

Introduction

DURING THE REVOLUTIONARY CYCLE between 1780 and 1830, internal crises and continual conflicts seemed to point to the demise of the great European monarchic empires. A century later, however, the empires were still standing. Two of them—the British and the French—governed much of the world, a much larger portion than they had ever dominated or held before. With lesser roles, the Spanish and Portuguese, the United States as Britain’s successor, China, and the Ottoman Turks were also still there, and the recently unified Italy and Germany were trying to join the global race for colonies. In *The Imperial Nation*, I attempt to decipher the historical keys of this cycle of destruction and reconstruction of empires.

This book is also about a political transformation at the center of the making and unmaking of European empires. It is about how the idea and practice of “dual constitutions,” or specialness (*spécialité* in French)—the existence and workings of different legislative frameworks for the metropolis and for the colonies—constituted the backbone of liberal empires’ political development. My purpose is not to present research on ideologies and principles on their own, but rather, to compare and consider, through local crises and experiences, shared ideas about how to rule empires with specific policies and continual corrections. Looking at historical processes from this point of view is, in my opinion, the only conceptual strategy that allows us to properly understand why the successors of the monarchic empires were always empires, but empires of a different sort. They were empires that did not exclude national developments or phenomena, either at home or abroad, places where even the unfree might feel the call to political participation.

In the beginning of the story are the great imperial crises that led to revolutions in the Thirteen Colonies and in France and which entailed

demands for political equality for all men, who all possessed rights by birth.¹ The term *man* referred to a free individual in a world of slaves and descendants of slaves. This individual was white because he (it was almost always a he) was European or the descendant of Europeans, usually a property owner or settler, and a member of neither a minority Christian sect nor the Twelve Tribes of Israel. “We, the People” referred to a historically constituted human community with the capacity to proclaim the truth; it did not include those who lived on the margins or even to others within that same community. In this period the ideas of liberty, equality, and representation associated with the universal proclamation of an individual who was born free and should stay free—the ideas that nurtured the Declaration of Independence of the United States (1776) and France’s Declaration of the Rights of Man and of the Citizen (1789), as well as its radical offshoot in 1793—spread throughout much of the world. Both in Europe and beyond, the cry for political equality was understood and interpreted literally by many who had not yet been summoned to form part of free humanity, by those who did not qualify to fully join the world the revolutionaries had forged.

This crucial moment was the consequence of deep-seated trends. The prevailing political model among the great empires of the Atlantic world, with the exception of the federal model of the United Provinces, was what H. G. Koenigsberger and J. H. Elliott called composite states.² The driving force of these monarchic states formed through aggregation lay in simultaneously preserving and modifying the complex balance among former political entities, assembling them in a unified whole despite their diverse parliamentary, legislative, and juridical traditions. This model, here so briefly defined, survived until the late-eighteenth-century revolutions despite endless crises including the War of the Spanish Succession and the Jacobite wars in Scotland. The nature of the state shifted in the 1770s, when the empires became entangled in a great colonial race starting with the War of Jenkins’ Ear (1739–48); the race picked up speed in 1757 and did not end until the close of the Napoleonic Wars. Keeping in mind John Brewer’s description of the English case, we can see that the state underwent gradual changes and increasingly intruded on civil society.³ These changes were subtle at first but slowly and surely solidified, allowing centralization and expansion of the embryonic state’s capacities and the formation of functionary corps, all with the stated aim of raising and maintaining armies so as to defend the empire on a grander scale. Some of the era’s major convulsions, such as American independence, the French crisis of the summer of 1789, and the conflicts in Spanish America and

Brazil, can doubtless be attributed to many causes, but the most notable, aside from the ideological ferment already mentioned, was the extraordinary fiscal pressure by metropolitan states as a result of these conflicts.

It was in this context that resistance to monarchic dictates in the Thirteen Colonies, Spanish and Portuguese America, and the French Antilles were linked to the demands of the state and the notion of certain rights shared by all subjects, even those who lived far away. The construction of the fiscal-military state, the massive cost of war at sea and in the colonies, and new interest in a truly imperial tax system together articulated a set of problems and conflicts that could no longer remain confined within European borders. The resulting consensus in the face of the demands of monarchic-imperial states was based precisely on the rights held by a kingdom's inhabitants, among which was their ability to share to an important degree in the governance of society. This was how discontent was channeled. Responses were often expressed with words and measures from long ago (old theories of natural right, appeals to contracts between ruler and ruled, celebrations of the rights of free-born Englishmen or Spanish-American subjects of the Castilian crown) which were now projected onto a new context in order to finally produce constitutions with imperial reach and universal value. When these formulations of universal citizenship and equality collapsed once the revolutionary cycle ended—the good news having been spread through *urbi et orbe*, with enormous consequences—"special laws" entered the scene to guide the conservative reconstruction of empires. No longer would there be appeals for "to each his own," as with the juridical pluralism and political statutes of the composite monarchies. Rather, these orders defined a dual universe in which inhabitants of the metropolis, who themselves were in the midst of constituting themselves as national communities with rights, and inhabitants of the colonies and faraway possessions would carefully be distinguished from one another in terms of rights and capacities. Thus were the conditions created for inequality under the law.

I suggest that the idea of political rights that made individuals equal, an idea that was profoundly revolutionary and was the foundation of the contemporary world, was discovered almost simultaneously by the metropolis and the colonies. Even a superficial reflection about how that idea first triumphed obliges us to reject the notion, so long celebrated by national European historiographies, of its gestation at home followed by its export to the overseas possessions. The success of the Thirteen Colonies' revolt against Britain is a relevant episode in this history, for they were the first to put egalitarian ideals into practice. The radical phase of the French Revolution,

from 1792 to 1794, pushed matters a few steps forward. The Revolution had begun by proclaiming the equality of free individuals, mirroring the American experience, but the complexity of events in the French Antilles led to unexpected developments. Equality among European Frenchmen (except for the tricky situation of Protestants and Jews) unfolded in such a way as to include equality for freemen of color and slaves who either freed themselves or who were emancipated by the Republic.⁴

From that point on, political changes could no longer be limited a priori to circles of reformist aristocrats, late-era champions of the Enlightenment, liberals, or to the solid middle classes who gathered in Europe's leading cities and capitals. Spaniards and Portuguese could confirm this change firsthand during the great upheavals at the start of the nineteenth century when they tried to import the U.S. and French revolutionary experiences, tempered somewhat by subsequent events in revolutionary Paris. The British abroad could also confirm it in India (as C. A. Bayly wrote), in the Caribbean, and in the possessions they had retained in North America (the future Canada).⁵ The great transformation that began in 1770 and lasted until the stabilization of a new sort of empire in 1830–40 therefore requires a dual perspective, one that looks simultaneously and equally at what was happening in Europe as well as outside Europe, in the dominions on both sides of the ocean belonging to the monarchies of Britain, France, Spain, and Portugal. While it might appear that the case for equally dense significance in the metropolis and the colonies is merely a rhetorical device for finding similarity in experiences that were very dissimilar both in nature and in importance, I believe that this formulation, valid on both sides of the imperial world, holds up empirically and analytically based on the dynamics of each case and of the whole.

The early chapters of this book introduce these juridical, cultural, and political developments. Wherever European communities grew in the empire—particularly in the Atlantic, given its greater demographic importance and the intensity of linkages with the home countries—institutions and cultural and juridical arguments similar to those in the metropolis had to be established. Furthermore, as those communities were generally located in areas where they were forced to cohabitate with other societies or groups—that is to say, Indians, slaves, descendants of slaves, and freemen of color in America; peoples of other religions and cultures in the rest of the world—ethnocentric biases and hyperbolic claims of European origins attained considerable proportions.

These arguments led to several developments. One of them was colonists' boundless pride in the institutions that governed them; they

worked to control these institutions and make them permeable to local needs while also demonstrating exquisite concern not to lag behind the cultural and legal developments of their home countries. Chapter 1 explores various aspects of this obsession to situate themselves alongside their metropolitan compatriots. One example is the scrupulous attention by the British in North America and the Caribbean to the three great pillars of their national political tradition: common law, or natural subjects' "natural allegiance"; representative institutions; and plurality of juridical situations.⁶ Another aspect to consider is the emphasis on the personal merits of freemen who were subjects of European kings and the exclusion of other subjects on the basis of legal status or other distinctions. This was the case, for instance, with Spanish Americans' obsessive and widespread insistence on their personal "quality," which in their opinion entitled them to enjoy the same institutions and share the same cultural and religious identity as their metropolitan compatriots, despite the prejudice of the monarchy's agents and administrators, as well as that of recent arrivals from the Iberian Peninsula. In the case of the French Antilles, the crown's relative lack of interest in overseas possessions after Jean-Baptiste Colbert's imperial measures forced the king's American subjects, as well as those residing in Indian enclaves, to develop strategies for resisting distant ministers and the interests of the principal French Atlantic ports. This practice would give rise to a solid juridical tradition (leading to Moreau de Saint-Méry and lasting until the Restoration) of attack on colonial organisms and calls for self-governing entities like those that survived in the metropolis until the 1791 Constitution.

Another factor to consider, which was overlooked earlier but which today is central to these discussions, is that of race. If we attend to the debate regarding such issues as Spanish America's *libres de color* or *castas pardas* (literally "brown castes," referring to blacks and free mulattos), or the concern for establishing racial boundaries in the French Antilles, or the use and abuse of the free/slave metaphor in the British world (including condemnation of English monarchs for having introduced African slavery to begin with), it is easy to understand colonists' desire to be as similar as possible to the metropolis. But, as readers will see, subjects' qualities or color were never used as an argument justifying political solutions. I certainly do not deny the importance of these continual disquisitions on phenotype, which only grew louder in the second half of the nineteenth century, but rather, point out that they took place within the framework of broader political concerns that would continue throughout the crisis of the late monarchic empires of the eighteenth century.

Given this panorama, the great revolutionary wave—which was the political expression of the military and fiscal crisis arising from the imperial wars in the Atlantic and Indian oceans—made colonists feel that they formed part of a political and institutional framework that was not entirely metropolitan, if in fact it ever had been. Quite obviously, the cultural and ideological ferment of those years was not equally intense in all places, within or beyond Europe; there were many distinct circumstances and varieties. Nevertheless, once ideas of integration and equality bloomed, it was only natural that they grew roots and spread throughout the empires, from Santiago de Chile to Québec City, wherever there were communities of European origin capable of forging viable political communities. It was equally inevitable that these communities would desire and need to imitate the metropolis and share in its cultural and juridical traditions. Thus, when the idea of essential political equality among a monarch's subjects knocked at the door, the colonists lost no time in inviting it in.

It is therefore easy to understand how the logic of the processes that began in France and later echoed in the Netherlands, Italy, Spain, and Portugal from 1807 through the 1820s enveloped colonists and metropolitans alike in the same problems and contradictions. These processes were marked by a dialectic aimed at binding the entire monarchic space into one united whole. Compatriots on either side of the imperial divide agreed and disagreed on the issues at stake for Britain, France, Spain, and Portugal, and the various conflicts and their military solutions brought about coalitions and alliances that led to winners and losers. This essential dialectic has begun to be explored only in recent years. The explanation for the delay is simple; for many years, European historiography was dominated by national histories whose attitude toward colonial worlds was one of sublime indifference, stemming more from “racial” notions of the late nineteenth century than from the cultural tone of a century earlier. Efforts over the past few decades to understand empires in both directions and in terms of multiple relationships, an approach that this book seeks to follow, can be seen as making up for lost time. The debates inspired by the theses of John Gallagher and Ronald Robinson regarding informal colonialism and free-trade imperialism, and the collaboration between colonists and administrators with local elites and political structures, were truncated and at times veered toward absurd stances, such as considering if contemporary empires were economic or not. Thus these scholars' intelligent suggestions were stopped in their tracks.⁷

There is no better expression of the idea of a common ground than the logic of the first constitutions that attempted to organize that space.

The U.S. Constitution (the continuation of the empire in North America), the French constitutions of 1793 and 1795, the Spanish Constitution of 1812, and the Portuguese in 1822 all shared the notion of a space where subjects had agreed to transmute their monarch's authority into national sovereignty.⁸ As a result, these constitutions embraced and granted full rights to human communities both in the old metropolis and in the new colonies, as we shall see in Chapter 2. This represented a fundamental development in the history of all world societies within the reach of a former king's sovereignty. This universalism was one of the most obvious manifestations behind Lynn Hunt's assertion that "rights questions thus revealed a tendency to cascade."⁹ I am calling these universalist constitutions "imperial constitutions" (not "imperialist," for obvious reasons) because they attempted to reach the entire former dynastic monarchic space and even transcend it through proselytism. Imperial constitutions' universal ambition distinguished them in body and soul from those that differentiated between metropolitan and overseas dominions, specifying distinct rights and generally restricting representation to the former. For one thing, their ambitions of integration and proselytism made them fragile and tortured artifacts from the very start, as can be seen in 1787 with Virginia's successful blackmail in Philadelphia to ensure slavery in the South, the exclusion of free peoples of color in France, and Spaniards' suicidal efforts to construct a majority at the Cortes of Cádiz by excluding free people of color from citizenship. In the first case, the exception could be carved out of the well-thought-out framework of the Constitution; in the second and third cases, the solution was to change the entire constitutional architecture.

A second modality of constitution, which I will simply call colonial, can be divided into two large groups. The first comprises those that can be considered a continuation, though perhaps with some reforms, of the order of things, such as the 1791 Constitution of France, which chose to keep colonies on the margins of prevailing metropolitan systems of rights, representation, and institutions. This group also includes the unwritten British constitution, which was equally keen on continuity, as shown by the overwhelming opposition to sharing the Parliament of Westminster with anyone, aside from the strong alliances within the United Kingdom since 1707.¹⁰ In this case, the flexibility of an unwritten constitution allowed for the appropriation of schemes and general dispositions that were characteristic of more unified political entities and therefore contributed to their own modernization (for example, the abolition of slavery throughout the empire while ignoring local assemblies, or the parallel enhancement of the role and power of the Westminster Parliament all over the British possessions).

Chapters 3, 4, 5, 6, and 7 address the outcome of this double crisis of imperial constitutions and the reform of the old constitutions, depending on the case, that formed the basis of the great imperial transformations of the nineteenth century. The perceived risk of proclaimed or implemented equality in a world of expanding colonial relations led to a model that contemporaries called “dual constitutions”; that is, organically constructed systems (though rarely formalized in writing either immediately or in their totality) that included a constitution for the metropolis and none for the colonies; the latter thus were governed through executive orders and decrees in terms of what the French called *spécialité*. This meant that central authority in the colonies was enhanced, for example through the Lord Lieutenant in Dublin and the governors general in Calcutta (and later the viceroy in Delhi after the India Act of 1833), Algiers, and Havana.¹¹ In general, this remedy avoided the perils that equal or universal rights might entail for imperial stability.

This approach, which had more of a future, was explored in various imperial contexts during the revolutionary period, and it reached its height with the conservative shift of the French Republic after Napoleon’s coup of 18 Brumaire. The subsequent Constitution of Year VIII (1799) clearly distinguished national space from that of the empire and the metropolis from the colony, and it put its stamp on a new idea that would have an extraordinary impact: the colonies would be governed by “special laws.” This was a move with virtually no constitutional or normative content but with enormous practical consequences, as it instantly allowed for the re-establishment of slavery in the French colonies. This was a unique historical decision that would have been impossible had the metropolis and the French possessions in the Caribbean and the Mascarenes been included within the same legal framework. In hindsight, one must admit that it was successful beyond anyone’s wildest expectations. After losing Saint-Domingue/Haiti, the French empire forever maintained a special status for its colonies, or in any case a complex modulation of its unitary and egalitarian designs and recognition of the need to grant an even larger space to exceptional or special measures. As late as the critical years of 1944–46, these were the terms of the debate when the Vichy regime, hardly an admirer of the republican discourse of equality, tried to fit the entire empire within a restrictive, special space.

The success of the Napoleonic solution also can be assessed by the number of imitations it engendered. Spaniards and Portuguese had no doubts as they followed the precedent and launched their inclusive and egalitarian experiments in 1810 and 1820, respectively. Both countries,

obviously interested in retaining their empires while ideologically breaking with their monarchic past, chose constitutions that would apply to “all Spaniards” or “all Portuguese” in both hemispheres. As in the French realm, such egalitarian inclusiveness immediately posed the problem of how to manage major conflicts in highly diverse societies. The results were clear to see. Collapse of their respective empires and the challenge of affirming a liberal program in the context of long and bloody civil wars signaled a turn toward colonial constitutions, as Spaniards and Portuguese displaced their colonists from the metropolitan political and institutional structures of the late 1830s and from then on employed the “special” approach to empires founded on liberalism.

The triumph of a formula embracing all a monarch’s former subjects in one single system of shared rights within which the “imperial constitutions” were a fundamental piece was the unwelcome outcome of the revolutionary cycle. But the factors that enabled this outcome (threats to territorial or sovereign integrity) would not have pushed matters in that direction had there not been an internal ideological debate that made it all come together. Governance in the monarchic empires did not, in fact, result in unity but rather in universal inequality of rights, privileges, and circumstances. In any case, the odds of a unitary scheme were diminished, both in theory and in practice, in the monarchies that ruled until the revolutionary crises at the turn of the century. Therefore, consensus regarding universal representation of former monarchic subjects was one more reason to maintain territorial unity and the universality of rights. Besides, the old practice of petitions and complaints to the sovereign, to which the crown might respond arbitrarily but rarely outside the established rules governing relations with vassals, was transformed into a new and totalizing idea about representation of national sovereignty. That is, the will for sovereignty was immediately universalized throughout the monarchies’ territories. It is therefore not surprising that the big political questions during the revolutionary phase centered on the territorial and social breadth of the right to representation. The dilemmas were many, as can be imagined, starting with how subjects in overseas territories could fit into the representative assemblies then taking shape. Immediately there were tensions regarding the exclusion of peoples from censuses according to their social status (servants and nontaxpayers), financial worth (salaried or without property), gender (an obvious exclusion that was explicitly denounced by the women of the revolutionary Parisian clubs), and racial distinctions (mulattos, blacks, or simply non-Europeans), or because they had been conquered (Indians in the Spanish empire), lived on the margins

(Indians in the Thirteen Colonies), or were formerly enslaved (the *libres de color* in the Spanish empire, with variants in the Portuguese domains).

If there was one thing that defined the passage to modern politics, it was the resolution of this tension between invoked rights and the limits imposed on those rights by those who wished to sustain the social bases of the old world amid a new political order. Given that this tension existed both in metropolitan and overseas dominions, interactions between the two spaces were multiple and diverse. Two examples that we will return to are illustrative. In France, during the transition from constitutional monarchy to republic, the collapse of the notion of active and passive citizen occurred at the same time that free people of color were excluded from citizenship, with extraordinary and grave consequences.¹² Two decades later, the standoff between peninsular Spaniards and Americans during the Cortes of Cádiz led to the exclusion of *castas pardas* and *mestizos de sangley* (descendants of Filipinos and Chinese), provoking an intense debate in the Cortes regarding the scope of a universal citizenship including Spaniards, indigenous peoples, and descendants of Africans. These debates acquired their full significance only in the context of the key factor of modern politics then under construction, that is, the community of citizens that gave the entire system its dynamism. Everywhere, the inclusion of some and the exclusion of others, being part of the community of citizens (and/or electors) or standing outside that community, became a question of political identity, an indication of personhood allowing one to fully participate in the public sphere and take part in formal politics so as to improve the condition of subjects and groups. Membership (or not) lent significance to diverse political statutes and situations throughout complex imperial realities. This was true even in a supposedly unitary space such as the United States, where the overlap between the community of citizens and the expansive inherited empire was perfectly visible, both for those who participated as citizens and those who remained on the margins.

This latent contradiction between the mobilizing potential of the spatial unity of individual/citizen and colonial practices constituting the basis of empire triggered the collapse of unitary experiences during the revolutionary period and put an end to constitutional artifacts that tried to endow those experiences with coherence and meaning. The alleged objective was always the same: it was not advisable to grant constitutional rights to heterogeneous colonial societies. Individuals who hypothetically could be incorporated into the world of citizen-legislator inhabited a sea of unprepared or simply strange people. The metropolitan world was thus reconstructed to impose itself on all imperial space without having to deal

with the demands and filters of the notion of unity between the national and imperial spaces, which temporarily would become one whole. It is here that the passage from imperial constitutions to dual constitutions based on specialness was critical. It allowed states, be they monarchic or republican, to move simultaneously in two directions, forging an intense nexus between the community of citizens-electors and colonial interests as a whole while leaving the rest helpless in the face of such restrictive identification. Special formulas allowed many birds to be killed with just one stone. Among the practices of specialness were the primacy of the executive in imperial legislation and decision-making, an end to the annoying presence of colonists in the legislative chambers and councils of central government, and prohibitions against addressing colonial conflicts in formal political terms in the metropolis—meaning both that colonial leaders were reduced to being lobbyists and also that the conflicts widened in scope. As a result, metropolitan power (and its legal repertoire) could be extended on colonial territory to a spectacular degree, and in terms unthinkable at home; colonial leaders now possessed a panoply of repressive devices, pure military might, and criminal law that would have been intolerable to inhabitants of the metropolis.

This was the driving force behind imperial stabilization during the revolutionary era of 1770–1830. However, I do not presume the existence of rigidly separate eras; rather, there were nonlinear processes that overlapped in ways that were not necessarily or exclusively chronological. Faced with arguments of national consensus on an imperial level, the victorious coalitions in the Napoleonic Wars responded by imposing a clearer separation between the metropolitan and overseas worlds. During this stabilization period, the idea of exceptional or special laws depriving imperial government of the rules of consensus and of juridical limits operating in the national space became the norm. This book aims to understand how this “norm” worked. I will stay as far away as possible from teleologies that describe the norm as a “collapse,” a “contradiction,” or a momentary aberration with regard to liberalism’s ideals of political equality. But I also reject the approach of critics who, similarly determined, understand the norm to be evidence of liberalism’s inexcusable cynicism. In fact, no one could ever rule simply through ideological definitions. Instead, political and moral debates were worked out amid political crises and events that modeled policies in metropolitan spaces as well as in faraway territories and locations. The focus of this book takes in more than a century of imperial transformations precisely so as to be able to offer as nuanced a description as possible of that relationship among ideologies, policies, and local practice.

Special norms, then, were forged as the outcome of and in order to resolve tensions between the “community of citizens” and imperial governments. The result was the essence of the imperial nation, the political artifact that would become the most dynamic successor of monarchic empires. The formula may appear elementary, but it was extremely complicated to resolve, both in practice and historically. The first such complication was that the two entities, empire and nation, were never either homogenous or worlds apart. With few exceptions, norms regulating suffrage, the key to formal politics in representative regimes, did not linearly follow any definition of what a citizen actually was. French revolutionary discourse postulated a close nexus between one and the other. That is why criticism of the distinction between active and passive citizens in terms of economic status was a basic ingredient of the radical phase in France, which easily can be seen by comparing the constitutions of 1791 and 1793. Thus, the universalization of the figure of “citizen” and the affirmation of the centrality of a culture of citizenship constituted essential moments of the Revolution. Adding to the complication, the irrevocable affirmation of universality, which would appear to echo on the deepest level the very idea of the rights of man and citizen, led straight to the deprivation of political rights based on *domesticité*, a concept that in one word embraced exclusion of servants and a refusal to grant political rights to slaves. Revolutionary moderates considered that excluding servants at home and slaves in the colonies (as well as freemen of color, a serious problem of logic) were two sides of the same operation. It was no surprise, therefore, that both restrictions imploded nearly at the same time, first in the metropolis and immediately afterward in the turbulent Caribbean. Any time the foundational republican ideal was raised, citizenship could not be denied to former slaves and their descendants. In any case, the Second and Third Republics in France would shave the radical edge of that universal vocation through special norms that fragmented both legislative space and the extension of the French *départements* to its overseas possessions. Here we see the juxtaposition of the metropolitan and colonial public spheres, each with its specificities.

A similar overlap occurred with Spain during the great imperial crisis of 1808–10, when the Junta Central promised equality to American colonists with an eye to maintaining national unity. Discussions regarding citizenship for Indians and former slaves brought forth the unexpected fact that there would be more electors in America and the Philippines than in Spain. And in the United States the superimposition was even more intense. In the republican political culture born with independence

and lasting through the expansion of suffrage and the slavery debates of the Jacksonian era of the 1830s, colonial situations were reproduced on the level of the nation and national sovereignty. That is, there were special practices in states with republican institutions and in territories awaiting statehood that complied with requisites deriving from the equation between recognizable constituent citizenship and an institutional formula based on representation on all levels (local, national, etc.) Within the nation, strictly speaking, there was a “captive nation” of African slaves that by definition could not be assimilated into the realm of full, nearly universal citizenship that was the ideological (Lockean) origin of republican institutions. But outside that space there was a wide range of impossible assimilations and precarious groups and territories. The entire imperial history of the U.S. republic was conditioned by this superimposition of a community of citizens and a space of effective sovereignty whose exceptional nature lay outside the frontiers of republican forms of government. In all the cases we have mentioned, it was precisely the dynamic relationship between the colonial and metropolitan spaces that created a gravitational space regulated by special formulas, which was the backbone and the heart of the political history of liberal empires.

This gravitational space can be defined only in particular instances. One such instance comprises the norms of knowledge, imitation, and equality in metropolitan and colonial spaces. A theme of this book will be the transmission and emulation of the very idea of rights by metropolitans and colonists, by those who stood within the system and by those on the outside. These were fluid and diffuse categories, of course. Yesterday’s citizen could lose his rights tomorrow, or at least see them seriously diminished. A large part of nineteenth-century American and European political history is focused on this perpetual pendular movement in terms of rights, guarantees, political representation, and access to justice. French-Algerian republican colonists knew better than anyone that the status of French citizen and that of *indigène* (which could mean Arab or Berber) were linked, though with intermediate situations (women, servants, emigrants, foreigners, the condemned, beggars, and nomads, to name a few). The importance of French citizenship in North Africa signaled a colonial and imperial resolve to control the majority, a determination that was manifested in many ways, not just through derogatory propaganda and stereotypes but more especially through different possibilities of mobility, access to natural resources, administrative treatment, public and private behavior, and political activities of state subjects depending on where they lived or their specific situation. There, accompanied by no particular act of

outward aggression, lay the borderland where repetitive and stereotyped special conditions took shape and were transformed into the arguments of political struggle.

Contemporary practices of transmitting individual or collective experiences of unequal rights are significant in this regard and should be examined more closely. Two such cases have been studied, though not sufficiently. The first is the double-sided experience of regular and voluntary troops during colonial wars. Soldiers exhibited attitudes of superiority toward suppressed populations, but even there the lines of confrontation were not always clear-cut. *Sepoys*, *zouaves*, and “buffalo soldiers” were a constant and diverse presence in the national and/or colonial armies of the empires. Thousands and thousands of slaves attained rights by joining the Union Army during the Civil War, Spaniards and separatists incorporated Cuban slaves and former slaves into their armies, and Senegalese and Algerians were used during World War I. Obviously, there were differences in terms of recruitment and levies in all these cases, but they exemplify how borders created as a result of “special” categories posed considerable cultural and ideological challenges.

A second example of transmission of experience is emigration. Hundreds of thousands of Europeans left their homes to go overseas, though their political experiences have scarcely been examined. A few examples in the following chapters aim at deepening our understanding in this regard. While Britons who emigrated to the United States throughout the nineteenth century saw their rights and representative capacities grow on local, state, and national levels, suffrage in Britain was notably restricted for most people until the second Reform Act of 1867 and into the twentieth century.¹³ The rapid naturalization of European immigrants and the breadth of suffrage in the Republic lay behind aggressive Anglo-British nativist campaigns favoring greater restrictions against Catholics, the Irish, and other more recent emigrants. The struggle around slavery, however, eventually would revitalize political parties and discredit xenophobic nativist movements against Europeans. Meanwhile, English, Irish, and Scottish emigrants in British North America (the future Canada) remained within an old imperial framework but enjoyed greater rights than those who had remained in the British Isles.¹⁴ Later on, the same paradox would emerge in Australia and New Zealand, where the inexistence of landed aristocracies, a mobile agrarian frontier, and the imperial monarchy’s need to reach agreements with the local population when resources for imperial defense were seriously challenged created optimal conditions for the emergence of highly representative institutions and broad electoral

bodies. Naturally, such gains were detrimental to those who lost control over their own world; empty territories existed only in official terminology, and colonists and transport companies called them empty for obvious reasons. To return to the question: How was this superior equality abroad transmitted, whether or not the emigrant returned home?

The case of Spanish emigrants in the Caribbean in the nineteenth century is similar, though on a different scale. During the second liberal experiment, in 1820–23, Spanish merchants in Havana and their support networks waged a fierce fight against sugar aristocrats, culminating in elections. The merchants' apparent defeat in 1823 and the subsequent pact between the neo-absolutist monarchy of Ferdinand VII and Cuban growers helped stabilize Spanish rule until the definitive consolidation of the liberal state, when the colonies were separated from the constitutional framework. After that, Cuban, Puerto Rican, and Filipino politics traveled down back alleys: lobbying in the capital, "racial balance" in colonial society, immense and constant violence by military authorities in the three insular enclaves. Many Spanish emigrants took advantage of the political vacuum to oppress the local population, but we also know there were others, who shook their head at the shameful political conditions in allegedly full-fledged Spanish provinces, which the more lucid among them considered simply suicidal. Regime change in Spain in 1868 and the separatist movement in Cuba changed the rules of the game, with more space in the Caribbean for rights and representation, though that was not the case in the Philippines. From then on, politics in the colonies was a game of smoke and mirrors; people in Cuba and Puerto Rico demanded that cosmetic metropolitan reforms acquire greater depth and veracity, while Filipinos watched, stunned, as they were excluded from even limited liberal normalization. These transformations took place at the same time as the liberalization of emigration; people began going to new destinations such as Buenos Aires, Rosario, and Montevideo, as well as to French Algeria, where Europeans (many of them Spaniards, but also Italians) were well received for obvious reasons. We know little about the transfer of experiences on either side of the Atlantic between two political systems that were regulated with different rules but populated by peoples who were closely related. Again, the connections and experiences must be analyzed in each of these contexts. But one can easily see that within the gravitational field we referred to earlier, this massive European emigration experience took place in the context of the juxtaposition of a community of citizens in the metropolis and the expansion of liberal empires throughout the world.

In the mid-nineteenth century, special formulas became more stable. There was an apparently irreversible separation between the juridical, political, and constitutional norms of the metropolis and those in the empire, which in general were more restrictive. In Great Britain, the largest empire of the era, that distinction was made more emphatic by the fact that its possessions were spread among territories considered inappropriate for Atlantic representative governmental practices. India, over which control was decided before 1820, was a perfect example of this essential contrast, and the fact was well recognized by Edmund Burke, who complained that much imperial expansion of the time was an inevitable source of corruption. Clearly the case of the British empire is different from the rest in many ways, and this book uses a comparative approach so as to highlight similarities and differences, not to blur them with ahistorical or general categories. After the North American crisis of 1776–83, the Georgian empire commenced a complex restructuring in the Atlantic and in India, the latter being the “swing to the East” that defined the period before the African cycle beginning in the 1880s. Despite the deeply conservative stability of the early nineteenth century, the British empire also exhibited tendencies I have pointed to in its rivals. Internal criticism of parliamentary corruption, starting with the colonial lobbies, and demands for electoral reform would be a constant throughout the century, again and again linking metropolitan and imperial dynamics. Indeed, it was the effort to demonstrate continuity and show the deep-rootedness of the representative tradition that resulted in the preservation of local assemblies that ended up being such a challenge in North America. Furthermore, in British North America it was necessary to entirely rethink the ideological foundations in order to accommodate the majority population of the former Nouvelle France, which was both Francophone and Catholic. No one was unaware that this was merely one facet of the resolution of the eternal conflict with the other Catholic majority, that of Ireland, a critical question when addressing the Irish contribution to the military demands of an empire that was continually expanding. These issues at the dawn of the so-called Second British Empire, along with that of making room for the Indian Raj—both enormous and anomalous, inhabited by cultures and religions of unheard-of proportions and governed by a privileged company with shareholders who often were not even British—were the bases of the narrative of unity and specialness that was so similar to that of its rivals. The British interpreted these variations on an obsolete theme taken from the First Empire as an indication of specialness, though their insularity led them to call it empiricism, failure of an overall plan, or the result of “reluctant imperialism.” All

this might have formed part of the equation, but it does not explain how things managed to continue for a century and a half. It was all very similar to the situation of the rest, which only makes sense, even setting aside the contrasts in procedure and constitutional and juridical culture between the British, other Europeans, and North Americans.

Once revolutionary turbulence and uncertainty had ended and decolonization had taken place in various phases (1763 and 1802–3 for the French, 1776–83 for the British, 1810–24 for the Spaniards, and 1822 in Portuguese Brazil), the empires we are studying stabilized and commenced to slowly but surely expand both internally and externally. The internal efforts were in the direction of hitherto free societies, either tribes or simply peoples on the margins of seventeenth- and eighteenth-century imperial structures; externally, campaigns aimed at competitors or independent local powers in Asia, Oceania, or Africa. Examples of internal expansion include Spain in the Philippines, starting in the late eighteenth century, and on the northern and southern frontiers of an empire that did not cease growing; French Algeria starting in 1830; dominion over Central Asian tribes and forced sedentariness of entire Indian populations ruled by the East India Company; Dutch expansion in Java after 1825–29; and the removal and destruction of Indian tribes on the North American plains before and after the Civil War. All this is not the topic of this book, though it constituted the canvas on which increasingly dense and irreversible colonial structures—always and everywhere the cornerstones of great imperial constructions—would be displayed. At the same time, imperial powers ventured into the heart of Africa and South America to realize what would be called the second slave era, either doing the job themselves or assigning the dirty work to locals. As for external expansion, it took place throughout the world, leading to wars that would decide how the Pacific and Africa would be carved up through the end of World War I.

It would be a serious error to see this nineteenth-century imperial stabilization through the lens of the proverbial teleology of national histories, which themselves are the heirs of providential Christian narratives of medieval and early modern European expansion. Briefly, according to that account, once all the peoples of America, Asia, and North Africa we have mentioned were dominated by more capable beings who came bearing progress along with exploitation and colonial violence, their assimilation and newly elevated social and political status, previously available only to modern societies, was now guaranteed. If the elevation was slow and could not be realized in the nineteenth century, then the twentieth century awaited. I will not devote much space to this baseless narrative or

its corollary—a succession of rights in which exploitation in the past is redeemed by the enjoyment of rights in the present—an argument that is both morally abject and historically false and that also can lead to new eschatologies (either liberal redemption or its intrinsically evil nature). That is, this argument situates the final results of human actions beyond historical contingency and beyond the ability of individuals or groups (social classes, peoples, nations) to fight for a better future. Social scientists should focus not on these useless redemptive formulas but rather on analysis. In that regard, the notion of imperial stabilization, which clearly did occur, is not incompatible with but rather intrinsic to the complex relationship among constitutional regression, restrictions of rights, and, conversely, the widening of rights for some by virtue of the fact that they were shared in the same political framework. One such example, an instance of inverse specialness, would be the fact that the European population in New Zealand and aboriginal Maoris had universal (male) suffrage before the British population at home. This is a key to understanding both the deep logic of specialness and how difficult it is to know where social groups were in this panorama of rights that were never quite fixed.

Indeed, in the mid-nineteenth century all empires were anxious to define very restrictive boundaries for rights and equality under the law belonging to their colonial subjects, especially those with dark skin. But if they were restrictive in comparison with the metropolis, which marked the accepted threshold, they varied among themselves. In some cases, rights were simply erased. The case of Jamaica and the West Indies is instructive in this sense. With one stroke of the pen in 1865, assemblies previously dominated by planters entirely disappeared (with the exception of the one in Barbados). This act of force, constitutional regression in its purest form, was announced by the Colonial Office as a benefaction for former slaves, though it also deprived mulattos of the voice they had acquired in the assembly, which was hardly a favorable exchange for the recently emancipated. Another example is that of Spain, which underwent grave political setbacks in 1837 with a drastic switch in colonial policy as colonists were expelled from liberal metropolitan institutions. This was a coup against Cuban Creoles, but the subsequent cruelty unleashed during the rule of Leopoldo O'Donnell in the mid-1840s against free people of color and plantation slaves shows that it was far more than that. In fact, the very idea of regression should be studied case by case. Clearly, there were regressions in matters of rights, showing that access to representation and political rights, let alone social rights such as a piece of land, a fair wage, or a just price for products that peasants took to market, was never

a straightforward affair, nor was its culmination known when the process began. The case of the U.S. Civil War in terms of republican unity and social and political rights, which I will address in chapter 7, is an excellent example of this recourse to raising social and political status followed by political regression and social decline.

Regulation of special rules was hindered in several ways. First, obviously, was the grim example the imperial powers set throughout the world during the revolutions when, in order to forge a consensus with which to consolidate their political frameworks, they evoked equal rights for subjects of the crown. That evocation was what shaped the structure of imperial constitutions and the complementary idea of universal rights. Later on, the impossibility of maintaining consensus both domestically and in the greater imperial world led to well-known reversals in terms of rights. Sometimes these steps backward came in the form of explicit constitutional regressions, as in the cases mentioned above. But an accounting of rights and representative capacities in imperial spaces must be correlated with what was going on in the metropolis, where reverses concerning rights were both varied and frequent. In Europe, they were generally of two sorts. First there were periodic and frequent suspensions of constitutional law and the imposition of states of siege, elimination of constitutional rights and guarantees, and similarly repressive measures. The nineteenth century (and even more so the twentieth century) was full of these situations, of varying length and gravity. At the same time, twisted arguments along the lines of the *classes dangereuses* approach used in Paris in 1840–50 and later proved that rights could not possibly be universalized. The second sort of regression in Europe involved elimination of the revolutionary figure of the universal citizen who had hovered, promisingly though uncertainly, over the great programmatic declarations at the start of the revolutionary cycle and remained present through the Spanish and Portuguese Constitutions of 1812 and 1822 and the French Constitution of 1848. If sovereignty lay with the universal citizen, then establishment of a conservative order was unlikely. A crucial concern of this book is to trace the linkages between metropolitan and imperial transformations of all sorts and how they interacted.

The solution to the dilemma of political equality and social order was to remove the figure of citizen from liberal politics per se, which provoked fear and reminded people of the Great Revolution of 1789. The very idea of citizenship as the foundation of political order vanished beyond the conservative horizon of 1815, while the most basic political rights, the vote and the right to be elected, were from then on regulated by electoral laws that

established barriers. It was French, Spanish, British, and U.S. citizens with property, incomes, or other capacities who voted, not the new political subjects with natural rights reinvented by the late-eighteenth-century revolutions. As a result, there was great discussion regarding the characteristics and definitions of the political subject, the national elector. Echoing the very structures of capitalist society, distinctions of wealth and profession immediately took precedence, among other reasons because they were so easily observed in the very heart of the nineteenth-century state, namely the property tax offices. But that economic criterion turned out to be insufficient; so, in addition, the moral qualities of property owners (and later of the middle class, certain professionals, and the so-called worker aristocracy) were measured to see if they were appropriate candidates for full political rights. It is no surprise that one of the great apostles of nineteenth-century reformist liberalism, John Stuart Mill, stated, with typical honesty, that neither “uncivilized” individuals nor British workers were qualified. Similar arguments were used to deprive women of citizenship, the vote, and political identity in general until well into the twentieth century, though Olympe de Gouges, who also had opposed slavery, had claimed these rights already in 1791.

This is the only explanation for the spectacular gap between revolutionary promises (and not just promises, but also profoundly democratic and large-scale experiences) and the effective generalization of universal citizenship in representative political regimes of Europe and America. But these restrictions, along with temporary setbacks or suspensions of rights, were partly motivated by the appearance of the ideal of universal rights and by continual efforts by those on the margins to broaden their rights. Thus, regression at home and regression in imperial spaces were linked at many nexuses that must be investigated. Sometimes these linkages were unexpected, for example when colonial relations meant that the French in Algeria in 1848 and in 1871, the British during the Crimean War, and the Spaniards in Morocco in 1859 or in Cuba in 1868–78 could appropriate plebeian politics from the metropolitan ethnocentric discourse so as to more successfully negotiate political advantages.

If a large majority of Europeans were unqualified to vote or be elected, what about the masses who populated the colonies or who had been displaced by force or “contract” to metropolitan settings? This is a complicated question, and it cannot be fully explored in this book. However, I would like to stress the related issue of constitutional regressions in colonial spaces. Passage from old-regime legislative pluralism to unity of political rights immediately presented empires with knotty problems.

We referred earlier to the dilemma: If social actors such as freemen of color and emancipated slaves in the French and English Antilles, Creoles in the Spanish monarchy, and those emancipated under the Fourteenth Amendment of the U.S. Constitution, who otherwise all would have been excluded, were now integrated, the division of effective and symbolic power would become difficult and unpredictable. Dual constitutions and special formulas brought about a different way of regulating imperial unity. In other words, it brought about a second wave of colonization of the empires. In this light, the Spanish and Portuguese constitutions' exclusion of overseas inhabitants in 1837 and 1838 were large-scale regressions, worthy successors of the first such move, that of Napoleonic France in 1799–1802. So, too, was what happened in 1865 in Jamaica (and the rest of the West Indies except Barbados), where the island's assembly was suspended *sine die*, constituting a full-blown constitutional reversion (according to contemporaries) in an empire that had not previously given in to the temptation of promising equality to its subjects. The British case is important because it indicates the true dimension of the question, beyond the particular constitutional expression of any resolution. Given that the greatest liberal empire of the time was shaken by the same tendencies and problems as the other imperial powers, though without the rhetoric of declarations of rights and equality, emancipated slaves were on the electoral rolls. (This was also the case in the French islands in 1848 and during the Third Republic.) When abolition seemed irresolvable from the metropolitan perspective, the Colonial Office suppressed representation, despite the precedent of the preceding 150 years. This was no anomaly; rather, it fell in line with the practices of all nineteenth-century liberal empires.

Human actions have many motivations and can be surprising and capricious; in contrast, social practices described by historical science with the greatest possible number of examples and variables are never arbitrary. This study was born when I began observing similarities (though not exact repetitions) among special formulas in nineteenth-century empires up to the decolonization of 1947 and beyond. The attempt to provide liberal empires with a political history called for a long journey and many case studies. The synthetic and brief observations in this introduction are general reflections regarding observable patterns in particular cases. It is only there, in the case studies, that the preceding considerations can help us shape a historical analysis.