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The agrarian emergence and industrial transformation of nationalism in the US and Norway - a property rights perspective

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Abstract

All western states today define themselves as nation-states, and all of these states have a political and economic structure in which an individual's right to own private property is an underlying and pervasive feature. Drawing on examples from the historical trajectories of the US and Norway between ca 1760 and 1880, this dissertation explores the development of nation-states and the role of private property rights in this development. I demonstrate the fundamental role both of the idea of private property for the ideology of nationalism, and of the significance of a particular kind of property regime (widespread landowning) for the emergence and development of nationalism as historical phenomena.

The evidence on which this dissertation relies has been extracted from historical documents consisting primarily of political pamphlets and speeches. The documents are chosen from what we can call "the national movement" e.g. dominant public debaters, policymakers and agitators. To compliment and contextualize my documentary analysis I have drawn on a range of secondary literature on social, historical and economic developments. The analysis has sought to unravel nationalism as an emerging historical phenomena in each of the cases investigated by focusing on authorial meaning in specific historical contexts. The core concept of nationalism has been arrived at by continuously comparing the developments in the US and Norway.

The main points that this dissertation make are that it was the emergence of more widespread smallholding of land that was one of the most decisive preconditions for the emergence of nationalism in the US and Norway. Furthermore, this dissertation suggest that widespread ownership of land resulted in the emergence of a form of nationalism in which ownership of landed property was crucial because it became tied up with the idea of national popular sovereignty. Put in a simplified way: sovereignty was popular because property was popular (widespread). This connection was made mainly on the one hand from the real historical tie between ownership of land, juridical sovereignty and political powers, and on the other hand from the more conceptual similarity between property rights or ownership and sovereignty.

I have identified two forms of nationalism based on the way that property was understood in the national ideology. The *first form of the nation* describes the agrarian phase of nationalism where it was real landed property that was seen to be crucial for the creation of national sovereignty. The *second form of the nation* describes a form of industrial nationalism. With the coming of industrial property and the expansion of wage labour, landed property lost its significance, and instead the right to the fruits of one's labour was understood as the most important part of the property right. I have called this a shift from land to labour, or a *transvaluation of property*.

This property rights perspective on nationalism in the US and Norway contributes to a new understanding of nationalism not only in these places but perhaps also in the western world in general. The development in the US and Norway can be seen in the wider context of the decline of feudalism and absolutism and the emergence of democratic, industrial societies in the western world. The landed, agrarian form of nationalism might in effect be a 'missing link' between pre- or proto-national forms of society (feudal, religious, absolutist, mercantilist, etc.), and the fully modern industrial form identified for example by Ernest Gellner. It is the connection between property (from land to labour) and sovereignty that unites them.

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Chapter 1: Introduction

This dissertation offers a historical sociological analysis of the emergence and development of nationalism in the US and Norway between 1762 and 1884. Both the US and Norway were agrarian societies at the beginning of this time period, and had a property structure that was marked by relatively widespread smallholdings of land. This fact became crucial for the development of the national ideology, as ideas of popular sovereignty and individual freedom became tied up with widespread individual ownership of landed property. Through the analysis of the relationship between landed property rights and nationalism in these cases, and the development of this relationship with the coming of industrialization, I believe that I have arrived at a novel understanding of nationalism, one which reveals the fundamental role of private, landed property rights to the emergence, nature and development of nationalism; and which illuminates how the agrarian origins of nationalism became adapted to its industrial future.

The research that I have done is historical and particular in its nature – that is to say that it deals with events and ideas in specific places of the distant past. But the purpose of this dissertation is to understand the world in which we live today. My dissertation might thus be placed in the tradition of thinkers such as Karl Marx, Emile Durkheim and Max Weber – it is essentially an attempt to understand the preconditions for, and the origins of, the modern world of nation-states with a broad historical view, and to thus illuminate structural historical processes in their making. The first basic assumption to this approach is the banal but important historical insight that society is not static: the institutions, ideas and material relations of the present have evolved out of earlier forms. The present is thus historically laden: to understand it, we must understand from where it came. A second basic insight or assumptions that these approaches have in common is the recognition that changes in what we might call the material world – i.e. changes in forms of property, population swings, wars, access to resources, changes in ways of production and appropriation, etc. – have a decisive effect on social forms and dominant ideas in society. To understand social change, we must take into account the material forces that shape the lives of people. It is, of course, Karl Marx who most strongly accentuates changes in the material world as a driving force, as it were, in history; and Marx's emphasis on changes in the mode of production – specifically changes in property regimes – for the formation of new ideas and social forms is the basis on which this dissertation is built. I have focused specifically on how the property regime in societies is related to the idea and ideology of nationalism. It is the institution and idea of private property,

and its role in the national ideology, that is the central aspect of this dissertation. I make a claim that the existence of a particular type of property regime (those to be found, for example, in the US and Norway in the early nineteenth century) was particularly favorable for the formation of nationalism. Before any further inquiry is done, then, it will be helpful to outline the property relations under which nationalism emerged in the US and Norway.

The emergence of nationalism and private landed property

a) The forms of property at the time of the emergence of nationalism: land

Nationalism in the US and Norway emerged and formed during the eighteenth and nineteenth century. It is important to remember, as Eric Hobsbawm pointed out long before the study of nationalism became fashionable, that this time period was an age of agriculture. It was a world where the vast majority of wealth came from agricultural production, and where agriculture constituted the livelihood of more than 90% of the people of Europe and America. The major form of property was thus land, and therefore “what happened to land determined the life and death of human beings.”¹ There were, in this time period, various ways in which landed property was organized: from the viewpoint of agrarian property relations, writes Hobsbawm, it makes sense to divide the western hemisphere in this time period into three large segments.² There were the European colonies which were, with the exception of the northern part of the British North American colonies, primarily slave driven. Eastern Europe (and parts of Spain and Italy) might be classified as a second segment where agriculture was done by serfs, politically and economically unfree. While the distinction in dignity and wealth was not as distinct as that between slave and master, the difference in power and wealth was still enormous between landlords/aristocrats on one side and cultivators of the soil on the other. The unfree cultivators constituted the bulk of the population in this segment, while a small majority owned the bulk of the land – and ownership of land gave titles, privileges and rank which formed the basis of a social reality of great distinctions. This was similar to the third segment, which covered Western Europe, but here the cultivators of the earth had relatively

¹ Hobsbawm, Eric, *The age of Revolution: Europe 1789-1848*, Wiendfeld and Nicholson, London, (1962), p 149.

² Hobsbawm, 1962: p 13-18.

more economical freedom, although landlords were a pervasive feature, and ownership was mostly confined to a small class of aristocrats.³

b) *The propertied preconditions for the emergence of nationalism in the US and Norway*

Nationalism emerged for the first time in the unique first segment of agrarian relations that Hobsbawm describes – in colonial North America. This happened because agrarian relations in the North American colonies were marked by a high degree of land self-ownership, and an almost total absence of feudalistic land regimes, manorial systems and landed aristocrats. Individual exclusive ownership of landed property was unusually widespread in the North American colonies: land was relatively easy to acquire, and once obtained, one was relatively more free in one's use of it compared to most other places. In colonial North America, individuals could find uncultivated, unappropriated land, invest labour in cultivating it, thus making the land his or her private property, for which he or she owed nothing to lords or aristocrats.

Widespread private ownership had not, however, always and everywhere been a feature of colonial America. In the first colonies, Virginia and Plymouth, land was at first owned by colonial promoters, and the colonists worked the land collectively, for which they received food, shelter and clothing, while the surplus went to the owning company. This scheme was not successful in the long run, however. Individual ownership of land was introduced in the late 1620s, and all colonies established after 1629 immediately introduced private landholding.⁴ The granting of land rights was based on the idea that the British king had sovereignty over all the newfound land in the colonies, and that he could thus grant land to joint stock companies or proprietors. Property rights granted from the king gave the companies and proprietors the right to appoint judges, to tax and form governments – these were rights that were associated with sovereignty. Manorial systems emerged in some places, such as in the Hudson Valley and Maryland; and during the seventeenth century, companies and

³ The issue of land and class relations in western Europe is complex, for a slightly more in depth and detailed overview than that of Hobsbawm, see: Aston, T.H and Philipin C..H.E, *The Brenner debate: agrarian class structure and Economic Development in Pre-industrial Europe*, Cambridge University Press, Cambridge, (1985).

⁴ Nettles, Curtis P, *The roots of American Civilization: a history of American colonial life*, Meredith Publishing Company, New York, (1963)[1938], p 222-229.

proprietors in Virginia devised a system that gave land to middling immigrants who could finance their own journey, and granted them more land for each servant, slave or other person brought with them. Some men could thus acquire large properties of land. This was known as the headright system. The headright system was gradually abandoned however, and by the late seventeenth century direct land sales to individuals had become the norm in all the colonies. The system of direct sales resulted in efficient and widespread allocation of land, so that by the end of the seventeenth century almost all householders owned land. In Salem, Massachusetts, only four of the 238 first inhabitants were landless. Half of the men in New England owned land by the age of 30, and 95% of men owned land by the age of 36. In 1690, sixths-sevenths of all farmers in Connecticut owned land; in 1704, two-thirds of the households in Surry County, Virginia, owned land; and in Pennsylvania landownership was almost universal during the 1690s.⁵

Individual landownership remained high during the eighteenth century. Nearly two-thirds of farmers in eastern New England, Long Island, and Tidewater, Virginia, owned land – only one-sixth of farm workers remained tenants all their lives. In Essex County, Massachusetts, 84% of men between the age of thirty-seven and sixty owned land. Two-thirds of taxpayers in Deadham owned land both in 1735 and in 1771, and seven-tenths of the taxpayers in Concord owned land in 1749, while the number rose to four-fifths in 1771. Tenancy remained low, and seven-tenths of small village and town householders in Massachusetts owned land in 1771. Connecticut, New Hampshire and East New Jersey also had a high degree of self-ownership. In revolutionary era New Jersey, for example, two-thirds of taxed men owned land, but four-fifths of the men over twenty-seven – which constituted almost all the households – owned land.⁶

The situation of relatively wide land ownership in America in the eighteenth century was special, but similar conditions were also to be found in certain areas of the third agricultural segment that Hobsbawm describes. This area, as we remember, was marked by a higher degree of freedom for farmers compared to the slaves of the first segment and the serfs of the second

⁵ This paragraph follows closely the description in Kulikoff, Allan, *From British Peasants to Colonial American Farmers*, The University of North Carolina Press, Chapel Hill and London, (2000), p 106-118.

⁶ This paragraph follows closely the description in Kulikoff, 2000: p 127-131.

segment. The English/British society from which North America was settled, for example, displayed early on a consolidation of private individual property, though not as widespread as in the colonies, and Britain had powerful lords and aristocrats that owned huge tracts of land. Britain was thus quite different from the colonies. The Norwegian kingdom, however, was one area in the third segment that closely resembled the North American colonies in structures of landownership; in Norway landownership was widespread by the close of the eighteenth century, and practically no landed aristocracy or manors existed.

Early on, in the eighth and ninth century, most farmers living in the Norwegian area probably owned their own land, although there are no certain data on this,⁷ and ownership of land conferred powers of sovereignty on the farmer: all landowners could meet at the legislative assembly and decide the laws and taxes that were to be imposed.⁸ As the medieval period progressed into the twelfth and thirteenth century, fewer farmers were owners of their land as the king and the church acquired rights to large areas of land – by 1300, the church, the king, and the aristocracy owned 63% of the land in Norway.⁹ However, this land never became centralized into manors, which made it possible for farmers to maintain a relatively independent position.

In 1661, the Norwegian kingdom officially became an absolutist state as part of the Danish kingdom. Absolutism was instituted by the Danish king with help from the class of city burghers and merchants. This class supported the king in what was actually a *coup d'état*, depriving the aristocracy of their privileged political powers. Thus the city burghers came to have a larger influence in the running of the state, and, amongst other things, they initiated sales of Crown and church land. In Norway, in the first instance, the land was bought in large chunks by wealthy individuals, but was often later sold to Norwegian farmers. The sales of Crown land contributed to creating an ownership structure where one-third of farmers owned their own land in 1720. In the northeastern valleys of eastern Norway, the percentage of self-ownership was as high as 60-70%, while the southwest had a self-ownership percentage between 15% and 30%. In the farm areas around Trondheim (Trøndelag), self-ownership

⁷ Siggurdson, Jon Vidar, *Det Norrønne samfunnet: Vikingen, Kongen, Erkebiskopen og Bonden*, Pax Forlag, Oslo, (2008), p 191-194.

⁸ Krag, Claus, *Norges historie fram til 1319*, Universitetsforlaget, Oslo (2000), p.35-37.

⁹ Krag, 2000: p 152.

varied in areas from 5 to 20%. Self-ownership gradually increased during the eighteenth century, largely because of further public sales of land to private persons: there was one wave of land sales during the 1720s and one during the 1750. By 1800, the percentage of self-ownership was as high as 80% in some areas in the eastern parts of Norway, while the percentage had risen to about 60% in the southwest, and to 50% in Trøndelag. For the country as a whole, almost 60% of the farmers owned their own land in 1801.¹⁰

There are two important points about landownership in the US and Norway to be taken from this:

- 1) That landownership was relatively widespread
- 2) That many, if not most, of the people who owned land had acquired it as a purely economic right.

The first point (wide landownership) is important on the one hand because widespread ownership made it more plausible to conceive of a large number of the people as free and independent individuals, and on the other hand because this idea of a large part of the people as free and independent was congruent with, and demanded even, popular sovereignty. The second point (land as an economic right) is important firstly because the economic nature of the modern property right – that is, that it was not granted or sanctioned primarily by privilege, or protected by extra economical powers – could more easily give the impression that landed property was possible to acquire for all, and that the property right was derived from the investment of one's labour. Secondly, the economical (or non-privileged) nature of the property right is important because it posed questions of how to legitimize and protect the property right. In the national ideologies of the US and Norway, private property became secured in theory for all by the sovereignty of the people (who came to be associated with the landholders), and legitimized by the right to labour – this was the core of the national ideology at its emergence, and its novelty. It was thus as an agrarian phenomena in the late eighteenth and early nineteenth century that nationalism emerged and lay the foundations for the modern nation-state. This is one of the main arguments that will be developed in this thesis.

¹⁰ This paragraph relies heavily on Moseng, Ole Georg, et al, *Norsk Historie II: 1537-1814*, Universitetsforlaget, Oslo, (2003), p 207-211, 221-222, and 265-270.

The nation-state, property, and bourgeoisie democracy: the answer to paradoxes

a) Liberal paradox: Property and Democracy

This dissertation seeks the origins of nationalism and its relationship to private property in the property assumptions of the late eighteenth and early nineteenth century agrarian societies of the US and Norway. But the questions that led me to these societies in this time period were informed by the period of industrialization and democratization. From a liberal standpoint, there is a paradox in the way in which the relationship between property and popular sovereignty changed from the nineteenth to the twentieth century within the nation-states of the west. Norway and the US exemplify this. The political constitutions of the US and Norway, in the agrarian phase under which they first became nation-states, makes them clear examples of states where private property and popular participation in government were seen to be in tension, and where the preservation of landed property was one of the most central goals of politics. These assumptions took the form of a landed property-based democracy where landless individuals were largely excluded from political power – here, landless people represented a danger to the stability of private property and had to be excluded from power. However, when the US and Norway became industrializing societies, the relationship between property and popular sovereignty became reversed: universal suffrage (at the time understood as male suffrage) and private property came to be seen as interdependent. This paradox was identified by Gøran Therborn as one between property and democracy:

In the nineteenth and early twentieth centuries, as both political practice and constitutional debate clearly demonstrate, prevailing bourgeois opinion held that democracy and capitalism (or private property) were incompatible ... In modern times, however, since at least the outbreak of the Cold War, bourgeois ideologists have maintained that only capitalism is compatible with democracy.¹¹

I would like to invoke a quote from Walter Benjamin (from the 1930s) which inspired much of my initial thinking on this. Benjamin asserted in the age of fascism that:

Fascism attempts to organize the newly created proletarian masses without affecting the property structure which the masses strive to eliminate. Fascism sees its salvation in giving these masses not their right, but instead a chance to express themselves.¹²

¹¹ Therborn, Gøran, “The rule of Capital and the Rise of Democracy”, in *New Left Review*, 1/103, May-June, (1977).

¹² Benjamin, Walter, “The Work of art in the age of mechanical reproduction”, (1936) <https://www.marxists.org/reference/subject/philosophy/works/ge/benjamin.htm> Downloaded 17.06.2015.

Although this quote concerns nationalism in its interwar fascist form specifically, it made me wonder if there was a connection between nationalism in general and the perseverance of private property. Was it the case that nationalism gave the masses only an ideological semblance of power while keeping wealth concentrated in a few hands by private property holdings.

b) *Marxian paradox: The nation- state and “the rights of man”*

There is also a Marxian paradox connected to the existence of private property and the nation-state. According to classical Marxist theory, the nation-state and private property should not have the enduring legitimacy that it has;¹³ on the contrary, class antagonism in capitalism should bring about a proletarian world revolution that would grant freedom to all and abolish nations and private property. But history has shown that the masses have not strived to eliminate the national property structure, as Benjamin thought – instead the masses have accepted, as it were, the offer to “express themselves” (in Benjamin’s term), through the nation, even without the spell of fascism. It has been through the nation-state with a private property regime and liberal democracy that the individual has seen his or her freedom and rights fulfilled and guarded. Hannah Arendt has observed that in the world of nation-states, “Man, it turns out, can lose all the so-called Rights of Man without losing his essential quality as a man, his human dignity. Only the loss of a polity itself expels him from humanity.”¹⁴ This points to something fundamental about the legitimacy of the nation-form and its formation throughout history: it has been established as practically the only real guarantor of rights and freedoms of the individual, and, at least in the western world, these rights have come to be seen as inseparable from the right to private property. But if it is true, as Harold Laski once put it (and as Benjamin hinted at), that there is an “antithesis between property rights and the fulfillment of the democratic idea,” because “political power is the handmaid of economic power” and that “a mere ballot box democracy is, as a consequence, utterly unreal in the presence of large inequalities of property,”¹⁵ then one can wonder why such states are so widely accepted. And indeed as Thomas Piketty has recently shown, contemporary, Western

¹³ Greenfeld, Liah, “Trancending the nations worth”, *Daedalus* (Vol. 122. No. 3, 1993), offers an interesting discussion of this issue.

¹⁴ Arendt, Hannah, *The origins of totalitarianism*, Meridian books, Cleveland and New York, (1958) p. 197.

¹⁵ Quoted in, Townshend, Jules, *C.B Macpherson and the problem of liberal democracy*, Edinburgh University press, Edinburgh, (2000), p 8-9.

nation-states are marked by increasing inequalities in distribution of wealth based on ownership of private property.¹⁶

It is true that there have been other alternatives to the liberal nation form, especially in the twentieth century with its fascist and communist states, and today still there exists totalitarian states both religious and secular in form. But there is some truth to Francis Fukuyama's infamous "end of history" thesis, in that the bourgeois liberal nation-state with a private property regime is today the most prevalent political form on the globe.¹⁷ Is there something, then, about nationalism that encourages the existence of private property, or something in private property that makes nationalism stronger? What is the role of private property for the emergence and development of nationalism, and what is the role of private property in the ideology or the idea of the nation? The landed relations of the US and Norway at the time of their national revolutions, and the role of private property in nationalist discourse there, provides a fruitful starting point for the exploration of these questions.

c) The nationalist answer: Property, freedom and sovereignty

An understanding of the proper relationship between nationalism and private property might offer an answer to the liberal and the Marxist paradoxes of property and sovereignty (or democracy) within western nation-states. When it comes to the potential connection between nationalism and private property rights, there is of course the classical Marxian position that nationalism is an invention of the bourgeoisie, and that it therefore upholds a private property regime. The connection between nationalism and property rights is thus purely an instrumental one, in favor of a certain class – the bourgeoisie. As Marx wrote about the emergent nation-states of Europe in "the springtime of the peoples": "The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie."¹⁸ These nation-states were created by bourgeois interest, said Marx, but the bourgeoisie did not actually have any national interests:

¹⁶ Piketty, Thomas, *Capital in the twenty-first century*, The Belknap Press, Cambridge, Massachusetts and London, England, (2014).

¹⁷ Fukuyama, Francis, *The end of history and the last man*, The Free Press, New York, (1992).

¹⁸ Marx, Karl and Frederick Engels, *Manifesto of the communist party*, The New York Labour News, New York, (1908) [1848], p. 11.

The need of a constantly expanding market for its products chases the bourgeoisie over the entire surface of the globe. It must nestle everywhere, settle everywhere, establish connections everywhere.¹⁹

The nation-state is thus just another way of protecting the property of the ruling bourgeoisie, and indeed, as mentioned, in the US and Norway, the new nation-states were at first ruled by men of property – this was their core principle. But nationalism in these cases was never advocated primarily by a bourgeoisie in the Marxian sense, and at the first emergence of nationalism, these societies were only to a limited extent market-oriented societies. And as we saw, these cases were marked by relatively wide landownership. Class interest is important, but it has to be the right class or classes one is looking at. In the American and Norwegian cases, members of the national movement represented various classes, but a common underlying interest was landed property. Hence, it seems sensible to start an exploration between nationalism and private property by looking at landed property. For this purpose, the connection between property rights in land and sovereignty provides a fruitful starting point. The link from property to sovereignty may first be established through the freedom that property may confer on an individual.²⁰ Georg Wilhelm Friedrich Hegel formulated this in one way:

A person must translate his freedom into an external sphere in order to exist ... in his property a person exists for the first time as reason ... Since property is the means whereby I give my will an embodiment it must have the character of thine or mine. This is the important doctrine of the necessity of private property²¹

Property is here seen as means to realize one's will, and as exclusive to the individual. This is conceptually related to sovereignty, which involves the possibility of an agent to exercise a will in a specific territory/space.²² Property, in the form of land, therefore makes the individual a 'mini' sovereign over the land which the property right covers because the individual, having property in the land, is free to decide how to use the land. The landed property becomes, we might say, the "sphere" in Hegel's sense, in which the individual exercises his or her freedom because he or she is sovereign over the land. In this sense, ownership of landed property may have direct connection to nationalism and the concept of territorial sovereignty. Jacob Metzger and Stanley Engerman have noted this connection between property in land, sovereignty and

¹⁹ Marx, and Engels, 1908: p.12.

²⁰ I shall elaborate on the nature of property in chapter 2.

²¹ Hegel, George Freidrich, *Philosophy of right*, § 46, (1821). Downloaded 28/10/2014.
<https://www.marxists.org/reference/archive/hegel/works/pr/property.htm>

²² I will discuss sovereignty more thoroughly in chapter 2.

nationalism through the kind of property-based democracy that the American and Norwegian nation-states established at their emergence. They write:

While the ownership of land as prerequisite for enfranchisement has long been abandoned in modern democratic states ... this may reflect some kind of an accommodation between nationalism, whose basic attitude towards land as a place – a homeland belonging to the nationals – made the thinking often blur the distinction between sovereignty and ownership.²³

The idea of a connection between ownership and sovereignty is not, however, new – there has indeed for a long time in western thought been posed a connection between ownership and freedom through sovereignty. Arendt has written about property in land and its connection to power and freedom in the Greek world: “Man,” she writes, “could liberate himself from necessity only through power over other men, and he could be free only if he owned a place, a home in the world.”²⁴ This may be oversimplified and is probably not applicable to dominant thought on property and freedom today, but it does point to the general connection between ownership of landed property and power/sovereignty.²⁵ Indeed, Andrew Reeve similarly notes that there are three power relations connected to property rights in general: economical power, dominium over others and various forms of authority.²⁶ Historically, all these aspects have been present in the ownership of landed property. Therefore landed property and political power (sovereignty) historically have gone hand in hand, from Greek and Roman democracy, to European feudalism, to the early, modern, western property-based national democracies. In short, there is both a historical and a conceptual connection between nationalism and private property rights through the concept of territorial sovereignty.

From these connections, it seemed to me that there was a fundamental relationship between the emergence of nationalism, landed property rights, and the enduring presence of private property and the nation-state as custodians of individual freedom. It seemed to me that an answer to these questions would be found by exploring the origins and development of nationalism. Therefore it is nationalism that is my primary subject of investigation: its origins, its development, and its nature. In short, this dissertation follows the development of property and sovereignty through the emergence of nationalism from its agrarian phase, when landed

²³Engerman, Stanley & Jakob Metzger (eds) *Land rights, ethno-nationality, and sovereignty in history*, Routledge, London, (2004) p. 10.

²⁴ Reeve, Andrew, *Property*, Macmillan, London, (1986),p. 81.

²⁵ I shall elaborate more on this in the next chapter.

²⁶ Reeve, 1986: p.80.

property was tied up to sovereignty and enfranchisement, into the industrial phase, when the link between landed property and enfranchisement became broken.

Outline of the argument

a) *Nationalism, property and agrarian society*

What is nationalism? When did it emerge? And what are the social and material conditions for its emergence and existence. These are the larger questions that my research revolves around, and through which I seek to clarify the relationship between property and democracy.

In the 1980s Ernest Gellner gave an answer to these questions that has since been definitive and influential for all subsequent studies of nationalism. Gellner held that nationalism was “primarily a political principle, which holds that the political and the national unit should be congruent.”²⁷ He believed that nationalism emerged with industrial society in Europe. “The age of transition to industrialism was bound, according to our model, also to be an age of nationalism,” wrote Gellner. Here, industrialism created nationalism because it brought to the world a “homogeneity imposed by objective, inescapable, imperative [which] eventually appears on the surface in the form of nationalism.”²⁸ Although Gellner, tongue-in-cheek, held his argument to be Euclidian in its logic,²⁹ many have since shown that nationalism did in fact emerge long before industrialization. Michael Mann, for instance, have pointed to the importance of military and economic developments connected to the rise of the modern state before industrialization,³⁰ and Liah Greenfeld has focused on the importance of Protestant Christianity, but sees nationalism as having specifically English origins, sparked by *resentement* and new ideas of individual worth.³¹ These are just two examples, there are many more.³² While I agree that the origins of nationalism are to be found before industrialization, I also think it is undeniable that nationalism and industrial society not only have an elective

²⁷ Gellner, Ernest, *Nations and Nationalism*, Blackwell Publishing, Oxford, (2006)[1983], p 1

²⁸ Gellner, 2006: p 38.

²⁹ Gellner, Ernest, “The coming of Nationalism and its interpretation: The myths of Nation and Class” in Gopal Balakrishnan (ed), *Mapping the nation*, Verso, London, (1999)[1996], p 111.

³⁰ Mann, Michael, *The sources of social power, Vol 2: The rise of classes and nation states 1760-1914*, Cambridge University Press, Cambridge (1993).

³¹ Greenfeld, Liah, *Nationalism: Five roads to modernity*, Harvard University Press, Cambridge (1993).

³² I shall have a more thorough discussion on the literature on nationalism in chapter 2.

affinity, but that nationalism became, to use the Marxian terms, the superstructure of the industrial mode of production. How, then, is it that nationalism, a pre-industrial phenomena, is so well suited to industrial society? The answer, this dissertation suggests, lies in the initial connection between nationalism and landed private property rights.

My research locates the origins of nationalism in changes of property structures within agrarian societies, and points to how the principles of nationalism were at first understood in relation to, and emerged from, agrarian conditions of landed property, and how nationalism thus became the foundation for industrial society. In short: Gellner's idea of nationalism as the political principle that demands the congruence of the cultural and the political unit emerged not from the needs of industrial society, and did not connect culture and power as such. Rather, nationalism was a transformation of notions of property and sovereignty within agrarian societies brought forth by changes in landed property regimes. Hence, the structural shift that according to Gellner makes nationalism possible, and which he saw as one between agrarian and industrial society, was in fact a change within agrarian society. The structural change was a change that saw the emergence of more widespread smallholdings of land, as opposed to large manorial landholding based on aristocratic privilege. When landholding thus became more widely distributed, it came to pose changes to the political power structure through which sovereignty and property as universal right were introduced. Gellner said that the age of nationalism was one of universal high culture, where every man is a Mamluk;³³ I would argue that to understand nationalism properly, we must see it also as an age of universal property ownership. To invoke the Hegelian image of the master Slave dialectic, history, up until the age of nationalism, was one of slave (propertyless) versus master (owners). In the age of nationalism, all are masters, the dialectic is fulfilled – all are equally recognized as individuals with the right to property.³⁴

The Hegelian statement is only an exaggerated image of course, but it does point to something fundamental about the novelty of nationalism as historical phenomena: since the first

³³ Gellner, 2006: p 18.

³⁴ Hegel's dialectic is often understood metaphysically. But Susan Buck-Morss has suggested and convincingly shown that Hegel had this image from real and contemporary issues of slaves and masters. Buck-Morss, Susan, "Hegel and Haiti", *Critical inquiry*, Vol.26. No.4, (Summer,2000). The master-slave dialectic understood in literal terms has special relevance for understanding nationalism in the US and Norway, as we shall see.

civilizations, property ownership has been confined to the few, whereas the masses were confined to poverty.³⁵ In ancient Greece and Rome, for example, it was citizens or aristocrats that had property over slaves and land; in the European feudal age, it was lords and kings that had it over serfs and land. The natural order of things was master and slave. This changes with the age of nationalism, under its aegis, as stated in the *American Declaration of Independence*, “all men” are granted “the right to life, liberty and the pursuit of happiness.” Or, to invoke another image: at first, none had property, then some had property, and finally all have property.³⁶ Again, this is only in theory, but this was the theory by which the members of the national movements in the US and Norway legitimized their cause. This became so due to the landed property relations in these cases: the property structures of my cases reinforced a style of thought where the image of master and slave, envisioned as propertied versus property-less, became a central image.³⁷ One fundamental principle of nationalism was individual freedom through ownership as opposed to slavery.³⁸ Nationalism, in my cases, was a way of understanding and organizing the world in which the freedom of the individual was the fundamental goal. Nationalists, in my cases, sought to realize their vision of freedom by creating a national sovereignty based on the property of every member of the nation. Thus was the propertied freedom of each individual seen to be safe.

b) *The freedom in property and its transvaluation*

The more general philosophical points made in the last two paragraphs should not be interpreted as a form of idealism in my approach. On the contrary, my approach, as indicated above, may be seen as Marxian materialist, and the materialism of my approach is based on changes in property regimes. Put crudely: it was the forms of property and the mode of

³⁵ I am generalizing here as well. For an overview of the diversity of land law in the ancient world for example, see Ellickson, Robert, C and Thorland, Charles, “Ancient Land law, Mesopotamia, Egypt, Israel”, in *Yale Law School Legal Scholarship Repository*, (01.01.1995).

³⁶ This is inspired by Gellner’s paraphrase of Hegel talking about the state. Gellner was talking in the abstract about historical stages and the development of the state. He wrote “once none had the state, then some had it, and finally all have it”, Gellner, 2006: p.5.

³⁷ I shall elaborate on this in the next chapter and in the conclusion, and it will be a reoccurring theme throughout my substantial chapters.

³⁸ The institution of chattel slavery remained, of course, a pervasive institution in the US all the way up until 1861 But this did not mean that it could not be claimed that America was a land of freedom. I discuss the relationship of slavery and propertied freedom throughout this dissertation.

production that made the idea of nationalism conceivable – it was not the idea of nationalism that conceived the mode of production and the property regime to which it corresponded.³⁹

There were two major changes in property regimes during the time period to which I confined my investigations. The first change was the emergence of more widespread smallholding mentioned above. It was this that set the preconditions for the emergence of nationalism. Hence, because nationalism emerged in agrarian societies, it was a strengthening of landed private property rights that was the driving motor of nationalist development in this initial phase: the idea of sovereignty of the people became inseparably bound up with the political rule of the landowning class, and freedom inseparably bound up with the ownership of landed property. The second change was one away from an agricultural economy which saw the rise of industrial property. With the coming of industrial society, there was what I have called a *transvaluation of property*. This can also be stated as a shift from land to labor as a principle of political inclusion, and it was driven by a shift in the property structure that saw the emergence of a proletariat (larger classes of wage earners) and thus a relative decline in ownership of landed property. The term *transvaluation*, was used by Liah Greenfeld in her study of nationalism, and she in turn got the term from Nietzsche. A transvaluation basically means a radical reevaluation of values – to turn them on their head.⁴⁰ What I refer to specifically when I speak of a *transvaluation of property* is how propertied freedom went from being understood primarily as landed or real property to meaning property in one's labour. This was a transvaluation because after this change happened, the individual was seen as free if he or she owned his or her own labour, had property in his or her person. Before the transvaluation, labourers without landed or real property were seen as dependent or unfree, on similar footing to that of a slave. The transvaluation adjusted the sovereignty and property concepts to include a broader stratum of people in political power: since the essential future of property was now understood to be the labour of the individual (instead of land), all who labored were seen as free and could now partake in political power. In this way popular

³⁹ Or as Marx and Engels put it in more abstract terms, talking about the relationship between consciousness and the material world: "life is not determined by consciousness, but consciousness by life." Marx, Karl, and Frederick Engels, *The German ideology*, Lawrence and Wishart, London, (1970)[1846-47], p. 47.

⁴⁰ Greenfeld uses the concept in Greenfeld, 1993: p16. Nietzsche wrote about this concept: "there is a transvaluation of values, and the concepts "true" and "false" are forced to change places" Nietzsche, Frederick, *The Antichrist*, Project Gutenberg EBook, (2006), p 8.
<http://archive.org/stream/theantichrist19322gut/19322.txt> Downloaded 06.03.2015.

sovereignty became disconnected from landed property and connected instead to all the labouring individuals of the nation. This legitimized capitalist labour relations as all individuals were now seen as free by having property in one's labour, be it the propertied capitalist or the industrial wage labourer.

c) *Key concepts in the analysis: transvaluation, amalgamation, the first and the second form of the nation*

In addition to the idea of *transvaluation of property*, I have constructed and applied three other conceptual devices in order to frame my analysis. I have applied my own invented concept of *amalgamation of people, property and sovereignty*. This is meant to capture the essence of the national ideology in my cases: the security of individual property became bound with the sovereignty of the people, so that only sovereignty derived from the people was seen as a legitimate protector of private property rights, and, on the other hand, so that a sovereign people could only exist if it was constituted of propertied individuals. It is for this reason that we can speak of the nation as a propertied community. I have furthermore applied and made up the terms *the first form of the nation* and *the second form of the nation* to describe two different ways in which the *amalgamation of people, property and sovereignty* worked and was understood. The *first form of the nation* alludes to an agrarian society and an agrarian ideology of nationalism. There was a relatively small state, and the state was dominated by landed interests along with some commercial interest. The main political expression of this form was a landed democracy ideologically based on the sovereignty of the people. The *second form of the nation* alludes to a society and an ideology of nationalism that is in the process of industrialization. There are relatively more people working in wage-based jobs, and politics is increasingly dominated by professional politicians leading constituencies dominated by workers and city professionals. The state becomes bigger in this form, and the main political expression of this form is universal male suffrage, although in America I have exemplified this through the abolition of slavery.

The chapters

My argument is made across seven chapters. Chapter 2 compliments this introduction with more thorough discussions about nationalism, property and sovereignty in historical perspective and in the context of modernity. Chapter 3 provides a justification for the comparison of my two cases as well as a discussion of the historical comparative method. In

this chapter I also discuss the evidence I have invoked and the way in which I have analyzed it. The main argument about the emergence and development of nationalism in the US and Norway is presented in four substantive chapters: two on the US and two on Norway. These are chapters 4, 5, 6 and 7. Chapter 4 lays down the historical and sociological preconditions for the emergence of the American national movement and revolution of 1776. The central events discussed are the *Declaration of Independence* (1776) and the Philadelphia federal constitutional convention (1787). Chapter 5 follows political and social development from 1800 until 1865. There are two main topics of this chapter, *the first form of the nation* and *the second form of the nation*. The *first form of the nation* discusses Jeffersonian democracy and the idea of a nation of smallholding farmers. The major point to make here is how this property rights element of nationalism was understood primarily to mean real or landed property, and how individual and national freedom was seen to be maintained by the rule of a large class of propertied men. This chapter will also emphasize how slaves were understood as a form of property, and how the idea of national propertied freedom could strengthen the institution of chattel slavery. *The second form of the nation* discusses the coming of the civil war and its conclusion, and displays *the transvaluation of property* through the abolition of slavery.

Chapter 6 chronicles and analyses the emergence of the Norwegian national movement that culminated in the revolution of 1814 - but also in this chapter there is first a survey of the sociological and historical preconditions for the emergence of the national movement. The central events covered here are Prince Christian Frederik's entry to Norway and the Eidsvoll constitutional convention. Chapter 7 covers the time period between 1814-1884, and discusses *the first form of the nation* through the voting restrictions in the constitution, primarily through a discussion the peculiar Norwegian allodial rights (the *odelsrett*) at the Eidsvoll convention. Like in the first chapter on the US, the main point is to demonstrate the centrality of widespread ownership of land for the emergence of the idea of popular sovereignty. *The second form of the nation* is discussed through debates for suffrage expansion and the coming of parliamentary democracy (1884), primarily by following the Venstre movement and its leader Johan Sverdrup. In the final chapter (chapter 8), I conclude by comparing the national movements in the US and Norway. I first provide an overview of the main stage and trends in the emergence and development of national movements. I then discuss ideas of freedom and slavery and how they were understood in relation to the idea of private property and democracy. The discussion is framed by the transition from agrarian to industrial society, which serves to accentuate the agrarian origins of nationalism and to point to its industrial

future. There is also here a short comparison between nationalism and Marxism with a focus on the property assumptions made in these two world-views. This is to highlight the specific idea of freedom in nationalism, but also to show its modernity and its similarity to other modern ideologies of freedom. Finally, there will be a reflection on the wider implications of my research and possible future fields of investigation.

Chapter 2: A property rights perspective in the study of nationalism

The purpose of this chapter is to provide a context for the main analysis of my thesis. I will give a genealogy of the ideas of private property and popular sovereignty to show how these concepts are fundamental components of the ideology of nationalism. There will be a discussion of the historical preconditions for the emergence of modern private property and modern sovereignty, followed by a discussion of the nature of private property and why property is central to the understanding of nationalism. There will also be a discussion of the agrarian origins of nationalism and its relationship to private property, and a summary of the ideas of key thinkers on property and sovereignty in this period will be given. But to begin this chapter, a summary of existing theories of nationalism will be provided in order to place my own research within this tradition of research.

The western origins of nationalism

a) *Theories of nationalism and the omission of property*

Since the 1970's a huge body of literature has been produced on the subject of nationalism.⁴¹ This literature can be roughly divided into two main groups based on how nationalism is viewed and understood: ethnosymbolists and modernists. These two views offer quite different and often conflicting ways of understanding nationalism, the ethnosymbolists tending to emphasize long term cultural processes and attachment of meaning,⁴² while modernists generally focus more on the constructed and purely modern (political, economic, etc.) nature of nationalism.⁴³ This dissertation primarily advances a modernist understanding of

⁴¹ There is a good summary of the historiography of the research on nationalism in Hearn, Jonathan, *Rethinking Nationalism: A critical introduction*, Palgrave Macmillan, Basingstoke, (2006).

⁴² For some such accounts see for example: Armstrong, John, *Nations before Nationalism*, University of North Carolina Press, Chapel Hill, (1982), Grosby, Steven, *Biblical ideas of nationality: ancient and modern*, Eisenbrauns, Winona Lake, (2002). Adrian Hastings has put forth a medieval argument for the origins of nationalism in Hastings, Adrian, *The construction of nationhood: ethnicity, religion and nationhood*, Cambridge University Press, Cambridge, (1997). For an early modernist argument, see, Gorski, Philip S, "The mosaic moment: an early modernist critique of modernist theories of nationalism", *American Journal of sociology*, (Vol 150, issue 5, March 2000), p. 1459-1460.

⁴³ The classic account on nationalism and modern society is Gellner, 2006. Some accounts focusing on nationalism and the state are Mann, Michael, *The sources of social power, Vol 2: The rise of classes and nation states 1760-1914*, Cambridge University Press, Cambridge (1993), Marx, Anthony, *Faith in Nation: Exclusionary origins of nationalism*, Oxford University Press, Oxford, (2003), and Breuilly, John, *Nationalism and the state*, Manchester University Press, Manchester, (1993). Karl

nationalism. Although, as will become evident, parts of the argument advanced here has a slight ethnosymbolist quality to it, and can be described with reference to ethnosymbolists John Armstrong and Anthony Smith's understandings of nationalism. Two central concepts in these two scholars understanding of nationalism are the concepts of *mythomoteurs* and the *ethnie*. Armstrong uses the concept of *mythomoteur* to describe the myth that gives a nation its sense of purpose and which constitutes the symbolical core of the nation.⁴⁴ Smith advances a similar understanding to this by applying the concept of *ethnie*.⁴⁵ A key point with both these concepts is that the nation is seen to have a symbolical core constituted by a mythologized narrative about a peoples past. In the cases that I have looked at in this dissertation the mythical element took the form of narratives of ancient freedoms based on ownership of property. The idea of ancient freedoms had different sources in the two cases: in colonial America it was the tradition of Anglo-Saxon freedoms inherited from the British tradition of political thought that was invoked, in Norway, the ancient freedoms were based on historiographical traditions that suggested that there had existed a unique Nordic freedom in ancient times. For both cases these narratives became important for how the political national movement emerged. However, the way that these narratives were used is perhaps more similar to how modernists Eric Hobsbawm and Terrence Ranger describes the idea of *invented tradition*.⁴⁶ The idea of *invented tradition* implies more of a conscious and direct construction of traditions and myths for the purpose of legitimizing political national claims. In my cases the historical narrative is not directly constructed, but it has a modern form and was used in a distinctly political ideological way as a mode of justifying certain material relations of property. Neither Armstrong, Smith or Hobsbawm and Ranger pay any attention to the role of private property rights in these narratives, nor of property regimes for the importance of the emergence if such narratives. But it seems to me that the property aspect is central to why such narratives emerge, as well as to how they are made up.

Deutsch has focused on communication, in Deutsch, Karl, *Nationalism and social communication: an inquiry into the foundations of nationality*, New York, (1953). Benedict Anderson is also a modernist and famous for his focus on print capitalism and for understanding the nation as an "imagined community", Anderson, Benedict, *Imagined communities: Reflections on the origins and spread of nationalism*, Verso, London, (2006)[1983].

⁴⁴ Armstrong, 1982.

⁴⁵ Anthony Smith is the most prominent figure here. See for example Smith, Anthony, *National Identity*, Penguin, London, (1991).

⁴⁶ Hobsbawm, Eric and Terrence Ranger, *The Invention of Tradition*, Cambridge University Press, Cambridge, (1983).

In my approach to nationalism I focus on claims to property rights by what can be understood as political actors. Hence my approach to nationalism is, in a sense, political, and could be seen as similar to approaches taken by such modernists as Michael Mann, Miroslav Hroch and Eric Hobsbawm. Hobsbawm, in typical Marxian fashion, has stressed that nationalism is carried by the petit bourgeoisie and the bourgeoisie,⁴⁷ while Mann has specifically pointed to an alliance between modernizing traditional elites and the petit bourgeoisie.⁴⁸ Hroch has pointed out the more complex and diverse class composition of the carriers of national sentiment,⁴⁹ and similarly Mann again has pointed to the importance of a quite diverse middle class, and careerists and professionals in the new state bureaucracies for the mid-nineteenth century consolidation of European nationalism.⁵⁰ All three of these theorists do indirectly, or sometimes arbitrarily, touch upon the subject of property ownership through their class analysis, or in discussions on capitalism and the development of the state. However, the approach taken in this dissertation differs from, and expands upon, the reflections of Mann, Hobsbawm or Hroch because it focuses, 1) on property and nationalism as ideology, and, 2) on the importance of different kinds of property regimes for the emergence and formation of that ideology. In this dissertation I am not so much trying to identify which political actors are the carriers of nationalism as to show how nationalism as ideology is constituted largely through assertions and assumptions about property – which are informed by something close to objective, structural changes in property regimes. And again, there is very little literature that discusses nationalism and private property in the ideological and structural sense in which I am interested in these matters.⁵¹ For this reason it will be necessary to do a historical overview of the concept of private property and how it is related to the emergence and formation of nationalism.

⁴⁷ Hobsbawm, Eric, *Nations and nationalism since 1780: program, myth, reality*, Cambridge University Press, Cambridge, (1992).

⁴⁸ Mann, 1993.

⁴⁹ Hroch, Miroslav, *Social preconditions of national revival in Europe: a comparative analysis of the social composition of patriotic groups in the smaller European nations*, Cambridge University Press, Cambridge (1985).

⁵⁰ Mann, 1993. For a good, clear and concise general overview of Mann and Hobsbawm, see Hearn, 2006: p. 70-71 and 141-142.

⁵¹ Two notable exceptions are Engerman, and Metzger, 2004 and Hont, Istvan “The permanent crisis of a divided mankind: “contemporary” crisis of the nation state in historical perspective”, *Political studies vol 42*, August, (1994), p 166-231.

b) *The coming of modernity*

Students of nationalism have sometimes been accused of being too focused on the western world, particularly Europe.⁵² This is probably true – but if one wants to follow the genealogy of nationalism (and thus unravel the importance of private property for nationalism), then the western world is where one must look. The emergence of widespread private landed property and popular sovereignty emerged and could come to constitute nationalism only with the transformations that happened in the western world from the sixteenth century onwards. Nationalism is not possible without the material and cognitive preconditions that developed there, and which were, it must be stressed, unique in the history of humanity.

Everybody knows of course that all societies and all historical epochs are unique in some sense. Nevertheless, it must be allowed, for analytical purposes, to impose models on social development so that we can speak of analogous historical developments: one can see the development of different places in relation to each other both spatially and temporally, and thus observe certain developments at certain points as novel or unique in relation to what has occurred before. For example, one might apply the Marxian model that operates with different modes of production, such as a slave economy, feudalism and capitalism; or one could use Ernest Gellner's model, operating with hunter/gatherer societies, agrarian societies and industrial societies.⁵³ The point about the west is that it was the first place where material relations provided the basis for a transition or a transformation to industrial society.⁵⁴ Gellner writes about the uniqueness of this development:

The event was unique: no imitative industrialization can be treated as an event of the same kind as the original industrialization, simply in virtue of the fact that all others

⁵² See, Chatterjee, Partha, *The nation and its fragments: Colonial and postcolonial histories*: Princeton university press, Princeton, (1993), and Drakulic, Slobodan, "Whence Nationalism" *Nations and Nationalism*, Vol. 14. No 2. P 221-239, (2008).

⁵³ For the Marxian typology see for example Marx and Engels, 1974, p 43-48. For Gellner's typology see for example Gellner, Ernst, *Plow, Sword and Book: the structure of human history*, Paladin, London, (1988).

⁵⁴ It is of course a fundamental fact that this development could happen in the west only, or at least largely because of western exploitation of the large parts of the rest of the world in the early phases of this development. One interesting discussion of the interconnectedness of the process of modernization can be found in Wolf, Eric, *Europe and the people without history*, University of California Press, Berkeley, (1982)[1982]. See also Wallerstein, Immanuel, *The modern world system; capitalist agriculture and the origins of the European world economy*, Academic press, New York, (1974) and Wallerstein, Immanuel, *The Modern World system: Mercantilism and the consolidation of the European World-Economy*, Academic press, New York, (1980).

were indeed imitative, were performed in the light of the now established knowledge that the thing could be done and had certain blatant conspicuous advantages⁵⁵

Gellner here points specifically to the uniqueness of industrialization. This industrialization was the product of unique developments that had transformed Western Europe at least since the fifteenth century.⁵⁶ Changes in agrarian property regimes might have been particularly important.⁵⁷ When I use Gellner's quote here, I see industrialization as a symptom of the unique material and cognitive developments that happened in the west, and which preceded industrialization: there had been everywhere hunter-gatherer societies, and everywhere traditional agrarian societies. In most places there had been various forms of dynastic or religious rule and roughly similar ways of organizing appropriation and property. But nowhere else did preconditions for industrial societies develop (or "sprouted" in Marx's term).⁵⁸ There is general agreement that the changes that brought about the preconditions for industrial society started happening gradually in the west between the fifteenth and the eighteenth century, and that they comprise:

Economic, political and cultural characteristics, uniting capitalism (what classical political economist liked to call commercial society), legal rational political authority (perhaps, but not necessarily, with a preference for its liberal democratic form), and technological progress – or 'rationalization', in its various aspects as manifest in markets, states, secularism and scientific knowledge.⁵⁹

⁵⁵ Gellner, 2006: p. 19.

⁵⁶ We could call the precondition for industrial society, as Weber did, "the spirit of capitalism", Weber, Max, *The protestant ethic and the spirit of capitalism*, Routledge, London, (2001)[1930]. But I must accentuate the importance in transformations of agrarian property regimes for this spirit to come about. Ellen Meiksins Wood, for example has pointed to this in, Wood, Ellen Meiksins, *The pristine culture of capitalism: A historical essay on old regimes and modern states*, Verso, London and New York, (1991), p 2-11. Karl Polanyi also makes some reflections on changes in landed property regimes for the emergence of industrial society in Polanyi, Karl, *The great transformation*, Beacon Press, Boston, (1957) [1944], p 68-76. The classic statement on this is of course to be found in one of Marx's many works. A simple and forceful statement can be found in Marx, Karl and Frederick Engels, *Manifesto of the communist party*, The New York Labour News, New York, (1908) [1848], although Marx did not properly recognize the agrarian landed developments of capitalism, as pointed out in Wood, 1991: p 2-11.

⁵⁷ See for example the classical Brenner debate in Aston and Philipin, 1985. I am also influenced by Ellen Meiksins Wood on this, see for example Wood, 1991.

⁵⁸ I am aware that this is a complex and contested issue. It could for example be pointed to industrialization of Indian textile industry in the seventeenth and eighteenth century, see Mukund, Kanakalatha, "Indian Textile Industry in 17th and 18th Centuries: Structure, Organisation and Responses" in *Economic and political weekly*, Vol 22. No. 38, (1992), p2057-2065, and Wolf, 1982: p 287-288. It is nevertheless the case that it was in the west where capitalist development had the strongest impact on the whole of society at the earliest stage.

⁵⁹ Wood, Ellen Meiksins, *Liberty and Property: A social history of western political thought from the renaissance to the present* (2012), p. 2.

This nexus of ideas and conditions constitute modernity, and it was as part of these developments that nationalism emerged and formed in symbiosis with private landed property.

c) *The modern cognition and its relation to popular sovereignty and private property*

I will spend most of this chapter expanding on the role of private property and popular sovereignty in national ideology, but I will mention here briefly why secularization and rational scientific knowledge were also fundamental to the emergence of nationalism. I mention this in brief because this is not the novelty of my argument, but a precondition for it.

Gellner has described the fundamentals of the modern scientific paradigm that emerged in the western world and contrasted these with the pre-modern. The modern is defined, says Gellner, by “the vision of the world as homogeneous, subject to systematic, indiscriminate laws, and open to interminable exploration ...” While the old worlds were:

On the one hand, each of them, a cosmos: purposive, hierarchical ‘meaningful’; and on the other hand, not quite unified, consisting of subworlds, each with its own idiom and logic, not subsumable under a single overall orderliness.⁶⁰

This he contrasts to the modern world:

The new world was on the one hand morally inert, and on the other, unitary ... nothing is inherently connected with anything else. The actual connection of this world can only be established by first separating in thought everything that can be separated.⁶¹

This modern way of seeing the world is crucial because it allows for the vision of society as atomistic (that it can be broken down to component parts, which may be connected in various and, in theory, infinite ways). Only with this vision is it possible to conceive of a world where ‘the people’ may be vested with ultimate sovereignty (not god), and where sovereignty of the people is seen as a composite of an (in theory) infinite number of individuals with the right to property – which is the central organizing principle of society. This way of organizing society emerged in tandem with the development of more individualistic property regimes in the US and Norway.

⁶⁰ Gellner, 2006: p 22-23

⁶¹ Gellner, 2006: p 22-23

d) *Imperium and dominium: property rights and sovereignty from imperial Rome to the age of absolutism*

The rise of modern state sovereignty and land as private property were two of the most important preconditions for the emergence of nationalism in the US and Norway. Wood has suggested that one of the most distinguished and decisive features of Western development since antiquity is a strong distinction between two sources of power: the state and private property. I will quote at some length from Wood to elaborate on this:

All high civilizations have, of course, had states, and some have had elaborate systems of private property; but developments in what would be Western Europe, with roots in Greco-Roman antiquity and especially the Western Roman Empire, gave property, as a distinct locus of power, an unusual degree of autonomy from the state. Consider for instance, the contrast between the Roman Empire and the early Chinese imperial state. A strong state in China established its power by defeating great aristocratic families and preventing their appropriation of newly conquered property, which were to be administered by officials of the central state. At the same time peasants came under direct control of the state, which preserved peasant property as a source of revenue and military service, while ensuring the fragmentation of landholdings. Rome, by contrast, achieved imperial expansion without a strong state, governed instead by amateurs, an oligarchy of landed aristocrats, in a small city-state with minimal government. While peasants were part of the civic community, they remained subordinate to the propertied classes ... The Roman Empire represents the first known example of a strong imperial state combined with strong private property. This powerful, if sometimes uneasy, partnership is expressed in the Roman concepts of *imperium* and *dominium*. The roman concept of *dominium*, when applied to private property, articulates with exceptional clarity, the idea of private, exclusive and individual ownership, with all the powers it entails, while the *imperium* defines the right of command attached to certain civil magistrates, and eventually the emperor himself.⁶²

In short, the uniqueness of Rome was that there existed a clear distinction between *imperium* and *dominium*, where *dominium* gave those possessing it strong exclusive rights and powers over things and people vis-à-vis the emperor.

It is possible to trace the relationship between *dominium* and *imperium* in the west all the way up until the modern era. After the fall of the Western Roman Empire in the fifth century, the application of these concepts resulted in what Perry Anderson has called the parcellization of sovereignty in much of Western Europe. This was a situation where political power became fragmented and tied to a complicated chain of dependencies, rights and dues. A central state

⁶² Wood, 2012: p 6-7.

with any power of *imperium* on the scale of the Roman emperor did not, for a long time, exist in Europe, and political power was exercised by local landlords through *dominium* from ownership of landed property, which also gave the owner economic power over landless peasants. The parcellization of sovereignty thus invested property with public powers, and this gave property both political (*imperium*) and private economical (*dominium*) functions. Property also became less exclusive as many people could have overlapping rights to the same land.⁶³ Thus the distinction between *imperium* and *dominium* also became blurred. This is what has been normally called feudalism, and it is precisely this parcellization of sovereignty and the infusion of political rights (“extra economic cohesion” in the terms of Anderson⁶⁴) into landed property that defines feudalism.

During the sixteenth and seventeenth century the distinction between *imperium* and *dominium* became stronger again as absolutist states emerged. A de-politization of property happened, making it strictly an economic right.⁶⁵ At the same time, a centralization and territorialization of sovereignty happened. Thus, at the outset of the modern era we have, instead of *imperium* and *dominium*, the concepts of *sovereignty* and *property*. The most fundamental difference between *imperium* and *dominium*, on the one side, and sovereignty and property, on the other, is that the latter two were universalistic concepts. The nature of *imperium* and *dominium*, with its legacy continued from the Roman world into the medieval ages, had been particularistic and hierarchically organized. Even the *imperium* of the Roman emperor was not universal and abstract (so that it encompassed all domains within the empire). The *imperium* of the emperor was precisely that – it was concerned with political issues and the military power of the empire, but was also specifically connected to the institution or the person of the emperor, not to any abstract idea of ‘the state’ that constituted an all-encompassing sphere of its own. Hence, the *dominium* that landlords had was relatively autonomous from the *imperium* of the emperor, and there was an important distinction between public and private law. At the same time, *dominium* was not for all: Roman law distinguished between *homo* and *civis*, the latter term describing an unfree slave – a person that could have no *dominium* under the civil law. Others however, could have *dominium* over them. This notion was the same for slavery and the feudal

⁶³ Anderson, Perry, *Passages from antiquity to Feudalism*, New Left Books, London (1974), p. 147-197. Wood, Ellen Meiksins, *Citizens to lords, a social history of western political thought from antiquity to the late medieval ages*, London, verso, (2008), p. 164-176.

⁶⁴ Anderson, 1974, p.147.

⁶⁵ Anderson, Perry, *Lineages of the Absolutist State*, Verso, London, (1974), p 15-42.

bonds of subordination,⁶⁶ and *dominium* was a force in opposition to *imperium*. With the emergence of modern sovereignty in the age of absolutism, this started to change. The sovereignty of the monarch became, at least in theory, absolute, and it encompassed all spheres and aspects of society: sovereignty became the state, and everybody became subject to the same laws. As Blandine Krigel writes, it was seen to be:

The antithesis of feudal power, in the sense that it was neither *imperium* nor *dominium*. It was not an *imperium* because it was not based on military power; and it was not *dominium*, because it did not institute a relation of subjection, in the manner of the relation between master and slave⁶⁷

This kind of sovereignty is different from *imperium* because it is primarily about administrative authority of the whole state:

Sovereignty is first and foremost the absolute autonomy of the state ... the sovereign state increasingly affirms the priority of domestic politics over foreign policy ... the first duty of the state becomes good administration. The delivery of good justice across the whole 'square field' or 'pre carre'.⁶⁸

This dismantles *dominium* because it disconnects property from political/public powers: "Arbitration of conflicts through law directly undermines the pre-eminence of the *dominium*; it leads to complete severance of the link between power and property."⁶⁹ However, this severance of the link between property and power was repaired again with the coming national, popular sovereignty. In fact, one of the most central features of national sovereignty was that it reconnected property to sovereignty in its own peculiar way, thus keeping sovereignty and property inseparably bound.

Property and sovereignty in agrarian society

a) Property as sovereignty

What is private property? We might note at first, contrary to what one might assume, that property is not primarily a thing (although, of course, things are the subjects of property rights),

⁶⁶ Krigel, Blandine, "The rule of the State and natural Law" in Hunter, Ian and David Saunders, *Natural Law and Civil Sovereignty: Moral Right and State Authority in Early Modern Political Thought*, Palgrave Macmillan, New York, (2002), 19.

⁶⁷ Krigel, in Hunter and Saunders, 2002: p 15.

⁶⁸ Krigel, In Hunter and Saunders, 2002: p 15.

⁶⁹ Krigel, in Hunter and Saunders, 2002: p 17.

but rather property is a right.⁷⁰ We might distinguish between private and public property rights, and there are also other forms of property such as feudal property. It might, in fact, be said that all societies must have a property system because it is necessary to organize relations between humans and things, and relations between humans. But it was private property specifically that became essential to nationalism in our cases; and to have a right to private property is to have an individual, exclusive, enforceable claim to the use or benefit of something. There are two important implications of this: 1) private property is essentially a political claim and is thus different from possessions in that property is socially enforced by society or the state through laws, custom or convention; and 2) private property is a social relation, because private property implies the right of one person in relation to another (A owns B against C). For these reasons, the right to property always implies a power relation, because it represents an exclusionary relationship between individuals and therefore makes the individual sovereign. This has been pointed to by thinkers from Rousseau onwards – for Marx, for example, there was always an implicit relationship between property and power – but has perhaps been most clearly pointed out by the early twentieth century American Lawyer Morris Cohen, who asserted that “Property is sovereignty.” Cohen explained:

The essence of private property is always the right to exclude others ... if, then, somebody else wants to use the food, the house, the land or the plough that the law calls mine, he has to get my consent. To the extent that these things are necessary to the life of my neighbor, the law thus confers on me power, limited but real, to make him do what I want. If Laban has the sole disposal of his daughters and his cattle, Jacob must serve him if he desires to possess them. In a regime where land is the principal source of livelihood, he who has the legal right over the land receives homage and service from those who wish to live on it ... Property law does more. It determines what men shall acquire. Thus, protecting the property rights of a landlord means giving him the right to collect rent, protecting the property of a railroad or a public-service corporation means giving it the right to make certain charges. Hence the ownership of land and machinery, with the rights of drawing rent, interest, etc., determines the future distributions of the good that will come into being.⁷¹

⁷⁰ I have derived my theories of property primarily from the following books; Macpherson, C.B, *Property: mainstream and critical positions*, Basil, Blackwell, Oxford, (1978), Macpherson C.B, *The political theory of possessive individualism: Hobbes to Locke*, Clarendon Press, Oxford, (1962). Hallowell, Irving, *Culture and experience*, University of Pennsylvania press, (1955), Reeve, Andrew, *Property*, Macmillan, London, (1986), Ellen Frankel Paul, Fred D Miller Jr and Jeffery Paul, *Property Rights*, Cambridge University Press, Cambridge, (1994), Skinner, Quinten and Peter Garnsey, *Thinking about property: From antiquity to the age of revolution*, Cambridge University Press, Cambridge, (2007).

⁷¹ Cohen, Morris, “Property and Sovereignty”, in Macpherson, 1978: p. 159-160.

It is because the right to property confers these kinds of powers on individuals over those who do not have property that private property resembles sovereignty. It was largely for this reason that it became, in the national ideology of my cases, connected to individual freedom and popular sovereignty during the agrarian phase of modern development. In an agrarian world, self-ownership over landed property meant independence, power and freedom: independence because it provided economic security, power because it gave control over resources, and freedom because there was no-one laying bonds on the individual and his use of the land or the surplus produced from it. These three aspects are interwoven, related to the fundamental power-structure of agrarian societies and based on the general connection between wealth and power.⁷² There are indeed forms of rule and domination that are not directly based on the accumulation of wealth, but economic interests and rule are almost always interrelated. Wealth is almost always the means by which more power may be acquired, either in the form of prestige or actual military force. Since land, in agrarian societies, is by far the largest source of wealth, there is a strong connection between ownership of it and power.

There is also another way in which landed property is related to power and comes more directly to resemble sovereignty. In the introduction we saw how Metzger and Engerman suggested how land and sovereignty might have been blurred in the early modern world. Andrew Reeve has also pointed to this:

Land provides the territorial dimension of the political unit. Modern states, at least, are defined in part by legal jurisdiction which they claim over a particular territory ... land mediates, in this sense, between political power and individuals subject to it.⁷³

Furthermore, landed property is concrete, fixed and stable. Because of these reasons, the landowner has a particular interest in maintaining the state because landed property cannot be moved – the wealth in land is tied to a specific place, as opposed to the wealth of a merchant.⁷⁴ The fixity of landed wealth and its territorial dimension provides a direct link with political

⁷² This proposed connection between wealth and government is a fairly standard one. Arendt, for example claims that it goes back to antiquity: “The connection between wealth and government in any given country, and the insight that forms of government are interconnected with the distribution of wealth, the suspicion that political power may simply follow economic power ... all this is of course not the invention of Marx, nor for that matter Harrington: “dominion is property, real or personal”; or of Rohan: the kings command the people and interests commands kings. If one wants to blame any single author for the so called materialist view of history, one must go as far back as Aristotle.” Arendt, Hanna, *On revolution*, Penguin Books, London (1990)[1963], p. 22.

⁷³ Reeve, 1986: p 82.

⁷⁴ This is a point made at least as early as Adam Smith, Reeve says, Reeve, 1986: p 82.

sovereignty in agrarian societies: the way in which most European medieval states grew from the landed property of kings is a case in point.⁷⁵ In addition to the sovereignty/power connection, Reeve notes also that landed property has a connection to freedom because all action has a spatial dimension; land may thus provide the spatial dimension for action – this is similar to the Hegelian point made in the introduction. Added to this is the exclusionary element (pointed out by Cohen above) of private landed property, giving an individual freedom over an area by excluding others from its use. For these reasons, landed property came to be seen as indispensable to individual freedom and the constitution of sovereignty. The national identity of Americans and Norwegians was to be free men,⁷⁶ and thus propertied men (they were indeed primarily men). It might be useful to invoke Isaiah Berlin's two forms of liberty here to say what this freedom meant.⁷⁷ The members of the national movement in my cases were concerned both with negative and with positive freedom. The right to property, because it is an exclusive right, immediately brings in the concept of negative freedom, but it is important to understand that this was seen as a precondition for positive freedom. It was seen as crucial in the national ideology that no one could, without consent, interfere in the exclusive sphere of the individual granted by the right to property. But when this right was secured, the right to property was seen as conferring on individuals a positive freedom to act in the world, to realize one's will. We might say that the freedom derived from property was an ontological freedom, it was essential, it was what made someone a full and whole individual. To have property was, as it were, an essential property of being. If one did not have property, then one was not fully a human being – one *was not*,⁷⁸ because one had no material means to realize oneself and to be independent. I do not wish to exaggerate this aspect or

⁷⁵ For two good analyses of the development of the modern state, see: Poggi, Gianfranco, *The development of the modern state: a sociological introduction*, Hutchinson, London, (1978), and Rokkan, Stein, *Stat, Nasjon, Klasse: essays I politisk sosiologi*, Universitetsforlaget, Oslo, (1987), p 268-381.

⁷⁶ This view assumes that national identity as such is not really important, essential or fixed, rather what matters is the ideological imperatives in nationalism, and the incentives and meanings it creates. This is view of nationalism has been elaborated and asserted by Sinisa Malesevic, in Malesevic, Sinisa, "The Chimera of National identity", *Nations and Nationalism*, Vol. 17, No. 2, (2011).

⁷⁷ Berlin, Isaiah, "Two concepts of liberty", in Hardy, Henry, *Liberty*, Oxford, Oxford university press, (2002).

⁷⁸ We might relate this to the idea of "social death". Not to have property was to be sub-human, a slave, to be socially dead. Patterson, Orlando, *Slavery and Social death: a comparative study*, Harvard University press, Cambridge, (1982). This is also the basis for C.B. Macpherson's theory of possessive individualism. MacPherson writes: "the individual in possessive market society *is* human in his capacity as proprietor of his own person; his humanity does depend on his freedom from any but self-interested contractual relations with others." Macpherson, 1962: p 271-272. This idea will become more evident throughout the thesis, as propertied freedom was consistently contrasted with slavery, understood in different ways.

elevate this to a mystical, metaphysical level, but I do want to accentuate that the right to property became fundamental in the understanding of what it meant to be a national citizen, which was seen to be, above anything else, a free, propertied man. But it must be stressed that this vision was in large part produced by the fact of widespread ownership of land in the US and Norway – this was a reality in which it made sense to speak of property as a fundamental right of all men.

b) Dominant political discourse on property and sovereignty 1600-1800.

The national way of understanding property and sovereignty was deeply imbedded in a relatively new body of political thinking that had emerged since the sixteenth century. During the sixteenth century, as we have seen, the political face of Europe started to change from feudal fragmentation to more powerful, centralized, territorial monarchies. This was particularly evident in Western Europe, France and England being the prime examples. The emergence of such states gradually changed the structures of power within these societies and between states, and a corresponding body of political thinking emerged as a way of theorizing this. This thinking represented a general shift away from theological and scholastic thinking, to a more secular mode, and the Renaissance and the Reformation were important events that paved the way for this shift to a more human-centered and this-worldly thinking.⁷⁹

The point here is not to postulate a radical rupture from all earlier thinking, which is always problematic as historical processes are diverse and complex. The point is rather to accentuate that dominant political thinking from the sixteenth century onwards, and especially from the seventeenth and eighteenth century onwards, was the product of a political and social landscape where Christian universalism and religious authority, as well as feudal land arrangements and forms of power, started to be undermined. This meant that new forms of authority and power emerged, as well as new views of property and sovereignty, and it was the preoccupation of emergent political thought with these issues that made it novel. Some of the central issues were social contract theory; various notions of a state of nature informing

⁷⁹ By human-centered and this-worldly I mean thinking that, in Wood's words, "adopts a precept of reason accessible to every rational person and binding on every human being without reference to faith." Wood, 2012: p.124. In general, for a discussion on the emergence of the new mode of thinking and the conditions it emerged from, as well as reflections on the problematic in distinguishing this thinking from that before, see Wood, 2012: p 3-8 and p 17-26.

the emergence of government; the existence of natural, objective and secular universal rights; laws governing relations between individuals, between individuals and states, and between states; and the rule of law and its connection to political liberty. There are a range of influential thinkers that fall within this tradition, and it is outside the scope of this dissertation to give a systematic account of all of them. Instead, I will present a few key thinkers that can be seen as representative, and whose influence is particularly evident in national ideas of property and sovereignty.

- *Jean-Jacques Rousseau*

Jean-Jacques Rousseau (1712-1778) is one thinker whose influence on national ideology can be clearly seen. Indeed, Rousseau's ideas – especially his theory of general will – are often seen to have had a decisive influence on the extremist and totalitarian nationalist horrors of the twentieth century.⁸⁰ However, the Rousseau found in eighteenth and early nineteenth century nationalist theory is a thinker preoccupied with individual and national freedom from dependence. The general will had a central place also in this thinking, because it was through the general will that an individual realized his or hers freedom. For Rousseau the “will, when declared, is an act of sovereignty and has legal authority.”⁸¹ And it was based on the idea of free individuals: “we have to consider,” he wrote, “the private persons of whom it consists,” because the individuals had “natural rights they should enjoy as men.”⁸² Individual freedom was thus achieved by partaking in the process of national legislation which expresses the general will. This means that sovereignty is based in the collective of the people, understood as composed of free individuals. In regards to property, Rousseau's assertion in *Discourse on the origin of Inequality* that the introduction of private property is the origin of inequality is well known. This does not mean, however, that Rousseau was for the abolition of private property. Property was legitimate for Rousseau if it was based on the mixing of individual labour with land. The existence of private property is, for Rousseau, an inevitable outcome of the transition from the state of nature to organized society, and the point for Rousseau is not to abolish it, but, through the general will, to organize it in the most egalitarian way possible. In fact, landed property seems to have had special significance for Rousseau. This was because

⁸⁰ The following account of Rousseau is based on Boucher, David, “Rousseau”, in Boucher, David and Paul Kelly, *Political thinkers*, Oxford University press, Oxford, (2003), p.235-253.

⁸¹ Rousseau, Jean-Jacques, *The Social contract*, Oxford University press, Oxford, (1994)[1762], p. 64.

⁸² Rousseau, 1994: p. 67-68.

only a nation that was self-sufficient in regards to food could be truly independent; an active agricultural production was thus seen as essential, and Rousseau suggested in his *Constitutional project for Corsica* to make landed property the basis of the rights and the status of the citizens.

- *Charles Louis de Secondat Baron De La Brede et de Montesquieu*

Charles Louis de Secondat Baron De La Brede et de Montesquieu (1689-1755), better known simply as Montesquieu, was another thinker that directly influenced the members of the American and Norwegian national movements.⁸³ Montesquieu is best known as an apostle for the division of powers, a theory which became central to the national ideology. For Montesquieu, this idea was a part of his broader critique of despotism and his advocacy for political liberty based on the rule of law, and in his most famous work, *The Spirit of the Laws*, Montesquieu sets out to find the legitimate basis of law. Through the exploration of the legitimacy of laws, Montesquieu comes to deal with the issue of modern sovereignty, understood as the supreme right to make binding laws. One of the conclusions of *The Spirit of the Laws* is that legitimate laws (and therefore sovereignty) is different for each country, and that the legitimate form of government thus depends on the specific circumstances of each country. This means, in effect, that supreme legislative power must be in the hands of those who are familiar with the local circumstances, and that sovereignty cannot be based *a priori* in the will of a single body – sovereignty must, in one way or the other, be checked by those over whom it is exercised. This could, according to Montesquieu, be done in different ways, and he distinguishes between three types of government: despotic, monarchic and republican. Republican could further be divided in two subcategories: democratic and aristocratic. The republican government is one where the people, as a whole or a part of it, are vested with sovereignty. A monarchy is when a king rules according to fixed laws, and despotism is when one person rules at random, according to his will alone. Political liberty can exist in varying degrees in various forms of government. Despotism was seen as the absolute absence of such liberty, but the absolute realization of it was not a fully unhampered democracy – it is here that his theory of separation of powers comes in. The key to secure political liberty was to restrict and balance powers. As Montesquieu explained regarding political liberty:

⁸³ My account of Montesquieu is based on Yoshie, Kawade, “Montesquieu”, in Boucher and Kelly, 2003: p 217-234.

Political liberty does not consist in doing what one wants. In a state, that is, societies where there are laws, liberty can consist only in the power to do what one should want to do and no way being constrained to do what one ought to do. One must put oneself in mind of what independence is and what liberty is. Liberty is a right to do whatever the laws permit, and if one citizen could do what they forbid he would no longer have liberty, because the others would have the same power.⁸⁴

It was crucial for the securing of liberty to also have a balance and restriction of power. The individual's right to property was closely connected with political liberty and the public good for Montesquieu. He wrote:

It is a fallacy to say that the good of the individual should yield to that of the public good... it is always in the public good for each one to preserve invariably the property given to him by civil law ... civil law is the palladium of property.⁸⁵

Yoshie Kawade writes about Montesquieu and his views on property that: “we might safely describe security of property as one of his cardinal principles of justice.”⁸⁶

- *David Hume*

David Hume's (1711-1776) reflections on property and government correspond closely to the thoughts held by the members of the national movement in the US and Norway.⁸⁷ Hume made a distinction between natural and artificial virtues. It is the idea of artificial virtues that is the most important for Hume's ideas of property and government. An artificial virtue is created out of what Hume calls the public interest, which consists in maintaining institutions and laws from which all benefit. The protection of property is central to this and to the idea of justice and morals. A man's property, writes Hume, “is some object related to him. This relation is not natural, but moral, and founded on justice.”⁸⁸ Property is furthermore, for Hume, seen as an exclusive relation that “forbids any other, the free use and possession of it.”⁸⁹ Hume suggests the origin of property is to be found in the impetus that humans have to satisfy their needs – in order to fulfill our needs, we take possession of various things. Ownership (thus the property right) arises from the mutual recognition of all to enjoy the right of possession. It is this that gives rise to the idea of public interest – all have the same interest in the protection of property. However, Hume says that humans have a tendency to think more of the immediate

⁸⁴ Montesquieu, *The spirit of the laws*, Cambridge University press, Cambridge, ,(2008)[1748], p 155.

⁸⁵ Montesquieu, 2008: p 510.

⁸⁶ Kawade in Boucher and Kelly, 2003: p. 231.

⁸⁷ The account of Hume is based on Kelly, Paul, “Hume” in Boucher and Kelly, 2003: p. 198-116.

⁸⁸ Hume, David, *A treatise of Human Nature*, Oxford University press, Oxford, (2004)[1738], p.315.

⁸⁹ Hume, 2004: p 202

private needs rather than long-term ones, and because of this, the public good might be neglected. This is why we need government: government is instituted to sanction violations on the right of property, and to foster virtues that are favorable to the protection of property.

- *Adam Smith*

For Adam Smith (1723-1790), the existence of property and government was historically imbedded and closely connected to the concept of justice.⁹⁰ Douglas Long quotes Smith and elaborates on his idea of justice: “The first and chief design of every system of government,” Smith held, “is to maintain justice – justice in the sense of the peaceful maintenance of the citizens’ perfect rights to property.”⁹¹ Smith distinguished between four historical ages in which property and government had been differently constituted and where propertied justice had been variously achieved. The four stages were the age of hunters, the age of shepherds, the age of agriculture, and finally the age of commerce. About property, Smith wrote in *Wealth of Nations* that:

The property which every man has in his own labour, as it is the original foundation of all other property, so it is the most sacred and inviolable. The patrimony of a poor man lies in the strength of his hands; and to hinder him from employing this strength and dexterity in what manner he thinks proper, without injury to his neighbor, is a plain violation of this most sacred property.⁹²

Property was a right all individuals held that was derived from their labor, according to Smith. The four historical ages secured this right in varying degrees. Smith held that at the shepherd stage, large inequalities of property began occurring, and these became even more manifest and evident in the agricultural age. In this age, Smith writes, using feudal Europe as his example, “the greater part of the citizens had no land; and without it the manners and customs of those times rendered it difficult for a freeman to maintain his independency.”⁹³ Wealth here was dependent on land, and land was secured to the few by rights of primogeniture and privileges, and there was no government to secure justice of distribution. This, however, may change with the age of commerce – the age in which Smith understood himself to be living.

⁹⁰ This section on Smith relies on, Liberman, David, “Adam Smith on Justice, rights and Law” in Haakonsen, Knud (ed) *The Cambridge companion to Adam Smith*, Cambridge University Press, Cambridge, (2006), and Long, Douglas, “Adam Smith’s politics” in Haakonsen, Knud (ed) *The Cambridge companion to Adam Smith*, Cambridge University Press, Cambridge, (2006).

⁹¹ Long, in Haakonsen,2006: p 301.

⁹² Smith, Adam, *An inquiry into the nature and causes of the wealth of nations*, Liberty Classics, Indianapolis (1979)[1776], p 138.

⁹³ Smith, 1979: p. 557.

In the age of commerce, it was possible for individuals to secure wealth through other forms of property than land simply by investing their labour, and the rules governing the rights of property tended to be more favorable to justice. Smith wrote about the possibility of an individual to acquire wealth through his labour:

In the present times, though a poor man has no land of his own, if he has a little stock, he may either farm the lands of another, or he may carry on some little retail trade; and if he has no stock, he may find employment either as country labourer or as an artificer.⁹⁴

For Smith, the coming of commercial society can represent a positive event that has greater chance of producing justice in the distribution of wealth because individuals could more easily acquire wealth by investment of labour.

- *Other thinkers and some local sources*

The four thinkers presented above represent key ideas about property and sovereignty that became central to the national movements. There were, of course, many other thinkers that were referred to by the members of the national movements, or whose ideas were invoked indirectly by them. As with the four thinkers presented above, it might seem arbitrary who to mention, but it is worth pointing out Hugo Grotius (1583-1645), Samuel Pufendorf (1632-1694), and Emer Vattel's (1714-1767) works that all made assertions about general and natural laws and principles that applied to sovereign states or nations.⁹⁵ This was central to the members of the national movements in both cases. There were also more local thinkers for each case referred to only in that case. When it comes to local thinkers for the American case, it is worth pointing to the tradition of thought that was produced around the civil war (1642-51) period and the Glorious revolution (1688) in England. Bernard Bailyn writes about the thinkers from this tradition and their influence on the American revolutionaries, suggesting

⁹⁴ Smith, 1979: p. 557.

⁹⁵ Indeed, Grotius might be the very first thinker who used the language of natural law. Grotius also developed a theory of private property based on use, and also posed a link between property over an area and jurisdiction. See Wood, 2012: p 119-130. Grotius is also known for his theory of modern state sovereignty as manifest after the Treaty of Westphalia (1648), but Vattel is also particularly interesting as he emphasized independence as a fundamental feature of sovereign statehood and an equal right of all nations: "Every nation which governs itself, under any form whatsoever, without dependency on any foreign power, is a sovereign state. Its rights are by nature the same as those of every other state", quoted in Armitage, David, *The Declaration of independence: a global history*, Harvard University Press, Cambridge Massachusetts, London, England, (2008), p 39. Vattel's language can be clearly found in the American Declaration of Independence, as demonstrated by David Armitage, Armitage, 2008: p 38-42.

they brought together all strands of thought from which the American revolutionaries were influenced and “shaped it into a coherent whole.”⁹⁶ Amongst these thinkers were John Milton, James Harrington, Henry Neville, and Algernon Sydney. These men were seen as “heroes of liberty”⁹⁷ for their opposition against absolutist domination and subjugation, and their emphasis on British liberties and rights became important to understanding liberty in the colonies. Mediated through a generation of thinkers of the early eighteenth century, these ideas came to inform the American colonists’ ideas of property and sovereignty in a specific British frame. In the Norwegian case, two local authors stand out as particularly influential: Tyge Rothe (1731-1791) and Johan Fredrich Willhelm Schlegel (1765-1836). Rothe was important because he wrote about land issues and pointed to what he saw as the ancient freedom of the Scandinavian farmers based on their special entail rights. Rothe had read Montesquieu and Rousseau, and with his special emphases on Scandinavian land rights he put a local mark on ideas of property and sovereignty. The second influential local thinker, Schlegel, was professor at the University of Copenhagen where he became the tutor of many of the people who later were to become central members of the Norwegian national movement. Schlegel developed a systematic natural rights theory of society and government which was based on primarily on Kant, Locke and Rousseau. Central elements of his philosophy were rights of property, free speech and expression of religion, division of powers – and, not least, the notion of the social contract and that ultimate sovereignty was vested in the people.⁹⁸

All the thinkers mentioned here were influential to the members of the national movement in my cases, but there is one thinker who, more than anyone else, exemplifies and foreshadows the ideas of property and sovereignty that became central to the national ideology; that thinker is John Locke.

⁹⁶ Bailyn, Bernard, *The ideological origins of the American revolution*, Hayward (Harvard?) University Press, Cambridge Massachusetts, (1992)[1967], p 34.

⁹⁷ Bailyn, 1992: p 35.

⁹⁸ On Schlegels influence on the Norwegian founding fathers, see Mestad, Ola, “Schlegels «Almindelige statsret» - oppskrift forgrunnlovsfedre? ”, in Mestad (ed), (2013), p 214-244. For a brief summary of Rothe, see Storsveen, 1997: p 25-28.

c) *John Locke as prophet of nationalism: property as labour and independence (freedom).*

John Locke's theory of property exemplifies the most fundamental property assumptions that came to be dominant in the American and Norwegian national ideologies. Locke wrote in the context of the modernizing agrarian English society, one of the eras in which land as private property became much more common.⁹⁹ It is probably for this reason that his ideas about property became so well suited to the American and Norwegian context, where widespread individual ownership was pervasive and largely disconnected from extra economic powers. Locke's labour theory of property, and his conception of exclusive right, in theory equal for all, suits the landed situation in the US and Norway very well. This is not to say that Locke is the father of nationalism in these cases. I want to emphasize that the match between Lockean ideas and national ideology in the US and Norway does not exist because the members the national movements simply sought to realize an ideal Lockean society *ex nihilo*; rather it was because the conditions under which the members of the national movements were living were constituted so that Lockean ideas were particularly applicable. Lockean ideas were also modified by local circumstances. They work as an abstract ideal of property and sovereignty in the national ideology. The most important points about nationalism and property that may be derived from Locke are the following:

- 1) Property is freedom (one cannot be free if one does not have the right to property)
- 2) Property is based on labour
- 3) Property is exclusive
- 4) Property is the right of all individuals

These aspects can be summed up in § 27 of the "Second Treatise of Government" (1690). Locke writes here:

Though the earth, and all inferior creatures, be common to all men, yet every man has a *property* in his own *person*: this no body has any right to but himself. The *labour* of his body, and the *work* of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his *labour* with, and joined to it something that is his own, and thereby makes it his *property*. It being by him removed from the common state nature hath placed it in,

⁹⁹ For discussion on the English property regimes in the early modern period, see for example, Wood, Ellen Meiksins, *The pristine culture of capitalism: A historical essay on old regimes and modern states*, Verso, London and New York, (1991), and Kulikoff, Allan, *From British Peasants to Colonial American Farmers*, The University of North Carolina press, Chapel Hill and London, (2000), p 9-39. See also the classic study by Barrington Moore, Barrington, *Social origins of dictatorship and democracy: Lord and peasant in the making of the modern world*, Bacon Press, Boston, (1966).

it hath by this *labour* something annexed to it, that excludes the common right of other men: for this *labour* being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.¹⁰⁰

Here all the elements of modern private property are present. First, it is a right of all individuals (“every man has a property in his own person”), it is exclusive, (“excludes the common right of other men”), and it is based on the infusion of labour (“the labour of his body, and the work of his hands, we may say, are properly his”). For Locke, when these rights are secured to individuals, they live in a state of freedom. “We must consider,” wrote Locke:

What state all men are naturally in, and that is, a *state of perfect freedom* to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.¹⁰¹

Thus, for Locke, to have the right to property is to be free. He elaborates on this under his chapter “Slavery”:

Natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the law of nature for his rule. The *liberty of man*, in society, is to be under no other legislative power, but that established, by consent, in the common-wealth; nor under the dominion of any will, or restraint of any law, but what that legislative shall enact, according to the trust put in it.¹⁰²

This freedom is connected to a fundamental right to subsistence, as Locke writes:

This *freedom* from absolute, arbitrary power, is so necessary to, and closely joined with a man’s preservation, that he cannot part with it, but by what forfeits his preservation and life together: for a man, not having the power of his own life, *cannot*, by compact, or his own consent, *enslave himself* to any one, nor put himself under the absolute, arbitrary power of another, to take away his life, when he pleases.¹⁰³

Not having freedom to property and subsistence would be “the perfect condition of slavery.” In other words, we might say that to have property is to have freedom or liberty (or sovereignty as Cohen put it). In this way, the right to property becomes connected to political rule, which cannot be legitimate if it does not protect the natural rights (of which the right to property is

¹⁰⁰ Locke, John, *Two treatise of government*, London, (1764){1690}, p 216-217. Downloaded 28.01.2015. <http://oll.libertyfund.org/titles/222>

¹⁰¹ Locke, 1764: p. 195.

¹⁰² Locke, 1764: p. 212.

¹⁰³ Locke, 1764: p. 213.

the most fundamental) of individuals through their consent. And, on the other hand, sovereignty is based in the property of each individual.¹⁰⁴

Locke's property assumptions are integrated into a broader political and social view of legitimacy. As C.B. Macpherson has argued, Locke's achievement in regards to property was to "base the property right on natural right and natural law, and then to remove all the natural law limits from the property right."¹⁰⁵ By doing this, Locke laid the "moral foundation for bourgeois appropriation."¹⁰⁶ This requires a certain form of political organization that is based on what Macpherson calls possessive individualism. The essence of possessive individualism, and thus of Locke, is found in the development of a vision of society that is first and foremost constituted of sole proprietors engaging in market relations where the imperative is unlimited appropriation and where freedom is a function of possession; here, the individual is seen as free only if he or she has exclusive right to property in his person. Macpherson writes that in this world-view:

The human essence is freedom from any relations other than those a man enters with a view to his own interests. The individual's freedom is rightfully limited only by the requirements of others freedom. The individual is proprietor of his own person, for which he owes nothing to society. He is free to alienate his labour, but not his person. Society is a series of relations between proprietors. Political society is a contractual device for the protection of proprietors and orderly regulation of their relations.¹⁰⁷

Nationalism as ideology adopted these possessive individualist notions in two stages:

- 1) *The first form of the nation*, where primarily the first assertions identified by Macpherson were adopted, while the latter assertions were rejected because alienation of labour was seen as a form of slavery (that is to be unfree/dependent);
- 2) *The second form of the nation*, where the latter possessive individualist assertions were adopted so that those who alienated their labour were seen as free because they had property in their person or their labour.

¹⁰⁴This is not to suggest that Locke was a democrat. For a good exploration of this theme, see Wood, Ellen Meiksins, "Locke against Democracy: Consent, representation and suffrage in The two Treatises", *History of political thought*, Vol. 13. Nr.4, (1992).

¹⁰⁵ Townshend, Jules, *C.B. Macpherson and the problem of liberal democracy*, Edinburgh, Edinburgh University Press, (2000), p. 63.

¹⁰⁶ Townshend, 2000: p. 63.

¹⁰⁷ Macpherson, 1962: p. III- IV.

The type of political rule that these assumptions became associated with in the national ideologies of the US and Norway was that of popular sovereignty, understood as sovereignty derived from all the individuals of a society. This is connected to the assumption quoted above that “political society is a contractual device for the protection of proprietors and orderly regulation of their relations,” and was achieved by the national movements of my cases in *the first form of the nation* by adopting the doctrine of popular sovereignty, understood as a democracy of the men of landed property, and in the *second form of the nation*, understood as a universal male democracy.

d) *Nationalism and sovereignty*

Sovereignty, Giorgio Agamben has argued, is “the originary structure in which law refers to life and includes it in itself by suspending it.”¹⁰⁸ In other words, sovereignty is the force to impose laws on social life – the ultimate law which in the end decides over life and death. This principle, Agamben claims, goes all the way back to Greek and Roman thought and can be followed up until modern times. We saw above how, by the sixteenth century, a concept of modern state-sovereignty had developed with the emergence of absolutist states in Europe, exemplified, for example, by the thinking of Bodin and Hobbes. This kind of sovereignty was associated with the ultimate power to make laws within a territory, and thus to exercise a will, to bind the people to it. There is a paradox involved in this kind of sovereignty; as Karl Schmitt¹⁰⁹ first pointed out, and as Agamben also recognizes, the lawmaking implied is the possibility to stand outside the law. Sovereignty, in this sense, is to decide exceptions, to decide when the law may be suspended. Hence, the sovereign is at once outside and inside the juridical order.

There is an additional paradox to the nature of popular sovereignty. “It is said,” wrote French enlightenment thinker Josep De Maistre (1753-1821), “that the people are sovereign; but over whom? - over themselves, apparently. The people are thus subject.”¹¹⁰ The people can suspend

¹⁰⁸ Agamben, Giorgio, *Homo Sacer: sovereign power and bare life*, Stanford University Press, Stanford, California, (1995).

¹⁰⁹ My definitions and my discussion of sovereignty are very much influenced by Carl Schmitt. See, Schmitt, Carl, *Political theology: four chapters on the concept of sovereignty*, The University of Chicago Press, Chicago, (2005) [1922].

¹¹⁰ Lively, Jack, *The works of Joseph De Maistre*, Allen and Unwin LTD, London, (1965), p. 93.

the laws that they themselves have agreed to be subject to. We might say that like Odysseys letting himself be bound to the mast of his ship sailing past the Sirens, so too do the people bind themselves by laws they make; under popular sovereignty, rule of law becomes identical to rule by the people (the sovereignty of the people), and the laws which are made by the people also restrain the people. The power that lies innate in sovereignty is thus at once asserted and restrained in the creation of law. Thus, the people are sovereign *and* subject as lawmakers. This is the very core of national sovereignty and its relationship to property. In the national ideology, the laws that may impose on property are made by proprietors which express the will of the people, in order to protect the right to property of all the people. The key point about nationalism and popular sovereignty is that individuals can be a part of popular sovereignty because they have the right to property – it is this that makes them sovereign, because property resembles sovereignty. The sovereignty that each proprietor has individually comes to constitute the sovereignty of the people. It is because of this that the people have power of suspending and making law, and thus the power to secure their property. In the Lockean conception of property, the territory over which sovereignty is exercised is made up by the individual property of the members of a society. Duncan Ivison writes: “a state is said to be made up by the pre-political property holdings of individuals broadly construed, who contract to form civil society and to submit to the regulation of positive law.”¹¹¹ In short, individuals give up parts of the sovereignty they have as individuals in order to constitute a territorial sovereignty. There is also a temporal/historical dimension to national popular sovereignty.¹¹² In the US and Norway, national sovereignty was theorized and contrasted against feudal and even ancient forms of sovereignty. It was with the realization of national sovereignty that just rule was finally instituted, according to the members of the national movements. An ideal point in the past, where law and sovereignty were ideally constituted, was pointed out, and contemporary national sovereignty was seen as a reemergence of this ideal state from subversive feudalism and, in the end, absolutism. Property was essential here, as it was seen to be the basis of sovereignty. In what was seen as the feudal age, for example, sovereignty was seen as unjust because it was exercised by landlords as a private dominium over peasants, denying them the right to property. The same argument later became applied to absolutism, or any rule that was not representative.

¹¹¹ Ivison, Duncan, “Property Territory and Sovereignty”, in Hunter and Davis (eds), 2002: p224.

¹¹² For an interesting discussion on sovereignty and time, see Davis, Kathleen, *Periodization and Sovereignty: how ideas of feudalism and secularization govern the politics of time*, University of Pennsylvania Press, Philadelphia, (2008).

Summing up

It might be helpful to sum up the main points from this chapter and the previous one at this point. We have noted the absence of property rights in the study of nationalism, and we have seen how property and sovereignty developed from the Greco-Roman world to the age of absolutism to become the modern concepts necessary to nationalism. We have also seen how Locke's theory of property exemplifies the basic property assumptions of national ideology, and this became well-suited to the landed situation of the US and Norway. This was because landed property was widespread and primarily an economic right in these cases. Ideas which we might call Lockean thus made sense here, but this is not to say that nationalism was just a realization of Lockean ideals: rather, Lockean ideals emerged due to the property relations in these cases.

The main point that has been made about nationalism is that nationalism in the US and Norway was at first an agrarian phenomena: it emerged and formed in relation to concepts, conditions and changes of an agrarian world. Most decisive was the emergence of relatively widespread private property in land, and nationalism in its first form was essentially about protecting and preserving the already-existing property regime. Ownership of landed property became associated with individual freedom, and with popular sovereignty. This was due, on the one hand, to certain characteristics of landed property and the property right in general, which makes land/property conceptually similar to territorial sovereignty and connects it to individual freedom. On the other hand, it must be seen in relation to economic and political power in agrarian societies, which is tied closely to land. For these reasons, nationalism became a contractual device instituted to insure the property rights of the people. This was done at first through 'sovereignty of the people' being understood as a property-based democracy. It is significant that landownership was widespread, and that most people had land not as a privilege, but as an economic right. This made the idea of property as a universal right for all more easily conceivable, and this furthermore made it reasonable to understand the rule of landed property as the rule of the people. The two became interconnected. As we shall see in the following chapters, when the US and Norway started becoming industrial societies, landed property lost its significance in the national ideology, and instead the right to property came to be understood as the right to the fruits of one's labour. Landed property was still seen as an important form of property, but individual freedom and sovereignty could now be created through property understood as the right to the fruits of one's labour.

Chapter 3: Method and methodology

This chapter explains the methodology used in the dissertation. First there will be a discussion of the comparative historical method and of the US and Norway as the subjects of comparison. There will then be a discussion of documentary analysis, followed by a presentation of the main evidence that I have invoked in this dissertation.

History and comparison as mode of explanation

a) *The historical comparative method*

The processes, ideas and events covered in this dissertation (the first emergences of nationalism and nation-states in the US and Norway) happened in the distant past. Hence, this dissertation is a work of historical sociology. Some have doubted the use of history for sociology,¹¹³ nevertheless I see it as crucial in understanding nationalism. The historian Anthony Marx explains the benefits of a historical approach to the understanding of nationalism by invoking the picture of the twelfth-century Basilica of San Clemente in Rome. This basilica is built on the ruins of a fourth-century church, which itself is built on the ruins of an even older Roman building. This is symbolical of how on a larger scale the present society is built upon that of the past. Standing at certain places in the ruin of the structure, it is possible to see all the three layers. But what one sees depends on where one stands:

At the top, looking down from the perspective of the modern, all below is obscured in darkness. Instead if you stand on the lowest historical level looking up, all levels are illuminated from above. The trick is to allow the light from the present to clarify the ancient levels but... not to be blinded by it ... in a way that obscures where the long dead lived and how they understood themselves.¹¹⁴

Thus, if we explore nationalism from whence it came and what it is built upon, we may be able to see what has been necessary for it to function and what its constituents are. Such a perspective will be revealing when we explore the role of private property for the emergence and development of nationalism, as we will be able to track potential connections as they form and develop over time and space. The historian J.L. Gaddis has pointed to this benefit. The

¹¹³ John Goldtorpe “The Uses of History in Sociology: Reflections on Some Recent Tendencies”, *The British Journal of Sociology*, Vol 42, No 2, (1991), p 211-230.

¹¹⁴ Marx, Anthony, *Faith in Nation: Exclusionary origins of nationalism*, Oxford University Press, Oxford, (2003), p xi.

historian, Gaddis writes, is able to – indeed, must - “select, to be in several places at once, to see processes at work that are visible to us now but were not then.”¹¹⁵ By moving back and forth in time and space we can discover developing relationships and processes changing over time, and see how they became connected, entangled and transformed. The historical method is thus particularly useful when we are interested in social change. Theda Skocpol and Margret Somers have noted that much of the appeal in adopting a historical method is “the general usefulness of looking at historical trajectories in order to study social change.”¹¹⁶ There is a long tradition within the discipline of sociology for such a method of applying a historical analysis for this purpose. I invoked the names of Marx, Weber and Durkheim in the introduction of this dissertation. These founding fathers of sociology all based important parts of their research on historical analysis – we can think of Weber’s *The Protestant Ethic and the Spirit of Capitalism*, or Marx’s sweeping historical analysis in *The Manifesto of the Communist Party*. Even before these early sociologists, many of the thinkers of the enlightenment had already applied similar methods of research, theorizing about both the past and the present based on their understanding history. Montesquieu’s *Spirit of the Laws* and Adam Smith’s *Wealth of Nations* are good examples here. These works are all – to continue Anthony Marx’s metaphor – standing at the bottom of the Basilica of San Clemente and looking up. But they sometimes also move to the top and look down, and sometimes stand at some point in the middle. Often such works also move from place to place, comparing developments and structures in different places. This dissertation also does this – comparison is a central element of this dissertation.

We can note that there are different ways of doing historical comparison and different things one can find out. Charles Tilly has summarized four main ways of doing comparative historical research. The first method is individualizing comparison. This aims to contrast different phenomena in order to uncover their peculiarities. As an example of this he cites Reinhardt Bendix’s work *Kings or People*. The second method he calls universalizing comparison – here, the aim is to establish a rule that every instance of a phenomena follows. Theories that seek to establish the conditions for economic growth fall under this label. Thirdly there is what Tilly calls variation finding comparisons. These try to establish a principle of variation in the

¹¹⁵ Gaddis, John Lewis, *The Landscape of History: how historians map the past*, Oxford University Press, Oxford, (2002). p. 26.

¹¹⁶ Skocpol, Theda & Margaret, Somers, 'The use of comparative history in macro social inquiry', *Comparative studies in society and history*, vol. 22. (1980), p 174.

character or intensity of a phenomenon by looking at differences between cases. Jeffrey Page's *Agrarian Revolution* is an example of this. The fourth type of comparison Tilly calls encompassing comparison. This method "places different instances at various locations within the same system, on the way to explaining their characteristics as a function of their varying relationships to the system as a whole."¹¹⁷ Similar to Tilly's four variations, Skocpol and Somers talk about three major ways of doing historical comparative analysis. These are parallel demonstration of theory (seeking to demonstrate the validity of a theory by showing that the same processes happened at different places), contrast of context (bringing out the uniqueness of developments at different places), and macro-analytical comparison (seeking to demonstrate macro-historical causal links). To the first category belongs, for example, S.N. Eisenstad's *The Political Systems of Empires* and Page's *Agrarian Revolutions*. In the second group, Skocpol and Somers include James Lang's *Conquest and Commerce* and Clifford Geertz's *Islam Observed*. In the third category is included, for example, Barrington Moore's *Social Origins of Dictatorship and Democracy* and Skocpol's *States and Social Revolutions*. The research that I have done is akin to Tilly's universalizing comparison or Skocpol and Somers's parallel demonstration of theory, combined with Skocpol and Somers's macro-analytical comparison. The point of my research is to say something general about the development and nature of nationalism and nation-states in the US and Norway – to demonstrate that the connection between property and nationalism was a common feature of nationalism here, that there was a transcending logic to how this developed. Miroslav Hroch summed up this method of comparison, applying the term synchronic historical comparison, which means establishing similar historical processes that happened roughly during the same time period in different places:

If we can establish that the objects of comparison went through roughly the same stages of development, we can compare these analogous events, even if from the standpoint of absolute chronology they occurred at different times ...¹¹⁸

This is what I have done in this dissertation. I have looked at the emergence and development of nationalism in the US and Norway. These cases went through similar developments of national revival, national revolution, and what I described as *the first* and *second form of the nation*, as well as with the shift from land to labour, or what I called a *transvaluation of*

¹¹⁷ Tilly, Charles, *Big Structures, Large processes, Huge comparisons*, The Russel Sage Foundation, New York, (1984), p 82-83.

¹¹⁸ Hroch, Miroslav, *Social preconditions of national revival in Europe: a comparative analysis of the social composition of patriotic groups in the smaller European nations*, Cambridge University Press, Cambridge, (1985), p 20.

property (these categories were explained in the introduction). I have compared these various stages of nationalism in the two cases against each other in order to come up with conceptual and theoretical positions on the nature of nationalism – the aim of the comparison of our cases is to explicate general trends of nationalism and causal/structural mechanisms of its emergence and development.

a) *The point of departure for comparative analysis: the material relations and the common context*

The point of departure for my comparison between the US and Norway was the similar distribution of landed property in these cases at their respective revolutionary moments (see chapter 1 for a survey of the landed relations of the cases). The reason for taking this similarity in property relations as a starting point of comparison is derived from the materialist underpinnings of my research (more about this below). According to classical Marxian materialist assumptions, similar relations of property should result in largely similar developments of ideology and the state. The US and Norway represented the actual existence of a form of relatively widespread private property at an early stage, and before the emergence of a political national movement or the creation of a nation-state. As the initial question of my research was to explore the role of private property in national ideology, such material relations seemed a fruitful starting-point. And indeed, these nations did establish very early on private property regimes and democracies based on widespread landholding. Both did this in opposition to imperial states. What happened in the US and Norway was similar, and many Norwegian scholars, as well as Norwegians at the time of the national revolution, have pointed to this similarity. The historian Sigmund Skard wrote about the Norwegian revolution of 1814 and its similarity to America:

The historical situation has been felt as parallel: two small nations arose heroically up against great powers. There was a commonality in their spirit which went deeper than their differences.¹¹⁹

Francis Sejersted – another Norwegian historian – has also noted the similarity between the two societies at the outset of the nineteenth century, and points specifically to the idea that both societies were very much akin to a Lockean ideal society – that is to say societies constituted in large part of individual proprietors of land participating freely in relations with

¹¹⁹ Skard, Sigmund, *USA i Norsk historie, 1000 – 1776 – 1976*, Det Norske Samlaget, Oslo, (1976). p 56 (my translation).

each other and in government.¹²⁰ This, of course, sounds very idealistic, and it is. But this fundamental similarity, the “commonality in spirit” constituted by the relative widespread ownership of land and similar liberal constitutions, can serve as a fruitful point of departure for comparison.

There is also a point in accentuating the differences between the US and Norway. One was situated in the new world, the other in the old world – there was a giant ocean in between them. One marked the start of the age of revolution, the other was close to its end. In the US there existed four million chattel slaves (understood in most respects to be a form of property) at the time of the revolution; in Norway nothing of the kind had existed for almost one-thousand years. In America there was wide availability of new land; in Norway land was relatively scarce. The US became a republic; Norway remained a constitutional monarchy. These differences might actually strengthen the fundamental comparability of these cases. Despite enormous difference in space, and almost a quarter of a century of difference in time between their national revolutions – and despite the difference in social structure created by the institution of slavery and availability of land in America – what happened was similar. Even despite the different state forms of a republic and a monarchy, there was a fundamental and pervasive similarity in the new states that became established and the philosophy to which they adhered. This might indicate that similar property regimes in land indeed strongly influenced the ideology. Furthermore, this also points the common intellectual milieu that the nationalists in the US and Norway were part of (see chapter 2 for a survey of the main thinkers and ideas here). The developments of these cases were not isolated, and although my cases were peculiar in certain ways, they were part of something broader. Nationalism in these cases did not emerge in a vacuum. In fact the national revolutions of the US and Norway mark the beginning (the US) and the end (Norway) of a series of nationalist revolutions in the western hemisphere. The US and Norway were part of what Jonathan Hearn has called “the North Atlantic Interaction sphere.”¹²¹ Starting with the American Revolution, expressions of nationalism in the form of liberation movements promoting liberal constitutions emerged in a spatial sphere covering North America and Western Europe, as well large parts of Latin America in the years between 1776 and 1814. The French revolution of 1789 is perhaps the

¹²⁰ Sejersted, Francis, *Demokrati og rettsstat*, Pax Forlag, Oslo, (2002), p.348-349.

¹²¹ Hearn, Jonathan, “The origins of modern nationalism in the North Atlantic interaction sphere”, *sociological review online*, Vol 14. No 5, (2009).

most commonly used example of this. In addition, we might include the Haitian revolution of 1791 (and its constitution of 1801), the Venezuelan constitution of 1811, the Mexican rising of 1810, and the Spanish constitution of 1812. One might also mention the Napoleonic code (1804) with its strong emphasis on the right to property. And especially in the German states, nationalism emerged as a reaction to the rule of Napoleon. All these occurrences and many more may be seen to constitute the age of revolution or the age of nationalism, of which the emergence of nationalism in my cases was a part.¹²² The geographical position and general characteristics of their ideologies places my cases in this context, within the tradition of what Hans Kohn called *western nationalism*¹²³ – an individualistic, liberal, democratic and essentially capitalist¹²⁴ world view. After Kohn, others have developed similar typologies without the historical and geographical specificities of Kohn’s distinction between western and eastern nationalism, but which nevertheless are extensions and modifications of these categories. We might thus also label the nationalism of our cases civic nationalism as opposed to ethnic, individualistic as opposed to authoritarian/collectivistic. What is important to recognize is the nationalism that emerged in the US and Norway was one specific breed, as it were, of the larger category of nationalism, which was nevertheless brought forth by specific historical and social conditions – specifically, the widespread ownership of land.

Analysis

a) *Ideas and material preconditions*

The purpose of this dissertation, as I stated at the outset, is to investigate the origins and nature of nationalism and to formulate the role of private property in nationalism, as well as to look at the significance of the pre-existing property regime for the emergence and development of nationalism. Within the historical comparative frame, this will be done by an interpretative

¹²²The accounts that I have relied primarily on for the socio-political development of the western world in this time period are: Hobsbawm, Eric, *The age of Revolution: Europe 1789-1848*, Wiendfeld and Nicholson, London, (1962). Merriman, John, *A history of modern Europe: from the renaissance to the present*, W.W. Norton & Company, New York and London, (1996). Palmer R.R, *The age of democratic revolution: a political history of Europe and America, vol 1*, Princeton University press, Princeton and London, (1959). Palmer, R.R, *The age of Democratic revolution: a political history of Europe and America, vol 2*, Princeton University press, Princeton and London, (1964). It is also from these accounts (and specifically Hobsbawm) that I borrow the term “age of revolution.”

¹²³ Kohn, Hans, *The idea of nationalism, a study in its origins and development*, Transaction Publishers, Newbrunswick,(2005) [1944].

¹²⁴ It must be emphasized here that although nationalism was capitalist, it does not mean that it was an apology or a vindication for such a world system. It is merely to say that its basic assumptions were favorable to the capitalist system.

textual analysis of key historical documents. But as I have suggested earlier, I think that the forms and relations of property had a decisive influence on the emergence and nature of nationalism. A note must therefore be made on this. Such a suggestion is based on the Marxian assumption that social action is heavily influenced by the society in which it is produced, and it will be in place here to make a few remarks on this. As Marx famously put it:

Men make their own history, but they do not make it as they please; they do not make it under self- selected circumstances, but under circumstances existing already, given and transmitted from the past.¹²⁵

This is the basis of historical materialism, that the material relations will, to a large extent, influence ideas and the forms they take. Ellen Meiksins Wood writes:

Human beings enter into relations with each other and with nature to guarantee their own survival and social reproduction. To understand the social practices and cultural products of any time and place, we need to know something about those conditions of survival and social reproduction, something about the specific ways in which people gain access to the material conditions of life, about how some people gain access to the labour of others, about relations between people who produce and those who appropriate what others produce, about the forms of property that emerge from these social relations, and about how these relations are expressed in political domination, as well as in resistance and struggle.¹²⁶

Nationalism must be understood on the background of the basic conditions of survival, and the forms of domination and appropriation in the society in which it emerges. This is the basis of my investigation of the relationship between nationalism and private property. This basis is, of course, fairly standard – as Quintin Skinner has noted, “we are all Marxists to this extent – that our own society places unrecognized constraints upon our imaginations.”¹²⁷ But even if we are all Marxists in this sense, it is nevertheless worth stressing the materialist point here, because this dissertation suggests an important and vital link between a specific part of the “constraints”, i.e. the property regime, and the idea of nationalism. I do not simply see property relations as a “constraint” to the imagination, but as an element that actively influences it. This will be an underlying assumption on which my textual analysis shall be based.

¹²⁵Marx, Karl, *The eighteenth Brumaire of Louis Bonaparte*, Progress Publishers, Moscow, (1937). [1852] <https://www.marxists.org/archive/marx/works/1852/18th-brumaire/> Downloaded 08.04.2015.

¹²⁶ Wood, Ellen Meiksins, *Citizens to Lords: A social history of western political thought from antiquity to the medieval ages*, Verso, London, (2008), p. 12.

¹²⁷ Skinner, Quintin, “Meaning and Understanding in the History of Ideas”, *History and Theory*, Vol.8, no.1, (1969), p. 53.

b) *Nationalism as an emerging idea*

In regards to textual analysis, Skinner has written that when we seek to understand the ideas of any author, the essential question should be what the author:

In writing at the time he did write, for the audience he intended to address, could in practice have been intending to communicate ... It follows that the essential aim, in any attempt to understand the utterances themselves, must be to recover this complex intention on the part of the author.

And thus:

Once the appropriate focus of the study is seen in this way to be essentially linguistic and the appropriate methodology is seen in consequence to be concerned in this way with the recovery of intentions, the study of all the facts about the social context of the given text can then take its place as a part of this linguistic enterprise.¹²⁸

The approach taken to investigate nationalism in this dissertation follows Skinner's ideas to a large extent – it is ideas and discourse that I seek to understand, because nationalism is first and foremost an idea. On this point I agree with the idealist Liah Greenfeld who writes that, “The only foundation of nationalism as such, the only condition, that is, without which no nationalism is possible, is an idea; nationalism is a particular perspective or style of thought.”¹²⁹ Nationalism must be understood in the frame of that strictly human activity of symbolical meaning-making, that people contribute subjective symbolical value to the world and act according to this in relation to others. This is essentially a Weberian understanding of the task of sociology. Sociology, wrote Max Weber, was:

A science concerning itself with the interpretative understanding of social action and thereby with casual explanation of its course and consequences. We shall speak of Action insofar as the acting individual attaches a subjective meaning to his behavior ... action is social insofar as its subjective meaning takes account of the behavior of others and is thereby oriented in its course.¹³⁰

Nationalism, for the purpose of this dissertation, can be understood broadly as a set of subjective meanings that individuals apply as basis for their actions in society.¹³¹ Furthermore,

¹²⁸ Skinner, 1969: p.49

¹²⁹ Greenfeld, Liah, *Nationalism: Five roads to modernity*, Harvard university press, Cambridge (1992), p 3.

¹³⁰ Weber, Max, *Economy and Society: an outline of interpretative sociology*, Edited by Gunter Roth and Claus Wittich, Bedminster press, New York, (1968) [1922], p 3.

¹³¹ This is also similar to how Sinisa Malesevic understands nationalism as ideology, ideology being understood as “a relatively universal and complex social process through which human actors articulate their actions and beliefs. Because social and political events and social facts are unable to speak for themselves there is a need to decode, understand and contextualise them. Hence human beings rely on existing ideological maps and concepts to decipher the meaningful interpretations of these events and facts. In this way, ideological narratives impose structure and provide coherence to

when concerned, as I am here, with the origins and nature of nationalism, nationalism must also be seen as a historical, unfolding concept to be found in a range of actions, thoughts and discourse formed at specific times, as well as manifest in institutions and traditions. To explain this further, we can invoke Weber's understanding of capitalism in *The Protestant Ethic and the Spirit of Capitalism*. Here, Weber understood capitalism as a "complex of elements associated in historical reality which we unite into a conceptual whole."¹³² And such a historical concept:

Must be gradually put together out of the individual parts which are taken from historical reality to make it up. Thus the final and definitive concept cannot stand at the beginning of the investigation, but must come at the end.¹³³

Applied to nationalism in this dissertation, this means that I look at various parts (specifically property and sovereignty, and concepts derived from or connected to these) that make up nationalism over time, and trying to see certain trends or defining principles. Greenfeld has applied this very method to her study of nationalism. She says that we should see nationalism as:

"An emergent phenomenon", that is, a phenomenon whose nature – as well as the possibilities of its development and the possibilities of the developments of which is composed – is determined not by the character of any of its elements, but by a certain organizing principle which makes these elements into a unity and imparts them a special significance.¹³⁴

And furthermore:

In the case of emergent social phenomena, which are structurally parallel to the phenomena of life, we can answer the question of what brings elements together, and why, and discover the unifying principle, if we choose to do so.¹³⁵

In the course of this investigation, I have come to hold private property and its connection to popular sovereignty and individual freedom as the organizing principle of nationalism, or the "definitive concept" in Weber's term. I reached this conclusion by analyzing the writings of certain key individuals – whom I have called the *members of the national movement* – and by

what otherwise would be incoherent and utterly contingent images, events and acts. So ideology is a process that incorporates thinking and action whereby our behaviour is dependent on (but not determined by) ideologically articulated cognitive maps." Malesevic, 2011: p 283.

¹³² Weber, Max, *The Protestant ethic and the spirit of capitalism*, Routledge, London and New York, (1992)[1905], p 13.

¹³³ Weber, 1992: p 13.

¹³⁴ Greenfeld, 1993: p 7.

¹³⁵ Greenfeld, 1993: notes to pages 7-13, note 4.

applying property and sovereignty as guiding principles in the analysis. I relied on these concepts to function as a compass, as a way of orientation in my exploration.¹³⁶

The process of selection of sources

a) The national movement

The national movement will be understood in historical, chronological terms as a changing heterogeneous and loose group of individuals who first expresses the initial (and at that point novel) national sentiments in a defined political and geographical era, and which then develops over time, making national sentiment more and more pervasive, until it is the fundamental sentiment of political action with the masses.¹³⁷ This again presents us with the problem of specificity, seeing as the national movement is so broadly defined. It will always be a bit arbitrary who we include here. But as I was interested in the relationship between nationalism and private property, and used as a sensitizing question or problem the relationship between property and democracy, it was natural to look at individuals engaged in or with politics, and specifically those at the center of the political debate. The national revolutionary moments in both cases present one with a number of relevant individuals in this regard. To further justify this, it will be useful to consider the national revolutions in relation to Miroslav Hroch's model of the national movement.

Hroch sees the development of the national movement in three phases. Phase A is the phase of scholarly interest, the awakening of national consciousness for the first time, where national sentiment is confined to a tiny elite of intellectuals and has little or no social and political importance. Phase B is when the national movement becomes politically potent. Phase C is the transformation of the national movement into a mass popular movement. All stages are equally important to the development of the national movement, but we might say that the transition from phase A to B is of special significance. Without a successful transition from A to B, the national movement as a political movement or as a pervasive social phenomena will simply never exist. It is therefore that I start by looking at the national revolutionary moments of my cases as they represent the important transition from phase A to phase B. It is this that

¹³⁶ Bonnell, Victoria, "The uses of Theory, Concepts and Comparison in historical sociology", *Comparative studies in society and history*, vol.22. (1980).

¹³⁷ This definition is in large parts derived from Miroslav Hroch's model in Hroch, (1985), p 14-15.

marks the start of the national movement proper, at least as a political movement. Phase A and B are also of special importance as it is during these phases that the basic assumptions of nationalism are cemented: the assumptions established here became the foundations for further national development into phase C.¹³⁸

In the following I give a list of individuals and writings that I have focused on during the different phases of the national movement for each case. These have been important in the making of my argument, but I must emphasize that my argument also rests on supplementary secondary literature that I do not mention here, but which will naturally be referenced in the main text. The primary documents used for the Norwegian case were all written in Danish/Norwegian, and the quotes included from these documents are my own translations into English.

b) Phase A and B in the American case

For the American case, in the revolutionary period (representing the transition from phase A to phase B), Thomas Jefferson (1743-1826) stands out as a particularly relevant individual. Lawyer, plantation owner, author of the *Declaration of Independence* and president for two terms, Jefferson played a decisive role in creating political discourse and reality. Another prominent individual in the revolutionary period is John Dickinson (1732-1808), dubbed the penman of the revolution and also a lawyer. Dickinson wrote several influential texts in the lead-up to the revolution, yet he refused to sign the *Declaration of Independence* because he believed in reconciliation with Britain (more on why he and others believed in this in chapter 4). Dickinson's writings serve to nuance the image of the national ideology, while at the same time providing some of the most striking examples of it. The latter point may also be made of the third individual that I have focused on during this period: Thomas Paine (1737-1809). A radical intellectual and immigrant from England, he expressed an idealistic and uncompromising democratic national vision. Paine is perhaps most known for his pamphlet *Common Sense*, one of the most widely-read pamphlets of the revolutionary era. In addition to these three men, I invoke also the records of the federal convention (1787). There were 55 men present here when it started in May 1787, and I have selected on the one hand what I see

¹³⁸ Hroch, 1985, p. 23-24.

as a representative sample, and on the other hand what demonstrates my point in the clearest way. I have also relied on two commentaries on the constitution, one from intellectual and lexicographer Noah Webster (1758-1843), and the other from William Manning (1747-1814), a smallholding farmer from Massachusetts. These two might represent the “high” and the “low” (in terms of class or social standing) in their comments on the constitution. Finally, I have used *The Federalist* (1787), a defense of the new constitution co-written by Alexander Hamilton (1755-1809), John Jay (1745-1829), and James Madison (1751-1836). I appeal to Hamilton’s writings the most, and I also use some of his other writings such as “Report on manufactures” (1791). This is primarily because Hamilton’s vision exemplifies the inherent possibilities in the first form of the nation to transform itself based on the Lockean idea of property.

c) *Phase A and B in the Norwegian case*

The emergence of the Norwegian national movement was different from that of the American one in duration; it took longer from the first expressions of national sentiment until the revolution occurred. In other words the transition from phase A to B took longer, so much so that few of the individuals of phase A were alive with the initiation of phase B, and those who were alive were very old. For phase A, I have invoked the writings of school-master Gerhard Schøning (1722-1780), priest Jens Zetlitz (1761-1821) and priest Nordahl Brun (1745-1816). Schøning wrote an influential and characteristic history of the Norwegian kingdom in three volumes where he emphasized the ancient freedom of the Norwegians, while Zetlitz and Brun wrote prose and pamphlets glorifying the Norwegian smallholding farmer. These became central elements of the national movement during phase B. In the Norwegian phase B of the national movement, lawyer and state official Christian Magnus Falsen (1782-1830) stands out as clearly and markedly as Jefferson in America. Falsen is often pointed to as the father of the Norwegian constitution, and had a central role in its making. He also wrote extensively on issues of national freedom, and was actively involved in national politics both before and after the revolution of 1814. Falsen was good friends with Prince Christian Frederick (1786-1848) of the Oldenburg dynasty – perhaps the most important individual in the animation of the Norwegian national movement. It was this prince who literally started the movement for national independence when he called together the Norwegian elite in February 1814, and he was actively involved in the creation of the new Norwegian state in the dramatic months between January and August 1814. His diary from those days provides interesting insight into the politics and thinking of the time. I have also relied on the first scholarly comment on the

constitution by lawyer Henrick Steenbuck (1815), and on poet and self-proclaimed friend of the people Henrk Wergeland's (1808-1845) history of the constitution, as well as some of his poetry. Although a bit apart in time and context, these two individuals might be seen to represent one more "learned" and a more "popular perspective" on nationalism in Norway. Furthermore, as with the American case, I invoke the records of the Norwegian constitutional convention to which there were 112 representatives. I have also used what I see as representative, but I have chosen specific quotes that support my argument.

These are the individuals that I have focused on during phase A and B of the national movement, which covers my conceptual points of *the amalgamation of people, property and sovereignty* and *the first form of the nation*. The occurrence of phase C in both my cases offers, like phase B, an intense moment of political engagement from which I have selected relevant individuals to focus on. In the American case, I have focused on the civil war (1861-1865), its lead up and its aftermath. In Norway, I have focused on the coming of parliamentary democracy (1884). These events might seem different and arbitrary to compare, but they represent a similar general trend: that of the unification of central state power and parallel development of universalizing democracy. These developments again represent *the transvaluation of property* and the transition to *the second form of the nation*.

d) *The coming of phase C in America*

Lawyer and statesman Abraham Lincoln (1809-1865) is an obvious choice as an individual to focus on for phase C in America. An active Republican debater on the issue of slavery and federal sovereignty since the 1850s, president of the union during the civil war, and responsible for the Emancipation Proclamation (1863), he stands out as one of the most prominent examples of the *transvaluation of property*. Another important figure that represents the transvaluation is Lincoln's fellow Republican and his Secretary of State William Seward (1801-1872). Seward was a radical antislavery man, and is famous for his "irrepressible conflict" speech (which I rely on) that explained the civil war in terms of the two different systems of labour in the US, and connected it to the nature of the federative sovereignty. I have also looked at the opponents of the transvaluation, those who defended the nation in its first form. For this I have chosen the pro-slavery ideologues because by contrasting it to the Republican transvalued notion of property, it brings out the uniqueness of nationalism and its property assumptions. Amongst the slavery men, I have invoked lawyer

and self-appointed sociologist George Fitzhugh (1806-1881), who wrote two books on the defense of slavery – *Sociology for the south, or, the failure of free society* (1854), and *Cannibals all!, or slaves without masters* (1857). I have also invoked the memoirs of Jefferson Davis, president of the confederacy (1808-1889), his vice president Alexander Stephens’ infamous “Corner stone speech,” and lawyer, and governor of South Carolina, James Hammond’s (1807-1864) “Cotton is King” speech.

e) *The coming of phase C in Norway*

In Norway, as in the US, the coming of *the second form of the nation* may be very much exemplified by one man, Lawyer Johan Sverdrup (1816-1892). Sverdrup became the undisputed leader of the broad social movement that started forming in the 1850s, and which in 1884 pressed through the reform and constitutional change that led to parliamentary democracy. Hence, he was an active debater on issues of parliamentary democracy and suffrage reform, both in the parliament and out amongst people from the 1850s. After 1884, he became prime minister for two periods. In addition to Sverdrup, I have invoked those who might be seen as his precursors. These were members of the farmers opposition in the parliament from the 1830s onwards. I have looked at farmer Hans Barlien’s (1772-1842) comment on the political system from 1836 and the infamous pamphlet dubbed “Ola boka” (the book of Ola, the common man), written by farmer John Nergaard (1795-1885). Both these contain democratic ideas which bear similarity to the later ideas of Sverdrup. I have also looked at the opponents of the *transvaluation of property*, first and foremost through lawyer and professor Anton Martin Schweigaard (1808-1870). He was one of the most distinguished public figures in Norway in his time, and was a parliamentary debater from 1850 to his death in 1870. He was a firm conservative defending property qualifications for the vote and opposing parliamentary democracy.

Two notes on history and comparison

It is obvious that in focusing on the individuals that I have selected, I am writing the history of the victors, as it were. In a sense I conform to what Walter Benjamin called the continuum

of history¹³⁹ – that is to say that I accept the traditional narrative given of the events I am covering, which might suppress alternative and liberatory visions. I am very much aware of the existence of alternative visions and projects. But my project has been to explore the dominating and victorious vision, and to put this in a new light. It is therefore that I have, so to speak, called upon the usual suspects in my investigation. But I believe that I have brought to them something new with my property rights perspective, and with my comparison of the US and Norway.

I have approached history from the perspective of sociology: this means that the primary concern of my research has not been the close scrutiny of fundamental historical truth, but synthesizing and bringing together facts from a large time period and from different fields. Skocpol wrote about her work on revolutions: “Some books present fresh evidence; others make arguments that urge the reader to see old problems in a new way. This work is decidedly of the latter sort.”¹⁴⁰ This is also true of this dissertation. Historians might claim that we could be in danger here of reproducing falsities, especially if we really heavily on secondary- and third-hand literature. But we still have the means to be critical. As Michal Mann has written in defense of historical sociology:

We must present the facts as we see them, engage with contrary facts produced by others and demonstrate to the satisfactions of third parties that our perception generates more explanatory and predictive power.¹⁴¹

A note also on the individuals compared: it was suggested to me at the outset to choose individuals with similar socio-economic situation for each case, so that the individuals invoked in the American case would match those in the Norwegian case. However my method of selection has been, as explained above, guided by the principle of relevance to national political events of my cases. Yet, as it turned out, there are many sociological similarities between the individuals compared. For phase A and B, a majority were lawyers in both cases,

¹³⁹ Benjamin, Walter, «On the Concept of history», (1940), <https://www.marxists.org/reference/archive/benjamin/1940/history.htm> Downloaded, 03.08.2015.

¹⁴⁰ Skocpol, Theda, *States and Social Revolutions: a comparative analysis of France, Russia and China*, Cambridge, Cambridge University press, (1979), p. XI

¹⁴¹ Mann, Michael, “In praise of macro-sociology: a response to Goldthorpe”, *British journal of sociology*, vol.45. no.1. (1994), p. 42.

and many owned landed private property. Many were also connected to state and or political institutions. During phase C, many of the individuals invoked belonged to the new middle class of officials, clerks and artisans. Thus, in a sense, the individuals compared are also compared due to their sociological standing in society, but this springs from the initial point of comparison: the similar property relations of the cases which meant roughly similar social structure and similar composition of the national movement. I have not sought to show that nationalism was propagated by certain classes, only that the specific historical background of the members of the movement informed their thinking. The underlying point has been that the property structures of my cases were similar, and that the national ideology was thus thought in similar ways.

Chapter 4: The inception of nationalism and its entry into the world: the dialectics of property, people and sovereignty in revolutionary America

Outline of the argument

This chapter first lays down the specific historical and sociological context and background for the emergence of a national movement in America. Then the role of private property in the national ideology will be explicated through examples from the writings of key members of the national movement. The main conceptual points display what I have called *an amalgamation of property, people and sovereignty* – how these three concepts were fundamental to the logic of the national ideology. The most important point is to show how the idea of private property became connected to popular sovereignty and was derived, on the one hand, from ancient historical rights, and, on the other hand, from the special American property structure where land was relatively widespread.

The argument has as its basic structure a historical narrative, which covers primarily the period from 1760-1790. The historical narrative is complimented with a more sociological conceptual analysis. The first part of the analysis deals with the historical period from about 1762 to 1776. We might call this period the prelude to nationalism. I have invoked primarily the writings of Thomas Jefferson, John Dickinson and Thomas Paine to demonstrate the importance of private property to the concept of freedom, and to show how this went from being understood as a British right to an American right.

The second part of the analysis revolves around the Federal Constitutional Convention (1787) and its aftermath. The focus here is on how individual right to property became connected to the idea of rule by the people. We might call this the amalgamation of nationalism. I have relied primarily here on the records of the constitutional convention, *The Federalist Papers* (1788), and Noah Webster's "An examination into the leading principles of the Federal Constitution" (1791). I have also invoked evidence from Jefferson, who was not present at the Federal convention, nor was he actively involved in the debates in its immediate aftermath. But he, along with smallholding farmer William Manning and the radical Thomas Paine, serve as a counter-balance to the predominant federalist evidence that I have used. I do not think that the Federalist/Anti-federalist distinction matters when it comes to their notions of property and nationality. It is this similarity that I try to emphasize by a seemingly fluid intermixing of their arguments.

“Destined to let freedom grow”

The character and origins of American society has, ever since Columbus “discovered” the continent in 1492, captured the minds of thinkers on both sides of the Atlantic. For the historical sociologist, perhaps the most fascinating thing about American society is what Liah Greenfeld has pointed out, that:

In America, to begin with, there was almost no social reality, other than the one the settlers brought with them in their own minds. (One could say that here were no structural constraints apart from the constraints of the symbolic structure).¹⁴²

What is important here is that, when the settlers first came to America, there was not an existing social structure.¹⁴³ For my argument, the most important factor is the absence of an established feudal property structure in the colonies. Already by the 1830s, Alexis de Tocqueville, in his *Democracy in America* (1835), said that one of the fundamental bases for American democracy was the equality in condition that existed in America. “The ground, once cleared, was by no means fertile enough to make both a landlord and a tenant rich,” wrote Tocqueville, and “the land was naturally broken up into little slots.” Because of this, the American colonies seemed destined, according to Tocqueville, to “let freedom grow, not the aristocratic freedom of the motherland, but a middle-class and democratic freedom of which the world’s history had not previously provided a complete example.”¹⁴⁴ Similarly Louis Hartz has written that, “The outstanding thing about the American effort of 1776 was bound to be, not the freedom to which it lead, but the established feudal structure it did not need to destroy.”¹⁴⁵ Nothing in history is ever destined of course, but, more than anything else perhaps, it was the availability of land and wide ownerships of it by British settlers that formed American nationalism, which was, above anything else, concerned with propertied freedom.

¹⁴² Greenfeld, Liah, *Nationalism; Five roads to modernity*, Harvard university press, Cambridge, Massachusetts (1993),p. 402

¹⁴³ I am of course aware of the fact that there existed populations of Native Americans in America when the European settlers came – and in no way do I wish to undermine this or legitimize how the settlers treated them. The point is that the settlers treated the new world very much as if these people and their social reality did not exist.

¹⁴⁴ Tocqueville, Alexis, *Democracy in America* Mayer, (Edited by Mayer, J.P and Max Lerner), Harper and Row publishers, New York and London (1988)[1840], p 27-28.

¹⁴⁵ Hartz, Louis, *The Liberal tradition in America: an interpretation of American political thought since the Revolution*, Harcourt, Brace and Company, New York, (1955), p35

The sociological origins of the spirit of nationalism

a) *The property regime of the British Empire*

There were, at the eve of the American Revolution, thirteen British colonies on the northern Atlantic coast of the American continent, with just over three million inhabitants in total. It was a population that was growing fast, mainly because of immigration (but also helped by high birth rates), so that by the turn of the nineteenth century, there were more than five million inhabitants in the thirteen colonies. These inhabitants were subjects in an empire whose general political and economic development, at least since the signing of Magna Carta, had a peculiar trajectory, going in a very different direction than that of most western states. By the seventeenth century, Britain's unique trajectory is particularly striking. Where the monarchs of many European states had by the late seventeenth century centralized and increased their power, resulting in the creation of absolutist states, the British Crown had by the same time lost many of its powers, becoming in practice subject to the parliament – or, rather, to the power of the landed aristocracy.

Perhaps the most fascinating and unique thing about the British state after the Glorious Revolution (1688) is that which Meiksins Wood has accentuated: the British propertied class taxed itself in order to increase the power of the state which they themselves were in control of, thus transferring to the state the wealth that they had appropriated from the propertyless.¹⁴⁶ One essential point is that there was amongst the elite a common definition and agreement over property. Woods writes in reference to the eighteenth century British debates about property:

It seems perverse to define political discourse in eighteenth century England in the terms of a dispute amongst propertied classes whose agreements on the existing property regime far outweighed their disagreements; or to magnify ill tempered disputes among gentlemen into conflicts of revolutionary moment.¹⁴⁷

The shared property assumptions were capitalist, with property being understood as a private, individual, exclusive right. It was common in British law by the early eighteenth century to define property as an absolute exclusive right.¹⁴⁸ It was said about the proprietor that: “An

¹⁴⁶ Wood, 2012: p. 282.

¹⁴⁷ Wood, 2012: p. 283.

¹⁴⁸ A theory of the emergence of capitalist notions of property in Britain may be found in Anderson, 1974, p. 113-143. A counter view in regards to this can be found in Clark, J.C.D., *Language of liberty, 1660-1832, political discourse and social dynamics in the anglo American world*, Cambridge

absolute proprietor hath an absolute Power to dispose of his Estate as he pleases, subject only to the Laws of the Land.”¹⁴⁹ By 1729, Giles Jacob’s law dictionary says about property that:

Every Man (if he hath not forfeited it) hath a Property and Right allowed him by the Law, to defend his Life, Liberty, and Estate; and if either be violated, it gives an Action to redress the Injury, and punish the Wrongdoer.¹⁵⁰

Americans inherited such definitions of property. A private property regime became practically uncontested in revolutionary America. In the words of John R. Nelson:

A private property system and its political, economic, and social implications pervaded the thought and actions of the early national leaders (in America). Their concept of freedom and independence were inextricably bound up with individual ownership of productive property ... slavery or contract might be challenged by a “radical”, but never the systems as a whole.¹⁵¹

This kind of private property system became the foundation for the national ideology in America.

b) Different property structures

The property assumptions of Britain and the colonies were the same, but the actual relations of property were different. In Britain, at the time of the American Revolution, the ratio between freemen (that is to say self-owners) was the reverse of what it was in the American colonies: whereas 70% of the land in America was owned by freeholding families, in England only 30% owned their own land. The whole situation of landownership was very different; England was densely populated, made up of a plethora of small villages where landlords owned most of the land. From the sixteenth century onwards, enclosing landlords created private property at the expense of commons, and substituted traditional rights to revenue with short-term lease. Thus

university press, Cambridge, (1994), and in Pocock, J.G.A., “Early modern capitalism; the Augustan perception” in Kamenka, Eugene and R.S Neale, Feudalism, Capitalism and beyond, The Australian national university, Canberra, (1975). Neale, R.S, “The bourgeoisie, Historically has played the most revolutionary part” in Kamenka and Neale, 1975, (eds) provides an interesting balance point between Clark and Pocock, while Wood, 1991, and Wood, 2012. Are views congruent with Anderson.

¹⁴⁹ Alymer, G.E, “The meaning and definition of “property” in seventeenth century England”, in *Past and Present*, No.86, February, (1980), p 95.

¹⁵⁰ Quoted in Alymer, 1980: p 95.

¹⁵¹ Nelson, John, R, *Liberty and Property: political economy and policymaking in the new nation 1789-1812*, John Hopkins University press, Baltimore, (1987). p. 164.

there was created a form of agrarian capitalism based upon tenancy for the many and ownership by the few.¹⁵²

Many Colonial Americans looked with pity on the social conditions of Britain, and contrasted their own situation with it. Benjamin Franklin's thoughts on this are telling:

I have lately made a tour through Ireland and Scotland. In those countries, a small part of the society are landlords, great noblemen, and gentlemen, extremely opulent, living in the highest affluence and magnificence. The bulk of the people are tenants, extremely poor, living in the most sordid wretchedness, in dirty hovels of mud and straw, and clothed only in rags.¹⁵³

But in America the situation was different, wrote Franklin: "I thought often of the happiness of New England, where every man is a freeholder, has a vote in public affairs."¹⁵⁴ That every man in New England was a freeholder was of course an exaggeration, but there were more than in Britain, and their situation was more free. This difference was reflected through law. In Britain, writes Edward White, "It seems fair to say that by 1750 English law of trusts and estates served to protect the interests of wealthy landed families."¹⁵⁵ English law was also colonial law.¹⁵⁶ But it soon became apparent that there was a mismatch between the assumptions and prerogatives of these laws and the American reality. If English law made it relatively difficult for the majority of people to own and transfer land, it was made relatively easier in the colonies. Colonial property law was still mostly English property law (and by the property of being so, it provided powerful protection of landed property interests), but it was moderated, softened and made more democratic in the sense that it was easier for most people to obtain it: entail and primogeniture was less common and regarded with skepticism by many; in courts it was easier to challenge titles to land; and there was a system of land acquisition –

¹⁵² Kulikoff, Allan, *From British Peasants to Colonial American Farmers*, The University of North Carolina press, Chapel Hill and London, (2000), p. 8-27. The classic study by Barrington Moore is also illuminating on this subject, Moore, Barrington, *Social origins of dictatorship and democracy: Lord and peasant in the making of the modern world*, Bacon Press, Boston, (1966).

¹⁵³ Benjamin Franklin to Joshua Babock, January 13th, 1772, in Bigelow, John, *The Works of Benjamin Franklin, including the Private as well as the Official and Scientific Correspondence, together with the Unmutilated and Correct Version of the Autobiography*, G.P. Putnam's Sons New York, (1904). Vol. V (Letters and Misc. Writings 1768-1772), p 278.

http://oll.libertyfund.org/titles/2459#Franklin_1438-05_878 Downloaded, 29.01.2015.

¹⁵⁴ Bigelow, 1904: p. 278.

¹⁵⁵ White, Edward, *Law in American History volume 1: from the colonial years through the civil war*, Oxford University press, Oxford and New York, (2012), p. 69.

¹⁵⁶ Hoffer, 1998: p. 100. For a comprehensive survey of the influence of English common law on American law, see, Thomas, David A, *History of American land law, vol 2: land law in the American states*, Vandeplass Publishing, Lake Mary, (2013), p 800-1147.

the recording system – more in tune with the American reality of vast amounts of uncultivated land.¹⁵⁷ There were no general treatise produced on American law until 1826, when James Kent’s *Commentaries on American Law* was published.¹⁵⁸ Concerning property rights specifically however, we can refer to “the father of the constitution,” James Madison, who produced his now famous *Essay on Property* (1792). In the essay, property is defined, as in English law, as an exclusive right to the individual: “property,” writes Madison, “is that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual.”¹⁵⁹ Madison had a wide conception of property. In a larger sense, he wrote:

It embraces everything to which a man may attach value and have a right; and which leaves to everyone else the like advantage. In the former sense, a man’s land or merchandize, or money, is called his property. In the latter sense, a man has property in his opinion and his free communication of them ... He has property very dear to him in the safety and the liberty of his person ... In a word, as a man is said to have a right to property, he may be equally said to have a property in his rights.¹⁶⁰

We can also look to public documents and statutes to get an idea of how property was understood. The North West Ordinance (1787), for instance, stated that the inhabitants of the territories it covered had the right to private property.

No man shall be deprived of his liberty of property but by the judgement of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any persons property, or to demand his particular services, full compensation shall be made for the same.¹⁶¹

This passage demonstrates the way in which property was relatively democratic in America: all men have the right to it, and nobody can be deprived from it other than by judgment of his or her peers.

¹⁵⁷ White, 2012: p. 80-108. See also, Hoffer, Peter Charles, *Law and people in colonial America*, The John Hopkins University Press, Baltimore and London, (1998).

¹⁵⁸ Alexander, 1997: p 21.

¹⁵⁹ Hunt, Gaillard, *The Writings of James Madison, comprising his Public Papers and his Private Correspondence, including his numerous letters and documents now for the first time printed*, New York: G.P. Putnam’s Sons, (1900), p. 102. Vol. 6.

http://oll.libertyfund.org/titles/1941#Madison_1356-06_466 Downloaded 02.12.2015.

¹⁶⁰ Hunt, 1900: p. 102.

¹⁶¹ Thomas: 2013: p 1033.

c) *Population, economy and social hierarchy in the colonies*

The relative ease with which one could acquire property in the colonies was an important factor in attracting immigrants to them. The southern colonies received the most immigrants and had the highest population growth amongst the colonies, and in the 1770s, 47% of the population lived in the southern states. The most distinguishing feature of these states was the existence and pervasiveness of chattel slavery – in fact, African slaves were the largest group of people coming to the colonies as a whole during the eighteenth century. Hence, slaves constituted a significant amount of the total population in the colonies; at the eve of the revolution, one out of every five people living in the colonies were slaves – that is human beings defined by law and custom as property, a commodity to be bought and sold. Slavery was largely accepted in the colonies before the revolution, and so was the notion and fact that society was a hierarchical and paternalistic one. At the top of the social hierarchy was a small group of people (around 5% of the population) that consisted mainly of merchants and large planters. Just below this small group of people was a slightly larger group of men that were educated and had professions where one did not have to work with one's hands, such as lawyers, schoolmasters and doctors. It was these two groups that provided the majority of the members to the national movement. Below this group was a large group of farmers, which was the occupation of one out of every four free males. The majority (70% as referred to above) of these farmers owned their own land; hence, to own land was a relatively reasonable and realistic expectation for a large number of the rural population. This, along with the fact that titles and privileges were not prevalent, made social mobility relatively high. Social mobility and economic advancement was, of course, more real for some than for others. Especially in the urban areas, there was an increasing concentration of capital and wealth in few hands and increasing groups of laborers who had little chance of economic and social advancement. There were also regional differences of wealth; in the south the average wealth per free wealth holder was 394 pounds, whereas in New England it was 161 pounds. This was largely because the slaves in the south had almost no wealth at all. Wealth was increasing considerably in the colonies during the eighteenth century as the economy was growing steadily, making the colonies an important component of the British imperial economy, not least through the trans-Atlantic trade in which the southern colonies were a particular central component through the slave trade and the export of staple crops.¹⁶²

¹⁶² The account of class structure in the preceding paragraph draws on Cogliano, Francis, D, *Revolutionary America 1763-1815: a political history*, Routledge, London, (1999), p 5-26. In addition

d) *The central imperial and local colonial structure of government*

The central rulers of the British Empire could, to a large degree, control wealth and trade in the colonies through decrees, acts, laws and imperial institutions. At the same time, the colonies had a large degree of autonomy and self-rule in local matters through more or less democratically-elected assemblies, where the ownership of property was normally a precondition for enfranchisement and whose main function was to vote for taxes. But in the last instance, the colonies and the people living therein were subjects to the British Crown and Parliament, and most of the colonies had, in addition to the elective assemblies, governors that were appointed by the king. These were representatives of the Crown through a string of organizations: The Lord commissioners for Trade and Plantations, the Parliamentary Committee of Plantation Affairs, and ultimately the Privy Council which exercised the ultimate authority over colonial matters. Through this system of government, wealth and political power were intertwined, and were in this sense not so far removed from feudal practices. As Gordon Wood has put it, “Translating the personal, social and economic power of the gentry into political authority was essentially what eighteenth century (colonial) politics was about.”¹⁶³ Through patronage as a medium of political and economic power, ultimately power seemed always linked back to the monarchy, to a “long chain of dependency whose end disappeared into the distant and murky corridors of Whitehall.”¹⁶⁴ The corridors of Whitehall represented a unitary, all-encompassing imperial sovereignty of the British state, and it was against this sovereignty that nationalism in America emerged. This had to do first and foremost with the widespread ownership of landed property in the colonies – which made the idea of popular sovereignty conceivable and sensible –and the marriage of this reality to certain aspects of older and contemporary political thinking in which landed property had special significance in relation to freedom.

I have relied on: Henretta, James A, “Wealth and social structure” in Greene, Jack, and J.R. Pole, *Colonial British America*, The John Hopkins University press, Baltimore and London, (1984). Jones, Alice Hanson, *Wealth of a nation to be: the American colonies at the eve of the revolution*, Columbia University Press, New York, (1980), and, Main, Jackson Turner, *The social structure of revolutionary America*, Princeton University press, Princeton, (1965).

¹⁶³ Wood, Gordon, *The radicalism of the American revolution*, First vintage book edition, New York, (1993). p 88

¹⁶⁴ Wood, 1993: p 79.

Prelude to nationalism

a) *The right to property of British subjects*

The political-theoretical context in which colonial Americans were imbedded posed a central link between property and freedom.¹⁶⁵ It was particularly land that was seen to be important, and this must be understood in the agrarian context of relative widespread landownership in which the colonists lived. Partly, the right to property was based on the assertion that the labor one engaged in, and the fruits that it produced, was exclusive to the individual – it was his property – what was properly his or her own.¹⁶⁶ To have property in this way was a necessary condition for individual freedom to exist. John Dickinson wrote in the late 1760s in response to measures from the British Parliament:

Let these truths be indelibly impressed on our minds – that we cannot be happy, without being free – that we cannot be free, without being secure in our property – that we cannot be secure in our property, if, without our consent, others may, as by right, take it away.¹⁶⁷

John Dickinson (born 1732 in Delaware) has been dubbed the penman of the revolution. Dickinson was a plantation owner and lawyer who became a contributor to the emergent national ideology in the late 1760s with the implementation of the Townshend Acts. In 1767/68 he anonymously published an attack on the act signed “A farmer”, which became known as “Letters from a farmer in Pennsylvania.” The same year Dickinson wrote “The Liberty Song” which was also an assertion of American property rights. Later Dickinson became a delegate both to the Continental Congress and the Federal Convention. Dickinson, however, refused to sign the Declaration of Independence, believing in the longest on a

¹⁶⁵ Some of the classics here are: Wood, Gordon, *The creation of the American Republic*, Norton, New York, (1969), Bailyn, 1992 and Pocock, J.G.A., *The Machiavellian moment*, Princeton university Press, Princeton and Oxford, (1975).

¹⁶⁶ This was similar how John Locke had defined property, and J.G.A. Pocock reminds us that the English word property comes from what is properly one’s own. See, Pocock, J.G.A. *Virtue, commerce and History; essays on political thought and history, chiefly in the eighteenth century*, Cambridge university Press, Cambridge, (1985), p. 56.

¹⁶⁷ John Dickinson, February 15th, 1768, in McDonald, Forrest (ed), *Empire and Nation: Letters from a Farmer in Pennsylvania (John Dickinson). Letters from the Federal Farmer (Richard Henry Lee)*, Liberty Fund, Indianapolis, (1999), p 81. http://oll.libertyfund.org/titles/690#McDonald_0010_289 29.01.2015.

reconciliation with Britain.¹⁶⁸ This was because he held the widespread view that the property rights of the colonists were inseparable from their belonging to Britain. He wrote in his *Letters from a farmer* that although the British government was sometimes unjust, Britain, and the British constitution, was also the origin and protector of the liberty of the colonists:

What have these colonies to ask, while they continue free? Or what have they to dread, but insidious attempts to subvert their freedom? Their prosperity does not depend on ministerial favors doled to particular provinces. They form one political body, of which each colony is a member. Their happiness is founded on their constitution; and is to be promoted, by preserving that constitution in unabated vigor, throughout every part. A spot, a peak of decay, however small the limb on which it appears, and however remote it may seem from the vitals, should be alarming. We have all the rights requisite for our prosperity. The legal authority of Great Britain may indeed lay hard restrictions upon us; but like the spear of Telephus it will cure as well as wound.¹⁶⁹

The colonies formed “one political body” with Britain, and “their happiness [was] founded on their constitution.” Dickinson wrote to his fellow colonists that the point was to respect both oneself and the Crown, and know what was theirs and what belonged to the Crown:

You will support the character of freemen, without losing that of faithful subjects—a good character in any government—one of the best under a British government. You will prove, that Americans have that true magnanimity of soul, that can resent injuries, without falling into rage; and that tho’ your devotion to Great Britain is the most affectionate, yet you can make PROPER DISTINCTIONS, and know what you owe to yourselves, as well as to her.¹⁷⁰

This distinction between what belonged to the individual and what belonged to the Crown should of course, wrote Dickinson, also be respected by the Crown. Nobody deserved to be deprived of what “can be properly called our own,” because this was the most fundamental right of any free man:

As long as the products of our labor, and the rewards of our care, can properly be called our own, so long it will be worth our while to be industrious and frugal. But if when we plow—sow—reap—gather—and thresh—we find, that we plow—sow—reap—gather—and thresh for others, whose PLEASURE is to be the SOLE LIMITATION how much they shall take, and how much they shall leave, WHY should we repeat the unprofitable toil? Horses and oxen are content with that portion of the fruits of their work, which their owners assign them, in order to keep them strong enough to raise successive crops; but even these beasts will not submit to draw for their masters, until they are subdued by whips and goads. Let us take care of

¹⁶⁸ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 6)*, Oxford university Press, New York and Oxford, (1999), p. 566-569.

¹⁶⁹ John Dickinson, February 15th, 1768 in McDonald, 1999: p 81.

¹⁷⁰ John Dickinson, February 15th, 1768 in McDonald, 1999: p 85.

our rights, and we therein take care of our prosperity.”SLAVERY IS EVER PRECEDED BY SLEEP.¹⁷¹

This quote demonstrates again the centrality of property ownership to the colonists’ concept of freedom: property was what made men free, and not “slaves” or like “beasts subdued by whips and goads.” We can also clearly see here the agrarian frame of reference in which Dickinson writes, referring to plowing, sowing and reaping. Property had the potential of creating independence for the individual because, by utilizing and shaping the earth through one’s labor and having exclusive (property) right to it, one created the means to act freely in the world. Property was thus understood as a natural and unrestricted right as long as it did not interfere on another’s right to do the same. In a letter that Thomas Jefferson wrote to a friend thirty years after the American Revolution, he also expressed the importance of private property if an individual was to be free:

A right to property is founded on our natural wants, in the means in which we are endowed to satisfy those wants, and the right to what we require by these means without violating the similar rights of other sensible beings.¹⁷²

Owning landed property could satisfy the wants and needs of an individual, this made him or her free. For this reason, there was also posed a link between it and political power (sovereignty). French immigrant and intellectual, John St. Hector St. Crevecoeur expressed this clearly in his *Letters from an American Farmer* (1782):

The instant I enter on own land, the bright idea of property, of exclusive right, of independence exalt my mind. Precious soil ... What should we American farmers be without the distinct possession of that soil? It feeds, it clothes us ... This formerly rude soil has been converted by my father into a pleasant farm, and in return it has established all our rights; on it is founded our rank, our freedom, our power as citizens.¹⁷³

Again we see the agrarian frame in which property was understood – that it is possession of the soil that makes an American, and gives him his rights and powers.

Before 1776, colonial Americans in general saw the right to property and their “power as citizens” as protected by the British Crown. After 1776, this changed. Due in large part to new British policies in the colonies from the early 1760s, many Americans became convinced by

¹⁷¹ John Dickinson, February 15th, 1768 in McDonald, 1999: p 81.

¹⁷² Thomas Jefferson, quoted in Kantz, Stanly, “Thomas Jefferson and the right to property in revolutionary America”, in *Journal of law and economics*, no.19, (1976), p. 475.

¹⁷³ Crevecoeur, J, Hector St John, *Letters form and American Farmer*, Everyman’s Library, London, (1971)[1782], p. 24.

1776 that, as John Adams put it in 1765, “There seems to be a direct and formal design on foot, to enslave all America.”¹⁷⁴ Slavery was the opposite of having the right to property, and Adams was led to argue Americans were being enslaved by the British government’s interference with the colonists’ right to property through its taxation. Many agreed with him. Dickinson put this expressly: “We are taxed without our own consent, expressed by ourselves or our representatives. We are therefore – slaves.”¹⁷⁵ And he continued:

If they have any right to tax us—then, whether our own money shall continue in our own pockets or not, depends no longer on us, but on them. “There is nothing which” we “can call our own; or, to use the words of Mr. Locke—WHAT PROPERTY HAVE” WE “IN THAT, WHICH ANOTHER MAY, BY RIGHT, TAKE, WHEN HE PLEASES, TO HIMSELF?”¹⁷⁶

Subjection to British parliamentary laws more and more became seen as distorting the freedom of the colonists. Adams asked in 1775 about accepting British parliamentary legislature:

Would not such an unlimited subjection of three millions of people to that parliament, at three thousand miles distance, be real slavery? There are but two sorts of men in the world, freemen and slaves. The very definition of a freeman is one who is bound by no law to which he has not consented. Americans would have no way of giving or withholding their consent to the acts of this parliament, therefore they would not be freemen.¹⁷⁷

To sustain their position as “freemen” with the right to property, the members of the American national movement found a new source of sovereignty – the American landed property structure and the people that were part of it. This idea was both latent and present in America in the decades leading up to the revolution. But before 1776, nationalism was only a potentiality, a spirit not yet materialized and that had not yet found its way into the world. However, from the 1760s onwards, conflicts with the center of the empire, ultimately caused by the property structure in the American colonies,¹⁷⁸ created an opening for the spirit to enter.

¹⁷⁴John Adams, October 21st, 1765, in Taylor, Robert, J, (ed), *Papers of John Adams: Volume 1*, The Belknap Press, Cambridge Massachusetts, (1977), p. 127. Adams was born in 1735 and was educated to become lawyer. His main contributions to a national ideology started after the introduction of the Stamp Act in 1765. One of his responses to this was his writing of “A dissertation on the canon and feudal law” (1765), which demonstrates very well the historical and propertied nature of nationalism. Another representative piece on the national ideology was written nine years later, known as “The Novanglus essays” (1774) Carnes, C Mark and John A Garrtaty, (eds) *American National biography (Vol, 1)*, New York and Oxford, Oxford university Press, (1999), p 100-111.

¹⁷⁵ John Dickinson, January 11th, 1768 in McDonald, 1999: p 45.

¹⁷⁶ John Dickinson, January 11th, 1768 in McDonald, 1999: p 45.

¹⁷⁷ John Adams, January 30th, 1775, in Thompson, Bradly, *The Revolutionary Writings of John Adams*, Indianapolis, Liberty Fund, (2000), p 164,

http://oll.libertyfund.org/titles/592#Adams_0284_458 Downloaded 29.01.2015.

¹⁷⁸On the imperial power structure see, Greene, Jack P, *Peripheries and center: constitutional development in the extended polities of the British Empire and the United states, 1607-1788*, The

It is to the realization of political ideology of *the amalgamation of people, property and sovereignty* that we now turn.

b) *Enter the spirit: The triggering factors*

Imperial politics from the 1760s onwards brought some complex issues about sovereignty to the surface. As Jack P. Green once put it, at the end of the Seven Years War (known as the French and Indian war in America), “the only certainty about constitutional arrangements within the large extended polity that constituted the early modern British Empire was their uncertainty.”¹⁷⁹ When suddenly and glaringly brought to the surface, these issues created feelings of deep dissatisfaction in the colonies. The end of the Seven Years War was a major event causing issues over sovereignty to be displayed. Britain’s victory in this war eliminated the French threat in the north, creating a state of political security for the colonists not seen before. This also opened up vast amounts of new land for potential settlement, but the British government responded to this by creating the Proclamation Line, which basically restricted the colonists from settling the new land. These were probably some of the immediate factors contributing to independence. Indeed, the Proclamation Line can be seen as the first of many parliamentary restrictions on the colonists’ real or perceived rights. There came many more restrictions, for the Seven Years War, as all wars, costed money. British politicians only thought it fair that the colonists contributed to the payment of this war – after all, the war had been fought largely to protect them. Thus, in 1764, the Sugar Act and the Currency Act were passed, the former levying new duties on textiles, wines, coffee and sugar shipped to the colonies, the latter forbidding the colonists from using their own paper money for payment of debts. Then came the Stamp Act in 1765, creating revenue on stamps required on most printed commodities. The Quartering Act of the same year stated that the colonists were to house and feed British troops stationed there. In 1767 the Townshend Act was initiated, increasing duties on a range of imported commodities, creating a Board of Customs Commissioners in Boston and more vice-admiralty courts. These measures were greeted with provocation by the colonists, and the presence of British troops made the situation more tense. On 5 March 1770, the tension resulted in the “Boston Massacre,” where five civilians were killed when a British

university of Georgia Press, Athens and London, (1986). For the uniting factor of the property structure, see White, 2012: p. 102-107. And, Appleby, Joyce, *Capitalism and a new social order: the republican vision of the 1790s*, New York University Press, New York and London, (1984), p 39-46.

¹⁷⁹ Greene, 1986: p. 79.

soldier fired into a crowd after being assaulted. After this, the British Parliament repealed many of its previous acts. But when the Tea Act of 1773 was enacted, unrest broke out again with the infamous Boston Tea Party. After this, parliament passed the Coercive Acts (or the Intolerable Acts) in 1774, which stated the parliament's absolute and final legislative authority over the colonies. It also closed the Port of Boston and replaced the Massachusetts Assembly with a body appointed by the colonial governor. It were these measures against the colonists that created an opening through which the spirit of nationalism could enter. And it was the American property structure of relatively widespread landownership that provided a worldly form for the spirit – without it, the spirit would have remained an apparition only. Widespread landownership and the protection of the right to hold land in such a situation spawned an ideology where popular sovereignty and landed property became interconnected.

Nationality unleashed

a) Sage of nationalism: Thomas Jefferson

The members of the national movement started asserting their right to property against the British Crown and Parliament based on their perceived historical rights to land. Thomas Jefferson, the slave-owning freeman of Virginia, provides us with a most clear and systematic expression of the historical vision. Jefferson hangs as a looming spectre over revolutionary America. As principal author of the *Declaration of Independence*, he inevitably becomes a key figure when exploring revolutionary discourse. Jefferson was born in Virginia in 1743, and it was in this colony that he also settled as a young adult as a plantation owner and slaveholder. But Jefferson also practiced as a lawyer and was a local representative of the House of Burgess in the early 1770s. Jefferson's contributions to a national ideology started after the passing of the Intolerable Acts with his writing of "A summary view of the rights of British America" (1774), which is a clear example of the historical and propertied nature of the national ideology. Then, one year later, when the Continental Congress was constituted, Jefferson became a representative from Virginia, and it was in this role that he drafted the *Declaration of Independence* (1776). After the revolution Jefferson occupied various political positions, including Minister to France (1785-89) and Secretary of State (1790-93), but most

importantly, perhaps, as President from 1801-1809, during which he practiced his own vision of nationalism.¹⁸⁰

History became a way to define the proper relationship between property and society for Jefferson. George S. Alexander has suggested that this vision might be summed up in Jefferson's famous statement that "the earth belongs to the living"; Alexander writes: "That the earth belongs to the living, then, represents an attempt to create public meaning of property in the new republic in terms of time."¹⁸¹ In Jefferson's vision, individuals are free by his property not only from present arbitrary inference, but also from feudal and aristocratic bondage which could be inherited from the past. An important feature of the national understanding of freedom was that the individual was situated with his exclusive right to property in empty, homogenous time.¹⁸² With this understanding, Jefferson could, like some ancient sage, conjure up a historical vision of progress, with the promise of a lost hope fulfilled again – the freedom of the individual. Thus he started "A Summary View of the Rights of British America" – a tract written before the first continental congress in 1774 which set down a list of grievances against the British king and parliament – by invoking the first settlers, America's ancient ancestors: "Our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe ...",¹⁸³ from which he continues:

America was conquered, and her settlements made, and firmly established, at the expence of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual; for themselves they fought, for themselves they conquered, and for themselves alone they have right to hold.¹⁸⁴

Nevertheless, the colonial ancestors, according to Jefferson, choose to adopt British laws:

Under which they had hitherto lived in the mother country, and to continue their union with her by submitting themselves to the same common sovereign, who was thereby

¹⁸⁰ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 11)*, New York and Oxford, Oxford university Press, (1999), p 909-917.

¹⁸¹ Alexander, George S, *Commodity and property: competing visions of property in American legal thought*, The university of Chicago Press, Chicago and London, (1997). P. 27.

¹⁸² The term "empty homogeneous time" was originally used by Walter Benjamin, in Benjamin, Walter, "On the Concept of History", (1940), <https://www.marxists.org/reference/archive/benjamin/1940/history.htm> Downloaded 27.10.2015. In the study of nationalism the term has been popularized by Benedict Anderson, in Anderson, 2006.

¹⁸³ Thomas Jefferson, July, 1774, in Boyd, Julian, (ed), *The papers of Thomas Jefferson: volume 1*, Princeton University Press, Princeton, New Jersey, (1950), p 121.

¹⁸⁴ Thomas Jefferson, July, 1774, in Boyd, 1950: p 122. Vol 1.

made the central link connecting the several parts of the empire thus newly multiplied.¹⁸⁵

This did not mean, however, that the British Parliament had any right to interfere with the property of the colonists. Jefferson writes:

Shall these governments be dissolved [the colonial governments], their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? ... Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found ... slaves.¹⁸⁶

The colonists were not slaves however; they were freemen because of the nature of their landholdings, which they had inherited from their ancestors;

Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, disencumbered with any superior, answering nearly to the nature of those possessions which the feudalists term allodial. William, the Norman, first introduced that system generally ... America was not conquered by William the Norman, nor its lands surrendered to him, or any of his successors. Possessions there are undoubtedly of the allodial nature. Our ancestors, however, who migrated hither, were farmers, not lawyers. The fictitious principle that all lands belong originally to the king, they were early persuaded to believe real.¹⁸⁷

The colonial ancestors may not have been lawyers, only freeholders. Jefferson, however, was both a lawyer and a freeholder – he could not be fooled by the “fictitious principle.” Indeed, he knew and held that “our properties within our own territories shall [not] be taxed or regulated by any power on earth but our own.”¹⁸⁸ Americans constituted a distinct people of free, landed individuals, and according to Jefferson, they thus had the right to form their own government in order to preserve their property, as it is declared in the *Declaration of Independence*:

It becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them.¹⁸⁹

Brian Steele has suggested that only after independence, in retrospect, can “A Summary View” be seen as a part of a national history of legitimization. Furthermore, Steele suggests that

¹⁸⁵ Thomas Jefferson, July, 1774, in Boyd, 1950: p 122. Vol 1.

¹⁸⁶ Thomas Jefferson, July, 1774, in Boyd, 1950: p. 126. Vol 1.

¹⁸⁷ Thomas Jefferson, July, 1774, in Boyd, 1950: p. 132. Vol 1.

¹⁸⁸ Thomas Jefferson, July, 1774, in Boyd, 1950: p. 133. Vol 1.

¹⁸⁹ Thomas Jefferson, July 4th, 1776, in Boyd, 1950: p. 429. Vol 1.

Jefferson was more radical than anyone else in his assertions, because he claimed that historically, not only had the parliament never held any rights over the colonies, but neither had the king.¹⁹⁰ I do not think this is as important as is the fact that Jefferson claims the colonists' rights on account of an American history in "A Summary View" – and that property is integral to his argument. It is in fact this that is being done in *The Declaration of Independence* as well: the claims of universal natural rights made therein may be seen as an expression of the American national character that, as Steel himself put it, "legitimizes the statehood of the entity that will have the charge ... of securing those rights."¹⁹¹ It was property that was the most fundamental of these rights and the main reason for declaring independence. It was around landed property that the national history and the new nation-state were built. In a draft to an act that became part of the Sessions Act of May 1779, Jefferson stated this quite directly: before the separation with the British Empire, Jefferson wrote, the colonists had "all the rights of natural born subjects in the other [parts of the empire], & so might lawfully take & hold real property." However,

When by the tyrannies of that [the British] prince, & the open hostilities committed by his armies & subjects inhabitants of the other parts of his dominions on the good people of the sd United States they are obliged to wage war in defense of their rights & finally to separate themselves from the rest of the British empire.¹⁹²

b) *The common sense of Thomas Paine*

By the summer of 1776, the American property rights and freedoms were understood by most members of the national movement as self-sustained, self-evident rights that were no longer dependent on Britain.¹⁹³ This was now, we could say, *Common sense*, which was the title of

¹⁹⁰ Steele, Brian, *Thomas Jefferson and American nationhood*, Cambridge University Press, Cambridge, (2012), p. 24.

¹⁹¹ Steele, 2012: p. 40

¹⁹² Thomas Jefferson, June, 4th 1779, in Boyd, Julian, (ed), *The papers of Thomas Jefferson: volume 2*, Princeton University Press, Princeton, New Jersey, (1950).

¹⁹³ Many others expressed the national vision in the same manner as Jefferson. John Adams in 1765 agreed with Jefferson that the colonists had freedom on account of being American. "We have a right", he wrote in his *Dissertation on the canon and Feudal law*, "derived from our maker." But "if we had not, *our fathers have earned and bought it for us*, at the expense of their estates, their pleasures, and their blood." The colonists, when they arrived, had "formed their plan, both of ecclesial and civil government, in direct opposition to the cannon and the feudal systems. John Adams, September 30th 1765, in Taylor, 1977, Vol 1: p. 120 – 121." Feudalism, for Adams, represented "the most impertinent and fantastical ideas that ever got into a human pericranum." He said later in his *Novalnglus essay* John Adams, March 13th, 1775, in Taylor, Robert, J, *Papers of John Adams, Volume 2*, The Belknap Press, Cambridge, Massachusetts, (1977), p 331. And everyone that had written on the subject said Adams, knew that; "to have any right to life or property or freedom more than the beasts

Thomas Paine's extremely popular pamphlet, concluding already in January 1776 that, "Tis time to part!"¹⁹⁴ with Britain. Paine was a recent English immigrant to America – he had gotten there only in 1774 after Benjamin Franklin had given him a letter of recommendation. Paine's life in England had been turbulent. He lived in London in the winter of 1757-58 where he became acquainted with Newtonian rationalism, something that probably greatly influenced his politics of natural law. Paine later held positions as a teacher and revenue officer, but in 1774 he was fired from the latter job, his belongings sold and his wife divorced him. It was then that a friend introduced him to Franklin and he came to America.¹⁹⁵ That Paine, an Englishman, started so forcefully to advocate for the rights of the Americans, might, for one, be another indicator of the Englishness of the rights that the colonists were advocating.¹⁹⁶ But these rights were increasingly understood, at least in America, as universal rights. In *Common Sense*, Paine explained that separation with Britain was on the grounds of natural universal rights:

The cause of America is in a great measure the cause of all mankind. Many circumstances have, and will arise, which are not local, but universal, and through which the principles of all lovers of mankind are affected, and in the event of which their affections are interested. The laying a country desolate with fire and sword, declaring war against the natural rights of all mankind, and extirpating the defenders thereof from the face of the earth, is the concern of every man to whom nature hath given the power of feeling.¹⁹⁷

Freedom was now seen to be antithetical to the British constitution, and it was the monarchical and aristocratic elements of it that made it unfit for proper freedom, and which had made it necessary to part, wrote Paine. It was the character of the people that made nations free. Only if they themselves governed and made laws could independency exist. Paine wrote:

of the field, and who was not hired or enlisted under arbitrary, lawless power, has been always willing to admit the feudal system to be inconsistent with liberty and the rights of mankind". John Adams, August 19th 1765, in Taylor, 1977, Vol 1: p. 117.

¹⁹⁴ The whole quote reads: "Everything that is right or reasonable pleads for separation. The blood of the slain, the weeping voice of nature cries; TIS TIME TO PART!" Thomas Paine, January 10th 1776, in Conway, Moncure Daniel, *The Writings of Thomas Paine*, New York, G.P. Putnam's Sons, (1894), p 90. Vol. 1. http://oll.libertyfund.org/titles/343#Paine_0548-01_160 Downloaded 19.01.2015.

¹⁹⁵ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 16)*, New York and Oxford, Oxford university Press, (1999), p 925-928.

¹⁹⁶ As Greenfel has stated it "the main reason why the colonists so strongly asserted their freedom and wanted a break with England, was "because their national identity was English", Greenfeld, 1993; p 412.

¹⁹⁷ Thomas Paine, January 10th, 1776, in Conway, 1894: p 68. Vol 1.

Independency means no more, than, whether we [the people] shall make our own laws, or whether the king, the greatest enemy this continent hath, or can have, shall tell us “THERE SHALL BE NO LAWS BUT SUCH AS I LIKE.”¹⁹⁸

The king’s sovereignty is here refuted in favor of that of “the people”. To base sovereignty on the people, however, meant in actuality to base sovereignty on the right to landed property. The idea of popular sovereignty was interconnected with the assertion of the centrality of individual property ownership in establishing freedom for the individual. These two ideas were married at least since the writing of the *Declaration of Independence*. Below I shall demonstrate this through looking at debates during and around the Federal Constitutional Convention.

Nationalism and the federal constitution: amalgamating people, property and sovereignty

a) Origins of the constitution

In the midst of the Revolutionary War, in 1781, the thirteen colonies signed the Articles of Confederation, which established a loose union between the states. This was to ensure the rule of the people. But government by the people proved difficult to organize: the Revolutionary War had left the various colonies and the Continental Congress with huge debts that proved difficult to pay, especially since the Articles of Confederation did not vest the central government with the power of taxation. Serious financial issues created much unrest and debate amongst various factions, groups and classes. An infamous example of this was the 1786/1787 insurrection in Massachusetts, known as Shay’s Rebellion, against federal taxes in which local farmers arose in armed revolt against the central authorities. John Jay’s complaint here about “the insecurity of property”¹⁹⁹ may sum up the general concern at the time in the national movement and the primary principle of nationalism. By the fall of 1787, as Edmund Randolph (1753-1813) of Virginia put it, it had become clear to many, if not most, “that the

¹⁹⁸ Thomas Paine, January 10th, 1776, in Conway, 1894: p 95. Vol 1.

¹⁹⁹ John Jay, quoted in, Larkin, Pascal, *Property in the eighteenth century: with special reference to England and Locke*, Cork university Press, Dublin and Cork, (1930). p.153. Thomas Jefferson of course famously proclaimed in the wake of this rebellion that “a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical ... it prevents the degeneracy of government”, Thomas Jefferson to James Madison, January 30th, 1787, in Boyd, Julian, *The papers of Thomas Jefferson: volume 10*, Princeton University Press, Princeton, New Jersey, (1955), p. 93. But the security of property was as essential to Jefferson as to Jay, although the two men had different ideas of how this was to be done.

confederation fulfilled *none* of the objects for which it was framed”²⁰⁰ – e.g. the protection of the property rights and freedoms of Americans. Thus, the colonists started work on a new constitution that created a stronger federal government, which was ratified in 1789.

The constitution, propagated by people who came to be known as Federalists, was ratified under much debate, and it was not so obvious to everyone that a stronger government in the manner in which the new constitution suggested was the safest bulwark against “the insecurity of property.” George Mason made a reflection on this in a letter to his son sent from the Federal Convention, which might sum up the general ambiguous position on the subject. Mason reflected:

The revolt from Great Britain and the formations of our new governments at that time, were nothing compared to the great business now before us; there was then a certain degree of enthusiasm, which inspired and supported the mind; but to view, through the calm, sedate medium of reason the influence which the establishment now proposed may have upon the happiness or misery of millions yet unborn, is an object of such magnitude, as absorbs, and in a manner suspends the operations of the human understanding. . . .²⁰¹

At time of the Federal Convention, the “enthusiasm” from the revolution had transformed in many minds into a form of discouragement in front of the serious and difficult task that lay ahead, into “such magnitude ... that suspends the operations of the human understanding.” How were liberty and property actually to be secured? As George Washington put it in a letter to a friend, the people were practically screaming for an answer:

The pressure of the public voice was so loud, I could not resist the call to a convention of the States which is to determine whether we are to have a Government of respectability under which life — liberty, and property will be secured to us, or are to submit to one which may be the result of chance or the moment, springing perhaps from anarchy and Confusion...²⁰²

“The whole Community” was anxious with this question. “And there can be no doubt but that the result will in some way or other have a powerful effect on our destiny,” wrote James Madison to Thomas Jefferson, who at the time, was in France serving as Minister for the Confederation.²⁰³

²⁰⁰Edmund Randolph, May 29th, 1787 in Farrand, Max (ed), *The Records of the Federal Convention of 1787*, New Haven, Yale University Press, (1911), p 25. Vol. 1.

http://oll.libertyfund.org/titles/1057#Farrand_0544-01_209 Downloaded 19.01.2015.

²⁰¹George Mason to George Mason Jr, June 1st, 1787, in ,Farrand, 1911:p 33. Vol. 3.

²⁰²George Washington to La Fayette, June 6th, 1787, in Farrand, 1911: p 34. Vol. 3.

²⁰³James Madison to Thomas Jefferson, June 6th, 1787, in Farrand, 1911: p 36. . Vol. 3.

b) *Popular landownership, popular sovereignty*

The debates over the constitution were in the broadest about centralization of sovereignty. Adopting a national constitution would mean a reduction of the sovereignty of the individual states as had been established with the Articles of Confederation, and the critics of the constitution (the anti-federalists) claimed that this would put the rights and liberties of the people in danger.²⁰⁴ The debates over the issue of centralization of sovereignty actually show, however, the cementation of a broader, overreaching view of the connection between property and popular sovereignty. This idea transcended the differences between the Federalists and the Anti-federalists – there was a common underlying vision. It should be no surprise that this was the case, and that this vision was similar to, for example, Jefferson’s ideas about property and sovereignty: the people who drafted the constitution were an elite of land and plantation owners like Jefferson – and wealthy merchants. Thirty-four were lawyers like Jefferson.²⁰⁵ The Anti-federalist tended to be less wealthy, but also these men were primarily men of landed property, generally small farmers.²⁰⁶ It must be significant also that all these men had the common reference that was the myth and reality of America, where landownership was relatively widespread and where new land was available. Because of this, the freedom derived from landholding became coupled with popular sovereignty. The mixing of popular sovereignty with individual landholding was a direct result of the relative widespread ownership of landed property in the US. Sovereignty was popular because property was popular. Noah Webster²⁰⁷ pointed this out quite directly:

²⁰⁴ The critics of the constitution became known as the anti-federalists, but they had the same property assumptions. For some works on the anti-federalists see, Cornell, Saul, *The other Founders: anti-federalism and the dissenting tradition in America*, University of North Carolina Press, Chapel Hill, (1999), and Main, Jackson Turner, *The Antifederalists, Crisis of the constitution, 1781-1787*, University of North Carolina Press, Chapel Hill, (1962). There is also an interesting comment on the federal convention that might have summed up the anti-federalists views on the matter in Wills, Garry, *Inventing America; Jefferson’s Declaration of independence*, Doubleday, New York, (1978). Wills writes: “The convention that drew up the constitution went far beyond their mandate; in effect, smuggled a new nation in upon the continent rather than bringing it forth by intellectual impregnation. The founding legends begins to look more like a case of Sabine rape than virginal conception.” Wills, 1978: p Xvii.

²⁰⁵ The classic account of the class composition of the constitutional conventions is Beard, Charles, *An Economic interpretation of the constitution of the United States*, Free Press, New York, (1941). For a modern engagement with the book and the constitution see, MacDonald, Forrest, *We the People: the economic origins of the constitution*, Transaction publishers, New Brunswick, (1992). Cogliano, 1999: p.115-125, also has a clear and substantial overview on which I have relied.

²⁰⁶ See Main: 1962: p. 1-21.

²⁰⁷ Noah Webster is probably most well-known for his 1828 publication, *An American dictionary of the English language*. But he was also a firm supporter of federalist nationalism. Webster was born in 1758 as the son of a Connecticut farmer, and went to study languages and law at Yale College. During the 1780s he worked as a teacher, but in 1793 he became editor of a federalist newspaper in New

A general and tolerably equal distribution of landed property is the whole basis of national freedom: The system of the great Montesquieu will ever be erroneous, till the words property or lands in fee simple are substituted for *virtue*, throughout his *Spirit of Laws*.²⁰⁸

And Webster continued:

Virtue, patriotism or love of country never was and never will be, till men's natures are changed, a fixed, permanent principle and support of government. But in an agricultural country a general possession of land in fee simple may be rendered perpetual.²⁰⁹

Charles Pinckney (1757-1824) of South Carolina, delegate to the constitutional convention, made a similar statement at the convention:

The people of the U. States are perhaps the most singular of any we are acquainted with. Among them there are fewer distinctions of fortune & less of rank, than among the inhabitants of any other nation. Every freeman has a right to the same protection & security; and a very moderate share of property entitles them to the possession of all the honors and privileges the public can bestow: hence arises a greater equality, than is to be found among the people of any other country, and an equality which is more likely to continue — I say this equality is likely to continue, because in a new Country, possessing immense tracts of uncultivated lands, where every temptation is offered to emigration & where industry must be rewarded with competency, there will be few poor, and few dependent ... the whole community will enjoy in the fullest sense that kind of political liberty which consists in the power the members of the State reserve to themselves, of arriving at the public offices, or at least, of having votes in the nomination of those who fill them.²¹⁰

It was for this reason that the people (because they had property) could be the sovereign. And it was for this reason that the people could also be the protector of the right to property: “He that is wise” reflected Thomas Paine, will see that “the safest asylum ... is, the love of the people. All property is safe under their protection.”²¹¹ In a later pamphlet, *Agrarian Justice* (1797), Paine also gives the people, led on by revolutionary principles, a key role in securing landed property, and in handing out justice to those who do not have property.²¹²

York. Webster had, since the Federal Convention, been a strong supporter of federalist ideas. Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 22)*, New York and Oxford, Oxford university Press, (1999), p 874-875.

²⁰⁸ Noah Webster, October 17th, 1787, in Sheehan Colleen A and Gary L. McDowell (eds), *Friends of the Constitution: Writings of the “Other” Federalists, 1787-1788*, Indianapolis, Liberty Fund, (1998), p 400. http://oll.libertyfund.org/titles/2069#lfSheehan_1174 29.01.2015

²⁰⁹ Noah Webster, October 17th, 1787, in Sheehan and MacDowel, 1998: p. 400.

²¹⁰ Charles Pinckney, June 25th, 1787, in Farrand, 1911: p. 399, Vol.1.

²¹¹ Thomas Paine, April 8th, 1776, in Conway, 1894: p. 159. Vol 1.

²¹² In the pamphlet, Paine claims that landed property is a product of civilization, and that at first all the earth was the common property of all men. Therefore property was unjust. Because property did create inequality, society should mend this by creating a national fund which every year should give a certain amount of money to all the members of the nation. This, however, “could not be brought

c) *Propertied individuals as sovereign people*

During the federal convention, George Mason observed that:

A new set of ideas seems to have crept in since the articles of confederation were established. Conventions of the people, or with power derived expressly from the people, were not then thought of.²¹³

The sovereignty of the people had indeed become a pervasive principle in America by the time the constitution was written. Noah Webster wrote in his “An examination into the leading principles of the federal constitution” (1787), that, “the source of power is in the people of this country, and cannot for ages, and probably never will be, removed.” However, Webster also asked rhetorically in the same text; “in what ... does real power consist?” and answered thus, “ the answer is short and plain – in property.”²¹⁴ The two principles to which Madison and Webster refer show that the sovereignty of the people was based on the sovereignty of every individual, and that the sovereignty of the individual was based on his or her right to (landed) property. There was no contradiction between Webster’s two assertions (power in the people, and real power in property); and the “new set of ideas” that Mason felt had “crept in” were not that new. Popular sovereignty was constituted by consenting propertied individuals – it was derived from the freedom and powers that the colonists, as we saw, attributed to ownership of property. Alexander Hamilton wrote in Federalist no. 81, “it is inherent in the nature of sovereignty, not to be amenable to the suit of an individual without its consent.”²¹⁵ But, said George Washington, “to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all”²¹⁶ it was essential that “individuals entering into society, must give up a share of liberty to preserve the rest.” Hamilton and Washington were talking of consolidating a federal union here, but in doing so they demonstrates the general principle of American nationalism. John Jay (1745-1829) also pointed to this. Jay was born to a wealthy merchant family in New York, and became a legal practitioner in 1768. In 1774 he was elected

forward afterwards till heaven had opened the way by a revolution in the system of government.” Thomas Paine, January, 1797, in Conway, 1894: p 331. Vol 3. In other words, a government by the people will protect property.

²¹³George Mason, July 23, 1787, in Farrand, 1911: p 92. Vol. 2.

²¹⁴ Noah Webster, October 17th, 1787, in, Sheehan and McDowell, 1998: p. 398.

²¹⁵ Alexander Hamilton, May 28th, 1788, in Cooke, Jacob E (ed), *The Federalist*, Wesleyan University Press, Middletown, Connecticut, (1961), p 548-549.

²¹⁶ George Washington, September 17th, 1787, in Carey, George W and James McClellan, *The Federalist (The Gideon Edition)*, James McClellan Indianapolis: Liberty Fund, (2001), p. 423.

http://oll.libertyfund.org/titles/788#Hamilton_0084_1322 Downloaded 19.09.2014.

as a member of the First Continental Congress. He was not a member of the Federal Convention, but became a strong advocate of the federal constitution, co-writing the Federalist Papers with James Madison and Alexander Hamilton.²¹⁷ In Federalist no 2, he wrote about government:

Nothing is more certain than the indispensable necessity of government; and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers.²¹⁸

This was an argument for the centralization of powers in the federal government from the states. But the principle is the same: the interest that the individual has in property (his or hers freedom) becomes transferred to society as a whole. The thoughts of Gouverneur Morris (1752-1816) of Pennsylvania, a delegate to the Federal Convention, is telling of this on an individual level. As the Convention records state, Morris reflected on representation to the federal government and:

He thought property ought to be taken into the estimate as well as the number of inhabitants. Life and liberty were generally said to be of more value, than property. An accurate view of the matter would nevertheless prove that property was the main object of Society. The savage State was more favorable to liberty than the Civilized; and sufficiently so to life. It was preferred by all men who had not acquired a taste for property; it was only renounced for the sake of property which could only be secured by the restraints of regular Government.²¹⁹

There was created a propertied community as individuals alienated some of their liberty (based on their ownership of land) in order to maintain their right to property. Thomas Paine seems to have agreed with Morris. He explained in *Common Sense* that: “Society in every state is a blessing, but government, even in its best state is but a necessary evil.” However, to protect his property, man:

Finds it necessary to surrender up a part of his property to furnish means for the protection of the rest; and this he is induced to do by the same prudence which in every other case advises him, out of two evils to choose the least. Wherefore, security being the true design and end of government, it unanswerably follows that whatever form thereof appears most likely to ensure it to us, with the least expence and greatest benefit, is preferable to all others.²²⁰

Government was supposed to be instituted to protect the rights of property for all, and based on the right to property of all. In *Agrarian Justice*, Paine said that private property was the

²¹⁷ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 11)*, New York and Oxford, Oxford university Press, (1999), p 891-894.

²¹⁸ John Jay, October 31st, 1787, in Cooke, 1961: p. 8.

²¹⁹Gouverneur Morris July 5th, 1787, in Farrand, 1911: p. 534. Vol. 1.

²²⁰ Thomas Paine, January 10th, 1776, in Conway, 1894: p. 69. Vol. 1.

product of civilization, but that in reality all men had the earth in common, and thus all men had a property right to it. Private property was therefore in one sense unjust. One could not, however, abolish private property – that would be unjust to the present owners –, but with a government of the people, one could make it just, and secure some property for all.²²¹ Federalist Alexander Hamilton was also clear on the point in deciding to enter into government: it was “the additional security which its adoption will afford to republican government, to liberty, and to property.”²²² Or, as Webster put it:

an equality of property, with necessity of alienation, constantly operating to destroy combinations of powerful families, is the very soul of a republic – while this continues, the people will inevitably possess both power and freedom.²²³

d) *The rule of law*

The way in which the people protected property was through legislative power – the rule of law. As we saw, Thomas Paine already in 1776 stated this as fundamental to “independency.” Jefferson agreed, and wrote in a letter to a friend nearly forty years after the revolution:

Everyone, by his property, or his satisfactory situation, is interested in the support of law and order. And such men may safely and advantageously reserve to themselves a wholesome control over their public affairs.²²⁴

And again we can see how the rule of law, or popular sovereignty, is dependent on widespread ownership of land. “Here” [in America] said Jefferson, “Everyone may have land and labor for himself.”²²⁵ This was a new form of government, very different from the “aristocratic” type found before (“A government adopted to such men would be one thing; but a very different one that for the men of these states”²²⁶). It was because property was widespread in America

²²¹ Paine wrote that “It is a position not to be controverted that the earth, in its natural uncultivated state was, and ever would have continued to be, *the common property of the human race*. In that state every man would have been born to property.” Private property was thus unjust. “The fault, however, is not in the present possessors. No complaint is tended, or ought to be alleged against them, unless they adopt the crime by opposing justice. The fault is in the system ... But the fault can be made to reform itself by successive generations; and without diminishing or deranging the property of any of the present possessors, the operation of the fund can yet commence, and be in full activity, the first year of its establishment, or soon after, as I shall show.” Thomas Paine, January, 1797, in Conway, 1894: p 329-332. Vol 3.

²²² Alexander Hamilton, October 27th, 1787, in Carey and McClellan, 2001: p 4.

²²³ Noah Webster, October 17th, 1787, in Sheehan and McDowell, 1998: p 402.

²²⁴ Thomas Jefferson to John Adams, October 28th, 1813, in Looney, J, Jefferson, *The papers of Thomas Jefferson: retirement series, volume 6*, Princeton University Press, Princeton and Oxford, (2009), p. 566.

²²⁵ Thomas Jefferson, to John Adams, October 28th, in Looney, 2009: p. 566.

²²⁶ Thomas Jefferson, to John Adams, October 28th, in Looney, 2009: p. 566.

that the people could be sovereign, assume power of government, as lawmakers. Similar to Jefferson, smallholding farmer William Manning wrote that it was “asserted by the many that government is founded on property,” and that the protection of this right was “the sole end of government.”²²⁷ To achieve such a government, one had:

To be governed by known laws in which the whole nation had a voice in making by full and fair representation, and in which all the officers in every department are (or ought to be) servants and not masters.²²⁸

Manning was born in rural Massachusetts in 1747 and stayed there as a farmer all his life. In 1775 he participated in some of the first acts of violence during the American Revolution, which he later saw as an important moment in his political awakening. “I saw almost the first blood that was shed,” Manning reflected, “and scores of men dead, dying and wounded in the cause of Liberty.”²²⁹ This, he claimed, awoke his political interest. During the 1790s he became a member of the Democratic-Republican party, and he drafted political pamphlets. None of his writings were published during his lifetime however, and only in 1922 was his main work, *Key of Liberty*, published.²³⁰ That Manning the small holder, and Jefferson the slave holding plantation owner held similar ideas about property and sovereignty might once again accentuate the common national vision in this time period – to be found also amongst the Federalists. We might end this topic by once more going back to Federalist Noah Webster’s text quoted at the beginning of this section. Webster wrote that it was the majority of the people that were to make laws in a free society. Through a strong executive based on widespread ownership of land, one was to ensure a society “where laws govern, and not men ... The laws are the sole guardians of right ...”²³¹ When power was based on widespread ownership of land as Webster had asserted, then one had popular sovereignty, the rule of law.

Conclusion

Webster’s reference to law points to the fact that rule of law, made by the people, was an essential feature about American nationalism and its relation to property. If a wide class of propertied men made the laws to which they themselves were bound, then property was secure.

²²⁷ William Mannong, 1798, in Merrill, Michael and Sean Wilentz, *The Key of liberty: life and democratic writings of William Manning “a laborer”, 1747-1814*, Hayward University Press, Cambridge, Massachusetts, (1993)[1922], p 131 and p 135

²²⁸ William Manning, 1798, in Merrill and Wilentz, 1993: p.130

²²⁹ William Manning, 1798, in Merrill and Wilentz, 1993: p. 16.

²³⁰ I have relied on the information in Merrill and Wilentz, 1993: Preface and p. 14-21.

²³¹ Noah Webster, October 17th, 1787, in Sheehan and McDowell, 1998: p 380.

This was national, popular sovereignty. It is this that constitutes the connection between the sovereignty of the people and the power of property. The ideas found here were informed by the peculiar American property structure, where ownership of land was relatively widespread. This provided the foundation to construct a narrative of American land rights and freedoms, which was also influenced by a tradition of English or British rights. When the British Parliament started interfering on the property rights of American colonists, then British rights were asserted as American rights, based on the property relations of the colonies. It was through this that the conceptual amalgamation between property, sovereignty and people was made and became the core of American nationalism and which is why we may call the American nation a Propertied community. Since the *amalgamation of people, property and sovereignty* was bound together by law, it became a central issue of who specifically should be vested with legislative power. The answer to this question was contested, and changed over time. This was interwoven with different ways of understanding the right to property, and as the nineteenth century progressed this came to affect also the issue of slavery and the idea of national sovereignty. It is to these issues that I turn in the next chapter.

Chapter 5: American nationality fulfilled; or the second coming of nationalism – expanding the propertied community

Outline of the argument

This chapter explores and explains more deeply the logic of the national ideology as it was after a nation-state had been created. I look at various ways in which the property rights of the individual were fulfilled as the nation went from agrarian to industrial. I apply the term *the first form of the nation* and *the second form of the nation*, which will be discussed in turn.

The discussion of *the first form of the nation* somewhat overlaps with the timeframe of the previous chapter (i.e. the constitutional convention and the federalist debates), but the discussion stretches until Jefferson's first presidency. The main topic of this section is the ideology of national propertied democracy, and it shows how *the amalgamation of property, people and sovereignty* was constituted in a way where sovereignty of the people and property were seen to be secure through a propertied democracy based on landed or real property. The evidence that I invoke is derived mostly from Thomas Jefferson. I also invoke Alexander Hamilton to show how the idea of property was flexible from the outset, and I invoke the disagreement between Hamilton and Jefferson about the nature of the national sovereignty. By doing this I point to the origins of *the second form of the nation* (and its creation through the civil war) as already present in the first years of the nation's existence.

When moving to discuss *the second form of the nation*, some contextual background of social and economic development of the first half of the nineteenth century will first be given. This is because *the second form of the nation* is inseparable from these changes, which brought forth a more industrialized and market-based society. This section explicates how the *amalgamation of property, people and sovereignty* became constituted in a way where the right to property became more abstract and separated from real property. This will be connected to the strengthening of national sovereignty and the idea of property as a right to the fruits of one's labour, and explored primarily through the abolition of slavery.

This section will introduce William Seward's "irrepressible conflict" speech in order to set the scene for the conflict about slavery. I then look at the pro-slavery ideology in the antebellum and civil war eras, and the Republican ideology as it were by the early 1860s with focus on the notion of property. I focus primarily on the Republican ideology because this came to be the most popular and forceful expression of the nation in its second form, and it was

republicanism that came to reiterate and create a successful continuum into the 1860s of the original national idea. The south, of course, also claimed to do this, as did abolitionists. But, as it were, it was the Republicans who succeeded. My main primary sources to the Republican ideology are Abraham Lincoln and William Seward. For the slavery ideology I have invoked the president of the Confederacy, Jefferson Davis, and slavery ideologues such as Georg Fitzhugh, John C. Calhoun and James H. Hammond.

Slavery and the first form of the nation

a) The problem of slavery in the age of revolution

“In summary ... slavery has always embodied a fundamental contradiction arising from the ultimately impossible attempt to define and treat men as objects.”²³² Thus did David Brion Davis sum up the core of the problem of slavery in the age of revolution. Americans were always aware of this. Samuel Johnson asked in 1775: “How is it that we hear the loudest yelps for liberty amongst the drivers of negroes?”²³³ Many agreed with Johnson, seeing an obvious contradiction between slavery and the universal rights of liberty proclaimed in the *Declaration of Independence* a year later. One American proclaimed in 1794:

If anything can sound as a solecism in the ears of all mankind, it will be this story – That in the United States of America, societies are formed for the promotion of freedom. Will not the inquiry instantly be made “ are the United States of America not free? Possessed of the best country, the wisest government, and the most vitreous inhabitants, on the best face of the earth; are they still enslaved?” No – America is not enslaved; she is free ... but this replay must be mixed with one base ingredient. The slavery of Negroes is still suffered to exist.”²³⁴

However, as Benjamin Franklin wrote, “slavery is such an atrocious debasement of human nature, that its very expiration, if not performed with solicitous care, may sometimes open a source of serious evils.”²³⁵ Slavery did indeed pose a problem for the founders and subsequent generations; a problem about how to treat “men as objects.”

²³² Davis, David, Brion, *The problem of slavery in the age of revolution: 1770-1823*, Cornell university Press, Ithaca and London (1975), p.82.

²³³ Samuel Johnson, 1775, quoted in Cogliano, 1999: p 183.

²³⁴ Theodore Dwight, 1794 quoted in, Jordan, Winthrop, D, *White over Black; American attitudes towards the Negro, 1550-1812*, University of North Carolina Press, Chapel Hill, (1968), p.333.

²³⁵ Davis, 1975: p.84.

The status of the slave remained ambiguous all the way up until the civil war. But the very national revolutionary ideology of liberty helped sustain and reinforce the idea of the slave as fundamentally an object – as property. I quote at some length from Winthrop D. Jordan's classic study of American attitudes towards slavery. He writes about the revolutionary ideology:

Even in full force the revolutionary ideology was of limited benefit to the American Negro. For one thing, ideas about freedom and equal rights were intimately linked with the concept of private material property. As Locke had said, men possessed a "property" in both themselves and their possessions ... American revolutionaries saw no reason to readjust this view of private property as a basic natural right; more important, they rarely thought of the right of private property as distinct from, much less antagonistic to, other natural liberties. Arbitrary deprive a man of his possessions, and you have a slave. It was no indication of hypocrisy that Americans cried "liberty" when parliament proposed measures of taxation. The issue of private property was central to the revolutionary agitation, and for the colonists this issue was not financial or economic. It was in keeping with the character of the revolution that some of its earliest martyrs were delinquent taxpayers. It was equally characteristic that one of the most common antislavery arguments was that enslaved Negroes were being wrongly deprived of the fruits of their labor. The absence of any clear distinction between what are now called "human" and "property" rights formed a massive roadblock across the route to abolition of slavery. It was obvious that compulsory manumission would violate the right of masters to their own property. Insofar as slaves were property, their masters possessed an inherent right to dispose of them as they wished. A revolution carried forward in the name of this right was a in this sense a serious and enduring impediment to compulsory abolition.²³⁶

In this way, slavery and slave labour came to be seen by many as fundamental for the preservation of freedom. Indeed, in the first form of the nation, slave labour was compatible with the fundamental ideas of property and freedom.

b) The continuum of slavery and freedom; the slave as property under the constitution

Slavery as freedom may appear as a contradiction: not necessarily so. Francois Furstenberg has suggested seeing the positions of slavery and freedom conceptually on a continuum as being interconnected: "freedom and slavery stood, not in dialectical contradiction to, but in tension with, each other."²³⁷ As we saw in the previous chapter, when the colonists declared themselves free from what they saw as the tyranny of the British in 1776, it was as subjects or

²³⁶ Jordan, 1968: p 350- 351.

²³⁷ Furstenberg, Francois, "Beyond freedom and Slavery: Autonomy, Virtue, and Resistance in early American Political Discourse", in *The Journal of American history*, Vol. 89. Issue 4, (Mar, 2003), p 1296.

slaves of tyranny claiming to be free. It was a political act of asserting rights and acquiring the means to be free. As we saw, property was essential to this; not to have the right to property was to be a slave. Property must thus be essential to understanding the continuum of slavery and freedom, because it was the medium making men free. What matters here is that although the colonists saw themselves as slaves of despotism under British rule, they never saw themselves as property as such; they were potential free men. Slaves, however, were understood by many on the continuum of slavery and freedom as real property – as the medium making a man free.

Slaves had, since before the revolution, been seen primarily as property, not as persons or free individuals. During the Continental Congress debates about taxation, Thomas Lynch (born 1749) from South Carolina said (in a statement that might be seen to foreshadow the civil war) that if slaves were not to be seen as a man's real property, then there could very well be "an end to the confederation . . . our slaves being our property why should they be taxed more than the land, sheep, cattle, horses, etc?"²³⁸ It was clear that slaves were fundamentally seen as property, at least by the proponents of slavery: slaves, said William Paterson (born 1745) of New Jersey, were actually understood by the slave holders "in no light but as property. They are not free agents, have no personal liberty, no faculty of acquiring property, and like other property, entirely at the will of the Master."²³⁹ It was also recognized by many that the federal constitution represented a protection of slave property. As George Tucker, attorney and politician, put it in 1806, the constitution was framed with "a cautious eye" to the subject of slavery "and was meant to embrace the case of free citizens, or aliens only, and not by a side wind to overturn the right of property."²⁴⁰ Scholars in modern times have made the same observation. Pascal Larkin wrote in 1930:

The constitution not only assumed that property in human beings is lawful, but it helped to convert the presumption that property is the reward of industry into a prejudice against state inference with property, however acquired."²⁴¹

²³⁸ Finkelman, Paul, "Slavery in the United States: Persons or property" in, Allain Jean, *The Legal understanding of slavery: form the historical to the contemporary*, Oxford, Oxford university Press, (2012). P 116.

²³⁹ Finkelman, 2012: p. 117.

²⁴⁰ Thomas Jefferson, quoted in Kantz, Stanley, "Jefferson and the right to property" *Journal of law and economics*, nr 19 (1976).

²⁴¹Larkin, 1930: P .164.

Or in the words of a more recent scholar:

Surely, the author of the fifth amendment, James Madison, of Virginia, who himself owned many slaves, did not intent to deprive southerners of their slaves through this clause ... if slaves were 'property' then masters could not 'be deprived of their property' without due process ... From the perspective of 1789, the only possible interpretation of the three fifth amendment was to assume that slaves were property.²⁴²

The three-fifth clause referred to in the quote was a clause that stated slaves were to count for three-fifths of a person when it came to representation in the House of Representatives, in which the states were represented by population size. This clause thus gave proportionally more power to the slave-owning class.²⁴³ Hence, indirectly, the constitution helped maintain the position of the slave on the continuum of slavery and freedom as the medium making men free. This was representative of the predominant property assumptions of *the first form of the nation*, and politically it took the form of a propertied democracy.

The first form of the nation: *A nation of freeholders*

a) Jefferson's nation of small farmers

The first form of the American nation became a propertied democracy, that is to say, it was a democracy where enfranchisement was confined primarily to those owning a certain amount of landed or real property, and where the right to property was secured through the rule of law made by these people. This had its origin already in the colonial era when a forty pound freehold was the most widely used property qualification for participation in local government. This was connected to taxation and could in some states be fulfilled by owning personal property. As paper money became increasingly more common around and after the revolution, acres of land (100) became a common deciding factor.²⁴⁴ At the time the national constitution was written, the property qualifications made 90% of adult white males eligible to vote in New Jersey, Pennsylvania, Georgia, North and South Carolina, New Hampshire, and most towns in

²⁴² Finkelman, 2012: p. 120

²⁴³ For one discussion on this see, Wills, Gary, *"Negro President": Jefferson and the slave Power*, Houghton Mifflin Company, Boston and New York, (2003), especially p 1-15 and 50-62.

²⁴⁴ Collier, Christopher, "The American people as Christian White Men of property: Suffrage and Elections in Early national America", in Rogers, Donald W, *Voting and the spirit of American democracy; essays on the history of voting and voting rights in America*, University of Illinois Press, Urbana and Chicago (1992), p. 23.

Massachusetts. In Virginia, 70-90%, Maryland 70% and New York 60%.²⁴⁵ This can again serve to point out the propertied preconditions for popular sovereignty.

Thomas Jefferson is the person par excellence that exemplifies the idea of a nation of free farmers, and a national sovereignty seen to be derived from the landed property of its members. Indeed Jefferson took the idea of rule by men of landed property so seriously, and saw it as so fundamental to a healthy republic, that he even suggested once to give the amount of land required for individual independence to all those in Virginia not possessing it.²⁴⁶ Jefferson believed that:

We have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire, which otherwise might escape from the face of the earth."²⁴⁷

To maintain the “sacred fire” of freedom, America was to be governed by “those who labour in the earth” because:

The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigour. A degeneracy in these is a cancer which soon eats to the heart of its laws and constitution.²⁴⁸

When Jefferson became president, his “empire of liberty” was to be one ruled by propertied men, and it was one that would persist and expand into the future. Jefferson first used the term “empire of liberty” during the Revolutionary War in a letter to one of the generals, talking about expansion of the confederacy. Here Jefferson envisioned the future “empire of liberty” an “extensive and fertile country.”²⁴⁹ This expansion of the US into fertile land was integrated into Jefferson’s political vision.

²⁴⁵ Collier, in Rogers, 1992: p. 26.

²⁴⁶ Wood, Gordon 1993: p 179.

²⁴⁷ Jefferson, Thomas, *Notes on the State of Virginia*, Harper and Row publishers, New York, (1964)[1785], p. 157.

²⁴⁸ Jefferson, 1964: p. 158.

²⁴⁹ Thomas Jefferson to George Rogers Clark, December 25th, 1780, in Boyd, Julian (ed), *The papers of Thomas Jefferson: volume 4*, Princeton University Press, Princeton, New Jersey, (1951), p. 237.

One important principle of Jefferson’s political vision was “the encouragement of agriculture, and of commerce as its handmaid.”²⁵⁰ Agriculture was central to a free republic; commerce and manufacture were only to be the “handmaid” of agriculture. With the Louisiana Purchase in 1803, Jefferson acquired a territory in which to realize this vision of an agrarian, “extensive and fertile empire of liberty.” Louisiana, he said, was “an ample provision for our posterity, and a wide-spread field for the blessings of freedom and equal laws.”²⁵¹ With this territory, his vision from *Notes of the State of Virginia* could be realized:

Let us never wish to see our citizens occupied at a work bench, or twirling a distaff. Carpenters masons, smiths, are wanting in husbandry; but, for the general operations of manufacture, let our workshops remain in Europe.²⁵²

Since landed property was the kind of property that conferred freedom and virtue on individuals in Jefferson’s vision, wage laborers could not be properly free or virtuous. American liberty was therefore best secured by men of landed property. Jefferson elaborated on this paragraph from *Notes* in a letter that he wrote during his presidency, explaining that the situation in America, at the present, was unique and especially favorable to good government:

I had under my eye when writing [*Notes*], the manufactures of the great cities in the old countries, at the present time, with whom the want of food and clothing necessary to sustain life, has begotten a depravity of morals, a dependence and corruption, which renders them an undesirable accession to a country whose morals are sound. My expressions look forward to the time when our own great cities would get into the same state. But they have been quoted as if meant for the present time here. As yet our manufactures are as much at their ease, as independent and moral as our agricultural habits, and they will continue so as long as there are vacant lands for them to resort to; because whenever it shall be attempted by the other classes to reduce them to the minimum of subsistence, they will quit their trades and go to laboring the earth.²⁵³

We see here the consistency of Jefferson’s vision from the 1780s to the early 1800s; the belief in America as unique and inherit with the possibility of freedom and independence due to its property relations – that Americans always had the possibility to “quit their trades and go to laboring in the earth.”

²⁵⁰ Thomas Jefferson, March 4th, 1801, in Oberg, Barbara, B (ed), *The papers of Thomas Jefferson: volume 33*, Princeton University Press, Princeton and Oxford, (2006), p. 151.

²⁵¹ Thomas Jefferson, October 17th, 1803, in Oberg, Barbara, B (ed), *The papers of Thomas Jefferson: volume 41*, Princeton University Press, Princeton and Oxford, (2014), p. 535.

²⁵² Jefferson, 1964: p. 157.

²⁵³ Thomas Jefferson, January, 4th, 1805, in Leicester Ford, 1904-5: p 87, Vol. 4.

b) *Locke and labour in America*

Jefferson's contemporary Crèvecoeur is another famous proclaimer of the uniqueness of America and the importance of smallholding farms. He proclaimed in his famous *Letters from an American Farmer*, written towards the end of the Revolutionary War, that, "We have no princes, for whom we toil, starve and bleed: we are the most perfect society now existing in the world. Here man is free as he ought to be."²⁵⁴ And the American was free because he had gone "from being the slave of some despotic prince, to become a free man, invested with lands." Indeed, wrote Crèvecoeur: The American is a new man ... From involuntary idleness, servile dependence, penury, and useless labour, he has passed to toils of a very different nature, rewarded by ample subsistence.²⁵⁵ These are all strong assertions of the importance of landed property and again demonstrate the propertied basis for popular sovereignty, but as much as these passages point to the importance of landed property, there are also other important points to note. The words labour, dependence and slavery are frequently invoked. As we saw, Jefferson wrote about independence when he elaborated on his passage in *Notes*, that labourers, if reduced to "minimum subsistence," could "quit their trades and go to laboring in the earth." It is central that Jefferson here writes "labouring in the earth" and not own land. The same point we see with Crèvecoeur when he wrote that the American, as opposed to the "slave of some despotic prince," was "passed to toils" which rewarded him with "ample subsistence." This points us to one underlying assumption of property and freedom in the national ideology – a point that had been expressed by John Locke had in his *Two Treatise on Government*:

Every man has a *property* in his own *person*: this nobody has any right to but himself. The *labour* of his body, and the work of his hands, we may say, is properly his. Whatsoever then he removes out of the state that nature hath provided, and had mixed his *labour* with, and joined to it something that is his own, and thereby makes it his *property*.²⁵⁶

Landed property had special significance in the American national ideology, but it was derived in part from the more general idea that "every man has property in his own person" and that putting labour in to the earth he "makes it his property." Owning landed property was by many seen to be a particularly secure way of insuring the right that to ones labour. This had to do with the landed agrarian context in which American nationalism emerged, and the American

²⁵⁴ Crèvecoeur, J, Hector St John, *Letters form and American Farmer*, Everyman's Library, London, (1971)[1782], p. 41.

²⁵⁵ Crèvecoeur, 1971: p 44.

²⁵⁶ Locke, 1764: p 217.

context of widespread individual landownership was important in cementing the idea of private exclusive ownership. But widespread ownership of land and the relative ease by which one could acquire property by investing one's labour in unused land also contributed to understanding the right to property as based on investment labour. In the future, land came to lose its importance in favor of abstract wealth, which was secured to the individual by his labour. This was a *transvaluation of property*, or a shift from land to labour.

c) *A glimpse of the future; Hamilton's vision*

One can find in Alexander Hamilton's writings in the early national period an embryo of the future national form in which property in the form of capital/wealth came to be equated with the worth of landed property as a means to create independence. Hamilton was born in the British West Indies in 1757. He was well read and, as a teenager in the early 1770s, he published an essay in a local paper which was so well received that money was gathered from the community to send him to school in New Jersey. When the Revolutionary War started he became involved in action, and promoted to lieutenant. Just before the end of the war, he married to wealth and land in New York, and when the Constitutional Convention gathered, Hamilton served as a delegate from New York County. After the convention he became one of the strongest advocates for the new constitution. In this regard, he participated in writing *The Federalist Papers* (1788). Under Washington's presidency, Hamilton became Secretary of the Treasury, and at this time he wrote "Report on manufactures" (1791), another document which displays his contribution to the national ideology.²⁵⁷ In the report, Hamilton asserts the equal worth of wealth or capital to landed property: "it seems to be overlooked," Hamilton wrote, that:

Land is itself a stock or capital, advanced or lent by its owner to the occupier or tenant, and that the rent he receives is only the ordinary profit of a certain stock in land, not managed by the proprietor himself, but by another to whom he lends or lets it, and who, on his part, advances a second capital to stock and improve the land, upon which he also receives the usual profit. The rent of the landlord and the profit of the farmer are, therefore, nothing more than the ordinary profits of two capitals belonging to two different persons, and united in the cultivation of a farm.²⁵⁸

²⁵⁷ Carnes, C Mark and John A Garraty, (eds) *American National biography* (Vol, 9), New York and Oxford, Oxford university Press, (1999), p. 905-912.

²⁵⁸ Alexander Hamilton, December 5th, 1791, in Syrett, Harold and Jacob E Cooke (eds), *The Papers of Alexander Hamilton: Volume 10*, Columbia University Press, New York and London, (1966), p. 243.

The important thing about landed property was not that it was landed or real as such, but that it was essentially “a stock of capital”:

Both together make the ordinary profits of two capitals employed in a manufactory: as in the other case the rent of the landlord and the revenue of the farmer compose the ordinary profits of two capitals employed in the cultivation of a farm.²⁵⁹

To Hamilton, the “preference founded upon a discrimination between the different kinds of industry and property” was not meaningful. It was through different appliances of an individual’s skills or labour in the accumulation of capital that individual freedom was realized:

It is a just observation that minds of the strongest and most active powers for their proper objects fall below mediocrity, and labor without effect if confined to uncongenial pursuits. And it is thence to be inferred that the results of human exertion may be immensely increased by diversifying its objects. When all the different kinds of industry obtained in a community, each individual can find his proper element, and can call into activity the *whole vigor of his nature*.²⁶⁰

For Hamilton, this was integrated into a general vision of government and sovereignty. If labour and commerce were to prosper, according to Hamilton, a strong federal government was needed:

If we are in earnest about giving the union energy and duration, we must abandon the vain project of legislating upon the states in their collective capacities; we must extend the laws of the federal government to the individual citizens of America.²⁶¹

It was important to Hamilton’s vision of national freedom that the federal government had complete power over certain things:

The government of the union must be empowered to pass all laws, and to make all regulations which have relation to them ... to commerce, and to every other matter to which its jurisdiction is permitted to extend.²⁶²

The Hamiltonian vision was very much contested in the early national period. A quick visit to Jefferson can serve as a reminder of this. It can also indicate the general conflict line about the nature of federal sovereignty and of private property which was present from the beginning, and which became central for the formation of *the second form of the nation*.

²⁵⁹ Alexander Hamilton, December 5th, 1791, in Syrett and Cooke, 1966: p. 244. Vol 10.

²⁶⁰ Alexander Hamilton, December 5th, 1791, in Syrett and Cooke, 1966: p. 255. Vol 10.

²⁶¹ Alexander Hamilton, December 18th, 1787, in Cooke, 1961: p. 148.

²⁶² Alexander Hamilton, December 18th, 1787, in Cooke, 1961: p. 149.

d) *Jefferson's dinner party*

Although the Americans had adopted a national constitution, the nature of its sovereignty was very much federative, and the federal government was not in important matters “extended to the individual citizens of America” as Hamilton wished. And many shunned every attempt to make the national government stronger. This divide was in many ways a continuity from the Federalist/Anti-federalist debates around the constitution.²⁶³ But this time, the sides were divided in the Democratic-Republican Party on the one side, and the Federalist Party on the other. We could also call the former group Jeffersonian, as they were advocates of relatively more power to the states, less interested in commerce and industry, and in general propagated an agrarian model of society. The Federalists in many ways can be associated with Hamiltonianism, a vision that propagated a strong federal government, and which encouraged commerce and industry.²⁶⁴ The central difference between these two groups when it came to national sovereignty might be summed up by an anecdote that Jefferson refers to in the so-called *Anas* (an autobiographical work by Jefferson covering the time period from 1791-1806). Here, Jefferson explains the difference between himself (Republican-Democrat) and Alexander Hamilton (Federalist). The “real ground of the opposition,” wrote Jefferson, was whether to “restrain the administration to republican principles” or to allow “the constitution to be constructed into a monarchy, and to be warped into all the principles and pollutions of ... the English model.” Hamilton, as Jefferson saw it, was undoubtedly an advocate for the latter position, while he himself was a protector of true republican principles. To give weight to this, Jefferson referred to a dinner party that he hosted, and where Hamilton was one of the guests. At this party, Hamilton revealed, according to Jefferson, that he was:

Not only a monarchist, but for a monarchy bottomed on corruption. In proof of this I will relate an anecdote, for the truth of which I attest the God who made me. Before the President set out on his Southern tour in April 1791. he addressed a letter of the 4th. of that month, from Mt. Vernon to the Secretaries of State, Treasury & War, desiring that, if any serious and important cases should arise during his absence, they would consult & act on them, and he requested that the Vice-president should also be consulted. This was the only occasion on which that officer was ever requested to take part in a cabinet question. Some occasion for consultation arising, I invited those gentlemen (and the Attorney genl. as well as I remember) to dine with me in order to confer on the subject. After the cloth was removed, and our question agreed & dismissed, conversation began on other matters and, by some circumstance, was led to the British constitution, on which Mr. Adams observed “purge that constitution of it's corruption, and give to it's popular branch equality of representation, and it would

²⁶³ Discussed in the previous chapter.

²⁶⁴ There are many accounts on these two parties. Cogliano, 1999: p. 137-159 provides a good overview.

be the most perfect constitution ever devised by the wit of man.” Hamilton paused and said, “purge it of its corruption, and give to its popular branch equality of representation, & it would become an *impracticable* government: as it stands at present, with all its supposed defects, it is the most perfect government which ever existed.” And this was assuredly the exact line which separated the political creeds of these two gentlemen. The one was for two hereditary branches and an honest elective one: the other for a hereditary king with a house of lords & commons, corrupted to his will, and standing between him and the people. Hamilton was indeed a singular character. Of acute understanding, disinterested, honest, and honorable in all private transactions, amiable in society, and duly valuing virtue in private life, yet so bewitched & perverted by the British example, as to be under thoro’ conviction that corruption was essential to the government of a nation.²⁶⁵

Hamilton’s political views were complex, and it would be wrong to classify him as a Monarchist.²⁶⁶ But to Jefferson, Hamilton’s ideas of federal government represented monarchism and corruption from which the colonies had won independence less than a decade earlier; it represented arbitrary government that could and would interfere on the property of Americans, and which endangered the sovereignty of the people by encouraging commerce instead of securing landed property.

During the course of the nineteenth century, the issue of federal sovereignty versus state sovereignty came to form a decisive antagonism between two possible forms of nation formation based on the right to property. It were the Hamiltonian ideas (not in the exact same form of course) that were victorious, and which formed the nation in a new way with the conclusion of the American civil war. The new understanding of nationality accepted the fact that there would always be a difference in wealth, and abandoned the Jeffersonian notion that only “those who labour in the earth are the chosen people of God.” Yet, it stuck with the universalism of the Jeffersonian persuasion. There was, however, a decisive difference in the new universalism. While the Jeffersonian kind hoped for an expanding propertied democracy of small farmers, and saw wage labour as a danger to this, the new universalism was achieved precisely through wage labour – it was a *transvaluation of property*, a shift from land to labour. And contrary to the Jeffersonian vision, this new universalism became inseparable from a strong national sovereignty. The conflict between the antagonistic visions of sovereignty and property became manifest as one over slavery - in the first instance, due to the primary and

²⁶⁵ Thomas Jefferson, February 4th, 1818, in Looney, Jefferson, J (ed), *The papers of Thomas Jefferson: retirement series, Volume 12*, Princeton University Press, Princeton and Oxford, (2015), p.425-462.

²⁶⁶ For one quite recent overview of Hamilton’s thoughts see: Federici, Michael P, *The political Philosophy of Alexander Hamilton*, The Johns Hopkins University Press, Baltimore, (2012).

underlying propertied imperative of American nationalism; and in the second instance, due to the nature of American sovereignty as federative sovereignty. But the most fundamental and underlying factors were changes in the economic system of America during the nineteenth century, going from an agrarian to an industrial economy.

The second form of the nation

a) “Irrepressible conflict”

By 1861, changes in the American economic structure led to what William Henry Seward (an anti-slavery Republican) in 1858 called “an irrepressible conflict between opposing and enduring forces”²⁶⁷ – to the civil war. The cause of the conflict, said Seward, was the existence of two different “systems” in America. They were “two radically different political systems—the one resting on the basis of servile or slave labor, the other on the basis of voluntary labor of freemen.”²⁶⁸ The essence of the conflict was about the nature of national property rights, about different ways of understanding labour: free labour and slave labour. It could be seen as a class conflict between a slave-owning class (a slavocracy) on the one side and an alliance of bourgeoisie/petty bourgeoisie interests and small farmers on the other, as, for example, Charles Beard and Barrington Moore have suggested.²⁶⁹ Seward also sensed this. Seward was born in 1801 to a prosperous farmer in Florida, New York. He became involved in politics as a Whig during the 1830s, and during the 1840s and 1850s came to mark himself as a strong anti-slavery agitator. Seward was close to becoming the Republican candidate for president, but was considered too radical. However, when Lincoln was elected president, he did become Secretary of State.²⁷⁰ To Seward, slavery was a perversion of the national ideas of property

²⁶⁷ Seward, William, “The irrepressible conflict”, (1858), p.1

<https://archive.org/stream/irrepressiblecon00insewa#page/n0/mode/2up/search/%22the+laborers%22>
Downloaded 30.01.2015

²⁶⁸ Seward, 1858: p. 1.

²⁶⁹ Beard, Charles, *The rise of American civilization (vol 2); the industrial era*, The Macmillan company, New York, (1931), p 3-122. Moore, 1966. Lincoln’s election as president did represent the coming of a new class into power. In the sixty years between Washington’s election as the first US president and 1850, slaveholders controlled the presidency for 50 years. And all the presidents to be reelected in this period were slave holders. As the slaves were counting for representation, the slave states always had one third more seats in Congress than their free population would have warranted. These details are from Wills, 2003: p 6.

²⁷⁰ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 19)*, New York and Oxford, Oxford university Press, (1999), p 676-680.

and freedom, it was “intolerable, unjust, and inhuman toward the laborer” and the whole principle of this kind of labour was wrong:

The laborers who are enslaved are all negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is that labor in every society, by whomsoever performed, is necessarily unintellectual, groveling, and base; and that the laborer, equally for his own good and for the welfare of the State, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved only because he can not as yet be reduced to bondage.²⁷¹

The system of slave labour did not honor labour as a good thing in itself. The free labour system, on the other hand, wrote Seward, “conforms to the divine law of equality which is written in the hearts and consciences of men, and therefore is always and everywhere beneficent.”²⁷² This last assertion became the ruling idea, as it were, of American nationalism in its second form. The free labour system represents the *transvaluation of property* and it was incompatible with chattel slavery. This happened because the mode of production changed from being an agrarian economy to becoming increasingly industrialized and market-oriented.

b) *The new sociological frame and expression of nationalism: republicanism, slavery and abolitionism*

While America remained largely rural until the mid-nineteenth century, the country also experienced the fastest growing urbanization in its history over this period, and simultaneously more and more spheres of life became interwoven in a market economy. In 1800, 70% of people in the north had been agricultural labourers, many of them on farms that were only partly immersed in market relations; by 1860, the number of agricultural labourers had fallen to 40%. Urban dwellers had risen from 6% in 1810 to 21% in 1860, while the percentage of people engaged in non-agricultural labour rose from 21% to 45% in the same period. But in the south, the number of agricultural labourers remained at 80%, and only one out of 10 people lived in urban areas. The new nation also grew enormously in the period from 1800 to 1860; population doubled and doubled again, the geographical size swelled and the economy boomed. In 1860 over 30 million people lived in the US. Growing wealth was not, however, equally distributed amongst this growing population. Four million people were slaves and had no, or at best very little, wealth, and the top 5% of free adult males owned over 50% of the wealth, while the bottom half of the population owned only 1%. The slave-driven southern

²⁷¹ Seward, 1858: p. 1.

²⁷² Seward, 1858: p. 1.

agrarian export constituted three-fifths of American exports, and cotton from this region made up three-fourths of the world supply of that commodity. The bulk of this was produced by slaves.²⁷³ However, it was the new form of mechanized production that sprawled across northern cities that came to be the dominant economic form by 1860.

Already by the 1830s industry and manufacturing had changed the social structure considerably: wage labour was more common, and thus an increasing amount of people found themselves without the property needed for enfranchisement. Accordingly, by 1830 a nationwide movement for universal male suffrage had arisen, and indeed in the 1830s universal male suffrage had been introduced in many states. There happened democratic reforms in four waves:

- 1) 1801- to the War of 1812. Reductions in property qualifications in Maryland, South Carolina and New Jersey. Defeat of similar efforts in Massachusetts, Rhode Island, Connecticut and New York.
- 2) 1815-1828. Reforms in Connecticut, Massachusetts and New York. Only Rhode Island, Louisiana, Virginia maintained powerful property barriers.
- 3) 1830-1840. Beginning with the Virginia convention in 1829, Mississippi, North Carolina, and Georgia expanded the suffrage.
- 4) The Dorr War in Rhode Island (1841-1842). This attempt at suffrage expansion failed initially, but in its aftermath property qualifications for enfranchisement were abandoned.²⁷⁴

However, suffrage was not a main issue in national politics, but it can be seen as a symptom of the *transvaluation of property*, or the shift from land to labour, that happened. The existence of chattel slavery created the conflict that most drastically changed the nation on the basis of the new (transvalued) understanding of property. We might say that both expanded franchise and the conflict over slavery were results of what Charles Sellers has called “The Market

²⁷³ This account of socioeconomical development rests mainly on James M. Macpherson’s book: Macpherson, James M, *battle cry of freedom: the civil war era*, Oxford University Press, (1988), p 6-47, and his book, *Ordeal by fire: the civil war and reconstruction*, Princeton University Press, New York, (1982), p 5-31.

²⁷⁴ Wilentz, Sean, “Property and Power: Suffrage Reform in the United States, 1787-1860”, in Rogers, Donald W, *Voting and the spirit of American democracy; essays on the history of voting and voting rights in America*, University of Illinois Press, Urbana and Chicago (1992).

Revolution” – the expansion of capitalist market relations,²⁷⁵ but it was abolitionism that consolidated the new transvalued understanding of property.²⁷⁶ In one form, abolitionism was very much religiously based, and emerged partly out of what has been called the Second Great Awakening that happened during the 1830s.²⁷⁷ It was held that every man was equal under God, and that not even the constitution could justify slavery. Despite these religious foundations, I argue that the most important underlying idea was the *transvaluation of property*,²⁷⁸ and as pointed to above, that the conflict was essentially a class conflict brought forth by changing economic relations.²⁷⁹ The Republican Party became the most clear expression of the new class interests and the *transvaluation of property*, the shift from land to labour.

It is Republicanism, as it emerged in the late 1850s, that represents the national ideology in its newborn second form. And the social basis of the Republicans was precisely the new middle class of wage earners. One contemporary asked rhetorically who supported the Republicans, and answered himself:

²⁷⁵ Sellers, Charles, *The Market revolution: Jacksonian America 1815-1846*, Oxford University Press, Oxford, (1991).

²⁷⁶ This is not to say that slave economy was not compatible with market society or capitalist property. It was only not compatible with capitalist property as understood in *the second form of the nation*. For some accounts on slave economy and capitalism, see Baucom, Ian, *Specters of the Atlantic: Finance capital, slavery and the philosophy of History*, Duke University Press, Durham, (2005), Fogel, Robert and Stanley Engerman, *The Economics of American Negro slavery*, Little Brown, Boston, (1974), Genovese, Eugene, *The political Economy of Slavery: Studies in the economy and society of the slave south*, MacGibbon & kee, London (1966), (This book proposes that slavery was not capitalist), Moore, 1966. And Shore, Laurence, *Southern Capitalists: The ideological leadership of an elite, 1832-1885*, The university of north Carolina Press, Chapel Hill, (1986).

²⁷⁷ For one recent accounts of this, see Delbanco, Andrew, *The abolitionist imagination*, Harvard University Press, Cambridge, Massachusetts, (2012). For an account on how religious ideas were also in fact used to justify slavery, see Daly, John, Patrick, *When Slavery was called freedom: evangelicalism, proslavery and the causes of the civil war*, The university Press of Kentucky, (2002).

²⁷⁸ For another support of this position see: Haskell, Thomas L, “Capitalism and the Origins of the Humanitarian sensibility part 1” *The American Historical Review*, vol. 90.no 2. April, (1985), and Haskell, Thomas L, “Capitalism and the Origins of the Humanitarian sensibility part 2” *The American Historical Review*, Vol 90. No 3 Jun, (1985).

²⁷⁹ The emergence of Radical Jacksonians and “free soilers” might also point to this, and it might be said that elements from these traditions merged to form the republican ideology of the 1850s and 1860s. An explicit explication of this is found in TenBroek, Jacobus, *The antislavery origins of the fourteenth amendment*, University of California Press, Berkley and Los Angeles, (1951). See also, Wilson, Major, L, *Space, Time and Freedom: The quest for nationality and the irrepressible conflict, 1815-1861*. Greenwood Press, Westport and London, (1974). For a discussion of the Jacksonians and anti-slavery, see Earle, Jonathan, *Jacksonian antislavery and the politics of free soil: 1824-1854*, The University of North Carolina Press, Chapel Hill and London, (2004).

Precisely those who would most naturally be expected to – the great middling class – The highest class, aristocratically associated and affiliated, timid, afraid of change, and holding in their hands the sensitive cords of commerce, and the lowest class, ignorant, derived with name, fed by the rich man’s money, and lead by the rich mans finger, - these are the forces arrayed against Republicanism, as a whole ... those who work with their own hands, who live and act independently, who hold the stakes of home and family, of farm and workshop, of education and freedom, as a mass, are enrolled in the republican ranks.²⁸⁰

The Republican Party stood for a vision in which slavery became unacceptable, although abolition was not directly or officially propagated by Republicans in office until after the Civil War had commenced. But at the time of the Civil War, the abolition of slavery became seen, at least by Republican President Abraham Lincoln, as a direct continuation and fulfillment of what had been initiated at the revolution. Lincoln believed, he said, that the *Declaration of Independence* was “thought to include all” – something which was not, at the present, the case. On the contrary, held Lincoln, it was used to “aid in making bondage of the negro universal and eternal.”²⁸¹ The assertion in the *Declaration of Independence*, held Lincoln, was placed there “for future use,” to be a “stumbling block to all those who in after times might seem to turn a free people back into the hateful paths of despotism.”²⁸²

c) *The issue of federal sovereignty and slavery*

It was no easy task to triumph through the vision that the *Declaration of Independence* was thought to include all, including African Americans, as members of the free labour system. The constitution, as we saw, had since the beginning protected the system of slave property in the states where it already existed. Here lay one source of the “irrepressible conflict” of which Seward spoke; it was the nature of American sovereignty. It was this that had allowed the development of two “radically different political systems.” Seward wrote:

The two systems have existed in different States, but side by side within the American Union. This has happened because the Union is a confederation of States. But in another aspect the United States constitute only one nation. Increase of population, which is filling the States out to their very borders, together with a new and extended network of railroads and other avenues, and an internal commerce which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect

²⁸⁰ Geinapp, Williamson, “Who voted for Lincoln”, in, Thomas, John L, *Abraham Lincoln and the American political tradition*, The University of Massachusetts Press, Amherst, (1986).

²⁸¹ Abraham, Lincoln, June 26, 1857, in Basler, Roy P, *The collected works of Abraham Lincoln: volume 2*, Rutgers University Press, New Brunswick, New Jersey, (1953), p. 404.

²⁸² Abraham Lincoln, June 26, 1857, in Basler, Vol 2, 1957: p. 406.

social unity or consolidation. Thus these antagonistic systems are continually coming into closer contact and collision results.²⁸³

In this passage, the conflict over slavery is connected to the federative nature of the American state; to the fact that the US was, de facto, a confederacy – a union consistent of sovereign states – and yet in another “aspect,” considered “only one nation.” One central issue in the matter of slavery became if the national government had the right to impose its will on the states and new territories on the issue of slave property. Several compromises and decisions were made on this during the first half of the nineteenth century (e.g. the Missouri debates, 1819-1820, the nullification crisis of 1832, the Compromise of 1850, and the Kansas-Nebraska Act, 1854),²⁸⁴ but with the Supreme Court’s Dred Scott decision of 1857 (decided by Chief Judge Roger B. Taney, 1777-1864, from Maryland), the issue flared up again in a fire that could not be stopped. The Dred Scott decision decided three important questions:

- 1) Could prolonged residence in a free state or territory make runaway slave Dred Scott free?
- 2) Did Scott, as a black slave, have the right as a citizen to sue in a federal court?
- 3) Was the Missouri Compromise (a 1820 decision that had prohibited slavery in certain new territories, including where Scott had resided) valid?

All the answers which were given to these questions in the Court’s decision reinforced slavery: the Dred Scott decision stated that Scott was still a slave, that he was not, as a black and a slave, an American citizen, and that the Missouri Compromise was unconstitutional, meaning that Congress had no authority to exclude slavery in new territories.²⁸⁵ Southerners celebrated this decision as once and for all making slavery a principle of American nationality. One southern newspaper exclaimed: “Southern opinion upon the subject of southern slavery ... is now the supreme law of the land ... Opposition to southern opinion upon this subject is now opposition to the constitution, and morally treason against the Government.”²⁸⁶ This was brought forth by southern men, by a peculiar slavery ideology that had developed in the south of the American nation and which adhered to the property assumptions of the *first form of the nation*.

²⁸³ Seward, 1858. p. 2

²⁸⁴ Macpherson, 1982: p 51-70.

²⁸⁵ Macpherson. 1982: p 99-100.

²⁸⁶ Macpherson, 1982: p.100.

d) *The southern antebellum vision: chattel slavery as national freedom*

The southern antebellum opinion on the subject of slavery was derived from an ideology of labour and sovereignty that can, in one sense, be traced back to certain Jeffersonian notions of sovereignty and property. This is in no way to say that Jefferson was a proto antebellum slave apologist. Indeed, central antebellum proslavery men outright rejected fundamental ideas on which Jefferson built his vision. But Jefferson, as we saw, had asserted that real independence was created through tilling the earth. Following from this, Jefferson believed, as we saw, that those who labored at “the work bench” or in “manufacture” suffered from a “depravity of morals, a dependence and corruption, which renders them an undesirable accession to a country whose morals are sound.” Such men were unfree because they were at the will of the masters who paid them. This is not so different from how the slaves were seen in the antebellum southern slave ideology, as we shall see below. But while Jefferson thought that the factory workers could “quit their trades and go to laboring the earth,” the slaves in the antebellum pro-slavery ideology had no such option.

In the slave ideology, it was a central assertion that both the slave and the wage labourer were unfree, and that only by slavery could free society exist. Slavery was thus reasserted and firmly placed on the continuum of slavery and freedom. Jefferson also pointed to this connection; he knew that the labour of the slave was part of the reason why himself could be independent.²⁸⁷ He said that, “ [I will not] willingly sell my slaves as long as there remains any prospect of paying my debt with their labour.”²⁸⁸ It was this notion that the pro-slavery ideology carried to its extreme. In the south, as George S. Alexander put it, chattel slavery became “the exclusionary response to the task of realizing the political task of property.”²⁸⁹ Many pro-slavery men of the antebellum era, for example the plantation owner and attorney James H. Hammond of South Carolina, claimed that every society, in order to subsist in freedom, was dependent on a class of labourers, and held that the best way to maintain a state of

²⁸⁷ See on this point Morgan, Edmund, S, “Slavery and freedom: the American paradox”, in *The journal of American history*, Vol. 59, No. 1, (Jun 1972).

²⁸⁸ Quoted in, Cohen, William, “Thomas Jefferson and the problem of slavery”, in *the journal of American history*, Vol. 56, No.3, (dec, 1969). P 516.

²⁸⁹ Alexander, 1997: p. 214.

independence was through chattel slavery; only thus could private property and liberty exist.²⁹⁰

He wrote:

The idea that slavery is so necessary to the performance of the drudgery so essential for the sustenance of man, and the advance of civilization is undoubtedly the fundamental ground on which the reason of the institution rests.²⁹¹

Hammond (born 1807) was a slave-owner planter and lawyer who, during his career, was governor of South Carolina and a United States Senator. By the outbreak of the Civil War, he was one of the wealthiest men in the south, owning more than 300 slaves. Hammond was a Democrat and outspoken pro-slavery ideologist, and held a variety of speeches on the matter.²⁹² Many other men of the south agreed with Hammond. Slave labour was by many seen to be the best way to secure liberty from the corruption and dependence that free wage labour created. Some pro-slavery men held that labour in factories and manufacturing was in fact binding men in a form of slavery worse than that of chattel slavery, and if chattel slavery was to be abandoned, then all of society would fall into a position of dependence.

George Fitzhugh, a lawyer from Virginia, self-appointed sociologist and devoted slave apologist, wrote about forms of enslavement and proclaimed that, “capital commands labour as master does slave.”²⁹³ Was it not better, then, to have slavery institutionalized? At least, it was asserted, the slave had a master who was obliged to feed him and house him, which was more than one could say of the masters of the industrial factory slaves of the north. “Capital is a cruel master,” wrote Fitzhugh, and the free capitalist economy was nothing less than a “free slave trade, the commonest, yet the cruelest form of trades.”²⁹⁴ Fitzhugh was born 1806 and became a distinct advocate of slavery who has often been seen as representing the essential slavery ideology. Fitzhugh operated his own law business from his mansion in Port Royal, Virginia, during the antebellum and Civil War eras (he was also treasurer for the Confederacy during the Civil War). He was not politically active, but he wrote extensively on the issue of slavery, notably his books *Sociology for the south, or, the failure of free society* (1854), and

²⁹⁰ Genovese, Eugene, and Elizabeth Fox, *Slavery in Black and white: class and race in the Southern Slaveholders New World Order*, Cambridge, Cambridge university Press (2005), p. 2.

²⁹¹ Quoted in Shore, 1986: p. 19.

²⁹² Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 9)*, New York and Oxford, Oxford university Press, (1999), p 955-956.

²⁹³ Quoted in Greenfeld, 1993: p. 478.

²⁹⁴ Quoted in Greenfeld, 1993: p. 478.

Cannibals all!, or slaves without masters (1857).²⁹⁵ This ideology, propagated by Fitzhugh and the members of the slave aristocracy, as Eugene Genovise put it, “located the primary social manifestations of evil precisely in the system of wage labour and celebrated slavery as an alternative to it.”²⁹⁶ Just as the revolutionaries of the 1770s saw nationality as the realization of human nature, so too did the pro-slavery ideology see slavery as natural, as crucial in fulfilling nationality. Fitzhugh wrote:

Nature has made them slaves; all that law and government can do is modify, and mitigate their slavery. The wise and vitreous, the brave, the strong, in mind and body are by nature born to command and protect, and law but follows nature in making them rulers, legislators, judges, captains, husbands, guardians, committees, and masters.²⁹⁷

But this vision built in many ways on a completely different social vision from that of the north and the one of the founding fathers. Slave owner Alexander Stephens (1812-1883) from Georgia, who became Vice-President of the Confederacy, was another typical advocate of slavery. He became a member of the Georgia legislature, and in the 1850s a prominent member of the Democratic party. He played a pivotal role in the passing of the Kansas-Nebraska Act (1854), but retired from politics (only temporarily it proved, however) in 1858, believing that the issue of slavery was settled and safe. But the formation of the Confederacy in 1861 saw the return of Stephens to politics.²⁹⁸ In his infamous “Cornerstone speech” held that year, he elaborated on southern values and said that southern society was:

Founded upon exactly the opposite idea [from the founders]; its foundation are laid, its corner stone rests upon that great truth, that the negro is not equal to the white man; that slavery – subordination to the superior race – is his natural and normal condition.²⁹⁹

In the end, the antebellum vision became a downright rejection of many founding values, and this was openly admitted: as Stephens explained about the Confederate constitution:

The new constitution has put at rest, forever, all the agitating questions relating to our peculiar institution African slavery as it exists amongst us the – the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson in his forecast, had anticipated this, as the “rock upon which the old Union would split.” He was right. What was conjecture with him, is

²⁹⁵ Loewenberg, Robert J, “John Locke and the Antebellum Defense of Slavery”, *Political theory*, Vol.13, Nr, 2, (May, 1985).

²⁹⁶ Quoted in Alexander, 1997: p. 228.

²⁹⁷ Quoted in Greenfeld, 1991: p 478.

²⁹⁸ Carnes, C Mark and John A Garraty, (eds) *American National biography* (Vol, 20), New York and Oxford, Oxford University Press, (1999), p.658-661.

²⁹⁹ Cleveland, Henry, *Alexander H Stephens, Public and Private, With letters and Speeches before, during and since the war*, National publishing company, Philadelphia, (1866), p. 721.

now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands, may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that, somehow or other in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the constitution, was the prevailing idea at that time. The constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error.³⁰⁰

But as Stephens also explained, the rejection of some values of the founders did not mean that the Confederate constitution did not protect the true and original liberty:

It amply secures all our ancient rights, franchises, and liberties. All the great principles of Magna Charta are retained in it. No citizen is deprived of life, liberty, or property, but by the judgment of his peers under the laws of the land.³⁰¹

And it was not the southern system that was against the law of nature as northerners and the founders had held; on the contrary, it was the southern system that was in correspondence with the laws of nature:

Many governments have been founded upon the principle of the subordination and serfdom of certain classes of the same race; such were and are in violation of the laws of nature. Our system commits no such violation of nature's laws. With us, all of the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro. Subordination is his place. He, by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system.³⁰²

The pro-slavery ideology stuck to the idea that it was crucial to organize property relations in a way so that some did not have to alienate their labour, while others (namely African Americans) were bound, as it were, to do so, in order to create freedom for society as a whole. In the words of Virginia lawyer, and from 1843 until his death in 1844, Secretary of State, Abel P. Upshur,³⁰³ for a free society to exist, it was necessary that “one portion of mankind shall live upon the labours of another person.”³⁰⁴ We might also invoke Hammond again, in the introduction to his “Cotton is King” speech (1858):

³⁰⁰ Cleveland, 1866: p. 721.

³⁰¹ Cleveland, 1866: p. 718

³⁰² Cleveland, 1866: p. 722.

³⁰³ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 22)*, New York and Oxford, Oxford university Press, (1999), p116-117.

³⁰⁴ Quoted in Shore, 1986: p. 29.

In all social systems there must be a class to do the menial duties, to perform the drudgery of life. That is, a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement. It constitutes the very mud-sill of society and of political government; and you might as well attempt to build a house in the air, as to build either the one or the other, except on this mud-sill. Fortunately for the South, she found a race adapted to that purpose to her hand. A race inferior to her own, but eminently qualified in temper, in vigor, in docility, in capacity to stand the climate, to answer all her purposes. We use them for our purpose, and call them slaves. We found them slaves by the common “consent of mankind”...³⁰⁵

It was this vision that the south hoped was safe after the Dread Scott decision, not only within the American nation as it was, but also in lands yet to be American.³⁰⁶

e) *Transvaluation of property and the republican ideology: Free labour, or to own oneself*

“We are men with rights of men ... but we are poor men; obliged to labour for our dally bread, dependent on those who choose to employ us”³⁰⁷ complained the working men of Charlestown in the early 1840s. We might contrast this complaint against the sentiment of the northern version of *The Battle Cry of Freedom* written about two decades later, which asserted that “although he may be poor, not man shall be a slave.”³⁰⁸ The working men of Charlestown saw themselves as unfree wage slaves, poor and thus dependent. But in the Republican ideology, wage was freedom. It did not matter if one was poor; every man was free if he owned the fruits of his labour. One Republican said, “the great idea and basis of the republican party as I understand it, is free labour.” The Republicans were, as another Republican put it: “not only ... the anti slavery party but emphatically ... the party of free labour.”³⁰⁹

³⁰⁵ Hammond, James, *Speech of Hon. James H Hammond of South Carolina on the Admission of Kansas under the Lecompton Constitution*, Printed by Lemuel Towers, Washington, (1858), p-13-14. <http://babel.hathitrust.org/cgi/pt?id=loc.ark:/13960/t7jq19w4m;view=1up;seq=3> Downloaded 13.01.2016.

³⁰⁶ For an interesting perspective on history and time and the issue of slavery see Wilson, 1974.

³⁰⁷ Quoted in Tomlins, Christopher L, *Law Labor and Ideology in the Early American Republic*, Cambridge university Press, (1993), p. 10.

³⁰⁸ This is from verse 3 of the Union version of the song, reprinted in the first page of the preface in Macpherson, 1988.

³⁰⁹ Quoted in Foner, 1970:p. 11.

Abraham Lincoln became the towering leader of the Republican Party in the lead up to the Civil War and remained so throughout the war years. Like Jefferson for revolutionary America, Lincoln looms over the Civil War era as an enormous giant. Born in 1809 in rural Kentucky on a small farm, and later rising to become a successful lawyer and President of the United States, he, in many ways, embodied the ideology of the self-made man and the American dream. Lincoln is remembered, of course, first and foremost as the president who abolished slavery and saved the union. His ideas about nationality and property are very much connected to this, and are displayed throughout his letters and speeches. Particularly useful are his debates over slavery and popular sovereignty with Stephen Douglas (1858).³¹⁰ In a debate with Douglas, Lincoln said that the right to property for which the south fought (slave or real property) was for him only secondary. Republicans, he said, did not “hold the liberty of one man to be absolutely nothing, when in conflict with another mans right of property.” Rather, he said, the Republicans were for “both the dollar and the man, but in case of conflict, the man before the dollar.”³¹¹ Gradually a *transvaluation of property* happened, which saw all men as free if they had the right to the fruits of their labour in the form of wages. This was based on a fundamental universalism of equality. Lincoln wrote in 1854:

Equality in society alike beats inequality, whether the latter be of the british aristocratic sort or the domestic slavery sort. We know southern men declare that their slaves are better off than hired labourers amongst us. How little they know whereof they speak ... Twenty five years ago I was a hired labourer. The hired labourer of yesterday laboures on his own account today, and will hire others to labur for him tomorrow. Advancement – improvement in condition – is the order of things in a society of equals. As labour is the common burden of our race, so the effort of some to shift the burden on to the shoulders of others is the great durable curse of the race. Originally a curse for transgression upon the whole race, when as by slavery, it is concentrated on ta part only, it becomes the double-refined course of God upon his creatures. Free labour has the inspiration of hope; pure slavery no hope.³¹²

Labour might have been a curse on mankind, but if shared equally in a system of free labour it could lead to “Advancement –improvement in condition” and have the “inspiration of hope.” What happened was that freedom through property came to mean first and foremost the right to the fruits of ones labour. Lincoln explained in an argument about slavery:

That each man should do precisely as he pleases with all that which is exclusively his own, lies at the foundation of the sense of justice there is I me. I Extend the principle

³¹⁰ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 13)*, New York and Oxford, Oxford university Press, (1999), p 662-673.

³¹¹ Quoted in Wilnetz, Sean, *The rise of American Democracy: Jefferson to Lincoln*, W.W Norton & Company, New York and London, (2005), p. 793.

³¹² Abraham Lincoln, September 17th, 1859, in Basler, Roy P, *The collected works of Abraham Lincoln: volume 3*, Rutgers University Press, New Brunswick, New Jersey, (1953), p. 462.

to communities of men as well as to individuals ... the doctrine of self government is right, - absolutely and internally right. Or perhaps I should rather say that whether it has any application here depends upon whether a negro is not or is a man. If he is not a man, in that case he who is a man may, as a matter of self government, do just what he please with him. But if the negro is as a man, is it not to that extent a total destruction of self-government to say that he, too, shall not govern himself. When the white man governs himself, that is self government; but when he governs himself and also governs another man, that is more than self government – that is despotism.³¹³

What distinguished *the second form of the nation* in notions of freedom was that the crucial thing was to be the proprietor of oneself, of ones labour. It was this ide that became tied up with self government, not ownership of land. Leading abolitionist Wendell Phillips asked rhetorically about the slave, “Does he not own himself?”³¹⁴ And Frederick Douglas, the freed slave, wrote after becoming a freed man, an earner of wages through his labour: “I was now my own master.”³¹⁵ To Lincoln, this universalism of self-ownership included also the slave, he was “a man” and had the same right to self- government as other men. Other men could not do “just what he please with him.” When Lincoln said that he put the “man before the dollar,” this is what he meant. In Republican ideology, this came to be seen as the fulfillment of national freedom. There is a clear dichotomy between chattel slavery and freedom here: “I believe each individual is naturally entitled to do as he pleases with the fruit of his labour, so far as it in no wise with any other man’s rights and only by giving every man the right to the fruits of his labour,” Lincoln said against slavery.³¹⁶ Slavery was wrong because it denied men this right; it denied slaves their humanity. The pro-slavery man “says that, upon the principle of equality, slaves should be allowed to get into a new territory like other property.” But this was to deny the slave his national right as a man, it was to define him as real property, which was wrong. Lincoln said:

This is strictly logical if there is no difference between it and other property ... but if you insists that one is wrong and the other is right, there is no use to institute a comparison between right and wrong ... The democratic policy everywhere carefully excludes the idea that there is any wrong in it. That is the issue ... it is the same principle in whatever shape it develops itself, it is the same spirit that says “you toil and work and earn bread, and I ll eat it” No matter in what shape it comes, whether from the mouth of a king, who seeks to bestride the people of his own nation and live by the fruit of their labour, or from one race of men as an apology for enslaving another race, - it is the same tyrannical principle.³¹⁷

³¹³ Abraham Lincoln, October 16th, 1854, in Basler (ed), 1953: p. 265.

³¹⁴ Quoted in Foner, 2000, p. 164-166.

³¹⁵ Quoted in Foner, 2000, p. 66.

³¹⁶ Abraham Lincoln, June 10th, 1858, in Basler, Vol 2, 1953: p. 493.

³¹⁷ Abraham Lincoln, October 15th, 1858, in Basler, 1953, Vol 3: p. 315.

In this way, Lincoln, and much of the north, identified slavery with tyranny, retarding the rights of the nation to the slaves. But there was “no reason in the world” said Lincoln why:

The negro is not entitled to all the natural rights enumerated in The Declaration of independence, the right to life liberty and the pursuit of happiness. I hold that he is as much entitled to this as the white man ... in the right to eat the bread, without the leave of anybody else, which his own hands earns, he is my equal...³¹⁸

f) *Popular sovereignty*

Lincoln connected the right to the fruits of ones labour to the idea of popular sovereignty. When Democrat Stephen Douglas claimed slavery consistent with popular sovereignty, Lincoln protested.³¹⁹ This became what is now known as the Lincoln-Douglas debates. Douglas was born in Vermont in 1813, and went on to be a lawyer and congressman. He married the daughter of a plantation owner in Mississippi, and later started his own plantation in Greenville. From his entry into politics, Douglas was a staunch Democrat; however, on the issue of slavery, he stood for a middle position, believing that it should always be up to the people of a state to decide if a state should be a slave state or not. Douglas is famous for the Kansas-Nebraska Act (1854), which contained issues of popular sovereignty and the spread of slavery to new states.³²⁰ Douglas’s main point was that the people of each state should decide whether or not it was to be a slave state. For Douglas, popular sovereignty was, as he said, “the sacred right of self government.” But Lincoln saw through this, as he claimed that, as it was, popular sovereignty was nothing but “a mere deceitful pretense for the benefit of slavery.”³²¹ In order to go see what real popular sovereignty was, one had to look to *The Declaration of independence*, held Lincoln: “I suppose that Judge Douglas will claim that he is the inventor of the idea that the people should govern themselves,” but one should not forget “that in that old Declaration of independence ... there is the origin of popular sovereignty.”³²² The Declaration, according to Lincoln, made everyone in the US – whether slave or immigrant – connected to the founding fathers and part of the freedom that they had won, “as though they were blood of the blood, and flesh of the flesh, of the men who wrote that Declaration.”³²³ And

³¹⁸ Abraham Lincoln, August 21st 1858, in Basler, 1953, Vol, 3: p. 16.

³¹⁹ Macpherson, 1982: p 86-87.

³²⁰ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 6)*, New York and Oxford, Oxford university Press, (1999), p 805-808.

³²¹ Abraham Lincoln quoted in Burton, Orville Vernon, *The age of Lincoln*, Hill and Wang, New York, (2007). P 70.

³²² Abraham Lincoln, July 10th, 1858 in Basler, 1953, Vol 3: p. 488-489.

³²³ Abraham Lincoln, July 10th, 1858 in Basler, 1953, Vol 3: p. 500.

he asked: if one were “making exceptions” to the Declaration of Independence, “where will it stop?”³²⁴ Universality was the only right way to interpret the Declaration; it applied the whole American nation. This universalism and the notion of property that was underlying its freedom were incompatible with southern ideology. Thus, when Lincoln was elected president in 1860, the southern slave states soon began seceding from the union, seeing their freedom and right to property threatened.

g) *“We all declare freedom”; the question of nationality in the Civil War era*

Both the northern and the southern visions claimed supremacy within the American nation, both claimed to represent freedom and the security of property. This was not lost on contemporaries. Eric Foner writes, and quotes from Lincoln:

“We all declare freedom” Lincoln observed in 1864. “But in using the same word we do not all mean the same thing” To the North, freedom meant for “each man” to enjoy “the product of his labour”: to the southern whites, it conveyed mastership – the power to do “as they please with other men, and the product of other men’s labour.”³²⁵

Both parties referred to what they saw as a specific American national freedom. The South Carolina “Declaration of immediate causes which induce and justify the session of South Carolina from the Federal Union,” for example, begins by telling the story of the creation of the American nation by revolt from Britain, and states that “two great principles” were then asserted by the colonies: “namely; the right of a state to govern itself; and the right of a people to abolish a government when it becomes destructive of the ends of which it was instituted.”³²⁶ It was accordingly asserted that:

The Government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.³²⁷

³²⁴ Abraham Lincoln, July 10th, 1858 in Basler, 1953, Vol 3: p. 500.

³²⁵ Foner, Eric, *The story of American Freedom*, W.W Norton, New York, (2000)[1998]: p. 97.

³²⁶ “Declaration of immediate causes which induce and justify the session of South Carolina from the Federal Union”http://avalon.law.yale.edu/19th_century/csa_scarsec.asp Downloaded 30.01.2015

³²⁷ http://avalon.law.yale.edu/19th_century/csa_scarsec.asp Downloaded 30.10.2015

The writers of the South Carolina declaration felt, in 1860, that the federal government no longer respected these principles: “We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them by the action of the non-slaveholding States.” Because of this, South Carolina joined other southern states to form a confederacy to preserve liberty. The confederacy was created to preserve the original liberties asserted in the *Declaration of Independence* according to its penmen. President of the Confederacy, plantation owner and military man (colonel in the war with Mexico in 1848) – Jefferson Davis³²⁸ wrote years after the Civil War that:

The southern states had rightfully the power to withdraw from a Union into which they had, as sovereign communities, voluntarily entered; that the denial of that right was a violation of the letter and spirit of the compact between the states; and that the war waged by the Federal Government against the seceding states was in disregard of the limitations of the Constitution, and destructive of the principles of the Declaration of Independence.³²⁹

Indeed, he wrote those that deemed the confederacy rebels or traitors were “ignorant of the nature of the union, and the powers of the states.” Like the anti-slavery Seward, Davis also pointed to sectionalism and different systems as the cause of the conflict. But the difference was that Davis did not see this as an “irrepressible” conflict:

Sectional issues appear conspicuously in the debates of the Convention which framed the Federal Constitution, and its many compromises were designed to secure an equilibrium between the sections, and to preserve the interests as well as the liberties of the several states. African servitude at that time was not confined to a section, but was numerically greater in the South than in the North, with a tendency to its continuance in the former and cessation in the later. It therefore thus early presents itself as a disturbing element, and the provision of the Constitution, which were necessary for its adoption, bound all the States to recognize and protect that species of property.³³⁰

For a long time, Davis wrote, those who wanted to abolish slavery – the peculiar “species of property” – were “Pseudo-philanthropists, and fanatics.” But in the lead up to the Civil War, this notion was “seized upon” by “political demagogues ... to acquire power.”³³¹ This destroyed the equilibrium within the union. His vice president agreed with him: “Those at the North ... we justly denominate fanatics.”³³² However, it would be a misunderstanding, wrote

³²⁸ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 6)*, New York and Oxford, Oxford university Press, (1999), p 201-205.

³²⁹ Davis, Jefferson. *The rise and fall of the confederate states of America*, New York, Appleton and company, (1912)[1881], p. V.

³³⁰ Davis, 1912: p VI.

³³¹ Davis, 1912: p VI.

³³² Cleveland, 1866: p. 271.

Davis, to think that the Confederacy was fighting for the extension of slavery or for enslavement of more people. No, it was simply the right of any free man, “to go, with his slaves, into territory (the common property of all) into which the non-slave holder could go with *his* property of any sort.”³³³ Many southerners believed that the north –and specifically the Lincoln administration – wanted to thwart the right to enjoy slave property, and saw this as an imposition of tyranny. John C. Calhoun wrote that “what was once a constitutional federal republic” was “converted in reality, into one as absolute as that of the Autocrat of Russia.”³³⁴ Interestingly, Lincoln too used the same image, but against the south:

As a nation, we began by declaring that all *men are created equal*. We now practically read it, *all men are created equal except negros* ... When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty – to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy.³³⁵

This was the same freedom understood differently. The two different principles of property underlying the concept of freedom and sovereignty held in the north and the south were not reconcilable. Both claimed the other as its antithesis or a perversion, both claimed to represent the original American freedom. But whereas the south saw no contradiction in preserving American freedom without the existing federal union, the north saw the union as essential to the preservation of American freedom. As Frederick Douglas observed in 1862, after the Civil War had commenced, “Liberty and Union have become identical.”³³⁶ To Lincoln, issue was first and foremost about the preservation of the union:

I would save it in the shortest way under the constitution ... My paramount objective is to save the union, and is not either to save or destroy slavery. If I could save the union without freeing any slave, I would do it, and if I could save it by freeing all the slaves, I would do it ... what I do about slavery and the colored race I do because I believe it helps to save the union.³³⁷

However, that Lincoln said his goal was not “either to save or destroy slavery” should not be interpreted in a way that he was indifferent to slavery – he was not.³³⁸ As we have seen, his rhetoric was one of equality in the right to free labour. But he would not sacrifice the union

³³³ Davis, 1912: p 7.

³³⁴ Quoted in Greenfeld, p. 475.

³³⁵ Abraham Lincoln to Joshua Speed, August 21st, 1855 in Basler, 1953, Vol 2: P. 323.

³³⁶ Foner, 2000: p. 99.

³³⁷ Abraham Lincoln to Horace Greeley, August 22, 1862, in Basler, Roy, P (ed), *The collected works of Abraham Lincoln: Volume 5*, Rutgers University Press, New Brunswick, New Jersey, (1953), p. 388.

³³⁸ Foner writes that “there is no reason to doubt Lincoln’s empathic declaration” However one has to be aware that his attitudes towards slavery formed slowly and gradually. Foner, Eric, *The fiery trail: Abraham Lincoln and American Slavery*, W.W Norton and Company, New York, (2010), p 3.

for it, for the Americans freedom was too ingrained with it. Union was freedom, freedom was union, the freedom of the Americans could not be detached from the historical reality of its existence through the union; for “We are historically connected with it.”³³⁹ In the same way that many revolutionary Americans saw their freedoms inseparably connected with Britain, so too did republicans now see their freedoms inseparable from the union. In this sense it was in fact the confederates that most firmly stuck to the principles of 1776, both in that they initiated a break from the existing political body (as with the revolution of 1776) and in that they more strongly empathized landed freedom (again as in 1776).

Lincoln saw the inevitability of a crisis due to the two different visions of freedom already in 1858 “a house divided against itself cannot stand. I believe this government cannot endure permanently half slave half free.”³⁴⁰ The issue would not be dissolved, he thought, before “a crisis have been reached and passed”³⁴¹ In the northern vision the new property assumptions could only be fully realized within the union and in the whole union. A break was not an option. Seward too referred to this in his “irrepressible conflict” speech. There could be no liberty without union, and the union had to be completely based on the system of free labour, No half-way was possible. It was a matter of total liberty or total slavery:

The United States must and will, sooner or later, become either entirely a slave-holding nation or entirely a free-labor nation. Either the cotton and rice-fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye-fields and wheat-fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromise between the slave and free States, and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral.³⁴²

The Civil War became the “crisis” that Lincoln foresaw, and it consolidated national unity and free labour ideology (i.e. the notion of a right to one’s labour as the essential property right necessary to liberty and sovereignty). Through the civil war, the economic system of the north was victorious over the agrarian slave system of the south; and this being so, republicans understood America finally to be a unified and thus a fully free nation. Republican Charles

³³⁹ Abraham Lincoln June 10th 1858, in Basler, 1953, Vol 3: p. 499.

³⁴⁰ Abraham Lincoln to George Robertson, August 15th 1855, in Basler, 1953, Vol 2: p. 318.

³⁴¹ Abraham Lincoln, July 10th, 1858, in Basler, 1953, Vol 2: p. 491.

³⁴² Seward, 1858, p 2.

Sumner put forth the question “Are we a nation?” after the northern victory in the Civil War in his pamphlet by the same title. Sumner was born in 1811 as the son of a lawyer in Boston, and went on to study law himself, and practiced for a short time. He was, however, more interested in learning and philosophy, and early on became a convinced antislavery man. His anti-slavery rhetoric sparked fury on the pro-slavery side, and in 1856 he was beaten up by pro-slavery Congressman Preston Brooks. The attack made him unable to participate in politics for three years. But by the start of the Civil War, he was back in to politics, and strongly urged Lincoln to make the Civil War a cause of abolition from the outset.³⁴³ Thus, Sumner saw preservation of liberty and preservation of the union as identical. He asked in his “Are we a nation?” pamphlet if the US after the war (in 1867) had “that essential indestructible unity which belongs to a nation ... just government, to protect the citizens of all the rights of citizens.”³⁴⁴ His answer was positively affirmative. Sumner essentially told the political story of the early national period, emphasizing especially the *Declaration of Independence* and the constitution. From this he declared that “we are one nation... Side by side with the growth of national unity was a consistent dedication to human rights.”³⁴⁵ Being a nation meant having certain “responsibilities”, amongst the first of which was “equality the first of rights.”³⁴⁶ This was everything that the Confederacy had fought against he wrote: their cause was a “rebellion instigated by hostility to the sacred principles of the Declaration of independence.” Such rebellions could not be allowed to occur in the future if liberty was to be preserved. Thus, to secure the safety of liberty, “the national unity must be preserved.”³⁴⁷ Sumner’s wish was realized and enforced with the reconstruction amendments (the 13th, 14th and 15th amendments) which granted the federal government unprecedented powers over the states, freed the slaves and ensured their rights.³⁴⁸

³⁴³ Carnes, C Mark and John A Garraty, (eds) *American National biography (Vol, 21)*, New York and Oxford, Oxford university Press, (1999), p. 137-139.

³⁴⁴ Sumner, Charles, “Are we a nation?” The young Mens republican Union, New York, (1867),p 1. <https://archive.org/stream/arewenationaddre00sumn#page/n1/mode/2up> Downloaded 30.01.2015.

³⁴⁵ Sumner, 1867: p 30.

³⁴⁶ Sumner, 1867: p 31.

³⁴⁷ Sumner, 1867: p 1.

³⁴⁸ This of course is not to say that equality and rights were actually secured to African Americans. I am fully aware of the troubles of reconstruction and the century of continued oppression that burst in to new battles during the 1950s and 1960s.

Conclusion: The second coming of the spirit of nationalism

This chapter first demonstrated the importance of landed property in the first phase of the American national ideology, for how the *first form of the nation* worked. We have seen also how a *transvaluation of property*, or a shift from land to labour, took place. This meant that the basis of popular sovereignty and individual freedom was now based on the labour power of an individual, and not on ownership of land. The *transvaluation of property* made it possible – indeed a logical necessity – to reconcile the principles of the *Declaration of Independence* with the propertied freedom of all individuals in the nation because the right to property became understood primarily as the right to the fruits of one’s labour. All men could thus be – and were by default – free. Slavery deprived the worker of the fruits of his labour, a practice that was compatible with the understanding of propertied freedom (as ownership of land) during *the first form of the nation*, but which became incompatible with the principles of freedom (the right to the fruits of one labour) in the *second form of the nation*. This happened due to a change in the mode of production as the bulk of the American nation became more industrialized and market-oriented. Essentially, it was a class conflict between an old slave-owning landed aristocracy and a new middle class. For the new middle class that propagated the transvalued understanding of property, these principles were a fulfillment of the principles set down in the *Declaration of Independence*. We could say that, seen through the vision of the new Lincolnian nationalism, American society at the end of the Civil War represented a “new birth,” a second coming. The abolition of slavery based on every individual’s right to his labour was seen to exemplify the national notions of freedom and property carried out to its full extent and logical conclusion. But seen with the vision of the Sothern slavery ideologue, it was, as they said it for example in their “Battle Cry of Freedom,” a manifestation of tyranny³⁴⁹ because it denied the idea of real property as the pillar of freedom, and denied them their rightful property in slaves.

³⁴⁹ The motto of the south was according to the song “resistance, to tyrants we ll not yield”. Macpherson, 1988, preface.

Chapter 6: The crystallization of a nation: the dialectics of property, people and sovereignty in Norway

Outline of the argument³⁵⁰

This chapter first lays down the historical context for the emergence of a national movement in Norway. The fundamental basic assumptions of the national ideology are then explained and explored, and the role of private landed property in the national ideology is explicated through examples from the writings of key members of the national movement.

The argument of the chapter has as its basic structure a historical narrative, which covers primarily the period from 1770-1814. The argument is divided into two sections. The first section covers primarily the 1770s and 1780s. The central idea here was that the Norwegian self-owning farmers were freer than any other people in Europe, and that this was precisely due to a peculiar Norwegian history which resulted in wide landownership. I invoke the ideas of scholar Gerhard Schlning (1722-1780), priest Johan Nordahl Brun (1745-1816) and priest Jens Zetlitz (1761-1821).

The second, shorter period of the national movement from January until 17 of May 1814 and shows how the idea of widespread landownership became connected to popular sovereignty. An introduction to Norway during the Napoleonic Wars will be given, because it was the course of these events that was the direct and immediate cause of the emergence of a national movement in Norway. I then focus on the initiator of the national movement of 1814, the Oldenburg Prince, Christian Fredrik (1786-1848), based on the notions of nationality found in his diary from the period. Christian Fredrik called together a constitutional assembly at Eidsvoll on 10 April 1814, where several constitutional proposals were produced. I focus especially on the constitutional draft written by Johan Gunder Adler (1784-1852) and Christian Magnus Falsen (1782-1830). The point is to show how, in a time of crisis, loyalty to the Oldenburg state became transformed into a belief that freedom must be built on historical local traditions, and that the most firm pillars of freedom were to be found within Norway,

³⁵⁰ This chapter is the first of two chapters on Norway. Both of these are based on substantial amounts of quotes from primary sources. As I stated in chapter 3, these quotes are all my own translations from Danish/Norwegian.

specifically on the widespread distribution of landed property. Thus emerged again, like in America, a conceptual amalgamation of people, property and sovereignty.

“A free constitution ... was created by centuries of internal preparation”

Since the eleventh century, there had been comparatively well-organized state apparatuses covering the area that would later constitute the Norwegian nation, and since the 1660s this kingdom was an integral part of one of the most consequential absolutist states in Europe, the Danish Oldenburg state. But despite this difference in historical conditions to the British North American colonies, landed property relations in Norway had become, by the time of its own national revolution, surprisingly similar to those of the US. In a way, this difference in historical conditions constitutes a similarity to the American case. If, in America, the foundation for the national ideology was the lack of historically-imbedded social structures, in Norway, it was precisely because the social structure was so historically imbedded that an ideology of nationalism was prone to emerge. And, like in America, the Norwegian property structure had resulted in widespread ownership of real property. This became one of the most decisive factors for the emergence of the ideology.

Norwegian historians of all convictions have always noted the peculiar property structure and its effect on the development and formation of the Norwegian nation and its separation from the imperial Danish state of which it had been part since 1537. There had existed a kind of left-wing nationalist historiographical tradition going all the way back to the genesis of the national movement itself. But the writings of Ernest Sars, written in the last quarter of the nineteenth century, are normally taken to constitute the beginning of the modern historiographical debate. Sars held, and vigorously advocated, the opinion that the Norwegian national movement had indeed been prepared over centuries of inner development owing to its peculiar property structure. Sars wrote that “a free constitution ... was created by centuries of internal preparation” and it was “the ancient personal freedom and property rights” of the Norwegian farmer – the *odelsbonde*³⁵¹ – that was the most important precondition and cause for the creation of a nation-state.³⁵² A generation later, Marxist historian Halvtan Koth

³⁵¹ *Odelsbonde* in legal terms refers to a farmer (a *bonde*) which has exclusive property rights to his lands which he has inherited from his father and which his son will inherit from him with the same exclusive rights.

³⁵² Sars, Ernst, *Historisk indledning til Grundloven*, Folkeskriftsselskabet, Kristiania (1887), p.3.

continued this same line of argument.³⁵³ But since then, the importance of the role of the *odelsbonde* and the peculiar property structure to the preparation of the national movement has largely been downplayed or even dismissed completely.³⁵⁴ In recent years, historians and sociologists have tended to give a more balanced account of the matter emphasizing both the importance of the property structure and other factors.³⁵⁵ There was, however, also a revival of the left/Marxist tradition from the mid 1990s initiated by Kåre Lunden.³⁵⁶ Lunden's views, and the leftist tradition they represent, are the ones most congruent with my own in its emphasis on the propertied precondition for the national revival. I do not believe, as Sars, in the heroic and unique attributes of the Norwegian farmer, but his right to property, "created by centuries of internal preparation," was decisive.³⁵⁷

The seedbed of the Norwegian national ideology

a) *Economy and population in Norway and Denmark*

At the eve of the national revolution in Norway, the population had reached 884,000 people. Almost all of these belonged to Lutheran Christianity and almost all were ethnically Norwegians. 90% of the population lived in rural areas, and 80% of the working population was employed in farming, fishing or forestry. Only 6% of the population was engaged in manufacturing or industry, whereas 15% of the population was engaged in commerce or transport. Export of raw materials – of which fish and lumber were the most important – constituted the bulk of Norwegian export. Lumber went mainly to the British Isles and the Netherlands, whereas fish was exported to Southern Europe. There were also exports from mining and salt production which went mainly to Copenhagen due to the mercantile policies

³⁵³ Koth, Halvdan, *Norsk bondereising: fyrebuing til bondepolitikken*, H. Aschehoug & CO, Oslo (1926).

³⁵⁴ Steen, Sverre, *1814*, J.W Cappelen Forlag AS, Oslo, (1989). Mykkland, Knut, *Kampen om Norge*, Cappelen, Oslo, (1958), Seip, Jens Arup, *Utsikt over Norges historie*, Gyldendal norsk forlag, (1974).

³⁵⁵ Sejersted, Francis, *Demokrati og rettstat*, Pax Forlag AS Oslo, (2001) and Sejersted, Francis, *Demokratisk Kapitalisme*, Pax Forlag, Oslo, (2000), are good examples of this.

³⁵⁶ Lunden, Kåre, *Norsk Grålysning: Norsk nasjonalisme, 1770-1814 på allmenn grunn*, Det Norske Samlaget, Gjøvik, (1992). Lunden, Kåre, *Nasjon eller union: Refleksjonar og røynsler*, Det Norske Samlaget, Oslo, (1993).

³⁵⁷ Recently Nils Rune Langeland made an argument about the Norwegian constitution that also places more emphasis on the property rights of the Norwegian farmer. See Langeland, Nils Rune "Røysteretten som mål på politisk kompetanse", in Langeland (ed), *Politisk kompetanse: grunnlovas borgar, 1814-2014*, Pax forlag AS, Oslo, (2014), p 27-59. Marthe Hommerstad has also recently written about Norwegian nationalism and the property rights of the farmers in Hommerstad, Marthe, "Allodial rights and the Norwegian constitution. Christian Magnus Falsen and the idea of the Norwegian Farmer", in *Nordic historical review*, no.10 pp.83-94, (2010).

of the Oldenburg absolutist state. Export went by sea, and by the early nineteenth century a small Norwegian merchant class owned one of the most considerable trading fleets in Europe. However, it was farming and work related to the farm that dominated the relations of ownership and appropriation: about 260,000 people were employed in farm-related work in 1801. Of these, 78,000 people were self-owning farmers, which means that about 60% of the land in Norway was farmed by self-owning farmers. The rest of the land was farmed by tenants called “husmenn,” some who were given land which they farmed and used as their own (about 39,000 people) and some who were landless (about 40,000 people). In addition to these, there was also a large group of household servants which counted more than 100,000 people. It is worth noting that there was practically no landed/feudal aristocracy in Norway. There existed literally only two units in the whole country that came close to resemble a manor.³⁵⁸ But since the Norwegian kingdom was part of the absolutist Oldenburg state, there existed formal aristocratic titles or privileges given by the king, but which were not connected to the ownership of manors. Hence, there was no landed aristocracy. The ruling class of Norway included instead clergymen and state officials, and many of these became central members of the national movement. However although these were not primarily landed aristocrats, they often owned significant properties and were relatively wealthy. This was a small group and, indeed, only a small portion of the population of Norway became members of the national movement that created the revolution in 1814.³⁵⁹ The movement consisted mainly of a small group of state officials, which constituted no more than 1% of the population, and a small group of merchants, but there were also freeholding farmers amongst its members. It was the elite who led the movement, but it managed to secure the support also of the freeholding farmers and integrated them into the movement. At the basis for their common interest was the securing of private landed property.

b) The state

The Norwegian national movement grew within the womb of a strong absolutist state. It may be useful to define the state to which the Norwegian kingdom belonged after the Reformation

³⁵⁸ These were the Barony of Rosendal (established 1678) in the south west of Norway, Bratberg, Terje, “Baroniet Rosendal” in *Store Norske Leksikon*, (2010) https://snl.no/Baroniet_Rosendal Downloaded 10.02.2016), and the County of Jarlsberg established in 1684, Bratberg, Terje, “Jarlsberg” in *Store Norske Leksikon*, (2010) <https://snl.no/Jarlsberg> Downloaded 10.02.2016

³⁵⁹ Pryser, Tore, *Norsk Historie 1814-1860: Frå Standssamfunn mot klassesamfunn*, det Norske samlaget, Oslo, (1999), p. 30-36, 59-74, and 164-168.

as 'den Oldenborgske heilstaten' (the dynastic Oldenborg state). This sets our focus on the fact that it was the Oldenborg dynasty which ruled over the Norwegian kingdom (and others), and that it was a state that ruled over several different linguistic and cultural areas where political power was legitimized and exercised by monarchical lineage. It was a state where sovereignty was theoretically vested solely in the Oldenborg monarch, thus making landed property in theory disconnected from political rights. But, in fact, even though the Norwegian kingdom was subject to the Oldenborg Crown – a province³⁶⁰ – it was still in many ways seen as a separate kingdom. The monarch often stressed his right to the kingdoms of Norway and Denmark, and Norwegian medieval law was kept intact.³⁶¹ Nevertheless, despite this formal division of the two kingdoms, the Oldenborg state became, after 1660, one of the most consolidated and centralized monarchies in Europe.³⁶² The state was highly patriarchal, and absolute loyalty and love was demanded of its subjects. There were systems of local rule and government in which the population participated, but in theory there were almost no political, civic or economic freedoms within the absolutist state. The monarch was, according to the law, “the first and highest authority on earth and over all human law.”³⁶³ On the other hand, during the eighteenth century, the king was more and more seen to have duties on behalf of his subjects, amongst other things to secure justice and bourgeoisie liberties³⁶⁴ (and in fact, also the bulk of the population, the farmers, saw the Oldenborg king as a protector of their rights against local officials³⁶⁵), and by the late eighteenth century the absolutist monarchy was held in a general high esteem; indeed, both in Norway and in Denmark, it was generally seen by the elite and the farmers as protecting the liberties and rights of its subjects.³⁶⁶ There

³⁶⁰ It was declared when the kingdoms merged that Norway was to be “a province of Denmark till the end of time.”

³⁶¹ Ersland & Sandvik, 1999: p. 162-163.

³⁶² This monarchy was for instance the only absolutist monarchy that had a written absolutist constitution. Glenthøj in Mestad (ed) 2013: p. 68.

³⁶³ Quoted in Kvestad, Lars, “Frå undersaater til Norske borgere: Utviklinga av eit statsrettsleg frå eineveldet fram mot konstitusjonelt demokrati i 1814”, in Langeland, 2014: p. 61.

³⁶⁴ Glenthøj, Rasmus, “Enevælde under afvikling. Schlegel og tidens skiftende oppfatelse av kongemakt og konstitution”, in Mestad Ola (ed) *Frihetens forskole: Professor Schlegel og Eidsvollsmennenes læretid i København*, Pax forlag AS, Oslo, (2013). Holm, Edvard, *Den offentlige mening og Statsmagten i den dansk-norske stat i Slutningen av det 18de Aarhundrede 1784-1799*, København, (1888), Seip, Jens Arup. *Teorien om det opinionsstyrte eneveldet*, Universitetsforlaget, Oslo, (1958).

³⁶⁵ Koth, 1926, and Østerud, Øyvind, *Agrarian structure and peasant politics in Scandinavia: a comparative study of rural response to economic change*, Universitetsforlaget, Oslo, (1978). Østerud writes: “to the peasant mind the the king often seems to have been perceived as a guarantor of legal rights against injustice from local power groups- including the provincial officialdom”, p 227.

³⁶⁶ In fact one can find expressions of feelings of freedom and pride of belonging to the Oldenborg monarchy, very similar to those expressed by colonial Americans in the decades leading up to the revolution: it was felt that the Oldenborg monarchy secured bourgeoisie freedoms more perfectly than

had developed a notion of loyalty and belonging to the monarchy as an entity with rituals and mythologies feeding of both Norwegian and Danish history and myth.³⁶⁷ There was also a pervasive intellectual environment inspired by the enlightenment that focused on freedoms and rights of the citizens within this state. This environment laid some important foundations for the national movement that emerged in Norway in 1814.

The historical freedoms of the Norwegians

a) *The odelsrett and the odelsbonde*

The Norwegian elite of the late eighteenth century were deeply imbedded in a western tradition of political thought, including English, French, German and American writers – and both the American and the French revolution occurred within recent memory.³⁶⁸ Authors in both the Norwegian and the Danish part of the empire had, since the early eighteenth century, developed and investigated theories of natural rights,³⁶⁹ and by the late eighteenth century this was a major intellectual trend at the universities of the empire, especially in Copenhagen. But like in the British colonies, these ideas became adapted to local circumstances, and applied to a specific Norwegian tradition of rights related to the property structure. The Norwegian medieval state and the way in which the farmers participated in government through the “ting” based on their odelsrett was a pervasive element in this strand of thought. The odelsrett was an exclusive right that many farmers in Norway had to their land. It involved exclusive rights of use, and it was hereditary. In other words, it was an exclusive property right. The “ting” was connected to this right, and an early medieval form of government where the men with odelsrett met every year to form the laws of the country.³⁷⁰ This right to form laws through property rights implied in the odeslrett was, in the late eighteenth century, seen by many as the foundation of Nordic freedom. The odelsrett made men free because it was an exclusive

any other state. Olsen, Brian, Kjær, “Frækhed er frihedens grænse. J.F.W. Schlegel og den republikanske udfordring”, in Mestad (ed), 2013.

³⁶⁷ Glenthøj, in Mestad (ed), 2013. I shall elaborate on this below.

³⁶⁸ The American Revolution had been made public in Copenhagen in September 1776, whereas the fall of the Bastille in 1789 had been announced only 17 days after it happened, and the Declaration of the Rights of Man was announced in September that year. Mestad, Ola, “Innledning - Eneveldehovudstad, politikk og studiar”, in Mestad (ed), (2013).

³⁶⁹ Jakobsen, Rolv Nøtvik, “Holberg etter Puffendorf, Guberus etter Darjes, Shlegel før 1814: Om autoritetar og fridom i dansk norsk natur – og folkerett på 1700 talet», in Mestad, (ed), 2013. Bregnsbo, Michael, ”Det politisk intellektuelle offentlige miljø for de kommende grunnlovsfedre. Overgang frå enevælde til forfattning – idemessigemellemregninger”, in Mestad (ed), (2013).

³⁷⁰ On the odelsrett, see, Skeie, John, *Odels og Aasetesretten*, Gyldendal Norsk forlag, Oslo, (1950).

right to land which made the individual sovereign as a lawgiver. This vision of freedom tended to project upon the Norwegian self-owning farmer (the *odelsbonde*) of the present, the idealized image of the free Norwegian medieval farmer. There might also be some truth to the idea that the Norwegian farmer was freer than peasants in other countries at the time, and also had been in medieval times. Lunden draws on Mark Bloch's description of free and unfree men in European medieval history, which held that a man who was under the subjugation of another private man (i.e. a man that had to work on the land of barons or lords) was unfree, whereas a man who was only subject to the king (i.e. a man that worked and owned his own land) was free. In this respect, many Norwegian farmers were free throughout the medieval ages until 1814, says Lunden.³⁷¹ By 1814, reforms and land sales had been carried out that had made it possible for an increasingly larger group of farmers to fully and wholly own their own land.³⁷² One can also trace a trend of increasing institutionalization and standardization in relation to land sales from the seventeenth century onwards, ordering land sales and property relations in strict economic forms.³⁷³

b) *Norwegian freedoms within the Oldenburg Empire*

One of the most famous advocates for the idea of Norwegian freedom in the late eighteenth century was the historian Gerhard Schøning (1722-1780). Educated in ancient Norse history and modern philosophy, he started working as a scholar in Trondheim where he started the writing of a history of Norway.³⁷⁴ Here he emphasized the *odelsrett* and the "ting" as the ancient foundation of Norwegian freedom. The rule of King Håkon den gode (Håkon the Good) especially was seen as ideal by Schøning. He wrote about the King: "He had the most sincere concern for his subjects wellbeing, for their peace and their security."³⁷⁵ This he did by making "laws and duties for the wellbeing of the people, making a frame for their life and

³⁷¹ Lunden, Kåre, *Norsk Grålysning: Norsk nasjonalisme, 1770-1814 på allmenn grunn*, Det Norske Samlaget, Gjøvik, (1992), p- 108-110.

³⁷² See chapter 1 for more detail on this.

³⁷³ Nygard, Mons Sandnes, *Eigedomshending i norsk rettshistorie*, Universitetsforlaget, Oslo, (1977), p 127-159 and p. 271-282.

³⁷⁴ My account on Schøning builds mostly on Grankvist, Rolf, "Gerhard Schøning" in *Norsk Biografisk Leksikon*, Last edited 13.02.2009, http://nbl.snl.no/Gerhard_Sch%C3%B8ning Downloaded 18.07.2014. And Christensen, Olav, "En nasjonal identitet tar form", in Sørensen, Øystein (ed), *Jakten på det Norske: perspektiver på utviklingen av en Norsk nasjonal identitet på 1800 talet*, Gyldendal Norsk forlag, Oslo, (2001).

³⁷⁵ Schøning, Gerhard, *Om Norges Riiges historie: første del, rigets ældste historie frå det begyndelse til Harald Haarfagres tider*, Kiøbenhavn, (1771).p 289.

for their future that was both just and good.”³⁷⁶ Håkon the Good gave these laws on the “ting”, and it was this that made them good, because they were sanctioned by the free-propertied people of Norway. Such laws, asserted Schøning, were in fact the foundation of all the free states that had existed in Europe:

The oldest and mightiest states of Europe are founded by people from the north; the laws, customs and statutes of these people are the foundation of the European constitutions; and the Nordic flame, freedom and courage liberated the southern nations from enslavement³⁷⁷

Thus, Norwegian history should be seen not only as that of “a kingdom, but as an integral part of universal history.”³⁷⁸ But some wondered if the ancient Nordic freedom was not in too much of a slumber in Norway at the present. One of Schøning’s contemporaries, the priest Nordahl Brun (1745-1816), asked, borrowing a quote from the sixteenth century priest Peder Absalon Byer, “perhaps Norway could one day awaken from its sleep?”³⁷⁹ The language here is a classic example of nationalist revival ideology, and Brun connected this very much to the idea of the *odelsrett*. In his pamphlet “Tanker om Norges Odels-ret” (1788), he compared the *odelsrett* to the rights of the aristocracies in other countries. But this was not to say that he had much sympathy for the institution of an aristocracy – as such, he wrote: “This noble blood that supposedly flows through the veins of some men, I do not much care for.” Rather, it was the possibility that a secure right to landed property gave “the possibility to become a great man,”³⁸⁰ In Norway, precisely because of the *odelsrett*, there was no landed aristocracy, said Brun, and it was precisely therefore that the bulk of the population could be elevated to the position of aristocracy (i.e. to have material security and freedom – a right to property in land).³⁸¹ The *odelsbonde* was thus free and noble: “Odelsmenn of old! Men of honor, you love freedom, and rights you have!”³⁸² Freedom was here inseparably bound with landed property. But this freedom was not aristocratic in nature, it was natural and just: “The *odelsrett*, seems to me, equally natural as any other civic right,” wrote Brun, and it was connected to the kind of state in which Brun understood himself to be living in: “equality, independence and

³⁷⁶ Schøning, Gerhard, *Om Norges Riiges historie: første del, rigets ældste historie frå det begyndelse til Harald Haarfagres tider*, København, (1771). p 299.

³⁷⁷ Schøning, 1771: preface.

³⁷⁸ Schøning, 1771: preface.

³⁷⁹ Quoted in Sørensen, 2001: p, 59.

³⁸⁰ Brun, Johan Nordahl, *Tanker om Norges Odels-ret*, (1788), p. 23.

³⁸¹ Before the national revival as dated in this Dissertation, one of the most prominent intellectuals that the Oldenburg empire produced, the Norwegian playwright and philosopher Ludvig Holberg, had written, similar to Brun, that the Norwegian farmer was a “nobleman in miniature”. Quoted, in Hommerstad, 2010:p 85.

³⁸² Brun, 1788: p. 31.

fraternity are the treasures of nature, but the only just enforcer of any right is the civic state.”³⁸³

The “civic state” that Brun refers to is the Oldenburg absolutist state. This might seem odd, but Brun points to the interconnectedness of these specific freedoms of property and the absolutist Oldenburg monarch. The *odelsbonde* was sometimes held and contrasted with the Danish farmer, which in this case was seen to be unfree.³⁸⁴ But Norwegian freedom was seldom during this phase contrasted with the absolutist monarchy as such. Shøning, for example, dedicated the first volume of his history of Norway to the Oldenburg monarch, and he was central in organizing the jubilee for the Oldenburg monarch in 1760. His dedication to the king reads:

It is not because I have such high thoughts of my work that I dedicate it to your highness, but because of a sincere feeling of duty and gratefulness, on behalf of the people whose history I have written. You, your highness have, on so many occasions shown mercifulness and love towards this nation.³⁸⁵

The reason why one could emphasize the peculiar Norwegian national character and at the same time be sincere in one’s dedication to the absolutist monarch was perhaps partly because a prevailing notion was, as Brun famously said, that in the Oldenburg state, one had two homelands: one natural, and one civic, and there was no antagonism between them.³⁸⁶ In fact, Norwegians and Danes were bound together by the Oldenburg monarch, and the people were, said Brun, the children of the monarch, “never his slaves”³⁸⁷ – they were free. That the subjects could be free and yet the “children” of the monarch was not a contradiction because the freedom of Norwegians was seen as protected by the absolutist king. Although the *Odelsrett* was originally Norwegian, Brun believed that the Danish Oldenburg king had since protected it. Brun wrote:

The *odlesrett* was the right of Norway before Denmark and Norway, by the marriage of their respective royal families, became united. It has since been preserved by the Danish kings, and are by his laws now protected.³⁸⁸

The Norwegian farmer was seen as free under already-existing social and political conditions. Another contemporary writer, the priest Jens Zetlitz (1761-1821), also praised the freedom of

³⁸³ Brun, 1788: p 10-11.

³⁸⁴ There had for centuries existed a semi-feudal system of manorial farming in Denmark alien to Norway where such systems never existed. Some literature on the Danish farming system: Olsen, Gunnar, *Hovedgård og bondegård, studier over stordriftens udvikling I Danmark i tiden 1525-1774*, København, (1957), Skrubbletrang, Fridlev, *Det Danskelandbosamfund 1500-1800*, Odense, (1978), Rasmussen, Carsten Porskrog, *Det Danske godssystem. Udvikling og afvikling 1519-1919*, Århus, (1987).

³⁸⁵ Schøning, 1773: p. Preface

³⁸⁶ Brun, Nordahl, *Til Nordmænd: om troskab mod kongen og kiærlighed til fædrelandet*, (1773).

³⁸⁷ Brun, 1773: p 6.

³⁸⁸ Brun, 1788: p.10.

the Norwegian farmer within the kingdom. The Norwegian farmer, he wrote, had “from time immemorial been held in high esteem, because from time immemorial he has been free,” and he was freer than any common man anywhere else. However the fact that they were now being ruled by the Oldenburg monarch was seen to be no problem at all; in fact, he was “the mildest monarch in all Europe.” And it was precisely because he was free that the farmer was loyal: “the large degree of freedom, that the farmer here enjoys, is, if not the only, then surely the strongest source of his patriotic love and his loyalty.”³⁸⁹ Industrialist and landowner Jacob Aall (1773-1844), member of the national movement of 1814, wrote in his history of the period almost half a century later about what he perceived as the free nature of Oldenburg rule in Norway at the time:

Norway’s relation to Denmark had been of a peculiar nature; despotic laws had placed the country solely at the mercy of the king, yet, they were mildly carried out in Norway, and they took into account local circumstances. The internal laws were made in accordance with the simplicity of nature, and with the natural rights of men.³⁹⁰

This praise of the current monarchical situation as protector of unique liberties is, as we might remember, very similar to how Americans saw their liberties protected by the British king before 1776. And as in America, the change in discourse was brought forth largely by external factors. It was not till a crisis suddenly materialized – when the Napoleonic Wars cut the tie between the Norwegian people and its sovereign in 1814 – that the idea of Norwegian freedom became connected to a nationalist ideology. Aall explained in his history how, due to the wars, already in 1809: “The rock-solid tie to the old order, and the loyal affection to the old royal family that ruled over Norway, started, in the beginning of this decade, if not to waver, at least it started to be tested.”³⁹¹ But the actual break that came in 1814 was actually regrettable and unfortunate, wrote Aall. The Napoleonic Wars forced a new Swedish government (I explain this below) on the Norwegians, and Norwegians were thus forced to:

Protest ... against a form of government, where it could not be guaranteed that the local circumstances of the country would be taken into account, as had been the case with the old government.³⁹²

It was the Treaty of Kiel, signed 14 January 1814 as part of the settlement of the Napoleonic Wars, that caused a national movement to emerge in Norway when the throne of Norway was

³⁸⁹ Zetlitz, Jens, *Sange til den norske bondestand*, (1795), Preface.

³⁹⁰ Aall, 1844: p 359-360.

³⁹¹ Aall, Jacob, *Erindringer som bidrag til Norges historie frå 1800-1815*, Cappelen, Christiania, (1844), p 3. People started to consider a break with Denmark, wrote Aall, but when it happened, at least Aall considered it a “catastrophe” Aall, 1844: p. 6. He was not the only one, as we shall see below.

³⁹² Aall, 1844: p 360.

taken from the Oldenburg monarch and given to the king of Sweden. Like in America, nationalism existed before this in Norway as a potentiality of an ideology only: it took the flames of the Napoleonic Wars to give the idea form in the world. And the nation became erected upon the Norwegian property structure of widespread landholding.

Initiation of the national movement

a) The Napoleonic Wars and the Treaty of Kiel

The Oldenburg state became involved in the Napoleonic Wars in August 1807 when the British hijacked the Oldenburg imperial armada anchored in Copenhagen and bombarded the city. This practically forced the Oldenburg state into an alliance with Napoleon. When the Oldenburg state thus became officially allied with revolutionary France, the British mustered a naval blockade that effectively cut off the Norwegian part from the Danish part for the next seven years. For the Norwegian part of the empire, this had disastrous consequences as Norwegians were dependent on imported corn from Denmark. Thus, famine soon broke out in the Norwegian part of the empire. The consequences for the city merchants were also bad as most of their trade had been directed towards Britain or the Netherlands. Furthermore, involvement in the Napoleonic Wars brought battle to the eastern Norwegian borders (1808-09) as Napoleon, for strategic reasons, demanded an attack on Sweden. This war stirred patriotic feelings in many people. Much of this patriotic sentiment was tied to Prince Christian August who led the southern division of the Norwegian army in successful raids against the Swedish. Christian August was the prince of the Oldenburg southern province of Slesvig-Holstein. As he grew into adulthood he became a skilled military commander, learning many of his skills in the Austrian army where he had a position during the late 1790s. In 1803 he was sent to Norway as commander in chief of the southern army division, and when the war broke out he was appointed leader of the provisional government in Norway by the Oldenburg king. However, the Swedish elite also had an eye to him, and after unrest and revolution in Sweden in 1809 he was appointed and accepted the Swedish throne in 1810.³⁹³ When the prince departed from Norway, there was a great party for him, and at this party the initiative was taken to establish *Det kongelige selskab for Norges vel* (The Royal Society for the Wellbeing of Norway), which became the first countrywide civil society organization. The

³⁹³ Mykland, Knut. (Last Edited 13.03.2009) Christian August, in Norsk biografisk leksikon. https://nbl.snl.no/Christian_August. Downloaded 26.01.2015

society became a platform for advancing Norwegian interests vis-à-vis the Oldenburg monarch during the war.

One of the founders of *Det kongelige selskab for Norges vel* was Count Herman Wedel Jarlsberg. Born in 1779 to a Danish/Norwegian diplomat and Count, Wedel Jarlsberg was one of the very few real aristocrats in Norway at the time. He spent most of his youth in continental Europe, visiting his barony with his family primarily during the summers. In 1801 he received a university degree in law at the University of Copenhagen, and spent the next years in the financial committee of the Oldenburg government. In 1806 he moved to Norway and became an administrator of a county in the southeast. When the Oldenburg state became involved in the Napoleonic Wars, Wedel was appointed by the government commission in Norway to provide corn. During the war years, Wedel became more and more discontent with Oldenburg rule, and saw it as incompatible with the existence of national freedom. Securing civic liberties was essential to Wedel, and they could not, he thought, be safe under Oldenburg absolutism. In 1809, when Swedish revolutionaries had started contemplating the idea of Christian August as Swedish king, Wedel saw an opportunity to realize an old dream of uniting Norway with Sweden under a liberal constitution. It was especially after the war of 1809 that Wedel gathered support for this plan, particularly amongst industrialist and merchants in the southeast of the country, whose loyalty to the Oldenburg monarchy, as Aall had written, had “started to be tested.” Christian August, however, was reluctant to do this, and the plans stalled completely when he died unexpectedly of heart failure in the summer of 1810.³⁹⁴ Other than this attempt by Wedel and the group of merchants supporting him, there was little direct nationalist opposition to Oldenburg rule before the spring of 1814. The Treaty of Kiel, signed that winter, thus marked a decisive shift in the course of the national movement. The treaty in effect transferred the throne of Norway to Swedish King Karl Johan. However, Karl Johan was not able to claim the throne until August (the time it took to move his armies to the Norwegian border). It was in this vacuum, where the Kingdom of Norway was left without any sovereign, that the heir to the Oldenburg throne, Prince Christian Fredrik (1786-1848), animated the

³⁹⁴ Wedel was the spearhead of the group of merchants advocating a breakup with Denmark and a union with Sweden. On this and Wedel’s life and politics see Nielsen, Yngvar, *Grev Herman Wedel Jarlsberg og hans samtid, 1779-1840*, Alb. Cammermeyer og P.T Mallings boghandel, Kristiania, (1888). And, Storsveen, Odd Arvid, “Grev Herman Wedel Jarlsberg” in *Norsk biografisk Leksikon*, (13.02.2009). http://nbl.snl.no/Herman_Wedel_Jarlsberg Downloaded 18.07.20014

Norwegian national movement.³⁹⁵ In 1813, at the age of 26, disguised as a deckhand on a fishing boat, Prince Christian Fredrik had sailed from Denmark to Norway, navigating through enemy British warships, on a mission to preserve the integrity of the Oldenburg state. But when the Kiel treaty was signed, the prince took action to prevent Norway from falling into the hands of Swedish King Karl Johan – actions which resulted in the Norwegian declaration of independence.

b) *Prince Christian Fredrik and the national movement*

There is an endless and ongoing discussion about the true motives of Christian Fredrik: were his actions in 1814 motivated by an underlying wish to later reunite Norway with Denmark? Did he actually believe in the sovereignty of the people? Is he to be hailed as a hero or judged as a traitor³⁹⁶? I think that it is beyond any doubt that the prince was crucial in leading the national movement and making the writing of the constitution and the declaration of independence possible. In this way, the prince must surely be held as a key figure in securing Norwegian independence. And although his underlying motives for this can perhaps never be known, it is nevertheless a fact that he did agree to become King of Norway by consent of the people: he accepted that the people were vested with ultimate legislative power, that they

³⁹⁵ The background for the signing of this treaty was the following: Sweden, under its new king, Karl Johan (king from August 1810) had joined Great Britain in the effort to defeat Napoleon and his allies. This was very much the work of Karl Johan. His name of birth was Jean Baptiste- Bernadotte, and he was a French nobleman who had served as general under Napoleon during several important and successful battles. In 1810, after the death of Christian August, he was approached by a Swedish agent in Paris who asked him to be candidate for the election of a new Swedish king. Bernadotte agreed, and was elected king 21 August 1810, taking the name of Karl Johan. The previous year Sweden had lost Finland to Russia, and as new king of Sweden, Karl Johan wanted to restore the pride and might of Sweden. His solution to this became, in the end, to join the allies against Napoleon by the promise that by the defeat of Napoleon and his allies (which still included the Oldenburg state), Norway would befall the crown of Sweden. As the Napoleonic Wars approached its finale in 1813, Karl Johan led the Swedish troops at the Battle of Leipzig and defeated his former emperor Napoleon who fled towards Paris. Karl Johan did not join the allies in pursuit towards Paris, but moved his army instead north to Denmark. Not trusting the promise of Britain to give him Norway, he took matters in his own hands. By January 1814, his huge and well-trained Swedish force stood ready to capture the Oldenburg capital of Copenhagen, forcing the Oldenburg king to bestow to Karl Johan the throne of Norway Bjørnskau, Erik. (Last edited 13.02.2009). Karl 3 Johan, in Norsk biografisk leksikon. https://nbl.sn�.no/Karl_3_Johan. Downloaded 26. 01. 2015

³⁹⁶ Georg Sverdrup – prominent, member of the national movement –, for example accused the Prince of cowardice after the Prince had declared armistice with Sweden when Karl Johan had invaded with his army. The Prince expressed his regrets to Sverdrup that so much blood had been spilt on his account, but Sverdrup answered that the problem was rather that not enough blood had been spilt. The people of Norway, thought Sverdrup, had been betrayed by their leader not willing to lead them in a fight for freedom whatever its costs. This was the beginning of a long tradition of distrust and discredit of Christian Fredrik. This anecdote can be found in Langeland, 2014: footnote 1, p 346.

should exercise this sovereignty through their representatives, and that he himself was vested only with executive powers and was in fact not a king that ruled over subjects but one that ruled on behalf of citizens. One can of course wonder if he really wanted this, and one can point to the fact that when he later became king of Denmark, he long refused to give to the Danish people what he seemingly so ardently fought to give the Norwegians. But when in Norway, he seems to really have believed in the freedom of the Norwegian people and its connection to the propertied freedom of the farmers.³⁹⁷ Reading the entries in his notebook from 1814, one gets the impression of a man passionately caring for the freedom and right of the people, a man that fights for the natural right of a people to live in freedom and not under enslavement. He said he would “Rather die with weapon in hand than to be slaves of the Swedish.”³⁹⁸ He hoped in the long-term to make the Norwegian people happy, telling himself:

God knows that my highest wish is to see this people happy. If only the power was bestowed upon me to grant this people all the happiness that I aim to give them, the happiness that they deserve.³⁹⁹

The prince’s enthusiasm was at least partly based on his belief in the special characteristic of what he saw as the Norwegian people, the propertied farmers. During a journey to Trondheim in the winter of 1814, the prince met many local farmers, and he took note of “their awesome national sentiment.” The prince reflected: “one does not know such a people if one thinks that one can take away their freedom with the stroke of a pen.”⁴⁰⁰ It was also on the initiative of the prince that it was decided that at least one of the representatives to the later constitutional assembly from each county should be a farmer.⁴⁰¹ The prince, according to his diary, believed in the freedom-loving spirit of these people: “the nation ... will do everything for its freedom and independence, it would rather die than have a life in slavery.” And seeing this, he told himself: “there cannot be any doubt about what I have to do.” The answer was to fight the

³⁹⁷ The world views of the prince seems to have been deeply founded on a Christian Humanism though to him by childhood teacher. Here he had been familiar with the French revolution, and thinkers like Rousseau and Voltaire. Langslet, Lars Roar, *Christian Frederik, Konge av Norge (1814, Konge av Danmark (1839-48))*, J.W Cappeneins Forlag, Gjøvik, (1998), p. 25-31. The Prince a formed early in his life a close friendship with Norwegian merchant Carsten Anker, who later became a central member of the national movement. Anker was a man of the world but developed strong patriotic sentiments towards Norway. Several times during the war years he yearned the Christian Frederik to come to Norway to save its freedom. “To Norway, to Norway! O prince! To Norway, Only you can save the jewel of our crown from theft and chains”, he wrote to Christin Frederik in 1810. Mykland, Knut. (Last edited 13.02.2009). Carsten Anker, in Norsk biografisk leksikon. https://nbl.snl.no/Carsten_Anker. Downloaded 26.04.2015.

³⁹⁸ Alnæs, Jan Jørgen, *Christian Fredriks dagbok frå 1814*, Gyldendal norsk forlag, Oslo, (1954), p 28.

³⁹⁹ Alnæs, 1954: p. 120-121.

⁴⁰⁰ Alnæs, 1954: p.110.

⁴⁰¹ Hommerstad, 2010: p. 84.

cause of the Norwegians: “Even if all of Europe is against us, there is always the option to fight till the last man standing.”⁴⁰² One interpretation of this is to see a man acting out of a powerful moral conviction of what he sees as naturally right, even at the risk of great personal costs.⁴⁰³ The prince was not, however, at first, prepared to accept the throne of Norway by the grace of a sovereign people: during the first weeks after the signing of the Treaty of Kiel, the prince assumed sovereignty in Norway on account of the hereditary rights he had as heir of the Oldenburg monarch. But in February of 1814, he changed his mind and decided to legitimize his right to rule Norway by the will of the people. According to his own diary, he decided to do this after a meeting at Edisvoll on 16 February 1814, when Professor Georg Sverdrup (1770-1850) pointed out to him that since sovereignty was ultimately vested in the people, the professor himself had a claim to the throne equally just and legitimate as that of the prince’s claim. Sverdrup had studied in Copenhagen and in Gottingen where he had been acquainted with German romanticism, and became one of the first professors of the University of Christiania (present day Oslo) (established 1811).⁴⁰⁴ He was an acquaintance of Christian Fredrik, and thus became involved in the Eidsvoll meeting where he told Christian Fredrik that he could only be a legitimate king if he appealed to the sovereignty of the people.⁴⁰⁵ Sverdrup’s influence on Christian Frederick’s decision is arguable, but the Prince does mention this in his diary, and again in a way that makes him sound earnest in his belief:

This is a day that I will never forget. I have listened to the speech that professor Sverdrup held for me with a joy that only one possessing a pure mind knows. He said that the rights that Fredrik 6 (King of the Oldenburg state) have given away will fall back to the hand of the people, and that it is from the hand of the people that I shall receive my crown.⁴⁰⁶

Regardless of the motivation and cause of this decision, it was crucial for how the realization of nationality happened in Norway, as it marks the moment that opened up the possibility for that peculiar *amalgamation of people, property and sovereignty* which characterizes nationalism. Because of this decision, the prince was obliged to post an “Open letter from the regent of Norway” throughout the kingdom. In the letter, it was proclaimed that elections for

⁴⁰² Alnæs, 1954: p. 78.

⁴⁰³ Indeed the actions of the prince could be seen to be directly traitorous towards the Oldenburg state, and the king even directly told the prince in a letter that he would withdraw his hereditary right to the Oldenburg throne if he carried his plans to conclusion.

⁴⁰⁵ Storsveen, Odd Arvid. (Last edited 13.02.2009). Georg Sverdrup . in Norsk biografisk leksikon. https://nbl.snl.no/Georg_Sverdrup_-_1. Downloaded 26.04.2015.

⁴⁰⁶ Alnæs, 1954: p. 44-45.

a national assembly to write a constitution were to take place at Eidsvoll as a reaction to Karl Johan's plan to incorporate the kingdom into Sweden.⁴⁰⁷

c) *Impending chaos and the chains of slavery*

When the prince sent his open letter across the country, most of the answers he got back expressed regret of the break with the Oldenburg state and hostility towards Sweden. It was with “the deepest of sorrows” read one letter, that “we recognize that the bond which for so long have tied our two kingdoms together is now broken.”⁴⁰⁸ Indeed, stated another letter, “we feel as children bereft of our loving father ... with anger we see that the ancient throne of Harald [Norwegian Viking king] now falls in the hand of the Swedish.”⁴⁰⁹ Another letter proclaimed that “We would never be slaves of the Swedish.”⁴¹⁰ There was little doubt that with the Treaty of Kiel, the people had been “doomed to slavery”⁴¹¹ under the Swedish. This may indicate that loyalty to the prince and the monarchy was still prevalent in much of the population.⁴¹² And it was perhaps precisely because the prince represented the Oldenburg monarchy that so many came to support him in the endeavor to create an independent Norwegian state in opposition to the decision of the great powers and Sweden. The prince represented the principle to which people were loyal, and the institution which represented stability and freedom, the Oldenburg monarchy. There was a pervasive underlying assumption at the Eidsvoll assembly that the Norwegian kingdom was on the brink of chaos. The state of which Norwegians had been a part for over 400 years had been dissolved, and imperial sovereignty had disappeared – had fallen back to the people. It was up to the people now to

⁴⁰⁷ I am not saying that the prince did this purely out of idealistic reasons. No doubt there were pragmatic considerations of power involved as well. The point is that the fact that the prince chose this option made it possible for the national movement to emerge in the way in which it did. This is not to say that a national movement of a similar nature would never have emerged without the actions of the prince.

⁴⁰⁸ Christopher H Storm, March 18th, 1814, in Olafsen, Arnet, *Riksforsamlingens forhandlinger, 2den del: Adresser og fuldmagter*, Grøndhal og søns Boktrykkeri, Kristiania, (1914) , p. 197.

⁴⁰⁹ Jacob Nauman February 25th, 1814, in Olafsen, 1914: p. 7. Vol 2.

⁴¹⁰ P. Knudsen, March 18th, 1814 in Olafsen, 1914: p. 386. Vol 2.

⁴¹¹ Christopher H Storm, March 18th, 1814 in, Olafsen, 1914: p. 387. Vol 2.

⁴¹² It is of course difficult to know how earnest this was, too. The letters that the prince received were public letters sent by the local authorities across the country, and it is difficult to imagine that such letters would be anything else than positive towards the prince. On the other hand, there had been a series of wars between Norway and Sweden in the seventeenth and eighteenth century. Sweden had thus been a long-time rival. But one might also put in serious doubt how much the locals that signed the letters really cared whether their king was Danish or Swedish. Nevertheless, the letters do provide interesting insights into the political discourse of the time, and might at least indicate the loyalty amongst the elite to the Oldenburg monarchy, and provide interesting light on the idea of slavery.

secure balance and freedom. However, this freedom and security one had to fight for: “every thinking man in the state will realize,” it was claimed, that independence could not be achieved “without the most grave sacrifices and great struggle by all our citizens.”⁴¹³ Another member of the convention said: “either the nation will have to bend its back under foreign yoke, or with ancient Nordic power, uphold its freedom.”⁴¹⁴ The members of the national movement knew very well that they were in the midst of the Napoleonic Wars and the dire state in which it had left the Norwegian society and economy, and they knew that an invasion by Sweden was immanent. Christian Frederik was by many given – and, as we saw above, gave himself – the role as savior from both slavery and anarchy. The Prince was seen by some as “the only one who could save the state from anarchy.”⁴¹⁵ Hence, Christian Fredrik was to be elected king of the New Norwegian state, but “neither in form nor in action will he be a despot.”⁴¹⁶

Christian Frederik became an elected constitutional monarch as he himself had promised; he was king only by the will of the people and with restricted powers. It was felt that it was a decision of a sovereign people: in seeking to avoid “the misfortunes of anarchy,” said one member of the Eidsvoll convention, the best men of the nation had been called together “on behalf of the people to create a constitution that secures civic liberty and earthly happiness in the land of Norway.”⁴¹⁷ It was for these causes and on such a foundation that Christian Frederik became king – chosen by the members of the Eidsvoll assembly who represented the will of the people. He was himself absent from the main negotiations of the constitutional assembly, but before the proceedings started the prince emphasized the national character of his rule. He knew that the people of Norway had a longing to freedom within them, he said, and he knew that “no longing could be as strong as that to liberty.” Indeed, a people that would willingly give up its liberty was worth “nothing but the chains of slavery.” The prince promised to help the Norwegians establish the wisest and best form of government, that which “secures civic liberties and makes the law sacred.”⁴¹⁸ Law was a central aspect of Norwegian nationalism; integrated into the conceptions of sovereignty of the people and security of property – and ultimately to national and individual freedom. Rule of law meant rule by the people, and rule

⁴¹³ A. C. Møller, May 7th, 1814, in Olafsen, Arnet, *Riksforsamlingens forhandlinger, 1ste del: Protokoller med bilag og tillæg*, Grøndhal (1914) P. 196.

⁴¹⁴ D Hegerman, May 12th, 1814, in Olafsen, 1914: p.350. Vol 1.

⁴¹⁵ Christian Magnus Falsen, May 17th, 1814, in Olafsen, 1914: p. 67. Vol 1

⁴¹⁶ Christian Fredrik, May 19th, 1814, in Olafsen, 1914: p 113 Vol 1.

⁴¹⁷ H. J Stabel, April 5th, 1814, in Olafsen, 1914: p.123-124. Vol 1.

⁴¹⁸ Christian Fredrik, April 11th, 1814, in Olafsen, 1914: p. 2. Vol 1.

by the people secured freedom, that is, the right to property for the individual. This was to a large extent based on the widespread ownership of landed property in Norway. To elaborate on this, I shall first invoke one of the most influential constitutional drafts that was presented at the Eidsvoll Convention. This draft was written by Johan Gunder Adler and Christian Magnus Falsen.

The Eidsvoll assembly: amalgamation of people, property and sovereignty

a) The Alder/Falsen constitutional draft

It is unclear who was the principal author of the Adler/Falsen constitutional draft. During the first century and a half after 1814, Falsen was given credit for writing the most of it. But doubt was raised in the late 1940s, and Johan Gunder Adler was held as the main author of the draft. I invoke the draft here as an example mainly of Falsen's thought because Falsen became one of the most prominent members of the national movement in 1814 and after. Indeed, Falsen's thought stands out as an ideal type of the national ideology in Norway.

Christian Magnus Falsen (1782-1830) came from a long tradition of state officials serving in Norway for the Oldenburg monarchs. He grew up in Norway and studied in Copenhagen, where he became interested in history, especially history of democracy and the ancient Norwegian past. After his studies he got a position as a magistrate in Norway and he bought a farm that he also ran. Falsen was for a long time loyal to the Oldenburg monarchy and a personal friend of Prince Christian Fredrik. As late as 1813 he was a firm supporter of the monarchy and even agreed to spy on Wedel Jarlsberg and his plans for a Norwegian union with Sweden. After Christian Fredrik declared that he would be king of an independent Norwegian state based on the sovereignty of the people, Falsen became one of his most firm supporters. He was an active debater at the Eidsvoll proceedings and, together with Johan Gunder Adler, he put forth a constitutional draft which strongly influenced the final constitution. Falsen also sent the draft for revision to Christian Frederik, and kept him updated on the proceedings at Eidsvoll. Falsen's worldviews were strongly influenced by the American Revolution, whose principles and heroes he greatly admired.⁴¹⁹ In this he was strongly

⁴¹⁹ For the influence of the American Revolution on Falsen and the other men at Eidsvoll see Skard, Sigmund, *USA i Norsk historie, 1000 – 1776 – 1976*, Det Norske Samlaget, Oslo, (1976).

influenced by his father, who was also widely-read on Greek philosophy and ideas of freedom, something which Falsen also took up. When Falsen studied in Copenhagen, he furthermore became familiar with central enlightenment thinkers including Adam Smith, Immanuel Kant, Montesquieu and Rousseau. After his studies, Falsen came to read much from authors concerned with ancient Nordic freedom and the Odelsrett, amongst others the previously-mentioned Gerhard Schøning. Falsen also read and befriended Nordhal Brun.⁴²⁰

The Adler/Falsen draft, as to accentuate Falsen's American sympathies, opens with a line that is almost literally a copy of the American Declaration of Independence. The opening paragraph reads:

All men are born free and equal: they have certain natural, essential and unchangeable rights. These are freedom, security and property.⁴²¹

Paragraph four states that "property is the right which every citizen has, to enjoy and decide over his lands, his income, over the fruits of his labour and diligence."⁴²² This was all bound to freedom because freedom meant "that a person, as long as he is not intruding on other persons, and let them enjoy the fruits of their labour, may himself enjoy the fruits of his labour and security of his person."⁴²³ We thus see that freedom is inseparably bound with the right to property, that is to enjoy the fruits of one's labour. This was furthermore connected to popular sovereignty. Paragraph seven states that, "Sovereignty is the sum of all those rights which men acquire when entering into society. This sovereignty is vested in the people (or the nation)."⁴²⁴ In other words, property may be interpreted as one of "all those rights which men acquire when entering into society." In this right all the members of the nation were equal: "all the members of society, regardless of, birth, wealth, or rank are equal in their rights to enjoy the benefits of society."⁴²⁵ No man was to have privileges, because the people as a whole were sovereign: "Having established that all power flows from the people, all statesmen are their

⁴²⁰ My information about Falsen builds first and foremost on: Østved, Einar, *Christian Magnus Falsen: linjen I hans politikk*, Aschehoug, Oslo, (1945), and Mykland, Knut, "Christian Magnus Falsen" in *Norsk biografisk Leksikon*, (13.02.2009), http://nbl.snl.no/Christian_Magnus_Falsen Downloaded 21.07.2014.

⁴²¹ Jæger, Tyco, C, *Riksforsamlingens forhandlinger, 3 die del: Grundlovsudkast, Grøndahl og søns bogtrykkeri, Kristiania, (1916)*, p. 9.

⁴²² Christian Magnus Falsen and Gunder Adler, 22 April, 1814 in Jæger, 1916: p. 9.

⁴²³ Christian Magnus Falsen and Gunder Adler 22 April, 1814 in Jæger, 1916: p. 3.

⁴²⁴ Christian Magnus Falsen and Gunder Adler, 22 April, 1814 in Jæger, 1916: p. 9.

⁴²⁵ Christian Magnus Falsen and Gunder Adler, 22 April, 1814 in Jæger, 1916: p. 9.

servants, and are accountable to them.”⁴²⁶ Falsen was a living example to this ideology. Belonging to an aristocratic family of the Oldenburg state himself, he officially resigned his title at the Eidsvoll assembly. “I am not amongst the men,” he said, “who believe that birth should bestow privileges on a man, which he otherwise would not have had.” He did not intend by this to be seen as a man making a “sacrifice,” it was rather that he wanted to be “on an equal footing with my fellow citizens.”⁴²⁷ The important point was that all the members of the nation were equal in their rights, of which the most important was the right to property.

Like in America the ideas about property and sovereignty were informed by the relative widespread distribution of land in Norway. Falsen saw the creation of the nation state as a return to ancient Nordic freedom; an important point and underlying assumption in Falsen’s thinking was that although the right to property was natural, it was also historically conditioned by the Norwegian property structure. In the same way as Jefferson can be seen as a sage of American nationality, Falsen can be seen as one for Norway, placing the Norwegian farmer and his freedom in Benjaminian empty homogeneous time. In Norway, said Falsen, there had since time immemorial existed free propertied farmers (the *odelsbonde*) which “knew now lord but that of God above and the king bound by law.”⁴²⁸ In the old times of Nordic freedom, wrote Falsen, it was always the men of landed property that constituted the nation, and represented the voice of the people: “sovereignty was vested in the people, which had reserved for themselves legislative power,” and the people were constituted by the “men of landed property.”⁴²⁹ Property (or the *Odelsrett*) was indeed “the most secure protection of liberty,” and liberty the ancient Norwegians had. Behold, wrote Falsen, the vision of the past, “the great cliffs of Norway, on whose edges and in whose valleys beneath, the sons of Norway walked free and unbound.”⁴³⁰ Falsen wrote that he could not ever read the Sagas of old without feeling his soul empowered by the vision of “the *Odeslænd* [the propertied farmer] of Norway, in alliance with the king, deciding the laws of the land. The *odelslænd* of Norway ... free ... masters of their own land.”⁴³¹ This situation of free propertied men was ancient and natural, said Falsen:

⁴²⁶ Christian Magnus Falsen and Gunder Adler, 22 April, 1814 in Jæger, 1916: p.10.

⁴²⁷ Christian Magnus Falsen, May 7th, 1814, in Olafsen, 1914: p. 201. Vol 1.

⁴²⁸ Falsen, Christian Magnus, *Norges Odelsret, med hensyn på Rigets constitution*, Bergen, (1815), p.21.

⁴²⁹ Falsen: 1815: p 22.

⁴³⁰ Falsen, 1815: p. 9.

⁴³¹ Falsen, 1815: p. 9-13.

The natural idea of the division of the lands amongst the citizens has been so common throughout history that one can prove its existence even since the time of Moses, and one can assume that this idea was brought to our north, or even that it is grounded in nature.⁴³²

It was in any case certain that Norway had never been feudal: “all our ancient history proves that no hereditary aristocracy existed in our north.”⁴³³ A landed aristocracy was indeed a disaster for any nation wanting to be free: Aristocracy, wrote Falsen, had:

Dismantled all equality between the citizens of Europe. What then do we see in these states? Nothing but aristocracy and slaves, great landowners and unfree peasants, bound to the soil that they were obliged to plow for their masters.⁴³⁴

But such a terrible situation of subjugation and slavery did not exist in Norway, and with the framing of the new constitution, one had “by the providence of God almighty, retrieved those rights, that for several centuries made our forefathers a mighty, honorable and famous people.”⁴³⁵ In other words, the new constitution, according to Falsen, ensured, as he had said, a sovereignty based on “The natural idea of the division of the lands amongst the citizens.” If the bulk of the people owned land, and represented the will of the people, then one had popular sovereignty. The law, when expressed in this way, was the expression of the will of the people and protected property. The Adler/Falsen draft’s § 15 stated that:

The law, which is a free and sacred expression of the general will, or the will of the whole association, expressed by the majority of its citizens or their representatives, must be the same for all, whether it protects or punishes. It can not command anything that is not useful for the state ... it has to be a secure bulwark against all individuals persons, property and honor. It concerns only action, not opinion.⁴³⁶

It was the people themselves that made the laws, and this made them secure in their property:

The people can not be bound by any law that they have not themselves given through their representatives. This means that no individual can be bereft of even the smallest amount of property without his own consent or that of the representative assembly.⁴³⁷

b) Division and unity at the Eidsvoll assembly

This connection between rule of law (popular sovereignty), the security of property and the ancient landed freedom of the people may also be derived from the records of the Eidsvoll

⁴³² Falsen, 1815: p. 49.

⁴³³ Falsen, 1815: p. 24.

⁴³⁴ Falsen, 1815: p. 40.

⁴³⁵ Falsen, 1815: p. 57.

⁴³⁶ Christian Magnus Falsen and Gunder Adler, April 22, 1814 in Jæger, 1916: p. 11.

⁴³⁷ Christian Magnus Falsen and Gunder Adler, April 22, 1814 in Jæger, 1916:p. 11

convention, although it must be emphasized that there was a myriad of opinions voiced at Eidsvoll; many conservative in the direction of absolutism, some only partially congruent with the ideal. But the final constitution ended up very similar to Falsen's ideal.⁴³⁸ That the constitution came to represent Falsen's ideal to high degree is not surprising if we consider that of the 112 representatives at the convention, 25 were, like Falsen, relatively wealthy lawyers, and furthermore, 15 were theologians who had all studied in Copenhagen under the same intellectual milieu as Falsen. Moreover, fourteen out of fifteen member of the constitutional committee were state officials like Falsen, five of them lawyers, and all of them owned property either landed or real estate. Wedel – Falsen's main opponent – had also studied in Copenhagen. Wedel, however, was a merchant, of which there were eighteen at the Eidsvoll assembly. But it was state officials, the category to which Falsen belonged, who constituted the largest group: 57 in total.⁴³⁹

It is common when discussing the negotiations at the Eidsvoll National Assembly to divide the assembly into two major groups: one which advocated for an independent Norwegian state within a loose union with Sweden, and one which advocated full and complete independence. The first group was led by Count Wedel, who had not abandoned his plans of a Norwegian free constitution within a union with Sweden. This group of men, of course, did not conflate Sweden with slavery; for them, it was in everything Danish, and particularly in Prince Christian Frederick himself that one saw the spectre of absolutism and subjugation. This group was in the minority and at the Eidsvoll convention, and was, for the most part, constituted by merchants and represented commercial and trading interests. This group was labeled by the majority as suspicious at best, as traitors at worst. Christian Fredrik, for one, observed the proceedings from outside and was sure, as he wrote in his diary, that they were "plotting evil plans."⁴⁴⁰ The second group had Falsen as a main figure, and was working towards a completely independent Norwegian state. Most of the state officials belonged to this group, as well as most of the 37 representatives who were farmers. This group naturally had the support of Prince Christian Fredrik, who they envisioned as king of the new state. It was therefore perhaps easy for them to conjure up a picture of the Swedish-friendly party as traitors to nationality. The disagreement between these two groups however, is not as important as what

⁴³⁸ In fact, the constitution adopted at the Eidsvoll convention became more democratic than Falsen had wanted, setting a lower limit to the amount of property needed for enfranchisement.

⁴³⁹ These numbers are from: Pryser, 1999: p 203, Mestad, 2013: p 11, Hroch, p. 34- 35.

⁴⁴⁰ Alnæs, 1954: p. 84.

the two groups agreed upon: they were actually both equally nationalist. Much like the infamous dichotomy between the Federalists and the Anti-federalists in early national America, these two camps agreed on the goal, but differed in means. What should be emphasized is not the difference between the unionist party and the independence party, but their similarities – they were both national. Although it is true that many of the constitutions drafted at Eidsvoll by the independence party advocated absolutist or semi-absolutist types of government, I think what matters the most is what was agreed upon in the end: that the new government should be national, that exclusive right to property be absolute and secure through the sovereignty of the people - here was an *amalgamation of the people, sovereignty and property*.

During the course of the negotiations at Eidsvoll, the members of the national movement came to believe or at least accept Falsen's idea that within the nation there stood the most robust pillars of liberty (the property of the people) – one could see this now in a new light. It was as if these notions now emerged out of the twilight dusk of absolutism and were presented in the broad day of light under the sun of liberty. The new light made it possible to see distinct people with natural rights, a country and a culture uniquely well suited to safeguard such rights. Flasen wrote that during the age of absolutism, those who had emphasized the propertied freedom of the Norwegian farmer had done so in “a time when one could not speak of the true nature of this right, without attacking the fundamental principles of the state”.⁴⁴¹ But now that absolutism was anyway gone from Norway this right could be realized and serve as the basis of sovereignty because:

While the nations of Europe have carried their chains moaning and groaning, and lost all their national worth being, like an animal, treated as a commodity bound to the land which they themselves have fertilized with their sweat, the sons of the North have been practically the only people bestowed with human rights and civic liberties.⁴⁴²

To reiterate, the “sons of the north” enjoyed “human rights civic liberties”, because of the land rights they had; the Norwegians were not “bound to the land” like serfs, they were self-owners, and thus free. It were these rights and liberties that the new constitution drafted at Eidsvoll was to protect. The committee tasked with writing the constitution at Eidsvoll insured the assembly when its preliminary work was done that, “the committee have, during its work, continuously taken into account civic liberty, the security of property and an equal distribution

⁴⁴¹ Falsen, 1815. p. 10.

⁴⁴² Falsen, 1815: p. 7.

of all rights.”⁴⁴³ This sums up the essence of the national ideology. Or, as one member of the convention put it, “no obstacles must now or in the future be allowed to obstruct the protection of the right to property, unless it is against the general interest of the state.”⁴⁴⁴ In Norway, as in America, the rights of the individual became based on what was seen as the individual’s natural right to the fruits of his labour; “Nature itself,” it was said, “proclaims and demands the right of freedom from subjugation for he who by the toil of his hands and the sweat of his brows makes the earth yield fruits.” Again we see the centrality of land, “the earth,” to have the right to the fruits it yields. This right was “the most natural and fundamental of human rights,” and it was therefore, “the most sacred of rights amongst citizens ... and a vital pillar of any just constitution.”⁴⁴⁵

Conclusion

We have seen in this chapter how the Norwegian national movement emerged as a response to the fact that the Norwegian kingdom was cut off from its sovereign head in Copenhagen as a result of the Napoleonic Wars (1814). But we have also seen that the ideas that came to dominate the national movement was formed in the decades before 1814. The most central idea was that of the free smallholding Norwegian farmer (the *odelsbonde*). There were relatively many of these farmers in 1814 (60% of the farmers) and this reality, and the idea of landed property as the basis of individual freedom, became central elements of the national ideology and formed the way in which the state became constituted. The reality and the idea of smallholding farmers came to form the basis for what I have called a conceptual *amalgamation between people, property and sovereignty*. This was the core of the national ideology and it meant that sovereignty of the people was based on the people’s ownership of property, and that such sovereignty was seen as the only legitimate sovereignty – that is a sovereignty that could protect the property rights of the individuals. Because of this we can, in Norway like in America, talk about the nation as a propertied community. And in Norway, as in America, there developed different understandings of how to best secure the right of property within the nation that built upon different understandings of property. It is to this that we turn in the next chapter.

⁴⁴³ Falsen et al, May 16th, 1814 in Olafsen, 1914: p. 120 Vol 1

⁴⁴⁴ A.C Møller, May 11, 1814 in Olafsen, 1914: p. 262. Vol 1.

⁴⁴⁵ A.C Møller, May 11, 1814 in Olafsen, 1914 : p263. Vol 1.

Chapter 7: Sovereignty from property to people In Norway: Fulfillment of the general will

Outline of the argument

This chapter explores and explains more deeply the logic of the national ideology as it was after a Norwegian nation-state had been created. I look at various ways in which the property rights of the individual and national freedom were seen to be fulfilled as the nation went from an agrarian to an industrial society. As with the American case, I apply the term *the first form of the nation* and *the second form of the nation*, which will be discussed in turn.

Discussion of *the first form of the nation* covers primarily the time period between 1814 and 1815. This section shows how *the amalgamation of property, people and sovereignty* was constituted in a way where sovereignty of the people, the right to property and the rule of law were seen as secured through a propertied democracy based on landed or real property. There will also be discussion of the idea of division of powers as central to the maintenance of national freedom. I rely mostly on the journal of the Eidsvoll proceedings in this, but I also invoke the first scholarly commentary on the constitution (1815) by lawyer Henrik Steenbuch. Falsen's commentary on the constitution with regards to the *odelsrett* is also a central document (1815). The vindication of the *odelsrett* at Eidsvoll will be used as a primary example. This first section will also show how the division of sovereignty into a popular-based legislative branch and a hereditary executive branch was integrated into the vision of national freedom.

The second form of the nation might be said to have formed with the implementation of parliamentary democracy in 1884, but it was based on changes in the social and economic structure of the nation as it became increasingly more industrialized and market-oriented. The timeframe of this section is 1830-1884, and the section explicates how *the amalgamation of property, people and sovereignty* became constituted in a way where the right to property became more abstract and separated from real property, and connected instead to the individual as the owner of his or her labour power. This is explored primarily through the unification of national sovereignty resulting from the implementation of parliamentary democracy. I trace this development to the first years of the nation's existence, when it was normally the elite (Falsen, for example) who wanted to unify the two branches of government in order to create more efficient rule, while the mass of the people, particularly the farmers, were against it. I look briefly at the farmers' opposition to this during the 1830s, and on an opposing elite ideology from the "intelegentz" group.

Then I move to the 1860s, when the social basis of the conflict changed, and became so the mass wanted to unify sovereignty, making the parliament, in effect, the only medium of sovereignty, by implementing parliamentary democracy. I connect this to increasing industrialization and urbanization during this period.

During the 1870s, farmer and solicitor Johan Sverdrup became the unequivocal leader of the coalition (known as the Venstre movement) that propagated parliamentary democracy, and it is mostly through his speeches that this section builds its argument. As with the Republicans in America, Sverdrup's fight for parliamentary democracy was connected to a changed conception of property that can be traced at least from the 1850s as meaning primarily the right to the fruits of one's labour, and which went hand-in-hand with the vindication of expanded franchise. I start this section by looking at the suffrage debate, and then move to the debate about unification of sovereignty. I will also look at some counter-arguments in regards to both suffrage expansion and parliamentary democracy, primarily through the writings of lawyer, professor and Member of Parliament Anton Martin Schweigaard (1808-1870), and his friend, lawyer and Prime Minister Frederik Stang (1808-1884).

The first form of the nation: ancient liberties and new freedoms

a) The union with Sweden

At the end of the Eidsvoll proceedings, Professor Georg Sverdrup exaltedly exclaimed:

Restored is the ancient throne of Norway ... May the wisdom and power that was bestowed upon our kings of old, be bestowed also upon he the first, which we, the freemen of Norway, have chosen today out of thankfulness, and as uniformly with the wish of the whole people...⁴⁴⁶

The king that the "freemen of Norway" had chosen was Christian Frederik, but he was soon forced to abdicate the throne. The new Norwegian state was not able to maintain its independence very long. During the summer of 1814, Karl Johan moved his army from the continent to the eastern borders of Norway to claim what had been promised him by the Treaty of Kiel. After a short war in early August, the Norwegian forces surrendered, and Christian Fredrik signed a treaty with Karl Johan effectively forcing Christian Fredrik to abdicate and leave the country. The Norwegian Parliament was thus forced to accept Karl Johan as king and enter in a union with Sweden. The Norwegian constitution of 17 May was allowed to be

⁴⁴⁶ Georg Sverdrup, May 17th, 1814 in Olafsen: 1914: p. 79. Vol 1.

kept largely in the form that it was, but with the necessary amendments to make it compatible with a union with Sweden, in which Norway was not to be an independent kingdom. Because of the union with Sweden, the first form of the Norwegian nation was not realized in pure form, as sovereignty was not unitary within the nation; one of the branches of sovereignty – the executive branch – was not connected back inwards to the nation as a whole, but outwards to an external element. Still, as Sverdrup put it, “the freemen of Norway” were vested with legislative power in Norway, and they were seen to represent “the wish of the whole people” of Norway. These freemen were largely the men of property, and it was they who came to secure rule of law and the sovereignty of the people in *the first form of the nation*.

b) *Free men, dependent men, and the happiness of the whole*

Under *the first form of the nation*, it was mostly acknowledged that there were dependent and independent men. Here, dependent men could not be trusted with enfranchisement. Lawyer Henrik Steenbuch (1774-1839) wrote in his commentary to the 1815 constitution that:

Only a small part of the inhabitants of our state are sufficiently independent and enlightened so as to be suited for enfranchisement. The wellbeing of the whole demands that the people be divided into enfranchised and disenfranchised.⁴⁴⁷

Steenbuch had studied law in Copenhagen, and his interpretation of the constitution was the first academic work on the constitution. Later he taught law at the University of Christiania, where he was an advocate of natural rights theories. He was a defender of the position of the sovereign people in the constitution, and he was an active patriot, publishing works on Norwegian history and law.⁴⁴⁸ We can see in Steenbuch’s interpretation of the constitution the notion that the “wellbeing of the whole” (or “the will of the whole people” as Sverdrup put it in the quote provided in the introduction) is maintained by rule of the few: independent men, the men of landed property. Only such men could rule because they were free. Steenbuch wrote that, “Free is he who subsists by himself; independent, he who does not subsist by the will of another.” Moreover, wrote Steenbuch, “he who is more or less dependent upon others” could not be granted the right to vote.⁴⁴⁹ In 1814, the line between dependent and independent had been relatively clearly drawn in the constitution. Unlike in the American case, the

⁴⁴⁷ Steenbuch, Fredrik, *Bemærkninger over Norges grundlov af 4die November 1814*, Trondheim, (1815), p 90.

⁴⁴⁸ Michalsen, Dag. (Last edited 13.02.2009). Henrik Steenbuch, in Norsk biografisk leksikon. https://nbl.snl.no/Henrik_Steenbuch. Downloaded 22.07.2015

⁴⁴⁹ Steenbuch, 1815: p. 93.

Norwegian national constitution stated specifically who was to be vested with legislative power in the new nation; it was first and foremost men of real property. Paragraph 50 stated that:

Enfranchisement is to be given only to those Norwegian citizens that are 25 years or older, and have been living in the country for five years, and have either:

- a) a state office
- b) Landed property or have leased land for at least five years
- c) Is a bourgeois, or have property in a city worth at least 300 rigsbankdallaer⁴⁵⁰

Although the state officials were given the right to vote regardless of property ownership, property – and especially real landed property – was held as particularly important to the preservation of liberty. Carl Fredrik Erhenvard – a Swedish political refugee to Denmark after his involvement in the murder of Swedish King Gustav 3 in 1792, and friend of Falsen – had sent by request of Falsen a pamphlet that was read at the Eidsvoll convention. After systematically discussing various constitutions and forms of government, the pamphlet concluded that, “It seems to me that ownership of a certain value of real property is a suitable measurement of enfranchisement.” This was an axiom Erhenvard held: “we all agree that the enfranchised must own landed property of a certain value.”⁴⁵¹ The Adler/Falsen constitutional draft stated that an individual was independent if he owned property or a certain amount of capital, and that in order to have the right to vote, “one must own property or earn a certain income.”⁴⁵² The purpose of such restrictions was not exclusion as such; indeed, as it was written in the constitutional draft: “the purpose of the foundation of any state is the happiness of the whole.”⁴⁵³ Steenbuch noted the importance of rule of law in his commentary to the constitution: “all agree, that the laws are to govern, and not the men.”⁴⁵⁴ This was to secure individual property rights through rule by propertied men. Man, wrote Steenbuch, has “a right to support himself, a right he has received not as a gift from his fellow men but from the hand of nature.”⁴⁵⁵ One could theorize this in the following way, explained Steenbuch: “1) appropriation of property, 2) infringement on this, 3) the creation of an association, and 4) the

⁴⁵⁰ *The Norwegian constitution of 1814*, <https://www.stortinget.no/no/Stortinget-og-demokratiet/Lover-og-instrukser/Grunnloven-fra-1814/> Downloaded 03.02.2015.

⁴⁵¹ Carl Fredrick Erhenvard, April 1st, 1814, in Olafsen, 1914: p. 178. Vol 1.

⁴⁵² Christian Magnus Falsen and Gunder Adler, April 22, 1814, in Jæger, 1916: p. 15.

⁴⁵³ Christian Magnus Falsen and Gunder Adler, April 22, 1814 in Jæger, 1916: p. 10.

⁴⁵⁴ Steenbuch, 1815: p. 83.

⁴⁵⁵ Steenbuch, 1815: p. VII.

establishment of a state.”⁴⁵⁶ This meant that, in actuality, the right to support oneself was maintained by establishing a state which gave the individual certain acquired rights, the first of which was “the right to property.”⁴⁵⁷ Steenbuch explained:

To enjoy his natural and acquired rights, the individual enters into a state. By a state or a civic constitution one means a union begun between a certain number of people to secure their natural rights by laws. The main purpose for the establishing of any state must thus be to secure to each individual his external freedom. External freedom the citizen have when his natural and acquired rights knows no other restriction that what is necessary for the existence of the state. This freedom of the citizen rests on two foundations, first, that no laws are given that are not strictly necessary for the existence of the state, and second, that the citizen may do anything that is not against any law of this nature. Different from civic freedom is political freedom. The latter is sustained by the participation of the citizens in the legislative power. The citizen is politically free when he obeys no other law than that to which he has given his consent (directly or by a representative); he has civic liberty when he obeys no other law than that which is expressed by the general will... the one may exist without the other, the main purpose of the state is thus only a negative happiness.⁴⁵⁸

Steenbuch here explains a central point about freedom in the first form of the nation. It was men who were politically free (the men of landed property) that were to govern and make laws that expressed “the general will.” And, like in America, we see that individuals seen to have a natural right to property decide to give up some of this natural freedom in order to secure their right to property. Property could be secured only by establishing a civic state where rule by men with property ensured the right to property and the wellbeing of the whole.

Poet, writer and historian Henrik Wergeland (1808-1845), a generation after the constitution was written, expressed very well how the right to property and rule of law were connected to the happiness of the whole and the rule of law. Wergeland was chronically opposed to the establishment. He was an ardent romantic nationalist and notorious for his drinking habits, lust for women and his stubbornness, which on several occasions led him into fist fights with those who disagreed with him. This was a behavior somewhat unsuitable to a man of his position: he was the son of a priest and founding father, and he was himself educated to be a priest. But naturally his radicalism and behavior caused him considerable trouble finding a position as a priest. Instead, he spent his time writing poems, prose, and pamphlets/magazines for the public’s enlightenment. His literary production is enormous and impressive (for example, in

⁴⁵⁶ Steenbuch, 1815: P. VII.

⁴⁵⁷ Steenbuch, 1815: p. VII.

⁴⁵⁸ Steenbuch, 1815: p. VIII.

1830, he published a deep and profound philosophical poem, which was the most voluminous work published in any Nordic language at the time). Wergeland's worldview was built on a personal and romantic/enlightenment Christianity that, for example, rejected the doctrine of hell and that of Jesus as a holy man or god. The central theme of his philosophy was love and enlightenment built on a fundamental spiritualism. He saw history as a God-directed story of progress and love, and held love of the nation and individual rights as especially important.⁴⁵⁹ Wergeland's national vision is expressed for example in his poem "Normandens katechisme" (The catechism of the Norwegian, 1832). Here, he asked rhetorically, "is the right to property sacred?", and answered:

Do not desire what belongs to thy neighbor, but protect his life and property with your own! Only by the security of thy neighbor can your own security be firm. Violate thy neighbor's right, and violate thus your own.⁴⁶⁰

The security of property for the propertied man was also that of he who did not have property. For as Wergeland explained, the nation gave everyone this right: the fatherland was the source of all the power a citizen had, it gave him freedom of religion and of speech, and

The right to enjoy the fruits which groweth from his sweat, to be secure in his goods and his person, to stand up against he that which subdues right, even if he wears a crown.⁴⁶¹

The Norwegian had the right to be "secure in his goods and in his person" – the Norwegian was, in other words, free under his constitution; toward the end of the poem, Wergeland asked the Norwegian, "What are you?", and he answered, "Freeborn northman ... slavery I hate more than the pest ... my father placed my cradle under the sun of liberty."⁴⁶² Freedom from slavery meant to live in a state where the right to property was sacred. And this being so in Norway, "the working man" was bestowed with "civic honor," and he was "equal to his master in right and rank" to acquire property, a right which was maintained through "reverence to the law – the highest authority, king of the Norwegians."⁴⁶³

⁴⁵⁹ The biographical facts about Wergeland I have from Ustvedt, Yngvar, *Henrik Wergeland: En biografi*, Gyldendal norsk forlag, Oslo, (1994). Ystad, Vigids, "Henrik Wergeland" in *Norsk biografisk Leksikon*, (Last edited, 13.02.2009), http://nbl.snl.no/Henrik_Wergeland Downloaded 11.07.2014.

⁴⁶⁰ Henrik Wergeland, 1832 in Lassen, Hartvig, *Henrik Wergelands Samlede skrifter tredje bind*, Chr. Tønsbergs forlag, Christiania, (1853), p.9.

⁴⁶¹ Henrik Wergeland, 1832 in Lassen, 1853: p 12.

⁴⁶² Henrik Wergeland, 1832 in Lassen, 1853: p 17.

⁴⁶³ Henrik Wergeland quoted Sejersted, 2001: p. 120.

In Wergeland's romantic vision, there was perhaps no material restrictions for who could be a lawmaker ("I believe that to the parliament, elections should not be by rank, but decided by the degree of enlightenment of a man," he wrote in his Catechism),⁴⁶⁴ but, as we saw, real property was set as a central qualification to participate in legislation by the 1814 generation. Wergeland also hinted to the importance of landed property for the existence of freedom. In his history of the constitution (1841), he referred to the *odelsrett* and the *odelsbonde* and contrasted the freedom that this right conferred on men against the subjugation of despotic rule. The Norwegians, wrote Wergeland in the first volume of his history, were a "people of *Odelsmænd*, with such a simple and patriotic fear and unwillingness against the corrupting forces of the Danish despotic rule."⁴⁶⁵ For such people, the constitution as it was given at Eidsvoll (with its property rights qualifications for the vote) in 1814 was in perfect correspondence with their nature, because it represented their ancient propertied freedom: "The Norwegian people did not see the constitution as something new and strange; but rather as a restoration, as a *restitio in intergum*, of the old internal state, of its ancient freedom."⁴⁶⁶ The emphasis and importance placed on landed property must be understood in relation to the agrarian landed context in which the national movement worked, and indeed for almost half a century there was a consensus in the national movement that the constitution of 1814, with its property qualifications for enfranchisement, was the best way to secure freedom. It was this that constituted popular sovereignty. Indeed, from 1814 till 1869, no attempts were made by the parliament to fundamentally alter the franchise.⁴⁶⁷

c) *The odelsrett, the farmer, and national freedom*

The debates surrounding the *odelsrett* in 1814 give an indication on the importance of landed property, and how popular sovereignty was understood in relation to this. Falsen was one of the strongest advocates of the *odelsrett* and its importance for national freedom in the 1814 generation. One year after the constitutional convention, he published a book whose sole purpose was to show the importance of this right in regards to the constitution. He concluded in the book that the *odelsrett* was to the Norwegian "the most sacred of rights which have given him his freedom," and it was a "necessary precondition for its persistence into the future

⁴⁶⁴ Henrik Wergeland, 1832 in Lassen, 1853: p 12.

⁴⁶⁵ Wergeland, Henrik, *Norges Constitutions historie, første del*, Kristiania, (1841), p 14.

⁴⁶⁶ Wergeland, 1841: p 9.

⁴⁶⁷ Langeland, 2014, p 39.

and for future generations.”⁴⁶⁸ The odelsrett, wrote Falsen was not simply a right to property, it was “a right that made him (the farmer) free both from the state and from taxes.”⁴⁶⁹ Falsen pointed to the ancient Norwegian kingdom to demonstrate the usefulness and common sense of the odelsrett:

It was the men of landed property or the Odelsmend that exercised legislative power. The right to represent the nation at the Ting, and to take part in the legislation, was as our history and the old laws demonstrate, not personal; it was attached to the land, and so it had to be, as those that owned land were the only ones that were fit to do military service, and to decide on taxes ... that several small landholdings is a safe way and necessary precondition for the securing of the liberty of the people, and a constitutional monarchy’s longevity, is a truth on which the politicians and philosophers of recent times all agree.⁴⁷⁰

The right to legislative power (sovereignty) was “attached to the land” and “several small landholdings” were “a safe and necessary precondition for the securing of the liberty of the people.” The odelsrett secured equality and happiness because it kept the land equally distributed amongst the farmers:

As long as the farms are small, divided between many, we can see that the customs are being respected, that the laws are being respected, in short, that the states remain, perhaps not powerful, but at least they remain happy.⁴⁷¹

Another supporter of the Odelsrett asked rhetorically at the Eidvoll assembly:

What is the reason that, amongst the nations, only the Norwegian farmer owns his land, and thus enjoys that great right, that nature itself defends, that is, that he who with his labour and the sweat of his brows makes the earth yield fruits, has the right to the fruits of this work, and not be in the position of those that are merely servants of others;

To which he proposed an answer himself:

has not the odlesrett always been the guardian angel that have preserved the Norwegian farmer from that evil, that in all other lands – to larger or lesser extent – subdues this honorable class?⁴⁷²

What was this “evil”? What made men “servants of others”? In the past it had been “hierarchical feudal aristocracy that destroyed all equality between citizens.”⁴⁷³ But in the present, it was the moneyed interest. Proponents of the odelsret said that if this right was

⁴⁶⁸ Falsen, 1815: p. 16.

⁴⁶⁹ Falsen, 1815:p. 23.

⁴⁷⁰ Falsen, 1815:p. 32.

⁴⁷¹ Falsen, 1815: p. 33.

⁴⁷² O. E. Holck, April 22, 1814 in Olafsen, 1915: p. 257. Vol 1.

⁴⁷³ Falsen, 1815: p. 40.

abandoned, it could easily happen that a few rich men would buy up all the land. Another member of the constitutional convention asserted that the odelsrett:

Stops certain rich citizens from acquiring whole areas of land ... and thus domination, which would turn the mass of the citizens, those that work hard and well, into slaves and weaken the power of the state.⁴⁷⁴

The odlesrett was “the true pillar of Norway, a bulwark against aristocracy and a security of the wellbeing of the farmer and his noble spirit,” and if this pillar were to be removed then:

All the land will be in the hands of a few rich men – and behold! Our now noble farmers will sink into the slavery of Europe’s past peoples or to that of the Russian slaves of today and inherit their Slavic spirit – I would then look in tears upon my fatherland!⁴⁷⁵

Falsen agreed with this. Without the odelsrett, he wrote:

More people would have to subsist by fewer means, and the mass of the people will become miserable ... the rich would become hard and unjust; and what could be more natural? They have no right, and this they must surely know for themselves.⁴⁷⁶

The odelsrett was to secure the property of the Norwegian from men “who have no right,” guaranteeing widespread ownership of land and thus popular sovereignty. In short, the odelsrett made the farmer free because it protected his property and capital from aristocrats, merchants and the authorities alike. It ultimately secured the Norwegian his freedom to legislate and decide over his property and to tax himself, thus making him sovereign, just as he had done in ancient times. Steenbuch also noted in his commentary on the constitution that, “Odel, in ancient times, meant property free of any taxes,” and he noted that in his own day, many saw this as a way in which “the people, by their own right, consented to the taxes they would pay, and thus, by this right, it is almost as if the ancient freedom and Odlesrett is restored.”⁴⁷⁷ This point goes straight to the core of the national ideology in the first form of the nation: in order to be free, the legislative power must in the hands of propertied men, so that they themselves can decide over their property and ensure the rule of law. The advocates of the odelsrett may be seen as representing how this ideology was manifested in the first form of the nation: as a propertied democracy.

⁴⁷⁴ O. E. Holck, April 22, 1814 in Olafsen, 1914 (vol.1): p. 259.

⁴⁷⁵ W. S. Koren, April 15th, 1814 in Olafsen, 1914 (vol.1): p. 160.

⁴⁷⁶ Falsen, 1815: p. 34.

⁴⁷⁷ Steenbuch, 1815:p. 89.

d) *Division of powers and elite fear of farmer rule*

It is, however, important to note that, as such, the *odelsrett* was debated before 1814 and continued to be so also in the new nation.⁴⁷⁸ Moreover, the glorification of the farmer by the elite was neither universal nor persistent, and it even waned in Falsen himself when he met farmers that did not live up to his expectations. Falsen's friend, the priest Nordahl Brun, who was himself, as we saw in the previous chapter, very much a supporter of the *odelsrett* and the farmer during the last decades of the eighteenth century, wrote in a letter to fellow priest Claus Pavels in 1815 that stated, "I am now worried about the plurality of farmers [in the parliament] ... if this class is to organize our state, then God help us."⁴⁷⁹ Pavels himself was also not convinced of the ability of the class of farmers to rule, as they would:

Bring upon our country a thousand misfortunes ... most people in the higher classes fear a farmers domination, that would with its majority be able, through legislation, to realize the most unreasonable and damaging projects.⁴⁸⁰

It would take time, thought Pavels, before "our citizens, our proprietors and our farmers will be sufficiently cultivated so as to place the wellbeing of the nation in their hands."⁴⁸¹ Count Wedel felt the immaturity of the farmer, too. In the first ordinary parliamentary session of the new nation, he participated in a debate with a farmer who Wedel thought was so rudely spoken that he suggested having the farmer in question expelled from the parliament.⁴⁸² The propertied farmer and his possibility to partake in legislation represented the ideal of the new nation's ideas about sovereignty and property, but in practice, thought many, they could not alone uphold the vision that they were supposed to represent.⁴⁸³ However, in the national ideology,

⁴⁷⁸ For an overview of such debates before 1814, see, Evju, Håkon, "Property, Patriotism and self-interest in the debate over *Odlesretten*, the Norwegian reitrait lineage, 1759-1814", *Journal of intellectual and political thought* 1. No. 1 (2012), 86-109. And for a discussion of these debates in a wider context and in the early years of the new Norwegian nation see, Evju, Håkon, "Debating the moral and economic foundations of a democratic polity" in *Scandinavian Journal of History*, vol. 40. No 5, (2015), p. (653-676). In this article Evju compares the proponents of the *odelsrett* to those of the same conviction as, for example, the Jeffersonians in America, and its opponents as those who were of ideas that in America might be called Hameltonian.

⁴⁷⁹ Østvedt, 1945: p.290.

⁴⁸⁰ Østvedt, 1945: p. 290 – 291.

⁴⁸¹ Hommerstad, Marthe, "Et spørsmål om kunnskap? Politisk kompetanse og politisk deltagelse blant bøndene etter 1814" In Langeland (ed), (2014), p. 92.

⁴⁸² Homerstad, 2014:p. 88.

⁴⁸³ It can be noted here that the distrust was mutual: many farmers had little faith and trust in the new constitution and the parliament. Rather they placed their faith, as they had done for ages past, under the Oldenburg Empire, in the King. That he now resided in Stockholm rather than in Copenhagen did not seem to matter. For a convincing argument about the farmers' opposition to the constitution and the parliament, see Steen, Sverre, *Det frie Norge: på falittens rand*, Cappelen, Oslo, (1953), p 244-303. A riot of the farmers in 1818 against the parliament is also depicted in detail here.

there was in fact a safety mechanism against “farmers domination”; this safety was a division of powers which would secure balance. It was this function that the monarch was to have, and this is one reason why monarchism was pervasive at Eidsvoll. As we saw, this was integrated in Falsen’s vision of the propertied farmer when he pointed to the fact that the *odelsbonde*, in ancient times, ruled in cooperation with the king. Just as it had supposedly been in the medieval ages, so too was it today. Falsen had written that in the medieval ages, “all sovereignty was vested in the people, which thus kept in their hands legislative power, and gave the king accordingly the executive power.” The new constitution mirrored this. The final constitution stated that, “The king is vested with the executive power” (§3), while “the people holds the right of legislation” (§49).⁴⁸⁴ The king also had a suspensory veto in matters of legislation, and a monarchy was seen as central for the happiness of the nation:

The monarchy should be hereditary under our noble prince Christian Frederik, which is offered the crown of Norway for him and his descendants – Because the history of the world have never provided us with an example where states with an elected executive have remained happy – countries with an elective executive are always prey to discord, the influence of foreign powers, and the most unhappy inner and external disagreements.⁴⁸⁵

Perhaps republics could be happy in their infant years, it was said, but “rarely does this last – it is turned into an aristocracy or an oligarchy.”⁴⁸⁶ We can see also in the Adler/Falsen constitutional draft the important role that the division of powers and the monarch were given. It did not help simply to respect the universal right to property, as the draft stated:

Be the foundation of the state ever so strong, it cannot be safe from falling apart if not the various parts of the structure are in balance. Many states have struggled to find such a balance, and the paths through which it has been attempted has varied a lot. But it seems that this balance has been best secured in those states where the citizens themselves decide on the rules by which they are to be governed, and where they have subjected themselves to an executive power that, although it does not stand above law, is vested with the appropriate means to secure against external or internal usurpation. The separation of the legislative power from the executive power must thus be the main point in any constitution seeking balance...⁴⁸⁷

Balance was a central point. At the Eidsvoll assembly, delegate Army Captain Peter Motzfeldt (1777-1854) worried that “one single class may be over powered.”⁴⁸⁸ And he continued:

⁴⁸⁴ <https://www.stortinget.no/no/Stortinget-og-demokratiet/Lover-og-instrukser/Grunnloven-fra-1814/>

Downloaded 03.02.2015.

⁴⁸⁵ W.S Koren, April 15, 1814 in Olafsen, 1914: p. 157. Vol 1

⁴⁸⁶ W.S Koren, April 15, 1814 in Olafsen, 1914: p. 157. Vol 1

⁴⁸⁷ Christian Magnus Falsen and Gunder Adler, April 22, 1814 in Jæger, 1916: p. 3.

⁴⁸⁸ Peter Motzfeldt May 5th, 1814 in Olafsen, 1914: p. 224. Vol 1

The convention have already agreed that the people shall exercise the legislative power through their representatives. But how this is best done without chaos or without danger of the legislative right of the people being violated ... is a big problem.⁴⁸⁹

His answer was that: “the legislative power of the people is circumscribed - which is a fundamental component – and a security for the freedom of the people.”⁴⁹⁰ The power of the farmers had to be restricted. This was also pointed to in Erhenvard’s pamphlet: even though the pamphlet stated that the farmer was “the only class where the member’s personal interest coincides with that of the country,” it also had to be admitted that:

These do not normally have the appropriate knowledge (to rule a state), and taking into consideration that only farmers are members of this class, then one realizes how much ignorance that rules there.⁴⁹¹

Therefore:

The executive power should be in the hands of the king through his ministers which are to insure that all that is decided, is in correspondence with the laws. Banking, taxation and general legislation on the other hand, should belong solely to the representatives of the nation.⁴⁹²

As Steenbuch similarly noted in his commentary, if the laws were to govern, then one had to “thwart the possibility that the lawgivers act out of passion.”⁴⁹³ The fear that farmers and other groups unfit for rule would acquire too much power proved itself to be true as the nineteenth century progressed. By 1884, a large group of farmers, in alliance with the newly emergent middle class, took the power of the whole state and changed the form of the nation. Like in America, coming industrialization and expansion of market relations ushered in *a transvaluation of property* and the *second form of the nation*.

The second form of the nation: *the transference of sovereignty and the trasnvaluation of property*

a) The socio economic foundations

The second form of the nation in Norway must be seen against the background of the general social and economical development during the nineteenth century. Up until 1884 it was still a

⁴⁸⁹ Peter Motzfeldt May 5th, 1814 in Olafsen, 1914: p. 223. Vol 1

⁴⁹⁰ Peter Motzfeldt May 5th, 1814 in Olafsen, 1914: p. 225. Vol 1

⁴⁹¹ Carl Fredrick Erhenvard, April 1st, 1814, in Olafsen, 1914: p. 175. Vol 1

⁴⁹² Carl Fredrick Erhenvard, April 1st, 1814, in Olafsen, 1914: p. 178. Vol 1

⁴⁹³ Steenbuch, 1815: p. 83.

small elite of state officials (practically the same in number as in 1814) and the bourgeoisie, along with the self-owning farmers, that ruled the country.⁴⁹⁴ Indeed, while the propertied precondition for the suffrage in 1814 made Norway one of the most democratic countries in Europe at the time (7% of the population), these same qualifications had actually slightly decreased the number of enfranchised by 1891, making Norway one of the least democratic countries in Europe.⁴⁹⁵ Amongst the disenfranchised were landless tenants and a new group of different kinds of wage labourers that had emerged in the latter half of the nineteenth century. Norway had seen a rapid population growth, urbanization and industrialization in the century that unfolded after 1814. There was a great emigration from Norway during this century – primarily to the US – and the number of people that emigrated from Norway in the course of the century was almost equal to the number of people living in Norway in 1801; however, despite this, the population in Norway had gone from 884,000 to almost two million by the end of the nineteenth century. Most of these people still lived in rural areas, and farming remained a dominant livelihood; the number of farms actually expanded, and self-owning remained dominant, but an increasing group of landless tenants, functionaries and industrial and skilled workers set a firm mark on relations of property and appropriation by the closing of the century. During the 1840s, large factories started emerging, especially around Oslo, but also in the other big cities such as Bergen and in Trondheim. In 1850 there were still no more than 12,000 industrial workers in Norway, but by 1875 the number had risen to 44,000 while the number of skilled artisans and functionaries had reached 35,000. In 1870 there were also 53,000 “husmen”⁴⁹⁶ – independent tenants which can be classified along with wage workers in opposition to the self-owning farmers.⁴⁹⁷ The number of people living in cities was also growing; by 1875, 25% of the population lived in cities and there was an especially intense period of industrialization from 1860-1875 in which the number of industrial workers

⁴⁹⁴ Seip characterizes this period in Norwegian history as “Embetsmansstaten” (the state official state). He writes, “One can say that before 1814 the state officials ruled the country in the name of the king, after 1814, they ruled it in the name of the people” Seip, Jens Arup, *Et regime foran underangen: kampen mellom men og idealer i årene førparlamentarismens seier I Norge*, Gyldendal, Oslo, (1965)[1945], p 13. Sejersted uses the term “Rettsstaten” (the rechtsstaat), implying rule by the bourgeoisie, or more specifically the rule of property: “The self interest of the bourgeoisie is one of the most fundamental preconditions for the emergence of the rechtsstat and the decline of arbitrary monarchical power”, Sejersted, 2001: p 137.. But As Nerbøvik writes, it was probably a mix of both, and they do not exclude each other, Nerbøvik, 1999: p, 211. My view is perhaps more in tune with Sejersted as I focus on the centrality of private property.

⁴⁹⁵ Langeland, 2014: p. 48.

⁴⁹⁶ This is the landless farmer class mentioned in the previous chapter. Østerud has used the English term “crofter” for this group of people. Østerud, 1978: p 96.

⁴⁹⁷ The numbers referred to are from, Pryser, Tore, *Norsk Historie, 1814-1860: frå standssamfunn til klassesamfunn*, Det norske samlaget, Oslo, (1999), p. 166-170.

quadrupled.⁴⁹⁸ One way of understanding this is in relation to what has been called “det store hamskiftet” (the great transformation) in the agricultural sector.⁴⁹⁹ This refers to a change in the economics from a predominantly self-sufficiency economy to a more capitalist market economy. It has been contested whether or not the Norwegian agrarian sector was not also integrated into a market economy way before the 1860s, but this is not the place to engage in debates about this. There was, in any case, an expansion or intensification of capitalist market relations in the nation as a whole in the years after the 1860s, and the term “det store hamskiftet” is covering for society as a whole as a change from a pre-industrial to an industrial society. Jørn Sandnes writes:

Det store hamskiftet is an umbrella term covering social, economic and cultural changes in rural Norway in a time when the changes were no longer slow and occasional, but fast and pervasive, tending strongly towards a market economy.⁵⁰⁰

It might be useful also to invoke Edvard Bull’s term *kapitalismens frigjørende fase* (the liberating phase of capitalism), by which he meant that the time between 1860 and 1920 was one where wage labour relations opened up possibilities for the class of people under the self-owning farmers, and where the farmers became customers for manufactures producing tools and providers of raw materials for food production.⁵⁰¹ The changes of a bourgeoning industrial society brought economic and social crisis; after a general growth from the 1840s to the 1860s, the 1870s and 1880s were marked by economic depression, stagnation and massive emigration.⁵⁰² It is also significant, as Østerud writes, that these changes “made the rural population as a whole more similar to the urban bourgeoisie, the middle class.”⁵⁰³ The changes in socioeconomic relations (the base) brought forth different ideas about property and freedom and thus of political rule – it brought forth a *transvaluation of property*.

⁴⁹⁸ Nerbøvik, Jostein, *Norsk Historie 1860-1914: Eit bondesamfunn i oppbrot*, Det Norske samlaget, Oslo, (1999), p. 79-85.

⁴⁹⁹ The term was first used by Inge Krokan, in Krokan, Inge, *Det store hamskiftet i bondesamfunnet*, Det Norske samlaget, Oslo, (1976)[1942].

⁵⁰⁰ Quoted in Pryser, 1999: p 181.

⁵⁰¹ Bull, Edbard, “Fra bøndernes og husmennenes samfunn til den organiserte kapitalisme”, in Dahl, Ottar, *Makt og motiv: Festskrift til Jens Arup Seip*, Gyldendal, Oslo, (1975).

⁵⁰² It is interesting to note that in this time period it was America that most immigrants went to, and many of those who went were people who did not themselves own their own land, or who were deeply imbedded in debt. It was precisely the promise of land, of a property of ones own, in America that to a large extent drove them. This may indicate the pervasiveness of the notions of the first form of the nation, both in Norway and the US. For a short overview of Norwegian emigration to the US, see, Østrem, Nils Olav, *Norsk utvandringshistorie*, Samlaget, Oslo, (2006).

⁵⁰³ Østerud, 1978: p 244.

b) *Transvaluation – or the shift from land to labour*

There had been changes in the way in which people thought about property and freedom already in the first form of the nation. For example, in 1850, members of the newly-emerged radical labour movement wrote in their newspaper that it was the right to labour that was the central right. This was “the new right that knocks on the door of the constitution,” and “the claim is that work shall be organized in such a way so that every human being can make a living.”⁵⁰⁴ Marchus Thrane, the leader of the radical labour movement, said that right to make a living was opposed to the prevalent claim that “property is sacred” – the right that was really sacred, according to Thrane, was that of labour. These notions became the foundation on which the second form of the nation was built, and universal male suffrage was a logical conclusion of these notions. The labour movement demanded this as the means by which the people could secure their property rights to labour. But their demands were met with firm conformism to the existing property regime and the rules of enfranchisement. The labour movement soon lost its unity and dissolved. However, similar notions, when adopted by the mass of the national movement in the decades after 1850, became a powerful force that changed the form of the nation.

Like in America, the inner meaning of property and the freedom associated with it changed: it was still the same words applied and still the same fundamental meaning, but the content of the concept became subject to a transvaluation. Freedom increasingly became understood as having the right to the fruits of one’s labour, not just to own real property. We might remember that Falsen, for example, had included in his concept of property from 1814 this right, which “every citizen have, to enjoy and decide over his lands, his income, over the fruits of his labour and diligence.” And Wergeland had written similarly that freedom for the individual meant “the right to enjoy the fruits which groweth from his sweat, to be secure in his goods and his person.” Indeed, Falsen had also included income from labour as property qualifying for enfranchisement in his constitutional draft: “one must own property or earn a certain income.” Because of the change in the mode of production to a more industrialized or wage-based society, a shift gradually happened from land to labour as the focal point of freedom. This can be seen in the debates about suffrage reform.

⁵⁰⁴ Quoted in Bull, Edvard, *Arbeiderklassens historie I: arbeiderklassen blir til*, Tiden Norsk forlag, Oslo, (1985), p. 55.

c) *Suffrage reform: Johan Sverdrup vs A. M. Schweigaard*

It was what came to be known as the Venstre coalition that drove the change from land to labor. This was a broad and diverse coalition that was constituted of small farmers, rural religious conservatives, city radical and intellectuals, teachers, and a large group of functionaries.⁵⁰⁵ The Venstre coalition was not a party in the modern sense of the word until the early 1880s, but it is possible to detect a continuum from the 1850s until the 1880s, which may be exemplified by Johan Sverdrup (not to be confused with professor Georg Sverdrup from the early stages of the national movement).

Sverdrup was born in 1816 and was the son of a farmer. In 1841 he graduated in law, and worked as a solicitor from 1851, until he bought a farm in the late 1860s. His career in national politics started in the early 1850s when he became a Member of Parliament, distinguishing himself as an idealistic radical akin to the French revolutionary tradition. One of his first suggestions was universal suffrage in local government; it was not sanctioned, but the debate came up again on a national level in the 1860s and 1870s.⁵⁰⁶ In 1869, 21 suggestions were present in parliament as how to modify the franchise, all of which suggested broadening suffrage based on income or taxes.⁵⁰⁷ 1869 may thus mark an important point in the formation of the Norwegian nation, as it marks a point in which a majority of the members of the national movement came to accept a change in the power structure of the nation – from a propertied democracy to a national democracy. The idea of transvaluation was implicit in this – none of the parliamentary drafts suggested universal male suffrage, but because they were based on income or tax-payment, they set, in theory, no limits to enfranchisement and thus abandoned the idea that only real property could confer independence on an individual. Contemporary critics saw this as well, commenting that if “the floodgates of democracy were opened”, it would be impossible to stop it again, and it would go further than anyone would want, ending “at its opposite, at its counter point, after absolute democracy, follows absolute domination, Caesarism.”⁵⁰⁸ Johan Sverdrup, however, had no fear of this and said that “the greatest capital

⁵⁰⁵ Mjeldheim, Leiv, *Folkerørsla som vart parti: Venstre frå 1880 åra til 1905*, Universitetsforlaget, Bergen, (1984), p 101-105.

⁵⁰⁶ For information on Sverdrup I have relied on Halvdan Koth's three volume biography.

⁵⁰⁷ Danielsen, Rolf, *Det Norske storting gjennom 150 år, Bind 2: tidsrommet 1870-1908*, Gyldendal, Oslo, (1964), p. 25-26.

⁵⁰⁸ Quoted in, Danielsen, 1964: p. 29-30.

a country can have, is its people, with this no amount of landed property can compete.”⁵⁰⁹ Even the wording is interesting here; the fact that he compares the people to capital, and directly confronts the rule of landed property. But Sverdrup saw no conflict between the wage labourers and the old propertied voters. It was not the case, he said, as some thought, that “the high and the low are at war with each other.” On the contrary, “they are bound to each other by tradition, work, property and family.”⁵¹⁰ The matter in the issue of enfranchisement, said Sverdrup, was:

A question of common sense in our time. About new industries, new wealth, new interests, new developments and new social formations. It is in regards to the new economical, moral and intellectual forces in our society. It is a matter about newly sprung antagonisms that demand equality. It is new and old that demand amalgamation, or if one wants to call it so, the idea of unification ... a state system more fitted to the future with demands of people’s representation...⁵¹¹

Sverdrup here quite directly says that the expansion of suffrage is an adaption to a new proto-industrial reality with its new forms of wealth and capital. This implied different conceptions of property and freedom that did not see the wage worker as dependent and dangerous to the nation’s freedom; it was now possible to combine wage earners and propertied farmers in the same understanding of freedom. Like in Lincolnian America, wage labour was seen as a freedom in itself, a way to raise one’s position. Another debater agreed with Sverdrup that to include a new class of voters would not be dangerous, and he pointed to the possibility of the wage labourer to improve his position: “the new classes will feel a natural affinity to the older voters and groups and will share their interests ... the wage worker has as his goal to one day become a farmer.”⁵¹² Indeed, expanded suffrage was, said farmer and Member of Parliament Ole Gabriel Ueland (1799-1870), a “fulfillment of the principles of the constitution” – this is exactly the same rhetoric that Lincoln used in America, when he claimed his principles as a fulfillment of the *Declaration of Independence*. Others in Norway invoked the “liberal tradition upon which our constitution is built.”⁵¹³ There was no contradiction now in including wage labourers in politics and preserving the freedom of the constitution. On the contrary, including the wage labourers would be a realization of the principles of the freedom set down in the constitution. But not everyone thought so, and Sverdrup’s movement met powerful ideological resistance from people who claimed to also represent the principles of the

⁵⁰⁹ Johan Sverdrup, April 29th, 1873, in Havstad, Lars, *Johan Sverdrup: taler i stortinget, 1851-1880*, Græbes bogtrykkeri, København, (1882), p 354.

⁵¹⁰ Danielsen, 1964: p. 31.

⁵¹¹ Johan Sverdrup, April 29th, 1873, in Havstad, 1882: p. 342.

⁵¹² Quoted in Danielsen, 1964: p. 30.

⁵¹³ Quoted in Kaartvedt, 1964: p. 65.

constitution and the unity of the nation. A considerable proponent to Sverdrup during the first decades of his career as an MP was A.M. Schweigaard – a conservative professor of law and economy and one of the most distinguished politicians and intellectuals in Norway during the nineteenth century.

In recent years, Schweigaard has been recognized as one of the most important nation builders in the nineteenth century, having a consistent and pervasive nationalist worldview. He exemplifies well the principles of the first form of the nation. He distinguished himself already in his primary school as the best student of his class, and in 1828 he graduated with the best results ever produced in Norway up until that time. At the age of 25 he was proclaimed by his friend as “the greatest son that Norway had produced.” When he was 27, he travelled to Germany and France where he wrote a polemical critique in German of Hegelian idealist philosophy and of German law, published in French and Danish academic journals. In 1840 he became professor of law, political economy and statistics at the University of Christiania (the city of Oslo held this name during the whole nineteenth century), where he became an advocate of an empiricist and utilitarian approach to science, greatly influencing the study of these subjects. From the mid-1830s until 1870, he applied his academic principles in a long career as a Member of Parliament, where he marked himself as the most distinguished conservative.⁵¹⁴ This is clear in his ideas about suffrage. Schweigaard pointed to the absurdity of universal democracy as opposed to a propertied democracy; for example, said Schweigaard, suppose that the people decided that landed property was to be equally distributed amongst the propertyless? It was clear to him that this would not work; “the foundations of the state will burst asunder.”⁵¹⁵ A majority did not make rights and could not alone make law. There had to be a rule by the men who were truly independent. Schweigaard believed that the main issue in expansion of suffrage “was to draw a line which could prevent the person who paid one shilling in taxes from getting an influence equal to the person paying 19/20.”⁵¹⁶ Schweigaard here continues the line of argument from 1814: the distinction between dependent and independent individuals based on ownership of wealth.

⁵¹⁴ These facts are based on Lund, Carl, *A.M Schweigaard som stortingspolitiker*, Universitetsforlaget, Oslo, (1958). Slagstad, Rune, *De nasjonale strateger*, Pax forlag, Oslo, (1998). Seip: 1974. Sørensen, Øystein, “Anton Martin Schweigaard”, *Norsk biografisk Leksikon*, (13.02.2009). [http://nbl.snl.no/Anton Martin Schweigaard](http://nbl.snl.no/Anton_Martin_Schweigaard) Downloaded 11.07.2014.

⁵¹⁵ A. M Schweigaard quoted in Seip, 1974: p. 109.

⁵¹⁶ A. M Schweigaard quoted in Lund, 1958: p. 299.

Schweigaard based his argument on what we might call a realist position. He defended the existing propertied conditions for the vote because it was based on actual and tangible things; he had little sympathy for his opponents' "general arguments, which could be applied to anything and nothing." If something was to be done for the masses, he said, it should be to give them corn or potatoes. It was not the franchisee itself that did good, but material security – this had to come first. "Did not the propertyless hold a grant to land as the fundamental thing, more so than merely to be granted the right to vote,"⁵¹⁷ Schweigaard asked rhetorically. But apparently, they did not think so, at least not according to Johan Sverdrup. Discussing the nature of the propertied qualifications for voting, Sverdrup asked the parliament:

Imagine that each of us are asked to propose, what we deem to be land of such value that it may confer enfranchisement. How many different opinions would we get? I think it would be about as many different answers as there are representatives in this hall.⁵¹⁸

One had to realize the consequences of dividing men into enfranchised and disenfranchised on account of the size of the property, said Sverdrup: "Is half a shilling to distinguish a dependent man from an independent man, a self-sustained man, sufficiently enlightened to be an empowered man in our society?"⁵¹⁹ Sverdrup further pointed to what he saw as the absurdity and the inconsequence of confining the franchise to men of landed property. He asked: "is it reasonable that a house worth 150 spd is compared to the capital which is found in the skill and labour of a man? Show me he who can honestly say; no, a laboring man is not worth 150 spd..."⁵²⁰ Instead, Sverdrup suggested basing enfranchisement on taxes, and by doing so, "securing the intellectual and economic independence which had been the purpose of the constitution." This proposition was "an expression of an acknowledgement and respect for the worker." We can see clearly from this that Sverdrup invokes the language of labour in order to expand the national political community, just as Republicans and abolitionists did in American a few decades before in the abolition of slavery. The right to property became interwoven with popular sovereignty and linked to property through the right to the fruits of ones labour. Property and sovereignty understood in this way implied full democracy said Sverdrup. The constitution, he held:

⁵¹⁷ A. M Schweigaard quoted in Lund, 1958: p. 298.

⁵¹⁸ Johan Sverdrup, June, 19th, 1878 in Havstad, 1882: p 376.

⁵¹⁹ Johan Sverdrup, June, 19th, 1878 in Havstad, 1882: p. 376.

⁵²⁰ Johan Sverdrup, April 29th, 1873, in Havstad, 1882: p. 349.

Rests on the acknowledgement, that the rights of the people, specifically the right to legislation through their sovereignty. Though this system is still in its first stages; what has happened so far is only the temporary step of our culture and experience towards the realization of the natural state form, democracy, cleansed through its fight for existence.⁵²¹

But the idea that democracy (understood as universal male suffrage) was “the natural state form” could not be realized without first dealing with the overreaching issues of the government ministers accountability. The historian Rolf Danielsen writes:

The majority required [for expansion of the franchise] in the parliament could only be achieved when the issue of expanded franchise became intimately interwoven with the issue of the government members responsibility to the parliament, when expansion of the franchise had become an integrated part of the complex conflict that in the end was to split the representatives in two clearly divided groups.⁵²²

It was when this conflict over government minister’s accountability to the parliament intensified in the 1880s that the Venstre movement gathered behind Johan Sverdrup against the conservatives in a potent social movement. This conflict was the outer expression of the *transvaluation of property*, in the same way that abolition of chattel slavery became so in the US. In what follows, I will spend some time on the debates relating to the ministers accountability to the parliament – what has become known as the issue of parliamentary democracy. The debates relating to this issue were not directly concerned with the shift from land to labour, it was more about good government and the role of the sovereignty of the people versus the king. It is nevertheless important to give an overview of this issue because this issue and suffrage reform were interconnected and both were carried through in the name of the sovereignty of the people. It was only suffrage reform that invoked the shift from land to labour, but parliamentary democracy was instrumental in making suffrage reform come about. The debates over parliamentary democracy were made within the already-existing system of suffrage, by the men who already had the vote and who understood themselves to represent the people. Because of this, the shift from land to labour was not invoked in this instance, but instead the sovereignty of the people versus the government or the king. Suffrage reform and parliamentary democracy were expansions of the sovereignty of the people in different directions: suffrage reform downwards, including more people (hence the language of land to labour); and parliamentary democracy upwards, inferring on the power of the government by the representatives of the people.

⁵²¹ Johan Sverdrup quoted in Koth, Halvdan, *Johan Sverdrup I, 1816-1869*, Aschehough, Kristiania, (1918), 117.

⁵²² Danielsen, 1964: p. p 31.

The issue of access and responsibility of the government ministers to the parliament

a) *Parliamentary democracy*

The proponents of parliamentary democracy presented the issue in the form of a bill that gave government ministers access and accountability to the parliament. From 1872 to 1880, propositions that the ministers of the king (the government) should meet in the parliament and be held responsible for their policy were put forth and passed several times by the parliament. This required a change in the constitution and, in theory, such a change would mean that the parliament would be vested with complete sovereignty within the nation (i.e. parliamentary democracy). This proposal was, however, always denied sanction by the king, who assumed the right to veto in constitutional matters. When the proposal was denied sanction for the third time in 1880, the parliament put forth an impeachment act against the (king's) government.⁵²³ It had come to be seen by a majority of the then-national movement as unacceptable that the king should be able to veto the decisions of the parliament. As one member of the national movement put it in 1880, to grant the king an absolute and unchecked executive power meant in practice to “turn over the odelsrett that the nation had to the kingdom of Norway, to give it away, and replace it with a bond of serfdom.”⁵²⁴

b) *Early debates*

This issue of closer integration between the legislative and the executive branch had been present since the founding of the new Norwegian state in 1814. During the first years after 1814, Falsen had put forth suggestions that would give the ministers access to the parliament. Falsen wanted to create an efficient and balanced state by unifying sovereignty – that is, by creating closer bonds between the legislative and the executive branch. At first quite firm on the importance of a strict division of powers, he later held that this was not as important as “unity and order,”⁵²⁵ which was to be created by giving more sovereignty to the executive branch. There was a dangerous “great abyss,”⁵²⁶ Falsen had said, between the legislative

⁵²³ Kaartvedt, Alf, *Kampen mot parlamentarisme, 1880-1884: den konservative politikken under vetostriden*, Universitetsforlaget, Bergen, (1967), p 63-95 and 122-160.

⁵²⁴ Quoted Kaartvedt, 1967: p. 84.

⁵²⁵ Quoted in Seip, 1974: p 96.

⁵²⁶ Quoted in Kaartvedt, 1964: p. 439.

branch and the executive branch, and it was imperative that there be built a bridge over it. Faslen's suggestion was never realized due to protest from the parliament, but others took up the idea. Lawyer and statesman Frederik Stang (1808-1884)⁵²⁷ also emphasized the unity of the nation and its will, and was for a reform that gave government members admission to the parliament. His interpretation of the constitution from 1833 stressed this, and his underlying idea may be summed up by his following famous statement:

The primary principle of a constitutional monarchy is undoubtedly that, that the general will, cleansed and moderated by the forms through which it must work towards its goal, must be the animating force of all state organisms.⁵²⁸

The point was to create a functioning coordination between the state powers through which the general will could be expressed, but also "cleansed and moderated." From the 1830s to the 1870s, Stang, along with Schweigaard, became the leading statesmen and nation builders in Norway, both stressing the centrality, activity and unity of the state and its important purpose for nation building.⁵²⁹ In their studying days, Stang and Schweigaard had been members of the "intelegentz" group – a group of gifted students with Count Wedel⁵³⁰ as their patron. The centralized, interventionist liberalism that this group stood for became a ruling ideology during the 1830s and 1840s. But the idea of a strong, unified state apparatus was promoted by the conservatives only as long as they felt that they would be controlling the state, and could keep the farmers at a safe distance.

c) The early farmers' opposition

The ideology of Stang, Schweigaard and the Intelegentz was antagonistic to many of the interests of the farmers in the parliament during the 1830s and 1840s who wanted the state to spend as little money as possible and keep the government members separated from the parliament. Farmer Ole Gabriel Ueland became, from 1833, at the first so-called "farmers parliament," a main opponent, especially to Schweigaard in the parliament. Mainly, the farmers in the parliament in the 1830s and 1840s feared a closer relationship between the legislative and the executive branch because they feared it would make the government

⁵²⁷ For biographical information about Stang, see: Svare, Bjarne, Frederik, Stang (2 vols), Aschehoug, Oslo, (1939-1950), and Thyness, Paul. (2009, 13. februar). Frederik Stang. I Norsk biografisk leksikon. Hentet 27. januar 2015 fra https://nbl.snl.no/Frederik_Stang.

⁵²⁸ Quoted in Kaartevdt, 1964: p. 441.

⁵²⁹ Seip, 1974, Slagstad, 1998.

⁵³⁰ Wedel, was a central member in the national movement of 1814. I have discussed Wedel in the chapter 6.

stronger and able to impose more taxes and measures on them.⁵³¹ Farmer Hans Barlien (1772-1842) wrote in his interpretation of the constitution from 1836 about who had the ultimate power in the nation, “here, in our country, the people have the absolute veto,” which meant that the parliament was absolutely “unrestricted” in its power.⁵³² Its powers should not be interfered with from the government, and it was clear that this was according to the spirit of the constitution, according to Barlien:

If the parliament stay true to the spirit of the constitution; the will of the people, then the laws will be just ... thus, the Norwegian people have secured for themselves a larger part of the powers of the state than any other country in Europe.⁵³³

Barlien here proposes an antagonism between the power that the people “have reserved for themselves” and the government. The government was dangerous, and sovereignty was vested solely in the people: “all of the power of the state befalls the people, the people are masters in their house, in the people lies the sovereignty.”⁵³⁴ To maintain this, it was important that power was divided. Indeed, wrote Barlien, “only in the North American states does the people have all the power of the state. And who knows for how long that will work?”⁵³⁵ The point about keeping the powers of the state separated was to avoid infringements from state officials, to avoid, as Farmer John Nergaad (1795-1885) wrote, “taxes and expenses ... in the 15 or 16 years that now have passed [since independence], the expenses of the state have continued to grow, and has now reached the double of the original.”⁵³⁶ It was for this reason that the farmers should elect their own men to the parliament, and not state officials or other elites, wrote Nergaad. And it was exactly this that happened: the parliamentary session of 1833 had more farmer MPs than ever before (hence the “farmers parliament”). The thinkers of the *Intelegentz* group regarded this with suspicion; it was a result of the unfortunate “demagogical element” of the constitution, wrote one member of the *Intelegentz*.⁵³⁷ The farmers, with their anti-centralization and anti-tax policies, did not understand the essentials of running a nation-state:

⁵³¹For an overview of the farmer’s opposition and its leader, see: Bergsgård, Arne, *Ole Gabriel Ueland og bondepolitikken*, Aschehoug, Oslo, (1932). Primary sources that I have used here are: Barlien, Hans, *Bemerkninger til Norges grunnlov*, (1836), and Nergaad, John, *En odelsmands tanker om Norges nærværende forfatning*, Christiania, (1830). The latter was particularly important in inspiring the election of farmers to the parliamentary session of 1833.

⁵³² Barlien, 1836: p 88.

⁵³³ Barlien, 1836: p. 94.

⁵³⁴ Barlien, 1836: p. 55.

⁵³⁵ Barlien, 1836: p 94.

⁵³⁶ Nergaad, 1830: p. 4-5.

⁵³⁷ Fougstad, Carl, *Det Norske storting 1833*, Christiania, (1834), p 11.

“If one looks at the actual skill and knowledge that the farmer representatives bring to the parliament,” he continued:

Then one sees without doubt that not a single one of them fulfill the requirements that one would generally expect of a representative to the national assembly. Only superficial knowledge the of laws of the country, a little historical reading, a bit more of religious reading. And their practical knowledge of economy is restricted to the workings of the fields where they live, and the ways of live hood there ... some idea of what in matters of economics and politics concerns our country; that is what is missing in the farmers representatives, and will be missing for some time.⁵³⁸

But the farmers remained relatively strong in the parliament in the coming decades, and as a new middle class of wage earners grew from the 1850s, they were also joined by increasing numbers from this group. Together they acquired considerable strength in the parliament, and started to propose themselves a closer unification between the parliament and the government in order to strengthen their own position.

d) *The final debates*

The new initiatives for unification of sovereignty came not from the classical farmer’s opposition at first, but from Johan Sverdrup, who represented primarily the new classes of officials, functionaries and clerks.⁵³⁹ In 1869 (this was, as we remember also the year in which suffrage reforms started to be seriously debated), Sverdrup and his followers managed to get a bill proposing annual parliamentary meetings sanctioned (before, the parliament had met only every three years). Annual parliamentary sessions strengthened the position of the parliament, and thus changed the initiative in the issue about closer cooperation between the legislative and the executive branch. The conservatives now came to fear that integration between the two state powers would give the parliament too much power.

During the 1860s and 1870s, Sverdrup gathered both Ueland and the farmers’ opposition behind him, in addition to the new farmers’ opposition from the late 1860s led by farmer Søren Jaabæk. Seeing this broad coalition gathered in the parliament every year, the conservatives came to believe that it was imperative to keep the government (the executive branch) separate from the legislative branch. They saw with unease the populist and demagogical developments

⁵³⁸ Fougstad, 1834: p. 18.

⁵³⁹ Mjeldheim, 1984: p 101-105.

in Europe (the revolutions of 1848, and the rule of Napoleon the III in France), and believed that the monarchical aspect of the Norwegian constitution was the only bulwark against this.⁵⁴⁰ Fredrik Stang for instance, as Prime Minister from 1873 to 1880, actively opposed bills that suggested the ministers be responsible to the parliament. Indeed, Stang's ministry became the most powerful bulwark against such attempts.⁵⁴¹ Schweigaard perhaps summed up the fear of the conservatives when he said that parliamentary reform would be as if "in a way we have two governments."⁵⁴² It was not, however, a situation of two governments within the nation that Sverdrup wanted; rather it was, as he famously said in the Parliamentary Hall, "all power and force united here in this hall."⁵⁴³ And it was precisely this that the conservatives feared; that the parliament assumed powers of government. In the conservatives' minds, there could be only one executive, and it should be the King's government. Division was crucial for the conservatives in the 1870s and 1880s. Professor of law T. H. Aschehough, who wrote a three-volume interpretation of the constitution (written 1875-1885), said that "it is nothing that I fear more than absolute and overwhelming power in one hand. The power must be divided if the state is to be free."⁵⁴⁴ The main conservative newspaper, supporting the idea of a strict division of powers, wrote in 1871 that the central issue at stake was whether the people:

Wanted to keep our constitution as passed on to us, the constitutional monarchy, liberty safeguarded through division of powers, and security against abuse and inference, and on the other hand, whether they adhered to the principle that 'division of powers is nonsense', that power should be located only in one place, namely in those men, that it is declared represents the will of the people ... which have been the end of republics of old and new alike, tyranny.⁵⁴⁵

The conservative position here is basically a continuation of the prevalent policy in 1814: power must be divided, the people cannot be granted unlimited power. However, this conservative assertion was founded on a misconception, said Sverdrup. Discussing the matter off annual parliamentary sessions, Sverdrup said that it may have been true that the purpose of the constitution in 1814 had been "to secure against arbitrary inference, rather than the possibility for the people to self-government."⁵⁴⁶ However:

When the constitution had been working for some time, and the circumstances had changed and developed ... it became clear, after much discord and work, that the decisions of the constitution did not correspond to its purpose. The government had

⁵⁴⁰ Langeland, 2014: p. 42

⁵⁴¹ Kaartvedt, 1967: p 20-33 and 50-63.

⁵⁴² Kaartvedt, 1964: p 510.

⁵⁴³ Koht, 1922: p. 68.

⁵⁴⁴ Koht, Halvdan, *Georg Sverdrup II, 1870-1880*, Aschehough, Kristiania, (1922), p. 66-67.

⁵⁴⁵ Koht, 1922: p. 168.

⁵⁴⁶ Johan Sverdrup, 1868 in Havstad, 1882: p.287.

power enough, but the power of the people did not have its rightful influence on matters.⁵⁴⁷

e) *The will of the people*

It was natural to Sverdrup that the sovereignty of the people should have absolute expression through expanded democracy. He asked, when discussing the bill of annual parliamentary sessions:

If, in a society there are forces that know what they want, and have the will to carry it through based on our current constitutional frame, if here is agreement amongst the electorate, then I cannot for the life of me understand, why anyone should have the right to stop them?⁵⁴⁸

What was needed, said Sverdrup, was parliamentary democracy; to make the ministers of the government accountable to the parliament, to the people:

That the cause of prolongation [of the parliamentary meetings], this one cause, have been so strongly discussed, points to another important matter that is even less satisfactory, that of the access and accountability of the ministers to the parliament.⁵⁴⁹

But seeing as the king always vetoed this suggestion, the veto that the king had assumed in matters of constitutional change became a great obstruction to this cause. Sverdrup said, “if one wants to grant the king and absolute veto in matter of constitutional change, then one has violated the will of the people. One has wounded the tree of liberty at its roots.”⁵⁵⁰ To Sverdrup, the cause of parliamentary democracy was part of a broader critique of the whole system of the state:

The relationship between a government and the people’s representatives cannot be reduced to one single cause which happens to surface from everyday politics ... it is about the whole system.⁵⁵¹

Here, Sverdrup himself suggests exactly what the quote from Danielsen above suggested, and what I have suggested with him: that suffrage reform and parliamentary democracy were interconnected in a broader critique of *the first form of the nation* – a critique of “the whole system” by the new middle class. It was the issue of the access and accountability of the ministers to parliament that became the tipping point of the system, because it was connected

⁵⁴⁷ Johan Sverdrup, 1868 in Havstad, 1882: p. 287-288.

⁵⁴⁸ Johan Sverdrup, 1868 in Havstad, 1882: p. 280.

⁵⁴⁹ Johan Sverdrup, February 13th, 1873 in Havstad, 1882:p. 91.

⁵⁵⁰ Johan Sverdrup, May 19th, 1851 in Havstad, 1882: p. 20.

⁵⁵¹ Johan Sverdrup, February 13th, 1873 in Havstad, 1882: p. 97

to the Veto power of the king. When the bill was passed for the third time by parliament but denied sanction by the king, Sverdrup said again:

Is the king to have an absolute veto in matters of the constitution? Should the people then not have legislative power on this important matter, in the very matter of popular sovereignty, its power over their own faith and that of coming generations?⁵⁵²

It was clear to Sverdrup that by the king's veto in this matter, and by its unwillingness to cooperate, "the government have not shown respect for the general will, nothing is more certain."⁵⁵³ To mend this, Sverdrup and his followers proposed an impeachment act against the government (although it was the king that put forth the veto, it was his government that was formally responsible for his policy according to the constitution). 1882 was to be an election year for the parliament, and Sverdrup waited until after the election to propose the impeachment act. This was due to tactical reasons: in the lead up to the campaign, Sverdrup campaigned fiercely in order to raise the support needed for the impeachment act. In the end Sverdrup got more than 60% of the vote, and it was after this that the Venstre coalition emerged as a political party.⁵⁵⁴ Sverdrup now felt ready for the impeachment trial. But although Venstre had a parliamentary majority, it was uncertain how the impeachment would end: it was not a given that the judges would judge in favor; the conservatives were discussing plans of a coup d'état; and local Venstre parties all over the country trained for war. In the end, however, the trial ended peacefully and in favor of Sverdrup and Venstre: the government resigned, and on 26 July 1884, Sverdrup was appointed prime minister on a parliamentary basis. After this parliamentary praxis became the norm in political life and suffrage reforms were carried through gradually during the next decades, with universal male suffrage in 1898 and female suffrage in 1913. Indeed, already in 1881, Sverdrup and his followers managed to carry through a suffrage reform based on income, and the very first issue that Sverdrup dealt when he became prime minister was a further expansion of the suffrage. I do not mean to say, however, that the expansion of universal enfranchisement was an inevitable outcome of Sverdrup and Venstre's rule and the coming of parliamentary democracy. There were tensions and conflicts about this, and Venstre was split in many fractions soon after it acquired power. Pressure from the newly-formed labour party was probably important in the coming of universal suffrage. And important factor why the franchise was expanded relatively easily in the 1880s was that there was a new economic crisis that made less people wealthy enough to

⁵⁵² Johan Sverdrup, June 2, 1880 in Havstad, 1882:p. 158.

⁵⁵³ Johan Sverdrup, February 13th, 1873 in Havstad, 1882: p. 103.

⁵⁵⁴ Nerbøvik, 1999: p 150-162.

benefit from an expansion based on income.⁵⁵⁵ But in any case, it was the Venstre movement that opened “the floodgates of democracy”, as their critics had pointed out. Without the victory of Venstre, suffrage expansion would most probably have been delayed.

Conclusion: “The great cause of freedom”?

This chapter first demonstrated the importance of landed property in *the first form of the nation* in Norway. But we have seen also, how, in Norway like in America, a *transvaluation of property* occurred – a shift from land to labour that defined sovereignty on the basis of the labour power of an individual instead of on ownership of real property. This happened because the country became more industrialized, market-oriented and urbanized. The transvaluation became part of a larger conflict about the nature of national sovereignty and got its external expression in the impeachment act of 1884, which in practice meant an end to the division between the legislative and the executive branches of government, and which made it possible to carry through suffrage reforms that abandoned landed property qualifications. Both sides in the conflict claimed to represent the principles of the constitution and its original ideas. Both parts believed that their liberties and freedoms had been granted to them by the past, and that only within a continuum of these historical rights – reaffirmed and re-secured in 1814 – could the national rights be maintained. The issue was still to defend the rights of the people against tyranny and despotism. One leading member of Sverdrup’s Venstre movement, for example, sung, in an election song before the decisive battle about parliamentary democracy: “the great cause of freedom is at stake, the heritage from our great fathers.” The opponents of the Venstre coalition, he continued, shunned “the bright light of liberty,” they were the shadows of absolutism: “the ghost of absolutism shrieks merely by the thought of liberty.”⁵⁵⁶ The tradition of 1814 is invoked here by reference to liberation from arbitrary absolutism and the “heritage of our fathers.” And it *was* the same freedom that was spoken of, but with different meaning and content. Because the movement now was driven forth by people immersed in a burgeoning industrializing market society, the idea of landed property as a precondition for freedom was abandoned. It this that the conservatives could not accept. Schweigaard perhaps summed up something essential about this change when he said, as we saw above, that the principles of the Venstre coalition were “general arguments, which could be applied to anything and nothing.” Freedom and property had become abstract in *the second form of the*

⁵⁵⁵ Langeland, 2014: p 41-51.

⁵⁵⁶ Mjeldheim, 1984: p. 14.

nation. Søren Jaabæk (the leader of the farmers' opposition during the 1870s) also referred to this when he offered Sverdrup his partnership in the cause of parliamentary democracy: Sverdrup was not concerned with piecemeal and tangible economic issues, as Jaabæk wrote: "it is the great political and civic rights that you hold the highest."⁵⁵⁷ This might exemplify the general change from *the first form of the nation* to the second: in the beginning, actual material security was seen as crucial to securing national freedom, but in the second form of the nation, freedom and property were connected to the people in a more abstract or general way, so that the theoretical right to property in labour was seen as sufficient in making the individual free and fit for political rule. To those holding these transvalued values of property, these values represented a more perfect realization of nationality: the coming of parliamentary democracy and expanded franchise represented a glorious moment of freedom. However, to its opponents, it represented the most "cynical and brutal violation of just law in the history of the Norwegian nation."⁵⁵⁸

⁵⁵⁷ Mjeldheim, 1984: p. 33.

⁵⁵⁸ Danielsen, 1964: p. 248.

Chapter 8: Comparison and conclusion

This chapter begins with a juxtaposition of the emergence and development of nationalism in the US and Norway by framing this development in Miroslav Hroch's model of nation formation. I shall then state some of the key points about national ideologies in the US and Norway: how the notions of freedom and slavery changed from their emergence to the coming of industrial society, how this affected actual distribution of wealth and ideas of political rule, and how the ideas of slavery and freedom in the second form of the nation came to legitimate capitalist labor relations. I will link and contrast my findings to Ernest Gellner's theory of nationalism, and I will reflect on the relationship between nationalism as it was in my cases and its relationship to Marxism as understood by Karl Marx. Finally, I will offer some reflections on how the comparison between my cases suggests trends and developments that might also be relevant to other places.

The emergence and development of nationalism in the US and Norway

The US and Norway are countries far apart in geographical distance. Indeed, we might say that, at least in the early nineteenth century, they existed in different worlds: the US in a new world free from the bonds of tradition and poverty,⁵⁵⁹ and Norway in an old world of scarcity, traditions and ancient institutions. At the outset of the nineteenth century, these two countries also differed enormously in size, both population-wise and geographically – a difference which got even bigger as the US swelled during the course of the nineteenth century. Yet, despite these differences, these two nations have provided fruitful ground for comparative purposes. In the most broad sense, the US and Norway display the disintegration of old structures of sovereignty, and the emergence of a historically novel type of sovereignty – national popular sovereignty based on widespread ownership of land. This happened in similar ways and for similar reasons in these two nations. In chapter 3, I invoked Miroslav Hroch's three phase model of nation formation. It will be useful to use this model here again to frame the initial comparison of the US and Norway. The three phases in Hroch's model are phase A, B and C. Phase A is the phase of burgeoning interest in the national culture amongst the elite. No political claims of nationality are made during this phase. Phase B is the phase of agitation,

⁵⁵⁹ This, of course, is a gross oversimplification and glorification of America. I write it like this only as a "poetical" way of bringing out the differences in conception that was between the "old world" and the "New world".

where national sentiment turns political, but still only within a relative small elite. In phase C, the national movement becomes a popular mass movement.

a) Phase A and B in America

In the US, I have placed phase A in the period between 1762 and 1775. It might initially seem a bit odd to speak of a phase A for the US. Hroch's model was originally based on what he called European small nations – similar to ethnic groups existing within larger imperial states, or to stateless nations, in the more modern sense – in Europe during the nineteenth century. Phase A was described as a national revival within such groups, a revival where intellectuals became interested in language, traditions and history of the small nation, primarily out of scholarly or intellectual interest. This is not exactly what happened in colonial America. It is useful, however, to speak of phase A in colonial America as the pre-political/pre-agitation phase – that is, a phase of the national movement where independent nationhood was not advocated. In colonial America, this distinction is particularly important because the very idea of nationhood, of America as a potential nation meant to be independent, was not really conceived of until the end of phase A – before this, the nationality (or more correctly, the pre-national equivalent of national identity) of Americans was British or English. The period between 1762 and 1775 (phase A) therefore is important because it gradually lay the foundations – through various debates and scrutiny of the relationship between the colonies and the imperial center – for the idea of America as a distinct, independent nation. It was in this period that the set of ideas that came to constitute nationality were formed for the first time in human history.

The feature of phase A in America which most strongly resonates with phase A as described by Hroch is the exploration of the distant past of the colonists. This feature became a fundamental component to the national ideology. One central theme in the exploration of the American past was a mythologized or idealized vision of ancient Anglo-Saxon freedoms, based on the right to hold land (property). It was held that the American colonists inherited this freedom and right to hold land exclusively for themselves, and American history since the first colonization was seen as an escape from despotic princes, subversive popes and feudal institutions. It was understood that, in America, there had been established free institutions based both on the achievements of the colonists, and on rights inherited from Britain. The most important right was the right to property, and phase A in America was about asserting this

right vis-à-vis the British Crown and Parliament. The parliament was seen as infringing on the rights of the colonists by taxing them, which was seen as an infringement on the right to property. Ultimately this led to assertions of independence from Britain, based on the assumption that the colonies constituted a unique nation. The people who came to most strongly assert independence were almost all rich, large landholders (many owned slaves), often also educated as lawyers.

b) Phase A and B in Norway

This course of events is comparable, very similar in fact, to what happened in Norway in the time period roughly between 1770 and 1813, which is the period I have labeled as phase A in this case. The Norwegian phase A corresponds exactly to Hroch's definition, no doubt because of the obvious reason that Norway was one of the cases on which Hroch based his model. In Norway, from the 1770s onwards, scholars and intellectuals started to explore the history and traditions of the Norwegians, and, like in America, a central theme became ancient freedom based on ownership of land. In Norway, it was not derived from Anglo-Saxon themes, but from an idealized version of ancient Nordic freedom. In the same way as American history was presented as an escape from feudalism and despotic princes, so too was Norwegian history presented as one in which such subjugations had been avoided. At this phase, like in America, the national movement did not pose a logical necessity between the existence of a unique Norwegian past and the political organization of Norway into an independent nation-state. But as the year 1814 commenced (marking the initiation of phase B), the idea that Norway must be an independent nation became a strong assertion amongst the elite. Different from the American case was that very few of the members of the national movement of phase A came to actively advocate for national independence in phase B, for the simple reason that they were no longer alive or were too old. Different also was the social composition of the national movement. Most of the members of the movement were substantial landholders, and indeed many also had a legal education, but this group was distinguished from the American counterpart in that some of the most prominent members of the movement held privileged titles and or were state officials of the old imperial state. Lastly, an important difference is that the Norwegian movement, when it entered phase B, unlike the American movement, did not rise primarily out of discontent with the imperial sovereignty of which it was part. Rather, phase B emerged in Norway because the kingdom was forcefully divorced from the imperial sovereignty of which it had been part, and the national movement entered phase B as an almost ad-hoc way of recreating sovereignty where suddenly there was none. Phase B of the national

movement was led by the Danish prince, and was very much about avoiding incorporation of the Norwegian kingdom into the Swedish kingdom.

c) *The first form of the nation*

Despite these differences in the course of phase A and B, the ideological and political result of these phases was the same in both cases. In both cases, a political and ideological form emerged which I have called *the first form of the nation*. There were, of course, local circumstances and peculiarities to each of the cases, one of the most obvious ones being that Norway became a constitutional monarchy and that the US became a republic. This difference, however, is not as great as it may sound: in both cases a legislative branch was established with powers directly derived from the people in the form of representative democracy. And in both cases, this representative democracy was restricted, in high degree, to those owning landed or real property. Furthermore, the fact that the executive branch was, in Norway, reserved for the monarch, whereas it was more directly derived from the people in the US, actually represents two sides of the same principle: balance of power. There were rigorous debates in both nations about how to achieve balance of power, and practically nobody thought that all power should be in the hands of all the people. The republican and the monarchical principles were different ways of balancing power that were based on the sovereignty of the people through legislation. Furthermore, both were based on popular sovereignty through a property-based democracy in which the national sovereignty was understood to be derived from the property of the members of the community. Both the US and Norway became propertied communities, nations.

One important reason for why the first form of the nation took similar shape in the US and Norway despite their differences was the existence of widespread private landholding. More than anything else, it was this that shaped the national ideology and the new national institutions. For one, wide landownership corresponded to the historical myths invoked about a free, landed people. But wide landownership was also what made it realistic to invoke popular sovereignty, because sovereignty was tied to ownership of land. When many people thus owned land, it was natural that sovereignty was popular; it was not derived from the ownership of a few landholders or kings. It was for the same reason that popular sovereignty took the form of a property-based democracy: only landed property could be the basis of sovereignty. For this reason, it was also important that property became duly protected through

the rule of law. This meant that property, in theory, was set down as a universal right for all the members of the nation. It is important to note that this notion was not unanimously seen to be incompatible with the existence of chattel slavery (an institution that specifically denied some people the right to property). This was largely because slaves were not clearly defined as free agents, but were in many regards understood to be a form of property to be protected.

d) *Phase C and the second form of the nation in America*

The coming of phase C in America may, in one sense, be understood as starting with the Revolutionary War and continuing through the Federalist/Anti-federalist and the Democratic-Republican/Federalist debates of the 1780s and 1790s. It certainly makes sense to speak of the national movement as a mass popular movement from this moment, as large portions of the people were already at this point involved in what one scholar has termed “the great national discussion.”⁵⁶⁰ However, from the 1830s onward, movement towards universal male suffrage and abolition of chattel slavery came to involve even larger parts of the people directly in national formation – it is therefore that I have looked at the coming of universal male suffrage and the abolition of chattel slavery in order to explore changes in the national ideology during phase C. But more importantly, these two movements quite explicitly challenged the assumptions made about property and sovereignty in the *first form of the nation*. By challenging these assumptions, these movements helped bring forth *the second form of the nation*. I theorized this as a *transvaluation of property* – or more simply, as a shift from land to labour. Most important for this was the abandoning of the idea that it was only real, landed property that could be the basis of sovereignty and individual freedom. The right to property was still held as a crucial, fundamental right, but the right to property was more and more understood dually, to mean also the right to the fruits of one’s labour. In this way, the freedom of the individual, and the sovereignty of the nation, could be derived from, and belong to, all laboring individuals. In such a vision, it did not make sense to confine sovereignty only to the men of landed property, and the right to property understood in this way also demanded the abolition of chattel slavery, so that the slaves too could have the right to the fruits of their labour. In this dissertation I have explored this change in understanding primarily through the abolition, and the defense, of chattel slavery. By the late 1850s, large forces within the American nation had been mobilized on both fronts of this divide. The south, led by a

⁵⁶⁰ Karmnick, Isaak, “The great national discussion: the discourse of politics in 1787”, *The William and Mary Quarterly*, Vol.45, no.1, (1988).

Democratic Party backed by large landholders and slave owners, defended the property assumptions of the *first form of the nation*. The north, driven by the Republican Party and a broad alliance of intellectuals, wage earners and farmers, propagated the new vision of *transvaluation*. An important factor that contributed to the shift from land to labour in the north was the decline in the importance of smallholding farming, although it did remain a relatively prominent feature of life also in the north. Smallholding farming nevertheless gradually fell in the shadow of emerging industry and artisan work in the mushrooming cities and towns of the north. This meant that the total proportion of people that lived off the land decreased, and that an increasing amount of people earned their livelihoods from waged work. This was different from the south, which remained largely agricultural – and slave driven. In the end, it was the northern vision that became victorious, and in the same way that the first emergence of nationalism was strongly connected with the emergent smallholding property structure during the seventeenth and eighteenth century, so too was the *transvaluation of property*, or the shift from land to labour, strongly connected with the demise of this kind of property structure and the emergence of industrial forms of property capital.

e) *Phase C and the second form of the nation in Norway*

Phase C in Norway started around the same time as its intensification in the US, in the 1830s. At first, phase C was marked by a farmers' opposition in the parliament, constituted of those men who already had the vote based on landed property, and the main concern was over issues of taxation of the farmers by the elite. But from the 1850s onward, the more overreaching idea of the power of the people, versus the power of the king, became the overreaching, dominant issue of phase C. Chattel slavery, due the banal fact that it did not exist in Norway, was naturally not an issue during Phase C in Norway. The big rallying issue in Norway became the cause of parliamentary democracy, and it was through this cause that the suffrage issue had to be realized. The suffrage question, like the abolition of slavery in the US, was grounded in the *transvaluation of property* – the shift from land to labour.

An important reason why parliamentary democracy became the main issue through which the *transvaluation* became carried out in Norway was the monarchical structure of the Norwegian state. This meant, amongst other things, that the government was appointed by the King and was clearly separate from the parliament. It also meant that the King could veto parliamentary bills. Radical reforms thus became efficiently blocked by conservative forces constituted by

relatively wealthy intellectuals and state officials within the government and the monarchy. It was for this reason that radical forces within the parliament needed to thwart the power of the government and the king in order to carry through any reform. Like in America, the impediment to reform in Norway was also strongly related to the gradual decline in importance of smallholding farming. It is true that Norway, even more so than the US, remained very much an agricultural economy during the latter decades of the nineteenth century. But Norway saw growth in cities and industries as well, and experienced a huge population growth during the course of the nineteenth century. Many of these people could not be smallholding farmers due to the scarcity of suitable land. Thus, the proportion of tenants increased, as did employment in artisan professions, as well as employment in occupations such as clerks and teachers. Like in America, an increasing number of people became dependent on wages for their living. The social movement that finally carried through parliamentary reform (and which carried with it the transvalued notion of property) in 1884 was, however, a complex and diverse movement with various interests, ranging from large farmers to small farmers to tenants, to city intellectuals to clerks and teachers.

f) Nationalism: agrarian origins, industrial futures

As we have seen, in the historical time period to which I confined my investigation, the two cases investigated went from being agrarian societies to becoming burgeoning industrial societies. To understand nationalism in the later form (industrial), it is important to grasp it in its first form: nationalism emerged and formed in agrarian societies – that is, in societies where the main source of wealth was land, and where a large majority of people lived off the land. This landed, agrarian form of nationalism is in effect a ‘missing link’ between pre- or proto-national forms of society (feudal, absolutist, mercantilist, etc.), and the fully modern industrial form identified by Ernest Gellner. Nationalism, in my cases, emerged in a crucial transitional period within in the development of modernity, on the brink of industrialization. Nationalism in my cases was therefore both a product of, and a reaction to an agrarian political model and the material relations that supported it:

- 1) Nationalism was a product of agrarian relations in the ways in which sovereignty, freedom and property were understood. These concepts were derived from, and understood in, an agrarian absolutist context.⁵⁶¹
- 2) In the sense that nationalism was a reaction to the existing agrarian frame, it was in the way meanings of sovereignty, property and freedom became modified and adopted to the material relations of each of my cases. In this reaction, these agrarian concepts became the foundations for further capitalist, democratic and industrial development.

In essence, nationalism emerged out of changes in agrarian landed property structures that had made land rights a purely economic right, detached from feudal privileges and structures, and which also made land rights more widespread. It was out of such a situation that popular sovereignty based on propertied freedom emerged, and became, in effect, nationalism in its first form.⁵⁶² One important point to note about this agrarian aspect of nationalism is that the core concepts of nationalism (popular sovereignty, property and freedom) were all formed and adjusted to an agrarian social structure, contrary to the Gellnerian point that nationalism was a product of industrial society.⁵⁶³ However, despite (or indeed, perhaps precisely because of) the agrarian origins of nationalism and its property assumptions, its assumptions were also compatible, and particularly favorable to, industrial society as this new base or mode of production led to an inner alteration – *transvaluation* – of the basic property ideas of nationalism. So, nationalism, although agrarian and landed in its origins, is also ideologically functional to industrial society (I discuss this in some more detail below, under the sub-heading, *Nationalism and perpetual growth*). In this sense there is no antagonism between Gellner’s approach and my own. The difference is that the focus on the agrarian origins of nationalism allows us to see more clearly the property rights aspect of nationalism – an aspect which I believe is fundamental to the understanding of nationalism in both its agrarian and industrial form. But again, although Gellner tends to stress primarily the importance of universal literacy and mass education in industrial nationalism, this does not mean that there

⁵⁶¹ In the case of the US, these ideas and notions were the “rights of Englishmen” inherited from Britain, see American chapters. In Norway, the notions and ideas also came from the imperial state of which it was part, but also from ideological currents stressing the peculiarity of Norwegian property relations, see chapters on Norway. In both cases the ideas were formed by the agrarian capitalist character of their societies.

⁵⁶² For other perspectives on how the class relations of my cases affected the idea of popular sovereignty, see Koth, Halvdan, “Trongen til demokrati I 1814”, in *Historisk tidsskrift*, no 38, (1947) (Norwegian case), and Morgan, Edmund S, *Inventing the people: the rise of popular sovereignty in England and America*, Northon, New York, (1988). It is argued here that the elite constructed popular sovereignty and included the farmers purely out of instrumental reasons.

⁵⁶³ Gellner, 2006.

is no room for property rights. And indeed as I have indicated in chapters 1 and 2, I share many of the same assumptions that Gellner does about the structural preconditions for the emergence of nationalism, as well as some of his more general assertions about nationalism as political principle. Nationalism may well be both about creating a universal high culture, and about creating a situation of universal property ownership; both are aspects of modern industrial society. Furthermore literacy can also be seen as an important factor for the emergence of the propertied nationalism in my cases. Most of the key members of the national movements in the US and Norway were exceptionally literate and educated, and reading and writing was central both for the formation of the national ideology (since it was based on reading of old histories and pamphlets) as well as for its spread. One could argue from this that what I have called the agrarian *first form of the nation*, in addition to fostering the property assumptions that became central to nationalism, was also the incubator of the literacy that Gellner emphasizes for industrial society.⁵⁶⁴ Hence, my own understanding and Gellner's can in fact be complimentary to each other, allowing for a deeper and more complex understanding of nationalism – not least because my own approach adds an ideological and political element to Gellner's more structural approach. In the following I will indicate some aspects and issues on nationalism in which a property rights perspective expands our understanding of both agrarian and industrial nationalism.

Slavery and freedom: agrarian and industrial visions

The language of slavery was central in the national ideology and its vision of freedom when it emerged, and the property rights perspective helps us understand this. The property relations at the time of the national revolution in both states make the language of slavery conspicuous in both cases:

- 1) In the case of the US, the language of slavery as the opposite of freedom is conspicuous because of the all too evident fact that a large proportion of people in America were actually chattel slaves – i.e. for most practical purposes, property. It is difficult not to be immediately perplexed when one sees that many of those who most strongly asserted the right to freedom did own slaves. As Samuel Johnson said, “Why

⁵⁶⁴ This is similar to Mann's argument that mass literacy, education and communication (the preconditions for nationalism in Gellner's view) actually emerged before industrialization. Mann, Michael, “The rise of modern European nationalism”, in Hall, John and I.C Jarvie, *Transition to Modernity: essays on power, wealth and belief*, Cambridge University Press, Cambridge, (1992).

do we hear the loudest yelps of liberty amongst the drivers of Negros?” But looking more closely into the issue, this actually makes sense (which is of course not to say that it was or is acceptable). Chattel slavery was compatible with the assertion of national freedom because the slave was not clearly defined as a human being, but was instead treated partly as an object, as a form of property and thus as a medium that could make men free. Thus, in addition to wide distribution of landed property that was seen as making the nation free, there were also slaves that could give men propertied freedom. The fear of slavery might also have been reinforced by the very presence of chattel slavery – it was perhaps all too clear what it meant to be a slave to those who were free.

- 2) In Norway, it is so because of the historical absence of an institution of slavery, except for in the early Middle Ages (800-1000, but this was hardly mentioned at all by members of the national movement). It is thus fascinating to observe such a powerful presence of the language of slavery, and the fear and resentment it sparked. One reason for this was that slavery was understood very widely, and the strong presence of notions of slavery might have been caused by the existence of what was seen as its opposite: the relative wide distribution of land which stood as the very bulwark against national slavery. The presence of this language of slavery might also indicate the universality of the language of nationalism in this period, that the idea of an individual without the right to property was unfree, a slave.

In addition to the above, we must remember that the language of slavery in national ideology belongs to a long tradition of political thought going back to Aristotle, and which became especially prominent in English and western political thought from the seventeenth century onwards. The bible was an important inspiration for this, but other historical examples, such as Roman slavery, were also invoked. It is of course also significant that chattel slavery existed (and was rebelled against) in large parts of the world in the time period that the national movement emerged in our cases.⁵⁶⁵ Thus, from the initial, seemingly conspicuous use of the language of slavery, we understand the idea of slavery was integrated into the broader language of property and freedom as an idea of “the other,” so to speak – what a Norwegian and an American were not. In our cases specifically, we must see the language of slavery in

⁵⁶⁵ Buck -Morss, Susan, “Hegel and Haiti”, *Critical inquiry*, Vol.26. No.4, (Summer,2000), Davis, 1975, Furstenberg, 2003.

relation to their actual property relations, which, with its peculiarities, framed the notions of freedom and slavery, so that in the US it was compatible with chattel slavery, and both cases came to hold landed property as essential to freedom in the *first form of the nation*.

a) *Slavery and freedom in the first form of the nation*

The form of rule in *the first form of the nation* was that of a sovereign people who made laws, but political power was in actuality confined to men of real property. This was because national propertied freedom was at the time constructed on a historical narrative, where freedom through property was understood primarily as landed property, and freedom came to be defined primarily against feudalism and ancient slavery. These negations of freedom were understood both in economic and political terms: both political and economical freedom were held to be necessary components of freedom: the one could not exist without the other. In both cases, feudalism, slavery and subjugation were seen as something that belonged to the distant past and or to other places, so that the members of the national movement saw themselves as unique and free. Freedom was historical: the freedom that the members of the national movement claimed was claimed on account of belonging to a tradition of freedom. The national identity implied here was first and foremost a historical construction, based on ideals and characteristic of the distant past. In this vision, not to be free was defined as any person not in possession or control of his own landed property and thus subject to arbitrary rule (that is a situation in which the individual had no say in political decisions which affected him and thus his right to property). In other words, it was believed that in order for individuals to enjoy the economic freedom to property, it was vital that the individual also had political freedom – that is, that they made the laws to which they were themselves subjects; that they were sovereign.

Because it was landed property that was seen to make individuals free in the first form of the nation,⁵⁶⁶ landless wage labourers, for example, were considered more or less unfree, in a

⁵⁶⁶ We have seen in the chapters on America that there was no necessary contradiction between asserting landed freedom and having slaves. In Norway, this issue has not been explored because there was no chattel slavery in Norway. Yet I have indicated that the idea was the same in Norway, and a comment from Christian Magnus Falsen, central member of the national movement, may reinforce this. A point had been made against Falsen's argument about the special propertied freedom of the Norwegian farmer, saying that in ancient times, the *odelsrett* (see chapter 7) coexisted with the institution of slavery. To this Falsen replied that slavery had existed in both Rome and Greece, even

similar situation to that of the chattel slave: none of the two had real property, and none of the two were therefore free. The difference was of course that the slave was himself seen as a form of property. But there is a conceptual similarity here: neither the slave nor the wage labourer had the right to the fruits of their labour exclusive to themselves. The slave was forced to yield all the fruits of his labour to his master, and was thus dependent on him completely. The wage labourer was dependent on his employer for his wage, and was therefore not completely free.

b) *Slavery dismantled: the second form of the nation*

In the second form of the nation, the language of slavery started disappearing from the main political discourse of our cases as industrial capitalism, and mass politics started to consolidate. But there were people who still maintained the original meaning of slavery and thus posed a critique of capitalist labour relations that is worth taking note of because the core of the critique was in many ways Marxian (and before Marx). Most important in this conservative critique was that only real property could confer freedom on men and nations. It was held that freedom was based on rights to real material wealth, that it was not enough to have a right to vote or to one's labour if this was not based on actual wealth. The men who held this view were mostly conservatives and have been deemed backward-looking and anti-progressive, mostly because they wanted to deny the masses the right to vote. But as William Scott observed:

If nothing else the defenders of property qualifications [for the vote] had understood the implications of contemporary changes [the coming of industrial society]. The reformers, however, denied the importance of widespread property holding and concerned themselves with abstract liberty and equality for all men.⁵⁶⁷

Scott was writing about the franchise debates in the US, but his general argument covers both my cases in the transition from *the first to the second form of the nation*: that the prevailing meaning of freedom became more abstract. Property now meant the abstract right to the fruits of one's labour: this made men free. On this logic, it was possible to assert that all men were

among the ancient Jews. Were these societies thus not worthy of being called free societies? Obviously they were. Falsen, Christian Magnus, *Som man raaber I skoven faar man svar*, Dhal, Enke og Søn, Bergen (1815), p 10-11. While this is not to say that Falsen supported chattel slavery, it points to the general understanding of property, freedom and slavery, where freedom was primarily landed freedom and with which chattel slavery could co-exist.

⁵⁶⁷ Scott, William, *In pursuit of happiness: American conceptions of property from the seventeenth to the twentieth century*, Indiana University Press. Bloomington and London, (1977), p 77. The text in brackets are my insertions.

independent and thus give all men the right to vote. Membership to the political community was now based on putting labour into the system, not on the ownership of physical property. Yet the conservatives saw something lost here. The question from Norwegian conservative A. M. Schweigaard in relation to the suffrage expansion as quoted in chapter seven is telling. He had asked: “Did not the propertiless hold a grant to land as the fundamental thing, more so than merely to be granted the right to vote.” It was real wealth that mattered, not some abstract right to labour, or as Shweigaard had put it, it was not enough to appeal to “general arguments which could be applied to anything and nothing.”

There is something to be said here for the conservative (and in the US, pro-slavery) position on property (which is in no way to say that I agree with the slavery ideology): they did see or admit more clearly than others that freedom in capitalist society is based on real economical wealth, on ownership of the means of production and of capital. Norwegian historian Nils Rune Langeland has made an apposite reflection on this. Writing about the Norwegian founding fathers of 1814, he reflects:

[Real] Property is freedom. It is the only true form of freedom in a capitalist society ... The founding fathers of 1814 knew this well, only he who owned or administered real property could be a free sovereign citizen.⁵⁶⁸

This is also what was implicit in Morris Cohen’s assertion that property is sovereignty, as referred to in chapter two: to have a property right to something gives an individual freedom and power to dispose over the wealth and resources that the property right covers, and thus the right to limit and control those who do not have such rights. The right to property is exclusive; a right to property is thus sovereignty. But if this right is alienated as it is in a wage labour relation, there is no real sovereignty, no freedom in the positive sense. The pro-slavery men, for example, critiqued capitalist labour relations because it created an unfree society, cold and merciless, ruled by capital – a society that gave individuals no rights at all, that guaranteed them not even a minimum of subsistence and, least of all, freedom. In short, the wage labourers were in fact *wage slaves* in the conservative view. George Fitzhugh’s assertion quoted in chapter six, that “Capital commands labour as master does slave,” may serve as a summary statement here. This point was completely dismissed by the majority of the members of the national movement during this phase – it was in fact seen to be a complete and utter perversion of what freedom really meant. Freedom came to mean to own one’s labour, and it came to be

⁵⁶⁸ Langeland, Nils Rune, *Kveldsseta: historiske essay*, N.w. Damm & Søn AS (2003), p. 21.

seen as rigorously egalitarian – it was no longer accepted that a society could be free if only some of its members had the right to property that made individuals free (which was now understood as the right to one's labour).

The people who ushered in the second form of the nation with the transvalued notion of property/freedom may be considered capitalist revolutionaries or reformers in the sense that the political changes they advocated fully accepted all the implications of an industrial capitalist ideology: private ownership, and all individuals as free alienators of their labour. The *transvaluation of property* thus became a way of legitimizing industrial capitalist labour and property relations: the fact that fewer and fewer people owned real property, and that the economical system was in increasing degree founded on ownership of the means of production by the few. This is not to say that the members of the national movement of *the second form of the nation* were consistent and conscious capitalist apologists. The main concern of these people was to realize national propertied freedom in what was seen as a logical and necessary conclusion of the national ideal. Thus both these reformers and the conservatives were advocating for the same fundamental freedom, but with different understandings of what distribution of property was the most essential to freedom. But only the conservatives retained the original idea of slavery/freedom.

With the transvalued notion of property, there was no space for the language of slavery, apart from those critiquing capitalism, because such language completely undermined the foundations of freedom in the second form of the nation – if the wage labourers were seen as unfree slaves, then the nations would be nations of slaves. There was, in short, no one left to be slaves. Nationalism created a society of free men (as claimed by its proponents) under conditions which Marxists (and the national conservatives) would see as an unfree society.

Property, wealth and democracy in industrial society

a) Nationalism and perpetual growth

For Ernest Gellner, one of the fundamental characteristics of modern industrial society is that it is founded on perpetual growth: "Industrial society is the only society ever to live by and

rely on sustained and perpetual growth.⁵⁶⁹ It is the imperative of perpetual growth, and the constant remobilization of labour, that nationalism, as described by Gellner, sustains. My research also supports this conclusion, but for different reasons: nationalism sustains a society of perpetual growth because it legitimizes industrial labour/property relations. That is, nationalism, in its industrial form, propagates a vision of freedom that sees all individuals as free proprietors of their own alienable labour power, because the right to private property is held as a fundamental right and connected to popular sovereignty. Nationalism is thus not only practically, but also ideologically functional to industrial society. Because the right to property was based on the idea of the right to the fruits of one's labour, property could mean both to have real property and, more simply, not to be denied the right to the fruits of one's labour. Because property was understood dually in this way, the national vision could, without violating the universal right to property, result in the creation of industrial societies where ownership of the means of production and capital could be confined to a minority, while the majority are confined to alienate their labour. Thus, by seeing all men as free and unlimited proprietors of their labour power when connected to a sovereign people, nationalism lays the foundation of free and unlimited growth and accumulation. In this light, we might juxtapose nationalism with Protestantism as Max Weber saw it: in a similar fashion as Weber saw the Protestant notion of the calling as a precondition for capitalist growth, we might say that the nationalist conception of property and sovereignty was a precondition for industrial growth.⁵⁷⁰

We can also go back to C.B. Macpherson's theory of possessive individualism here. Nationalism in my cases was, or at least ended up being, in its industrial manifestation, a form of possessive individualism. John Locke exemplifies, for Macpherson, the core of possessive individualism. And it is indeed interesting to note how well Locke's ideas correspond with industrial nationalism in my cases, where labour and self-ownership were the core concepts of property, and where every individual is a free alienator of his or her labour. Indeed from the very beginning, during the *first form of the nation*, many members of the national movements of the US and Norway spoke of labour as the basis for the right to property, yet it was not until these societies started becoming industrialized that the labour and self-ownership aspects (which in a way, we might say, lay dormant), awakened and took on a defining role in the national ideologies.

⁵⁶⁹ Gellner, 2006: p 22.

⁵⁷⁰ Weber, 2001.

b) *The relationship between democracy and property*

It is implicit in what has been said above that the way in which the sovereignty of the people was understood was different in the first and the second form of the nation: the sovereignty of the people in *the first form of the nation* was understood as a restricted representative democracy, and this was because the understanding of freedom was tied up to real landed property. In *the second form of the nation*, the sovereignty of the people became understood as a universal democracy, and again this was related to how property freedom was understood. Universal democracy became a potent idea when property freedom became understood primarily as the right to the fruits of one's labour. Hence, property and forms of representative rule (democracy) were always interconnected in the national ideologies of the US and Norway. This suggests an answer to Therborn's paradox referred to in the first chapter:⁵⁷¹ in the early nineteenth century (*the first form of the nation*), property and democracy were incompatible due to the underlying definition of freedom as landed property. The propertyless were thus unfree and a danger to the preservation of property. Later (*the second form of the nation*), freedom became understood as self-ownership of one's labour. Thus all who labored were free, and would have an interest in the preservation of property rights and the political system. Again, we can invoke the theory of possessive individualism, because the situation of *the second form of the nation* is essentially a possessive individualist one: it is based on the assumptions that all individuals are equal in their subjection to and possibilities under a market society. This might have been a plausible theory at the end of the nineteenth century, as Macpherson notes. However, when, in the twentieth century, the working class started to assert that all individuals did in fact not have the same possibilities under a market society, the theory of political obligation to protect property and orderly relations between proprietors starts to crack. It becomes more and more apparent that gross inequalities are created under these conditions.⁵⁷²

⁵⁷¹ The questions were as follows: "How has it come about that, in the major and most advanced capitalist countries, a tiny majority class—the bourgeoisie—rules by means of democratic forms?" and "In the nineteenth and early twentieth centuries, as both political practice and constitutional debate clearly demonstrate, prevailing bourgeois opinion held that democracy and capitalism (or private property) were incompatible ... In modern times, however, since at least the outbreak of the Cold War, bourgeois ideologists have maintained that only capitalism is compatible with democracy." Therborn, 1977.

⁵⁷² Macpherson, 1962: p 271-272.

c) *The national property ideals and the distribution of wealth*

One of the central claims in Thomas Piketty's recent and acclaimed study *Capital in the Twenty-first Century*, is that inequality of wealth will grow in the twenty-first century because the rate of return on capital will significantly exceed the growth rate of the economy. Piketty claims that unequal distribution of wealth today is partly legitimized and driven by what he calls "meritocratic extremism."⁵⁷³ This means that excessive wealth is to a high degree justified as being the rightful product of the labour and skill of an individual which is rightfully his or her own. But the major cause of increasing inequality will be due to what Piketty calls "patrimonial capitalism"⁵⁷⁴ – a system where wealth is accumulated and concentrated in few hands, and where the primary way to secure wealth is thus through inheritance or marriage because wages for the majority stay low.

As I have shown in this dissertation, the idea that all individuals have a property right to their labour, which is a foundation for their freedom, was an essential feature of nationalism. This is foundational to the idea of the "meritocratic extremism" of which Piketty speaks. This might be an indication of the continued prevalence of the fundamental ideas of nationalism today, and it shows how nationalism might legitimate such accumulation of wealth because it promotes the right of all individuals to enjoy the fruits of their labour. Nationalism might also be seen as connected to Piketty's thesis because nationalism had as its foundation the private property regime which makes possible the accumulation of private wealth in "patrimonial capitalism." Indeed, nationalism sees the right to such accumulation as one of the most fundamental of all rights, as the basis for the organization of the political community.

d) *Metamorphosis and split of capital*

Two things are important to keep in mind when discussing nationalism, its property assumptions and the distribution of wealth in industrial society. One is what Piketty has called

⁵⁷³ Piketty, 2014: p. 334.

⁵⁷⁴ Piketty, 2014: p. 173.

the metamorphosis of capital,⁵⁷⁵ and the other is what we might call the capital-labour split.⁵⁷⁶ The two are related.

- 1) The metamorphosis of capital indicates that capital went from being primarily landed property (in agrarian societies) to being real estate or financial capital or assets (in industrial societies), but that its nature stayed the same.
- 2) The capital-labour split indicates the separation of wealth from the labour power it was created by - e.g. the creation of surplus for a company by giving the workers wages but where some of the profit stays in the company/with the owner. After the metamorphosis of capital, the capital-labour split becomes more decisive and affects the understanding of property.

These two changes also correspond with the changing understanding of property in agrarian and industrial nationalism. In agrarian society, the right to property was understood to mean land, and the labour element of property was understood in a large degree as the right to the potential wealth in land, and land was the main source of wealth. In industrial society, the right to property is more complexly understood: it can mean the right to land or real estate, but also the right to financial capital/wealth and labour. In other words, there is a more decisive and clear split between the various elements of the right to property. This means that, for example, the right to labor can be a property right on its own (as in the national ideologies of our cases), disconnected from ownership of land or wealth. But it also means that wealth or land is not necessarily understood as part of a universal property right. With these assumptions, as explained above, the right to property does not have to mean the right to actual wealth (as in the first form of the nation), but can simply mean the right to labour freely and to a wage. Because the *first form of the nation* was established before the “metamorphosis of capital” and the intensification of the capital-labour split, it would seem, paradoxically, that the assumptions of *the first form of the nation* are more favorable to egalitarian distribution of wealth than the second form.

Forms of nationalism

⁵⁷⁵ Piketty, 2014: p. 113-116.

⁵⁷⁶ I have also relied on Piketty for description of the capital-labour split. Piketty, 2014: p 39-41.

a) *Nationalism vs. communism*

In the introduction I noted a Marxist and a liberal paradox in the way in which property rights and national democracies developed. The liberal paradox was briefly discussed above. In the following I shall discuss the Marxist one in more detail, and imply that one reason why Marxism has not been successful is because it shares some of its fundamental property assumptions with nationalism – Marxism appeared as a form of *transvalued* nationalism. This comparison of Marxism and nationalism might seem slightly odd, appearing suddenly at the end of this thesis, but considering the preoccupation with property, wealth and labour in both world views, as well as the interesting similarities between them in these matters, a brief juxtaposition seems justified and relevant at this point.

Marxism emerged and formed roughly in the same time period in which the *transvaluation of property* happened: like the *transvaluation of property* in the national ideology, Marxist communism emerged as a reaction to the emergence of industrial society. Karl Marx himself was first a liberal who supported gradual reform, private property and legal constitutional states in the form that they had emerged in my cases as the first form of the nation.⁵⁷⁷ Thus, he might have been coming from the same place ideologically as the members of the national movements of my cases. The similarity between these two worldviews lies in the wish of both views to realize freedom for the individual by giving him or her the right to the property of his or her labour. That this idea was so central to both worldviews must, at least partly, be contributed to the fact that both came out of the same intellectual milieu – the Enlightenment and the early Romantic period. As we saw in chapter two, both Jean Jacques Rousseau and especially John Locke and Adam Smith had developed labour theories of value and property. Adam Smith, in fact, was to Marx “the Luther of political economy.”⁵⁷⁸ Such theories were at first applied by the members of the national movement in the US and Norway, and were understood in relation to the specific material relations there. Marxist communism could be understood as on a continuum with nationalism; it was an extension of it, and Marx posed his

⁵⁷⁷ There are many accounts of Marx’s life and views. I have found Francis Wheen’s biography of Marx illuminating and interesting. Wheen, Francis, *Karl Marx, A life*, W.W Norton & Company, London, (2001).

⁵⁷⁸ Giddens, Anthony, *Capitalism and modern social theory: an analysis of the writings of Marx, Durkheim and Max Weber*, Cambridge university Press, Cambridge, (2014)[1971], p 35.

own transvaluation of the national ideals.⁵⁷⁹ But, perhaps because Marx was not so strongly tied to one specific national tradition and because he was already imbedded in an industrial world, his ideas of property were different from the national ones. The Marxian *transvaluation of property* transformed the inner and the outer meaning of both property and of freedom. Hence, Marx fundamentally challenged the idea that having the right to the fruits of one's labour made individuals free within the existence of the current private property system. Marx wrote in his *Economic and Philosophic Manuscripts*:

The antithesis between *lack of property* and *property*, so long as it is not comprehended as the antithesis of *labour and capital*, still remains an indifferent antithesis, not grasped in its *active connection*, in its *internal* relation, not yet grasped as a *contradiction*. It can find expression in this *first* form even without the advanced development of private property (as in ancient Rome, Turkey, etc.). It does not yet *appear* as having been established by private property itself. But labour, the subjective essence of private property as exclusion of property, and capital, objective labour as exclusion of labour, constitute *private property* as its developed state of contradiction...⁵⁸⁰

For Marx there was a contradiction between the labour of an individual and capital accumulated on private property. For this reason, private property had to be terminated and substituted with a positive form of property: “*communism* is the *positive* expression of annulled private property – at first as *universal* private property.”⁵⁸¹ Marx elaborated:

Communism is the *positive* transcendence of *private property* as *human self-estrangement*, and therefore as the real *appropriation* of the *human* essence by and for man; communism therefore as the complete return of man to himself as a *social* (i.e., human) being – a return accomplished consciously and embracing the entire wealth of previous development. This communism ... is the *genuine* resolution of the conflict between man and nature and between man and man – the true resolution of the strife between existence and essence, between objectification and self-confirmation, between freedom and necessity, between the individual and the species. Communism is the riddle of history solved, and it knows itself to be this solution.⁵⁸²

Communism, like nationalism promised to give the individual freedom through property, and saw itself to be the fulfillment of a long historical process (“the riddle of history solved”). But instead of private property as the end goal, Marx saw communal property as the fulfillment of

⁵⁷⁹ I am not the first to point to the fundamental similarity between Marxism and nationalism. Two forceful statements of this are Greenfeld 1993, and Szporluk, Roman, *Communism and nationalism: Karl Marx versus Frederick List*, Oxford university Press, Oxford, (1991).

⁵⁸⁰ Marx, Karl, *Economic and Philosophic manuscripts*, Progress Publishers, Moscow, (1959)[1844]. P 42. <https://www.marxists.org/archive/marx/works/download/pdf/Economic-Philosophic-Manuscripts-1844.pdf> Downloaded 19.08.2015.

⁵⁸¹ Marx, 1959: 42.

⁵⁸² Marx, 1959: p 43.

history. Communism and nationalism can thus be seen as two distinct, yet related, answers to the same question: how to organize property in order to maintain freedom for the individual.⁵⁸³

Nationalism and communism were related, but the organizing principles of each may be seen as a perversion of the other. In the national ideology, individual private property was sacred and the source of freedom; in communism, it was the root of all evil (e.g. “private property is but the final and most complete expression of the system of producing and appropriating products that is based on class antagonism, on the exploitation of the many by the few”⁵⁸⁴). In theory, the difference was smaller between nationalism and communism during the *first form of nationalism*, when, although individual property was the core of the ideology, at least it was postulated that one had to have a right to property over actual wealth to be free. But in the *second form of the nation*, an irreconcilable antagonism emerged between nationalism and what became Marxian communism. This conflict was, as indicated earlier, based on the understanding of labour and its relation to propertied freedom. Marx asked in the *Manifesto of the Communist Party*:

Does wage labour create any property for the labourer? Not a bit. It creates capital i.e that kind of property that exploits wage labour ... property in its present form is based on the antagonism between capital and wage-labour.⁵⁸⁵

It was because labour produced capital for the owners of the means of production that Marx saw private property, as it was in his time, as an evil. This assertion is in total opposition to the transvalued notion of property in nationalism, where it was claimed that every man was free by virtue of having the property he or she has in his or her labour. To Marx, this is only half the truth, because:

Capital is a collective product and only by the united action of many members, nay, in the last resort, only by the united resort of all the members of society can it be set in motion. Capital is therefore not a personal, it is a social power ... in bourgeoisie society capital is independent and has no personality, while the living person is dependent and has no personality.⁵⁸⁶

⁵⁸³ Marx wrote, like the nationalists of my cases, that the right to property in the fruits of one’s labour was essential: “ We by no means intend to abolish this personal appropriation of the product of labour, an appropriation that is made for the maintenance and reproduction of human life, and that leaves no surplus wherewith to command the labour of others. All that we want to do away with is the miserable character of this appropriation, under which the labourer lives merely to increase capital.” Marx and Engels, 1908: p 33.

⁵⁸⁴ Marx and Engels: 1911: p25.

⁵⁸⁵ Marx and Engels, 1911: p 25.

⁵⁸⁶ Marx and Engels, 1911: p 26.

In short, to only have the right to one's labour made one "dependent," not free, according to Marx. Though this highlights the difference between the property assumptions of communism and nationalism, it also highlights the similarity between the two. This above quote from Marx resonates both with the prevalent ideology of the first form of the nation (although the assertions about capital were not so theoretically sophisticated, but rather played more on analogies to feudalism) in which it was held that an individual was not free if subject to a labour relation – and with the pro-slavery ideology of the US. Fitzhug's assertion that "capital commands labour as master does slave" is striking when compared with the passage from Marx.⁵⁸⁷ This brief juxtaposition of Marxist communism and nationalism in my cases may highlight the fact that the property assumptions in nationalism may take a variety of political and social forms. In this research I have explored only two (the first and the second form of the nation) – the communist alternative might be a third form.

b) The specificity of national propertied society vis-à-vis communist society

It must be specified that although the property assumptions of nationalism might have the potentiality of many forms in it (including a communist one), it is also dependent on certain specific characteristics without which it would not have made sense to call it nationalism. And these characteristics are naturally thus absent from Marxist communism. The property assertions of nationalism as it appears in my cases were distinguished from Marxist communism in the sense that freedom and its property assertions were seen to be historically anchored to a specific tradition – nationalism connects its assertions to a specific sovereign people. It was also this specificity that formed the property assumptions of the ideology – it was because of widespread landownership and lack of feudal institutions that the property assumptions of nationalism became what they were. Marxian freedom is historical only insofar as it is to be realized in historical time, and is seen as a product of universal historical developments. National freedom not only was seen as a product of historical developments, but of historical development in specific places, to be realized only through the sovereignty of a chosen people. When national freedom became understood by its advocates as reality, all subsequent notions of freedom became tied up with that moment and that specific freedom.

⁵⁸⁷ That Marx's views sprung from a soil fertilized by nationalism should not be a surprising statement considering that he came of intellectual age during the springtime of the peoples. Greenfeld, for example, has asserted quite forcefully the original and fundamentally nationalist foundations of Marx's vision (Greenfeld, 1993:p 387-395). Greenfeld again builds her assertion on Krieger, Leonard, *The German idea of freedom: History of a political tradition*, University of Chicago Press, (1972).

This is opposite to Marx's understanding. Marx wrote in the *Manifesto* about the labourer and national character: "Modern industrial labour, modern subjection to capital, the same in England as in France, in America as in Germany has stripped him of every trace of national character."⁵⁸⁸ Marx saw an overreaching homogeneity from which a new form of freedom could be created. It may have been true on one level for my cases that those living there were subject to the same forces of capital, and thus had no national uniqueness, but, on another level, this was not true – the labourers of my cases had a national character: it was to be free and to have property, understood as a freedom inherent in their specific history. In the second, industrial form of the nation, the members of the nation were seen as free precisely because they were imbedded in capitalist labour/property relations, and connected to national sovereignty through a labour/property relation. There are thus two things that distinguish national freedom as understood in my cases from communist freedom as understood by Marx: the emphasis on private individual property in the former, and its specificity in regards to sovereignty.

c) *Perspectives from a property rights approach to the study of nationalism*

The national ideology of my cases represented a specific national way of organizing property and sovereignty. Other nationalisms (ethnic, collectivistic, etc.) may have organized and legitimized property in different ways, but in one form or the other, most, if not all, nation-states have maintained a private property system akin to that which was established in my cases. Even though my cases were geographically far apart, and even though the national revolution in Norway happened almost 40 years after the American Revolution was initiated, these cases reflect a common spirit that became pervasive in the western world. The American case was an obvious case to look at to explore this spirit, given all its peculiarities as a "new world" and the fact that it was the first revolution of its kind. It proved, however, that Norway was not so different from the US, despite the fact that it was situated in what would appear to be a very different historical context (the "old world"). The fact that landownership was also widespread in Norway (like in America) at the time of the national revolution, combined with the lack of traditional feudal institutions in both places, contributed to the development of a similar ideology. That these cases were far apart and imbedded in quite different historical contexts, and still produced similar institutions and ideologies (liberal democracy, private

⁵⁸⁸ Marx, and Engels, 1911: p 27.

property, popular sovereignty etc.) which now seem to be pervasive all over the western world, might indicate that the main trends (i.e. *the first* and *the second form of the nation* with the centrality of property and the shift from land to labour) might also apply to other cases. Naturally, the account of nationalism given here is not an exhaustive account of all nationalisms, but the property rights perspective might also be applicable to other cases and times. The model is probably particularly applicable to other cases in the same geographical and historical time period to which I have confined my investigation. It seems reasonable that the model developed here could be a general theory of the emergence of nationalism in the west, seen in relation to the demise of feudalism, absolutism, etc., and the rise of industrial societies. The French Revolution would, for example, be an interesting case to look at in this regard. In fact, in most of the western world between 1776 and 1884, feudal land-ownership disappeared, giving rise to private property regimes, and it is probably not a coincidence that this time period is also generally seen as a the heyday of nationalism in this region. It would require further research, of course, to investigate how property rights and sovereignty of the people were understood by different forms of nationalism, emerging at different times and under other class (property) relations than in the cases investigated here. It would require further research also to be able to determine how various historical and social conditions affected this consolidation and development of property and sovereignty in the long run. There are clearly many different trajectories: one can mention the Fascist regimes of interwar Italy and Germany, or the communist interlude in Eastern Europe, while western Europe will probably be similar to the US and Norway. The Latin American developments, that in a way must be considered a type of western nationalism, are also interesting cases where property relations and national development became both dramatic and, for a time, different from the North American and western European developments, but where land rights and reform have also been a key issue. It could be very interesting to research further how different understandings and assertions of national property rights led to different political manifestations under different conditions, and how the property rights of individuals were legitimized. Finally, it must be said that to fully understand the development of nationalism in the US and Norway, one would need to investigate also the subsequent phase of national development there; the coming of the welfare state and its retrenchment in the twentieth century. But that is for another occasion.

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