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Irregular Motions:

Anxieties of Movement and Politics

in Modern Political Thought

A dissertation submitted in partial satisfaction of the

requirements for the degree Doctor of Philosophy

in Political Science

by

Rebekah Elaine Sterling

2022

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ABSTRACT OF THE DISSERTATION

Irregular Motions:

Anxieties of Movement and Politics

in Modern Political Thought

by

Rebekah Elaine Sterling

Doctor of Philosophy in Political Science

University of California, Los Angeles, 2022

Professor Joshua F. Dienstag, Chair

This dissertation examines some contested political meanings of movement and motion within modern political thought. I focus in particular on the broad period of the eighteenth and nineteenth centuries associated with the "democratic revolution," and I examine several currents of thought in which a particular form, idea, or metaphor of movement becomes an object of political reflection, knowledge, or debate. These include juridical sovereignty claims that aimed to authorize controls on mobility, social-scientific discourses that understood and sought to manage migration as a natural phenomenon, ideas of the mobile crowd within crowd psychology, early satirical discussions of the "mob" just after the term was coined, and uses of the term "movement" to conceptualize social and political changes associated with democracy.

Excavating these sometimes forgotten currents of political thought helps to challenge and decenter the dominant spatial imaginary of democratic theory. That spatial imaginary envisions democracy in terms of bounded, isomorphic spaces of people, territory, and sovereignty, in which movement seems thinkable only as an aberration or disruption. By contrast, in the historical counternarratives I explore here, movement is not peripheral to political thought. Instead, reflections on movement are entangled with attempts to theorize the dynamic and temporal dimensions of democratic experience. Amid the social and political transformations of the democratic revolution, thinking about movement becomes a vector for theorizing conditions of uncertainty and indeterminacy, and for reflecting on how to respond. These counternarratives can help to reframe anxieties about movement: anxieties accompany discussions of movement, not because movement inherently threatens or undermines political life, but because preoccupations with movement reflect anxieties inseparable from politics and especially democratic politics.

The dissertation of Rebekah Elaine Sterling is approved.

John A. Agnew

Davide Panagia

Raymond A. Rocco

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2022

For Liz

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Introduction

"How can a public be organized, we may ask, when literally it does not stay in place?"[1] This question, posed nearly a century ago by John Dewey, suggests an anxiety about movement, a concern that human mobility undermines the conditions for political community and political action. For Dewey, the restlessness and instability of modern life, that "mania for motion and speed" typified by the automobile, undermined the public's ability to recognize itself. Mobility, he thought, complicated relationships and weakened social ties, making it difficult not only to recognize shared problems but to communicate about them and to organize in response.[2]

Today, anxieties about movement seem if anything intensified, if more often prompted by international movements than internal mobility. Such anxieties are at their most obvious in the resurgence of anti-immigrant nativism, with its rhetoric of crisis, loss of control, and invasion. But we might also see echoes of Dewey's question across a range of political and scholarly discourses. From theories of multiculturalism, to renewed interest in cosmopolitanism and hospitality, to debates about the ethics and politics of borders and belonging—all seem to ask in some way: what should be done about movement? What should political life look like in conditions of heightened mobility? How should *democracy*, in particular, respond to movement?

Indeed, the "problem" of movement often seems to be especially vexing for democracy and, in turn, for democratic theory. For instance, debates about borders, citizenship, and immigration sometimes highlight a tension within the idea of liberal democracy: while liberal

[1] John Dewey, *The Public and Its Problems* (New York: H. Holt and Company, 1927), 140.

[2] Dewey, 140–41, 214; cf. John Dewey, "A Critique of American Civilization," in *The Later Works, 1925-1953*, vol. 3 (Carbondale, IL: Southern Illinois University Press, 1981), 142, on the automobile; and "Construction and Criticism," in *The Later Works, 1925-1953*, vol. 5 (Carbondale, IL: Southern Illinois University Press, 1981), 133.

principles often ground arguments for openness and freedom of movement, democratic ideals of collective self-determination and popular sovereignty are often assumed to support some closure and immigration restrictions.[3] So, some argue that democratic self-determination entails the right to determine who can enter that political community. As Sarah Song puts it, "The right to control immigration derives from the right of the demos to rule itself. . . . Deciding whom to admit into the territory and into political membership is a critical part of the task of defining who the collective is."[4] Other arguments go further, suggesting that (too much) cross-border movement can destabilize democracy and self-determination, "disrupt[ing] the continuity of the self" and undermining solidarity, trust, democratic culture, and/or intergenerational cohesiveness.[5] Some communitarian and civic republican thinkers have also asserted that *internal* geographic mobility undermines the place-attachment and social bonds necessary for strong communities, mutual

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[3] For discussions – and a critique – of this (seeming) tension between liberal openness and democratic closure, see: Rainer Bauböck, "Citizenship and Free Movement," in *Citizenship, Borders, and Human Needs*, ed. Rogers M. Smith (Philadelphia: University of Pennsylvania Press, 2011), 343–44; Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory* 36, no. 1 (2008): 38, 54, https://doi.org/10.1177/0090591707310090. See also Seyla Benhabib's discussion of a constitutive tension between liberal democracy's universalist and particularist principles: Seyla Benhabib, "Borders, Boundaries, and Citizenship," *PS: Political Science and Politics* 38, no. 4 (October 1, 2005): 673, https://doi.org/10.1017/S1049096505050328.

[4] Sarah Song, *Immigration and Democracy* (New York: Oxford University Press, 2019), 69; cf. David Miller, "Controlling Immigration in the Name of Self-Determination," in *Sovereignty as Value*, ed. André Santos Campos and Susana Cadilha (London: Rowman & Littlefield, 2021), 167–82. Song herself argues that the demos's right to control in-migration is a qualified and *pro tanto* right: it does not in itself determine the degree of closure or openness, and it must be balanced against other democratic values.

[5] On the continuity of the collective self, see Miller, "Controlling Immigration in the Name of Self-Determination," 173. On solidarity and trust, David Miller, *Strangers in Our Midst: The Political Philosophy of Immigration* (Cambridge, MA: Harvard University Press, 2016), 64–65. For a discussion and critique of arguments about trust and democratic culture, see Veit Bader, "The Ethics of Immigration," *Constellations* 12, no. 3 (2005): 331–61, https://doi.org/10.1111/j.1351-0487.2005.00420.x. For discussion of the potential effects of hypermigration on intergenerational cohesiveness of citizens, see Rainer Bauböck, "Temporary Migrants, Partial Citizenship and Hypermigration," *Critical Review of International Social and Political Philosophy* 14, no. 5 (November 2011): 665–93, https://doi.org/10.1080/13698230.2011.617127.

cooperation, and active citizenship.[6] Within all these perspectives, movement figures as something peripheral and abnormal – perhaps even pathological – to democratic politics, such that democracy itself seems, if not always completely opposed to movement, at least deeply ambivalent towards it.

This project takes such anxieties about movement as a starting point but aims to historicize and defamiliarize them, in order to help rethink the meanings and challenges of democratic politics. Rather than asking what problems movement poses for democracy, we might start by posing different kinds of questions: Why and how do common ideas of democracy today so often construct movement as a problem? Put differently, what is it about understandings and experiences of politics, and especially democratic politics, that animates anxieties related to movement? Also, what political questions are foregrounded, and which ones overlooked, when theorists conceptualize movement as peripheral to (democratic) politics? Lastly, what alternative questions, experiences, and concerns might gain attention by centering movement as a topic of political reflection, rather than treating it as peripheral?

As I elaborate further in this introduction, much democratic theory envisions democracy in terms of doubly-enclosed spaces of popular sovereignty: a bounded people's self-rule within its bounded territory. Within that predominant spatial imaginary of self-enclosed democracy, movement seems thinkable only as an aberration, a disruption of democracy's symmetries. What if, however, that particular spatial imaginary constrains not only how it is possible to think politically about *movement*, but also entraps political thinking about the experience, challenges, and possibilities of democratic politics?

[6] Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18, no. 1 (February 1, 1990): 11–12, https://doi.org/10.2307/191477; Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (New York: Oxford University Press, 1997), 161–64.

Consider, instead, two brief examples from the early eighteenth and mid-nineteenth centuries, respectively. First, in a 1701 character sketch of "The City Mob," English satirist Ned Ward revives some very old tropes about *the people*: "The Common People Judge of all things as they appear to them, not as they are in themselves. . . . [L]ike white *Clouds*, or Dewy *Exhalations,* they are carry'd hither and thither by every Wind. . . ." They are, he concludes, "altogether Unruly, *bad Masters,* but *Good Servants* [. . . ,] always Unsteady, never Constant or Contented."[7] He paints the common people as fickle, wavering, movable: the classic trope of the *mobile vulgus*, or, in the abbreviated slang of the period, the *mob*.[8] Second, more than a century later, in 1826, French writer Charles de Rémusat reflects on the dissolution of social distinctions in France: "The elements of this society come closer; they mingle incessantly; they can no more isolate themselves in order to fight each other than they can aggregate to join together. A moving democracy escapes all efforts to contain it."[9] Here, Rémusat characterizes democracy as something in motion, fluid and uncontainable, an inexorable process of social transformation.

Though to different purposes, both writers use ideas of *motion* to conceptualize something about popular or democratic politics. For Ward, the people's mobility, its wavering changeability, implies a politically disqualifying unruliness. For Rémusat, "moving democracy" (*démocratie mouvante*) rather conveys the ongoing and indeterminate flux associated with equalizing social conditions. Neither presents movement as peripheral to democracy or the

[7] Edward Ward, *The Reformer: Exposing the Vices of the Age in Several Characters*, 4th ed. (London: J. How, 1701), 33, 35, ECCO (GALE|CW0107644269).

[8] See chapter 3 for discussion of the early meanings of the English word "mob," along with its derivation and distinctions from the phrase *mobile vulgus*.

[9] Charles de Rémusat, "Des Mœurs du temps (IIe article)," *Le Globe*, August 26, 1826, 29, my translation; reprinted in Charles de Rémusat, *Passé et présent, mélanges* (Librairie de Ladrange, 1847), passage at 358. The original reads, "Les éléments de cette société se rapprochent; ils se mêlent sans cesse; ils ne peuve pas plus s'isoler pour se combattre que s'agréger pour se grouper. Une démocratie mouvante échappe à tous les efforts tenté pour la comprimer."

people, but in both we may still detect some anxiety, though not because movement disrupts democracy. Instead, if in different ways, the "motion" of popular or democratic politics is linked to the uncertainties and unpredictability of change – and arguably, with experiences and anxieties unavoidable in (democratic) politics. In these examples, movement is not an external problem that threatens democracy from the outside; rather, ideas of movement convey dilemmas and problems *central* to democratic and popular politics.

One contention of this project is that focusing attention on movement as an object of modern political thought can help to loosen the grip of the dominant spatial imaginary of contemporary democratic theory, shifting thinking towards other kinds of political questions and dilemmas. Rather than assume that movement is peripheral to political thought, or something inevitably external or threatening to politics, this project excavates counternarratives in which reflections on movement are central to political thinking. I focus in particular on the broad period of the eighteenth and especially nineteenth centuries associated with the "democratic revolution," and I examine several moments where a particular form, idea, or metaphor of movement becomes "problematized" – becomes an object of political thought, knowledge, analysis, or debate: from social-scientific and juridical discourses about human mobility and migration, to ideas of the mobile crowd, the mob, and the "movement" that figure popular and democratic politics in terms of motion. Across these moments – and although the specific political meanings of movement vary – reflections on movement are entangled with political reflections about change, uncertainty, and agency. Amid the social and political transformations of the democratic revolution, thinking about movement becomes a vector for thinking about how to act in conditions of uncertainty. Attending to political thinking about movement, I will argue, helps to

shift the focus of democratic theory toward dynamic and temporal dimensions of democratic experience that are difficult to theorize within the spatial imaginary of self-enclosed democracy.

I. The Spatial Imaginary of Self-Enclosed Democracy

Much contemporary political thinking about democracy relies on a particular spatial imaginary that I will call *self-enclosed democracy*. By spatial imaginary, I mean both how political thought imagines *space,* how it understands and envisages spaces and places, and also how it imagines politics *spatially*, how it uses spatial categories, images, and metaphors to conceptualize politics.[10] The spatial imaginary of self-enclosed democracy envisions democracy though images of bounded or enclosed space – indeed as a doubly-bounded space of people and territory. However, it is not merely the notion of boundaries that renders (some) movement a problem, but rather a particular way of imagining democracy's spaces as isomorphic and of envisioning democracy itself as an identic exercise of self-rule. In this section, I elaborate on that spatial imaginary and consider how it limits thinking about both movement and democracy.

The spatial imaginary of self-enclosed democracy relies on images of discrete, bounded, horizontal space – images, in other words, of *enclosure*. First, and perhaps most obviously, we find this image of bounded space in the idea of territory. Dominant modern conceptions of democracy developed alongside the consolidation of the "Westphalian" state system and rely on

[10] I draw some inspiration here from Doreen Massey's emphasis on "spatial imagination," "geographical imagination," and "geographical imaginary." See Doreen Massey, *For Space* (London: Sage, 2005); Doreen Massey, "Geographies of Responsibility," *Geografiska Annaler: Series B, Human Geography* 86, no. 1 (2004): 5–18, https://doi.org/10.1111/j.0435-3684.2004.00150.x. Cf. Sheldon Wolin's discussion of political space, "political metaphysic," vision, and imagination in *Politics and Vision: Continuity and Innovation in Western Political Thought*, 2nd ed. (Princeton, N.J: Princeton University Press, 2004), 16–18. Wolin considers categories of space and time as aspects of a "political metaphysic." Note that my discussion in this section, and my use here of terms such as "space" and "spatial" does not do justice to the rich literature in geography about contested conceptions of "space," "place," and related concepts.

its idea of *territorial* political units.[11] As Stuart Elden and others have argued, territory is a historically specific way of thinking about, ordering, and acting on space, one linked to the emergence of the modern state.[12] "Territory," says historian Charles Meier, "refers simply to bounded and thus controllable space."[13] In this sense, territory is imagined as an extended two-dimensional space with clear linear boundaries, within and over which a single political unit (state) has exclusive authority and jurisdiction: boundary lines demarcate this territorial space from others, imagined typically as contiguous but discrete, non-overlapping.[14] That image dominates not only the familiar cartography of sharply delineated, color-coded shapes, but also much of political and democratic theory. If, as John Agnew has argued, much political thought remains caught in a "territorial trap" that construes the territorial state as a container,[15] that enclosed territorial space is also assumed to "contain" democracy. The idea of bounded territory has become so ingrained in modern political institutions and thinking that many theorists have

[11] David Held, "The Transformation of Political Community: Rethinking Democracy in the Context of Globalization," in *Democracy's Edges*, ed. Ian Shapiro and Casiano Hacker-Cordón (Cambridge, UK: Cambridge University Press, 1999), 90–91; and on the Westphalian model, see David Held, "Democracy: From City-States to a Cosmopolitan Order?," *Political Studies* 40 (1992): 22–25, https://doi.org/10.1111/j.1467-9248.1992.tb01810.x. Here and elsewhere, I use the conventional term "Westphalian" to name a *conceptual model* of the modern state and state system, while acknowledging that the components of this model emerged and consolidated gradually in the modern era, not all at once at the Peace of Westphalia.

[12] Stuart Elden, "Thinking Territory Historically," *Geopolitics* 15, no. 4 (2010): 757–61, https://doi.org/10.1080/14650041003717517; Stuart Elden, "Land, Terrain, Territory," *Progress in Human Geography* 34, no. 6 (December 1, 2010): 799–817, https://doi.org/10.1177/0309132510362603. On the evolution and history of the territorial ideal of the sovereign state, see Alexander B. Murphy, "The Sovereign State System as a Political-Territorial Ideal: Historical and Contemporary Considerations," in *State Sovereignty as Social Construct*, ed. Thomas J. Biersteker and Cynthia Weber (Cambridge: Cambridge University Press, 1996), 81–120.

[13] Charles S. Maier, "'Being There': Place, Territory, and Identity," in *Identities, Affiliations, and Allegiances*, ed. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 75.

[14] Liisa Malkki, "National Geographic: The Rooting of Peoples and the Territorialization of National Identity Among Scholars and Refugees," *Cultural Anthropology* 7, no. 1 (1992): 26, https://doi.org/10.1525/can.1992.7.1.02a00030. See also Paulina Ochoa Espejo's discussion of what she calls the "Desert Island Model" of territorial politics, in *On Borders: Territories, Legitimacy, and the Rights of Place* (New York: Oxford University Press, 2020), chap. 2.

[15] John Agnew, "The Territorial Trap: The Geographical Assumptions of International Relations Theory," *Review of International Political Economy* 1, no. 1 (April 1, 1994): 53–80, http://www.jstor.org/stable/4177090.

either simply assumed that the nation-state territory is the relevant "space" of democratic politics or else defend the territorial nation-state as, for practical purposes, the only game in town.

Second, self-enclosed democracy also involves another image of bounded horizontal space, in its conceptions of membership and people. This image underlies the common claim that democracy requires boundaries of membership or presupposes a bounded *demos*. Frederick Whelan argues, for instance, that "democracy practically requires the division of humanity into distinct, civically bounded groups that function as more or less independent political units."[16] As he implies elsewhere, if democracy means rule of the people, self-government, then that must be the rule of a *specific people*: we must know *which* people have the right to participate and to govern themselves.[17] Seyla Benhabib similarly asserts, "Democratic laws require closure because democratic representation, must be accountable to a specific people."[18] She and others have argued that democratic membership requires closure and cannot avoid some degree of exclusion, since it must at least distinguish between those who are members of the self-governing *demos* and those who are not.[19] Like the idea of territory, these ideas of democratic membership or peoplehood are based on a *spatial image* of a bounded area or extension (e.g. a circle): its members are arrayed horizontally (not hierarchically or vertically), delimited on all sides and thus distinct from other peoples, and only those within that bounded membership "area" or "space" can take part in collective self-rule.

[16] Frederick G. Whelan, "Citizenship and Freedom of Movement: An Open Admission Policy?," in *Open Borders? Closed Societies? The Ethical and Political Issues*, ed. Mark Gibney (New York: Greenwood Press, 1988), 16–17.

[17] Frederick G. Whelan, "Democratic Theory and the Boundary Problem," *Nomos* 25 (1983): 13.

[18] Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (New York: Cambridge University Press, 2004), 219.

[19] See also Jean L. Cohen, "Changing Paradigms of Citizenship and the Exclusiveness of the Demos," *International Sociology* 14, no. 3 (September 1, 1999): 245–68, https://doi.org/10.1177/0268580999014003002.

Both these images of enclosed spaces – of territory and membership – certainly reflect a "methodological nationalism" common in the social sciences: an oft-unquestioned assumption that the nation-state is the normal form for society and political community, and thus the default unit of analysis.[20] However, it is neither the boundedness of these spaces, nor even methodological nationalism on its own, that renders movement so problematic within this spatial imaginary. After all, even when dividing discrete jurisdictional spaces, not all territorial boundaries are *barriers*.[21] Moreover, the idea of bounded, binary membership status – member or not – entails nothing *in itself* about the geographical location or movements of its members. This spatial imaginary of self-enclosed democracy has two other interrelated features that work to render movement problematic.

On the one hand, this imaginary not only envisions membership and territory as *bounded* spaces, but as *isomorphic* spaces, spaces with the same shape. Just as the ideal of the nation-state imagines the national community, its land, and its state as co-extensive shapes, so too does this spatial imaginary of democracy envision that the bounded spaces of people and territory as congruent.[22] As David Held points out, "modern democratic theory and democratic politics assumes a symmetry and congruence" between voters, policy-makers and their decisions, and the

[20] On methodological nationalism, see Andreas Wimmer and Nina Glick Schiller, "Methodological Nationalism, the Social Sciences, and the Study of Migration: An Essay in Historical Epistemology," *International Migration Review* 37, no. 3 (September 1, 2003): 576–610, https://doi.org/10.1111/j.1747-7379.2003.tb00151.x; Alex Sager, "Methodological Nationalism, Migration and Political Theory," *Political Studies* 64, no. 1 (March 1, 2016): 42–59, https://doi.org/10.1111/1467-9248.12167.

[21] On the difference between jurisdictional boundaries and borders as barriers or sites to control flows, see Bauböck, "Citizenship and Free Movement," 345–46; Abizadeh, "Democratic Theory and Border Coercion," 43.

[22] Cf. Arjun Appadurai's discussion of nation-state's "isomorphism of people, territory, and legitimate sovereignty": "Sovereignty without Territoriality: Notes for a Postnational Geography," in *The Anthropology of Space and Place: Locating Culture*, ed. Setha M. Low and Denise Lawrence-Zúñiga (Oxford: Blackwell, 2003), 340.

territory and people to which those decisions apply.[23] Put another way, the spatial imaginary of *self*-enclosed democracy assumes that a bounded people living within a bounded territory, makes decisions that apply back to that self-same people and that self-same territory.

On the other hand, that spatial imaginary also implies, further, a particular way of conceiving the activity of democracy: as an identic, circular exercise of self-rule and sovereignty. The image of isomorphically fused spaces relies on a logic of identity – what Arash Abizadeh characterizes as the "self-referential" quality of much democratic theory.[24] That identarian or self-referential logic, in his words, "demands that the human object of power, those persons over whom it is exercised, also be the subject of power, those who (in some sense) author its exercise."[25] This logic of identity understands democracy as a form of, or set of procedures or institutions for, *self*-rule (or *self*-determination). Democracy, thus understood, is identic, mirroring, circular: it involves a group of people making laws or decisions (directly or through representatives) that apply back to that self-same group of people. Notably, that identarian understanding of democracy as self-rule often underpins claims that democracy requires boundaries. Per Habermas, for instance, "Any political community that wants to understand itself as a democracy must at least distinguish between members and non-members. The self-referential concept of collective self-determination demarcates a logical space for democratically

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[23] Held, "Transformation of Political Community," 91.

[24] Arash Abizadeh, "On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem," *American Political Science Review* 106, no. 04 (2012): 867–82, https://doi.org/10.1017/S0003055412000421. What I am calling a logic of identity could also be called, following Derrida, a logic of ipseity; it follows what he describes as a "particular axiomatic of a certain democracy, namely, the turn, the return to self of the circle and the sphere, and thus the ipseity of the One, the *autos* of autonomy, symmetry, homogeneity, the same, the like, the semblable or the similar. . . ." See Jacques Derrida, *Rogues: Two Essays on Reason* (Stanford: Stanford University Press, 2005), 14.

[25] Abizadeh, "On the Demos and Its Kin," 867.

united citizens who are members of a particular political community."[26] Moreover, the people's self-*rule* within those doubly-bounded spaces is often conceived as a kind of (popular) *sovereignty,* whereby the people exercise and maintain *control* over both themselves and their bounded territory – an idea reinforced by the methodological nationalism that thinks of democracy in terms of the Westphalian state system. As Bernard Yack notes, "Popular sovereignty doctrines teach us to think of states as masters of territory and peoples as masters of states."[27] Thus, within this spatial imaginary, any disjuncture of the identic, symmetrical relationship of bounded people and bounded territory – for example through migration – can easily be perceived or construed as a loss of control, a loss of, even a threat to, sovereignty.

The mutually reinforcing dimensions of this spatial imaginary – doubly-bounded, isomorphic spaces of people and territory, fused through an identic notion of self-rule and sovereign control – work together to constrain not only political thinking about movement, but also thinking about democracy. On the one hand, the imaginary of self-enclosed democracy tends to frame movement as inevitably problematic because it disrupts the symmetries of those isomorphic spaces. For instance, within this imaginary, cross-border migrations disturb the identic relationship between the ruling people and the ruled residents, producing a legitimacy deficit in the notion of (popular) sovereign authority, while also unsettling the image of control over bounded territory. As Paulina Ochoa Espeja points out about a similar model of territorial politics, this spatial imaginary seems to force a dilemma – or perhaps false choice – between legitimacy and inclusion: either we can control movement and borders in order to have a people

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[26] Jürgen Habermas, *The Postnational Constellation: Political Essays* (Cambridge, UK: Polity Press, 2001), 107, see also 63.

[27] Bernard Yack, "Popular Sovereignty and Nationalism," *Political Theory* 29, no. 4 (August 1, 2001): 527, https://doi.org/10.2307/3072522.

and legitimacy, or we can allow movement to have more diversity and inclusion but at the cost of control and legitimacy.[28]

On the other hand, more generally, this spatial imaginary also traps thinking about democracy, shaping the assumptions and dominant preoccupations of much democratic theory. For instance, thinking of democracy in terms of self-rule and popular sovereignty (within a delimited *demos* and territory) tends to construe the people as a singular, unified political subject. As Michaele Ferguson argues, the idea of sovereignty – at least when understood as mastery, rule, or control – makes us look for a pre-political, unified entity that can express a single cohesive will.[29] The famous "boundary problem" of democracy – the seemingly intractable paradox that democracy's boundaries cannot themselves be established democratically – is arguably an artefact of this spatial imaginary, which leads theorists to keep looking for a pre-political and stable identity that can express its will through self-rule.[30] The assumption of a single, unified people leads, in turn, to an overemphasis on questions of *identity*. So too do the images of discrete, tightly bound(ed) peoples and territories, as Ochoa Espejo has recently analyzed in her critique of the "desert island model" of territory.[31] Assumptions about the symmetries of people, territory, and decision-making also focus attention on certain types of political "problems" and "solutions" rather than others. In particular, the imaginary of self-enclosed democracy tends to become preoccupied by questions about inclusion and exclusion

[28] Ochoa Espejo, *On Borders*, 2.

[29] Michaele L. Ferguson, *Sharing Democracy* (Oxford: Oxford University Press, 2012), 128; on popular sovereignty's "image of the people as a prepolitical community," cf. Yack, "Popular Sovereignty and Nationalism."

[30] For a classic description of the "boundary problem" see Whelan, "Democratic Theory and the Boundary Problem." For other critiques of the logical traps and circularities of the "boundary problem," see Abizadeh, "Democratic Theory and Border Coercion"; Abizadeh, "On the Demos and Its Kin"; Ochoa Espejo, *On Borders*, chap. 4.

[31] Ochoa Espejo, *On Borders*, see especially chaps. 1-2.

(quasi-spatial concepts, we should note). As such, solutions – whether to democracy's exclusions or to mis-matches of people, territory, decision-making – largely focus on returning the circles to congruence, or to borrow a phrase from Rainer Bauböck, "morphing the demos into the right shape," whether by scaling up territory and decision-making to better encompass the people affected, or by enlarging the membership of the people to better match the groups ruling and ruled.[32]

The image of self-enclosed democracy is, no doubt, idealized or aspirational rather than a finely-grained picture of the complexities of democratic politics. Yet, however idealized, it also shapes what kinds of questions and concerns are considered central to democracy. Crucially, this image is also an essentially *static* one. It has little conceptual room either for geographical mobility or, more generally, for dynamism and change. This project will contend that focusing on *movement* as an object of political thought can shift attention, instead, to dynamic dimensions of politics, and to some *temporal* questions about change and uncertainty that are arguably central to democratic experience.

II. Moving – from Spatial to Spatio-Temporal Imaginaries

Some contemporary theorists have critiqued the presumptions of stasis and sedentarism within much social and political thought, and have instead embraced ideas of movement and flux to theorize alternative social ontologies or a resistant counter-politics.[33] For instance, Gilles

[32] Rainer Bauböck, "Morphing the Demos into the Right Shape: Normative Principles for Enfranchising Resident Aliens and Expatriate Citizens," *Democratization* 22, no. 5 (July 2015): 820–39, https://doi.org/10.1080/13510347.2014.988146. For proposals to scale up democratic decision-making to address the incongruence of people-territory-decision, see literature on cosmopolitan and transnational democracy, see for instance Held, "Transformation of Political Community"; David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford: Stanford University Press, 1995).

[33] I draw the term "sedentarism" from the anthropologist Liisa Malkki's work on refugees and refugee studies, where she analyzes a "sedentary bias" or "sedentarist metaphysics" that ties peoples to soil and renders movement

Deleuze and Felix Guattari use "nomadism" to figure forces of becoming, deterritorialization, and resistant politics that counter the sedentary, static rule(s) of the state apparatus.[34] William Connolly borrows that idea to articulate a "nomadic element" within the democratic ethos, an element that periodically challenges existing constellations of rule.[35] Others, such as Rosi Braidotti and Kathy Ferguson, have proposed ideas of "nomadic" and "mobile" subjectivities that would avoid and challenge static conceptions of identity.[36] Still others propose reconceptualizing citizenship, social and political relations, and social ontologies through ideas of flux, fluidity, turbulence, and motion.[37] More recently, we might cite emerging work on the "autonomy of migration," which connects the practice and experience of migration to a notion of transgressive and subversive politics.[38]

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and displacement pathological. Malkki, "National Geographic." See also the critique of "residentialism" and "kinetophobia," respectively, in Harald Kleinschmidt, *People on the Move: Attitudes toward and Perceptions of Migration in Medieval and Modern Europe* (Westport, CT: Praeger, 2003); and Nikos Papastergiadis, "Wars of Mobility," *European Journal of Social Theory* 13, no. 3 (2010): 343–61, https://doi.org/10.1177/1368431010371756.

[34] Gilles Deleuze and Félix Guattari, *Nomadology: The War Machine* (New York: Semiotexte, 1986).

[35] William E. Connolly, "Tocqueville, Territory and Violence," *Theory, Culture & Society* 11, no. 1 (February 1, 1994): 19–41, https://doi.org/10.1177/026327694011001004.

[36] Rosi Braidotti, *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory* (New York: Columbia University Press, 1994); Kathy E Ferguson, *The Man Question: Visions of Subjectivity in Feminist Theory* (Berkeley: University of California Press, 1993), 163–65.

[37] The literatures here are vast; for overviews, with some critique, of literatures on the metaphysics and ontologies of flux and flow, see Tim Cresswell, *On the Move: Mobility in the Modern Western World* (New York: Routledge, 2006), chap. 2; Thomas Sutherland, "Liquid Networks and the Metaphysics of Flux: Ontologies of Flow in an Age of Speed and Mobility," *Theory, Culture & Society* 30, no. 5 (September 1, 2013): 3–23, https://doi.org/10.1177/0263276412469670.

[38] See for instance: Dimitris Papadopoulos, *Escape Routes: Control and Subversion in the Twenty-First Century* (London: Pluto Press, 2008); Nicholas De Genova, "The Incorrigible Subject: Mobilizing a Critical Geography of (Latin) America through the Autonomy of Migration," *Journal of Latin American Geography* 16, no. 1 (April 4, 2017): 17–42, https://doi.org/10.1353/lag.2017.0007. See also discussion and partial critiques of the "autonomy of migration" perspective: Anne McNevin, "Ambivalence and Citizenship: Theorising the Political Claims of Irregular Migrants," *Millennium* 41, no. 2 (January 1, 2013): 182–200, https://doi.org/10.1177/0305829812463473; Peter Nyers, "Migrant Citizenships and Autonomous Mobilities," *Migration, Mobility, & Displacement* 1, no. 1 (May 27, 2015), http://mmduvic.ca/index.php/mmd/article/view/13521.

Embracing movement and flux in opposition to stasis would be one way of challenging the dominant spatial imaginary of democratic theory, but it is not precisely the approach this dissertation adopts. Simply embracing a mobile ontology against a static one risks overly romanticizing motion and limiting its political meanings. While celebrating the disruptive and destabilizing energies of the mobile, some of these theories fall too quickly into a binary framework of movement vs. stasis that reproduces static conceptions of identity or state power, associating movement with a salutary disruption. To that extent, both the conventional spatial imaginaries and some critical mobile theories fall into what Patchen Markell has called the "conceptual axis" of rule/unruliness.[39] In both, conventional politics, state power, sovereignty, identity are conceived as static forms of rule, while things associated with motion – "mobile" identities, "nomadic" counter-politics, or simply moving bodies – are conceived as transgressive and unruly. The difference is merely the direction of value.

This project avoids simply valorizing movement over stasis or, *a priori,* assigning movement political meanings related to unruliness and disruption of static conventional forms of power or politics. Instead, by exploring archival materials and excavating less familiar currents of political thinking, I show that movement can have, and has had, a range of political meanings that do not fit within that binary framework.[40] While movement *is* sometimes associated with unruly challenges to established politics, for instance, it can also carry other meanings.

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[39] Patchen Markell, "The Rule of the People: Arendt, Archê, and Democracy," *American Political Science Review* 100, no. 01 (2006): 1–14, https://doi.org/10.1017/S000305540606196X.

[40] Nor are the political meanings that I explore in this project the only ones that movement can take or has had. Cf., for instance, recent work by Hagar Kotef and Thomas Nail, who, respectively, examine the idea of movement within the liberal tradition of political thought and explore different types of "kinopower" associated historically with moving figures: Hagar Kotef, *Movement and the Ordering of Freedom: On Liberal Governances of Mobility* (Durham, NC: Duke University Press, 2015); Thomas Nail, *The Figure of the Migrant* (Stanford: Stanford University Press, 2015).

Moreover, as we will see, there is nothing *inherently* progressive or revolutionary about embracing "motion" or treating it as natural rather than abnormal, and state and hierarchical power can also operate in ways conceived as mobile, shifting, and fluid rather than static.

Still, the critical theories embracing movement do recognize a need to shift away from merely static spatial imaginaries. Across its varied literal and figurative meanings, movement has not only spatial but also temporal connotations: it implies not only a change of position but a process of time in which that change occurs. To focus on movement, then, entails attending to spatio-*temporal* imaginaries, and to questions about *time, change,* and *dynamic* aspects of politics that are difficult to theorize within the spatial imaginary of self-enclosed democracy.

This project excavates several currents within modern political thought, in which some notion of movement became "problematized," to borrow an admittedly inelegant term from Foucault: in other words, in which movement became an object of political thought, analysis, or reflection.[41] I do not focus on so-called canonical political theorists, though some familiar names will occasionally make an appearance, but instead on broader currents of political thinking that we might call, following Jennet Kirkpatrick, "lay political theory."[42] The first two chapters examine various currents of thinking about human movement and migration in the nineteenth century: in chapter one, juridical arguments about sovereignty, used to justify controls over movement into and within the United States; then, in chapter two, transnational social scientific discourses that conceived of "migration" as a natural and manageable phenomenon, alongside

[41] In Foucault's usage, problematization (a term he himself calls "barbarous") is "the set of discursive or nondiscursive practices that makes something enter into the play of true and false, and constitutes it as an object for thought (whether under the form of moral reflection, scientific knowledge, political analysis, etc.)." Michel Foucault, "The Concern for Truth," in *Foucault Live: (Interviews, 1966-84)*, ed. Sylvère Lotringer, trans. John Johnston (New York: Semiotex(e), 1989), 456–57.

[42] Jennet Kirkpatrick, *Uncivil Disobedience: Studies in Violence and Democratic Politics* (Princeton: Princeton University Press, 2008), 7.

anti-immigration writings in the U.S. that figured the immigrant as an unruly political actor. Then, the last two chapters explore ways that metaphors of motion were used, over the eighteenth and nineteenth centuries, to theorize aspects of democracy and popular politics: chapter three examines ideas of the mobile crowd, in late nineteenth-century crowd psychology, as well as early discussions of the "mob" in early eighteenth-century England, just after the term was coined; chapter four then traces a largely forgotten language of "mouvement" in French debates about democracy during the early decades of the nineteenth century. Across all these currents, while movement and motion carry a variety of specific meanings, political thinking about movement is entangled with anxieties about experiences of change, uncertainty, and agency within the democratic revolution.

The idea that politics involves uncertainty, change, and unpredictability is, of course, neither new nor unique to the era of modern democracy, nor is the use of language of movement and motion to convey such an idea. Think of Machiavelli's *fortuna* and his assertion that "human things are always in motion" (*Discourses*, I. 6) or Hobbes's use of matter in motion to theorize human passions and restlessness and the instability they generate. Yet, if not entirely unique, there is still something distinct about the experiences of change, uncertainty, and unpredictability that accompanied the modern "democratic revolution." In this project, I use that phrase – borrowing loosely from Claude Lefort and others – to denote both a rough time period and its attendant socio-political transformations: broadly, the revaluation of democracy, popular power, and social equality over the course of the eighteenth and nineteenth centuries. Interpreting "democracy" as something more than a regime or set of institutions, Lefort argues that the democratic revolution involved a change in the "form of society" and in its "symbolic order": while the social order of the *ancien régime* had a firm symbolic basis, with power "embodied" in

and by the monarch, the democratic social form lacks a "body" that could serve, symbolically, as a locus of power.[43] The democratic revolution also brought, he argues, new experiences of uncertainty: it involved the "*dissolution of the markers of certainty,*" whereby "people experience a fundamental indeterminacy as to the basis of power, law and knowledge, and as to the basis of relations between *self* and *other,* at every level of social life. . . ."[44]

This project argues that, during the long period associated with the democratic revolution, political reflections about *movement* – whether literal or figurative – became an important vector for thinking about such experiences of uncertainty and indeterminacy, and about how to act in response. I suggested earlier that instead of asking what problems movement poses for democracy, we might instead ask what it is about our understandings and experiences of politics that drives and animates anxieties associated with movement. In excavating these historical currents of thought, this project allows a reframing of anxieties about movement: anxieties accompany discussions of movement, I argue, not because movement inherently threatens or undermines political life, but because preoccupations with movement reflect anxieties *inseparable* from politics and especially democratic politics. At these moments where movement is "problematized," concerns about movement express dilemmas of responding to change and uncertainty that are not only ineliminable in political life but are the unavoidable conditions of political agency.

Moreover, examining movement as an object of political thought not only foregrounds such dilemmas and anxieties about change, uncertainty, and agency, but also helps to disentangle different modes of responding to them. On the one hand, some responses involve attempts to

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[43] Claude Lefort, *Democracy and Political Theory* (Minneapolis: University of Minnesota Press, 1988), 16–17.

[44] Lefort, 19, original emphasis.

"organize" the flux, though not necessarily always by arresting motion. So, in chapter one, I interpret some nineteenth-century sovereignty claims as responses to uncertainty that aimed to authorize not only barriers to some people's movement but also uses of state power and acts of claims-making that were themselves mobile, flexible, and dynamic – all the while disguising their contingency under a veneer of stability and stasis. In chapter two, I show that some social-scientific discourses that treated migration as natural also involved aspirations to "organize" movement and change, flexibly but hierarchically, through technocratic management. And, in chapter three, I explore how theories of crowd psychology denigrated yet accepted the crowd's mobility while depoliticizing it, treating it as a recurrent and ephemeral volatility that an adept leader could steer and manipulate. Though different in details, these responses aimed to "organize" motion – whether the movements of migrants, the constantly shifting forms of political collectivities, or the unpredictable contingencies of political action – in hierarchical ways that diminished collective agency and exacerbated uneven experiences of uncertainty and precarity.

On the other hand, other reflections on movement and motion suggest different sensibilities towards the uncertainties and indeterminacies of democratic politics. So, in chapter two, reading some nineteenth-century critiques of immigrant politics against the grain, I suggest that they hinted at ways of thinking of democratic and popular politics as mobile, in which the figure of the unruly immigrant highlighted aspects of democratic politics that elude fantasies of organization and management. Then, in chapters three and four, I examine some other ways that metaphors of motion and movement were used to theorize experiences of democratic or popular politics. While "mobility" sometimes indicated an unruliness thought to disqualify the people from politics – as in classic tropes of the *mobile vulgus* and later ideas of the mobile crowd – the

sense of *motion* within some discussions of the “mob” and “movement” also suggested other political sensibilities. As chapter three analyzes, the semantic ambiguities and mobilities in eighteenth-century writings about the “mob” conveyed an always indeterminate, shape-shifting demos as well as the risks and unpredictability of popular politics, maintaining a productive anxiety that warns both against romanticizing those unstable energies and against complacency. Then, as chapter four traces, a new language of “mouvement” emerged within early nineteenth-century French political debates, which figured democracy as an ongoing process of transformation with an open and unknown future.

Far from making movement peripheral to politics, these currents of thinking about the “mob” and the “movement” focused attention on vital and unavoidable aspects of democratic experience: the always protean and shifting form of any collective political subject; an awareness that collective political action and tendencies towards equalization always bring uncertainty, unpredictability, and risk, and will always escape control by any individual or group; and yet an orientation towards acting despite and within those uncertainties. These sensibilities help respond to Dewey’s question, by recasting it: the problem is not movement, but rather certain fantasies of organizing the demos and democracy – those that forget the fluidity and uncertainties of democratic politics or else attempt to manage them in hierarchical ways that devalue collective agency and equality.

Chapter 1.

From Territorial Exclusion to Elastic Powers: Sovereignty's Sleights of Hand

> We speak of sovereignty today as if we know what we mean when we discuss its existence, achievement, violation, assertion, jurisdiction, or even waning. Yet sovereignty is an unusually amorphous, elusive, and polysemic term of political life.
> — Wendy Brown, *Walled States, Waning Sovereignty*[45]

> This doctrine of powers inherent in sovereignty is one both indefinite and dangerous. Where are the limits to such powers to be found, and by whom are they to be pronounced? Is it within legislative capacity to declare the limits? If so, then the mere assertion of an inherent power creates it, and despotism exists.
> — Justice David J. Brewer, dissenting, in *Fong Yue Ting v. U.S.*[46]

In May 1891, a young Japanese woman named Nishimura Ekiu arrived in San Francisco with $22. An immigration official detained her at the port, deeming her to be a "person likely to become a public charge," one of several categories of immigrants prohibited under the recently passed Immigration Act of 1891. Nishimura challenged her detention, and the case went to the Supreme Court, which ultimately ruled against her.[47] Writing for the majority, Justice Horace Gray argued that the state had the sovereign right to exclude would-be immigrants:

> It is an accepted maxim of international law, that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe.[48]

Here, and in other contemporary cases about Asian immigration, the U.S. Supreme Court asserted – and helped to consolidate – a view now widely held as commonplace: that state

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[45] Wendy Brown, *Walled States, Waning Sovereignty*, 2nd paperback edition (New York: Zone Books, 2017), 59–60.

[46] Fong Yue Ting v. United States, 149 U.S. 698, 737 (1893).

[47] Nishimura Ekiu v. United States, 142 U.S. 651 (1892).

[48] Nishimura Ekiu v. United States, 142 U.S. at 659.

sovereignty inherently includes the right to control entry into its territory. Within the United States, this view crystallized as the "plenary power doctrine," which holds that the political branches of the federal government have exclusive and full (plenary) power over immigration, with very limited judicial review.[49] Beyond the U.S., as state policies and techniques for regulating migration developed and spread internationally in the late nineteenth and early twentieth centuries, so too did their justification on grounds of state sovereignty.[50] Today, as Adam McKeown points out, "the ideas that border control is a foundation of sovereignty and that sovereignty entails a power to unilaterally regulate human entries have become basic principles of the international system. . . ."[51]

Current debates about both migration and democracy often treat sovereignty as a kind of ontological fact, a background feature of the Westphalian state system.[52] In that Westphalian model, sovereignty typically denotes a set of attributes and powers that states have: supreme and exclusive internal authority and external independence, in and over a defined territory.[53] Notably, this model conceives of sovereignty spatially, associating it with territory. In turn, the conjoined ideas of sovereignty and bounded territory are crucial elements both of the spatial imaginary of

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[49] I discuss the plenary power doctrine in more detail below, in section II.

[50] Though those developments were gradual and uneven; cf. Eve Lester, *Making Migration Law: The Foreigner, Sovereignty, and the Case of Australia* (New York: Cambridge University Press, 2018), https://doi.org/10.1017/9781316779910; Radhika Mongia, *Indian Migration and Empire: A Colonial Genealogy of the Modern State* (Durham, NC: Duke University Press, 2018); Adam McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008); John Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (New York: Cambridge University Press, 2000).

[51] McKeown, *Melancholy Order*, 2.

[52] Even when critiqued and challenged – in arguments about open borders, cosmopolitan democracy, and the possible erosion of state sovereignty – sovereignty, bounded territory, and the state's right to control movement are still generally understood as extant facts of the status quo, and as features of the current state system by definition.

[53] For an overview of this model's conceptual features, see Daniel Philpott, "Sovereignty," in *The Oxford Handbook of the History of Political Philosophy*, ed. George Klosko (Oxford: Oxford University Press, 2011), 561–72.

self-enclosed democracy, as the introduction discussed, and of the now conventional view of the state's right to control its borders. Thus, it is assumed that states *have* sovereignty, that sovereignty *is* territorial, that democracy involves exercising popular sovereignty within that territorial space, and that sovereignty's territoriality includes controlling movement into that territory. Together, these assumptions construe sovereignty and the state as forces of fixity and stasis, opposed to and potentially threatened by movement. As James Scott quips, "the state has always seemed to be the enemy of 'people who move around.'"[54]

Yet, treating sovereignty as a givenas a background assumption, a status, or established set of powers, whether of democracy or the modern state – misses much about sovereignty discourse, its complex and contingent histories, and its intersections with political thinking about movement, space, and time. As Radhika Mongia argues, "If one uses a formalist approach, inattentive to the vicissitudes of history, it is simple to derive, post hoc, the global monopoly of a system of states over migration as axiomatically emanating from the so-called 'principle' of sovereignty."[55] However, such an approach neglects both the uneven historical development of "sovereignty" and its associated practices, and the particular political contexts in which sovereignty discourse emerges. Examined historically, sovereignty is not a unitary or stable concept, but a term that groups a cluster of ideas and meanings that have shifted and changed over time.[56] Even the Westphalian model of territorial state sovereignty did not emerge as a

[54] James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 1.

[55] Radhika V. Mongia, "Historicizing State Sovereignty: Inequality and the Form of Equivalence," *Comparative Studies in Society and History* 49, no. 2 (2007): 398, https://doi.org/10.1017/S0010417507000539.

[56] Jens Bartelson, *A Genealogy of Sovereignty* (New York: Cambridge University Press, 1995); John Agnew, *Globalization and Sovereignty* (Lanham: Rowman & Littlefield, 2009), esp. chap. 2; Brown, *Walled States, Waning Sovereignty*, chap. 2.

coherent idea all at once, and certainly not at the Peace of Westphalia: rather, elements of that ideal of sovereignty emerged and consolidated unevenly within historically contingent debates and contexts – including contexts related to colonialism, race, and mobility.[57] Recent historical work on sovereignty thus encourages attention to the contingent invocation and shifting meanings of sovereignty discourse – and to how, and why, such discourse gets mobilized at particular moments.

Moreover, the taken-for-granted view of sovereignty also overlooks something important about those moments where "sovereignty" is most invoked, fraught, and contested: they are moments of uncertainty. As constructivist scholars have noted, *claims* to sovereignty typically occur when the authority or powers it names are challenged or in question, not when they are undisputed and accepted. If sovereignty, or a specific sovereign power, were already simply extant and given, one would hardly need to assert it.[58] Thus sovereignty scholars influenced by the linguistic turn have reinterpreted the (Westphalian) idea of sovereignty not as a given fact but as a *claim* or speech act, a performative utterance attempting to establish and legitimize a contested and *uncertain* authority, power, or status.[59] From different perspectives, other political

[57] Mongia, "Historicizing State Sovereignty"; Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (New York: Cambridge University Press, 2005); Stéphane Beaulac, "The Westphalian Legal Orthodoxy - Myth or Reality?," *Journal of the History of International Law* 2, no. 2 (November 2000): 148–77, https://doi.org/10.1163/15718050020956812; Andreas Osiander, "Sovereignty, International Relations, and the Westphalian Myth," *International Organization* 55, no. 02 (March 2001): 251–87, https://doi.org/10.1162/00208180151140577.

[58] I discuss these arguments more in section I. See, for instance, Wouter G. Werner and Jaap H. De Wilde, "The Endurance of Sovereignty," *European Journal of International Relations* 7, no. 3 (September 1, 2001): 283–313, https://doi.org/10.1177/1354066101007003001.

[59] Werner and Wilde, 287, 290–99; see also Tanja E. Aalberts, "The Sovereignty Game States Play: (Quasi-) States in the International Order," *International Journal for the Semiotics of Law* 17, no. 2 (June 1, 2004): 245–57, https://doi.org/10.1023/B:SELA.0000033625.73712.1c; Neil Walker, "Sovereignty Frames and Sovereignty Claims," in *Sovereignty and the Law: Domestic, European and International Perspectives*, ed. Richard Rawlings, Peter Leyland, and Alison Young (Oxford: Oxford University Press, 2013), 18–33. For an overview of related arguments associated with the linguistic turn, see Jens Bartelson, *Sovereignty as Symbolic Form* (New York: Routledge, 2014), 57–62.

theorists also suggest viewing appeals and aspirations to sovereignty as responses to uncertainty. Wendy Brown reads border walls as spectacular assertions of sovereignty amid anxieties about forces that elude state control.[60] Elizabeth Anker interprets individuals' desires for sovereignty – and their legitimation of the state's assertions of sovereignty – as arising from feelings of powerlessness and diminished agency.[61] And others, building on Hannah Arendt's critique of sovereignty, see sovereign agency as a problematic ideal of mastery in the face of the unpredictability and uncertainty of human affairs.[62]

Taken together, these historical and theoretical perspectives offer useful correctives to the taken-for-granted status of sovereignty, as "fact" and as concept. In their emphasis on the discursive, performative, and agentic aspects of sovereignty, they draw attention to sovereignty's dynamics: asking less what sovereignty is, but what sovereignty claims *do* and how.[63] These perspectives encourage us to ask how claims and aspirations to sovereignty respond to the uncertainties of particular political moments, and, in turn, what kinds of action appeals to sovereignty seek to authorize.

In this chapter, I build on those approaches to examine a juridical discourse of sovereignty invoked to authorize regulation of movement in the nineteenth century United States. Articulated first at the level of the states, and then later at the federal level, this discourse appealed to an idea of "inherent sovereign powers" to justify regulations on both international

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[60] Brown, *Walled States, Waning Sovereignty*.

[61] Elisabeth R. Anker, *Orgies of Feeling: Melodrama and the Politics of Freedom* (Durham, NC: Duke University Press, 2014).

[62] See Hannah Arendt, *The Human Condition*, 2nd ed. (Chicago: University of Chicago Press, 1998), 234. I discuss this Arendtian critique, and other scholars who develop it, more in section I.

[63] Tanja Aalberts makes this point specifically about constructivist approaches in IR; Aalberts, "The Sovereignty Game States Play," 256.

and internal movements, especially those of poor migrants, free Black people, and Asian immigrants. The nineteenth century was an important period of transition from some decentralized regulation of movement to centralized nation-state control over international migration, and by the end of the century this sovereignty discourse would become important in consolidating the latter. However, throughout the nineteenth century, the claims about sovereign powers to control movement emerged amid debates about whether governing bodies – and if so which – had any authority to control movement, and thus at moments when such authority was far from settled. Moreover, these appeals to sovereignty also reflected anxieties over broader conditions of change and uncertainty, where the mobility of some people – and especially those racialized as non-white – became associated with changes to collective identity and challenges to established political relations of rule.

I approach this nineteenth-century sovereignty discourse as a set of discursive claims that responded to, and sought to "organize," conditions of uncertainty. But, I suggest, appeals to sovereignty involved a bundle of distinguishable claims rather than a coherent, unitary concept. Disentangling those claims, I argue, shows that this sovereignty discourse invoked several different modes of acting in response to change and uncertainty. First, claims about sovereign powers of territorial exclusion used the image of fixed and bounded territory to project an aspiration for control and mastery over an uncertain future. Such claims aspired to "organize" by stopping (some) movement and change, using territory as a technique for *fixing* collective identity and relations of rule. However, the fixity of that image of territorial control and exclusion may distract from other claims within these appeals to sovereignty, which attempted to organize uncertainty not through *arresting* motion and change but by invoking ways of acting themselves mobile, shifting, and dynamic. A second type of claim, about sovereign *discretion*,

instead sought to authorize acting flexibly according to the contingencies of any moment. Lastly, a third type of claim, that sovereign powers were axiomatic and self-grounding, itself engaged in a dynamic act of *inventing* the practices and powers it asserted, while presenting them as continuous with an imagined past: in doing so, these claims attempted to quell the uncertainty of the moment by disclaiming it, presenting contested practices as already settled maxims. Together, this bundle of claims operates through sleight of hand, where the stability associated with bounded territory, control over the future, and continuity with an imagined past help to disguise the contingency and dynamics of both the claims-making process and the forms of state action it sought to authorize.

In section I, I establish the interpretive framework of the chapter, which reads sovereignty claims not as statements of a settled concept but as responses to conditions of uncertainty. Section II provides a historical overview of sovereignty claims related to regulating mobility and migration in the nineteenth-century United States, both at the level of the states and later at the federal level, as the nation-state monopolized control over movement. Then, section III offers an analysis of how those sovereignty claims operated as responses to and aspirations to organize uncertainty: through territorial exclusion, through discretion, and through invention.

I. Sovereign Anxieties

In interpreting sovereignty claims as responses to uncertainty, I draw with modifications on two seemingly disparate literatures. The first comes from constructivist studies of sovereignty, influenced by the linguistic turn. This literature critiques many discussions of sovereignty in international relations for what Wouter Werner and Jaap De Wilde call a "descriptive fallacy": an "erroneous assumption that there must be something in reality corresponding to the meaning

of the term ‘sovereignty’.”[64] They argue, instead, that assertions of Westphalian state sovereignty tend to occur when it is far from clear that its associated attributes hold in practice. As they put it, “In hypothetical times of normalcy, when the state’s ability to rule and its external freedom are not at stake, sovereignty is unimportant. . . . Sovereignty becomes important in times when the perceived ability of states to ensure effective internal rule and freedom from external interference is called into question.”[65] In other words, appeals to sovereignty gain salience in moments of uncertainty, when a particular power or authority is in question. Understood from that perspective, “‘Sovereignty’ is a speech act to (re-)establish the claimant’s position as an absolute authority, and to legitimize its exercise of power.”[66] As performative utterances, sovereignty claims aim to *establish and gain acceptance* – and thus legitimacy – for still uncertain and contested powers, actions, or practices.

The second perspective on which I draw is the Arendtian critique of sovereign agency. In *The Human Condition* and in her lecture “Freedom and Politics,” Hannah Arendt famously interprets sovereignty as a problematic ideal of agency: she describes it as “the ideal of uncompromising self-sufficiency and mastership,” and “the ideal of a free will, independent from others and eventually prevailing against them.”[67] This idea of completely independent control and mastery is, Arendt argues, “contradictory to the very condition of plurality,” that is, to the fact that we share the world with many others.[68] That plurality will always mean that human

[64] Werner and Wilde, “The Endurance of Sovereignty,” 285.

[65] Werner and Wilde, 287.

[66] Werner and Wilde, 287.

[67] Arendt, *The Human Condition*, 234; Hannah Arendt, “Freedom and Politics: A Lecture,” *Chicago Review* 14, no. 1 (April 1, 1960): 40, http://www.jstor.org/stable/25733551.

[68] Arendt, *The Human Condition*, 234.

affairs are unpredictable, and thus that we live and act in conditions of what she calls *non-sovereignty,* "not being able to control or even foretell [the] consequences" of action.[69] Thus, she sees sovereignty as an impossible aspiration and a dangerous illusion, whether in individuals or "political bodies."[70]

On this Arendtian interpretation, that desire for an impossible sovereignty-as-mastery is itself a response to conditions of non-sovereignty – to the *un*controllable uncertainty and unpredictability of living and acting with others. As Melissa Orlie puts it, "From a sovereign perspective, mastery over oneself and others is the only way to bear the contingencies of action."[71] Patchen Markell notes, similarly, that the ideal of sovereign agency involves a desire "for an antidote to the riskiness and intermittent opacity of social life," for an "invulnerability to the open-endedness of the future we share with others."[72] In response to that openness and uncertainty of the future, the desire for sovereign agency posits a subject with a single, monological will that can project control into that future.[73] As Alan Keenan explains, "Born out of the frustrations inherent to political freedom, the 'sovereign' will desires control and rule: control over the effects of its action into the future, and ultimately rule over others. . . . The dream is of a will that can fully inhabit the present in such a way as to control the future, and all

[69] Arendt, 235.

[70] Arendt, "Freedom and Politics," 41.

[71] Melissa A. Orlie, *Living Ethically, Acting Politically* (Ithaca, N.Y.: Cornell University Press, 1997), 78.

[72] Patchen Markell, *Bound by Recognition* (Princeton, NJ: Princeton University Press, 2003), 5, 15.

[73] On Arendt's interpretation of sovereignty as involving a monological, unitary will, see Andrew Arato and Jean Cohen, "Banishing the Sovereign? Internal and External Sovereignty in Arendt," *Constellations* 16, no. 2 (June 1, 2009): 307–8, https://doi.org/10.1111/j.1467-8675.2009.00544.x. Applying this critique of sovereignty-as-mastery to democracy, Michaele Ferguson similarly emphasizes that conceiving of democratic agency as sovereignty tends to invite thinking of the people as a unified entity with shared identity: "a singular self with a discrete will." See Ferguson, *Sharing Democracy*, 128.

alterity, from within it."[74] Thus, on this Arendtian reading, the desire for sovereignty responds to unpredictability and uncertainty of human affairs by seeking mastery and control over both the self and others.

While I do not mean to suggest that "sovereignty" has the same denotation in both literatures, putting these perspectives in conversation is theoretically productive. Both refuse to treat sovereignty as an unquestioned fact or background assumption, but instead view it as something *not* established: in one, a claim awaiting acceptance, and in the other, an illusory aspiration. Moreover, both emphasize the temporal and contingent dimensions of "sovereignty," seeing claims to or desires for sovereignty as arising in response to conditions of uncertainty in the present and/or future. The Arendtian perspective is especially helpful for theorizing appeals to sovereignty as, in my own terms, *anxious* aspirations to "organize" conditions of unpredictability and uncertainty. However, here I resist interpreting sovereignty's organizing impulse *only* as control and mastery. The constructivist approach invites us to see sovereignty as discursive claims that attempt to authorize or gain acceptance for particular ways of acting. As such, I interpret the aspiration to mastery and control as *one* way of acting in response to uncertainty that claims to "sovereignty" may seek to authorize, but not the only possible one.

In the next section, I provide an overview of the juridical sovereignty discourse invoked to justify controls over movement in the nineteenth century. Then, in section III, I build on the constructivist and Arendtian interpretations of sovereignty to theorize those sovereignty claims as responses to uncertainty. As we will see, the sovereignty discourse of the nineteenth century involved a bundle of claims that attempted to authorize various kinds of action. These

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[74] Alan Keenan, *Democracy in Question: Democratic Openness in a Time of Political Closure* (Stanford: Stanford University Press, 2003), 82.

sovereignty claims aspired to organize conditions of uncertainty hierarchically, through projecting control into the future over identity and political action, enabling flexible discretionary powers, and hiding the invention of new practices under the guise of precedent.

II. Claiming Sovereignty over Movement in the Nineteenth Century

The late nineteenth century was a pivotal moment for what John Torpey has called the "state monopolization of the legitimate means of movement."[75] Between then and the early decades of the twentieth century, countries around the world put in place new measures to restrict, regulate, and document international migration, instituting the system of state-based migration and border control that is taken for granted today.[76] Although these changes are sometimes characterized as a shift from an era of free movement to an era of control and restriction, the closing of a previously open door, they are better understood as a shift in the locus and mechanisms of controlling movement: a shift from local, private, and decentralized mechanisms to nationalized and centralized ones. In "monopolizing the legitimate means of movement," the modern nation-state asserted the exclusive authority to regulate movement, wresting that right from both private actors and lower, sub-state levels of government.[77]

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[75] John Torpey, "Coming and Going: On the State Monopolization of the Legitimate 'Means of Movement,'" *Sociological Theory* 16, no. 3 (November 1, 1998): 239–59, https://doi.org/10.1111/0735-2751.00055.

[76] Aristide R. Zolberg, "Global Movements, Global Walls: Responses to Migration, 1885–1925," in *Global History and Migrations*, ed. Wang Gungwu (New York: Routledge, 1997), 279–307, https://doi.org/10.4324/9780429500190-10; McKeown, *Melancholy Order*.

[77] See Torpey, *The Invention of the Passport*; McKeown, *Melancholy Order*, chap. 2; David Feldman, "Was the Nineteenth Century a Golden Age for Immigrants? The Changing Articulation of National, Local and Voluntary Controls," in *Migration Control in the North Atlantic World*, ed. Andreas Fahrmeir, Olivier Faron, and Patrick Weil (New York: Berghahn Books, 2003), 167–77.

In the United States, prior to the 1870s, regulation (including restriction) of movement and migration occurred mainly at the level of the states, through various practices including poor laws, quarantines, passenger taxes, and restrictions on the mobility of free and enslaved Black people.[78] Beginning mid-century, however, federal courts increasingly ruled states' immigration laws to be unconstitutional, and began to locate power over migration exclusively in the federal government, at first basing that authority on the Commerce Clause. As I discuss further below, the U.S. adopted its first federal immigration restrictions in the 1870s and 1880s, in a series of laws limiting – and ultimately banning – Chinese immigration and also restricting some categories of poor and otherwise "undesirable" immigrants. These laws helped to develop both the bureaucratic apparatus and ideological justifications for further policies restricting immigration, which followed swiftly in the coming decades.[79] It is in this context, and upholding laws around the exclusion and deportation of Asian immigrants, that the Supreme Court articulated a new justification for *federal* immigration control, basing it no longer on the Commerce Clause but on powers "inherent to sovereignty."

The Supreme Court's appeal to inherent sovereign powers is often, rightly, seen as a watershed moment for centralizing and developing the (nation-)state's power to control immigration. "It survives to this day as well-established precedent" within the U.S.,[80] and internationally it helped to influence other countries' arguments for restrictionist policies – most

[78] I discuss some of these more below. For more detail on these state laws regulating migration, see Gerald L. Neuman, "The Lost Century of American Immigration Law (1776-1875)," *Columbia Law Review* 93, no. 8 (1993): 1833–1901, https://doi.org/10.2307/1123006; Gerald L. Neuman, "Qualitative Migration Controls in the Antebellum United States," in *Migration Control in the North Atlantic World*, ed. Andreas Fahrmeir, Olivier Faron, and Patrick Weil (New York: Berghahn Books, 2003), 106–19. He notes that some of these state laws were also supported by federal statutes ("Lost Century," 1883).

[79] See Erika Lee, "The Chinese Exclusion Example: Race, Immigration, and American Gatekeeping, 1882-1924," *Journal of American Ethnic History* 21, no. 3 (2002): 36–62, https://doi.org/10.2307/27502847.

[80] Song, *Immigration and Democracy*, 18.

immediately the racial exclusion policies of another common law settler colony, Australia.[81] This was not, however, the first time that claims about sovereignty had been used to justify controlling movement in the United States. Rather, in the Asian exclusion cases of the 1880s and 1890s, the Supreme Court *federalized* a sovereignty discourse that had earlier been used to justify states' rights to control mobility. Both earlier states-level sovereignty arguments and later federal-level arguments asserted that the right to exclude foreigners from the territory was a power inherent to sovereignty. In making those claims, both state-level and federal-level drew selectively on writings about international law, and especially often on certain passages from Emer de Vattel's *Law of Nations,* which was highly influential within nineteenth-century U.S. jurisprudence.[82] Moreover, at both levels, these sovereignty arguments were invoked to justify selective restrictions on *some* movements, particularly by poor and non-white people. The rest of this section traces those state-level and federal-level sovereignty arguments in more detail.

Self-defense and Public Tranquility: Asserting the States' Powers over Movement

As Gerald Neuman has argued, it is a "pervasive myth" that the period before federal immigration restrictions was an era of free movement and open borders.[83] In reality, through the mid-nineteenth century, there was a complex patchwork of state-level controls on mobility. States' regulations restricted, variously, the movement of poor migrants (whether from abroad or from another state), those with contagious diseases, convicts, free and enslaved Black people,

[81] Lester, *Making Migration Law*, chap. 3.

[82] On the uses and influence of Vattel within U.S. jurisprudence, see Theodore Christov, "Receptions of Vattel in Nineteenth- and Twentieth-Century International Law," in *Concepts and Contexts of Vattel's Political and Legal Thought*, ed. Peter Schröder (Cambridge: Cambridge University Press, 2021), 277–95.

[83] Neuman, "The Lost Century of American Immigration Law (1776-1875)," 1833–34.

foreign Black sailors, and Chinese immigrants, among others.[84] Arguments defending these state-level regulations often did so on grounds of sovereignty. Well before the Supreme Court introduced claims about "inherent sovereign powers" to justify *federal* immigration laws, arguments defending state-level regulations asserted that the states were sovereign entities and, on that ground, that each had the power to determine entry into and exclusion from its jurisdiction. These arguments relied in part on the poor law tradition and ideas about states' police powers, but, as Matthew Lindsay notes, they also asserted that the states' rights to regulate movement derived from their "status under international law as independent sovereigns endowed with an expansive power of self-defense."[85] Like the Supreme Court's later arguments justifying federal immigration laws, advocates for state-level migration drew selectively on writings about international law to argue that states had the inherent right to exclude, based on sovereignty itself.

This appeal to inherent sovereign powers over entry appeared in judicial arguments in both northern and southern states and in both state and federal courts. It surfaced, for instance, in several Supreme Court cases concerning commerce, navigation, and police powers in the first half of the nineteenth century. In *New York v. Miln* (1837), which upheld a 1824 New York law requiring information on arriving passengers and surety for poor immigrants, the Court argued that the power to control entry was a sovereign right that the states retained: "This power of

[84] Neuman, "The Lost Century of American Immigration Law (1776-1875)"; Kunal M. Parker, *Making Foreigners: Immigration and Citizenship Law in America, 1600-2000* (New York: Cambridge University Press, 2015); Matthew J. Lindsay, "Immigration as Invasion: Sovereignty, Security, and the Origins of the Federal Immigration Power," *Harvard Civil Rights-Civil Liberties Law Review* 45, no. 1 (2010): 1–56; Hidetaka Hirota, *Expelling the Poor: Atlantic Seaboard States and the Nineteenth-Century Origins of American Immigration Policy* (New York: Oxford University Press, 2017).

[85] Lindsay, "Immigration as Invasion," 9. On the importance of the poor law tradition, see Kate Masur, "State Sovereignty and Migration before Reconstruction," *Journal of the Civil War Era* 9, no. 4 (2019): 588–611, http://www.jstor.org/stable/26824762.

determining how and when strangers are to be admitted, is inherent in all communities. . . . In states, it is a high sovereign power. It belonged to the states, before the adoption of the federal constitution. It is nowhere relinquished; nor can it be, with safety."[86] Here, notably, the Court asserted that this power has *extra-constitutional* grounds, resting on the very nature of a political community itself. On the inherent nature of this power, the decision quoted Vattel's *Law of Nations*: "The sovereign may forbid the entrance of his territory, either to foreigners in general, or in particular cases, or to certain persons, or for certain particular purposes, according as he may think it advantageous to the state."[87] The Court ruled that this power to exclude, and the law in question, fell under police powers, not commerce, and thus remained with the states.

Twelve years later, in the *Passenger Cases* (1849), the Court ruled differently, holding that some state-level immigration regulations – head taxes imposed by Massachusetts and New York – did encroach on the federal commerce power and were thus unconstitutional.[88] It was a contentious 5-4 decision, however. As Matthew Lindsay has analyzed in detail, three of the dissenting justices (Taney, Daniel, and Woodbury) wrote extensive opinions defending states' rights to regulate migration, both as part of police powers and as powers inherent to states' status as sovereign entities.[89] Citing Vattel alongside case law, Justice Woodbury wrote, "The best writers on national law, as well as our own decisions, show that this power of excluding

[86] New York v Miln, 36 U.S. 102, 132 (1837).

[87] New York v Miln, 36 U.S. at 132; citing Vattel, book 2, ch. 7, § 94, translation as quoted in decision. See Emer de Vattel, *The Law of Nations*, ed. Bela Kapossy and Richard Whatmore, trans. Thomas Nugent (Indianapolis, IN: Liberty Fund, 2008), 309, http://oll.libertyfund.org/titles/vattel-the-law-of-nations-lf-ed.

[88] Passenger Cases, 48 U.S. 283 (1849).

[89] Lindsay, "Immigration as Invasion," 17–22. One of the dissenting judges quoted Vattel; see Passenger Cases, 48 U.S. at 525. The other dissenting justice, Nelson, concurred with the opinion of Chief Justice Taney.

emigrants exists in all states which are sovereign."[90] The dissenting opinions complained that denying the states the power to determine who may enter would undermine the states' security, construing control over movement as a matter of public security. Thus, Chief Justice Taney insisted that "it must . . . rest with the state to determine whether any particular class or description of persons are likely to produce discontents or insurrection in its territory, or to taint the morals of its citizens, or to bring among them contagious diseases, or the evils and burdens of a numerous pauper population."[91]

The dissenting justices in the *Passenger Cases* worried especially about the decision's implications for slave-holding states. The fear, as one of the supporting justices acknowledged but dismissed, was "that if the states have not the discretion to determine who may come and live in them, the United States may introduce into the Southern states emancipated negroes from the West Indies and elsewhere, from abroad and from other states."[92] Indeed, Taney argued as much: if the majority's interpretation were taken to its logical conclusion, he contended, that would mean that "the emancipated slaves of the West Indies have at this hour the absolute right to reside, hire houses, and traffic and trade throughout the Southern states, in spite of any state law to the contrary, inevitably producing the most serious discontent and ultimately leading to the most painful consequences."[93]

Those passages highlight the wider *racial* context of these debates about sovereign authority and controls over movement. In the early part of the nineteenth century, several states –

[90] Passenger Cases, 48 U.S. at 525. In addition to case law, Woodbury cited Vattel's *Law of Nations*, Book 1, ch. 19, § 231, §§ 219, and B. 2, ch. 7, §§ 93, 94.

[91] Passenger Cases, 48 U.S. at 467.

[92] Passenger Cases, 48 U.S. at 428 (Justice Wayne).

[93] Passenger Cases, 48 U.S. at 474.

in the South *and* in the "free" North – had laws severely restricting Black mobility and migration. These included laws banning the entry and residence of free Blacks from other states, laws forcing emancipated slaves to leave the state, and laws prohibiting foreign Black sailors from disembarking, with penalties including detention, fines, and enslavement.[94] We can see these laws as one part of what Elizabeth Stordeur Pryor has called the "criminalization of black mobility."[95] Southerners feared Black mobility would spark insurrection: especially in the wake of domestic slave revolts as well as the abolition of slavery in the British West Indies, slave-holding states thought that free Black people and foreign Black sailors might spread abolitionist ideas.[96] Many northern "free" states also enacted restrictions on Black entry and residence, often relying on racist tropes about moral degradation, idleness, and economic threat.[97]

Arguments defending such restrictions on Black mobility appealed both to the states' police powers and to an underlying ground of inherent sovereign powers.[98] As Edlie Wong has explored, for instance, apologists for South Carolina's Negro Seamen Act (1822), which banned

[94] Michael A. Schoeppner, "Black Migrants and Border Regulation in the Early United States," *The Journal of the Civil War Era* 11, no. 3 (2021): 317–39, http://muse.jhu.edu/article/803640; Neuman, "The Lost Century of American Immigration Law (1776-1875)"; Parker, *Making Foreigners*.

[95] Elizabeth Stordeur Pryor, *Colored Travelers: Mobility and the Fight for Citizenship before the Civil War* (Chapel Hill: The University of North Carolina Press, 2016).

[96] Schoeppner, "Black Migrants and Border Regulation in the Early United States"; Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009), chap. 4.

[97] Schoeppner, "Black Migrants and Border Regulation in the Early United States," 323–25.

[98] On the "free" states' use of state sovereignty arguments to defend migration controls, see Masur, "State Sovereignty and Migration before Reconstruction."

foreign Black sailors from landing, claimed that the power to exclude was inherent to sovereignty and necessary for self-preservation.[99] Thus, in 1824, Benjamin Faneuil Hunt argued:

> The right of any sovereign to interdict altogether the entry of foreigners into his dominions, is and has been universally admitted. . . . [E]very sovereign state, has the perfect right of interdicting all intercourse with strangers, or of selecting those whose influence or example she may fear, and confining the exclusion to them. . . . The power to exclude or to admit strangers, implies the right to direct the terms upon which those who are admitted shall remain.[100]

Citing Vattel as an authority, he asserted that South Carolina's law was grounded in a universally recognized sovereign discretion over the entry and residence of foreigners.

Similarly, the State of Tennessee used sovereignty arguments in a 1838 case before the Tennessee Supreme Court, defending its 1831 law excluding and effectively expelling free Blacks from its territory – one of many restrictive state laws passed in the wake of Nat Turner's rebellion.[101] Drawing not on Vattel this time but on other authorities on international and constitutional law (Wheaton, Pufendorf, and Story), the State's Attorney General argued that as a "sovereign State, i.e., one 'which governs itself independently of foreign powers,'" Tennessee

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[99] Wong, *Neither Fugitive nor Free*; see generally ch. 4, "The Crime of Color in the Negro Seamen Acts." South Carolina's Negro Seamen Act came on the heels of a foiled slave revolt planned for June 1822 in Charleston, organized by Denmark Vesey and others.

[100] Hunt was defending the law against an ultimately unsuccessful court challenge. The case, Elkison v. Deliesseline, challenged the arrest of a Jamaican-British Black sailor named Henry Elkison; the case was dismissed because the federal judge ruled he did not have jurisdiction. Benjamin Faneuil Hunt, *The Argument of Benj. Faneuil Hunt, in the Case of the Arrest of the Person Claiming to Be a British Seaman, under the 3d Section of the State Act of Dec. 1822, in Relation to Negroes, &c. before the Hon. Judge Johnson, Circuit Judge of the United States, for 6th Circuit : Ex Parte Henry Elkison, Claiming to Be a Subject of His Britannic Majesty, vs. Francis G. Deliesseline, Sheriff of Charleston District* (Charleston, 1823), 4–5, https://www.loc.gov/item/45031209/. He cited Vattel's *Law of Nations*, book 2, ch. 7, sections 94 and 100. See Edlie Wong's detailed account of the case (on which I rely here) in Wong, *Neither Fugitive nor Free*, 192–99.

[101] State v. Claiborne, 19 Tenn. 331 (1838). The law being defended was the Act Concerning Free Persons of Colour, and for Other Purposes, 1831, ch. 102, 1831 Tenn. Pub Acts 121-22 (accessed via HeinOnline), which stated that "It shall not be lawful for any free person of color (whether he be born free, or emancipated agreeably to the laws in force and use, either now, or at any other time, in any State within the United States or elsewhere), to remove himself to this State to reside therein," *and* that slaveholders *in* Tennessee could only legally emancipate their slaves "on the express condition, that such slave or slaves shall be immediately removed from this state. . ." (121).

had the authority to pass the law, since if it could determine "the mode in which foreigners may become citizens, it may exclude them altogether."[102] This argument acknowledged a complication, however: that the Constitution mandated free movement of *citizens* between states. Likely alluding to the recent *Miln* decision, the Tennessee Court noted that though New York could exclude foreigners, it could not exclude people who had naturalized in another state.[103] Then, presaging the *Dred Scott* decision two decades later, the attorney general concluded that Tennessee nonetheless had the authority to exclude free Blacks because they were not and could not be citizens: "They are mere 'sojourners in the land,' inmates, allowed usually by tacit consent, sometimes by legislative enactment, certain specific rights."[104] Thus, here, the sovereignty argument not only grounded the territorial exclusion of free Blacks from the state but also constructed Black people as perpetual foreigners, with only such privileges and rights as individual states deigned to grant them.[105]

Such arguments were not limited to the southern states. As Kate Masur has shown, northern "free" states also appealed to state sovereignty to support excluding free Blacks from territory and rights.[106] And, in mid-century, some states would also invoke sovereignty to justify the exclusion not only of free Blacks but also, increasingly, of Chinese immigrants to the

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[102] State v. Claiborne, 19 Tenn. at 332. This argument does cite Vattel later, but for a different point.

[103] State v. Claiborne, 19 Tenn. at 336.

[104] State v. Claiborne, 19 Tenn. at 335. The Tennessee Supreme Court agreed, concluding that free Blacks could not be citizens under the constitution and that free Blacks from other states enjoyed no privileges or rights in Tennessee; see p. 341.

[105] For a more general history of the legal construction of Blacks, Native Americans, and others as perpetual foreigners, see Kunal M. Parker, "Making Blacks Foreigners: The Legal Construction of Former Slaves in Post-Revolutionary Massachusetts," *Utah Law Review* 2001 (2001): 75, http://heinonline.org/HOL/Page?handle=hein.journals/utahlr2001&id=85&div=&collection=journals; also Parker, *Making Foreigners*.

[106] Masur, "State Sovereignty and Migration before Reconstruction."

Western states.[107] As California began adopting anti-Chinese legislation in the 1850s, those laws' proponents and defenders appealed to a doctrine of inherent sovereign powers drawn from international law.[108] Urging for "measures . . . to check this tide of Asiatic immigration" which could "endanger the public tranquility and injuriously affect the interests of our people," California's governor asserted in 1852, "The power of States to exclude immigrants is also shown by the best writers on international law, as well as by decisions of the Supreme Court of the United States." He then quoted language about sovereignty from Justice Woodbury's dissent in the *Passenger Cases*.[109] In 1856, the state legislature's Committee on Mines and Mining Interest maintained,

> every State or Nation, by virtue of its sovereignty, has the sole and full right to determine who, and what class of aliens may be admitted to, or excluded from their limits. . . . [B]y the law of nature or the law of Nations, no State or Nation is under any obligation to receive aliens into its domain, if it conflicts with the true interests, or in any way endangers the peace, safety or happiness of the State.[110]

The Committee's report developed this argument at length, citing Vattel extensively to justify the power to exclude aliens from the territory (and from some property rights), at the sovereign's

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[107] Oregon's constitution prohibited both. In the Senate's debate, on May 18, 1858, about Oregon's admission to statehood, Senator Douglas (presumably Stephen Douglas) argued that "the sovereignty of a State has the right to exclude [Chinese immigrants] if it wishes. So with regard to the free negro class: if Oregon wants that population, let her have them; if she does not want them, let her exclude them. . . ."; *Congressional Globe,* May 19, 1858, p. 2205.

[108] On the California laws passed in this period, and surrounding debates, see Charles J McClain, *In Search of Equality: The Chinese Struggle against Discrimination in Nineteenth-Century America* (Berkeley: University of California Press, 1994).

[109] California, *Journal of the Third Session of the Legislature of the State of California* (San Francisco: Fitch and Geiger, 1852), 373, 376–77.

[110] California, *Report of Committee on Mines and Mining Interests* (Sacramento, CA, 1856), https//catalog.hathitrust.org/Record/012477209.

"will and pleasure."[111] The committee explicitly asserted, moreover, that the grounds of this power were extra-constitutional:

> Objections are commonly made, even by members of the legal profession, that there is no power granted in the Constitution of this State, or the United States, to exclude aliens. But *the power in any case does not exist by virtue of written constitutions, but by virtue of the laws of nations, as deduced from natural law*, the obligation and rights that flow from which we have previously elucidated.[112]

In other words, the committee's argument based the power of territorial exclusion not on any constitutional stipulations but on the idea of sovereignty itself, drawn from the "law of nations."

Plenary Power, Asian Exclusion, and Federal Immigration Restriction

Anti-Chinese voices would continue to assert California's sovereign right to exclude in the following decades, well into the 1870s.[113] However, following the 1849 *Passenger Cases* decision, the courts increasingly held that migration fell under the federal commerce powers, and thus that state restrictions on migration were unconstitutional. In the 1870s, federal courts struck down some of California's attempts to restrict Chinese immigration, rejecting the State's claim that it had independent powers over immigration.[114] Around the same time, the Supreme Court also invalidated other states' measures to regulate immigration through passenger laws and head taxes, reasserting that control over international migration fell under international commerce and

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[111] California, 6.

[112] California, 6 (my emphasis).

[113] See for instance various speeches in California, *Debates and Proceedings of the Constitutional Convention of the State of California, Convened at the City of Sacramento, Saturday, September 28, 1878*, vol. 1 (Sacramento: J.D. Young, 1880), 634, 665–66, Making of Modern Law (GALE|DT0104131402).

[114] In re Ah Fong, 1 F. Cas. 213–20 (1874); Chy Lung v. Freeman et al., 92 U.S. 275 (1875).

thus under federal powers.[115] Subsequently, California, New York, and other states shifted to lobbying for national-level immigration restrictions.[116]

The United States passed its first national-level immigration laws in the 1870s and 1880s. The first federal law restricting immigration, the Page Act of 1875, prohibited the entry of prostitutes, convicts, and Asian “involuntary” contract laborers (called “coolies” at the time), and was primarily an attempt to restrict both Asian laborers and Asian women.[117] Then, in 1882, Congress passed two more sweeping restriction laws. The Chinese Exclusion Act of 1882 banned all Chinese laborers for a period of 10 years, required documentation for some types of Chinese passengers exempt from the ban, and barred Chinese immigrants from naturalizing as U.S. citizens. Arguing that “the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof,” this law effectively ended the reciprocal rights of free movement to and from China previously established under the Burlingame Treaty of 1868.[118] The same year, the Immigration Act of 1882 established a head tax on foreigners entering the country and banned “any convict, lunatic, idiot,” and anyone likely to “becom[e] a public charge.”[119]

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[115] Henderson v. Mayor of City of New York, 92 U.S. 259 (1875).

[116] Hidetaka Hirota, “The Moment of Transition: State Officials, the Federal Government, and the Formation of American Immigration Policy,” *Journal of American History* 99, no. 4 (2013): 1092–1108, https://doi.org/10.1093/jahist/jas643; Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002), chap. 4.

[117] Page Act, 19 Stat. 477 (1875). On the gendered and racial dimensions of this law, see Kerry Abrams, “Polygamy, Prostitution, and the Federalization of Immigration Law,” *Columbia Law Review* 105, no. 3 (2005): 641–716, http://www.jstor.org/stable/4099477; Catherine Lee, “‘Where the Danger Lies’: Race, Gender, and Chinese and Japanese Exclusion in the United States, 1870–1924,” *Sociological Forum* 25, no. 2 (2010): 248–71, https://doi.org/10.1111/j.1573-7861.2010.01175.x. On the racialized distinction of “free” vs. “unfree” laborers in this period, see McKeown, *Melancholy Order*.

[118] Chinese Exclusion Act, 22 Stat. 58 (1882).

[119] Immigration Act, 22 Stat. 214 (1882).

Additional restrictive laws followed quickly in the next few decades. The Alien Contract Labor Act (1885) banned immigration of all contract laborers; the Scott Act (1888) prohibited reentry by any Chinese laborers who left the US and invalidated their previous entry certificates; an 1888 act authorized deportation of unauthorized contract laborers; the Immigration Act (1891) expanded the list of barred classes of immigrants (to include "idiots, insane persons, paupers or persons likely to become a public charge," people with contagious diseases, criminals, and financially assisted immigrants) and created a new regulatory and inspection bureaucracy; and, the Geary Act (1892) extended the exclusion on Chinese laborers for 10 more years, required Chinese laborers already in the U.S. to obtain a certificate of residence, and authorized deportation for any who could not prove their lawful residence by providing a "credible white witness."[120] Overall, these new federal-level immigration restrictions aimed especially at limiting Asian immigrants as well as poor immigrants, while also establishing other classes of undesirable and restricted immigrants. These laws also led to the creation of a federal immigration bureaucracy and set the stage for ever wider restrictions and regulations in subsequent decades.[121]

In defending these new federal-level restrictions at the end of the century, the Supreme Court developed a seemingly new justification, which became known as the plenary power doctrine. In this context, the plenary power doctrine holds that the federal government – not the states – has exclusive authority over immigration matters, that the political branches can exercise this power with very limited judicial review, *and* that this power derives from the nature of

[120] Alien Contract Labor Act, 23 Stat. 332 (1885); Scott Act, 25 Stat. 504 (1888); Immigration Act, 26 Stat. 1084 (1891); Geary Act, 27 Stat. 25 (1892).

[121] Lee, "The Chinese Exclusion Example."

sovereignty itself.[122] Where previously the Court had based federal authority over migration policy on commerce powers, now the Court framed immigration as a matter of foreign relations.[123] Moreover, it argued that the power to exclude or to admit foreigners was based not on any powers enumerated in the Constitution, but on the United States' status as a sovereign nation and on widely accepted "maxims" of international law. Thus, as Sarah Cleveland points out, this new doctrine effectively asserted that these powers were both extra-constitutional and unconstrained, "inherent in their origin and plenary in their exercise."[124] Notably, the Court simultaneously developed a doctrine of plenary power, based on inherent state sovereignty, not only in cases related to immigration but in others concerning Native Americans and insular territories acquired in the Spanish-American war. Across these domains, as Alexander Aleinikoff has argued, the Court used sovereignty arguments to "ratif[y] federal policies aimed at furthering and preserving Anglo-Saxon domination of 'inferior' races."[125] In relation to immigration, the sovereignty-based plenary power doctrine may have been new at the federal level, but it also echoed, while nationalizing, many aspects of the state-level sovereignty discourse I traced above.

The Supreme Court articulated the federal plenary power doctrine and its attendant claim of sovereignty across several cases concerning Asian exclusion policies at the end of the century.

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[122] Stephen H. Legomsky, "Immigration Law and the Principle of Plenary Congressional Power," *The Supreme Court Review* 1984 (1984): 255–307, http://www.jstor.org/stable/3536942; Sarah H. Cleveland, "Powers Inherent in Sovereignty: Indians, Aliens, Territories, and the Nineteenth Century Origins of Plenary Power over Foreign Affairs," *Texas Law Review* 81 (2002): 1–284; T. Alexander Aleinikoff, *Semblances of Sovereignty: The Constitution, the State, and American Citizenship* (Cambridge, MA: Harvard University Press, 2002).

[123] On the significance of this reframing as foreign relations, see T. Alexander Aleinikoff, "Federal Regulation of Aliens and the Constitution," *The American Journal of International Law* 83, no. 4 (1989): 862–71, https://doi.org/10.2307/2203375; Aleinikoff, *Semblances of Sovereignty*, 16–17; Cleveland, "Powers Inherent in Sovereignty"; Lindsay, "Immigration as Invasion."

[124] Cleveland, "Powers Inherent in Sovereignty," 5, 8. Cleveland uses the phrase "inherent powers doctrine" rather than the "plenary power doctrine," since the latter phrase also has other uses, and since she focuses on the derivation from sovereignty.

[125] Aleinikoff, *Semblances of Sovereignty*, 31.

First, *Chae Chan Ping v. United States* (also known as the *Chinese Exclusion Case*) challenged aspects of the Scott Act (1888), which tightened the still new restrictions on Chinese immigration.[126] While the 1882 Chinese Exclusion Act had banned *new* Chinese immigrant laborers for 10 years, the Scott Act prohibited *reentry* by those already in the United States if they left and invalidated previously issued reentry certificates; this provision also went against the existing treaty with China. Chae Chan Ping had lived in the U.S. for twelve years but was returning from a visit to China when the Scott Act passed, and was refused entry despite having a reentry certificate. Ping argued that he had a vested right to return and that Congress did not have authority to revoke his residency. The Court unanimously ruled against Ping, and in doing so it based federal power over immigration not on the Commerce Clause but on an argument from sovereignty.

In the decision, Justice Field linked sovereignty, territory, exclusion, and discretion, arguing that territorial jurisdiction entailed the right to exclude aliens as "an incident of every independent nation. . . . If it could not exclude aliens it would be to that extent subject to the control of another power."[127] Moreover, the Court framed immigration as a matter of foreign relations and national security, which thus fell under *federal* jurisdiction.[128] It was up to the federal government to determine what constituted a threat of "foreign aggression and encroachment," the Court claimed: if Congress "considers the presence of foreigners of a different race in this country, who will not assimilate with us, to be dangerous to its peace and security," then it can decide to exclude them even in times of peace, and "its determination is

[126] Chae Chan Ping v. United States, 130 U.S. 581 (1889).

[127] Chae Chan Ping v. United States, 130 U.S. at 603–4.

[128] Chae Chan Ping v. United States, 130 U.S. at 604.

conclusive on the judiciary."[129] Congress thus could, at will, both revoke immigrants' reentry permission and abrogate previous treaties:

> The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the United States, as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when, in the judgment of the government, the interests of the country require it, cannot be granted away or restrained on behalf of any one. . . . Whatever license, therefore, Chinese laborers may have obtained, previous to the act of October 1, 1888, to return to the United States after their departure, is held at the will of the government, revocable at any time, at its pleasure.[130]

Notably, although this decision still called these sovereign powers *delegated* powers – subsequent decisions would not – the argument relied not only on U.S. case law about federal powers and territorial jurisdiction but also an idea of sovereign statehood drawn from diplomatic correspondence about international law.[131]

The Court developed the plenary power argument further in *Nishimura Ekiu v. United States*, and *Fong Yue Ting v. United States,* drawing even more explicitly – if selectively – from international law writings to support the claims about sovereignty.[132] The *Nishimura Ekiu case*, with which this paper opened, challenged a Japanese immigrant's detention at arrival, under the Immigration Act of 1891, as a person "likely to become a public charge."[133] Citing Vattel's *Law of Nations* and Phillimore's *Commentaries on International Law,* the Court asserted that the

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[129] Chae Chan Ping v. United States, 130 U.S. at 606.

[130] Chae Chan Ping v. United States, 130 U.S. at 609.

[131] Chae Chan Ping v. United States, 130 U.S. at 606–9. See also discussion in James A. R. Nafziger, "The General Admission of Aliens under International Law," *The American Journal of International Law* 77, no. 4 (1983): 824–26, https://doi.org/10.2307/2202535.

[132] Nishimura Ekiu v. United States, 142 U.S.; *Fong Yue Ting*, 149 U.S.

[133] The act introduced several categories of persons deemed unfit for citizenship and thus prohibited from entry, including "idiots, insane persons, paupers or persons likely to become a public charge," people with contagious diseases, felons, polygamists, and others.

power to exclude or admit aliens was an inherent sovereign power: "It is an accepted maxim of international law, that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe."[134] The decision reiterated the position taken in *Chae Chan Ping* that power over immigration was a matter of "international relations" and thus under the jurisdiction of the "political department" of the federal government.[135] In addition, the Court ruled that Congress's plenary power over immigration extended to the discretionary decision-making powers of immigration officials, meaning that officials' decisions about specific cases were not normally subject to review by the courts. Indeed, for non-citizens who had not been legally admitted, the Court held, "the decisions of executive or administrative officers . . . *are due process of law*" (my emphasis).[136]

A year later, the *Fong Yue Ting* decision applied these arguments beyond exclusion to expulsion. This case challenged parts of the Geary Act (1892), and concerned the imminent deportation of three Chinese laborers – Fong Yue Ting, Wong Quan, and Lee Joe – who had been resident before the act but who could not produce the required "credible white witness" to prove their residency. With three judges dissenting, the Court ruled against the immigrants, this time asserting the government's plenary power not just to exclude foreigners on arrival but to deport those already within the territory. Citing the Supreme Court cases discussed above, a British case, Vattel, Phillimore, other international law texts, as well as diplomatic correspondence, the majority opinion argued that the powers to exclude and to expel had the

[134] Nishimura Ekiu v. United States, 142 U.S. at 10. For support, Gray cites Vattel's *Law of Nations* and Phillimore's *Commentaries on International Law*.

[135] Nishimura Ekiu v. United States, 142 U.S. at 659.

[136] Nishimura Ekiu v. United States, 142 U.S. at 660.

same grounds: “The right to exclude or to expel all aliens, or any class of aliens, absolutely or upon certain conditions, in war or in peace, [is] an inherent and inalienable right of every sovereign and independent nation, essential to its safety, its independence and its welfare. . . .”[137] Writing for the majority, Justice Horace Gray also asserted the absolute nature of this power: while resident aliens were entitled to Constitutional “safeguards” while living in U.S. territory, those did not protect them from deportation, because their continued residency was at the government’s will: they “therefore remain subject to the power of Congress to expel them, or to order them to be removed and deported from the country, whenever in its judgment their removal is necessary or expedient for the public interest.”[138] Moreover, the majority opinion held that deportation was not a punishment – though the dissenting judges disagreed – and thus did not violate due process.[139] Lastly, the Court again shielded these powers from judicial review, arguing that decisions of expulsion belonged to “the political departments of the government.”[140]

These decisions all appealed to an idea of sovereign statehood drawn from writings on international law. As James Nafziger has shown, the Court very selectively cited Vattel, international law texts, and diplomatic correspondence to assert that the powers in question were already widely accepted to be inherent in sovereignty.[141] In doing so, Sarah Cleveland argues, these decisions also effectively based these powers on an “extra-constitutional source of

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[137] *Fong Yue Ting*, 149 U.S. at 711 and see 707-711.

[138] *Fong Yue Ting*, 149 U.S. at 724.

[139] *Fong Yue Ting*, 149 U.S. at 730; in the dissenting opinions, see 739-42 (Brewer), 748-50 and 758-59(Field), and 763 (Fuller).

[140] *Fong Yue Ting*, 149 U.S. at 731.

[141] Reading Vattel and other sources cited in these decisions, Nafziger argues that both the classic publicists and the diplomatic correspondence were much more ambiguous: they did not advocate an *absolute* right to exclude, but at best a qualified right to exclude with justifications, tempered by imperfect duties to allow foreigners to pass through or reside in the territory. See Nafziger, “The General Admission of Aliens under International Law,” 810–15, 823–27.

authority," deriving the power to exclude and deport not from powers delegated under the Constitution, but from the United States' status as a state in the international system, i.e. *from the nature of statehood itself.*[142] Moreover, on that basis, these decisions also presented these powers as virtually absolute and unlimited, matters of state discretion largely exempt from checks by the judiciary. As I explored above, however, none of these claims were entirely new: neither the claim that sovereignty inherently entails a power of territorial exclusion, nor its alleged derivation from "statehood" in international law, nor the idea that such a sovereign power is discretionary. All had also previously appeared at the state level to justify controls over movement. What *was* new in the emerging plenary power doctrine at the end of the nineteenth century, was that this doctrine largely put an end to earlier debates about the locus of "sovereign" power over migration. Combined with the new restrictive policies and an emerging federal immigration bureaucracy, this now nationalized doctrine of inherent sovereign powers helped to start consolidating – both inside and outside the United States – the idea of the nation-state's monopoly over the legitimate means of movement.

III. Sovereignty's Moves: Exclusion, Discretion, Invention

In the plenary power arguments and their state-level precursors, it is not hard to spot features commonly associated with the Westphalian model of sovereignty, such as territoriality, exclusivity, and external independence. Indeed, it might seem that these arguments, like many current debates about migration, are simply assuming Westphalian sovereignty and state power over migration as already-established background facts. However, the state's "monopoly over movement" was not yet established or uncontroversial during the nineteenth century. Indeed,

[142] Cleveland, "Powers Inherent in Sovereignty," 5, 8.

even through the early decades of the twentieth century, the claim that nation-states had an inherent right to control immigration competed for acceptance with other arguments based on freedom of movement or advancing a qualified duty to admit immigrants.[143] And, of course, the nineteenth-century sovereignty arguments discussed above arose in situations where controls over migration and migrants were being contested in the courts. Thus, within those discussions, we should not read "sovereignty" as a description of an existing or settled status or set of powers, but as claims that aspired to establish and to authorize certain actions or powers.

Moreover, if we approach sovereignty as a historically contingent and shifting bundle of contested claims, then we can also disentangle claims that may be part of its configuration at different moments, and ask what *range* of actions those claims seek to authorize. In the sovereignty discourse I have traced above, we can find several different types of claims. At the simplest and most abstract level, these sovereignty assertions involved claims *to have* authority over a particular matter: a claim, in other words, about the existence and locus of such authority. Indeed, that was very much in question, as debates throughout the century concerned whether an authority to control movement existed and, if so, whether it was held by state or federal governments. At another level, these sovereignty claims also involved claims about *where* that authority applied, its spatial scope, with both state-level and federal-level arguments asserting an idea of bounded territorial jurisdiction. At a more specific level still, this sovereignty discourse included claims about specific powers that *flow* from that authority, with both states and the federal government asserting that one such power was territorial exclusion. In addition, another type of claim concerned *how* the powers that flow from authority can be exercised, e.g. whether they are absolute, unconditional, or whether they have limitations: here, arguments at both state

[143] See discussion in Nafziger, "The General Admission of Aliens under International Law," 832.

and federal levels often asserted (with exceptions) that these powers were absolute and discretionary. Lastly, this sovereignty discourse also involved a more abstract type of claim about the *grounds* of authority: hence debates, in the context of U.S. federalism, about whether powers to regulate migration were delegated and enumerated in the Constitution, or whether they derived from a pre-constitutional or extra-constitutional source. With exceptions, many of the arguments discussed above presented sovereignty's powers as axiomatic and self-grounding: polities were sovereign because they had statehood, and they had particular powers because they were sovereign.

These various claims arguably invoked at least three different ways of responding to and attempting to organize change and uncertainty: territorial exclusion, discretion, and invention. Below, I explore each in turn. I also argue that, together, these claims' discursive moves operate through sleight of hand, giving "sovereignty" an appearance of solidity, coherence, and established fact that belies both the conditions of uncertainty to which they respond and the contingency of the sovereignty claims themselves.

Territorial Exclusion and the Fantasy of Control

The claim to a power of territorial exclusion really combines two claims: first a claim to have territorial jurisdiction, then a claim that it entails the power of exclusion. The first is generally presented as a premise for the second. In *Chae Chan Ping,* for instance, Justice Field appealed to the notion of territorial jurisdiction to justify the exclusion of aliens:

> That the government of the United States, through the action of the legislative department, can exclude aliens from its territory is a proposition which we do not think open to controversy. Jurisdiction over its own territory to that extent is an incident of every independent nation. It is a part of its independence. If it could not exclude aliens it would be to that extent subject to the control of another power. As [Justice Marshall said in an earlier case], "The jurisdiction of the

> nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction. . . ."[144]

From an idea that states have exclusive jurisdiction over their territories, Field concluded that jurisdiction also entailed the right to exclusion. Notably, and curiously, in drawing that conclusion he construed the very *movement* of foreigners onto the territory as a potential threat to the state's independence, conflating the arrival of individual migrants with subjection by an external power. This explanation presented bounded territory as a background condition – part of the definition of an independent, sovereign state – that in turn authorized measures to control entry to that territory. Here, however, I will argue that, in this claim about territorial exclusion, territory is not a premise but a tool within a particular fantasy of control: amid anxieties about ongoing fluctuations in collective identity and challenges to relations of rule, the claim about territorial exclusion aspired to "organize" that indeterminacy, using the idea of bounded territory to project control in the future over the collective self and over the unpredictability of political action.

According to Field, sovereignty involved territorial jurisdiction, which inherently and necessarily included the right to exclude, and any limitation on the right to exclude would mean a reduction of sovereignty. Thus, and anticipating arguments still made today, he construed any unauthorized movements of international migrants as undermining state sovereignty. Note a circular reasoning, both tying the asserted powers of sovereignty back to themselves definitionally, and linking territory to exclusion. Field's argument, however, neatly omitted two important points: first, that simply having jurisdiction over bounded territory does not, in itself,

[144] Chae Chan Ping v. United States, 130 U.S. at 603–4. He was quoting Schooner Exchange v. McFaddon, 11 U.S. 7 Cranch 116 (1812).

necessitate control over movement, and second, that governing bodies had never had, exercised, or sought complete control over movement. Rather, both before and after the federal monopolization of control over migration, controls targeted some movements and movers more than others and were also enforced unevenly.

This differential regulation of mobility helps to pose a question about what precisely sovereign claims to territorial exclusion aspired to control. I argue that this conjoined claim of territorial jurisdiction plus exclusion corresponds well to the posture of masterful agency – the "ideal of uncompromising self-sufficiency and mastership" – that Arendt and others critique. Temporally, the claim to territorial exclusion is oriented toward the future: it aspires to quell the uncertainties and unpredictability of the future through mastery and control – to adopt, as Markell puts it, a "posture of mastery and invulnerability in the face of the future."[145] But mastery of what? Its anxieties about uncertainty and its corresponding desires for control were, I would suggest, two-fold: one concerned identity, the other relations of rule.

On the one hand, and most obviously, in the racial politics of both the laws about Black mobility and the Chinese exclusion measures, we can see an anxiety about identity. In both the desire to exclude and expel free Blacks from states' territories and the desire to prevent Chinese immigration (and of course the legal exclusion of both groups from the rights and protections of citizenship), there was an attempt to *fix* the identity of a clear *subject* of sovereignty: an attempt, in a sense, to master and control the "self," to assert a unified collective self (e.g. the people, the nation, citizens) in the present and then to project that self unchanged into the future. Confronted with uncertainty about the present and future composition of the "we," since changes and

[145] Markell, *Bound by Recognition*, 36.

fluctuations were always already ongoing, the claims about the sovereign power to exclude exhibited a desire for a unified and unchanging collective subject.

In the nineteenth-century sovereignty claims discussed above, that subject, that collective self, was overtly racialized as white – hence the concern, in both the Californian anti-Chinese arguments and the federal court decisions, with the idea of unassimilability. In the 1850s, the California mining committee warned that, as a "servile, inferior, and degraded race," the Chinese could never "mingle with our own on terms of social or political equality," and that "contact of inferior races with the superior race is eminently prejudicial to the superior race, if not to both. . . ."[146] Justice Field, in *Chae Chan Ping*, lamented that "It seemed impossible for them to assimilate with our people or to make any change in their habits or modes of living," and then deferred to Congress's judgment that "the presence of foreigners of a different race in this country, who will not assimilate with us, [was decided to be] dangerous to its peace and security. . . ."[147]

These claims also involved a particular temporality: they were not only claims about two supposedly incompatible identities in a present moment, but rather also aspirations *to impose and maintain a particular idea of identity* not only in the present but in future time: attempts to impose being on future becoming, stasis on future change. Edlie Wong has argued that the plenary power cases shared the tropes and narrative structure of fictional counterfactual histories that emerged in this period, novels and stories that imagined the United States in the future, after an Asian invasion.[148] Such a preoccupation with a radically uncertain but frighteningly imagined

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[146] California, *Report of Committee on Mines and Mining Interests*, 9, 3, 8.

[147] Chae Chan Ping v. United States, 130 U.S. at 595, 606.

[148] Edlie L. Wong, "In a Future Tense: Immigration Law, Counterfactual Histories, and Chinese Invasion Fiction," *American Literary History* 26, no. 3 (August 27, 2014): 511–35, https://doi.org/10.1093/alh/aju030.

future was also clear in the earlier California mining committee's report. In hyperbolic language it redescribed the present as a once unimaginable future: "Who, in the abandon of his fertile imaginings, could have fancied ten years since," that the State of California would be debating "the admission or exclusion of Asiatics. . . ."[149] Moreover, the report invited such speculative imaginings for the future: "The influx of this race, so limited in comparison with possible events, has already aroused a conflict of feelings and interests replete with discord and difficulties. If at so early a period in our history we are perplexed with their presence, what may we not expect in the future?"[150] The committee stressed, "Let us be fully mindful that we are legislating for all future time, as well as the present…."[151]

These claims and aspirations to territorial exclusion thus involved not only a quasi-spatial division between in and out, self and other, citizen and foreigner, but a temporal orientation preoccupied with the future and with projecting a fully controlled and enduring "self" into that future. Territory, then, arguably worked not simply as a premise for exclusion, but as a *tool* for this aspiration to master and project the self into future time. In contrast to the ever-changing composition of the body politic, and the unpredictability and indeterminacy that arise both from human mobility and human affairs more generally, the two-dimensional spatiality of territory provided a static image through which to conceptualize an enduring identity over time.

On the other hand, the earlier state-level claims about the exclusion of free Blacks also suggested a slightly different anxiety and uncertainty about the future: not precisely an anxiety about the change or instability of the self, but an anxiety about the unpredictability of political

[149] California, *Report of Committee on Mines and Mining Interests*, 4.

[150] California, 3.

[151] California, 4.

action. Consider the context of the laws excluding free Blacks from states' territory or forbidding the entry of Black sailors from abroad. Amid rumors of plots and revolts and imminent insurrections led by free Blacks, or spurred by the successful emancipation struggles in the West Indies, restrictions on Black mobility aspired not only to protect and project an invulnerable white self (nation, community, body politic) against the contamination of foreignness, but also to forestall and prevent forms of political action that would disrupt existing relations of rule. Defending South Carolina's Negro Seamen Act banning and detaining ("quarantining") foreign Black sailors, Hunt argued that these were anticipatory measures to prevent revolt:

> If South-Carolina has to dread the moral pestilence which a free intercourse with foreign negroes will produce she has, by the primary law of nature, a right within her own limits to use every means to interdict it—she is not bound to wait until her citizens behold their habitations in flames and are driven to seek a refuge by the glare of the conflagration. To prevent evils by precautionary measures is the most humane course of legislation and is the imperitive [sic] duty of every State.[152]

The worry, here, was not that foreignness would infect the *self*, altering the (white) national identity, but that a "moral contagion" of revolutionary ideas could infect Black slaves, those *ruled over*, encouraging them to challenge those relations of rule.

Twenty-five years later, the dissenting justices in the *Passenger Cases* would voice similar worries. As discussed above, Justice Taney asserted that the majority decision would effectively allow "the emancipated slaves of the West Indies [to] have at this hour the absolute right to reside, hire houses, and traffic and trade throughout the Southern states, *in spite of any state law to the contrary*, inevitably *producing the most serious discontent* and ultimately leading to the most painful consequences."[153] Through these exclusion laws and exclusion claims, states

[152] Hunt, *The Argument of Benj. Faneuil Hunt*, 7–8.

[153] Passenger Cases, 48 U.S. at 474 (my emphasis).

thus sought not only, literally, to exclude free Blacks from the territorial *space*, but also, as Edlie Wong points out, "to delimit the power and potential of black revolutionary consciousness."[154] They aspired to anticipate and prevent the unpredictability of political action. Here, then, the posture of mastery entailed not only self-mastery, an attempt to fix and project the self into the future, but also mastery over others, to maintain hierarchical relations of domination and to reduce the contingencies and risks that could arise from others' political action.

Both the anxiety about identity and the anxiety about rule relied on imagining catastrophic alternative futures: in the one, of a collective self or identity so transformed as to be unrecognizable or non-existent, in the other, of a world on fire, a world of upturned relations and overturned hierarchies. Both responded to uncertainty in their present – the indeterminate and ever-changing composition of the people, or the present and past stirrings of discontent – by casting those uncertainties into the future in exaggerated form, *and simultaneously,* projecting a static (racial) self or continued mastery over racialized "others" into the future, to manage and assuage those anxieties. Thus the assertions of a sovereign power of territorial exclusion in these nineteenth-century debates were not only spatial but temporal: territorial exclusion was a tool through which to imagine – and assert – this desire to master both the identity of the self and the unpredictable actions of others.

However, the prominent and repeated emphasis on bounded territorial space, as an accepted feature of sovereignty and thus as a *premise* for exclusion, masks both those uncertainties and the contingency of this attempt to "organize" through exclusion. Writing about the modern conception of the territorial state, John Agnew notes, "Representing space as state territoriality also serves to put statehood out of time, because of the strong tendency to associate

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[154] Wong, *Neither Fugitive nor Free*, 184.

space with stasis or changelessness, and thus to impose an intellectual stability on the world that would otherwise be difficult."[155] The sovereignty discourse I analyze here made a similar move: its emphasis on territory – a measurable, controllable space that endures over time – imputed a stability to the "sovereign" state and its actions that distracts from the contingency of sovereignty claims, the way they appear within dynamic political moments and try to authorize some ways of acting rather than others. Moreover, an overemphasis on sovereignty's supposedly static spatiality can lead us to miss the ways that sovereignty claims may also authorize modes of state action that are themselves flexible and dynamic, some of which the next sub-sections explore.

Elastic Powers: Discretion and the Moment

If the claims to territorial exclusion were oriented toward the future and adopted a posture of control and mastery towards its uncertainties, the claim to sovereign discretion arguably involved a rather different orientation both to time and to action. Although it too responded to uncertainty, the claim to discretionary power was oriented to the present moment more than to the future, and it did not need to aspire to absolute, lasting control over a *fixed and preserved* identity or relation. Rather, the claim to discretionary power aimed to authorize a flexible response to the specific contingencies of the moment.

As we saw above, both state- and federal-level sovereignty arguments associated sovereignty with discretionary power. Benjamin Faneuil Hunt justified South Carolina's exclusion of Black sailors by asserting not only "that the admission of strangers, is a matter wholly within the discretion of a State" but also that it was within each State's discretion to pass whatever laws it deemed necessary for self-preservation:

[155] Agnew, *Globalization and Sovereignty*, 24.

> I thus, have attempted to maintain, that South Carolina, as a sovereign State, does posses [*sic*] the power to pass the law under which the petitioner is in custody—That it is a power, upon the exercise of which, her dearest and most vital interests depend—That such a power is the rightful and inalienable attribute of a sovereign state—*That its exercise must depend upon the views of policy, and upon the individual discretion of the State—which can alone, safely decide in matters, involving self-preservation. . . .*[156][my emphasis]

The state, he argued, must have the power to judge the specific circumstances that affect public security and self-preservation: "the circumstances which render such enactments necessary, are from necessity to be decided by the party whose safety is hazarded."[157] In South Carolina's case, he continued, "we think the presence of a free negro, fresh from the lectures of an Abolition Society, equally dangerous" as New York considered persons with yellow fever.[158] Here, Hunt framed the potential mobility of foreign Black sailors as a public security crisis – in his words, a "moral contagion" and "moral pestilence," against which the "sovereign" State of South Carolina had full discretion to act as it saw fit.[159]

In the *Chae Chan Ping* decision, Justice Field similarly framed Asian immigration as a crisis event that required a discretionary response: "The government, possessing the powers which are to be exercised for protection and security, is clothed with authority to determine the occasion on which the powers shall be called forth."[160] As noted earlier, however, the other plenary power decisions also extended unreviewable discretionary power not only to high-level

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[156] Hunt, *The Argument of Benj. Faneuil Hunt*, 8, 17.

[157] Hunt, 13.

[158] Hunt, 13.

[159] Cf. Hunt, 7. "This State, having a large slave population, conceives it prudent to guard against the moral contagion which the intercourse with foreign negroes produces, and therefore she prohibits them from remaining in any other part of the State, than the place designated by the act. . . . If South-Carolina has to dread the moral pestilence which a free intercourse with foreign negroes will produce she has, by the primary law of nature, a right within her own limits to use every means to interdict it. . . ."

[160] Chae Chan Ping v. United States, 130 U.S. at 606.

decisions about national security, but also to the more mundane decisions of the immigration officer. Thus, Supreme Court held, in *Nishimura Ekiu,* that immigration officers have discretionary power to establish the facts of an immigrant's right to enter:

> [I]n such a case, as in all others, in which a statute gives a discretionary power to an officer, to be exercised by him upon his own opinion of certain facts, he is made the sole and exclusive judge of the existence of those facts, and no other tribunal, unless expressly authorized by law to do so, is at liberty to reexamine or controvert the sufficiency of the evidence on which he acted.[161]

Scholars often associate sovereign discretion with the extraordinary crisis event and the state of exception, but that association may obscure the ways that sovereignty claims can also seek to authorize forms of discretionary action that are not limited to the high organs of the state.[162] Both the discretionary response to a crisis event and the discretionary response to an individual case share a temporal orientation, focused on assessing the particularities of the moment and then acting accordingly. Moreover, as a changeable response to the moment, rather than a projection into the future, the assertion of sovereign discretion invokes flexible modes of action rather than attempts to control or impose stasis into the future.

Thus, if the nineteenth-century sovereignty claims about territorial exclusion and those about discretion both responded to conditions of change and uncertainty, they did so by invoking different modes of (state) action. The aspiration for control and stability associated with territorial exclusion needs to be distinguished from the momentary changeability and volatility of discretionary power. Indeed, the claim to sovereign discretion can attempt to authorize actions

[161] Nishimura Ekiu v. United States, 142 U.S. at 660.

[162] Bonnie Honig writes for instance about "the many capillaries of sovereign power that run through the regime and on which executive branch power is deeply dependent": see Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton, NJ: Princeton University Press, 2009), 66. See also Andrew Hebard's discussion of extraordinary suspensions of law and ordinary situations of administrative discretion: Andrew Hebard, "Law, Literature, and the 'Situation' of Immigration," *Law, Culture and the Humanities* 9, no. 3 (2013): 443–55, https://doi.org/10.1177/1743872111416327.

that *unmake* the stability of territory. For instance, the dissenting justices in *Fong Yue Ting* considered the claim to a discretionary deportation power to be in tension with ideas of settled territorial jurisdiction.[163] Justice Brewer accepted the U.S. government's right to exclude foreigners *from* its territory, but disputed its authority to deport resident aliens already *inside* the territory. He specifically contested the *absolute and abitrary* power of deportation. Brewer argued, contra the majority, that deportation was a punishment that should be subject to due process as such: "Section 6 [of the Geary Act] deprives of 'life, liberty, and property without due process of law.' It imposes punishment without a trial, and punishment cruel and severe. *It places the liberty of one individual subject to the unrestrained control of another*."[164] For Brewer and the other dissenting justices, however justified the state might be, for reasons of self-preservation, in excluding those outside the territory, the Constitution limited the government's powers *within* its territorial jurisdiction. These justices presented this tension in terms of a spatial distinction between inside and out: while the government may have somewhat unlimited external powers, its internal powers were limited, and so it could not "arbitrarily deal with persons lawfully within the peace of its dominion."[165] Effectively, the claim to sovereign discretion over deportation allowed the borders of territorial jurisdiction to shift and change at the whim of the state, such that the state could have unlimited and arbitrary power over some within the

[163] Cf. Andrew Hebard's argument that the Chinese exclusion cases "understood sovereignty as both a territorial concept and a particular mode of power," but that the emphasis on the "absolute and unrestricted" nature of sovereignty power increasingly rendered the territorial concept "ambivalent": Andrew Hebard, *The Poetics of Sovereignty in American Literature, 1885-1910* (New York: Cambridge University Press, 2013), 81–82.

[164] *Fong Yue Ting*, 149 U.S. at 739–40 (my emphasis).

[165] *Fong Yue Ting*, 149 U.S. at 762.

boundaries of its territory, while others also within the territory enjoyed the protections of the law.[166]

More generally, Justice Brewer also contested the court's assertion of inherent, extra-constitutional sovereign powers, which he saw as dangerously unlimited:

> It is said that the power here asserted [expulsion] is inherent in sovereignty. This doctrine of powers inherent in sovereignty is one both indefinite and dangerous. Where are the limits to such powers to be found, and by whom are they to be pronounced? Is it within legislative capacity to declare the limits? If so, then the mere assertion of an inherent power creates it, and despotism exists. May the courts establish the boundaries? Whence do they obtain the authority for this? Shall they look to the practices of other nations to ascertain the limits? The governments of other nations have elastic powers – ours is fixed and bounded by a written constitution.[167]

Brewer objected both to the practice of expulsion itself – which he went on to associate explicitly with despotism – and to the emerging doctrine of "powers inherent in sovereignty." Recall that many sovereignty arguments, including the earlier *Nishimura Ekiu* case in the Supreme Court as well as early state-level arguments, had drawn on international law writings to assert that some powers derived not from the constitution but from the nature of sovereign statehood itself. Brewer's passage above implies that, in doing so, these sovereignty arguments (wrongly) authorized the state to exercise "elastic powers" like those used in more despotic regimes. The claim to sovereign discretion, combined with the claim about inherent sovereign powers, thus invoked a flexible and arbitrary exercise of power without limits.

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[166] That kind of shifting liminal space is similar to Giorgio Agamben's notion of a "zone of indistinction"; see Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, Calif: Stanford University Press, 1998), 170. Also cf. discussions of the ways current-day states make and unmake territorial spaces through "shifting borders": Ayelet Shachar, *The Shifting Border: Legal Cartographies of Migration and Mobility* (Manchester: Manchester University Press, 2020).

[167] *Fong Yue Ting*, 149 U.S. at 737.

Disclaiming Invention

"There is a great deal of confusion in the use of the word 'sovereignty' by law writers," wrote Justice Field in his own dissent for *Fong Yue Ting*. Like Brewer, he questioned the idea of extra-constitutional powers inherent to sovereignty: "Sovereignty or supreme power is in this country vested in the people, and only in the people."[168] The government, he argued, had limited powers delegated by the people: they neither derived from the powers held by other nations nor took "any power by any supposed inherent sovereignty."[169] Here, Field departed from a common claim, within this nineteenth-century sovereignty discourse, about the *source* of sovereign powers. In *Nishimura Ekiu*, for instance, the Court claimed that it was a well-established "maxim" of international law that exclusion was a power inherent to sovereignty. Moreover, as discussed above, that claim was common to many of the sovereignty arguments used to justify both state-level and federal-level regulations on migration.

In asserting that sovereign authority and specific sovereign powers derived from the nature of sovereign statehood itself, widely accepted under international law, these claims seemed to make sovereign powers self-grounding and to assert a groundless ground. In that sense, these claims may seem resemble the ex-nihilo invention of Schmittian extra-legal decisions. Yet there was arguably more to these claims than sheer decisionism. In appealing to well-established maxims, these claims involved a different temporality than the moment-oriented discretion discussed in the previous section. Like the other sovereign claims above – to territorial exclusion and to discretion – the claim that specific sovereign powers derived from sovereignty was a response to uncertainty: in this case, to the contested nature of the authority itself. But, by

[168] *Fong Yue Ting*, 149 U.S. at 757–58.

[169] *Fong Yue Ting*, 149 U.S. at 757.

asserting that these powers were already commonly accepted, these claims disclaimed that uncertainty by projecting an imagined continuity with the past.

That sovereignty, or any particular power associated with sovereignty, should be *taken* as commonplace – as an "accepted maxim" or as "universally admitted" – highlights some puzzling circularities in sovereignty discourse. As I discussed in early parts of this chapter, many discussions of sovereignty simply approach or assume state sovereignty as an ontological fact, a background feature of the modern state system, committing what Werner and de Wilde call a "descriptive fallacy."[170] Even so, there is something peculiar about sovereignty and sovereignty claims that seems to invite this descriptive fallacy. As the opening passage from *Nishimura Ekiu* illustrates, sovereignty claims sometimes work by *positing* what they claim (the status or powers of sovereignty) *as* commonplace, given, already existing, already acknowledged: "It is an accepted maxim of international law, that every sovereign nation has the power, as inherent in sovereignty . . . ."[171]

There is something paradoxical yet, for my purposes, revealing about asserting an established maxim. First, it seems to ignore and to avoid the very uncertainty that generally gives rise to sovereignty claims. After all, the arguments and cases discussed here arose precisely from *disagreements* about whether the state could act in particular ways. Second, such a claim has what Coutin, Richland, and Fortin describe as an "annunciatory-yet-citational quality," in that it "announces the power it enacts . . . [and] in a manner that assumes such power always already exists."[172] In other words, as a speech act, such a claim to inherent powers of sovereignty does

[170] Werner and Wilde, "The Endurance of Sovereignty," 285.

[171] Nishimura Ekiu v. United States, 142 U.S. at 659.

[172] Susan Bibler Coutin, Justin Richland, and Veronique Fortin, "Routine Exceptionality: The Plenary Power Doctrine, Immigrants, and the Indigenous under U.S. Law," *UC Irvine Law Review* 4 (2014): 97.

something: it attempts to found, *out of and from the claim itself,* the very authority and power(s) it asserts as already existing. Put another way, such sovereignty claims are not merely descriptive but have an active, normative, and performative dimension: they actively aspire to found or enact what they purport merely to describe. They seem to give the solidity and enduring temporality of *fact* to the momentary temporality of the declaration.

In doing so, these sovereignty arguments disclaimed two things: first, the uncertainty and contestation of authority that motivated the claim; second, the claim's very act of invention, beginning, and founding. In asserting, for instance, Tennessee's right as a sovereign state to exclude non-citizens, and grounding that right on sovereignty, the State presented the power as an established fact, latent though previously unexercised.[173] Although that and other claims about "inherent sovereign powers" were attempting to legitimize powers and practices either *newly* exercised and asserted or still contested in their legitimacy, they presented the authority for those practices as long established. Thus, the circular, self-grounding claims to "powers inherent to sovereignty" solicited a particular orientation toward the past, constructing an *imagined* past continuous with present actions. Rather than acknowledging the invention involved in justifying and enacting new practices, claims that their legitimacy was already widely accepted served to mask that novelty and invention.

Thus, we can interpret these "inherent powers" claims as also responding to uncertainty, but in a different way that the other claims discussed above. In positing continuity with an imagined past, such claims arguably tried to temper anxieties both about the uncertain legitimacy of the claim and about the act of invention itself. Rather than the bald decisionism of a Schmittian sovereign, these claims presented the unfamiliar act of invention – the new practices

[173] State v. Claiborne, 19 Tenn.

– in the guise of repetition of precedent. Further, this use of an imagined past to begin without appearing to begin helps to explain how the idea of "sovereignty" itself can come to be so taken for granted. In the absence of the transcendent ground asserted in earlier and more explicitly theological understandings of sovereignty (e.g. Bodin's), the appeal to the law of nations grounds supreme authority much more precariously on human practice and on mutual agreement or acquiescence between polities. The assertion of an established maxim of sovereignty obfuscates the uncertainty of that ground – an uncertainty especially acute when a contested or new practice demands authoritative justification – by appealing to an imagined past, presenting the new act or idea as merely continuing something already established.

* * *

I have proposed to read this nineteenth-century sovereignty discourse, invoked to justify state-level and federal-level controls on movement, as a set of claims that responded to and aimed to organize conditions of uncertainty. Together, that bundle of sovereignty claims operated through a kind of sleight of hand. On the one hand, by emphasizing bounded and controllable territory, mastery over the future, and continuity with the past, these claims cloaked sovereignty in a guise of stability, stasis, and settled precedent. However, at the same time, sovereignty claims also involved and sought to authorize forms of action that were dynamic and flexible – in a sense, mobile – such as exercises of state discretionary power, the invention of new practices, or the continent activity of claims-making itself. The assertions about control, bounded space, and axiomatic precedent provided sovereignty with veneer of stability that distracts from the ways that these claims also authorized state agents to engage in "mobile" and changing courses of action. Ultimately, these sovereignty discourses aspired to organize conditions of movement, change, and uncertainty hierarchically, in ways both static and mobile. In authorizing flexible

state action while asserting those powers were settled beyond contestation, and in allowing the state and its agents elastic powers to control the movements of those migrants deemed undesirable and to make the space of legal protection malleable, these sovereignty claims embraced the state's ability to change as needed, while exacerbating uncertainty for certain moving people. As the next chapter will show, though, however taken-for-granted such sovereignty discourse would become, it was not the only way of thinking about migration in the period, nor were these the only approaches to "organizing" the fluctuations associated with movement.

Chapter 2.

Channeling the Flows: Migration and the Politics of Managed Government

> A stream that is dangerous when unchecked will prove a blessing to the land when well directed.
> — Motto of National Liberal Immigration League (founded 1906)[174]

> [W]e shall recognize once more that modern civilization has developed social forces which it is impossible to dam up, but which need to be guided into safe channels. . . .
> — Richmond Mayo-Smith, "Control of Immigration" (1888)[175]

> It will be necessary to arouse, to facilitate, and to *laisser faire*, in other words to manage and no longer to control. The essential objective of this management will not be so much to prevent things as to ensure that the necessary and natural regulations work, or even to create regulations that enable natural regulations to work.
> — Michel Foucault, *Security, Territory, Population*[176]

In 1891, the liberal Boston magazine *The Arena* published a series of articles on migration by Rabbi Solomon Schindler.[177] In the first article, "Migration a Law of Nature," Schindler argued that, from the perspective of that "large organism, called Mankind," both migration and love of place were but expressions of great centripetal and centrifugal forces necessary for humanity.[178] Migration, he said, "is not the voluntary act of a man as an individual, but his involuntary

[174] "Statement of the National Liberal Immigration League," in *Reports of the Immigration Commission*, by United States Immigration Commission, vol. 41 (Washington: G.P.O., 1911), 332, https://heinonline.org/HOL/P?h=hein.immigration/rtsheimmcs0041&i=335.

[175] Richmond Mayo-Smith, "Control of Immigration. I.," *Political Science Quarterly* 3, no. 1 (March 1, 1888): 49, https://doi.org/10.2307/2138985.

[176] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2007), 353.

[177] Solomon Schindler, "Migration a Law of Nature," *The Arena*, January 1891, ProQuest (124457675); "Immigration," *The Arena*, March 1891, ProQuest (124451612); "Inter-Migration," *The Arena*, September 1891, ProQuest (124446113). Schindler himself had immigrated from Germany, eventually settling in Boston, where he became a theologian and radical social critic; see Arthur Mann, "Solomon Schindler: Boston Radical," *The New England Quarterly* 23, no. 4 (1950): 453–76, https://doi.org/10.2307/361776.

[178] Schindler, "Migration a Law of Nature," 188–91.

submission to a law which governs that great organism, called mankind; . . . it is as necessary to its existence and well being, as is the circulation of the blood to the human body, or the changing tides to the ocean."[179] Schindler granted that migration might bring both "benefits" and "evils," but concluded, "It is folly trying to prevent what cannot be prevented. Instead of stubbornly offering resistance to a law of Nature, we ought to familiarize ourselves with its working, and regulate our course of action accordingly."[180]

These articles appeared at a time of increasing levels of global mobility, heightened debate about migration, and changing state policies.[181] In the United States, as the federal government asserted and expanded control over immigration, politicians, journalists, and academics alike debated how best to resolve the "immigration problem."[182] Settler colonies within the British Empire experimented with methods for restricting non-white migration without running afoul of the nominal formal equality of British subjects.[183] European countries also saw their own controversies not only about out-migration but also about the immigration of foreign workers and "destitute aliens."[184] Meanwhile, at international conferences, international law scholars and representatives of various European and South American countries discussed

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[179] Schindler, 187.

[180] Schindler, 187, 192.

[181] The increase in long-distance movements in this "age of mass migration" was a global phenomenon, not just a European and American one. See Adam McKeown, "Global Migration, 1846-1940," *Journal of World History* 15, no. 2 (June 1, 2004): 155–89, http://www.jstor.org/stable/20068611; cf. Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006), 203–5.

[182] Tichenor, *Dividing Lines*, chaps. 3–4; Zolberg, *A Nation by Design*, chap. 7.

[183] Bridget Anderson, *Us and Them?: The Dangerous Politics of Immigration Control* (Oxford: Oxford University Press, 2013), chap. 2; McKeown, *Melancholy Order*, chap. 7; cf. Mongia, *Indian Migration and Empire*, chaps. 3–4.

[184] Leo Lucassen, *The Immigrant Threat: The Integration of Old and New Migrants in Western Europe Since 1850* (Urbana: University of Illinois Press, 2005).

whether and how states should intervene in migration, advocating for largely free migration with only limited and exceptional restrictions.[185] Immigration scholars typically divide these debates into restrictionist positions advocating more closure and exclusion, and expansionist positions favoring immigration and free movement.[186] At the time, the English utilitarian thinker Henry Sidgwick framed the debates over "free immigration" versus "the right of exclusion" as "the most striking phase of the general conflict between the cosmopolitan and national ideals of political organization. . . ."[187]

Within that context, Schindler's essays may seem to represent an increasingly rare appeal to the "cosmopolitan ideal" at a time when the "national ideal" was ascendant. I open with these essays, however, because they highlight a view of movement, and of the politics of migration, that arguably evades conventional distinctions between cosmopolitan and nationalist, liberal and restrictionist, open borders and closed. In brief, this view understands migration as a natural form of movement, and aims not exactly to stop or exclude it, but rather to manage its flows. As Schindler put it in his second article, "whenever such a law [of nature] becomes oppressive to us, we can lighten the burden only by observing and studying its activity, and directing the energies of its forces into channels that will be profitable to us. . . ."[188] Moreover, although for Schindler that view grounded an argument for more openness, I show in this chapter that this way of

[185] *Congrès international de l'intervention des pouvoirs publics dans l'émigration et l'immigration tenu à Paris: les 12, 13 et 14 août 1889* (Paris: Bibliothèque des annales économiques, Société d'éditions scientifiques, 1890). See also Nafziger's discussion of the 1892 resolutions of the Institut de Droit International, in Nafziger, "The General Admission of Aliens under International Law," 832–33.

[186] On the complexities of – and sometimes unusual coalitions within – "restrictionist" and "expansionist" positions on immigration in American political development, see Tichenor, *Dividing Lines*.

[187] Henry Sidgwick, *The Elements of Politics* (London: Macmillan, 1891), 295 (ch. 18, sec. 3).

[188] Schindler, "Immigration," 415.

thinking of migration – as natural and manageable – also ran through some apparently opposing arguments for immigration restriction.

This chapter traces other ways of thinking about and responding to movement, change, and uncertainty that are sometimes overshadowed by spatial imaginaries that emphasize sovereign control, bounded territory, and exclusion. I excavate some other nineteenth-century discourses about immigration that coexisted with the sovereignty discourse examined in the last chapter. In section I, I trace the consolidation of "migration" as a social-scientific concept within emerging transatlantic discourses of demography, economics, and statistics. I argue that "migration" came to be understood as a *natural and regular* form of movement: a primarily economic phenomenon with patterns and regularities discernible through scientific and statistical knowledge.

Then, in section II, and drawing on Foucault's analysis of "governing," I analyze the way of understanding *politics* that converged with this understanding of migration. In what I call here the politics of managed government, migration became an object of public concern not as something to be stopped or prevented *per se*, but as a phenomenon to be channeled, sifted, and managed – sometimes encouraged, sometimes discouraged – through knowledge of its regularities. I read this politics of managed government as another attempt to "organize" flux and change, but by working *with* them and trying to manage them flexibly, rather than aspiring to stop or control them. I explore this politics of managed government through a reading of some late-nineteenth century arguments for immigration *restriction* in the U.S., showing that we find these ways of thinking about migration and politics not only in pro-immigration arguments like Schindler's but also – if often overlooked – in "restrictionist" and largely anti-immigration arguments at the time. Tracing these conjunctions highlights a strain of thinking about movement

that is often eclipsed by the grander gestures of sovereign exclusion: an ostensibly neutral framing of migration as a natural, knowable, and economic phenomenon amenable to technocratic management. However, examining that politics of managed government also shows that treating movement as *natural* has no inherently progressive implications: rather, that idea can also underpin depoliticizing tendencies towards technocratic management that involve hierarchical relations and impoverished conceptions of agency.

In section III, however, I turn briefly to a different strand of anti-immigration arguments in this period, one that hints at other ways of thinking about movement and politics that elude managed government. These arguments construed the immigrant as an unruly and ignorant figure, unfit for political life and disruptive to the regular "harmonious movements" of the political system. Reading those anti-immigrant arguments against the grain, I suggest that we can find in that figure of the unruly immigrant a counter-image of politics that foregrounds the *unmanageability* and unpredictability of democratic politics. Such arguments hint, despite themselves, at other spatio-temporal imaginaries that associate democracy and popular politics with *motion,* which the next chapters will explore.

I. Making Migration Natural

In an article on "Migration" in the 1873 *Dictionnaire Encyclopédique des Sciences Médicales*, Louis-Adolphe Bertillon reviewed the state of knowledge about "migratory movements" within the emerging field of demography.[189] The article began with definitions that will be familiar to present-day readers:

[189] Louis-Adolphe Bertillon, "Migration," in *Dictionnaire encyclopédique des sciences médicales: Série 2*, ed. Amédée Dechambre, vol. 7 (Paris, 1873), https://www.biusante.parisdescartes.fr/histmed/medica/cote?extbnfdechambrex059. This article and others signed "Bertillon" have sometimes been attributed to one or other of Bertillon's sons: Jacques Bertillon and Adolphe

> *Migration in general*. This is the act by which more or less considerable group of living beings changes their geographic place of residence. One says *emigration* when considering the departure, the exit from the country left behind, and, since recently, *immigration* when thinking of the arrival in the new adopted country.[190]

Statistics on migration, Bertillon argued, should be an essential part of the state's "social accounting" (*comptabilité sociale*). He compared the nation to a factory, and said that both have the same "rules and obligations" of book-keeping: "to record precisely everything *that enters*, everything *that leaves*; to calculate the *balance* of this double movement, and to *verify,* by the *state* of the coffers [*la caisse*] and the products in store (inventory or enumeration), the accuracy of the accounting of *movements* (in or out)."[191]

Though neither Bertillon's definitions of migration nor the idea that states should document migration would seem at all strange today, in his own time they were still rather new. It is only in the nineteenth century that a social scientific concept of "migration" becomes consolidated as an object of knowledge and of state power. That does not mean, of course, that people did not move in earlier eras; nor even does it mean that this was the first time large-scale

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Bertillon. However, this article is listed as one of Louis-Adolphe Bertillon's works in a posthumous collection of his works, compiled by his students: Louis-Adolphe Bertillion, *La vie et les oeuvres du Docteur L.A. Bertillon* (Paris: G. Masson, 1883).

[190] Bertillon, "Migration," 637, my translation, original italics. The original passage reads as follows: "*Migration en général.* C'est l'acte par lequel un groupe plus ou moins considérable d'êtres vivants change le lieu géographique de leur séjour. On dit, émigration, si on considère le départ, la sortie du pays abandonné, et, depuis peu, immigration si on songe à l'arrivée dans le nouveau pays adopté."

[191] Bertillon, 638, my translation, original italics. The original passage reads in full: "Au point de vue de la comptabilité sociale, une nation peut être assimilée à une usine. Quelle que soit la production, hommes ou choses, la tenue des livres n'en a pas moins les mêmes règles, les mêmes obligations : enregistrer exactement tout *ce qui entre*, tout *ce qui sort* ; établir *la balance* de ce double mouvement, et *vérifier* par *l'état* de la caisse et des produits en des produits en magasins (inventaire ou dénombrement) l'exactitude de la comptabilité des *mouvements* (entrés ou sortis)." For an alternate translation see Gérard Noiriel, *The French Melting Pot: Immigration, Citizenship, and National Identity*, trans. Geoffroy de Laforcade (Minneapolis: University of Minnesota Press, 1996), 52. See also Noiriel's discussion of Bertillon in Gérard Noiriel, "L'immigration: naissance d'un « problème » (1881-1883)," *Revue Agone*, no. 40 (September 16, 2008): 15–40, https://doi.org/10.4000/revueagone.63.

human movements became an object of political thought.[192] However, it is in the nineteenth century that migration becomes, as Christopher Alderman puts it, "a *perceptible* phenomenon."[193] Through the influence of early social scientific discourses, "migration" becomes a dominant category for conceiving of people's movement, and movements under that label become "problematized" and made matters of public concern in new ways.

We can discern something of this process in the evolution of terminology and definitions. Through much of the nineteenth century, the terms migration, emigration, and immigration did not have settled or consistently distinct uses in either English or French. Prior to the nineteenth century, the term migration was most often used in reference to the perennial movements of birds and other animals, or to the mass movements of peoples in past eras; it was relatively rare in discussions of contemporary human relocations.[194] Emigration was the more common term through the first half of the nineteenth century, though it could be interchangeable with "migration" and "removal."[195] Emigration sometimes referred to any change of residence, but

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[192] See, for instance, Vincent Denis, "The Invention of Mobility and the History of the State," trans. Chad Denton and Carla Hesse, *French Historical Studies* 29, no. 3 (2006): 359–77, https://doi.org/10.1215/00161071-2006-003; Stefan Donecker, "The Ambivalence of Migration in Early Modern Thought: Comments on an Intellectual History of Human Mobility," in *Migrations: Interdisciplinary Perspectives*, ed. Michi Messer, Renee Schroeder, and Ruth Wodak (Vienna: Springer, 2012), 227–37, https://doi.org/10.1007/978-3-7091-0950-2_20.

[193] Christopher Alderson, "From Migrations to Migration: Birth of a Phenomenon" (master's thesis, Carleton University, 2009), 2, https://doi.org/10.22215/etd/2009-09431. There are surprisingly few studies that undertake any kind of conceptual history of "migration" or "migration studies"; Alderson's unpublished thesis is an important exception, which takes a similar Foucauldian approach to mine, examining "migration's emergence as a documented, analyzed phenomenon, as a matter of modern concern" (2).

[194] I base that conclusion about its usage on word searches for "migration," narrowed to various date ranges between 1600 and 1900, within several databases and repositories of digitized works, including Early English Books Online, Eighteenth Century Collections Online, JSTOR, and Google Books. See also Alderson's interesting argument about similar "practices of inscription" in studies of bird migration and human migration in the nineteenth century: Alderson, 47ff.

[195] Bailey's dictionary defined migration as "a removing or shifting the habitation, the passage or removal of any thing out of one state or place into another, particularly of colonies of people, birds, &c. into other countries." Nathan Bailey, *An Universal Etymological English Dictionary* (London, 1756), https://books.google.com/books?id=HXQSAAAAIAAJ. Per Samuel Johnson's 1792 dictionary: "MIGRATION . . . Act of changing place"; "EMIGRATION . . . Change of habitation"; and in the 1828 edition: "MIGRATION . . . Act of changing residence; change of place; removal" (464); "To EMIGRATE . . . To leave one's native country to

more often it meant a change of country, and it became the predominant term for what for what we would now call international migration, especially for the movements of Europeans to the Americas.[196] The terms immigration, immigrate, and immigrant are newer: they gained currency first in the United States, and then briefly in reference to the importation of indentured labor in the West Indies, but did not become common in France or Britain until late in the century.[197] Even in the United States, however, emigration and immigration were often used interchangeably well into the century.[198]

Neat distinctions between emigration and immigration, between international and internal migration, or between migration in general and types of migration only emerged as "migration" became an object of documentation, administration, and "scientific" study. The solidification of these distinctions occurred alongside the transatlantic emergence and institutionalization of several areas of social science and the development of state administrative practices around

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reside in a foreign land" (242). Samuel Johnson, *A Dictionary of the English Language* (London, 1792); Samuel Johnson and John Walker, *A Dictionary of the English Language* (London: W. Pickering, 1828). For migration being used to mean moving to another country, see John Lind, *An Answer to the Declaration of the American Congress*, 4th ed. (London, 1776); Charles Moore and Charles Moore (Rector of Cuxton.), *A Full Inquiry into the Subject of Suicide: To Which Are Added (as Being Closely Connected with the Subject) Two Treatises on Duelling and Gaming* (Printed for J.F. and C. Rivington, 1790).

[196] Radhika Mongia also points out that, in British law in the late nineteenth and early twentieth centuries, emigration and related terms were reserved only for indentured laborers. Mongia, *Indian Migration and Empire*, 115.

[197] On the emergence of the term "immigration" in France, see Noiriel, "L'immigration: naissance d'un « problème »," 26. For early discussions, in the U.S. context, of the newness and propriety of the term "immigration," see Jeremy Belknap, *The History of New-Hampshire*, vol. 3 (Boston, 1792), 6, ECCO (GALE|CW0102256570); John Pickering, *A Vocabulary, or, Collection of Words and Phrases, Which Have Been Supposed to Be Peculiar to the United States of America* (Boston: Cummings and Hilliard, 1816), 107–8, Sabin Americana (GALE|CY0104267499); Edward Augustus Kendall, *Travels Through the Northern Parts of the United States, in the Year 1807 and 1808* (New York: I. Riley, 1809), 252, Sabin Americana (GALE|CY0103565926). As Kendall, a British traveler, put it, "*Immigrant* is perhaps the only new word, of which the circumstances of the United States has to any degree demanded the addition to the English language" (252). See also John Higham, *Send These to Me: Immigrants in Urban America*, Rev. ed (Baltimore: Johns Hopkins University Press, 1984), 207.

[198] See for instance a report to the U.S. Senate, July 16, 1868, 40th Congress, 2nd session, which discussed patterns of "emigration" to the United States from Europe.

poverty, colonization, commerce, and other areas. More generally, migration became thinkable within an epistemological and governmental shift toward *population thinking*.[199] Statistical knowledge helped make migration into a "thing which holds together" (to borrow a phrase from Alain Desrosières[200]), and political economy and demography provided frameworks for conceptualizing and explaining migration.

Migration's consolidation as a concept and as an object of study and policy owed much to what Ian Hacking has called the "avalanche of printed numbers": the growth of statistics and of the tabulation of numerical data on populations.[201] The collection of numerical information on migration occurred unevenly in different countries and different contexts.[202] The United States began collecting information on passengers arriving at its Atlantic ports in 1819, though it would not collect information on land crossings systematically until into the twentieth century.[203] Great Britain collected information on those departing its ports, but did not require systematic records of those arriving until the end of the century.[204] From mid-century, national censuses also began

[199] On population thinking, which I discuss more below, see Foucault, *Security, Territory, Population*, chaps. 2–3, 13; Bruce Curtis, "Foucault on Governmentality and Population: The Impossible Discovery," *The Canadian Journal of Sociology / Cahiers Canadiens de Sociologie* 27, no. 4 (2002): 505–33, https://doi.org/10.2307/3341588. See also Alderson's argument about the idea of population within migration studies, in Alderson, "From Migrations to Migration."

[200] Alain Desrosières, "How to Make Things Which Hold Together: Social Science, Statistics and the State," in *Discourses on Society: The Shaping of the Social Science Disciplines*, ed. Peter Wagner, Björn Wittrock, and Richard Whitley (Dordrecht: Kluwer, 1991), 195–218.

[201] Ian Hacking, "Biopower and the Avalanche of Printed Numbers," *Humanities in Society* 5, no. 3–4 (1982): 279–95.

[202] For a brief overview of the documentation of emigration and immigration statistics by country, see Jacques Dupâquier and Michel Dupâquier, *Histoire de la démographie: la statistique de la population des origines à 1914* (Paris: Libr. académique Perrin, 1985), 351–53; see also Kleinschmidt, *People on the Move*, chap. 4. On British migration statistics, see also Alderson, "From Migrations to Migration."

[203] Dupâquier and Dupâquier, *Histoire de la démographie*, 352.

[204] For an early example of a statistical report of emigration, see "Emigration from the United Kingdom," *Journal of the Statistical Society of London* 1, no. 3 (July 1, 1838): 155–67, https://doi.org/10.2307/2337910

to collect information about place of birth, which allowed some tabulation not only of the foreign-born population but also of population gains and losses across regions within the same country. [205] The internationalization of statistics also contributed to making migration a distinct object of knowledge. The first International Statistical Congress, held in 1853 in Brussels, recommended that every country develop similar systems of registering emigrants at their ports of departure and arrival, a recommendation that was repeated in the Congress of 1855.[206]

In part, the concept of migration is, as Charles Tilly once remarked, an artifact of bureaucracy.[207] However, the development of migration statistics (and of migration regulation) was more than merely a functional by-product of the growth of the administrative state. Attention to migration also reflected the emergence of new practices and frameworks of knowledge, both within and beyond the state, and of what Foucault would call a new

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(anonymous, no author listed). See also discussion of the U.K.'s migration statistics in Alderson, "From Migrations to Migration."

[205] The 1841 censuses in Great Britain introduced questions about the county of birth, and, for those born elsewhere, about whether they were a "Foreigner" or else born in another country of Great Britain. The Statistical Society of London explicitly noted that this would enable statisticians to "ascertain the extent of migration in each district." "Seventh Annual Report of the Council of the Statistical Society of London," *Journal of the Statistical Society of London* 4, no. 1 (April 1, 1841): 70, https://doi.org/10.2307/2338039. In 1840 the American Archibald Russell extolled the introduction of a question on "place of nativity" as "afford[ing] us some satisfactory information on 1st. The immigration into this county, the number and general distribution of the foreigners who settle here, their language and general character. 2d. The principles which regulate the migration to various parts of the country among the native inhabitants…" (145). Archibald Russell, *Principles of Statistical Inquiry: As Illustrated in Proposals for Uniting an Examination into the Resources of the United States with the Census to Be Taken in 1840* (D. Appleton & Co., 1839), 145. See also Bertillon, "Migration." The United States asked about foreign (non-naturalized) status from the 1820 to the 1840 census, and asked about Place of Birth (state if U.S. or native country if not). From 1870 onwards, it also asked about the place of birth of one's parents, and later introduced further questions about naturalization.

[206] Leone Levi, "Resume of the Statistical Congress, Held at Brussels, September 11th, 1853, for the Purpose of Introducing Unity in the Statistical Documents of All Countries," *Journal of the Statistical Society of London* 17, no. 1 (1854): 7, https://doi.org/10.2307/2338350. Dupâquier and Dupâquier mention the 1855 conference in *Histoire de la démographie*, 352.

[207] "From the continuous locomotion of human beings, to pick out some moves as more definitive than others reflects the concern of bureaucrats to attach people to domiciles where they can be registered, enumerated, taxed, drafted and watched. . . ."Charles Tilly, "Migration in Modern European History," in *Human Migration: Patterns and Policies*, ed. William H. McNeill and Ruth S. Adams (Bloomington, Ind: Indiana University Press, 1978), 49.

"governmental rationality," as the next section will explore further. On the one hand, statistical documentation of "the movement of population" – encompassing both spatial movements and changes in number through birth and death – came to be seen as an indispensable part of good government, and of a *science* of governing.[208] According to Bertillon, for instance, the "social accounting" of comings and goings was not only one of the duties of the state, but was also "simultaneously a means of control, a guarantee, and an instrument of science and progress." The head of state, like the head of a factory, should not only *know* ("*connaître*"*)* how all the state's "elements" were faring, but should also "make it known" (*faire connaître*), i.e. make that knowledge available. In turn, "scientists [*savants*] (engineers or economists) can study the conditions that accompany the growth or decline of each element, and establish or estimate which conditions are favorable and unfavorable."[209]

On the other hand, this collection of statistical knowledge was also linked, along with the development of the social sciences, to a particular way of seeing, studying, and governing human life, one that emphasizes large numbers, mass phenomena, and population. What Theodore Porter calls the "rise of statistical thinking" was intimately connected with what Michel Foucault

[208] As Frederic Le Play reportedly said, "Statistics are to politics and to the art of governing, what anatomy is to physiology in the study of the human body; [and] the observation of the stars to astronomy. . . . The statesman who presumes to govern without knowing the important facts which interest society, makes a more fruitless attempt than the philosopher who should propose to make a general classification of the beings which compose the three kingdoms of nature, without knowing the essential character of them." Quoted in Leone Levi, "Resume of the Second Session of the International Statistical Congress Held at Paris, September, 1855," *Journal of the Statistical Society of London* 19, no. 1 (March 1, 1856): 1, https://doi.org/10.2307/2338170. Cf. William Farr, "Inaugural Address Delivered at the Society's Rooms, 12, St. James's Square, London, on Tuesday, 21st November, 1871," *Journal of the Statistical Society of London* 34, no. 4 (December 1, 1871): 409, https://doi.org/10.2307/2338785: "Statistics underlies politics; it is, in fact, in its essence the science of politics without party colouring; it embraces all the affairs in which governments, municipalities, local boards, and vestries are concerned."

[209] Bertillon, "Migration," 638. Original: ". . . afin que les savants (ingénieurs ou économistes) puissent, par l'étude des conditions concomitantes au gain ou au déclin de chaque élément, établir ou présumer les conditions favorables ou nuisibles."

calls the "emergence of the problem of population."[210] In his 1978 lectures at the Collège de France, published in English as *Security, Territory, Population*, Foucault argues that from the late eighteenth century, population became a privileged object of knowledge and of government. No longer conceived simply as a count of subjects and therefore a source of wealth for the sovereign, instead, population came to be understood "as a set of natural phenomena" with its own reality, processes, and regularities: rates of birth and death, patterns of movement and circulation.[211] Statistics became a key form of knowledge about population, because the optic it deploys focuses attention on broad patterns and regularities that can be seen as natural.[212] As Richmond Mayo-Smith asserted in his 1885 *Science of Statistics,* "any sociology which springs from the notion that man and society are the expression of the working of natural forces, must depend upon statistics for its material and its proof. . . . We get from statistics indications of relations which maintain themselves with a persistence and constancy that give us an impressive sense of the reign of law in the social actions of men."[213] The idea of aggregate, natural regularities in human activity thus became both the condition of intelligibility for statistical knowledge and its product.

Early compilations of statistics on migration focused primarily on counting those who moved around, who arrived, or who departed, often categorizing them by occupation and other

[210] Theodore M Porter, *The Rise of Statistical Thinking, 1820-1900* (Princeton, N.J: Princeton University Press, 1986); Foucault, *Security, Territory, Population*, 104.

[211] Foucault, *Security, Territory, Population*, 344–45, 351–52.

[212] Foucault argues that the role of statistics shifted: previously only a tool of administration, statistics "now discovers and gradually reveals that the population possesses its own regularities: its death rate, its incidence of disease, its regularities of accidents." Foucault, 104.

[213] Richmond Mayo-Smith, *Science of Statistics: Part 1, Statistics and Sociology* (New York: Macmillan, 1895), 13, 15.

characteristics, in order to establish gains and losses to the population and the labor force.[214] Over the course of the nineteenth century, however, these statistics would also become a basis for studying migration and its causes comprehensively. In the process, migration too increasingly came to be seen as a "natural" phenomenon with its own regularities or "natural laws."[215]

Political economy and demography provided the main frameworks both for studying migration and for conceptualizing it as a natural and regular phenomenon. Initially, early nineteenth-century explanations of migration often drew on Malthusian theories about the relationship between population and subsistence. An article on "Emigration" in the 1824 *Encyclopedia Britannica*, for instance, stated that "the universal and constant cause of emigration" was the "want of subsistence": "It is no love of change or of adventure which prompts them to wander into unfrequented parts. It is the urgent pressure arising from an overcrowded population which impels them from their homes. . . ."[216] Both advocates of colonial emigration schemes and poor law reformers would use Malthusian theories to argue that relocation (whether internally or abroad) could provide a remedy for population pressures and poverty.[217] Migration and emigration thus came to be seen as a safety valve, a partial solution for

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[214] "Emigration from the United Kingdom"; William Jeremy Bromwell, *History of Immigration to the United States: Exhibiting the Number, Sex, Age, Occupation, and Country of Birth, of Passengers Arriving to the United States by Sea from Foreign Countries, from September 30, 1819 to December 31, 1855* (New York: Redfield, 1856), Sabin Americana (GALE|CY0100188240).

[215] Cf. Alderson on changing views of the "naturalness" of migration: Alderson, "From Migrations to Migration."

[216] David Buchanan, "Emigration," in *Encyclopædia Britannica*, Supplement to 4th, 5th, and 6th editions, 1824, 100, http://books.google.com/books?id=nWEIAAAAQAAJ.

[217] Great Britain, *First Annual Report of the Poor Law Commissioners for England and Wales*, 2nd ed (London: C. Knight, 1836). See also Robert Wilmot Horton, *The Causes and Remedies of Pauperism in the United Kingdom Considered: Part I, Being a Defence of the Principles and Conduct of the Emigration Committee, against the Charges of Mr. Sadler* (London: J. Murray, 1829), MOME (GALE|U0104746806). Malthus himself was skeptical of emigration as more than a temporary palliative for over-population. He included a chapter on emigration from the second (1803) edition of his *Principle of Population*, and he was also called as a witness for the for the Select Committee on Emigration from the United Kingdom in 1827, where he gave qualified approval for emigration schemes in particularly dire circumstances. See T. R Malthus, *An Essay on the Principle of Population*, ed. Donald

surplus population and surplus labor, and a means of addressing pauperism.

While such explanations based on overpopulation remained important throughout the century (and beyond Britain), in the following decades there was a shift in understandings of migration.[218] Where early debates in Britain presented migration and especially emigration as somewhat abnormal, a response to unusual or extreme conditions, later discussions and studies of migration would increasingly emphasize the "naturalness" of both migration and its causes. In one of the first comprehensive and comparative studies of international migration, for instance, Jules Duval argued that "emigration" had always been an important part of human experience:

> [T]he movement obeys the same natural laws [now] as in antiquity and the middle ages; it streams from the same source, the desire for betterment [*le désir du mieux*]—it tends toward the same goal: well-being. In other words, far from being a caprice or an accident, the fruit of a passing fantasy or necessity [*fatalité*], emigration has its profound roots in the innate needs and instincts of man and its justification in the essential conditions of societies, and it is a legitimate phase of the evolution of our species in this world, providing immense benefits that compensate for the pains that accompany it.[219]

Winch (Cambridge: Cambridge University Press, 1992), 87; United Kingdom, House of Commons, "Third Report from the Select Committee on Emigration from the United Kingdom: 1827," 1828, (ProQuest, U.K. Parliamentary Papers).

[218] An American writer in 1833 explained, in a Malthusian vein, that "statistical geography presents us . . . but two grand divisions of the earth; one, namely, in which population is pressing closely upon the limits of subsistence, and one in which the means of subsistence await an apparently unlimited development from the access of population." A. H. Everett, "Immigration," *North American Review* 40, no. 2 (1835): 458, ProQuest, Periodicals Archive Online (1296780919). Cf., at the end of the century, Emile Levasseur, "Emigration in the Nineteenth Century," *Journal of the Statistical Society of London* 48, no. 1 (1885): 65, http://www.jstor.org/stable/2979261.

[219] Jules Duval, *Histoire de l'émigration européenne, asiatique et africaine au XIXe siècle : ses causes, ses caractères, ses effets* (Paris: Guillaumin, 1862), 2, http://gallica.bnf.fr/ark:/12148/bpt6k54018461, my translation. Original: "[L]e mouvement obéit aux mêmes lois naturelles que dans l'antiquité et le moyen âge; il coule de la même source, le désir du mieux, —il tend au même but; le bien-être. C'est dire que l'émigration, loin d'être un caprice ou un accident, fruit d'une fantaisie ou d'une fatalité passagères, a ses profondes racines dans les besoins et les instincts innés de l'homme, sa justification dans les conditions essentielles des sociétés, qu'elle est une phase légitime de l'évolution de notre espèce en ce monde, compensant les douleurs qui l'accompagnent par d'immenses bienfaits." Duval's book drew in part on available statistics about population density, emigration, immigration, and on other sources to provide an overview of "independent emigration" and "salaried emigration" (contract or "coolie" migration) for sending and receiving countries around the world. Despite the seemingly global scope of its title, the book focuses primarily on European migration and its origin and destination countries, devoting a mere 4 pages to a section on non-European migration.

On the one hand, the revaluation of migration as natural and beneficial undoubtedly owed much to projects of European imperialism. Duval himself was an avid supporter of Algerian colonization,[220] and in the latter half of the nineteenth century, European writers would often present international migration (or emigration) as an integral part of Europe's modernization at home and its world-historical civilizing mission abroad.[221]

On the other hand, Duval's passage above also hints at another idea that helped to make migration's "naturalness" thinkable. Although his book would note that many factors influence migration, he thought its most fundamental cause was an economic one: the desire to improve one's condition.[222] By the end of the nineteenth century, individual economic motives, coupled with economic conditions, became the dominant explanation for migration movements.[223] As international networks of social scientists – demographers, economists, statisticians, and geographers – took up migration, immigration, and emigration as objects of study in their own

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[220] See discussion in Guy Thuiller, "Le Fouriériste Jacques Duval et l'administration," *La Revue Administrative* 33, no. 193 (January 1, 1980): 17–24, http://www.jstor.org/stable/40768277; John Zarobell, *Empire of Landscape: Space and Ideology in French Colonial Algeria* (University Park, PA: Pennsylvania State University Press, 2010), 142; Miquel de la Rosa, *French Liberalism and Imperialism in the Age of Napoleon III: Empire at Home, Colonies Abroad* (Cham, Switzerland: Palgrave Macmillan, 2022), 186.

[221] See, for instance, Levasseur, "Emigration in the Nineteenth Century"; E. G. Ravenstein, "The Laws of Migration," *Journal of the Royal Statistical Society* 52, no. 2 (June 1, 1889): 288–89, https://doi.org/10.2307/2979333; Philippovich, Eugene von, "L'émigration européenne," *Revue d'économie politique* IV (1890): 341–73, http://gallica.bnf.fr/ark:/12148/bpt6k112831v/f345; E. G. Ravenstein, "Lands of the Globe Still Available for European Settlement," *Proceedings of the Royal Geographical Society and Monthly Record of Geography*, New Monthly Series, 13, no. 1 (January 1, 1891): 27–35, https://doi.org/10.2307/1800795. According to Eugene von Philippovich, European emigration in the nineteenth century was a "movement . . . no longer occasioned by extraordinary events or situations," like the religious and political persecutions of the past, but rather "a normal phenomenon in the development of life in Europe" (344): "Mais après les premières décades de notre siècle, l'émigration européenne nous offre un tout autre tableau. C'est alors que commence un mouvement qui n'est plus occasionne par des évènements ou des situations extraordinaires, mais que nous pouvons plutôt considérer comme un phénomène normal du développement de la vie en Europe."

[222] For his discussion of those various factors, see Duval, *Histoire de l'émigration*, 6ff.

[223] Even for those, like American political economist Richmond Mayo-Smith, who saw "modern" migrations as a new phenomenon, fundamentally different from the migrations of the past, what distinguished modern migrations was their economic nature. See the following section.

right, they conceived them mainly as economic phenomena. E. G. Ravenstein's work was pivotal in nineteenth-century attempts to understand migration scientifically and to formulate a general theory of its regularities.[224] In two papers on the "Laws of Migration," presented to the Royal Statistical Society in 1885 and 1889, he used population statistics from Europe and North America to analyze patterns of migration and to "deduce . . . certain principles or laws which appear to me to guide all migratory movements."[225] He argued that the causes of migration, whether for short distances or long, are primarily economic:

> Bad or oppressive laws, heavy taxation, an unattractive climate, uncongenial social surroundings, and even compulsion (slave trade, transportation), all have produced and are still producing currents of migration, *but none of these currents can compare in volume with that which arises from the desire inherent in most men to "better" themselves in material respects.* It is thus that the surplus population of one part of the country drifts into another part, where the development of industry and commerce, or the possibility of procuring productive land still in a state of nature, call for more hands to labour.[226]

Thus, like Duval's earlier book, Ravenstein emphasized an *economic* motive, the desire for betterment, as the most significant driver of migration. His "laws" of migration then aimed to describe where and how migration's currents tended to flow: that migrants gravitated toward urban centers, that most migrations were short-distance except when far-away places offered

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[224] Ravenstein's theories remained influential for economists, demographers, and other scholars of migration in the twentieth century; later scholars would characterize his theory as a push-pull theory and as a precursor to so-called "gravity models" of migration. For other discussions of Ravenstein's contribution to the "scientific study" of migration, see Michael J. Greenwood and Gary L. Hunt, "The Early History of Migration Research," *International Regional Science Review* 26, no. 1 (2003): 3–37, https://doi.org/10.1177/0160017602238983; Michael J Greenwood, "The Migration Legacy of E. G. Ravenstein," *Migration Studies* 7, no. 2 (2019): 269–78, https://doi.org/10.1093/migration/mny043; Alderson, "From Migrations to Migration," 50–53.

[225] E. G. Ravenstein, "The Laws of Migration," *Journal of the Statistical Society of London* 48, no. 2 (June 1, 1885): 167–235, https://doi.org/10.2307/2979181; "Laws of Migration (II)," 286. These papers developed an earlier work on internal migration in the United Kingdom: E. G. Ravenstein, *Census of the British Isles, 1871: The Birthplace of the People and the Laws of Migration* (London: Trubner & Co, 1876).

[226] Ravenstein, "Laws of Migration (II)," 286 (my emphasis).

extraordinarily enticing conditions, and that migration was on the increase.[227]

In several ways, Ravenstein's papers marked the consolidation of the concept of migration at the end of the nineteenth century. Although his contemporaries quibbled over whether these were truly "laws" or merely patterns, his work exemplified the late-nineteenth-century assumption that migration was, and could be studied as, a phenomenon with its own natural tendencies. Drawing on political economic theories about over-population and labor supply and demand, Ravenstein proposed a comprehensive theory of migration that could encompass both internal and international movements. That theory is almost mechanical in its conception: migrants are most fundamentally economic actors, who respond to conditions of labor-market overcrowding in some locations and to the higher demand for labor elsewhere, due to industry or the availability of land. In the aggregate, those moves are thought to follow discernible and predictable patterns. Other students of migration would also emphasize economic explanations, even if they did not always agree on smaller details. Thus, according to Eugene von Philippovich, the main cause of emigration was "the expectation of more favorable economic circumstances," and he suggested that migration from Europe to America resulted from differences in salaries and the price of land.[228] Richmond Mayo-Smith pointed out, instead, that the volume of international migration rose and fell according to general conditions of economic distress or prosperity in sending and receiving countries.[229] What these explanations

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[227] The full set of "laws," as he presented them in the second paper, are: that migration proceeds gradually; that, barring exceptional circumstances, most migrations are short-distance; that currents of migration produce counter-currents; that migrants, especially long-distance migrants, gravitate to towns and industrial centers; that females migrate more than men, at least in short-distance migrations; and that rates of migration are increasing overall. Ravenstein, 286–88. Cf. Ravenstein, "Laws of Migration (I)," 198–99.

[228] Philippovich, Eugene von, "L'émigration européenne."

[229] Mayo-Smith, *Statistics and Sociology*, 325–26; Richmond Mayo-Smith, *Emigration and Immigration: A Study in Social Science* (New York: Charles Scribner's Sons, 1890), 44.

shared, however, was an assumption that migration was an economic phenomenon with intelligible "laws" or regularities.

Migration thus became thinkable as a "fact," a real phenomenon, and one with its own "naturalness." In the process, migration became an idea of movement with distinct characteristics. It is an idea of movement *en masse*: it implies an optic that focuses on large numbers and aggregate patterns. The migrant is a mass figure: one of many, whose individual economic motives manifest collectively in broad patterns of movement that can be seen and studied. This concept of migration involves understanding those movements as *natural*, in the sense that they have their own "naturalness," their own inherent laws and regularities, like (other) phenomena in the "natural world." (Notably, studies of human migration, then and now, often use naturalistic metaphors and analogies to the physical sciences: currents, floods, attraction and repulsion, gravitation.[230]) Those regularities are understood as economic, and migration becomes a distinctly *economic* idea of movement. In all, through this nineteenth-century social scientific discourse, migration came to be understood as a kind of movement that is *regular*: not, in the first instance, regulated by external law, but self-regulating in its own processes. While migration may ebb or flow or change course, those changes were thought to follow patterns that are broadly predictable and discernible. As the next section explores, this idea of migration as regular, natural movement also corresponded to a different dream (or fantasy) of organizing the flux: through a politics of management.

[230] On analogies to floods and natural disasters, see Kleinschmidt, *People on the Move*, 198.

II. Not Restricting but Sifting: Managing Migration

If, by the end of the nineteenth century, migration had become thinkable as a natural and regular phenomenon, it had also become a "problem." Across Europe, the Americas, and British imperial colonies and dominions, there were intense public debates about international migration and whether and how governments should regulate it. Within the United States, after the federal government had assumed exclusive control over immigration policy and introduced the restrictions discussed in the last chapter, new debates emerged about restricting even more categories of immigrants. As Aristide Zolberg notes, "The subject ['restriction'] was taken up by a new breed of policy-minded intellectuals who, terming themselves 'social scientists,' devised innovative proposals for reducing immigration's deplorable consequences while retaining the benefits, and elaborated discourse to that effect for use by policy makers."[231]

One prominent voice within those U.S. debates was Richmond Mayo-Smith. A political economist and statistician, Mayo-Smith was active within international networks for statistics and demography, and he followed international developments in migration theory and policy.[232] He would also become an officer in the Immigration Restriction League (IRL), an organization founded by Boston elites in 1894, which advocated "further judicious restriction or stricter regulation of immigration" and which would later (though after Mayo-Smith's death in 1903) greatly influence eugenics-based restriction policies in the early twentieth century.[233] As Daniel

[231] Zolberg, *A Nation by Design*, 199, and see generally ch. 7.

[232] See Richmond Mayo-Smith, "Review of Report from the Select Committee on Emigration and Immigration (Foreigners). ; Correspondence Relating to Chinese Immigration into the Australasian Colonies.," *Political Science Quarterly* 4, no. 1 (March 1, 1889): 188–90, https://doi.org/10.2307/2139438; "The Theory of Emigration," *The Quarterly Journal of Economics* 5, no. 2 (1891): 249–53, https://doi.org/10.2307/1882975, which reviews essays on migration by Philippovich; "Levasseur's La Population Française," *Political Science Quarterly* 8, no. 1 (1893): 124–36, https://doi.org/10.2307/2139876.

[233] For a contemporary account of the organization's founding and goals, see "Sociological Notes," *Annals of the American Academy of Political and Social Science* 5 (March 1, 1895): 162–76,

Tichenor points out, the IRL cultivated relationships between “restrictionist academic experts” and lawmakers, congressional committees, special commissions eager to ground policy-making on “expert social knowledge.”[234] Mayo-Smith’s own writings on immigration appealed to factual knowledge to argue for increased restrictions.[235] His main concern was immigration’s effect on the American “community at large” and on its “civilization,” which encompassed its political institutions, “social morality,” “economic well-being,” and “social habits.”[236] He rejected the idea of an individual right to free movement and contended that states had the “right to restrict or prohibit immigration . . . based ultimately on the sovereignty of the state over its own territory.”[237] Yet there was arguably more to Mayo-Smith’s arguments than just an appeal to exclusionary conceptions of national identity and territorial sovereignty. Not unlike Schindler’s call to “observ[e] and stud[y]” the laws and activity of migration, so as to “direct [it] into channels that will be profitable to us,” Mayo-Smith’s main concern was not exactly to stop immigration but, by understanding it, to find ways to manage it and to prevent its “evils.”[238] After examining immigration impartially, Mayo-Smith suggested, “we shall recognize once more

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http://www.jstor.org/stable/1008908 (anonymous, no author listed). On the IRL’s positions, efforts, and influence, see Tichenor, *Dividing Lines*, chap. 5; Robert Julio Decker, “The Transnational Biopolitics of Immigration Restriction in the United States and White Settler Colonies, 1894-1924,” in *Provincializing the United States: Colonialism, Decolonization, and (Post)Colonial Governance in Transnational Perspective*, ed. Ursula Lehmkuhl, Eva Bischoff, and Norbert Finzsch (Heidelberg: Universitätsverlag Winter, 2014), 121–52.

[234] Tichenor, *Dividing Lines*, 80.

[235] Mayo-Smith, “Control of Immigration. I.”; Richmond Mayo-Smith, “Control of Immigration. II.,” *Political Science Quarterly* 3, no. 2 (June 1, 1888): 197–225, https://doi.org/10.2307/2139031; Richmond Mayo-Smith, “Control of Immigration. III.,” *Political Science Quarterly* 3, no. 3 (1888): 409–24, https://doi.org/10.2307/2139051; Mayo-Smith, *Emigration and Immigration*.

[236] Mayo-Smith, *Emigration and Immigration*, 4, 5–6; see also Mayo-Smith, *Statistics and Sociology*, 336, 339.

[237] Mayo-Smith, *Emigration and Immigration*, 300.

[238] In one article, for instance, Mayo-Smith raised the need to consider “the administrative measures necessary, not so much perhaps to prohibit or even restrict immigration, as to control it so as to escape its evils.” Mayo-Smith, “Control of Immigration. I.,” 49. For the quoted Schindler passages, see the beginning of this chapter.

that modern civilization has developed social forces which it is impossible to dam up, but which need to be guided into safe channels. . . ."[239]

The standard typologies of fin-de-siècle immigration debates would likely classify Mayo-Smith as a "restrictionist" and Schindler as a "liberal" or a "cosmopolitan."[240] Those distinctions miss, however, certain shared assumptions about movement and politics that arguably underlay debates about immigration in this period and that shaped what was thinkable within them. In this section, I argue that we can find in these debates ideas of both movement and politics that are not reducible either to considerations of national identity and sovereignty or to familiar distinctions between cosmopolitan and national or free movement and restriction. If, as we saw in the previous section, migration had become thinkable as a natural and distinct phenomenon with its own regularities, then an emerging politics of migration involved gaining knowledge of those regularities and then governing in light of those regularities. While some (though not all) of the sovereignty claims discussed in the last chapter tried to organize flux and change by *stopping* movement, this other view accommodated movement and aimed to *manage* it – to direct and channel its flows – based on a technocratic idea of political knowledge. Accompanying the idea of migration as a *regular, natural* form of movement, then, was what I will call a politics of "managed government."

In what follows, I unpack this idea of "managed government" through a reading of late-nineteenth century debates on immigration restriction in the United States, focusing especially on the writings of Mayo-Smith for illustration. My analysis of this idea of "managed government" draws in part on Foucault's discussions of government and governmentality. In his lectures of

[239] Mayo-Smith, 49.

[240] Cf. Mayo-Smith's discussion of laissez-faire and the "cosmopolitan view," in *Statistics and Sociology*, 339.

the late 1970s, Foucault theorizes, albeit provisionally, “government” as a new modality of modern power, distinct from both sovereignty and discipline (although insisting these three can operate simultaneously).[241] Governmental power is distinct in its object, in its forms of knowledge, in its techniques, and in what we might call its spatial logic. First, its object is “population,” conceived, as discussed in section I, as a “set of natural phenomena” with “its own laws of transformation and movement.”[242] In other words, “government” understands human behavior, action, and interaction to operate according to their own internal, natural, and discernible laws. Second, this “naturalness” of population becomes intelligible through certain kinds of scientific knowledge, with which governmental power is intimately linked: political economy, in particular, reveals the regularities of government’s objects.[243] Moreover, third, this naturalness also sets both the goals and the limits of government, and requires new techniques of power. To govern well, the state must not only know and acknowledge but also respect the “naturalness” of its objects: “The basic principle of the state’s role, and so of the form of governmentality henceforth prescribed for it, will be to respect these natural processes, or at any rate to take them into account, get them to work, or to work with them.”[244] Thus, Foucault says, governmental power does not work primarily through mechanisms of prohibition, injunction, or control:

> It will be necessary to arouse, to facilitate, and to *laisser faire*, in other words to manage and no longer to control. The essential objective of this management will not be so much to prevent things as to ensure that the necessary and natural

[241] Foucault, *Security, Territory, Population* see especially chs. 2-3, the lectures from January 18th and 25th, 1978. Note that “government,” in this usage, does not refer to formal political institutions or the state apparatus per se, but to a particular way of thinking about and exercising power.

[242] Foucault, 352–53; see also 344-5.

[243] Foucault, 350–51; Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège De France, 1978-79*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2008), 15.

[244] Foucault, *Security, Territory, Population*, 352. See also Foucault, *Birth of Biopolitics*, 11.

> regulations work, or even to create regulations that enable natural regulations to work.[245]

Put another way, "government" works *with and through* freedom, through, for instance, "mechanisms of incentive-regulation" that assume freedom on the part of actors and that try, indirectly, to influence their free actions.[246]

Finally, in Foucault's analysis, government has a different spatiality than discipline or sovereignty. In particular, while he says sovereignty is concerned with "fixing and demarcating the territory," government instead emphasizes *circulation*: "allowing circulations to take place, . . . controlling them, sifting the good and the bad, ensuring that things are always in movement, constantly moving around, continually going from one point to another, but in such a way that the inherent dangers of this circulation are canceled out."[247] This idea of circulation is linked to the centrality of freedom and naturalness for governmental power: if government's object, population, has its own natural processes, and if governing well involves letting those processes work, allowing them freedom to operate, then things and people must be allowed to *move*. Interventions then work indirectly: they do not aim to stop movement, but to channel and sift movements so that they work better.

Foucault's discussion of government is helpful for excavating a strand of thought in immigration debates that is often overlooked. While Foucault's terminology considers government as modality of power, linked to a particular "governmental rationality," here I adopt the term "managed government" to denote a particular way of envisioning politics, with its own distinct modes of responding to, and attempting to organize, change and uncertainty. I argue that

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[245] Foucault, *Security, Territory, Population*, 353.

[246] Foucault, 352.

[247] Foucault, 65.

we can find that politics of managed government within nineteenth-century debates about migration, running quietly alongside the more spectacular assertions and anxieties about sovereignty and exclusion. This politics of managed government is premised on a distinct idea of the relationship between politics, knowledge, and their objects. First, it privileges "scientific" knowledge as the basis for good government, and treats political questions as, in large part, questions best settled through facts and expertise. Second, it emphasizes economic considerations, both in its understanding of human movement and in the goals of government. Third, and most fundamentally, it sees the activity of politics primarily as a process of *managing* population phenomena, which, in the case of migration, means mechanisms of channeling and directing flows, more than mechanisms of exclusion or prohibition. However, while this idea of politics as managed government does accommodate movement, I will argue that it does so in a way that offers an impoverished vision of political subjects and political activity.

At the end of the nineteenth century, social scientific conceptions of migration and techniques for studying it had become an integral part of debates about migration. Proponents of immigration restriction increasingly appealed to the "facts and figures" of immigration to guide policy, and their opponents and critics did the same.[248] In these debates, scientific knowledge and expertise become not only privileged forms of knowledge about the objects of government, but also the privileged arbiters of political questions. Mayo-Smith's work exemplified that tendency. The subtitle of one of his books, *Emigration and Immigration: A Study in Social Science*, is indicative of his attempt to place his arguments for immigration restriction on a scientific and

[248] See, for instance, Roland P. Falkner, "Some Aspects of the Immigration Problem," *Political Science Quarterly* 19, no. 1 (March 1, 1904): 32–49, https://doi.org/10.2307/2140234. Falkner argued that many of the restrictionist claims about rising volumes and declining quality of immigration aren't borne out by the data, which is at best inconclusive. On the uses of "social science" expertise within arguments for restriction, see also Zolberg, *A Nation by Design*, chap. 7.

objective footing. Mayo-Smith insisted that the restriction movement must be based not on a "spirit of chauvinism, or of petty trade jealousy, or of demagogy" but on the "needs of the community."[249] As he suggested elsewhere, it was to the collection of facts, and to social science, however imperfect and still sometimes imprecise, that one should look to understand the nature of migration and to ascertain its effects:

> It is the office of statistics by depicting the ebb and flow of emigration to try to determine the influences which govern its intensity and its direction. It is also its duty to describe the quality of the emigration, or more especially of immigration, by analyzing it according to the race or nationality of the individuals, their sex, age, and conjugal condition, their occupation and social position, their wealth or poverty, and their physical or mental infirmities. . . .We must, therefore, not only ascertain how far emigration and immigration affect the decrease or increase of population, but also study their influence on the economic, political, and social condition of the community concerned. . . . For internal migration we must pursue a similar course of inquiry.[250]

Moreover, he argued, this knowledge was not only essential for understanding the phenomenon, but also for governing it: "The statistics of immigration are of importance, therefore, in directing the policy of the state in restricting or encouraging the movement."[251]

Both Mayo-Smith's understanding of migration and his framing of the key issues owed much to the developments traced in the previous section. As we saw above, by the end of the century an economic understanding of migration predominated, and provided the lens through which migration could be conceived as a "regular" and natural phenomenon. Although Mayo-Smith was at times skeptical about "whether migration is a natural function of human society at

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[249] Mayo-Smith, *Emigration and Immigration*, 278. "The control of immigration must be free from the base cry of 'America for the Americans'. . . ."

[250] Mayo-Smith, *Statistics and Sociology*, 316; cf. Mayo-Smith, *Emigration and Immigration*, 8–10.

[251] Mayo-Smith, *Statistics and Sociology*, 339–40. He argued that although immigration was a "complex phenomenon," one must study its various aspects and effects as well as possible: "It is only by a combination of all these elements that we can reach a judgment of the effect of such a movement on the well-being of the community in which we are interested. It will be impossible to separate strictly the good from the bad, but we can attain results of sufficient precision to guide us in state action"; Mayo-Smith, *Emigration and Immigration*, 11.

the present time,"[252] he too saw migration as an essentially economic phenomenon: "The main cause of emigration at the present time may be correctly described as economic. It is the desire to escape some economic pressure or to attain a better economic condition."[253] In his view, those individual moves and motives manifested as mass migrations responding to general economic conditions at the place of departure and arrival. Such, at least, were the normal causes. In reality, he complained, there were several forces that provided an "abnormal influence" and "artificial stimulus" for international migration.[254] He thought that those abnormal forces, such as state-assisted emigration schemes or the inducements of steamship companies, made emigration in his time something other than "simply the operation of the individual, coolly and rationally measuring the advantages to be gained and thus advancing his own economic condition, and that of the country to which he comes."[255] The implicit contrast between "artificial" stimuli and "natural" causes and patterns is worth noting, for it suggests the ways that economic conceptions of human agency and freedom are implicated in this understanding of movement and politics. Mayo-Smith' statements here presumed that migration has a "naturalness" that is economic, and that without artificial interferences, migration would follow patterns and regularities driven by individual economic motives and macro-economic conditions. Further, as I argue below, this understanding of migration's naturalness is central to the way managed government

[252] Mayo-Smith, *Statistics and Sociology*, 316, 339; cf. his review of Philippovich, Mayo-Smith, "The Theory of Emigration," 250.

[253] Mayo-Smith, *Emigration and Immigration*, 31. See also Mayo-Smith, *Statistics and Sociology*, 325. For Mayo-Smith, the economic character of modern migrations distinguished them from the religiously and politically driven migrations of the past. Cf. Mayo-Smith, 315: "The modern movement of migration is, therefore, a movement of individuals, and not of communities. Its object is not to extend the power of the mother country either by conquest or colonization, but simply to improve the economic or social condition of the individual migrating."

[254] Mayo-Smith, *Emigration and Immigration*, 32, 200.

[255] Mayo-Smith, 197.

accommodates movement.

This economic understanding of migration also set up economic considerations as a dominant and largely unquestioned framework for debating immigration. At the end of the nineteenth century, arguments about immigration restriction frequently emphasized the economic effects of immigration and conceived of immigrants in terms of their economic value as laborers. Like many other restrictionists of his time, Mayo-Smith argued that not only was the quantity of immigration increasing, but the *quality* of immigrants was simultaneously deteriorating. Using statistics on the occupations of international migrants, he noted that only a quarter of the immigrants with an occupation were "professional" or "skilled," while the rest were classed as "miscellaneous," or, what that "really amounts to," unskilled. Though imprecise, he acknowledged, those figures "are sufficient to show that the mass of immigration is of common, unskilled labor."[256] This amount of unskilled labor was no longer needed, he argued, and was harmful to the economy in several ways: on the one hand, many of these unskilled immigrants concentrated in cities, "where they form the nucleus for an ignorant, often depraved proletariat, living from hand to mouth, a burden to the poor rates and a social incubus on the community."[257] On the other hand, he argued, when these unskilled immigrants did find work, they competed with American labor, not only driving down wages but also, because accustomed to a lower standard of living, lowering the overall "standard of material civilization."[258] According to Mayo-Smith, statistics on rates of crime, mortality, pauperism, and illiteracy also provided

[256] Mayo-Smith, 114. He further argued that, while the country may have needed huge numbers of unskilled laborers in its early days, it no longer had as great a need, and it already had an "abundant" quantity to meet any remaining demand; "the progress of our civilization renders the demand for this unskilled labor less than it formerly was" (118-19).

[257] Mayo-Smith, 120.

[258] Mayo-Smith, 135, 143, 146, and see generally ch. 7.

evidence of immigration's declining quality.[259] He concluded, "The habits of life and methods of living of many of the immigrants are undoubtedly below what economic prosperity has enabled us to establish in this country. It is foolish to maintain that these are desirable elements to be added to our social life."[260]

In Mayo-Smith's implicit distinction between "desirable" and "undesirable" immigrants, we can see a rather different political and spatial logic than the logic of boundary-setting and exclusion associated with national identity and territorial sovereignty. Within a politics of managed government, what is at stake is not stopping the flows of movement, but managing and channeling them, encouraging some movements while discouraging others. An economic understanding of migration and its effects not only provided a way to see and investigate migration's natural regularities, but also supplied criteria for managing those regularities. In Mayo-Smith's time, a common metaphor for this technique of managing or channeling flows was "sifting." As the 1891 Select Committee on Immigration and Naturalization put it, "The intent of our immigration laws is not to restrict immigration, but to sift it, to separate the desirable from the undesirable immigrants, and to permit only those to land on our shores who have certain physical and moral qualities."[261] Economic concerns were certainly not the only criteria for "sifting" immigrants and managing flows of movement. As many scholars have explored, the distinction between desirable and undesirable immigrants also often relied on ideas

[259] Mayo-Smith, 150–51. It was, he noted, "only natural," that these rates would be worse among the foreign born, since "the great mass of immigrants come from the lower classes" (150). However, while immigrants may not necessarily have been "more depraved or unfortunate than the corresponding class in our own country," he claimed that immigration nonetheless "forces into our population an abnormal proportion of the class that contributes to the crime, vice, and pauperism of the community" (150-151).

[260] Mayo-Smith, 167.

[261] United States, House, "Report of the Select Committee on Immigration and Naturalization," H. Rpt. 3472, 51st Cong., 2nd Sess. (1891), ii, Newsbank.

about racial and civilizational hierarchy, gender, and disability, among others.[262] However, economic criteria not only existed alongside those other criteria but were remarkably tenacious and unchallenged. Few questioned, for instance, the policy of excluding pauper immigrants, and many worried that the United States was becoming a "dumping ground" for the poorest of other countries.[263] Moreover, even if there was disagreement about *whether* immigrants were beneficial or harmful to the economy, it was taken for granted that the question was a legitimate one.

Economic understandings of migration and of the effects of immigration enabled arguments for "sifting" or managing flows to be imagined as matters of fact and expediency. The movements of desirable and productive immigrants could be encouraged, while the movements of others – such as the mobile poor – could be discouraged.[264] As Mayo Smith explained, if each country took care of its own poor, then that might "provide for those whom no man desires, while leaving sufficient freedom to the stronger and more enterprising to work out their own destiny. Freedom of international intercourse and movement will then be preserved, while the hardships and evils of the present unguided, ignorant and capricious migration will be

[262] See, among many others, Mae M Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*, Politics and Society in Twentieth-Century America (Princeton, N.J: Princeton University Press, 2004); McKeown, *Melancholy Order*; Steve Cohen, "Anti-Semitism, Immigration Controls and the Welfare State," *Critical Social Policy* 5, no. 13 (June 1, 1985): 73–92, https://doi.org/10.1177/026101838500501305; Douglas C. Baynton, "Defectives in the Land: Disability and American Immigration Policy, 1882-1924," *Journal of American Ethnic History* 24, no. 3 (2005): 31–44, http://www.jstor.org/stable/27501596.

[263] "We are under no moral or international obligation to hold this country as a dumping-ground for the European rubbish shute. Why should the American taxpayer be called upon to provide a contingent fund for the support of the product of European pauperization? On what ground can it be that we, who are not responsible for the wretchedness, illiteracy, and poverty of immigrants, shall defray their final charges?" "Immigration Problems," *Current Literature* 10, no. 1 (May 1892): 4, ProQuest, American Periodicals Series III (124819353) (anonymous, no author listed). Similar arguments appeared in Britain's debates about "destitute aliens."

[264] And, of course, restrictionist policies toward some categories of migrants in the nineteenth century occurred alongside the encouragement of migration through policies of territorial and colonial expansion.

prevented."[265] Framed in this social Darwinist way, the problem was not migration *per se*, but rather that the wrong kinds of people were moving, with economic criteria supplying a supposedly objective distinction between desirable and undesirable immigrants. By implication, if states and others ceased to provide what he earlier called "artificial stimuli" that encouraged their poor to emigrate, that would still allow properly free and beneficial movement by those naturally "more enterprising."

Within these nineteenth-century debates about migration, this politics of "managed government" represents another kind of response to conditions of change and uncertainty that differs from but can exist (and has existed) alongside the sovereignty discourse discussed in the previous chapter. Managed government aspires to organize not through fantasies of control, exclusion, and impermeability, through a fantasy of flexible management that involves distinctive ways of thinking about politics, movement, and change.[266] First, it treats scientific knowledge and expertise as both a privileged form of political knowledge and, in these debates, as the primary means of understanding "migration" as a social fact. Second, it deploys a predominantly economic framework for conceiving of migration, alongside economic criteria for assessing the "facts" of migration and their implications for government. Third, rather than approaching movement and migration primarily through techniques of fixing, stopping, or excluding, managed government seeks to "channel" and "sift" flows, flexibly encouraging or discouraging movement rather than prohibiting it. Managed government envisions the movement of the migrant and immigrant as broadly regular and predictable. That movement follows certain

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[265] Mayo-Smith, *Emigration and Immigration*, 301–2.

[266] I draw that phrasing of "fantasies of impermeability" from Wendy Brown, who identifies and analyzes such fantasies within the current-day politics of walling and sovereignty: Brown, *Walled States, Waning Sovereignty*, 131.

discernible patterns or laws, and governing aims to understand those flows and to channel them optimally. Thus, managed government does not presume that its object – population – is static in either time or space. This attempt to "organize" changing conditions allows for and indeed assumes fluctuation, variation, and circulation. Governing, then, is also dynamic: it involves flexibly guiding, channeling, encouraging and discouraging, so as to allow changes and circulations to occur in the most advantageous way. Concretely, in the case of migration, this means encouraging some migrations while discouraging others.

Fourth, however, while managed government does accommodate movement and change, it arguably does so in a way that *depoliticizes* them. On the one hand, the politics of managed government relies on impoverished conceptions of agency. The migrant, in particular, is a depoliticized figure. Understood in terms of labor, productivity, and skill, and as part of a mass-level natural phenomenon, the migrant – and the migrant's movement – is devoid of any meaningful *political* agency to, say, engage in collective action, make deliberate change, or do something unpredictable. The migrant's agency is conceived only in economic terms: actions motivated by a "natural" desire to improve material conditions, and thus understandable – and *en masse*, predictable – as *reactions* to push and pull factors in the wider environment. To borrow a distinction from Arendt, within the politics of managed government, the migrant has behavior but not action. As a response to conditions of change and uncertainty, the politics of managed government thus aspires to "organize" those conditions by acknowledging and working *with* change but by denying uncertainty, conceiving the changes and fluctuations of migration as natural, knowable, predictable, and thus manageable.

On the other hand, in doing so, this fantasy of management also "organizes" through hierarchy. Those who *are* thought to have agency, at least to a greater degree, are the state

officials and experts who, in technocratic fashion, have the knowledge necessary to understand the mass-level phenomenon and then to steer it accordingly, creating policies that will "channel" and guide that phenomenon according to its natural regularities. Of course, that too is a narrow conception of agency, with the activity of politics reduced to managing populations through scientific knowledge of their regularities and processes. But it is also a politics in which only some can participate. The collective life of the "population" is not conceived as something created and actively maintained by all its participants, but as a set of natural phenomena that only some have the knowledge to administer. Within this fantasy of management, the migrant, with regular, natural, predictable movements, also becomes a figure for the managed and manageable population.

III. Irregular Irruptions

> Our cities are filling up with a turbulent foreign proletariat, clamoring for *panem et circenses*, as in the days of ancient Rome, and threatening the existence of the republic if their demands remain unheeded.
> — Hjalmar H. Boyesen, "Dangers of Unrestricted Immigration" (1887)[267]

Alongside this figure of the regular migrant, however, nineteenth-century arguments about immigration also sometimes suggested another more unruly, unmanageable figure. According to Mayo-Smith, for instance, the scale of recent immigration and the ease of naturalization had allowed "the constant addition to our voting population of persons not altogether fitted to exercise the right of suffrage."[268] These new immigrants, he said, "have had no training in self-

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[267] Hjalmar H. Boyesen, "Dangers of Unrestricted Immigration," *Forum* III, no. 5 (July 1887): 532, ProQuest, American Periodicals Series III (91008565).

[268] Mayo-Smith, *Emigration and Immigration*, 82.

government [and] have other and quite different traditions of state action. . . ."[269] He decried both ignorant immigrants so easily manipulated by corrupt politicians, and also the "foreign agitators" who imported anarchism and socialism and, "under false impressions as to the rights of liberty which they shall enjoy here," imported anarchism and socialism and "use[d] freedom for the purpose of conspiring social revolution by violence."[270] Not only, for Mayo-Smith, did such immigrants threaten the American standard of living, but they threatened democracy itself: "A free ballot which was safe in the hands of an intelligent and self-respecting democracy, is no longer safe in those of an ignorant and degraded proletariat."[271]

Mayo-Smith's concerns were not unique. Especially in the wake of the "Haymarket Affair," when several immigrants and anarchists were accused of a bombing during a labor protest in 1886, the popular press frequently associated immigrants with anarchy, unrest, and violence.[272] Moreover, although the restrictionists of the 1880s and 1890s tried to dissociate themselves from the "Know-Nothingism" of previous decades, their complaints about immigrants' politics echoed those of earlier anti-immigrant movements.[273] Throughout the nineteenth century, immigrants were often depicted as ignorant and unruly, and therefore unfit and even dangerous for American politics. Tracing that particular current of anti-immigrant arguments in this section, I argue that it implied other ways of thinking about migration, movement, and politics that exceeded the fantasies of management discussed above. Anxieties

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[269] Mayo-Smith, 6.

[270] Mayo-Smith, 82, 87–89.

[271] Mayo-Smith, 6–7.

[272] John Higham, "Origins of Immigration Restriction, 1882-1897: A Social Analysis," *The Mississippi Valley Historical Review* 39, no. 1 (1952): 85, https://doi.org/10.2307/1902845.

[273] See, for instance, T. V. Powderly, "A Menacing Irruption," *The North American Review* 147, no. 381 (1888): 166, http://www.jstor.org/stable/25101582; cf. Mayo-Smith, *Emigration and Immigration*, 81.

about the unruly immigrant were also, I suggest, a vector for anxieties about democracy. Reading these anti-immigrant arguments against the grain, I suggest that they hinted, despite themselves, at ways of thinking of democratic and popular politics as mobile, in which the figure of the unruly immigrant highlighted the *unmanageability* and unpredictability of democratic politics.

In *Imminent Dangers to the Free Institutions of the United States through Foreign Immigration* (1835), New York nativist Samuel F. B. Morse presented immigrants, and particularly Catholic immigrants, as the bearers of a dangerous politics. "How is it possible," asked Morse, "that foreign turbulence imported by ship-loads, that riot and ignorance in hundreds of thousands of human priest-controlled machines, should suddenly be thrown into our society, and not produce here turbulence and excess?"[274] For Morse, their rearing in an incompatible political system rendered them incapable of self-government: "The notorious ignorance in which the great mass of these emigrants have been all their lives sunk, until their minds are dead, makes them but senseless machines; they obey orders mechanically, for it is the habit of their education, in the despotic countries of their birth."[275] They became, he thought, pawns for those who would sow seeds of discontent and spread despotism and Catholicism into the United States.[276]

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[274] An American [Samuel Finley Breese Morse], *Imminent Dangers to the Free Institutions of the United States through Foreign Immigration, and the Present State of the Naturalization Laws* (New York: E.B. Clayton, 1835), iv, Sabin Americana (GALE|CY0101013202).

[275] Morse, 13.

[276] Morse argued that there was a plot by Austria and other European powers, working through the St. Leopold Foundation, to spread Catholicism and despotism to the United States. Rehashing rather old stereotypes about Jesuits, he argued that they took on many different guises in order secretly to undermine democratic institutions: "They can be Democrat to-day, and Aristocrat to-morrow. They can out-American Americans in admiration of American institutions to-day, and 'condemn them as unfit for any people' to-morrow." They "fan the slightest embers of discontent into a flame, those thousand little differences which must perpetually occur in any society, into riot, *and quell its excess among their own people as it suits their policy and the establishment of their own control*" (10).

Although Morse was specifically concerned with Catholic immigration – part, he claimed, of a European plot to undermine American institutions – the image of immigrants as ignorant, riotous, and generally unfit for political life was a common one. One of Morse's contemporaries argued, "[L]et us close at least our ballot-boxes, if not our ports, against this threatened tenfold immigration of the starving, the vicious and the restless population of Europe. Untrained to the discipline of self-government, political power runs riot in their hands – let them not then be trusted with it. . . ."[277] Two decades later, the Know-Nothing politician Thomas Whitney railed against both Catholic immigrants and "malcontents" from Europe (social democrats), arguing that immigrants were both incompetent and potentially subversive:

> The intellectual character of the great mass of immigrants . . . is not adapted to the political duties of the citizen, and is liable, if vested with full political rights, to subvert rather than strengthen our institutions of civil and religious liberty. [. . .] [Foreigners] are unqualified to govern the American people, and generally incapable of understanding the principles upon which the American Republic is constructed.[278]

Others would make similar claims, at various moments, about Chinese and Southern European immigrants, socialists and anarchists, and simply poor and unskilled immigrant laborers. Whether from poverty, experience of despotism, race, or level of civilization (the explanations varied and sometimes overlapped), immigrants were said to be "untrained" in self-

[277] "England and America," *The American Quarterly Review* 15, no. 29 (March 1, 1834): 260, http://books.google.com/books?id=j9gRAAAAYAAJ (anonymous, no author listed). This essay, in a U.S. periodical, was reacting to an English work encouraging emigration of the poor to the U.S. and discussing a "proposed Colonization Society" for that purpose.

[278] Thomas R Whitney, *A Defence of the American Policy, as Opposed to the Encroachments of Foreign Influence, and Especially to the Interference of the Papacy in the Political Interests and Affairs of the United States* (New York: De Witt & Davenport, 1856), 149–50, http://name.umdl.umich.edu/AHM4910.0001.001.

government,[279] to lack knowledge and judgment,[280] to have no interest in "our institutions,"[281] and to confuse "a land of equal rights with a land of voluptuous license."[282] Easily swayed by passions and prejudice, such arguments claimed, immigrants sold their votes and were manipulated by others (whether Jesuits, Chinese "head men," party bosses, or demagogues),[283] tended toward tumultuous conduct,[284] and fomented discontent, agitation, and revolution.[285] In short, these writers insisted, immigrants lacked the capacities required of republican or

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[279] "England and America," 260; Mayo-Smith, *Emigration and Immigration*, 6. See also Seth Low, "American View of Municipal Government in the United States," in *The American Commonwealth*, by James Bryce, vol. 1 (London: Macmillan, 1888), 297, https://heinonline.org/HOL/P?h=hein.cow/ameweal0002&i=308.

[280] See, for instance, "Race-Hatred and the Suffrage," *The Round Table: A Saturday Review of Politics, Finance, Literature, Society and Art*, March 14, 1868, ProQuest, American Periodicals Series III (127932588). "[T]he absorption of the greater part of a man's working hours in necessary toil is, broadly speaking … incompatible with the acquisition of that general knowledge without which it is absolutely impossible for the individual to judge accurately of social and political science. Hence it follows that the greater the competition in the labor market—the nearer we approach in this respect the condition o the older countries—the more unfit will the laboring classes become profitably to employ the suffrage. . . .[W]hen we are receiving such accessions [from foreign countries] . . . almost universally from the humblest and most ignorant strata of European peoples, it is plain that national action as expressed through the suffrage may logically be expected to become less and less wise, enlightened, and beneficent, and to exhibit as we proceed more and more of the passion, coarseness, and shortsightedness which are the attributes of undeveloped and contracted intelligence" (164).

[281] Mayo-Smith, "Control of Immigration. III.," 422: "Many of the immigrants come from a class of society which does not concern itself about the form of government. They know little of our institutions or of our history, and they care less."

[282] Everett, "Immigration," 461. Cf. Whitney, *Defence of the American Policy*, 134; Mayo-Smith, "Control of Immigration. III.," 422.

[283] Morse, *Imminent Dangers*; Mayo-Smith, *Emigration and Immigration*, 81; Whitney, *Defence of the American Policy*, 41, 26. A congressional report on Chinese immigration also concluded that although the Chinese did not want the vote, "there is danger that if they had it [the vote] their 'head-men' would control the sale of it in quantities large enough to determine any election. . . ." United States Senate, "Report of the Joint Special Committee to Investigate Chinese Immigration," S.Rep. No. 689, 44th Cong., 2nd Sess. (1877), vii.

[284] "Race-Hatred and the Suffrage," 164; Everett, "Immigration," 464. In a footnote, Everett cited, with cautious approval, Achille Murat's explanation for the different behavior at Northern and Southern elections: "'In the North, the inferior classes of society take possession tumultuously of the place of election, and by their indecent conduct, drive from it, as it were, every well educated and enlightened man. In the South, on the contrary, all the inferior classes are black, tongue-tied slaves. The educated classes conduct the elections quietly and rationally . . .'" (464). The difference, Everett thought, could only "be accounted for . . . by the accumulation of needy and uneducated emigrants in our principal sea-ports," while slavery prevents the South from "the indiscriminate immigration of the lower class of European"(464).

[285] Whitney, *Defence of the American Policy*, 179; Mayo-Smith, *Emigration and Immigration*, 89–91; Boyesen, "Dangers of Unrestricted Immigration," 541.

democratic citizens, and were liable to corrupt and undermine American political institutions.

Ali Behdad has argued compellingly that such arguments served to shore up an exclusionary conception of national identity. Thus he suggests, for instance, that Thomas Whitney's *Defence of the American Policy* "use[d] the idea of republicanism to articulate an exclusive mode of nationalism in which immigrants play a differential role as others, inassimilable and dissident."[286] Arguably, though, there was more to these claims than just anxieties about national and cultural identity. If anti-immigrant writers did indeed use images of dissident and disruptive politics to construct distinctions between self and other, American and foreign, they also used the figure of the unruly foreigner to try to specify the meanings of "democracy."

Some linked their disparagement of immigrants' political capacities to a critique or even a rejection of "democracy."[287] Whitney was perhaps the most explicit:

> If democracy implies universal suffrage, or the right of all men to take part in the control of the State, without regard to the intelligence, the morals, or the principles of the man, I am no democrat. If democracy implies freedom without restraint, license without control, or impulse without judgment, I am no democrat. As soon would I place my person and property at the mercy of an infuriated mob, and hope to save them, as place the liberties of my country in the hands of an ignorant, superstitious, and vacillating populace.[288]

Here, Whitney traded on traditional anti-democratic rhetoric and on the distinction between democracy and republicanism that was so central to early American political debate. Democracy, for Whitney, meant a politics of ignorance, passions, license, and disorder. He defended, instead,

[286] Ali Behdad, *A Forgetful Nation: On Immigration and Cultural Identity in the United States* (Durham, NC: Duke University Press, 2005), 122.

[287] For a more tentative questioning of democracy, see (anonymous author,) "Race-Hatred and the Suffrage." Compare, though it does not mention or critique democracy directly, the paternalistic view of republicanism advocated by Everett, "Immigration."

[288] Whitney, *Defence of the American Policy*, 126.

an elitist idea of "American Republicanism," in which popular sovereignty "does not presuppose that every man is competent to govern or to take part in the government."[289] The ignorant, he argued, "should not vote," since their passions and prejudices were so easy for demagogues to inflame, and he included immigrants among the ignorant: "Especially does this view of our subject apply to the millions of illiterate foreigners, who come to us with their home prejudices (both religious and secular) so sternly fixed, that neither time nor association can ever efface them."[290] Moreover, he distinguished "American Republicanism" not only from Athenian democracy and Venetian oligarchic republicanism, but also from what he called the "Red Republicanism" of post-1848 France and the "social democracy" or "European democracy" of immigrant organizations such as the Social Democratic Society of Workingmen.[291] These "European Democrats," according to Whitney, misunderstood the nature of American liberty and had developed a hatred of all laws and all government: "having nothing to lose, and, as they think, everything to gain, by agitation, they thirst eternally for change, fondly believing that the time is at hand when they can ride indolently into power or wealth, by the effect of the suffrage, or mount to them on the blood-red waves of REVOLUTION!"[292]

Notably, in Whitney's argument, the immigrant came to embody the same characteristics that made "democracy," in his view, an illegitimate form of politics: its association with ochlocracy, license, ignorance, passions, agitation. Other anti-immigrant writers, however,

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[289] Whitney, 33.

[290] Whitney, 41. The ignorant are, he argued, even more dangerous than the "idiot," a category already excluded from suffrage, because unlike the "idiot," the ignorant "posses[s] all the passions of humanity, which the idiot does not possess to any practical degree."

[291] Whitney, 13–14, 31–32, 171–79.

[292] Whitney, 179, and see 171ff. Granted, some of that tendency to revolution just came, he thought, from the love of cheap French wine in France and Germany; 23, 25.

embraced the label of "democracy" but *redefined* it to purge those associations. For them, the immigrant still bore an unruly and irregular politics, but one that should not be confused with democracy. Writing earlier, in the "riot years" of the mid-1830s, Samuel Morse was at pains to distinguish democracy not only from despotism but also from turbulence and unruliness.[293] The recent degradation of "the American character" by "numerous instances of riot and lawless violence in action, and a dangerous spirit of licentiousness in discussion," was intrinsic neither to the American character nor to democracy.[294] The "unaccountable disposition to riotous conduct" was, he said, "wholly at variance with the former peaceful, deliberative character of our people."[295] Countering those who would "rashly attribute [this degeneracy] to the natural tendency of Democracy," he insisted,

> I cannot adopt the opinion, either, that Democracies are naturally turbulent, or that the American character has suddenly undergone a radical change from good to bad; from that of habitual reverence for the laws, to that of riot and excess. . . . If there is nothing *intrinsic* in our society which is likely to produce so sudden and mysterious an effect, the inquiry is natural, are there not *extrinsic* causes at work which have operated to disturb the harmonious movements of our system?[296]

Thus democracy, for Morse, was not a condition of unruly license, as Whitney would later argue, but a well-functioning and orderly mechanism that required respect for law, peaceful deliberation, majority rule, and "enlightened public opinion."[297] The foreigner thus came to embody the unruliness and disruption that he insisted were external or *foreign* to democracy.

If Morse's anti-Catholic conspiracy theories were somewhat *passé* by the end of the

[293] On the "riot years," see Carl E. Prince, "The Great 'Riot Year': Jacksonian Democracy and Patterns of Violence in 1834," *Journal of the Early Republic* 5, no. 1 (April 1, 1985): 1–19, https://doi.org/10.2307/3122502.

[294] Morse, *Imminent Dangers*, iii.

[295] Morse, 16.

[296] Morse, iii–iv.

[297] Morse, iii, 16, 21.

century, the claim that immigrants disrupted the "harmonious movements" of the democratic system was not. Thus, in 1890, Mayo-Smith argued, "Unrestricted immigration is a severe strain on democratic institutions."[298] Immigrants, he said, gained political privileges too quickly, "without any test of the man's fitness for it," and "before [immigrants] have become thoroughly assimilated with our body politic."[299] They brought prejudices and ideas that were at odds with those of American citizens, and to which corrupt politicians readily pandered; "uneducated and un-American," the immigrant vote was dangerous both for its "number" and for its "docility."[300] Moreover, socialist and anarchist "foreign agitators" undermined the very foundations of democratic institutions:

> [T]hese men, ignorant of our institutions, hostile to them and plotting their overthrow, we not only admit freely to the country but grant to them freedom of speech and of meeting, and in a few years invite them to share in political power. It cannot be but that we should feel the effect on the smooth working of democratic institutions which have for their pre-condition the understanding that the mass of the community are in favor of them and are satisfied with them.[301]

Democracy, for Mayo-Smith, was a stable system of institutions, governed by laws, in which not everyone was qualified or ready to participate: it was not compatible either with an "ignorant and degraded proletariat" or with the foreign agitators who fomented discontent and revolution.[302]

What disrupted the smooth, regular, and stable functioning of "democracy," for both

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[298] Mayo-Smith, *Emigration and Immigration*, viii, heading given in table of contents for his discussion from pp. 91-92.

[299] Mayo-Smith, 84, 86. As Mayo-Smith put it in an earlier article: "Even when the immigrants are not socialists, they are too untrained in self-government to participate intelligently in public affairs. The limit of required residence should be made longer, and an educational or property franchise might profitably be required." Mayo-Smith, "Control of Immigration. III.," 423.

[300] Mayo-Smith, *Emigration and Immigration*, 86–87.

[301] Mayo-Smith, 90–91.

[302] Mayo-Smith, 7, 89.

Morse and Mayo-Smith, was of course precisely what others such as Whitney called "democracy": the unruly rule of the unqualified. The immigrant became a figure for a disruptive politics that exceeded both Whitney's elitist republicanism and, for Morse and Mayo-Smith, the harmonious movements of the democratic system. For the former, the agitations of immigrants demonstrated the folly of democracy *per se*. For the latter, arguments about immigrants' political (in)capacity bolstered a narrowed conception of orderly democratic institutions, one perhaps easier to reconcile with the politics of managed government. Yet, in so far as the "specter of turbulent democracy" (to use Sheldon Wolin's phrase[303]) persisted in the figure of the immigrant, these anti-immigrant writings pointed, despite themselves, to ideas of politics and movement that could not easily be accommodated to a politics of managed government. In contrast to the "regular," natural, and predictable movements of migration and the population, which managed government aimed to study and channel, the immigrant politics denounced by these authors suggested *irregular* motions of a different order: an irregularity not within the framework of economic behavior or laws of population, but on the order of political action. The figure of the ignorant and unruly immigrant evoked a movement of sudden arrival and irruptive appearance: the bursting of new claims into political space(s), the unpredictability of the new and unforeseen. In these anxieties about an unpredictable, irruptive politics, we might detect hints of other ways of thinking of movement: ways of conceiving of *democracy* through motion, to which the next chapters turn.

[303] Wolin, *Politics and Vision*, 737n18.

Chapter 3.

Demotic Motions: from *Mobile Vulgus* to the Crowd and the Mob

> In the two governments discussed above [despotism and aristocracy], there is a lack of movement; in democracy, it is continual, and often becomes convulsive.
> — Gabriel Bonnot (abbé) de Mably, *De l'étude de l'histoire* (1776)[304]

> This mobility of crowds renders them very difficult to govern, especially when a measure of public authority has fallen into their hands. Did not the necessities of everyday life constitute a sort of invisible regulator of existence, it would scarcely be possible for democracies to last.
> — Gustave Le Bon, *Psychologie des foules* (1895)[305]

> At a Reform Meeting, the populace, consist of whom it may, are called 'the people'; but if a riot ensues, the very same personages are then designated a mob.
> — *Felix Farley's Bristol Journal* (1831)[306]

When, as we saw in the last chapter, one nineteenth-century nativist dismissed democracy as the rule of the "ignorant, superstitious, and vacillating populace," and another refuted the idea that democracies were "naturally turbulent," both alluded to a long tradition of associating democracy with volatility and turbulence – or, in a word, with motion.[307] Metaphors of motion and mobility were part of the standard repertoire of anti-democratic and anti-popular rhetoric, traceable back to Greek and Roman literature. The people, the many, the multitude were the *mobile vulgus*: more mobile than the waves of the sea, according to Seneca; "of a fickle disposition [*ingenio mobili*] . . . prone to rebellion and disorder, fond of change and opposed to

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[304] Gabriel de Mably, "De l'étude de l'histoire," in *Cours d'étude pour l'instruction du prince de Parme*, by Etienne Bonnot de Condillac, vol. 16, 16 vols. (London, 1776), ECCO (GALE|CB0131979655).

[305] Gustave Le Bon, *The Crowd: A Study of the Popular Mind* (Mineola, NY: Dover Publications, 2002), 12 (book 1, ch. 2, §1).

[306] *Felix Farley's Bristol Journal,* 12 November 1831, quoted in Mark Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (New York: Cambridge University Press, 1988), 189.

[307] Whitney, *Defence of the American Policy*, 126; Morse, *Imminent Dangers*, iii.

peace and quiet," per Sallust.[308] In the early modern period, writers took up these and similar classical commonplaces to emphasize the wavering, emotional, and turbulent nature of the (common) people. Thus, the people were said to be "stupid, base, servile, unstable, and continually tossed about by the tempest of the diverse passions that drive them to and fro" (Montaigne); emotional, credulous, unruly, lacking in judgment (Lipsius); "inconstant and variable," disloyal, lovers of change and novelty (Pierre Charron); "as impatient of restraint as the sea, . . . always craving, never satisfied," so that "there can be nothing set over them which they will not always be reaching at and endeavouring to pull down" (Locke).[309] Connotations of motion also pervaded the early modern language of popular action: the French term *mouvement populaire,* the German *bürgerliche Bewegung* (civil movement), and the English *popular commotion* were all common terms for local unrest, riots, and uprisings.[310] If, as Sheldon Wolin

[308] Seneca, *Hercules Furens*, line 170: "fluctuque magis mobile vulgus"; Sallust, *Bellum Iugurthinum*, chapter 66: "Nam uulgus, …ingenio mobili, seditiosum atque discordiosum erat, cupidum novarum rerum, quieti et otio aduersum." See Seneca, "Hercules Furens," in *Seneca's "Hercules Furens": A Critical Text with Introduction and Commentary*, ed. John G. Fitch (Cornell University Press, 1987), 72; *The War with Jugurtha*, in *Sallust*, Loeb Classical Library (Cambridge, MA: Harvard University Press, 1931), 279. Compare too, of course, Plato's "democratic man" in *Republic,* book 8: pulled this way and that to gratify each fleeting desire.

[309] Their terminology differed sometimes, though the imagery, characteristics, and classical topoi overlap: Montaigne writes of "la tourbe" (the common sort or crowd, from the Latin word *turba*), Lipsius of the "vulgus" and "populus" interchangeably, Charron of "le peuple" meaning "le vulgaire, la tourbe et lie populaire," and Locke of "the multitude." See Michel de Montaigne, *The Complete Essays of Montaigne*, trans. Donald Murdoch Frame (Stanford, Calif: Stanford University Press, 1965), I: 42, 191; *Essais* (Paris: Garnier-Flammarion, 1969), 191; Justus Lipsius, *Politica: Six Books of Politics or Political Instruction*, trans. Jan Waszink (Assen (Netherlands): Royal Van Gorcum, 2004), Book 4, chap. 5, pp. 400–409 (1589); Pierre Charron, *De la sagesse* (Bourdeux, 1601), Book 1, chap. 48, pp. 265–270, https://gallica.bnf.fr/ark:/12148/btv1b86262368; John Locke, "First Tract on Government (1660)," in *Locke: Political Essays*, ed. Mark Goldie (Cambridge University Press, 1997), 39. For overviews of negative conceptions of the common people in early modern England, see Christopher Hill, "The Many-Headed Monster," in *Change and Continuity in Seventeenth-Century England*, rev. ed (New Haven: Yale University Press, 1991), 181–204; Michael A. Seidel, "The Restoration Mob: Drones and Dregs," *Studies in English Literature, 1500-1900* 12, no. 3 (July 1, 1972): 429–43, https://doi.org/10.2307/449943.

[310] The most common French term for riot, *émeute*, also has connotations of movement, and is derived from the verb *émouvoir*, to move physically or especially emotionally, to stir up, or also to raise a revolt. One could also speak of the *populace émue* to mean what in English would be called a mob. See "mouvement" in *Dictionnaires d'autrefois* on ARTFL (http://artfl-project.uchicago.edu/content/dictionnaires-dautrefois), "émeute" in the "Portail lexical: étymologie" of the CNRTL (http://www.cnrtl.fr/etymologie/), and "mouvements" and "populace" in Abel Boyer, *Dictionnaire royal françois et anglois*, 2 vols. (La Haye: Adrian Moetjens, 1702), ECCO (CW113600685 and CW114364260). On the German term 'bürgerliche Bewegung,' see J. Frese, "Bewegung, politische," in

notes, “Throughout the centuries . . . political theorists condemned democracy as the most turbulent and unstable form,”[311] metaphors of motion often gestured to those qualities of the people thought to make democracy impossible or dangerous: the people’s fickleness, volatility, and unruliness.

Over the eighteenth and nineteenth centuries, new mobile metaphors would emerge that also associated democracy and popular politics with motion. Around the turn of the eighteenth century, the phrase *mobile vulgus* was shortened to coin a new English word: the mob. In early nineteenth century France, politicians and writers would characterize democracy as a moving torrent, would adopt “movement” and “resistance” as party labels, and would debate who was truly “in the movement” of the times. Later in the nineteenth century, it became common to use the terms “movement” and “social movement” to indicate groups engaged in collective action. And, at the *fin de siècle*, pseudo-scholarly theories of crowd psychology would describe, and pathologize, crowds and mass behavior as mobile.

In the next two chapters, I explore some of those new political idioms, and I will argue that there are insights worth excavating from some largely overlooked currents of thinking that theorized democracy and popular politics through ideas of motion. However, within those currents, the political meanings of motion and mobility cannot be reduced only to unruliness, or to the “specter of turbulent democracy.” Rather, I will argue, these mobile metaphors conveyed distinctive experiences of uncertainty and indeterminacy associated with the “democratic revolution.”

Historisches Wörterbuch Der Philosophie, ed. Joachim Ritter (Basel: Schwabe, 1971), 880; and E. Pankoke, “Social Movement,” *Economy and Society* 11, no. 3 (1982): 327.

[311] Wolin, *Politics and Vision*, 585.

Drawing on Claude Lefort, Tocqueville, and others, I use the phrase "democratic revolution" to refer, not to a specific event, but to a long period of transformation involving the breakdown of social and political hierarchies and a revaluation of ideas of democracy and popular politics.[312] In the early modern period, democracy had been mainly associated with ancient Athens and Rome, and with negative connotations of tumult and disorder. Between the eighteenth and nineteenth centuries, however, and especially after the American and French revolutions, the term democracy was reclaimed to describe and to debate modern social and political phenomena.[313]

Thus, in *Democracy in America,* Tocqueville discussed a great "democratic revolution . . . tak[ing] place in the fabric of society," a process he associated with the equalization of social conditions and which he saw as irresistible.[314] Building in part on Tocqueville, Claude Lefort argues that this democratic revolution also involved a "mutation of the symbolic order" that entailed new experiences of uncertainty.[315] Whereas in the *ancien régime*, "[p]ower was embodied in the prince, and it therefore gave society a body," the

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[312] Lefort, *Democracy and Political Theory*; Claude Lefort, "The Image of the Body and Totalitarianism," in *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, ed. John B. Thompson, trans. Alan Sheridan (Cambridge, MA: MIT Press, 1986), 292–306; see also Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (London: Verso, 1985), 155ff. Historian R. R. Palmer also uses the phrase but to cover a narrower period of time, the last 40 years of the eighteenth century, though he similarly associates it with a broad socio-cultural transformation involving "a new feeling for a kind of equality, or at least a discomfort with older forms of social stratification and formal rank" and an aversion to any person or group monopolizing political power; see R. R. Palmer, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800* (Princeton: Princeton University Press, 2014), 6–7.

[313] See the contributions in Joanna Innes and Mark Philp, eds., *Re-Imagining Democracy in the Age of Revolutions: America, France, Britain, Ireland, 1750-1850* (Oxford: Oxford University Press, 2013); Jennifer Tolbert Roberts, *Athens on Trial: The Antidemocratic Tradition in Western Thought* (Princeton, NJ: Princeton University Press, 1994); Pierre Rosanvallon, "The History of the Word 'Democracy' in France," trans. Philip J. Costopoulos, *Journal of Democracy* 6, no. 4 (1995): 140–54, https://doi.org/10.1353/jod.1995.0072.

[314] Alexis de Tocqueville, *Democracy in America*, trans. Gerald E. Bevan (London: Penguin, 2003), 16–17, and see 6 and 14 (in introduction), 490 (author's note to second volume). I discuss Tocqueville on democracy further in chapter 4.

[315] Lefort, *Democracy and Political Theory*, 16, 19.

democratic revolution brought a symbolic disembodiment or "disincorporation," whereby "[t]he locus of power becomes *an empty place*."[316] This disincorporation makes the collective indeterminate: "Democracy inaugurates the experience of an ungraspable, uncontrollable society in which the people will be said to be sovereign, of course, but whose identity will constantly be open to question, whose identity will remain latent."[317] There is no single person or group who occupies that place of power or provides a symbolic unity or identity for society. The lack of a firm symbolic basis also means, in Lefort's famous formulation, that

> democracy is instituted and sustained by the *dissolution of the markers of certainty.* It inaugurates a history in which people experience a fundamental indeterminacy as to the basis of power, law and knowledge, and as to the basis of relations between *self* and *other*, at every level of social life (at every level where division, and especially the division between those who held power and those who were subject to them, could once be articulated as a result of a belief in the nature of things or in a supernatural principle).[318]

With the (albeit gradual and incomplete) dissolution of social and political hierarchies, and of the symbolic order that accompanied them, the democratic revolution thus involved new experiences of uncertainty where everything – power, knowledge, law, social divisions, collective identity – became open to question.

I argue, over the next two chapters, that some of the new metaphors of motion that emerged in the eighteenth and nineteenth centuries worked to theorize those experiences of uncertainty, and that, in doing so, these reflections on movement can draw our attention to important dimensions of democratic politics. In the current chapter, I examine the idea of the mobile crowd in late nineteenth-century theories of crowd psychology, focusing especially on

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[316] Lefort, 17; cf. Lefort, "The Image of the Body and Totalitarianism," 303.

[317] Lefort, "The Image of the Body and Totalitarianism," 303–4.

[318] Lefort, *Democracy and Political Theory*, 19.

those of Gustave Le Bon, and then the idea of the “mob” in early eighteenth-century English political writing, with special attention to the ambiguous satires of Daniel Defoe. I argue that the “mobile crowd” and the “mob” represent two different figurations of the disincorporation and indeterminacy of the democratic revolution. Both ideas, crowd and mob, figure the demos as an amorphous and shifting collective, lacking any clear or stable boundaries. Both evoke anxieties over the change, fluctuation, and uncertainties associated with popular politics, along with an experience of things being outside one’s control. However, they differ in how they theorize the political potential of those anxieties and indeterminacies. Le Bon’s characterization of the mobile crowd nominally accepted the democratic revolution but denied it any potential for meaningful collective agency, placing the drivers of change and human activity beyond collective or individual control, in unconscious or inscrutable forces of instinct, “race,” and time. The crowd’s mobility suggested a volatility and malleability to which no one was immune, but which was also merely a surface disturbance, available for manipulation by a leader who understood that mobility. By contrast, earlier discussions of the “mob” in the eighteenth century emphasized some ambiguities and instabilities of popular politics but without collapsing the space for action. The term *mob* itself was unstable: oscillating between naming the whole people or naming disreputable part, and between celebrating or denouncing popular politics out of doors. The mob’s instabilities, in some of these early satirical writings, drew attention to the unpredictability of popular and democratic politics, the always open possibility of infelicitous moments, but neither dismissing nor romanticizing the political potential of collective action.

I. The Time of the Crowd

> A multitude unleashed, even if composed mostly of intelligent persons, always has something at once puerile and bestial about it: puerile because of its mobility of mood, its abrupt transition from anger to laughter, bestial because of its brutality.
> — Gabriel Tarde, "Foules et sectes au point de vue criminel" (1895)[319]

In the introduction to his 1895 book, *Psychologie des foules* (psychology of crowds), Gustave Le Bon presented his time as one of chaotic transformation: "the modern age represents a period of transition and anarchy," where old ideas were almost destroyed, but where what would replace them was still uncertain.[320] What *was* clear, he said, was the emergence of a new power. No longer did old traditions or princely rivalries drive political events. Instead, he pronounced, "The age we are about to enter will in truth be the ERA OF CROWDS."[321]

Theories of crowd psychology appeared in the late nineteenth century – primarily in France, and also in Italy – after a century of change, revolutions, and unrest across Europe. Like other crowd theorists of his time, Le Bon associated the rise of the crowd with democracy and popular politics. As he noted, "The entry of the popular classes into political life – that is to say, in reality, their progressive transformation into governing classes – is one of the most striking characteristics of our epoch of transition."[322] The expansion of suffrage was only one aspect of that transformation: more concerning still, for Le Bon, were new forms of direct mass action

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[319] Gabriel de Tarde, "Foules et sectes au point de vu criminel," in *Essais et mélanges sociologiques* (Lyon: A.Storck, 1895), 21, my translation. Original: "Une multitude lancée, même composée en majorité de personnes intelligentes, a toujours quelque chose de puéril et de bestial à la fois : de puéril par sa mobilité d'humeur, par son brusque passage de la colère à l'éclat de rire, de bestial par sa brutalité."

[320] Unless otherwise noted, I primarily use and quote from a recent edition of the 1896 English translation: Le Bon, *The Crowd*, x. For the original French, see Gustave Le Bon, *Psychologie des foules* (Paris: F. Alcan, 1895), 2, http://gallica.bnf.fr/ark:/12148/bpt6k82742z.

[321] Le Bon, *The Crowd*, x; Le Bon, *Psychologie des foules*, 2–3.

[322] Le Bon, *The Crowd*, x–xi; Le Bon, *Psychologie des foules*, 3.

associated with socialism, syndicates, and unions.[323] Most immediately, crowd psychology theories emerged against the backdrop of the 1871 Paris Commune and the popular, socialist, and anarchist protests of the '80s and '90s.[324] In that context, the "crowd," in French *la foule,* in Italian *la folla*, became a focal concept not only for explaining phenomena of revolution, mass action, and popular politics, but also for pathologizing them – or, as Ernesto Laclau puts it, for "denigrat[ing] the masses."[325]

Some key figures in late nineteenth century writings on the crowd were Hippolyte Taine, Scipio Sighele, Gabriel Tarde, and Gustave Le Bon.[326] Taine's writings were historical rather than scientific or theoretical, but his depictions of revolutionary crowds would greatly influence emerging theories of crowd behavior. In his multi-volume *Origins of Contemporary France* (1875-1893)*,* Taine reinterpreted the French Revolution as a "barbarian invasion" led by a "violent and overexcited crowd," "a foul and swarming *tourbe*" (crowd, multitude, mob) fueled by "animal instincts": it was, he insisted, "not a revolution, but a dissolution."[327] In the 1890s, Sighele, Tarde, and others would attempt to offer more systematic and "scientific" treatments of

[323] Le Bon, *The Crowd*, xi; Le Bon, *Psychologie des foules*, 3–4.

[324] See Susanna Barrows, *Distorting Mirrors: Visions of the Crowd in Late Nineteenth-Century France* (New Haven: Yale University Press, 1981).

[325] Ernesto Laclau, *On Populist Reason* (London: Verso, 2005), part 1. On the etymology of *foule, folla*, and *crowd*, see John B. Hill, "'Foule,' 'Folla': French/Italian," in *Crowds*, ed. Jeffrey T. Schnapp and Matthew Tiews (Stanford: Stanford University Press, 2006), 216–18; Marisa Galvez, "'Crowd': English," in *Crowds*, ed. Jeffrey T. Schnapp and Matthew Tiews (Stanford: Stanford University Press, 2006), 104–6. Notably, these three words all have a connotation of pressure or pressing as well as of quantity.

[326] For overviews of the major authors and perspectives on crowd psychology in this period, see Jaap van Ginneken, *Crowds, Psychology, and Politics, 1871-1899* (Cambridge: Cambridge University Press, 1992); Barrows, *Distorting Mirrors*; J. S McClelland, *The Crowd and the Mob: From Plato to Canetti* (London: Unwin Hyman, 1989), chapters 5-7; Christian Borch, *The Politics of Crowds: An Alternative History of Sociology* (New York: Cambridge University Press, 2012), chapters 1-2; Robert A Nye, *The Origins of Crowd Psychology: Gustave Le Bon and the Crisis of Mass Democracy in the Third Republic* (London: Sage, 1975).

[327] Hippolyte-Adolphe Taine, *Les origines de la France contemporaine: la Révolution*, 2nd ed., vol. 1 (Paris: Hachette, 1878), 104–5, 3–4, 9, 4, my translations.

crowd behavior, working primarily within the framework of criminology.[328] Influenced by nineteenth-century debates about hypnotism and mesmerism, their studies together developed the most distinctive and influential ideas of early crowd psychology: that crowds operated through contagion, suggestion, and imitation, and resulted in de-individualization, the loss of individual identity within the group.[329] Gustave Le Bon, for his part, was what one scholar calls "the supreme scientific vulgarizer of his generation," publishing many scientific and pseudo-scientific works for a general audience.[330] His book *Psychologie des foules* popularized – and, per some of his contemporaries, plagiarized – the emerging theories of crowd psychology.[331] Though its ideas may have been unoriginal, the book became a widely translated best-seller with long-lasting influence on later theories of collective behavior.[332]

We might easily interpret the crowd, in these theories of crowd psychology, as a revival of the old idea of the *mobile vulgus*, and thus as a simple rejection of democracy. Consider this description of the crowd, from a 1920 work synthesizing the genre's conclusions:

> We may sum up the psychological character of the unorganized or simple crowd by saying that it is excessively emotional, impulsive, violent, fickle, inconsistent, irresolute and extreme in action, displaying only the coarser emotions and the less

[328] Some key works include Scipio Sighele, *La folla delinquente* (Torino: Fratelli Bocca, 1891); Gabriel Tarde, *Les lois de l'imitation: étude sociologique* (Paris: F. Alcan, 1890), http://gallica.bnf.fr/ark:/12148/bpt6k77173k; Gabriel de Tarde, *La philosophie pénale* (A. Storck & cie, 1891); Henry Fournial, *Essai sur la psychologie des foules: considérations médico-judiciaires sur les responsabilités collectives* (Lyon: A. Storck, 1892), http://gallica.bnf.fr/ark:/12148/bpt6k103974q.

[329] Ginneken, *Crowds, Psychology, and Politics*; Borch, *The Politics of Crowds*.

[330] Nye, *The Origins of Crowd Psychology*, 3. Over Le Bon's lifetime, he published on a range of topics in medicine, anthropology, psychology, and politics. See, among his many books, Gustave Le Bon, *Les lois psychologiques de l'évolution des peuples* (F. Alcan, 1894); Gustave Le Bon, *Psychologie du socialisme* (F. Alcan, 1899); Gustave Le Bon, *La révolution française et la psychologie des révolutions* (E. Flammarion, 1913).

[331] Le Bon repeated, without acknowledgement, ideas that had earlier appeared in work by Sighele, Fournial, and Tarde; Sighele was particularly outraged by Le Bon's book, accusing him of "literary piracy"; see Ginneken, *Crowds, Psychology, and Politics*, 119–26.

[332] Stephen Reicher, "'The Crowd' Century: Reconciling Practical Success with Theoretical Failure," *British Journal of Social Psychology* 35, no. 4 (1996): 535–53, https://doi.org/10.1111/j.2044-8309.1996.tb01113.x.

> refined sentiments; extremely suggestible, careless in deliberation, hasty in judgement, incapable of any but the simpler and imperfect forms of reasoning; easily swayed and led, lacking in self-consciousness, devoid of self-respect and of sense of responsibility, and apt to be carried away by the consciousness of its own force. . . .[333]

Replace "unorganized or simple crowd" with "people," "populace," or "multitude," and this description would have been largely familiar to early modern readers.[334] Indeed, theories of crowd psychology did, in part, repeat old tropes that construed the people's mobility as fickleness and unruliness. But, I will suggest here, these crowd theories also did more. Where ancient and early modern caricatures of the *mobile vulgus* simply ruled out the possibility of democracy, nineteenth-century crowd theories were responding to a very different context of change and uncertainty *within* the period of the democratic revolution. In that context, I will suggest here, the meaning of the crowd's mobility exceeds mere unruliness, and becomes instead one figuration of the disincorporation and uncertainty associated with democracy.

I will focus on the work of Le Bon for illustration, since his was both an extreme version and an amalgamation of *fin-de-siècle* crowd theory. Many of the characteristics Le Bon associated with the crowd did resemble the familiar picture of the *mobile vulgus*. Per Le Bon, the crowd was impulsive and irritable in its actions and impulses; it was credulous; it lacked reason and could not follow logic; its sentiments were simple but exaggerated and often extreme; it was quick to act, with a tendency toward violence.[335] As I explore further below, he described the crowd as "mobile" in its quickly changing emotions, reactions, and opinions. It may be tempting,

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[333] William McDougall, *The Group Mind, a Sketch of the Principles of Collective Psychology, with Some Attempt to Apply Them to the Interpretation of National Life and Character* (New York: G.P. Putnam's Sons, 1920), 23; cited in Laclau, *On Populist Reason*, 49.

[334] Compare, for instance, Lipsius, *Politica*, Book 4, chap. 5, pp. 400–409 (1589); Charron, *De la sagesse*, Book 1, chap. 48, pp. 265–270.

[335] Le Bon, *The Crowd*, Book I, chapter ii, §1; I, ii, §2; II, iv, §2, 95; I, iii; I, ii, §3 and III, v, 131; preface, xi and I, ii, 4, 26.

thus, to see Le Bon's theory as a thinly-veiled critique, in the old style, of democracy and of the "mobility" – understood as fickleness and unruliness – of the people. However, Le Bon and other crowd psychologists of his day also added new concerns that help to differentiate the the nineteenth century idea of the "mobile crowd" from earlier ideas of the *mobile vulgus:* an emphasis on the relationship between individual and collective, and on ideas of contagion and suggestion borrowed in part from nineteenth-century discourses of hypnotism.[336]

Le Bon set out those ideas in the first chapter of his book, *Psychologie des foules,* in what he presumably meant as a chilling picture of the individual lost within the crowd. What he termed the "psychological crowd" (or sometimes "organized crowd") referred not to a mere "gathering of individuals" but to a very specific phenomenon:

> The conscious personality vanishes, and the sentiments and ideas of all the units are oriented in the same direction. A collective mind is formed, doubtless transitory, but presenting very clearly defined characteristics. The collectivity has thus become what, for lack of a better expression, I will call an organized crowd, or, if preferred, a psychological crowd. It forms a single being, and is subjected to *the law of the mental unity of crowds*.[337]

Key to this idea of the crowd was that the individual inevitably *changed* by virtue of being in a group, losing individuality and unconsciously melding into a collective hive mind with the same thoughts and emotions. Becoming part of a crowd, Le Bon claimed, weakened the individual "intellectual aptitudes" of its members, "and in consequence their individuality. . . . The heterogeneous is swamped by the homogeneous, and the unconscious qualities obtain the upper

[336] On some of these influences, see Barrows, *Distorting Mirrors*; Ginneken, *Crowds, Psychology, and Politics*, 142–49.

[337] Le Bon, *The Crowd*, 1-2 (book 1, chap. 1), original emphasis. I have slightly modified the English translation here to make it closer to the French; the original reads: "La personnalité consciente s'évanouit, les sentiments et les idées de toutes les unités sont orientés dans une même direction. Il se forme une âme collective, transitoire sans doute, mais présentant des caractères très nets. La collectivité devient alors ce que, faute d'une expression meilleure, j'appellerai une foule organisée, ou, si l'on préfère, une foule psychologique. Elle forme un seul être et se trouve soumise à la loi de l'unité mentale des foules." Le Bon, *Psychologie des foules*, 12.

hand."[338] The crowd thus effected something like a chemical reaction, which not only combined the basest shared traits of its members but produced new traits, such that the crowd's intelligence, sentiments, and actions became different from those of its members individually.[339]

Le Bon ascribed this difference to three factors. First, he claimed, the force of *number* both created anonymity and generated a feeling of "invincible power," causing individuals to lose their usual restraints and sense of responsibility and to give free reign to instincts.[340] Second, a process of *contagion* led people in a crowd to feel and act in ways they would never individually, and even in ways contrary to their individual interests: "In a crowd every sentiment and act is contagious. . . ."[341] Third, and most importantly for Le Bon, crowds were inherently subject to *suggestibility*, a process akin to hypnosis, which caused individuals to lose consciousness of their own actions.[342] (Note that the emphasis on contagion, imitation, and the quasi-hypnotic power of suggestion was not unique to Le Bon, but was central to the broader genre of crowd psychology in this period.[343]) Thus, the main characteristics of the crowd, and of individuals once in a crowd, were:

> the disappearance of the conscious personality, the predominance of the unconscious personality, the turning of feelings and ideas in an identical direction by means of suggestion and contagion, the tendency to immediately transform the

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[338] Le Bon, *The Crowd*, 6.

[339] Le Bon, 6. Indeed, he claimed a few pages later, "the individual in a crowd differs essentially *from himself*" (9, emphasis added).

[340] Le Bon, 6.

[341] Le Bon, 6–7.

[342] Le Bon, 7.

[343] On ideas of contagion, suggestion, and imitation in Sighele, Fournial, and Tarde, see Ginneken, *Crowds, Psychology, and Politics*; Borch, *The Politics of Crowds*.

> suggested ideas into acts. . . . [The individual in a crowd] is no longer himself, but has become an automaton who has ceased to be guided by his will."[344]

For Le Bon, this transformation of individuals within a crowd amounted nothing less than an evolutionary regression, a descent "in the ladder of civilization," and indeed all the negative qualities that followed – qualities, we should note, that classical and early modern writers associated with the people *per se* – were typical, he said, of "beings belonging to inferior forms of evolution [such as] women, savages, and children."[345]

Le Bon did not explain exactly how such a crowd comes to be. He alluded to but never specified the "specific circumstances" that turned a group into a crowd, and indeed one might suspect he left them deliberately vague.[346] The size of the group did not matter: "At certain moments half a dozen men might constitute a psychological crowd, which may not happen in the case of hundreds of men gathered together by accident."[347] Nor did this crowd alchemy depend on physical co-presence: "Thousands of isolated individuals" could sometimes take on the characteristics of a psychological crowd, as could "an entire people" even without any "visible agglomeration."[348] Rather, Le Bon gave the impression that any and all collectivities were – potentially or actually – crowds. As J.S. McClelland argues, "by characterizing the crowd by how its group mind worked, not by where it came from or what it did, he opened up the

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[344] Le Bon, *The Crowd*, 8.

[345] Le Bon, 10. Throughout the book, Le Bon frequently feminized the crowd and likened people in crowds to "primitive beings"; cf. 13, 22.

[346] Le Bon, 1. "Under certain given circumstances, and only under those circumstances, an agglomeration of men presents new characteristics very different from those of the individuals composing it." See also Stephen Reicher's critique of Le Bon's decontextualization of crowds: Stephen Reicher, "The Psychology of Group Dynamics," in *Blackwell Handbook of Social Psychology: Group Processes*, ed. Michael A. Hogg and R. Scott Tindale (Malden, MA: Blackwell, 2001), 128.

[347] Le Bon, *The Crowd*, 2.

[348] Le Bon, 2. I have modified the translation slightly: the English translation has "an entire nation" for *un people entire*.

possibility that any group *at all* could, in the right circumstances, be a crowd: a jury, a parliamentary assembly, an army under discipline, eventually even a whole society, could be a crowd."[349]

Developing his account of the crowd in subsequent chapters, Le Bon explicitly emphasized the crowd's *mobility*. First, he described them as mobile in their volatility of desires and emotions.[350] Le Bon argued that crowds were mobile and impulsive in their emotions and actions, because neither crowds collectively nor individuals within crowds were capable of conscious, self-directed action:

> A crowd is at the mercy of all external exciting causes, and reflects their incessant variations. It is the slave of the impulses which it receives. . . . The exciting causes that may act on crowds being so variable, and crowds always obeying them, crowds are in consequence extremely mobile. This explains how it is that we see them pass in a moment from the most bloodthirsty ferocity to the most extreme generosity and heroism.[351]

In other words, because the crowd was purely reactive to stimuli, its emotions and behavior would vary wildly according to whatever sparked them, and could change suddenly from one extreme to the other.[352] Le Bon thus construed the crowd as fundamentally passive, dominated either by unconscious forces or by external suggestion. Here, then, the mobility associated with the crowd implied not only variability and volatility, but also unconscious passivity: not only was the crowd mobile, but it was *movable.*

Le Bon also depicted the crowd as mobile in its ideas and opinions: "nothing is more mobile and changeable than the thought of crowds, and nothing more frequent than to see them

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[349] McClelland, *The Crowd and the Mob*, 11.

[350] Chapter 2 of book 1 concerns "The Sentiments and Morality of Crowds," and the §1 of that chapter is titled, "Impulsiveness, Mobility, and Irritability of Crowds."

[351] Le Bon, *The Crowd*, 11 (book 1, ch. 2, §1).

[352] See also his discussion of crowd's exaggerated, extreme emotions in §3 of the same chapter.

execrate to-day what they applauded yesterday."[353] Le Bon associated crowds with "opinion," which he contrasted to fixed or stable beliefs. Opinions, instead, were always in a "moving flux": "Formed by suggestion and contagion, they are always momentary; they crop up and disappear as rapidly on occasion as the sandhills formed by the wind on the sea-coast."[354] Again, here, mobility meant in part variability, but was also specifically associated with processes of suggestion and contagion. For Le Bon, because individuals in a crowd lost consciousness of their actions and reverted to a purely instinctual existence of stimulus-response, crowds so easily acquired a "collective mind" which then became endlessly malleable and changeable.

Moreover, for Le Bon the crowd's mobility of opinion also derived both from the imagistic nature of crowd thinking and from the instability of words. Crowds, he argued, only reasoned through analogy and loose associations of ideas. They thought only in images evoked in them by events or other stimuli, which made them very susceptible to stories and representations that could impress on their imagination.[355] "Crowds being only capable of thinking in images," he said, "are only to be impressed by images. It is only images that terrify or attract them and become motives of actions."[356] In addition, he noted that *words* could "evoke images" independent of any precise signification, and the images they evoked could vary according to time and circumstance: "words . . . have only mobile and transitory significations which change from age to age and people to people."[357] Some words, further, could acquire an

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[353] Le Bon, *The Crowd*, 97 (book 2, ch. 3, §2). Cf. p. 95: "the extreme mobility of ideas… [is] a peculiarity of crowds…."

[354] Le Bon, 94, 95.

[355] Le Bon, 33–37 (book 1, ch. 3, §§ 2-3).

[356] Le Bon, 35.

[357] Le Bon, 61–63, 64 (book 1, ch. 2, §1).

almost mystical aura for crowds: "They are uttered with solemnity in the presence of crowds, and as soon as they have been pronounced an expression of respect is visible on every countenance, and all heads are bowed. . . . They evoke grandiose and vague images in men's minds, but this very vagueness that wraps them in obscurity augments their mysterious power."[358] Such, he suggested, was the power of political words like liberty, fatherland, democracy, and socialism, which could call up images that sparked reverence or antipathy, but which also had widely varying meanings. "[I]t is precisely the words most often employed by crowds," he noted, "which among different peoples possess the most different meanings."[359]

Thus the "mobility" Le Bon associated with the crowd suggested not only variable, volatile acts and emotions – characteristics familiar enough from the *mobile vulgus* – but also crowds' passivity and malleability, as well as certain instabilities related to psychological contagion and with the inconstancies of political language. I suggest that we can interpret this idea of crowd mobility, in Le Bon and his contemporary crowd theorists, as a response to the democratic revolution, and as one figuration of the disincorporation and dissolution of markers of certainty that Lefort links with the experience of democracy. However, the mobility associated with the psychological crowd seems to suggest an even more extreme uncertainty and dissolution of distinctions. The markers that disappeared in Le Bon's account of the mobile crowd were not (only) those of status or even "natural inequalities" – much as Le Bon would endorse the latter[360] – but were rather (also) the boundaries between individuals, between the individual and the

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[358] Le Bon, 62.

[359] Le Bon, 65.

[360] See for instance Gustave Le Bon, *The Psychology of Revolution*, trans. Bernard Miall (Mineola, N.Y.: Dover, 2004), 296–99. There, Le Bon associated democracy and democratic ideas with "equalisation" (and links both to socialism) but saw the democratic emphasis on equality as being in tension with natural law and natural inequalities.

collective, between one group and another, between one political idea and another. Political words and images could inflame sentiments and actions independent of their meanings and in widely varying ways. Moreover, the mental unity of the psychological crowd effected a curious leveling in its dissolution of *all* social and distinctions. *No one was immune*. Anyone, whoever and wherever one was, could become part of a crowd. Parliaments, unions, electorates, classes, religious sects – indeed any group – were equally susceptible to becoming crowds.[361] In a crowd, unconscious shared attributes brought everyone, regardless of any intellectual differences in other contexts, to the same level.[362] Ultimately, he offered individuals no solutions for inoculating themselves against the crowd's effects.

Ernesto Laclau and Jodi Dean have, for separate reasons, found occasional insights within Le Bon's account of the crowd, however much Le Bon may have been, as Dean puts it, an "odious reactionary." According to Dean, Le Bon's account of the crowd refused to "enclose" the collective subject in a form, and as such highlighted important dynamics of collective subjectivity: "Destructive, creative, temporary, and unpredictable, the crowd alerts us to the wide array of subjective attributes characteristic of collectivities," or even, as she revised the sentence in another version, "the crowd expresses the paradoxical power of the people as subject."[363] Laclau, for his part, draws attention to Le Bon's discussion of language, and suggests that Le Bon recognized, despite himself, the "unfixity of the relation between signifier and signified" or

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[361] See Le Bon, *The Crowd*, bk. 3, which discusses various kinds and classifications of crowds.

[362] Le Bon, 5–6 (introduction).

[363] Jodi Dean, "Enclosing the Subject," *Political Theory* 44, no. 3 (June 1, 2016): 387, https://doi.org/10.1177/0090591714560377; cf. Jodi Dean, *Crowds and Party* (London: Verso, 2016), 114.

"between words and images" that, Laclau insists, "is the very precondition of any discursive operation which is politically meaningful."[364]

Yet, while Le Bon did associate the crowd's mobility with both a formlessness of collectivity and an unfixity of political language, he arguably did so in a way that *depoliticizes* both the crowd and the democratic revolution to which his ideas responded. The book works rhetorically by first stoking anxieties about the crowd as a frightening and all-pervasive force, and then by assuaging those fears through diminishing the crowd's importance.[365] As J.S. McClelland points out, "The secret of Le Bon's success was to use science to frighten the public, and then to claim that what science could understand it could also control."[366] For instance, after stressing crowds' mobility of emotion and action, their excessive volatility, Le Bon immediately downplayed the crowd's disruptive potential:

> This mobility of crowds renders them very difficult to govern, especially when a measure of public authority has fallen into their hands. Did not the necessities of everyday life constitute a sort of invisible regulator of existence, it would scarcely be possible for democracies to last. Still, though the wishes of crowds are frenzied they are not durable. Crowds are as incapable of willing as of thinking for any length of time.[367]

Here, Le Bon limited the significance of crowd volatility by rendering it a transitory, ephemeral phenomenon. Notably too, he not only linked crowd mobility explicitly to democracy, but also proposed that the sentiments and actions of crowds – and the workings of popular authority in democracies – were only epiphenomenal. Readers should not worry unduly, he seemed to imply:

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[364] Laclau, *On Populist Reason*, 23, 24–25.

[365] See also McClelland's discussion of the way Le Bon "sets out to make the crowd as frightening as possible in order to peddle a particular kind of elitist ideology" through which elites could manipulate crowds: McClelland, *The Crowd and the Mob*, 200–201.

[366] McClelland, 196.

[367] Le Bon, *The Crowd*, 12 (book 1, ch. 2, §1).

crowds could not have lasting impact, and anyway crowds were not *really* in charge. Something else regulated crowds' (or democracy's) activities behind the scenes. In the passage above, he mentioned only the "necessities of everyday life," which he did not explain, but which we might interpret to mean the repetitive needs and activities associated with survival and comfort, or what Arendt would describe as the cyclical processes of life and labor.[368] Shortly after this passage, though, Le Bon emphasized what he considered the most important invisible regulator: "The fundamental characteristics of the race, which constitute the unvarying source from which all our sentiments spring. . . ."[369]

He expanded on the role of "race" in later chapters, arguing that race, traditions, and time were the most important "remote factors" influencing crowds' beliefs.[370] Governments and social and political institutions had little real influence either on crowds' beliefs or on the "life of peoples."[371] Instead, he claimed, "[Peoples] are guided above all by the soul of their race, that is, by the ancestral residues of which this soul is the sum total. Race and the gears of everyday necessities, those are the mysterious masters that rule our destinies."[372] Le Bon had an ethno-cultural, biological, and civilizational conception of "race," a term he sometimes used interchangeably with people and nation.[373] For Le Bon, each "race" – each people – had a

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[368] Arendt, *The Human Condition*, pt. III.

[369] Le Bon, *The Crowd*, 13 (book 1, ch. 2, §1).

[370] Le Bon, 44–48 (book 2, ch. 1).

[371] Le Bon, 44–48, 122, translation slightly modified (book 2, ch. 1; book 3, ch. 4).

[372] Le Bon, 122 (book 3, ch. 4). I have modified the translation to be closer to the original French; cf. Le Bon, *Psychologie des foules*, 170.

[373] On Le Bon's discussion of race, see Christian Borch, "Body to Body: On the Political Anatomy of Crowds," *Sociological Theory* 27, no. 3 (September 1, 2009): 274–75, https://doi.org/10.2307/40376137; Tzvetan Todorov, "Race and Racism," trans. Catherine Porter, in *Theories of Race & Racism*, ed. Les Back and John Solomos (London: Routledge, 1999), 64–70; McClelland, *The Crowd and the Mob*, 204–6.

distinct character that changed only slowly, if at all, in contrast to the momentary influences of "[e]nvironment, circumstances, and events": "A people is an organism created by the past, and, like every other organism, it can only be modified by slow hereditary accumulations."[374] Moreover, he would add in a later chapter, the subterranean influences of race actually *limited* the seeming variability (mobility) of crowd opinion. One needed to distinguish the "unalterable psychological elements of a race" from the "mobile and changeable elements": the crowd's wavering opinion – or, elsewhere, its "extreme mobility of ideas" – was merely a superficial flux above the more important, enduring "substratum" of the race's "fixed beliefs."[375] On those grounds, Le Bon concluded that crowds only appeared revolutionary, but were actually conservative by nature:

> They may be desirous, it is true, of changing the names of their institutions, and to obtain these changes they accomplish at times even violent revolutions, but the essence of these institutions is too much the expression of the hereditary needs of the race for them not invariably to abide by it. Their incessant mobility only exerts its influence on quite superficial matters. In fact, they possess conservative instincts as indestructible as those of all primitive beings. Their fetish-like respect for all traditions is absolute. . . .[376]

Thus after, in the introduction, having stoked fears that crowds aimed "to utterly destroy society as it now exists," Le Bon ultimately dismissed the crowd's capacity for meaningful change, novelty, or even significant disruption.[377]

The crowd's temporality, then, was both ephemeral and cyclical. The volatility of crowds was recurrent but fleeting and epiphenomenal, a surface disturbance hiding deeper and broader

[374] Le Bon, *The Crowd*, 45, 46 (book 2, ch. 1, §1 and §2).

[375] Le Bon, 90–91, 95, 94 (book 2, ch. 4, §§1-2).

[376] Le Bon, 26 (book 1, ch. 2, §4).

[377] Le Bon, xi.

currents. Below, race, tradition, and time effected real changes only very slowly and within a repetitive cycle of civilizational rise and fall.[378] Time, Le Bon asserted, "is the sole real creator and the sole real destroyer. . . . It causes the birth, the growth, and the death of all beliefs."[379] If, then, one was "uneasy" about the rise of the crowd and "the destructions and upheavals foreboded thereby," perhaps one need not be: "Time, without other aid, will see to the restoration of equilibrium."[380]

Indeed, across the book as a whole, it became clear that his claims about the ungovernability of the crowd, due to its mobility, had been overstated: governments and institutions may often be powerless to regulate crowds, but that did not mean no one ever could. Crowds had, he insisted, a "docile respect for force" and an instinct for servitude: their occasional violent revolts were only transitory, and anyway they only revolted against "feeble" leaders, while they venerated tyrants and would "bow down servilely before a strong authority."[381] Moreover, adept leaders could stir and manage the crowd by *understanding and manipulating its mobility*. Because crowds were suggestible and *movable,* because the crowd's ideas were mobile and their thinking was imagistic, a sufficiently charismatic leader could impress ideas on crowds through affirmation, repetition, and contagion. To introduce an idea,

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[378] See book II, chapter 1, §3, the preface, and the final pages (pp. 138-39): "After having exerted its creative action, time begins that work of destruction from which neither gods nor men escape" (138). Norton Wise also discusses the role of time in Le Bon's theory, and the contrast between cyclical and linear time; he argues that Le Bon and others *feminize* cyclical time, where linear time is instead conceived as masculine. M. Norton Wise, "Time Discovered and Time Gendered in Victorian Science and Culture," in *From Energy to Information: Representation in Science and Technology, Art, and Literature*, ed. Bruce Clarke and Linda Dalrymple Henderson (Stanford, Calif: Stanford University Press, 2002), 39–58.

[379] Le Bon, *The Crowd*, 47–48.

[380] Le Bon, 48.

[381] Le Bon, 25 (book 1, ch. 2, §4). See also book 2, ch. 3, §1: "A crowd is a servile flock that is incapable of ever doing without a master" (72). "The multitude is always ready to listen to the strong-willed man, who knows how to impose himself upon it. Men gathered in a crowd lose all force of will, and turn instinctively to the person who possesses the quality they lack" (73).

leaders should use "[a]ffirmation pure and simple, kept free of all reasoning and all proof" – a technique, Le Bon reminded, that was already familiar in religion, legal codes, political causes, and commercial advertising.[382] Next, affirmations must "be constantly repeated, . . . so far as possible in the same terms" so that they could become taken for granted as truth, by embedding into the unconscious mind.[383] Then, through the "powerful mechanism of contagion," a leader could see those implanted ideas spread and propagate.[384] Thus, a leader who understood the ways crowds think, feel, and behave could manage crowds: not by changing their mobile nature, for that would be impossible, but by taking it into account in order to guide, seduce, and manipulate the crowd.

Given Le Bon's emphasis on the strong leader – and his notorious influence on fascist leaders of the twentieth century – one might expect Le Bon simply to reject democracy, much as the old rhetoric of the *mobile vulgus* had done. Indeed, as with the earlier tropes of the *mobile vulgus*, the crowd's mobility did, for Le Bon, render the masses unfit and incapable of meaningful political action. But, Le Bon's response to the democratic revolution did not exactly reject the democratic revolution so much as recast its meaning and potential. However much his ideas were elitist and hierarchical, however much he disliked the ideas of equality and equalization associated with democracy, Le Bon accepted democracy as a feature of the modern world. Citing Tocqueville on the faith in public opinion that accompanies an "era of equality," Le Bon concluded that "it would be the more useless to attempt to undermine this dogma [of

[382] Le Bon, 77 (book 2, ch. 3, §2).

[383] Le Bon, 77 (book 2, ch. 3, §2).

[384] Le Bon, 78–80 (book 2, ch. 3, §2).

universal suffrage], inasmuch as it has an appearance of reasonableness in its favour."[385] Moreover, because all groups could become a crowd, Le Bon saw no need to reject universal suffrage. The "practical reasons" for keeping universal suffrage, though, were not about its merits, but had to do with "the mental inferiority of all collectivities, whatever their composition."[386] Restricting the voting population, even to "those intellectually capable," would make no difference: "In a crowd men always tend to the same level, and, on general questions, a vote, recorded by forty academicians is no better than that of forty water-carriers."[387] In the end, he thought that neither the form of government nor the size of the electorate was really important: "Whether the suffrage of crowds be restricted or general, whether it be exercised under a republic or a monarchy, in France, in Belgium, in Greece, in Portugal, or in Spain, it is everywhere identical; and, when all is said and done, it is the expression of the unconscious aspirations and needs of the race."[388] Even highly educated individuals would be ignorant on social questions and would act and vote as a psychological crowd, and, anyway, it did not matter, because whoever composed the electorate, its votes would always just be an expression of inscrutable and *unconscious* features of the "race." Thus, Le Bon offered a distinctive brand of anti-democratic theory not reducible to earlier anti-democratic traditions, one that nominally accepted democracy but diminished its importance: one should accept, he seemed to say, that democratic tendencies, practices, and institutions were around to stay, but one shouldn't worry, as they made no real difference.

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[385] Le Bon, 121 (book 3, ch. 4).

[386] Le Bon, 121 (book 3, ch. 4).

[387] Le Bon, 121–22 (book 3, ch. 4).

[388] Le Bon, 122 (book 3, ch. 4).

Le Bon's discussion of the mobile crowd was not simply anti-democratic but also thoroughly anti-political. The crowd's mobility figured – in perhaps exaggerated form – an experience of indeterminacy and uncertainty associated with democracy, but one devoid of meaningful political agency. Le Bon's crowd psychology evoked a formless amorphous collective, constantly shifting, as any individual could become lost in a crowd and any group could become a psychological crowd, but that collective was not a collective *subject*. The crowd's blob-like tendency to invade any collective endeavor and to incorporate anyone into its hypnotic power ruled out for Le Bon *any* meaningful collective action. Moreover, Le Bon's emphasis on the crowd's volatility, its changing emotions and behaviors, likewise stressed an experience of radical uncertainty. But Le Bon did not aim to arrest the crowd's mobility or to impose order on it. Rather, he accepted that mobility but denied its potential for change or real disruption. The crowd's merely *epiphenomenal* volatility and variability ruled out any potential for effecting significant change. He placed the driving forces for human activity and change beyond collective or individual control: in instinct and reflex, in the substratum of "race" – likewise conceived as an unconscious force – and in the inaccessible, slow, and cyclical workings of time. To the small extent that the crowd's mobility could be managed at the surface level, we see yet another fantasy of hierarchical management that denies most people agency: a skilled leader could use the crowd's mobility to direct it, incite it, mold it, manipulate it according to the leader's whim. All that was left – for anyone other than the charismatic leader – was to give in, go with the flow, accept that one would get swept up in things beyond one's control and that there was nothing one could do about that. To paraphrase Stanley Kubrick, stop worrying, and love the crowd/leader. Thus, in Le Bon's crowd theory, the crowd and democracy may well be inherently mobile, but that mobility is thoroughly depoliticized.

Le Bon arguably tried to dampen the political potential of the anxieties attending the democratic revolution. Other figurations of popular politics and democracy as mobile would, instead, hold open some productive anxieties about democracy's uncertainties and indeterminacies. I turn in the next section to discussions of the "mob" – especially in satirical writings – in early eighteenth century England, just after the term was coined. Like Le Bon's mobile crowd, early discussions of the mob figured the demos as a mobile, amorphous collective and emphasized experiences of uncertainty and unpredictability within popular politics. However, the meanings, and mobility, of the early eighteenth-century "mob" are not synonymous with those of Le Bon's late nineteenth-century psychological crowd. Rather, I will argue, the early idea of the mob emphasized some important ambiguities, ambivalences, and risks of popular and democratic politics, but without collapsing the space for action.

II. Mob and/or People

In his character sketch entitled "The City Mob," eighteenth-century English satirist Ned Ward opened with a colorful variation on a classic image: "The Rude Multitude is an Untam'd Monster of many Heads, lock'd up in the dark dungeon of *Ignorance* and *Inconstancy*, more infected with *Errors* than *Augeus* Stable was filled with *Ordure*."[389] That image set the tone for what followed: a long list of the vices of the "Common People," "the Vulgar," or simply "the People." Governed by appearances, opinion, and rumor, they were unruly, quick to anger, quick to change their minds: "carry'd hither and thither by every Wind," they "Ebb and Flow oftner than *Euripus*." Beastly, brutish, barbaric, roaring like Cyclops blinded, "attempting things with great *Tumult*,

[389] Ward, *Reformer*, 33 emphasis in original. On the ideas of the many-headed beast and the multitude in seventeenth-century Britain, see Hill, "The Many-Headed Monster."

and no *Judgment*," they "run violently like a Torrent" against anyone they oppose. They are "always unsteady, never Constant or Contented."[390] The mob were mobile; the people were mobile; the people were a mob.

"Mob" was something of a buzzword in eighteenth-century English. Indeed, mobs seemed to be everywhere, objects not only of anxiety and concern but of fascination and caricature.[391] The word itself first emerged as a slang term in the late seventeenth century, shortened from the phrase *mobile vulgus*. The *mobile vulgus* became first "the mobile," sometimes "the mobility," and then simply "the mob."[392] One eighteenth-century writer would later credit the First Earl of Shaftesbury's Whig circles with coining the term,[393] but whatever its origins, the shortened form "mobile" was in common use by the 1670s, and "mob" or "mobb" by the 1690s. By the early 1700s, both Jonathan Swift and Joseph Addison would lament the

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[390] Ward, *Reformer*, 33–35.

[391] Robert Brink Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London: Hambledon and London, 2004); Herbert M. Atherton, "The 'Mob' in Eighteenth-Century English Caricature," *Eighteenth-Century Studies* 12, no. 1 (October 1, 1978): 47–58, https://doi.org/10.2307/2738418.

[392] On the etymology of "mob" see Maria Su Wang, "'Mob': English," in *Crowds*, ed. Jeffrey T. Schnapp and Matthew Tiews (Stanford: Stanford University Press, 2006), 186–90; Seidel, "The Restoration Mob," 434–35; Shoemaker, *The London Mob*, xi–xii.

There is no exact equivalent to "mob" in French, German, or Spanish. The French *racaille* and *canaille* both connote the lowest class or dregs, but not motion; the German word *Pöbel* and Spanish *populacho* connote popular or vulgar, and *Masse* and *Menge,* number, as do *masa, multitud*, and *muchedumbre*. The terms that come closest in French and Spanish to conveying crowd, vulgarity, motion together are *tourbe* and *turba,* from the Latin *turba* (crowd), related etymologically to turbulent, stormy. Though used by Montaigne and Charron at the turn of the seventeenth century, *tourbe* had become archaic and uncommon in French by the end of the seventeenth, according to the first (1694) edition of the *Dictionnaire de l'Académie française*; see "Tourbe" in *Dictionnaires d'Autrefois*, available on ARTFL. On the Latin term *turba*, see Alexandra Katherina T. Sofroniew, "'Turba': Latin," in *Crowds*, ed. Jeffrey T Schnapp and Matthew Tiews (Stanford, Calif: Stanford University Press, 2006), 30-34.

[393] Roger North, *Examen: Or, an Enquiry into the Credit and Veracity of a Pretended Complete History; Shewing the Perverse and Wicked Design of It, and the Many Falsities and Abuses of Truth Contained in It* (London, 1740), 574. See discussion in Seidel, "The Restoration Mob," 434–35.

popularity of such "miserably curtailed" truncations as "mob."[394] (On his battle against slang, Swift quipped, "I have done my utmost for some Years past to stop the Progress of *Mobb* and *Banter*, but have been plainly born down by Numbers, and betrayed by those who promised to assist me."[395])

In its earliest usage, and like its now obsolete relatives *the mobile* and *the mobility*, the word *mob* could refer both to the common people in general and to the tumultuous crowds and riots of the time.[396] "D'hear that noise?" asks a character in Thomas Shadwell's 1676 play, *The Libertines*: "The remaining Rogues have raised the Mobile, and are coming upon us."[397] Per *A new dictionary of the canting crew* (1699), "Mob, Mobile, Mobility" were slang for "the Vulgar or Rabble," and a 1702 dictionary defined "The Mobile, or Mob" as "the giddy multitude."[398] Abel Boyer's character for "Vulgar" in *Characters of the virtues and vices* (1695) echoed the classical commonplaces: "Nothing is so fickle and inconstant, as the Mobile, driven hither and thither with every artificial Declaration of Statesmen, or Pretence of Faction."[399] As these

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[394] The phrase "miserably curtailed" is Addison's, who thought such "ridiculous Words" as "*mob. rep. pos. incog.* […] will not in time be looked upon as a part of our Tongue." See Joseph Addison, "No. 135," *The Spectator*, August 4, 1711, ECCO (Gale|CW3312986328), ellipses in original.

[395] Swift described the tendency to truncate words as linguistic "relaps[e] into Barbarity," and complained in 1710 of the "Refinement, which consists in pronouncing the first Syllable in a Word that has many, and dismissing the rest; such as *Phizz*, *Hipps*, *Mobb*, *Pozz*, *Rep*, and many more, when we are already overloaded with Monosyllables, which are the Disgrace of our Language." See Jonathan Swift, "No. 230," *The Tatler (The Lucubrations of Isaac Bickerstaff Esq)*, September 26, 1710, 181–82, ECCO (CB3332766703).

[396] For the latter usage, see Robert Ferguson, *The History of All the Mobs, Tumults, and Insurrections in Great Britain from William the Conqueror to the Present Time to Which Is Added the Act of Parliament and Proclamation Lately Publish'd for Punishing Rioters* (London: Printed for J. Moore, 1715), http://uclibs.org/PID/126171.

[397] Thomas Shadwell, *The Libertine: A Tragedy* (London, 1676), EEBO (ProQuest 2240969724).

[398] B. E., *A New Dictionary of the Canting Crew in Its Several Tribes of Gypsies, Beggers, Thieves, Cheats &c., with an Addition of Some Proverbs, Phrases, Figurative Speeches &c.* (London: W. Hawes, P. Gilbourne, and W. Davis, 1699), EEBO (2248512959); John [J.K.] Kersey, *A New English Dictionary: Or, Compleat Collection of the Most Proper and Significant Words, Commonly Used in the Language; with a Short and Clear Exposition of Difficult Words and Terms of Art.* (London, 1702), ECCO (GALE|CB0131343931).

[399] Abel Boyer, *Characters of the Virtues & Vices of the Age* (London, 1695), 201, EEBO (2240850595).

examples illustrate, this new terminology of the "mob" and the "Mobile" seemed initially to continue the conventional rhetoric of the *mobile vulgus.* To that extent, the motion conveyed by the label mob would signal the erratic, inconstant, disorderly, and tumultuous character – or the unruliness – of the persons or activities so named. However, the term mob also quickly took on some semantic ambiguities and instabilities that introduced a more complex sense of mobility.

One such ambiguity concerns the term's referent: *who* was the mob? For some, *mob* and *people* were interchangeable terms: the mob's meanings simply carried over from the *mobile vulgus*, and mob was just another label, like rabble or multitude, to disparage the people. Thus, Ned Ward's 1701 character sketch of the "City Mob," quoted above, made no distinction between people and mob. Likewise, in 1710, Ward would again equate people and mob in his long burlesque poem, *Vulgus Britannicus* (which I discuss further below).[400] There, Ward referred to the "*Frantick Croud"* and *"Giddy, Wild, Unthinking* Herd" mockingly as "our Good Sov'reign *Lords the People,*" the "S--- L--- the Mob," and "our new S--- L--- the *Rabble."*[401] Crowd, unthinking herd, mob, people, rabble: all were equivalent terms for Ward.

For others, however, the term mob referred not to the people in general but to a disfavored *part* or segment of the people. In his *Bibliotheca Politica* (1694), for instance, James Tyrrell clarified his (Whig) doctrine of the people's right to resistance as follows: "I do by no means allow the Rabble or Mob of any Nation to take up arms against a Civil Government, but only the Whole Community of the People of all Degrees and Orders, commanded by the Nobility

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[400] Edward Ward, *Vulgus Britannicus or the British Hudibras. In Fifteen Canto's. The Five Parts Compleat in One Volume. Containing the Secret History of the Late London Mob; Their Rise, Progress, and Suppression by the Guards. Intermix'd with the Civil-Wars Betwixt High-Church and Low-Church, down to This Time*, 2nd ed. (London, 1710), ECCO (GALE|CW0115979681).

[401] Ward, 2, 18, 20, omitted letters in original.

and Gentry thereof. . . ."[402] For Tyrell, the right of resistance did not sanction insurrection by the "rabble," but only resistance by the people as a whole, in circumstances of tyranny. Here, *mob* and *people* were not the same: the "Mob" indicated a disreputable lower segment of society, whereas "the people" broadened to encompass the entire community, across all classes.

If Ward's identification of *people* and *mob* was more typical of the term's early usage, the distinction Tyrell drew would become increasingly common over the eighteenth and nineteenth centuries. So, rather than denoting the people or common people *per se*, the term mob instead often came to mark a *division*: a distinction and separation between mob and people, part and whole, ochlocracy and democracy – or between *legitimate* political subjects and activities and *illegitimate* ones. So, in the late eighteenth century, Thomas Paine would rebuke Edmund Burke for confounding the actions of the French *people*, as represented by the National Assembly, with the actions of that "lowest class of mankind," those who "in England are called the '*mob*.'"[403] Caroline Norton used a similar distinction in 1848 to admonish Chartist crowds, in the opening of her "Letters to the Mob":

> I had thought to head this, "A Letter to the People," but you are not the people. You usurp their name; you represent yourselves as acting on their behalf; but they disown and fear you. They look with alarm on your tumultuous gatherings. They stand on the defensive against your attacks. They distrust you. They know you to be sections, more or less dangerous, of disturbers of the public peace.[404]

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[402] James Tyrrell, *Bibliotheca Politica: Or An Enquiry into the Ancient Constitution of the English Government Both in Respect to the Just Extent of Regal Power, and the Rights and Liberties of the Subject* (London, 1694), 808, EEBO (2248497517). Tyrell's book is a dialogue between "Mr. Meanwell a civilian, and Mr. Freeman a Gentleman," where Freeman voices Tyrell's argument.

[403] Thomas Paine, *Political Writings*, ed. Bruce Kuklick, rev. student ed. (Cambridge: Cambridge University Press, 2000), 78.

[404] Libertas [Caroline Norton], "Letters to the Mob" (January 1, 1848), 3, Bristol Selected Pamphlets, http://www.jstor.org/stable/60249240.

In these uses, mob remained a term of opprobrium, but one more often used to denounce a *particular* group and its actions, by distancing them from "the people."

Emphasizing that distinction, historian Peter Hayes has argued that the idea of the mob detached from the idea of the *mobile vulgus* over time: where the *mobile vulgus* denoted and denigrated the majority or the people as a whole, "mob" came to refer instead to an immoral, unproductive, and or dangerous segment distinct or distinguishable from the people.[405] Further, he contends, "The mob is not an anti-democratic term in the way that the concept of the *mobile vulgus* is anti-democratic."[406] He argues that the mob idea is not merely a vestige of pre-democratic antipathies to the people, but instead serves an important "ideological function" within modern pro-democratic and leftist thought: "to publicly identify the mob as an unproductive minority has an ideological appeal that can only be described as a democratic or populist one; it is an appeal to the people."[407] One might extend and rephrase his interpretation as follows: as democracy gets revalued in modernity, the distinction between people and mob, democracy and mob-rule, can function rhetorically to legitimize and sanitize the first term while displacing its negative associations onto the second. Thus, for many modern writers, true democracy must be distinguished from, and defended against, not only the slanderous *label* of mob-rule or ochlocracy, but also from the violence and volatility of the mob, now seen as

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[405] Peter Hayes, *The People and the Mob: The Ideology of Civil Conflict in Modern Europe* (Westport, CT: Praeger, 1992), chap. 1, and see especially pp. 14-17.

[406] Hayes, 14.

[407] Hayes, 14.

external to democracy proper.[408] In this interpretation, the mob would thus become the constitutive outside of (true or legitimate) democratic politics.[409]

Yet, perhaps Hayes is too quick to detach *mob* from *mobile vulgus.* Both terms still share some connotations, including a sense of mobility understood as dangerous unruliness. Even when distinguished from the people, the "mob" idea maintains associations with tumult, disorder, and violence, but simply purges them from the demos. Moreover, if Ned Ward's identification of mob and people seems either archaic or disingenuous, the strict dichotomy of mob and people, ochlocracy and democracy, is arguably too neat. To understand the mob *only* as the constitutive outside of democracy renders the distinction too sharp, and the meanings of both sides too stable. On the one hand, it neglects what Giorgio Agamben has called the "semantic ambiguity" of the people – a term that can name both "the constitutive political subject as well as the class that is excluded – de facto, if not de jure – from politics."[410] In other words, the idea of the people itself already contains the doubleness and division between whole and part, legitimate and illegitimate, that the people-mob distinction would mark on Hayes's interpretation.

On the other hand, any neat conceptual distinction between people and mob also neglects an important feature of the term *mob:* its characteristic instability of referent. A nineteenth-century article illustrates this instability well: "At a Reform Meeting, the populace, consist of

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[408] That interpretation of the mob's modern meanings and functions resonates with several conventional strains of modern political thought, from the Federalists' rejection of ochlocratic direct democracy to the constitutionalist urge to curtail demotic excess.

[409] Though, of course, this kind of distinction can be marshalled in various, ideologically indeterminate ways: think of Turkish Prime Minister Erdoğan labelling protesters in Gezi Park, Istanbul in 2013 as *çapulcu* (looters or marauders), and claiming that *"Gezi Park does not belong to occupying forces but to the people*." Or recall that, in the U.S., to opposing pundits, both Occupy and the Tea Party were "mobs," or that some right-wingers denounce the "liberal mob" while critics on the left decry Republican pandering to "angry mobs."

[410] Giorgio Agamben, "What Is a People?," in *Means without End: Notes on Politics*, trans. Vicenzo Binetti and Cesare Casarino (Minneapolis: University of Minnesota Press, 2000), 29.

whom it may, are called 'the people'; but if a riot ensues, the very same personages are then designated a mob."[411] That the same group may be called people or mob, that mob can designate either part or whole, that mob can be a label both to dismiss the people and, by distinction, to legitimate the people – these instabilities suggest an ineliminable ambiguity in the idea itself. The idea of the mob simultaneously evokes those distinctions *and* undoes them. That semantic ambiguity suggests, in turn, that there is something more to the "mobility" of the mob – more to its sense of motion – than just unruliness. The idea of the mob, I will suggest, also draws attention to other senses of demotic motion: the indeterminate, ever shifting form of the demos and the unpredictabilities and risks of popular politics. To develop those ideas, I return to the early eighteenth-century context just after the term mob emerged, and to satirical writings especially attuned to its unstable meanings.

III. Shape-Shifting and Oscillations

The term mob came to prominence in Britain during the contentious decades following the "Glorious Revolution" of 1688-1689, which had deposed the Catholic monarch, James II, and had installed his daughter Mary and her husband William, both Protestants, as joint rulers. In the immediate aftermath, Parliament passed both a Bill of Rights, which elaborated subjects' rights and liberties and barred Catholics from succeeding to the throne, and an Act of Toleration permitting freedom of worship to Dissenters (Protestant denominations that did not conform to the Church of England). During what scholars have called the first age of party, Whigs and

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[411] *Felix Farley's Bristol Journal,* 12 November 1831, cited in Harrison, *Crowds and History*, 189. *Felix Farley* was, according to Harrison, a Tory journal, and sympathetic neither to the Reformers nor to the rioters; this passage criticizes the reformers for disclaiming the riots by attributing them to some "blackguards." See Harrison's broader discussion at 188ff.

Tories debated the meaning of that event and its implications about the basis of political power, the right of resistance, and the relation between church and state. Very broadly, the Whig position, associated most famously with writers such as John Locke, Algernon Sidney, and James Tyrrell, saw political power as deriving from the people, defended the right of resistance against tyranny, and supported freedom of worship for protestant Dissenters, which been established by the 1689 Toleration Act. While the Tory faction mostly came, if on different reasoning, to support the reign of William and Mary and their successors, Tories typically sought to maintain the traditional influence and power of the Church of England and often supported doctrines of "*jure divino*" (divine right) and "passive obedience" to authority, as opposed to the right of resistance. Each side pilloried the other: Whigs often represented Tories as crypto-Jacobites who secretly supported the deposed James II, Catholicism, and the succession claims of his also Catholic son James ("the pretender"); Tories, for their part, often characterized Whigs as crypto-republicans who sought to destroy both the monarchy and the established church.[412]

These disagreements sometimes became tumultuous. During the reign of Queen Anne, William's successor, there was rioting in 1710 in support of Henry Sacheverell, a controversial High Anglican clergyman who was tried and impeached for publishing sermons attacking the Whig government and Protestant Dissenters.[413] In 1714 and 1715, after Anne's death and the Hanoverian succession that brought George I to the throne, and the Whigs' subsequent regaining

[412] For more detailed discussions of the "rage of party" and debates about the Glorious Revolution, see among others: Mark Knights, "Politics after the Glorious Revolution," in *A Companion to Stuart Britain*, ed. Barry Coward (Oxford: Blackwell, 2003), 455–73; Tim Harris, *Politics under the Later Stuarts: Party Conflict in a Divided Society, 1660-1715* (London: Longman, 1993), chap. 7; H. T. Dickinson, "The Eighteenth-Century Debate on the 'Glorious Revolution,'" *History* 61, no. 201 (1976): 28–45, http://www.jstor.org/stable/24409553.

[413] On the Sacheverell riots, see Lee Horsley, "'Vox Populi' in the Political Literature of 1710," *Huntington Library Quarterly* 38, no. 4 (1975): 335–53, http://www.jstor.org/stable/3816914; Geoffrey Holmes, "The Sacheverell Riots: The Crowd and the Church in Early Eighteenth-Century London," *Past & Present*, no. 72 (1976): 55–85, http://www.jstor.org/stable/650328.

of parliamentary power, there were Jacobite, anti-Whig, and anti-Dissenter riots that again held up Sacheverell as mascot, with cries of "Sacheverell forever."[414]

The *mob* figured prominently in pamphlets, essays, and satires about these partisan debates and riotous events, in ways that illustrate the term's ambivalent and unstable meanings.[415] For the Tory publican and satirist Ned Ward, for instance, "mob" was a term through which to impugn both the people and Whig appeals to popular power. His 1710 poem, *Vulgus Britannicus,* billed as a "Secret History of the Late London Mob," depicted the Sacheverell Riots.[416] Though sympathetic to Sacheverell and Tory causes, he viewed the riots as evidence of the stupidity, unreliability, and volatility of the people. The poem mocked the people's – or the mob's – implied claim to rights and power, while also warning of the dangers of such claims:

> Now, at the *Rabble's* great Command,
> Each Coach was forc'd to make a stand;
> And many tho' of lofty Station,
> Submit to their Examination;
> And with the Patience of a *Job*,
> Obey their S . . . . . . L . . . . . the Mob;
> Who now grown mad 'twixt *Nob* and *Tipple* ;
> Declar'd themselves to be the *People* ,
> Who had by Natures Law a *Right* ,
> To do whate'er themselves thought fit;
> So *Rebels*, when successful grown,
> Will *Brave* and *Dare* the very Throne;
> And rigidly exert their Pow'r,
> O'er those that govern'd them before.[417]

[414] Adrian Randall, *Riotous Assemblies: Popular Protest in Hanoverian England* (Oxford: Oxford University Press, 2006), 46–47.

[415] Horsley, "'Vox Populi' in the Political Literature of 1710."

[416] Ward, *Vulgus Britannicus*.

[417] Ward, 18, ellipses in original.

Here, treating "mob" and "people" as equivalent, Ward successively exaggerated then diminished popular pretensions to power: popular sovereignty manifested in a ridiculous ceremony of stagecoach inspection, and yet the crowd's giddy and brazen madness was but a small step from rebellion and revolt.

Moreover, Ward explicitly linked the disorderly mob with a misguided popular politics. Even though the rioters supported Tory causes, Ward suggested that they had been emboldened by dangerous ideas of popular power put forward by Whigs:

> […] our Good Sov'reign *Lords the People*
> Were *Crown'd* by a *Republick Cripple*,
> And by false *Logick* prov'd to be
> The Source of all *Authority,*
> And that from them all *Power* Sprung
> At first, as Pompions do from *Dung,*[418]
> And did on them devolve again,
> As oft as they were pleas'd to Reign,
> As if a King, *the Lord's Anointed,*
> Was only by the *Mob* appointed,
> And that they rais'd him to a *Crown*
> For nothing but to pull *him down*[419]

Referencing Whig periodicals – including Daniel Defoe's *Review* and John Tutchin's *Observator* – Ward somewhat gleefully noted the irony that the "S . . . People [. . .]/ Who had so long been sooth'd and flatter'd, / *H . . . ly'd,* Review'd, and Observator'd" would now be so "unkind" as to turn against the Whigs and toward High Church and Tory causes.[420] The Whig emphasis on the people's original power, he concluded, was mere folly:

> But those who do alas depend,
> Upon the *Mob* to stand their Friend;
> And found *Dominion* not in *Grace*,
> But in the wav'ring Populace;

[418] Ward, 2.

[419] Ward, 2.

[420] Ward, 24, ellipses in original, except those in brackets.

Must find sometimes the giddy *Swarm*
Instead of Good, will do 'em *Harm*.[421]

For Ward, those riots plainly demonstrated the people's wavering, tumultuous, and unpredictable nature, and thus the absurdity of any notion of the people's original power. Here, then, *mob* was a label to discredit the people, simultaneously disparaging the common people's capacity for self-government and stoking fears of the chaos that popular rule would bring. The mob and the people were one and the same: unruly, unfit to rule. Ironic though it may have been that the self-styled "Sovereign Lords, the People" were rioting *for* the doctrine of passive obedience, those Whigs who appealed to the people's authority, who "depend[ed] / Upon the *Mob* to stand their Friend," had only themselves to blame when the people/mob turned to destruction.[422]

Daniel Defoe was one of Ward's Whig adversaries in these paper wars. In pamphlets and in his periodical the *Review*, Defoe fervently opposed the doctrine of *jure divino* and fiercely defended the principles of the Glorious Revolution.[423] In a 1702 pamphlet titled *The Original Power of the Collective Body of the People of England, Examined and Asserted*, Defoe argued that the people were and remained the "original" source of political power. The people delegated power to King and Parliament, but if the latter were to abuse that power – if the people's "Representatives shall hereafter betray the Liberties or Religion of the People they are intrusted with the defence of" – then government and constitution would be dissolved. The people then would have the right not only to resist but to reclaim their power and put in place a new

[421] Ward, 25.

[422] Ward, 25.

[423] There is, however, some debate in the scholarship about Defoe's partisan leanings over his lifetime. See discussions in Manuel Schonhorn, *Defoe's Politics: Parliament, Power, Kingship, and Robinson Crusoe* (New York: Cambridge University Press, 1991); Philip Nicholas Furbank, *A Political Biography of Daniel Defoe* (London: Pickering & Chatto, 2006); Leon Guilhamet, *Defoe and the Whig Novel: A Reading of the Major Fiction* (Newark, DE: University of Delaware Press, 2010); K. R. P. Clark, "Defoe, Dissent, and Early Whig Ideology," *The Historical Journal* 52, no. 03 (2009): 595–614, https://doi.org/10.1017/S0018246X09990045.

government.[424] However, Defoe was also dismayed and perplexed by some of the popular protests and riots of the early eighteenth century, especially the Sacheverell Riots mentioned above. In supporting a clergyman who preached *against* the people's right of resistance, espoused the doctrine of passive obedience, and attacked the idea of toleration for nonconforming sects, these riots seemed, to Defoe, self-contradictory popular revolts against the very principles of the Glorious Revolution.[425]

Defoe also wrote frequently about the "mob" during this period: in various essays within his *Review,* in pamphlets penned in the persona of "Captain Tom," a stock figure of a mob leader, in his 1715 pamphlet and poem, a *Hymn to the Mob,* and in other poems and essays.[426] Defoe's scattered writings on the mob certainly reflected the post-1688 political context, but they were neither systematic nor consistent, and they shared the equivocations and playful masquerading of much of Defoe's literary and political work.[427] Overall, Defoe's writing refused a single authorial voice, and his political pamphlets often adopted authorial personas that impersonated the target of his critique – or, sometimes, that made his intended target quite ambiguous (most notoriously, in his *The Shortest Way With the Dissenters*, which led him to be

[424] Daniel Defoe, *The Original Power of the Collective Body of the People of England Examined and Asserted* (London, 1702), 9–12, MOME (GALE|U0100408238).

[425] See further discussion below, and also Horsley, "'Vox Populi' in the Political Literature of 1710," 336; Maximillian E. Novak, *Daniel Defoe: Master of Fictions: His Life and Ideas* (Oxford ; New York: Oxford University Press, 2001), 355–57.

[426] Daniel Defoe, *A Letter from Captain Tom to the Mobb, Now Rais'd for Dr. Sacheverel.* (London: J. Baker, 1710), ECCO (GALE|CB0127053657); Daniel Defoe, *A Hymn to the Mob* (London, 1715), ECCO (GALE|CB0127495713).

[427] As one scholar puts it, "His political tendency, like his fictional, is to be inclusive, compendious, equivocal, and seemingly contradictory"; Schonhorn, *Defoe's Politics*, 73–74.

arrested for seditious libel and put in the pillory).[428] Defoe's characterizations of the mob, similarly, seem almost intentionally difficult to pin down: at times mocking, at times critical, at times descriptive, at times laudatory.

His *Hymn to the Mob* illustrates well the equivocal and ambivalent character of his discussions of the mob. The *Hymn* itself, a long poem or verse essay, took a markedly different tone than its preface. The poem traced and praised the noble history of the mob though lamenting its current frenzies, while the preface denounced mobs *tout court* as seditious "in their nature," "destructive of Government itself."[429] Yet the end of the preface also winkingly foregrounded the pamphlet's unresolved ambiguity:

> *If any Thing in* this Work *seems capable of a* double Construction*, he hopes it shall be granted the Common License of* Poets *for a* Latitude of Speech*, and be treated in the Common Method of* Christians*, viz. to be constru'd in the best Sence; as to the* Performance *he leaves it to Censure.*[430]

The suggestion of a (possible) "double construction" allowed and indeed *invited* contradictory and tentative interpretations. Was the reader to take the preface seriously but treat the poem as thoroughly ironic – or vice versa? Or were both parts equally "capable of a double construction," both evading any single interpretation? Was the pamphlet praising or denouncing the mob? More fundamentally, who or what *was* this mob that was the object of the pamphlet's staged ambivalence?

In that ambiguity and ambivalence, Defoe's writings on the mob were, I argue, especially attuned to a peculiar mobility within the figure of the mob, one that goes beyond mere

[428] For discussion of Defoe's impersonations and multiple voices, see Robert James Merrett, *Daniel Defoe: Contrarian* (Toronto; Buffalo: University of Toronto Press, 2013); Eustace Anthony James, *Daniel Defoe's Many Voices: A Rhetorical Study of Prose Style and Literary Method* (Amsterdam: Rodopi, 1972).

[429] Defoe, *A Hymn to the Mob*, i–ii.

[430] Defoe, vi, formatting as in original.

unruliness. Although Defoe was not, strictly speaking, a democratic thinker, his mobs' mobility draws attention to two important aspects of demo(cra)tic motion: first, the constitutive indeterminacy of the demos, and second, the unpredictable temporality of popular and democratic politics.

We might expect Defoe, Whig defender of the people's original authority, to distinguish the mob from the people, as did Tyrrell and later Paine. In Defoe's writings, however, mob and people were not easily disentangled. Like Ward, Defoe often seemed to use *mob* and *people* interchangeably. Yet, Defoe did not simply identify the people and the mob, and certainly not to slander the people by calling them a mob, but neither did he strictly or consistently distinguish mob and people, nor attempt to sanitize the idea of the people by distancing it from the mob. Instead, the imagery surrounding Defoe's mobs suggested something other than either identification or differentiation: it highlighted, instead, an indeterminate, protean quality in the people, a *movement* through which the people was never identical with itself.

In his 1702 pamphlet, *The Original Power of the Collective Body of the People of England,* Defoe used the term "mob" to characterize the people at their moment of constituent power. When a government was dissolved, as he thought it had been at the Glorious Revolution, then the people would be "assembled in a Universal Mob to take the Right of Government upon themselves. . . ."[431] He quoted approvingly from his own anonymously published poem, *The True-Born Englishman*:

> The Government's ungirt when Justice dies,
> And Constitutions are *non Entities*:
> The Nation's all a Mob; there's no such thing
> As Lords and Commons, Parliament or King.
> A great promiscuous Croud the *Hydra* lies
> Till Laws revive and mutual Contract ties,

[431] Defoe, *Original Power*, 17.

> A *Chaos* free to chuse for their own share
> What Case of Government they please to wear.[432]

Notably, in these lines, "mob" was not pejorative, nor did it even have the more ambivalent inflection it would take in some of his later pamphlets. Even the associated image of a multi-headed hydra, such a staple of anti-popular rhetoric, seemed here to lack any obviously negative connotation. Defoe did not differentiate the people from the mob, but rather said that the people *were* a mob *at their moment(s) of constituent power.* In saying the people were a mob, Defoe arguably did not exactly mean, as Maximilian Novak interprets this passage, that the "revolution that occurs uses the mob as its agent" – nor even that the people needed to resort to what might be called mob action in times of crisis or revolution.[433] In these passages, mob and crowd did not appear as already defined entities, or types of action, with an instrumental role in dissolving unjust governments or resolving crises. Rather, here "mob" was more image than concept. The poem evoked several images of looseness ("The Government's ungirt") and an absence of structure ("The Nation's all a Mob; there's no such thing / As Lords and Commons, Parliament or King"). Read alongside other images of a "promiscuous croud," and a "Chaos," *mob* suggested rather a protean formlessness. Defoe figured the people as a *Chaos* in the classical sense of unformed primordial matter – an amorphous, proto-political conglomeration.[434] An

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[432] Defoe, 16; for original, see Daniel Defoe, *The True-Born Englishman: A Satyr*, 9th ed. (London, 1701), 42, ECCO (GALE|CB0127645868).

[433] Novak, *Daniel Defoe*, 152; cf. Maximillian E. Novak, "Defoe and the Disordered City," *PMLA* 92, no. 2 (March 1, 1977): 244, https://doi.org/10.2307/461944: "his theory of the chaos from which government emerged and into which it could fall involved mob action." Citing a line from Defoe's *Hymn to the Mob,* John Robert Moore proffers a similar interpretation, reading "mob" to mean simply a violent mode of intervention: "In case of an extreme abuse of power, the last resort was to popular violence: 'Mob's never useful but when tyrants reign.'" John Robert Moore, *Daniel Defoe, Citizen of the Modern World* (University of Chicago Press, 1958), 205.

[434] Novak likens this "Chaos" to the Hobbesian state of nature. See Novak, *Daniel Defoe*, 151. That reading would imply, however, that "Chaos" means not simply formlessness and an absence of order, as in classical Greek cosmology, but also potentially *violent* disorder. There is little in these lines that would support that.

image of mob as formless jumble also appeared earlier in *The True-Born Englishman.* There, mocking xenophobic fantasies of homogenous national identity, Defoe characterized the English race as an "Amphibious Ill-born Mob"[435] – something double, ambiguous, without a singular identity. Defoe's use of "mob" in these passages thus conjured a sense of the people not as a given, neatly delineated entity with a unified will, but as something shifting and protean, not at one with itself.

In Defoe's later writings on the mob, written in the wake of the Sacheverell riots, mob evoked not so much formlessness as a sometimes grotesque shifting of form. On the one hand, *mob* and *people* remained entangled terms. Defoe's *Review* and his *Hymn to the Mob* both praised mobs of old in terms that made the mob synonymous with the people whose power and political interventions Defoe defended. The *Hymn to the Mob* recounted the mob's history in an exaggerated panegyric: "Hail! Ancient Gentry, Nature's Eldest Line, / Of True Original Divine; / Parent of Nations, Spring of Government."[436] All governors, princes, and states must "thy Senior Glory recognize, / Bow to the very people they despise; / Own thy Great Power Original, / Prior, and so Superior to them all; / From thy Great Suffrage they derive."[437] *Mob* and *people* here seemed interchangeable, linked through the Whig rhetoric of "original power." The poem praised the mob's (people's?) political role and influence: "Nor is thy Judgment *often wrong, /* Thou seldom are mistaken, never long; / However wrong in means thou may'st appear, / Thou generally art in thy Designs sincere; / Just Government and Liberty / Often's upheld, always

[435] Defoe, *True-Born Englishman*, 12.

[436] Defoe, *A Hymn to the Mob*, 1.

[437] Defoe, 7.

belov'd by thee."[438] Similarly, in his *Review*, Defoe stated, "to the Honour of the English Nation, I must say, generally speaking, her Mobbs have always been in the Right; Captain TOM has not often been in the wrong."[439]

Yet, on the other hand, this noble, usually wise Mob could err and mutate. The *Hymn* drew on imagery of fever and illness – imagery also frequently used in Tory depictions of mobs and riots.[440] When the mob's passions became inflamed by political factions or religion, or when it traded freedom within laws for "unbounded liberties," turning against law, the mob went mad: "Nor can thy Claim to Common Sense remain, / but Public Lunacy distracts thy Brain;/ The *Glorious Name* of MOB's no more thy Due, / *Monster* becomes thy Title *now*."[441] In this monstrous transmogrification, moreover, the mob/people turned on itself: "always upon *Self-Destruction* fixt / […] *They all in Arms* against themselves appear."[442] This monster was the people, nation, mob gone mad, destroying the basis of its own freedom and power:

> 'Tis necessary to let Mankind know,
> *Some Errors* thou the *MOB* art subject to;
>   For there's, no Doubt, a Juncture, when
>   Nations *go mad* as well as Men;
> […]
> When *General Lunacies* possess the Kind,
> And Strange, Politick Frenzy rages in the Mind;
>   To see *a Free-born People rise*,
> And *what* before they fought for, *now despise*;
>   *Longing for* what they once abhorr'd;
> Gorg'd with the *Luscious Gust* of being made Free,
> *Grieving* for Chains, and *Sick* for Slavery;

[438] Defoe, 11.

[439] Daniel Defoe, *Review of the State of the British Nation* VI, no. 148 (March 18, 1710): 589, Burney Newspapers Collection (Gale|Z2000102210).

[440] On Tory imagery, see Ronald Paulson, *The Art of Riot in England and America* (Baltimore: Owlworks, 2010), 26–27.

[441] Defoe, *A Hymn to the Mob*, 13.

[442] Defoe, 14.

> It must be some *Infernal Influence*
> Can thus, *at once*, deprive them of their Sense.[443]

The poem implied, here, a particular reading and critique of the Sacherevell riots. Defoe lamented as tragedy what Ward saw as delicious irony: popular revolts seemingly *against* the people's liberty, and *for* Sacheverell's doctrine of passive obedience to authority. In losing its sense, the mob, the people, forgot its past glory and its role within the Glorious Revolution: "Is this the MOB of *Eighty Eight*, / that put King *James* and *Popr'y* in a Fright? / And is the *Revolution* grown *our Sin*,/ That now we'd fain *revolve* again; The *Hearty Work* of Twenty years undo, / and damn the *Work* and *Workmen* too."[444]

These images of grotesque transformation and feverish self-destruction again suggested a movement, a shifting, in which the people was not one with itself. It is not so much, however, that the people became a mob, for here Defoe still used those terms interchangeably, if ambiguously. The storied mob turns into a monster; the "Free-born People rise[s]" against its own power. The *Hymn* gave mob *and* people both the positive associations with original power from Whig ideology and negative associations with unruliness from the old rhetoric of the *mobile vulgus*. At the same time, Defoe refused *both* the anti-democratic identification of the people with the mob as *mobile vulgus* and the pro-democratic distancing of mob from people. Taken altogether, these images of the mob instead suggest an always shifting, indeterminate motion in the *demos*: a *collective subject* never at one with itself, never completely "formed," and also oscillating constantly between what some would try to distinguish by the terms people and mob, democracy and ochlocracy.

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[443] Defoe, 17–18.

[444] Defoe, 38.

That shifting and that oscillation involve a rather different sense of motion than the "unruliness" of the classical tropes of the *mobile vulgus* or than the superficial volatility of Le Bon's crowds. In these early discussions of the "mob," the term did not merely continue the meanings of the *mobile vulgus*, whether to denigrate the people as unruly or to purge the people of that association. Nor did the mob's mobility work to diminish or to collapse meaningful political action, as in Le Bon's crowd. Rather, the idea of the mob pointed to a different kind of instability: not precisely (or at least, not only) the instability of disorder and unruliness, but the semantic and practical instabilities of "mob" and popular politics alike. Here, the figure of the mob, I suggest, draws attention to an important undecidability, within democratic politics, of people/mob, rule/unruliness, order/excess, and legitimate/illegitimate forms of political activity.

Significantly, Defoe's ambivalent sketches of the mob associated it with the extraordinary politics of the people "out of doors" – with extra-parliamentary and extra-legal popular interventions. As Gordon Wood and others have noted, "out-of-doors" or "without doors" was a phrase used in eighteenth-century English for political activity outside the official channels of government – literally beyond the doors of parliament, and indeed sometimes, but not always, on the streets.[445] Defoe's mobs, however, offered at least two conflicting pictures of that extraordinary politics. On the one hand, as we have already seen, in his pamphlet on the original power of the people, Defoe linked the term mob to moments of constituent power, where the people were, in his words, "assembled in a universal mob to take the right of government

[445] Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1998), 319ff; Benjamin H Irvin, *Clothed in Robes of Sovereignty: The Continental Congress and the People Out of Doors* (New York: Oxford University Press, 2011), 13. Other eighteenth-century uses that I have found, however, also suggest that that the phrase did not necessarily always mean *political* activity; rather, it was also sometimes used in discussions *within* parliament to refer to various everyday activities by ordinary people, i.e. to the life of constituents in general.

upon themselves."[446] There, the figure of the mob was associated with those extraordinary moments of founding or re-founding, when the people enact their original power and authority.

On the other hand, elsewhere his writings associated the mob instead with disruptive, tumultuous, and illegitimate modes of intervention in politics. The preface to the *Hymn to the Mob* struck a very different tone from the poem's panegyric:

> *The* Reason *and* End, *and for which* all Government *was at first appointed, was to prevent* Disorder *and* Confusion *among the* People; *that is, In few Words, to prevent* MOBS *and* RABBLES *in the World.* [. . .] MOBS *of any Party are in their Nature destructive of* Government itself*, ruinous to all the Purposes of* Civil Society, *Enemies to* Safety, Order, Justice, *and* Policy *among* Men.[447]

Here, the preface made mobs synonymous with disorder. Their unruly and tumultuous modes of action rendered them *inherently* seditious: "Tumult *of ev'ry Kind is* Rebellion, *and it is the worst Kind of* Rebellion *to, as it drives not at Reforming* the Governors*, but at a Dissolution of* Government."[448] The partisan leanings of a mob were irrelevant, according to this preface: what made mobs' actions illegitimate was their extra-institutional and extra-legal nature. Rather than "present their Grievances in a Legal Manner," for example by petitioning the king, mobs "Bull[y] the KING, *and* Comman[d] Him, Whom it is *our Duty* to obey."[449] Fundamentally, in mobbing the people misunderstood their political role: if, the preface argued, there was some sense in which the people govern, "This is properly the People represented, *not* the people gather'd together; in short, it is the parliament in a House, not the Rabble in the Street." [450] Here,

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[446] Defoe, *Original Power*, 17.

[447] Defoe, *A Hymn to the Mob*, i. The problem of voice and argument are not easy to resolve here, a problem intrinsic to the satirical nature of the poem.

[448] Defoe, ii. Cf. p. iii: "Tumult *is a Rage at the King*." Defoe's concerns were also sectarian, and he explicitly associated mobs with Jacobites in the preface.

[449] Defoe, iv.

[450] Defoe, iii.

then, though not in the longer poem that followed the preface, *mob* would seem to mark a distinction between politics conducted through proper institutional channels and the illegitimate and seditious politics of the people out of doors.

Perhaps this critique of mobs *per se,* in the *Hymn*'s preface, was exaggerated. We should not forget Defoe's tendency to adopt multiple authorial personas.[451] Nonetheless, some of the preface's critiques did resonate with aspects of the poem that emphasize mobs gone mad, discussed above, and with parts of Defoe's earlier series of articles on mobs in the *Review,* written in the immediate wake of the Sacheverell riots. In the latter, Defoe argued that the "late Mob" differed "from the usual Assemblies of the common people on publick Affairs"[452] and from mobs of the past: "All the Rabbles of former Times have been aim'd at something oppressive, something invasive of common or special Right, or at something illegal. . . ."[453] The recent mobs, however, "began their Insolencies without the least Provocation, no Laws broke, no Injury offer'd, no Greivance to complain of."[454] Worse, in rioting against dissenters and for doctrines of passive resistance and *jure divino*, these mobs attacked the principles of the post-1688 constitution: "this Rabble rise upon the Laws, mobb'd the very Constitution, and rabbled

[451] It is also possible that Defoe composed the preface and poem at different times. Although not published until 1715, the poem may date partly from the immediate aftermath of the Sacheverell riots of 1710; in a March 1710 article in the *Review*, he said, "I have some Thoughts of giving the World a short Tract I have long had by me, Entitled, *A History of the Mobb*." The preface to the *Hymn*, on the other hand, made references to "popish pretenders," suggesting the more immediate anti-Hanoverian and Jacobite unrest of 1714 and 1715. See Daniel Defoe, *Review of the State of the British Nation* VI, no. 147 (March 16, 1710): 587, Burney Newspapers Collection (Gale|Z2000102207).

[452] Defoe, 585.

[453] *Review,* March 18, 1710, 589; March 16, 1710, 587: "we have had Mobbs formerly upon various Occasions. . . . But it was observ'd, those Mobbs always aim'd at pulling down some real Grievance -- Such as Bawdy-houses, Mass-houses, sham Gaols for wrongfully impress'd Men, Nests of Kid-nappers, and the like. . . ."

[454] Daniel Defoe, *Review of the State of the British Nation* VI, no. 150 (March 23, 1710): 597, Burney Newspapers Collection (GALE|Z2000102218).

the Government."[455] Here too, the term mob – though "late" mobs rather than mobs *per se* – seemed to indicate illegitimate and seditious modes of political action.

These two pictures of popular action out of doors – constituent power vs. seditious tumult – may seem contradictory, and perhaps even hypocritical. As Ward implied in his *Vulgus Britannicus*, perhaps Defoe and the Whigs were committed to popular power and the right of resistance only when popular revolts favored their own political leanings. Or, one might instead infer that Defoe saw *direct* popular intervention as appropriate only in moments of resistance and (re)founding, and not within the everyday politics of a legitimate constitution. Alternatively, if more prosaically, one might conclude that Defoe simply changed his view of mobs.[456]

However, if we abstract, for a moment, from the specifics of the Sacheverell debate, and from assumptions about authorial intention and consistency (especially problematic given Defoe's penchant for equivocation and ventriloquism), I suggest that we might read something else through the ambivalence and seeming contradictions in these writings. What both these pictures of mob action out of doors capture, I would argue, is an eruptive and episodic temporality, along with an acute sense of the *unpredictability* of popular political action. Whether at a (presumed legitimate) moment of (re)founding or at a (presumed illegitimate) moment of tumult, Defoe's "mob" moves irregularly; its time is momentary and unpredictable.[457]

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[455] *Review,* March 18, 1710, 589. As we saw above, Defoe also gestured toward similar points even in the poem of the *Hymn,* its different tone notwithstanding; see the passage cited at note 444, above.

[456] Novak argues, for instance, that Defoe takes a slightly more conservative view of mobs in the *Hymn* than his earlier writings; Novak, *Daniel Defoe*, 480.

[457] Compare a passage from Charles Dickens's much later *Barnaby Rudge*, ch. 52: "A mob is usually a creature of very mysterious existence, particularly in a large city. Where it comes from or whither it goes, few men can tell. Assembling and dispersing with equal suddenness, it is as difficult to follow to its various sources as the sea itself…." Charles Dickens, *Barnaby Rudge* (New York: Hurst, 1919), 374, https://catalog.hathitrust.org/Record/101902015.

To cite the mob's eruptive temporality might draw this interpretation of the mob's mobility closer to Sheldon Wolin's idea of "fugitive democracy," and to others who similarly emphasize dimensions of democratic politics that are inherently "transgressive," "disruptive," or "insurrectional," evading and challenging the reduction of democracy to form, regime, rule, and institutions.[458] Wolin suggests, for instance, recuperating something from the "specter of turbulent democracy": "I propose accepting the familiar charges that democracy is inherently unstable, inclined toward anarchy, and identified with revolution and using these traits as the basis for a different, *a*constitutional conception of democracy."[459] Making a sharp distinction between democracy and constitutionalism, Wolin recommends embracing an understanding of democracy as "fugitive": an experience that is episodic not permanent, often unruly rather than rule-bound, and transgressive of established forms rather than institutionalized.[460] On his view, modern politics needs to recover precisely the disruptive and unruly energies that the old anti-democratic rhetoric criticized, and that modern constitutionalism seeks to contain. It would be a short step, then, to reconceive the figure of the mob as expressing the revolutionary power of the *demos*, a salutary transgressive force or energy within democracy. Claudia Aradau and Jef Huysmans have recently offered such an interpretation: the mobility of the mob, on their argument, "introduces a different method of being democratic through being mobile." It stands

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[458] Sheldon S. Wolin, "Transgression, Equality, and Voice," in *Demokratia: A Conversation on Democracies Ancient and Modern*, ed. J. Ober and C. Hedrick (Princeton: Princeton University Press, 1996), 79; cf. Jacques Rancière, *Dis-Agreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis: University of Minnesota Press, 1999), 99; Etienne Balibar, *We, the People of Europe?: Reflections on Transnational Citizenship*, trans. James Swenson (Princeton, NJ: Princeton University Press, 2004), 119–20.

[459] Sheldon S. Wolin, "Norm and Form: The Constitutionalizing of Democracy," in *Athenian Political Thought and the Reconstruction of American Democracy*, ed. J. Peter Euben, John Wallach, and Josiah Ober (Ithaca: Cornell University Press, 1994), 37.

[460] Sheldon S. Wolin, "Fugitive Democracy," *Constellations* 1, no. 1 (December 1, 1994): 11–25, https://doi.org/10.1111/j.1467-8675.1994.tb00002.x; Wolin, *Politics and Vision*, ch. 17; Wolin, "Norm and Form"; Wolin, "Transgression, Equality, and Voice."

for the *power* of the masses, the political potential of ordinary people to act collectively *en masse* to challenge the existing configuration of power: "the real historical capacity of the masses to mobilise numbers into a political force that can threaten the ruling state of affairs."[461]

And yet, there is something to the mob – and to the mob's peculiar sense of motion – that resists an exclusively positive revaluation or any unequivocal celebration. There is something *discomfiting, disconcerting, and unsettling* in the idea of the mob: something Defoe's ambiguities especially seem to convey. No doubt, in part, what remains unsettling is the mob's association with violence, an association carried over from the *mobile vulgus* and which those who would strictly distinguish *mob* from *demos* try, or hope, to eliminate from democracy. These are the violent, destructive energies that, according to some critics, Wolin's idea of fugitive democracy either ignores or romanticizes.[462] Moreover, as Jennet Kirkpatrick's work on vigilantes and uncivil disobedience reminds us – and as do events such as the January 6 insurrection – the transgressive, disruptive, and often violent energies associated with "mobs" are certainly not necessarily emancipatory but may instead be exclusionary.[463]

But perhaps that's the point: precisely the work that this idea of the mob, and its unusual mobility, can do for thinking about democracy. In its eruptive temporality and its semantic

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[461] Claudia Aradau and Jef Huysmans, "Mobilising (Global) Democracy: A Political Reading of Mobility between Universal Rights and the Mob," *Millennium - Journal of International Studies* 37, no. 3 (May 1, 2009): 599, https://doi.org/10.1177/0305829809103234. See also, and compare, Aradau's interpretation elsewhere of the mob and *mobile vulgus*: Claudia Aradau, "Political Grammars of Mobility, Security and Subjectivity," *Mobilities* 11, no. 4 (September 2016): 6, https://doi.org/10.1080/17450101.2016.1211824.

[462] See, for instance, George Kateb, "Wolin as a Critic of Democracy," in *Democracy and Vision: Sheldon Wolin and the Vicissitudes of the Political*, ed. Aryeh Botwinick and William E. Connolly (Princeton: Princeton University Press, 2001), 39–57. Cf. Jennet Kirkpatrick's argument that Wolin's fugitive democracy, in rejecting constitutionalism, fetishizes extra-institutional politics: Jennet Kirkpatrick, "Democracy on the Lam: Crisis, Constitutionalism and Extra-Legality," *Contemporary Political Theory* 11, no. 3 (August 2012): 264–84, https://doi.org/10.1057/cpt.2011.28.

[463] Kirkpatrick, "Democracy on the Lam"; Kirkpatrick, *Uncivil Disobedience*. Kirkpatrick reads "uncivil disobedience"– in her work, violent forms of direct political intervention – through a distinction and tension between democracy as rule of law and democracy as popular sovereignty.

ambiguities, its oscillations between legitimate and illegitimate, popular authority and popular unruliness, the mob highlights another kind of motion within any kind of demotic, popular, or democratic politics: a kind of temporal disjuncture or spacing, where democracy and the demos are always moving beside themselves, beyond themselves. This is more than the relentless wheel of *fortuna,* and also more than the ephemeral surface disruptions and cyclical temporalities of Le Bon's crowd. It is more as if the ground shifts, moves out of joint, beneath one's feet. As Defoe found, and as his writings often seem to convey with a combination of humor and anxiety, there is no guarantee that the mob's action, popular politics out of doors, or claims on behalf of the people will be politically felicitous, much less progressive. The Sacheverell "church and king" mobs who rioted *for* established hierarchies and *against* popular authority, like the "uncivil disobedients" Kirkpatrick analyzes, the vigilantes who claim to express the will of the people, demonstrate that neither the "mob" nor "the people" can be definitively claimed for – or confined to – any particular political perspective. Politics is unpredictable and risky, and democratic politics certainly no less so.

There is an unsettling doubleness to the people, to popular sovereignty, and to democracy. What the idea of the mob brings to attention, forces uncomfortably into view, is, in large part, that doubleness, or rather the oscillations within that doubleness, the back and forth between people and mob, between good crowd and bad, between legitimate self-rule and illegitimate violence. If, per Jason Frank, there are sometimes "constituent moments" when "political claims to speak in the people's name are felicitous,"[464] the very indeterminacy of the *mob* draws attention instead to the possibility of *infelicitous* moments and to the ineliminable

[464] Jason A. Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, NC: Duke University Press, 2010), 8.

dimension of risk within popular and democratic politics. The unstable and disruptive energies within that politics can never be contained or wholly banished, but neither can they be definitively claimed for emancipatory purposes, any more than for reactionary ones.

The sense of mobility within the *mob* highlights the uncertainty, indeterminacy, and unpredictability that always attend the experience of democracy and popular politics and that resist fantasies of organization, but not in order to celebrate or romanticize those, nor to dismiss them or wish them away. Rather, the mob idea holds open the productive anxiety that provides the conditions for action. While Le Bon dismissed the possibility of meaningful collective action – by the demos, people, crowd, or any collective – the ambiguity and ambivalence of Defoe's mobs retained both an appeal to action by an amorphous, shape-shifting demos and a realist wariness, a vigilance towards the risks and tragic losses of any collective action.

In a description of the 1848 barricades in *Les Misérables*, Victor Hugo painted an image of the demos doubling back on itself, the people at once whole and split, devouring itself: "Ochlocracy rises up against the demos. . . . [W]hat was June 1948, when it all comes down to it? A revolt of the people against themselves."[465] So, then, what was one to do? Hugo's answer may not be satisfying: "The man of integrity . . . for the very love of those same hordes, he does battle with them." Yet, though the battle "had to be fought," it was without any sure footing: "This is one of those rare times when, in doing what you have to do, you feel something disconcerting that almost puts you off going any further; you persist because you have to; but your conscience, though satisfied, is sad, and doing your duty is made hard by heartache."[466] I would not go so far as Hugo, to suggest that the answer is to battle the hordes, to fight against the

[465] Victor Hugo, *Les Misérables*, trans. Julie Rose (New York: Modern Library, 2008), 961, 962. I have modified the translation of the first sentence in the quote, to reflect Hugo's wording more closely.

[466] Hugo, 962. I have modified the translation slightly.

monstrous transformations of the demos, for that would suggest those distinctions are easy to draw, and not themselves a matter of the contingent dynamics of politics.[467] Still, the doubled, shifting, oscillating, unpredictable aspects of democratic politics that are figured by the mob, these demand a similarly disconcerting wariness, attentiveness, and willingness to act despite risks and tragic disappointments. They warn against romanticizing democracy and popular politics, but also against apathy and complacency. The mob idea likewise hints at the incompletion of democracy – something that would be theorized more explicitly in the nineteenth-century language of *movement*, explored in the next chapter.

[467] See also Jason Frank's discussion of this passage, and of Hugo's making, and unmaking, of distinctions around riot, people, mob, etc., in Jason A. Frank, *The Democratic Sublime: On Aesthetics and Popular Assembly* (New York: Oxford University Press, 2021), 147, and ch. 5 more generally.

Chapter 4.

A Moving Democracy: *Mouvement* and/in the Open Horizons of Democracy

> Democracy makes rapid progress in these latter times, and ever more rapid, in a perilous accelerative ratio; towards democracy, and that only, the progress of things is everywhere tending as to the final goal and winning-post. So think, so clamour the multitudes everywhere. And yet all men may see, whose sight is good for much, that in democracy can lie no finality. . . .
> — Thomas Carlyle, *Chartism* (1840)[468]

> Movement is the impossibility, indefiniteness and imperfection of every politics.
> — Giorgio Agamben, "Che cos'è un movimento"[469]

> Une démocratie mouvante échappe à tous les efforts tentés pour la comprimer.
> — Charles de Rémusat, "Des Mœurs du temps" (1826)[470]

In June 1831, seven weeks into his American travels, Alexis de Tocqueville wrote to a friend about democracy's progress, at home and abroad. Democracy was coming, he asserted, in France no less than in America:

> We ourselves are moving [*nous allons*], my dear friend, toward a democracy without limits [*une démocratie sans bornes*]. I am not saying that this is a good thing; . . . but we are being pushed toward it by an irresistible force. All the efforts that will be made to stop this movement will only provide pauses. . . .[471]

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[468] Thomas Carlyle, *Chartism* (London: J. Fraser, 1840), 53, MOME (GALE|U0106023541).

[469] Giorgio Agamben, "Movement," trans. Arianna Bove, Generation-Online, February 17, 2005, https://www.generation-online.org/p/fpagamben3.htm; translation of Giorgio Agamben, "Che Cos'è Un Movimento," in *Uninomade - Laboratorio Seminariale "Democrazia e Guerra"* (Padua, 2005), http://www.globalproject.info/IMG/mp3/03_agamben.mp3 (last accessed 26 August 2011).

[470] Rémusat, "Des Mœurs du temps (IIe article)", *Le Globe*, August 26, 1826, 29; in *Le Globe: receuil philosophique, politique et littéraire*, vol. 4 (Paris, 1828), https://hdl.handle.net/2027/msu.31293025274808.

[471] Tocqueville to Louis de Kergorlay, Yonkers, 29 Jun 1831, in *Selected Letters on Politics and Society*, ed. Roger Boesche, trans. Roger Boesche and James Toupin (Berkeley: University of California Press, 1985), 55. The reason it could only be paused, he continued in that letter, was that "there is no human force that can change the law concerning estates. . . ." Notably, the 1866 collection of Tocqueville's correspondence omits that mention of estate law, rendering his discussion of democracy more abstract: "Nous allons nous-mêmes, mon cher ami, vers une démocratie sans bornes. Je ne dis pas que ce soit une bonne chose ; ce que je vois dans ce pays ci me convainc au contraire que la France s'en arrangera mal ; mais nous y allons poussés par une force irrésistible. Tous les efforts qu'on fera pour arrêter ce mouvement ne procureront que des haltes." Alexis de Tocqueville, *Correspondence et œuvres posthumes*, vol. 5, Œuvres complètes d'Alexis de Tocqueville 5 (Paris: M. Lévy frères, 1866), 315.

This language of motion reappears in the introduction to *Democracy in America,* where, famously, he presented democracy's development as providential: the equalization of conditions was a "social movement" begun long ago, which it would be futile to oppose.[472] We Europeans, he added in chapter 5, "are daily carried along by an irresistible movement [*mouvement irrésistible*], walking like blind men toward what may prove to be a tyranny perhaps or a republic, but surely toward a democratic social state[.]"[473]

When Tocqueville characterized democracy as an irresistible movement in the 1830s, he was drawing on new and still shifting political vocabularies. Through the previous century, the French word *mouvement* had referred, in political usage, to unrest, riot, or revolt. After the French Revolution, however, that usage was gradually overtaken by new idioms of movement. The now familiar phrase "social movement," for instance, would develop later, around the mid-nineteenth century.[474] Craig Calhoun notes that *social movement* "entered modern political vocabulary . . . as a reference simultaneously to the necessary direction of social change and to the collective action that would bring it about."[475] By the end of the nineteenth century, it would become common to use "movement" to mean a group involved in collective action, and to

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[472] Alexis de Tocqueville, *De la démocratie en Amérique*, 2nd ed., 4 vols. (Paris: C. Gosselin, 1840), MOME (GALE|U0107432849), tome 1, introduction, p. 9. Original: "Le développement graduel de l'égalité des conditions est donc un fait providentiel. . . . Serait-il sage de croire qu'un mouvement social qui vient de si loin, pourra être suspendu par les efforts d'une génération ?" In this chapter I will mainly use Gerald Bevan's English translation of *Democracy in America*, but here Bevan renders "mouvement social" as "social change"; cf. Tocqueville, *Democracy in America*, 15.

[473] Tocqueville, *Democracy in America*, 228 (vol. 1, part 2, ch. 5); Tocqueville, *De la démocratie en Amérique* (1840 edition) tome 2, ch. 5, p. 42.

[474] On the development of this idea of the *social* movement, see Pankoke, "Social Movement." On its link to the social question and to the idea of progress, see also Craig J. Calhoun, *The Roots of Radicalism: Tradition, the Public Sphere, and Early Nineteenth-Century Social Movements* (Chicago: University of Chicago Press, 2012), 45.

[475] Calhoun, *The Roots of Radicalism*, 45.

discuss social and political *movements* in the plural: the *mouvement féministe, mouvement ouvrier,* abolition movement, Chartist movement.[476]

However, in the early decades of the nineteenth century, and for Tocqueville and his contemporaries through the 1830s, movement did not yet have that narrower and now more familiar sense. Before movement became the social movement, and *the* social movement became social movements plural, the term *movement* had broader meanings also associated with social and political change, but not yet denoting specific forms of group action. In this chapter, I explore that early period of conceptual transformation, and I retrace some strands of the language of "movement" that have been largely forgotten, and that preceded later ideas of the social movement and social movements. I argue that in the post-revolutionary period, a new idea of movement briefly emerged – first in France and then elsewhere – as a response to what Tocqueville would eventually call the "democratic revolution." I trace this idea of movement as it arose in French political discourse in the early decades of the nineteenth century, in debates about the nature of democracy and about the implications of the French Revolution and the 1830 July Revolution. Like the mobile metaphors explored in the last chapter, this idea of movement responded to and theorized experiences of change and uncertainty associated with democracy, but emphasized other *temporal* dimensions of its dissolution of markers of certainty. During this period, I suggest, *movement* expressed a particular sense of democracy itself as a process *in*

[476] Several authors date this narrower usage of movement and social movement to Lorenz von Stein's 1850 work, *Geschichte der socialen Bewegung in Frankreich.* However, by roughly the end of the 1830s, and certainly in the 1840s and 1850s, we can already find the label movement being used in this more specific sense, applied to and adopted by those involved in such collective endeavors. See for instance "The Spirit of the Movement," *The Chartist Circular (Glasgow)*, October 31, 1840. On von Stein, see Pankoke, "Social Movement," 332; Charles Tilly, *Social Movements, 1768-2004* (Boulder: Paradigm Publishers, 2004), 5. For an abridged translation of von Stein's work, see Lorenz von Stein, *The History of the Social Movement in France, 1789-1850*, trans. Käthe Mengelberg (Totowa, NJ: Bedminster Press, 1964).

motion – as one contemporary would put it, a “démocratie mouvante,” a moving democracy.[477] In very broad terms, this idea of movement linked the development of a democratic social order to a new experience of time, and to dilemmas and anxieties about action: *movement* suggested long processes of change but also an unknown, open future, both of which required action in the present. This idea of movement figured democracy’s motion as a historical process that was irreversible and largely beyond anyone’s control, yet still incomplete and open to transformation.

In what follows, I begin by setting this new idea of movement within a wider context of conceptual change in this period. Then, I trace the contours of this idea of movement: first, in contrast to an earlier sense of movement, understood as upheaval and revolt; and then, in section II, through the popular nineteenth-century metaphor of the *democratic torrent*¸ and, in section III, through the debates about “movement” and “resistance” during the July Monarchy.

I. Movement and Time in the *Sattelzeit*

The changing meanings of “movement” after the French Revolution were linked to wider transformations in political language and political concepts in this period. For our purposes, two broad shifts were especially significant. First, the meanings and valuation of “democracy” gradually – but only gradually – changed. As several scholars have pointed out, the term “democracy” was not widely adopted in everyday political discourse, either in Europe or America, until the nineteenth century.[478] Before that, though literary and philosophical writings recognized democracy as one of the classic constitutional forms, democracy was primarily

[477] Rémusat, “Des Mœurs du temps (IIe article),” 29; also at Rémusat, *Passé et présent, mélanges*, 358. See further discussion below.

[478] See the various contributions in Innes and Philp, *Re-Imagining Democracy in the Age of Revolutions*.

associated with ancient Athens and Rome and usually carried negative connotations of disorder and tumult.[479] Democracy would not shed those predominantly negative associations until quite late in the nineteenth century, but between the French Revolution and the mid-nineteenth century, the term gained new currency and, in the process, a broader – and more contested – range of meanings.[480] As I will suggest below, the early nineteenth-century terminology of *movement* was bound up with these attempts to rethink democracy, and to articulate a *modern* experience of democracy.

Second and more generally, the meanings of many political concepts, democracy included, changed to reflect a new experience of *time*. Reinhart Koselleck argues that between roughly 1750 and 1850 – a period he terms the *Sattelzeit* or "saddle period" – "the old experience of time was denaturalized."[481] In place of the old experience of "natural, repeatable, and therefore static historical time," modern political concepts took on "a new horizon of the future" and "an anticipatory content that they did not have before."[482] Put another way, a broad conceptual shift occurred whereby many political concepts gained a temporal dimension that implied *forward motion in time* towards an open future. Expectations about change in the future

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[479] Joanna Innes and Mark Philp, "Introduction," in *Re-Imagining Democracy in the Age of Revolutions*, ed. Joanna Innes and Mark Philp (Oxford: Oxford University Press, 2013), 1–2; Mark Philp, "Talking about Democracy: Britain in the 1790s," in *Re-Imagining Democracy in the Age of Revolutions*, ed. Joanna Innes and Mark Philp (Oxford: Oxford University Press, 2013), 101; Rosanvallon, "The History of the Word 'Democracy' in France," 140–41; Palmer, *The Age of the Democratic Revolution*, 13–14; Werner Conze et al., "Demokratie," in *Geschichtliche Grundbegriffe: historisches Lexikon zur politisch-sozialen Sprache in Deutschland: A-D* (Stuttgart: Klett-Cotta, 1972); Roberts, *Athens on Trial*.

[480] Conze et al., "Demokratie"; Jens Andreas Christophersen, *The Meaning of "Democracy" as Used in European Ideologies from the French to the Russian Revolution. An Historical Study in Political Language* (Oslo: Universitetsforlaget, 1966).

[481] Reinhart Koselleck, *The Practice of Conceptual History: Timing History, Spacing Concepts*, trans. Todd Samuel Presner (Stanford, Calif.: Stanford University Press, 2002), 5.

[482] Koselleck, 5.

were no longer limited by the past or by known categories of experience.[483] Koselleck calls this shift the "temporalization of concepts." (He also calls these new temporalized concepts *movement concepts* [*Bewegungsbegriffe*], but I avoid that formulation here, to prevent confusion.)[484]

In the post-revolutionary decades, the changing language of movement reflected both of those shifts: the simultaneous temporalization of political concepts and rearticulation of democracy. Consider first an earlier sense of movement that was gradually displaced. As mentioned above, *mouvement* in French, like *Bewegung* in German, referred in the eighteenth century to localized riots, revolts, or disturbances.[485] With that sense, the phrase *mouvement populaire* was current in French well before the Revolution, and even during the Revolution it was still used to mean upheaval, riots, and insurrection among the people.[486] The 1798 edition of the *Dictionnaire de l'Académie française* recorded this figurative use of *mouvement*: "Agitation, fermenting of minds, small riots indicating a disposition towards disorder and revolt."[487]

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[483] Reinhart Koselleck, "The Temporalisation of Concepts," *Redescriptions: Political Thought, Conceptual History and Feminist Theory* 1 (January 1, 1997): 20, https://doi.org/10.7227/R.1.1.2.

[484] Koselleck, 19–23; Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time* (New York: Columbia University Press, 2004), ch. 13.

[485] On the German uses of 'Bewegung' and 'bürgerliche Bewegung' in the late seventeenth and eighteenth centuries, see Frese, "Bewegung, politische," 880; and Pankoke, "Social Movement," 327. I have not found a corresponding English use of 'movement' in this period, though the phrase "popular commotion" is common. 'Popular movement' seems to appear only in the 1790s, probably imported from French.

[486] See, for instance, the many discussions of *mouvements populaires* in the French *Archives Parlementaires* from 1789 to 1793: http://frda.stanford.edu/en/ap.

[487] *Dictionnaire de l'Académie française*, 5th ed., 1798, s.v. "mouvement," http://artfl-project.uchicago.edu/content/dictionnaires-dautrefois (my translation). In the original French: "Mouvement, au figuré, signifie, De l'agitation, de la fermentation dans les esprits, de petites émeutes qui annoncent une disposition au trouble, à la révolte." This meaning remains in the dictionary through its 8th edition, published in 1932-35; it was only from the 9th edition (in progress, this section published 2003) that it was removed and replaced with a meaning that refers to collective action: "Action ou suite d'actions entreprises par un ensemble d'individus pour manifester une volonté collective." See the digital version of the 9th edition (http://atilf.atilf.fr/academie9.htm) and see earlier editions in the ARTFL database (http://artfl-project.uchicago.edu/content/dictionnaires-dautrefois).

That early modern use of "movement" had distinct conceptual contours that set it apart from later, post-revolutionary idioms. First, as Eckhart Pankoke suggests, the earlier meanings of "movement" implied a particular idea of social order as both natural and hierarchical: a movement was a "shock, a disorder in the balanced estate structure," an "un-natural, exceptional state of affairs within an onto-theologically guaranteed political cosmos."[488] Second, and relatedly, movement's temporal framework was still the old experience of natural, repeatable time. Popular movements themselves were understood as sporadic, temporary, and ephemeral occurrences – convulsions – within generally cyclical processes of change.[489] The disorder movements brought did not augur something wholly unknown, but could be understood within familiar commonplaces and frameworks of past experiences. Lastly, the *spatial* contours of movement were similarly delimited: movement referred to localized and particular disturbances or revolts.

After the French Revolution, however, the conceptual contours of "movement" fundamentally changed. The change was not, of course, instantaneous.[490] But gradually, *movement* took on different spatio-temporal dimensions that become associated, for contemporaries, with an experience of democracy. As I trace in more detail below, an early nineteenth-century idea of movement linked the changing social order, with its emerging norms of equality, both to a larger and more indefinite *space* and, most importantly, to a sense of directional, irreversible, yet open *time*.

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[488] Pankoke, "Social Movement," 327. Pankoke perhaps overstates the extent to which contemporaries would have seen such unrest as *unnatural* exceptions, rather than as perennial disturbances or illnesses.

[489] Pankoke similarly argues that this early use of "movement" relies on *ahistorical* natural metaphors, and, more generally, that pre-revolutionary metaphors of motion draw on ancient cosmological understandings of cyclical motion. Pankoke, 327, 317–18.

[490] See note 487, and discussion below.

II. The Democratic Torrent

We can already detect a shift toward this new idea of movement in the midst of the Revolution. In August 1789, the writer Joseph-Antoine Cérutti commented that when the aristocracy's Garde joined forces with the third estate, "One realized then that the popular movement was not a momentary and blind riot, but a universal movement, a progressive movement, a combined movement, an irresistible movement."[491] Here, first, Cérutti very neatly conveyed the spatio-temporal *expansion* that would characterize the new idea of movement: he recast the people's movement*,* not as a localized and temporally ephemeral *mouvement populaire* in the old sense, but as something bigger, a "universal movement." Second, in calling the movement "progressive" and "irresistible," Cérutti gestured toward the new temporality that would transform the meanings of political concepts like movement and revolution. *Mouvement progressif* was an unusual phrase here; at this time, this was a scientific phrase that simply meant forward, physical motion (the English equivalent then would be "progressive motion").[492] "Progressive" did not yet have the ideological meaning, or association with theories of history, that it would acquire in the nineteenth century. Yet Cérutti seemed almost to anticipate that

[491] Joseph Antoine Joachim Cérutti, "Lettre à M. le Vicomte de Noailles, sur sa Motion du 4 Août (Paris, 5 Août 1789)," in *Oeuvres diverses*, vol. 1 (Paris: Desenne, 1792), 10 (scanned image 562), http://www.mdz-nbn-resolving.de/urn/resolver.pl?urn=urn:nbn:de:bvb:12-bsb10421255-6, my translation. The original reads, "On reconnut alors que le mouvement populaire n'étoit pas une émeute momentanée et aveugle, mais un mouvement universel, un mouvement progressif, un mouvement combiné, un mouvement irrésistible." In another letter, he says of the people's virtue: "son mouvement sera universel, progressif, ineluctable." See Joseph-Antoine-Joachim Cérutti, *Correspondance abrégée entre Madame *** et J. Cerutti* (Paris: Desenne, 1790), 64, http://gallica.bnf.fr/ark:/12148/bpt6k518233.

[492] *Mouvement progressif*, like 'progressive motion,' could describe the forward movements of animals, of blood, of celestial bodies, of molecules, or of any physical body in space. Indeed, early French dictionaries suggest that, for a long time, *progressif* was only used thus, as a complement of *mouvement*. See *Dictionnaires d'autrefois* (ARTFL Project, University of Chicago, n.d.), s.v. "progressif," http://artfl-project.uchicago.edu/content/dictionnaires-dautrefois; cf. "Progressive," in *OED Online* (Oxford University Press), accessed March 13, 2015, http://www.oed.com/view/Entry/152244.

transformation of meaning, in associating popular movement not with a momentary convulsion or shock but with forward motion – and, moreover, one that was *irresistible.*

As Hannah Arendt points out in *On Revolution*, the idea of *irresistibility* became central to the understanding of the French Revolution, and to the transformation of the idea of revolution itself.[493] She highlights the emerging imagery of the *torrent révolutionnaire,* the metaphors of currents and floods that cast the Revolution as an "irresistible process," "a force greater than man."[494] Those metaphors would shortly be extended to "democracy," especially by critics who dubbed the Revolution's tendencies and excesses democratic.[495] Already in the 1790s, writers warned of a "torrent démocratique" sweeping through France and spilling over, potentially, to the rest of Europe.[496] This imagery gained renewed vitality, though, in the early decades of the nineteenth century, in ways that illustrate the emerging idea of democratic movement. In an 1821 parliamentary speech, arguing for limits on the press, Hercule de Serre warned:

> [S]i . . . la démocratie est partout pleine de séve [*sic*] et d'énergie, si elle est dans l'industrie, dans la propriété, dans les lois, dans les souvenirs, dans les hommes et dans les choses; si le torrent coule à pleins bords dans de faibles digues qui le contiennent à peine, ne soyons pas assez imprudents pour ajouter à sa force et à son impétuosité.
> (If . . . democracy is everywhere full of vigor and energy, if it is in industry, in property, in laws, in memories, in men and in things, if the torrent flows in full

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[493] Hannah Arendt, *On Revolution* (New York: Penguin Books, 2006), 37–40.

[494] Arendt, 39–40.

[495] On uses of the terms "democracy," "democratic," and "democrat" during the French Revolution itself, see Ruth Scurr, "Varieties of Democracy in the French Revolution," in *Re-Imagining Democracy in the Age of Revolutions*, ed. Joanna Innes and Mark Philp (Oxford: Oxford University Press, 2013), 57–68; Palmer, *The Age of the Democratic Revolution*, 13–18; R. R. Palmer, "Notes on the Use of the Word 'Democracy' 1789-1799," *Political Science Quarterly* 68, no. 2 (June 1, 1953): 203–26, https://doi.org/10.2307/2144967; Rosanvallon, "The History of the Word 'Democracy' in France," 143–48.

[496] Charles-François Dumouriez, *Tableau spéculatif de l'Europe* (Hambourg, 1798), 41, 181, http://gallica.bnf.fr/ark:/12148/bpt6k6324358z. One English newspaper exclaimed, at the end of the century, "Government after Government is daily swept away by the torrent of Democracy, and added to its force"; *The Express*, February 24, 1798, Burney Newspapers Collection (Gale|Z2000328039).

> spate in weak dikes that can barely contain it, let us not be so imprudent as to add to its force and impetuosity.)[497]

As Aurelian Craiutu notes, "The phrase *democracy is in full spate* instantly captured the imagination of Serre's contemporaries. . . ."[498] More generally, *la démocratie coule à pleins bords* (democracy flows at full spate) subsequently became a commonplace in French political debates repeated by many, as mantra or as warning, throughout the nineteenth century.[499] Whither democracy? Where was this torrent taking us?

This oft-invoked image of full-flowing, perhaps overflowing, democratic torrent already contained several key dimensions of the emerging idea of democratic "movement." Most importantly, it suggested a new sense of *time* linked to a particular experience of *social transformation*. What did it mean, during the Bourbon Restoration, thirty years after the Revolution, for the torrent of democracy to flow at full spate? Certainly, as in the earlier uses of *torrent démocratique* and *torrent révolutionnaire*, the image suggested irresistibility, and, as we will see further below, a sense of irreversible forward motion in time. Moreover, though the image no longer had quite the same urgency – if it did not, in the 1820s, express immediate fears of being caught up in a violent cascade of revolutions – it still had an immediacy, still conveyed a vivid sense of present change.

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[497] Hercule de Serre, speech on 3 December 1821 in the Chambre des Députés, *Archives parlementaires*, vol. 34, deuxième série (Paris: P. Dupont, 1862), 656, http://gallica.bnf.fr/ark:/12148/bpt6k480090t, my translation. For brief discussions and alternate translations of this passage, see also Aurelian Craiutu, *Liberalism Under Siege: The Political Thought of the French Doctrinaires* (Lanham, MD: Lexington Books, 2003), 106; Rosanvallon, "The History of the Word 'Democracy' in France," 148–49.

[498] Aurelian Craiutu, "Tocqueville and the Political Thought of the French Doctrinaires (Guizot, Royer-Collard, Rémusat)," *History of Political Thought* 20, no. 3 (March 1, 1999): 486. Craiutu adds that they "were concerned, above all, with 'taming' the social and political consequences of democracy. They were looking for a way to reconcile democracy, liberty and social order and were fearful of the potentially anarchical consequences of political democracy."

[499] See also discussion in Rosanvallon, "The History of the Word 'Democracy' in France," 149; Craiutu, *Liberalism Under Siege*, 106–7.

Crucially, for the group known as the Doctrinaires, that sense of irreversible change was intimately tied to what Tocqueville would later describe as the "democratic revolution": transformations in the *social* order characterized by greater equality of conditions. The Doctrinaires were a group of politicians and thinkers prominent during the Bourbon Restoration (1814-1830) and the July Monarchy (the constitutional monarchy that followed the 1830 July Revolution). The group included François Guizot, Hercule Serre, Charles de Rémusat, Pierre Paul Royer-Collard, and others; they were broadly liberal and tried to reconcile representative government with constitutional monarchy.[500] As several scholars have noted, the Doctrinaires emphasized a sociological understanding of democracy as an *état social* (social condition) – an idea that would greatly influence Tocqueville.[501] For them, a democratic social condition involved a non-aristocratic social order, equality of rights, and the equalization of social conditions and social relations.[502] Thus Serre, earlier in the speech cited above, saw "democracy" not only as a "flood" (*le flot de démocratie*) that had toppled the throne and borne so many revolutions, but also as a "democratic principle" (*le principe démocratique*) that was taking hold throughout a range of social relations and activities – industry, laws, property.[503] In a speech responding to Serre's, Royer-Collard too located democracy first and foremost in the social

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[500] My discussion of the Doctrinaires in this section draws especially on Aurelian Crauitu's detailed treatment of Doctrinaire thought, in Craiutu, *Liberalism Under Siege*.

[501] Craiutu, 104–12; Rosanvallon, "The History of the Word 'Democracy' in France," 149; Melvin Richter, "Tocqueville and Guizot on Democracy: From a Type of Society to a Political Regime," *History of European Ideas* 30, no. 1 (March 2004): 61–82, https://doi.org/10.1016/j.histeuroideas.2003.08.006. Richter argues that this doctrinaire idea influences Tocqueville's early writings, but that Tocqueville's understanding of democracy changed and became more political in later writings.

[502] Royer-Collard especially emphasizes equality of rights; see Craiutu, "Tocqueville and the Political Thought of the French Doctrinaires," 486.

[503] Hercule de Serre, speech on 3 December 1821 in the Chambre des Députés, *Archives parlementaires*, 1862, 34:655–56.

realm, associating it with the rise and flourishing of "les classes moyennes," and contrasting it with aristocracy.[504] The time for the aristocratic doctrine had past, he asserted: "democracy [was] everywhere in industry, property, laws, memories, things, and men – we agree, *that* is the dominant fact in society today, and the one that should preside in our politics."[505] Moreover, the Doctrinaires presented that social transformation as inevitable. Aurelian Craiutu points out that the "Doctrinaires foresaw a decade *before* Tocqueville that nobody could control or stop the irresistible process toward more equality of conditions."[506]

As Charles de Rémusat put it in a 1826 article in *Le Globe*, "The elements of this society grow closer; they mingle constantly; they can no more isolate themselves in order to fight each other than they can aggregate to join together. A moving democracy escapes all efforts to contain it."[507] Rémusat's phrase "moving democracy" [*démocratie mouvante*] nicely captured the sense of motion implied by the metaphor of a democratic torrent. Here, we can see a new idea of movement emerging alongside, and as part of, attempts to grapple with a new and uncertain democratic experience. This new idea of movement was quite different from the older idea of movement as temporary agitation or unrest. First, it was spatially more expansive but indefinite: not localized or concentrated, it spread, ran, and overflowed, expanding throughout a society and

[504] Pierre-Paul Royer-Collard, speech on 22 January 1822 in the Chambre des Députés, 34:133; Aurelian Criautu also notes this point: Craiutu, *Liberalism Under Siege*, 107.

[505] Pierre-Paul Royer-Collard, speech on 22 January 1822 in the Chambre des Députés, *Archives parlementaires*, 1862, 34:133, my translation. The original – which repeats some of Serre's wording – reads: "[l]a démocratie partout dans l'industrie, dans la propriété, dans les lois, dans les souvenirs, dans les choses, dans les hommes. Voilà, on en convient, le fait qui domine aujourd'hui la société, et qui doit présider à notre politique."

[506] Craiutu, *Liberalism Under Siege*, 65.

[507] Rémusat, "Des Mœurs du temps (IIe article)," 29, my translation; essay reprinted under the heading "De l'égalité," in Rémusat, *Passé et présent, mélanges*, see 358. Criautu also cites this passage, on the same point; Craiutu, *Liberalism Under Siege*, 65. The original reads: "Les éléments de cette société se rapprochent; ils se mêlent sans cesse; ils ne peuve pas plus s'isoler pour se combattre que s'agréger pour se grouper. Une démocratie mouvante échappe à tous les efforts tenté pour la comprimer."

potentially beyond. Second, movement here implied forward motion in time, plus change experienced as new and irreversible, not cyclical. Third, that forward motion found meaning in relation to a new social order: not the earlier "natural" hierarchical order that had made *mouvements populaires* comprehensible as temporary convulsions, but rather a (democratic) social order in which – to borrow Lefort's phrase – the former, aristocratic, "markers of certainty" had broken down. As Darío Roldán explains in his study of Rémusat:

> The profound difference between the democratic society and the aristocratic society is movement. This movement, this opening [*ouverture*] towards the future is irreversible because it derives from equality of conditions. Open to the future, democratic society demands from government that it manage [*gère*] this inevitable uncertainty, a task as much futile as [it was] unknown in an aristocratic society. Left to itself, society does not have the means to manage the images and the anxieties of the future, to decipher the abyss of the unknown.[508]

The democratic "dissolution of the markers of certainty" thus became associated with a new experience of time: irreversible, forward motion toward an open and unknown future.

III. Movement and Resistance

That distinctive sense of *temporal* motion became especially acute in the 1830s, when a more explicit vocabulary of "movement" developed first in France, and then beyond. In the French parliament, pamphlets, and the press, *mouvement* became a battleground word in debates about the meaning and implications of the July Revolution. It referred not primarily to the July days themselves, but rather to the broader tendencies and processes of which those events were understood to be part.[509] In the early days of the July Monarchy, the question was who and what

[508] Darío Roldán, *Charles de Rémusat: certitudes et impasses du libéralisme doctrinaire* (Paris: L'Harmattan, 1999), 75, my translation.

[509] One can still find, however, the older sense of movement as insurrection. See for instance this contemporary account of the July days, which used the old meaning but which recast the "movement of the people" as noble,

was truly "in the movement" of July. Was the constitutional monarchy of Louis-Philippe the culmination of the "Glorious Days" of July, or was it only a half-measure, at best a temporary step on the way to a more radical reorganization of politics and society? François Guizot, by then Minister of the Interior, was on the defensive in November 1830:

> More than once, some [*on*] have accused us, my friends and me, of not understanding the Revolution of July, of not being what one calls in the movement [*dans le mouvement*]: of not continuing it [*la,* the revolution] in the way it had begun. There is the question. Who truly understands the Revolution of July? Who is in its movement? Who has continued it as it started? […] I say that it is we who are in the movement of our beautiful Revolution; that it is we who have worked to conserve its true character; and that our adversaries, by contrast, work to denature it, and to fully speak my mind, to pervert it.[510]

The term movement, here, linked past events and current action together within a common process. The July Revolution set a process in motion, or indeed was itself part of a larger process. To be "in the movement," Guizot suggested, required understanding the principles and character of that process and acting in its spirit.

As such, the word "movement" became linked to specific ideas of historical time. Asking what it meant to be "in the movement" implied further questions about the future and the past: Where was the movement going? And whence had it come? "Movement" evoked long processes of historical change linking the past, present, and future. On the one hand, as I explore further below, the term movement became synonymous with *progress,* an idea that many were eager to

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heroic, and sublime: Bernard Raymond Fabré-Palaprat, *Esquisse du mouvement héroïque du peuple de Paris, dans les journées immortelles des 26, 27, 28 et 29 juillet 1830* (Paris: A. Guyot, 1830).

[510] François Guizot, speech on 9 November 1830 in the Chambre des Députés, *Archives parlementaires*, ed. Jérôme Mavidal and Émile Laurent, vol. 64 (Paris: Paul Dupont, 1887), 312, http://gallica.bnf.fr/ark:/12148/bpt6k4801158. "On nous a plus d'une fois accusés, mes amis et moi, de ne pas comprendre la Révolution de juillet, de ne pas être ce qu'on appelle dans le mouvement; de ne pas la continuer telle qu'elle a été commencée. Là est la question. Qui comprend véritablement la Révolution de Juillet? Qui est dans son mouvement? Qui l'a continuée comme elle a commencé? . . . Je dis que c'est nous qui sommes dans le mouvement de notre belle Révolution; que c'est nous qui avons travaillé à lui conserver son véritable caractère; et qui nos adversaires, au contraire, travaille à le dénaturer, et pour dire toute ma pensée, à la pervertir."

embrace. To be “in the movement” thus implied motion with a particular direction, where the present and future (will) improve on the past. On the other hand, for many, those changes in the present and future still reflected processes begun in the past. Many contemporaries saw the July Revolution as part of a longer historical process or *mouvement* connected, especially, to the first French Revolution.[511] As Arendt notes in *On Revolution*, “Ever since the French Revolution, it has become common to interpret every violent upheaval, be it revolutionary or counterrevolutionary, in terms of a continuation of the movement originally started in 1789. . . .”[512] Arendt interprets that sense of continued revolutionary movement to imply a problematic idea of historical necessity, whereby people saw themselves as part of an irresistible historical process, rather than as actors capable of freedom: as “men swept willy-nilly by revolutionary stormwinds into an uncertain future….”[513]

However, in the debates of the 1830s, the experience of time conveyed by “movement” was arguably not reducible to that idea of historical necessity, as we will see below. *Movement* did express a sense of broader forces and tendencies, indeed even forces that may be out of one’s control; moreover, it did suggest irreversible forward motion in time, along with an uncertain future. However, the persistent debates about movement’s meaning in this period did not indicate a surrender to historical necessity. Instead, as I explore below, the new sense of time associated

[511] According to François-René Chateaubriand, for instance (who faded from politics after refusing to take the oath to the Orléanist monarchy), “Le mouvement de Juillet ne tient point à la politique proprement dite; il tient à la révolution sociale qui agit sans cesse. Par l’enchaînement de cette révolution générale, le 28 juillet 1830 n’est que la suite forcée du 21 janvier 1793.” My translation: “The movement of July does not stem from politics itself; it stems from the social revolution that is continually acting/working.” François-René Chateaubriand, *Mémoires d’outre-Tombe*, vol. 2 (Brussels: Meline Cans, 1849), 298. See also discussion in François Furet, *Revolutionary France, 1770-1880*, History of France (Oxford: Blackwell, 1992), 338.

[512] Arendt, *On Revolution*, 40.

[513] Arendt, 46.

with movement prompted questions about how to respond, how to act. Put another way, the idea of "movement," in this period, *posed* rather than evaded the dilemmas of action.

Two distinctions governed the French debates, in the 1830s, about what "movement" truly meant. One distinction was directional; it concerned whether and where one was moving – forward, backward, or not at all. The other distinction was qualitative: what *kind* of movement did they have, or should they want? *How* were they moving? Both distinctions came together in an early speech by Guizot, which accused the popular societies of encouraging public agitation and of trying to prolong a "revolutionary condition" [*état révolutionnaire*] characterized by violence and radical uncertainty:

> That, Messieurs, is not movement. That is not progress. They provoke us ceaselessly to movement; they demand all the consequences of the revolution that just occurred.
>
> Messieurs, we want movement and progress as much as anyone. There is no one to whom the progress of society is more dear. But disorder is not movement; trouble is not progress; the revolutionary condition is not the truly progressive condition of society. I repeat, the condition into which the popular societies aim to put France is not true movement [*mouvement veritable*], but disordered movement [*mouvement désordonné*]; this is not progress, but fermentation without goal.[514]

In other words, for Guizot, true movement meant progress, forward motion, which had to be distinguished from another kind of movement, disorderly movement. Disorderly movement was not progressive but convulsive; it agitated; it shook. In an earlier speech, for instance, he warned against the *ébranlement* (shaking, tremors) of law and minds: attempts to change laws too

[514] Guizot, speech on 25 September 1830 in the Chambre des Députés, *Archives parlementaires*, ed. Jérôme Madival and Émile Laurent, vol. 63 (Paris: Paul Dupont, 1886), 669, http://hdl.handle.net/2027/mdp.39015024034855. "Ce n'est pas là. Messieurs, le mouvement, ce n'est pas là le progrès. On nous provoque sans cesse au mouvement; on nous demande toutes les conséquences de la révolution qui vient de s'accomplir. Messieurs, nous voulons autant que personne le mouvement et le progrès. Il n'y a personne à qui les progrès de la société soient plus chers qu'à nous, niais le désordre n'est pas le mouvement; le trouble n'est pas le progrès; l'état révolutionnaire n'est pas l'état vraiment progressif de la société. Je le répète, l'état où les sociétés populaires prétendent mettre la France, n'est pas le mouvement véritable, mais le mouvement désordonné ; ce n'est pas le progrès, mais la fermentation sans but."

radically and suddenly – to shake, unsettle, and destabilize them [*ébranler*] – were signs of minds themselves too shaken up [*ébranlé*].[515] It was no longer time to wage revolution, he insisted, but instead now time to found a government and laws. Although the government had changed in July, he said, "we" had now returned to regularity: "we live in a regular order [*ordre régulier*], we act by regular means, we proceed by deliberations, by elections, by all the constitutional ways."[516] Proposals for reform should be introduced properly, and deliberated properly: "let us not abandon ourselves to the disordered movement [*mouvement désordonné*] of minds. Let's work to return calm to ideas and to deeds; let us regulate and direct the movement."[517] Here, then, was a distinction between regulated or regular movement which goes forward, and disordered, movement which shakes and agitates but does not advance.

The debates about movement's meaning only heightened when "Movement" became a party label. By 1831, both press and politicians had adopted an opposition between "mouvement" and "résistance" to characterize the new political landscape. Broadly, the *hommes du mouvement* (also *parti du mouvement,* or simply *le mouvement*) favored extending the Revolution's changes further, while *la résistance* (*hommes* and *parti de la résistance*) supported the constitutional monarchy and the idea of the "juste milieu" or middle way between what they saw as extremes of revolutionary radicalism and anti-Revolution conservativism.[518] These terms

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[515] Guizot, speech on 15 September 1830 in the Chambre des Députés, 63:506–7, my translation. The context is a discussion of proposed changes to laws on military recruitment.

[516] Guizot, 15 September 1830 speech, *63:507.* "[N]ous vivons dans un ordre régulier, nous agissons par des moyens réguliers, nous procédons par délibérations, par élections, par toutes les voies constitutionnelles. "

[517] Guizot, 15 September 1830 speech, *Archives parlementaires* 63:507. "Ne nous abandonnons pas au mouvement désordonné des esprits. Travaillons à remettre le calme dans les idées comme dans les faits ; réglons et dirigeons le mouvement. . . ."

[518] Note that the idea of the "juste milieu" was older, and also important to the Doctrinaires before the July Revolution; see Aurelian Craiutu, "The Method of the French Doctrinaires," *History of European Ideas* 30, no. 1 (March 2004): 39–59, https://doi.org/16/j.histeuroideas.2003.08.005. For more on these groupings of the parties of "movement" and "resistance," see Pamela M. Pilbeam, *The 1830 Revolution in France* (New York: St. Martin's

movement and *resistance* quickly spread beyond France, becoming part of the general European vocabulary for characterizing the social and political tendencies of the day.[519] J.S. Mill, for instance, used the term "the Movement" during the 1830s both to refer to the general trends of the time and to name the loose – and probably aspirational – coalition of political actors on the British left.[520] In wider usage, as in France, the term *movement* became associated with progress, as one scholar notes: "With the concept of 'movement,' radical liberals attempted to promote the struggle to realize their social and political goals as being part of a process of progress [*Fortschrittsprozess*]. . . ."[521]

In France, however, the term *mouvement* remained contested even as these partisan labels consolidated. Neither side wanted to cede the banner of "movement" and progress. For those,

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Press, 1991), 5–8, 95–98. For a contemporary but partisan take, see the 1831 guide classifying ministers and parliament members, put out by the republican publisher and activist Laurent-Antoine Pagnerre: *Les hommes du mouvement et les hommes de la résistance* (Paris: Pagnerre, 1831), https://books.google.com/books?id=dL5CAAAAYAAJ. Overtly partisan, this guide associates the Movement with desires for broad electoral, educational, tax, and social reforms, and the Resistance with conservation of the Restoration status quo, hypocrisy, and paralysis -- a "halte dans la boue" (4-7).

I have been unable to locate the precise origins of this distinction between "mouvement" and "résistance," though one scholar claims that it was a newspaper, the *Gazette de France*, that coined the distinction, initially to group the Parisian press. See Hugues de Changy, *Le soulèvement de la duchesse de Berry, 1830-1832: les royalistes dans la tourmente* (Albatros et Diffusion-université-culture, 1986), 74, n. 161: "C'est la « Gazette » qui créa les termes de « résistance » et de « mouvement », dans sa revue de presse depuis novembre 1830. Les journaux parisiens étaient ainsi classés dans ces deux rubriques, suivant leurs opinions."

[519] See, for instance, a contemporary German commentary on these terms: F.A. Brockhaus, "Bewegung und Reaction," in *Conversations-Lexikon der neuesten Zeit und Literatur: in vier Bänden*, vol. 1 (F.A. Brockhaus, 1832), 245–48, http://books.google.com/books?id=aeVTAAAAYAAJ.

[520] For the latter use, see for instance in his "Notes on the Newspapers" (1834) in the *Collected Works*, vol. 6. (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1982). For the former, see his distinction between the "Movement poet" (aka the "Liberal or Radical poet") and the "Royalist or Conservative poet," and his statement that "in the main Bentham was a Movement philosopher, Coleridge a Conservative one"; *London and Westminster Review*, 1838, vol. xxix, no. 1, article 1, and vol xxxi, no. 2, article 11, p. 468.

[521] Frese, "Bewegung, politische," 880, my translation. Original: "Im Begriff < B. > [Bewegung] versuchten radikale Liberale, den Kampf um die Verwirklichung ihrer gesellschaftlichen und politischen Ziele . . . als Teil eines . . .Fortschrittsprozesses zu propagieren. . . ."

like Antoine Gabriel Jars, who found themselves ranged with the *résistance,* the movement their opponents sought was the wrong kind of movement:

> The fight is not new, but the flags have changed; they are [now] called, I believe, *the movement* and *the resistance*.
>
> *The movement*, if I have understood correctly, would be the continuation, the perpetuity of the revolutionary state, at the risk of civil and foreign war; *the movement* would displace and destroy, in order to replace and reconstruct, at the mercy of certain theories and certain ambitions that want to impose themselves on the country.[522]

In Jars's view, the Movement party's "mouvement" meant what Guizot had called "mouvement désordonné," agitation and disruption, as well as the worst excesses of revolution. Then, again echoing Guizot, Jars defined "resistance" as opposition not to all movement but only to that *disorderly* kind of movement:

> *The resistance*, by contrast, would have the goal of moderating that violent movement of the Revolution, of regulating it without stopping it, and above all of submitting it, in every circumstance, to the necessities of peace and public order. From this point of view, *the resistance* would itself be a movement. But a regular, progressive, and salutary movement. . . . That is the movement of which we are part, Messieurs, and of which we've always been part, and it's only in the presence of a violent or irregular movement that we find ourselves in the resistance, i.e. in opposition.[523]

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[522] Jars, speech on 29 January 1831 in the Chambre des Députés *Archives parlementaires*, ed. Jérôme Mavidal, vol. 66 (Paris: Paul Dupont, 1887), 422, http://books.google.com/books?id=25WY3UsfISAC.

[523] Jars, speech on 29 January 1831 in the Chambre des Députés 66:422–23, my translation. « La résistance, au contraire, aurait pour but de modérer ce mouvement violent de la Révolution, de la régler sans l'arrêter, et surtout de la soumettre, en toutes circonstances, aux nécessités de la paix et de l'ordre public. Sous ce point de vue, la résistance serait elle-même un mouvement, mais un mouvement régulier, progressif et salutaire, tel qu'il importe à la situation de la France, et tel que le comprennent tous hommes sages et désintéressés. De ce mouvement, nous en sommes, Messieurs, nous en avons toujours été, et ce n'est qu'en présence d'un mouvement violent ou irrégulier, qu'on pourrait nous trouver dans la résistance, c'est-à-dire dans l'opposition. Au surplus, cette loi n'est pas celle qui doit exciter, au plus haut degré, les exigences du mouvement et les précautions de la résistance; les intérêts y sont moins pressants, les ambitions moins absolues, et je ne crois pas qu'elle puisse faire naître parmi vous des dissentiments 1res prononcés. Je me hâte toutefois d'en aborder la discussion. »

The Revolution's movement did not need to stop, in other words, but it had to be moderated and regulated. Movement *forward* was possible, only so long as it was *regular* movement. Violent, irregular spasms undermined the forward motion of progress.[524] As one 1831 editorial put it,

> The men of the movement boast of being for progress, the men of the resistance say the same: with which system is progress truly compatible?
>
> The men of the resistance want order, order in the powers, order in the people, order in the streets. Now, there is no progress possible without order.[525]

To the Resistance, for movement to be progressive it needed to be made *regular*, by limiting radical changes and subjecting any changes, as Guizot had suggested earlier, to proper procedures of regular government.[526]

Many among the opposition, however, embraced the name *hommes du mouvement*, taking "movement" to stand for improvement, progress, and perfectibility. Responding to Jars's definition of movement, two days later, Thouvenel conceded that his own proposals about local government might get him labeled a "dangerous innovator" and a "man of the Movement." Thouvenel accepted the label movement but rejected Jars's definition:

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[524] Cf. Duvergier de Hauranne's speech on 10 March 1831; France, Assemblée Nationale, *Archives parlementaires*, ed. Jérôme Madival and Émile Laurent, vol. 67 (Paris: Paul Dupont, 1862), 538, http://babel.hathitrust.org/cgi/pt?id=njp.32101075722171. "[L]e progrès bien entendu me parait la conséquence naturelle de toute société, et surtout d'une monarchie constitutionnelle. Le mouvement que je repousse, et que sans doute vous repoussez comme moi, c'est le mouvement désordonné qui, d'essais en essais irréfléchis, ne sait pas même ou il nous conduirait ; c'est surtout celui qui dévaste, qui a Dijon arbore le bonnet rouge sur les places publiques, qui entonne les airs qu'en d'autres temps hurlait les cannibales qui ont versé des flots de sang français." ("[P]rogress well understood seems to me the natural consequence of every society, and above all of a constitutional monarchy. The movement that I reject, and that no doubt you also reject as I do, is the disorderly movement that, with unreflective attempt after attempt, doesn't even know where it is leading us; it is above all that which is devastating, which, in Dijon, wears the red bonnet in public places, which chants the airs formerly shouted by the cannibals that spilled so much French blood.")

[525] "France," *Journal des débats politiques et littérarires*, February 7, 1831, 3, https://gallica.bnf.fr/ark:/12148/bpt6k437211s, my translation. "Les hommes du mouvement se vante d'être pour le progrès, les hommes de la résistance s'en vantent pareillement : avec lequel des deux systèmes le progrès est-il compatible ? Les hommes de la résistance veulent l'ordre, l'ordre dans les pouvoirs, l'ordre dans le peuple, l'ordre dans la rue. Or, il n'y a de progrès possible qu'avec l'ordre."

[526] Cf. Dupin's contrast between "une gouvernement régulier" and "l'agitation" in his speech of 25 September 1830: *Archives parlementaires*, 1886, 63:675.

> *[M]ovement*, as I conceive it, means to march toward the conquest of all the useful truths; to fight against privilege and for equality, or justice, which is the same thing; to try with all one's means to enlighten minds, to purify sentiments, and to reduce egoism; to strive with all one's might to make the legitimate rights of the masses, who alone make the force, glory, and wealth of nations, predominate over the aristocratic interests of the lazy and vain classes who have not yet . . . submitted to the conditions of the Revolution; it means, finally, to march on the roads to moral and political perfection.[527]

At least two points are notable here. First, this understanding of movement emphasized its *direction*, not its kind, thus leaving aside the distinction between progressive, regular movement and irregular, convulsive movement on which Jars and the *hommes de résistance* insisted. For the men of the movement, the distinction that mattered was directional: were we moving forward, backward, or standing still? This emphasis on direction provided them with new motion-related labels for their opponents, stationary and retrograde; Jouvenel continued:

> Those men to whom one has given the name stationary – even retrograde by opposition to [the name] they give to their adversaries – are frightened when we speak of preparing the civil and political emancipation of the inferior classes. As soon as they hear the words popular election and popular liberty, in an instant their mind, fascinated by fear, imagines revolution, upheaval, and thinks it sees the end of the world.[528]

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[527] Pierre-Sébastien-Barthélemy Thouvenel, speech on 31 Jan. 1831 in the Chambre des Députés, *Archives parlementaires*, 1887, 66:440, my translation. "[L]e *mouvement,* comme je le conçois, c'est marcher à la conquête de toutes les vérités utiles ; c'est combattre contre le privilège au profit de l'égalité ou de la justice, ce qui est la même chose ; c'est s'efforcer, de tous ses moyens, d'éclairer les esprits, d'épurer les sentiments et de rabaisser l'égoïsme ; c'est tendre de toutes ses forces à faire prédominer les droits légitimes des masses qui, seules, sont la force, la gloire et la richesse des nations, sur les intérêts aristocratiques des classes oisives et vaniteuses qui n'ont pas encore, n'en déplaise à un estimable collègue, *passé sous les fourches de la Révolution ;* c'est enfin marcher dans les voies de la perfection morale et politique." The phrase I have translated as "submitted to the conditions of the Revolution" is *passé sous les fourches de la Révolution*, from the idiom *passer sous les fourches caudine* (the Caudine Forks), which generally means to submit to a humiliating conditions or punishment after losing in battle.

[528] Thouvenel, speech on 31 Jan. 1831, *Archives Parlementaires*, 66:440, my translation. "Ces hommes auxquels l'on a donné le nom de stationnaires, même de rétrogrades par opposition à celui qu'ils donnent à leurs adversaires, s'effraient quand nous parlons de préparer l'émancipation civile et politique des classes inférieures. Aussitôt qu'ils entendent prononcer les mots *élection et liberté populaires*, à l instant leur esprit, fasciné par la peur, rêve *révolution, bouleversement,* et croit voir la fin du monde." In similar language, Eusèbe Baconnière de Salverte claimed that to oppose a small amendment removing electoral qualifications for certain professionals would no longer be "resistance…but a retrograde movement"; Salverte, speech on 10 Feb. 1831, *Archives Parlementaires*, 66:639.

Second, as that passage suggests, the tendencies of the movement and the Revolution had a very specific direction for the *hommes de mouvement*: towards expanding power and rights of the masses. To be in the movement of the Revolution, to follow the tendencies of progress, to move forward – for the Party of Movement that involved popular emancipation and the extension of political rights. Opposing popular emancipation meant standing still or, worse, moving in the wrong direction. Notably, on several occasions, it was debates about extending electoral rights that prompted these discussions about the meaning of "movement."

In light of these competing understandings of *movement* in the debates of the July Monarchy, what can we conclude about the early nineteenth-century idea of "movement" I have been trying to trace in this section? How, especially, was it linked to the idea of democracy and the democratic revolution? It may be helpful, here, to return briefly to Tocqueville's own discussions of democratic movement, in light of the contexts I have sketched. In the introduction to *Democracy in America*, he argued that democracy's coming was an inevitable social movement:

> The gradual development of equality of conditions is thus a providential fact, and it has all the principal characteristics of one: it is universal, it is lasting, it everyday escapes human power; every event, like every man, serves its development. Would it be wise to think that a social movement that comes from so long ago could be halted by the efforts of one generation? Do you think that after having destroyed feudalism and conquered kings, democracy will retreat before the bourgeoisie and the rich?[529]

Here, Tocqueville figured democracy's *movement* as motion in time, a long process of change begun in the past and continuing into the future, breaking down the distinctions of the old social order and moving toward equal conditions. Further, he presented that process as inevitable, a force beyond human control: it could not be halted; it "escapes human power" and, in an unseen

[529] Tocqueville, *Democracy in America*, 15 (introduction to Book 1), Bevan's translation slightly modified.

manner, it drove events and individual actions. The tides of the *torrent démocratique* were impossible to turn back, but where they were taking us remained unclear. We are, he expressed, "daily carried along by an irresistible movement" but toward what future – a tyranny, a republic?[530]

The ongoing experiences of change in the present – the breakdown of social distinctions, the move to expand electoral rights accordingly, the dissolution of older markers of certainty – also augured an open and unknown future. That was, in part, the source of Tocqueville's famous "religious terror," and of his contemporaries' anxieties over the democratic torrent and the "movement" of July.[531] Whatever their differences, the Party of Movement and the Party of Resistance shared that understanding of "movement" as a process of change toward an open and uncertain future. The Resistance worried that the future might yet bring further upheaval and *ébranlement,* more *mouvement désordonné*, and so sought to secure *regular* progressive motion. The Movement also donned the mantle of progress, but saw that as a general historical tendency toward expanded popular power and rights. Yet the Movement belief in democratic progress was not triumphalist, just as the Resistance did not see "regular" progress as guaranteed.

Generally, the idea of *movement* I have traced here implied both a sense of being caught up in forces, processes, and changes that escape one's control, and an anxious anticipation of an open and unknown future.[532] But that did not imply – not for the Doctrinaires, for Tocqueville,

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[530] Tocqueville, 228 (vol. 1, part 2, ch. 5); Tocqueville, *De la démocratie en Amérique* (1840 edition) tome 2, ch. 5, p. 42.

[531] But cf. Jason Frank's reading of Tocqueville's "religious terror" and view of collective agency, in Frank, *The Democratic Sublime*, chap. 6.

[532] This is, broadly, the temporal structure that Jacques Derrida terms "messianic" (but distinguishes from messianism); see Jacques Derrida and Richard Beardsworth, "Nietzsche and the Machine: Interview with Jacques Derrida," *Journal of Nietzsche Studies*, no. 7 (April 1, 1994): 32–33, 50–51, http://www.jstor.org/stable/20717600.

for the Movement, or for the Resistance – abandoning action or yielding to forces of historical necessity. The unstoppable movement towards an uncertain and open future, with all the anxieties that brings, *demanded* action in the present: the debates traced here were about *how* to act, how to respond. This early nineteenth-century idea of movement, then, suggests a political sensibility that not only associates democracy with change and uncertainty but also recognizes the need to act in the face of that uncertainty, to act despite recognizing that there is much one cannot control. Within the ongoing processes of equalization associated with democracy, within the shifting and unstable forms that collective action may take, within the unpredictable outcomes of such action, one is always *moved and moving* amid processes beyond one's control, yet one must also *move*, must try to act, remain ready to act, precisely because of that unpredictability and uncertainty.

Focusing on this notion of *movement,* with its idea of the open and unpredictable horizons of democracy, shifts attention to experiences of what some scholars have called, following Arendt, non-sovereignty or non-sovereign agency. Recall that for Arendt, plurality entails that we always live and act in conditions of non-sovereignty, "not being able to control or even foretell [the] consequences" of action, where the consequences of actions, with and among the actions of others, are inevitably unpredictable.[533] Those conditions bring a fundamental, ineliminable experience of uncertainty, something these discussions of *mouvement* foreground. Moreover, as Michaele Ferguson argues (focusing, herself, specifically on uncertainty about what if anything unites the collective), that experience of uncertainty is not peripheral to democratic politics but is its ordinary and inescapable condition:

> Rather than being a pathological sign of the incoherence or instability of democracy, being suspended in uncertainty about whether and what we share with

[533] Arendt, *The Human Condition*, 235.

> others is an ordinary feature of human existence. We act together without knowing whether or what we have in common. We act without knowing what the outcome will be, whether others will join with us in collective action, whether others will prove worthy of our trust. We act anyhow.[534]

In drawing attention to the open and unpredictable temporal horizons of democracy, to experiences of changes outside one's control, this early nineteenth-century idea of *movement* also held open productive anxieties about those conditions. Even for the men of resistance, who hoped to render movement regular so as to ensure its forward motion, all those debating the meanings of the *mouvement* avoided fantasies of organization that would wish away the openness, uncertainty, and unpredictability of democracy.

As we saw in the last chapter, Le Bon's idea of the crowd tried to collapse the political potential of the democratic revolution, and of its anxieties and uncertainties. Le Bon suggested one might come to terms with the superficial volatility of the crowd, all the constant change that one could not control, by simply succumbing to it: giving in to the superficial fluctuations of opinion, emotion, and ideas, leaving them to be managed and shaped fluidly by those who can manipulate the flux of words and images. Thus, the "mobility" of democratic experience and democratic politics could easily be recast as a repetitive, cyclical motion, the everyday cycles of survival, consumption, fashion, the intermittent cycles of public opinion management, within which neither individuals nor collectives have any capacity for meaningful political action. By contrast, the earlier nineteenth-century idea of "movement" suggested a different temporal sensibility: a sense of anxious anticipation of an unknown future, an awareness of uncertain footing in the present, and yet, despite and because of those ever-present uncertainties, an urgent interpellation to act somehow, nonetheless.

[534] Ferguson, *Sharing Democracy*, 27.

Conclusion

To return, briefly, to John Dewey: in a chapter of *The Public and its Problems* entitled “The Search for the Great Community,” Dewey reflected on the conditions for democracy, considered both as “system of government” and as “social idea.”[535] “The prime difficulty . . . ,” he said, “is that of discovering the means by which a scattered, mobile and manifold public may so recognize itself and express its interests.”[536] Dewey’s own responses to the “problem” of the mobile public – which merit more discussion that I can give here – pulled in several directions, sometimes centripetal, stressing a hope for unity, form, or community, and sometimes centrifugal, emphasizing the myriad social groups in which a democratic ideal of equal participation could apply. However, his own theorization of publics as contingent assemblages, arising from experientially shared concerns and interactions, itself pushes against any idea of a singular collective subject that would “recognize itself and express its interests.” So, we might answer Dewey’s anxieties about a too-mobile public with his own idea: perhaps publics, and any democratic collectivities, can only ever be “scattered, mobile and manifold.”

Dewey’s framing of the question – how a mobile public could be organized – suggested that mobility was a problem for democratic politics, one it needed to overcome. By contrast, this dissertation has suggested that political thinking about movement engages with problems and dilemmas that are central to democratic politics: experiences of change, uncertainty, and unpredictability, and questions about how to respond to and act within those conditions. Anxieties accompany reflections on movement not because movement threatens democracy but

[535] Dewey, *The Public and Its Problems*, 143.

[536] Dewey, 146.

because anxieties about those conditions and dilemmas are ineliminable from politics and especially democratic politics.

This dissertation has examined several historical currents of thought from the eighteenth and nineteenth centuries, in which some notion of movement was "problematized." I have argued that political reflections about *movement* were important vectors for thinking about experiences of uncertainty and indeterminacy that accompanied the democratic revolution. Sometimes these currents of thought emphasized anxieties about what Lefort called "disincorporation," whereby the collective of democracy is indeterminate, "ungraspable, uncontrollable," its identity "constantly . . . open to question."[537] In chapter one, we saw sovereignty claims aspiring to quell uncertainties about ever-changing collective identity through territorial exclusion: using the image of fixed, bounded territory as a scrim on which to project a fantasy of stable, controlled identity – racialized as white – into the future. And, in chapter three, we saw different ways that that metaphors of motion were used to figure an amorphous, shape-shifting collective without stable identity. At other times, political thinking about movement highlighted anxieties about experiences of processes and events outside one's control – about the unpredictability of change and political action. For instance, chapter one read assertions of sovereign control as, in part, attempts to prevent political activity that would challenge racially hierarchical relations of rule. In part of chapter two, we saw an anti-immigrant discourse that made the unruly immigrant a figure for a politics that escaped regular management. Chapters three and four examined how ideas of the mob and the movement emphasized, respectively, the unpredictable risks of popular politics and the always open but uncertain future horizons of democracy. Across all of these currents, political thinking about movement took up questions

[537] Lefort, "The Image of the Body and Totalitarianism," 303–4.

about temporal dimensions of the democratic revolution and about conditions and experiences of change, uncertainty, and indeterminacy.

Moreover, excavating those reflections on movement also draws attention to different ways of responding to those conditions. Some responses seek to “organize” that flux: sometimes by aspiring to stop some change and movement, as in sovereign claims about territorial exclusion; sometimes by adopting flexible ways of acting such as discretionary power or the dynamic disguising of newly invented practices as precedent; and sometimes by accepting the flux and aiming to manage it flexibly, as in the technocratic “management” of migration and populations, or in the leader’s manipulation of the crowd’s variability and volatility. Other responses instead face the irregular motions of democratic politics without either celebrating them or indulging in fantasies of organization that would wish those irregularities away. So, in figuring democratic and popular politics through metaphors of motion, some currents of thinking about the “mob” and “movement” suggest acknowledging democracy’s instabilities, unpredictability, and openness to change, maintaining productive anxieties that motivate action. Centering political thinking about *movement* within democratic theory, then, might also encourage an attentiveness to the ways we try to respond, with others, to democracy’s conditions of uncertainty: it might, especially, prompt us to be wary of those fantasies of organizing the flux that either forget the fluidity and unpredictability of democratic politics or else attempt to manage it hierarchically in ways that hinder possibilities for collective agency.

Lastly, centering movement as an object of political thought can, in turn, help to dislodge the dominant spatial imaginary of self-enclosed democracy, by challenging its assumptions and lacunas and by shifting democratic theory to other kinds of questions. For instance, in place of the assumption that democracy’s space is the bounded territory, chapter one suggested viewing

territory and territorial exclusion as part of a repertoire of responses to uncertainty and change, in which the static image of territory can sometimes mask the contingency and flexibility of those responses. In place of concerns about the identity and boundaries of a unified, static demos, the unstable signification of the "mob," in chapter three, directs attention to the constantly shifting forms of any demo(cra)tic collective as well as the always open possibility of infelicitous moments. And, instead of a concern with sovereign control, the metaphors of democratic motion that I explored in chapters three and four encourage us to shift democratic theory's attention towards the dilemmas and experiences of what some theorists call non-sovereign agency, of acting in conditions of uncertainty and unpredictability. Neither celebrating nor rejecting that unpredictability, early ideas of the "mob" and the "movement" encourage an unromanticized perspective on the risks, uncertainties, tragic disappointments, and political possibilities that always accompany collective political action and democracy's open temporal horizons. Those currents of thought imply a particular understanding of democracy as *mobile,* in which democracy is always an unfinished and open process, the collective of democratic action is always amorphous and shape-shifting, the conditions in which one acts are changing and uncertain, no actor – individual or collective – has *control* of the circumstances or the effects of action, and yet one must orient oneself towards acting anyway.

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Note: For some frequently used databases of digitized primary sources, I have abbreviated the database names as follows:

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ECCO	Eighteenth Century Collections Online (Gale Primary Sources)
MOME	The Making of the Modern World (Gale Primary Sources)

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