians took the Society’s oath on the Bible, covenanters held up their right hand, as they could not swear on the bible, and Catholics took the oath on a Catholic prayerbook (Miralá 2007, 216).

³⁶⁹See Patterson (1998). Lord Lieutenant Rutland had written in 1785 that “parties in this country consist of three different classes of men—the dissenters, who seek for such an alteration of the constitution as will throw more power into their hands for bringing the government nearer to that of a republic; the Roman Catholics, whose superior numbers would speedily give them the upper hand if they were admitted to a participation in the Legislature; and those who oppose government upon personal considerations. The first two are naturally jealous of each other from principle. . . . Without some bond of union, different parties will keep each other from encroaching upon the government; but once united they will become formidable. . . Such a union, may occur on the present occasion” (Porritt and Porritt 1903b, 325).

³⁷⁰Castlereagh, cited in Smyth (1998, 71).

elite British opinion had managed to reconcile the seemingly divergent bugbears of Popery and Jacobinism. “Though jacobin principles were the foundation of the rebellion,” declared Pitt, “I do not mean to deny, that the influence of the priests themselves, tainted with Jacobin principles, might not have aggravated the evil, though they were not the cause of it.”³⁷¹ With the signing of the Concordat between the Papacy and Napoleon in 1801, the ideological space available for sympathy with Catholicism was again restricted (Patterson 1998, 57).

The reclassification of Catholics as a subversive element ensured that even the most liberal Protestants were compelled to defend further relief as necessary strengthen the Protestant constitution. This was the purpose behind the Act of Union (1800), which created the United Kingdom with the Irish given 100 seats in an expanded Westminster Parliament. It also united the Churches of England and Ireland and declared the Church’s “continuance and preservation. . . to be an essential and fundamental part of the union.” The new constitutional entity of the U.K. was a reaffirmation of the Protestant Constitution.³⁷²

The anti-radical organizing during the crisis years advanced an aggressive association of English national identity with the terms of the Glorious Revolution, one that was reflected in the propaganda of the Pitt ministry and disseminated across the country. Its central theme was adherence to the constitution, which in practice meant a rejection of parliamentary reform, the defense of the Test and Corporation Acts, and opposition to Catholic Emancipation as violations of the boundaries and bases of the English political community. The successive waves of loyalist and patriotic associations throughout this period provided the organizational infrastructure to articulate and disseminate this understanding, and to impose costs on those who would violate its strictures (O’Gorman 2007, 227; Sack 1987, 637).

³⁷¹William Pitt, Speech in the House of Commons, May 13th, 1805, (Pitt 1817c, 424).

³⁷²The Act of Union was to be accompanied by emancipation, a promise by Pitt that the King rejected. According to Pitt, emancipation was to be given “with every regulation that could have given additional respect and influence to the established church, to the support and protection of the protestant interests, and to the encouragement of every measure that could tend to propagate and spread the protestant religion” (Pitt 1817c, 424). Pitt resigned on this point. His resignation—and the question of whether he resigned because of Catholic emancipation, as he maintained, or personal or political reasons—has been a matter of debate since it occurred. See Fedorak (1992) for a good overview of the debate and assessment of the evidence.

The Fall of the Protestant Constitution

In 1828, the leader of the Whig party in the House of Commons, John Russell, moved to repeal the Test and Corporation Acts. Against the government's wishes, it passed. Shortly after, the Irish leader of the Catholic Association, Daniel O'Connell, was elected to Parliament from County Clare. While the oath required of MPs meant he could not, as a Catholic, take his seat in Parliament, there was nothing preventing him from being elected. The ensuing crisis led the Prime Minister Duke of Wellington and Commons leader Robert Peel to break their repeatedly pledged opposition and usher through the Catholic Emancipation and the Irish Disfranchisement Acts. The ideological core of the Protestant Constitution was fractured. The Tories were split, enabling the Whigs to take office for the first time in a generation. They immediately moved to reform the electoral system, and after another crisis pushed the Reform Act through Parliament. This in turn radically altered the institutional foundation of the old order, and ushered in a period of intensified party competition, partisan identification, and the possibility of a competitive logic of progressive enfranchisement.

This transformation was a critical juncture, but it was neither unforeseen nor unpredictable (cf. Ertman 2010). It had long been believed that extensions of political rights to Catholics would provide an opening for electoral reform. Catholic emancipation had been contested since at least the Act of Union, and had come close to passing as recently as 1825. Even the election of a Catholic to the legislature, and the tumult this would produce, was not unforeseen. What made this a critical juncture was that over a short period of time the institutions and ideologies that underlay the governing authority and politics of the old regime were reconfigured, with the outcome of the political struggle uncertain and contingent.

The juncture was the result of at least two broad processes that had been unfolding over several decades. The first was the self-undermining hegemony of the Tory party in the first decades of the 19th century. After 1807, the political dominance of the Tories was nearly absolute. Aspiring politicians were more likely to adhere to them than to the opposition, and their political tent increasingly covered members who were relatively liberal on issues of religion and trade (Brock 1967). At the same time, the problem of governing Ireland had encouraged many ministers and military officers to consider the expediency of emancipation. Robert Stewart (Castlereagh), certainly not in the 'liberal' wing of the Tory party, would not serve unless he was given a free hand to support emancipation (Bew 2012, 301). Lord Liverpool, PM from 1812-1827, could not form a

ministry unless Catholic relief was not a matter of collective Cabinet responsibility.³⁷³ It became impossible to form a government that included the political talent except on the principle of ministerial neutrality on this issue.

The second process was the long run project of building a political coalition that included Whigs, Dissenters, radicals, and Irish Catholics.³⁷⁴ Central to this coalition was the development of a counter-narrative of the purpose underlying the British political community. By stressing civil and religious liberty as the foundational purpose of the Revolution, and including Catholics in its ambit, activists were able to reconcile their interests as roughly compatible and reinforcing, even if they did not share a common identity in a single and coherent political party. On the issue of electoral reform, Whigs were more uncertain. It was “still inscribed on their banner, but not as their chief and most immediate object” (Trevelyan 1920, 182). But the unreformed system was central to the exclusion of Dissenters and the opposition of the Tories to repeal of the Test and Corporation Acts encouraged them to embrace parliamentary reform. As the exclusion of the Whigs from office continued, their own political interests pointed toward reform, even if this meant bringing them into closer association with radicals than they desired.

The ability of the Tories to govern was contingent upon their not being disrupted by the Catholic question. And if they faltered, the Whigs were increasingly committed to a profound alteration of the House of Commons. They would soon be prepared to “pull down around their ears the late-eighteenth-century constitution” (Clark 1985, 36). But first they needed to build a coalition of the excluded, one that could maintain at least some measure of cohesion—if not identity—against Tory dominance.

Building the Reform Coalition

The Protestant Constitution was always contested, but it was remained highly popular and appeals to it had broad resonance. Some radicals were willing to stake out positions entirely outside the Protestant Constitution, attacking the Church establishment, the House of Lords, the narrow franchise, and even the monarchy itself. After Pitt’s gag laws and the repressive legislation of the Perceval and Liverpool administrations much of this activity was illegal. The Whigs prioritized Catholic Emancipation in their political program, but “their obstinate fidelity to it alienated the sympathies of the [English],

³⁷³Charles Arbuthnot to Colonel McMahon, Downing Street, May 12, 1812 (Aspinall 1938, 94).

³⁷⁴This ‘coalition’ was first and foremost a grouping opposed to the Tories, and was far from being an organized political party, either in the constituencies or in Parliament. It was rather a shared commitment to a limited number of policies and opposition to Tory government.

and was one of the main reasons for their failure to obtain office” (Roberts 1939, 2). They continued to support reform, but were divided over the extent and cowed by the government’s successful association of reform with Jacobinism. This was the political context in which reformers and advocates of Catholic emancipation found themselves in the first decades of the 19th century, one that provided strong incentives for reformers, religious and electoral, to accommodate their appeals and strategies to fit the strictures of the Protestant Constitution.

Most of the discursive strategies they employed wrestled with this dilemma: the more they accommodated their rhetoric, the more they conceded and the more their opponents could say that they were prepared to endanger the constitution for very modest gains. The less accommodative, the more they were presented as Jacobinal radicals, prepared to overturn the foundations of the British constitution. Given the increasing legal harassment, violating its strictures might mean jail or worse. But a more pressing consideration was the prospect of political failure. Given the broad resonance of the Protestant Constitution, violating its strictures was not usually the path to political success. Support for Catholic relief, as well as free trade with Ireland, cost Edmund Burke his seat in Bristol (Levack 1952, 402); often invoked as a popular rejection of the ‘trustee’ model of representation that he had advocated on his election, it was the cracking of the whip to punish a violator of the Protestant Constitution. Less important MPs could not expect to have a patron willing to return them from a pocket borough, as Burke subsequently was. Nonetheless, the reform movement became “adept at deploying a variety of discursive strategies to legitimate opposition and keep itself alive, though at times just barely” (Harling 2003, 891).

For parliamentary reformers, it was imperative to frame reform as compatible with, and possibly even demanded by, the spirit of the constitutional settlement. They rejected claims that 1688 was a final constitutional arrangement and argued that it was the most glorious part of a tradition of reform. To counter the “trembling anxiety for the immutability of the laws of our ancestors” and the “antijacobin clamor[] against innovation,” advocates for reform insisted that moderate change was embedded in English constitutional traditions (Protestant Dissenter 1813, 2). Future Liberal Prime Minister John Russell, in his *Essay on the History of the English Government and Constitution*, portrayed English political development as reliant on the “practical wisdom of our ancestors” who knew when “to alter and vary the form of our institutions as they went on; to suit them to the circumstances of the time, and reform them according to the dictates of experience”

(1823, 18). Russell offered a note of warning: the English ancestors “never ceased to work upon our frame of government. . . . It is an art that is now seldom used, and the disuse has been attended with evils of the most alarming magnitude” (1823, 19).

This emphasis on reform as part of the constitutional tradition had earlier been articulated by Charles Grey in the 1790s, explaining the position of the Society of the Friends of the People against more radical reform: We are convinced that the people bear a fixed attachment to the happy form of our Government, and to the genuine principles of our Constitution. . . . We wish to reform the Constitution, because we wish to preserve it.”³⁷⁵ This phrase, repeated by Whigs whenever reform was debated over the subsequent three generations, was a touchstone for their understanding of their political purpose and the principles of the British constitution. When Russell would declare on the Reform Bill’s introduction in 1831 that “The principle on which I mean to act is neither more nor less than that of reforming to preserve, and not to overthrow,” he was not referring to the immediate political context. Rather, he was placing the bill within the discursive frame reformers and Whigs in particular had developed over the previous decades.³⁷⁶

The trope of reform as part of the constitutional tradition was also a key discursive strategy of those advocating for Catholic emancipation. Advocates argued that English public opinion had changed, that Catholics had changed, and that regardless of the past purpose the penal laws served, they were now a threat to the tranquility of Ireland and the security of the established Church: as with electoral reform, changed circumstances required changed institutions. Speaking of a petition presented against Catholic Relief, Peter King noted that “the opinion of the country on the question could not be disguised,” and the “horrid cry” of “No Popery, which had so much influence some years

³⁷⁵When debating the reform bill in 1831, Grey would defend his participation in the society and proudly recollect this formulation of reforming to preserve. Grey, House of Lords, *Hansard*, 3rd Series, October 7th, 1831, 3rd Series, vol.8, cc.313–14.

³⁷⁶*Hansard*, House of Lords, November 22nd, 1830, vol.1 c.613. This understanding contrasts with Acemoglu and Robinson’s selective treatment of Lord Grey’s statement that “The Principal [sic] of my reform is to prevent the necessity of revolution. . . . I am reforming to preserve, not to overthrow” (2000, 1183). They take it as evidence that the political elite was reluctantly conceding the franchise in order to avert a revolution. In fact, this claim had been repeated by leading Whigs consistently since the 1790s, whether there was popular agitation or not. It was both a gesture to Burkean conservatism as well as constitutive of Whigs’ self-understanding. Edmund Burke had stressed the importance of reform, arguing that “a state without the means of some change is without the means of its conservation.” But he was rejected by the Tories of the period for his anti-imperialism and Catholic sympathies (Sack 1987). Arguments which had been part of the Pitt and Burke legacy were abandoned to the Whigs.

ago... was now dead, he trusted, for ever.”³⁷⁷ This appeal to changed popular opinion faced the difficulty that anti-Catholicism remained if a resonant dimension of English, and British, political identity. Despite King’s confidence, few doubted that “as an English question, [emancipation] is decidedly unpopular.”³⁷⁸

A more important discursive strategy was the argument that the Catholics had changed, because of a reduced influence of the clergy. Accordingly, the tolerating spirit of the Constitution could now be extended in security. Lord Calthorpe made this claim—and was met with an immediate flood of angry letters. He clarified his position, but in doing so revealed the dilemmas the ‘Protestant’ narrative of peoplehood imposed on reformers:

“He wished to clear up this misunderstanding. He had distinctly stated, that he thought the Catholic religion, as to its form of faith, still remained unchanged; but that, as regarded the laity, the influence of the clergy was greatly diminished.”³⁷⁹

The claim that Catholics had changed was a weak assertion in defense of Catholic emancipation. For one, it left advocates vulnerable to the charge that a renewed influence of the clergy would require a reversal of emancipation. Peel for instance admitted “for the sake of argument, that none of the dangers against which the present penal laws were intended to guard the community at present existed.” But he asked whether it “was altogether certain that no others would arise in the lapse of years.”³⁸⁰

More importantly, it contradicted well-rehearsed British narratives about the essential intolerance of Catholicism. Calthorpe was compelled to respond to an organized denunciation of him as denying “that there is really any difference of religion between the Roman Catholic and the Protestant” (Kendall 1826, 514). All British history taught otherwise, and it was the common knowledge and experience of British Protestantism that “the Roman Catholic, zealous, and instructed in his creed, never did, and never can, acknowledge the Protestant, as a worshipper of *his* God, and of *his* Saviour; nor ever admit the pretension to the name of Christian” (Kendall 1826, 514-15). This would be the case until there was “a considerable change in the principles and character of the church of Rome; a change so considerable as to justify the removal of all those

³⁷⁷House of Lords, April 14th, 1825, *Hansard* vol.12 cc.1336.

³⁷⁸Willoughby Gordon to Colonel McMahon, Windsor Arch., George IV, November 15th, 1811 (Roberts 1939, 93).

³⁷⁹Lord Calthorpe, House of Lords, 14 April 1825, *Hansard*, 2nd Series, vol.12, cc1272-73.

³⁸⁰House of Commons, *Hansard*, February 28th, 1821, vol.4, cc.997-98.

securities. . . with which the wisdom of a former age had surrounded the Protestant constitution of this country.”³⁸¹ Defenders of the Protestant Constitution would frequently survey “the history of England to prove the anxious precautions which had always been taken against popery.”³⁸² It was a narrative of struggle against Catholic tyranny and subversion, memorialized in the importance attributed to the Spanish Armada, the Gunpowder Plot, the Crown’s encroachment on Parliament, the Revolution. And it taught essentially that “the church of Rome is not merely unchanged, but unchangeable.”³⁸³ One activist wrote derisively of arguments that these Catholic tendencies were in the past, that the time was ripe for emancipation. They were an attempt to deceive the better judgment of the English: “A blind attention to history is the single cause of our mistakes. Roman Catholicism is no longer what it once was. This is the story in England, for the hood-winking of poor John Bull!” (Kendall 1826, 328). Dominant English narratives of peoplehood belied the possibility of Catholic toleration.

The argument that Catholics had changed did not contest the Protestant Constitution, but accepted and vindicated it. It was crafted to accommodate Catholic officeholding with commitments to a Protestant constitution, and accordingly supported a relaxation of disabilities but not equality. Lord Eldon articulated the response of many when he remarked that “the times, it is said, are changed and the Catholics, it is said, are changed; be it so; but such change does not affect the soundness of the principles, upon which this kingdom has established itself as a ‘Protestant kingdom’ with the powers of the state in Protestant hands, and with a Protestant church establishment, and toleration,—toleration from time to time enlarged to the utmost extent the public welfare will admit; but toleration only, for those who dissent from it.”³⁸⁴

Another strategy was followed by what O’Ferrall calls the “liberal Catholics.” The basic premise was that the Irish were the victims of a historical injustice, the violation of the Treaty of Limerick (1691). The Treaty secured Catholics in the rights enjoyed during the reign of Charles II, which among others included the right to sit in the Irish Parliament.³⁸⁵ The virtue of this appeal was that if the Treaty could be read as part of Glorious Revolution, then by implication the exclusion of Irish Catholics was a violation of the Revolution’s principles.³⁸⁶ Emancipation, then, was not required because

³⁸¹Inglis, House of Commons, *Hansard*, 10 May 1825, 2nd Series, vol. 13, c.489

³⁸²“Constitutional Questions,” in *The Edinburgh Annual Register* for 1821, Chapter IV (1823, 133).

³⁸³Inglis, House of Commons, *Hansard*, 10 May 1825, 2nd Series, vol. 13, c.489

³⁸⁴Lord Eldon, House of Lords, *Hansard*, April 17th, 1821, 2nd Series, vol.5, c.317.

³⁸⁵This right had been removed for English Catholics in 1678.

³⁸⁶O’Connell defended the Treaty as the basis for Catholic rights, and argued that during the Williamite

of the changed mind of the English or the character of the Catholic, but “was required by . . . those treaties which had been violated.”³⁸⁷ Placing Catholic claims within the tradition of the constitutional settlement was a central theme for advocates of emancipation, and were “put forward as expressions of liberal political theory rooted in the British Whig and constitutional traditions” (O’Ferrall 1985, 26–7).

Frequently paired with this was the claim that Catholic disabilities were the root cause of Irish instability, that it was in removing the “religious persecution” that “has divided the kingdom against itself; [that] lies the cure of insurrection” (Young 1897, 168–69). The removal of the disabilities would be akin to the expedient alteration of institutions defended by the reformers. Liberal Catholics were responding to the rhetoric of Tory leaders such as Robert Peel, who claimed he would have supported emancipation if he thought it would lead to the restoration of peace in Ireland.³⁸⁸ But he did not believe it would, as the divisions sprang from a “gallant struggle for mastery” involving “perpetual transfers of power” and “repeated confiscations of property” (O’Ferrall 1985, 6). As a rejoinder, Liberal Catholics worked to convince the middle and upper classes that the “struggle for mastery” was at least very much exacerbated by, if not the outright product of the religious discrimination.

Henry Grattan, in introducing petitions for emancipation, articulated many of the themes advanced by advocates:

“in [the] success [of the Catholic claims], they will give strength to the Protestant church, to the act of Settlement, and to the Protestant succession to the crown; . . . they will form an identification with the people, so as to preserve tranquility at home, and security and respectability abroad.”³⁸⁹

Relief would provide tranquility in Ireland, the penal laws were no longer necessary, and in any case it would preserve and strengthen the Protestant Constitution. These were

war Irish Catholics “took, unfortunately, the side of legitimacy—we combated for that fundamental principle of the Holy Alliance—that he who is a king by descent, when once king, can never be deposed.” But the Irish “differ from them at present, and we are punished for maintaining opinions then, which all the sovereigns of Europe are leagued to support.” It was an intentionally ambiguous speech: it vindicated the loyalty of the Irish to William by treating it as a species with their earlier loyalty to James II; it associated the principle for which the Irish fought with the current foreign policy of the Tory party; and it suggested that this principle was unfortunate, thereby aligning the Irish with the Whig and Radical critiques of Tory views of monarchy and their unpopular foreign policy (O’Connell 1867, 397–98).

³⁸⁷ May 15th, 1824. Minutes of the Roman Catholic Association, National Archives, HO100/213/ff.132.

³⁸⁸ *Hansard*, House of Commons, Feb 28, 1821, 2nd series, vol.4, cc.1001

³⁸⁹ *Hansard*, House of Commons, May 3rd, 1819. 1st Series, vol. 40, cc.6-7

the most prominent arguments advanced in defense of Catholic emancipation at the beginning of the 1820s.

The arguments did not win emancipation, but they were important. The tranquility argument was calculated to appeal to Tories who had been in the armed forces or in ministerial offices. The claim that it was consistent with the constitutional tradition provided cover to them and to those W.R. Brock (1967) termed ‘liberal Tories’ to support relief. But the constitutional claim was also important for reconciling the potentially divergent interests of the various excluded classes. The projects of relief, repeal, and reform appealed to distinct and often mutually suspicious constituencies. The division between Irish parliamentary reformers and the Catholic Committee had helped defeat electoral reform there in the 1780s, and the problem in the early 19th century was the same: while the middle class Catholics that would be the immediate beneficiaries of emancipation were largely in favor of reform and repeal, there was no guarantee that Dissenters and reformers would support emancipation. An alternative was a broad Anglican-Dissenter coalition, reforming the electoral system in England and Scotland and opening corporate office-holding to Dissenters. The Protestant, but not Anglican, character of the State would be preserved.

If the repeal of the Test and Corporation Acts was an issue of symbolic and practical importance to Dissenters, it was widely understood that electoral reform would considerably strengthen their influence.³⁹⁰ But securing reform and repeal would require the support of the Irish MPs, many of them liberal Protestants who would require reciprocal support for emancipation. There were good strategic reasons for bringing these groups into closer association and sympathy. But there was also considerable antipathy, especially between Dissenters and Catholics (Hexter 1936).

The Dissenters were split, with many representatives of their churches and the most politically active supporting Catholic claims but much of their membership opposed. When a bill for Catholic relief was debated in 1825, opposing petitions were submitted by Dissenter groups, which were in turn condemned by the Unitarian Association, the Dissenter MPs in the House, and the General Body of Protestant Dissenting Ministers (Machin 1979, 116). Methodists—at the interstices of nonconformity—were especially committed to the Protestant Constitution (Hexter 1936). Nor was the suspicion one way: in Catholic Association meetings, O’Connell would frequently censure Quakers for

³⁹⁰This is suggested by their pairing in the 1819 pamphlet *A Letter to John Russel [sic] on the Necessity of Parliamentary Reform... and on the Expediency of Repealing the Corporation and Test Acts* (Civis 1819).

putting the abolition of African slavery above the emancipation of Catholics.³⁹¹ Matters were not made easier by evangelical proselytization, and the establishment of Bible Societies and schools in Ireland by English Protestant Dissenters was a frequent source of conflict.

Establishing a common basis for action could be facilitated by a belief that these different policies were held together by a common principle, around which reformers could rally. This might enable them to maintain constituency support across the three projects. This challenge was met through the assertion that civil and religious liberty was a constitutive principle of the British political community. Dissenter political activists sought to muster an often suspicious constituency behind this standard of religious liberty for all: “If the Dissenter deserts the standard of religious freedom, his consistency is lost forever. To stand trembling is to be destroyed; to unite is to conquer” (Hexter 1936, 304). William Smith, the Unitarian MP for Norwich, was a consistent defender of Catholic emancipation, and authored a pamphlet entitled “An Appeal to the Protestant Dissenters of Great Britain, to unite with their Catholic brethren, for the removal of the disqualifications by which they are oppressed” (1813).

The politically organized Catholics sought to build friendly relations and mutual support with Dissenters, and deployed the same frame of a common principle of religious liberty (O’Connell 1867, 322). A meeting of the Catholic Association moved to petition Parliament concerning “the liberty of conscience.”³⁹² The Midland Catholic Association “expresse[d] its anxious wish to join the Dissenters of [Birmingham]. . . in common exertions to obtain the full enjoyment of their constitutional rights.” The Association invited “Dissenters of every denomination, Catholics, and those most numerous, liberal, and respectable Protestants of the established church” to “wipe off the foul blot of religious intolerance.” But while limiting itself to religious reform, parliamentary reformers and representatives of the working class were invited to the conference, where a toast was offered to the “Mechanics of Birmingham” and much praise was given to the disappear-

³⁹¹Minutes of the Roman Catholic Association, National Archives, HO 100/213/ff.132 & ff.186. O’Connell denounced Quakers “who had petitioned for the Emancipation of West Indian, and not Irish slaves,” or who were “in love with West Indian slaves. . . in love with their tawny complexions, and wooly hair, and [ignored] the well-looking [?] countenances of the Irish,” and who might anyway be Orangemen.

³⁹²Minutes of the Roman Catholic Association, National Archives, HO100/213/ff.269. They also suggested that “if the Dissenters of the North joined them in another Petition, they would have one prepared praying Parliament that the Protestant Dissenters of England may be put on the same footing as those of Ireland.” They were willing to support repeal, but they hesitant in doing so without support from the Irish Dissenters, who enjoyed greater rights than the English.

ance of religious intolerance from this class.³⁹³

The emphasis on civil and religious liberty came to be a core identifying commitment of the Whig party. Reflecting late in life, John Russell would write that, “Belonging to the Whig party, the aim of that party has always been my aim—‘The cause of civil and religious liberty all over the world’ ” (Russell 1875, 213). This motto became a regular toast at political and religious meetings, and was described as “a sentiment which should be warmly cherished by every Dissenter.”³⁹⁴

The phrase had antecedents in the 18th century understanding of the Protestant Constitution, which became more prominent during the conflict with America: “the cause of liberty, civil and religious, is the cause of Britain herself. . . . Civil liberty, the protestant religion, the principles of toleration, . . . subsist but in a few places of the globe; and Great Britain is their principal residence.”³⁹⁵ The *Protestant Advocate*, a magazine dedicated to defense of the Protestant Constitution, was founded in 1812 to “maintain the general cause of civil and religious liberty against the intolerant principles of the Roman Catholics.”³⁹⁶ The Protestant Constitution’s narrative of English history insisted the Church of Rome was “a theocracy. . . a complete system of civil Government,” the rankest tyranny, and that therefore “the cause of Roman Catholic Exclusion in England [was] the cause of the whole world” (Kendall 1826, 542).

The “all over the world” seems to have been appended to the “cause of liberty” during the French Revolution, and Charles Fox invoked it regularly in his opposition to the first anti-French military coalition and the suspension of habeas corpus.³⁹⁷ Charles Grey likewise toasted the cause in the Society of Friends of the People in the 1790s, and in 1829 reminded Russell that he was “a friend, in the words of the old Whig toast, to ‘the cause of liberty all over the world’ ” (Russell 1913, 299). But it was during the re-assertion of Anglican hegemony between 1776 and 1829 that reformers worked to extend its meaning to include Catholics. At the meeting of the Midlands Catholic Association, “the cause Civil and Religious Liberty all over the World!” was toasted. This prompted the representative of the city’s mechanics to express the “warm interest I feel in the toast you have recently drank. . . . I had never heard a Catholic speak on

³⁹³ *Report of the Proceedings of the Midland Catholic Association* (1826).

³⁹⁴ “Services at Parliament Court on Mr. Fox’s entering on the Ministerial Office,” *The Monthly Repository (and Review)* (1817, 248).

³⁹⁵ See “Four Dissertations on the Reciprocal Advantages of a perpetual Union between Great Britain and her Colonies” in *The Monthly Review*, vol.36 (1767, 24).

³⁹⁶ “Prospectus,” *The Protestant Advocate* (1812, 1-2).

³⁹⁷ “We have authority to declare,” *Morning Chronicle*, December 10th, 1792: 3.

the subject of Catholic Emancipation, and now that, for the first time in my life, I have the honour of sitting down with a Catholic body, my ears are greeted with the great and glorious toast—‘Civil and Religious Liberty all over the world!’³⁹⁸ At an 1817 meeting of reformers in London toasts were given to “The regent, and may he never lose sight of the principles which seated his family upon the throne—... The constitution... May all the efforts to endanger it be rendered abortive by the timely exertions of all good Englishmen to correct such errors and abuses as time and design have introduced—... Civil and religious liberty to all mankind.”³⁹⁹ These were good Whig toasts, invoking the expediency of reform, 1688, and civil and religious liberty. But Irish liberal Protestant John Philpot Curran was most moved by the last, and was pleased and hopeful the toast’s coverage might be universal.

“You have been pleased, however, to give one toast—the cause of civil and religious liberty all over the world. When you drank that toast, I felt my heart embrace the negro—I felt also that it sympathised with my own poor country. Ireland, if it heard that toast, would bless that generous prospect of your’s, from which alone can grow our human existence—(applause)... You will not find them unworthy coadjutors in the vineyard of liberty.”⁴⁰⁰

The toast was made by Catholics in England, where the tiny minority of Catholics were especially anxious to ally with Dissenters, but also in Ireland. At a feast for the Friends of Religious Liberty, numerous liberal Protestant nobles, MPs, and Catholic attendees toasted “civil and religious liberty all over the world” and called for a moment of silence for “the glorious and immortal memory of Charles James Fox.”⁴⁰¹ In speeches, O’Connell would frequently remind the audience that “every additional Protestant who joined was an accession of strength as the principle they acted upon was one of universal liberty of conscience.”⁴⁰² The *Manchester Guardian*, launched in 1821 as a Dissenting and liberal weekly, promised in its prospectus to “zealously enforce the principles of civil and religious liberty” and to “warmly advocate the cause of reform” (Prentice 1851, 206). As noted by Abraham Kriegel, it was “restrictions pertaining to religious beliefs [that] provided the most dramatic opportunities to plead for civil and religious liberty... It was no accident that Catholic Emancipation should have been the one issue to unite [the

³⁹⁸Report of the Proceedings of the Midland Catholic Association (1826, 19).

³⁹⁹“Curran’s Speech,” in Niles’ Weekly Register, Saturday March 29, (1817, 77).

⁴⁰⁰“Curran’s Speech,” in Niles’ Weekly Register, Saturday March 29, (1817, 76-77).

⁴⁰¹*The Protestant Advocate* (1813, 369). The description was accompanied by sarcastic notes from ‘Verax,’ including one that suggested Catholics could not be included among the friends of religious liberty.

⁴⁰²Minutes of the Roman Catholic Association, National Archives, HO100/213/ff.108.

Whigs] in opposition” (Kriegel 1980, 262).

Whigs claimed civil, political, and especially religious liberty as central to their inheritance. John Russell argued that the “authors of the Revolution did as much as they could [to advance religious liberty], and by their maxims laid the foundation of much more” (Russell 1823, 137). The Whig view was that before the Revolution all sects agreed that a “uniform faith, and an uniform church were absolutely necessary” (Russell 1823, 139). For Russell and other Whigs, it was only with the 1688 Toleration Act that the framework for achieving *future* religious liberty was established. The principle was being read into the heart of the constitution; and carrying it forward was how Whigs understood their political purpose, as well as the purpose of the British political community. And securing civil and religious liberty required political liberty: the “right of the people to control their government, or to take a share in it” was “the only efficient remedy against oppression” (1823, 115, 148).

Liberal Protestants and Catholics were advancing a different understanding of British political community and toleration, redefined to mean the non-imposition of disabilities based on religious distinctions. This vision, developed over the course of the early 19th century, would be central to the Liberal understanding of British peoplehood and constitutionalism. At the moment, however, it was hesitantly defended outside communities of shared conviction, and its advocates were careful to balance the call for the cause of religious liberty with assertions of loyalty to the established Church and the historical justness of the disabilities they now opposed.

Ultimately, it was the force of events that drove emancipation and in its wake, parliamentary reform. The ideological efforts and rhetorical strategies of the reformers, however, were not without importance. They may have softened opinion in England, even if the bulk of the population likely opposed Catholic emancipation. And they provided cover for liberal and ministerial Tories to argue some measure of conciliation was expedient: the only relief measure to pass after 1812 was aimed at removing barriers on the deployment of Irish Catholics in the armed forces. But equally important, the reconfigured understanding of toleration and of the necessity of expedient reform as the purpose of English constitutionalism worked to reconcile the diverging interests of a potential reformist coalition. This coalition was rooted in the Whig party, but was not identical to it. It was a fragile network of Whigs, English Radicals, Dissenters, and Irish Catholics, each motivated by their own concerns and laying the foundations for a governing agenda were the Tories ever to be dislodged.

Repeal and Emancipation

The Catholic Association inaugurated modern, mass politics in the United Kingdom (O’Ferrall 1985, xiv). It was the first mass membership organization dedicated to achieving legislative change through constitutionally recognized political activity, and inspired both counter-organizing by the ‘Brunswick Clubs’—dedicated to the defense of the Protestant Constitution—and the Political Unions that would organize for electoral reform. The most important innovation of the Association was the ‘Catholic Rent’: all Irish Catholics were encouraged to make a regular and small contribution to the Association, varying depending on the contributor’s income. The rent raised badly needed funds, enabling petition drives, the hiring of a lobbyist, and especially the protection of voters against landlord recriminations. But the most innovative function of the Rent was as a metric of the breadth and the depth of support for the Association, a signal to “show England that [the Irish] have a deep interest in that measure [emancipation]” (O’Ferrall 1985, 51).⁴⁰³

The organizing success of the Association focused the attention of Parliament. In 1824, before organizing the Catholic rent, Daniel O’Connell had urged the liberal Attorney General for Ireland William Plunket to bring up Catholic emancipation. Plunket warned that no legislative action would be forthcoming, and discussion “would not only be useless but injurious” as “the English Representatives, will not vote, or attend when the subject is merely discussion.”⁴⁰⁴ Even supportive MPs would rather not provide fodder for the anti-Catholic press. The Rent was a massive success, and in 1825 the Association was more persuasive. Money was coming in and a signal was sent out. The excitement the Rent caused gave the Whigs an opportunity to press the government on emancipation. The ministers, in turn, were determined to repress the Catholic Association, but there was a sufficient body of liberal Tories to suggest that some concession might be allowed (O’Ferrall 1985, 86, 90). Peel asked “where were these Associations to end,” and reminded the Commons that if the example of the Catholic Association was permitted to stand, “why might not the country expect an Association for the purpose of obtaining parliamentary reform?” This was met with loud approval from the Whig benches.⁴⁰⁵ The government quickly passed a repression bill.

On March 1st, Francis Burdett, Whig MP and advocate of parliamentary reform,

⁴⁰³It also led the Catholic Association to appreciate the depth of opposition to the tithe, which would be the next object of organized opposition after passage of emancipation.

⁴⁰⁴May 15th, 1824. Minutes of the Roman Catholic Association, National Archives, HO100/213/f.131.

⁴⁰⁵Peel, House of Commons, *Hansard*, February 10th, 1825, vol.12, cc.248. See O’Ferrall (1985, 89).

moved that the House consider emancipation. Burdett repeated many of the themes central to the Catholic cause. He warned that tranquility would not continue “until full and ample justice be done.” He acknowledged that in the 17th and 18th centuries “there really was danger to be apprehended from the Catholics,” and denied that the penal laws were motivated by religious bigotry. This preserved him from charges of denigrating the 1688 Constitution. He invoked the broken Treaty of Limerick. He blamed the landlords of Ireland—a favorite Whig theme, who saw in them the derogation of aristocratic duty. He said circumstances had changed and that the papacy was no threat.⁴⁰⁶ Furthermore, the “public mind of this country” had changed. He declared his loyalty to the Church of England. And finally, he hoisted the Whig standard of religious liberty as a constitutive principle of the country:

“I have further to remember what the constitution of my country teaches me; . . . that all men bearing an equality of burthens are, in a free state of society, entitled to the enjoyment of an equality of rights [hear, hear!]. . . On [the] authority [of this principle] I contend, that, so far from this being a Catholic question, the Catholics themselves stand upon a Protestant principle; and that I am now maintaining their claims, upon the very principles which assured the security of England.”⁴⁰⁷

For Burdett, drawing on themes developed over the previous decade, the Constitution *mandated* emancipation and parliamentary reform. The vote in favor was 247-234.

Negotiating for the Association in 1825, O’Connell accepted the disfranchisement of the 40s. electors and the payment of the Catholic clergy as securities for the Protestant Establishment. This caused friction in the Association; more importantly, it threatened to scuttle a reforming coalition with English radicals and Dissenters. While O’Connell had disclaimed support for reform—a tactic meant to assuage liberal Tories—the radicals were enthusiastic about the Association and hoped that he might come out in favor of reform nonetheless (Machin 1963a, 463). O’Connell’s acceptance of disfranchisement made this hope difficult to sustain. If O’Connell was willing to sacrifice the Irish franchise, what reason was there to think he would support the middle classes of England?⁴⁰⁸ One Whig MP, supportive of emancipation and reform, worried that “if a forty-shilling qualification were considered as too small for an elector in Ireland, what was to pre-

⁴⁰⁶He also deployed the radical and Whig critique of the Tories’ foreign policy. The only threat from the papacy came from a foreign policy that was “contributing to the consolidation of papal power.”

⁴⁰⁷*Hansard*, House of Commons, March 1st, 1825, vol.12, cc.764-85.

⁴⁰⁸See Cobbett’s “To the Freeholders of Ireland,” *Weekly Register*, March 19th, 705-48.

vent its being considered as too small for an elector in England?”⁴⁰⁹ Even Lord Grey opposed disfranchisement on the grounds that it conflicted with the Whig stance on parliamentary reform: it was “quite untenable either in policy or principle” (Machin 1963a, 473).

Many Whigs sought to assuage the concerns of reformers. The MP who introduced the disfranchising bill claimed it would not include electors “who held their freeholds under the same practice that prevailed in England at this period.”⁴¹⁰ Francis Burdett insisted that the disfranchisement did not have anything to do with the question of parliamentary reform—against the claim of Irish MP Henry Grattan—and that it was “conjuncture of circumstances which might never again occur” and which, on balance, would establish peace in Ireland on “the solid basis of civil and religious liberty.”⁴¹¹ Thomas Spring Rice stressed that if the disfranchisement of the 40s. electors were likely to diminish “the strength of popular principles among the peasantry and the small landowners of Ireland, it should not have his concurrence.” In the specific case of Ireland, however, “it would be a most wise, salutary, and popular reform of the constituent body.” But he insisted this was a uniquely Irish situation, the result of the dependency of the electors and hostility between landlord and tenant.⁴¹²

But liberal Tories and many Whigs defended disfranchisement on the grounds that the 40s. electors were not independent, that they were “most ignorant class of Irish peasantry,” and that their exclusion should comfort Protestants as Parliament extended “political rights to the higher orders of the Catholic body.”⁴¹³ The 40s. electors were the

⁴⁰⁹Taylor, House of Commons, *Hansard*, March 28th, 1825, 2nd Series, vol.12, cc.1249-50.

⁴¹⁰Littleton, House of Commons, *Hansard*, April 22nd, 1825, 2nd Series, vol.13, cc.127, 132.

⁴¹¹Burdett, House of Commons, *Hansard*, April 26th, 1825, 2nd Series, vol.13, cc.239-40, 243.

⁴¹²Spring Rice, House of Commons, *Hansard*, March 28th, 1825, 2nd Series, vol.12, c.1248. Spring Rice seems to have been seeking the abolition of the 40s. Irish electors for a while. In an 1823 committee hearing on the Employment of the Poor in Ireland, characterized largely by Malthusian assumptions, Spring Rice asked a witness whether he attributed “any of the increased population of the country to the 40s freehold system?” The assumption was that the increased population was the cause of poverty, and Spring Rice was suggesting the freehold franchise encouraged excessive breeding. The witness confirmed Spring Rice’s belief: “I should say, that the first impulse that was given to the population of Ireland was, the act that gave to Roman Catholics the elective franchise; it became the object of great parliamentary interests to raise as many voters as possible. Immediately after that followed the war; the demand for men for the army and navy, together with the increased agriculture in Ireland, operated as a premium for procreation.” Malthusian arguments that the Irish franchise was creating the poverty of Ireland were a minor theme that appeared occasionally in debates in the 1820s. See the exchange between Spring Rice and Gerrard Callaghan, Report from the Select Committee on the Employment of the Poor in Ireland (1823, 154).

⁴¹³Lord Althorp, House of Commons, *Hansard*, April 22nd, 2nd Series, vol.13, c.132; Littleton, House of Commons, *Hansard*, April 26th, 1825, 2nd Series, vol.13, c.176.

“weakness and . . . discredit” of the country.⁴¹⁴ Even the committed Irish reformer Henry Parnell defended disfranchisement as beneficial, and quoted Fox that the ideal form of representation “shall include the greatest number of independent electors, and exclude the greatest number of those who are necessarily by their condition dependent.”⁴¹⁵

Tory Lords regretted that previous concessions “had been followed by increased restlessness and irritation,” rejecting the argument that emancipation would lead to tranquility as Catholics “would be content with nothing short of Catholic ascendancy.”⁴¹⁶ The general position was that Catholics should not be allowed, as a matter of principle, “civil rights and political power in a free Protestant country” and warned that emancipation would entail “the sacrifice of some essential principles of our Protestant constitution and government.”⁴¹⁷ After two days the Lords rejected the bill by a majority of 48 votes, more than Catholic pessimists had feared (O’Ferrall 1985, 101).

In 1825 the Duke of Wellington worried that it would not “be very easy to revive a public feeling in this country upon the Roman Catholic question, which would enable those inclined to oppose themselves to the Roman Catholic claims to resist them effectually” (Davis 1997, 45). The general election of 1826 suggested otherwise. In Britain the elections were, in the opinion of one Tory, “decidedly friendly to Ministers, and particularly to Protestants. The Whigs have been beaten, wherever there have been popular contests, and the radicals have not met with much better success” (O’Ferrall 1985, 147). The Tories’ election standard was ‘No Popery,’ and its success confirmed the strength of anti-Catholic opinion in Britain. But they had been slow in organizing, and would later regret that a more aggressive effort and more determined anti-Catholic majority was not returned.

In Ireland, however, the elections revealed a potential new source of power for the Catholic movement.⁴¹⁸ Electoral revolts occurred throughout the Irish counties (O’Ferrall 1985, 143-44), leading to the establishment of “Liberal Clubs” across Ireland. Through these clubs, “the Catholic, or rather independent constituency of Ireland, will be com-

⁴¹⁴Littleton, House of Commons, *Hansard*, April 26th, 1825, 2nd Series, vol.13, c.178.

⁴¹⁵Parnell, House of Commons, *Hansard*, April 26th, 1825, 2nd Series, vol.13, c.231.

⁴¹⁶Anglesey, House of Lords, *Hansard*, May 17th, 1825, 2nd series, vol.13, cc.676.

⁴¹⁷Earl of Longford and the Bishop of Llandaffrose, House of Lords, *Hansard*, May 17th, 1825, 2nd series, vol.13, cc.688, 694.

⁴¹⁸After the suppression of the Association, a New Catholic Association was organized. It affirmed its intention “to obey a statute which we cannot respect,” and was carefully organized to conform with the Act by disclaiming any intention to organize petitions or correspondence across Ireland. See Appendix 15 in *Report on the Practicability of Forming the New Catholic Association.—Agreed to at the Aggregate Meeting held 13th July, 1825*, in Wyse (1829, xl).

pletely disciplined, and will not need any application of extraordinary stimulants to rouse them to a sense of their constitutional duty” (1829, cliv). The possibility of independent Catholic political organizing led one Protestant to write to Peel that “a *bellum servile* would ensue all over Ireland” (O’Ferrall 1985, 151).

In January 1827, the Duke of York, the King’s brother, next in line for the throne, and an important defender of the Protestant Constitution, died; a few months later Prime Minister Liverpool suffered a severe stroke, and his political career was dead. A motion on Catholic relief was defeated in the Commons, taking emancipation off the table for the near future; this gave the King sufficient comfort to ask liberal Tory George Canning to form a ministry. Peel, Wellington and many of the senior and junior cabinet officers either resigned or turned down Canning’s invitation to form a government, and a coalition of liberal Tories and Whigs came to office, neutral on emancipation but pledged against repeal and reform. Canning would not survive the year; he died in August 1827. The King asked Wellington to form a government on January 9th, 1828.

Wellington, of Irish Protestant birth, was seen as the lead defender of the Protestant Constitution. But in April of 1828, John Russell moved that the Test and Corporation Acts be repealed; against the wishes of the government, it passed in the Commons and would soon be passed by the Lords. Scholars usually identify the surprising success of repeal as improving the chances for emancipation by undermining the “principle that the State and the established Church were co-extensive” (Machin 1979, 119; Ertman 2010, 1006; O’Ferrall 1985, 180). This is how it turned out, but this was not a necessary implication. Rather, that repeal strengthened the Catholic claims is somewhat surprising; contemporaries were as likely to believe it would undermine the prospects for emancipation.

Many Dissenters wanted repeal disassociated from emancipation:

“I think it can never be deemed a want of liberality in Protestant Dissenters, if they should wish to disjoin their cause from the Catholics, against whom a prejudice exists, that retards the accomplishment of their most earnest and reasonable hopes. . . . [M]any no doubt might be disposed to listen to the application for relief from Protestant Dissenters, whose honest and conscientious scruples would indispose them to make any further concessions to the believers in the religion of the Church of Rome.”⁴¹⁹

In 1828, the United Committee of Dissenters announced that they would not join in

⁴¹⁹ *A letter to Lord John Russel [sic] on the Necessity of Parliamentary Reform, as Recommended by Mr. Fox; and on the Expediency of Repealing the Corporation and Test Acts* (Civis 1819).

common cause with Catholics, and as a result were able to secure the support of the anti-Catholic Protestant Association for repeal (Machin 1979, 118). Even anti-Catholic Tory Ultras agreed with this logic, and some supported repeal as a way of undermining emancipation and promoting a broader Protestant political project. Many liberal Tories saw the matter in the same light, and opposed repeal because it would undermine the more pressing issue of emancipation.

The ideological work of the last several decades here paid dividends. As noted by G.I.T. Machin, while many were pressing for separating the two issues, this “distinction could not be complete because the [W]higs did not believe in such a severance. . . . [T]hey saw the two causes as fundamentally linked in their policy of civil liberty” (Machin 1979, 119). Whigs believed that “it was on one great principle of universal, undistinguishing right to religious liberty, and on that alone” that they should support both emancipation and repeal.⁴²⁰ Whigs secured the assurance of Dissenting MPs that they would not abandon the Catholic cause, and the organized political leadership of the Dissenting denominations was marshaled to reaffirm their commitment to emancipation. When the crucial division in the House of Commons came, there was “a perfect whip” among the Whigs (Machin 1979, 123).

The success of repeal seemed initially to undermine prospects for emancipation (Machin 1979, 139). Among Whigs, however, the success of repeal was a clear sign that the buttresses of the old constitutional order were giving way. Russell, responding to an inquiry about his health, remarked that “My constitution is not quite so improved as the Constitution of the country by late events, but the joy of it will soon revive me. It is really a gratifying thing to force the enemy to give up his first line—that none but Churchmen are worthy to serve the State; I trust we shall soon make him give up the second, that none but Protestants are.”⁴²¹ O’Connell had seen the potential in the repeal movement and he drew up a petition in favor which passed unanimously in the Catholic Association. It was ultimately presented to Parliament in February with 80,000 signatures (O’Connell 1843, 63). He then issued an *Address of the Catholic Association to the Protestant Dissenters of England*, reminding them of their common cause. The contribution of repeal on the emancipation movement was real. It was not a logical implication, however, but the product of ideological work among Whigs, Dissenters, and Catholics to constitute a shared interest in ending Anglican hegemony, rather than building an

⁴²⁰ *Hansard*, House of Commons, February 26th, 1828, vol.18, cc.738

⁴²¹ Russell to Moore, March 31st, 1828. Cited in Reid (1895, 58).

expanded Protestant Constitution including Anglicans and Dissenters.

The Association's policy of total opposition to Wellington soon necessitated a drastic course of action. The Irish MP for Clare, a respected liberal Protestant, joined the Wellington ministry and was required stand for re-election. O'Connell was selected to oppose him. While O'Connell could not sit in Parliament, there was nothing stopping him from being elected. He won, 2,057 to 982, with the 40s. electors revolting against their landlords (O'Ferrall 1985, 199). It was a political earthquake threatening reverberations. Peel foresaw a long shadow, an evil that was "not force—not violence—not any act of which law could take cognizance" but rather "the peaceable and legitimate exercise of a franchise according to the will and conscience of the holder" (cited in O'Ferrall 1985, 202). Long existing rights, which had maintained ultimate control in the landed elite, were being repurposed: "novel exercise of constitutional franchises—in the application of powers recognised and protected by law—the power of meeting in public assemblies—the systematic and not unlawful application of all those powers to one definite purpose, namely, the organisation of a force which... which might ultimately render irresistible the demand for civil equality" (O'Ferrall 1985, 202). In short, the modern programmatic political party was being born, drawing on a broad based civil rights movement.⁴²²

A more proximate worry was what would happen if O'Connell was turned away. The Catholic Association had demonstrated that they could successfully mobilize Catholic electors. The government believed this put almost the entire county representation in Ireland within their grasp. If Catholic MPs were elected at the next election, and were refused entry to Parliament, they might sit in a 'Popish Parliament' (O'Ferrall 1985, 200). That is, they might do what Sinn Féin would do 90 years later: sit separately, as elected representatives, and claim governing authority.

Agrarian violence by clandestine bands had been a recurring feature of Irish life, a means of enforcing codes of behavior regarding land use, rents, evictions, and tithes. While most frequently directed against property and animals, in more extreme cases they involved assaults and murder, for giving evidence against persons charged with

⁴²²Mirroring Peel's fears, Wyse's Liberal Clubs intended to "leave no stone unturned to insure for the county, city, or borough... a full, free, cheap, honest, and efficient representation in parliament." It would be the responsibility of these clubs to register voters, to organize to ensure that the franchise in corporation boroughs was used for the public good, to provide electoral support so that "honest men should be returned to parliament without expense," and achieve the reform of the House of Commons by "reforming the electors" and turning them away from patronage and bribery to programmatic politics. *Extract of a Letter to the Editor of the Cork Chronicle of the Objects and Utility of Liberal Clubs*, Wyse (1829, clix).

violating the various illegal oaths acts or for some other offense against codes of behavior (Crossman 1996, 10-11). In the late 18th the United Irishmen had attempted to broaden its base by organizing through the secret societies, and since at least this period the societies had taken on an increasingly nationalist and revolutionary cast.⁴²³ O’Connell’s strategy had been to insist on peaceful organization, as much within the bounds of the law as possible, but to remind the government that there were more radical forces in the wings. After his election, O’Connell reportedly suggested that the government’s soldiers might be unreliable: “Allow me now, Duke of Wellington, to send one whisper to your ear. Three hundred soldiers threw up their caps for me since I left Ennis” (O’Ferrall 1985, 200). If the Commons turned away elected Catholics, the government would be forced to ensure that they did not meet and claim governing authority. Such an intervention would, O’Connell suggested, almost certainly provoke a civil war.

Catholic support for aggressive actions was increasing; so too was Protestant counter-organization and ‘No Popery’ rhetoric. And so did the recognition of Wellington and Peel that some concession was necessary. Given the unreliability of the 40s. electors, the ministry decided disfranchisement would be necessary. Peel sought advice from John Leslie Foster, a hardline anti-Catholic Irish MP from County Louth. Foster had warned years earlier that “the time would come when the Catholic clergy would be seen exerting their influence at elections.”⁴²⁴ The ministry now believed he had been right. Foster advised Peel that the county franchise be raised to ensure a less Catholic electorate (Farrell 2009). He described how “the tendencies of the [electoral system] prior to the rebellion of the freeholders were to enable a few great proprietors to nominate the county Members.” The disfranchisement of the 40s. freeholders would have the perverse effect of reducing the influence of the “great proprietors,” and would “transfer much of the real power. . . to the minor gentry, the [Protestant] clergy, and the more opulent farmers.” This transfer of power was, for Foster and Peel, “an evil.”

“But if this be an evil. . . can we help it? The influence of the aristocracy is annihilated. The priests and the demagogues are in their place. The practical question seems to be whether we should not now aim at placing

⁴²³Coercion Acts—such as the “act to suppress insurrections and prevent disturbances of the public peace in Ireland,” were passed in 1803 (2 acts), 1807(2 acts), 1810 (1 act), 1814 (2 acts), 1822 (4 acts), 1825 (1 act), 1829 (1 act). Many of these were resumed once they had expired, or were permanent (Crossman 1996, 199-230).

⁴²⁴*Hansard*, House of Commons, May 9th, 1828, vol.19, cc.538-39. He warned that “If the present election laws were to remain untouched, you would have at least sixty Catholic members. And such Catholics! Sheil for Louth, and O’Connell for any southern county he might choose.” Foster to Peel, Dublin, November 6th, 1826 (Parker 1899, 423).

the power in the hands of that middle class as the best course within our reach. The minor gentry of Ireland are essentially Tory rather than Whig. Very little of what is radical enters into their composition. They are also essentially Protestant.”⁴²⁵

The Protestant Ascendancy of Ireland had relied on the ability of the aristocracy to control the 40s. electors; this was now uncertain. If the transfer of power to Catholics was to be avoided, the government needed to take “the business of elections out of the hands of the lower classes.”⁴²⁶

By the summer of 1828, Wellington had made his decision: in a letter to the King he warned that “we have a rebellion impending over us in Ireland, . . . and we have in England a Parliament which we cannot dissolve [lest Catholics win across Ireland], the majority of which is of opinion, with many wise and able men, that the remedy is to be found in Roman Catholic emancipation” (O’Ferrall 1985, 203). The King gave him and Robert Peel permission to consider emancipation, with promises of sufficient securities. Secrecy was essential; a ‘No Popery’ campaign in England and Ireland was underway, and the King and ministers wanted to ensure that it was contained.⁴²⁷ On January 28th the Cabinet presented the King with their plans: emancipation with a disfranchising security.

Robert Peel had been one of the foremost opponents of emancipation; he was now one of its chief architects. He felt obliged to present himself for reelection in his constituency, the Anglican bastion of the University of Oxford. He lost, underlying “the dangers of the sectarian backlash on the career of a man like Peel who was regarded as having ‘ratted’ on the Protestant cause” (O’Ferrall 1985, 245). The commitment to the Protestant Constitution was, for many MPs, embedded in their electoral expectations: those from anti-Catholic constituencies or with anti-Catholic patrons expected that they would be defeated or dismissed if they changed course. Peel was essential to

⁴²⁵The Peel Papers in the Department of Manuscripts at the British Library, General Correspondence of Sir R. Peel, as Home Secretary Add. 40397, ff.384-94. See also Farrell (2009).

⁴²⁶The Peel Papers in the Department of Manuscripts at the British Library, General Correspondence of Sir R. Peel, as Home Secretary Add. 40397, ff.384-94.

⁴²⁷For instance, 14,000 inhabitants of the borough of Leeds—“including most the respectable and influential persons”—signed a petition stating that the “strongest objections to any further Concession of Political Power to Roman Catholics prevails throughout a vast majority of all classes.” Similar petitions were organized across the country. National Archives, H0 44/18/ff.256. When the petitions were considered in Parliament in February and March 1829, “the number of anti-catholic petitions far outran the pro-catholic. . . . No less impressive than the number of these petitions was the mass of signatures they contained. One from Leicestershire was said to have 17,935 signatures; one from Glasgow, 36,796; from Bristol, 38,000; and from Kent, 81,400” (Machin 1963b, 205).

the government, however, and the pocket borough of Westbury was made available for him.

In the Commons, Peel defended the government's changed position. In not a single year since 1800 had Ireland been governed exclusively by regular laws without some emergency legislation or the suspension of habeas corpus. The disturbances would only grow were concession denied, and the franchise placed "tremendous power" in the hands of the Catholics. While there might be a majority for disfranchisement, this was contingent upon emancipation:

"is it possible...to let the franchise remain in its present state? ... What will you do with that power... which the elective franchise, exercised under the control of religion, at this moment confers upon him? 'Take it away,' is again the ready answer. But, is it possible to take it away? Will this House of Commons, two hundred and seventy-two members of which voted last year in a majority for the extension of further privileges to the Roman Catholics—will this House of Commons retract those which have been already granted...?"⁴²⁸

Perhaps a new Commons majority could be reconstituted, after a 'No Popery' campaign? Peel raised this possibility but rejected it. For one, it contravened his understanding of Parliamentary Supremacy: "I know it has been said, that in 1826 the country had not sufficient warning. No, forsooth, we ought to have roused the country by the cry of 'No Popery!' Never, Sir, never, under any circumstances. The Parliament, and the Parliament alone, will I ever acknowledge to be the fit judge of this important question."⁴²⁹

"you cannot make that appeal [to the elective body of Great Britain], without making a simultaneous appeal to the elective body of Ireland—that body exercising the present franchise, under every circumstance of superadded mistrust, apprehension, and excitement."

The result would be the severance of the last few ties between tenant and landlord, the confirmation of the "spiritual influence in political matters of the Roman Catholic priesthood," and the permanent unification of "Roman Catholic wealth, intelligence, numbers, and religion" in a "dangerous, but not illegal, exercise of a great constitutional right." An election on the question of emancipation might return a more 'Protestant' Parliament. But it would ironically confirm the influence of the priests, which the Protestant Constitution was intended to guard against.⁴³⁰

⁴²⁸Peel, House of Commons, *Hansard*, 2nd Series, March 5th, 1829, vol.20, c.746.

⁴²⁹Peel, House of Commons, *Hansard*, 2nd Series, March 5th, 1829, vol.20, c.738.

⁴³⁰Peel, House of Commons, *Hansard*, 2nd Series, March 5th, 1829, vol.20, c.746.

The control regime under which Ireland was governed was collapsing, and some new method needed to be established. The only solution was immediate concession combined with massive disfranchisement. Peel maintained that the objective of the bill was to establish a new institutional basis for the Protestant Constitution. Disenfranchisement would remove the influence of the priests:

“We must look for real security in the regulation of the elective franchise of Ireland. . . . It is in vain to deny or to conceal the truth in respect to [the 40s.] franchise. It was, until a late period, the instrument through which the landed aristocracy—the resident and the absentee proprietor, maintained their local influence —through which property had its weight, its legitimate weight, in the national representation. The landlord has been disarmed by the priest. . . . That weapon which he has forged with so much care, and has heretofore wielded with such success, has broke short in his hand.”⁴³¹

Disfranchisement would “restore” the control of the Protestants, by concentrating power in the hands of the middle and upper class gentry. Peel stressed his statesmanlike conduct, noting that he “might have taken a more popular and a more selfish course. I might have held language much more acceptable to the friends with whom I have long acted, and to the constituents whom I have lately lost.” But he had been motivated exclusively by the “anxious desire to provide for the maintenance of Protestant Interests; and for the security of Protestant establishments. This is my defence—this is my consolation—this shall be my revenge.”⁴³² Ultimately most Whigs acquiesced in the disfranchisement of the Irish small freeholders. Even radical MP Joseph Hume, who had opposed the measure as an infraction of popular rights, announced that he was unwilling to continue his opposition “lest he might thwart, the great measure of emancipation.”⁴³³ The commitment to a broad franchise was being traded for religious equality.

For all his talk of restoring the Protestant Constitution, Peel understood the revolutionary implications of emancipation. He asked whether any “great measure, which has stamped its name upon the era of its adoption, has been carried through without

⁴³¹Peel, House of Commons, *Hansard*, 2nd Series, March 5th, 1829, vol.20, c.764. To this end, a new restriction was to be imposed: Jesuits were not to be allowed into the country, and those who were here—while preserved in the rights they currently possessed—were to be registered. “The bill to be introduced will, therefore, take precautions against the future arrival of Jesuits; will render a registration necessary of those who are here at present; and will prevent the extension of communities under religious or monastic vows which are in no way necessary to the free exercise of the Roman Catholic religion.” Peel, House of Commons, *Hansard*, 2nd Series, March 5th, 1829, vol.20, c.777.

⁴³²Peel, House of Commons, *Hansard*, 2nd Series, March 5th, 1829, vol.20, c.779.

⁴³³Hume, House of Commons, *Hansard*, 2nd Series, March 26th, 1829, vol.20, c.1478.

objections and obstacles, insuperable, if they had been abstractedly considered? What was the Revolution itself, but a violation of principles...?”⁴³⁴ He moved the House go into committee to consider relief, which was followed by “loud and protracted cheering.”⁴³⁵ It was the end of the Protestant Constitution, at least as it had been understood up to then; and as much as Peel disclaimed this fact, everyone knew it was the implication. When the Commons voted to resolve itself into committee, it was supported by 348 to 160 votes, a determined majority but with the Tory party evenly divided.⁴³⁶

In the Lords, Wellington defended emancipation as consistent with the 1688 Revolution, and in doing so adopted much of the arguments that had been advanced by the reforming coalition. He not only rejected the contention that continued exclusion would “preserve the principles of the constitution of 1688” but also that “the measures of 1688 permanently excluded Roman Catholics from parliament.” Rather, he sought to separate the permanent from the contingent components of the constitution.

“My lords, in the Bill of Rights, there are some things permanently enacted, which I sincerely hope will be permanent;—those are, the liberties of the people; the security for the Protestantism of the person on the throne of these kingdoms, and that he shall not be married to a papist. . . . Therefore we have the great principle of the Revolution, . . . which consisted of the Bill of Rights and liberties of the subject.”

He rejected the claims that the “principles of 1688” included disabling oaths against Catholics, and that these were “equally permanent with the Bill of Rights, by which the Protestantism of the Crown is secured.” And if Catholic exclusion (other than the succession) was not a permanent feature of the constitution, then “I would ask your lordships, whether you are not at liberty now to consider the expediency of doing away with it altogether, in order to relieve the country from the inconveniences to which it I have already adverted?”⁴³⁷ The purpose of the Revolution was being redefined, from the permanent exclusion of Catholics to the supremacy of Parliament and the security of civil liberties. That these had been intended to maintain the state free of Catholic influence was being actively forgotten.

On April 10th, the bill was read a third time in the Lords and passed: 213-109. The King gave his assent and the bill became law on April 13th, 1829. Its practical effect was

⁴³⁴Peel, House of Commons, *Hansard*, 2nd Series, March 26th, 1829, vol.20, c.1476.

⁴³⁵House of Commons, *Hansard*, 2nd Series, March 5th, 1829, vol.20, c.780.

⁴³⁶Of the 99 Irish MPs present, 66 voted in favor of emancipation, 30 Whigs, and 36 Tories. Twenty-three voted against, including 6 who had been expected to vote with the government.

⁴³⁷Wellington, House of Lords, *Hansard*, 2nd Series, April 2nd, 1829, vol.21, cc.48-51.

to change the oath required for various offices, including that of Member of Parliament. But when O'Connell arrived to take his seat, he was refused on the grounds that he was elected before the change in oaths, and so would have to take the old exclusionary one. Those who had failed to defend the constitution were not above petulance. O'Connell was quickly re-elected in Clare.⁴³⁸

Emancipation and repeal delivered “a hefty blow to the Tory concept of an inviolable Protestant constitution” (Pentland 2008, 50). These marked a fundamental change in the constitution of the country, a break with its clear intent and foundational principles. These marked a fundamental change in the constitution of the country, a break with its clear intent and foundational principles. Emancipation was almost certainly passed against the wishes of the majority of the British population (Machin 1963b, 195). For the Whigs its passage was a source of considerable satisfaction but also disgust with its delay: it had been claimed as a matter of justice, but had only been conceded when it became absolutely necessary.

Reform and Revolution

Catholic emancipation split the Tories, their more active partisans unwilling to forgive Wellington and Peel. Posters defending “Our Protestant Constitution and the Ancient Institutions of My Country for ever!” were posted throughout Cambridge, attacking “bastard Whigs and apostate Protestants.” The Tory leaders “are our enemies. Impeach them.”⁴³⁹ Similar sentiments were expressed around the country.

In one year, two of the key issues of the Whig program had been passed during a Tory government. The achievement of repeal and emancipation meant that for many Whigs “the only struggle really worth making was reform of parliament” (cited in Pearce 2010, 53). In 1829 a severe recession hit the United Kingdom. Inspired by the Catholic Association, reformers began convening organizations to press for reform, the most influential of which was the Birmingham Political Union (Flick 1978). The successful accomplishment of emancipation had united reformers around similar themes and patterns of action across the United Kingdom. Scots reformers took from “the national protest in Ireland. . . a powerful and successful model of constitutionalist agitation” (Pentland 2008, 50). The Scots reform movement was one of national reconstitution, with reformers writ-

⁴³⁸He was accordingly denied the honor of being the first Catholic in the Westminster Parliament since the 17th century. He was re-elected on July 30th, but in the interim Henry Charles Howard, the Catholic Earl of Surrey, had been elected and sworn in.

⁴³⁹National Archives, HO 44/19/ff.112

ing “aspects of Scottish history and native ideas of popular sovereignty into the story of the British constitution” (Pentland 2008, 154-55). But the language of British liberalism infused the Scots, English, and Irish movements. Mirroring the earlier reinterpretations of the liberal Catholics, reformers throughout Britain sought to “appeal to a history of British liberty” and embedded their critiques and demands in an understanding of the constitution as advancing religious and civil liberty (Pentland 2008, 154). Thomas Wyse, speaking of the Irish Liberal Clubs, described the organizations in these terms:

“We call ourselves *Liberal*—and are what we profess to be—We abhor exclusions, monopolies and oppressions of all kinds, but none more than those created or continued by religious ignorance and intolerance. We are foes to all Ascendancies, whether Catholic or Protestant, which set up the false interests of the few at the expense of the just interests of the many.”

Liberalism for Wyse was the cause of civil and religious liberty: the right to “worship God according to the dictates of his conscience” and the “*Right* to the advantages and honours of the State” for the citizen who contributes to its burdens (O’Ferrall 1985, 221).

The Whigs were now propping up the Tory government and believed they might form a ministry. But that meant bringing over liberal Tories such as Lords Palmerston and Melbourne, and they remained opposed to all but modest reform of the electoral system (Trevelyan 1920, 222, 234-35). Nonetheless, as early as 1819 Grey had come to believe that reform needed to be extensive. The reasoning was political: in order to counter the Tories’ built-in advantage, they needed to excite broad public support, which necessitated an extensive reform. And to pass reform against the Lords, they would need some sustained and sizeable demonstration of public support to convince the King. A limited bill would deny the Whigs the “strength in public opinion” needed to “force the Court” to pass any measure.⁴⁴⁰ There was likely an additional motivation: by 1830, the future Whip Edward Ellice and Lord Durham—Grey’s son-in-law—were talking of passing reform to “cook” the boroughs and “expel as much as possible all local interests belonging to Tories.”⁴⁴¹

The passage of emancipation hardened Tory opposition to reform, for which there was little sympathy among the Tory ‘liberals’ or the party’s reactionary ‘base’ of local elites (Sack 1993, 20; Cannon 1973, 195). However, in June 1830 the King died and William IV, open to reform and a Whig ministry, acceded to the throne. The succession triggered an election in which the Whigs gained 50 seats. Most important, Henry

⁴⁴⁰Grey to Holland, April 23, 1820. Cited in Trevelyan (1920, 372-73).

⁴⁴¹See the account by the Earl of Malmesbury (1884, 37).

Brougham, a reforming political activist who had been central to the popular expansion of the Whig party (Hay 2005), was elected in the enormous county of Yorkshire. By presenting himself as advocate of the middle classes and drawing on the extensive network of urban abolitionist and antislavery organizations in the county, Brougham was able to build a support network that could defray the massive expense of the campaign (Thompson 1959, 218-19).⁴⁴² It was widely read as a signal the people supported reform.⁴⁴³

In Parliament Grey called for modest reform. Wellington, still Prime Minister, responded that “as far as he was concerned, as long as he held any station in the government of the country, he should always feel it his duty to resist such measures when proposed by others.”⁴⁴⁴ In less than a week the government was defeated on a vote on the civil list and in December Lord Grey formed a Whig government, pledging to introduce a reform bill. Most analyses of the Reform Act of 1832 stress its modest character, but at the time the measure went much further than any expected (Pearce 2010, 72). Of 658 parliamentary seats, 168 of these—all in England—were to be abolished or redistributed. Over 30 new boroughs with one or two members were to be created and the counties were given additional seats. New franchise classes were created, new qualifications were placed on the existing classes, and the ‘ancient right’ franchises would be gradually abolished. Scotland and Ireland would each gain 5 seats.

The bill had the broad support of Whigs, Irish Liberals, and radical MPs. The specific provisions of the bills were generally equal across the different countries and so were not needlessly insulting. The moderate Whigs and liberal Tories, however, were intimidated by the extent of the reform. In part to assuage their concerns, the Whig leadership highlighted the disfranchisements of the laboring classes and the increased

⁴⁴²As noted by Wellington, “no gentleman could bear the expense. The middle classes had it all to themselves” (Trevelyan 1920, 219). The campaign to abolish first the slave trade and then slavery was the most sustained reforming movement in England and Scotland in the early 19th century. Linda Colley considers it to have been one of the key contributors to a national redefinition of ‘British’ identity (2005, 29). It was a central organizational locus for the development and dissemination of a vision of British purpose that was the expansion of Christianity and civil liberty all over the world (Pentland 2008, 29-30).

⁴⁴³Brougham strongly encouraged this reading. Shortly after the elections, Brougham anonymously wrote a pamphlet on *The Result of the General Election* in which he described the victory of Brougham the election’s “most remarkable feature” (Brougham 1830, 20).

⁴⁴⁴House of Lords, *Hansard*, November 2nd, 1830, vol.1, c.53. Wellington, noticing the “scarcely suppressed excitement,” is said to have whispered to a colleague : ‘what can I have said which seems to have made so great a disturbance?’ ‘You have announced the fall of your Government, that is all.’ This is recounted in Stuart Johnson Reid’s *Lord John Russell* (1895, 61).

representation of the wealthy and respectable middle. Central to the bill's purpose was the creation not simply of an enlarged electorate, but a respectable one.

In introducing the bill, Russell deployed a theme popular with radicals of England's lost democracy, remarking that "in ancient times every freeman, being an inhabitant householder resident in a borough, was competent to vote for Members of Parliament." Nonetheless, even this expansive franchise was in Russell's telling exclusionary. The ancient householder franchise had "excluded villains and strangers," and thus had always belonged to a particular body, "undoubtedly possessed of property." The course of history, however, had resulted in the franchise being both too generous and too restrictive. The ending of villainage had led some boroughs to extend the franchise "down to the lowest degree, and even sometimes beyond," while others had become closed oligarchies.⁴⁴⁵

The problem now was the "great evil" of nomination. Too much power was placed in the hands of a small number of mostly Tory patrons through their ability to bribe and intimidate poor electors.⁴⁴⁶ Alongside the excessive inclusion of the poor, historical development had produced an "anomaly in our Constitution—a mass of industrious, intelligent, prosperous men, without any direct tie binding them to our Government."⁴⁴⁷ Reform would end the power of nomination by "placing the franchise as much as possible in the hands of the middle classes" and the "more intelligent of the working class" while disfranchising the dependent working class.⁴⁴⁸

Their disfranchisement was neither accidental nor incidental (Cannon 1973, 257). For many Whigs it was one of the central virtues of reform, which was intended to ensure "that wealthy and respectable men would be let into the right of voting" instead of those who "were neither rich nor noble."⁴⁴⁹ Russell, like Parnell in 1825, cited Fox, that "the most perfect system... shall include the greatest number of independent electors, and exclude the greatest number of those who are... dependent." He bragged about the exclusion of the working class, comparing the "quarters of the town chiefly inhabited by the working classes," where only 1 in 50 households would have the vote, to the "principal streets for shops" where "almost every householder will have a vote."⁴⁵⁰

⁴⁴⁵Russell, House of Commons, *Hansard*, March 1st, 1831, 3rd series, vol.2, cc.1069, 1070

⁴⁴⁶The Tory Croker had written to Canning in 1827 that there were 203 seats "in the hands of what may be called the Tory aristocracy" while the Whig patrons only controlled 73 (Trevelyan 1920, 223 fn.2).

⁴⁴⁷Russell, House of Commons, *Hansard*, December 17th, 1831, 3rd series, vol.9 ,c.500

⁴⁴⁸Althorp, House of Commons, *Hansard*, March 1st, 1831, 3rd series, vol.2, cc.1139-41

⁴⁴⁹The Lord Advocate, House of Commons, *Hansard*, March 24th, 1831, 3rd series, vol.3, 895-96.

⁴⁵⁰Russell, House of Commons, *Hansard*, December 17th, 1831, 3rd series, vol.9 ,cc.497, 498

But disfranchisement of poor voters was also necessary to comfort the King and the moderate Whigs. As late as May 1832 Grey was re-assuring the King that “in truth, the right of voting, taken generally, will be found much less popular than the old one.”⁴⁵¹ The moderates insisted the people were offended by the corruption enabled by poor electors. Viscount Palmerston listed the key defects in the unreformed system, one of which was the “very unequal and unjust distribution of the power of voting among the middle and lower classes.”⁴⁵²

The disfranchisements were looked on with disapproval by some radicals. Henry Hunt, a democratic radical, was the most active in opposing the disfranchisements. He presented a petition signed by 3,000 persons “praying that the franchise rights which they at present possessed might not be interfered with,” and regularly denounced the bill’s exclusion of the working classes.⁴⁵³ Nonetheless, even he was anxious not to sink the bill: “he was content to give up a great deal, in order to meet the wishes of those who did not go the full extent that he was prepared to go.”⁴⁵⁴

It was mostly Tories who opposed the disfranchisements.⁴⁵⁵ Lord Ellenborough defended the electoral system’s balance, giving representation to “property and wealth, without exciting... popular jealousy,” and to “the very lowest contributors” without excessive democratic influence. He warned against the disfranchisements and noted fearfully in his diary that “in ten years the poorest class will be unrepresented & then we shall have a servile war or universal suffrage” (Pearce 2010, 276).⁴⁵⁶ While many Tories believed the value of the laboring class franchises was the power it gave to the aristocracy, others valued the balanced representation these provided.

Peel criticized the different residence qualifications across the different franchise classes, noting that residence did “not apply to the Universities! Every non-resident voter in England to be disfranchised, except non-resident Masters of Arts!” The M.A. and non-resident clergyman of Cambridge or Oxford were juxtaposed to the “nonresident voter of Norwich, who cannot find employment in the place of his nativity—who is earning an honest subsistence in London.” Peel was framing the reform bill as class legislation. But he was also pointing out that residence had always been tangential to

⁴⁵¹Earl Grey to Herbert Taylor, May 29, 1832 (Grey 1867, 456)

⁴⁵²Palmerston, House of Commons, *Hansard*, March 3rd, 1831, 3rd series, vol.2, cc.1321, 1324

⁴⁵³Hunt, House of Commons, *Hansard*, June 23rd, 3rd Series, vol.4, cc.277-280

⁴⁵⁴Hunt, House of Commons, *Hansard*, August 24th, 1831, 3rd series, vol.6 ,c.554.

⁴⁵⁵Peel, House of Commons, *Hansard*, March 4th, 1831, 3rd series, vol.3 ,c.89; Seymour, House of Commons, *Hansard*, March 4th, 1831, 3rd Series, vol.3, c.53.

⁴⁵⁶Ellenborough, House of Lords, *Hansard*, May 7th, 1832, 3rd Series, vol.12, c.730

the British electoral system, and would continue to be so as many of the county franchises did not require residence and plural franchises were still allowed across different districts.⁴⁵⁷

Tories appealed to moderate Whigs by arguing the new franchise arrangements only worsened the problem of corruption. Many Whigs had explained their support of the 1829 disfranchisement on the grounds that the Irish 40s. electors were a dependent class.⁴⁵⁸ But this dependence was not solely a function of their situation as tenants: their poverty and ignorance made even those who were not dependent on a landlord unfit for the franchise. Russell refused to follow this precedent in England, arguing that the English 40s. electors were “a class of persons eminently qualified to have the trust of electing committed to them.”⁴⁵⁹ But by extending the right to vote to copyholders and leaseholders the ministers undermined the principle of independence.⁴⁶⁰ The Whig response was “that the principle of the Bill was, the extension of the right of voting to the respectable and intelligent classes of society” and that few would deny that “the yeomanry” had sufficient “property, character, and intelligence” to exercise the franchise.⁴⁶¹

The Whigs had committed themselves to a principle of exclusion in their support of disfranchisement in 1825 and 1829 and in their disfranchising of the freemen: not simply independence, as marked by relations of tenant to landlord, but intelligence and respectability. The ministers would have this standard thrown back at them in their opposition to the Chandos clause, opposed by the government, which extended the right to vote to tenants-at-will of £50 rent. Whigs representing agricultural interests insisted that this was an intelligent and respectable class. In response, Lord Althorp praised the respectability of farmers, but insisted the “Committee were not now called upon to decide upon their respectability” but merely their independence. He argued that the tenant-at-will standard, while appropriate in the boroughs, was inappropriate in the counties, where it was in “the power of the landlord of the farmer to do his tenant a

⁴⁵⁷Peel, House of Commons, *Hansard*, March 3rd, 1831, 3rd series, vol.2, c.1348. Requiring residence for the University franchises would undermine their function of direct representation for the elite of the Established Church, and Peel recognized that it would be absurd to insist upon residence for this franchise.

⁴⁵⁸Rice, House of Lords, *Hansard*, March 20th, 1829, 2nd series, vol.20 ,c.1379; Milton, House of Lords, *Hansard*, March 20th, 1829, 2nd series, vol.20 ,c.1380.

⁴⁵⁹Russell, House of Commons, *Hansard*, March 1st, 1831, 3rd series, vol.2, c.1076.

⁴⁶⁰This had been pointed by John Stuart Mill in 1825 (Mill 1982). Peel, House of Commons, *Hansard*, March 3rd, 1831, 3rd series, vol.2, c.1348.

⁴⁶¹The Attorney General, House of Commons, *Hansard*, August 17th, 1831, 3rd series, vol.6 ,c.202.

greater injury than the landlord of the householder.”⁴⁶² Certainly the political interest that many Whigs had in a tenant-at-will franchise led to its passage, but their defenses of this further encouraged them to adopt the standard of middle class respectability and intelligence outlined by reformers.

For the most part, the Tories opposed the bill on the same grounds they had opposed emancipation: it was an overturning of the Constitution and the “ancient institutions” that secured it. One MP thought the measure “to be unprincipled, tyrannical, revolutionary, introducing a new Constitution.”⁴⁶³ Some disclaimed hostility to modest reform that would have a “due regard for the ancient institutions of the country.”⁴⁶⁴ But what was being proposed was far from that: it was a “revolutionary measure” and were it passed one “could see no moorings or anchorage-ground for the Constitution.”⁴⁶⁵ Reform would not be final: the new electors would gradually shape a new constitution to reflect their beliefs and interests. It would also lead to new electoral reforms. Peel warned the ministers that other parties will “outbid you, not now, but at no remote period—they will offer votes and power to a million of men, will quote your precedent for the concession, and will carry your principles to their legitimate and natural consequences.”⁴⁶⁶

It was widely expected the bill would not pass (Pearce 2010, 99). The course of the debate and the consistent voice of the press, however, made clear that the popular mood was strongly in favor. The Tories accused the Whigs of threatening them with the power of the mob; but this was “not so much intimidation through the mob as intimidation through the electoral process” (Pearce 2010, 112). The unreformed House of Commons had a diversity of electoral connections. MPs whose situations made them sensitive to public opinion, however, began to waver. Where the incentives on emancipation had been to signal adherence to the Protestant Constitution, here popular preferences incentivized signaling openness to reform. Members worried that they “might expose [themselves] to the possible imputation of indifference to Reform” if they did not actively indicate that they supported the principle of reform.⁴⁶⁷

If the bill were defeated, the ministers would ask the King for dissolution. He was reluctant to grant this given ongoing agitation in Ireland (Crossman 1996, 54). The Lord Lieutenant reportedly told the ministers that an election “would throw Ireland into

⁴⁶² Althorp, House of Commons, *Hansard*, August 18th, 1831, 3rd series, vol.6 ,c.281.

⁴⁶³ Duncombe, House of Commons, *Hansard*, March 4th, 1831, 3rd Series, vol.3, c.32.

⁴⁶⁴ Tyrell, House of Commons, *Hansard*, March 7th, 1831, 3rd series, vol.3 ,c.138.

⁴⁶⁵ North, House of Commons, *Hansard*, March 7th, 1831, 3rd series, vol.3 ,c.161-63.

⁴⁶⁶ Peel, House of Commons, *Hansard*, March 3rd, 1831, 3rd series, vol.2, c.1353.

⁴⁶⁷ Calcraft, House of Commons, *Hansard*, March 4th, 1831, 3rd Series, vol.3, c.40.

anarchy” and that he would need to be sent 20,000 men along with the election writs (Jennings 1885, 113). There was also the problem of Daniel O’Connell. He had been arrested in January after a speech in favor of a bank run. But he was needed in the Commons, and so the ministers colluded with the prosecution to ensure the trial was postponed.

The Tories made their stand on second reading. On March 22nd, 1831, in the most attended vote in British history the bill passed second reading by 302-301. Even this narrow result required massive exertions: “the Government are moving *hell* and *earth*. They have been tampering even with the *little* household officers.”⁴⁶⁸ That is, they informed every MP with a sinecure (of which there were many) that they would be dismissed if they did not vote for passage.⁴⁶⁹ The majority of the English and Welsh (238-241) and Scots MPs (13-26) voted against the bill, and it passed only by the adhesion of the Irish (53-36).⁴⁷⁰ The ministers were right to prioritize O’Connell’s vote over his prosecution.

In committee an amendment was introduced that the total number of seats for England and Wales remain the same, effectively foreclosing the modest redistribution of seats to Ireland and Scotland. Again it was Ireland that animated debate. O’Connell denounced the amendment as intended “to excite English prejudices; . . . to excite a religious feud.”⁴⁷¹ Russell made it clear that it was a confidence question.⁴⁷² By a vote of 299-291, the amendment passed, and the ministers went to the King. O’Connell’s vote had been needed; now his restraining influence was needed. The day the amendment passed, the Irish prosecution had the proceedings against O’Connell delayed again (Pearce 2010, 141). Shortly after, the government announced that they could not prosecute, as the statute had just expired.⁴⁷³ O’Connell would restrain the agitation in Ireland and the ministers could give the King the assurance he required (Pearce 2010, 141-2).

It was one of the most decisive elections in British history, a massive victory for re-

⁴⁶⁸Croker to Lord Hertford, March 22nd, 1831 (Jennings 1885, 112).

⁴⁶⁹The sinecures referred to in Croker’s letter were minor offices in the royal household. The Whigs made good on their threat.

⁴⁷⁰These numbers include the tellers, the members who count the votes for their respective sides, and so sum to 304-303. The members representing Irish closed corporations, those constituencies in which only the municipal council could vote, opposed the bill 3-10, while those from the counties supported it 40-22 and the open boroughs 11-6.

⁴⁷¹O’Connell, House of Commons, *Hansard*, April 19th, 1831, vol.3, c.1664.

⁴⁷²Russell, House of Commons, *Hansard*, April 19th, 1831, vol.3, c.1687

⁴⁷³See the exchange between Sugden and Stanley on the eve of the vote on second reading. House of Commons, *Hansard*, March 21st, 1831, 3rd series, vol.2, c.690-91. As noted by David Pearce, “Tory charges of ministerial collusion were entirely correct” (Pearce 2010, 141).

formers who now had a 130-140 vote majority in the Commons. This was not a disfranchised mass demanding the right to vote from a narrow elite: it was the enfranchised themselves demanding the right to vote be extended to others. The second reform bill was similar to the first, with some slight moderations including a proposal, soon dropped, that would have greatly curtailed the franchise extension in the boroughs.⁴⁷⁴ After months of delay, the bill passed easily in the Commons.

The organization of popular support continued. The Whigs leadership encouraged the activism of the Political Unions. The Prime Minister met with the Unions leadership and hinted “against too much quiet, suggesting that the union should now make itself publicly felt” if the Lords rejected the bill (Pearce 2010, 165). The Tories denounced the “northern Unions” as seeking reform for ulterior ends—namely Church disestablishment.⁴⁷⁵ The Whigs defended them but denied that these were now to be a regular part of political life.⁴⁷⁶ Rather, they were manifestations of the underlying problem: a changed society that had not been accommodated by changed institutions. The political unions and the Catholic Association, like the Irish Volunteers of 1782 and the American Revolutionaries, were the product of “Justice denied—rights withheld—wrongs perpetrated—the force which common injuries lend to millions.” But the chief injustice was the failure to recognize the development of society and adapt governing institutions accordingly. It was “the idiocy [sic] of treating Englishmen like the children of the South Sea Islands—the frenzy of believing, or making believe, that the adults of the nineteenth century can be led like children, or driven like barbarians!”⁴⁷⁷

MP Thomas Macaulay articulated the Whig theme of statesmanship as accommodating institutions to historical development. History was the story of revolution and reform:

“A portion of the community which had been of no account, expands and becomes strong. It demands a place in the system, suited... to its present power. If this is granted, all is well. If this is refused, then comes the struggle between the young energy of one class, and the ancient privileges of another.”

⁴⁷⁴The second bill initially required the £10 borough franchise holder to pay their rent at semi-annual or longer intervals. The Birmingham Political Union prepared a memorial to Grey explaining that only 10% of £10 householders would be enfranchised, and Grey responded that the measure would be withdrawn (Moss 1990, 197).

⁴⁷⁵Wynford, House of Lords, *Hansard*, October 7th, 1831, 3rd Series, vol.8 c.203; Earl of Carnarvon, House of Lords, *Hansard*, October 6th, 1831, 3rd Series, vol.8 c.106.

⁴⁷⁶Brougham, House of Lords, *Hansard*, October 7th, 1831, 3rd Series, vol.8 c.263.

⁴⁷⁷Brougham, House of Lords, *Hansard*, October 7th, 1831, 3rd Series, vol.8 c.269.

This was the story of the United States and of France, Whig favorites on the theme of failed statesmanship. But it was also the story of “the struggle which the Catholics of Ireland maintained against the aristocracy of creed,” and the ongoing story of “the struggle which the free people of colour in Jamaica are now maintaining against the aristocracy of skin.” And it is “the struggle which, the middle classes in England are maintaining against an aristocracy of mere locality—against an aristocracy, the principle of which is to invest 100 drunken, potwallopers in one place, or the owner of a ruined hovel in another, with powers which are withheld from cities renowned to the furthest ends of the earth, for the marvels of their wealth and of their industry.”⁴⁷⁸ Macaulay was implicating the struggles of Ireland, America, France, and of blacks in Jamaica in the cause of civil and religious liberty. He was outlining the purpose of British liberalism as the struggle against odious distinctions.

He was also circumscribing its liberality. The illegitimate aristocracy in the United Kingdom held power on the basis of the poor and lower classes. British circumstances made universal suffrage unacceptable, but this was not out of bounds forever:

“if the labourers of England were in that state in which I, from my soul, wish to see them,—if employment were always plentiful, wages always high, food always cheap,—if a large family were considered not as an encumbrance, but as a blessing— the principal objections to Universal Suffrage would, I think, be removed.”⁴⁷⁹

The implication was that future reforms should depend on the material and intellectual progress of the country. However much the Whigs would claim this reform was final, they were embedding both the idea of reform and the conditions for sustained exclusion into their governing philosophy. They defined themselves as recognizing that historical progress made it “necessary to alter, adapt, and enlarge [governing] institutions, in order to accommodate the continually increasing number of intelligent and independent citizens who are entitled to share in their benefits.”⁴⁸⁰ To not adapt created an injustice: the wrongs against England were the failure to recognize when a people had ceased to be children and become fit for participation in government.

On October 7th, 1831, the bill was defeated in the House of Lords. The immediate response was rioting in Nottingham and Derby. The government was concerned, but the riots did not present a serious threat (LoPatin 1999, 92). The Bristol riots a few weeks

⁴⁷⁸Macaulay, House of Commons, *Hansard*, March 2nd, 1831, 3rd series, vol.2, c.1196.

⁴⁷⁹Macaulay, House of Commons, *Hansard*, March 2nd, 1831, 3rd series, vol.2, c.1192.

⁴⁸⁰Lord Advocate, House of Commons, *Hansard*, March 4th, 1831, 3rd Series, vol.3 c.62.

later lasted three days and were suppressed by the military. This was more threatening, but still was not a cause for alarm. As noted by John Beckett, “modern historians no longer think of the 1831 riots as heralding revolution, and of revolution being averted only by reform” (Beckett 2005, 114). But the Tories were eager to portray them as such, and reformers feared moderate Whigs might come to agree.

Recent work by Aidt and Franck has shown that the unrest of October “hardened the anti-reform stance of the Tory MPs and their patrons” (Aidt and Franck 2012, 14). However, they also find that the riots had the inverse effect on Whigs, who became increasingly likely to support reform. I suggest that the effects were opposite in part because of the different interpretative frames by which the conflict was understood. The violence confirmed Tories in the belief that reformers were jacobins who would not stop until there were no more “King, no Lords, no inequalities in the social system; all will be leveled to the plane of the petty shopkeepers and small farmers.”⁴⁸¹ For Tories, concession would only signal weakness. But for Whigs, the violence was a confirmation of their beliefs about statesmanship and expedient reforms. It made the intransigence of the Lords more galling and further ennobled the Whigs’ purpose and stiffened their resolve.

The Tories dubbed the violence the “Reform riots,” and accused the political unions of plotting violent revolution (Pearce 2010, 208). In fact, the Unions were very concerned that violence not occur, recognizing that public and elite perception was crucial (LoPatin 1999, 88, 99-101). The unions sent addresses to the King expressing their loyalty and affection. The Cabinet encouraged a moderate stance, but was reliant on them to demonstrate public opinion in favor of the bill (Cannon 1973, 227). When a plan for the Birmingham Union to arm itself in order to maintain the peace threatened their standing with moderates, the government decided to issue a proclamation “declaring all associations assuming a power of action independent of the civil magistrates illegal and unconstitutional” (Cannon 1973, 227). But they would not prosecute or disband the Unions if they abandoned this plan.⁴⁸² The Birmingham Union obligingly retreated, and no further government actions were taken. This was political cover for moderates to continue supporting the bill. The Birmingham Political Union received over 50 requests for its rulebook, which Union members believed reflected a growing belief among the

⁴⁸¹Croker to Walter Scott, April 5th 1831, (Jennings 1885, 113). Croker believed this would happen without bloodshed, “but certainly by confiscations and persecutions.” In short, he believed that there would be institutional reforms, land reform, and new taxes.

⁴⁸²Grey to the King, June 19th, 1832. In Grey (1867, 473).

middle classes that the Unions would stop further outbreaks of violence (LoPatin 1999, 101). And the increase in Union organization strengthened Grey's efforts to present them "as proof of public support for the Bill" (LoPatin 1999, 101).⁴⁸³

To assure passage of the latest iteration of the bill, the Ministers had asked for and received a commitment from the King to create sufficient peers in the House of Lords (Pearce 2010, 226). After a key setback in committee in the House of Lords, the Cabinet decided that 50 to 60 peers were needed, and on May 9th the Prime Minister took this proposal to the King. To their surprise, he refused and accepted their resignation (Pearce 2010, 276). This began the Days of May, a key period in the 'revolutionary threat' account of reform's passage.

As early as March 1831 Hunt had warned that "he knew from good authority that there would be such agitation as they had never seen before."⁴⁸⁴ This agitation had already transpired, and it was almost entirely constrained to constitutionally legitimate activity. The Unions' membership jumped again, as they encouraged 'respectable men' to join in order to prevent violence. Some, however, were moving toward more targeted political action. The Northern Political Union moved to cease the payment of taxes until reform was passed. The National Political Union in London encouraged a bank run, and posted placards that read: "To Stop The Duke Go For Gold." The slogan was printed in newspapers throughout the country, but it was targeted only at Tory owned banks and the Bank of England (LoPatin 1999, 150).⁴⁸⁵ In all, £1.6 million was withdrawn from the Bank of England, from reserves of £3-4 million (Pearce 2010, 298).

While this heightened the drama it did not change the underlying calculus. Any ministry would have to pledge an extensive reform, a condition demanded by the King. But it would also have to keep the bill intact in all its essential provisions, a condition demanded by the Commons.⁴⁸⁶ There was no ministry other than Grey's that could muster the support of Commons, King, and Lords. Insofar as the Tories tried to appease the King and Commons, they lost the support of their right-wing. When Tory MP Alexander Baring suggested a Tory ministry might pass the bill, he was attacked on

⁴⁸³John Stuart Mill recognized their role when he remarked that England was "indebted for the preservation of tranquillity solely to the organization of the people in political unions" (LoPatin 1999, 88).

⁴⁸⁴Hunt, House of Commons, *Hansard*, March 2nd, 1831, 3rd series, vol.2, c.1215

⁴⁸⁵This had the advantage of leaving untouched the provincial banks whose directors were often Whigs and members of the Unions.

⁴⁸⁶The Commons had quickly voted 288 to 208 in support of a resolution that the King "call to his Councils such persons only as will carry into effect, unimpaired in all its essential provisions, that Bill for reforming the Representation of the people which has recently passed this House." Ebrington, House of Commons, *Hansard*, May 10th, 1832, 3rd Series, vol.12, c.788

all sides.⁴⁸⁷ One Tory said that “as the Bill must pass, it should be passed by those Ministers who had introduced it.”⁴⁸⁸ Robert Inglis, speaking for the far right of the Tory party, considered a Tory ministry pledged to reform as “one of the most fatal violations of public confidence which could be inflicted.”⁴⁸⁹ Macaulay stated what amounted to a consensus: if Wellington’s “pledge [against reform] should have been violated within one month, no other pledge of [a Wellington] Administration. . . could hold out long.”⁴⁹⁰ Seeing the impossibility of the situation, Baring suggested that “it would be much for the good of the country if the present Administration were not dissolved.”⁴⁹¹

The King and Lords conceded on reform not because there was a potential revolution out of doors but because there was an institutional failure indoors: one chamber would have to concede, and the most easily acted upon was the House of Lords. The agitation was not unimportant. It did not threaten revolution so much as stiffen the resolve of Whigs, at least as long as it veered away from violence. Grey helped coordinate the actions of the Unions, “secretly directing the activities of the Political Unions on the public stage” and urging them to restrain any agitation that might weaken the Whigs (LoPatin 1999, 155). During the Days of May, Grey remarked that “their conduct hitherto has been praiseworthy,” and expressed his belief that “if things can only be kept quiet I have not the least doubt of being able in a very few days, to set everything right again” (LoPatin 1999, 155).

The Unions served the function the Whigs wanted them to, signaling public support for the bill. Grey had long recognized that public opinion would have to be mobilized, writing that “my own feeling. . . would be to insist upon [an extensive reform], rather than incur all the labour, anxiety, and danger of undertaking the Government in a moment of such embarrassment, and with the certainty of being counteracted from the beginning, and ultimately betrayed and sacrificed by the Court on the first favourable opportunity.”⁴⁹² Only by pointing to public opinion, given deliberate form through the Unions, could they persuade the unelected branches to accept reform.

This is not to say that averting revolution was not an objective of the Whigs. Grey did believe that absent reform a revolution would occur, and his desire for the Unions

⁴⁸⁷Baring, House of Commons, *Hansard*, May 14h, 1832, 3rd Series, vol.12, c.913

⁴⁸⁸Wynn, House of Commons, *Hansard*, May 14th, 1832, 3rd Series, vol.12, c.976; see also Gilbert, House of Commons, *Hansard*, May 14th, 1832, 3rd Series, vol.12, c.975

⁴⁸⁹Inglis, House of Commons, *Hansard*, May 14h, 1832, 3rd Series, vol.12, c.947

⁴⁹⁰Macaulay, House of Commons, *Hansard*, May 14h, 1832, 3rd Series, vol.12, c.922.

⁴⁹¹Baring, House of Commons, *Hansard*, May 14th, 1832, 3rd Series, vol.12, c.958

⁴⁹²Grey to Lord Holland, December 6th, 1820. Cited in Trevelyan (1920, 373).

to demonstrate “strength in public opinion” was intended to enable the Whigs to “force the Court before it is too late to carry this or any other measures.”⁴⁹³ But this was less a belief that revolution was imminent than that it would be made inevitable absent Whig statesmanship. On March 2nd, well before any serious agitation had occurred or any threat of violence been made, Macaulay remarked that he “entertain[ed] great apprehension for the fate of my country. I do in my conscience believe, that unless this measure, or some similar measure, be speedily adopted, great and terrible calamities will befall us.”⁴⁹⁴ In the language of elite versus masses, with democratization as a concession, this was an entirely pre-emptive gambit on the part of the elite.

The arguments and narratives that circulated in Whig networks insisted that the genius of British constitutionalism was to vary and alter governing institutions as needed to match a changing society. The failure of the Tories to grant Catholic emancipation earlier was a confirmation that this ‘genius’ required statesmanship by those who understood the flexible and progressive character of the constitution: i.e., not the Tories. Grey’s remark that reform be forced on the King before it was too late was a projection based on the Whigs’ own ideas (and pretensions) of governance and historical development. The rhetoric of reforming to preserve was the story they had been telling themselves since the 1790s, rather than any imminent threat. When the first bill was introduced in 1831 there was no fear of revolution; but there was an ideological certainty among Whigs that absent reform revolution would come. And to make sure that the King and Lords were aware of this, they made the prospect of revolution central to their rhetoric and encouraged the Unions, which the King and Lords believed to be the most likely instigators of revolution.⁴⁹⁵

On May 15th, the Duke of Wellington informed the King he could not form a government. On the 18th the ministers could state that they had a “sufficient guarantee” that the King would create however many peers were needed. In the end, this was not necessary; once the King had committed, the Tory Lords walked out. The bill passed with only 21 lords voting against. Grey and the Whig ministers implored the King to sign the bill in person, but he was determined against it.⁴⁹⁶ And so on June 7th, 1832, the bill received

⁴⁹³Grey to Lord Holland, December 6th, 1820. Cited in Trevelyan (1920, 373).

⁴⁹⁴Macaulay, House of Commons, *Hansard*, March 2nd, 1831, 3rd Series, vol.2, c.1193

⁴⁹⁵To this end, they were often willing to do the same as the Tories, and invoke the specter of revolution for rhetorical effect. Much of Brougham’s pamphlet on the meaning of the 1830 elections was devoted to that year’s French Revolution, which “must teach [Wellington] the absolute necessity of reforms in all the abuses of our own system” (Brougham 1830, 28).

⁴⁹⁶See the letters between Grey and Taylor, June 5-7, 1832, in Grey (1867, 460-69).

assent via commission rather than in person; more petulance.

* * *

This was not only the inauguration of a new constitutional order. It was the institutionalization of a newly ascendant vision of the boundaries and basis of political community. Throughout the debates the Whigs returned to the theme of ‘the people,’ whose reconstitution was necessary to secure the principles of the British Constitution. The Commons was intended to represent “the knowledge and spirit” of the people; but the over-weighted influence of the laboring classes had allowed the aristocracy to unbalance the Constitutional order.⁴⁹⁷ A new definition of ‘the people’ was needed to restore the constitutional principles.⁴⁹⁸ And for Whigs, this new definition was demarcated on class grounds. The middle class was the real body of the people: “the people—and by the people, I repeat—*I mean the middle classes, the wealth and intelligence of the country, the glory of the British name.*”⁴⁹⁹ The measure promised “to the people of England an overpowering influence in the choice of Representatives” and by ‘the people’ the Whigs “meant the great majority of the respectable middle classes of the country.”⁵⁰⁰

The repeated invocation of the middle classes as ‘the people’ preempted the Tories’ critique that they were giving power to the mob. And so the people were defined not only against the aristocracy but against the laboring classes. Brougham distinguished the ‘people’ from the ‘populace.’

“I do not mean the populace—the mob. . . . But if there is the mob, there is the people also. I speak now of the middle classes—of those hundreds of thousands of respectable persons—the most numerous, and by far the most wealthy order in the community. . . the genuine depositaries of sober, rational, intelligent, and honest English feeling.”

The distinction between the people and the populace was not a sharp one. The populace were not aliens, and the people were “connected with that populace, who look up to them as their kind and natural protectors.” The middle class was “the link which connects the upper and the lower orders, and binds even your Lordships with the populace.”⁵⁰¹

But the demarcation of a middle class people was not only meant to defend them from charges of an excessively ‘popular’ franchise. It also reflected the Whigs’ own

⁴⁹⁷Francis Jeffrey (Lord Advocate), House of Commons, *Hansard*, March 24th, 1831, 3rd series, vol.3, c.898.

⁴⁹⁸Althorp, House of Commons, *Hansard*, March 1st, 1831, 3rd series, vol.2, cc.1143-44

⁴⁹⁹Brougham, House of Lords, *Hansard*, October 7th, 1831, 3rd Series, vol.8 cc.264-65. Emphasis added.

⁵⁰⁰Althorp, House of Commons, *Hansard*, March 1st, 1831, 3rd series, vol.2, cc.1143-44

⁵⁰¹Lord Chancellor, House of Lords, *Hansard*, October 7th, 1831, 3rd Series, vol.8 cc.252-53

understanding of the proper basis for membership in the political community. And the basis for inclusion into the Whigs' 'people' was above all intelligence, respectability, and sober rationality. There was a "growing spirit of intelligence amongst the great mass of the community," evidenced in organizations such as the Mechanics' Institutions, with their reading rooms and instruction session. The cause of reform was that of an enlightened and rational people, and the Lords needed to know that they did were not dealing "with an ignorant, or unintelligent body of men... [but] with men who are well instructed, intelligent, well-conducted, peaceable, and orderly."⁵⁰² In the discourse of Whig and liberal reformers, progress had created the middle class (Wahrman 1995). The progressive character of British constitutionalism meant that it could be adapted, by Whig statesmen, to this change in the structure of society.

Hunt called attention to the exclusions this middle class focus generated, regretting that while "on former occasions, all the talk was about the representation of the people of England; but now [the ministers] only spoke of the representation of the intelligence and property of the country" (Pearce 2010, 216). But emphasizing the exclusions threatened the bill's success, and even O'Connell warned members "not to delay, by finding needless faults, the progress of a measure which would confer incalculable benefit on the country."⁵⁰³ The 'populace' and the 'working classes' hovered over the proceedings, not primarily as a threatened force for revolution or insurrection but as a class that could not be included unless counterbalanced or 'influenced' by property (the Tory position) or attaining a level of intelligence and respectability that made them political "adults of the nineteenth century" (the Whig position). But the discursive category of the 'middle class' was in a sense reconstituted by the fight over the reform bill, and it was in its aftermath that the category of 'middle class' became central to contemporaries' conceptualization of society (Wahrman 1995, 18).

The newly defined 'people' was rooted in the supposed moral characteristics of a particular and ambiguously demarcated middle class. But the scope of the 'people' was also expanded on religious and national dimensions. The inclusion of a disproportionately Dissenter middle class threatened to undermine support for the Church of England, another blow to the sectarian character of the state. Opponents argued that petitioners "solicit Parliamentary Reform, chiefly as a step to the abolition of tithes... [I]s the Church to be despoiled of its property? This, indeed, will satisfy the petitioners—nothing

⁵⁰²Duke of Sussex, House of Lords, *Hansard*, October 7th, 1831, 3rd Series, vol.8 c.308-09

⁵⁰³O'Connell, House of Commons, *Hansard*, July 8th, 1831, 3rd Series, vol.4, c.958

else.”⁵⁰⁴ The Lords were warned that the “real radical Reformers only considered the present Bill as a stepping-stone to the total overthrow of the Constitution,” with the Church being the next target.⁵⁰⁵ These fears were stoked when Hunt presented a petition “couched in violent and abusive language, directed principally against the Church.”⁵⁰⁶ And the fact that the leadership of the Political Unions came largely from Dissenting communities, many embracing Church disestablishment as an objective, only confirmed their suspicions (LoPatin 1999, 58, 61, 83, 108-9). Reflecting afterward, Wellington wrote that “the revolution is made. . . power is transferred from one class of society, the gentlemen of England, professing the faith of the Church of England, to another class of society, the shopkeepers, being dissenters from the Church.” In the counties the Dissenters arrayed themselves against the “aristocratic influence of the landed gentry,” and “there are Dissenters in every village in the country; they are the blacksmith, the carpenter, the mason, &c. &c.”⁵⁰⁷

And ‘the people’ to be defined were not just English. The bill for Ireland was especially controversial. In introducing the reform package, Russell remarked that the Irish “have suffered the greatest inconvenience and injury from the political rights being in the hands of a few” and hoped “this enlargement of the franchise in Ireland will tend to promote industry and encourage trade.” But the Reform Bill’s offering to Ireland would be limited: there would be no revision of 1829 disfranchisement.⁵⁰⁸ Lord Stanley, responsible for the Irish bill, took care to emphasize that it was in almost all respects identical to the English, the only exceptions being the result of the different forms of tenure. Using language that would become commonplace in Liberal rhetoric for the next several decades, Stanley proposed “to assimilate the practice in England and Ireland.”⁵⁰⁹ This assimilation was contingent on local conditions, but “unless they were prepared to contend, that what was true with respect to England was false when applied to Ireland—unless there were hon. Members prepared to maintain, that the reality of Representation should apply to England while only the mockery should be continued in Ireland, on

⁵⁰⁴Croker, House of Commons, *Hansard*, March 4th, 1831, 3rd Series, vol.3, c.86

⁵⁰⁵Wynford, House of Lords, *Hansard*, October 7th, 1831, 3rd Series, vol.8 cc.200-01. Wynford claimed that “The Church would be first attacked, because it was known to be the weakest branch of the realm,” and that if reform passed the new representatives “would vote at once for getting rid of tithes—that was, . . . do away with the property of the Church.”

⁵⁰⁶Hunt, House of Commons, *Hansard*, July 1st, 1831, 3rd Series, vol.4, cc.578-580.

⁵⁰⁷Wellington to Croker, 6th March 1833 (Jennings 1885, 205-06).

⁵⁰⁸Russell, House of Commons, *Hansard*, March 1st, 1831, 3rd series, vol.2, cc.1081-82.

⁵⁰⁹Stanley, House of Commons, *Hansard*, March 24th, 1831, 3rd series, vol.3, c.866.

them must rest the onus” of supporting a substantially different qualification.⁵¹⁰

The Tories saw in British MPs’ antipathy toward the Irish Catholic representatives a possibility of splitting the reformist coalition. But they also believed that the Irish bill further undermined the Established Church and Protestant community by changing the security required for emancipation. The Bishop of Exeter, in a quickly published speech, reminded the Lords that the Established Church in Ireland relied on the closed boroughs, that the electoral system was “avowedly unequal. . . formed for a small band of Englishmen settled in the midst of a hostile population” (Phillpot 1832, 12-14). Opening them to Catholic electors would undermine their central function, which had always been to maintain the Protestant and Anglican character of the State. The Tories’ attempt to shift attention to Ireland was motivated by antipathies rooted in the narrative of the Protestant Constitution.⁵¹¹ Ultra Tory Robert Inglis asked, “bigot as he might be thought for asking, whether this country had not prospered exactly in proportion as it had maintained its Protestant character, and had defended Protestant interests every where?”⁵¹² Anthony Lefroy felt similarly, insisting that reform of Irish representation meant the fall of the Protestant Church of Ireland, and with it, the Church of England.⁵¹³

O’Connell made fun of these claims: “he assures us that his Protestantism will be destroyed, that it will be for ever annihilated, if you destroy thirteen rotten boroughs! The gallant Member’s Protestantism is not ‘built upon a rock,’ but upon thirteen rotten boroughs.”⁵¹⁴ But even moderate Whigs asserted that religious distinctions would no longer be recognized. Lord Stanley conceded that opening the boroughs might have been dangerous “when the Government ruled by a small body of what was termed the Ascendancy.” But he was insistent that “that time had gone by,” and that Roman Catholics “must be allowed that weight in society which their property could not fail to command.”⁵¹⁵

The ministers bragged about the bill’s disfranchisements. But they would not return to a system founded upon religious distinctions. Stanley would not concede the bill “menace[d] the Protestant institutions of Ireland”; but even were this true he would not accept this as a valid argument “for the year 1832” as it ignored the system “perfected and concluded by the great legislative measure of 1829.”

⁵¹⁰ Stanley, House of Commons, *Hansard*, January 19th, 1832, 3rd series, vol.9, c.595

⁵¹¹ See the discussion in Froude (1839, 212).

⁵¹² Inglis, House of Commons, *Hansard*, January 19th, 1832, 3rd series, vol.9, c.618

⁵¹³ Lefroy, House of Commons, *Hansard*, May 25th, 1832, 3rd series, vol.13, c.126

⁵¹⁴ O’Connell, House of Commons, *Hansard*, May 25th, 1832, 3rd series, vol.13, c.146

⁵¹⁵ Stanley, House of Commons, *Hansard*, January 19th, 1832, 3rd series, vol.9, cc.603-04

“[A]ll religious distinctions, with their kindred rancour and strife, had been done away in Ireland. If the House admitted the general principle of Reform, and if it had admitted that no distinction any longer existed between the Church of England and the Catholics, or between the Church of England and the Dissenters, he asked upon what ground they could turn round and say, that they would not extend the right of returning Members to Parliament because the Catholics must participate in the extension? They might as well object to Reform in England, because the Dissenters would share its benefits.”⁵¹⁶

This was of course one of the underlying motivations for opposing reform, and Stanley was daring the Tories to antagonize the Dissenters further.

To end the perpetuation of religious distinctions, the ministers proposed a significant deviation from the English bill: the gradual ending of the freemanship franchise in Ireland. They argued the freemen of Ireland had acquired rights solely because they were Protestants, and did not want to “perpetuate a generation of Protestant voters” who possessed rights only due to a “system of exclusion.”⁵¹⁷ This was certainly in the Whigs’ electoral interests, and predictably Wellington and the Tories opposed this as unsettling the 1829 arrangement.⁵¹⁸ The Whigs, willing to maintain the exclusion of the Irish 40s. electors, were not willing to accept a reassertion of religious distinctions: “what did the noble Duke’s argument amount to? Simply that the people of Ireland were chiefly Catholics. Was that a reason why they should be shut out from the benefits of the Constitution?”⁵¹⁹

Initially O’Connell and the Liberal Irish expressed satisfaction with the bill, and anxious for the English bill to pass, told the Whigs what they wanted to hear, “that the [Irish] Bill. . . would contribute to make a perpetual and irreversible union of the two countries.”⁵²⁰ The conciliatory language would end as new information on the likely impact of the bill became available.⁵²¹ By the spring of 1832, O’Connell denounced the bill as a disfranchising one and could demonstrate that the effects of the new franchises in the counties would be very slight.⁵²² He disputed that assimilation was the objective

⁵¹⁶Stanley, House of Commons, *Hansard*, May 25th, 1832, 3rd series, vol.13, c.121

⁵¹⁷Stanley, House of Commons, *Hansard*, January 19th, 1832, 3rd series, vol.9, c.605-06

⁵¹⁸Wellington, House of Lords, *Hansard*, July 23rd, 1832, 3rd series, vol.14, c.628

⁵¹⁹Marquess of Clanricarde, House of Lords, *Hansard*, July 23rd, 1832, 3rd series, vol.14, cc.629-30

⁵²⁰O’Connell, House of Commons, *Hansard*, March 24th, 1831, 3rd series, vol.3, cc.868, 872.

⁵²¹See *Parliamentary representation, Ireland. Further returns to an order of the Honourable House of Commons* (1832)

⁵²²See *Letters to the Reformer of Great Britain*, Letter I (Cusack 1875, 461). O’Connell, House of Commons, *Hansard*, June 18th, 1832, 3rd series, vol.13, c.795. What most infuriated the Irish MPs was the limited

of the ministers, and argued this claim “was always used when the constituency was to be decreased, but it was never applied for the opposite purpose.”⁵²³

But assimilation was an important rhetorical trope that the ministers, O’Connell, and even Tories would frequently deploy. In O’Connell’s series of letters *To the Reformers of Great Britain*, he “ask[ed] for the people of Ireland the same measure of Reform which the people of England receive...for as complete an equality of Reform in both countries as possible” (Cusack 1875, 458-59). The rhetorical value of giving to Ireland as was given to England led O’Connell to embrace a measure that was clearly against his political interests: the Tories’ efforts to retain the freeman franchise in Ireland (Hoppen 1984, 3). The Irish freemen were Protestant and so notoriously corrupt that even Henry Hunt supported their disfranchisement, remarking that “freemen were the worst class of voters in the country.”⁵²⁴ But O’Connell demanded the continuation of this franchise “because it is in substance preserved in the English borough towns, and is reasonable in itself” (Cusack 1875, 484). Tories pointed to O’Connell’s support and the Irish freeman franchise was continued.

The King and moderate Whigs, angered by the renewal of unrest in Ireland, wanted the ministers to curtail the extension of the Irish franchise.⁵²⁵ But Grey was insistent. He needed Irish support for the English and Scots measures, and told the King’s Secretary that “if any Bill is to pass, the 40s. freeholders remaining disqualified and the county representation unaltered, it does not seem possible to do less than what is proposed.”⁵²⁶ Still, Grey sought to appease the King by assuring him the Irish did not approve of the bill.⁵²⁷

To secure the support of O’Connell and the Irish Liberals, the Whigs needed to commit to equality across the three bills, altered only so much as was required to conform to specific differences of land tenure and legal systems. This would be a central Liberal commitment in the coming decades: that a perfected union between Ireland and Eng-

increase in representation and that one of the new members was being given to the University of Dublin, an Anglican enclave. Grey would remark to the King’s Secretary that “the Irish members are furious at being shut out from a further addition to their numbers, and threaten to act as a body against the Government.” Earl Grey to Herbert Taylor, Dec. 14, 1831 (Grey 1867, 27)

⁵²³O’Connell, House of Commons, *Hansard*, June 18th, 1832, 3rd series, vol.13, c.775.

⁵²⁴Hunt, House of Commons, *Hansard*, July 2nd, 1832, 3rd series, vol.13, c.1263

⁵²⁵Herbert Taylor to Earl Grey, May 28, 1832 (Grey 1867, 451).

⁵²⁶Earl Grey to Herbert Taylor, May 28, 1832, (Grey 1867, 447).

⁵²⁷In a letter to Taylor, Grey insisted that “the first debate on the Irish Bill will show how little agreeable it is to Mr. O’Connell, as I have no doubt you will find both him, and the Irish members who support him, declaiming violently against it.” Earl Grey to Herbert Taylor, May 29, 1832 (Grey 1867, 456).

land should be achieved through the assimilation of Irish institutions to English ones, tempered only insofar as different conditions required slightly different laws, and without a substantial revision of the securities required for emancipation.

Conclusion

The understandings of the character and purpose of the British political community were crucial for creating the conditions necessary for the critical juncture of 1828-32, as well as for structuring the basic contours of its resolution. By stressing the importance of civil and especially religious liberty as a core value of 1688, one that had to be progressively achieved through the reform of governing institutions, reformers were able to develop a relatively coherent alternative identity to the Tories while securing themselves against the charge of undermining the Protestant Constitution. The insistence upon the cause of civil and religious liberty as the purpose of the Whig party and of the British constitution worked to hold together a deeply fragmented reforming coalition. During the 1825 organizing and again after O'Connell's election, the Tory ministers had the option of repressing Ireland or of conceding emancipation. That the Whigs and Radicals placed such a high priority on emancipation meant the Tories were assured that they would get the 'security' needed to pass a relief bill through the Lords. Had the reform coalition fragmented after passage of repeal, as many contemporaries expected, Dissenters might have abandoned emancipation or been unwilling to accept it the disfranchising security. Under these circumstances, repression might have been the more attractive option. The resulting split in the Tories created the conditions for rapid and dramatic changes to the state's governing institutions.

The ideas of party and national purpose also shaped the agenda of the Whigs once they came into power. Their understanding of statesmanship as accommodation to historical development informed their strategy: they could justify their radical measures, including the encouragement of the Political Unions, to themselves and to history by insisting that absent reform revolution was inevitable, even if it was not imminent. And their understanding of reform as necessitated by the emergence of a commercial and industrial middle class legitimated not only the enfranchisement of this class, but the disfranchisement of the laboring classes, whose inclusion was also the result of institutions not having been adapted to historical development.

These ideas were not necessarily reasoning from first principles: they were accom-

modations and rationalizations and reflected the vagaries of the debates. The language of assimilation, with its implication of perfecting the Union between Britain and Ireland, took on a heightened importance during debates over the reform bills. Its rhetorical value encouraged O'Connell to commit to a program that was certainly counter to his political interests and that the Irish, Liberals, and even Conservatives would frequently come back to in the coming decades.

Nor did the activists necessarily get to defend the principles that they wanted. Their accommodations to political reality shaped the principles to which they were committed. Consider the two novel exclusions of the period: the disenfranchisement of the Irish 40s. freeholders and of the 'ancient right' voters in the English and Irish boroughs. The reformers accepted the disenfranchisement of the 40s. freeholders, but with considerable reservations. It may or may not have been in their electoral interest, but they did not wish to risk emancipation by rejecting a security that was defended as preserving the Church establishment and blocking priestly influence. As they had spent the last decade disclaiming hostility to the Church and defending emancipation on the grounds that this would strengthen the Protestant Constitution, they were weakly positioned to resist disfranchisement. By contrast, they disfranchised the English and Irish 'ancient right' borough electors because they wanted to: it was quite clearly in their electoral interest to do so, and they believed this class was largely responsible for electoral corruption.

But in both cases they defended their actions with a common argument: that the poverty and moral degeneracy of these classes of voters, and not just the terms of their property tenure, meant they were susceptible to intimidation or bribery, giving the aristocracy (or the clergy) a disproportionate influence in the Commons. The argument was not novel. But as debates over Irish disenfranchisement and the reform bills proceeded, it took on an increasingly central role in their ideas of peoplehood, and contributed to their articulation of a coherent basis for exclusion. The overall effect was to deepen their commitment to the exclusionary dimensions of the stories they were telling; and this commitment to the boundaries of peoplehood, like perfection of the national union, would be a central feature of political life throughout the Victorian period.

Chapter 8

An Apprenticeship to Liberty

“But the party is the team that draws the coach.”

—Gladstone, 1884.⁵²⁸

“We admitted Natives to the Civil Service on the same principle that we opened it to competition, because we hate artificial privileges and monopolies. . . Since the struggle for life and survival of the fittest theory came to be applied to politics, the part which race-distinction plays in the world is better appreciated scientifically.”

—Deputy Commissioner of Silhat, Assam Province.⁵²⁹

Introduction

The critical juncture of 1828 to 1832 changed the developmental trajectory of the United Kingdom. The party configurations that emerged would profoundly shape democratization in the 19th century, and of crucial importance were the ideas of political community advanced by the adherents of the Liberal Party. John Russell, in an 1833 letter, remarked that the government had been “very busy with Church, slavery, and other matters.”⁵³⁰ These “other matters” would quickly expand to include significant alterations to the Anglican tithe system in England and Ireland, the New Poor Law, new rights for non-Anglicans to have their marriages recognized, and a thoroughgoing reform of the municipal corporations in England, Scotland, and, to a lesser extent, in Ireland.

⁵²⁸Gladstone to Hartington, October 1st, 1884. Cited in Jackson (1994, 175).

⁵²⁹Letter from the Deputy Commissioner, Silhat, to Secretary to Chief Commissioner, Assam, Note by Deputy Commissioner, H.L. Johnson, Silhat, April 28th, 1883. In East India (jurisdiction of natives over European British subjects). *Parliamentary Papers* (1884, 353-54).

⁵³⁰Russell to T. Moore, January 15th, 1833. National Archives, PRO 30/22/1C/fs.126

The Whig leaders believed their course should be “to work out the necessary reforms, which the state of our institutions may require, upon safe and moderate principles; in accordance with the constitution of our mixed government & with the spirit of the age.”⁵³¹ This did not necessarily mean a further reform of the franchise; but it did preclude a dogmatic opposition to further extensions. John Russell was proud of his self-image as a reformer, contrasting it favorably to the new designation of Conservative that many Tories had embraced: “I am ready, in opposition to their name of Conservative, to take the name of Reformer, and to stand by that designation.”⁵³²

“Luther was a Reformer; [Pope] Leo X., who opposed the Reformation, was a Conservative. What was Galileo? Galileo, in astronomy and in science, was a Reformer; the Inquisition, who put him into prison, was Conservative. The Christians, who suffered martyrdom in Rome, were Reformers; Nero, who put these Christians to death, was a Conservative” (Walpole 1891, 295).

He saw himself in good company, and declared that if education and moral regeneration could be accomplished, under Liberal stewardship, then England would “not forget her precedence of teaching the nations how to live.”⁵³³

But if the optimism of reformers was well expressed by Russell’s comment that “in England, I hope it may be true that there is no wrong without a remedy,” he also expressed their pessimism: “in Ireland,” he continued, “all is wrong, and nothing a remedy.”⁵³⁴ The Tithe War—an organized opposition to the collection of tithes—was ongoing, O’Connell was campaigning to repeal the Union, and there was an alarming increase in agrarian violence (Crossman 1996, 63). In response, the Whig ministers introduced a coercion bill and suspended *habeas corpus* (Crossman 1991, 321).⁵³⁵

⁵³¹Grey to Melbourne, February 1st, 1835. National Archives, PRO 30/22/1E/fs.22

⁵³²Russell remarked that “if they are really and truly conservatives as regards the general institutions of the country, no name is deserving of more adherents. . . but with them it is a mere change of name, a mere *alias* to persons who do not like to be known under their former designation, and who under the name of Conservative mean to be conservative only of every abuse—of everything that is rotten—of everything that pleases them.” “The General Election” in *The Spectator* (1837, 725).

⁵³³This phrase, often invoked during the Liberal era, comes from Milton, in his address “To the Parliament of England, on The Doctrine and Discipline of Divorce” (Milton 1738, 165).

⁵³⁴Russell to T. Moore, January 15th, 1833. National Archives, PRO 30/22/1C/fs.126

⁵³⁵Repealers refer to the Irish MPs who were elected on a pledge to seek the repeal of the Union. They were most active in the 1830s and 1840s. The cause of Home Rule, advanced by the Home Rule party and the Irish Parliamentary Party, sought revocable delegation of local authority. During the 1850s there was another Irish faction, most often called the ‘Irish Brigade,’ organized largely around the issue of land reform. To distinguish between the cause of repeal discussed in the previous chapter—repeal of the Test and Corporations Acts—I will refer to the cause to repeal the Act of Union as Repeal, with the upper case.

In 1866, a Conservative MP mocked Liberals for suggesting that “Ireland at this moment is the happiest, the most loyal, and the freest country in the world,” noting that “every barony in Ireland is proclaimed, the Habeas Corpus Act is suspended—but that is always so when Lord Russell is Prime Minister.”⁵³⁶ Liberals insisted that they offered justice alongside coercion, which supposedly distinguished them from the Conservatives.⁵³⁷ But coercion acts were also presented as serving progressive ends. As Whig Lord Althorp wrote to Grey in 1832, “if I had my own way I would establish a Dictatorship in Ireland until by the increased wealth and intelligence of the People, they were become fit for a free Government.”⁵³⁸ Althorp’s desire to suppress Ireland, his concern with Irish fitness for representative institutions, and his willingness to use coercion to achieve progress, would find echoes in British discourse throughout the 19th century.

Chapter 6 looked at the trajectory of franchise reform in the United Kingdom, highlighting the disfranchisements and exclusions that these entailed, and outlining the institutional, partisan, and ideological context in which they occurred. Chapter ___ looked at the political effort to dislodge the Protestant Constitution. Particular emphasis was placed on the process by which a distinctive understanding of political community was articulated to hold together a reforming coalition and legitimate new exclusions.

This chapter examines how this understanding—the Liberal vision of progressive Britain—conditioned the behavior of political operatives and structured the politics of democratization in the decades after 1832. The discourse of British Liberalism outlined a narrative of political peoplehood that both accepted and disclaimed disfranchisements: it demarcated categories of persons that had progressed in civilization against persons and peoples who were still developmentally immature. But the rhetorical commitments of British Liberalism also implied that future enfranchisements would occur and provided a basis for groups to claim inclusion. I argue that the politics of the franchise were structured by a narrative of political community. Different groups were able to build legislative support for these by framing their projects within the terms of this narrative; they found their task more difficult insofar as they were seen as violating this narrative’s key strictures. While certainly not the only factor determining trajectories of the right to vote, the Liberal narrative of progressive Britain was consequential and shaped the

⁵³⁶General Peel, House of Commons, *Hansard*, April 12th, 1866, c.1208.

⁵³⁷Russell, House of Commons, *Hansard*, May 6th, 1834, c.666. See also his speech in House of Commons, *Hansard*, June 23rd, 1834, vol.24, c.804

⁵³⁸Althorp to Grey, Aug. 26, 1832, Spencer Papers, Althorp Park. Cited in Kriegel (1968, 68).

different patterns of inclusion and exclusion in Britain, in Ireland, and in the Empire.

I begin with a discussion of the Liberal vision of progressive Britain. I then explore how members of parliament understood, invoked, and responded to this narrative of political community. The invocation of a shared belief in progressive reform left the party leadership vulnerable to pressure from activists seeking a franchise expansion. But if the progressive narrative gave activists rhetorical leverage, its invocation also entailed an acceptance of the terms of exclusion that this narrative established. This helps explain a key pattern of democratization in the U.K.: the receding support for manhood suffrage after the 1830s alongside the gradual, progressive incorporation of the working classes.

The Westminster Parliament was not legislating for England alone, but for the United Kingdom and the Empire. In the empire Liberal commitments to representative institutions and a broad franchise were tempered by the degree to which the colonies were considered fit for self-government. And the initial rhetorical commitment to a universal human capacity for progress became increasingly uncertain, as advocates of the view of the essential incapacity of 'inferior races' for civilization were emboldened by scientific development. Ireland was a source of ongoing conflict. But while Liberals were ostensibly committed to integrating Ireland into the Union, the language of progress and fitness provided a potential legitimating framework for coercion and sustained exclusion. And by the end of the period, the premise that equality between the countries should be realized was called into question, as sustained insurrection and race science gave new impetus to longstanding and still-resonant arguments that the Irish were not fit for self-government.

This chapter concludes with a discussion of some of the mechanisms by which the parliamentary behavior was structured. MPs highlighted themes central to the Liberal vision of progressive Britain to send signals to partisan allies and constituencies; they reminded colleagues of Liberal principles; and they warned ministers that violating the strictures of Liberalism would cost them support in the Commons and country. In short, they invoked the ideas of political community within Liberal discursive networks to pressure the party leadership into taking positions that they might otherwise prefer to avoid. And the success of the party in disseminating this rhetoric frustrated Conservatives, who were perennially torn between the need to accommodate themselves to the resonance of the Liberal vision and the fact that it remained deeply unpopular with their base.

The Liberal Vision of Britain

The Age of Liberal Progress

Central to the Liberal vision of Britain was a belief in the potential for constant progress (Jenkins 1994, 85). Progress was in part a material process; but more importantly, it was moral and intellectual development, the “new era... the age of social advancement” that brought with it a “tide of human improvement.”⁵³⁹ And this progress required a certain posture of statesmen, a willingness to adapt institutions to expand the conditions under which it could occur and to accommodate its eventual occurrence.

Progress required a context of ‘rational’ liberty, in which property was respected but the innate human drive for self-improvement and the pursuit of truth were given extensive freedom; liberty was “the chief ingredient of individual and social progress”, the only “unfailing and permanent source of improvement” (Mill 1989, 57, 70; Macaulay 1856a, 83).⁵⁴⁰ Liberal statesmanship was required to provide the freedom necessary for progress. Restrictions on trade, regressive taxation, and the arbitration of truth in religion, science, and opinion were forms of class legislation, which Liberals claimed was the hallmark of the Tory party (Parry 1993, 4).⁵⁴¹ Liberals believed that since the Reform Act and the ascension of Liberal government, the scope of liberty had been greatly expanded.⁵⁴² In almost all respects, the “the nation has pursued a career of progress and improvement”: “there could be no retreat.”⁵⁴³ And Liberals expected this progress to continue into the future: “we are far, very far, indeed, from the utmost limits and end of human improvement, whose centre is everywhere, and whose circumference recedes indefinitely as mankind advances.”⁵⁴⁴

⁵³⁹Cobden, House of Commons, *Hansard*, March 13th, 1845, 3rd Series, vol.78, c.809. Earl Grey, House of Commons, *Hansard*, May 8th, 1849, 3rd Series, vol.105, c.81.

⁵⁴⁰Macaulay, House of Commons, *Hansard*, May 3rd, 1842, 3rd Series, vol.63, cc.46-7. For the centrality of ‘rational’ liberty to early 19th century Whig thoughts see Kriegel (1980, 264).

⁵⁴¹Russell, House of Commons, *Hansard*, March 4th, 1850, 3rd Series, vol.109, c.337; February 9th, 1852, 3rd Series, vol.119, c.261

⁵⁴²Colonel Romilly, House of Commons, *Hansard*, April 2nd, 1851, 3rd Series, vol.115, c.929. While the Reform Act was the most important impetus for the moral and intellectual development of the people, it was not the only one. The Stamp Act and Free Trade were also cited. Baines, House of Commons, *Hansard*, May 3rd, 1865, 3rd Series, vol.178, cc.1384-85. Ewart, House of Commons, *Hansard*, March 9th, 1847, 3rd Series, vol.90, c.1089; Locke King, House of Commons, *Hansard*, July 6th, 1848, 3rd Series, vol.100, c.206; D. Stuart, House of Commons, *Hansard*, July 9th, 1850, 3rd Series, vol.112, c.1149. Joshua Walmsley, House of Commons, *Hansard*, March 25th, 1852, 3rd Series, vol.120, cc.99-100.

⁵⁴³Walmsley, House of Commons, *Hansard*, March 25th, 1852, 3rd Series, vol.120, cc.99-100; Earl Grey, House of Commons, *Hansard*, May 8th, 1849, 3rd Series, vol.105, c.81.

⁵⁴⁴Poulter, House of Commons, *Hansard*, February 24th, 1835, 3rd Series, vol.26, cc.197-98. Bright, House

But progress also required statesmen who could recognize the need to accommodate governing institutions. Since 1832, the belief in progressive reform as the essence of statesmanship had become a touchstone among Liberal MPs (Pearce 2010, 218). The primary responsibility of “statesmen pretending to rule in this country” was to accommodate institutions to encourage and adapt to the progress of the people.⁵⁴⁵ In short, it needed the Liberal party and its leaders.

The Providential Purpose of Britain

This was not just optimism; it was a narrative of the purpose of the British political community. Progress was a universal phenomenon, but it was nowhere more advanced than in England (Macaulay 1856a, 83). The English were “on the whole... the best educated, the most intelligent, the most enlightened, people in the world, and better deserving of freedom than the people of any other nation.”⁵⁴⁶ But what made England unique was that it had early in its history secured the ordered liberty that was the necessary foundation for progress. That England had not been impeded in progress was a consequence of “our moral position,” such that while “revolutions have taken place all around us, our government has never once been subverted by violence” (1856a, 83; Hall 2012, 177). The history of England was not unblemished, and Liberals condemned the historical oppression of Ireland, although many regretted that this oppression was made worse for not having exterminated the Irish when they had the chance (Macaulay 1889 [1838], 450).⁵⁴⁷

At the center of the Liberal interpretation of history was the dangers of racial heterogeneity. Most Liberals believed in stable racial and national characters and believed

of Commons, *Hansard*, February 28th, 1859, 3rd Series, vol.152, c.1018; Howard, House of Commons, *Hansard*, February 9th, 1852, 3rd Series, vol.119, c.277

⁵⁴⁵Russell, House of Commons, *Hansard*, March 25th, 1852, 3rd Series, vol.120, c.161. See “Lord Palmerston at Manchester.” *Morning Post* [London, England] November 7th, 1856, p.4-5.

⁵⁴⁶George Strickland, House of Commons, *Hansard*, February 24th, 1857, 3rd Series, vol.144, c.1258

⁵⁴⁷In a review of a biography of William Temple, who had participated in the subjection and plantation of Ireland, Macaulay wrote: “The words ‘extirpation,’ ‘eradication,’ were often in the mouths of the English back-settlers of Leinster and Munster—cruel words—yet, in their cruelty, containing more mercy than much softer expressions which have since been sanctioned by universities and cheered by Parliament. For it is in truth more merciful to extirpate a hundred thousand people at once and to fill the void with a well governed population, than to misgovern millions through a long succession of generations. We can much more easily pardon tremendous severities inflicted for a great object than an endless series of paltry vexations and oppressions inflicted for no rational object at all... [Temple] troubled himself about the welfare of the remains of the old Celtic population as an English farmer on the Swan river troubles himself about the New Hollanders, or a Dutch Boer at the Cape about the Caffres” (1889 [1838], 450).

these should be taken into consideration in designing institutions. But “in those States which are composed of people of different races and nationalities,” representative institutions did not provide a popular bulwark against despotic government but gave “greater scope to those popular feelings of jealousy, and perhaps of dislike which prevail among those races.”⁵⁴⁸ A central theme in Liberal accounts of English development was that racial heterogeneity in England had been overcome through amalgamation: in no country “has the enmity of race been carried further than England. In no country has that enmity been more completely effaced” (Macaulay 1856a, 5). By doing away with “the distinctions of caste and creed” England had assured “the silent operation of those influences which. . . out of the discordant elements of Norman and Saxon, built up the homogeneous greatness of the English people.”⁵⁴⁹ It was because of its earlier racial amalgamation that England enjoyed a “happy immunity from any feelings of national hostility.”⁵⁵⁰ Consequently, Liberals believed, the country was one in which free institutions could be established and progressively improved.

And progressive improvement was the essential character of the British constitution. A Liberal MP called upon the House to accept a reform bill as “one of those alterations which afforded a specimen of the living vitality of the British constitution.”⁵⁵¹ It was only insofar as the progressive character of the constitution was recognized that the purpose of England could be vindicated: to teach the nations of the world how to live, which meant the “general success and extension of liberal principles” in Europe and the world.⁵⁵² It was the core idea from which much Liberal rhetoric drew its inspiration.

The Liberal vision of a progressive Britain was not only an elaboration of national purpose and character; it also delineated the boundaries of the community. Exclusions from the ‘people’ could be legitimated on the grounds that a given category of persons had not sufficiently progressed in civilization or in moral and intellectual development. But British Liberalism did consider some forms of exclusion inherently suspect. Closely

⁵⁴⁸Russell, House of Commons, *Hansard*, May 10th, 1861, 3rd Series, vol.162, c.1867

⁵⁴⁹Milnes, House of Commons, *Hansard*, February 24th, 1841, 3rd Series, vol.56, cc.944-45

⁵⁵⁰Report on the affairs of British North America, from the Earl of Durham, Her Majesty’s High Commissioner. *Parliamentary Papers* (1839, 9).

⁵⁵¹Roebuck, House of Commons, *Hansard*, February 28th, 1850, 3rd Series, vol.109, c.190; Fox, House of Commons, *Hansard*, December 16th, 1847, 3rd Series, vol.95, cc.1266-67; *Hansard*, July 3rd, 1849, 3rd Series, vol.106, c.1290.

⁵⁵²Napier, House of Commons, *Hansard*, February 12th, 1857, 3rd Series, vol.144, c.543; Colonel Thompson, House of Commons, *Hansard*, June 5th, 1849, 3rd Series, vol.105, c.1184. Palmerston, House of Commons, *Hansard*, May 18th, 1841, 3rd Series, vol.58, c.654. Lord Palmerston at Manchester.” *Morning Post* [London, England] November 7th, 1856, p.4-5.

related to Liberals' commitment to non-exclusivity and their faith in progress was ambivalence toward the idea of immutable racial or national characters.⁵⁵³ Liberals justified exclusions by reference to humanity's capacity for progressive improvement. And as progress required non-exclusive institutions in which a genuine aristocracy of merit could arise, racial distinctions in matters such as the franchise were inherently suspect. Liberals rejected "invidious race-distinctions," explained by a Deputy Commissioner in India, "because we hate artificial privileges and monopolies."⁵⁵⁴ But racial distinctions also impeded the process of amalgamation: they imbued in the favored race an unwarranted sense of pride and jealousy, exemplified in the 1830s and 1840s by Protestants in Ireland and whites in the West Indian colonies.⁵⁵⁵ The process of amalgamation that had rendered England fit for free institution could occur elsewhere, but racial distinctions in law would "produce not friendship but hostility" and prevent "the amalgamation of the native population with the English settlers."⁵⁵⁶

Explicit racial exclusions were suspect. Religiously motivated exclusions were entirely illegitimate. They were odious distinctions, and opposition to these and the exclusive institutions they enabled would be a recurring factor in unifying the Liberal party. This was clear in the periodic fights over Jewish emancipation, which was vigorously opposed by Conservatives on the grounds that it would "unchristianise" parliament, England, and the constitution; because the "Jewish nation had committed a great national crime"; and because the Jew was fundamentally "an alien and a stranger."⁵⁵⁷ Liberals were

⁵⁵³Erskine Perry, House of Commons, *Hansard*, July 27th, 1857, 3rd Series, vol.147, c.507

⁵⁵⁴Letter from the Deputy Commissioner, Silhat, to Secretary to Chief Commissioner, Assam: Note by Deputy Commissioner, H.L. Johnson, Silhat. April 28th, 1883. East India (jurisdiction of natives over European British subjects). *Parliamentary Papers* (1884, 353). The freedom of Jamaica, claimed a colonial official, is "not a nominal freedom, akin to the freedom of the northern (so called) free states of the American Union, where no coloured person need expect to find political or moral freedom." Letter from Hall Pringle, Stipendiary Magistrate, 1 June 1845, Copy of a Despatch from the Earl of Elgin to Lord Stanley, in British colonies. (West Indies and Mauritius.) Return to an address of the Honourable the House of Commons, dated 15 June 1846. *Parliamentary Papers* (1846, 12-13).

⁵⁵⁵H.E. Sharpe to the Lionel Smith, February 23rd, 1835. National Archives, CO/28/115/27,fs.195-199.

⁵⁵⁶Earl of Lincoln, House of Commons, *Hansard*, February 14th, 1848, 3rd Series, vol.96, cc.584-85. Buckingham, House of Commons, *Hansard*, June 7th, 1833, 3rd Series, vol.18, cc.479-80.

⁵⁵⁷Oswald Mosley, an Anglo-Irish landholder whose namesake and great-great-grandson would go on to some notoriety, warned the House of Commons they "would no longer deserve the name of Christians" if they passed a bill relieving Jews of various disabilities. Mosley, House of Commons, *Hansard*, May 22nd, 1833, 3rd Series, vol.18, c.56; Viscount Drumlanrig, House of Commons, *Hansard*, February 11th, 1848, 3rd Series, vol.96, c.473; Gladstone, House of Commons, *Hansard*, March 31st, 1841, 3rd Series, vol.57, c.755. Gladstone was a Conservative when he opposed Jewish emancipation. Pringle, House of Commons, *Hansard*, March 31st, 1841, 3rd Series, vol.57, c.761; Inglis, House of Commons, *Hansard*, March 10th, 1841, 3rd Series, vol.57, c.88; March 10th, 1841, 3rd Series, vol.57, c.87; May 22nd, 1833, 3rd Series, vol.18, c.50; February 9th, 1852, 3rd Series, vol.119, c.280; Hornby, House of Commons, *Hansard*,

unanimous in insisting that “British subjects are all, without regard to religious opinion, entitled to the free exercise and enjoyment of all civil rights.”⁵⁵⁸ They denied a religiously exclusive definition of political community: “What is proposed is, not that the Jews should legislate for a Christian community, but that a legislature composed of Christians and Jews should legislate for a community composed of Christians and Jews” (Macaulay 1889, 134–35). When in 1847 Russell requested the Commons remove the civil disabilities imposed on Jews, he denied the legitimacy of using race or religion to allocate political right, concluding that “there is no part of the human race, however divided from us by feeling or by colour, which does not yet belong to the family of man, and who ought not to be received into one universal brotherhood.”⁵⁵⁹

But the Liberal vision of progress was nonetheless inflected by an association of Protestant Christianity with civilization.⁵⁶⁰ Christianity and the “glories of the country” had never been merged by “the enforcement of opinions; . . . by the putting down of heresies; . . . [not] even by magnificent efforts after extended proselytism.” Rather, British glory and Christianity had been merged in the

“knocking off the fetters of the slave; it has been in respecting the rights of poverty and industry; it has been in measures which, by stimulating free and fair intercourse between different nations, bind them together in the bonds of peace. It has been not by exclusiveness, but by expansion; it has been . . . by England vindicating her ancient prerogative, of teaching the nations how to live.”⁵⁶¹

By adopting Liberal policies of non-exclusivity, the nation had “committed ourselves to the general laws of Providence, and Providence now rewards us with a vista of social improvements, and unexpected blessings, which men had not dreamt of ten years ago” (Alison 1852, i).⁵⁶² Britain’s purpose was to secure Liberalism, and through it, the true

April 3rd, 1848, 3rd Series, vol.97, c.1238.

⁵⁵⁸Lord Chancellor, House of Commons, *Hansard*, July 17th, 1851, 3rd Series, vol.118, c.862. Peel, House of Commons, *Hansard*, February 11th, 1848, 3rd Series, vol.96, cc.520-21; The exclusion of the Jews was “a partial law, and I think, therefore, an infringement of Christ’s law.” Roundell Palmer, House of Commons, *Hansard*, May 1st, 1848, 3rd Series, vol.98, cc.621-22, c.646; Pearson, House of Commons, *Hansard*, February 11th, 1848, 3rd Series, vol.96, c.461

⁵⁵⁹Russell, House of Commons, *Hansard*, December 16th, 1847, 3rd Series, vol.95, cc.1248-49

⁵⁶⁰Gladstone, House of Commons, *Hansard*, December 16th, 1847, 3rd Series, vol.95, c.1286; Gardner, House of Commons, *Hansard*, April 3rd, 1848, 3rd Series, vol.97, c.1224; Fox, House of Commons, *Hansard*, December 16th, 1847, 3rd Series, vol.95, c.1272. See also Russell’s remarks in 1837 (Niles and Niles 1837, 394)

⁵⁶¹Fox, House of Commons, *Hansard*, December 16th, 1847, 3rd Series, vol.95, c.1272.

⁵⁶²Palmerston, November 7th, 1856; October 29th, 1860. Cited in Parry (1993, 168).

spirit of Christianity: “perfect Christianity is perfect liberality.”⁵⁶³

Liberals opposed religious and racial distinctions because they denied the capacity to improve, fostered antagonism and impeded amalgamation. The opposition to such odious distinctions was embedded in the Liberal narrative of English history, in which liberty and progress were premised upon the early effacement of racial distinctions. This narrative helped reconcile the ambivalences of 19th century British Liberalism. Liberals were committed to non-exclusivity in religion, but their most active partisans and much of the leadership shared a belief in a civilizing Protestantism and many continued to believe that Catholicism was incompatible with liberty.⁵⁶⁴ And most Liberals believed in resilient racial and national characters—considerations they believed *should* inform the degree to which political rights were extended—but largely opposed an explicit reliance upon such distinctions in policy. For much of the post-1832 period, the Liberal vision of Britain helped reconcile these tensions by suggesting that true Christianity could only advance under conditions of liberty of conscience, and by sublimating a growing belief in essential racial difference into a language of progressive civilization and amalgamation.

The Changing Pale of the People

The Liberal narrative established a basis for inclusion as a full member of this community. This basis varied in its emphasis across different categories of persons and communities, but was largely framed in common terms derived from the Liberal understanding of national purpose.

Political Rights in Britain

The centrality of the Liberal narrative of progressive improvement is crucial to understanding key features of democratization in the UK, including its gradualism, the decline in support for manhood suffrage, and its variation across the constituent countries and the Empire. The Reform and Emancipation debates had helped to crystallize an understanding of ‘the people’ among Liberal activists. The right to be a full member of the

⁵⁶³Fox, House of Commons, *Hansard*, December 16th, 1847, 3rd Series, vol.95, c.127. Horsman, House of Commons, *Hansard*, February 11th, 1848, 3rd Series, vol.96, c.493.

⁵⁶⁴Many were anti-Catholic, believing that “liberalism and Romanism are opposites” and that “Popery [was] the great enemy to what every man considers *his birthright*, viz. *liberty to think, liberty to judge of right and wrong, liberty to conclude and to decide after mature reflection* as to what he considers the best course to follow to bring him to happiness.” J.B. Wilks to Charles Tennyson D’Eyncourt, April 12th, 1845 (Coohill 2011, 167, 165).

political community, to be admitted into “the pale of the constitution,” was premised upon a class’s moral and intellectual fitness.⁵⁶⁵

But this was not a static fact: the “middle-class people” constituted by the Reform Act had been legitimated as the product of historical progress, resulting in a moral and intelligent class that was inappropriately excluded from the Constitution.⁵⁶⁶ But British-led progress would ultimately result in the moral and intellectual development of the excluded classes. When this happened, new reforms, tailored to the situation, would be necessary. “The time was not distant,” Macaulay said in 1832, “when character and power would be synonymous.”⁵⁶⁷

The Liberal definition of the ‘people’ excluded those who had not yet reached political maturity, by which they meant respect for property, for authority, but also for religious liberty and the principles of liberal political economy (Parry 1993, 4).⁵⁶⁸ When the first Chartist petition was presented in 1839, Russell opposed the enfranchisement of the working classes because they were allegedly radically different from the middle class or aristocracy. “Particularly in the manufacturing districts”, there were “very large masses of people who have grown up in a state of society which it is lamentable, if not appalling, to contemplate. . . [T]hey differ; and because they differ. . . some means are necessary to preserve us from sudden excitement amongst them.”⁵⁶⁹

Liberals argued that “without a great improvement in the education and morals of the people at large the advantages [of a franchise extension] never could be realized.”⁵⁷⁰

⁵⁶⁵Gladstone (Chancellor of the Exchequer), House of Commons, *Hansard*, May 11th, 1864, 3rd Series, vol.175. c.324; see also House of Commons, *Hansard*, April 12th, 1842, 3rd Series, vol.62. c.934; O’Connell House of Commons, *Hansard*, August 2nd, 1839, 3rd Series, vol.49. c.1183. The ‘pale’ referred to the boundary demarcating a settlement. In the U.K. context, it referred to the Pale in Ireland, an area marked off by a fortified boundary that was subject directly to the King and in which early English authority was most successfully exercised.

⁵⁶⁶Russell, House of Commons, *Hansard*, March 9th, 1831, 3rd Series, vol.3. c.309. See more generally, Wahrman (1995, 298–397).

⁵⁶⁷Macaulay, House of Commons, *Hansard*, May 14th, 1832, 3rd Series, vol.12, c.923. Soon after, Mill asked the reader of ‘On Civilization’ to “form a conception of all that is implied in the words, growth of a middle class” and then to consider the significance that the same process of education and property acquisition was extending to the laboring classes (1977 [1836], 122)

⁵⁶⁸Macaulay, House of Commons, *Hansard*, May 3rd, 1842, 3rd Series, vol.63, c.49; Russell, House of Commons, *Hansard*, May 3rd, 1842, 3rd Series, vol.63, c.73.

⁵⁶⁹Russell, House of Commons, *Hansard*, August 2nd, 1839, 3rd Series, vol.49, cc.1159–60; May 3rd, 1842, 3rd Series, vol.63, c.75; Macaulay, House of Commons, *Hansard*, May 3rd, 1842, 3rd Series, vol.63, c.46; S. Crawford, House of Commons, *Hansard*, April 21st, 1842, 3rd Series, vol.62, cc.914–15; T. Duncombe, House of Commons, *Hansard*, May 3rd, 1842, 3rd Series, vol.63, c.87 and May 18th, 1843, 3rd Series, vol.69, c.521

⁵⁷⁰Stansfield, House of Commons, *Hansard*, May 18th, 1843, 3rd Series, vol.69, c.525

Charles Buller “wish[ed] to fit the people for the use of political power before it was granted to them.”⁵⁷¹ Macaulay granted that “education would remedy these things [the poor judgment of the working class],” but asked whether Parliament should not “wait until it has done so, before we agree to such a motion as this...?”⁵⁷² For Liberals, education was a critical metric and solution to the problem of whether reform could be carried out in safety, and the purpose of education was in considerable part the dissemination of Liberal principles. If the franchise was extended before the progress of Liberal opinion, the effect would be to retard Liberal measures: an “unlimited extension of the franchise... would be an evil and an obstacle to liberal and enlightened legislation.”⁵⁷³ Russell agreed, arguing that “with respect to many subjects in relation to religious liberty, as to the Roman Catholics particularly... [m]y belief is, that Members of this House are far more liberal than the community in general are disposed to be.”⁵⁷⁴ Conservatives would occasionally point out the tension between popular representation and Liberal policies, asking whether measures such as the Poor Law “would ever pass if the Parliament had been returned by universal suffrage?”⁵⁷⁵ And many Liberals worried that the working classes did not understand the harmonious operation of liberal political economy.⁵⁷⁶

But most believed that Liberal principles were making steady progress among the working classes, that “the feelings of the English people had been improved of late years, as was proved by the fact, that for the last six years the Government had been kept in power on the ground of adhesion to the principles of liberal Government.”⁵⁷⁷ Almost all considered the adoption of Liberalism to be inevitable: “no principle... could be popular

⁵⁷¹Buller, House of Commons, *Hansard*, July 8, 1842, 3rd Series, vol.64, c.1205

⁵⁷²Macaulay, House of Commons, *Hansard*, May 3rd, 1842, 3rd Series, vol.63, c.49; Ross, House of Commons, *Hansard*, May 18th, 1843, 3rd Series, vol.69, c.514. See also J. O’Connell, House of Commons, *Hansard*, July 3rd, 1849, 3rd Series, vol.106, c.1279; Russell, House of Commons, *Hansard*, August 2nd, 1839, 3rd Series, vol.49, cc.1159-60; C.P. Villiers, House of Commons, *Hansard*, March 16th, 1866, 3rd Series, vol.182, c.167; Crawford, House of Commons, *Hansard*, May 14th, 1844, 3rd Series, vol.74, c.1132; Fox, House of Commons, *Hansard*, June 20th, 1848, 3rd Series, vol.99, c.936; O’Connor, House of Commons, *Hansard*, July 6th, 1848, 3rd Series, vol.100, c.209

⁵⁷³Charles Wood, House of Commons, *Hansard*, February 22nd, 1841, 3rd Series, vol.56, cc.825-26

⁵⁷⁴A year later, Russell would initiate a campaign against the so-called Papal Aggression, the last major cross-Union ‘No Popery’ Campaign of the 19th century. Russell, House of Commons, *Hansard*, June 5th, 1849, 3rd Series, vol.105 c.1218; June 20th, 1848, 3rd Series, vol.99 c.925

⁵⁷⁵Ferrand, House of Commons, *Hansard*, June 24th, 1847, 3rd Series, vol.93 c.864

⁵⁷⁶Earl of Harrowby, House of Lords, *Hansard*, May 27th, 1852, 3rd Series, vol.121, cc.1184-85. Another Liberal, Serjeant Talfourd, rejected Liberal claims that there had been any improvement in the working classes. House of Commons, *Hansard*, July 6th, 1848, 3rd Series, vol.100, c.177

⁵⁷⁷Buller, House of Commons, *Hansard*, February 24th, 1841, 3rd Series, vol.56, c.990; A.J.B. Hope, House of Commons, *Hansard*, February 4th, 1851, 3rd Series, vol.178, c.1622

without being liberal, and every liberal principle would sooner or later be popular.”⁵⁷⁸

The exclusions the Liberal narrative of progress reinforced were disclaimed as contingent and temporary: the enfranchisement of any given class could be postponed so long as their intellectual development had not sufficiently progressed. As the drafters of the Chartists’ “National Petition” argued, “our slavery has been exchanged for an apprenticeship to liberty, which has aggravated the painful feeling of our social degradation, by adding to it the sickening of still deferred hope.” Liberalism, however, provided activists with a language that resonated with party leaders. Supporters of franchise extensions referred to Russell’s defense of the 1832 Reform Act, reminding him that he had defended reform on the grounds of “the increasing intelligence and education of the humbler classes,” and daring him to suggest “that in 1848 intelligence and education have not made enormous progress?”⁵⁷⁹

The events of 1848 threatened to undermine the Radical position. Revolutions had occurred across Europe, and the Chartists had organized a “monster meeting” on April 10th, 1848. The Duke of Wellington was given military control over London and members of the middle and working classes were sworn in as special constables. The meeting took place without incident, but was portrayed as a revolutionary threat, and Conservatives believed that by associating Chartist organizing with European revolutions they could provoke a backlash.⁵⁸⁰ But within weeks supporters of a franchise extension had claimed the 10th of April as their own, as the day that proved “the fitness of the great body of the people to be entrusted with the franchise.”⁵⁸¹

Liberal pretensions to statesmanship were premised on the conceit that only they could recognize the need for reform. The combination of warning with an emphasis on progress—the language Whigs had relied on 1831-32—was used to great effect, and it ultimately unsettled Liberal leaders and contributed to their embrace of reform. This was most clearly the case with John Russell. In an 1837 speech Russell had claimed that the Reform Bill had been offered as an extensive measure so that “we might be assured that we were bringing forward one which might have a prospect of being . . . final.”⁵⁸² For

⁵⁷⁸W. Clay, House of Commons, *Hansard*, July 14th, 1847, 3rd Series, vol.94, c.316

⁵⁷⁹Osborne, House of Commons, *Hansard*, July 16th, 1848, 3rd Series, vol.100, c.161; W.J. Fox, House of Commons, *Hansard*, June 20th, 1848, 3rd Series, vol.99, cc.937-38

⁵⁸⁰See the remarks by W.P. Wood, House of Commons, *Hansard*, February 28th, 1850, 3rd Series, vol.109, cc.179-80

⁵⁸¹W.P. Wood, House of Commons, *Hansard*, February 28th, 1850, 3rd Series, vol.109, cc.179-80; Page Wood, House of Commons, *Hansard*, August 8th, 1848, 3rd Series, vol.100, c.1261; Hume, House of Commons, *Hansard*, February 20th, 1851, 3rd Series, vol.114, c.864

⁵⁸²Russell, House of Commons, *Hansard*, November 20th, 1837, 3rd Series, vol.39, cc.68-71. The day after

the next decade, Russell was the most prominent leader of the Liberal party to support progressive legislation, but also the one called upon to defend the status quo (Saunders 2005, 1299).⁵⁸³ He disliked this responsibility, finding it “very disagreeable when these reform motions were made by Hume & others that the debate always fell on G. Grey & himself, no other member of the cabinet spoke, some were not even present.”⁵⁸⁴ In 1849, a Liberal MP recalled “a declaration of the noble Lord. . . , which had the effect of giving him the soubriquet of ‘Finality John.’” Russell interrupted to “explain. . . that the word ‘finality’ was never used by me. It was, no doubt, a very good nickname; but I never used the word ‘finality’ at all.”⁵⁸⁵ It was not simply that Russell disliked being mocked; rather, ‘finality’ violated his understanding of the purpose of the Liberal Party and his pretension to progressive statesmanship.

While much of the Cabinet was opposed to further Reform, Russell argued that it would demonstrate that “the Liberals’ definition of the ‘people’ was expanding with economic development” (Parry 1993, 175). His disclaiming of finality further encouraged Liberals.⁵⁸⁶ And from 1850 onward Russell and the Liberal leadership were more often willing to support reform than not. As Russell remarked in 1852, the government could have opposed reform but this would have placed them “on the side of resistance [against] progress,” which was “a false position for the Whig party” (cited in Saunders 2005, 1300–01).

Russell suggested a modest reform to the Cabinet in 1849 and again in 1850. He pledged to reform in 1851 and introduced a measure in 1852, shortly before the ministry was forced to resign. In 1852, he explained his belief that a new reform was necessary as resulting from a development that had had a “great influence on my mind.” It was the ground upon which he had based “the original proposition for reform in 1832—it is the ground of the growing intelligence and education of the people.”⁵⁸⁷ He introduced another in 1854, withdrawn as Britain declared war on Russia. Responding to taunts that the measure had been a sham, Russell defended his identity as a reformer and, holding back tears, asked whether the “hon. Gentleman the Member for Westminster think that

his so-called ‘finality’ statement, Russell sought to clarify his remarks, and insisted he had not ruled out further reforms. Russell, House of Commons, *Hansard*, November 21st, 1837, 3rd Series, vol.39, c.108. See also the *Letter to the electors of Stroud* (1839, 4). For an excellent overview of Russell’s involvement in reform see Saunders (2005).

⁵⁸³Henry Berkeley, House of Commons, *Hansard*, August 8th, 1848, 3rd Series, vol.100, c.1240.

⁵⁸⁴Broughton Diary, January 28th, 1851. Cited in Saunders (2005, 1300)

⁵⁸⁵Muntz and Russell, House of Commons, *Hansard*, July 3rd, 1849, 3rd Series, vol.106, c.1302.

⁵⁸⁶D. Stuart, House of Commons, *Hansard*, July 6th, 1848, 3rd Series, vol.100, c.217

⁵⁸⁷Russell, House of Commons, *Hansard*, February 9th, 1852, 3rd Series, vol.119, c.261

he has a right to treat me—...” There were cheers as he trailed off.⁵⁸⁸ When Disraeli introduced a Conservative reform bill in 1859, Russell mocked him for “arriv[ing] only so far as I arrived in the year 1837, namely, that persons who had money in savings’ banks should be allowed a franchise.”⁵⁸⁹ He would introduce measures again in 1860 and in 1866, and on each occasion would defend the extension of the franchise using the same language of an intelligent class excluded from the Constitution that he had used in 1831-32.

The belief in the working classes’ “gigantic strides in moral, material, and educational progress” would unite almost all Liberals during the 1850s and 1860s.⁵⁹⁰ And the language of progress provided reformers with a powerful rhetorical argument against the Liberal leadership—powerful because it was framed in the terms that justified Liberal governments. But it also limited the scope of reforming projects in important ways. As the progress of the working classes was ongoing, it justified gradualism; it also encouraged Radicals to adopt more explicitly exclusionary definitions of the ‘people.’

The gradualism of democratization in the United Kingdom, what Rueschemeyer, Stephens, and Stephens refer to as the “classic (but not typical)” historical sequence (1992, 62), is perhaps its most well-known feature. Liberals were ideologically committed to the principle of expedient accommodation to progress, and rejection of this principle would have cost them the support of their most ardent activists. And so gradualism appealed to the leadership, with Lord Palmerston confessing to being a “bit-by-bit reformer.”⁵⁹¹ And many Liberals were led to expect that by rallying around progressive Liberal leadership, the time would soon come “when it would be in the power of the Minister to propose to Parliament the adoption of a much larger measure of reform, suited... to the progress of national education.”⁵⁹² Gradualism resonated because of the narrative of national purpose that the Liberals had articulated, and the leadership adhered to it, rhetorically, lest they risk their standing among Liberals in the Commons and constituencies for violating its strictures.⁵⁹³

⁵⁸⁸Russell, House of Commons, *Hansard*, March 3rd, 1854, 3rd Series, vol.131, c.307

⁵⁸⁹Russell, House of Commons, *Hansard*, February 28th, 1859, 3rd Series, vol.152, c.1018

⁵⁹⁰Captain Grosvenor, House of Commons, *Hansard*, March 12th, 1866, 3rd Series, vol.182, c.88.

⁵⁹¹Palmerston, House of Commons, *Hansard*, February 19th, 1857, 3rd Series, vol.144, cc.844-45; J. Graham, House of Commons, *Hansard*, February 19th, 1857, 3rd Series, vol.144, c.855. Charles Buller, House of Commons, *Hansard*, August 2nd, 1839, 3rd Series, vol.49, c.1172.

⁵⁹²Chisholm Anstey, House of Commons, *Hansard*, February 9th, 1852, 3rd Series, vol.119, c.298; Dr. Bowring, House of Commons, *Hansard*, April 21st, 1842, 3rd Series, vol.62, c.923.

⁵⁹³Francis Crossley, House of Commons, *Hansard*, March 12th, 1866, 3rd Series, vol.182, cc.70-71; Acland, House of Commons, *Hansard*, March 13th, 1866, 3rd Series, vol.182, c.190

The commitment to progressive improvement, however, also encouraged the Radicals and working class activists to embrace the exclusions outlined by the Liberal vision of Britain. An often overlooked feature of democratization in the United Kingdom is the decline in support for manhood and even universal suffrage over the course of the Victorian period (Cowling 1967, 2). This was not just among the broader public, but among working class activists as well. As noted by Keith McClelland, by the 1860s working class radicals had adopted “a narrower political definition of the putative citizen than any dominant strand of radicalism had been prepared to draw between 1790 and 1848” (2000, 101). The change in radicals’ behavior and rhetoric was a strategic accommodation to the narrative of progressive Liberalism. Reforming activists began to gain traction in Parliament only when they embraced the Liberal vision’s bases for exclusion—pointing out the extent to which the excluded classes had progressed in civilization, while framing their proposals with an explicit bar to those who had not. Radicals such as O’Connell, Hunt, Fergus O’Connor, and William Cobbett had demanded universal suffrage—by which they meant manhood suffrage—in 1832; the United Irishmen had called for this in the 1790s; and in 1780 the Duke of Richmond had introduced a bill to this effect, of which copies were being published and disseminated well into the 19th century.⁵⁹⁴ Joseph Hume championed “universal suffrage and the vote by ballot” in the post-Reform Act period.⁵⁹⁵

Hume was the preeminent supporter of franchise reform in the 1840s and early 1850s, and his rhetoric would increasingly move toward that of the Liberal leadership. He stressed that his increasingly modest proposals would not significantly expand the electorate and would not “disturb the feelings of any man by wishing improper persons to obtain the franchise.”⁵⁹⁶ This tacking toward the center would be seen in the rhetoric and proposals of other radicals as well. John Bright, for instance, described a class for “which it would be much better for themselves if they were not enfranchised. . . . I call this class the residuum.”⁵⁹⁷ In 1842, Radical John Arthur Roebuck had supported the Chartists. By 1867 he opposed too great an extension: “I think the people of this country,

⁵⁹⁴O’Connell, House of Commons, *Hansard*, May 3rd, 1842, 3rd Series, vol.63, c.85; Dr. Bowring, House of Commons, *Hansard*, April 21st, 1842, 3rd Series, vol.62, c.925; May 18th, 1843, 3rd Series, vol.69, cc.523-24. W. Sharman Crawford, House of Commons, *Hansard*, May 14th, 1844, 3rd Series, vol.74, cc.1131.

⁵⁹⁵Hume, House of Commons, *Hansard*, July 28th, 1842, 3rd Series, vol.65, cc.816-17

⁵⁹⁶Hume, House of Commons, *Hansard*, July 3rd, 1849, 3rd Series, vol.106, c.1278; February 28th, 1850, 3rd Series, vol.109, c.109 c.139, c.141; July 9th, 1850, 3rd Series, vol.112, c.1148

⁵⁹⁷Bright, House of Commons, *Hansard*, March 26th, 1867, 3rd Series, vol.186, cc.636-37

people of property, wealth, and virtue, will feel that they have security [in a taxpaying qualification], without which you would let in that beautiful residuum. . . . I do not want the rabble to vote.”⁵⁹⁸

The most radical Liberals of the period were using language nearly identical to that of the most conservative Liberals.⁵⁹⁹ Radicals calculated the Liberal party would advance the cause of reform; moderate and conservative Liberals believed they needed Radical support to sustain a majority against Conservative rule. The Liberal vision of progressive improvement provided a means to reconcile these factions. But while this political dynamic was crucial, it did not occur in a social vacuum. It was aided by the relative prosperity of the 1850s. But it also reflected the changed composition of the English and British working classes: emigration was making the working class in England more Irish, in composition and, it was feared, in character. While debates over franchise reform in England rarely characterized the working class in racial or religious terms, this was an important subtext to concerns with their moral and intellectual character.

Many Liberals were anxious about their party’s willingness to redefine the people, and how the new people would redefine Liberalism (Arnold 1869, 36–37).⁶⁰⁰ Russell’s 1866 reform bill failed under the combined opposition of Conservatives and a faction of Liberals, given the name Adullamites, who opposed the proposed scale of working class enfranchisement.⁶⁰¹ For Robert Lowe, it was the illiberalism of the working class that most upset him: the working class’s “political economy is not that of Adam Smith.” He viewed the question as one “between progress and retrogression” from Liberal princi-

⁵⁹⁸Roebuck, House of Commons, *Hansard*, April 21st, 1842, 3rd Series, vol.62, c.972; April 12th, 1867, 3rd Series, vol.186, c.1602; D.L. Evans, House of Commons, *Hansard*, July 9th, 1850, 3rd Series, vol.112, c.1149; Locke King, House of Commons, *Hansard*, April 27th, 1858, 3rd Series, vol.149, cc.1831-32.

⁵⁹⁹Bright, House of Commons, *Hansard*, July 15th, 1867, 3rd Series, vol.188, c.1552

⁶⁰⁰Lowe, House of Commons, *Hansard*, May 3rd, 1865, 3rd Series, vol.178, c.1432; May 20th, 1867, 3rd Series, vol.187, c.787; Laing, House of Commons, *Hansard*, March 12th, 1866, 3rd Series, vol.182, cc.79-80

⁶⁰¹The name was coined by Bright, and refers to the Cave of Adullam where David hid from Saul while the latter tried to kill his anointed successor. Russell, whose measure had been defeated in 1866, did not support the Conservative bill in 1867. This was in part vanity: it “disgusts me beyond measure,” he wrote, to see the Conservatives “aping Lord Grey” (Saunders 2005, 1314). Given his central role in 1832, he might have believed he was being aped as well. This suggests the centrality of gradual franchise reform as constitutive of Liberals’ self-identity: what disgusted him was that the Conservatives were attempting to do what was rightfully the domain of Liberals. In his *Recollections and Suggestions*, published in 1875, he blamed the split in the Liberal party in 1866 and 1867 on his own failure to demand the office of Prime Minister: “Had I been Prime Minister. . . war [may have] been averted, the Reform Bill of 1854. . . would in all probability have passed through Parliament. . . . The gang who many years later skulked in the Cave of Adullam would never have existed, and the Reform Act would have been completed by its original promoters. Thus has the course of history been changed by my weakness—‘Ambition should be made of sterner stuff.’” (1875, 272).

ples.⁶⁰² Lowe and the Adullamites believed the incorporation of the working class would radically change politics: “You now argue the question of denominational education, and the opening of University privileges to Dissenters; but by the course you have taken you will bring agencies into force which will make all these questions disappear like dust before the wind.”⁶⁰³

But the implication was that the various policies that had divided Liberals now had to be resolved. Lowe had believed that the British education systems were “as efficient as they could well be,” and had been an advocate of the voluntary system “shrink[ing] from the notion of forcing education on people.” The question of education, however, was “completely changed”:

“I was opposed to centralization, I am ready to accept centralization; I was opposed to an education rate, I am ready now to accept it; I objected to inspection, I am now willing to create crowds of inspectors. This question is no longer a religious question, it has become a political one. . . . You have placed the government in the hands of the masses, and you must therefore give them education.”⁶⁰⁴

He agreed with Liberal premises: “I have full confidence in the progress of society to a degree incalculable to us.” But it was for “the very reason that I look forward to and hope for this amelioration—because I am a Liberal” that he opposed the “transfer power from the hands of property and intelligence” to the working classes.⁶⁰⁵ Progress had not yet been sufficient, and “before we had intrusted the masses. . . with the whole power of this country we should have taught them a little more how to use it.”⁶⁰⁶

But the Adullamites were the exception. Most Liberals had already integrated the educated working classes into their understanding of the people. The Reform Act of 1867 was, for them, not a displacement of the middle class people established in 1832; rather, it was the fulfillment of the progressive promise of Liberal statesmanship, and the bases upon which the middle class people had been legitimated now justified the inclusion of the working classes. The party remained intact, won a landslide victory in 1868, and re-absorbed most of the Adullamites. The party had seemingly consolidated the support of the working classes, and the next twenty years would be the apex of Liberal

⁶⁰²Lowe, House of Commons, *Hansard*, May 3rd, 1865, 3rd Series, vol.178, c.1439

⁶⁰³Lowe, House of Commons, *Hansard*, July 15th, 1867, 3rd Series, vol.188, c.1543

⁶⁰⁴Lowe, House of Commons, *Hansard*, July 15th, 1867, 3rd Series, vol.188, cc.1548-49

⁶⁰⁵Lowe, House of Commons, *Hansard*, May 3rd, 1865, 3rd Series, vol.178, c.1439

⁶⁰⁶Lowe, House of Commons, *Hansard*, July 15th, 1867, 3rd Series, vol.188, c.1548

Britain. The narrative of a progressive constitution helped to hold the Liberal Party together, giving assurances to Radical and working class activists while not alienating its moderate middle-class constituencies.

Progress also seemed like it might be able to assist the cause of women's suffrage. John Stuart Mill, elected to Parliament in 1865, argued that "The notion of a hard and fast line of separation between women's occupations and men's... belongs to a gone-by state of society which is receding further and further into the past." The progress, however, was less of women as a class—although some supporters emphasized this as well—so much as progress of British society: "We live in a world of novelties; the despotism of custom is on the wane."⁶⁰⁷ As with the broader Liberal narrative of progress, the cause of women's suffrage was framed in terms of 'teaching the nations how to live.' Bright had a "strong desire that when our children come to read the story of their country's fame, it may be written there that the British Parliament was the first great Legislative Assembly in the world which, in conferring its franchises, knew nothing of the distinctions of strong and weak, of male and female, of rich and poor."⁶⁰⁸

His desire was not to be realized, although for a time it seemed otherwise. Mill proposed a limited women's suffrage amendment in 1867, which was defeated. A few years later the Liberal parliament extended the right to vote in English municipalities, without any notable opposition in the Commons or Lords.⁶⁰⁹ And on May 4th, 1870, the Commons approved a women's suffrage bill for parliamentary elections by a vote of 124-91. But on May 12th, Gladstone announced that while the government remained neutral on the question, he would vote against it. It was quickly defeated 94-220.

While supporters relied on the argument of a progressive constitution, they also stressed what had become an especially important argument in the fight for working class suffrage as well. Liberalism's self-conceit as the opponent of "all injurious monopolies" was invoked in support of working class votes, women's votes, and as we shall see, non-discriminatory franchises in the Empire.⁶¹⁰ Monopolies were forms of class legislation, which could only be sustained in a Parliament that did not represent the people.⁶¹¹

⁶⁰⁷Mill, House of Commons, *Hansard*, May 20th, 1867, 3rd Series, vol.187, c.821, c.819

⁶⁰⁸Bright, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, c.208

⁶⁰⁹Unfortunately, debate on this issue does not seem to have been recorded in *Hansard*. See (Biggs 1887, 845-47).

⁶¹⁰John Fielden's 1832 election address, in Coohill (2011, 49).

⁶¹¹Ward, House of Commons, *Hansard*, May 18th, 1843, 3rd Series, vol.69, c.512; T. Duncombe, House of Commons, *Hansard*, March 10th, 1846, 3rd Series, vol.84, c.878; Hume, House of Commons, *Hansard*, February 6th, 1844, 3rd Series, vol.72, cc.321-22; June 5th, 1849, 3rd Series, vol.105, c.1157. Even Liberals who opposed an extension of the franchise to the working class were sympathetic to the claims that

Women's right to vote was framed by Liberals in similar terms as an exclusive distinction that supported class legislation. Mill asked sarcastically whether all employers and all husbands were good and benevolent: "[W]orkmen need other protection than that of their employers, and women other protection than that of their men."⁶¹² He condemned as the product of class legislation the degree to which women were left uneducated. He went further: "I should like to have a Return laid before this House of the number of women who are annually beaten to death, kicked to death, or trampled to death by their male protectors; and, in an opposite column, the amount of the sentences passed in those cases in which the dastardly criminals did not get off altogether."⁶¹³ Women could claim that "men monopolized all the legislation; that they made the laws for women, to which women were subjected, without having any voice directly or indirectly in making them."⁶¹⁴

The exclusion of the woman was defended because she would "los[e] those admirable attributes of her sex-namely, her gentleness, her affection, and her domesticity."⁶¹⁵ Conservative MP Herbert Croft agreed with the *Punch* cartoon that "those who want woman's rights also want woman's charms. His own constituents were fair, graceful, and feminine; therefore they did not want a vote."⁶¹⁶ A Liberal MP admitted that he could not provide a logical defense of women's exclusion, but that although MPs "might not be able to give a single argument for their opinion he would back their instinct against the logic of the hon. Member [Mill]."⁶¹⁷ "Nature had drawn clear lines of distinction," was his baseline, a claim repeated by many opponents.⁶¹⁸

But there was also strong opposition to what were claimed to be artificial distinctions. Liberal MP Lyon Playfair argued that "the application of the principle [of ratepayer suffrage] must be as much to the female as to the male citizen."⁶¹⁹ A Conservative MP

"legislation was so obviously carried on without regard to their interests." Buller, House of Commons, *Hansard*, July 8th, 1842, 3rd Series, vol.64, c.1205

⁶¹²Mill, House of Commons, *Hansard*, May 20th, 1867, 3rd Series, vol.187, cc.825-26

⁶¹³Mill, House of Commons, *Hansard*, May 20th, 1867, 3rd Series, vol.187, c.826; Bright, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, c.197 c.200

⁶¹⁴George Jenkison, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, c.236

⁶¹⁵Karlsruhe, House of Commons, *Hansard*, May 20th, 1867, 3rd Series, vol.187, c.833

⁶¹⁶Croft, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, c.237

⁶¹⁷Laing, House of Commons, *Hansard*, May 20th, 1867, 3rd Series, vol.187, c.839

⁶¹⁸Laing, House of Commons, *Hansard*, May 20th, 1867, 3rd Series, vol.187, c.839; Leatham, House of Commons, *Hansard*, April 30th, 1873, 3rd Series, vol.215, c.1226; Scourfield, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, c.211.

⁶¹⁹Playfair, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, c.230; Mill, House of Commons, *Hansard*, May 20th, 1867, 3rd Series, vol.187, c.818

argued that “the difference of the sexes was not. . . an essential difference of mind. It was a mere accident of the body and of training.”⁶²⁰ Others compared gender distinctions to those between races, arguing that the exclusion of women was equivalent to “the position of the negro in the Southern States of America before the American Revolution.”⁶²¹ In the United States, and “in this country to a great extent also,” the people had been told that “the negro was not fit for freedom.”

“People never are fit for freedom or for constitutional rights until they obtain them;. . . there is not a man in America who would like to go back to the terrible state of things which existed before the Civil War. . . . a negro population of 4,000,000 has now become enfranchised, and no one will deny that the peace and prosperity of these Southern States have been secured by that great legislative change.”⁶²²

Fitness was important, but it was a product of one’s legal status rather than race or gender. While it was more common during this period for Liberals to support women’s suffrage, its supporters were drawn from both parties. While Liberals tended to support it on the same grounds as they supported working class suffrage—progress and anti-exclusivity—Conservatives relied on the language of anti-monopoly as well as suggesting that the extension of the vote to women would make manhood suffrage impossible: “it would imply womanhood suffrage, and as women exceeded men in numbers universal suffrage would give them the controlling power in political affairs, an absurdity which no one contemplated.”⁶²³

Women would be denied the franchise for almost 50 years after passing second reading in 1870. The municipal franchise was extended to women in Scotland in 1882 and to Belfast—but not the rest of Ireland—in 1887.⁶²⁴ Irish women outside of Belfast

⁶²⁰Eastwick, House of Commons, *Hansard*, April 30th, 1873, 3rd Series, vol.215, c.1210; Serjeant Sherlock, House of Commons, *Hansard*, April 30th, 1873, 3rd Series, vol.215, c.1225

⁶²¹The ‘revolution’ in this context was the American Civil War, a use of the term that was relatively common in the late 1860s and 1870s. Bright, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, cc.198-99

⁶²²Bright, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, cc.202-03

⁶²³Eastwick, House of Commons, *Hansard*, April 30th, 1873, 3rd Series, vol.215, c.1213

⁶²⁴In a bill to upgrade the Belfast drainage system, which would have imposed considerable costs on the ratepayers, Thomas Sexton—the Irish Party MP for West Belfast—secured the inclusion of an amendment extending the franchise to all ratepayers in the borough on the same condition as in England and Scotland. This was struck by the Lords, and a new measure, the Municipal Corporations (Ireland) Amendment Act was introduced. This would have initially extended the English municipal franchise to Ireland, but it was made clear that this would not pass. Accordingly, it was restricted to Belfast alone. The Belfast Liberal Unionist Isabella Tod was responsible for ensuring that the word ‘person’ rather than ‘male’ was included. House of Commons, *Hansard*, 3rd Series, vol.314, cc1228-36.

would only get the vote for municipalities in 1898. And for most of the post-1886 period the burgeoning women's suffrage movement would advance arguments that drew on the themes of progressive Liberalism which resonated within the Liberal political culture of the late Victorian era. But the rhetoric and strategic behavior would reflect the changing context of the post-Liberal fragmented party space, as they sought to make allies with the labor movement, with the more successful suffrage movements in the empire, and to identify means by which pressure could be applied against a state that seemed to be steadfast in its exclusion (Fletcher, Mayhall, and Levine 2000; Mayhall 2003, 22–24).

Disfranchisement and Representation in the Empire

Liberalism justified an exclusion of the British working classes contingent on their moral and intellectual development. The justification for exclusion from political rights in the Empire—from the franchise and from powers of local self-government—was framed in similar terms. Imperial expansion necessitated one of two courses: either the conquered people is “sufficiently advanced in civilisation to be fit for the same kind of government for which we were fit...; or she was in that stage of advancement at which absolute subjection to a more civilized and a more energetic people, is a state more favourable to improvement than any government which can be framed out of domestic materials” (Mill 1977 [1834], 6:216).

In the first situation, the official statement of Liberal policy was perhaps best articulated by the Durham Report recommending representative government in Canada. The Report became the “textbook of every advocate of colonial freedom, of every one who does not deny that our countrymen in the colonies should have that voice in their own government which Englishmen are used to regard as the birthright of their race” (Buller 1912 [1840], 375). While the Liberal leadership did not entirely agree with the report, they believed it could not be ignored and shared many of its commitments (Morrell 1966, 20).⁶²⁵ A good statement of Liberal policy in the second situation was provided by Macaulay, who argued that while “in Europe... people are every where perfectly competent to hold some share,—not in every country an equal share—but some share of political power,” the same was not true everywhere: “in India, you cannot have representative institutions.” The problem empire posed for Liberals was that “we have to frame a good government for a country into which... we cannot introduce those institutions

⁶²⁵They were careful, however, to ensure that a recommendation of ‘responsible government’ did not imply an absence of imperial supervision or control of key issues.

which all our habits. . . which all the history of our own part of the world would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of liberty.”⁶²⁶

Liberals were committed to the principle of self-government for those populations who achieved a reasonably high level of civilization. But for those “backward states of society in which the race itself may be considered as in its nonage” representative government would be ill-advised. “Despotism,” wrote John Stuart Mill, “is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end” (Mill 1989, 13–4). And Liberals believed the colonial subjects could be made fit for representative government.⁶²⁷ “Radical improvement” would be slow, requiring “a generation or two”; but there was no doubt that through education, the races under English dominion would be improved.⁶²⁸ It was England’s capacity to advance progress that “could alone justify the despotic, though paternal, rule of a superior race.”⁶²⁹

The level of civilization was not the only impediment to representative institutions. Liberals believed racial and national heterogeneity made representative institutions dangerous, because they raised the possibility of “several national parties” being arrayed against each other.⁶³⁰ Liberals projected their narrative of English national development onto the Empire to argue that racial and national amalgamation was necessary.⁶³¹ The problem of heterogeneity was complicated when there was variation in the different groups’ progress in civilization.⁶³² Where racial heterogeneity involved similarly civilized groups it was less of a problem, provided it was not rigidified by legal distinctions into

⁶²⁶Macaulay, House of Commons, *Hansard*, July 10th, 1833, 3rd Series, vol.19, cc.512-513.

⁶²⁷Macaulay’s highly influential ‘Minute on Education’ insisted the object of imperial policy in India must be the “intellectual improvement of the people of this country,” accomplished by the teaching of English (1935, 352).

⁶²⁸J. Daughtrey to the Marquis of Sligo, Extract of a Despatch from the Marquis of Sligo to Lord Glenelg, Highgate, Jamaica, 7 July 1835, no.142 in Papers presented to Parliament. . . , in explanation of the measures adopted by His Majesty’s government, for giving effect to the act for the abolition of slavery. Part II. *Parliamentary Papers* (1835, 265). Report of Stipendiary Magistrate Osborn, for the District of Basseterre, Extract of a Despatch from Governor Sir C.A. Fitzroy to Lord Stanley, Antigua, 23 August 1845, Enclosure 2, in No. 1. British colonies. (West Indies and Mauritius.) *Parliamentary Papers* (1846, 281).

⁶²⁹Stansfeld, House of Commons, *Hansard*, August 2nd, 3rd Series, vol.189, 1867, c.808; Russell, House of Commons, *Hansard*, June 20th, 1853, 3rd series, vol.128, cc.1073-74.

⁶³⁰Russell, House of Commons, *Hansard*, May 10th, 1861, 3rd Series, vol.162, c.1867

⁶³¹Monckton Milnes, House of Commons, *Hansard*, February 2nd, 1849, vol.102, c.179

⁶³²Earl of Northbrook, House of Commons, *Hansard*, April 9th, 1883, 3rd Series, vol.277, c.1790; Henry Holland, House of Commons, *Hansard*, July 24th, 1877, vol.235, c.1767

exclusive privileges. If the different groups in question were each fit for self-government, the responsibility was to encourage amalgamation.⁶³³

But situations where a highly civilized population was mixed with an “inferior” posed a dilemma. The civilized population had a strong claim to representative government, but most of the natives would be unfit for inclusion. Reconciling these requirements could be accomplished through a grant of self-government limited by racially exclusive franchises. But affirming such distinctions in law violated key strictures of British Liberalism against ‘class legislation.’ Much of the Liberal experience with colonialism was a response to this dilemma: it would be illiberal to deny civilized populations the right of self-government, but it would be equally illiberal to include races not yet fit for political rights or to establish exclusive institutions through racial distinctions.

The tensions between these commitments came to the fore in the fight over slavery. As abolition drew near, the political rights of freed persons became more controversial. Reformers rejected the argument of immutable racial inequality, but many did not believe the enslaved population was sufficiently progressed to merit immediate enfranchisement.⁶³⁴ The solution was improvement and amalgamation. Peel warned the “distinction of colour” posed a “moral and physical” difficulty to realizing “the amalgamation between the slave and the free population, which all must admit to be desirable.”⁶³⁵ But the most vocal Liberals denied the implication that racial distinctions “could not be overcome by any legislation.” Legal distinctions and exclusive privileges had prevented “the due amalgamation of the European and African races.”⁶³⁶ Once these were gone, amalgamation would proceed.

Emancipation was followed by a period of ‘apprenticeship’ to liberty, during which time parliament allowed the colonies to disfranchise the ‘apprentice.’ By the late 1830s, however, ‘apprenticeship’ was over and the right to vote was extended without a racial qualification. And the Liberal government and MPs closely monitored colonial legislation to ensure adherence to non-exclusivity.⁶³⁷ The Governor of Barbados, responding

⁶³³This was the conclusion of Lord Durham in his Report on the Affairs of British North America. *Parliamentary Papers*, (1839, 9, 26, 103–05).

⁶³⁴Buckingham, House of Commons, *Hansard*, June 7th, 1833, vol.18, c.474

⁶³⁵Peel, House of Commons, *Hansard*, June 3rd, 1833, 3rd Series, vol.18, c.342. Peel was careful to insist that he “did not allude to [the distinction of color] as implying any inferiority between the black and the white.” William Burge, an MP representing the West Indian interest, appealed to the Liberal majority by emphasizing the progressive liberality of the Jamaican legislature for “removing the disabilities of the free people of colour, and giving them all the rights of white people.” William Burge, House of Commons, *Hansard*, May 24th, 1832, 3rd Series, vol.13, cc.91-93.

⁶³⁶Buckingham, House of Commons, *Hansard*, June 7th, 1833, vol.18, cc.479-80.

⁶³⁷The Whig colonial secretary insisted in his addresses to the West Indies colonies that slaves were

to an inquiry from the Secretary of the Colonies, strongly criticized the legislative assembly's insistence "on preserving these distinctions, which must tend to keep the other classes down. . . any distinction, no matter how founded, is galling and insulting." All he "had ever sought for these classes" had been what they were demanding themselves: "if we are free British Subjects, give us equal Rights; don't restrict us if we have Qualifications of property, character and Education, by laws against complexion."⁶³⁸

The House of Assembly of Barbados denied that their laws perpetuated "one of those invidious distinctions referable to European and African origin."⁶³⁹ In reality, the Barbados legislature had established a nominally equal franchise, conforming to pressure from the Colonial Office. But they increased the property qualification in order to exclude the free black population, while including a clause that maintained current voters' franchise so long as they owned the property in which it was vested. It was this distinction that generated complaints, and that the Governor and Colonial Office opposed as "a grievance of Castes."⁶⁴⁰ The Governor suggested keeping the higher qualification, and abolishing the exemption.

The difficulty would be replicated in the settler colonies of New Zealand, Australia, and the Cape of Good Hope. The settler colonies were central to the project of expanding Liberalism, and the settlers were portrayed in terms that emphasized their character as progressive, civilized, Liberal, and English: "New realms have been brought under British rule, our sons have found new paths for industrial enterprise, are extending our language and our laws, are founding institutions still more liberal than our own, and are enforcing the recognition of those institutions from the Imperial Legislature."⁶⁴¹

included within the political community. He was "not ignorant that very serious objection has been made to the use. . . of language in which the slaves are recognized as 'His Majesty's subjects,' and as forming part of the people at large," but he denounced this as a sign of exclusiveness. Despatch from Viscount Goderich to Major-General Sir Lewis Grant, 30 January 1832. In Trinidad. Memorial of the Committee of Inhabitants of Trinidad. *Parliamentary Papers*, (212) XXXI.323 (1831-32, 31-32). Brougham, House of Lords, *Hansard*, July 28th, 1840, 3rd Series, vol.55, 1067.

⁶³⁸Lionel Smith to the Earl of Aberdeen, March 29th, 1835, Government House Barbados. H.E. Sharpe to the Lionel Smith, February 23rd, 1835. National Archives, CO/28/115/27,fs.189-199.

⁶³⁹Extract of a Despatch from Governor Sir Lionel Smith to the Earl of Aberdeen, Government House, Barbadoes, 28 April 1835, no.85 in Papers presented to Parliament, . . . in explanation of the measures adopted . . . for giving effect to the act for the abolition of slavery throughout the British colonies. Part II. *Parliamentary Papers* (1835, 92).

⁶⁴⁰Lionel Smith to the Earl of Aberdeen, March 29th, 1835, Government House Barbados. National Archives, CO/28/115/27,fs.189-192. Copy of a Despatch from Governor Sir S.R. Chapman to Mr. Secretary Spring Rice, the Bermudas, 7th October, 1834, No.395, in Papers presented to Parliament, . . . in explanation of the measures adopted . . . for giving effect to the act for the abolition of slavery throughout the British colonies. Part II. *Parliamentary Papers* (1835, 278-79).

⁶⁴¹Joshua Walmsley, House of Commons, *Hansard*, March 25th, 1852, 3rd Series, vol.120, cc.99-100. Liberal-

Their rhetoric committed them to self-government and extensive franchises in the settler colonies, but there was wide agreement that the indigenous populations were not yet sufficiently advanced in the progress toward civilization to merit inclusion.

The Conservative Lord Stanley, Secretary of State for War and the Colonies in 1842, articulated the difficulty in a dispatch explaining why the Cape Colony should be denied representative government. A “moral difficulty” presented itself in the “formidable distinction. . . which results from diversity of race and origin.” Stanley acknowledged the constraints imposed by commitments to non-exclusivity, acknowledging that “the law, no doubt, especially since the abolition of slavery, places all the Queen’s subjects, in all the possessions of the Crown, on a footing of perfect civil equality.” But Stanley argued that racial distinctions were “almost indelible,” and that in many of the colonies “it has been found to be a task of almost insuperable difficulty, to reconcile the principles of free institutions with this legal equality between different races.”⁶⁴²

When Liberals returned to office in 1846, Cape Colonists worked to refute Stanley’s points. John Montagu, the Government Secretary acknowledged that while “this distinction [“of colour”] has ceased to be the badge of civil disabilities and moral wrongs, yet. . . it still forms a bar to social intercourse and intimate relations.” But in political matters, he and others emphasized the degree to which Africans were already included, argued that they would be included even further, and that their inclusion was accepted without incident among the colonists. “The prejudices, feelings, and habits thought to result from diversity of race and origin, are daily passing away,” wrote the Treasurer-General, “and the civil equality upon which the law has now placed all Her Majesty’s subjects has been freely conceded to those of colour, and is acknowledged in all transactions with them.”⁶⁴³

ism’s confidence in enlightened progress and rejection of racial distinctions helped legitimize a growing settler colonial movement. Report from the Select Committee on Aborigines (British settlements). *Parliamentary Papers* (1837, 76). See also Copy of a Letter from J. Somes, Esq., to Lord Stanley, January 25th, 1843, no.7 in Report from the Select Committee on New Zealand. *Parliamentary Papers* (1844, 34).

⁶⁴²Stanley expressed similar objections to representative government in New Zealand, and advised establishing municipal institutions whose borders would be carefully drawn to “not include any large number of natives.” Copy of a Despatch from Lord Stanley to Governor Sir George Napier, 15 April 1842, no.3 in Cape of Good Hope, &c. *Parliamentary Papers*, (1846, 7). Copy of a Despatch from Lord Stanley to Lieutenant Governor Grey, June 27th, 1845, no.26 in New Zealand. Copies or extracts of further correspondence. *Parliamentary Papers* (1846, 74).

⁶⁴³John Montagu, Government Secretary, to Harry Smith, Governor Cape Colony, April 10th, 1848. Enclosure 3 in No. 1. Memorandum by H. Rivers, Treasurer-General, Enclosure 4 No. 1. Correspondence with the Attorney General, Executive Council, Chief Justice, &c., upon the subject of a Representative Assembly. July 29th, 1848; Governor Harry Smith to Earl Grey, Letter of Private Secretary to the Executive Council, Judges, &c., enclosing the preamble of Governor’s Despatch to Earl Grey. Enclosure 2 in

The colonists' claim to racial liberalism cannot be taken at face value, but the arguments they advanced are indicative of what they believed the Liberal government wanted to hear. "There is," wrote the colony's Governor, "a current, conducting to liberal measures, which is progressing quietly, but irresistibly, and can neither be stemmed, nor ultimately averted."⁶⁴⁴ In 1848 the Liberal Cabinet recommended the extension of representative institutions to the Cape Colony. They suggested the difficulties highlighted by Stanley would be less serious than expected. After all, "the coloured inhabitants have taken part, without objection, in the municipal government of Cape Town."⁶⁴⁵ The animating purpose of Liberal colonialism, claimed Earl Grey, was "the civilisation of the black, and the ultimate amalgamation of the two races"; this could only be achieved by ensuring the government "enforce[d] on both sides a respect for each other's rights, and to foster all those germs of improvement which are already showing themselves among the aboriginal population" (1853, 253).

The settlers had other things in mind. As soon as they had secured representative institutions, the Cape colonists increase the franchise's property qualification to exclude colored and blacks. John Montagu now warned that it would include "a body of ignorant coloured persons whose numbers would swamp the wealthy and educated portions of the community" (Evans et al. 2003, 93). Committed Liberal and Attorney-General William Porter, who had prepared the initial constitution with a low franchise, considered this an attack on "the heart of the whole Constitution": "I think the sentiment is in the American declaration of independence, but it is not the worse for that,—that God has endowed all men with the desire of happiness, and the right to enjoy as much of it as harms no one else." He rejected council members' "allegation of ["the Hottentot's"] unfitness in an intellectual point of view."⁶⁴⁶ The Liberal Secretary agreed and reinstated the

No. 1. Correspondence relative to the establishment of a representative assembly at the Cape of Good Hope. *Parliamentary Papers* (1850, 13, 16, 26).

⁶⁴⁴Correspondence with the Attorney General. July 29th, 1848. Correspondence relative to the establishment of a representative assembly e. *Parliamentary Papers* (1850, 13, 16, 26).

⁶⁴⁵At the same time," the report acknowledged, "we are bound to observe that there is a great difference between the coloured inhabitants of Cape Town,...and the rude and ignorant beings, some of them still but little, if at all, raised above the condition of their original barbarism, who are to be found in other districts of the colony." It was accordingly essential that the Crown, rather than the colony, continue to have direct control over matters dealing with "this population of African race." Report of the Committee of the Board of Trade and Plantations on Establishing a Representative Legislature, contained in Order in Council of 30 January 1850, Enclosure 4 of Despatches from the Right Hon. Earl Grey, Secretary of State. Correspondence relative to the establishment of a representative assembly at the Cape of Good Hope. *Parliamentary Papers* (1850, 102-03).

⁶⁴⁶Enclosure 3 in No.16, Legislative Council deliberations, March 9th, 1852, in Further papers relative to the establishment of a representative assembly at the Cape of Good Hope. *Parliamentary Papers*

original franchise: “It is the earnest desire of Her Majesty’s Government, that all her subjects. . . without distinction of class or colour should be united by one bond of loyalty and a common interest and we believe that the exercise of political rights enjoyed by all alike will prove one of the best methods of attaining this object” (Evans et al. 2003, 93).

The Colonial Office insisted on including the indigenous peoples and emancipated slaves, without legal distinction between them and the white population. But they were attentive to, and shared, the concerns of settlers and whites that the black, colored, Indian, and native populations not acquire predominance in the representative assembly. “I am for increasing the power the people of the colonies have over their own affairs and government,” claimed Russell, but “not at once for granting them an assembly chosen from the blacks for the government of these colonies.”⁶⁴⁷

As a result of these commitments, exclusion from the franchise in the British settler colonies was different than the United States or the other settler colonies in Africa.⁶⁴⁸ Julie Evans and collaborators have characterized mid-19th century British indigenous policy as “equal subjects, unequal rights,” in which natives were granted a nominal equality that was in practice stripped of any meaning (Evans et al. 2003). Settlers were persistently seeking ways to exclude the indigenous or former slave populations from political rights, searching for franchise qualifications, that while “carefully worded to counter Colonial Office concerns about discriminating on the basis of race. . . simply coded race in other ways” (2003, 6). British and Liberal governments acquiesced in many of the settlers’ disfranchising measures, but not those that had explicit racial qualifications for the franchise. It was a recurring process of settler restrictions, Colonial Office objections, and a nominally equal compromise that had the effect of excluding all but a handful of the non-settler population.

Liberal governments were explicit that they would insist upon the principle of racial equality in law, while equally assuring critics that this did not imply equal treatment in practice.⁶⁴⁹ In 1861, the Liberal government introduced the Indian Councils Act,

(1852-53, 219-20). Evans et al. argue that Porter’s view on the matter were strongly influenced by his understanding of Catholic emancipation as a ‘safety valve’ (Evans et al. 2003, 98).

⁶⁴⁷Russell, House of Commons, *Hansard*, June 19th, 1848, 3rd, Series, vol.99, cc.824-25

⁶⁴⁸The Orange Free State constitution of 1854 and 1866 explicitly limited citizenship (burghers) to whites. The South African Republic in 1855 established that “all coloured people are excluded from this provision [the franchise], and they may never be given or granted rights of burghership.” In 1858, they made clear that “the people desire to permit no equality between coloured people and the white inhabitants, either in church or state ” and again in 1877 that “no person not regarded as belonging to the white population shall be enrolled as a burgher possessing the franchise.”

⁶⁴⁹Earl of Albemarle, House of Lords, *Hansard*, July 4th, 1856, vol.143, cc.307-07

allowing natives to be employed in the legislative councils and various judicial and executive offices, which they defended on the basis of non-exclusivity and progress.⁶⁵⁰ But the minister noted that “he had not thought it at all desirable to name the Natives expressly in the measure.” The ideal legislation should be color-blind, as the “great object” of Liberal government in India “ought to be to obliterate the distinctions between the conquerors and the conquered.” The government must uphold “the perfect equality before the law of all Her Majesty’s subjects, without distinction of race, birth, or religion, and he would not do anything which could lead to the supposition that he doubted for a moment the existence of that principle.”⁶⁵¹ But color-blind policy did not mean equal treatment, and on another issue, the Liberal minister defended a non-discriminatory standard but insisted that in “exercising the powers of the law. . . a great distinction must practically be made between Natives and Europeans, but it would be a very different thing and most mischievous, to establish such a distinction by law.”⁶⁵²

Liberals’ conception of the appropriate extent of colonial political rights varied according to race: “no question would arise if the House were dealing only with Whites; but the mixed Colonial population constituted the difficulty.”⁶⁵³ Liberal aversion to explicit racial distinctions would change in subtle ways over the course of the 19th century, reflecting scientific development and especially the permeation of the theory of natural selection into politics. In 1850, anatomist and grave-robber Robert Knox shocked the Victorian and Liberal public with his *The Races of Men, a Fragment*. “Race is everything” he declared (Knox 1850, 7). What most shocked contemporaries was his attack on rejection of the Liberal narrative of English racial amalgamation, denying its very possibility: the “whole of this theory,” that the amalgamation of races “was not only possible, but that it was the best mode of improving the breed. . . has turned out to be false” (Knox 1850, 52).⁶⁵⁴ Knox was by no means the most influential race theorist of the 1850s or

⁶⁵⁰Charles Wood to Bartle Frere, August 17th, 1861. Cited in Martineau (1895, 344).

⁶⁵¹Charles Wood, House of Commons, *Hansard*, June 13th, 1861, vol.163, cc.1026-27; Layard, House of Commons, *Hansard*, June 13th, 1861, vol.163, c.1016; See also the discussion over admission of Indians to the Civil Service outside India. Colonel Sykes, John Benjamin Smith, House of Commons, *Hansard*, July 23rd, 1861, vol.164, c.1380-83, c.1386; Stanley, House of Commons, *Hansard*, June 6th, 1861, vol.163, c.665

⁶⁵²Earl Grey, House of Lords, *Hansard*, December 7th, 1857, vol.148, c.259

⁶⁵³George Campbell, House of Commons, *Hansard*, July 24th, 1877, vol.235, c.1752.

⁶⁵⁴“The gold of England, the sword of Russia. . . could not amalgamate the dark-haired Fleming with the Saxon-Dutchman: 700 years of absolute possession has not advanced by a single step the amalgamation of the Irish Celt with the Saxon-English: the Cymbri of Wales remain as they were: the Caledonian still lingers in diminished numbers, but unaltered. . . . Transplant him to another climate, a brighter sky. . . he is still the same; mysterious fact” (1850, 20–21).

after.⁶⁵⁵ But he and others were part of a trans-Atlantic discourse that, while disagreeing on many specifics, sought to give priority of place to the role of race in political development. Their arguments were increasingly adopted by political operatives and colonial officials. “Since the struggle for life and survival of the fittest theory came to be applied to politics,” one remarked, “the part which race-distinction plays in the world is better appreciated scientifically.”⁶⁵⁶

Theories of racial essentialism gained traction and became integrated into political discourse around certain focusing moments: controversies over labor shortages in the West Indies; the Irish Famine of 1845-52; colonial rebellions, especially in India (1857-58) and Jamaica (1865); the Fenian violence of the 1860s; the U.S. Civil War and Reconstruction; the Indian Famine of 1877; and renewed Irish political activism of the 1870s and 1880s. When Thomas Carlyle responded to labor shortages by calling for the re-enslavement of blacks in the West Indies, John Stuart Mill attacked the claim of inherent racial hierarchies: no “doctrine more damnable” had even been “propounded by a professed moral reformer. . . that one kind of human beings are born servants to another kind” (1977 [1950], 92). Half of all “all thinking persons, who have attended to the subject, either doubt or positively deny” the “vulgar error of imputing every difference. . . among human beings to an original difference of nature” (1977 [1850], 93).⁶⁵⁷

More Liberals would have agreed with Mill in the 1850s than in the 1880s; fewer still in the early 20th century. This ideological shift was reflected in parliamentary discourse, where it became tied to Disraeli’s Conservative project of displacing Liberals’ ascendancy

⁶⁵⁵In the English context, probably the most important were de Gobineau, a French writer (1853); Thomas Huxley, who defended and disseminated both the methods of racial categorization and Darwinian natural selection (1870); and Herbert Spencer (1851). Spencer, as a committed voluntaryist, was likely the most influential among Liberals (1843).

⁶⁵⁶Letter from the Deputy Commissioner, Silhat, to Secretary to Chief Commissioner, Assam: Note by Deputy Commissioner, H.L. Johnson, Silhat. April 28th, 1883. East India (jurisdiction of natives over European British subjects). *Parliamentary Papers* (1884, 354).

⁶⁵⁷Mill’s concern was not just with fighting the spread of racial ideology in Britain. He was also concerned with the political ramifications of Carlyle’s Discourse in the United States: “There is, however, another place where [slavery] still flourishes, but now for the first time finds itself seriously in danger. At this crisis of American slavery, when the decisive conflict between right and iniquity seems about to commence, your contributor steps in, and flings this missile, loaded with the weight of his reputation, into the abolitionist camp. . . . Circulated as his dissertation will probably be, by those whose interests profit by it, from one end of the American Union to the other, I hardly know of an act by which one person could have done so much mischief as this may possibly do.” In 1867 Carlyle published *Shooting Niagara—And After?*, a sustained attack on Liberal principles motivated by his disgust with American emancipation and the English Reform Act. Democracy, for Carlyle, was “Swarmery”—“the Gathering of Men in Swarms”—and its greatest triumph was “the late American War, with Settlement of the Nigger question for result” (1867, 1-5).

(Eldridge 1996, 70, 72). Disraeli mocked Liberals' core beliefs, writing that "progress and reaction are but words to mystify the millions. They mean nothing, they are nothing, they are phrases and not facts. . . . All is race." (Disraeli 1872, 239).⁶⁵⁸ The English character was not the product of racial amalgamation with the Normans, he argued, but essential to the Saxon; it could be suppressed but never eliminated and eventually would be determinative of national destiny.

When Disraeli emphasized the importance of race in his parliamentary speeches, he was criticized by Liberals. His defense of Jewish emancipation was premised on the grounds that they were "an ancient and superior race" (Chung 2004, 274).⁶⁵⁹ The *Jewish Chronicle* rejected this: "Jews asked for justice not as a peculiar race, or [on] account of a peculiar religion, but as citizen of the same state" (cited in Chung 2004, 274). In discussing the American Civil War, he warned that the United States would be irreparably damaged:

"There will be several millions of another race emancipated; legally in the full enjoyment of the rights of freemen. . . placed upon an equality with the Saxon race. . . . [W]e know from experience that in practice there will be a difference—a marked difference—between these recently emancipated and, I will not call it the superior race, *because I may offend some Gentlemen opposite*, but a race which is certainly not identical."⁶⁶⁰

And while Liberals insisted that racial amalgamation was the proper end of colonial government, Disraeli warned that it had the effect of undermining imperial authority, that amalgamation threatened the policy of divide and rule.⁶⁶¹

Other Conservatives picked up on the theme of racial essentialism. The Earl of Lytton argued that "unwelcome as the fact may be to certain theorists, it is a fact which asserts itself at every turn" that Europeans "are not the equals, but, the superiors, of the races benefited by their capital, and governed by their countrymen."⁶⁶² Future Conservative Prime Minister, Lord Salisbury, agreed. "You must get rid of these race distinctions," he mocked a Liberal Lord. "That is a very fine popular phrase. It may be very fitting for popular use. . . . I do not see what is the use of all this political hypocrisy.

⁶⁵⁸He had earlier written a passage in *Tancred*, frequently attacked by Liberals, that seemed to disavow the possibility of universal human improvement, insisting that "the progressive development of the faculties of man" was "an affair of race. . . . All is race; there is no other truth" (Disraeli 1847, 148).

⁶⁵⁹But see Disraeli, House of Commons, *Hansard*, December 16th, 1847, 3rd Series, vol.95, c.1329

⁶⁶⁰Disraeli, House of Commons, *Hansard*, March 13th, 1865, 3rd Series, vol.177, cc.1573-74

⁶⁶¹Disraeli, House of Commons, *Hansard*, July 27th, 1857, 3rd Series, vol.147, c.444

⁶⁶²Earl of Lytton, House of Lords, *Hansard*, April 9th, 1883, vol.277, cc.1751-52.

It does not deceive the Natives of India. They know perfectly well that they are governed by a superior race.”⁶⁶³

By the 1870s, many Liberals were reconsidering the party’s opposition to explicit racial exclusions in the franchise. During debates over the annexation of the Transvaal, a Liberal MP argued that no federation should occur until there was a settlement of the relations between the white and black races. “The right principle,” he argued “was that the Colonists of White race should govern themselves.” But it did not necessarily follow that they should govern the Black race among whom they were settled.⁶⁶⁴ There “were principles which England could not give up. . . . [H]e was sure they would all admit that there ought to be social equality independently of race and colour.” But “the franchise, it was, no doubt, a matter of great difficulty.”

“The first idea that occurred to his mind. . . was that the franchise ought to be given indiscriminately. A colour franchise was to him a most repulsive thing. On the other hand, a large proportion of the coloured men were undoubtedly savages, and it was clear we could not give them all votes.”

While Liberals were beginning to consider the possibility of franchises that were explicitly exclusive on racial grounds, they strongly denied the suggestion “that it was impossible for the Natives to take part in a representative system of Government.” They did not abandon their commitment to non-exclusivity in the franchise, but they placed it in the future, looking forward “to the time when the qualification for the franchise should be independent of race or colour.” If it were meant that the Natives “ought not to have votes immediately, he was right; but if [it were] meant that they were not ultimately to have equal rights with the Whites, [that] went too far.”⁶⁶⁵

By 1892, the Cape legislative council insisted that the property franchise be tightened, as too many black voters had been included. Lord Ripon, the Liberal Secretary of State for the Colonies expressed misgivings but agreed not to suggest its disallowance (Evans et al. 2003, 163). By mid-1909, after much disclaiming to the contrary, a Liberal

⁶⁶³Marquess of Salisbury, House of Commons, *Hansard*, April 9th, 1883, vol.277, c.1798. And under the name Viscount Cranborne, Salisbury likewise also insist on the primacy of race. Viscount Cranborne, House of Commons, *Hansard*, May 24th, 1867, vol.187, c.1074. Conservative James Lowther dismissed a petition calling for “the abolition of all distinction of race, colour, and creed” in a proposed South African Union as something that “was a very easy thing to say and sounded extremely well,” but which the experience of Reconstruction in the United States had shown to be destructive of good government. J. Lowther, House of Commons, *Hansard*, July 24th, 1877, vol.235, c.1748

⁶⁶⁴George Campbell, House of Commons, *Hansard*, July 24th, 1877, vol.235, c.1753

⁶⁶⁵W.E. Forster, House of Commons, *Hansard*, July 24th, 1877, vol.235, cc.1760-61.

government allowed a Union of South Africa to proceed which effectively sanctioned a “colour bar” in the franchise for all provinces but the Cape Province.

The rising generation of Liberal politicians and intellectuals were much more comfortable with race as a determinative and essential factor in politics.⁶⁶⁶ As one MP noted while debating constitutional reform in Jamaica, “it was somewhat strange to hear from the Liberal Benches that we were to be guided in this manner by considerations of race and of creed. That might be one of the doctrines of esoteric Radicalism; but he ventured to think it was not to be found amongst the generally accepted principles of the Liberal Party.”⁶⁶⁷ For the earlier generation of Liberals, distinctive racial and national characters were the product of historical circumstances and governing institutions. The growing belief that only some races were fit for representative institutions helped delegitimize the idea of the progressive, amalgamating state that mid-19th century Liberalism had suggested.

Equality and Fitness in Ireland

The position of Ireland in the United Kingdom was always ambiguous. It was claimed to be an integral part of the Union and yet it was under a different administrative system, governed from Dublin Castle as it had been before the Act of Union. And to maintain order and against political agitation, revolutionary threats, and local conflicts, successive governments suspended *habeas corpus*, restricted the importation and sale of arms, and passed numerous coercion acts. And all agreed that the Irish maintained a distinct nationality: “They sprang from different stocks. They spoke different languages. They had different national characters, as strongly opposed as any two national characters in Europe” (Macaulay 1856b, 38). For many Liberals, this difference of character was mapped on to “widely different stages of civilisation” (Macaulay 1856b, 38).

For much of the pre-1886 period, the Liberal narrative of British purpose provided a framework in which Ireland’s position and Irish character could be understood in ways that ostensibly legitimated Liberal governments and policy. Irish “national resentment” was the product of misrule and exclusive institutions, and it would be improved by

⁶⁶⁶See, for instance, Edward Freeman, a highly influential historian and politician, whose 1873 *Comparative Politics* argued that the Aryan peoples have “a large common stock of institutions, institutions whose likeness cannot otherwise be accounted for than by the supposition of their common primitive origin” (Freeman 1873, iv). His works were especially popular in the settler colonies and the United States, which Marilyn Lake attributes to his “insistence on the Anglo-Saxon origins of and genius for self-government and his suggestion that racial exclusion was the precondition of a self-governing democracy” (2010, 67).

⁶⁶⁷Price, House of Commons, *Hansard*, April 25th, 1884, 3rd Series, vol.287, c.696

Liberal reforms and good government.⁶⁶⁸ The Union was not complete, but still had to be realized. And union had to be comprehensive, resting on the amalgamation of the nations.

The rhetorical insistence upon equality with Ireland was confronted by appeals to highly resonant anti-Irish antipathies, which threatened to turn public opinion against the party for its occasional periods of coordinating with Irish nationalists. And as the antipathies were shared by many Liberals, the stability of the Liberal coalition was always more uncertain with regard to Ireland than any other issue. During the Famine, it was the Liberal party that was most aggressive in its anti-Irish rhetoric, but the ostensible faults in Irish character were now cast in a Liberal mould: policy was only encouraging Irish dependency, treated more as an attribute of moral character than the political and economic situation it had been heretofore considered, and so the retrenchment of relief was not only appropriate but highly desirable.

A longstanding theme in English discourse marked the Irish as not only distinct in their national character, but unfit for self-government.⁶⁶⁹ L.P. Curtis has shown (1968, 1997) that an image of the Irish as monstrous and simian was formulated during the mid-19th century, one that drew on older narratives of Irish degeneracy and contemporary discoveries in zoology. Most subsequent analyses of British portrayals of the Irish in the 19th century confirm this finding, while disagreeing on its political importance or uniformity (de Nie 2004, 4–5; Peatling 2005b, 2005a; Belchem 2005; Curtis 2005; Lengel 2002).⁶⁷⁰ Rather than a persistent and uniformly held stereotype, there were important differences across parties and between official, public, and private discourse (Lengel 2002, 4). The Protestant Constitution, the Liberal progressivism, and ‘scientific’ racism each had their distinctive explanations for the assumed degeneracy of Irish character; but each shared a belief in its degeneracy. A ‘Tory of the Old School’ would blame Catholicism, and insist that the property settlement and the Church of Ireland were the only means of securing England from Popery. A Liberal would blame centuries of Tory

⁶⁶⁸Buller, House of Commons, *Hansard*, February 24th, 1841, 3rd Series, vol.56, c.990.

⁶⁶⁹This indeed had been a theme of the Protestant Constitution: if Catholics were inherently subversive and dominated by their priests, the Irish were particularly obstinate in their Catholicism.

⁶⁷⁰Biagini correctly points out that this presentation of Irish degeneracy was part of a broader European pattern of ascribing bestial features to agrarian rebels, the “dangerous” proletariat, and working class criminals (Biagini 2007, 25–6; Pick 1989). A corresponding portrayal of the English working as physically deformed degenerates was, however, much less frequent. From Thomas Carlyle’s *Chartism* (1840) and Frederick Engels’ *The Condition of the Working-Class in England* (1943, 90), the portrayal of the ‘rough’ and degenerate working classes in Britain were often portrayed in forms generally reserved for the Irish (McClelland 2000, 75).

rule, the ‘demagogues’ who agitated the “ignorant and inflammatory population,” and landlords who wanted to maintain a system of exclusivity.⁶⁷¹ And they would suggest the assimilation of Irish institutions, the education of the Irish people, and amalgamation—by which they meant the Irish should become more like the English—as the only means of securing progress. And the ‘scientific’ racist of the late 19th century would compare the progressive and industrializing North to the poor and agitated South, and suggest not only that the cause lay in something deeper than either religion or oppression, but that these too were a function of their racial character: “without what they call English misrule, [the Irish] would be ... the willing slaves of some hereditary despot, the representative of their old coshering chiefs, with a priesthood as absolute and obscurantist as the Druids” (Smith 1882, 5-6).

Liberal political operatives certainly shared many of the beliefs about Irish character, as demonstrated in their emphasis on Irish degeneracy during the Famine; but they were constrained in their ability to participate in an overtly anti-Irish discourse. They were often reliant on Irish Liberals or Repealers for support in Parliament, and there was a clear coalitional exigency to not only disavow rhetoric of racial unfitness but to draw attention to this rhetoric when it was deployed by Conservatives. This tension led to a greater divergence on the question of Irish government between private correspondence and public rhetoric than on any other issue considered in this project. Lord Althorp wrote in 1832 that “if I had my own way I would establish a Dictatorship in Ireland until by the increased wealth and intelligence of the People, they were become fit for a free Government.”⁶⁷² It was not just that the previous six centuries of English coercion had not been long enough; it was that they had not been Liberal enough. Althorp had earlier expressed the opinion that “the population of Ireland is not sufficiently advanced in civilization to make it desirable that they should have any very great preponderance in the Legislative Assembly of a highly civilized State.”⁶⁷³ In 1848, Russell remarked to the Lord Lieutenant of Ireland that “Ireland was better suited to czarism than English liberty” (Saunders 2005, 1304). Macaulay was reported as writing in the 1830s that “if he had had to legislate on Ireland, he would have suspended the laws there for five years, given the Lord Lieutenant’s proclamation the force of law, and put the Duke of Wellington in charge” (Hall 2012, 178).

⁶⁷¹Russell to Herbert Taylor, the King’s Secretary, Endsleigh: October 21st, 1835. National Archives, PRO 30/22/1E/fs.218.

⁶⁷²Althorp to Grey, Aug. 26, 1832, Spencer Papers, Althorp Park. Cited in Kriegel (1968, 68).

⁶⁷³Althorp to Ebrington, 14 Dec. 1831. Cited in Jenkins (1994, 22), and Fisher (2009).

In public, however, the Liberals were committed to ‘justice for Ireland,’ and denied the coercive fantasies indulged in private. Viscount Howick, Lord Grey’s son, expressed the party line on Ireland in 1844, warning Conservatives that they could not go on misgoverning Ireland: “if you could govern Ireland as a great Crown colony, by Order in Council, I could conceive the possibility of going on. . . . If you could do this and could govern as Austria does in her Italian provinces, it might be possible to reduce Ireland to a state of quiet. . . . This is conceivable, but thank God! you have not the power of trying so hateful an experiment.”⁶⁷⁴ Privately, Liberals were willing to consider these options. When they were in office they would repeatedly enact legislation to strengthen the constabulary, allow the government to proclaim counties, and other measures for suppressing disorder in Ireland.⁶⁷⁵ But publicly, Liberals were compelled to insist on equality for Ireland and the abolition of exclusive institutions.

The apparent failure to amalgamate the Irish and English into a shared nationality would inform Liberal political thought throughout the Victorian period. Liberals drew on their understanding of English development to argue that they could perfect the union, through the assimilation of Irish institutions to English ones and the amalgamation of the races. Ian Lustick has argued that the “political unity of the British Isles” had become a hegemonic “given” by the 1840s, that Repeal was “almost impossible to conceive” (1993, 57–8, 54, 69).⁶⁷⁶ For Liberals, Repeal was certainly conceivable; and they suggested that if Conservatives continued to govern as they had it would not only be likely but it would be just. But they acknowledged this possibility not to seriously entertain it but to insist upon the importance of Liberal government. Only they could combine firmness with progressive reforms, and so only they could realize the Union. But they would not question the basic terms of the property settlement of Ireland or the Union, and were willing to defend both through extreme coercion.⁶⁷⁷

⁶⁷⁴Howick, House of Commons, *Hansard*, February 15th, 1844, 3rd Series, vol.72, cc.989-90

⁶⁷⁵They combined with protectionists in 1845 to defeat Peel’s coercion bill, leading to his ultimate split from the Conservatives. The Liberals would then pass bills—not all of them coercion acts—to suppress violence in 1846, 1847, 1848 (several), 1850, 1856, 1860, 1866, 1870, 1871, 1881 (two acts), and 1882.

⁶⁷⁶The citation is to Lord Brougham. Lustick suggests the subject that is “impossible to conceive” is the Repeal of the Union. In fact, what Lord Brougham finds impossible to conceive is that anyone could suspect Lord Althorp would encourage Irish Repealers’ political campaigns. Lord Brougham, House of Lords, *Hansard*, May 11th, 1843, 3rd Series, vol.69, c.174.

⁶⁷⁷Russell was in favor of some degree of modest land reform (Hall 2012, 186), but despite suggestions to the contrary there was only a very limited Encumbered Estates Act offered during the height of the Famine. Mill was in favor of more far reaching reform, and in 1848 wrote, but did not publish, “What is to be done with Ireland.” He noted that those who advised the government to “make no pretence of a free press, or public meetings, or jury trial, or regular courts of justice. Govern by the sword. Trample

Rather, repeal of the Union violated the strictures of progressive Liberalism because it would be a retrograde step, denying the promise of the Union and Empire as a means for extending Liberalism. The Irish had to be assimilated to the English, and the racial amalgamation so important to England's development must take place in Ireland as well: the true remedy was "fusion—lamentably incomplete as yet, but in the natural course of things progressively advancing towards completeness—of the interests, opinions and wills of Great Britain and Ireland into one, which is the real UNION of the countries" ("The United Irishmen and the Repeal Agitation" 1843, 68). It was not that Liberals could not conceive of separation. Rather, such an outcome would be the result of poor statesmanship ("The United Irishmen and the Repeal Agitation" 1843, 68).⁶⁷⁸ To prevent this required the dismantling of exclusive institutions, which they now claimed was the real purpose of the Union:

"[Pitt] wished to blend, not only the parliaments, but the nations, and to make the two islands one in interest and affection. With that view Roman Catholic disabilities were to be removed. . . measures were to be taken for the purpose of giving to Roman Catholics the benefits of a liberal education" (Macaulay 1875, 249).⁶⁷⁹

There was a consistent Liberal position on how to perfect the Union: "Do them ample justice, and you will gain their hearts, and unite the two countries in the holy bond of national affection."⁶⁸⁰ Until equality and Liberal institutions were extended to Ireland, "the Union was a Union in name only" (Macaulay 1875, 249).

Racial amalgamation was central to Liberals' understanding of how to reconcile Ireland to the Union, and their rhetoric stressed that this could only be done by dismantling exclusive institutions and treating Ireland equally with England. In 1844 Macaulay argued that after Cromwell's 17th century conquest, extermination of the Irish would have been more "humane in reality" than the situation of caste imposed on the Irish Catholics: "they were doomed to be what the Helots were in Sparta, what the Greeks were under the Ottoman, what the blacks now are at New York" (Macaulay 1875, 249). This was the

out the last spark of freedom in the country. Place Ireland permanently in a 'state of siege'" were worth listening to as an indication of "how much of the worst spirit of Toryism is still extant."

⁶⁷⁸They did not believe that the Conservatives could ever oppress Ireland as thoroughly as they once had, but this was because the growth of Liberal opinion among the electorate meant this would not be tolerated ("The United Irishmen and the Repeal Agitation" 1843, 68).

⁶⁷⁹He also remarked that "I shall not be suspected of being partial to the memory of Mr. Pitt" (1875, 249).

Russell similarly found it necessary to distinguish himself from a man who had been dead 40 years.

⁶⁸⁰M. Gore, House of Commons, *Hansard*, February 19th, 1844, 3rd Series, vol.72, c.1152

“very worst of tyrannies that can exist... the tyranny of race over race.” The Conservatives, “by [their] own boasting and taunts” had encouraged the racial pride of England and were impeding that which “we have seen in our own country... [where] Celt and Saxon—Dane and Norman—all have been fused down and melted together, to form the great and united English people. A similar amalgamation, we might have hoped, would have taken place in Ireland.”⁶⁸¹ Underlying this hoped for amalgamation was no small amount of English chauvinism: Russell believed the Irish “would become Protestants—at least... less Catholic, and therefore more English” (Parry 1993, 107).⁶⁸²

When Conservative Lord Lyndhurst proposed a much more restricted municipal franchise for Ireland than England, Russell denounced this as an odious distinction:

“I have never heard anything like a plausible reason assigned for making this distinction between the two countries. Differences there are—great and wide differences, I am not the man to dispute their existence; but the question here is simply this—are there such differences in the towns of Ireland as to render them unfit to have popular and municipal Corporations?”

He recalled the recent constitutional revolution and argued that parliament was “bound to unite the whole people under one Government of the same kind, and to treat the inhabitants of Ireland as you would treat the inhabitants of Lancashire or Berkshire... [Y]ou do not do that which justice requires; you do not act fairly and equally by all parts of the empire, and you cannot expect that this will be in reality an United Kingdom.”⁶⁸³

While in opposition in 1840 the Conservatives proposed extending the post-1832 English registration system to Ireland. They insisted that this would put Ireland “on the same footing as England,” but by not providing a corresponding reduction in the franchise the bill would have disfranchised a considerable number of voters.⁶⁸⁴ It was a highly selective assimilation, and was roundly condemned by Irish and Liberal MPs: “[L]et only the means be shown of molesting the people of Ireland by any English institution... and then you would carry the spirit of assimilation of the institutions of the two

⁶⁸¹Macaulay, House of Commons, *Hansard*, February 19th, 1844, 3rd Series, vol.72, c.1172; Gladstone, House of Commons, *Hansard*, March 16th, 1868, 3rd Series, vol.190, c.1765; W. Cowper, House of Commons, *Hansard*, February 11th, 1848, 3rd Series, vol.96, cc.476-77

⁶⁸²Wilde and Buxton, House of Commons, *Hansard*, April 2nd, 1835, vol.27, c.687, 708-09.

⁶⁸³Russell, House of Commons, *Hansard*, June 9th, 1836, 3rd Series, vol.34, cc.232-34; see also O’Connell, quoting from a petition from the Natives and Inhabitants, Electors and Citizens, of the City of Dublin, House of Commons, *Hansard*, February 23rd, 1844, 3rd Series, vol.73, c.196

⁶⁸⁴Stanley, House of Commons, *Hansard*, February 25th, 1840, 3rd Series, vol.52, c.642; March 26th, 1840, 3rd Series, vol.53, c.143

countries with force.”⁶⁸⁵ Russell insisted that only a genuine equality could provide the necessary basis for union, a point on which nearly all Liberals who spoke concurred.⁶⁸⁶ Liberals warned the Commons that the Conservatives were going to “obstruct the present liberal policy which had worked so well for Ireland,” and thereby ensure that the Union could never be perfected.⁶⁸⁷

Russell introduced an alternative bill, one that would alter the registration system while extending the franchise. O’Connell, hoping to secure passage, confessed “frankly, that this bill. . . if adopted,. . . would give satisfaction to the people of Ireland.”⁶⁸⁸ Stanley accused the Liberal leadership, not without cause, that they were only proposing an expansion of the Irish franchise to cement their coalition: “it had been introduced under false colours and under false pretences.”⁶⁸⁹ The bill passed second reading by 299-294, a slim majority unlikely to pass through committee without substantial amendments; sure enough, the bill was withdrawn when the Liberals were defeated on a measure raising the property qualification.⁶⁹⁰

Irish franchise reform, along with Church disestablishment, was now central to the rhetoric of progressive improvement that would cement the Union.⁶⁹¹ The effects of the Famine nearly wiped out the Irish electorate, and provided the Liberal government enough support in the Commons to pass a reform bill for Ireland. It was similar to the Reform Act of 1832 in that it premised the expansion of the franchise not only on expanding the small electorates in Irish constituencies, but on the fact that the existing system allowed persons who were considered unfit to acquire voter certificates. Accordingly, the bill’s changes to the registration disfranchised many voters in the Irish boroughs. The Irish Reform Act of 1850 nevertheless considerably expanded the franchise, increasing the average county constituency to 4%, compared to 5% for England, and up from 0.66% in 1849. While not establishing an equally sized electorate with England, the Irish franchise was now on par with Scotland and approached parity with

⁶⁸⁵Sheil, House of Commons, *Hansard*, March 25th, 1840, 3rd Series, vol.53, cc.79-80; Bellew, House of Commons, *Hansard*, March 25th, 1840, 3rd Series, vol.53, c.37

⁶⁸⁶Russell, House of Commons, *Hansard*, May 18th, 1840, 3rd Series, vol.54, c.206; Hume, House of Commons, *Hansard*, May 18th, 1840, 3rd Series, vol.54, c.395.

⁶⁸⁷Dennis O’Connor, House of Commons, *Hansard*, March 26th, 1840, 3rd Series, vol.53, c.98; Macaulay, House of Commons, *Hansard*, June 19th, 1840, 3rd Series, vol.54, c.1357

⁶⁸⁸O’Connell, House of Commons, *Hansard*, February 4th, 1841, 3rd Series, vol.56, c.303, cc.305-06; Brotherton, House of Commons, *Hansard*, February 24th, 1841, 3rd Series, vol.56, c.944.

⁶⁸⁹Stanley, House of Commons, *Hansard*, February 22nd, 1841, 3rd Series, vol.56, c.784.

⁶⁹⁰House of Commons, *Hansard*, April 29th, 1841, 3rd Series, vol.57, c.1252-89

⁶⁹¹Charles Wood, House of Commons, *Hansard*, February 22nd, 1841, 3rd Series, vol.56, c.826

England for the first time since 1829. “The popular party,” argued one MP, “were fond of saying that they were ready to hold out the right hand of fellowship to Ireland, that they would meet the Irish as fellow subjects, and recognise Ireland as an integral portion of the empire.”⁶⁹² The 1850 Act was a manifestation of this commitment, but it was passed only when all but the most conservative factions of the Liberal party and Lords recognized the need to do something.⁶⁹³

In 1852 and 1854, when Russell proposed modest enfranchisement bills for England, he promised bills for Ireland and Scotland in which the “same principles will be applied generally.”⁶⁹⁴ The separation of the bills from the English worried some Irish members but most were “glad that a measure substantially identical with the English Reform Bill” was promised.⁶⁹⁵ The defeat of the English measures made the Irish and Scots bills moot. When it was the Conservatives pressing a reform bill in 1867, Disraeli declined to respond directly to the question of whether the franchise would be equal across the countries.⁶⁹⁶ The government delayed the measure in 1867, allegedly because of Fenian unrest. When they returned to it in 1868 they proposed no changes to the Irish county franchise on the grounds that the English Reform Bill of 1867 had set the franchise at the level established by the 1850 Irish Reform Act.⁶⁹⁷ Almost all Liberals present opposed the government bill because it was insultingly limited, but the fight was lost due to a low turnout among “English and Scotch Liberal Members, who would not come down to the House to assist their Irish brethren.”⁶⁹⁸ Given Fenian disorders in Ireland and England, Liberal MPs wanted to avoid being seen either supporting an extension of the franchise to a nation who were increasingly seen as unfit, or taking a vote that was palpably contrary to the long-stated commitments of their party.

The alleged unfitness of the Irish—denied by Liberals during debates on the Reform Act and the municipal franchise bill in the 1830s—came to renewed prominence during the 1850s through 1870s. Increased migration to England and Scotland during the 1830s had led to an increase in anti-Irish sentiment, manifested in part in claims that they were degrading the conditions of the British working classes (Swift 1987, 269, 2001). The

⁶⁹²Reynolds, House of Commons, *Hansard*, February 22nd, 1850, 3rd Series, vol.108, c.1295

⁶⁹³Bright, House of Commons, *Hansard*, February 22nd, 1850, 3rd Series, vol.108, c.1306

⁶⁹⁴Russell, House of Commons, *Hansard*, February 13th, 1854, 3rd Series, vol.130, c.523

⁶⁹⁵Reynolds, House of Commons, *Hansard*, February 13th, 1852, 3rd Series, vol.119, c.527; Roche, House of Commons, *Hansard*, February 13th, 1852, 3rd Series, vol.119, c.530

⁶⁹⁶Chancellor of the Exchequer (Disraeli), House of Commons, *Hansard*, May 21st, 1867, 3rd Series, vol.187, c.882.

⁶⁹⁷Earl of Mayo, House of Commons, *Hansard*, March 19th, 1868, 3rd Series, vol.190, c.1940.

⁶⁹⁸Colman O’Loghlen, House of Commons, *Hansard*, June 22nd, 1868, 3rd Series, vol.192, c.1896

1836 *Report on the State of the Irish Poor in Great Britain* characterized the Irish as “a less civilized population. . . a kind of substratum,” for which improvement could come through firm guidance (Swift 2001, 73; Hickman 1993, 289). “Crowds of miserable Irish darken all our towns,” wrote Carlyle in *Chartism*: “the time has come when the Irish population must either be improved a little, or else exterminated” (Carlyle 1840, 28–29).

The campaign for Repeal of the Union was revived in 1843, before being suppressed by Peel; a rebellion in 1848 had been accompanied by even harsher measures. The seeming failure of the limited Church, franchise, municipal reforms to secure Irish quiescence left British political activists, Liberals included, more sympathetic to claims that the Irish character was pathologically disturbed. Many Liberals found in the Famine a silver lining, “a *deus ex machina*, a beneficent providential intervention to break the log-jam impeding Ireland’s progress towards an anglicised modernity” (Gray 2004, 13).⁶⁹⁹

As the scale and cost of relief and public works during the Famine expanded, both the economists’ predictions about the demoralizing effects of relief and pre-existing beliefs about the character of the Irish seemed to be confirmed (Bernstein 1995, 515, 523). Roebuck asked “If they were really ‘a people,’ wishing for distinct nationality, was there not some man among them who would raise the standard of Irish independence in the simple way of ceasing to be a mendicant?”⁷⁰⁰ *The Times*, which took it upon itself to expose the Famine as the product of flaws in the Irish national and racial character, wrote in 1847 that “Ireland has a people whose character bears a stronger affinity to that of the Bengalese or the Cingalese than of any Teutonic family, or even their kindred Celt. To this people we have communicated popular institutions and Saxon laws.”⁷⁰¹

Before the Famine, most Liberals would have rejected this, and many still did: *The Times*’ stance was denounced, in print and more reservedly in private (Lengel 2002, 110). Even Roebuck reaffirmed the Liberal desire to perfect the Union: “Let it be forgotten that the Channel was between England and Ireland, and let there exist in both countries the most absolute equality of rights and privileges.”⁷⁰² But in private correspondence, Liberals such as Trevelyan expressed hope that the Scots highlands, where a simultaneous potato blight led to Famine and dislocation, would see “flights of Germans settling here

⁶⁹⁹See Conservative MP Napier, House of Commons, *Hansard*, May 10th, 1850, 3rd Series, vol.110, cc.1345–46

⁷⁰⁰Roebuck, House of Commons, *Hansard*, January 19th, 3rd Series, vol.89, c.114; Hume, House of Commons, *Hansard*, February 7th, 1849, 3rd Series, vol.102, c.406; W. Smith, House of Commons, *Hansard*, June 1st, 1847, 3rd Series, vol.92, c.1423

⁷⁰¹February 25th, 1847. Cited in Lengel (2002, 110).

⁷⁰²Roebuck, House of Commons, *Hansard*, January 19th, 3rd Series, vol.89, c.112, c.114

in increasing number - an orderly, moral, industrious and frugal people, less foreign to us than the Irish or Scottish Celt, a congenial element which will readily assimilate with our body politic” (Hall 2012, 189).

Even after the denunciations of Irish character by many leading Liberals, the party was united in extending the franchise in 1850. But the belief that the Irish character was the product of misrule and could be improved in the near term was on the defensive (Russell 1875, 351).⁷⁰³ The rising Liberal star Charles Dilke stressed not only the centrality of race to political institutions, but the degeneracy of non-Anglo-Saxons, especially American Indians, Africans, and Celts (1869, vii, 44). In America he contrasted the success of “Belfast names” to the failures of the Catholic Irish to rise in society (1869, 299). And he urged statesmen to recognize “in legislation that which they cannot but admit in private talk—namely, that there may be essential differences between race and race” (1869, 298).

In 1867, James Higgin published *The Irish Government Difficulty, Considered as a Race Problem* which argued that the problem of English rule over Ireland is that it had been adapted for the genius of the English race, rather than “the genius of the [Irish] people” (1867, 2). His recommendation was to divide the country, with despotic rule in the South and representative institutions in the North, “an attempt to bring about greater happiness and content and progress than now exists, by adjusting the system of government to the ineradicable tendencies of different races” (1867, 7).⁷⁰⁴ In 1882, an anonymous author published a pamphlet entitled “What Science is Saying about Ireland,” which relied on Herbert Spencer and others to argue that “lower races” could never be fit for self-government, and that the Irish were especially needful of despotic rule (1882, 20, 26).⁷⁰⁵

Thomas Huxley opposed the growing sentiment that the Irish were inferior and that

⁷⁰³Russell continued to believe in 1875 that the Irish could be governed, and that the difference between the Irish and the Scot was the result of English illiberality, especially under the Tories. Russell, House of Commons, *Hansard*, May 18th, 1840, 3rd Series, vol.54, c.206

⁷⁰⁴Higgin begins his pamphlet by lamenting that the “Anthropological Society has pointedly declined to make itself answerable as yet, for any theories on ‘Race’ matters,” and that his earlier efforts to recommend a discrepancy between the Irish race and the form of government to have been “hardly entertained” by the Society (1867, 2).

⁷⁰⁵While the pamphlet was sufficiently popular to be re-published in a second and much expanded edition, the author, whose sympathies were explicitly with the Conservative party, both remained anonymous and believed his argument would fall on deaf ears: “the average British elector... is too ignorant of history, too ignorant of science, too ignorant of sociology, too ignorant of human nature, too ignorant about the lower races, and too narrow and too insular in his ideas and feelings to believe in, or perhaps even to understand, a word that is written therein” (1882, 80).

this should inform political institutions (1870, 198). Huxley had concluded his criticism of basing political arrangements from race by pleading with “any man who has political power,” to believe him “that the arguments about the difference between Anglo-Saxons and Celts are a mere sham and delusion” and without foundation as “a matter of science” (1870, 203). Men with political power were going the other way. By the end of the 1860s, the belief that “the difference between the condition of England and Ireland [could be attributed to a] difference of race,” had become prominent in political thought and parliamentary debates.⁷⁰⁶ Discussing a reform proposal for Ireland in 1849, Disraeli suggested that “a nation that is unable to appreciate the dignity and importance that attach to the possession of a vote, is unworthy of the franchise.”⁷⁰⁷ By 1870 he was juxtaposing an ostensible Irish lack of fitness to the superior qualities of the British in Ulster: “I want to know how much of [Ulster’s] prosperity, success, and high spirit are not due to British blood and British enterprize.”⁷⁰⁸

Many Liberals agreed, arguing that it was because of the character of the races that “England became a great nation,” while Ireland had not.⁷⁰⁹ Liberal MP, and former Chief Secretary for Ireland, Edward Horsman argued that the primary way in which England had misgoverned Ireland was “to ignore differences of race, of religion, of circumstances and character between the two countries, and to rule Ireland... in conformity with English laws and customs, and feelings, and even prejudices and requirements.”⁷¹⁰ Many Liberals continued to reject this as the “fanciful devices invented to save the trouble of thinking.”⁷¹¹ And Horsman, a key figure with Lowe in the Adullamites, was unwelcome in the party from 1868. But the rhetoric of a Liberal commitment to equality between England and Ireland was under increasing strain.

In 1884, as in 1841, the Conservatives accused the Liberals’ support for an equal Irish franchise as being a ploy for votes. “Is that a fair accusation?” asked Gladstone.

“Is this the first time on which we have endeavoured to enlarge the Irish constituencies? Have we not again and again, during past years, and without the slightest idea or prospect of the Irish vote—have we not again and again supported the Irish Members in their endeavours to obtain an extension of

⁷⁰⁶Joseph McKenna, House of Commons, *Hansard*, March 13th, 1868, 3rd Series, vol.190, c.1609.

⁷⁰⁷Disraeli, House of Commons, *Hansard*, February 16th, 1849, 3rd Series, vol.102, cc.828-29

⁷⁰⁸Disraeli, House of Commons, *Hansard*, April 4th, 1870, 3rd Series, vol.200, cc.1271-72

⁷⁰⁹Neate, House of Commons, *Hansard*, March 10th, 1868, 3rd Series, vol.190, cc.1319-20

⁷¹⁰Horsman, House of Commons, *Hansard*, March 12th, 1868, 3rd Series, vol.190, c.1472

⁷¹¹Joseph McKenna, House of Commons, *Hansard*, March 13th, 1868, 3rd Series, vol.190, c.1609.

the franchise to Ireland as regards equality?”⁷¹²

The Liberals had lost almost all of their ground in Ireland in recent years to the Home Rulers. Still, despite the private opposition of a key Liberal leader—Lord Hartington—they nonetheless sought to expand the franchise and to do so on largely equal terms. Many Conservatives insisted that the longstanding effort to “assimilate” the franchise was a sham. There might be a “pretentious assimilation,” but actual assimilation was impossible given that the class of Irish to be enfranchised was not yet fit “to be called ‘capable citizens.’”⁷¹³ But the rationale offered by Liberals was the same they had been promising since Russell. “With respect to Ireland,” continued Gladstone, “the real question. . . is this, in our view, a United Kingdom?”⁷¹⁴

A scholar of the 1884 Reform Act, William Hayes, notes that Gladstone, while allowing the Cabinet to frankly discuss the question of including Ireland, had already made his decision well in advance: “he favoured a complete assimilation of the franchise for the whole of the United Kingdom” (Hayes 1982, 86). This decision was made not on the basis of an analysis of the likely impact, but “was founded entirely on his personal judgement of the Irish question in its broader sense and must be seen as a part of his private mission to do justice to Ireland” (Hayes 1982, 86). It is certainly true that Gladstone was among the Liberal leadership most sympathetic to Ireland (Matthew 1997, 44). Ian St John remarks that “there was a continuing thread running through Gladstone’s approach to Irish problems since the 1860s: appropriate legislative reform would pacify the Irish and make them loyal members of the Empire” (2010, 325). As we have seen, however, this was not unique to Gladstone but was the rhetorical commitment of the Liberal party since the reform coalition of the 1830s.

And while it was a sincere commitment for Gladstone and some others, it served as much of a political function in 1884 as it had fifty years earlier. The leader of the conservative Liberals, Lord Hartington, had threatened to resign, disliking the extension of the franchise to Ireland. And Joseph Chamberlain, a leader of the radical faction and soon to be a key figure in breaking with the Liberals over Home Rule, was aggressively campaigning in favor of “one man one vote” and equal treatment of Ireland (Hayes 1982, 69, 91). The support of the Irish party was not essential for the bill’s passage, but it would make it considerably easier.⁷¹⁵

⁷¹²Gladstone, House of Commons, *Hansard*, May 1st, 1884, 3rd Series, vol.287, cc.1082-83

⁷¹³Lewis, House of Commons, *Hansard*, May 16th, 1884, 3rd Series, vol.288, c.588

⁷¹⁴Gladstone, House of Commons, *Hansard*, May 1st, 1884, 3rd Series, vol.287, c.1088

⁷¹⁵In 18881 Liberals had approximately 350 seats to the 240 held by the Conservatives, while Home Rulers

To reconcile Hartington and his Cabinet, Gladstone invoked the standard Liberal position that Ireland could not be governed on the basis of an inequality (Jackson 1994, 172). He warned, and the Lord Lieutenant Spencer concurred, that it was impossible to not include Ireland within the bill or to offer a more limited extension. Without the Irish vote, Trevelyan warned, the bill could only be passed by organizing “revolutionary excitement,” as the Whigs had done in 1832, and which Gladstone would eventually do (although with less urgency) when the bill was rejected in the House of Lords.⁷¹⁶ And Liberals would not get Irish support, “and [would] have no reason to expect it, unless the bill treated both Countries alike” (Hayes 1982, 87).

Ultimately Hartington would defend the bill in the Commons in the language of equal treatment, stressing that to do otherwise would give a legitimate grievance that the Irish Party would exploit. He conceded that it was certainly possible that the extension of the franchise would strengthen the Irish around Parnell. And while he held out hope that it might be otherwise—that with a larger electorate the constituencies would be more difficult to “manipulate[e]”—his central argument was that exclusion would “would perpetuate and intensify almost the only real grievance to which the Irish Representatives can now point, an inequality of political rights as between the Three Kingdoms.”⁷¹⁷ He concluded by appealing to Liberal principles, but in doing so suggested the degree to which many Liberals understanding of the relationship between Ireland and Liberalism had changed.

The Liberal party, he argued, had always been willing to extend both justice and order to Ireland, and he referred to the recent land acts as well as a recent coercion act.⁷¹⁸ His central concern, he suggested, had been in protecting the Protestant community in Ireland. He now argued that this could never be accomplished by schemes of minority

had 63. If the Liberals remained reasonably united, they could pass reform without Irish support, but they would lose considerable number of Liberals if they did abandon Ireland, while including Ireland was viewed with consternation by its more conservative wing. Moreover, the Irish party under Parnell was adept at obstruction and this could delay the bill and other legislation considerably. Cloture had been instituted in the House of Commons in February 1881, as a response to Irish Party filibustering, but the party had other means of obstruction, including the frequent calling of quorum counts.

⁷¹⁶The insistence of the House of Lords that a redistribution of seats be included led Gladstone to seek to “bend” the Lords by “appealing to the country”: “and the ‘country’ responded: during the twelve weeks preceding the Autumn session between 1,200 and 1,300 meetings took place in support of the government and against the Lords” (Biagini 1992, 300).

⁷¹⁷Hartington, House of Commons, *Hansard*, March 24th, 1884, 3rd Series, vol.286, cc.710-11.

⁷¹⁸‘Justice’ had changed its meaning. For Liberals since the 1830s, justice for Ireland had meant equality and non-exclusivity. Hartington, however, argued that the House would be able to “mete out justice as well as fairness” and “political equality.” Justice now meant coercion acts.

representation or even a higher franchise: to argue this would be “to ignore the liberal character of the Legislature, and to admit the existence of separate nationalities. . . . The real representation of the loyal minority of Ireland is to be found, not in any artificial devices. . . but in the 550 Members for England and Scotland, the vast majority of whom agree more closely with the minority in Ireland than they do with the majority of Irish Members here.”⁷¹⁹ This was not a new sentiment; it had been the basis for the Act of Union. But its implication that Irish Catholics were outside the pale of the Liberal community was closer to the Conservative position of the 1830s than to any position publicly endorsed by a member of the Liberal leadership up to then.

Liberals stuck to their script of perfecting the Union.⁷²⁰ A Conservative MP, William Brodrick, moved that the words ‘United Kingdom’ be struck from the draft legislation, and replaced with ‘Great Britain.’ “What was the intelligence of these Irish serfs?” he asked. “The average intelligence of half-a-dozen of them would not make up the intelligence of one of the minors [miners sic] of the North of England.”⁷²¹ The measure failed to gain any significant number of Liberal adherents; it received only 137 votes to 332 against, “the largest majority ever recorded in favour of an extension of popular liberties” (O’Connor 1886, 527; cited in Jones 1972, 129). Nor was Ireland’s representation reduced from the 103 seats it currently held.⁷²² And in no election from 1885 until 1918 would Irish Nationalist parties win less than 70% of the Irish representation to Westminster.

It would be over the question of Home Rule for Ireland that the Liberal party would ultimately split. Liberal administrations, in Russell’s mind, had largely overcome Tory misgovernment; this progress would be undermined and further improvements impeded by Home Rule (1875, 191). Liberals such as Goldwin Smith believed that Home Rule would weaken the Empire, and thus weaken the cause of Liberalism (Smith 1885, 8). And it was over Home Rule that the claim that the Irish were racially unfit became more clearly expressed than during the previous several decades.

Speaking in favor of the Irish reform bill in 1850, Radical MP Joseph Hume implored the government to “take a liberal view,” and, referencing the recent extension of legisla-

⁷¹⁹Hartington, House of Commons, *Hansard*, March 24th, 1884, 3rd Series, vol.286, cc.711-12

⁷²⁰Gladstone, House of Commons, *Hansard*, May 1st, 1884, 3rd Series, vol.287, c.1088.

⁷²¹Brodrick, House of Commons, *Hansard*, May, 16th, 1884 3rd Series, vol.288, c.575, c.572, c.578.

⁷²²Conservatives and many Liberals insisted on a reduction in the Irish representation on the basis that their population had declined considerably since the Famine, while that of Great Britain had continued its increase. When Gladstone rejected a reduction, many Liberals turned toward supporting proportional representation for the “loyal minority in Ireland” (Jones 1972, 102).

tive institutions to the Cape Colony, to “treat the Irish as they treated Hottentots.”⁷²³ In 1886, while speaking on Home Rule for Ireland, the Conservative leader Lord Salisbury argued that self-government was not for all: “you would not confide free representative institutions to the Hottentots, for instance.” The Irish were “habituated to the use of knives and slugs” and were equally unfit for free institutions: “when you come to narrow it down you will find that this,—which is called self-government but is really government by the majority,—works admirably when it is confided to people who are of Teutonic race, but that it does not work so well when people of other races are called upon to join in it.” The language of racial fitness, however, also became more prevalent among Liberal Unionists—as the breakaway faction of Liberals was known. Many of them blamed the franchise reform of 1884 for Home Rule’s electoral success: “Is everybody, fit or unfit, entitled to the suffrage by the law of nature? Why, then, are not votes given to the two hundred millions of Hindoos?... [The Irishman’s] political instincts and habits are those of the tribesmen, not those of the citizen” (Smith 1885, 6–7).

Liberal unionists had various motivations for opposing Home Rule, and Curtis is certainly correct that a belief in the unfitness of the Irish for self-government was one of these (Curtis 1968, 4). They were operating within an increasingly racist political culture. And, with an explicitly nationalist Irish party in parliament and the post-1886 fracturing of the Liberal coalition, they were freed of the partisan commitments that had constrained their ability to participate in anti-Irish discourse. But it would be inaccurate to say that they abandoned the Liberal vision. Rather, they reconsidered where Ireland fitted within this framework. Smith claimed to believe that the Irish were capable of being “train[ed]. . . for a full and active partnership in those free institutions which are the original patrimony of the Anglo-Saxon” (1886, 22). The Irish apprenticeship to liberty was now to be extended centuries into the future, and would only be complete once the distinctive character of the Irish had been submerged under the English.

But this was a profound divergence from the longstanding rhetorical commitment among Liberals that the Irish were ready for and deserved immediate political equality and that this was the only basis upon which the Union could be secured or be considered legitimate. This shift in argument reflected a re-situating of how Ireland was understood, from being a constituent member of a perfectible Union, to being a colony composed of persons who were alien in blood and alien in religion and for whom political equality would have to wait for their progress in civilization.⁷²⁴

⁷²³Hume, House of Commons, *Hansard*, February 22nd, 1850, 3rd Series, vol.108, cc.1290-91

⁷²⁴As Lengel notes for the post-Famine period, “Ireland was no longer British, but colonial” (2002, 152).

Public Opinion and Liberal Principles

The Liberal narrative of progressive Britain was not important primarily for its persuasiveness. Its importance came from the perception among political operatives that violating its strictures would carry costs, while conforming to its principles would carry political and electoral benefits. Behavior that conformed to the strictures of the Liberal narrative—rhetoric, policy positions, and support of the variety of Victorian political projects—signaled that a political activist would faithfully adhere to Liberal principles. If one could not be trusted to oppose a monopoly in religion, how could one be trusted to oppose a monopoly in trade? If one did not believe in the capacity for progress, how could they be trusted, when the time came, to support an appropriately tailored expansion of the franchise?

And the success of the Liberal party ensured that its discourse permeated the political discourse of the country. Groups seeking free trade, the abolition of the death penalty, the protection of indigenous peoples, colonization, representative government in the colonies, and an extension of the franchise, all adopted its language in the belief that it would help secure a more favorable reception by the ascendant political party. By doing so, they encouraged the perception that the Liberal vision was “the solid permanent conviction of the nation.”⁷²⁵ This belief was embedded in the expectations of political operatives, Liberal and Conservative, and it conditioned their behavior accordingly.

Liberal Principles and Tory Rule

The Liberal narrative reflected the constitutive commitments of the coalition, but it also served ongoing political functions, helping to coordinate the amorphous and factious body of political operatives who were associated with the Liberal Party. The Liberal narrative was invoked to remind MPs of the catastrophe of Tory rule, an important consideration in a context where the fall of a government did not necessarily mean an election. And it was invoked to remind the leadership that electoral support depended on their adherence to Liberal principles and promotion of Liberal policies.

What united almost all Liberals was the belief that the Conservatives did not understand the progressive character of the British constitution and the “spirit of the age.”⁷²⁶

Even supporters of Home Rule, such as Edward Freeman, argued that Home Rule should be thought of in a colonial context, as a situation that would make Ireland a dependency of the U.K. (1888).

⁷²⁵Gladstone, August 30th, 1884 (Morley 1903, 128).

⁷²⁶Cobden, House of Commons, *Hansard*, March 13th, 1845, 3rd Series, vol.78, cc.809-10. See for instance

Conservatives were, in this telling, steadfastly opposed to all reform until it was wrestled from them. It was in contrast to conservatism that Liberals could claim to understand progressive improvement and non-exclusivity. As the *Eclectic Review* reminded its readers, “it is impossible. . . for those who are sincerely attached to the progress of human improvement, and the native rights of man,—all of which are comprehended when we say attached to civil and religious liberty—to contemplate the return of the Tories to office without alarm and indignation” (Stowell 1841, 97).⁷²⁷

When the Conservative Lord Lyndhurst proposed a restricted municipal franchise in Ireland in 1836 in terms suggesting national antipathy, Liberals pounced. Lyndhurst had said that the English settlers in Ireland “had to contend with a population alien to Englishmen, speaking, many of them, a different language, professing a different religion, regarding the English as invaders, and ready to expel them at the first opportunity.”⁷²⁸ Liberals invoked Lyndhurst’s observations to remind their coalition of the exclusivity that characterized Tory rule. A Liberal leader in the House of Lords denounced Lyndhurst’s remarks: “Was not that an attack that ought not to be made on them as British subjects?”⁷²⁹ Russell followed suit, quoting Lyndhurst as saying “three-fourths of the people of Ireland were aliens in blood, differing in language, differing in religion.”⁷³⁰ The incident caused considerable controversy at the time and almost a decade later Macaulay returned to it, attacking Conservatives for being “ready enough to call the Catholics of Ireland ‘aliens’ when it suits your purpose.”⁷³¹ In 1884, a Home Rule MP expressed shock at seeing that an amendment to the Reform Bill had been put forward “alleging that Irishmen are not entitled to the same franchise as Englishmen and Scotchmen”: “half a century ago a noble Lord—a great English statesman—startled his hearers. . . by the astounding utterance that the Irish were aliens in blood, language, and religion. . . . What is the Amendment if it be not a repetition in another form of the Lynd-

Russell, House of Commons, *Hansard*, March 21st, 1859, 3rd Series, vol.153, c.398; Colonel Sykes, House of Commons, *Hansard*, May 28th, 1868, 3rd Series, vol.192, c.987

⁷²⁷Osborne, House of Commons, *Hansard*, July 6th, 1848, 3rd Series, vol.100, c.170

⁷²⁸Lyndhurst, House of Lords, *Hansard*, May 9th, 1836, 3rd Series, vol.33, cc.734-35

⁷²⁹Marquess of Clanricarde, House of Lord, *Hansard*, May 18th, 1836, 3rd Series, vol.33, c.1048

⁷³⁰Russell, House of Commons, *Hansard*, June 9th, 1836, 3rd Series, vol.34, c.231. *Hansard* did not always provide verbatim quotes, and Lyndhurst initially insisted he had been quoted out of context. He would later deny he had made the statement as it was repeated by Liberals. House Lyndhurst, House of Lords, *Hansard*, June 10th, 1836, 3rd Series, vol.34, c.297. of Lords, *Hansard*, June 27th, 1836, 3rd Series, vol.34, cc.892-9; See also Sheil, House of Commons, *Hansard*, June 10th, 1836, 3rd Series, vol.34, c.365.

⁷³¹Macaulay, House of Commons, *Hansard*, February 19th, 1844, 3rd Series, vol.72, c.1188, c.1180; Earl of Granville, House of Lords, *Hansard*, June 29th, 1868, 3rd Series, vol.193, c.293, 297.

hurst declaration?”⁷³² This was by now longstanding Irish and Liberal rhetoric, one that reminded everyone in the coalition that the Conservatives could not be trusted to govern Ireland on principles of equality and non-exclusivity. And sure enough, when Lord Salisbury compared the Irish to ‘Hottentots,’ the same dynamic occurred. Most Conservatives defended Salisbury, suggesting both that he had been misquoted and that he was fundamentally correct.⁷³³ But Liberal leaders were delighted—“Salisbury’s speech!!” exclaimed Gladstone” (Steele 2001, 200): “for the next half-dozen years it would be safe to say that there was not one Liberal Meeting in ten at which some speaker did not repeat the assertion, that Lord Salisbury had declared Irishmen to be on a level with Hottentots” (Cecil 1921, 303).

When the Conservatives opposed a Liberal reform bill in 1852, ostensibly because there was no agitation and thus no “clear necessity” for reform, Russell asked the Commons to “recollect what has been the case with respect to the party opposite in regard to great measures. We all know that the just requests of the Roman Catholics of Ireland were denied until ‘a clear necessity’ arose in the shape of impending civil war.”⁷³⁴ The juxtaposition of Liberal progressive reform to Conservative intransigence was meant to ensure Liberal MPs were not tempted by Conservative reform proposals. Liberals warned their colleagues that “when it comes to great organic changes your own good sense and your instinct of party honour must tell you that a Conservative Government could not give the same kind of Reform as a Government which represents your views and is supported by your constituents.”⁷³⁵

And the Conservatives, as Liberal partisans never ceased to remind their colleagues, were the party of monopolies and class legislation in taxation, trade, politics, and religion, all of which were joined in Liberal rhetoric (Cowherd 1954, 136; Biagini 1992, 11; Parry 1993, 108).⁷³⁶ The Conservatives represented the “classes,” against which was arrayed the public: when Gladstone famously announced that “all the world over, I will back the masses against the classes,” he was deploying a language that had been familiar

⁷³²P.J. Smyth, House of Commons, *Hansard*, May 1st, 1884, 3rd Series, vol.287, cc.1115-16

⁷³³“The issue at present before Parliament in the Government’s Home Rule Bill is clearly focused.” *Aberdeen Weekly Journal* [Aberdeen, Scotland] 24 May 1886: p.4.

⁷³⁴Russell, House of Commons, *Hansard*, March 25th, 1852, 3rd Series, vol.120, cc.160-61. See also Grey, *Hansard*, House of Lords, June 19th, 1833, 3rd Series, vol.19, cc.1007-1010; House of Lords, *Hansard*, October 3rd, 1831, vol.7, c.965

⁷³⁵E. Bulwer Lytton, House of Commons, *Hansard*, March 22nd, 1859, 3rd Series, vol.153, c.544; Viscount Bury, House of Commons, *Hansard*, March 21st, 1859, 3rd Series, vol.153, cc.430-31; Bright, House of Commons, *Hansard*, February 28th, 1859, 3rd Series, vol.152, c.1022

⁷³⁶Gregory, House of Commons, *Hansard*, May 8th, 1865, 3rd Series, vol.150, c.1754.

to Liberals since the 1840s.⁷³⁷

Liberals invoked party principles to unite against the Conservatives, but also to pressure each other. Activists were frequently demanding that the Liberal leadership commit to “a straight forward and bold declaration of great principles of progression, and unwavering adherence to CIVIL, to RELIGIOUS, and to COMMERCIAL FREEDOM” (Stowell 1841, 108). When John Russell sought to block an effort by the Catholic Church to establish an official episcopate in England, fellow Liberals were appalled. One reminded Liberals of their founding principles: “They sat simply as representatives of the citizens of England—of that country which, pre-eminent as it was in civilisation, and intellect, and enlightenment, was most of all pre-eminent in its enunciation of the great doctrine of ‘civil and religious liberty.’” Roebuck expressed shock that “a liberal Administration—headed by one who had gained the honour and distinction of being the Prime Minister of a great liberal party—taking the first step backward;. . . at a time when onward progress was the distinctive mark by which on every occasion that nation held itself honoured. . . the first actual backward step was attempted to be taken.”⁷³⁸

When Conservatives suggested reform in 1859, Liberals reminded their leaders and colleagues of their commitment to reform: “he fully recognized the necessity of being bound by party ties; but, entertaining as he did a deep and solemn conviction, he should be unworthy of the confidence of his constituents if he hesitated” to support reform.⁷³⁹ The “Whigs” were “verging on the ‘obsolete,’” by having failed to pass reform: “let the Whigs then quicken their pace, and step forward with the advanced Liberals, if they wish to recover their position as leaders of the reform party throughout the country.”⁷⁴⁰ When the Adullamites were signaling that they might sink a reform bill under the Russell government, Liberals warned their colleagues to consider the pledges they had made: “is there any Member for a large and popular constituency. . . who does not know that when he comes before them he will be asked why it is a Reform Bill has not been carried in this Parliament, and that he will not be allowed to return to represent the Liberal party” unless he pledges to do everything to support reform?⁷⁴¹ In 1867, the Irish MP The O’Donnell said he was not worried that an Irish reform would be denied because “he

⁷³⁷Speech in Liverpool, June 28th, 1886 (St. John 2010, 245).

⁷³⁸A.J.B. Hope, House of Commons, *Hansard*, February 4th, 1851, vol.114, c.86; Grantley Berkeley, House of Commons, *Hansard*, February 4th, 1851, vol.114, c.107; Roebuck, House of Commons, *Hansard*, February 4th, 1851, vol.114, c.69

⁷³⁹Beaumont, House of Commons, *Hansard*, March 28th, 1859, vol.153, c.929.

⁷⁴⁰Arthur Elton, House of Commons, *Hansard*, June 8th, 1858, vol.186, c.1407

⁷⁴¹W.E. Forster, House of Commons, *Hansard*, May 8th, 1865, vol.178, cc.1641-42

felt confident that the Liberal party, which constituted a majority in the House, and an overwhelming majority in the country, would unite with those who really represented the Irish people in securing for Ireland. . . a measure of Reform, the same in principle, and in every respect as comprehensive as the measures adopted in the case of England and Scotland.”⁷⁴² This was not mistaken optimism, but rather an effort to remind Liberals of their commitments. And when Lowe opposed the Reform Bill in 1866, he was called upon by other Liberals to explain himself: “Gentlemen think it the height of illiberality on my part, and believe that I am abandoning the cause of progress. . . . I have been a Liberal all my life. I was a Liberal at a time and in places where it was not so easy to make professions of Liberalism as in the present day; I suffered for my Liberal principles, but I did so gladly.”⁷⁴³

After the 1881 elections, which returned a Liberal majority, members sought to remind the ministers of what brought them there: “Throughout the country. . . that which had united the Liberal Party at the last General Election was the question of the county franchise.”⁷⁴⁴ Supporters of women’s suffrage “appeal[ed] [to Liberals] on the ground that we desire to extend the franchise to all capable citizens,” and reminded them that “according to our professions on every hustings, . . . we have established it as a political axiom, that no class ever will receive legislative equality at the hands of another class.”⁷⁴⁵ And during debates on the 1884 Reform Act, Liberal MPs denied the suggestion of party disunity while reminding their potentially refractory fellow partisans of their commitments: “if the Liberal Party and the Liberal Government meant anything they meant this—that the majority of the electors were to choose the majority of the Representatives of the House of Commons.”⁷⁴⁶ Hartington reminded Gladstone—and moderate Liberals—that the Prime Minister had committed to being open on the question of redistribution and minority representation: “I do not expect that the sketch. . . given by the Prime Minister will satisfy the Opposition. . . but I think we may expect that the declaration of the Prime Minister. . . , will satisfy those who profess to feel confidence in the intentions of the Prime Minister and his Colleagues. . . . [I]t will not be denied that the Prime Minister is the most powerful Member of the Liberal Party, and that the decla-

⁷⁴²The O’Donnell, House of Commons, *Hansard*, June 28th, 1867, vol.188, c.712-13

⁷⁴³Lowe, House of Commons, *Hansard*, May 3rd, 1865, 3rd Series, vol.178, c.1439

⁷⁴⁴Arthur Elliot, House of Commons, *Hansard*, March 21st, 1882, 3rd Series, vol.267, c.1461

⁷⁴⁵Playfair, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, c.231; Bright, House of Commons, *Hansard*, May 4th, 1870, 3rd Series, vol.201, c.202; May 12th, 1870, 3rd Series, vol.201, c.622

⁷⁴⁶Fowler, House of Commons, *Hansard*, February 28th, 1884, vol.285, c.171; Trevelyan, House of Commons, *Hansard*, March 3rd, 1884, vol.285, c.444

ration which he has made of his own intentions on this subject carries with it a weight which attaches to the declarations of no other man in this House.”⁷⁴⁷

MPs were also signaling to their constituents and a broad public, through speeches reprinted in local newspapers and interest group newsletters, that a given measure entailed a broader threat to the Liberal political community. During the debates over the Conservative Irish franchise bill in 1840 and 1841 Liberal MPs warned that it was indicative of Conservative plans for the rest of the country, “the bill was neither more nor less than a disfranchising measure, and those who would inflict such a bill as that on Ireland, wanted not the will but the power to inflict the same on England.”⁷⁴⁸ With an election likely approaching, the meaning was clear.⁷⁴⁹ The Irish Repealers likewise used the opportunity to signal to English audiences the revival of recalcitrant Toryism: “It is as well, however, that the people of England should know what manner of man has become the standard bearer of Toryism.”⁷⁵⁰ Liberal leaders worry was that a sufficient number of Liberal MPs would vote for the Conservative measure, and sought to cast the bill in terms that would concern their fellow partisans and hold the coalition together.

But the effort to signal, and to force their opponents to reveal their policy positions, was an ongoing element of the politics over the franchise. During a late session, one MP insisted on continuing debate and a division, “He should like to know the opinion of these Gentlemen at the present moment. [An Hon. Member: Not to-night.] Oh, yes; to-night. An election was coming on, and it was necessary that the constituents of hon. Gentlemen should know on what ground they stood.”⁷⁵¹ But the beliefs of MPs about the opinions of the voters to whom they were signaling changed over time. This is most clearly seen in the running struggle over how the Conservative Party should seek to compete during a period of Liberal ascendancy.

Conservative Reaction and Progress

The new Conservative Party, established by Peel, insofar as it was distinct from the Tories of the pre-1832 period, had its origin in an anti-Irish ‘No-Popery’ campaign coordinated by *The Times*, whose publisher had “acquired a distaste for Whiggery” and

⁷⁴⁷Hartington, House of Commons, *Hansard*, March 24th, 1884, 3rd Series, vol.286, cc.707-08.

⁷⁴⁸W. Somerville, House of Commons, *Hansard*, May 18th, 1840, 3rd Series, vol.54, c.188

⁷⁴⁹Russell, House of Commons, *Hansard*, May 18th, 1840, 3rd Series, vol.54, c.201, c.203; Macaulay, House of Commons, *Hansard*, June 19th, 1840, 3rd Series, vol.54, c.1355.

⁷⁵⁰Sheil, House of Commons, *Hansard*, February 24th, 1841, vol.56, cc.1012-13

⁷⁵¹Charles Napier, House of Commons, *Hansard*, February 23rd, 1847, vol.90, c.427

decided to “shift the ideological position of his newspaper” (Hudson 1943, 81; Cahill 1957, 67).⁷⁵² But both Peel and Disraeli recognized that to compete in the post-Reform Act electoral environment made it necessary to appeal beyond the Church of England. But Dissenters were committed to Liberalism and rallied around the banner of ‘civil and religious liberty.’⁷⁵³ When an influential dissenter defended the Irish Church before a meeting composed largely of Orangemen, he was denounced by the Liberal journal *The Patriot* for having converted “from English Liberalism to Irish Orangeism” (Machin 1967, 72). The *Eclectic Review* would write in 1847 that “We have no sympathy with the political protestantism which shows itself in the old ‘No Popery!’ cry. We have suffered from its intolerance. We detest it from our very souls.”⁷⁵⁴

But much of the Conservative party believed otherwise, “Our great force has been Protestantism, we began the re-action with it; every step of success has been founded on it.”⁷⁵⁵ In 1849, Lord Stanley believed that Catholicism was “revolting the feelings of a great majority of English and Scottish people” and exploiting this sentiment would win elections (McLeod 1999, 53). As late as 1854 Disraeli was asking “Have we or have we not a Protestant constitution?”⁷⁵⁶ Disraeli’s invocation of the Protestant Constitution brought him acclaim from the Conservative base, but he believed it hurt the party electorally. Stanley wrote to him shortly after, “in the summer of 1852 you repeatedly told me that our chance at the elections had been ruined by our taking up high Protestant politics. I agreed with you then, as I do now. Shall we gain in 1854 by repeating the mistake of 1852?” (Monypenny and Buckle 1914, 544–45).

They were also unsure how to accommodate their rhetoric to the Liberal narrative of progress. During the 1840s and 1850s, many Conservative Party members insisted that the reforms of the Whig and Liberal government had been detrimental to the country.⁷⁵⁷ Disraeli and other leaders initially mocked Liberals’ language of progressive improvement and their conceit that they were essential to the Constitution: “I do not mean, by the term constitution, merely the House of Commons, and still less a particular party in the House, which some hon. Gentlemen opposite seem always to consider the English

⁷⁵²Memoirs of Charles Greville, entry for November 19th, 1834 (Greville 1875, 155). *Times* [London, England] 29 Dec. 1836: 2. “Ireland.” *Morning Post* (London) 23 Mar. 1837.

⁷⁵³“No Popery.” *Morning Chronicle* (London) 30 Apr. 1835, p.4.

⁷⁵⁴Declaration of the Dissenters’ Parliamentary Committee, *Eclectic Review*, September 1847, in Machin (1967, 80).

⁷⁵⁵Ashley to Bonham, December 4th, 1839. Cited in Newbould (1983, 554).

⁷⁵⁶As reported in *The Protestant Magazine*, the publication of the Protestant Association (1854, 269–70).

⁷⁵⁷Lord J. Manners, House of Commons, *Hansard*, May 18th, 1843, 3rd Series, vol.69, c.526; W. James, House of Commons, *Hansard*, May 18th, 1843, 3rd Series, vol.69, c.527

constitution.” He argued the country would prefer “the liberty we now enjoy to the liberalism they promise.”⁷⁵⁸

But he recognized its increasing resonance with the population, and wanted to carve a space for Conservatives within an otherwise Liberal political discourse. As Disraeli remarked in a letter to Lord Stanley, urging him to run for the commercial seat of Manchester, the Conservative Party needed to demonstrate to the country that “the *old* Whig monopoly of Liberalism is *obsolete*... [that] we represent progress, which is essentially practical, against mere Liberal opinions, which are fruitless.” Disraeli insisted that “we should carry into effect our policy by elevating and enlightening Conservative sentiment, not outraging it, or mimicking mere Liberalism.”⁷⁵⁹ And so in speeches to Conservative audiences, he asked Conservatives “not [to] place themselves in the unfavourable position of saying on... [any] great public question that they are opposed to all change. That is a difficult position to occupy.” Conservatives must be “in favour of progress,—in favour of the political, social, and intellectual progress of this country.”⁷⁶⁰ Disraeli was educating the party in the use of a resonant discourse in order to deny the Liberals the claim of a monopoly on progressive statesmanship.⁷⁶¹

And so he protested “against being placed in the category of finality.”⁷⁶² Upon forming a government in 1858, the Earl of Derby (former Lord Stanley) told the Lords that, “there can be no greater mistake than to suppose that a Conservative Ministry necessarily means a stationary Ministry.” “We live in an age of constant progress—moral, social, and political... Our constitution itself is the result of a series of perpetual changes... My Lords, in politics, as in everything else, the same course must be pursued—constant progress, improving upon the old system, adapting our institutions to the altered purposes which they are intended to serve, and by judicious changes meeting the increased demands of society.”⁷⁶³ And there was a gradual convergence of Conservatives around the idea of progressive improvement. Attacking his party leader over a limited reform measure in 1859, H.G. Sturt insisted that he supported the enfranchisement of the working classes “because he was a Conservative” and that the true “Conservative was that man who advanced with the times in which he lived, and who supported progressive

⁷⁵⁸Disraeli, House of Commons, *Hansard*, June 20th, 1848, 3rd Series, vol.99, c.965; June 20th, 1848, 3rd Series, vol.99, cc.957-58; February 1st, 1849, 3rd Series, vol.102, c.103

⁷⁵⁹To Stanley, October 24th, 1858 (Buckle 1916, 176).

⁷⁶⁰‘Mr. Disraeli In North Buckinghamshire.’ *The Times* 21 May 1857, p.9. See also Saunders (2011, 107).

⁷⁶¹Disraeli, House of Commons, *Hansard*, June 20th, 1848, 3rd Series, vol.99, c.965

⁷⁶²Disraeli, House of Commons, *Hansard*, June 20th, 1848, 3rd Series, vol.51, c.801

⁷⁶³Earl of Derby, House of Lords, *Hansard*, March 1st, 1858, 3rd Series, vol.149, c.41

improvement.”⁷⁶⁴

Many Liberals welcomed the Conservative openness to the cause of reform, recognizing that this meant a more profound acceptance of Liberal ideas: “nobody could doubt the march of intellect and the progress of opinion when they heard such liberal sentiments coming from that portion of the House which used to be called the Tory camp.”⁷⁶⁵ By 1867, Bright was both mocking Conservatives for coming “before us as Reformers” and expressing his gladness that “you are Reformers; what is more, you will be glad of it too hereafter; and your children, when they look back on the records of this Parliament, will judge you the more favourably as the more honestly, generously, and completely you do the work which now apparently you are permitting Ministers to try to do.”⁷⁶⁶

By the 1870s, Disraeli had largely accomplished what Peel had attempted: the accommodation of the Conservative Party to the new electorate and ideological regime established in 1832. But in the process, he had also helped consolidate and advance another idea of political community. Disraeli had sought to “harness[] patriotism to the Conservative party” and advanced “an unashamed, militant, illiberal, and undemocratic spirit glorying” in the empire (Eldridge 1996, 70, 72). While maintaining Liberalism’s belief that different institutional regimes were suited to different peoples, this was now more than ever rooted in an ostensibly essential racial characters.

Conclusion

The narrative of political community advanced by Liberals, with its emphasis on progress, non-exclusivity, and racial amalgamation, did not uniquely cause the inclusions or exclusions of the Victorian era. Rather, it provided a set of rhetorical and behavioral standards, and activists came to expect that violating these standards would entail political and electoral costs. And the broad popular resonance of British Liberalism meant that political operatives were cautious about violating its terms. This did not do much for Ireland, but it was an important factor in securing the Irish Franchise Act of 1850 and crucial to the Reform Act of 1884. While explicit racial disfranchisements were ruled out in the colonies, other means that achieved a broadly similar end were employed;

⁷⁶⁴H.G. Sturt, House of Commons, *Hansard*, March 21st, 1859, 3rd Series, vol.153, cc.426-27; Ker Seymer, House of Commons, *Hansard*, March 21st, 1859, 3rd Series, vol.153, c.434

⁷⁶⁵Roche, House of Commons, *Hansard*, February 9th, 1852, 3rd Series, vol.119, c.293; Locke, House of Commons, *Hansard*, March 28th, 1859, 3rd Series, vol.153, c.957

⁷⁶⁶Bright, House of Commons, *Hansard*, February 25th, 1867, 3rd Series, vol.185, c.972

but Liberal commitments did shape the forms of exclusion in the colonies, sometimes with lasting repercussions as with the New Zealand Maori franchise and the Qualified Franchise in the Cape Colony/Province. And while working class activists were able to secure important extensions of the franchise in 1867-68 and 1884, there was a steady abandonment of more inclusive suffrage standards. It took 34 years after the Third Reform Act to achieve a male citizen standard with a short residence requirement, and during this time there was very little organized support for a further extension.

The ideas of British Liberalism provided an interpretation of agitation and disturbances in Britain, in Ireland, and in the Empire; and drawing on a narrative of English historical development, it suggested a response. But just as importantly, the belief in the resonance of Liberal language of political community conditioned what forms of suffrage changes they believed they could and could not be seen as supporting, contributing to the particularities of democratization in the UK.

Chapter 9

Democratization in France, 1789-1962

“Sovereignty resides in the universality of French citizens.”
—Article 1, Constitution of 1848.

Introduction

The website of the French National Assembly maintains a series of pages on ‘The Republic and Universal Suffrage,’ which tell the story of the right to vote and its role in French Republican history. The narrative presents universal suffrage and the Republic as having been natural companions for over two centuries, showing an “infinite” capacity for rebirth and expansion. “The universality of the suffrage,” the website continues, “does not signify that it is given to all. The suffrage is, in effect, submitted to certain conditions. . . . The universality of the suffrage results from the assimilation of the status of elector to that of citizen.” The site’s historical narrative locates the inauguration of universal suffrage in 1848, nearly 100 years before the enfranchisement of women in 1944. The narrative acknowledges what it calls suffrages’ “forgotten”: women, 18-21 year olds, and those serving in the armed forces. These later enfranchisements are described as “the extension of universal suffrage,” suggesting a simple articulation of an established institution. The exclusions from the right to vote in the former colonies and the departments of Algeria are left unmentioned. “To republican universal suffrage,” the narrative concludes, “we owe nearly everything.”⁷⁶⁷

The course of democratization in France before 1870 is often portrayed less as a progressive trajectory than a whipsaw between otherwise static states, with responsible

⁷⁶⁷See the series of links at http://www.assemblee-nationale.fr/histoire/suffrage_universel/. Accessed June 1, 2013.

legislatures exchanged for a broadly inclusive franchise or vice versa. The immediate post-1870 period is treated as centrally important in the development of democracy in France, not because manhood suffrage was in doubt but because parliamentary authority was not yet consolidated (Acemoglu and Robinson 2006, 67; Collier 1999, 44; Rueschemeyer, Stephens, and Stephens 1992, 90).⁷⁶⁸ In these accounts it is the 1877 victory of parliamentary government over the power of an unelected President that marks the accomplishment of democratization.

This history is misleading. For one, that male citizen suffrage survived the collapse of the Second Empire is in many ways surprising and should not be taken for granted. The conservative majority elected to the National Assembly in 1871 preferred restricting the franchise, and over the course of two years invested considerable time and energy to this effect. Moreover, there was considerable antipathy to “universal suffrage” among political elites of all factions: liberal monarchists believed it was incompatible with the protection of property and the family; republicans and monarchists bitterly recalled that peasants and workers had voted for Louis-Napoleon, had ratified his coup, and had approved of his empire; socialists were well aware that it had been a government elected by universal suffrage that had repressed workers’ movements in 1848 and 1871, and many were skeptical about the prospects for gains under “bourgeois parliamentarianism.”⁷⁶⁹ The years 1871 to 1877 were a critical juncture, with the heightened capacity to re-shape institutions and political order that the concept implies. Deputies to the National Assembly were free to design new institutions, and were nearly unanimous in their disdain for the institutions of the Second Empire. Foremost among these institutions, and crucial to the Empire’s legitimation, was “universal suffrage.” The suffrage qualifications were far from given, and that they survived relatively unchanged requires explanation.

There is also another reason that ending the story of French democratization with the victory of parliamentarianism is misleading. For all the republicans’ insistence on

⁷⁶⁸Acemoglu and Robinson note that 1877 marked the year when “democracy with complete male suffrage was established, although other reforms, such as the secret ballot, were only introduced later in 1912” (2006, 67). Male suffrage, in their telling, had been achieved and consolidated by 1848 (2000, 1189). Of course, other reforms than the secret ballot had not yet been accomplished.

⁷⁶⁹The argument in Acemoglu and Robinson’s “Democratization or Repression” is that the elite will chose between either full democratization or repression, as anything else would signal weakness and only make the threat of revolution more likely (2000). The dynamics of 1870-1875 in France do not provide much support for this. There was a near total elite consensus in support of suppressing the Paris Commune, killing more people in the ‘bloody week’ than had been killed during the entire two years of the Terror; there was little hesitancy to repress. Rather, the successful establishment of a relatively democratic republic was the result more of political and ideological organizing than of an actual threat of violent revolution. This will be discussed in Chapter 10.

“le suffrage universel,” in 1910 there were over 15 million disfranchised adult French nationals living in departments that elected representatives to the Chamber of Deputies, against 11 million electors.⁷⁷⁰ If the survival of male citizen suffrage in the 1870s is surprising, so too is how few changes there were over the subsequent decades. Soldiers were disfranchised for the entirety of the Third Republic, a substantial exclusion given the existence of a conscript army in which every French male citizen was ostensibly obliged to serve. More significantly, all French women, the indigenous Muslims of Algeria, and of some, but not all, categories of indigenous subjects in colonies with parliamentary representation were excluded, and this was a recurring source of debate and political controversy. In 1944 indigenous Algerian males were enfranchised, followed by French women, soldiers, and eventually many categories of natives in the colonies. All of these enfranchisements were proposed, debated, and ultimately defeated on several occasions under the Third Republic.

This chapter outlines the exclusions and inclusions associated with French democratization, and sets up the central patterns to be explained in the subsequent chapters, namely the surprisingly durable inclusion of male citizens, the surprisingly durable exclusion of French women, and the glaring and contradictory exclusions of indigenous, and especially Muslim, subjects. The focus in the case study will be on the Third Republic, and so I also outline this period’s political and institutional context. The purpose of the Chapter 10 will be to demonstrate how Republicans fashioned a narrative of French political community that facilitated a broader republican coalition capable of maintaining popular support and establishing a new regime. Chapter 11, the last of the French chapters, will demonstrate how the narrative of political community became embedded in the expectations of political operatives, such that all reform projects were interpreted relative to the inviolability of citizen suffrage and their implications for the survival of the regime.

This chapter proceeds as follows: I begin by outlining the trajectory of the suffrage, from the Revolutionary period through to the end of the Fourth Republic, highlighting the exclusions and disfranchisements often obscured by a narrative of ‘all-or-nothing’ democratization. The focus of the French case study is on the Third Republic (1871-1940), and so closer attention is given to this period than the others. I then turn to a discussion of the institutional and partisan context of Third Republic, the political

⁷⁷⁰This included the French nationals in Algeria, male and female, who were not citizens; French nationals in Senegal not born in one of the Four Communes, male and female; and the French nationals in Cochinchine, male and female, who were not citizens. It also includes adult French women.

contests of which reflected the institutional compromises and ideological debates of the 1870-1877 period.

The Franchise in French History

Estates-General

There was no established and institutionalized form of national representative government in absolutist France. Nonetheless, French electoral institutions and the franchise were legacies of one of the final acts of the *ancien regime*, namely the calling of the Estates-General in 1789 (Crook 1993). As the last one had sat in 1614, there were no clearly established electoral procedures (Furet 1988, s62), and it was ultimately decided that elections to the Third Estate would be by “all the inhabitants. . . , born French or naturalized, twenty-five years of age, domiciled and on the role of contributors.”⁷⁷¹ In the towns, the inhabitants would assemble by corporate guilds to elect deputies, who would then choose from among their number deputies to the district level preliminary assembly. The preliminary assembly would elect one quarter of its members, who would be assembled with the other two orders of the district (the nobility and the ecclesiastical orders) to elect the deputies to the Estates-General in Versailles (Brette 1894; Furet 1988; Weil 1895, 3-4).

The corporations were treated unequally, and journeymen, migrant workers, adult sons lacking a separate entry on the tax rolls, and the landless in towns where the poll tax was paid by the community were all excluded (Crook 1996, 13).⁷⁷² Nonetheless, most historians conclude that outside of Paris, where special arrangements were made to exclude the laboring classes, “the elections to the Estates General were conducted on an extremely broad basis,” while the successively smaller electorates greatly diminished the representation of the popular classes (Crook 1996, 15, 25; Furet 1978, 62).

National Assembly and the Revolutionary Period (1789-1795)

On July 14th, the Bastille was taken. In August, 1789, the Third Estate, now calling itself the National Assembly, abolished feudalism and published the Declaration of the Rights of Man and of the Citizen. The 3rd Article of the Declaration stated that “all sovereignty

⁷⁷¹Article 25, Convocation des États Généraux, Règlement Général du 24 Janvier, 1789 (Brette 1894, 76-77).

⁷⁷²Journeymen were members of the guild corporation but were not entitled to attend the guilds' general assemblies (Crook 1996, 12).

resides essentially in the Nation” and that “no body nor individual may exercise any authority which does not proceed directly from the nation.”⁷⁷³ Two years later, the Assembly passed a Constitution establishing a representational system and franchise qualifications for subsequent elections.⁷⁷⁴

The Constitution of 1789 famously distinguished between “active citizens” and “passive citizens,” an innovation of Abbé Sieyès:

“All the inhabitants of a country must enjoy the rights of passive citizenship: . . . not everyone has the right to take an active part in the election of public officials; not all are active citizens. Women, at least in current circumstances, children, foreigners and those who make no fiscal contribution to the state should not directly influence public affairs. . . . [O]nly those who pay taxes are real stakeholders in the great social enterprise” (Sieyès 1789a, 21).

Active citizens were men who were born or who had become French, 25 years of age or older, domiciled in a city or canton for a period to be established by law, and had paid a direct tax of the value of three days of labor. Hired servants were excluded, and active citizens were required to be registered in the National Guard and to have taken the civil oath.⁷⁷⁵ Those who had declared bankruptcy and had not entered into an agreement with their creditors, as well as those who were being prosecuted or convicted, were disfranchised.

The Constitution retained successive stages of election but imposed a more exclusionary qualification to be eligible for election as second stage elector, and an even higher qualification to be eligible for election as a deputy to the National Assembly. Robert Palmer estimates that about 70% of men over the age of 25 could vote, about 50% of these could serve as second degree electors, and 1% could serve as a national deputy (1959, 526). Initially, second degree electors were required to have paid a tax equal to 10

⁷⁷³The 6th Article stated that “law is the expression of the general will” and “every citizen has a right to participate personally, or through his representative, in its foundation.”

⁷⁷⁴The National Assembly established by the Constitution of 1791 included 745 elected representatives from the newly established departments, allocated on the bases of property, territory, and population. Of these representatives, 247 were allocated according to territory, with each department having three representatives, excepting Paris, which would have one; 249 representatives were allocated to each department according to population; and 249 representatives were allocated to each department according to its share of taxation. These were separate from any additional representatives that might be accorded to the colonies.

⁷⁷⁵A minimum and maximum value of three days’ labor was to be set by the legislature every 6 years, and the departmental administrator was to determine the value within this range based on local conditions.

days of labor, while to be elected as a deputy, one had to pay a direct tax of 54 livres, but in August 1791 the Assembly significantly raised the qualifications for second degree electors: to be eligible as a second degree elector would now vary depending on whether the election was held in the countryside or in a town, and with the size of the town.⁷⁷⁶

The monarchy was abolished on August 10, 1792; over the next two days the Assembly organized elections for a constitutional convention, eliminating the taxpaying qualification but retaining the two-stage electoral system. The new franchise did not abolish pecuniary qualifications, as is often claimed, but limited this to French males “aged twenty-one years old, resident in the canton for one year, living upon an income or from the proceeds of employment, and not working as a domestic servant” (Duvergier 1824, 349; Crook 1996, 81).⁷⁷⁷ Second degree electors and deputies had to meet the same requirements, but be 25 years of age.

The Convention drafted the Constitution of 1793 (Year I), which established a unicameral legislative body and extended the franchise to all French males 21 years of age and resident in a canton for 6 months.⁷⁷⁸ It did away with second stage voting, and so would have effectively established direct manhood suffrage. But the Constitution of 1793 would never be put into effect, suspended by decree and sidelined by the Terror.⁷⁷⁹ There were no elections under this constitution, and so we lack information on the size of the electorate at the national level. Some departments did, however, compile electoral registers in anticipation of the Constitution’s implementation. Crook notes that if all adult males had been enfranchised, it would have amounted to approximately 28% of the population; and in Côte d’Or an electoral survey in 1794 showed 25.9% of the population enfranchised under the provisions of the 1793 Constitution (1996, 83). Given the continuation of residence and citizenship requirements, it seems reasonable to assume

⁷⁷⁶In cities with more than 6,000 persons, the second stage elector now had to be the owner or user of property whose revenue has been valued at the equivalent of 200 days of labor, or to be the renter of a household rated at the equivalent of 150 days of labor. These values were set at 150 and 100 days, respectively, in towns of fewer than 6,000 persons. In the countryside, the elector had to be the owner or user of property valued at the equivalent of 150 days of labor, or be the farmer or tenant of property valued at 400 days of labor.

⁷⁷⁷See for instance Huard, who suggests that the elections marked the abolition of pecuniary qualifications (1991, 25).

⁷⁷⁸I include both the Gregorian calendar as well as the republican calendar dates during the revolutionary era. I give the Gregorian calendar date for all documents and events, but include the Republican equivalent during the relevant years in parentheses.

⁷⁷⁹As Patrick Weil points out, the Constitution was put into effect and only the sections concerning representation were suspended, as the decree of October 10, 1793, held that “the provisional government of France is revolutionary until the peace” (2002, 24).

that approximately 25% of the population, or approximately 7,100,000 persons, would have had the right to vote.

The Directory, the Consulate, and the Empire (1795-1814)

The Constitution of 1795 (Year III) established a five-member executive and a bicameral legislature. Citizenship was limited to males 21 years of age or older, resident in the Republic for 1 year, and having paid a direct tax on real or personal property; no taxation was required of those who had fought in republican wars. The right to vote was suspended for domestic servants, and the status of citizen was removed from members of foreign corporations which recognized distinctions of birth (nobility) or required religious vows, as well as felons, the bankrupt, those judged to be mentally incompetent, and those who had served foreign powers.⁷⁸⁰ To register as a citizen one needed to know how to read and write, as well as know a mechanical profession (which included agriculture), but this would only come into effect in 1805 (Year XII). Second stage elections were re-established, largely reproducing the Constitution of 1791's qualifications.

The Constitution of 1799 (Year VIII) further concentrated power in the executive—the three Consuls, with Napoleon Bonaparte becoming the effective ruler as First Consul (Woloch 2002). A “Conservative Senate” was established, composed of 80 members for life appointed by the Senate upon the recommendation of the Legislative Corps, the Tribunate, and the First Consul.⁷⁸¹ The Legislative Corps, in turn, was selected by the Senate, its powers limited to voting on bills. The Legislative Corps, the Consuls, and the Tribunate were named by the Senate: there was no more election for national office, but rather a complex system of nominations. The citizens of every commune domiciled for one year chose 1/10 of their number to be placed on a “list of confidence,” from which all public functionaries at the communal level were chosen (Duvergier 1826, 24). Domestic servants and the bankrupt continued to be excluded, but no tax contribution was required. Those on this list in turn vote 1/10 of their number to be placed on a departmental list, from which all departmental level functionaries were chosen. And again those elected to the departmental list chose 1/10 of their number who are placed on a national list of confidence, from which national public functionaries—including

⁷⁸⁰Title II, Articles 8-16 (Duvergier 1825, 279). In 1795, the ex-nobility, refractory priests, émigrés and their parents were disfranchised (Rosanvallon 1992, 196 fn.1).

⁷⁸¹The first 30 members of the Senate were to be appointed by Citizens Sieyès and Roger-Ducos and the second and third Consuls. When a majority of the Senate had been appointed, the Senate would resume the task of completing itself.

Senators, Tribunes, Consuls, and Legislators—were chosen.⁷⁸²

Table 9.1: Enfranchisement under Monarchical and Republican Electoral Systems

Electoral System	1 st Degree Electors (% of total pop.)	2 nd Degree Electors (% of total pop.)	
		Eligible	Elected
Estates-General	3,500,000 (12%)	3,500,000 (12%)	45,000 (0.16%)
Pre-August 1791	4,298,360 (15.6%)	2,500,000 (9.1%)	50,000 (0.18%)
Constitution of 1791	4,298,360 (15.6%)	1,500,000 (6.3%)	50,000 (0.18%)
Decree of August 1792	≈6,000,000 (21.3%)	≈4,300,000 (15.4%)	50,000 (0.18%)
Constitution of 1793 (Year I)	≈7,000,000 (26%)	—	—
Constitution of 1795 (Year III)	≈5,000,000 (17.5%)	≈1,500,000 (5.3%)	30,000 (0.1%)

Sources: Crook (1996), Rosanvalon (1992), Huard (1991)
Cole and Campbell (1989)

Yet another constitution was promulgated in 1802 (Year X) establishing Napoleon as First Consul for Life. The nomination system was retained for national and departmental office. All male citizens domiciled and registered, including domestic servants, in the canton convened in cantonal assemblies to select two electoral colleges: one for the arrondissement—effectively an electoral district—and another for the department, whose members were elected for life terms.⁷⁸³ Only the top 600 taxpayers in the department could be elected to the departmental college, who were to be Napoleon’s “representatives before the people and his point of contact with the nation at large” (Collins 1979, 90). Each college nominated two citizens to the list from which the Legislative Corps was chosen. The Senate continued to select members for national office from the lists pre-

⁷⁸²Given the fact that the Tribunate had 100 members, the Senate 80, and the Legislative Corps 300, there was always considerable discretion left to the Senate in selecting the members of the other bodies. The persons chosen for these lists are maintained so long as they are not explicitly replaced, which can only be done by a majority of the eligible voters of the highest list to which the person has been placed.

⁷⁸³As pointed out by Irene Collins, many historians continue to mistakenly argue that the arrondissement colleges elected the departmental colleges (1979, 90). Rosanvalon, among others, makes this error (1992, 202).

pared by the colleges. When the colleges had been depleted by one third, the cantonal assemblies would reconvene to return them to their initial size; the arrondissement and departmental colleges would meet every five years to prepare the nominating lists for the Legislative Corps, one-fifth of the colleges meeting per year.⁷⁸⁴ This system operated until the Restoration in 1814, although the supposedly annual one-fifth replacement of the Legislative Corps did not take place in 1810, 1812, or in 1814 (Beck 1974, 29).

Table 9.2: Enfranchisement under Nomination Systems

Constitution of 1799 (Year VIII)	1 st Degree	2 nd Degree	3 rd Degree	4 th Degree
	≈6,500,000 (22.3%)	≈650,000 (2.2%)	≈65,000 (0.2%)	≈6,500 (0.02%)
Constitution of 1802 (Year X)	Primary Assembly Voters	Eligible		Elected
	≈7,000,000 (25%)	Arrondissement	Department	Department
		≈7,000,000 (25.3%)	≈50,000 (0.17%)	24,600 (0.08%)
Sources: Crook (2000, 1996), Rosanvalon (1992), Collins (1979)				

The impact of the changes during the Revolutionary and Napoleonic periods is summarized in Table 9.1 and Table 9.2. From the Estates General on we see a very broad electorate, but one that is almost exclusively limited to the primary assemblies or first degree electors. Even the population meeting the qualifications to be a second degree elector, however, is considerably broader than that seen in the United Kingdom at the same period, and roughly equivalent to the non-slaveholding American states. But the actual electorate—that subset of the population who could vote directly for deputies—was much more constricted.

And, with the exception of the early republican period, these were not representative legislative bodies. A broad electorate was, in principle, supposed to attach the population to the state and provide the government a means of assessing the interests and needs of the people; it was not supposed to be the arbiter of power.

⁷⁸⁴The fact that the members of the colleges were elected to life terms, and could be removed only for having lost their rights of citizenship or for having failed to attend three successive meetings of the college, reduced the amount of electoral activity at the cantonal level.

The Restoration, Hundred Days, and Second Restoration (1814-1830)

The electoral system of the Restoration was established in the Charter of 1814, with an electoral law to follow. The Charter largely continued the Empire's Legislative Corps, but required deputies to be 40 years of age and to have paid a direct tax of 1000f. The electors in the colleges needed to be 30 years of age and pay a direct tax of 300f. The qualifications for cantonal assemblies were not specified and it is possible that this stage of elections were to be suppressed.⁷⁸⁵ No electoral law was produced, as the King fled on the return of Napoleon. Benjamin Constant drafted a new constitution, which continued the electoral system of 1802, but provided for direct elections from the *arrondissement* and departmental colleges to the Chamber of Representatives.⁷⁸⁶

After the defeat of Napoleon at Waterloo and the Second Restoration, the King established a new electoral system, which mixed elections with nominations: the colleges remained as before—persons who met the qualifications established in 1814, although the age requirement was reduced to 21 from 30, elected for life terms by the cantonal assemblies—but the *arrondissement* colleges now nominated candidates, and the departmental colleges chose the deputies, with at least half chosen among the *arrondissement* nominees (Beck 1974, 45; Duvergier 1827a, 15). To be elected, deputies had to be 25 years of age, a reduction from 40 years. Departmental electors, as under the earlier Napoleonic system, had to be on the list of the most heavily taxed.⁷⁸⁷

In February 1817, an electoral law placed the restoration regime on a new foundation. It gave the right to vote for deputies to all French males, not deprived of their civil or political rights, 30 years of age, or older, and paying 300f. in direct taxes (Duvergier 1827b, 100). There would be only a single electoral college, which would directly vote

⁷⁸⁵This is suggested by Crook (2000, 67), although the ordinance of July 31 1815, strongly implies that the colleges were still those nominated by the cantonal assemblies, in which there was near manhood suffrage (Duvergier 1827a, 21). For a discussion of the negotiations over the electoral law, see Collins (1979, 153).

⁷⁸⁶The Chamber was composed of 368 deputies elected directly by *arrondissement* colleges, 238 deputies elected by departmental colleges, and 23 deputies chosen by select departmental colleges from a list drawn up by chambers of commerce. The cantonal assembly would elect the departmental and *arrondissement* colleges, still on the broad suffrage qualifications that included nearly all French male citizens aged 21 years. Persons elected to the departmental colleges still had to be drawn from the list of the 600 highest taxpayers in the department. Elections were held under his system, and while chaotic and suffering from low turnout, the deputies elected tended to be closer in background and politics to the deputies of the late republic, rather than of the imperial period (Beck 1974, 38-43).

⁷⁸⁷Members of the Legion of Honor could be added by the prefect to the colleges, provided that any added to the departmental colleges paid 300f. direct tax. Given the new membership restrictions, the number of persons in the *arrondissement* and departmental colleges was an ongoing concern for the government (Duvergier 1827a, 15).

for deputies. It too would not last very long. In 1819, Abbé Grégoire—who during the Revolution had advocated the abolition of slavery, the emancipation of the Jews, the equality of races before the law, universal suffrage, and the execution of Louis XVI—was elected. He was denied his seat for having been a member of the Convention in 1792, and the Right quickly passed a new electoral law in 1820, the Law of the Double Vote. The electorate was once again divided into two electoral colleges at the departmental and arrondissement level.⁷⁸⁸ Two hundred and fifty eight deputies were elected by arrondissement colleges, which continued to require the 300f. direct taxation, although fewer types of taxes were counted toward this amount. But a subset of the arrondissement colleges—those who were in the top quarter of French arrondissement electors in the department—voted additionally in departmental colleges for 172 new seats.

Table 9.3 lists the approximate number of electors during this period. The column labeled ‘Singular Direct Electors’ is the most important, as it tallies the number of individual persons who had the right to vote directly for a deputy, avoiding double-counting for periods in which the same elector could vote in multiple assemblies.⁷⁸⁹ While the pre-1817 period theoretically rested on the cantonal assemblies—in which the bulk of the adult male citizen could participate—the relevant electorate was always in the colleges. The 1817 law was, by contemporaries and many historians, “considered . . . as a great victory won by liberalism at the time,” but it was also the first electoral system since the Estates General that did not rest in part upon the majority of the adult male population (Fyffe 1896, 227).

The July Monarchy (1830-1848)

In 1824 Louis XVIII was succeeded by the absolutist Charles X. In 1830, the Chamber voted no-confidence in the King’s government, and after supporters of the Crown had a weak showing in the subsequent elections he issued the July Ordinances, which included

⁷⁸⁸Those departments that only elected one deputy who were to meet in a single college. For those departments that only elected one member, the deputy was to be chosen by the departmental rather than the arrondissement college, but these colleges could include no more than 300 or 400 electors, depending on the size.

⁷⁸⁹For the One Hundred Days (Constant’s Charter of 1815), both the arrondissement and departmental colleges could directly elect the deputy, and members of one college could not be members of another. For the Restoration Charter of 1814, as modified in July of 1815, only the departmental electors could vote directly for deputies. There was considerable continuity in the number of singular direct electors during the years 1814-1830, with the exception of the pre-1817 Second Restoration period.

Table 9.3: Enfranchisement under the Restoration

Electoral System	Arrondissement Colleges	Departmental Colleges	Singular Direct Electors
<i>One Hundred Days: each college elects deputies directly, multiple membership prohibited</i>			
1815	47,000 (0.15%)	19,500 (0.06%)	66,500 (0.22%)
<i>Charter of 1814: arrondissement colleges nominate deputies, chosen by department colleges</i>			
1815	50,911 (0.17%)	20,711 (0.07%)	20,711 (0.07%)
1816	48,958 (0.17%)	20,066 (0.07%)	20,066 (0.07%)
<i>Electoral Law 1817: direct elections by departmental colleges</i>			
1817	—	110,000 (0.36%)	110,000 (0.36%)
<i>Electoral Law 1820: direct elections by colleges, dept electors vote in both colleges</i>			
1824	99,125 (0.32%)	24,423 (0.08%)	99,125 (0.32%)
1827	88,603 (0.27%)	21,748 (0.07%)	88,603 (0.27%)
1827	94,598 (0.28%)	23,280 (0.07%)	94,598 (0.28%)
Sources: Crook (2000, 1996), Rosanvalon (1992), Collins (1979), Stat. électorale (1881)			

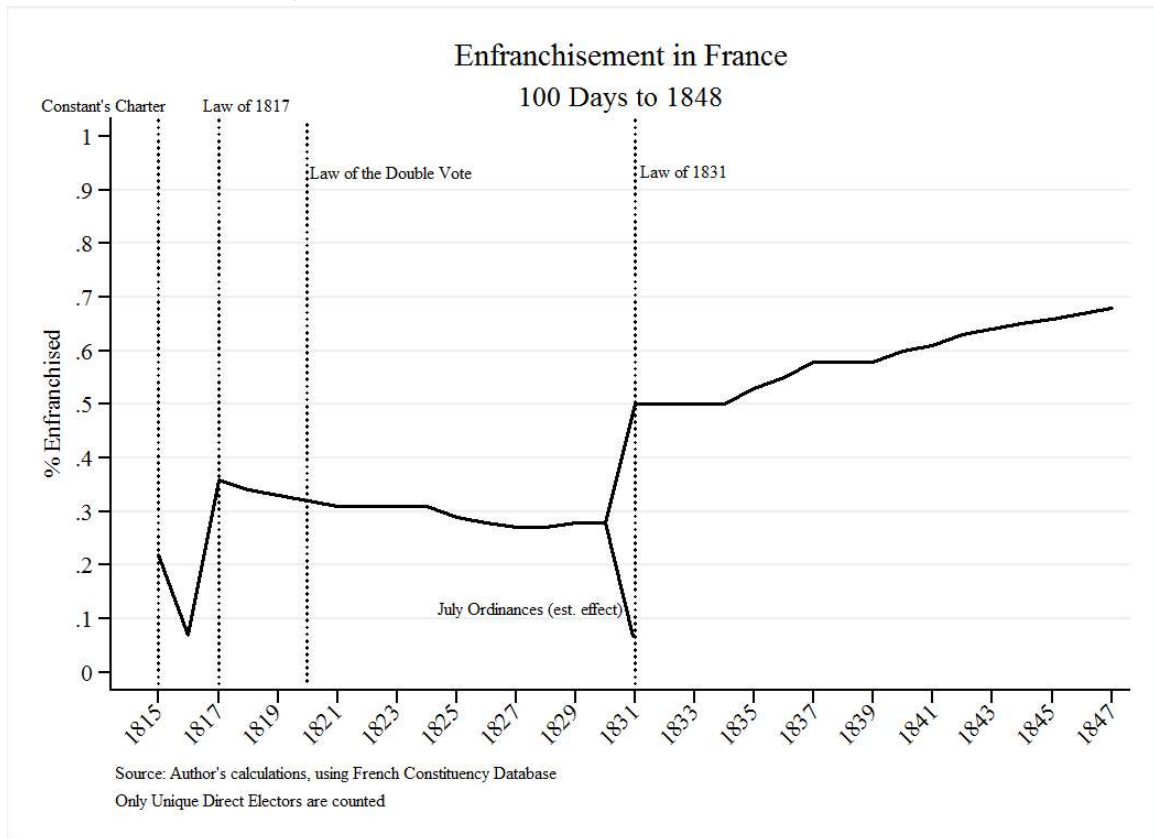
a severe restriction of the franchise: only electors in the departmental colleges, composed of the top quarter of those who paid above 300f. direct taxation, could vote, and the taxes that counted toward this amount were again restricted.⁷⁹⁰ The Ordinances provoked the July Revolution, resulting in the installation of Louis-Philippe, Duke of Orléans, as King.

The electoral system of the July Monarchy was established by the Charter of 1830 and the electoral law of April 19, 1831. The country was divided into single-member constituencies, which would directly elect deputies. The franchise was expanded to French male citizens over the age of 25 years and who paid 200f. direct taxation, as well

⁷⁹⁰ Additional restrictions included limiting the time in which the electoral register was shown to 5 days, thereby making it more difficult for an elector to assess whether they were on the register; and requiring the votes of each elector to be recorded (Duvergier 1831, 127–32). The effect would have been to reduce the number of singular direct electorate to the levels seen in 1815 and 1816, around 0.07% of the population and likely even lower given the restricted tax categories. A strict censorship regime was also imposed on the press.

as those who paid 100f. who were also members of the Institute or were officers in the army or navy.⁷⁹¹ Deputies had to be male French citizens over the age of 30 who had paid a direct tax of 500f. The electoral law nearly doubled the number of voters, from 94,000 in 1830 to 166,583 in 1831. Still, the average constituency was very small, and by 1846 only 61 of 459 districts had more than 800 electors, while 172 had fewer than 400 electors (Huard 1991, 23).

Figure 9.1: Enfranchisement in France, 1815-1848



The enfranchisement rate for this period, beginning with the Restoration, is graphed in Figure 9.1.⁷⁹² The estimated effect of the July Ordinances is also shown. Even after the Revolution of 1830, provoked in part by an effort to restrict the electorate, there was no popular representation and the electorate was a tiny fragment of the population.

⁷⁹¹These had to have a pension of at least 1,200f. and be domiciled in the arrondissement for three years (Duvergier 1838, 211). The type of taxes that counted to the 200f. amount was expanded.

⁷⁹²Note that the y-axis shows percentages. The scale ranges from 0-1%. Those electors with multiple votes are counted only once.

The Second Republic, 1848-1851

Increasing political repression during a period of prolonged depression led to the revolution of 1848. On February 24, the Paris city hall was overtaken and a provisional government was formed. On March 5 a decree announced elections for a constituent assembly, by “direct and universal” suffrage: all French males aged 21 years and not deprived of their rights and resident in the commune for 6 months could vote, while all French males aged 25 years not deprived of their rights were eligible. Eligibility was not tied to residence (Duvergier 1848, 92-94). The total number of representatives to the constituent assembly would be 900, including Algeria and the colonies, which would have 16 representatives (Duvergier 1848, 70-71). Elections would be secret and by list ballot, with each voter having as many votes as there were available seats.⁷⁹³

The number of electors increased from approximately 246,000 to nearly 10,000,000 – from 0.68% of the population to 27.4%, an increase of nearly 4000%. In one sense, the decree reinstated the broad electoral base that had, theoretically, existed until 1817.⁷⁹⁴ But the earlier systems had always been mediated through the successive rounds of nomination and election, with the electorates that directly chose the deputies being quite small. The constitutional convention elected in April and May 1848 maintained the commitment to near manhood suffrage, and the constitution’s first article declared that “sovereignty resides in the universality of French citizens. – It is inalienable and indefeasible. – No individual, no fraction of the people can claim to exercise it.” Article 24 declared that “suffrage is direct and universal” and the ballot is secret, while Article 25 provided that all French males, aged 21 years and not deprived of their political or civil rights, and without any condition of *cens*, were electors. There would be a single

⁷⁹³All citizens enrolled in the army or navy could vote. If they were on leave in their home commune, they were to vote there; otherwise, they would gather in regimental assemblies and divide into departmental sections, casting their ballots for their home departments (Duvergier 1848, 79). The residence requirement was specified in a follow-up instruction of March 8, 1848. Throughout this period, the bankrupt were excluded from political and civil rights (Duvergier 1838, 211). This remained the case in 1848: a decree of March 5th limited the suffrage to those who were not legally deprived of, or had suspended, their civil rights, while the subsequent instruction specified that the categories for which civil rights could be lost or suspended included naturalization in a foreign country, a felony conviction (unless there had been rehabilitation), convictions in which the loss of the vote had been specified as punishment, judgments for bankruptcy in which there had not been a subsequent settlement, and being a ward of a psychiatric hospital (Duvergier 1848, 76).

⁷⁹⁴The earlier existence of broad electorates underscores the magnitude of the change: the qualifications required for elections to the Convention in 1792 had built upon the earlier qualification of being an ‘active’ citizen, which in turn had been only modestly different from the franchise qualifications for the Estates-General. By contrast, in 1848 there was no preexisting broad electoral base.

representative chamber, which would sit for three years.⁷⁹⁵

Following what should now be a familiar pattern, the near manhood suffrage would not last long. In the May 1849 legislative elections, the conservative Party of Order won the majority of seats. But by-elections in 1850 saw the victory of socialist candidates, and the conservative majority decided to purge the electorate. The constitution had explicitly barred the use of a taxpaying qualification, and had set the age requirement at 21 years, so they raised the residence requirements, imposed new burdens on registration, and expanded the category of offenses for which the right to vote could be removed.

The Law of May 31, 1850, raised the residency requirement from 6 months to 3 years, and required that the elector have their principle domicile in the canton for the entirety of this period. Residence could be established by three years inscription on the list of taxpayers. For sons at home and who had not been personally rated for taxation, residence could be established by declaration of parents, step-parents, or other related elders who were themselves domiciled for three years. For domestic workers who primarily live with their employers, residence could be established by declaration of the employers. If a worker, domestic or otherwise, had worked for multiple employers over the course of the 3 years, a separate declaration was required of each of them. When domicile was confirmed by the tax lists, inscription on the electoral rolls was automatic; otherwise, a sworn declaration had to be submitted between the 1st and 31st of December each year.⁷⁹⁶

To the standard list of exclusions for certain crimes and bankruptcy were added persons convicted of outrages against public morality or religion; or who had attacked the principle of property and the family; persons convicted of vagabondage; and persons convicted of interfering with army recruitment.⁷⁹⁷ The right to vote was denied for 5 years for persons sentenced to terms of more than one month for rebellion or violence against public authority, for violating the 'club law' regulating political associations, for

⁷⁹⁵Before adjourning, the constituent assembly passed an electoral law which specified the conditions for denying an otherwise qualified French male citizen from having their name placed on the electoral list, or for having their inscription on the list suspended. These were largely the same as outlined by the March decree and subsequent instructions, and reflected longstanding French practice: persons convicted of a felony; those convicted to three months prison for theft, fraud, or usury; non-reconciled bankruptcy lost the right to have their names on the electoral list, while those accused of a crime or not appearing in court, and those interned in psychiatric wards had their names suspended. Certain functionaries were denied eligibility for election, as were those convicted of adultery (Huard 1991, 43).

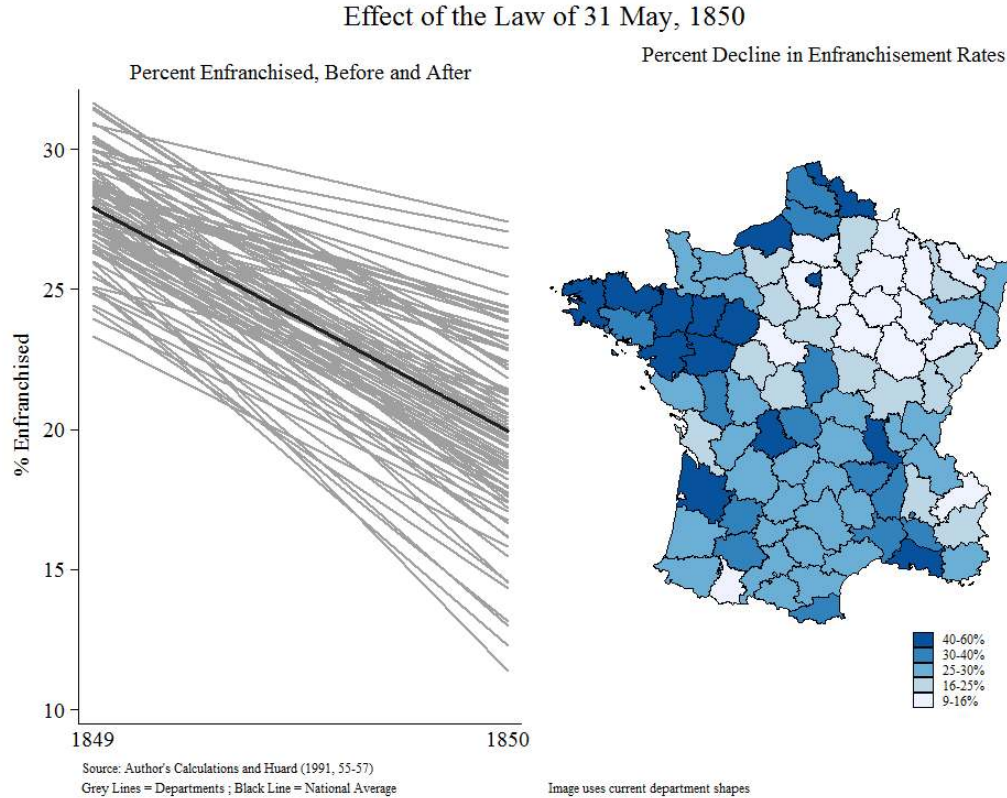
⁷⁹⁶When a parent or employer refused or was unable to make such a declaration, the justice of the peace could assess whether the domicile requirement had been met.

⁷⁹⁷Persons convicted of theft or fraud, who had been disfranchised if their prison sentence was greater than 3 months, were now excluded regardless of the length of their sentence.

illegally distributing pamphlets, and for soldiers who had been punished for various offences.

Of an electorate of approximately just under 10 million, 2,963,734 (30%) were disfranchised. Paris saw the greatest decline, with the city's electorate declining by 56.6%. The more working class districts of the city had their electorates nearly wiped out, with the 12th arrondissement seeing 74.6% of its electors disfranchised. The industrial city of Lille in the Nord department lost 80.3% of its electorate. Figure 9.2 shows the extent of disfranchisement at the departmental level. The left panel shows the decline in the enfranchisement rate for every department in France, as well as the national average, which declined from around 28% in 1849 to slightly above 20% in 1850.

Figure 9.2: Disfranchisement in the Second Republic



But while there were no departments unaffected, there was considerable regional variation. The right panel in Figure 9.2 divides the departments into quintiles, the darker regions showing a greater level of disfranchisement. The major areas affected

were the industrial regions of the north, the Rhône region, centered on Lyons, and the poor agricultural regions of Brittany and the Pays-de-la-Loire in the northwest. With the exception of the latter, these were areas in which the Montagnards—the democratic socialist faction—had performed well (Bouillon 1956). The L^égitimists, however, drew much of their support from the agricultural working class in the west, and many of their supporters outside of the Assembly opposed the law (Huard 1991, 57).

In November 1851, President Bonaparte proposed to the national assembly the reinstatement of manhood suffrage, which was defeated by 355-348 votes. On December 2, 1851 came the coup d'état.

The Second Empire, 1852-1870

The electoral system and franchise under the Second Empire were organized to accommodate a broad electoral base with a centralized authoritarian administration. The franchise qualification largely renewed the initial electoral law of the Second Republic.⁷⁹⁸ The most notable disenfranchisements were of the colonies and Algeria—which lost the representation in the legislative assembly—and of soldiers not on leave (“Statistique *électorale de la France*” 1881, 319). The country was divided into equal single-member electoral districts by ministerial decree, and redrawn every five years in order to secure the election of official candidates. An absolute majority of votes was required; but new candidates were now eligible to compete for the second ballot, a change that allowed the government to intervene where necessary to defeat opposition candidates (Cole and Campbell 1989, 5). There were relatively few restrictions on standing for election, but the government actively supported some candidates—the “official candidates” whose campaign expenses were paid for by the government—and used a variety of techniques to suppress others.

The Third Republic, 1871-1940

Following the collapse of the Empire during the Franco-Prussian War, elections to the National Assembly were held on the basis of the 1849 electoral law (Duvergier 1871, 7–9). A plurality, rather than an absolute majority of votes was required, and there was no residence requirement for eligibility: deputies could be elected in multiple departments,

⁷⁹⁸The imperial franchise did maintain the 1850 law's waiving of the residence requirement for religious ministers and functionaries

although they had to choose which department to represent.⁷⁹⁹ Algeria returned 6 deputies; Martinique, Guadeloupe, and Reunion returned 2 deputies; and Guyana and Senegal returned 1 deputy each. Soldiers on active duty were re-enfranchised. Despite a conservative majority, and despite the antipathy expressed toward ‘universal suffrage’ by influential deputies across the political spectrum, the electoral laws largely retained the right of French male citizens to vote based upon a not prohibitively lengthy residence requirement.

The right to vote was different for municipal and national elections, with the “political” rather than the municipal franchise being more liberal. Municipal electors list were divided into two categories: those who were automatically enrolled and those who had to request that their name be included. Various classes of taxpayers and those who were born in the commune were automatically registered if they were male citizens of the age of 21; otherwise, the elector needed to be resident 2 consecutive years and ask to be included on the registers. The municipal lists provided the basis for elections to the Chamber of Deputies, supplemented by an additional list for persons who were resident 6 months in the commune, and met the voting qualifications established in February 1852, but who did not meet the municipal qualifications. The electoral register for national legislative elections, then, was compiled in three sweeps: the automatic registration of persons of persons born in the commune, or on the tax roll or married and resident for one year; those who requested to be on the municipal registry and were resident two years; and those on the complementary list who were resident for 6 months. This had a significant effect on the enfranchisement rate in a department: those with a larger proportion of the electorate inscribed on the second list—meaning there was less comprehensive inclusion using the municipal list alone—had a considerably lower registration rate. The municipal franchise, however, was lowered to 6 months residence in 1884, removing any distinction between the parliamentary and municipal qualifications.

The electoral law of 1875 confirmed the exclusion of soldiers, who had been enfranchised in 1871 but disfranchised in 1872 (Duvergier 1875, 534).⁸⁰⁰ The National Assembly did, however, create a co-equal upper chamber elected by the members of department councils and delegates chosen by the municipal councils.⁸⁰¹ After Republicans and

⁷⁹⁹Adolphe Thiers was elected in 26, and Gambetta in 8 departments. As a result, by-elections had to be held in the 25 and 7 departments for which Thiers and Gambetta chose not to sit. This was magnified across the entire National Assembly, as many deputies ran in multiple seats to hedge their bets. As a result the by-elections would sometimes be miniature general elections.

⁸⁰⁰The exclusion of convicted criminals and the non-resolved bankrupt was also maintained.

⁸⁰¹Senators were chosen at the district level, by general ticket, by an electoral college consisting of depart-

Bonapartists won a series of by-elections in 1871 and 1873, the monarchist dominated chamber required that deputies be elected by an absolute majority, with a second ballot if necessary, and returned to the single-member districts of the second Empire (Cole and Campbell 1989, 49).⁸⁰²

The single-member district system was used until 1885, when the Republicans were able to secure the departmental list system. Electors could vote for persons across lists, but could not give more than one vote to any candidate, and an absolute majority was required (Cole and Campbell 1989, 52). The departmental list had a short life, and after General Georges Boulanger appeared to be gaining support for a coup, the republicans revised the electoral laws and reestablished the single-member *arrondissement* system favored by monarchists in 1875.⁸⁰³ For the remainder of the pre-WWI period elections would be held in single-member districts.

A very slight measure of proportional representation was implemented in 1919, but this system gave a benefit “to those parties that could form joint lists before the election, and discriminated against those which could not unite” (Cole and Campbell 1989, 65-66). In 1919 this favored conservative parties, and when the Radicals and Socialists came to power in 1924 they returned to the pre-war system, the last major revision to the electoral system before WWII.⁸⁰⁴

mental deputies, general councilors, *arrondissement* councilors, and delegates elected by each municipal council in the department from among the electors of the commune. Initially, each council elected 1 delegate; in 1884 this was modified to provide a measure of proportionality. The size of municipal councils was roughly based on the size of the commune. The law of December 9, 1884, provided that councils composed of 10 members would elect 2 delegates; those composed of 16 would elect 3 delegates; of 21 would elect 6; of 23 would elect 9; of 27 would elect 12; of 30 would elect 15; of 32 would elect 18; of 34 would elect 21; of 36 would elect 24; and Paris would elect 30. These delegates would then meet in the departmental electoral college along with the other senatorial electors to elect the Senator.

⁸⁰²There were some multi-member districts, but these were a minority.

⁸⁰³Between 1885 and 1889, representatives were allocated based not on the total number of inhabitants but on “inhabitants of French nationality.” This had the effect of reducing the representative of areas—such as along the borders and in the industrial regions—where there were a large number of non-citizens. Each voter had as many votes as there were representatives, and could use as many or as few of these as they chose. After 1889, representatives were again allocated based on the number of inhabitants rather than French nationals.

⁸⁰⁴The electoral law was changed in 1927, shortly before the next elections. After the war, a proportional representation system was used, but this too was modified for political reasons: the ‘Third Force,’ combining republicans and socialists, passed the electoral law of May 9, 1951, intended to reduce the support of Gaullists and the Communists. It did reduce the strength of Communists in 1953, who won 26% of the vote but only 16% of seats, but had a lesser effect on the Gaullists, who won 22% of the vote and 19% of the seats. No other party won more than 15%.

Citizenship and Exclusion in the Metropole and Colonies

In France political rights were the monopoly of the male citizen, and a constitutive principle of French republicanism was that no non-citizen could claim any part of popular sovereignty. The emphasis on citizenship in French republicanism had been intended from the outset to exclude certain classes who had earlier been full participants in political life. Citizenship was equated with an equality of legal status, and the implication was that the “privileged order. . . must be excluded from the right to vote and to be elected more surely than you would exclude a foreigner, whose avowed interest at least might very well not be opposed to your own” (Sieyès 1789b, 166, 168).

The exclusionary implications of citizenship were also directed against some Jewish communities. The Jews of France were distinguished into two groups. “Those known as the Portuguese, the Spanish, and the Avignonese Jews” were considered well-assimilated and did not have important distinct statuses; they would “continue to enjoy the rights they have had up to the present—and by consequence will enjoy the rights of active citizens.”⁸⁰⁵ Alsatian Jews, however, remained excluded from citizenship until September 27, 1791, when it was affirmed that all “Jewish individuals who will swear the civic oath” were citizens, and that the oath “will be regarded as a renunciation of all the privileges and exceptions introduced previously in their favor” (Hunt 1996, 99–101).⁸⁰⁶

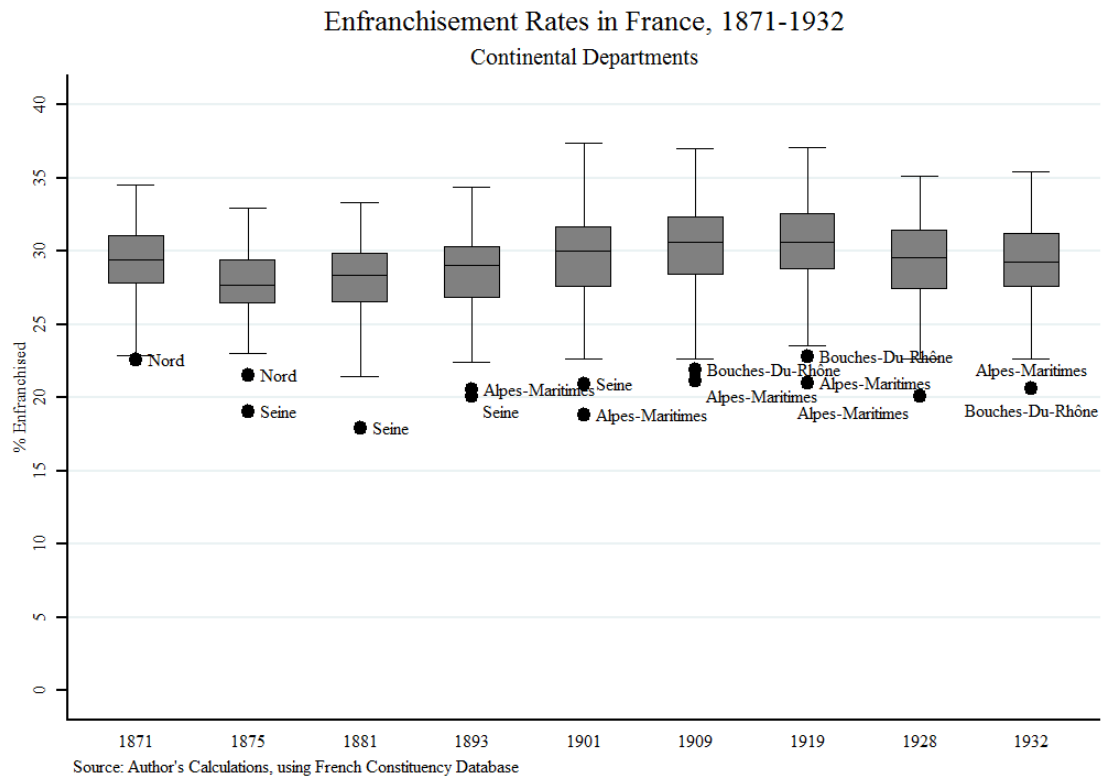
The right to vote, then, was conditional upon citizenship, which was conditional on the renunciation or the nullification of distinct legal statuses. As the Revolution continued, both access to citizenship and the equality of political rights for citizens were restricted and denied (Weil 2002, 25). With the promulgation of the Napoleonic Civil Code, French nationality was acquired when one was born to a French father; born in France to foreign parents, upon request during the year of their 21st birthday; or by request—subject to rejection—by one born outside of France to foreign parents, but resident in France for 10 consecutive years after having declared an intention to naturalize. Women could not naturalize.

By 1881, non-citizens resident in France constituted 2.7% of the population. But this varied considerably by department: in the Nord, 21% of the population were non-citizens

⁸⁰⁵Decree of January 28, 1790 (Rosanvallon 1992, 76, fn.2).

⁸⁰⁶The day after the emancipation of the Jews, the measure’s opponents secured passage of a decree ordering Alsatian Jews to present a list of debts owed to them by Christians, an effort to make the previous day’s emancipation contingent upon working out the debts (Szajkowski 1970, xxxiv). Jews would be the subject of discriminatory laws throughout the Napoleonic period, notably the “infamous decree” which annulled all debts held by Jews and various restrictions on their mobility and settlement (Schwarzfuchs 1984; Szajkowski 1970, 920–24).

Figure 9.3: Enfranchisement Rates in Third Republic Departments



(most born in France), 23% in the Alpes-Maritimes (the recently annexed Nice), and 14% in the Bouches-du-Rhône. In over half the departments the non-citizen population was less than 1%. Figure 9.3 shows box plots of the continental French Departments' enfranchisement rates, from 1871 to 1932. The departments that are consistently outside the 95% interval are almost invariably those with a large non-citizen population.⁸⁰⁷

The naturalization laws were amended in 1889 to provide for the automatic acquisition of French citizenship by children born in France to non-citizen parents who were born in France, the so-called “double ius soli.”⁸⁰⁸ The 1889 law decreased the propor-

⁸⁰⁷The Seine, which did have a sizeable non-citizen population, saw a drastic decline post-1871. This reflected the large non-citizen population, the fact that it was a large city attracting significant numbers of migrants, who were less likely to be qualified for the municipal franchise; and perhaps most importantly, the deep divisions and hostility that accompanied the suppression of the Commune. As elsewhere, the reported enfranchisement rates are registration rates, as the burdens of registration have historically been a means of intentional disfranchisement as well as a mechanism of providing for administrative regularity.

⁸⁰⁸The acquisition of citizenship by “double jus soli” could be renounced in the year after attaining

tion of the population who were not citizens. But in many departments, immigration and refugees from WWI led to an increase in the non-citizen population.⁸⁰⁹

Citizenship in Algeria and other colonies

The principle that new territories should be assimilated to the French legal system was often seen as one of the Revolution's central legacies; as much as possible, the colonies should have the same form of civil administration and the same legal code as metropolitan France (Betts 2005, 13). In the colonial context the exclusionary function of citizenship was especially important in securing French control: some groups could be attached to the French regime by its extension, while civil institutions could be established that nonetheless denied the vast majority from meaningful political participation and civil rights. But the exclusion of non-citizens from the suffrage was not applied everywhere, and the contradictions and limitations of this principle were most clearly exposed by Algeria.

The personal legal status of indigenous Algerians was based on their religion, with the French codifying, extending, and enforcing the authority of Islamic religious law in civil matters.⁸¹⁰ The nationality of the indigenous, however, remained unclear. In principle, French nationality and citizenship were synonymous, and as French jurist Emile Larcher argued, there was a possibility that the *Cour de Cassation*—a final appeals court for civil matters—might decide that “regardless of whether they had or had not retained their personal status” they were French citizens “and consequently they could claim their political rights, and demand their registration on the electoral lists” (Larcher 1911, 384; cited in Brett 1988, 452).

The solution was the *Sénatus-Consulte* of July 14, 1865, which accorded the indigenous Algerians—Jews and Muslims—French nationality but explicitly severed this from French citizenship: “the indigenous Muslim is French, nevertheless he continues to be

majority (Weil 2002, 56-7).

⁸⁰⁹ Additionally, the regions closely integrated into the cultural and economic life of the neighboring country—such as the Alpes-Maritimes—likely saw a larger proportion of those who acquired citizenship through double *jus soli* renounce this status.

⁸¹⁰ On October 22, 1830, after the conquest of Algeria began, the government adopted the *millet* system: with the exception of offenses against the French, jurisdiction without appeal was given to a judge of Islamic law for Muslims and a tribunal of three rabbis for Jews. The authority of the rabbis was drastically reduced with formal annexation in 1834, and by 1854 the criminal authority of the Islamic judiciary had been removed. A 1854 decree, however, affirmed their authority over civil law and expanded this beyond the cities, their limit of their jurisdiction before the French, and integrated its enforcement into the colonial apparatus.

governed by Muslim law. . . . He can, on his request, be admitted to the rights of French citizenship, in which case he will be governed by the civil and political laws of France.” The second article provided the same status and opportunity for access to citizenship to Algerian Jews, while the third provided that foreigners with three years residence could naturalize, upon which they would immediately have access to the rights of citizenship.

During the Government of National Defense in 1870, Adolphe Crémieux submitted a series of decrees on the constitution of Algeria, the most important of which extended citizenship to all indigenous Jews in Algeria. There is some confusion over the effects of the Crémieux decree. Azzedine Haddour and others have suggested that “Muslims, unlike the Jews, had to renounce their religious law to obtain legal citizenship” (Haddour 2000, 5).⁸¹¹ In fact, the Crémieux decree did not allow Jews to become citizens without abandoning their personal status: the collective grant of citizenship declared that “their real and personal statuses will be from the promulgation of this decree regulated by French law.”⁸¹² The premise of the *Sénatus-Consulte* was that as long as the indigenous populations were subject to distinct legal statuses, they could not be granted citizenship. This was maintained by the Crémieux decree, allowing French jurists to insist that there was no denial of universal suffrage. But Algeria was not the only colony, and in other places the indigenous population *had* been extended the right to vote without having to give up their personal status. By the time of the 1789 Revolution, the French empire had been reduced to the sugar colonies in the Antilles and Indian Ocean, a few outposts in India, and the communes of Gorée, Saint-Louis, and Rufisque in Senegal. Excepting India, the bulk of the non-French population were slaves. When the Second Republic abolished slavery, it also declared that those “colonies purified of servitude and the Indian possessions will be represented in the National Assembly” (Duvergier 1848, 194). In the 1871 National Assembly Guadeloupe, Martinique, La Réunion, Senegal, French India, Guyana, and the Algerian departments of Alger, Constantine, and

⁸¹¹Azzedine Haddour is certainly correct that “Muslims and Jews were subjected to different treatment,” and that this was in large function related to the fact that the potential naturalization of Muslims was seen as “a political threat to colonization and its political economy” (Haddour 2000, 5). Sophie Beth Roberts notes that “in order to receive citizenship, Algerian Jews had to choose between the obligations of citizenship and those of their religious community, giving up their religious personal status for French civil status” (Roberts 2011, 17). This was not in the initial decree, but was a revision the following year that required Jews to “renounce their indigenous status before a Justice of the Peace in front of seven witnesses” in order to be on the electoral roll (Roberts, 2011, 70).

⁸¹²Earlier decisions had largely stripped the rabbinical judges of any authority, and naturalization had been preceded by the extension of the metropolitan consistory system into Algeria. The decree therefore would have had fewer legal and religious ramifications than for Algerian Muslims.

Oran were once again given representation, which they maintained in the Third Republic's Chamber of Deputies.⁸¹³ The colony of Cochinchine—which covered much of what would become southern Vietnam—was given a representative in 1881. All of the colonies with representation in the Chamber of Deputies had persistently and significantly lower enfranchisement rates, but only in Algeria and Cochinchine did this amount to a disfranchisement of the vast majority of the adult population. Figure 9.4 shows the estimated enfranchisement rate of the French colonies, as well as the average across metropolitan French departments (hollow circle), with departmental representation in the elections of 1871, 1885, 1901, 1909, and 1932.⁸¹⁴ The electorate in Cochinchine was especially reduced, a consequence of there being few French settlers, with an average enfranchisement rate of 0.15% or 3,000 electors over the course of the Third Republic, most of them civil servants.⁸¹⁵

The Algerian enfranchisement rate was quite small, but unlike in Cochinchine, there was a sizeable electorate—that of French settlers, the indigenous Jews naturalized by the Crémieux decree, naturalized foreigners, indigenous Muslims who had abandoned their personal status and were able to naturalize, and after 1919 a restricted number of indigenous Muslims who were extended the rights of citizenship while maintaining their personal status.⁸¹⁶ The enfranchisement rate when only French citizens are included was on average 21.1%, closer to the colonial rate than the metropole, which was in part a

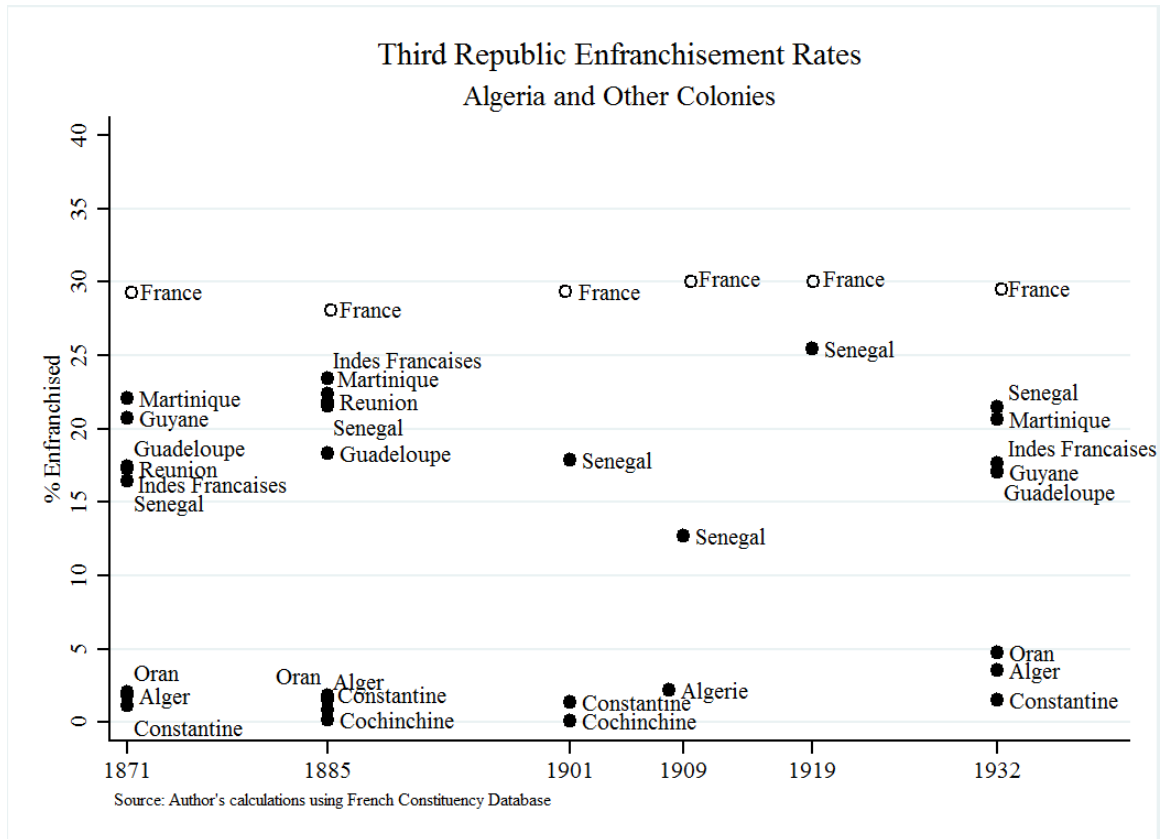
⁸¹³During debates on the constitutional laws, Lafon de Fongaufier had proposed that Senegal and Guyana should elect one deputy each to the new Chamber. This was initially rejected, and the colonies were deprived of their representatives until the law of April 8, 1879 (Duvergier 1875, 544).

⁸¹⁴The number of registered electors for the colonies—Algeria included—was not compiled with the *Annuaire statistique de la France*, which formed the basis for the French Constituency Dataset. Only in 1946 were the colonies included, and only in 1909 was Algeria included, the aggregate rather than the departmental electorates. To get the number of registered electors in each colony, it was necessary to refer to the Procès-verbaux of the Chamber of Deputies and find, shortly after the election, the verification of powers for each elected deputy. These would include the number of registered electors. Deputies were verified as they arrived, making it more difficult to find the relevant information; in many cases, the verification does not seem to have been reported. Accordingly, the data on colonial enfranchisement rates is more limited than it is for the metropolitan departments.

⁸¹⁵The Senegalese enfranchisement rate shown in Figure 9.4 is calculated using the number of inhabitants in the communes as the denominator, rather than the broader population of Senegal. In 1919, the colony as a whole counted 16,000 electors, from a population of 22,771 citizens, 62,840 residents of the four communes, and 1,187,830 native subjects, or 1.3% enfranchisement (Roberts 1929, 311). While Senegal was more inclusive than Algeria and Cochinchine, this was true only in the four communes. This will be discussed in more detail below.

⁸¹⁶The peoples of Cochinchine remained subject to indigenous law. An 1881 decree extended the terms of 1865 Algerian Sénatus-Consulte, but required knowledge of French—not necessarily literacy—to acquire citizenship. Various classes of indigenous were exempt from the knowledge of French, including those decorated with the Legion of Honor. Decree of July 14, 1881 (Laffont and Fonsagrives 1890, 411–13).

Figure 9.4: Enfranchisement Rates in the Colonies



function of the large foreign population.

The lower rates in Algeria and Cochinchine were premised on the fact that the population continued to be subject to distinct legal codes. As a central principle of French law, this was contradicted by the fact that in both India and Senegal political rights had been extended without requiring a renunciation of personal status.⁸¹⁷

The citizenship status of Indians and especially Senegalese was an issue of considerable confusion during the Third Republic: they had the right to vote, and yet were subject to distinct religious civil laws, and were—in some conditions—subject to the code de l'indigénat, a disciplinary regime codified in the 1880s. When the Second Republic extended representative institutions to Senegal and India, it excepted these colonies from the citizenship requirements: “the indigenous inhabitants of Senegal and Dependencies

⁸¹⁷In both Senegal and the Indian colonies there were sizeable Muslim populations, although India also had distinct legal systems for the Hindu and the considerable indigenous Catholic population (Deschamps 1997).

and the French Establishments in India who can prove a residence of more than 5 years in the said possessions are excused from all proof of naturalization” (Moleur 2000, 70).

In Senegal, political rights were limited to those who were born in one of the full authority communes, Saint-Louis, Gorée, Rufisque, and after 1887, Dakar. The much larger population in the rest of the Senegalese territory was thereby excluded. In both India and Senegal the Cour de Cassation found that even if the indigenous were not French citizens, having not renounced their personal status, they had the right to vote; but not being French citizens, they could only vote within the colony and not in any other French territory. In 1916, the Senegalese deputy Blaise Diagne—the first African elected to the Third Republic’s Chamber of Deputies—secured passage of a series of laws imposing military service on the residents of the Four Communes and, in return, secured the extension of citizenship to the “natives” of the communes. This helped secure many inhabitants in their right to vote, after a purge of the electoral register in 1908, which explains the decline and the increase in the enfranchisement rate between 1901 and 1919 in Senegal seen in Figure 9.4 (Johnson 1971, 80 fn.b).

As noted by Patrick Weil, it was possible to naturalize Algerian Muslims “in the status,” and after 1916 there was clear precedent in doing so (2002, 235). But this was only adopted on a very limited scale in Algeria in 1919. The Third Republic *did*, however, extend municipal voting rights to indigenous subjects in Algeria. In 1866 municipal councils were reorganized to include representation for French citizens, indigenous Muslims and Jews, and foreigners. The qualifications for Muslim, Jewish, and foreigner voting were considerably more restrictive than the qualifications required of French citizens, and the number of councilors allotted to these groups could never be below three or greater than one third of the total number of councilors (Duvergier 1867, 5-7). In 1870 departmental councils were established, but only with French citizens allowed to vote. The electors to the national Senate included, indirectly, municipal councilors. And so to ensure that non-citizens in Algeria would not be included within the popular sovereignty, the constitutional laws of 1875 stipulated that the senators from Algeria were to be elected by deputies, to which only French citizens were eligible; by the French citizen members of the General Council; and by delegates elected by the French citizen members of the municipal councils, chosen among the French citizen electors of the commune.

In 1884, changes to the municipal law further reinforced European domination of local political institutions. The European foreigners lost their representatives, as did the “Israelites”; the former were now entirely excluded and the latter included in the citizen

electorate. The size of the council's representation was established by the proportion of each community, but in greatly unequal terms (Weil 2005, 96).⁸¹⁸ Reinforcing this inequality, French citizens were automatically registered while indigenous Muslims had to request and have their registration approved (Collot 1987, 96).

Even this restricted electorate was too inclusive for matters dealing with the colonial budget. In 1898, colony-wide *Délégations financières* were established to counsel the Governor General and approve the budget.⁸¹⁹ As with the municipal councils, there were to be separate indigenous and citizen electorates. But these were further subdivided in a corporatist arrangement based on economic interests: agricultural 'colons' were allotted twenty-four representatives, as were 'non-colons'; nine representatives for Arabs in the civil territories, six for Arabs in the military territories, and six Kabyles. Each delegation was to meet individually, although they could be called to meet together.

To be a 'colon' elector one had to be a French citizen on the municipal registry, aged at least 25 years, and possessing and using landed property as the owner, farmer, or operating manager. 'Non-colon' electors had to be French citizens aged at least 25 years, registered on the tax rolls, and not considered 'colons'—primarily urban property owners. Both 'colons' and 'non-colons' had to be resident in Algeria for a minimum of 2 years, and to have been citizens for a minimum of 12 years (Collot 1987, 218–19; Goujon and Demonts 1898, 452). While more restricted than the municipal councils, there was nonetheless an actual electorate. The same cannot be said of the indigenous representative. The Arabs representing the military territories were chosen by the Governor General from a list of 18 candidates selected by the division commanders, while the Arabs for the civil territories were elected by the indigenous members of the municipal councils. The Kabyle representatives were elected by the chiefs of the "kharouba."⁸²⁰ In 1901, the electorate for the French *Délégations* was 93,000, or 14.8% of the population; the total Muslim electorate was 5,000 or 0.14%, of which approximately 3,400 were Kabyle rather than Arab.⁸²¹ In 1908, the right to vote for departmental councils was ex-

⁸¹⁸For the citizen representation, there were 10 councilors for each 500 citizen inhabitants, 12 for each 1,500, and 16 for each 2,000; for the Muslim representation, there were 2 councilors for communes with between 100 and 1,000 indigenous inhabitants, with an additional councilor for each 1,000 inhabitants but never to exceed 6 or a quarter of the municipal representation (Collot 1987, 96).

⁸¹⁹Until 1945, the Algerian budget was prepared by the Governor General, voted on by the *Délégations financières* and the superior government council, before being sent to Paris for final approval (Collot 1987, 205; Goujon and Demonts 1900, 583).

⁸²⁰These referred to groups of individuals united by kinship.

⁸²¹Collot argues that the indigenous *Délégations* were elected by the taxpayers of the different indigenous taxes—the achour, the zekkat, the hokor, and the lezma. I have been able to find no statutory basis

tended to indigenous Muslims, but the franchise was that of the *Délégations financières*, rather than the more inclusive municipal qualifications (Collot 1987, 54). In 1914, the right of *indigènes* to vote in municipal elections was expanded to an additional number of categories, largely enfranchising former soldiers and those who had received various certificates of education (Lange 1914, 16).

The most important reform in Algeria during the Third Republic came with the Charles Jonnart Law of February 4 1919, which extended citizenship “in status” to indigenous Algerians. But unlike the Senegalese law, whose grant of citizenship had been both “in status” and automatic, in Algeria it was highly qualified and granted by request. Only those indigenous males aged 25 years, who were monogamous or bachelors, had never been convicted of certain crimes, and were resident two years consecutively in the same commune in France or Algeria, and were included within a list of categories such as service in the armed forces, functionaries, and property owners could request to become citizens. There were very few takers, and between 1919 and 1930 only 1,204 were naturalized “in status,” out of 1,547 requests, while 760 were naturalized by accepting French civil status (Weil 2002, 240).

More importantly, an accompanying decree of February 6 1919 extended the right to vote for municipal councils, for the *Délégations financières*, for the general councils, and for the superior government council.⁸²² The basic forms of municipal government in Algeria were the *communes de plein exercice*, in areas of predominantly European settlement and with equivalent powers to those in France; the *communes mixtes*, limited authority councils in areas with a small European population and for which only Europeans had the vote (from 1884); and the *douar*, set aside for indigenous communities and governed by the *djemaâ*, an ostensibly traditional tribal council (Collot 1987, 119–30).⁸²³

The 1919 reforms sought to reinvigorate the *djemaâs*, making them elected bodies

for this claim, and the August 23rd Decree establishing the *Délégations* provides the qualifications I have listed above (1987, 219). When discussing the Conseil Général, for which the qualifications for the indigenous electors were the same as the *Délégations*, he says that there were 5,000 indigenous electors. This would accord with the qualifications I have listed, rather than the 90,000 indigenous electors that he suggests (1987, 219). He also suggests that there were 93,000 citizen electors in 1901; this seems unlikely, as there were only 9,000 electors in the department of Alger that year, although there were 35,693 in the department by 1910 (Bouveresse 2008, 248). Jacques Bouveresse suggests that there were 60,000 citizen electors in 1905, and 93,106 by 1930 (2008, 83). I believe the latter number reflects the size of the electorate after the 1919 reforms.

⁸²²The latter was a council that would examine the budget. It was composed of 15 general councilors and 16 financial delegates, each elected by their peers, 22 government officials, and 7 members named by the Governor, of which 4 were notable Muslims.

⁸²³For a list of communes in 1902, see Révoil (1902).

with tax raising revenues (Thomas 2005, 70). It also provided for a measure of indigenous representation in the *communes mixtes*, as each *djemaâ* was to elect a president who would in turn be a member of the municipal commission of the *communes mixtes*. And it extended the right to vote in the *communes de plein exercice* to indigenous Muslims aged 25 years or more belonging to certain categories, such as former soldiers or property owners (Bocquet 1920, 82). The right to vote for general councils and the *Délégations financières* was extended to all indigenous Muslims on the municipal electoral lists for the *communes de plein exercice* and members of the *djemaâs* and municipal commissions in the *communes mixtes*—but not for the *djemaâ* electorate (Bocquet 1920, 82; Thomas 2005, 71).⁸²⁴ This measure enfranchised about 93,000 indigenous Muslims in the *communes de plein exercice*, approximately 9% of the indigenous population living within these communes, versus 140,000 French electors (23.4% of the total French population); 330,000 in the *djemaâs*, approximately 10% of the indigenous population living in these jurisdictions (Collot 1987, 126); and 103,000 for the general council and *Délégations financières*, 2.1% of the total indigenous Muslim population.⁸²⁵ Throughout this period, there was near manhood suffrage for French citizens in the municipal and general councils, but not in the *Délégations financières*. From 1884, between 20% and 23% of the French citizen population could vote in elections for the municipal and general councils, while approximately 12% could vote in elections for *Délégations financières*.⁸²⁶

The Muslim communities of Algeria were not the only native communities. The citizenship status of Jews, following the Crémieux decree, was never stable, and revisions to the decree limited the grant of citizenship to those who were present in, or descended

⁸²⁴Most sources suggest the Muslim electorate increased to 425,000 (see for instance Michel 2013, 176). There is some confusion in Collot, as he writes that the Muslim electorate increased to 90,000 in 1919 before shortly after noting that “these reforms [1944-46] increased the electoral body of the second college from 420,000 in 1919 to 1,200,000 in 1945, 1,330,000 in 1946” (1987, 100, 101). The difference is to be attributed to the distinction between the *communes de plein exercice* and the *djemaâs* elected in douars in *communes mixtes*. There were 90,000 Muslim voters in the *communes de plein exercice* and 420,000 in the douars *communes mixtes*.

⁸²⁵Of the 103,000 electors for the general council and *Délégations financières*, 10,000 of these were members of the *djemaâs* and municipal commissions in the *communes mixtes* (Collot 1987, 56). By a law of October 19th, 1919, the French citizen members of the municipal commissions of the *communes mixtes* were entitled to elect delegates to vote for the department’s Senator. Still, no non-citizen member of any municipal or general council could vote for the Senators.

⁸²⁶In the *Délégations*, there was an enormous discrepancy between the number of electors for the French citizen ‘colon’ and ‘non-colon’ colleges—with the one constituency in 1934 having 40 electors in the ‘colon’ college and 4-5,000 in the ‘non-colon’—despite each having the same number of representatives. See the remarks by Galle, Séance of June 12, 1934. *Délégations financières algériennes : session ordinaire de Mai-Juin 1934, délégation des non-colons* (Gouvernement général de l’Algérie 1934, 1084).

of those who were present in Algeria in 1830. This measure excluded the considerable number of Jews who had emigrated from Tunisia, Morocco, and elsewhere, between 1830 and 1870. Furthermore, the decree applied only within the confines of the colony as it was then established. The subsequent conquest of the M'Zab region did not extend citizenship to the Jewish population there, who were denied citizenship into the 1940s and beyond.⁸²⁷

Moreover, “anti-Jewish” campaigns in Algeria—organized by colonists with assistance from the broader anti-Semitic movement in France—frequently sought to purge Jews from the electoral lists.⁸²⁸ An identity card, the ‘titre d’indigénat,’ was required as proof that they had been included by the decree, which meant Jews could only secure their status as citizens by proving an earlier status as indigenous. In 1896 Constantine, for instance, 900 of 1,100 Jewish voters were disfranchised (Roberts 2011, 71).⁸²⁹ The Crémieux decree was abrogated on October 7, 1940, four days after the Vichy regime defined the racial status of a ‘Jew’ as someone with three Jewish grandparents, or with two Jewish grandparents and married to another ‘Jew.’ The political rights of Algerian Jews were now governed by the laws establishing Muslim political rights, but the community would remain subject to French civil law. And on October 11, the Vichy regime excluded Jews from the terms of the 1919 Jonnart Law, which would have allowed many to retain their citizenship (Roberts 2011, 308–10).

The Enfranchisements of the Fourth Republic

Algeria and the Colonies

The Second World War created the opportunity for a radical change. The Crémieux decree was restored, and in 1943 the *Comité de la Libération Nationale* decided to “attribute to many tens of thousands French Muslims the entirety of the rights of citizenship without allowing the exercise of these rights to be impeded or limited by objections founded on their personal status” (Moleur 2000, 65 n.1). The Constituent Assembly of 1945 was elected by the departments of France and most of the colonies.⁸³⁰ Elections were not

⁸²⁷ “[E]xcept in cases of individual naturalization, the Jews of the M'Zab retained the status of ‘native Israelite’ until 1962” (Weil 2002, 229).

⁸²⁸ The label ‘antisemite’ was eagerly adopted by the movement in France; in Algeria the label of ‘anti-juive’ was more common, although not exclusive.

⁸²⁹ While the turn of the century was the period of most heightened anti-Semite activity until the 1930s, periodic but not as extensive disfranchisement efforts continued throughout this period.

⁸³⁰ The non-citizen populations of the protectorates, such as Tunisia and Morocco, were excluded.

organized in Indochina, where the French no longer were in control (Huard 1991, 378). The colonial electorates were divided into citizen and non-citizen colleges. But while all French citizens, including women, could vote in the first colleges, only certain categories of non-citizens could vote in the second colleges: “notables évolués”; members of local assemblies, or quasi-public agencies; state employees; former soldiers; chiefs and representatives of indigenous collectivities; religious ministers; and certain categories of diploma holders; the commercial electors to the chambers of commerce.⁸³¹

In May 1946, the Constituent Assembly passed the Lamine Guèye law—named after the Senegalese deputy who proposed it—which declared that “all French subjects of the over-seas territories (Algeria included) have the status of citizen, on the same right as French nationals of the metropole and of the overseas territories.” The subsequent constitutional draft largely reproduced the Lamine Guèye law and specified that “citizens who do not have French civil status maintain their personal status as long as they have not renounced it. This status can in no case constitute a reason to refuse or limit the rights and liberties attached to the status of French citizenship.”⁸³²

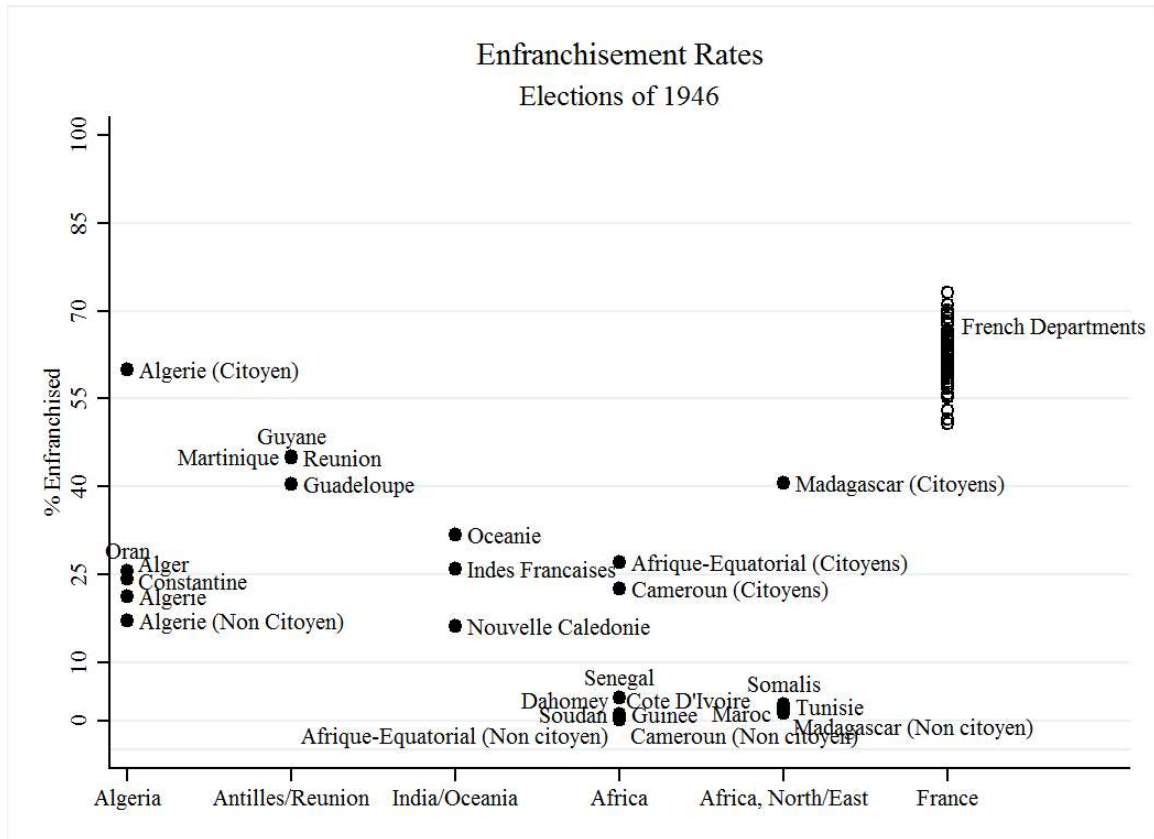
The electoral law of October 5, 1946, however, considerably reduced the impact of the extension of citizenship (Guillemin 1958; Figure 9.5). There was increased representation for the colonies—although far from parity—but the separate colleges would be retained for Algeria, Equatorial French Africa, and Madagascar.⁸³³ The first college would include all citizens with French civil status, while the second included “autochthonous” citizens who retained their personal status and met certain criteria, which varied depending on the territory. This was a clear inequality between citizens based on retention of personal status, in violation of the Constitution. Whereas the Third Republic had maintained the distinction between citizen and indigène, extending political rights to the latter only in

⁸³¹The statistics are for the June 1946 elections to the Constituent Assembly (Institut national de la statistique et des études économiques 1947, 408–9).

⁸³²The Fourth Constitution also established the Union Française, an overarching structure between the Republic of France (which included the bulk of the colonies) and the associated territories (Cameroon and Togo) and states (Vietnam, Laos, Cambodia, Tunisia, and Morocco). The Union was governed by the President of France, by a High Council composed of French ministers and representatives of the associated states, and by an assembly half composed of representatives of metropolitan France and the rest from the overseas and associated territories and states. In practice, authority remained vested in the French government. Different electoral systems were used across the different member states and territories.

⁸³³West French Africa—Senegal, Mauritania, Guinea, Soudan, Niger, Cote d’Ivoire, and Dahomey—had a single college, as did Togo, the Comoros, and, ostensible, Cochinchine, although this last was acknowledged to be outside of French control. The metropolitan departments elected 544 deputies, Algeria 30, and the remaining colonies 34.

Figure 9.5: Enfranchisement Rates in the French Departments and Colonies



India and Senegal, there was now a distinction among citizens.⁸³⁴

By an ordinance of March 7, 1944, various categories of Algerian Muslims, male and over the age of 21, were extended citizenship, but with the limitation that the status did not descend automatically to their children.⁸³⁵ All male Muslims aged 21 years were

⁸³⁴The Somali Coast, the future Djibouti, was only added to the legislation by the law of July 13 1948. For West French Africa, Togo, Equatorial French Africa, and Cameroun the included categories were persons who were notable 'évolués,' according to the local regulations, or current or former members of the local assemblies and economic societies, members of the Legion of Honor and various medal holders, functionaries, those who have worked for two years in a non-temporary position for various commercial, industrial, or agricultural establishments, religious ministers, former and current soldiers, business owners, chiefs and representatives of indigenous collectivities, owners of real estate, and holders of hunting or driver's licenses. To this was added, a law of August 27 1946, "all those who can prove that they can read or write in French or Arabic." This was not a restriction, but a supplementary category. For Madagascar and the Comoros, the categories were those who were entitled to vote for the representative assemblies or any of the categories for the African colonies.

⁸³⁵In June 2012 the Constitutional Council of France affirmed that those who received citizenship by the March 7 1944 ordinance did not pass this onto their children. Those who had received citizenship via the Jonnart law or the Sénatus-Consulte of 1865 were able to pass this status to their children. Decision

extended the rights of the Jonnart law of 1919, meaning they could vote in a second electoral college for municipal councils, departmental councils, and the *Délégations financières*. And by an ordinance of August 17, 1945, the second college was entitled to vote for deputies to the National Assembly, with the same number of representatives as the much smaller first college.

The October 1946 law maintained this system, but extended the right to vote in the first Algerian electoral college to “French Muslim citizens” and other Muslims included in one of several additional categories, such as education and military service.⁸³⁶ The second electoral college continued to be based on the March 7th ordinance. While women were enfranchised in the first college, this was effectively limited to Europeans: previous grants of citizenship had been exclusively limited to men, and the new supplementary categories were largely areas in which men would predominate. Muslim women were not enfranchised in the second college.⁸³⁷ This system was largely the basis for the establishment of the Algerian Assembly—which established a greater degree of autonomy for the colony—on September 20, 1947, with 60 delegates chosen by the each college.⁸³⁸

In May 1958, commanders of the French army seized control of Algiers, took the island of Corsica, and prepared to seize Paris. Charles De Gaulle let it be known that he was willing to profit from the putsch, and shortly afterward the President of the Republic ceded his place to the General. A new constitution was drafted, and upon its approval by referendum, the Fifth Republic was inaugurated. For the referendum and accompanying legislative elections, Muslim Algerian women were enfranchised and a single electoral college was established. In 1962, a referendum on Algerian independence was overwhelmingly approved, but with most persons of European descent abstaining.

Figure 9.6 shows the enfranchisement rate in Algeria from 1871 until 1982, both as a proportion of French citizens and of the total population. Worth noting is the continued discrepancy in the 1946 elections, the result of the exclusion of female Muslims.⁸³⁹

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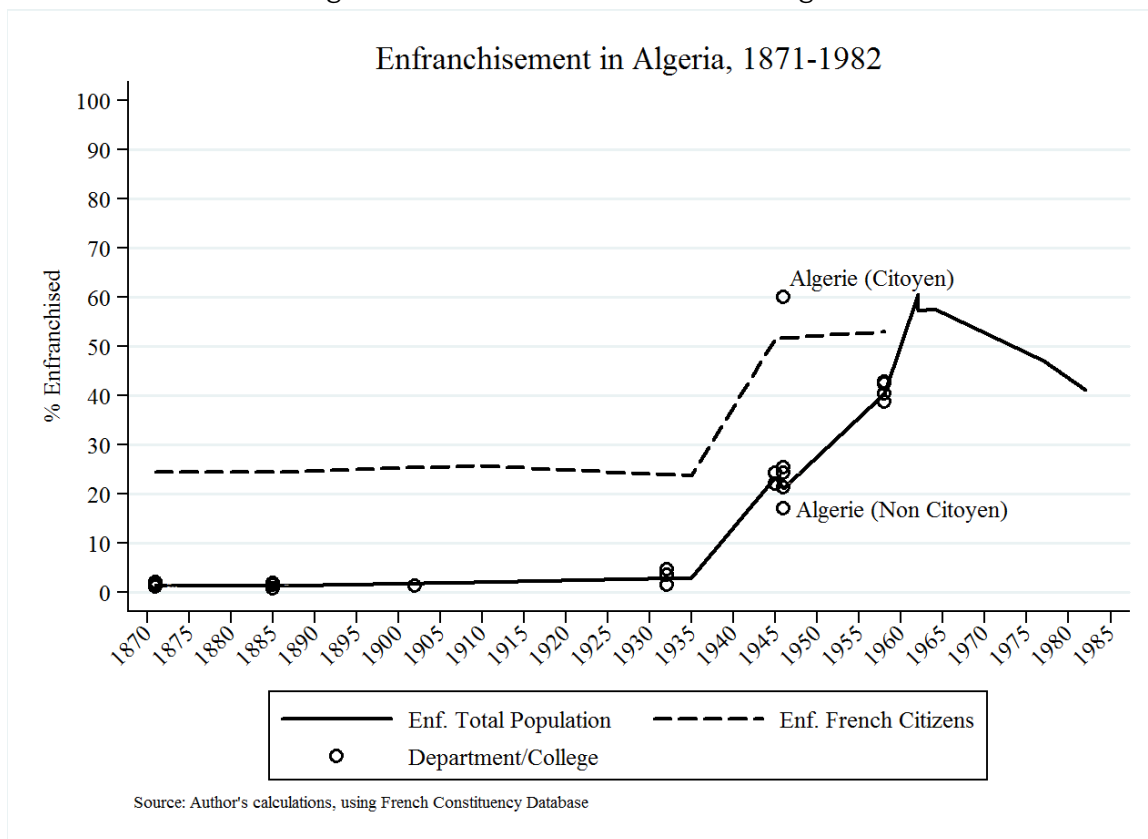
⁸³⁶The categories were those holding combatant cards from 1914-1918, holders of the Cross of War for 1939-40 or of the Liberation, holders of primary school certificates, those who had attended secondary school, elected members of municipal, administrative councils or various agricultural or industrial societies.

⁸³⁷The National Assembly did include a provision enfranchising Muslim women in the law of September 20, 1947, but this was to be established by the Algerian Assembly, which never took up the issue.

⁸³⁸The Algerian Assembly was elected according to the qualifications of the March 7, 1944 ordinance, which was more restrictive than the October 5, 1946 law. Elections to the National Assembly continued to be based on the latter law.

⁸³⁹The rate of enfranchisement is inflated for the ‘citizen’ college in 1946 because those Muslims who were included by the Ordinance of 1944 were all males over the age of 21. The increased enfranchisement

Figure 9.6: Enfranchisement in the Algeria

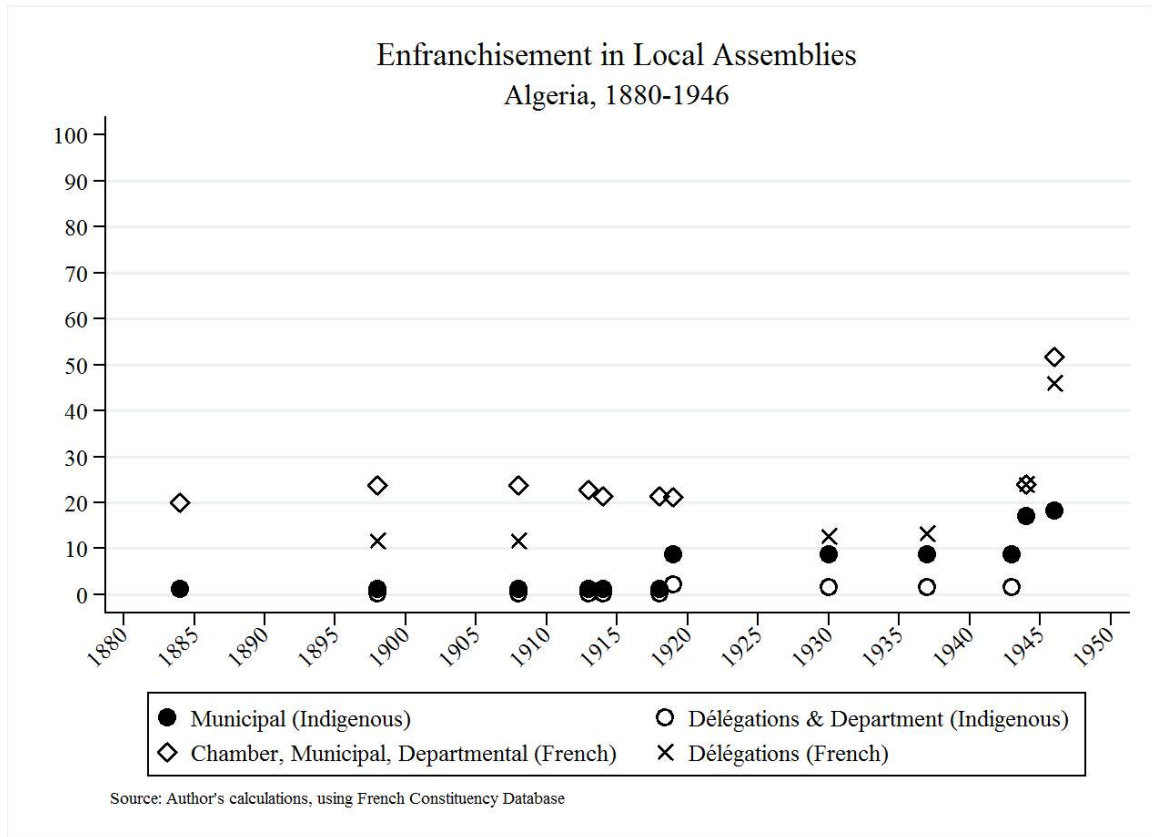


The situation was somewhat different at the level of local assemblies, and the enfranchisement rate among indigenous Muslims and French citizens—across different councils and assemblies—is shown in Figure 9.7. The exclusive nature of the *Délégations* is easily visible, for indigenous as well as French citizens. But so too is the consistently higher rate of citizen enfranchisement for all of the assemblies—municipal and departmental councils, as well as the *Délégations*—a difference maintained by the enfranchisement of female citizens in 1946. This difference in enfranchisement rates magnified the disproportionately small share of representation on these councils that was allowed the indigenous community.

The Fourth Republic enfranchised many of the subjects of the empire, but it diffused this potential political influence through segregated electoral colleges, by not enfranchis-

rate in the 1962 referendum is likely because the FLN had entered into an agreement with the French government, and thus had ceased abstaining and opposing participation. The decline thereafter is likely a product of there being a reduced incentive to register during the period of one-party rule.

Figure 9.7: Enfranchisement in Algerian Local Assemblies



ing women equally across the new demarcation of citizen and ‘autochthonous’ citizen, and by ensuring that the colonies were never allocated the proportion of representation to which they were entitled on the basis of population. In 1954 North Vietnam was formally established, ending the Indochina War. The following year Cambodia declared its independence, followed shortly after by South Vietnam. In March 1956 Morocco and then Tunisia declared their independence. In 1956 the ‘loi-cadre’ of Gaston Defferre established a unique college—in which all classes of citizens voted together—in all the colonies but Algeria, and devolved considerable executive and legislative powers to the colonies. In 1958, the colonies were given the option of being a member of the new French Community, of remaining an overseas territory, or becoming an overseas department. Guinea voted against the new constitution, and thereby chose independence. The remaining colonies either remained overseas territories or became member states of the French Community. Over the next two years, almost all of the colonies would declare

their complete independence. The Community was formally abolished in 1995.

The Exclusions of Women and Soldiers in Metropolitan France

The Fourth Republic also brought important changes to the franchise in metropolitan France, most importantly the enfranchisement of women. “French women,” note Steven Hause and Anne Kenney, “voted in national elections before the completion of Notre Dame Cathedral,” and for over five centuries “privileged women of all estates retained the vote, both local and national” (1984, 3).⁸⁴⁰ The voting rights of certain classes of women to the First Estate (religious orders) was clearly established by the King’s instructions of 1789.⁸⁴¹ Noble women holding their own fief, girls, widows, and noble minors, could name a representative in the Second Estate (nobility) to vote on their behalf.⁸⁴² But while the elections to the Third Estate were supposedly on the basis of “all the inhabitants” (Hause and Kenney 1984, 4), there is little evidence that women either voted or were so entitled.⁸⁴³

Women’s suffrage had been the source of political controversy in the Third Republic, and an equal franchise measure was passed by the Chamber of Deputies in 1919. It was defeated by Republicans in the Senate three years later, a pattern that would be replicated several times before the outbreak of WWII. Women’s suffrage was not ‘delayed’ or late, so much as it was consistently defeated, which we will explore in Chapter 11. As with the political rights of colonial subjects, a regime change was required to achieve any change to women’s political status, despite a liberalization of their civil status. Women’s right to vote was first established by decree on April 21 1944, by the Provisional Government

⁸⁴⁰This right to vote for women was limited to widows, unmarried women maintaining their own household, and married women during the absence of their husbands. Most importantly, it was limited to the privileged orders. It varied considerably across region and time, and seems to have been more firmly entrenched in the north and east than elsewhere.

⁸⁴¹Articles 9 and 11, Convocation des États Généraux, Règlement Général du 24 Janvier, 1789 (Brette 1894, 71–72).

⁸⁴²Article 20, Convocation des États Généraux, Règlement Général du 24 Janvier, 1789 (Brette 1894, 75).

⁸⁴³This was noted by contemporaries, and a “Petition of Women of the Third Estate to the King” remarked that women were “excluded from the national assemblies by laws so well consolidated that they allow no hope of infringement,” and the petitioners did not ask “for your permission to send their deputies to the Estates General” as “they know too well how much favor will play a part in the election, and how easy it would be for those elected to impede the freedom of voting.” “Petition of Women of the Third Estate to the King,” January 1st, 1789, in Hunt (1996, 60–63). The debates on the election of Paris’ delegation likewise takes for granted that women were to be excluded. Furet, cites a *consultation* “typical of enlightened urban opinion” from December 12, 1788: “If one eliminates the persons under twenty or twenty-five years of age from the 700,000 or so individuals who make up the population of Paris, barely one-half of that number will remain. *This half will be reduced to one-fourth, at most, when women are also removed*” (Furet 1988, s68).

in Algiers. Supported by the Communists and De Gaulle, the measure was opposed by the Radical Republicans, as they had opposed it while the dominant party of the Third Republic.⁸⁴⁴ Shortly after the Liberation, women voted in municipal elections and then for the constituent National Assembly.

The other major exclusion of the Third Republic was of soldiers ‘under flags,’ that is in barracks or on campaign. Disfranchisement occurred at the same time that the French military was being re-organized in reaction to the loss against Germany: conscription was established and all male French citizens were required to perform 5 years of military service, with all those between 20 and 40 years of age eligible to be called upon during war. There were exceptions for the clergy and teachers, for those pursuing an education, or if holding a degree, willing to pay 1,500*f*. The length of service was reduced to three years in 1889, and to 2 years in 1905, with a corresponding reduction in exemptions (Flynn 2002, 18–19).

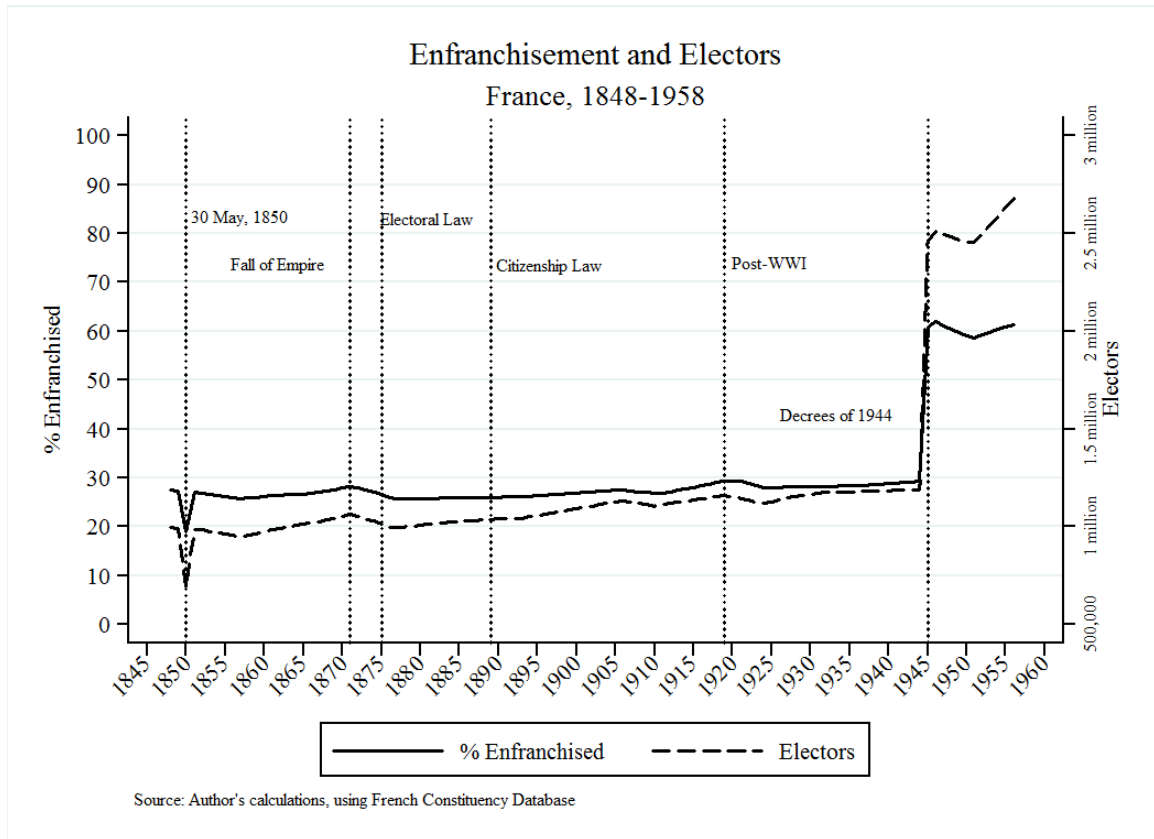
Conscription meant that the denial of the vote to soldiers excluded a considerable number of persons, primarily young, working class men, between 1.2% and 1.7% of the population, or approximately 6-8% of the adult male population.⁸⁴⁵ The Provisional Government would enfranchise the military by decree on August 17 1945.

Figure 9.8 shows the enfranchisement rate for metropolitan France from 1848 to 1958. The disfranchisement of 1850 is easily visible, as is the enfranchisement of women, which greatly increased the electorate, taking it from 30% to 60%. Otherwise, the only other significant legislative determinant of the metropolitan enfranchisement rate was the citizenship law of 1889, which had a long-term but modest impact on the national enfranchisement rate. One factor worth emphasizing, as it was an important concern during the Third Republic, is the remarkable stability not just in the enfranchisement rate but in the number of electors and the size of the population. In 1848, there were 9,977,452 electors; in 1868 there were 9,914,595; in 1878, there were 9,991,872; and by the end of the Third Republic in 1940 there were 11,849,325. Over the course of almost one hundred years, the French electorate had increased by only 18%. To put that in perspective, the English electorate had increased by 41% between 1885 and 1910, a period in which there was no legislative expansion of the franchise.

⁸⁴⁴Even before the decree enfranchised women, Marthe Simard was selected by French established in Canada as their representative to the Assembly, in 1943.

⁸⁴⁵Put another way, those disfranchised by military service amounted to approximately 6% of the actual electorate.

Figure 9.8: Enfranchisement in France, 1848-1958



Politics of the Third Republic

The Ascendancy of the Radical Republic

The importance of the Chamber of Deputies to the political life of Third Republic France is difficult to overstate. While the concurrence of the Senate was required to pass legislation, it was the Chamber that elected the President, and it was the support of the Chamber—in which individual deputies had considerable authority—that was necessary to sustain the Cabinet government. The President had the legal authority to dissolve the Chamber, with the support of the Senate, and organize new elections, but this was only used once, in 1877 by President Patrice Mac Mahon. The resulting *Seize Mai* Crisis ended with a resounding victory for the republicans, the resignation of the President, and the desuetude of this authority.

Broadly speaking the dominant political tendencies of the Third Republic were ‘op-

portunist' or moderate republicanism before 1900, and Radical republicanism after 1900. This characterization, however, conceals a considerable amount of partisan instability and change. Léon Gambetta, a leader of the opportunistic faction in the late 1870s, had been the leader of radicalism in the National Assembly. The Radicals regained a distinct identity when Georges Clemenceau split from the opportunists in 1876, and came to ascendancy after 1900. Having spent the final decades of the 19th century posturing as the principled counter to the opportunists, they were by the 1910s considered to be the party of opportunism, a judgment that has been shared by most subsequent historians. For instance, they had consistently held that the Senate should be abolished, or at least elected by male citizen suffrage; in 1907, after they had become the largest party within the chamber, they dropped this plank in their platform.

To understand the context in which conflict over the right to vote occurred, we need to understand the basic structure of the party system and its development during the Third Republic. This, however, is made difficult by a couple of factors. Most importantly, and itself a crucial parameter structuring the politics of the period, is that there were very few coherent parties that integrated the parliamentary delegation, the local electoral committee, and a national community of party activists. Neither the electoral system used for the bulk of the period—mostly single-member constituencies with run-off elections when no candidate won a majority of votes—nor the organization of authority in the Chamber of Deputies encouraged the formation of nationally organized and disciplined parties. The representatives of constituency sentiment—republican, monarchist, socialist, nationalist—could coordinate if need be for the second round of voting, and so there was no pressing need to unite until then. And the organization of the Chamber of Deputies gave considerable power to individual deputies. For instance, each deputy had the power of interpellation, the right to interrupt the order of the day to demand an explanation on an issue by the responsible minister. The response was followed by a vote on the orders of the day, and if an order was passed adverse to the government they would likely resign. Lacking the threat that the defeat of a government would lead to a new election, deputies used the power of interpellation frequently: by 1897 10 ministries had fallen on this basis, and between 1875 and 1940 there were 16 elections but 84 governmental reversals.

Classification of political parties is also made difficult by the process of “sinistrisme,” a term coined to describe the gradual right-wing movement of political parties in France as they were displaced by new parties to their left (Thibaudet 1932, 29). The early

radicals around Gambetta were by the 1910s organized as the Fédération Républicaine (known in parliament as the Union républicaine démocratique), the principal conservative party of the period. The Radical-Socialists of the 1890s were by the early 20th century the party of the small bourgeoisie and private property, challenged on their left by the increasingly popular French Section of the Workers International (SFIO). The SFIO after 1919 was in turn confronted by a left-wing challenge in the Communist Party. The Communists fractured over the adherence of the party to the Soviet-led Communist International, and so they faced a challenger from Unité prolétarienne. The result of this displacement was a confusing situation in which the most right-wing parties not only disavowed the label of ‘right’ but labeled themselves as parties of the left.

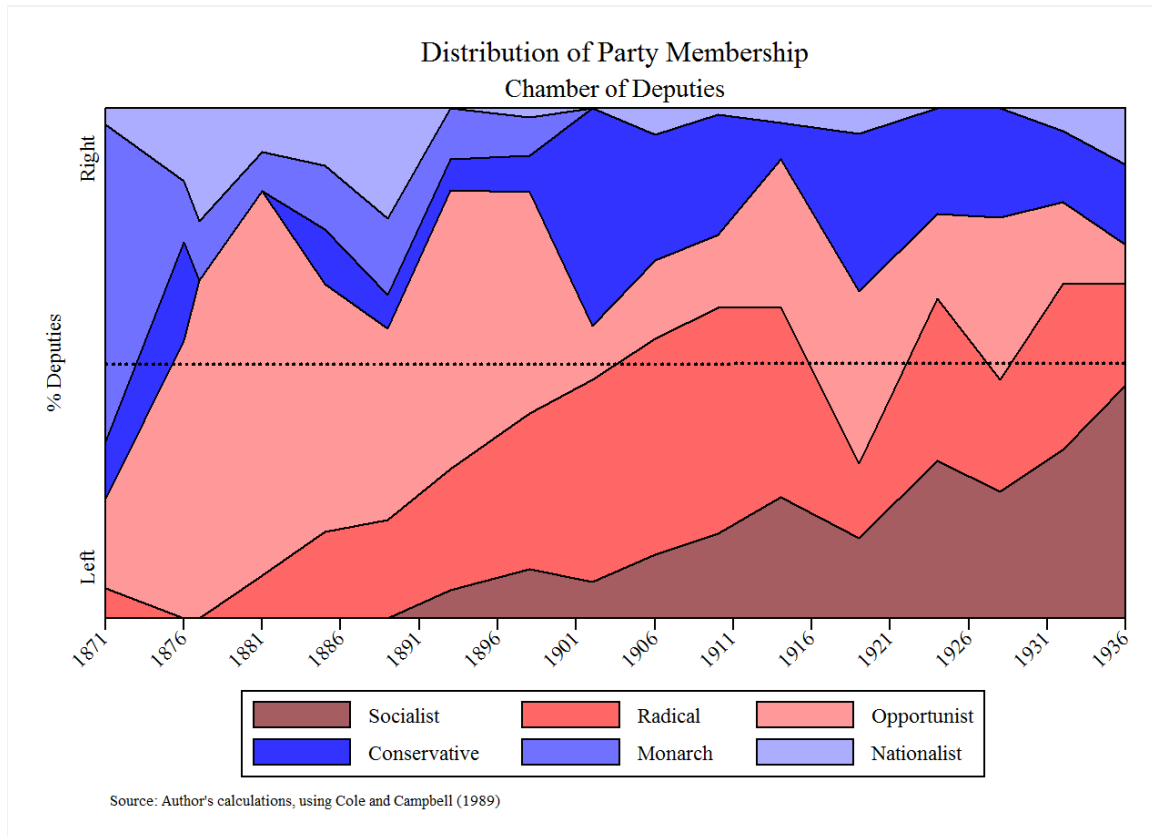
A final difficulty in classification is that there were a number of important issues that were orthogonal to the left-right seating arrangements in the Chamber of Deputies. Republicanism or monarchy initially separated the left and right, but a papal bull issued on February 20, 1892— in French rather than Latin—called for the acceptance of the Republic, the so called ‘ralliement.’ This was rejected by most organized Legitimists and bishops, but the emergence of a bloc of Catholic liberals—the ‘ralliés’—helped reduce the political significance of the monarchy/republic divide.⁸⁴⁶ Republicans continued to be divided from Catholics, including the ‘ralliés,’ over efforts to suppress the Church’s political influence; during the 1880s through 1920 this remained an important dividing marker between left and right. And generally the left was more supportive of workers’ right to organize, opposed to defense spending, and opposed to the influence of large industries and financial institutions. But there were also elements of Catholic Legitimists who supported workers’ syndicalization as part of their vision of a cooperative social order, a form of collectivism that could find adherents on the extreme left and right but was anathema to the republicans and liberals of the center-left and center-right.

And a number of issues cut clearly across party lines, most notably nationalism and anti-Semitism. Left-wing republicans had been most insistent on continuing the war against Prussia after 1870, and most adamant for revenge thereafter. The recent historical consensus is that the Boulangist movement of the late 1880s—the first manifestation of what would become right-wing nationalism of the 1900s—had its strongest support, and principal organizers, from left-wing republican and socialists constituen-

⁸⁴⁶Both Legitimists and Orléanists figured among the ‘ralliés’ and among the recalcitrant. The rightist newspaper *La Croix* called for a Catholic party—as did the Pope—and acquiesced to accepting the Tricolor flag only on the condition that the white segment be covered by a picture of the Sacred Heart (Mayeur and Rebirieux 1988, 154).

cies, although much of the financial backing seems to have come from Legitimist and Bonapartist sources (Mazgaj 1987). And until at least 1900, the anti-Semite movement had support from both the radical left and the right; it was the Dreyfus Affair that helped make both anti-Semitism and nationalism right-wing in tendency.⁸⁴⁷

Figure 9.9: Distribution of Party Membership, Chamber of Deputies



Keeping these qualifications in mind, it is nonetheless possible to formulate a reasonable approximation of the structure and development of party politics in the Third Republic. Figure 9.9 shows the distribution of party seats according to six main political tendencies: socialism (including communism), radicalism, moderate republicanism, right-wing or conservative republicanism, monarchism, and right-wing nationalism.⁸⁴⁸

⁸⁴⁷Radicals and Socialists continued to invoke anti-Semitic themes, but the internationalism of the SFIO helped temper the public displays of anti-Semitism among the latter and the legacy of the Dreyfus Affair helped moot it amongst Radicals.

⁸⁴⁸These were calculated by placing the membership of different formal groups in the Chamber of Deputies into the category which best describes them for a given time. It draws on the data in Cole and Campbell (1989), as well as the *Journals Officiel* of the period.

The value of this figure is that it enables a quick identification of the median faction and its strength relative to the parties to its right and left. For instance, from 1876 until 1900 the median party is the opportunistic republicans, but while in the initial period they quite clearly dominate the center and the Chamber, by 1901 they are a minority faction relative to the conservative republicans and the radicals, despite their median position. Afterwards, the radical party tends to occupy the median, but the necessity of allying with the socialists and with the opportunistic or moderate republicans is also evident.

Between 1876 and 1900 the Chamber was dominated by moderate republicans, who were given the name ‘opportunist’ for their willingness to compromise principles—on everything but the Republic itself—in order to hold power. They gradually opened up the bureaucracy to install loyal republicans, and they established the key institution that they believed would republicanize the citizenry: free, mandatory, and secular education. On various occasions, most notably in 1877 and 1896, they formed the nucleus of a broad effort to secure republican unity. The rise of the Radicals after 1900 led to a splintering of the opportunists into a variety of different parliamentary groups and parties. But as the Radicals became more important, they replicated in many ways the behavior of the opportunists, and transformed from a position of strident criticism of the parliamentary institutions—and notably the Senate—to their defenders and beneficiaries.

The Organization of Parties and Parliamentary Groups

A particular feature of the Third Republic was the importance given to parliamentary groups, which bore a varying association to political parties. In the National Assembly in 1874 there were at least 8 groups, including the radical Republican Union, the Left Republicans, the Center-Left, the Casimir-Perier Group, the Center Right, the Reunion of the Moderate Right, and the Extreme Right (Salles 1874). The function of these groups was to organize support and tactics among their members for various measures, as well as to agree on candidates for important posts (Mayeur and Rebirieux 1988, 259). Membership was not exclusive, and so they were not limited solely to political parties. A colonial group was formed in the Chamber on June 15, 1892, with 91 deputies; by 1893 there are 120 deputies in the group, 200 in 1902, and 250 in 1936 (Weil 2002, 231). An anti-Semite group was formed in 1898, though it was largely informal; later that year, as the Dreyfus Affair increasingly became an issue of republican solidarity, the Radical-Socialist parliamentary group excluded the openly anti-Semitic members who had been a persistently active minority of their adherents (Joly 2007, 72). After

1910 membership on most committees—including the standing Committee on Universal Suffrage—was allocated according to the size of the different parliamentary groups (Mayeur and Rebiroux 1988, 321).

In the late 19th century, the parliamentary groups and individual deputies' relations with their own district's electoral committee were the most important institutional factors conditioning members' behavior. Until 1901 all associations of more than 20 people were under strict legal restrictions, and it was only with the relaxation of the association laws that organized political parties began to emerge. The first to organize was the Parti Républicain, Radical, et Radical-Socialiste, which as the name suggests was an effort to develop greater coherence between at least two separate self-identifying factions.⁸⁴⁹ The core of the Radical party was always the local committee: it was through membership in the local committee that one was a member in the Radical party, and the committees jealously guarded their autonomy against the national congress. So too did the parliamentary delegates, who initially at least were in a position of strength given that since they had been elected before the party was organized they had potentially independent bases of support. The result was a consistent struggle over whether the national organization could enforce discipline against parliamentarians who did not follow the party line. Only in 1910 were Radical deputies obliged to join the Radical parliamentary group, and at no point were they able to enforce voting discipline (Stone 1996, 172-73).

The French Section of the Workers' International (SFIO), organized in 1906, did require its parliamentary delegates to adhere to the party line, a measure that greatly enhanced the party's coordination but that potentially limited the flexibility necessary to enter into governing coalitions. The French Communist Party was an even more disciplined party with considerable integration of the electoral committees, the national activists, and the parliamentary delegation. After 1896 the moderate—'opportunist'—republicans tended to define themselves first as progressives and then as the Alliance républicaine démocratique, and they too formed a political party in the first decade of the 20th century (Mayeur and Rebiroux 1988, 214). There was not, however, a Catholic party, in the sense of representing the institutional interests and positions of the Catholic Church (Kalyvas 1996). There were, however, several parliamentary groups that repre-

⁸⁴⁹There had been a radical faction in the Chamber of Deputies since the National Assembly, and the Socialists were increasingly gaining ground in the constituencies. This had led to an alliance termed 'Radical-Socialist' in the 1890s, but not all Radicals nor Socialists adhered to it. The Parti Républicain, Radical, et Radical-Socialiste sought to extend the breadth of political action for left-wing republicans by attracting Socialists not-affiliated with the Workers' International as well as Radicals and other left-wing republicans.

sented Catholic constituencies and that paid heed to the Church, notable among them being Action Libérale, which organized into a party in 1901.

Relative to the United States and United Kingdom, political parties were less important in structuring the behavior of individual deputies, until the appearance of the SFIO in 1906. But deputies were able to coordinate in parliamentary groups, and were highly reliant on local electoral committees, whose preferences reflected varying combinations of local versus national concerns and networks. They were also enmeshed in other organizations, with the freemasons being especially important for republicans. And the different factions of republicanism showed a remarkable ability to quickly put aside differences when there was an immediate threat to the regime, rather than the latent threat that they always perceived. As in the U.S. and U.K., French deputies tried to balance the competing demands of constituency and party opinion, with the former tending to be more important than the latter.

Party opinion was reflected less in the disciplining of members, although expulsion from groups and the withdrawal of support in elections did happen, than in the opportunities to gain a national audience. Well-received speeches in the Chamber of deputies could be ordered posted at the city hall of communes across the country, and newspapers—with clear ideological positions—would report on debates in the Chamber. In part as a result of these influences, Chamber debate tended to be much more impassioned, with very different forms of rhetoric, than other sites of deputy behavior, such as committee meetings. Interruptions were constant, it was forbidden to read from a script, and the site of applause or protests—from the extreme left to the extreme right—would shift in the course of a single speech, as speakers invoked themes of known relevance to different factions.

Conclusion

This chapter has introduced the basic argument of the French case study and has documented the trajectory of the right to vote in France and the particular exclusions of the Third Republic. It has outlined the partisan context in which the conflict over the suffrage occurred during the late 19th century: a fragmented party system, with individual deputies having considerable influence, and a consistent leftward movement over time of the Chamber median. The ‘opportunist’ republicans dominated until 1900, after which the Radicals were largely in ascendancy. But no one party could govern without

building a coalition, always unstable, from among the many different political persuasions. The next chapter will look at the critical juncture of 1870 to 1877, highlighting the importance of a radical republican interpretation of French political community in building a coalition capable of securing the Republic and male citizen suffrage. The republican vision of a legal regime—with citizens' participation in politics limited to the exercise of 'universal suffrage'—threatened by monarchy, 'ceasarism,' and above-all, the Catholic Church, would provide a shared language for republican activists, conditioning their positions on the many proposals to modify the right to vote.

Chapter 10

The Republic Through the Side Door, 1870-1877

“Universal suffrage says to all, and I know of no more admirable formula for public peace: be calm, you are sovereign.”

—Victor Hugo, May 21 1850.⁸⁵⁰

Introduction

The ultimate decision of the French National Assembly between 1871 and 1875 to establish a Republic based on manhood suffrage was claimed to be inevitable by many republicans of the late 19th and 20th centuries. The republic was the only form of government adapted to the modern era, and its necessity reflected the logical progression of civilization and of French history (Fouillée 1884). The Bonapartist Empire had just suffered a resounding defeat, and a monarchical restoration would have been, they insisted, absurd: monarchy could “obviously not today be the object of any serious political application” (Dorlhac 1890, 7). But the more they insisted on the necessity of the republic, the more they betrayed their anxieties that it was far from secure (Coignet 1903, 16; Félix 1908, 213). “The republican idea is making rapid progress,” it was claimed, and “soon this elementary concept will enter into a great number of French heads, that the monarchy can no longer exist, under any form; the necessity of the Republic will be generally recognized” (Leverdays 1892, 334). Soon, they believed; but perhaps not yet.

The republican regime in France was, by contemporary European standards, an anomaly. Between 1875 and the First World War, the only other European republic was Switzerland. Between 1870 and 1875—the lifespan of the National Assembly—the First Spanish Republic had been declared, overthrown, and the Bourbon monarchy

⁸⁵⁰Hugo (1937, 202-3)

restored. Nor had the National Assembly, as republicans regretted, actually proclaimed the Republic. Rather they had simply casually acknowledged it, a compromise accepted by non-republicans in the belief it would leave the possibility open for later revisions. The republicans had wanted a declaration “inscribed at the head of the Constitution,” but the word was only used in passing, “The legislative power is exercised by two assemblies: the Chamber of Deputies and the Senate. . . The President of the Republic is elected by the absolute majority of suffrages by the Senate and Chamber of Deputies in a National Assembly.” As a biographer of Léon Gambetta wrote, “the Republic indeed slipped in by the side door and not ‘sous la haute porte azurée’” as they had hoped (Bury 1973, 220, 226).⁸⁵¹

Republicans’ own understanding of the Republic’s founding significantly shaped the politics over the right to vote throughout the period, and this experience is the focus of this chapter. Chapter 9 outlined the patterns of exclusion in the Third Republic, and described a longer history of enfranchisement, disfranchisement, and manipulation of the suffrage. Interpretations of this history were of crucial importance in informing the strategies of political operatives during the National Assembly and afterward. The next chapter will detail how the understandings of political community forged by republicans in this period structured the behavior of political operatives, advantaging some franchise projects over others.

In this chapter I detail the efforts to establish the Republic, one that would be secured from the disorders that had accompanied its earlier appearances. Radical republicans drew both on longstanding traditions within republican thought but also their own experiences under the Empire to articulate a new narrative of political community. This narrative enabled them to reassure liberals and conservative republicans, to connect with constituencies outside of Paris, and ultimately to unite a coalition capable of shaping governing authority. The years 1870 to 1877 were a critical juncture, or perhaps more accurately, a series of successive critical junctures. But while there was a heightened importance to the choices of well-situated actors, the participants in the drama were not freed of the ideological legacies of the antecedent regime, and their sensitivity to this legacy conditioned their behavior and, consequently, the institutions they constructed.

⁸⁵¹The line is from a poem by Victor Hugo, “The brilliant battalions surge, and pass, sacred legion, that the people had just blessed, through the high azure door, of the dazzling future.” The poem is “To passive obedience,” which takes as its theme the Bonapartist coup and the passive obedience of soldiers, “whose cheeks have been tanned by Africa,” who are willing to obey by killing Frenchmen. It was written in 1853.

This chapter proceeds as follows. I begin by discussing how the experiences of the Second Republic—notably the June insurrections by Parisian working class radicals and the Bonapartist coup—undermined republican faith in the revolutionary legacy of popular politics and male citizen suffrage. By the late 1860s, however, a core group of radical republicans had cohered around an interpretation of history and of political community that helped reconcile the ambiguities these events had provoked. I then discuss the period from 1870 to 1875. Radicals entered the National Assembly as a discredited minority, but the interpretation of French history and political purpose that they had developed provided them with a strategic roadmap for building a broad coalition—in the Assembly and in the country—capable of securing a republican regime. And their reformulation of the ideological legacies of the antecedent regime was essential to successfully defending male citizen voting rights. I conclude by examining the compromises that secured the republic, and how republicans’ understandings of political purpose both enabled and were shaped by these compromises.

A New Republican Tradition

The experiences of the 1848 revolution and its aftermath greatly shaped the subsequent strategies of republicans, especially of the new generation that came of age under the Empire.⁸⁵² The June insurrections, the elections, and the coup d’état of December 1851 had unsettled their assumptions about popular sovereignty, universal suffrage, and the revolutionary tradition. The June insurrections by Parisian workers had been directed not against a monarchical regime, but against the Republic itself; and the men on the barricades claimed not the liberty of the republicans, but a right to work that veered toward socialism. The election of Louis-Napoleon and a conservative National Assembly had undermined republicans’ faith that the will of the nation was for the republic, and thus should be given full sway through universal suffrage. The overwhelming validation of the coup and the Empire by plebiscite reinforced these doubts.

By the 1860s, however, a network of radical republicans had begun to articulate an understanding of French political community that allowed them to reconcile tensions

⁸⁵²Judith Stone’s *Sons of the Revolution* provides an excellent account of the development of the historical and political interpretation developed by radicals in the 1860s, “The mid-century upheavals of the 1848 Revolution and the Second Empire deeply marked this generation and profoundly affected the republicanism they would eventually reconstruct during the 1860” (1996, 26). There is a broad consensus among historians that the Third Republic was structured to a considerable extent by the concerns and understandings of a new generation of republicans that emerged in the 1860s (Nord 1995, 1-5).

between their various commitments—to the republic, to private property, and to popular sovereignty—and suggested a political strategy for obtaining the Republic. The narrative of political community provided them with a rationale to support male citizen suffrage when many others rejected it. In order to understand the decisions of republicans in the 1870s, and the vision of peoplehood that they propagated in political campaigns and parliamentary debate, it is necessary to discuss the historical context in which this was developed.

Universal Suffrage and the Revolution of 1848

Throughout the 1830 and 1840s, republicans and many liberals argued that the cause of the July Monarchy's endemic corruption was the restricted suffrage regime, which enabled the government to secure the election of its own candidates by bribing or intimidating the small, local electoral assemblies (Huard 1991, 24; Rosanvallon 1992, 278). 'Universal suffrage' had been a theme in republican thought since 1793, when the Constitution had promised direct manhood suffrage only be suspended and eventually replaced. In 1833 the Society for the Rights of Man demanded a single assembly elected by direct universal suffrage (Huard 1991, 26–30). The same year, *The New Republican Catechism* listed as the first principle of republican government that “*sovereignty resides in the universality of the citizens.*”⁸⁵³ But these were a distinct minority, and most republicans did not initially support an immediate establishment of male citizen suffrage. Neither did many socialists, who like Louis Blanc opposed the immediate calling of elections in 1848 because “for thirty years, the counter-revolution alone has spoken in France. . . . The education of the masses has been done only by oral instruction, which has always belonged and belongs still to the enemies of the Republic” (cited in Huard 1991, 35).

That male citizen suffrage was established in the days following the collapse of Orleanist monarchy was in large part a matter of contingent circumstance: those republicans, such as Alphonse de Lamartine and Ledru-Rollin who were present in Paris, and whose active involvement in the February events led to their being selected to the provisional government, were committed to the principle of male citizen suffrage. Ledru-Rollin, one of the most outspoken proponents of this during the July Monarchy, was named Minister of the Interior and given the authority to organize elections to the Constituent Assembly. The elected Assembly would in turn maintain 'universal suffrage' in the new constitution, with some restrictions for those convicted of certain categories

⁸⁵³ *Nouveau catéchisme républicain*, by 'Un Prolétaire' (1833, 46–47).

of crime. In what would become an important rallying cry of an increasingly organized republican sentiment, the constitution of the Second Republic declared that, “sovereignty resides in the universality of French citizens. – It is inalienable and indefeasible. – No individual, no fraction of the people can claim to exercise it.”

Before the promulgation of the constitution, however, important cleavages in the republican coalition had emerged. In the early days of the Revolution, the provisional government—on the suggestion of socialist Louis Blanc—established public employment centers (the National Workshops) to relieve the economic distress that both preceded and followed the revolution. The elections to the Constituent Assembly, however, returned a moderate and conservative republican majority, which began to crack down on socialist republican leaders. On June 21, 1848, the Executive Committee of the Constituent Assembly ordered that the National Workshops be closed and that all unemployed persons in Paris either leave immediately, or if under 25, join the army (Stone 1996, 27). Barricades were put up but within a week the insurrection had been suppressed, with thousands dead or sent to Algeria.

In December 1848, Louis-Napoleon, whose adulthood had been spent attempting poorly executed putsches, was elected president in a landslide. His campaign had been built around an appeal to the working classes through vague promises of social reform, to the nobility and monarchists as a man of order, and to the rural population as the defender of property. In the May 1849 legislative elections, the conservative Party of Order increased its majority of seats, with the moderate republicans losing seats to both the Party of Order and the newly formed Democratic-Socialists. In June 1849, radicals allied with Ledru-Rollin tried to stage a *coup de force* in the Paris streets, against Louis-Napoleon whom they blamed for France’s involvement in the repression of the Roman Republic in support of the Papacy. It was quickly crushed and Ledru-Rollin and others fled the country.

By-elections in 1850, however, saw the victory of socialist candidates, including some exiled after June 1848; conservatives were especially incensed at the election of the socialist and anticlerical candidate Eugène Sue in April 28. They drafted and quickly passed the law of May 31, 1850, an attempt to purge the electorate of what Adolphe Thiers, a leading member of the commission that drafted the law and former Prime Minister under the July Monarchy, memorably called the “vile multitude” (Huard 1991, 53-4).

With very little time, republican activists and newspapers organized a massive peti-

tion campaign. Over 7,000 petitions with 527,000 signatures were collected—over 6% of the electorate. Petitions described the restriction as “a violation of the constitution, in the letter and the spirit,” and as “threatening the foundations of the Republic, the most sacred right.” The new suffrage regime replaced a “common right of all the people by a privilege instituted for a fraction of the people.” “The right of suffrage,” declared one petition, was “inseparable from the right of sovereignty, [and was] manifestly one of those rights ‘anterior and superior to the positive law’” recognized by the constitution.⁸⁵⁴ The disfranchising bill was the inspiration of “men whose entire life is the negation of republican principles.”

The vast majority of petitions overwhelmingly referenced the constitution’s declaration that, “sovereignty resides in the universality of French citizens.—It is inalienable and imprescriptible.”⁸⁵⁵ The petitioners stressed that they represented “the people,” rather than more dangerous categories such as “workers” (Jarrige 2004, 4). And they inverted the suggestion of class warfare that the June insurrections had raised, insisting that it was the restriction that was re-establishing a “division of classes. . . because it denies to some what it gives to others. . . It’s anarchy.” The bill divided “citizens into two classes: one that makes the law, and another that must obey it, for better or worse. . . . [It] resurrects the struggle between the masters and slaves.”

The petition effort left the conservative majority “dumbstruck,” but they continued nonetheless (Jarrige 2004, 4). Supporters of President Bonaparte, however, recognized in the petition campaign the potential resonance of ‘universal suffrage’ as embodying the ideal of popular sovereignty. They quickly sought to position themselves as its defenders. They supported a proposed constitutional revision to remove the one-term limit for the president as a restoration of ‘universal suffrage,’ denied by inappropriately limiting the choice of the elector. The President warned that “if you do not vote [for the revision of the constitution], the people in 1852 will solemnly manifest the expression of its new will,” an action that he suggested would be ‘universal suffrage’ above the constitution (Bonaparte 1852, 201). He called for the “re-establishment of universal suffrage on the

⁸⁵⁴Paragraph 3 of the constitution’s preamble noted the constitution recognized “rights and duties anterior and superior to positive law.”

⁸⁵⁵C//2300 to C//2313 AN. The petitions are organized by department and by commune. I selected departmental boxes at random, and the pattern was broadly the same. Regional patterns did exist—Huard notes that the Eure and Gard regions sent considerably more than others, and that the 14,700 signatures collected in the Gard represented approximately 42% of the republican vote (Huard 1991, 62). Jarrige does analyze the geographical distribution (2004, 9), and while there is some correlation between high disfranchisement areas, there were very few petitions from the Legitimist north-west, underscoring the degree to which this was primarily a republican effort.

largest possible basis,” and in November 1851 he proposed its reinstatement (1852, 203). The proposal was defeated 355-348, but by uniting his own supporters with the left republicans, he left the Party of Order isolated. On December 2 1851 came the coup d'état.

The Legacy of 1848 and Republican Anxieties under the Empire

Bonaparte's "Appel au peuple" explaining his actions emphasized that he had been elected by "six millions' suffrage" and that in restricting the right to vote the Assembly had violated the constitution and aimed to overturn the Republic. The "people," he declared, "were the only sovereign I recognize." In the decree dissolving the National Assembly, he announced that "universal suffrage is reestablished," further consolidating his self-presentation as the defender of universal suffrage and popular sovereignty. A plebiscite was organized for December 20 and 21 to approve the continuation of Bonaparte's authority and a delegation of powers to him to write a new constitution: the reported results were 92% in favor. A year later, a referendum on re-establishing the Empire was approved with 97% in favor. There were legislative elections held in 1852, 1857, 1863, and 1869. The participation rate ranged between 62% in 1852, when the Party of Order and left-wing republicans had been exiled, to 78% in 1869. Each time candidates favorable to the government—especially the official candidates who received financial backing from the state—won a majority of seats to the Legislative Corps. In May 1870, another plebiscite was held to approve liberal reforms to the constitution. Given that the reforms had the backing of the Emperor, a 'yes' vote would be interpreted as "a national ratification of the empire" (Cole and Campbell 1989, 47). Only the republican strongholds of Seine and Bouches-du-Rhône, along with Algeria, voted against the proposal.⁸⁵⁶

'Universal suffrage' was central to the regime's legitimacy, and Louis-Napoleon and his supporters developed a form of celebratory mass politics organized around a constant reminder of his successful confirmation by popular sovereignty. To celebrate the plebiscite of 1851, the number of 'yes' votes was emblazoned on the façade of Notre-Dame cathedral (Truesdell 1997, 8). Medals were struck commemorating his "acclamation," again including the number of votes. A series of prints was issued celebrating "Louis-Napoleon Bonaparte, elected, by virtue of 5,434,226 votes," a number that would climb

⁸⁵⁶French citizens in Algeria, which had been denied parliamentary representation since 1852, were entitled to vote for the plebiscite, as were active members of the armed forces.

to 7,500,000 by 1851. Another series was prepared commemorating “Louis-Napoleon Bonaparte re-establishing universal suffrage, December 2 1851,” the day of the coup.

The broader political movement of Bonapartists was unanimous in its praise of universal suffrage. When Henri d’Orléans, one of the pretenders to the throne, denounced Bonaparte, the Emperor’s supporters rushed to defend him in print, “the best argument that we have to oppose you [Henri],” wrote one, “is *universal suffrage*, of which you lose sight of, about which you do not even want to discuss, and with good reason. How could Napoleon III, whose power rests entirely on this national manifestation, not have respected it...?” (Anonymous 1861, 8). In a book entitled *Napoleon III Standing Before Universal Suffrage, the Record of the Empire*, a supporter asked whether “the Empire deserved the support of universal suffrage.” “To know [the acts of the Emperor and his government] is to answer the question... The answer, we say, is the 8 million votes that once founded it and to which it owes its legitimacy” (Davons 1869, 5). Bonapartists even argued that the motivation for the 1850 disfranchisement was to impede the possibility that the president would be re-elected by ‘universal suffrage’ (Davons 1869, 15). This was manifestly untrue, but reinforced Louis-Napoleon’s presidency and imperial authority as embodying ‘universal suffrage.’ As late as 1871, after the regime had fallen, a left-wing Bonapartist invoked ‘universal suffrage’ to suggest that the people might prefer a return to the Empire, “if the Republic is government of the people by the people, the people—that is to say, universal suffrage—will say if they want it.”⁸⁵⁷

The association of the regime with universal suffrage—both in its claims to legitimacy and its repeated approval by the electors—gave opponents sufficient reason to denounce it and the idea of an equal voice among citizens in national affairs. And many of them did. The right—including most (but not all) Légiitimists, Orléanists, and conservative republicans—had never supported it. The Count de Semainville, in an 1871 pamphlet, argued that the first law of a conservative government should be to “confide the destinies of the State to capable and patriotic hands.” This required property or taxpaying qualifications, as “universal suffrage is an immoral institution, anti-social, insensitive, dissolving and unknown” (Semainville 1871, 3). The National Workshops and the June insurrection were seen as heralding the arrival of socialism as a potentially revolutionary force, and the election of Democratic-Socialists to the National Assembly in 1849 had only further convinced them of the danger of too inclusive a franchise. For

⁸⁵⁷ Article in *Opinion Nationale* by Ad. Guérault, a left-wing Bonapartist. March 15, 1871, cited in Pajot (1871, 3).

many on the left—including republicans such as Lamartine and Ledru-Rollin, as well as socialists and radical republicans such as Louis Blanc—the rural masses had shown in 1848, in 1849, in 1851, and in 1852 that they were neither particularly sympathetic to the urban working class nor strongly attached to a republican form of government.

And many liberals, who began to rally to the regime in the 1860s, did not trust male citizen suffrage; they were willing to accept it but only so long as it was contained and manipulated, “universal suffrage appears to us today as a pupil held in tutelage by the government—a benevolent tutelage, an honest protection, a necessary guidance—certainly! But is it not to be desired that it can do without? Since when is the tutor elected by the pupil?” Primary instruction was needed to moralize and educate the people, and without it “universal suffrage, that instrument of progress, [is made] a social danger, a pretext to anarchy, a pattern of servitude” (Talboscq and Delaunay 1864, 9, 36).

Others worried that education would not be enough, that ‘tutelage’ was required. A procurer-general in Dijon believed “in the instability of the people’s sentiments rather than in its gratitude and fear that to re-awaken too frequently its belief in its own sovereignty is likely to lead it into abuse. The masses are not incapable of reason and good sense, but they are neither sufficiently enlightened nor wise enough to intervene regularly in affairs of state.” An academic rector confessed that “universal suffrage frightens me as it frightens every honest man. It carries within it the seeds of catastrophe, of a social revolution which will break out one day, if we persist with it.” Electoral manipulation was absolutely necessary, and anything else would “be suicidal.”⁸⁵⁸

Moreover, many republicans doubted the sagacity of ‘universal suffrage,’ and wondered why something as vital as the Republic should be left in the hands of an ill-informed and superstitious public. Even before the coup, a considerable number of republicans were willing to accept the basic premise of the 1850 disfranchisement, that universal suffrage needed to be “cleansed.” Parisian republicans had twice insisted that elections to the National Assembly be postponed, not trusting the judgment of the rural electorate. And Alphonse de Lamartine, while arguing that the law of May 31 went too far and “amputated and mutilated” universal suffrage, believed that it needed to be “cleaned of those polluted and too free-floating elements, which denature it” (Lamartine 1850, 169; Droz 1963, 164). By the late 1860s, the repeated affirmation of Louis-Napoleon had led many to argue that the “Republic was above universal suffrage” (Gensoul 1871).

⁸⁵⁸The above quotes are from Roger Price (2001, 105).

Edgar Quinet noted that universal suffrage had been taken up by the enemies of liberty, “a new weapon that they seized when all the others had been wasted” (Quinet 1872, 13). “If France could perish,” wrote Quinet, “it would be by a false idea of universal suffrage and the power of assemblies” (1872, 19).

In a pamphlet dedicated to positivist philosopher Emile Littré, Louis Gensoul argued that the republic was necessitated by “invariable law” of social organization, and that “universal suffrage [was] improper for monarchies or republics. . . as ridiculous as asking [the people] about the movement of the earth or sun” (1871, 9, 48). Universal suffrage would have to “abdicate before science. . . . It must be recognized that the voice of the people, like the voice of good, is nothing but the voice of ignorance” (Gensoul 1871, 42). “The day will come,” he claimed, “when the government of society will belong to science, where politics will be no more than science applied by competent men” (Gensoul 1871, 40). Littré defended universal suffrage, but argued that it must be confined to the election of representatives and could not be used in plebiscites. But for the most part, republican attitudes were reasonably well-assessed by a Bonapartist chronicler: republicans were irreconcilables, “rejecting with indignation any idea of rallying to the Empire [and] putting the Republic above universal suffrage, above the will of the French, above the sovereignty of the nation” (de Saint-Amand 1899, 214).

There was, then, considerable opposition to and dislike of ‘universal suffrage’ across the different currents of French political life during the empire. Ernest Renan, reflecting on the defeat of 1870, believed the empire had made France mediocre, “without originality or boldness, a plebian without the nobility of the spirit or the sword.” It would be “impossible to escape such a state with universal suffrage” (Renan 1871, 26). Gustave Flaubert’s *Sentimental Education* mocked the idea of universal suffrage as the arbiter of talent, “No more bachelorships! Down with University degrees!’ ‘Let us preserve them, . . . but let them be conferred by universal suffrage, by the people, the only true judge!’ ” (1869, 143). After the Commune, Flaubert argued that, “the first remedy will be to finish with universal suffrage, the shame of the human spirit. As it is constituted, one sole element prevails to the detriment of all the others: numbers dominate spirit, instruction, race, even money, which is worth more than numbers.”⁸⁵⁹ Many of his contemporaries—monarchist, liberal, and republican—would have agreed.

Not only ‘universal suffrage,’ but the entire revolutionary tradition had been thrown into doubt by 1848. The middle class and bourgeois republicans saw the June insur-

⁸⁵⁹To Georges Sand, September 8, 1871. (Flaubert 1910, 81).

rection of Parisian workers as class warfare directed against institutions to which they were committed; the ‘social’ republic was not something with which most of them were comfortable. Victor Hugo, speaking against the National Workshops in the Assembly, summarized the republican understanding of the relationship between themselves and the working class, “the liberty of 89, the republic of 92, July 1830, February 1848; these great things, who is it who accomplishes them? The thinkers of Paris who prepare them, and the workers of Paris who execute them.”⁸⁶⁰

But in addition to the threat posed by socialist gains among the working classes was the question of whether the revolutionary tradition was compatible with the republic itself. Even those, such as Hugo, who glorified a heroic revolutionary iconography of popular uprisings, believed that June 1848 had been illegitimate, and supported its suppression. “At its core, what was June 1848?” asked Victor Hugo in *Les Misérables*. It was “a revolt of the people against itself” (1862, 12). What did the barricade “attack in the name of the Revolution? The Revolution itself. That barricade—danger, chance, disorder, terror, misunderstanding, the unknown—had facing it the Constituent Assembly, the sovereignty of the people, universal suffrage, the nation, the republic” (1862, 2). The later attempted insurrection in June 1849 was likewise seen by many as an embarrassing debacle. And republicans of the 1850s and 1860s believed that the combined effect of June 1848 and June 1849 had been to provoke a conservative backlash, resulting in the election of Louis-Napoleon, the increased boldness for the Party of Order, the disfranchisement of 1850, and ultimately the loss of popular support for the republic.

In the 1850s and 1860s, many republicans continued to believe that “a *coup de force*, well prepared, energetically executed, would be sufficient to overturn, in a few hours, with a little luck, the enormous imperial edifice, consecrated by millions of suffrages” (Tourneur 1904, 421). But a core network of radical republicans had begun to articulate an understanding of French political community that reconciled their commitment to the revolutionary tradition, to the threat of class conflict, and to the dangers of universal suffrage. François Furet has pointed to a durable shift in the French republican tradition, as the republicans of 1848 reinterpreted this tradition in light of their experiences. In particular, Furet has emphasized the importance of Edgar Quinet—a republican of 1848, exiled in Switzerland, but who refused to return after an amnesty was declared. In 1865 he published *La Révolution*, a critical appraisal of 1789. Quinet denounced the Jacobin legacy, and warned republicans that its central idea, “that a dictatorship is necessary

⁸⁶⁰Hugo, June 20, 1848 (Wouters 1848, 372).

to found a free state,” had distorted the democratic tradition, “sometimes proclaimed openly, other times disguised, it has never ceased to reappear here and there as the supreme resource” (cited in Furet 1986, 72). Quinet was placing the blame for the coup not only on the insurrectionists of 1848 and 1849, but on the republican tradition itself.

The publication provoked a heated debate, with his stance denounced by Jules Michelet—a historian central to the radical tradition—Louis Blanc, and others. But while Quinet was important, this was in large part because he found a receptive audience among a younger generation of republicans. Notable among them was Jules Ferry, who defended Quinet by arguing that the times had changed, that “Jacobinism was no longer a weapon but a peril” and that 1848 had shown the dangers (Furet 1986, 78-9). Ferry—who would be one of the central architects of republicanism after 1877—was emblematic of a new generation, who were “firmly committed to elections as means of involvement by the citizens” but “mistrustful of appeals to those citizens outside of the electoral process” (Lehning 2001, 31). Centrally important in the creation of a new form of republicanism were the Masonic lodges which provided a space in which strategy could be plotted and republican principles defined (Nord 1995, 14-30). Republicans were influenced by Quinet, as they were influenced by positivists such as Littré; but they were also influenced by the democratic utopians who turned to the lodges after the coup. The result was an important institutional space in which a new, non-Jacobin radical republicanism could be fashioned.

In its broad outlines, the resulting vision of political community emphasized the central importance of the French Revolution, not as a model of direct popular participation but as having regenerated the French people. It was to the Revolution that the people of France owed their property and their distinctive national character. The motivating ideological purpose of radical republicanism in the 1870s and beyond would be to carry the Revolution through to its natural end, a parliamentary regime accepted by the entire country (Furet 1986, 83). To achieve this required a rejection of violent confrontation and the transformation of the citizenry (Stone 1996, 34; Simon 1868, 5-6).⁸⁶¹

For many, the Republic was above choice: the Revolution had changed French national character and property relations, and it alone was adapted to the mores and

⁸⁶¹Radicalism, for Jules Simon, the first republican prime minister of the Third Republic, was essentially a politics of advancing, through legal means, the realization of liberty. “When a partial liberty is established by means of a common agreement between the radical school and the other schools, it is not the radical school that is making a concession; on the contrary, it is the one that receives it. . . . [Radical politics] has neither the hope to reform the world in an hour, nor the folly to despise incomplete reforms that might make definitive reform easier” (Simon 1868, 5-6).

institutions of France. Some things, argued Quinet, stood above the nation, “it was in the nature of things” that the monarchy had been overturned seven times since the beginning of the century, suggesting that the relation between France, or modern society, with the republican form of government was a scientific fact that could not be decided upon by popular vote (1872, 14; Gensoul 1871).

But whereas this had led many republicans in the 1860s to reject ‘universal suffrage,’ radicals sought to re-appropriate it and make it the centerpiece of their understanding of French political community. This was in part an accommodation to the ideology of the Bonapartist regime, which was constantly disseminating ‘universal suffrage’ as the defining characteristic of the French political community, the only legitimate form by which a regime could be validated, and the only possible form by which national sovereignty could be expressed. Bonapartist critiques of the republicans during this period consistently emphasized that they were willing to place the republic above ‘universal suffrage,’ a position that republicans recognized as limiting their popular appeal.

The response of radicals was to invert this claim, to insist that they were the real defenders of ‘universal suffrage,’ and that only they understood the reforms necessary to give it full sway. The republic was “in principle above decision,” but because only the republic could preserve universal suffrage; in a republic new leaders could be chosen, while in a monarchy this could only be done through revolution, which republicans “want no more of” (Pajot 1871, 8). Louis Blanc argued that “universal suffrage itself can do nothing against the republic, because the present generation cannot confiscate the right of future generations. . . If universal suffrage established a monarchy, a hereditary monarchy—which supposes immutability—universal suffrage would commit suicide and would lose, by this very act, its very reason for existence.”⁸⁶²

More commonly, however, radicals argued that the electoral system of the Bonapartist regime was intended to constrain and shackle ‘universal suffrage’ and that as a result the popular will was not genuinely expressed through elections in the Empire. ‘Universal suffrage’ needed to be freed from the confining strictures of corruption, official candidates, and localism. It would be through ‘universal suffrage’ that class conflict would be resolved, and “universal suffrage, once made the master, would suffice to . . . establish all the freedoms, all the institutions which we are seeking to bring about.” Only universal suffrage could achieve “the moral and material emancipation of the greatest number, and [it] best ensures social equality in laws, actions, and customs”(Tourneur 1904, 94).

⁸⁶²Blanc, *Annales de l'Assemblée Nationale*, vol.1, February 17th, 1871, p.64

It would be through republican government and ‘universal suffrage’ that the danger of class conflict could be overcome. The republicans “warned of the dangers of class polarization,” and insisted that “their alliance purposely cut across classes” (Elwitt 1975, 21). And so they mixed promises of equalization with assurances to respect property and a disclaiming of leveling, that their program meant, “not the equalization of wealth, but only of narrowing the gap by assuring to all the means of escaping misery, and placing a modest comfort within the reach of the greatest number” (Ribert 1869, 73). But this program of class conciliation required the full and free expression of ‘universal suffrage.’ Henri Allain-Targé argued that “the enrichment of France. . . coincides exactly with the advent of democracy and liberty,” that a “government of free universal suffrage” would lead to wealth (Allain-Targé 1868, 22). The people, it was claimed, had had time to

“reflect on the ideas born in 1848. They have abandoned utopias, empiricism, fantasies; but in undertaking their electoral responsibilities, they have become perfectly convinced of [universal suffrage’s] own moderation and power. . . . [They want] the political liberty that merges the ranks and reunites men of all origins and all professions under the same flag, in a single goal: liberty, the doctrine of which has definitively conquered the primitive socialist theory, that is to say, the communist and dictatorial principle.”

Once ‘universal suffrage’ was freed, argued Allain-Targé, then administrators would rein in the deficits that taxed the middle class and workers and profited only a small sliver of the population.

And they had another response, even more important, to the claim that the Empire had been legitimated by the will of the people. The only reason—they claimed—that the people supported Bonaparte was because they saw in him the Revolution and the Republic itself. Louis-Napoleon, claimed Gambetta, had support among the rural population because they associated him with the Revolution, “Bonaparte appeared to [the peasant] as the natural protector of his interests. . . . [T]hey attribute to Napoleon the Civil Code, which is the shield, the holy ark where they find the guarantee of their domain.” The peasantry believed,

“that Napoleon is ‘Robespierre on horseback’! Well, he must be pulled off his horse. We must not permit Napoleon, either in history or in his descendants, to benefit from this admirable conquest of the soil that we owe to the Revolution. We must break with this tradition. We must prove to the peasant, rather, that it is to the democracy, to the Republic, to *our*

predecessors that he owes not only his land, but his right; for it is by the Revolution alone that he became a property owner and a citizen.”⁸⁶³

The radical republicanism of the 1860s and thereafter would adopt—quite explicitly—a posture of conservatism: it had been the initial revolution that had regenerated France, and established the essential bases upon which a new political community rested. ‘Universal suffrage’ played an important role in this reformulation of republicanism to the revolutionary tradition: if ‘universal suffrage’ could be given its most “radical application,” the direct action of the barricades and crowds would be illegitimate; electoral politics would henceforth be the only appropriate form of popular political participation (Lehning 2001).

The guiding principle of radicalism at the end of the 1860s was “sovereignty of the people, organized in a fundamental and complete manner. . . . Scientifically applied, this principle alone can complete the French Revolution and found for all time real order, absolute justice, plenary liberty, and genuine equality” (Reinach 1881a, 396).⁸⁶⁴ It was a vision “at once radical and conservative,” and one that “only the Republic could achieve” (Reinach 1880b, 39). Radicals’ explanations of French history and character informed their strategies during the final years of the Empire, during the Government of National Defense, and during the National Assembly; it helped sustain their confidences as they set out to organize and disseminate republicanism throughout the country; and it helped assure key political factions and constituencies that they could be trusted to govern. But there was no linear progression, and by the time the work of the National Assembly began in earnest, the radicals—and their most important figure, Léon Gambetta—were seen as discredited, blood-thirsty Jacobins, by monarchists, certainly, but by most liberals and conservative republicans as well.

⁸⁶³Gambetta to delegates of the Republican committees of Gironde, in Bordeaux, June 26, 1871 (Reinach 1881, 29). Louis-Napoleon “said to the people of the countryside and the cities, here I am! I have returned, and you recognize me; I am the soldier of the Revolution; I come to defend your threatened rights; your property is in question, I will guarantee it; the national property, I will assure it; I am the son of the Revolution; I am the Revolution itself, you know it well! I am the Revolution enthroned!” (Gambetta 1872, 57)

⁸⁶⁴Gambetta to the electors of the 1st circonscription of the Seine, April 27th 1869 (Tourneur 1904, 88)

Critical Junctures

The Danger of Jacobin Radicalism

In elections to the imperial Legislative Corps in 1869, the young republican lawyer Léon Gambetta was invited to stand as a candidate for both Marseilles and a working class district of Paris known for its political radicalism, Belleville. He had recently made a name for himself by defending a newspaper editor, prosecuted by the government for organizing the commemoration of a deputy killed opposing the coup d'état in 1851. Gambetta used the opportunity to publicly denounce the imperial regime, and he quickly shot to prominence as an uncompromising member of a new generation of republicans. He was elected in both Marseilles and Belleville, and while he sat for the former, it was the commitments undertaken in the latter that marked him as one of the most promising or dangerous republicans in the country. In his electoral address, he argued that the most “radical application of universal suffrage” was required, which entailed reforms to ensure that it was free from all shackles imposed by the imperial regime. The election of Gambetta, wrote the chair of the 1869 electoral committee in Belleville, “was the worthy prelude to the glorious battles of the future. What a striking spectacle to see these male citizens, all workers, so vigorously leading the charge for liberty” (Tourneur 1904, 14).

On July 19, 1870 France declared war on Prussia; in September Louis-Napoleon and 100,000 soldiers were defeated and captured at Sedan, on the border with Belgium. The Republic was proclaimed at the Paris city hall, and a provisional government was named, including Gambetta as Minister of the Interior. The socialists had been unprepared, and their lack of a presence at City Hall ensured that the provisional government was solidly republican (Mayeur 2008, 97). A delegation headed by Adolph Crémieux was sent from Paris to Tours to organize the government in the provinces, but it quickly became clear that the delegation was not up to the task. After all the major figures of the provisional government refused, Gambetta was given broad authority to go to Tours and direct the government from there. On October 7, he escaped a now surrounded Paris by hot-air balloon, the act for which he is probably most remembered today. He would direct the war effort, first from Tours and then from Bordeaux, with near-dictatorial authority until January 1871. And while much of the political elite believed that the war had already been lost, and that capitulation was essential, Gambetta insisted on “war to the utmost.” Gambetta, according to Thiers, was a “furious fool” (Chastenet 1968, 155). When Paris capitulated in January, the Government of National Defense agreed to an armistice and

elections to a National Assembly, which would negotiate a peace.

The events of 1870 to 1871 saw a heightened responsiveness of outcomes to individual choices and contingency, the defining features of a critical juncture (Kelemen and Capocchia 2007). But they also reveal the instability of these decisions, as many were overturned or subsequently limited. Crémieux, the Minister of Justice, was able to secure a grant of citizenship to the indigenous Jews of Algeria on October 24, although the measure had been under consideration by the ministers of the Empire. And Gambetta was initially able to secure a decree impeding former members of the regime, anyone who had been an official candidate, or any family member of the pretenders to the throne from eligibility for the February 1871 elections. But Gambetta was ultimately overruled on this, and no additional qualifications were required to be elected. The Crémieux decree fared somewhat better, but the citizenship of Algerian Jews was only secured after months of effort, and after a minister in the new government proposed its abrogation. And even then the measure was considerably limited in its application.

But while the Government of National Defense was not able to consolidate all of the changes that they undertook, their actions did have a longer-term consequence in many domains, shaping the politics of the next several years. They reinstated elections to municipal and departmental councils, which would become important sites of republican organizing. The plebiscite of 1870 had convinced Gambetta of the importance of an organizing campaign “to spread our principles, our doctrines, your aspirations, among the populations of the countryside.”⁸⁶⁵ And in order to build up local republican influence, Gambetta, while Minister of the Interior, replaced nearly the entire prefectorial personnel in the departments, naming 136 prefects and sub-prefects of which the vast majority were republicans, justifying this on the basis that a new regime required prefects whose loyalty could be assured (Mayeur 2008, 106–7).

Changes to the administration in Algeria were also relatively secure. Justifying his actions to a hostile National Assembly, Crémieux argued that “all our decrees on Algeria were in the same spirit: they all tended to substitute a civil regime for a military regime” (Crémieux 1871). But while Crémieux was able to secure the inclusion of Algerian Jews, the simultaneous establishment of civil regime on the basis of the metropole helped ensure the continued exclusion of indigenous Muslims. An imperial decree of 1870 had reorganized the department-level general councils, with indigenous Jews, indigenous Muslims, foreigners, and French citizens each electing community representatives,

⁸⁶⁵Letter to M. Vogeli, editor of *Réveil du Dauphiné*, June 26, 1870 (Mayeur 2008, 83).

although the number of representatives was not proportional across the communities.⁸⁶⁶ The Government of National Defense, however, repealed the decree, claiming that it violated French “legal principles, as it conferred the right of election and eligibility, in political matters, to those who are not French citizens or naturalized” (Duvergier 1870, 491). Instead, they extended the right of French citizens to vote for the councils on the same basis “as in the other 89 departments of France, [with] French citizens or naturalized French being the only electors and eligible.” Some indigenous representation was considered advisable, and so a perfect assimilation of Algerian general councils to the French was not feasible. Six subordinate indigenous Muslim members, named by the prefect of the department, were also to sit on the councils, with preference given to notable indigenes who could understand French, so that they could, “on their own, realize the spirit of the discussions and the liberating intentions of France” (Duvergier 1870, 491). This basic arrangement would be confirmed in 1875.

Longstanding republican commitments to limiting political rights to citizens and to extending French institutions to the colonies ensured that an important avenue for local political participation was closed to Algerian Muslims. Crémieux’s position as Minister of Justice ensured the success of a measure that subsequent ministries, operating in a context of greater stability, opposed. But much of what was accomplished by the Government of National Defense was either undone or considerably modified, and its policies in many ways made more likely a monarchical restoration.

Gambetta’s actions left him a discredited symbol of Jacobin radicalism (Chastenet 1968, 178). After the defeat at Sedan, Gambetta had carefully sought to adhere to the new republican emphasis on legality and the illegitimacy of crowd politics. When the news of Louis-Napoleon’s capture reached Paris, Gambetta left a session of the Legislative Corps to plead with the crowd to avoid any violence or disorder, “Paris, at the moment, holds in its hands not only the salvation of the country, but the salvation of the French Revolution. . . . I will rejoin my colleagues and I swear that the night will not pass, or mid-day tomorrow, without us [the legislature] having undertaken energetic measures, worthy of the people. But we must not appear to be deliberating under pressure from outside” (Reinach 1880a, 396). But his actions under the Government of National Defense gave

⁸⁶⁶The province of Algiers had twenty French councilors, one “Israelite,” two Muslims, and one foreigner, with the latter three categories elected by the entire province (the French councilors were elected by district). In addition, the military territory of Algiers was entitled to one French and five Muslim councilors. In Oran and Constantine the numbers were eighteen, one, two, and one, respectively, with two French and six Muslims named for the military territory. See the *Bulletin officiel du gouvernement général de l’Algérie* (1871, 156-186). See also Estoublon (1891, 125-26).

his opponents opportunity for presenting him as an unreconstructed Jacobin.

When a French army commanded by a general who had earlier engaged in private negotiations with the Empress surrendered at Metz, Gambetta denounced it in proclamations to the population and soldiers as “treason by officers.” This was bitterly resented by many officers, and seemed to suggest an inability to recognize the reality of the situation (Chastenet 1968, 147). In re-establishing elections to the departmental councils, Gambetta provoked considerable hostility among local notables and the bureaucracy. He believed the councils to be “the worst assemblies of the Empire, the home of all bonapartist conspiracy” whose reorganization was required to give satisfaction to “both to the rights of universal suffrage and to republican opinion.” He went further, and requested the newly installed republican prefects prepare lists of functionaries and teachers who were “gravely compromised in the fallen regime,” and gave them authority to replace instructors. And in November, he announced the creation of Bulletin of the French Republic, which was to aid in the instruction of the people in republican principles,

“every Sunday, obligatorily, and even several times during the week, if possible, the instructor of each commune will lead to the assembled inhabitants. . . the principal articles [of the Bulletin]. . . . The instructor will focus particularly on raising awareness of articles on doctrine or history, which have as their object the enlightenment of the spirit of the people, to teach them in their political and social rights as well as the corollary duties, and to demonstrate that essential truth that the Republic alone can assure by its institutions the liberty, greatness, and future of France” (Mayeur 2008, 110-11).

His efforts to displace local authority, to continue the war at all costs, and to use the opportunity of a wartime emergency to instill republican principles—to mix politics with war—were all seen as evidence of the sort of radicalism that made the republic anathema to many liberals and monarchists (Bury 1971). And in part for this reason, moderate and conservative republicans saw in him, and the radical republicans of whom he was an undisputed leader, a threat to the possibility of securing the republic. He would be called to account before an inquiry, in which the Government was portrayed as run by radicals bent on continuing an unwinnable war. Conservatives and monarchists would refer to him as the Dictator in Assembly debates and on the campaign, hoping to ensure the insinuation of Jacobin radicalism stuck.

While the critical juncture period was not ended with the forming of a National Assembly, the political dynamics did enter a more predictable form. The elections of

February 1871, in which many departments could not participate because of German occupation, returned 675 deputies, with monarchists winning approximately two-thirds of the seats, and with Orléanists the largest and Bourbon Légitimists the second largest political faction. The elections were “a condemnation of [Gambetta’s] policies and indeed of all that he had stood for” (Bury 1973, 9). The former Orléanist and conservative minister Adolphe Thiers, who had even before Sedan called for a peace and who had subsequently tried to arrange negotiations between Prussia and the Government of National Defense, was elected in 26 departments on the “peace list.”⁸⁶⁷ On February 17, he was named “head of the executive power of the Republic,” but for this to pass the Assembly a preamble had to be added, “the National Assembly, custodian of the sovereignty authority, considering that it is important, while waiting until the institutions of France are decided upon, to immediately provide for the necessity of government and the conduct of negotiations.”⁸⁶⁸ On March 10, in what became known as the Bordeaux Pact, Thiers promised “to deceive no one. . . to prepare no constitutional solutions behind your backs,” and to not come out for one regime or another (Bury 1973, 20).

On February 16, a number of republican deputies resigned in protest of the cession of Alsace and Lorraine to Germany, including Gambetta. This ultimately was to his advantage, as it allowed him to avoid taking part in the suppression of the Paris Commune in May 1871. But the fact that the heaviest fighting occurred in Belleville, that his close confidant Arthur Ranc had briefly been a member, and that a number of extreme-left radicals who adhered to the Commune resigned shortly after Gambetta, combined to ensure that conservatives would try to associate him with it. And for these very reasons the Commune was seen by most radicals as presenting a grave danger to the prospect of a republican regime: it was the repeat of 1793, 1848, and 1849, and surely would be followed by its own conservative reaction. Gambetta’s friend and adviser Eugène Spuller summed up what many of them feared, that the republic had “perhaps received her death blow and we shall have to spend our lives bringing up a new generation capable of founding it have having for a moment hoped to found it ourselves” (Bury 1973, 21). And instead of simply negotiating the peace, as many republicans claimed was the purpose of the elections to the Assembly, it was increasingly apparent that the monarchist majority

⁸⁶⁷The electoral lists—chosen by department—were hastily prepared. Monarchists and conservatives tended to run on “peace” or “peace and liberty” lists, while the republicans—and especially the radicals—ran on lists that made clear their intention to continue the war. Many Parisian lists for instance, were label “Anti-Capitulation” (Chastenet 1968, 179).

⁸⁶⁸*Annales de l’Assemblée Nationale*, vol.1, February 17th. 1871, p.64

in the National Assembly intended to continue in office and organize a new constitution.

The Conservative Radicals

On March 10, 1871, two months before the suppression of the Commune, Thiers gave a speech in the Assembly summarizing the state of the country, and denying the repeated claims of the different factions to represent the will of the people. "You are divided," he told the deputies, "and do you know why? Because the country is, and what I say is known throughout the world, and you must recognize this difficulty, because in recognizing it you can overcome it." This division, he continued, was between those who "believe that France can only find a definitive peace under a constitutional monarchy" and those who, "just as sincerely, believe that with the institutions that you have been given, with that grand institution of universal suffrage, that with the movement of the spirits, with that agitation that is being produced throughout the world and in the center of all governments, that there is something leading today's generations toward the republican form."⁸⁶⁹

He discussed the divisions of both factions, but gave a special warning to the republicans. There were those who believe that the republic, even when it is governed by others, is still the republic. But there were others, "who will not admit the existence of the Republic except when it is in their hands." He reminded them that the Republic existed, that all the reorganization that would be done by the National Assembly would be done under the auspices of the Republic.

"Now don't come to us and say, 'don't sacrifice the Republic!' I will respond, 'do not lose it yourselves!' The Republic is in your hands, and will be the prize of your wisdom and nothing else... Every time you will raise inopportune questions, every time that despite yourselves... you appear to be, I will see the confidants or the accomplices without your wanting to be... of men of disorder... in accepting the appearance of complicity, you will hit the Republic with the most violent blow that she could receive."

Thiers was telling the republicans, radical and conservative alike, that they might be able to secure the Republic, so long as they disassociated themselves from the revolutionary tradition that had always invited reaction. Unsurprisingly, given the ideas they had developed during the previous decade, Thiers' advice resonated with the young generation of radical republicans.

⁸⁶⁹Thiers, *textitAnnales de l'Assemblée Nationale*, vol.1, March 10th. 1871, pp.286-87.

The radicals, now organized in a parliamentary group called Union Républicaine, spent the early years of the National Assembly trying to build a coalition capable of securing the Republic. This meant a moderate tone in public addresses, for which the earlier ideological work of the 1860s left them well-prepared. And it meant disseminating radical ideology, especially the radical interpretation of the Revolution and their role as its inheritors, to the countryside. And it meant re-asserting their commitment to universal suffrage in a way that emphasized its conservatism but did not lose them support among their most active partisans. The Republic and universal suffrage, they would argue, were the established institutions of the country.

After resigning in protest of the cession of Alsace-Lorraine, Gambetta took a break from politics. He marked his return on June 26 1871 with a speech in Bordeaux, only a month after the suppression of the Commune. Those who had always “slandered democracy” had also sought to “attribute the excesses of the last months to the Republic.” He insisted on the need for republican unity, believing that “thanks to the union of the diverse nuances of republican opinion, we can give to France the sight of a disciplined party, firm in its principles, hard-working, vigilant, and absolutely resolute to convince France of its ability to ability to govern.” Gambetta explicitly referenced Thiers’ claim that the future would go to the wisest, to the most worthy. “To the wisest! To the worthiest! Perfect!” he said, “it is a bet that we must accept.” They would show the public and their opponents, by producing “republican solutions” to every question that arose, that “we are a party of government capable of directing the country’s affairs, the party of intelligence and reason, and that it is among men adhering to our principles that we will truly find the guarantees of science, of disinterestedness, and of order.”

“Yes, we will be respectful of your authority, respectful of your legality, but we will not abandon the right to critique and reform. And, as we have never asked for favors from anyone, we will let universal suffrage decide between those who disdain and those who had the patience and the constancy to fight for the Republic and liberty.”⁸⁷⁰

This was not just a message to conservatives and moderate republicans. It was also an effort to instruct the republican party in the appropriate form of opposition. The stance of legal opposition that he was advocating was a character of the age and time, “it is certain that the age, I will say heroic, chivalric of the party has passed, since the realization of a party of its hopes.” The French Revolution must be completed, he continued,

⁸⁷⁰June 26th, 1872 (Reinach 1880b, 19).

but again he stressed, that “I mean by this word...the diffusion of the principles of justice and reason by which it was inspired and I entirely reject its identification by our enemies with violent enterprises.”⁸⁷¹ Today, under a republican regime, the character of opposition had changed, “it must press and regulate, it must not destroy.”⁸⁷² “We will now,” he remarked a few months later, “found a moderate and rational Republic which will save France” (Bury 1973, 28).

Gambetta’s close friend and adviser, Spuller had advised Gambetta to be “a Republican O’Connell, touring the countryside, travelling from town to town, constantly orating, making the public aware of him, aware of a Republican programme and of a Republican party as an active progressive force, rallying the scattered troops of Republicanism throughout France” (Bury 1973, 65). He spent the next several years, and especially the summer and fall of 1871, doing exactly this, repeating consistently the narrative that radical republicans had fashioned during the 1860s; he was, as an opponent called him with contempt and which he adopted with pride, a “traveler and salesman for the democracy.”⁸⁷³

By the summer of 1871, republican societies were being organized throughout the country, holding meetings geared toward organizing for by-elections in which the radical message of republican conservatism was constantly repeated (Mayneur 2008, 153). As Gambetta’s biographer has remarked, the “importance of these Republican committees in the provinces can hardly be overestimated” (Bury 1973, 51). Gambetta recognized that a successful republican movement would require a broad coalition, one that adhered to republican principles but that was not exclusive. Certain groups did need to be excluded, “proven leaders of monarchist intrigues and plots, all those who were the servants of the pretenders, who were the agents of anti-patriotic disorder.” But it was also important to “distinguish between the leaders and those who followed them, because these might be of good faith, they might just be lost!... You see, sirs, that my idea is this: separate the leaders from their supposed army; the army can enter into the ranks of the democratic party.”⁸⁷⁴

But there were limits in how far they could go in this regard, and the more that the radical leaders sought to moderate their tone or appeal to conservative republicans and liberals, the more they had to worry about maintaining their base. In Grenoble,

⁸⁷¹June 26th, 1872 (Reinach 1880b, 21).

⁸⁷²June 26th, 1872 (Reinach 1880b, 19).

⁸⁷³April 18, 1872 (Reinach 1880b, 261).

⁸⁷⁴September 26, 1872 (Gambetta 1872, 54).

on September 26, 1872, Gambetta gave a speech that caused a fury, and which was subsequently “quoted in innumerable speeches and books” (Bury 1973, 114). In a speech meant to appeal to his radical base, he asked whether the bourgeoisie had not “reflected on what is happening.... Have they not seen, since the fall of the Empire, a new generation, ardent, however content.”

“Have we not seen appear, all across the country,—and I want very much to highlight this new generation of the democracy,—a new political candidate, a new personnel of universal suffrage? Have we not seen the workers of the cities and the countryside, the working world to which the future belongs, make its entrance into political affairs? Is this not the characteristics warning that the country,—after having tried so many forms of government,—wants finally to turn to another social stratum (*couche sociale*) to experiment with the republican form?”

The line met with prolonged sensation, as the crowd cheered in delight. “Yes!” he continued, “I suspect, I feel, I announce the arrival and the presence, in politics, of a new social stratum that has been busy for almost 19 months, and which is certainly far from being the inferior of its predecessors” (Reinach 1880c, 101). This line would be quoted in thousands of publications throughout the remainder of the Third Republic, and the radicals would repeat it ceaselessly during campaigns across the country in the 1870s.

Conservatives—monarchists and republicans—were incensed at what seemed to be an invitation to class divisions. One conservative liberal rejected Gambetta’s distinction of ‘two Frances,’ insisting that “we are all French and equal; there are whigs and tories [sic], but there are not two Frances.”⁸⁷⁵ Thiers said that it was “provoking class war” (Bury 1973, 117). In the Assembly, Gambetta explained that these social strata had been “created by the French Revolution, favored in their development by the application of the ideas, the theories, and the laws of the French Revolution” and that they had become conscious of their existence thanks to universal suffrage (Reinach 1880d, 42).⁸⁷⁶

It was in many ways a continuation of the vision of the people that radicals had been advancing for years. They had talked incessantly of “the people, *petits bourgeois*, workers and peasants have every day a clearer perception of the connection between their affairs and politics,” who wished “to have their own representatives and soon they will

⁸⁷⁵Cézanne, *Annales de l'Assemblée Nationale*, vol.19, July 12th, 1873, p.141-44

⁸⁷⁶Gambetta, *Annales de l'Assemblée Nationale*, vol.19, July 12th, 1873, p.141-44

provide them” (Bury 1973, 48). Gambetta had insisted that education alone, “obligatory, free, and... absolutely secular,” could “unite the classes, because despite the law there are still classes, no matter what anyone says” (Reinach 1880b, 174). Jules Simon, in *La Politique Radicale*, noted that “when we speak of the re-establishment of classes, you are indignant. You should be. When we speak of the rich and the poor, and we say that there are rights for the rich that do not exist for the poor, you are indignant. You again should be” (Simon 1868, 246). The radical program had always promised to “equalize the classes, dissipate the so-called antagonism between the cities and the countryside... and by the diffusion of science for all, return to the country its moral and political vigor” (Reinach 1880b, 39).

But it was now informed by the experience of organizing, of corresponding with republicans across the country, and of seeing their reaction to public speeches. All of this had been restricted under the Empire, and the radicals were increasingly convinced that the people were for the republic, and that even in the countryside and small towns new social strata—the plural form becoming increasingly frequent—were emerging. In a series of by-elections in July 1871, the radicals had picked up an additional 35 seats, with 38 going to moderate republicans. Only 12 monarchists had been elected. And between July 1871 and September 13, 1874, the combined republican vote in by-elections was 5.7 million, against 2.5 million for the monarchists and 700,000 for the bonapartists (Salles 1874). The radicals were increasingly emboldened, and the conservatives increasingly worried that their chance to found a monarchy, or even a transitional conservative republic, was going to be lost.

Moral Order and the Defense of ‘Universal Suffrage’

Even before the convening of the National Assembly, conservatives and monarchists had begun to prepare various schemes to restrict ‘universal suffrage,’ which they all agreed was dangerous for the power that it gave to numbers and to the working class. H. Druon in 1871, shortly after the elections, had asked whether a taxpaying qualification might be desirable, “sure, a taxpaying electoral corps displeases us as much as anyone. But come on, to ask that every citizen, to be admitted to the right to vote, pay a direct contribution, no matter how small, would this be too rigorous?” (Druon 1871, 8). “The religion of universal suffrage,” wrote another, “still has its devotees who profit from it, but I no longer see any believers who defend it... In the same way that certain republicans, run out of arguments, invented the republic above universal suffrage, the theorists of

universal suffrage avoid the embarrassment of defending it by denying anyone the liberty of attacking it” (Rondelet 1871, 7–8). The Legitimist pretender to the throne declared that France must have “a universal suffrage honestly practiced,” which to his supporters meant a restricted franchise with multiple stages of indirect elections or with more votes for wealth and heads of families (Huard 1991, 108). The Orléanist monarchists, for their part, were adamant that ‘universal suffrage’ needed to be greatly curtailed. The different factions all believed that the character of the new regime was inextricably bound to the question of the suffrage. “The electoral law,” wrote the Catholic journalist Henri Lasserre, “is the entire Constitution” (Lasserre 1873, 1).

In February 1873, monarchists and conservatives modified the electoral system in an effort to stem recent by-election losses. From now on, a majority rather than plurality of votes was required, and this majority had to equal at least one-quarter of the total number of registered voters. It was opposed by many republicans as implying an abandonment of list ballot, but it was insisted upon by conservatives as necessary so that “universal suffrage was not the victim of a surprise.” “We must organize a sort of right of appeal against the first ballot, and it is that right of appeal that we are re-establishing with this law” (Duvergier 1873, 31).

But an organized effort to restrict the franchise would begin, as in 1850, only with the election of a radical deputy in Paris. Adolphe Thiers decided that the only unelected member of his government, Charles de Rémusat, a former Orléanist minister, should stand in a Paris district. Rémusat’s adherence to the republic was doubtful, and accordingly he should have been opposed by Gambetta for violating the policy of opposing all non-republican candidates. But the local radical committees were decided on the matter, and nominated Désiré Barodet, the former mayor of Lyons who had been deposed by the government when the city’s municipal council was suppressed for replacing Church schools with secular ones. Gambetta changed his mind, the result of “pressure from [the radical] ‘tail’ . . . pressure from obscure clubs and committees, groups that . . . were said to have been organizing for months, pressure from freemasons and pressure from all those among whom ‘the old leaven of the Commune’ was said to be working” (Bury 1973, 141).⁸⁷⁷

⁸⁷⁷In Bury’s telling, Gambetta had mocked the idea that he was bound by his ‘tail,’ the name for his most active radical partisans. When his mockery and implicit suggestion that he would not back Barodet was retold by a friend at a dinner party a few hours later, the speaker observed a young man “‘with rather slit, cold, lack-luster eyes’ was listening to him. ‘When I had finished my story, the young man raised his head and quietly asserted that Gambetta would change his mind. He held to this opinion despite our protests. . . and told us that the man whom Paris would elect would be M. Barodet.’” The man in

The radicals campaigned on a three-part program: (1) the immediate dissolution of the Versailles Assembly, (2) the absolute integrity of universal suffrage, and (3) the convocation of a constituent assembly. It was the second point that “most viscerally gripped radical opinion” and became the central issue on which the election was fought (Wartelle 1980, 613), “The vote to which Parisians are called must have a decisive meaning and influence. Their vote must save the Republic and universal suffrage from the perils that threaten them.”⁸⁷⁸ The immediate peril was a proposal in the Thiers cabinet to restrict the franchise (Bury 1973, 144).

The campaign was considered by contemporaries one of the major moments in Parisian history, the “first election à l’américaine,” and it would ultimately have long-term repercussions (Wartelle 1980, 601).⁸⁷⁹ During the campaign, the Thierist candidate was forced to embrace universal suffrage, recognizing that failure to do so was likely to cost him the election. But in doing so, he estranged the conservatives and split the coalition between them and the monarchists. “M. Barodet,” the *Economist* remarked, “can count on the votes of three-fourths of the [Republican] party. An alliance between the moderate Republicans and the Conservatives might have returned Count de Rémusat, but he has estranged many of these latter by his address, in which he promises to maintain the Republic and to preserve universal suffrage intact.”⁸⁸⁰ Barodet, a relatively unknown figure, defeated the chosen candidate of the President on the first ballot, 52.2% to 39.2%.

The prefect of police bemoaned that so soon after the Commune, Paris could have elected by such a large majority “a man who represented the defeated doctrines of the month of May 1871” (Wartelle 1980, 602). The rightist press was incensed. Even more worrying, for the right, was that Rémusat had been supported by the bulk of the moderate republicans, including the highly influential positivist Emile Littré (Rosanvallon 1992, 316). And even the centrist and liberal *Revue des Deux Mondes* noted that “for some time, the radicals are accustomed to strange victories. Radicalism wants to show its

question was Edouard Portalis, the editor of a radical newspaper called *The Corsair* (Bury 1973, 140). In Wartelle’s account, Gambetta is a much more active figure supporting the candidacy, and encouraging the Union Républicaine to support it (1980, 606-07).

⁸⁷⁸Édouard Portalis, “Une Protestation,” *Le Corsaire* April 6, 1873. Cited in Wartelle (1980, 605)

⁸⁷⁹Portalis, who campaigned furiously for Barodet, had recently returned from the United States, where he witnessed the election of Grant and considered it to be the great act of suppressing an aristocracy of race. He published a book on the experience entitled *Les Etats-Unis, le self-government, et le césarisme* (1869).

⁸⁸⁰*The Economist* was very concerned with the election of Barodet, believing it would signal the triumph of “the Reds.” “Foreign Correspondence,” Saturday April 19, 1873.

force.” For a government that wants to be “genuinely, essentially conservative,” a new electoral law would have to be prepared.⁸⁸¹ With the defeat of Rémusat the right and conservative republicans were radicalized, and “universal suffrage is first among the accused” (Rosanvallon 1992, 316). On May 19, less than a month after the election, Jules Dufaure, a close associate of Thiers, introduced a measure to restrict the franchise by requiring two years residence and increasing the causes for loss of political rights. This would be muted, however, as the monarchists, supported by a number of deputies from the liberal center, rushed through a motion expressing non-confidence in the President’s cabinet, on the grounds that it would not be sufficient to fight the advance of radicalism and defend moral order. Thiers was defeated by 14 votes, and resigned shortly after. Patrice Mac Mahon—a Legitimist general—was named president, with the Orléanist Albert de Broglie as Prime Minister in a government of moral order, committed to the suppression of radicalism and a monarchical restoration.

In 1871 a Belgian writer gave voice to strong currents of French thought when he asked whether “experience shows us how much the moral and political level has been elevated in France by twenty-years of practice with universal suffrage?” In the aftermath of the Commune, “the . . . great argument of the educative virtue of universal suffrage resembles a bloody irony” (Devaux 1871, 21). This skepticism and even hostility toward universal suffrage characterizes the vast majority of the material produced during a remarkable public discussion provoked by the overturning of Thiers. The pamphlets, books, newspaper articles, and, insofar as the government of moral order allowed, public meetings advocating various suffrage schemes only increased when the National Assembly in December 1873 named a ‘Commission Relative to the Constitutional Laws’—the so-called Commission of Thirty.⁸⁸² The Commission was dominated by Legitimists, and the rapporteur, the Duke of Batbie, was explicit in stating that the purpose was to “react against the law of numbers” (Rosanvallon 1992, 316). While there were some exceptions, most of the proposals aimed at reducing the force of ‘numbers,’ either by additional qualifications, by mediating ‘universal suffrage’ through indirect elections, by providing greater weight to certain classes of voters, or by re-founding the suffrage by some scheme of interest-based representation.

⁸⁸¹Chronique, June 14th (de Mazade 1873, 962)

⁸⁸²Political meetings were still scrutinized and in many cases illegal, a legacy of the Empire. The government of moral order was aggressive in prosecuting meetings or closing journals, however. The alternative to the political meeting were various occasions that were not as heavily scrutinized, such as funerals—especially the civil funerals of the republicans—and meetings with a strictly electoral purpose.

Writing before the overturning of Thiers, one commentator had remarked that it had been a quarter of a century since France had universal suffrage, and “far from being a sign of moral and political progress, we are forced to see in [it] an index of the most humiliating degradation” (Lapeyre 1872, 3, 6). This would be the near unanimous conclusion of almost all conservatives who intervened in the discussion. “If the France of the July Monarchy,” argued one author “could embrace a perspective over the entire period that has gone by from 48 to our day, turned to look at universal suffrage. . . she would have the right to say to it: consider the acts of your past.” The author listed various acts of the Empire (Battanchon 1873, 3). “Universal suffrage,” the author continued, “direct and by list ballot, is in itself irrational and absurd. . . It has almost never been respected in practice by its most ardent promoters. . . The establishment of authoritarian socialism will depend on it” (Battanchon 1873, 8).

Another recognized that taxpaying qualifications “no longer have the flavor of the day,” but insisted we “must conquer this repugnance and pronounce resolutely” and suggested a draft franchise law, the first article of which was “universal suffrage is maintained. But whoever does not pay taxes is not an elector” (Dolbeau 1874, 4-5). Fernand Nicolay had some advice to those who were being told that ‘universal suffrage’ was the desire of the people: “Stop listening” (Nicolay 1875, 4). He called for plural votes, in order to moralize the suffrage by representing intelligence, the family, and property. Frequent reference was made to the degradation of the Empire, and Bonapartists were accused of “striv[ing] to excite once again the unintelligent masses to reconquer the lost ground and reconstitute the empire.” But the republicans, for the monarchists, were little better, and their “principles in the matter of the suffrage are, at base, identical with those of cesarisme, demand an appeal to the nation. . . in the hopes of see arrive a new Chamber of deputies of their opinion, and in sufficient numbers to dominate the situation” (Jacob 1874, 3-4).

But there were some ostensible Bonapartists who opposed universal suffrage as well. Edouard Petit, a Knight in the Legion of Honor and the administrator of a public assistance bureau in the 3rd arrondissement, submitted a “simple detail of which nobody is ignorant. . . [T]he man who has recourse to public assistance (often, alas, by his own fault), appears at the poll with those who contribute all their charges, even those which the miserable has imposed on them” (Petit 1873, 4-5). “For twenty years, under the protection of a legendary name and the support of the countryside, France prospered. By our misfortunes, the charm is broken, and universal suffrage becomes every day more

menacing” (Petit 1873, 8).

Many Legitimists, but by no means all, had come to terms with ‘universal suffrage,’ and even set out to reformulate its meaning, “universal suffrage is the application of the principles of Christianity to the electoral law; it makes all French equal before the ballot box as the religion of Jesus Christ recognizes them as equal before God” (De Roys 1872, 1). This was not a new tendency, and as early as the 1830s some Legitimists had come to blame the July revolution not on the actions of the King but on the electoral law of 1817.⁸⁸³ The position of the pretender, that ‘universal suffrage’ should be maintained by being “honestly practiced,” was repeated *ad nauseum* (Rosanvallon 1992, 318). But while proclaiming their adherence to its principle, they also insisted that it must be reformed, “the equality of intelligences is as impossible as the equality of wealth. . . . For universal suffrage to produce good results, it must be organized in such a manner than the most intelligent men enlighten those who are the least, and these, when it comes time to take a decision outside of their competence, listen to the councils of their fellow citizens” (De Roys 1872, 2).⁸⁸⁴ A ‘Picardy Peasant’ argued that universal suffrage should be maintained, but that it should be based on corporations, with “all the French artists electing artists, all the tailors electing tailors, all the men of letters electing men of letters. . . .” (1875, 2).

One of the more interesting interventions, which would have increased relevance near the end of the Third Republic, was a proposal by Ferdinand Jacob that contrasted the 1789 declaration of the rights of man to the 1848 constitution. The first proclaimed that “sovereignty resides in the nation,” while the later constitution proclaimed that “sovereignty resides in the universality of French citizens” (Jacob 1874, 6). As a result, it was a lie that ‘universal suffrage existed.’ Moreover, the exclusion of children under 21 was equally a denial of the sovereignty of the nation. But what was the nation? It was everyone speaking the same language, having as its basis the family, of which the father was the head (Jacob 1874, 7-8, 13). His proposal would have enfranchised the head of families, above the age of 21. If the husband died or lost his political rights, then the wife would have the right to vote. Both men and women who were not married could vote once they were 25 years of age.

These ideas and more were floated during the meetings of the Commission of 30.

⁸⁸³Scipion, Marquis de Dreux-Brézé, *Archives parlementaires*, 2nd series, vol.68, March 30, 1834, pp.193-94

⁸⁸⁴The Legitimists who supported a broad electorate in the 1830s had limited their proposals to taxpayers—still much more inclusive than liberals and even many republicans of the period—and had always insisted on indirect elections.

Raising the minimum age to 25 had broad support among the conservatives, although some worried that it would be seen as going too far in breaking with past tradition without achieving much in the way of the intended reduction. An extension of the residence period was also considered, as was a distinction between those born in a commune and those born outside: for the former 6 months residence would suffice, while for the latter three years would be required. This had the advantage of maintaining the franchise for small farmers while greatly disfranchising the urban proletariat (Huard 1991, 110). Its defect in the eyes of conservatives was the ‘absurdity’ of enfranchising the returned vagabond at the expense of the newly installed merchant.

Other deputies discussed the return to a property qualification, while the idea of some form of education requirement—or plural voting for those with diplomas—had considerable support. Some cautioned against both of these, such as rightist Eugène Tallon who argued that restrictions based on property or education were misguided, “capacity is difficult to establish. If it resides in good sense and reason, we see illiterate men who have more than baccalaureates. It would be dangerous to base it on diplomas; all the ambitious and the degenerate generally have these.”⁸⁸⁵ But while some insisted on caution, the commission was becoming increasingly the site for conservative fantasies about constructing their ideal electorate. The centrist-liberal *Revue de Deux Mondes*, which had supported a restriction of the franchise, had not been expecting the spectacle of Legitimist deputies considering plural voting, family voting, or corporate voting, declared the commission to be “obviously the victim of an illusion. It misunderstands: it was not created to deliver itself to the study of these fantasies” (Rosanvallon 1992, 322).

In 1872, De Castellane, a monarchist deputy who was insistent on the need to establish the suffrage on a new basis, described his reading of the political landscape regarding the franchise,

“Among the republicans, some. . . want to establish a distinct suffrage for the cities and for the countryside. . . ; others demand that only citizens knowing how to read and right be admitted to the vote. Among the monarchists, same divergence of views. . . . Only the Bonapartists have conserved an unlimited admiration for the current form of universal suffrage” (Castellane 1872, iv).

Many republicans, especially the moderate and conservative ones, had supported a restriction of the franchise. By the summer of 1874, however, many of them had come

⁸⁸⁵Meeting of the Commission of Thirty, 4th session, December 17th, 1873. C*/II/611-613

to accept ‘universal suffrage.’ This was in no small amount the result of the radicals’ success in keeping to a strategic posture of moderation and restraint.

The legacies of the Bonapartist period were especially important in the fight over ‘universal suffrage.’ For one, the interpretation of the revolutionary tradition that they had developed in the 1860s helped radicals dissuade their more extreme supporters against the coup de force. This option had always important appeal among radicals in the Union Républicaine, including the still active Louis Blanc, and it only became more so as the regime harassed republican activists and closed off avenues of legal political activity. The day after Thiers’ defeat, the radical newspapers printed an appeal for calm with over 1,500 signatures, with the topmost names being the leaders of the Union—with Gambetta and Louis Blanc foremost among them (Bury 1973, 154). Insofar as they would be able to maintain their partisans from engaging in agitation, they believed they could secure the support of the conservative republicans who had supported Thiers in a broad republican coalition.

But also of considerable importance was that the radicals had been—again since the 1860s—invoking ‘universal suffrage’ as central to their political project. ‘Universal suffrage’ had been a central legitimating trope of the empire, which had constantly reminded male citizens of their role in the national sovereignty. Instead of rejecting it, radical republicans campaigned on the insistence that they were the true defenders of ‘universal suffrage,’ associating themselves with a broadly resonant understanding of political community, “the Republic is the form, I won’t say natural, but necessary, of the sovereignty of the people.”⁸⁸⁶ In both the National Assembly and on the campaign trail they associated ‘universal suffrage’ with the development of the ‘new social strata’ that radicals argued had been making their presence known in by-elections since July 1871. “We want no Republic,” said Gambetta, “which is not based upon that sovereignty of universal suffrage which you have so disdainfully called the sovereignty and brutality of numbers and treated almost as though it were an abject tyranny” (Bury 1973, 136). And radicals campaigning on ‘universal suffrage’ were winning.

The criticism of *La Revue* was echoed by rightists and conservatives, who were increasingly worried that allowing the commission to pursue a restriction of the suffrage would result in them violating the highly resonant understandings that linked universal suffrage with citizenship and popular sovereignty. Moreover, Bonapartists candidates had begun winning more seats, and had been calling for an appeal to the people since

⁸⁸⁶Blanc, *Annales de l'Assemblée Nationale*, vol.1, February 17, 1871, p.64

1871, “universal suffrage alone can destroy the work that it has enacted by four solemn plebiscites. Make an appeal to the people, if you dare. . . . And once the people have pronounced, it will be criminal to not submit to its uniquely sovereign will.”⁸⁸⁷ The victories of radicals and Bonapartists gave force to what was already a broadly shared interpretation of French history, that the disfranchisement law of 1850 had entailed disastrous consequences.⁸⁸⁸ Conservatives were anxious that the emphasis of republican campaigning on ‘universal suffrage’ and the increased support that seemed to result were manifestations of the concept’s popular resonance.

The day of his defeat, Thiers told the National Assembly that it was, in his opinion, impossible “today to call into question the principle of universal suffrage.” He was one of the authors of the disfranchising law of May 1850. Today, however, he “believe[ed] it to be sovereignly imprudent to even think of touching it. But it can still be regulated, moralized, cleansed” (Calmon 1879, 210–11). When Thiers spoke before the Commission of 30 his appearance caused a sensation, as he admitted that he had been wrong in 1850. The Bonapartist coup “made clear to me that we had put a dangerous weapon in the hands of an adventurous man. This caused me considerable reflection. There is always a danger of placing a weapon in the hands of those who can present themselves to the country announcing that they will re-establish universal suffrage” (Rosanvallon 1992, 330). Many conservatives were beginning to feel the same way, worried about “tempt[ing] a bold coup by the reestablishment of a restrictive franchise” (Lasserre 1873, 60). “Universal suffrage” might be “nothing else but the invasion of the barbarians into the political order,” but to suppress it, “although many quietly desire it, without daring to admit as much in their speeches or to tempt it in their actions” would be as dangerous as maintaining it (Lasserre 1873, 78, 19).

But most of the writers who noted that ‘universal suffrage’ could not be questioned nonetheless proposed considerable modifications, and sometimes even disfranchisement. Renan believed that “every measure, like the law of 31 May, 1851 [sic] having as its goal the deprivation of citizens from a right they have exercised for twenty-three years would be a blameworthy act.”⁸⁸⁹ But he also proposed, as with many of the Legitimists, that “the suffrage, while remaining perfectly universal, is no longer direct; it is to introduce

⁸⁸⁷Gavini, *Annales de l'Assemblée Nationale*, vol.1, March 1, 1871, p.104

⁸⁸⁸In 1850, Alphonse de Lamartine had opposed the law of May 31st by invoking a previous effort to restrict the franchise, “Charles X, to strengthen his power in 1830, rushed voluntarily, so to speak, into this abyss that two revolutions have not yet been sufficient to close” (Ulbach 1865, 204)

⁸⁸⁹Either Renan or the printer was mistaken on the date, which occurred a year earlier.

degrees of suffrage” (Renan 1871, 86). Hippolyte Taine believed “it very likely that universal suffrage will be maintained,” because it was impossible to get rid of it, “liberal opinion, or at least, popular opinion, is for it; this is why many who do not like it very much will consent to keep it, so as to not remove the sympathies of the multitude from the new government” (Taine 1872, 8). Still it had to be organized, and the law had to accommodate the “taxpayers” level of intelligence (Taine 1872, 9). “What is the political party that would dare risk such unpopularity?” asked another writer. “We see that, despite the fears of some, universal suffrage imposes itself as a necessity and by that its future is assured” (Lapeyre 1872, 3–4).⁸⁹⁰

Conservatives in the Commission believed that changing it in its substance would “raise a formidable resistance in the country. The institution of universal suffrage is a misfortune, no doubt, but it has existed for more than 20 years. It has set down deep roots in the country.”⁸⁹¹ The institution had “entered into our mores. The country holds to it. By mutilating it, we would raise passions and bring about cruel disappointments for us.”⁸⁹² As Gabriel Hanotaux, a republican politician, reflected years later, the conservatives “with their customary prudence. . . refrained from advertising their sentiments [in favor of abrogating ‘universal suffrage’; but they cherished them at the bottom of their hearts” (Hanotaux 1903, 37).

The broad resonance that gave conservatives pause was not free-floating. Rather it was encouraged by and embedded in the organizational efforts of the republicans, who both recognized its central place in French citizenship and sought to entrench the republic by associating it to ‘universal suffrage’ in their campaigns. The Société l’Union

⁸⁹⁰The claim that ‘universal suffrage’ was too resonant to be touched, but nonetheless needed organizing, was repeated in the vast majority of conservative tracts. The general argument was (1) ‘universal suffrage’ is the worst thing to happen to France, (2) it cannot be restricted in the way that we desire, so (3) it must be considerably reorganized, either by plural voting, by voting in corporations, or by various restrictions that were not seen as denials of universal suffrage but as measures of voter identification, such as extended periods of residence in the commune. “If we must respect universal suffrage in principle, it is at least permissible to organize it, to manage it” (Druon 1871, 6). “If universal suffrage could be suppressed,” wrote Paul Ribot, “it would only be after plunging our country into an abyss of evil” (Ribot 1874, 184). De Castellane, who wanted a considerable reworking of the electoral system, reflected that “such is the power of this institution, that it requires a sort of courage to warn of its dangers. Like a colossus, the mere sight of which causes its adversaries to retreat, universal suffrage exercises an empire so considerable that many of those who present themselves before it as an enemy, prudently retire at the moment of the fight, and will even, out of fear of its resentment, will let it be known to all that they are its allies and friends” (Castellane 1872, 10–11).

⁸⁹¹Meeting of the Commission of Thirty, 7th session, December 24, 1873. C*/II/611-613

⁸⁹²Meeting of the Commission of Thirty, 4th session, December 17, 1873. C*/II/611-613. See also Rosanvalon (1992, 317)

Républicaine inscribed ‘universal suffrage’ at the top of their program,

“in the goal of arriving at the realization of the principles contained in the formula, Liberty, Equality, and Fraternity, [the Society] adopts, as the basis for the political constitution of France, (1) the Republic is one and indivisible, founded on universal suffrage, with a National Assembly and ministers named and revocable by this Assembly; (2) Municipal councils, in each commune, elected by universal suffrage and having the sole right to name and to recall mayors and adjuncts—the law shall limit their powers.”⁸⁹³

Republican journals were founded to “maintain the right of universal suffrage.” The newspaper *Le Suffrage Universel* was founded in Bordeaux in 1873, and explained in its prospectus that its purpose was to defend “universal suffrage, the basis of our institutions and the only guarantee of our interests” (Bouchon 1901, 542). As the republican committees organized, they began requiring pledges and promises from their candidates “of a more and more pressing character with reference to the suffrage” (Hanotaux 1903, 620). And they claimed the legacy of universal suffrage as the essential character of French republicanism. An 1873 pamphlet, entitled “Le Suffrage Universel,” was published and distributed by la *Société d’instruction républicaine*. This tract appealed to those sympathetic to the “flag of order,” namely those constituencies that had returned a monarchial majority in 1871 and which the republicans were now seeking to organize. Universal suffrage was not only crucial to the republican tradition, but was the “only legitimate authority” that could provide order in a time of turmoil, “The republic and universal suffrage are two words for the same proposition. . . . Hereditary monarchy excludes elections: republicanism demands them. Monarchy alienates the liberty of future generations and fatally condemns us to future revolutions; the Republic assures order through the constant exercise of national sovereignty” (Millaud 1873, 30).

The purpose was not just to cast themselves as defenders of resonant French understandings of citizenship. Rather, by organizing a campaign around ‘universal suffrage’ republicans could both associate the institution with the Republic—rather than the Empire—and underscore its popular resonance to conservatives. And the explicit claim was that any revision of ‘universal suffrage’ would itself be a dangerously provocative act, that social order required its acceptance in full. “Let no one be fooled,” wrote

⁸⁹³No precise date is given for this pamphlet, but its content makes clear that it was before the promulgation of the constitutional laws in 1874, and was likely from the early period of republican organizing in 1871. La Société l’Union républicaine (18–). It can be consulted at: <http://catalogue.bnf.fr/ark:/12148/cb36462000m>. See also Vavasseur (1871, 14).

Gambetta's newspaper, *La République française*, "not since 31 May 1850 has a French assembly had to decide on a subject as grave or as dangerous."⁸⁹⁴ Whether conservatives feared a revolution, a coup d'état, or simply electoral defeat was unclear; any too aggressive restriction might make any of these more likely.⁸⁹⁵ But the belief that there would be costs to restricting the franchise was becoming increasingly embedded in the expectations of conservative political operatives. "Universal suffrage," had supported Gambetta, he claimed. "If you would like, let us make the appeal to France: she has already pronounced, and she will pronounce again between you and me."⁸⁹⁶

In March of 1874, the Commission of Thirty released its report on the suffrage.⁸⁹⁷ The president of the commission, Anselme Batbie, began by insisting that vote was not a right, but a public function, requiring tact and firmness from the citizen. He regretted that France, instead of proceeding by partisan competition to incremental increases to the electorate, had "brusquely" jumped to universal suffrage during a revolution. And he informed the deputies that the great majority of the commission believed that "it would be good to temper the power of numbers, until now without a counterweight, by adding the representation of interests." This was the clear desire of the commission, and yet admitted Batbie, they were not able to agree on how to accomplish this goal.

Batbie went through the various proposals, and was explicit that the reason they were rejected was that they were not certain to provide checks on the power of the working classes. Multiple votes for fathers might change the total but not the proportions between the different classes; multiple votes for taxpayers would not be enough to "dominate universal suffrage." The same was true with the other proposals, including a high property qualification for eligibility, a personal taxpaying qualification, distinct representation of persons and property, election by two degrees—which, Batbie recalled, had elected the "most revolutionary Assemblies" of French history (1791 and 1792). But the essential motivation given by Batbie for the commission's not adopting these reforms was "the fear of upsetting the most lively and suspicious feeling among us, equality." Throughout the commission's sessions costs had been anticipated from violating the strictures of 'univer-

⁸⁹⁴ *La République française*, June 3rd, 1874. Cited in Rosanvallon (1992, 328).

⁸⁹⁵ *Le Temps* had noted the potential for revolution in December 1871, after the Commune, "In electoral rights, what has been conceded cannot be taken away or modified. Any restriction, any modification, would create a revolutionary risk," more dangerous than the dangers that it was meant to avoid (Rosanvallon 1992, 330 fn.3). Electoral defeat, however, was for many conservatives equivalent to a despoiling revolution, as they could not distinguish between radical republicans and the Communards.

⁸⁹⁶ Gambetta, *Annales de l'Assemblée Nationale*, vol.8, February 24, 1872, p.31

⁸⁹⁷ Annexe n.2320, *Annales de l'Assemblée Nationale*, vol.30, March 21, 1874, pp.202-17

sal suffrage.’ “The right of suffrage is a function, it is not an absolute right,” they would repeatedly claim; “but we cannot mutilate it, nor suppress it, but only regulate it.”⁸⁹⁸

The disfranchising law of 1850 had operated primarily by heightened residency requirements and an expanded list of offenses for which political rights were lost or suspended. The framers had relied on these factors because there were constitutional limitations against a property or taxpaying qualification and against raising the age limit. The drafting of the proposed law of 1874 took place without such constitutional restrictions, and yet the final product was very similar. While there was no constitutional limitation, there was an ideological one: the possibility of there being a cost to directly attacking ‘universal suffrage’ was embedded in the expectations of the commission members. The commission tried to “keep the terminology of universal suffrage,” insisting in the report, the debates, and in the provisions of the law itself that their project maintained universal suffrage. The first article read “electors, for the nomination of deputies, are all French aged 25 years and enjoying their civil and political rights.” With the exception of the increased age qualification, this was nearly identical to the constitution of 1848.⁸⁹⁹ Other than the age limit, no new franchise qualification was explicitly established. It was only in the procedures establishing the electoral register that the major disfranchisement was accomplished, and these were defended on the grounds that it was necessary to be able to establish an elector’s identity so as to prevent voter fraud.

The registration requirements varied according to whether the citizen was born in the commune.⁹⁰⁰ If he was, then he need only be resident 6 month. If he was born elsewhere, he would need to be resident three years. Additionally, all taxpayers were automatically registered—after the term of residence—while those who did not pay a personal tax had to request registration. Persons who did not meet these qualifications could still register, but had to go through additional procedures. In communes with fewer than 2,000 inhabitants, they could request to be registered but needed to bring witnesses or written testimony as to their identity. It would be then be up to a decision of the municipal commission. In cities with more than 2,000 inhabitants, the proof needed to be a registered lease, the declaration of a father or mother or other senior relatives living with the elector, by the employers of workers living in their homes, or

⁸⁹⁸Meeting of the Commission of Thirty, 7th session, December 24, 1873. C*/II/611-613

⁸⁹⁹The constitution of 1848 read “electors, without any property qualification, are all French aged 25 years and enjoying their civil and political rights.” In both cases, the masculine form was used.

⁹⁰⁰That the commission sought to obscure the disfranchisement by insisting that it was solely a procedural measure to establish the identity of the voter was pointed out at the time. Delorme, *Annales de l'Assemblée Nationale*, vol.31, June 2, 1874, p.258. See also Rozy (1874).

by an affidavit provided by the mayor on the testimony of three electors who had been automatically registered, with proof of having resided for the requisite amount of time. The list of offenses for which one was deprived of the right to register was expanded to encompass an extensive list of individual crimes and forms of punishment. The bill was well summarized by the moderate republican Delorme, “In two words, keep the label ‘universal suffrage’ while suppressing, by procedural means, two to three million voters.”⁹⁰¹ The majority of these two to three million would have been disfranchised by the age qualification, and the primary security against working class voting was by making registration and identification a burdensome process.

Opposing the bill in the Assembly, the radicals employed the rhetoric that they had been using in campaigns across the country. The bill was a “mutilation” of universal suffrage, a “defiance against the entire country.”⁹⁰² Gambetta tied to it the ‘new social strata,’ “there are four generations of Frenchmen that you will be removing from the circle of public life, that you will be depriving.”⁹⁰³ They insisted on the conservative character of ‘universal suffrage,’ and recalled the dangers revealed in 1850, “We plead with you, as conservatives, to do nothing that could risk putting the people onto the revolutionary or plebiscitary path.”⁹⁰⁴ Even Ledru-Rollin, again a member of a National Assembly, adhered to the radical script, “How in a country where are as many property-owners as there are electors, can you worry that the Republic will not be conservative!”⁹⁰⁵ “It has now been twenty-six years that universal suffrage is practiced in this country... it is a principle deeply anchored in the political habits of the country that you will be attacking.”⁹⁰⁶

The attack on ‘universal suffrage’ was an attack on France itself. How many times, asked Louis Blanc, “must we remind you of what came of the law of 31 May [1850]? How

⁹⁰¹Delorme, *Annales de l'Assemblée Nationale*, vol.31, June 2, 1874, p.259. The eligibility requirements were more onerous still: to be elected one had to be domiciled on the same terms as the electoral qualifications, or in the district where his parents lived when he was born, or have been a taxpayer for five years in the commune. The reasons given were that it was necessary that there be a relationship between the elector and the deputy, that the elector know the opinions of the latter not by reference to their speeches but through interactions with them. It was to avoid a situation in which “one votes for their doctrine, but in choosing, does not elect the man for his character” (Rozy 1874, 84). These measures intentionally targeted republican journalists and publishers who would install themselves in small towns and villages in order to disseminate republican ideology (Rosanvallon 1992, 326).

⁹⁰²Brisson, Tolain, *Annales de l'Assemblée Nationale*, vol.31, June 2, 1874, p.244, 250; Blanc, *Annales de l'Assemblée Nationale*, vol.31, June 4, 1874, p.293

⁹⁰³Gambetta, *Annales de l'Assemblée Nationale*, vol.31, June 4, 1874, p.303

⁹⁰⁴Brisson, *Annales de l'Assemblée Nationale*, vol.31, June 2, 1874, p.244

⁹⁰⁵Ledru-Rollin, *Annales de l'Assemblée Nationale*, vol.31, June 3rd, 1874, p.285

⁹⁰⁶Blanc, *Annales de l'Assemblée Nationale*, vol.31, June 4, 1874, p.293

many times before you understand the fatal chain that linked the dismemberment of universal suffrage to the dismemberment of France?”⁹⁰⁷ Moderate republicans stressed that while the commission’s ideas might be fascinating, and worthy trying elsewhere, they went against the grain of French political community, “Are they adapted to our mores? Are they adapted to our social system? Are they adapted to the country? It’s that, it seems to me, which the authors of these projects have not sufficiently considered.”⁹⁰⁸ And republicans were eager to emphasize that they understood this fact, even if the conservatives did not, “on our benches...we embrace universal suffrage for itself, as itself, because it is the only peaceful and regular expression of the democracy and national sovereignty... It is the great arbitrator and great pacifier.”⁹⁰⁹

This language was picked up by the center-left liberals as well, who implored the conservatives not to debate the electoral law, “I am firmly convinced that if we enter into a discussion of the electoral law we are entering into an area where conciliation will be very difficult... we will find there darkness and war rather than light and peace.”⁹¹⁰ One member of the center-left traced the history of the country from the Estates-General, arguing that it had always been based on a broad franchise—except after 1817, which ended in two revolutions. Laws must take into account the social milieu, and “here the circumstances, the milieu, is universal suffrage, which exists uncontested in this country for twenty-five years.”⁹¹¹

The bill was not vigorously defended by conservatives, with the most vocal participant insisting that the bill did not go far enough. The problem for the extreme-right was that the bill still recognized the sovereignty of the people, “the sovereignty of individuals in assembly.” “All citizens are sovereign! Far from being born sovereign, they are born subject: there is the truth. Subjects, that is to say subjected to the necessities where his origin, of its mores, its misfortunes, or its glories... have placed the nation to which he belongs.”⁹¹² But for the most part the bill’s supporters stuck to the position that it was “a regulation of universal suffrage, maybe even a timid reform, but loyal and sincere”⁹¹³ They rejected the historical interpretation raised by radicals, claiming that “our project is not based on the law of 31 May [1850], it does not tend to reproduce it but to correct

⁹⁰⁷Blanc, *Annales de l'Assemblée Nationale*, vol.31, June 4, 1874, p.293

⁹⁰⁸Delorme, *Annales de l'Assemblée Nationale*, vol.31, June 2, 1874, p.253

⁹⁰⁹Brisson, *Annales de l'Assemblée Nationale*, vol.31, June 2, 1874, p.245

⁹¹⁰La Caze, *Annales de l'Assemblée Nationale*, vol.31, June 2, 1874, p.250

⁹¹¹Delorme, *Annales de l'Assemblée Nationale*, vol.31, June 2, 1874, p.254, 257

⁹¹²Castellane, *Annales de l'Assemblée Nationale*, vol.31, June 3rd, 1874, p.271

⁹¹³De Meaux, *Annales de l'Assemblée Nationale*, vol.31, June 4, 1874, p.289;

it.”⁹¹⁴ And they loudly disclaimed any hostility to ‘universal suffrage,’ angrily responding to republicans who mocked their claims to having “never been its adversary.”⁹¹⁵

The bill passed on second reading, with 364-294 in favor. The extreme-right, the Union of Rightists, and the Center-Right voted 315-3 in favor of the bill. More important, and surprising, given the antipathy of many moderate republicans toward ‘universal suffrage,’ was that the different republican parliamentary groups voted 240-4 against the bill. Despite the hostility that many republicans had expressed toward ‘universal suffrage’ under the empire, they were nearly unanimous in voting against the bill. This included republicans such as Edgar Quinet and Emile Littré, both of whom voted against the bill. But it also included new converts to the republican cause—notably Thiers and Rémusat, who were now increasingly convinced that the Republic was the regime that divided the country the least but also that republicans would be able to ensure social order. The center-left, liberals with varying commitments to either a conservative Republic or a liberal monarchy and toward whom much of the radicals’ conservative discourse was dedicated to win over, voted 72-39 against the bill. This was an important victory for the radicals, as was their success in maintaining republican unity. They had effectively rallied the entirety of the republican and much of the conservative factions in the Chamber around a male citizen suffrage; that they were able to do this before the question of whether the new parliament would have one or two chambers or how the president would be selected is even more impressive. But it was not enough, and the republicans would need to flip at least 35 of the 39 liberals who voted in favor of second reading in order to defeat the bill.⁹¹⁶

Ultimately, this would not be necessary, as the Batbie bill would be withdrawn. Republican organizing around ‘universal suffrage’ had increased conservatives’ expectation that there would be costs to tampering with what was clearly a resonant theme of national identity. This trepidation encouraged the abandonment of most of the extreme proposals in the Commission, as well as to the circuitous means of disfranchisement in the bill itself. But if the Commission of Thirty had been hesitant before the possibility of public backlash regarding the parliamentary suffrage, the commission on municipalities

⁹¹⁴De Meaux, *Annales de l'Assemblée Nationale*, vol.31, June 4, 1874, p.290

⁹¹⁵Lefèvre-Pontalis, *Annales de l'Assemblée Nationale*, vol.32, June 10, 1874, p.97; see also Tallon, *Annales de l'Assemblée Nationale*, vol.32, June 8, 1874, p.43, “The law takes as its fundamental basis the principle of universal suffrage... the suffrage is, in my mind, a right that belongs to the citizens, a right so entered into our mores, over the last 25 years, that it would be impossible to get rid of it and it would be reckless to try.”

⁹¹⁶The Bonapartists opposed second reading by a vote of 18-4.

was more audacious. The voting qualifications were largely the same as in the Batbie proposal, with universal suffrage but differentiated residence depending on place of birth. But the various Legitimist proposals rejected by the Commission of Thirty as too risky were adopted for the municipalities: additional representatives elected by the most heavily taxed in the commune, the cumulative vote to ensure minority representation, and double votes for fathers with two or more children.⁹¹⁷

But in the Chamber a sufficient number of conservatives were anxious about appearing to go too far, and after a debate that recapitulated many of the same themes, a center-left deputy close to the Orléanist prime minister offered an amendment that would allow the most taxed citizens to be specially consulted in exceptional cases.⁹¹⁸ The republicans quickly accepted the amendment and with the support of the center-left and much of the right the amendment passed 361 to 316. The next day the head of the commission tried to withdraw the bill, but this was denied.⁹¹⁹ The bill was effectively abandoned by the conservatives, and the republicans and center-left successively amended it, lowering the voting age to 21, removing some of the burdens to registration, and removing plural voting.

After this, the right's position on the electoral law collapsed. There had been a strong desire to have the electoral qualifications be the same, allowing for a single electoral register. The developments regarding the municipal franchise indicated that the committee stage of the parliamentary electoral law would suffer a similar fate, as the center-left rallied to the republican position. By blocking efforts to radically reorganize the municipal franchise, republicans believed that they had secured the principle of universal suffrage. Gambetta's newspaper announced that, "universal suffrage is saved. It remains the fundamental law of French society. *It is a definitive conquest*" (cited in Rosanvallon 1993, 329).⁹²⁰

The Batbie commission resigned, and a new commission was appointed, a majority of whom had rejected the initial proposal. A year later, on July 22 1875, two center-left members who had become active supporters of the republic released the report of the commission. The report's first line read, "universal suffrage is the very foundation of our public law; it is through it that national sovereignty lives and reigns." 'Universal suffrage'

⁹¹⁷ Annexe n.2268, *Annales de l'Assemblée Nationale*, vol.30, March 21, 1874, p.71

⁹¹⁸ This was based on an 1837 law, and allowed the most taxed citizens to have special representation for meetings concerning a few specific fiscal areas.

⁹¹⁹ *Annales de l'Assemblée Nationale*, vol.32, June 19, 1874, p.277

⁹²⁰ The conservatives were able to secure a re-centralization of authority in which the mayors and commune adjuncts were named by the central government (Schmidt 1990, 52; Rosanvallon 1992, 329).

was born of the ideas that “triumphed in 1789” and although the country had tried several times to organize the constitution in on a different basis, each time “the base on which they want to base a new constitution was too narrow.” And, when “recently ingenious minds had invented schemes whose object was to more to suppress the right to vote than to organize it, we were able to judge just how much, in our day, such efforts must be in vain.”⁹²¹ “The principle of sovereignty of the people,” announced the rapporteur in November shortly before the law’s final passage, “have risen to the state of political dogma in this country.”⁹²²

Conclusion

The fight over male citizen suffrage was only one aspect of the fight over political order between 1870 and 1877, and not necessarily the most important. After the government of ‘moral order’ had been declared in June 1873, monarchists recognized this to be their best and possibly last chance to establish an ideal regime. The Orléanists and Legitimists agreed that the Legitimist pretender—the Count of Chambord—would take the throne; as he had no children, an Orléanist would follow (Hanson 2010, 1038). In July 1871, the pretender issued a manifesto in which he insisted that he would not accept the throne unless the tricolor flag was replaced with the white flag of the Bourbons. It had been assumed that he would modify his position, and the Legitimist President Mac Mahon warned that the officer corps would rebel if the tricolor was abandoned (Hanson 2010, 1041). After June 1873, the entreaties, including from Pope Pius IX became more urgent. But in October 1873 he issued another manifesto, making it clear he would not budge.

It is not obvious that if Chambord been willing to compromise that the monarchy could have been restored. Monarchists did not give up hope immediately, though they were increasingly despairing that the only option available was a conservative, and transitional Republic. The constitutional laws were slowly being drafted and debated, and a proposed first article that “the government of the Republic is composed of two chambers and a president” was defeated for its inclusion of the word Republic. On January 30 1875, a Catholic deputy sitting in the center-left—Henri Wallon—proposed that the first article read, “the President of the Republic is elected by the absolute majority of suffrages by the Senate and the Chamber of Deputies reunited in a National Assembly.

⁹²¹Annexe n.3240, *Annales de l'Assemblée Nationale*, Annexes, vol.41, July 22, 1875, p.17

⁹²²Marcère, *Annales de l'Assemblée Nationale*, Annexes, vol.42, November 8, 1875, p.38

He is elected for seven years. He is re-eligible.” The term ‘President of the Republic’ had been in use since 1870; it did not necessarily foreclose the possibility of future revisions. After heated debate, it passed 353 to 352.

It was far from a complete victory. Republicans did not like the large grant of powers ostensibly given to the President. More importantly, a Senate had been established, intended to be the conservative stronghold, and elected by the departmental councils and by elected delegates of the municipal councils (in effect through indirect male citizen suffrage). On May 16 1876, President Mac Mahon once again tried to install a government of ‘moral order,’ dismissing the new republican ministry. The constitutional crisis—the Seize Mai crisis—resulted in new elections, and a resounding defeat for the President. In 1879, the republicans gained control of the Senate, and the President resigned a few weeks later.

Pierre Rosanvallon remarks that, “the victory of universal suffrage... seems in many ways to have been the result of resignation, the collapse of resistance; it was more of a forfeit than a fight” (1992, 324). Something similar could be said for the Republic. These outcomes were obviously not solely the product of ideas, but the ideas of political community and partisan purpose that the radicals had formulated in the 1860s and 1870s were of central importance. They enabled the republicans to cohere around a narrative that had appeal well beyond their traditional constituencies. By rehabilitating ‘universal suffrage’ in republican thought, the radicals were able to associate themselves and the Republic with what had become under the empire a highly resonant idea of national sovereignty.

The period was a critical juncture, with a heightened sensitive to the political agency, and enabled the republicans to achieve a durable shift in governing authority. But the institutions and ideologies of the antecedent period continued to be important. ‘Universal suffrage’ had become a highly resonant component of national identity. By recognizing, accommodating, and celebrating this change radicals were able to undermine what had appeared to be a large majority in favor of extensive disfranchisement. In short, they adapted themselves to resonant understandings of political community, but re-articulated and appropriated these for their own purposes. The result was the co-foundation of the Republic by those most opposed to it. Gambetta delighted in “this spectacle of Republicans by birth sitting in opposition to Monarchists who have been converted and compelled by the cohesion of the Republican party and the legality of the Republic to accomplish the reforms which it demands” (Hanotaux 1903, 253; Hanson 2010, 89).

In 1878, the radical republican—and future Boulangist—Alfred Nacquet remarked that, “Universal suffrage is among us a settled fact, one of the institutions accepted by all, which we will never reconsider, except but to consider perfecting its improvement. It is even the only institution that has become absolutely national, which is now one with the nation. . . . [W]hatever constitutional form that the future can give us, we can affirm that universal suffrage will be its base” (Strauss 1878, 10). The vision of ‘universal suffrage’ that the radicals had helped instill was, as the republican Prime Minister described himself, “profoundly republican and profoundly conservative” (Nye 1993, 154). If universal suffrage were allowed to “function in the plenitude of its sovereignty, there is no possibility of revolution, because there is no more revolution to tempt, no more coup d’état to dread when France has spoken” (Rosanvallon 1992, 338).

But republicans especially would continue to live in dread. The Republic, they believed, was far from secure, but “finds itself today in the presence of its adversaries, without any other allies but the law and the sovereign voice of universal suffrage” (Salneuve 1875, 159, 168). The defeat by Germany had left the country’s political elite deeply anxious about its future prospects. But even more threatened was the Republic itself. French society had been reconstructed by the Revolution but there remained a very important exception, the continued adherence of the mass of the population to Catholicism (Reinach 1880b, 22–23). All republicans agreed that, “universal suffrage demands the diffusion of public education” (Ribert 1869, 51–2). This was a central commitment of the League for Instruction, who clandestinely circulated the 1789 Declaration of the Rights of Man and the Citizen and believed compulsory, secular, primary education was the “indispensable corollary” to universal suffrage (Auspitz 1982, 3, 60). Republican citizens would have to be made, and so central to the republican program were institutions designed to accomplish this goal. Republicans needed to “make everyone educated and a soldier. . . that must be the task of the generation to which we belong.”⁹²³ As Gambetta famously announced in 1877, “clericalism. There’s the enemy!”

⁹²³April 18, 1872 (Reinach 1880b, 262).

Chapter 11

Exclusion and Stability in the Third Republic

“The principles of 1789 and the republican spirit demand government by the people and for the people, by all the people and for all the people, without any limit”

—Paul Brouad (1905, 17).

“Universal suffrage can only reasonably function in societies sufficiently homogeneous to form a political ‘community’”

— François-Jules Harmand (1919, 349–50).

Introduction

The Third Republic was not much loved during its time, and in a referendum in 1945, it was rejected by all but 3% of voters. But the Third Republic merits attention. It remains the longest-surviving post-1789 regime, and is the only French republican regime that did not begin or end in a coup d'état. As precarious as it turned out to be, a stable political order was consolidated. And it was during the Third Republic that many familiar aspects of French political identity were reshaped and institutionalized. The idea of France as a secular, democratic republic, born of the Revolution, is a dominant understanding of political community today; it was not in 1870, and the dissemination of this idea was in large part the work of the Third Republic, and one of its central purposes.⁹²⁴

Chapter 9 outlined the shifting developments of the right to vote in French history,

⁹²⁴Its success should not be exaggerated. On July 10th, 1940, eighty parliamentarians, all but fourteen of them Radicals, Socialists, or Communists, watched in horror as 569 of their senatorial and deputy colleagues voted Marshall Pétain all governmental power, “the dissolution of the republican regime.” Its dissolution was the result of a defeat, but defeat had been greeted as an opportunity to “dig the grave of the Republic”—a “divine surprise”—by anti-republicans who had always held it in disdain (Alexander 2003, 2–3). It was Charles Maurras—the far right editor of *L'Action Française*—who greeted the installation of General Pétain as a “divine surprise.”

emphasizing in particular the exclusions of the Third Republic. Chapter 10 examined how radical political operatives developed a narrative of political community that enabled them to sustain a broader coalition at crucial moments during the National Assembly. This chapter focuses on debates over voting rights during the Third Republic, examining the role of ideas of political community on political behavior and outcomes. The argument of this chapter parallels that of Chapters 5 and 8: the ideas of political community forged during an antecedent critical juncture provided operatives with relatively coherent rationales and incentives for pursuing and supporting some projects rather than others. Republican investment in and dissemination of these ideas helped make them a constitutive aspect of political order: they provided a shared language and set of stable assumptions that enabled activists and politicians to gauge the implications of certain projects on their own political prospects.

Central to republicanism's rhetoric of political community was the citizen, an abstracted individual presumed to be an equally constitutive unit of the national sovereignty and equally subject to the law (Lehning 2001, 5). Sovereignty resided in the universality of citizens, and its only legitimate expression was through 'universal suffrage,' which in the post-1871 republican narrative was "essentially a means of order and stability" (Rosanvallon 1992, 337). The Revolution was rehabilitated, but through 'universal suffrage,' it was claimed, the revolutionary tradition was now a thing of the past. Through 'universal suffrage,' social reforms could be gradually worked out within specific domains and not requiring any utopian and dangerous overarching transformation of the structure of society. "There is no social remedy," claimed Gambetta, "because there is not *one* social question. There are a series of problems to resolve, difficulties to overcome, varying with the place, the climate, habits, sanitary state, and economic problems that change within the interior of a single country." There was no "social panacea, but everyday there is progress to be made, but not an immediate, definitive, and complete solution" (Gambetta 1875, 111-12).

Political operatives believed that the electoral successes of republicans were due to the popular resonance of this language. This belief encouraged republican political operatives to adopt the rhetoric and behavior implied by this narrative of political community, and encouraged groups seeking support from republican politicians to employ this rhetoric and adhere to the ideas' strictures. This helped generate a broad republican political culture, the most remarkable and long-lasting outcome of the Third Republic. But success also informed the political strategies of those hostile to the regime, who

sought to accommodate themselves to these resonant narratives while appropriating and refashioning these for their own purposes. Royalists and nationalists would likewise place ‘universal suffrage’ and national sovereignty at the center of their political projects, but conceived of these in very different ways; they would articulate a counter-narrative of political community, one that provided an alternative prescription for political order and which helped sustain a counter-culture opposed to the parliamentary Republic.

And precisely because of the formative conditions of the regime, of central importance to the republican understanding of political community was the incessant threat posed by these counter-narratives. The embattled character of the Republic—the persistent need for all republicans to put aside their differences in defense of the regime—provided a further legitimation for supporting some franchise projects while opposing others, most obviously in the case of women’s voting rights. But anxiety for the regime also helped unite republicans around changes to the electoral system, an embrace of the indirectly elected Senate, the disfranchisement of conscripted soldiers, and the project of imperial expansion.

This chapter proceeds as follows. I begin by discussing the centrality of ‘universal suffrage’ in Third Republic France, emphasizing how its resonance helped condition political behavior. The ever-present danger that ‘universal suffrage’ might reject the Republic, however, encouraged a project of gradually creating republican citizens; proposed changes to the franchise and electoral system were defended and denounced in terms of this objective.⁹²⁵ I then turn to an examination of how the language of republican citizenship was invoked to defend proposed disfranchisements, enfranchisements, and ongoing exclusions in the colonial empire. A similar discourse centering on the capacity for citizenship was important in structuring debate over women’s suffrage, but to this was joined a republican rhetoric of regime insecurity, which greatly constrained the options available for activists. Republican arguments that Catholic women posed a mortal threat to the regime both rallied republican political operatives around exclusion and limited the ability of the women’s suffrage movements to form a broader coalition. I conclude by examining the discursive mechanisms by which the understandings of French republicanism were enforced, as well as important shifts and counter-narratives that developed during this period.

⁹²⁵‘Universal suffrage’ was frequently treated as an agent, the sovereign capable of deciding between candidates.

The Insecure Republic and the Civilizing Empire

The idea of ‘universal suffrage’ was at the center of republican discourses over French political community in the Third Republic. It consisted of the belief that “the totality of adult citizens” have sufficient interest and competence to vote: “a fiction, certainly. A convention, yes. But it is the soul of the regime” (Buisson 1910, 152–3). Republicans believed that ‘universal suffrage’—by which they almost always meant an adult male citizen franchise with a relatively short residence qualification—was the “inevitable form of democracy, and democracy is the inevitable form of modern societies” (Fouillée 1884, 103; Schérer 1884, 73). More importantly, they believed that ‘universal suffrage’ was central to a French republican political community (Andrieux 1906, 233). It was both the legacy of the Revolution and the means by which the French cycle of revolution and reaction could be broken.

“The Revolution of 48,” wrote Senator Edmond Schérer, “like our other previous revolutions, had been the victory of a riot.” It had not come from the “nation,” but from the Parisian proletariat. The Third Republic, it was claimed, would be a definitive break in French history, because it had been chosen by ‘universal suffrage’ (Schérer 1884, 11, 15). Republicans stressed both its conservative character as well as its potential radicalism. ‘Universal suffrage’—often anthropomorphized as a speaking and deliberating agent—was described as cautious, and deeply attached to the institutions of the country. But to stave off a growing socialist movement to their left, republicans also stressed the potential of ‘universal suffrage’ to achieve progressive reforms, including the reduction of taxation, the progressive income tax, and the right to strike: “there was no reform so radical that it could not be accomplished by universal suffrage” (Renault 1893, 395).

While different activists and strands of republican politics all broadly agreed that through the regular operation of ‘universal suffrage’ progressive reforms could be achieved while property and social order was secured. Edouard Lockroy, a leading radical politician of the late 19th century, argued that, “most of those who compose that which we call the working class expects his freedom and his emancipation only from justice and equity of the representatives of universal suffrage (Applause on the extreme left).” But he also insisted upon the unique role of the radicals in reconciling the classes, noting that there were “two parties among workers: that which I will call the party of universal suffrage, and that which has been called in the Senate the party of force and violence” (Lockroy 1883, 17). The core claim of republican ‘universal suffrage,’ was that by including all citizens there would be no need to engage in revolution: “an appeal to force, in a

country governed by universal suffrage, is not only useless, but is a crime. In a tyranny, insurrection is the first duty; in a republic, it is an attack against the liberty of thought, a return to barbarism” (Renault 1893, 395).⁹²⁶

While radical republicans often spoke of ‘universal suffrage’ in terms bordering on the sublime, the institution was not without its critics (Fouillée 1895, 156–7; Schérer 1884, 17)). Deputies and political theorists frequently bemoaned the corruption that they believed was its consequence, of voters demanding personal favors and public offices of their representatives. And the representation of the electorate’s preferences was itself seen as potentially problematic, with Edmond Schérer noting that ‘universal suffrage’ had made it impossible for France fight a war, no matter how just or necessary (1884, 27-8). All of its contradictions, argued Alfred Fouillée, came down to its fundamental antimony: “the right of suffrage, equally shared by all as a common property, and the capacity, which only really exists for a certain number”.

Underlying these concerns was a persistent worry that the electorate might vote against the Republic. Responding to radical demands for a directly elected Senate, Jules Ferry asked a republican audience whether they wished “to expose the entire republican organism to the shifting wind of universal suffrage, which are transitory and repairable under a Constitution formed of three powers, but which would be irreparable with a single and sovereign assembly?”⁹²⁷ In large part because of the conditions of its formation, the republican vision of political community was constantly anxious, and believed the Republic was almost always threatened.

In the 1880s, the threat came from monarchism, and the growing political movement around General Georges Boulanger. In the late 1890s, the Dreyfus Affair convinced republicans of a threat to the Republic from a conspiracy implicating the Church, the anti-Semite movement, and Legitimists in the army (Mayeur and Rebiroux 1988, 178–

⁹²⁶Camille Pelletan described radicalism’s “one raison d’être...[as] precisely to exclude any use of force, demanding instead peaceful reforms... Otherwise we have revolutions for a few months... and then reaction for several years... The greatest benefit of a Republic based on universal suffrage has been to save France from these ominous alternatives” (Stone 1996, 134). Stone notes that this was a change in radicalism, a movement away from more populist and anti-parliamentary stances. This is partly true, although it has an earlier parallel in Gambetta’s move toward opportunism. But it is also reflective of the growing centrality of the 1870s radical understanding of French political community. The language of universal suffrage as the regular focal point of political participation was increasingly resonant, and even those who had taken more radical positions earlier on were now either persuaded or found it useful to participate in this discourse.

⁹²⁷Jules Ferry, October 2nd, 1887. Speech in Saint-Dié (Robiquet 1893, 94). Ferry’s language was echoed by the right, who worried that revolutionaries would “bravely” defy universal suffrage. Raoul-Duval, *Journal officiel, Débats. Chambre des Députés*, November 6th, 1886, vol.2, p.1743

207). The nationalists were a threat in the run-up to WWI, assassinating a leader of the socialist movement, Jean Jaurès, in 1914. In the immediate post-war period, there was considerable concern with the growing strength of the Communist Party, continuing earlier concern with anarchist and syndicalist organizing in the labor movement. In 1894 an anarchist had assassinated the president of the Republic Marie-François Sadi Carnot, provoking a sharp curtailment of civil liberties. In the 1930s the fascist Liges provoked considerable anxiety among republican political operatives.

Republicans would invoke shared anxieties that there was a latent opposition to the regime in French society. The most persistently identified source of anti-republicanism was the Catholic Church, which had organizational links with rightist parties and the army, ran its own separate school system, and had a presumed near total control over women. Michelet and others had attacked the Church's control over education, especially the education of women: "our wives and our daughters are being raised, are being governed, *by our enemies*" (Michelet 1845, 6). But if this emphasis on the insidious role of the Church was not new, it was nonetheless a central theme of republican discourse in the Third Republic, and almost all republicans stressed that "Catholic institutions and beliefs were... obstacles to genuine popular sovereignty, limiting the citizens' ability to act autonomously" (Stone 1996, 120).

The left and the right had their own forms, with the right being obsessed with freemasonry and the left being obsessed with the Catholic Church (Parry 1998, 163).⁹²⁸ The presence of large alien populations in many departments was also framed as a source of danger, in the form of a class of people whose attachment to the nation and the Republic was questionable at best. Unlike French citizens, aliens were not required to complete a lengthy period of military service, a state of affairs that worried republicans who saw military service as key means of assimilating a culturally diverse nation (Brubaker 1992, 104–8). And even after the naturalization law of 1889, republicans expressed a worry over culturally foreign elements in French society, who were not only alien but even more under the control of the Church than the French. In opposing the rising tide of anti-Semitism in Algeria, one deputy cited a republican who worried about "the neo-naturalized descend[ing] in the streets today to take the Jewish citadel, and I dread seeing them rise tomorrow to assault another citadel, obedient to those who will

⁹²⁸A monarchist pamphlet, for instance, warned electors to be on guard: "Back Freemason! Father, flee him, avoid him like the plague. It is he who killed our kings and our priests, chased away the religious orders, massacred millions of innocent men; it is him, henchman of Satan, who everyday fans the flames of discord and civil war" (Aper 1881, 17–18).

speak of liberty while they are preaching. I fear that at that moment the naturalized foreigners will help the reactionaries mount an assault of that other citadel to which we all adhere, an assault on the republican citadel.”⁹²⁹

And considerable portions of both the left and right were obsessed with the supposed power of Jews. When “Citizen Pelletan,” gave a speech against “financial feudalism” to the Free-Thinkers Federation, he was using a term he frequently resorted to describe the Rothschilds and other Jewish bankers: “If clericalism is the enemy, finance is not any less so.”⁹³⁰ But the groundswell of support for anti-Dreyfusards and the potential coalitions they revealed deeply worried republicans, and seemed to underscore persistent hostility to the Republic. The result of anti-Dreyfus organizing was a renewed effort to secure republican unity (Mazgaj 1987, 304).⁹³¹

The Need for Republican Citizens

The invocation of these threats helped reinforce the moderate and conservative character of republicanism, which many believed was crucial for securing sufficient electoral and institutional support for the regime (Mayeur and Rebiroux 1988, 215). But to preserve the regime against the supposed latent and insidious hostility of the Church, peasants would have to be made not only into Frenchmen, but into republicans (Lehning 2001; Weber 1979). While republican political operatives were convinced that the army was an effective mechanism for achieving the former, they were not so convinced that it was for the latter. In republican rhetoric, the anti-Dreyfus coalition had been actively plotting a coup in coordination with army officers.⁹³² This underscored another persistent threat

⁹²⁹Monbrun, cited by Thomson, *Journal Officiel, Débats, Chambre des Députés*, November 11th, 1898, p.2179

⁹³⁰“Deux cérémonies civiles” (Lebey and Queillé 1893, 53). See Stone (Stone 1996, 126). The monarchist right would likewise invoke Gambetta’s phrasing, declaring “The Jew, There is the Enemy” (Martinez 1890).

⁹³¹This is not to say that anti-Semitism ceased to have left-wing constituencies after 1898. They certainly did. Rather, the left became more hesitant to embrace explicit anti-Semitic tropes, a tendency that increased with the new predominance of the ‘International’ variant of socialism in the French Section of the Workers’ International. But older forms of radical and socialist anti-Semitism, such as the denunciation of “financial feudalism” persisted well into the 1930s. In the French context after the 1890s, nationalism referred to a rejection of individualism and a belief in the essential primacy of the nation as an organic unit of society. Republicans insisted upon patriotism as a distinct concept.

⁹³²A member of the Chamber of Deputies, Paul Déroulède, and a general had decided to coordinate a coup attempt after the state funeral for president Félix Faure. Déroulède was to bring his supporters, and they would harangue the general to lead the honor guard to the presidential palace. General de Pellieux decided not to participate, and asked another general to lead the troops. When he failed to convince the new general to mount a coup, Déroulède insisted he be arrested. He was charged with

against the Republic, albeit one that was implicated with both the Church and opponents of the parliamentary regime. “It is upon [the army],” wrote Gambetta in 1876, “upon its bad disposition carefully maintained and stimulated towards the republicans, that the reactionaries of all kinds are speculating” (Porch 2003, 7).

Republicans were divided over the best approach toward the army, but those who came to office in the 1880s, including Ferry and Gambetta, believed that maintaining the neutrality of the army was essential for preserving the Republic. During the National Assembly, Gambetta had broken with radicals to support a provision in an army recruitment bill on the grounds that “we must impede, in the home of the military family, political dissension.”⁹³³ And disfranchisement, which led to the army being referred to as “la grande Muette”—the great mute one—was largely supported by an officer class that remained dominated by Legitimists and believed the army should be a sacred space separate from politics working for the restoration of France from the degeneracy of parliamentary democracy (Charnay 1964; Flynn 2002, 19–20).

The Dreyfus Affair led to renewed tensions between republicans and the army. The radical republican tradition opposed treating the army as “a body distinct from the nation”; they supported conscription and sought to reduce the number of exemptions.⁹³⁴ But they were deeply anxious that the army was not loyal to the republican regime. In the 1904 *affaire des fiches* it was learned that the republican anticlerical Minister of War was keeping records of the political and religious leanings of officers, and assigning promotions on this basis. And throughout the late 19th and early 20th centuries there was a “persistent Radical concern to republicanize the military services, which were major institutional supports for antirepublican sentiment” (Stone 1996, 133). But Radical efforts to republicanize the army and reduce its spending ultimately undermined support for the first Radical governments between 1902 and 1906, and like the opportunists they became increasingly supportive of the military and imperialism: “The reason for the budding affection between the republic and the army was a simple one: soldiers were increasingly convinced that republicans sought to resurrect French military power” (Porch 2003, 9).

But if the army was a suspect means of creating republican citizens, secular schools

treason, but was acquitted after insisting that he would continue to organize resistance to the regime (Read 2012, 277). Both the Napoleonic and Orléanist pretenders had organized troops to enter France in the event the coup succeeded.

⁹³³Gambetta, *Annales de l'Assemblée Nationale*, vol.31, June 4th, 1874, pp.302-3

⁹³⁴Carnot to the electors of the Seine, 1869 (Tourneur 1904, 115).

were considered to be the republic's greatest weapon. And free, compulsory, secular schools were seen as a necessary corollary to 'universal suffrage.' For some, it was a prerequisite and education should ideally precede any extension of the franchise. But more common in radical discourse was the claim that only through 'universal suffrage' could mass, secular education have sufficient political support: "without universal suffrage, we would not have so instructed the people of France, so as to not leave the electors in ignorance" (Renault 1893, 390).

The electoral system and voting qualifications, however, were not just a determining factor for whether education could be extended. They were important means for creating republican citizens in their own right. It was a common belief among republicans that "only the unobstructed exercise of the vote could create an independent citizen" (Stone 1996, 176). And among the chief sources of obstruction, argued radicals, was the influence of local notables, employers, and petty questions of personality, which could only be overcome with a different electoral system. In the early years of the republic, radicals were insistently calling for departmental list voting: instead of voting in relatively small, single-member districts, radicals wanted voters to be pooled into a department wide electorate where they would vote for multiple deputies, ideally on a party list.

This would not only encourage the formation of programmatic parties, but would itself be a means of republicanizing the citizen, by forcing him to look beyond the petty concerns of his local community. Gambetta desired departmental list voting so that elections would "preserve their political character, that [electors] be removed from too-restrictive influences, from what we used to call the spirit of the 'clocher.' Those who want to see engaged in the electoral competition ideas rather than personalities, doctrines of government rather than miserable personal passions."⁹³⁵ Jean Jaurès claimed that universal suffrage, if properly organized, "places above the infinite variety of local interests a great political idea, and will demand in a loud and clear voice the accomplishment of a program of reforms (Very good! Very good! on the extreme left)."⁹³⁶

Nor was it simply about encouraging a greater role for ideas, a terrain on which republicans could not imagine being defeated. It was about allowing the national sovereignty to recognize itself, and to choose what must be its true interest, the re-

⁹³⁵Gambetta, *Annales de l'Assemblée Nationale*, vol.31, June 4th, 1874, p.306. The 'clocher' refers to the belfry of the communal parish church, and it was a widely used term of denigration for small-town and rural life.

⁹³⁶Jaurès, *Journal officiel de la République française. Débats. Chambre des Députés*, April 6th, 1908, vol.3, p.886

public. Had single-member district voting been in place in the early 1870s, claimed Gambetta, republican candidates would not have won:

“do you imagine that if . . . we had consulted France by district voting, that the authority of the verdict would have been as decisive as it was, that it would have had such an immense influence on the leader of executive and on the parties? No, sirs, do not fool yourselves. One might consider district voting as a sort of broken mirror in which France would not have recognized itself. . . . If you have a Republic, it is by the authority of departmental voting that you have it.”⁹³⁷

Departmental voting was adopted in the 1880s. Although the Prime Minister, Jules Ferry, was less convinced of the inherently emancipatory and republicanizing power of departmental voting, he stressed that additional republican organizing was necessary to realize its potential.

“We must give to department list voting . . . the necessary means of action. Departmental voting will be a great danger if republican France is not up to the duties that it imposes. I know well that the Republic is founded, that it is stronger than the factions that threaten it, but it would be a sovereign imprudence to sleep on and to count indefinitely on this thought. You, republicans, are the true teachers of the liberty of this country; you are truly in charge of souls. The future belongs to the vigilant; it is by work, by struggle that a party conquers and conserves the right to exist and to govern.”⁹³⁸

His anxieties over the possible danger of departmental voting were, in his and many other republicans, confirmed by the meteoric rise of General Boulanger.

Boulanger took advantage of the quirks of French electoral law to create momentum for a political movement dedicated to revenge on Germany, revision of the constitution, and, argued republicans, the restoration of the monarchy. Because there was no limitation on how many seats a candidate could contest—and no prohibition on sitting

⁹³⁷Gambetta, *Journal officiel de la République française. Débats. Chambre des Députés*, May 20th, 1881, p.939. Alfred Fouillée, who had become increasingly distressed with democracy in the early 20th century, argued that “we are not, as we believe, in a real republic” (Fouillée 1910, 62). And his solution was in large part what Gambetta and the radicals had been calling for in the 19th century, much larger electoral districts—in Fouillée’s case supplemented by additional deputies chosen by the nation at large—so that the “election would be concerned with ideas as general as the constituency is extended” (Fouillée 1910, 51-2).

⁹³⁸Jules Ferry, April 15th, 1885. Speech in d’Epinal (Robiquet 1893, 3).

members from contesting seats—he was able to contest and win repeated by-elections across the country. And the departmental list system would extend his popularity to candidates aligned with him. His victory in a January 1889 by-election in the Seine department provoked fears of a coup and was seen as posing a clear threat to the republicans: were he able to repeat his success in a general election, persons running on his list would likely take all 38 seats for the department, a dynamic that could be repeated in every department of France (Cole and Campbell 1989, 55).

Republicans drew heavily on their rhetoric of the 1870s to insist on burying all factions to avoid any fragmentation of the republican forces. Radicals had been pushing for revisions to the constitution, notably extending direct ‘universal suffrage’ to the Senate. The opportunists had been willing to consider some revision, but now turned against anything that might give the Boulangists an opportunity to increase its power. And the appearance of a threat to the regime led to the abandonment of departmental voting and the system by which candidates could run in multiple districts, which had heretofore been defended as a necessary implication of universal suffrage.⁹³⁹ “The republican party has always defended electoral liberty,” claimed the bill’s rapporteur; “but if we today are supporting single-member district voting, it is because we find in its reestablishment a safeguard,” a means of “destroying” the danger to the Republic.⁹⁴⁰ They did not abandon their insistence that the country was for the Republic, although their doubts were certainly revived. Rather, they argued that the Boulangists were deceiving the country: “if the adversaries of the Republic would clearly present themselves before universal suffrage with their program, flying their flag, indicating their hopes, if they would say who they are and where they are going, if they would frankly declare their opposition to republican institutions,” then the result would not be in doubt.⁹⁴¹ When this comment

⁹³⁹It would have been to constrain the elector’s choice of deputy. More importantly, it would have made it more difficult for men of ‘national stature’—namely republican political operatives and intellectuals—who might not be able organize networks of local supporters against local notables.

⁹⁴⁰Thomson (rapporteur), *Journal officiel, Débats. Chambre des Députés*, February 11th, 1886, p.379. Every bill that was sent to a committee was presented to the Chamber by a rapporteur, who was charged with presenting the decision of the Committee as to the specific provisions of a bill and whether or not it should be adopted. The committees could kill proposed, but if a bill was already adopted in the other house then it usually was presented to the Chamber, regardless of whether the committee supported it. The rapporteur could and often did express contrary opinions to the committee, but was clear in differentiating his own positions from the decision of the committee. The rapporteur who was charged with advancing the women’s suffrage bill through the Senate in 1922 was hostile to the reform. Additionally, when deputies arrived to take their seats, their credential were approved by a bureau, which also examined any complaints over the election. The recommendation was presented by rapporteur. The rapporteurs were always deputies themselves.

⁹⁴¹Thomson (rapporteur), *Journal officiel, Débats. Chambre des Députés*, February 11th, 1886, p.380

provoked angry exclamations from the right, another republican shot back “you have never dared cry ‘Down with the Republic!’ You lack directness.”⁹⁴²

Importantly, conservatives now saw in the rhetorical resonance of ‘universal suffrage’ their own political opportunity. What we see from the republicans is “a fear of departmental list voting, which hides poorly their fear of universal suffrage. After having worshipped universal suffrage as an idol, why do you now break it like a cheap toy?”⁹⁴³ Republicans were now justifying the district level voting in the same terms as they had defended departmental voting, “so that the next elections are a sincere expression of the sentiments of the country, of the national will.” And the country, for them, was synonymous with republican sentiment: “the republican country has not been fooled, its instinct has not betrayed it, and from all parts of the country it demands a change. (From the right: ‘Oh c’mon!’).”⁹⁴⁴

The government re-established single-member districts, although many radicals would remain opposed to this into the early 20th century. They prohibited by-elections for the remaining parliamentary term, denied the right of candidates to stand in more than one constituency, and charged Boulanger and others with conspiracy against the state. Republicans would draw heavily on the experience, and in the subsequent investigations would insist on the anti-republican character of the boulangist movement. Their rhetorical invocation of the threat to the regime was a sincere belief as well as a means of building coalitions and appealing to different republican constituencies.

While re-affirming the insecure basis of the Republic, if anything the experience only underscored the centrality of ‘universal suffrage’ to French political identity. The supporters of Boulanger argued that the republicans had engaged in a “plot against universal suffrage.” To “suppress Universal Suffrage,” they argued, “our governors have imagined a very cunning tactic.” They did not “dare to attack Universal Suffrage directly,” so instead they dissolved parliament and calling new elections as the boulangist gained momentum, by foreclosing any change to the Senate, and by returning to the single-member district voting (Bellevial 1888, 8). This critique had its origins in the Bonapartist conception of universal suffrage, but it would have new resonance amongst the nationalist right. Despite persistent doubts, among republicans and conservatives, as to the wisdom of male

⁹⁴²Hubbard, de la Rochefoucauld, *Journal officiel, Débats. Chambre des Députés*, February 11th, 1886, p.380. Nor were republicans without foundation : a royalist responded to Hubbard, “we do not cry ‘Down with the Republic!’ We have always cried ‘Long live the King!’”

⁹⁴³Lefèvre-Pontalis, *Journal officiel, Débats. Chambre des Députés*, February 11th, 1886, p.378

⁹⁴⁴Thomson (rapporteur), *Journal officiel, Débats. Chambre des Députés*, February 11th, 1886, p.380

citizen suffrage, they were now, rhetorically at least, equally committed to it and each posturing as its true defenders.

And so all future debates over changes to the franchise or electoral systems would see the defenders of a proposal insisting that they were trying to organize or allow for the full expression of ‘universal suffrage’ and national sovereignty, while their critics would charge them with attempting to mutilate it. Charles Benoist, a right wing republican, who would increasingly move toward opposing the republican regime, wrote *On the Organization of Universal Suffrage*, in which he argued that in practice, “the nation one an indivisible, is fragmented, and national sovereignty is divided up” (Benoist 1895, 17–19). He insisted that universal suffrage could not be reverse, but argued that the process of dividing national sovereignty into atomized individuals was disastrous. He would be, as president of the new standing Committee on Universal Suffrage in the Chamber of Deputies, one of the most important promoters of proportional representation in the Third Republic (Gicquel 2003; Huard 1991, 158). Most conservatives, however, were more restrained in their criticism of ‘universal suffrage,’ but almost all believed that it was accomplished and had to be accepted and organized (Mineur 2010). The “salvation of France,” argued one pamphlet with strong royalist sympathies, “is in universal suffrage.” The author advised the elector that “generally no one is more conservative than the chatelaine, noble or bourgeois, of the village; and, unless there is palpable proof the contrary, vote for him. . . . Leave the talkative lawyers at the bar, the doctors and veterinarians to their clientele, lest they neglect them, and leave the grocer at his counter” (Aper 1881, 17).

Radicals calling for constitutional revision in the early 1890s framed this as the “restitution of French democracy. . . by finally permitting universal suffrage to prevail. On the day when national sovereignty will be assured, on that day only will the country be safe from scandals, crises and revolutions.”⁹⁴⁵ Radicals opposing proportional representation insisted it was an “essentially monarchical regime. . . . We are under the regime of universal suffrage, which has as its principle majority rule. . . . You want us to accept a new system, which will be the first stab in the back of universal suffrage.”⁹⁴⁶ Representatives from Algeria, denouncing property, age, and naturalization restrictions for French citizens to vote for the *Délégations financières*, described these as “Bizarre. . . a denial of our democratic principles, of that which we hold most dear, universal suffrage.”⁹⁴⁷

⁹⁴⁵ *La Justice*, January 16th, 1893, n.4751 (Stone 1996, 121).

⁹⁴⁶ Sénac, *Journal Officiel, Débats, Chambre des Députés*, May 30th, 1907, p.1102

⁹⁴⁷ Annex n.39, *Cuttoli, Journal Officiel, Documents, Sénat*, February 12th, 1920, p.20

Radicals would insist that ‘universal suffrage’ remained “today the only resource remaining to France for achieving its civilizing work and to retake possession of itself. It is under its flag that we fight; it is to its definitive emancipation that we consecrate our efforts. Its enemies are those of the Republic and of France; its defenders are those of the Revolution” (Laisant 1892, 73).

The incentive to debate the franchise in terms of who would best protect and extend it came from the expectation that it was a resonant theme in French national identity; and as different groups began to pick up this rhetoric, in an effort to gain traction for their relevant political projects, its centrality to French political culture was correspondingly increased. The behavioral pattern of praising ‘universal suffrage’ and posturing as its defenders was incentivized in an increasing set of situations, ensuring that it was a self-reinforcing ideological institution for much of the Third Republic.

Many republicans had supported single-member districts, believing that it encouraged the local organizing that would be needed to sustain the Republic; if single-member districts were abandoned, argued one, “an entire group of departments, almost a province, will escape the Republican Action. All the ground won by ten years of persistent efforts will be lost.”⁹⁴⁸ After the boulangist experience, even the Parisian radical republicans turned to organizing the communes, while following the moderate republicans in emphasizing the act of voting as the most important focus of political participation. Given the dangers revealed by departmental voting, it was among the safest way of ensuring the dissemination of republican principles.

The Exclusions of Republican Citizenship

The same themes of republican insecurity and the exigencies of citizenship were relevant in debates over the right to vote for the indigenous subjects of the empire and the female subjects of the metropole. But if the same themes were present, their logic was not equally applied. The capacity for the indigenous subjects or women to be republican citizens was diminished, as these categories were understood to be especially shaped by nature and religion. The former called into question whether they could ever be capable of the duties of citizenship; and the latter their willingness to be equal citizens as well as the degree to which they were autonomous individuals with a will of their own.

Both nature and religion were implicated in the capacity of French males as well,

⁹⁴⁸Roger, *Journal officiel de la République française. Débats. Chambre des Députés*, May 19th, 1881, p.939

but never to the same extent. The ‘Latin-ness’ of the French was frequently invoked in political debates, and there was a longstanding tradition that the division of classes in French society was really a division of races, between the noble Frank and the plebian Gaul (Weber 1991). But for the most part this was politically irrelevant in debates over French male citizens’ political rights. As we have discussed, the religious beliefs of French male citizens was an issue of concern for republicans, but it was not a sufficient basis for exclusion from the suffrage, although it could certainly be considered in staffing the bureaucracy and military offices. But for much of the Third Republic Islam in particular was seen as absolutely incompatible with the obligations and privileges of French citizenship.

To be clear, neither the exclusion of women nor of the indigenous was the product of or motivated by republican understandings of political community. Deputies and political writers were quite explicit that political rights could be extended in the colonies only if they were compatible with the maintenance of French sovereignty (Mallarmé 1900, 125–26).⁹⁴⁹ And while imperialism was often defended in terms of the country’s presumptuous ‘civilizing mission,’ it was just as often defended in terms of geopolitical and economic interests. And in debates over women’s civil and political rights, deputies were frequently explicit that they were concerned with maintaining control over their wife’s property, the upbringing of their children, and obedience in the family. “The family,” argued one deputy, “it must be defended at all costs. . . . Could a wife, without the authorization of her husband, perform a task that undertakes his financial liability? Would she have the right? No, you wouldn’t dare support it!”⁹⁵⁰

But there were also opponents of imperialism, among the radical republicans in the late 19th and early 20th centuries, and among the international Socialists and the Communist Party thereafter; and many republicans who saw imperialism and indigenous populations political rights as necessary correlates. And the radicals, who were the major force opposing women’s suffrage in the post-WWI years, had also been the party most

⁹⁴⁹The emphasis on maintaining French control was characteristic of both supporters and opponents of indigenous political rights. “We are absolutely convinced that for each region submitted to our sovereignty there is a need to concern ourselves with the extension of political rights and liberties.” Moute, Annex n.4383, *Journal Officiel*, Chambre des Députés, Documents, March 1st, 1918, p.315; “Does France want to keep the north of Africa, yes or no?” Viollette, citing the resident general of Tunisia, *Journal Officiel*, Sénat, Débats, March 21st, 1935, p. 344; “The question is whether or you want to be a great Muslim power.” Viollette, *Journal Officiel*, Sénat, Débats, March 22nd, 1935, p. 380; It was “not rare to see swastikas, which evidently were not drawn by the French Algerians.” Duroux, *Journal Officiel*, Sénat, Débats, March 22nd, 1935, p.371.

⁹⁵⁰Lefebvre du Prey, *Journal Officiel*, Chambre des Députés, Débats, May 15th, 1919, p.2301.

committed to women's civil rights and was the party most associated with feminists, male and female. To understand why more progress was accomplished in extending political rights to the indigenous populations than to women, and why the party supportive of feminism was opposed to women's suffrage, we need to understand the implications of these policies on republican narratives of political community.

Political Rights of Indigenous Subjects

In both 1881 and 1885, Jules Ferry was forced from office following political controversy and public uproar over imperial conquests (Lewis 1962, 136). Votes in favor of the Tonkin expedition were tallied by extreme-left journalists and treated as attacks on the republic, a position shared by many radicals as well (Vaughan 1885). In part because of the belief that the Republic was threatened, however, republicans and even radicals came to embrace the project of a building up a massive overseas empire. The empire would secure the Republic by restoring national glory and by serving as a source of geopolitical, economic, and demographic strength for the eventual achievement of 'revenge' against Germany.⁹⁵¹ And ultimately the Third Republic saw the largest and most rapid imperial expansion in French history.

France extended parliamentary representation to many, but not all, of its colonies, and the limitation of suffrage to citizenship, a longstanding principle in French republicanism, provided a discursive frame for justifying exclusions that parliamentary critics saw as unjust from the 1880s onward.⁹⁵² The central questions regarding the political rights of indigenes were whether or not non-citizens could vote and what was required to be considered a citizen. Underlying this was a longstanding principle of French republicanism, namely that the colonies were an integral part of the nation, and all the rights enjoyed by French citizens were to be equally enjoyed in the colonies. In short, that the French colonies should be assimilated to the legal system and civil administration of the metropole. But over the course of the Third Republic there was an ongoing and

⁹⁵¹Jules Ferry defended his colonial expeditions on the grounds that they saved the Republic: "The policy of clean hands... was taking us in reverse, Germany in Cochinchine, England in Tonkin, the two of the in Madagascar as in New Guinea, in one word the bankruptcy of our rights and our hopes, a new treaty of 1763... How would those who have saved the Republic and France this supreme humiliation have been unworthy of the Republic and the fatherland?" (Jules Ferry 1890, 51).

⁹⁵²"To leave the fate of 3,500,000 Arabs... in [the settlers'] hands would mean exposing the natives to a denial of justice and to a kind of exploitation (I cannot avoid that word) which even though it is based on the law is nevertheless profoundly immoral and likely to retard if not compromise the spread of our influence." Charles Jonnart, 1893 cited in (Haddour 2000, 6).

shifting debate between ‘assimilation’ and ‘association’ as two different visions of how France should relate to its colonies, with political operatives drawing on different strands of each to advance or rebut calls for increased political rights in the colonies.

Assimilation meant two distinct things. The first meaning was a long-established tradition in French republicanism, that conquest should be accompanied by either the immediate or gradual extension of French civil administration and law to the colony, such that it would be a simple extension of the metropole (Girault 1895, 68; Lewis 1962, 141). The second meaning was that assimilation required the formation of French republican citizens, “to make them into Frenchmen: they are educated, they are granted the right of suffrage, they are dressed in the European mode, our laws are substituted for their customs, and in a word, native assimilation is pursued” (Girault 1895, 68). The process of assimilation, in this sense, was very much akin to the process of making Frenchmen and republicans within the metropole, and republicans were “in the same respect to these colored peoples as we are with respect to our peasants. We owe education to the former as to the latter.”⁹⁵³

Many stressed a unique French capacity for assimilation: “we would go voluntarily to the inferior races, and since our mixed race is to us, under all climates, beautiful, fecund, and vigorous, we are more colonizing than the English, because no law of ‘struggle for life’ requires us to exterminate the indigene, destroy the autochthonous races” (Bonnetain 1885, 201). But almost all insisted upon the liberating intentions of republican traditions, and assimilation was an important ideological mechanism by which republican democracy could be reconciled with imperial subjugation.⁹⁵⁴ As Paul Dislère claimed, assimilation has “been greatly favored amongst us by the triumph of republican ideas” (Dislère 1886; Ageron 1978, 196; Demontès 1906, 502; Leroy-Beaulieu 1874, 327).

By the end of the 19th century, however, an alternative vision was being aggressively promoted, that relied on the “universal law of the struggle for life” to argue that the colonies should be treated as sites of domination for purposes of economic exploitation, and that the notion of assimilating “inferior races” was a utopian idea (Harmand 1919, 153–55; Saussure 1899). While each had its adherents and the two concepts were con-

⁹⁵³Admiral Vallon, former governor of Senegal, cited in Lewis (1962, 140). For the education of Frenchmen, see Weber (1979).

⁹⁵⁴“The substitution of an administrative regime from military government [in Cochinchine]. . . been consecrated by several decrees that propose to give to the European a complete liberty and to progressively assimilate the indigenous to our civilization. This program is conformable to the policy of France, which does not conquer in the goal of exploiting the vanquished by reducing them to servitude, but strives to the contrary to make our ideas penetrate new subjects” (de Viliers 1908, 50).

stantly juxtaposed against the other, in political rhetoric the distinction between the two visions was often blurred (Lewis 1962).⁹⁵⁵ But at its core, the debate between association and assimilation as contrasting visions of how the republic related to the empire rested on different understandings about the moral and political prerequisites of republican citizens.

Both assimilation and association provided grounds for enfranchisement and exclusion. The great act of republican assimilation was almost always claimed to be 1848, when slavery was abolished and the freed men were declared citizens with the right to vote (Lara 2007). Deputies calling for the enfranchisement of indigenous Algerian Muslims often invoked the principle of republican assimilation.⁹⁵⁶ But assimilation was very often invoked to justify exclusions, the extension of representation but with no exceptions to the principle that only citizens could have political rights. Assimilation, in this usage, meant “a situation in which the French citizens of a colony enjoy all the legal guarantees accorded to the French of the metropolis” more than it did the civilizing of the indigenous population (Lewis 1962, 142).

Theorists of association were insistent that “democratic institution, founded on equality and liberty, cannot be transported to the [colonies], and universal suffrage, in truth, is there a monster” (Harmand 1919, 350).⁹⁵⁷ And yet because associationists denied the necessity to transport the rights of citizenship and ‘universal suffrage,’ they were able to offer their own prescriptions for inclusion. Stephen H. Roberts argued that “there is no reason at all why deputies should be elected by universal suffrage in certain colonies.”

“Why cannot a restricted franchise be introduced in all? This would mean, of course, that the negroes in the Antilles and the Senegalese communes and the Indians of the French towns would be deprived of some of their rights, but after all, they number only 400,000 out of France’s 56 million native subjects, and the general gain would compensate for the individual loss” (Roberts 1929, 82).

⁹⁵⁵As one socialist republican reminded the Chamber, the “scientific method” was the “policy of collaboration and association toward evolution; let us ensure that Algeria is one day part of France, not just territorially but morally.” Doizy, *Journal Officiel, Chambre des Députés, Débats*, November 7th, 1918, p.2921

⁹⁵⁶“It was the Constitution of Year III that declared that all the colonies are an integral part of the Republic and are subject to the same laws. Countless times... have I been struck at the fact that the indigenous, whether of Algeria or the other colonies, are not represented in Parliament.”Berthon, *Journal Officiel, Débats*, December 20th, 1922, n.137, p.4340

⁹⁵⁷Habert (rapporteur), *Journal Officiel, Débats*, December 20th, 1922, n.137, p.4340; D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2010

That is, association allowed for an inequality between citizens and for precisely this reason enabled a limited enfranchisement of indigenous subjects.

What made assimilation potentially exclusionary was the requirement that political rights be limited to citizens, with citizenship understood to be incompatible with the maintenance of distinct personal statuses. But to the recurring surprise of deputies, supposedly bedrock principles of French constitutional law were violated in India and Senegal.⁹⁵⁸ Every few years a controversy over Indian and Senegalese voting rights would erupt. Each time a large portion of the Chamber expressed surprise that the electors were not French citizens. One deputy explained to the Chamber that it “would be very difficult to find any legislation that gives these 72,000 [Indian] electors, who are not French, have nonetheless the right to choose a deputy What I ask the Chamber to remember is that these electors are not French citizens.”⁹⁵⁹ A deputy from Algeria was especially concerned that non-citizens might be voting; he placed great stress on the possibility that their voting rights were the result of administrative decree, a dangerous concentration of authority in one person. “No one,” he insisted “can give them the right to vote in political elections, if it is not France herself represented by her parliament.” A few moments later he raised the bar even higher, now claiming that “the Constitution alone can decide if there are one or several ways to be a French citizen. It is a question of principle.”⁹⁶⁰

The principle that only citizens could vote was closely implicated with the republican tradition that the citizen had to be an individual who stood on a plane of legal equality

⁹⁵⁸With the abolition of slavery in 1848, the National Assembly extended the right to vote to all Indians and Senegalese without a citizenship requirement: “the indigenous inhabitants of Senegal and Dependencies and the French Establishments in India who can prove a residence of more than 5 years in the said possessions are excused from all proof of naturalization” (Moleur 2000, 70). The French electoral law of 1849, which again limited political rights to citizenship, would have overruled this decree, but before it could be proclaimed in the colonies the Bonapartist coup intervened and all colonies lost representation in parliament. It was to reaffirm republican principles and underscore the illegitimacy of the coup that republicans reinstated parliamentary representation in 1871, and reinstated the electoral law of 1849. The administration in India and Senegal, however, returned to using the terms of the 1848 decree. When the French minister requested the governor of Senegal to determine the number of “genuine electors,” he found that only 400 of the 4,277 electors were citizen. The colony once again lost its representation with the constitutional laws of 1875. But when republicans were able to take full control over the Chamber of Deputies and the Senate, they once again reinstated representation for the colonies, extending it to Cochinchine in 1881. By a decision of the colonial governor, only those “indigenes originating in [Senegalese] cities or the parts of the territories adjacent to these cities” were to be considered “genuine nationals,” and accorded political rights (Moleur 2000, 79).

⁹⁵⁹Ferrette (rapporteur), *Journal Officiel, Débats, Chambre des Députés*, July 11th, 1898, p.2039; D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2010

⁹⁶⁰Marchal, *Journal Officiel, Débats, Chambre des Députés*, July 11th, 1898, p.2041; July 9th, 1898, p.2013

with others, without distinct personal statuses determining what legal code would be applied. Hindus, Jews, Christians (in India), and above all Muslims who were governed not by French but by religious, caste, or tribal law in civil matters were considered to be privileged classes with distinct statuses incompatible with republican citizenship. But in both India and Senegal, political rights were extended without the indigenous having to abandon their personal status.⁹⁶¹ Underscoring the question's broader implications, the Algerian deputy asked whether "the Muslims, in Senegal and India, and in some other colonies, have not retained their personal status or whether they are subject to the requirements of the Civil Code."⁹⁶² If so, this violated the principles of "our essentially unitary legislation" that denied "indigenes or settlers, negroes, whites, yellows, or blacks [] the right to vote if they are not subject to French law."⁹⁶³ When the deputy from Guadeloupe argued against the ending of parliamentary representation, d'Estournelles assured him that Guadeloupe was not included in the bill. The difference, as one deputy yelled out, was that colonies such as Guadeloupe, La Reunion, and Martinique "were subject to the civil code."⁹⁶⁴

But the debate never turned solely on the question of citizenship as a legal status. Cultural, racial, and class concerns were always invoked. "With our habitual mania for assimilation," argued one deputy, "we have made a French department with a municipal council, general council, district council, a deputy, a senator, and we have imprudently conferred our electoral rights to Hindus who speak Tamil, Bengali, or Hindustani, but who do not speak French and know absolutely nothing about France."⁹⁶⁵ D'Estournelles

⁹⁶¹See the Court of Cassation decision, which holds that because the Assembly "did not do to the Indians as they did to the Arab Muslims of Algeria" in the law establishing the Senate, they therefore "wanted to maintain the right consecrated by practice" (Herman and Jessionesse 1885, 926). That is, because the Assembly did not go to the pains they went in excluding the indigenous Algerians, they must have intended to continue the voting rights of indigenous Indians.

⁹⁶²Marchal, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2013

⁹⁶³Marchal, *Journal Officiel, Débats, Chambre des Députés*, July 11th, 1898, p.2041

⁹⁶⁴'Leftist Deputy,' *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2012. Guyana was subject to the civil code, and d'Estournelles did not explain why this colony should lose its representation as well, but presumably it was because of the large number of prisoners, natives living in the rainforests, and gold miners (Winnacker 1938, 274).

⁹⁶⁵Colliard, citing Flandin, *Journal Officiel, Débats, Chambre des Députés*, January 18th, 1909, p.32. Quotes broadly similar to this made frequent appearances, and echoed Gustave Le Bon's remarks to the International Colonial Congress in 1889, that "it matters little what population may be: Negroes, savages, Arabs, yellow peoples, should benefit from the Declaration of the Rights of Man. . . . All have universal suffrage, municipal councils, arrondissement councils, general councils, tribunals of all degrees, deputies and senators to represent them in our assemblies. Negroes, scarcely emancipated, whose cerebral development corresponds hardly to that of our Stone Age ancestors, have jumped into all the complexities of our formidable modern administrative machine" (Lewis 1962, 138).

asked whether, “these electors, who do not have a civil state, who do not speak a word of French, do they pay taxes?” When one deputy responded that they paid taxes to their particular community, d’Estournelles shot back, “No, they do not pay our taxes.”⁹⁶⁶ The indigenous electors were not culturally French, and they were not subject to French law. At this point another republican deputy yelled out that, “the electors inscribed at the welfare office certainly vote well!”⁹⁶⁷ The indigenous were suspect from a class perspective as well.

The concern with the class composition of the indigenous electorate was most often expressed in terms of whether they could exercise the independent moral judgment that ‘universal suffrage’ required. A “large portion of the black electors of Senegal,” it was claimed, “go to the polls without knowing what they are doing.”⁹⁶⁸ The indigenous electorate was described as “oblivious,” and it was warned that they drowned out “colonists and even the mulattos. . . . In reality, only the chiefs vote.”⁹⁶⁹ This critique was applied to India and Senegal but also to those colonies where the electors were citizens, implicitly questioning the reality of their citizenship. The influence of patrons over voters meant that “there is no universal suffrage,” in India and Senegal, but also in colonies where the voters were citizens.⁹⁷⁰ Some deputies rejected the suggestion that the indigenous did not deserve the right to vote because of their poverty or for not paying taxes, arguing that “we are not living under a property suffrage. Our public law has roots elsewhere than in the payment of taxes.”⁹⁷¹ But even the supporters of expanded electoral rights for the indigenous argued that “nobody has ever supported giving the right of suffrage to all the poor population who cannot even understand what a ballot is and who will vote however the administration tells them to.”⁹⁷² A more important theme raised by defenders of colonial representation was that the Republic owed its very existence to colonial delegates to the National Assembly, as “when the Republic was established by

⁹⁶⁶D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, pp.2010-11. Many of the ‘indigenous’ taxes were, it should be pointed out, largely determined by and collected by the French colonial state.

⁹⁶⁷Gautret, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2010.

⁹⁶⁸D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2010

⁹⁶⁹D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2010

⁹⁷⁰Ferret (rapporteur), *Journal Officiel, Débats, Chambre des Députés*, July 11th, 1898, p.2039-40; see also *Journal Officiel, Débats, Chambre des Députés*, February 28th, 1907, pp.639-651; *Journal Officiel, Débats, Chambre des Députés*, July 5th, 1910, p.1221; *Journal Officiel, Débats, Chambre des Députés*, February 12th, 1900, p.497-98

⁹⁷¹Rouvier, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2011

⁹⁷²Viолlette, *Journal Officiel, Débats, Chambre des Députés*, March 21st, 1935, p.348

a one vote margin, there were ten votes in favor from colonial representatives.”⁹⁷³ By associating the colonies with the Republic, they sought to claim for their constituents a status as culturally French, either in addition to or instead of a legal status. One deputy argued that the “Guyanese people are eminently French. . . . What needs to be known is whether France intends to have subjects in its colonies, or if on the contrary its goal is to treat us as French citizens.”⁹⁷⁴ The deputy from Senegal insisted that in his colony there “are tribes who are profoundly devoted to France,” who were French in every way that mattered, even if they were not citizens. But he also reminded the Chamber that “there is an entire colony of whites, men who have come here and risked their health and work hard, as there are no idlers and there are very few bureaucrats in that country.”⁹⁷⁵

Importantly, both the class composition of the electorate and the allegations of fraud had different effects than similar concerns in France. The working class of the metropole was often considered to be in a precarious state, possibly lacking the necessary independence for republican citizenship (Stone 1996, 123). There was fraud in the colonial elections, but this was also true of French elections.⁹⁷⁶ When a deputy asked how “can the blacks escape the influence of people who, for example, provide them a livelihood, such as the representatives of commercial establishments,” he was asking a question that was raised by conservatives and radicals in France.⁹⁷⁷ But anxiety over the French working classes was very rarely coupled with proposals for restrictions on the vote; more common was the call for new measures to protect the voter, such as the private voting booth introduced in 1912. In the colonies, these concerns led to demands for increased restrictions and the suppression of representation.

Deputies frequently raised another basis for the questionable citizenship of the colonists. “These indigenous electors, who do not speak our language, who do not pay our taxes, are they at least subject to military service? No.”⁹⁷⁸ There was no legal requirement that an elector have performed his military service, although after 1898

⁹⁷³Gerville-Réache, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2010

⁹⁷⁴The Guyanese were French citizens, and the deputies intervention was in a context over suppressing indigenous electors in Senegal and India, but also citizens in Cochinchine and Guyana. Uraleur, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2013; see also Le Myre de Vilers, *Journal Officiel, Débats, Chambre des Députés*, July 11th, 1898, p.2040.

⁹⁷⁵D’Agoult, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2013

⁹⁷⁶The verification of powers that initiated a new legislature was always replete with complaints and extended debates over whether there should be an investigation over fraud, employer intimidation, clerical interference, or excessively inflammatory campaigning. See for instance, *Annales de l’Assemblée Nationale*, February 24th, 1872, vol.8, p.34.

⁹⁷⁷Dulan (rapporteur), *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2011

⁹⁷⁸D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2011

deputies needed to have performed theirs. But it was a highly resonant theme in republican thought. And it was precisely because deputies recognized this resonance that the representatives of Algerian settlers were especially opposed to any suggestion of indigenous military service. Speaking before a meeting of the Algerian *délégations financières*, Emile Morinaud, a former anti-Semite and future Republican Socialist deputy claimed that,

“it would already be serious, excessively serious for the future domination of this country, to subtract from the code of the *indigénat* or the repressive tribunals, the 7,000 or 8,000 indigenes who each year would be leaving the barracks and to grant them the diminished taxes. I would like to know what the administration is going to do when they have before them these indigenes, half-French, and others who will have stayed indigenes. . . . The day when such a misfortune [conscription] will pass, there will immediately form in the parliament a group that demands the conferring of voting rights to the natives, and this group will quickly conquer public opinion. Why? Because it would rest on a principle now recognized by all civilized peoples. What is the hallmark of the citizen? Compulsory military service. Whoever owes military service is at the same time a citizen, and has the right to vote.”⁹⁷⁹

Morinaud outlined a scenario in which after 20 years there would be “100,000 French electors against 160,000 indigenes. . . . It would be the complete ruin of French domination here.” More tactfully, others suggested that conscription raised “very grave and delicate questions” of citizenship and political rights, and did their best to sidestep the matter.⁹⁸⁰

The critique of the colonial franchise, whether it was by citizens or the indigenous, asked whether it was in accordance with republican principles that men who were “French in name only, neither soldiers nor taxpayers,” had the right to decide on taxes

⁹⁷⁹Morinaud, *Délégations financières algériennes*, assemblée plénière, April 14th, 1908, 73, 74 (1908, 70–74); see also Ajam (rapporteur), *Journal Officiel*, Chambre des Députés, Débats, February 18th, 1910, p.927. The assemblies of Algeria “fear seeing the number of indigenous soldiers increased in a large proportion.”

⁹⁸⁰Carpot, *Journal Officiel*, Chambre des Députés, Débats, February 18th, 1910, p.924. The question of colonial conscription was motivated in part by a desire to reduce the length of service for French conscripts, which in turn was defended on the grounds that it was undermining the need for procreation, an obsession of French political leaders in the Third Republic. Both conscription in the colonies and the broader imperial project were often framed in terms of increasing the aggregate size of the French population. “West French Africa,” claimed one governor general, “constitutes a marvelous reservoir of men for France.” Quoted by Messimy, *Journal Officiel*, Chambre des Députés, Débats, February 18th, 1910, p.932

and on war and peace.⁹⁸¹ In short, they were not French republican citizens. “We may have put the cart before the horse,” argued one deputy, and before giving “blacks the rights of citizens, we should have taught them the duties.”⁹⁸² D’Estournelles, after describing the electors of Senegal in terms that emphasized their racial difference, the cultural foreignness, their alleged non-contribution and dependency, as whether the Chamber “finds it reasonable. . . that the electors so defined exercise the same rights as French citizens.”⁹⁸³

In 1905 an Inspector General was sent from Paris to inquire into the electoral system in the Senegal. He was shocked that non-citizens were voting, and warned that if the indigenous were ever to organize effectively “we would see the General Council and Municipal Councils composed exclusively of native Muslims who would retain their customary law while having a civil jurisdiction over [our] special tribunals. In the future, the deputy from Senegal could conceivably not even be a French citizen!”⁹⁸⁴ The Senegalese administration began a purge of the electorate but resistance by the mayor of Dakar ultimately led to a court case. On July 24, 1907, the Cour de Cassation maintained what had been an administrative decision without legal foundation, that only those born within the limits of the Senegalese communes were eligible to vote. But the decision also affirmed that both Indians and Senegalese were not citizens, and their rights were now clearly established as exceptions.⁹⁸⁵

In 1914 the Senegalese-born deputy Blaise Diagne was elected to the Chamber of Deputies. His election was immediately contested on the grounds that he was not a

⁹⁸¹D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2011

⁹⁸²Dulan (rapporteur), *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2011. “The status of citizen should only be given to those who are truly capable of understanding the value of the right conferred, and who can use it with intelligence and independence.” Moutet, Annex n.4383, *Journal Officiel, Chambre des Députés, Documents*, March 1st, 1918, p.340.

⁹⁸³D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2010

⁹⁸⁴Verrier to the Minister of the Colonies, July 21st, 1905. Cited in Johnson (1971, 81).

⁹⁸⁵The purge, however, continued as the administration now required electors to prove that they had been born in the commune. The administration now wanted to expand the right to vote to the entirety of the Senegal colony, but to require of electors the various conditions necessary for naturalization, such as knowing how to read and write French, qualifications that had reduced the number of naturalizations to 21 for the entire global empire in 1908. A decree of 1912 placed the Senegalese of the four communes under the authority of village rather than French tribunals, and the community only narrowly avoided being subject to the full weight of the indigénat code (Moleur 2000, 91). Colonial administrators wanted to end the exceptional status of the Senegalese. Cour de Cassation, *Chambre Civile*, July 24th, 1907 (Penant 1908, 366). A case the following year limited the Senegales political rights to the colonies. Cour de Cassation, *Chambre Civile*, July 22nd, 1908 (Penant 1908, 395–96). The electoral rights of non-citizens extended only to the Four Communes, while a court decision in 1910 allowed French citizens the right to vote anywhere within the much larger Senegalese Protectorate (Johnson 1971, 83).

citizen, a claim that again surprised many deputies and which the rapporteur had to carefully explain as “exceptional” (Johnson 1971, 83–84; Moleur 2000).⁹⁸⁶ And the rapporteur stressed that even if he was not a citizen, Diagne was not culturally foreign; he was “of the Catholic religion, married in France [to a French wife], and seems to have renounced his personal status.”⁹⁸⁷ Ultimately, there was little desire among the radical majority in the Chamber of Deputies to turn away the first African and indigenous deputy elected to the Third Republic, especially as it was increasingly evident that war with Germany was likely. And drawing on the republican tradition of political rights as a correlate of military service, Diagne’s first act was to request that the conscription law be applied to the four communes of Senegal, and in return secured support for legislation declaring the “natives” of the communes to be French citizens.

The Case of Algeria

It was the question of citizenship and political rights in Algeria that most concerned political elite. Algeria was in one sense a model of assimilation, and with increasing frequency in the early 20th century political leaders insisted that all the civil and political rights of France were operative in Algeria.⁹⁸⁸ As a primary textbook explained, “in Algeria, as in France, there is universal suffrage. If one is not French by origin, one can become so by naturalization. . . . The indigenous Muslims are not citizens, but French subjects” (Bernard and Redon 1906, 169).

The terms in which the right to vote for indigenous Algerian Muslims were debated was broadly similar to those concerning the other colonies. The principle of citizenship as incompatible with distinct personal statuses was stressed even more, deputies insisted “it is not acceptable that there would be two categories of citizens in France, one obligated to observe all French law” while the other is not.⁹⁸⁹ But the unique situation of Algeria—with sizeable foreign, French settler, and Jewish communities living among a much larger indigenous Muslim population—led early on to proposals to distinguish

⁹⁸⁶Leredu (rapporteur), *Journal Officiel, Débats, Chambre des Députés*, July 7th, 1914, p.2736. “We can, in effect, conceive of legislation that accorded political rights to populations that maintained the personal status and who were not submitted to French civil status, with the exercise of political rights remaining independent of the exercise of civil rights. That legislative state exists for Senegal, but only for the indigenes originating in one of the four communes.”

⁹⁸⁷Leredu (rapporteur), *Journal Officiel, Débats, Chambre des Députés*, July 7th, 1914, p.2736.

⁹⁸⁸This was belied by most of the procedures of the Third Republic, which consistently categorized Algeria with the colonies.

⁹⁸⁹Roux-Freissineng, *Journal Officiel, Sénat, Débats*, March 22nd, 1935, p.369

between citizens and even to recognize intermediary categories between the citizen and the subject.⁹⁹⁰

A source of considerable political conflict in Algeria was that the power of the French settlers had been diluted by the Crémieux decree of 1870 and the naturalization law of 1889. “They complain,” summarized the governor of Algeria in 1899, “that the legislation of 1870 and 1889, combined with the electoral legislation, undermines what they believe to be their legitimate influence, namely the preponderance to which they believe they have a right.”

“We are, they say, the representatives of the conquering race, we are the artisans of colonization, we are the richest producers of this French colony; we are even more, we are the creators of French families that will maintain the preponderance of our race. We are electors!... We have electoral divides, as in every possible electorate, and it is painful to us, it is humiliating to us, to find that the arbiters of the situation are foreigners and indigenous Israelites” (Paoli 1904, 162).

To remedy this, the governor described three different options for changing the voting qualifications. The first alleged that universal suffrage, “the participation of all the adult and male inhabitants of a country in its sovereignty,” does not exist in Algeria (Paoli 1904, 162). This proposal would extend the suffrage by extending citizenship to all French indigenes. The most restrictive proposal would require all electors to know how to read and write in French (Paoli 1904, 162). The intermediary position, which he favored, would have two degrees of naturalization, the first giving civil rights, and another “aimed at incorporating definitively into political society one who had already entered into civil society.”⁹⁹¹ As one radical opponent of the proposal described it, “the governor general supports a measure whose innocent, soft, inoffensive character you will appreciate; he is a partisan of electoral reform. . . that leaves to Jews all their civil rights, but removes only their political and electoral rights.”⁹⁹²

The context in which the governor made these remarks was an ongoing ‘anti-Jewish’ campaign, whose central premise was that the Crémieux decree had been a mistake and needed to be abrogated or corrected, and a political backlash against the growing

⁹⁹⁰In 1891, the French citizen community stood at 6.5% of population, while the ‘Israelites’ naturalized by the 1870 decree—counted apart until at least 1931—at 1.2%, the foreign community at 5.2% and the indigenous Muslims at 81.5%.

⁹⁹¹Lafférière, *Annales de la Chambre des Députés, Débats*, June 9th, 1899, p.455

⁹⁹²Viviani, *Annales de la Chambre des Députés, Débats*, June 9th, 1899, p.452

number of citizens naturalized by the law of 1889. “These Italians,” said one anti-Semite deputy, “are not French except in name.” In both cases the overarching concern was that a culturally dissimilar group, whose traditions made them unfit for republican citizenship, had been inappropriately integrated into the political community.⁹⁹³

The belief that the Crémieux decree and naturalization acts were mistakes extended well beyond the anti-Semite movement, and arguments against them were framed in republican terms, that citizenship had been conferred before they were ready for republican citizenship. The Crémieux decree had never been popular, and almost as soon as it was proclaimed efforts began to reverse it. Others tried different tactics to deal with what they saw as the premature integration of Algerian Jews. In 1886 the radical leftist Camille Sabatier introduced legislation that would reform the consistories of Algeria, the main institutional intermediary between the state and the Jewish communities. “Suddenly naturalized,” Sabatier explained, “the Algerian Israelites initially showed a generalized and vivid repugnance to a legal order that forced them to undertake military service.” But once they realized that the new order was likely to remain, “they sought only to take from their new situation all the profit they can,” by determining the outcome of elections. Algerian Jews, he claimed, had not been prepared by education “for the new responsibilities of the citizen.”⁹⁹⁴

The claim that Jewish and ‘neo-naturalized’ Algerians’ citizenship was illegitimate was the accompaniment to a systematic effort to restrict political participation, most aggressively in the case of Jews. A ‘titre d’indigénat’ was required as proof of having been included by the decree, a form of voter identification that was often difficult to obtain and which resulted in large-scale disfranchisement of Jewish voters in 1896 (Roberts 2011, 71). But the suspect citizenship of Jews and the naturalized was reflected in the Délégations financières, which limited voting rights to agricultural property owners and taxpaying urban settlers who had been resident in Algeria for 2 years and French citizens for a minimum of 12 years, were described by many as a “wise limitation of universal suffrage” and they marked a clear shift in policy from the goal of assimilating Algerian

⁹⁹³Morinaud, *Journal Officiel, Débats, Chambre des Députés*, November 8th, 1898, p.2158. The conflict between anti-Semites republicans and more mainstream republicans in Algeria played out over the question of republican principles, but also the degree to which one side or the other was inappropriately appealing to the naturalized citizenry. The appearance of campaign placards in Italian and Portuguese was cited repeatedly by the different sides, suggesting the degree to which they believed it would resonate with the Chamber as an illegitimate form of electioneering. Thomson, *Journal Officiel, Débats, Chambre des Députés*, November 11th, 1898, p.2179

⁹⁹⁴Camille Sabatier, n.1133, October 14th, 1886. A.N. C//5374/119

institutions to those in the metropole (Thomas 1899, 55; Mallarmé 1900, 125–26; Goujon and Demonts 1898, 452).⁹⁹⁵

Proposals for political rights for indigenous Algerians ranged from those that proposed the extension of equal citizenship en bloc, similar to the Crémieux decree's naturalization of Jews, to political rights without citizenship, to the extension of citizenship 'in status' to a limited category of person.⁹⁹⁶ There was very little support for the mass extension of citizenship, because it would swamp the settlers—who were seen as the genuine French citizenry—and because it was widely believed that the earlier experience of the mass naturalization had been a failure.⁹⁹⁷ The most frequently invoked reason to not extend citizenship en masse, however, was that it would be a violation of religious liberty. The Muslim's personal status, it was insisted, was "the sum of all the rules that should determine the life of a Muslim family."⁹⁹⁸ To demand naturalization as a condition of voting rights was "to demand the abandonment of their religious faith."⁹⁹⁹ Not only was France pledged to respect the religion, mores, and customs of the indigenous Algerians, but to do otherwise would violate republican principles: "it is not in the republican tradition to... impose on someone the renunciation of a status that to them might be

⁹⁹⁵For the first elections in 1898 a decision by the governor's office held that any citizen born on French territory of foreign parents was to be considered a foreigner if 12 years had not passed since their 22nd year (Bouveresse 2008, 94). This would have excluded Jewish citizens under the age of 35 who were born before 1870. This was overturned by the Cour de Cassation in 1899 (Bouveresse 2008, 96). Morinaud, cited by Thomson, *Journal Officiel, Débats, Chambre des Députés*, November 11th, 1898, p.2179. In describing the Délégations in his *l'Algerie, Vivra-t-elle?*, the former governor general and then deputy Maurice Viollette wrote that "we are thus very far from universal suffrage," a complaint that was frequently made by colonists and Algerian representatives (Viollette 1931, 298). Annex n.39, *Cuttoli, Journal Officiel, Documents, Sénat*, February 12th, 1920, p.21

⁹⁹⁶A proposal was prepared in the 4th legislature (1885-1889) that would have extended citizenship en masse to Algerian Muslims by two deputies from the Seine, on the radical left and the extreme left. It made no progress, but was effectively modeled on the Crémieux decree. A.N. C//5374/116.

⁹⁹⁷Morinaud, *Délégations financières algériennes, assemblée plénière*, April 14th, 1908, 73, 74 (1908, 70–74); Moutet, Annex n.4383, *Journal Officiel, Chambre des Députés, Documents*, March 1st, 1918, p.338. Moutet cites Jaurès statement that it would impugn national greatness and pride to admit that France could not "incorporate to the national spirit" a group, and so they had to be expelled from the polity. But he also argued that it had been "wrong to impose naturalization and to not have proceeded by categories." And he blamed what he seemed to treat as a regrettable fact that the "indigenous Jewish element is sometimes the arbiter of local elections," but blamed this on divisions among settlers.

⁹⁹⁸Viollette, *Journal Officiel, Sénat, Débats*, March 21st, 1935, p.350

⁹⁹⁹Moutet, *Journal Officiel, Débats*, December 20th, 1922, n.137, p.4347

dear.”¹⁰⁰⁰

Alternatively, political rights could be granted without citizenship. But this also would swamp the settler population unless separate electoral colleges were used. Even in this case there was little support for ‘universal suffrage’ in the indigenous college, as this would mean that the representatives would have different moral stature, some being elected on the basis of ‘universal suffrage’ and others elected on the basis of a restricted franchise.¹⁰⁰¹

The third and most important option was a very limited extension of citizenship to some categories of Muslims ‘in status.’ This had been proposed on several occasions before WWI, but had not met with much success. In 1916, however, the Diagne law extended citizenship in status to all persons born in the four Senegalese communes. That measure had been premised on military conscription, and the service of indigenous Algerians in the war was likewise marshaled in defense of political rights.¹⁰⁰² In 1910 it was argued that the enlightened indigenes saw “in military service an opportunity to be closer to France, to be more intimately mixed up in French life”; during the course of the War, it was claimed “the indigenes proved that they are French.”¹⁰⁰³

The 1919 law considerably extended the right to vote in Algerian municipalities, and was justified on the grounds that “no matter how much we are tempted otherwise, we always come back to the ideas of the men of the revolution, the principles of liberty,

¹⁰⁰⁰Régnier, *Journal Officiel, Sénat, Débats*, March 22nd, 1935, p.378. The pledge ostensible was based on the declaration of the conquering general in 1830, although in reality France had deeply intervened in religious law—establishing Islamic tribunals to codify and enforce the law, and extending its coverage to the entirety of the territory—and had imposed French law where it was conducive to securing French control. The religious institutions of the Algerian Jews were dismantled from 1834 onward, replaced by French civil law and the consistory system in the metropole. See Brett (1988). Pams and Nail, Annex n.4663, *Journal Officiel, Chambre des Députés, Documents*, May 11th, 1918, p.613

¹⁰⁰¹Viollette, *Journal Officiel, Sénat, Débats*, March 21st, 1935, p.348. More importantly, argued Viollette, “you would be continuing to proclaim that there was in France a Muslim minority. . . . We create a minority wherever we institute a regime of discrimination. I do not want there to be in France a Muslim minority; I would like a regime that does not make exceptions.” Indigenous Muslims who were not given citizenship would still be excluded, but not being French citizens they would not be part of the political community, and thus there would be no minority. Viollette, *Journal Officiel, Sénat, Débats*, March 21st, 1935, p.348

¹⁰⁰²Sénac, *Journal Officiel, Chambre des Députés, Débats*, February 18th, 1910, p.924. When in a discussion of recruiting indigenous Algerians as troops, one deputy yelled out “Conscript them! They are French!” he gave voice to the sentiment that the Algerian representatives were trying to combat. See also Viollette, *Journal Officiel, Chambre des Députés, Débats*, March 21st, 1935, p.347

¹⁰⁰³Messimy, *Journal Officiel, Chambre des Députés, Débats*, February 18th, 1910, p.932; Moutet, Annex n.4383, *Journal Officiel, Chambre des Députés, Documents*, March 1st, 1918, p.314; see also Doizy, *Journal Officiel, Chambre des Députés, Débats*, November 7th, 1918, p.2919

equality, and of justice.”¹⁰⁰⁴ But the municipal electoral rights of the indigenous were strictly limited; the portion of their representation on the councils was fixed at less than their population size and they were not able to be elected as mayor.¹⁰⁰⁵

But the main cause of controversy was the proposal to allow a limited category of Muslims the right to naturalized ‘in status.’ The bill’s rapporteur acknowledged that this was a very limited naturalization, but argued that “the indigenous Muslims are not assimilated enough or close to us for it to be possible to naturalize them or to confer civil and political rights, resulting in the status of citizen.”¹⁰⁰⁶ Instead, the government’s position was that which had been suggested in 1899, the creation of an “intermediary status, for all indigenes who by their personal situation, by the degree of their evolution, or by the services they have rendered, are up to the task of usefully participating in public life, and to consent, through themselves or their representatives, in managing the affairs of the community.”¹⁰⁰⁷ The objective now was to assimilate the indigene over a very long time frame, and even this process would be less assimilation than “an evolution of the indigenes in their own civilization.”¹⁰⁰⁸

The embrace of association and intermediary statuses gave the Algerian representatives resonant grounds upon which to attack the bill. The grant of citizenship in status was a violation of French republican principles: “If they are citizens, they must be treated the same as all other French citizens (Very good!).”¹⁰⁰⁹ And the very fact that the Muslim would not renounce his status—which all insisted was essential to his religious beliefs—made him unfit for citizenship. The indigenous says “‘you have educated me, I am French like you.’ Well if he is French like us, then he should become French.”¹⁰¹⁰

From the early debates on indigenous voting rights until the defeat of the last pre-war proposal in the mid-1930s, by far the most important reason given to deny the fitness of the Algerian indigenes for republican citizenship were specific precepts of

¹⁰⁰⁴Moutet, Annex n.4383, Journal Officiel, Chambre des Députés, Documents, March 1st, 1918, p.323. A practical justification was that settler towns had a tendency to annex neighboring indigenous communities, and subject the indigenous to local taxes. Governor General (Jonnart), Journal Officiel, Chambre des Députés, Débats, November 7th, 1918, p.2922

¹⁰⁰⁵Governor General (Jonnart), Journal Officiel, Chambre des Députés, Débats, November 7th, 1918, p.2922

¹⁰⁰⁶Moutet, Annex n.4383, Journal Officiel, Chambre des Députés, Documents, March 1st, 1918, p.322

¹⁰⁰⁷Pams and Nail, Annex n.4663, Journal Officiel, Chambre des Députés, Documents, May 11th, 1918, p.613

¹⁰⁰⁸Moutet, Annex n.4383, Journal Officiel, Chambre des Députés, Documents, March 1st, 1918, p.322; Pams and Nail, Annex n.4663, Journal Officiel, Chambre des Députés, Documents, May 11th, 1918, p.614

¹⁰⁰⁹Roux-Freissineng, Journal Officiel, Sénat, Débats, March 22nd, 1935, p.370

¹⁰¹⁰Régnier, Journal Officiel, Sénat, Débats, March 22nd, 1935, p.378

Islam. “Koranic law, that’s monarchy by divine right. The republican tradition, even with regards to the indigenous, does not accept that.”¹⁰¹¹ The opposition to indigenous voting rights argued that it would be inappropriate to create a class of voters or representatives “who would be allowed to vote to modify the laws to which they refuse to submit.”¹⁰¹² There were some who rejected this reasoning, noting that “it is perfectly possible that the indigenous Muslims legislate with us here, as we legislate for the indigenous Muslims without them (Applause on the extreme left).”¹⁰¹³ But the claim that the indigenous should not participate in the formation of laws to which they were not subject was usually joined with the claim that their religious beliefs made such participation illegitimate.¹⁰¹⁴

Opponents of indigenous voting invested considerable amount of rhetoric in the claim that the specific precepts of Islam precluded the possibility of republican citizenship, with the legal rights accorded by Islam to fathers and husbands most frequently invoked (Surkis 2011, 48).¹⁰¹⁵ “How could we conceive,” deputies asked on several occasions, “of French citizens allowed to possess and sell slaves, violate their daughters by forcing them to consent to a union, or to sell them like vile livestock.”¹⁰¹⁶ “Could we concede to citizens,” asked another, “the privilege of committing genuine crimes against the family? Isn’t it already too much that we tolerate it among subjects?”¹⁰¹⁷ What the Muslims wanted, it was claimed, was access to political rights as well their “Muslim law, which allows the father to sell his new-born daughter, as a supposed marriage, the law that allows him to repudiate his wife.”¹⁰¹⁸ The Muslim’s personal status was “based on masculinity, especially in matters of inheritance, polygamy, divorce [repudiation], and paternal control over marriage.” Were political rights extended to the

¹⁰¹¹Moutet, *Journal Officiel, Chambre des Députés, Débats*, December 20th, 1922, n.137, p.4340. The response, from right-wing, nationalist Habert, was that “evidently, my dear Mr. Moutet, for a Muslim all power comes from God. But it gives a false idea of the Muslim world to represent it as attached to divine right monarchy. There is no law more democratic and egalitarian than Muslim law.”

¹⁰¹²Jonnart (Governor General), *Journal Officiel, Chambre des Députés, Débats*, November 7th, 1918, p.2922.

¹⁰¹³Moutet, *Journal Officiel, Chambre des Députés, Débats*, December 20th, 1922, p.4347

¹⁰¹⁴Jonnart (Governor General), *Journal Officiel, Chambre des Députés, Débats*, November 7th, 1918, p.2922. Jonnart was arguing that this was a compelling reason to exclude the indigenous from parliamentary voting rights, but was not a good reason to exclude them from municipal councils.

¹⁰¹⁵The codification and enforcement of Koranic law in Algeria had been undertaken by the French colonial authorities.

¹⁰¹⁶Camille Sabatier, n.3910, July 8th, 1889, p.13 A.N. C//5374/119.

¹⁰¹⁷Camille Sabatier, n.3910, July 8th, 1889, p.13 A.N. C//5374/119; D’Estournelles, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2010; Henricque-Duloc, *Journal Officiel, Débats, Chambre des Députés*, July 11th, 1898, p.2040. In the debates examined for this project, there were very few concerning Algerian voting rights in which the position of women and especially polygamy were not raised.

¹⁰¹⁸Roux-Freissineng, *Journal Officiel, Sénat, Débats*, December 20th, 1922, p.369.

indigenous without requiring renunciation of personal status, then “the man who can coerce his prepubescent daughter could, by his representative, decide on a reform on marriage applicable to the French.”¹⁰¹⁹ There were some exceptions to the assertion that polygamy was central to Islam; and there were some exceptions to the claim that polygamy was incompatible with republican citizenship.¹⁰²⁰ But for the most part supporters of indigenous political rights stressed that the institution of polygamy was dying, that “the Muslim personal status is fading little by little.”¹⁰²¹

Islam was not alone in being considered incompatible with republican citizenship; so too was Catholicism, but with much less severity.¹⁰²² The solution to the Catholic question was assimilation through education, and “without doubt, little by little, the personal status of the Catholic is being erased.”¹⁰²³ But there was very broad agreement that Islam was stronger “cement” than Catholicism or Judaism, that it was less susceptible to assimilation.¹⁰²⁴ “The Koranic law has a considerable hold over individuals,” its strictures the basis of the family and all social and political relations.¹⁰²⁵ Assimilation was, if not futile, certainly a distant possibility: “the application to a religious society of the legislation of a secular state, whose entire evolution has had precisely as its goal liberty from all religious holds, cannot go without difficulties.”¹⁰²⁶ Islam was a potentially invincible “obstacle to the penetration of modern ideas,” with all efforts at reform impeded by “this fatalist religious mentality, this immutable religious society whose ev-

¹⁰¹⁹Duroux, *Journal Officiel, Sénat, Débats*, March 22nd, 1935, p.373

¹⁰²⁰Habert (rapporteur), *Journal Officiel, Débats*, December 20th, 1922, n.137, p.4340.

¹⁰²¹Viollette, *Journal Officiel, Sénat, Débats*, March 21st, 1935, p.350

¹⁰²²Viollette was explicit about the different effect of religious beliefs between Catholics and Muslims. “If you were to ask Catholics, as a condition of their accession to the polity, that they accept the principle of divorce, for example, many, torn between their conscience and their desire, would say no.” Republicans did believe that the rejection of divorce was incompatible with the principles of republican citizenship, but they did not believe that it should be grounds for exclusion, only for more vigorous efforts at education. Viollette, *Journal Officiel, Sénat, Débats*, March 21st, 1935, p.350

¹⁰²³Viollette, *Journal Officiel, Sénat, Débats*, March 21st, 1935, p.350

¹⁰²⁴Moutet, Annex n.4383, *Journal Officiel, Chambre des Députés, Documents*, March 1st, 1918, p.315. It had long been common among Algerian settlers to argue against ‘assimilating’ education, and as indigenous political activism increased after WWI, it was often asserted that “of all the indigenous, [the educated] were the ones who like us the least.” Cuttoli, *Journal Officiel, Sénat, Débats*, March 21st, 1935, p.357

¹⁰²⁵Moutet, Annex n.4383, *Journal Officiel, Chambre des Députés, Documents*, March 1st, 1918, p.328

¹⁰²⁶Habert (rapporteur), *Journal Officiel, Débats*, December 20th, 1922, n.137, p.4340; Moutet, Annex n.4383, *Journal Officiel, Chambre des Députés, Documents*, March 1st, 1918, p.328. With some irony, among the most insistent on the incompatibility of Islam with republican citizenship were those who emphasized with pride the role of France, “which by the institution of the madrassas has created a superior Muslim education, one that is genuinely cultured.” Duroux, *Journal Officiel, Sénat, Débats*, March 22nd, 1935, p.372.

ery precept. . . would be in opposition with those that govern our secular and democratic society.”¹⁰²⁷ The Arab in particular was singled out as having a “mentality essentially different from ours. There is something fixed about him, irreducible even.”¹⁰²⁸ Even the slightest suggestion of assimilation had led to a mass exodus of Muslims from the city of Tlemcen, as the indigenous feared the French intended to “prohibit the wearing of the veil.”¹⁰²⁹

Supporters of political rights believed that “Islam will not escape the laws of evolution,” but this would be measured in generations, maybe even centuries.¹⁰³⁰ As a result, full and equal political rights would have to wait, or possibly denied altogether.¹⁰³¹ “Naturalization of the indigenous, assimilation, universal suffrage, drop it. Leave in Marseilles the Immortal principles. Do not export the Declaration of the rights of man” (Benoist 1892, 179). By the 1930s, the principle of naturalization ‘in status’ had been established, but under highly restrictive conditions that few indigenous Algerians met. Many deputies accused “the French administration” of not wanting “to make French citizens out of French subjects.”¹⁰³²

In the 1920s various measures failed to pass, despite increasing political activism.¹⁰³³ In 1935 Maurice Viollette withdrew a proposal to increase Algerian political rights and expand the number of citizens ‘in status,’ recognizing that it had little prospect of passage. The next year, a similar measure with the support of the Popular Front government was withdrawn in the face of Algerian settler protests. The Third Republic did extend municipal voting rights to the indigenous Algerians; a very limited recognition of citizenship ‘in status’ was provided. In other colonies, political rights were given without regard to citizenship, or citizenship was accorded en masse without renunciation of personal status. That the right to vote for the National Assembly was not extended to Algerian Muslims was not inevitable, but rather was one possible choice among others.

¹⁰²⁷Moutet, Annex n.4383, Journal Officiel, Chambre des Députés, Documents, March 1st, 1918, p.328

¹⁰²⁸Duroux, Journal Officiel, Sénat, Débats, March 22nd, 1935, p.372; Thomson, Journal Officiel, Chambre des Députés, Débats, November 7th, 1918, p.2915; Carpot, Journal Officiel, Chambre des Députés, Débats, February 18th, 1910, p.926

¹⁰²⁹Governor General of Algeria, Journal Officiel, Chambre des Députés, Débats, February 9th, 1914, p.596

¹⁰³⁰Moutet, Annex n.4383, Journal Officiel, Chambre des Députés, Documents, March 1st, 1918, p.328; Governor General of Algeria and Driant, Journal Officiel, Chambre des Députés, Débats, February 9th, 1914, p.591

¹⁰³¹Régnier, Journal Officiel, Sénat, Débats, March 22nd, 1935, p.377

¹⁰³²Doizy, Journal Officiel, Chambre des Députés, Débats, November 7th, 1918, p.2919

¹⁰³³Moutet, Journal Officiel, Débats, Sénat, December 20th, 1922, p.4347

Women and the Republican Regime

Women's suffrage finally received sustained attention on the floor of the Chamber of Deputies in 1919, when the Committee on Universal Suffrage proposed legislation that would give the right to vote for women in municipal and department councils. The Committee had delayed on women's suffrage for more than a decade, consistently prioritizing proportional representation; when this finally passed, the Committee was now willing to move forward. Women would not be enfranchised for elections to the Chamber of Deputies; moreover, women would not be allowed to be elected as delegates for the departmental senatorial elections—an effort to maintain the distinction between municipal voting and participation in the national sovereignty. This was despite the fact that women could participate in electing mayors and the delegates, both of whom did vote for Senators.

During the course of debate, two major amendments were proposed: the first would join to the bill a scheme of family voting, in which the father—or absent a father, the mother—could cast ballots for his children, and the second would establish immediate an equal suffrage for all elections. The first proposal received considerable support, and was couched in terms of repopulating a country devastated by war. It was defeated by a vote of 281-200, with a quarter of the Chamber not voting (Hause and Kenney 1984, 224). The equal franchise amendment, however, passed by a landslide, 329-95. Every faction voted in favor, with the Socialists and the right wing parties voting 97% and 90% respectively in support. The conservative republicans, which included Catholics rallied to the regime, voted 82% in favor. Only the Radicals showed any sign of hesitation, voting 59% in favor. But as Hause and Kenney have pointed out, over 100 deputies did not cast a ballot, including a quarter of Radicals (1984, 225). And most importantly, only one member of the Radical government headed by Clemenceau voted in favor, with the remaining 18 members abstaining, an “obviously conscious policy” (1984, 226). Even 12 of the 33 Radicals who had come out publicly in support of the bill either voted against it or abstained (Hause and Kenney 1984, 226). Even this level of radical support, however, was clearly overstated. The most vocal radical opponent of the bill supported, both the equal suffrage amendment and final passage, on the grounds that a more extreme bill would be more likely to be rejected by the Senate.

And sure enough, after delaying consideration for three years, the Senate voted 156-134 against even beginning debate on the individual articles. This number also likely inflates the degree of support, as conservatives and right-wingers wanted to add the

family vote, which they could do only after consideration on the individual articles had begun. But the Radical opposition was even more striking in the Senate, with 75% of voting members rejecting the bill, the only party to vote against it. The measure was defeated by 24 votes; over the next eleven years, an equal women's suffrage bill would be defeated by the Radicals in the Senate in 1928, 1929, 1932, and 1933, with the proportion of the party opposed climbing to 88% by end. By contrast, the number of conservatives who opposed the bill dropped from 38 to 6 (Smith 1997, 343).

What French radicals saw in Islam's treatment of women, they also saw to a lesser degree in France itself, a religiously motivated subordination of women. One deputy introducing a women's suffrage bill argued that in France "the oriental and Semitic tradition of absolute disdain for women's very nature is now generally abandoned."¹⁰³⁴ In fact, debates over women's suffrage among republicans were dominated by the overarching question of whether they were, and whether they could be, fit for republican citizenship.

Throughout the 19th century the Catholic emphasis on women's obedience had a counterpart in the republican belief that women were not fit for citizenship. While earlier periods of republicanism can hardly be described as welcoming to women as individual citizens, the revolution of 1848 had seen a sustained critique of the traditional home by socialists and others. Partly in response to this, the republicans in the Third Republic were especially insistent on the inappropriateness of women's political participation, as many had come to "regard the revolutionary critique of the traditional home, like the call to armed insurrection, as a cause for the disastrous end of the Second Republic" (Stone 1996, 53).

That the radical party was ultimately the major institutional force that impeded women's suffrage throughout the first 44 years of the 20th century is at least somewhat paradoxical. The early wave of French feminism had developed in large part in radical anticlerical circles, and the radicals had been crucially important in strengthening women's education, legalizing divorce, and beginning in 1907 included in their electoral platform a promise for the "gradual extension of the rights of women," alongside public assistance for pregnant and poor women, and legislated maternity leave (Evans 2013; Stone 1996, 334). They were not strident feminists, but they were the party that the feminist movement believed was most closely aligned with their ambitions. While it was

¹⁰³⁴Gautret, Proposition to give the right to vote in municipal, cantonal, and legislative elections to widows, divorce, and single adult women, Annex n.2529. *Journal Officiel, Documents, Chambre des Députés*, July 1st, 1901. Presented in Buisson (1910, 169).

not the only factor militating against women's suffrage, radicals had come to see the exclusion of women as vital to maintaining the republican character of the regime. In the 1870s, Léon Richer, a pioneering French feminist, argued that, "at the present time it would be dangerous—in France—to give women the political ballot. They are in great majority reactionaries and clericals. If they voted today the Republic would not last six months" (Bidelman 1976, 106). Supporters of women's suffrage would continue to confront this argument into the 1940s.

In 1910, Ferdinand Buisson released a report on "The Right to Vote for Women" (Buisson 1910; Hause and Kenney 1984, 129). The objection that women would undermine the Republic, remarked Buisson, "was particular to France and to the present moment. . . . To give the suffrage to women in the commune or the state is to throw onto the electoral balance an enormous weight that will go toward the side of reaction. . . . [T]o date, in France, she has remained under the influence, not to say the domination, of the clergy" (Buisson 1910, 157). Buisson acknowledged that "there is some truth to these fears, that they had been with foundation twenty or thirty years ago, we do not deny." But he insisted that this had changed: "we are no longer in a time when more than fifty percent of women do not know how to read. . . . The secular school has spread many new habits: women are now accustomed to the formula, the priest in Church, the instructor in the school, the mayor in city hall" (1910, 157). The women of today were very far from the "peasants of Seize Mai when it comes to government by priests" (1910, 158).

Others disagreed.¹⁰³⁵ Radical deputies warned that women's suffrage would "capsize the boat. And the boat is the republican regime. . . . After all, who can blame us republicans, who want to keep intact the Republic."¹⁰³⁶ Other radicals recalled the interpretation of revolutionary innovations provoking reaction, and traced out the sequence of events that were the consequence of universal suffrage being extended in 1848: the coup d'état of 1851, the dictatorship of the empire, the war of 1870, the Commune, the loss of Alsace-Lorraine, "namely, everything that the Republic avenged when it took the flag of France, despite the loss of 1,700,000 heroes, to plant it triumphantly in Strasbourg. . . . No more vain experiences, no more foolish adventures. And it is a foolish adventure that you are proposing."¹⁰³⁷ "Do you want," asked the rapporteur in the Senate, "to leave to a feminine majority the power to dispose, without a counterweight, of

¹⁰³⁵See for instance Fouillée (1910, 54).

¹⁰³⁶Philip, *Journal Officiel, Débats*, November 16th, 1922, p.1364

¹⁰³⁷Moutet. *Journal Officiel, Débats, Sénat*, November 16th, 1922, p.1356; Augagneur, *Journal Officiel, Débats*, May 15th, 1919, p.2305

the destinies of the country.”¹⁰³⁸ In other Catholic countries where women had been enfranchised, “you know the consequences, the relative triumph of the Catholic centrist parties.”¹⁰³⁹ In the Senate the bill’s rapporteur was hostile to the project, and argued that “women, at the present moment, have not yet received sufficient civic instruction, she goes to Church in too large numbers, submits to the guidance of the priest for us not to worry that this guidance will extend outside of the Church into the voting hall to convince women to through a ballot in the box against the republic.”¹⁰⁴⁰

Left-wing supporters of women’s suffrage denied these claims, but they also suggested that they were true until very recently. Responding to republicans who believe “it will compromise the republic, because women are generally conservative, reactionary, and will send us a reactionary majority,” radical deputy Fernand Merlin conceded that “Before the war, you could have feared that the French woman might not have sufficient independence, and that notably in political and confessional questions, she would not bring the necessary impartiality and the conditions of free examination. Those times have changed.”¹⁰⁴¹ And he even characterized a society in which the “women’s role consists of staying in the home and taking care of the children” as “an ideal society. . . . Unfortunately, that’s not the case,” as economic changes had led to the necessity of women working.¹⁰⁴² But others were more insistent, and responded that the “reactionary coalitions” that had appeared in the past and were being warned of again, had been the reactionaries of the “terrified French bourgeoisie.”¹⁰⁴³ It was not the uneducated masses then, and it would not be the uneducated masses now. And republicans, acknowledging that “at the present moment great progress remains to be accomplished in political education of the masses in order to raise them to the task not of their rights but their political duties.” But the political education of women could only come through enfranchisement, as “it is by becoming a citizen that we learn how to conduct ourselves as a citizen.”¹⁰⁴⁴

In addition to the theme of republican insecurity was the question of women’s citizenship. Some argued that the fact that women were legally subordinated to men in the

¹⁰³⁸Bérard (rapporteur), *Journal Officiel, Débats*, November 16th, 1922, p.1354

¹⁰³⁹Augagneur, *Journal Officiel, Débats*, May 15th, 1919, p.2306

¹⁰⁴⁰Martin, citing the rapporteur, *Journal Officiel, Sénat, Débats*, November 7th, 1922, p.1302

¹⁰⁴¹Merlin, *Journal Officiel, Débats*, May 8th, 1919, p.2239;Brack, *Journal Officiel, Débats*, May 8th, 1919, p.2232; Flandin (rapporteur), *Journal Officiel, Débats*, May 8th, 1919, p.2230

¹⁰⁴²Merlin, *Journal Officiel, Débats*, May 8th, 1919, p.2239

¹⁰⁴³Bon, *Journal Officiel, Débats*, May 20th, 1919, p.2350

¹⁰⁴⁴Flandin (rapporteur), *Journal Officiel, Débats*, May 20th, 1919, p.2354

Civil Code was meant they were not on a plane of equality with men, and thus were not equal citizens; it was even suggested that this was similar to the privileged orders, that the subordination of women placed them above men in the law.¹⁰⁴⁵ But this was a distinctly minority position. Much more common, however, was the argument that they lack either a natural capacity to perform the duties of republican citizenship, or that they had not yet been sufficiently educated.

In the 1870s Gambetta had been approached to join the Association for the Rights of Women. His response was that women's rights could only be achieved in the Republic, and so raising these as a political issue would have to wait until the Republic was secured: "we shall reach this goal," he wrote a correspondent, "by maintaining the Republican constitution and by extending education in floods" (Bury 1973, 46). In 1919 this was still the line of many radicals, which received the opprobrium of the socialists: given all the efforts undertaken by the radicals, all the promises made for equalizing women's education, "if we must wait until women's education is completed, what a condemnation of our regime."¹⁰⁴⁶

While many treated it as a question of women's education, others insisted on a natural and inevitable difference between the sexes "Despite our egalitarian ideals," wrote Fouillée, "we have not come to desire women having the right to vote."

"We understand that their political incapacity is too large, that their liberty of judgment and conscience is reduced, that they are also more or less under the tutelage of their husband or their confessor. In a word, we cease to be naively egalitarian when it concerns the equality of persons of different sexes, only to become so once again when it concerns persons of the same sex with very different capacities" (Fouillée 1884, 120, fn4).

This was if not a unanimous position in the early Third Republic, it was certainly dominant among elite opinion (Stone 1996, 123). In 1874 an influential political thinker argued that women were unfit for the franchise because she "is less able to generalize and engages less with political questions." This was in part for the same reasons that radicals insisted on departmental voting for men, because their social conditions were supposedly confined. But where the male rural villager could be saved by education and by raising his perspective beyond the town-square, women's situation was the product of nature

¹⁰⁴⁵It was raised by Flandin in 1919, only to reject it. Flandin (rapporteur), Journal Officiel, Débats, May 8th, 1919, p.2230

¹⁰⁴⁶Brack, Journal Officiel, Débats, May 8th, 1919, p.2232

(Rozy 1874, 27–28). Others went further, arguing that the lifestyle of Parisian women—balls, parties, brunches—had left “Parisian women. . . , according to the anthropologists, [with] a brain that raises them only slightly above negro women” (Fouillée 1895, 123). Not only were women by nature unfit for politics, but “above all the French woman. . . is an essentially delicate being.”¹⁰⁴⁷ Others asked whether they really thought “that in the family, the wives do not have enough liberty, that the young girls respect the head of the family too much?”¹⁰⁴⁸

Some argued that only the male could be a citizen, because only men could fight. “How can you give civic rights to those who cannot undertake the obligations of the citizen? Women, not being soldiers, cannot be electors” (Buisson 1910, 154). Some opposed the idea of fundamental differences.¹⁰⁴⁹ But most supporters of women’s suffrage argued that it was because of their distinct nature and unique form of contributions that they merited the vote, stressing not only contributions during the war but also that women’s cooperation would be needed to replenish the manpower lost by the war.¹⁰⁵⁰

By 1919, the women’s suffrage movement had support across the political spectrum, from socialists to Catholics. But many conservatives were using the occasion to present their own understanding of the political community, one that sought to change the basis of national sovereignty and ‘universal suffrage.’ Supporters of the family vote insisted that, “the principle of the democratic regime is that all sovereignty resides in the nation. The Declaration of the rights of man says formally, ‘all citizens have the right to consent personally or by their representatives in the formation of the law, which is the expression of the general will.’”¹⁰⁵¹ But both women and children were excluded by limiting the vote to adult males, and the nation, not “a composite mass of individuals. . . [but] an association of families,” was accordingly not represented.¹⁰⁵²

Against this radicals and socialists invoked the importance of ‘universal suffrage,’ claiming that the bill was fundamentally a rejection of its basic principle.¹⁰⁵³ “By our system,” argued the republican socialist Jean Bon, “the citizen is only a citizen when,

¹⁰⁴⁷Lefebvre du Prey, *Journal Officiel, Débats*, May 15th, 1919, pp.2299-2300; Augagneur, *Journal Officiel, Débats*, May 15th, 1919, p.2306

¹⁰⁴⁸Labrousse, *Journal Officiel, Sénat, Débats*, November 14th, 1922, p.1342; Régismanset (president of the committee), *Journal Officiel, Sénat, Débats*, November 21st 1922, p.1373

¹⁰⁴⁹Bon, *Journal Officiel, Débats*, May 20th, 1919, p.2349

¹⁰⁵⁰Doizy, *Journal Officiel, Débats*, May 8th, 1919, p.2236, 2234; D’Estournelles de Constant. *Journal Officiel, Sénat, Débats*, November 16th, 1922, p.1361

¹⁰⁵¹Rouleaux-Dugage, *Journal Officiel, Débats*, May 15th, 1919, p.2306

¹⁰⁵²Massabuau, *Journal Officiel, Sénat, Débats*, November 21st 1922, p.1375

¹⁰⁵³Flandin (rapporteur), *Journal Officiel, Débats*, May 15th, 1919, p.2310

by the development of age, he can enjoy his civil and political rights. Therefore the child is not a citizen.”¹⁰⁵⁴ Another claimed to “speak for those who are still attached to universal suffrage,” and warned that the family vote would be a grave compromise of the principle.¹⁰⁵⁵ And, having denied the claim that the regime was threatened by women’s suffrage, opponents of the family vote turned around and argued that “the day that we will vote, not as oneself, but because one has some social or intellectual quality, universal suffrage will no longer be universal. . . . The republican government, vigilant guardian of our Constitution, . . . will tell us once again that it is the regime of France that is at stake.”¹⁰⁵⁶ The bill was defeated, but with sufficiently broad support to encourage further efforts (Naour and Valenti 2005).

Radicals did not want to vote against ‘universal suffrage,’ and most accounts stress that a speech by René Viviani urging deputies to “join ourselves to the boldness of [the Revolution’s] thought. . . and to not always retreat from the traditions of idealism that is its heritage,” was especially important in rallying the radical majority (Hause and Kenney 1984, 225).¹⁰⁵⁷ But they also believed that women’s suffrage would weaken the Republic, and had a persuasive basis for mustering their party membership and the Senators against the bill (Hause and Kenney 1984, 242). The language of a republic besieged, which republicans had been employing since the 1870s, helped unite the party against the measure, and the party’s national congress re-affirmed its opposition to enfranchisement throughout the 1920s. “From the point of view of principle, we are all in agreement,” noted one of the most committed opponents of women’s suffrage, “it is then only a question of opportunity.”¹⁰⁵⁸

Political Change and the Republican Party

The ideas of French republicanism were a crucial factor underlying the political order of the Third Republic. The claim that ‘universal suffrage’ was the basis of republican institutions, the association of the right to vote to citizenship, and the latent threat posed by monarchists, anti-Semites, fascists, and above all Catholics were recurring themes in parliamentary debates. And the discourse of deputies often reflected an attempt to

¹⁰⁵⁴Bon, *Journal Officiel, Débats*, May 15th, 1919, p.2310

¹⁰⁵⁵Lafont, *Journal Officiel, Débats*, May 15th, 1919, p.2310

¹⁰⁵⁶Lafont, *Journal Officiel, Débats*, May 15th, 1919, p.2311

¹⁰⁵⁷Viviani, *Journal Officiel, Débats*, May 20th, 1919, p.2353

¹⁰⁵⁸Augagneur, *Journal Officiel, Débats*, May 8th, 1919, p.2237; see also Bon, *Journal Officiel, Débats*, May 20th, 1919, p.2349

invoke these ideas in order to shape the behavior of their colleagues.

Deputies sought to remind each other of the costs of violating the strictures of republican citizenship, by framing their issues within a longer republican tradition, by invoking the need for unity of the republican party, and by warning each other that they would soon have to reckon with public opinion, expressed through ‘universal suffrage.’ In defense of colonial representation, republicans would try to frame any disfranchisement as breaking with the principles of the republican tradition: “all of the Assemblies of the Republic, all republican governments, since the convention until the provisional government of 1870, have never ceased to proclaim the right of the colonies to representation.”¹⁰⁵⁹

In support of women’s enfranchisement, they would cite republican traditions—although, given the republican tradition, there was less to cite—but they would also stress that it had been endorsed by men of sound radical and republican principle: “when men such as Léon Bourgeois, Viviani, Painlevé and Poincaré and so many other republicans have told us that women deserve the right to vote, I cannot imagine that I could reinforce their arguments. They have given me satisfying guarantees.”¹⁰⁶⁰ The invocation of the republican tradition and listing of “great republicans” were frequent patterns among deputies seeking to either build support for their positions, or to insulate themselves from the charge of heterodoxy.¹⁰⁶¹ “I am an old republican,” said one deputy in favor of women’s suffrage, “and I can say that we founded the Republic with the aid of women. During the great fights that occurred, our wives accompanied us in the political manifestations, and despite advice to the contrary, they rallied to the republican regime and they helped us ensure that it triumphed.”¹⁰⁶² Not only was the cause of women’s suffrage rightfully a republican one, but the concerns that the clergy might in some issues give ‘contrary advice’ to women were overblown.

And the charges of heterodoxy were many. An opponent of proportional representation treated this as a denial of ‘universal suffrage,’ and when there were protests at one of his remarks from the right-wing benches, he used the opportunity to remind those on his left of their republican commitments.

“Ah! I understand protests from my right; but I won’t find protests from

¹⁰⁵⁹Gerville-Réache, *Journal Officiel, Débats, Chambre des Députés*, July 9th, 1898, p.2013

¹⁰⁶⁰Merlin, *Journal Officiel, Débats*, November 16th, 1922, p.1360

¹⁰⁶¹Thomson, *Journal Officiel, Débats*, November 7th, 1918, p.2915

¹⁰⁶²Cauvin, *Journal Officiel, Sénat, Débats*, November 21st, 1922, p.1379

my left, because the left has been engaged in the defense and safeguarding of this constitutional principle since 1848 and will not retreat. The left will remember that it is here because of the will of the majority of their electors; it will ensure the respect of that legislation born in 1848 in the epoch where we proclaimed that essential right of the citizen, that inalienable right: universal suffrage. . . .”¹⁰⁶³

The right was likely to support the bill regardless; it was to the members of his own coalition that he was speaking, reminding them that at least some of their republican constituents would see support for the change as violating the strictures of ‘universal suffrage’: “you want us to approve an unacceptable law which has already been rejected, to lead us to a situation against which the entire republican left will protest constantly and against which the republican country will protest with even more energy.”¹⁰⁶⁴ Louis Martin warned his fellow radicals of the consequences of consistently opposing women’s suffrage. The women’s suffrage movement, which was largely radical in political orientation, might decide that party loyalties are weaker than popular loyalty to the Church, and would reason that “since standing between me and the right to vote is a party, maybe I should direct my propaganda against this party that blocks me from voting, rather than directing it against the Church.”¹⁰⁶⁵ Viviani asked in disbelief whether there could really be “republicans. . . who would break with the permanent idealism of the republican tradition, and refuse to women their vote? (lively applause).”¹⁰⁶⁶

The socialists often taunted the radicals for deviation of principle, an attempt to encourage behavior by suggesting a competition for the democratic and republican constituencies. One socialist deputy addressed himself “to the republicans, to the democrats that still hold some prejudices. . . , because we socialists, who feel as though we are the true heritors of the democratic tradition.” At this point republicans started yelling their protests. “If you are co-heritors,” he continued, “let us make our heritage grow together.”¹⁰⁶⁷ Another socialist warned against the tendency toward opportunism: “We heard from Mr. Augagneur a reasoning that has been heard here since. . . the Republic, which we like to call bourgeois, was installed. They say we are agreed in principle, but the time has not come. That was the great political argument of the opportunists, and of the politics picked up by the radicals.”¹⁰⁶⁸ The Radicals had always differentiated them-

¹⁰⁶³Sénac, Journal Officiel, Débats, Chambre des Députés, May 30th, 1907, p.1102

¹⁰⁶⁴Sénac, Journal Officiel, Débats, Chambre des Députés, May 30th, 1907, p.1102

¹⁰⁶⁵Martin, Journal Officiel, Sénat, Débats, November 7th, 1922, p.1302

¹⁰⁶⁶Viviani, Journal Officiel, Débats, May 20th, 1919, p.2354

¹⁰⁶⁷Brack, Journal Officiel, Débats, May 8th, 1919, p.2231

¹⁰⁶⁸Bon, Journal Officiel, Débats, May 20th, 1919, p.2349

selves from the opportunists for their commitment to principle. Socialists reminded them that they had become just as bad, both provoking radicals and signaling the grounds on which they would oppose them in campaigns.

When the supporters of women's suffrage began to realize the threat posed by the family vote, they pulled out all the rhetorical stops in a sustained campaign to defeat it. The bill's reporter tried to rally republicans against the measure by insisting that "we do not and cannot want it. We have always defended the republican doctrine, that universal suffrage can only be exercised directly."¹⁰⁶⁹ He even warned that the acceptance of the family vote would be a slippery slope, leaving them open to the accusation that they voted against 'universal suffrage' for men. The family vote would imply the principle that those who vote "do so on account of certain rights justified by their social utility, but justified tomorrow—and watch out!—by the utility of their competency or their capital." At which point the president of the committee jumped in, "we go straight to a property qualification."¹⁰⁷⁰

And deputies were right to try and remind their colleagues of the potential costs to violating the strictures of republicanism, as there were network of republicans, radicals, and others watching the speeches and voting patterns of deputies to call attention to any deviation in principle. Henri Rochefort, a former Communard who would become one of the principal supporters of Boulanger and then of the anti-Semites, regularly published newspapers or magazines that pointed out republican deviations from their principles. In one pamphlet he announced that, "we will learn, on each page of this volume, how those who wildly applauded Gambetta as he cried 'Clericalism, there is the enemy!' have voted" (Vaughan 1885, iii). Each deputy in the Chamber was listed, with a brief critical or supportive description and in bold lettering stating how they voted on the Tonkin expedition, on maintaining a papal ambassador, on a state budget for religion, and on 'universal suffrage.'¹⁰⁷¹

Deputies also invoked a narrative of republicanism to insist upon unity against the

¹⁰⁶⁹Flandin (rapporteur), *Journal Officiel, Débats*, May 15th, 1919, p.2309

¹⁰⁷⁰Flandin (rapporteur), *Journal Officiel, Débats*, May 15th, 1919, p.2310. There were other ways, relying less on an invocation of republican principles, by which signals to deputies could be sent. Describing the decision of the government to neither speak nor vote in favor of women's suffrage, Hause and Kenney write, "the message to senators must have been clear: women's suffrage was not an issue of great political strength, so individuals could vote their feelings without consequence" (Hause and Kenney 1984, 246).

¹⁰⁷¹So a deputy who voted against Tonkin and against the election of the Senate by direct male citizen suffrage, would have under a description: "VOTED AGAINST TONKIN; VOTED AGAINST UNIVERSAL SUFFRAGE."

threat of the moment. During the Dreyfus Affair, for instance, there was an eventual effort to rally republicans in support of Dreyfus and against anti-Semitism as a Catholic effort to suppress other religions, in violation of the traditions of the French Revolution. The Radical platform of 1902 insisted that “there are no longer socialists, Radicals, or moderates; there is only the republican flag on one side and on the other that of counterrevolution” (Stone 1996, 205). Gaston Thomson, a non-anti-Semite deputy from Algeria, denounced the anti-Semite movement as the product of “disillusioned republicans” who were willing to start a civil war. He described how republican unity between progressives and radicals, forged “at the moment of Boulangism, at the hour when it was needed to create a unity and agreement within the republican party,” broke down: “anti-Semitism. . . ruptured the accord.” But stressing the embattled nature of non-anti-Semite republicans in the colony, he also described how he had “joined my efforts to those republicans of Algeria—and thank God, there are still many—that remain convinced that tyrannical and violent anti-Semitism offends the Republic itself in its principles and its doctrines.”¹⁰⁷²

The republican language of political community was invoked to underscore the need to maintain republican unity, to pressure allies, and to threaten rivals. And the resonance of this narrative did condition the behavior of deputies, and even non-republicans found it necessary to accommodate themselves to the republican narrative. Some members of the right early on sought to persuade their colleagues to accept the increasing resonance of ‘universal suffrage’ and the Republic:

“Is the Republic not for everybody?... In this country of universal suffrage. . . the greatest fault, in my opinion, that could be committed by the right of this Assembly. . . would be to encourage, by their attitude, the belief that they only consider the Republic a transitory accident. . . . The present necessity of accommodating ourselves to the form of government that universal suffrage has perseveringly preferred for ten years, is binding on the best of us.”¹⁰⁷³

In an attack on the SFIO, which had broken with the radicals after a decision of the International to no longer collaborate with bourgeois parties, Clemenceau described the socialists’ dilemma as both wanting revolution but stuck within the ideological terms of the radical republic. When a speaker known for revolutionary rhetoric was campaigning

¹⁰⁷²Thomson, *Journal Officiel, Débats, Chambre des Députés*, November 11th, 1898, pp.2175-76, 2182

¹⁰⁷³Raoul-Duval, *Journal officiel. Débats, Chambre des Députés*, November 6th, 1886, vol.2, p.1746

for an SFIO deputy, claimed Clemenceau, the deputy asked him to refrain from any talk of revolution, as they were in a moderate town. They preach revolution, but then when they “appeal to the working classes they tell them, ‘You must use the legal instruments that the Republic has provided you.’”¹⁰⁷⁴ Republicans accused the anti-Semites of the same dilemma, of trying to accommodate their rhetoric to the strictures’ of republicanism. So the “Jewish question, in Algeria,” is described as a “social and patriotic question and not a confessional question. . . . They say very loudly that here it cannot be a quarrel of race, a religious quarrel (No! No! on the right), because they know well that this would raise the unanimous protest of the French people, who want equality of all before the law, with a formidable force.”¹⁰⁷⁵ And the anti-Semites would themselves stress their republican credentials: “in Algeria there are only republicans, and we do not know a reactionary party.”¹⁰⁷⁶

While the two major strands of republicanism that came out of the critical juncture of 1871-1877 were the dominant political forces in the Third Republic, the terms of debate were never solely defined by the ideologies and narratives of these parties. The emergence of first the SFIO and then the Communist Party as well-organized rivals to the Radicals was accompanied by a restructuring of preferences across the political spectrum. The organization of the SFIO helped displace ‘national’ with ‘international’ socialism on the left, resulting in anti-Semitism being a predominantly right-wing rather than left-wing phenomenon in France. Similarly, in the late 19th century, the far-left had opposed imperialism and had called for the suppression of the colonial representation, Algeria excepted. But with the advent of the SFIO their position began to change, and left-wing deputies now insisted that it was “not the universal suffrage of the indigenes that was to blame” for electoral fraud.¹⁰⁷⁷

But the limitations of Third Republican ideology imposed serious constraints on the women’s suffrage movement. In 1937, the Radical Party congress adopted an informal commitment to municipal voting rights for women. Cécile Brunschvicq, head of the Union Française pour le suffrage des femmes, rejected the protests of a fellow suffragist, Louise Weiss: “Come now my dear! A republican such as you will never convince me

¹⁰⁷⁴Clemenceau (Président du conseil), Journal officiel. Débats, Chambre des Députés, November 6th, 1908, p.894

¹⁰⁷⁵Louis Barthou, Annales de la Chambre des Députés, Débats, May 15th, 1899, p.136. That some right-wing deputies yelled no suggests that certainly many of them were perfectly comfortable describing it as a question of race.

¹⁰⁷⁶Morinaud, Journal Officiel, Débats, Chambre des Députés, November 8th, 1898, p.2156

¹⁰⁷⁷Gustave Rouanet, Journal Officiel, Débats, Chambre des Députés, January 18th, 1909, p.32

that she is in favor of the immediate right of suffrage.... Our duty is clear. Maintain the regime" (1980, 200). While women's suffrage was supported by both the communists and socialists, the fact that the feminist movement had early on associated itself with the Radical party had left much of the far-left grassroots uninterested in a 'bourgeois' political issue. There was an important women's suffrage movement on the right, but engaging in such a coalition would only give further resonance to the Radical discourse of a Catholic threat. The prospects for a broad coalition in support of women's suffrage were very slim, and deputies frequently referenced the seeming lack of such a coalition in explaining why they would vote against.¹⁰⁷⁸

Conclusion

Concerns with the compatibility of the people to norms of republican behavior and rationality were implicated in debates over the right to vote across all social categories. The working class had a potentially revolutionary character, a tradition of direct action that became even more threatening after the Boulangist movement suggested it could be turned against the republic. The people in the countryside and small towns were potentially under the influence of local notables, or worse, the clergy. The non-European colonial population was potentially under the control of tribal chiefs, and their capacity to make informed and independent judgment was often denied.¹⁰⁷⁹ Moreover, their 'Frenchness' was always suspect, in terms of legal status and culture. For some, such as Maurice Viollette, the belief that "the personal status is the entirety of Islam" meant that other modes of citizenship had to be considered.¹⁰⁸⁰ For many others, however, it ruled out the possibility of citizenship altogether (Besson 1894, 340). Women were often denied a natural capacity for citizenship, because of their alleged delicacy, sentimentality, and inability to perform military service. And even when deputies conceded women's natural equality, they could nonetheless question their current fitness for republican citizenship on the allegation that they were under clerical influence and would threaten the regime.

The exclusions and inclusions of the Third Republic were not caused by these ideas. But the invocation of these ideas in political discourse did help reinforce the political

¹⁰⁷⁸See the response given by Brack, *Journal Officiel, Chambre des Députés, Débats*, May 8th, 1919, p.2232

¹⁰⁷⁹The same was true to a limited extent with the French European population, who were often seen as under the control of the colonial administration. This was especially true in Cochinchine, where the large bulk of the French population were bureaucrats.

¹⁰⁸⁰Viollette, *Journal Officiel, Sénat, Débats*, March 22nd, 1935, p.380

order, and signaled costs and opportunities to disfranchising or enfranchising projects, leading to important but still limited reforms in colonial political rights and the repeated defeat of any measure of women's suffrage. After World War II, the Fourth Republic enfranchised considerable portions of the indigenous populations of the Cote d'Ivoire, the Sudan-Niger, the Guinea, Dahomey-Togo, Cameroon, Madagascar, the Equatorial African colonies, and Algeria. Women were given the vote in metropolitan France, and over a decade later, throughout the French Union. In the years after 1946, commentators presented the enfranchisement of the colonial subjects as "the crowning achievement of a reform movement" rooted in the Third Republic (Boisdon 1956; Moleur 2000, 65), the natural "evolution" of citizenship (Gonidec 1959, 748). Success had merely required the collapse of the regime.

Chapter 12

Conclusion

Democratic Exclusion

Dankwart A. Rustow insisted that democracy, as a “system of rule by temporary majorities,” required that “the boundaries must endure, the composition of the citizenry be continuous” in “order that rulers and policies may freely change.” National unity, in which “the vast majority of citizens...have no doubt or mental reservations as to which political community they belong to,” was the one precondition for democratization (Rustow 1970, 350). By contrast, I argue that the process by which boundaries of political community are established, maintained, and reconfigured is a central dynamic of democratization itself. Rather than a pre-condition, beliefs about political community and belonging both structure democratizing processes and are reconfigured by these.

The objective of this project was to demonstrate the empirical and theoretical importance of disfranchisement and enduring exclusions to democracy, and to offer a potential explanation that moved beyond functional claims as to what a democracy does and does not need to focus on what political operatives want and how they go about getting it. Both the theoretical explanation and the empirical research were premised upon the assumption that very often, decisions about inclusion and exclusion reflect conflict and negotiation not between abstract categories of ‘mass’ and ‘elite’ but between (often elected) officials, supervised by and sometimes directly engaging with networks of political activists outside of governing institutions. Insofar as this is true, the resulting patterns of democratization and exclusion will reflect, to some extent, the particular understandings and strategies of the relevant activists and officials.

The central theoretical claim was that ideas of political community shape the decisions of political operatives, and are ultimately reflected in patterns of institutional change. Ideas of political community provide a relatively coherent framework by which

political operatives can decide what they want, and how to go about getting it. To be clear, the desire to no longer be subjected to the strict penal codes imposed on free blacks, on Irish Catholics, on French indigenes was not simply an idea that people had. These were real oppressions, and the desire to be done with them was not an ideational fancy.

But how to defend or overcome these oppressions was not always obvious, and even when there was broad agreement on a course of action, success almost invariably required entering into political coalitions with groups whose material interests were not obviously at stake. The ideas examined here were less important as motivating principled action contrary to self-interest than they were in giving a relatively coherent reason for a diverse set of actors to believe their mutual interests were best served by adhering to specific principled commitments. In short, ideas helped persuade diverse groups of the value of a particular solidarity, that whiteness was more essential than religion, that religious liberty was more important than the dangers of Catholicism. But the specific content of these ideas were not simply persuasive. Even those who did not have a sincere attachment to these principles might often expect costs to be associated with violating their strictures, or opportunities to be opened by participating in the associated behavior. Ideas shaped the understandings of self-interest and conditioned the behavior of many who were not persuaded by the ideas at all, but who recognized their resonance and importance to possible constituents and party leaders.

As an organizing device, the particular role of ideas was divided between periods of critical junctures and political orders. Put succinctly, persuasion matters more in the first while conformity is more important in the second. Scholars have argued that ideas are central in periods of heightened uncertainty, precisely because they can provide a script for action (Blyth 2002). Ideological commitment helps hold together a coalition and coordinate activists around a single goal, potentially giving the most ideological party an advantage over others (Hanson 2010). These advantages should not be exaggerated. A coherent commitment to civil and religious liberty helped hold together a broad coalition in support of Catholic Emancipation; it would not have achieved its object had it not been for the threat of a civil war. But the ability of the Catholic Association to hold together, to force the issue, was itself reflective of the ideological commitments of its activists, who imagined a new relationship between the people and governing authority—a social movement operating in constitutionally legitimate fashion and founded on a mass membership basis.

But these ideas are important outside of critical junctures, during periods of stable political order when the balance between ‘structure’ and ‘agency’ shifts toward the former. They do so by providing a set of behavioral prescriptions with an expectation of social or political costs for their violation; and the belief in their resonance encourages further investment in the behavior the ideas prescribe. This impacts democratization and exclusion by signaling potentially higher costs for some positions rather than others, an intuitive claim but one that is usually chalked up to a stable and exogenously given political culture rather than the constitutive commitments of a political coalition and the institutions it has build to help enforce these commitments.

The distinction should not be exaggerated. Political operatives are always acting within contexts of political order, and they are rarely so constrained by this that alternatives are unimaginable. Nonetheless, the case studies were organized with these different emphases in mind. The theoretical framework outlined suggested a series of predictions about the patterns of behavior we should expect to see from political leaders and operatives, and broad support for these were found in each of the case studies.

Ideas and Coalition-Building

A central means by which ideas constitute interests is by providing a rationale for diverse groups to work together, by providing an account of how their interests relate to each other and to a given policy or regime that is sufficient to persuade activists that their interests will be well-served by allying together. In short, they can be essential for purposes of coalition-building, by linking together issues that may not be obviously joined. We should expect, then, to see evidence of ongoing efforts by party leaders to encourage, among activists and a broader constitution, understandings of political community that the leaders believe will reconcile potentially divergent factions and support their claim to govern. And insofar as party leaders are operating within a political order broadly hostile to their objective, they will advance understandings of political community that both accommodate resonant features of the existing order as well as seek to transform it. Those seeking the enfranchisement of a class seen as outside the political people will attempt to reinterpret the existing order of peoplehood in an effort to assert that they are not violating the strictures of peoplehood *properly understood*.

In the United States case study, there were efforts by key party figures—none more so than Thomas Jefferson—to articulate an understanding of republicanism that drew on an increasingly resonant discourse of contribution and popular sovereignty. This

discourse was not the product of the Jeffersonians; themes of contributory citizenship had long been a feature of American political discourse, but they were a distinctly minority tendency until the Revolution. What the Jeffersonians were able to do was to effectively draw on this discourse to build a broad-based coalition against the Federalists. This coalition posed its own dilemmas, however, and over the first few decades of the 19th century the party repeatedly found itself split over the question of slavery and what was coming to be seen as its correlate, the citizenship rights of free blacks. While this did not immediately entail the articulation of the ‘white male republic’—the claim that free blacks had never been considered as potential members of the political community—both party leaders and activists increasingly emphasized the incompatibility of free blacks in a white republic.

Later in the antebellum period, anti-slavery and abolitionist activists wrestled with the resonance of a racial narrative of American democracy. They all insisted that Jeffersonian republicanism was anti-slavery, and that the revolutionary principles required a republic in which slavery was to be placed on the road to extinction. For many, anti-slavery principles were joined with ‘white republicanism,’ an appropriation of a resonant language of political community for a new purpose. Others argued for the separation of civil, political, and social equality, to redefine the form of equality that was necessary to a republic and the form that was incidental. But many others embraced a more radical re-conceptualization of the American people, which while claiming the Revolution and republican tradition more explicitly rejected any accommodation to the white male republic.

The role of party leaders was more important in the United Kingdom, where there was a clear and sustained effort from the beginning of the 19th century until the 1830s to stitch together a possible coalition in support of Catholic Emancipation, repeal of the Test and Corporation Acts, and parliamentary Reform. Dissenters, many of whom were anti-Catholic, often desired the separation of repeal from Catholic Emancipation, rightly believing that their own cause stood a much better chance of passage. The political leadership of the Irish Catholic community, for its part, often stressed the importance of separating the project of parliamentary reform from emancipation, again believing that their cause stood a better chance of passage. Various factions at times sought to accommodate their demands so as to not violate the terms of the Protestant Constitution, arguing that emancipation was needed to secure the Anglican Church. The true traditions of England, they argued, were religious toleration and liberty, and only insofar

as this was realized could the Anglican Church be secured. By the time the repeal of the Test Act was passed, there was little doubt among Whigs that the broad coalition would hold together, that the Dissenters would not then close the door on the Catholics. This was in large part because of efforts to associate the two causes, by constantly invoking “the cause of civil and religious liberty” at the club meetings and feasts that helped bring together a broader network of activists.

The French case likewise shows evidence of political leaders attempting to maintain a political coalition by developing narratives of the country’s political history and purpose, and by posturing as the defenders of this purpose. Under the empire there had been significant efforts at reconstituting the republican tradition so as to break the cycle of revolution and reaction, although given restrictions on political organizing these efforts occurred primarily in the free mason lodges and other sites crucial to maintaining a republican identity. But with the fall of the Empire and the calling of the National Assembly, the parliamentary leaders of the republican faction quickly took the opportunity to both build up a dense network of supporters in the countryside and to disseminate a vision of republicanism that could reassure urban radicals, conservative small property owners, as well as moderate republicans and liberals who initially supported either a conservative republic or a liberal monarchy. Radicals embraced the cause of ‘universal suffrage,’ which the Empire had made its own and propagandized as central to French identity, reconfiguring it to stress a limited form of political participation that was both radical and conservative.

Ideas and Political Order

The other central role of ideas was suggested to be most important during periods of political stability, in which they functioned as benchmarks against which the behavior of coalition members can be assessed. And so we should expect that legislator behavior will reflect an effort to signal their continued adherence, or to question the adherence of others, to the understandings of political community that are either central to a political party or believed to be broadly resonant with important constituencies and the broader public. The predicted behavioral form was that legislators would reveal in their rhetoric a belief that there are costs associated with violating the strictures of political community.

This was seen in each of the case studies as well, with political operatives calling attention to how support or opposition to a given proposal fit with the narrative of political community that was central to the party or to broader political identity. In the

United States political activists would remind each other that they were taking positions that would be judged harshly by public opinion, and they were explicitly conscious of the impact of their decisions and rhetoric on the broader national coalition. Support for black suffrage was aggressively tied to abolitionism in an effort to underscore the measure's radicalism and their disregard for the Union. In so doing, delegates to state constitutional conventions reminded their opponents and even their fellow partisans that there were costs to violating the strictures of the 'white male republic.' In the United Kingdom, the incompatibility of Tory rule with civil and religious liberty was constantly invoked in an effort to underscore to Liberal MPs the importance party unity. Partisans both in favor and against given franchise changes not only defended their own positions as compatible, even necessitated, by Liberal principles, but asked their co-partisans how they could continue to call themselves Liberals or how they would dare to face Liberal electorates if they took a different position. And in France republican principles and the need for republican unity were especially important in underscoring to deputies which positions would be seen as acceptable to the government and to the network of republican electoral committees.

Debates were never solely about attempts at persuasion, although this did indeed occur. Rather, they were efforts to signal or question soundness to narratives of political community in which political parties and outside constituencies were invested. The discourse of representatives reminded and warned others that they should anticipate costs for taking political positions or supporting policies that potentially violated the strictures of political community. As such, they made some projects more worthwhile, more likely to lead to political advancement, than others, with the long-run effect of shaping the patterns of democratization and exclusion across the three countries.

Democratic Exclusion

Democratic exclusion, in the form of disfranchisements of existing voters as well as the enduring exclusions of some categories of persons from otherwise democratic regimes, was a central aspect of three critical cases of democratization. By failing to pay attention to such exclusions, theorizing on democratization fails to account for recurring patterns that were deeply implicated in the processes by which the vote was expanded. By placing disfranchisement and exclusion firmly in the past, as that which democratization has gradually overcome, we potentially blind ourselves to its reoccurrence or to continued exclusions that we—as others before us—might see to be morally unproblematic.

This project has sought to rectify this oversight, by calling attention to exclusionary processes during periods of democratization and operating under consolidated representative regimes. Its limited scope, however, warns against excessive generalizations. The United States, United Kingdom, and France might be classic cases of democratization; but they might not be typical. Moreover, their historical importance might not necessarily imply that the lessons garnered from these cases will apply to the contemporary period. As Francisco Ramirez, Yasemin Soysal, and Suzanne Shanahan (1997) have demonstrated, over the course of the twentieth century national factors have become less important relative to international ones in determining the contours of the franchise, and the right to vote “has become institutionalized worldwide as a taken-for-granted feature of national citizenship and an integral component of nation-state identity” (1997, 735).

Citizenship itself, however, can be exclusionary, and in some cases quite dramatically and intentionally so. In the United States, Europe, Africa, and elsewhere, the growth of long-term resident populations without citizenship are raising questions of democratic legitimacy, as restrictive conditions for the acquirement of citizenship have led to a sizeable portion of the population who are subject to the authority of the state without the full and equal capacity to participate in the selection of the government. Citizenship need not be the only basis for political rights, and a growing number of states have enfranchised aliens—albeit on different terms than citizens or limited to a select category of aliens.

The argument for resident alien voting rights has almost everywhere been expressed in terms that stress the *fact* of community membership, even if this membership is not recognized through extension of citizenship. That is, advocates for alien voting are calling into question the degree to which the legal status of nationality or citizenship maps onto the ‘genuine link’ between a community and an individual. In its place, they have advanced a claim to being within the boundaries of the political community, and accordingly have sought to unsettle the association between understandings of political peoplehood and citizenship. Conflict over the political rights of persons deemed to be outside the community continues, and likely will for the foreseeable future.

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