

excluded from the determination of whether petitioning—democratized or not—has been beneficial to the development of American democracy. Although it is beyond dispute that these petitions facilitated American empire, it is unclear by what measure these petitions would be any less central to American democratic development than petitions that facilitated the spread of the franchise or the development of the party system. As the franchise and parties are still with us today, so too is American empire.

In many ways, the answer to the first question carries over into the answer of the second. It is likely the case that a consequentialist argument rooted in nineteenth century transformations fails to make the normative case that petitions are necessary for democracy, because the struggle for equal representation is still ongoing. The gap between representative and represented will always exist and the nineteenth century created as many gaps as it filled. Although the petition campaigns of this period likely facilitated other forms of equal representation, like a universal franchise and a robust party system, these tools do little to protect entrenched minorities at the margins—especially colonized peoples who fight fiercely to remain outside of the political community of the imperial government. *Democracy by Petition* closes with the statement that “only a fool would surrender the right to vote for the right to petition” (481). But refusal to further the American colonial project with electoral participation is far from foolish. Nor would this refusal seem at all foolish if the United States finally offered the full-throated right to petition enshrined in the Constitution—a right that, as Carpenter persuades, gave birth to the democracy we now cherish.

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Democracy, Petitions, and Legitimation

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Democracy by Petition takes a big topic and examines it from a novel angle, showing us how much more there is to democracy than electoral politics. Daniel Carpenter’s subject is not so much petitions as petitioning, a dynamic process of political

engagement and popular assertion. Great explosions of petitioning accompanied the English, the French, and the American Revolutions, but Carpenter's focus is on North America during a comparatively peaceful period, essentially the first half of the nineteenth century. Here he discovers a vibrant and growing democratic culture in which petitions were drawn up and signed, not only by the privileged but also by the politically marginalized: disenfranchised women, Black people and Indigenous communities all made their voices heard through this "political technology," often setting the agenda for parliamentary politics. The abolitionist movement is perhaps the best-known generator of petitions, but Carpenter demonstrates that petitioning was important to a wide range of causes and that it played a crucial role in fostering civic engagement and building coalitions.

As a historian, I marvel at the wealth of empirical research underpinning this work. Carpenter and his helpers scoured archives from Mexico City to Missouri to Manitoba, assembling thousands of petitions on every possible subject. Equally impressive is the transnational scope of the work. Initially interested in the United States, the author decided to include data from Mexico and Canada in order to place US developments in perspective. Taking a deep dive into the primary sources and secondary literatures on those other North American jurisdictions enabled him to make a substantial contribution to Mexican and Canadian historiography. One of his most striking findings concerns the province of Lower Canada where massive petitions in the 1820s succeeded in securing major concessions from the British Empire in favor of the French-speaking majority. This "eruption" came a decade before the abolitionist movement hit its stride, leading Carpenter to characterize Lower Canada as the "epicenter" of North American petitioning. French-Canadians of this period are often seen as culturally and politically "backward," shaped by the highly authoritarian pre-1760 French régime, but they seized on petitioning to unseat a hostile governor, defending their province's autonomy and strengthening the role of its elected assembly.

Like any good book, *Democracy by Petition* does raise a number of issues. I will consider two of these: 1. the relationship between petitioning and other forms of popular mobilization, particularly direct action, and 2. the role of petitions in legitimating, as well as contesting, political power.

Petitions and direct action

Carpenter never presents petitioning in isolation; instead, he is at pains throughout the book to show how that activity intersected with and complemented electoral politics, demonstrations, and lobbying; typically gathering signatures functioned as a kind of political apprenticeship for those involved. Sometimes, however, it seems that petitions followed, rather than preceded, more assertive and spontaneous episodes that were sometimes marked by the use of physical force. *Democracy by Petition* mentions, among other examples, the 1834 strike by women factory hands in Lowell seeking a ten-hour workday; though unsuccessful in the short term, that action led to a more polite campaign of petitioning the General Court of Massachusetts (351–55). Similarly, New York's 1839 "Rent War" began with tenant farmers in the vicinity of Albany gathering in mobs that threatened to tar and

feather any sheriff who dared to execute writs for the seizure of stock to pay arrears owed to landlords. Within months, the New York state legislature had formed a committee to examine the situation and the rioters became petitioners, deluging the committee with bulky petitions (387–405).

Land tenure was also a bone of contention in Lower Canada and Carpenter pairs his discussion of this conflict with the New York case in a chapter entitled “The Eclipse of Lordship,” a noteworthy and long overdue comparative treatment of these parallel controversies (405–13). The two cases are not the same of course: more than the “leases in fee” that prevailed in the Hudson Valley, Lower Canada’s seigneurial regime was truly feudal. The attributes of proprietorship were divided between a seigneur who enjoyed various monopolies, privileges, and rents, and peasants who had security of tenure, heritability, and unchanging rents (Greer 2018: 171–77). In the first half of the nineteenth century, when the ideology of singular private property was in the ascendant, such profoundly ambiguous tenure inevitably came under fire, initially from English-speaking seigneurs who wanted more leeway, after the fashion of a British landlord, to develop their estates and evict their tenants as required. Beginning in the 1820s, these lords of the land petitioned government to “commute” their fiefs into fully owned estates, which would have greatly injured the peasantry. The latter preferred that the ambiguities of existing tenure be resolved in their favor through the simple abolition of existing seigneurial rents and privileges, and they found their voice in a petition campaign that reached significant proportions only in the 1840s. Since resentment against feudal exactions was long-standing, the question is why did a concerted petitioning campaign only arise in the 1840s?

The answer is revolution. In 1837–38, Lower Canada was rocked by a rebellion that was, at one level national and democratic, at another level anti-feudal. At a time when political contestation had advanced from petitioning to violent resistance, a mobilized peasantry stopped paying tithes and rents and, in some places, invaded seigneurial manor houses and destroyed records (Greer 1993: 258–93). It was in the heat of insurrection that the radical solution of simply doing away with seigneurial privileges and exactions came to the fore and there was henceforth no turning back. Though the revolt was decisively crushed, abolition had taken its place on the agenda and a campaign of petitions and electoral agitation followed thereafter. In the end, the disarmed peasantry achieved only half a victory: feudalism was liquidated, but the seigneurs received compensation, largely paid for by their former tenants. Be that as it may, the Lower Canadian struggle over tenure serves to illustrate the point that direct action often set the agenda for petitioning, just as petitioning frequently set the agenda for parliamentary politics.

Petitions and legitimation

Though he makes no attempt to hide the fact that speculators, racists, and reactionaries made use of petitions to further their schemes, Carpenter’s history of petitioning remains a fundamentally optimistic story of liberation and enfranchisement. And surely he is right to highlight the ways in which that political technology helped

empower women, racialized people and the poor. I wonder, however, if the nineteenth-century explosion of petitioning should not also be considered in light of ongoing processes of state formation. Carpenter alludes to that development, but mainly to note that the proliferation of government and quasi-governmental agencies offered more and more venues to which petitions could be addressed. Perhaps we should also recognize that the period saw a great enhancement of state power with public schools, banks, post offices, police, canals, and railroads that impinged ever more deeply into the life of North American societies. In that context, petitions might be seen as, among other things, a legitimating device. Even if the tone of petitions had shifted from the supplicatory style of an earlier time to more assertive language, petitioners were still, in a sense, buying in; they recognized existing authority even as they challenged it.

The ambiguity of petitioning is particularly striking where Indigenous peoples are concerned. Carpenter is critical of scholarship in the settler-colonial vein, which does indeed tend at times to simplify complex historical processes; but surely one of the central dynamics of this period is the spatial expansion of the republic (and of the Canadian colonies) at the expense of Indigenous lands, livelihoods, and independence. Wherever possible, First Nations had dealt with settler governments diplomatically and militarily, as foreign polities. Petitioning, a device to provide recourse to those subject to the state's sovereign power, made no sense when territorial sovereignty was precisely the point at issue. Thus, petitions came from the Cherokee, the Seneca, the Innu, and other peoples whose homelands had, by this time, been largely overrun and surrounded by outsiders, their appeals to government taking the form of a last-ditch bid to preserve a space of survivance. As part of a strategy to fend off catastrophe, they had little choice but to accept, at least provisionally, the authority of the settler state. Tecumseh and the Shawnee Prophet seem to have understood the implications of petitioning and they chose to fight rather than to launch written appeals.

Democracy by Petition is a monumental work of rigorous and deeply researched scholarship; its broad scope and the originality of its conclusions ensure that it will have a lasting impact on the field. This thought-provoking and engagingly written book may also attract the attention it deserves from the general public.

References

- Greer, Allan (1993) *The Patriots and the People: The Rebellion of 1837 in Rural Lower Canada*. Toronto: University of Toronto Press.
- (2018) *Property and Dispossession: Natives, Empires and Land in Early Modern North America*. Cambridge, UK: Cambridge University Press.

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