
The State *Is* Back In

What Now?

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A “midget institution in a giant land.” That was how Princeton historian John Murrin characterized the U.S. federal government in the early republic in 1980. With the exception of the 1790s, when for a brief, anomalous, and ultimately irrelevant moment Alexander Hamilton and his Federalist backers championed an American variant of the British court, the United States in the period between the War of Independence and the Civil War followed the British country opposition playbook devised by Thomas Jefferson and his Democratic-Republican allies. As a consequence, the federal government in the early republic would remain “minuscule” and its role in the economy “trivial”: “It had almost no internal functions except the postal system and the sale of western lands. Its role scarcely went beyond what would have pleased even most Antifederalists in the 1780s, the use of port duties and the revenue from land sales to meet its own limited expenses.”¹

In Murrin’s formulation, which would soon be elaborated on by the political scientist Stephen Skowronek, the United States in the early republic was most decidedly *not* stateless. Rather, it was what Skowronek would famously term a state of “courts and parties” in which the parties were stand-ins for democracy and the courts for capitalism. While

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1. John M. Murrin, “The Great Inversion, or Court versus Country: A Comparison of the Revolution Settlements in England (1688–1721) and America (1776–1816),” in *Three British Revolutions: 1641, 1688, 1776*, ed. J. G. A. Pocock (Princeton, NJ, 1980), 425, 452n138.

Skowronek's terminology was new, his conceptual framework was not. In fact, like Murrin, he had merely dusted off and given an intellectually respectable gloss to the people-versus-the-interests duality that had animated progressive historiography in the opening decades of the twentieth century. The people prevailed in Washington; the interests in the states. For Murrin, as for the progressives, the fundamental social divide in the early American republic pitted Jeffersonian yeomen against Hamiltonian merchants. The numerically dominant yeomanry—led, Murrin matter-of-factly observed, by slaveholding planters—triumphed at the federal level, where nationally oriented *parties* shaped by Jeffersonian ideals would dominate electoral politics until the Civil War, standing “impotent guard” over the “inactive virtue of the central government.” While the Jeffersonians prevailed in Washington, they lost in the states, where the *courts* would do the bidding of “wealthy entrepreneurs” who quickly “outstripped the regulatory capabilities of local jurisdictions.”²

2. Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (Cambridge, UK, 1982), 19–35; Murrin, “Great Inversion,” 426, 427. For a critique of the “state of courts and parties” construct, see Richard R. John, “Ruling Passions: Political Economy in Nineteenth-Century America,” in *Ruling Passions: Political Economy in Nineteenth-Century America*, ed. John (University Park, PA, 2006), 5–8; and John, “Governmental Institutions as Agents of Change: Rethinking American Political Development in the Early Republic, 1787–1835,” *Studies in American Political Development* 11 (Fall 1997), 347–80. Murrin's characterization of the early American state has long been a lightning rod for historians. See, for example, Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge, UK, 2009), 9fn10. For a measured defense, see Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (Oxford, UK, 2003), 228. In a personal communication with the author (Jan. 28, 2017), Edling explained his reasons for embracing Murrin's metaphor: “Of course the federal administration was small in numbers. But given the duties of the federal government in managing the western lands, the correct comparison is not a 20th-century state bureaucracy but the colonial administration of European empires. As historians of the British Empire have pointed out, the entire colonial administration of an African colony in the 19th century could easily fit in a mid-sized hut. When the federal government did do things that required a dense network of personnel—the Post Office—the administration, as you know, was not at all small. So in short, I think we need to be clear about what the federal government was expected to do in the American union, and discuss its size only in relation to these tasks.” For more on the Edling–Balogh debate, see Edling's review of Balogh's *Government Out of*

When Murrin termed the federal government a “midget institution,” he did not intend to be intentionally condescending, much less to close off the investigation of federal government institutions that had in fact flourished in the early republic. Rather, he had merely devised a pithy way to compare the dominant pattern of political development in the United States and Great Britain that looked *forward* from the seventeenth century, rather than *backward* from the present. Even so, his characterization resonated with influential historians who were, in fact, determined to sideline the historical investigation of governmental institutions. Impressed by the commitment of the French *Annales* school of historians to focus on the *longue durée* rather than mere “headline events,” skeptical of the often clumsy presentist quest for a usable past, and conditioned by the behavioralist social scientists’ privileging of the *social* over the *political*, many historians of the early republic had by 1980 become predisposed to minimize the role—or, as a social historian might say, the “agency”—of all kinds of governmental institutions, including, but by no means confined to, the administrative apparatus of the federal government. In the view of these historians, the United States in the early republic was, in the language of the social scientist, a “weak state” in which not just the federal government but governmental institutions of all kinds played at best a marginal role in shaping the course of events.³

In the period since 1980, much has changed. Interestingly, and as is so often the case in historical writing, much of this revisionist scholarship has drawn inspiration from non-historians. Prominent among them was Stephen Skowronek. In a densely argued 1982 monograph entitled *Building a New American State*, Skowronek broke with a venerable convention of political scientists and many historians (though not Murrin)

Sight and Balogh’s reply in the *Journal of Policy History* 21, no. 4 (2009), 462–72.

3. For a historiographical overview of pre-1995 historical writing on the early American state that documents the historiographical claims advanced in this paragraph, see John, “Governmental Institutions.” For citations to more recent scholarship on the early American state, see John, “Farewell to the ‘Party Period’: Political Economy in Nineteenth-Century America,” *Journal of Policy History* 16, no. 2 (2004), 117–25; and John, “American Political Development and Political History,” in *Oxford Handbook of American Political Development*, ed. Richard M. Valelly, Suzanne Mettler, and Robert C. Lieberman (Oxford, UK, 2016), 185–206.

by contending that the United States in this period *had* a state. Though the United States had a state, Skowronek claimed, on the basis of a close reading of European social theory, that American public life was “stateless,” a claim that, despite a large body of primary-source evidence to the contrary, would receive respectful attention in the years to come: “The peculiar genius and modernity of early American government lay in its apparent, but ultimately illusory, statelessness.” Equally eye-opening was a much-cited programmatic essay by the historical sociologist Theda Skocpol—“Bringing the State Back In”—that was also published in 1982. The state, Skocpol underscored, need not take the form of a top-down bureaucracy whose leadership pursued specific goals, as it had for the German sociologist Max Weber. Rather, it might consist of an organizational configuration whose effects no one willed, an approach that Skocpol termed Tocquevillian.⁴

In the pages that remain I cannot provide a comprehensive overview of recent historical writing on the early American state. Much of this writing, it is worth underscoring, has broken sharply with Skowronek’s theory-driven approach to early American statecraft. Historians of the early republic, for example, no longer draw uncritically, as Skowronek did, on Hegel, Marx, and Tocqueville to generalize about the cultural and institutional dimensions of public life. Even so, certain patterns can be discerned. Much of this writing falls into one of three overlapping genres. In assessing this literature, it can be useful to ask the following: Is

4. Skowronek, *Building a New American State*, 8. It may surprise some readers to learn that it was ever considered controversial to contend that the United States in the early republic had a state. Yet when Murrin published his essay in 1980, it remained common for historians to treat the concept with suspicion. European nations were states; the United States was not, at least, not before the Civil War. When, for example, I entered graduate school in 1981, I was soberly enjoined not to use this term to characterize U.S. governmental institutions in the early republic. Following this advice, I used the term “state” sparingly in my 1995 monograph on the post office as well as in the historiographical survey of “Governmental Institutions as Agents of Change” that I published two years later. Theda Skocpol, “Bringing the State Back In: Strategies of Analysis in Current Research,” in *Bringing the State Back In*, ed. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge, UK, 1985), 3–37. On the possibilities of institutionalism as a tool for historical inquiry, see Richard R. John, “Why Institutions Matter,” *Common-place* 9 (Oct. 2008), <http://www.common-place-archives.org/vol-09/no-01/john>.

the early republic a *prelude* to things to come, a *project* with a distinctive character, or a *promise* that a later generation might wish to redeem? The first genre analyzes the early American state as a prelude to later events such as the New Deal and the civil rights movement of the 1960s. The second genre treats governmental institutions in the early republic as a project that had a coherence and integrity that has been overlooked, disparaged, or forgotten. The third genre follows Murrin's lead and tries to recover the promise of the early American state by emphasizing the founders' ideals, the magnitude of the challenge they confronted, and the distinctiveness of the governmental institutions that they built. While this historical writing is diverse, it shares three premises that Murrin rejected. First, that the Jeffersonians were not the only or even necessarily the primary actors even on the national stage; second, that governmental institutions, as distinct from the interests of specific social groups, can be agents of change; and, third, that the state in the early republic diverged in substantive ways from the state in the colonial past.⁵

Among the most successful of the twentieth-century historians who have written about the early American state have been Brian Balogh and Gary Gerstle, the authors, respectively, of *Government Out of Sight* and *Liberty and Coercion*. For each, the early American state was much more dynamic than it had been for Murrin. Yet both recognized the intuitive appeal of Murrin's position and found themselves challenged to explain its allure. For Gerstle, this challenge was a "paradox" to be explained; for Balogh, a "mystery" to be solved.

For Balogh, the mystery of national authority in the early republic was cleared up once it was recognized that the federal government operated mostly "out of sight." Public-private government-business partnerships were ubiquitous, diminishing the visibility of the state by embedding it in a variety of nongovernmental institutions. To make his case, Balogh documented the ubiquity of public-private partnerships in the military, the post office, and the territories. In so doing, he showed how nineteenth-century governmental institutions furnished a *prelude* to the twentieth-century style of governance that political historian Ellis Hawley would famously dub the "associative state." Though Balogh often had interesting things to say about nonfederal institutions, he disavowed any intention of expanding his ambit to embrace governmental institutions in

5. For an elaboration of this three-genre model, see John, "Ruling Passions."

localities, municipalities, or the individual states. To justify this lacuna, which Balogh conceded was certain to raise the hackles of specialists in the period, he explained that, for his target audience of twentieth-century historians, nonfederal institutions remained better known.⁶

The “paradox” of American government that Gerstle explored in *Liberty and Coercion* had less to do with the visibility of the state than with its mandate. Troubled by historical writing on American government that, like Balogh’s *Government Out of Sight*, ignored the individual states, Gerstle made federalism his interpretative lodestar. For much of U.S. history, Gerstle contended—including the early republic—the federal government championed civil rights more effectively than the individual states. In so doing, it kept alive the *promise* of the Declaration of Independence and the Bill of Rights, a promise that for many American has yet to be redeemed. To make this point, Gerstle criticized the police powers that the federal Constitution reserved to the states, a topic that a number of historians have begun to explore. For William J. Novak, the historian who has done the most to advance our understanding of this topic, the police powers were a praiseworthy check on commercial rapacity; for Gerstle, in contrast, they were an oft-abused tool of coercion. To make his argument work, Gerstle discounted the coercive role of the U.S. army on the frontier, while minimizing—at least, in contrast to recent historians of the period—the complicity of the federal government in the perpetuation of the institution of slavery.⁷

6. Balogh, *A Government Out of Sight*, 380.

7. For a sampling of the recent outpouring of historical writing on the police power, see Gautham Rao, “The State the Slaveholders Made: Regulating Fugitive Slaves in the Early Republic,” in *Freedom’s Conditions in the U.S. Canadian Borderlands in the Age of Emancipation*, ed. Tony Freyer and Lyndsay Campbell (Durham, NC, 2011), 85–108; Christopher L. Tomlins, *Freedom Bound: Law, Labor and Civic Identity in Colonizing English America, 1580–1865* (Cambridge, UK, 2010); Markus Dirk Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York, 2005); Howard Schweber, *The Creation of American Common Law, 1850–1880: Technology, Politics, and the Construction of Citizenship* (Cambridge, UK, 2004); Peter Karsten, *Heart Versus Head: Judge-Made Law in Nineteenth-Century America* (Chapel Hill, NC, 1997); and Christopher L. Tomlins, *Law, Labor, and Ideology in the Early American Republic* (Cambridge, UK, 1993). Gerstle’s neglect of the U.S. army is likely to surprise specialists in the early republic, given the spate of monographs on topics in military history published in recent years by Samuel J. Watson and others. For Gerstle, however, it is all a matter of perspective. The U.S. army in the early

Balogh and Gerstle can be—and, no doubt, will be—faulted by specialists for various sins of commission and omission. Yet all historians of the early republic are in their debt. For, as of now, and with the notable exception of a number of incisive review essays, no historian of the period has published a full-scale history of the early American state. As a consequence, *Government Out of Sight* and *Liberty and Coercion* remain for a newcomer the best place to begin.⁸

Among the federal governmental institutions that have today found their historian are four that even Murrin acknowledged could not be wished away: the post office, the customs, the land office, and the courts. Historians of these institutions treat them as *projects* whose evolution was shaped not only by specific individuals and groups but also by the configuration of institutions in which they were embedded, such as state governments, political parties, federalism, and long-distance trade. Public finance, a topic Murrin mostly ignored, has been authoritatively analyzed by Max M. Edling in two impressive monographs. By locating U.S. state-building in an international comparative context, Edling challenged

republic was less formidable than its counterparts in Britain, France, or the Hapsburg Empire, not to mention the U.S. army today. Even so, specialists may find curious the outsized emphasis Gerstle placed on the volunteer army that Andrew Jackson relied on in 1814 to defeat the Creeks at the Battle of Horseshoe Bend. Military historians are not alone in underscoring the importance of the army in the early republic. Political scientist Ira Katznelson reached a conclusion similar to Watson's in a stimulating essay on the role of international influences on American state-building. Katznelson, "Flexible Capacity: The Military and Early American Statebuilding," in *Shaped by War and Trade: International Influences on American Political Development*, ed. Katznelson and Martin Shefter (Princeton, NJ, 2002), 82–110.

8. Max M. Edling, "'A Mongrel Kind of Government': The U.S. Constitution, the Federal Union, and the Origins of the American State," in *State and Citizen: British America and the Early United States*, ed. Peter Thompson and Peter S. Onuf (Charlottesville, VA, 2013), 150–177; Edling, "The Strange Hybrid of the Early American State," in *The Benefit of Broad Horizons*, ed. Hans Joas, Björn Wittrock, and Barbro Sklute Klein (Leiden, Netherlands, 2010), 15–32; Mark R. Wilson, "Law and the American State, from the Revolution to the Civil War: Institutional Growth and Structural Change," in *The Cambridge History of Law in America: Vol. 2, The Long Nineteenth Century (1789–1920)*, ed. Michael Grossberg and Christopher Tomlins (Cambridge, UK, 2008), 1–35; William J. Novak, "The Myth of the 'Weak' American State," *American Historical Review* 113 (June 2008), 752–72.

the longstanding denigration of Alexander Hamilton's financial program by documenting its long-term consequences for state-building. Jeffersonian anti-bank zealots *talked about* rolling back Hamilton's financial program, but in the end they begrudgingly embraced it. Just as the pioneering historian of public administration Leonard D. White had concluded in the middle decades of the twentieth century—echoing a contention advanced by Henry Adams in the 1880s—the Federalists' administrative regime survived. In a similar spirit, Robin L. Einhorn documented the fiscal dependence of the U.S. government on tariffs rather than internal taxation, a policy preference that owed less to high-minded anti-statist scruples than to the principled hostility of slaveholders toward any legislation that might constrain their authority over their slaves. Other federal-government institutions that historians of state-building have explored include marine hospitals, territorial governance, administrative law, the patent office, and the U.S. army. At the state and municipal level, historians have examined the political dimensions of voluntary associations, public works, civic amenities, and corporate law. Among the many concepts from outside the field that these historians have found useful is “bureaucratic autonomy,” an import from political science that fixes the spotlight on the ability of government administrators to make decisions independent of, and sometimes at cross purposes with, the preferences of elected officials.⁹

9. Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA, 1995); Gautham Rao, *National Duties: Custom Houses and the Making of the American State* (Chicago, 2016); Edwin J. Perkins, *American Public Finance and Financial Services, 1700–1815* (Columbus, OH, 1994); Malcolm J. Rohrbough, *The Land Office Business: The Settlement and Administration of American Public Lands, 1789–1837* (New York, 1968); Tomlins, *Freedom Bound*; Tomlins, *Law, Labor, and Ideology*. Edling, *Revolution in Favor of Government*; Edling, *A Hercules in the Cradle: War, Money, and the American State, 1783–1867* (Chicago, 2014); Thomas K. McCraw, *The Founders and Finance: How Hamilton, Gallatin, and Other Immigrants Forged a New Economy* (Cambridge, MA, 2012); Douglas A. Irwin and Richard Eugene Sylla, eds., *Founding Choices: American Economic Policy in the 1790s* (Chicago, 2011); John, “Leonard D. White and the Invention of American Administrative History,” *Reviews in American History* 24 (June 1996), 344–60; Robin L. Einhorn, *American Taxation, American Slavery* (Chicago, 2006); Einhorn, “Institutional Reality in the Age of Slavery: Taxation and Democracy in the States,” in *Ruling Passions*, ed. John, 21–43; Rao, “The Early American State ‘In Action’: The Federal Marine Hospitals, 1789–1860,” in *Boundaries of the State in U.S. History*, ed. James T.

The relationship of the federal government to slavery has long been a preoccupation for specialists in the early republic. Interestingly, however, and for different reasons, this relationship scarcely registered not only in Murrin's 1980 essay, but also in Balogh's and Gerstle's more

Sparrow, William J. Novak, and Stephen W. Sawyer (Chicago, 2015), 21–56; Paul Frymer, *Building an American Empire: The Era of Territorial and Political Expansion* (Princeton, NJ, 2017); Bethel Saler, *The Settlers' Empire: Colonialism and State Formation in America's Old Northwest* (Philadelphia, 2014); Jerry L. Mashaw, *Creating the Administrative Constitution: The Lost One Hundred Years of Administrative Law* (New Haven, CT, 2012); Nicholas R. Parrillo, *Against the Profit Motive: The Salary Revolution in American Government, 1780–1940* (New Haven, CT, 2013); Lewis Hyde, *Common as Air: Revolution, Art, and Ownership* (New York, 2010); John, *Network Nation: Inventing American Telecommunications* (Cambridge, MA, 2010), 24–113; Steven W. Usselman and Richard R. John, “Patent Politics: Intellectual Property, the Railroad Industry, and the Problem of Monopoly,” in *Ruling Passions*, ed. John, 96–125; Richard H. Kohn, *Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783–1802* (New York, 1975); Samuel J. Watson, *Jackson's Sword: The Army Officer Corps on the American Frontier, 1810–1821* (Lawrence, KS, 2012); Watson, *Peacekeepers and Conquerors: The Army Officer Corps on the American Frontier, 1821–1846* (Lawrence, KS, 2013); Kevin Butterfield, *The Making of Tocqueville's America: Law and Association in the Early United States* (Chicago, 2015); Johann N. Neem, *Creating a Nation of Joiners: Democracy and Civil Society in Early National Massachusetts* (Cambridge, MA, 2008); Albrecht Koschnick, “Let a Common Interest Bind Us Together”: *Associations, Partisanship, and Culture in Philadelphia, 1775–1840* (Charlottesville, VA, 2007); William J. Novak, “The American Law of Association: The Legal–Political Construction of Civil Society,” *Studies in American Political Development* 15 (Fall 2001), 163–88; Colleen A. Dunlavy, *Politics and Industrialization: Early Railroads in the United States and Prussia* (Princeton, NJ, 1994); Brian Phillips Murphy, *Building the Empire State: Political Economy in the Early Republic* (Philadelphia, 2015); Catherine McNeur, *Taming Manhattan: Environmental Battles in the Antebellum City* (Cambridge, MA, 2014); Christopher R. Pearl, “‘For the Good Order of Government’: The American Revolution and the Creation of the Commonwealth of Pennsylvania, 1740–1790,” PhD diss., SUNY Binghamton, 2013; Sean P. Adams, *Old Dominion, Industrial Commonwealth: Coal, Politics, and Economy in Antebellum America* (Baltimore, 2004); Adams, “Promotion, Competition, Captivity: The Political Economy of Coal,” in *Ruling Passions*, ed. John, 74–95; John D. Majewski, *A House Dividing: Economic Development in Pennsylvania and Virginia before the Civil War* (Cambridge, UK, 2000); Mark R. Wilson, “The Politics of Procurement: Military Origins of Bureaucratic Autonomy,” in *Ruling Passions*, ed. John, 44–73.

recent overviews of the early American state. For historians of the early republic, this may well come as a surprise. It has, after all, long been axiomatic that maintenance of a slave-based labor system presupposed the continuous exertion of political power at the federal, state, and local level. Yet for Murrin, Balogh, and Gerstle, this axiom had little interpretative heft. Unwilling to betray the promise of America, all three dismissed the “slave power” as little more than a paranoid fantasy, a conclusion that is markedly at variance with the conclusions of a small yet growing number of specialists in the period—a group that includes historians not only of statecraft but also of capitalism—for whom the preponderance of slaveholders in the corridors of power has become a master key to the age.¹⁰

Murrin’s dismissive characterization of the federal government in the early republic no longer commands broad assent. Yet his basic insight that statecraft is best understood by looking backward to the colonial era rather than forward to the twentieth century remains compelling. So, too, is his related conviction, which he shared with Jack P. Greene, Peter S. Onuf, and several of their students, that the early American state was,

10. Sven Beckert and Seth Rockman, eds., *Slavery’s Capitalism: A New History of American Economic Development* (Philadelphia, 2016); David F. Ericson, *Slavery in the American Republic: Developing the Federal Government, 1791–1861* (Lawrence, KS, 2011); George William Van Cleve, *A Slaveholders’ Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago, 2011); David Waldstreicher, *Slavery’s Constitution: From Revolution to Ratification* (New York, 2009); Einhorn, *American Taxation, American Slavery*; Adam Rothman, “The ‘Slave Power’ in the United States, 1783–1865,” in *Ruling America: A History of Wealth and Power in a Democracy*, ed. Steve Fraser and Gary Gerstle (Cambridge, MA, 2005), 64–91; Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government’s Relations to Slavery* (Oxford, UK, 2001); Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780–1860* (Baton Rouge, LA, 2000); Gautham Rao, “The Federal ‘Posse Comitatus’ Doctrine: Slavery, Compulsion, and Statecraft in Mid-Nineteenth-Century America,” *Law and History Review* 26 (Spring 2008), 1–56. For an overview of recent literature on the history of capitalism in the early republic, see Seth Rockman, “What Makes the History of Capitalism Newsworthy?” *Journal of the Early Republic* 34 (Fall 2014), 439–66. For a critique, see James Oakes, “The New Cult of Consensus,” Nonsite.org, Jan. 25, 2017, <http://nonsite.org/feature/the-new-cult-of-consensus>.

at its core, a federal project in which the relationship between governmental institutions at the federal, state, and municipal levels—or what Skocpol might call their organizational configuration—could be just as consequential as the administrative capacity of a specific government agency.

For Murrin, the early republic is significant more as a fulfillment of the promise of the founders' Enlightenment ideals than as a project in its own right or a prelude to the modern welfare state. This promise, in turn, is most easily grasped by comparing the early republic to the world out of which it emerged. A related, equally provocative perspective informs Steve Pincus's recently published revisionist history of the Declaration of Independence as a brief for "activist government." Historians in the future may well fault Murrin for underplaying the relationship of the federal government to slavery. Yet all historians of the period can profit from Murrin's determination to link the early republic with not only its post-Civil War future, but also its pre-War of Independence past.¹¹

A similar framework has proved fruitful for historians of federalism. It has long been a historiographical commonplace that the United States in the early republic was a loosely coupled union of individual states that resembled in certain ways the "composite" monarchies of early modern Europe. In fact, one historian had gone far as to propose, echoing Skocpol, that historians of the early republic bring "back in" the "state system" that coordinated the interactions of the individual states. In developing this insight, historians of the law have been particularly creative. The relationship of the United States as a collectivity—whether as a "state," "nation," or "empire"—has also attracted a good deal of attention. For example, a generation of historians sensitive to the close relationship in the early republic between the United States and the wider

11. Steve C. A. Pincus, *The Heart of the Declaration: The Founders' Case for an Activist Government* (New Haven, CT, 2016). Historians of the trans-Mississippi West have been particularly adept at bridging the colonial/post-colonial divide. See, for example, John Reda, *From Furs to Farms: The Transformation of the Mississippi Valley, 1762–1825* (Dekalb, IL, 2016); François Furstenberg, "The Significance of the Trans-Appalachian Frontier in Atlantic History," *American Historical Review* 113 (June 2008), 647–77; Eric Hindraker, *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673–1800* (Cambridge, UK, 1997).

Atlantic world has demonstrated with imagination and insight how the early American state fit into a military, diplomatic, and commercial international order dominated by Britain, France, and Spain.¹²

In probing the links between the early republic and early modern Europe, some historians may well find it stimulating to build on insights developed by the British intellectual historian Quentin Skinner. Among the many topics that Skinner has explored is the genealogy of the concept of the state, a concept that he has traced all the way back to the early modern political theorists Jean Bodin and Thomas Hobbes. Thus far, Skinner's genealogy has not, to my knowledge, attracted much attention from specialists in the early republic. When historians today refer to the state, for example, they typically envision an administrative apparatus

12. J. H. Elliott, "A Europe of Composite Monarchies," *Past & Present* no. 137 (Nov. 1992), 48–71. In thinking about the federal dimension of American statecraft, I have profited from David C. Hendrickson, "Bringing the State System Back In: The Significance of the Union in Early American History, 1763–1865," in *State and Citizen*, ed. Thompson and Onuf, 113–49; and Max M. Edling, "1787: Birth of an American Empire," unpublished manuscript in the author's possession. Interestingly, though Hendrickson acknowledged Skocpol as an inspiration, he used the term "state" to refer to a collectivity, and not, as had Skocpol, to denote an administrative apparatus or organizational configuration. See also Tomlins, *Freedom Bound*; Daniel J. Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664–1830* (Chapel Hill, NC, 2006); David M. Golove and Daniel J. Hulsebosch, "A Civilized Nation: The Early American Constitution, the Law of Nations, and the Pursuit of International Recognition," *New York University Law Review* 85 (Oct. 2010), 932–2209; Nathan Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution* (Cambridge, MA, 2015); Eliga H. Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge, MA, 2012); Jay Sexton, *The Monroe Doctrine: Empire and Nation in Nineteenth-Century America* (New York, 2011); Nicholas Greenwood and Peter Onuf, *Nations, Markets, and War: Modern History and the American Civil War* (Charlottesville, VA, 2006); Eliga H. Gould and Peter S. Onuf, eds., *Empire and Nation: The American Revolution in the Atlantic World* (Baltimore, 2005); David C. Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence, KS, 2003). Much of this work builds on the sociologically informed scholarship of Jack P. Greene and the historians he has influenced. See, in particular, Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607–1788* (Athens, GA, 1986); and Greene, ed., *Exclusionary Empire: English Liberty Overseas, 1600–1900* (Cambridge, UK, 2010).

or organizational configuration, rather than a territorially delimited political collectivity. When, in contrast, Americans in the early republic referred to the state—as in, for example, the “United States”—they almost always had in mind an imagined community. How governmental institutions in the early republic—which, of course, in structure was federal and not unitary—helped to shape the idea of a state as a territorially bounded collectivity is a topic that would seem to be deserving of more attention than it has thus far received.¹³

To be sure, historians of the early republic also have much to learn about specific governmental institutions. Too little is known about a multitude of topics that include, but were by no means restricted to, the social background of government officers; the output of federal and state legislatures; corruption; the tariff; government printing; the management of intellectual property; economic regulation, especially at the state and municipal levels; and government-financed scientific projects—for example, state geological surveys. The treasury department has yet to find its historian, while, as Stephen Mihm has recently reminded us, the only book-length monograph on the independent treasury is over a century old. Economic historians have long emphasized the epochal significance of the emergence of what they call an “open access order” in the early republic, yet this insight has yet to make itself manifest in the historical writing on the period.¹⁴

13. Quentin Skinner, “A Genealogy of the Modern State,” *Proceedings of the British Academy* 162 (2009), 325–70; Skinner, “The State,” in *Political Innovation and Conceptual Change*, ed. Terence Ball, James Farr, and Russell L. Hanson (Cambridge, UK, 1989), 90–131. For a recent monograph that builds on Skinner’s analysis, see Eric Nelson, *The Royalist Revolution: Monarchy and the American Founding* (Cambridge, MA, 2014). For insight into these oft-neglected jurisdictional issues, see Peter S. Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775–1787* (Philadelphia, 1983).

14. David Kinley, *The History, Organization, and Influence of the Independent Treasury* (New York, 1893); Stephen Mihm, “The Fog of War: Jackson, Biddle and the Destruction of the Bank of the United States,” in *A Companion to the Era of Andrew Jackson*, ed. Sean Patrick Adams (Malden, MA, 2013), 348–75. On the neglect of legislative output, see William J. Novak, “A State of Legislatures,” *Polity* 40 (July 2008), 340–47; and Max M. Edling, “The Legislative Output of Congress under the Washington Administration, 1789–1797,” unpublished manuscript in the author’s possession. On open access orders, see Douglass C. North, John Joseph Wallis, and Barry R. Weingast, *Violence and Social Orders: A Conceptual*

There is also room for historical writing of a different kind. It is one thing to demonstrate that governmental institutions had durable consequences and another to explore their moral significance. Nineteenth-century Americans took it for granted that disruptive social changes such as rising economic inequality and declining working conditions had political origins. Politics shaped society rather than the other way around. This mode of analysis has long been disparaged as outmoded and simplistic. Yet a constellation of recent events—the 2008 financial crisis; rising levels of wealth inequality; the challenges to neoliberalism from left and right; the scapegoating by public figures of immigrants, women, blacks, and the disabled—has reinforced the historical institutionalists’ longstanding critique of society-centered modes of historical inquiry. It is, for example, no longer as intuitively plausible as it had been in 1980 to posit that the major changes in America public life bubbled up from below; rarely, indeed, has it seemed more intuitively plausible to contend, instead, that they originated from above, or even from overseas. And if, as several of the authors of a recent collection of original essays on topics in U.S. history conclude, the basic unit of analysis for historical inquiry is not the *society* but the *political economy*, then it may be time not only to reconsider longstanding assumptions about the relationship of politics, economics, and culture, but also to embrace the institutionalists’ *credo* that not only individuals and groups, but also institutions, can be agents of change.¹⁵

Framework for Interpreting Recorded Human History (Cambridge, UK, 2009), 190–250.

15. James L. Huston, *Securing the Fruits of Labor: The American Concept of Wealth Distribution, 1765–1900* (Baton Rouge, LA, 1998); Eric Foner and Lisa McGirr, ed., *American History Now* (Philadelphia, 2011); John, “Governmental Institutions as Agents of Change.”